

---

SENATE BILL 5992

---

State of Washington

56th Legislature

1999 Regular Session

By Senators Benton, Zarelli, Finkbeiner, Sheahan, Hochstatter,  
Honeyford and Hargrove

Read first time 02/18/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to permanent concealed pistol licenses; and  
2 amending RCW 9.41.070 and 9.41.090.

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

4 **Sec. 1.** RCW 9.41.070 and 1996 c 295 s 6 are each amended to read  
5 as follows:

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

1 suspended or revoked or until the person to whom the license was issued  
2 becomes otherwise ineligible to possess a firearm or to obtain a  
3 concealed pistol license. Any person whose eligibility is restored  
4 under this section, RCW 9.41.040, or other law, may apply for a  
5 permanent license under this section. A permanent license issued under  
6 this section entitles a person to carry a pistol concealed on his or  
7 her person in accordance with this section regardless of the date of  
8 issuance of the license, and the license need not be renewed for that  
9 purpose. However, such a license does not entitle a person to take  
10 delivery of a pistol under RCW 9.41.090(1)(a) if more than five years  
11 have passed since the date of the issuance or latest renewal of the  
12 license, and such a license may be renewed as authorized by this  
13 section for the purpose of taking the delivery.

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

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

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

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

21 (d) He or she is subject to a court order or injunction regarding  
22 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
23 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137,  
24 26.50.060, or 26.50.070;

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

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

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

32 No person convicted of a felony may have his or her right to  
33 possess firearms restored or his or her privilege to carry a concealed  
34 pistol restored, unless the person has been granted relief from  
35 disabilities by the secretary of the treasury under 18 U.S.C. Sec.  
36 925(c), or RCW 9.41.040 (3) or (4) applies.

37 (2) The issuing authority shall check with the national crime  
38 information center, the Washington state patrol electronic data base,  
39 the department of social and health services electronic data base, and

1 with other agencies or resources as appropriate, to determine whether  
2 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess  
3 a firearm and therefore ineligible for a concealed pistol license.  
4 This subsection applies whether the applicant is applying for a ((new))  
5 permanent concealed pistol license or to renew a concealed pistol  
6 license.

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

14 (4) The license application shall bear the full name, residential  
15 address, telephone number at the option of the applicant, date and  
16 place of birth, race, gender, description, not more than two complete  
17 sets of fingerprints, and signature of the licensee, and the licensee's  
18 driver's license number or state identification card number if used for  
19 identification in applying for the license. A signed application for  
20 a concealed pistol license shall constitute a waiver of confidentiality  
21 and written request that the department of social and health services,  
22 mental health institutions, and other health care facilities release  
23 information relevant to the applicant's eligibility for a concealed  
24 pistol license to an inquiring court or law enforcement agency.

25 The application for ((an original)) either a permanent or five-year  
26 license shall include two complete sets of fingerprints to be forwarded  
27 to the Washington state patrol.

28 The license and application shall contain a warning substantially  
29 as follows:

30 CAUTION: Although state and local laws do not differ, federal  
31 law and state law on the possession of firearms differ. If you  
32 are prohibited by federal law from possessing a firearm, you  
33 may be prosecuted in federal court. A state license is not a  
34 defense to a federal prosecution.

35 The license shall contain a description of the major differences  
36 between state and federal law and an explanation of the fact that local  
37 laws and ordinances on firearms are preempted by state law and must be  
38 consistent with state law. The application shall contain questions

1 about the applicant's eligibility under RCW 9.41.040 to possess a  
2 pistol, the applicant's place of birth, and whether the applicant is a  
3 United States citizen. The applicant shall not be required to produce  
4 a birth certificate or other evidence of citizenship. A person who is  
5 not a citizen of the United States shall meet the additional  
6 requirements of RCW 9.41.170 and produce proof of compliance with RCW  
7 9.41.170 upon application. The license shall be in triplicate and in  
8 a form to be prescribed by the department of licensing.

9 The original thereof shall be delivered to the licensee, the  
10 duplicate shall within seven days be sent to the director of licensing  
11 and the triplicate shall be preserved for six years, by the authority  
12 issuing the license.

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

16 (5)(a) The nonrefundable fee, paid upon application, for the  
17 (~~original five-year~~) license (~~shall be~~) is thirty-six dollars for  
18 the five-year license and one hundred dollars for the permanent license  
19 plus additional charges imposed by the Federal Bureau of Investigation  
20 that are passed on to the applicant for either license. No other state  
21 or local branch or unit of government may impose any additional charges  
22 on the applicant for the issuance of (~~the~~) either license.

