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8 **SUPERIOR COURT FOR THE STATE OF WASHINGTON**
IN AND FOR THE COUNTY OF GRANT

9 GUARDIAN ARMS LLC, a Washington
10 limited liability company; MILLARD
11 SALES, LLC, a Washington limited liability
12 company; MICHAEL MCKEE, EDGAR
13 SALAZAR, PAUL HILL, THEODORE
14 HILE, BRINA YEAROUT, NATHAN
15 POPLAWSKI, and JAXON HOLMAN,
16 individuals and residents of Grant County,
17 Washington; and SILENT MAJORITY
18 FOUNDATION, a nonprofit organization
19 organized under the laws of Washington;

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21
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23 Petitioners,

24 v.

25 JAY INSLEE, in his official capacity as
26 Governor of Washington; ROBERT
27 FERGUSON, in his official capacity as
28 Attorney General of Washington; and
JOSEPH KRIETE, in his official capacity as
Sheriff of Grant County;

Respondents.

No:

23-2-00377-13

PETITION FOR TEMPORARY
RESTRAINING ORDER AND FOR
DECLARATORY AND INJUNCTIVE
RELIEF

24 Petitioners, by and through their attorneys, bring this complaint for Declaratory and
25 Injunctive relief and for a Temporary Restraining Order against Respondents Jay Inslee, in his
26 official capacity as Governor of the state of Washington, Bob Ferguson, in his official capacity

27
28 PETITION FOR TEMPORARY RESTRAINING
ORDER AND FOR DECLARATORY AND
INJUNCTIVE RELIEF - PAGE 1 OF 21

Silent Majority Foundation
5238 Outlet Dr.
Pasco, WA 99301

1 as Attorney General of Washington, and Joe Kriete, in his official capacity as Sheriff of Grant
2 County, and allege as follows:

3 INTRODUCTION

4 1. In spite of the unambiguous text of the Washington Constitution and binding
5 Washington Supreme Court precedent, on April 25, 2023 Governor Jay Inslee signed
6 Substitute House Bill 1240 ("SHB 1240"). Attached hereto as Ex. A. SHB 1240 radically
7 alters and expands Washington's statutes pertaining to firearms. SHB 1240 adds a definition
8 of "assault weapon" to the Uniform Firearms Act, Chapter 9.41 RCW, seeks to cover firearm
9 parts and accessories such as a "conversion kit, part, or combination of parts," detachable
10 forward grips, flash suppressors, or folding or telescoping stocks. SHB 1240 amounts to an
11 effort by the Washington state legislature to ban commonly owned firearms because they look
12 scary.

13 2. The Legislature's partisan "findings" and "declarations" belie the facts. The
14 Legislature declares that the prohibited firearms are "assault weapons" and that they are not
15 "well-suited for self-defense, hunting, or sporting purposes," that the distinctions of firearms
16 listed as "assault weapons" consist of "features that allow shooters to fire large numbers of
17 rounds quickly," and that "assault weapons are not commonly used in self-defense;" the
18 Legislature also finds that SHB 1240 is "likely to have an impact on the number of mass
19 shootings committed in Washington."

20 3. The following is a list of "mass shootings" in Washington State that
21 demonstrates that the legislative findings belie the facts:

- 22 a. The Capitol Hill massacre (committed on March 25, 2006) in which six
23 people were killed and two injured, was carried out by a gunman wielding a
24 Winchester Defender 12 pump-action shotgun and a Ruger P94 .40 caliber
25 pistol; the shooter had an AR-15 in his pickup truck but did not use
26 it.¹ Neither weapon would be classified as an "assault weapon" under SHB
27 1240.

28 ¹ James Alan Fox, et al., Capitol Hill Mass Murder Case, 7 Brief Treatment and Crisis Intervention 127, 130 (2007),
Oxford Univ. Press (adapted with permission from report prepared for Seattle Police Chief Gil Kerlikowske).

- 1 b. The mass murder in Carnation, Washington (December 24, 2007), in which
2 six individuals comprising three generations of a family were slain, was
3 committed with a Smith & Wesson Model 19 .357 revolver and a 9mm
4 semiautomatic pistol.² Notably, one of the shooters was a family member to
5 the slain; this was not random event. Neither weapon used in the Carnation
6 event would be classified as an “assault weapon” under SHB 1240.
- 7 c. The Cascade Mall (September 23, 2016) shooting in which five people were
8 killed was carried out by a gunman wielding a Ruger 10/22 hunting rifle
9 with a wooden stock.³ The weapon would not be classified as an “assault
10 weapon” under SHB 1240.
- 11 d. The shooting at Freeman High School (September 13, 2017) in which one
12 person was killed and three others injured was carried out by a gunman
13 wielding an AR-15 and a Colt 1903 pistol; however, the AR-15 jammed
14 before the shooter fired any rounds from it.⁴ Again, the weapon used by the
15 shooter would not have been considered an “assault weapon” under SHB
16 1240.
- 17 e. The shooting at Frontier Middle School (February 2, 1996) in which three
18 people were killed was carried out by a shooter wielding a .30-30 caliber
19 lever-action hunting rifle and a .22 caliber revolver.⁵ Neither weapon would
20 be classified as an “assault weapon” under SHB 1240.

21 ² Scott Gutierrez, *Carnation Suspects Tell Officers of Victims' Frantic, Final Moments*, Seattle Post-Intelligencer,
22 December 28, 2007, available at: <https://www.seattlepi.com/local/article/Carnation-suspects-tell-officers-of-victims-1260062.php>, last accessed April 12, 2023.

23 ³ Steph Solis, *Washington Mall Shooting Suspect to Face 5 Murder Charges*, USA Today, September 25, 2016,
24 available at: <https://www.usatoday.com/story/news/nation-now/2016/09/25/washington-mall-shooting-suspect-arcan-cetin/91071336/>, last accessed April 12, 2023.

25 ⁴ *One Student Dead, Three in Hospital After Classmate Opens Fire at Freeman High School*, The Spokesman-
26 Review, September 14, 2017, available at: <https://www.spokesman.com/stories/2017/sep/13/shooting-reported-at-freeman-high-school/#/0>, last accessed April 12, 2023.

27 ⁵ Bonnie Harris, *School Killings All Too Familiar Moses Lake Horror Parallels Plot of Novel Found in Suspect's Room*, The Spokesman-Review, April 10, 1996, available at:
28 <https://www.spokesman.com/stories/1996/apr/10/school-killings-all-too-familiar-moses-lake/>, last accessed April 12, 2023.

- 1 f. The Lakewood mass shooting (November 29, 2009) in which four police
2 officers were ambushed and slain was carried out by a shooter with a Glock
3 17 semiautomatic pistol.⁶ The weapon would not be classified as an “assault
4 weapon” under SHB 1240.
- 5 g. The Marysville Pilchuck High School shooting (October 24, 2014) in which
6 four people were killed and another wounded was carried out by a shooter
7 with a .40 caliber Beretta PX4 Storm.⁷ The weapon would not be classified
8 as an “assault weapon” under SHB 1240.
- 9 h. The Seattle café shootings (May 30, 2012) in which five people were killed
10 and another injured was carried out by a shooter with a .45 caliber
11 Remington 1911 R1 and a Colt New Agent .45 ACP Series 90.⁸ The
12 weapons would not be classified as “assault weapons” under SHB 1240.
- 13 i. The Seattle Jewish Federation (July 28, 2006) shooting in which one person
14 was killed and another five wounded was carried out by a shooter wielding a
15 Smith & Wesson .45 caliber handgun and a .40 caliber Ruger P94 handgun.⁹
16 Neither weapon would be classified as an “assault weapon” under SHB
17 1240.
- 18 j. The Trang Dai massacre (July 5, 1998), in which five people were killed and
19 five more wounded was carried out by three gunmen, one of which wielded

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21 ⁶ Steve Miletich, *Routine Stolen-Car Check Led to Lakewood Police-slaying Suspect*, The Seattle Times, December
22 1, 2009, available at:
[https://web.archive.org/web/20091204011100/http://seattletimes.nwsources.com/html/localnews/2010400199_shooti-
ngmainbar02m.html](https://web.archive.org/web/20091204011100/http://seattletimes.nwsources.com/html/localnews/2010400199_shooti-
ngmainbar02m.html), last accessed April 12, 2023.

23 ⁷ *Father of Marysville School Shooter Jaylen Fryberg Charged with Gun Buy*, NBC News, March 31, 2015,
24 available at: [https://www.nbcnews.com/news/us-news/father-marysville-school-shooting-suspect-charged-gun-buy-
n333416](https://www.nbcnews.com/news/us-news/father-marysville-school-shooting-suspect-charged-gun-buy-
n333416), last accessed April 12, 2023.

