
SENATE BILL 6673

State of Washington**66th Legislature****2020 Regular Session****By** Senator Fortunato

1 AN ACT Relating to removing restrictions on the right to bear
2 arms and ensuring personal protection for Washington citizens;
3 amending RCW 9.41.090, 9.41.094, 9.41.097, 9.41.0975, 9.41.110,
4 9.41.122, 9.41.124, 9.41.129, 9.41.220, 9.41.240, 43.06.220,
5 9.41.345, 10.99.040, 7.90.090, 7.90.110, 7.92.100, 7.92.120,
6 26.50.070, and 26.09.060; reenacting and amending RCW 9.41.010,
7 9.41.300, 9.41.047, 10.99.030, and 10.14.080; adding a new section to
8 chapter 9.41 RCW; creating new sections; repealing RCW 9.41.049,
9 9.41.092, 9.41.113, 9.41.115, 9.41.137, 9.41.139, 9.41.360, 9.41.365,
10 71.05.182, and 82.08.833; and repealing 2019 c 244 s 2 (uncodified).

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

12 NEW SECTION. **Sec. 1.** It is an absolute and paramount right for
13 all people to bear arms in self-defense, as provided by the Second
14 Amendment of the United States Constitution and Article I, section 24
15 of the state Constitution. This right is necessary to ensure the
16 safety and protection of the people, particularly those groups who
17 have been subject to widespread and historical suppression of their
18 ability to exercise the fundamental rights held by all, such as
19 women, people of color, and other minority groups. Any attempt to
20 limit this right is a direct act entirely intended to infringe upon
21 the ability of the people to ensure the safety of themselves and

1 others, prevent invasions of their property and privacy, and to
2 protect themselves from tyrannical government control.

3 The right to keep and bear arms is a fundamental freedom that
4 existed long before the founding of this nation and state and should
5 continue to be protected, nurtured, and expanded. It is the intent of
6 the legislature to promote freedom, defend this essential right, and
7 to protect public safety by enacting the Washington personal
8 protection act.

9 It is the intent of the legislature to ensure laws that would
10 infringe or abridge this fundamental right will not be enacted or
11 adopted in any fashion. Further, the legislature intends to roll back
12 any and all statutes and rules that restrict or limit the right to
13 bear arms. This includes the provisions of Initiative Measure No.
14 1639 and Initiative Measure No. 594, as well as the RCW statutes that
15 restrict access to pistols, rifles, bump stocks, high capacity
16 magazines, and all other firearms, firearm accessories, and
17 ammunition.

18 **Sec. 2.** RCW 9.41.010 and 2019 c 243 s 1 are each reenacted and
19 amended to read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

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

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

34 (3) "Bump-fire stock" means a butt stock designed to be attached
35 to a semiautomatic firearm with the effect of increasing the rate of
36 fire achievable with the semiautomatic firearm to that of a fully
37 automatic firearm by using the energy from the recoil of the firearm
38 to generate reciprocating action that facilitates repeated activation
39 of the trigger.

1 (4) "Crime of violence" means:

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

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

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

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

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

28 (7) "Family or household member" means "family" or "household
29 member" as used in RCW (~~(10.99.020)~~) 26.50.010.

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

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

1 (10) "Felony firearm offense" means:

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

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

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

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

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

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

13 (12) "Firearm accessories" means items that are used in
14 conjunction with, or mounted upon, a firearm, but are not essential
15 to the basic function of a firearm including, but not limited to,
16 telescopic or laser sights, magazines, flash or sound suppressors,
17 folding or aftermarket stocks and grips, speedloaders, ammunition
18 carriers, and lights for target illumination.

19 (13) "Gun" has the same meaning as firearm.

20 (~~(13)~~) (14) "Law enforcement officer" includes a general
21 authority Washington peace officer as defined in RCW 10.93.020, or a
22 specially commissioned Washington peace officer as defined in RCW
23 10.93.020. "Law enforcement officer" also includes a limited
24 authority Washington peace officer as defined in RCW 10.93.020 if
25 such officer is duly authorized by his or her employer to carry a
26 concealed pistol.

27 (~~(14)~~) (15) "Lawful permanent resident" has the same meaning
28 afforded a person "lawfully admitted for permanent residence" in 8
29 U.S.C. Sec. 1101(a) (20).

30 (~~(15)~~) (16) "Licensed collector" means a person who is
31 federally licensed under 18 U.S.C. Sec. 923(b).

32 (~~(16)~~) (17) "Licensed dealer" means a person who is federally
33 licensed under 18 U.S.C. Sec. 923(a).

34 (~~(17)~~) (18) "Loaded" means:

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

36 (b) Cartridges are in a clip that is locked in place in the
37 firearm;

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

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

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

5 ~~((18))~~ (19) "Machine gun" means any firearm known as a machine
6 gun, mechanical rifle, submachine gun, or any other mechanism or
7 instrument not requiring that the trigger be pressed for each shot
8 and having a reservoir clip, disc, drum, belt, or other separable
9 mechanical device for storing, carrying, or supplying ammunition
10 which can be loaded into the firearm, mechanism, or instrument, and
11 fired therefrom at the rate of five or more shots per second.

12 ~~((19))~~ (20) "Manufacture" means, with respect to a firearm, the
13 fabrication or construction of a firearm.

14 ~~((20))~~ (21) "Nonimmigrant alien" means a person defined as such
15 in 8 U.S.C. Sec. 1101(a) (15).

16 ~~((21))~~ (22) "Person" means any individual, corporation,
17 company, association, firm, partnership, club, organization, society,
18 joint stock company, or other legal entity.

19 ~~((22))~~ (23) "Pistol" means any firearm with a barrel less than
20 sixteen inches in length, or is designed to be held and fired by the
21 use of a single hand.

22 ~~((23))~~ (24) "Rifle" means a weapon designed or redesigned, made
23 or remade, and intended to be fired from the shoulder and designed or
24 redesigned, made or remade, and intended to use the energy of the
25 explosive in a fixed metallic cartridge to fire only a single
26 projectile through a rifled bore for each single pull of the trigger.

27 ~~((24))~~ (25) "Sale" and "sell" mean the actual approval of the
28 delivery of a firearm in consideration of payment or promise of
29 payment.

30 ~~((25) "Secure gun storage" means:~~

31 ~~(a) A locked box, gun safe, or other secure locked storage space~~
32 ~~that is designed to prevent unauthorized use or discharge of a~~
33 ~~firearm; and~~

34 ~~(b) The act of keeping an unloaded firearm stored by such means.~~

35 ~~(26) "Semiautomatic assault rifle" means any rifle which utilizes~~
36 ~~a portion of the energy of a firing cartridge to extract the fired~~
37 ~~cartridge case and chamber the next round, and which requires a~~
38 ~~separate pull of the trigger to fire each cartridge.~~

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

4 ~~(27))~~ (26) "Serious offense" means any of the following felonies
5 or a felony attempt to commit any of the following felonies, as now
6 existing or hereafter amended:

7 (a) Any crime of violence;

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

11 (c) Child molestation in the second degree;

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

13 (e) Indecent liberties;

14 (f) Leading organized crime;

15 (g) Promoting prostitution in the first degree;

16 (h) Rape in the third degree;

17 (i) Drive-by shooting;

18 (j) Sexual exploitation;

19 (k) Vehicular assault, when caused by the operation or driving of
20 a vehicle by a person while under the influence of intoxicating
21 liquor or any drug or by the operation or driving of a vehicle in a
22 reckless manner;

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

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

29 (n) Any other felony with a deadly weapon verdict under RCW
30 9.94A.825; or

31 (o) Any felony offense in effect at any time prior to June 6,
32 1996, that is comparable to a serious offense, or any federal or out-
33 of-state conviction for an offense that under the laws of this state
34 would be a felony classified as a serious offense(~~(; or~~

35 ~~(p) Any felony conviction under RCW 9.41.115)).~~

36 ~~((28))~~ (27) "Short-barreled rifle" means a rifle having one or
37 more barrels less than sixteen inches in length and any weapon made
38 from a rifle by any means of modification if such modified weapon has
39 an overall length of less than twenty-six inches.

1 ~~((29))~~ (28) "Short-barreled shotgun" means a shotgun having one
2 or more barrels less than eighteen inches in length and any weapon
3 made from a shotgun by any means of modification if such modified
4 weapon has an overall length of less than twenty-six inches.

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

11 ~~((31))~~ (30) "Transfer" means the intended delivery of a firearm
12 to another person without consideration of payment or promise of
13 payment including, but not limited to, gifts and loans. "Transfer"
14 does not include the delivery of a firearm owned or leased by an
15 entity licensed or qualified to do business in the state of
16 Washington to, or return of such a firearm by, any of that entity's
17 employees or agents, defined to include volunteers participating in
18 an honor guard, for lawful purposes in the ordinary course of
19 business.

20 ~~((32))~~ (31) "Undetectable firearm" means any firearm that is
21 not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-
22 through metal detectors or magnetometers commonly used at airports or
23 any firearm where the barrel, the slide or cylinder, or the frame or
24 receiver of the firearm would not generate an image that accurately
25 depicts the shape of the part when examined by the types of X-ray
26 machines commonly used at airports.

27 ~~((33))~~ (32) "Unlicensed person" means any person who is not a
28 licensed dealer under this chapter.

29 ~~((34))~~ (33) "Untraceable firearm" means any firearm
30 manufactured after July 1, 2019, that is not an antique firearm and
31 that cannot be traced by law enforcement by means of a serial number
32 affixed to the firearm by a federally licensed manufacturer or
33 importer.

34 **Sec. 3.** RCW 9.41.090 and 2019 c 244 s 1 are each amended to read
35 as follows:

36 (1) In addition to the other requirements of this chapter, no
37 dealer may deliver a pistol to the purchaser thereof until ~~((+)~~
38 ~~(a) The~~) the dealer is notified in writing by ~~((+))~~ the chief
39 of police or the sheriff of the jurisdiction in which the purchaser

1 resides that the purchaser is eligible to possess a pistol under RCW
2 9.41.040 and that the application to purchase is approved by the
3 chief of police or sheriff(~~;~~ or ~~(ii) the state that the purchaser is~~
4 ~~eligible to possess a firearm under RCW 9.41.040, as provided in~~
5 ~~subsection (3) (b) of this section; or~~

6 ~~(b) The requirements or time periods in RCW 9.41.092 have been~~
7 ~~satisfied).~~

8 ~~(2) ((In addition to the other requirements of this chapter, no~~
9 ~~dealer may deliver a semiautomatic assault rifle to the purchaser~~
10 ~~thereof until:~~

11 ~~(a) The purchaser provides proof that he or she has completed a~~
12 ~~recognized firearm safety training program within the last five years~~
13 ~~that, at a minimum, includes instruction on:~~

14 ~~(i) Basic firearms safety rules;~~

15 ~~(ii) Firearms and children, including secure gun storage and~~
16 ~~talking to children about gun safety;~~

17 ~~(iii) Firearms and suicide prevention;~~

18 ~~(iv) Secure gun storage to prevent unauthorized access and use;~~

19 ~~(v) Safe handling of firearms; and~~

20 ~~(vi) State and federal firearms laws, including prohibited~~
21 ~~firearms transfers.~~

22 ~~The training must be sponsored by a federal, state, county, or~~
23 ~~municipal law enforcement agency, a college or university, a~~
24 ~~nationally recognized organization that customarily offers firearms~~
25 ~~training, or a firearms training school with instructors certified by~~
26 ~~a nationally recognized organization that customarily offers firearms~~
27 ~~training. The proof of training shall be in the form of a~~
28 ~~certification that states under the penalty of perjury the training~~
29 ~~included the minimum requirements; and~~

30 ~~(b) The dealer is notified in writing by (i) the chief of police~~
31 ~~or the sheriff of the jurisdiction in which the purchaser resides~~
32 ~~that the purchaser is eligible to possess a firearm under~~
33 ~~RCW 9.41.040 and that the application to purchase is approved by the~~
34 ~~chief of police or sheriff; or (ii) the state that the purchaser is~~
35 ~~eligible to possess a firearm under RCW 9.41.040, as provided in~~
36 ~~subsection (3) (b) of this section; or~~

37 ~~(c) The requirements or time periods in RCW 9.41.092 have been~~
38 ~~satisfied.~~

39 ~~(3)) (a) Except as provided in (b) of this subsection, in~~
40 ~~determining whether the purchaser meets the requirements of RCW~~

1 9.41.040, the chief of police or sheriff, or the designee of either,
2 shall check with ~~((the national instant criminal background check~~
3 ~~system, provided for by the Brady handgun violence prevention act (18~~
4 ~~U.S.C. Sec. 921 et seq.))~~) the Washington state patrol electronic
5 database, the health care authority electronic database, and with
6 other agencies or resources as appropriate, to determine whether the
7 applicant is ineligible under RCW 9.41.040 to possess a firearm.

