

SENATE BILL REPORT

SB 5031

As of January 18, 2011

Title: An act relating to including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions.

Brief Description: Including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions.

Sponsors: Senators Kline, Carrell, Conway, Sheldon and Roach.

Brief History:

Committee Activity: Judiciary: 1/14/11.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: People in Washington are prohibited from carrying a pistol concealed on their person without a license to do so except if it is in a person's place of abode or fixed place of business. There are additional restrictions pertaining to carrying or placing a loaded pistol in a vehicle without a license to carry a concealed pistol. It is a misdemeanor to violate these provisions; however, some categories of people are exempt from the restrictions. Included in the list of exempt persons are marshals, sheriffs, prison or jail wardens and their deputies, other law enforcement officers of this state or another state, and members of the armed forces of the United States or the national guard or organized reserves, when on duty.

It is unlawful for a person to enter certain areas when that person knowingly possesses a weapon or has a weapon under his or her control. The areas include the restricted access areas of a jail or law enforcement facility, courtrooms, jury rooms, judges' chambers, and corridors adjacent to areas used in connection with court proceedings. The restrictions do not apply to certain categories of people including: people engaged in military activities sponsored by the federal or state governments, while engaged in official duties; and law enforcement personnel. However, the restriction pertaining to possessing a weapon in those areas in any building which are used in connection with court proceedings does apply to a law enforcement officer who is present at a courthouse as a party to an action involving alleged harassment or domestic violence.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Correctional personnel who have completed government-sponsored law enforcement firearms training are exempt from the prohibition against carrying a pistol concealed on one's person without a license to do so. They are also exempt from the restriction relating to carrying or placing a loaded pistol in a vehicle.

Correctional personnel who are retired for service or physical disabilities and have completed government-sponsored law enforcement firearms training are exempt from the prohibition against carrying a pistol concealed on one's person without a license and from the restriction regarding carrying or placing a loaded pistol in a vehicle. The exemption applies only if the person has obtained documentation from the agency in Washington from which the person retired that states the person was retired for service or physical disability and has not been convicted or found guilty by reason of insanity of a crime making him or her ineligible for a concealed pistol license. The exemptions do not apply to correctional personnel who are retired because of mental or stress-related disabilities.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The Federal Law Enforcement Officers Safety Act includes community corrections offices and parole officers but state law limits the ability to carry a concealed pistol without a permit. These laws conflict and this creates confusion for administration and staff in the Department of Corrections (DOC). Community corrections personnel comply with a state certified strenuous arming process and a twice yearly requalification process. The job of a community corrections officer is a dangerous one and the potential for life threatening situations which are the result of employment with the DOC are not limited to work hours.

Persons Testifying: PRO: Ginger Richardson, WA Federation of State Employees/Community Correction; Glen Gaither, DOC, WA Corrections Center Teamsters.