

RCW 9.41.390 Assault weapons—Manufacturing, importing, distributing, selling prohibited—Exceptions—Penalty. (1) No person in this state may manufacture, import, distribute, sell, or offer for sale any assault weapon, except as authorized in this section.

(2) Subsection (1) of this section does not apply to any of the following:

(a) The manufacture, importation, distribution, offer for sale, or sale of an assault weapon by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to any law enforcement agency for use by that agency or its employees for law enforcement purposes, or to a person who does not reside in this state;

(b) The importation, distribution, offer for sale, or sale of an assault weapon by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(c) The distribution, offer for sale, or sale of an assault weapon to or by a dealer that is properly licensed under federal and state law where the dealer acquires the assault weapon from an individual legally authorized to possess or transfer the assault weapon for the purpose of selling or transferring the assault weapon to a person who does not reside in this state. The purpose of this section is to allow individuals who no longer wish to own an assault weapon to sell their assault weapon and is not intended to allow Washington dealers to purchase assault weapons wholesale for the purpose of selling a stock or inventory of assault weapons online or in person to nonresidents;

(d) The out-of-state sale or transfer of the existing stock of assault weapons owned by a licensed dealer that was acquired prior to January 1, 2023, for the limited period of 90 days after April 25, 2023; or

(e) The receipt of an assault weapon by a person who, on or after April 25, 2023, acquires possession of the assault weapon by operation of law upon the death of the former owner who was in legal possession of the assault weapon, provided the person in possession of the assault weapon can establish such provenance. Receipt under this subsection (2)(e) is not "distribution" under this chapter. A person who legally receives an assault weapon under this subsection (2)(e) may not sell or transfer the assault weapon to any other person in this state other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the assault weapon.

(3) For the purposes of this section, "law enforcement agency" means any (a) general authority Washington law enforcement agency as defined in RCW 10.93.020; (b) limited authority Washington law enforcement agency as defined in RCW 10.93.020; or (c) equivalent federal, state, or local law enforcement agency in the United States.

(4) A person who violates this section is guilty of a gross misdemeanor. [2023 c 162 s 3.]

Findings—Intent—2023 c 162: "The legislature finds and declares that gun violence is a threat to the public health and safety of Washingtonians. Assault weapons are civilian versions of weapons

created for the military and are designed to kill humans quickly and efficiently. For this reason the legislature finds that assault weapons are "like" "M-16 rifles" and thus are "weapons most useful in military service." Assault weapons have been used in the deadliest mass shootings in the last decade. An assailant with an assault weapon can hurt and kill twice the number of people than an assailant with a handgun or nonassault rifle. This is because the additional features of an assault weapon are not "merely cosmetic"; rather, these are features that allow shooters to fire large numbers of rounds quickly. An analysis of mass shootings that result in four or more deaths found that 85 percent of those fatalities were caused by an assault weapon. The legislature also finds that this regulation is likely to have an impact on the number of mass shootings committed in Washington. Studies have shown that during the period the federal assault weapon ban was in effect, mass shooting fatalities were 70 percent less likely to occur. Moreover, the legislature finds that assault weapons are not suitable for self-defense and that studies show that assault weapons are statistically not used in self-defense. The legislature finds that assault weapons are not commonly used in self-defense and that any proliferation is not the result of the assault weapon being well-suited for self-defense, hunting, or sporting purposes. Rather, increased sales are the result of the gun industry's concerted efforts to sell more guns to a civilian market. The legislature finds that the gun industry has specifically marketed these weapons as "tactical," "hyper masculine," and "military style" in manner that overtly appeals to troubled young men intent on becoming the next mass shooter. The legislature intends to limit the prospective sale of assault weapons, while allowing existing legal owners to retain the assault weapons they currently own." [2023 c 162 s 1.]

Effective date—2023 c 162: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 25, 2023]." [2023 c 162 s 6.]