
HOUSE BILL 1705

State of Washington

67th Legislature

2022 Regular Session

By Representatives Berry, Valdez, Ryu, Fitzgibbon, Berg, Bateman, Duerr, and Walen

Prefiled 12/27/21.

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; creating a new section; prescribing penalties; and
9 providing an effective date.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that ghost guns are
12 untraceable and unregulated firearms that lack a unique serial number
13 that would allow them to be traced to a specific manufacturer,
14 dealer, and purchaser. The absence of a serial number on ghost guns
15 undermines the ability of law enforcement to identify individuals who
16 have used such guns in the commission of a crime, which incentivizes
17 the use of ghost guns in criminal acts, makes it easier for criminals
18 to evade detection and employ lethal force, and endangers public
19 safety.

20 The legislature further finds that ghost guns are often
21 manufactured or assembled by unlicensed individuals who could not

1 pass a background check and lawfully obtain a firearm, and that such
2 individuals often purchase unfinished frames or receivers (also known
3 as 80 percent receivers) and build-it-yourself ghost gun kits from
4 unregulated online sellers, in retail stores, and at gun shows. Such
5 kits typically contain all the parts, tools, and instructions needed
6 to assemble a ghost gun, and are designed to enable untrained
7 individuals to readily assemble ghost guns with common household
8 tools in a matter of hours, regardless of whether that individual
9 could lawfully purchase or obtain a firearm.

10 The legislature further finds the proliferation of ghost guns,
11 ghost gun kits, and untraceable unfinished frames and receivers
12 threatens public safety. Nationwide, the bureau of alcohol, tobacco,
13 firearms, and explosives reported that about 10,000 ghost guns were
14 recovered in 2019. Between 2016 and 2020, more than 23,000
15 unserialized firearms were recovered by law enforcement from
16 potential crime scenes, including 325 homicide or attempted homicide
17 crime scenes. Nationally, untraceable ghost guns have been used to
18 perpetrate mass shootings, attack law enforcement officers, and
19 commit robbery and assault. Ghost guns are becoming increasingly
20 prevalent throughout the west coast and across the United States.

21 The legislature further finds that Washington currently imposes
22 few restrictions on untraceable firearms and concludes Washington law
23 must be updated to limit the spread of ghost guns and mitigate the
24 harms caused by these weapons.

25 The legislature intends this act to be interpreted in a manner
26 consistent with existing federal firearm laws and regulations, and
27 proposed federal rule 2021R-05, updating 27 C.F.R. Parts 447, 478,
28 and 479, published in the federal register (Vol. 86, No. 97) on May
29 21, 2021.

30 **Sec. 2.** RCW 7.80.120 and 2021 c 65 s 8 are each amended to read
31 as follows:

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

34 (a) The maximum penalty and the default amount for a class 1
35 civil infraction shall be (~~two hundred fifty dollars~~) \$250, not
36 including statutory assessments, except for an infraction of state
37 law involving (i) potentially dangerous litter as specified in RCW
38 70A.200.060(4) or violent video or computer games under RCW 9.91.180,
39 in which case the maximum penalty and default amount is (~~five~~

1 ~~hundred dollars~~) \$500; or (ii) a person's refusal to submit to a
2 test or tests pursuant to RCW 79A.60.040 and 79A.60.700, in which
3 case the maximum penalty and default amount is (~~one thousand~~
4 ~~dollars~~) \$1,000; or (iii) the misrepresentation of service animals
5 under RCW 49.60.214, in which case the maximum penalty and default
6 amount is (~~five hundred dollars~~) \$500; or (iv) untraceable firearms
7 pursuant to section 5 of this act or unfinished frames or receivers
8 pursuant to section 6 of this act, in which case the maximum penalty
9 and default amount is \$500;

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

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

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

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

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

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

31 **Sec. 3.** RCW 9.41.010 and 2021 c 215 s 93 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Antique firearm" means a firearm or replica of a firearm not
36 designed or redesigned for using rim fire or conventional center fire
37 ignition with fixed ammunition and manufactured in or before 1898,
38 including any matchlock, flintlock, percussion cap, or similar type
39 of ignition system and also any firearm using fixed ammunition

1 manufactured in or before 1898, for which ammunition is no longer
2 manufactured in the United States and is not readily available in the
3 ordinary channels of commercial trade.

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

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

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

15 ~~((4))~~ (5) "Crime of violence" means:

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

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

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

32 ~~((5))~~ (6) "Curio or relic" has the same meaning as provided in
33 27 C.F.R. Sec. 478.11.

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

1 firearms for the enhancement of a personal collection or for a hobby,
2 or sells all or part of his or her personal collection of firearms.

3 ~~((7))~~ (8) "Family or household member" has the same meaning as
4 in RCW 7.105.010.

5 ~~((8))~~ (9) "Federal firearms dealer" means a licensed dealer as
6 defined in 18 U.S.C. Sec. 921(a)(11).

