

SENATE BILL REPORT

SB 5956

As Reported by Senate Committee On:
Law & Justice, February 3, 2014

Title: An act relating to short-barreled rifles.

Brief Description: Concerning short-barreled rifles.

Sponsors: Senators Hatfield, Sheldon and Braun.

Brief History:

Committee Activity: Law & Justice: 1/31/14, 2/03/14 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Darneille, Pearson, Pedersen and Roach.

Staff: Tim Ford (786-7423)

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. Under both state and 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. Items regulated under the NFA are referred to as NFA firearms. NFA firearms must be 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 an NFA firearm must 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. ATF will not approve a transfer if the transfer would place the transferee in violation of any federal, state, or local law. ATF also will not approve a transfer of an NFA firearm unless it is registered to the transferor. Unregistered NFA firearms generally may not be lawfully received, possessed, or transferred.

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.

Under the NFA, people may make their own NFA firearm by applying to 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 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, and transferred in compliance with federal law.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Federal law allows possession of short-barreled rifles when registered and use is in compliance with federal laws. Washington used to permit possession of short-barreled rifles for approximately 59 years, but the possession has been banned for about the last 21 years. These weapons are rarely associated with crime. Short barreled rifles are highly regulated by the federal government, much more than other weapons where you can purchase a handgun in a day. There is a lengthy background check and the approval may take six to 12 months. Oregon and Idaho do not ban the use of short-barreled weapons.

Persons Testifying: PRO: Senator Hatfield, prime sponsor; Randall Bragge, Tom Liemohn, Andy Maesojednik, citizens.