8 (b) ~~((The state, through the legislature or initiative process,~~
9 ~~may enact a statewide firearms background check system equivalent to,~~
10 ~~or more comprehensive than, the check required by (a) of this~~
11 ~~subsection to determine that a purchaser is eligible to possess a~~
12 ~~firearm under RCW 9.41.040.))~~ Once a state system is established, a
13 dealer shall use the state system and national instant criminal
14 background check system, provided for by the Brady handgun violence
15 prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal
16 background checks of applicants to purchase firearms.

17 ~~((4))~~ (3) In any case under this section where the applicant
18 has an outstanding warrant for his or her arrest from any court of
19 competent jurisdiction for a felony or misdemeanor, the dealer shall
20 hold the delivery of the pistol ~~((or semiautomatic assault rifle))~~
21 until the warrant for arrest is served and satisfied by appropriate
22 court appearance. The local jurisdiction for purposes of the sale~~((~~
23 ~~or the state pursuant to subsection (3)(b) of this section,))~~ shall
24 confirm the existence of outstanding warrants within seventy-two
25 hours after notification of the application to purchase a pistol ~~((or~~
26 ~~semiautomatic assault rifle))~~ is received. The local jurisdiction
27 shall also immediately confirm the satisfaction of the warrant on
28 request of the dealer so that the hold may be released if the warrant
29 was for an offense other than an offense making a person ineligible
30 under RCW 9.41.040 to possess a ~~((firearm))~~ pistol.

31 ~~((5) In any case where the chief or sheriff of the local~~
32 ~~jurisdiction, or the state pursuant to subsection (3)(b) of this~~
33 ~~section, has reasonable grounds based on the following circumstances:~~
34 ~~(a) Open criminal charges, (b) pending criminal proceedings, (c)~~
35 ~~pending commitment proceedings, (d) an outstanding warrant for an~~
36 ~~offense making a person ineligible under RCW 9.41.040 to possess a~~
37 ~~firearm, or (e) an arrest for an offense making a person ineligible~~
38 ~~under RCW 9.41.040 to possess a firearm, if the records of~~
39 ~~disposition have not yet been reported or entered sufficiently to~~
40 ~~determine eligibility to purchase a firearm, the local jurisdiction~~

1 ~~or the state may hold the sale and delivery of the pistol or~~
2 ~~semiautomatic assault rifle up to thirty days in order to confirm~~
3 ~~existing records in this state or elsewhere. After thirty days, the~~
4 ~~hold will be lifted unless an extension of the thirty days is~~
5 ~~approved by a local district court, superior court, or municipal~~
6 ~~court for good cause shown. A dealer shall be notified of each hold~~
7 ~~placed on the sale by local law enforcement or the state and of any~~
8 ~~application to the court for additional hold period to confirm~~
9 ~~records or confirm the identity of the applicant.~~

10 ~~(6))~~ (4) (a) At the time of applying for the purchase of a pistol
11 ~~((or semiautomatic assault rifle))~~, the purchaser shall sign in
12 triplicate and deliver to the dealer an application containing:

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

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

16 (iii) The applicant's driver's license number or state
17 identification card number;

18 (iv) A description of the pistol ~~((or semiautomatic assault~~
19 ~~rifle))~~ including the make, model, caliber and manufacturer's number
20 if available at the time of applying for the purchase of a pistol
21 ~~((or semiautomatic assault rifle))~~. If the manufacturer's number is
22 not available ~~((at the time of applying for the purchase of a pistol~~
23 ~~or semiautomatic assault rifle))~~, the application may be processed,
24 but delivery of the pistol ~~((or semiautomatic assault rifle))~~ to the
25 purchaser may not occur unless the manufacturer's number is recorded
26 on the application by the dealer and transmitted to the chief of
27 police of the municipality or the sheriff of the county in which the
28 purchaser resides ~~((, or the state pursuant to subsection (3) (b) of~~
29 ~~this section)); and~~

30 (v) A statement that the purchaser is eligible to purchase and
31 possess a ~~((firearm))~~ pistol under ~~((state and federal law; and~~

32 ~~(vi) If purchasing a semiautomatic assault rifle, a statement by~~
33 ~~the applicant under penalty of perjury that the applicant has~~
34 ~~completed a recognized firearm safety training program within the~~
35 ~~last five years, as required by subsection (2) of this section))~~ RCW
36 9.41.040.

37 (b) The application shall contain ~~((two))~~ a warning~~((s))~~
38 substantially stated as follows:

1 (~~(i)~~) CAUTION: Although state and local laws do not differ,
2 federal law and state law on the possession of firearms differ. If
3 you are prohibited by federal law from possessing a firearm, you may
4 be prosecuted in federal court. State permission to purchase a
5 firearm is not a defense to a federal prosecution(~~(; and~~

6 ~~(ii) CAUTION: The presence of a firearm in the home has been~~
7 ~~associated with an increased risk of death to self and others,~~
8 ~~including an increased risk of suicide, death during domestic~~
9 ~~violence incidents, and unintentional deaths to children and~~
10 ~~others)).~~

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

16 (c) The dealer shall, by the end of the business day, sign and
17 attach his or her address and deliver a copy of the application and
18 such other documentation as required under subsection(~~(s)~~) (1) (~~and~~
19 ~~(2)~~) of this section to the chief of police of the municipality or
20 the sheriff of the county of which the purchaser is a resident(~~(, or~~
21 ~~the state pursuant to subsection (3)(b) of this section)~~). The
22 triplicate shall be retained by the dealer for six years. The dealer
23 shall deliver the pistol (~~(or semiautomatic assault rifle)~~) to the
24 purchaser following the period of time specified in this chapter
25 unless the dealer is notified of (~~(an investigative hold under~~
26 ~~subsection (5) of this section in writing by the chief of police of~~
27 ~~the municipality, the sheriff of the county, or the state, whichever~~
28 ~~is applicable, or of)~~) the denial of the purchaser's application to
29 purchase and the grounds thereof. The application shall not be denied
30 unless the purchaser is not eligible to purchase or possess (~~(the~~
31 ~~firearm)~~) a pistol under (~~(state)~~) RCW 9.41.040 or 9.41.045 or
32 federal law.

33 (d) The chief of police of the municipality or the sheriff of the
34 county(~~(, or the state pursuant to subsection (3)(b) of this~~
35 ~~section,~~) shall retain or destroy applications to purchase a pistol
36 (~~(or semiautomatic assault rifle)~~) in accordance with the
37 requirements of 18 U.S.C. Sec. 922.

38 (~~(7)(a) To help offset the administrative costs of implementing~~
39 ~~this section as it relates to new requirements for semiautomatic~~

1 ~~assault rifles, the department of licensing may require the dealer to~~
2 ~~charge each semiautomatic assault rifle purchaser or transferee a fee~~
3 ~~not to exceed twenty-five dollars, except that the fee may be~~
4 ~~adjusted at the beginning of each biennium to levels not to exceed~~
5 ~~the percentage increase in the consumer price index for all urban~~
6 ~~consumers, CPI-W, or a successor index, for the previous biennium as~~
7 ~~calculated by the United States department of labor.~~

8 ~~(b) The fee under (a) of this subsection shall be no more than is~~
9 ~~necessary to fund the following:~~

10 ~~(i) The state for the cost of meeting its obligations under this~~
11 ~~section;~~

12 ~~(ii) The health care authority, mental health institutions, and~~
13 ~~other health care facilities for state-mandated costs resulting from~~
14 ~~the reporting requirements imposed by RCW 9.41.097(1); and~~

15 ~~(iii) Local law enforcement agencies for state-mandated local~~
16 ~~costs resulting from the requirements set forth under RCW 9.41.090~~
17 ~~and this section.~~

18 ~~(8))~~ (5) A person who knowingly makes a false statement
19 regarding identity or eligibility requirements on the application to
20 purchase a ~~((firearm))~~ pistol is guilty of false swearing under RCW
21 9A.72.040.

22 ~~((9))~~ (6) This section does not apply to sales to licensed
23 dealers for resale or to the sale of antique firearms.

24 **Sec. 4.** RCW 9.41.094 and 2019 c 3 s 7 (Initiative Measure No.
25 1639) are each amended to read as follows:

26 A signed application to purchase a pistol ~~((or semiautomatic~~
27 ~~assault rifle))~~ shall constitute a waiver of confidentiality and
28 written request that the health care authority, mental health
29 institutions, and other health care facilities release, to an
30 inquiring court or law enforcement agency, information relevant to
31 the applicant's eligibility to purchase a pistol ~~((or semiautomatic~~
32 ~~assault rifle))~~ to an inquiring court or law enforcement agency.

33 **Sec. 5.** RCW 9.41.097 and 2019 c 3 s 8 (Initiative Measure No.
34 1639) are each amended to read as follows:

35 (1) The health care authority, mental health institutions, and
36 other health care facilities shall, upon request of a court~~((r))~~ or
37 law enforcement agency, ~~((or the state,))~~ supply such relevant
38 information as is necessary to determine the eligibility of a person

1 to possess a (~~firearm~~) pistol or to be issued a concealed pistol
2 license under RCW 9.41.070 or to purchase a pistol (~~or semiautomatic~~
3 ~~assault rifle~~) under RCW 9.41.090.

4 (2) Mental health information received by: (a) The department of
5 licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing
6 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police
7 or sheriff pursuant to RCW 9.41.090 or 9.41.173; or (d) a court or
8 law enforcement agency pursuant to subsection (1) of this section(~~or~~
9 ~~or (e) the state pursuant to RCW 9.41.090~~), shall not be disclosed
10 except as provided in RCW 42.56.240(4).

11 **Sec. 6.** RCW 9.41.0975 and 2019 c 3 s 9 (Initiative Measure No.
12 1639) are each amended to read as follows:

13 (1) The state, local governmental entities, any public or private
14 agency, and the employees of any state or local governmental entity
15 or public or private agency, acting in good faith, are immune from
16 liability:

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

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

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

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

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

27 (f) For errors in preparing or transmitting information as part
28 of determining a person's eligibility to receive or possess a
29 firearm, or eligibility for a concealed pistol license or alien
30 firearm license;

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

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

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

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

1 (b) Directing a law enforcement agency to approve an application
2 to purchase (~~a pistol or semiautomatic assault rifle~~) wrongfully
3 denied;

4 (c) Directing that erroneous information resulting either in the
5 wrongful refusal to issue a concealed pistol license or alien firearm
6 license or in the wrongful denial of a purchase application (~~for a
7 pistol or semiautomatic assault rifle~~) be corrected; or

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

10 The application for the writ may be made in the county in which
11 the application for a concealed pistol license or alien firearm
12 license or to purchase a pistol (~~or semiautomatic assault rifle~~)
13 was made, or in Thurston county, at the discretion of the petitioner.
14 A court shall provide an expedited hearing for an application brought
15 under this subsection (~~(+2)~~) for a writ of mandamus. A person
16 granted a writ of mandamus under this subsection (~~(+2)~~) shall be
17 awarded reasonable attorneys' fees and costs.