25 ⁸ *Police: Seattle Shootings Were Like an Execution*, Seattle Post-Intelligencer, June 2, 2012, available at:
26 <http://www.seattlepi.com/local/article/Police-Seattle-shootings-were-like-an-execution-3599900.php>, last accessed
27 April 12, 2023.

28 ⁹ *Suspect Ticketed on Way to Jewish Center Shooting*, CNN, July 29, 2006, available at:
<http://www.cnn.com/2006/US/07/29/seattle.shooting/index.html>, last accessed April 12, 2023.

1 an AK-47, while the other two wielded pistols.¹⁰ Only the rifle would be
2 classified as an “assault weapon” under SHB 1240.

3 k. Finally, the deadliest mass shooting in the history of Washington state, the
4 Wah Mee massacre (February 18-19, 1983), in which 13 people were slain
5 and another wounded, was perpetrated by three shooters each wielding a .22
6 caliber handgun.¹¹ None of the weapons would be considered “assault
7 weapons” under SHB 1240.

8 4. There are only three mass shootings (although only one qualifies as a “mass
9 shooting” as defined in SHB 1240 which “result in four or more deaths”) that were carried out
10 by shooters with “assault weapons” as defined in SHB 1240. The first such event is the
11 Fairchild A.F.B. attack that occurred on June 20, 1994, in which four people lost their lives,
12 tragically including an unborn child of a woman who was shot but survived, which was carried
13 out by a shooter with a MAK-90.¹² The second event is the Mukilteo mass shooting (July 30,
14 2016) in which three people were killed and another injured by a shooter with a Ruger AR-15
15 semiautomatic rifle.¹³ The third shooting carried out by a shooter with an “assault weapon”
16 was the Tacoma Mall shooting (November 20, 2005), in which a shooter, wielding a MAK-90,
17 wounded seven people.¹⁴ The shooter potentially could have been stopped by a bystander with
18 a weapon, but the bystander refrained from firing on the shooter, because he would have had to
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20 ¹⁰ Tan Vinh, *Family Grieves for Brothers Killed in Tacoma Shooting*, Seattle Times, July 7, 1998, available at:
21 <https://archive.seattletimes.com/archive/?date=19980707&slug=2759875>, last accessed April 12, 2023

22 ¹¹ Wallace Turner, *20-year-old is Convicted in Deaths of 13 in Seattle*, New York Times, August 25, 1983, available
23 at: <https://www.nytimes.com/1983/08/25/us/20-year-old-is-convicted-in-deaths-of-13-in-seattle.html>, last accessed
24 April 12, 2023.

25 ¹² *An Airman's Revenge: 5 Minutes of Terror*, The New York Times, June 22, 1994, available at:
26 <https://www.nytimes.com/1994/06/22/us/an-airman-s-revenge-5-minutes-of-terror.html>, last accessed April 12, 2023
(behind paywall).

27 ¹³ Ted Land, *Mukilteo Shooting Suspect Bought Gun Week Before Murders, Texted Warning*, KING-TV, October
28 23, 2016, available at: <https://web.archive.org/web/20161023133215/http://www.king5.com/news/local/mukilteo-shooting-suspect-bought-gun-a-week-before-murders-sent-warning-text-messages/285450163>, last accessed April
13, 2023.

¹⁴ *Mall Shooting Suspect Surrenders*, CNN, November 21, 2005, available at:
<http://www.cnn.com/2005/US/11/20/mall.shooting/>, last accessed April 13, 2023.

1 shoot “a kid.”¹⁵ The legislative findings do not support the existence of an “emergency.” The
2 Legislature failed to find an emergency, as evidenced by the facts: of the 13 mass shootings in
3 Washington’s history, only three were carried out with guns that would be illegal under SHB
4 1240; only four shootings have occurred in the past 10 years; and two shootings occurred in the
5 1994-2004 period, when “assault weapons” were federally banned. There is no evidence that a
6 measure such as SHB 1240 will save Washingtonians’ lives or that such a Bill is presently
7 necessary on an emergency basis.

8 5. The original Bill analysis (undated, but presented prior to January 17, 2023)
9 presented to the Civil Rights and Judiciary Committee has no basis to declare an emergency,
10 yet, it reads, in part “a violation is classified as a matter vitally affecting the public interest, not
11 reasonable in relation to the development and preservation of business, and an unfair or
12 deceptive act in trade or commerce and an unfair method of competition for the purpose of
13 applying the Consumer Protection Act.” The effective date: “The bill contains an emergency
14 clause and takes effect immediately.”¹⁶

15 a. The House Bill Report offered no evidence to justify the Legislature’s
16 emergency findings. In fact, the Report deferred to historical legislation and
17 other states that regulate such firearms (noting the 1994 *Public Safety and*
18 *Recreational Firearms Use Protection Act* that expired in 2004 and stating that
19 nine other states and the District of Columbia have enacted laws imposing
20 various restrictions on such firearms) and provided a synopsis of the testimony
21 provided to the Civil Rights & Judiciary Committee.¹⁷

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23 ¹⁵ M. Alexander Otto, *Mall Victim Held Fire at ‘Kid,’* The News Tribune, November 29, 2005, available at:
24 [https://web.archive.org/web/20071123201615/http://dwb.thenewstribune.com/news/local/story/5363616p-](https://web.archive.org/web/20071123201615/http://dwb.thenewstribune.com/news/local/story/5363616p-4853200c.html)
25 [4853200c.html](https://web.archive.org/web/20071123201615/http://dwb.thenewstribune.com/news/local/story/5363616p-4853200c.html), last accessed April 13, 2023.

26 ¹⁶ Bill Analysis on HB 1240 is available at: [https://lawfilesexternal.wa.gov/biennium/2023-](https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/House/1240%20HBA%20CRJ%2023.pdf?q=20230413142409)
27 [24/Pdf/Bill%20Reports/House/1240%20HBA%20CRJ%2023.pdf?q=20230413142409](https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/House/1240%20HBA%20CRJ%2023.pdf?q=20230413142409). Last accessed: April 13,
28 2023.

¹⁷ House Bill Report, HB 1240 is available at: [https://lawfilesexternal.wa.gov/biennium/2023-](https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/House/1240%20HBR%20CRJ%2023.pdf?q=20230413142409)
[24/Pdf/Bill%20Reports/House/1240%20HBR%20CRJ%2023.pdf?q=20230413142409](https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/House/1240%20HBR%20CRJ%2023.pdf?q=20230413142409). Last accessed: April 13,
2023.

- 1 b. The Senate Bill Report offered no evidence to support the finding of an
2 emergency; rather, the Report simply provided a synopsis of the history of the
3 Bill and limited information on the Bill and its exceptions.¹⁸
4 c. The Substitute House and Senate Bill Reports offered no evidence to support
5 the finding of an emergency; rather, the Report simply provided a synopsis of
6 the history of the Bill and limited information on the Bill and its exceptions.^{19, 20}
7 d. The House and Senate Substitute Bill Reports note that “Nine other states and
8 the District of Columbia have enacted laws imposing various restrictions on
9 assault weapons.” *Id.* Simple math dictates that the other 41 states have no such
10 regulations.

11 6. SHB 1240 unconstitutionally and categorically bans, under monetary and
12 confinement penalties, the manufacture, importation, distribution, sale, or offer for sale of any
13 “assault weapon.” The term “assault weapon” is defined to include semiautomatic rifles with
14 an overall length of less than 30 inches; semiautomatic centerfire rifles that have the capacity
15 to accept detachable magazines and possess one or more additional features, such as a pistol
16 grip, folding or telescoping stock, forward pistol or other grip, flash suppressors or guards,
17 muzzle brakes, or a shroud that encircles all or part of the barrel; semiautomatic centerfire
18 rifles with a fixed magazine that can accept more than 10 rounds; semiautomatic pistols that
19 have the capacity to accept a detachable magazine and possess one or more additional features
20 such as a threaded barrel, a second hand grip, a barrel shroud, or the capacity to accept a
21 detachable magazine at some location outside of the pistol grip; semiautomatic shotguns with a
22 folding or telescoping stock, a pistol grip, a thumbhole stock, forward pistol or other grip, fixed

23 ¹⁸ Senate Bill Report, SHB 1240 (as of March 20, 2023) is available at:
24 [https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/Senate/1240-](https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/Senate/1240-S%20SBA%20LAW%2023.pdf?q=20230413142409)
25 [S%20SBA%20LAW%2023.pdf?q=20230413142409](https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/Senate/1240-S%20SBA%20LAW%2023.pdf?q=20230413142409). Last accessed: April 13, 2023.

