
HOUSE BILL 3359

State of Washington 60th Legislature 2008 Regular Session

By Representatives O'Brien, Williams, Flannigan, and Pedersen

Read first time 02/07/08. Referred to Committee on Judiciary.

1 AN ACT Relating to pistol ammunition; amending RCW 42.56.240 and
2 9.41.010; adding new sections to chapter 9.41 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW
6 to read as follows:

7 Beginning January 1, 2010, all pistol ammunition manufactured in
8 the state, imported into the state, or kept or offered for sale, sold,
9 or transferred in the state, must be coded ammunition as defined in RCW
10 9.41.010.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
12 to read as follows:

13 (1) The department of licensing shall establish and maintain a
14 centralized ammunition database that contains the following
15 information:

16 (a) A registry of all pistol ammunition sellers that sell, offer
17 for sale, loan, distribute, or otherwise transfer pistol ammunition
18 within Washington;

1 (b) Records of all transactions for pistol ammunition that are
2 reported to the department of licensing under section 3 of this act.

3 (2) The department of licensing shall establish by rule the manner
4 and form for sellers of pistol ammunition regulated under this act to
5 register with the department of licensing and the manner and form for
6 sellers to report pistol ammunition transactions to the department of
7 licensing.

8 (3) Information in the ammunition database is confidential and may
9 be released by the department of licensing only in accordance with RCW
10 42.56.240.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.41 RCW
12 to read as follows:

13 A seller of pistol ammunition that is required to be coded under
14 section 1 of this act must comply with the following requirements:

15 (1) Register with the department of licensing in a manner
16 prescribed by the department of licensing;

17 (2) Report to the department of licensing, in a format prescribed
18 by the department of licensing, the following information for each
19 transaction that involves pistol ammunition that is required to be
20 coded under section 1 of this act:

21 (a) The date of the transaction;

22 (b) The name and date of birth of the purchaser or transferee of
23 the pistol ammunition;

24 (c) The driver's license number or other government-issued
25 identification card number of the purchaser or transferee of the pistol
26 ammunition;

27 (d) The unique alphanumeric identifier of all pistol ammunition
28 transferred to the purchaser or transferee; and

29 (e) Other information that the department of licensing determines
30 is necessary.

31 (3) Maintain copies of all records of pistol ammunition
32 transactions submitted to the department of licensing under this
33 section for a period of not less than three years from the date of the
34 transaction.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.41 RCW
36 to read as follows:

1 (1) A seller of pistol ammunition that intentionally fails to
2 comply with, or falsifies the required records relating to, the
3 reporting requirement in section 3(2) of this act is guilty of a
4 misdemeanor.

5 (2) A seller of pistol ammunition that knowingly sells or transfers
6 noncoded pistol ammunition in violation of section 1 of this act is
7 guilty of a misdemeanor.

8 (3) Any person who intentionally destroys, obliterates, or
9 otherwise renders unreadable the unique alphanumeric identifier on any
10 coded pistol ammunition, as required under section 1 of this act, is
11 guilty of a misdemeanor.

12 **Sec. 5.** RCW 42.56.240 and 2005 c 274 s 404 are each amended to
13 read as follows:

14 The following investigative, law enforcement, and crime victim
15 information is exempt from public inspection and copying under this
16 chapter:

17 (1) Specific intelligence information and specific investigative
18 records compiled by investigative, law enforcement, and penology
19 agencies, and state agencies vested with the responsibility to
20 discipline members of any profession, the nondisclosure of which is
21 essential to effective law enforcement or for the protection of any
22 person's right to privacy;

23 (2) Information revealing the identity of persons who are witnesses
24 to or victims of crime or who file complaints with investigative, law
25 enforcement, or penology agencies, other than the commission, if
26 disclosure would endanger any person's life, physical safety, or
27 property. If at the time a complaint is filed the complainant, victim,
28 or witness indicates a desire for disclosure or nondisclosure, such
29 desire shall govern. However, all complaints filed with the commission
30 about any elected official or candidate for public office must be made
31 in writing and signed by the complainant under oath;

32 (3) Any records of investigative reports prepared by any state,
33 county, municipal, or other law enforcement agency pertaining to sex
34 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
35 defined in RCW 71.09.020, which have been transferred to the Washington
36 association of sheriffs and police chiefs for permanent electronic
37 retention and retrieval pursuant to RCW 40.14.070(2)(b);

