

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1923

62nd Legislature
2011 Regular Session

Passed by the House March 2, 2011
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 11, 2011
Yeas 38 Nays 9

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1923** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1923

Passed Legislature - 2011 Regular Session

State of Washington

62nd Legislature

2011 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Reykdal, Hunt, Pedersen, Roberts, and Hunter)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to requiring the denial of a concealed pistol
2 license application when the applicant is ineligible to possess a
3 firearm under federal law; and reenacting and amending RCW 9.41.070.

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

5 **Sec. 1.** RCW 9.41.070 and 2009 c 216 s 5 and 2009 c 59 s 1 are each
6 reenacted and amended to read as follows:

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

1 The applicant's constitutional right to bear arms shall not be
2 denied, unless:

3 (a) He or she is ineligible to possess a firearm under the
4 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from
5 possessing a firearm under federal law;

6 (b) The applicant's concealed pistol license is in a revoked
7 status;

8 (c) He or she is under twenty-one years of age;

9 (d) He or she is subject to a court order or injunction regarding
10 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
11 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,
12 26.50.070, or 26.26.590;

13 (e) He or she is free on bond or personal recognizance pending
14 trial, appeal, or sentencing for a felony offense;

15 (f) He or she has an outstanding warrant for his or her arrest from
16 any court of competent jurisdiction for a felony or misdemeanor; or

17 (g) He or she has been ordered to forfeit a firearm under RCW
18 9.41.098(1)(e) within one year before filing an application to carry a
19 pistol concealed on his or her person.

20 No person convicted of a felony may have his or her right to
21 possess firearms restored or his or her privilege to carry a concealed
22 pistol restored, unless the person has been granted relief from
23 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or
24 RCW 9.41.040 (3) or (4) applies.

25 (2)(a) ~~The issuing authority shall ((check with the national crime~~
26 ~~information center))~~ conduct a check through the national instant
27 criminal background check system, the Washington state patrol
28 electronic database, the department of social and health services
29 electronic database, and with other agencies or resources as
30 appropriate, to determine whether the applicant is ineligible under RCW
31 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from
32 possessing a firearm under federal law, and therefore ineligible for a
33 concealed pistol license.

34 (b) The issuing authority shall deny a permit to anyone who is
35 found to be prohibited from possessing a firearm under federal or state
36 law.

37 (c) This subsection applies whether the applicant is applying for
38 a new concealed pistol license or to renew a concealed pistol license.

1 (3) Any person whose firearms rights have been restricted and who
2 has been granted relief from disabilities by the attorney general under
3 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.
4 921(a)(20)(A) shall have his or her right to acquire, receive,
5 transfer, ship, transport, carry, and possess firearms in accordance
6 with Washington state law restored except as otherwise prohibited by
7 this chapter.

8 (4) The license application shall bear the full name, residential
9 address, telephone number at the option of the applicant, date and
10 place of birth, race, gender, description, a complete set of
11 fingerprints, and signature of the licensee, and the licensee's
12 driver's license number or state identification card number if used for
13 identification in applying for the license. A signed application for
14 a concealed pistol license shall constitute a waiver of confidentiality
15 and written request that the department of social and health services,
16 mental health institutions, and other health care facilities release
17 information relevant to the applicant's eligibility for a concealed
18 pistol license to an inquiring court or law enforcement agency.

19 The application for an original license shall include two complete
20 sets of fingerprints to be forwarded to the Washington state patrol.

21 The license and application shall contain a warning substantially
22 as follows:

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

28 The license shall contain a description of the major differences
29 between state and federal law and an explanation of the fact that local
30 laws and ordinances on firearms are preempted by state law and must be
31 consistent with state law.

32 The application shall contain questions about the applicant's
33 eligibility under RCW 9.41.040 and federal law to possess a pistol, the
34 applicant's place of birth, and whether the applicant is a United
35 States citizen. If the applicant is not a United States citizen, the
36 applicant must provide the applicant's country of citizenship, United
37 States issued alien number or admission number, and the basis on which
38 the applicant claims to be exempt from federal prohibitions on firearm

1 possession by aliens. The applicant shall not be required to produce
2 a birth certificate or other evidence of citizenship. A person who is
3 not a citizen of the United States shall, if applicable, meet the
4 additional requirements of RCW 9.41.173 and produce proof of compliance
5 with RCW 9.41.173 upon application. The license may be in triplicate
6 or in a form to be prescribed by the department of licensing.

