

FINAL BILL REPORT

E2SHB 1143

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Synopsis as Enacted

Brief Description: Concerning requirements for the purchase or transfer of firearms.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse and Ormsby; by request of Office of the Governor).

House Committee on Civil Rights & Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background:

Firearms dealers (dealers) must be licensed under both federal and state law and must comply with federal and state law when making firearms transfers. Dealers are required by federal and state law to conduct background checks on prospective firearm purchasers to determine whether the purchaser is eligible to possess a firearm.

Federal Law.

Under federal law, a dealer must, with few exceptions, conduct a background check on all firearms transfers to determine whether the purchaser is prohibited by state or federal law from possessing a firearm. This background check is conducted through the National Instant Criminal Background Check System (NICS). Washington acts as a partial point of contact state (POC) for the federal check, which means that the NICS check for pistol transfers is conducted by the state and the NICS check for long gun transfers is conducted by the firearms dealer. Local law enforcement agencies have the responsibility of serving as the partial POC for licensed dealers in conducting the NICS checks for pistol transfers.

State Law.

Under state law, a state background check in addition to the federal NICS background check is required for the purchase or transfer of a pistol or semiautomatic assault rifle. The state background check must be conducted by the local law enforcement agency, or the state

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if a state background check system is established.

A firearms dealer may not deliver a pistol to a purchaser or transferee until one of the following occurs:

- the purchaser produces a valid concealed pistol license (CPL);
- the results of required background checks are known and the purchaser or transferee is not ineligible to possess a firearm; or
- 10 business days have elapsed since the application was received by the law enforcement agency (with exceptions extending this time period).

A dealer may not deliver a semiautomatic assault rifle to a purchaser until:

- the purchaser provides proof of completion of a recognized firearm safety program within the last five years; and
- the results of required background checks are known and the purchaser or transferee is not ineligible to possess a firearm; or
- 10 business days have elapsed from the date of the purchase application, or for a transfer, from the date the dealer requested the background check (with exceptions extending this time period). A dealer may not transfer a semiautomatic assault rifle prior to the expiration of this 10-day period.

A dealer must hold delivery of a pistol or semiautomatic assault rifle if the applicant has an outstanding arrest warrant or the law enforcement agency has notified the dealer of an investigative hold based on open or pending charges or proceedings.

The recognized firearm safety training program required for semiautomatic assault rifle purchases must be provided by specified entities and must include certain minimum instructional components, including basic firearms safety rules, firearms and children, firearms and suicide prevention, secure gun storage to prevent unauthorized access and use, safe handling of firearms, and state and federal firearms laws.

A dealer must charge a fee set by the DOL for applications for the sale or transfer of semiautomatic assault rifles. Currently this fee is set at \$18.

State Firearms Background Check System.

Pursuant to legislation enacted in 2020, the Washington State Patrol (WSP) Firearms Background Check Program is in the process of establishing a centralized state firearms background check system, which is expected to be operational statewide beginning January 1, 2024. Once the state system is operational, firearms dealers must contact the WSP Firearms Background Check Program to conduct background checks for all firearms transfers.

Once the state firearms background check system is operational, the WSP will charge a fee of up to \$18 for all firearms transfers, and the intent of the Legislature is that this firearm transfer fee replaces the fee for semiautomatic assault rifles.

Summary:

A dealer may not transfer any firearm to a purchaser or transferee until: completion of a background check indicating the person is eligible to possess a firearm; and 10 business days have elapsed since the dealer requested the background check.

In addition, a dealer may not transfer any firearm to a purchaser or transferee unless the person produces proof of completion of a recognized firearms safety training program within the last five years, or proof of an exemption from the training requirement. The training program must include instruction on components currently required for firearms safety training for semiautomatic assault rifle purchases and in addition must include instruction on: state laws pertaining to the use of deadly force for self-defense; and techniques for avoiding a criminal attack and how to manage a violent confrontation. Proof of training must be in the form of a certification stating under penalty of perjury that the training included the minimum requirements.

Exemptions from the training requirement are provided for:

- general authority Washington peace officers and the following peace officers who have arrest powers and carry a firearm: limited authority Washington peace officers, specially commissioned Washington peace officers, and federal peace officers; and
- military members who have completed firearms training within the last five years as part of service that included training on the safe handling of, and shooting proficiency with, firearms.

Provisions governing investigative holds on the delivery of a firearm based on outstanding warrants or open or pending criminal charges are eliminated.

Firearm transfer and background check processes are revised to conform to procedures that will apply upon implementation of the state firearms background check program, including requiring background checks through the WSP Firearms Background Check Program rather than local law enforcement agencies. A dealer must transmit the information from a firearms purchase application through secure automated firearms e-check (SAFE) to the WSP Firearms Background Check Program. The WSP Firearms Background Check Program must transmit the application information to the DOL daily. The fee applicable to the purchase or transfer of semiautomatic assault rifles is eliminated.

A court must notify a person who is convicted of an offense that makes the person ineligible to possess a firearm under federal law, including specified convictions for possession of controlled substances, that the person must immediately surrender any CPL and that the person may not possess a firearm unless his or her right to do so is restored. The court must also forward a copy of the person's identifying information to the DOL and the WSP, and the DOL must determine if the person has a CPL, and if so, notify the license issuing authority, which must immediately revoke the CPL.

Votes on Final Passage:

House	52	44	
Senate	28	18	(Senate amended)
House	52	44	(House concurred)

Effective: January 1, 2024