18 **Sec. 7.** RCW 9.41.110 and 2019 c 3 s 10 (Initiative Measure No.
19 1639) are each amended to read as follows:

20 (1) No dealer may sell or otherwise transfer, or expose for sale
21 or transfer, or have in his or her possession with intent to sell, or
22 otherwise transfer, any pistol without being licensed as provided in
23 this section.

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

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

32 (4) The duly constituted licensing authorities of any city, town,
33 or political subdivision of this state shall grant licenses in forms
34 prescribed by the director of licensing effective for not more than
35 one year from the date of issue permitting the licensee to sell
36 firearms within this state subject to the following conditions, for
37 breach of any of which the license shall be forfeited and the
38 licensee subject to punishment as provided in RCW 9.41.010 through
39 9.41.810. A licensing authority shall forward a copy of each license

1 granted to the department of licensing. The department of licensing
2 shall notify the department of revenue of the name and address of
3 each dealer licensed under this section.

4 (5)(a) A licensing authority shall, within thirty days after the
5 filing of an application of any person for a dealer's license,
6 determine whether to grant the license. However, if the applicant
7 does not have a valid permanent Washington driver's license or
8 Washington state identification card, or has not been a resident of
9 the state for the previous consecutive ninety days, the licensing
10 authority shall have up to sixty days to determine whether to issue a
11 license. No person shall qualify for a license under this section
12 without first receiving a federal firearms license and undergoing
13 fingerprinting and a background check. In addition, no person
14 ineligible to possess a firearm under RCW 9.41.040 or ineligible for
15 a concealed pistol license under RCW 9.41.070 shall qualify for a
16 dealer's license.

17 (b) A dealer shall require every employee who may sell a firearm
18 in the course of his or her employment to undergo fingerprinting and
19 a background check. An employee must be eligible to possess a
20 firearm, and must not have been convicted of a crime that would make
21 the person ineligible for a concealed pistol license, before being
22 permitted to sell a firearm. Every employee shall comply with
23 requirements concerning purchase applications and restrictions on
24 delivery of pistols (~~(or semiautomatic assault rifles)~~) that are
25 applicable to dealers.

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

30 (b) A dealer may conduct business temporarily at a location other
31 than the building designated in the license, if the temporary
32 location is within Washington state and is the location of a gun show
33 sponsored by a national, state, or local organization, or an
34 affiliate of any such organization, devoted to the collection,
35 competitive use, or other sporting use of firearms in the community.
36 Nothing in this subsection (~~((6)(b))~~) authorizes a dealer to conduct
37 business in or from a motorized or towed vehicle.

38 In conducting business temporarily at a location other than the
39 building designated in the license, the dealer shall comply with all
40 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and

1 this section. The license of a dealer who fails to comply with the
2 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
3 section while conducting business at a temporary location shall be
4 revoked, and the dealer shall be permanently ineligible for a
5 dealer's license.

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

10 (8) (a) No pistol (~~(or semiautomatic assault rifle)~~) may be sold:

11 (i) In violation of any provisions of RCW 9.41.010 through 9.41.810;
12 nor (ii) may a pistol (~~(or semiautomatic assault rifle)~~) be sold
13 under any circumstances unless the purchaser is personally known to
14 the dealer or shall present clear evidence of his or her identity.

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

20 (c) The license fee for pistols shall be one hundred twenty-five
21 dollars. The license fee for firearms other than pistols shall be one
22 hundred twenty-five dollars. The license fee for ammunition shall be
23 one hundred twenty-five dollars. Any dealer who obtains any license
24 under subsection (1), (2), or (3) of this section may also obtain the
25 remaining licenses without payment of any fee. The fees received
26 under this section shall be deposited in the state general fund.

27 (9) (a) A true record in triplicate shall be made of every pistol
28 (~~(or semiautomatic assault rifle)~~) sold, in a book kept for the
29 purpose, the form of which may be prescribed by the director of
30 licensing and shall be personally signed by the purchaser and by the
31 person effecting the sale, each in the presence of the other, and
32 shall contain the date of sale, the caliber, make, model and
33 manufacturer's number of the weapon, the name, address, occupation,
34 and place of birth of the purchaser, and a statement signed by the
35 purchaser that he or she is not ineligible under (~~(state or federal~~
36 ~~law)~~) RCW 9.41.040 to possess a firearm.

37 (b) One copy shall within six hours be sent by certified mail to
38 the chief of police of the municipality or the sheriff of the county
39 of which the purchaser is a resident (~~(, or the state pursuant to RCW~~
40 ~~9.41.090)~~); the duplicate the dealer shall within seven days send to

1 the director of licensing; the triplicate the dealer shall retain for
2 six 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. 8.** RCW 9.41.122 and 2015 c 1 s 6 are each amended to read
16 as follows:

17 Residents of Washington may purchase rifles and shotguns in a
18 state other than Washington: PROVIDED, That such residents conform to
19 the applicable provisions of the federal gun control act of 1968,
20 Title IV, Pub. L. 90-351 as administered by the United States
21 secretary of the treasury: AND PROVIDED FURTHER, That such residents
22 are eligible to purchase or possess such weapons in Washington and in
23 the state in which such purchase is made(~~(: AND PROVIDED FURTHER,~~
24 ~~That when any part of the transaction takes place in Washington,~~
25 ~~including, but not limited to, internet sales, such residents are~~
26 ~~subject to the procedures and background checks required by this~~
27 ~~chapter)) .~~

28 **Sec. 9.** RCW 9.41.124 and 2019 c 3 s 12 (Initiative Measure No.
29 1639) are each amended to read as follows:

30 Residents of a state other than Washington may purchase rifles
31 and shotguns(~~(, except those firearms defined as semiautomatic~~
32 ~~assault rifles,)) in Washington: PROVIDED, That such residents
33 conform to the applicable provisions of the federal gun control act
34 of 1968, Title IV, Pub. L. 90-351 as administered by the United
35 States secretary of the treasury: AND PROVIDED FURTHER, That such
36 residents are eligible to purchase or possess such weapons in
37 Washington and in the state in which such persons reside(~~(: AND~~~~

1 ~~PROVIDED FURTHER, That such residents are subject to the procedures~~
2 ~~and background checks required by this chapter)).~~

3 **Sec. 10.** RCW 9.41.129 and 2019 c 3 s 14 (Initiative Measure No.
4 1639) are each amended to read as follows:

5 The department of licensing (~~shall~~) may keep copies or records
6 of applications for concealed pistol licenses provided for in RCW
7 9.41.070, copies or records of applications for alien firearm
8 licenses, copies or records of applications to purchase pistols (~~or~~
9 ~~semiautomatic assault rifles~~) provided for in RCW 9.41.090, and
10 copies or records of pistol (~~or semiautomatic assault rifle~~)
11 transfers provided for in RCW 9.41.110. The copies and records shall
12 not be disclosed except as provided in RCW 42.56.240(4).

13 **Sec. 11.** RCW 9.41.220 and 2019 c 243 s 4 are each amended to
14 read as follows:

15 All machine guns, bump-fire stocks, undetectable firearms,
16 (~~short-barreled shotguns, or short-barreled rifles,~~) or any part
17 designed and intended solely and exclusively for use in a machine
18 gun, (~~short-barreled shotgun, or short-barreled rifle,~~) or in
19 converting a weapon into a machine gun, (~~short-barreled shotgun, or~~
20 ~~short-barreled rifle,~~) illegally held or illegally possessed,
21 hereby declared to be contraband, and it shall be the duty of all
22 peace officers, and/or any officer or member of the armed forces of
23 the United States or the state of Washington, to seize said machine
24 gun, bump-fire stock, undetectable firearm, (~~short-barreled shotgun,~~
25 ~~or short-barreled rifle,~~) or parts thereof, wherever and whenever
26 found.

27 **Sec. 12.** RCW 9.41.240 and 2019 c 3 s 13 (Initiative Measure No.
28 1639) are each amended to read as follows:

29 (~~(1) A person under twenty-one years of age may not purchase a~~
30 ~~pistol or semiautomatic assault rifle, and except as otherwise~~
31 ~~provided in this chapter, no person may sell or transfer a~~
32 ~~semiautomatic assault rifle to a person under twenty-one years of~~
33 ~~age.~~

34 ~~(2))~~ Unless an exception under RCW 9.41.042, 9.41.050, or
35 9.41.060 applies, a person at least eighteen years of age, but less
36 than twenty-one years of age, may possess a pistol only:

37 (~~(a))~~ (1) In the person's place of abode;

1 ~~((b))~~ (2) At the person's fixed place of business; or
2 ~~((e))~~ (3) On real property under his or her control.
3 ~~((3) Except in the places and situations identified in RCW~~
4 ~~9.41.042 (1) through (9) and 9.41.060 (1) through (10), a person at~~
5 ~~least eighteen years of age, but less than twenty-one years of age,~~
6 ~~may possess a semiautomatic assault rifle only:~~
7 ~~(a) In the person's place of abode;~~
8 ~~(b) At the person's fixed place of business;~~
9 ~~(c) On real property under his or her control; or~~
10 ~~(d) For the specific purpose of (i) moving to a new place of~~
11 ~~abode; (ii) traveling between the person's place of abode and real~~
12 ~~property under his or her control; or (iii) selling or transferring~~
13 ~~the firearm in accordance with the requirements of this chapter;~~
14 ~~provided that in all of these situations the semiautomatic assault~~
15 ~~rifle is unloaded and either in secure gun storage or secured with a~~
16 ~~trigger lock or similar device that is designed to prevent the~~
17 ~~unauthorized use or discharge of the firearm.))~~

18 **Sec. 13.** RCW 43.06.220 and 2019 c 472 s 2 are each amended to
19 read as follows:

20 (1) The governor, after proclaiming a state of emergency and
21 prior to terminating such, may, in the area described by the
22 proclamation issue an order prohibiting:

23 (a) Any person being on the public streets, ~~((e))~~ in the public
24 parks, or at any other public place during the hours declared by the
25 governor to be a period of curfew;

26 (b) Any number of persons, as designated by the governor, from
27 assembling or gathering on the public streets, parks, or other open
28 areas of this state, either public or private;

29 (c) The manufacture, transfer, use, possession, or transportation
30 of a molotov cocktail or any other device, instrument, or object
31 designed to explode or produce uncontained combustion;

32 (d) The transporting, possessing, or using of gasoline, kerosene,
33 or combustible, flammable, or explosive liquids or materials in a
34 glass or uncapped container of any kind except in connection with the
35 normal operation of motor vehicles, normal home use, or legitimate
36 commercial use;

37 (e) The sale, purchase, or dispensing of alcoholic beverages;

1 (f) The sale, purchase, or dispensing of other commodities or
2 goods, as he or she reasonably believes should be prohibited to help
3 preserve and maintain life, health, property, or the public peace;

4 (g) The use of certain streets, highways, or public ways by the
5 public; and

6 (h) Such other activities as he or she reasonably believes should
7 be prohibited to help preserve and maintain life, health, property,
8 or the public peace.

