

HOUSE BILL REPORT

HB 1315

As Reported by House Committee On:
Civil Rights & Judiciary

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

Brief Description: Concerning concealed pistol license training requirements.

Sponsors: Representatives Lovick, Jinkins, Ryu, Senn, Goodman, Kilduff, Bergquist, Kloba, Stanford, Davis, Walen and Pollet.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/29/19, 1/21/20, 1/31/20 [DPS].

Brief Summary of Substitute Bill

- Requires an applicant for a concealed pistol license (CPL) to provide evidence of completion of a recognized firearms safety training program in order to obtain a CPL.
- Requires the Washington State Patrol to establish the form of documentation for use as proof of completion of a recognized firearms safety training program or proof of an exemption from the training requirement.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kilduff, Chair; Thai, Vice Chair; Goodman, Hansen, Kirby, Orwall, Peterson, Valdez and Walen.

Minority Report: Do not pass. Signed by 6 members: Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham, Klippert, Rude and Ybarra.

Staff: Edie Adams (786-7180).

Background:

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.

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 and undergo a fingerprint-based background check to determine eligibility. An application for a CPL must include the applicant's name, residential address, date and place of birth, race, gender, description, complete set of fingerprints, and driver's license number or state identification card if used for identification in applying for the license.

A CPL must be issued if the applicant is not ineligible to possess a firearm under state or federal law and if the applicant meets the following additional requirements:

- 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. The fee for an original CPL is \$36 plus additional charges imposed by the Federal Bureau of Investigation 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 Substitute Bill:

In order to obtain a concealed pistol license (CPL), a person must provide proof of completion of a recognized firearms safety training program within the previous five years, or proof of an exemption from the training requirement. The firearms safety training program must include at least eight hours of instruction on:

- basic firearms safety rules;
- firearms and children, including safe storage and talking to children about firearms;
- firearms and suicide prevention;
- safe storage of firearms to prevent unauthorized access;
- safe handling of firearms;
- state and federal firearms laws, including prohibited transfers;
- state laws governing use of deadly force for self-defense;
- techniques for avoiding criminal attacks and managing a violent confrontation; and
- live-fire shooting exercises that include a demonstration of safe handling of and shooting proficiency with a pistol.

The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college, a university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The Washington State Patrol must prescribe the form of documentation for use as proof of completion of a training program or proof of an exemption.

Exemptions from the training requirement are provided for:

- peace officers certified by the Criminal Justice Training Commission;
- military members who have completed firearms training within the last five years as part of service that included training on the safe handling of, and shooting proficiency with, a pistol; and
- applicants renewing a CPL who have previously submitted proof of compliance with the training requirement in connection with a prior approved CPL application.

Provisions of the statute governing CPL applications are reorganized and restructured.

Substitute Bill Compared to Original Bill:

The original bill required a concealed pistol license (CPL) applicant to provide evidence of completion of a handgun proficiency course in order to obtain a CPL. The original bill required the Washington State Patrol (WSP) to establish minimum standards for handgun proficiency and develop a course and examinations to measure handgun proficiency that includes classroom instruction and range instruction with an actual demonstration of the applicant's ability to safely and proficiently use a handgun. The original bill also required the WSP to certify qualified handgun instructors and approved online course providers and allowed the WSP to charge a fee for this certification.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect January 1, 2021.

Staff Summary of Public Testimony:

(In support) The purpose of this bill is to ensure that all concealed pistol license (CPL) holders are well versed in gun safety. Washington is an outlier because most other states have some form of firearm safety training requirements. The first part of the course will take place in the classroom teaching handgun safety and proficiency, and the second part of the course will be live-fire training. Exemptions are granted for law enforcement and active duty military who have already received training on safe firearm usage.

The state needs sensible safety measures to prevent families from experiencing the agony of the loss of a loved one by gun violence. This should be a required course, not an elective one. Washington residents should be able to feel safe in a public place with the one or more

of the 600,000 Washingtonians that could be carrying a concealed lethal weapon. The state needs this safety measure to help prevent a well-intentioned gun user from creating yet another tragedy. There was a case where an apartment neighbor's gun went off into the next apartment. He was not a bad person and he was not breaking the law, but his lack of training in gun safety could have resulted in tragedy. Owning, operating, and carrying a handgun is a huge responsibility. People who carry firearms should be properly trained.

The bill will help promote responsible gun ownership and public safety, but it would also protect those in private homes. The training will cover safe storage of firearms which is important because there have been cases where children have shot themselves with guns owned by CPL holders. No one wants a child or someone who is suicidal to access an unsecured gun.

(Opposed) There is a huge difference between a law enforcement officer who is permitted by the state to carry a firearm in the enforcement of our laws and the right of the ordinary citizen to use a firearm in self-defense. The officer's carrying of a firearm is a privilege restricted by law and policy. For citizens this is not a privilege—it is a constitutional right. The bill imposes hurdles that obstruct this right, and the costs will be enormous.

The bill places an undue financial burden of those who seek to defend themselves. There are some areas where it is hard to find a live-fire training facility nearby. For people who do not own a vehicle, their only option is to use mass transit, but one is not allowed to carry a firearm on mass transit without a CPL. The state has zero authority or obligation to protect the individual citizen.

Mandated training is counterproductive and not the right approach. Students who are mandated to attend firearms training just take space away from people who actually want to learn firearms proficiency.

Persons Testifying: (In support) Representative Lovick, prime sponsor; and David O'Connor, Erin Sloane, and Clare Miller, Moms Demand Action.

(Opposed) Philip Shave; Sharyn Hinchcliffe, Pink Pistols Seattle and Tacoma; and Boyd Kneeland, Citizens Committee For the Right to Keep and Bear Arms.

Persons Signed In To Testify But Not Testifying: Tanya Aggar; Duncan Albright and James Barrick, WaGuns.org; Judy Baker; Tom Brandt; Jon Conley; Melissa Denny, Pistol Annie's Jewelry and Pawn and Washington State Firearms Coalition; Allen Ernst; Linda Gaines; Paula Glackin; Tony Hayes; William Hazlett; Brian Keelan; Mark Henri; Jeremy Lo; Gwen Loosmore; Lisa Lush; Judy McBroom; Jane Milhans; Dan Mitchell; Ira Moser; Roger Murray; Eric Olbricht; Mike Silvers; Jeffrey Slotnick, Setracon Incorporated; Mindy Smith; Greg Sorlie; Ian Taylor; Lauren Veatch; and David Westhaver.