

HOUSE BILL REPORT

HB 1589

As Passed House:
March 6, 2019

Title: An act relating to the exemption from restrictions on carrying firearms for correctional employees who have completed government-sponsored law enforcement firearms training.

Brief Description: Concerning requirements for the correctional personnel and community corrections officer exemption from restrictions on carrying firearms.

Sponsors: Representatives Chapman, Rude, Blake, Lovick, Goodman, Griffey, Irwin, Volz, Mead, Eslick, Sells, Ryu, Pollet, Stonier, Peterson, Fey, Senn, Gregerson, Riccelli, Lekanoff, Appleton, Steele, Tharinger and Leavitt.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/13/19, 2/20/19 [DP].

Floor Activity:

Passed House: 3/6/19, 97-0.

Brief Summary of Bill

- Modifies the requirements for the correctional personnel and community correction officer exemption from restrictions on the carrying of concealed pistols and carrying of pistols in vehicles.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 15 members: Representatives Jinkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Hansen, Kilduff, Kirby, Klippert, Orwall, Shea, Valdez, Walen and Ybarra.

Staff: Edie Adams (786-7180).

Background:

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.

It is generally unlawful for a person to carry a concealed pistol in Washington unless the person has a valid concealed pistol license. 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, including: marshals, sheriffs, prison or jail wardens or their deputies; other law enforcement officers of this state or another state, as well as retired Washington law enforcement officers; federal officers and military members; persons engaged in various firearms manufacturing or dealing jobs; and persons engaged in various activities such as sport shooting or outdoor recreation.

Also exempted are correctional personnel and community corrections officers who have completed government-sponsored law enforcement firearms training. The exemption applies only if the correctional employee or community corrections officer has had a background check through the National Instant Criminal Background Check System or an equivalent background check within the past five years. Correctional personnel and community corrections officers seeking this waiver are required to pay for any background check that is needed in order to exercise the waiver.

Summary of Bill:

The correctional personnel and community correction officer exemption from restrictions on the carrying of concealed pistols and pistols in vehicles is modified to eliminate the requirement that the background check be conducted through the National Instant Criminal Background Check System. In addition, the requirement that correctional personnel and community corrections officers are required to pay for any background check that is needed in order to exercise the waiver is eliminated.

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.

Staff Summary of Public Testimony:

(In support) The bill allows corrections officers to have the same rights as other law enforcement officers. Corrections officers supervise some of the most dangerous offenders in our community, so their ability to protect themselves while off duty is extremely important. This is really just a technical fix. The law requires community corrections officers to have a background check through the National Instant Criminal Background Check System (NICS) to exercise this right. However, federal law limits the purposes for which the NICS may be used, and a recent audit found that a NICS check is not appropriate

for this purpose. Under the bill, the background check that is already being done by the hiring agency will satisfy the background check requirement.

(Opposed) None.

Persons Testifying: Representative Chapman, prime sponsor; Tom Fithian, Washington Department of Corrections; Matt Zuvich and Judy Kuschel, Washington Federation of State Employees; and Brenda Wiest, Teamsters Local 117.

Persons Signed In To Testify But Not Testifying: None.