

**SSB 5078 - S AMD 989**

By Senator Lias

**ADOPTED AS AMENDED 02/09/2022**

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

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares that  
4 gun violence is a threat to the public health and safety of  
5 Washingtonians. Firearms equipped with large capacity magazines  
6 increase casualties by allowing a shooter to keep firing for longer  
7 periods of time without reloading. Large capacity magazines have been  
8 used in all 10 of the deadliest mass shootings since 2009, and mass  
9 shooting events from 2009 to 2018 where the use of large capacity  
10 magazines caused twice as many deaths and 14 times as many injuries.  
11 Documentary evidence following gun rampages, including the 2014  
12 shooting at Seattle Pacific University, reveals many instances where  
13 victims were able to escape or disarm the shooter during a pause to  
14 reload, and such opportunities are necessarily reduced when large  
15 capacity magazines are used. In addition, firearms equipped with  
16 large capacity magazines account for an estimated 22 to 36 percent of  
17 crime guns and up to 40 percent of crime guns used in serious violent  
18 crimes. Based on this evidence, and on studies showing that mass  
19 shooting fatalities declined during the 10-year period when the  
20 federal assault weapon and large capacity magazine ban was in effect,  
21 the legislature finds that restricting the sale, manufacture, and  
22 distribution of large capacity magazines is likely to reduce gun  
23 deaths and injuries. The legislature further finds that this is a  
24 well-calibrated policy based on evidence that magazine capacity  
25 limits do not interfere with responsible, lawful self-defense. The  
26 legislature further finds that the threats to public safety posed by  
27 large capacity magazines are heightened given current conditions. Our  
28 country is in the midst of a pandemic, economic recession, social  
29 tensions, and reckonings over racial justice. The years 2020 and 2021  
30 have seen a sharp increase in gun sales and gun violence, as well as  
31 fears over gun violence and incidents of armed intimidation. In this  
32 volatile atmosphere, the legislature declares that it is time to

1 enhance public health and safety by limiting the sale of large  
2 capacity magazines. The legislature intends to limit the prospective  
3 sale of large capacity magazines, while allowing existing legal  
4 owners to retain the large capacity magazines they currently own.

5 **Sec. 2.** RCW 9.41.010 and 2021 c 215 s 93 are each amended to  
6 read as follows:

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

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

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

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

27 (4) "Crime of violence" means:

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

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

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

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

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

17 (7) "Family or household member" has the same meaning as in RCW  
18 7.105.010.

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

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

30 (10) "Felony firearm offense" means:

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

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

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

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

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

37 (11) "Firearm" means a weapon or device from which a projectile  
38 or projectiles may be fired by an explosive such as gunpowder.  
39 "Firearm" does not include a flare gun or other pyrotechnic visual

1 distress signaling device, or a powder-actuated tool or other device  
2 designed solely to be used for construction purposes.

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

4 (13) "Intimate partner" has the same meaning as provided in RCW  
5 7.105.010.

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

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

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

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

20 (18) "Loaded" means:

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

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

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

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

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

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

37 (20) "Manufacture" means, with respect to a firearm or large  
38 capacity magazine, the fabrication or construction of a firearm or  
39 large capacity magazine.

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

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

6 (23) "Pistol" means any firearm with a barrel less than  
7 (~~sixteen~~) 16 inches in length, or is designed to be held and fired  
8 by the use of a single hand.

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

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

16 (26) "Secure gun storage" means:

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

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

21 (27) "Semiautomatic assault rifle" means any rifle which utilizes  
22 a portion of the energy of a firing cartridge to extract the fired  
23 cartridge case and chamber the next round, and which requires a  
24 separate pull of the trigger to fire each cartridge.

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

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

31 (a) Any crime of violence;

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

35 (c) Child molestation in the second degree;

36 (d) Incest when committed against a child under age (~~fourteen~~)  
37 14;

38 (e) Indecent liberties;

39 (f) Leading organized crime;

40 (g) Promoting prostitution in the first degree;

1 (h) Rape in the third degree;

2 (i) Drive-by shooting;

3 (j) Sexual exploitation;

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

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

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

14 (n) Any other felony with a deadly weapon verdict under RCW  
15 9.94A.825;

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

20 (p) Any felony conviction under RCW 9.41.115.

21 (29) "Short-barreled rifle" means a rifle having one or more  
22 barrels less than (~~sixteen~~) 16 inches in length and any weapon made  
23 from a rifle by any means of modification if such modified weapon has  
24 an overall length of less than (~~twenty-six~~) 26 inches.

25 (30) "Short-barreled shotgun" means a shotgun having one or more  
26 barrels less than (~~eighteen~~) 18 inches in length and any weapon  
27 made from a shotgun by any means of modification if such modified  
28 weapon has an overall length of less than (~~twenty-six~~) 26 inches.

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

35 (32) "Transfer" means the intended delivery of a firearm to  
36 another person without consideration of payment or promise of payment  
37 including, but not limited to, gifts and loans. "Transfer" does not  
38 include the delivery of a firearm owned or leased by an entity  
39 licensed or qualified to do business in the state of Washington to,  
40 or return of such a firearm by, any of that entity's employees or

1 agents, defined to include volunteers participating in an honor  
2 guard, for lawful purposes in the ordinary course of business.

