



Washington Firearms Laws Summary 2022

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2 DEFINITION OF A FIREARM (RCW 9.41.010)

A firearm is defined as a weapon or device of which a projectile or projectiles may be fired by an explosive such as gunpowder. The definition of firearm does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. The term "gun" has the same meaning as firearm.

Firearms are generally grouped into two main categories: pistols, or handguns, and long guns. Washington law defines pistols as any firearm with a barrel less than sixteen inches in length or designed to be held and fired by the use of a single hand.

The term "long gun" is not used in the code but includes the defined terms of rifle and shotgun.

- Rifle: a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger.
- Shotgun: a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or single projectile for each single pull of the trigger.
- Semiautomatic Assault Rifle (SAR): any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge. The definition specifically excludes antique firearms, firearms that have been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

An antique firearm is defined as a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

An untraceable firearm means a frame or receiver that is partially complete, disassembled, or inoperable, that has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state, or is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

2.1 UNLAWFUL FIREARMS OR FIREARM ACCESSORIES (RCW 9.41.190-.230)

Certain Firearms or firearm accessories are specifically prohibited under the code. Prohibited firearms or firearm accessories include following:

- Machine gun: any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.
- Short-barreled rifle: a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.
- Short-barreled shotgun: a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.
- Bump-fire stock: a butt designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

It is illegal to possess or manufacture any of the above prohibited firearms or firearm accessories. Any prohibited firearm or firearm accessory may be seized by law enforcement if discovered. Possession or manufacture of an unlawful firearm or firearm accessory is a class C felony. The use of an unlawful firearm or firearm accessory in the commission of a felony is punishable as a class A felony.

2.2 UNTRACEABLE FIREARMS, FRAMES, AND RECEIVERS

It is unlawful to manufacture, cause to be manufactured, assemble, or cause to be assembled, an untraceable firearm with the intent to sell the untraceable firearm. An untraceable firearm is any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federally licensed manufacturer or importer. The manufacture on an untraceable firearm is a class C felony.

It is also unlawful to manufacture, cause to be manufactured, assemble, or cause to be assembled, an untraceable firearm irrespective of the individual's intent to sell the firearm. A first violation is punishable as a civil infraction and carries with it a monetary penalty of \$500. A second violation is punishable as misdemeanor. A third or subsequent violation is punishable as a gross misdemeanor. While each and every firearm constitutes a separate violation, if an individual violates the law by manufacturing, causing to be manufactured, assembling, causing to be assembled, possessing,

transporting, receiving, selling, offering to sell, transferring, or purchasing three or more untraceable firearms at a time, the individual is guilty of a gross misdemeanor.

After March, 10, 2023, no individual may knowingly or recklessly possess, transport, or receive an unfinished frame or receiver of a firearm unless that individual is a part of a law enforcement agency, a federal firearms manufacturer, or federal firearms dealer, or the unfinished frame or receiver has been imprinted with a serial number issued by a federal firearms importer, federal firearms manufacturer, or federal firearms dealer.

Likewise, it is unlawful for an individual to sell, offer to sell, transfer, or purchase an unfinished frame or receiver unless that individual is a part of a law enforcement agency, a federal firearms manufacturer, or federal firearms dealer, or the unfinished frame or receiver has been imprinted with a serial number issued by a federal firearms importer, federal firearms manufacturer, or federal firearms dealer.

A first violation related to an unfinished frame or receiver is punishable as a civil infraction and carries with it a monetary penalty of \$500. A second violation is punishable as misdemeanor. A third or subsequent violation is punishable as a gross misdemeanor. While each and every firearm constitutes a separate violation, if an individual violates the law by manufacturing, causing to be manufactured, assembling, causing to be assembled, possessing, transporting, receiving, selling, offering to sell, transferring, or purchasing three or more untraceable firearms at a time, the individual is guilty of a gross misdemeanor.

2.3 LARGE CAPACITY MAGAZINES

A large capacity magazine is defined as an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession, or under the control, of the same person. This does not include:

- An ammunition feeding device that has permanently altered so that it cannot accommodate more than 10 rounds of ammunition;
- A 22-caliber tube ammunition feeding device; or
- A tubular magazine that is contained in a lever-action firearm.

Beginning July 1, 2022 it is unlawful for any individual in Washington to manufacture, import, distribute, sell, or offer for sale any large capacity magazine with the following exceptions:

- The manufacture, importation, distribution, offer for sale, or sale of a large capacity magazine by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;
- The importation, distribution, offer for sale, or sale of a large capacity magazine by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes; and

- The distribution, offer for sale, or sale of a large capacity magazine to or by a dealer that is properly licensed under federal and state law where the dealer acquires the large capacity magazine from a person legally authorized to possess or transfer the large capacity magazine for the purpose of selling or transferring the large capacity magazine to a person who does not reside in his state.

An individual who violates this prohibition is guilty of a gross misdemeanor. Distributing, selling, offering for sale, or facilitating the sale, distribution, or transfer of a large capacity magazine is also considered an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the Consumer Protection Act.

3 ELIGIBILITY TO POSSESS FIREARMS (RCW 9.41.040)

The right to bear arms is an individual right under the United States Constitution and the Constitution of Washington. The right is not, however, without restrictions. The following individuals are prohibited from possessing firearms:

- Any person convicted or found not guilty by reason of insanity of any felony;
- Any person convicted or found not guilty by reason of insanity of any of the following crimes committed by one household or family member against another as those terms are defined by the statutes in effect at the time of the commission of the crime:
 - Assault in the 4th degree;
 - Coercion;
 - Stalking;
 - Reckless endangerment;
 - Criminal trespass in the 1st degree; or
 - Violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence;
- Any person convicted or found not guilty by reason of insanity of harassment when committed by one household or family member against another;
- Any person subject to a restraining order or no contact order that explicitly prohibits the use of physical force against a protected person or the protected person's child;
- Any person who has been involuntarily committed for mental health treatment unless the person's right to possess a firearm has been restored;
- Any person under eighteen years of age (but see, *Possession of Firearms by Minors*); or
- Any person who has been released from custody on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

3.1 PURCHASE AND POSSESSION OF FIREARMS BY MINORS AND INDIVIDUALS AGED EIGHTEEN TO TWENTY-ONE

While it is generally unlawful for minors to possess firearms, a person under the age of 18 may possess a firearm if the individual is:

- In attendance at a hunter's safety course or a firearms safety course;
- Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;
- Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as part of the performance;
- Hunting or trapping under a valid license;

- In an area where the discharge of a firearm is permitted, the individual is not trespassing, and the individual either:
 - Is at least fourteen years of age, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; or
 - Is under the supervision of a parent, guardian, or other adult approved for the purpose by the parent or guardian;
- Traveling with any unloaded firearm in the individual's possession to or from any activity described above;
- On real property under the control of his or her parent, other relative, or legal guardian and who has the permission of the parent or legal guardian to possess the firearm;
- At his or her residence and who, with the permission of his or her parent or legal guardian, possess a firearm for the purpose of exercising the right to self-defense as described in RCW 9A.16.020(3); or
- Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty.

