

# Firearm background checks

## Overview

The Division of Behavioral Health and Recovery (DBHR) is the state mental health authority responsible for administering the Involuntary Treatment Act. This is accomplished through service contracts with behavioral health organizations (BHOs) and behavioral health administrative service organizations (BH-ASOs). HCA collects service data from BHOs and BH-ASOs and maintains a statewide database of patient treatment activities and billing records. These include civil commitments for mental health treatment under Revised Code of Washington (RCW) 71.05-71.34 and competency restorations under RCW 10.77.

RCW 9.41.040 requires HCA to perform mental health background checks on individuals wishing to purchase a firearm or who have applied for a concealed pistol license. Requests for background checks are made to DBHR through local law enforcement agencies processing these applications. When a law enforcement agency requests a background check, 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 request must be processed with a response to the requesting law enforcement agency within five business days.

If an applicant is found to have been ordered by a court for mental health treatment, the requesting law enforcement agency 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 or any additional protected health information. The individual is then notified by letter of the disqualification and advised to contact DBHR if they wish to appeal.

Individuals ordered to receive mental health treatment are able to 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 requirements

Under state and federal law, anyone who wishes to purchase a firearm purchase from a licensed dealer, or who applies for a concealed pistol license is subject to a background check for involuntary commitment.

## Authority

RCW 9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons – Restoration of right to possess – Penalties.

## Budget

2017-19 Biennial Budget is \$175,000 total, \$114,000 General Fund State and \$61,000 Federal Funding.

## Rates

There is no fee charged for performing these background checks.

## Numbers Served


During the 2013-15 biennium, DBHR performed approximately 266,000 background checks per year. Requests for came from 280 law enforcement agencies statewide, from out-of-state regarding former Washington residents, and federal agencies.

During the 2016-17 biennium, the yearly number of background checks increased by 28 percent for a total of 340,000 names processed.

During the 2017-18 biennium, the yearly number of background checks increased by 17 percent for a total of nearly 399,000 names processed.

## Partners

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

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- Washington State Patrol
  - Washington State Department of Licensing
  - Washington Association of Sheriffs and Police Chiefs
  - Washington State Association of County Clerks
  - Behavioral health organizations and behavioral health administrative service organizations
  - Administrative Office of the Courts
  - Federal Bureau of Investigation
  - Federal Bureau of Alcohol, Tobacco, and Firearms

### **Oversight**

Timely completion of mental health background checks for concealed pistol licenses and firearm purchases promotes community safety, and supports the Health Care Authority's mission, vision, and values.

### **For more information**

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