
HOUSE BILL 1196

State of Washington

56th Legislature

1999 Regular Session

By Representatives Mielke, Hurst, Dunshee, Pennington, Koster, Boldt, Schoesler, Fortunato, Carrell, G. Chandler, Ericksen, Dunn, Mulliken, Talcott, Sump, Delvin, Buck, Hatfield, Cooper, Doumit, Esser, Bush, Sullivan, Morris, McMorris, Wensman, D. Schmidt, Campbell, Schindler, Haigh, Van Luven and Conway

Read first time 01/19/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the recognition of concealed pistol permits from
2 other states; and amending RCW 9.41.050.

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

4 **Sec. 1.** RCW 9.41.050 and 1997 c 200 s 1 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 license:

9 (i) Issued under the provisions of RCW 9.41.070; or

10 (ii) Issued in accordance with the provisions of the law of a state
11 or territory of the United States, or any other political subdivision
12 within the United States but also outside the state of Washington,
13 provided:

14 (A) The bearer of the out-of-state concealed pistol license is age
15 twenty-one years or over; and

16 (B) The out-of-state concealed pistol license shall only have been
17 issued following a criminal history and mental health records check and
18 the bearer is found to be fully qualified under federal law and that

1 state's, territory's, or political subdivision's law to own, possess,
2 or control a firearm; and

3 (C) The bearer of the out-of-state concealed pistol license is not
4 a resident of the state of Washington; and

5 (D) The bearer of the out-of-state concealed pistol license has the
6 license in his or her immediate possession while carrying a concealed
7 pistol; and

8 (E) The department of licensing has adopted a rule indicating that
9 it has determined that the out-of-state jurisdiction issuing the
10 license will recognize Washington concealed pistol licenses in that
11 state to the same extent as the out-of-state jurisdiction's licenses
12 will be recognized in Washington.

13 In the absence of the immediate possession of an out-of-state
14 concealed pistol license, it shall be an affirmative defense to the
15 charge of carrying a concealed pistol without a license under this
16 subsection (1)(a) if the person can produce evidence of an out-of-state
17 concealed pistol license issued in his or her name.

18 It is not necessary for the state to negate the existence of an
19 out-of-state concealed pistol license in any complaint, information,
20 indictment, or other pleading or in any trial, hearing, or other
21 proceeding under this subsection (1)(a). The burden of proof of the
22 existence of such concealed pistol license is upon the person claiming
23 it.

24 (b) Every licensee shall have his or her concealed pistol license,
25 as issued under the provisions of RCW 9.41.070 or an out-of-state
26 concealed pistol license in compliance with (a)(ii) of this subsection,
27 in his or her immediate possession at all times that he or she is
28 required by this section to have a concealed pistol license and shall
29 display the same upon demand to any police officer or to any other
30 person when and if required by law to do so. Any violation of this
31 subsection (1)(b) shall be a class 1 civil infraction under chapter
32 7.80 RCW and shall be punished accordingly pursuant to chapter 7.80 RCW
33 and the infraction rules for courts of limited jurisdiction.

34 (2) A person shall not carry or place a loaded pistol in any
35 vehicle unless the person has a license to carry a concealed pistol
36 and: (a) The pistol is on the licensee's person, (b) the licensee is
37 within the vehicle at all times that the pistol is there, or (c) the
38 licensee is away from the vehicle and the pistol is locked within the
39 vehicle and concealed from view from outside the vehicle.

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

5 (4) Violation of any of the prohibitions of subsections (2) and (3)
6 of this section is a misdemeanor.

7 (5) Nothing in this section permits the possession of firearms
8 illegal to possess under state or federal law.

9 (6) "Concealed pistol license" as used in this section means a
10 license issued under the provisions of RCW 9.41.070 or an out-of-state
11 license, permit, or other document authorizing an individual to carry
12 a concealed firearm issued in accordance with the provisions of the law
13 of a state or territory of the United States, or any other political
14 subdivision within the United States but also outside the state of
15 Washington.

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