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Concealed Handgun Laws: A Smorgasbord

This last month has produced a swarm of activity on concealed handgun laws, in many states. Some were wins; some were losses—but even the losses show how much momentum the “shall issue” concealed handgun licensing movement now has.

One of the victories was in Washington State. Washington was the first state to adopt a “shall issue” concealed handgun licensing law, in 1961, not only for residents of Washington, but also for non-residents. The Washington law has always been remarkably relaxed. It does not even require a training class. So how could Washington improve that law? Reciprocity.

You see, Washington has never recognized permits from other states. Because they issued permits to non-residents, it wasn't critical. Non-residents could apply for a license, and get it within 60 days. If you had occasion to travel to Washington regularly, it was only a minor nuisance to get a Washington license, and not terribly expensive. What made the license a minor nuisance was that you had to apply in person. If you were only visiting Washington once, you could apply for a license during that trip, but you couldn't carry a handgun for self-defense until your next trip.

There have been previous legislative attempts to get Washington to recognize permits from other states, but we succeeded this year. SB 5083 passed the Washington legislature—and to the surprise of many Washington gun owners—Governor Locke signed it March 26. (The bill passed the Washington Senate 48-0 and the Washington House of Representatives 93-2.)

Effectively June 10, 2004, Washington State will recognize concealed pistol licenses issued by other states if the other state recognizes Washington's license and the other state only issues to applicants who are 21 or over, and requires a fingerprint-based background check for criminal and mental health history.

There are a few items that you need to be aware of before you start to carry concealed in Washington. Reciprocity is only for residents of other states. If you are a Washington resident, you must have a Washington concealed pistol license.¹ While most states issue licenses only to applicants 21 or over, some states *can* issue to 18 year olds. Even though *you* are 21 or over, it is possible that your license will not be recognized because your *state* does, or could, issue licenses to 18 year olds. As an example, Idaho law *allows* (but does not *require*) a sheriff to issue a license to 18, 19, and 20 year olds.² Some states also issue licenses without requiring fingerprints.

If the state that issued your license doesn't recognize Washington's license, Washington won't recognize your license. Florida, for example, is a "shall issue" state, but it doesn't recognize Washington's license, so Washington won't recognize Florida's license. The Washington Attorney-General is supposed to publish a list of states that meet the requirements;³ as of the date that I am writing this article, the list has not yet appeared.

In Kansas, a "shall issue" concealed handgun bill passed both houses of the legislature, but Governor Kathleen Sibelius vetoed it. The Kansas legislature attempted

¹ "Certification of Enrollment: Engrossed Senate Bill 5083," available at http://www.leg.wa.gov/pub/billinfo/2003-04/Senate/5075-5099/5083_sl.pdf, last accessed April 30, 2004.

² Idaho Code § 18-3302.

³ "Certification of Enrollment: Engrossed Senate Bill 5083," available at http://www.leg.wa.gov/pub/billinfo/2003-04/Senate/5075-5099/5083_sl.pdf, last accessed April 30, 2004.

an override of Governor Sibelius's veto, but the Kansas House of Representatives lacked the 2/3 majority required, and so the bill is dead.⁴

The governor's veto message claimed that exposing children to "to loaded handguns in their parents' purses, pockets, and automobiles is simply unacceptable." While this has *not* been a problem in the 30+ states that have adopted similar laws, Governor Sibelius apparently believes that the people of Kansas aren't as responsible as those of other states.

More amazingly, Governor Sibelius claimed, "If House Bill 2798 became law, police officers, highway patrolmen, sheriffs, and deputies in Kansas would be forced to assume that any person they stop could have a firearm."⁵ Kansas police don't make that assumption right now? You Jayhawkers need to remember at the next election that Governor Sibelius is clearly too naive for her job. As Kansas Representative Candy Ruff, a Leavenworth Democrat who backed the measure observed: "We'll be coming back, big time, next year. We've got an election in November."⁶

In Minnesota, the "shall issue" law has just passed its first year—and we have our first licensee using a gun in self-defense. It was the traffic accident, flaring tempers scenario that our opponents claim to be so concerned about—and the gun owner was completely in the right. The gun owner was driving a car; he tapped the horn to let a bicyclist know, "I'm behind you—be careful." At the next intersection, the bicyclist threw his bike down in front on the car, and came around to the driver's window.

⁴ John L. Petterson, "Gun veto stands," *Kansas City Star*, April 30, 2004, available at http://www.kansascity.com/mld/kansascity/news/local/8553533.htm?ERIGHTS=8506070981361586344kansascity::clayton@claytoncramer.com&KRD_RM=0jnklmikljiggggggghihjohg|Clayton|Y, last accessed April 30, 2004.

According to a witness, the bicyclist grabbed the driver by the throat. The driver pulled his gun, warned the attacker, and drove over the bike. Both bicyclist and driver called the police. Based on their statements, and that of a witness, the police charged the bicyclist, not the gun owner.⁷

Without the gun, what would have happened? The driver might well have driven away, with this short-tempered bicyclist hanging out the window, or the driver might have been badly injured by the attack. The result of a gun in the mix is that neither driver nor attacker were badly hurt.

We lost in Kansas, just as we lost in Wisconsin a few months—but twenty years ago, could you imagine that the only obstacle to “shall issue” concealed handgun licenses would be a governor’s veto? There’s a boulder headed down the hill, and it is gathering speed. That boulder is the right to carry to concealed.

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⁵ Associated Press, “Text of Sebelius veto message on concealed carry bill,” April 16, 2004, available at <http://www.kansas.com/mld/kansas/news/state/8448007.htm>, last accessed April 30, 2004.

⁶ John L. Petterson, “Gun veto stands.”

⁷ A blacked out version of the police report is available at <http://www.ellegon.com/bingo.tif>, last accessed April 30, 2004.