

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1705

Chapter 105, Laws of 2022

67th Legislature
2022 Regular Session

UNTRACEABLE FIREARMS

EFFECTIVE DATE: July 1, 2022

Passed by the House February 10, 2022
Yeas 57 Nays 39

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2022
Yeas 26 Nays 23

DENNY HECK

President of the Senate

Approved March 23, 2022 10:35 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1705** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 23, 2022

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1705

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Berry, Valdez, Ryu, Fitzgibbon, Berg, Bateman, Duerr, Walen, Callan, Davis, Taylor, Macri, Peterson, Ramel, Ramos, Santos, Senn, Simmons, Slatter, Bergquist, Tharinger, Pollet, Frame, Harris-Talley, Hackney, and Kloba)

READ FIRST TIME 01/24/22.

1 AN ACT Relating to limiting ghost guns, including untraceable
2 firearms and untraceable unfinished frames and receivers that can be
3 used to manufacture or assemble untraceable firearms, with exceptions
4 for licensed federal firearm manufacturers, dealers, and importers,
5 and firearms that have been rendered permanently inoperable, are
6 antiques, or were manufactured before 1968; amending RCW 7.80.120,
7 9.41.010, 9.41.190, and 43.43.580; adding new sections to chapter
8 9.41 RCW; prescribing penalties; and providing an effective date.

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

10 **Sec. 1.** RCW 7.80.120 and 2021 c 65 s 8 are each amended to read
11 as follows:

12 (1) A person found to have committed a civil infraction shall be
13 assessed a monetary penalty.

14 (a) The maximum penalty and the default amount for a class 1
15 civil infraction shall be (~~two hundred fifty dollars~~) \$250, not
16 including statutory assessments, except for an infraction of state
17 law involving (i) potentially dangerous litter as specified in RCW
18 70A.200.060(4) or violent video or computer games under RCW 9.91.180,
19 in which case the maximum penalty and default amount is (~~five
20 hundred dollars~~) \$500; or (ii) a person's refusal to submit to a
21 test or tests pursuant to RCW 79A.60.040 and 79A.60.700, in which

1 case the maximum penalty and default amount is (~~one thousand~~
2 ~~dollars~~) \$1,000; or (iii) the misrepresentation of service animals
3 under RCW 49.60.214, in which case the maximum penalty and default
4 amount is (~~five hundred dollars~~) \$500; or (iv) untraceable firearms
5 pursuant to section 4 of this act or unfinished frames or receivers
6 pursuant to section 5 of this act, in which case the maximum penalty
7 and default amount is \$500;

8 (b) The maximum penalty and the default amount for a class 2
9 civil infraction shall be (~~one hundred twenty-five dollars~~) \$125,
10 not including statutory assessments;

11 (c) The maximum penalty and the default amount for a class 3
12 civil infraction shall be (~~fifty dollars~~) \$50, not including
13 statutory assessments; and

14 (d) The maximum penalty and the default amount for a class 4
15 civil infraction shall be (~~twenty-five dollars~~) \$25, not including
16 statutory assessments.

17 (2) The supreme court shall prescribe by rule the conditions
18 under which local courts may exercise discretion in assessing fines
19 for civil infractions.

20 (3) Whenever a monetary penalty is imposed by a court under this
21 chapter it is immediately payable. If the person is unable to pay at
22 that time the court may grant an extension of the period in which the
23 penalty may be paid. If the penalty is not paid on or before the time
24 established for payment, the court may proceed to collect the penalty
25 in the same manner as other civil judgments and may notify the
26 prosecuting authority of the failure to pay.

27 (4) The court may also order a person found to have committed a
28 civil infraction to make restitution.

29 **Sec. 2.** RCW 9.41.010 and 2021 c 215 s 93 are each amended to
30 read as follows:

31 Unless the context clearly requires otherwise, the definitions in
32 this section apply throughout this chapter.

33 (1) "Antique firearm" means a firearm or replica of a firearm not
34 designed or redesigned for using rim fire or conventional center fire
35 ignition with fixed ammunition and manufactured in or before 1898,
36 including any matchlock, flintlock, percussion cap, or similar type
37 of ignition system and also any firearm using fixed ammunition
38 manufactured in or before 1898, for which ammunition is no longer

1 manufactured in the United States and is not readily available in the
2 ordinary channels of commercial trade.

