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SENATE BILL 5535

State of Washington

69th Legislature

2025 Regular Session

By Senator Fortunato

- AN ACT Relating to rights of individuals to bear arms; reenacting and amending RCW 9.41.010; creating a new section; repealing RCW 9.41.390, 9.41.395, and 7.48.330; and repealing 2023 c 162 s 1 and
- 4 2023 c 163 s 1 (uncodified).
- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- NEW SECTION. Sec. 1. The legislature finds that both the Second Amendment to the United States Constitution, and Article 1, section 24 of the Washington state Constitution, protect the right of individuals to bear arms in defense of themselves and shall not be impaired. As such, any law adopted by the state that creates firearms
- 11 industry members' liability, or that bans a particular type of
- 12 firearm is deemed unconstitutional. Such laws are held ineffective,
- 13 void, and unenforceable.
- 14 **Sec. 2.** RCW 9.41.010 and 2024 c 289 s 1 and 2024 c 62 s 32 are 15 each reenacted and amended to read as follows:
- 16 Unless the context clearly requires otherwise, the definitions in 17 this section apply throughout this chapter.
- 18 (1) "Antique firearm" means a firearm or replica of a firearm not 19 designed or redesigned for using rim fire or conventional center fire 20 ignition with fixed ammunition and manufactured in or before 1898,

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including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

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

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

9	AK-47 in all forms
10	AK-74 in all forms
11	Algimee AGM-1 type semiautomatic
12	American Arms Spectre da semiautomatic carbine
13	AR15, M16, or M4 in all forms
14	AR 180 type semiautomatic
15	Argentine L.S.R. semiautomatic
16	Australian Automatic
17	Auto-Ordnance Thompson M1 and 1927 semiautomatics
18	Barrett .50 cal light semiautomatic
19	Barrett .50 cal M87
20	Barrett .50 cal M107A1
21	Barrett REC7
22	Beretta AR70/S70 type semiautomatic
23	Bushmaster Carbon 15
24	Bushmaster ACR
25	Bushmaster XM-15
26	Bushmaster MOE
27	Calico models M100 and M900
28	CETME Sporter
29	CIS SR 88 type semiautomatic
30	Colt CAR 15
31	Daewoo K-1
32	Daewoo K-2
33	Dragunov semiautomatic

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1	Fabrique Nationale FAL in all forms
2	Fabrique Nationale F2000
3	Fabrique Nationale L1A1 Sporter
4	Fabrique Nationale M2498
5	Fabrique Nationale PS90
6	Fabrique Nationale SCAR
7	FAMAS .223 semiautomatic
8	Galil
9	Heckler & Koch G3 in all forms
10	Heckler & Koch HK-41/91
11	Heckler & Koch HK-43/93
12	Heckler & Koch HK94A2/3
13	Heckler & Koch MP-5 in all forms
14	Heckler & Koch PSG-1
15	Heckler & Koch SL8
16	Heckler & Koch UMP
17	Manchester Arms Commando MK-45
18	Manchester Arms MK-9
19	SAR-4800
20	SIG AMT SG510 in all forms
21	SIG SG550 in all forms
22	SKS
23	Spectre M4
24	Springfield Armory BM-59
25	Springfield Armory G3
26	Springfield Armory SAR-8
27	Springfield Armory SAR-48
28	Springfield Armory SAR-3
29	Springfield Armory M-21 sniper
30	Springfield Armory M1A
31	Smith & Wesson M&P 15
32	Sterling Mk 1

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1	Sterling Mk 6/7
2	Steyr AUG
3	TNW M230
4	FAMAS F11
5	Uzi 9mm carbine/rifle

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

- (iii) A conversion kit, part, or combination of parts, from which an assault weapon can be assembled or from which a firearm can be converted into an assault weapon if those parts are in the possession or under the control of the same person; or
- (iv) A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and has one or more of the following:
- (A) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;
 - (B) Thumbhole stock;

- (C) Folding or telescoping stock;
- (D) Forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;
- (E) Flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;
- (F) Muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;
- (G) Threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item;
 - (H) Grenade launcher or flare launcher; or
- (I) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel;
- (v) A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;
- (vi) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:
- 37 (A) A threaded barrel, capable of accepting a flash suppressor, 38 forward handgrip, or silencer;

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(B) A second hand grip;

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- (C) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid 3 forearm of a stock that covers only the bottom of the barrel; or 4
 - (D) The capacity to accept a detachable magazine at some location outside of the pistol grip;
 - (vii) A semiautomatic shotgun that has any of the following:
 - (A) A folding or telescoping stock;
 - (B) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;
 - (C) A thumbhole stock;
- (D) A forward pistol, vertical, angled, or other grip designed 14 for use by the nonfiring hand to improve control; 15
 - (E) A fixed magazine in excess of seven rounds; or
 - (F) A revolving cylinder shotgun.
 - (b) For the purposes of this subsection, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
 - (c) "Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.
 - (3)) "Assemble" means to fit together component parts.
 - ((4))) (3) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.
 - (((5))) (4) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.
 - $((\frac{(6)}{(6)}))$ "Conviction" or "convicted" means, whether in an adult court or adjudicated in a juvenile court, that a plea of guilty has been accepted or a verdict of guilty has been filed, or a finding of guilt has been entered, notwithstanding the pendency of any future

p. 5 SB 5535 proceedings including, but not limited to, sentencing or disposition, posttrial or post-fact-finding motions, and appeals. "Conviction" includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state.

