

SENATE BILL REPORT

SB 6049

As of January 16, 2018

Title: An act relating to high capacity magazines.

Brief Description: Concerning high capacity magazines.

Sponsors: Senators Frockt, Dhingra, Darneille, Pedersen, Carlyle, Hunt, Wellman, Chase, Keiser, Saldaña and Kuderer; by request of Attorney General.

Brief History:

Committee Activity: Law & Justice: 1/15/18.

Brief Summary of Bill

- Prohibits the manufacture, possession, sale, or transfer of a large capacity magazine (LCM) with the capacity of holding more than ten rounds of ammunition, unless the possession falls within one of the stated exceptions.
- Makes the possession of a LCM a gross misdemeanor.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: A high capacity magazine ban is a law which bans or otherwise restricts detachable firearm magazines that can hold more than a certain number of rounds of ammunition. In 1994, Congress passed the Federal Assault Weapons Ban of 1994 which included limits regarding magazines that could hold more than ten rounds. The law expired in September 2004 due to a sunset provision and has not been renewed. At least eight states and a number of local governments ban or regulate magazines that they have legally defined a high-capacity, generally with a limit of 10 to 20 rounds. These states include California, Colorado, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York.

At this time, no court has overturned a ban on high-capacity guns or magazines. In March 2015 the federal Ninth Circuit Court of Appeals upheld a magazine capacity restriction, ruling that it does not violate the Second Amendment.

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.

Summary of Bill: An LCM 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 those parts are in the possession or under the control of the same person, but shall not be construed to include any of the following:

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

No person in this state may manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer any LCM except as specifically provided. The prohibition does not apply to:

- possession by a person who legally possesses an LCM on the effective date of this section or who acquires possession by operation of law upon the death of a person who legally possesses an LCM;
- possession by any government officer, agency, or employee; members of the armed forces; or law enforcement officer;
- manufacture of an LCM for eventual lawful transfer to any branch of armed forces or to a law enforcement agency;
- transfer to a properly licensed dealer from a person legally authorized to possess or transfer the LCM for the purpose of selling the LCM to a person who does not reside in this state;
- transfer to a federally licensed gunsmith for the purpose of repair and the return to the lawful owner;
- transfer for the purpose of permanently relinquishing an LCM to a law enforcement agency;
- importation or possession for lawful participation in a sporting event;
- possession by marshals, sheriffs, prison or jail wardens, or other law enforcement officers while acting within the scope of their duties;
- possession by law enforcement officers retired for service or physical disabilities when the LCM was acquired as part of the officer's separation of service;
- possession by members of the armed forces or National Guard, when on duty;
- possession by officers or employees of the United States duly authorized to possess LCM's;
- possession by persons lawfully engaged in shooting at a duly licensed, lawfully operated shooting range; and
- possession for the purpose of permanently relinquishing it to a law enforcement agency in this state.

In order to continue to possess an LCM on the effective date of this section, the person possessing the LCM must store the LCM in a secure gun storage and possess the LCM only on property owned or immediately controlled by the person, while engaged in the legal use of the LCM at a duly licensed firing range, or while engaged in a lawful outdoor recreational activity. Secure gun storage is defined.

A person who unlawfully possesses an LCM is guilty of a gross misdemeanor.

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 Mukilteo shooter was a 19-year old man who went to Cabela's and purchased an assault rifle and a large capacity magazine the same day. He was able to walk into the house party and empty his magazine. It only took 35 seconds to end the life of three children. This gun is designed to inflict the most carnage possible in a short amount of time and should not have been that easy to acquire.

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 9 rounds per second. A 30-round magazine was emptied in just 3 seconds. You do not have to be a good marksman to kill 58 people with this gun. It should not be this easy to obtain these guns and a bumper slide stock should not be available.

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: Many magazines hold greater than ten rounds of ammunition. This is not large capacity, but standard capacity that has been used for at least half a century. Many are used in competitive sporting events. This is standard equipment for some of the most popular firearms. Studies have shown that LCMs do not have an impact on crime. This law will only impact rightful gun owners and their ability to use them for lawful purposes. Criminals will still get their hands on large capacity magazines, leaving a law-abiding citizen at a clear disadvantage. Disallowing future possession is taking without just compensation.

A large capacity magazine is needed for those with disabilities who may have trouble changing out a magazine. In this instance, a larger capacity is necessary.

Persons Testifying: PRO: Senator David Frockt, Prime Sponsor; Rory Graves, Board member, Alliance for Gun Responsibility; Zach Elmore, citizen; Bob Ferguson, Attorney General; Matt Thomas, Assistant Attorney General; Adam Cornell, Snohomish County Prosecuting Attorney's Office; Brian Walters, citizen; Ann-Marie Parson, citizen; Emily Cantrell, citizen; Kyle Helms, citizen; Kimi Nolte, citizen.

CON: David Westhaver, citizen; Mark Meister, citizen; Jane Milhans, citizen; John Calhoun, citizen; Kelly Birr, citizen; Larry Hamilton, citizen; Keely Hopkins, NRA; Phil Watson, Firearms Policy Coalition; Chairman Shawn Yanity, Stillaguamish Tribe of Indians; Alan

Gottlieb, Citizens Committee for the Right to Keep and Bear Arms; Brett Bass, Bellevue Gun Club; Bill Burris, citizen.

Persons Signed In To Testify But Not Testifying: PRO: Courtney Weaver, citizen; Teresa Elmore, citizen; Cheryl Stumbo, citizen; Cheryl Berenson, Alliance for Gun Responsibility; Jane Folinsbee, citizen; Alfredo Gude, citizen; Richard Frith, citizen; Jordan Royer, Washington Ceasefire; Bharat Shyam, citizen.

CON: Michael Carpenter, citizen; Ian Dunleavy, citizen; Ira Moser, NRA, FNRL, WAC, RFGC, NWWF; Sherri Erickson, citizen; Stephen Erickson, citizen; Grey Wunderly, Gun Rights Coalition; Mike Silvers, citizen; Edward Coffey, citizen; Dale Jarrell, citizen; Kurtis Lawrence, citizen; Richard Ripley, citizen; Anne Hamilton, citizen; Gerry Pinero, citizen; Larry Clemons, citizen; Eric Stewart, citizen; Anthony DiPangrazio, National Rifle Association; Brian Heil, citizen; Ernest Rodriguez, citizen; Kathryn Townsend, citizen; Brian Borgelt, citizen; Joey Gibson, citizen; Rolf Vitous, citizen; Aaron Lyons, citizen; Mark Bestauros, citizen; Kristopher Kord, citizen; Randall Bragge, citizen; Robert Hanegraaff, citizen; Sharyn Hinchcliffe, citizen, Pink Pistols, National African American Gun Association; Bryan Wilson, citizen; Kylee Wible, citizen; Dave LaCoste Sr., citizen; Rick Kieffer, citizen; Connor Barclay, citizen.