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**SENATE BILL 5174**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Palumbo and Pedersen

AN ACT Relating to concealed pistol license training requirements; reenacting and amending RCW 9.41.070; and adding new sections to chapter 43.43 RCW.

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

**Sec.**  RCW 9.41.070 and 2018 c 226 s 2 and 2018 c 201 s 6002 are each reenacted and amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall ((~~within thirty days after the filing of an application of any person,~~)) issue a license to ((~~such~~)) any person submitting an application pursuant to the requirements of this section to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. ((~~However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license.~~)) The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours and must issue a license or denial:

(a) Within thirty days of the date the application was filed; or

(b) Within sixty days of the date the application was filed if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days.

((~~The applicant's constitutional right to bear arms~~)) (2) An application for a concealed pistol license shall not be denied, unless the person:

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

(b) ((~~The applicant's~~)) Has a concealed pistol license that is in a revoked status;

(c) ((~~He or she~~)) Is under twenty-one years of age;

(d) ((~~He or she~~)) Is subject to a court order or injunction regarding firearms pursuant to chapter((~~s~~)) 7.90, 7.92, or 7.94 RCW, or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, ((~~26.26.130~~)) 26.26B.020, 26.50.060, 26.50.070, or 26.26.590;

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

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

(g) ((~~He or she~~)) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person; or

(h) Has not provided evidence of handgun proficiency, in the form and manner required by the Washington state patrol.

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

((~~(2)~~)) (4)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

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

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

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

((~~(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license.~~))

(6) An applicant for a concealed pistol license must submit to the licensing authority:

(a) A completed license application as provided in subsection (7) of this section;

(b) A complete set of fingerprints to be forwarded to the Washington state patrol;

(c) At the request of the licensing authority, a photograph of the applicant;

(d) Evidence of handgun proficiency as provided in section 2 of this act; and

(e) The licensing fee as provided in subsections 11 through 14 of this section.

(7)(a) An application for a concealed pistol license must include the applicant's:

(i) Full name and place and date of birth;

(ii) Residential address;

(iii) Telephone number and email address, at the option of the applicant;

(iv) Driver's license number or state identification card number if used for identification in applying for the license;

(v) Physical description; and

(vi) Signature.

(b) A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

((~~The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.~~

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

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

(c) The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application.

(8)(a) A concealed pistol license shall be issued in triplicate or in a form prescribed by the department of licensing and may include a photograph of the licensee. The original shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

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

((~~The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.~~

~~A photograph of the applicant may be required as part of the application and printed on the face of the license.~~

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

(9) The application and license shall contain a warning substantially as follows:

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

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

((~~(5)~~)) (11) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

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

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

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

(d) Two dollars and sixteen cents to the firearms range account in the general fund; and

(e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

((~~(6)~~)) (12) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

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

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

(c) Two dollars and sixteen cents to the firearms range account in the general fund; and

(d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

((~~(7)~~)) (13) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

((~~(8)~~)) (14) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

((~~(9)~~)) (15)(a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection ((~~(6)~~)) (12) of this section. The fee shall be distributed as follows:

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

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

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of renewal fee, the penalty for late renewal, and instructions on how to renew the license.

((~~(10)~~)) (16) Notwithstanding the requirements of subsections (1) through ((~~(9)~~)) (15) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

((~~(11)~~)) (17) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

((~~(12)~~)) (18) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

((~~(13)~~)) (19) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

((~~(14)~~)) (20) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections ((~~(6)~~)) (12) and ((~~(9)~~)) (15) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection ((~~(14)~~)) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection ((~~(14)~~)) shall pay only the renewal fee specified in subsection ((~~(6)~~)) (12) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee.

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW to read as follows:

(1) The state patrol shall by rule establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain a concealed pistol license pursuant to RCW 9.41.070 and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun. The state patrol shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor or approved online course provider seeking to administer the course or a part of the course as described in subsection (2) of this section.

(2) Only qualified handgun instructors may administer the range instruction part of the handgun proficiency course. A qualified handgun instructor or approved online course provider may administer the classroom instruction part of the handgun proficiency course. The classroom instruction part of the course must include not less than four hours and not more than eight hours of instruction on:

(a) Laws that relate to weapons and to the use of deadly force;

(b) Handgun use and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;

(c) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution; and

(d) Proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(3) An approved online course provider shall administer the classroom instruction part of the handgun proficiency course in an online format. A course administered online must include not less than four hours and not more than eight hours of instruction.

(4)(a) Except as provided in subsection (5) of this section, only a qualified handgun instructor may administer the proficiency examination to obtain a license. The proficiency examination must include:

(i) A written section on the subjects listed in subsection (2) of this section; and

(ii) A physical demonstration of proficiency in the use of one or more handguns and in handgun safety procedures.

(b) A qualified handgun instructor shall require an applicant who successfully completed an online version of the classroom instruction part of the handgun proficiency course to complete not less than one hour but not more than two hours of the range instruction part of the handgun proficiency course before allowing a physical demonstration of handgun proficiency under (a)(ii) of this subsection.

(5) An approved online course provider may administer online through a secure portal the written portion of the proficiency examination under subsection (4)(a)(i) of this section.

(6) The state patrol shall prescribe the form and manner of documentation to be provided to an applicant for use as evidence of handgun proficiency as part of a concealed pistol license application pursuant to RCW 9.41.070.

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW to read as follows:

(1) The chief of the Washington state patrol may certify as a qualified handgun instructor a person who:

(a) Is certified by the criminal justice training commission to instruct others in the use of handguns;

(b) Regularly instructs others in the use of handguns and has graduated from a handgun instructor school that uses a nationally accepted course designed to train persons as handgun instructors; or

(c) Is certified by the national rifle association of America as a handgun instructor.

(2) The chief of the Washington state patrol may certify as an approved online course provider a person who has:

(a) At least three years of experience in providing online instruction;

(b) Experience working with government entities; and

(c) Direct knowledge of handgun training.

(3) In addition to the qualifications described in subsections (1) and (2) of this section, a qualified handgun instructor or approved online course provider must be qualified to instruct persons in:

(a) Laws that relate to weapons and to the use of deadly force;

(b) Handgun use, proficiency, and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;

(c) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution; and

(d) Proper storage practices for handguns, including storage practices that eliminate the possibility of accidental injury to a child.

(4) The state patrol may charge a fee of up to one hundred dollars to certify a qualified handgun instructor or approved online course provider. Certifications must be valid for a period of five years.

**--- END ---**