

HOUSE BILL REPORT

SB 5956

As of Second Reading

Title: An act relating to short-barreled rifles.

Brief Description: Concerning short-barreled rifles.

Sponsors: Senators Hatfield, Sheldon and Braun.

Brief History:

Committee Activity:

Judiciary: 2/26/14.

Brief Summary of Bill

- Legalizes the possession, transportation, acquisition, or transfer of a short-barreled rifle that is legally registered and possessed, transported, acquired, or transferred in compliance with federal law.

HOUSE COMMITTEE ON JUDICIARY

Staff: Edie Adams (786-7180).

Background:

With certain exceptions, it is a class C felony in Washington for a person to manufacture, own, buy, sell, loan, furnish, transport, or have in the person's possession a machine gun, short-barreled shotgun, or short-barreled rifle. It is an affirmative defense to prosecution that the person acquired the firearm prior to July 1, 1994, and possesses the firearm in compliance with federal law.

A "short-barreled rifle" is a rifle having a barrel or barrels less than 16 inches in length, or a weapon made from a rifle if the modified weapon has an overall length of less than 26 inches.

The National Firearms Act (NFA) regulates the manufacture, importation, and transfer of certain firearms, including short-barreled rifles, destructive devices, and other weapons. Items regulated under the NFA are referred to as NFA firearms. The NFA firearms must be

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registered in a database maintained by the National Firearms Act Branch of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

A person wishing to acquire a NFA firearm has to obtain a certification from the local chief law enforcement officer, undergo a background check, obtain prior approval for the transfer, and pay a \$200 tax on the transaction. The ATF will not approve a transfer if the transfer would place the transferee in violation of any federal, state, or local law. The ATF also will not approve a transfer of a NFA firearm unless it is registered to the transferor. Unregistered NFA firearms generally may not be lawfully received, possessed, or transferred.

Under the NFA, a person is allowed to make his or her own NFA firearm by applying to the ATF and meeting certain requirements. These requirements include: obtaining prior approval and registration of the item; obtaining a certification from the chief of the local law enforcement agency; undergoing a background check; and paying a \$200 tax on the item.

A person who possesses a firearm registered in the National Firearms Registration and Transfer Record must retain proof of registration which must be made available to the ATF upon request.

Summary of Bill:

It is not unlawful for a person to possess, transport, acquire, or transfer a short-barreled rifle that is legally registered and possessed, transported, acquired, or transferred in compliance with federal law.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Short-barreled rifles are highly regulated under federal law and are subject to much stricter requirements than pistols and other guns. A person transferring or acquiring a short-barreled rifle must get prior approval, pay a \$200 tax, and undergo a lengthy background check that can last for six to 12 months. There are strict penalties for violations of the federal law, including up to 10 years in a federal prison and up to a \$250,000 fine. There is no reason for short-barreled rifles to be outlawed in Washington. Forty-four other states allow the transfer and possession of short-barreled rifles if in compliance with federal law, including our neighbors Idaho and Oregon. These firearms are no more dangerous than any other type of firearm, and there are very few, if any, reported cases of criminal activity with registered short-barreled rifles.

(Opposed) None.

Persons Testifying: Senator Hatfield, prime sponsor; Representative Blake; Andy Mesosednik; Randalle Bragge; Dan Solie; and Burt Ruiz.

Persons Signed In To Testify But Not Testifying: None.