
HOUSE BILL 2707

State of Washington

56th Legislature

2000 Regular Session

By Representatives Kagi, Ballasiotes, O'Brien, Lovick, Constantine, Ruderman, McIntire, Dickerson, Murray, Schual-Berke, Edmonds, Santos, Lantz, Edwards, Anderson and H. Sommers

Read first time 01/19/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to the sale of firearms at gun shows and events;
2 amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and
3 prescribing 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 (1) Except as otherwise provided in subsection (3) of this section,
8 a person who, while at a gun show or event, offers to sell or sells a
9 handgun to another must be licensed as a dealer under 18 U.S.C. Sec.
10 923 and post the license in accordance with 27 C.F.R. Sec. 178.91 and
11 Sec. 178.100(a).

12 (2) A person who organizes, promotes, or otherwise sponsors a gun
13 show or event shall:

14 (a) Take all reasonable steps to ensure that any person who, while
15 at the gun show or event, offers to sell or sells a handgun to another
16 complies with the requirements of subsection (1) of this section; and

17 (b) Provide the services of a person licensed as a dealer under 18
18 U.S.C. Sec. 923 to conduct the transactions described in subsection (3)
19 of this section.

1 (3) A person other than a dealer may display a handgun for sale
2 while at a gun show or event, provided that any sale of the handgun is
3 conducted through a person licensed as a dealer under 18 U.S.C. Sec.
4 923.

5 (4) A violation of this section is a gross misdemeanor.

6 **Sec. 2.** RCW 9.41.010 and 1997 c 338 s 46 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

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

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

24 (5) "Shotgun" means a weapon with one or more barrels, designed or
25 redesigned, made or remade, and intended to be fired from the shoulder
26 and designed or redesigned, made or remade, and intended to use the
27 energy of the explosive in a fixed shotgun shell to fire through a
28 smooth bore either a number of ball shot or a single projectile for
29 each single pull of the trigger.

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

34 (7) "Machine gun" means any firearm known as a machine gun,
35 mechanical rifle, submachine gun, or any other mechanism or instrument
36 not requiring that the trigger be pressed for each shot and having a
37 reservoir clip, disc, drum, belt, or other separable mechanical device
38 for storing, carrying, or supplying ammunition which can be loaded into

1 the firearm, mechanism, or instrument, and fired therefrom at the rate
2 of five or more shots per second.

3 (8) "Antique firearm" means a firearm or replica of a firearm not
4 designed or redesigned for using rim fire or conventional center fire
5 ignition with fixed ammunition and manufactured in or before 1898,
6 including any matchlock, flintlock, percussion cap, or similar type of
7 ignition system and also any firearm using fixed ammunition
8 manufactured in or before 1898, for which ammunition is no longer
9 manufactured in the United States and is not readily available in the
10 ordinary channels of commercial trade.

11 (9) "Loaded" means:

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

13 (b) Cartridges are in a clip that is locked in place in the
14 firearm;

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

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

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

21 (10) "Dealer" means a person engaged in the business of selling
22 firearms at wholesale or retail who has, or is required to have, a
23 federal firearms license under 18 U.S.C. Sec. 923(a), or who is
24 required to be licensed under section 1 of this act. A person who does
25 not have, and is not required to have, a federal firearms license under
26 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only
27 occasional sales, exchanges, or purchases of firearms for the
28 enhancement of a personal collection or for a hobby, or sells all or
29 part of his or her personal collection of firearms, in a private
30 transaction not through a gun show or event.

31 (11) "Crime of violence" means:

32 (a) Any of the following felonies, as now existing or hereafter
33 amended: Any felony defined under any law as a class A felony or an
34 attempt to commit a class A felony, criminal solicitation of or
35 criminal conspiracy to commit a class A felony, manslaughter in the
36 first degree, manslaughter in the second degree, indecent liberties if
37 committed by forcible compulsion, kidnapping in the second degree,
38 arson in the second degree, assault in the second degree, assault of a
39 child in the second degree, extortion in the first degree, burglary in

1 the second degree, residential burglary, and robbery in the second
2 degree;

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

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

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

12 (a) Any crime of violence;

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

16 (c) Child molestation in the second degree;

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

18 (e) Indecent liberties;

19 (f) Leading organized crime;

20 (g) Promoting prostitution in the first degree;

21 (h) Rape in the third degree;

22 (i) Drive-by shooting;

23 (j) Sexual exploitation;

24 (k) Vehicular assault;

25 (l) Vehicular homicide, when proximately caused by the driving of
26 any vehicle by any person while under the influence of intoxicating
27 liquor or any drug as defined by RCW 46.61.502, or by the operation of
28 any vehicle in a reckless manner;

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

31 (n) Any other felony with a deadly weapon verdict under RCW
32 9.94A.125; or

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

37 (13) "Law enforcement officer" includes a general authority
38 Washington peace officer as defined in RCW 10.93.020, or a specially
39 commissioned Washington peace officer as defined in RCW 10.93.020.

1 "Law enforcement officer" also includes a limited authority Washington
2 peace officer as defined in RCW 10.93.020 if such officer is duly
3 authorized by his or her employer to carry a concealed pistol.

4 (14) "Felony" means any felony offense under the laws of this state
5 or any federal or out-of-state offense comparable to a felony offense
6 under the laws of this state.

7 (15) "Sell" refers to the actual approval of the delivery of a
8 firearm in consideration of payment or promise of payment of a certain
9 price in money.

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

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

16 (18)(a) "Gun show or event" means any function sponsored by any
17 person or national, state, or local organization that is devoted to the
18 collection, competitive use, or other sporting use of firearms in the
19 community.

20 (b) "Gun show or event" includes, but is not limited to, any gun
21 trade show, gun collectors' show, flea market, auction, or similar
22 event, a purpose for which is the displaying, offering for sale, or
23 selling of firearms.

24 (c) "Gun show or event" includes, but is not limited to, any area
25 near the gun show or event that the sponsor knows or should reasonably
26 know will be used for parking for the gun show or event.

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