
SUBSTITUTE SENATE BILL 5444

State of Washington

65th Legislature

2018 Regular Session

By Senate Law & Justice (originally sponsored by Senators Frockt, Wellman, Kuderer, Chase, Darneille, Ranker, Pedersen, Hunt, Lias, and Saldaña; by request of Attorney General)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to aligning the sale and purchase requirements
2 for assault weapons with the sale and purchase requirements for
3 handguns and pistols; amending RCW 9.41.090, 9.41.094, 9.41.097,
4 9.41.0975, 9.41.110, 9.41.113, 9.41.124, 9.41.129, and 9.41.240;
5 reenacting and amending RCW 9.41.010; and prescribing penalties.

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

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

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

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

19 (2) "Barrel length" means the distance from the bolt face of a
20 closed action down the length of the axis of the bore to the crown of

1 the muzzle, or in the case of a barrel with attachments to the end of
2 any legal device permanently attached to the end of the muzzle.

3 (3) "Crime of violence" means:

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

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

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

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

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

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

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

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

1 of the rehabilitation of the person convicted or a pardon, annulment,
2 or other equivalent procedure based on a finding of innocence.

3 (9) "Felony firearm offense" means:

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

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

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

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

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

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

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

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

23 (13) "Lawful permanent resident" has the same meaning afforded a
24 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
25 1101(a)(20).

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

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

30 (16) "Loaded" means:

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

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

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

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

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

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

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

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

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

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

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

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

26 (a) Any crime of violence;

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

30 (c) Child molestation in the second degree;

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

32 (e) Indecent liberties;

33 (f) Leading organized crime;

34 (g) Promoting prostitution in the first degree;

35 (h) Rape in the third degree;

36 (i) Drive-by shooting;

37 (j) Sexual exploitation;

38 (k) Vehicular assault, when caused by the operation or driving of
39 a vehicle by a person while under the influence of intoxicating

1 liquor or any drug or by the operation or driving of a vehicle in a
2 reckless manner;

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

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

9 (n) Any other felony with a deadly weapon verdict under RCW
10 9.94A.825;

11 (o) Any felony offense in effect at any time prior to June 6,
12 1996, that is comparable to a serious offense, or any federal or out-
13 of-state conviction for an offense that under the laws of this state
14 would be a felony classified as a serious offense; or

15 (p) Any felony conviction under RCW 9.41.115.

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

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

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

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

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

40 (29) "Assault weapon" means:

1 (a) A semiautomatic rifle that has the capacity to accept a
2 detachable magazine and has one or more of the following:
3 (i) A pistol grip that protrudes conspicuously beneath the action
4 of the weapon;
5 (ii) A thumbhole stock;
6 (iii) A folding or telescoping stock;
7 (iv) A second handgrip or a protruding grip that can be held by
8 the nontrigger hand;
9 (v) A flash suppressor, muzzle break, muzzle compensator, or
10 threaded barrel designed to accommodate a flash suppressor, muzzle
11 break, or muzzle compensator;
12 (vi) A grenade launcher or flare launcher;
13 (b) A semiautomatic pistol, or a semiautomatic, centerfire, or
14 rimfire rifle with a fixed magazine, that has the capacity to accept
15 more than ten rounds of ammunition;
16 (c) A semiautomatic pistol that has the capacity to accept a
17 detachable magazine and has one or more of the following:
18 (i) Any feature capable of functioning as a protruding grip that
19 can be held by the nontrigger hand;
20 (ii) A threaded barrel, capable of accepting a flash suppressor,
21 forward handgrip, or silencer;
22 (iii) A shroud attached to the barrel, or that partially or
23 completely encircles the barrel, allowing the bearer to hold the
24 firearm with the nontrigger hand without being burned, but excluding
25 a slide that encloses the barrel; or
26 (iv) The capacity to accept a detachable magazine at any location
27 outside of the pistol grip;
28 (d) A semiautomatic, centerfire, or rimfire rifle that has an
29 overall length of less than thirty inches;
30 (e) A semiautomatic shotgun that has both of the following:
31 (i) A pistol grip that protrudes conspicuously beneath the action
32 of the weapon, thumbhole stock, or vertical handgrip;
33 (ii) A folding or telescoping stock; or
34 (iii) An ability to accept a detachable magazine;
35 (f) A shotgun with a revolving cylinder; or
36 (g) A conversion kit, part, or combination of parts, from which
37 an assault weapon can be assembled if those parts are in the
38 possession or under the control of the same person.

