

HOUSE BILL REPORT

HB 1069

As Reported By House Committee On:

Law & Justice

Title: An act relating to exceptions to restrictions on carrying firearms.

Brief Description: Exempting retired law enforcement officers from restrictions on carrying firearms.

Sponsors: Representatives Delvin, Wolfe, Mielke, Ebersole, Ballasiotes, Sheldon, Mastin, Carlson, McMorris, Carrell, Robertson, Hickel, Sheahan, Reams, Benton, Padden, Boldt, Hargrove, Chandler, McMahan, Cairnes, Clements, Chappell, Buck, Campbell, L. Thomas, Johnson, Backlund, Cooke, Conway, Kessler, Costa, Mulliken, Kremen, Dickerson, Quall, Basich, Fuhrman, Morris, Huff, Mitchell, Honeyford, Pennington, Elliot, Schoesler, D. Schmidt, Dyer and Appelwick.

Brief History:

Committee Activity:

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

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Bill Perry (786-7123).

Background: Persons are generally prohibited from carrying a concealed pistol without a license to do so. Except for in a person's home or place of business, a concealed pistol license is required before a person may legally carry a concealed pistol. A concealed pistol license costs \$50 every four years.

A person may apply to the city or county of his or her residence for a concealed pistol license. Certain qualifications must be met before a person may be issued a concealed pistol license. A person who applies for a concealed pistol license must:

- o Be eligible to possess a firearm;

- o Be 21 or older;
- o Not be subject to an injunction regarding firearms;
- o Not be pending trial, appeal, or sentencing for certain felony offenses;
- o Not be subject to an outstanding arrest warrant for any crime; and
- o 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.

In addition to this requirement regarding concealed pistols, the law contains a general prohibition against 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 individuals are exempted from the requirement for a concealed pistol license and 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 Substitute Bill: Certain retired law enforcement officers are exempted from the requirement of having a license to carry a concealed pistol and from the general prohibition against openly carrying a firearm. The exemption applies to officers who have been retired for service or physical disabilities. The exemption does not apply to officers who have been retired for mental or stress-related disabilities. To be eligible for this exemption, a retired officer must get documentation from his or her former agency that retirement was for service or physical disability.

Substitute Bill Compared to Original Bill: The substitute bill adds the requirement of documentation of the cause for retirement.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is a recognition of the service retired officers have given. Retired officers are trained in proper handling of firearms, and may need firearms for self-defense because of animosity growing out of their jobs.

Testimony Against: The bill doesn't go far enough. No one should have to get a concealed pistol license.

Testified: Mike Patrick, Washington State Council of Police Officers (pro); Bob Holter, retired police officer (pro); Larry Erickson, Washington Association of Sheriffs and Police Chiefs (pro); and Col. Mel Pfankucht, citizen (con).