

Firearm background checks

Program overview

The Washington Health Care Authority's Division of Behavioral Health and Recovery (HCA/DBHR) is the state authority responsible for administering and overseeing the Involuntary Treatment Act. This is accomplished through service contracts with behavioral health administrative service organizations (BH-ASOs). HCA collects service data from 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.

Background check protocol

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 weapon license. Requests for background checks are made to DBHR via the local law enforcement agencies that process 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 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 requesting law enforcement agency is notified, and the firearm purchase or concealed weapon 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 can petition the court to restore their firearm rights. When an individual's right is restored, the court issues DBHR a copy of the restoration and that individual's name is removed from the weapons search database. However, the prohibition remains at the federal level.

Eligibility

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

Rates

There is no fee assessed for performing background checks for eligible individuals.

Authority

State and local agencies and entities are beholden to RCW 9.41.040, which details unlawful possession of firearms, ownership and possession of firearms by certain persons, restoration of rights to possess, and penalties.

Budget

The 2021-2023 biennial budget is \$157,000 annually from the General State Fund.

Numbers served

- July 2018 and June 2019: the number of processed background checks increased by 8.88 percent for a total of 46,606 reports processed
- July 2019 and June 2020: the number of processed background checks increased by 9.9 percent for a total of 51,220 reports processed
- July 2020 and July 2021: the number of processed background checks increased by 20.54 percent for a total of 61,745 reports processed
- July 2021 and July 2022, the number of processed background checks decreased by

3.84 percent, for a total of 59,374 reports processed

Partners

DBHR maintains several partnerships with state and federal agencies involved in firearm background check activities:

- 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

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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