
HOUSE BILL 2845

State of Washington

66th Legislature

2020 Regular Session

By Representatives Sutherland, McCaslin, Eslick, and Shea

Read first time 01/27/20. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to concealed pistol licenses; amending RCW
2 9.41.240; reenacting and amending RCW 9.41.070; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds state firearms
6 regulations deny Second Amendment rights to lawful residents between
7 the ages of eighteen and twenty. The legislature finds that
8 vulnerable populations, such as young domestic violence victims and
9 young women, are not afforded the opportunity to exercise their
10 Second Amendment rights for self-defense purposes. The legislature
11 intends to restore the rights of young adults to be able to carry a
12 firearm for self-defense purposes when they are in fear of danger or
13 harm from another person.

14 **Sec. 2.** RCW 9.41.070 and 2019 c 249 s 1, 2019 c 135 s 1, and
15 2019 c 46 s 5004 are each reenacted and amended to read as follows:

16 (1) The chief of police of a municipality or the sheriff of a
17 county shall within thirty days after the filing of an application of
18 any person, issue a license to such person to carry a pistol
19 concealed on his or her person within this state for five years from
20 date of issue, for the purposes of protection or while engaged in

1 business, sport, or while traveling. However, if the applicant does
2 not have a valid permanent Washington driver's license or Washington
3 state identification card or has not been a resident of the state for
4 the previous consecutive ninety days, the issuing authority shall
5 have up to sixty days after the filing of the application to issue a
6 license. The issuing authority shall not refuse to accept completed
7 applications for concealed pistol licenses during regular business
8 hours.

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

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

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

16 (c) ~~((He))~~ Except as provided in subsection (2) of this section,
17 he or she is under twenty-one years of age;

18 (d) He or she is subject to a court order or injunction regarding
19 firearms pursuant to chapter 7.90, 7.92, or 7.94 RCW, or RCW
20 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
21 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or
22 26.26A.470;

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

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

28 (g) He or she has been ordered to forfeit a firearm under RCW
29 9.41.098(1)(e) within one year before filing an application to carry
30 a pistol concealed on his or her person.

31 No person convicted of a felony may have his or her right to
32 possess firearms restored or his or her privilege to carry a
33 concealed pistol restored, unless the person has been granted relief
34 from disabilities by the attorney general under 18 U.S.C. Sec.
35 925(c), or RCW 9.41.040 (3) or (4) applies.

36 (2) A female person who is at least eighteen years of age and
37 under twenty-one years of age may apply for, and be issued, a
38 concealed pistol license if the person meets all the requirements of
39 this section and, in addition, provides to the issuing authority a
40 written declaration that the person is in fear of danger or harm from

1 another person that justifies a need to carry a pistol. The issuing
2 authority shall not charge the application fee under subsection (7)
3 of this section to an applicant who meets the requirements of this
4 section.

5 (3)(a) The issuing authority shall conduct a check through the
6 national instant criminal background check system, the Washington
7 state patrol electronic database, the health care authority
8 electronic database, and with other agencies or resources as
9 appropriate, to determine whether the applicant is ineligible under
10 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from
11 possessing a firearm under federal law, and therefore ineligible for
12 a concealed pistol license.

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

16 (c) (a) and (b) of this subsection apply whether the applicant is
17 applying for a new concealed pistol license or to renew a concealed
18 pistol license.

19 (d) A background check for an original license must be conducted
20 through the Washington state patrol criminal identification section
21 and shall include a national check from the federal bureau of
22 investigation through the submission of fingerprints. The results
23 will be returned to the issuing authority. The applicant may request
24 and receive a copy of the results of the background check from the
25 issuing authority. If the applicant seeks to amend or correct their
26 record, the applicant must contact the Washington state patrol for a
27 Washington state record or the federal bureau of investigation for
28 records from other jurisdictions.

29 ~~((3))~~ (4) Any person whose firearms rights have been restricted
30 and who has been granted relief from disabilities by the attorney
31 general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
32 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,
33 transfer, ship, transport, carry, and possess firearms in accordance
34 with Washington state law restored except as otherwise prohibited by
35 this chapter.

