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HOUSE BILL 1511

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State of Washington

66th Legislature

2019 Regular Session

By Representative Klippert

1 AN ACT Relating to firearm safety training requirements  
2 applicable to the sale or transfer of semiautomatic assault rifles;  
3 and 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 2019 c 3 s 3 (Initiative Measure No.  
6 1639) are each amended to read 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  
10 the dealer has recorded the purchaser's name, license number, and  
11 issuing agency, such record to be made in triplicate and processed as  
12 provided in subsection (6) of this section. For purposes of this  
13 subsection (1)(a), a "valid concealed pistol license" does not  
14 include a temporary emergency license, and does not include any  
15 license issued before July 1, 1996, unless the issuing agency  
16 conducted a records search for disqualifying crimes under RCW  
17 9.41.070 at the time of issuance;

18 (b) The dealer is notified in writing by (i) the chief of police  
19 or the sheriff of the jurisdiction in which the purchaser resides  
20 that the purchaser is eligible to possess a pistol under RCW 9.41.040  
21 and that the application to purchase is approved by the chief of

1 police or sheriff; or (ii) the state that the purchaser is eligible  
2 to possess a firearm under RCW 9.41.040, as provided in subsection  
3 (3)(b) of this section; or

4 (c) The requirements or time periods in RCW 9.41.092 have been  
5 satisfied.

6 (2) In addition to the other requirements of this chapter, no  
7 dealer may deliver a semiautomatic assault rifle to the purchaser  
8 thereof until:

9 (a)(i) Except as provided in (a)(ii) of this subsection (2)(a),  
10 the purchaser provides proof that he or she has completed ((a  
11 recognized)) firearm safety training ((program)) within the last five  
12 years that, at a minimum, includes instruction on:

13 ((i)) (A) Basic firearms safety ((rules));

14 (ii)(B) Firearm((s)) safety and children, including secure gun  
15 storage ((and talking to children about gun safety;

16 (iii) Firearms and suicide prevention));

17 ((iv)) (C) Secure gun storage to prevent unauthorized access  
18 and use; and

19 ((v) Safe handling of firearms; and

20 (vi)) (D) State and federal firearms laws, including prohibited  
21 firearms transfers.

22 The training must be ~~((sponsored by a federal, state, county, or~~  
23 ~~municipal law enforcement agency, a college or university, a~~  
24 ~~nationally recognized organization that customarily offers firearms~~  
25 ~~training, or a firearms training school with instructors certified by~~  
26 ~~a nationally recognized organization that customarily offers firearms~~  
27 ~~training. The proof of training shall be in the form of a~~  
28 ~~certification that states under the penalty of perjury the training~~  
29 ~~included the minimum requirements)) provided by a business or  
30 organization that is licensed and insured, or bonded, to provide such  
31 training, and issues proof of training in the way of a certificate  
32 that states the student name, training date, and authorizing  
33 signature of the training provider.~~

34 (ii) The firearm safety training requirement in this subsection  
35 (2)(a) does not apply to sales or transfers of semiautomatic assault  
36 rifles to law enforcement officers or retired law enforcement  
37 officers who provide proof to the dealer that they are or were  
38 employed as commissioned law enforcement officers of a federal,  
39 state, county, or municipal law enforcement agency; and

1 (b) The dealer is notified in writing by (i) the chief of police  
2 or the sheriff of the jurisdiction in which the purchaser resides  
3 that the purchaser is eligible to possess a firearm under  
4 RCW 9.41.040 and that the application to purchase is approved by the  
5 chief of police or sheriff; or (ii) the state that the purchaser is  
6 eligible to possess a firearm under RCW 9.41.040, as provided in  
7 subsection (3)(b) of this section; or

8 (c) The requirements or time periods in RCW 9.41.092 have been  
9 satisfied.

10 (3)(a) Except as provided in (b) of this subsection, in  
11 determining whether the purchaser meets the requirements of RCW  
12 9.41.040, the chief of police or sheriff, or the designee of either,  
13 shall check with the national crime information center, including the  
14 national instant criminal background check system, provided for by  
15 the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et  
16 seq.), the Washington state patrol electronic database, the health  
17 care authority electronic database, and with other agencies or  
18 resources as appropriate, to determine whether the applicant is  
19 ineligible under RCW 9.41.040 to possess a firearm.

20 (b) The state, through the legislature or initiative process, may  
21 enact a statewide firearms background check system equivalent to, or  
22 more comprehensive than, the check required by (a) of this subsection  
23 to determine that a purchaser is eligible to possess a firearm under  
24 RCW 9.41.040. Once a state system is established, a dealer shall use  
25 the state system and national instant criminal background check  
26 system, provided for by the Brady handgun violence prevention act (18  
27 U.S.C. Sec. 921 et seq.), to make criminal background checks of  
28 applicants to purchase firearms.

