
HOUSE BILL 1152

State of Washington

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By Representatives Pennington, Buck, Smith, Sherstad, Beeksma, Hargrove, Campbell, Chappell, Basich, Sheldon, Backlund, L. Thomas, Thompson, Foreman, Benton, McMorris, Robertson, Goldsmith, McMahan, Chandler, Clements, Mulliken, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes, Skinner, Mielke and Padden

Read first time 01/16/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to fees for concealed pistol licenses; and
2 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 1994 sp.s. c 7 s 407 and 1994 c 190 s 2
5 are each reenacted and amended to read 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,
15 the issuing authority shall have up to sixty days after the filing of
16 the application to issue a license. The issuing authority shall not
17 refuse to accept completed applications for concealed pistol licenses
18 during regular business hours.

1 The applicant's constitutional right to bear arms shall not be
2 denied, unless he or she:

3 (a) Is ineligible to possess a firearm under the provisions of RCW
4 9.41.040;

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

6 (c) Is subject to a court order or injunction regarding firearms
7 pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050,
8 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or
9 26.50.070;

10 (d) Is free on bond or personal recognizance pending trial, appeal,
11 or sentencing for a serious offense;

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

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

17 (g)(i) Has been convicted of any crime against a child or other
18 person listed in RCW 43.43.830(5).

19 (ii) Except as provided in (g)(iii) of this subsection, any person
20 who becomes ineligible for a concealed pistol license as a result of a
21 conviction for a crime listed in (g)(i) of this subsection and then
22 successfully completes all terms of his or her sentence, as evidenced
23 by a certificate of discharge issued under RCW 9.94A.220 in the case of
24 a sentence under chapter 9.94A RCW, and has not again been convicted of
25 any crime and is not under indictment for any crime, may, one year or
26 longer after such successful sentence completion, petition a court of
27 record for a declaration that the person is no longer ineligible for a
28 concealed pistol license under (g)(i) of this subsection.

29 (iii) No person convicted of a serious offense as defined in RCW
30 9.41.010 may have his or her right to possess firearms restored, unless
31 the person has been granted relief from disabilities by the secretary
32 of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4)
33 applies.

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

1 applies whether the applicant is applying for a new concealed pistol
2 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 be in triplicate, in form to be
11 prescribed by the department of licensing, and shall bear the full
12 name, street address, date and place of birth, race, gender,
13 description, fingerprints, and signature of the licensee, and the
14 licensee's driver's license number or state identification card number
15 if used for identification in applying for the license. A signed
16 application for a concealed pistol license shall constitute a waiver of
17 confidentiality and written request that the department of social and
18 health services, mental health institutions, and other health care
19 facilities release information relevant to the applicant's eligibility
20 for a concealed pistol license to an inquiring court or law enforcement
21 agency.

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

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

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

1 citizenship. A person who is not a citizen of the United States shall
2 meet the additional requirements of RCW 9.41.170.

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

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

10 (5) The fee for the original issuance of a four-year license shall
11 be (~~(fifty)~~) twenty-three dollars. No other branch or unit of
12 government may impose any additional charges on the applicant for the
13 issuance of the license.

14 The fee shall be distributed as follows:

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

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

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

21 (d) (~~(Ten)~~) Three dollars to the firearms range account in the
22 general fund.

23 (6) The fee for the renewal of such license shall be (~~(fifty)~~)
24 fifteen dollars. No other branch or unit of government may impose any
25 additional charges on the applicant for the renewal of the license.

26 The renewal fee shall be distributed as follows:

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

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

31 (c) (~~(Ten)~~) Three dollars to the firearms range account in the
32 general fund.

33 (7) Payment shall be by cash, check, or money order at the option
34 of the applicant. Additional methods of payment may be allowed at the
35 option of the issuing authority.

36 (8) A licensee may renew a license if the licensee applies for
37 renewal within ninety days before or after the expiration date of the
38 license. A license so renewed shall take effect on the expiration date
39 of the prior license. A licensee renewing after the expiration date of

1 the license must pay a late renewal penalty of (~~twenty~~) ten dollars
2 in addition to the renewal fee specified in subsection (6) of this
3 section. The fee shall be distributed as follows:

4 (a) (~~Ten~~) Three dollars shall be deposited in the state wildlife
5 fund and used exclusively for the printing and distribution of a
6 pamphlet on the legal limits of the use of firearms, firearms safety,
7 and the preemptive nature of state law. The pamphlet shall be given to
8 each applicant for a license; and

9 (b) (~~Ten~~) Seven dollars shall be paid to the issuing authority
10 for the purpose of enforcing this chapter.

11 (9) Notwithstanding the requirements of subsections (1) through (8)
12 of this section, the chief of police of the municipality or the sheriff
13 of the county of the applicant's residence may issue a temporary
14 emergency license for good cause pending review under subsection (1) of
15 this section.

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

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

27 (12) A person may apply for a concealed pistol license:

28 (a) To the municipality or to the county in which the applicant
29 resides if the applicant resides in a municipality;

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

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

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