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HOUSE BILL 1439

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Doglio, Dolan, Macri, and Ormsby

Read first time 01/22/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to requiring permission to bring a concealed  
2 firearm into another person's residence or dwelling place; amending  
3 RCW 9.41.075; adding a new section to chapter 9.41 RCW; and  
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW  
7 to read as follows:

8 (1) It is unlawful for a person to carry a concealed firearm into  
9 the residence or dwelling place of another person without first  
10 obtaining the express permission of the owner or person in legal  
11 control or possession of the residence or dwelling place.

12 (2) A person who violates this section is guilty of a misdemeanor  
13 punishable under RCW 9A.20.010.

14 (3) Upon conviction for a violation of this section, the court  
15 shall order the person to surrender any concealed pistol license and  
16 prohibit the person from obtaining a concealed pistol license for a  
17 period of five years from the date of conviction. The court shall  
18 forward the date of conviction and a copy of the person's driver's  
19 license or identicard, or comparable information, to the department  
20 of licensing within three judicial days after conviction. The  
21 department of licensing shall immediately notify the license-issuing

1 authority if the department of licensing's records indicate the  
2 convicted person has a concealed pistol license. Upon receipt of the  
3 notification, the license-issuing authority shall immediately revoke  
4 the person's concealed pistol license for a period of five years from  
5 the date of conviction in accordance with RCW 9.41.075.

6 **Sec. 2.** RCW 9.41.075 and 2005 c 453 s 4 are each amended to read  
7 as follows:

8 (1) The license shall be revoked by the license-issuing authority  
9 immediately upon:

10 (a) Discovery by the issuing authority that the person was  
11 ineligible under RCW 9.41.070 for a concealed pistol license when  
12 applying for the license or license renewal;

13 (b) Conviction of the licensee, or the licensee being found not  
14 guilty by reason of insanity, of an offense, or commitment of the  
15 licensee for mental health treatment, that makes a person ineligible  
16 under RCW 9.41.040 to possess a firearm;

17 (c) Conviction of the licensee of an offense under section 1 of  
18 this act;

19 (d) Conviction of the licensee for a third violation of this  
20 chapter within five calendar years; or

21 ~~((d))~~ (e) An order that the licensee forfeit a firearm under  
22 RCW 9.41.098(1) (d).

23 (2) (a) Unless the person may lawfully possess a pistol without a  
24 concealed pistol license, an ineligible person to whom a concealed  
25 pistol license was issued shall, within fourteen days of license  
26 revocation, lawfully transfer ownership of any pistol acquired while  
27 the person was in possession of the license.

28 (b) Upon discovering a person issued a concealed pistol license  
29 was ineligible for the license, the issuing authority shall contact  
30 the department of licensing to determine whether the person purchased  
31 a pistol while in possession of the license. If the person did  
32 purchase a pistol while in possession of the concealed pistol  
33 license, if the person may not lawfully possess a pistol without a  
34 concealed pistol license, the issuing authority shall require the  
35 person to present satisfactory evidence of having lawfully  
36 transferred ownership of the pistol. The issuing authority shall  
37 require the person to produce the evidence within fifteen days of the  
38 revocation of the license.

1 (3) When a licensee is ordered to forfeit a firearm under RCW  
2 9.41.098(1)(d), the issuing authority shall:

3 (a) On the first forfeiture, revoke the license for one year;

4 (b) On the second forfeiture, revoke the license for two years;

5 or

6 (c) On the third or subsequent forfeiture, revoke the license for  
7 five years.

8 Any person whose license is revoked as a result of a forfeiture  
9 of a firearm under RCW 9.41.098(1)(d) may not reapply for a new  
10 license until the end of the revocation period.

11 (4) Revocation of a concealed pistol license under subsection  
12 (1)(c) of this section shall be for a period of five years. The  
13 licensee may not reapply for a new concealed pistol license until the  
14 end of the revocation period.

15 (5) The issuing authority shall notify, in writing, the  
16 department of licensing of the revocation of a license. The  
17 department of licensing shall record the revocation.

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