
HOUSE BILL 1839

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Goodman, Blake, Shea, Takko, Jenkins, Pollet, and Tharinger

Read first time 02/12/13. Referred to Committee on Judiciary.

1 AN ACT Relating to the criminal background check and other
2 requirements applicable to the purchase and transfer of firearms; and
3 amending RCW 9.41.090.

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

5 **Sec. 1.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read
6 as follows:

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

9 (a) The purchaser produces a valid concealed pistol license and the
10 dealer has recorded the purchaser's name, license number, and issuing
11 agency, such record to be made in triplicate and processed as provided
12 in subsection (5) of this section. For purposes of this subsection
13 (1)(a), a "valid concealed pistol license" does not include a temporary
14 emergency license(~~(, and does not include any license issued before~~
15 ~~July 1, 1996,)) unless the issuing agency conducted a records search
16 for disqualifying crimes under RCW 9.41.070 at the time of issuance;~~

17 (b) The dealer is notified in writing by the chief of police or the
18 sheriff of the jurisdiction in which the purchaser resides that the

1 purchaser is eligible to possess a pistol under RCW 9.41.040 and that
2 the application to purchase is approved by the chief of police or
3 sheriff; or

4 (c) Five business days, meaning days on which state offices are
5 open, have elapsed from the time of receipt of the application for the
6 purchase thereof as provided herein by the chief of police or sheriff
7 designated in subsection (5) of this section, and, when delivered, the
8 pistol shall be securely wrapped and shall be unloaded. However, if
9 the purchaser does not have a valid permanent Washington driver's
10 license or state identification card or has not been a resident of the
11 state for the previous consecutive ninety days, the waiting period
12 under this subsection (1)(c) shall be up to sixty days.

13 (2)(a) (~~Except as provided in (b) of this subsection,~~) In
14 determining whether ((the)) a purchaser who does not possess a valid
15 concealed pistol license meets the requirements of RCW 9.41.040, the
16 chief of police or sheriff, or the designee of either, shall check with
17 the national (~~crime information center~~) instant criminal background
18 check system, provided for by the Brady handgun violence prevention act
19 (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic
20 database, the department of social and health services electronic
21 database, and with other agencies or resources as appropriate, to
22 determine whether the applicant is ineligible under RCW 9.41.040 to
23 possess a ((firearm)) pistol.

24 (b) (~~Once the system is established,~~) A dealer shall use the
25 (~~state system and~~) national instant criminal background check system,
26 provided for by the Brady handgun violence prevention act (18 U.S.C.
27 Sec. 921 et seq.), to make criminal background checks of applicants to
28 purchase ((firearms)) pistols who produce a valid concealed pistol
29 license issued prior to July 22, 2011. (~~However, a chief of police or~~
30 ~~sheriff, or a designee of either, shall continue to check the~~
31 ~~department of social and health services' electronic database and with~~
32 ~~other agencies or resources as appropriate, to determine whether~~
33 ~~applicants are ineligible under RCW 9.41.040 to possess a firearm.~~)

34 (c) A background check is not required for a purchaser who produces
35 a valid concealed pistol license issued on or after July 22, 2011.

36 (3) In any case under subsection (1)(c) of this section where the
37 applicant has an outstanding warrant for his or her arrest from any
38 court of competent jurisdiction for a felony or misdemeanor, the dealer

1 shall hold the delivery of the pistol until the warrant for arrest is
2 served and satisfied by appropriate court appearance. The local
3 jurisdiction for purposes of the sale shall confirm the existence of
4 outstanding warrants within seventy-two hours after notification of the
5 application to purchase a pistol is received. The local jurisdiction
6 shall also immediately confirm the satisfaction of the warrant on
7 request of the dealer so that the hold may be released if the warrant
8 was for an offense other than an offense making a person ineligible
9 under RCW 9.41.040 to possess a pistol.

10 (4) In any case where the chief or sheriff of the local
11 jurisdiction has reasonable grounds based on the following
12 circumstances: (a) Open criminal charges, (b) pending criminal
13 proceedings, (c) pending commitment proceedings, (d) an outstanding
14 warrant for an offense making a person ineligible under RCW 9.41.040 to
15 possess a pistol, or (e) an arrest for an offense making a person
16 ineligible under RCW 9.41.040 to possess a pistol, if the records of
17 disposition have not yet been reported or entered sufficiently to
18 determine eligibility to purchase a pistol, the local jurisdiction may
19 hold the sale and delivery of the pistol beyond five days up to thirty
20 days in order to confirm existing records in this state or elsewhere.
21 After thirty days, the hold will be lifted unless an extension of the
22 thirty days is approved by a local district court or municipal court
23 for good cause shown. A dealer shall be notified of each hold placed
24 on the sale by local law enforcement and of any application to the
25 court for additional hold period to confirm records or confirm the
26 identity of the applicant.

27 (5) At the time of applying for the purchase of a pistol, the
28 purchaser shall sign in triplicate and deliver to the dealer an
29 application containing his or her full name, residential address, date
30 and place of birth, race, and gender; the date and hour of the
31 application; the applicant's driver's license number or state
32 identification card number; a description of the pistol including the
33 make, model, caliber and manufacturer's number if available at the time
34 of applying for the purchase of a pistol. If the manufacturer's number
35 is not available, the application may be processed, but delivery of the
36 pistol to the purchaser may not occur unless the manufacturer's number
37 is recorded on the application by the dealer and transmitted to the

1 chief of police of the municipality or the sheriff of the county in
2 which the purchaser resides; and a statement that the purchaser is
3 eligible to possess a pistol under RCW 9.41.040.

4 The application shall contain a warning substantially as follows:

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

10 The purchaser shall be given a copy of the department of fish and
11 wildlife pamphlet on the legal limits of the use of firearms, firearms
12 safety, and the fact that local laws and ordinances on firearms are
13 preempted by state law and must be consistent with state law.

14 The dealer shall, by the end of the business day, sign and attach
15 his or her address and deliver a copy of the application and such other
16 documentation as required under subsection (1) of this section to the
17 chief of police of the municipality or the sheriff of the county of
18 which the purchaser is a resident. The triplicate shall be retained by
19 the dealer for six years. For a purchaser who is subject to the
20 provisions of subsection (1)(c) of this section, the dealer shall
21 deliver the pistol to the purchaser following the period of time
22 specified in this section unless the dealer is notified of an
23 investigative hold under subsection (4) of this section in writing by
24 the chief of police of the municipality or the sheriff of the county,
25 whichever is applicable, denying the purchaser's application to
26 purchase and the grounds thereof. The application shall not be denied
27 unless the purchaser is not eligible to possess a pistol under RCW
28 9.41.040 or 9.41.045, or federal law.

29 The chief of police of the municipality or the sheriff of the
30 county shall retain or destroy applications to purchase a pistol in
31 accordance with the requirements of 18 U.S.C. Sec. 922.

32 (6) A person who knowingly makes a false statement regarding
33 identity or eligibility requirements on the application to purchase a
34 pistol is guilty of false swearing under RCW 9A.72.040.

35 (7) This section does not apply to sales to licensed dealers for
36 resale or to the sale of antique firearms.

--- END ---