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

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

8 (~~(3)~~) (4) "Bump-fire stock" means a butt stock designed to be
9 attached to a semiautomatic firearm with the effect of increasing the
10 rate of fire achievable with the semiautomatic firearm to that of a
11 fully automatic firearm by using the energy from the recoil of the
12 firearm to generate reciprocating action that facilitates repeated
13 activation of the trigger.

14 (~~(4)~~) (5) "Crime of violence" means:

15 (a) Any of the following felonies, as now existing or hereafter
16 amended: Any felony defined under any law as a class A felony or an
17 attempt to commit a class A felony, criminal solicitation of or
18 criminal conspiracy to commit a class A felony, manslaughter in the
19 first degree, manslaughter in the second degree, indecent liberties
20 if committed by forcible compulsion, kidnapping in the second degree,
21 arson in the second degree, assault in the second degree, assault of
22 a child in the second degree, extortion in the first degree, burglary
23 in the second degree, residential burglary, and robbery in the second
24 degree;

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

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

31 (~~(5)~~) (6) "Curio or relic" has the same meaning as provided in
32 27 C.F.R. Sec. 478.11.

33 (~~(6)~~) (7) "Dealer" means a person engaged in the business of
34 selling firearms at wholesale or retail who has, or is required to
35 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A
36 person who does not have, and is not required to have, a federal
37 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that
38 person makes only occasional sales, exchanges, or purchases of
39 firearms for the enhancement of a personal collection or for a hobby,
40 or sells all or part of his or her personal collection of firearms.

1 ~~((7))~~ (8) "Family or household member" has the same meaning as
2 in RCW 7.105.010.

3 ~~((8))~~ (9) "Federal firearms dealer" means a licensed dealer as
4 defined in 18 U.S.C. Sec. 921(a)(11).

5 (10) "Federal firearms importer" means a licensed importer as
6 defined in 18 U.S.C. Sec. 921(a)(9).

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

9 (12) "Felony" means any felony offense under the laws of this
10 state or any federal or out-of-state offense comparable to a felony
11 offense under the laws of this state.

12 ~~((9))~~ (13) "Felony firearm offender" means a person who has
13 previously been convicted or found not guilty by reason of insanity
14 in this state of any felony firearm offense. A person is not a felony
15 firearm offender under this chapter if any and all qualifying
16 offenses have been the subject of an expungement, pardon, annulment,
17 certificate, or rehabilitation, or other equivalent procedure based
18 on a finding of the rehabilitation of the person convicted or a
19 pardon, annulment, or other equivalent procedure based on a finding
20 of innocence.

21 ~~((10))~~ (14) "Felony firearm offense" means:

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

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

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

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

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

28 ~~((11))~~ (15) "Firearm" means a weapon or device from which a
29 projectile or projectiles may be fired by an explosive such as
30 gunpowder. "Firearm" does not include a flare gun or other
31 pyrotechnic visual distress signaling device, or a powder-actuated
32 tool or other device designed solely to be used for construction
33 purposes.

34 ~~((12))~~ (16)(a) "Frame or receiver" means a part of a firearm
35 that, when the complete firearm is assembled, is visible from the
36 exterior and provides housing or a structure designed to hold or
37 integrate one or more fire control components, even if pins or other
38 attachments are required to connect the fire control components. Any
39 such part identified with a serial number shall be presumed, absent
40 an official determination by the bureau of alcohol, tobacco,

1 firearms, and explosives or other reliable evidence to the contrary,
2 to be a frame or receiver.

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

8 (17) "Gun" has the same meaning as firearm.

9 ~~((13))~~ (18) "Intimate partner" has the same meaning as provided
10 in RCW 7.105.010.

11 ~~((14))~~ (19) "Law enforcement officer" includes a general
12 authority Washington peace officer as defined in RCW 10.93.020, or a
13 specially commissioned Washington peace officer as defined in RCW
14 10.93.020. "Law enforcement officer" also includes a limited
15 authority Washington peace officer as defined in RCW 10.93.020 if
16 such officer is duly authorized by his or her employer to carry a
17 concealed pistol.

