
HOUSE BILL 2373

State of Washington

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By Representatives Kremen, Rayburn, Winsley, Anderson, McLean, Roland, R. Johnson, O'Brien, Pruitt, Chandler, Heavey, Betrozoff, Scott, Rasmussen, G. Cole, Spanel, Cantwell, Grant, Brekke, Peery, Braddock, G. Fisher, Paris, Wineberry, J. Kohl, Orr, Sheldon and Haugen

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1 AN ACT Relating to eligibility for a concealed weapon permit; and
2 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 1990 c 195 s 6 are each amended to read
5 as follows:

6 (1) The judge of a court of record, the chief of police of a
7 municipality, or the sheriff of a county, shall within thirty days
8 after the filing of an application of any person issue a license to
9 such person to carry a pistol concealed on his or her person within
10 this state for four years from date of issue, for the purposes of
11 protection or while engaged in business, sport, or while traveling.
12 However, if the applicant does not have a valid permanent Washington
13 driver's license or Washington state identification card or has not
14 been a resident of the state for the previous consecutive ninety days,

1 the issuing authority shall have up to sixty days after the filing of
2 the application to issue a license. Such applicant's constitutional
3 right to bear arms shall not be denied (~~((to him))~~), unless he or she:

4 (a) Is ineligible to own a pistol under the provisions of RCW
5 9.41.040; or

6 (b) Is under twenty-one years of age; or

7 (c) Is subject to a court order or injunction regarding firearms
8 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

9 (d) Is free on bond or personal recognizance pending trial, appeal,
10 or sentencing for a crime of violence; or

11 (e) Has an outstanding warrant for his or her arrest from any court
12 of competent jurisdiction for a felony or misdemeanor; or

13 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
14 within one year before filing an application to carry a pistol
15 concealed on his or her person; or

16 (g) Has been convicted of any of the following offenses: Assault
17 in the third or fourth degree, arson in the second degree, taking a
18 motor vehicle without permission, indecent liberties, malicious
19 mischief in the first degree, possession of stolen property in the
20 first or second degree, or theft in the first or second degree.

21 The license shall be revoked by the issuing authority immediately
22 upon conviction of a crime which makes such a person ineligible to own
23 a pistol or upon the third conviction for a violation of this chapter
24 within five calendar years.

25 (2) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the
26 (~~((license))~~) issuing authority shall:

27 (a) On the first forfeiture, (~~((be revoked by the department of~~
28 ~~licensing))~~) revoke the license for one year;

29 (b) On the second forfeiture, (~~((be revoked by the department of~~
30 ~~licensing))~~) revoke the license for two years;

1 (c) On the third or subsequent forfeiture, (~~be revoked by the~~
2 ~~department of licensing~~) revoke the license for five years.

3 Any person whose license is revoked as a result of a forfeiture of a
4 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
5 until the end of the revocation period. The issuing authority shall
6 notify, in writing, the department of licensing upon revocation of a
7 license. The department of licensing shall record the revocation.

8 The license shall be in triplicate, in form to be prescribed by the
9 department of licensing, and shall bear the name, address, and
10 description, fingerprints, and signature of the licensee, and the
11 licensee's driver's license number or state identification card number
12 if used for identification in applying for the license. The license
13 application shall contain a warning substantially as follows:

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

19 The license application shall contain a description of the major
20 differences between state and federal law and an explanation of the
21 fact that local laws and ordinances on firearms are preempted by state
22 law and must be consistent with state law. The application shall
23 contain questions about the applicant's place of birth, whether the
24 applicant is a United States citizen, and if not a citizen whether the
25 applicant has declared the intent to become a citizen and whether he or
26 she has been required to register with the state or federal government
27 and any identification or registration number, if applicable. The
28 applicant shall not be required to produce a birth certificate or other
29 evidence of citizenship. An applicant who is not a citizen shall
30 provide documentation showing resident alien status and the applicant's

1 intent to become a citizen. A person who makes a false statement
2 regarding citizenship on the application is guilty of a misdemeanor. A
3 person who is not a citizen of the United States, or has not declared
4 his or her intention to become a citizen shall meet the additional
5 requirements of RCW 9.41.170.

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

10 (3) The fee for the original issuance of a four-year license shall
11 be twenty-three dollars: PROVIDED, That no other additional charges by
12 any branch or unit of government shall be borne by the applicant for
13 the issuance of the license: PROVIDED FURTHER, That the fee shall be
14 distributed as follows:

15 (a) Four dollars shall be paid to the state general fund;

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

18 (c) Twelve dollars shall be paid to the issuing authority for the
19 purpose of enforcing this chapter; and

20 (d) Three dollars to the firearms range account in the general
21 fund.

22 (4) The fee for the renewal of such license shall be fifteen
23 dollars: PROVIDED, That no other additional charges by any branch or
24 unit of government shall be borne by the applicant for the renewal of
25 the license: PROVIDED FURTHER, That the fee shall be distributed as
26 follows:

27 (a) Four dollars shall be paid to the state general fund;

28 (b) Eight dollars shall be paid to the issuing authority for the
29 purpose of enforcing this chapter; and

1 (c) Three dollars to the firearms range account in the general
2 fund.

3 (5) 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 (6) A licensee may renew a license if the licensee applies for
7 renewal within ninety days before or after the expiration date of the
8 license. A license so renewed shall take effect on the expiration date
9 of the prior license. A licensee renewing after the expiration date of
10 the license must pay a late renewal penalty of ten dollars in addition
11 to the renewal fee specified in subsection (4) of this section. The
12 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 (7) Notwithstanding the requirements of subsections (1) through (6)
21 of this section, the chief of police of the municipality or the sheriff
22 of the county of the applicant's residence may issue a temporary
23 emergency license for good cause pending review under subsection (1) of
24 this section.

25 (8) 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. A civil suit may be brought to enjoin a
29 wrongful refusal to issue a license or a wrongful modification of the
30 requirements of this section or chapter. The civil suit may be brought

1 in the county in which the application was made or in Thurston county
2 at the discretion of the petitioner. Any person who prevails against
3 a public agency in any action in the courts for a violation of this
4 chapter shall be awarded costs, including reasonable attorneys' fees,
5 incurred in connection with such legal action.