



Legislation Text

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File #: CB 119593, Version: 1

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CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to crimes and offenses; conforming the Seattle Municipal Code with changes in state law; amending Sections 12A.04.110, 12A.06.120, 12A.06.195, 12A.10.020, 12A.14.010, 12A.14.140, 12A.14.150, 12A.14.180, and 12A.14.185 of the Seattle Municipal Code; and adding new Sections 12A.14.230 and 12A.14.240 to the Seattle Municipal Code.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 12A.04.110 of the Seattle Municipal Code, enacted by Ordinance 102843, is amended as follows:

**12A.04.110 Criminal liability of ~~((corporations))~~ entities and persons acting ~~((in))~~ on their behalf ~~((:))~~**

A. As used in this ~~((section))~~ Section 12A.04.110:

~~((1-))~~ "Agent" means any director, officer or employee of ~~((a corporation))~~ an entity, or any other person who is authorized to act in behalf of the ~~((corporation))~~ entity.

"Entity" includes any domestic entity formed under or governed as to its internal affairs by Title 23, 23B, 24, or 25 RCW or any foreign business entity formed under or governed as to its internal affairs by the laws of a jurisdiction other than the State of Washington.

"Governor" means a director of a business corporation, a director of a nonprofit corporation, a partner of a limited liability partnership, a general partner of a limited partnership, a manager of a manager-managed limited liability company, a member of a member-managed limited liability company, a director of a general cooperative association, a director of a limited cooperative association, or any other person under

whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.

((2-)) "Managerial agent" means ~~((an officer or director of a corporation))~~ a governor or any other person in a position of comparable authority ~~((with respect to the formulation of corporate policy or the supervision in a managerial capacity of))~~ in an entity not governed by chapter 23.95 RCW, and any other agent who manages subordinate employees.

~~((3- "Corporation" has its ordinary meaning and also includes but is not limited to partnerships, professional service corporations, societies and other unincorporated associations whether organized for profit or nonprofit.))~~

B. ~~((A corporation))~~ An entity is guilty of an offense when:

1. The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on ~~((corporations))~~ entities by law; or

2. The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or recklessly tolerated ~~((by the board of directors or))~~ by a managerial agent acting within the scope of his ~~((employment))~~ or her duties and in behalf of the ~~((corporation))~~ entity; or

3. The conduct constituting the offense is engaged in by an agent of the ~~((corporation))~~ entity, other than a managerial agent, while acting within the scope of his ~~((employment))~~ or her duties and ~~((in))~~ on behalf of the ~~((corporation))~~ entity ~~((and the offense is one defined by an ordinance which indicates a legislative intent to impose such criminal liability on a corporation)).~~

C. A person is criminally liable for conduct constituting an offense which he or she performs or causes to be performed in the name of or ~~((in))~~ on behalf of ~~((a corporation))~~ an entity to the same extent as if such conduct were performed in his or her own name or behalf.

D. Whenever a duty to act is imposed by law upon ~~((a corporation))~~ an entity, any agent of the ~~((corporation))~~ who knows he or she has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless omission or, if a managerial agent, for a criminally negligent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent.

E. When imposed on an entity for any criminal offense for which no special business fine is specified, a sentence to pay a fine may not exceed \$250,000 for a gross misdemeanor and \$50,000 for a misdemeanor. If a special fine for entities is expressly specified in the ordinance that defines an offense, the fine fixed must be within the limits specified in the ordinance.

Section 2. Section 12A.06.120 of the Seattle Municipal Code, last amended by Ordinance 124949, is amended as follows:

**12A.06.120 Domestic violence defined ((;))**

Unless the context requires otherwise, the following terms shall have the following meanings as used in this Chapter 12A.06:

\* \* \*

"Domestic violence" means a crime committed either by one family or household member against the person or property of another family or household member or by one intimate partner against the person or property of another intimate partner.

\* \* \*

"Family or household member" means ~~((spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time,))~~ adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, ~~((persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person 16 years~~

~~of age or older has or has had a dating relationship,))~~ and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

"Intimate partner" means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons presently or previously residing together who have or had have a dating relationship, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, and persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship,

\* \* \*

"Victim" means a family or household member or an intimate partner who has been subjected to domestic violence.

