

SB 5992 - S AMD 371
By Senator Padden

NOT ADOPTED 01/25/2018

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

3 "Sec. 1. RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and
4 amended to read as follows:

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

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

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

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

25 (4) "Crime of violence" means:

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

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

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

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

10 ~~((4))~~ (5) "Curio or relic" has the same meaning as provided in
11 27 C.F.R. Sec. 478.11.

12 ~~((5))~~ (6) "Dealer" means a person engaged in the business of
13 selling firearms at wholesale or retail who has, or is required to
14 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A
15 person who does not have, and is not required to have, a federal
16 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that
17 person makes only occasional sales, exchanges, or purchases of
18 firearms for the enhancement of a personal collection or for a hobby,
19 or sells all or part of his or her personal collection of firearms.

20 ~~((6))~~ (7) "Family or household member" means "family" or
21 "household member" as used in RCW 10.99.020.

22 ~~((7))~~ (8) "Felony" means any felony offense under the laws of
23 this state or any federal or out-of-state offense comparable to a
24 felony offense under the laws of this state.

25 ~~((8))~~ (9) "Felony firearm offender" means a person who has
26 previously been convicted or found not guilty by reason of insanity
27 in this state of any felony firearm offense. A person is not a felony
28 firearm offender under this chapter if any and all qualifying
29 offenses have been the subject of an expungement, pardon, annulment,
30 certificate, or rehabilitation, or other equivalent procedure based
31 on a finding of the rehabilitation of the person convicted or a
32 pardon, annulment, or other equivalent procedure based on a finding
33 of innocence.

34 ~~((9))~~ (10) "Felony firearm offense" means:

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

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

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

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

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

1 ~~((10))~~ (11) "Firearm" means a weapon or device from which a
2 projectile or projectiles may be fired by an explosive such as
3 gunpowder and also includes a bump-fire stock. "Firearm" does not
4 include a flare gun or other pyrotechnic visual distress signaling
5 device, or a powder-actuated tool or other device designed solely to
6 be used for construction purposes.

7 ~~((11))~~ (12) "Gun" has the same meaning as firearm.

8 ~~((12))~~ (13) "Law enforcement officer" includes a general
9 authority Washington peace officer as defined in RCW 10.93.020, or a
10 specially commissioned Washington peace officer as defined in RCW
11 10.93.020. "Law enforcement officer" also includes a limited
12 authority Washington peace officer as defined in RCW 10.93.020 if
13 such officer is duly authorized by his or her employer to carry a
14 concealed pistol.

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

18 ~~((14))~~ (15) "Licensed collector" means a person who is
19 federally licensed under 18 U.S.C. Sec. 923(b).

20 ~~((15))~~ (16) "Licensed dealer" means a person who is federally
21 licensed under 18 U.S.C. Sec. 923(a).

22 ~~((16))~~ (17) "Loaded" means:

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

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

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

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

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

32 ~~((17))~~ (18) "Machine gun" means any firearm known as a machine
33 gun, mechanical rifle, submachine gun, or any other mechanism or
34 instrument not requiring that the trigger be pressed for each shot
35 and having a reservoir clip, disc, drum, belt, or other separable
36 mechanical device for storing, carrying, or supplying ammunition
37 which can be loaded into the firearm, mechanism, or instrument, and
38 fired therefrom at the rate of five or more shots per second.

39 ~~((18))~~ (19) "Nonimmigrant alien" means a person defined as such
40 in 8 U.S.C. Sec. 1101(a)(15).

1 (~~(19)~~) (20) "Person" means any individual, corporation,
2 company, association, firm, partnership, club, organization, society,
3 joint stock company, or other legal entity.

4 (~~(20)~~) (21) "Pistol" means any firearm with a barrel less than
5 sixteen inches in length, or is designed to be held and fired by the
6 use of a single hand.

7 (~~(21)~~) (22) "Rifle" means a weapon designed or redesigned, made
8 or remade, and intended to be fired from the shoulder and designed or
9 redesigned, made or remade, and intended to use the energy of the
10 explosive in a fixed metallic cartridge to fire only a single
11 projectile through a rifled bore for each single pull of the trigger.

