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**SENATE BILL 5444**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Frockt, Wellman, Kuderer, Chase, Darneille, Ranker, Pedersen, Hunt, Liias, and Saldaña; by request of Attorney General

AN ACT Relating to enhanced background checks and licensure for assault weapons and large capacity magazines; amending RCW 9.41.010, 9.41.090, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.124, and 9.41.129; adding new sections to chapter 9.41 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

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

**Sec.**  RCW 9.41.010 and 2015 c 1 s 2 are each amended to read as follows:

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

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

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

(3) "Crime of violence" means:

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

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

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

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

(5) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

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

(7) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(8) "Felony firearm offense" means:

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

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

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

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

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

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

(10) "Gun" has the same meaning as firearm.

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

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

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

(14) "Loaded" means:

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

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

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

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

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

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

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

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

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

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

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

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

(a) Any crime of violence;

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

(c) Child molestation in the second degree;

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

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

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

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

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

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

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

(p) Any felony conviction under RCW 9.41.115.

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

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

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

(25) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans.

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

(27) "Assault weapon" means:

(a) A semiautomatic rifle that has the capacity to accept a detachable magazine and has one or more of the following:

(i) A pistol grip that protrudes conspicuously beneath the action of the weapon;

(ii) A thumbhole stock;

(iii) A folding or telescoping stock;

(iv) A second handgrip or a protruding grip that can be held by the nontrigger hand;

(v) A flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator;

(vi) A grenade launcher or flare launcher;

(b) A semiautomatic pistol, or a semiautomatic, centerfire, or rimfire rifle with a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;

(c) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(i) Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand;

(ii) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

(iii) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel; or

(iv) The capacity to accept a detachable magazine at any location outside of the pistol grip;

(d) A semiautomatic, centerfire, or rimfire rifle that has an overall length of less than thirty inches;

(e) A semiautomatic shotgun that has both of the following:

(i) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;

(ii) A folding or telescoping stock; or

(iii) An ability to accept a detachable magazine;

(f) A shotgun with a revolving cylinder; or

(g) A conversion kit, part, or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person.

"Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

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

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

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

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

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

(30) "Secure gun storage" means:

(a) A safe, gun safe, gun case, lock box, or other device that is designed to be used to store a firearm and prevent unauthorized access through use of a secure, locking device and that is designed to be unlocked only by means of a key, combination, or other similar means, and that is constructed of such quality workmanship and material that it cannot be opened or destroyed by use of reasonable force; and

(b) The act of keeping an unloaded firearm or large capacity magazine stored by such means.

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

(1)(a) Except as provided in subsection (2) of this section, a person shall not possess, manufacture, transport, purchase, acquire, transfer, deliver, import, sell, or offer to sell an assault weapon or large capacity magazine without being in possession of an assault weapon license issued pursuant to section 3 of this act.

(b) The assault weapon license must list each assault weapon or large capacity magazine currently in the license holder's possession. A listed assault weapon must include the make, model, and manufacturer's number. A listed large capacity magazine must include a description including the make, caliber, and capacity of the magazine.

(c) Multiple individuals may seek licensure for the same assault weapon or large capacity magazine if the assault weapon is possessed by multiple individuals and each individual shall have a separate license.

(d) A license holder must obtain an amended license in accordance with section 3(8) of this act:

(i) Within fourteen days of any change in the assault weapons or large capacity magazines in the possession of the license holder; or

(ii) In the case of a license holder who did not possess an assault weapon or large capacity magazine at the time of licensure, within fourteen days of acquiring possession of an assault weapon or large capacity magazine.

(2) A person holding an assault weapon license must exercise great care in the possession and transport of an assault weapon or large capacity magazine for which the person is licensed. Great care shall include, but is not limited to, storing all assault weapons unloaded within secure gun storage when the assault weapon is not in the immediate possession of the license holder or the use of an external locking mechanism designed to make a firearm inoperable such as a trigger lock.

(3) A person who knowingly violates subsection (1) or (2) of this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(4) When the holder of an assault weapon license has possession of an assault weapon or large capacity magazine outside his or her home or beyond property under his or her control, the license holder shall keep the license on his or her person and shall display the license upon demand to any law enforcement officer for purposes of determining the validity of the license and to establish his or her lawful possession of the assault weapon or large capacity magazine in his or her possession.

(5) A person who knowingly violates subsection (4) of this section is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW. If a person previously has been found guilty under this section, then the person is guilty of a class C felony punishable under chapter 9A.20 RCW for each subsequent knowing violation of subsection (4) of this section.

