

SENATE BILL REPORT

SB 5078

As of January 22, 2021

Title: An act relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines, by allowing continued possession of large capacity magazines limited to possession prior to, and inheritance on or after, the effective date of this act, subject to certain restrictions on the ability to sell or transfer such large capacity magazines and permitting their possession only on the owner's property or while engaged in lawful outdoor recreational activities or use at a licensed shooting range, or when transporting the large capacity magazine to or from these locations, and by providing limited exemptions applicable to certain government officers, agents, employees, or contractors, law enforcement and corrections officers and military members, licensed firearms manufacturers, dealers, and gunsmiths, and persons engaged in sport shooting or permanently relinquishing a large capacity magazine to law enforcement.

Brief Description: Addressing firearm safety measures to increase public safety.

Sponsors: Senators Liias, Kuderer, Darneille, Hunt, Nguyen, Pedersen and Wilson, C.; by request of Attorney General.

Brief History:

Committee Activity: Law & Justice: 1/25/21.

Brief Summary of Bill

- Prohibits the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines with the capability of holding more than ten rounds of ammunition, unless the possession falls within one of the stated exceptions including prior possession.
- Makes violations a gross misdemeanor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: A firearm magazine can hold several rounds of ammunition and is detachable from the firearm. Washington law does not impose regulations relating to ammunition or ammunition magazines, aside from a requirement that firearms dealers must obtain a license to sell ammunition. In 1994, Congress enacted a ban on the manufacture, transfer, and possession of assault weapons and large capacity ammunition feeding devices capable of holding more than ten rounds of ammunition, but exempted assault weapons and large capacity ammunition feeding devices that were manufactured before the law became effective. This law was subject to a sunset provision and expired in 2004.

Nine states and the District of Columbia have enacted laws that prohibit or place restrictions on large capacity magazines, typically defined as magazines capable of accepting more than ten or 15 rounds of ammunition. Some of these state laws completely ban the manufacture, transfer, or possession of large capacity magazines, while others exempt large capacity magazines that were possessed prior to the law's effective date.

Gross Misdemeanors. Every person convicted of a gross misdemeanor defined in law shall be punished by imprisonment in the county jail for a maximum term, fixed by the court, up to 364 days, or by a fine, in an amount fixed by the court, of not more than \$5,000, or by both.

Summary of Bill: A large capacity magazine is defined as an ammunition feeding device with the capacity to accept more than ten rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if in the possession of the same person. A large capacity magazine does not include:

- an ammunition feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition,
- a 22 caliber tube ammunition feeding device, or
- a tubular magazine that is contained in a lever-action firearm.

A person may not manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer a large capacity magazine except as specifically authorized.

The ban does not apply to the following:

- any person who legally possessed the large capacity magazine prior to the effective date of this law;
- any person who inherits the large capacity magazine on the death of the former owner who legally possessed it;
- any government officer, agent, or employee, or contractor hired to provide firearms training to law enforcement if authorized in connection with official duties;
- a licensed firearms manufacturer for the purpose of sale to any branch of the armed

- forces or to a law enforcement agency;
- a dealer properly licensed for the purpose of sale to any branch of the armed forces or to a law enforcement agency;
- a dealer properly licensed to acquire a large capacity magazine from a person legally authorized to possess it for the purpose of selling or transferring the large capacity magazine to a person who does not reside in this state;
- a federally licensed gunsmith for the purposes of service or repair;
- law enforcement or corrections officers within the scope of official duties;
- law enforcement officers retired from service or for physical disabilities;
- members of the armed forces of the United States or state of Washington, or national guard or military reserves if authorized within the scope of official duties;
- any person lawfully engaged in shooting at a licensed shooting range; and
- any person for the purpose of permanently relinquishing it to law enforcement, which must be destroyed.

A person who legally possessed the large capacity magazine prior to the effective date of this law, or other person who legally inherits a large capacity magazine must comply with the following:

- the person must not sell or transfer the magazine to any other person in this state other than a licensed dealer, federally licensed gunsmith for repair, or to a law enforcement agency for permanent relinquishment; and
- the person must possess the large capacity magazine only on property owned or controlled by the person, at a licensed shooting range, during lawful outdoor recreational activity such as hunting, and in transit to and from those locations provided the large capacity magazine is stored unloaded and in a separate locked container during transport.

A violation is a gross misdemeanor offense.

Appropriation: None.

Fiscal Note: Requested on January 22, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.