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## Civil Rights & Judiciary Committee

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### HB 2241

**Brief Description:** Concerning assault weapons and large capacity magazines.

**Sponsors:** Representatives Peterson, Valdez, Doglio, Macri, Robinson, Chapman, Walen, Kilduff, Ortiz-Self, Ramel, Ryu, Tarleton, Appleton, Slatter, Bergquist, Davis, Tharinger, Orwall, Ormsby, Wylie, Cody, Gregerson and Pollet; by request of Governor Inslee and Attorney General.

#### Brief Summary of Bill

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

**Hearing Date:** 1/21/20

**Staff:** Edie Adams (786-7180).

#### Background:

Washington law contains some restrictions or bans on specific types of weapons or devices. These include machine guns, undetectable firearms, short-barreled shotguns, and bump-fire stocks. Short-barreled rifles may be acquired and possessed under state law, but only in accordance with federal law requirements governing these firearms. Washington law does not

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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 10 rounds of ammunition, but exempted assault weapons and large capacity ammunition feeding devices that were 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 assault weapons and large capacity magazines. Some of these state laws completely ban the manufacture, transfer, or possession of assault weapons or large capacity magazines while others exempt assault weapons or large capacity magazines that were possessed prior to the law's effective date. Most states with assault weapons bans define the term as any of numerous specific firearms as well as a more general descriptive definition. With respect to large capacity magazines, most states' laws apply to magazines capable of accepting more than 10 rounds of ammunition, but in some states the limit is 15 rounds of ammunition.

### **Summary of Bill:**

#### Provisions Governing Assault Weapons and Large Capacity Magazines.

A person may not manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer an assault weapon or large capacity magazine except as specifically authorized. A violation is an unranked class C felony offense.

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

- The assault weapon or 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.
- The assault weapon or large capacity magazine may be possessed only on property owned or immediately controlled by the person, while engaged in the use of the assault weapon or 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 an assault weapon or 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 an assault weapon or 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 for use for law enforcement purposes;

- possession, offering for sale, sale, importation, or transfer of an assault weapon or large capacity magazine by a licensed dealer if it is acquired from a person authorized to possess or transfer the assault weapon or large capacity magazine for the purpose of transferring it to a person who does not reside in Washington;
- transfer to and possession of a legally possessed assault weapon or large capacity magazine by a licensed gunsmith for purposes of service or repair, and return of the assault weapon or large capacity magazine to the lawful owner;
- possession, offering for sale, sale, importation, or transfer of an unloaded assault weapon for the purpose of relinquishing it to a law enforcement agency;
- importation or possession of an assault weapon or large capacity magazine for the purpose of lawfully participating in an officially sanctioned sporting event;
- possession, importation, purchase, or transfer of an assault weapon or 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, but specifically authorized by command staff and necessary for the performance of such duties;
- 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 assault weapons or large capacity magazines;
- persons engaged in shooting at a licensed, lawfully operated shooting range; or
- possession or transfer of an unloaded assault weapon or large capacity magazine for the purpose of permanently relinquishing it to a law enforcement agency in this state.

#### Provisions Governing Assault Weapons Only.

A person may not transport an assault weapon into Washington or possess, sell, offer to sell, transfer, purchase, or receive an assault weapon. This restriction is subject to the following exceptions:

- A person who, prior to January 1, 2021, lawfully possessed, has a purchase order for, or completed an application to purchase an assault weapon, and who has registered the assault weapon with the Washington State Patrol, may continue to possess the assault weapon, or transport an unloaded assault weapon that is subject to a court order of surrender to a law enforcement unit, barracks, or station.
- A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault weapon or a copycat weapon lawfully possessed on or before January 1, 2021.
- A person may transport an assault weapon to or from: (1) an ISO 17025 accredited National Institute of Justice-approved ballistics testing laboratory; or (2) a facility or entity that manufactures or provides research and development testing analysis, or engineering for personal protective equipment or vehicle protection systems.

#### Definitions.

Definitions are provided for "assault weapon" and "large capacity magazine," as well as related terms.

"Assault weapon" means: (a) any of numerous specifically listed firearms or a copycat weapon; (b) a semiautomatic, centerfire, or rimfire rifle that has an overall length of less than thirty inches; or (c) a conversion kit, part, or a combination of parts, from which an assault weapon can be assembled if those parts are in the possession of the same person. "Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, any firearm that is manually operated by bolt, pump, lever, or slide action, or a pistol that is not identified specifically listed in the definition in (a) or meet the description in (b) above.

"Copycat weapon" means a semiautomatic, centerfire firearm that has the capacity to accept a detachable magazine and has one or more of the following:

- pistol grip that protrudes conspicuously beneath the action of the weapon, unless the firearm is a pistol;
- thumbhole stock or folding or telescoping stock;
- forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control during a high rate of fire;
- flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;
- muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;
- threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item; or
- grenade launcher or flare launcher.

"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 10 rounds of ammunition; a .22 caliber tube ammunition feeding device; or a tubular magazine contained in a lever-action firearm.

"Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

"Semiautomatic" means any firearm that uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and that requires a separate pull of the trigger to fire each cartridge.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2020.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.