
HOUSE BILL 1118

State of Washington

69th Legislature

2025 Regular Session

By Representatives Simmons and McEntire

Prefiled 12/23/24.

1 AN ACT Relating to restoration of the right to possess a firearm;
2 and amending RCW 9.41.041.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.041 and 2023 c 295 s 4 are each amended to read
5 as follows:

6 (1) A person who is prohibited from possession of a firearm under
7 RCW 9.41.040 may not petition a court to have the person's right to
8 possess a firearm restored if the person has been convicted or found
9 not guilty by reason of insanity of: A felony sex offense; a class A
10 felony; or a felony offense with a maximum sentence of at least 20
11 years, other than sentences under RCW 69.50.408 or 69.50.435.

12 (2) A person who is prohibited from possession of a firearm under
13 RCW 9.41.040, and is not disqualified from petitioning for
14 restoration of firearm rights under subsection (1) of this section or
15 required to petition as provided for in RCW 9.41.047, may petition a
16 superior court to have the person's right to possess a firearm
17 restored.

18 (a) The person must have, for the period of consecutive years as
19 specified below immediately preceding the filing of the petition,
20 been in the community without being convicted or found not guilty by

1 reason of insanity of any crime that prohibits the possession of a
2 firearm, as follows:

3 (i) Five years for a conviction or finding of not guilty by
4 reason of insanity for any felony offense, or any of the following
5 gross misdemeanor or misdemeanor offenses:

6 (A) Domestic violence (RCW 10.99.020);

7 (B) Stalking;

8 (C) Cyberstalking;

9 (D) Cyber harassment, excluding cyber harassment committed solely
10 pursuant to the element set forth in RCW 9A.90.120(1)(a)(i);

11 (E) Harassment;

12 (F) Aiming or discharging a firearm (RCW 9.41.230);

13 (G) Unlawful carrying or handling of a firearm (RCW 9.41.270);

14 (H) Animal cruelty in the second degree committed under RCW
15 16.52.207(1);

16 (I) Prior offense as defined by RCW 46.61.5055; or

17 (J) Violation of the provisions of an order to surrender and
18 prohibit weapons, an extreme risk protection order, or the provisions
19 of a protection order or no-contact order restraining the person or
20 excluding the person from a residence; and

21 (ii) Three years for a conviction or finding of not guilty by
22 reason of insanity for one or more nonfelony crimes not covered in
23 (a)(i) of this subsection.

24 (b) The person petitioning for firearm rights to be restored must
25 also meet the following requirements:

26 (i) Has no pending charges for any felony, gross misdemeanor, or
27 misdemeanor crime at the time the petition is filed or during the
28 petition process;

29 (ii) Has completed all sentencing conditions, other than
30 nonrestitution fines and fees, for each felony, gross misdemeanor, or
31 misdemeanor conviction on which the prohibition was based, including
32 all court-ordered treatment. The court shall waive the requirement of
33 this subsection (2)(b)(ii) if the petitioner provides verification
34 from the sentencing court that relevant court records are no longer
35 available, or attests to the unavailability of relevant records from
36 other entities;

37 (iii) Has no prior felony convictions that would count as part of
38 an offender score under RCW 9.94A.525 and has no out-of-state
39 conviction for an offense which would disqualify the person from
40 purchasing or possessing a firearm in the state of conviction. This

1 determination shall be the responsibility of, and conducted by, the
2 prosecuting attorney. An individual shall not be precluded from
3 filing a petition to restore their firearm rights on the basis that
4 they cannot verify whether they are disqualified from purchasing or
5 possessing a firearm in the state of conviction; and

6 (iv) Has been determined by law enforcement based on available
7 records and information as not subject to any other prohibition on
8 possessing a firearm at the time the petition for the restoration of
9 firearm rights is filed or during the petition process, and would be
10 able to pass a background check to purchase a firearm if the petition
11 to restore firearm rights is granted.

12 (3) The process for petitioning for restoration of firearm rights
13 is as follows:

14 (a) The person must file a petition in a superior court in ~~((a))~~:

15 (i) Any county that entered ~~((any))~~ a prohibition;

16 (ii) If the prohibiting conviction did not occur in Washington
17 state, the county of the person's residence; or

18 (iii) If the person is not a resident of Washington state,
19 Thurston county.

20 (b) At the time of filing the petition, the person must serve the
21 prosecuting attorney in the county where the petition is filed with
22 the petition.

23 (c) Upon receipt of service of the petition, the prosecuting
24 attorney must take reasonable steps to notify the listed victim of a
25 prohibiting crime and any person who previously obtained a full
26 protection order or no-contact order against the person petitioning
27 for restoration of firearm rights, if those persons have requested
28 notification, of the procedure to provide a sworn written statement
29 regarding the existence of any additional facts or information that
30 they may have relevant to whether the person petitioning for
31 restoration of firearm rights meets the requirements for restoration
32 set forth in this section.

33 (d) The prosecuting attorney must verify in writing to the court
34 that the prosecuting attorney has reviewed the relevant records,
35 including written verification from Washington state patrol that
36 Washington state patrol has conducted a records check of all civil
37 and criminal records relevant to the prohibitors in RCW 9.41.040, and
38 based on that information, whether there is sufficient evidence to
39 determine that the person petitioning for restoration of firearm
40 rights meets all the requirements set forth in RCW 9.41.040 and in

1 this section to petition for and to be granted restoration of firearm
2 rights.

3 (e) The court may set a hearing on the petition if the court
4 determines additional information is necessary to determine whether
5 the person meets the requirements for restoration of firearm rights.

6 (f) The court shall grant the petition only if the court finds
7 that the person petitioning for restoration of firearm rights meets
8 the requirements set forth in this section.

9 (g) The prosecuting attorney shall notify any victim who requests
10 notification of the court's decision.

11 (4) When a person's right to possess a firearm has been restored
12 under this section, the court shall forward, within three judicial
13 days after entry of the restoration order, notification that the
14 person's right to possess a firearm has been restored to the
15 Washington state patrol with a copy of the person's driver's license
16 or identicard, or comparable identification such as the person's
17 name, address, and date of birth.

18 (5) By December 30, 2023, the administrative office of the courts
19 shall develop and distribute standard forms for petitions and orders
20 issued under this section and RCW 9.41.047, and update protection
21 order and no-contact order forms to allow victims to opt out of the
22 notification provided for in this section if they do not wish to be
23 notified at the time of a petition for firearm rights restoration.
24 Beginning January 1, 2024, courts shall use the standard forms for
25 petitions and orders under this section and RCW 9.41.047, and the
26 updated protection order and no-contact order forms.

27 (6) An appointed or elected public official, public employee, or
28 public agency as defined in RCW 4.24.470, or combination of units of
29 local government and its employees as provided in RCW 36.28A.010, are
30 immune from civil liability for good faith conduct in the performance
31 of the official's, employee's, or agency's duties under this section.

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