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**SENATE BILL 5340**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Kuderer, Dhingra, Carlyle, Hunt, Keiser, Nguyen, Saldaña, and Wellman; by request of Attorney General

Read first time 01/17/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to assault weapons and large capacity magazines;  
2 amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; and  
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9.41.010 and 2018 c 7 s 1 are each amended to read  
6 as follows:

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

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

17 (2) "Barrel length" means the distance from the bolt face of a  
18 closed action down the length of the axis of the bore to the crown of  
19 the muzzle, or in the case of a barrel with attachments to the end of  
20 any legal device permanently attached to the end of the muzzle.

1 (3) "Bump-fire stock" means a butt stock designed to be attached  
2 to a semiautomatic firearm with the effect of increasing the rate of  
3 fire achievable with the semiautomatic firearm to that of a fully  
4 automatic firearm by using the energy from the recoil of the firearm  
5 to generate reciprocating action that facilitates repeated activation  
6 of the trigger.

7 (4) "Crime of violence" means:

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

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

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

24 (5) "Curio or relic" has the same meaning as provided in 27  
25 C.F.R. Sec. 478.11.

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

34 (7) "Family or household member" means "family" or "household  
35 member" as used in RCW 10.99.020.

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

39 (9) "Felony firearm offender" means a person who has previously  
40 been convicted or found not guilty by reason of insanity in this

1 state of any felony firearm offense. A person is not a felony firearm  
2 offender under this chapter if any and all qualifying offenses have  
3 been the subject of an expungement, pardon, annulment, certificate,  
4 or rehabilitation, or other equivalent procedure based on a finding  
5 of the rehabilitation of the person convicted or a pardon, annulment,  
6 or other equivalent procedure based on a finding of innocence.

7 (10) "Felony firearm offense" means:

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

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

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

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

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

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

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

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

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

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

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

34 (17) "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) "Machine gun" means any firearm known as a machine gun,  
6 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) "Nonimmigrant alien" means a person defined as such in 8  
13 U.S.C. Sec. 1101(a) (15).

14 (20) "Person" means any individual, corporation, company,  
15 association, firm, partnership, club, organization, society, joint  
16 stock company, or other legal entity.

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

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

25 (23) "Sale" and "sell" mean the actual approval of the delivery  
26 of a firearm in consideration of payment or promise of payment.

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

30 (a) Any crime of violence;

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

34 (c) Child molestation in the second degree;

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

36 (e) Indecent liberties;

37 (f) Leading organized crime;

38 (g) Promoting prostitution in the first degree;

39 (h) Rape in the third degree;

40 (i) Drive-by shooting;

1 (j) Sexual exploitation;

2 (k) Vehicular assault, when caused by the operation or driving of  
3 a vehicle by a person while under the influence of intoxicating  
4 liquor or any drug or by the operation or driving of a vehicle in a  
5 reckless manner;

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

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

12 (n) Any other felony with a deadly weapon verdict under RCW  
13 9.94A.825;

14 (o) Any felony offense in effect at any time prior to June 6,  
15 1996, that is comparable to a serious offense, or any federal or out-  
16 of-state conviction for an offense that under the laws of this state  
17 would be a felony classified as a serious offense; or

18 (p) Any felony conviction under RCW 9.41.115.

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

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

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

33 (28) "Transfer" means the intended delivery of a firearm to  
34 another person without consideration of payment or promise of payment  
35 including, but not limited to, gifts and loans. "Transfer" does not  
36 include the delivery of a firearm owned or leased by an entity  
37 licensed or qualified to do business in the state of Washington to,  
38 or return of such a firearm by, any of that entity's employees or  
39 agents, defined to include volunteers participating in an honor  
40 guard, for lawful purposes in the ordinary course of business.

1 (29) "Unlicensed person" means any person who is not a licensed  
2 dealer under this chapter.

3 (30) "Assault weapon" means:

4 (a) Any of the following specific firearms or a copycat weapon,  
5 regardless of which company produced and manufactured the firearm:

6 (i) AK-47 in all forms;

7 (ii) AK-74 in all forms;

8 (iii) Algimec AGM-1 type semi-auto;

9 (iv) American Arms Spectre da Semiautomatic carbine;

10 (v) AR15, M16, or M4 in all forms;

11 (vi) AR 180 type semi-auto;

12 (vii) Argentine L.S.R. semi-auto;

13 (viii) Australian Automatic;

14 (ix) Auto-Ordnance Thompson M1 and 1927 Semi-Automatics;

15 (x) Barrett .50 cal light semi-auto;

16 (xi) Barrett .50 cal M87;

17 (xii) Barrett .50 cal M107A1;

18 (xiii) Barrett REC7;

19 (xiv) Beretta AR70/S70 type semi-auto;

20 (xv) Bushmaster Carbon 15;

21 (xvi) Bushmaster ACR;

22 (xvii) Bushmaster XM-15;

23 (xviii) Bushmaster MOE;

24 (xix) Calico models M100 and M900;

25 (xx) CETME Sporter;

26 (xxi) CIS SR 88 type semi-auto;

27 (xxii) Colt CAR 15;

28 (xxiii) Daewoo K-1;