12 (~~(22)~~) (23) "Sale" and "sell" mean the actual approval of the
13 delivery of a firearm in consideration of payment or promise of
14 payment.

15 (~~(23)~~) (24) "Serious offense" means any of the following
16 felonies or a felony attempt to commit any of the following felonies,
17 as now existing or hereafter amended:

18 (a) Any crime of violence;

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

22 (c) Child molestation in the second degree;

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

24 (e) Indecent liberties;

25 (f) Leading organized crime;

26 (g) Promoting prostitution in the first degree;

27 (h) Rape in the third degree;

28 (i) Drive-by shooting;

29 (j) Sexual exploitation;

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

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

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

1 (n) Any other felony with a deadly weapon verdict under RCW
2 9.94A.825;

3 (o) Any felony offense in effect at any time prior to June 6,
4 1996, that is comparable to a serious offense, or any federal or out-
5 of-state conviction for an offense that under the laws of this state
6 would be a felony classified as a serious offense; or

7 (p) Any felony conviction under RCW 9.41.115.

8 ~~((+24))~~ (25) "Short-barreled rifle" means a rifle having one or
9 more barrels less than sixteen inches in length and any weapon made
10 from a rifle by any means of modification if such modified weapon has
11 an overall length of less than twenty-six inches.

12 ~~((+25))~~ (26) "Short-barreled shotgun" means a shotgun having one
13 or more barrels less than eighteen inches in length and any weapon
14 made from a shotgun by any means of modification if such modified
15 weapon has an overall length of less than twenty-six inches.

16 ~~((+26))~~ (27) "Shotgun" means a weapon with one or more barrels,
17 designed or redesigned, made or remade, and intended to be fired from
18 the shoulder and designed or redesigned, made or remade, and intended
19 to use the energy of the explosive in a fixed shotgun shell to fire
20 through a smooth bore either a number of ball shot or a single
21 projectile for each single pull of the trigger.

22 ~~((+27))~~ (28) "Transfer" means the intended delivery of a firearm
23 to another person without consideration of payment or promise of
24 payment including, but not limited to, gifts and loans. "Transfer"
25 does not include the delivery of a firearm owned or leased by an
26 entity licensed or qualified to do business in the state of
27 Washington to, or return of such a firearm by, any of that entity's
28 employees or agents, defined to include volunteers participating in
29 an honor guard, for lawful purposes in the ordinary course of
30 business.

31 ~~((+28))~~ (29) "Unlicensed person" means any person who is not a
32 licensed dealer under this chapter.

33 **Sec. 2.** RCW 9.41.090 and 2015 c 1 s 5 are each amended to read
34 as follows:

35 (1) In addition to the other requirements of this chapter, no
36 dealer may deliver a pistol or bump-fire stock to the purchaser
37 thereof until:

38 (a) The purchaser produces a valid concealed pistol license and
39 the dealer has recorded the purchaser's name, license number, and

1 issuing agency, such record to be made in triplicate and processed as
2 provided in subsection (5) of this section. For purposes of this
3 subsection (1)(a), a "valid concealed pistol license" does not
4 include a temporary emergency license, and does not include any
5 license issued before July 1, 1996, unless the issuing agency
6 conducted a records search for disqualifying crimes under RCW
7 9.41.070 at the time of issuance;

8 (b) The dealer is notified in writing by the chief of police or
9 the sheriff of the jurisdiction in which the purchaser resides that
10 the purchaser is eligible to possess a pistol or bump-fire stock
11 under RCW 9.41.040 and that the application to purchase is approved
12 by the chief of police or sheriff; or

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

15 (2)(a) Except as provided in (b) of this subsection, in
16 determining whether the purchaser meets the requirements of RCW
17 9.41.040, the chief of police or sheriff, or the designee of either,
18 shall check with the national crime information center, the
19 Washington state patrol electronic database, the department of social
20 and health services electronic database, and with other agencies or
21 resources as appropriate, to determine whether the applicant is
22 ineligible under RCW 9.41.040 to possess a firearm.