36 ~~((4))~~ (5) The license application shall bear the full name,
37 residential address, telephone number at the option of the applicant,
38 email address at the option of the applicant, date and place of
39 birth, race, gender, description, a complete set of fingerprints, and
40 signature of the licensee, and the licensee's driver's license number

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

8 The application for an original license shall include a complete
9 set of fingerprints to be forwarded to the Washington state patrol.

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

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

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

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

35 A photograph of the applicant may be required as part of the
36 application and printed on the face of the license.

37 The original thereof shall be delivered to the licensee, the
38 duplicate shall within seven days be sent to the director of

1 licensing and the triplicate shall be preserved for six years, by the
2 authority issuing the license.

3 The department of licensing shall make available to law
4 enforcement and corrections agencies, in an online format, all
5 information received under this subsection.

6 ~~((+5))~~ (6) The nonrefundable fee, paid upon application, for the
7 original five-year license shall be thirty-six dollars plus
8 additional charges imposed by the federal bureau of investigation
9 that are passed on to the applicant. No other state or local branch
10 or unit of government may impose any additional charges on the
11 applicant for the issuance of the license.

12 The fee shall be distributed as follows:

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

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

16 (c) Fourteen dollars shall be paid to the issuing authority for
17 the purpose of enforcing this chapter;

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

20 (e) Eighty-four cents to the concealed pistol license renewal
21 notification account created in RCW 43.79.540.

22 ~~((+6))~~ (7) The nonrefundable fee for the renewal of such license
23 shall be thirty-two dollars. No other branch or unit of government
24 may impose any additional charges on the applicant for the renewal of
25 the license.

26 The renewal fee shall be distributed as follows:

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

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

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

32 (d) Eighty-four cents to the concealed pistol license renewal
33 notification account created in RCW 43.79.540.

34 ~~((+7))~~ (8) The nonrefundable fee for replacement of lost or
35 damaged licenses is ten dollars to be paid to the issuing authority.

36 ~~((+8))~~ (9) Payment shall be by cash, check, or money order at
37 the option of the applicant. Additional methods of payment may be
38 allowed at the option of the issuing authority.

39 ~~((+9))~~ (10) (a) A licensee may renew a license if the licensee
40 applies for renewal within ninety days before or after the expiration

1 date of the license. A license so renewed shall take effect on the
2 expiration date of the prior license. A licensee renewing after the
3 expiration date of the license must pay a late renewal penalty of ten
4 dollars in addition to the renewal fee specified in subsection
5 (~~(6)~~) (7) of this section. The fee shall be distributed as follows:

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

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

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

27 (~~(10)~~) (11) Notwithstanding the requirements of subsections (1)
28 through (~~(9)~~) (10) of this section, the chief of police of the
29 municipality or the sheriff of the county of the applicant's
30 residence may issue a temporary emergency license for good cause
31 pending review under subsection (1) of this section. However, a
32 temporary emergency license issued under this subsection shall not
33 exempt the holder of the license from any records check requirement.
34 Temporary emergency licenses shall be easily distinguishable from
35 regular licenses.

36 (~~(11)~~) (12) A political subdivision of the state shall not
37 modify the requirements of this section or chapter, nor may a
38 political subdivision ask the applicant to voluntarily submit any
39 information not required by this section.

1 (~~(12)~~) (13) A person who knowingly makes a false statement
2 regarding citizenship or identity on an application for a concealed
3 pistol license is guilty of false swearing under RCW 9A.72.040. In
4 addition to any other penalty provided for by law, the concealed
5 pistol license of a person who knowingly makes a false statement
6 shall be revoked, and the person shall be permanently ineligible for
7 a concealed pistol license.

