
SUBSTITUTE HOUSE BILL 2373

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Kremen, Rayburn, Winsley, Anderson, McLean, Roland, R. Johnson, O'Brien, Pruitt, Chandler, Heavey, Betrozoff, Scott, Rasmussen, G. Cole, Spanel, Cantwell, Grant, Brekke, Peery, Braddock, G. Fisher, Paris, Wineberry, J. Kohl, Orr, Sheldon and Haugen)

Read first time 02/07/92.

1 AN ACT Relating to eligibility for a concealed weapon permit; and
2 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 1990 c 195 s 6 are each amended to read
5 as follows:

6 (1) The judge of a court of record, the chief of police of a
7 municipality, or the sheriff of a county, shall within thirty days
8 after the filing of an application of any person issue a license to
9 such person to carry a pistol concealed on his or her person within
10 this state for four years from date of issue, for the purposes of
11 protection or while engaged in business, sport, or while traveling.
12 However, if the applicant does not have a valid permanent Washington
13 driver's license or Washington state identification card or has not
14 been a resident of the state for the previous consecutive ninety days,

1 the issuing authority shall have up to sixty days after the filing of
2 the application to issue a license. Such applicant's constitutional
3 right to bear arms shall not be denied (~~(to him)~~), unless he or she:

4 (a) Is ineligible to own a pistol under the provisions of RCW
5 9.41.040; or

6 (b) Is under twenty-one years of age; or

7 (c) Is subject to a court order or injunction regarding firearms
8 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

9 (d) Is free on bond or personal recognizance pending trial, appeal,
10 or sentencing for a crime of violence; or

11 (e) Has an outstanding warrant for his or her arrest from any court
12 of competent jurisdiction for a felony or misdemeanor; or

13 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
14 within one year before filing an application to carry a pistol
15 concealed on his or her person; or

16 (g) Has been convicted of any of the following offenses: Assault
17 in the third degree, indecent liberties, malicious mischief in the
18 first degree, possession of stolen property in the first or second
19 degree, or theft in the first or second degree. Any person who becomes
20 ineligible for a concealed pistol permit as a result of a conviction
21 for a crime listed in this subsection (1)(g) and then successfully
22 completes all terms of his or her sentence, as evidenced by a
23 certificate of discharge issued under RCW 9.94A.220 in the case of a
24 sentence under chapter 9.94A RCW, and has not again been convicted of
25 any crime and is not under indictment for any crime, may, one year or
26 longer after such successful sentence completion, petition the district
27 court for a declaration that the person is no longer ineligible for a
28 concealed pistol permit under this subsection (1)(g).

29 (2) Any person whose firearms rights have been restricted and who
30 has been granted relief from disabilities by the secretary of the

1 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
2 Sec. 921(a)(20) shall have his or her right to acquire, receive,
3 transfer, ship, transport, carry, and possess firearms in accordance
4 with Washington state law restored.

5 (3) The license shall be revoked by the issuing authority
6 immediately upon conviction of a crime which makes such a person
7 ineligible to own a pistol or upon the third conviction for a violation
8 of this chapter within five calendar years.

9 ~~((2))~~ (4) Upon an order to forfeit a firearm under RCW
10 9.41.098(1)(d) the ~~((license))~~ issuing authority shall:

11 (a) On the first forfeiture, ~~((be revoked by the department of~~
12 ~~licensing))~~ revoke the license for one year;

13 (b) On the second forfeiture, ~~((be revoked by the department of~~
14 ~~licensing))~~ revoke the license for two years;

15 (c) On the third or subsequent forfeiture, ~~((be revoked by the~~
16 ~~department of licensing))~~ revoke the license for five years.

17 Any person whose license is revoked as a result of a forfeiture of a
18 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
19 until the end of the revocation period. The issuing authority shall
20 notify, in writing, the department of licensing upon revocation of a
21 license. The department of licensing shall record the revocation.

22 (5) The license shall be in triplicate, in form to be prescribed by
23 the department of licensing, and shall bear the name, address, and
24 description, fingerprints, and signature of the licensee, and the
25 licensee's driver's license number or state identification card number
26 if used for identification in applying for the license. The license
27 application shall contain a warning substantially as follows:

28 CAUTION: Although state and local laws do not differ, federal
29 law and state law on the possession of firearms differ. If you
30 are prohibited by federal law from possessing a firearm, you

1 may be prosecuted in federal court. A state license is not a
2 defense to a federal prosecution.

