

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1408**

Chapter 253, Laws of 1998

(partial veto)

55th Legislature  
1998 Regular Session

CARRYING OF A CONCEALED PISTOL BY PERSONS FROM ANOTHER STATE

EFFECTIVE DATE: 6/11/98

Passed by the House March 9, 1998  
Yeas 73 Nays 23

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate March 4, 1998  
Yeas 36 Nays 12

BRAD OWEN  
**President of the Senate**

Approved April 1, 1998, with the  
exception of section 1, which is  
vetoed.

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1408** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

April 1, 1998 - 2:56 p.m.

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 1408

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AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Mielke, Sheahan, Doumit, Pennington, Mulliken,  
Sterk, Thompson, Dunn and Sullivan

Read first time 01/24/97. Referred to Committee on Law & Justice.

1            AN ACT Relating to the carrying of a concealed pistol by persons  
2 from another state; and amending RCW 9.41.050 and 9.41.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            *\*Sec. 1. RCW 9.41.050 and 1997 c 200 s 1 are each amended to read*  
5 *as follows:*

6            *(1)(a) Except in the person's place of abode or fixed place of*  
7 *business, a person shall not carry a pistol concealed on his or her*  
8 *person without a license to carry a concealed pistol issued under RCW*  
9 *9.41.070, unless the person holds a valid permit or license issued by*  
10 *a state or local agency in another state authorizing the person to*  
11 *carry a concealed firearm.*

12            *(b) Every licensee shall have his or her concealed pistol license*  
13 *in his or her immediate possession at all times that he or she is*  
14 *required by this section to have a concealed pistol license and shall*  
15 *display the same upon demand to any police officer or to any other*  
16 *person when and if required by law to do so. Any violation of this*  
17 *subsection (1)(b) shall be a class 1 civil infraction under chapter*  
18 *7.80 RCW and shall be punished accordingly pursuant to chapter 7.80 RCW*  
19 *and the infraction rules for courts of limited jurisdiction. This*

1 subsection applies also to a concealed pistol license issued in another  
2 state.

3 (2) A person shall not carry or place a loaded pistol in any  
4 vehicle unless the person has a license to carry a concealed pistol  
5 and: (a) The pistol is on the licensee's person, (b) the licensee is  
6 within the vehicle at all times that the pistol is there, or (c) the  
7 licensee is away from the vehicle and the pistol is locked within the  
8 vehicle and concealed from view from outside the vehicle.

9 (3) A person at least eighteen years of age who is in possession of  
10 an unloaded pistol shall not leave the unloaded pistol in a vehicle  
11 unless the unloaded pistol is locked within the vehicle and concealed  
12 from view from outside the vehicle.

13 (4) Violation of any of the prohibitions of subsections (2) and (3)  
14 of this section is a misdemeanor.

15 (5) Nothing in this section permits the possession of firearms  
16 illegal to possess under state or federal law.

17 \*Sec. 1 was vetoed. See message at end of chapter.

18 **Sec. 2.** RCW 9.41.060 and 1996 c 295 s 5 are each amended to read  
19 as follows:

20 The provisions of RCW 9.41.050 shall not apply to:

21 (1) Marshals, sheriffs, prison or jail wardens or their deputies,  
22 or other law enforcement officers of this state or another state;

23 (2) Members of the armed forces of the United States or of the  
24 national guard or organized reserves, when on duty;

25 (3) Officers or employees of the United States duly authorized to  
26 carry a concealed pistol;

27 (4) Any person engaged in the business of manufacturing, repairing,  
28 or dealing in firearms, or the agent or representative of the person,  
29 if possessing, using, or carrying a pistol in the usual or ordinary  
30 course of the business;

31 (5) Regularly enrolled members of any organization duly authorized  
32 to purchase or receive pistols from the United States or from this  
33 state;

34 (6) Regularly enrolled members of clubs organized for the purpose  
35 of target shooting, when those members are at or are going to or from  
36 their places of target practice;

1 (7) Regularly enrolled members of clubs organized for the purpose  
2 of modern and antique firearm collecting, when those members are at or  
3 are going to or from their collector's gun shows and exhibits;

4 (8) Any person engaging in a lawful outdoor recreational activity  
5 such as hunting, fishing, camping, hiking, or horseback riding, only  
6 if, considering all of the attendant circumstances, including but not  
7 limited to whether the person has a valid hunting or fishing license,  
8 it is reasonable to conclude that the person is participating in lawful  
9 outdoor activities or is traveling to or from a legitimate outdoor  
10 recreation area;

11 (9) Any person while carrying a pistol unloaded and in a closed  
12 opaque case or secure wrapper; or

13 (10) Law enforcement officers retired for service or physical  
14 disabilities, except for those law enforcement officers retired because  
15 of mental or stress-related disabilities. This subsection applies only  
16 to a retired officer who has: (a) Obtained documentation from a law  
17 enforcement agency within Washington state from which he or she retired  
18 that is signed by the agency's chief law enforcement officer and that  
19 states that the retired officer was retired for service or physical  
20 disability; and (b) not been convicted of a crime making him or her  
21 ineligible for a concealed pistol license.

Passed the House March 9, 1998.

Passed the Senate March 4, 1998.

Approved by the Governor April 1, 1998, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State April 1, 1998.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 1 of  
3 Engrossed House Bill No. 1408 entitled:

4 "AN ACT Relating to the carrying of a concealed pistol by persons  
5 from another state;"

6 Section 1 of EHB 1408 would allow a non-resident to bring a  
7 concealed handgun into the state as long as he or she has a license  
8 from some other state. A number of states issue licenses without the  
9 strict standards and background checks Washington law requires, and  
10 section 1 would force our law enforcement agencies to honor all those  
11 permits. In addition, the practical effect of section 1 would be to  
12 require prosecutors to check with all 50 states in order to convict a  
13 person of violating our law against carrying a concealed handgun  
14 without a license. This is tantamount to repeal of the concealed  
15 handgun license law.

16 For these reasons, I have vetoed section 1 of Engrossed House Bill  
17 No. 1408.

1           With the exception of section 1, Engrossed House Bill No. 1408 is  
2 approved."