

SHB 1240 - S COMM AMD

By Committee on Law & Justice

ADOPTED AND ENGROSSED 04/08/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares that
4 gun violence is a threat to the public health and safety of
5 Washingtonians. Assault weapons are civilian versions of weapons
6 created for the military and are designed to kill humans quickly and
7 efficiently. For this reason the legislature finds that assault
8 weapons are "like" "M-16 rifles" and thus are "weapons most useful in
9 military service." Assault weapons have been used in the deadliest
10 mass shootings in the last decade. An assailant with an assault
11 weapon can hurt and kill twice the number of people than an assailant
12 with a handgun or nonassault rifle. This is because the additional
13 features of an assault weapon are not "merely cosmetic"; rather,
14 these are features that allow shooters to fire large numbers of
15 rounds quickly. An analysis of mass shootings that result in four or
16 more deaths found that 85 percent of those fatalities were caused by
17 an assault weapon. The legislature also finds that this regulation is
18 likely to have an impact on the number of mass shootings committed in
19 Washington. Studies have shown that during the period the federal
20 assault weapon ban was in effect, mass shooting fatalities were 70
21 percent less likely to occur. Moreover, the legislature finds that
22 assault weapons are not suitable for self-defense and that studies
23 show that assault weapons are statistically not used in self-defense.
24 The legislature finds that assault weapons are not commonly used in
25 self-defense and that any proliferation is not the result of the
26 assault weapon being well-suited for self-defense, hunting, or
27 sporting purposes. Rather, increased sales are the result of the gun
28 industry's concerted efforts to sell more guns to a civilian market.
29 The legislature finds that the gun industry has specifically marketed
30 these weapons as "tactical," "hyper masculine," and "military style"
31 in manner that overtly appeals to troubled young men intent on
32 becoming the next mass shooter. The legislature intends to limit the

1 prospective sale of assault weapons, while allowing existing legal
2 owners to retain the assault weapons they currently own.

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

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

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

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

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

<u>AK-47 in all forms</u>
<u>AK-74 in all forms</u>
<u>Algimec AGM-1 type semiautomatic</u>
<u>American Arms Spectre da semiautomatic carbine</u>
<u>AR15, M16, or M4 in all forms</u>
<u>AR 180 type semiautomatic</u>
<u>Argentine L.S.R. semiautomatic</u>
<u>Australian Automatic</u>
<u>Auto-Ordnance Thompson M1 and 1927 semiautomatics</u>
<u>Barrett .50 cal light semiautomatic</u>
<u>Barrett .50 cal M87</u>
<u>Barrett .50 cal M107A1</u>
<u>Barrett REC7</u>
<u>Beretta AR70/S70 type semiautomatic</u>
<u>Bushmaster Carbon 15</u>
<u>Bushmaster ACR</u>
<u>Bushmaster XM-15</u>

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<u>Bushmaster MOE</u>
<u>Calico models M100 and M900</u>
<u>CETME Sporter</u>
<u>CIS SR 88 type semiautomatic</u>
<u>Colt CAR 15</u>
<u>Daewoo K-1</u>
<u>Daewoo K-2</u>
<u>Dragunov semiautomatic</u>
<u>Fabrique Nationale FAL in all forms</u>
<u>Fabrique Nationale F2000</u>
<u>Fabrique Nationale L1A1 Sporter</u>
<u>Fabrique Nationale M249S</u>
<u>Fabrique Nationale PS90</u>
<u>Fabrique Nationale SCAR</u>
<u>FAMAS .223 semiautomatic</u>
<u>Galil</u>
<u>Heckler & Koch G3 in all forms</u>
<u>Heckler & Koch HK-41/91</u>
<u>Heckler & Koch HK-43/93</u>
<u>Heckler & Koch HK94A2/3</u>
<u>Heckler & Koch MP-5 in all forms</u>
<u>Heckler & Koch PSG-1</u>
<u>Heckler & Koch SL8</u>
<u>Heckler & Koch UMP</u>
<u>Manchester Arms Commando MK-45</u>
<u>Manchester Arms MK-9</u>
<u>SAR-4800</u>
<u>SIG AMT SG510 in all forms</u>
<u>SIG SG550 in all forms</u>
<u>SKS</u>
<u>Spectre M4</u>
<u>Springfield Armory BM-59</u>

