

# SENATE BILL REPORT

## SB 5593

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As of February 11, 2005

**Title:** An act relating to the .50 caliber firearm ban of 2005.

**Brief Description:** Banning .50 caliber BMG rifles.

**Sponsors:** Senator Fairley and Kline.

**Brief History:**

**Committee Activity:** Judiciary: 1/25/05.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Aldo Melchiori (786-7439)

**Background:** Fifty caliber rifles are used by the armed forces because of their long range and accuracy. There are also civilian hunting clubs and gun clubs specializing in .50 caliber rifle use and collection. California became the first state to ban the sale of .50 caliber rifles in September 2004. California does allow current owners to register their .50 caliber rifles and retain possession. Maryland classifies the Barrett light .50 caliber semi-automatic rifle as an assault weapon.

**Summary of Bill:** A .50 BMG rifle is defined as a center fire rifle that fires a .50 BMG cartridge. A .50 BMG cartridge is one that has an overall length of 5.54 inches from base to tip; a bullet diameter from .510 to .511 inch; a case base diameter from .800 to .804 inch; and a cartridge case length of 3.91 inches.

The sale, unregistered possession, purchase, sale, or manufacture of .50 BMG firearms is prohibited. These weapons are declared a public nuisance. Violations are a class C felony ranked at level III on the sentencing grid (one to three months incarceration for a first offense). There are exceptions for law enforcement, military personnel, and federal or state licensed manufacturers and repairers. Current owners may: permanently disable the firearm; take them to a law enforcement agency for destruction; transfer ownership to a law enforcement agency for law enforcement purposes; or comply with the specified registration requirements.

Present owners, and those who gain ownership by inheritance, may retain their .50 BMG rifles if they were legally owned prior to the act, but only if they: (1) submit to an annual background check for firearm purchase; (2) annually register the weapon with law enforcement in a county, unless they are prohibited from possessing a firearm; and (3) safely store the weapon. The law enforcement agency may charge a fee for registration and renewals. Law enforcement may inspect the storage of the weapon not more than once per year. The person may only possess the weapon on their own property, at a licensed firing range, or during transport to these locations. The weapon must be unloaded and in a locked container during transport. Violation of the registration requirements is a gross misdemeanor.

Any violation of these laws results in immediate revocation of the registration of every .50 BMG rifle registered to the person.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** These weapons are designed as weapons of mass destruction. They have the range to bring down aircraft. The weapons can do very serious damage if misused. You do not need a firearm this big to hunt big game.

**Testimony Against:** There is no evidence that any of these weapons have been used to commit crimes in Washington. We just need to enforce the laws we already have. Registration leads to confiscation and the result is totalitarianism. They are used for sporting purposes in Alaska and Africa for big game. There are larger, commercially available firearms used for hunting. A fifty caliber firearm is just marginally larger than other commonly used hunting weapons. Federal law regulates sixty caliber and larger firearms as destructive devices. This is a slippery slope to banning gun ownership. We cannot dilute our freedom. The inspection section of the bill raises constitutional concerns. Their size makes them unsuitable for criminal use.

**Who Testified:** PRO: Senator Fairley, prime sponsor; Rose Feliciano, City of Seattle; Lt. Landy Black, City of Seattle Police; Deputy Chief Earl Soderman, City of Seattle Police.

CON: Tom Brandt; Brian Schilt; David Cusenza; Alisa deLeon; Owen Miller; Quentin Pankey; Jeff Schwarz; Don Roberts; Joe Waldron, CCRKBA, WAC, WSR&PA, GOAL; Stu Halstrom, Olympic Arms; Anton Rehling, NRA; George Holloway, Olympic Arms.