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HOUSE BILL 2222

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State of Washington

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By Representatives J. Kohl, Foreman, Sommers, Appelwick, Anderson, L. Johnson, Patterson, Rust, Jacobsen, Cothorn, Valle, Wang, Wineberry, Holm and Johanson

Read first time 01/11/94. Referred to Committee on Judiciary.

1 AN ACT Relating to firearms; and amending RCW 9.41.070.

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

3 **Sec. 1.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read  
4 as follows:

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

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

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

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

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

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

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

10 (g)(i) Has been convicted of any ~~((of the following offenses:~~  
11 ~~Assault in the third degree, indecent liberties, malicious mischief in~~  
12 ~~the first degree, possession of stolen property in the first or second~~  
13 ~~degree, or theft in the first or second degree. Any))~~ crime against a  
14 child or other person listed in RCW 43.43.830(5).

15 (ii) Except as provided in (g)(iii) of this subsection, any person  
16 who becomes ineligible for a concealed pistol permit as a result of a  
17 conviction for a crime listed in ~~((this subsection (1))~~(g)(i) of this  
18 subsection and then successfully completes all terms of his or her  
19 sentence, as evidenced by a certificate of discharge issued under RCW  
20 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has  
21 not again been convicted of any crime and is not under indictment for  
22 any crime, may, one year or longer after such successful sentence  
23 completion, petition the district court for a declaration that the  
24 person is no longer ineligible for a concealed pistol permit under  
25 ~~((this subsection (1))~~(g)(i) of this subsection.

26 (iii) No person convicted of a crime of violence as defined in RCW  
27 9.41.010(2) may have his or her right to receive, possess, own, or  
28 transport firearms restored, unless the person has been granted relief  
29 from disabilities by the secretary of the treasury under 18 U.S.C. Sec.  
30 925(c), or the provisions of RCW 9.41.040(5) apply. A person  
31 ineligible under federal law or the laws of this state to receive,  
32 possess, own, or transport firearms is ineligible to receive a  
33 concealed pistol permit.

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

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

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

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

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

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

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

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

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

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

1 intent to become a citizen. A person who makes a false statement  
2 regarding citizenship on the application is guilty of a misdemeanor. A  
3 person who is not a citizen of the United States, or has not declared  
4 his or her intention to become a citizen shall meet the additional  
5 requirements of RCW 9.41.170.

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

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

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

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

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

20 (d) Three dollars to the firearms range account in the general  
21 fund.

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

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

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

30 (c) Three dollars to the firearms range account in the general  
31 fund.

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

35 (9) A licensee may renew a license if the licensee applies for  
36 renewal within ninety days before or after the expiration date of the  
37 license. A license so renewed shall take effect on the expiration date  
38 of the prior license. A licensee renewing after the expiration date of  
39 the license must pay a late renewal penalty of ten dollars in addition

1 to the renewal fee specified in subsection (7) of this section. The  
2 fee shall be distributed as follows:

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

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

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

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

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