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

11 The department of licensing shall make available to law enforcement
12 and corrections agencies, in an on-line format, all information
13 received under this subsection.

14 (5) The nonrefundable fee, paid upon application, for the original
15 five-year license shall be thirty-six dollars plus additional charges
16 imposed by the federal bureau of investigation that are passed on to
17 the applicant. No other state or local branch or unit of government
18 may impose any additional charges on the applicant for the issuance of
19 the license.

20 The fee shall be distributed as follows:

21 (a) Fifteen dollars shall be paid to the state general fund;

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

24 (c) Fourteen dollars shall be paid to the issuing authority for the
25 purpose of enforcing this chapter; and

26 (d) Three dollars to the firearms range account in the general
27 fund.

28 (6) The nonrefundable fee for the renewal of such license shall be
29 thirty-two dollars. No other branch or unit of government may impose
30 any additional charges on the applicant for the renewal of the license.

31 The renewal fee shall be distributed as follows:

32 (a) Fifteen dollars shall be paid to the state general fund;

33 (b) Fourteen dollars shall be paid to the issuing authority for the
34 purpose of enforcing this chapter; and

35 (c) Three dollars to the firearms range account in the general
36 fund.

37 (7) The nonrefundable fee for replacement of lost or damaged
38 licenses is ten dollars to be paid to the issuing authority.

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

4 (9) A licensee may renew a license if the licensee applies for
5 renewal within ninety days before or after the expiration date of the
6 license. A license so renewed shall take effect on the expiration date
7 of the prior license. A licensee renewing after the expiration date of
8 the license must pay a late renewal penalty of ten dollars in addition
9 to the renewal fee specified in subsection (6) of this section. The
10 fee shall be distributed as follows:

11 (a) Three dollars shall be deposited in the state wildlife account
12 and used exclusively first for the printing and distribution of a
13 pamphlet on the legal limits of the use of firearms, firearms safety,
14 and the preemptive nature of state law, and subsequently the support of
15 volunteer instructors in the basic firearms safety training program
16 conducted by the department of fish and wildlife. The pamphlet shall
17 be given to each applicant for a license; and

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

20 (10) Notwithstanding the requirements of subsections (1) through
21 (9) of this section, the chief of police of the municipality or the
22 sheriff of the county of the applicant's residence may issue a
23 temporary emergency license for good cause pending review under
24 subsection (1) of this section. However, a temporary emergency license
25 issued under this subsection shall not exempt the holder of the license
26 from any records check requirement. Temporary emergency licenses shall
27 be easily distinguishable from regular licenses.

28 (11) A political subdivision of the state shall not modify the
29 requirements of this section or chapter, nor may a political
30 subdivision ask the applicant to voluntarily submit any information not
31 required by this section.

32 (12) A person who knowingly makes a false statement regarding
33 citizenship or identity on an application for a concealed pistol
34 license is guilty of false swearing under RCW 9A.72.040. In addition
35 to any other penalty provided for by law, the concealed pistol license
36 of a person who knowingly makes a false statement shall be revoked, and
37 the person shall be permanently ineligible for a concealed pistol
38 license.

1 (13) A person may apply for a concealed pistol license:
2 (a) To the municipality or to the county in which the applicant
3 resides if the applicant resides in a municipality;
4 (b) To the county in which the applicant resides if the applicant
5 resides in an unincorporated area; or
6 (c) Anywhere in the state if the applicant is a nonresident.
7 (14) Any person who, as a member of the armed forces, including the
8 national guard and armed forces reserves, is unable to renew his or her
9 license under subsections (6) and (9) of this section because of the
10 person's assignment, reassignment, or deployment for out-of-state
11 military service may renew his or her license within ninety days after
12 the person returns to this state from out-of-state military service, if
13 the person provides the following to the issuing authority no later
14 than ninety days after the person's date of discharge or assignment,
15 reassignment, or deployment back to this state: (a) A copy of the
16 person's original order designating the specific period of assignment,
17 reassignment, or deployment for out-of-state military service, and (b)
18 if appropriate, a copy of the person's discharge or amended or
19 subsequent assignment, reassignment, or deployment order back to this
20 state. A license so renewed under this subsection (14) shall take
21 effect on the expiration date of the prior license. A licensee
22 renewing after the expiration date of the license under this subsection
23 (14) shall pay only the renewal fee specified in subsection (6) of this
24 section and shall not be required to pay a late renewal penalty in
25 addition to the renewal fee.

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