

CHAPTER 10.12

FIREARMS - WEAPONS

SECTION:

- 10.12.005: Definitions
- 10.12.006: Unlawful Possession of Firearm
- 10.12.007: Minors in Possession of Firearms - When Allowed
- 10.12.008: Issuing Licenses
- 10.12.009: Revoking License
- 10.12.010: Carrying Weapons
- 10.12.020: Using Deadly Weapons
- 10.12.021: Weapons on School Property
- 10.12.030: Aiming or Discharging Firearms Prohibited
- 10.12.031: Owner of Property - Use of Weapons
- 10.12.040: Forfeiture of Weapons
- 10.12.050: Sale to Minors and Others Prohibited
- 10.12.051: Sales by Dealer
- 10.12.052: Waiver of Confidentiality
- 10.12.053: Immunity
- 10.12.054: Dealer's License
- 10.12.060: Use of Firearms by Minor
- 10.12.070: Possession, Sale, Gift or Loan of Certain Weapons Prohibited
- 10.12.071: Altering Serial Numbers
- 10.12.072: Unlawful Weapons
- 10.12.073: Unlawful Weapons - Contraband
- 10.12.074: Dangerous Weapon
- 10.12.080: Weapons - Prohibited in Certain Places
- 10.12.090: Court Orders
- 10.12.900: Construction - Conflict with State Law

10.12.005: Definitions: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than twelve inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-Barreled Rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire

through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) “Short-Barreled Shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) “Machine Gun” means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) “Antique Firearm” means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) “Loaded” means:

(a) There is a cartridge in the chamber of the firearm;

(b) Bullets are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(d) There is a cartridge in the tube, magazine, or other compartment of the firearm.

(10) “Dealer” means a person engaged in the business of selling firearms or ammunition at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his personal collection of firearms.

(11) “Crime of Violence” means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) “Serious Offense” means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Child molestation in the second degree;

(c) Controlled substance homicide;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

- (f) Leading organized crime;
- (g) Promoting prostitution in the first degree;
- (h) Rape in the third degree;
- (i) Sexual exploitation;
- (j) Vehicular assault;
- (k) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (l) Any other class B felony offense with a finding of sexual motivation, as “sexual motivation” is defined under RCW 9.94A.030;
- (m) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or
- (n) Any felony offense in effect at any time prior to the effective date of this section that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense. (Ord. 3558 Sec. 1, 1994: Ord. 3274 Sec. 4, 1990: Ord. 2943 Sec. 4, 1985)

10.12.006: Unlawful Possession of Firearm:

- (1) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm if the person owns, has in his possession, or has in his control any firearm:
 - (a) After having previously been convicted in this state or elsewhere of a serious offense, a domestic violence offense enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW 9A.46.060, or of a felony in which a firearm was used or displayed, except as otherwise provided in subsection (3) or (4) of this section;
 - (b) After having previously been convicted of any felony violation of the uniform controlled substances act, Chapter 69.50 RCW, or equivalent statutes of another jurisdiction, except as otherwise provided in subsection (3) or (4) of this section;
 - (c) After having previously been convicted on three occasions within five years of driving a motor vehicle or operating a vessel while under the influence of intoxicating liquor or any drug, unless his right to possess a firearm has been restored as provided in section 404, Chapter 7, Laws 1994, Special Sess.;
 - (d) If the person is under eighteen years of age, except as provided in KMC 10.12.007.
- (2) As used in this section, a person has been “convicted” at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
- (3) Notwithstanding subsection (1) of this section, a person convicted of an offense other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW

9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction.

(4) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the Department of Licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265. (Ord. 3558 Sec. 2, 1994)

10.12.007: Minors in Possession of Firearms - When Allowed: KMC 10.12.006(1)(d) shall not apply to any person under the age of eighteen years who is:

- (1) In attendance at a hunter's safety course or a firearms safety course;
- (2) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;
- (3) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;
- (4) Hunting or trapping under a valid license issued to the person under Title 77 RCW;
- (5) In an area where the discharge of a firearm is permitted, is not trespassing, and the person either: (a) is at least fourteen years of age, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; or (b) is under the supervision of a parent, guardian, or other adult approved for the purpose by the parent or guardian;
- (6) Traveling with any unloaded firearm in the person's possession to or from any activity described in subsection (1), (2), (3), (4), or (5) of this section;
- (7) On real property under the control of his parent, other relative, or legal guardian and who has the permission of the parent or legal guardian to possess a firearm;
- (8) At his residence and who, with the permission of his parent or legal guardian, possesses a firearm for the purpose of exercising the rights specified in RCW 9A.16.020(3); or
- (9) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty. (Ord. 3558 Sec. 3, 1994)

10.12.008: Issuing Licenses:

(1) The Chief of Police shall, within thirty days after the filing of an application of residents of the City or non-resident of the state, issue a license to such person to carry a pistol concealed on his person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the Chief shall have up to sixty days after the filing of the application to issue a license. The Chief of Police shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless he:

- (a) Is ineligible to possess a firearm under the provisions of Section RCW 9.41.040 and KMC 10.12.006;
- (b) Is under twenty-one years of age;

- (c) Is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070;
- (d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense;
- (e) Has an outstanding warrant for his arrest from any court of competent jurisdiction for a felony or misdemeanor;
- (f) Has been ordered to forfeit a firearm under RCW 9.41.098 and KMC 10.12.040(1)(d) within one year before filing an application to carry a pistol concealed on his person; or
- (g)
 - (i) Has been convicted of any crime against a child or other person listed in RCW 43.43.830(5).
 - (ii) Except as provided in (g)(iii) of this subsection, any person who becomes ineligible for a concealed pistol license as a result of a conviction for a crime listed in (g) (i) of this subsection and then successfully completes all terms of his sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition a court of record for a declaration that the person is no longer ineligible for a concealed pistol license under (g) (i) of this subsection.
 - (iii) No person convicted of a serious offense may have his right to possess firearms restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040(3) or (4) or KMC 10.12.006 applies.

(2) The Chief of Police shall check with the national crime information center, the Washington State Patrol electronic data base, the Department of Social and Health Services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a pistol and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearm's rights have been restricted and who has been granted relief from disabilities by the Secretary of the Treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20) (A) shall have his right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall be in triplicate, in form to be prescribed by the Department of Licensing, and shall bear the full name, street address, date and place of birth, race, gender, description, fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the Department of Social and Health Services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under Section RCW 9.41.040 and KMC 10.12.006 to possess a pistol, the applicant's place of birth, whether the applicant is a United States citizen, and whether he or she has been required to register with the state or federal government and any identification or registration number, if applicable. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the Director of Licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

(5) The fee, and its distribution for the original issuance of a five-year license, shall be in accordance with RCW 9.41.070.

(6) The fee for the renewal of such license, and its distribution, shall be in accordance with RCW 9.41.070.

(7) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the Chief of Police.

(8) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty in addition to the renewal fee specified in subsection (6) of this section in accordance with RCW 9.41.070.

(9) Notwithstanding the requirements of subsections (1) through (8) of this section, the Chief of Police may issue a temporary emergency license for good cause to a City resident pending review under subsection (1) of this section.

(10) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license. (Ord. 5218 Sec. 1, 2008; Ord. 3558 Sec. 5, 1994)

10.12.009: Revoking License:

- (1) The license shall be revoked by the Chief of Police immediately upon:
 - (a) Discovery that the person was ineligible under Section 10.12.008 for a concealed pistol license when applying for the license or license renewal;
 - (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a firearm;
 - (c) Conviction of the licensee for a third violation of this chapter within five calendar years; or

- (d) An order that the licensee forfeit a firearm under RCW 9.41.098 and KMC 10.12.040.
- (2)(a) Unless the person may lawfully possess a pistol without a concealed pistol license, an ineligible person to whom a concealed pistol license was issued shall, within fourteen days of license revocation, lawfully transfer ownership of any pistol acquired while the person was in possession of the license.
- (b) Upon discovering a person issued a concealed pistol license was ineligible for the license, the Chief of Police shall contact the Department of Licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, if the person may not lawfully possess a pistol without a concealed pistol license, the Chief of Police shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The Chief of Police shall require the person to produce the evidence within fifteen days of the revocation of the license.
- (3) When a licensee is ordered to forfeit a firearm under RCW 9.41.098 and KMC 10.12.040, the Chief of Police shall:
 - (a) On the first forfeiture, revoke the license for one year;
 - (b) On the second forfeiture, revoke the license for two years; or
 - (c) On the third or subsequent forfeiture, revoke the license for five years.Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098 and KMC 10.12.040 may not reapply for a new license until the end of the revocation period.
- (4) The Chief of Police shall notify, in writing, the Department of Licensing of the revocation of a license. The Department of Licensing shall record the revocation. (Ord. 5439 Sec. 1, 2012; Ord. 3558 Sec. 6, 1994)

