

# FINAL BILL REPORT

## ESB 5992

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Synopsis as Enacted

**Brief Description:** Concerning bump-fire stocks.

**Sponsors:** Senators Van De Wege, Zeiger, Dhingra, Fain, Pedersen, Lias, Nelson, Billig, Darneille, Palumbo, Carlyle, Frockt, Rolfes, Keiser, Hunt, Wellman, Chase, Ranker, Saldaña, Kuderer and Mullet.

**Senate Committee on Law & Justice**  
**House Committee on Judiciary**

**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.

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 gun 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. However, bump firing is especially 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. When the gun is fired, the gun is allowed to slide back and forth, allowing the gun to reset and fire without the shooter having to move their finger. Using a bump fire stock, a shooter can achieve something close to automatic fire with some semblance of accuracy and control.

Because a bump fire stock has no automatically functioning mechanical parts or springs and performs no automatic mechanical function when installed, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has issued various private letters of interpretation over the years classifying bump fire stocks as unregulated parts or accessories under the Gun Control Act or the National Firearms Act. Given the significant amount of attention focused on bump stock devices since the Las Vegas shooting and requests from Congress, the ATF is reexamining its past classification decision and issued an advance notice of proposed rulemaking in December 2017. The notice requests the public and industry provide information and comments to assist the Department of Justice and ATF in clarifying whether certain devices, commonly known as bump fire stocks, fall within the definition of machine gun in the National Firearms Act and Gun Control Act.

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*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.*

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 exportation of machine guns in compliance with federal law.

While a bump fire stock can achieve rates in excess of five shots per second, the recoil action technically qualifies as a trigger pull and therefore does not fall within the definition of a machine gun.

**Summary:** A bump-fire stock is defined 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, it is unlawful for any person to manufacture or sell any bump-fire stock.

Effective July 1, 2019, it is 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 Washington State Patrol (WSP) must establish and administer a bump-fire stock buy-back 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. The 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.

**Votes on Final Passage:**

Senate	29	20	
House	56	41	(House amended)
Senate	31	18	(Senate concurred)

**Effective:** June 7, 2018  
July 1, 2018 (Sections 1 and 2)  
July 1, 2019 (Section 3, 4, 5, 6, 7, 8, and 9)