

FINAL BILL REPORT

SHB 1923

C 294 L 11
Synopsis as Enacted

Brief Description: Requiring the denial of a concealed pistol license application when the applicant is ineligible to possess a firearm under federal law.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Goodman, Reykdal, Hunt, Pedersen, Roberts and Hunter).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

State and Federal Firearms Prohibitions.

Both state and federal law prohibit certain categories of persons from possessing firearms. Although there is substantial overlap in the categories of prohibited persons, there are a number of differences, with the result that federal law generally restricts a broader range of persons than state law. Examples of persons who are prohibited from possessing firearms under federal law, but not state law, include a person who:

- is subject to a qualified domestic violence order restraining the person from harassing, stalking, or threatening an intimate partner or child of an intimate partner;
- was dishonorably discharged from the armed forces;
- has renounced citizenship; and
- is an unlawful user of controlled substances.

Federal law also prohibits a nonimmigrant alien from possessing firearms unless the person meets one of several exceptions. Exceptions include nonimmigrants who: possess a valid state-issued hunting license; enter the United States for a competitive target shooting event or sports or hunting trade show; are certain diplomats or foreign officials, if the firearms are for official duties; or have received a waiver from the U.S. Attorney General.

Concealed Pistol Licenses.

In Washington it is generally unlawful for a person to carry a concealed pistol unless the person has a valid concealed pistol license. In order to obtain a concealed pistol license, a person must apply with the local law enforcement agency and undergo a fingerprint-based background check to determine eligibility. A person who applies for a concealed pistol license must be eligible to possess a firearm under state law and meet other requirements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The local law enforcement agency must issue the concealed pistol license if the person meets these requirements, even if the person is prohibited under federal law from possessing a firearm. As a result, concealed pistol licenses must contain a warning indicating that federal and state laws on the possession of firearms differ and the state license is not a defense to federal prosecution for possession of a firearm in violation of federal law.

Prior to issuing the license, the law enforcement agency must conduct a background check through the National Crime Information Center, the Washington State Patrol electronic database, the Department of Social and Health Services database, and other agencies or resources as appropriate. Law enforcement agencies are not required to conduct a check through the National Instant Criminal Background Check System (NICS) although in practice many law enforcement agencies do conduct a NICS check.

Summary:

A law enforcement agency must deny an application for a concealed pistol license if the applicant is prohibited from possessing a firearm under federal law. Law enforcement agencies must conduct a NICS background check of the applicant to determine the applicant's eligibility for a concealed pistol license.

An applicant for a concealed pistol license who is not a United States citizen must provide the following additional information on the application: country of citizenship; United States issued alien number or admission number; and claimed basis for being exempt from federal restrictions on firearms possession by aliens.

Votes on Final Passage:

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| House | 95 | 0 |
| Senate | 38 | 9 |

Effective: July 22, 2011