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## Judiciary Committee

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### HB 2951

**Title:** An act relating to a firearms training certificate program for retired law enforcement officers.

**Brief Description:** Creating a firearms training certificate program for retired law enforcement officers.

**Sponsors:** Representatives Campbell, Morrell, McCune and Green.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Requires the Criminal Justice Training Commission to establish a program for issuing firearms certificates to qualified retired law enforcement officers.</li></ul>
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**Hearing Date:** 2/1/06

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

**Background:**

In 2004, Congress enacted the Law Enforcement Officers Safety Act 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: (1) allow private persons or entities to restrict concealed firearms on their property; or (2) restrict the possession of firearms on government 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 meets certain criteria and 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. This certification is effective for one year.

A "qualified retired law enforcement officer" under the federal act is an individual who:

- Retired in good standing from a public agency as a law enforcement officer, other than for reasons of mental instability;
- Before retirement was authorized to engage in the prevention, detection, and investigation of any person for a violation of law;

- Was either regularly employed as a law enforcement officer for 15 or more years, or retired from service due to a service-connected disability;
- Has a vested right to benefits under the agency's retirement plan;
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- Is not prohibited by federal law from receiving a firearm.

Under Washington law, generally a person may carry a concealed pistol only if the person has a concealed pistol license. To obtain a Washington concealed pistol license, a person must apply to a local law enforcement agency, pay a fee, and undergo a state and federal criminal history background check, including a fingerprint check. In addition, certain qualifications must be met before a person may be issued a concealed pistol license.

There are a number of exemptions from Washington's concealed pistol license requirements. One of these exemptions applies to retired law enforcement officers who retired for service or disabilities (other than mental or stress-related) from a Washington law enforcement agency. In order to qualify for this exemption, the retired officer must have documentation from a Washington law enforcement agency that he or she retired for service or physical disability. A retired officer is not eligible for the exemption if he or she has committed a crime making him or her ineligible for a concealed pistol license.

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

The Criminal Justice Training Commission (Commission) must establish a program for issuing firearms certificates to Washington residents who are qualified retired law enforcement officers for the purpose of satisfying the certification requirements contained in the federal Law Enforcement Officers Safety Act of 2004.

An application for a qualified retired law enforcement officer firearms training certificate must be filed with the Commission. An applicant for a qualified retired law enforcement officer firearms training certificate must meet the requirements established under the federal law and must be eligible under state law to possess a firearm.

Firearms training for qualified retired law enforcement officers must be provided by the Commission, or by an organization, law enforcement agency, or trainer approved by the Commission. The Commission must ensure that firearms training is available to an applicant within a reasonable period of time after application either by establishing a firearms training program or by approving a sufficient number of organizations, law enforcement agencies, or trainers to provide the firearms training. The firearms training must meet the standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the firearm to be carried by the qualified retired law enforcement officer. The applicant is responsible for paying the costs of the firearms training.

The Commission must adopt rules establishing the fees, training requirements, and procedures for obtaining and annually renewing the firearms training certificate. The fee charged by the commission must cover the costs of administering the firearms training certificate program, but may not exceed thirty-five dollars.

"Qualified retired law enforcement officer" means a person who retired in good standing from service with a public agency as a law enforcement officer, for reasons other than mental or stress-related disabilities.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2006.

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