

# SENATE BILL REPORT

## ESB 5992

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As Amended by House, February 23, 2018

**Title:** An act relating to trigger modification devices.

**Brief Description:** Concerning bump-fire stocks.

**Sponsors:** Senators Van De Wege, Zeiger, Dhingra, Fain, Pedersen, Lias, Nelson, Billig, Darneille, Palumbo, Carlyle, Frockt, Rolfes, Keiser, Hunt, Wellman, Chase, Ranker, Saldaña, Kuderer and Mullet.

**Brief History:**

**Committee Activity:** Law & Justice: 1/15/18, 1/16/18 [DP, DNP].

**Floor Activity:**

Passed Senate: 1/25/18, 29-20.

Passed House: 2/23/18, 56-41.

**Brief Summary of Engrossed Bill**

- Prohibits the manufacture, sale, purchase, or possession of a bump-fire stock and declares such a device to be contraband.
- Defines bump-fire stock in part as a device that uses the recoil of a firearm to facilitate repeated activation of the trigger with the effect of increasing the firearm's rate of fire.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

**Minority Report:** Do not pass.

Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member; Wilson.

**Staff:** Shani Bauer (786-7468)

**Background:** On October 1, 2017, 58 people were killed and several hundred were wounded in Las Vegas, Nevada, when a shooter used one or more AR-type rifles affixed with

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a bump stock device. Since that time, the regulation of bump stocks have become a topic of national interest.

Bump firing is the act of using the recoil of a semi-automatic firearm to fire shots in rapid succession. Bump fire can be accomplished by holding the gun in a loose way and allowing it to rock back and forth against the trigger finger, which simulates the ability of a fully automatic weapon. However, bump firing is especially inaccurate and a shooter has little control. Over the years, various bump fire stocks have been developed. A bump stock replaces the standard stock and grip of a firearm. When the gun is fired, the gun is allowed to slide back and forth, allowing the gun to reset and fire without the shooter having to move their finger. Using a bump fire stock, a shooter can achieve something close to automatic fire with some semblance of accuracy and control.

Because a bump fire stock has no automatically functioning mechanical parts or springs and performs no automatic mechanical function when installed, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has issued various private letters of interpretation over the years classifying bump fire stocks as unregulated parts or accessories under the Gun Control Act or the National Firearms Act. Given the significant amount of attention focused on bump stock devices since the Las Vegas shooting and requests from Congress, the ATF is reexamining its past classification decision and issued an advance notice of proposed rulemaking in December 2017. The notice requests the public and industry provide information and comments to assist the Department of Justice and ATF in clarifying whether certain devices, commonly known as bump fire stocks, fall within the definition of machine gun in the National Firearms Act and Gun Control Act.

In Washington State, it is unlawful for any person to manufacture, sell, purchase, or possess a machine gun. Any machine gun or part designed for use in a machine gun is declared to be contraband and may be seized by law enforcement. A machine gun is generally defined as any firearm or other mechanism not requiring that the trigger be pressed for each shot, having a separate reservoir clip or other device for storing ammunition which can be loaded into the firearm, and capable of firing at the rate of five or more shots per second. The manufacture, sale, purchase, or possession of a machine gun is a Class C felony. Using a machine gun in the commission or furtherance of a felony is a Class A felony. These provisions do not apply to a person engaged in the manufacture or repair of machine guns for use by the armed forces or law enforcement, or persons engaged in the exportation of machine guns in compliance with federal law.

While a bump fire stock can achieve rates in excess of five shots per second, the recoil action technically qualifies as a trigger pull and therefore does not fall within the definition of a machine gun.

**Summary of Engrossed Bill:** A bump-fire stock is defined as a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

Effective July 1, 2018, it is unlawful for any person to manufacture or sell any bump-fire stock.

Effective July 1, 2019, it is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in their possession or control bump-fire stock or to assemble or repair any bump-fire stock.

All bump-fire stocks are declared to be contraband and may be seized by law enforcement whenever found. The manufacture, sale, purchase or possession of a bump-fire stock is a Class C felony and a Seriousness Level III. Using a bump-fire stock in the commission or furtherance of a felony is a Class A felony and a Seriousness Level VII.

