

CERTIFICATION OF ENROLLMENT

SENATE BILL 5739

61st Legislature
2009 Regular Session

Passed by the Senate March 2, 2009
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 1, 2009
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5739** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5739

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senators King, Hobbs, Holmquist, Kastama, Swecker, Sheldon, Morton, Shin, Berkey, and Honeyford

Read first time 01/30/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to renewing a concealed pistol license by members
2 of the armed forces; 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 2002 c 302 s 703 are each amended to read
5 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, 26.50.060,
9 26.50.070, or 26.26.590;

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

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.

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

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 or 9.41.045 to possess
27 a firearm and therefore ineligible for a concealed pistol license.
28 This subsection applies whether the applicant is applying for a new
29 concealed pistol 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 bear the full name, residential
38 address, telephone number at the option of the applicant, date and

1 place of birth, race, gender, description, not more than two complete
2 sets of fingerprints, and signature of the licensee, and the licensee's
3 driver's license number or state identification card number if used for
4 identification in applying for the license. A signed application for
5 a concealed pistol license shall constitute a waiver of confidentiality
6 and written request that the department of social and health services,
7 mental health institutions, and other health care facilities release
8 information relevant to the applicant's eligibility for a concealed
9 pistol license to an inquiring court or law enforcement agency.

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

12 The license and application shall contain a warning substantially
13 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 shall contain a description of the major differences
20 between state and federal law and an explanation of the fact that local
21 laws and ordinances on firearms are preempted by state law and must be
22 consistent with state law. The application shall contain questions
23 about the applicant's eligibility under RCW 9.41.040 to possess a
24 pistol, the applicant's place of birth, and whether the applicant is a
25 United States citizen. The applicant shall not be required to produce
26 a birth certificate or other evidence of citizenship. A person who is
27 not a citizen of the United States shall meet the additional
28 requirements of RCW 9.41.170 and produce proof of compliance with RCW
29 9.41.170 upon application. The license shall be in triplicate and in
30 a form to be prescribed by the department of licensing.

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

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

1 (5) The nonrefundable fee, paid upon application, for the original
2 five-year license shall be thirty-six dollars plus additional charges
3 imposed by the Federal Bureau of Investigation that are passed on to
4 the applicant. No other state or local branch or unit of government
5 may impose any additional charges on the applicant for the issuance of
6 the license.

7 The fee shall be distributed as follows:

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

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

11 (c) Fourteen dollars shall be paid to the issuing authority for the
12 purpose of enforcing this chapter; and

13 (d) Three dollars to the firearms range account in the general
14 fund.

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

18 The renewal fee shall be distributed as follows:

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

20 (b) Fourteen dollars shall be paid to the issuing authority for the
21 purpose of enforcing this chapter; and

22 (c) Three dollars to the firearms range account in the general
23 fund.

24 (7) The nonrefundable fee for replacement of lost or damaged
25 licenses is ten dollars to be paid to the issuing authority.

26 (8) Payment shall be by cash, check, or money order at the option
27 of the applicant. Additional methods of payment may be allowed at the
28 option of the issuing authority.

29 (9) A licensee may renew a license if the licensee applies for
30 renewal within ninety days before or after the expiration date of the
31 license. A license so renewed shall take effect on the expiration date
32 of the prior license. A licensee renewing after the expiration date of
33 the license must pay a late renewal penalty of ten dollars in addition
34 to the renewal fee specified in subsection (6) of this section. The
35 fee shall be distributed as follows:

36 (a) Three dollars shall be deposited in the state wildlife (~~fund~~)
37 account and used exclusively first for the printing and distribution of
38 a pamphlet on the legal limits of the use of firearms, firearms safety,

1 and the preemptive nature of state law, and subsequently the support of
2 volunteer instructors in the basic firearms safety training program
3 conducted by the department of fish and wildlife. The pamphlet shall
4 be given to each applicant for a license; and

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

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

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

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

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

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

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

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

32 (14) Any person who, as a member of the armed forces, including the
33 national guard and armed forces reserves, is unable to renew his or her
34 license under subsections (6) and (9) of this section because of the
35 person's assignment, reassignment, or deployment for out-of-state
36 military service may renew his or her license within ninety days after
37 the person returns to this state from out-of-state military service, if
38 the person provides the following to the issuing authority no later

1 than ninety days after the person's date of discharge or assignment,
2 reassignment, or deployment back to this state: (a) A copy of the
3 person's original order designating the specific period of assignment,
4 reassignment, or deployment for out-of-state military service, and (b)
5 if appropriate, a copy of the person's discharge or amended or
6 subsequent assignment, reassignment, or deployment order back to this
7 state. A license so renewed under this subsection (14) shall take
8 effect on the expiration date of the prior license. A licensee
9 renewing after the expiration date of the license under this subsection
10 (14) shall pay only the renewal fee specified in subsection (6) of this
11 section and shall not be required to pay a late renewal penalty in
12 addition to the renewal fee.

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