
SENATE BILL 5056

State of Washington

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By Senators Wagoner, Christian, Fortunato, and Gildon

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

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

5 **Sec. 1.** RCW 43.43.580 and 2024 c 289 s 7 are each amended to
6 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (3) (~~The Washington state patrol may hold the delivery of a~~
39 ~~firearm to an applicant under the circumstances provided in RCW~~
40 ~~9.41.090 (4) and (5).)~~ Notwithstanding subsection (2)(b)(i) through

1 (iv) of this section, whenever a Washington state record system is
2 inaccessible or unavailable in such a manner as to prevent the
3 Washington state patrol background check program from complying with
4 subsection (2)(b)(i) through (iv) of this section for a period of
5 seven consecutive days, the Washington state patrol background check
6 program may process the background check by complying with subsection
7 (2)(c) of this section and conducting a check of:

8 (a) The national instant criminal background check system;

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

11 (c) Any other databases or resources as appropriate.

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

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

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

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

37 (7) Upon establishment of the firearm background check system
38 under this section, the Washington state patrol shall notify each
39 dealer in the state of the existence of the system, and the dealer
40 must use the system to conduct background checks for firearm sales or

1 transfers beginning on the date that is thirty days after issuance of
2 the notification.

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

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

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

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

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

19 **Sec. 2.** RCW 9.41.090 and 2023 c 161 s 1 are each amended to read
20 as follows:

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

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

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

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

32 (2) In determining whether the purchaser is eligible to possess a
33 firearm, the Washington state patrol firearms background check
34 program shall check with the national instant criminal background
35 check system, provided for by the Brady handgun violence prevention
36 act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol
37 electronic database, the health care authority electronic database,
38 the administrative office of the courts, LInX-NW, and with other

1 agencies or resources as appropriate, to determine whether the
2 applicant is ineligible under RCW 9.41.040 to possess a firearm.

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

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

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

18 (ii) The date and hour of the application;

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

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

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

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

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

38 (ii) CAUTION: The presence of a firearm in the home has been
39 associated with an increased risk of death to self and others,

1 including an increased risk of suicide, death during domestic
2 violence incidents, and unintentional deaths to children and others.

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

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

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

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

20 ~~((4))~~ (5) A person who knowingly makes a false statement
21 regarding identity or eligibility requirements on the application to
22 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

23 ~~((5))~~ (6) This section does not apply to sales to licensed
24 dealers for resale or to the sale of antique firearms.

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