

Court commissioner rules Washington high-capacity magazine ban will stay in effect

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Zack Johnson views rifles on display for sale at R Guns on April 29, 2023, in Carpentersville, Illinois. The previous day, a federal judge in southern Illinois issued an injunction blocking enforcement of the state's new ban on many higher-powered firearms and large-capacity ammunition magazines. (John J. Kim/Chicago Tribune/TNS)

By **Lauren Rendahl** lauren.rendahl@wsu.edu

High-capacity magazine sales will remain illegal in Washington, a state Supreme Court Commissioner ruled Thursday after the law was [initially deemed unconstitutional](#) earlier this month.

Commissioner Michael Johnson's decision upholds the emergency order he issued shortly after Cowlitz County Superior Judge Gary Bashor determined the law banning the sale of magazines able to hold more than 10 rounds of ammunition violated the Second Amendment of the U.S. Constitution.

Within 90 minutes of Bashor siding with Gators Custom Guns on April 8 in a lawsuit between Washington state and the Kelso-based firearms dealer for [selling illegal high-capacity magazines](#), Johnson approved the stay banning their sale.

“I was particularly concerned that the superior court’s decision would trigger a flood of (large capacity magazines) entering state circulation, as happened in California, with potential effects on public safety,” Johnson wrote in Thursday’s [81-page](#) opinion.

During the 90 minutes that high-capacity magazine sales were legalized, Gator’s Guns noted on social media about selling them to about 250 customers before the emergency order, the decision reads.

Washington’s [law](#) prohibiting the sale, distribution, import or manufacturing of high-capacity magazines went into effect on July 1, 2022.

But Gators ignored the law and continued to sell such magazines – more than 11,400 – until state Attorney General Bob Ferguson sued in September.

Despite Thursday’s order, the legal challenges surrounding the ban on sales of high-capacity magazines are expected to continue.

Johnson noted in his decision that while this prohibition may not prevent mass shootings, it can improve people’s chances of survival in such incidents. Historical records, he said, show that high-capacity magazines escalate the number of fatalities and injuries during a mass shooting.

Between 1990 and 2017, there were 69 high-fatality mass shootings. Those involving firearms with a magazine holding at least 10 rounds of ammunition resulted in a 62% higher death toll, according to a [study](#) published in the American Journal of Public Health.

“The idea that I could lift the stay and something awful happens with a (large capacity magazine) that would not have been obtained but for that decision keeps me awake at night,” Johnson said.

He continues, saying that he sympathizes and understands “Gator’s Guns’ concerns about the effect a stay will have on lawful firearm owners,” but counters that gun owners can still buy as many 10-round magazines as they want under the ban.