
Civil Rights & Judiciary Committee

HB 1902

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

Sponsors: Representatives Berry, Walen, Reed, Nance, Farivar, Doglio, Alvarado, Peterson, Pollet, Duerr, Davis, Hackney, Senn, Stonier, Fitzgibbon, Street, Callan, Reeves, Simmons, Taylor, Mena, Goodman, Thai, Ryu, Tharinger, Ramel, Ramos, Slatter, Cortes, Bateman, Ormsby, Fey, Macri, Gregerson, Orwall, Bergquist, Berg, Ortiz-Self, Lekanoff and Fosse.

Brief Summary of Bill

- Provides that a dealer may not transfer a firearm to a purchaser or transferee unless the person has a valid permit to purchase firearms.
- Establishes requirements for the application, issuance, and revocation of permits to purchase firearms.
- Provides that proof of completion of required firearms safety training must be provided to obtain a permit to purchase firearms, updates training program components, and requires the Washington State Patrol to certify training programs.
- Amends numerous other provisions of law to incorporate permits to purchase firearms consistent with requirements relating to concealed pistol licenses.
- Addresses background check procedures when a person applying for the transfer of a firearm has outstanding warrants, open criminal charges, or pending criminal or commitment proceedings.

Hearing Date: 1/16/24

Staff: Edie Adams (786-7180).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Firearms 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 law and state law to conduct background checks on prospective firearm purchasers to determine whether the purchaser is eligible to possess a firearm. State law provides that all firearms sales or transfers are subject to a background check unless specifically exempted by law and must be conducted through a dealer. The Washington State Patrol (WSP) Firearms Background Check Program is responsible for conducting the background check for all firearms transfers.

Under state law, a dealer may not deliver a firearm to a purchaser or transferee until:

- the purchaser provides proof of completion of a recognized firearm safety program within the last five years, or proof of an exemption from the training requirement;
- the dealer is notified by the WSP Firearms Background Check Program that the purchaser is eligible to possess a firearm under state and federal law; and
- 10 business days have elapsed from the date the dealer requested the background check.

The recognized firearm safety training program must be provided by specified entities and must include the following minimum instructional components: basic firearms safety rules; firearms and children; firearms and suicide prevention; secure gun storage to prevent unauthorized access and use; safe handling of firearms; state and federal firearms laws; 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.

Summary of Bill:

Permit to Purchase Firearms. A dealer may not deliver a firearm to a purchaser until the purchaser produces a valid permit to purchase firearms. The application for purchase of a firearm must include the identification number of the applicant's permit to purchase firearms. The requirement that the applicant provide the dealer with proof of completion of a recognized firearm safety program is removed and is instead required as part of the application for a permit to purchase firearms.

A person may apply for a permit to purchase firearms with the WSP Firearms Background Check Program. The applicant must submit with the application a complete set of fingerprints

taken by the local law enforcement agency in the jurisdiction in which the applicant resides and a certificate of completion of a certified firearms safety training program within the last five years, or proof that the applicant is exempt from the training requirement. The application must include the applicant's: full name and place and date of birth; residential address and mailing address if different from the residential address; driver's license number or state identification card number; physical description; race and gender; telephone number and email address, at the option of the applicant; and signature.

The WSP Firearms Background Check Program shall issue a permit to purchase firearms to an eligible applicant, or deny the application, within 30 days of the date the application was filed, or within 60 days if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive 90 days. An application must not be denied unless the applicant:

- is prohibited from purchasing or possessing a firearm under state or federal law;
- is subject to a court order or injunction regarding firearms under laws governing protection orders, no-contact orders, and restraining orders;
- is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;
- has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- has failed to produce a certificate of completion of a certified firearms safety training program within the last five years, or proof that the applicant is exempt from the training requirement.

In determining the applicant's eligibility, the WSP Firearms Background Check Program must check specified federal and state databases. A background check for an original permit must be conducted through the WSP criminal records division and include a national check from the Federal Bureau of Investigation. The applicant may request and receive a copy of the results of the background check and may seek to amend or correct their record.

