

SB 5268 - H COMM AMD
By Committee on Appropriations

ADOPTED 04/11/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.41.070 and 2011 c 294 s 1 are each amended to
4 read as follows:

5 (1) The chief of police of a municipality or the sheriff of a
6 county shall within thirty days after the filing of an application of
7 any person, issue a license to such person to carry a pistol
8 concealed on his or her person within this state for five years from
9 date of issue, for the purposes of protection or while engaged in
10 business, sport, or while traveling. However, if the applicant does
11 not have a valid permanent Washington driver's license or Washington
12 state identification card or has not been a resident of the state for
13 the previous consecutive ninety days, the issuing authority shall
14 have up to sixty days after the filing of the application to issue a
15 license. The issuing authority shall not refuse to accept completed
16 applications for concealed pistol licenses during regular business
17 hours.

18 The applicant's constitutional right to bear arms shall not be
19 denied, unless:

20 (a) He or she is ineligible to possess a firearm under the
21 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from
22 possessing a firearm under federal law;

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

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

26 (d) He or she is subject to a court order or injunction regarding
27 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
28 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,
29 26.50.070, or 26.26.590;

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

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

4 (g) He or she has been ordered to forfeit a firearm under RCW
5 9.41.098(1)(e) within one year before filing an application to carry
6 a pistol concealed on his or her person.

7 No person convicted of a felony may have his or her right to
8 possess firearms restored or his or her privilege to carry a
9 concealed pistol restored, unless the person has been granted relief
10 from disabilities by the attorney general under 18 U.S.C. Sec.
11 925(c), or RCW 9.41.040 (3) or (4) applies.

12 (2)(a) The issuing authority shall conduct a check through the
13 national instant criminal background check system, the Washington
14 state patrol electronic database, the department of social and health
15 services electronic database, and with other agencies or resources as
16 appropriate, to determine whether the applicant is ineligible under
17 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from
18 possessing a firearm under federal law, and therefore ineligible for
19 a concealed pistol license.

20 (b) The issuing authority shall deny a permit to anyone who is
21 found to be prohibited from possessing a firearm under federal or
22 state law.

23 (c) This subsection applies whether the applicant is applying for
24 a new concealed pistol license or to renew a concealed pistol
25 license.

26 (3) Any person whose firearms rights have been restricted and who
27 has been granted relief from disabilities by the attorney general
28 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.
29 921(a)(20)(A) shall have his or her right to acquire, receive,
30 transfer, ship, transport, carry, and possess firearms in accordance
31 with Washington state law restored except as otherwise prohibited by
32 this chapter.

33 (4) The license application shall bear the full name, residential
34 address, telephone number at the option of the applicant, email
35 address at the option of the applicant, date and place of birth,
36 race, gender, description, a complete set of fingerprints, and
37 signature of the licensee, and the licensee's driver's license number
38 or state identification card number if used for identification in
39 applying for the license. A signed application for a concealed pistol
40 license shall constitute a waiver of confidentiality and written

1 request that the department of social and health services, mental
2 health institutions, and other health care facilities release
3 information relevant to the applicant's eligibility for a concealed
4 pistol license to an inquiring court or law enforcement agency.

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

8 The license and application shall contain a warning substantially
9 as follows:

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

15 The license shall contain a description of the major differences
16 between state and federal law and an explanation of the fact that
17 local laws and ordinances on firearms are preempted by state law and
18 must be consistent with state law.

19 The application shall contain questions about the applicant's
20 eligibility under RCW 9.41.040 and federal law to possess a pistol,
21 the applicant's place of birth, and whether the applicant is a United
22 States citizen. If the applicant is not a United States citizen, the
23 applicant must provide the applicant's country of citizenship, United
24 States issued alien number or admission number, and the basis on
25 which the applicant claims to be exempt from federal prohibitions on
26 firearm possession by aliens. The applicant shall not be required to
27 produce a birth certificate or other evidence of citizenship. A
28 person who is not a citizen of the United States shall, if
29 applicable, meet the additional requirements of RCW 9.41.173 and
30 produce proof of compliance with RCW 9.41.173 upon application. The
31 license may be in triplicate or in a form to be prescribed by the
32 department of licensing.

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

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

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

19 The renewal fee shall be distributed as follows:

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

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

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

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

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

30 (9) If the licensee provides an email address at the time of
31 application, the department of licensing must send notice of the
32 license expiration to the licensee's email address within sixty days
33 prior to the expiration of the license. A licensee may renew a
34 license if the licensee applies for renewal within ninety days before
35 or after the expiration date of the license. A license so renewed
36 shall take effect on the expiration date of the prior license. A
37 licensee renewing after the expiration date of the license must pay a
38 late renewal penalty of ten dollars in addition to the renewal fee
39 specified in subsection (6) of this section. The fee shall be
40 distributed as follows:

1 (a) Three dollars shall be deposited in the state wildlife
2 account and used exclusively first for the printing and distribution
3 of a pamphlet on the legal limits of the use of firearms, firearms
4 safety, and the preemptive nature of state law, and subsequently the
5 support of volunteer instructors in the basic firearms safety
6 training program conducted by the department of fish and wildlife.
7 The pamphlet shall be given to each applicant for a license; and

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

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

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

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

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

30 (a) To the municipality or to the county in which the applicant
31 resides if the applicant resides in a municipality;

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

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

35 (14) Any person who, as a member of the armed forces, including
36 the national guard and armed forces reserves, is unable to renew his
37 or her license under subsections (6) and (9) of this section because
38 of the person's assignment, reassignment, or deployment for out-of-
39 state military service may renew his or her license within ninety
40 days after the person returns to this state from out-of-state

1 military service, if the person provides the following to the issuing
2 authority no later than ninety days after the person's date of
3 discharge or assignment, reassignment, or deployment back to this
4 state: (a) A copy of the person's original order designating the
5 specific period of assignment, reassignment, or deployment for out-
6 of-state military service, and (b) if appropriate, a copy of the
7 person's discharge or amended or subsequent assignment, reassignment,
8 or deployment order back to this state. A license so renewed under
9 this subsection (14) shall take effect on the expiration date of the
10 prior license. A licensee renewing after the expiration date of the
11 license under this subsection (14) shall pay only the renewal fee
12 specified in subsection (6) of this section and shall not be required
13 to pay a late renewal penalty in addition to the renewal fee.

14 NEW SECTION. **Sec. 2.** The sum of seventy-five thousand dollars
15 is appropriated for the fiscal biennium ending June 30, 2019, from
16 the firearms range account to the department of licensing solely for
17 the purposes of section 1 of this act."

18 Correct the title.

EFFECT: Provides an appropriation of \$75,000 from the firearms
range account for the Department of Licensing to make the system
changes necessary to implement the bill.

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