
HOUSE BILL 1371

State of Washington 63rd Legislature 2013 Regular Session

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

Read first time 01/24/13. Referred to Committee on Judiciary.

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

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

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

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

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

1 (2) The ninth amendment to the United States Constitution
2 guarantees to the people rights not granted in the Constitution and
3 reserves to the people of Washington certain rights as they were
4 understood at the time that Washington was admitted to statehood in
5 1889. The guaranty of those rights is a matter of contract between the
6 state and people of Washington and the United States as of the time
7 that the compact with the United States was agreed upon and adopted by
8 Washington and the United States in 1889.

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

11 (4) The second amendment to the United States Constitution reserves
12 to the people the right to keep and bear arms as that right was
13 understood at the time that Washington was admitted to statehood in
14 1889, and the guaranty of the right is a matter of contract between the
15 state and people of Washington and the United States as of the time
16 that the compact with the United States was agreed upon and adopted by
17 Washington and the United States in 1889.

18 (5) Article I, section 24 of the Washington state Constitution
19 clearly secures to Washington citizens, and prohibits government
20 interference with, the right of individual Washington citizens to keep
21 and bear arms. This constitutional protection is unchanged from the
22 1889 Washington state Constitution, which was approved by congress and
23 the people of Washington, and the right exists as it was understood at
24 the time that the compact with the United States was agreed upon and
25 adopted by Washington and the United States in 1889.

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

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

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

35 (3) "Generic and insignificant parts" includes, but is not limited
36 to, springs, screws, nuts, and pins.

1 (4) "Manufactured" means that a firearm, a firearm accessory, or
2 ammunition has been created from basic materials for functional
3 usefulness including, but not limited to, forging, casting, machining,
4 or other processes for working materials.

5 NEW SECTION. **Sec. 4.** (1) A personal firearm, a firearm accessory,
6 or ammunition that is manufactured commercially or privately in
7 Washington and that remains within the borders of Washington is not
8 subject to federal law or federal regulation, including registration,
9 under the authority of congress to regulate interstate commerce. It is
10 declared by the legislature that those items have not traveled in
11 interstate commerce. This section applies to a firearm, a firearm
12 accessory, or ammunition that is manufactured in Washington from basic
13 materials and that can be manufactured without the inclusion of any
14 significant parts imported from another state. Generic and
15 insignificant parts that have other manufacturing or consumer product
16 applications are not firearms, firearms accessories, or ammunition, and
17 their importation into Washington and incorporation into a firearm, a
18 firearm accessory, or ammunition manufactured in Washington does not
19 subject the firearm, firearm accessory, or ammunition to federal
20 regulation. It is declared by the legislature that basic materials,
21 such as unmachined steel and unshaped wood, are not firearms, firearms
22 accessories, or ammunition and are not subject to congressional
23 authority to regulate firearms, firearms accessories, and ammunition
24 under interstate commerce as if they were actually firearms, firearms
25 accessories, or ammunition. The authority of congress to regulate
26 interstate commerce in basic materials does not include authority to
27 regulate firearms, firearms accessories, and ammunition made in
28 Washington from those materials. Firearms accessories that are
29 imported into Washington from another state and that are subject to
30 federal regulation as being in interstate commerce do not subject a
31 firearm to federal regulation under interstate commerce because they
32 are attached to or used in conjunction with a firearm in Washington.

33 (2) Subsection (1) of this section does not apply to:

34 (a) A firearm that cannot be carried and used by one person;

35 (b) A firearm that has a bore diameter greater than one and one-
36 half inches and that uses smokeless powder, not black powder, as a
37 propellant;

1 (c) Ammunition with a projectile that explodes using an explosion
2 of chemical energy after the projectile leaves the firearm; or

3 (d) A firearm, other than a shotgun, that discharges two or more
4 projectiles with one activation of the trigger or other firing device.

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

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

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

25 (4) Any federal law, rule, regulation, or order created or
26 effective on or after January 1, 2013, shall be unenforceable within
27 the borders of Washington if the law, rule, regulation, or order
28 attempts to:

29 (a) Ban or restrict ownership of a semiautomatic firearm or any
30 magazine of a firearm; or

31 (b) Require any firearm, magazine, or other firearm accessory to be
32 registered in any manner.

33 NEW SECTION. **Sec. 6.** A firearm manufactured or sold in Washington
34 under this chapter must have the words made in Washington clearly
35 stamped on a central metallic part, such as the receiver or frame.

1 NEW SECTION. **Sec. 7.** Any federal law, rule, order, or other act
2 by the federal government violating the provisions of this act is
3 hereby declared to be invalid in this state, is not recognized by and
4 is specifically rejected by this state, and is considered as null and
5 void and of no effect in this state.

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

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

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

15 NEW SECTION. **Sec. 11.** (1) The legislature recognizes that: (a)
16 The United States Constitution, amendment II, guarantees that, "A
17 well-regulated militia being necessary to the security of a free state,
18 the right of the people to keep and bear arms, shall not be infringed";
19 (b) the Washington state Constitution, article I, section 24,
20 guarantees that, "The right of the individual citizen to bear arms in
21 defense of himself, or the state, shall not be impaired..."; (c) the
22 constitutionally protected right to bear arms is an individual right
23 intended to ensure that society and law-abiding persons remain
24 protected from criminal aggressors within their homes, neighborhoods,
25 and communities; (d) law-abiding citizens who are attacked in a place
26 where they have a right to be have no duty to retreat and have the
27 right to stand their ground and meet force with defensive force,
28 including deadly force in certain circumstances; (e) law-abiding
29 persons must be able to protect themselves, their families, and others
30 from criminal intruders and attackers without fear of prosecution for
31 acting in the lawful defense of themselves, their families, and others;
32 and (f) law-abiding citizens should not be required to surrender their
33 constitutional right to bear arms and thereby surrender their personal
34 safety and well-being to criminal aggressors at any time, but

1 especially during a state of emergency when law and order is at a much
2 higher risk of breaking down, law enforcement resources are frequently
3 strapped, and criminal predators are much more free to prey on those
4 unable to adequately protect themselves and their families.

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

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

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

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

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

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

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

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

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

36 ~~((g))~~ (f) The sale, purchase, or dispensing of other commodities

1 or goods, as he or she reasonably believes should be prohibited to help
2 preserve and maintain life, health, property, or the public peace;

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

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

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

13 (a) Liability for participation in interlocal agreements;

14 (b) Inspection fees owed to the department of labor and industries;

15 (c) Application of the family emergency assistance program;

16 (d) Regulations, tariffs, and notice requirements under the
17 jurisdiction of the utilities and transportation commission;

18 (e) Application of tax due dates and penalties relating to
19 collection of taxes; and

20 (f) Permits for industrial, business, or medical uses of alcohol.

21 (3) In imposing the restrictions provided for by RCW 43.06.010, and
22 43.06.200 through 43.06.270, the governor may impose them for such
23 times, upon such conditions, with such exceptions, and in such areas of
24 this state he or she from time to time deems necessary.

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

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

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