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By Representatives Taylor, Overstreet, Shea, Short, Pike, Scott, Schmick, Crouse, Condotta, Kristiansen, and Kretz

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AN ACT Relating to adopting the Washington state firearms freedom act of 2013 and establishing penalties; amending RCW 43.06.220; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. This act may be known and cited as the Washington state firearms freedom act of 2013.

NEW SECTION. Sec. 2. The legislature declares that the authority for this act is the following:

(1) The tenth amendment to the United States Constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Washington certain powers as they were understood at the time that Washington was admitted to statehood in 1889. The guaranty of those powers is a matter of contract between the state and people of Washington and the United States as of the time that the compact with the United States was agreed upon and adopted by Washington and the United States in 1889.
(2) The ninth amendment to the United States Constitution guarantees to the people rights not granted in the Constitution and reserves to the people of Washington certain rights as they were understood at the time that Washington was admitted to statehood in 1889. The guaranty of those rights is a matter of contract between the state and people of Washington and the United States as of the time that the compact with the United States was agreed upon and adopted by Washington and the United States in 1889.

(3) The regulation of intrastate commerce is vested in the states under the ninth and tenth amendments to the United States Constitution.

(4) The second amendment to the United States Constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Washington was admitted to statehood in 1889, and the guaranty of the right is a matter of contract between the state and people of Washington and the United States as of the time that the compact with the United States was agreed upon and adopted by Washington and the United States in 1889.

(5) Article I, section 24 of the Washington state Constitution clearly secures to Washington citizens, and prohibits government interference with, the right of individual Washington citizens to keep and bear arms. This constitutional protection is unchanged from the 1889 Washington state Constitution, which was approved by congress and the people of Washington, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Washington and the United States in 1889.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Borders of Washington" means the boundaries of Washington.

(2) "Firearms accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm including, but not limited to, telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, ammunition carriers, and lights for target illumination.

(3) "Generic and insignificant parts" includes, but is not limited to, springs, screws, nuts, and pins.
(4) "Manufactured" means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness including, but not limited to, forging, casting, machining, or other processes for working materials.

NEW SECTION. Sec. 4. (1) A personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in Washington and that remains within the borders of Washington is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce. It is declared by the legislature that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory, or ammunition that is manufactured in Washington from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearms accessories, or ammunition, and their importation into Washington and incorporation into a firearm, a firearm accessory, or ammunition manufactured in Washington does not subject the firearm, firearm accessory, or ammunition to federal regulation. It is declared by the legislature that basic materials, such as unmachined steel and unshaped wood, are not firearms, firearms accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories, and ammunition under interstate commerce as if they were actually firearms, firearms accessories, or ammunition. The authority of congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearms accessories, and ammunition made in Washington from those materials. Firearms accessories that are imported into Washington from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in Washington.

(2) Subsection (1) of this section does not apply to:
(a) A firearm that cannot be carried and used by one person;
(b) A firearm that has a bore diameter greater than one and one-half inches and that uses smokeless powder, not black powder, as a propellant;
(c) Ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or
(d) A firearm, other than a shotgun, that discharges two or more projectiles with one activation of the trigger or other firing device.

NEW SECTION. Sec. 5. (1) No public servant shall enforce or attempt to enforce any act, law, statute, rule, or regulation of the United States government relating to a personal firearm, firearm accessory, or ammunition that is owned or manufactured commercially or privately in Washington and that remains exclusively within the borders of Washington.

(2) Any official, agent, or employee of the United States government who enforces or attempts to enforce any act, order, law, statute, rule, or regulation of the United States government upon a personal firearm, firearm accessory, or ammunition that is owned or manufactured commercially or privately in Washington and that remains exclusively within the borders of Washington shall be guilty of a felony and, upon conviction, shall be subject to imprisonment for not less than three hundred sixty-five days or more than five years, a fine of not more than ten thousand dollars, or both.

(3) The attorney general may defend a citizen of Washington who is prosecuted by the United States government for violation of a federal law relating to the manufacture, sale, transfer, or possession of a firearm, firearm accessory, or ammunition owned or manufactured and retained exclusively within the borders of Washington.

(4) Any federal law, rule, regulation, or order created or effective on or after January 1, 2013, shall be unenforceable within the borders of Washington if the law, rule, regulation, or order attempts to:
   (a) Ban or restrict ownership of a semiautomatic firearm or any magazine of a firearm; or
   (b) Require any firearm, magazine, or other firearm accessory to be registered in any manner.

NEW SECTION. Sec. 6. A firearm manufactured or sold in Washington under this chapter must have the words made in Washington clearly stamped on a central metallic part, such as the receiver or frame.
NEW SECTION. Sec. 7. Any federal law, rule, order, or other act by the federal government violating the provisions of this act is hereby declared to be invalid in this state, is not recognized by and is specifically rejected by this state, and is considered as null and void and of no effect in this state.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act applies to firearms, firearms accessories, and ammunition that are manufactured and retained in Washington after October 1, 2013.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 11. (1) The legislature recognizes that: (a) The United States Constitution, amendment II, guarantees that, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed"; (b) the Washington state Constitution, article I, section 24, guarantees that, "The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired..."; (c) the constitutionally protected right to bear arms is an individual right intended to ensure that society and law-abiding persons remain protected from criminal aggressors within their homes, neighborhoods, and communities; (d) law-abiding citizens who are attacked in a place where they have a right to be have no duty to retreat and have the right to stand their ground and meet force with defensive force, including deadly force in certain circumstances; (e) law-abiding persons must be able to protect themselves, their families, and others from criminal intruders and attackers without fear of prosecution for acting in the lawful defense of themselves, their families, and others; and (f) law-abiding citizens should not be required to surrender their constitutional right to bear arms and thereby surrender their personal safety and well-being to criminal aggressors at any time, but
especially during a state of emergency when law and order is at a much higher risk of breaking down, law enforcement resources are frequently strapped, and criminal predators are much more free to prey on those unable to adequately protect themselves and their families.

(2) It is the intent of the legislature that, during the continuance of any proclaimed state of emergency, no person who is not otherwise prohibited by law from the possession, transfer, sale, transport, storage, display, or use of firearms or ammunition shall be prohibited or restricted by either the governor or any governmental entity or political subdivision of the state from the otherwise lawful possession, transfer, sale, transport, storage, display, or use of firearms or ammunition.

Sec. 12. RCW 43.06.220 and 2008 c 181 s 1 are each amended to read as follows:

(1) The governor, after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation, issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession, or transportation of a molotov cocktail or any other device, instrument, or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;

(f) The sale, purchase, or dispensing of alcoholic beverages;

((f)) The sale, purchase, or dispensing of other commodities
or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

((h)) (g) The use of certain streets, highways or public ways by the public; and

((i)) (h) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area described by the proclamation, issue an order or orders concerning waiver or suspension of statutory obligations or limitations in any or all of the following areas as further specified and limited by chapter 181, Laws of 2008:

(a) Liability for participation in interlocal agreements;
(b) Inspection fees owed to the department of labor and industries;
(c) Application of the family emergency assistance program;
(d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;
(e) Application of tax due dates and penalties relating to collection of taxes; and
(f) Permits for industrial, business, or medical uses of alcohol.

(3) In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he or she from time to time deems necessary.

(4) During the continuance of any state of emergency, neither the governor nor any governmental entity or political subdivision of the state shall impose any restriction on the possession, transfer, sale, transport, storage, display, or use of firearms or ammunition that is otherwise authorized or guaranteed by law.

(5) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.

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