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HOUSE BILL 2417

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Delvin, Sterk, Thompson, Sheahan, Smith, Campbell, Pennington and Mulliken

Read first time 01/10/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to fees for concealed pistol licenses; and amending  
2 RCW 9.41.070.

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

4 **Sec. 1.** RCW 9.41.070 and 1995 c 351 (SHB 1152) s 1 are each  
5 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 of  
8 any person, issue a license to such person to carry a pistol concealed  
9 on his or her person within this state for five years from date of  
10 issue, for the purposes of protection or while engaged in business,  
11 sport, or while traveling. However, if the applicant does not have a  
12 valid permanent Washington driver's license or Washington state  
13 identification card or has not been a resident of the state for the  
14 previous consecutive ninety days, the issuing authority shall have up  
15 to sixty days after the filing of the application to issue a license.  
16 The issuing authority shall not refuse to accept completed applications  
17 for concealed pistol licenses during regular business hours.

18 The applicant's constitutional right to bear arms shall not be  
19 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;

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

5 (c) He or she is under twenty-one years of age;

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

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

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

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

17 (h)(i) He or she has been convicted of any crime against a child or  
18 other person listed in RCW 43.43.830(5).

19 (ii) Except as provided in (h)(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 (h)(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 (h)(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 or 9.41.045 to possess  
39 a firearm and therefore ineligible for a concealed pistol license.

1 This subsection applies whether the applicant is applying for a new  
2 concealed pistol 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 bear the full name, residential  
11 address, telephone number at the option of the applicant, date and  
12 place of birth, race, gender, description, not more than two complete  
13 sets of fingerprints, and signature of the licensee, and the licensee's  
14 driver's license number or state identification card number if used for  
15 identification in applying for the license. A signed application for  
16 a concealed pistol license shall constitute a waiver of confidentiality  
17 and written request that the department of social and health services,  
18 mental health institutions, and other health care facilities release  
19 information relevant to the applicant's eligibility for a concealed  
20 pistol license to an inquiring court or law enforcement agency.

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

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

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

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

1 requirements of RCW 9.41.170 and produce proof of compliance with RCW  
2 9.41.170 upon application. The license shall be in triplicate and in  
3 a form to be prescribed by the department of licensing.

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

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

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

17 The fee shall be distributed as follows:

18 (a) (~~Fifteen~~) Five dollars shall be paid to the state general  
19 fund;

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

22 (c) (~~Fourteen~~) Twenty-four dollars shall be paid to the issuing  
23 authority for the purpose of enforcing this chapter; and

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

26 (6) The fee for the renewal of such license shall be thirty-two  
27 dollars. No other branch or unit of government may impose any  
28 additional charges on the applicant for the renewal of the license.

29 The renewal fee shall be distributed as follows:

30 (a) (~~Fifteen~~) Five dollars shall be paid to the state general  
31 fund;

32 (b) (~~Fourteen~~) Twenty-four dollars shall be paid to the issuing  
33 authority for the purpose of enforcing this chapter; and

34 (c) Three dollars to the firearms range account in the general  
35 fund.

36 (7) The fee for replacement of lost or damaged licenses is ten  
37 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 date  
7 of the prior license. A licensee renewing after the expiration date of  
8 the license must pay a late renewal penalty of ten dollars in addition  
9 to the renewal fee specified in subsection (6) of this section. The  
10 fee shall be distributed as follows:

11 (a) Three dollars shall be deposited in the state wildlife fund and  
12 used exclusively for the printing and distribution of a pamphlet on the  
13 legal limits of the use of firearms, firearms safety, and the  
14 preemptive nature of state law. The pamphlet shall be given to each  
15 applicant for a license; and

16 (b) Seven dollars shall be paid to the issuing authority for the  
17 purpose of enforcing this chapter.

18 (10) Notwithstanding the requirements of subsections (1) through  
19 (9) of this section, the chief of police of the municipality or the  
20 sheriff of the county of the applicant's residence may issue a  
21 temporary emergency license for good cause pending review under  
22 subsection (1) of this section.

23 (11) A political subdivision of the state shall not modify the  
24 requirements of this section or chapter, nor may a political  
25 subdivision ask the applicant to voluntarily submit any information not  
26 required by this section.

27 (12) A person who knowingly makes a false statement regarding  
28 citizenship or identity on an application for a concealed pistol  
29 license is guilty of false swearing under RCW 9A.72.040. In addition  
30 to any other penalty provided for by law, the concealed pistol license  
31 of a person who knowingly makes a false statement shall be revoked, and  
32 the person shall be permanently ineligible for a concealed pistol  
33 license.

34 (13) A person may apply for a concealed pistol license:

35 (a) To the municipality or to the county in which the applicant  
36 resides if the applicant resides in a municipality;

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

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

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