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HOUSE BILL 3004

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By Representatives Jinkins, Kagi, Senn, Doglio, Pollet, Peterson, Stanford, Fey, Appleton, Ryu, Robinson, Ormsby, Slatter, Kloba, Valdez, and Bergquist

Read first time 02/26/18. Referred to Committee on Judiciary.

1 AN ACT Relating to improving security in schools and the safety  
2 of students by: Creating a grant program for school districts to  
3 implement emergency response systems; creating a program to provide  
4 students and the community with the means to report unsafe or violent  
5 activities; requiring the same background check process to purchase  
6 certain rifles and shotguns as is currently required for pistols;  
7 prohibiting persons under the age of 21 from purchasing certain  
8 rifles and shotguns; and generating funds; amending RCW 9.41.090,  
9 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.113, 9.41.124,  
10 36.28A.420, and 9.41.240; reenacting and amending RCW 42.56.240 and  
11 9.41.010; adding a new section to chapter 43.10 RCW; adding a new  
12 section to chapter 28A.320 RCW; creating a new section; and  
13 prescribing penalties.

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

15 **Part I - School Emergency Response Systems**

16 NEW SECTION. **Sec. 1.** Subject to amounts appropriated for this  
17 purpose and consistent with the requirements of RCW 28A.335.010 and  
18 28A.300.565, the superintendent of public instruction shall allocate  
19 grants to school districts on a competitive basis for the purpose of  
20 implementing emergency response systems using evolving technology to

1 expedite the response and arrival of law enforcement in the event of  
2 a threat or emergency at a school.

3 **Part II - Students Protecting Students**

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.10  
5 RCW to read as follows:

6 (1) The students protecting students program is established  
7 within the office of the attorney general. The primary purpose of the  
8 program is to operate a statewide communications center that provides  
9 students and the community with the means to relay information  
10 anonymously concerning unsafe, potentially harmful, dangerous,  
11 violent, or criminal activities, or the threat of these activities,  
12 first to law enforcement and public safety agencies, and as  
13 appropriate to school officials. The office of the attorney general  
14 may contract with an organization or call center to provide the  
15 program described in this section.

16 (2) The students protecting students program must:

17 (a) Establish and maintain methods of anonymous reporting  
18 concerning unsafe, potentially harmful, dangerous, violent, or  
19 criminal activities, or the threat of these activities, where  
20 reporting can be accomplished by, at a minimum, phone, text message,  
21 and email, twenty-four hours per day, seven days per week;

22 (b) Establish methods and procedures, consistent with the federal  
23 health insurance portability and accountability act and the federal  
24 educational rights and privacy act, to ensure that the identity of  
25 the reporting party remains unknown to persons and entities,  
26 including employees or persons operating the program, law enforcement  
27 officers, public safety officers, and school officials;

28 (c) Establish methods and procedures so that information obtained  
29 from a reporting party who voluntarily discloses his or her identity  
30 and verifies that he or she is willing to be identified may be shared  
31 with employees or persons operating the program, law enforcement  
32 officers, public safety officers, and school officials;

33 (d) Establish methods and procedures to ensure that the identity  
34 of a reporting party who becomes known through any means other than  
35 voluntary disclosure is not further disclosed; and

36 (e) Promptly forward information received by the program to the  
37 appropriate law enforcement or public safety agency or school  
38 officials.

1           (3) The identity of the reporting party or other personally  
2 identifiable information may be released by the students protecting  
3 students program to a school district or law enforcement officer when  
4 that school district superintendent or law enforcement officer  
5 declares in an affidavit that after a threat assessment or other  
6 investigation of the report he or she has probable cause to believe  
7 that the reporting party knowingly filed a fraudulent report. The  
8 chief of the Washington state patrol must approve the release of the  
9 identity or other personally identifiable information by the students  
10 protecting students program under this subsection.

11           (4)(a) The students protecting students program and employees or  
12 persons operating the program must not be compelled to produce any  
13 personally identifiable information except on the motion of a  
14 criminal defendant to the court in which the offense is being tried,  
15 supported by an affidavit establishing that the personally  
16 identifiable information contains impeachment evidence or evidence  
17 that is exculpatory to the defendant in the trial of that offense.

18           (b) If the defendant's motion is granted, the court shall conduct  
19 an ex parte in camera review of personally identifiable information  
20 produced under the defendant's subpoena.

21           (c) If the court determines that the produced personally  
22 identifiable information contains impeachment evidence or evidence  
23 that is exculpatory to the defendant, the court shall order the  
24 personally identifiable information be produced to the defendant  
25 pursuant to a protective order that includes the redaction of the  
26 reporting party's identity and limitations on the use of the  
27 personally identifiable information, as needed, unless contrary to  
28 state or federal law. Personally identifiable information excised  
29 pursuant to a judicial order following the in camera review must be  
30 sealed and preserved in the records of the court, to be made  
31 available to the appellate court in the event of an appeal. After the  
32 time for appeal has expired, the court must return the personally  
33 identifiable information to the students protecting students program.

