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From: Baird, Kevin (WSP)
Sent: Monday, January 1, 2024 12:36 AM
Subject: WSP Firearms Background Division Update - January 2024 - Official Notification of Secure Automated Firearms E-Check (SAFE) Operational Status

Hello and Happy New Year!

2024 is here...and, as promised last month, here this the official notification required by RCW 9.41.1135(1) and RCW 43.43.580:

The Secure Automated Firearms E-Check (SAFE) System is now established and fully operational. All Washington State Firearm Dealers must begin using SAFE for firearm background checks, no later than 30 days from today (February 1, 2024).

Also, remember these changes are taking effect today:

RCW 9.41.090, .092, and .1132 change the requirements for release of a firearm. FFLs are required to obtain proof to training (as described in the RCW), wait for a proceed from us (no more release after 10 days if no answer), and wait 10 business days for ALL firearms, frames and receivers:

RCW 9.41.090

Dealer deliveries regulated—Hold on delivery—Fees authorized. (Effective January 1, 2024.)

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

- (a) The purchaser provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in RCW [9.41.1132](#), or proof that the purchaser is exempt from the training requirement;
- (b) The dealer is notified by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under state and federal law; and
- (c) The requirements and time periods in RCW [9.41.092](#) have been satisfied.

RCW 9.41.092

Licensed dealer deliveries—Background checks. (Effective January 1, 2024.)

Except as otherwise provided in this chapter, a licensed dealer may not deliver any firearm to a purchaser or transferee until:

- (1) The results of all required background checks are known and the purchaser or transferee (a) is not prohibited from owning or possessing a firearm under federal or state law and (b) does not have a voluntary waiver of firearm rights currently in effect; and
- (2) Ten business days have elapsed from the date the licensed dealer requested the background check.

RCW 9.41.1132

Firearm sales and transfers—Firearms safety training program—Exceptions. (Effective January 1, 2024.)

(1) A person applying for the purchase or transfer of a firearm must provide proof of completion of a recognized firearms safety training program within the last five years that, at a minimum, includes instruction on:

- (a) Basic firearms safety rules;
- (b) Firearms and children, including secure gun storage and talking to children about gun safety;
- (c) Firearms and suicide prevention;
- (d) Secure gun storage to prevent unauthorized access and use;
- (e) Safe handling of firearms;
- (f) State and federal firearms laws, including prohibited firearms transfers and locations where firearms are prohibited;
- (g) State laws pertaining to the use of deadly force for self-defense; and
- (h) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

(2) The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury that the training included the minimum requirements.

(3) The training may include stories provided by individuals with lived experience in the topics listed in subsection (1)(a) through (g) of this section or an understanding of the legal and social impacts of discharging a firearm.

(4) The firearms safety training requirement of this section does not apply to:

(a) A person who is a:

(i) General authority Washington peace officer as defined in RCW [10.93.020](#);

(ii) Limited authority Washington peace officer as defined in RCW [10.93.020](#)

who as a normal part of their duties has arrest powers and carries a firearm;

(iii) Specially commissioned Washington peace officer as defined in RCW [10.93.020](#) who as a normal part of their duties has arrest powers and carries a firearm; or

(iv) Federal peace officer as defined in RCW [10.93.020](#) who as a normal part of their duties has arrest powers and carries a firearm; or

(b) A person who is an active duty member of the armed forces of the United States, an active member of the national guard, or an active member of the armed forces reserves who, as part of the applicant's service, has completed, within the last five years, a course of training in firearms proficiency or familiarization that included training on the safe handling and shooting proficiency with firearms.

And, on February 1, 2024, RCW 9.41.111 will go into effect requiring Firearm Transfer Application (FTA) forms for frames and receivers:

RCW [9.41.111](#)

Firearm frames or receivers—Background check—Penalty.

(1) Beginning on the date that is thirty days after the Washington state patrol issues a notification to dealers that a state firearms background check system is established within the Washington state patrol, a dealer shall use the state firearms background check system to conduct background checks for purchases or transfers of firearm frames or receivers in accordance with this section.

(a) A dealer may not deliver a firearm frame or receiver to a purchaser or transferee unless the dealer first conducts a background check of the applicant through the state

firearms background check system and the requirements or time periods in *RCW [9.41.092](#)(1) have been satisfied.

(b) When processing an application for the purchase or transfer of a firearm frame or receiver, a dealer shall comply with the application, recordkeeping, and other requirements of this chapter that apply to the sale or transfer of a pistol.

(c) A signed application for the purchase or transfer of a firearm frame or receiver shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release, to an inquiring court, law enforcement agency, or the state, information relevant to the applicant's eligibility to possess a firearm. Any mental health information received by a court, law enforcement agency, or the state pursuant to this section shall not be disclosed except as provided in RCW [42.56.240](#)(4).

(d) The department of licensing shall keep copies or records of applications for the purchase or transfer of a firearm frame or receiver and copies or records of firearm frame or receiver transfers in the same manner as pistol and semiautomatic assault rifle application and transfer records under RCW [9.41.129](#).


(e) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm frame or receiver is guilty of false swearing under RCW [9A.72.040](#).

(f) This section does not apply to sales or transfers of firearm frames or receivers to licensed dealers.

(2) For the purposes of this section, "firearm frame or receiver" means the federally regulated part of a firearm that provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Finally, as many of you have requested (and likely have seen the new column on your dashboard...), we have implemented a notification for the 10 business day wait!

You will now begin to see a new icon next to any Proceed status background check which has not yet reached the 10 business day mark, along with a new column showing the SAFE calculated allowed transfer date:

ID	Status	Allowed Transfer Date	Transferee/Buyer Last Name	Transferee/Buyer First Name
ZPFXDFCS	 Proceed	01/17/2024	WASHINGTON	IIITEST

You will also see in the status screen of each background check the following verbiage:

⚠ Please note that the minimum 10-day waiting period has not yet been reached.

SAFE has calculated the allowed transfer date as 01/17/2024, however, RCW 9.41.092 elapsed since submitting the background check BEFORE entering the transfer date.

Transfer Date

mm/dd/yyyy



Submit

For those of you who are curious, this is how SAFE is programmed to calculate the 10 business day wait:

Business days are defined as: *Monday through Friday, and exclude both Saturday and state holidays as defined under RCW 1.16.050:*

(1) The following are state legal holidays:

(a) Sunday;

(b) The first day of January, commonly called New Year's Day;

(c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;

(d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;

(e) The last Monday of May, commonly known as Memorial Day;

(f) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the African slaves learned of their freedom;

(g) The fourth day of July, the anniversary of the Declaration of Independence;

(h) The first Monday in September, to be known as Labor Day;

(i) The eleventh day of November, to be known as Veterans' Day;

(j) The fourth Thursday in November, to be known as Thanksgiving Day;

(k) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

(l) The twenty-fifth day of December, commonly called Christmas Day.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

Calculation will be as follows, to comply with the language in RCW 9.41.092(2) *Ten business days have elapsed from the date the licensed dealer requested the background check:* The day of submission is "Day 0" and does not count towards the calculation. Begin counting on the next business day after submission. 10 full business days must elapse before the firearm can be released, which can happen at the start of the following business day.

Thank you,

Kevin

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