Generally, it is unlawful for an individual under 21 years of age to purchase a pistol or SAR. With some exceptions, an individual at least 18 years of age, but less than 21 years of age, may possess a pistol or SAR only:

- In the individual's place of abode;
- At the individual's fixed place of business; or
- On real property under his or her control.

Individuals between the ages of 18 and 21 may also possess an SAR for the specific purpose of moving to a new abode, traveling between the person's place of abode and real property under his or her control or selling or transferring the firearm in accordance with the requirements of this chapter provided that the SAR is unloaded and either in secure gun storage or secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm.

The circumstances in which an individual under the age of 21 may purchase a firearm are more limited. Under federal law, an individual must be 21 years of age to purchase a pistol and at least 18 years of age to purchase a long gun. After the passage of I-1639, state law now specifies that an individual under 21 years of age may not purchase a pistol or SAR and no person may sell or transfer an SAR to a person under 21 years of age.

"Transfer" means the intended delivery of a firearm to another person without the payment of money or other consideration and includes the transfer of a firearm by gifting or loaning. Washington law includes specific exemptions for when a firearm may be transferred without the requisite background check as established in RCW 9.41.113.

"Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of the that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

Given the language of RCW 9.41.240 prohibiting transfer of an SAR to an individual under the age of 21, it is unclear whether the exceptions of RCW 9.41.113 would apply.

3.2 EXEMPTIONS FOR MILITARY SERVICE MEMBERS

In several circumstances, Washington law exempts members of the Armed Forces of the United States, National Guard, or organized reserves from state firearm regulations. The following restrictions do not apply when the member is acting with the scope of his or her official duties:

- Restricting an individual under the age of 18 from possessing a firearm (RCW 9.41.042);
- Restrictions against carrying a firearm (RCW 9.41.060);
- Restrictions and background check requirements for the sale or transfer of firearms (RCW 9.41.113); or
- Prohibition from possessing a firearm on restricted premises (RCW 9.41.300).

3.3 POSSESSION BY OFFENDERS (RCW 9.41.045)

As a sentence condition, offenders under the supervision of the Department of Corrections (DOC) may not own, use, or possess firearms or ammunition. In addition to other penalties in law, an offender in possession of a firearm is subject to violation and sanctions through DOC.

3.4 ALIEN FIREARM POSSESSION (RCW 9.41.171)

It is a class C felony for any individual who is not a citizen of the United States to carry or possess a firearm unless the individual is a lawful permanent resident, has obtained a valid alien firearm license, or meets certain limited exceptions.

4 SALES AND TRANSFERS OF FIREARMS

4.1 FIREARM DEALERS (FFLS)

In Washington, only licensed firearm dealers are authorized to engage in retail sales on firearms. In order to obtain a dealer license, the person must first receive a federal firearms license (FFL) and undergo fingerprinting and a background check through local law enforcement. Any employee of the dealer must also undergo fingerprinting and a background check and must be eligible to possess a firearm. (RCW 9.41.110)

Dealers must comply with both state and federal background check requirements before transferring firearms to persons who are not also dealers. Under federal law, a dealer cannot sell a firearm or ammunition to a person whom the dealer knows, or has reasonable cause to know, is federally prohibited from possessing a firearm. The consequence for willful violations of the federal background check requirement is revocation of the FFL, subject to a hearing, and imposition of a civil fine. In addition, a knowing violation of the background check requirements can subject the dealer to criminal prosecution and up to 10 years imprisonment.

Under state law, it is a class C felony for a person to transfer a firearm to another person whom the transferor has reasonable cause to believe is ineligible to possess a firearm. (RCW 9.41.080). Initiative 594, passed by Washington voters in 2014, subjects most private transfers between individuals to a background check conducted through a licensed dealer. A first-time, knowing, violation of this requirement is a gross misdemeanor punishable by up to one year in jail and up to a \$5,000 fine. (RCW 9.41.113)

Both federal and Washington law prohibit purchasing through a straw purchaser. A straw purchaser is buying a firearm for someone who is prohibited by law from possessing one or buying a firearm for someone who does not want his or her name associated with the transaction. Such transfers are punishable under federal law by a \$25,000 fine and two years in federal prison.

4.2 SALES AND TRANSFERS OF FIREARMS WHEN NEITHER PARTY IS AN FFL

When neither party to a prospective firearms transfer is a licensed dealer, the parties to the transaction must complete the sale or transfer through a licensed dealer. The seller or transferor must deliver the firearm to a licensed dealer who will then process the transaction as if the dealer was selling or transferring the firearm from its own inventory or stock, including compliance with all the requirements of state and federal law for processing the sale or transfer of a firearm. However, the unlicensed seller or transferor may remove the firearm from the premises of the licensed dealer while the required background check is being completed. If the seller or transferor removes the firearm from the dealer's place of business, that individual must return the firearm to the licensed dealer to complete the transaction. (RCW 9.41.113).

These requirements do not apply in the following circumstances:

- A transfer between immediate family members;
- The sale or transfer of an antique firearm;
- A temporary transfer of possession of a firearm necessary to prevent imminent death or great bodily harm to the individual to whom the firearm is transferred;
 - The temporary transfer must last only so long as immediately necessary to prevent such harm and the transferee must not be prohibited from possessing firearms under state and federal law;
- A temporary transfer of possession of a firearm if:
 - The transfer is intended to prevent self-harm, the transfer lasts only so long as reasonably necessary to prevent the harm, and the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;
- Any law enforcement or corrections agency, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or national guard, or federal official acting within the course and scope of his or her employment;
- A federally licensed gunsmith who receives a firearm solely for the purpose of service or repair, or the return of the firearm to its owner;
- The temporary transfer of a firearm where the transferee is not prohibited from possessing firearms under state or federal law:
 - Between spouses or domestic partners;
 - If the transfer occurs, and the firearm is kept at all times, at an established shooting range;
 - If the transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in a practice or performance by an organized group that uses firearms as part of the performance;
 - To a person under 18 years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms;
 - Under circumstance in which the transferee and the firearm remain in the presence of the transferor; or
 - While hunting if the hunting is legal in all places where the transferee possesses the firearm and the transferee has completed all training and holds all licenses or permits required for such hunting;
- An individual who acquires a firearm, other than a pistol, by operation of law upon the death of the former owner or acquires a pistol in the same manner within the preceding 60 days. At the end of the 60-day period, the individual must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession in compliance with all state and federal law; or
- A sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic.