(6) The assault weapon licensure requirement in subsection (1) of this section does not apply to any of the following:

(a) From the effective date of this section until July 1, 2020: The possession of an assault weapon or large capacity magazine by a person who legally possesses the assault weapon or large capacity magazine on the effective date of this section. However, a person who legally possesses an assault weapon or large capacity magazine under this subsection (6)(a) may not sell or transfer the assault weapon or large capacity magazine to any other person in this state other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the assault weapon or large capacity magazine;

(b) The possession of an unloaded assault weapon or large capacity magazine possessed solely on property owned or immediately controlled by the person if that assault weapon or large capacity magazine was legally owned with a valid assault weapon license, or purchased or acquired with a valid assault weapon license and that license has expired, provided the assault weapon or large capacity magazine is in secure gun storage. However, a new assault weapon license must be obtained for any subsequent possession beyond that person's property, transfer, distribution, sale, or offer for sale of that assault weapon or large capacity magazine;

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

(d) The possession, transport, purchase, delivery, offering for sale, sale, importation, or transfer of an assault weapon or large capacity magazine by a dealer that is properly licensed under federal and state law;

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

(f) The possession, offering for sale, sale, transport, or transfer of an unloaded assault weapon or large capacity magazine for the purpose of permanently relinquishing it to a law enforcement agency in this state. An assault weapon or large capacity magazine relinquished to a law enforcement agency under this subsection must be destroyed;

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

(h) The acquisition, transport, and possession of an assault weapon or large capacity magazine by law enforcement officers retired for service or physical disabilities, when the assault weapon or large capacity magazine in question was acquired as part of the officer's separation from service;

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

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

(k) The possession, transport, or transfer of an unloaded assault weapon or large capacity magazine by a common carrier or airline baggage handler while in the course and scope of his or her employment.

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

 (1) The chief of police of a municipality or the sheriff of a county shall, within thirty days after the filing of an application of any resident of the state of Washington, issue a license to the applicant to possess, manufacture, transport, purchase, distribute, import, sell, or offer to sell an assault weapon or large capacity magazine within this state for a period of one year from the date of issue. Residency is established by possession of a valid permanent Washington driver's license, possession of a Washington state identicard, or a showing that the applicant has resided in the state for the previous consecutive ninety days. The issuing authority shall not refuse to accept completed applications for assault weapon licenses during regular business hours.

(2) The chief of police or sheriff shall not issue the license if:

(a) The applicant is ineligible to possess a firearm under any federal or state law;

(b) The applicant is under twenty-one years of age;

(c) The applicant is currently subject to a court order or injunction regarding firearms pursuant to chapter 7.92 RCW or RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(d) The applicant is currently free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(e) The applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(f) The applicant has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application for an assault weapon license.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to possess an assault weapon license restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(3) In addition to the requirements of subsections (1) and (2) of this section, the chief of police or sheriff shall not issue a license to the applicant unless:

(a) The applicant provides proof that he or she has completed a recognized firearm safety training program within the last three years that, at a minimum, includes instruction on:

(i) Basic firearms safety rules;

(ii) Firearms and children, including secure storage of firearms and talking to children about guns;

(iii) Firearms and suicide prevention;

(iv) Secure storage of firearms to prevent unauthorized access and use;

(v) Safe handling of firearms; and

(vi) State and federal firearms laws, including prohibited firearms transfers.

The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements.

(b) The applicant states under penalty of perjury that the applicant shall use secure gun storage when the assault weapon or large capacity magazine is not in his or her immediate possession and that the applicant will use the assault weapon or large capacity magazine for a lawful purpose. A lawful purpose includes only the following:

(i) Purchases made solely for possession of the assault weapon or large capacity magazine on property owned or immediately controlled by the person;

(ii) Lawfully offering for sale, selling, or transferring an assault weapon or large capacity magazine;

(iii) Possession for legal use while at a lawfully operated firing range, including transportation to and from the firing range so long as the assault weapon or large capacity magazine is unloaded and locked in a container meeting the definition of secure gun storage and within the vehicle at all times during transportation;

(iv) Possession for legal use at an organized competition or sport shooting event involving the use of an assault weapon or large capacity magazine, participating in or practicing for a performance by an organized group that uses assault weapons or large capacity magazines as part of the performance, including transportation to and from these events so long as the assault weapon or large capacity magazine is unloaded and locked in a container meeting the definition of secure gun storage and within the vehicle at all times during transportation; and

(v) Possession for legal use while engaged in lawful hunting so long as the individual has a valid hunting license and it is reasonable to conclude that the person is hunting, including transportation to and from such lawful hunting so long as the assault weapon or large capacity magazine is unloaded and locked in a container meeting the definition of secure gun storage and within the vehicle at all times during transportation.

