

SENATE BILL REPORT

SB 5954

As Reported by Senate Committee On:
Ways & Means, February 21, 2019

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

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

Sponsors: Senator Rolfes.

Brief History:

Committee Activity: Ways & Means: 2/20/19, 2/21/19 [DPS].

Brief Summary of First Substitute Bill

- Makes changes to an existing bump-fire stock buy-back program.
- Allows Washington residents who turned in a bump-stock with the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives prior to the federal ban, to show proof to the Washington State Patrol to receive a financial incentive.
- Appropriates \$150,000 in FY19 for the program.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5954 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner and Wilson, L..

Staff: Claire Goodwin (786-7736)

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

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.

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 semi-automatic firearm 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. Bump firing is 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.

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 export of machine guns in compliance with federal law.

In 2018, the Legislature passed ESB 5992. The bill defined a bump-fire stock 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, made it unlawful for any person to manufacture or sell any bump-fire stock. Effective July 1, 2019, made it unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in their possession or control a 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. The bill required the Washington State Patrol (WSP) to establish and administer a bump-fire stock buyback program to allow a person possessing a bump-fire stock to relinquish the device in exchange for \$150. The buy-back program must operate between July 1, 2018, and June 30, 2019, in regions throughout the state. WSP and participating law enforcement agencies must establish guidelines for the destruction or other disposition of bump-fire stocks that are relinquished. The buy-back program is subject to appropriation.

Effective March 26, 2019, the U.S. Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to clarify that bump-stock-type devices—meaning bump fire stocks, slide-fire devices, and devices with certain similar characteristics—are machine guns as defined by the National Firearms Act of 1934 and the Gun Control Act of 1968. With limited exceptions, the federal Gun Control Act, as amended, makes it unlawful for any person to transfer or possess a machine gun unless it was lawfully possessed prior to the effective date of the statute. Under the final federal rule, current possessors of these devices will be required to destroy the devices or abandon them at an ATF office prior to the effective date of the rule.

Summary of Bill (First Substitute): Allows Washington residents the opportunity to turn in their bump-fire stocks for a payment before the federal law banning the possession of bump-fire stocks takes effect or June, 30, 2019, whichever is earlier. Alternatively, Washington residents may provide the Washington State Patrol a receipt from the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives as proof that a bump-stock was relinquished prior to any federal rule prohibiting possession of bump-fire stocks, and receive a financial payment.

Local law enforcement agencies are eliminated as participants in the bump-stock buyback program.

The bill appropriates \$150,000 in fiscal year 2019 for the program.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):

- Limits the buyback program to five bump-stocks per person.
- Caps the program spending at \$150,000 by clarifying the program will be operated on a first-come, first-served basis.

Appropriation: \$150,000.

Fiscal Note: Requested on February 20, 2019.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* This is essentially housekeeping. There was an amendment in the House of Representatives last year that established a bump-stock buyback program. It was accidentally excluded from the budget. We worked with the Washington State Patrol and they've set up the infrastructure to do a buyback program but they were waiting for funding to be allocated. However, in the meantime the federal government banned bump-fire stocks. To keep our word in terms of doing a buyback program, if this bill is fast-tracked and passed, people will have a two week window to participate in the program.

Persons Testifying: PRO: Senator Christine Rolfes, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.