

# SENATE BILL REPORT

## SHB 1391

---

As of March 25, 1999

**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:** House Committee on Judiciary (originally sponsored by 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, Rockefeller, Wolfe, Thomas, Ogden, Fortunato, Esser and Koster).

**Brief History:** Passed House 3/11/99, 92-4.

**Committee Activity:** Judiciary: 3/26/99.

---

### SENATE COMMITTEE ON JUDICIARY

**Staff:** Harry Steinmetz (786-7421)

**Background:** Persons are generally prohibited from carrying a concealed pistol in Washington without a concealed pistol license (CPL). A CPL is not required in a person's home or place of business. 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. A person who applies for a concealed pistol license must pay a fee and undergo a state and federal criminal history background check, including fingerprinting. In order to be eligible a person 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.

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 exempt. Also exempt 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.

**Summary of Bill:** A CPL from any jurisdiction outside Washington but within the United States is valid, but only if listed on a registry maintained by the Department of Licensing as a jurisdiction identified by the Washington State Patrol as:

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

In charging or trying a case of carrying a concealed pistol without a CPL, the prosecution need not prove the nonexistence of an out-of-state CPL. The defendant, however, may affirmatively show existence of such a CPL by a preponderance of evidence.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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