
SENATE BILL 6408

State of Washington

56th Legislature

2000 Regular Session

By Senators Kohl-Welles, Heavey, Costa, Shin, Thibaudeau, Kline, Prentice, McAuliffe, Winsley, Fairley, Patterson, Wojahn and Jacobsen

Read first time . Referred to Committee on .

1 AN ACT Relating to the sale of firearms at gun shows and flea
2 markets; amending RCW 9.41.010; and declaring an emergency.

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

4 **Sec. 1.** RCW 9.41.010 and 1997 c 338 s 46 are each amended to read
5 as follows:

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

8 (1) "Firearm" means a weapon or device from which a projectile or
9 projectiles may be fired by an explosive such as gunpowder.

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

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

18 (4) "Short-barreled rifle" means a rifle having one or more barrels
19 less than sixteen inches in length and any weapon made from a rifle by

1 any means of modification if such modified weapon has an overall length
2 of less than twenty-six inches.

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

9 (6) "Short-barreled shotgun" means a shotgun having one or more
10 barrels less than eighteen inches in length and any weapon made from a
11 shotgun by any means of modification if such modified weapon has an
12 overall length of less than twenty-six inches.

13 (7) "Machine gun" means any firearm known as a machine gun,
14 mechanical rifle, submachine gun, or any other mechanism or instrument
15 not requiring that the trigger be pressed for each shot and having a
16 reservoir clip, disc, drum, belt, or other separable mechanical device
17 for storing, carrying, or supplying ammunition which can be loaded into
18 the firearm, mechanism, or instrument, and fired therefrom at the rate
19 of five or more shots per second.

20 (8) "Antique firearm" means a firearm or replica of a firearm not
21 designed or redesigned for using rim fire or conventional center fire
22 ignition with fixed ammunition and manufactured in or before 1898,
23 including any matchlock, flintlock, percussion cap, or similar type of
24 ignition system and also any firearm using fixed ammunition
25 manufactured in or before 1898, for which ammunition is no longer
26 manufactured in the United States and is not readily available in the
27 ordinary channels of commercial trade.

28 (9) "Loaded" means:

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

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

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

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

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

38 (10) "Dealer" means a person engaged in the business of selling
39 firearms at wholesale or retail who has, or is required to have, a

1 federal firearms license under 18 U.S.C. Sec. 923(a). "Dealer"
2 includes any person who sells, leases, or transfers firearms at a gun
3 show or shows. A person who does not have, and is not required to
4 have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a
5 dealer if that person makes only occasional sales, exchanges, or
6 purchases of firearms for the enhancement of a personal collection or
7 for a hobby, or sells all or part of his or her personal collection of
8 firearms.

9 (11) "Crime of violence" means:

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

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

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

26 (12) "Serious offense" means any of the following felonies or a
27 felony attempt to commit any of the following felonies, as now existing
28 or hereafter amended:

29 (a) Any crime of violence;

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

33 (c) Child molestation in the second degree;

34 (d) Incest when committed against a child under age fourteen;

35 (e) Indecent liberties;

36 (f) Leading organized crime;

37 (g) Promoting prostitution in the first degree;

38 (h) Rape in the third degree;

39 (i) Drive-by shooting;

1 (j) Sexual exploitation;

2 (k) Vehicular assault;

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

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

9 (n) Any other felony with a deadly weapon verdict under RCW
10 9.94A.125; or

11 (o) Any felony offense in effect at any time prior to June 6, 1996,
12 that is comparable to a serious offense, or any federal or out-of-state
13 conviction for an offense that under the laws of this state would be a
14 felony classified as a serious offense.

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

21 (14) "Felony" means any felony offense under the laws of this state
22 or any federal or out-of-state offense comparable to a felony offense
23 under the laws of this state.

24 (15) "Sell" refers to the actual approval of the delivery of a
25 firearm in consideration of payment or promise of payment of a certain
26 price in money.

27 (16) "Barrel length" means the distance from the bolt face of a
28 closed action down the length of the axis of the bore to the crown of
29 the muzzle, or in the case of a barrel with attachments to the end of
30 any legal device permanently attached to the end of the muzzle.

31 (17) "Family or household member" means "family" or "household
32 member" as used in RCW 10.99.020.

33 (18) "Gun show" means a place or event, other than a permanent
34 retail store, at which two or more individuals assemble to sell, lease,
35 or transfer new or used firearms or firearm components to the public
36 and which is not exempt from collecting sales tax under RCW 82.08.0251.
37 The term includes any area near the location of the gun show that is
38 used for parking designated for the gun show. The term also includes
39 flea markets where firearms are sold.

1 (19) "Flea market" means a bazaar or sale that is organized for the
2 purpose of selling new or used merchandise and at which more than one
3 vendor is displaying or selling merchandise.

4 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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