

HOUSE BILL REPORT

HB 1352

As Reported By House Committee On:
Judiciary

Title: An act relating to temporary emergency concealed pistol licenses.

Brief Description: Allowing temporary emergency concealed pistol licenses.

Sponsors: Representatives Carrell, Constantine, Sheahan, Koster, Dickerson, Mielke, Lambert, Fortunato, Lantz, D. Schmidt, Boldt, Kessler, Benson, McMorris, Mulliken, Wensman, Crouse, Hatfield, Gombosky, Talcott, DeBolt, Wood, Hurst, Anderson, Pflug, Mitchell, Dunn, Buck, Wolfe, G. Chandler, McDonald, Campbell, Alexander, Skinner, Thomas, Esser and Bush.

Brief History:

Committee Activity:

Judiciary: 2/9/99, 2/16/99 [DPA].

Brief Summary of Amended Bill

- Provides explicitly that a person who is protected by a no-contact, antiharassment, or protection order has the necessary "good cause" for being issued a temporary emergency concealed pistol license pending approval of an application for a regular license.
- Requires a court issuing a protection order to notify the petitioner of the process for getting an emergency license.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Bill Perry (786-7123).

Background:

Persons are generally prohibited from carrying a concealed pistol in Washington without a license to do so. Except for in a person's home or place of business, a concealed pistol license (CPL) is required before a person may legally carry a concealed pistol. Carrying a concealed pistol without having been issued a CPL is a misdemeanor. Failure to carry a CPL in one's immediate possession while carrying a concealed pistol is a civil infraction.

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

- be eligible to possess a firearm;
- be 21 or older;
- not be subject to an injunction regarding firearms;
- not be pending trial, appeal, or sentencing for a felony offense;
- not be subject to an outstanding arrest warrant for any crime; and
- 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.

A person is not eligible to possess a firearm, and therefore is not eligible for a CPL, if he or she has been convicted of any felony or convicted of certain misdemeanors committed against a family or household member, or if he or she has been involuntarily committed for mental health reasons. Restoration of rights is available under some circumstances and after varying periods of time for some of these disqualifying conditions.

Background Checks. To get or renew a Washington CPL, a person must pay a fee and undergo a state and federal criminal history background check, including fingerprinting, in order to be determined eligible.

Time Involved in Getting a CPL. A police chief or sheriff to whom an application for a CPL has been made has up to 30 days to respond. However, if the applicant does not present a Washington driver's license or identicaid, or has not been a Washington resident for at least 90 days, the police chief or sheriff may take up to 60 days to issue a CPL.

Effect of CPL on Firearms Purchases. Under state law, possession of a valid CPL exempts a person from an otherwise applicable background check and five-day waiting period for the purchase of a pistol. If Washington CPLs met the requirements of federal law, they would also exempt purchasers of pistols and other firearms from criminal background checks and waiting periods under federal law. However, at this time it appears that Washington state's requirements for a CPL may not qualify possessors of Washington CPLs for this exemption under the federal "Brady Law."

All purchases of firearms now require a federal criminal background "instant check," which may take anywhere from minutes to three days. In addition, whether or not a person has a CPL, a local sheriff or police chief may put a hold of up to 30 days on the purchase of a pistol if there are reasonable grounds to believe the prospective purchaser is not eligible to possess a pistol.

Temporary Emergency CPLs. For "good cause" a police chief or sheriff may issue a temporary emergency CPL pending the background check of an applicant for a license. Temporary CPLs must be easily distinguishable from a regular CPL, and a temporary CPL does not exempt a person from the background check requirements that apply to the purchase of a firearm. "Good cause" for purposes of getting a temporary emergency CPL is not defined in statute.

Summary of Amended Bill:

For purposes of getting a temporary emergency CPL "good cause" is defined to include the fact that the applicant:

- has obtained a no-contact, antiharassment, or protection order against another person; and
- has signed an affidavit that he or she is eligible to possess a firearm.

A temporary CPL issued on the basis of a no-contact, antiharassment, or protection order expires at the earlier of the termination of the order or a determination that the applicant is not eligible for a CPL.

A court that issues a protection order must notify the petitioner of the process for getting an emergency CPL.

Amended Bill Compared to Original Bill: The amended bill adds the provision requiring the court to notify a petitioner of the process for getting an emergency CPL.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) Holders of protection orders should be given every opportunity to protect themselves. The bill fills a void in the current law.

Testimony Against: None.

Testified: (In support) Representative Carrell, prime sponsor; Joe Waldron, Gun Owners Action League of Washington and Citizens Committee on the Right to Keep and Bear Arms; Brian Judy, National Rifle Association; Lisa Scott, Taking Action Against Bias in the System; and Allan Woodbridge, Western Fish and Wildlife Federation, Washington Property Rights, and Pacific Arms Society.

(In support, with suggested amendment) Dennis Cook, citizen.