

2 SHB 1133 - S COMM AMD

3 By Committee on Law & Justice

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9.41.010 and 1994 sp.s. c 7 s 401 and 1994 c 121 s 1  
8 are each reenacted and amended to read as follows:

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

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

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

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

21 (4) "Short-barreled rifle" means a rifle having one or more barrels  
22 less than sixteen inches in length as measured with the action closed  
23 and any weapon made from a rifle by any means of modification if such  
24 modified weapon has an overall length of less than twenty-six inches.

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

31 (6) "Short-barreled shotgun" means a shotgun having one or more  
32 barrels less than eighteen inches in length as measured with the action  
33 closed and any weapon made from a shotgun by any means of modification  
34 if such modified weapon has an overall length of less than twenty-six  
35 inches.

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

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

16 (9) "Loaded" means:

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

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

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

21 (d) There is a cartridge in the tube, magazine, or other  
22 compartment of the firearm.

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

31 (11) "Crime of violence" means:

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

1 degree, burglary in the second degree, residential burglary, and  
2 robbery in the second degree;

3 (b) Any conviction for a felony offense in effect at any time prior  
4 to July 1, 1976, which is comparable to a felony classified as a crime  
5 of violence in (a) of this subsection; and

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

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

12 (a) Any crime of violence;

13 (b) Child molestation in the second degree;

14 (c) Controlled substance homicide;

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

16 (e) Indecent liberties;

17 (f) Leading organized crime;

18 (g) Promoting prostitution in the first degree;

19 (h) Rape in the third degree;

20 (i) Sexual exploitation;

21 (j) Vehicular assault;

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

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

28 (m) Any other felony with a deadly weapon verdict under RCW  
29 9.94A.125; or

30 (n) Any felony offense in effect at any time prior to July 1, 1994,  
31 that is comparable to a serious offense, or any federal or out-of-state  
32 conviction for an offense that under the laws of this state would be a  
33 felony classified as a serious offense.

34 **Sec. 2.** RCW 9.41.110 and 1994 sp.s. c 7 s 416 are each amended to  
35 read as follows:

36 (1) No dealer may sell or otherwise transfer, or expose for sale or  
37 transfer, or have in his or her possession with intent to sell, or

1 otherwise transfer, any (~~pistol~~) firearm without being licensed under  
2 18 U.S.C. Sec. 923(a) and as provided in this section.

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

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

11 ~~(4))~~ The duly constituted licensing authorities of any city, town,  
12 or political subdivision of this state shall grant licenses in forms  
13 prescribed by the director of licensing effective for (~~not more than~~  
14 ~~one~~) three years from the date of issue permitting the licensee to  
15 sell firearms within this state subject to the following conditions,  
16 for breach of any of which the license shall be forfeited and the  
17 licensee subject to punishment as provided in RCW 9.41.010 through  
18 9.41.810. A licensing authority shall forward a copy of each license  
19 granted to the department of licensing. The department of licensing  
20 shall notify the department of revenue of the name and address of each  
21 dealer licensed under this section. A license issued on or after July  
22 1, 1994, shall be deemed valid for three years from the date of its  
23 issuance.

24 ~~((5)(a))~~ (3) A licensing authority shall, within (~~thirty~~) seven  
25 days after the filing of an application of any person for a dealer's  
26 license, determine whether to grant the license. (~~However, if the~~  
27 ~~applicant does not have a valid permanent Washington driver's license~~  
28 ~~or Washington state identification card, or has not been a resident of~~  
29 ~~the state for the previous consecutive ninety days, the licensing~~  
30 ~~authority shall have up to sixty days to determine whether to issue a~~  
31 ~~license.)) No person shall qualify for a license under this section~~  
32 ~~without first receiving a federal firearms license and undergoing~~  
33 ~~((fingerprinting and)) a criminal background check through the national~~  
34 ~~crime information center and the Washington state crime information~~  
35 ~~center.~~ In addition, no person ineligible to possess a firearm under  
36 RCW 9.41.040 or ineligible for a concealed pistol license under RCW  
37 9.41.070 shall qualify for a dealer's license.

