

2 **ESSB 5825 - H AMD 485 ADOPTED 4-11-91**

3 By Representative Kremen

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5 On page 15, after line 10, insert the following:

6 "Sec. 3. RCW 9.41.070 and 1990 c 195 s 6 are each amended to read
7 as follows:

8 (1) The judge of a court of record, the chief of police of a
9 municipality, or the sheriff of a county, shall within thirty days
10 after the filing of an application of any person issue a license to
11 such person to carry a pistol concealed on his or her person within
12 this state for four years from date of issue, for the purposes of
13 protection or while engaged in business, sport, or while traveling.
14 However, if the applicant does not have a valid permanent Washington
15 driver's license or Washington state identification card or has not
16 been a resident of the state for the previous consecutive ninety days,
17 the issuing authority shall have up to sixty days after the filing of
18 the application to issue a license. Such applicant's constitutional
19 right to bear arms shall not be denied (~~(to him)~~), unless he or she:

20 (a) Is ineligible to own a pistol under the provisions of RCW
21 9.41.040; or

22 (b) Is under twenty-one years of age; or

23 (c) Is subject to a court order or injunction regarding firearms
24 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

25 (d) Is free on bond or personal recognizance pending trial, appeal,
26 or sentencing for a crime of violence; or

27 (e) Has an outstanding warrant for his or her arrest from any court
28 of competent jurisdiction for a felony or misdemeanor; or

1 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
2 within one year before filing an application to carry a pistol
3 concealed on his or her person; or

4 (g) Is ineligible under federal law to possess a weapon.

5 The license shall be revoked by the issuing authority immediately
6 upon conviction of a crime which makes such a person ineligible to own
7 a pistol or upon the third conviction for a violation of this chapter
8 within five calendar years.

9 (2) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the
10 ~~((license))~~ issuing authority shall:

11 (a) On the first forfeiture, ~~((be revoked by the department of~~
12 ~~licensing))~~ revoke the license for one year;

13 (b) On the second forfeiture, ~~((be revoked by the department of~~
14 ~~licensing))~~ revoke the license for two years;

15 (c) On the third or subsequent forfeiture, ~~((be revoked by the~~
16 ~~department of licensing))~~ revoke the license for five years.

17 Any person whose license is revoked as a result of a forfeiture of a
18 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
19 until the end of the revocation period. The issuing authority shall
20 notify, in writing, the department of licensing upon revocation of a
21 license. The department of licensing shall record the revocation.

22 The license shall be in triplicate, in form to be prescribed by the
23 department of licensing, and shall bear the name, address, and
24 description, fingerprints, and signature of the licensee, and the
25 licensee's driver's license number or state identification card number
26 if used for identification in applying for the license. The license
27 application shall contain a warning substantially as follows:

28 CAUTION: Although state and local laws do not differ, federal
29 law and state law on the possession of firearms differ. If you
30 are prohibited by federal law from possessing a firearm, you

1 may be prosecuted in federal court. A state license is not a
2 defense to a federal prosecution.

3 The license application shall contain a description of the major
4 differences between state and federal law and an explanation of the
5 fact that local laws and ordinances on firearms are preempted by state
6 law and must be consistent with state law. The application shall
7 contain questions about the applicant's place of birth, whether the
8 applicant is a United States citizen, and if not a citizen whether the
9 applicant has declared the intent to become a citizen and whether he or
10 she has been required to register with the state or federal government
11 and any identification or registration number, if applicable. The
12 applicant shall not be required to produce a birth certificate or other
13 evidence of citizenship. An applicant who is not a citizen shall
14 provide documentation showing resident alien status and the applicant's
15 intent to become a citizen. A person who makes a false statement
16 regarding citizenship on the application is guilty of a misdemeanor. A
17 person who is not a citizen of the United States, or has not declared
18 his or her intention to become a citizen shall meet the additional
19 requirements of RCW 9.41.170.

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

24 (3) The fee for the original issuance of a four-year license shall
25 be twenty-three dollars: PROVIDED, That no other additional charges by
26 any branch or unit of government shall be borne by the applicant for
27 the issuance of the license: PROVIDED FURTHER, That the fee shall be
28 distributed as follows:

29 (a) Four dollars shall be paid to the state general fund;

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

3 (c) Twelve dollars shall be paid to the issuing authority for the
4 purpose of enforcing this chapter; and

5 (d) Three dollars to the firearms range account in the general
6 fund.

7 (4) The fee for the renewal of such license shall be fifteen
8 dollars: PROVIDED, That no other additional charges by any branch or
9 unit of government shall be borne by the applicant for the renewal of
10 the license: PROVIDED FURTHER, That the fee shall be distributed as
11 follows:

12 (a) Four dollars shall be paid to the state general fund;

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

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

17 (5) 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 (6) 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 date
23 of the prior license. A licensee renewing after the expiration date of
24 the license must pay a late renewal penalty of ten dollars in addition
25 to the renewal fee specified in subsection (4) of this section. The
26 fee shall be distributed as follows:

27 (a) Three dollars shall be deposited in the state wildlife fund and
28 used exclusively for the printing and distribution of a pamphlet on the
29 legal limits of the use of firearms, firearms safety, and the

1 preemptive nature of state law. The pamphlet shall be given to each
2 applicant for a license; and

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

5 (7) Notwithstanding the requirements of subsections (1) through (6)
6 of this section, the chief of police of the municipality or the sheriff
7 of the county of the applicant's residence may issue a temporary
8 emergency license for good cause pending review under subsection (1) of
9 this section.

10 (8) A political subdivision of the state shall not modify the
11 requirements of this section or chapter, nor may a political
12 subdivision ask the applicant to voluntarily submit any information not
13 required by this section. A civil suit may be brought to enjoin a
14 wrongful refusal to issue a license or a wrongful modification of the
15 requirements of this section or chapter. The civil suit may be brought
16 in the county in which the application was made or in Thurston county
17 at the discretion of the petitioner. Any person who prevails against
18 a public agency in any action in the courts for a violation of this
19 chapter shall be awarded costs, including reasonable attorneys' fees,
20 incurred in connection with such legal action."

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24 On page 1, line 3 of the title, after "9.94A.120" insert "and
25 9.41.070"