
SUBSTITUTE HOUSE BILL 1240

State of Washington

68th Legislature

2023 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Peterson, Senn, Alvarado, Walen, Street, Springer, Simmons, Reeves, Reed, Ormsby, Kloba, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Fey, Davis, Ramel, Bergquist, Fosse, Pollet, Lekanoff, Macri, Gregerson, and Santos; by request of Office of the Governor and Attorney General)

READ FIRST TIME 01/31/23.

1 AN ACT Relating to establishing firearms-related safety measures
2 to increase public safety by prohibiting the manufacture,
3 importation, distribution, selling, and offering for sale of assault
4 weapons, and by providing limited exemptions applicable to licensed
5 firearm manufacturers and dealers for purposes of sale to armed
6 forces branches and law enforcement agencies and for purposes of sale
7 or transfer outside the state, and to inheritors; reenacting and
8 amending RCW 9.41.010; adding new sections to chapter 9.41 RCW;
9 creating a new section; prescribing penalties; and declaring an
10 emergency.

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

12 NEW SECTION. **Sec. 1.** The legislature finds and declares that
13 gun violence is a threat to the public health and safety of
14 Washingtonians. Assault weapons are civilian versions of weapons
15 created for the military and are designed to kill humans quickly and
16 efficiently. For this reason the legislature finds that assault
17 weapons are "like" "M-16 rifles" and thus are "weapons most useful in
18 military service." Assault weapons have been used in the deadliest
19 mass shootings in the last decade. An assailant with an assault
20 weapon can hurt and kill twice the number of people than an assailant
21 with a handgun or nonassault rifle. This is because the additional

1 features of an assault weapon are not "merely cosmetic"; rather,
2 these are features that allow shooters to fire large numbers of
3 rounds quickly. An analysis of mass shootings that result in four or
4 more deaths found that 85 percent of those fatalities were caused by
5 an assault weapon. The legislature also finds that this regulation is
6 likely to have an impact on the number of mass shootings committed in
7 Washington. Studies have shown that during the period the federal
8 assault weapon ban was in effect, mass shooting fatalities were 70
9 percent less likely to occur. Moreover, the legislature finds that
10 assault weapons are not suitable for self-defense and that studies
11 show that assault weapons are statistically not used in self-defense.
12 The legislature finds that assault weapons are not commonly used in
13 self-defense and that any proliferation is not the result of the
14 assault weapon being well-suited for self-defense, hunting, or
15 sporting purposes. Rather, increased sales are the result of the gun
16 industry's concerted efforts to sell more guns to a civilian market.
17 The legislature finds that the gun industry has specifically marketed
18 these weapons as "tactical," "hyper masculine," and "military style"
19 in manner that overtly appeals to troubled young men intent on
20 becoming the next mass shooter. The legislature intends to limit the
21 prospective sale of assault weapons, while allowing existing legal
22 owners to retain the assault weapons they currently own.

23 **Sec. 2.** RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are
24 each reenacted and amended to read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

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

35 (2) (a) "Assault weapon" means:

36 (i) Any of the following specific firearms regardless of which
37 company produced and manufactured the firearm:

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AK-47 in all forms

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<u>AK-74 in all forms</u>
<u>Algimec AGM-1 type semiautomatic</u>
<u>American Arms Spectre da semiautomatic carbine</u>
<u>AR15, M16, or M4 in all forms</u>
<u>AR 180 type semiautomatic</u>
<u>Argentine L.S.R. semiautomatic</u>
<u>Australian Automatic</u>
<u>Auto-Ordnance Thompson M1 and 1927 semiautomatics</u>
<u>Barrett .50 cal light semiautomatic</u>
<u>Barrett .50 cal M87</u>
<u>Barrett .50 cal M107A1</u>
<u>Barrett REC7</u>
<u>Beretta AR70/S70 type semiautomatic</u>
<u>Bushmaster Carbon 15</u>
<u>Bushmaster ACR</u>
<u>Bushmaster XM-15</u>
<u>Bushmaster MOE</u>
<u>Calico models M100 and M900</u>
<u>CETME Sporter</u>
<u>CIS SR 88 type semiautomatic</u>
<u>Colt CAR 15</u>
<u>Daewoo K-1</u>
<u>Daewoo K-2</u>
<u>Dragunov semiautomatic</u>
<u>Fabrique Nationale FAL in all forms</u>
<u>Fabrique Nationale F2000</u>
<u>Fabrique Nationale L1A1 Sporter</u>
<u>Fabrique Nationale M249S</u>
<u>Fabrique Nationale PS90</u>
<u>Fabrique Nationale SCAR</u>
<u>FAMAS .223 semiautomatic</u>
<u>Galil</u>

