
SUBSTITUTE SENATE BILL 5542

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Oke and Haugen)

Read first time 03/01/93.

1 AN ACT Relating to the issuance and renewal of concealed pistol
2 licenses; and amending RCW 9.41.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
5 as follows:

6 (1) The judge of a court of record, the chief of police of a
7 municipality, or the sheriff of a county, shall within thirty days
8 after the filing of an application of any person issue a license to
9 such person to carry a pistol concealed on his or her person within
10 this state (~~for four years from date of issue~~), for the purposes of
11 protection or while engaged in business, sport, or while traveling.
12 However, if the applicant does not have a valid permanent Washington
13 driver's license or Washington state identification card or has not
14 been a resident of the state for the previous consecutive ninety days,
15 the issuing authority shall have up to sixty days after the filing of
16 the application to issue a license. If the applicant has a valid
17 permanent Washington driver's license or Washington state
18 identification card, the term of the initial concealed pistol license
19 shall be from the date of issue of the concealed pistol license until

1 the next expiration of the applicant's driver's license or
2 identification card; otherwise, the term of the initial concealed
3 pistol license shall be for a term of four years from date of issue.
4 The term of any renewed concealed pistol license shall be from the date
5 of renewal until the next expiration of the applicant's driver's
6 license or identification card. Such applicant's constitutional right
7 to bear arms shall not be denied, unless he or she:

8 (a) Is ineligible to own a pistol under the provisions of RCW
9 9.41.040; or

10 (b) Is under twenty-one years of age; or

11 (c) Is subject to a court order or injunction regarding firearms
12 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

13 (d) Is free on bond or personal recognizance pending trial, appeal,
14 or sentencing for a crime of violence; or

15 (e) Has an outstanding warrant for his or her arrest from any court
16 of competent jurisdiction for a felony or misdemeanor; or

17 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
18 within one year before filing an application to carry a pistol
19 concealed on his or her person; or

20 (g) Has been convicted of any of the following offenses: Assault
21 in the third degree, indecent liberties, malicious mischief in the
22 first degree, possession of stolen property in the first or second
23 degree, or theft in the first or second degree. Any person who becomes
24 ineligible for a concealed pistol permit as a result of a conviction
25 for a crime listed in this subsection (1)(g) and then successfully
26 completes all terms of his or her sentence, as evidenced by a
27 certificate of discharge issued under RCW 9.94A.220 in the case of a
28 sentence under chapter 9.94A RCW, and has not again been convicted of
29 any crime and is not under indictment for any crime, may, one year or
30 longer after such successful sentence completion, petition the district
31 court for a declaration that the person is no longer ineligible for a
32 concealed pistol permit under this subsection (1)(g).

33 (2) Any person whose firearms rights have been restricted and who
34 has been granted relief from disabilities by the secretary of the
35 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
36 Sec. 921(a)(20) shall have his or her right to acquire, receive,
37 transfer, ship, transport, carry, and possess firearms in accordance
38 with Washington state law restored.

1 (3) The license shall be revoked by the issuing authority
2 immediately upon conviction of a crime which makes such a person
3 ineligible to own a pistol or upon the third conviction for a violation
4 of this chapter within five calendar years.

5 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the
6 issuing authority shall:

7 (a) On the first forfeiture, revoke the license for one year;

8 (b) On the second forfeiture, revoke the license for two years;

9 (c) On the third or subsequent forfeiture, revoke the license for
10 five years.

11 Any person whose license is revoked as a result of a forfeiture of a
12 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
13 until the end of the revocation period. The issuing authority shall
14 notify, in writing, the department of licensing upon revocation of a
15 license. The department of licensing shall record the revocation.

16 (5) The license shall be in triplicate, in form to be prescribed by
17 the department of licensing, and shall bear the name, address, and
18 description, fingerprints, and signature of the licensee, and the
19 licensee's driver's license number or state identification card number
20 if used for identification in applying for the license. The license
21 application shall contain a warning substantially as follows:

22 CAUTION: Although state and local laws do not differ, federal
23 law and state law on the possession of firearms differ. If you
24 are prohibited by federal law from possessing a firearm, you
25 may be prosecuted in federal court. A state license is not a
26 defense to a federal prosecution.