34           (5)(a) Personally identifiable information created or obtained  
35 through the implementation or operation of the students protecting  
36 students program is confidential and must not be disclosed. The  
37 students protecting students program and employees or persons  
38 operating the program may be compelled to produce personally  
39 identifiable information only before a court or other tribunal and  
40 only pursuant to court order for an in camera review. An in camera

1 review must be limited to an inspection of personally identifiable  
2 information that is material to the specific case pending before the  
3 court. The attorney general acting on behalf of the students  
4 protecting students program has standing in an action to oppose the  
5 disclosure of personally identifiable information in the custody of  
6 the program.

7 (b) An employee or person operating the program who knowingly  
8 discloses personally identifiable information in violation of the  
9 provisions of this section commits a misdemeanor punishable under  
10 chapter 9A.20 RCW.

11 (6) The definitions in this subsection apply throughout this  
12 section unless the context clearly requires otherwise.

13 (a) "In camera" means a confidential review by the judge alone in  
14 his or her chambers.

15 (b) "Personally identifiable information" means the name of the  
16 reporting party; the address, phone number, or email address of the  
17 reporting party; personal indirect identifiers of the reporting  
18 party, such as social security number, student number, date of birth,  
19 or mother's maiden name; or other information that, alone or in  
20 combination with other information, could be used to determine the  
21 identity of the reporting party.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320  
23 RCW to read as follows:

24 (1) Every school year, beginning in the 2018-19 school year,  
25 there must be made available to all students in each common school as  
26 defined in RCW 28A.150.020 at least one age-appropriate educational  
27 program, class, or activity developed in collaboration with the  
28 office of the attorney general and designed to teach students about  
29 the students protecting students program established in section 2 of  
30 this act. Such a program, class, or activity must include information  
31 about how to report anonymously concerning unsafe, potentially  
32 harmful, dangerous, violent, or criminal activities, or the threat of  
33 these activities, to appropriate law enforcement agencies, public  
34 safety agencies, and school officials.

35 (2) Beginning in the 2018-19 school year, schools and school  
36 districts must disseminate information about the students protecting  
37 students program established in section 2 of this act, including the  
38 contact information for anonymous reporting, through any normal means  
39 of existing communication to students and families.

1       **Sec. 4.** RCW 42.56.240 and 2017 c 261 s 7 and 2017 c 72 s 3 are  
2 each reenacted and amended to read as follows:

3       The following investigative, law enforcement, and crime victim  
4 information is exempt from public inspection and copying under this  
5 chapter:

6       (1) Specific intelligence information and specific investigative  
7 records compiled by investigative, law enforcement, and penology  
8 agencies, and state agencies vested with the responsibility to  
9 discipline members of any profession, the nondisclosure of which is  
10 essential to effective law enforcement or for the protection of any  
11 person's right to privacy;

12       (2) Information revealing the identity of persons who are  
13 witnesses to or victims of crime or who file complaints with  
14 investigative, law enforcement, or penology agencies, other than the  
15 commission, if disclosure would endanger any person's life, physical  
16 safety, or property. If at the time a complaint is filed the  
17 complainant, victim, or witness indicates a desire for disclosure or  
18 nondisclosure, such desire shall govern. However, all complaints  
19 filed with the commission about any elected official or candidate for  
20 public office must be made in writing and signed by the complainant  
21 under oath;

22       (3) Any records of investigative reports prepared by any state,  
23 county, municipal, or other law enforcement agency pertaining to sex  
24 offenses contained in chapter 9A.44 RCW or sexually violent offenses  
25 as defined in RCW 71.09.020, which have been transferred to the  
26 Washington association of sheriffs and police chiefs for permanent  
27 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

28       (4) License applications under RCW 9.41.070; copies of license  
29 applications or information on the applications may be released to  
30 law enforcement or corrections agencies;

31       (5) Information revealing the identity of child victims of sexual  
32 assault who are under age eighteen. Identifying information means the  
33 child victim's name, address, location, photograph, and in cases in  
34 which the child victim is a relative or stepchild of the alleged  
35 perpetrator, identification of the relationship between the child and  
36 the alleged perpetrator;

37       (6) Information contained in a local or regionally maintained  
38 gang database as well as the statewide gang database referenced in  
39 RCW 43.43.762;

1 (7) Data from the electronic sales tracking system established in  
2 RCW 69.43.165;

3 (8) Information submitted to the statewide unified sex offender  
4 notification and registration program under RCW 36.28A.040(6) by a  
5 person for the purpose of receiving notification regarding a  
6 registered sex offender, including the person's name, residential  
7 address, and email address;

8 (9) Personally identifying information collected by law  
9 enforcement agencies pursuant to local security alarm system programs  
10 and vacation crime watch programs. Nothing in this subsection shall  
11 be interpreted so as to prohibit the legal owner of a residence or  
12 business from accessing information regarding his or her residence or  
13 business;

14 (10) The felony firearm offense conviction database of felony  
15 firearm offenders established in RCW 43.43.822;

16 (11) The identity of a state employee or officer who has in good  
17 faith filed a complaint with an ethics board, as provided in RCW  
18 42.52.410, or who has in good faith reported improper governmental  
19 action, as defined in RCW 42.40.020, to the auditor or other public  
20 official, as defined in RCW 42.40.020;

