

# SENATE BILL REPORT

## SB 5174

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As of January 23, 2019

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

**Brief Description:** Concerning concealed pistol license training requirements.

**Sponsors:** Senators Palumbo and Pedersen.

**Brief History:**

**Committee Activity:** Law & Justice: 1/21/19.

**Brief Summary of Bill**

- Requires an applicant to provide evidence of handgun proficiency to obtain a concealed pistol license.
- Tasks the Washington State Patrol (WSP) with establishing minimum standards for handgun proficiency, outlining course and examination requirements, and establishing instructor qualifications.
- Authorizes the WSP to charge a fee of \$100 to certify qualified handgun instructors and approved online course providers.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Shani Bauer (786-7468)

**Background:** It is generally unlawful for a person to carry a pistol concealed on their person, except in the person's abode or fixed place of business, unless they have 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.

To obtain a CPL, a person must apply with the local law enforcement agency and undergo a fingerprint-based background check. A CPL must be issued if the applicant is not ineligible to possess a firearm under state or federal law, is 21 years of age or older, and submits a completed application along with the required application fee. A copy of the CPL must be

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delivered to the Department of Licensing, which maintains records of CPLs in an electronic database.

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.

The requirements to obtain a concealed carry permit or license vary substantially between states. Twelve states allow persons to conceal carry without a permit or license. Ten states and the District of Columbia require an applicant to be of good character or a suitable person. Twenty-seven states require applicants to demonstrate knowledge of firearm use and/or safety.

**Summary of Bill:** In order to obtain a concealed pistol license, an applicant must provide evidence of handgun proficiency, in the form and manner required by WSP.

WSP must establish minimum standards for handgun proficiency. Additionally, WSP must develop a course to teach and examinations to measure handgun proficiency. The course on handgun proficiency must contain training sessions divided into two parts: classroom instruction and range instruction, including an actual demonstration of the applicant's ability to safely and proficiently use a handgun. The WSP must distribute the standards, course requirements, and examinations to any qualified handgun instructor or approved online course provider seeking to administer the course.

The classroom instruction may be provided by a qualified handgun instructor or approved online course provider and must include between four and eight hours of instruction on:

- laws that relate to weapons and the use of deadly force;
- handgun use and safety;
- techniques for avoiding violent confrontations; and
- proper storage practices for handguns.

A qualified handgun instructor must administer the proficiency examination, which must include:

- a written test on the subjects required in the classroom instruction; and
- a physical demonstration of proficiency in the use of one or more handgun and in handgun safety procedures;

A person who completes the classroom instruction through an online course provider must complete one to two hours of range instruction before the instructor may allow a physical demonstration of handgun proficiency. An online course provider may administer the written portion of the proficiency examination through a secure portal. The WSP shall prescribe the form and manner of documentation to be provided to an applicant for use as evidence of handgun proficiency.

The WSP may certify a person as a qualified handgun instructor if the person:

- is certified by the Criminal Justice Training Commission to instruct others in the use of handguns;
- regularly instructs others in the use of handguns and has graduated from a handgun instructor school that uses nationally accepted courses; or
- is certified by the National Rifle Association of America as a handgun instructor.

The WSP may certify an online course provider if the person has:

- at least three years experience providing online instruction;
- experience working with government entities; and
- direct knowledge of handgun training.

An instructor or provider must be qualified to instruct persons in the topical areas required as part of the classroom instruction. The WSP may charge a fee of up to \$100 to certify a qualified handgun instructor or approved online course provider. Certifications must be valid for a period of five years.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2019.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is attempting to bring Washington in line with other states that having a training requirement for CPLs. Training is required for many activities—rock climbing, shooting an air rifle, and driving a car. Carrying a concealed weapon is more deadly than any of those activities, yet no training is required.

If a person carries a concealed weapon, it should not be the first time they have handled a firearm. Washington is one of 11 states where you need no training requirements in order to carry a gun. When a child becomes of age to go hunting, a parent cannot imagine teaching the child how to handle the firearm. If training is required for a person to carry a gun in high country, think how much more it should be required to carry a gun in public. These training requirements are common sense.

The military requires a person to complete basic training with firearms before being allowed to carry one. It takes instruction and practice before a person can reliably shoot a firearm in a controlled setting. Similarly, Washington should require CPL holders to have training. It is unreasonable allow an untrained person to carry a concealed weapon in public spaces.

CON: These requirements can be an undue burden on those who seek to protect themselves. Fees for training are a financial burden. A person should not have to incur excessive fees in order to be able to exercise their second amendment rights. It can be tough to find a gun range within city limits to train. Some disabled persons are unable to pass a range proficiency test due to their disability.

If training is a checkbox on the way to a goal, this does not ensure that they will learn.

This bill will overtax law enforcement. CPL holders are extremely responsible. Resources should be applied to the improvement of public safety. The existing background check laws work.

Some states that do not require any form of permit or license. People acquire a CPL to protect themselves or transport weapon from place to place. There is no requirement for open carry.

This bill is punitive to law abiding gun owners. A person must incur cost and time in order to be able to carry a firearm. There has been an 111 percent increase in the number of women getting CPLs. Sometimes it can be dangerous for women to wait through an extended process. This bill does nothing to stop a bad guy with a gun. It only applies to someone who is lawfully following the process.

**Persons Testifying:** PRO: Senator Guy Palumbo, Prime Sponsor; Chad Bates, Moms Demand Action; Jim Lenker, Moms Demand Action; Elizabeth Bennett, Moms Demand Action; David O'Connor, Moms Demand Action; Rebecca Elbaum, Moms Demand Action; Trese Todd, Moms Demand Action.

CON: Bea Christophersen; Ernst Schubert, Washington Historical Gunmakers Guild; Erik Firm, citizen; Boyd Kneeland, citizen; Melissa Denny, citizen; Sharyn Hinchcliffe, Pink Pistols.

**Persons Signed In To Testify But Not Testifying:** PRO: Jimmy Martin, citizen; Richard Bernheimer, citizen; Melissa Fried, citizen.

CON: Gregory Patnude, citizen; Dana Morgan Jr, citizen; Mike Silvers, Pink Pistols Seattle; Jonathan Conley, citizen; Jane Milhans, citizen; Ira Moser, citizen; James Affeld, citizen; Daniel Mitchell, citizen; Kyle Jameson, citizen; Mary Wilkes, citizen; Heather Kinney, citizen; Simon McFarlane, citizen; Cole Ballard, citizen; Chris Spieth, citizen; Ernest Rodriguez, citizen; Donn Pratt, citizen; Bobby Choate, citizen; Robert Mueri, citizen; Aaron Cooper, citizen; Amelia Silverman, citizen; Luis Berbesi, citizen; Connie Krier, citizen; Connor Barclay, citizen; Donny Traynor, citizen; Adam Florenzen, citizen; Joseph Lukasunis, citizen.

OTHER: James McMahan, Washington Association of Sheriffs and Police Chiefs.