

Bond Case Briefs

Municipal Finance Law Since 1971

NRA Sues Seattle Over Tax on Sales of Guns, Ammunition.

The National Rifle Association and other gun rights groups sued Seattle over the city's new tax on the sales of firearms and ammunition, echoing the legal battle that followed a similar measure adopted by Chicago three years ago.

The Second Amendment Foundation Inc. and the National Shooting Sports Foundation joined the NRA and two firearms retailers in Seattle in a complaint alleging municipalities are prohibited from enacting regulations of firearms that aren't authorized by state law.

Seattle Mayor Ed Murray said the city is committed to fighting back against an "ongoing national epidemic of gun violence," according to a statement issued after the city council's unanimous approval of the tax Aug. 10.

Seattle will levy a \$25 tax on each retail firearm sale and collect two cents on each round of ammunition sold, according to the complaint. The ordinance is scheduled to take effect in January. Chicago, which also imposed a \$25 tax on retail firearm sales, lost a bid in March to dismiss a constitutional challenge to its ordinance by area gun shops.

The gun rights advocates seek a court order barring the Seattle ordinance from taking effect, according to the complaint.

"The city believes it is well within its legal authority to tax the sales of firearms and ammunition, and will vigorously defend the ordinance in court," Kimberly Mills, a spokeswoman for Seattle City Attorney Pete Holmes, said in a phone interview.

A copy of the complaint was provided by the Second Amendment Foundation and the filing couldn't immediately be confirmed in Seattle state court records.

"We've been down this path before with Seattle when we sued them and won, knocking out their attempt to ban guns in city park facilities," Second Amendment Foundation founder and Executive Vice President Alan Gottlieb said in a statement. "The city does not seem to understand that no matter how they wrap this package, it's still a gun control law and it violates Washington's long-standing preemption statute."

Bloomberg

Joel Rosenblatt

August 24, 2015