3 The license application shall contain a description of the major
4 differences between state and federal law and an explanation of the
5 fact that local laws and ordinances on firearms are preempted by state
6 law and must be consistent with state law. The application shall
7 contain questions about the applicant's place of birth, whether the
8 applicant is a United States citizen, and if not a citizen whether the
9 applicant has declared the intent to become a citizen and whether he or
10 she has been required to register with the state or federal government
11 and any identification or registration number, if applicable. The
12 applicant shall not be required to produce a birth certificate or other
13 evidence of citizenship. An applicant who is not a citizen shall
14 provide documentation showing resident alien status and the applicant's
15 intent to become a citizen. A person who makes a false statement
16 regarding citizenship on the application is guilty of a misdemeanor. A
17 person who is not a citizen of the United States, or has not declared
18 his or her intention to become a citizen shall meet the additional
19 requirements of RCW 9.41.170.

20 The original thereof shall be delivered to the licensee, the
21 duplicate shall within seven days be sent by registered mail to the
22 director of licensing and the triplicate shall be preserved for six
23 years, by the authority issuing said license.

24 ((+3)) (6) The fee for the original issuance of a four-year
25 license shall be twenty-three dollars: PROVIDED, That no other
26 additional charges by any branch or unit of government shall be borne
27 by the applicant for the issuance of the license: PROVIDED FURTHER,
28 That the fee shall be distributed as follows:

29 (a) Four dollars shall be paid to the state general fund;

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

3 (c) Twelve dollars shall be paid to the issuing authority for the
4 purpose of enforcing this chapter; and

5 (d) Three dollars to the firearms range account in the general
6 fund.

7 (~~(4)~~) (7) The fee for the renewal of such license shall be
8 fifteen dollars: PROVIDED, That no other additional charges by any
9 branch or unit of government shall be borne by the applicant for the
10 renewal of the license: PROVIDED FURTHER, That the fee shall be
11 distributed as follows:

12 (a) Four dollars shall be paid to the state general fund;

13 (b) Eight dollars shall be paid to the issuing authority for the
14 purpose of enforcing this chapter; and

15 (c) Three dollars to the firearms range account in the general
16 fund.

17 (~~(5)~~) (8) Payment shall be by cash, check, or money order at the
18 option of the applicant. Additional methods of payment may be allowed
19 at the option of the issuing authority.

20 (~~(6)~~) (9) A licensee may renew a license if the licensee applies
21 for renewal within ninety days before or after the expiration date of
22 the license. A license so renewed shall take effect on the expiration
23 date of the prior license. A licensee renewing after the expiration
24 date of the license must pay a late renewal penalty of ten dollars in
25 addition to the renewal fee specified in subsection (~~(4)~~) (7) of this
26 section. The fee shall be distributed as follows:

27 (a) Three dollars shall be deposited in the state wildlife fund and
28 used exclusively for the printing and distribution of a pamphlet on the
29 legal limits of the use of firearms, firearms safety, and the

1 preemptive nature of state law. The pamphlet shall be given to each
2 applicant for a license; and

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

5 (~~(7)~~) (10) Notwithstanding the requirements of subsections (1)
6 through (~~(6)~~) (9) of this section, the chief of police of the
7 municipality or the sheriff of the county of the applicant's residence
8 may issue a temporary emergency license for good cause pending review
9 under subsection (1) of this section.

10 (~~(8)~~) (11) A political subdivision of the state shall not modify
11 the requirements of this section or chapter, nor may a political
12 subdivision ask the applicant to voluntarily submit any information not
13 required by this section. A civil suit may be brought to enjoin a
14 wrongful refusal to issue a license or a wrongful modification of the
15 requirements of this section or chapter. The civil suit may be brought
16 in the county in which the application was made or in Thurston county
17 at the discretion of the petitioner. Any person who prevails against
18 a public agency in any action in the courts for a violation of this
19 chapter shall be awarded costs, including reasonable attorneys' fees,
20 incurred in connection with such legal action.