18 ~~((15))~~ (20) "Lawful permanent resident" has the same meaning
19 afforded a person "lawfully admitted for permanent residence" in 8
20 U.S.C. Sec. 1101(a)(20).

21 ~~((16))~~ (21) "Licensed collector" means a person who is
22 federally licensed under 18 U.S.C. Sec. 923(b).

23 ~~((17))~~ (22) "Licensed dealer" means a person who is federally
24 licensed under 18 U.S.C. Sec. 923(a).

25 ~~((18))~~ (23) "Loaded" means:

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

27 (b) Cartridges are in a clip that is locked in place in the
28 firearm;

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

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

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

35 ~~((19))~~ (24) "Machine gun" means any firearm known as a machine
36 gun, mechanical rifle, submachine gun, or any other mechanism or
37 instrument not requiring that the trigger be pressed for each shot
38 and having a reservoir clip, disc, drum, belt, or other separable
39 mechanical device for storing, carrying, or supplying ammunition

1 which can be loaded into the firearm, mechanism, or instrument, and
2 fired therefrom at the rate of five or more shots per second.

3 ~~((20))~~ (25) "Manufacture" means, with respect to a firearm, the
4 fabrication, making, formation, production, or construction of a
5 firearm, by manual labor or by machinery.

6 ~~((21))~~ (26) "Nonimmigrant alien" means a person defined as such
7 in 8 U.S.C. Sec. 1101(a) (15).

8 ~~((22))~~ (27) "Person" means any individual, corporation,
9 company, association, firm, partnership, club, organization, society,
10 joint stock company, or other legal entity.

11 ~~((23))~~ (28) "Pistol" means any firearm with a barrel less than
12 sixteen inches in length, or is designed to be held and fired by the
13 use of a single hand.

14 ~~((24))~~ (29) "Rifle" means a weapon designed or redesigned, made
15 or remade, and intended to be fired from the shoulder and designed or
16 redesigned, made or remade, and intended to use the energy of the
17 explosive in a fixed metallic cartridge to fire only a single
18 projectile through a rifled bore for each single pull of the trigger.

19 ~~((25))~~ (30) "Sale" and "sell" mean the actual approval of the
20 delivery of a firearm in consideration of payment or promise of
21 payment.

22 ~~((26))~~ (31) "Secure gun storage" means:

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

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

27 ~~((27))~~ (32)(a) "Semiautomatic assault rifle" means any rifle
28 which utilizes a portion of the energy of a firing cartridge to
29 extract the fired cartridge case and chamber the next round, and
30 which requires a separate pull of the trigger to fire each cartridge.

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

35 ~~((28))~~ (33) "Serious offense" means any of the following
36 felonies or a felony attempt to commit any of the following felonies,
37 as now existing or hereafter amended:

38 (a) Any crime of violence;

- 1 (b) Any felony violation of the uniform controlled substances
2 act, chapter 69.50 RCW, that is classified as a class B felony or
3 that has a maximum term of imprisonment of at least ten years;
- 4 (c) Child molestation in the second degree;
- 5 (d) Incest when committed against a child under age fourteen;
- 6 (e) Indecent liberties;
- 7 (f) Leading organized crime;
- 8 (g) Promoting prostitution in the first degree;
- 9 (h) Rape in the third degree;
- 10 (i) Drive-by shooting;
- 11 (j) Sexual exploitation;
- 12 (k) Vehicular assault, when caused by the operation or driving of
13 a vehicle by a person while under the influence of intoxicating
14 liquor or any drug or by the operation or driving of a vehicle in a
15 reckless manner;
- 16 (l) Vehicular homicide, when proximately caused by the driving of
17 any vehicle by any person while under the influence of intoxicating
18 liquor or any drug as defined by RCW 46.61.502, or by the operation
19 of any vehicle in a reckless manner;
- 20 (m) Any other class B felony offense with a finding of sexual
21 motivation, as "sexual motivation" is defined under RCW 9.94A.030;
- 22 (n) Any other felony with a deadly weapon verdict under RCW
23 9.94A.825;
- 24 (o) Any felony offense in effect at any time prior to June 6,
25 1996, that is comparable to a serious offense, or any federal or out-
26 of-state conviction for an offense that under the laws of this state
27 would be a felony classified as a serious offense; or
- 28 (p) Any felony conviction under RCW 9.41.115.
- 29 ~~((29))~~ (34) "Short-barreled rifle" means a rifle having one or
30 more barrels less than sixteen inches in length and any weapon made
31 from a rifle by any means of modification if such modified weapon has
32 an overall length of less than twenty-six inches.
- 33 ~~((30))~~ (35) "Short-barreled shotgun" means a shotgun having one
34 or more barrels less than eighteen inches in length and any weapon
35 made from a shotgun by any means of modification if such modified
36 weapon has an overall length of less than twenty-six inches.
- 37 ~~((31))~~ (36) "Shotgun" means a weapon with one or more barrels,
38 designed or redesigned, made or remade, and intended to be fired from
39 the shoulder and designed or redesigned, made or remade, and intended
40 to use the energy of the explosive in a fixed shotgun shell to fire

