



STATE OF WASHINGTON

March 7, 2019

Letter to gun dealers

Dear _____:

As you know, in November 2018 the people of Washington overwhelmingly passed Initiative 1639 to reduce gun violence in our state. Initiative 1639 imposes several firearms safety requirements, most of which take effect on July 1, 2019. One provision has already taken effect: a ban on selling semiautomatic assault rifles to those under age 21.

We understand certain officials in your county have publicly said they will not enforce Initiative 1639 because they believe it is unconstitutional. They are entitled to their personal views, but it is important to emphasize that, once passed by the people or the legislature, a law is in effect until a court declares it unconstitutional. No court has declared Initiative 1639 unconstitutional.

We want to prevent you and your business from finding yourself in legal jeopardy because of a misunderstanding of the law caused by statements made by elected officials in your area. We hope the following information will provide clarity.

As a federal firearms licensee, you are aware that there are significant consequences for failing to comply with state and federal law.

First, federal law requires licensed firearms dealers to comply with federal and state law. 18 U.S.C. § 922(b)(2). Because no court has found any provision of Initiative 1639 to be unconstitutional, you are required to comply with this new state law. The Washington State Department of Licensing is statutorily required to inform the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) if any licensed firearms dealer in Washington State is out of compliance with state law. Should any violation of state law be found, this may be reported to the ATF and state law enforcement.

Second, the ATF has the authority to find you have violated state law, which may affect your federal firearms license and could potentially lead to federal criminal charges.

Finally, violations of Initiative 1639 constitute violations of state law and could be punished accordingly. Violations of state law could be investigated by either local law enforcement or the Washington State Patrol, and such an investigation could lead to state criminal charges.

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It is our responsibility to defend the constitutionality of initiatives enacted by the voters, and we are confident that we will successfully perform that role in the same way that we defeated the constitutional challenge to Initiative 594, which expanded background checks. You are certainly entitled to agree or disagree with the policy decision made by the voters in enacting Initiative 1639, but that does not change the obligation to comply with the law.

Thank you for honoring the will of Washington voters and respecting the rule of law.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Inslee".

JAY INSLEE
Governor

A handwritten signature in blue ink, appearing to read "Bob Ferguson".

BOB FERGUSON
Attorney General