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SENATE BILL 5444

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State of Washington

65th Legislature

2017 Regular Session

By Senators Frockt, Wellman, Kuderer, Chase, Darneille, and Ranker;  
by request of Attorney General

1 AN ACT Relating to enhanced background checks and licensure for  
2 assault weapons and large capacity magazines; amending RCW 9.41.010,  
3 9.41.090, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.124, and  
4 9.41.129; adding new sections to chapter 9.41 RCW; prescribing  
5 penalties; providing an effective date; and declaring an emergency.

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

7 **Sec. 1.** RCW 9.41.010 and 2015 c 1 s 2 are each amended to read  
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "Antique firearm" means a firearm or replica of a firearm not  
12 designed or redesigned for using rim fire or conventional center fire  
13 ignition with fixed ammunition and manufactured in or before 1898,  
14 including any matchlock, flintlock, percussion cap, or similar type  
15 of ignition system and also any firearm using fixed ammunition  
16 manufactured in or before 1898, for which ammunition is no longer  
17 manufactured in the United States and is not readily available in the  
18 ordinary channels of commercial trade.

19 (2) "Barrel length" means the distance from the bolt face of a  
20 closed action down the length of the axis of the bore to the crown of

1 the muzzle, or in the case of a barrel with attachments to the end of  
2 any legal device permanently attached to the end of the muzzle.

3 (3) "Crime of violence" means:

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

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

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

20 (4) "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 (5) "Family or household member" means "family" or "household  
29 member" as used in RCW 10.99.020.

30 (6) "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 (7) "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 (8) "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 (9) "Firearm" means a weapon or device from which a projectile or  
9 projectiles may be fired by an explosive such as gunpowder.

10 (10) "Gun" has the same meaning as firearm.

11 (11) "Law enforcement officer" includes a general authority  
12 Washington peace officer as defined in RCW 10.93.020, or a specially  
13 commissioned Washington peace officer as defined in RCW 10.93.020.  
14 "Law enforcement officer" also includes a limited authority  
15 Washington peace officer as defined in RCW 10.93.020 if such officer  
16 is duly authorized by his or her employer to carry a concealed  
17 pistol.

18 (12) "Lawful permanent resident" has the same meaning afforded a  
19 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
20 1101(a)(20).

21 (13) "Licensed dealer" means a person who is federally licensed  
22 under 18 U.S.C. Sec. 923(a).

23 (14) "Loaded" means:  
24 (a) There is a cartridge in the chamber of the firearm;  
25 (b) Cartridges are in a clip that is locked in place in the  
26 firearm;  
27 (c) There is a cartridge in the cylinder of the firearm, if the  
28 firearm is a revolver;  
29 (d) There is a cartridge in the tube or magazine that is inserted  
30 in the action; or  
31 (e) There is a ball in the barrel and the firearm is capped or  
32 primed if the firearm is a muzzle loader.

33 (15) "Machine gun" means any firearm known as a machine gun,  
34 mechanical rifle, submachine gun, or any other mechanism or  
35 instrument not requiring that the trigger be pressed for each shot  
36 and having a reservoir clip, disc, drum, belt, or other separable  
37 mechanical device for storing, carrying, or supplying ammunition  
38 which can be loaded into the firearm, mechanism, or instrument, and  
39 fired therefrom at the rate of five or more shots per second.

1 (16) "Nonimmigrant alien" means a person defined as such in 8  
2 U.S.C. Sec. 1101(a)(15).

3 (17) "Person" means any individual, corporation, company,  
4 association, firm, partnership, club, organization, society, joint  
5 stock company, or other legal entity.

6 (18) "Pistol" means any firearm with a barrel less than sixteen  
7 inches in length, or is designed to be held and fired by the use of a  
8 single hand.

9 (19) "Rifle" means a weapon designed or redesigned, made or  
10 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.

14 (20) "Sale" and "sell" mean the actual approval of the delivery  
15 of a firearm in consideration of payment or promise of payment.

16 (21) "Serious offense" means any of the following felonies or a  
17 felony attempt to commit any of the following felonies, as now  
18 existing or hereafter amended:

19 (a) Any crime of violence;

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

23 (c) Child molestation in the second degree;

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

25 (e) Indecent liberties;

26 (f) Leading organized crime;

27 (g) Promoting prostitution in the first degree;

28 (h) Rape in the third degree;

29 (i) Drive-by shooting;

30 (j) Sexual exploitation;

31 (k) Vehicular assault, when caused by the operation or driving of  
32 a vehicle by a person while under the influence of intoxicating  
33 liquor or any drug or by the operation or driving of a vehicle in a  
34 reckless manner;

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

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

1 (n) Any other felony with a deadly weapon verdict under RCW  
2 9.94A.825;

3 (o) Any felony offense in effect at any time prior to June 6,  
4 1996, that is comparable to a serious offense, or any federal or out-  
5 of-state conviction for an offense that under the laws of this state  
6 would be a felony classified as a serious offense; or

7 (p) Any felony conviction under RCW 9.41.115.

8 (22) "Short-barreled rifle" means a rifle having one or more  
9 barrels less than sixteen inches in length and any weapon made from a  
10 rifle by any means of modification if such modified weapon has an  
11 overall length of less than twenty-six inches.

12 (23) "Short-barreled shotgun" means a shotgun having one or more  
13 barrels less than eighteen inches in length and any weapon made from  
14 a shotgun by any means of modification if such modified weapon has an  
15 overall length of less than twenty-six inches.

16 (24) "Shotgun" means a weapon with one or more barrels, designed  
17 or redesigned, made or remade, and intended to be fired from the  
18 shoulder and designed or redesigned, made or remade, and intended to  
19 use the energy of the explosive in a fixed shotgun shell to fire  
20 through a smooth bore either a number of ball shot or a single  
21 projectile for each single pull of the trigger.

22 (25) "Transfer" means the intended delivery of a firearm to  
23 another person without consideration of payment or promise of payment  
24 including, but not limited to, gifts and loans.

25 (26) "Unlicensed person" means any person who is not a licensed  
26 dealer under this chapter.