26 ¹⁹ Substitute House Bill Report (SHB 1240) is available at: [https://lawfilesext.leg.wa.gov/biennium/2023-](https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/House/1240-S%20HBR%20SA%2023.pdf?q=20230413142409)
27 [24/Pdf/Bill%20Reports/House/1240-S%20HBR%20SA%2023.pdf?q=20230413142409](https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/House/1240-S%20HBR%20SA%2023.pdf?q=20230413142409). Last accessed: April 13,
28 2023.

29 ²⁰ Substitute Senate Bill Report (SHB 1240) is available at: [https://lawfilesext.leg.wa.gov/biennium/2023-](https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/Senate/1240-S%20SBR%20APS%2023.pdf?q=20230413142409)
30 [24/Pdf/Bill%20Reports/Senate/1240-S%20SBR%20APS%2023.pdf?q=20230413142409](https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/Senate/1240-S%20SBR%20APS%2023.pdf?q=20230413142409) Last accessed: April 13,
31 2023.

1 magazine in excess of seven rounds, or a revolving cylinder; or a conversion kit, part, or
2 combination of parts, from which an "assault weapon" can be assembled or from which a
3 firearm can be converted into an "assault weapon" if those parts are in the possession or under
4 the control of the same person. Finally, SHB 1240 also includes a list of weapons that are
5 defined as "assault weapons," including automatic rifles, sniper rifles, semiautomatic rifles,
6 pistols, and shotguns of various makes, models, and calibers.

7 7. SHB 1240 is nothing less than a broad attack on Washington's Constitution,
8 including rights and conduct protected by article I, § 24, which provides that "[t]he right of the
9 individual citizen to bear arms in defense of himself, or the state, shall not be impaired[.]"

10 8. Respondents have made no showing that any of the numerous law-abiding
11 citizens directly targeted by SHB 1240 have ever misused, much less committed any crime of
12 violence with any firearms covered by the bill that would justify this radical broadside against
13 constitutional rights.

14 9. Petitioners bring this challenge to vindicate their rights and to immediately and
15 permanently enjoin enforcement of SHB 1240 in conformance with Wash. Const. art. I, § 24.

16 JURISDICTION AND VENUE

17 10. This Court has original jurisdiction pursuant to Article IV, § 6 of the
18 Washington Constitution, RCW 2.08.010, and RCW 7.24.010.

19 11. This Court has personal jurisdiction over the Respondents, whom are sued in
20 their official capacity only.

21 12. Venue is proper in this Court under RCW 4.92.010(1), as it is where Petitioners
22 reside.

23 PARTIES

24 13. Petitioner Guardian Arms LLC is a limited liability company organized under
25 the laws of the State of Washington, domiciled in Moses Lake, Washington. Guardian Arms
26 LLC was formed in September 2022, and offers a broad range of quality services including a
27 wide range of courses geared at training individuals or groups of all skill levels on the
28 fundamentals of marksmanship, threat detection, and safety, taught by instructors with years of

1 experience in law enforcement and the military. Guardian Arms LLC also sells high quality
2 products including many firearms that are banned under the provisions of SHB 1240.

3 14. Petitioner Millard Sales, LLC is a limited liability company organized under the
4 laws of the State of Washington, domiciled in Ephrata, Washington. Millard Sales, LLC was
5 formed in June 2017, and offers a broad range of firearms and firearms accessories, including
6 many that are banned under the provisions of SHB 1240.

7 15. Petitioner Michael McKee is an individual and resident of Grant County who
8 owns several firearms which will be banned from manufacture, importation, distribution, sale,
9 or offer for sale under the provisions of SHB 1240. Mr. McKee desires to add more
10 semiautomatic rifles to his arsenal to ensure he can adequately provide his own self-defense,
11 but is barred from doing so under the strictures of SHB 1240.

12 16. Petitioner Edgar Salazar is an individual and resident of Grant County who
13 owns several firearms which will be banned from manufacture, importation, distribution, sale,
14 or offer for sale under the provisions of SHB 1240. Mr. Salazar is a United States Marine
15 Corps combat veteran, a Violent Crimes detective, and Law Enforcement Firearms Instructor.
16 Mr. Salazar desires to add more semiautomatic rifles to his arsenal to ensure he can adequately
17 provide his own self-defense, but is barred from doing so under the strictures of SHB 1240.

18 17. Petitioner Paul Hill is an individual and resident of Grant County who owns
19 several firearms which will be banned from manufacture, importation, distribution, sale, or
20 offer for sale under the provisions of SHB 1240. Mr. Hill desires to add more semiautomatic
21 rifles to her arsenal to ensure she can adequately provide her own self-defense, but is barred
22 from doing so under the strictures of SHB 1240.

23 18. Petitioner Brina Yearout is an individual and resident of Grant County who
24 owns several firearms which will be banned from manufacture, importation, distribution, sale,
25 or offer for sale under the provisions of SHB 1240. Ms. Yearout desires to add more
26 semiautomatic rifles to her arsenal to ensure she can adequately provide her own self-defense,
27 but is barred from doing so under the strictures of SHB 1240.

28 19. Petitioner Jaxon Holman is an individual and resident of Grant County who
wishes to purchase an AR-15 semiautomatic rifle, saved money to do so, but will not turn 21

1 years old until April 29, 2023, and therefore was unable to purchase an AR-15 due to the
2 restrictions of RCW 9.41.240, and will now be unable to purchase an AR-15 due to the
3 provisions of SHB 1240.

4 20. Petitioner Nathan Poplawski is an individual and resident of Grant County who
5 owns several firearms which will be banned from manufacture, importation, distribution, sale,
6 or offer for sale under the provisions of SHB 1240. Mr. Poplawski is the Grant County Fire
7 Marshal, former reserve law enforcement officer, small business owner, and Law Enforcement
8 Firearms Instructor. Mr. Poplawski desires to add more semiautomatic rifles to his arsenal to
9 ensure he can adequately provide his own self-defense as well as instruct others in use of
10 firearms in self-defense, but is barred from doing so under the strictures of SHB 1240.

11 21. Petitioner Silent Majority Foundation ("the Foundation") is a nonprofit
12 organization incorporated under the laws of the state of Washington with its principal place of
13 business in Pasco, Washington. The Foundation's purposes include promoting public
14 awareness of the importance of individual rights by means of public advocacy, providing
15 classes and education services in the field of individual rights, and protecting individual rights
16 through litigation and other legal efforts. The Foundation represents its members, donors, and
17 supporters – whom include gun owners, individuals who wish to acquire firearms and
18 ammunition, individuals who wish to manufacture their own personal use firearms, licensed
19 firearm retailers, shooting ranges, trainers, and educators, among others – and brings this action
20 on behalf of itself, its members, and supporters who possess all the indicia of membership, as
21 well as similarly situated members of the public. The Foundation's organizational standing is
22 clear as it has Members (monthly donors), Second Amendment fund donors (i.e., funds
23 earmarked to protect Second Amendment rights), and supporters residing in Grant County.

24 22. Respondent Jay Inslee is the governor of the state of Washington ("Governor
25 Inslee") and is sued in his official capacity. Governor Inslee is the "supreme executive power
26 of this state[.]" Wash. Const. art. III, § 2. Governor Inslee's mandate is to "supervise the
27 conduct of all executive and ministerial offices[.]" RCW 43.06.010(1). Further, he is to "see
28 that the laws are faithfully executed." Wash. Const. art. III, § 5. While he is the supreme
executive power, he may only exercise and perform "those prescribed by the Constitution, ...

1 [and] may exercise the powers and perform the duties prescribed in this and the following
2 sections[.]” RCW 43.06.010, et seq. Governor Inslee is wholly or partially responsible for
3 overseeing, implementing, and enforcing Washington’s bans, regulatory programs, and related
4 policies, practices, and customs designed to propagate the same.

5 23. Respondent Bob Ferguson is the attorney general of the state of Washington
6 (“AG Ferguson”) and is sued in his official capacity. AG Ferguson is the “legal adviser of the
7 state officers, and shall perform such other duties as may be prescribed by law.” Wash. Const.
8 art. III, § 21. Among other duties, the attorney general is directed to “[a]pppear for and
9 represent the state before the supreme court or the court of appeals in all cases in which the
10 state is interested[.]” and to “[c]onsult with and advise the governor, members of the
11 legislature, and other state officers, and when requested, give written opinions upon all
12 constitutional or legal questions relating to the duties of such officers[.]” and “[g]ive written
13 opinions, when requested by either branch of the legislature, or any committee thereof, upon
14 constitutional or legal questions[.]” RCW 43.10.030(1), (5), and (7). AG Ferguson is wholly
15 or partially responsible for overseeing, implementing, and enforcing Washington’s bans,
16 regulatory programs, and related policies, practices, and customs designed to propagate the
17 same.

