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SENATE BILL 5542

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Oke and Haugen

Read first time 02/02/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to firearms; amending RCW 9.41.070 and 46.20.336;  
2 adding new sections to chapter 46.20 RCW; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.41.070 and 1992 c 168 s 1 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,  
15 the issuing authority shall have up to sixty days after the filing of  
16 the application to issue a license. If the applicant has a valid  
17 permanent Washington driver's license, the term of the initial  
18 concealed pistol license shall be from the date of issue of the  
19 concealed pistol license until the next expiration of the applicant's

1 driver's license; otherwise, the term of the initial concealed pistol  
2 license shall be for a term of four years from date of issue. Any  
3 renewals of the concealed pistol license shall be for a term of four  
4 years from the date of renewal. Such applicant's constitutional right  
5 to bear arms shall not be denied, unless he or she:

6 (a) Is ineligible to own a pistol under the provisions of RCW  
7 9.41.040; or

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

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

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

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

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

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

31 (2) Any person whose firearms rights have been restricted and who  
32 has been granted relief from disabilities by the secretary of the  
33 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
34 Sec. 921(a)(20) shall have his or her right to acquire, receive,  
35 transfer, ship, transport, carry, and possess firearms in accordance  
36 with Washington state law restored.

37 (3) The license shall be revoked by the issuing authority  
38 immediately upon conviction of a crime which makes such a person  
39 ineligible to own a pistol or upon the third conviction for a violation

1 of this chapter within five calendar years. Notice of the date and  
2 duration of the revocation together with the name and address of the  
3 person whose license was revoked shall be sent to the department of  
4 licensing.

5 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the  
6 issuing authority shall:

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

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

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

11 Any person whose license is revoked as a result of a forfeiture of a  
12 firearm under RCW 9.41.098(1)(d) may not reapply for a new license  
13 until the end of the revocation period. The issuing authority shall  
14 notify, in writing, other law enforcement authorities and the  
15 department of licensing upon revocation of a license. The department  
16 of licensing shall record the revocation and make a notation on the  
17 licensee's driver's license under section 2 of this act.

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

24 CAUTION: Although state and local laws do not differ, federal  
25 law and state law on the possession of firearms differ. If you  
26 are prohibited by federal law from possessing a firearm, you  
27 may be prosecuted in federal court. A state license is not a  
28 defense to a federal prosecution.

29 The license application shall contain a description of the major  
30 differences between state and federal law and an explanation of the  
31 fact that local laws and ordinances on firearms are preempted by state  
32 law and must be consistent with state law. The application shall  
33 contain questions about the applicant's place of birth, whether the  
34 applicant is a United States citizen, and if not a citizen whether the  
35 applicant has declared the intent to become a citizen and whether he or  
36 she has been required to register with the state or federal government  
37 and any identification or registration number, if applicable. The  
38 applicant shall not be required to produce a birth certificate or other

1 evidence of citizenship. An applicant who is not a citizen shall  
2 provide documentation showing resident alien status and the applicant's  
3 intent to become a citizen. A person who makes a false statement  
4 regarding citizenship on the application is guilty of a misdemeanor. A  
5 person who is not a citizen of the United States, or has not declared  
6 his or her intention to become a citizen shall meet the additional  
7 requirements of RCW 9.41.170.

8 The original (~~thereof~~) license shall be delivered to the licensee  
9 in accordance with section 2 of this act, the duplicate shall within  
10 seven days be sent by registered mail to the director of licensing and  
11 the triplicate shall be preserved for six years, by the authority  
12 issuing said license.

13 (6) The fee for the original issuance of a four-year license shall  
14 be twenty-three dollars: PROVIDED, That no other additional charges by  
15 any branch or unit of government shall be borne by the applicant for  
16 the issuance of the license: PROVIDED FURTHER, That the fee shall be  
17 distributed as follows:

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

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

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

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

25 (7) The fee for the renewal of such license shall be fifteen  
26 dollars: PROVIDED, That no other additional charges by any branch or  
27 unit of government shall be borne by the applicant for the renewal of  
28 the license: PROVIDED FURTHER, That the fee shall be distributed as  
29 follows:

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

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

33 (c) Three dollars to the firearms range account in the general  
34 fund.

