

HOUSE BILL REPORT

EHB 1408

As Passed House

March 11, 1997

Title: An act relating to the carrying of a concealed pistol by persons from another state.

Brief Description: Authorizing carrying of concealed pistols by certain persons from out of state.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Mielke, Sheahan, Doumit, Pennington, Mulliken, Sterk, Thompson, Dunn and Sullivan).

Brief History:

Committee Activity:

Law & Justice: 2/7/97, 2/19/97 [DP].

Floor Activity:

Passed House: 3/11/97, 75-22.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 8 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Carrell; Lambert; Radcliff; Sherstad and Skinner.

Minority Report: Do not pass. Signed by 5 members: Representatives Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney and Lantz.

Staff: Bill Perry (786-7123).

Background: Persons are generally prohibited from carrying a concealed pistol 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, and the person must also carry the CPL while carrying the pistol.

Eligibility for a 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. In order to get or renew a Washington State 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.

Privileges of CPL Ownership. In addition to authorizing a person to carry a pistol concealed on his or her person, a CPL also affords other privileges. Possession of a valid CPL exempts a person from an otherwise applicable five-day waiting period for the purchase of a pistol. Washington State's requirements for a CPL qualify possessors of CPLs for this exemption under the federal Brady Law.— Possession of a CPL also exempts a person from the otherwise applicable ban on the open possession of a firearm in a public place.

Exemptions from Requirement for a 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.

Summary of Bill: A valid CPL issued in another state exempts a person from the requirement of a Washington CPL in order to conceal a pistol on his or her person. A person with an out-of-state CPL must carry the CPL with him or her when carrying a concealed pistol. Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers from other states are given the same exemption from the requirement for a Washington CPL.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Citizens with CPLs from other states shouldn't be subject to prosecution for coming into Washington. The bill will also facilitate cooperation with out-of-state law enforcement officers.

Testimony Against: Other states' standards for CPLs may not be as stringent as Washington's.

Testified: Representative Mielke, prime sponsor; Captain Marsh Pugh, Washington State Patrol (pro); Dave Workman, National Rifle Association (pro); Ken Spring, citizen (pro); Brian Judy, National Rifle Association (pro); Charles Long, citizen (pro); and Peggy Saari, Washington Ceasefire (con).