4.3 FIREARM BACKGROUND CHECK SYSTEM

The firearm background check system consists of two parts. The National Instant Criminal Background Check System (NICS) maintained by the FBI and a state background check, which consists of the local law enforcement conducting an individualized check of the databases of the Washington State Patrol, DSHS, and local mental health agencies. Many of these disqualifying state records are electronically submitted to NICS and will ultimately show up in a NICS check. A NICS check usually returns an immediate response. A state background check can take up to 10 days and longer in some circumstances.

In accessing NICS, the state must designate what entity or entities will act as its point of contact. Washington has chosen to be a partial point of contact state. Firearm dealers are authorized to access NICS directly in obtaining background check information for long gun purchases other than SARS. Local law enforcement (260 sheriffs and police departments) is authorized to access NICS for pistol and SAR purchases.

For pistol or SAR sales or transfers, a purchaser must complete a purchase application with the dealer. The dealer then forwards the application not one of Washington's 260 local sheriffs or police departments to conduct the NICS check and a state background check.

In 2020, Washington passed Engrossed Substitute House Bill 2467 which, in part, created a centralized point-of-contact firearms background check program within the Washington State Patrol (WSP). With this change, all background checks for firearm transfers within the state must be processed by the WSP. With a legislative directive for WSP to develop a plan for implementing this new program, WSP believes the program will be fully operational by 2024, with a gradual transition to begin in September of 2023.

4.4 TIME AND WAITING PERIODS

Washington has not historically had a waiting or cooling-off period before a firearm can be delivered to the purchaser. Currently, with the exception of SARs, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

- The results of all required background checks are known, and the purchaser or transferee is not prohibited from owning a firearm under federal or state law and does not have a voluntary waiver of firearm rights currently in effect; or
- 10 business days have elapsed from the date the licensed dealer requested the background check.

For the sale or transfer of a pistol, if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the time period is increased from 10 business days to 60.

Likewise, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until 10 business days have elapsed from the date of the purchase application, or, in the case of a transfer, 10 business days have elapsed from the date a background check is initiated.

4.5 FIREARM SAFETY TRAINING PROGRAM

In order to purchase an SAR, the purchaser must provide proof to the dealer that he or she has completed a recognized firearm safety training program within the last five years. At a minimum, the training program must include instruction on:

- Basic firearm safety rules;
- Firearms and children, including secure gun storage and talking to children about gun safety;
- Firearms and suicide prevention;
- Secure gun storage;
- Safe handling of firearms; and
- State and federal firearms laws, including prohibited firearms transfers.

The training must be sponsored by a federal, state, county, or municipal law enforcement agency, college or university, firearms training school with certified instructors, or other nationally recognized organization that typically offers firearms training. The proof of training must be in the form of a certification that states under penalty of perjury that the training meets the minimum requirements.

Other than the above criteria, no form of certificate is specified and there is no state oversight that approves training providers.

4.6 OUT-OF-STATE PURCHASING (RCW 9.41.122)

Residents of Washington may purchase rifles and shotguns in a state other than Washington. Such purchases must comply with federal law, and the purchaser must be eligible to purchase or possess such weapons in Washington and the state in which the purchase took place.

For an out-of-state purchase of a firearm where any part of the transaction takes place in Washington, including internet sales, residents are subject to procedures and background checks required by Washington law. Procedurally, this requires purchase of the firearm from a federally licensed dealer and shipment to a licensed Washington dealer who will conduct the necessary background checks before transfer of ownership to the purchaser.

Residents of a state other than Washington may purchase rifles and shotguns in Washington, with the exception of those firearms defined as SARs, but such purchasers must comply with federal law, be eligible to purchase or possess such weapons in Washington and the State in which the individual resides and comply with the procedures and background checks required under Washington law.

4.7 THE DEPARTMENT OF LICENSING'S ROLE IN WASHINGTON FIREARMS SYSTEM (RCW 9.41.129)

While the Department of Licensing (DOL) has no regulatory role in Washington's firearms system, it does have a limited, record keeping role in firearms data collection and maintenance. DOL maintains copies of four types of records: (1) applications for concealed pistol licenses, (2) applications for alien firearms licenses, (3) applications to purchase a pistol or SAR, and (4) records of transfers when a pistol or SAR is transferred through a licensed firearms dealer.

DOL does not determine whether to issue or revoke a concealed pistol license or alien firearms license. Nor does DOL have authority to determine whether the sale or transfer of a pistol or SAR should proceed.

DOL, at least once every 12 months, must obtain a list of federally licensed dealers operating in Washington from the United State Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and must verify that all dealers on the list are licensed and registered as required by Washington law.

Likewise, DOL, at least once every 12 months, must obtain from the Department of Revenue a list of dealers registered with the Department of Revenue and a list of dealers whose names and addresses were forwarded to the Department of Revenue by DOL who failed to register with the Department of Revenue as required by Washington law.

Finally, at least once every 12 months, DOL must notify ATF of all federally licensed dealers with business premises in Washington who have not complied with the licensing or registration requirements. However, DOL must not specify whether a particular dealer has failed to comply with licensing requirements or has failed to comply with registration requirements.

4.8 MENTAL HEALTH RECORDS

When an individual becomes ineligible to possess a firearm because the person has been committed for mental health treatment or criminal charges against the individual are dismissed due to the individual's incompetency to stand trial along with a finding that the individual has a history of one or more violent acts, the court must notify NICS and DOL within three business days after the order for commitment is signed or the charges are dismissed. (RCW 9.41.047)

Orders for involuntary commitment are also sent to DOL for matching with its concealed pistol license records. If DOL finds a match, notice to revoke that person's license is sent to the license-issuing authority which must immediately revoke the license. Once DOL checks its database for the presence of a concealed pistol license, the mental health record from the court is destroyed.

