

SENATE BILL REPORT

SB 5508

As Passed Senate, March 4, 2019

Title: An act relating to background checks for concealed pistol licenses.

Brief Description: Clarifying background check requirements for an application for a concealed pistol license.

Sponsors: Senators Fortunato, Darneille, Saldaña, Pedersen, King, Sheldon, Hobbs, Dhingra, Holy and Wilson, L.; by request of Washington State Patrol.

Brief History:

Committee Activity: Law & Justice: 2/14/19, 2/21/19 [DP].

Floor Activity:

Passed Senate: 3/04/19, 47-0.

Brief Summary of Bill

- Clarifies the background check for an original concealed pistol license must be conducted through the Washington State Patrol Criminal Identification Section and must include a fingerprint background check through the Federal Bureau of Investigation.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

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.

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.

To obtain a CPL, a person must submit an application along with a complete set of fingerprints to the local law enforcement agency. The agency may not deny the CPL unless the person:

- is ineligible to possess a firearm under state or federal law;
- is under twenty-one years of age;
- is subject to a protection order that prohibits the person from possessing a firearm;
- is free on bond or personal recognizance pending trial, appeal, or sentencing or has an outstanding warrant for arrest; and
- has been ordered to forfeit a firearm within one year before filing the application.

In order to verify eligibility for the CPL, the local law enforcement agency must conduct a check through:

- the National Instant Criminal Background Check System;
- the Washington State Patrol (WSP) electronic database;
- the Health Care Authority database; and
- other agencies or resources as appropriate.

The requirement to check those systems applies whether the applicant is applying for an original CPL or to renew a CPL.

A CPL is valid for five years. The fee for an original CPL is \$36, plus additional charges imposed by the Federal Bureau of Investigation (FBI), that are passed on to the applicant. A CPL holder may renew the license by applying for renewal within 90 days before or after expiration of the license. The renewal takes effect on the expiration date of the previous license. The renewal fee is \$32, and if the licensee renews after the expiration date, an additional \$10 late renewal penalty applies.

Summary of Bill: A background check for an original CPL must be conducted through the WSP Criminal Identification Section and must include a national check from the FBI through the submission of fingerprints. The results will be returned to the law enforcement agency.

The applicant may request a copy of the results of the background check from the law enforcement agency. If the applicant needs to amend or correct their record, the applicant must contact the WSP to correct a Washington State record, or the FBI to correct records from another jurisdiction.

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: During a review of Washington State laws, the FBI notified WSP that our law was out of compliance in order to authorize background checks through the FBI. This bill does not change the process.

This bill is a technical change and there is no objection.

Persons Testifying: PRO: Senator Phil Fortunato, Prime Sponsor; Philip Watson, Firearms Policy Coalition; Monica Alexander, WSP.

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