

CERTIFICATION OF ENROLLMENT

SENATE BILL 5508

66th Legislature
2019 Regular Session

Passed by the Senate April 22, 2019
Yeas 47 Nays 0

President of the Senate

Passed by the House April 4, 2019
Yeas 93 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5508** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5508

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senators Fortunato, Darneille, Saldaña, Pedersen, King, Sheldon, Hobbs, Dhingra, Holy, and Wilson, L.; by request of Washington State Patrol

Read first time 01/23/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to background checks for concealed pistol
2 licenses; reenacting and amending RCW 9.41.070; and declaring an
3 emergency.

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

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

7 (1) The chief of police of a municipality or the sheriff of a
8 county shall within thirty days after the filing of an application of
9 any person, issue a license to such person to carry a pistol
10 concealed on his or her person within this state for five years from
11 date of issue, 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
16 have 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.

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

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

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

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

7 (d) He or she is subject to a court order or injunction regarding
8 firearms pursuant to chapter((s)) 7.90, 7.92, or 7.94 RCW, or RCW
9 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
10 26.10.040, 26.10.115, ((26.26.130)) 26.26B.020, 26.50.060, 26.50.070,
11 or 26.26.590;

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

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

17 (g) He or she has been ordered to forfeit a firearm under RCW
18 9.41.098(1)(e) within one year before filing an application to carry
19 a pistol concealed on his or her person.

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

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

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

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

39 (d) A background check for an original license must be conducted
40 through the Washington state patrol criminal identification section

1 and shall include a national check from the federal bureau of
2 investigation through the submission of fingerprints. The results
3 will be returned to the issuing authority. The applicant may request
4 and receive a copy of the results of the background check from the
5 issuing authority. If the applicant seeks to amend or correct their
6 record, the applicant must contact the Washington state patrol for a
7 Washington state record or the federal bureau of investigation for
8 records from other jurisdictions.

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

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

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

30 The license and application shall contain a warning substantially
31 as follows:

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

37 The license shall contain a description of the major differences
38 between state and federal law and an explanation of the fact that

1 local laws and ordinances on firearms are preempted by state law and
2 must be consistent with state law.

3 The application shall contain questions about the applicant's
4 eligibility under RCW 9.41.040 and federal law to possess a pistol,
5 the applicant's place of birth, and whether the applicant is a United
6 States citizen. If the applicant is not a United States citizen, the
7 applicant must provide the applicant's country of citizenship, United
8 States issued alien number or admission number, and the basis on
9 which the applicant claims to be exempt from federal prohibitions on
10 firearm possession by aliens. The applicant shall not be required to
11 produce a birth certificate or other evidence of citizenship. A
12 person who is not a citizen of the United States shall, if
13 applicable, meet the additional requirements of RCW 9.41.173 and
14 produce proof of compliance with RCW 9.41.173 upon application. The
15 license may be in triplicate or in a form to be prescribed by the
16 department of licensing.

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

19 The original thereof shall be delivered to the licensee, the
20 duplicate shall within seven days be sent to the director of
21 licensing and the triplicate shall be preserved for six years, by the
22 authority issuing the license.

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

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

32 The fee shall be distributed as follows:

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

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

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

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

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

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

7 The renewal fee shall be distributed as follows:

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

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

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

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

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

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

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

27 (i) Three dollars shall be deposited in the state wildlife
28 account and used exclusively first for the printing and distribution
29 of a pamphlet on the legal limits of the use of firearms, firearms
30 safety, and the preemptive nature of state law, and subsequently the
31 support of volunteer instructors in the basic firearms safety
32 training program conducted by the department of fish and wildlife.
33 The pamphlet shall be given to each applicant for a license; and

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

36 (b) Beginning with concealed pistol licenses that expire on or
37 after August 1, 2018, the department of licensing shall mail a
38 renewal notice approximately ninety days before the license
39 expiration date to the licensee at the address listed on the
40 concealed pistol license application, or to the licensee's new

1 address if the licensee has notified the department of licensing of a
2 change of address. Alternatively, if the licensee provides an email
3 address at the time of license application, the department of
4 licensing may send the renewal notice to the licensee's email
5 address. The notice must contain the date the concealed pistol
6 license will expire, the amount of renewal fee, the penalty for late
7 renewal, and instructions on how to renew the license.

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

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

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

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

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

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

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

33 (14) Any person who, as a member of the armed forces, including
34 the national guard and armed forces reserves, is unable to renew his
35 or her license under subsections (6) and (9) of this section because
36 of the person's assignment, reassignment, or deployment for out-of-
37 state military service may renew his or her license within ninety
38 days after the person returns to this state from out-of-state
39 military service, if the person provides the following to the issuing
40 authority no later than ninety days after the person's date of

1 discharge or assignment, reassignment, or deployment back to this
2 state: (a) A copy of the person's original order designating the
3 specific period of assignment, reassignment, or deployment for out-
4 of-state military service, and (b) if appropriate, a copy of the
5 person's discharge or amended or subsequent assignment, reassignment,
6 or deployment order back to this state. A license so renewed under
7 this subsection (14) shall take effect on the expiration date of the
8 prior license. A licensee renewing after the expiration date of the
9 license under this subsection (14) shall pay only the renewal fee
10 specified in subsection (6) of this section and shall not be required
11 to pay a late renewal penalty in addition to the renewal fee.

12 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of
14 the state government and its existing public institutions, and takes
15 effect immediately.

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