23 (b) The fee for the five-year license shall be distributed as  
24 follows:

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

27 (~~b~~) (ii) Four dollars (~~shall be paid~~) to the agency taking  
28 the fingerprints of the person licensed;

29 (~~c~~) (iii) Fourteen dollars (~~shall be paid~~) to the issuing  
30 authority for the purpose of enforcing this chapter; and

31 (~~d~~) (iv) Three dollars to the firearms range account in the  
32 general fund.

33 (c) The fee for the permanent license shall be distributed as  
34 follows:

35 (i) Forty-seven dollars to the state general fund;

36 (ii) Four dollars to the agency taking the fingerprints of the  
37 person licensed;

38 (iii) Fourteen dollars to the issuing authority for the purpose of  
39 enforcing this chapter; and

1        (iv) Thirty-five dollars to the firearms range account in the  
2 general fund.

3        (6) A person with a five-year license may renew the license for the  
4 purpose of being eligible to take delivery of a pistol under RCW  
5 9.41.090(1)(a). A renewal is valid for that purpose for five years  
6 from the date of its issuance. The nonrefundable fee for the renewal  
7 of ~~((such))~~ a five-year license ~~((shall be))~~ is thirty-two dollars. No  
8 other branch or unit of government may impose any additional charges on  
9 the applicant for the renewal of the license.

10        The renewal fee shall be distributed as follows:

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

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

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

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

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

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

28        (a) Three dollars shall be deposited in the state wildlife fund and  
29 used exclusively for the printing and distribution of a pamphlet on the  
30 legal limits of the use of firearms, firearms safety, and the  
31 preemptive nature of state law. The pamphlet shall be given to each  
32 applicant for a license; and

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

35        (10) Notwithstanding the requirements of subsections (1) through  
36 (9) of this section, the chief of police of the municipality or the  
37 sheriff of the county of the applicant's residence may issue a  
38 temporary emergency license for good cause pending review under  
39 subsection (1) of this section. However, a temporary emergency license

1 issued under this subsection shall not exempt the holder of the license  
2 from any records check requirement. Temporary emergency licenses shall  
3 be easily distinguishable from regular licenses.

4 (11) A political subdivision of the state shall not modify the  
5 requirements of this section or chapter, nor may a political  
6 subdivision ask the applicant to voluntarily submit any information not  
7 required by this section.

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

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

16 (a) To the municipality or to the county in which the applicant  
17 resides if the applicant resides in a municipality;

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

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

21 **Sec. 2.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read  
22 as follows:

23 (1) In addition to the other requirements of this chapter, no  
24 dealer may deliver a pistol to the purchaser thereof until:

25 (a) The purchaser produces a valid concealed pistol license and the  
26 dealer has recorded the purchaser's name, license number, and issuing  
27 agency, such record to be made in triplicate and processed as provided  
28 in subsection (5) of this section. For purposes of this subsection  
29 (1)(a), a "valid concealed pistol license" does not include a temporary  
30 emergency license, and does not include any license issued before July  
31 1, 1996, unless the issuing agency conducted a records search for  
32 disqualifying crimes under RCW 9.41.070 at the time of issuance, and  
33 does not include any license more than five years after the date of its  
34 issuance or latest renewal;

35 (b) The dealer is notified in writing by the chief of police or the  
36 sheriff of the jurisdiction in which the purchaser resides that the  
37 purchaser is eligible to possess a pistol under RCW 9.41.040 and that

1 the application to purchase is approved by the chief of police or  
2 sheriff; or

3 (c) Five business days, meaning days on which state offices are  
4 open, have elapsed from the time of receipt of the application for the  
5 purchase thereof as provided herein by the chief of police or sheriff  
6 designated in subsection (5) of this section, and, when delivered, the  
7 pistol shall be securely wrapped and shall be unloaded. However, if  
8 the purchaser does not have a valid permanent Washington driver's  
9 license or state identification card or has not been a resident of the  
10 state for the previous consecutive ninety days, the waiting period  
11 under this subsection (1)(c) shall be up to sixty days.

12 (2)(a) Except as provided in (b) of this subsection, in determining  
13 whether the purchaser meets the requirements of RCW 9.41.040, the chief  
14 of police or sheriff, or the designee of either, shall check with the  
15 national crime information center, the Washington state patrol  
16 electronic data base, the department of social and health services  
17 electronic data base, and with other agencies or resources as  
18 appropriate, to determine whether the applicant is ineligible under RCW  
19 9.41.040 to possess a firearm.

