

---

ENGROSSED HOUSE BILL 1408

---

State of Washington

55th Legislature

1997 Regular Session

By Representatives Mielke, Sheahan, Doumit, Pennington, Mulliken, Sterk, Thompson, Dunn and Sullivan

Read first time 01/24/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to the carrying of a concealed pistol by persons  
2 from another state; and amending RCW 9.41.050 and 9.41.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.050 and 1996 c 295 s 4 are each amended to read  
5 as follows:

6 (1)(a) Except in the person's place of abode or fixed place of  
7 business, a person shall not carry a pistol concealed on his or her  
8 person without a license to carry a concealed pistol issued under RCW  
9 9.41.070, unless the person holds a valid permit or license issued by  
10 a state or local agency in another state authorizing the person to  
11 carry a concealed firearm.

12 (b) Every licensee shall have his or her concealed pistol license  
13 in his or her immediate possession at all times that he or she is  
14 required by this section to have a concealed pistol license and shall  
15 display the same upon demand to any police officer or to any other  
16 person when and if required by law to do so. Any violation of this  
17 subsection (1)(b) shall be a class 1 civil infraction under chapter  
18 ((7.84)) 7.80 RCW and shall be punished accordingly pursuant to chapter  
19 ((7.84)) 7.80 RCW and the infraction rules for courts of limited

1 jurisdiction. This subsection applies also to a concealed pistol  
2 license issued in another state.

3 (2) A person shall not carry or place a loaded pistol in any  
4 vehicle unless the person has a license to carry a concealed pistol  
5 and: (a) The pistol is on the licensee's person, (b) the licensee is  
6 within the vehicle at all times that the pistol is there, or (c) the  
7 licensee is away from the vehicle and the pistol is locked within the  
8 vehicle and concealed from view from outside the vehicle.

9 (3) A person at least eighteen years of age who is in possession of  
10 an unloaded pistol shall not leave the unloaded pistol in a vehicle  
11 unless the unloaded pistol is locked within the vehicle and concealed  
12 from view from outside the vehicle.

13 (4) Except as otherwise provided in this chapter, no person may  
14 carry a firearm unless it is unloaded and enclosed in an opaque case or  
15 secure wrapper or the person is:

16 (a) Licensed under RCW 9.41.070 to carry a concealed pistol;

17 (b) In attendance at a hunter's safety course or a firearms safety  
18 course;

19 (c) Engaging in practice in the use of a firearm or target shooting  
20 at an established range authorized by the governing body of the  
21 jurisdiction in which such range is located or any other area where the  
22 discharge of a firearm is not prohibited;

23 (d) Engaging in an organized competition involving the use of a  
24 firearm, or participating in or practicing for a performance by an  
25 organized group that uses firearms as a part of the performance;

26 (e) Engaging in a lawful outdoor recreational activity such as  
27 hunting, fishing, camping, hiking, or horseback riding, only if,  
28 considering all of the attendant circumstances, including but not  
29 limited to whether the person has a valid hunting or fishing license,  
30 it is reasonable to conclude that the person is participating in lawful  
31 outdoor activities or is traveling to or from a legitimate outdoor  
32 recreation area;

33 (f) In an area where the discharge of a firearm is permitted, and  
34 is not trespassing;

35 (g) Traveling with any unloaded firearm in the person's possession  
36 to or from any activity described in (b), (c), (d), (e), or (f) of this  
37 subsection, except as provided in (h) of this subsection;

38 (h) Traveling in a motor vehicle with a firearm, other than a  
39 pistol, that is unloaded and locked in the trunk or other compartment

1 of the vehicle, placed in a gun rack, or otherwise secured in place in  
2 a vehicle, provided that this subsection (4)(h) does not apply to motor  
3 homes if the firearms are not within the driver's compartment of the  
4 motor home while the vehicle is in operation. Notwithstanding (a) of  
5 this subsection, and subject to federal and state park regulations  
6 regarding firearm possession therein, a motor home shall be considered  
7 a residence when parked at a recreational park, campground, or other  
8 temporary residential setting for the purposes of enforcement of this  
9 chapter;

10 (i) On real property under the control of the person or a relative  
11 of the person;

12 (j) At his or her residence;

13 (k) ~~((Is))~~ A member of the armed forces of the United States,  
14 national guard, or organized reserves, when on duty;

15 (l) ~~((Is))~~ A law enforcement officer;

16 (m) Carrying a firearm from or to a vehicle for the purpose of  
17 taking or removing the firearm to or from a place of business for  
18 repair; or

19 (n) An armed private security guard or armed private detective  
20 licensed by the department of licensing, while on duty or enroute to  
21 and from employment.

22 (5) Violation of any of the prohibitions of subsections (2) through  
23 (4) of this section is a misdemeanor.

24 (6) Nothing in this section permits the possession of firearms  
25 illegal to possess under state or federal law.

26 (7) Any city, town, or county may enact an ordinance to exempt  
27 itself from the prohibition of subsection (4) of this section.

28 **Sec. 2.** RCW 9.41.060 and 1996 c 295 s 5 are each amended to read  
29 as follows:

30 The provisions of RCW 9.41.050 shall not apply to:

31 (1) Marshals, sheriffs, prison or jail wardens or their deputies,  
32 or other law enforcement officers of this state or another state;

33 (2) Members of the armed forces of the United States or of the  
34 national guard or organized reserves, when on duty;

35 (3) Officers or employees of the United States duly authorized to  
36 carry a concealed pistol;

37 (4) Any person engaged in the business of manufacturing, repairing,  
38 or dealing in firearms, or the agent or representative of the person,

1 if possessing, using, or carrying a pistol in the usual or ordinary  
2 course of the business;

3 (5) Regularly enrolled members of any organization duly authorized  
4 to purchase or receive pistols from the United States or from this  
5 state;

6 (6) Regularly enrolled members of clubs organized for the purpose  
7 of target shooting, when those members are at or are going to or from  
8 their places of target practice;

9 (7) Regularly enrolled members of clubs organized for the purpose  
10 of modern and antique firearm collecting, when those members are at or  
11 are going to or from their collector's gun shows and exhibits;

12 (8) Any person engaging in a lawful outdoor recreational activity  
13 such as hunting, fishing, camping, hiking, or horseback riding, only  
14 if, considering all of the attendant circumstances, including but not  
15 limited to whether the person has a valid hunting or fishing license,  
16 it is reasonable to conclude that the person is participating in lawful  
17 outdoor activities or is traveling to or from a legitimate outdoor  
18 recreation area;

19 (9) Any person while carrying a pistol unloaded and in a closed  
20 opaque case or secure wrapper; or

21 (10) Law enforcement officers retired for service or physical  
22 disabilities, except for those law enforcement officers retired because  
23 of mental or stress-related disabilities. This subsection applies only  
24 to a retired officer who has: (a) Obtained documentation from a law  
25 enforcement agency within Washington state from which he or she retired  
26 that is signed by the agency's chief law enforcement officer and that  
27 states that the retired officer was retired for service or physical  
28 disability; and (b) not been convicted of a crime making him or her  
29 ineligible for a concealed pistol license.

--- END ---