
Judiciary Committee

HB 2226

Title: An act relating to issuing firearms certificates to retired law enforcement officers.

Brief Description: Issuing firearms certificates to retired law enforcement officers.

Sponsors: Representatives Orcutt, Blake, Maxwell, Williams and Hope.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Revises the process for issuing firearms qualification certificates to retired law enforcement officers.
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Hearing Date: 1/11/10

Staff: Edie Adams (786-7180).

Background:

In 2004 Congress enacted the Law Enforcement Officers Safety Act (LEOSA) 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 restrict the possession of firearms on government property or allow private persons or entities to restrict concealed firearms on their 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 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. A "qualified retired law enforcement officer" is one who

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meets certain service and retirement requirements and is not ineligible under federal law to possess a firearm.

In 2005 the Legislature passed a bill establishing a process for issuing firearms certificates to retired law enforcement officers for the purpose of satisfying the certification requirement in the federal LEOSA. The legislation directed the Washington Association of Sheriffs and Police Chiefs (WASPC) to develop a firearms certificate form to be used by law enforcement agencies when issuing the firearms certificate. A law enforcement agency may issue a firearms certificate to a retired law enforcement officer 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. However, the Federal Bureau of Investigation has determined that law enforcement agencies are not authorized to conduct federal background checks for this purpose.

Summary of Bill:

Local law enforcement agencies are required to issue the firearms certificate to qualified retired law enforcement officers. The firearms certificate is valid for five years.

In addition to the firearms certificate, a retired law enforcement officer must have an annual qualifications certificate showing that the officer has been qualified or otherwise found to have met the standards for firearms training for active law enforcement officers in the state not less than one year before the date the officer is carrying a firearm.

The WASPC is required to develop an annual qualification certificate form to be used by retired law enforcement officers as proof that the officer has completed the annual qualification requirement.

Appropriation: None.

Fiscal Note: Not requested.

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