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HOUSE BILL 1990

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Shea, Taylor, Ahern, McCune, and Overstreet

Read first time 02/17/11. Referred to Committee on Judiciary.

1            AN ACT Relating to adopting the Washington state firearms freedom  
2 act of 2011 and exempting a firearm, a firearm accessory, or ammunition  
3 manufactured and retained in Washington from federal regulation under  
4 the commerce clause of the Constitution of the United States; and  
5 adding a new chapter to Title 19 RCW.

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

7            NEW SECTION.    **Sec. 1.** This act may be known and cited as the  
8 Washington state firearms freedom act of 2011.

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

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

1 compact with the United States was agreed upon and adopted by  
2 Washington and the United States in 1889.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 NEW SECTION. **Sec. 5.** A firearm manufactured or sold in Washington  
9 under this chapter must have the words made in Washington clearly  
10 stamped on a central metallic part, such as the receiver or frame.

11 NEW SECTION. **Sec. 6.** Any federal law, rule, order, or other act  
12 by the federal government violating the provisions of this act is  
13 hereby declared to be invalid in this state, is not recognized by and  
14 is specifically rejected by this state, and is considered as null and  
15 void and of no effect in this state.

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

20 NEW SECTION. **Sec. 8.** This act applies to firearms, firearms  
21 accessories, and ammunition that are manufactured and retained in  
22 Washington after October 1, 2011.

23 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute  
24 a new chapter in Title 19 RCW.

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