8 (~~(13)~~) (14) A person may apply for a concealed pistol license:

9 (a) To the municipality or to the county in which the applicant
10 resides if the applicant resides in a municipality;

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

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

14 (~~(14)~~) (15) Any person who, as a member of the armed forces,
15 including the national guard and armed forces reserves, is unable to
16 renew his or her license under subsections (~~(6)~~) (7) and (~~(9)~~)
17 (10) of this section because of the person's assignment,
18 reassignment, or deployment for out-of-state military service may
19 renew his or her license within ninety days after the person returns
20 to this state from out-of-state military service, if the person
21 provides the following to the issuing authority no later than ninety
22 days after the person's date of discharge or assignment,
23 reassignment, or deployment back to this state: (a) A copy of the
24 person's original order designating the specific period of
25 assignment, reassignment, or deployment for out-of-state military
26 service, and (b) if appropriate, a copy of the person's discharge or
27 amended or subsequent assignment, reassignment, or deployment order
28 back to this state. A license so renewed under this subsection
29 (~~(14)~~) (15) shall take effect on the expiration date of the prior
30 license. A licensee renewing after the expiration date of the license
31 under this subsection (~~(14)~~) (15) shall pay only the renewal fee
32 specified in subsection (~~(6)~~) (7) of this section and shall not be
33 required to pay a late renewal penalty in addition to the renewal
34 fee.

35 (~~(15)~~) (16) (a) By October 1, 2019, law enforcement agencies
36 that issue concealed pistol licenses shall develop and implement a
37 procedure for the renewal of concealed pistol licenses through a mail
38 application process, and may develop an online renewal application
39 process, for any person who, as a member of the armed forces,
40 including the national guard and armed forces reserves, is unable to

1 renew his or her license under subsections (~~(6)~~) (7) and (~~(9)~~)
2 (10) of this section because of the person's assignment,
3 reassignment, or deployment for out-of-state military service.

4 (b) A person applying for a license renewal under this subsection
5 shall:

6 (i) Provide a copy of the person's original order designating the
7 specific period of assignment, reassignment, or deployment for out-
8 of-state military service;

9 (ii) Apply for renewal within ninety days before or after the
10 expiration date of the license; and

11 (iii) Pay the renewal licensing fee under subsection (~~(6)~~) (7)
12 of this section, and, if applicable, the late renewal penalty under
13 subsection (~~(9)~~) (10) of this section.

14 (c) A license renewed under this subsection takes effect on the
15 expiration date of the prior license and is valid for a period of one
16 year.

17 **Sec. 3.** RCW 9.41.240 and 2019 c 3 s 13 (Initiative Measure No.
18 1639) are each amended to read as follows:

19 (1) A person under twenty-one years of age may not purchase a
20 pistol or semiautomatic assault rifle, and except as otherwise
21 provided in this chapter, no person may sell or transfer a
22 semiautomatic assault rifle to a person under twenty-one years of
23 age.

24 (2) Unless an exception under RCW 9.41.042, 9.41.050, (~~(6)~~)
25 9.41.060, or subsection (4) of this section applies, a person at
26 least eighteen years of age, but less than twenty-one years of age,
27 may possess a pistol only:

28 (a) In the person's place of abode;

29 (b) At the person's fixed place of business; or

30 (c) On real property under his or her control.

31 (3) Except in the places and situations identified in RCW
32 9.41.042 (1) through (9) and 9.41.060 (1) through (10), a person at
33 least eighteen years of age, but less than twenty-one years of age,
34 may possess a semiautomatic assault rifle only:

35 (a) In the person's place of abode;

36 (b) At the person's fixed place of business;

37 (c) On real property under his or her control; or

38 (d) For the specific purpose of (i) moving to a new place of
39 abode; (ii) traveling between the person's place of abode and real

1 property under his or her control; or (iii) selling or transferring
2 the firearm in accordance with the requirements of this chapter;
3 provided that in all of these situations the semiautomatic assault
4 rifle is unloaded and either in secure gun storage or secured with a
5 trigger lock or similar device that is designed to prevent the
6 unauthorized use or discharge of the firearm.

7 (4) The provisions of this section governing possession of
8 pistols do not apply to a female person at least eighteen years of
9 age, but less than twenty-one years of age, who has a valid concealed
10 pistol license issued under the requirements of RCW 9.41.070(2).

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