18 24. Respondent Joe Kriete is the Sheriff for Grant County and is sued in his official
19 capacity. Sheriff Kriete is charged with the duties of serving as the “chief executive officer
20 and conservator of the peace of the county.” RCW 36.28.010. He, or his deputies, are to
21 “arrest and commit to prison all persons who break the peace ... and all persons guilty of
22 public offenses;” and “defend the county against those who ... endanger the public peace or
23 safety;” and “keep and preserve the peace in [his] respective count[y.]” *Id.* (1), (2), and (6).

24 **RIGHTS AT STAKE – NATURE OF THE ACTION**

25 ***The Right to Keep and Bear Arms***

26 25. “We, the people of the State of Washington, grateful to the Supreme Ruler of
27 the universe for our liberties, do ordain this constitution.” Wash. Const. Preamble. The
28 Washington Constitution is clear, on its face, that citizens’ rights do not spring from our State’s
Constitution as it is merely a memorialization of rights already possessed. The Washington

1 Constitution was drafted and adopted for the benefit and protection of Washingtonians. These
2 liberties are not granted or conferred by the government but are preexisting and in recognition
3 that “governments derive their just powers from the consent of the governed, and are
4 established to protect and maintain individual rights.” Wash. Const. art. I, § 1. It was created
5 to protect and maintain their liberties. SHB 1240 does neither.

6 26. “The right of the individual citizen to bear arms in defense of himself, or the
7 state, shall not be impaired, but nothing in this section shall be construed as authorizing
8 individuals or corporations to organize, maintain or employ an armed body of men.” Wash.
9 Const. art. I, § 24. “Article I, section 24 plainly guarantees an individual right to bear arms.”
10 *State v. Sieyes*, 168 Wn.2d 276, 292, 225 P.3d 995 (2010). “This ‘right to bear arms’ is an
11 individual right that exists in the context of that individual’s defense of himself or the state.”
12 *City of Seattle v. Evans*, 184 Wn.2d 856, 862, 366 P.3d 906 (2015) (citing *Sieyes*, 168 Wn.2d at
13 292-93). Additionally, the Supreme Court has held that “the right to bear arms protects
14 instruments that are designed as weapons traditionally or commonly used by law-abiding
15 citizens for the lawful purpose of self-defense.” *Id.* at 869.

16 27. The enactment of SHB 1240 puts the fundamental right to keep and bear arms
17 at risk; such “regulations” are antithetical to the Washington Constitution and Supreme Court
18 precedent. The Washington Supreme Court has noted that “a weapon does not need to be
19 designed for military use to be traditionally or commonly used for self-defense. We will also
20 consider the weapon’s purpose and intended function.” *Id.* This is a direct repudiation of the
21 findings of the legislature purported to justify an impairment of the right to bear arms. While a
22 weapon does not *need* to be designed for military use to be traditionally or commonly used for
23 self-defense, it can be.

24 28. This “right was considered essential in the colonies and by the original states.”
25 *Sieyes*, 168 Wn.2d at 287. Throughout American history, all the way back even beyond the
26 founding of this great nation, there is a rich tradition of citizens robustly exercising the
27 cherished right to keep and bear arms, with people free to personally manufacture, construct,
28 and/or assemble arms for lawful purposes, including self-defense in the home, and for defense
of the state. The Washington Supreme Court has “never settled on levels-of-scrutiny analysis

1 for firearms regulations... [I]t is unwise to speculate about the boundaries of the reasonable
2 regulation limit on the constitutional right to bear arms in self-defense." *Sieyes*, 168 Wn.2d at
3 295 n.20 (quoting *City of Seattle v. Montana*, 129 Wn.2d 583, 590 n.1, 919 P.2d 1218 (1996)
4 (plurality)).

5 29. The legislative findings of SHB 1240 completely ignore the second express
6 purpose of the right to bear arms, namely the right of individuals to bear arms in defense of the
7 state; on April 19, 1775, American colonists, wielding their own muskets and other firearms,
8 "fired the shot heard round the world." Ralph Waldo Emerson, *Concord Hymn*, sung at the
9 Completion of the Battle Monument, July 4, 1837. This ragtag band of rebels repulsed the
10 greatest military power on Earth using their private weapons. Protected arms include those that
11 would be useful in a well-regulated militia, which is necessary to secure a free state.

12 30. The importance of the right to bear arms to secure liberty is demonstrated in
13 The Federalist papers and other works published in the founding era, to wit:

14 Before a standing army can rule, the people must be disarmed; as
15 they are in almost every kingdom in Europe. The supreme power in
16 America cannot enforce unjust laws by the sword; because the
17 whole body of the people are armed, and constitute a force superior
18 to any band of regular troops that can be, on any pretence [sic],
19 raised in the United States.

20 Noah Webster, *An Examination of the Leading Principles of the Federal Constitution* 43
21 (Philadelphia 1787). The Founding Fathers contended that a federal army "can never be
22 formidable to the liberties of the people while there is a large body of citizens, little if at all
23 inferior to them in discipline and the use of arms, who stand ready to defend their rights and
24 those of their fellow citizens." The Federalist No. 29 (Alexander Hamilton). And that any
25 oppressive actions of the government "would be opposed [by] a militia amounting to near half
26 a million of citizens with arms in their hands..." The Federalist No. 46 (James Madison).

27 31. In determining what constitutes "arms," Washington courts look to the text and
28 history of the Constitution, and whether the "kind of weapon, as modified by its modern design
and function, is of the sort commonly used by individuals for personal defense during either
the revolutionary and post-revolutionary era," or the time of the adoption of the state

1 constitution. *Evans*, 184 Wn.2d at 868 (quoting *State v. Delgado*, 298 Or. 395, 400-01, 692
2 P.2d 610 (1984)). “It is well known that the delegates to the Washington Convention borrowed
3 heavily from the constitutions of other states.” Justice Robert F. Utter, *Freedom and Diversity*
4 *in a Federal System: Perspectives on State Constitutions and the Washington Declaration of*
5 *Rights*, 7 *Seattle U. L. Rev.* 491, 513-14 (1984).²¹ Washington’s right to bear arms was based
6 on Oregon’s art. I, § 27 in addition to U.S. Const. amend. II. *The Journal of the Washington*
7 *State Constitutional Convention 1889*, 512 n.40, (Beverly Rosenow, ed., 1962, reprint 1999).

8 32. Despite the scary moniker, “assault weapons” are nothing more than standard
9 semiautomatic weapons that have been in existence since the first half of the Seventeenth
10 Century. J. Johnson, et al., *Firearms Law and the Second Amendment: Regulation, Rights, and*
11 *Policy* 2198-99 (3d ed. 2021). Since the very beginning of the Twentieth Century,
12 semiautomatic firearms with detachable magazines have been commonly possessed, starting
13 with the Winchester Model 1905. Mark W. Smith, “Assault Weapon” Bans: Unconstitutional
14 Laws for a Made-up Category of Firearms, 43 *Harv. J.L. & Pub. Pol’y* 357, 359 n.11 (2019);
15 see also Harold F. Williamson, *Winchester: The Gun That Won the West* 434 (1952); *Heller v.*
16 *District of Columbia* (Heller II), 670 F.3d 1244, 1287 (D.C. Cir. 2011) (Kavanaugh, J.,
17 dissenting) (citations omitted) (“The first commercially available semi-automatic rifles, the
18 Winchester Models 1903 and 1905 and the Remington Model 8, entered the market between
19 1903 and 1906... Many of the early semi-automatic rifles were available with pistol grips.”)
20 Common usage for more than a century unequivocally places semiautomatic weapons squarely
21 within the category of constitutionally protected arms.

22 33. The Supreme Court has stated that “[b]oth the federal and state constitutions
23 require us to give protection to certain weapons that have been designed and commonly used
24 for self-defense.” *Evans*, 184 Wn.2d at 872 (emphasis added). The “assault weapons” sought
25 to be banned under SHB 1240 are arms that were designed and have traditionally been used for
26 self-defense. While the legislature may wish that the only firearms available to Washington
27 citizens are muzzle-loading muskets, Constitutional protections do not dissipate simply
28 because ordinary modern firearms have a “tactical” or “military style” appearance.

²¹ Justice Utter wrote the referenced article while a Washington Supreme Court Justice.