If a permit application is denied, the WSP Firearms Background Check Program must send the applicant a written notice stating the specific grounds on which the permit to purchase firearms is denied. A person denied a permit to purchase firearms may bring a court action for a writ of mandamus to direct the WSP Firearms Background Check Program to issue a permit to purchase firearms wrongfully denied.

A permit to purchase firearms is valid for a period of five years and may be renewed for a subsequent five-year period by applying for renewal within 90 days before or after the expiration date of the permit. The fee for an original or renewal permit to purchase firearms is \$28, which may be adjusted by the WSP Firearms Background Check Program to an amount necessary to cover the costs incurred in administering the permit to purchase firearms program. Beginning five years after the effective date of the act, permit fees may be adjusted on a biennial basis in an amount that does not exceed the average increase in the cost of providing the service based on a biennial cost study. Revenue from the fees must be transmitted to the State Treasurer for deposit

in the State Firearms Background Check System Account.

A local law enforcement agency may charge a reasonable fee for taking and transmitting fingerprints of an applicant for a permit to purchase firearms.

A signed application constitutes a waiver of confidentiality and written request that the Health Care Authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a permit to purchase firearms to a court or the WSP Firearms Background Check Program.

The WSP Firearms Background Check Program must revoke a permit to purchase firearms upon the occurrence of any act or condition that would prevent the issuance of a permit to purchase firearms. A written notice of the revocation must be sent to the permit holder stating the specific grounds on which the permit is revoked and that the person must surrender his or her permit to purchase firearms to the WSP within 48 hours of receipt of the notification.

The WSP Firearms Background Check Program must develop procedures to verify on an annual basis that persons who have been issued a permit to purchase firearms remain eligible to possess firearms.

Firearms Safety Training.

An applicant for a permit to purchase firearms must provide a certificate of completion of a certified firearms safety training program within the last five years. In addition to requirements for firearm safety training programs under current law, the program must include live-fire shooting exercises on a firing range that include a demonstration by the applicant of the safe handling of, and shooting proficiency with, firearms.

The Washington State Patrol must certify training programs that meet these requirements and prescribe the form of documentation for use as proof of completion of a training program or proof of an exemption. Firearm safety programs must be recertified every five years.

Other Provisions.

When conducting background checks for firearms transfers, the WSP Firearms Background Check Program must advise the dealer that the delivery of the firearm is delayed in any case where the applicant has an outstanding warrant for his or her arrest. Upon confirming that the warrant is valid, the WSP Firearms Background Check Program will advise the dealer that transfer of the firearm is denied. In addition, the WSP Firearms Background Check Program must notify a dealer that delivery of the firearm is delayed in order to confirm existing records where there are open criminal charges, pending criminal or commitment proceedings, or an arrest for a disqualifying offense, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm.

Numerous amendments are made to other provisions of law to incorporate permits to purchase firearms, including:

- authorizing a writ of mandamus proceeding to direct an issuing agency to issue a permit to purchase firearms wrongfully refused and providing immunity from liability to governmental entities acting in good faith for issuing, failing to issue, or revoking a permit to purchase firearms;
- providing that a court may order the surrender of a permit to purchase firearms when the court orders surrender of firearms and any concealed pistol license in connection with a protection order, no-contact order, or restraining order, and adding permits to purchase firearms to procedures applicable to the surrender;
- providing that when a person becomes ineligible to possess firearms as a result of a criminal conviction, involuntary commitment, or other specified reason, the convicting or committing court must notify the person that the person must immediately surrender a permit to purchase firearms; the court must also provide notice of the disqualification to the WSP Firearms Background Check Program, which must determine if the person has a permit to purchase firearms, and if so, either revoke or suspend the permit depending on the basis of the disqualification;
- providing that a law enforcement agency may not return a surrendered permit to purchase firearms until determining the person is eligible to possess a firearm and meets eligibility requirements for the permit; and
- requiring the surrender and revocation or suspension of a permit to purchase firearms based on certain criminal convictions that require surrender and revocation or suspension of a concealed pistol license.

Appropriation: None.

Fiscal Note: Requested on January 4, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.