27 (27) "Assault weapon" means:

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

30 (i) A pistol grip that protrudes conspicuously beneath the action  
31 of the weapon;

32 (ii) A thumbhole stock;

33 (iii) A folding or telescoping stock;

34 (iv) A second handgrip or a protruding grip that can be held by  
35 the nontrigger hand;

36 (v) A flash suppressor, muzzle break, muzzle compensator, or  
37 threaded barrel designed to accommodate a flash suppressor, muzzle  
38 break, or muzzle compensator;

39 (vi) A grenade launcher or flare launcher;

1 (b) A semiautomatic pistol, or a semiautomatic, centerfire, or  
2 rimfire rifle with a fixed magazine, that has the capacity to accept  
3 more than ten rounds of ammunition;

4 (c) A semiautomatic pistol that has the capacity to accept a  
5 detachable magazine and has one or more of the following:

6 (i) Any feature capable of functioning as a protruding grip that  
7 can be held by the nontrigger hand;

8 (ii) A threaded barrel, capable of accepting a flash suppressor,  
9 forward handgrip, or silencer;

10 (iii) A shroud attached to the barrel, or that partially or  
11 completely encircles the barrel, allowing the bearer to hold the  
12 firearm with the nontrigger hand without being burned, but excluding  
13 a slide that encloses the barrel; or

14 (iv) The capacity to accept a detachable magazine at any location  
15 outside of the pistol grip;

16 (d) A semiautomatic, centerfire, or rimfire rifle that has an  
17 overall length of less than thirty inches;

18 (e) A semiautomatic shotgun that has both of the following:

19 (i) A pistol grip that protrudes conspicuously beneath the action  
20 of the weapon, thumbhole stock, or vertical handgrip;

21 (ii) A folding or telescoping stock; or

22 (iii) An ability to accept a detachable magazine;

23 (f) A shotgun with a revolving cylinder; or

24 (g) A conversion kit, part, or combination of parts, from which  
25 an assault weapon can be assembled if those parts are in the  
26 possession or under the control of the same person.

27 "Assault weapon" does not include antique firearms, any firearm  
28 that has been made permanently inoperable, or any firearm that is  
29 manually operated by bolt, pump, lever, or slide action.

30 (28) "Detachable magazine" means an ammunition feeding device  
31 that can be loaded or unloaded while detached from a firearm and  
32 readily inserted into a firearm.

33 (29) "Large capacity magazine" means an ammunition feeding device  
34 with the capacity to accept more than ten rounds of ammunition, or  
35 any conversion kit, part, or combination of parts, from which such a  
36 device can be assembled if those parts are in the possession or under  
37 the control of the same person, but shall not be construed to include  
38 any of the following:

1 (a) An ammunition feeding device that has been permanently  
2 altered so that it cannot accommodate more than ten rounds of  
3 ammunition;

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

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

7 (30) "Secure gun storage" means:

8 (a) A safe, gun safe, gun case, lock box, or other device that is  
9 designed to be used to store a firearm and prevent unauthorized  
10 access through use of a secure, locking device and that is designed  
11 to be unlocked only by means of a key, combination, or other similar  
12 means, and that is constructed of such quality workmanship and  
13 material that it cannot be opened or destroyed by use of reasonable  
14 force; and

15 (b) The act of keeping an unloaded firearm or large capacity  
16 magazine stored by such means.

17 NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW  
18 to read as follows:

19 (1)(a) Except as provided in subsection (2) of this section, a  
20 person shall not possess, manufacture, transport, purchase, acquire,  
21 transfer, deliver, import, sell, or offer to sell an assault weapon  
22 or large capacity magazine without being in possession of an assault  
23 weapon license issued pursuant to section 3 of this act.

24 (b) The assault weapon license must list each assault weapon or  
25 large capacity magazine currently in the license holder's possession.  
26 A listed assault weapon must include the make, model, and  
27 manufacturer's number. A listed large capacity magazine must include  
28 a description including the make, caliber, and capacity of the  
29 magazine.

30 (c) Multiple individuals may seek licensure for the same assault  
31 weapon or large capacity magazine if the assault weapon is possessed  
32 by multiple individuals and each individual shall have a separate  
33 license.

34 (d) A license holder must obtain an amended license in accordance  
35 with section 3(8) of this act:

36 (i) Within fourteen days of any change in the assault weapons or  
37 large capacity magazines in the possession of the license holder; or

38 (ii) In the case of a license holder who did not possess an  
39 assault weapon or large capacity magazine at the time of licensure,

1 within fourteen days of acquiring possession of an assault weapon or  
2 large capacity magazine.

3 (2) A person holding an assault weapon license must exercise  
4 great care in the possession and transport of an assault weapon or  
5 large capacity magazine for which the person is licensed. Great care  
6 shall include, but is not limited to, storing all assault weapons  
7 unloaded within secure gun storage when the assault weapon is not in  
8 the immediate possession of the license holder or the use of an  
9 external locking mechanism designed to make a firearm inoperable such  
10 as a trigger lock.

11 (3) A person who knowingly violates subsection (1) or (2) of this  
12 section is guilty of a class C felony punishable under chapter 9A.20  
13 RCW.

14 (4) When the holder of an assault weapon license has possession  
15 of an assault weapon or large capacity magazine outside his or her  
16 home or beyond property under his or her control, the license holder  
17 shall keep the license on his or her person and shall display the  
18 license upon demand to any law enforcement officer for purposes of  
19 determining the validity of the license and to establish his or her  
20 lawful possession of the assault weapon or large capacity magazine in  
21 his or her possession.

22 (5) A person who knowingly violates subsection (4) of this  
23 section is guilty of a gross misdemeanor punishable under chapter  
24 9A.20 RCW. If a person previously has been found guilty under this  
25 section, then the person is guilty of a class C felony punishable  
26 under chapter 9A.20 RCW for each subsequent knowing violation of  
27 subsection (4) of this section.

