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HOUSE BILL 1016

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State of Washington

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By Representatives Kremen, May, Betrozoff, Zellinsky, Horn, Jacobsen, R. Fisher, Heavey, Wood, Wineberry, O'Brien, Peery, Rasmussen, D. Sommers, Dorn, Cantwell, R. Johnson, Spanel, Dellwo, Leonard, Cole, Hine, Basich, Grant, Scott, Braddock, Brekke, Winsley, Appelwick, Ludwig, Ebersole, Belcher, Fraser, Pruitt, Jones, Sheldon, Holland, Phillips, Orr, Neher, Paris, Wynne and H. Sommers.

Read first time January 14, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to eligibility for a concealed weapon permit; and  
2 amending RCW 9.41.070.

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

4 **Sec. 1.** RCW 9.41.070 and 1990 c 195 s 6 are each amended to read  
5 as follows:

6 (1) The judge of a court of record, the chief of police of a  
7 municipality, or the sheriff of a county, shall within thirty days  
8 after the filing of an application of any person issue a license to  
9 such person to carry a pistol concealed on his or her person within  
10 this state for four years from date of issue, for the purposes of  
11 protection or while engaged in business, sport, or while traveling.  
12 However, if the applicant does not have a valid permanent Washington  
13 driver's license or Washington state identification card or has not  
14 been a resident of the state for the previous consecutive ninety days,

1 the issuing authority shall have up to sixty days after the filing of  
2 the application to issue a license. Such applicant's constitutional  
3 right to bear arms shall not be denied (~~(to him)~~), unless he or she:

4 (a) Is ineligible to own a pistol under the provisions of RCW  
5 9.41.040; or

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

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

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

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

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

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

17 The license shall be revoked immediately upon conviction of a crime  
18 which makes such a person ineligible to own a pistol or upon the third  
19 conviction for a violation of this chapter within five calendar years.

20 (2) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the  
21 (~~(license)~~) department of licensing shall:

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

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

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

28 Any person whose license is revoked as a result of a forfeiture of a  
29 firearm under RCW 9.41.098(1)(d) may not reapply for a new license  
30 until the end of the revocation period.

1 The license shall be in triplicate, in form to be prescribed by the  
2 department of licensing, and shall bear the name, address, and  
3 description, fingerprints, and signature of the licensee, and the  
4 licensee's driver's license number or state identification card number  
5 if used for identification in applying for the license. The license  
6 application shall contain a warning substantially as follows:

7 CAUTION: Although state and local laws do not differ, federal  
8 law and state law on the possession of firearms differ. If you  
9 are prohibited by federal law from possessing a firearm, you  
10 may be prosecuted in federal court. A state license is not a  
11 defense to a federal prosecution.

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

29 The original thereof shall be delivered to the licensee, the  
30 duplicate shall within seven days be sent by registered mail to the

1 director of licensing and the triplicate shall be preserved for six  
2 years, by the authority issuing said license.

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

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

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

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

13 (d) Three dollars to the firearms range account in the general  
14 fund.

15 (4) The fee for the renewal of such license shall be fifteen  
16 dollars: PROVIDED, That no other additional charges by any branch or  
17 unit of government shall be borne by the applicant for the renewal of  
18 the license: PROVIDED FURTHER, That the fee shall be distributed as  
19 follows:

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

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

23 (c) Three dollars to the firearms range account in the general  
24 fund.

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

28 (6) A licensee may renew a license if the licensee applies for  
29 renewal within ninety days before or after the expiration date of the  
30 license. A license so renewed shall take effect on the expiration date

1 of the prior license. A licensee renewing after the expiration date of  
2 the license must pay a late renewal penalty of ten dollars in addition  
3 to the renewal fee specified in subsection (4) of this section. The  
4 fee shall be distributed as follows:

5 (a) Three dollars shall be deposited in the state wildlife fund and  
6 used exclusively for the printing and distribution of a pamphlet on the  
7 legal limits of the use of firearms, firearms safety, and the  
8 preemptive nature of state law. The pamphlet shall be given to each  
9 applicant for a license; and

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

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

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