21 (12) The following security threat group information collected  
22 and maintained by the department of corrections pursuant to RCW  
23 72.09.745: (a) Information that could lead to the identification of a  
24 person's security threat group status, affiliation, or activities;  
25 (b) information that reveals specific security threats associated  
26 with the operation and activities of security threat groups; and (c)  
27 information that identifies the number of security threat group  
28 members, affiliates, or associates;

29 (13) The global positioning system data that would indicate the  
30 location of the residence of an employee or worker of a criminal  
31 justice agency as defined in RCW 10.97.030;

32 (14) Body worn camera recordings to the extent nondisclosure is  
33 essential for the protection of any person's right to privacy as  
34 described in RCW 42.56.050, including, but not limited to, the  
35 circumstances enumerated in (a) of this subsection. A law enforcement  
36 or corrections agency shall not disclose a body worn camera recording  
37 to the extent the recording is exempt under this subsection.

38 (a) Disclosure of a body worn camera recording is presumed to be  
39 highly offensive to a reasonable person under RCW 42.56.050 to the  
40 extent it depicts:

1 (i)(A) Any areas of a medical facility, counseling, or  
2 therapeutic program office where:

3 (I) A patient is registered to receive treatment, receiving  
4 treatment, waiting for treatment, or being transported in the course  
5 of treatment; or

6 (II) Health care information is shared with patients, their  
7 families, or among the care team; or

8 (B) Information that meets the definition of protected health  
9 information for purposes of the health insurance portability and  
10 accountability act of 1996 or health care information for purposes of  
11 chapter 70.02 RCW;

12 (ii) The interior of a place of residence where a person has a  
13 reasonable expectation of privacy;

14 (iii) An intimate image as defined in RCW 9A.86.010;

15 (iv) A minor;

16 (v) The body of a deceased person;

17 (vi) The identity of or communications from a victim or witness  
18 of an incident involving domestic violence as defined in RCW  
19 10.99.020 or sexual assault as defined in RCW 70.125.030, or  
20 disclosure of intimate images as defined in RCW 9A.86.010. If at the  
21 time of recording the victim or witness indicates a desire for  
22 disclosure or nondisclosure of the recorded identity or  
23 communications, such desire shall govern; or

24 (vii) The identifiable location information of a community-based  
25 domestic violence program as defined in RCW 70.123.020, or emergency  
26 shelter as defined in RCW 70.123.020.

27 (b) The presumptions set out in (a) of this subsection may be  
28 rebutted by specific evidence in individual cases.

29 (c) In a court action seeking the right to inspect or copy a body  
30 worn camera recording, a person who prevails against a law  
31 enforcement or corrections agency that withholds or discloses all or  
32 part of a body worn camera recording pursuant to (a) of this  
33 subsection is not entitled to fees, costs, or awards pursuant to RCW  
34 42.56.550 unless it is shown that the law enforcement or corrections  
35 agency acted in bad faith or with gross negligence.

36 (d) A request for body worn camera recordings must:

37 (i) Specifically identify a name of a person or persons involved  
38 in the incident;

39 (ii) Provide the incident or case number;

1 (iii) Provide the date, time, and location of the incident or  
2 incidents; or

3 (iv) Identify a law enforcement or corrections officer involved  
4 in the incident or incidents.

5 (e)(i) A person directly involved in an incident recorded by the  
6 requested body worn camera recording, an attorney representing a  
7 person directly involved in an incident recorded by the requested  
8 body worn camera recording, a person or his or her attorney who  
9 requests a body worn camera recording relevant to a criminal case  
10 involving that person, or the executive director from either the  
11 Washington state commission on African-American affairs, Asian  
12 Pacific American affairs, or Hispanic affairs, has the right to  
13 obtain the body worn camera recording, subject to any exemption under  
14 this chapter or any applicable law. In addition, an attorney who  
15 represents a person regarding a potential or existing civil cause of  
16 action involving the denial of civil rights under the federal or  
17 state Constitution, or a violation of a United States department of  
18 justice settlement agreement, has the right to obtain the body worn  
19 camera recording if relevant to the cause of action, subject to any  
20 exemption under this chapter or any applicable law. The attorney must  
21 explain the relevancy of the requested body worn camera recording to  
22 the cause of action and specify that he or she is seeking relief from  
23 redaction costs under this subsection (14)(e).

24 (ii) A law enforcement or corrections agency responding to  
25 requests under this subsection (14)(e) may not require the requesting  
26 individual to pay costs of any redacting, altering, distorting,  
27 pixelating, suppressing, or otherwise obscuring any portion of a body  
28 worn camera recording.

29 (iii) A law enforcement or corrections agency may require any  
30 person requesting a body worn camera recording pursuant to this  
31 subsection (14)(e) to identify himself or herself to ensure he or she  
32 is a person entitled to obtain the body worn camera recording under  
33 this subsection (14)(e).

34 (f)(i) A law enforcement or corrections agency responding to a  
35 request to disclose body worn camera recordings may require any  
36 requester not listed in (e) of this subsection to pay the reasonable  
37 costs of redacting, altering, distorting, pixelating, suppressing, or  
38 otherwise obscuring any portion of the body worn camera recording  
39 prior to disclosure only to the extent necessary to comply with the  
40 exemptions in this chapter or any applicable law.