10.12.010: Carrying Weapons:

- (1) It is unlawful for any person to carry, or wear concealed upon his person, or concealed in any vehicle and readily accessible, a weapon consisting of a knife, the blade of which is in excess of four inches; or any slingshot, metal knuckles, or any other dangerous weapon or instrument which may be used to inflict injury upon the person of another.
- (2) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his person without a license to carry a concealed pistol.
- (3) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and:
 - (a) The pistol is on the licensee's person;
 - (b) The licensee is within the vehicle at all times that the pistol is there; or
 - (c) The licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.
- (4) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.
- (5) Nothing in this section permits the possession of firearms illegal to possess under state or federal law.
- (6) The provisions of this section shall not apply to:
 - (a) Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers of this state or another state;

- (b) Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;
- (c) Officers or employees of the United States duly authorized to carry a concealed pistol;
- (d) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of the person, if possessing, using, or carrying a pistol in the usual or ordinary course of the business;
- (e) Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;
- (f) Regularly enrolled members of clubs organized for the purpose of target shooting, when those members are at or are going to or from their places of target practice;
- (g) Regularly enrolled members of clubs organized for the purpose of modern and antique firearm collecting, when those members are at or are going to or from their collector's gun shows and exhibits;
- (h) Individual hunters when on a hunting, camping, or fishing trip, including education and travel related thereto;
- (i) Any person while carrying an unloaded pistol or other weapon in a closed opaque case or secure wrapper;
- (j) With respect to knives, any person immediately engaged in an activity related to a lawful occupation which commonly requires the use of a knife, if the knife is carried unconcealed or in an appropriate sheath; or
- (k) Regularly enrolled members of clubs and associations organized for the practice, instruction, or demonstration of self-defense arts involving chako sticks or throwing stars, while such members are at or are going to or from their place of residence, a practice session, an instruction session, a demonstration, a place of repair or while such members are going from the place of purchase. (Ord. 3817 Sec. 1, 1998: Ord. 3782 Sec. 1, 1998: Ord. 3701 Sec. 1, 1996: Ord. 3558 Sec. 4, 1994: Ord. 3372 Sec. 1, 1992: Ord. 3274 Sec. 5, 1990: Ord. 2943 Sec. 1, 1985: Ord. 2854 Sec. 1, 1984: Ord. 2089 Sec. 2 (part), 1977)

10.12.020: Using Deadly Weapons:

(1) It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife, or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, the person shall lose his concealed pistol license, if any. The court shall send notice of the revocation to the Department of Licensing, and the city, town, or county which issued the license.

- (3) Subsection (1) of this section shall not apply to or affect the following:
 - (a) Any act committed by a person while in his place of abode or fixed place of business;
 - (b) Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

- (c) Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
- (d) Any person making or assisting in making a lawful arrest for the commission of a felony; or
- (e) Any person engaged in military activities sponsored by the federal or state governments. (Ord. 3558 Sec. 19, 1994: Ord. 2089 Sec. 2 (part), 1977)

10.12.021: Weapons on School Property:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (a) Any firearm;
- (b) Any other dangerous weapon as defined in KMC 10.12.074;
- (c) Any device commonly known as “nun-chu-ka sticks,” consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (d) Any device, commonly known as “throwing stars,” which are multi-pointed, metal objects designed to embed upon impact from any aspect; or
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall lose his concealed pistol license, if any. The court shall send notice of the revocation to the Department of Licensing, and the city, town, or county which issued the license.

