

SENATE BILL REPORT

EHB 2519

As Reported by Senate Committee On:
Law & Justice, February 22, 2018

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

Brief Description: Concerning concealed pistol license eligibility requirements.

Sponsors: Representatives Lovick, Hayes, Goodman, Klippert, Appleton, Sells and Robinson.

Brief History: Passed House: 2/14/18, 94-4.

Committee Activity: Law & Justice: 2/20/18, 2/22/18 [DPA, DNP].

Brief Summary of Amended Bill

- Requires a law enforcement agency to ensure a person meets the eligibility requirements for a concealed pistol license (CPL) prior to returning a CPL that has been surrendered to law enforcement.
- Adds extreme risk protection orders, sexual assault protection orders, and stalking protection orders to the current provision making an applicant ineligible for a CPL if the applicant is subject to a court order or injunction regarding firearms under various protection, restraining, and no-contact orders.
- Requires a law enforcement agency to review available records for evidence of current drug use prior to returning the person's firearm or concealed pistol license.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; Angel, Assistant Ranking Member; Wilson.

Staff: Shani Bauer (786-7468)

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.

Background: In Washington it is generally unlawful for a person to carry a pistol concealed on their person unless the person has a valid CPL. Carrying a concealed pistol without a CPL is a misdemeanor.

In order to obtain a CPL, a person must submit a license application to the local law enforcement agency and undergo a fingerprint-based background check to determine eligibility. A person who applies for a CPL must:

- be eligible to possess a firearm under state and federal law;
- be 21 years of age, 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 CPL is valid for five years and may be renewed for successive five-year periods.

A person subject to most types of protection orders, no-contact orders, or restraining orders may, under some circumstances, be required to surrender their firearms, dangerous weapons, and CPL while the order is in place. In entering an order, if the person to be restrained has used or threatened to use a firearm in the commission of a felony, or is otherwise disqualified from having a firearm, the court either may or must require the person to surrender their firearms, dangerous weapons, and CPL, depending on the evidence presented. In addition, extreme risk protection orders allow a court to prohibit a person from possessing, purchasing, or receiving a firearm if the court finds that the person poses a significant danger of causing personal injury to self or others by purchasing, possessing, or receiving a firearm. The person is required to surrender any firearms in the person's possession as well as any CPL.

In 2015, the Legislature adopted procedures for law enforcement to follow prior to returning a firearm to an individual. Among other requirements, law enforcement must confirm that the individual to whom the firearm will be returned is eligible to possess a firearm.

Unless a specific exception applies, a person between 18 and 21 years of age may only possess a pistol on the person's private property or at the person's place of business.

Summary of Amended Bill: Return of Surrendered CPL. A law enforcement agency may not return a CPL that has been surrendered or impounded until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a CPL. Once the law enforcement agency determines the requirements have been met, the agency must release the CPL to the licensee without unnecessary delay and in no case longer than five business days.

In confirming whether an individual is eligible to possess a firearm, the law enforcement agency must review available records for evidence of current drug use prior to returning the person's firearm or concealed pistol license.

These requirements do not apply to circumstances where a law enforcement agency momentarily obtains a firearm or CPL from an individual and would otherwise immediately return them to the individual.

Eligibility for a CPL. Extreme risk protection orders, sexual assault protection orders, and stalking protection orders are added to the current provision making an applicant ineligible for a CPL if the applicant is subject to a court order or injunction regarding firearms under various protection, restraining, and no-contact orders.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Requires law enforcement to return a surrendered CPL within five business days of determining the licensee is eligible for the return of the CPL.
- Removes provisions allowing active duty members of the United States armed forces, members of the reserves or National Guard, and honorably discharged veterans who are at least 18 years of age to possess pistols and obtain a concealed pistol license.
- Requires a law enforcement agency to review available records for evidence of current drug use prior to returning the person's firearm or concealed pistol license.

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 Engrossed House Bill: *The committee recommended a different version of the bill than what was heard.* PRO/OTHER: The bill addresses the consistency between law enforcement's return of a firearm and the return of a CPL after they have been surrendered to law enforcement. Some small consistency amendments are needed. The timeframe for return of a firearm is as soon as practicable and without unnecessary delay after confirming the eligibility requirements have been met. The new provisions for return of a CPL require return within five days. These should be consistent and are important in giving law enforcement time to complete its duty to inform a victim that has requested notification when the person's firearm is being returned. Stakeholders have reached out to gun right advocacy groups and those groups understand that it is important to have a consistent process for the surrender and return of firearms and CPLs.

The amendment allowing an 18-21 year old in the military to conceal carry is inconsistent with Department of Defense (DOD) regulations. The DOD has very strict requirements on base and a person under the age of 21 may not conceal carry. This change is also well outside the intent of the original bill.

Persons Testifying: PRO: Representative John Lovick, Prime Sponsor; Doug Levy, City of Everett; Greg Lineberry, Captain, Everett Police Department.

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

Persons Signed In To Testify But Not Testifying: No one.