

SSB 5006 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED 03/24/2023

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are  
4 each reenacted to read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

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

15 (2) "Assemble" means to fit together component parts.

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

20 (4) "Bump-fire stock" means a butt stock designed to be attached  
21 to a semiautomatic firearm with the effect of increasing the rate of  
22 fire achievable with the semiautomatic firearm to that of a fully  
23 automatic firearm by using the energy from the recoil of the firearm  
24 to generate reciprocating action that facilitates repeated activation  
25 of the trigger.

26 (5) "Crime of violence" means:

27 (a) Any of the following felonies, as now existing or hereafter  
28 amended: Any felony defined under any law as a class A felony or an  
29 attempt to commit a class A felony, criminal solicitation of or  
30 criminal conspiracy to commit a class A felony, manslaughter in the  
31 first degree, manslaughter in the second degree, indecent liberties  
32 if committed by forcible compulsion, kidnapping in the second degree,

1 arson in the second degree, assault in the second degree, assault of  
2 a child in the second degree, extortion in the first degree, burglary  
3 in the second degree, residential burglary, and robbery in the second  
4 degree;

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

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

11 (6) "Curio or relic" has the same meaning as provided in 27  
12 C.F.R. Sec. 478.11.

13 (7) "Dealer" means a person engaged in the business of selling  
14 firearms at wholesale or retail who has, or is required to have, a  
15 federal firearms license under 18 U.S.C. Sec. 923(a). A person who  
16 does not have, and is not required to have, a federal firearms  
17 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person  
18 makes only occasional sales, exchanges, or purchases of firearms for  
19 the enhancement of a personal collection or for a hobby, or sells all  
20 or part of his or her personal collection of firearms.

21 (8) "Distribute" means to give out, provide, make available, or  
22 deliver a firearm or large capacity magazine to any person in this  
23 state, with or without consideration, whether the distributor is in-  
24 state or out-of-state. "Distribute" includes, but is not limited to,  
25 filling orders placed in this state, online or otherwise.  
26 "Distribute" also includes causing a firearm or large capacity  
27 magazine to be delivered in this state.

28 (9) "Family or household member" has the same meaning as in RCW  
29 7.105.010.

30 (10) "Federal firearms dealer" means a licensed dealer as defined  
31 in 18 U.S.C. Sec. 921(a)(11).

32 (11) "Federal firearms importer" means a licensed importer as  
33 defined in 18 U.S.C. Sec. 921(a)(9).

34 (12) "Federal firearms manufacturer" means a licensed  
35 manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

36 (13) "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 (14) "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 (15) "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 (16) "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 (17)(a) "Frame or receiver" means a part of a firearm that, when  
20 the complete firearm is assembled, is visible from the exterior and  
21 provides housing or a structure designed to hold or integrate one or  
22 more fire control components, even if pins or other attachments are  
23 required to connect the fire control components. Any such part  
24 identified with a serial number shall be presumed, absent an official  
25 determination by the bureau of alcohol, tobacco, firearms, and  
26 explosives or other reliable evidence to the contrary, to be a frame  
27 or receiver.

28 (b) For purposes of this subsection, "fire control component"  
29 means a component necessary for the firearm to initiate, complete, or  
30 continue the firing sequence, including any of the following: Hammer,  
31 bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing  
32 pin, striker, or slide rails.

33 (18) "Gun" has the same meaning as firearm.

34 (19) "Import" means to move, transport, or receive an item from a  
35 place outside the territorial limits of the state of Washington to a  
36 place inside the territorial limits of the state of Washington.  
37 "Import" does not mean situations where an individual possesses a  
38 large capacity magazine when departing from, and returning to,  
39 Washington state, so long as the individual is returning to

1 Washington in possession of the same large capacity magazine the  
2 individual transported out of state.

3 (20) "Intimate partner" has the same meaning as provided in RCW  
4 7.105.010.

5 (21) "Large capacity magazine" means an ammunition feeding device  
6 with the capacity to accept more than 10 rounds of ammunition, or any  
7 conversion kit, part, or combination of parts, from which such a  
8 device can be assembled if those parts are in possession of or under  
9 the control of the same person, but shall not be construed to include  
10 any of the following:

11 (a) An ammunition feeding device that has been permanently  
12 altered so that it cannot accommodate more than 10 rounds of  
13 ammunition;

14 (b) A 22 caliber tube ammunition feeding device; or

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

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

24 (23) "Lawful permanent resident" has the same meaning afforded a  
25 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
26 1101(a)(20).

