

SENATE BILL REPORT

SB 5217

As of January 17, 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.

Staff Summary of Public Testimony: PRO: Mass shootings have become routine in our society. Semi automatic rifles like the AR-15 are the weapon of choice in deadly mass shootings. They account for 32 percent of all mass shootings. They are designed to fire at a

greater rate. Congress let the ban sunset. The tragedies will grow longer unless we do something. This bill is a close replica of the Maryland law upheld as constitutional by a federal court in the 3rd circuit. You can still use the weapon at a licensed firing range. Seven other states have limited the circumstances for access to these weapons.

This bill is targeted toward a weapon that causes extraordinary harm. Assault weapons are 11 times more likely to be used in mass shootings. They kill 65 percent more people than other weapons in mass shootings. Federal courts have been clear and consistent that this policy is constitutional because there is an important governmental interest in promoting public safety by curtailing sales of military style semi automatic weapons capable of accepting a high capacity magazine.

CON: This bill will negatively affect my life as a woman to defend myself and my right to choose a firearm. I am my own first responder. This bill makes it more difficult for marginalized, oppressed, and forgotten people to live safely in their homes and communities. History has shown that it is not in the interest of any Native American tribe to ever give up their guns again.

This bill will devastate businesses that manufacture and sell weapons affecting many jobs and the economy.

The seven states that have these bills still have mass shootings. As an African American I would more likely be prosecuted under this law than a white person. Anti gun laws have a racist reality and a racist history. Armed minorities are hard to oppress.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Kristin Beneski, Attorney General's Office; Jim Parsons; Dr. Michael Van Dyke; Adam Cornell, Snohomish County Prosecutor; Margaret Heldring, Grandmothers Against Gun Violence; Robert Schentrup, Team Enough; Gwen Loosmore, WSPTA; Jane Weiss; Thomas Koehnlein; Matt Vadnal.

CON: Kathleen Gilligan; Nathan Tynes; Don Quang Nguyen; Dana Morgan; Aoibheann Cline, National Rifle Association; Danna Baxter; Michael Findlay, National Shooting Sports Foundation; Scott Dover.

Persons Signed In To Testify But Not Testifying: PRO: Paul-Michael Bean; Jeannie Shu; Paula Barnes; Ian Taylor; Anne Francis Owen; Diane Studley; Kate Dillon Levin; Leanne Kennedy; Brad Blackburn; Tremayne Edwards; Maureen McGregor; Kristen Ellingboe; Nelago Nuunyango; CS Wright; Sean Kent; Hazel Brown.

CON: Duncan Clark; Thomas Haynes; Robert Patrino; Jeremy Nabors; Andy Thompson; Wesley Nanny, We The People; Scott Tinney; John Seidel, Owner; Samuel Davis; Ivan Kiselev; Britney Lau; kyle ivarra; Drew Rodman; Doug Diaz; Dale Lawrence; John Heple Heple; Giani Bigelow; Travis Wilson; Nicholas Hoeschen; Ryan Anzai; Gene Orozco; Deverian Taylor; Joshua Dodge; Jeffery Brydson; Camron Richardson; Aaron Lee; Ian

Stafford; Michael Dix; Jedediah Zwuygart; Jessica Carithers; Roman Ogleznev; Nick Pingel; Ronald Hardy; Brittany Brackett; Jake Parmer; Stephen Cheyney; Jeffrey Herzog ; Zhe Zhang; William Kegley, American Citizen; Anthony Pierre; Jodi Green; Jonathan Nguyen; James Boze; Brett Kehl; Annika Hansen; Elijah Cox; Susan Phillips; Chase Markley; Daniel Dethmers; Michael Cuentas; Carmel Acob, Washington Civil Rights Association; Chuck Rice; Koty McCrory; Quinn Shellhorn; Patrick Heaviside; Paulina Hazen; Zach Peterson; nick k; Kevin Doherty; Alan Nuncio; Joshua Sathern; Heath Palmer; Christopher Castaneda ; Joseph Critchfield; Todd Wilson; Trask Rogers; Daniel Walke; Nathan Weide; Jefferson Davis; Nathan Mack; Colin Bloomer; Adriel Ortiz; Maksim Mochylo, Washington Civil Rights Association; Michael Hutchinson; Michael Alimo; Cody Tapani; Kassi Ambach; Forrest Cornell; Marcus Pritchard; Jacob Ball; Kaelan Miller; Trey Lyons; Samuil Gaidaichuk; Zyeir Valentine; DEVAYON LETT; Yelena Butylev; Marshall Weiman; Seth Farmer; Garrett Chan; Jason Barnett; Stefanie Farfan, WA Civil Rights Association; Sharyn Hinchcliffe, Pink Pistols of Seattle/Tacoma; Ayden Rupp; Jeff Modracek; Eduardo Meza; Myra Whitesel; Cariann Munn; Tom Cangialosi; Larissa Cangialosi; Matthew Clifford; Tim Martin; James Erdman; John Reid; Mitchell Wolfe; Jack Trinneer; Aidan Nickels; Carter McKaughan, Montlake Investigations Group; Tyler Griffin, BuiltNW; Anthony Isernio; Kenneth Howard; Anthony Antohe; Carson Moffat; Travis Smith; Xavier Thorpe; Crystal Hoke; Yun Yun; Ki sop Yun; Seong Yun; Ivan Chongarov; cody wyand; Brandon Fleming; Jacob Quarles; Edward Traverso; Aaron Lang.

OTHER: Eric Pratt, America; Jeffrey Slotnick, SETRACON INC. ESRMS; Derick Whitaker; Jason Howard; Elias Papadimas; Link Watkins, U.S. citizen.