

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6052

56th Legislature
1999 Regular Session

Passed by the Senate March 13, 1999
YEAS 45 NAYS 0

President of the Senate

Passed by the House April 12, 1999
YEAS 81 NAYS 12

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6052** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6052

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Natural Resources, Parks & Recreation
(originally sponsored by Senators Jacobsen and Rasmussen)

Read first time 03/03/1999.

1 AN ACT Relating to funding hunter safety programs; amending RCW
2 9.41.070; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the hunter
5 education program offers classes that all new hunters in the state are
6 legally required to complete, but that budget reductions have limited
7 the assistance that may be provided to the volunteers who conduct these
8 classes. A portion of the funds for this program is provided by
9 statute exclusively for printing and distributing the hunter safety
10 pamphlet. While this pamphlet should remain the highest spending
11 priority for these funds, there is a surplus in the account which could
12 assist with other activities by the volunteers conducting the hunter
13 education program.

14 **Sec. 2.** RCW 9.41.070 and 1996 c 295 s 6 are each amended to read
15 as follows:

16 (1) The chief of police of a municipality or the sheriff of a
17 county shall within thirty days after the filing of an application of
18 any person, issue a license to such person to carry a pistol concealed

1 on his or her person within this state for five years from date of
2 issue, for the purposes of protection or while engaged in business,
3 sport, or while traveling. However, if the applicant does not have a
4 valid permanent Washington driver's license or Washington state
5 identification card or has not been a resident of the state for the
6 previous consecutive ninety days, the issuing authority shall have up
7 to sixty days after the filing of the application to issue a license.
8 The issuing authority shall not refuse to accept completed applications
9 for concealed pistol licenses during regular business hours.

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

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

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

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

17 (d) He or she is subject to a court order or injunction regarding
18 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
19 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137,
20 26.50.060, or 26.50.070;

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

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

25 (g) He or she has been ordered to forfeit a firearm under RCW
26 9.41.098(1)(e) within one year before filing an application to carry a
27 pistol concealed on his or her person.

28 No person convicted of a felony may have his or her right to
29 possess firearms restored or his or her privilege to carry a concealed
30 pistol restored, unless the person has been granted relief from
31 disabilities by the secretary of the treasury under 18 U.S.C. Sec.
32 925(c), or RCW 9.41.040 (3) or (4) applies.

33 (2) The issuing authority shall check with the national crime
34 information center, the Washington state patrol electronic data base,
35 the department of social and health services electronic data base, and
36 with other agencies or resources as appropriate, to determine whether
37 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
38 a firearm and therefore ineligible for a concealed pistol license.

1 This subsection applies whether the applicant is applying for a new
2 concealed pistol license or to renew a concealed pistol license.

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

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

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

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

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

30 The license shall contain a description of the major differences
31 between state and federal law and an explanation of the fact that local
32 laws and ordinances on firearms are preempted by state law and must be
33 consistent with state law. The application shall contain questions
34 about the applicant's eligibility under RCW 9.41.040 to possess a
35 pistol, the applicant's place of birth, and whether the applicant is a
36 United States citizen. The applicant shall not be required to produce
37 a birth certificate or other evidence of citizenship. A person who is
38 not a citizen of the United States shall meet the additional

1 requirements of RCW 9.41.170 and produce proof of compliance with RCW
2 9.41.170 upon application. The license shall be in triplicate and in
3 a form to be prescribed by the department of licensing.

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

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

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

17 The fee shall be distributed as follows:

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

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

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

23 (d) Three dollars to the firearms range account in the general
24 fund.

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

28 The renewal fee shall be distributed as follows:

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

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

32 (c) Three dollars to the firearms range account in the general
33 fund.

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

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

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

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

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

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

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

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

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

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

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

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