28 (6) The assault weapon licensure requirement in subsection (1) of  
29 this section does not apply to any of the following:

30 (a) From the effective date of this section until July 1, 2020:  
31 The possession of an assault weapon or large capacity magazine by a  
32 person who legally possesses the assault weapon or large capacity  
33 magazine on the effective date of this section. However, a person who  
34 legally possesses an assault weapon or large capacity magazine under  
35 this subsection (6)(a) may not sell or transfer the assault weapon or  
36 large capacity magazine to any other person in this state other than  
37 to a licensed dealer, to a federally licensed gunsmith for the  
38 purpose of service or repair, or to a law enforcement agency for the  
39 purpose of permanently relinquishing the assault weapon or large  
40 capacity magazine;



1 (b) The possession of an unloaded assault weapon or large  
2 capacity magazine possessed solely on property owned or immediately  
3 controlled by the person if that assault weapon or large capacity  
4 magazine was legally owned with a valid assault weapon license, or  
5 purchased or acquired with a valid assault weapon license and that  
6 license has expired, provided the assault weapon or large capacity  
7 magazine is in secure gun storage. However, a new assault weapon  
8 license must be obtained for any subsequent possession beyond that  
9 person's property, transfer, distribution, sale, or offer for sale of  
10 that assault weapon or large capacity magazine;

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

17 (d) The possession, transport, purchase, delivery, offering for  
18 sale, sale, importation, or transfer of an assault weapon or large  
19 capacity magazine by a dealer that is properly licensed under federal  
20 and state law;

21 (e) The transfer of a legally possessed assault weapon or large  
22 capacity magazine to, and possession of the assault weapon or large  
23 capacity magazine by, a federally licensed gunsmith for the purposes  
24 of service or repair, and the return of the assault weapon or large  
25 capacity magazine to the lawful owner;

26 (f) The possession, offering for sale, sale, transport, or  
27 transfer of an unloaded assault weapon or large capacity magazine for  
28 the purpose of permanently relinquishing it to a law enforcement  
29 agency in this state. An assault weapon or large capacity magazine  
30 relinquished to a law enforcement agency under this subsection must  
31 be destroyed;

32 (g) The possession, importation, purchase, transport, or transfer  
33 of an assault weapon or large capacity magazine by marshals,  
34 sheriffs, prison or jail wardens or their deputies, or other law  
35 enforcement officers of this or another state while acting within the  
36 scope of their duties, including the possession while not on duty,  
37 but specifically authorized by command staff and necessary for the  
38 performance of such duties;

39 (h) The acquisition, transport, and possession of an assault  
40 weapon or large capacity magazine by law enforcement officers retired

1 for service or physical disabilities, when the assault weapon or  
2 large capacity magazine in question was acquired as part of the  
3 officer's separation from service;

4 (i) Members of the armed forces of the United States or of the  
5 national guard or organized services, when on duty;

6 (j) Officers or employees of the United States duly authorized to  
7 possess assault weapons or large capacity magazines; or

8 (k) The possession, transport, or transfer of an unloaded assault  
9 weapon or large capacity magazine by a common carrier or airline  
10 baggage handler while in the course and scope of his or her  
11 employment.

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

14 (1) The chief of police of a municipality or the sheriff of a  
15 county shall, within thirty days after the filing of an application  
16 of any resident of the state of Washington, issue a license to the  
17 applicant to possess, manufacture, transport, purchase, distribute,  
18 import, sell, or offer to sell an assault weapon or large capacity  
19 magazine within this state for a period of one year from the date of  
20 issue. Residency is established by possession of a valid permanent  
21 Washington driver's license, possession of a Washington state  
22 identicard, or a showing that the applicant has resided in the state  
23 for the previous consecutive ninety days. The issuing authority shall  
24 not refuse to accept completed applications for assault weapon  
25 licenses during regular business hours.

26 (2) The chief of police or sheriff shall not issue the license  
27 if:

28 (a) The applicant is ineligible to possess a firearm under any  
29 federal or state law;

30 (b) The applicant is under twenty-one years of age;

31 (c) The applicant is currently subject to a court order or  
32 injunction regarding firearms pursuant to chapter 7.92 RCW or RCW  
33 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050,  
34 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or  
35 26.26.590;

36 (d) The applicant is currently free on bond or personal  
37 recognizance pending trial, appeal, or sentencing for a felony  
38 offense;

1 (e) The applicant has an outstanding warrant for his or her  
2 arrest from any court of competent jurisdiction for a felony or  
3 misdemeanor; or

4 (f) The applicant has been ordered to forfeit a firearm under RCW  
5 9.41.098(1)(e) within one year before filing an application for an  
6 assault weapon license.

7 No person convicted of a felony may have his or her right to  
8 possess firearms restored or his or her privilege to possess an  
9 assault weapon license restored, unless the person has been granted  
10 relief from disabilities by the attorney general under 18 U.S.C. Sec.  
11 925(c), or RCW 9.41.040 (3) or (4) applies.

12 (3) In addition to the requirements of subsections (1) and (2) of  
13 this section, the chief of police or sheriff shall not issue a  
14 license to the applicant unless:

15 (a) The applicant provides proof that he or she has completed a  
16 recognized firearm safety training program within the last three  
17 years that, at a minimum, includes instruction on:

18 (i) Basic firearms safety rules;

19 (ii) Firearms and children, including secure storage of firearms  
20 and talking to children about guns;

21 (iii) Firearms and suicide prevention;

22 (iv) Secure storage of firearms to prevent unauthorized access  
23 and use;

24 (v) Safe handling of firearms; and

25 (vi) State and federal firearms laws, including prohibited  
26 firearms transfers.

27 The training must be sponsored by a federal, state, county, or  
28 municipal law enforcement agency, a college, a nationally recognized  
29 organization that customarily offers firearms training, or a firearms  
30 training school with instructors certified by a nationally recognized  
31 organization that customarily offers firearms training. The proof of  
32 training shall be in the form of a certification that states under  
33 the penalty of perjury the training included the minimum  
34 requirements.

35 (b) The applicant states under penalty of perjury that the  
36 applicant shall use secure gun storage when the assault weapon or  
37 large capacity magazine is not in his or her immediate possession and  
38 that the applicant will use the assault weapon or large capacity  
39 magazine for a lawful purpose. A lawful purpose includes only the  
40 following:

1 (i) Purchases made solely for possession of the assault weapon or  
2 large capacity magazine on property owned or immediately controlled  
3 by the person;

4 (ii) Lawfully offering for sale, selling, or transferring an  
5 assault weapon or large capacity magazine;

6 (iii) Possession for legal use while at a lawfully operated  
7 firing range, including transportation to and from the firing range  
8 so long as the assault weapon or large capacity magazine is unloaded  
9 and locked in a container meeting the definition of secure gun  
10 storage and within the vehicle at all times during transportation;

11 (iv) Possession for legal use at an organized competition or  
12 sport shooting event involving the use of an assault weapon or large  
13 capacity magazine, participating in or practicing for a performance  
14 by an organized group that uses assault weapons or large capacity  
15 magazines as part of the performance, including transportation to and  
16 from these events so long as the assault weapon or large capacity  
17 magazine is unloaded and locked in a container meeting the definition  
18 of secure gun storage and within the vehicle at all times during  
19 transportation; and

20 (v) Possession for legal use while engaged in lawful hunting so  
21 long as the individual has a valid hunting license and it is  
22 reasonable to conclude that the person is hunting, including  
23 transportation to and from such lawful hunting so long as the assault  
24 weapon or large capacity magazine is unloaded and locked in a  
25 container meeting the definition of secure gun storage and within the  
26 vehicle at all times during transportation.