 $((\frac{7}{1}))$ (6) "Crime of violence" means:

- (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;
- (b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and
- 20 (c) Any federal or out-of-state conviction for an offense 21 comparable to a felony classified as a crime of violence under (a) or 22 (b) of this subsection.
- $((\frac{(8)}{)})$ <u>(7)</u> "Curio or relic" has the same meaning as provided in 24 27 C.F.R. Sec. 478.11.
 - (((9))) <u>(8)</u> "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.
 - (((10) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.
 - (11))) (9) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or

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- otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.
- 3 (((12))) (10) "Domestic violence" has the same meaning as 4 provided in RCW 10.99.020.
- 5 (((13))) (11) "Family or household member" has the same meaning 6 as in RCW 7.105.010.
- 7 $((\frac{14}{1}))$ (12) "Federal firearms dealer" means a licensed dealer 8 as defined in 18 U.S.C. Sec. 921(a)(11).
- 9 $((\frac{(15)}{)})$ <u>(13)</u> "Federal firearms importer" means a licensed 10 importer as defined in 18 U.S.C. Sec. 921(a)(9).
- 11 $((\frac{(16)}{(16)}))$ <u>(14)</u> "Federal firearms manufacturer" means a licensed 12 manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).
- $((\frac{(17)}{(17)}))$ <u>(15)</u> "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.
 - ((\(\frac{(18)}{)}\)) (16) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.
 - $((\frac{19}{19}))$ <u>(17)</u> "Felony firearm offense" means:
- 26 (a) Any felony offense that is a violation of this chapter;
 - (b) A violation of RCW 9A.36.045;
- 28 (c) A violation of RCW 9A.56.300;
- 29 (d) A violation of RCW 9A.56.310;

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- 30 (e) Any felony offense if the offender was armed with a firearm 31 in the commission of the offense.
- (((20))) (18) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. For the purposes of RCW 9.41.040, "firearm" also includes frames and receivers. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.
- $((\frac{(21)}{(21)}))$ (19)(a) "Frame or receiver" means a part of a firearm 40 that, when the complete firearm is assembled, is visible from the

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- exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.
 - (b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.
 - $((\frac{(22)}{(20)}))$ <u>(20)</u> "Gun" has the same meaning as firearm.

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- (((23))) <u>(21)</u> "Import" means to move, transport, or receive an 14 item from a place outside the territorial limits of the state of 15 16 Washington to a place inside the territorial limits of the state of 17 Washington. "Import" does not mean situations where an individual 18 possesses a large capacity magazine ((or assault weapon)) when departing from, and returning to, Washington state, so long as the 19 individual is returning to Washington in possession of the same large 20 21 capacity magazine ((or assault weapon)) the individual transported 22 out of state.
- 23 $((\frac{(24)}{)})$ (22) "Intimate partner" has the same meaning as provided in RCW 7.105.010.
 - (((25))) <u>(23)</u> "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:
- 31 (a) An ammunition feeding device that has been permanently 32 altered so that it cannot accommodate more than 10 rounds of 33 ammunition;
 - (b) A 22 caliber tube ammunition feeding device; or
- 35 (c) A tubular magazine that is contained in a lever-action 36 firearm.
 - (((26))) <u>(24)</u> "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited

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- authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.
- 4 (((27))) (25) "Lawful permanent resident" has the same meaning 5 afforded a person "lawfully admitted for permanent residence" in 8 6 U.S.C. Sec. 1101(a)(20).
- 7 $((\frac{(28)}{(28)}))$ <u>(26)</u> "Licensed collector" means a person who is 8 federally licensed under 18 U.S.C. Sec. 923(b).
- 9 $((\frac{(29)}{(29)}))$ <u>(27)</u> "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).
- 11 $((\frac{30}{10}))$ <u>(28)</u> "Loaded" means:

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- (a) There is a cartridge in the chamber of the firearm;
- 13 (b) Cartridges are in a clip that is locked in place in the 14 firearm;
- 15 (c) There is a cartridge in the cylinder of the firearm, if the 16 firearm is a revolver;
- 17 (d) There is a cartridge in the tube or magazine that is inserted 18 in the action; or
- 19 (e) There is a ball in the barrel and the firearm is capped or 20 primed if the firearm is a muzzle loader.
 - $((\frac{31}{1}))$ (29) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.
 - $((\frac{32}{32}))$ <u>(30)</u> "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.
- 32 (((33))) (31) "Mental health professional" means a psychiatrist, psychologist, or physician assistant working with a psychiatrist who 33 is acting as a participating physician as defined in RCW 18.71A.010, 34 35 psychiatric advanced registered nurse practitioner, psychiatric nurse, social worker, mental health counselor, marriage and family 36 therapist, or such other mental health professionals as may be 37 defined in statute or by rules adopted by the department of health 38 pursuant to the provisions of chapter 71.05 RCW. 39

