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HOUSE BILL 2263

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State of Washington

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By Representatives McMahan, Sheahan, L. Thomas, Thompson, Goldsmith, D. Schmidt, Hargrove, Koster, Talcott, Delvin, Johnson, Dyer, Mulliken, Benton, Smith, Boldt, Hymes, Pelesky, B. Thomas, Sterk, Buck, Backlund, Carrell, Campbell, Mastin, Honeyford, Stevens, McMorris, Robertson, Elliot, Sheldon, Casada and Beeksma

Read first time 01/09/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to permanent concealed pistol licenses; amending  
2 RCW 9.41.070; and adding a new section to chapter 9.41 RCW.

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

4 **Sec. 1.** RCW 9.41.070 and 1995 c 351 s 1 are each amended to read  
5 as follows:

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

1 issued has become otherwise ineligible to possess a firearm or to  
2 obtain a concealed pistol license. Any person whose eligibility is  
3 restored pursuant to this section, RCW 9.41.040, or other law, may  
4 apply for a permanent license under this section.

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

7 (a) He or she is ineligible to possess a firearm under the  
8 provisions of RCW 9.41.040 or 9.41.045;

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

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

12 (d) He or she is subject to a court order or injunction regarding  
13 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
14 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137,  
15 26.50.060, or 26.50.070;

16 (e) He or she is free on bond or personal recognizance pending  
17 trial, appeal, or sentencing for a serious offense;

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

20 (g) He or she has been ordered to forfeit a firearm under RCW  
21 9.41.098(1)(e) within one year before filing an application to carry a  
22 pistol concealed on his or her person; or

23 (h)(i) He or she has been convicted of any crime against a child or  
24 other person listed in RCW 43.43.830(5).

25 (ii) Except as provided in (h)(iii) of this subsection, any person  
26 who becomes ineligible for a concealed pistol license as a result of a  
27 conviction for a crime listed in (h)(i) of this subsection and then  
28 successfully completes all terms of his or her sentence, as evidenced  
29 by a certificate of discharge issued under RCW 9.94A.220 in the case of  
30 a sentence under chapter 9.94A RCW, and has not again been convicted of  
31 any crime and is not under indictment for any crime, may, one year or  
32 longer after such successful sentence completion, petition a court of  
33 record for a declaration that the person is no longer ineligible for a  
34 concealed pistol license under (h)(i) of this subsection.

35 (iii) No person convicted of a serious offense as defined in RCW  
36 9.41.010 may have his or her right to possess firearms restored, unless  
37 the person has been granted relief from disabilities by the secretary  
38 of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4)  
39 applies.

1 (2) The issuing authority shall check with the national crime  
2 information center, the Washington state patrol electronic data base,  
3 the department of social and health services electronic data base, and  
4 with other agencies or resources as appropriate, to determine whether  
5 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess  
6 a firearm and therefore ineligible for a concealed pistol license.  
7 (~~This subsection applies whether the applicant is applying for a new~~  
8 ~~concealed pistol license or to renew a concealed pistol license.~~)

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

16 (4) The license application shall bear the full name, residential  
17 address, telephone number at the option of the applicant, date and  
18 place of birth, race, gender, description, not more than two complete  
19 sets of fingerprints, and signature of the licensee, and the licensee's  
20 driver's license number or state identification card number if used for  
21 identification in applying for the license. A signed application for  
22 a concealed pistol license shall constitute a waiver of confidentiality  
23 and written request that the department of social and health services,  
24 mental health institutions, and other health care facilities release  
25 information relevant to the applicant's eligibility for a concealed  
26 pistol license to an inquiring court or law enforcement agency.

27 The application for (~~an original~~) a license shall include two  
28 complete sets of fingerprints to be forwarded to the Washington state  
29 patrol.

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

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

37 The license shall contain a description of the major differences  
38 between state and federal law and an explanation of the fact that local

1 laws and ordinances on firearms are preempted by state law and must be  
2 consistent with state law. The application shall contain questions  
3 about the applicant's eligibility under RCW 9.41.040 to possess a  
4 pistol, the applicant's place of birth, and whether the applicant is a  
5 United States citizen. The applicant shall not be required to produce  
6 a birth certificate or other evidence of citizenship. A person who is  
7 not a citizen of the United States shall meet the additional  
8 requirements of RCW 9.41.170 and produce proof of compliance with RCW  
9 9.41.170 upon application. The license shall be in triplicate and in  
10 a form to be prescribed by the department of licensing.

11 The original thereof shall be delivered to the licensee, the  
12 duplicate shall within seven days be sent by registered mail to the  
13 director of licensing and the triplicate shall be preserved for six  
14 years, by the authority issuing the license.

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

18 (5) The nonrefundable fee, paid upon application, for the  
19 ~~((original—five—year))~~ license shall be thirty-six dollars plus  
20 additional charges imposed by the Federal Bureau of Investigation that  
21 are passed on to the applicant. No other state or local branch or unit  
22 of government may impose any additional charges on the applicant for  
23 the issuance of the license.

24 The fee shall be distributed as follows:

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

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

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

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

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

35 ~~The renewal fee shall be distributed as follows:~~

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

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

1       ~~(c) Three dollars to the firearms range account in the general~~  
2 ~~fund.~~

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

5       ~~((8))~~ (7) Payment shall be by cash, check, or money order at the  
6 option of the applicant. Additional methods of payment may be allowed  
7 at the option of the issuing authority.

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

15       ~~(a) Three dollars shall be deposited in the state wildlife fund and~~  
16 ~~used exclusively for the printing and distribution of a pamphlet on the~~  
17 ~~legal limits of the use of firearms, firearms safety, and the~~  
18 ~~preemptive nature of state law. The pamphlet shall be given to each~~  
19 ~~applicant for a license; and~~

20       ~~(b) Seven dollars shall be paid to the issuing authority for the~~  
21 ~~purpose of enforcing this chapter.~~

22       ~~(10))~~ (8) Notwithstanding the requirements of subsections (1)  
23 through ~~((9))~~ (7) of this section, the chief of police of the  
24 municipality or the sheriff of the county of the applicant's residence  
25 may issue a temporary emergency license for good cause pending review  
26 under subsection (1) of this section.

27       ~~((11))~~ (9) A political subdivision of the state shall not modify  
28 the requirements of this section or chapter, nor may a political  
29 subdivision ask the applicant to voluntarily submit any information not  
30 required by this section.

31       ~~((12))~~ (10) A person who knowingly makes a false statement  
32 regarding citizenship or identity on an application for a concealed  
33 pistol license is guilty of false swearing under RCW 9A.72.040. In  
34 addition to any other penalty provided for by law, the concealed pistol  
35 license of a person who knowingly makes a false statement shall be  
36 revoked, and the person shall be permanently ineligible for a concealed  
37 pistol license.

38       ~~((13))~~ (11) A person may apply for a concealed pistol license:

- 1       (a) To the municipality or to the county in which the applicant  
2 resides if the applicant resides in a municipality;  
3       (b) To the county in which the applicant resides if the applicant  
4 resides in an unincorporated area; or  
5       (c) Anywhere in the state if the applicant is a nonresident.

6       NEW SECTION.   **Sec. 2.** A new section is added to chapter 9.41 RCW  
7 to read as follows:

8       On or after the effective date of this act, any person possessing  
9 a valid concealed pistol license that was issued before the effective  
10 date of this act, may obtain a permanent license under RCW 9.41.070  
11 upon the payment of ten dollars, and surrender of the previously issued  
12 license, to a municipality or county in which he or she is authorized  
13 to apply for a license.

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