

HOUSE BILL REPORT

SSB 5954

As Passed House - Amended:
March 11, 2019

Title: An act relating to the bump-fire stock buy-back program.

Brief Description: Concerning the bump-fire stock buy-back program.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senator Rolfes).

Brief History:

Committee Activity:

None.

Floor Activity:

Passed House - Amended: 3/11/19, 94-4.

**Brief Summary of Substitute Bill
(As Amended by House)**

- Changes the current bump-fire stock buyback program to specify that Washington residents may relinquish up to five stocks in exchange for \$150 by relinquishing an operable or inoperable bump-fire stock to the Washington State Patrol (WSP), a Washington law enforcement agency, or the Bureau of Alcohol, Tobacco, Firearms, and Explosives by certain dates.
- Appropriates \$150,000 from the State General Fund in fiscal year 2019 to the WSP.

Staff: Meghan Morris (786-7119).

Background:

A bump stock is a device that replaces a firearm's standard stock and grip. The device uses the firearm's recoil to allow the firearm to slide back and forth rapidly, enabling the firearm to reset and fire at a rate that is similar to the rate of fire of an automatic firearm without the shooter having to move the trigger finger.

2018 Washington Legislation.

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.

Chapter 7, Laws of 2018 (Engrossed Senate Bill 5992) established several criminal penalties with respect to bump-fire stocks that are comparable to crimes applicable to machine guns. A bump-fire stock means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the achievable rate of fire to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

As of July 1, 2018, it is generally unlawful for a person to manufacture or sell a bump-fire stock. Beginning July 1, 2019, it is generally unlawful to: manufacture, own, buy, sell, loan, furnish, transport, or have in possession or control, any bump-fire stock or any part designed and intended solely and exclusively for use in a bump-fire stock; or assemble or repair a bump-fire stock. A violation is a class C felony. Bump-fire stocks that are illegally held or illegally possessed are contraband subject to immediate seizure by law enforcement.

It is also unlawful for a person, in the commission or furtherance of a felony, to discharge a firearm containing a bump-fire stock or to menace or threaten another person with a firearm containing a bump-fire stock. A violation is a class A felony.

Under the 2018 legislation, the Washington State Patrol (WSP) must establish and administer a bump-fire stock buy-back program to allow a person to relinquish a bump-fire stock to the WSP or participating local law enforcement agencies in exchange for a monetary payment of \$150. The WSP must coordinate with local law enforcement agencies to implement the buy-back program between July 1, 2018, and June 30, 2019, in locations in regions across the state. The WSP must adopt rules to implement the program, including the method for providing monetary payments and reimbursing participating law enforcement agencies for payments made to individuals, as well as guidelines for the destruction or other disposition of relinquished bump-fire stocks. The bump-fire stock buy-back program is subject to the availability of funds appropriated for this specific purpose and a person does not have a right or entitlement to receive a monetary payment under the buy-back program. However, specific funding for the program was not provided during the 2018 legislative session.

Federal Law.

Federal law generally bans the possession or transfer of machine guns. Federal law defines a machine gun as any weapon that shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. Prior to 2018, the Bureau of Alcohol, Tobacco, Firearms, and Explosives had issued some classification decisions determining that certain bump-stock-type devices are not machine guns.

In March 2018, the United States Department of Justice (DOJ) issued a notice of proposed rulemaking to specify that bump-stock-type devices are machineguns as defined under federal law. In December 2018, the DOJ adopted a final rule amending the regulatory definition of machineguns to specifically include bump-stock devices, making these devices illegal to possess under federal law. The rule goes into effect March 26, 2019, by which time current possessors of bump-stock-type devices must divest themselves of possession.

Summary of Bill:

The bump-fire stock buy-back program is modified to allow Washington residents to relinquish up to five stocks in exchange for monetary payment of \$150 by taking one of the following actions:

- a. by relinquishing an operable or inoperable bump-fire stock to the WSP before the effective date of any federal law or rule that prohibits possession of bump-fire stocks or June 30, 2019, whichever is earlier; or
- b. no later than June 30, 2019, by providing the WSP with a receipt or statement from a Washington law enforcement agency or the Bureau of Alcohol, Tobacco, Firearms, and Explosives that a bump-fire stock was relinquished to the agency before the effective date of any federal law or rule that prohibits possession of bump-fire stocks.

The program is operated on a first come, first serve basis. The WSP is appropriated \$150,000 for fiscal year 2019 for the payments, which must not exceed this amount.

Appropriation: The sum of \$150,000.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.