9 (2) The governor, after proclaiming a state of emergency and
10 prior to terminating such, may, in the area described by the
11 proclamation, issue an order or orders concerning waiver or
12 suspension of statutory obligations or limitations in the following
13 areas:

14 (a) Liability for participation in interlocal agreements;

15 (b) Inspection fees owed to the department of labor and
16 industries;

17 (c) Application of the family emergency assistance program;

18 (d) Regulations, tariffs, and notice requirements under the
19 jurisdiction of the utilities and transportation commission;

20 (e) Application of tax due dates and penalties relating to
21 collection of taxes;

22 (f) Permits for industrial, business, or medical uses of alcohol;
23 and

24 (g) Such other statutory and regulatory obligations or
25 limitations prescribing the procedures for conduct of state business,
26 or the orders, rules, or regulations of any state agency if strict
27 compliance with the provision of any statute, order, rule, or
28 regulation would in any way prevent, hinder, or delay necessary
29 action in coping with the emergency, unless (i) authority to waive or
30 suspend a specific statutory or regulatory obligation or limitation
31 has been expressly granted to another statewide elected official,
32 (ii) the waiver or suspension would conflict with federal
33 requirements that are a prescribed condition to the allocation of
34 federal funds to the state, or (iii) the waiver or suspension would
35 conflict with the rights, under the First Amendment, of freedom of
36 speech or of the people to peaceably assemble. The governor shall
37 give as much notice as practical to legislative leadership and
38 impacted local governments when issuing orders under this subsection
39 (~~(2)(g)~~).

1 (3) In imposing the restrictions provided for by RCW 43.06.010,
2 and 43.06.200 through 43.06.270, the governor may impose them for
3 such times, upon such conditions, with such exceptions and in such
4 areas of this state he or she from time to time deems necessary.

5 (4) No order or orders concerning waiver or suspension of
6 statutory obligations or limitations under subsection (2) of this
7 section may continue for longer than thirty days unless extended by
8 the legislature through concurrent resolution. If the legislature is
9 not in session, the waiver or suspension of statutory obligations or
10 limitations may be extended in writing by the leadership of the
11 senate and the house of representatives until the legislature can
12 extend the waiver or suspension by concurrent resolution. For
13 purposes of this section, "leadership of the senate and the house of
14 representatives" means the majority and minority leaders of the
15 senate and the speaker and the minority leader of the house of
16 representatives.

17 (5) Any person willfully violating any provision of an order
18 issued by the governor under this section is guilty of a gross
19 misdemeanor.

20 **Sec. 14.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s
21 6007 are each reenacted and amended to read as follows:

22 (1) It is unlawful for any person to enter the following places
23 when he or she knowingly possesses or knowingly has under his or her
24 control a weapon:

25 (a) The restricted access areas of a jail, (~~(or)~~) of a law
26 enforcement facility, or any place used for the confinement of a
27 person (i) arrested for, charged with, or convicted of, an offense,
28 (ii) held for extradition or as a material witness, or (iii)
29 otherwise confined pursuant to an order of a court, except an order
30 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
31 include common areas of egress or ingress open to the general public;

32 (b) Those areas in any building which are used in connection with
33 court proceedings, including courtrooms, jury rooms, judge's
34 chambers, offices, and areas used to conduct court business, waiting
35 areas, and corridors adjacent to areas used in connection with court
36 proceedings. The restricted areas do not include common areas of
37 ingress and egress to the building that is used in connection with
38 court proceedings(~~(or)~~) when it is possible to protect court areas
39 without restricting ingress and egress to the building. The

1 restricted areas shall be the minimum necessary to fulfill the
2 objective of this subsection (~~((1)(b))~~).

3 For purposes of this subsection (~~((1)(b))~~), "weapon" means any
4 firearm, explosive as defined in RCW 70.74.010, or any weapon of the
5 kind usually known as slung shot, sand club, or metal knuckles, or
6 any knife, dagger, dirk, or other similar weapon that is capable of
7 causing death or bodily injury and is commonly used with the intent
8 to cause death or bodily injury.

9 In addition, the local legislative authority shall provide either
10 a stationary locked box sufficient in size for pistols and key to a
11 weapon owner for weapon storage, or shall designate an official to
12 receive weapons for safekeeping(~~(7)~~) during the owner's visit to
13 restricted areas of the building. The locked box or designated
14 official shall be located within the same building used in connection
15 with court proceedings. The local legislative authority shall be
16 liable for any negligence causing damage to, or loss of, a weapon
17 either placed in a locked box or left with an official during the
18 owner's visit to restricted areas of the building.

19 The local judicial authority shall designate and clearly mark
20 those areas where weapons are prohibited, and shall post notices at
21 each entrance to the building of the prohibition against weapons in
22 the restricted areas;

23 (c) The restricted access areas of a public mental health
24 facility licensed or certified by the department of health for
25 inpatient hospital care and state institutions for the care of the
26 mentally ill, excluding those facilities solely for evaluation and
27 treatment. Restricted access areas do not include common areas of
28 egress and ingress open to the general public;

29 (d) That portion of an establishment classified by the state
30 liquor and cannabis board as off-limits to persons under twenty-one
31 years of age, unless the establishment has as its primary source of
32 revenue the sale of liquor for on-premises consumption; or

33 (e) The restricted access areas of a commercial service airport
34 designated in the airport security plan approved by the federal
35 transportation security administration, including passenger screening
36 checkpoints at or beyond the point at which a passenger initiates the
37 screening process. These areas do not include airport drives, general
38 parking areas and walkways, and shops and areas of the terminal that
39 are outside the screening checkpoints and that are normally open to
40 unscreened passengers or visitors to the airport. Any restricted

1 access area shall be clearly indicated by prominent signs indicating
2 that firearms and other weapons are prohibited in the area.

3 (2) Cities, towns, counties, and other municipalities may enact
4 laws and ordinances:

5 (a) Restricting the discharge of firearms in any portion of their
6 respective jurisdictions where there is a reasonable likelihood that
7 humans, domestic animals, or property will be jeopardized. Such laws
8 and ordinances shall not abridge the right of the individual
9 guaranteed by Article I, section 24 of the state Constitution to bear
10 arms in defense of self or others; and

11 (b) Restricting the possession of firearms in any stadium or
12 convention center, operated by a city, town, county, or other
13 municipality, except that such restrictions shall not apply to:

14 (i) Any pistol in the possession of a person licensed under RCW
15 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

16 (ii) Any showing, demonstration, or lecture involving the
17 exhibition of firearms.

18 (3)(a) Cities, towns, and counties may enact ordinances
19 restricting the areas in their respective jurisdictions in which
20 firearms may be sold, but, except as provided in (b) of this
21 subsection, a business selling firearms may not be treated more
22 restrictively than other businesses located within the same zone. An
23 ordinance requiring the cessation of business within a zone shall not
24 have a shorter grandfather period for businesses selling firearms
25 than for any other businesses within the zone.

26 (b) Cities, towns, and counties may restrict the location of a
27 business selling firearms to not less than five hundred feet from
28 primary or secondary school grounds, if the business has a
29 storefront, has hours during which it is open for business, and posts
30 advertisements or signs observable to passersby that firearms are
31 available for sale. A business selling firearms that exists as of the
32 date a restriction is enacted under this subsection (~~((3)(b))~~) shall
33 be grandfathered according to existing law.

34 (4) Violations of local ordinances adopted under subsection (2)
35 of this section must have the same penalty as provided for by state
36 law.

37 (5) The perimeter of the premises of any specific location
38 covered by subsection (1) of this section shall be posted at
39 reasonable intervals to alert the public as to the existence of any
40 law restricting the possession of firearms on the premises.

1 (6) Subsection (1) of this section does not apply to:

2 (a) A person engaged in military activities sponsored by the
3 federal or state governments, while engaged in official duties;

4 (b) Law enforcement personnel, except that subsection (1)(b) of
5 this section does apply to a law enforcement officer who is present
6 at a courthouse building as a party to an action under chapter 10.14,
7 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party
8 has alleged the existence of domestic violence as defined in RCW
9 26.50.010; or

10 (c) Security personnel while engaged in official duties.

11 (7) Subsection (1)(a), (b), (c), and (e) of this section does not
12 apply to correctional personnel or community corrections officers, as
13 long as they are employed as such, who have completed government-
14 sponsored law enforcement firearms training, except that subsection
15 (1)(b) of this section does apply to a correctional employee or
16 community corrections officer who is present at a courthouse building
17 as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or
18 an action under Title 26 RCW where any party has alleged the
19 existence of domestic violence as defined in RCW 26.50.010.

20 (8) Subsection (1)(a) of this section does not apply to a person
21 licensed pursuant to RCW 9.41.070 who, upon entering the place or
22 facility, directly and promptly proceeds to the administrator of the
23 facility or the administrator's designee and obtains written
24 permission to possess the firearm while on the premises or checks his
25 or her firearm. The person may reclaim the firearms upon leaving but
26 must immediately and directly depart from the place or facility.

27 (9) Subsection (1)(c) of this section does not apply to any
28 administrator or employee of the facility or to any person who, upon
29 entering the place or facility, directly and promptly proceeds to the
30 administrator of the facility or the administrator's designee and
31 obtains written permission to possess the firearm while on the
32 premises.

33 (10) Subsection (1)(d) of this section does not apply to the
34 proprietor of the premises or his or her employees while engaged in
35 their employment.

36 (11) Government-sponsored law enforcement firearms training must
37 be training that correctional personnel and community corrections
38 officers receive as part of their job requirement and reference to
39 such training does not constitute a mandate that it be provided by
40 the correctional facility.

1 (12) Any person violating subsection (1) of this section is
2 guilty of a gross misdemeanor.

3 (13) "Weapon" as used in this section means any firearm,
4 explosive as defined in RCW 70.74.010, or instrument or weapon listed
5 in RCW 9.41.250.

6 **Sec. 15.** RCW 9.41.047 and 2019 c 248 s 3 and 2019 c 247 s 3 are
7 each reenacted and amended to read as follows:

8 (1)(a) At the time a person is convicted or found not guilty by
9 reason of insanity of an offense making the person ineligible to
10 possess a firearm, or at the time a person is committed by court
11 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
12 chapter 10.77 RCW for mental health treatment, (~~or at the time that~~
13 ~~charges are dismissed based on incompetency to stand trial under RCW~~
14 ~~10.77.088 and the court makes a finding that the person has a history~~
15 ~~of one or more violent acts,~~) the convicting or committing court(~~(~~
16 ~~or court that dismisses charges,~~) shall notify the person, orally
17 and in writing, that the person must immediately surrender any
18 concealed pistol license and that the person may not possess a
19 firearm unless his or her right to do so is restored by a court of
20 record. For purposes of this section a convicting court includes a
21 court in which a person has been found not guilty by reason of
22 insanity.

23 (b) The convincing or committing court shall forward within three
24 judicial days after conviction(~~(~~) or entry of the commitment
25 order(~~(~~, ~~or dismissal of charges,~~) a copy of the person's driver's
26 license or identicard, or comparable information, along with the date
27 of conviction or commitment, (~~or date charges are dismissed,~~) to
28 the department of licensing. When a person is committed by court
29 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
30 chapter 10.77 RCW, for mental health treatment, (~~or when a person's~~
31 ~~charges are dismissed based on incompetency to stand trial under RCW~~
32 ~~10.77.088 and the court makes a finding that the person has a history~~
33 ~~of one or more violent acts,~~) the committing court also shall
34 forward, within three judicial days after entry of the commitment
35 order, (~~or dismissal of charges,~~) a copy of the person's driver's
36 license, or comparable information, along with the date of commitment
37 (~~or date charges are dismissed~~), to the national instant criminal
38 background check system index, denied persons file, created by the
39 federal Brady handgun violence prevention act (P.L. 103-159). The

1 petitioning party shall provide the court with the information
2 required. If more than one commitment order is entered under one
3 cause number, only one notification to the department of licensing
4 and the national instant criminal background check system is
5 required.

6 (2) Upon receipt of the information provided for by subsection
7 (1) of this section, the department of licensing shall determine if
8 the convicted or committed person (~~(, or the person whose charges are~~
9 ~~dismissed based on incompetency to stand trial,)~~) has a concealed
10 pistol license. If the person does have a concealed pistol license,
11 the department of licensing shall immediately notify the license-
12 issuing authority which, upon receipt of such notification, shall
13 immediately revoke the license.