- (3) Subsection (1) of this section does not apply to:
 - (a) Any student or employee of a private military academy when on the property of the academy;
 - (b) Any person engaged in military, law enforcement, or school district security activities;
 - (c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
 - (d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
 - (e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070 or KMC 10.12.008, or is exempt from the licensing requirement by RCW 9.41.060 or KMC 10.12.010(c), while picking up or dropping off a student;
 - (f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
 - (g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or
 - (h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Except as provided in subsection (3)(b), (c), (f) and (h) of this section, firearms are not permitted in a public or private school building.

(6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds. (Ord. 3558 Sec. 21, 1994)

10.12.030: Aiming or Discharging Firearms Prohibited: Any person who:

(1) Aims any firearm, whether loaded or not, at or towards any human being;

(2) Willfully discharges any firearm, air gun, or other weapon, or throws any deadly missile in a public place, or in any place where any person might be endangered thereby. A public place shall not include any location at which firearms are authorized to be lawfully discharged; or

(3) Except as provided in RCW 9.41.185, sets a so-called trap, spring pistol, rifle, or other dangerous weapon, although no injury results, is guilty of a gross misdemeanor. (Ord. 3558 Sec. 16, 1994; Ord. 2943 Sec. 2, 1985; Ord. 2089 Sec. 2 (part), 1977)

10.12.031: Owner of Property - Use of Weapons: Every proprietor, lessee, or occupant of any place of amusement, or any plat of ground or building, who allows it to be used for the exhibition of skill in throwing any sharp instrument or in shooting any bow gun or firearm of any description, at or toward any human being, is guilty of a misdemeanor. (Ord. 3558 Sec. 18, 1994)

10.12.040: Forfeiture of Weapons:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 or KMC 10.12.008 or 10.12.010(c) to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090 or KMC 10.12.015;

(c) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040 and KMC 10.12.006;

(d) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a serious offense or a crime in which a firearm was used or displayed or a felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW;

(e) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a serious offense or a crime in which a

firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

- (g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to Chapter 10.77 or 71.05 RCW;
 - (h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or
 - (i) Known to have been used in the commission of a serious offense or a crime in which a firearm was used or displayed or a felony violation of the Uniform Controlled Substances Act, Chapter 69.50 RCW.
- (2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.
- (a) Except as provided in (b) of this subsection, firearms that are: (i) judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or RCW 63.40.010; may be disposed of in any lawful manner. Any proceeds of an auction or trade may be retained by the legislative authority.
 - (b) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.
 - (3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.
 - (4) A law enforcement officer may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) to the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section. (Ord. 3558 Sec. 11, 1994: Ord. 3111 Sec. 1, 1987: Ord. 2798 Sec. 1, 1983: Ord. 2089 Sec. 2 (part), 1977)

10.12.050: Sale to Minors and Others Prohibited: No person may deliver a firearm to any person whom he has reasonable cause to believe is ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a firearm. (Ord. 3558 Sec. 7, 1994: Ord. 2943 Sec. 3, 1985: Ord. 2089 Sec. 2 (part), 1977)

10.12.051: Sales by Dealer:

- (1) In addition to the other requirements of this chapter, no dealer may deliver a pistol to the purchaser thereof until:
 - (a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (5) of this section;
 - (b) The dealer is notified in writing by the Chief of Police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under Section RCW 9.41.040 and KMC 10.12.006 and that the application to purchase is approved by the Chief of Police or sheriff; or

(c) Five business days, meaning days on which state offices are open, have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the Chief of Police or sheriff designated in subsection (5) of this section, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2)(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of Section RCW 9.41.040 and KMC 10.12.006, Chief of Police shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a firearm.

(b) Once the system is established, a dealer shall use the national instant criminal background check system, provided for by the Brady Handgun Control Act (H.R. 1025, 103rd Cong., 1st Sess. (1993)), to make criminal background checks of applicants to purchase firearms. However, the Chief of Police shall continue to check the Department of Social and Health Services' electronic data base and with other agencies or resources as appropriate, to determine whether applicants are ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a firearm.

(3) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The Chief of Police, for purposes of the sale, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. He shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a pistol.