1 through a smooth bore either a number of ball shot or a single
2 projectile for each single pull of the trigger.

3 ~~((32))~~ (37) "Transfer" means the intended delivery of a firearm
4 to another person without consideration of payment or promise of
5 payment including, but not limited to, gifts and loans. "Transfer"
6 does not include the delivery of a firearm owned or leased by an
7 entity licensed or qualified to do business in the state of
8 Washington to, or return of such a firearm by, any of that entity's
9 employees or agents, defined to include volunteers participating in
10 an honor guard, for lawful purposes in the ordinary course of
11 business.

12 ~~((33))~~ (38) "Undetectable firearm" means any firearm that is
13 not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-
14 through metal detectors or magnetometers commonly used at airports or
15 any firearm where the barrel, the slide or cylinder, or the frame or
16 receiver of the firearm would not generate an image that accurately
17 depicts the shape of the part when examined by the types of X-ray
18 machines commonly used at airports.

19 ~~((34))~~ (39) (a) "Unfinished frame or receiver" means a frame or
20 receiver that is partially complete, disassembled, or inoperable,
21 that: (i) Has reached a stage in manufacture where it may readily be
22 completed, assembled, converted, or restored to a functional state;
23 or (ii) is marketed or sold to the public to become or be used as the
24 frame or receiver of a functional firearm once finished or completed,
25 including without limitation products marketed or sold to the public
26 as an 80 percent frame or receiver or unfinished frame or receiver.

27 (b) For purposes of this subsection:

28 (i) "Readily" means a process that is fairly or reasonably
29 efficient, quick, and easy, but not necessarily the most efficient,
30 speedy, or easy process. Factors relevant in making this
31 determination, with no single one controlling, include the following:
32 (A) Time, i.e., how long it takes to finish the process; (B) ease,
33 i.e., how difficult it is to do so; (C) expertise, i.e., what
34 knowledge and skills are required; (D) equipment, i.e., what tools
35 are required; (E) availability, i.e., whether additional parts are
36 required, and how easily they can be obtained; (F) expense, i.e., how
37 much it costs; (G) scope, i.e., the extent to which the subject of
38 the process must be changed to finish it; and (H) feasibility, i.e.,
39 whether the process would damage or destroy the subject of the
40 process, or cause it to malfunction.

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

5 (40) "Unlicensed person" means any person who is not a licensed
6 dealer under this chapter.

7 ~~((35))~~ (41) "Untraceable firearm" means any firearm
8 manufactured after July 1, 2019, that is not an antique firearm and
9 that cannot be traced by law enforcement by means of a serial number
10 affixed to the firearm by a (~~federally licensed manufacturer or~~
11 ~~importer~~) federal firearms manufacturer, federal firearms importer,
12 or federal firearms dealer in compliance with all federal laws and
13 regulations.

