

HOUSE BILL REPORT

HB 1104

As Passed House:

January 26, 1996

Title: An act relating to carrying a firearm.

Brief Description: Removing requirements relating to carrying firearms unloaded and enclosed in an opaque case or wrapper.

Sponsors: Representatives McMorris, Campbell, Pennington, Mulliken, Koster, Sheldon, Padden, Kremen, Smith, Chandler, Honeyford, Hargrove, McMahan, Benton, D. Schmidt, Chappell, Thompson, Fuhrman, Delvin, Schoesler, Casada, Blanton, Stevens, Johnson, Huff, Foreman, Hymes, Sherstad, Robertson, Backlund, L. Thomas, Mielke, Cairnes, Elliot, Goldsmith and Buck.

Brief History:

Committee Activity:

Law & Justice: 1/27/95, 2/7/95 [DP].

Floor Activity:

Passed House: 3/9/95, 69-26

Passed House: 1/26/96, 70-26.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 12 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

Minority Report: Do not pass. Signed by 5 members: Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Staff: Bill Perry (786-7123).

Background: In 1994, the Legislature passed a law that generally prohibits the open carrying of any firearm. With numerous exceptions, no one may carry a firearm unless the firearm is unloaded and enclosed in an opaque case or secure wrapper. The exceptions to this prohibition against openly carrying a firearm apply to being on one's own property or in an area where shooting is not prohibited, and also apply to engaging in and travelling to and from activities such as hunting, trapping, firearms' training, target practice, and firearms' competition. In addition, there are exceptions

for persons who are licensed to carry concealed pistols, persons with unloaded firearms secured in place in a vehicle, persons carrying firearms to and from vehicles for the purpose of repair, and law enforcement officers. A city, town, or county may enact an ordinance exempting itself from this "case and carry" rule.

Certain other individuals are expressly exempted from the requirement that a firearm be carried in an opaque case or secure wrapper. Those who are exempted include: law enforcement personnel; military personnel while on duty; other government personnel authorized to carry concealed pistols; persons engaged in the business of manufacturing, repairing, or dealing in firearms while in the course of business; members of groups authorized to receive pistols from the government; members of target shooting clubs or collectors clubs while shooting or exhibiting firearms or while en route to or from their practice or exhibition places; and hunters while hunting.

Summary of Bill: The general requirement that a firearm be carried unloaded and in an opaque case or secure wrapper is repealed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current law creates a confusing jurisdictional patchwork of regulations. The "case and carry" requirement is an unreasonable burden on lawful firearm possession.

Testimony Against: The "case and carry" requirement has significantly altered the behavior of many street criminals, particularly drug dealers. The law has provided the basis for several drug arrests.

Testified: Representative McMorris, prime sponsor; Dave Workman, National Rifle Association (pro); Myrtle Cooper, citizen (pro); Greg Dahlgren, Citizens' Committee for the Right to Keep and Bear Arms (pro); David Reynard, Olympic Sportsman's Alliance (pro); and Clark Kimmerer and Leo Poort, Seattle Police Department (con).