
HOUSE BILL 2156

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Scott, Wineberry and Leonard

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1 AN ACT Relating to possession of short firearms or pistols by
2 persons under twenty-one years of age; amending RCW 9.41.060;
3 reenacting and amending RCW 9.41.040; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are
6 each reenacted and amended to read as follows:

7 (1) A person is guilty of the crime of unlawful possession of a
8 short firearm or pistol, if, having previously been convicted or, as a
9 juvenile, adjudicated in this state or elsewhere of a crime of violence
10 or of a felony in which a firearm was used or displayed, the person
11 owns or has in his possession any short firearm or pistol.

12 (2) Unlawful possession of a short firearm or pistol shall be
13 punished as a class C felony under chapter 9A.20 RCW.

14 (3) As used in this section, a person has been "convicted or
15 adjudicated" at such time as a plea of guilty has been accepted or a
16 verdict of guilty has been filed, notwithstanding the pendency of any
17 future proceedings including but not limited to sentencing or
18 disposition, post-trial or post-factfinding motions, and appeals. A
19 person shall not be precluded from possession if the conviction or

1 adjudication has been the subject of a pardon, annulment, certificate
2 of rehabilitation, or other equivalent procedure based on a finding of
3 the rehabilitation of the person convicted or adjudicated or the
4 conviction or disposition has been the subject of a pardon, annulment,
5 or other equivalent procedure based on a finding of innocence.

6 (4) Except as provided in subsection (5) of this section, a person
7 is guilty of the crime of unlawful possession of a short firearm or
8 pistol if, after having been convicted or adjudicated of any felony
9 violation of the uniform controlled substances act, chapter 69.50 RCW,
10 or equivalent statutes of another jurisdiction, the person owns or has
11 in his or her possession or under his or her control any short firearm
12 or pistol.

13 (5) Notwithstanding subsection (1) of this section, a person
14 convicted of an offense other than murder, manslaughter, robbery, rape,
15 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
16 violations with respect to controlled substances under RCW 69.50.401(a)
17 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
18 and who received a dismissal of the charge under RCW 9.95.240, shall
19 not be precluded from ownership, possession, or control of a firearm as
20 a result of the conviction.

21 (6)(a) A person who has been committed by court order for treatment
22 of mental illness under RCW 71.05.320 or chapter 10.77 RCW, or
23 equivalent statutes of another jurisdiction, may not possess, in any
24 manner, a firearm as defined in RCW 9.41.010.

25 (b) At the time of commitment, the court shall specifically state
26 to the person under (a) of this subsection and give the person notice
27 in writing that the person is barred from possession of firearms.

28 (c) The secretary of social and health services shall develop
29 appropriate rules to create an approval process under this subsection.
30 The rules must provide for the immediate restoration of the right to
31 possess a firearm upon a showing in a court of competent jurisdiction
32 that a person no longer is required to participate in an inpatient or
33 outpatient treatment program, and is no longer required to take
34 medication to treat any condition related to the commitment. Unlawful
35 possession of a firearm under this subsection shall be punished as a
36 class C felony under chapter 9A.20 RCW.

37 (7) Except as permitted under RCW 9.41.060, no person under the age
38 of twenty-one years may have in his or her possession a short firearm
39 or pistol. Unlawful possession of a short firearm or pistol under this

1 subsection is a class C felony for the first offense and a class B
2 felony for a second or subsequent offense.

3 **Sec. 2.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read
4 as follows:

5 The provisions of RCW 9.41.040(7) and 9.41.050 shall not apply to
6 marshals, sheriffs, prison or jail wardens or their deputies, policemen
7 or other law enforcement officers, or to members of the army, navy, or
8 marine corps of the United States or of the national guard or organized
9 reserves when on duty, or to regularly enrolled members of any
10 organization duly authorized to purchase or receive such weapons from
11 the United States or from this state, or to regularly enrolled members
12 of clubs organized for the purpose of target shooting or modern and
13 antique firearm collecting or to individual hunters: PROVIDED, Such
14 members are at, or are going to or from their places of target
15 practice, or their collector's gun shows and exhibits, or are on a
16 hunting, camping, or fishing trip, or to officers or employees of the
17 United States duly authorized to carry a concealed pistol, or to any
18 person engaged in the business of manufacturing, repairing, or dealing
19 in firearms or the agent or representative of any such person having in
20 his possession, using, or carrying a pistol in the usual or ordinary
21 course of such business, or to any person while carrying a pistol
22 unloaded and in a secure wrapper from the place of purchase to his home
23 or place of business or to a place of repair or back to his home or
24 place of business or in moving from one place of abode or business to
25 another.

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