

HOUSE BILL REPORT

HB 1562

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to the rights of correctional officers employed by the department of corrections.

Brief Description: Regulating rights of correctional officers.

Sponsors: Representatives Smith, Carrell, Talcott, Sheahan, Mielke, McMorris, Koster, Dunn and Schoesler.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/14/97, 2/28/97 [DPS].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Cairnes; Delvin; Hickel; Mitchell; Robertson and Sullivan.

Minority Report: Do not pass. Signed by 1 member: Representative Dickerson.

Staff: Yvonne Walker (786-7841).

Background: A person is generally prohibited from carrying a concealed pistol without a license to do so. Except for in a person's home or place of business, a concealed pistol license is required before a person may legally carry a concealed pistol.

In addition to the license requirement regarding concealed pistols, the law contains a general prohibition against the open carrying of any firearm. With numerous exceptions, no one may carry a firearm unless the firearm is unloaded and enclosed in an opaque case or secure wrapper. The exceptions to this prohibition against openly carrying a firearm applies to being on one's own property or in an area where shooting is not prohibited, and also applies to engaging in and traveling to and from

activities such as hunting, trapping, firearms' training, target practice, and firearms' competition. In addition, there are exceptions for persons who are licensed to carry concealed pistols, persons with unloaded firearms secure in place in a vehicle, persons carrying firearms to and from vehicles for the purpose of repair, and law enforcement officers. A city, town, or county may enact an ordinance exempting itself from this case and carry- rule.

Certain individuals are exempted from the requirement for a concealed pistol license and from the requirement that a firearm be carried in an opaque case or secure wrapper. Those who are exempted include: law enforcement personnel; military personnel while on duty; other governmental personnel authorized to carry concealed pistols; persons engaged in the business of manufacturing, repairing, or dealing in firearms while in the course of business; members of groups authorized to receive pistols from the government; members of target shooting clubs or collectors clubs while shooting or exhibiting firearms or while en route to or from their practice or exhibition places; and hunters while hunting.

All correctional officers employed by the Department of Corrections are prohibited from carrying or possessing a firearm while on the grounds of department facilities. A violation of this policy is cause for disciplinary action and possibly dismissal.

Summary of Substitute Bill: A corrections officer, who is not a law enforcement officer, may carry a concealed firearm during the officer's travels to and from the workplace without complying to the case and carry- rule.

The Department of Corrections is required, within existing resources, to provide a secure place for correctional officers to check their firearms while they are on the grounds of the department.

Substitute Bill Compared to Original Bill: Although the original bill authorized correctional officers to carry firearms to and from the workplace, it did not provide a place where the officers could check in their firearms upon entering a correctional institution. In the substitute bill, the Department of Corrections is required, within their existing appropriation, to provide a secure place for correctional officers to leave their firearms while they are on duty at an institution.

Appropriation: None.

Fiscal Note: Requested on February 4, 1997.

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

Testimony For: Due to the criminal activities that could happen outside of the workplace, correctional officers should be permitted to carry firearms. In the past, many correctional officers have been victimized by revengeful released inmates. Many of these attacks have included such things as threats, robberies, stabbings, and some shootings. This bill will provide a means whereby correctional officers will be able to protect themselves during their off-duty hours and their travels to and from work.

Testimony Against: It is not a good idea to permit correctional officers to carry firearms during their travels to and from the workplace. First, the Department of Corrections' policy prohibits correctional officers from carrying or possessing a firearm while on the grounds of the department facilities. If officers were to begin bringing firearms to work, then the department would have to provide some type of repository for the officers to check their firearms while they are on duty. Secondly, if the officers chose to leave their firearms in their vehicles than the department would have to provide some type of security for each parking lot. This is especially important at work release sites were inmates are allowed to roam about the campus with very little security .

Testified: Representative Scott Smith, prime sponsor (pro); Eugene St. John, Washington Public Employees Association (pro); Bill Statler, corrections officer (pro); and Jim Blodgett, Department of Corrections (concerns).