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- 1 (((34))) (32) "Nonimmigrant alien" means a person defined as such 2 in 8 U.S.C. Sec. 1101(a)(15).
- 3 (((35))) <u>(33)</u> "Person" means any individual, corporation, 4 company, association, firm, partnership, club, organization, society, 5 joint stock company, or other legal entity.
- $((\frac{36}{36}))$ <u>(34)</u> "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.
- 9 (((37))) <u>(35)</u> "Rifle" means a weapon designed or redesigned, made 10 or remade, and intended to be fired from the shoulder and designed or 11 redesigned, made or remade, and intended to use the energy of the 12 explosive in a fixed metallic cartridge to fire only a single 13 projectile through a rifled bore for each single pull of the trigger.
- $((\frac{38}{38}))$ <u>(36)</u> "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.
 - (((39))) <u>(37)</u> "Secure gun storage" means:

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- 18 (a) A locked box, gun safe, or other secure locked storage space 19 that is designed to prevent unauthorized use or discharge of a 20 firearm; and
 - (b) The act of keeping an unloaded firearm stored by such means.
- ((40) "Semiautomatic" means any firearm which utilizes a portion
 of the energy of a firing cartridge to extract the fired cartridge
 case and chamber the next round, and which requires a separate pull
 of the trigger to fire each cartridge.
 - (41)) (38)(a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.
 - (b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.
- $((\frac{42}{1}))$ <u>(39)</u> "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:
 - (a) Any crime of violence;
- 38 (b) Any felony violation of the uniform controlled substances 39 act, chapter 69.50 RCW, that is classified as a class B felony or 40 that has a maximum term of imprisonment of at least 10 years;

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- 1 (c) Child molestation in the second degree;
- 2 (d) Incest when committed against a child under age 14;
- 3 (e) Indecent liberties;
- (f) Leading organized crime; 4
- (g) Promoting prostitution in the first degree; 5
- 6 (h) Rape in the third degree;
- 7 (i) Drive-by shooting;

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- (j) Sexual exploitation; 8
- (k) Vehicular assault, when caused by the operation or driving of 9 a vehicle by a person while under the influence of intoxicating 10 11 liquor or any drug or by the operation or driving of a vehicle in a 12 reckless manner;
 - (1) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
 - (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;
- (n) Any other felony with a deadly weapon verdict under RCW 19 9.94A.825; 20
 - (o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or outof-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense;
 - (p) Any felony conviction under RCW 9.41.115; or
 - (q) Any felony charged under RCW 46.61.502(6) or 46.61.504(6).
- (((43))) <u>(40)</u> "Sex offense" has the same meaning as provided in 27 RCW 9.94A.030. 28
 - ((44))) (41) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.
 - (((45))) (42) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.
- ((46))) (43) "Shotgun" means a weapon with one or more barrels, 37 designed or redesigned, made or remade, and intended to be fired from 38 39 the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire

p. 11 SB 5535 through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

((47)) (44) "Substance use disorder professional" means a person certified under chapter 18.205 RCW.

(((48))) <u>(45)</u> "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

(((49))) <u>(46)</u> "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

(((50))) (47)(a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

- (b) For purposes of this subsection:
- (i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following:

 (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e.,

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- whether the process would damage or destroy the subject of the process, or cause it to malfunction.
- (ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.
- 7 (((51))) (48) "Unlicensed person" means any person who is not a licensed dealer under this chapter.
- 9 (((52))) <u>(49)</u> "Untraceable firearm" means any firearm 10 manufactured after July 1, 2019, that is not an antique firearm and 11 that cannot be traced by law enforcement by means of a serial number 12 affixed to the firearm by a federal firearms manufacturer, federal 13 firearms importer, or federal firearms dealer in compliance with all 14 federal laws and regulations.
- 15 (((53))) (50) "Washington state patrol firearms background check 16 program" means the division within the state patrol that conducts 17 background checks for all firearm transfers and the disposition of 18 firearms.
- 19 <u>NEW SECTION.</u> **Sec. 3.** The following acts or parts of acts are 20 each repealed:
- 21 (1) 2023 c 162 s 1 (uncodified);
- 22 (2) RCW 9.41.390 (Assault weapons—Manufacturing, importing, 23 distributing, selling prohibited—Exceptions—Penalty) and 2023 c 162
- 24 s 3; and
- 25 (3) RCW 9.41.395 (Assault weapons—Consumer protection act) and 26 2023 c 162 s 4.
- NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:
- 29 (1) 2023 c 163 s 1 (uncodified); and
- 30 (2) RCW 7.48.330 (Firearm industry—Public nuisance) and 2023 c 31 163 s 2.

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