



2022 AG REQUEST LEGISLATION BANNING THE SALE OF HIGH-CAPACITY MAGAZINES

What needs to change?

In 32 seconds, a 24-year-old armed with a 100-round double-drum magazine and an AR-15-type firearm killed or injured 36 people in a Dayton, Ohio nightclub. This was just one day after a mass shooting at an El Paso Walmart, where a white nationalist armed with multiple high-capacity magazines killed or injured 46 people, including children.

These high-capacity magazines – including that same 100-round double-drum magazine used in Dayton – are legal in Washington state.

KEY
STATS

792 FATALITIES Since 1980, high-capacity magazines have been involved in at least 85 mass shootings [see back for more info], resulting in 792 fatalities and 1,160 persons injured.¹

- An analysis of mass shootings from 2009 to 2017 revealed that 58 percent involved high-capacity magazines, resulting in twice as many fatalities and 1,400% more injuries per incident compared to those that did not involve high-capacity magazines.²
- In many cases³, mass killers have been disarmed only when forced to reload.⁴

What is the solution? [SB 5078](#) / [HB 1164](#)

Washington must prioritize public safety and limit high-capacity magazines. Limiting high-capacity magazines limits the number of deaths and injuries that a mass shooter can cause by providing a critical opportunity to intervene once a mass shooting has begun. Whether a state allows high-capacity magazine sales is the single best predictor of the mass shooting rates in that state.⁵

What does this legislation do?

The legislation sets a reasonable limit to the capacity of magazines that can be sold, manufactured or transferred in Washington state – 10 rounds. The bill provides several exemptions including for law enforcement, military and recreational shooting ranges.

What are other jurisdictions doing?

Nine states⁶ already restrict magazine capacity – six of those states have a lower rate of gun violence than Washington.⁷ These laws restricting magazine capacity have been upheld in several federal courts of appeal decisions, including the 9th Circuit, which upheld California's ban on Nov. 30, 2021.⁸ The United States Supreme Court allowed those decisions upholding these laws to stand.

As the 9th Circuit ruled:

“Shooters who use large-capacity magazines cause significantly more deaths and injuries than those shooters who are equipped with magazine of smaller capacity.”

Key Support:

- Alliance for Gun Responsibility
- City of Seattle
- Everytown for Gun Safety
- Faith Action Network
- Foundation for Healthy Generations
- Governor’s Office
- Grandmothers Against Gun Violence
- King County
- Providence St. Joseph Health
- Seattle Police Chief
- Seattle Police Department
- Snohomish County Prosecutor
- Washington Association for Substance Abuse and Violence Prevention
- Washington State Medical Association

Prime Sponsors:

Sen. Liias: D-21
Rep. Valdez: D-46

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1: Violence Policy Ctr., Large-Capacity Ammunition Magazines (2021), https://www.vpc.org/fact_sht/VPCshootinglist.pdf

2: Everytown for Gun Safety, Assault Weapons and High-Capacity Magazines (Mar. 22, 2019), <https://everytown.org/tw/2QEVgSc>.

3: In Parkland, Florida, the mass shooting ended only when the shooter’s assault weapon jammed when he attempted to reload. In the 2011 Tucson shooting of then-Rep. Gabrielle Giffords (D-Ariz.), the mass shooting was interrupted when the shooter stopped to reload and dropped his magazine.

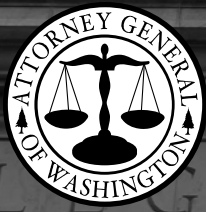
4: J. Levin and E. Madfis, “Rampage School Shootings” The Cambridge Handbook of Social Problems Vol. 2 (2018) P. 262

5: CNN, Here is one correlation between state gun laws and mass shootings (2017), <https://cnn.it/2RiVAGo>

6: Maryland, California, Colorado, Connecticut, New York, Massachusetts, New Jersey, Hawaii, and Vermont

7: State Firearm Deaths, Ranked by Rate, (2013), Violence Policy Center.

8: See *Worman v. Healey*, 922 F.3d 26 (1st Cir. 2019), cert. denied, 141 S. Ct. 109 (2020); *Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Atty Gen. N.J.* (“ANJRPC”), 910 F.3d 106, 113 (3d Cir. 2018); *Kolbe v. Hogan*, 849 F.3d 114, 129 (4th Cir. 2017) (en banc); *N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo* (“NYSRPA”), 804 F.3d 242 (2d Cir. 2015); *Friedman v. City of Highland Park*, 784 F.3d 406 (7th Cir. 2015); *Heller v. District of Columbia*, 670 F.3d 1244 (D.C. Cir. 2011) (“*Heller II*”); *Duncan v. Bonta*, No. 19-55376, 2021 WL 5577267 (9th Cir. 2021).



2021 AG REQUEST LEGISLATION

LIMITS ON HIGH-CAPACITY MAGAZINES

High-profile shootings involving high-capacity magazines (not exhaustive)

Location	Year	Magazine Size/Capacity	Victim Deaths	Injuries*
Dayton, Ohio	2019	100-round drum	9	27
Walmart, El Paso, TX	2019	30-rounds	22	24
Gilroy Garlic Festival, Gilroy, CA	2019	75-round drum, 40-rounds	3	13
Borderline Bar and Grill, Thousand Oaks, CA	2018	30-rounds	12 + 1 law enforcement officer	
Marjory Stoneman Douglas High School, Parkland, FL	2018	30-rounds	17	17
First Baptist Church, Sutherland Springs, TX	2017	30-rounds	26	20
Route 91 Harvest Festival, Las Vegas, NV	2017	100-rounds, 25-rounds, 40-rounds	58	500+
UPS Distribution Center, San Francisco, CA	2017	30-rounds	3	2
Cascade Mall, Burlington, WA	2016	25-rounds	5	
House Party, Mukilteo, WA	2016	30-rounds	3	1
Baton Rouge, LA	2016	Reports cite HCM over 10-rounds	3 law enforcement officers	3 law enforcement officers
Dallas, TX	2016	Reports cite HCM over 10-rounds	5 law enforcement officers	9 law enforcement officers, 2 citizens
Pulse Nightclub, Orlando, FL	2016	30-rounds	49	53
Excel Industries, Hesston, KS	2016	30-rounds	3	14
Inland Regional Center, San Bernardino, CA	2015	30-rounds	14	21
Umpqua Community College, Roseburg, OR	2015	15-rounds	9	8
Navy Operational Support Center, Chattanooga, TN	2015	30-rounds	5	2
Emmanuel African Methodist Episcopal Church, Charleston, SC	2015	15-rounds	9	1
Marysville-Pilchuck High School, Marysville, WA	2014	Reports cite HCM over 10-rounds	4	1
Apartment Complex, Hialeah, FL	2013	17-rounds	6	
Santa Monica, CA	2013	30-rounds	5	
Hendersonville, NC	2013	30-rounds	3	
Sandy Hook Elementary School, Newtown, CT	2012	30-rounds	27	2
Accent Signage Systems, Minneapolis, MN	2012	15-rounds	6	3
Sikh Temple, Oak Creek, WI	2012	19-rounds	6	2
IHOP, Carson City, NV	2011	20 and 30-rounds	4	7
Safeway Parking Lot, Tucson, AZ	2011	33 and 15-rounds	6	13

There are more than 40 mass shootings not listed, from 1981 to present, that involve HCMs of 15-rounds or higher.

*In some cases number of injuries are estimates and may include injuries resulting from gunfire and other circumstances.