(4) A person may apply for an assault weapon license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality; or

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area.

(5) When applying for a new or renewal license:

(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under state or federal law.

(b) The issuing authority shall deny a license to anyone who is found to be prohibited from possessing a firearm under federal or state law or who does not meet the other requirements of subsections (1) through (3) of this section.

(6) The original license application shall be made under penalty of perjury and contain:

(a) The full name, residential address, telephone number, date and place of birth, race, gender, description, and signature of the applicant, the applicant's driver's license number, or state identicard number if used for identification in applying for the license. If the applicant is not an individual, the application must include the business in which the applicant is engaged and the business address;

(b) The make, model, and manufacturer's number of each assault weapon and the make, caliber, and capacity of each large capacity magazine the applicant wishes to possess, manufacture, transport, purchase, acquire, transfer, deliver, import, sell, or offer to sell if known at the time of application;

(c) A full description of the lawful purpose for which the assault weapon license is sought;

(d) A full description of the secure gun storage the applicant will use to store the assault weapon or large capacity magazine when the assault weapon or large capacity magazine is not in his or her immediate possession and when the assault weapon or large capacity magazine is being transported as allowed by the lawful purposes described in subsection (3)(b) of this section;

(e) Two complete sets of fingerprints to be forwarded to the Washington state patrol;

(f) A warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution;

(g) A description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law;

(h) Questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a firearm, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application.

(7) The application for a renewal license, or an application to replace a license that has been lost, stolen, or damaged to the extent it is no longer legible shall be the same as the application for an original license except:

(a) Fingerprints shall not be required;

(b) The issuing authority shall do a check of the department of licensing's online database to ensure the information regarding any assault weapons or large capacity magazines covered by the original license is up-to-date.

(8)(a) To amend an assault weapon license to add or remove an assault weapon or large capacity magazine in compliance with section 2(1) of this act, the license holder shall, within fourteen days of the change, bring proof of lawful purchase, sale, or transfer of the assault weapon or large capacity magazine to the issuing authority where a law enforcement officer shall examine the proof, make the relevant changes to the original license, and send the amended information to the director of the department of licensing within three days using the form prescribed by the director of the department of licensing, who may require online submission of the information. The law enforcement officer shall sign the license next to the amendment including their badge number.

(b) The issuing authority shall not refuse to accept completed applications for an amended license during regular business hours.

(c) Any law enforcement officer acting in good faith is immune from liability for mistakenly amending an assault weapon license.

(9)(a) The assault weapon license shall be in a form prescribed by the department of licensing and shall include, but is not limited to, the following information:

(i) The name and date of birth of the license holder;

(ii) Sufficient space for the issuing authority to fill in, and remove, as appropriate:

(A) The make, model, and manufacturer's number of each assault weapon in the license holder's possession;

(B) The make, caliber, and capacity of any large capacity magazines in the license holder's possession;

(C) The signature and badge number of the law enforcement officer who adds or removes an assault weapon or large capacity magazine from the license.

(b) The original license shall be kept by the license holder, a duplicate copy shall for a period of six years be kept by the authority issuing the license, and a third copy shall be sent to the director of licensing within three days of issuance of the license. The director of licensing may require the online submission of his or her copy as well as any amendments to the license.

(10) The department of licensing shall make available to law enforcement and corrections agencies, in an online format, all information received under this section.

(11) Upon application for an original license, the applicant shall pay a nonrefundable fee of fifty dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Ten dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Twenty dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Five dollars shall be paid to the firearms range account in the general fund.

(12) The nonrefundable fee for the one-year renewal of the license is thirty dollars.

The renewal fee shall be distributed as follows:

(a) Ten dollars shall be paid to the state general fund;

(b) Eighteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Two dollars shall be paid to the firearms range account in the general fund.

(13) The nonrefundable fee for the replacement of a lost or damaged license is twenty dollars to be paid to the issuing authority.

(14) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(15) A license holder may renew a license if the license holder applies for renewal within forty-five days before or after the expiration date of the license. A license so renewed takes effect on the expiration date of the prior license. A license holder renewing after the expiration date of the license must pay a late renewal penalty of twenty-five dollars in addition to the renewal fee specified in subsection (12) of this section. The fee shall be distributed as follows:

(a) Five dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently for the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(b) Twenty dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(16) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(17) A person who knowingly makes a false statement on an application for an assault weapon license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the assault weapon license of a person who knowingly makes a false statement on a license application shall be revoked, and the person shall be permanently ineligible for an assault weapon license.

