

# HOUSE BILL REPORT

## HB 2240

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**As Reported by House Committee On:**  
Civil Rights & Judiciary

**Title:** An act relating to high capacity magazines.

**Brief Description:** Concerning high capacity magazines.

**Sponsors:** Representatives Valdez, Peterson, Senn, Doglio, Macri, Robinson, Walen, Thai, Kilduff, Stonier, Frame, Bergquist, Cody, Pellicciotti, Chapman, Fitzgibbon, Orwall, Ortiz-Self, Ramel, Ryu, Tarleton, Appleton, Slatter, Davis, Tharinger, Ormsby, Wylie, Kloba, Gregerson and Pollet; by request of Attorney General and Governor Inslee.

**Brief History:**

**Committee Activity:**

Civil Rights & Judiciary: 1/21/20, 1/31/20 [DPS].

### Brief Summary of Substitute Bill

- Makes it unlawful for a person to manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer a large capacity magazine, except as specifically authorized.
- Allows a person who legally possessed a large capacity magazine on the effective date of the act, or a person who inherits a legally possessed large capacity magazine, to continue to possess the large capacity magazine subject to certain restrictions.
- Establishes a number of exemptions from the prohibitions relating to large capacity magazines for certain persons and entities.

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## HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kilduff, Chair; Thai, Vice Chair; Goodman, Hansen, Kirby, Orwall, Peterson, Valdez and Walen.

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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.*

**Minority Report:** Do not pass. Signed by 6 members: Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham, Klippert, Rude and Ybarra.

**Staff:** Edie Adams (786-7180).

**Background:**

Washington law does not impose regulations relating to ammunition or ammunition magazines, aside from a requirement that firearms dealers must obtain a license to sell ammunition. In 1994 Congress enacted a ban on the manufacture, transfer, and possession of assault weapons and large capacity ammunition feeding devices capable of holding more than 10 rounds of ammunition, but exempted assault weapons and large capacity ammunition feeding devices that were manufactured before the law became effective. This law was subject to a sunset provision and expired in 2004.

Some states have adopted laws that prohibit or place restrictions on large capacity magazines, typically defined as magazines capable of accepting more than 10 rounds of ammunition; although, in some states the limit is 15 rounds. Some of these state laws completely ban the manufacture, transfer, or possession of large capacity magazines while others exempt large capacity magazines that were possessed prior to the law's effective date.

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**Summary of Substitute Bill:**

A "large capacity magazine" is defined as an ammunition feeding device with the capacity to accept more than 15 rounds of ammunition, or a conversion kit or parts from which the device may be assembled if in the possession of the same person. "Large capacity magazine" does not include: an ammunition feeding device that has been permanently altered so that it cannot accept more than 15 rounds of ammunition; a .22 caliber tube ammunition feeding device; or a tubular magazine contained in a lever-action firearm.

A person may not manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer a large capacity magazine except as specifically authorized. A violation is a gross misdemeanor offense.

The offense does not apply to possession of large capacity magazines by a person who legally possessed the large capacity magazine on the effective date of the act, or a person who acquires possession of the large capacity magazine by inheritance from a person who legally owned the large capacity magazine. The following restrictions apply to persons who legally possess a large capacity magazine under these circumstances:

- The large capacity magazine may not be sold or transferred to any other person in Washington other than a licensed dealer, a licensed gunsmith for purposes of service or repair, or a law enforcement agency for purposes of permanent relinquishment of the large capacity magazine.
- The large capacity magazine must be stored in a secure gun storage and may be possessed only on property owned or immediately controlled by the person, while

engaged in the use of the large capacity magazine at a licensed firing range, while engaged in a lawful outdoor activity such as hunting, or while traveling to or from these locations.