5 RESTORATION OF RIGHTS

An individual prohibited from possessing a firearm by reason of having been involuntarily committed for mental health treatment or having a charge dismissed based on incompetency to stand trial may, upon discharge, petition the court to have his or her right to possess a firearm reinstated. In order to have the right to possess a firearm restored, the petitioner must prove by a preponderance of the evidence that:

- The person is no longer required to participate in court-ordered treatment;
- The person has successfully managed the conditions related to the commitment or incompetency;
- The petitioner no longer presents a substantial danger to themselves or the public; and
- The symptoms related to the commitment or incompetency are not reasonably likely to reoccur.

Once an individual's right to possess a firearm has been restored, the person may request return of any firearms surrendered to law enforcement. Prior to returning a surrendered firearm, the law enforcement agency must confirm the person remains eligible under the law to possess a firearm. If a family or household member has requested to be notified of the return of any firearms to the person, law enforcement must provide notice to the family member and hold the firearm for 72 hours before releasing it to the owner.

An individual convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm may petition the court for restoration of his or her firearm rights if:

- The individual was not convicted of a sex offense or Class A felony;
- The individual has not been charged with a new crime for the last consecutive five years if the underlying conviction was a class B or C felony, or three years if the underlying conviction was a nonfelony; and
- The underlying offense does not specifically prohibit firearm possession. (RCW 9.41.040)

Federal law also prohibits firearm possession for a person convicted of a domestic violence crime. There is currently no firearms restoration procedure under federal law. The federal definition of domestic violence differs slightly from the Washington definition, but for many domestic violence crimes, a person will not be able to restore his or her firearm rights.

6 FIREARMS AND DOMESTIC VIOLENCE

The Washington legislature has taken several steps to prohibit domestic violence perpetrators from possessing firearms, including prohibiting firearm possession for persons convicted of domestic violence related offenses and for persons subject to domestic violence related protection orders. The law also provides the ability for an individual or law enforcement to obtain an extreme risk protection order specifically ordering an individual to surrender his or her firearms when there are domestic violence concerns.

6.1 DOMESTIC VIOLENCE CONVICTIONS

As referenced in Section 2, an individual may not own or possess a firearm if the person has been convicted or found not guilty by reason of insanity of any one of the following misdemeanor crimes committed by one family or household member against another as those terms are defined by the statutes in effect at the time of the commission of the crime:

- Assault in the fourth degree;
- Coercion;
- Stalking;
- Reckless endangerment;
- Criminal trespass in the first degree;
- Harassment; or
- Violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence.

6.2 PROTECTION ORDERS

In 2022, the legislature passed HB 1901 which in part, prohibits an individual who has previously been convicted or found not guilty by reason of insanity of a violation of the provisions of any protection order restraining the individual or excluding the individual from a residence, when committed by one family or household member against another or by one intimate partner against another committed on or after July 1, 2022, from possessing a firearm.

The protection order must contain either (a) a finding that the person represents a credible threat to the protected person or child, or (b) an explicit prohibition on the use, attempted use, or threatened use of physical force against the protected person or child. Prior to 2022, the law required both a finding that the individual presents a credible threat and explicitly prohibits the use or threatened use of physical force. (RCW 9.41.800)

The order must be served on a restrained individual by local law enforcement, at which time the restrained individual must immediately surrender all firearms, dangerous weapons, and the individual's CPL, if applicable.

If the order is entered in open court, and the respondent appears in person, the respondent must be provided a copy, and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order.

If the respondent appears remotely for the hearing or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary.

The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely.

If personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent must surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

If probable cause exists to believe the restrained party has failed to surrender all firearms and weapons in their possession, the court may issue a warrant authorizing the search of any location firearms are reasonably believed to be and seizure of any discovered firearms. (RCW 9.41.801).

6.3 EXTREME RISK PROTECTION ORDER (CHAPTER 7.94 RCW EFFECTIVE UNTIL JULY 1, 2022) (CHAPTER 7.105 RCW EFFECTIVE JULY 1, 2022)

An extreme risk protection order (ERPO) is a civil order that allows a court to prohibit a person from possessing, purchasing, or receiving a firearm if the court finds that the person poses a significant danger of causing personal injury to themselves or others by purchasing, possessing, or receiving a firearm.

A petition for an ERPO may be brought by a family member or law enforcement. If the court finds by a preponderance of the evidence the respondent poses a significant danger of causing personal injury to themselves or others due to the individual's access to firearms, the court will issue an ERPO for a period of one year.

The individual is required to surrender any firearms in the individual's possession as well as any CPL the person may hold. If the person does not do so, the court may issue a warrant authorizing the search of any location firearms are reasonably believed to be and seizure of any discovered firearms.

ERPO's may be sought and issued against juveniles as well as adults. An ERPO issued against a juvenile prohibits the juvenile from accessing or possessing a firearm and must also be served on the parents or guardians of the juvenile.

7 CARRYING AND CONCEALED PISTOL LICENSES

Washington is an "open carry" state, meaning it is legal in Washington to carry any firearm that is not concealed unless the circumstances either manifest an intent to intimidate another or warrant alarm for the safety of other individuals. Except in the individual's place of abode or fixed place of business, a person must not carry a pistol concealed on his or her person without a license to carry a concealed pistol (CPL). (RCW 9.41.050-060.)

States that issue CPLs are generally categorized as either "shall issue" or "may issue" states. In a "shall issue" state, such as Washington, law enforcement officials are required to issue a permit to anyone who meets certain minimal statutory requirements (e.g., that the person is not a convicted felon or mentally incompetent). "May issue" states give discretion to the issuing official to grant or deny the permit, based on various statutory factors.

In Washington, to obtain a CPL, a person must submit a license application to the local law enforcement agency and undergo a fingerprint-based background check to determine eligibility. The applicant's CPL application cannot be denied, unless:

- He or she is ineligible to possess or is prohibited from possessing a firearm under state or federal law;
- The applicant's concealed pistol license is in a revoked status;
- He or she is under 21 years of age;
- He or she is subject to a court order or injunction regarding firearms;
- He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;
- Her or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- He or she has been ordered to forfeit a firearm within one year before filing an application to carry a pistol concealed on his or her person. RCW 9.41.070.)

A CPL is valid for five years and may be renewed for successive five-year periods.

7.1 RENEWALS FOR MILITARY SERVICE MEMBERS

Any member of the armed force of the United States, National Guard, or organized reserves who is unable to renew a CPL because of the individual's assignment or deployment out of state may renew his or her license within ninety days after the individual returns to the state. Law enforcement agencies must have a mail or online application process for out of state military personnel to renew a concealed pistol license. (RCW 9.41.070)

7.2 RECIPROCITY

Washington will recognize a license to concealed carry issued by another state if the other state's laws are substantially similar to Washington's concealed carry laws. Specifically, Washington will grant reciprocity if:

- The licensing state does not issue concealed pistol licenses to persons under 21 years of age; and
- The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license.

