

SENATE BILL REPORT

ESHB 2951

As Reported By Senate Committee On:
Judiciary, February 23, 2006

Title: An act relating to a firearms training certificate program for retired law enforcement officers.

Brief Description: Creating a firearms training certificate program for retired law enforcement officers.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Campbell, Morrell, McCune and Green).

Brief History: Passed House: 2/13/06, 98-0.

Committee Activity: Judiciary: 2/23/06 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: In 2004, Congress enacted the Law Enforcement Officers Safety Act which authorizes qualified law enforcement officers, and qualified retired law enforcement officers, to carry a concealed firearm in any state under certain conditions. The federal act specifically preempts conflicting state laws, except those state laws that: (1) allow private persons or entities to restrict concealed firearms on their property; or (2) restrict the possession of firearms on government property. With respect to retired law enforcement officers, the federal law states that a "qualified retired law enforcement officer" may carry a concealed weapon in any state if the retired officer meets certain criteria and carries both a photographic identification issued by the agency from which the officer retired and a firearms certification issued by the state in which the retired officer resides.

The state firearms certification must indicate that the retired officer has been found by the state to meet the state's standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. This certification is effective for one year. A "qualified retired law enforcement officer" under the federal act is an individual who: (1) retired in good standing from a public agency as a law enforcement officer, other than for reasons of mental instability; before retirement was authorized to engage in the prevention, detection, and investigation of any person for a violation of law; (2) was either regularly employed as a law enforcement officer for 15 or more years, or retired from service due to a service-connected disability; (3) has a vested right to benefits under the agency's retirement plan; (4) is not under the influence of alcohol or another intoxicating or

hallucinatory drug or substance; and (5) is not prohibited by federal law from receiving a firearm.

Washington's concealed pistol license law provides an exemption for retired law enforcement officers who retired for service or disabilities (other than mental or stress-related) from a Washington law enforcement agency. In order to qualify for this exemption, retired officers must have documentation from a Washington law enforcement agency that they retired for service or physical disability. A retired officer is not eligible for the exemption if he or she has committed a crime making him or her ineligible for a concealed pistol license.

Summary of Bill: A process is created for issuing firearms certificates to Washington residents who are qualified retired law enforcement officers in order to satisfy the certification requirements contained in the federal Law Enforcement Officers Safety Act of 2004. The Washington Association of Sheriffs and Police Chiefs develops a firearms certificate form to be used by local law enforcement agencies when issuing firearms certificates.

A retired law enforcement officer may apply to a local law enforcement agency for a firearms certificate. The law enforcement agency may issue the certificate if the retired officer: (1) has been qualified or otherwise found to meet the standards established by the Criminal Justice Training Commission for firearms qualifications for active law enforcement officers in the state; and (2) has undergone a background check and is not ineligible to possess a firearm. The firearms qualification may be provided either by the local law enforcement agency or by an individual or entity certified to provide firearms training.

The firearms certificate is valid for a period of one year. An applicant for the firearms certificate must pay a fee of \$36, plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant. The retired law enforcement officer is also responsible for paying the costs of the firearms qualification.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: None

Testimony Against: None

Who Testified: No one.