

SENATE BILL REPORT

SB 6415

As of January 31, 2018

Title: An act relating to requiring permission to bring a concealed firearm into another person's residence or dwelling place.

Brief Description: Requiring permission to bring a concealed firearm into another person's residence or dwelling place.

Sponsors: Senators Hunt, Dhingra, Keiser, Kuderer, Saldaña and Chase.

Brief History:

Committee Activity: Law & Justice: 1/30/18.

Brief Summary of Bill

- Makes it a misdemeanor to carry a concealed firearm into another person's home without first obtaining the owner's permission to do so.
- Requires revocation of a concealed pistol license for five years if convicted of carrying a concealed firearm into a residence without permission.

SENATE COMMITTEE ON LAW & JUSTICE

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 the person has 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.

In order 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 and if the applicant meets other eligibility requirements. A copy of the CPL must be delivered to the Department of Licensing (DOL), which maintains records of CPLs in an electronic database.

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.

A CPL is valid for a period of five years.

Summary of Bill: It is unlawful for a person to carry a concealed firearm into the residence or dwelling place of another person without first obtaining the express permission of the owner or person in legal control or possession of the residence.

Violation is a misdemeanor. If convicted, the person must surrender the person's concealed pistol license for a period of five years from the date of conviction. The court must forward notice of conviction and a copy of the person's driver's license to DOL within three days of conviction. DOL must notify the license issuing authority so it can revoke the person's license. A licensee may reapply for a new CPL at the end of the revocation period.

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: PRO: People who do not like guns should have certain rights too. It should be my right to protect the sanctity of my home. Even if a person cannot avoid guns anywhere else, they should be able to avoid them in their own home. This is part of a larger conversation about firearms in homes and making sure they are safe. We need to continue to have these conversations.

CON: This bill is unnecessary. Washington already has a criminal trespass statute. A property owner can always ask people if they are armed and ask them to leave if they are. A person who fails to leave can be charged with a crime. Concealed pistol license holders are the most highly vetted gun owners and the least likely to commit a crime. This law would criminalize the inadvertent act of not asking for permission. There are many circumstances where this law does not make sense. Who should the person get permission from when a home is owned by multiple people? What about workers who visit homes on a regular basis and carry a gun for protection? Does a person need to get permission every time they enter a residence? Can permission be verbal or must it be in writing? The bill also fails to give a homeowner liability protection for the failure to disarm an individual. A five-year revocation of a CPL is extreme. A civil penalty would seem more appropriate. A better option would be to address penalties for a person who negligently handles a firearm or leaves it in someone's home.

OTHER: A technical amendment is needed for law enforcement. Police often carry visible firearms and concealed weapons. Law enforcement should be exempted from those requirements.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Suzanne Cofer, citizen; Rebecca Johnson, Alliance for Gun Responsibility.

CON: Phil Watson, Firearms Policy Coalition; Tom Kwieciak, National Rifle Association;

Paul Strophy, Washington Association of Criminal Defense, Washington Defender Association.

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

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