

SENATE BILL REPORT

SHB 2373

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 25, 1992

**Brief Description:** Regulating concealed weapons.

**SPONSORS:** House Committee on Judiciary (originally sponsored by Representatives Kremen, Rayburn, Winsley, Anderson, McLean, Roland, R. Johnson, O'Brien, Pruitt, Chandler, Heavey, Betrozoff, Scott, Rasmussen, G. Cole, Spanel, Cantwell, Grant, Brekke, Peery, Braddock, G. Fisher, Paris, Wineberry, J. Kohl, Orr, Sheldon and Haugen)

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass as amended.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, Rasmussen, and A. Smith.

**Staff:** Jon Carlson (786-7459)

**Hearing Dates:** February 24, 1992; February 25, 1992

**BACKGROUND:**

Washington's firearms statute prohibits a person from possessing a pistol if he or she has been convicted of a class A felony, a violent felony or a felony violation of the Controlled Substances Act. The prohibition also applies if a person has been subject to a period of confinement under the criminal insanity statute, or at least 90 days confinement under the state's Involuntary Treatment Act. As a consequence, a person who may not lawfully possess a pistol is also ineligible to obtain a concealed pistol license.

However, a person is not precluded from possession of a pistol if the conviction is the subject of a pardon, annulment, certificate of rehabilitation or other equivalent procedure.

It is suggested that the list of crimes which renders a person ineligible to qualify for a concealed pistol license be broadened.

**SUMMARY:**

Additional felony crimes are added to the category of offenses that disqualify a person from obtaining a concealed pistol license. Those crimes are: assault in the third degree, indecent liberties, malicious mischief in the first degree, possession of stolen property in the first or second degree, and theft in the first or second degree. One year after successful completion of a sentence imposed for violation of

one of these new crimes, a person may petition the district court to restore his or her eligibility for a concealed pistol license.

Firearm dealers, importers, manufacturers, or others who are convicted of certain federal felonies will not lose their rights to possess firearms under state law. Those felonies include antitrust law violations or other business practices act violations. Such persons who are convicted of other federal felonies will have their rights to possess firearms restored under state law if the secretary of the treasury has found them not to be "likely to act in a manner dangerous to public safety."

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

A person may not possess any firearm if he or she has been committed by court order for treatment of mental illness under the state's criminal insanity statute, or at least 90 days confinement under the state's Involuntary Treatment Act.

At the time of commitment, the court must inform the person, orally and in writing, that he or she is prohibited from possessing firearms.

The Secretary of the Department of Social and Health Services must develop rules to create an approval process which allows a person committed for treatment of mental illness or insanity to regain his or her right to possess a firearm.

The rules must provide for the immediate restoration of the person's right to possess a firearm upon a court showing that the person no longer is required to: 1) participate in an inpatient or outpatient treatment program, and 2) take medication to treat any condition related to the commitment.

Unlawful possession of a firearm under these provisions is a class C felony.

**TESTIMONY FOR:**

The additional felony crimes that disqualify a person from obtaining a concealed pistol license are merited by their seriousness. The amendment addresses a constitutional problem raised by the State Supreme Court with respect to the firearms statute and the mentally ill.

**TESTIMONY AGAINST:**

The list of crimes that disqualify a person from obtaining a concealed pistol license is overbroad. A person should not be

subject to disqualification for these additional property crimes.

**TESTIFIED:** PRO: John Hosford, Citizens Committee for the Right to Keep and Bear Arms; Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; J. K. Johnson, Washington State Muzzleloaders Association; CON: Ted Cowan, King County Outdoor Sports Council