

SENATE BILL REPORT

SB 5062

As of January 16, 2019

Title: An act relating to high capacity magazines.

Brief Description: Concerning high capacity magazines.

Sponsors: Senators Kuderer, Hunt, Dhingra, Keiser, Pedersen, Darneille, Saldaña and Frockt; by request of Attorney General.

Brief History:

Committee Activity: Law & Justice: 1/21/19.

Brief Summary of Bill

- Prohibits the manufacture, possession, sale, or transfer of a large capacity magazine (LCM) with the capability of holding more than ten rounds of ammunition, unless the possession falls within one of the stated exceptions.
- Makes the possession of a LCM a gross misdemeanor.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: A firearm magazine holds shells under spring pressure in preparation for feeding into the firearm's chamber. A large capacity magazine ban restricts detachable firearm magazines that hold more than a certain number of ammunition rounds.

In 1994, Congress passed the Federal Assault Weapons Ban of 1994. The federal law limited magazines that could hold more than ten rounds. The law expired in September 2004, and Congress has not renewed it.

At least nine states and a number of local governments ban or regulate magazines they define as high capacity, generally with a limit of 10 to 20 rounds. These states include California, Colorado, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, New York, and Vermont. At this time, no court has overturned a ban on high-capacity guns or magazines. In March 2015, the federal Ninth Circuit Court of Appeals upheld a magazine capacity

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restriction, ruling that it does not violate the Second Amendment. Several legal challenges to high capacity magazine laws are pending in state and federal courts.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): An LCM is an ammunition-feeding device with the capacity to accept more than ten ammunition rounds, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in the possession or under the control of the same person. The following are not LCM devices:

- an ammunition feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition;
- a 22 caliber tube ammunition feeding device; or
- a tubular magazine that is contained in a lever-action firearm.

No person in this state may manufacture, possess, distribute, import, transfer, sell, offer for sale, purchase, or otherwise transfer any LCM except as specifically provided. The LCM ban does not apply to:

- possession by a person who legally possesses an LCM on the effective date of this section or who acquires possession by operation of law upon the death of a person who legally possesses an LCM;
- possession by any government officer, agency, or employee;
- members of the armed forces or law enforcement officers;
- manufacture of an LCM for eventual lawful transfer to any branch of armed forces or to a law enforcement agency;
- transfer to a properly licensed dealer from a person legally authorized to possess or transfer the LCM for the purpose of selling the LCM to a person who does not reside in this state;
- transfer to a federally licensed gunsmith for the purpose of repair and the return to the lawful owner;
- transfer for the purpose of permanently relinquishing an LCM to a law enforcement agency;
- possession for lawful participation in a sporting event;
- possession by marshals, sheriffs, prison or jail wardens, or other law enforcement officers while acting within the scope of their duties;
- possession by law enforcement officers retired for service or physical disabilities when the LCM was acquired as part of the officer's separation of service;
- possession by members of the armed forces or National Guard, when on duty;
- possession by officers or employees of the United States duly authorized to possess LCM's;
- possession by persons lawfully engaged in shooting at a duly licensed, lawfully operated shooting range; or
- possession for the purpose of permanently relinquishing it to a law enforcement agency in this state.

To continue to possess an LCM on the effective date of this section, the person possessing the LCM must store the LCM in secure gun storage and possess the LCM only on property owned or immediately controlled by the person, while engaged in the legal use of the LCM at

a duly licensed firing range, or while engaged in a lawful outdoor recreational activity. Secure gun storage is defined by Initiative 1639 with a July 1, 2019, effective date.

A person who unlawfully possesses an LCM is guilty of a gross misdemeanor.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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