

HOUSE BILL REPORT

HB 1391

As Reported By House Committee On:
Judiciary

Title: An act relating to recognition of concealed pistol permits from other states.

Brief Description: Clarifying the recognition of concealed pistol permits from other states.

Sponsors: Representatives Hurst, Mielke, Dunshee, Haigh, Kastama, Linville, Morris, Carrell, Grant, Cooper, Lovick, Miloscia, Wood, Hatfield, Gombosky, Conway, Anderson, Eickmeyer, Doumit, Stensen, Kessler, Reardon, Kenney, Campbell, Dickerson, Rockefeller, Wolfe, Thomas, Ogden, Fortunato, Esser and Koster.

Brief History:

Committee Activity:

Judiciary: 2/9/99, 2/22/99 [DPS].

Brief Summary of Substitute Bill

- Provides that a concealed pistol license from another jurisdiction outside Washington but within the United States is valid.
- Requires that the Department of Licensing keep a registry of those jurisdictions identified by the State Patrol as the equivalent to Washington in eligibility criteria and background check procedures, and as a jurisdiction with reciprocal recognition of Washington concealed pistol licenses.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Minority Report: Do not pass. Signed by 1 member: Representative Dickerson.

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.

Cost of a CPL. An original CPL costs \$36 (plus FBI charges) and is valid for five years. A renewal of a license costs \$32.

Exemptions from Requirement for a Washington State CPL. Several exemptions are provided from the requirement for a CPL in order to carry a concealed pistol. Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers are exempted. Also exempted are federal officers and military members, persons engaged in various firearms manufacturing or dealing jobs, and persons

engaged in various activities such as sport shooting, gun collecting, or outdoor recreation.

In 1998, out-of-state law enforcement officers were given the same exemption from the CPL law that Washington law enforcement officers have.

Previous Legislation to Recognize Out-of-State CPLs. Two pieces of legislation in 1998 dealt with out-of-state CPLs.

First, the Legislature passed EHB 1408 which would have allowed a person to carry a concealed pistol if he or she holds a valid permit or license issued by another state. The Governor vetoed that provision from the bill.

Second, part of Initiative 211, which failed at the last general election, would have allowed a person to carry a concealed pistol if he or she had a permit from another state, a territory of the United States, or any political subdivision within the United States.

Summary of Substitute Bill:

A CPL from any jurisdiction outside Washington but within the United States is valid, but only if listed on a registry maintained by the Department of Licensing as a jurisdiction identified by the Washington State Patrol as:

- having eligibility criteria that are at least as restrictive as Washington's;
- having administrative processes for determining eligibility that are at least as comprehensive and accurate as Washington's; and
- recognizing Washington CPLs.

In charging or trying a case of carrying a concealed pistol without a CPL, the prosecution need not prove the nonexistence of an out-of-state CPL. The defendant, however, may affirmatively show existence of such a CPL by a preponderance of evidence.

Substitute Bill Compared to Original Bill: The original bill requires the Department of Licensing, after consultation with the State Patrol, to identify other jurisdictions that qualify under the bill and then adopt a rule listing them, rather than having the department maintain a registry of jurisdictions identified by the State Patrol. The original bill also does not relieve the prosecution of the burden of proving the nonexistence of an out-of-state CPL.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) It is important that only CPLs from other jurisdictions with adequate standards and procedures be recognized. This bill insures that. Good citizens get CPLs and shouldn't have to worry about breaking the law when they travel to other states. Domestic violence victims in particular may need to protect themselves when they travel. There is no evidence that reciprocity has been a problem in any of the 20 or so states that have it. For a person who travels a great deal, getting CPLs from various jurisdictions is very time-consuming and expensive.

Testimony Against: (Original bill) There are over 3,000,000 CPL holders nationwide. In other states individual cities or counties may issue CPLs. Some states do not even have a central registry, making it extremely difficult at the time of a stop to determine if a person should be held for a crime. The bill will require the prosecutor to meet the nearly impossible burden of proving the nonexistence of an out-of-state CPL.

Testified: (In support) Representative Hurst, prime sponsor; Joe Waldron, Gun Owners Action League and Citizens Committee on the Right to Keep and Bear Arms; Dave Workman, National Rifle Association; Charles Long, citizen; Gary Edwards, Thurston County Sheriff and Washington Association of Sheriffs and Police Chiefs; Lisa Scott, Taking Action Against Bias in the System; Bill Hanson, Washington State Patrol Troopers Association; Dennis Cook, citizen; Merton Cooper, citizen; Allan Woodbridge, Western Fish and Wildlife Association, Washington Property Rights Alliance, and Pacific Arms Society; and Ken Houghton, Libertarian Party of Washington.

(In support with concerns) Richard Greene, city of Seattle; and Kathy Gerke, Association of Washington Cities.

(Neutral with concerns) Pat Brown, Department of Licensing.

(Opposed) Tom Wales, Washington Ceasefire.