1	<u>Springfield Armory G3</u>
2	<u>Springfield Armory SAR-8</u>
3	<u>Springfield Armory SAR-48</u>
4	<u>Springfield Armory SAR-3</u>
5	<u>Springfield Armory M-21 sniper</u>
6	<u>Springfield Armory M1A</u>
7	<u>Smith & Wesson M&P 15</u>
8	<u>Sterling Mk 1</u>
9	<u>Sterling Mk 6/7</u>
10	<u>Steyr AUG</u>
11	<u>TNW M230</u>
12	<u>FAMAS F11</u>
13	<u>Uzi 9mm carbine/rifle</u>

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

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

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

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

26 (B) Thumbhole stock;

27 (C) Folding or telescoping stock;

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

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

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

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

1 (H) Grenade launcher or flare launcher; or

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

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

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

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

11 (B) A second hand grip;

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

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

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

18 (A) A folding or telescoping stock;

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

23 (C) A thumbhole stock;

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

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

27 (F) A revolving cylinder shotgun.

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

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

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

36 ((+3)) (4) "Barrel length" means the distance from the bolt face
37 of a closed action down the length of the axis of the bore to the
38 crown of the muzzle, or in the case of a barrel with attachments to
39 the end of any legal device permanently attached to the end of the
40 muzzle.

1 ~~((4))~~ (5) "Bump-fire stock" means a butt stock designed to be
2 attached to a semiautomatic firearm with the effect of increasing the
3 rate of fire achievable with the semiautomatic firearm to that of a
4 fully automatic firearm by using the energy from the recoil of the
5 firearm to generate reciprocating action that facilitates repeated
6 activation of the trigger.

7 ~~((5))~~ (6) "Crime of violence" means:

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

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

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

24 ~~((6))~~ (7) "Curio or relic" has the same meaning as provided in
25 27 C.F.R. Sec. 478.11.

26 ~~((7))~~ (8) "Dealer" means a person engaged in the business of
27 selling firearms at wholesale or retail who has, or is required to
28 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A
29 person who does not have, and is not required to have, a federal
30 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that
31 person makes only occasional sales, exchanges, or purchases of
32 firearms for the enhancement of a personal collection or for a hobby,
33 or sells all or part of his or her personal collection of firearms.

34 ~~((8))~~ (9) "Detachable magazine" means an ammunition feeding
35 device that can be loaded or unloaded while detached from a firearm
36 and readily inserted into a firearm.

37 (10) "Distribute" means to give out, provide, make available, or
38 deliver a firearm or large capacity magazine to any person in this
39 state, with or without consideration, whether the distributor is in-
40 state or out-of-state. "Distribute" includes, but is not limited to,

1 filling orders placed in this state, online or otherwise.
2 "Distribute" also includes causing a firearm or large capacity
3 magazine to be delivered in this state.

4 ~~((9))~~ (11) "Family or household member" has the same meaning as
5 in RCW 7.105.010.

6 ~~((10))~~ (12) "Federal firearms dealer" means a licensed dealer
7 as defined in 18 U.S.C. Sec. 921(a)(11).

8 ~~((11))~~ (13) "Federal firearms importer" means a licensed
9 importer as defined in 18 U.S.C. Sec. 921(a)(9).

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

12 ~~((13))~~ (15) "Felony" means any felony offense under the laws of
13 this state or any federal or out-of-state offense comparable to a
14 felony offense under the laws of this state.

15 ~~((14))~~ (16) "Felony firearm offender" means a person who has
16 previously been convicted or found not guilty by reason of insanity
17 in this state of any felony firearm offense. A person is not a felony
18 firearm offender under this chapter if any and all qualifying
19 offenses have been the subject of an expungement, pardon, annulment,
20 certificate, or rehabilitation, or other equivalent procedure based
21 on a finding of the rehabilitation of the person convicted or a
22 pardon, annulment, or other equivalent procedure based on a finding
23 of innocence.

24 ~~((15))~~ (17) "Felony firearm offense" means:
25 (a) Any felony offense that is a violation of this chapter;
26 (b) A violation of RCW 9A.36.045;
27 (c) A violation of RCW 9A.56.300;
28 (d) A violation of RCW 9A.56.310;
29 (e) Any felony offense if the offender was armed with a firearm
30 in the commission of the offense.