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<u>Heckler & Koch G3 in all forms</u>
<u>Heckler & Koch HK-41/91</u>
<u>Heckler & Koch HK-43/93</u>
<u>Heckler & Koch HK94A2/3</u>
<u>Heckler & Koch MP-5 in all forms</u>
<u>Heckler & Koch PSG-1</u>
<u>Heckler & Koch SL8</u>
<u>Heckler & Koch UMP</u>
<u>Manchester Arms Commando MK-45</u>
<u>Manchester Arms MK-9</u>
<u>SAR-4800</u>
<u>SIG AMT SG510 in all forms</u>
<u>SIG SG550 in all forms</u>
<u>SKS</u>
<u>Spectre M4</u>
<u>Springfield Armory BM-59</u>
<u>Springfield Armory G3</u>
<u>Springfield Armory SAR-8</u>
<u>Springfield Armory SAR-48</u>
<u>Springfield Armory SAR-3</u>
<u>Springfield Armory M-21 sniper</u>
<u>Springfield Armory M1A</u>
<u>Smith & Wesson M&P 15</u>
<u>Sterling Mk 1</u>
<u>Sterling Mk 6/7</u>
<u>Steyr AUG</u>
<u>TNW M230</u>
<u>FAMAS F11</u>
<u>Uzi 9mm carbine/rifle</u>

30 (ii) A semiautomatic rifle that has an overall length of less
31 than 30 inches;

1 (iii) A conversion kit, part, or combination of parts, from which
2 an assault weapon can be assembled or from which a firearm can be
3 converted into an assault weapon if those parts are in the possession
4 or under the control of the same person; or

5 (iv) A semiautomatic, center fire rifle that has the capacity to
6 accept a detachable magazine and has one or more of the following:

7 (A) A grip that is independent or detached from the stock that
8 protrudes conspicuously beneath the action of the weapon. The
9 addition of a fin attaching the grip to the stock does not exempt the
10 grip if it otherwise resembles the grip found on a pistol;

11 (B) Thumbhole stock;

12 (C) Folding or telescoping stock;

13 (D) Forward pistol, vertical, angled, or other grip designed for
14 use by the nonfiring hand to improve control;

15 (E) Flash suppressor, flash guard, flash eliminator, flash hider,
16 sound suppressor, silencer, or any item designed to reduce the visual
17 or audio signature of the firearm;

18 (F) Muzzle brake, recoil compensator, or any item designed to be
19 affixed to the barrel to reduce recoil or muzzle rise;

20 (G) Threaded barrel designed to attach a flash suppressor, sound
21 suppressor, muzzle break, or similar item;

22 (H) Grenade launcher or flare launcher; or

23 (I) A shroud that encircles either all or part of the barrel
24 designed to shield the bearer's hand from heat, except a solid
25 forearm of a stock that covers only the bottom of the barrel;

26 (v) A semiautomatic, center fire rifle that has a fixed magazine
27 with the capacity to accept more than 10 rounds;

28 (vi) A semiautomatic pistol that has the capacity to accept a
29 detachable magazine and has one or more of the following:

30 (A) A threaded barrel, capable of accepting a flash suppressor,
31 forward handgrip, or silencer;

32 (B) A second hand grip;

33 (C) A shroud that encircles either all or part of the barrel
34 designed to shield the bearer's hand from heat, except a solid
35 forearm of a stock that covers only the bottom of the barrel; or

36 (D) The capacity to accept a detachable magazine at some location
37 outside of the pistol grip;

38 (vii) A semiautomatic shotgun that has any of the following:

39 (A) A folding or telescoping stock;

1 (B) A grip that is independent or detached from the stock that
2 protrudes conspicuously beneath the action of the weapon. The
3 addition of a fin attaching the grip to the stock does not exempt the
4 grip if it otherwise resembles the grip found on a pistol;

5 (C) A thumbhole stock;

6 (D) A forward pistol, vertical, angled, or other grip designed
7 for use by the nonfiring hand to improve control;

8 (E) A fixed magazine in excess of seven rounds; or

9 (F) A revolving cylinder shotgun.