In addition, the offense does not apply to any of the following:

- government officers, agents, employees, or contractors hired to provide firearms training to law enforcement, members of the Armed Forces, or law enforcement officers, while acting within the scope of their duties;
- manufacture, sale, importation, or transfer of a large capacity magazine by a licensed manufacturer for the purposes of sale to the Armed Forces, or to a law enforcement agency in this state for use by that agency or its employees;
- possession, offering for sale, sale, importation, or transfer of a large capacity magazine by a licensed dealer for the purpose of sale to the Armed Forces of the United States or Washington, or to a law enforcement agency for use for law enforcement purposes;
- possession, offering for sale, sale, importation, or transfer of a large capacity magazine by a licensed dealer if it is acquired from a person authorized to possess or transfer the large capacity magazine for the purpose of transferring it to a person who does not reside in Washington;
- transfer to and possession of a legally possessed large capacity magazine by a licensed gunsmith for purposes of service or repair, and return of the large capacity magazine to the lawful owner;
- possession, offering for sale, sale, importation, or transfer of a large capacity magazine for the purpose of relinquishing it to a law enforcement agency;
- importation or possession of a large capacity magazine for the purpose of lawfully participating in an officially sanctioned sporting event;
- possession, importation, purchase, or transfer of a large capacity magazine by marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers of this or another state while acting within the scope of their duties, including while not on duty;
- possession by law enforcement officers retired for service or physical disabilities, if acquired as part of the officer's separation from service;
- members of the Armed Forces of the United States or of the National Guard or organized services, when on duty;
- officers or employees of the United States duly authorized to possess large capacity magazines;
- persons engaged in shooting at a licensed, lawfully operated shooting range; or
- possession or transfer of a large capacity magazine for the purpose of permanently relinquishing it to a law enforcement agency in this state.

### **Substitute Bill Compared to Original Bill:**

The substitute bill amends the definition of "large capacity magazine" to apply to ammunition feeding devices capable of accepting more than 15 rounds (rather than 10 rounds) of ammunition. The substitute bill provides an exemption for government contractors hired to provide firearms training to law enforcement officers, and with respect to the exemption for possession of a large capacity magazine by a law enforcement officer

while not on duty, removes the requirement that the officer's possession be specifically authorized by command staff and necessary for the performance of the officer's duties.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) There have been far too many cases of tragic shootings that take place all over our country. High capacity magazines simply do one thing and that is injure and kill innocent individuals. There have been two mass shootings in the past four years in Washington, but there are many other tragic shootings throughout the country that have had a devastating impact. It is time to send a message that enough is enough by joining our fellow states that have enacted similar laws.

A shooter using a high capacity magazine kills and injures many more victims than one who does not use a high capacity magazine because of the ability to continually fire without reloading. A number of states have restrictions on these magazines, and manufacturers already take these restrictions into account. This legislation is based on Maryland's law which has been upheld as constitutional.

No law will prevent all crime, but the state can take sensible steps to reduce the incidence and impact of mass shootings. States that ban high capacity magazines show a lower incidence of high fatalities from mass shootings. Limiting magazine capacity may help reduce the deadly toll of mass shootings by providing potential victims a chance to escape. Limiting easy access to these magazines is something that can be addressed immediately to save lives.

America's mass shooters seek fame by death tolls, and they use high capacity magazines to achieve this. With these weapons, a gunman does not need to be a good marksman to kill many people. The Las Vegas gunman used 100-round magazines to shoot more than 500 people, killing 58 of them, in only 10 minutes that forever changed thousands of lives. The trauma of these shootings stays with victims and their families forever.

High capacity magazines have been used in many of the most deadly school shootings. Children and communities are traumatized by the ongoing epidemic of gun violence. Schoolchildren should not have to engage in active shooter drills or organize protests and walkouts in hopes of inspiring action. Schools have spent hundreds of millions of dollars on security and conducting active shooter training for students, but more needs to be done.

No parent should have to mourn the loss of a child to gun violence, but far too many do. In one tragedy, a young man was shot and his three friends killed because an angry 19-year-old

kid was able to walk into a store and minutes later walk out with an AR-15 and a high capacity magazine. In another tragedy, a shooter ended a high school girl's dreams of going to prom, attending college, and becoming a medical researcher. The shooter was able to kill many students because he did not have to stop for a few seconds to reload, seconds that could have meant the difference between life and death.