27 (24) "Licensed collector" means a person who is federally  
28 licensed under 18 U.S.C. Sec. 923(b).

29 (25) "Licensed dealer" means a person who is federally licensed  
30 under 18 U.S.C. Sec. 923(a).

31 (26) "Loaded" means:

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

33 (b) Cartridges are in a clip that is locked in place in the  
34 firearm;

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

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

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

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

8 (28) "Manufacture" means, with respect to a firearm or large  
9 capacity magazine, the fabrication, making, formation, production, or  
10 construction of a firearm or large capacity magazine, by manual labor  
11 or by machinery.

12 (29) "Mental health professional" means a psychiatrist,  
13 psychologist, or physician assistant working with a supervising  
14 psychiatrist, psychiatric advanced registered nurse practitioner,  
15 psychiatric nurse, social worker, mental health counselor, marriage  
16 and family therapist, or such other mental health professionals as  
17 may be defined in statute or by rules adopted by the department of  
18 health pursuant to the provisions of chapter 71.05 RCW.

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

21 (~~(30)~~) (31) "Person" means any individual, corporation,  
22 company, association, firm, partnership, club, organization, society,  
23 joint stock company, or other legal entity.

24 (~~(31)~~) (32) "Pistol" means any firearm with a barrel less than  
25 16 inches in length, or is designed to be held and fired by the use  
26 of a single hand.

27 (~~(32)~~) (33) "Rifle" means a weapon designed or redesigned, made  
28 or remade, and intended to be fired from the shoulder and designed or  
29 redesigned, made or remade, and intended to use the energy of the  
30 explosive in a fixed metallic cartridge to fire only a single  
31 projectile through a rifled bore for each single pull of the trigger.

32 (~~(33)~~) (34) "Sale" and "sell" mean the actual approval of the  
33 delivery of a firearm in consideration of payment or promise of  
34 payment.

35 (~~(34)~~) (35) "Secure gun storage" means:

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

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

1       (~~(35)~~) (36)(a) "Semiautomatic assault rifle" means any rifle  
2 which utilizes a portion of the energy of a firing cartridge to  
3 extract the fired cartridge case and chamber the next round, and  
4 which requires a separate pull of the trigger to fire each cartridge.

5       (b) "Semiautomatic assault rifle" does not include antique  
6 firearms, any firearm that has been made permanently inoperable, or  
7 any firearm that is manually operated by bolt, pump, lever, or slide  
8 action.

9       (~~(36)~~) (37) "Serious offense" means any of the following  
10 felonies or a felony attempt to commit any of the following felonies,  
11 as now existing or hereafter amended:

12       (a) Any crime of violence;

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

16       (c) Child molestation in the second degree;

17       (d) Incest when committed against a child under age 14;

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, when caused by the operation or driving of  
25 a vehicle by a person while under the influence of intoxicating  
26 liquor or any drug or by the operation or driving of a vehicle in a  
27 reckless manner;

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

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

34       (n) Any other felony with a deadly weapon verdict under RCW  
35 9.94A.825;

36       (o) Any felony offense in effect at any time prior to June 6,  
37 1996, that is comparable to a serious offense, or any federal or out-  
38 of-state conviction for an offense that under the laws of this state  
39 would be a felony classified as a serious offense; or

40       (p) Any felony conviction under RCW 9.41.115.

1       (~~(37)~~) (38) "Short-barreled rifle" means a rifle having one or  
2 more barrels less than 16 inches in length and any weapon made from a  
3 rifle by any means of modification if such modified weapon has an  
4 overall length of less than 26 inches.

5       (~~(38)~~) (39) "Short-barreled shotgun" means a shotgun having one  
6 or more barrels less than 18 inches in length and any weapon made  
7 from a shotgun by any means of modification if such modified weapon  
8 has an overall length of less than 26 inches.

9       (~~(39)~~) (40) "Shotgun" means a weapon with one or more barrels,  
10 designed or redesigned, made or remade, and intended to be fired from  
11 the shoulder and designed or redesigned, made or remade, and intended  
12 to use the energy of the explosive in a fixed shotgun shell to fire  
13 through a smooth bore either a number of ball shot or a single  
14 projectile for each single pull of the trigger.

15       (~~(40)~~) (41) "Substance use disorder professional" means a  
16 person certified under chapter 18.205 RCW.