10 (b) For the purposes of this subsection, "fixed magazine" means
11 an ammunition feeding device contained in, or permanently attached
12 to, a firearm in such a manner that the device cannot be removed
13 without disassembly of the firearm action.

14 (c) "Assault weapon" does not include antique firearms, any
15 firearm that has been made permanently inoperable, or any firearm
16 that is manually operated by bolt, pump, lever, or slide action.

17 (3) "Assemble" means to fit together component parts.

18 ~~((3))~~ (4) "Barrel length" means the distance from the bolt face
19 of a closed action down the length of the axis of the bore to the
20 crown of the muzzle, or in the case of a barrel with attachments to
21 the end of any legal device permanently attached to the end of the
22 muzzle.

23 ~~((4))~~ (5) "Bump-fire stock" means a butt stock designed to be
24 attached to a semiautomatic firearm with the effect of increasing the
25 rate of fire achievable with the semiautomatic firearm to that of a
26 fully automatic firearm by using the energy from the recoil of the
27 firearm to generate reciprocating action that facilitates repeated
28 activation of the trigger.

29 ~~((5))~~ (6) "Crime of violence" means:

30 (a) Any of the following felonies, as now existing or hereafter
31 amended: Any felony defined under any law as a class A felony or an
32 attempt to commit a class A felony, criminal solicitation of or
33 criminal conspiracy to commit a class A felony, manslaughter in the
34 first degree, manslaughter in the second degree, indecent liberties
35 if committed by forcible compulsion, kidnapping in the second degree,
36 arson in the second degree, assault in the second degree, assault of
37 a child in the second degree, extortion in the first degree, burglary
38 in the second degree, residential burglary, and robbery in the second
39 degree;

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

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

7 ~~((6))~~ (7) "Curio or relic" has the same meaning as provided in
8 27 C.F.R. Sec. 478.11.

9 ~~((7))~~ (8) "Dealer" means a person engaged in the business of
10 selling firearms at wholesale or retail who has, or is required to
11 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A
12 person who does not have, and is not required to have, a federal
13 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that
14 person makes only occasional sales, exchanges, or purchases of
15 firearms for the enhancement of a personal collection or for a hobby,
16 or sells all or part of his or her personal collection of firearms.

17 ~~((8))~~ (9) "Detachable magazine" means an ammunition feeding
18 device that can be loaded or unloaded while detached from a firearm
19 and readily inserted into a firearm.

20 (10) "Distribute" means to give out, provide, make available, or
21 deliver a firearm or large capacity magazine to any person in this
22 state, with or without consideration, whether the distributor is in-
23 state or out-of-state. "Distribute" includes, but is not limited to,
24 filling orders placed in this state, online or otherwise.
25 "Distribute" also includes causing a firearm or large capacity
26 magazine to be delivered in this state.

27 ~~((9))~~ (11) "Family or household member" has the same meaning as
28 in RCW 7.105.010.

29 ~~((10))~~ (12) "Federal firearms dealer" means a licensed dealer
30 as defined in 18 U.S.C. Sec. 921(a)(11).

31 ~~((11))~~ (13) "Federal firearms importer" means a licensed
32 importer as defined in 18 U.S.C. Sec. 921(a)(9).

33 ~~((12))~~ (14) "Federal firearms manufacturer" means a licensed
34 manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

35 ~~((13))~~ (15) "Felony" means any felony offense under the laws of
36 this state or any federal or out-of-state offense comparable to a
37 felony offense under the laws of this state.

