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**HOUSE BILL 2947**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Valdez, Kilduff, Senn, Peterson, Doglio, Orwall, Walen, Bergquist, Gregerson, Macri, and Pollet

Read first time 02/21/20. Referred to Committee on Finance.

1 AN ACT Relating to establishing firearms-related safety measures  
2 to increase public safety by prohibiting the manufacture, possession,  
3 distribution, importation, selling, offering for sale, purchasing, or  
4 transfer of large capacity magazines, and making a violation of these  
5 restrictions a gross misdemeanor offense, by defining large capacity  
6 magazines to apply to ammunition feeding devices with the capacity to  
7 accept more than fifteen rounds of ammunition, by allowing continued  
8 possession of large capacity magazines limited to those possessed  
9 prior to June 11, 2020, and those inherited on or after June 11,  
10 2020, subject to restrictions on the ability to sell or transfer such  
11 large capacity magazines, requiring that they be stored in secure gun  
12 storage, and permitting their possession only on the owner's property  
13 or while engaged in lawful outdoor recreational activities or use at  
14 a licensed shooting range or when transporting the large capacity  
15 magazine to or from these locations unloaded and in a locked separate  
16 container, by providing limited exemptions solely for government  
17 officers, agents, or employees, or government contractors who provide  
18 firearms training to law enforcement, while acting within official  
19 duties, for licensed manufacturers and dealers for the purposes of  
20 sale of large capacity magazines to law enforcement or the military,  
21 for licensed dealers who acquire large capacity magazines from lawful  
22 owners for the purposes of sale to a resident of another state, for  
23 gunsmiths for the purpose of service or repair of a large capacity

1 magazine, for individuals for the purpose of lawfully participating  
2 in an officially sanctioned sport shooting event or while lawfully  
3 engaged in shooting at a licensed shooting range, for law enforcement  
4 and corrections officers and military members while acting within the  
5 scope of official duties, for retired law enforcement officers who  
6 receive a large capacity magazine in connection with their separation  
7 from service, and for individuals for the purpose of permanently  
8 relinquishing a large capacity magazine to law enforcement for  
9 destruction, by establishing a large capacity magazine buy-back  
10 program to be operated by the Washington state patrol between July 1,  
11 2020, and June 30, 2021, within amounts appropriated for this purpose  
12 that allows a resident to receive compensation for up to five large  
13 capacity magazines in an amount determined by the Washington state  
14 patrol based on fair market value, by creating a public records act  
15 exemption for personal information of persons participating in the  
16 large capacity magazine buy-back program, and by repealing the  
17 precious metal bullion and monetized bullion tax preference to fund  
18 the large capacity magazine buy-back program; reenacting and amending  
19 RCW 42.56.230; adding a new section to chapter 9.41 RCW; adding new  
20 sections to chapter 43.43 RCW; adding a new section to chapter 82.04  
21 RCW; creating a new section; repealing RCW 82.04.062; prescribing  
22 penalties; providing an effective date; providing expiration dates;  
23 and declaring an emergency.

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

25 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW  
26 to read as follows:

27 (1) No person in this state may manufacture, possess, distribute,  
28 import, transfer, sell, offer for sale, purchase, or otherwise  
29 transfer any large capacity magazine, except as authorized in this  
30 section.

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

33 (a) The possession of a large capacity magazine by a person who  
34 legally possessed the large capacity magazine before the effective  
35 date of this section, or possession of a large capacity magazine by a  
36 person who, on or after the effective date of this section, acquires  
37 possession of the large capacity magazine by operation of law upon  
38 the death of the former owner who was in legal possession of the

1 large capacity magazine, provided the person in possession of the  
2 large capacity magazine can establish such provenance. A person who  
3 legally possesses a large capacity magazine under this subsection is  
4 subject to the provisions of subsection (3) of this section;

5 (b) Any government officer, agent, or employee, or government  
6 contractor hired to provide firearms training to law enforcement  
7 officers, while acting within the scope of official duties, if  
8 authorized to acquire or possess a large capacity magazine in  
9 connection with official duties;

10 (c) The manufacture, offering for sale, sale, importation, or  
11 transfer of a large capacity magazine by a licensed firearms  
12 manufacturer for the purposes of sale to any branch of the armed  
13 forces of the United States or the state of Washington, or to a law  
14 enforcement agency in this state for use by that agency or its  
15 employees;