29 (xxiv) Daewoo K-2;

30 (xxv) Dragunov Semi-Auto;

31 (xxvi) Fabrique Nationale FAL in all forms;

32 (xxvii) Fabrique Nationale F2000;

33 (xxviii) Fabrique Nationale L1A1 Sporter;

34 (xxix) Fabrique Nationale M249S;

35 (xxx) Fabrique Nationale PS90;

36 (xxxii) Fabrique Nationale SCAR;

37 (xxxiii) FAMAS .223 Semi-Auto;

38 (xxxiiii) Galil;

39 (xxxv) Heckler & Koch G3 in all forms;

40 (xxxvi) Heckler & Koch HK-41/91;

1 (xxxvi) Heckler & Koch HK-43/93;  
2 (xxxvii) Heckler & Koch HK94A2/3;  
3 (xxxviii) Heckler & Koch MP-5 in all forms;  
4 (xxxix) Heckler & Koch PSG-1;  
5 (xl) Heckler & Koch SL8;  
6 (xli) Heckler & Koch UMP;  
7 (xlii) Manchester Arms Commando MK-45;  
8 (xliii) Manchester Arms MK-9;  
9 (xliv) SAR-4800;  
10 (xlv) SIG AMT SG510 in all forms;  
11 (xlvi) SIG SG550 in all forms;  
12 (xlvii) SKS;  
13 (xlviii) Spectre M4;  
14 (xlix) Springfield Armory BM-59;  
15 (l) Springfield Armory G3;  
16 (li) Springfield Armory SAR-8;  
17 (lii) Springfield Armory SAR-48;  
18 (liii) Springfield Armory SAR-3;  
19 (liv) Springfield Armory M-21 Sniper;  
20 (lv) Springfield Armory M1A;  
21 (lvi) Smith & Wesson M&P 15;  
22 (lvii) Sterling Mk 1;  
23 (lviii) Sterling Mk 6/7;  
24 (lix) Steyr AUG;  
25 (lx) TNW M230;  
26 (lxi) FAMAS F11; or  
27 (lxii) Uzi 9mm carbine/rifle;  
28 (b) A semiautomatic, centerfire, or rimfire rifle that has an  
29 overall length of less than thirty inches; or  
30 (c) A conversion kit, part, or combination of parts, from which  
31 an assault weapon can be assembled if those parts are in the  
32 possession or under the control of the same person.  
33 "Assault weapon" does not include antique firearms, any firearm  
34 that has been made permanently inoperable, any firearm that is  
35 manually operated by bolt, pump, lever, or slide action, or a pistol  
36 that is not identified in (a) of this subsection and does not meet  
37 the description in subsection (31) of this section.  
38 (31) "Copycat weapon" means a semiautomatic, centerfire firearm  
39 that has the capacity to accept a detachable magazine and has one or  
40 more of the following:

1 (a) A pistol grip that protrudes conspicuously beneath the action  
2 of the weapon, unless the firearm is a pistol as defined in this  
3 section;

4 (b) Thumbhole stock;

5 (c) Folding or telescoping stock;

6 (d) Forward pistol, vertical, angled, or other grip designed for  
7 use by the nonfiring hand to improve control during a high rate of  
8 fire;

9 (e) Flash suppressor, flash guard, flash eliminator, flash hider,  
10 sound suppressor, silencer, or any item designed to reduce the visual  
11 or audio signature of the firearm;

12 (f) Muzzle brake, recoil compensator, or any item designed to be  
13 affixed to the barrel to reduce recoil or muzzle rise;

14 (g) Threaded barrel designed to attach a flash suppressor, sound  
15 suppressor, muzzle break, or similar item; or

16 (h) Grenade launcher or flare launcher.

17 (32) "Detachable magazine" means an ammunition feeding device  
18 that can be loaded or unloaded while detached from a firearm and  
19 readily inserted into a firearm.

20 (33) "Large capacity magazine" means an ammunition feeding device  
21 with the capacity to accept more than ten rounds of ammunition, or  
22 any conversion kit, part, or combination of parts, from which such a  
23 device can be assembled if those parts are in the possession or under  
24 the control of the same person, but shall not be construed to include  
25 any of the following:

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

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

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

32 (34) "Semiautomatic" means any firearm that uses a portion of the  
33 energy of a firing cartridge to extract the fired cartridge case and  
34 chamber the next round, and that requires a separate pull of the  
35 trigger to fire each cartridge.

36 NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW  
37 to read as follows:

38 (1) No person in this state may manufacture, possess, distribute,  
39 import, transfer, sell, offer for sale, purchase, or otherwise

1 transfer any assault weapon or large capacity magazine except as  
2 authorized in this section.

