

# SENATE BILL REPORT

## HB 1589

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As Passed Senate, April 13, 2019

**Title:** An act relating to the exemption from restrictions on carrying firearms for correctional employees who have completed government-sponsored law enforcement firearms training.

**Brief Description:** Concerning requirements for the correctional personnel and community corrections officer exemption from restrictions on carrying firearms.

**Sponsors:** Representatives Chapman, Rude, Blake, Lovick, Goodman, Griffey, Irwin, Volz, Mead, Eslick, Sells, Ryu, Pollet, Stonier, Peterson, Fey, Senn, Gregerson, Riccelli, Lekanoff, Appleton, Steele, Tharinger and Leavitt.

**Brief History:** Passed House: 3/06/19, 97-0.

**Committee Activity:** Law & Justice: 3/28/19, 4/02/19 [DP].

**Floor Activity:**

Passed Senate: 4/13/19, 43-1.

### Brief Summary of Bill

- Modifies the requirements for the correctional personnel and community correction officer exemption from restrictions on carrying concealed pistols and carrying pistols in vehicles.

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## SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer and Salomon.

**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 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.

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*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.*

There are also restrictions on carrying pistols in vehicles. A person may not carry a loaded pistol in a vehicle unless the person has a CPL and either the pistol is on the person, the person is within the vehicle at all times the pistol is present, or the pistol is locked within the vehicle and concealed from view. An unloaded pistol kept in a vehicle must be locked within the vehicle and concealed from view.

A number of exemptions to these restrictions are provided. Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers of this state or another state are exempted, as are retired Washington law enforcement officers. In 2011, this exemption was expanded to include correctional personnel and community corrections officers as long as they are employed as such, have completed government-sponsored law enforcement training, and have been subject to a background check through the National Instant Criminal Background Check System (NICS) within the past five years. Correctional personnel and community corrections officers are required to pay for any background check needed to exercise the waiver.

**Summary of Bill:** The correctional personnel and community correction officer exemption from restrictions on carrying concealed pistols and pistols in vehicles is modified to eliminate the requirement that the background check be conducted through NICS.

The requirement that correctional personnel and community corrections officers are required to pay for any background check needed to exercise the waiver is eliminated.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: Due to the FBI audit last year, the state has been told that it cannot conduct a NICS background check for these exemptions. A corrections officer must apply for a CPL in order to get the necessary background check which makes the exemption ineffective. DOC already conducts annual background checks for its employees. There is no charge to officers because it is already something the agency is required to do. The agency considers this bill a technical fix.

Concealed carry is a tool in the tool chest for corrections officers. Corrections officers consider this exemption as important to their personal safety.

**Persons Testifying:** PRO: Andy Page, Washington Federation of State Employees; Tom Fithian, Department of Corrections.

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