(18) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under the requirements of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (18) takes effect on the expiration date of the prior license. A license holder renewing after the expiration date of the license under this subsection shall pay only the renewal fee specified in subsection (12) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee.

(19) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to timely amend his or her license under the requirements of section 2(1)(d) of this act because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within fourteen days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service; and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license amended under this subsection (19) shall be treated as having been timely amended for purposes of compliance with section 2(1)(d) of this act.

(20) At the beginning of each biennium, the director of the office of financial management may by administrative policy adjust the fees under this section to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-U, for Seattle, or a successor index, for the previous biennium as calculated by the United States department of labor. Adjusted dollar amounts shall be rounded to the nearest dollar increment.

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

(1) The license-issuing authority shall immediately revoke an assault weapon license upon:

(a) Discovery by the issuing authority that the person was ineligible under section 3 of this act for an assault weapon license when applying for the license or license renewal;

(b) Conviction of the license holder, or the license holder being found not guilty by reason of insanity, of an offense, or commitment of the license holder for mental health treatment, that makes a person ineligible under RCW 9.41.040 or federal law to possess a firearm;

(c) Conviction of the license holder for a third violation of this chapter within five calendar years;

(d) An order that the license holder forfeit a firearm under RCW 9.41.098(1)(d).

(2) Upon revocation of the license, unless the person may lawfully possess the assault weapon or large capacity magazine without an assault weapon license, an ineligible person to whom an assault weapon license was issued shall, within fourteen days of license revocation, transfer ownership of all assault weapons or large capacity magazines listed on the license or otherwise in his or her possession. Possession, transport, and transfer solely for the purposes of complying with this subsection is not a violation of section 2(1) of this act during the fourteen-day period. The issuing authority shall require the person to present satisfactory evidence within fourteen days of license revocation of having transferred all assault weapons or large capacity magazines in compliance with this chapter. In addition to being in violation of section 2 of this act, failure to lawfully transfer possession or to provide proof of the lawful transfer under this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(3) When a license holder is ordered to forfeit a firearm under RCW 9.41.098(1)(d):

(a) On the first forfeiture, the issuing authority shall revoke the license and the person shall not be eligible to reapply for a period of one year;

(b) On the second forfeiture, the issuing authority shall revoke the license and the person shall not be eligible to reapply for a period of two years; or

(c) On the third or subsequent forfeiture, the issuing authority shall revoke the license and the person shall not be eligible to reapply for a period of five years.

(4) The issuing authority shall notify the department of licensing of the revocation of a license within three business days via electronic submission or as otherwise prescribed by the director of the department of licensing. The department of licensing shall record the revocation.

**Sec.**  RCW 9.41.090 and 2015 c 1 s 5 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection ((~~(5)~~)) (6) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance;

(b) The dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or

(c) The requirements or time periods in RCW 9.41.092 have been satisfied.

(2) In addition to other requirements of this chapter, no dealer may deliver an assault weapon or large capacity magazine to the purchaser thereof until:

(a) The purchaser produces a valid assault weapon license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (6) of this section. If the dealer is facilitating the sale of an assault weapon or large capacity magazine pursuant to the requirements of RCW 9.41.113(3), the dealer must also ensure that the seller has either a valid assault weapon license; and

(b) The dealer is either (i) notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the requirements of time periods in RCW 9.41.092 have been satisfied.

(3)(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of RCW 9.41.040, the chief of police or sheriff, or the designee of either, shall check with the national crime information center, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(b) Once the system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms. However, a chief of police or sheriff, or a designee of either, shall continue to check the department of social and health services' electronic database and with other agencies or resources as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a firearm.

((~~(3)~~)) (4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol, assault weapon, or large capacity magazine until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol, assault weapon, or large capacity magazine is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a ((~~pistol~~)) firearm.

((~~(4)~~)) (5) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a ((~~pistol~~)) firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a ((~~pistol~~)) firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a ((~~pistol~~)) firearm, the local jurisdiction may hold the sale and delivery of the pistol, assault weapon, or large capacity magazine up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

((~~(5)~~)) (6)(a) At the time of applying for the purchase of a pistol, assault weapon, or large capacity magazine, the purchaser shall sign in triplicate and deliver to the dealer an application containing:

(i) His or her full name, residential address, date and place of birth, race, and gender;

(ii) The date and hour of the application;

(iii) The applicant's driver's license number or state identification card number;

(iv) If purchasing a pistol or assault weapon, a description of the pistol or assault weapon including the make, model, ((~~caliber~~)) and manufacturer's number if available at the time of applying for the purchase of a pistol or assault weapon. If the manufacturer's number is not available at the time of purchase of the pistol or assault weapon, the application may be processed, but delivery of the pistol or assault weapon to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides; and a statement that the purchaser is eligible to possess a ((~~pistol~~)) firearm under ((~~RCW 9.41.040~~)) state or federal law; and

(v) If purchasing a large capacity magazine, a description of the large capacity magazine including make, caliber, and capacity.