1 (4) License applications under RCW 9.41.070; copies of license
2 applications or information on the applications may be released to law
3 enforcement or corrections agencies; (~~and~~)

4 (5) Information revealing the identity of child victims of sexual
5 assault who are under age eighteen. Identifying information means the
6 child victim's name, address, location, photograph, and in cases in
7 which the child victim is a relative or stepchild of the alleged
8 perpetrator, identification of the relationship between the child and
9 the alleged perpetrator; and

10 (6) Records maintained by the department of licensing in the
11 centralized ammunition database under section 2 of this act. Records
12 or information in the database may be released to law enforcement
13 agencies or prosecuting attorneys in connection with a criminal
14 investigation or prosecution.

15 **Sec. 6.** RCW 9.41.010 and 2001 c 300 s 2 are each amended to read
16 as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 (1) "Firearm" means a weapon or device from which a projectile or
20 projectiles may be fired by an explosive such as gunpowder.

21 (2) "Pistol" means any firearm with a barrel less than sixteen
22 inches in length, or is designed to be held and fired by the use of a
23 single hand.

24 (3) "Rifle" means a weapon designed or redesigned, made or remade,
25 and intended to be fired from the shoulder and designed or redesigned,
26 made or remade, and intended to use the energy of the explosive in a
27 fixed metallic cartridge to fire only a single projectile through a
28 rifled bore for each single pull of the trigger.

29 (4) "Short-barreled rifle" means a rifle having one or more barrels
30 less than sixteen inches in length and any weapon made from a rifle by
31 any means of modification if such modified weapon has an overall length
32 of less than twenty-six inches.

33 (5) "Shotgun" means a weapon with one or more barrels, designed or
34 redesigned, made or remade, and intended to be fired from the shoulder
35 and designed or redesigned, made or remade, and intended to use the
36 energy of the explosive in a fixed shotgun shell to fire through a

1 smooth bore either a number of ball shot or a single projectile for
2 each single pull of the trigger.

3 (6) "Short-barreled shotgun" means a shotgun having one or more
4 barrels less than eighteen inches in length and any weapon made from a
5 shotgun by any means of modification if such modified weapon has an
6 overall length of less than twenty-six inches.

7 (7) "Machine gun" means any firearm known as a machine gun,
8 mechanical rifle, submachine gun, or any other mechanism or instrument
9 not requiring that the trigger be pressed for each shot and having a
10 reservoir clip, disc, drum, belt, or other separable mechanical device
11 for storing, carrying, or supplying ammunition which can be loaded into
12 the firearm, mechanism, or instrument, and fired therefrom at the rate
13 of five or more shots per second.

14 (8) "Antique firearm" means a firearm or replica of a firearm not
15 designed or redesigned for using rim fire or conventional center fire
16 ignition with fixed ammunition and manufactured in or before 1898,
17 including any matchlock, flintlock, percussion cap, or similar type of
18 ignition system and also any firearm using fixed ammunition
19 manufactured in or before 1898, for which ammunition is no longer
20 manufactured in the United States and is not readily available in the
21 ordinary channels of commercial trade.

22 (9) "Loaded" means:

23 (a) There is a cartridge in the chamber of the firearm;

24 (b) Cartridges are in a clip that is locked in place in the
25 firearm;

26 (c) There is a cartridge in the cylinder of the firearm, if the
27 firearm is a revolver;

28 (d) There is a cartridge in the tube or magazine that is inserted
29 in the action; or

30 (e) There is a ball in the barrel and the firearm is capped or
31 primed if the firearm is a muzzle loader.

32 (10) "Dealer" means a person engaged in the business of selling
33 firearms at wholesale or retail who has, or is required to have, a
34 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
35 does not have, and is not required to have, a federal firearms license
36 under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only
37 occasional sales, exchanges, or purchases of firearms for the

1 enhancement of a personal collection or for a hobby, or sells all or
2 part of his or her personal collection of firearms.