27 (4) A person may apply for an assault weapon license:

28 (a) To the municipality or to the county in which the applicant  
29 resides if the applicant resides in a municipality; or

30 (b) To the county in which the applicant resides if the applicant  
31 resides in an unincorporated area.

32 (5) When applying for a new or renewal license:

33 (a) The issuing authority shall conduct a check through the  
34 national instant criminal background check system, the Washington  
35 state patrol electronic database, the department of social and health  
36 services electronic database, and with other agencies or resources as  
37 appropriate, to determine whether the applicant is ineligible under  
38 state or federal law.

39 (b) The issuing authority shall deny a license to anyone who is  
40 found to be prohibited from possessing a firearm under federal or

1 state law or who does not meet the other requirements of subsections  
2 (1) through (3) of this section.

3 (6) The original license application shall be made under penalty  
4 of perjury and contain:

5 (a) The full name, residential address, telephone number, date  
6 and place of birth, race, gender, description, and signature of the  
7 applicant, the applicant's driver's license number, or state  
8 identicard number if used for identification in applying for the  
9 license. If the applicant is not an individual, the application must  
10 include the business in which the applicant is engaged and the  
11 business address;

12 (b) The make, model, and manufacturer's number of each assault  
13 weapon and the make, caliber, and capacity of each large capacity  
14 magazine the applicant wishes to possess, manufacture, transport,  
15 purchase, acquire, transfer, deliver, import, sell, or offer to sell  
16 if known at the time of application;

17 (c) A full description of the lawful purpose for which the  
18 assault weapon license is sought;

19 (d) A full description of the secure gun storage the applicant  
20 will use to store the assault weapon or large capacity magazine when  
21 the assault weapon or large capacity magazine is not in his or her  
22 immediate possession and when the assault weapon or large capacity  
23 magazine is being transported as allowed by the lawful purposes  
24 described in subsection (3)(b) of this section;

25 (e) Two complete sets of fingerprints to be forwarded to the  
26 Washington state patrol;

27 (f) A warning substantially as follows:

28 CAUTION: Although state and local laws do not differ, federal  
29 law and state law on the possession of firearms differ. If  
30 you are prohibited by federal law from possessing a firearm,  
31 you may be prosecuted in federal court. A state license is  
32 not a defense to a federal prosecution;

33 (g) A description of the major differences between state and  
34 federal law and an explanation of the fact that local laws and  
35 ordinances on firearms are preempted by state law and must be  
36 consistent with state law;

37 (h) Questions about the applicant's eligibility under RCW  
38 9.41.040 and federal law to possess a firearm, the applicant's place  
39 of birth, and whether the applicant is a United States citizen. If

1 the applicant is not a United States citizen, the applicant must  
2 provide the applicant's country of citizenship, United States issued  
3 alien number or admission number, and the basis on which the  
4 applicant claims to be exempt from federal prohibitions on firearm  
5 possession by aliens. The applicant shall not be required to produce  
6 a birth certificate or other evidence of citizenship. A person who is  
7 not a citizen of the United States shall, if applicable, meet the  
8 additional requirements of RCW 9.41.173 and produce proof of  
9 compliance with RCW 9.41.173 upon application.

10 (7) The application for a renewal license, or an application to  
11 replace a license that has been lost, stolen, or damaged to the  
12 extent it is no longer legible shall be the same as the application  
13 for an original license except:

14 (a) Fingerprints shall not be required;

15 (b) The issuing authority shall do a check of the department of  
16 licensing's online database to ensure the information regarding any  
17 assault weapons or large capacity magazines covered by the original  
18 license is up-to-date.

19 (8)(a) To amend an assault weapon license to add or remove an  
20 assault weapon or large capacity magazine in compliance with section  
21 2(1) of this act, the license holder shall, within fourteen days of  
22 the change, bring proof of lawful purchase, sale, or transfer of the  
23 assault weapon or large capacity magazine to the issuing authority  
24 where a law enforcement officer shall examine the proof, make the  
25 relevant changes to the original license, and send the amended  
26 information to the director of the department of licensing within  
27 three days using the form prescribed by the director of the  
28 department of licensing, who may require online submission of the  
29 information. The law enforcement officer shall sign the license next  
30 to the amendment including their badge number.

31 (b) The issuing authority shall not refuse to accept completed  
32 applications for an amended license during regular business hours.

33 (c) Any law enforcement officer acting in good faith is immune  
34 from liability for mistakenly amending an assault weapon license.

35 (9)(a) The assault weapon license shall be in a form prescribed  
36 by the department of licensing and shall include, but is not limited  
37 to, the following information:

38 (i) The name and date of birth of the license holder;

39 (ii) Sufficient space for the issuing authority to fill in, and  
40 remove, as appropriate:

1 (A) The make, model, and manufacturer's number of each assault  
2 weapon in the license holder's possession;

3 (B) The make, caliber, and capacity of any large capacity  
4 magazines in the license holder's possession;

5 (C) The signature and badge number of the law enforcement officer  
6 who adds or removes an assault weapon or large capacity magazine from  
7 the license.

8 (b) The original license shall be kept by the license holder, a  
9 duplicate copy shall for a period of six years be kept by the  
10 authority issuing the license, and a third copy shall be sent to the  
11 director of licensing within three days of issuance of the license.  
12 The director of licensing may require the online submission of his or  
13 her copy as well as any amendments to the license.

14 (10) The department of licensing shall make available to law  
15 enforcement and corrections agencies, in an online format, all  
16 information received under this section.

17 (11) Upon application for an original license, the applicant  
18 shall pay a nonrefundable fee of fifty dollars plus additional  
19 charges imposed by the federal bureau of investigation that are  
20 passed on to the applicant. No other state or local branch or unit of  
21 government may impose any additional charges on the applicant for the  
22 issuance of the license.

23 The fee shall be distributed as follows:

24 (a) Fifteen dollars shall be paid to the state general fund;

25 (b) Ten dollars shall be paid to the agency taking the  
26 fingerprints of the person licensed;

27 (c) Twenty dollars shall be paid to the issuing authority for the  
28 purpose of enforcing this chapter; and

29 (d) Five dollars shall be paid to the firearms range account in  
30 the general fund.

