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SENATE BILL 5339

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State of Washington

54th Legislature

1995 Regular Session

By Senators Kohl, Franklin, Fairley, Prentice, Pelz and Wojahn

Read first time 01/19/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to firearms; and reenacting and amending RCW  
2 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 are  
5 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; (~~(e)~~)

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; or

34 (h) Has failed to present evidence of competence with a pistol.  
35 Any of the following items shall suffice as evidence of competence with  
36 a pistol:

37 (i) Evidence of completion of a hunter education or hunter safety  
38 course approved by the department of fish and wildlife or a similar  
39 agency of another state if pistol safety was a component of the course;

1       (ii) Evidence of completion of a national rifle association firearm  
2 safety training course if pistol safety was a component of the course;

3       (iii) Evidence of completion of a firearm safety training course  
4 conducted by a firearm instructor certified by a law enforcement agency  
5 or the national rifle association if pistol safety was a component of  
6 the course;

7       (iv) Evidence of completion of a firearm safety training course  
8 offered by the criminal justice training commission for security  
9 guards, investigators, or any law enforcement officer, if pistol safety  
10 was a component of the course;

11       (v) Evidence of equivalent experience with a pistol through  
12 participation in organized shooting competition or military experience;  
13 or

14       (vi) Evidence of a satisfactory score on a test, approved or  
15 administered by the local law enforcement agency, taken in lieu of a  
16 firearm safety training course. The test shall cover the safe handling  
17 and use of pistols, and laws concerning firearms, including the legal  
18 use of deadly force. Nothing in this subsection shall require a local  
19 law enforcement agency to approve or administer a test.

20       The provisions of this subsection (1)(h) shall not apply to  
21 applicants for license renewals.

22       (2) The issuing authority shall check with the national crime  
23 information center, the Washington state patrol electronic data base,  
24 the department of social and health services electronic data base, and  
25 with other agencies or resources as appropriate, to determine whether  
26 the applicant is ineligible under RCW 9.41.040 to possess a pistol and  
27 therefore ineligible for a concealed pistol license. This subsection  
28 applies whether the applicant is applying for a new concealed pistol  
29 license or to renew a concealed pistol license.

30       (3) Any person whose firearms rights have been restricted and who  
31 has been granted relief from disabilities by the secretary of the  
32 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
33 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,  
34 transfer, ship, transport, carry, and possess firearms in accordance  
35 with Washington state law restored except as otherwise prohibited by  
36 this chapter.

37       (4) The license application shall be in triplicate, in form to be  
38 prescribed by the department of licensing, and shall bear the full  
39 name, street address, date and place of birth, race, gender,

1 description, fingerprints, and signature of the licensee, and the  
2 licensee's driver's license number or state identification card number  
3 if used for identification in applying for the license. A signed  
4 application for a concealed pistol license shall constitute a waiver of  
5 confidentiality and written request that the department of social and  
6 health services, mental health institutions, and other health care  
7 facilities release information relevant to the applicant's eligibility  
8 for a concealed pistol license to an inquiring court or law enforcement  
9 agency.

10 The license application shall contain a warning substantially as  
11 follows:

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

17 The license application shall contain a description of the major  
18 differences between state and federal law and an explanation of the  
19 fact that local laws and ordinances on firearms are preempted by state  
20 law and must be consistent with state law. The application shall  
21 contain questions about the applicant's eligibility under RCW 9.41.040  
22 to possess a pistol, the applicant's place of birth, whether the  
23 applicant is a United States citizen, and whether he or she has been  
24 required to register with the state or federal government and has an  
25 identification or registration number. The applicant shall not be  
26 required to produce a birth certificate or other evidence of  
27 citizenship. A person who is not a citizen of the United States shall  
28 meet the additional requirements of RCW 9.41.170.

29 The original thereof shall be delivered to the licensee, the  
30 duplicate shall within seven days be sent by registered mail to the  
31 director of licensing and the triplicate shall be preserved for six  
32 years, by the authority issuing the license.

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

36 (5) The fee for the original issuance of a four-year license shall  
37 be fifty dollars. No other branch or unit of government may impose any  
38 additional charges on the applicant for the issuance of the license.

1 The fee shall be distributed as follows:

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

3 (b) Ten dollars shall be paid to the agency taking the fingerprints  
4 of the person licensed;

5 (c) Fifteen dollars shall be paid to the issuing authority for the  
6 purpose of enforcing this chapter; and

7 (d) Ten dollars to the firearms range account in the general fund.

8 (6) The fee for the renewal of such license shall be fifty dollars.

9 No other branch or unit of government may impose any additional charges  
10 on the applicant for the renewal of the license.

11 The renewal fee shall be distributed as follows:

12 (a) Twenty dollars shall be paid to the state general fund;

13 (b) Twenty dollars shall be paid to the issuing authority for the  
14 purpose of enforcing this chapter; and

15 (c) Ten dollars to the firearms range account in the general fund.

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

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

26 (a) Ten dollars shall be deposited in the state wildlife fund and  
27 used exclusively for the printing and distribution of a pamphlet on the  
28 legal limits of the use of firearms, firearms safety, and the  
29 preemptive nature of state law. The pamphlet shall be given to each  
30 applicant for a license; and

31 (b) Ten dollars shall be paid to the issuing authority for the  
32 purpose of enforcing this chapter.

33 (9) Notwithstanding the requirements of subsections (1) through (8)  
34 of this section, the chief of police of the municipality or the sheriff  
35 of the county of the applicant's residence may issue a temporary  
36 emergency license for good cause pending review under subsection (1) of  
37 this section.

38 (10) A political subdivision of the state shall not modify the  
39 requirements of this section or chapter, nor may a political

1 subdivision ask the applicant to voluntarily submit any information not  
2 required by this section.

3 (11) A person who knowingly makes a false statement regarding  
4 citizenship or identity on an application for a concealed pistol  
5 license is guilty of false swearing under RCW 9A.72.040. In addition  
6 to any other penalty provided for by law, the concealed pistol license  
7 of a person who knowingly makes a false statement shall be revoked, and  
8 the person shall be permanently ineligible for a concealed pistol  
9 license.

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

11 (a) To the municipality or to the county in which the applicant  
12 resides if the applicant resides in a municipality;

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

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

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