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**HOUSE BILL 2519**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Walen, Valdez, Orwall, Kilduff, Thai, Chapman, Peterson, Davis, Doglio, Ramel, Tharinger, Pollet, Cody, Ormsby, and Robinson; by request of Attorney General

Read first time 01/15/20. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to reasonable public safety measures to prevent  
2 dangerous individuals from acquiring ammunition; amending RCW  
3 9.41.080 and 9.41.110; reenacting and amending RCW 9.41.010; adding  
4 new sections to chapter 9.41 RCW; creating a new section; prescribing  
5 penalties; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** (1) Violent felons and other persons  
8 prohibited from owning firearms sometimes evade controls intended to  
9 prevent them from acquiring firearms or refuse to surrender firearms  
10 as the law requires. The legislature finds a compelling interest in  
11 preventing dangerous individuals who illegally acquire firearms from  
12 enjoying easy access to ammunition.

13 (2) The legislature finds that other states have adopted  
14 reasonable ammunition regulations that promote public safety.

15 (3) The legislature finds a compelling interest in prohibiting  
16 violent felons and other individuals lawfully prohibited from owning  
17 a firearm from owning ammunition.

18 (4) The legislature finds a compelling interest in requiring  
19 licenses for all ammunition sellers and background checks for all  
20 ammunition sales should federal law change to allow use of the

1 national instant criminal background check system in order to keep  
2 violent felons and other prohibited persons from owning ammunition.

3 (5) The legislature finds that the public supports laws  
4 regulating ammunition sales. A survey conducted by Fox News found  
5 that eighty percent of respondents supported laws requiring  
6 background checks on purchasers of ammunition.

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

9 A person is guilty of the crime of unlawful possession of  
10 ammunition if the person is prohibited from possessing a firearm  
11 under RCW 9.41.040 and the person owns, has in his or her possession,  
12 or has in his or her control, any ammunition. Unlawful possession of  
13 ammunition is a gross misdemeanor punishable according to chapter  
14 9A.20 RCW.

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

17 (1) The provisions of RCW 9.41.340 and 9.41.345 regarding  
18 notification of family members and other requirements before a law  
19 enforcement agency returns a privately owned firearm shall apply in  
20 the same manner to a law enforcement agency's return of any privately  
21 owned ammunition.

22 (2) The provisions of RCW 9.41.350 and 9.41.352 regarding  
23 voluntary waiver of firearm rights shall apply in the same manner to  
24 waiver of ammunition possession rights.

25 (3) The provisions of RCW 9.41.800, 9.41.801, 9.41.802, and  
26 9.41.804 regarding surrender of weapons or licenses shall apply in  
27 the same manner to surrender of ammunition.

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

30 (1) Under federal law as it exists on the effective date of this  
31 section, a dealer may not use the national instant criminal  
32 background check system to initiate a check for a transfer of  
33 ammunition. If federal law is amended to authorize use of the  
34 national instant criminal background check system for ammunition  
35 transfers, it is the intent of the legislature that a dealer conduct  
36 a background check before delivering any ammunition to a purchaser or  
37 transferee.

1 (2) Beginning on the date that is thirty days after the attorney  
2 general certifies that federal law has been amended to authorize use  
3 of the national instant criminal background check system for  
4 ammunition transfers, a dealer must then initiate a check of that  
5 system before completing any ammunition transfer.

6 (3) The attorney general shall notify dealers at the time he or  
7 she certifies that federal law has been amended to authorize the use  
8 of the national instant criminal background check system for  
9 ammunition transfers.

10 (4) Background checks are not required for ammunition sales  
11 occurring at a duly licensed, lawfully operated shooting range or  
12 target facility, provided the ammunition is at all times kept within  
13 the facility's premises.

14 **Sec. 5.** RCW 9.41.010 and 2019 c 243 s 1 are each reenacted and  
15 amended to read as follows:

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

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

26 (2) "Ammunition" means one or more cartridges consisting of a  
27 primed case, propellant, and with one or more projectiles.  
28 "Ammunition" includes, but is not limited to, any bullet, cartridge,  
29 magazine, clip, speed loader, autoloader, or projectile capable of  
30 being fired from a firearm that can cause death or substantial bodily  
31 harm. "Ammunition" does not include blanks.

32 (3) "Barrel length" means the distance from the bolt face of a  
33 closed action down the length of the axis of the bore to the crown of  
34 the muzzle, or in the case of a barrel with attachments to the end of  
35 any legal device permanently attached to the end of the muzzle.