38 ~~((14))~~ (16) "Felony firearm offender" means a person who has
39 previously been convicted or found not guilty by reason of insanity
40 in this state of any felony firearm offense. A person is not a felony

1 firearm offender under this chapter if any and all qualifying
2 offenses have been the subject of an expungement, pardon, annulment,
3 certificate, or rehabilitation, or other equivalent procedure based
4 on a finding of the rehabilitation of the person convicted or a
5 pardon, annulment, or other equivalent procedure based on a finding
6 of innocence.

7 ~~((15))~~ (17) "Felony firearm offense" means:

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

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

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

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

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

14 ~~((16))~~ (18) "Firearm" means a weapon or device from which a
15 projectile or projectiles may be fired by an explosive such as
16 gunpowder. "Firearm" does not include a flare gun or other
17 pyrotechnic visual distress signaling device, or a powder-actuated
18 tool or other device designed solely to be used for construction
19 purposes.

20 ~~((17))~~ (19) (a) "Frame or receiver" means a part of a firearm
21 that, when the complete firearm is assembled, is visible from the
22 exterior and provides housing or a structure designed to hold or
23 integrate one or more fire control components, even if pins or other
24 attachments are required to connect the fire control components. Any
25 such part identified with a serial number shall be presumed, absent
26 an official determination by the bureau of alcohol, tobacco,
27 firearms, and explosives or other reliable evidence to the contrary,
28 to be a frame or receiver.

29 (b) For purposes of this subsection, "fire control component"
30 means a component necessary for the firearm to initiate, complete, or
31 continue the firing sequence, including any of the following: Hammer,
32 bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing
33 pin, striker, or slide rails.

34 ~~((18))~~ (20) "Gun" has the same meaning as firearm.

35 ~~((19))~~ (21) "Import" means to move, transport, or receive an
36 item from a place outside the territorial limits of the state of
37 Washington to a place inside the territorial limits of the state of
38 Washington. "Import" does not mean situations where an individual
39 possesses a large capacity magazine when departing from, and
40 returning to, Washington state, so long as the individual is

1 returning to Washington in possession of the same large capacity
2 magazine the individual transported out of state.

3 ~~((20))~~ (21) "Intimate partner" has the same meaning as provided
4 in RCW 7.105.010.

5 ~~((21))~~ (22) "Large capacity magazine" means an ammunition
6 feeding device with the capacity to accept more than 10 rounds of
7 ammunition, or any conversion kit, part, or combination of parts,
8 from which such a device can be assembled if those parts are in
9 possession of or under the control of the same person, but shall not
10 be construed to include any of the following:

11 (a) An ammunition feeding device that has been permanently
12 altered so that it cannot accommodate more than 10 rounds of
13 ammunition;

14 (b) A 22 caliber tube ammunition feeding device; or

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

17 ~~((22))~~ (24) "Law enforcement officer" includes a general
18 authority Washington peace officer as defined in RCW 10.93.020, or a
19 specially commissioned Washington peace officer as defined in RCW
20 10.93.020. "Law enforcement officer" also includes a limited
21 authority Washington peace officer as defined in RCW 10.93.020 if
22 such officer is duly authorized by his or her employer to carry a
23 concealed pistol.

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

27 ~~((24))~~ (26) "Licensed collector" means a person who is
28 federally licensed under 18 U.S.C. Sec. 923(b).

29 ~~((25))~~ (27) "Licensed dealer" means a person who is federally
30 licensed under 18 U.S.C. Sec. 923(a).

31 ~~((26))~~ (28) "Loaded" means:

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

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

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

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

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

1 (~~(27)~~) (29) "Machine gun" means any firearm known as a machine
2 gun, mechanical rifle, submachine gun, or any other mechanism or
3 instrument not requiring that the trigger be pressed for each shot
4 and having a reservoir clip, disc, drum, belt, or other separable
5 mechanical device for storing, carrying, or supplying ammunition
6 which can be loaded into the firearm, mechanism, or instrument, and
7 fired therefrom at the rate of five or more shots per second.

8 (~~(28)~~) (30) "Manufacture" means, with respect to a firearm or
9 large capacity magazine, the fabrication, making, formation,
10 production, or construction of a firearm or large capacity magazine,
11 by manual labor or by machinery.

12 (~~(29)~~) (31) "Nonimmigrant alien" means a person defined as such
13 in 8 U.S.C. Sec. 1101(a) (15).

