
Judiciary Committee

HB 2519

Title: An act relating to concealed pistol license eligibility requirements.

Brief Description: Concerning concealed pistol license eligibility requirements.

Sponsors: Representatives Lovick, Hayes, Goodman, Klippert, Appleton, Sells and Robinson.

Brief Summary of Bill

- Provides that a law enforcement agency may not return a concealed pistol license (CPL) that has been surrendered to or impounded by the agency until the agency determines the licensee meets CPL eligibility requirements.
- Adds extreme risk protection orders, sexual assault protection orders, and stalking protection orders to the current provision making an applicant ineligible for a CPL if the applicant is subject to a court order or injunction regarding firearms under various protection, restraining, and no-contact orders.

Hearing Date: 1/25/18

Staff: Edie Adams (786-7180).

Background:

Concealed Pistol License Eligibility Requirements.

It is generally unlawful for a person to carry a pistol concealed on his or her person, except in the person's abode or fixed place of business, unless the person has a valid concealed pistol license (CPL). Carrying a concealed pistol without having been issued 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.

In order to obtain a CPL, a person must apply with the local law enforcement agency, undergo a fingerprint-based background check, and meet the following eligibility requirements:

- be eligible to possess a firearm under state and federal law;

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.

- be 21 years of age or older;
- not be subject to a court injunction regarding firearms under a number of listed protection, restraining, and no-contact orders;
- not be pending trial, appeal, or sentencing for a felony offense;
- not be subject to an outstanding arrest warrant for any crime; and
- not have been, within the past year, ordered to forfeit a firearm for possessing a concealed firearm while intoxicated in a place where a CPL is required.

A CPL is valid for a period of five years and may be renewed for successive five-year periods.

Protection, Restraining, and No-Contact Orders.

Numerous Washington statutes allow a court to enter a protection order, restraining order, or no-contact order that restrains a person from having contact with or threatening another person, or that excludes the person from certain locations or from coming within a specified distance of certain locations. A person who is subject to a protection order, restraining order, or no-contact order may be required by the court to surrender his or her firearms, dangerous weapons, and CPL while the order is in place under some circumstances. The court may require the person to surrender his or her firearm or dangerous weapon to the local law enforcement agency, the persons' counsel, or another person designated by the court. Law enforcement agencies are required to have policies and procedures regarding the acceptance, storage, and return of surrendered firearms and weapons.

Protection orders include those relating to domestic violence, harassment, vulnerable adult abuse, stalking, and sexual assault. In addition, extreme risk protection orders allow a court to prohibit a person from possessing, purchasing, or receiving a firearm if the court finds that the person poses a significant danger of causing personal injury to self or others by purchasing, possessing, or receiving a firearm.

Extreme risk protection orders, stalking protection orders, and sexual assault protection orders are not specifically listed in the provision of law that makes a person ineligible for a CPL if the person is subject to a court injunction relating to firearms under listed protection, no-contact, and restraining orders.

Firearms Return by Law Enforcement Agencies.

Under a statute enacted in 2015, a law enforcement agency must take a number of steps before returning a privately owned firearm that is in the agency's custody. The law enforcement agency must: confirm that the firearm is being returned to the person from whom it was obtained, or the person's authorized representative; confirm that the person is eligible to possess a firearm; ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; and ensure that 24 hours have elapsed from the time the firearm was obtained. If a firearm must be held in custody or is otherwise prohibited from being released, the law enforcement agency must provide written notice to the person requesting return of the firearm stating the reason for the hold within five business days of the request.

Summary of Bill:

A law enforcement agency may not return a concealed pistol license (CPL) that has been surrendered to or impounded by the law enforcement agency until the agency determines that the licensee is eligible to possess firearms and meets other CPL eligibility requirements.

Extreme risk protection orders, sexual assault protection orders, and stalking protection orders are added to the current provision making an applicant ineligible for a CPL if the applicant is subject to a court order or injunction regarding firearms under various protection, restraining, and no-contact orders.

Appropriation: None.

Fiscal Note: Requested on 1/18/18.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.