1 34. Self-defense is an important right. It has been described as “the first law of
2 nature.” 1 St. George Tucker, *Blackstone’s Commentaries* app. at 300 (1803). Washington
3 case law supports the proposition that game laws banning the killing of wild animals are
4 nullified even in defense of property, let alone defense of self. Eugene Volokh, *State*
5 *Constitutional Rights of Self-Defense and Defense of Property*, 11 *Tex. Rev. L. & Pol.* 399,
6 408 n.34, citing *Cook v. State*, 192 Wash. 602, 611, 74 P.2d 199 (1937) (“one has the
7 constitutional right to defend and protect his property, against imminent and threatened injury
8 by a protected animal, even to the extent of killing the animal[.]”), and *State v. Burk*, 114
9 Wash. 370, 195 P. 16 (1921) (landowner allowed to offer testimony regarding justification of
10 killing two elk that were damaging crops). Even in the context of defense of others, the right
11 to preservation of life is obviously of paramount importance. *Id.* at 411 n.47, citing *Gardner v.*
12 *Loomis Armored Inc.*, 128 Wn.2d 931, 913 P.2d 377 (1996) (armored car driver exited vehicle
13 in violation of company policy to intervene on behalf of bank customers being held at
14 knifepoint).

14 35. The provisions of SHB 1240 are also inimical to the text of the Second
15 Amendment to the federal Constitution, as informed by the undeniably rich American history
16 and tradition of bearing arms for self-defense and other lawful purposes in the United States
17 and its predecessor Colonies, and defy the U.S. Supreme Court’s binding decisions in *District*
18 *of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct. 2783 (2008), *McDonald v. Chicago*, 561 U.S.
19 742, 130 S. Ct. 3020 (2010), and *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S.
20 ___, 142 S. Ct. 2111 (2022).

20 36. “[W]e consider constitutional questions first under our own state constitution.”
21 *Evans*, 184 Wn.2d at 862. “Washington retains ‘the sovereign right to adopt in its own
22 Constitution individual liberties more expansive than those conferred by the Federal
23 Constitution.’” *State v. Gunwall*, 106 Wn.2d 54, 59, 720 P.2d 808 (1986) (quoting *PruneYard*
24 *Shopping Ctr. v. Robins*, 447 U.S. 74, 81, 100 S. Ct. 2035 (1980)). “Supreme Court
25 application of the United States Constitution establishes a floor below which state courts
26 cannot go to protect individual rights. But states of course can raise the ceiling to afford greater
27 protections under their own constitutions.” *Sieyes*, 168 Wn.2d at 292. “Besides our

1 responsibility to interpret Washington's Constitution, we must furnish a rational basis for
2 counsel to predict the future course of state decisional law." *O'Day v. King County*, 109 Wn.2d
3 796, 802, 749 P.2d 142 (1988).

4 37. While the Washington Constitution is to be analyzed first, it is important to note
5 that the "floor" of the constitutional analytical framework established by the federal
6 Constitution has recently been raised under *Bruen*, and the attendant "ceiling" needs to be
7 adjusted accordingly. Gone is the "'two-step' framework for analyzing Second Amendment
8 challenges that combines history with means-end scrutiny." *Bruen*, 142 S. Ct. at 2125-26.
9 Today, "when the Second Amendment's plain text covers an individual's conduct, the
10 Constitution presumptively protects that conduct." *Id.* at 2126 (emphasis added). A state must
11 now "demonstrate that the regulation is consistent with the Nation's historical tradition of
12 firearm regulation." *Id.* This is not a radical departure from the previous analytical framework,
13 but rather a return to the standard set forth in *Heller* and an explicit rejection of means-end
scrutiny as to the right to bear arms.

14 38. The Washington Supreme Court has opined that "[t]he right to bear arms under
15 the state constitution is not absolute but is instead subject to reasonable regulation." *State v.*
16 *Jorgenson*, 179 Wn.2d 145, 154, 312 P.3d 960 (2013) (citing *City of Seattle v. Montana*, 129
17 Wn.2d 583, 593, 919 P.2d 1218 (1996)). However, it is important to note that police power of
18 the state is restricted to "'presumptively lawful' firearm regulations, such as those banning
19 felons and the mentally ill from possessing guns." *Id.*, at 156 (citing *Heller*, 554 U.S. at 626-27
20 & n.26). The statute at issue in *Jorgenson* was a "limited, temporary ban on possession of
21 firearms while released on bail pending proceedings for a serious offense[.]" and it therefore
22 did not frustrate the purpose of the right to bear arms. *Id.*, at 164. The Supreme Court was
23 careful to cabin its decision accordingly, noting that "[u]nlike the handgun prohibition in
24 *Heller*, for example, which applied to everyone in the jurisdiction, Washington's law [RCW
25 9.41.040(2)(a)(iv)] bans only persons who have been charged with any of an enumerated list of
26 'serious offenses.'" *Id.* at 162. Further, the Supreme Court stated that "[w]e simply hold that
27 as applied here, the temporary restriction on Jorgenson's right to bear arms after a trial court

1 judge found probable cause to believe he had shot someone does not violate the Second
2 Amendment.” *Id.* at 164.

3 39. The Washington Supreme Court has also provided “nonexclusive neutral
4 criteria relevant in determining whether, in a given situation, the Washington State
5 Constitution should be considered as extending broader rights to its citizens than the United
6 States Constitution[.]” *State v. Gunwall*, 106 Wn.2d 54, 58, 720 P.2d 808 (1986). In
7 *Jorgenson*, the Supreme Court conducted a *Gunwall* analysis and found that “we should
8 interpret the state right separately and independently of its federal counterpart.” *Jorgenson*, 179
9 Wn.2d at 155. As discussed in *Sieyes*, the federal constitution sets the floor below which the
10 state constitution cannot go, and under *Gunwall*, the analysis is to determine whether the rights
11 afforded under the state constitution are *broader* than those under the federal constitution.

12 40. Even assuming, *arguendo*, that Washington state may impose “reasonable
13 restrictions” on the fundamental right to bear arms, the standard of review is not intermediate
14 scrutiny, as that standard was expressly disavowed in *Bruen*, and would be strict scrutiny. As
15 discussed *supra* in paragraph 3.a.-k., there is no nexus between “assault weapons” and mass
16 shootings in Washington state. Additionally, as the provisions of SHB 1240 are a statewide
17 ban on the most commonly owned rifles, there is no narrow tailoring of the regulation.

18 **FIRST CAUSE OF ACTION**
19 **VIOLATION OF ARTICLE I SECTION 24 OF THE WASHINGTON STATE**
20 **CONSTITUTION**
21 **(UNCONSTITUTIONAL IMPAIRMENT OF THE RIGHT TO BEAR ARMS)**

22 41. Petitioners reallege and incorporate by reference, as if fully set forth herein, the
23 foregoing paragraphs.

24 42. Article I, § 24 of the Washington Constitution provides: “[t]he right of the
25 individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but
26 nothing in this section shall be construed as authorizing individuals or corporations to organize,
27 maintain or employ an armed body of men.”

28 43. “Article I, section 24 plainly guarantees an individual right to bear arms. There
is quite explicit language about the right of the individual citizen to bear arms in defense of

1 himself. This means what it says.” *Sieyes*, 168 Wn.2d at 292 (quoting Hugh Spitzer, Bearing
2 Arms in Washington State 9 (proceedings of the Spring Conference, Washington State
3 Association of Municipal Attorneys (Apr. 24, 1997)) (internal quotation marks omitted). “The
4 phrase ‘in defense of himself, or the state’ is no mere prefatory clause. Rather, the phrase is a
5 necessary and inseparable part of the right in itself.” *State v. Jorgenson*, 179 Wn.2d 145, 153,
6 312 P.3d 960 (2013).

7 44. “Impair” means to “weaken, to make worse, to lessen in power, diminish, or
8 relax, or otherwise affect in an injurious manner.”²²

9 45. SHB 1240 does nothing to prevent criminals from obtaining a firearm to
10 commit a crime. The only thing it does is unconstitutionally burden the right to bear arms of
11 law-abiding citizens and subject them to heavy-handed enforcement by virtue of provisions
12 making a violation of SHB 1240 a per se public interest violation of the Consumer Protection
13 Act.

14 **SECOND CAUSE OF ACTION**
15 **VIOLATION OF ARTICLE I SECTION 3 OF THE WASHINGTON STATE**
16 **CONSTITUTION**
17 **(VOID FOR VAGUENESS)**

18 46. Petitioners reallege and incorporate by reference, as if fully set forth herein, the
19 foregoing paragraphs.

20 47. Article I, § 3 of the Washington Constitution provides “[n]o person shall be
21 deprived of life, liberty, or property, without due process of law.”

