RCW 9.41.047 Persons found not guilty by reason of insanity and others—Possession rights. *(Effective until May 1, 2027.)* (1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm under state or federal law, including if the person was convicted of possession under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030, or at the time a person is committed by court order under RCW 71.05.240, *71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for treatment for a mental disorder, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.645, or the charges are dismissed based on incompetency to stand trial under RCW 10.77.650 and the court makes a finding that the person has a history of one or more violent acts, the court shall notify the person, orally and in writing, that the person must immediately surrender all firearms to their local law enforcement agency and any concealed pistol license and that the person may not possess a firearm unless the person's right to do so is restored by the superior court that issued the order.

(b) The court shall forward within three judicial days following conviction or finding of not guilty by reason of insanity a copy of the person's driver's license or identicard, or comparable information such as the person's name, address, and date of birth, along with the date of conviction or finding of not guilty by reason of insanity, to the department of licensing and to the Washington state patrol firearms background check program.

(c) The court shall forward within three judicial days following commitment by court order under RCW 71.05.240, *71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for treatment for a mental disorder, or upon dismissal of charges based on incompetency to stand trial under RCW 10.77.645, or the charges are dismissed based on incompetency to stand trial under RCW 10.77.650 when the court makes a finding that the person has a history of one or more violent acts, a copy of the person's driver's license or identicard, or comparable information such as the person's name, address, and date of birth, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159), and to the department of licensing, Washington state patrol firearms background check program, and the criminal division of the county prosecutor in the county of commitment or the county in which charges are dismissed. The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the national instant criminal background check system, the department of licensing, the Washington state patrol firearms background check program, and the criminal division of the county prosecutor in the county of commitment or county in which charges are dismissed is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the person has a concealed pistol license. If the person has a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for treatment for a

mental disorder under RCW 71.05.240, *71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.645, or the charges were dismissed based on incompetency to stand trial under RCW 10.77.650 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored, except that a person found not guilty by reason of insanity may not petition for restoration of the right to possess a firearm until one year after discharge.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, firearm rights shall be restored if the person petitioning for restoration of firearm rights proves by a preponderance of the evidence that:

(i) The person petitioning for restoration of firearm rights is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The person petitioning for restoration of firearm rights has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The person petitioning for restoration of firearm rights no longer presents a substantial danger to self or to the public;

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur; and

(v) There is no active extreme risk protection order or order to surrender and prohibit weapons entered against the petitioner.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning for restoration of firearm rights has engaged in violence and that it is more likely than not that the person will engage in violence after the person's right to possess a firearm is restored, the person petitioning for restoration of firearm rights shall bear the burden of proving by clear, cogent, and convincing evidence that the person does not present a substantial danger to the safety of others.

(e) If the person seeking restoration of firearm rights seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the person does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing and the Washington state patrol criminal records division, with a copy of the person's driver's license or identicard, or comparable identification such as the person's name, address, and date of birth, and to the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such

notification, shall immediately lift the suspension, restoring the person's concealed pistol license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.041. [2024 c 290 s 1. Prior: 2023 c 295 s 5; 2023 c 161 s 3; 2020 c 302 s 60; prior: 2019 c 248 s 3; 2019 c 247 s 3; 2018 c 201 s 6001; 2016 c 93 s 1; 2011 c 193 s 2; 2009 c 293 s 2; 2005 c 453 s 2; 1996 c 295 s 3; prior: 1994 sp.s. c 7 s 404.]

***Reviser's note:** RCW 71.05.320 was amended by 2020 c 302 ss 45 and 46, changing the phrase "mental health treatment" to "behavioral health treatment."

Findings—Intent—2023 c 295: See note following RCW 9.41.040.

Effective date—2023 c 161: See note following RCW 9.41.090.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Severability—2005 c 453: See note following RCW 9.41.040.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 ss 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

RCW 9.41.047 Persons found not guilty by reason of insanity and others—Possession rights. *(Effective May 1, 2027.)* (1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm under state or federal law, including if the person was convicted of possession under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030, or at the time a person is committed by court order under RCW 71.05.240, *71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for treatment for a mental disorder, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.645, or the charges are dismissed based on incompetency to stand trial under RCW 10.77.650 and the court makes a finding that the person has a history of one or more violent acts, the court shall notify the person, orally and in writing, that the person must immediately surrender all firearms to their local law enforcement agency and any concealed pistol license and that the person may not possess a firearm unless the person's right to do so is restored by the superior court that issued the order.

