

SENATE BILL REPORT

ESB 5083

As Passed Senate, February 3, 2004

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: 1/30/03, 1/31/03 [DP].

Passed Senate: 2/26/03, 49-0; 2/3/04, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Staff: Aldo Melchiori (786-7439)

Background: Except in a person's home or place of business, a person cannot carry a concealed pistol without a Concealed Pistol License (CPL). A person carrying a concealed pistol with a CPL must carry the license at all times and display it to any law enforcement officer upon demand. Failure to do so is a class 1 civil infraction punishable by a fine of up to \$250.

A CPL is valid for five years. Applications are made at the local law enforcement agency and the agency has 30 days to issue the license. If the applicant does not have Washington identification or has not been a resident for the previous 90 days, the issuing authority has up to 60 days to issue the license. Issuing agencies may issue temporary emergency licenses for good cause.

A person is ineligible for a CPL if he or she: (a) is otherwise ineligible to possess a firearm; (b) has been ordered to forfeit a firearm within one year before filing an application to carry a pistol concealed on his or her person; (c) is under 21 years of age; (d) is subject to a court order or injunction regarding firearms; (e) is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense; (f) has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or (g) has had his or her CPL revoked.

The states of Alaska, Idaho, Indiana, Kentucky, Michigan, Montana, Utah, Vermont, and Virginia currently recognize Washington CPLs.

Summary of Bill: Persons with valid CPLs from states that recognize Washington CPLs may carry a concealed pistol in Washington in conformity with Washington law (reciprocity) if the

licensing state: (1) does not issue CPLs to persons under the age of 21, and (2) requires background checks for all persons who apply for a CPL. This provision only applies to license holders who are not current Washington residents. The Attorney General publishes a list of states recognizing Washington CPLs.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill allows Washington to recognize law-abiding citizens of other states who are qualified to carry concealed weapons. The person without a concealed pistol license is the person you need to be concerned about.

Testimony Against: We need to protect the integrity of Washington laws regarding the issuance of concealed pistol licenses. The bill does not address current Washington CPL requirements.

Testified: PRO: Merton Cooper; Joe Waldron, Washington Arms Collectors, Gun Owner's Action League, Citizen's Committee for the RKBA. CONCERNS: Laura Lockard, Washington Ceasefire.

House Amendment(s): The other state's background check must be "fingerprint-based" and cover both criminal and mental health history, both requirements of current Washington law. The Attorney General's listing includes those states that recognize Washington's CPL and meet the requirements of conducting background checks and prohibiting licenses to persons under age 21.