1 (ii) An agency that charges redaction costs under this subsection  
2 (14)(f) must use redaction technology that provides the least costly  
3 commercially available method of redacting body worn camera  
4 recordings, to the extent possible and reasonable.

5 (iii) In any case where an agency charges a requestor for the  
6 costs of redacting a body worn camera recording under this subsection  
7 (14)(f), the time spent on redaction of the recording shall not count  
8 towards the agency's allocation of, or limitation on, time or costs  
9 spent responding to public records requests under this chapter, as  
10 established pursuant to local ordinance, policy, procedure, or state  
11 law.

12 (g) For purposes of this subsection (14):

13 (i) "Body worn camera recording" means a video and/or sound  
14 recording that is made by a body worn camera attached to the uniform  
15 or eyewear of a law enforcement or corrections officer from a covered  
16 jurisdiction while in the course of his or her official duties and  
17 that is made on or after June 9, 2016, and prior to July 1, 2019; and

18 (ii) "Covered jurisdiction" means any jurisdiction that has  
19 deployed body worn cameras as of June 9, 2016, regardless of whether  
20 or not body worn cameras are being deployed in the jurisdiction on  
21 June 9, 2016, including, but not limited to, jurisdictions that have  
22 deployed body worn cameras on a pilot basis.

23 (h) Nothing in this subsection shall be construed to restrict  
24 access to body worn camera recordings as otherwise permitted by law  
25 for official or recognized civilian and accountability bodies or  
26 pursuant to any court order.

27 (i) Nothing in this section is intended to modify the obligations  
28 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,  
29 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*  
30 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and  
31 the relevant Washington court criminal rules and statutes.

32 (j) A law enforcement or corrections agency must retain body worn  
33 camera recordings for at least sixty days and thereafter may destroy  
34 the records;

35 (15) Any records and information contained within the statewide  
36 sexual assault kit tracking system established in RCW 43.43.545;  
37 ((and))

38 (16)(a) Survivor communications with, and survivor records  
39 maintained by, campus-affiliated advocates.

1 (b) Nothing in this subsection shall be construed to restrict  
2 access to records maintained by a campus-affiliated advocate in the  
3 event that:

4 (i) The survivor consents to inspection or copying;

5 (ii) There is a clear, imminent risk of serious physical injury  
6 or death of the survivor or another person;

7 (iii) Inspection or copying is required by federal law; or

8 (iv) A court of competent jurisdiction mandates that the record  
9 be available for inspection or copying.

10 (c) "Campus-affiliated advocate" and "survivor" have the  
11 definitions in RCW 28B.112.030; (~~and~~)

12 (17) Information and records prepared, owned, used, or retained  
13 by the Washington association of sheriffs and police chiefs and  
14 information and records prepared, owned, used, or retained by the  
15 Washington state patrol pursuant to chapter 261, Laws of 2017; and

16 (18) Personally identifiable information, as defined in section 2  
17 of this act, received, made, or kept by, or received from, the  
18 students protecting students program established in section 2 of this  
19 act, that is confidential under section 2(5) of this act.

20 **Part III - Semiautomatic Rifles or Shotguns with Tactical Features**

21 **Sec. 5.** RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and  
22 amended to read as follows:

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

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

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

37 (3) "Crime of violence" means:

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

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

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

17 (4) "Curio or relic" has the same meaning as provided in 27  
18 C.F.R. Sec. 478.11.

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

27 (6) "Family or household member" means "family" or "household  
28 member" as used in RCW 10.99.020.

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

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

40 (9) "Felony firearm offense" means:

- 1 (a) Any felony offense that is a violation of this chapter;  
2 (b) A violation of RCW 9A.36.045;  
3 (c) A violation of RCW 9A.56.300;  
4 (d) A violation of RCW 9A.56.310;  
5 (e) Any felony offense if the offender was armed with a firearm  
6 in the commission of the offense.

7 (10) "Firearm" means a weapon or device from which a projectile  
8 or projectiles may be fired by an explosive such as gunpowder.  
9 "Firearm" does not include a flare gun or other pyrotechnic visual  
10 distress signaling device, or a powder-actuated tool or other device  
11 designed solely to be used for construction purposes.

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

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

20 (13) "Lawful permanent resident" has the same meaning afforded a  
21 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
22 1101(a)(20).

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

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

27 (16) "Loaded" means:

- 28 (a) There is a cartridge in the chamber of the firearm;  
29 (b) Cartridges are in a clip that is locked in place in the  
30 firearm;  
31 (c) There is a cartridge in the cylinder of the firearm, if the  
32 firearm is a revolver;  
33 (d) There is a cartridge in the tube or magazine that is inserted  
34 in the action; or  
35 (e) There is a ball in the barrel and the firearm is capped or  
36 primed if the firearm is a muzzle loader.