The license holder must comply with Washington's concealed carry laws while in this state. The attorney general periodically publishes a list of states that Washington recognizes under this section. (RCW 9.41.073) As of June 2021, the attorney general's office recognizes CPL reciprocity with the following states:

- Idaho - Enhanced Permits only;
- Kansas;
- Louisiana;
- Michigan - Michigan does not recognize non-resident concealed pistol licenses issued by Washington;
- North Carolina;
- North Dakota - Class 1 North Dakota permits only;
- Ohio;
- South Dakota - South Dakota Enhanced Permit only. Restricted 18-21 year old Enhanced Permit is not recognized by Washington; and
- Utah - Utah provisional Concealed Permit not recognized.

8 SECURE GUN STORAGE

In 2018 Washington state voters passed I-1639 which, in part, created a new crime for the failure to safely store a firearm under certain circumstances and obligates dealers to provide information on safe storage to purchasers.

8.1 COMMUNITY ENDANGERMENT DUE TO UNSAFE STORAGE

A person who stores a firearm in a location where the person reasonably should know that a prohibited person, such as a minor or convicted felon, may gain access to the firearm is guilty of:

- Community endangerment due to unsafe storage of a firearm in the first degree, a class C felony, if a prohibited person causes personal injury or death with the firearm; or
- Community endangerment due to unsafe storage of a firearm in the second degree, a gross misdemeanor, if a prohibited person:
 - Causes the firearm to discharge;
 - Carries, exhibits, or displays the firearm in a public place with the intent to intimidate or warrants alarm for the safety of others; or
 - Uses the firearm in the commission of a crime.

A person will not be guilty of community endangerment due to unsafe storage of a firearm if:

- The firearm was in secure gun storage or secured with a trigger lock or similar device;
- The prohibited person is underage and access to the firearm is with the lawful permission of the person's parent or guardian and supervised by an adult as allowed by law;
- The prohibited person obtains and discharges the firearm in a lawful act of self-defense; or
- The prohibited person's access was obtained as a result of theft and the theft was timely reported to law enforcement. (RCW 9.41.360.)

8.2 DEALER OBLIGATIONS

When selling or transferring a firearm, a dealer must offer to sell the purchaser a secure gun storage device, trigger lock, or similar device. The dealer must further post a warning sign and deliver a written warning to any purchaser with the following language in all capital letters:

WARNING: YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN
UNSECURED FIREARM WHERE A PERSON WHO IS PROHIBITED FROM POSSESSING
FIREARMS CAN AND DOES OBTAIN POSSESSION.

Failure to post or provide the above warning is a civil infraction and will subject the dealer to a fine up to \$250. (RCW 9.41.365.)

9 STATE PREEMPTION

The state of Washington preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms. Cities, towns, and counties may enact only those laws and ordinances relating to firearms that are specifically authorized by state law. (RCW 9.41.290)

Pursuant to RCW 9.41.300, cities, towns, counties, and other municipalities may enact laws and ordinances:

- Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized; and
- Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:
 - Any pistol in the possession of a person with a CPL; or
 - Any showing, demonstration, or lecture involving the exhibition of firearms.

A municipality's authority to restrict individuals possessing a CPL from bringing firearms on government premises has been challenged in court. The court has found that such a restriction is permissible when the municipality is acting in a private capacity, such as when it enters into an agreement allowing private individuals to rent government facilities or premises. *Cherry v. Municipality of Metropolitan Seattle*, 116 Wn.2d 794 (1991); *Pacific Northwest Shooting Park Association v. City of Sequim*, 158 Wn.2d 342 (2006); *Chan v. City of Seattle*, 164 Wn. App. 549 (2011).

In 2015 the City of Seattle imposed a "firearm and Ammunition Tax" of \$25.00 on each firearm and \$0.02 to \$0.05 per round of ammunition sold within the city limits. Opponents challenged the tax as a violation of RCW 9.41.290. The court found the tax was not a regulation preempted by state law because its primary purpose was to raise revenue for public service and did not have a regulatory purpose or intent. *Watson v. City of Seattle*, 189 Wn.2d 149, 156 (2017).

In 2018 the city of Edmonds enacted an ordinance mandating that gun owners safely store firearms secured by a locking device and prescribing penalties for unauthorized use of firearms. Opponents challenged the ordinance as preempted by state law under RCW 9.41.290. (See, Section 8 above). In April of 2022 the Washington State Supreme Court held that the ordinance was preempted by RCW 9.41.290. The Court found that the city was "acting in its regulatory, not proprietary, role and without ... explicit or necessarily implied authorization," noting "[t]he legislature plainly meant to broadly preempt local lawmaking concerning firearms except where specifically authorized in chapter 9.41 RCW or other statutes." *Bass v. City of Edmonds*, ___ Wn.2d ___ (2022).

10 MISCELLANEOUS FIREARM PROVISIONS

10.1 OBLITERATION OR ALTERATION OF FIREARM IDENTIFICATION (RCW 9.41.140)

It is illegal for any person to obliterate or alter the identification marks placed on any firearm including the make, model, manufacturer's number or other mark of identification. Possession of a firearm with an obliterated or altered identification is *prima facie* evidence that the possessor altered the firearm. (RCW 9.41.140)

10.2 UNAUTHORIZED POSSESSION OF A FIREARM ON SCHOOL GROUNDS (RCW 9.41.280)

It is illegal for any unauthorized person to knowingly possess or bring a firearm on the premises of any public or private elementary or secondary school, school provided transportation, other facilities while being used exclusively by public or private schools, or areas of facilities while being used for official meetings of a school district board of directors. Generally authorized individuals are limited to law enforcement officers or persons directly engaged in school district security activities. Violation is a gross misdemeanor.

The Federal Gun-free School Zone Act also prohibits carrying a firearm within 1,000 feet of elementary or secondary schools. On-duty law enforcement officers are exempted from the Act.

Post-secondary institutions in Washington regulate firearms by rule. All of these institutions assert that they derive the power to regulate the firearms under their general rule-making authority. The rules vary by institution. Those with residential campuses are more likely to allow possession with restrictions on storage and notice to administration requirements. Those without residential facilities are more likely to restrict possession.