3 (33) "Undetectable firearm" means any firearm that is not as  
4 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through  
5 metal detectors or magnetometers commonly used at airports or any  
6 firearm where the barrel, the slide or cylinder, or the frame or  
7 receiver of the firearm would not generate an image that accurately  
8 depicts the shape of the part when examined by the types of X-ray  
9 machines commonly used at airports.

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

12 (35) "Untraceable firearm" means any firearm manufactured after  
13 July 1, 2019, that is not an antique firearm and that cannot be  
14 traced by law enforcement by means of a serial number affixed to the  
15 firearm by a federally licensed manufacturer or importer.

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

22 (a) An ammunition feeding device that has been permanently  
23 altered so that it cannot accommodate more than 10 rounds of  
24 ammunition;

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

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

28 (37) "Distribute" means to give out, provide, make available, or  
29 deliver a firearm or large capacity magazine to any person in this  
30 state, with or without consideration, whether the distributor is in-  
31 state or out-of-state. "Distribute" includes, but is not limited to,  
32 filling orders placed in this state, online or otherwise.  
33 "Distribute" also includes causing a firearm or large capacity  
34 magazine to be delivered in this state.

35 (38) "Import" means to move, transport, or receive an item from a  
36 place outside the territorial limits of the state of Washington to a  
37 place inside the territorial limits of the state of Washington.

38 NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW  
39 to read as follows:

1 (1) No person in this state may manufacture, import, distribute,  
2 sell, or offer for sale any large capacity magazine, except as  
3 authorized in this section.

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

6 (a) The manufacture, importation, distribution, offer for sale,  
7 or sale of a large capacity magazine by a licensed firearms  
8 manufacturer for the purposes of sale to any branch of the armed  
9 forces of the United States or the state of Washington, or to a law  
10 enforcement agency in this state for use by that agency or its  
11 employees for law enforcement purposes;

12 (b) The importation, distribution, offer for sale, or sale of a  
13 large capacity magazine by a dealer that is properly licensed under  
14 federal and state law for the purpose of sale to any branch of the  
15 armed forces of the United States or the state of Washington, or to a  
16 law enforcement agency in this state for use by that agency or its  
17 employees for law enforcement purposes;

18 (c) The distribution, offer for sale, or sale of a large capacity  
19 magazine to or by a dealer that is properly licensed under federal  
20 and state law where the dealer acquires the large capacity magazine  
21 from a person legally authorized to possess or transfer the large  
22 capacity magazine for the purpose of selling or transferring the  
23 large capacity magazine to a person who does not reside in this  
24 state.

25 (3) A person who violates this section is guilty of a gross  
26 misdemeanor punishable under chapter 9A.20 RCW.

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

29 Distributing, selling, offering for sale, or facilitating the  
30 sale, distribution, or transfer of a large capacity magazine online  
31 is an unfair or deceptive act or practice or unfair method of  
32 competition in the conduct of trade or commerce for purposes of the  
33 consumer protection act, chapter 19.86 RCW.

34 NEW SECTION. **Sec. 5.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the  
36 remainder of the act or the application of the provision to other  
37 persons or circumstances is not affected.



1            NEW SECTION.    **Sec. 6.**    This act takes effect July 1, 2022."

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2            On page 1, line 1 of the title, after "Relating to" strike the  
3 remainder of the title and insert "establishing firearms-related  
4 safety measures to increase public safety by prohibiting the  
5 manufacture, importation, distribution, selling, and offering for  
6 sale of large capacity magazines, and by providing limited exemptions  
7 applicable to licensed firearms manufacturers and dealers for  
8 purposes of sale to armed forces branches and law enforcement  
9 agencies for purposes of sale or transfer outside the state; amending  
10 RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new  
11 section; prescribing penalties; and providing an effective date."

EFFECT:    (1) Limits the prohibition to the manufacture, distribution, or sale of large capacity magazines.

(2) Defines a large capacity magazine as a device that may accept more than 10 rounds.

(3) Makes violations of this act a violation of the Consumer Protection Act.

(4) Amends the legislative findings and intent.

(5) Amends the definition of "manufacture" to include the fabrication or construction of large capacity magazines.

(6) Adds to the prohibitions of this bill a prohibition against the manufacture of large capacity magazines.

(7) Adds the manufacture of large capacity magazines by a licensed firearms manufacturer, for the purposes of sale to any branch of the armed forces of the U.S. or the State of Washington, or to a law enforcement agency in this state, to the exclusions from the prohibitions of this bill.

(8) Amends the title.

(9) Adds a definition of "import."

(10) Adds to the prohibitions of this bill a prohibition against the importation of large capacity magazines.

(11) Adds importation of large capacity magazines by a licensed firearms manufacturer or dealer to the exclusions from the prohibition of this bill.

(12) Amends the definition of "distribute."

(13) Amends the exception to prohibitions against the manufacture, importation, distribution, sale, or offer for sale of large capacity magazines as it relates to transactions between properly licensed dealers and persons legally authorized to possess or transfer large capacity magazines.

(14) Adds a severability clause.

--- **END** ---