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GENERAL COUNSEL DIVISION
OCT 4 - 2013

Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Licensing & Administrative Law Division
PO Box 40110 • Olympia, WA 98504-0110 • (360) 753-2702

September 30, 2013

James A. Person, III, Assistant Attorney General
Attorney General's Office,
P.O. Box 12548
Austin, TX 78711-2548
Sent as an attachment via email: james.person@oag.state.tx.us

RE: Reciprocity of Concealed Pistol License - Texas

Dear Mr. James A. Person, III:

I am contacting you from the Office of the Attorney General in Washington State to ask your assistance in updating our list of states with reciprocity for concealed pistol licenses. Washington's reciprocity statute requires the Office of the Attorney General to periodically publish a list of states that meet the requirements below.

Washington's reciprocity statute (RCW 9A.10.073), allows us to recognize other states' concealed pistol/handgun licenses when their statutes meet the following conditions:

- 1) Recognizes and gives effect in that state to a concealed pistol license issued under the laws of the state of Washington; and
- 2) Does not issue concealed pistol licenses to persons under twenty-one years of age; and
- 3) Mandatory fingerprint-based background checks for criminal history; and
- 4) Mandatory mental health history check.

Under the above conditions, in Washington, an out of state license will be recognized for non-residents if reciprocity has been entered between the states. The out of state license holder must carry the handgun in compliance with the laws of Washington State.

Please let me know if there have been any recent changes to your state's concealed weapon's law. If there have been significant changes to your state's law, please complete the attached questionnaire and return it to us by 10/30/2013.

ATTORNEY GENERAL OF WASHINGTON

September 30, 2013
Page 2

Thank you in advance for your help and cooperation regarding this request. If you have any questions or concerns, please do not hesitate to contact me. I may be reached at 360-586-2780 or at SusanP1@atg.wa.gov.

Sincerely,

SUSAN L. PIERINI
Assistant Attorney General
Licensing and Administrative Law Division

**Washington License to Carry a Concealed Pistol/Handgun
Questionnaire - Please fill-out and return by
October 30, 2013**

Date:

State:

Department/Division:

Address:

If you have not previously completed this survey OR there were changes to your state's law, please complete the survey below.

1) My state does not have laws allowing its citizens to carry concealed pistols/handguns ☐

2) My state recognizes non-resident licenses from reciprocal states. Yes ____ No ____

3) There have been changes to my state's laws affecting Concealed Pistol/Handgun Licenses since 2012. Yes ____ No ____

4) State statute regarding Concealed Pistol/Handgun Licenses: _____

Website address for your state statute: _____

5) Effective Date of statute if new: _____

6) Does your state honor concealed pistol licenses from other states? Yes ____ No ____

7) Will your state honor a Washington State Concealed Pistol Permit? Yes ____ No ____

If yes is a formal reciprocity agreement required according to your state law?

Yes ____ No ____

Does your state have a required format for a reciprocity agreement?

Yes ____ No ____

If yes please attach a copy of the format/agreement.

Does your state mandate the signatory on this agreement? Yes ____ No ____

If you will not honor Washington's Concealed Pistol License, please indicate the reasons:

8) Does your state statute allow for persons under 21-years-old to obtain a concealed pistol/handgun license? Yes _____ No _____ Statute Cite _____

9) Does your state's issuing authority require a fingerprint-based criminal background check?

Yes _____ No _____ Statute Cite _____

10) Does your state's issuing authority require a mental health background check?

Yes _____ No _____ Statute Cite: _____

11) Does your mental health background check include checking with NICS? How does the mental health information get reported to NICS?

If yes, how does your state conduct the mental health background check?

12) Comments:

Thank you for your assistance.