10.3 OTHER RESTRICTED POSSESSION LOCATIONS (RCW 9.41.300)

Other restricted firearms possessing locations provided by state law are:

Areas of a jail or law enforcement facility or any place used for the confinement of a person (i) arrested for, charged with, or convicted of any offense, (ii) held for extradition or as a material witness, or (ii) otherwise confined pursuant to an order of a court. Restricted access areas do not include common areas of egress or ingress open to the general public.

Those areas in any building which are used in connection with court proceedings, including courtrooms. Jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not

include common areas of ingress and egress to the building that is used in connection with court proceedings.

Restricted access areas of a public mental health facilities certified by the department of social and health services for inpatient hospital care and state institutions for the care of mentally ill, excluding those facilities used solely for evaluation and treatment. Restricted access areas do not include common areas on egress and ingress open to the general public.

That portion of an establishment classified by the state liquor control board as off-limits to individuals under 21 years of age; or the restricted access areas of commercial service airports designated in the airport security plan approved by the federal transportation security administration.

City, town, or other municipality buildings used in connection with meetings of the governing body of the city, town, or other municipality, or any location of a public meeting or hearing of the governing body during the meeting or hearing.

Areas of facilities while being used for official meetings of school district board of directors with exceptions for members of the military, law enforcement, or school district security activities, and any CPL holder while picking up or dropping off a student.

Certain election offices and facilities including ballot counting centers, voting centers, student engagement hubs, county elections and voter registration offices, and areas of facilities used as a ballot counting center, voting center, student engagement hub, or county elections and voter registration office.

11 ASSAULT WEAPONS

The term assault weapon or assault rifle has been used in various jurisdictions to define certain types of firearms for the purposes of requiring more stringent background checks or banning certain types of firearms altogether. The exact definition varies by jurisdiction, but generally refers to a semiautomatic firearm with the capacity to accept a detachable magazine and having either one or two other distinguishing features such as a:

- Pistol grip;
- Thumbhole stock;
- Second handgrip that can be held by the non-trigger hand;
- Flash suppressor; or
- Grenade launcher.

The definition may also include reference to specific firearms.

11.1 FEDERAL ASSAULT WEAPONS BAN

In 1994, Congress passed the Violent Crime Control and Law Enforcement Act, which included a ban on assault weapons manufactured after the date of the ban's enactment. The Act prohibited the manufacture, transfer, or possession of "semiautomatic assault weapons" as well as the transfer and possession of "large capacity ammunition feeding devices." The law expired on September 13, 2004, due to a sunset provision and has not been renewed.

The Act separately defined assault rifle, assault pistol, and assault shotgun. Generally, the definition required the firearm accept a detachable magazine and have two or more distinguishing features. It also included a ban on 19 specifically named models of firearms as well as copies of those guns. That list included firearms such as the AK-47, AR-15, MAC-10, and the TEC-9.

11.2 OTHER STATES

Seven states and the District of Columbia currently have some form of a ban on assault weapons. Those states include California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York.

Minnesota and Virginia both define assault weapons in some fashion and place additional regulations on the sale and transfer of the weapons. Minnesota prohibits the possession of "semiautomatic military-style assault weapons" by individuals under 18 years of age as well as other prohibited individuals. Purchase of an assault weapon requires a permit to purchase or carry similar to the purchase of a handgun.

Virginia requires proof of age over 18 and proof of citizenship in order to purchase an "assault weapon." Some cities and counties disallow the open carry of any firearm defined as an assault weapon. Plastic firearms and certain specific firearms such as the striker 12 shotgun are also prohibited.

11.3 INITIATIVE 1639

In 2018, I-1639 was adopted by a majority of voters and took effect July 1, 2019. The provisions added a new term to chapter 9.41 RCW and define "semiautomatic assault rifle" as a rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge. This is the common definition of semiautomatic firearm.

Since adopting I-1639, individuals must undergo a background check equivalent to that of purchasing a pistol, a 10-day waiting period, and completion of a recognized firearm safety training program in order to purchase an SAR. It also prohibits the sale or transfer of an SAR to persons under the age of 21.

Opponents of the initiative, the National Rifle Association (NRA) and the Second Amendment Foundation (SAF) filed a lawsuit challenging the provisions relating to (1) the increased age requirement and (2) sales to individuals from out-of-state. The plaintiffs alleged that the measure violates the right to bear arms and wrongly regulates interstate commerce, which is under the jurisdiction of the federal government. Plaintiffs sought to have the above-mentioned provisions ruled unconstitutional and asked the court to block enforcement of the entire measure unless and until those provisions are deemed severable and are blocked.

In 2020 the United States District Court for the Western District of Washington granted the Attorney General's Office's motion for summary judgement meaning that the court, viewing the evidence in the light most favorable to the parties opposing the motion, found no genuine dispute over any material fact and that the Attorney General was entitled to the court granting its motion.

The court found, first, that the increased age requirements in I-1639 are restrictions well-grounded in the history of firearm regulations, noting that, "The age provision does not burden Second Amendment rights." Second, the court found that the nonresidential sales provisions of I-1639 did not wrongly regulate interstate commerce and, thus, passed constitutional muster.

12 SECOND AMENDMENT CHALLENGES

In June of 2022, the United States Supreme Court decided the case of *New York State Rifle & Pistol Assn., Inc. v. Bruen* (*Bruen*). This decision represents the high court's first major Second Amendment decision in nearly a decade.

In *Bruen*, the Court struck down a New York State law which required individuals who wished to carry a firearm outside his or her home to obtain an unrestricted license to "have and carry" a concealed pistol or revolver by showing the individual has "proper cause" to do so. The New York law required applicants for the unrestricted license to "demonstrate a special need for self-protection distinguishable from that of the general community."

The Court's previous rulings in *Heller* and *McDonald* held that the Second and Fourteenth Amendments protect an individual's right to possess a handgun in the home for self-defense, and the *Bruen* court now clarifies that the right of individuals to carry a handgun for self-defense also includes the ability to carry a handgun outside the home.

Furthermore, the *Bruen* decision departed from the two-part analysis developed and utilized by federal courts of appeals since the *Heller* decision. Prior to *Bruen*, Courts of Appeals analyzed Second Amendment cases by first asking if the challenged regulation fell outside the scope of the Second Amendment as it was understood at the relevant historical moment, either at ratification of the Bill of Rights in 1791 or ratification of the Fourteenth Amendment in 1868. If the challenged regulation fell outside the scope of the Second Amendment, the Court's inquiry would cease, and the regulation would stand. If, however, the regulation infringed on the core of the Second Amendment, the Courts would then apply a means-ends scrutiny to determine if the regulation would pass constitutional muster.

