



Saturday, January 13, 2018

The Honorable Jaime Pedersen, Chair
Senate Committee on Law and Justice
235 John A. Cherberg Building
P.O. Box 40443
Olympia, WA 98504

RE: 01 - PSSB 5444 (Frocht) – Doublespeak Re-Classification of Firearms in Common Use for Lawful Purposes; Restrictions on the Right to Keep and Bear Arms

POSITION: STRONGLY OPPOSE

Dear Senator Pedersen:

On behalf of the members and supporters of Firearms Policy Coalition, I respectfully submit our opposition to Proposed Substitute Senate Bill 5444 (PSSB 5444) (substitute language online at <http://bit.ly/sb5444-sub>).

This bill would re-cast millions of firearms in common use for self-defense and other lawful purposes as so-called “assault weapons”—this, in spite of the fact that these firearms are functionally equivalent to other civilian semi-automatic firearms.

In fact, PSSB 5444 is chock-full of the very same overbroad, ambiguous terms used to confuse, chill, and eliminate fundamental, individual rights (and take lawfully-possessed property without just compensation) by other states within *Oceana*, e.g., the State of California. (See, e.g., Cal. Penal Code § 30515, online at <http://bit.ly/cal-pc-30515>.) This measure’s proposed definitions and terms are precisely the kind of deceptive, insidious incrementalism employed to ban virtually all modern, semi-automatic sporting and self-defense firearms in the once-Golden State.

More, the measure would enact language to expressly provide for the “constructive possession” of these re-classified semi-automatic firearms. As the targeted firearms are, by far, the most popular firearms in the law-abiding American marketplace—as are their parts and accessories—virtually all modern gun owners possess a “conversion kit, part, or combination of parts, from which an assault weapon can be assembled.”

And PSSB 5444 would also prohibit many law-abiding people who can pass a background check from acquiring these common firearms within the State of Washington based on politically-motivated *Newspeak*. (Proposed RCW 9.41.124.)

Adding insult to injury, PSSB 5444 would allow the scandal-plagued Department of Licensing (DOL) to collect, retain, and release sensitive information about gun owners and their legally-acquired firearms. A mere two days ago, The Seattle Times broke a story that the DOL was, likely improperly, handing over sensitive personal information to Federal law enforcement officials. (“Most people wouldn’t expect Washington’s Department of Licensing (DOL) to hand over information to federal authorities just for the asking....[But the] licensing department has regularly been providing Immigration and Customs Enforcement (ICE) with photos and driver’s-license applications, according to department spokesman Brad Benfield.” Nina Shapiro, *Washington state regularly gives drivers’ info to immigration authorities*, The Seattle Times, Jan. 11, 2018, online at <http://bit.ly/2EEIpr9>, last visited Jan. 13 2018.)

Under RCW 42.56.240(4), the new “assault weapon” records mandated under PSSB 5444 could be freely, and potentially abusively, disclosed by DOL to “law enforcement or corrections agencies”—inside

and outside of the State of Washington—*without a warrant*.

As Sen. Saldaña aptly put it, such a circumstance would be a dangerous “breach of trust.” (“There’s definitely rage and outrage that all members of our caucus are feeling. There’s been a breach of trust.” Nina Shapiro, *Washington lawmakers outraged over state giving driver’s-license info to immigration officers*, quoting Sen. Rebecca Saldaña, D-Seattle, The Seattle Times, Jan. 12, 2018, online at <http://bit.ly/2r7JtB9>, last visited Jan. 13, 2018.)

But that kind of situation, whether intentional or accidental, is precisely the risk of PSSB 5444’s broad expansion of record mandates—records maintained by the same records-leaking, outrage-causing DOL discussed above.

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In the final analysis, if this bill’s intent and effect is *not* to restrict the acquisition and possession of the very constitutionally-protected firearms it targets, then it would serve no important, let alone legitimate, governmental objective at all.

And so, either this bill is devoid of real purpose—a callous, politically-motivated “show bill” and wasteful legislative exercise designed to harass law-abiding gun owners and chill the exercise of their rights—or PSSB 5444 is an insidious, calculated attack on the fundamental civil rights of law-abiding Washingtonians and visitors.

For all of the reasons stated above, we must oppose PSSB 5444 and urge your “NO” vote.

Please don’t hesitate to contact us at (855) 372-7522 or policy@fpchq.org if we can be of any assistance to you or your staff.

Respectfully,



Philip Watson
Legislative Advocate

Cc: Author; Committee Members