36 ~~((3))~~ (4) "Bump-fire stock" means a butt stock designed to be  
37 attached to a semiautomatic firearm with the effect of increasing the  
38 rate of fire achievable with the semiautomatic firearm to that of a  
39 fully automatic firearm by using the energy from the recoil of the

1 firearm to generate reciprocating action that facilitates repeated  
2 activation of the trigger.

3 ~~((4))~~ (5) "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  
9 if committed by forcible compulsion, kidnapping in the second degree,  
10 arson in the second degree, assault in the second degree, assault of  
11 a child in the second degree, extortion in the first degree, burglary  
12 in 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  
15 prior to June 6, 1996, which is comparable to a felony classified as  
16 a crime 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 ~~((5))~~ (6) "Curio or relic" has the same meaning as provided in  
21 27 C.F.R. Sec. 478.11.

22 ~~((6))~~ (7) "Dealer" means ~~((a))~~: (a) A person engaged in the  
23 business of selling firearms at wholesale or retail who has, or is  
24 required to have, a federal firearms license under 18 U.S.C. Sec.  
25 923(a); or (b) any person engaged in the business of selling  
26 ammunition at wholesale or retail. A person who does not have, and is  
27 not required to have, a federal firearms license under 18 U.S.C. Sec.  
28 923(a), is not a dealer under (a) of this subsection if that person  
29 makes only occasional sales, exchanges, or purchases of firearms for  
30 the enhancement of a personal collection or for a hobby, or sells all  
31 or part of his or her personal collection of firearms.

32 ~~((7))~~ (8) "Family or household member" means "family" or  
33 "household member" as used in RCW ~~((10.99.020))~~ 26.50.010.

34 ~~((8))~~ (9) "Felony" means any felony offense under the laws of  
35 this state or any federal or out-of-state offense comparable to a  
36 felony offense under the laws of this state.

37 ~~((9))~~ (10) "Felony firearm offender" means a person who has  
38 previously been convicted or found not guilty by reason of insanity  
39 in this state of any felony firearm offense. A person is not a felony  
40 firearm offender under this chapter if any and all qualifying

1 offenses have been the subject of an expungement, pardon, annulment,  
2 certificate, or rehabilitation, or other equivalent procedure based  
3 on a finding of the rehabilitation of the person convicted or a  
4 pardon, annulment, or other equivalent procedure based on a finding  
5 of innocence.

6 ~~((10))~~ (11) "Felony firearm offense" means:

7 (a) Any felony offense that is a violation of this chapter;

8 (b) A violation of RCW 9A.36.045;

9 (c) A violation of RCW 9A.56.300;

10 (d) A violation of RCW 9A.56.310;

11 (e) Any felony offense if the offender was armed with a firearm  
12 in the commission of the offense.

13 ~~((11))~~ (12) "Firearm" means a weapon or device from which a  
14 projectile or projectiles may be fired by an explosive such as  
15 gunpowder. "Firearm" does not include a flare gun or other  
16 pyrotechnic visual distress signaling device, or a powder-actuated  
17 tool or other device designed solely to be used for construction  
18 purposes.

19 ~~((12))~~ (13) "Gun" has the same meaning as firearm.

20 ~~((13))~~ (14) "Law enforcement officer" includes a general  
21 authority Washington peace officer as defined in RCW 10.93.020, or a  
22 specially commissioned Washington peace officer as defined in RCW  
23 10.93.020. "Law enforcement officer" also includes a limited  
24 authority Washington peace officer as defined in RCW 10.93.020 if  
25 such officer is duly authorized by his or her employer to carry a  
26 concealed pistol.

27 ~~((14))~~ (15) "Lawful permanent resident" has the same meaning  
28 afforded a person "lawfully admitted for permanent residence" in 8  
29 U.S.C. Sec. 1101(a) (20).

30 ~~((15))~~ (16) "Licensed collector" means a person who is  
31 federally licensed under 18 U.S.C. Sec. 923(b).

32 ~~((16))~~ (17) "Licensed dealer" means a person who is federally  
33 licensed under 18 U.S.C. Sec. 923(a).