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

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

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

9 (1) In addition to the other requirements of this chapter, no
10 dealer may deliver a pistol or assault weapon to the purchaser
11 thereof until:

12 (a) The purchaser produces a valid concealed pistol license and
13 the dealer has recorded the purchaser's name, license number, and
14 issuing agency, such record to be made in triplicate and processed as
15 provided in subsection (5) of this section. For purposes of this
16 subsection (1)(a), a "valid concealed pistol license" does not
17 include a temporary emergency license, and does not include any
18 license issued before July 1, 1996, unless the issuing agency
19 conducted a records search for disqualifying crimes under RCW
20 9.41.070 at the time of issuance;

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

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

28 (2)(a) Except as provided in (b) of this subsection, in
29 determining whether the purchaser meets the requirements of RCW
30 9.41.040, the chief of police or sheriff, or the designee of either,
31 shall check with the national crime information center, the
32 Washington state patrol electronic database, the department of social
33 and health services electronic database, and with other agencies or
34 resources as appropriate, to determine whether the applicant is
35 ineligible under RCW 9.41.040 to possess a firearm.

36 (b) Once the system is established, a dealer shall use the state
37 system and national instant criminal background check system,
38 provided for by the Brady Handgun Violence Prevention Act (18 U.S.C.
39 Sec. 921 et seq.), to make criminal background checks of applicants

1 to purchase firearms. However, a chief of police or sheriff, or a
2 designee of either, shall continue to check the department of social
3 and health services' electronic database and with other agencies or
4 resources as appropriate, to determine whether applicants are
5 ineligible under RCW 9.41.040 to possess a firearm.

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

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

37 (5)(a) At the time of applying for the purchase of a pistol or
38 assault weapon, the purchaser shall sign in triplicate and deliver to
39 the dealer an application containing:

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

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

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

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

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

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

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

30 (c) The dealer shall, by the end of the business day, sign and
31 attach his or her address and deliver a copy of the application and
32 such other documentation as required under subsection (1) of this
33 section to the chief of police of the municipality or the sheriff of
34 the county of which the purchaser is a resident. The triplicate shall
35 be retained by the dealer for six years. The dealer shall deliver the
36 pistol or assault weapon to the purchaser following the period of
37 time specified in this chapter unless the dealer is notified of an
38 investigative hold under subsection (4) of this section in writing by
39 the chief of police of the municipality or the sheriff of the county,

1 whichever is applicable, denying the purchaser's application to
2 purchase and the grounds thereof. The application shall not be denied
3 unless the purchaser is not eligible to possess a pistol or assault
4 weapon under ((RCW 9.41.040)) state or ((9.41.045, or)) federal law.

5 (d) The chief of police of the municipality or the sheriff of the
6 county shall retain or destroy applications to purchase a pistol or
7 assault weapon in accordance with the requirements of 18 U.S.C. Sec.
8 922.

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

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

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

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

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

25 (1) The department of social and health services, mental health
26 institutions, and other health care facilities shall, upon request of
27 a court or law enforcement agency, supply such relevant information
28 as is necessary to determine the eligibility of a person to possess a
29 pistol or assault weapon or to be issued a concealed pistol license
30 under RCW 9.41.070 or to purchase a pistol or assault weapon under
31 RCW 9.41.090.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (b) Directing a law enforcement agency to approve an application
30 to purchase a pistol or assault weapon wrongfully denied;

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

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

37 The application for the writ may be made in the county in which
38 the application for a concealed pistol license or alien firearm
39 license or to purchase a pistol or assault weapon was made, or in
40 Thurston county, at the discretion of the petitioner. A court shall

1 provide an expedited hearing for an application brought under this
2 subsection (2) for a writ of mandamus. A person granted a writ of
3 mandamus under this subsection (2) shall be awarded reasonable
4 attorneys' fees and costs.

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

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

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

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

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

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

1 ineligible to possess a firearm under RCW 9.41.040 or ineligible for
2 a concealed pistol license under RCW 9.41.070 shall qualify for a
3 dealer's license.

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

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

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

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

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

37 (8)(a) No pistol or assault weapon may be sold: (i) In violation
38 of any provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a
39 pistol or assault weapon be sold under any circumstances unless the

1 purchaser is personally known to the dealer or shall present clear
2 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 assault weapons shall be one
9 hundred twenty-five dollars. The license fee for firearms other than
10 pistols or assault weapons shall be one hundred twenty-five dollars.
11 The license fee for ammunition shall be one hundred twenty-five
12 dollars. Any dealer who obtains any license under subsection (1),
13 (2), or (3) of this section may also obtain the remaining licenses
14 without payment of any fee. The fees received under this section
15 shall be deposited in the state general fund.

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

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

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

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

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

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

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

5 (1) All firearm sales or transfers, in whole or part in this
6 state including without limitation a sale or transfer where either
7 the purchaser or seller or transferee or transferor is in Washington,
8 shall be subject to background checks unless specifically exempted by
9 state or federal law. The background check requirement applies to all
10 sales or transfers including, but not limited to, sales and transfers
11 through a licensed dealer, at gun shows, online, and between
12 unlicensed persons.