Name of person completing form: _____

Title: _____

Agency Name: _____

Address: _____

Contact Phone: _____ e-mail: _____

I do hereby certify and swear that I am familiar with the laws of this state and I have authority to provide the above information on behalf of the above agency

Date: _____

Signature of person completing form: _____

James Person - Re: Reciprocity of Concealed Pistol License Questionnaire

From: James Person
To: Riske, Kathryn (ATG); SusanP1@atg.wa.gov
Date: 8/16/2011 1:10 PM
Subject: Re: Reciprocity of Concealed Pistol License Questionnaire

Ms. Pierini

There have been no significant changes to Texas' concealed handgun laws in the past year. The proclamation issued by Texas Governor Rick Perry on November 18, 2005, proclaiming that the State of Texas shall give full faith and credit to valid concealed handgun licenses issued by the State of Washington, continues in effect. The State of Texas will continue to grant recognition to Washington concealed handgun licenses according to the terms of the proclamation until further notice.

I would also like to request that Washington reconsider its refusal to recognize Texas concealed handgun licenses. You state that Washington will recognize another state's concealed handgun licenses when that state's statutes meet the following requirements:

- (1) The state recognizes and gives effect to a concealed handgun license issued by the State of Washington;
- (2) The state does not issue concealed handgun licenses to individuals under twenty-one years of age;
- (3) The state conducts mandatory fingerprint-based background checks for criminal history; AND
- (4) The state conducts mandatory mental health history checks.

As I noted above, Texas continues to give full faith and credit to valid concealed handgun licenses issued by the State of Washington. Texas requires concealed handgun license applicants to be at least twenty-one (21) years old, unless the person is a honorably discharged military veteran, in which case the applicant must be at least eighteen (18) years of age. Tex. Gov't Code § 411.172(a)(2), (g). Texas conducts mandatory fingerprint-based background checks for criminal history. *Id.* §§ 411.174(a)(5), .176(b). Finally, Texas denies a concealed handgun license to any person incapable of exercising sound judgment with respect to the proper use and storage of a handgun, and this includes persons with certain psychiatric disorders, persons who have had psychiatric hospitalization or substance abuse treatment within certain time periods, persons who are declared mentally incompetent, or persons who have ever entered a plea of insanity. *Id.* § 411.172(a)(7), (d), (e), (f). Applicants must provide the Texas Department of Public Safety with an executed form that authorizes the department to make an inquiry into any noncriminal history records, including mental health records, that are necessary to determine the applicant's eligibility for a license. *Id.* § 411.174(a)(9). Texas law addresses each of the basic elements required for recognition by the State of Washington. Although our two states' requirements are not set out in exactly the same manner, I believe all the same elements are present and substantially similar.

If you have any additional questions, please do not hesitate to contact me at (512) 936-1207.

Sincerely,

James A. Person III
Assistant Attorney General
General Counsel Division

>>> "Riske, Kathryn (ATG)" <KathrynR1@ATG.WA.GOV> 8/16/2011 11:42 AM >>>

August 16, 2011

James A. Person III

Assistant Attorney General

Attorney General's Office

PO Box 12548

Austin, TX 78711-2548

James.person@oag.state.tx.us

RE: Reciprocity of Concealed Pistol License

Dear AAG Person:

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- 2) Does not issue concealed pistol licenses to persons under twenty-one years of age; and
- 3) Mandatory fingerprint-based background checks for criminal history; and
- 4) Mandatory mental health history check.

Under the above conditions, in Washington, an out of state license will be recognized for non-residents if reciprocity has been entered between the states. The out of state license holder must carry the handgun in compliance with the laws of Washington State.

Please let me know if there have been any recent changes to your state's concealed weapon's law. If there have been significant changes to your state's law, please complete the attached questionnaire and return it to us by 09/30/2011.

<<QuestionnaireReConcealedWeaponsLaw2011.docx>>

Thank you in advance for your help and cooperation regarding this request. If you have any questions or concerns, please do not hesitate to contact me. I may be reached at 360-586-2780 or at SusanP1@atg.wa.gov.

Sincerely,

SUSAN L. PIERINI

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