34 ~~((17))~~ (18) "Loaded" means:

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

36 (b) Cartridges are in a clip that is locked in place in the  
37 firearm;

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

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

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

5 ~~((18))~~ (19) "Machine gun" means any firearm known as a machine  
6 gun, mechanical rifle, submachine gun, or any other mechanism or  
7 instrument not requiring that the trigger be pressed for each shot  
8 and having a reservoir clip, disc, drum, belt, or other separable  
9 mechanical device for storing, carrying, or supplying ammunition  
10 which can be loaded into the firearm, mechanism, or instrument, and  
11 fired therefrom at the rate of five or more shots per second.

12 ~~((19))~~ (20) "Manufacture" means, with respect to a firearm, the  
13 fabrication or construction of a firearm.

14 ~~((20))~~ (21) "Nonimmigrant alien" means a person defined as such  
15 in 8 U.S.C. Sec. 1101(a) (15).

16 ~~((21))~~ (22) "Person" means any individual, corporation,  
17 company, association, firm, partnership, club, organization, society,  
18 joint stock company, or other legal entity.

19 ~~((22))~~ (23) "Pistol" means any firearm with a barrel less than  
20 sixteen inches in length, or is designed to be held and fired by the  
21 use of a single hand.

22 ~~((23))~~ (24) "Rifle" means a weapon designed or redesigned, made  
23 or remade, and intended to be fired from the shoulder and designed or  
24 redesigned, made or remade, and intended to use the energy of the  
25 explosive in a fixed metallic cartridge to fire only a single  
26 projectile through a rifled bore for each single pull of the trigger.

27 ~~((24))~~ (25) "Sale" and "sell" mean the actual approval of the  
28 delivery of a firearm in consideration of payment or promise of  
29 payment.

30 ~~((25))~~ (26) "Secure gun storage" means:

31 (a) A locked box, gun safe, or other secure locked storage space  
32 that is designed to prevent unauthorized use or discharge of a  
33 firearm; and

34 (b) The act of keeping an unloaded firearm stored by such means.

35 ~~((26))~~ (27) "Semiautomatic assault rifle" means any rifle which  
36 utilizes a portion of the energy of a firing cartridge to extract the  
37 fired cartridge case and chamber the next round, and which requires a  
38 separate pull of the trigger to fire each cartridge.

1 "Semiautomatic assault rifle" does not include antique firearms,  
2 any firearm that has been made permanently inoperable, or any firearm  
3 that is manually operated by bolt, pump, lever, or slide action.

4 ~~((27))~~ (28) "Serious offense" means any of the following  
5 felonies or a felony attempt to commit any of the following felonies,  
6 as now existing or hereafter amended:

7 (a) Any crime of violence;

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

11 (c) Child molestation in the second degree;

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

13 (e) Indecent liberties;

14 (f) Leading organized crime;

15 (g) Promoting prostitution in the first degree;

16 (h) Rape in the third degree;

17 (i) Drive-by shooting;

18 (j) Sexual exploitation;

19 (k) Vehicular assault, when caused by the operation or driving of  
20 a vehicle by a person while under the influence of intoxicating  
21 liquor or any drug or by the operation or driving of a vehicle in a  
22 reckless manner;

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

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

29 (n) Any other felony with a deadly weapon verdict under RCW  
30 9.94A.825;

31 (o) Any felony offense in effect at any time prior to June 6,  
32 1996, that is comparable to a serious offense, or any federal or out-  
33 of-state conviction for an offense that under the laws of this state  
34 would be a felony classified as a serious offense; or

35 (p) Any felony conviction under RCW 9.41.115.

36 ~~((28))~~ (29) "Short-barreled rifle" means a rifle having one or  
37 more barrels less than sixteen inches in length and any weapon made  
38 from a rifle by any means of modification if such modified weapon has  
39 an overall length of less than twenty-six inches.

1        ~~((29))~~ (30) "Short-barreled shotgun" means a shotgun having one  
2 or more barrels less than eighteen inches in length and any weapon  
3 made from a shotgun by any means of modification if such modified  
4 weapon has an overall length of less than twenty-six inches.

5        ~~((30))~~ (31) "Shotgun" means a weapon with one or more barrels,  
6 designed or redesigned, made or remade, and intended to be fired from  
7 the shoulder and designed or redesigned, made or remade, and intended  
8 to use the energy of the explosive in a fixed shotgun shell to fire  
9 through a smooth bore either a number of ball shot or a single  
10 projectile for each single pull of the trigger.

11        ~~((31))~~ (32) "Transfer" means the intended delivery of a firearm  
12 to another person without consideration of payment or promise of  
13 payment including, but not limited to, gifts and loans. "Transfer"  
14 does not include the delivery of a firearm owned or leased by an  
15 entity licensed or qualified to do business in the state of  
16 Washington to, or return of such a firearm by, any of that entity's  
17 employees or agents, defined to include volunteers participating in  
18 an honor guard, for lawful purposes in the ordinary course of  
19 business.