3 (11) "Crime of violence" means:

4 (a) Any of the following felonies, as now existing or hereafter
5 amended: Any felony defined under any law as a class A felony or an
6 attempt to commit a class A felony, criminal solicitation of or
7 criminal conspiracy to commit a class A felony, manslaughter in the
8 first degree, manslaughter in the second degree, indecent liberties if
9 committed by forcible compulsion, kidnapping in the second degree,
10 arson in the second degree, assault in the second degree, assault of a
11 child in the second degree, extortion in the first degree, burglary in
12 the second degree, residential burglary, and robbery in the second
13 degree;

14 (b) Any conviction for a felony offense in effect at any time prior
15 to June 6, 1996, which is comparable to a felony classified as a crime
16 of violence in (a) of this subsection; and

17 (c) Any federal or out-of-state conviction for an offense
18 comparable to a felony classified as a crime of violence under (a) or
19 (b) of this subsection.

20 (12) "Serious offense" means any of the following felonies or a
21 felony attempt to commit any of the following felonies, as now existing
22 or hereafter amended:

23 (a) Any crime of violence;

24 (b) Any felony violation of the uniform controlled substances act,
25 chapter 69.50 RCW, that is classified as a class B felony or that has
26 a maximum term of imprisonment of at least ten years;

27 (c) Child molestation in the second degree;

28 (d) Incest when committed against a child under age fourteen;

29 (e) Indecent liberties;

30 (f) Leading organized crime;

31 (g) Promoting prostitution in the first degree;

32 (h) Rape in the third degree;

33 (i) Drive-by shooting;

34 (j) Sexual exploitation;

35 (k) Vehicular assault, when caused by the operation or driving of
36 a vehicle by a person while under the influence of intoxicating liquor
37 or any drug or by the operation or driving of a vehicle in a reckless
38 manner;

1 (1) Vehicular homicide, when proximately caused by the driving of
2 any vehicle by any person while under the influence of intoxicating
3 liquor or any drug as defined by RCW 46.61.502, or by the operation of
4 any vehicle in a reckless manner;

5 (m) Any other class B felony offense with a finding of sexual
6 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

7 (n) Any other felony with a deadly weapon verdict under RCW
8 9.94A.602; or

9 (o) Any felony offense in effect at any time prior to June 6, 1996,
10 that is comparable to a serious offense, or any federal or out-of-state
11 conviction for an offense that under the laws of this state would be a
12 felony classified as a serious offense.

13 (13) "Law enforcement officer" includes a general authority
14 Washington peace officer as defined in RCW 10.93.020, or a specially
15 commissioned Washington peace officer as defined in RCW 10.93.020.
16 "Law enforcement officer" also includes a limited authority Washington
17 peace officer as defined in RCW 10.93.020 if such officer is duly
18 authorized by his or her employer to carry a concealed pistol.

19 (14) "Felony" means any felony offense under the laws of this state
20 or any federal or out-of-state offense comparable to a felony offense
21 under the laws of this state.

22 (15) "Sell" refers to the actual approval of the delivery of a
23 firearm in consideration of payment or promise of payment of a certain
24 price in money.

25 (16) "Barrel length" means the distance from the bolt face of a
26 closed action down the length of the axis of the bore to the crown of
27 the muzzle, or in the case of a barrel with attachments to the end of
28 any legal device permanently attached to the end of the muzzle.

29 (17) "Family or household member" means "family" or "household
30 member" as used in RCW 10.99.020.

31 (18) "Coded ammunition" means ammunition that carries a unique
32 alphanumeric identifier that has been applied by etching onto the base
33 of the bullet projectile and the inside of the cartridge casing and
34 that meets the following requirements:

35 (a) The base of the bullet and the inside of the cartridge casing
36 of each round in a box of ammunition are encoded with the same unique
37 alphanumeric identifier;

1 (b) The unique alphanumeric identifier is engraved in such a manner
2 that it is highly likely to permit identification after ammunition
3 discharge and bullet impact;

4 (c) The outside of each box of ammunition is labeled with the name
5 of the manufacturer and the same alphanumeric identifier used on the
6 bases of bullets contained in the box; and

7 (d) Ammunition contained in one ammunition box is not labeled with
8 the same alphanumeric identifier as the ammunition contained in any
9 other ammunition box from the same manufacturer.

10 (19) "Pistol ammunition" means all ammunition principally for use
11 in pistols, notwithstanding that the ammunition may also be used in
12 other firearms, including bullets used for reloading or handloading
13 pistol ammunition.

--- END ---