31 ~~((16))~~ (18) "Firearm" means a weapon or device from which a
32 projectile or projectiles may be fired by an explosive such as
33 gunpowder. "Firearm" does not include a flare gun or other
34 pyrotechnic visual distress signaling device, or a powder-actuated
35 tool or other device designed solely to be used for construction
36 purposes.

37 ~~((17))~~ (19)(a) "Frame or receiver" means a part of a firearm
38 that, when the complete firearm is assembled, is visible from the
39 exterior and provides housing or a structure designed to hold or
40 integrate one or more fire control components, even if pins or other

1 attachments are required to connect the fire control components. Any
2 such part identified with a serial number shall be presumed, absent
3 an official determination by the bureau of alcohol, tobacco,
4 firearms, and explosives or other reliable evidence to the contrary,
5 to be a frame or receiver.

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

11 ~~((18))~~ (20) "Gun" has the same meaning as firearm.

12 ~~((19))~~ (21) "Import" means to move, transport, or receive an
13 item from a place outside the territorial limits of the state of
14 Washington to a place inside the territorial limits of the state of
15 Washington. "Import" does not mean situations where an individual
16 possesses a large capacity magazine or assault weapon when departing
17 from, and returning to, Washington state, so long as the individual
18 is returning to Washington in possession of the same large capacity
19 magazine or assault weapon the individual transported out of state.

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

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

28 (a) An ammunition feeding device that has been permanently
29 altered so that it cannot accommodate more than 10 rounds of
30 ammunition;

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

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

34 ~~((22))~~ (24) "Law enforcement officer" includes a general
35 authority Washington peace officer as defined in RCW 10.93.020, or a
36 specially commissioned Washington peace officer as defined in RCW
37 10.93.020. "Law enforcement officer" also includes a limited
38 authority Washington peace officer as defined in RCW 10.93.020 if
39 such officer is duly authorized by his or her employer to carry a
40 concealed pistol.

1 ~~((23))~~ (25) "Lawful permanent resident" has the same meaning
2 afforded a person "lawfully admitted for permanent residence" in 8
3 U.S.C. Sec. 1101(a) (20).

4 ~~((24))~~ (26) "Licensed collector" means a person who is
5 federally licensed under 18 U.S.C. Sec. 923(b).

6 ~~((25))~~ (27) "Licensed dealer" means a person who is federally
7 licensed under 18 U.S.C. Sec. 923(a).

8 ~~((26))~~ (28) "Loaded" means:

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

10 (b) Cartridges are in a clip that is locked in place in the
11 firearm;

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

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

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

18 ~~((27))~~ (29) "Machine gun" means any firearm known as a machine
19 gun, mechanical rifle, submachine gun, or any other mechanism or
20 instrument not requiring that the trigger be pressed for each shot
21 and having a reservoir clip, disc, drum, belt, or other separable
22 mechanical device for storing, carrying, or supplying ammunition
23 which can be loaded into the firearm, mechanism, or instrument, and
24 fired therefrom at the rate of five or more shots per second.

25 ~~((28))~~ (30) "Manufacture" means, with respect to a firearm or
26 large capacity magazine, the fabrication, making, formation,
27 production, or construction of a firearm or large capacity magazine,
28 by manual labor or by machinery.

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

31 ~~((30))~~ (32) "Person" means any individual, corporation,
32 company, association, firm, partnership, club, organization, society,
33 joint stock company, or other legal entity.

34 ~~((31))~~ (33) "Pistol" means any firearm with a barrel less than
35 16 inches in length, or is designed to be held and fired by the use
36 of a single hand.

37 ~~((32))~~ (34) "Rifle" means a weapon designed or redesigned, made
38 or remade, and intended to be fired from the shoulder and designed or
39 redesigned, made or remade, and intended to use the energy of the

1 explosive in a fixed metallic cartridge to fire only a single
2 projectile through a rifled bore for each single pull of the trigger.

3 ~~((33))~~ (35) "Sale" and "sell" mean the actual approval of the
4 delivery of a firearm in consideration of payment or promise of
5 payment.

6 ~~((34))~~ (36) "Secure gun storage" means:

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

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

11 ~~((35))~~ (37) "Semiautomatic" means any firearm which utilizes a
12 portion of the energy of a firing cartridge to extract the fired
13 cartridge case and chamber the next round, and which requires a
14 separate pull of the trigger to fire each cartridge.