14 **Sec. 3.** RCW 9.41.190 and 2019 c 243 s 3 are each amended to read
15 as follows:

16 (1) Except as otherwise provided in this section, it is unlawful
17 for any person to:

18 (a) Manufacture, own, buy, sell, loan, furnish, transport, or
19 have in possession or under control, any machine gun, bump-fire
20 stock, undetectable firearm, short-barreled shotgun, or short-
21 barreled rifle;

22 (b) Manufacture, own, buy, sell, loan, furnish, transport, or
23 have in possession or under control, any part designed and intended
24 solely and exclusively for use in a machine gun, bump-fire stock,
25 undetectable firearm, short-barreled shotgun, or short-barreled
26 rifle, or in converting a weapon into a machine gun, short-barreled
27 shotgun, or short-barreled rifle;

28 (c) Assemble or repair any machine gun, bump-fire stock,
29 undetectable firearm, short-barreled shotgun, or short-barreled
30 rifle; or

31 (d) Manufacture, cause to be manufactured, assemble, or cause to
32 be assembled, an untraceable firearm with the intent to sell the
33 untraceable firearm.

34 (2) It is not unlawful for a person to manufacture, own, buy,
35 sell, loan, furnish, transport, assemble, or repair, or have in
36 possession or under control, a short-barreled rifle, or any part
37 designed or intended solely and exclusively for use in a short-
38 barreled rifle or in converting a weapon into a short-barreled rifle,
39 if the person is in compliance with applicable federal law.

1 (3) Subsection (1) of this section shall not apply to:

2 (a) Any peace officer in the discharge of official duty or
3 traveling to or from official duty, or to any officer or member of
4 the armed forces of the United States or the state of Washington in
5 the discharge of official duty or traveling to or from official duty;
6 or

7 (b) A person, including an employee of such person if the
8 employee has undergone fingerprinting and a background check, who or
9 which is exempt from or licensed under federal law, and engaged in
10 the production, manufacture, repair, or testing of machine guns,
11 bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

12 (i) To be used or purchased by the armed forces of the United
13 States;

14 (ii) To be used or purchased by federal, state, county, or
15 municipal law enforcement agencies; or

16 (iii) For exportation in compliance with all applicable federal
17 laws and regulations.

18 (4) It shall be an affirmative defense to a prosecution brought
19 under this section that the machine gun or short-barreled shotgun was
20 acquired prior to July 1, 1994, and is possessed in compliance with
21 federal law.

22 (5) Any person violating this section is guilty of a class C
23 felony.

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

26 (1) No person may manufacture, cause to be manufactured,
27 assemble, or cause to be assembled an untraceable firearm.

28 (2) After March 10, 2023, no person may knowingly or recklessly
29 possess, transport, or receive an untraceable firearm, unless the
30 party possessing, transporting, or receiving the untraceable firearm
31 is a law enforcement agency or a federal firearms importer, federal
32 firearms manufacturer, or federal firearms dealer.

33 (3) No person may sell, offer to sell, transfer, or purchase an
34 untraceable firearm.

35 (4) Subsections (2) and (3) of this section do not apply to any
36 firearm that:

37 (a) Has been rendered permanently inoperable;

38 (b) Is an antique firearm, as defined in 18 U.S.C. Sec.
39 921(a)(16);

1 (c) Was manufactured before 1968; or

2 (d) Has been imprinted by a federal firearms dealer or other
3 federal licensee authorized to provide marking services as provided
4 for in section 6 of this act.

5 (5) (a) Any person who violates this section commits a civil
6 infraction and shall be assessed a monetary penalty of \$500.

7 (b) If a person previously has been found to have violated this
8 section, then the person is guilty of a misdemeanor punishable under
9 chapter 9A.20 RCW for each subsequent violation of this section.

10 (c) If a person previously has been found to have violated this
11 section two or more times, then the person is guilty of a gross
12 misdemeanor punishable under chapter 9A.20 RCW for each subsequent
13 violation of this section.

14 (d) If a person violates this section by manufacturing, causing
15 to be manufactured, assembling, causing to be assembled, possessing,
16 transporting, receiving, selling, offering to sell, transferring, or
17 purchasing three or more untraceable firearms at a time, then the
18 person is guilty of a gross misdemeanor punishable under chapter
19 9A.20 RCW for each violation of this section.