22 48. The definition of “assault weapon” in SHB 1240 is unconstitutionally vague, as
23 it is overinclusive and turns on attachment of accessories or common possession of accessories,
24 kits, or parts. Specifically, the inclusion of verbiage prohibiting a “conversion kit, part, or
25 combination of parts, from which an assault weapon can be assembled or from which a firearm
26 can be converted into an assault weapon if those parts are in the possession or under the control
27 of the same person[]” of Sec. 2(2)(iii) is problematic; given the modular design of modern
28 sporting rifles and pistols, simply possessing an AR-style rifle upper receiver and an AR-style

²² *Black’s Law Dictionary*, 5th Edition.

1 pistol lower receiver violates this provision, as the resulting weapon would result in a
2 “semiautomatic rifle that has an overall length of less than 30 inches[.]” Sec. 2(2)(ii).

3 49. Because many modern firearms come with a Picatinny rail system for mounting
4 accessories, possessing any number of widely-available firearms accessories potentially turns
5 Washington citizens into misdemeanants. While SHB 1240 does not ban possession of
6 “assault weapons” if owned prior to the effective date, it is unclear whether subsequent
7 purchase of accessories or parts after the effective date then subjects Washington citizens to
8 enforcement actions for violation of SHB 1240, or if the purchase of a standard semiautomatic
9 pistol or shotgun, in addition to owning detachable pistol grips, etc., and possessing all of those
10 things, subjects Washington citizens to enforcement action for violations of SHB 1240.

11 50. A person of ordinary intelligence cannot determine from the statute whether
12 various objects are regulated, or if subsequent purchase of firearms accessories, and owning a
13 “grandfathered” firearm will subject them to enforcement action.

14 REQUEST FOR RELIEF

15 Petitioners seek the following relief:

- 16 A. An order GRANTING a Temporary Restraining Order against implementation of SHB
17 1240 which amends and adds provisions or sections to Chapter 9.41 RCW;
- 18 B. An order GRANTING Declaratory Judgment under RCW 7.24.010, declaring SHB
19 1240 invalid as it impairs Petitioners’ right to bear arms;
- 20 C. An Injunction against implementation of SHB 1240 and all of its provisions;
- 21 D. An order to pay the Petitioners’ costs for pursuing this action, including reasonable
22 attorney fees, pursuant to RCW 7.24.100 and any other applicable authority; and
- 23 E. Award such other relief as the Court deems appropriate.

24 Dated this 25th of April, 2023.



Austin F. Hatcher, WSBA #57449
Simon Peter Serrano, WSBA #54769
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I certify that I filed with the Court and electronically served a copy of this document on all parties on the date below as follows:

Office of the Attorney General: serviceATG@atg.wa.gov

Office of the Governor: serviceATG@atg.wa.gov

Grant County Sheriff's Office: physical service to Grant County Auditor, per RCW 4.28.080(1)

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 25th day of April, 2023, at Spokane, WA.



Austin Hatcher, WSBA #57449
Attorney for Petitioners

EXHIBIT A

SUBSTITUTE HOUSE BILL 1240

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Peterson, Senn, Alvarado, Walen, Street, Springer, Simmons, Reeves, Reed, Ormsby, Kloba, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Fey, Davis, Ramel, Bergquist, Fosse, Pollet, Lekanoff, Macri, Gregerson, and Santos; by request of Office of the Governor and Attorney General)

READ FIRST TIME 01/31/23.

1 AN ACT Relating to establishing firearms-related safety measures
2 to increase public safety by prohibiting the manufacture,
3 importation, distribution, selling, and offering for sale of assault
4 weapons, and by providing limited exemptions applicable to licensed
5 firearm manufacturers and dealers for purposes of sale to armed
6 forces branches and law enforcement agencies and for purposes of sale
7 or transfer outside the state, and to inheritors; reenacting and
8 amending RCW 9.41.010; adding new sections to chapter 9.41 RCW;
9 creating a new section; prescribing penalties; and declaring an
10 emergency.

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

12 NEW SECTION. **Sec. 1.** The legislature finds and declares that
13 gun violence is a threat to the public health and safety of
14 Washingtonians. Assault weapons are civilian versions of weapons
15 created for the military and are designed to kill humans quickly and
16 efficiently. For this reason the legislature finds that assault
17 weapons are "like" "M-16 rifles" and thus are "weapons most useful in
18 military service." Assault weapons have been used in the deadliest
19 mass shootings in the last decade. An assailant with an assault
20 weapon can hurt and kill twice the number of people than an assailant
21 with a handgun or nonassault rifle. This is because the additional

1 features of an assault weapon are not "merely cosmetic"; rather,
2 these are features that allow shooters to fire large numbers of
3 rounds quickly. An analysis of mass shootings that result in four or
4 more deaths found that 85 percent of those fatalities were caused by
5 an assault weapon. The legislature also finds that this regulation is
6 likely to have an impact on the number of mass shootings committed in
7 Washington. Studies have shown that during the period the federal
8 assault weapon ban was in effect, mass shooting fatalities were 70
9 percent less likely to occur. Moreover, the legislature finds that
10 assault weapons are not suitable for self-defense and that studies
11 show that assault weapons are statistically not used in self-defense.
12 The legislature finds that assault weapons are not commonly used in
13 self-defense and that any proliferation is not the result of the
14 assault weapon being well-suited for self-defense, hunting, or
15 sporting purposes. Rather, increased sales are the result of the gun
16 industry's concerted efforts to sell more guns to a civilian market.
17 The legislature finds that the gun industry has specifically marketed
18 these weapons as "tactical," "hyper masculine," and "military style"
19 in manner that overtly appeals to troubled young men intent on
20 becoming the next mass shooter. The legislature intends to limit the
21 prospective sale of assault weapons, while allowing existing legal
22 owners to retain the assault weapons they currently own.

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

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Antique firearm" means a firearm or replica of a firearm not
28 designed or redesigned for using rim fire or conventional center fire
29 ignition with fixed ammunition and manufactured in or before 1898,
30 including any matchlock, flintlock, percussion cap, or similar type
31 of ignition system and also any firearm using fixed ammunition
32 manufactured in or before 1898, for which ammunition is no longer
33 manufactured in the United States and is not readily available in the
34 ordinary channels of commercial trade.

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

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

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| AK-47 in all forms |
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| <u>AK-74 in all forms</u> |
| <u>Algimec AGM-1 type semiautomatic</u> |
| <u>American Arms Spectre da semiautomatic carbine</u> |
| <u>AR15, M16, or M4 in all forms</u> |
| <u>AR 180 type semiautomatic</u> |
| <u>Argentine L.S.R. semiautomatic</u> |
| <u>Australian Automatic</u> |
| <u>Auto-Ordnance Thompson M1 and 1927 semiautomatics</u> |
| <u>Barrett .50 cal light semiautomatic</u> |
| <u>Barrett .50 cal M87</u> |
| <u>Barrett .50 cal M107A1</u> |
| <u>Barrett REC7</u> |
| <u>Beretta AR70/S70 type semiautomatic</u> |
| <u>Bushmaster Carbon 15</u> |
| <u>Bushmaster ACR</u> |
| <u>Bushmaster XM-15</u> |
| <u>Bushmaster MOE</u> |
| <u>Calico models M100 and M900</u> |
| <u>CETME Sporter</u> |
| <u>CIS SR 88 type semiautomatic</u> |
| <u>Colt CAR 15</u> |
| <u>Daewoo K-1</u> |
| <u>Daewoo K-2</u> |
| <u>Dragunov semiautomatic</u> |
| <u>Fabrique Nationale FAL in all forms</u> |
| <u>Fabrique Nationale F2000</u> |
| <u>Fabrique Nationale L1A1 Sporter</u> |
| <u>Fabrique Nationale M249S</u> |
| <u>Fabrique Nationale PS90</u> |
| <u>Fabrique Nationale SCAR</u> |
| <u>FAMAS .223 semiautomatic</u> |
| <u>Galil</u> |

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| <u>Heckler & Koch G3 in all forms</u> |
| <u>Heckler & Koch HK-41/91</u> |
| <u>Heckler & Koch HK-43/93</u> |
| <u>Heckler & Koch HK94A2/3</u> |
| <u>Heckler & Koch MP-5 in all forms</u> |
| <u>Heckler & Koch PSG-1</u> |
| <u>Heckler & Koch SL8</u> |
| <u>Heckler & Koch UMP</u> |
| <u>Manchester Arms Commando MK-45</u> |
| <u>Manchester Arms MK-9</u> |
| <u>SAR-4800</u> |
| <u>SIG AMT SG510 in all forms</u> |
| <u>SIG SG550 in all forms</u> |
| <u>SKS</u> |
| <u>Spectre M4</u> |
| <u>Springfield Armory BM-59</u> |
| <u>Springfield Armory G3</u> |
| <u>Springfield Armory SAR-8</u> |
| <u>Springfield Armory SAR-48</u> |
| <u>Springfield Armory SAR-3</u> |
| <u>Springfield Armory M-21 sniper</u> |
| <u>Springfield Armory M1A</u> |
| <u>Smith & Wesson M&P 15</u> |
| <u>Sterling Mk 1</u> |
| <u>Sterling Mk 6/7</u> |
| <u>Steyr AUG</u> |
| <u>TNW M230</u> |
| <u>FAMAS F11</u> |
| <u>Uzi 9mm carbine/rifle</u> |

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

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

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

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

11 (B) Thumbhole stock;

12 (C) Folding or telescoping stock;

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

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

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

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

22 (H) Grenade launcher or flare launcher; or

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

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

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

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

32 (B) A second hand grip;

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

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

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

39 (A) A folding or telescoping stock;

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

5 (C) A thumbhole stock;

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

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

9 (F) A revolving cylinder shotgun.