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

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

23 ~~((36))~~ (39) "Serious offense" means any of the following
24 felonies or a felony attempt to commit any of the following felonies,
25 as now existing or hereafter amended:

26 (a) Any crime of violence;

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

30 (c) Child molestation in the second degree;

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

32 (e) Indecent liberties;

33 (f) Leading organized crime;

34 (g) Promoting prostitution in the first degree;

35 (h) Rape in the third degree;

36 (i) Drive-by shooting;

37 (j) Sexual exploitation;

38 (k) Vehicular assault, when caused by the operation or driving of
39 a vehicle by a person while under the influence of intoxicating

1 liquor or any drug or by the operation or driving of a vehicle in a
2 reckless manner;

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

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

9 (n) Any other felony with a deadly weapon verdict under RCW
10 9.94A.825;

11 (o) Any felony offense in effect at any time prior to June 6,
12 1996, that is comparable to a serious offense, or any federal or out-
13 of-state conviction for an offense that under the laws of this state
14 would be a felony classified as a serious offense; or

15 (p) Any felony conviction under RCW 9.41.115.

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

20 (~~(38)~~) (41) "Short-barreled shotgun" means a shotgun having one
21 or more barrels less than 18 inches in length and any weapon made
22 from a shotgun by any means of modification if such modified weapon
23 has an overall length of less than 26 inches.

24 (~~(39)~~) (42) "Shotgun" means a weapon with one or more barrels,
25 designed or redesigned, made or remade, and intended to be fired from
26 the shoulder and designed or redesigned, made or remade, and intended
27 to use the energy of the explosive in a fixed shotgun shell to fire
28 through a smooth bore either a number of ball shot or a single
29 projectile for each single pull of the trigger.

30 (~~(40)~~) (43) "Transfer" means the intended delivery of a firearm
31 to another person without consideration of payment or promise of
32 payment including, but not limited to, gifts and loans. "Transfer"
33 does not include the delivery of a firearm owned or leased by an
34 entity licensed or qualified to do business in the state of
35 Washington to, or return of such a firearm by, any of that entity's
36 employees or agents, defined to include volunteers participating in
37 an honor guard, for lawful purposes in the ordinary course of
38 business.

39 (~~(41)~~) (44) "Undetectable firearm" means any firearm that is
40 not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-

1 through metal detectors or magnetometers commonly used at airports or
2 any firearm where the barrel, the slide or cylinder, or the frame or
3 receiver of the firearm would not generate an image that accurately
4 depicts the shape of the part when examined by the types of X-ray
5 machines commonly used at airports.

6 ~~((42))~~ (45) (a) "Unfinished frame or receiver" means a frame or
7 receiver that is partially complete, disassembled, or inoperable,
8 that: (i) Has reached a stage in manufacture where it may readily be
9 completed, assembled, converted, or restored to a functional state;
10 or (ii) is marketed or sold to the public to become or be used as the
11 frame or receiver of a functional firearm once finished or completed,
12 including without limitation products marketed or sold to the public
13 as an 80 percent frame or receiver or unfinished frame or receiver.

14 (b) For purposes of this subsection:

15 (i) "Readily" means a process that is fairly or reasonably
16 efficient, quick, and easy, but not necessarily the most efficient,
17 speedy, or easy process. Factors relevant in making this
18 determination, with no single one controlling, include the following:
19 (A) Time, i.e., how long it takes to finish the process; (B) ease,
20 i.e., how difficult it is to do so; (C) expertise, i.e., what
21 knowledge and skills are required; (D) equipment, i.e., what tools
22 are required; (E) availability, i.e., whether additional parts are
23 required, and how easily they can be obtained; (F) expense, i.e., how
24 much it costs; (G) scope, i.e., the extent to which the subject of
25 the process must be changed to finish it; and (H) feasibility, i.e.,
26 whether the process would damage or destroy the subject of the
27 process, or cause it to malfunction.

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

32 ~~((43))~~ (46) "Unlicensed person" means any person who is not a
33 licensed dealer under this chapter.

34 ~~((44))~~ (47) "Untraceable firearm" means any firearm
35 manufactured after July 1, 2019, that is not an antique firearm and
36 that cannot be traced by law enforcement by means of a serial number
37 affixed to the firearm by a federal firearms manufacturer, federal
38 firearms importer, or federal firearms dealer in compliance with all
39 federal laws and regulations.

