

# SENATE BILL REPORT

## SHB 2226

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As of February 24, 2010

**Title:** An act relating to issuing firearms certificates to retired law enforcement officers.

**Brief Description:** Issuing firearms certificates to retired law enforcement officers.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Orcutt, Blake, Maxwell, Williams and Hope).

**Brief History:** Passed House: 1/28/10, 97-0.

**Committee Activity:** Judiciary: 2/24/10.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Kim Johnson (786-7472)

**Background:** In 2004 Congress enacted the Law Enforcement Officers Safety Act (LEOSA), which authorizes qualified retired law enforcement officers to carry a concealed firearm in any state under certain conditions. The LEOSA specifically preempts conflicting state laws, except those state laws that restrict the possession of firearms on government property, or allow private persons or entities to restrict concealed firearms on their property. A qualified retired law enforcement officer is one who meets certain service and retirement requirements and is not ineligible under federal law to possess a firearm.

In 2005 the Legislature passed a bill establishing a process for issuing firearms certificates to retired law enforcement officers for the purpose of satisfying the certification requirement in the federal LEOSA. The legislation directed the Washington Association of Sheriffs and Police Chiefs (WASPC) to develop a firearms certificate form to be used by law enforcement agencies when issuing the firearms certificate.

A law enforcement agency may issue a firearms certificate to a retired law enforcement officer if the retired officer: (1) has been qualified or otherwise found to meet the standards established by the Criminal Justice Training Commission for firearms qualifications for active law enforcement officers in the state; and (2) has undergone a background check and is not ineligible to possess a firearm. Law enforcement agencies have been unable to issue these certificates because the Federal Bureau of Investigation has determined that they are not authorized to conduct the required background checks.

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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.*

**Summary of Bill:** The procedures for a retired officer to apply to a local law enforcement agency for issuance of a firearms certificate, including the requirement for the officer to undergo a federal background check, are eliminated.

The WASPC must develop, and make available on its website, a model certificate to be used as a firearms qualification certificate for retired law enforcement officers. A retired law enforcement officer is deemed to satisfy the federal certification requirements if the officer possesses a firearms qualification certificate that:

- uses the model certificate developed by the WASPC;
- provides that either a law enforcement agency, or an individual or entity certified to provide firearms training, acknowledges that the bearer has been qualified or otherwise found to meet standards established by the Criminal Justice Training Commission for firearms qualification for the basic law enforcement training academy; and
- indicates that the determination of qualification was made within the previous year.

A law enforcement agency is not required to complete the firearms qualification certificate.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: I brought this bill forward at the request of some retired officers to address a problem with the current statute that allows local law enforcement agencies to issue a certificate authorizing retired law enforcement officers to carry a concealed weapon. There are problems with the current criteria to issue the certificate. This bill solves the problem and clarifies what is required of the retired law enforcement officers. The criteria adopted in 2005 required a background check in order for the certificate to be issued. The issuance of a fire arms certificate was not an authorized purpose to run a background check in the federal system so locals couldn't issue the certificate. We've removed the background check requirement and clarified the issuance requirements for the certificate.

**Persons Testifying:** PRO: Representative Orcutt, prime sponsor; Don Pierce, WASPC.