
SENATE BILL 5747

State of Washington

68th Legislature

2023 Regular Session

By Senators Lovick, Boehnke, Dhingra, Padden, and Holy

Read first time 02/16/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to projectile stun guns; and reenacting RCW
2 9.41.010.

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

4 **Sec. 1.** RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are
5 each reenacted to read as follows:

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

8 (1) "Antique firearm" means a firearm or replica of a firearm not
9 designed or redesigned for using rim fire or conventional center fire
10 ignition with fixed ammunition and manufactured in or before 1898,
11 including any matchlock, flintlock, percussion cap, or similar type
12 of ignition system and also any firearm using fixed ammunition
13 manufactured in or before 1898, for which ammunition is no longer
14 manufactured in the United States and is not readily available in the
15 ordinary channels of commercial trade.

16 (2) "Assemble" means to fit together component parts.

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

1 (4) "Bump-fire stock" means a butt stock designed to be attached
2 to a semiautomatic firearm with the effect of increasing the rate of
3 fire achievable with the semiautomatic firearm to that of a fully
4 automatic firearm by using the energy from the recoil of the firearm
5 to generate reciprocating action that facilitates repeated activation
6 of the trigger.

7 (5) "Crime of violence" means:

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

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

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

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

26 (7) "Dealer" means a person engaged in the business of selling
27 firearms at wholesale or retail who has, or is required to have, a
28 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
29 does not have, and is not required to have, a federal firearms
30 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person
31 makes only occasional sales, exchanges, or purchases of firearms for
32 the enhancement of a personal collection or for a hobby, or sells all
33 or part of his or her personal collection of firearms.

34 (8) "Distribute" means to give out, provide, make available, or
35 deliver a firearm or large capacity magazine to any person in this
36 state, with or without consideration, whether the distributor is in-
37 state or out-of-state. "Distribute" includes, but is not limited to,
38 filling orders placed in this state, online or otherwise.
39 "Distribute" also includes causing a firearm or large capacity
40 magazine to be delivered in this state.

1 (9) "Family or household member" has the same meaning as in RCW
2 7.105.010.

3 (10) "Federal firearms dealer" means a licensed dealer as defined
4 in 18 U.S.C. Sec. 921(a)(11).

5 (11) "Federal firearms importer" means a licensed importer as
6 defined in 18 U.S.C. Sec. 921(a)(9).

7 (12) "Federal firearms manufacturer" means a licensed
8 manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

9 (13) "Felony" means any felony offense under the laws of this
10 state or any federal or out-of-state offense comparable to a felony
11 offense under the laws of this state.

12 (14) "Felony firearm offender" means a person who has previously
13 been convicted or found not guilty by reason of insanity in this
14 state of any felony firearm offense. A person is not a felony firearm
15 offender under this chapter if any and all qualifying offenses have
16 been the subject of an expungement, pardon, annulment, certificate,
17 or rehabilitation, or other equivalent procedure based on a finding
18 of the rehabilitation of the person convicted or a pardon, annulment,
19 or other equivalent procedure based on a finding of innocence.

20 (15) "Felony firearm offense" means:

21 (a) Any felony offense that is a violation of this chapter;

22 (b) A violation of RCW 9A.36.045;

23 (c) A violation of RCW 9A.56.300;

24 (d) A violation of RCW 9A.56.310;

25 (e) Any felony offense if the offender was armed with a firearm
26 in the commission of the offense.

27 (16) "Firearm" means a weapon or device from which a projectile
28 or projectiles may be fired by an explosive such as gunpowder.
29 "Firearm" does not include a flare gun or other pyrotechnic visual
30 distress signaling device, or a powder-actuated tool or other device
31 designed solely to be used for construction purposes, or a projectile
32 stun gun (as defined in RCW 9A.04.110) lawfully possessed by a sworn
33 peace officer.

34 (17)(a) "Frame or receiver" means a part of a firearm that, when
35 the complete firearm is assembled, is visible from the exterior and
36 provides housing or a structure designed to hold or integrate one or
37 more fire control components, even if pins or other attachments are
38 required to connect the fire control components. Any such part
39 identified with a serial number shall be presumed, absent an official
40 determination by the bureau of alcohol, tobacco, firearms, and

1 explosives or other reliable evidence to the contrary, to be a frame
2 or receiver.

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

8 (18) "Gun" has the same meaning as firearm.

9 (19) "Import" means to move, transport, or receive an item from a
10 place outside the territorial limits of the state of Washington to a
11 place inside the territorial limits of the state of Washington.
12 "Import" does not mean situations where an individual possesses a
13 large capacity magazine when departing from, and returning to,
14 Washington state, so long as the individual is returning to
15 Washington in possession of the same large capacity magazine the
16 individual transported out of state.

17 (20) "Intimate partner" has the same meaning as provided in RCW
18 7.105.010.

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

25 (a) An ammunition feeding device that has been permanently
26 altered so that it cannot accommodate more than 10 rounds of
27 ammunition;

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

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

31 (22) "Law enforcement officer" includes a general authority
32 Washington peace officer as defined in RCW 10.93.020, or a specially
33 commissioned Washington peace officer as defined in RCW 10.93.020.
34 "Law enforcement officer" also includes a limited authority
35 Washington peace officer as defined in RCW 10.93.020 if such officer
36 is duly authorized by his or her employer to carry a concealed
37 pistol.

38 (23) "Lawful permanent resident" has the same meaning afforded a
39 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
40 1101(a)(20).

1 (24) "Licensed collector" means a person who is federally
2 licensed under 18 U.S.C. Sec. 923(b).

