

# SENATE BILL REPORT

## HB 1719

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As of February 8, 2022

**Title:** An act relating to modifying the restrictions on the use and acquisition of military equipment by law enforcement agencies as it pertains to firearms and ammunition but only with respect to removing the restriction on ammunition, narrowing the restriction on firearms to include only rifles of .50 caliber or greater, and clarifying that the restrictions do not apply to shotguns, devices designed or used to deploy less lethal munitions, and less lethal equipment.

**Brief Description:** Concerning use and acquisition of military equipment by law enforcement agencies.

**Sponsors:** Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons.

**Brief History:** Passed House: 1/28/22, 95-0.

**Committee Activity:** Law & Justice: 2/08/22.

### Brief Summary of Bill

- Narrows the definition of military equipment in part to mean rifles of .50 caliber or greater.
- Excludes from the definition of rifle, any shotgun, or any device deploying less than lethal munitions such as rubber, bean bag, soft nose, sponge, or other non-penetrating impact rounds.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** Military Equipment. A law enforcement agency may not acquire or use any military equipment. Any law enforcement agency in possession of military equipment must

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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 part of the legislation nor does it constitute a statement of legislative intent.*

return the equipment to the federal agency from which it was acquired, or destroy the equipment no later than December 31, 2022.

Items which constitute prohibited military equipment are specified as follows:

- firearms and ammunition of .50 caliber or greater;
- machine guns;
- armed helicopters;
- armed or armored drones;
- armed vessels;
- armed vehicles;
- armed aircraft;
- tanks;
- long range acoustic hailing devices;
- rockets;
- rocket launchers;
- bayonets;
- explosive grenades;
- incendiary grenades;
- missiles;
- directed energy systems; and
- electromagnetic spectrum weapons.

Firearm. A "firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. A firearm does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

Rifle. A "rifle" means a weapon intended to be fired from the shoulder and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun. A "shotgun" means a weapon with one or more barrels, intended to be fired from the shoulder and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore, either a number of ball shot or a single projectile for each single pull of the trigger.

**Summary of Bill:** The definition of military equipment no longer includes firearms or ammunition of .50 caliber or greater other than rifles of .50 caliber or greater. This change permits law enforcement agencies to use and acquire ammunition of .50 caliber or greater, and other types of firearms of .50 caliber or greater, but not rifles of .50 caliber or greater.

The definition of "rifle" excludes any shotgun; any device designed or used to deploy less lethal munitions, including, but not limited to, rubber, bean bag, soft nose, sponge, or other non-penetrating impact rounds; or any less lethal equipment.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: Last session we missed that a 50 caliber restriction would also restrict less than lethal options like bean bag shotguns. It is an unintended consequence. This bill will allow law enforcement to de-escalate situations with less than lethal options.

**Persons Testifying:** PRO: James McMahan, WA Assoc Sheriffs & Police Chiefs; Sharon Swanson, Association of Washington Cities; Chief Jeff Myers, Chief of Police, City of Hoquiam; Cherie Harris, Police Chief, City of Kirkland; Steve Bear, WDFW; Austin Field, Seattle Community Police Commission.

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