

FINAL BILL REPORT

SHB 2226

C 264 L 10
Synopsis as Enacted

Brief Description: Issuing firearms certificates to retired law enforcement officers.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Orcutt, Blake, Maxwell, Williams and Hope).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

In 2004 the U.S. Congress enacted the Law Enforcement Officers Safety Act (LEOSA) which authorizes qualified law enforcement officers and qualified retired law enforcement officers to carry a concealed firearm in any state under certain conditions. The LEOSA specifically preempts conflicting state laws, except those state laws that restrict the possession of firearms on government property, or allow private persons or entities to restrict concealed firearms on their property.

With respect to retired law enforcement officers, the federal law states that a "qualified retired law enforcement officer" may carry a concealed weapon in any state if the retired officer carries both a photographic identification issued by the agency from which the officer retired and a firearms certification issued by the state in which the retired officer resides. The state firearms certification must indicate that the retired officer has been found by the state to meet the state's standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. A "qualified retired law enforcement officer" is one who meets certain service and retirement requirements and is not ineligible under federal law to possess a firearm.

In 2005 the Legislature passed a bill establishing a process for issuing firearms certificates to retired law enforcement officers for the purpose of satisfying the certification requirement in the federal LEOSA. The legislation directed the Washington Association of Sheriffs and Police Chiefs (WASPC) to develop a firearms certificate form to be used by law enforcement agencies when issuing the firearms certificate.

A law enforcement agency may issue a firearms certificate to a retired law enforcement officer if the retired officer: (1) has been qualified or otherwise found to meet the standards

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established by the Criminal Justice Training Commission (CJTC) for firearms qualifications for active law enforcement officers in the state; and (2) has undergone a background check and is not ineligible to possess a firearm. Law enforcement agencies have been unable to issue these certificates because the Federal Bureau of Investigation has determined that they are not authorized to conduct the required background checks.

Summary:

The procedures for a retired officer to apply to a local law enforcement agency for issuance of a firearms certificate, including the requirement for the officer to undergo a federal background check, are eliminated.

The WASPC must develop, and make available on its website, a model certificate to be used as a firearms qualification certificate for retired law enforcement officers. A retired law enforcement officer is deemed to satisfy the federal certification requirements if the officer possesses a firearms qualification certificate that:

- uses the model certificate developed by the WASPC;
- provides that either a law enforcement agency, or an individual or entity certified to provide firearms training, acknowledges that the bearer has been qualified or otherwise found to meet standards established by the CJTC for firearms qualification for the basic law enforcement training academy; and
- indicates that the determination of qualification was made within the previous year.

A law enforcement agency is not required to complete the firearms qualification certificate.

Votes on Final Passage:

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| House | 97 | 0 |
| Senate | 46 | 0 |

Effective: June 10, 2010