

HOUSE BILL REPORT

HB 1196

As Reported By House Committee On:
Judiciary

Title: An act relating to the recognition of concealed pistol permits from other states.

Brief Description: Recognizing concealed pistol permits from other states.

Sponsors: Representatives Mielke, Hurst, Dunshee, Pennington, Koster, Boldt, Schoesler, Fortunato, Carrell, G. Chandler, Ericksen, Dunn, Mulliken, Talcott, Sump, Delvin, Buck, Hatfield, Cooper, Doumit, Esser, Bush, Sullivan, Morris, McMorris, Wensman, D. Schmidt, Campbell, Schindler, Haigh, Van Luven and Conway.

Brief History:

Committee Activity:

Judiciary: 2/9/99, 2/22/99 [DP].

Brief Summary of Bill

- Provides that a concealed pistol license from another state or territory of the United States or from any political subdivision within the United States is valid in this state.
- Requires that the foreign jurisdiction perform background checks, that the person be at least 21, that the person be eligible to possess a pistol under federal law, and that the foreign jurisdiction have reciprocity with Washington.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

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

Staff: Bill Perry (786-7123).

Background:

Persons are generally prohibited from carrying a concealed pistol in Washington without a license to do so. Except for in a person's home or place of business, a concealed pistol license (CPL) is required before a person may legally carry a concealed pistol. Carrying a concealed pistol without having been issued a CPL is a misdemeanor. Failure to carry a CPL in one's immediate possession while carrying a concealed pistol is a civil infraction.

Eligibility for a Washington State CPL. A person may apply to the city or county of his or her residence for a CPL. Certain qualifications must be met before a person may be issued a CPL. A person who applies for a concealed pistol license must:

- be eligible to possess a firearm;
- be 21 or older;
- not be subject to an injunction regarding firearms;
- not be pending trial, appeal, or sentencing for a felony offense;
- not be subject to an outstanding arrest warrant for any crime; and
- not have been within the past year ordered to forfeit a firearm for possessing a concealed firearm while intoxicated in a place where a concealed pistol license is required.

A person is not eligible to possess a firearm, and therefore is not eligible for a CPL, if he or she has been convicted of any felony or convicted of certain misdemeanors committed against a family or household member, or if he or she has been involuntarily committed for mental health reasons. Restoration of rights is available under some circumstances and after varying periods of time for some of these disqualifying conditions.

Background Checks. To get or renew a Washington CPL, a person must pay a fee and undergo a state and federal criminal history background check, including fingerprinting, in order to be determined eligible.

Cost of a CPL. An original CPL costs \$36 (plus FBI charges) and is valid for five years. A renewal of a license costs \$32.

Exemptions from Requirement for a Washington State CPL. Several exemptions are provided from the requirement for a CPL in order to carry a concealed pistol. Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers are exempted. Also exempted are federal officers and military members, persons engaged in various firearms manufacturing or dealing jobs, and persons

engaged in various activities such as sport shooting, gun collecting, or outdoor recreation.

In 1998, out-of-state law enforcement officers were given the same exemption from the CPL law that Washington law enforcement officers have.

Previous Legislation to Recognize Out-of-State CPLs. Two pieces of legislation in 1998 dealt with out-of-state CPLs.

First, the Legislature passed EHB 1408 which would have allowed a person to carry a concealed pistol if he or she holds a valid permit or license issued by another state. The Governor vetoed that provision from the bill.

Second, part of Initiative 211, which failed at the last general election, would have allowed a person to carry a concealed pistol if he or she had a permit from another state, a territory of the United States, or any political subdivision within the United States.

Summary of Bill:

A person may legally carry a concealed pistol in Washington if the person has a CPL from another state, a territory of the United States, or any political subdivision within the United States, and:

- the person is 21 years old or older;
- the out-of-state CPL was issued after a criminal history and mental health check;
- the person is qualified under federal law and the law of the issuing jurisdiction to possess a firearm;
- the person is not a resident of Washington;
- the person has the out-of-state license in his or her immediate possession;
- the Department of Licensing has indicated the issuing jurisdiction will recognize Washington CPLs to the same extent as Washington will recognize that jurisdiction's CPLs.

In a prosecution for unlawful possession of a concealed pistol, it is an affirmative defense, which the defendant must prove, that he or she had an out-of-state license. The prosecution need not prove that the defendant had not been issued such a license.

It is also a civil infraction to carry a concealed pistol without the out-of-state CPL in immediate possession.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill responds to concerns expressed in the Governor's veto message last year regarding inability of prosecutors to prove the nonexistence of an out-of-state CPL. Good citizens get CPLs and shouldn't have to worry about breaking the law when they travel to other states. Domestic violence victims in particular may need to protect themselves when they travel. There is no evidence that reciprocity has been a problem in any of the 20 or so states that have it.

Testimony Against: There are over 3,000,000 CPL holders nationwide. In other states individual cities or counties may issue CPLs. Some states do not even have a central registry, making it extremely difficult at the time of a stop to determine if a person should be held for a crime. Some states do not use reliable or complete enough background check methods before issuing their CPLs.

Testified: (In support) Representative Mielke, prime sponsor; Joe Waldron, Gun Owners Action League and Citizens Committee on the Right to Keep and Bear Arms; Dave Workman, National Rifle Association; Lisa Scott, Taking Action Against Bias in the System; Charles Long, citizen; Gary Edwards, Washington Association of Sheriffs and Police Chiefs; Dennis Cook, citizen; Merton Cooper, citizen; Allan Woodbridge, Western Fish and Wildlife Federation, Washington Property Rights Alliance, and Pacific Arms Society; and Ken Houghton, Washington State Libertarian Party.

(In support with concerns) Kathy Gerke, Association of Washington Cities; and Richard Greene, City of Seattle.

(Concerns) Bill Hanson, Washington State Patrol Troopers Association.

(Neutral) Pat Brown, Department of Licensing.

(Opposed) Tom Wales, Washington Ceasefire.