

# SENATE BILL REPORT

## SB 5475

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As of January 28, 2005

**Title:** An act relating to the assault weapons ban of 2005.

**Brief Description:** Banning assault weapons.

**Sponsors:** Senators Kline and Kohl-Welles.

**Brief History:**

**Committee Activity:** Judiciary: 1/25/05.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Aldo Melchiori (786-7439)

**Background:** In 1994, Congress adopted the Violent Crime Control and Law Enforcement Act of 1994. This federal law imposed a 10-year moratorium on the manufacture, transfer, and possession of certain semiautomatic firearms. It banned 18 models and variations by name, as well as revolving cylinder shotguns, and prohibited flash hiders, folding rifle stocks, and threaded barrels for attaching silencers. This law expired on September 13, 2004. Seven states (California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York) have enacted laws regarding assault weapons.

**Summary of Bill:** "Assault weapon" is defined as any semiautomatic pistol or any semiautomatic or pump action rifle or shotgun, capable of accepting a detachable magazine with a capacity of more than 10 rounds of ammunition, and that also possesses any one characteristic on a list. For shotguns and rifles only: (1) a pistol grip located rear of the trigger; or (2) a stock, including thumbhole, folding, and telescoping stocks, that allows a specified grip. For shotguns only: (1) a detachable magazine; or (2) a revolving cylinder. For pistols only: (1) a shoulder stock of any kind; or (2) a detachable magazine at any location outside the pistol grip. For any firearm: (1) a barrel shroud; (2) a muzzle brake or muzzle compensator; (3) any feature capable of functioning as a protruding grip for the non-trigger hand; or (4) a conversion kit or combination of parts from which an assault weapon can be assembled if the parts are in the possession or under the control of any person. "Detachable magazine", "barrel shroud", "muzzle brake", muzzle compensator", and "conversion kit" are all defined.

The sale, unregistered possession, purchase, sale, or manufacture of assault weapons and assault weapon conversion kits is prohibited. These weapons and conversion kits are declared a public nuisance. Violations are a class C felony ranked at level III on the sentencing grid (1 to 3 months incarceration for a first offense). There are exceptions for law enforcement, military personnel, and federal or state licensed manufacturers and repairers. Current owners may: permanently disable the firearm; take them to a law enforcement agency for destruction;

transfer ownership to a law enforcement agency for law enforcement purposes; or comply with the specified registration requirements.

Present owners, and those who gain ownership by inheritance, may retain their assault weapon if they were legally owned prior to the act, but only if they: (1) submit to an annual background check for firearm purchase; (2) annually register the weapon with the sheriff in the county where the weapon is usually stored, unless they are prohibited from possessing a firearm; and (3) safely store the weapon. The law enforcement agency may charge a fee for registration and renewals. Law enforcement may inspect the storage of the weapon not more than once per year. The person may only possess the weapon on their own property, at a licensed firing range, or during transport to these locations. The weapon must be unloaded and in a locked container during transport. Violation of the registration requirements is a gross misdemeanor. Any violation of these laws results in immediate revocation of the registration of every assault weapon registered to the person.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2005.

**Testimony For:** There is no practical purpose for possession of these weapons by civilians. Every major police organization wanted the federal assault weapons ban renewed. This will help prevent needless injury and deaths. There was a 66 percent decrease in the rate of criminal assault weapons use when the federal ban was in effect. This ban is even stronger than the federal ban, so it should be even more effective.

**Testimony Against:** This ban is even more onerous than the federal ban. There are over 200 service rifle competitions in Washington each year where these firearms are lawfully used. This will hurt business and put people out of work. Many people love shooting sports and they wonder why others dislike their lifestyle. All sports choices made by law-abiding citizens should be respected. Our state constitution is more protective than the United State constitution. Pistol grips and other cosmetic firearm features have nothing to do with how a gun fires or its potential for criminal use. This interferes with our right to self-defense.

**Who Testified:** PRO: Senator Kline, prime sponsor; Paul Benz, Lutheran Public Policy; Dr. David Heywood, Washington Physicians for Social Responsibility; DeAnna Martin, WA Ceasefire.

CON; Gordon Waldron, CCRKBA, WAC, WSR&PA, GOAL; Brian Judy, NRA.