38 ~~((b) A dealer shall require every employee who may sell a firearm~~  
39 ~~in the course of his or her employment to undergo fingerprinting and a~~

1 ~~background check.))~~ An employee must be eligible to possess a firearm,  
2 and must not have been convicted of a crime that would make the person  
3 ineligible for a concealed pistol license, before being permitted to  
4 sell a firearm. Every employee shall comply with requirements  
5 concerning purchase applications and restrictions on delivery of  
6 pistols that are applicable to dealers. Dealers who knowingly allow  
7 ineligible employees to sell firearms shall be subject to revocation or  
8 suspension of their licenses by the licensing authority and a civil  
9 fine of one thousand dollars per violation. The department of  
10 licensing shall adopt rules for the revocation and suspension of  
11 dealer's licenses under this section.

12 ~~((+6+))~~ (4)(a) Except as otherwise provided in (b) of this  
13 subsection, the business shall be carried on only in the building  
14 designated in the license. For the purpose of this section,  
15 advertising firearms for sale shall not be considered the carrying on  
16 of business.

17 (b) A dealer may conduct business temporarily at a location other  
18 than the building designated in the license, if the temporary location  
19 is within Washington state and is the location of a gun show sponsored  
20 by a national, state, or local organization, or an affiliate of any  
21 such organization, devoted to the collection, competitive use, or other  
22 sporting use of firearms in the community. Nothing in this subsection  
23 ~~((+6+))~~ (4)(b) authorizes a dealer to conduct business in or from a  
24 motorized or towed vehicle.

25 In conducting business temporarily at a location other than the  
26 building designated in the license, the dealer shall comply with all  
27 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and  
28 9.41.110. The license of a dealer who fails to comply with the  
29 requirements of RCW 9.41.080 and 9.41.090 and subsection ~~((+8+))~~ (6) of  
30 this section while conducting business at a temporary location shall be  
31 revoked, and the dealer shall be permanently ineligible for a dealer's  
32 license.

33 ~~((+7+))~~ (5) The license or a copy thereof, certified by the issuing  
34 authority, shall be displayed on the premises in the area where  
35 firearms are sold, or at the temporary location, where it can easily be  
36 read.

37 ~~((+8+))~~ (6)(a) No pistol may be sold: (i) In violation of any  
38 provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol be

1 sold under any circumstances unless the purchaser is personally known  
2 to the dealer or shall present clear evidence of his or her identity.

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

8 (c) The license fee (~~for pistols~~) shall be one hundred twenty-  
9 five dollars for the issuance of a three-year license. (~~The license~~  
10 ~~fee for firearms other than pistols shall be one hundred twenty five~~  
11 ~~dollars. The license fee for ammunition shall be one hundred twenty-~~  
12 ~~five dollars. Any dealer who obtains any license under subsection (1),~~  
13 ~~(2), or (3) of this section may also obtain the remaining licenses~~  
14 ~~without payment of any fee.)) The fees received under this section  
15 shall be deposited in the account under RCW 69.50.520.~~

16 (~~(+9)~~) (7)(a) A true record in triplicate shall be made of every  
17 pistol sold, in a book kept for the purpose, the form of which may be  
18 prescribed by the director of licensing and shall be personally signed  
19 by the purchaser and by the person effecting the sale, each in the  
20 presence of the other, and shall contain the date of sale, the caliber,  
21 make, model and manufacturer's number of the weapon, the name, address,  
22 occupation, and place of birth of the purchaser and a statement signed  
23 by the purchaser that he or she is not ineligible under RCW 9.41.040 to  
24 possess a firearm.

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

30 (~~(+10)~~) (8) Subsections (2) through (~~(+9)~~) (7) of this section  
31 shall not apply to sales at wholesale.

32 (~~(+11)~~) (9) The dealer's licenses authorized to be issued by this  
33 section are general licenses covering all sales by the licensee within  
34 the effective period of the licenses. The department shall provide a  
35 single application form for dealer's licenses (~~and a single license~~  
36 ~~form which shall indicate the type or types of licenses granted)).~~

37 (~~(+12)~~) (10) Except as provided in RCW 9.41.090, every city, town,  
38 and political subdivision of this state is prohibited from requiring

1 the purchaser to secure a permit to purchase or from requiring the  
2 dealer to secure an individual permit for each sale."

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6 On page 1, line 1 of the title, after "dealers;" strike the  
7 remainder of the title and insert "amending RCW 9.41.110; reenacting  
8 and amending RCW 9.41.010; and prescribing penalties."

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