

Firearm background checks

Background

The Washington State Health Care Authority's Division of Behavioral Health and Recovery (HCA DBHR) is the state mental health authority responsible for administering the Involuntary Treatment Act. This is accomplished via service contracts with behavioral health administrative service organizations (BH-ASO).

HCA collects service date from BH-ASOs and maintains a statewide database of patient treatment activities and billing records. This database includes civil commitments for mental health treatment under Revised Code of Washington (RCW) 71.05-71.34 and competency restorations under RCW 10.77.

Process overview

RCW 9.41.040 requires HCA to perform mental health background checks on those individuals who wish to purchase a firearm or who have applied for a concealed pistol license. Requests for background checks are made to DBHR through the Washington State Patrol portal systems for firearms dealers and LEAs. These programs are known as SAFE: Secure Automated Firearms E-check, and PIIES: Personal Identifiable Information Exchange System.

When a background check comes in, an automated system first determines if there is a potential match. If so, DBHR's compliance personnel perform a thorough search of database records matching episodes of mental health treatment. If a matching record is identified, the record is reviewed for evidence of court-ordered mental health treatment. By law, the entire background check must be processed by the requesting law enforcement agency within ten business days. HCA completes the mental health background portion of this check within five days, usually providing a response to the law enforcement agency within two days.

If an applicant is found to have been ordered by a court for mental health treatment, the Washington State Patrol is notified, and the firearm purchase or

concealed pistol license is denied. Information shared with the law enforcement agency is limited to whether the individual has any current or previous court orders for mental health treatment. It does not include the circumstances of the order nor any additional protected health information. The individual is then notified by letter of disqualification and advised to contact DBHR if they wish to appeal.

Individuals ordered to receive mental health treatment can petition the court to restore their firearm rights. When an individual's right is restored, the court sends DBHR a copy of the restoration and their name is removed from the weapons search database. However, the prohibition remains at the federal level.

Eligibility

Under state and federal law, adults aged 18 or 21 and older (depending on firearm being sought) may fill out a background check for potential purchase. Everyone who wishes to purchase a firearm from a licensed dealer or who applies for a concealed pistol license is subject to a background check for involuntary commitment.

Rates

There is no fee charged for performing these background checks.

Numbers Served

- July 2019 to June 2020: the number of processed background checks increased by 9.9 percent for a total of 51,220 reports processed.
- July 2020 to July 2021: the number of processed background checks increased by 20.54 percent for a total of 61,745 reports processed.
- July 2021 to July 2022: the number of processed background checks decreased by 3.84 percent, for a total of 59,374 reports processed.
- July 2022 to July 2023: the number of processed background checks decreased by 3.11 percent, for a total of 57,527.

Authority

RCW 9.41.040 dictates authority surrounding unlawful possession of firearms, ownership and

possession by certain persons, restoration and right to possess, and penalties.

Budget

The 2023-2025 biennial budget is \$157,000 per year (general fund state).

Partners

DBHR maintains many partnerships with state and federal agencies involved in firearm background check activities, including:

- Washington State Patrol
- Washington State Department of Licensing
- Washington Association of Sheriffs and Police Chiefs
- Washington State Association of County Clerks
- Behavioral health administrative service organizations

- Administrative Office of the Courts
- Federal Bureau of Investigation
- Federal Bureau of Alcohol, Tobacco, and Firearms

Oversight

Mental health background checks for concealed pistol licenses and firearm purchases is overseen by HCA. Timely completion of these checks promotes community safety and supports HCA's mission, vision, and values.

More information

Contact: Alexander Stoker
Programs manager
Alex.Stoker@hca.wa.gov