

2 SHB 1152 - S COMM AMD
3 By Committee on Law & Justice

4 ADOPTED 4/14/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9.41.070 and 1994 sp.s. c 7 s 407 and 1994 c 190 s 2
8 are each reenacted and amended to read as follows:

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

22 The applicant's constitutional right to bear arms shall not be
23 denied, unless (~~(he or she)~~):

24 (a) He or she is ineligible to possess a firearm under the
25 provisions of RCW 9.41.040 or 9.41.045;

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

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

29 (~~(e)~~) (d) He or she is subject to a court order or injunction
30 regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040,
31 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130,
32 26.26.137, 26.50.060, or 26.50.070;

33 (~~(d)~~) (e) He or she is free on bond or personal recognizance
34 pending trial, appeal, or sentencing for a serious offense;

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

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

7 (~~(g)~~) (h)(i) He or she has been convicted of any crime against a
8 child or other person listed in RCW 43.43.830(5).

9 (ii) Except as provided in (~~(g)~~) (h)(iii) of this subsection, any
10 person who becomes ineligible for a concealed pistol license as a
11 result of a conviction for a crime listed in (~~(g)~~) (h)(i) of this
12 subsection and then successfully completes all terms of his or her
13 sentence, as evidenced by a certificate of discharge issued under RCW
14 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has
15 not again been convicted of any crime and is not under indictment for
16 any crime, may, one year or longer after such successful sentence
17 completion, petition a court of record for a declaration that the
18 person is no longer ineligible for a concealed pistol license under
19 (~~(g)~~) (h)(i) of this subsection.

20 (iii) No person convicted of a serious offense as defined in RCW
21 9.41.010 may have his or her right to possess firearms restored, unless
22 the person has been granted relief from disabilities by the secretary
23 of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4)
24 applies.

25 (2) The issuing authority shall check with the national crime
26 information center, the Washington state patrol electronic data base,
27 the department of social and health services electronic data base, and
28 with other agencies or resources as appropriate, to determine whether
29 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
30 a (~~pistol~~) firearm and therefore ineligible for a concealed pistol
31 license. This subsection applies whether the applicant is applying for
32 a new concealed pistol license or to renew a concealed pistol license.

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

1 (4) The license application shall (~~be in triplicate, in form to be~~
2 ~~prescribed by the department of licensing, and shall~~) bear the full
3 name, (~~street~~) residential address, telephone number at the option of
4 the applicant, date and place of birth, race, gender, description, not
5 more than two complete sets of fingerprints, and signature of the
6 licensee, and the licensee's driver's license number or state
7 identification card number if used for identification in applying for
8 the license. A signed application for a concealed pistol license shall
9 constitute a waiver of confidentiality and written request that the
10 department of social and health services, mental health institutions,
11 and other health care facilities release information relevant to the
12 applicant's eligibility for a concealed pistol license to an inquiring
13 court or law enforcement agency.

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

16 The license and application shall contain a warning substantially
17 as follows:

18 CAUTION: Although state and local laws do not differ, federal
19 law and state law on the possession of firearms differ. If you
20 are prohibited by federal law from possessing a firearm, you
21 may be prosecuted in federal court. A state license is not a
22 defense to a federal prosecution.

23 The license (~~application~~) shall contain a description of the
24 major differences between state and federal law and an explanation of
25 the fact that local laws and ordinances on firearms are preempted by
26 state law and must be consistent with state law. The application shall
27 contain questions about the applicant's eligibility under RCW 9.41.040
28 to possess a pistol, the applicant's place of birth, and whether the
29 applicant is a United States citizen(~~, and whether he or she has been~~
30 ~~required to register with the state or federal government and has an~~
31 ~~identification or registration number~~). The applicant shall not be
32 required to produce a birth certificate or other evidence of
33 citizenship. A person who is not a citizen of the United States shall
34 meet the additional requirements of RCW 9.41.170 and produce proof of
35 compliance with RCW 9.41.170 upon application. The license shall be in
36 triplicate and in a form to be prescribed by the department of
37 licensing.

1 The original thereof shall be delivered to the licensee, the
2 duplicate shall within seven days be sent by registered mail to the
3 director of licensing and the triplicate shall be preserved for six
4 years, by the authority issuing the license.

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

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

14 The fee shall be distributed as follows:

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

16 (b) (~~((Ten))~~) Four dollars shall be paid to the agency taking the
17 fingerprints of the person licensed;

18 (c) (~~((Fifteen))~~) Fourteen dollars shall be paid to the issuing
19 authority for the purpose of enforcing this chapter; and

20 (d) (~~((Ten))~~) Three dollars to the firearms range account in the
21 general fund.

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

25 The renewal fee shall be distributed as follows:

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

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

30 (c) (~~((Ten))~~) Three dollars to the firearms range account in the
31 general fund.

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

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

37 (~~((+8))~~) (9) A licensee may renew a license if the licensee applies
38 for renewal within ninety days before or after the expiration date of
39 the license. A license so renewed shall take effect on the expiration

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

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

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

12 (~~9~~) 10 Notwithstanding the requirements of subsections (1)
13 through (~~8~~) 9 of this section, the chief of police of the
14 municipality or the sheriff of the county of the applicant's residence
15 may issue a temporary emergency license for good cause pending review
16 under subsection (1) of this section.

17 (~~10~~) 11 A political subdivision of the state shall not modify
18 the requirements of this section or chapter, nor may a political
19 subdivision ask the applicant to voluntarily submit any information not
20 required by this section.

21 (~~11~~) 12 A person who knowingly makes a false statement
22 regarding citizenship or identity on an application for a concealed
23 pistol license is guilty of false swearing under RCW 9A.72.040. In
24 addition to any other penalty provided for by law, the concealed pistol
25 license of a person who knowingly makes a false statement shall be
26 revoked, and the person shall be permanently ineligible for a concealed
27 pistol license.

28 (~~12~~) 13 A person may apply for a concealed pistol license:

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

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

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

1 **SHB 1152** - S COMM AMD
2 By Committee on Law & Justice

ADOPTED 4/14/95

3
4 On page 1, line 1 of the title, after "licenses;" strike the
5 remainder of the title and insert "and reenacting and amending RCW
6 9.41.070."

--- END ---