

SENATE BILL REPORT

HB 1104

As Reported By Senate Committee On:
Law & Justice, March 30, 1995

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: 3/27/95, 3/30/95 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Hargrove, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Minority Report: Do not pass.

Signed by Senators Smith, Chair; and Haugen.

Staff: Cynthia Runger (786-7717)

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 exempt from the requirement that a firearm be carried in an opaque case or secure wrapper. Those who are exempt 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 "case and carry" requirement is unduly burdensome on responsible gun owners.

Testimony Against: This bill will put people at great fear and risk of personal injury.

Testified: Rep. McMorris, prime sponsor; Brian Judy, NRA (pro); Greg Dahlgren, Citizens Committee for the Right to Keep and Bear Arms (pro); Seldon Prentice, Mothers Against Violence (con); Colonel Mel, citizen (pro); Clark Kimmerer, Seattle P.D. (con); Mike Doubleday, Seattle Office of Intergovernmental Relations (con); Joe Waldron, Washington State Rifle and Pistol Association (pro); Peggy, League of Women Voters (con).