



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 28, 2023

TIME: 1:42 PM

WSR 23-20-053

Agency: Washington State Patrol

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: New Chapter 446-09 WAC Firearms Background Check allows any person who is denied the transfer of a firearm based on the results of a firearms background check the right to appeal that denial and to meet the requirements of the Brady Act.

Citation of rules affected by this order:

New: Chapter 446-09 WAC
Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 43.43.580

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-17-109 on 8/17/2023 (date).

Describe any changes other than editing from proposed to adopted version: No changes were made

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>1</u>	Amended		Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended		Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended		Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>1</u>	Amended		Repealed	
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended		Repealed	
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: 9/28/2023

Name: John R. Batiste

Title: Chief

Signature:



**Chapter 446-09 WAC
FIREARMS BACKGROUND CHECK**

NEW SECTION

WAC 446-09-010 Right to appeal. If the appellant believes they have been erroneously denied a firearms transfer due to a determination made by the Washington state patrol firearms background division, they have the right to appeal that determination, within three years of the submission of the original background check.

(1) The appellant may submit their appeal by:

(a) Obtaining an appeal form at www.wsp.wa.gov/firearms-background-division.

(b) The appeal document must be notarized to provide proof of identity.

(c) The appellant must submit the appeal form along with an image of the identification to firearmappeal@wsp.wa.gov or Washington State Patrol, Firearms Background Appeals, P.O. Box 42619, Olympia, WA 98503.

(2) The Washington state patrol firearms background research and appeals unit will provide the denial reason to the appellant to the address or via email provided in the appeal form.

(3) If the appellant believes the information used to make the original determination is incomplete or incorrect in any respect, the appellant must make a request for correction directly to the appropriate court of record or provide documents proving the information used was incorrect or not applicable to the appellant.

(4) If the prohibiting factor(s) has been corrected, the appellant must forward the new documentation to firearmsappeal@wsp.wa.gov or Washington State Patrol, Firearms Background Appeals, P.O. Box 42619, Olympia, WA 98503.

(5) Upon receipt of new information from the appellant, the Washington state patrol firearms background division research and appeals unit will review all appeal requests and make a final determination based on all available information, which may include a new denial if other prohibiting information is discovered. This process will be a records review only, not a hearing.

(6) The appellant will be notified of the appeal decision by mail or via email.