14 (3)(a) A person who is prohibited from possessing a firearm, by
15 reason of having been involuntarily committed for mental health
16 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
17 chapter 10.77 RCW, or equivalent statutes of another jurisdiction,
18 (~~(or by reason of having been detained under RCW 71.05.150 or~~
19 ~~71.05.153, or because the person's charges were dismissed based on~~
20 ~~incompetency to stand trial under RCW 10.77.088 and the court made a~~
21 ~~finding that the person has a history of one or more violent acts,)~~)
22 may, upon discharge, petition the superior court to have his or her
23 right to possess a firearm restored.

24 (b) The petition must be brought in the superior court that
25 ordered the involuntary commitment (~~(or dismissed the charges based~~
26 ~~on incompetency to stand trial))~~) or the superior court of the county
27 in which the petitioner resides.

28 (c) Except as provided in (d) and (e) of this subsection, the
29 court shall restore the petitioner's right to possess a firearm if
30 the petitioner proves by a preponderance of the evidence that:

31 (i) The petitioner is no longer required to participate in court-
32 ordered inpatient or outpatient treatment;

33 (ii) The petitioner has successfully managed the condition
34 related to the commitment or detention (~~(or incompetency)~~);

35 (iii) The petitioner no longer presents a substantial danger to
36 himself or herself, or the public; and

37 (iv) The symptoms related to the commitment or detention (~~(or~~
38 ~~incompetency)~~) are not reasonably likely to recur.

39 (d) If a preponderance of the evidence in the record supports a
40 finding that the person petitioning the court has engaged in violence

1 and that it is more likely than not that the person will engage in
2 violence after his or her right to possess a firearm is restored, the
3 person shall bear the burden of proving by clear, cogent, and
4 convincing evidence that he or she does not present a substantial
5 danger to the safety of others.

6 (e) If the petitioner seeks restoration after having been
7 detained under RCW 71.05.150 or 71.05.153, the state shall bear the
8 burden of proof to show, by a preponderance of the evidence, that the
9 petitioner does not meet the restoration criteria in (c) of this
10 subsection.

11 (f) When a person's right to possess a firearm has been restored
12 under this subsection, the court shall forward, within three judicial
13 days after entry of the restoration order, notification that the
14 person's right to possess a firearm has been restored to the
15 department of licensing, the health care authority, and the national
16 instant criminal background check system index, denied persons file.
17 (~~In the case of a person whose right to possess a firearm has been~~
18 ~~suspended for six months as provided in RCW 71.05.182, the department~~
19 ~~of licensing shall forward notification of the restoration order to~~
20 ~~the licensing authority, which, upon receipt of such notification,~~
21 ~~shall immediately lift the suspension, restoring the license.))~~

22 (4) No person who has been found not guilty by reason of insanity
23 may petition a court for restoration of the right to possess a
24 firearm unless the person meets the requirements for the restoration
25 of the right to possess a firearm under RCW 9.41.040(4).

26 **Sec. 16.** RCW 9.41.345 and 2019 c 367 s 5 are each amended to
27 read as follows:

28 (1) Before a law enforcement agency returns a privately owned
29 firearm, the law enforcement agency must:

30 (a) Confirm that the individual to whom the firearm will be
31 returned is the individual from whom the firearm was obtained or an
32 authorized representative of that person;

33 (b) Confirm that the individual to whom the firearm will be
34 returned is eligible to possess a firearm pursuant to RCW 9.41.040;

35 (c) Ensure that the firearm is not otherwise required to be held
36 in custody or otherwise prohibited from being released; and

37 (d) Ensure that twenty-four hours have elapsed from the time the
38 firearm was obtained by law enforcement (~~, unless the firearm was~~
39 ~~seized in connection with a domestic violence call pursuant to RCW~~

1 ~~10.99.030, in which case the law enforcement agency must ensure that~~
2 ~~five business days have elapsed from the time the firearm was~~
3 ~~obtained)).~~

4 (2) (a) Once the requirements in subsections (1) and (3) of this
5 section have been met, a law enforcement agency must release a
6 firearm to the individual from whom it was obtained or an authorized
7 representative of that person upon request without unnecessary delay.

8 (b) (i) If a firearm cannot be returned because it is required to
9 be held in custody or is otherwise prohibited from being released, a
10 law enforcement agency must provide written notice to the individual
11 from whom it was obtained within five business days of the individual
12 requesting return of his or her firearm and specify the reason the
13 firearm must be held in custody.

14 (ii) Notification may be made via email, text message, mail
15 service, or personal service. For methods other than personal
16 service, service shall be considered complete once the notification
17 is sent.

18 (3) If a family or household member has requested to be notified
19 pursuant to RCW 9.41.340, a law enforcement agency must:

20 (a) Provide notice to the family or household member within one
21 business day of verifying that the requirements in subsection (1) of
22 this section have been met; and

23 (b) Hold the firearm in custody for seventy-two hours from the
24 time notification has been provided.

25 (4) (a) A law enforcement agency may not return a concealed pistol
26 license that has been surrendered to or impounded by the law
27 enforcement agency for any reason to the licensee until the law
28 enforcement agency determines the licensee is eligible to possess a
29 firearm under state and federal law and meets the other eligibility
30 requirements for a concealed pistol license under RCW 9.41.070.

31 (b) A law enforcement agency must release a concealed pistol
32 license to the licensee without unnecessary delay, and in no case
33 longer than five business days, after the law enforcement agency
34 determines the requirements of (a) of this subsection have been met.

35 (5) The provisions of chapter 130, Laws of 2015 and subsection
36 (4) of this section shall not apply to circumstances where a law
37 enforcement officer has momentarily obtained a firearm or concealed
38 pistol license from an individual and would otherwise immediately
39 return the firearm or concealed pistol license to the individual
40 during the same interaction.

1 **Sec. 17.** RCW 10.99.030 and 2019 c 367 s 1 and 2019 c 110 s 2 are
2 each reenacted and amended to read as follows:

3 (1) The primary duty of peace officers, when responding to a
4 domestic violence situation, is to enforce the laws allegedly
5 violated and to protect the complaining party.

6 (2) (a) When a peace officer responds to a domestic violence call
7 and has probable cause to believe that a crime has been committed,
8 the peace officer shall exercise arrest powers with reference to the
9 criteria in RCW 10.31.100. The officer shall notify the victim of the
10 victim's right to initiate a criminal proceeding in all cases where
11 the officer has not exercised arrest powers or decided to initiate
12 criminal proceedings by citation or otherwise. The parties in such
13 cases shall also be advised of the importance of preserving evidence.

14 (b) A peace officer responding to a domestic violence call shall
15 take a complete offense report including the officer's disposition of
16 the case.

17 (3) (a) A peace officer who responds to a domestic violence call
18 and has probable cause to believe that a crime has been committed
19 (~~shall:~~

20 ~~(i) Seize all firearms and ammunition the peace officer has~~
21 ~~reasonable grounds to believe were used or threatened to be used in~~
22 ~~the commission of the offense;~~

23 ~~(ii) Seize all firearms in plain sight or discovered pursuant to~~
24 ~~a lawful search; and~~

25 ~~(iii) Request consent to take temporary custody of any other~~
26 ~~firearms and ammunition to which the alleged abuser has access until~~
27 ~~a judicial officer has heard the matter.~~

28 ~~(b) The peace officer~~) shall separate the parties and then
29 inquire of the victim: (i) If there are any firearms or ammunition in
30 the home that are owned or possessed by either party; (ii) if the
31 alleged abuser has access to any other firearms located off-site; and
32 (iii) whether the alleged abuser has an active concealed pistol
33 license, so that there is a complete record for future court
34 proceedings. The inquiry should make clear to the victim that the
35 peace officer is not asking only about whether a firearm was used at
36 the time of the incident but also under other circumstances, such as
37 whether the alleged abuser has kept a firearm in plain sight in a
38 manner that is coercive, has threatened use of firearms in the past,
39 or has additional firearms in a vehicle or other location. Law

1 enforcement personnel may use a pictorial display of common firearms
2 to assist the victim in identifying firearms.

3 ~~((e))~~ (b) The peace officer shall document all information
4 about firearms and concealed pistol licenses in the incident report.
5 The incident report must be coded to indicate the presence of or
6 access to firearms so that personal recognizance screeners,
7 prosecutors, and judicial officers address the heightened risk to
8 victim, family, and peace officer safety due to the alleged abuser's
9 access to firearms.

10 ~~((d) A law enforcement agency shall comply with the provisions
11 of RCW 9.41.340 and 9.41.345 before the return of any firearm or
12 ammunition seized under this subsection to the owner or individual
13 from who the firearm or ammunition was obtained.))~~

14 (4) When a peace officer responds to a domestic violence call,
15 the officer shall advise victims of all reasonable means to prevent
16 further abuse, including advising each person of the availability of
17 a shelter or other services in the community, and giving each person
18 immediate notice of the legal rights and remedies available. The
19 notice shall include handing each person a copy of the following
20 statement:

21 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
22 city or county prosecuting attorney to file a criminal
23 complaint. You also have the right to file a petition in
24 superior, district, or municipal court requesting an order
25 for protection from domestic abuse which could include any of
26 the following: (a) An order restraining your abuser from
27 further acts of abuse; (b) an order directing your abuser to
28 leave your household; (c) an order preventing your abuser
29 from entering your residence, school, business, or place of
30 employment; (d) an order awarding you or the other parent
31 custody of or visitation with your minor child or children;
32 (e) an order restraining your abuser from molesting or
33 interfering with minor children in your custody; and (f) an
34 order requiring your abuser to turn in any firearms and
35 concealed pistol license in the abuser's possession or
36 control to law enforcement and prohibiting the abuser from
37 possessing or accessing firearms or a concealed pistol
38 license for the duration of the civil order. The forms you

1 need to obtain a protection order are available in any
2 municipal, district, or superior court.

3 Information about shelters and alternatives to domestic
4 violence is available from a statewide twenty-four-hour toll-
5 free hotline at (include appropriate phone number). The
6 battered women's shelter and other resources in your area
7 are (include local information)"

8 (5) The peace officer may offer, arrange, or facilitate
9 transportation for the victim to a hospital for treatment of injuries
10 or to a place of safety or shelter.

11 ~~((+9))~~ (6) The law enforcement agency shall forward the offense
12 report to the appropriate prosecutor within ten days of making such
13 report if there is probable cause to believe that an offense has been
14 committed, unless the case is under active investigation. Upon
15 receiving the offense report, the prosecuting agency may, in its
16 discretion, choose not to file the information as a domestic violence
17 offense, if the offense was committed against a sibling, parent,
18 stepparent, or grandparent.

19 ~~((+10))~~ (7) Each law enforcement agency shall make as soon as
20 practicable a written record and shall maintain records of all
21 incidents of domestic violence reported to it.

22 ~~((+11))~~ (8) Records kept pursuant to subsections ~~((+6))~~ (2) and
23 ~~((+10))~~ (7) of this section shall be made identifiable by means of a
24 departmental code for domestic violence.