If the regulation created a sever burden on the core Second Amendment right to armed self-defense, the courts found that upholding the regulation would require an extremely strong public-interest justification and a close fit between the government's means and its ends. If the regulation touched closer to the margins of Second Amendment rights, laws that merely regulated rather than restricted, the standard was relaxed. To withstand constitutional scrutiny, such marginal laws would need to encompass an important government interest where the means of the regulation are substantially related to that interest.

The Supreme Court in *Bruen* determined that this second step, the means-ends analysis, is not appropriate in the context of Second Amendment challenges. The Court held that in order for a regulation to survive a Second Amendment challenge, "the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, ___ U.S. ___, ___ S. Ct. ___ (2022).

Beyond its effects related to the New York law, the *Bruen* decision likewise calls into question the Courts of Appeals decisions that relied on the now defunct two-step analysis. As of writing this, the Supreme Court has remanded to the relevant Courts of Appeals three such cases: *Assn. of NJ Rifle & Pistol clubs, Inc., ET Al. v. Bruck* (New Jersey ban on large capacity magazines), *Duncan v. Bonta* (California ban on large capacity magazines), and *Bianchi v. Frosh* (Maryland ban on assault weapons).

Finally, the *Bruen* decision raises issues for other states that utilize a "may-issue" regulatory schemes related to issuing concealed carry permits. As stated above, a "may-issue" regulatory scheme provides broad discretionary authority to the permit issuing agency in determining if an individual may receive a concealed carry permit. Currently, the only states, besides New York, with "may-issue" permitting schemes are California, Hawaii, Maryland, Massachusetts, and New Jersey.

13 2022 FEDERAL FIREARMS LAW

In June of 2022, President Joe Biden signed into law the Bipartisan Safer Communities Act. In part, this bill, improves access to health care and mental health services in communities and schools, addresses issues related to sales of firearms, and updates federal law related to domestic violence.

The Act clarifies current law that a person is prohibited from purchasing a firearm if their juvenile record meets the existing criteria for a prohibited firearms purchaser and clarifies that mental health adjudication records for persons under 16 years old do not disqualify them from purchasing a firearm.

For firearms purchasers under the age of 21, the Act maintains current law requiring completion of NICS background investigation within three business days but requires NICS to immediately check with appropriate state records repositories and local law enforcement solely for the purpose of determining whether the individual has a juvenile record that would disqualify them from purchasing firearms. The act also clarifies that an individual who repeatedly buys and sells firearms to predominately earn a profit must register as a Federal Firearms Licensee.

Furthermore, it provides that states may use funding from the Byrne JAG Law Enforcement Formula Grant Program to implement crisis intervention court programs, however, if a state chooses to use this funding to implement an extreme risk protection order program, the state must meet strict due process, evidentiary, and standard-of-proof requirements.

The Act also establishes criminal offenses for straw purchasers of firearms and enhanced penalties when a straw-purchased firearm is used in connection with serious criminal activity such as terrorism and drug trafficking. Likewise, it establishes criminal offenses for smuggling firearms out of the United States.

Finally, the Act updates the federal definition of "misdemeanor crime of domestic violence" to include individuals who have or had a current or recent continuing serious relationship of a romantic or intimate nature with their victim, closing what is known as the "boyfriend loophole."

