

SENATE BILL REPORT

SB 6077

As Reported by Senate Committee On:
Law & Justice, January 23, 2020

Title: An act relating to high capacity magazines.

Brief Description: Concerning high capacity magazines.

Sponsors: Senators Kuderer, Pedersen, Lovelett, Nguyen, Wellman, Darneille, Dhingra, Frockt, Hunt, Saldaña, Salomon, Stanford, Carlyle and Wilson, C.; by request of Attorney General and Governor Inslee.

Brief History:

Committee Activity: Law & Justice: 1/20/20, 1/23/20 [DPS, DNP].

Brief Summary of First Substitute Bill

- Makes it unlawful for a person to manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer a large capacity magazine, except as specifically authorized.
- Allows a person who legally possessed a large capacity magazine on the effective date of the act, or a person who inherits a legally possessed large capacity magazine, to continue to possess the large capacity magazine subject to certain restrictions.
- Establishes a number of exemptions from the prohibitions relating to large capacity magazines for certain persons and entities.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6077 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; Holy and Wilson, L..

Staff: Shani Bauer (786-7468)

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

Background: 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 manufactured before the law became effective. This law was subject to a sunset provision and expired in 2004.

Some states have adopted laws that prohibit or place restrictions on large capacity magazines, typically defined as magazines capable of accepting more than 10 rounds of ammunition; although, in some states the limit is 15 rounds. Some of these state laws completely ban manufacturing, transferring, or possessing large capacity magazines, while others exempt large capacity magazines possessed prior to the law's effective date.

Summary of Bill (First Substitute): A "large capacity magazine" is defined as an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or a conversion kit or parts from which the device may be assembled if in the possession of the same person. Large capacity magazine does not include an ammunition feeding device that has been permanently altered so that it cannot accept more than ten rounds of ammunition; a .22 caliber tube ammunition feeding device; or a tubular magazine 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. A violation is a gross misdemeanor offense.

The offense does not apply to possession of large capacity magazines by a person who legally possessed the large capacity magazine on the effective date of the act, or a person who acquires possession of the large capacity magazine by inheritance from a person who legally owned the large capacity magazine. The following restrictions apply to persons who legally possess a large capacity magazine under these circumstances:

- the large capacity magazine may not be sold or transferred to any other person in Washington other than a licensed dealer, a licensed gunsmith for purposes of service or repair, or a law enforcement agency for purposes of permanent relinquishment of the large capacity magazine; and
- the large capacity magazine may be possessed only on property owned or immediately controlled by the person, while engaged in the use of the large capacity magazine at a licensed firing range, while engaged in a lawful outdoor activity such as hunting, or while traveling to or from these locations.

In addition, the offense does not apply to any of the following:

- government officers, agents, or employees, members of the armed forces, or law enforcement officers, while acting within the scope of their duties;
- manufacture, sale, importation, or transfer of a large capacity magazine by a licensed manufacturer for the purposes of sale to the armed forces, or to a law enforcement agency in this state for use by that agency or its employees;
- possession, offering for sale, sale, importation, or transfer of a large capacity magazine by a licensed dealer for the purpose of sale to the armed forces of the

United States or Washington, or to a law enforcement agency in this state for use for law enforcement purposes;

- possession, offering for sale, sale, importation, or transfer of a large capacity magazine by a licensed dealer if it is acquired from a person authorized to possess or transfer the large capacity magazine for the purpose of transferring it to a person who does not reside in this state;
- transfer to and possession of a legally possessed large capacity magazine by a licensed gunsmith for purposes of service or repair, and return of the large capacity magazine to the lawful owner;
- possession, offering for sale, sale, importation, or transfer of a large capacity magazine for the purpose of relinquishing it to a law enforcement agency;
- importation or possession of a large capacity magazine for the purpose of lawfully participating in an officially sanctioned sporting event;
- possession, importation, purchase, or transfer of a large capacity magazine by marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers of this or another state while acting within the scope of their duties, including while not on duty;
- possession by law enforcement officers retired for service or physical disabilities, if acquired as part of the officer's separation from service;
- members of the armed forces of the United States or of the National Guard or organized services, when on duty;
- officers or employees of the United States duly authorized to possess large capacity magazines;
- persons engaged in shooting at a licensed, lawfully operated shooting range; or
- possession or transfer of a large capacity magazine for the purpose of permanently relinquishing it to a law enforcement agency in this state.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute): The requirement that a law enforcement officer be specifically authorized by command staff to possess a large capacity magazine and that the possession be necessary for the performance of the officer's duties is removed from the law enforcement exemption.

Appropriation: None.

Fiscal Note: Not requested.

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

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: America has a gun violence problem. Our children are required to prepare for active shooters and attend funerals of their classmates. Legislators have done nothing legislatively. Something has to change. Enough is enough. High capacity magazines allow a person to maximize the violence. Similar laws have been passed in nine states, and courts have upheld these laws as constitutional. It is time to pass common sense legislation.

Weapons of war do not belong in civilian communities. Large capacity magazines turn handguns and rifles into mass murder weapons. These are not designed for self-defense, they are designed for mass violence. Looking at mass violence events around the country, the use of large capacity magazines have resulted in the death of scores of people. Some perpetrators have only been stopped when they have stopped to reload. In Parkland, a shooter was able to kill 17 people in a matter of seconds.

