

2 **SHB 1392** - S AMD TO S JUD COMM AMD (S2568.2) - 406

3 By Senators Benton, Zarelli and Hargrove

4 RULED BEYOND SCOPE & OBJECT; 4/14/99

5 On page 10, after line 28, insert the following:

6 "Sec. 1. RCW 9.41.070 and 1996 c 295 s 6 are each amended to read
7 as follows:

8 (1) The chief of police of a municipality or the sheriff of a
9 county shall within thirty days after the filing of an application of
10 any person, issue a license to such person to carry a pistol concealed
11 on his or her person within this state either permanently or for five
12 years from date of issue, as the person may elect upon application for
13 the license, for the purposes of protection or while engaged in
14 business, sport, or while traveling. However, if the applicant does
15 not have a valid permanent Washington driver's license or Washington
16 state identification card or has not been a resident of the state for
17 the previous consecutive ninety days, the issuing authority shall have
18 up to sixty days after the filing of the application to issue a
19 license. The issuing authority shall not refuse to accept completed
20 applications for concealed pistol licenses during regular business
21 hours. A permanent license issued under this section is valid until
22 suspended or revoked or until the person to whom the license was issued
23 becomes otherwise ineligible to possess a firearm or to obtain a
24 concealed pistol license. Any person whose eligibility is restored
25 under this section, RCW 9.41.040, or other law, may apply for a
26 permanent license under this section. A permanent license issued under
27 this section entitles a person to carry a pistol concealed on his or
28 her person in accordance with this section regardless of the date of
29 issuance of the license, and the license need not be renewed for that
30 purpose. However, such a license does not entitle a person to take
31 delivery of a pistol under RCW 9.41.090(1)(a) if more than five years
32 have passed since the date of the issuance or latest renewal of the
33 license, and such a license may be renewed as authorized by this
34 section for the purpose of taking the delivery.

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

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

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

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

6 (d) He or she is subject to a court order or injunction regarding
7 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
8 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137,
9 26.50.060, or 26.50.070;

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

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

14 (g) He or she has been ordered to forfeit a firearm under RCW
15 9.41.098(1)(e) within one year before filing an application to carry a
16 pistol concealed on his or her person.

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

22 (2) The issuing authority shall check with the national crime
23 information center, the Washington state patrol electronic data base,
24 the department of social and health services electronic data base, and
25 with other agencies or resources as appropriate, to determine whether
26 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
27 a firearm and therefore ineligible for a concealed pistol license.
28 This subsection applies whether the applicant is applying for a ((new))
29 permanent concealed pistol license or to renew a concealed pistol
30 license.

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

38 (4) The license application shall bear the full name, residential
39 address, telephone number at the option of the applicant, date and

1 place of birth, race, gender, description, not more than two complete
2 sets of fingerprints, and signature of the licensee, and the licensee's
3 driver's license number or state identification card number if used for
4 identification in applying for the license. A signed application for
5 a concealed pistol license shall constitute a waiver of confidentiality
6 and written request that the department of social and health services,
7 mental health institutions, and other health care facilities release
8 information relevant to the applicant's eligibility for a concealed
9 pistol license to an inquiring court or law enforcement agency.

10 The application for (~~(an original)~~) either a permanent or five-year
11 license shall include two complete sets of fingerprints to be forwarded
12 to the Washington state patrol.

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

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

20 The license shall contain a description of the major differences
21 between state and federal law and an explanation of the fact that local
22 laws and ordinances on firearms are preempted by state law and must be
23 consistent with state law. The application shall contain questions
24 about the applicant's eligibility under RCW 9.41.040 to possess a
25 pistol, the applicant's place of birth, and whether the applicant is a
26 United States citizen. The applicant shall not be required to produce
27 a birth certificate or other evidence of citizenship. A person who is
28 not a citizen of the United States shall meet the additional
29 requirements of RCW 9.41.170 and produce proof of compliance with RCW
30 9.41.170 upon application. The license shall be in triplicate and in
31 a form to be prescribed by the department of licensing.

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

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

1 (5)(a) The nonrefundable fee, paid upon application, for the
2 (~~original five-year~~) license (~~shall be~~) is thirty-six dollars for
3 the five-year license and one hundred dollars for the permanent license
4 plus additional charges imposed by the Federal Bureau of Investigation
5 that are passed on to the applicant for either license. No other state
6 or local branch or unit of government may impose any additional charges
7 on the applicant for the issuance of (~~the~~) either license.

