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**SUBSTITUTE SENATE BILL 5174**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Palumbo and Pedersen)

READ FIRST TIME 01/25/19.

1 AN ACT Relating to concealed pistol license training  
2 requirements; and reenacting and amending RCW 9.41.070.

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

4 **Sec. 1.** RCW 9.41.070 and 2018 c 226 s 2 and 2018 c 201 s 6002  
5 are each reenacted and amended to read 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~~  
8 ~~of any person,~~) issue a license to ((such)) any person submitting an  
9 application pursuant to the requirements of this section to carry a  
10 pistol concealed on his or her person within this state for five  
11 years from date of issue, for the purposes of protection or while  
12 engaged in business, sport, or while traveling. (~~However, if the~~  
13 ~~applicant does not have a valid permanent Washington driver's license~~  
14 ~~or Washington state identification card or has not been a resident of~~  
15 ~~the state for the previous consecutive ninety days, the issuing~~  
16 ~~authority shall have up to sixty days after the filing of the~~  
17 ~~application to issue a license.)) The issuing authority shall not  
18 refuse to accept completed applications for concealed pistol licenses  
19 during regular business hours and must issue a license or denial:~~

20 (a) Within thirty days of the date the application was filed; or

1 (b) Within sixty days of the date the application was filed if  
2 the applicant does not have a valid permanent Washington driver's  
3 license or Washington state identification card or has not been a  
4 resident of the state for the previous consecutive ninety days.

5 ~~((The applicant's constitutional right to bear arms))~~ (2) An  
6 application for a concealed pistol license shall not be denied,  
7 unless the person:

8 (a) ~~((He or she))~~ Is ineligible to possess a firearm under the  
9 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from  
10 possessing a firearm under federal law;

11 (b) ~~((The applicant's))~~ Has a concealed pistol license that is in  
12 a revoked status;

13 (c) ~~((He or she))~~ Is under twenty-one years of age;

14 (d) ~~((He or she))~~ Is subject to a court order or injunction  
15 regarding firearms pursuant to chapter~~((s))~~ 7.90, 7.92, or 7.94 RCW,  
16 or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050,  
17 26.09.060, 26.10.040, 26.10.115, ~~((26.26.130))~~ 26.26B.020, 26.50.060,  
18 26.50.070, or 26.26.590;

19 (e) ~~((He or she))~~ Is free on bond or personal recognizance  
20 pending trial, appeal, or sentencing for a felony offense;

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

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

27 (h) Has not provided proof that he or she has completed a  
28 recognized firearms safety training program within the last five  
29 years as provided in subsection (3) of this section.

30 (3)(a) A person applying for a concealed pistol license must  
31 provide proof that he or she has completed a recognized firearms  
32 safety training program within the last five years that, at a  
33 minimum, includes eight hours of instruction on:

34 (i) Basic firearms safety rules;

35 (ii) Firearms and children, including safe storage of firearms  
36 and talking to children about firearms safety;

37 (iii) Firearms and suicide prevention;

38 (iv) Safe storage of firearms to prevent unauthorized access and  
39 use;

40 (v) Safe handling of firearms;

1 (vi) State and federal firearms laws, including prohibited  
2 firearms transfers;

3 (vii) State laws pertaining to the use of deadly force for self-  
4 defense;

5 (viii) Techniques for avoiding a criminal attack and how to  
6 manage a violent confrontation, including conflict resolution; and

7 (ix) Live-fire shooting exercises on a firing range that include  
8 a demonstration by the applicant of safe handling of, and shooting  
9 proficiency with, each firearm that the applicant is applying to be  
10 licensed to carry.

11 (b) The training must be sponsored by a federal, state, county,  
12 or municipal law enforcement agency, a college, a university, a  
13 nationally recognized organization that customarily offers firearms  
14 training, or a firearms training school with instructors certified by  
15 a nationally recognized organization that customarily offers firearms  
16 training.

17 (c) The Washington state patrol shall prescribe the form and  
18 manner of documentation to be provided to an applicant for use as  
19 proof of completion of a recognized firearms safety training program.

20 (4) No person convicted of a felony may have his or her right to  
21 possess firearms restored or his or her privilege to carry a  
22 concealed pistol restored, unless the person has been granted relief  
23 from disabilities by the attorney general under 18 U.S.C. Sec.  
24 925(c), or RCW 9.41.040 (3) or (4) applies.

25 ~~((+2))~~ (5)(a) The issuing authority shall conduct a check  
26 through the national instant criminal background check system, the  
27 Washington state patrol electronic database, the health care  
28 authority electronic database, and with other agencies or resources  
29 as appropriate, to determine whether the applicant is ineligible  
30 under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited  
31 from possessing a firearm under federal law, and therefore ineligible  
32 for a concealed pistol license.

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

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

39 ~~((+3))~~ (6) Any person whose firearms rights have been restricted  
40 and who has been granted relief from disabilities by the attorney

1 general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
2 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,  
3 transfer, ship, transport, carry, and possess firearms in accordance  
4 with Washington state law restored except as otherwise prohibited by  
5 this chapter.

