

HOUSE BILL ANALYSIS

HB 1391

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

Brief Description: Clarifying the recognition of concealed pistol permits from other states.

Sponsors: Representatives Hurst, Mielke, Dunshee, Haigh, Kastama, Linville, Morris, Carrell, Grant, Cooper, Lovick, Miloscia, Wood, Hatfield, Gombosky, Conway, Anderson, Eickmeyer, Doumit, Stensen, Kessler, Reardon, Kenney, Campbell, Dickerson, Rockefeller, Wolfe, Thomas, Ogden, Fortunato, Esser and Koster.

Brief Summary of Bill

- Provides that a concealed pistol license from another outside Washington but within the United States is valid.
- Requires that the Department of Licensing identify the foreign jurisdiction as the equivalent to Washington in eligibility criteria and background check procedures, and as a jurisdiction with reciprocal recognition of Washington concealed pistol licenses.

HOUSE COMMITTEE ON JUDICIARY

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 CPL from any jurisdiction outside Washington but within the United States is valid, but only if the Department of Licensing, after consultation with the Washington State Patrol, has determined that the foreign jurisdiction:

- has eligibility criteria that are at least as restrictive as Washington's;
- has administrative processes for determining eligibility that are at least as comprehensive and accurate as Washington's;
- recognizes Washington CPLs as valid.

Fiscal Note: Not requested.

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

Office of Program Research