

SENATE BILL REPORT

SSB 6165

As Amended by House, March 1, 2016

Title: An act relating to short-barreled rifles.

Brief Description: Concerning short-barreled rifles.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Takko, Pearson, Sheldon and Benton).

Brief History:

Committee Activity: Law & Justice: 1/25/16, 2/03/16 [DPS, w/oRec].

Passed Senate: 2/17/16, 44-5.

Passed House: 3/01/16, 93-4.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6165 be substituted therefor, and the substitute bill do pass.

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

Minority Report: That it be referred without recommendation.

Signed by Senators Darneille and Frockt.

Staff: Tim Ford (786-7423)

Background: 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.

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 or under control any machine gun, short-barreled shotgun, or short-barreled rifle. In 2014, the Legislature enacted a law making it legal 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.

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.

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.

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 Substitute Bill: It is not unlawful for a person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable 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: In 2014 the Legislature passed a law making it legal to possess and transfer a short barreled rifle legally registered in compliance with federal law. However, the 2014 law didn't allow a person to manufacture short barreled rifles. This bill would correct that oversight so that WA residents who may legally possess can also legally manufacture short barreled rifles in compliance with federal law. You still have to have a background check and each short barreled rifle must be legally registered in compliance with federal law.

Persons Testifying: PRO: Senator Takko, prime sponsor; Dan Solik and Andrew Mesojednik, citizens.

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

House Amendment(s):

- Authorizes persons to assemble short-barreled rifles if in compliance with applicable federal law.
- Removes amendatory language allowing the sale in state of machine guns or short-barreled shotguns by specified persons.