
HOUSE BILL 2243

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Long, Morris, Appelwick, Cooke, Padden, Fuhrman, B. Thomas, Van Luven, Johanson, Wineberry, Dyer, Schoesler, Campbell, Brough, Carlson, Edmondson, Karahalios, Basich, L. Johnson, Quall, Chandler, Foreman, Kremen, Springer, J. Kohl and Talcott

Read first time 01/12/94. Referred to Committee on Judiciary.

1 AN ACT Relating to theft of firearms; amending RCW 9A.56.030,
2 9A.56.040, 9A.56.150, 9A.56.160, and 9.41.070; reenacting and amending
3 RCW 9.94A.320; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.56.030 and 1975 1st ex.s. c 260 s 9A.56.030 are
6 each amended to read as follows:

7 (1) A person is guilty of theft in the first degree if he or she
8 commits theft of:

9 (a) Property or services which exceed(s) one thousand five hundred
10 dollars in value; (~~or~~)

11 (b) Property of any value taken from the person of another; or

12 (c) A firearm, regardless of the firearm's value.

13 (2) Theft in the first degree is a class B felony.

14 **Sec. 2.** RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read
15 as follows:

16 (1) A person is guilty of theft in the second degree if he or she
17 commits theft of:

1 (a) Property or services which exceed(s) two hundred and fifty
2 dollars in value, but does not exceed one thousand five hundred dollars
3 in value; or

4 (b) A public record, writing, or instrument kept, filed, or
5 deposited according to law with or in the keeping of any public office
6 or public servant; or

7 (c) An access device; or

8 (d) A motor vehicle, of a value less than one thousand five hundred
9 dollars(~~;~~ or

10 ~~(e) A firearm, of a value less than one thousand five hundred~~
11 ~~dollars)).~~

12 (2) Theft in the second degree is a class C felony.

13 **Sec. 3.** RCW 9A.56.150 and 1975 1st ex.s. c 260 s 9A.56.150 are
14 each amended to read as follows:

15 (1) A person is guilty of possessing stolen property in the first
16 degree if he or she: (a) Possesses stolen property which exceeds one
17 thousand five hundred dollars in value; or (b) possesses a stolen
18 firearm regardless of the firearm's value.

19 (2) Possessing stolen property in the first degree is a class B
20 felony.

21 **Sec. 4.** RCW 9A.56.160 and 1987 c 140 s 4 are each amended to read
22 as follows:

23 (1) A person is guilty of possessing stolen property in the second
24 degree if:

25 (a) He or she possesses stolen property which exceeds two hundred
26 fifty dollars in value but does not exceed one thousand five hundred
27 dollars in value; or

28 (b) He or she possesses a stolen public record, writing or
29 instrument kept, filed, or deposited according to law; or

30 (c) He or she possesses a stolen access device; or

31 (d) He or she possesses a stolen motor vehicle of a value less than
32 one thousand five hundred dollars(~~;~~ or

33 ~~(e) He possesses a stolen firearm)).~~

34 (2) Possessing stolen property in the second degree is a class C
35 felony.

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic from
3 Schedule I-V to someone under 18 and
4 3 years junior (RCW 69.50.406)
5 Controlled Substance Homicide (RCW
6 69.50.415)
7 Sexual Exploitation (RCW 9.68A.040)
8 Inciting Criminal Profiteering (RCW
9 9A.82.060(1)(b))

10 VIII Arson 1 (RCW 9A.48.020)
11 Promoting Prostitution 1 (RCW 9A.88.070)
12 Selling for profit (controlled or
13 counterfeit) any controlled substance
14 (RCW 69.50.410)
15 Manufacture, deliver, or possess with
16 intent to deliver heroin or cocaine
17 (RCW 69.50.401(a)(1)(i))
18 Manufacture, deliver, or possess with
19 intent to deliver methamphetamine
20 (RCW 69.50.401(a)(1)(ii))
21 Vehicular Homicide, by being under the
22 influence of intoxicating liquor or
23 any drug or by the operation of any
24 vehicle in a reckless manner (RCW
25 46.61.520)