6 ~~((4) The license application shall bear the full name,  
7 residential address, telephone number at the option of the applicant,  
8 email address at the option of the applicant, date and place of  
9 birth, race, gender, description, a complete set of fingerprints, and  
10 signature of the licensee, and the licensee's driver's license number  
11 or state identification card number if used for identification in  
12 applying for the license.))~~

13 (7) An applicant for a concealed pistol license must submit to  
14 the licensing authority:

15 (a) A completed license application as provided in subsection (8)  
16 of this section;

17 (b) A complete set of fingerprints to be forwarded to the  
18 Washington state patrol;

19 (c) At the request of the licensing authority, a photograph of  
20 the applicant;

21 (d) Evidence of completion of a firearms safety training program  
22 as provided in this section; and

23 (e) The licensing fee as provided in subsections (12) through  
24 (15) of this section.

25 (8) (a) An application for a concealed pistol license must include  
26 the applicant's:

27 (i) Full name and place and date of birth;

28 (ii) Residential address;

29 (iii) Telephone number and email address, at the option of the  
30 applicant;

31 (iv) Driver's license number or state identification card number  
32 if used for identification in applying for the license;

33 (v) Physical description;

34 (vi) Race and gender; and

35 (vii) Signature.

36 (b) A signed application for a concealed pistol license shall  
37 constitute a waiver of confidentiality and written request that the  
38 health care authority, mental health institutions, and other health  
39 care facilities release information relevant to the applicant's

1 eligibility for a concealed pistol license to an inquiring court or  
2 law enforcement agency.

3 ~~((The application for an original license shall include a  
4 complete set of fingerprints to be forwarded to the Washington state  
5 patrol.~~

6 ~~The license and application shall contain a warning substantially  
7 as follows:~~

8 ~~CAUTION: Although state and local laws do not differ, federal  
9 law and state law on the possession of firearms differ. If  
10 you are prohibited by federal law from possessing a firearm,  
11 you may be prosecuted in federal court. A state license is  
12 not a defense to a federal prosecution.))~~

13 (c) The application must contain questions about the applicant's  
14 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
15 the applicant's place of birth, and whether the applicant is a United  
16 States citizen. If the applicant is not a United States citizen, the  
17 applicant must provide the applicant's country of citizenship, United  
18 States issued alien number or admission number, and the basis on  
19 which the applicant claims to be exempt from federal prohibitions on  
20 firearm possession by aliens. The applicant shall not be required to  
21 produce a birth certificate or other evidence of citizenship. A  
22 person who is not a citizen of the United States shall, if  
23 applicable, meet the additional requirements of RCW 9.41.173 and  
24 produce proof of compliance with RCW 9.41.173 upon application.

25 (9) (a) A concealed pistol license must be issued in triplicate or  
26 in a form prescribed by the department of licensing and may include a  
27 photograph of the licensee. The original must be delivered to the  
28 licensee, the duplicate must be sent within seven days to the  
29 director of licensing, and the triplicate must be preserved for six  
30 years by the authority issuing the license.

31 (b) The license shall contain a description of the major  
32 differences between state and federal law and an explanation of the  
33 fact that local laws and ordinances on firearms are preempted by  
34 state law and must be consistent with state law.

35 ~~((The application shall contain questions about the applicant's  
36 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
37 the applicant's place of birth, and whether the applicant is a United  
38 States citizen. If the applicant is not a United States citizen, the  
39 applicant must provide the applicant's country of citizenship, United~~

1 ~~States issued alien number or admission number, and the basis on~~  
2 ~~which the applicant claims to be exempt from federal prohibitions on~~  
3 ~~firearm possession by aliens. The applicant shall not be required to~~  
4 ~~produce a birth certificate or other evidence of citizenship. A~~  
5 ~~person who is not a citizen of the United States shall, if~~  
6 ~~applicable, meet the additional requirements of RCW 9.41.173 and~~  
7 ~~produce proof of compliance with RCW 9.41.173 upon application. The~~  
8 ~~license may be in triplicate or in a form to be prescribed by the~~  
9 ~~department of licensing.~~

10 ~~A photograph of the applicant may be required as part of the~~  
11 ~~application and printed on the face of the license.~~

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

16 (10) The application and license must contain a warning  
17 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  
20 you are prohibited by federal law from possessing a firearm,  
21 you may be prosecuted in federal court. A state license is  
22 not a defense to a federal prosecution.

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

26 ~~((+5))~~ (12) The nonrefundable fee, paid upon application, for  
27 the original five-year license shall be thirty-six dollars plus  
28 additional charges imposed by the federal bureau of investigation  
29 that are passed on to the applicant. No other state or local branch  
30 or unit of government may impose any additional charges on the  
31 applicant for the issuance of the license.

32 The fee shall be distributed as follows:

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

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

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

38 (d) Two dollars and sixteen cents to the firearms range account  
39 in the general fund; and

1 (e) Eighty-four cents to the concealed pistol license renewal  
2 notification account created in RCW 43.79.540.

3 (~~(6)~~) (13) The nonrefundable fee for the renewal of such  
4 license shall be thirty-two dollars. No other branch or unit of  
5 government may impose any additional charges on the applicant for the  
6 renewal of the license.