3 (25) "Licensed dealer" means a person who is federally licensed
4 under 18 U.S.C. Sec. 923(a).

5 (26) "Loaded" means:

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

7 (b) Cartridges are in a clip that is locked in place in the
8 firearm;

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

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

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

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

22 (28) "Manufacture" means, with respect to a firearm or large
23 capacity magazine, the fabrication, making, formation, production, or
24 construction of a firearm or large capacity magazine, by manual labor
25 or by machinery.

26 (29) "Nonimmigrant alien" means a person defined as such in 8
27 U.S.C. Sec. 1101(a) (15).

28 (30) "Person" means any individual, corporation, company,
29 association, firm, partnership, club, organization, society, joint
30 stock company, or other legal entity.

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

34 (32) "Rifle" means a weapon designed or redesigned, made or
35 remade, and intended to be fired from the shoulder and designed or
36 redesigned, made or remade, and intended to use the energy of the
37 explosive in a fixed metallic cartridge to fire only a single
38 projectile through a rifled bore for each single pull of the trigger.

39 (33) "Sale" and "sell" mean the actual approval of the delivery
40 of a firearm in consideration of payment or promise of payment.

1 (34) "Secure gun storage" means:

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

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

6 (35)(a) "Semiautomatic assault rifle" means any rifle which
7 utilizes a portion of the energy of a firing cartridge to extract the
8 fired cartridge case and chamber the next round, and which requires a
9 separate pull of the trigger to fire each cartridge.

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

14 (36) "Serious offense" means any of the following felonies or a
15 felony attempt to commit any of the following felonies, as now
16 existing or hereafter amended:

17 (a) Any crime of violence;

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

21 (c) Child molestation in the second degree;

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

23 (e) Indecent liberties;

24 (f) Leading organized crime;

25 (g) Promoting prostitution in the first degree;

26 (h) Rape in the third degree;

27 (i) Drive-by shooting;

28 (j) Sexual exploitation;

29 (k) Vehicular assault, when caused by the operation or driving of
30 a vehicle by a person while under the influence of intoxicating
31 liquor or any drug or by the operation or driving of a vehicle in a
32 reckless manner;

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

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

39 (n) Any other felony with a deadly weapon verdict under RCW
40 9.94A.825;

1 (o) Any felony offense in effect at any time prior to June 6,
2 1996, that is comparable to a serious offense, or any federal or out-
3 of-state conviction for an offense that under the laws of this state
4 would be a felony classified as a serious offense; or

5 (p) Any felony conviction under RCW 9.41.115.

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

10 (38) "Short-barreled shotgun" means a shotgun having one or more
11 barrels less than 18 inches in length and any weapon made from a
12 shotgun by any means of modification if such modified weapon has an
13 overall length of less than 26 inches.

14 (39) "Shotgun" means a weapon with one or more barrels, designed
15 or redesigned, made or remade, and intended to be fired from the
16 shoulder and designed or redesigned, made or remade, and intended to
17 use the energy of the explosive in a fixed shotgun shell to fire
18 through a smooth bore either a number of ball shot or a single
19 projectile for each single pull of the trigger.

20 (40) "Transfer" means the intended delivery of a firearm to
21 another person without consideration of payment or promise of payment
22 including, but not limited to, gifts and loans. "Transfer" does not
23 include the delivery of a firearm owned or leased by an entity
24 licensed or qualified to do business in the state of Washington to,
25 or return of such a firearm by, any of that entity's employees or
26 agents, defined to include volunteers participating in an honor
27 guard, for lawful purposes in the ordinary course of business.

28 (41) "Undetectable firearm" means any firearm that is not as
29 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through
30 metal detectors or magnetometers commonly used at airports or any
31 firearm where the barrel, the slide or cylinder, or the frame or
32 receiver of the firearm would not generate an image that accurately
33 depicts the shape of the part when examined by the types of X-ray
34 machines commonly used at airports.

35 (42)(a) "Unfinished frame or receiver" means a frame or receiver
36 that is partially complete, disassembled, or inoperable, that: (i)
37 Has reached a stage in manufacture where it may readily be completed,
38 assembled, converted, or restored to a functional state; or (ii) is
39 marketed or sold to the public to become or be used as the frame or
40 receiver of a functional firearm once finished or completed,

1 including without limitation products marketed or sold to the public
2 as an 80 percent frame or receiver or unfinished frame or receiver.

3 (b) For purposes of this subsection:

4 (i) "Readily" means a process that is fairly or reasonably
5 efficient, quick, and easy, but not necessarily the most efficient,
6 speedy, or easy process. Factors relevant in making this
7 determination, with no single one controlling, include the following:
8 (A) Time, i.e., how long it takes to finish the process; (B) ease,
9 i.e., how difficult it is to do so; (C) expertise, i.e., what
10 knowledge and skills are required; (D) equipment, i.e., what tools
11 are required; (E) availability, i.e., whether additional parts are
12 required, and how easily they can be obtained; (F) expense, i.e., how
13 much it costs; (G) scope, i.e., the extent to which the subject of
14 the process must be changed to finish it; and (H) feasibility, i.e.,
15 whether the process would damage or destroy the subject of the
16 process, or cause it to malfunction.

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

21 (43) "Unlicensed person" means any person who is not a licensed
22 dealer under this chapter.

23 (44) "Untraceable firearm" means any firearm manufactured after
24 July 1, 2019, that is not an antique firearm and that cannot be
25 traced by law enforcement by means of a serial number affixed to the
26 firearm by a federal firearms manufacturer, federal firearms
27 importer, or federal firearms dealer in compliance with all federal
28 laws and regulations.

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