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HOUSE BILL 2544

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Appelwick, Leonard, Wang, J. Kohl, Thibaudeau and Cothern

Read first time 01/17/94. Referred to Committee on Judiciary.

1 AN ACT Relating to semiautomatic assault weapons; reenacting and  
2 amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; and  
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are  
6 each reenacted and amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Short firearm" or "pistol" (~~as used in this chapter~~) means  
10 any firearm with a barrel less than twelve inches in length.

11 (2) "Crime of violence" (~~as used in this chapter~~) means:

12 (a) Any of the following felonies, as now existing or hereafter  
13 amended: Any felony defined under any law as a class A felony or an  
14 attempt to commit a class A felony, criminal solicitation of or  
15 criminal conspiracy to commit a class A felony, manslaughter in the  
16 first degree, manslaughter in the second degree, indecent liberties if  
17 committed by forcible compulsion, rape in the second degree, kidnapping  
18 in the second degree, arson in the second degree, assault in the second  
19 degree, assault of a child in the second degree, extortion in the first

1 degree, burglary in the second degree, and robbery in the second  
2 degree;

3 (b) Any conviction or adjudication for a felony offense in effect  
4 at any time prior to July 1, 1976, which is comparable to a felony  
5 classified as a crime of violence in subsection (2)(a) of this section;  
6 and

7 (c) Any federal or out-of-state conviction or adjudication for an  
8 offense comparable to a felony classified as a crime of violence under  
9 subsection (2) (a) or (b) of this section.

10 (3) "Firearm" (~~as used in this chapter~~) means a weapon or device  
11 from which a projectile may be fired by an explosive such as gunpowder.

12 (4) "Semiautomatic assault weapon" means:

13 (a) Any of the firearms or types, replicas, or duplicates in any  
14 caliber of the firearms known as:

15 (i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs,  
16 all models;

17 (ii) Action Arms Israeli Military Industries UZI and Galil;

18 (iii) Beretta AR-70 (SC-70);

19 (iv) Colt AR-15;

20 (v) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

21 (vi) SWD M-10, M-11, M-11/9, and M-12;

22 (vii) Steyr AUG;

23 (viii) INTRATEC TEC-9, TEC-DC9, and TEC-22; and

24 (ix) Any shotgun that contains its ammunition in a revolving  
25 cylinder, such as, but not limited to, the Street Sweeper and Striker  
26 12;

27 (b) A semiautomatic rifle that has an ability to accept a  
28 detachable magazine and has at least two of:

29 (i) A folding or telescoping stock;

30 (ii) A pistol grip that protrudes conspicuously beneath the action  
31 of the weapon;

32 (iii) A bayonet mount;

33 (iv) A flash suppressor or barrel having a threaded muzzle; and

34 (v) A grenade launcher;

35 (c) A semiautomatic pistol that has an ability to accept a  
36 detachable magazine and has at least two of:

37 (i) An ammunition magazine that attaches to the pistol outside of  
38 the pistol grip;

39 (ii) A barrel having a threaded muzzle;

1        (iii) A shroud that is attached to, or partially or completely  
2 encircles, the barrel and that permits the shooter to hold the firearm  
3 with the nontrigger hand without being burned;

4        (iv) A manufactured weight of fifty ounces or more when the pistol  
5 is unloaded; and

6        (v) A semiautomatic version of an automatic firearm; and

7        (d) A semiautomatic shotgun that has at least two of:

8        (i) A folding or telescoping stock;

9        (ii) A pistol grip that protrudes conspicuously beneath the action  
10 of the weapon;

11        (iii) A fixed magazine capacity in excess of five rounds; and

12        (iv) An ability to accept a detachable magazine.

13        (5) "Commercial seller" ((as used in this chapter)) means a person  
14 who has a federal firearms license.

15        NEW SECTION. Sec. 2. (1) It is unlawful for any person to  
16 manufacture, sell, deliver, buy, own, or possess a semiautomatic  
17 assault weapon. A violation of this section is a class C felony.

18        (2) This section does not apply to:

19        (a) A law enforcement officer while engaged in official duties;

20        (b) A member of the armed forces of the United States or the state  
21 of Washington, while engaged in official duties; or

22        (c) Any person, including an employee of such person, who is exempt  
23 from or licensed under the National Firearms Act (26 U.S.C. Sec. 5801  
24 et seq.), and while engaged in the production, manufacture, repair, or  
25 testing of weapons or equipment.

26        NEW SECTION. Sec. 3. Any person voluntarily surrendering a  
27 semiautomatic assault weapon to the chief of police or county sheriff  
28 in the city or county of the person's residence within ninety days of  
29 the effective date of this act is immune from prosecution for  
30 possessing the semiautomatic assault weapon.

31        NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added  
32 to chapter 9.41 RCW.

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