14 (~~(30)~~) (32) "Person" means any individual, corporation,
15 company, association, firm, partnership, club, organization, society,
16 joint stock company, or other legal entity.

17 (~~(31)~~) (33) "Pistol" means any firearm with a barrel less than
18 16 inches in length, or is designed to be held and fired by the use
19 of a single hand.

20 (~~(32)~~) (34) "Rifle" means a weapon designed or redesigned, made
21 or remade, and intended to be fired from the shoulder and designed or
22 redesigned, made or remade, and intended to use the energy of the
23 explosive in a fixed metallic cartridge to fire only a single
24 projectile through a rifled bore for each single pull of the trigger.

25 (~~(33)~~) (35) "Sale" and "sell" mean the actual approval of the
26 delivery of a firearm in consideration of payment or promise of
27 payment.

28 (~~(34)~~) (36) "Secure gun storage" means:

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

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

33 (~~(35)~~) (37) "Semiautomatic" means any firearm which utilizes a
34 portion of the energy of a firing cartridge to extract the fired
35 cartridge case and chamber the next round, and which requires a
36 separate pull of the trigger to fire each cartridge.

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

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

5 (~~(36)~~) (39) "Serious offense" means any of the following
6 felonies or a felony attempt to commit any of the following felonies,
7 as now existing or hereafter amended:

8 (a) Any crime of violence;

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

12 (c) Child molestation in the second degree;

13 (d) Incest when committed against a child under age 14;

14 (e) Indecent liberties;

15 (f) Leading organized crime;

16 (g) Promoting prostitution in the first degree;

17 (h) Rape in the third degree;

18 (i) Drive-by shooting;

19 (j) Sexual exploitation;

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

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

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

30 (n) Any other felony with a deadly weapon verdict under RCW
31 9.94A.825;

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

36 (p) Any felony conviction under RCW 9.41.115.

37 (~~(37)~~) (40) "Short-barreled rifle" means a rifle having one or
38 more barrels less than 16 inches in length and any weapon made from a
39 rifle by any means of modification if such modified weapon has an
40 overall length of less than 26 inches.

1 (~~(38)~~) (41) "Short-barreled shotgun" means a shotgun having one
2 or more barrels less than 18 inches in length and any weapon made
3 from a shotgun by any means of modification if such modified weapon
4 has an overall length of less than 26 inches.

5 (~~(39)~~) (42) "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 (~~(40)~~) (43) "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 (~~(41)~~) (44) "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 (~~(42)~~) (45)(a) "Unfinished frame or receiver" means a frame or
28 receiver that is partially complete, disassembled, or inoperable,
29 that: (i) Has reached a stage in manufacture where it may readily be
30 completed, assembled, converted, or restored to a functional state;
31 or (ii) is marketed or sold to the public to become or be used as the
32 frame or receiver of a functional firearm once finished or completed,
33 including without limitation products marketed or sold to the public
34 as an 80 percent frame or receiver or unfinished frame or receiver.

35 (b) For purposes of this subsection:

36 (i) "Readily" means a process that is fairly or reasonably
37 efficient, quick, and easy, but not necessarily the most efficient,
38 speedy, or easy process. Factors relevant in making this
39 determination, with no single one controlling, include the following:
40 (A) Time, i.e., how long it takes to finish the process; (B) ease,

1 i.e., how difficult it is to do so; (C) expertise, i.e., what
2 knowledge and skills are required; (D) equipment, i.e., what tools
3 are required; (E) availability, i.e., whether additional parts are
4 required, and how easily they can be obtained; (F) expense, i.e., how
5 much it costs; (G) scope, i.e., the extent to which the subject of
6 the process must be changed to finish it; and (H) feasibility, i.e.,
7 whether the process would damage or destroy the subject of the
8 process, or cause it to malfunction.

9 (ii) "Partially complete," as it modifies frame or receiver,
10 means a forging, casting, printing, extrusion, machined body, or
11 similar article that has reached a stage in manufacture where it is
12 clearly identifiable as an unfinished component part of a firearm.