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

32 (3) In any case under this section where the applicant has an
33 outstanding warrant for his or her arrest from any court of competent
34 jurisdiction for a felony or misdemeanor, the dealer shall hold the
35 delivery of the pistol or bump-fire stock until the warrant for
36 arrest is served and satisfied by appropriate court appearance. The
37 local jurisdiction for purposes of the sale shall confirm the
38 existence of outstanding warrants within seventy-two hours after
39 notification of the application to purchase a pistol or bump-fire
40 stock is received. The local jurisdiction shall also immediately

1 confirm the satisfaction of the warrant on request of the dealer so
2 that the hold may be released if the warrant was for an offense other
3 than an offense making a person ineligible under RCW 9.41.040 to
4 possess a (~~pistol~~) firearm.

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

23 (5)(a) At the time of applying for the purchase of a pistol or
24 bump-fire stock, the purchaser shall sign in triplicate and deliver
25 to the dealer an application containing:

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

28 (ii) The date and hour of the application;

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

31 (iv) If purchasing a pistol, a description of the pistol
32 including the make, model, (~~caliber~~) and manufacturer's number if
33 available at the time of applying for the purchase of a pistol. If
34 the manufacturer's number is not available at the time of purchase of
35 the pistol, the application may be processed, but delivery of the
36 pistol to the purchaser may not occur unless the manufacturer's
37 number is recorded on the application by the dealer and transmitted
38 to the chief of police of the municipality or the sheriff of the
39 county in which the purchaser resides; and a statement that the

1 purchaser is eligible to possess a (~~pistol~~) firearm under ((RCW
2 9.41.040)) state or federal law.

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

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

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

15 (c) The dealer shall, by the end of the business day, sign and
16 attach his or her address and deliver a copy of the application and
17 such other documentation as required under subsection (1) of this
18 section to the chief of police of the municipality or the sheriff of
19 the county of which the purchaser is a resident. The triplicate shall
20 be retained by the dealer for six years. The dealer shall deliver the
21 pistol or bump-fire stock to the purchaser following the period of
22 time specified in this chapter unless the dealer is notified of an
23 investigative hold under subsection (4) of this section in writing by
24 the chief of police of the municipality or the sheriff of the county,
25 whichever is applicable, denying the purchaser's application to
26 purchase and the grounds thereof. The application shall not be denied
27 unless the purchaser is not eligible to possess a (~~pistol~~) firearm
28 under ((~~RCW 9.41.040 or 9.41.045,~~) state or federal law.

29 (d) The chief of police of the municipality or the sheriff of the
30 county shall retain or destroy applications to purchase a pistol or
31 bump-fire stock in accordance with the requirements of 18 U.S.C. Sec.
32 922.

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

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

1 **Sec. 3.** RCW 9.41.094 and 1994 sp.s. c 7 s 411 are each amended
2 to read as follows:

3 A signed application to purchase a pistol or bump-fire stock
4 shall constitute a waiver of confidentiality and written request that
5 the department of social and health services, mental health
6 institutions, and other health care facilities release, to an
7 inquiring court or law enforcement agency, information relevant to
8 the applicant's eligibility to purchase a pistol or bump-fire stock
9 to an inquiring court or law enforcement agency.

10 **Sec. 4.** RCW 9.41.097 and 2009 c 216 s 6 are each amended to read
11 as follows:

12 (1) The department of social and health services, mental health
13 institutions, and other health care facilities shall, upon request of
14 a court or law enforcement agency, supply such relevant information
15 as is necessary to determine the eligibility of a person to possess a
16 (~~pistol~~) firearm or to be issued a concealed pistol license under
17 RCW 9.41.070 or to purchase a pistol or bump-fire stock under RCW
18 9.41.090.