20 (e) A person commits a separate violation of this section for
21 each and every firearm to which this section applies.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.41 RCW
23 to read as follows:

24 (1) After March 10, 2023, no person may knowingly or recklessly
25 possess, transport, or receive an unfinished frame or receiver,
26 unless: (a) The party possessing, transporting, or receiving the
27 unfinished frame or receiver is a law enforcement agency or a federal
28 firearms importer, federal firearms manufacturer, or federal firearms
29 dealer; or (b) the unfinished frame or receiver has been imprinted
30 with a serial number issued by a federal firearms importer, federal
31 firearms manufacturer, or federal firearms dealer.

32 (2) No person may sell, offer to sell, transfer, or purchase an
33 unfinished frame or receiver, unless: (a) The party purchasing the
34 unfinished frame or receiver is a federal firearms importer, federal
35 firearms manufacturer, or federal firearms dealer; or (b) the
36 unfinished frame or receiver has been imprinted with a serial number
37 issued by a federal firearms importer, federal firearms manufacturer,
38 or federal firearms dealer.

1 (3) Subsection (1) of this section does not apply to any
2 unfinished frame or receiver that has been imprinted by a federal
3 firearms dealer or other federal licensee authorized to provide
4 marking services as provided for in section 6 of this act.

5 (4) (a) Any person who violates this section commits a civil
6 infraction and shall be assessed a monetary penalty of \$500.

7 (b) If a person previously has been found to have violated this
8 section, then the person is guilty of a misdemeanor punishable under
9 chapter 9A.20 RCW for each subsequent violation of this section.

10 (c) If a person previously has been found to have violated this
11 section two or more times, then the person is guilty of a gross
12 misdemeanor punishable under chapter 9A.20 RCW for each subsequent
13 violation of this section.

14 (d) If a person violates this section by possessing,
15 transporting, receiving, selling, offering to sell, transferring, or
16 purchasing three or more unfinished frames or receivers at a time,
17 then the person is guilty of a gross misdemeanor punishable under
18 chapter 9A.20 RCW for each violation of this section.

19 (e) A person commits a separate violation of this section for
20 each and every unfinished frame or receiver to which this section
21 applies.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.41 RCW
23 to read as follows:

24 (1) A federal firearms dealer or other federal licensee
25 authorized to provide marking services for firearms may imprint a
26 firearm or unfinished frame or receiver with a serial number.

27 (2) The firearm or unfinished frame or receiver shall be
28 imprinted with the licensee's abbreviated federal firearms license
29 number as a prefix (which is the first three and last five digits)
30 followed by a hyphen, and then followed by a number as a suffix,
31 e.g., "12345678-(number)." The serial number must be placed in a
32 manner that accords with the requirements under federal law for
33 affixing serial numbers to firearms, including the requirements that
34 the serial number be at the minimum size and depth, and not
35 susceptible to being readily obliterated, altered, or removed.

36 (3) The serial number must not duplicate any serial numbers
37 placed by the federal firearms dealer or other federal licensee on
38 any other firearm or unfinished frame or receiver.

1 (4) Whenever a federal firearms dealer or other federal licensee
2 imprints a firearm or unfinished frame or receiver with a serial
3 number, the licensee shall retain records that accord with the
4 requirements under federal law in the case of the sale of a firearm.

5 **Sec. 7.** RCW 43.43.580 and 2020 c 28 s 1 are each amended to read
6 as follows:

7 (1) The Washington state patrol shall establish a firearms
8 background check unit to serve as a centralized single point of
9 contact for dealers to conduct background checks for firearms sales
10 or transfers required under chapter 9.41 RCW and the federal Brady
11 handgun violence prevention act (18 U.S.C. Sec. 921 et seq.). The
12 Washington state patrol shall establish an automated firearms
13 background check system to conduct background checks on applicants
14 for the purchase or transfer of a firearm. The system must include
15 the following characteristics:

16 (a) Allow a dealer to contact the Washington state patrol through
17 a web portal or other electronic means and by telephone to request a
18 background check of an applicant for the purchase or transfer of a
19 firearm;

20 (b) Provide a dealer with a notification that a firearm purchase
21 or transfer application has been received;

22 (c) Assign a unique identifier to the background check inquiry;

23 (d) Provide an automated response to the dealer indicating
24 whether the transfer may proceed or is denied, or that the check is
25 indeterminate and will require further investigation;

26 (e) Include measures to ensure data integrity and the
27 confidentiality and security of all records and data transmitted and
28 received by the system; and

29 (f) Include a performance metrics tracking system to evaluate the
30 performance of the background check system.

