

SENATE BILL REPORT

SB 5326

As Passed Senate, March 19, 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: 2/25/97 [DP].
Passed Senate, 3/19/97, 26-23.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, McCaslin, Stevens and Zarelli.

Staff: Mal Murphy (786-7412)

Background: In 1994, the Legislature enacted 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. Exceptions apply while on one's own property or in an area where shooting is not prohibited, while engaging in and traveling to and from activities such as hunting, trapping, camping, horseback riding, firearms' training, target practice, and firearms' competition. In addition, there are exceptions for persons who are licensed to carry concealed pistols, unloaded firearms secured in place in a vehicle, and carrying firearms to and from vehicles for the purpose of repair.

Certain other individuals are expressly exempt from the requirement that a firearm be carried in an opaque case or secure wrapper. These include: law enforcement personnel; military personnel while on duty; persons engaged in the business of manufacturing, repairing, or dealing in firearms while in the course of business; 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 licensed private security guards or private detectives, while en route to or on duty.

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

Summary of Bill: The general requirement that a firearm be carried unloaded and in an opaque case or secure wrapper is repealed.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 bill strips out a lot of confusion created by the '94 act. 34 of 37 counties and many communities have opted out of that act. This is exactly opposite what the Legislature intended. The bill is needed to make the rules uniform again, so people know what the rules are wherever they go. Washington has always been an open carry state, but it is now a patchwork across the state.

Testimony Against: Police react more strongly when they see a weapon after a stop or a call. Officers will take control of the situation. Leave the law as it is.

Testified: Mike Doubleday, City of Seattle; Leo Court, Lt. Dale Drain, Seattle Police Dept. (Con); Delbert Gilbow, Grass Roots Coordinator for Gun Owners (pro); Dan Roberts, Chair, North Olympia Peninsula Phone Tree (pro); Joe Waldron, WA State Rifle and Pistol Assn., WA State Gun Collectors (pro).