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**SENATE BILL 5056**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Wagoner, Christian, Fortunato, and Gildon

AN ACT Relating to Washington state patrol providing firearm background checks when state record systems are unavailable; and amending RCW 43.43.580 and 9.41.090.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 43.43.580 and 2024 c 289 s 7 are each amended to read as follows:

(1) The Washington state patrol shall establish a firearms background check program to serve as a centralized single point of contact for dealers to conduct background checks for firearms sales or transfers required under chapter 9.41 RCW and the federal Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.). The Washington state patrol shall establish an automated firearms background check system to conduct background checks on applicants for the purchase or transfer of a firearm. The system must include the following characteristics:

(a) Allow a dealer to contact the Washington state patrol through a web portal or other electronic means and by telephone to request a background check of an applicant for the purchase or transfer of a firearm;

(b) Provide a dealer with a notification that a firearm purchase or transfer application has been received;

(c) Assign a unique identifier to the background check inquiry;

(d) Provide an automated response to the dealer indicating whether the transfer may proceed or is denied, or that the check is indeterminate and will require further investigation;

(e) Include measures to ensure data integrity and the confidentiality and security of all records and data transmitted and received by the system; and

(f) Include a performance metrics tracking system to evaluate the performance of the background check system.

(2) Upon receipt of a request from a dealer for a background check in connection with the sale or transfer of a firearm, the Washington state patrol shall:

(a) Provide the dealer with a notification that a firearm transfer application has been received;

(b) Conduct a check of the national instant criminal background check system and the following additional records systems to determine whether the transferee is prohibited from possessing a firearm under state or federal law: (i) The Washington crime information center and Washington state identification system; (ii) the health care authority electronic database; (iii) the federal bureau of investigation national data exchange database and any available repository of statewide local law enforcement record management systems information; (iv) the administrative office of the courts case management system; and (v) other databases or resources as appropriate;

(c) Perform an equivalency analysis on criminal charges in foreign jurisdictions to determine if the applicant has been convicted as defined in RCW 9.41.040(3) and if the offense is equivalent to a Washington felony as defined in RCW 9.41.010;

(d) Notify the dealer without delay that the records indicate the individual is prohibited from possessing a firearm and the transfer is denied or that the individual is approved to complete the transfer. If the results of the background check are indeterminate, the Washington state patrol shall notify the dealer of the delay and conduct necessary research and investigation to resolve the inquiry; and

(e) Provide the dealer with a unique identifier for the inquiry.

(3) ((~~The Washington state patrol may hold the delivery of a firearm to an applicant under the circumstances provided in RCW 9.41.090 (4) and (5)~~)) Notwithstanding subsection (2)(b)(i) through (iv) of this section, whenever a Washington state record system is inaccessible or unavailable in such a manner as to prevent the Washington state patrol background check program from complying with subsection (2)(b)(i) through (iv) of this section for a period of seven consecutive days, the Washington state patrol background check program may process the background check by complying with subsection (2)(c) of this section and conducting a check of:

(a) The national instant criminal background check system;

(b) Any relevant Washington state record systems that are available at the time of the background check; and

(c) Any other databases or resources as appropriate.

(4)(a) The Washington state patrol shall require a dealer to charge each firearm purchaser or transferee a fee for performing background checks in connection with firearms transfers. The fee must be set at an amount necessary to cover the annual costs of operating and maintaining the firearm background check system but shall not exceed eighteen dollars. The Washington state patrol shall transmit the fees collected to the state treasurer for deposit in the state firearms background check system account created in RCW 43.43.590. ((~~It is the intent of the legislature that once the state firearm background check system is established, the fee established in this section will replace the fee required in RCW 9.41.090(7).~~))

(b) The background check fee required under this subsection does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm.

(5) The Washington state patrol shall establish a procedure for a person who has been denied a firearms transfer as the result of a background check to appeal the denial to the Washington state patrol and to obtain information on the basis for the denial and procedures to review and correct any erroneous records that led to the denial.

(6) The Washington state patrol shall work with the administrative office of the courts to build a link between the firearm background check system and the administrative office of the courts case management system for the purpose of accessing court records to determine a person's eligibility to possess a firearm.

(7) Upon establishment of the firearm background check system under this section, the Washington state patrol shall notify each dealer in the state of the existence of the system, and the dealer must use the system to conduct background checks for firearm sales or transfers beginning on the date that is thirty days after issuance of the notification.

(8) The Washington state patrol shall consult with the Washington background check advisory board created in RCW 43.43.585 in carrying out its duties under this section.

(9) No later than July 1, 2025, and annually thereafter, the Washington state patrol firearms background check program shall report to the appropriate committees of the legislature the average time between receipt of request for a background check and final decision.

(10) All records and information prepared, obtained, used, or retained by the Washington state patrol in connection with a request for a firearm background check are exempt from public inspection and copying under chapter 42.56 RCW.

(11) The Washington state patrol may adopt rules necessary to carry out the purposes of this section.

(12) For the purposes of this section, "dealer" has the same meaning as given in RCW 9.41.010.

**Sec.**  RCW 9.41.090 and 2023 c 161 s 1 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a firearm to the purchaser thereof until:

(a) The purchaser provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in RCW 9.41.1132, or proof that the purchaser is exempt from the training requirement;

(b) The dealer is notified by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under state and federal law; and

(c) The requirements and time periods in RCW 9.41.092 have been satisfied.

(2) In determining whether the purchaser is eligible to possess a firearm, the Washington state patrol firearms background check program shall check with the national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LInX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(3) Notwithstanding subsection (2) of this section, whenever a Washington state record system is inaccessible or unavailable in such a manner as to prevent the Washington state patrol background check program from conducting a background check for a period of seven consecutive days, the Washington state patrol background check program may process the background check by and conducting a check of: The national instant criminal background check system; any relevant Washington state record systems that are available at the time of the background check; and any other relevant agencies, databases, or resources as appropriate.

(4)(a) At the time of applying for the purchase of a firearm, the purchaser shall sign and deliver to the dealer an application containing:

(i) His or her full name, residential address, date and place of birth, race, and gender;

(ii) The date and hour of the application;

(iii) The applicant's driver's license number or state identification card number;

(iv) A description of the firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a firearm, the application may be processed, but delivery of the firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the Washington state patrol firearms background check program; and

(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law.

(b) The dealer shall provide the applicant with information that contains two warnings substantially stated as follows:

(i) CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution; and

(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.

(c) The dealer shall, by the end of the business day, transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The original application shall be retained by the dealer for six years.

(d) The dealer shall deliver the firearm to the purchaser once the requirements and period of time specified in this chapter are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law or has not complied with the requirements of this section.

(e) The Washington state patrol firearms background check program shall retain or destroy applications to purchase a firearm in accordance with the requirements of 18 U.S.C. Sec. 922.

((~~(4)~~)) (5) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.

((~~(5)~~)) (6) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

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