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

25       (~~(41)~~) (43) "Undetectable firearm" means any firearm that is  
26 not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-  
27 through metal detectors or magnetometers commonly used at airports or  
28 any firearm where the barrel, the slide or cylinder, or the frame or  
29 receiver of the firearm would not generate an image that accurately  
30 depicts the shape of the part when examined by the types of X-ray  
31 machines commonly used at airports.

32       (~~(42)~~) (44) (a) "Unfinished frame or receiver" means a frame or  
33 receiver that is partially complete, disassembled, or inoperable,  
34 that: (i) Has reached a stage in manufacture where it may readily be  
35 completed, assembled, converted, or restored to a functional state;  
36 or (ii) is marketed or sold to the public to become or be used as the  
37 frame or receiver of a functional firearm once finished or completed,  
38 including without limitation products marketed or sold to the public  
39 as an 80 percent frame or receiver or unfinished frame or receiver.

40       (b) For purposes of this subsection:

1 (i) "Readily" means a process that is fairly or reasonably  
2 efficient, quick, and easy, but not necessarily the most efficient,  
3 speedy, or easy process. Factors relevant in making this  
4 determination, with no single one controlling, include the following:  
5 (A) Time, i.e., how long it takes to finish the process; (B) ease,  
6 i.e., how difficult it is to do so; (C) expertise, i.e., what  
7 knowledge and skills are required; (D) equipment, i.e., what tools  
8 are required; (E) availability, i.e., whether additional parts are  
9 required, and how easily they can be obtained; (F) expense, i.e., how  
10 much it costs; (G) scope, i.e., the extent to which the subject of  
11 the process must be changed to finish it; and (H) feasibility, i.e.,  
12 whether the process would damage or destroy the subject of the  
13 process, or cause it to malfunction.

14 (ii) "Partially complete," as it modifies frame or receiver,  
15 means a forging, casting, printing, extrusion, machined body, or  
16 similar article that has reached a stage in manufacture where it is  
17 clearly identifiable as an unfinished component part of a firearm.

18 ~~((43))~~ (45) "Unlicensed person" means any person who is not a  
19 licensed dealer under this chapter.

20 ~~((44))~~ (46) "Untraceable firearm" means any firearm  
21 manufactured after July 1, 2019, that is not an antique firearm and  
22 that cannot be traced by law enforcement by means of a serial number  
23 affixed to the firearm by a federal firearms manufacturer, federal  
24 firearms importer, or federal firearms dealer in compliance with all  
25 federal laws and regulations.

26 **Sec. 2.** RCW 9.41.040 and 2022 c 268 s 28 are each amended to  
27 read as follows:

28 (1)(a) A person, whether an adult or juvenile, is guilty of the  
29 crime of unlawful possession of a firearm in the first degree, if the  
30 person owns, has in his or her possession, or has in his or her  
31 control any firearm after having previously been convicted or found  
32 not guilty by reason of insanity in this state or elsewhere of any  
33 serious offense as defined in this chapter.

34 (b) Unlawful possession of a firearm in the first degree is a  
35 class B felony punishable according to chapter 9A.20 RCW.

36 (2)(a) A person, whether an adult or juvenile, is guilty of the  
37 crime of unlawful possession of a firearm in the second degree, if  
38 the person does not qualify under subsection (1) of this section for  
39 the crime of unlawful possession of a firearm in the first degree and

1 the person owns, has in his or her possession, or has in his or her  
2 control any firearm:

3 (i) After having previously been convicted or found not guilty by  
4 reason of insanity in this state or elsewhere of any felony not  
5 specifically listed as prohibiting firearm possession under  
6 subsection (1) of this section, or any of the following crimes when  
7 committed by one family or household member against another or by one  
8 intimate partner against another, as those terms are defined by the  
9 statutes in effect at the time of the commission of the crime,  
10 committed on or after July 1, 1993: Assault in the fourth degree,  
11 coercion, stalking, reckless endangerment, criminal trespass in the  
12 first degree, or violation of the provisions of a protection order or  
13 no-contact order restraining the person or excluding the person from  
14 a residence (RCW 10.99.040 or any of the former RCW 26.50.060,  
15 26.50.070, and 26.50.130);

16 (ii) After having previously been convicted or found not guilty  
17 by reason of insanity in this state or elsewhere of harassment when  
18 committed by one family or household member against another or by one  
19 intimate partner against another, committed on or after June 7, 2018;

20 (iii) After having previously been convicted or found not guilty  
21 by reason of insanity in this state or elsewhere of a violation of  
22 the provisions of a protection order under chapter 7.105 RCW  
23 restraining the person or excluding the person from a residence, when  
24 committed by one family or household member against another or by one  
25 intimate partner against another, committed on or after July 1, 2022;