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

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

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

8 (a) The manufacture, importation, distribution, offer for sale,
9 or sale of an assault weapon by a licensed firearms manufacturer for
10 the purposes of sale to any branch of the armed forces of the United
11 States or the state of Washington, or to any law enforcement agency
12 for use by that agency or its employees for law enforcement purposes,
13 or to a person who does not reside in this state;

14 (b) The importation, distribution, offer for sale, or sale of an
15 assault weapon by a dealer that is properly licensed under federal
16 and state law for the purpose of sale to any branch of the armed
17 forces of the United States or the state of Washington, or to a law
18 enforcement agency in this state for use by that agency or its
19 employees for law enforcement purposes;

20 (c) The distribution, offer for sale, or sale of an assault
21 weapon to or by a dealer that is properly licensed under federal and
22 state law where the dealer acquires the assault weapon from an
23 individual legally authorized to possess or transfer the assault
24 weapon for the purpose of selling or transferring the assault weapon
25 to a person who does not reside in this state. The purpose of this
26 section is to allow individuals who no longer wish to own an assault
27 weapon to sell their assault weapon and is not intended to allow
28 Washington dealers to purchase assault weapons wholesale for the
29 purpose of selling a stock or inventory of assault weapons online or
30 in person to nonresidents;

31 (d) The out-of-state sale or transfer of the existing stock of
32 assault weapons owned by a licensed dealer that was acquired prior to
33 January 1, 2023, for the limited period of 90 days after the
34 effective date of this section;

35 (e) The receipt of an assault weapon by a person who, on or after
36 the effective date of this section, acquires possession of the
37 assault weapon by operation of law upon the death of the former owner
38 who was in legal possession of the assault weapon, provided the
39 person in possession of the assault weapon can establish such
40 provenance. Receipt under this subsection (2)(e) is not

1 "distribution" under this chapter. A person who legally receives an
2 assault weapon under this subsection (2)(e) may not sell or transfer
3 the assault weapon to any other person in this state other than to a
4 licensed dealer, to a federally licensed gunsmith for the purpose of
5 service or repair, or to a law enforcement agency for the purpose of
6 permanently relinquishing the assault weapon; or

7 (f) Any person on active military duty receiving orders to move
8 to Washington state, or military retirees moving to Washington state.

9 (3) For the purposes of this section, "law enforcement agency"
10 means any (a) general authority Washington law enforcement agency as
11 defined in RCW 10.93.020; (b) limited authority Washington law
12 enforcement agency as defined in RCW 10.93.020; or (c) equivalent
13 federal, state, or local law enforcement agency in the United States.

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

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

18 (1) The legislature finds that manufacturing, importing,
19 distributing, selling, or offering for sale any assault weapon in
20 violation of section 3 of this act are matters vitally affecting the
21 public interest for the purpose of applying the consumer protection
22 act, chapter 19.86 RCW; are not reasonable in relation to the
23 development and preservation of business; and constitutes an unfair
24 or deceptive act in trade or commerce and an unfair method of
25 competition for the purpose of applying the consumer protection act,
26 chapter 19.86 RCW.

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

31 (3) Any person or entity that receives a civil investigative
32 demand issued pursuant to RCW 19.86.110 and that has an objection to
33 answering in whole or in part may avail themselves of the procedural
34 protections afforded in RCW 19.86.110(8). Further, the attorney
35 general shall not share with a law enforcement agency conducting a
36 criminal investigation any materials or information obtained via a
37 response to a civil investigative demand issued pursuant to RCW
38 19.86.110 unless such information or materials are required to be
39 disclosed pursuant to issuance of a search warrant.

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

5 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of
7 the state government and its existing public institutions, and takes
8 effect immediately."

SHB 1240 - S COMM AMD
By Committee on Law & Justice

ADOPTED 04/08/2023

9 On page 1, line 7 of the title, after "inheritors;" strike the
10 remainder of the title and insert "reenacting and amending RCW
11 9.41.010; adding new sections to chapter 9.41 RCW; creating a new
12 section; prescribing penalties; and declaring an emergency."

EFFECT: Modifies the definition of "import" to exclude situations
where an individual possesses an assault weapon when departing and
returning to Washington state with the same assault weapon.

--- END ---