

SB 5508 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED 04/04/2019

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

3 **"Sec. 1.** RCW 9.41.070 and 2018 c 226 s 2 and 2018 c 201 s 6002
4 are each reenacted and amended to read as follows:

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

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

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

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

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

26 (d) He or she is subject to a court order or injunction regarding
27 firearms pursuant to chapter((s)) 7.90, 7.92, or 7.94 RCW, or RCW
28 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
29 26.10.040, 26.10.115, ((~~26.26.130~~)) 26.26B.020, 26.50.060, 26.50.070,
30 or 26.26.590;

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

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

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

7 No person convicted of a felony may have his or her right to
8 possess firearms restored or his or her privilege to carry a
9 concealed pistol restored, unless the person has been granted relief
10 from disabilities by the attorney general under 18 U.S.C. Sec.
11 925(c), or RCW 9.41.040 (3) or (4) applies.

12 (2)(a) The issuing authority shall conduct a check through the
13 national instant criminal background check system, the Washington
14 state patrol electronic database, the health care authority
15 electronic database, and with other agencies or resources as
16 appropriate, to determine whether the applicant is ineligible under
17 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from
18 possessing a firearm under federal law, and therefore ineligible for
19 a concealed pistol license.

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

23 (c) (a) and (b) of this subsection ((applies)) apply whether the
24 applicant is applying for a new concealed pistol license or to renew
25 a concealed pistol license.

26 (d) A background check for an original license must be conducted
27 through the Washington state patrol criminal identification section
28 and shall include a national check from the federal bureau of
29 investigation through the submission of fingerprints. The results
30 will be returned to the issuing authority. The applicant may request
31 and receive a copy of the results of the background check from the
32 issuing authority. If the applicant seeks to amend or correct their
33 record, the applicant must contact the Washington state patrol for a
34 Washington state record or the federal bureau of investigation for
35 records from other jurisdictions.

36 (3) Any person whose firearms rights have been restricted and who
37 has been granted relief from disabilities by the attorney general
38 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.
39 921(a)(20)(A) shall have his or her right to acquire, receive,
40 transfer, ship, transport, carry, and possess firearms in accordance

1 with Washington state law restored except as otherwise prohibited by
2 this chapter.

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

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

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

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

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

28 The application shall contain questions about the applicant's
29 eligibility under RCW 9.41.040 and federal law to possess a pistol,
30 the applicant's place of birth, and whether the applicant is a United
31 States citizen. If the applicant is not a United States citizen, the
32 applicant must provide the applicant's country of citizenship, United
33 States issued alien number or admission number, and the basis on
34 which the applicant claims to be exempt from federal prohibitions on
35 firearm possession by aliens. The applicant shall not be required to
36 produce a birth certificate or other evidence of citizenship. A
37 person who is not a citizen of the United States shall, if
38 applicable, meet the additional requirements of RCW 9.41.173 and
39 produce proof of compliance with RCW 9.41.173 upon application. The

1 license may be in triplicate or in a form to be prescribed by the
2 department of licensing.

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

5 The original thereof shall be delivered to the licensee, the
6 duplicate shall within seven days be sent to the director of
7 licensing and the triplicate shall be preserved for six years, by the
8 authority issuing the license.

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

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

18 The fee shall be distributed as follows:

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

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

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

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

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

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

32 The renewal fee shall be distributed as follows:

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

34 (b) Fourteen dollars shall be paid to the issuing authority for
35 the purpose of enforcing this chapter;

36 (c) Two dollars and sixteen cents to the firearms range account
37 in the general fund; and

38 (d) Eighty-four cents to the concealed pistol license renewal
39 notification account created in RCW 43.79.540.

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

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

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

13 (i) Three dollars shall be deposited in the state wildlife
14 account and used exclusively first for the printing and distribution
15 of a pamphlet on the legal limits of the use of firearms, firearms
16 safety, and the preemptive nature of state law, and subsequently the
17 support of volunteer instructors in the basic firearms safety
18 training program conducted by the department of fish and wildlife.
19 The pamphlet shall be given to each applicant for a license; and

20 (ii) Seven dollars shall be paid to the issuing authority for the
21 purpose of enforcing this chapter.

22 (b) Beginning with concealed pistol licenses that expire on or
23 after August 1, 2018, the department of licensing shall mail a
24 renewal notice approximately ninety days before the license
25 expiration date to the licensee at the address listed on the
26 concealed pistol license application, or to the licensee's new
27 address if the licensee has notified the department of licensing of a
28 change of address. Alternatively, if the licensee provides an email
29 address at the time of license application, the department of
30 licensing may send the renewal notice to the licensee's email
31 address. The notice must contain the date the concealed pistol
32 license will expire, the amount of renewal fee, the penalty for late
33 renewal, and instructions on how to renew the license.

34 (10) Notwithstanding the requirements of subsections (1) through
35 (9) of this section, the chief of police of the municipality or the
36 sheriff of the county of the applicant's residence may issue a
37 temporary emergency license for good cause pending review under
38 subsection (1) of this section. However, a temporary emergency
39 license issued under this subsection shall not exempt the holder of

1 the license from any records check requirement. Temporary emergency
2 licenses shall be easily distinguishable from regular licenses.

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

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

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

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

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

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

20 (14) Any person who, as a member of the armed forces, including
21 the national guard and armed forces reserves, is unable to renew his
22 or her license under subsections (6) and (9) of this section because
23 of the person's assignment, reassignment, or deployment for out-of-
24 state military service may renew his or her license within ninety
25 days after the person returns to this state from out-of-state
26 military service, if the person provides the following to the issuing
27 authority no later than ninety days after the person's date of
28 discharge or assignment, reassignment, or deployment back to this
29 state: (a) A copy of the person's original order designating the
30 specific period of assignment, reassignment, or deployment for out-
31 of-state military service, and (b) if appropriate, a copy of the
32 person's discharge or amended or subsequent assignment, reassignment,
33 or deployment order back to this state. A license so renewed under
34 this subsection (14) shall take effect on the expiration date of the
35 prior license. A licensee renewing after the expiration date of the
36 license under this subsection (14) shall pay only the renewal fee
37 specified in subsection (6) of this section and shall not be required
38 to pay a late renewal penalty in addition to the renewal fee.

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately."

5 Correct the title.

EFFECT: Adds an emergency clause and an immediate effective date.

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