(4) In any case where the Chief of Police has reasonable grounds based on the following circumstances: (a) open criminal charges; (b) pending criminal proceedings; (c) pending commitment proceedings; (d) an outstanding warrant for an offense making a person ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a pistol; or (e) an arrest for an offense making a person ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a pistol, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the Chief of Police may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. An applicant shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(5) At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the dealer an application containing his full name, street address, date and place of birth, race, and gender; the date and hour of the application; the applicant's driver's license number or state identification card number; a description of the pistol

including the make, model, caliber and manufacturer's number; and a statement that the purchaser is eligible to possess a pistol under RCW 9.41.040 and KMC 10.12.006. The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the Department of Fish and Wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The dealer shall, by the end of the business day, sign and attach his address and deliver the original of the application and such other documentation as required under subsection (1) of this section to the Chief of Police of the municipality or the sheriff of the county of which the purchaser is a resident. The dealer shall deliver the pistol to the purchaser following the period of time specified in this section unless the dealer is notified in writing by the Chief of Police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser is not eligible to possess a pistol under Section RCW 9.41.040 and KMC 10.12.006.

The Chief of Police of the municipality or the sheriff of the county shall retain or destroy applications to purchase a pistol in accordance with the requirements of 18 U.S.C. Sec. 922.

(6) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a pistol is guilty of false swearing.

(7) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms. (Ord. 3558 Sec. 8, 1994)

10.12.052: Waiver of Confidentiality: A signed application to purchase a pistol shall constitute a waiver of confidentiality and written request that the Department of Social and Health Services, mental health institutions, and other health care facilities release, to an inquiring court or law enforcement agency, information relevant to the applicant's eligibility to purchase a pistol to an inquiring court or law enforcement agency. (Ord. 3558 Sec. 9, 1994)

10.12.053: Immunity:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

- (a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;
- (b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;
- (c) For issuing a concealed pistol license to a person ineligible for such a license;

- (d) For failing to issue a concealed pistol license to a person eligible for such a license;
 - (e) For revoking or failing to revoke an issued concealed pistol license; or
 - (f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license.
- (2) An application may be made to a court of competent jurisdiction for a writ of mandamus:
- (a) Directing an issuing agency to issue a concealed pistol license wrongfully refused;
 - (b) Directing a law enforcement agency to approve an application to purchase wrongfully denied; or
 - (c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or in the wrongful denial of a purchase application be corrected.

The application for the writ may be made in the county in which the application for a concealed pistol license or to purchase a pistol was made, or in Thurston County, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs. (Ord. 3558 Sec. 10, 1994)

10.12.054: Dealer's License:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The Chief of Police shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms 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. The Chief of Police shall forward a copy of each license granted to the Department of Licensing. The Department of Licensing shall notify the Department of Revenue of the name and address of each dealer licensed under this section.

(5)(a) The Chief of Police shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 and KMC

10.12.006 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

- (b) A dealer shall require every employee who may sell a firearm in the course of his employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of pistols that are applicable to dealers.
- (6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.
- (b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and 9.41.110. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

- (8)(a) No pistol may be sold : (i) In violation of any provisions of RCW 9.41.010 through 9.41.160; nor (ii) may a pistol be sold under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his identity.
- (b) It is unlawful for dealers to sell or deliver any firearm in violation of RCW 9.41.080. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his dealer's license and permanent ineligibility for a dealer's license.
- (c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the account under RCW 69.50.520.
- (9)(a) 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 licensing 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, and place of birth of the purchaser and a statement signed

by the purchaser that he is not ineligible under Section RCW 9.41.040 and KMC 10.12.006 to possess a firearm.

(b) One copy shall, within six hours, be sent by certified mail to the Chief of Police of the municipality or the sheriff of the county of which the purchaser is a resident; the duplicate the dealer shall, within seven days, send to the director of licensing; the triplicate the dealer shall retain for six years.

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted. (Ord. 3558 Sec. 12, 1994)

10.12.060: Use of Firearms by Minor: Unless an exception under KMC 10.12.007 or 10.12.010 applies, a person at least eighteen years of age, but less than twenty-one years of age, may possess a pistol only:

(1) In the person's place of abode;

(2) At the person's fixed place of business; or

(3) On real property under his control. (Ord. 3558 Sec. 17, 1994; Ord. 2089 Sec. 2 (part), 1977)