Section 3. Section 12A.06.195 of the Seattle Municipal Code, last amended by Council Bill 119589, is amended as follows:

**12A.06.195 Court order requiring surrender of firearm, dangerous weapon, or concealed pistol license**

A. In this Section 12A.06.195, the following definitions apply unless a different meaning plainly is required:

"Dangerous weapon" means a dagger, dirk, spring blade knife, knife the blade of which is automatically released by a spring mechanism or other mechanical device, knife having a blade which opens, falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement and any instrument or weapon of the kind usually known as a slungshot, sand club, or metal knuckles.

"Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

"Firearm" means a weapon or device from which a projectile may be fired by an explosive such as

gunpowder.

~~((“Intimate partner” includes a spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship.))~~

B. When entering an order authorized under Section 12A.06.130, 12A.06.165, or 12A.06.170 or RCW 9A.46.040, 9A.46.050, 9A.46.080, or 9A.46.085 and upon a showing by either clear and convincing evidence or 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 felony, ~~((that a party has previously committed any offense making the party))~~ is ineligible to possess a firearm under the provisions of RCW 9.41.040 or that a party's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or to the health or safety of any person, the court shall:

1. Require the party ~~((to))~~ immediately surrender ~~((any firearm or))~~ all firearms and other dangerous ~~((weapon))~~ weapons;
2. Require the party ~~((to))~~ immediately surrender any concealed pistol license issued under RCW 9.41.070;
3. Prohibit the party from accessing, obtaining, or possessing ~~((a firearm))~~ any firearms or other dangerous ~~((weapon))~~ weapons; and
4. Prohibit the party from obtaining or possessing a concealed pistol license.

C. During any period of time a person is subject to a court order issued under Section 12A.06.130, 12A.06.165, or 12A.06.170 or RCW 9A.46.040, 9A.46.050, 9A.46.080, or 9A.46.085 after a hearing of which the person received actual notice and at which the person had an opportunity to participate, that restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner

or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, that includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child, and, that, by its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury, the court shall:

1. Require the party ~~((to))~~ immediately surrender ~~((any firearm or))~~ all firearms and other dangerous ~~((weapon))~~ weapons;
2. Require the party ~~((to))~~ immediately surrender any concealed pistol license issued under RCW 9.41.070;
3. Prohibit the party from accessing, obtaining, or possessing ~~((a firearm))~~ any firearms or other dangerous ~~((weapon))~~ weapons; and
4. Prohibit the party from obtaining or possessing a concealed pistol license.

D. The court may order temporary surrender of ~~((a firearm or))~~ all firearms and other dangerous ~~((weapon))~~ weapons and any concealed pistol license issued under RCW 9.41.070 without notice to the 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 a response has passed.

\* \* \*

F. The court may require the party to surrender ~~((any firearm or))~~ all firearms and other dangerous ~~((weapon))~~ weapons in or subject to the party's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the ~~((King County Sheriff, the Seattle Chief of Police, the party's counsel or any person designated by the court))~~ local law enforcement agency.

\* \* \*

Section 4. Section 12A.10.020 of the Seattle Municipal Code, last amended by Ordinance 123944, is amended by adding a new subsection E as follows:

**12A.10.020 Prostitution.**

\* \* \*

E. A person acting in good faith who seeks emergency assistance for a victim of an offense included in subsection 12A.10.020.E.1 may not be charged or prosecuted for Prostitution under this Section 12A.10.020 if the evidence for the charge of Prostitution was obtained as a result of the person seeking emergency assistance. A person who is a victim of an offense included in subsection 12A.10.020.E.1 and is seeking emergency assistance on account of the offense may not be charged or prosecuted for Prostitution under this section 12A.10.020 if the evidence for the charge of Prostitution was obtained as a result of the need for emergency assistance. The protection in this subsection 12A.10.020.E from prosecution for Prostitution is not grounds for suppression of evidence in other criminal charges.

1. A victim of one of the following offenses, or a person seeking emergency assistance on his or her behalf, qualifies for immunity from Prostitution charges as provided in this subsection 12A.10.020.E:

a. Any violent offense as defined in RCW 9.94A.030;

b. Assault in the third degree under RCW 9A.36.031;

c. Assault under Section 12A.06.010 or Assault in the fourth degree under RCW 9A.36.041;

d. Rape in the third degree under RCW 9A.44.060.

Section 5. Section 12A.14.010 of the Seattle Municipal Code, last amended by Ordinance 125345, is amended as follows:

## 12A.14.010 Definitions

The following definitions apply in this Chapter 12A.14:

"Air gun" means 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.

"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.

"Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

\* \* \*

"Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

"Licensed collector" means a person who is federally licensed under 18 U.S.C. § 923(b).

"Licensed dealer" means a person who is federally licensed under 18 U.S.C. § 923(a).

"Loaded" means:

1. There is a cartridge in the chamber of the firearm;
2. Cartridges are in a clip that is locked in place in the firearm;



3. There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

4. There is a cartridge in the tube or magazine that is inserted in the action; or

5. There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle

loader.

“Manufacture” means, with respect to a firearm, the fabrication or construction of a firearm.

\* \* \*

"Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

"Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge. "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

“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.

\* \* \*

“Undetectable firearm” means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately

depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

“Untraceable firearm” means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federally licensed manufacturer or importer.

Section 6. Section 12A.14.140 of the Seattle Municipal Code, enacted by Ordinance 124301, is amended as follows:

**12A.14.140 Unlawful carrying of pistol ((-))**

\* \* \*

D. The provisions of this ~~((section))~~ Section 12A.14.140 do not apply to:

1. Marshals, sheriffs, prison or jail wardens or their deputies, correctional personnel, and community corrections officers as long as they are employed as such who have completed government-sponsored law enforcement firearms training and have been subject to a ~~((check through the national instant criminal background check system or an equivalent))~~ background check within the past five ~~((5))~~ years, or other law enforcement officers of this state or another state~~((Correctional personnel and community corrections officers seeking the waiver provided for by this section are required to pay for any background check that is needed in order to exercise the waiver))~~);

2. Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;

3. Officers or employees of the United States duly authorized to carry a concealed pistol;

4. 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;

5. Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;

6. 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;

7. 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;

8. Any person engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;

9. Any person while carrying a pistol unloaded and in a closed opaque case or secure wrapper; or

10. Law enforcement officers retired for service or physical disabilities, except for those law enforcement officers retired because of mental or stress-related disabilities. This subsection applies only to a retired officer who has: (a) Obtained documentation from a law enforcement agency within Washington state from which he or she retired that is signed by the agency's chief law enforcement officer and that states that the retired officer was retired for service or physical disability; and (b) not been convicted or found not guilty by reason of insanity of a crime making him or her ineligible for a concealed pistol license.

Section 7. Section 12A.14.150 of the Seattle Municipal Code, enacted by Ordinance 124301, is amended as follows:

**12A.14.150 Unlawful possession of loaded rifle in motor vehicle ((=))**

A. A person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle if the person ((knowingly)) carries, transports, conveys, possesses, or controls a rifle or shotgun in a motor vehicle, as

defined in ~~((section))~~ Section 11.14.360, except as allowed by Washington State Fish and Wildlife Department rule; and the rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed. As authorized by Section 12A.04.100, liability for unlawful possession of a loaded rifle or shotgun in a motor vehicle does not require proof of any of the mental states described in Section 12A.04.030.

\* \* \*

D. This ~~((section))~~ Section 12A.14.150 does not apply if the person:

1. Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;
2. ~~((Possesses a disabled hunter's permit))~~ Has been granted a disability designation as provided by RCW 77.32.237 and complies with all rules of the Washington State Fish and Wildlife Department concerning hunting by persons with disabilities; or
3. Discharges the rifle or shotgun from upon a nonmoving motor vehicle as long as the engine is turned off and the motor vehicle is not parked on or beside the maintained portion of a public road, except as authorized by the Washington State Fish and Wildlife Commission by rule.

\* \* \*

Section 8. Section 12A.14.180 of the Seattle Municipal Code, last amended by Ordinance 124684, is amended as follows:

**12A.14.180 Unlawful delivery of pistol or semiautomatic assault rifle by dealer**

A. No dealer may deliver a pistol to the purchaser thereof until:

1. ~~((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 D of this section. For purposes of this subsection A1, a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance; or~~

~~2.))~~ The dealer is notified in writing by:

A. ((the)) 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 RCW 9.41.070 and that the application to purchase is approved by the chief of police or sheriff; or

B. The State of Washington that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in RCW 9.41.090(3)(b); or

~~((3.))~~ 2. The results of all required background checks are known and the purchaser or transferee;

a. ((is)) Is not prohibited from owning or possessing a firearm under federal or state law; and

b. Does not have a voluntary waiver of firearm rights currently in effect; or

~~((4.))~~ 3. Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee 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 90 days, then the time period in this subsection 12A.14.180.A.~~((4))~~3 shall be extended from ten business days to 60 days.

