

# 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 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 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 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

2021-23 Biennial Budget is \$157,000 per year, General Fund State.

## Rates

There is no fee charged for performing these background checks.

## Numbers Served

Between July 2017 and June 2018, the number of processed background checks totaled 42,806 reports processed.

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

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

Between July 2020 and July 2021, the number of processed background checks increased by 7.6 percent for a total of 55,126 reports processed.



## 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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