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

5 (a) The possession of an assault weapon or large capacity  
6 magazine by a person who legally possessed the assault weapon or  
7 large capacity magazine on the effective date of this section, or  
8 possession of an assault weapon or large capacity magazine by a  
9 person who, on or after the effective date of this section, acquires  
10 possession of the assault weapon or large capacity magazine by  
11 operation of law upon the death of the former owner who was in legal  
12 possession of the assault weapon or large capacity magazine, provided  
13 the person in possession of the assault weapon or large capacity  
14 magazine can establish such provenance. A person who legally  
15 possesses an assault weapon or large capacity magazine under this  
16 subsection (2)(a) may not sell or transfer the assault weapon to any  
17 other person in this state other than to a licensed dealer, to a  
18 federally licensed gun smith for the purpose of service or repair, or  
19 to a law enforcement agency for the purpose of permanently  
20 relinquishing the assault weapon or large capacity magazine;

21 (b) Any government officer, agent, or employee, member of the  
22 armed forces of the United States or the state of Washington, or law  
23 enforcement officer, to the extent that such person is otherwise  
24 authorized to acquire or possess an assault weapon or large capacity  
25 magazine and does so while acting within the scope of his or her  
26 duties;

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

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

39 (e) The possession, offering for sale, sale, importation, or  
40 transfer of an assault weapon or large capacity magazine by a dealer

1 that is properly licensed under federal and state law where the  
2 dealer acquires the assault weapon or large capacity magazine from a  
3 person legally authorized to possess or transfer the assault weapon  
4 or large capacity magazine under (a) of this subsection for the  
5 purpose of selling or transferring the assault weapon or large  
6 capacity magazine to a person who does not reside in this state;

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

11 (g) The possession, offering for sale, sale, importation, or  
12 transfer of an unloaded assault weapon for the purpose of permanently  
13 relinquishing it to a law enforcement agency in this state;

14 (h) The importation or possession of an assault weapon or large  
15 capacity magazine for the purpose of lawfully participating in a  
16 sporting event officially sanctioned by a club or organization  
17 established in whole or in part for the purpose of sponsoring sport  
18 shooting events;

19 (i) The possession, importation, purchase, or transfer of an  
20 assault weapon or large capacity magazine by marshals, sheriffs,  
21 prison or jail wardens or their deputies, or other law enforcement  
22 officers of this or another state while acting within the scope of  
23 their duties, including such possession while not on duty, but  
24 specifically authorized by command staff and necessary for the  
25 performance of such duties;

26 (j) The possession of an assault weapon or large capacity  
27 magazine by law enforcement officers retired for service or physical  
28 disabilities, when the assault weapon or large capacity magazine in  
29 question was acquired as part of the officer's separation from  
30 service;

31 (k) Members of the armed forces of the United States or of the  
32 national guard or organized services, when on duty;

33 (l) Officers or employees of the United States duly authorized to  
34 possess assault weapons or large capacity magazines;

35 (m) Any persons lawfully engaged in shooting at a duly licensed,  
36 lawfully operated shooting range; or

37 (n) The possession or transfer of an unloaded assault weapon or  
38 large capacity magazine for the purpose of permanently relinquishing  
39 it to a law enforcement agency in this state. An assault weapon or

1 large capacity magazine relinquished to a law enforcement agency  
2 under this subsection must be destroyed.

3 (3) In order to continue to possess an assault weapon or large  
4 capacity magazine that was legally possessed on the effective date of  
5 this section, the person possessing the assault weapon or large  
6 capacity magazine shall possess the assault weapon or large capacity  
7 magazine only on property owned or immediately controlled by the  
8 person, or while engaged in the legal use of the assault weapon or  
9 large capacity magazine at a duly licensed firing range, or while  
10 engaged in a lawful outdoor recreational activity such as hunting, or  
11 while traveling to or from either of these locations for the purpose  
12 of engaging in the legal use of the assault weapon or large capacity  
13 magazine, provided that the assault weapon or large capacity magazine  
14 is stored unloaded and in a separate locked container during  
15 transport.

16 (4) A person who violates this section is guilty of a class C  
17 felony punishable under chapter 9A.20 RCW.

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

20 (1) Except as provided in subsection (2) of this section, a  
21 person shall not:

22 (a) Transport an assault weapon into Washington state; or

23 (b) Possess, sell, offer to sell, transfer, purchase, or receive  
24 an assault weapon.

25 (2)(a) A person who lawfully possessed, has a purchase order for,  
26 or completed an application to purchase an assault weapon before  
27 January 1, 2020, and who has registered the assault weapon with the  
28 Washington state patrol may:

29 (i) Continue to possess and transport the assault weapon; or

30 (ii) While carrying a court order requiring the surrender of the  
31 assault weapon, transport the assault weapon directly to a law  
32 enforcement unit, barracks, or station if the person has notified the  
33 law enforcement unit, barracks, or station that the person is  
34 transporting the assault weapon in accordance with a court order and  
35 the assault weapon is unloaded.

36 (b) A licensed firearms dealer may continue to possess, sell,  
37 offer for sale, or transfer an assault weapon or a copycat weapon  
38 that the licensed firearms dealer lawfully possessed on or before  
39 January 1, 2020.

1 (c) A person may transport an assault weapon to or from:

2 (i) An ISO 17025 accredited, national institute of justice-  
3 approved ballistics testing laboratory; or

4 (ii) A facility or entity that manufactures or provides research  
5 and development testing, analysis, or engineering for personal  
6 protective equipment or vehicle protection systems.

7 NEW SECTION. **Sec. 4.** If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

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