25 ~~((+12))~~ (9) Commencing January 1, 1994, records of incidents of
26 domestic violence shall be submitted, in accordance with procedures
27 described in this subsection, to the Washington association of
28 sheriffs and police chiefs by all law enforcement agencies. The
29 Washington criminal justice training commission shall amend its
30 contract for collection of statewide crime data with the Washington
31 association of sheriffs and police chiefs:

32 (a) To include a table, in the annual report of crime in
33 Washington produced by the Washington association of sheriffs and
34 police chiefs pursuant to the contract, showing the total number of
35 actual offenses and the number and percent of the offenses that are
36 domestic violence incidents for the following crimes: (i) Criminal
37 homicide, with subtotals for murder and nonnegligent homicide and
38 manslaughter by negligence; (ii) forcible rape, with subtotals for
39 rape by force and attempted forcible rape; (iii) robbery, with

1 subtotals for firearm, knife or cutting instrument, or other
2 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals
3 for firearm, knife or cutting instrument, other dangerous weapon,
4 hands, feet, aggravated, and other nonaggravated assaults; (v)
5 burglary, with subtotals for forcible entry, nonforcible unlawful
6 entry, and attempted forcible entry; (vi) larceny theft, except motor
7 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,
8 trucks and buses, and other vehicles; (viii) arson; and (ix)
9 violations of the provisions of a protection order or no-contact
10 order restraining the person from going onto the grounds of or
11 entering a residence, workplace, school, or day care, provided that
12 specific appropriations are subsequently made for the collection and
13 compilation of data regarding violations of protection orders or no-
14 contact orders;

15 (b) To require that the table shall continue to be prepared and
16 contained in the annual report of crime in Washington until that time
17 as comparable or more detailed information about domestic violence
18 incidents is available through the Washington state incident based
19 reporting system and the information is prepared and contained in the
20 annual report of crime in Washington; and

21 (c) To require that, in consultation with interested persons, the
22 Washington association of sheriffs and police chiefs prepare and
23 disseminate procedures to all law enforcement agencies in the state
24 as to how the agencies shall code and report domestic violence
25 incidents to the Washington association of sheriffs and police
26 chiefs.

27 (~~(+6)~~) (10) An appointed or elected public official, public
28 employee, or public agency as defined in RCW 4.24.470, or units of
29 local government and its employees, as provided in RCW 36.28A.010,
30 are immune from civil liability for damages arising out of the
31 seizure or lack of seizure of a firearm, unless it is shown that the
32 official, employee, or agency acted with gross negligence or in bad
33 faith.

34 **Sec. 18.** RCW 10.99.040 and 2019 c 367 s 4 are each amended to
35 read as follows:

36 (1) Because of the serious nature of domestic violence, the court
37 in domestic violence actions:

38 (a) Shall not dismiss any charge or delay disposition because of
39 concurrent dissolution or other civil proceedings;

1 (b) Shall not require proof that either party is seeking a
2 dissolution of marriage prior to instigation of criminal proceedings;

3 (c) Shall waive any requirement that the victim's location be
4 disclosed to any person, other than the attorney of a criminal
5 defendant, upon a showing that there is a possibility of further
6 violence: PROVIDED, That the court may order a criminal defense
7 attorney not to disclose to his or her client the victim's location;
8 and

9 (d) Shall identify by any reasonable means on docket sheets those
10 criminal actions arising from acts of domestic violence.

11 (2)(a) Because of the likelihood of repeated violence directed at
12 those who have been victims of domestic violence in the past, when
13 any person charged with or arrested for a crime involving domestic
14 violence is released from custody before arraignment or trial on bail
15 or personal recognizance, the court authorizing the release may
16 prohibit that person from having any contact with the victim. The
17 jurisdiction authorizing the release shall determine whether that
18 person should be prohibited from having any contact with the victim.
19 If there is no outstanding restraining or protective order
20 prohibiting that person from having contact with the victim, the
21 court authorizing release may issue, by telephone, a no-contact order
22 prohibiting the person charged or arrested from having contact with
23 the victim or from knowingly coming within, or knowingly remaining
24 within, a specified distance of a location.

25 (b) In issuing the order, the court shall consider the provisions
26 of RCW 9.41.800 (~~(, and shall order the defendant to surrender, and~~
27 ~~prohibit the person from possessing, all firearms, dangerous weapons,~~
28 ~~and any concealed pistol license as required in RCW 9.41.800)).~~

29 (c) The no-contact order shall also be issued in writing as soon
30 as possible, and shall state that it may be extended as provided in
31 subsection (3) of this section. By January 1, 2011, the
32 administrative office of the courts shall develop a pattern form for
33 all no-contact orders issued under this chapter. A no-contact order
34 issued under this chapter must substantially comply with the pattern
35 form developed by the administrative office of the courts.

36 (3)(a) At the time of arraignment the court shall determine
37 whether a no-contact order shall be issued or extended. So long as
38 the court finds probable cause, the court may issue or extend a no-
39 contact order even if the defendant fails to appear at arraignment.

1 The no-contact order shall terminate if the defendant is acquitted or
2 the charges are dismissed.

3 ~~(b) ((In issuing the order, the court shall consider all
4 information documented in the incident report concerning the person's
5 possession of and access to firearms and whether law enforcement took
6 temporary custody of firearms at the time of the arrest. The court
7 may as a condition of release prohibit the defendant from possessing
8 or accessing firearms and order the defendant to immediately
9 surrender all firearms and any concealed pistol license to a law
10 enforcement agency upon release.~~

11 ~~(e))~~ If a no-contact order is issued or extended, the court may
12 also include in the conditions of release a requirement that the
13 defendant submit to electronic monitoring as defined in RCW
14 9.94A.030. If electronic monitoring is ordered, the court shall
15 specify who shall provide the monitoring services, and the terms
16 under which the monitoring shall be performed. Upon conviction, the
17 court may require as a condition of the sentence that the defendant
18 reimburse the providing agency for the costs of the electronic
19 monitoring.

20 (4) (a) Willful violation of a court order issued under subsection
21 (2), (3), or (7) of this section is punishable under RCW 26.50.110.

22 (b) The written order releasing the person charged or arrested
23 shall contain the court's directives and shall bear the legend:
24 "Violation of this order is a criminal offense under chapter 26.50
25 RCW and will subject a violator to arrest; any assault, drive-by
26 shooting, or reckless endangerment that is a violation of this order
27 is a felony. You can be arrested even if any person protected by the
28 order invites or allows you to violate the order's prohibitions. You
29 have the sole responsibility to avoid or refrain from violating the
30 order's provisions. Only the court can change the order."

31 (c) A certified copy of the order shall be provided to the
32 victim.

33 (5) If a no-contact order has been issued prior to charging, that
34 order shall expire at arraignment or within seventy-two hours if
35 charges are not filed.

36 (6) Whenever a no-contact order is issued, modified, or
37 terminated under subsection (2) or (3) of this section, the clerk of
38 the court shall forward a copy of the order on or before the next
39 judicial day to the appropriate law enforcement agency specified in
40 the order. Upon receipt of the copy of the order the law enforcement

1 agency shall enter the order for one year or until the expiration
2 date specified on the order into any computer-based criminal
3 intelligence information system available in this state used by law
4 enforcement agencies to list outstanding warrants. Entry into the
5 computer-based criminal intelligence information system constitutes
6 notice to all law enforcement agencies of the existence of the order.
7 The order is fully enforceable in any jurisdiction in the state. Upon
8 receipt of notice that an order has been terminated under subsection
9 (3) of this section, the law enforcement agency shall remove the
10 order from the computer-based criminal intelligence information
11 system.

12 (7) All courts shall develop policies and procedures by January
13 1, 2011, to grant victims a process to modify or rescind a no-contact
14 order issued under this chapter. The administrative office of the
15 courts shall develop a model policy to assist the courts in
16 implementing the requirements of this subsection.

17 **Sec. 19.** RCW 7.90.090 and 2019 c 245 s 4 are each amended to
18 read as follows:

19 (1)(a) If the court finds by a preponderance of the evidence that
20 the petitioner has been a victim of nonconsensual sexual conduct or
21 nonconsensual sexual penetration by the respondent, the court shall
22 issue a sexual assault protection order; provided that the petitioner
23 must also satisfy the requirements of RCW 7.90.110 for ex parte
24 temporary orders or RCW 7.90.120 for final orders.

25 (b) The petitioner shall not be denied a sexual assault
26 protection order because the petitioner or the respondent is a minor
27 or because the petitioner did not report the assault to law
28 enforcement. The court, when determining whether or not to issue a
29 sexual assault protection order, may not require proof of physical
30 injury on the person of the victim or proof that the petitioner has
31 reported the sexual assault to law enforcement. Modification and
32 extension of prior sexual assault protection orders shall be in
33 accordance with this chapter.

34 (2) The court may provide relief as follows:

35 (a) Restrain the respondent from having any contact, including
36 nonphysical contact, with the petitioner directly, indirectly, or
37 through third parties regardless of whether those third parties know
38 of the order;

1 (b) Exclude the respondent from the petitioner's residence,
2 workplace, or school, or from the day care or school of a child, if
3 the victim is a child;

4 (c) Prohibit the respondent from knowingly coming within, or
5 knowingly remaining within, a specified distance from a specified
6 location; and

7 (d) Order any other injunctive relief as necessary or appropriate
8 for the protection of the petitioner.

9 ~~(3) ((In issuing the order, the court shall consider the
10 provisions of RCW 9.41.800, and shall order the respondent to
11 surrender, and prohibit the respondent from possessing, all firearms,
12 dangerous weapons, and any concealed pistol license as required in
13 RCW 9.41.800.~~

14 ~~(4))~~ In cases where the petitioner and the respondent are under
15 the age of eighteen and attend the same public or private elementary,
16 middle, or high school, the court, when issuing a protection order
17 and providing relief, shall consider, among the other facts of the
18 case, the severity of the act, any continuing physical danger or
19 emotional distress to the petitioner, and the expense difficulty, and
20 educational disruption that would be caused by a transfer of the
21 respondent to another school. The court may order that the person
22 restrained in the order not attend the public or approved private
23 elementary, middle, or high school attended by the person under the
24 age of eighteen protected by the order. In the event the court orders
25 a transfer of the restrained person to another school, the parents or
26 legal guardians of the person restrained in the order are responsible
27 for transportation and other costs associated with the change of
28 school by the person restrained in the order. The court shall send
29 notice of the restriction on attending the same school as the person
30 protected by the order to the public or approved private school the
31 person restrained by the order will attend and to the school the
32 person protected by the order attends.

33 ~~((5))~~ (4) Denial of a remedy may not be based, in whole or in
34 part, on evidence that:

35 (a) The respondent was voluntarily intoxicated;

36 (b) The petitioner was voluntarily intoxicated; or

37 (c) The petitioner engaged in limited consensual sexual touching.

38 ~~((6))~~ (5) Monetary damages are not recoverable as a remedy.

39 ~~((7))~~ (6) A knowing violation of a court order issued under
40 this section is punishable under RCW 26.50.110.

1 **Sec. 20.** RCW 7.90.110 and 2019 c 245 s 5 are each amended to
2 read as follows:

3 (1) An ex parte temporary sexual assault protection order shall
4 issue if the petitioner satisfies the requirements of this subsection
5 by a preponderance of the evidence. The petitioner shall establish
6 that:

7 (a) The petitioner has been a victim of nonconsensual sexual
8 conduct or nonconsensual sexual penetration by the respondent; and

9 (b) There is good cause to grant the remedy, regardless of the
10 lack of prior service of process or of notice upon the respondent,
11 because the harm which that remedy is intended to prevent would be
12 likely to occur if the respondent were given any prior notice, or
13 greater notice than was actually given, of the petitioner's efforts
14 to obtain judicial relief.

15 (2) ~~((In issuing the order, the court shall consider the
16 provisions of RCW 9.41.800, and shall order the respondent to
17 surrender, and prohibit the respondent from possessing, all firearms,
18 dangerous weapons, and any concealed pistol license as required in
19 RCW 9.41.800.~~

20 ~~(3))~~ If the respondent appears in court for this hearing for an
21 ex parte temporary order, he or she may elect to file a general
22 appearance and testify under oath. Any resulting order may be an ex
23 parte temporary order, governed by this section.

