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**SENATE BILL 5217**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Kuderer, Darneille, Dhingra, Hunt, Lias, Nguyen, Pedersen, C. Wilson, and Lovelett; by request of Attorney General

Read first time 01/14/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to assault weapons; adding new sections to  
2 chapter 9.41 RCW; and prescribing penalties.

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

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

6 For purposes of sections 2 and 3 of this act only, the following  
7 terms have the following meanings:

8 (1) "Assault weapon" means:

9 (a) Any of the following specific firearms or a copycat weapon,  
10 regardless of which company produced and manufactured the firearm:

11 (i) AK-47 in all forms;

12 (ii) AK-74 in all forms;

13 (iii) Algimec AGM-1 type semi-auto;

14 (iv) American Arms Spectre da Semiautomatic carbine;

15 (v) AR15, M16, or M4 in all forms;

16 (vi) AR 180 type semi-auto;

17 (vii) Argentine L.S.R. semi-auto;

18 (viii) Australian Automatic;

19 (ix) Auto-Ordnance Thompson M1 and 1927 Semi-Automatics;

20 (x) Barrett .50 cal light semi-auto;

21 (xi) Barrett .50 cal M87;

1 (xii) Barrett .50 cal M107A1;  
2 (xiii) Barrett REC7;  
3 (xiv) Beretta AR70/S70 type semi-auto;  
4 (xv) Bushmaster Carbon 15;  
5 (xvi) Bushmaster ACR;  
6 (xvii) Bushmaster XM-15;  
7 (xviii) Bushmaster MOE;  
8 (xix) Calico models M100 and M900;  
9 (xx) CETME Sporter;  
10 (xxi) CIS SR 88 type semi-auto;  
11 (xxii) Colt CAR 15;  
12 (xxiii) Daewoo K-1;  
13 (xxiv) Daewoo K-2;  
14 (xxv) Dragunov Semi-Auto;  
15 (xxvi) Fabrique Nationale FAL in all forms;  
16 (xxvii) Fabrique Nationale F2000;  
17 (xxviii) Fabrique Nationale L1A1 Sporter;  
18 (xxix) Fabrique Nationale M249S;  
19 (xxx) Fabrique Nationale PS90;  
20 (xxxii) Fabrique Nationale SCAR;  
21 (xxxiii) FAMAS .223 Semi-Auto;  
22 (xxxiv) Galil;  
23 (xxxv) Heckler & Koch G3 in all forms;  
24 (xxxvi) Heckler & Koch HK-41/91;  
25 (xxxvii) Heckler & Koch HK-43/93;  
26 (xxxviii) Heckler & Koch HK94A2/3;  
27 (xxxix) Heckler & Koch MP-5 in all forms;  
28 (xl) Heckler & Koch PSG-1;  
29 (xli) Heckler & Koch SL8;  
30 (xlii) Heckler & Koch UMP;  
31 (xliii) Manchester Arms Commando MK-45;  
32 (xliv) Manchester Arms MK-9;  
33 (xlv) SAR-4800;  
34 (xlvi) SIG AMT SG510 in all forms;  
35 (xlvii) SIG SG550 in all forms;  
36 (xlviii) SKS;  
37 (xlix) Spectre M4;  
38 (l) Springfield Armory BM-59;  
39 (li) Springfield Armory G3;  
40 (lii) Springfield Armory SAR-8;

- 1 (lii) Springfield Armory SAR-48;
- 2 (liii) Springfield Armory SAR-3;
- 3 (liv) Springfield Armory M-21 Sniper;
- 4 (lv) Springfield Armory M1A;
- 5 (lvi) Smith & Wesson M&P 15;
- 6 (lvii) Sterling Mk 1;
- 7 (lviii) Sterling Mk 6/7;
- 8 (lix) Steyr AUG;
- 9 (lx) TNW M230;
- 10 (lxi) FAMAS F11; or
- 11 (lxii) Uzi 9mm carbine/rifle;

12 (b) A semiautomatic, centerfire, or rimfire rifle that has an  
13 overall length of less than 30 inches; or

14 (c) A conversion kit, part, or combination of parts, from which  
15 an assault weapon can be assembled if those parts are in the  
16 possession or under the control of the same person.