31 (2) Upon receipt of a request from a dealer for a background
32 check in connection with the sale or transfer of a firearm, the
33 Washington state patrol shall:

34 (a) Provide the dealer with a notification that a firearm
35 transfer application has been received;

36 (b) Conduct a check of the national instant criminal background
37 check system and the following additional records systems to
38 determine whether the transferee is prohibited from possessing a
39 firearm under state or federal law: (i) The Washington crime

1 information center and Washington state identification system; (ii)
2 the health care authority electronic database; (iii) the federal
3 bureau of investigation national data exchange database and any
4 available repository of statewide local law enforcement record
5 management systems information; (iv) the administrative office of the
6 courts case management system; and (v) other databases or resources
7 as appropriate;

8 (c) Perform an equivalency analysis on criminal charges in
9 foreign jurisdictions to determine if the applicant has been
10 convicted as defined in RCW 9.41.040(3) and if the offense is
11 equivalent to a Washington felony as defined in RCW 9.41.010(~~(8)~~);

12 (d) Notify the dealer without delay that the records indicate the
13 individual is prohibited from possessing a firearm and the transfer
14 is denied or that the individual is approved to complete the
15 transfer. If the results of the background check are indeterminate,
16 the Washington state patrol shall notify the dealer of the delay and
17 conduct necessary research and investigation to resolve the inquiry;
18 and

19 (e) Provide the dealer with a unique identifier for the inquiry.

20 (3) The Washington state patrol may hold the delivery of a
21 firearm to an applicant under the circumstances provided in RCW
22 9.41.090 (4) and (5).

23 (4)(a) The Washington state patrol shall require a dealer to
24 charge each firearm purchaser or transferee a fee for performing
25 background checks in connection with firearms transfers. The fee must
26 be set at an amount necessary to cover the annual costs of operating
27 and maintaining the firearm background check system but shall not
28 exceed eighteen dollars. The Washington state patrol shall transmit
29 the fees collected to the state treasurer for deposit in the state
30 firearms background check system account created in RCW 43.43.590. It
31 is the intent of the legislature that once the state firearm
32 background check system is established, the fee established in this
33 section will replace the fee required in RCW 9.41.090(7).

34 (b) The background check fee required under this subsection does
35 not apply to any background check conducted in connection with a
36 pawnbroker's receipt of a pawned firearm or the redemption of a
37 pawned firearm.

38 (5) The Washington state patrol shall establish a procedure for a
39 person who has been denied a firearms transfer as the result of a
40 background check to appeal the denial to the Washington state patrol

1 and to obtain information on the basis for the denial and procedures
2 to review and correct any erroneous records that led to the denial.

3 (6) The Washington state patrol shall work with the
4 administrative office of the courts to build a link between the
5 firearm background check system and the administrative office of the
6 courts case management system for the purpose of accessing court
7 records to determine a person's eligibility to possess a firearm.

8 (7) Upon establishment of the firearm background check system
9 under this section, the Washington state patrol shall notify each
10 dealer in the state of the existence of the system, and the dealer
11 must use the system to conduct background checks for firearm sales or
12 transfers beginning on the date that is thirty days after issuance of
13 the notification.

14 (8) The Washington state patrol shall consult with the Washington
15 background check advisory board created in RCW 43.43.585 in carrying
16 out its duties under this section.

17 (9) All records and information prepared, obtained, used, or
18 retained by the Washington state patrol in connection with a request
19 for a firearm background check are exempt from public inspection and
20 copying under chapter 42.56 RCW.

21 (10) The Washington state patrol may adopt rules necessary to
22 carry out the purposes of this section.

23 (11) For the purposes of this section, "dealer" has the same
24 meaning as given in RCW 9.41.010.

25 NEW SECTION. **Sec. 8.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 9.** This act takes effect July 1, 2022.

Passed by the House February 10, 2022.
Passed by the Senate March 1, 2022.
Approved by the Governor March 23, 2022.
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