

HOUSE BILL ANALYSIS

HB 1175

Title: An act relating to permanent concealed pistol licenses.

Brief Description: Regulating the permanence of concealed pistol licenses.

Sponsors: Representatives Koster, Smith, Dunn, McMorris, Boldt and Sheldon.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background:

CONCEALED PISTOL LICENSES

With certain exceptions, a license is required to carry a pistol concealed on the person. No license is required in a person's home or place of business. Additional exceptions are provided for law enforcement and military personnel and for persons traveling to or from or engaging in activities such as target shooting, hunting, fishing, camping, hiking, or horseback riding.

Concealed pistol licenses (CPLs) are issued by local law enforcement agencies and are good for five years. Only persons 21 years old or older and not otherwise disqualified from possessing a firearm may apply for a license. Issuing authorities are to check with various state and federal sources to determine an applicant's eligibility. The state Department of Licensing maintains records of all CPLs issued in the state.

RECENT HISTORY OF CPL FEES. Prior to 1994, the fee for an original CPL was \$23. The distribution of that fee was as follows: \$4 to the state general fund, \$4 to the agency taking the fingerprints, \$12 to the issuing authority, and \$3 to the firearms range account.

The issuing authority's \$12 share had remained the same since 1983, when the share was raised from \$1.50. At the same time, the total cost of an original license was raised from \$5 to \$20. In 1988, the total cost was raised \$3 to \$23, with the additional \$3 earmarked for the firearms range account.

The pre-1994 fee for a renewal license was \$15, with \$4 distributed to the state general fund, \$8 to the issuing authority, and \$3 to the firearms range account. As

with original licenses, the fee for a renewal license was raised \$3 in 1988, with the increase allocated to the firearms range account.

Before 1994, a late fee of \$10 was assessed for a license not renewed within 90 days of expiration, with \$3 allocated to the state wildlife fund and \$7 allocated to the issuing authority.

In 1994, all of the concealed pistol licensing fees were increased. An original license fee was increased from \$23 to \$50, to be distributed as follows: \$15 to the state general fund, \$10 to the agency taking the fingerprints, \$15 to the issuing authority, and \$10 to the firearms range account. A renewal license fee was increased from \$15 to \$50, with \$20 to the state general fund, \$20 to the issuing authority, and \$10 to the firearms range account. The late penalty was increased to \$20, with \$10 to the state wildlife fund and \$10 to the issuing authority.

As of October 1, 1994, the federal government has begun to charge local issuing authorities a fee of \$24 for each fingerprint check done in connection with a concealed pistol license application.

1995 CPL FEE CHANGES. In 1995, the Legislature once again adjusted the CPL fee structure. CPL terms and fees were changed to their current status as follows:

- O DURATION OF LICENSE WAS INCREASED FROM FOUR YEARS TO **FIVE YEARS**
- O COST OF ORIGINAL LICENSE WAS DECREASED FROM \$50 TO **\$36**
- O FBI CHARGE FOR FINGERPRINT CHECKS NOW PASSED ON TO THE APPLICANT
- O COST OF RENEWAL LICENSE WAS DECREASED FROM \$50 TO **\$32**
- O DISTRIBUTION OF FEES COLLECTED WAS CHANGED TO THE FOLLOWING:
 - o The \$36 from the original fee goes:
 - \$15 to the state general fund
 - \$4 to the agency taking the fingerprint
 - \$14 to the issuing authority
 - \$3 to the state firearms range account
 - o The \$32 from the renewal fee goes:
 - \$15 to the state general fund
 - \$14 to the issuing authority

- \$3 to the state firearms range account
- O FEE FOR LATE RENEWAL WAS DECREASED FROM \$20 TO **\$10** WITH \$7 GOING TO THE ISSUING AUTHORITY AND \$3 TO THE STATE WILDLIFE FUND
- O A **\$10** REPLACEMENT FEE WAS PROVIDED FOR LOST OR DAMAGED LICENSES - THE FEE GOES TO THE ISSUING AUTHORITY

This fee structure was not changed in 1996.

THE FEDERAL BRADY LAW-

Under federal law, states may be exempt from an otherwise required five-day waiting period for the purchase of a pistol. One of the ways to gain such an exemption is to allow a prospective purchaser to have a license for which adequate eligibility criteria are in place and for which an adequate background check has been done.

Washington's CPL law satisfies the federal requirements in these respects, and therefore, a Washington resident with a CPL need not wait five days to purchase a pistol. One of the requirements of the federal law is that eligibility for a license be reestablished at least every five years.

Summary of Bill: Washington CPLs are made permanent— for purposes of the right to carry a concealed pistol under Washington law. However, renewals— are allowed for purposes of qualifying for waiver of the five-day waiting period under federal law.

Once a person acquires a CPL, the license is permanent for as long as the person remains eligible to possess a firearm or to be issued a CPL. A permanent license that is more than five years old does not allow a person to purchase a pistol. At any time a person may renew— a permanent license in order to take delivery of a pistol without having to wait five days.

The fee for a permanent license is \$36. The fee for a renewal is \$32. The distribution of the money from these fees is not altered. The \$10 late renewal fee is eliminated, as are the \$7 and \$3 distributions to the issuing authority and the state wildlife fund, respectively.

Fiscal Note: Requested February 3, 1997.

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

Office of Program Research