27 The license application shall contain a description of the major
28 differences between state and federal law and an explanation of the
29 fact that local laws and ordinances on firearms are preempted by state
30 law and must be consistent with state law. The application shall
31 contain questions about the applicant's place of birth, whether the
32 applicant is a United States citizen, and if not a citizen whether the
33 applicant has declared the intent to become a citizen and whether he or
34 she has been required to register with the state or federal government
35 and any identification or registration number, if applicable. The
36 applicant shall not be required to produce a birth certificate or other
37 evidence of citizenship. An applicant who is not a citizen shall
38 provide documentation showing resident alien status and the applicant's

1 intent to become a citizen. A person who makes a false statement
2 regarding citizenship on the application is guilty of a misdemeanor. A
3 person who is not a citizen of the United States, or has not declared
4 his or her intention to become a citizen shall meet the additional
5 requirements of RCW 9.41.170.

6 The original thereof shall be delivered to the licensee, the
7 duplicate shall within seven days be sent by registered mail to the
8 director of licensing and the triplicate shall be preserved for six
9 years, by the authority issuing said license.

10 (6) The fee for the original issuance of a four-year license shall
11 be twenty-three dollars: PROVIDED, That no other additional charges by
12 any branch or unit of government shall be borne by the applicant for
13 the issuance of the license: PROVIDED FURTHER, That the fee shall be
14 distributed as follows:

15 (a) Four dollars shall be paid to the state general fund;

16 (b) Four dollars shall be paid to the agency taking the
17 fingerprints of the person licensed;

18 (c) Twelve dollars shall be paid to the issuing authority for the
19 purpose of enforcing this chapter; and

20 (d) Three dollars to the firearms range account in the general
21 fund.

22 (7) The fee for the renewal of such license shall be fifteen
23 dollars: PROVIDED, That no other additional charges by any branch or
24 unit of government shall be borne by the applicant for the renewal of
25 the license: PROVIDED FURTHER, That the fee shall be distributed as
26 follows:

27 (a) Four dollars shall be paid to the state general fund;

28 (b) Eight dollars shall be paid to the issuing authority for the
29 purpose of enforcing this chapter; and

30 (c) Three dollars to the firearms range account in the general
31 fund.

32 (8) Payment shall be by cash, check, or money order at the option
33 of the applicant. Additional methods of payment may be allowed at the
34 option of the issuing authority.

35 (9) A licensee may renew a license if the licensee applies for
36 renewal within ninety days before or after the expiration date of the
37 license. A license so renewed shall take effect on the expiration date
38 of the prior license. The department of licensing shall send a renewal
39 notice to the licensee's last known address of record one hundred

1 twenty days prior to the expiration date of the license. A licensee
2 renewing after the expiration date of the license must pay a late
3 renewal penalty of ten dollars in addition to the renewal fee specified
4 in subsection (7) of this section. The fee shall be distributed as
5 follows:

6 (a) Three dollars shall be deposited in the state wildlife fund and
7 used exclusively for the printing and distribution of a pamphlet on the
8 legal limits of the use of firearms, firearms safety, and the
9 preemptive nature of state law. The pamphlet shall be given to each
10 applicant for a license; and

11 (b) Seven dollars shall be paid to the issuing authority for the
12 purpose of enforcing this chapter.

13 (10) Notwithstanding the requirements of subsections (1) through
14 (9) of this section, the chief of police of the municipality or the
15 sheriff of the county of the applicant's residence may issue a
16 temporary emergency license for good cause pending review under
17 subsection (1) of this section.

18 (11) A political subdivision of the state shall not modify the
19 requirements of this section or chapter, nor may a political
20 subdivision ask the applicant to voluntarily submit any information not
21 required by this section. A civil suit may be brought to enjoin a
22 wrongful refusal to issue a license or a wrongful modification of the
23 requirements of this section or chapter. The civil suit may be brought
24 in the county in which the application was made or in Thurston county
25 at the discretion of the petitioner. Any person who prevails against
26 a public agency in any action in the courts for a violation of this
27 chapter shall be awarded costs, including reasonable attorneys' fees,
28 incurred in connection with such legal action.

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