17 "Assault weapon" does not include antique firearms, any firearm  
18 that has been made permanently inoperable, any firearm that is  
19 manually operated by bolt, pump, lever, or slide action, or a pistol  
20 that is not identified in (a) of this subsection and does not meet  
21 the description in subsection (2) of this section.

22 (2) "Copycat weapon" means a semiautomatic, centerfire firearm  
23 that has the capacity to accept a detachable magazine and has one or  
24 more of the following:

25 (a) A pistol grip that protrudes conspicuously beneath the action  
26 of the weapon, unless the firearm is a pistol as defined in this  
27 section;

28 (b) Thumbhole stock;

29 (c) Folding or telescoping stock;

30 (d) Forward pistol, vertical, angled, or other grip designed for  
31 use by the nonfiring hand to improve control during a high rate of  
32 fire;

33 (e) Flash suppressor, flash guard, flash eliminator, flash hider,  
34 sound suppressor, silencer, or any item designed to reduce the visual  
35 or audio signature of the firearm;

36 (f) Muzzle brake, recoil compensator, or any item designed to be  
37 affixed to the barrel to reduce recoil or muzzle rise;

38 (g) Threaded barrel designed to attach a flash suppressor, sound  
39 suppressor, muzzle break, or similar item; or

40 (h) Grenade launcher or flare launcher.

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

4 (4) "Semiautomatic" means any firearm that uses a portion of the  
5 energy of a firing cartridge to extract the fired cartridge case and  
6 chamber the next round, and that requires a separate pull of the  
7 trigger to fire each cartridge.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW  
9 to read as follows:

10 (1) No person in this state may manufacture, possess, distribute,  
11 import, transfer, sell, offer for sale, purchase, or otherwise  
12 transfer any assault weapon except as authorized in this section.

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

15 (a) The possession of an assault weapon by a person who legally  
16 possessed the assault weapon on the effective date of this section,  
17 or possession of an assault weapon by a person who, on or after the  
18 effective date of this section, acquires possession of the assault  
19 weapon by operation of law upon the death of the former owner who was  
20 in legal possession of the assault weapon, provided the person in  
21 possession of the assault weapon can establish such provenance. A  
22 person who legally possesses an assault weapon under this subsection  
23 may not sell or transfer the assault weapon to any other person in  
24 this state other than to a licensed dealer, to a federally licensed  
25 gun smith for the purpose of service or repair, or to a law  
26 enforcement agency for the purpose of permanently relinquishing the  
27 assault weapon;

28 (b) Any government officer, agent, or employee; member of the  
29 armed forces of the United States or the state of Washington; or law  
30 enforcement officer, to the extent that such person is otherwise  
31 authorized to acquire or possess an assault weapon and does so while  
32 acting within the scope of his or her duties;

33 (c) The manufacture, offering for sale, sale, importation, or  
34 transfer of an assault weapon by a licensed firearms manufacturer for  
35 the purposes of sale to any branch of the armed forces of the United  
36 States or the state of Washington, or to a law enforcement agency in  
37 this state for use by that agency or its employees;

38 (d) The possession, offering for sale, sale, importation, or  
39 transfer of an assault weapon by a dealer that is properly licensed

1 under federal and state law for the purpose of sale to any branch of  
2 the armed forces of the United States or the state of Washington, or  
3 to a law enforcement agency in this state for use by that agency or  
4 its employees for law enforcement purposes;

5 (e) The possession, offering for sale, sale, importation, or  
6 transfer of an assault weapon by a dealer that is properly licensed  
7 under federal and state law where the dealer acquires the assault  
8 weapon from a person legally authorized to possess or transfer the  
9 assault weapon under (a) of this subsection for the purpose of  
10 selling or transferring the assault weapon to a person who does not  
11 reside in this state;