20 (b) Once the system is established, a dealer shall use the state  
21 system and national instant criminal background check system, provided  
22 for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et  
23 seq.), to make criminal background checks of applicants to purchase  
24 firearms. However, a chief of police or sheriff, or a designee of  
25 either, shall continue to check the department of social and health  
26 services' electronic data base and with other agencies or resources as  
27 appropriate, to determine whether applicants are ineligible under RCW  
28 9.41.040 to possess a firearm.

29 (3) In any case under subsection (1)(c) of this section where the  
30 applicant has an outstanding warrant for his or her arrest from any  
31 court of competent jurisdiction for a felony or misdemeanor, the dealer  
32 shall hold the delivery of the pistol until the warrant for arrest is  
33 served and satisfied by appropriate court appearance. The local  
34 jurisdiction for purposes of the sale shall confirm the existence of  
35 outstanding warrants within seventy-two hours after notification of the  
36 application to purchase a pistol is received. The local jurisdiction  
37 shall also immediately confirm the satisfaction of the warrant on  
38 request of the dealer so that the hold may be released if the warrant

1 was for an offense other than an offense making a person ineligible  
2 under RCW 9.41.040 to possess a pistol.

3 (4) In any case where the chief or sheriff of the local  
4 jurisdiction has reasonable grounds based on the following  
5 circumstances: (a) Open criminal charges, (b) pending criminal  
6 proceedings, (c) pending commitment proceedings, (d) an outstanding  
7 warrant for an offense making a person ineligible under RCW 9.41.040 to  
8 possess a pistol, or (e) an arrest for an offense making a person  
9 ineligible under RCW 9.41.040 to possess a pistol, if the records of  
10 disposition have not yet been reported or entered sufficiently to  
11 determine eligibility to purchase a pistol, the local jurisdiction may  
12 hold the sale and delivery of the pistol beyond five days up to thirty  
13 days in order to confirm existing records in this state or elsewhere.  
14 After thirty days, the hold will be lifted unless an extension of the  
15 thirty days is approved by a local district court or municipal court  
16 for good cause shown. A dealer shall be notified of each hold placed  
17 on the sale by local law enforcement and of any application to the  
18 court for additional hold period to confirm records or confirm the  
19 identity of the applicant.

20 (5) At the time of applying for the purchase of a pistol, the  
21 purchaser shall sign in triplicate and deliver to the dealer an  
22 application containing his or her full name, residential address, date  
23 and place of birth, race, and gender; the date and hour of the  
24 application; the applicant's driver's license number or state  
25 identification card number; a description of the pistol including the  
26 make, model, caliber and manufacturer's number if available at the time  
27 of applying for the purchase of a pistol. If the manufacturer's number  
28 is not available, the application may be processed, but delivery of the  
29 pistol to the purchaser may not occur unless the manufacturer's number  
30 is recorded on the application by the dealer and transmitted to the  
31 chief of police of the municipality or the sheriff of the county in  
32 which the purchaser resides; and a statement that the purchaser is  
33 eligible to possess a pistol under RCW 9.41.040.

34 The application shall contain a warning substantially as follows:

35 CAUTION: Although state and local laws do not differ, federal  
36 law and state law on the possession of firearms differ. If you  
37 are prohibited by federal law from possessing a firearm, you  
38 may be prosecuted in federal court. State permission to  
39 purchase a firearm is not a defense to a federal prosecution.



1 The purchaser shall be given a copy of the department of fish and  
2 wildlife pamphlet on the legal limits of the use of firearms, firearms  
3 safety, and the fact that local laws and ordinances on firearms are  
4 preempted by state law and must be consistent with state law.

5 The dealer shall, by the end of the business day, sign and attach  
6 his or her address and deliver a copy of the application and such other  
7 documentation as required under subsection (1) of this section to the  
8 chief of police of the municipality or the sheriff of the county of  
9 which the purchaser is a resident. The triplicate shall be retained by  
10 the dealer for six years. The dealer shall deliver the pistol to the  
11 purchaser following the period of time specified in this section unless  
12 the dealer is notified of an investigative hold under subsection (4) of  
13 this section in writing by the chief of police of the municipality or  
14 the sheriff of the county, whichever is applicable, denying the  
15 purchaser's application to purchase and the grounds thereof. The  
16 application shall not be denied unless the purchaser is not eligible to  
17 possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

18 The chief of police of the municipality or the sheriff of the  
19 county shall retain or destroy applications to purchase a pistol in  
20 accordance with the requirements of 18 U.S.C. Sec. 922.

21 (6) A person who knowingly makes a false statement regarding  
22 identity or eligibility requirements on the application to purchase a  
23 pistol is guilty of false swearing under RCW 9A.72.040.

24 (7) This section does not apply to sales to licensed dealers for  
25 resale or to the sale of antique firearms.

--- END ---