37 (17) "Machine gun" means any firearm known as a machine gun,  
38 mechanical rifle, submachine gun, or any other mechanism or  
39 instrument not requiring that the trigger be pressed for each shot  
40 and having a reservoir clip, disc, drum, belt, or other separable

1 mechanical device for storing, carrying, or supplying ammunition  
2 which can be loaded into the firearm, mechanism, or instrument, and  
3 fired therefrom at the rate of five or more shots per second.

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

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

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

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

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

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

22 (a) Any crime of violence;

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

26 (c) Child molestation in the second degree;

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

28 (e) Indecent liberties;

29 (f) Leading organized crime;

30 (g) Promoting prostitution in the first degree;

31 (h) Rape in the third degree;

32 (i) Drive-by shooting;

33 (j) Sexual exploitation;

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

38 (l) Vehicular homicide, when proximately caused by the driving of  
39 any vehicle by any person while under the influence of intoxicating

1 liquor or any drug as defined by RCW 46.61.502, or by the operation  
2 of any vehicle in a reckless manner;

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

5 (n) Any other felony with a deadly weapon verdict under RCW  
6 9.94A.825;

7 (o) Any felony offense in effect at any time prior to June 6,  
8 1996, that is comparable to a serious offense, or any federal or out-  
9 of-state conviction for an offense that under the laws of this state  
10 would be a felony classified as a serious offense; or

11 (p) Any felony conviction under RCW 9.41.115.

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

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

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

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

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

36 (29) "Semiautomatic rifle or shotgun with tactical features"  
37 means:

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

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

3 (ii) A thumbhole stock;

4 (iii) A folding or telescoping stock;

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

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

10 (vi) A grenade launcher or flare launcher;

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

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

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

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

19 (ii) A folding or telescoping stock; or

20 (iii) An ability to accept a detachable magazine;

21 (e) A shotgun with a revolving cylinder; or

22 (f) A conversion kit, part, or combination of parts, from which a  
23 semiautomatic rifle or shotgun with tactical features can be  
24 assembled if those parts are in the possession or under the control  
25 of the same person.

26 "Semiautomatic rifle or shotgun with tactical features" does not  
27 include antique firearms, any firearm that has been made permanently  
28 inoperable, or any firearm that is manually operated by bolt, pump,  
29 lever, or slide action.

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

33 **Sec. 6.** 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 semiautomatic rifle or shotgun with  
37 tactical features to the purchaser 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 semiautomatic rifle  
11 or shotgun with tactical features under RCW 9.41.040 and that the  
12 application to purchase is approved by the chief of police or  
13 sheriff; or

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

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

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

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

1 application to purchase a pistol or semiautomatic rifle or shotgun  
2 with tactical features is received. The local jurisdiction shall also  
3 immediately confirm the satisfaction of the warrant on request of the  
4 dealer so that the hold may be released if the warrant was for an  
5 offense other than an offense making a person ineligible under RCW  
6 9.41.040 to possess a (~~pistol~~) firearm.

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

25 (5)(a) At the time of applying for the purchase of a pistol or  
26 semiautomatic rifle or shotgun with tactical features, the purchaser  
27 shall sign in triplicate and deliver to the dealer an application  
28 containing:

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

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

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

34 (iv) If purchasing a pistol or semiautomatic rifle or shotgun  
35 with tactical features, a description of the pistol or semiautomatic  
36 rifle or shotgun with tactical features including the make, model,  
37 caliber and manufacturer's number if available at the time of  
38 applying for the purchase of a pistol or semiautomatic rifle or  
39 shotgun with tactical features. If the manufacturer's number is not  
40 available at the time of purchase of the pistol or semiautomatic

1 rifle or shotgun with tactical features, the application may be  
2 processed, but delivery of the pistol or semiautomatic rifle or  
3 shotgun with tactical features to the purchaser may not occur unless  
4 the manufacturer's number is recorded on the application by the  
5 dealer and transmitted to the chief of police of the municipality or  
6 the sheriff of the county in which the purchaser resides; and a  
7 statement that the purchaser is eligible to possess a pistol or  
8 semiautomatic rifle or shotgun with tactical features under ((RCW  
9 9.41.040)) state or federal law.

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

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

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

22 (c) The dealer shall, by the end of the business day, sign and  
23 attach his or her address and deliver a copy of the application and  
24 such other documentation as required under subsection (1) of this  
25 section to the chief of police of the municipality or the sheriff of  
26 the county of which the purchaser is a resident. The triplicate shall  
27 be retained by the dealer for six years. The dealer shall deliver the  
28 pistol or semiautomatic rifle or shotgun with tactical features to  
29 the purchaser following the period of time specified in this chapter  
30 unless the dealer is notified of an investigative hold under  
31 subsection (4) of this section in writing by the chief of police of  
32 the municipality or the sheriff of the county, whichever is  
33 applicable, denying the purchaser's application to purchase and the  
34 grounds thereof. The application shall not be denied unless the  
35 purchaser is not eligible to possess a pistol or semiautomatic rifle  
36 or shotgun with tactical features under ((RCW 9.41.040)) state or  
37 ((9.41.045, or)) federal law.

38 (d) The chief of police of the municipality or the sheriff of the  
39 county shall retain or destroy applications to purchase a pistol or

1 semiautomatic rifle or shotgun with tactical features in accordance  
2 with the requirements of 18 U.S.C. Sec. 922.

