

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 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.

RCW 9.41.040 requires DBHR 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 entire background check must be processed by the requesting law enforcement agency within ten business days. DBHR 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 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

2019-2021 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


DBHR performs background checks by processing requests forms from law enforcement agencies. Each request form includes between 1 and 20 named individuals to check.

Between July 2017 and June 2018, DBHR processed 42,806 background check request forms.

Between July 2018 and June 2019, the number of processed background checks increased by 8.88% for a total of 46,606 request forms processed.

Between July 2019 and June 2020, the number of processed background checks increased by 9.9% for a total of 51,220 request forms processed.

Requests for background checks came from 280 law enforcement agencies statewide, from out-of-state



regarding former Washington residents, and federal agencies.

Partners

DBHR maintains a number of 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

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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