

# SENATE BILL REPORT

## ESHB 1041

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As of March 24, 2011

**Title:** An act relating to including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions.

**Brief Description:** Including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Green, Angel, Goodman, McCune, Kelley, Hope, Dammeier, Warnick, Blake, Hurst, Moeller and Upthegrove).

**Brief History:** Passed House: 3/04/11, 84-13.

**Committee Activity:** Judiciary: 3/23/11.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Lidia Mori (786-7755)

**Background:** State law regulates the possession, use, and transfer of firearms and other weapons under the Firearms and Dangerous Weapons Law. Among other things, this chapter imposes restrictions on the carrying of certain firearms and prohibits possession of weapons in certain places.

A person is prohibited from carrying a concealed pistol in Washington unless the person has a valid concealed pistol license and there are also restrictions on the carrying of pistols in vehicles. A person may not carry a loaded pistol in a vehicle unless the person has a concealed pistol license and either the pistol is on the person, the person is within the vehicle at all times the pistol is present, or the pistol is locked within the vehicle and concealed from view. An unloaded pistol kept in a vehicle must be locked within the vehicle and concealed from view.

A number of exemptions are provided from the requirements relating to carrying concealed pistols and carrying pistols in a vehicle. Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers of this state or another state are exempt, as are retired Washington law enforcement officers. Also exempt are federal officers and military

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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. The Firearms and Dangerous Weapons Law also prohibits possession of weapons in certain places. Weapons are prohibited in court facilities, taverns and bars, and restricted areas of jails and law enforcement facilities, public mental health facilities, and commercial airports. Weapons include firearms, explosives, spring-blade knives, daggers, dirks, sling shots, sand clubs, and metal knuckles. There is an exemption from these restrictions for law enforcement personnel and military and security personnel while engaged in official business.

**Summary of Bill:** Correctional personnel who have completed government-sponsored law enforcement firearms training are exempt from restrictions on carrying a concealed pistol; carrying a pistol in a vehicle; and possession of weapons in court facilities and restricted areas of jails and law enforcement facilities, public mental health facilities, and commercial airports. Correctional personnel are not exempt from the restriction on possessing firearms in taverns and bars.

Retired correctional personnel who have completed government-sponsored law enforcement firearms training are exempt from restrictions on the carrying of a concealed pistol on the person or in a vehicle. The exemption applies only if the person has obtained documentation from the agency in the state from which the person retired stating that the person retired for service or physical disability, and has not been convicted or found not guilty by reason of insanity of a crime making the person ineligible for a concealed pistol license.

The exemptions created by the act do not create a duty on the part of the state or a local government with respect to the off-duty use or misuse of a firearm by correctional personnel. The state; local governments; and their officers, employees, and agents are not liable for damages caused by the use or misuse of a firearm by off-duty correctional personnel based on a claim of negligence in the provision of government-sponsored firearms training.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is important to my people, we've had instances out in the community where correctional employees have had negative interactions with former inmates. One instance involved a former inmate turning a gas hose on a correctional person who was pumping gas at a gas station. Our officers are highly trained; we receive basically the same training that police officers do. We go through yearly background checks – anyone that handles a firearm out in the jails goes through the same training. A lot of the offenders, when they get released, go back into the communities, and I myself have been confronted by former inmates when I've been out with my family. It causes a lot of apprehension. We are asking to be given the same dignity, respect, and rights

that police officers have since we do get the same training, background checks, and psychological evaluations.

**Persons Testifying:** PRO: Ronnie Matsen, Department of Corrections, Teamsters 117; Mark Gjurasic, King County Adult Corrections Guild.