

EHB 2519 - S COMM AMD

By Committee on Law & Justice

ADOPTED AND ENGROSSED 3/2/18

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9.41.345 and 2015 c 130 s 2 are each amended to  
4 read as follows:

5 (1) Before a law enforcement agency returns a privately owned  
6 firearm, the law enforcement agency must:

7 (a) Confirm that the individual to whom the firearm will be  
8 returned is the individual from whom the firearm was obtained or an  
9 authorized representative of that person;

10 (b) Confirm that the individual to whom the firearm will be  
11 returned is eligible to possess a firearm pursuant to RCW 9.41.040;

12 (c) Ensure that the firearm is not otherwise required to be held  
13 in custody or otherwise prohibited from being released; and

14 (d) Ensure that twenty-four hours have elapsed from the time the  
15 firearm was obtained by law enforcement.

16 (2)(a) Once the requirements in subsections (1) and (3) of this  
17 section have been met, a law enforcement agency must release a  
18 firearm to the individual from whom it was obtained or an authorized  
19 representative of that person upon request without unnecessary delay.

20 (b)(i) If a firearm cannot be returned because it is required to  
21 be held in custody or is otherwise prohibited from being released, a  
22 law enforcement agency must provide written notice to the individual  
23 from whom it was obtained within five business days of the individual  
24 requesting return of his or her firearm and specify the reason the  
25 firearm must be held in custody.

26 (ii) Notification may be made via email, text message, mail  
27 service, or personal service. For methods other than personal  
28 service, service shall be considered complete once the notification  
29 is sent.

30 (3) If a family or household member has requested to be notified  
31 pursuant to RCW 9.41.340, a law enforcement agency must:

1 (a) Provide notice to the family or household member within one  
2 business day of verifying that the requirements in subsection (1) of  
3 this section have been met; and

4 (b) Hold the firearm in custody for seventy-two hours from the  
5 time notification has been provided.

6 (4)(a) A law enforcement agency may not return a concealed pistol  
7 license that has been surrendered to or impounded by the law  
8 enforcement agency for any reason to the licensee until the law  
9 enforcement agency determines the licensee is eligible to possess a  
10 firearm under state and federal law and meets the other eligibility  
11 requirements for a concealed pistol license under RCW 9.41.070.

12 (b) A law enforcement agency must release a concealed pistol  
13 license to the licensee without unnecessary delay, and in no case  
14 longer than five business days, after the law enforcement agency  
15 determines the requirements of (a) of this subsection have been met.

16 (5) In confirming whether an individual is eligible to possess a  
17 firearm under this section, the law enforcement agency must review  
18 available records to determine whether the individual is an unlawful  
19 user of or addicted to any controlled substance and therefore  
20 prohibited from possessing a firearm pursuant to Title 18 U.S.C. Sec.  
21 922(g)(3).

22 (6) The provisions of chapter 130, Laws of 2015 and subsection  
23 (4) of this section shall not apply to circumstances where a law  
24 enforcement officer has momentarily obtained a firearm or concealed  
25 pistol license from an individual and would otherwise immediately  
26 return the firearm or concealed pistol license to the individual  
27 during the same interaction.

28 **Sec. 2.** RCW 9.41.070 and 2017 c 282 s 1 and 2017 C 174 s 1 are  
29 each reenacted and amended to read as follows:

30 (1) The chief of police of a municipality or the sheriff of a  
31 county shall within thirty days after the filing of an application of  
32 any person, issue a license to such person to carry a pistol  
33 concealed on his or her person within this state for five years from  
34 date of issue, for the purposes of protection or while engaged in  
35 business, sport, or while traveling. However, if the applicant does  
36 not have a valid permanent Washington driver's license or Washington  
37 state identification card or has not been a resident of the state for  
38 the previous consecutive ninety days, the issuing authority shall  
39 have up to sixty days after the filing of the application to issue a

1 license. The issuing authority shall not refuse to accept completed  
2 applications for concealed pistol licenses during regular business  
3 hours.