31 (12) The nonrefundable fee for the one-year renewal of the  
32 license is thirty dollars.

33 The renewal fee shall be distributed as follows:

34 (a) Ten dollars shall be paid to the state general fund;

35 (b) Eighteen dollars shall be paid to the issuing authority for  
36 the purpose of enforcing this chapter; and

37 (c) Two dollars shall be paid to the firearms range account in  
38 the general fund.

1 (13) The nonrefundable fee for the replacement of a lost or  
2 damaged license is twenty dollars to be paid to the issuing  
3 authority.

4 (14) Payment shall be by cash, check, or money order at the  
5 option of the applicant. Additional methods of payment may be allowed  
6 at the option of the issuing authority.

7 (15) A license holder may renew a license if the license holder  
8 applies for renewal within forty-five days before or after the  
9 expiration date of the license. A license so renewed takes effect on  
10 the expiration date of the prior license. A license holder renewing  
11 after the expiration date of the license must pay a late renewal  
12 penalty of twenty-five dollars in addition to the renewal fee  
13 specified in subsection (12) of this section. The fee shall be  
14 distributed as follows:

15 (a) Five dollars shall be deposited in the state wildlife account  
16 and used exclusively first for the printing and distribution of a  
17 pamphlet on the legal limits of the use of firearms, firearms safety,  
18 and the preemptive nature of state law, and subsequently for the  
19 support of volunteer instructors in the basic firearms safety  
20 training program conducted by the department of fish and wildlife.  
21 The pamphlet shall be given to each applicant for a license; and

22 (b) Twenty dollars shall be paid to the issuing authority for the  
23 purpose of enforcing this chapter.

24 (16) A political subdivision of the state shall not modify the  
25 requirements of this section or chapter, nor may a political  
26 subdivision ask the applicant to voluntarily submit any information  
27 not required by this section.

28 (17) A person who knowingly makes a false statement on an  
29 application for an assault weapon license is guilty of false swearing  
30 under RCW 9A.72.040. In addition to any other penalty provided for by  
31 law, the assault weapon license of a person who knowingly makes a  
32 false statement on a license application shall be revoked, and the  
33 person shall be permanently ineligible for an assault weapon license.

34 (18) Any person who, as a member of the armed forces, including  
35 the national guard and armed forces reserves, is unable to renew his  
36 or her license under the requirements of this section because of the  
37 person's assignment, reassignment, or deployment for out-of-state  
38 military service may renew his or her license within ninety days  
39 after the person returns to this state from out-of-state military  
40 service, if the person provides the following to the issuing



1 authority no later than ninety days after the person's date of  
2 discharge or assignment, reassignment, or deployment back to this  
3 state: (a) A copy of the person's original order designating the  
4 specific period of assignment, reassignment, or deployment for out-  
5 of-state military service, and (b) if appropriate, a copy of the  
6 person's discharge or amended or subsequent assignment, reassignment,  
7 or deployment order back to this state. A license so renewed under  
8 this subsection (18) takes effect on the expiration date of the prior  
9 license. A license holder renewing after the expiration date of the  
10 license under this subsection shall pay only the renewal fee  
11 specified in subsection (12) of this section and shall not be  
12 required to pay a late renewal penalty in addition to the renewal  
13 fee.

14 (19) Any person who, as a member of the armed forces, including  
15 the national guard and armed forces reserves, is unable to timely  
16 amend his or her license under the requirements of section 2(1)(d) of  
17 this act because of the person's assignment, reassignment, or  
18 deployment for out-of-state military service may renew his or her  
19 license within fourteen days after the person returns to this state  
20 from out-of-state military service, if the person provides the  
21 following to the issuing authority no later than ninety days after  
22 the person's date of discharge or assignment, reassignment, or  
23 deployment back to this state: (a) A copy of the person's original  
24 order designating the specific period of assignment, reassignment, or  
25 deployment for out-of-state military service; and (b) if appropriate,  
26 a copy of the person's discharge or amended or subsequent assignment,  
27 reassignment, or deployment order back to this state. A license  
28 amended under this subsection (19) shall be treated as having been  
29 timely amended for purposes of compliance with section 2(1)(d) of  
30 this act.

31 (20) At the beginning of each biennium, the director of the  
32 office of financial management may by administrative policy adjust  
33 the fees under this section to levels not to exceed the percentage  
34 increase in the consumer price index for all urban consumers, CPI-U,  
35 for Seattle, or a successor index, for the previous biennium as  
36 calculated by the United States department of labor. Adjusted dollar  
37 amounts shall be rounded to the nearest dollar increment.

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

1 (1) The license-issuing authority shall immediately revoke an  
2 assault weapon license upon:

3 (a) Discovery by the issuing authority that the person was  
4 ineligible under section 3 of this act for an assault weapon license  
5 when applying for the license or license renewal;

6 (b) Conviction of the license holder, or the license holder being  
7 found not guilty by reason of insanity, of an offense, or commitment  
8 of the license holder for mental health treatment, that makes a  
9 person ineligible under RCW 9.41.040 or federal law to possess a  
10 firearm;

11 (c) Conviction of the license holder for a third violation of  
12 this chapter within five calendar years;

13 (d) An order that the license holder forfeit a firearm under RCW  
14 9.41.098(1)(d).

15 (2) Upon revocation of the license, unless the person may  
16 lawfully possess the assault weapon or large capacity magazine  
17 without an assault weapon license, an ineligible person to whom an  
18 assault weapon license was issued shall, within fourteen days of  
19 license revocation, transfer ownership of all assault weapons or  
20 large capacity magazines listed on the license or otherwise in his or  
21 her possession. Possession, transport, and transfer solely for the  
22 purposes of complying with this subsection is not a violation of  
23 section 2(1) of this act during the fourteen-day period. The issuing  
24 authority shall require the person to present satisfactory evidence  
25 within fourteen days of license revocation of having transferred all  
26 assault weapons or large capacity magazines in compliance with this  
27 chapter. In addition to being in violation of section 2 of this act,  
28 failure to lawfully transfer possession or to provide proof of the  
29 lawful transfer under this subsection is a gross misdemeanor  
30 punishable under chapter 9A.20 RCW.