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

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

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

18 ((+3)) (4) "Barrel length" means the distance from the bolt face
19 of a closed action down the length of the axis of the bore to the
20 crown of the muzzle, or in the case of a barrel with attachments to
21 the end of any legal device permanently attached to the end of the
22 muzzle.

23 ((+4)) (5) "Bump-fire stock" means a butt stock designed to be
24 attached to a semiautomatic firearm with the effect of increasing the
25 rate of fire achievable with the semiautomatic firearm to that of a
26 fully automatic firearm by using the energy from the recoil of the
27 firearm to generate reciprocating action that facilitates repeated
28 activation of the trigger.

29 ((+5)) (6) "Crime of violence" means:

30 (a) Any of the following felonies, as now existing or hereafter
31 amended: Any felony defined under any law as a class A felony or an
32 attempt to commit a class A felony, criminal solicitation of or
33 criminal conspiracy to commit a class A felony, manslaughter in the
34 first degree, manslaughter in the second degree, indecent liberties
35 if committed by forcible compulsion, kidnapping in the second degree,
36 arson in the second degree, assault in the second degree, assault of
37 a child in the second degree, extortion in the first degree, burglary
38 in the second degree, residential burglary, and robbery in the second
39 degree;

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

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

7 (~~((6))~~) (7) "Curio or relic" has the same meaning as provided in
8 27 C.F.R. Sec. 478.11.

9 (~~((7))~~) (8) "Dealer" means a person engaged in the business of
10 selling firearms at wholesale or retail who has, or is required to
11 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A
12 person who does not have, and is not required to have, a federal
13 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that
14 person makes only occasional sales, exchanges, or purchases of
15 firearms for the enhancement of a personal collection or for a hobby,
16 or sells all or part of his or her personal collection of firearms.

17 (~~((8))~~) (9) "Detachable magazine" means an ammunition feeding
18 device that can be loaded or unloaded while detached from a firearm
19 and readily inserted into a firearm.

20 (10) "Distribute" means to give out, provide, make available, or
21 deliver a firearm or large capacity magazine to any person in this
22 state, with or without consideration, whether the distributor is in-
23 state or out-of-state. "Distribute" includes, but is not limited to,
24 filling orders placed in this state, online or otherwise.
25 "Distribute" also includes causing a firearm or large capacity
26 magazine to be delivered in this state.

27 (~~((9))~~) (11) "Family or household member" has the same meaning as
28 in RCW 7.105.010.

29 (~~((10))~~) (12) "Federal firearms dealer" means a licensed dealer
30 as defined in 18 U.S.C. Sec. 921(a)(11).

31 (~~((11))~~) (13) "Federal firearms importer" means a licensed
32 importer as defined in 18 U.S.C. Sec. 921(a)(9).

33 (~~((12))~~) (14) "Federal firearms manufacturer" means a licensed
34 manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

35 (~~((13))~~) (15) "Felony" means any felony offense under the laws of
36 this state or any federal or out-of-state offense comparable to a
37 felony offense under the laws of this state.

38 (~~((14))~~) (16) "Felony firearm offender" means a person who has
39 previously been convicted or found not guilty by reason of insanity
40 in this state of any felony firearm offense. A person is not a felony

1 firearm offender under this chapter if any and all qualifying
2 offenses have been the subject of an expungement, pardon, annulment,
3 certificate, or rehabilitation, or other equivalent procedure based
4 on a finding of the rehabilitation of the person convicted or a
5 pardon, annulment, or other equivalent procedure based on a finding
6 of innocence.

7 ~~((15))~~ (17) "Felony firearm offense" means:

- 8 (a) Any felony offense that is a violation of this chapter;
9 (b) A violation of RCW 9A.36.045;
10 (c) A violation of RCW 9A.56.300;
11 (d) A violation of RCW 9A.56.310;
12 (e) Any felony offense if the offender was armed with a firearm
13 in the commission of the offense.

14 ~~((16))~~ (18) "Firearm" means a weapon or device from which a
15 projectile or projectiles may be fired by an explosive such as
16 gunpowder. "Firearm" does not include a flare gun or other
17 pyrotechnic visual distress signaling device, or a powder-actuated
18 tool or other device designed solely to be used for construction
19 purposes.

20 ~~((17))~~ (19) (a) "Frame or receiver" means a part of a firearm
21 that, when the complete firearm is assembled, is visible from the
22 exterior and provides housing or a structure designed to hold or
23 integrate one or more fire control components, even if pins or other
24 attachments are required to connect the fire control components. Any
25 such part identified with a serial number shall be presumed, absent
26 an official determination by the bureau of alcohol, tobacco,
27 firearms, and explosives or other reliable evidence to the contrary,
28 to be a frame or receiver.

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

34 ~~((18))~~ (20) "Gun" has the same meaning as firearm.

35 ~~((19))~~ (21) "Import" means to move, transport, or receive an
36 item from a place outside the territorial limits of the state of
37 Washington to a place inside the territorial limits of the state of
38 Washington. "Import" does not mean situations where an individual
39 possesses a large capacity magazine or assault weapon when departing
40 from, and returning to, Washington state, so long as the individual

1 is returning to Washington in possession of the same large capacity
2 magazine or assault weapon the individual transported out of state.

3 ~~((+20+))~~ (21) "Intimate partner" has the same meaning as provided
4 in RCW 7.105.010.

5 ~~((+21+))~~ (22) "Large capacity magazine" means an ammunition
6 feeding device with the capacity to accept more than 10 rounds of
7 ammunition, or any conversion kit, part, or combination of parts,
8 from which such a device can be assembled if those parts are in
9 possession of or under the control of the same person, but shall not
10 be construed to include any of the following:

11 (a) An ammunition feeding device that has been permanently
12 altered so that it cannot accommodate more than 10 rounds of
13 ammunition;

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

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

17 ~~((+22+))~~ (24) "Law enforcement officer" includes a general
18 authority Washington peace officer as defined in RCW 10.93.020, or a
19 specially commissioned Washington peace officer as defined in RCW
20 10.93.020. "Law enforcement officer" also includes a limited
21 authority Washington peace officer as defined in RCW 10.93.020 if
22 such officer is duly authorized by his or her employer to carry a
23 concealed pistol.

24 ~~((+23+))~~ (25) "Lawful permanent resident" has the same meaning
25 afforded a person "lawfully admitted for permanent residence" in 8
26 U.S.C. Sec. 1101(a)(20).

27 ~~((+24+))~~ (26) "Licensed collector" means a person who is
28 federally licensed under 18 U.S.C. Sec. 923(b).

29 ~~((+25+))~~ (27) "Licensed dealer" means a person who is federally
30 licensed under 18 U.S.C. Sec. 923(a).

31 ~~((+26+))~~ (28) "Loaded" means:

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

33 (b) Cartridges are in a clip that is locked in place in the
34 firearm;

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

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

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

1 ~~((+27+))~~ (29) "Machine gun" means any firearm known as a machine
2 gun, mechanical rifle, submachine gun, or any other mechanism or
3 instrument not requiring that the trigger be pressed for each shot
4 and having a reservoir clip, disc, drum, belt, or other separable
5 mechanical device for storing, carrying, or supplying ammunition
6 which can be loaded into the firearm, mechanism, or instrument, and
7 fired therefrom at the rate of five or more shots per second.

8 ~~((+28+))~~ (30) "Manufacture" means, with respect to a firearm or
9 large capacity magazine, the fabrication, making, formation,
10 production, or construction of a firearm or large capacity magazine,
11 by manual labor or by machinery.

12 ~~((+29+))~~ (31) "Nonimmigrant alien" means a person defined as such
13 in 8 U.S.C. Sec. 1101(a)(15).

14 ~~((+30+))~~ (32) "Person" means any individual, corporation,
15 company, association, firm, partnership, club, organization, society,
16 joint stock company, or other legal entity.

