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HOUSE BILL 2502

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State of Washington                      63rd Legislature                      2014 Regular Session

By Representatives Klippert, Hayes, MacEwen, and Haler

Read first time 01/20/14. Referred to Committee on Judiciary.

1            AN ACT Relating to dealer deliveries to active duty law enforcement  
2 officers; amending RCW 9.41.090; and prescribing penalties.

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

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

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

8            (a) The purchaser produces (i) a valid concealed pistol license or  
9 (ii) a valid commission card issued by a Washington state law  
10 enforcement agency that shows the purchaser is a full-time,  
11 commissioned law enforcement officer of the agency, and the dealer has  
12 recorded the purchaser's name, the concealed pistol license number, or  
13 the driver's license number of the commissioned law enforcement  
14 officer, and ((issuing)) the agency that issued the concealed pistol  
15 license or the commission card, such record to be made in triplicate  
16 and processed as provided in subsection (5) of this section. For  
17 purposes of this subsection (1)(a), a "valid concealed pistol license"  
18 does not include a temporary emergency license, and does not include

1 any license issued before July 1, 1996, unless the issuing agency  
2 conducted a records search for disqualifying crimes under RCW 9.41.070  
3 at the time of issuance;

4 (b) The dealer is notified in writing by the chief of police or the  
5 sheriff of the jurisdiction in which the purchaser resides that the  
6 purchaser is eligible to possess a pistol under RCW 9.41.040 and that  
7 the application to purchase is approved by the chief of police or  
8 sheriff; or

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

18 (2)(a) Except as provided in (b) of this subsection, in determining  
19 whether the purchaser who does not possess a valid concealed pistol  
20 license or a valid commission card issued by a Washington state law  
21 enforcement agency meets the requirements of RCW 9.41.040, the chief of  
22 police or sheriff, or the designee of either, shall check with the  
23 national crime information center, the Washington state patrol  
24 electronic database, the department of social and health services  
25 electronic database, and with other agencies or resources as  
26 appropriate, to determine whether the applicant is ineligible under RCW  
27 9.41.040 to possess a firearm.

28 (b) Once the system is established, a dealer shall use the state  
29 system and national instant criminal background check system, provided  
30 for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et  
31 seq.), to make criminal background checks of applicants to purchase  
32 firearms. However, a chief of police or sheriff, or a designee of  
33 either, shall continue to check the department of social and health  
34 services' electronic database and with other agencies or resources as  
35 appropriate, to determine whether applicants are ineligible under RCW  
36 9.41.040 to possess a firearm.

37 (3) In any case under subsection (1)(c) of this section where the  
38 applicant has an outstanding warrant for his or her arrest from any

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

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

28 (5) At the time of applying for the purchase of a pistol, the  
29 purchaser shall sign in triplicate and deliver to the dealer an  
30 application containing his or her full name, residential address, date  
31 and place of birth, race, and gender; the date and hour of the  
32 application; the applicant's driver's license number or state  
33 identification card number; a description of the pistol including the  
34 make, model, caliber and manufacturer's number if available at the time  
35 of applying for the purchase of a pistol. If the manufacturer's number  
36 is not available, the application may be processed, but delivery of the  
37 pistol to the purchaser may not occur unless the manufacturer's number  
38 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. The dealer shall deliver the pistol to the  
20 purchaser following the period of time specified in this section unless  
21 the dealer is notified of an investigative hold under subsection (4) of  
22 this section in writing by the chief of police of the municipality or  
23 the sheriff of the county, whichever is applicable, denying the  
24 purchaser's application to purchase and the grounds thereof. The  
25 application shall not be denied unless the purchaser is not eligible to  
26 possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

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

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

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

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