Shootings that do not result in death still cause severe physical and emotional trauma, including the long and painful recovery for the victim and the toll on the family and children who witness the chaos of the shooting and its aftermath. Some of the worst injuries doctors see are from gunshot wounds. Firearm injuries and deaths are largely preventable. Saving lives from preventable gun violence is not a partisan issue; it is something Washingtonians from all around the state agree on.

(Opposed) The bill falsely redefines standard capacity magazines as being high capacity. Magazines holding more than 10 rounds are the standard supplied by manufacturers for the majority of all handguns and modern reloading rifles. Individuals own firearms to protect themselves and their loved ones, and this right of self-protection will be restricted by this bill.

Standard capacity magazines over 10 rounds may be needed to stop a threat in a home invasion or an attack by multiple assailants. Limiting the ability to purchase these magazines will put women and members of the LGBTQ community at risk by limiting their ability to protect themselves with the weapon that works best for them. These magazines do not change a gun into an automatic firearm. Advocates for this ban have clearly stated it will not prevent gun violence or stop crime. It will prevent people from protecting themselves. Responsible gun owners should be judged by their character rather than be punished because of the bad character of criminals.

There is irrefutable data that shows it is very unlikely that one will be killed by an armed assailant. It is significantly more likely that a person will be killed by a car or by someone's fists, or any number of other weapons. The state would be far better off if it enforced the laws that are already on the books and addressed the real issues of drug and crime-infested streets and a failing mental health care system.

The purpose of the Second Amendment is to protect citizens so that they can have a free society and to enable them to fight against tyranny. If you take firearm rights away from the good people then only the bad people will have guns. No legislation is going to make criminals start obeying the law. These are evil people doing evil things.

The bill bans products that have long been lawful. It prevents current owners from selling or transferring their high capacity magazines, and this constitutes government confiscation of property without compensation. The bill also bans parts for ammunition feeding devices. This makes it a strict liability law that will cover many common products because it does not say the person must have intent to use the part in a high capacity magazine. It allows owners to have a magazine on their own property and at a shooting range, but it says nothing about transporting them to the shooting range.

This bill is in direct conflict with the current Ninth District Court ruling that determined magazine restrictions are unconstitutional. There is no true data that shows that magazine

capacity has any impact on public safety. The bill will do nothing to prevent crime, but it will have the unintended consequence of bringing more magazines into the state because there will be a rush to buy them if this law is passed.

**Persons Testifying:** (In support) Representative Valdez, prime sponsor; Sonja Hallum, Office of the Governor; Matt Thomas, Office of the Attorney General; Dr. Mike Van Dyke; Ann-Marie Parsons; Gwen Loosmore, Washington PTA; Colin English; Margy Heldring, Grandmothers Against Gun Violence; Paul Kramer; Larry Delaney, Washington Education Association; April Schentrup; and Emily Cantrell.

(Opposed) Keely Hopkins, National Rifle Association; Jane Milhans; Allena Conrad; Mike Silvers; Allen Ernst; Mark Henri; Autumn Bennett; David Westhaver; and Kelly Wright.

**Persons Signed In To Testify But Not Testifying:** Jeremy Lo; Jon Conley; Sharyn Hinchcliffe, Pink Pistols of Seattle and Tacoma; Jeffrey Slotnick, Setracon Incorporated; Duncan Albright; James Barrick, Washington Guns; Thomas Koehnlein, March for Our Lives; Matt Vadnal; Ian Taylor; Erin Sloane; Clare Miller; Mindy Smith; Tanya Aggar; Al King; Lisa Lush; Judy McBroom; Charlene Kahn; Ed Nation; Denny Gulla; Freddie Campbell; Melissa Denny, Pistol Annie's Jewelry and Pawn and Washington State Firearms Coalition; Eric Olbricht; Pat Griffith, Washington League of Women Voters; Paula Glackin; Judy Baker; Rick Legge; Greg Sorlie; Bill Murray, Northwest Screenwriters Guild and Seattle Second Amendment Foundation; Kayla Atkinson; and Lauren Veatch.