
Civil Rights & Judiciary Committee

HB 1068

Brief Description: Concerning high capacity magazines.

Sponsors: Representatives Valdez, Jinkins, Kilduff, Stonier, Pellicciotti, Orwall, Stanford, Slatter, Kloba, Peterson, Ryu, Appleton, Macri, Cody, Bergquist, Doglio, Robinson, Pollet, Senn, Frame and Walen; by request of Attorney General.

Brief Summary of 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.

Hearing Date: 1/22/19

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.

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.

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.

Summary of Bill:

A "large capacity magazine" is defined as an ammunition feeding device with the capacity to accept more than 10 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 10 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 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, or employees, members of the armed forces of the United States or Washington, 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 of the United States or Washington, 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 in this state 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 this state;

- 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 permanently 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;
- possession of a large capacity magazine 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 lawfully engaged in shooting at a duly 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.

Appropriation: None.

Fiscal Note: Available.

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