26 (iv) During any period of time that the person is subject to a  
27 court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A,  
28 or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and  
29 26.50 RCW that:

30 (A) Was issued after a hearing for which the person received  
31 actual notice, and at which the person had an opportunity to  
32 participate, whether the court then issues a full order or reissues a  
33 temporary order. If the court enters an agreed order by the parties  
34 without a hearing, such an order meets the requirements of this  
35 subsection;

36 (B) Restrains the person from harassing, stalking, or threatening  
37 the person protected under the order or child of the person or  
38 protected person, or engaging in other conduct that would place the  
39 protected person in reasonable fear of bodily injury to the protected  
40 person or child; and

1 (C) (I) Includes a finding that the person represents a credible  
2 threat to the physical safety of the protected person or child or by  
3 its terms explicitly prohibits the use, attempted use, or threatened  
4 use of physical force against the protected person or child that  
5 would reasonably be expected to cause bodily injury; or

6 (II) Includes an order under RCW 9.41.800 requiring the person to  
7 surrender all firearms and prohibiting the person from accessing,  
8 having in his or her custody or control, possessing, purchasing,  
9 receiving, or attempting to purchase or receive, firearms;

10 (v) After having previously been involuntarily committed based on  
11 a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740,  
12 71.34.750, chapter 10.77 RCW, or equivalent statutes of another  
13 jurisdiction, unless his or her right to possess a firearm has been  
14 restored as provided in RCW 9.41.047;

15 (vi) After dismissal of criminal charges based on incompetency to  
16 stand trial under RCW 10.77.088 when the court has made a finding  
17 indicating that the defendant has a history of one or more violent  
18 acts, unless his or her right to possess a firearm has been restored  
19 as provided in RCW 9.41.047;

20 (vii) If the person is under 18 years of age, except as provided  
21 in RCW 9.41.042; and/or

22 (viii) If the person is free on bond or personal recognizance  
23 pending trial, appeal, or sentencing for a serious offense as defined  
24 in RCW 9.41.010.

25 (b) Unlawful possession of a firearm in the second degree is a  
26 class C felony punishable according to chapter 9A.20 RCW.

27 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,  
28 as used in this chapter, a person has been "convicted," whether in an  
29 adult court or adjudicated in a juvenile court, at such time as a  
30 plea of guilty has been accepted or a verdict of guilty has been  
31 filed, notwithstanding the pendency of any future proceedings  
32 including, but not limited to, sentencing or disposition, post-trial  
33 or post-fact-finding motions, and appeals. Conviction includes a  
34 dismissal entered after a period of probation, suspension, or  
35 deferral of sentence, and also includes equivalent dispositions by  
36 courts in jurisdictions other than Washington state. A person shall  
37 not be precluded from possession of a firearm if the conviction has  
38 been the subject of a pardon, annulment, certificate of  
39 rehabilitation, or other equivalent procedure based on a finding of  
40 the rehabilitation of the person convicted or the conviction or

1 disposition has been the subject of a pardon, annulment, or other  
2 equivalent procedure based on a finding of innocence. Where no record  
3 of the court's disposition of the charges can be found, there shall  
4 be a rebuttable presumption that the person was not convicted of the  
5 charge.

6 (4) (a) Notwithstanding subsection (1) or (2) of this section, a  
7 person convicted or found not guilty by reason of insanity of an  
8 offense prohibiting the possession of a firearm under this section  
9 other than murder, manslaughter, robbery, rape, indecent liberties,  
10 arson, assault, kidnapping, extortion, burglary, or violations with  
11 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
12 who received a probationary sentence under RCW 9.95.200, and who  
13 received a dismissal of the charge under RCW 9.95.240, shall not be  
14 precluded from possession of a firearm as a result of the conviction  
15 or finding of not guilty by reason of insanity. Notwithstanding any  
16 other provisions of this section, if a person is prohibited from  
17 possession of a firearm under subsection (1) or (2) of this section  
18 and has not previously been convicted or found not guilty by reason  
19 of insanity of a sex offense prohibiting firearm ownership under  
20 subsection (1) or (2) of this section and/or any felony defined under  
21 any law as a class A felony or with a maximum sentence of at least 20  
22 years, or both, the individual may petition a court of record to have  
23 his or her right to possess a firearm restored:

24 (i) Under RCW 9.41.047; and/or

25 (ii) (A) If the conviction or finding of not guilty by reason of  
26 insanity was for a felony offense, after five or more consecutive  
27 years in the community without being convicted or found not guilty by  
28 reason of insanity or currently charged with any felony, gross  
29 misdemeanor, or misdemeanor crimes, if the individual has no prior  
30 felony convictions that prohibit the possession of a firearm counted  
31 as part of the offender score under RCW 9.94A.525; or

32 (B) If the conviction or finding of not guilty by reason of  
33 insanity was for a nonfelony offense, after three or more consecutive  
34 years in the community without being convicted or found not guilty by  
35 reason of insanity or currently charged with any felony, gross  
36 misdemeanor, or misdemeanor crimes, if the individual has no prior  
37 felony convictions that prohibit the possession of a firearm counted  
38 as part of the offender score under RCW 9.94A.525 and the individual  
39 has completed all conditions of the sentence.

1 (b) An individual may petition a court of record to have his or  
2 her right to possess a firearm restored under (a) of this subsection  
3 only at:

4 (i) The court of record that ordered the petitioner's prohibition  
5 on possession of a firearm; or

6 (ii) The superior court in the county in which the petitioner  
7 resides.

8 (5) In addition to any other penalty provided for by law, if a  
9 person under the age of 18 years is found by a court to have  
10 possessed a firearm in a vehicle in violation of subsection (1) or  
11 (2) of this section or to have committed an offense while armed with  
12 a firearm during which offense a motor vehicle served an integral  
13 function, the court shall notify the department of licensing within  
14 24 hours and the person's privilege to drive shall be revoked under  
15 RCW 46.20.265, unless the offense is the juvenile's first offense in  
16 violation of this section and has not committed an offense while  
17 armed with a firearm, an unlawful possession of a firearm offense, or  
18 an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

19 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
20 or interpreted as preventing an offender from being charged and  
21 subsequently convicted for the separate felony crimes of theft of a  
22 firearm or possession of a stolen firearm, or both, in addition to  
23 being charged and subsequently convicted under this section for  
24 unlawful possession of a firearm in the first or second degree.  
25 Notwithstanding any other law, if the offender is convicted under  
26 this section for unlawful possession of a firearm in the first or  
27 second degree and for the felony crimes of theft of a firearm or  
28 possession of a stolen firearm, or both, then the offender shall  
29 serve consecutive sentences for each of the felony crimes of  
30 conviction listed in this subsection.

31 (7)(a) A person, whether an adult or a juvenile, commits the  
32 civil infraction of unlawful possession of a firearm if the person  
33 has in the person's possession or has in the person's control a  
34 firearm after the person files a voluntary waiver of firearm rights  
35 under RCW 9.41.350 and the form has been accepted by the clerk of the  
36 court and the voluntary waiver has not been lawfully revoked.

37 (b) The civil infraction of unlawful possession of a firearm is a  
38 class 4 civil infraction punishable according to chapter 7.80 RCW.

39 (c) Each firearm unlawfully possessed under this subsection (7)  
40 shall be a separate infraction.

1 (d) The court may, in its discretion, order performance of up to  
2 two hours of community restitution in lieu of a monetary penalty  
3 prescribed for a civil infraction under this subsection (7).

4 (8) Each firearm unlawfully possessed under this section shall be  
5 a separate offense.

6 **Sec. 3.** RCW 9.41.350 and 2018 c 145 s 1 are each amended to read  
7 as follows:

8 (1) A person may file a voluntary waiver of firearm rights,  
9 either in writing or electronically, with the clerk of the court in  
10 any county in Washington state. The clerk of the court must request a  
11 physical or scanned copy of photo identification to verify the  
12 person's identity prior to accepting the form. The person filing the  
13 form may provide ~~((an alternate person to be contacted if a voluntary~~  
14 ~~waiver of firearm rights is))~~ the name of a family member, mental  
15 health professional, substance use disorder professional, or  
16 alternate person to be contacted if the filer attempts to purchase a  
17 firearm while the voluntary waiver of firearm rights is in effect or  
18 if the filer applies to have the voluntary waiver revoked. The clerk  
19 of the court must immediately give notice to the person filing the  
20 form and any listed family member, mental health professional,  
21 substance use disorder professional, or alternate person if the  
22 filer's voluntary waiver of firearm rights has been accepted. The  
23 notice must state that the filer's possession or control of a firearm  
24 is unlawful under RCW 9.41.040(7) and that any firearm in the filer's  
25 possession or control should be surrendered immediately. By the end  
26 of the business day, the clerk of the court must transmit the  
27 accepted form to the Washington state patrol. The Washington state  
28 patrol must enter the voluntary waiver of firearm rights into the  
29 national instant criminal background check system and any other  
30 federal or state computer-based systems used by law enforcement  
31 agencies or others to identify prohibited purchasers of firearms  
32 within twenty-four hours of receipt of the form. Copies and records  
33 of the voluntary waiver of firearm rights shall not be disclosed  
34 except to law enforcement agencies.

