

# HOUSE BILL REPORT

## SB 5508

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### As Passed House - Amended:

April 4, 2019

**Title:** An act relating to background checks for concealed pistol licenses.

**Brief Description:** Clarifying background check requirements for an application for a concealed pistol license.

**Sponsors:** Senators Fortunato, Darneille, Saldaña, Pedersen, King, Sheldon, Hobbs, Dhingra, Holy and Wilson, L.; by request of Washington State Patrol.

### Brief History:

#### Committee Activity:

Civil Rights & Judiciary: 3/19/19, 3/26/19 [DPA].

#### Floor Activity:

Passed House - Amended: 4/4/19, 93-0.

### Brief Summary of Bill (As Amended by House)

- Requires the background check for an original concealed pistol license to be conducted through the Washington State Patrol Criminal Identification Section and include a fingerprint background check through the Federal Bureau of Investigation.

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## HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

**Majority Report:** Do pass as amended. Signed by 15 members: Representatives Jinkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Hansen, Kilduff, Kirby, Klippert, Orwall, Shea, Valdez, Walen and Ybarra.

**Staff:** Edie Adams (786-7180).

### Background:

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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.*

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

The local law enforcement agency must conduct a background check to determine the applicant's eligibility through:

- the National Instant Criminal Background Check System;
- the Washington State Patrol electronic database;
- the Health Care Authority electronic database; and
- other agencies or resources as appropriate.

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 Amended Bill:**

A background check for an original concealed pistol license must be conducted through the Washington State Patrol (WSP) Criminal Identification Section and shall include a national check from the Federal Bureau of Investigation (FBI) through the submission of fingerprints. The results of the background check will be returned to the issuing authority.

The applicant may request and receive a copy of the results of the background check from the issuing authority. If the applicant seeks to amend or correct the applicant's record, the applicant must contact the WSP for a Washington State record or the FBI for records from other jurisdictions.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) This is an important bill that is necessary to fix a minor glitch in the law relating to the process for conducting background checks for concealed pistol licenses (CPLs). The Federal Bureau of Investigation (FBI) conducted a review of Washington laws and notified the state that the CPL statute does not contain the necessary language to allow access to the FBI criminal history records. The FBI has given the state until this session to fix the issue. After June 30 of this year, the state will no longer be able to conduct fingerprint checks for CPLs. The bill does not change the current process, and it has no fiscal impact.

(Opposed) None.

**Persons Testifying:** Senator Fortunato, prime sponsor; and Monica Alexander, Washington State Patrol.

**Persons Signed In To Testify But Not Testifying:** None.