7 The renewal fee shall be distributed as follows:

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

9 (b) Fourteen dollars shall be paid to the issuing authority for  
10 the purpose of enforcing this chapter;

11 (c) Two dollars and sixteen cents to the firearms range account  
12 in the general fund; and

13 (d) Eighty-four cents to the concealed pistol license renewal  
14 notification account created in RCW 43.79.540.

15 (~~(7)~~) (14) The nonrefundable fee for replacement of lost or  
16 damaged licenses is ten dollars to be paid to the issuing authority.

17 (~~(8)~~) (15) Payment shall be by cash, check, or money order at  
18 the option of the applicant. Additional methods of payment may be  
19 allowed at the option of the issuing authority.

20 (~~(9)~~) (16) (a) A licensee may renew a license if the licensee  
21 applies for renewal within ninety days before or after the expiration  
22 date of the license. A license so renewed shall take effect on the  
23 expiration date of the prior license. A licensee renewing after the  
24 expiration date of the license must pay a late renewal penalty of ten  
25 dollars in addition to the renewal fee specified in subsection  
26 (~~(6)~~) (13) of this section. The fee shall be distributed as  
27 follows:

28 (i) Three dollars shall be deposited in the state wildlife  
29 account and used exclusively first for the printing and distribution  
30 of a pamphlet on the legal limits of the use of firearms, firearms  
31 safety, and the preemptive nature of state law, and subsequently the  
32 support of volunteer instructors in the basic firearms safety  
33 training program conducted by the department of fish and wildlife.  
34 The pamphlet shall be given to each applicant for a license; and

35 (ii) Seven dollars shall be paid to the issuing authority for the  
36 purpose of enforcing this chapter.

37 (b) Beginning with concealed pistol licenses that expire on or  
38 after August 1, 2018, the department of licensing shall mail a  
39 renewal notice approximately ninety days before the license  
40 expiration date to the licensee at the address listed on the

1 concealed pistol license application, or to the licensee's new  
2 address if the licensee has notified the department of licensing of a  
3 change of address. Alternatively, if the licensee provides an email  
4 address at the time of license application, the department of  
5 licensing may send the renewal notice to the licensee's email  
6 address. The notice must contain the date the concealed pistol  
7 license will expire, the amount of renewal fee, the penalty for late  
8 renewal, and instructions on how to renew the license.

9 ~~((+10))~~ (17) Notwithstanding the requirements of subsections (1)  
10 through ~~((+9))~~ (16) of this section, the chief of police of the  
11 municipality or the sheriff of the county of the applicant's  
12 residence may issue a temporary emergency license for good cause  
13 pending review under subsection (1) of this section. However, a  
14 temporary emergency license issued under this subsection shall not  
15 exempt the holder of the license from any records check requirement.  
16 Temporary emergency licenses shall be easily distinguishable from  
17 regular licenses.

18 ~~((+11))~~ (18) A political subdivision of the state shall not  
19 modify the requirements of this section or chapter, nor may a  
20 political subdivision ask the applicant to voluntarily submit any  
21 information not required by this section.

22 ~~((+12))~~ (19) A person who knowingly makes a false statement  
23 regarding citizenship or identity on an application for a concealed  
24 pistol license is guilty of false swearing under RCW 9A.72.040. In  
25 addition to any other penalty provided for by law, the concealed  
26 pistol license of a person who knowingly makes a false statement  
27 shall be revoked, and the person shall be permanently ineligible for  
28 a concealed pistol license.

29 ~~((+13))~~ (20) A person may apply for a concealed pistol license:

30 (a) To the municipality or to the county in which the applicant  
31 resides if the applicant resides in a municipality;

32 (b) To the county in which the applicant resides if the applicant  
33 resides in an unincorporated area; or

34 (c) Anywhere in the state if the applicant is a nonresident.

35 ~~((+14))~~ (21) Any person who, as a member of the armed forces,  
36 including the national guard and armed forces reserves, is unable to  
37 renew his or her license under subsections ~~((+6))~~ (13) and ~~((+9))~~  
38 (16) of this section because of the person's assignment,  
39 reassignment, or deployment for out-of-state military service may  
40 renew his or her license within ninety days after the person returns



1 to this state from out-of-state military service, if the person  
2 provides the following to the issuing authority no later than ninety  
3 days after the person's date of discharge or assignment,  
4 reassignment, or deployment back to this state: (a) A copy of the  
5 person's original order designating the specific period of  
6 assignment, reassignment, or deployment for out-of-state military  
7 service, and (b) if appropriate, a copy of the person's discharge or  
8 amended or subsequent assignment, reassignment, or deployment order  
9 back to this state. A license so renewed under this subsection  
10 (~~(14)~~) shall take effect on the expiration date of the prior  
11 license. A licensee renewing after the expiration date of the license  
12 under this subsection (~~(14)~~) shall pay only the renewal fee  
13 specified in subsection (~~(6)~~) (13) of this section and shall not be  
14 required to pay a late renewal penalty in addition to the renewal  
15 fee.

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