20        ~~((32))~~ (33) "Undetectable firearm" means any firearm that is  
21 not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-  
22 through metal detectors or magnetometers commonly used at airports or  
23 any firearm where the barrel, the slide or cylinder, or the frame or  
24 receiver of the firearm would not generate an image that accurately  
25 depicts the shape of the part when examined by the types of X-ray  
26 machines commonly used at airports.

27        ~~((33))~~ (34) "Unlicensed person" means any person who is not a  
28 licensed dealer under this chapter.

29        ~~((34))~~ (35) "Untraceable firearm" means any firearm  
30 manufactured after July 1, 2019, that is not an antique firearm and  
31 that cannot be traced by law enforcement by means of a serial number  
32 affixed to the firearm by a federally licensed manufacturer or  
33 importer.

34        **Sec. 6.** RCW 9.41.080 and 2018 c 145 s 3 are each amended to read  
35 as follows:

36        No person may deliver a firearm or ammunition to any person whom  
37 he or she has reasonable cause to believe: (1) Is ineligible under  
38 RCW 9.41.040 to possess a firearm or (2) has signed a valid voluntary  
39 waiver of firearm rights that has not been revoked under RCW

1 9.41.350. Any person violating this section is guilty of a class C  
2 felony, punishable under chapter 9A.20 RCW.

3 **Sec. 7.** RCW 9.41.110 and 2019 c 3 s 10 (Initiative Measure No.  
4 1639) are each amended to read as follows:

5 (1) No dealer may sell or otherwise transfer, or expose for sale  
6 or transfer, or have in his or her possession with intent to sell, or  
7 otherwise transfer, any pistol without being licensed as provided in  
8 this section.

9 (2) No dealer may sell or otherwise transfer, or expose for sale  
10 or transfer, or have in his or her possession with intent to sell, or  
11 otherwise transfer, any firearm other than a pistol without being  
12 licensed as provided in this section.

13 (3) No dealer may sell or otherwise transfer, or expose for sale  
14 or transfer, or have in his or her possession with intent to sell, or  
15 otherwise transfer, any ammunition without being licensed as provided  
16 in this section.

17 (4) The duly constituted licensing authorities of any city, town,  
18 or political subdivision of this state shall grant licenses in forms  
19 prescribed by the director of licensing effective for not more than  
20 one year from the date of issue permitting the licensee to sell  
21 firearms within this state subject to the following conditions, for  
22 breach of any of which the license shall be forfeited and the  
23 licensee subject to punishment as provided in RCW 9.41.010 through  
24 9.41.810. A licensing authority shall forward a copy of each license  
25 granted to the department of licensing. The department of licensing  
26 shall notify the department of revenue of the name and address of  
27 each dealer licensed under this section.

28 (5)(a) A licensing authority shall, within thirty days after the  
29 filing of an application of any person for a dealer's license,  
30 determine whether to grant the license. However, if the applicant  
31 does not have a valid permanent Washington driver's license or  
32 Washington state identification card, or has not been a resident of  
33 the state for the previous consecutive ninety days, the licensing  
34 authority shall have up to sixty days to determine whether to issue a  
35 license. No person shall qualify for a license under subsections (1)  
36 and (2) of this section without first receiving a federal firearms  
37 license and undergoing fingerprinting and a background check. In  
38 addition, no person ineligible to possess a firearm under RCW

1 9.41.040 or ineligible for a concealed pistol license under RCW  
2 9.41.070 shall qualify for a dealer's license.

3 (b) A dealer shall require every employee who may sell a firearm  
4 in the course of his or her employment to undergo fingerprinting and  
5 a background check. An employee must be eligible to possess a  
6 firearm, and must not have been convicted of a crime that would make  
7 the person ineligible for a concealed pistol license, before being  
8 permitted to sell a firearm. Every employee shall comply with  
9 requirements concerning purchase applications and restrictions on  
10 delivery of pistols or semiautomatic assault rifles that are  
11 applicable to dealers.

12 (6)(a) Except as otherwise provided in (b) of this subsection,  
13 the business shall be carried on only in the building designated in  
14 the license. For the purpose of this section, advertising firearms  
15 for sale shall not be considered the carrying on of business.

