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Hawaii Attorney General Defends Age and Background Check Requirements for Semiautomatic Assault Rifle Sales

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a coalition of 19 attorneys general led by Illinois Attorney General Kwame Raoul to file an amicus brief in support of a Washington state initiative regulating the sale of semiautomatic assault rifles.

The coalition filed the brief in the U.S. Court of Appeals for the 9th Circuit in support of Washington in *Mitchell v. Atkins*. The attorneys general argue that states have the right to enact reasonable firearm regulations that protect public safety and reduce the prevalence of gun violence. The coalition argues that this includes passing regulations to ensure that only individuals who are likely to use firearms responsibly are able to access them.

“The Washington rules relating to semiautomatic assault rifles are legally sound and do not violate the constitution,” said Attorney General Connors. “The states have the authority to enact common sense measures that keep our communities safe.”

In 2018, the people of Washington passed Initiative Measure No. 1639, which imposed new rules on sales of semiautomatic assault rifles, including an age requirement on semiautomatic assault rifle sales, a requirement that local law enforcement agencies conduct enhanced background checks on prospective purchasers and a prohibition on the in-person sales of semiautomatic assault rifles to nonresidents. In 2019, a group of firearms dealers and prospective purchasers who did not meet the age requirement filed a lawsuit, alleging that Washington’s measure infringed on their Second Amendment rights and violated the dormant Commerce Clause. The district court ruled against the plaintiffs, and they appealed to the 9th Circuit.

In the amicus brief, the coalition argues that states have the responsibility and power to protect their residents by promoting safety, preventing crime and minimizing gun violence. Additionally, states can enact specific regulations that are best tailored to their residents’ needs. These regulations include restrictions that prohibit the sale of firearms based on the purchaser’s age, which are found in all 50 states.

The coalition also argues that states can also permissibly promote public safety by restricting in-person sales of firearms to state residents, as Washington has. Restricting the in-person sales of semiautomatic assault rifles to state residents allows states to conduct more robust background checks on those who purchase weapons, and better ensure that only individuals who are likely to use firearms responsibly can use them. Congress already has enacted an identical measure with respect to handguns, limiting the in-person sales of all handguns to the residents of a dealer's home state. The attorneys general point out that Washington's initiative merely extends that rule to the sale of semiautomatic assault rifles.

Joining Attorneys General Raoul and Connors in filing the brief are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Virginia.

A copy of the brief can be found [here](#).

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