24 ~~((4))~~ (3) If the court declines to issue an ex parte temporary
25 sexual assault protection order, the court shall state the particular
26 reasons for the court's denial. The court's denial of a motion for an
27 ex parte temporary order shall be filed with the court.

28 ~~((5))~~ (4) A knowing violation of a court order issued under
29 this section is punishable under RCW 26.50.110.

30 **Sec. 21.** RCW 7.92.100 and 2019 c 245 s 7 are each amended to
31 read as follows:

32 (1)(a) If the court finds by a preponderance of the evidence that
33 the petitioner has been a victim of stalking conduct by the
34 respondent, the court shall issue a stalking protection order.

35 (b) The petitioner shall not be denied a stalking protection
36 order because the petitioner or the respondent is a minor or because
37 the petitioner did not report the stalking conduct to law
38 enforcement. The court, when determining whether or not to issue a
39 stalking protection order, may not require proof of the respondent's

1 intentions regarding the acts alleged by the petitioner. Modification
2 and extension of prior stalking protection orders shall be in
3 accordance with this chapter.

4 (2) The court may provide relief as follows:

5 (a) Restrain the respondent from having any contact, including
6 nonphysical contact, with the petitioner directly, indirectly, or
7 through third parties regardless of whether those third parties know
8 of the order;

9 (b) Exclude the respondent from the petitioner's residence,
10 workplace, or school, or from the day care, workplace, or school of
11 the petitioner's minor children;

12 (c) Prohibit the respondent from knowingly coming within, or
13 knowingly remaining within, a specified distance from a specified
14 location;

15 (d) Prohibit the respondent from keeping the petitioner and/or
16 the petitioner's minor children under surveillance, to include
17 electronic surveillance;

18 (e) Order any other injunctive relief as necessary or appropriate
19 for the protection of the petitioner, to include a mental health
20 and/or chemical dependency evaluation; and

21 (f) Require the respondent to pay the administrative court costs
22 and service fees, as established by the county or municipality
23 incurring the expense and to reimburse the petitioner for costs
24 incurred in bringing the action, including reasonable attorneys'
25 fees.

26 (3) ~~((In issuing the order, the court shall consider the
27 provisions of RCW 9.41.800, and shall order the respondent to
28 surrender, and prohibit the respondent from possessing, all firearms,
29 dangerous weapons, and any concealed pistol license as required in
30 RCW 9.41.800.~~

31 ~~(4))~~ Unless otherwise stated in the order, when a person is
32 petitioning on behalf of a minor child or vulnerable adult, the
33 relief authorized in this section shall apply only for the protection
34 of the victim, and not the petitioner.

35 ~~((5))~~ (4) In cases where the petitioner and the respondent
36 attend the same public or private elementary, middle, or high school,
37 the court, when issuing a protection order and providing relief,
38 shall consider, among the other facts of the case, the severity of
39 the act, any continuing physical danger or emotional distress to the
40 petitioner, and the expense difficulty, and educational disruption

1 that would be caused by a transfer of the respondent to another
2 school. The court may order that the person restrained in the order
3 not attend the public or approved private elementary, middle, or high
4 school attended by the person protected by the order. In the event
5 the court orders a transfer of the restrained person to another
6 school, the parents or legal guardians of the person restrained in
7 the order are responsible for transportation and other costs
8 associated with the change of school by the person restrained in the
9 order. The court shall send notice of the restriction on attending
10 the same school as the person protected by the order to the public or
11 approved private school the person restrained by the order will
12 attend and to the school the person protected by the order attends.

13 **Sec. 22.** RCW 7.92.120 and 2019 c 245 s 8 are each amended to
14 read as follows:

15 (1) Where it appears from the petition and any additional
16 evidence that the respondent has engaged in stalking conduct and that
17 irreparable injury could result if an order is not issued immediately
18 without prior notice, the court may grant an ex parte temporary order
19 for protection, pending a full hearing and grant such injunctive
20 relief as it deems proper, including the relief as specified under
21 RCW 7.92.100 (2) (a) through (d) and (4).

22 (2) Irreparable injury under this section includes, but is not
23 limited to, situations in which the respondent has recently
24 threatened the petitioner with bodily injury or has engaged in acts
25 of stalking conduct against the petitioner.

26 ~~(3) ((In issuing the order, the court shall consider the
27 provisions of RCW 9.41.800, and shall order the respondent to
28 surrender, and prohibit the respondent from possessing, all firearms,
29 dangerous weapons, and any concealed pistol license as required in
30 RCW 9.41.800.~~

31 ~~(4))~~ The court shall hold an ex parte hearing in person or by
32 telephone on the day the petition is filed or on the following
33 judicial day.

34 ~~((5))~~ (4) An ex parte temporary stalking protection order shall
35 be effective for a fixed period not to exceed fourteen days or
36 twenty-four days if the court has permitted service by publication or
37 mail. The ex parte order may be reissued. A full hearing, as provided
38 in this chapter, shall be set for not later than fourteen days from
39 the issuance of the temporary order or not later than twenty-four

1 days if service by publication or by mail is permitted. Unless the
2 court has permitted service by publication or mail, the respondent
3 shall be personally served with a copy of the ex parte order along
4 with a copy of the petition and notice of the date set for the
5 hearing.

6 ~~((+6))~~ (5) Any order issued under this section shall contain the
7 date and time of issuance and the expiration date and shall be
8 entered into a statewide judicial information system by the clerk of
9 the court within one judicial day after issuance.

10 ~~((+7))~~ (6) If the court declines to issue an ex parte temporary
11 stalking protection order, the court shall state the particular
12 reasons for the court's denial. The court's denial of a motion for an
13 ex parte temporary order shall be filed with the court.

14 ~~((+8))~~ (7) A knowing violation of a court order issued under
15 this section is punishable under RCW 26.50.110.

16 **Sec. 23.** RCW 10.14.080 and 2019 c 245 s 11 and 2019 c 46 s 5011
17 are each reenacted and amended to read as follows:

18 (1) Upon filing a petition for a civil antiharassment protection
19 order under this chapter, the petitioner may obtain an ex parte
20 temporary antiharassment protection order. An ex parte temporary
21 antiharassment protection order may be granted with or without notice
22 upon the filing of an affidavit which, to the satisfaction of the
23 court, shows reasonable proof of unlawful harassment of the
24 petitioner by the respondent and that great or irreparable harm will
25 result to the petitioner if the temporary antiharassment protection
26 order is not granted. If the court declines to issue an ex parte
27 temporary antiharassment protection order, the court shall state the
28 particular reasons for the court's denial. The court's denial of a
29 motion for an ex parte temporary order shall be filed with the court.

30 (2) An ex parte temporary antiharassment protection order shall
31 be effective for a fixed period not to exceed fourteen days or
32 twenty-four days if the court has permitted service by publication
33 under RCW 10.14.085. The ex parte order may be reissued. A full
34 hearing, as provided in this chapter, shall be set for not later than
35 fourteen days from the issuance of the temporary order or not later
36 than twenty-four days if service by publication is permitted. Except
37 as provided in RCW 10.14.070 and 10.14.085, the respondent shall be
38 personally served with a copy of the ex parte order along with a copy
39 of the petition and notice of the date set for the hearing. The ex

1 parte order and notice of hearing shall include at a minimum the date
2 and time of the hearing set by the court to determine if the
3 temporary order should be made effective for one year or more, and
4 notice that if the respondent should fail to appear or otherwise not
5 respond, an order for protection will be issued against the
6 respondent pursuant to the provisions of this chapter, for a minimum
7 of one year from the date of the hearing. The notice shall also
8 include a brief statement of the provisions of the ex parte order and
9 notify the respondent that a copy of the ex parte order and notice of
10 hearing has been filed with the clerk of the court.

11 (3) At the hearing, if the court finds by a preponderance of the
12 evidence that unlawful harassment exists, a civil antiharassment
13 protection order shall issue prohibiting such unlawful harassment.

14 (4) An order issued under this chapter shall be effective for not
15 more than one year unless the court finds that the respondent is
16 likely to resume unlawful harassment of the petitioner when the order
17 expires. If so, the court may enter an order for a fixed time
18 exceeding one year or may enter a permanent antiharassment protection
19 order. The court shall not enter an order that is effective for more
20 than one year if the order restrains the respondent from contacting
21 the respondent's minor children. This limitation is not applicable to
22 civil antiharassment protection orders issued under chapter 26.09,
23 26.10, 26.26A, or 26.26B RCW. If the petitioner seeks relief for a
24 period longer than one year on behalf of the respondent's minor
25 children, the court shall advise the petitioner that the petitioner
26 may apply for renewal of the order as provided in this chapter or if
27 appropriate may seek relief pursuant to chapter 26.09 or 26.10 RCW.

28 (5) At any time within the three months before the expiration of
29 the order, the petitioner may apply for a renewal of the order by
30 filing a petition for renewal. The petition for renewal shall state
31 the reasons why the petitioner seeks to renew the protection order.
32 Upon receipt of the petition for renewal, the court shall order a
33 hearing which shall be not later than fourteen days from the date of
34 the order. Except as provided in RCW 10.14.085, personal service
35 shall be made upon the respondent not less than five days before the
36 hearing. If timely service cannot be made the court shall set a new
37 hearing date and shall either require additional attempts at
38 obtaining personal service or permit service by publication as
39 provided by RCW 10.14.085. If the court permits service by
40 publication, the court shall set the new hearing date not later than

1 twenty-four days from the date of the order. If the order expires
2 because timely service cannot be made the court shall grant an ex
3 parte order of protection as provided in this section. The court
4 shall grant the petition for renewal unless the respondent proves by
5 a preponderance of the evidence that the respondent will not resume
6 harassment of the petitioner when the order expires. The court may
7 renew the protection order for another fixed time period or may enter
8 a permanent order as provided in subsection (4) of this section.

9 (6) The court, in granting an ex parte temporary antiharassment
10 protection order or a civil antiharassment protection order, shall
11 have broad discretion to grant such relief as the court deems proper,
12 including an order:

13 (a) Restraining the respondent from making any attempts to
14 contact the petitioner;

15 (b) Restraining the respondent from making any attempts to keep
16 the petitioner under surveillance; and

17 (c) Requiring the respondent to stay a stated distance from the
18 petitioner's residence and workplace.

19 ~~(7) ((In issuing the order, the court shall consider the
20 provisions of RCW 9.41.800, and shall order the respondent to
21 surrender, and prohibit the respondent from possessing, all firearms,
22 dangerous weapons, and any concealed pistol license as required in
23 RCW 9.41.800.~~

24 ~~(8))~~ The court in granting an ex parte temporary antiharassment
25 protection order or a civil antiharassment protection order shall not
26 prohibit the respondent from exercising constitutionally protected
27 free speech. Nothing in this section prohibits the petitioner from
28 utilizing other civil or criminal remedies to restrain conduct or
29 communications not otherwise constitutionally protected.

30 ~~((9))~~ (8) The court in granting an ex parte temporary
31 antiharassment protection order or a civil antiharassment protection
32 order shall not prohibit the respondent from the use or enjoyment of
33 real property to which the respondent has a cognizable claim unless
34 that order is issued under chapter 26.09 RCW or under a separate
35 action commenced with a summons and complaint to determine title or
36 possession of real property.

37 ~~((10))~~ (9) The court in granting an ex parte temporary
38 antiharassment protection order or a civil antiharassment protection
39 order shall not limit the respondent's right to care, control, or

1 custody of the respondent's minor child, unless that order is issued
2 under chapter 13.32A, 26.09, 26.10, 26.26A, or 26.26B RCW.

3 ~~((11))~~ (10) A petitioner may not obtain an ex parte temporary
4 antiharassment protection order against a respondent if the
5 petitioner has previously obtained two such ex parte orders against
6 the same respondent but has failed to obtain the issuance of a civil
7 antiharassment protection order unless good cause for such failure
8 can be shown.