29 (4) In any case under this section where the applicant has an  
30 outstanding warrant for his or her arrest from any court of competent  
31 jurisdiction for a felony or misdemeanor, the dealer shall hold the  
32 delivery of the pistol or semiautomatic assault rifle until the  
33 warrant for arrest is served and satisfied by appropriate court  
34 appearance. The local jurisdiction for purposes of the sale, or the  
35 state pursuant to subsection (3)(b) of this section, shall confirm  
36 the existence of outstanding warrants within seventy-two hours after  
37 notification of the application to purchase a pistol or semiautomatic  
38 assault rifle is received. The local jurisdiction shall also  
39 immediately confirm the satisfaction of the warrant on request of the  
40 dealer so that the hold may be released if the warrant was for an

1 offense other than an offense making a person ineligible under RCW  
2 9.41.040 to possess a firearm.

3 (5) In any case where the chief or sheriff of the local  
4 jurisdiction, or the state pursuant to subsection (3)(b) of this  
5 section, has reasonable grounds based on the following circumstances:  
6 (a) Open criminal charges, (b) pending criminal proceedings, (c)  
7 pending commitment proceedings, (d) an outstanding warrant for an  
8 offense making a person ineligible under RCW 9.41.040 to possess a  
9 firearm, or (e) an arrest for an offense making a person ineligible  
10 under RCW 9.41.040 to possess a firearm, if the records of  
11 disposition have not yet been reported or entered sufficiently to  
12 determine eligibility to purchase a firearm, the local jurisdiction  
13 or the state may hold the sale and delivery of the pistol or  
14 semiautomatic assault rifle up to thirty days in order to confirm  
15 existing records in this state or elsewhere. After thirty days, the  
16 hold will be lifted unless an extension of the thirty days is  
17 approved by a local district court, superior court, or municipal  
18 court for good cause shown. A dealer shall be notified of each hold  
19 placed on the sale by local law enforcement or the state and of any  
20 application to the court for additional hold period to confirm  
21 records or confirm the identity of the applicant.

22 (6)(a) At the time of applying for the purchase of a pistol or  
23 semiautomatic assault rifle, the purchaser shall sign in triplicate  
24 and deliver to the dealer an application containing:

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

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

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

30 (iv) A description of the pistol or semiautomatic assault rifle  
31 including the make, model, caliber and manufacturer's number if  
32 available at the time of applying for the purchase of a pistol or  
33 semiautomatic assault rifle. If the manufacturer's number is not  
34 available at the time of applying for the purchase of a pistol or  
35 semiautomatic assault rifle, the application may be processed, but  
36 delivery of the pistol or semiautomatic assault rifle to the  
37 purchaser may not occur unless the manufacturer's number is recorded  
38 on the application by the dealer and transmitted to the chief of  
39 police of the municipality or the sheriff of the county in which the

1 purchaser resides, or the state pursuant to subsection (3)(b) of this  
2 section;

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

5 (vi) If purchasing a semiautomatic assault rifle, a statement by  
6 the applicant under penalty of perjury that the applicant has  
7 completed a recognized firearm safety training program within the  
8 last five years, as required by subsection (2) of this section.

9 (b) The application shall contain two warnings substantially  
10 stated as follows:

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

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

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

23 (c) The dealer shall, by the end of the business day, sign and  
24 attach his or her address and deliver a copy of the application and  
25 such other documentation as required under subsections (1) and (2) of  
26 this section to the chief of police of the municipality or the  
27 sheriff of the county of which the purchaser is a resident, or the  
28 state pursuant to subsection (3)(b) of this section. The triplicate  
29 shall be retained by the dealer for six years. The dealer shall  
30 deliver the pistol or semiautomatic assault rifle to the purchaser  
31 following the period of time specified in this chapter unless the  
32 dealer is notified of an investigative hold under subsection (5) of  
33 this section in writing by the chief of police of the municipality,  
34 the sheriff of the county, or the state, whichever is applicable, or  
35 of the denial of the purchaser's application to purchase and the  
36 grounds thereof. The application shall not be denied unless the  
37 purchaser is not eligible to purchase or possess the firearm under  
38 state or federal law.

1 (d) The chief of police of the municipality or the sheriff of the  
2 county, or the state pursuant to subsection (3)(b) of this section,  
3 shall retain or destroy applications to purchase a pistol or  
4 semiautomatic assault rifle in accordance with the requirements of 18  
5 U.S.C. Sec. 922.

6 (7)(a) To help offset the administrative costs of implementing  
7 this section as it relates to new requirements for semiautomatic  
8 assault rifles, the department of licensing may require the dealer to  
9 charge each semiautomatic assault rifle purchaser or transferee a fee  
10 not to exceed twenty-five dollars, except that the fee may be  
11 adjusted at the beginning of each biennium to levels not to exceed  
12 the percentage increase in the consumer price index for all urban  
13 consumers, CPI-W, or a successor index, for the previous biennium as  
14 calculated by the United States department of labor.

15 (b) The fee under (a) of this subsection shall be no more than is  
16 necessary to fund the following:

17 (i) The state for the cost of meeting its obligations under this  
18 section;

19 (ii) The health care authority, mental health institutions, and  
20 other health care facilities for state-mandated costs resulting from  
21 the reporting requirements imposed by RCW 9.41.097(1); and

22 (iii) Local law enforcement agencies for state-mandated local  
23 costs resulting from the requirements set forth under RCW 9.41.090  
24 and this section.

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

28 (9) This section does not apply to sales to licensed dealers for  
29 resale or to the sale of antique firearms.

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