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

38 (9)(a) A licensee may renew a license if the licensee applies for  
39 renewal within ninety days before or after the expiration date of the

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

6 ~~((a))~~ (i) Three dollars shall be deposited in the state wildlife  
7 fund and used exclusively for the printing and distribution of a  
8 pamphlet on the legal limits of the use of firearms, firearms safety,  
9 and the preemptive nature of state law. The pamphlet shall be given to  
10 each applicant for a license; and

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

13 (b) A licensee may renew a license at the same time as renewing his  
14 or her driver's license, as provided in section 2 of this act.

15 (10) Notwithstanding the requirements of subsections (1) through  
16 (9) of this section, the chief of police of the municipality or the  
17 sheriff of the county of the applicant's residence may issue a  
18 temporary emergency license for good cause pending review under  
19 subsection (1) of this section.

20 (11) A political subdivision of the state shall not modify the  
21 requirements of this section or chapter, nor may a political  
22 subdivision ask the applicant to voluntarily submit any information not  
23 required by this section. A civil suit may be brought to enjoin a  
24 wrongful refusal to issue a license or a wrongful modification of the  
25 requirements of this section or chapter. The civil suit may be brought  
26 in the county in which the application was made or in Thurston county  
27 at the discretion of the petitioner. Any person who prevails against  
28 a public agency in any action in the courts for a violation of this  
29 chapter shall be awarded costs, including reasonable attorneys' fees,  
30 incurred in connection with such legal action.

31 NEW SECTION. Sec. 2. A new section is added to chapter 46.20 RCW  
32 to read as follows:

33 (1) The department shall accept from the issuing authority for  
34 delivery to the licensee, if the licensee has a driver's license,  
35 concealed pistol licenses issued under RCW 9.41.070. The department  
36 may not deliver a concealed pistol license to a licensee under this  
37 subsection until the licensee has submitted his or her driver's license  
38 for the department to make a notation on the driver's license or

1 reissue the driver's license with a notation that the holder has a  
2 concealed pistol license.

3 (2) The department shall, on behalf of the authorities authorized  
4 to issue concealed pistol licenses under RCW 9.41.070, renew concealed  
5 pistol licenses under RCW 9.41.070 at the same time as renewing  
6 driver's licenses under this chapter.

7 (3) Upon receipt of the driver's license of a person who has had a  
8 concealed pistol license revoked under RCW 9.41.070, the department  
9 shall make a notation on the driver's license or reissue the driver's  
10 license with a notation that the holder has had a concealed pistol  
11 license revoked.

12 (4) The department shall, in consultation with the authorities  
13 authorized to issue concealed pistol licenses under RCW 9.41.070, adopt  
14 rules to implement this section.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW  
16 to read as follows:

17 Whenever any person after applying for or receiving a driver's  
18 license has a concealed pistol permit revoked under RCW 9.41.070, upon  
19 receipt of notification from the revoking authority, the department  
20 shall send notice to the person whose concealed pistol permit was  
21 revoked to present his or her driver's license within ten days so that  
22 the appropriate notations may be made on the license or a new license  
23 with appropriate notations may be issued.

24 **Sec. 4.** RCW 46.20.336 and 1990 c 210 s 3 are each amended to read  
25 as follows:

26 It is a misdemeanor for any person:

27 (1) To display or cause or permit to be displayed or have in his or  
28 her possession any fictitious or fraudulently altered driver's license  
29 or identicard;

30 (2) To lend his or her driver's license or identicard to any other  
31 person or knowingly permit the use thereof by another;

32 (3) To display or represent as one's own any driver's license or  
33 identicard not issued to him or her;

34 (4) Willfully to fail or refuse to surrender to the department upon  
35 its lawful demand any driver's license or identicard which has been  
36 suspended, revoked or canceled;

1           (5) To use a false or fictitious name in any application for a  
2 driver's license or identicard or to knowingly make a false statement  
3 or to knowingly conceal a material fact or otherwise commit a fraud in  
4 any such application;

5           (6) To permit any unlawful use of a driver's license or identicard  
6 issued to him or her;

7           (7) To fail to present a driver's license to the department in  
8 response to a notice given under section 3 of this act.

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