17 ~~((+31+))~~ (33) "Pistol" means any firearm with a barrel less than
18 16 inches in length, or is designed to be held and fired by the use
19 of a single hand.

20 ~~((+32+))~~ (34) "Rifle" means a weapon designed or redesigned, made
21 or remade, and intended to be fired from the shoulder and designed or
22 redesigned, made or remade, and intended to use the energy of the
23 explosive in a fixed metallic cartridge to fire only a single
24 projectile through a rifled bore for each single pull of the trigger.

25 ~~((+33+))~~ (35) "Sale" and "sell" mean the actual approval of the
26 delivery of a firearm in consideration of payment or promise of
27 payment.

28 ~~((+34+))~~ (36) "Secure gun storage" means:

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

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

33 ~~((+35+))~~ (37) "Semiautomatic" means any firearm which utilizes a
34 portion of the energy of a firing cartridge to extract the fired
35 cartridge case and chamber the next round, and which requires a
36 separate pull of the trigger to fire each cartridge.

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

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

5 (~~((36))~~) (39) "Serious offense" means any of the following
6 felonies or a felony attempt to commit any of the following felonies,
7 as now existing or hereafter amended:

8 (a) Any crime of violence;

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

12 (c) Child molestation in the second degree;

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

14 (e) Indecent liberties;

15 (f) Leading organized crime;

16 (g) Promoting prostitution in the first degree;

17 (h) Rape in the third degree;

18 (i) Drive-by shooting;

19 (j) Sexual exploitation;

20 (k) Vehicular assault, when caused by the operation or driving of
21 a vehicle by a person while under the influence of intoxicating
22 liquor or any drug or by the operation or driving of a vehicle in a
23 reckless manner;

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

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

30 (n) Any other felony with a deadly weapon verdict under RCW
31 9.94A.825;

32 (o) Any felony offense in effect at any time prior to June 6,
33 1996, that is comparable to a serious offense, or any federal or out-
34 of-state conviction for an offense that under the laws of this state
35 would be a felony classified as a serious offense; or

36 (p) Any felony conviction under RCW 9.41.115.

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

1 ~~((+38+))~~ (41) "Short-barreled shotgun" means a shotgun having one
2 or more barrels less than 18 inches in length and any weapon made
3 from a shotgun by any means of modification if such modified weapon
4 has an overall length of less than 26 inches.

5 ~~((+39+))~~ (42) "Shotgun" means a weapon with one or more barrels,
6 designed or redesigned, made or remade, and intended to be fired from
7 the shoulder and designed or redesigned, made or remade, and intended
8 to use the energy of the explosive in a fixed shotgun shell to fire
9 through a smooth bore either a number of ball shot or a single
10 projectile for each single pull of the trigger.

11 ~~((+40+))~~ (43) "Transfer" means the intended delivery of a firearm
12 to another person without consideration of payment or promise of
13 payment including, but not limited to, gifts and loans. "Transfer"
14 does not include the delivery of a firearm owned or leased by an
15 entity licensed or qualified to do business in the state of
16 Washington to, or return of such a firearm by, any of that entity's
17 employees or agents, defined to include volunteers participating in
18 an honor guard, for lawful purposes in the ordinary course of
19 business.

20 ~~((+41+))~~ (44) "Undetectable firearm" means any firearm that is
21 not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-
22 through metal detectors or magnetometers commonly used at airports or
23 any firearm where the barrel, the slide or cylinder, or the frame or
24 receiver of the firearm would not generate an image that accurately
25 depicts the shape of the part when examined by the types of X-ray
26 machines commonly used at airports.

27 ~~((+42+))~~ (45)(a) "Unfinished frame or receiver" means a frame or
28 receiver that is partially complete, disassembled, or inoperable,
29 that: (i) Has reached a stage in manufacture where it may readily be
30 completed, assembled, converted, or restored to a functional state;
31 or (ii) is marketed or sold to the public to become or be used as the
32 frame or receiver of a functional firearm once finished or completed,
33 including without limitation products marketed or sold to the public
34 as an 80 percent frame or receiver or unfinished frame or receiver.

35 (b) For purposes of this subsection:

36 (i) "Readily" means a process that is fairly or reasonably
37 efficient, quick, and easy, but not necessarily the most efficient,
38 speedy, or easy process. Factors relevant in making this
39 determination, with no single one controlling, include the following:
40 (A) Time, i.e., how long it takes to finish the process; (B) ease,

1 i.e., how difficult it is to do so; (C) expertise, i.e., what
2 knowledge and skills are required; (D) equipment, i.e., what tools
3 are required; (E) availability, i.e., whether additional parts are
4 required, and how easily they can be obtained; (F) expense, i.e., how
5 much it costs; (G) scope, i.e., the extent to which the subject of
6 the process must be changed to finish it; and (H) feasibility, i.e.,
7 whether the process would damage or destroy the subject of the
8 process, or cause it to malfunction.

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

13 ((+43)) (46) "Unlicensed person" means any person who is not a
14 licensed dealer under this chapter.

15 ((+44)) (47) "Untraceable firearm" means any firearm
16 manufactured after July 1, 2019, that is not an antique firearm and
17 that cannot be traced by law enforcement by means of a serial number
18 affixed to the firearm by a federal firearms manufacturer, federal
19 firearms importer, or federal firearms dealer in compliance with all
20 federal laws and regulations.

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

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

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

28 (a) The manufacture, importation, distribution, offer for sale,
29 or sale of an assault weapon by a licensed firearms manufacturer for
30 the purposes of sale to any branch of the armed forces of the United
31 States or the state of Washington, or to any law enforcement agency
32 for use by that agency or its employees for law enforcement purposes,
33 or to a person who does not reside in this state;

34 (b) The importation, distribution, offer for sale, or sale of an
35 assault weapon by a dealer that is properly licensed under federal
36 and state law for the purpose of sale to any branch of the armed
37 forces of the United States or the state of Washington, or to a law
38 enforcement agency in this state for use by that agency or its
39 employees for law enforcement purposes;

1 (c) The distribution, offer for sale, or sale of an assault
2 weapon to or by a dealer that is properly licensed under federal and
3 state law where the dealer acquires the assault weapon from an
4 individual legally authorized to possess or transfer the assault
5 weapon for the purpose of selling or transferring the assault weapon
6 to a person who does not reside in this state. The purpose of this
7 section is to allow individuals who no longer wish to own an assault
8 weapon to sell their assault weapon and is not intended to allow
9 Washington dealers to purchase assault weapons wholesale for the
10 purpose of selling a stock or inventory of assault weapons online or
11 in person to nonresidents;

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

16 (e) The receipt of an assault weapon by a person who, on or after
17 the effective date of this section, acquires possession of the
18 assault weapon by operation of law upon the death of the former owner
19 who was in legal possession of the assault weapon, provided the
20 person in possession of the assault weapon can establish such
21 provenance. Receipt under this subsection (2)(e) is not
22 "distribution" under this chapter. A person who legally receives an
23 assault weapon under this subsection (2)(e) may not sell or transfer
24 the assault weapon to any other person in this state other than to a
25 licensed dealer, to a federally licensed gunsmith for the purpose of
26 service or repair, or to a law enforcement agency for the purpose of
27 permanently relinquishing the assault weapon.

28 (3) For the purposes of this section, "law enforcement agency"
29 means any (a) general authority Washington law enforcement agency as
30 defined in RCW 10.93.020; (b) limited authority Washington law
31 enforcement agency as defined in RCW 10.93.020; or (c) equivalent
32 federal, state, or local law enforcement agency in the United States.

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

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

37 (1) The legislature finds that manufacturing, importing,
38 distributing, selling, or offering for sale any assault weapon in
39 violation of section 3 of this act are matters vitally affecting the

1 public interest for the purpose of applying the consumer protection
2 act, chapter 19.86 RCW; are not reasonable in relation to the
3 development and preservation of business; and constitutes an unfair
4 or deceptive act in trade or commerce and an unfair method of
5 competition for the purpose of applying the consumer protection act,
6 chapter 19.86 RCW.

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

11 (3) Any person or entity that receives a civil investigative
12 demand issued pursuant to RCW 19.86.110 and that has an objection to
13 answering in whole or in part may avail themselves of the procedural
14 protections afforded in RCW 19.86.110(8). Further, the attorney
15 general shall not share with a law enforcement agency conducting a
16 criminal investigation any materials or information obtained via a
17 response to a civil investigative demand issued pursuant to RCW
18 19.86.110 unless such information or materials are required to be
19 disclosed pursuant to issuance of a search warrant.

20 NEW SECTION. **Sec. 5.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and takes
27 effect immediately.

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