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**HOUSE BILL 2947**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Valdez, Kilduff, Senn, Peterson, Doglio, Orwall, Walen, Bergquist, Gregerson, Macri, and Pollet

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines, and making a violation of these restrictions a gross misdemeanor offense, by defining large capacity magazines to apply to ammunition feeding devices with the capacity to accept more than fifteen rounds of ammunition, by allowing continued possession of large capacity magazines limited to those possessed prior to June 11, 2020, and those inherited on or after June 11, 2020, subject to restrictions on the ability to sell or transfer such large capacity magazines, requiring that they be stored in secure gun storage, and permitting their possession only on the owner's property or while engaged in lawful outdoor recreational activities or use at a licensed shooting range or when transporting the large capacity magazine to or from these locations unloaded and in a locked separate container, by providing limited exemptions solely for government officers, agents, or employees, or government contractors who provide firearms training to law enforcement, while acting within official duties, for licensed manufacturers and dealers for the purposes of sale of large capacity magazines to law enforcement or the military, for licensed dealers who acquire large capacity magazines from lawful owners for the purposes of sale to a resident of another state, for gunsmiths for the purpose of service or repair of a large capacity magazine, for individuals for the purpose of lawfully participating in an officially sanctioned sport shooting event or while lawfully engaged in shooting at a licensed shooting range, for law enforcement and corrections officers and military members while acting within the scope of official duties, for retired law enforcement officers who receive a large capacity magazine in connection with their separation from service, and for individuals for the purpose of permanently relinquishing a large capacity magazine to law enforcement for destruction, by establishing a large capacity magazine buy-back program to be operated by the Washington state patrol between July 1, 2020, and June 30, 2021, within amounts appropriated for this purpose that allows a resident to receive compensation for up to five large capacity magazines in an amount determined by the Washington state patrol based on fair market value, by creating a public records act exemption for personal information of persons participating in the large capacity magazine buy-back program, and by repealing the precious metal bullion and monetized bullion tax preference to fund the large capacity magazine buy-back program; reenacting and amending RCW 42.56.230; adding a new section to chapter 9.41 RCW; adding new sections to chapter 43.43 RCW; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 82.04.062; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

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

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

(1) No person in this state may manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer any large capacity magazine, except as authorized in this section.

(2) Subsection (1) of this section does not apply to any of the following:

(a) The possession of a large capacity magazine by a person who legally possessed the large capacity magazine before the effective date of this section, or possession of a large capacity magazine by a person who, on or after the effective date of this section, acquires possession of the large capacity magazine by operation of law upon the death of the former owner who was in legal possession of the large capacity magazine, provided the person in possession of the large capacity magazine can establish such provenance. A person who legally possesses a large capacity magazine under this subsection is subject to the provisions of subsection (3) of this section;

(b) Any government officer, agent, or employee, or government contractor hired to provide firearms training to law enforcement officers, while acting within the scope of official duties, if authorized to acquire or possess a large capacity magazine in connection with official duties;

(c) The manufacture, offering for sale, sale, importation, or transfer of a large capacity magazine by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees;

(d) The possession, offering for sale, sale, importation, or transfer of a large capacity magazine by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(e) The possession, offering for sale, sale, importation, or transfer of a large capacity magazine by a dealer that is properly licensed under federal and state law where the dealer acquires the large capacity magazine from a person legally authorized to possess or transfer the large capacity magazine for the purpose of selling or transferring the large capacity magazine to a person who does not reside in this state;

(f) The transfer to, and possession of, a legally possessed large capacity magazine by a federally licensed gunsmith for the purposes of service or repair, and the return of the large capacity magazine to the lawful owner;

(g) The importation or possession of a large capacity magazine by a club or organization established in whole or in part for the purpose of sponsoring sport shooting events and by a person for the purpose of lawfully participating in a sport shooting event officially sanctioned by such a club or organization;

(h) Law enforcement officers of this or another state, or state or local corrections officers, while acting within the scope of official duties, including authorized possession while not on duty, if authorized to acquire or possess a large capacity magazine in connection with official duties;

(i) The possession of a large capacity magazine by law enforcement officers retired for service or physical disabilities, when the large capacity magazine in question was acquired as part of the officer's separation from service;

(j) Members of the armed forces of the United States or the state of Washington, or of the national guard or military reserves, while acting within the scope of official duties, if authorized to acquire or possess a large capacity magazine in connection with official duties;

(k) Any persons while otherwise lawfully engaged in shooting at a duly licensed, lawfully operated shooting range; or

(l) The possession or transfer of a large capacity magazine for the purpose of permanently relinquishing it to a law enforcement agency in this state. A large capacity magazine relinquished to a law enforcement agency under this subsection must be destroyed.