16 (d) The possession, offering for sale, sale, importation, or  
17 transfer of a large capacity magazine by a dealer that is properly  
18 licensed under federal and state law for the purpose of sale to any  
19 branch of the armed forces of the United States or the state of  
20 Washington, or to a law enforcement agency in this state for use by  
21 that agency or its employees for law enforcement purposes;

22 (e) The possession, offering for sale, sale, importation, or  
23 transfer of a large capacity magazine by a dealer that is properly  
24 licensed under federal and state law where the dealer acquires the  
25 large capacity magazine from a person legally authorized to possess  
26 or transfer the large capacity magazine for the purpose of selling or  
27 transferring the large capacity magazine to a person who does not  
28 reside in this state;

29 (f) The transfer to, and possession of, a legally possessed large  
30 capacity magazine by a federally licensed gunsmith for the purposes  
31 of service or repair, and the return of the large capacity magazine  
32 to the lawful owner;

33 (g) The importation or possession of a large capacity magazine by  
34 a club or organization established in whole or in part for the  
35 purpose of sponsoring sport shooting events and by a person for the  
36 purpose of lawfully participating in a sport shooting event  
37 officially sanctioned by such a club or organization;

38 (h) Law enforcement officers of this or another state, or state  
39 or local corrections officers, while acting within the scope of  
40 official duties, including authorized possession while not on duty,

1 if authorized to acquire or possess a large capacity magazine in  
2 connection with official duties;

3 (i) The possession of a large capacity magazine by law  
4 enforcement officers retired for service or physical disabilities,  
5 when the large capacity magazine in question was acquired as part of  
6 the officer's separation from service;

7 (j) Members of the armed forces of the United States or the state  
8 of Washington, or of the national guard or military reserves, while  
9 acting within the scope of official duties, if authorized to acquire  
10 or possess a large capacity magazine in connection with official  
11 duties;

12 (k) Any persons while otherwise lawfully engaged in shooting at a  
13 duly licensed, lawfully operated shooting range; or

14 (l) The possession or transfer of a large capacity magazine for  
15 the purpose of permanently relinquishing it to a law enforcement  
16 agency in this state. A large capacity magazine relinquished to a law  
17 enforcement agency under this subsection must be destroyed.

18 (3) A person who lawfully possesses a large capacity magazine  
19 under subsection (2)(a) of this section must comply with the  
20 following:

21 (a) The person shall not sell or transfer the magazine to any  
22 other person in this state other than to a licensed dealer, to a  
23 federally licensed gunsmith for the purpose of service or repair, or  
24 to a law enforcement agency for the purpose of permanently  
25 relinquishing the large capacity magazine;

26 (b) The person shall store the large capacity magazine in a  
27 secure gun storage; and

28 (c) The person shall possess the large capacity magazine only on  
29 property owned or immediately controlled by the person, while engaged  
30 in the legal use of the large capacity magazine at a duly licensed  
31 shooting range, while engaged in a lawful outdoor recreational  
32 activity such as hunting, or while traveling to or from these  
33 locations for the purpose of engaging in the legal use of the large  
34 capacity magazine, provided that the large capacity magazine is  
35 stored unloaded and in a separate locked container during transport.

36 (4) A person who violates this section is guilty of a gross  
37 misdemeanor punishable under chapter 9A.20 RCW.

38 (5) For the purposes of this section, "large capacity magazine"  
39 means an ammunition feeding device with the capacity to accept more  
40 than fifteen rounds of ammunition, or any conversion kit, part, or

1 combination of parts, from which such a device can be assembled if  
2 those parts are in the possession of or under the control of the same  
3 person, but shall not be construed to include any of the following:

4 (a) An ammunition feeding device that has been permanently  
5 altered so that it cannot accommodate more than fifteen rounds of  
6 ammunition;

7 (b) A twenty-two caliber tube ammunition feeding device; or

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

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43  
11 RCW to read as follows:

12 (1) The Washington state patrol shall establish and administer a  
13 large capacity magazine buy-back program to allow a person in  
14 possession of a large capacity magazine to relinquish the device to  
15 the Washington state patrol in exchange for a monetary payment  
16 established under this section. The Washington state patrol shall  
17 adopt rules to implement the large capacity magazine buy-back program  
18 according to the following standards:

19 (a) The buy-back program must be implemented between July 1,  
20 2020, and June 30, 2021, at locations in regions throughout the  
21 state;

22 (b) The buy-back program must allow a Washington resident to  
23 relinquish up to five large capacity magazines in exchange for a  
24 monetary payment in an amount determined by the Washington state  
25 patrol based on fair market value;

26 (c) The Washington state patrol shall establish the method for  
27 providing the monetary payments made to individuals under the buy-  
28 back program;

29 (d) The buy-back program is subject to the availability of funds  
30 appropriated for this specific purpose. This section does not create  
31 a right or entitlement for a person to receive a monetary payment  
32 under the buy-back program. The program must be operated on a first-  
33 come, first-served basis and no payments may be made that would  
34 require the Washington state patrol to exceed the amount appropriated  
35 for this purpose; and

36 (e) The Washington state patrol shall establish guidelines for  
37 the destruction or other disposition of large capacity magazines  
38 relinquished under this section.

39 (2) This section expires January 1, 2022.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 43.43  
2    RCW to read as follows:

3        The large capacity magazine buy-back program account is created  
4    in the custody of the state treasurer. All receipts from taxes  
5    collected and directed to be transferred pursuant to section 4(2) of  
6    this act must be deposited into the account. Moneys in the account  
7    may be spent only after appropriation. Expenditures from the account  
8    may be used only for the purposes of the large capacity magazine buy-  
9    back program established under section 2 of this act.

10       NEW SECTION.    **Sec. 4.**    A new section is added to chapter 82.04  
11    RCW to read as follows:

12        (1) At least one month before the end of each quarter, beginning  
13    September 30, 2020, the department must calculate the proceeds of the  
14    tax imposed on taxpayers who were exempted by RCW 82.04.062 prior to  
15    the effective date of section 6 of this act, generated for the most  
16    recently completed quarter.

17        (2) By the last day of each quarter, beginning September 30,  
18    2020, the department must notify the state treasurer of the  
19    calculations under subsection (1) of this section. The state  
20    treasurer shall transfer into the large capacity magazine buy-back  
21    program account created in section 3 of this act, the amount  
22    determined under subsection (1) of this section by the beginning of  
23    the quarter immediately following.

24        (3) This section expires January 1, 2022.

25        **Sec. 5.**    RCW 42.56.230 and 2019 c 470 s 8, 2019 c 239 s 2, and  
26    2019 c 213 s 2 are each reenacted and amended to read as follows:

27        The following personal information is exempt from public  
28    inspection and copying under this chapter:

29        (1) Personal information in any files maintained for students in  
30    public schools, patients or clients of public institutions or public  
31    health agencies, or welfare recipients;

32        (2)(a) Personal information:

33        (i) For a child enrolled in licensed child care in any files  
34    maintained by the department of children, youth, and families;

35        (ii) For a child enrolled in a public or nonprofit program  
36    serving or pertaining to children, adolescents, or students,  
37    including but not limited to early learning or child care services,

1 parks and recreation programs, youth development programs, and after-  
2 school programs;

3 (iii) For the family members or guardians of a child who is  
4 subject to the exemption under this subsection (2) if the family  
5 member or guardian has the same last name as the child or if the  
6 family member or guardian resides at the same address as the child  
7 and disclosure of the family member's or guardian's information would  
8 result in disclosure of the personal information exempted under  
9 (a)(i) and (ii) of this subsection; or

10 (iv) For substitute caregivers who are licensed or approved to  
11 provide overnight care of children by the department of children,  
12 youth, and families.