31 (3) When a license holder is ordered to forfeit a firearm under  
32 RCW 9.41.098(1)(d):

33 (a) On the first forfeiture, the issuing authority shall revoke  
34 the license and the person shall not be eligible to reapply for a  
35 period of one year;

36 (b) On the second forfeiture, the issuing authority shall revoke  
37 the license and the person shall not be eligible to reapply for a  
38 period of two years; or

1 (c) On the third or subsequent forfeiture, the issuing authority  
2 shall revoke the license and the person shall not be eligible to  
3 reapply for a period of five years.

4 (4) The issuing authority shall notify the department of  
5 licensing of the revocation of a license within three business days  
6 via electronic submission or as otherwise prescribed by the director  
7 of the department of licensing. The department of licensing shall  
8 record the revocation.

9 **Sec. 5.** RCW 9.41.090 and 2015 c 1 s 5 are each amended to read  
10 as follows:

11 (1) In addition to the other requirements of this chapter, no  
12 dealer may deliver a pistol to the purchaser thereof until:

13 (a) The purchaser produces a valid concealed pistol license and  
14 the dealer has recorded the purchaser's name, license number, and  
15 issuing agency, such record to be made in triplicate and processed as  
16 provided in subsection ~~((+5+))~~ (6) of this section. For purposes of  
17 this subsection (1)(a), a "valid concealed pistol license" does not  
18 include a temporary emergency license, and does not include any  
19 license issued before July 1, 1996, unless the issuing agency  
20 conducted a records search for disqualifying crimes under RCW  
21 9.41.070 at the time of issuance;

22 (b) The dealer is notified in writing by the chief of police or  
23 the sheriff of the jurisdiction in which the purchaser resides that  
24 the purchaser is eligible to possess a pistol under RCW 9.41.040 and  
25 that the application to purchase is approved by the chief of police  
26 or sheriff; or

27 (c) The requirements or time periods in RCW 9.41.092 have been  
28 satisfied.

29 (2) In addition to other requirements of this chapter, no dealer  
30 may deliver an assault weapon or large capacity magazine to the  
31 purchaser thereof until:

32 (a) The purchaser produces a valid assault weapon license and the  
33 dealer has recorded the purchaser's name, license number, and issuing  
34 agency, such record to be made in triplicate and processed as  
35 provided in subsection (6) of this section. If the dealer is  
36 facilitating the sale of an assault weapon or large capacity magazine  
37 pursuant to the requirements of RCW 9.41.113(3), the dealer must also  
38 ensure that the seller has either a valid assault weapon license; and

1        (b) The dealer is either (i) notified in writing by the chief of  
2 police or the sheriff of the jurisdiction in which the purchaser  
3 resides that the purchaser is eligible to possess a firearm under RCW  
4 9.41.040 and that the application to purchase is approved by the  
5 chief of police or sheriff; or (ii) the requirements of time periods  
6 in RCW 9.41.092 have been satisfied.

7        (3)(a) Except as provided in (b) of this subsection, in  
8 determining whether the purchaser meets the requirements of RCW  
9 9.41.040, the chief of police or sheriff, or the designee of either,  
10 shall check with the national crime information center, the  
11 Washington state patrol electronic database, the department of social  
12 and health services electronic database, and with other agencies or  
13 resources as appropriate, to determine whether the applicant is  
14 ineligible under RCW 9.41.040 to possess a firearm.

15        (b) Once the system is established, a dealer shall use the state  
16 system and national instant criminal background check system,  
17 provided for by the Brady Handgun Violence Prevention Act (18 U.S.C.  
18 Sec. 921 et seq.), to make criminal background checks of applicants  
19 to purchase firearms. However, a chief of police or sheriff, or a  
20 designee of either, shall continue to check the department of social  
21 and health services' electronic database and with other agencies or  
22 resources as appropriate, to determine whether applicants are  
23 ineligible under RCW 9.41.040 to possess a firearm.

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

37        (~~(4)~~) (5) In any case where the chief or sheriff of the local  
38 jurisdiction has reasonable grounds based on the following  
39 circumstances: (a) Open criminal charges, (b) pending criminal  
40 proceedings, (c) pending commitment proceedings, (d) an outstanding

1 warrant for an offense making a person ineligible under RCW 9.41.040  
2 to possess a (~~pistol~~) firearm, or (e) an arrest for an offense  
3 making a person ineligible under RCW 9.41.040 to possess a (~~pistol~~)  
4 firearm, if the records of disposition have not yet been reported or  
5 entered sufficiently to determine eligibility to purchase a  
6 (~~pistol~~) firearm, the local jurisdiction may hold the sale and  
7 delivery of the pistol, assault weapon, or large capacity magazine up  
8 to thirty days in order to confirm existing records in this state or  
9 elsewhere. After thirty days, the hold will be lifted unless an  
10 extension of the thirty days is approved by a local district court or  
11 municipal court for good cause shown. A dealer shall be notified of  
12 each hold placed on the sale by local law enforcement and of any  
13 application to the court for additional hold period to confirm  
14 records or confirm the identity of the applicant.

15 (~~(+5)~~) (6)(a) At the time of applying for the purchase of a  
16 pistol, assault weapon, or large capacity magazine, the purchaser  
17 shall sign in triplicate and deliver to the dealer an application  
18 containing:

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

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

22 (iii) The applicant's driver's license number or state  
23 identification card number;

24 (iv) If purchasing a pistol or assault weapon, a description of  
25 the pistol or assault weapon including the make, model, (~~caliber~~)  
26 and manufacturer's number if available at the time of applying for  
27 the purchase of a pistol or assault weapon. If the manufacturer's  
28 number is not available at the time of purchase of the pistol or  
29 assault weapon, the application may be processed, but delivery of the  
30 pistol or assault weapon to the purchaser may not occur unless the  
31 manufacturer's number is recorded on the application by the dealer  
32 and transmitted to the chief of police of the municipality or the  
33 sheriff of the county in which the purchaser resides; and a statement  
34 that the purchaser is eligible to possess a (~~pistol~~) firearm under  
35 (~~RCW 9.41.040~~) state or federal law; and

36 (v) If purchasing a large capacity magazine, a description of the  
37 large capacity magazine including make, caliber, and capacity.

38 (b) The application shall contain a warning substantially as  
39 follows:

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

6 The purchaser shall be given a copy of the department of fish and  
7 wildlife pamphlet on the legal limits of the use of firearms,  
8 firearms safety, and the fact that local laws and ordinances on  
9 firearms are preempted by state law and must be consistent with state  
10 law.

