



Wednesday, February 28, 2018

Governor Jay Inslee  
Office of the Governor  
State of Washington  
P.O. Box 40002  
Olympia, WA 98504-0002

**RE: Senate Bill 5992 – Ban on Legally-Owned Firearm Devices**

**POSITION: STRONGLY OPPOSE**

Dear Governor Inslee:

On behalf of the members and supporters of Firearms Policy Coalition, I respectfully submit our opposition to Senate Bill 5992 (SB 5992), available online at <http://bit.ly/wa-sb5992>, and request your veto.

SB 5992 would enact a total, confiscatory ban on even currently-owned and lawfully possessed private property by operation of an unconstitutionally vague new statute. Under SB 5992, a “bump-fire stock” device would mean “a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.”

Neither SB 5992 nor existing law defines what a “butt stock” is, what a “fully automatic firearm” is, or what the “rate of fire [ ] of a fully automatic firearm” is. Current (and unchanged) law defines a “machine gun” (an entirely different term) to be “any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.”

Moreover, the term “rate of fire” is itself unconstitutionally vague. Nowhere in SB 5992 or existing law is “rate of fire” defined. And this term of art has multiple common, but distinct, meanings. For example, “rate of fire” can refer to the “cyclic rate” of a firearm (how fast a firearm can load, lock, fire, unlock, and eject a round, irrespective and not considerate of the weapon operator and those tasks necessary to the function), the “sustained” or “effective rate” (generally referring to the number of shots a weapon can fire in a given period indefinitely without the weapon failing), or even the “rapid rate” (generally referring to a rate between the cyclic rate and the effective rate).

To be sure, the “cyclic rate” of a semi-automatic firearm is the only rate that can be measured objectively or determined scientifically. And the cyclic rate of a semi-automatic firearm (all of which utilize a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge) is constant—one round per pull of the trigger.

Law-abiding Washingtonians who currently or might possess a proscribed item do not have sufficient, let alone proper, notice as to how the definition of these vague and ambiguous terms, or how the State might interpret and apply them.

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The “right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired...” Washington Constitution, Art. I, § 24. Moreover, “No person shall be deprived of life, liberty, or property, without due process of law.” Washington Constitution, Art. I, § 3.

And “the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const., Amend. II. Further, “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const., Amend. XIV.

Senate Bill 5992 would impinge on the fundamental rights of law-abiding Washingtonians. And SB 5992 would enact vague and ambiguous new terms, impose a broad, confiscatory ban on a far-reaching class of currently-legal firearm devices, and subject law-abiding Washingtonians to serious criminal liability under arbitrary and capricious enforcement of the laws.

**For all of the reasons stated above, we oppose SB 5992 and request your veto.**

Please do not 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