13 (b) Emergency contact information under this subsection (2) may  
14 be provided to appropriate authorities and medical personnel for the  
15 purpose of treating the individual during an emergency situation;

16 (3) Personal information in files maintained for employees,  
17 appointees, or elected officials of any public agency to the extent  
18 that disclosure would violate their right to privacy;

19 (4) Information required of any taxpayer in connection with the  
20 assessment or collection of any tax if the disclosure of the  
21 information to other persons would: (a) Be prohibited to such persons  
22 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance  
23 authorized under RCW 35.102.145; or (b) violate the taxpayer's right  
24 to privacy or result in unfair competitive disadvantage to the  
25 taxpayer;

26 (5) Credit card numbers, debit card numbers, electronic check  
27 numbers, card expiration dates, or bank or other financial  
28 information as defined in RCW 9.35.005 including social security  
29 numbers, except when disclosure is expressly required by or governed  
30 by other law;

31 (6) Personal and financial information related to a small loan or  
32 any system of authorizing a small loan in RCW 31.45.093;

33 (7)(a) Any record used to prove identity, age, residential  
34 address, social security number, or other personal information  
35 required to apply for a driver's license or identicard.

36 (b) Information provided under RCW 46.20.111 that indicates that  
37 an applicant declined to register with the selective service system.

38 (c) Any record pertaining to a vehicle license plate, driver's  
39 license, or identicard issued under RCW 46.08.066 that, alone or in  
40 combination with any other records, may reveal the identity of an

1 individual, or reveal that an individual is or was, performing an  
2 undercover or covert law enforcement, confidential public health  
3 work, public assistance fraud, or child support investigative  
4 activity. This exemption does not prevent the release of the total  
5 number of vehicle license plates, drivers' licenses, or identicards  
6 that, under RCW 46.08.066, an agency or department has applied for,  
7 been issued, denied, returned, destroyed, lost, and reported for  
8 misuse.

9 (d) Any record pertaining to a vessel registration issued under  
10 RCW 88.02.330 that, alone or in combination with any other records,  
11 may reveal the identity of an individual, or reveal that an  
12 individual is or was, performing an undercover or covert law  
13 enforcement activity. This exemption does not prevent the release of  
14 the total number of vessel registrations that, under RCW 88.02.330,  
15 an agency or department has applied for, been issued, denied,  
16 returned, destroyed, lost, and reported for misuse;

17 (8) All information related to individual claims resolution  
18 structured settlement agreements submitted to the board of industrial  
19 insurance appeals under RCW 51.04.063, other than final orders from  
20 the board of industrial insurance appeals.

21 Upon request by the legislature, the department of licensing  
22 shall provide a report to the legislature containing all of the  
23 information in subsection (7)(c) and (d) of this section that is  
24 subject to public disclosure;

25 (9) Voluntarily submitted information contained in a database  
26 that is part of or associated with enhanced 911 emergency  
27 communications systems, or information contained or used in emergency  
28 notification systems as provided under RCW 38.52.575 and 38.52.577;

29 (10) Until the person reaches eighteen years of age, information,  
30 otherwise disclosable under chapter 29A.08 RCW, that relates to a  
31 future voter, except for the purpose of processing and delivering  
32 ballots;

33 (11) All information submitted by a person to the state, either  
34 directly or through a state-licensed gambling establishment, or  
35 Indian tribes, or tribal enterprises that own gambling operations or  
36 facilities with class III gaming compacts, as part of the self-  
37 exclusion program established in RCW 9.46.071 or 67.70.040 for people  
38 with a gambling problem or gambling disorder; (~~and~~)

1 (12) Names, addresses, or other personal information of  
2 individuals who participated in the bump-fire stock buy-back program  
3 under RCW 43.43.920; and

4 (13) Names, addresses, or other personal information of  
5 individuals who participate in the large capacity magazine buy-back  
6 program under section 2 of this act.

7 NEW SECTION. Sec. 6. RCW 82.04.062 ("Sale at wholesale," "sale  
8 at retail" excludes sale of precious metal bullion and monetized  
9 bullion—Computation of tax) and 1985 c 471 s 5 are each repealed.

10 NEW SECTION. Sec. 7. The repeal in section 6 of this act does  
11 not affect any existing right acquired or liability or obligation  
12 incurred under the statute repealed or under any rule or order  
13 adopted under that statute nor does it affect any proceeding  
14 instituted under the repealed statute.

15 NEW SECTION. Sec. 8. Sections 6 and 7 of this act are necessary  
16 for the immediate preservation of the public peace, health, or  
17 safety, or support of the state government and its existing public  
18 institutions, and take effect April 1, 2020.

--- END ---