8 (b) The fee for the five-year license shall be distributed as
9 follows:

10 (~~(a)~~) (i) Fifteen dollars (~~shall be paid~~) to the state general
11 fund;

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

14 (~~(c)~~) (iii) Fourteen dollars (~~shall be paid~~) to the issuing
15 authority for the purpose of enforcing this chapter; and

16 (~~(d)~~) (iv) Three dollars to the firearms range account in the
17 general fund.

18 (c) The fee for the permanent license shall be distributed as
19 follows:

20 (i) Forty-seven dollars to the state general fund;

21 (ii) Four dollars to the agency taking the fingerprints of the
22 person licensed;

23 (iii) Fourteen dollars to the issuing authority for the purpose of
24 enforcing this chapter; and

25 (iv) Thirty-five dollars to the firearms range account in the
26 general fund.

27 (6) A person with a five-year license may renew the license for the
28 purpose of being eligible to take delivery of a pistol under RCW
29 9.41.090(1)(a). A renewal is valid for that purpose for five years
30 from the date of its issuance. The nonrefundable fee for the renewal
31 of (~~such~~) a five-year license (~~shall be~~) is thirty-two dollars. No
32 other branch or unit of government may impose any additional charges on
33 the applicant for the renewal of the license.

34 The renewal fee shall be distributed as follows:

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

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

38 (c) Three dollars to the firearms range account in the general
39 fund.

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

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

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

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

39 (13) 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 **Sec. 6.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read as
7 follows:

8 (1) In addition to the other requirements of this chapter, no
9 dealer may deliver a pistol to the purchaser thereof until:

10 (a) The purchaser produces a valid concealed pistol license and the
11 dealer has recorded the purchaser's name, license number, and issuing
12 agency, such record to be made in triplicate and processed as provided
13 in subsection (5) of this section. For purposes of this subsection
14 (1)(a), a "valid concealed pistol license" does not include a temporary
15 emergency license, and does not include any license issued before July
16 1, 1996, unless the issuing agency conducted a records search for
17 disqualifying crimes under RCW 9.41.070 at the time of issuance, and
18 does not include any license more than five years after the date of its
19 issuance or latest renewal;

20 (b) The dealer is notified in writing by the chief of police or the
21 sheriff of the jurisdiction in which the purchaser resides that the
22 purchaser is eligible to possess a pistol under RCW 9.41.040 and that
23 the application to purchase is approved by the chief of police or
24 sheriff; or

25 (c) Five business days, meaning days on which state offices are
26 open, have elapsed from the time of receipt of the application for the
27 purchase thereof as provided herein by the chief of police or sheriff
28 designated in subsection (5) of this section, and, when delivered, the
29 pistol shall be securely wrapped and shall be unloaded. However, if
30 the purchaser does not have a valid permanent Washington driver's
31 license or state identification card or has not been a resident of the
32 state for the previous consecutive ninety days, the waiting period
33 under this subsection (1)(c) shall be up to sixty days.

34 (2)(a) Except as provided in (b) of this subsection, in determining
35 whether the purchaser meets the requirements of RCW 9.41.040, the chief
36 of police or sheriff, or the designee of either, shall check with the
37 national crime information center, the Washington state patrol
38 electronic data base, the department of social and health services

1 electronic data base, and with other agencies or resources as
2 appropriate, to determine whether the applicant is ineligible under RCW
3 9.41.040 to possess a firearm.

4 (b) Once the system is established, a dealer shall use the state
5 system and national instant criminal background check system, provided
6 for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et
7 seq.), to make criminal background checks of applicants to purchase
8 firearms. However, a chief of police or sheriff, or a designee of
9 either, shall continue to check the department of social and health
10 services' electronic data base and with other agencies or resources as
11 appropriate, to determine whether applicants are ineligible under RCW
12 9.41.040 to possess a firearm.

13 (3) In any case under subsection (1)(c) of this section where the
14 applicant has an outstanding warrant for his or her arrest from any
15 court of competent jurisdiction for a felony or misdemeanor, the dealer
16 shall hold the delivery of the pistol until the warrant for arrest is
17 served and satisfied by appropriate court appearance. The local
18 jurisdiction for purposes of the sale shall confirm the existence of
19 outstanding warrants within seventy-two hours after notification of the
20 application to purchase a pistol is received. The local jurisdiction
21 shall also immediately confirm the satisfaction of the warrant on
22 request of the dealer so that the hold may be released if the warrant
23 was for an offense other than an offense making a person ineligible
24 under RCW 9.41.040 to possess a pistol.