13 (~~(43)~~) (46) "Unlicensed person" means any person who is not a
14 licensed dealer under this chapter.

15 (~~(44)~~) (47) "Untraceable firearm" means any firearm
16 manufactured after July 1, 2019, that is not an antique firearm and
17 that cannot be traced by law enforcement by means of a serial number
18 affixed to the firearm by a federal firearms manufacturer, federal
19 firearms importer, or federal firearms dealer in compliance with all
20 federal laws and regulations.

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

23 (1) No person in this state may manufacture, import, distribute,
24 sell, or offer for sale any assault weapon, except as authorized in
25 this section.

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

28 (a) The manufacture, importation, distribution, offer for sale,
29 or sale of an assault weapon by a licensed firearms manufacturer for
30 the purposes of sale to any branch of the armed forces of the United
31 States or the state of Washington, or to any law enforcement agency
32 for use by that agency or its employees for law enforcement purposes,
33 or to a person who does not reside in this state;

34 (b) The importation, distribution, offer for sale, or sale of an
35 assault weapon by a dealer that is properly licensed under federal
36 and state law for the purpose of sale to any branch of the armed
37 forces of the United States or the state of Washington, or to a law
38 enforcement agency in this state for use by that agency or its
39 employees for law enforcement purposes;

1 (c) The distribution, offer for sale, or sale of an assault
2 weapon to or by a dealer that is properly licensed under federal and
3 state law where the dealer acquires the assault weapon from an
4 individual legally authorized to possess or transfer the assault
5 weapon for the purpose of selling or transferring the assault weapon
6 to a person who does not reside in this state. The purpose of this
7 section is to allow individuals who no longer wish to own an assault
8 weapon to sell their assault weapon and is not intended to allow
9 Washington dealers to purchase assault weapons wholesale for the
10 purpose of selling a stock or inventory of assault weapons online or
11 in person to nonresidents; or

12 (d) The receipt of an assault weapon by a person who, on or after
13 the effective date of this section, acquires possession of the
14 assault weapon by operation of law upon the death of the former owner
15 who was in legal possession of the assault weapon, provided the
16 person in possession of the assault weapon can establish such
17 provenance. Receipt under this subsection (2)(d) is not
18 "distribution" under this chapter. A person who legally receives an
19 assault weapon under this subsection (2)(d) may not sell or transfer
20 the assault weapon to any other person in this state other than to a
21 licensed dealer, to a federally licensed gunsmith for the purpose of
22 service or repair, or to a law enforcement agency for the purpose of
23 permanently relinquishing the assault weapon.

24 (3) For the purposes of this section, "law enforcement agency"
25 means any (a) general authority Washington law enforcement agency as
26 defined in RCW 10.93.020; (b) limited authority Washington law
27 enforcement agency as defined in RCW 10.93.020; or (c) equivalent
28 federal, state, or local law enforcement agency in the United States.

29 (4) A person who violates this section is guilty of a gross
30 misdemeanor.

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

33 (1) The legislature finds that manufacturing, importing,
34 distributing, selling, or offering for sale any assault weapon in
35 violation of section 3 of this act are matters vitally affecting the
36 public interest for the purpose of applying the consumer protection
37 act, chapter 19.86 RCW; are not reasonable in relation to the
38 development and preservation of business; and constitutes an unfair
39 or deceptive act in trade or commerce and an unfair method of

1 competition for the purpose of applying the consumer protection act,
2 chapter 19.86 RCW.

3 (2) A violation of section 3 of this act is an unfair or
4 deceptive act or practice or unfair method of competition in the
5 conduct of trade or commerce for purposes of the consumer protection
6 act, chapter 19.86 RCW.

7 (3) Any person or entity that receives a civil investigative
8 demand issued pursuant to RCW 19.86.110 and that has an objection to
9 answering in whole or in part may avail themselves of the procedural
10 protections afforded in RCW 19.86.110(8). Further, the attorney
11 general shall not share with a law enforcement agency conducting a
12 criminal investigation any materials or information obtained via a
13 response to a civil investigative demand issued pursuant to RCW
14 19.86.110 unless such information or materials are required to be
15 disclosed pursuant to issuance of a search warrant.

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

20 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately.

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