
HOUSE BILL 2098

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Blake, Kretz, Hurst, Orcutt, Finn, Sequist, Taylor, Dunshee, Shea, Van De Wege, Short, Takko, Moscoso, Tharinger, Lias, Sells, Schmick, Kirby, Ahern, Condotta, McCoy, Moeller, Goodman, and McCune

Read first time 04/14/11. Referred to Committee on Judiciary.

1 AN ACT Relating to short-barreled rifles; amending RCW 9.41.190;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 9.41.190 and 1994 sp.s. c 7 s 420 are each amended to
5 read as follows:

6 (1) Except as otherwise provided in this section, it is unlawful
7 for any person to manufacture, own, buy, sell, loan, furnish,
8 transport, or have in possession or under control, any machine gun,
9 short-barreled shotgun, or short-barreled rifle; or any part designed
10 and intended solely and exclusively for use in a machine gun, short-
11 barreled shotgun, or short-barreled rifle, or in converting a weapon
12 into a machine gun, short-barreled shotgun, or short-barreled rifle; or
13 to assemble or repair any machine gun, short-barreled shotgun, or
14 short-barreled rifle.

15 (2) It is not unlawful for a person to possess, transport, acquire,
16 or transfer a short-barreled rifle that is legally registered and
17 possessed, transported, acquired, or transferred in accordance with
18 federal law.

19 (3) This section shall not apply to:

1 (a) Any peace officer in the discharge of official duty or
2 traveling to or from official duty, or to any officer or member of the
3 armed forces of the United States or the state of Washington in the
4 discharge of official duty or traveling to or from official duty; or

5 (b) A person, including an employee of such person if the employee
6 has undergone fingerprinting and a background check, who or which is
7 exempt from or licensed under federal law, and engaged in the
8 production, manufacture, repair, or testing of machine guns, short-
9 barreled shotguns, or short-barreled rifles:

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

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

14 (iii) For exportation in compliance with all applicable federal
15 laws and regulations.

16 ((+3)) (4) It shall be an affirmative defense to a prosecution
17 brought under this section that the machine gun((7)) or short-barreled
18 shotgun(~~(, or short-barreled rifle)~~) was acquired prior to July 1,
19 1994, and is possessed in compliance with federal law.

20 ((+4)) (5) Any person violating this section is guilty of a class
21 C felony.

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