9 ~~((12))~~ (11) The court order shall specify the date an order
10 issued pursuant to subsections (4) and (5) of this section expires if
11 any. The court order shall also state whether the court issued the
12 protection order following personal service or service by publication
13 and whether the court has approved service by publication of an order
14 issued under this section.

15 **Sec. 24.** RCW 26.50.070 and 2019 c 245 s 14 are each amended to
16 read as follows:

17 (1) Where an application under this section alleges that
18 irreparable injury could result from domestic violence if an order is
19 not issued immediately without prior notice to the respondent, the
20 court may grant an ex parte temporary order for protection, pending a
21 full hearing, and grant relief as the court deems proper, including
22 an order:

23 (a) Restraining any party from committing acts of domestic
24 violence;

25 (b) Restraining any party from going onto the grounds of or
26 entering the dwelling that the parties share, from the residence,
27 workplace, or school of the other, or from the day care or school of
28 a child until further order of the court;

29 (c) Prohibiting any party from knowingly coming within, or
30 knowingly remaining within, a specified distance from a specified
31 location;

32 (d) Restraining any party from interfering with the other's
33 custody of the minor children or from removing the children from the
34 jurisdiction of the court;

35 (e) Restraining any party from having any contact with the victim
36 of domestic violence or the victim's children or members of the
37 victim's household; and

38 (f) Restraining the respondent from harassing, following, keeping
39 under physical or electronic surveillance, cyberstalking as defined

1 in RCW 9.61.260, and using telephonic, audiovisual, or other
2 electronic means to monitor the actions, location, or communication
3 of a victim of domestic violence, the victim's children, or members
4 of the victim's household. For the purposes of this subsection,
5 "communication" includes both "wire communication" and "electronic
6 communication" as defined in RCW 9.73.260.

7 ~~(2) ((In issuing the order, the court shall consider the~~
8 ~~provisions of RCW 9.41.800, and shall order the respondent to~~
9 ~~surrender, and prohibit the respondent from possessing, all firearms,~~
10 ~~dangerous weapons, and any concealed pistol license as required in~~
11 ~~RCW 9.41.800.~~

12 ~~(3))~~ Irreparable injury under this section includes but is not
13 limited to situations in which the respondent has recently threatened
14 petitioner with bodily injury or has engaged in acts of domestic
15 violence against the petitioner.

16 ~~((4))~~ (3) The court shall hold an ex parte hearing in person or
17 by telephone on the day the petition is filed or on the following
18 judicial day.

19 ~~((5))~~ (4) An ex parte temporary order for protection shall be
20 effective for a fixed period not to exceed fourteen days or twenty-
21 four days if the court has permitted service by publication under RCW
22 26.50.085 or by mail under RCW 26.50.123. The ex parte temporary
23 order may be reissued. A full hearing, as provided in this chapter,
24 shall be set for not later than fourteen days from the issuance of
25 the ex parte temporary order or not later than twenty-four days if
26 service by publication or by mail is permitted. Except as provided in
27 RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be
28 personally served with a copy of the ex parte temporary order along
29 with a copy of the petition and notice of the date set for the
30 hearing.

31 ~~((6))~~ (5) Any order issued under this section shall contain the
32 date and time of issuance and the expiration date and shall be
33 entered into a statewide judicial information system by the clerk of
34 the court within one judicial day after issuance.

35 ~~((7))~~ (6) If the court declines to issue an ex parte temporary
36 order for protection the court shall state the particular reasons for
37 the court's denial. The court's denial of a motion for an ex parte
38 temporary order for protection shall be filed with the court.

1 **Sec. 25.** RCW 26.09.060 and 2019 c 245 s 17 are each amended to
2 read as follows:

3 (1) In a proceeding for:

4 (a) Dissolution of marriage or domestic partnership, legal
5 separation, or a declaration of invalidity; or

6 (b) Disposition of property or liabilities, maintenance, or
7 support following dissolution of the marriage or the domestic
8 partnership by a court which lacked personal jurisdiction over the
9 absent spouse or absent domestic partner; either party may move for
10 temporary maintenance or for temporary support of children entitled
11 to support. The motion shall be accompanied by an affidavit setting
12 forth the factual basis for the motion and the amounts requested.

13 (2) As a part of a motion for temporary maintenance or support or
14 by independent motion accompanied by affidavit, either party may
15 request the court to issue a temporary restraining order or
16 preliminary injunction, providing relief proper in the circumstances,
17 and restraining or enjoining any person from:

18 (a) Transferring, removing, encumbering, concealing, or in any
19 way disposing of any property except in the usual course of business
20 or for the necessities of life, and, if so restrained or enjoined,
21 requiring him or her to notify the moving party of any proposed
22 extraordinary expenditures made after the order is issued;

23 (b) Molesting or disturbing the peace of the other party or of
24 any child;

25 (c) Going onto the grounds of or entering the home, workplace, or
26 school of the other party or the day care or school of any child upon
27 a showing of the necessity therefor;

28 (d) Knowingly coming within, or knowingly remaining within, a
29 specified distance from a specified location; and

30 (e) Removing a child from the jurisdiction of the court.

31 (3) Either party may request a domestic violence protection order
32 under chapter 26.50 RCW or an antiharassment protection order under
33 chapter 10.14 RCW on a temporary basis. The court may grant any of
34 the relief provided in RCW 26.50.060 except relief pertaining to
35 residential provisions for the children which provisions shall be
36 provided for under this chapter, and any of the relief provided in
37 RCW 10.14.080. Ex parte orders issued under this subsection shall be
38 effective for a fixed period not to exceed fourteen days, or upon
39 court order, not to exceed twenty-four days if necessary to ensure
40 that all temporary motions in the case can be heard at the same time.

1 (4) In issuing the order, the court shall consider the provisions
2 of RCW 9.41.800 (~~(, and shall order the respondent to surrender, and~~
3 ~~prohibit the respondent from possessing, all firearms, dangerous~~
4 ~~weapons, and any concealed pistol license as required in RCW~~
5 ~~9.41.800)~~).

6 (5) The court may issue a temporary restraining order without
7 requiring notice to the other party only if it finds on the basis of
8 the moving affidavit or other evidence that irreparable injury could
9 result if an order is not issued until the time for responding has
10 elapsed.

11 (6) The court may issue a temporary restraining order or
12 preliminary injunction and an order for temporary maintenance or
13 support in such amounts and on such terms as are just and proper in
14 the circumstances. The court may in its discretion waive the filing
15 of the bond or the posting of security.

16 (7) Restraining orders issued under this section restraining the
17 person from molesting or disturbing another party, or from going onto
18 the grounds of or entering the home, workplace, or school of the
19 other party or the day care or school of any child, or prohibiting
20 the person from knowingly coming within, or knowingly remaining
21 within, a specified distance of a location, shall prominently bear on
22 the front page of the order the legend: VIOLATION OF THIS ORDER WITH
23 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50
24 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

25 (8) The court shall order that any temporary restraining order
26 bearing a criminal offense legend, any domestic violence protection
27 order, or any antiharassment protection order granted under this
28 section be forwarded by the clerk of the court on or before the next
29 judicial day to the appropriate law enforcement agency specified in
30 the order. Upon receipt of the order, the law enforcement agency
31 shall enter the order into any computer-based criminal intelligence
32 information system available in this state used by law enforcement
33 agencies to list outstanding warrants. Entry into the computer-based
34 criminal intelligence information system constitutes notice to all
35 law enforcement agencies of the existence of the order. The order is
36 fully enforceable in any county in the state.

37 (9) If a restraining order issued pursuant to this section is
38 modified or terminated, the clerk of the court shall notify the law
39 enforcement agency specified in the order on or before the next
40 judicial day. Upon receipt of notice that an order has been

1 terminated, the law enforcement agency shall remove the order from
2 any computer-based criminal intelligence system.

3 (10) A temporary order, temporary restraining order, or
4 preliminary injunction:

5 (a) Does not prejudice the rights of a party or any child which
6 are to be adjudicated at subsequent hearings in the proceeding;

7 (b) May be revoked or modified;

8 (c) Terminates when the final decree is entered, except as
9 provided under subsection (11) of this section, or when the petition
10 for dissolution, legal separation, or declaration of invalidity is
11 dismissed;

12 (d) May be entered in a proceeding for the modification of an
13 existing decree.

14 (11) Delinquent support payments accrued under an order for
15 temporary support remain collectible and are not extinguished when a
16 final decree is entered unless the decree contains specific language
17 to the contrary. A support debt under a temporary order owed to the
18 state for public assistance expenditures shall not be extinguished by
19 the final decree if:

20 (a) The obligor was given notice of the state's interest under
21 chapter 74.20A RCW; or

22 (b) The temporary order directs the obligor to make support
23 payments to the office of support enforcement or the Washington state
24 support registry.

25 NEW SECTION. **Sec. 26.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 9.41.049 (Persons who present likelihood of serious harm—
28 Possession rights) and 2019 c 247 s 2;

29 (2) RCW 9.41.092 (Licensed dealer deliveries—Background checks)
30 and 2019 c 3 s 4 (Initiative Measure No. 1639), 2018 c 145 s 4, &
31 2015 c 1 s 4;

32 (3) RCW 9.41.113 (Firearm sales or transfers—Background checks—
33 Requirements—Exceptions) and 2019 c 3 s 11 (Initiative Measure No.
34 1639), 2017 c 264 s 2, & 2015 c 1 s 3;

35 (4) RCW 9.41.115 (Penalties—Violations of RCW 9.41.113) and 2015
36 c 1 s 9;

1 (5) RCW 9.41.137 (Department of licensing, authority to adopt
2 rules—Reporting of violations—Authority to revoke licenses) and 2015
3 c 1 s 8;

4 (6) RCW 9.41.139 (Department of licensing—Eligibility to possess
5 firearms) and 2019 c 3 s 15 (Initiative Measure No. 1639);

6 (7) RCW 9.41.360 (Unsafe storage of a firearm) and 2019 c 3 s 5
7 (Initiative Measure No. 1639);

8 (8) RCW 9.41.365 (Firearm security and storage—Requirements for
9 dealers) and 2019 c 3 s 6 (Initiative Measure No. 1639);

10 (9) RCW 71.05.182 (Six-month suspension of right to possess
11 firearms after seventy-two-hour detention for evaluation and
12 treatment of person who presents likelihood of serious harm as a
13 result of mental disorder, substance use disorder, or both—Automatic
14 restoration of right at expiration of six-month period) and 2019 c
15 247 s 1;

16 (10) RCW 82.08.833 (Exemptions—Sales or transfers of firearms—
17 Unlicensed persons—Background check requirements) and 2015 c 1 s 10;
18 and

19 (11) 2019 c 244 s 2 (uncodified).

20 NEW SECTION. **Sec. 27.** This act may be known and cited as the
21 Washington personal protection act.

22 NEW SECTION. **Sec. 28.** A new section is added to chapter 9.41
23 RCW to read as follows:

24 (1) The right to personal protection and self-defense, as
25 provided by the Second Amendment of the United States Constitution
26 and Article I, section 24 of the state Constitution, shall not be
27 abridged in any form. This includes, but is not limited to, any laws
28 or regulations that:

29 (a) Restrict the ability of a person who is over the age of
30 eighteen to purchase, possess, or access a pistol, rifle, assault
31 weapon, shotgun, ammunition, magazine of any capacity, or firearm
32 accessory;

33 (b) Mandate a state background check be completed before the
34 lawful sale or purchase of any item described in (a) of this
35 subsection; and

36 (c) Limit a person's ability to protect themselves or their
37 property while that person is located in their residence.

1 (2) This act shall not restrict the power of the state to enact
2 reasonable laws and regulations that impose limits on the ability of
3 convicted felons or the mentally incompetent to purchase, possess, or
4 access firearms.

--- **END** ---