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

14 (a) The person is a licensed dealer;

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

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

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

20 (a) The seller or transferor shall deliver the firearm to a
21 licensed dealer to process the sale or transfer as if it is selling
22 or transferring the firearm from its inventory to the purchaser or
23 transferee, except that the unlicensed seller or transferor may
24 remove the firearm from the business premises of the licensed dealer
25 while the background check is being conducted. If the seller or
26 transferor removes the firearm from the business premises of the
27 licensed dealer while the background check is being conducted, the
28 purchaser or transferee and the seller or transferor shall return to
29 the business premises of the licensed dealer and the seller or
30 transferor shall again deliver the firearm to the licensed dealer
31 prior to completing the sale or transfer.

32 (b) Except as provided in (a) of this subsection, the licensed
33 dealer shall comply with all requirements of federal and state law
34 that would apply if the licensed dealer were selling or transferring
35 the firearm from its inventory to the purchaser or transferee,
36 including but not limited to conducting a background check on the
37 prospective purchaser or transferee in accordance with federal and
38 state law requirements and fulfilling all federal and state
39 recordkeeping requirements.

1 (c) The purchaser or transferee must complete, sign, and submit
2 all federal, state, and local forms necessary to process the required
3 background check to the licensed dealer conducting the background
4 check.

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

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

11 (4) No person may sell or transfer an assault weapon to a person
12 under twenty-one years of age.

13 (5) This section does not apply to:

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

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

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

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

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

27 (d) A temporary transfer of possession of a firearm if: (i) The
28 transfer is intended to prevent suicide or self-inflicted great
29 bodily harm; (ii) the transfer lasts only as long as reasonably
30 necessary to prevent death or great bodily harm; and (iii) the
31 firearm is not utilized by the transferee for any purpose for the
32 duration of the temporary transfer;

33 (e) Any law enforcement or corrections agency and, to the extent
34 the person is acting within the course and scope of his or her
35 employment or official duties, any law enforcement or corrections
36 officer, United States marshal, member of the armed forces of the
37 United States or the national guard, or federal official;

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

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

22 (h) A person who (i) acquired a firearm other than a pistol or
23 assault weapon by operation of law upon the death of the former owner
24 of the firearm or (ii) acquired a pistol or assault weapon by
25 operation of law upon the death of the former owner of the pistol or
26 assault weapon within the preceding sixty days. At the end of the
27 sixty-day period, the person must either have lawfully transferred
28 the pistol or assault weapon or must have contacted the department of
29 licensing to notify the department that he or she has possession of
30 the pistol or assault weapon and intends to retain possession of the
31 pistol or assault weapon, in compliance with all federal and state
32 laws; or

33 (i) A sale or transfer when the purchaser or transferee is a
34 licensed collector and the firearm being sold or transferred is a
35 curio or relic.

36 **Sec. 8.** RCW 9.41.124 and 2015 c 1 s 7 are each amended to read
37 as follows:

38 Residents of a state other than Washington may purchase rifles
39 and shotguns, except those firearms defined as assault weapons, in

1 Washington: PROVIDED, That such residents conform to the applicable
2 provisions of the federal Gun Control Act of 1968, Title IV, Pub. L.
3 90-351 as administered by the United States secretary of the
4 treasury: AND PROVIDED FURTHER, That such residents are eligible to
5 purchase or possess such weapons in Washington and in the state in
6 which such persons reside: AND PROVIDED FURTHER, That such residents
7 are subject to the procedures and background checks required by this
8 chapter.

9 **Sec. 9.** RCW 9.41.129 and 2005 c 274 s 203 are each amended to
10 read as follows:

11 The department of licensing may keep copies or records of
12 applications for concealed pistol licenses provided for in RCW
13 9.41.070, copies or records of applications for alien firearm
14 licenses, copies or records of applications to purchase pistols or
15 assault weapons provided for in RCW 9.41.090, and copies or records
16 of pistol or assault weapon transfers provided for in RCW 9.41.110.
17 The copies and records shall not be disclosed except as provided in
18 RCW 42.56.240(4).

19 **Sec. 10.** RCW 9.41.240 and 1994 sp.s. c 7 s 423 are each amended
20 to read as follows:

21 (1) A person under twenty-one years of age may not purchase a
22 pistol pursuant to Title 18 U.S.C. Sec. 922(b)(1) or an assault
23 weapon pursuant to RCW 9.41.113 and this section.

24 (2) Unless an exception under RCW 9.41.042, 9.41.050, or 9.41.060
25 applies, a person at least eighteen years of age, but less than
26 twenty-one years of age, may possess a pistol or assault weapon only:

27 ((+1)) (a) In the person's place of abode;

28 ((+2)) (b) At the person's fixed place of business; or

29 ((+3)) (c) On real property under his or her control.

--- END ---