

SHB 2240 - H AMD 1271

By Representative Valdez

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41
4 RCW to read as follows:

5 (1) No person in this state may manufacture, possess, distribute,
6 import, transfer, sell, offer for sale, purchase, or otherwise
7 transfer any large capacity magazine, except as authorized in this
8 section.

9 (2) Subsection (1) of this section does not apply to any of the
10 following:

11 (a) The possession of a large capacity magazine by a person who
12 legally possessed the large capacity magazine on the effective date
13 of this section, or possession of a large capacity magazine by a
14 person who, on or after the effective date of this section, acquires
15 possession of the large capacity magazine by operation of law upon
16 the death of the former owner who was in legal possession of the
17 large capacity magazine, provided the person in possession of the
18 large capacity magazine can establish such provenance. A person who
19 legally possesses a large capacity magazine under this subsection may
20 not sell or transfer the magazine to any other person in this state
21 other than to a licensed dealer, to a federally licensed gunsmith for
22 the purpose of service or repair, or to a law enforcement agency for
23 the purpose of permanently relinquishing the large capacity magazine;

24 (b) Any government officer, agent, or employee, or government
25 contractor hired to provide firearms training to law enforcement
26 officers, while acting within the scope of official duties, if
27 authorized to acquire or possess a large capacity magazine in
28 connection with official duties;

29 (c) The manufacture, offering for sale, sale, importation, or
30 transfer of a large capacity magazine by a licensed firearms
31 manufacturer for the purposes of sale to any branch of the armed
32 forces of the United States or the state of Washington, or to a law

1 enforcement agency in this state for use by that agency or its
2 employees;

3 (d) The possession, offering for sale, sale, importation, or
4 transfer of a large capacity magazine by a dealer that is properly
5 licensed under federal and state law for the purpose of sale to any
6 branch of the armed forces of the United States or the state of
7 Washington, or to a law enforcement agency in this state for use by
8 that agency or its employees for law enforcement purposes;

9 (e) The possession, offering for sale, sale, importation, or
10 transfer of a large capacity magazine by a dealer that is properly
11 licensed under federal and state law where the dealer acquires the
12 large capacity magazine from a person legally authorized to possess
13 or transfer the large capacity magazine under (a) of this subsection
14 for the purpose of selling or transferring the large capacity
15 magazine to a person who does not reside in this state;

16 (f) The transfer to, and possession of, a legally possessed large
17 capacity magazine by a federally licensed gunsmith for the purposes
18 of service or repair, and the return of the large capacity magazine
19 to the lawful owner;

20 (g) The importation or possession of a large capacity magazine
21 for the purpose of lawfully participating in a sporting event
22 officially sanctioned by a club or organization established in whole
23 or in part for the purpose of sponsoring sport shooting events;

24 (h) Law enforcement officers of this or another state, or state
25 or local corrections officers, while acting within the scope of
26 official duties, including authorized possession while not on duty,
27 if authorized to acquire or possess a large capacity magazine in
28 connection with official duties;

29 (i) The possession of a large capacity magazine by law
30 enforcement officers retired for service or physical disabilities,
31 when the large capacity magazine in question was acquired as part of
32 the officer's separation from service;

33 (j) Members of the armed forces of the United States or the state
34 of Washington, or of the national guard or military reserves, while
35 acting within the scope of official duties, if authorized to acquire
36 or possess a large capacity magazine in connection with official
37 duties;

38 (k) Any persons while lawfully engaged in shooting at a duly
39 licensed, lawfully operated shooting range; or

1 (1) The possession or transfer of a large capacity magazine for
2 the purpose of permanently relinquishing it to a law enforcement
3 agency in this state. A large capacity magazine relinquished to a law
4 enforcement agency under this subsection must be destroyed.

5 (3) In order to continue to possess a large capacity magazine
6 that was legally possessed on the effective date of this section, the
7 person possessing the large capacity magazine shall:

8 (a) Store the large capacity magazine in a secure gun storage;
9 and

10 (b) Possess the large capacity magazine only on property owned or
11 immediately controlled by the person, or while engaged in the legal
12 use of the large capacity magazine at a duly licensed shooting range,
13 or while engaged in a lawful outdoor recreational activity such as
14 hunting, or while traveling to or from either of these locations for
15 the purpose of engaging in the legal use of the large capacity
16 magazine, provided that the large capacity magazine is stored
17 unloaded and in a separate locked container during transport.

18 (4) A person who violates this section is guilty of a gross
19 misdemeanor punishable under chapter 9A.20 RCW.

20 (5) For the purposes of this section, "large capacity magazine"
21 means an ammunition feeding device with the capacity to accept more
22 than fifteen rounds of ammunition, or any conversion kit, part, or
23 combination of parts, from which such a device can be assembled if
24 those parts are in the possession or under the control of the same
25 person, but shall not be construed to include any of the following:

26 (a) An ammunition feeding device that has been permanently
27 altered so that it cannot accommodate more than fifteen rounds of
28 ammunition;

29 (b) A twenty-two caliber tube ammunition feeding device; or

30 (c) A tubular magazine that is contained in a lever-action
31 firearm."

32 Correct the title.

EFFECT: (1) Reorganizes and consolidates multiple exemptions
covering government officers or employees, law enforcement and
corrections officers, and military members so that there are three
separate exemptions addressing these persons, as follows:

(a) Government Officers and Employees: Deletes the separate
exemption that applies specifically to U.S. officers or employees and
revises the general exemption for government officers and employees,
law enforcement, and military members so that it covers only
government officers/employees to read as follows: Any government

officer, agent, or employee, or government contractor hired to provide firearms training to law enforcement, while acting within the scope of official duties, if authorized to acquire or possess a large capacity magazine in connection with official duties.

(b) Law Enforcement and Corrections Officers: Removes law enforcement from the exemption in the underlying bill covering government officers/employees, law enforcement, and military members, and revises the separate exemption covering law enforcement and corrections officers to read as follows: Law enforcement officers of this or another state, or state or local corrections officers, while acting within the scope of official duties, including authorized possession while not on duty, if authorized to acquire or possess a large capacity magazine in connection with official duties.

(c) Military Members: Removes military members from the exemption in the underlying bill covering government officers/employees, law enforcement, and military members, and revises the separate exemption covering military members to read as follows: Members of the armed forces of the United States or state of Washington, or of the National Guard or military reserves, while acting within the scope of official duties, if authorized to acquire or possess a large capacity magazine within the scope of official duties.

(2) Revises the exemption for persons lawfully engaged in shooting at a licensed shooting range to provide that the exemption applies "while" lawfully engaged in shooting at a licensed range.

(3) Deletes a redundant exemption applicable to the relinquishment of a large capacity magazine to a law enforcement agency, and changes a reference to "firing range" to "shooting range" consistent with a separate reference to "shooting range" in the bill.

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