B. No dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:

1. The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes the instruction described in RCW

9.41.090(2); and

2.

a. The dealer is notified in writing by:

i. The chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or

ii. The State of Washington that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in RCW 9.41.090(3)(b); or

b. Ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.

C. A dealer shall use the state system and national instant criminal background check system, provided for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms.

~~((C.))~~ D. In any case under this ~~((section))~~ Section 12A.14.180 where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court appearance.

~~((D.))~~ E.

1. At the time of applying for the purchase of a pistol or semiautomatic assault rifle, the purchaser shall sign in triplicate and deliver to the dealer an application containing his or her full name, residential 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 or

semiautomatic assault rifle including the make, model, caliber, and manufacturer's number if available at the time of applying for the purchase of a pistol or semiautomatic assault rifle. If the manufacturer's number is not available at the time of applying for the purchase of a pistol or semiautomatic assault rifle, the application may be processed, but delivery of the pistol or semiautomatic assault rifle to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides or the State of Washington pursuant to RCW 9.41.090(3)(b); and a statement that the purchaser is eligible to purchase and possess a ((pistol)) firearm under ((RCW 9.41.040)) state and federal law; and, if purchasing a semiautomatic assault rifle, a statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by subsection 12A.14.180.B.1.

2. The application shall contain ((a-warning)) two warnings substantially stated as follows:

a. 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.

b. CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

3. The purchaser shall be given a copy of the ((department of fish and wildlife)) Washington State Department of Fish and Wildlife pamphlet on the legal limits of the use of firearms((;)) and firearms safety((, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law)).

4. The dealer shall, by the end of the business day, sign and attach his or her address, and deliver a copy of the application and such other documentation as required under subsection ((A of this section))

12A.14.180.A to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident or the state pursuant to RCW 9.41.090(3)(b). The triplicate shall be retained by the dealer for six years. The dealer shall deliver the pistol or semiautomatic assault rifle to the purchaser following the period of time specified in this ~~((section))~~ Section 12A.14.180 unless the dealer is notified of an investigative hold under RCW 9.41.090~~((4))~~(5) in writing by the chief of police of the municipality or the sheriff of the county, or the state, whichever is applicable, ~~((denying))~~ or of the denial of the purchaser's application to purchase and the grounds thereof.

~~((E.))~~ F. For purposes of this ~~((section))~~ Section 12A.14.180, "dealer" means a person engaged in the business of selling firearms 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 or her personal collection of firearms.

~~((F.))~~ G. This ~~((section))~~ Section 12A.14.180 does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

~~((G.))~~ H. Any person violating any provision of this ~~((section))~~ Section 12A.14.180 is guilty of a misdemeanor, subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed and none of the mental states described in Section 12A.04.030 need be proved.

Section 9. Subsection 12A.14.185.A of the Seattle Municipal Code, which section was enacted by Ordinance 124684, is amended as follows:

**12A.14.185 Unlawful delivery of firearm by licensed dealer**

A. Except as otherwise provided in this Chapter 12A.14, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:



1. The results of all required background checks are known, ~~((and))~~ the purchaser or transferee is not prohibited from owning or possessing a firearm under federal or state law and the purchaser or transferee does not have a voluntary waiver of firearms rights currently in effect; or

2. Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee 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 90 days, then the time period in this subsection 12A.14.185.A.2 shall be extended from ten business days to 60 days.

\* \* \*

Section 10. A new Section 12A.14.230 is added to the Seattle Municipal Code as follows:

**12A.14.230 Violation of extreme risk protection order**

Any person who has in his or her custody or control, purchases, possesses, or receives a firearm with knowledge that he or she is prohibited from doing so by an order issued under chapter 7.94 RCW is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires.

Section 11. A new Section 12A.14.240 is added to the Seattle Municipal Code as follows:

**12A.14.240 Undetectable or untraceable firearm**

No person may knowingly or recklessly allow, facilitate, aid, or abet the manufacture or assembly of an undetectable firearm or untraceable firearm by a person who either is ineligible under state or federal law to possess a firearm; or has signed a valid voluntary waiver of firearm rights that has not been revoked under RCW 9.41.350. For purposes of this Section 12A.14.240, the failure to conduct a background check as provided in RCW 9.41.113 shall be prima facie evidence of recklessness.

Section 12. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council  
Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jenny A. Durkan, Mayor  
Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk  
(Seal)