(3) A person who lawfully possesses a large capacity magazine under subsection (2)(a) of this section must comply with the following:

(a) The person shall not sell or transfer the magazine to any other person in this state other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the large capacity magazine;

(b) The person shall store the large capacity magazine in a secure gun storage; and

(c) The person shall possess the large capacity magazine only on property owned or immediately controlled by the person, while engaged in the legal use of the large capacity magazine at a duly licensed shooting range, while engaged in a lawful outdoor recreational activity such as hunting, or while traveling to or from these locations for the purpose of engaging in the legal use of the large capacity magazine, provided that the large capacity magazine is stored unloaded and in a separate locked container during transport.

(4) A person who violates this section is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) For the purposes of this section, "large capacity magazine" means an ammunition feeding device with the capacity to accept more than fifteen rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in the possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than fifteen rounds of ammunition;

(b) A twenty-two caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall establish and administer a large capacity magazine buy-back program to allow a person in possession of a large capacity magazine to relinquish the device to the Washington state patrol in exchange for a monetary payment established under this section. The Washington state patrol shall adopt rules to implement the large capacity magazine buy-back program according to the following standards:

(a) The buy-back program must be implemented between July 1, 2020, and June 30, 2021, at locations in regions throughout the state;

(b) The buy-back program must allow a Washington resident to relinquish up to five large capacity magazines in exchange for a monetary payment in an amount determined by the Washington state patrol based on fair market value;

(c) The Washington state patrol shall establish the method for providing the monetary payments made to individuals under the buy-back program;

(d) The buy-back program is subject to the availability of funds appropriated for this specific purpose. This section does not create a right or entitlement for a person to receive a monetary payment under the buy-back program. The program must be operated on a first-come, first-served basis and no payments may be made that would require the Washington state patrol to exceed the amount appropriated for this purpose; and

(e) The Washington state patrol shall establish guidelines for the destruction or other disposition of large capacity magazines relinquished under this section.

(2) This section expires January 1, 2022.

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW to read as follows:

The large capacity magazine buy-back program account is created in the custody of the state treasurer. All receipts from taxes collected and directed to be transferred pursuant to section 4(2) of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of the large capacity magazine buy-back program established under section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 82.04 RCW to read as follows:

(1) At least one month before the end of each quarter, beginning September 30, 2020, the department must calculate the proceeds of the tax imposed on taxpayers who were exempted by RCW 82.04.062 prior to the effective date of section 6 of this act, generated for the most recently completed quarter.

(2) By the last day of each quarter, beginning September 30, 2020, the department must notify the state treasurer of the calculations under subsection (1) of this section. The state treasurer shall transfer into the large capacity magazine buy-back program account created in section 3 of this act, the amount determined under subsection (1) of this section by the beginning of the quarter immediately following.

(3) This section expires January 1, 2022.

**Sec.**  RCW 42.56.230 and 2019 c 470 s 8, 2019 c 239 s 2, and 2019 c 213 s 2 are each reenacted and amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of children, youth, and families;

(ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs;

(iii) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name as the child or if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) and (ii) of this subsection; or

(iv) For substitute caregivers who are licensed or approved to provide overnight care of children by the department of children, youth, and families.

(b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;

(7)(a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse;

(8) All information related to individual claims resolution structured settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in subsection (7)(c) and (d) of this section that is subject to public disclosure;

(9) Voluntarily submitted information contained in a database that is part of or associated with enhanced 911 emergency communications systems, or information contained or used in emergency notification systems as provided under RCW 38.52.575 and 38.52.577;

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots;

(11) All information submitted by a person to the state, either directly or through a state-licensed gambling establishment, or Indian tribes, or tribal enterprises that own gambling operations or facilities with class III gaming compacts, as part of the self-exclusion program established in RCW 9.46.071 or 67.70.040 for people with a gambling problem or gambling disorder; ((~~and~~))

(12) Names, addresses, or other personal information of individuals who participated in the bump-fire stock buy-back program under RCW 43.43.920; and

(13) Names, addresses, or other personal information of individuals who participate in the large capacity magazine buy-back program under section 2 of this act.

NEW SECTION. **Sec.**  RCW 82.04.062 ("Sale at wholesale," "sale at retail" excludes sale of precious metal bullion and monetized bullion—Computation of tax) and 1985 c 471 s 5 are each repealed.

NEW SECTION. **Sec.**  The repeal in section 6 of this act does not affect any existing right acquired or liability or obligation incurred under the statute repealed or under any rule or order adopted under that statute nor does it affect any proceeding instituted under the repealed statute.

NEW SECTION. **Sec.**  Sections 6 and 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2020.

**--- END ---**