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

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

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

10 A signed application to purchase a pistol or semiautomatic rifle  
11 or shotgun with tactical features shall constitute a waiver of  
12 confidentiality and written request that the department of social and  
13 health services, mental health institutions, and other health care  
14 facilities release, to an inquiring court or law enforcement agency,  
15 information relevant to the applicant's eligibility to purchase a  
16 pistol or semiautomatic rifle or shotgun with tactical features to an  
17 inquiring court or law enforcement agency.

18 **Sec. 8.** RCW 9.41.097 and 2009 c 216 s 6 are each amended to read  
19 as follows:

20 (1) The department of social and health services, mental health  
21 institutions, and other health care facilities shall, upon request of  
22 a court or law enforcement agency, supply such relevant information  
23 as is necessary to determine the eligibility of a person to possess a  
24 pistol or semiautomatic rifle or shotgun with tactical features or to  
25 be issued a concealed pistol license under RCW 9.41.070 or to  
26 purchase a pistol or semiautomatic rifle or shotgun with tactical  
27 features under RCW 9.41.090.

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

34 **Sec. 9.** RCW 9.41.0975 and 2009 c 216 s 7 are each amended to  
35 read as follows:

36 (1) The state, local governmental entities, any public or private  
37 agency, and the employees of any state or local governmental entity

1 or public or private agency, acting in good faith, are immune from  
2 liability:

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

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

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

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

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

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

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

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

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

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

25 (b) Directing a law enforcement agency to approve an application  
26 to purchase a pistol or semiautomatic rifle or shotgun with tactical  
27 features wrongfully denied;

28 (c) Directing that erroneous information resulting either in the  
29 wrongful refusal to issue a concealed pistol license or alien firearm  
30 license or in the wrongful denial of a purchase application for a  
31 pistol or semiautomatic rifle or shotgun with tactical features be  
32 corrected; or

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

35 The application for the writ may be made in the county in which  
36 the application for a concealed pistol license or alien firearm  
37 license or to purchase a pistol or semiautomatic rifle or shotgun  
38 with tactical features was made, or in Thurston county, at the  
39 discretion of the petitioner. A court shall provide an expedited  
40 hearing for an application brought under this subsection (2) for a

1 writ of mandamus. A person granted a writ of mandamus under this  
2 subsection (2) shall be awarded reasonable attorneys' fees and costs.

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

5 (1) No dealer may sell or otherwise transfer, or expose for sale  
6 or transfer, or have in his or her possession with intent to sell, or  
7 otherwise transfer, any pistol or semiautomatic rifle or shotgun with  
8 tactical features without being licensed as provided in this section.

9 (2) No dealer may sell or otherwise transfer, or expose for sale  
10 or transfer, or have in his or her possession with intent to sell, or  
11 otherwise transfer, any firearm other than a pistol or semiautomatic  
12 rifle or shotgun with tactical features without being licensed as  
13 provided in this section.

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

18 (4) The duly constituted licensing authorities of any city, town,  
19 or political subdivision of this state shall grant licenses in forms  
20 prescribed by the director of licensing effective for not more than  
21 one year from the date of issue permitting the licensee to sell  
22 firearms within this state subject to the following conditions, for  
23 breach of any of which the license shall be forfeited and the  
24 licensee subject to punishment as provided in RCW 9.41.010 through  
25 9.41.810. A licensing authority shall forward a copy of each license  
26 granted to the department of licensing. The department of licensing  
27 shall notify the department of revenue of the name and address of  
28 each dealer licensed under this section.

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

1 a concealed pistol license under RCW 9.41.070 shall qualify for a  
2 dealer's license.

3 (b) A dealer shall require every employee who may sell a firearm  
4 in the course of his or her employment to undergo fingerprinting and  
5 a background check. An employee must be eligible to possess a  
6 firearm, and must not have been convicted of a crime that would make  
7 the person ineligible for a concealed pistol license, before being  
8 permitted to sell a firearm. Every employee shall comply with  
9 requirements concerning purchase applications and restrictions on  
10 delivery of pistols or semiautomatic rifles or shotguns with tactical  
11 features that are applicable to dealers.

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

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

24 In conducting business temporarily at a location other than the  
25 building designated in the license, the dealer shall comply with all  
26 other requirements imposed on dealers by RCW 9.41.090((7)) and  
27 9.41.100, and ~~((9.41.110))~~ this section. The license of a dealer who  
28 fails to comply with the requirements of RCW 9.41.080 and 9.41.090  
29 and subsection (8) of this section while conducting business at a  
30 temporary location shall be revoked, and the dealer shall be  
31 permanently ineligible for a dealer's license.

