
HOUSE BILL 2738

State of Washington 64th Legislature 2016 Regular Session

By Representatives S. Hunt, Ormsby, and Pollet

Read first time 01/19/16. Referred to Committee on Judiciary.

1 AN ACT Relating to requiring permission to bring a concealed
2 firearm into another person's residence or dwelling place; amending
3 RCW 9.41.075; adding a new section to chapter 9.41 RCW; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW
7 to read as follows:

8 (1) It is unlawful for a person to carry a concealed firearm into
9 the residence or dwelling place of another person without first
10 obtaining the express permission of the owner or person in legal
11 control or possession of the residence or dwelling place.

12 (2) A person who violates this section is guilty of a misdemeanor
13 punishable under RCW 9A.20.010.

14 (3) Upon conviction for a violation of this section, the court
15 shall order the person to surrender any concealed pistol license and
16 prohibit the person from obtaining a concealed pistol license for a
17 period of five years from the date of conviction. The court shall
18 forward the date of conviction and a copy of the person's driver's
19 license or identicard, or comparable information, to the department
20 of licensing within three judicial days after conviction. The
21 department of licensing shall immediately notify the license issuing

1 authority if the department of licensing's records indicate the
2 convicted person has a concealed pistol license. Upon receipt of the
3 notification, the license issuing authority shall immediately revoke
4 the person's concealed pistol license for a period of five years from
5 the date of conviction in accordance with RCW 9.41.075.

6 **Sec. 2.** RCW 9.41.075 and 2005 c 453 s 4 are each amended to read
7 as follows:

8 (1) The license shall be revoked by the license-issuing authority
9 immediately upon:

10 (a) Discovery by the issuing authority that the person was
11 ineligible under RCW 9.41.070 for a concealed pistol license when
12 applying for the license or license renewal;

13 (b) Conviction of the licensee, or the licensee being found not
14 guilty by reason of insanity, of an offense, or commitment of the
15 licensee for mental health treatment, that makes a person ineligible
16 under RCW 9.41.040 to possess a firearm;

17 (c) Conviction of the licensee of an offense under section 1 of
18 this act;

19 (d) Conviction of the licensee for a third violation of this
20 chapter within five calendar years; or

21 ~~((d))~~ (e) An order that the licensee forfeit a firearm under
22 RCW 9.41.098(1)(d).

23 (2)(a) Unless the person may lawfully possess a pistol without a
24 concealed pistol license, an ineligible person to whom a concealed
25 pistol license was issued shall, within fourteen days of license
26 revocation, lawfully transfer ownership of any pistol acquired while
27 the person was in possession of the license.

28 (b) Upon discovering a person issued a concealed pistol license
29 was ineligible for the license, the issuing authority shall contact
30 the department of licensing to determine whether the person purchased
31 a pistol while in possession of the license. If the person did
32 purchase a pistol while in possession of the concealed pistol
33 license, if the person may not lawfully possess a pistol without a
34 concealed pistol license, the issuing authority shall require the
35 person to present satisfactory evidence of having lawfully
36 transferred ownership of the pistol. The issuing authority shall
37 require the person to produce the evidence within fifteen days of the
38 revocation of the license.

1 (3) When a licensee is ordered to forfeit a firearm under RCW
2 9.41.098(1)(d), the issuing authority shall:

3 (a) On the first forfeiture, revoke the license for one year;

4 (b) On the second forfeiture, revoke the license for two years;

5 or

6 (c) On the third or subsequent forfeiture, revoke the license for
7 five years.

8 Any person whose license is revoked as a result of a forfeiture
9 of a firearm under RCW 9.41.098(1)(d) may not reapply for a new
10 license until the end of the revocation period.

11 (4) Revocation of a concealed pistol license under subsection
12 (1)(c) of this section shall be for a period of five years. The
13 licensee may not reapply for a new concealed pistol license until the
14 end of the revocation period.

15 (5) The issuing authority shall notify, in writing, the
16 department of licensing of the revocation of a license. The
17 department of licensing shall record the revocation.

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