
HOUSE BILL 2088

State of Washington

64th Legislature

2015 Regular Session

By Representatives Shea, Taylor, Young, Scott, Schmick, Buys, and Condotta

Read first time 02/11/15. Referred to Committee on Judiciary.

1 AN ACT Relating to authorizing possession of pistols by qualified
2 persons who are eighteen years of age and older; amending RCW
3 9.41.070 and 9.41.073; and repealing RCW 9.41.240.

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

5 **Sec. 1.** RCW 9.41.070 and 2011 c 294 s 1 are each amended to read
6 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
10 concealed on his or her person within this state for five years from
11 date of issue, for the purposes of protection or while engaged in
12 business, sport, or while traveling. However, if the applicant does
13 not have a valid permanent Washington driver's license or Washington
14 state identification card or has not been a resident of the state for
15 the previous consecutive ninety days, the issuing authority shall
16 have up to sixty days after the filing of the application to issue a
17 license. The issuing authority shall not refuse to accept completed
18 applications for concealed pistol licenses during regular business
19 hours.

20 The applicant's constitutional right to bear arms shall not be
21 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, or is prohibited from
3 possessing a firearm under federal law;

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

6 (c) He or she is under (~~twenty-one~~) eighteen years of age;

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

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

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

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

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

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

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

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

38 (3) Any person whose firearms rights have been restricted and who
39 has been granted relief from disabilities by the attorney general
40 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.

1 921(a)(20)(A) shall have his or her right to acquire, receive,
2 transfer, ship, transport, carry, and possess firearms in accordance
3 with Washington state law restored except as otherwise prohibited by
4 this chapter.

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

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

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

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

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

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

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

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

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

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

19 The fee shall be distributed as follows:

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

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

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

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

27 (6) The nonrefundable fee for the renewal of such license shall
28 be thirty-two dollars. No other branch or unit of government may
29 impose any additional charges on the applicant for the renewal of the
30 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
34 the 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
7 date of the prior license. A licensee renewing after the expiration
8 date of the license must pay a late renewal penalty of ten dollars in
9 addition to the renewal fee specified in subsection (6) of this
10 section. The fee shall be distributed as follows:

11 (a) Three dollars shall be deposited in the state wildlife
12 account and used exclusively first for the printing and distribution
13 of a pamphlet on the legal limits of the use of firearms, firearms
14 safety, and the preemptive nature of state law, and subsequently the
15 support of volunteer instructors in the basic firearms safety
16 training program conducted by the department of fish and wildlife.
17 The pamphlet shall 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
25 license issued under this subsection shall not exempt the holder of
26 the license from any records check requirement. Temporary emergency
27 licenses shall 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
31 not 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
36 license of a person who knowingly makes a false statement shall be
37 revoked, and the person shall be permanently ineligible for a
38 concealed pistol 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 (14) Any person who, as a member of the armed forces, including
7 the national guard and armed forces reserves, is unable to renew his
8 or her license under subsections (6) and (9) of this section because
9 of the person's assignment, reassignment, or deployment for out-of-
10 state military service may renew his or her license within ninety
11 days after the person returns to this state from out-of-state
12 military service, if the person provides the following to the issuing
13 authority no later than ninety days after the person's date of
14 discharge or assignment, reassignment, or deployment back to this
15 state: (a) A copy of the person's original order designating the
16 specific period of assignment, reassignment, or deployment for out-
17 of-state military service, and (b) if appropriate, a copy of the
18 person's discharge or amended or subsequent assignment, reassignment,
19 or deployment order back to this state. A license so renewed under
20 this subsection (14) shall take effect on the expiration date of the
21 prior license. A licensee renewing after the expiration date of the
22 license under this subsection (14) shall pay only the renewal fee
23 specified in subsection (6) of this section and shall not be required
24 to pay a late renewal penalty in addition to the renewal fee.

25 **Sec. 2.** RCW 9.41.073 and 2004 c 148 s 1 are each amended to read
26 as follows:

27 (1)(a) A person licensed to carry a pistol in a state the laws of
28 which recognize and give effect in that state to a concealed pistol
29 license issued under the laws of the state of Washington is
30 authorized to carry a concealed pistol in this state if:

31 (i) The licensing state does not issue concealed pistol licenses
32 to persons under (~~twenty-one~~) eighteen years of age; and

33 (ii) The licensing state requires mandatory fingerprint-based
34 background checks of criminal and mental health history for all
35 persons who apply for a concealed pistol license.

36 (b) This section applies to a license holder from another state
37 only while the license holder is not a resident of this state. A
38 license holder from another state must carry the handgun in
39 compliance with the laws of this state.

1 (2) The attorney general shall periodically publish a list of
2 states the laws of which recognize and give effect in that state to a
3 concealed pistol license issued under the laws of the state of
4 Washington and which meet the requirements of subsection (1)(a)(i)
5 and (ii) of this section.

6 NEW SECTION. **Sec. 3.** RCW 9.41.240 (Possession of pistol by
7 person from eighteen to twenty-one) and 1994 sp.s. c 7 s 423, 1971 c
8 34 s 1, 1909 c 249 s 308, & 1883 p 67 s 1 are each repealed.

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