

HOUSE BILL REPORT

HB 2226

As Reported by House Committee On: Judiciary

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

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

Sponsors: Representatives Orcutt, Blake, Maxwell, Williams and Hope.

Brief History:

Committee Activity:

Judiciary: 1/11/10, 1/14/10 [DPS].

Brief Summary of Substitute Bill

- Revises the process for issuing firearms qualification certificates to retired law enforcement officers.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Edie Adams (786-7180).

Background:

In 2004 Congress enacted the Law Enforcement Officers Safety Act (LEOSA) which authorizes qualified law enforcement officers and 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.

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.

With respect to retired law enforcement officers, the federal law states that a "qualified retired law enforcement officer" may carry a concealed weapon in any state if the retired officer carries both a photographic identification issued by the agency from which the officer retired and a firearms certification issued by the state in which the retired officer resides. The state firearms certification must indicate that the retired officer has been found by the state to meet the state's standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. 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.

Summary of Substitute 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.

Substitute Bill Compared to Original Bill:

The original bill did not eliminate the current law 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. The original bill required local law enforcement agencies to issue the firearms certificate to retired law enforcement officers and specified the certificate was valid for five years. The original bill also required a retired law enforcement officer to have an annual qualifications certificate, in addition to the firearms certificate, showing that the officer has met the standards for firearms training for active law enforcement officers in the state not less than one year before the date the officer is carrying a firearm.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) None.

(Opposed to original bill, in support of substitute bill) The purpose of this bill is to clear up confusion and red tape in the process for issuing firearms certificates to retired officers. This is an issue for retired officers who reside in Washington but retired from an out-of-state agency. Current law allows law enforcement agencies to issue certificates to these retired officers by qualifying them for the firearm and doing a background check. Many law enforcement agencies do not want to provide this qualification because they do not know the retired officer or the type of training the retired officer received in the other state. Even if an agency wants to issue these certificates, they are unable to do so because the federal government has determined they are not authorized to do the required background check.

There has been a lot of frustration by law enforcement agencies and retired officers in trying to comply with the law. Retired officers have already undergone background checks and been trained in the use of firearms. The bill creates a simple process for a retired officer to use a model certificate and have either a law enforcement agency or private firearms trainer certify that the retired officer has met the state firearms training standard.

Persons Testifying: (Opposed to original bill, in support of substitute bill) Representative Orcutt, prime sponsor; Don Pierce, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.