16 (b) A dealer may conduct business temporarily at a location other  
17 than the building designated in the license, if the temporary  
18 location is within Washington state and is the location of a gun show  
19 sponsored by a national, state, or local organization, or an  
20 affiliate of any such organization, devoted to the collection,  
21 competitive use, or other sporting use of firearms in the community.  
22 Nothing in this subsection (6)(b) authorizes a dealer to conduct  
23 business in or from a motorized or towed vehicle.

24 In conducting business temporarily at a location other than the  
25 building designated in the license, the dealer shall comply with all  
26 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and  
27 this section. The license of a dealer who fails to comply with the  
28 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this  
29 section while conducting business at a temporary location shall be  
30 revoked, and the dealer shall be permanently ineligible for a  
31 dealer's license.

32 (7) The license or a copy thereof, certified by the issuing  
33 authority, shall be displayed on the premises in the area where  
34 firearms or ammunition are sold, or at the temporary location, where  
35 it can easily be read.

36 (8)(a) No pistol or semiautomatic assault rifle may be sold: (i)  
37 In violation of any provisions of RCW 9.41.010 through 9.41.810; nor  
38 (ii) may a pistol or semiautomatic assault rifle be sold under any  
39 circumstances unless the purchaser is personally known to the dealer  
40 or shall present clear evidence of his or her identity.

1 (b) A dealer who sells or delivers any firearm or ammunition in  
2 violation of RCW 9.41.080 is guilty of a class C felony. In addition  
3 to any other penalty provided for by law, the dealer is subject to  
4 mandatory permanent revocation of his or her dealer's license and  
5 permanent ineligibility for a dealer's license.

6 (c) The license fee for pistols shall be one hundred twenty-five  
7 dollars. The license fee for firearms other than pistols shall be one  
8 hundred twenty-five dollars. The license fee for ammunition shall be  
9 one hundred twenty-five dollars. Any dealer who obtains any license  
10 under subsection (1), (2), or (3) of this section may also obtain the  
11 remaining licenses without payment of any fee. The fees received  
12 under this section shall be deposited in the state general fund.

13 (9)(a) A true record in triplicate shall be made of every pistol  
14 or semiautomatic assault rifle sold, in a book kept for the purpose,  
15 the form of which may be prescribed by the director of licensing and  
16 shall be personally signed by the purchaser and by the person  
17 effecting the sale, each in the presence of the other, and shall  
18 contain the date of sale, the caliber, make, model and manufacturer's  
19 number of the weapon, the name, address, occupation, and place of  
20 birth of the purchaser, and a statement signed by the purchaser that  
21 he or she is not ineligible under state or federal law to possess a  
22 firearm.

23 (b) One copy shall within six hours be sent by certified mail to  
24 the chief of police of the municipality or the sheriff of the county  
25 of which the purchaser is a resident, or the state pursuant to RCW  
26 9.41.090; the duplicate the dealer shall within seven days send to  
27 the director of licensing; the triplicate the dealer shall retain for  
28 six years.

29 (10) Subsections (2) through (9) of this section shall not apply  
30 to sales at wholesale.

31 (11) The dealer's licenses authorized to be issued by this  
32 section are general licenses covering all sales by the licensee  
33 within the effective period of the licenses. The department shall  
34 provide a single application form for dealer's licenses and a single  
35 license form which shall indicate the type or types of licenses  
36 granted.

37 (12) Except as provided in RCW 9.41.090, every city, town, and  
38 political subdivision of this state is prohibited from requiring the  
39 purchaser to secure a permit to purchase or from requiring the dealer  
40 to secure an individual permit for each sale.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 9.41 RCW  
2 to read as follows:

3        (1)    The sale of ammunition may only occur in a face-to-face  
4 transaction with the seller unless the purchaser is:

5            (a) A dealer; or

6            (b) An authorized law enforcement representative of a city,  
7 county, city and county, state, or federal government, if the sale,  
8 delivery, or transfer is for exclusive use by that government agency.

9        (2) An intentional violation of subsection (1) of this section is  
10 a misdemeanor.

11        (3) Any violation of subsection (1) of this section is not  
12 reasonable in relation to the development and preservation of  
13 business and is an unfair and deceptive act or practice and an unfair  
14 method of competition in the conduct of trade or commerce in  
15 violation of RCW 19.86.020.

16        NEW SECTION.    **Sec. 9.**    This act takes effect January 1, 2021.

17        NEW SECTION.    **Sec. 10.**    If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

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