25 (4) In any case where the chief or sheriff of the local
26 jurisdiction has reasonable grounds based on the following
27 circumstances: (a) Open criminal charges, (b) pending criminal
28 proceedings, (c) pending commitment proceedings, (d) an outstanding
29 warrant for an offense making a person ineligible under RCW 9.41.040 to
30 possess a pistol, or (e) an arrest for an offense making a person
31 ineligible under RCW 9.41.040 to possess a pistol, if the records of
32 disposition have not yet been reported or entered sufficiently to
33 determine eligibility to purchase a pistol, the local jurisdiction may
34 hold the sale and delivery of the pistol beyond five days up to thirty
35 days in order to confirm existing records in this state or elsewhere.
36 After thirty days, the hold will be lifted unless an extension of the
37 thirty days is approved by a local district court or municipal court
38 for good cause shown. A dealer shall be notified of each hold placed
39 on the sale by local law enforcement and of any application to the

1 court for additional hold period to confirm records or confirm the
2 identity of the applicant.

3 (5) At the time of applying for the purchase of a pistol, the
4 purchaser shall sign in triplicate and deliver to the dealer an
5 application containing his or her full name, residential address, date
6 and place of birth, race, and gender; the date and hour of the
7 application; the applicant's driver's license number or state
8 identification card number; a description of the pistol including the
9 make, model, caliber and manufacturer's number if available at the time
10 of applying for the purchase of a pistol. If the manufacturer's number
11 is not available, the application may be processed, but delivery of the
12 pistol to the purchaser may not occur unless the manufacturer's number
13 is recorded on the application by the dealer and transmitted to the
14 chief of police of the municipality or the sheriff of the county in
15 which the purchaser resides; and a statement that the purchaser is
16 eligible to possess a pistol under RCW 9.41.040.

17 The application shall contain a warning substantially as follows:

18 CAUTION: Although state and local laws do not differ, federal
19 law and state law on the possession of firearms differ. If you
20 are prohibited by federal law from possessing a firearm, you
21 may be prosecuted in federal court. State permission to
22 purchase a firearm is not a defense to a federal prosecution.

23 The purchaser shall be given a copy of the department of fish and
24 wildlife pamphlet on the legal limits of the use of firearms, firearms
25 safety, and the fact that local laws and ordinances on firearms are
26 preempted by state law and must be consistent with state law.

27 The dealer shall, by the end of the business day, sign and attach
28 his or her address and deliver a copy of the application and such other
29 documentation as required under subsection (1) of this section to the
30 chief of police of the municipality or the sheriff of the county of
31 which the purchaser is a resident. The triplicate shall be retained by
32 the dealer for six years. The dealer shall deliver the pistol to the
33 purchaser following the period of time specified in this section unless
34 the dealer is notified of an investigative hold under subsection (4) of
35 this section in writing by the chief of police of the municipality or
36 the sheriff of the county, whichever is applicable, denying the
37 purchaser's application to purchase and the grounds thereof. The

1 application shall not be denied unless the purchaser is not eligible to
2 possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

3 The chief of police of the municipality or the sheriff of the
4 county shall retain or destroy applications to purchase a pistol in
5 accordance with the requirements of 18 U.S.C. Sec. 922.

6 (6) A person who knowingly makes a false statement regarding
7 identity or eligibility requirements on the application to purchase a
8 pistol is guilty of false swearing under RCW 9A.72.040.

9 (7) This section does not apply to sales to licensed dealers for
10 resale or to the sale of antique firearms."

11 **SHB 1392** - S AMD TO S JUD COMM AMD (S2568.2) - 406
12 By Senators Benton, Zarelli and Hargrove

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14 On page 10, on line 32 of the title amendment, after "conviction"
15 strike the remainder of the title and insert "and to permanent
16 concealed pistol licenses; amending RCW 9.94A.230, 9.95.240, 13.50.050,
17 9.41.070, and 9.41.090; and adding a new section to chapter 9.96 RCW."

--- END ---

EFFECT: Provides for permanent concealed pistol licenses.

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