
Judiciary Committee

HB 1638

Title: An act relating to concealed pistol licenses.

Brief Description: Modifying concealed pistol license provisions.

Sponsors: Representatives Goodman, Hope, Klippert, Kelley and Moscoso.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires local law enforcement agencies to deny an application for a concealed pistol license if the applicant is prohibited from possessing a firearm under federal law.

Hearing Date: 2/7/11

Staff: Edie Adams (786-7180).

Background:

Federal and State Firearms Prohibitions.

Both state and federal law prohibit certain categories of persons from possessing firearms. Although there is substantial overlap in the categories of prohibited persons, there are a number of differences, with the result that federal law generally restricts a broader range of persons than state law. Examples of persons who are prohibited from possessing firearms under federal law, but not state law, include a person who:

- is subject to a qualified domestic violence order restraining the person from harassing, stalking, or threatening an intimate partner or child of intimate partner;
- was dishonorably discharged from armed forces;
- has renounced citizenship; and
- is an unlawful user of controlled substances.

Concealed Pistol Licenses.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In Washington it is generally unlawful for a person to carry a pistol concealed on his/her person unless the person has a valid concealed pistol license. Carrying a concealed pistol without having been issued a concealed pistol license is a misdemeanor. Failure to carry a concealed pistol license in one's immediate possession while carrying a concealed pistol is a civil infraction.

A concealed pistol license is valid for a period of five years. The fee for the license is \$36 plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant.

In order to obtain a concealed pistol license, a person must apply with the local law enforcement agency and undergo a fingerprint-based background check to determine eligibility. A person who applies for a concealed pistol license must:

- be eligible to possess a firearm under state law;
- be 21 years of age, or older;
- not be subject to an injunction regarding firearms;
- not be pending trial, appeal, or sentencing for a felony offense;
- not be subject to an outstanding arrest warrant for any crime; and
- not have been, within the past year, ordered to forfeit a firearm for possessing a concealed firearm while intoxicated in a place where a concealed pistol license is required.

The local law enforcement agency must issue the concealed pistol license if the person meets these requirements, even if the person is prohibited under federal law from possessing a firearm. As a result, concealed pistol licenses must contain a warning indicating that federal and state laws on the possession of firearms differ and the state license is not a defense to federal prosecution for possession of a firearm in violation of federal law.

Summary of Bill:

A local law enforcement agency must deny an application for a concealed pistol license if the applicant is prohibited from possessing a firearm under federal law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.