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Subject: Minority Report Submitted in Supplement to the Recommendations to the Washington State Legislature from the Legislative Work Group on Mass Shootings, High-Capacity Magazine Limits

Dear Members of the Legislative Work Group on Mass Shootings:

I agree with the Recommendations of the Work Group. However, I am extremely disappointed that the group failed to include common sense, evidence-based firearms safety reforms that would make our schools and communities safer.

Despite my request that they do so, a majority of the Work Group declined to support inclusion of a recommendation that Washington law be changed to limit the sale, manufacture, and transfer of ammunition magazines that hold over 10 rounds.

Based on the following facts, I submit this Minority Report so that my objections can be made public and included in the Report to the Legislature:

1. High-Capacity Magazines allow an active shooter to rapidly fire multiple rounds without having to reload, exponentially increasing lethality.
2. At least six states limit magazine capacity to 10 rounds, allowing an exemption for law enforcement, military and recreational shooting ranges. Federal appellate courts have repeatedly upheld the constitutionality of a 10-round limit.¹
3. Washington State places *no* limits on magazine capacity, allowing the purchase of 30-round, 60-round, and even *100-round* magazines.
4. In the past three years, two mass shootings involving high-capacity magazines occurred in Washington State resulting in the deaths of five individuals. In July 2016, a 19-year-old used a 30-round magazine to kill three teenagers and seriously wound another in Mukilteo. Less than two months later, a 20-year-old used a 30-round magazine to kill five people at a Burlington shopping mall. Victims ranged in age from 16 to 95.

¹ *Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002); *NY State Rifle & Pistol Assn., et al. v. Cuomo, et al.*, No. 14-319 and *Shew v. Malloy*, No. 15-1030 (2nd Cir. 2015), cert. denied; *Friedman v. Highland Park*, No. 14-3091 (7th Cir. 2015), cert. denied; *Stephen v. Kolbe*, No. 14-1945 (4th Cir. 2017), cert. denied.

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5. High-capacity magazines facilitated some of the worst mass shootings ever committed in the United States, including:
 - Newtown, Connecticut (30-round magazines; 26 deaths, 2 injured);
 - Aurora, Colorado (100-round magazine; 12 deaths, 70 injured);
 - Orlando, Florida (30-round magazines; 49 deaths, 58 injured);
 - Las Vegas, Nevada (100-round magazines; 58 deaths, 500+ injured); and
 - Sutherland, Texas (30-round magazines; 26 deaths, 20 injured).
6. The mass shooting at a high school in Parkland, Florida ended only after 17 people were killed and the assailant's assault weapon jammed as he attempted to reload.²
7. According to a Johns Hopkins study, each year there are an average of 500 homicides and 2,500 individuals wounded in shootings involving high-capacity magazines in the United States.³

Unfortunately, a majority of the Mass Shootings Work Group declined to recommend that Washington law be changed to limit magazine capacity even though the Legislature directed the group "to develop strategies for identification and intervention against potential perpetrators of mass shootings and to report on recommendations for their prevention." High-capacity magazines make dangerous individuals more dangerous. This change to Washington law is critical to protect the residents of this state, and our students in particular.

In the likely event Washington State experiences another mass shooting made more violent due to a high-capacity magazine, the people of this state will ask why this group did not recommend a limit on high-capacity magazines.

Sincerely,



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Attorney General

RWF/jlg

² Miami Herald, "Florida school shooter's AR-15 may have jammed, saving lives, report says," <https://www.miamiherald.com/news/local/community/broward/article202486304.html>

³ "The Armed Citizen – A Five Year Analysis," 1997-2001, <https://tacticalprofessor.files.wordpress.com/2014/12/tac-5-year-w-tables.pdf>