

# SENATE BILL REPORT

## SHB 2420

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As Reported By Senate Committee On:  
Law & Justice, February 22, 1996  
Ways & Means, February 26, 1996

**Title:** An act relating to possession of firearms.

**Brief Description:** Revising standards for qualification to possess firearms.

**Sponsors:** House Committee on Law & Justice (originally sponsored by 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: 2/20/96, 2/22/96 [DPA-WM, DNP].  
Ways & Means: 2/26/96 [DPA (LAW)].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.  
Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Long and Quigley.

**Minority Report:** Do not pass as amended and not be referred to Committee on Ways & Means.

Signed by Senator Fairley, Vice Chair.

**Staff:** Cynthia Runger (786-7717)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Law & Justice.

Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Long, McDonald, Quigley, Sheldon, Snyder and Strannigan.

**Staff:** Bryon Moore (786-7726)

**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 and 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 Amended Bill:** Changes are made with respect to the crimes that disqualify a person from the right to possess a firearm. All felonies and some gross misdemeanor domestic violence crimes disqualify a person.

Restoration for enumerated domestic violence convictions is automatic after three years. A prosecutor may petition the court to deny restoration of the right to possess a firearm. The court may deny restoration if it finds clear and convincing evidence that the person poses a manifest risk to public safety.

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.

**Amended Bill Compared to Substitute Bill:** The list of prohibited offenses is changed to include specific domestic violence gross misdemeanor offenses. Automatic restoration is

provided after three years of a domestic violence gross misdemeanor conviction. Technical changes are also included.

**Appropriation:** None.

**Fiscal Note:** Requested.

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

**Testimony For (Law & Justice):** This bill will conform to federal standards. A line must be drawn somewhere that separates crimes that do prohibit firearm possession and crimes that do not. The federal law has set logical standards. Only felonies should cause loss of important civil rights. If domestic violence offenses are serious enough to cause people to lose their firearms, then they should be made felonies.

**Testimony Against (Law & Justice):** Washington has been a leader in the area of domestic violence. This bill will turn back the hands of time. Domestic violence offenses are serious, even when they are misdemeanors. Without intervention, abusers will escalate their crimes.

**Testified (Law & Justice):** Rep. McMorris, prime sponsor; Col. Mel Pfankuche, Col. Mel Pfankuche and Assoc. (pro); Jeanne Edwards, Human Services Roundtable (concerns); David Elliot, citizen (pro); Brian Judy, NRA (pro); Doug Blair, WASPC Sheriff (pro); Victoria Pearson, WA Ceasefire (con); Judy Turpin, Northwest Women's Law Center (concerns); Lt. Debbie Allen, Seattle Police Department (concerns); Greg Dahlgren, Citizens Committee for the Right to Keep and Bear Arms (pro); Martin Fleck, WA Physician for Social Responsibility (con); Mike Patrick, WA Council of Police Officers (concerns); Joe Waldron, Gun Owners Action League of WA (pro); Mary Pontarolo, WA State Coalition Against Domestic Violence (concerns).

**Testimony For (Ways & Means):** The domestic violence provisions remain controversial, but this is a step towards correcting many of the problems with the state's firearms laws.

**Testimony Against (Ways & Means):** None.

**Testified (Ways & Means):** Senator Smith.