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

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

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

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

12 (d) He or she is subject to a court order or injunction regarding  
13 firearms pursuant to chapters 7.90, 7.92, or 7.94 RCW, or RCW  
14 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
15 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

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

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

21 (g) He or she has been ordered to forfeit a firearm under RCW  
22 9.41.098(1)(e) within one year before filing an application to carry  
23 a pistol concealed on his or her person.

24 No person convicted of a felony may have his or her right to  
25 possess firearms restored or his or her privilege to carry a  
26 concealed pistol restored, unless the person has been granted relief  
27 from disabilities by the attorney general under 18 U.S.C. Sec.  
28 925(c), or RCW 9.41.040 (3) or (4) applies.

29 (2)(a) The issuing authority shall conduct a check through the  
30 national instant criminal background check system, the Washington  
31 state patrol electronic database, the department of social and health  
32 services electronic database, and with other agencies or resources as  
33 appropriate, to determine whether the applicant is ineligible under  
34 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from  
35 possessing a firearm under federal law, and therefore ineligible for  
36 a concealed pistol license.

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

1 (c) This subsection applies whether the applicant is applying for  
2 a new concealed pistol license or to renew a concealed pistol  
3 license.

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

11 (4) The license application shall bear the full name, residential  
12 address, telephone number at the option of the applicant, email  
13 address at the option of the applicant, date and place of birth,  
14 race, gender, description, a complete set of fingerprints, and  
15 signature of the licensee, and the licensee's driver's license number  
16 or state identification card number if used for identification in  
17 applying for the license. A signed application for a concealed pistol  
18 license shall constitute a waiver of confidentiality and written  
19 request that the department of social and health services, mental  
20 health institutions, and other health care facilities release  
21 information relevant to the applicant's eligibility for a concealed  
22 pistol license to an inquiring court or law enforcement agency.

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

25 The license and application shall contain a warning substantially  
26 as follows:

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

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

36 The application shall contain questions about the applicant's  
37 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
38 the applicant's place of birth, and whether the applicant is a United  
39 States citizen. If the applicant is not a United States citizen, the

1 applicant must provide the applicant's country of citizenship, United  
2 States issued alien number or admission number, and the basis on  
3 which the applicant claims to be exempt from federal prohibitions on  
4 firearm possession by aliens. The applicant shall not be required to  
5 produce a birth certificate or other evidence of citizenship. A  
6 person who is not a citizen of the United States shall, if  
7 applicable, meet the additional requirements of RCW 9.41.173 and  
8 produce proof of compliance with RCW 9.41.173 upon application. The  
9 license may be in triplicate or in a form to be prescribed by the  
10 department of licensing.

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

13 The original thereof shall be delivered to the licensee, the  
14 duplicate shall within seven days be sent to the director of  
15 licensing and the triplicate shall be preserved for six years, by the  
16 authority issuing the license.

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

20 (5) The nonrefundable fee, paid upon application, for the  
21 original five-year license shall be thirty-six dollars plus  
22 additional charges imposed by the federal bureau of investigation  
23 that are passed on to the applicant. No other state or local branch  
24 or unit of government may impose any additional charges on the  
25 applicant for the issuance of the license.

26 The fee shall be distributed as follows:

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

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

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

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

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

36 (6) The nonrefundable fee for the renewal of such license shall  
37 be thirty-two dollars. No other branch or unit of government may  
38 impose any additional charges on the applicant for the renewal of the  
39 license.