35 (2) A filer of a voluntary waiver of firearm rights may update  
36 the contact information for any family member, mental health  
37 professional, substance use disorder professional, or alternate  
38 person provided under subsection (1) of this section by making an  
39 electronic or written request to the clerk of the court in the same

1 county where the voluntary waiver of firearm rights was filed. The  
2 clerk of the court must request a physical or scanned copy of photo  
3 identification to verify the person's identity prior to updating the  
4 contact information on the form. By the end of the business day, the  
5 clerk of the court must transmit the updated contact information to  
6 the Washington state patrol.

7 (3) No sooner than seven calendar days after filing a voluntary  
8 waiver of firearm rights, the person may file a revocation of the  
9 voluntary waiver of firearm rights, either in writing or  
10 electronically, in the same county where the voluntary waiver of  
11 firearm rights was filed. The clerk of the court must request a  
12 physical or scanned copy of photo identification to verify the  
13 person's identity prior to accepting the form. By the end of the  
14 business day, the clerk of the court must transmit the form to the  
15 Washington state patrol and to any ((contact)) family member, mental  
16 health professional, substance use disorder professional, or  
17 alternate person listed on the voluntary waiver of firearm rights  
18 ((and destroy all records of the voluntary waiver)). Within seven  
19 days of receiving a revocation of a voluntary waiver of firearm  
20 rights, the Washington state patrol must remove the person from the  
21 national instant criminal background check system, and any other  
22 federal or state computer-based systems used by law enforcement  
23 agencies or others to identify prohibited purchasers of firearms in  
24 which the person was entered, unless the person is otherwise  
25 ineligible to possess a firearm under RCW 9.41.040, and destroy all  
26 records of the voluntary waiver.

27 ((+3)) (4) A person who knowingly makes a false statement  
28 regarding their identity on the voluntary waiver of firearm rights  
29 form or revocation of waiver of firearm rights form is guilty of  
30 false swearing under RCW 9A.72.040.

31 ((+4)) (5) Neither a voluntary waiver of firearm rights nor a  
32 revocation of a voluntary waiver of firearm rights shall be  
33 considered by a court in any legal proceeding.

34 ((+5)) (6) A voluntary waiver of firearm rights may not be  
35 required of an individual as a condition for receiving employment,  
36 benefits, or services.

37 ((+6)) (7) All records obtained and all reports produced, as  
38 required by this section, are not subject to disclosure through the  
39 public records act under chapter 42.56 RCW.

1       **Sec. 4.** RCW 9.41.352 and 2018 c 145 s 2 are each amended to read  
2 as follows:

3       (1) The administrator for the courts, under the direction of the  
4 chief justice, shall develop a voluntary waiver of firearm rights  
5 form and a revocation of voluntary waiver of firearm rights form by  
6 January 1, 2019.

7       (2) The forms must include all of the information necessary for  
8 identification and entry of the person into the national instant  
9 criminal background check system, and any other federal or state  
10 computer-based systems used by law enforcement agencies or others to  
11 identify prohibited purchasers of firearms. The voluntary waiver of  
12 firearm rights form must include the following language:

13       Because you have filed this voluntary waiver of firearm rights,  
14 effective immediately you may not purchase (~~(or)~~), receive, control,  
15 or possess any firearm. You may revoke this voluntary waiver of  
16 firearm rights any time after at least seven calendar days have  
17 elapsed since the time of filing.

18       (3) The forms must be made available on the administrator for the  
19 courts website, at all county clerk offices, and must also be made  
20 widely available at firearm and ammunition dealers and health care  
21 provider locations.

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

24       Mental health professionals and substance use disorder  
25 professionals are encouraged to discuss the voluntary waiver of  
26 firearm rights with their patients if the mental health professional  
27 or substance use disorder professional reasonably believes that a  
28 discussion will avoid or minimize an imminent danger to the health or  
29 safety of the individual or any other individual; however, there is  
30 no obligation to do so."

31       Correct the title.

EFFECT: Allows the court to order performance of up to two hours  
of community restitution in lieu of a monetary penalty prescribed for  
the civil infraction of unlawful possession of a firearm.

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