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HOUSE BILL 1473

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State of Washington

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By Representatives J. Kohl, Wang, G. Cole, Romero, Leonard, Thibaudeau, Wineberry, Appelwick, Jacobsen, Anderson, Rust, Pruitt, Scott, Springer, L. Johnson and Cothern

Read first time 01/29/93. Referred to Committee on Judiciary.

1 AN ACT Relating to handgun safety; amending RCW 9.41.070; adding  
2 new sections to chapter 9.41 RCW; and providing an effective date.

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

4 **Sec. 1.** RCW 9.41.070 and 1992 c 168 s 1 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,  
15 the issuing authority shall have up to sixty days after the filing of  
16 the application to issue a license. Such applicant's constitutional  
17 right to bear arms shall not be denied, unless he or she:

18 (a) Is ineligible to own a pistol under the provisions of RCW  
19 9.41.040; or

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

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

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

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

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

11 (g) Has been convicted of any of the following offenses: Assault  
12 in the third degree, indecent liberties, malicious mischief in the  
13 first degree, possession of stolen property in the first or second  
14 degree, or theft in the first or second degree. Any person who becomes  
15 ineligible for a concealed pistol permit as a result of a conviction  
16 for a crime listed in this subsection (1)(g) and then successfully  
17 completes all terms of his or her sentence, as evidenced by a  
18 certificate of discharge issued under RCW 9.94A.220 in the case of a  
19 sentence under chapter 9.94A RCW, and has not again been convicted of  
20 any crime and is not under indictment for any crime, may, one year or  
21 longer after such successful sentence completion, petition the district  
22 court for a declaration that the person is no longer ineligible for a  
23 concealed pistol permit under this subsection (1)(g); or

24 (h) Has failed to produce a certificate as evidence of: (i)  
25 Satisfactory completion of a training course in the safe handling and  
26 use of handguns approved by the department of wildlife; or (ii) a  
27 satisfactory score on a test approved by the department of wildlife  
28 taken in lieu of a safety training course. The provisions of this  
29 subsection (1)(h) shall not apply to applicants for license renewals.

30 (2) Any person whose firearms rights have been restricted and who  
31 has been granted relief from disabilities by the secretary of the  
32 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
33 Sec. 921(a)(20) shall have his or her right to acquire, receive,  
34 transfer, ship, transport, carry, and possess firearms in accordance  
35 with Washington state law restored.

36 (3) The license shall be revoked by the issuing authority  
37 immediately upon conviction of a crime which makes such a person  
38 ineligible to own a pistol or upon the third conviction for a violation  
39 of this chapter within five calendar years.

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

3 (a) On the first forfeiture, revoke the license for one year;

4 (b) On the second forfeiture, revoke the license for two years;

5 (c) On the third or subsequent forfeiture, revoke the license for  
6 five years.

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

12 (5) The license shall be in triplicate, in form to be prescribed by  
13 the department of licensing, and shall bear the name, address, and  
14 description, fingerprints, and signature of the licensee, and the  
15 licensee's driver's license number or state identification card number  
16 if used for identification in applying for the license. The license  
17 application shall contain a warning substantially as follows:

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

23 The license application shall contain a description of the major  
24 differences between state and federal law and an explanation of the  
25 fact that local laws and ordinances on firearms are preempted by state  
26 law and must be consistent with state law. The application shall  
27 contain questions about the applicant's place of birth, whether the  
28 applicant is a United States citizen, and if not a citizen whether the  
29 applicant has declared the intent to become a citizen and whether he or  
30 she has been required to register with the state or federal government  
31 and any identification or registration number, if applicable. The  
32 applicant shall not be required to produce a birth certificate or other  
33 evidence of citizenship. An applicant who is not a citizen shall  
34 provide documentation showing resident alien status and the applicant's  
35 intent to become a citizen. A person who makes a false statement  
36 regarding citizenship on the application is guilty of a misdemeanor. A  
37 person who is not a citizen of the United States, or has not declared

1 his or her intention to become a citizen shall meet the additional  
2 requirements of RCW 9.41.170.

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

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

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

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

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

17 (d) Three dollars to the firearms range account in the general  
18 fund.

19 (7) The fee for the renewal of such license shall be fifteen  
20 dollars: PROVIDED, That no other additional charges by any branch or  
21 unit of government shall be borne by the applicant for the renewal of  
22 the license: PROVIDED FURTHER, That the fee shall be distributed as  
23 follows:

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

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

27 (c) Three dollars to the firearms range account in the general  
28 fund.

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

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

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

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

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.

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

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW  
25 to read as follows:

26 (1) The director of the department of wildlife shall adopt  
27 standards for, and approve, training courses in the safe handling and  
28 use of handguns.

29 (2) The director also shall approve a test an applicant for a  
30 concealed pistol license may take, at the applicant's option, in lieu  
31 of a training course. In addition to matters regarding the safe  
32 handling and use of handguns, the test shall cover laws concerning  
33 firearms, including the legal use of deadly force. The director shall  
34 determine a minimum satisfactory score for the test, and may charge a  
35 uniform fee of ten dollars for the test. The test shall be available  
36 at such times and in such locations as determined by the director.

1        NEW SECTION.   **Sec. 3.**   A new section is added to chapter 9.41 RCW  
2 to read as follows:

3        There shall be no civil liability incurred by, and no cause of  
4 action of any nature shall arise against, the state of Washington, any  
5 of its political subdivisions, agencies, appointed or elected  
6 officials, employees, or volunteers while performing or in good faith  
7 purporting to perform their official duties under RCW 9.41.070 or  
8 section 2 of this act.

9        NEW SECTION.   **Sec. 4.**   This act shall take effect January 1, 1995.

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