

SENATE BILL REPORT

SB 5174

As Reported by Senate Committee On:
Law & Justice, January 24, 2019

Title: An act relating to concealed pistol license training requirements.

Brief Description: Concerning concealed pistol license training requirements.

Sponsors: Senators Palumbo and Pedersen.

Brief History:

Committee Activity: Law & Justice: 1/21/19, 1/24/19 [DPS, DNP].

Brief Summary of First Substitute Bill

- Requires an applicant for a concealed pistol license to provide proof of completion of a recognized firearms safety training program within the last five years.
- Requires the Washington State Patrol to prescribe the form of documentation to be used as proof of completion.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5174 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; Holy and Wilson, L..

Staff: Shani Bauer (786-7468)

Background: It is generally unlawful for a person to carry a pistol concealed on their person, except in the person's abode or fixed place of business, unless they have a valid concealed pistol license (CPL). Carrying a concealed pistol without having been issued a CPL is a misdemeanor offense. Failure to carry a CPL in one's immediate possession while carrying a concealed pistol is a civil infraction.

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.

To obtain a CPL, a person must apply with the local law enforcement agency and undergo a fingerprint-based background check. A CPL must be issued if the applicant is not ineligible to possess a firearm under state or federal law, is 21 years of age or older, and submits a completed application along with the required application fee. A copy of the CPL must be delivered to the Department of Licensing, which maintains records of CPLs in an electronic database.

A CPL is valid for a period of five years. The fee for an original CPL is \$36, plus additional charges imposed by the Federal Bureau of Investigation, that are passed on to the applicant. A CPL holder may renew the license by applying for renewal within 90 days before or after expiration of the license. The renewal takes effect on the expiration date of the previous license. The renewal fee is \$32, and if the licensee renews after the expiration date, an additional \$10 late renewal penalty applies.

The requirements to obtain a concealed carry permit or license vary substantially between states. Twelve states allow persons to conceal carry without a permit or license. Ten states and the District of Columbia require an applicant to be of good character or a suitable person. Twenty-seven states require applicants to demonstrate knowledge of firearm use and/or safety.

Summary of Bill (First Substitute): In order to obtain or renew a concealed pistol license, a person must provide proof that he or she has completed a recognized firearms safety training program within the last five years. At a minimum, the training must include eight hours of instruction on:

- basic firearm safety rules;
- firearms and children, including safe storage;
- firearms and suicide prevention;
- safe storage of firearms to prevent unauthorized access and use;
- safe handling of firearms;
- state and federal firearms laws, including prohibited firearm transfers;
- state laws pertaining to the use of deadly force for self-defense;
- techniques for managing violent confrontations, including conflict resolution; and
- live-fire shooting exercises that include a demonstration of shooting proficiency with each firearm the applicant is applying to be licensed to carry.

The training must be sponsored by a law enforcement agency, college or university, a nationally recognized organization that customarily offers firearms training, or a firearm training school with instructors certified by a nationally recognized organization that customarily offers firearms training.

The Washington State Patrol (WSP) must prescribe the form and manner of documentation to be provided to an applicant for use as proof of completion of a recognized firearms safety training program.

Statutory provisions are reorganized for the purpose of readability.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute): WSP responsibility to develop training standards and certify instructors is

removed and instead, training requirements are aligned with that provided in I-1639. Additional training requirements include laws relating to the use of deadly force, conflict resolution, and live-fire shooting exercises demonstrating firearm proficiency. WSP must prescribe the form and manner of documentation for use as proof of completion of a firearm safety training program. Race and gender are restored to the list of information that must be included on a CPL application.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is attempting to bring Washington in line with other states that having a training requirement for CPLs. Training is required for many activities—rock climbing, shooting an air rifle, and driving a car. Carrying a concealed weapon is more deadly than any of those activities, yet no training is required.

If a person carries a concealed weapon, it should not be the first time they have handled a firearm. Washington is one of 11 states where you need no training requirements in order to carry a gun. When a child becomes of age to go hunting, a parent cannot imagine teaching the child how to handle the firearm. If training is required for a person to carry a gun in high country, think how much more it should be required to carry a gun in public. These training requirements are common sense.

The military requires a person to complete basic training with firearms before being allowed to carry one. It takes instruction and practice before a person can reliably shoot a firearm in a controlled setting. Similarly, Washington should require CPL holders to have training. It is unreasonable allow an untrained person to carry a concealed weapon in public spaces.

CON: These requirements can be an undue burden on those who seek to protect themselves. Fees for training are a financial burden. A person should not have to incur excessive fees in order to be able to exercise their second amendment rights. It can be tough to find a gun range within city limits to train. Some disabled persons are unable to pass a range proficiency test due to their disability.

If training is a checkbox on the way to a goal, this does not ensure that they will learn.

This bill will overtax law enforcement. CPL holders are extremely responsible. Resources should be applied to the improvement of public safety. The existing background check laws work.

Some states that do not require any form of permit or license. People acquire a CPL to protect themselves or transport weapon from place to place. There is no requirement for open carry.

This bill is punitive to law abiding gun owners. A person must incur cost and time in order to be able to carry a firearm. There has been an 111 percent increase in the number of women getting CPLs. Sometimes it can be dangerous for women to wait through an extended process. This bill does nothing to stop a bad guy with a gun. It only applies to someone who is lawfully following the process.

Persons Testifying: PRO: Senator Guy Palumbo, Prime Sponsor; Chad Bates, Moms Demand Action; Jim Lenker, Moms Demand Action; Elizabeth Bennett, Moms Demand Action; David O'Connor, Moms Demand Action; Rebecca Elbaum, Moms Demand Action; Trese Todd, Moms Demand Action.

CON: Bea Christophersen; Ernst Schubert, Washington Historical Gunmakers Guild; Erik Firm, citizen; Boyd Kneeland, citizen; Melissa Denny, citizen; Sharyn Hinchcliffe, Pink Pistols.

Persons Signed In To Testify But Not Testifying: PRO: Jimmy Martin, citizen; Richard Bernheimer, citizen; Melissa Fried, citizen.

CON: Gregory Patnude, citizen; Dana Morgan Jr, citizen; Mike Silvers, Pink Pistols Seattle; Jonathan Conley, citizen; Jane Milhans, citizen; Ira Moser, citizen; James Affeld, citizen; Daniel Mitchell, citizen; Kyle Jameson, citizen; Mary Wilkes, citizen; Heather Kinney, citizen; Simon McFarlane, citizen; Cole Ballard, citizen; Chris Spieth, citizen; Ernest Rodriguez, citizen; Donn Pratt, citizen; Bobbye Choate, citizen; Robert Mueri, citizen; Aaron Cooper, citizen; Amelia Silverman, citizen; Luis Berbesi, citizen; Connie Krier, citizen; Connor Barclay, citizen; Donny Traynor, citizen; Adam Florenzen, citizen; Joseph Lukasunis, citizen.

OTHER: James McMahan, Washington Association of Sheriffs and Police Chiefs.