

SENATE BILL REPORT

SB 5217

As of January 13, 2022

Title: An act relating to assault weapons.

Brief Description: Concerning assault weapons.

Sponsors: Senators Kuderer, Darneille, Dhingra, Hunt, Lias, Nguyen, Pedersen, Wilson, C. and Lovelett; by request of Attorney General.

Brief History:

Committee Activity: Law & Justice: 1/17/22.

Brief Summary of Bill

- Lists specific firearms or copycat weapons as an assault weapon.
- Prohibits the manufacture, possession, distribution, importation, transfer, sale, offer for sale, and purchase of any assault weapon.
- Provides exceptions including, but not limited to, the legal possession on the effective date of the act and use by law enforcement and the military.
- Restricts the lawful possession to locations such as property owned or controlled by a person, a licensed firing range, hunting, or travel to those locations.
- Makes violations a class C felony.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: A semiautomatic assault rifle is defined in statute and means any rifle which uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each

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.

cartridge. A semiautomatic assault rifle does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

Summary of Bill: An assault weapon includes a list of 62 specific firearms or a copycat weapons, regardless of which company produced and manufactured the firearm. An assault weapon also includes a semiautomatic, centerfire, or rimfire rifle that has an overall length of less than 30 inches, or a conversion kit, part, or combination of parts, from which an assault weapon can be assembled. An assault weapon does not include antique firearms, any firearm that has been made permanently inoperable, any firearm that is manually operated by bolt, pump, lever, or slide action, or a pistol that is not identified in the list of 62 firearms and is not a copycat weapon of the list of 62 firearms.

A copycat weapon means a semiautomatic, centerfire firearm that has the capacity to accept a detachable magazine and includes certain characteristics:

- a pistol grip that protrudes conspicuously beneath the action of the weapon, unless the firearm is a specified pistol;
- a thumbhole stock;
- a folding or telescoping stock;
- a forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control during a high rate of fire;
- a flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;
- a muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;
- a threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item; or
- a grenade launcher or flare launcher.

No person in this state may manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer any assault weapon. Exceptions are provided for:

- persons who legally possess an assault weapon on the effective date of the act, or who acquires the assault weapon by legal operation upon the death of the owner;
- government agents, members of the armed forces, and law enforcement while acting within the scope of their duties;
- a licensed firearm manufacturer or licensed dealer for purposes of sale to the armed forces and law enforcement agencies;
- a licensed dealer who acquires the assault weapon from a person legally authorized to possess the weapon for the purpose of selling the weapon to a person who does not reside in this state;
- a federally licensed gunsmith for the purposes of service or repair;
- persons with an unloaded assault weapon for the purpose of permanently relinquishing it to a law enforcement agency;
- persons lawfully participating in a sporting event officially sanctioned by a club or

- organization established for the purpose of sponsoring sport shooting events;
- marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers while acting within the scope of their duties;
- law enforcement officers retired for service or physical disabilities, when the assault weapon in question was 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 assault weapons;
- persons lawfully engaged in shooting at a duly licensed, lawfully operated shooting range; or
- persons possessing an unloaded assault weapon for the purpose of permanently relinquishing it to a law enforcement agency.

For persons who legally possessed an assault weapon on the effective date of this section, certain restrictions apply. These persons may possess the weapon:

- only on property owned or immediately controlled by the person;
- while engaged in the legal use of the assault weapon at a duly licensed firing range;
- while engaged in a lawful outdoor recreational activity such as hunting; or
- while traveling to or from either of these locations for the purpose of engaging in the legal use of the assault weapon, provided that the assault weapon is stored unloaded and in a separate locked container during transport.

Violations are a class C felony.

Unless a person meets any of the described exceptions, it is unlawful to transport an assault weapon into Washington state.

A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault weapon before January 1, 2022, and who has registered the assault weapon with the Washington state patrol may continue to possess and transport the assault weapon.

Appropriation: None.

Fiscal Note: Requested on January 12, 2022.

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

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