

HOUSE BILL REPORT

HB 2420

As Reported By House Committee On:

Law & Justice

Title: An act relating to possession of firearms.

Brief Description: Revising standards for qualification to possess firearms.

Sponsors: Representatives McMorris, Sheahan, Thompson, Koster, Buck, Mastin, McMahan, Grant, Schoesler, Crouse, Chandler, Dyer, Smith, Campbell, Goldsmith, Radcliff, Boldt, Mulliken, Beeksma, Robertson, Morris, Fuhrman, L. Thomas, Sterk, D. Schmidt, Johnson, Chappell, Carrell, Hatfield, Sheldon, Sherstad, Stevens, Honeyford, Elliot, Huff, Van Luven, B. Thomas, Pennington, Kessler and Benton.

Brief History:

Committee Activity:

Law & Justice: 1/24/96, 1/31/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Smith and Sterk.

Minority Report: Do not pass. Signed by 4 members: Representatives Costa, Assistant Ranking Minority Member; Cody; Murray and Veloria.

Staff: Bill Perry (786-7123).

Background: Under the state's firearms law, it is a crime to possess a firearm under certain circumstances. Among those circumstances is having been convicted of any one of a number of crimes. The crimes that disqualify a person under state law from possessing a firearm include some, but not all, felonies and a few misdemeanors. Federal law, on the other hand, disqualifies a person who is convicted of any felony. No misdemeanor crimes disqualify a person from possession under federal law.

Under state law, felony offenses that disqualify a person include any "serious offense," any felony drug offense, any felony domestic violence or harassment offense, and any other felony offense in which a firearm was used or displayed.

("Serious offenses" include all "crimes of violence," and a variety of other enumerated felonies. The subcategory of "crimes of violence" includes all class A felonies and a variety of other felonies as well.)

Misdemeanor offenses that disqualify a person include any misdemeanor domestic violence offense or harassment offense, and three or more drunk driving or drunk boating convictions within five years. (Misdemeanor domestic violence or harassment offenses include simple assault, coercion, reckless endangerment in the second degree, malicious mischief in the third degree, trespass, harassment or telephone harassment under certain circumstances, and stalking or violating court orders under certain circumstances.)

Under the federal Brady Handgun Violence Prevention Act, a national instant criminal background check system is to be established. Once the "instacheck" system is in place, states must meet certain requirements regarding the sale of firearms by dealers in order to avoid a five-day waiting period for the purchase of a firearm. The federal Bureau of Alcohol, Tobacco & Firearms has indicated that in order to qualify as a "Brady alternative" state, Washington needs to amend its firearms law. Specifically, the state law needs to make it explicit that

- a felony conviction in another state that disqualifies a person from possession rights under federal law also disqualifies a person under Washington law;
- no "emergency" concealed pistol permit allows a person to purchase a pistol without a background check; and
- with respect to concealed pistol permits issued before July 1, 1994, a background check is required for a pistol purchase.

Summary of Substitute Bill: Changes are made with respect to the crimes that disqualify a person from the right to possess a firearm. All felonies, and only felonies, disqualify a person. No misdemeanor crimes disqualify a person.

Changes are made with respect to out-of-state convictions, emergency permits, and background checks on pre-July 1, 1994 permits, in order to qualify Washington as a Brady alternative state.

Courts are directed to notify a person upon conviction of a disqualifying offense that he or she must surrender any concealed pistol permit.

Substitute Bill Compared to Original Bill: The substitute bill makes several technical and clarifying amendments, and adds a requirement for court notification of the need to surrender a permit upon conviction.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Becoming a Brady alternative state will save time and paperwork. Only felonies should cause loss of constitutional rights. State and federal laws should be consistent.

Testimony Against: Domestic violence offenses are serious, even when they are misdemeanors. Adjusting the effective date for misdemeanor disqualifications is a better solution.

Testified: Representative McMorris, prime sponsor; Brian Judy, National Rifle Association (pro); Joe Waldron, Gun Owners Action League of Washington (pro); Greg Dahlgren, Citizens Committee for the Right to Keep and Bear Arms (pro); Colonel Mel Pfankuche, Colonel Mel Pfankuche and Associates, Inc. (pro); and Victoria Pearson, Washington Ceasefire (with concerns).