12 (f) The transfer to and possession of a legally possessed assault  
13 weapon by a federally licensed gunsmith for the purposes of service  
14 or repair, and the return of the assault weapon to the lawful owner;

15 (g) The possession, offering for sale, sale, importation, or  
16 transfer of an unloaded assault weapon for the purpose of permanently  
17 relinquishing it to a law enforcement agency in this state;

18 (h) The importation or possession of an assault weapon for the  
19 purpose of lawfully participating in a sporting event officially  
20 sanctioned by a club or organization established in whole or in part  
21 for the purpose of sponsoring sport shooting events;

22 (i) The possession, importation, purchase, or transfer of an  
23 assault weapon by marshals, sheriffs, prison or jail wardens or their  
24 deputies, or other law enforcement officers of this or another state  
25 while acting within the scope of their duties, including such  
26 possession while not on duty, but specifically authorized by command  
27 staff and necessary for the performance of such duties;

28 (j) The possession of an assault weapon by law enforcement  
29 officers retired for service or physical disabilities, when the  
30 assault weapon in question was acquired as part of the officer's  
31 separation from service;

32 (k) Members of the armed forces of the United States or of the  
33 national guard or organized services, when on duty;

34 (l) Officers or employees of the United States duly authorized to  
35 possess assault weapons;

36 (m) Any persons lawfully engaged in shooting at a duly licensed,  
37 lawfully operated shooting range; or

38 (n) The possession or transfer of an unloaded assault weapon for  
39 the purpose of permanently relinquishing it to a law enforcement

1 agency in this state. An assault weapon relinquished to a law  
2 enforcement agency under this subsection must be destroyed.

3 (3) In order to continue to possess an assault weapon that was  
4 legally possessed on the effective date of this section, the person  
5 possessing the assault weapon shall possess the assault weapon only  
6 on property owned or immediately controlled by the person, or while  
7 engaged in the legal use of the assault weapon at a duly licensed  
8 firing range, or while engaged in a lawful outdoor recreational  
9 activity such as hunting, or while traveling to or from either of  
10 these locations for the purpose of engaging in the legal use of the  
11 assault weapon, provided that the assault weapon is stored unloaded  
12 and in a separate locked container during transport.

13 (4) A person who violates this section is guilty of a class C  
14 felony punishable under chapter 9A.20 RCW.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.41 RCW  
16 to read as follows:

17 (1) Except as provided in subsection (2) of this section, a  
18 person shall not:

19 (a) Transport an assault weapon into Washington state; or

20 (b) Possess, sell, offer to sell, transfer, purchase, or receive  
21 an assault weapon.

22 (2)(a) A person who lawfully possessed, has a purchase order for,  
23 or completed an application to purchase an assault weapon before  
24 January 1, 2022, and who has registered the assault weapon with the  
25 Washington state patrol may:

26 (i) Continue to possess and transport the assault weapon; or

27 (ii) While carrying a court order requiring the surrender of the  
28 assault weapon, transport the assault weapon directly to a law  
29 enforcement unit, barracks, or station if the person has notified the  
30 law enforcement unit, barracks, or station that the person is  
31 transporting the assault weapon in accordance with a court order and  
32 the assault weapon is unloaded.

33 (b) A licensed firearms dealer may continue to possess, sell,  
34 offer for sale, or transfer an assault weapon or a copycat weapon  
35 that the licensed firearms dealer lawfully possessed on or before  
36 January 1, 2022.

37 (c) A person may transport an assault weapon to or from:

38 (i) An ISO 17025 accredited, national institute of justice-  
39 approved ballistics testing laboratory; or

1           (ii) A facility or entity that manufactures or provides research  
2 and development testing, analysis, or engineering for personal  
3 protective equipment or vehicle protection systems.

4           NEW SECTION.   **Sec. 4.**   If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected.

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