14 APPENDIX A: SELECT RECENT FIREARMS LEGISLATION

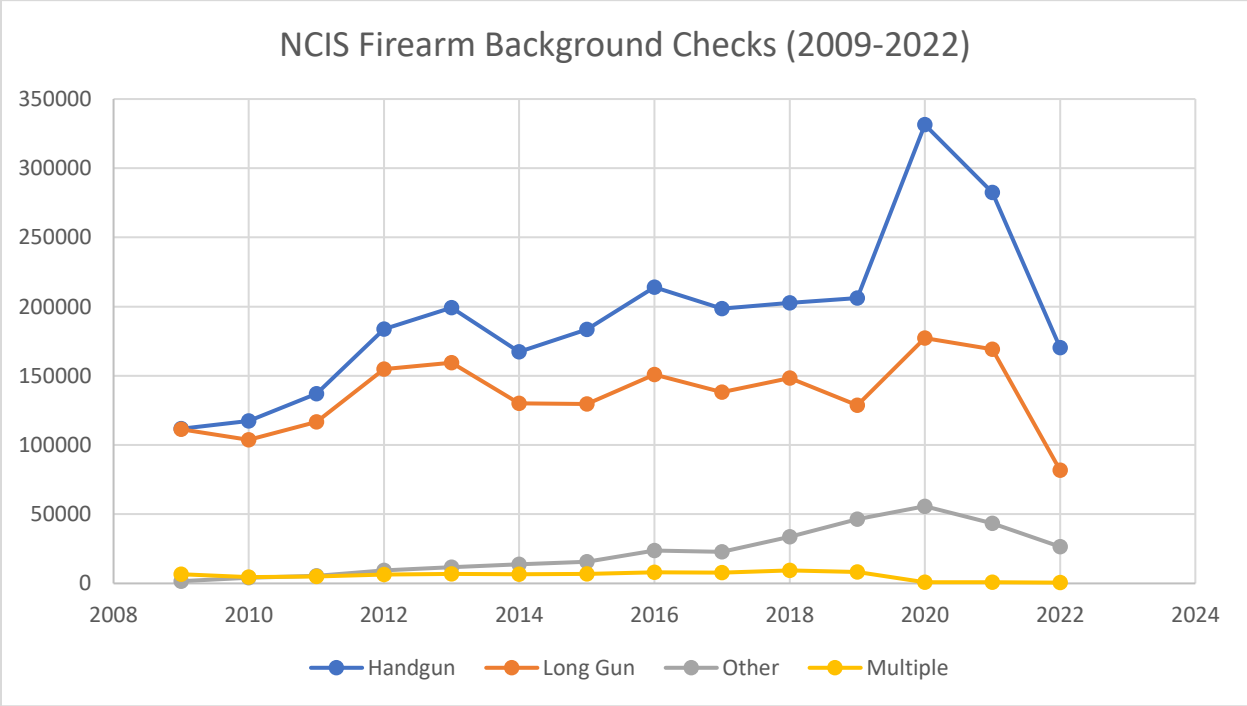
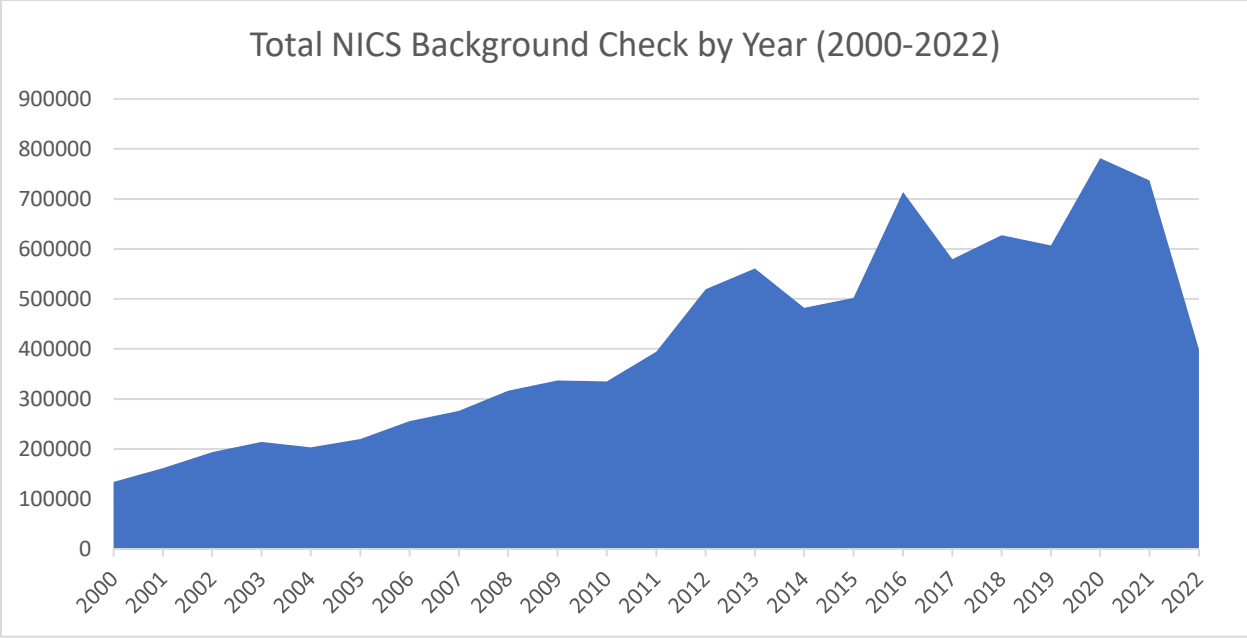
Bill Number	Brief Summary
ESHB 1630 (2021)	Prohibits the open carry of weapons while knowingly being in a local government building used in connection with meetings of the governing body during the meeting.
ESHB 1705 (2021)	Restricts the manufacture, assembly, sale, transfer, purchase, possession, transport, and receipt of untraceable firearms or unfinished frames and receivers. Establishes standards for marking untraceable firearms and unfinished and receivers with serial numbers.
ESSB 5038 (2021)	Prohibits the open carry of a firearm or other weapon at or near public demonstrations, the west capitol grounds, capitol grounds buildings, and other legislative locations.
ESSB 5078 (2021)	Prohibits the manufacture, importation, distribution, sale, and offer for sale of large capacity magazines. Provides that distributing, selling, offering for sale, or facilitating the sale, distribution, or transfer of a large capacity magazine online, is actionable under the Washington Consumer Protection Act.
ESSB 6288 (2020)	Creates the Office of Firearm Safety and Violence Prevention (OFSVP). Creates the Washington Firearm Violence Intervention and Prevention Grant Program. Authorizes the OFSVP to contract for a statewide helpline and referral service for gun violence and their professional services providers and for a best practices guide for therapy to gun violence victims. Adds firearm safety to the duties of the OFSVP.
HB 1589 (2019)	Modifies the requirements for the correctional personnel and community corrections officer exemption from restrictions on carrying concealed pistols and carrying pistols in vehicles.
HB 1934 (2019)	Requires law enforcement to allow a member of the armed forces to renew their concealed pistol license by mail if the person is assigned to out-of-state military service.
E2SHB 2467 (2020)	Establishes a state background check unit managed by the Washington State Patrol (WSP) for the processing of background checks for all firearm transfers and purchases. Establishes a background Check Advisory Board to provide oversight on the establishment and operation of

	<p>the state firearm background check system. Requires dealers to utilize the state background check system for all firearm transfers 30 days after notice from WSP that the system is operational.</p>
SHB 2555 (2020)	<p>Requires a licensed firearm dealer to conduct a background check on applicants for the purchase or transfer of a firearm frame or receiver once a state firearms background check system is established within the WSP. Establishes procedures and recordkeeping requirements for the sale or transfer of a firearm frame or receiver similar to those required for the sale or transfer of a pistol.</p>
SHB 2622 (2020)	<p>Establishes compliance hearing processes and contempt of court procedures for courts that have issued orders to surrender weapons and extreme risk protection orders (ERPO).</p>
ESSB 5434 (2020)	<p>Prohibits possession of firearms on the premises of any licensed childcare center, childcare center provided transportation, or other childcare center facility. Requires a family daycare provider to secure firearms on the premises in a locked gun safe or unloaded in a locked room with a trigger lock or other disabling device.</p>
SB 5508 (2019)	<p>Clarifies the background check for an original concealed pistol license must be conducted through the WSP Criminal Identification Section and must include a fingerprint background check through the Federal Bureau of Investigation.</p>

15 APPENDIX B: WASHINGTON GUN OWNERSHIP

NCIS Firearm Background Checks (2000-2022)

Year	Handgun	Long Gun	Total Background Check
2000	170,403	81,785	134,255
2001	282,581	169,182	161,380
2002	331,470	177,262	193,439
2003	206,107	128,716	213,916
2004	202,826	148,345	203,432
2005	198,632	138,087	219,559
2006	214,106	151,029	255,387
2007	183,549	129,667	276,156
2008	167,432	130,056	316,589
2009	199,142	159,388	336,732
2010	183,670	154,850	335,342
2011	137,157	116,763	394,410
2012	117,336	103,848	519,209
2013	111,756	111,328	561,122
2014	97,464	113,027	482,115
2015	79,340	96,921	502,280
2016	70,278	96,733	713,996
2017	62,214	92,216	579,678
2018	55,820	86,352	627,301
2019	52,210	80,915	607,170
2020	43,256	74,411	781,471
2021	40,469	82,660	736,846
2022	34,495	77,732	399,258



NICS Background Checks by Firearm Type and Transaction Type (2015-2022)