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

36 (8)(a) No pistol or semiautomatic rifle or shotgun with tactical  
37 features may be sold: (i) In violation of any provisions of RCW  
38 9.41.010 through 9.41.810; nor (ii) may a pistol or semiautomatic  
39 rifle or shotgun with tactical features be sold under any

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

3 (b) A dealer who sells or delivers any firearm in violation of  
4 RCW 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 or semiautomatic rifles or  
9 shotguns with tactical features shall be one hundred (~~twenty-five~~)  
10 fifty dollars. The license fee for firearms other than pistols or  
11 semiautomatic rifles or shotguns with tactical features shall be one  
12 hundred (~~twenty-five~~) fifty dollars. The license fee for ammunition  
13 shall be one hundred (~~twenty-five~~) fifty dollars. Any dealer who  
14 obtains any license under subsection (1), (2), or (3) of this section  
15 may also obtain the remaining licenses without payment of any fee.  
16 The fees received under this section shall be deposited in the state  
17 general fund.

18 (9)(a) A true record (~~in triplicate~~) shall be made of every  
19 pistol or semiautomatic rifle or shotgun with tactical features sold  
20 with sufficient true copies as required by this subsection, in a book  
21 kept for the purpose, the form of which may be prescribed by the  
22 director of licensing and shall be personally signed by the purchaser  
23 and by the person effecting the sale, each in the presence of the  
24 other, and shall contain the date of sale, the caliber, make, model  
25 and manufacturer's number of the weapon, the name, address,  
26 occupation, and place of birth of the purchaser, and a statement  
27 signed by the purchaser, that he or she is not ineligible under RCW  
28 9.41.040 to possess a firearm.

29 (b) For the sale of a pistol, the dealer shall: Send one copy  
30 (~~shall~~) within six hours (~~be sent~~) by certified mail to the chief  
31 of police of the municipality or the sheriff of the county of which  
32 the purchaser is a resident; (~~the duplicate the dealer shall~~) send  
33 a duplicate copy within seven days (~~send~~) to the director of  
34 licensing; (~~the~~) and retain a triplicate (~~the dealer shall retain~~  
35 ~~for~~) copy in the dealer's records for a period of six years.

36 (c) For the sale of a semiautomatic rifle or shotgun with  
37 tactical features, the dealer shall: Send one copy within six hours  
38 by certified mail to the chief of police of the municipality or the  
39 sheriff of the county of which the purchaser is a resident; and

1 retain a duplicate copy in the dealer's records for a period of six  
2 years.

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

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

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

15 **Sec. 11.** RCW 9.41.113 and 2017 c 264 s 2 are each amended to  
16 read as follows:

17 (1) All firearm sales or transfers, in whole or part in this  
18 state including without limitation a sale or transfer where either  
19 the purchaser or seller or transferee or transferor is in Washington,  
20 shall be subject to background checks unless specifically exempted by  
21 state or federal law. The background check requirement applies to all  
22 sales or transfers including, but not limited to, sales and transfers  
23 through a licensed dealer, at gun shows, online, and between  
24 unlicensed persons.

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

26 (a) The person is a licensed dealer;

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

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

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

32 (a) The seller or transferor shall deliver the firearm to a  
33 licensed dealer to process the sale or transfer as if it is selling  
34 or transferring the firearm from its inventory to the purchaser or  
35 transferee, except that the unlicensed seller or transferor may  
36 remove the firearm from the business premises of the licensed dealer  
37 while the background check is being conducted. If the seller or  
38 transferor removes the firearm from the business premises of the  
39 licensed dealer while the background check is being conducted, the

1 purchaser or transferee and the seller or transferor shall return to  
2 the business premises of the licensed dealer and the seller or  
3 transferor shall again deliver the firearm to the licensed dealer  
4 prior to completing the sale or transfer.

5 (b) Except as provided in (a) of this subsection, the licensed  
6 dealer shall comply with all requirements of federal and state law  
7 that would apply if the licensed dealer were selling or transferring  
8 the firearm from its inventory to the purchaser or transferee,  
9 including but not limited to conducting a background check on the  
10 prospective purchaser or transferee in accordance with federal and  
11 state law requirements and fulfilling all federal and state  
12 recordkeeping requirements.

13 (c) The purchaser or transferee must complete, sign, and submit  
14 all federal, state, and local forms necessary to process the required  
15 background check to the licensed dealer conducting the background  
16 check.

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

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

23 (4) No person may sell or transfer a semiautomatic rifle or  
24 shotgun with tactical features to a person under twenty-one years of  
25 age.

26 (5) This section does not apply to:

27 (a) A transfer between immediate family members, which for this  
28 subsection shall be limited to spouses, domestic partners, parents,  
29 parents-in-law, children, siblings, siblings-in-law, grandparents,  
30 grandchildren, nieces, nephews, first cousins, aunts, and uncles,  
31 that is a bona fide gift or loan;

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

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

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

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

1 (d) A temporary transfer of possession of a firearm if: (i) The  
2 transfer is intended to prevent suicide or self-inflicted great  
3 bodily harm; (ii) the transfer lasts only as long as reasonably  
4 necessary to prevent death or great bodily harm; and (iii) the  
5 firearm is not utilized by the transferee for any purpose for the  
6 duration of the temporary transfer;

7 (e) Any law enforcement or corrections agency and, to the extent  
8 the person is acting within the course and scope of his or her  
9 employment or official duties, any law enforcement or corrections  
10 officer, United States marshal, member of the armed forces of the  
11 United States or the national guard, or federal official;

