



Washington Association of **SHERIFFS & POLICE CHIEFS**

V2 - updated June 27, 2019

Firearms in Washington State—Changes Effective July 1, 2019

Laws and regulations related to firearms in Washington State will change in 2019 as a result of voter-approved I-1639, legislative changes and processing changes from NICS. This guide is designed to assist local law enforcement to better understand how changes impact their operations. It does not contain legal advice or guidance. WASPC recommends you contact your own legal counsel with detailed questions.

Key Terms

LLE	Local law enforcement
NICS	National Instant Criminal Background Check System – Federal Bureau of Investigation (FBI)
FFL	Federal firearms licensee
DOL	Washington Department of Licensing
CPL	Concealed Pistol License – issued by local law enforcement
SARs	Semi-Automatic Assault Rifles – defined by RCW 9.41.010

Possession



- Persons under 21 cannot purchase SARs.
- Persons 18-21 may possess SARs only in place of abode, fixed place of business, on property under his/her control, or moving/transferring.

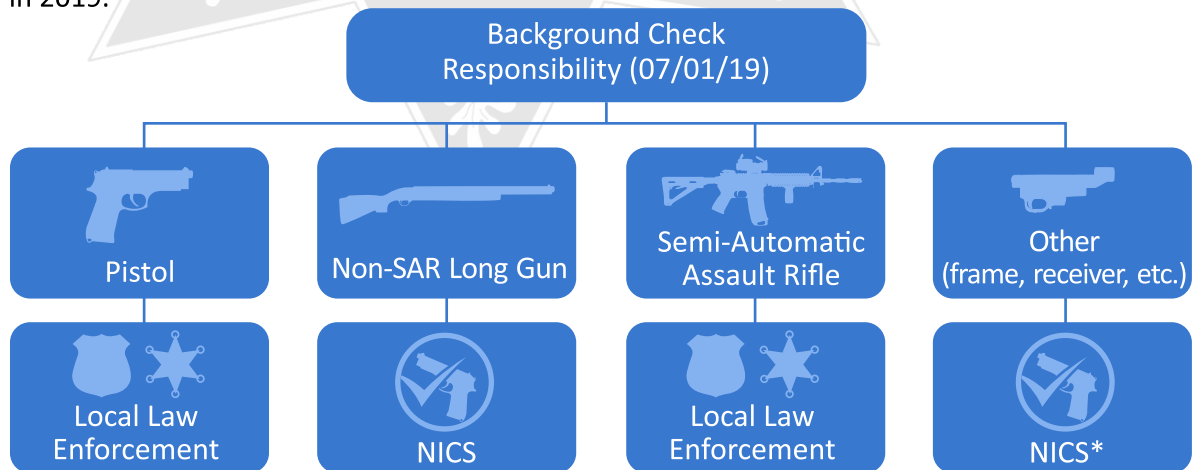
I-1639, Section 13 Changes
RCW 9.41.240
Review RCW for exceptions
Effective 01/01/19

Background Checks



Local law enforcement will be responsible for background checks on all pistol (per NICS process change) and semi-automatic assault rifle (per I-1639) background checks beginning 07/01/19. Based on 2018 totals of NICS background checks, statewide LLE may be responsible for between 75,000 and 120,000 SAR background checks annually starting in 2019.

I-1639, Section 16 Changes
RCW 9.41.010



Helpful Links

Initiative 1639: https://www.sos.wa.gov/_assets/elections/initiatives/finaltext_1531.pdf
WA Attorney General FAQs: <http://www.atg.wa.gov/initiative-1639>
WA Department of Licensing (Firearms): <https://www.dol.wa.gov/business/firearms/index.html>
WA State Patrol (Criminal History): <http://www.wsp.wa.gov/crime/criminal-history/>
NICS Courtesy Check Letter: <https://waspc.memberclicks.net/assets/GeneralFirearms/NICS%20Courtesy%20Check%20Letter.pdf>

* On June 22, 2019, NICS issued a communication to WA FFLs indicating that the background check for items in the "other" category will be processed by NICS until July 1, 2020. The delay of the "other" NICS check transition will allow for possible changes in state statute clarifying responsibilities. This is a change from the previous communication dated April 26, 2019.

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Training



There can be no sale or delivery of a semiautomatic assault rifle without proof of training in the last five years. The purchaser or transferee of a SAR need only present a training certification that declares under the penalty of perjury that the training included minimum requirements prescribed in the law to the dealer to satisfy this requirement. This is not part of the background check process.

I-1639, Section 3
Changes
RCW 9.41.090

Waiting Period



FFL may not deliver a SAR until 10 business days after purchase or application. Transfers – 10 days from initiation of background check.

I-1639, Section 4
Changes
RCW 9.41.092

Storage



Establishes criminal liability for not storing firearms safely, exemptions if secure gun storage or a trigger lock or if in self-defense. No criminal act if theft of firearm is reported to law enforcement within 5 days.

I-1639, Section 5
Creates
RCW 9.41.360

FFLs are required to offer a storage device or trigger lock to purchase/transfer any firearm, and warning signs must be conspicuously posted.

I-1639, Section 6
Creates
RCW 9.41.365

Annual Verification of Eligibility



DOL, in coordination with WSP and local law enforcement, is to develop a process to verify owners of pistols and semiautomatic assault rifles remain eligible to possess a firearm under state and federal law. Effective within 12 months of the July 1, 2019 effective date.

I-1639, Section 15
Creates
RCW 9.41

Fee



I-1639 establishes a fee of up to \$25 to be paid by the purchaser of an SAR. Revenue from the funds may be used to offset the state's cost of meeting its obligations; the health care authority, mental health institutions and other health care facilities for state-mandated costs; and local law enforcement agencies for state-mandated local costs. Funds generated by the fee may only be spent pursuant to appropriation. The 2019 Legislature appropriated funds for state costs associated with I-1639, but not local costs. Accordingly, DOL has determined the fee to be \$18.

I-1639, Section 3
Changes
RCW 9.41.090

Single Point System



- State may establish a single point background check system but not required per I-1639.
- HB 1949, which passed the 2019 legislative session, requires a feasibility study to examine and make recommendations regarding the establishment of a single point of contact firearm background check system. Study due to legislature by December 1, 2019.

I-1639, Section 3
Changes
RCW 9.41.090