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

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

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

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

23 ~~((10))~~ (14) "Felony firearm offense" means:

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

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

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

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

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

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

36 ~~((12))~~ (16)(a) "Frame or receiver" means a part of a firearm
37 that, when the complete firearm is assembled, is visible from the
38 exterior and provides housing or a structure designed to hold or
39 integrate one or more fire control components, even if pins or other
40 attachments are required to connect the fire control components. Any

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

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

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

11 ~~((13))~~ (18) "Intimate partner" has the same meaning as provided
12 in RCW 7.105.010.

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

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

23 ~~((16))~~ (21) "Licensed collector" means a person who is
24 federally licensed under 18 U.S.C. Sec. 923(b).

25 ~~((17))~~ (22) "Licensed dealer" means a person who is federally
26 licensed under 18 U.S.C. Sec. 923(a).

27 ~~((18))~~ (23) "Loaded" means:

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

29 (b) Cartridges are in a clip that is locked in place in the
30 firearm;

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

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

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

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

1 mechanical device for storing, carrying, or supplying ammunition
2 which can be loaded into the firearm, mechanism, or instrument, and
3 fired therefrom at the rate of five or more shots per second.

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

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

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

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

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

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

23 ~~((26))~~ (31) "Secure gun storage" means:

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

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

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

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

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

39 (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 (b) For purposes of this subsection:

26 (i) "Readily" means a process that is fairly or reasonably
27 efficient, quick, and easy, but not necessarily the most efficient,
28 speedy, or easy process.

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

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

35 ~~((35))~~ (41) "Untraceable firearm" means any firearm
36 manufactured after July 1, 2019, that is not an antique firearm and
37 that cannot be traced by law enforcement by means of a serial number
38 affixed to the firearm by a ~~((federally licensed manufacturer or~~
39 ~~importer))~~ federal firearms manufacturer, federal firearms importer,

1 or federal firearms dealer in compliance with all federal laws and
2 regulations.

3 **Sec. 4.** RCW 9.41.190 and 2019 c 243 s 3 are each amended to read
4 as follows:

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

7 (a) Manufacture, own, buy, sell, loan, furnish, transport, or
8 have in possession or under control, any machine gun, bump-fire
9 stock, undetectable firearm, short-barreled shotgun, or short-
10 barreled rifle;

11 (b) Manufacture, own, buy, sell, loan, furnish, transport, or
12 have in possession or under control, any part designed and intended
13 solely and exclusively for use in a machine gun, bump-fire stock,
14 undetectable firearm, short-barreled shotgun, or short-barreled
15 rifle, or in converting a weapon into a machine gun, short-barreled
16 shotgun, or short-barreled rifle;

17 (c) Assemble or repair any machine gun, bump-fire stock,
18 undetectable firearm, short-barreled shotgun, or short-barreled
19 rifle; or

20 (d) Manufacture, cause to be manufactured, assemble, or cause to
21 be assembled, an untraceable firearm with the intent to sell the
22 untraceable firearm.

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

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

30 (a) Any peace officer in the discharge of official duty or
31 traveling to or from official duty, or to any officer or member of
32 the armed forces of the United States or the state of Washington in
33 the discharge of official duty or traveling to or from official duty;
34 or

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

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

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

5 (iii) For exportation in compliance with all applicable federal
6 laws and regulations.

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

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

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

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

17 (2) After September 10, 2022, no person may knowingly or
18 recklessly possess, transport, or receive an untraceable firearm,
19 unless the party possessing, transporting, or receiving the
20 untraceable firearm is a law enforcement agency or a federal firearms
21 importer, federal firearms manufacturer, or federal firearms dealer.

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

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

26 (a) Has been rendered permanently inoperable;

27 (b) Is an antique firearm, as defined in 18 U.S.C. Sec.
28 921(a)(16); or

29 (c) Was manufactured before 1968.

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

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

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

1 (d) If a person violates this section by manufacturing, causing
2 to be manufactured, assembling, causing to be assembled, possessing,
3 transporting, receiving, selling, offering to sell, transferring, or
4 purchasing three or more untraceable firearms at a time, then the
5 person is guilty of a gross misdemeanor punishable under chapter
6 9A.20 RCW for each violation of this section.

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

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

11 (1) After September 10, 2022, no person may knowingly or
12 recklessly possess, transport, or receive an unfinished frame or
13 receiver, unless: (a) The party possessing, transporting, or
14 receiving the unfinished frame or receiver is a federal firearms
15 importer, federal firearms manufacturer, or federal firearms dealer;
16 or (b) the unfinished frame or receiver has been imprinted with a
17 serial number issued by a federal firearms importer, federal firearms
18 manufacturer, or federal firearms dealer.

19 (2) No person may sell, offer to sell, transfer, or purchase an
20 unfinished frame or receiver, unless: (a) The party purchasing the
21 unfinished frame or receiver is a federal firearms importer, federal
22 firearms manufacturer, or federal firearms dealer; or (b) the
23 unfinished frame or receiver has been imprinted with a serial number
24 issued by a federal firearms importer, federal firearms manufacturer,
25 or federal firearms dealer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (5) The Washington state patrol shall establish a procedure for a
38 person who has been denied a firearms transfer as the result of a
39 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.

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