This legislation addresses the escalating amount of violence from mass shooter incidents. On July 20, 2016 I was called to respond to the scene of the mass shooting at Mukilteo. Three children were dead, and I saw the damage of a large capacity magazine firsthand. This situation is not unique. Most mass shooters use a high capacity magazine because they are attempting to do as much damage in a short amount of time as possible. Second amendment challenges have repeatedly been rejected.

The shooter at Freeman High School had over 400 rounds of ammunition with plans to shoot as many students as possible at a busy time in the hallways. One person died that day, and the only reason the loss was not greater, is because the assault rifle jammed. Large capacity magazines are designed for fighting wars, not for shooting common citizens.

Gun violence is a complex public health problem that requires an appropriate response. Please pass SB 6077. We are not asking you to eliminate guns, just common sense provisions that help limit mass violence.

In the Las Vegas shooting, in a matter of 11 minutes a massive number of people were killed. The concert grounds looked like a battlefield. The shooter was using 100 round magazines. You do not need to have a wound to be a victim of gun violence.

CON: This bill falsely redefines standard capacity magazines as being large capacity. 10 rounds of ammunition is standard issue for pistols and rifles. These are firearms that are typically used for self-defense. A large capacity magazine ban is unlikely to prevent crime. After the federal ban, a study showed that the ban had virtually no impact on crime. Those who seek to use firearms for self-defense will be most impacted by ban.

This bill inordinately impacts those who seek to use a firearm for self-defense against home invasion, particularly women. Women are the fastest group of growing firearm owners. It is difficult for women to operate some small pistols. A standard pistol with 10-15 rounds has less recoil and evens the playing field. It is not common sense to take these options away.

In a self-defense situation, the average number of shots fired is between two and five. There are many examples of a person using a firearm for self-defense in a home invasion and running out of ammunition before hitting the invader. Even highly trained individuals only hit their target 49 percent of the time in a high stress situation.

A yes vote will disproportionately effect those that need assistance the most with self-protection, including those with a disability or a woman with a child in her arms. Those who use a firearm for self-protection rarely carry a spare magazine and an assailant is rarely stopped by one single bullet. These bans are currently being reviewed by the court on the federal level, and stepping into the fray is a constitutional quagmire. Eight-four percent of all

firearm deaths are suicides—a single bullet takes that life. The Legislature should be focused on needed interventions for mental health problems rather than focusing on highly emotional issues such as these.

Hate crimes are on the rise against transgender individuals. It is not unheard of for more than one assailant to assault a transgender woman at one time. This bill would impact the defense options available for the entire LGBTQ community.

We believe that gun rights are just as important as tribal rights. As a tribe, we teach gun safety to kids. It is not the government's job to dictate to a citizen or Indian how they protect themselves.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Jim Parsons; April Schentrup, citizen; Matt Vadnal, citizen; Adam Cornell, Snohomish County Prosecuting Attorney; Ami Strahan, citizen; Dr. Fred Rivara, citizen; Emily Cantrell, citizen; Girmay Zahilay, King County Council; Dr Mike Van Dyke, citizen.

CON: Sharyn Hinchcliffe, Pink Pistols Seattle and Tacoma; Mike Silvers, citizen; Daniel Mitchell, Sporting Systems; Jane Milhans, citizen; Shawn Yanity, Chairman Stillaguamish Tribe of Indians; Brett Bass, Bellevue Gun Club and Firearms Instructor; Phil Watson, Firearms Policy Coalition; Keely Hopkins, National Rifle Association.

Persons Signed In To Testify But Not Testifying: PRO: Matt Thomas, Attorney General's Office; Colin English, citizen; Andrew Hong, March For Our Lives; Sonja Hallum, Governor's Office; Tim Moses, citizen; Jane Weiss, citizen; Larry Delaney, Washington Education Association; Edward Humble, Thurston Gun Sense; Mark Henri, citizen; Sally Anne Sadler, Alliance for Gun Responsibility; Dylan O'Connor, citizen; Jordan Waits, citizen; Melissa Stone, citizen; Kristen Dorwin, citizen; Renee Hopkins, citizen; Beau Jackson, citizen.

CON: Brandon Chalk, citizen; James Barrick, citizen; Jon Conley, citizen; Christine Price, citizen; Jerry Bentler, citizen; Curtis Bingham, WAGuns; James Barrick, WaGuns; David Westhaver, citizen; Chris Spieth, citizen; Allen Ernst, citizen; Ira Moser, citizen; Luke Duncan, citizen; Tony Payauys, citizen; Devon Oslund, citizen; Sara Hall, citizen; William Hazlett, citizen; Jason Colberg, citizen; Daniel Smallwood, citizen; Brian Keelean, Washington State Rifle and Pistol Association; Adam Davison, citizen; Christopher Chew, citizen; Michael Cain, citizen; Kelly Wright, citizen; Stuart Christoph, citizen; Michael McKinley, citizen; Mario Reillo, citizen; Alex Kristiansen, citizen; Ian Dunleavy, citizen; Davin Jaggard, citizen; Nathan Mckey, citizen; Luis Shoreline, citizen; David Ford, citizen; Ed Nation, citizen; Tom Shofner, citizen; Dan Chavre, citizen; Mark Henri, citizen; Van Byington, American Citizenry; Julie Randall, citizen; Nick Jesch, citizen; Benton Cospers, citizen; Al King, citizen; Howard Briggs, citizen; Tim Blake, citizen; Ryan Kalmikov, citizen; Christopher Kimball, citizen; Lena Conrad, citizen; Toni Harris, citizen.