

Judge rules WA ban on high-capacity magazines unconstitutional, but law stays in place for now

BY SHAUNA SOWERSBY

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A custom-made semi-automatic hunting rifle with a high-capacity detachable magazine is displayed at TDS Guns in Rocklin, Calif., in 2013. RICH PEDRONCELLI - AP

A Cowlitz County Superior Court judge ruled Monday that the state’s ban on sales of “high-capacity” magazines is unconstitutional.

In a news release from Attorney General Bob Ferguson on Monday, Ferguson called the decision “incorrect” and added that his office filed an emergency motion asking the Washington State Supreme Court to keep the law in place until the court case can be appealed.

Soon after the motion was filed, Ferguson announced that the Washington State Supreme Court agreed to stay the ruling. If the stay had not been granted, firearms dealers in the state would have been able to sell high-capacity magazines again as the case worked its way through courts.

The clerk of the court is “directed to issue a briefing schedule and set a date for oral argument on the emergency motion for a stay,” Supreme Court documents noted.

Democratic lawmakers passed the ban on magazines that can hold more than 10 rounds in 2022.

In September, the Attorney General’s Office filed a lawsuit against Gator’s Custom Guns in Kelso after the dealer continued to sell the banned magazines despite the new law. Attorneys for Gator’s called the ban unconstitutional in their defense.

“Every court in Washington and across the country to consider challenges to a ban on the sale of high-capacity magazines under the U.S. or Washington Constitution has either rejected that challenge or been overruled,” Ferguson said in the news release. “This law is constitutional. It is also essential to addressing mass shootings in our communities. This law saves lives, and I will continue to defend it.”

In a video posted to Twitter Monday, Washington Gun Law President Bill Kirk called the ruling “good news.” He initially encouraged viewers to “go now” to shop at local independent firearms dealers, but a spokesperson for the AGO told McClatchy that the call to action was outdated since the stay was granted.

Kirk later made another post on Twitter calling the latest news of the stay “terrible.”

“The injunction from Cowlitz has already been stayed by the Washington State Supreme Court,” it said. “This is not a joke. They f’d us already.”