(b) The court shall forward within three judicial days following conviction or finding of not guilty by reason of insanity a copy of the person's driver's license or identicard, or comparable information such as the person's name, address, and date of birth, along with the date of conviction or finding of not guilty by reason of insanity, to the department of licensing and to the Washington state patrol firearms background check program.

(c) The court shall forward within three judicial days following commitment by court order under RCW 71.05.240, *71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for treatment for a mental disorder, or upon dismissal of charges based on incompetency to stand trial under RCW 10.77.645, or the charges are dismissed based on incompetency to stand trial under RCW 10.77.650 when the court makes a finding that the person has a history of one or more violent acts, a copy of the person's driver's license or identicard, or comparable information such as the person's name, address, and date of birth, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159), and to the department of licensing, Washington state patrol firearms background check program, and the criminal division of the county prosecutor in the county of commitment or the county in which charges are dismissed. The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the national instant criminal background check system, the department of licensing, the Washington state patrol firearms background check program, and the criminal division of the county prosecutor in the county of commitment or county in which charges are dismissed is required.

(2)(a) Upon receipt of the information provided in subsection (1) of this section, the Washington state patrol firearms background check program shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a permit to purchase firearms. If the person does have a permit to purchase firearms, the Washington state patrol firearms background check program shall immediately revoke the permit.

(b) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the person has a concealed pistol license. If the person has a concealed pistol license, the department of licensing shall immediately notify the issuing law enforcement agency that the court has directed revocation of the license. Upon receipt of such notification, the issuing law enforcement agency shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for treatment for a mental disorder under RCW 71.05.240, *71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.645, or the charges were dismissed based on incompetency to stand trial under RCW 10.77.650 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have the person's right to possess a firearm restored, except that a person found not guilty by reason of insanity may not petition for restoration of the right to possess a firearm until one year after discharge.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, firearm rights shall be restored if the person petitioning for restoration of firearm rights proves by a preponderance of the evidence that:

(i) The person petitioning for restoration of firearm rights is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The person petitioning for restoration of firearm rights has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The person petitioning for restoration of firearm rights no longer presents a substantial danger to self or to the public;

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur; and

(v) There is no active extreme risk protection order or order to surrender and prohibit weapons entered against the petitioner.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning for restoration of firearm rights has engaged in violence and that it is more likely than not that the person will engage in violence after the person's right to possess a firearm is restored, the person petitioning for restoration of firearm rights shall bear the burden of proving by clear, cogent, and convincing evidence that the person does not present a substantial danger to the safety of others.

(e) If the person seeking restoration of firearm rights seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the person does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing and the Washington state patrol criminal records division, with a copy of the person's driver's license or identicard, or comparable identification such as the person's name, address, and date of birth, and to the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the suspension, restoring the person's concealed pistol license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.041. [2025 c 370 s 8; 2024 c 290 s 1. Prior: 2023 c 295 s 5; 2023 c 161 s 3; 2020 c 302 s 60; prior: 2019 c 248 s 3; 2019 c 247 s 3; 2018 c 201 s 6001; 2016 c 93 s 1; 2011 c 193 s 2; 2009 c 293 s 2; 2005 c 453 s 2; 1996 c 295 s 3; prior: 1994 sp.s. c 7 s 404.]

***Reviser's note:** RCW 71.05.320 was amended by 2020 c 302 ss 45 and 46, changing the phrase "mental health treatment" to "behavioral health treatment."

Effective date—2025 c 370: See note following RCW 9.41.090.

Findings—Intent—2023 c 295: See note following RCW 9.41.040.

Effective date—2023 c 161: See note following RCW 9.41.090.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Severability—2005 c 453: See note following RCW 9.41.040.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 ss 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.