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

25 **Sec. 5.** RCW 9.41.0975 and 2009 c 216 s 7 are each amended to
26 read as follows:

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

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

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

35 (c) For issuing a concealed pistol license or alien firearm
36 license to a person ineligible for such a license;

37 (d) For failing to issue a concealed pistol license or alien
38 firearm license to a person eligible for such a license;

1 (e) For revoking or failing to revoke an issued concealed pistol
2 license or alien firearm license;

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

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

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

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

13 (a) Directing an issuing agency to issue a concealed pistol
14 license or alien firearm license wrongfully refused;

15 (b) Directing a law enforcement agency to approve an application
16 to purchase a pistol or bump-fire stock wrongfully denied;

17 (c) Directing that erroneous information resulting either in the
18 wrongful refusal to issue a concealed pistol license or alien firearm
19 license or in the wrongful denial of a purchase application for a
20 pistol or bump-fire stock be corrected; or

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

23 The application for the writ may be made in the county in which
24 the application for a concealed pistol license or alien firearm
25 license or to purchase a pistol or bump-fire stock was made, or in
26 Thurston county, at the discretion of the petitioner. A court shall
27 provide an expedited hearing for an application brought under this
28 subsection (2) for a writ of mandamus. A person granted a writ of
29 mandamus under this subsection (2) shall be awarded reasonable
30 attorneys' fees and costs.

31 **Sec. 6.** RCW 9.41.110 and 2009 c 479 s 10 are each amended to
32 read as follows:

33 (1) No dealer may sell or otherwise transfer, or expose for sale
34 or transfer, or have in his or her possession with intent to sell, or
35 otherwise transfer, any pistol or bump-fire stock without being
36 licensed as provided in this section.

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

1 otherwise transfer, any firearm other than a pistol or bump-fire
2 stock without being licensed as provided in this section.

3 (3) 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 ammunition without being licensed as provided
6 in this section.

7 (4) The duly constituted licensing authorities of any city, town,
8 or political subdivision of this state shall grant licenses in forms
9 prescribed by the director of licensing effective for not more than
10 one year from the date of issue permitting the licensee to sell
11 firearms within this state subject to the following conditions, for
12 breach of any of which the license shall be forfeited and the
13 licensee subject to punishment as provided in RCW 9.41.010 through
14 9.41.810. A licensing authority shall forward a copy of each license
15 granted to the department of licensing. The department of licensing
16 shall notify the department of revenue of the name and address of
17 each dealer licensed under this section.

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

31 (b) A dealer shall require every employee who may sell a firearm
32 in the course of his or her employment to undergo fingerprinting and
33 a background check. An employee must be eligible to possess a
34 firearm, and must not have been convicted of a crime that would make
35 the person ineligible for a concealed pistol license, before being
36 permitted to sell a firearm. Every employee shall comply with
37 requirements concerning purchase applications and restrictions on
38 delivery of pistols or bump-fire stocks that are applicable to
39 dealers.

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

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

13 In conducting business temporarily at a location other than the
14 building designated in the license, the dealer shall comply with all
15 other requirements imposed on dealers by RCW 9.41.090((~~7~~)) and
16 9.41.100((~~7~~)) and ((~~9.41.110~~)) this section. The license of a dealer
17 who fails to comply with the requirements of RCW 9.41.080 and
18 9.41.090 and subsection (8) of this section while conducting business
19 at a temporary location shall be revoked, and the dealer shall be
20 permanently ineligible for a dealer's license.

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

25 (8)(a) No pistol or bump-fire stock may be sold: (i) In violation
26 of any provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a
27 pistol or bump-fire stock be sold under any circumstances unless the
28 purchaser is personally known to the dealer or shall present clear
29 evidence of his or her identity.

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

35 (c) The license fee for pistols or bump-fire stocks shall be one
36 hundred twenty-five dollars. The license fee for firearms other than
37 pistols or bump-fire stocks shall be one hundred twenty-five dollars.
38 The license fee for ammunition shall be one hundred twenty-five
39 dollars. Any dealer who obtains any license under subsection (1),
40 (2), or (3) of this section may also obtain the remaining licenses

1 without payment of any fee. The fees received under this section
2 shall be deposited in the state general fund.