**Appropriation:** None.

**Fiscal Note:** Available.

**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:** PRO: The events of October 1 of this year in Las Vegas were horrifying. The killer had an AR 15 outfitted with a bumper slide modification, also known as a trigger modification. Without the modification, this rifle can shoot approximately 45 rounds per minute. According to audio recordings from the Las Vegas shooting, the shooter was able to increase his rate of fire to nine rounds per second. A bump stock was attached to an already deadly assault weapon, allowing the shooter to go through 1100 rounds in ten minutes. You don't have to be a good marksman to kill 58 people with this gun. This is an automatic weapon and should be banned.

Concert goers from the Las Vegas shooting described watching others get shot and bullets whizzing by their heads. Some were separated from loved ones. Others tried to help victims but were not able to save them. It is hard to feel safe after a tragedy such as this has occurred or to comprehend how the country has allowed this to happen. Private weapons such as this should not be accessible. Passage of PSSB 5444, SB 5992, and SB 6049 will help move us to a safer world where mass shootings do not occur.

CON: The definition of trigger modification device is too broad and incorporates much more than a bump stock mechanism. The definition will include both internal and external devices and those where law abiding citizens are modifying the trigger for greater accuracy.

A bump stock is one of the least popular items for a gun owner, so a ban is not of great significance. However this definition is too broad and will pick up legitimate trigger work that makes a gun more accurate.

A bump stock can be an assistive device for those with a disability. It is needed where it is difficult for a person to pull the trigger because of a disability.

**Persons Testifying:** PRO: Senator Kevin Van De Wege, Prime Sponsor; Rory Graves, board member, Alliance for Gun Responsibility; Zach Elmore, citizen; Adam Cornell, Snohomish County Prosecuting Attorney; Brian Walters, citizen; Ann Marie Parsons, citizen; Beatrice Seaward, citizen; Christina Brinch, citizen; Zachary Elmore, citizen; Kimi Nolte, citizen; Kelly Bernado, citizen; Emily Cantrell, citizen; Kyle Helms, citizen.

CON: David Westhaver, citizen; Jane Milhans, citizen; John Calhoun, citizen; Kelly Birr, citizen; Larry Hamilton, citizen; Bill Burris, Gun Owners Action League; Phil Watson, Firearms Policy Coalition; Shawn Yanity, Chairman, Stillaguamish Tribe of Indians; Alan Gottlieb, Citizens Committee for the Right to Keep and Bear Arms; Brett Bass, Bellevue Gun Club.

**Persons Signed In To Testify But Not Testifying:** PRO: Courtney Weaver, citizen; Cheryl Stumbo, citizen; Jane Folinsbee, citizen; Karyn Brownson, Public Health, Seattle & King County.

CON: Michael Carpenter, citizen; Ira Moser, NRA, FNRL, WAC, RFGC, NWFF; Sherri Erickson, citizen; Stephen Erickson; Grey Wunderly, Gun Rights Coalition; Mike Silvers, citizen; Rowland Martin, citizen; Kurtis Lawrence, citizen; Richard Ripley, citizen; Stanley Tombs, citizen; William Parks, Inland Northwest Action Shooters; Anne Hamilton, citizen; Gerry Pinero, citizen; Eric Stewart, citizen; Jason Constantino, citizen; Anthony DiPangrazio, National Rifle Association; Alfredo Gude, citizen; Brian Heil, citizen; Sharyn Hinchcliffe, Pink Pistols; Kathryn Townsend, citizen; Joey Gibson, citizen; Brian Borgelt, citizen; Kristopher Kord, citizen; Carl Sofie, citizen; Randall Bragge, citizen; Robert Hanegraaff, citizen; Bryan Wilson, citizen; Larry Clemons, citizen; Kylee Wible, citizen; Dave LaCoste Sr., citizen.

OTHER: Connor Barclay, citizen.

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Subject to appropriation, requires the Washington State Patrol (WSP) to establish a bump-fire stock buy-back program to allow a person to relinquish the device in exchange for \$150.
- Specifies the program must be implemented from July 1, 2018 through June 30, 2019 at locations throughout the state.
- Requires the WSP and participating law enforcement agencies to establish guidelines for the destruction of bump-fire stocks that are relinquished.