40 The renewal fee shall be distributed as follows:

1 (a) Fifteen dollars shall be paid to the state general fund;  
2 (b) Fourteen dollars shall be paid to the issuing authority for  
3 the purpose of enforcing this chapter;  
4 (c) Two dollars and sixteen cents to the firearms range account  
5 in the general fund; and  
6 (d) Eighty-four cents to the concealed pistol license renewal  
7 notification account created in RCW 43.79.540.  
8 (7) The nonrefundable fee for replacement of lost or damaged  
9 licenses is ten dollars to be paid to the issuing authority.  
10 (8) Payment shall be by cash, check, or money order at the option  
11 of the applicant. Additional methods of payment may be allowed at the  
12 option of the issuing authority.  
13 (9)(a) A licensee may renew a license if the licensee applies for  
14 renewal within ninety days before or after the expiration date of the  
15 license. A license so renewed shall take effect on the expiration  
16 date of the prior license. A licensee renewing after the expiration  
17 date of the license must pay a late renewal penalty of ten dollars in  
18 addition to the renewal fee specified in subsection (6) of this  
19 section. The fee shall be distributed as follows:  
20 (i) Three dollars shall be deposited in the state wildlife  
21 account and used exclusively first for the printing and distribution  
22 of a pamphlet on the legal limits of the use of firearms, firearms  
23 safety, and the preemptive nature of state law, and subsequently the  
24 support of volunteer instructors in the basic firearms safety  
25 training program conducted by the department of fish and wildlife.  
26 The pamphlet shall be given to each applicant for a license; and  
27 (ii) Seven dollars shall be paid to the issuing authority for the  
28 purpose of enforcing this chapter.  
29 (b) Beginning with concealed pistol licenses that expire on or  
30 after August 1, 2018, the department of licensing shall mail a  
31 renewal notice approximately ninety days before the license  
32 expiration date to the licensee at the address listed on the  
33 concealed pistol license application, or to the licensee's new  
34 address if the licensee has notified the department of licensing of a  
35 change of address. Alternatively, if the licensee provides an email  
36 address at the time of license application, the department of  
37 licensing may send the renewal notice to the licensee's email  
38 address. The notice must contain the date the concealed pistol  
39 license will expire, the amount of renewal fee, the penalty for late  
40 renewal, and instructions on how to renew the license.

1 (10) Notwithstanding the requirements of subsections (1) through  
2 (9) of this section, the chief of police of the municipality or the  
3 sheriff of the county of the applicant's residence may issue a  
4 temporary emergency license for good cause pending review under  
5 subsection (1) of this section. However, a temporary emergency  
6 license issued under this subsection shall not exempt the holder of  
7 the license from any records check requirement. Temporary emergency  
8 licenses shall be easily distinguishable from regular licenses.

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

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

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

21 (a) To the municipality or to the county in which the applicant  
22 resides if the applicant resides in a municipality;

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

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

26 (14) Any person who, as a member of the armed forces, including  
27 the national guard and armed forces reserves, is unable to renew his  
28 or her license under subsections (6) and (9) of this section because  
29 of the person's assignment, reassignment, or deployment for out-of-  
30 state military service may renew his or her license within ninety  
31 days after the person returns to this state from out-of-state  
32 military service, if the person provides the following to the issuing  
33 authority no later than ninety days after the person's date of  
34 discharge or assignment, reassignment, or deployment back to this  
35 state: (a) A copy of the person's original order designating the  
36 specific period of assignment, reassignment, or deployment for out-  
37 of-state military service, and (b) if appropriate, a copy of the  
38 person's discharge or amended or subsequent assignment, reassignment,  
39 or deployment order back to this state. A license so renewed under  
40 this subsection (14) shall take effect on the expiration date of the

1 prior license. A licensee renewing after the expiration date of the  
2 license under this subsection (14) shall pay only the renewal fee  
3 specified in subsection (6) of this section and shall not be required  
4 to pay a late renewal penalty in addition to the renewal fee."

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**ADOPTED 3/2/18**

5 On page 1, line 2 of the title, after "requirements;" strike the  
6 remainder of the title and insert "amending RCW 9.41.345; and  
7 reenacting and amending RCW 9.41.070."

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