3 (9)(a) A true record in triplicate shall be made of every pistol
4 or bump-fire stock sold, in a book kept for the purpose, the form of
5 which may be prescribed by the director of licensing and shall be
6 personally signed by the purchaser and by the person effecting the
7 sale, each in the presence of the other, and shall contain the date
8 of sale(()); the ((~~caliber~~)) make, model, and manufacturer's number
9 of the weapon(()) if applicable; the name, address, occupation, and
10 place of birth of the purchaser; and a statement signed by the
11 purchaser, that he or she is not ineligible under RCW 9.41.040 to
12 possess a firearm.

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

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

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

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

30 **Sec. 7.** RCW 9.41.113 and 2017 c 264 s 2 are each amended to read
31 as follows:

32 (1) All firearm sales or transfers, in whole or part in this
33 state including without limitation a sale or transfer where either
34 the purchaser or seller or transferee or transferor is in Washington,
35 shall be subject to background checks unless specifically exempted by
36 state or federal law. The background check requirement applies to all
37 sales or transfers including, but not limited to, sales and transfers
38 through a licensed dealer, at gun shows, online, and between
39 unlicensed persons.

1 (2) No person shall sell or transfer a firearm unless:

2 (a) The person is a licensed dealer;

3 (b) The purchaser or transferee is a licensed dealer; or

4 (c) The requirements of subsection (3) of this section are met.

5 (3) Where neither party to a prospective firearms transaction is
6 a licensed dealer, the parties to the transaction shall complete the
7 sale or transfer through a licensed dealer as follows:

8 (a) The seller or transferor shall deliver the firearm to a
9 licensed dealer to process the sale or transfer as if it is selling
10 or transferring the firearm from its inventory to the purchaser or
11 transferee, except that the unlicensed seller or transferor may
12 remove the firearm from the business premises of the licensed dealer
13 while the background check is being conducted. If the seller or
14 transferor removes the firearm from the business premises of the
15 licensed dealer while the background check is being conducted, the
16 purchaser or transferee and the seller or transferor shall return to
17 the business premises of the licensed dealer and the seller or
18 transferor shall again deliver the firearm to the licensed dealer
19 prior to completing the sale or transfer.

20 (b) Except as provided in (a) of this subsection, the licensed
21 dealer shall comply with all requirements of federal and state law
22 that would apply if the licensed dealer were selling or transferring
23 the firearm from its inventory to the purchaser or transferee,
24 including but not limited to conducting a background check on the
25 prospective purchaser or transferee in accordance with federal and
26 state law requirements and fulfilling all federal and state
27 recordkeeping requirements.

28 (c) The purchaser or transferee must complete, sign, and submit
29 all federal, state, and local forms necessary to process the required
30 background check to the licensed dealer conducting the background
31 check.

32 (d) If the results of the background check indicate that the
33 purchaser or transferee is ineligible to possess a firearm, then the
34 licensed dealer shall return the firearm to the seller or transferor.

35 (e) The licensed dealer may charge a fee that reflects the fair
36 market value of the administrative costs and efforts incurred by the
37 licensed dealer for facilitating the sale or transfer of the firearm.

38 (4) This section does not apply to:

39 (a) A transfer between immediate family members, which for this
40 subsection shall be limited to spouses, domestic partners, parents,

1 parents-in-law, children, siblings, siblings-in-law, grandparents,
2 grandchildren, nieces, nephews, first cousins, aunts, and uncles,
3 that is a bona fide gift or loan;

4 (b) The sale or transfer of an antique firearm;

5 (c) A temporary transfer of possession of a firearm if such
6 transfer is necessary to prevent imminent death or great bodily harm
7 to the person to whom the firearm is transferred if:

8 (i) The temporary transfer only lasts as long as immediately
9 necessary to prevent such imminent death or great bodily harm; and

