

HOUSE BILL REPORT

HB 1719

As Passed House:

January 28, 2022

Title: An act relating to modifying the restrictions on the use and acquisition of military equipment by law enforcement agencies as it pertains to firearms and ammunition but only with respect to removing the restriction on ammunition, narrowing the restriction on firearms to include only rifles of .50 caliber or greater, and clarifying that the restrictions do not apply to shotguns, devices designed or used to deploy less lethal munitions, and less lethal equipment.

Brief Description: Concerning use and acquisition of military equipment by law enforcement agencies.

Sponsors: Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons.

Brief History:

Committee Activity:

Public Safety: 1/11/22, 1/20/22 [DP].

Floor Activity:

Passed House: 1/28/22, 95-0.

Brief Summary of Bill

- Removes the prohibition on the use and acquisition of ammunition of .50 caliber or greater by law enforcement agencies.
- Narrows the prohibition on the use and acquisition firearms of .50 caliber by law enforcement agencies to apply only to rifles of .50 caliber or greater.

HOUSE COMMITTEE ON PUBLIC SAFETY

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.

Majority Report: Do pass. Signed by 13 members: Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis, Graham, Griffey, Hackney, Orwall, Ramos, Simmons, Thai and Young.

Staff: Kelly Leonard (786-7147).

Background:

Prohibition on the Use and Acquisition of Military Equipment.

In 2021 the state enacted legislation prohibiting the acquisition and use of military equipment by law enforcement agencies. Military equipment includes firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, long range acoustic hailing devices, rockets, rocket launchers, bayonets, explosive grenades, incendiary grenades, missiles, directed energy systems, and electromagnetic spectrum weapons. Through the Washington Association of Sheriffs and Police Chiefs, an inventory of military equipment possessed by law enforcement agencies was submitted to the Legislature and Governor on December 31, 2021. Agencies are required to return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022.

Definitions.

The prohibition on the acquisition and use of military equipment does not define "firearms" or "ammunition." However, the laws governing firearms offenses include several definitions relating to firearms.

"Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. It specifically does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

"Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Summary of Bill:

The prohibition on the use and acquisition of military equipment is modified. The prohibition on ammunition of .50 caliber or greater is removed, effectively allowing law enforcement agencies to use and acquire ammunition of .50 caliber or greater. The prohibition on using and acquiring firearms of .50 caliber or greater is narrowed to apply only to rifles of .50 caliber or greater, effectively allowing law enforcement agencies to use and acquire other types of firearms of .50 caliber or greater.

"Rifle" has the same meaning as provided in the statutes governing firearms offenses, except it does not include: any shotgun; any device designed or used to deploy less lethal munitions, including, but not limited to, rubber, bean bag, soft nose, sponge, or other nonpenetrating impact rounds; or any less lethal equipment.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This bill clarifies the legislative intent of the provisions in Engrossed Substitute House Bill 1054 (2021) relating to the acquisition and use of military equipment by law enforcement agencies. The Legislature did not intend to ban less lethal equipment or less munitions, yet many of these commonly used tools exceed the .50 caliber restrictions. As a result, many law enforcement agencies have shelved their less lethal equipment. This bill will allow those agencies to return this equipment to the field.

The Legislature also did not intend to ban 12 gauge shotguns, which are used by the Department of Fish and Wildlife for managing large game. This bill will clarify that the ban on military equipment does not apply to shotguns.

It is important to move this bill forward quickly in order to address important safety concerns raised by law enforcement agencies across the state.

Additional changes to the restrictions on military equipment would be helpful to law enforcement agencies. The use of the term "military equipment" has created confusion because equipment need not be sourced from the military in order to be banned. The term "military equipment" should be replaced with "prohibited equipment." The bill should also be amended by adding a definition of "machine gun." However, since the title of the bill has been crafted so narrowly, it appears that these amendments could not be considered.

(Opposed) None.

Persons Testifying: (In support) Representative Dan Bronoske, prime sponsor; Sharon Swanson, Association of Washington Cities; Jeff Myers, City of Hoquiam Police Department; Brian Smith, City of Port Angeles Police Department; Steve Bear, Washington Department of Fish and Wildlife; James McMahan, Washington Association of Sheriffs and Police Chiefs; Mary Lou Pauly, City of Issaquah; Michael Transue, Washington Fraternal Order of Police; and Kevin Richey, Washington Council of Police and Sheriffs.

Persons Signed In To Testify But Not Testifying: None.