11 (c) The dealer shall, by the end of the business day, sign and  
12 attach his or her address and deliver a copy of the application and  
13 such other documentation as required under subsection (1) of this  
14 section to the chief of police of the municipality or the sheriff of  
15 the county of which the purchaser is a resident. The triplicate shall  
16 be retained by the dealer for six years. The dealer shall deliver the  
17 pistol, assault weapon, or large capacity magazine to the purchaser  
18 following the period of time specified in this chapter unless the  
19 dealer is notified of an investigative hold under subsection ~~((4))~~  
20 (5) of this section in writing by the chief of police of the  
21 municipality or the sheriff of the county, whichever is applicable,  
22 denying the purchaser's application to purchase and the grounds  
23 thereof. The application shall not be denied unless the purchaser is  
24 not eligible to possess a ~~((pistol))~~ firearm under ~~((RCW 9.41.040))~~  
25 state or ~~((9.41.045, or))~~ federal law.

26 (d) The chief of police of the municipality or the sheriff of the  
27 county shall retain or destroy applications to purchase a pistol,  
28 assault weapon, or large capacity magazine in accordance with the  
29 requirements of 18 U.S.C. Sec. 922.

30 ~~((6))~~ (7) A person who knowingly makes a false statement  
31 regarding identity or eligibility requirements on the application to  
32 purchase a ~~((pistol))~~ firearm is guilty of false swearing under RCW  
33 9A.72.040.

34 ~~((7))~~ (8) This section does not apply to sales to licensed  
35 dealers for resale or to the sale of antique firearms.

36 **Sec. 6.** RCW 9.41.094 and 1994 sp.s. c 7 s 411 are each amended  
37 to read as follows:

1 A signed application to purchase a pistol, assault weapon, or  
2 large capacity magazine shall constitute a waiver of confidentiality  
3 and written request that the department of social and health  
4 services, mental health institutions, and other health care  
5 facilities release, to an inquiring court or law enforcement agency,  
6 information relevant to the applicant's eligibility to purchase a  
7 pistol, assault weapon, or large capacity magazine to an inquiring  
8 court or law enforcement agency.

9 **Sec. 7.** RCW 9.41.097 and 2009 c 216 s 6 are each amended to read  
10 as follows:

11 (1) The department of social and health services, mental health  
12 institutions, and other health care facilities shall, upon request of  
13 a court or law enforcement agency, supply such relevant information  
14 as is necessary to determine the eligibility of a person to possess a  
15 (~~(pistol)~~) firearm or to be issued a concealed pistol license under  
16 RCW 9.41.070 or to be issued an assault weapon license under section  
17 3 of this act or to purchase a pistol, assault weapon, or large  
18 capacity magazine under RCW 9.41.090.

19 (2) Mental health information received by: (a) The department of  
20 licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing  
21 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police  
22 or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law  
23 enforcement agency pursuant to subsection (1) of this section, shall  
24 not be disclosed except as provided in RCW 42.56.240(4).

25 **Sec. 8.** RCW 9.41.0975 and 2009 c 216 s 7 are each amended to  
26 read as follows:

27 (1) The state, local governmental entities, any public or private  
28 agency, and the employees of any state or local governmental entity  
29 or public or private agency, acting in good faith, are immune from  
30 liability:

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

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

35 (c) For issuing a concealed pistol license, assault weapon  
36 license, or alien firearm license to a person ineligible for such a  
37 license;

1 (d) For failing to issue a concealed pistol license, assault  
2 weapon license, or alien firearm license to a person eligible for  
3 such a license;

4 (e) For revoking or failing to revoke an issued concealed pistol  
5 license, assault weapon license, or alien firearm license;

6 (f) For errors in preparing or transmitting information as part  
7 of determining a person's eligibility to receive or possess a  
8 firearm, or eligibility for a concealed pistol license, assault  
9 weapon license, or alien firearm license;

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

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

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

16 (a) Directing an issuing agency to issue a concealed pistol  
17 license, assault weapon license, or alien firearm license wrongfully  
18 refused;

19 (b) Directing a law enforcement agency to approve an application  
20 to purchase a pistol, assault weapon, or large capacity magazine  
21 wrongfully denied;

22 (c) Directing that erroneous information resulting either in the  
23 wrongful refusal to issue a concealed pistol license, assault weapon  
24 license, or alien firearm license or in the wrongful denial of a  
25 purchase application for a pistol, assault weapon, or large capacity  
26 magazine be corrected; or

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

29 The application for the writ may be made in the county in which  
30 the application for a concealed pistol license, assault weapon  
31 license, or alien firearm license or to purchase a pistol, assault  
32 weapon, or large capacity magazine was made, or in Thurston county,  
33 at the discretion of the petitioner. A court shall provide an  
34 expedited hearing for an application brought under this subsection  
35 (2) for a writ of mandamus. A person granted a writ of mandamus under  
36 this subsection (2) shall be awarded reasonable attorneys' fees and  
37 costs.

38 **Sec. 9.** RCW 9.41.110 and 2009 c 479 s 10 are each amended to  
39 read as follows:



1 (1) No dealer may sell or otherwise transfer, or expose for sale  
2 or transfer, or have in his or her possession with intent to sell, or  
3 otherwise transfer, any pistol, assault weapon, or large capacity  
4 magazine without being licensed as provided in this section.

5 (2) No dealer may sell or otherwise transfer, or expose for sale  
6 or transfer, or have in his or her possession with intent to sell, or  
7 otherwise transfer, any firearm other than a pistol, assault weapon,  
8 or large capacity magazine without being licensed as provided in this  
9 section.

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

14 (4) The duly constituted licensing authorities of any city, town,  
15 or political subdivision of this state shall grant licenses in forms  
16 prescribed by the director of licensing effective for not more than  
17 one year from the date of issue permitting the licensee to sell  
18 firearms within this state subject to the following conditions, for  
19 breach of any of which the license shall be forfeited and the  
20 licensee subject to punishment as provided in RCW 9.41.010 through  
21 9.41.810. A licensing authority shall forward a copy of each license  
22 granted to the department of licensing. The department of licensing  
23 shall notify the department of revenue of the name and address of  
24 each dealer licensed under this section.

