

HOUSE BILL REPORT

SHB 1016

*As Passed House
February 18, 1991*

Title: An act relating to eligibility for a concealed weapon permit.

Brief Description: Changing eligibility requirements for concealed weapon permits.

Sponsor(s): By House Committee on Judiciary (originally sponsored by Representatives Kremen, May, Betrozoff, Zellinsky, Horn, Jacobsen, R. Fisher, Heavey, Wood, Wineberry, O'Brien, Peery, Rasmussen, D. Sommers, Dorn, Cantwell, R. Johnson, Spanel, Dellwo, Leonard, Cole, Hine, Basich, Grant, Scott, Braddock, Brekke, Winsley, Appelwick, Ludwig, Ebersole, Belcher, Fraser, Pruitt, Jones, Sheldon, Holland, Phillips, Orr, Neher, Paris, Wynne and H. Sommers).

Brief History:

Reported by House Committee on:
Judiciary, February 8, 1991, DPS;
Passed House, February 18, 1991, 92-6.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1016 be substituted therefor, and the substitute bill do pass.* Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; D. Sommers; Tate; Vance; and Wineberry.

Minority Report: *Do not pass.* Signed by 1 member: Representative Padden, Ranking Minority Member.

Staff: Bill Perry (786-7123).

Background: State and federal laws on the possession of firearms differ in some respects. The federal list of offenses which disqualify a person from possessing a firearm is more extensive than the state list. Thus, a person's criminal record may prevent him or her from possessing a firearm under federal law, while state law would not prohibit the possession of a firearm. However, because

federal law preempts state law where the two laws are inconsistent, such a person could not legally possess a firearm.

Even though an individual is prohibited from possessing a pistol under federal law, in some instances the person may still technically be eligible to obtain a concealed pistol permit under state law. Such a result is possible because the state permit law denies a permit to anyone ineligible to own a pistol under state law, but does not explicitly prohibit issuance of a permit to an applicant ineligible to possess a weapon under federal law. Therefore, a person prevented from owning a pistol under federal law, but not under state law, may still get a concealed pistol permit. A permit issued in such a case is hollow and does not allow the permit holder to possess a weapon, concealed or otherwise. Some law enforcement agencies, however, object to the issuance of a permit in such a case because issuance incorrectly implies that the holder has the right to possess a pistol.

Summary of Bill: A permit to carry a concealed pistol may not be issued to a person who is ineligible to possess a weapon under federal law. Technical clarifications are made regarding the role of the Department of Licensing in permit revocations.

Fiscal Note: Not requested.

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

Testimony For: The bill does not limit in any way the right to bear arms. It merely eliminates a practice that is misleading and may abet the violation of federal law.

Testimony Against: Local officials do not comply with the law now. This bill will only make things worse. The State should not surrender its authority to the federal government.

Witnesses: T.A. Kueven, Bellingham Police Department (in favor); Ted Fix (opposes); John Hosford, Citizens Committee for the Right to Keep and Bear Arms (opposes); and Ted Cowan, King County Outdoor Sports Council (opposes).