

SENATE BILL REPORT

SB 6396

As of January 26, 2010

Title: An act relating to banning the sale of assault weapons.

Brief Description: Banning the sale of assault weapons.

Sponsors: Senators Kline, Fairley, Kohl-Welles and McDermott.

Brief History:

Committee Activity: Judiciary: 1/26/10.

SENATE COMMITTEE ON JUDICIARY

Staff: Juliana Roe (786-7438)

Background: In 1994 Congress adopted the Violent Crime Control and Law Enforcement Act of 1994. This federal law imposed a ten-year moratorium on the manufacture, transfer, and possession of certain semiautomatic firearms. It banned 18 models and variations by name, as well as revolving cylinder shotguns, and prohibited flash hiders, folding rifle stocks, and threaded barrels for attaching silencers. This law expired on September 13, 2004. Several states have since enacted laws regarding assault weapons.

Summary of Bill: Assault weapon is defined as any semiautomatic pistol or semiautomatic or pump-action rifle or shotgun that is capable of accepting a detachable magazine with a capacity of more than ten rounds of ammunition and that also possesses any one characteristic on a list. For shotguns and rifles only: (1) a pistol grip located rear of the trigger; or (2) a stock, including thumbhole, folding, and telescoping stocks, that allows a specified grip. For shotguns only: (1) a detachable magazine; or (2) a revolving cylinder. For pistols only: (1) a shoulder stock of any kind; or (2) a detachable magazine at any location outside the pistol grip. For any firearm: (1) a barrel shroud; (2) a muzzle brake or muzzle compensator; (3) any feature capable of functioning as a protruding grip for the non-trigger hand; or (4) a conversion kit or combination of parts from which an assault weapon can be assembled if the parts are in the possession or under the control of any person. Detachable magazine, barrel shroud, muzzle brake, muzzle compensator, and conversion kit are all defined.

The manufacture, possession, purchase, sale, or transfer of assault weapons and conversion kits is prohibited. These weapons and conversion kits are declared a public nuisance.

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.

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 marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers while acting within the scope of their duties, military personnel when on duty, 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.

Owners who continue to legally possess assault weapons on the effective date may retain their assault weapon if they: (1) safely store the weapon, an inspection of which may be conducted yearly by the sheriff of the county; or (2) possess the assault weapon only on property owned or immediately controlled by the owner, while engaged in the legal use at a licensed firing range, or during transport to these locations as long as the weapon is stored, unloaded, in a locked container. Violation of (1) or (2) of this paragraph is a gross misdemeanor.

Any person who acquires title to an assault weapon after the effective date by inheritance, bequest, or succession must, within 30 days of acquiring title: (1) comply with the same requirements as listed above for those who legally possess assault weapons on the effective date; (2) dispose of the weapon as laid out by statute; or (3) permanently disable the weapon so that it is incapable of discharging a projectile.

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.

Staff Summary of Public Testimony: PRO: This bill is aimed at those guns that have characteristics that make them more lethal than an ordinary weapon. Many civilians and officers have been killed by assault weapons. We need to use a sense of responsibility and conscientiousness and keep assault weapons out of people's hands.

This bill will help reduce gun violence in Washington State. More Washingtonians are killed by firearms than all combat deaths in Iraq and Afghanistan combined. The United States is no more violent than other countries, however because of guns we are far more lethal. In comparing Washington State to Vancouver, B.C., Washington has four times the number of deaths due to guns. If a weapon was made to kill humans, then it is an assault weapon.

Three years ago, the Washington Association of Sheriffs and Police Chiefs joined a summit to reduce gun violence. The resulting report recommended common sense strategies. Thirty thousand people are killed every year because of gun violence. Current restrictions make it impossible to know how many assault weapons are used today. The fact that these weapons can spray a volley of bullets makes them more lethal than other types of guns. Officers are often outgunned due to a criminal's use of assault weapons. This is necessary because of overall public interest.

CON: Seventy million gun owners did not break the law. Over 99 percent of gun owners are law abiding citizens. This bill is unconstitutional, arbitrary, and will not reduce crime. Rather, it will divert law enforcement resources. There are many definitional problems within the bill. You either need to ban all semiautomatic weapons or none of them. You cannot carve out a subset. Making a weapon that has nine rounds lawful and one with 11 rounds unlawful is totally arbitrary. Furthermore, some of the attachments included in the definition of assault weapons are merely cosmetic and have nothing to do with how lethal the weapon is. This bill will merely cause confusion and increase sales of assault weapons. The person behind the firearm is what is wicked and not the firearm. We need education in this area and not legislation.

Persons Testifying: PRO: Senator Kline, prime sponsor; Dr. Debra Sullivan, citizen; Ralph Fascitelli, Washington Ceasefire; Chief Linda Pillo, citizen.

CON: Brian Judy, NRA; Bill Pierce, Merton Cooper, citizen.