25 (5)(a) A licensing authority shall, within thirty days after the  
26 filing of an application of any person for a dealer's license,  
27 determine whether to grant the license. However, if the applicant  
28 does not have a valid permanent Washington driver's license or  
29 Washington state identification card, or has not been a resident of  
30 the state for the previous consecutive ninety days, the licensing  
31 authority shall have up to sixty days to determine whether to issue a  
32 license. No person shall qualify for a license under this section  
33 without first receiving a federal firearms license and undergoing  
34 fingerprinting and a background check. In addition, no person  
35 ineligible to possess a firearm under RCW 9.41.040 or ineligible for  
36 a concealed pistol license under RCW 9.41.070 shall qualify for a  
37 dealer's license.

38 (b) A dealer shall require every employee who may sell a firearm  
39 in the course of his or her employment to undergo fingerprinting and  
40 a background check. An employee must be eligible to possess a

1 firearm, and must not have been convicted of a crime that would make  
2 the person ineligible for a concealed pistol license, before being  
3 permitted to sell a firearm. Every employee shall comply with  
4 requirements concerning purchase applications and restrictions on  
5 delivery of pistols, assault weapons, or large capacity magazines  
6 that are applicable to dealers.

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

11 (b) A dealer may conduct business temporarily at a location other  
12 than the building designated in the license, if the temporary  
13 location is within Washington state and is the location of a gun show  
14 sponsored by a national, state, or local organization, or an  
15 affiliate of any such organization, devoted to the collection,  
16 competitive use, or other sporting use of firearms in the community.  
17 Nothing in this subsection (6)(b) authorizes a dealer to conduct  
18 business in or from a motorized or towed vehicle.

19 In conducting business temporarily at a location other than the  
20 building designated in the license, the dealer shall comply with all  
21 other requirements imposed on dealers by RCW 9.41.090(~~(7)~~) and  
22 9.41.100, and (~~(9.41.110)~~) this section. The license of a dealer who  
23 fails to comply with the requirements of RCW 9.41.080 and 9.41.090  
24 and subsection (8) of this section while conducting business at a  
25 temporary location shall be revoked, and the dealer shall be  
26 permanently ineligible for a dealer's license.

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

31 (8)(a) No pistol, assault weapon, or large capacity magazine may  
32 be sold: (i) In violation of any provisions of RCW 9.41.010 through  
33 9.41.810; nor (ii) may a pistol, assault weapon, or large capacity  
34 magazine be sold under any circumstances unless the purchaser is  
35 personally known to the dealer or shall present clear evidence of his  
36 or her identity.

37 (b) A dealer who sells or delivers any firearm in violation of  
38 RCW 9.41.080 is guilty of a class C felony. In addition to any other  
39 penalty provided for by law, the dealer is subject to mandatory

1 permanent revocation of his or her dealer's license and permanent  
2 ineligibility for a dealer's license.

3 (c) The license fee for pistols, assault weapons, or large  
4 capacity magazines shall be one hundred twenty-five dollars. The  
5 license fee for firearms other than pistols, assault weapons, or  
6 large capacity magazines shall be one hundred twenty-five dollars.  
7 The license fee for ammunition shall be one hundred twenty-five  
8 dollars. Any dealer who obtains any license under subsection (1),  
9 (2), or (3) of this section may also obtain the remaining licenses  
10 without payment of any fee. The fees received under this section  
11 shall be deposited in the state general fund.

12 (9)(a) A true record in triplicate shall be made of every pistol,  
13 assault weapon, or large capacity magazine sold, in a book kept for  
14 the purpose, the form of which may be prescribed by the director of  
15 licensing and shall be personally signed by the purchaser and by the  
16 person effecting the sale, each in the presence of the other, and  
17 shall contain the date of sale, (~~the caliber, make, model and~~  
18 ~~manufacturer's number of the weapon,~~) the name, address, occupation,  
19 and place of birth of the purchaser, and a statement signed by the  
20 purchaser, that he or she is not ineligible under RCW 9.41.040 to  
21 possess a firearm. In addition, for pistols and assault weapons, the  
22 form shall include the make, model, and manufacturer's number of the  
23 weapon; for large capacity magazines, the form shall also include the  
24 make, caliber, and capacity of the magazine.

25 (b) One copy shall within six hours be sent by certified mail to  
26 the chief of police of the municipality or the sheriff of the county  
27 of which the purchaser is a resident; the duplicate the dealer shall  
28 within seven days send to the director of licensing; the triplicate  
29 the dealer shall retain for six years.

30 (10) Subsections (2) through (9) of this section shall not apply  
31 to sales at wholesale.

32 (11) The dealer's licenses authorized to be issued by this  
33 section are general licenses covering all sales by the licensee  
34 within the effective period of the licenses. The department shall  
35 provide a single application form for dealer's licenses and a single  
36 license form which shall indicate the type or types of licenses  
37 granted.

38 (12) Except as provided in RCW 9.41.090, every city, town, and  
39 political subdivision of this state is prohibited from requiring the

1 purchaser to secure a permit to purchase or from requiring the dealer  
2 to secure an individual permit for each sale.

3 **Sec. 10.** RCW 9.41.124 and 2015 c 1 s 7 are each amended to read  
4 as follows:

5 Residents of a state other than Washington may purchase rifles  
6 and shotguns, except those firearms defined as assault weapons, in  
7 Washington: PROVIDED, That such residents conform to the applicable  
8 provisions of the federal Gun Control Act of 1968, Title IV, Pub. L.  
9 90-351 as administered by the United States secretary of the  
10 treasury: AND PROVIDED FURTHER, That such residents are eligible to  
11 purchase or possess such weapons in Washington and in the state in  
12 which such persons reside: AND PROVIDED FURTHER, That such residents  
13 are subject to the procedures and background checks required by this  
14 chapter. FURTHER, no resident of a state other than Washington may  
15 purchase a large capacity magazine in Washington.

16 **Sec. 11.** RCW 9.41.129 and 2005 c 274 s 203 are each amended to  
17 read as follows:

18 The department of licensing may keep copies or records of  
19 applications for concealed pistol licenses provided for in RCW  
20 9.41.070, copies or records of applications for alien firearm  
21 licenses, copies or records of applications to purchase pistols,  
22 assault weapons, or large capacity magazines provided for in RCW  
23 9.41.090, copies or records of assault weapon licenses provided for  
24 in section 3 of this act, and copies or records of pistol, assault  
25 weapon, or large capacity magazine transfers provided for in RCW  
26 9.41.110. The copies and records shall not be disclosed except as  
27 provided in RCW 42.56.240(4).

28 NEW SECTION. **Sec. 12.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of  
30 the state government and its existing public institutions, and takes  
31 effect July 1, 2017.

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