

HOUSE BILL ANALYSIS

HB 1562

Title: An act relating to the rights of correctional officers employed by the department of corrections.

Brief Description: Regulating rights of correctional officers.

Sponsors: Representatives Smith and Carrell.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841)

Background: A person is 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.

In addition to the license 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 firearms apply to being on one's own property or in an area where shooting is not prohibited, and also apply to engaging in and traveling 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 secure 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 governmental 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.

All correctional officers employed by the Department of Corrections are prohibited from carrying or possessing a firearm while on the grounds of department facilities. A violation of this policy is cause for disciplinary action and possibly dismissal.

Summary: A corrections officer, who is not a law enforcement officer, may carry a concealed

firearm during the officer's travels to and from the workplace without complying to the case and carry rule.–

Require the Exercise of Rule- Making Powers: No

Fiscal Note: Requested on February 4, 1997.

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