10 (ii) The person to whom the firearm is transferred is not
11 prohibited from possessing firearms under state or federal law;

12 (d) A temporary transfer of possession of a firearm if: (i) The
13 transfer is intended to prevent suicide or self-inflicted great
14 bodily harm; (ii) the transfer lasts only as long as reasonably
15 necessary to prevent death or great bodily harm; and (iii) the
16 firearm is not utilized by the transferee for any purpose for the
17 duration of the temporary transfer;

18 (e) Any law enforcement or corrections agency and, to the extent
19 the person is acting within the course and scope of his or her
20 employment or official duties, any law enforcement or corrections
21 officer, United States marshal, member of the armed forces of the
22 United States or the national guard, or federal official;

23 (f) A federally licensed gunsmith who receives a firearm solely
24 for the purposes of service or repair, or the return of the firearm
25 to its owner by the federally licensed gunsmith;

26 (g) The temporary transfer of a firearm (i) between spouses or
27 domestic partners; (ii) if the temporary transfer occurs, and the
28 firearm is kept at all times, at an established shooting range
29 authorized by the governing body of the jurisdiction in which such
30 range is located; (iii) if the temporary transfer occurs and the
31 transferee's possession of the firearm is exclusively at a lawful
32 organized competition involving the use of a firearm, or while
33 participating in or practicing for a performance by an organized
34 group that uses firearms as a part of the performance; (iv) to a
35 person who is under eighteen years of age for lawful hunting,
36 sporting, or educational purposes while under the direct supervision
37 and control of a responsible adult who is not prohibited from
38 possessing firearms; (v) under circumstances in which the transferee
39 and the firearm remain in the presence of the transferor; or (vi)
40 while hunting if the hunting is legal in all places where the person

1 to whom the firearm is transferred possesses the firearm and the
2 person to whom the firearm is transferred has completed all training
3 and holds all licenses or permits required for such hunting, provided
4 that any temporary transfer allowed by this subsection is permitted
5 only if the person to whom the firearm is transferred is not
6 prohibited from possessing firearms under state or federal law;

7 (h) A person who (i) acquired a firearm other than a pistol by
8 operation of law upon the death of the former owner of the firearm or
9 (ii) acquired a pistol by operation of law upon the death of the
10 former owner of the pistol within the preceding sixty days. At the
11 end of the sixty-day period, the person must either have lawfully
12 transferred the pistol or must have contacted the department of
13 licensing to notify the department that he or she has possession of
14 the pistol and intends to retain possession of the pistol, in
15 compliance with all federal and state laws; ((~~or~~))

16 (i) A sale or transfer when the purchaser or transferee is a
17 licensed collector and the firearm being sold or transferred is a
18 curio or relic; or

19 (j) The sale or transfer of a bump-fire stock where the purchaser
20 or transferee produces a valid concealed pistol license.

21 **Sec. 8.** RCW 9.41.129 and 2005 c 274 s 203 are each amended to
22 read as follows:

23 The department of licensing may keep copies or records of
24 applications for concealed pistol licenses provided for in RCW
25 9.41.070, copies or records of applications for alien firearm
26 licenses, copies or records of applications to purchase pistols or
27 bump-fire stocks provided for in RCW 9.41.090, and copies or records
28 of pistol or bump-fire stock transfers provided for in RCW 9.41.110.
29 The copies and records shall not be disclosed except as provided in
30 RCW 42.56.240(4)."

SB 5992 - S AMD 371
By Senator Padden

NOT ADOPTED 01/25/2018

31 On page 1, line 1 of the title, after "to" strike the remainder
32 of the title and insert "bump-fire stock; amending RCW 9.41.090,

1 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.113, and 9.41.129; and
2 reenacting and amending RCW 9.41.010."

EFFECT: Defines bump-fire stock and adds bump-fire stock to the definition of a firearm; applies the same requirements and procedures for purchasing and owning a pistol or handgun to the purchase and possession of a bump-fire stock, including requiring a state and federal background check at the time of acquisition.

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