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

15 (g) The temporary transfer of a firearm (i) between spouses or  
16 domestic partners; (ii) if the temporary transfer occurs, and the  
17 firearm is kept at all times, at an established shooting range  
18 authorized by the governing body of the jurisdiction in which such  
19 range is located; (iii) if the temporary transfer occurs and the  
20 transferee's possession of the firearm is exclusively at a lawful  
21 organized competition involving the use of a firearm, or while  
22 participating in or practicing for a performance by an organized  
23 group that uses firearms as a part of the performance; (iv) to a  
24 person who is under eighteen years of age for lawful hunting,  
25 sporting, or educational purposes while under the direct supervision  
26 and control of a responsible adult who is not prohibited from  
27 possessing firearms; (v) under circumstances in which the transferee  
28 and the firearm remain in the presence of the transferor; or (vi)  
29 while hunting if the hunting is legal in all places where the person  
30 to whom the firearm is transferred possesses the firearm and the  
31 person to whom the firearm is transferred has completed all training  
32 and holds all licenses or permits required for such hunting, provided  
33 that any temporary transfer allowed by this subsection is permitted  
34 only if the person to whom the firearm is transferred is not  
35 prohibited from possessing firearms under state or federal law;

36 (h) A person who (i) acquired a firearm other than a pistol or  
37 semiautomatic rifle or shotgun with tactical features by operation of  
38 law upon the death of the former owner of the firearm or (ii)  
39 acquired a pistol or semiautomatic rifle or shotgun with tactical  
40 features by operation of law upon the death of the former owner of

1 the pistol or semiautomatic rifle or shotgun with tactical features  
2 within the preceding sixty days. At the end of the sixty-day period,  
3 the person must either have lawfully transferred the pistol or  
4 semiautomatic rifle or shotgun with tactical features or must have  
5 contacted the department of licensing to notify the department that  
6 he or she has possession of the pistol or semiautomatic rifle or  
7 shotgun with tactical features and intends to retain possession of  
8 the pistol or semiautomatic rifle or shotgun with tactical features,  
9 in compliance with all federal and state laws; or

10 (i) A sale or transfer when the purchaser or transferee is a  
11 licensed collector and the firearm being sold or transferred is a  
12 curio or relic.

13 **Sec. 12.** RCW 9.41.124 and 2015 c 1 s 7 are each amended to read  
14 as follows:

15 Residents of a state other than Washington may purchase rifles  
16 and shotguns, except those firearms defined as semiautomatic rifles  
17 or shotguns with tactical features, in Washington: PROVIDED, That  
18 such residents conform to the applicable provisions of the federal  
19 Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by  
20 the United States secretary of the treasury: AND PROVIDED FURTHER,  
21 That such residents are eligible to purchase or possess such weapons  
22 in Washington and in the state in which such persons reside: AND  
23 PROVIDED FURTHER, That such residents are subject to the procedures  
24 and background checks required by this chapter.

25 **Sec. 13.** RCW 36.28A.420 and 2017 c 261 s 6 are each amended to  
26 read as follows:

27 (1) Subject to the availability of amounts appropriated for this  
28 specific purpose, the Washington association of sheriffs and police  
29 chiefs shall establish a grant program for local law enforcement  
30 agencies to:

31 (a) Conduct background checks for the purchase and sale of  
32 pistols and semiautomatic rifles and shotguns with tactical features  
33 as required by chapter 9.41 RCW.

34 (b) Conduct criminal investigations regarding persons who  
35 illegally attempted to purchase or transfer a firearm within their  
36 jurisdiction. ((+2)) Each grant applicant must be required to submit  
37 reports to the Washington association of sheriffs and police chiefs  
38 that indicate the number of cases in which a person was denied a

1 firearms sale or transfer, the number of cases where the denied sale  
2 or transfer was investigated for potential criminal prosecution, and  
3 the number of cases where an arrest was made, the case was referred  
4 for prosecution, and a conviction was obtained.

5 (2) The Washington association of sheriffs and police chiefs may  
6 retain up to three percent of the amounts provided pursuant to this  
7 section for the cost of administration.

8 (3) Information and records prepared, owned, used, or retained by  
9 the Washington association of sheriffs and police chiefs pursuant to  
10 chapter 261, Laws of 2017 are exempt from public inspection and  
11 copying under chapter 42.56 RCW.

12 **Sec. 14.** RCW 9.41.240 and 1994 sp.s. c 7 s 423 are each amended  
13 to read as follows:

14 (1) A person under twenty-one years of age may not purchase a  
15 pistol pursuant to Title 18 U.S.C. Sec. 922(b)(1) or a semiautomatic  
16 rifle or shotgun with tactical features pursuant to RCW 9.41.113.

17 (2) Unless an exception under RCW 9.41.042, 9.41.050, or 9.41.060  
18 applies, a person at least eighteen years of age, but less than  
19 twenty-one years of age, may possess a pistol or semiautomatic rifle  
20 or shotgun with tactical features only:

- 21 ~~((1))~~ (a) In the person's place of abode;  
22 ~~((2))~~ (b) At the person's fixed place of business; or  
23 ~~((3))~~ (c) On real property under his or her control.

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