

HOUSE BILL REPORT

SB 5326

As Passed House

April 16, 1997

Title: An act relating to carrying a firearm.

Brief Description: Removing requirements relating to carrying firearms unloaded and encased in an opaque case or wrapper.

Sponsors: Senators Hargrove, Zarelli, Loveland, Snyder, Schow, Rasmussen and Benton.

Brief History:

Committee Activity:

Law & Justice: 4/2/97, 4/4/97 [DP].

Floor Activity:

Passed House: 4/16/97, 62-35.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 7 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Carrell; Lambert; Sherstad and Skinner.

Minority Report: Do not pass. Signed by 6 members: Representatives Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney; Lantz and Radcliff.

Staff: Bill Perry (786-7123).

Background: In 1994, the Legislature passed a law that generally prohibits 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 apply to being on one's own property or in an area where shooting is not prohibited, and also apply 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 secured in place in a vehicle, persons carrying firearms to and from vehicles for the purpose of repair, and law enforcement officers.

Certain other individuals are expressly exempted from the requirement that a firearm be carried in an opaque case or secure wrapper. Those who are exempted include: retired law enforcement personnel; military personnel while on duty; other government 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.

A city, town, or county may enact an ordinance exempting itself from this "case and carry" rule.

Summary of Bill: The general requirement that firearms be carried unloaded and in an opaque case or secure wrapper is repealed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The current law has never been enforced and is so full of exceptions that it is unenforceable. The local option makes it impossible for a citizen to know what the law is. The law violates the state constitution's guarantee of self-defense.

Testimony Against: No one has been inconvenienced by the current law. The bill will remove an important anti-gang tool. Urban residents in particular expect the police to respond to complaints of open carrying of firearms.

Testified: Senator Hargrove, prime sponsor; Brian Judy, National Rifle Association (pro); Gerald Rowlands, Modern Firearm Hunters of Washington (pro); Merton Cooper, citizen (pro); Joe Waldron, Gun Owners Action League of Washington (pro); Sergeant Steve Martin and Leo Poort, Seattle Police Department (con); and Mike Doubleday, City of Seattle (con).