(b) The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

(c) The dealer shall, by the end of the business day, sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident. The triplicate shall be retained by the dealer for six years. The dealer shall deliver the pistol, assault weapon, or large capacity magazine to the purchaser following the period of time specified in this chapter unless the dealer is notified of an investigative hold under subsection ((~~(4)~~)) (5) of this section in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser is not eligible to possess a ((~~pistol~~)) firearm under ((~~RCW 9.41.040~~)) state or ((~~9.41.045, or~~)) federal law.

(d) The chief of police of the municipality or the sheriff of the county shall retain or destroy applications to purchase a pistol, assault weapon, or large capacity magazine in accordance with the requirements of 18 U.S.C. Sec. 922.

((~~(6)~~)) (7) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a ((~~pistol~~)) firearm is guilty of false swearing under RCW 9A.72.040.

((~~(7)~~)) (8) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

**Sec.**  RCW 9.41.094 and 1994 sp.s. c 7 s 411 are each amended to read as follows:

A signed application to purchase a pistol, assault weapon, or large capacity magazine shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release, to an inquiring court or law enforcement agency, information relevant to the applicant's eligibility to purchase a pistol, assault weapon, or large capacity magazine to an inquiring court or law enforcement agency.

**Sec.**  RCW 9.41.097 and 2009 c 216 s 6 are each amended to read as follows:

(1) The department of social and health services, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a ((~~pistol~~)) firearm or to be issued a concealed pistol license under RCW 9.41.070 or to be issued an assault weapon license under section 3 of this act or to purchase a pistol, assault weapon, or large capacity magazine under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section, shall not be disclosed except as provided in RCW 42.56.240(4).

**Sec.**  RCW 9.41.0975 and 2009 c 216 s 7 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license, assault weapon license, or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license, assault weapon license, or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license, assault weapon license, or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license, assault weapon license, or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license, assault weapon license, or alien firearm license wrongfully refused;

(b) Directing a law enforcement agency to approve an application to purchase a pistol, assault weapon, or large capacity magazine wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license, assault weapon license, or alien firearm license or in the wrongful denial of a purchase application for a pistol, assault weapon, or large capacity magazine be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license, assault weapon license, or alien firearm license or to purchase a pistol, assault weapon, or large capacity magazine was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

**Sec.**  RCW 9.41.110 and 2009 c 479 s 10 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol, assault weapon, or large capacity magazine without being licensed as provided in this section.

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

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

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

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

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

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

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

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090((~~,~~)) and 9.41.100, and ((~~9.41.110~~)) this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

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

(8)(a) No pistol, assault weapon, or large capacity magazine may be sold: (i) In violation of any provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol, assault weapon, or large capacity magazine be sold under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

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

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

(9)(a) A true record in triplicate shall be made of every pistol, assault weapon, or large capacity magazine sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, ((~~the caliber, make, model and manufacturer's number of the weapon,~~)) the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser, that he or she is not ineligible under RCW 9.41.040 to possess a firearm. In addition, for pistols and assault weapons, the form shall include the make, model, and manufacturer's number of the weapon; for large capacity magazines, the form shall also include the make, caliber, and capacity of the magazine.

(b) One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.

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

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

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

**Sec.**  RCW 9.41.124 and 2015 c 1 s 7 are each amended to read as follows:

Residents of a state other than Washington may purchase rifles and shotguns, except those firearms defined as assault weapons, in Washington: PROVIDED, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States secretary of the treasury: AND PROVIDED FURTHER, That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such persons reside: AND PROVIDED FURTHER, That such residents are subject to the procedures and background checks required by this chapter. FURTHER, no resident of a state other than Washington may purchase a large capacity magazine in Washington.

**Sec.**  RCW 9.41.129 and 2005 c 274 s 203 are each amended to read as follows:

The department of licensing may keep copies or records of applications for concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase pistols, assault weapons, or large capacity magazines provided for in RCW 9.41.090, copies or records of assault weapon licenses provided for in section 3 of this act, and copies or records of pistol, assault weapon, or large capacity magazine transfers provided for in RCW 9.41.110. The copies and records shall not be disclosed except as provided in RCW 42.56.240(4).

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

**--- END ---**