

# HOUSE BILL REPORT

## HB 1965

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### As Amended by the Senate

**Title:** An act relating to standardizing the collection and distribution of criminal records.

**Brief Description:** Standardizing the collection and distribution of criminal records.

**Sponsors:** Representatives Lovick and Irwin; by request of Washington State Patrol.

#### Brief History:

##### Committee Activity:

Judiciary: 2/15/17, 2/16/17 [DP].

##### Floor Activity:

Passed House: 2/28/17, 98-0.

Senate Amended.

Passed Senate: 3/31/17, 45-0.

#### Brief Summary of Bill

- Addresses fingerprinting and palm printing requirements in the context of firearms license applications, sex offender and kidnapping offender registration, and arrested persons.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Klippert, Orwall and Shea.

**Staff:** Edie Adams (786-7180).

#### Background:

##### Firearms Licenses.

In order for a person to lawfully carry a concealed pistol, the person must have a valid concealed pistol license issued by a local law enforcement agency. In order to obtain a concealed pistol license, a person must apply with the local law enforcement agency, meet certain eligibility requirements, and undergo a fingerprint-based background check to

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determine whether the applicant is eligible to possess firearms. The license application must include two complete sets of the applicant's fingerprints.

It is unlawful for a person who is a nonimmigrant alien to possess a firearm in the state unless the person has an alien firearm license. A nonimmigrant alien residing in Washington may apply for an alien firearm license with the local sheriff's office in the county where the applicant resides. The sheriff may issue an alien firearm license to the applicant for the purpose of hunting or sport shooting after conducting a fingerprint-based background check and determining that the applicant is not ineligible to possess firearms and meets other eligibility requirements. The application for an alien firearm license must include not more than two complete sets of the applicant's fingerprints.

#### Sex Offender and Kidnapping Offender Registration.

Any adult or juvenile who is convicted of, or found to have committed, any sex offense or kidnapping offense must register with the county sheriff in the county of the person's residence, or if the person is not a resident of the state, in the county of the person's school or place of employment or vocation in the state. A person who is required to register must provide specified information, including the person's residence or location where the person will stay, place of employment, crime for which convicted, date and place of conviction, photograph, and fingerprints. The person may be required to update this information with any address verification conducted by the sheriff. A photograph or copy of the person's fingerprints may be taken at any time to update a person's registration file.

#### Fingerprinting of Arrested Persons.

Law enforcement agencies are required to cause the photographing and fingerprinting of all adults and juveniles lawfully arrested for the commission of a felony or gross misdemeanor offense. Law enforcement agencies may cause the photographing and fingerprinting of all adults lawfully arrested. Law enforcement agencies may also record an arrested person's soleprints, toe prints, or other identification data if, in the discretion of the agency, it is necessary for the proper identification of the arrested person or the investigation of the crime with which the person is charged. Law enforcement agencies must transmit fingerprints along with other identifying data within 72 hours of arrest to the Identification and Criminal History Section of the Washington State Patrol, which files and maintains fingerprints, palm prints, photographs, and other identifying data of persons who have been arrested, charged with, or convicted of a criminal offense.

#### **Summary of Bill:**

License applications for concealed pistol licenses and alien firearm licenses require only one set of fingerprints.

A copy of the palm prints of a person required to register based on a sex offense or kidnapping offense may be taken at any time to update the individual's registration file.

Law enforcement agencies are authorized, but not required, to record the palm prints of any adult lawfully arrested for a criminal offense.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment removes the provision that specifically provided that the Washington State Patrol is authorized, but not required, to take the palm prints of an adult arrested for a criminal offense.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is agency-request legislation from the Washington State Patrol. The bill provides that only one set of fingerprints is required for concealed pistol license and alien firearm license applications. Fingerprints are now done electronically, so two sets are no longer needed. The bill also allows for the collection of palm prints from persons arrested or convicted of a crime.

(Opposed) None.

**Persons Testifying:** Representative Lovick, prime sponsor; and Monica Alexander, Washington State Patrol.

**Persons Signed In To Testify But Not Testifying:** None.