AN ACT Relating to pistol ammunition; amending RCW 42.56.240 and 9.41.010; adding new sections to chapter 9.41 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. A new section is added to chapter 9.41 RCW to read as follows:
Beginning January 1, 2010, all pistol ammunition manufactured in the state, imported into the state, or kept or offered for sale, sold, or transferred in the state, must be coded ammunition as defined in RCW 9.41.010.

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:
(1) The department of licensing shall establish and maintain a centralized ammunition database that contains the following information:
(a) A registry of all pistol ammunition sellers that sell, offer for sale, loan, distribute, or otherwise transfer pistol ammunition within Washington;
(b) Records of all transactions for pistol ammunition that are reported to the department of licensing under section 3 of this act.

(2) The department of licensing shall establish by rule the manner and form for sellers of pistol ammunition regulated under this act to register with the department of licensing and the manner and form for sellers to report pistol ammunition transactions to the department of licensing.

(3) Information in the ammunition database is confidential and may be released by the department of licensing only in accordance with RCW 42.56.240.

NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

A seller of pistol ammunition that is required to be coded under section 1 of this act must comply with the following requirements:

(1) Register with the department of licensing in a manner prescribed by the department of licensing;

(2) Report to the department of licensing, in a format prescribed by the department of licensing, the following information for each transaction that involves pistol ammunition that is required to be coded under section 1 of this act:

(a) The date of the transaction;

(b) The name and date of birth of the purchaser or transferee of the pistol ammunition;

(c) The driver's license number or other government-issued identification card number of the purchaser or transferee of the pistol ammunition;

(d) The unique alphanumeric identifier of all pistol ammunition transferred to the purchaser or transferee; and

(e) Other information that the department of licensing determines is necessary.

(3) Maintain copies of all records of pistol ammunition transactions submitted to the department of licensing under this section for a period of not less than three years from the date of the transaction.

NEW SECTION. Sec. 4. A new section is added to chapter 9.41 RCW to read as follows:
(1) A seller of pistol ammunition that intentionally fails to comply with, or falsifies the required records relating to, the reporting requirement in section 3(2) of this act is guilty of a misdemeanor.

(2) A seller of pistol ammunition that knowingly sells or transfers noncoded pistol ammunition in violation of section 1 of this act is guilty of a misdemeanor.

(3) Any person who intentionally destroys, obliterates, or otherwise renders unreadable the unique alphanumeric identifier on any coded pistol ammunition, as required under section 1 of this act, is guilty of a misdemeanor.

Sec. 5. RCW 42.56.240 and 2005 c 274 s 404 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);
(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies; ((and))

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator; and

(6) Records maintained by the department of licensing in the centralized ammunition database under section 2 of this act. Records or information in the database may be released to law enforcement agencies or prosecuting attorneys in connection with a criminal investigation or prosecution.

Sec. 6. RCW 9.41.010 and 2001 c 300 s 2 are each amended to read as follows:

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

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

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

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

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

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

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

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

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

(9) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;
(b) Cartridges are in a clip that is locked in place in the firearm;
(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;
(d) There is a cartridge in the tube or magazine that is inserted in the action; or
(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

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

(11) "Crime of violence" means:

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

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

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

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

(a) Any crime of violence;

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

(c) Child molestation in the second degree;

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

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

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

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

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.602; or

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

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

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

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

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

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

(18) "Coded ammunition" means ammunition that carries a unique alphanumeric identifier that has been applied by etching onto the base of the bullet projectile and the inside of the cartridge casing and that meets the following requirements:

(a) The base of the bullet and the inside of the cartridge casing of each round in a box of ammunition are encoded with the same unique alphanumeric identifier.
(b) The unique alphanumeric identifier is engraved in such a manner that it is highly likely to permit identification after ammunition discharge and bullet impact;

(c) The outside of each box of ammunition is labeled with the name of the manufacturer and the same alphanumeric identifier used on the bases of bullets contained in the box; and

(d) Ammunition contained in one ammunition box is not labeled with the same alphanumeric identifier as the ammunition contained in any other ammunition box from the same manufacturer.

(19) "Pistol ammunition" means all ammunition principally for use in pistols, notwithstanding that the ammunition may also be used in other firearms, including bullets used for reloading or handloading pistol ammunition.