

**ESSB 5078 - H AMD 1226**

By Representative Young

**NOT ADOPTED 03/04/2022**

1       On page 9, after line 7, insert "(4) In any prosecution for a  
2 violation of this section, it is an affirmative defense, if  
3 established by the defendant by a preponderance of the evidence,  
4 that the large capacity magazine, conversion kit, part, or  
5 combination of parts, was legally obtained in the state of  
6 Washington prior to the effective date of this act or outside the  
7 state of Washington. The defendant may establish he or she obtained  
8 the large capacity magazine, conversion kit, part, or combination of  
9 parts at issue prior to the effective date of this Act with an  
10 authentic photographic image of the large capacity magazine,  
11 conversion kit, part, or combination of parts that is digitally  
12 marked or electronically associated with a date and time stamp prior  
13 to the effective date of this act, or through other admissible  
14 evidence."

**EFFECT:** Provides an affirmative defense to an alleged violation of the underlying bill's restrictions on large capacity magazines for defendants who can establish the large capacity magazine, conversion kit, part, or combination of parts at issue was legally obtained in the state of Washington prior to the effective date of the Act or outside the state of Washington.

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