

CHAPTER 124.

[ S. B. 306. ]

FIREARMS.

AN ACT relating to firearms; amending section 1, chapter 172, Laws of 1935 and RCW 9.41.010; amending section 2, chapter 172, Laws of 1935 and RCW 9.41.020; amending section 4, chapter 172, Laws of 1935 and RCW 9.41.040; amending section 5, chapter 172, Laws of 1935 and RCW 9.41.050; amending section 6, chapter 172, Laws of 1935 and RCW 9.41.060; amending section 7, chapter 172, Laws of 1935 and RCW 9.41.070; amending section 9, chapter 172, Laws of 1935 and RCW 9.41.090; amending section 11, chapter 172, Laws of 1935 and RCW 9.41.110; amending section 12, chapter 172, Laws of 1935 and RCW 9.41.120; amending section 14, chapter 172, Laws of 1935 and RCW 9.41.140; amending section 15, chapter 172, Laws of 1935 and RCW 9.41.150; amending section 16, chapter 172, Laws of 1935 and RCW 9.41.160; amending section 21, chapter 172, Laws of 1935; and defining crimes and prescribing penalties.

*Be it enacted by the Legislature of the State of Washington:*

RCW 9.41.010 amended.

SECTION 1. Section 1, chapter 172, Laws of 1935 and RCW 9.41.010 are each amended to read as follows:

Firearms and dangerous weapons. Terms defined.

“Short Firearm” or “pistol” as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

“Crime of Violence” as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

RCW 9.41.020 amended.

SEC. 2. Section 2, chapter 172, laws of 1935 and RCW 9.41.020 are each amended to read as follows:

Additional penalties for committing crime, resisting arrest, when armed.

If any person shall commit or attempt to commit a crime of violence when armed with a firearm, such person shall in addition to the penalty provided by statute for the crime when committed without use of a firearm, be guilty of a felony and punished by imprisonment for not less than five years.

If any person shall resist apprehension or arrest

by firing upon a law enforcement officer, such person shall in addition to the penalty provided by statute for resisting arrest, be guilty of a felony and punished by imprisonment for not less than five years.

SEC. 3. Section 4, chapter 172, Laws of 1935 and RCW 9.41.040 are each amended to read as follows:

No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

RCW 9.41.040 amended.

Certain persons forbidden to possess arms—Penalty.

SEC. 4. Section 5, chapter 172, Laws of 1935 and RCW 9.41.050 are each amended to read as follows:

No person shall carry a pistol in any vehicle unless it is unloaded or carry a pistol concealed on his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

RCW 9.41.050 amended.

Carrying pistol without license.

SEC. 5. Section 6, chapter 172, Laws of 1935 and RCW 9.41.060 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law enforcement officers, or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty, or to regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state, or to regularly enrolled members of clubs organized for the purpose of target shooting or modern and antique firearm collecting or to individual hunters: *Provided*, Such members are at, or are going to or from their places of target practice, or their collector's gun shows

RCW 9.41.060 amended.

Exceptions under RCW 9.41.050.

and exhibits, or are on a hunting, camping or fishing trip, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another.

RCW 9.41.070  
amended.

SEC. 6. Section 7, chapter 172, Laws of 1935 and RCW 9.41.070 are each amended to read as follows:

Issuance of  
license to  
carry pistol—  
Fee.

The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for not more than one year from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless there exists a record of his prior court conviction of a crime of violence, or of drug addiction or of habitual drunkenness or of confinement to a mental institution. The license shall be in triplicate, in form to be prescribed by the state director of licenses, and shall bear the name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licenses and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for such license shall be one dollar which shall be paid into the state treasury.

SEC. 7. Section 9, chapter 172, Laws of 1935 and RCW 9.41.090 are each amended to read as follows:

Sales by dealers shall be regulated as hereinafter provided.

Sales regulated.

SEC. 8. Section 11, chapter 172, Laws of 1935 and RCW 9.41.110 are each amended to read as follows:

The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

Dealer's licenses to sell pistols. By whom granted—Conditions—Fee.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six

hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

RCW 9.41.120 amended.

SEC. 9. Section 12, chapter 172, Laws of 1935 and RCW 9.41.120 are each amended to read as follows:

Certain transfers forbidden.

No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

RCW 9.41.140 amended.

SEC. 10. Section 14, chapter 172, Laws of 1935 and RCW 9.41.140 are each amended to read as follows:

Alteration of identifying marks prohibited—Exception.

No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

SEC. 11. Section 15, chapter 172, Laws of 1935 and RCW 9.41.150 are each amended to read as follows:

RCW 9.41.150 amended.

RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

Antiques exception.

SEC. 12. Section 16, chapter 172, Laws of 1935 and RCW 9.41.160 are each amended to read as follows:

RCW 9.41.160 amended.

Any violation of any provision of RCW 9.41.010 through 9.41.150, as amended, other than those violations specified in sections 2 and 3 of this amendatory act, shall be a misdemeanor and punishable accordingly.

Penalties.

SEC. 13. If any part of this act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this act.

Severability.

SEC. 14. Section 21, chapter 172, Laws of 1935 is amended to read as follows:

1935 c 172 § 21 amended.

Certain Acts Repealed. All laws or parts of laws of the state of Washington, its subdivisions and municipalities inconsistent herewith are hereby preempted and repealed.

General repeal, preemption.

Passed the Senate February 21, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.