Initiative Measure No. 1062

FILED
JAN 27 2010
SECRETARY OF STATE
STATE OF WASHINGTON

AN ACT Relating to adopting the Washington state firearms freedom act of 2010 and exempting a firearm, a firearm accessory, or ammunition manufactured and retained in Washington from federal regulation under the commerce clause of the Constitution of the United States; and adding a new chapter to Title 19 RCW.

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

NEW SECTION. Sec. 1. This act may be known and cited as the Washington state firearms freedom act of 2010.

NEW SECTION. Sec. 2. The people declare 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 people 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 people 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. 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. 6. 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. 7. 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. 8. This act applies to firearms, firearms accessories, and ammunition that are manufactured and retained in Washington after October 1, 2010.

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

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