10.12.070: Possession, Sale, Gift or Loan of Certain Weapons Prohibited: It is unlawful for any person within the City to possess, sell, give or loan, or cause to be sold, given, or loaned to any person, any spring-blade knife, dirk, dagger, stiletto, bowie knife, sword, or chain; any knife the blade of which is automatically released by a spring mechanism or other mechanical device; or any knife having a blade which opens or falls or is injected into position by force of gravity, or by an outward, downward or centrifugal thrust or movement; or any slingshot, metal knuckles, or any other dangerous weapon or instrument which may be used to inflict injury upon the person of another. (Ord. 2089 Sec. 2 (part), 1977)

10.12.071: Altering Serial Numbers: No person may change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm 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 section shall not apply to replacement barrels in old firearms, which barrels are produced by current manufacturers and therefore do not have the markings on the barrels of the original manufacturers who are no longer in business. This section also shall not apply if the changes do not make the firearm illegal for the person to possess under state or federal law. (Ord. 3558 Sec. 13, 1994)

10.12.072: Unlawful Weapons:

(1) It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle; or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; or to assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle.

(2) This section shall not apply to :

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United

States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

- (b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, short-barreled shotguns, or short-barreled rifles:
 - (i) To be used or purchased by the armed forces of the United States;
 - (ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or
 - (iii) For exportation in compliance with all applicable federal laws and regulations.

(3) It shall be an affirmative defense to a prosecution brought under this section that the machine gun, short-barreled shotgun, or short-barreled rifle was acquired prior to the effective date of this section and is possessed in compliance with federal law. (Ord. 3558 Sec. 14, 1994)

10.12.073: Unlawful Weapons - Contraband: All machine guns, short-barreled shotguns, or short-barreled rifles, or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle, illegally held or illegally possessed are hereby declared to be contraband, and it shall be the duty of all peace officers, and any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun, short-barreled shotgun, or short-barreled rifle, or parts thereof, wherever and whenever found. (Ord. 3558 Sec. 15, 1994)

10.12.074: Dangerous Weapon: Every person who:

(1) Manufactures, sells, or disposes of or possesses any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement;

(2) Furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or

(3) Uses any contrivance or device for suppressing the noise of any firearm, is guilty of a gross misdemeanor. (Ord. 3558 Sec. 20, 1994)

10.12.080: Weapons - Prohibited in Certain Places:

(1) It is unlawful for any person to enter the following places when he knowingly possesses or knowingly has under his control a weapon:

- (a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense; (ii) held for extradition or as a material witness; or (iii) otherwise confined pursuant to an order of a court, except an order under Chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;
- (b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to

areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection, “weapon” means any firearm, explosive as defined in RCW 70.74.010, or any weapon of any kind usually known as a slung shot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the county commissioners shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner’s visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The county commissioners shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner’s visit to restricted areas of the building. The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

- (c) The restricted access areas of a public mental health facility certified by the Department of Social and Health Services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or
 - (d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.
- (2) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.
- (3) Subsection (1) of this section does not apply to:
- (a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;
 - (b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under Chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW or Title 10 KMC where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or
 - (c) Security personnel while engaged in official duties.
- (4) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 or KMC 10.12.008 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator’s designee and obtains written permission to possess the firearm while on the premises or checks his firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.
- (5) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and

promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(6) Any person violating subsection (1) of this section is guilty of a gross misdemeanor. (Ord. 5236 Sec. 1, 2008; Ord. 3558 Sec. 22, 1994)

10.12.090: Court Orders:

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a serious offense, or previously committed any offense that makes him ineligible to possess a firearm under the provisions of Section RCW 9.41.040 and KMC 10.12.006:

- (a) Require the party to surrender any firearm or other dangerous weapon;
- (b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070 or KMC 10.12.008;
- (c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;
- (d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a serious offense, or previously committed any offense that makes him ineligible to possess a pistol under the provisions of Section RCW 9.41.040 and KMC 10.12.006:

- (a) Require the party to surrender any firearm or other dangerous weapon;
- (b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070 or KMC 10.12.008;
- (c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;
- (d) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surrender any firearm or other dangerous weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. (Ord. 3558 Sec. 23, 1994)

10.12.900: Construction - Conflict with State Law: If any portion of this chapter is found to be in conflict with or more restrictive than state law insofar as it concerns firearms, then it shall be construed consistently with and in harmony with state law. (Ord. 2943 Sec. 6, 1985)