

HOUSE BILL REPORT

ESB 5083

As Reported by House Committee On:
Judiciary

Title: An act relating to recognizing concealed weapon licenses issued by other states.

Brief Description: Recognizing concealed weapon licenses issued by states that recognize Washington's concealed pistol license.

Sponsors: Senators Stevens, Benton, Mulliken, Roach, Oke, Esser, Swecker and T. Sheldon.

Brief History:

Committee Activity:

Judiciary: 2/19/04, 2/26/04 [DPA].

Brief Summary of Engrossed Bill
(As Amended by House Committee)

- Provides that a person licensed to carry a pistol in another state may carry a concealed pistol in this state if the licensing state recognizes a Washington concealed pistol license (CPL), requires background checks, and denies licenses to persons under the age of 21.
- Requires the attorney general to publish periodically a list of those states that recognize Washington CPLs and meet the other requirements for reciprocity.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

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. This exemption for out-of-state law enforcement personnel was part of a bill which also 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.

Some states have reciprocity statutes under which Washington CPLs are recognized. Some states have statutes under which Washington CPLs are not recognized, and some states do not provide for licensing concealed pistols. Some states, like Washington, have CPL laws, but no reciprocity provision.

Summary of Amended Bill:

A person licensed to carry a handgun in another state may carry a pistol in this state if the licensing state recognizes and gives effect to a Washington CPL and if the licensing state:

- does not issue CPLs to persons under age 21; and
- requires a background check for a CPL.

A resident of Washington may not use an out-of-state license.

The attorney general is required to publish a list periodically of those states that recognize and give effect to Washington CPLs.

Amended Bill Compared to Original Bill:

The amended bill requires that the other state's background check be "fingerprint-based" and cover both criminal and mental health history. It also requires that the attorney general's listing be of those states that recognize Washington's CPL *and* meet the requirements of conducting background checks and prohibiting licenses to persons under age 21. The term "handgun" is changed to "pistol" for consistency with Washington's CPL law. The amendment specifies that reciprocity is with respect to allowing a person in this state to carry a pistol *concealed* on his or her person, not just to *carry* a pistol (for which no license is needed).

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Reciprocity is important for the personal safety of people traveling from one state to another. CPLs should be treated like many other licenses, such as driver's licenses, that are recognized across state borders. The right of self defense should not end at the state's borders. There is no reason not to trust a person who is trusted in their own state.

Testimony Against: None.

Persons Testifying: Senator Stevens, prime sponsor; Joe Waldron, Washington Arms Collectors and Washington State Rifle and Pistol Association; and Merton Cooper.

Persons Signed In To Testify But Not Testifying: None.