

SB 5268 - H AMD 564

By Representative Jenkins

ADOPTED 04/19/2017

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

3 "Sec. 1. RCW 9.41.070 and 2017 c ... (SHB 1100) s 1 are each
4 amended to 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;

13 (d) Two dollars and sixteen cents to the firearms range account
14 in the general fund; and

15 (e) Eighty-four cents to the concealed pistol license renewal
16 notification account created in RCW 43.79.--- (section 2,
17 chapter . . . (SHB 1100), Laws of 2017).

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

22 The renewal fee shall be distributed as follows:

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

24 (b) Fourteen dollars shall be paid to the issuing authority for
25 the purpose of enforcing this chapter;

26 (c) Two dollars and sixteen cents to the firearms range account
27 in the general fund; and

28 (d) Eighty-four cents to the concealed pistol license renewal
29 notification account created in RCW 43.79.--- (section 2,
30 chapter . . . (SHB 1100), Laws of 2017).

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

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

36 (9)(a) A licensee may renew a license if the licensee applies for
37 renewal within ninety days before or after the expiration date of the
38 license. A license so renewed shall take effect on the expiration
39 date of the prior license. A licensee renewing after the expiration
40 date of the license must pay a late renewal penalty of ten dollars in

1 addition to the renewal fee specified in subsection (6) of this
2 section. The fee shall be distributed as follows:

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

10 (ii) Seven dollars shall be paid to the issuing authority for the
11 purpose of enforcing this chapter.

12 (b) Beginning with concealed pistol licenses that expire on or
13 after August 1, 2018, the department of licensing shall mail a
14 renewal notice approximately ninety days before the license
15 expiration date to the licensee at the address listed on the
16 concealed pistol license application, or to the licensee's new
17 address if the licensee has notified the department of licensing of a
18 change of address. Alternatively, if the licensee provides an email
19 address at the time of license application, the department of
20 licensing may send the renewal notice to the licensee's email
21 address. The notice must contain the date the concealed pistol
22 license will expire, the amount of renewal fee, the penalty for late
23 renewal, and instructions on how to renew the license.

24 (10) Notwithstanding the requirements of subsections (1) through
25 (9) of this section, the chief of police of the municipality or the
26 sheriff of the county of the applicant's residence may issue a
27 temporary emergency license for good cause pending review under
28 subsection (1) of this section. However, a temporary emergency
29 license issued under this subsection shall not exempt the holder of
30 the license from any records check requirement. Temporary emergency
31 licenses shall be easily distinguishable from regular licenses.

32 (11) A political subdivision of the state shall not modify the
33 requirements of this section or chapter, nor may a political
34 subdivision ask the applicant to voluntarily submit any information
35 not required by this section.

36 (12) A person who knowingly makes a false statement regarding
37 citizenship or identity on an application for a concealed pistol
38 license is guilty of false swearing under RCW 9A.72.040. In addition
39 to any other penalty provided for by law, the concealed pistol
40 license of a person who knowingly makes a false statement shall be

1 revoked, and the person shall be permanently ineligible for a
2 concealed pistol license.

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

4 (a) To the municipality or to the county in which the applicant
5 resides if the applicant resides in a municipality;

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

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

9 (14) Any person who, as a member of the armed forces, including
10 the national guard and armed forces reserves, is unable to renew his
11 or her license under subsections (6) and (9) of this section because
12 of the person's assignment, reassignment, or deployment for out-of-
13 state military service may renew his or her license within ninety
14 days after the person returns to this state from out-of-state
15 military service, if the person provides the following to the issuing
16 authority no later than ninety days after the person's date of
17 discharge or assignment, reassignment, or deployment back to this
18 state: (a) A copy of the person's original order designating the
19 specific period of assignment, reassignment, or deployment for out-
20 of-state military service, and (b) if appropriate, a copy of the
21 person's discharge or amended or subsequent assignment, reassignment,
22 or deployment order back to this state. A license so renewed under
23 this subsection (14) shall take effect on the expiration date of the
24 prior license. A licensee renewing after the expiration date of the
25 license under this subsection (14) shall pay only the renewal fee
26 specified in subsection (6) of this section and shall not be required
27 to pay a late renewal penalty in addition to the renewal fee.

28 NEW SECTION. **Sec. 2.** If specific funding for the purposes of
29 this act, referencing this act by bill or chapter number, is not
30 provided from the firearms range account by June 30, 2017, in the
31 omnibus appropriations act, this act is null and void."

32 Correct the title.

EFFECT: Amends a law enacted in this 2017 session (SHB 1100) that requires the Department of Licensing (DOL) to mail a concealed pistol license renewal notice to a licensee approximately 90 days prior to license expiration by adding that if a licensee provides an email address at the time of license application, the DOL may send the license renewal notice to the licensee's email address rather than providing the renewal notice by mail. Provides that the bill is null

and void unless specifically funded in the budget with an appropriation from the Firearms Range Account.

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