26 VII Burglary 1 (RCW 9A.52.020)
27 Vehicular Homicide, by disregard for the
28 safety of others (RCW 46.61.520)
29 Introducing Contraband 1 (RCW 9A.76.140)
30 Indecent Liberties (without forcible
31 compulsion) (RCW 9A.44.100(1) (b) and
32 (c))
33 Child Molestation 2 (RCW 9A.44.086)
34 Dealing in depictions of minor engaged in
35 sexually explicit conduct (RCW
36 9.68A.050)

1 Sending, bringing into state depictions of
2 minor engaged in sexually explicit
3 conduct (RCW 9.68A.060)
4 Involving a minor in drug dealing (RCW
5 69.50.401(f))

6 VI Bribery (RCW 9A.68.010)
7 Manslaughter 2 (RCW 9A.32.070)
8 Rape of a Child 3 (RCW 9A.44.079)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Damaging building, etc., by explosion with
12 no threat to human being (RCW
13 70.74.280(2))
14 Endangering life and property by
15 explosives with no threat to human
16 being (RCW 70.74.270)
17 Incest 1 (RCW 9A.64.020(1))
18 Manufacture, deliver, or possess with
19 intent to deliver narcotics from
20 Schedule I or II (except heroin or
21 cocaine) (RCW 69.50.401(a)(1)(i))
22 Intimidating a Judge (RCW 9A.72.160)
23 Bail Jumping with Murder 1 (RCW
24 9A.76.170(2)(a))

25 V Criminal Mistreatment 1 (RCW 9A.42.020)
26 Rape 3 (RCW 9A.44.060)
27 Sexual Misconduct with a Minor 1 (RCW
28 9A.44.093)
29 Child Molestation 3 (RCW 9A.44.089)
30 Kidnapping 2 (RCW 9A.40.030)
31 Extortion 1 (RCW 9A.56.120)
32 Incest 2 (RCW 9A.64.020(2))
33 Perjury 1 (RCW 9A.72.020)
34 Extortionate Extension of Credit (RCW
35 9A.82.020)
36 Advancing money or property for
37 extortionate extension of credit (RCW
38 9A.82.030)

1 Extortionate Means to Collect Extensions
2 of Credit (RCW 9A.82.040)
3 Rendering Criminal Assistance 1 (RCW
4 9A.76.070)
5 Bail Jumping with class A Felony (RCW
6 9A.76.170(2)(b))
7 Delivery of imitation controlled substance
8 by person eighteen or over to person
9 under eighteen (RCW 69.52.030(2))
10 Theft 1 of firearm (RCW 9A.56.030(1)(c))
11 Possession of Stolen Property 1 of Firearm (RCW
12 9A.56.150(1)(b))

13 IV Residential Burglary (RCW 9A.52.025)
14 Theft of Livestock 1 (RCW 9A.56.080)
15 Robbery 2 (RCW 9A.56.210)
16 Assault 2 (RCW 9A.36.021)
17 Escape 1 (RCW 9A.76.110)
18 Arson 2 (RCW 9A.48.030)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090, 9A.72.100)
21 Malicious Harassment (RCW 9A.36.080)
22 Threats to Bomb (RCW 9.61.160)
23 Willful Failure to Return from Furlough
24 (RCW 72.66.060)
25 Hit and Run « Injury Accident (RCW
26 46.52.020(4))
27 Vehicular Assault (RCW 46.61.522)
28 Manufacture, deliver, or possess with
29 intent to deliver narcotics from
30 Schedule III, IV, or V or
31 nonnarcotics from Schedule I-V
32 (except marijuana or
33 methamphetamines) (RCW
34 69.50.401(a)(1)(ii) through (iv))
35 Influencing Outcome of Sporting Event (RCW
36 9A.82.070)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))

5 III Criminal mistreatment 2 (RCW 9A.42.030)
6 Extortion 2 (RCW 9A.56.130)
7 Unlawful Imprisonment (RCW 9A.40.040)
8 Assault 3 (RCW 9A.36.031)
9 Assault of a Child 3 (RCW 9A.36.140)
10 Custodial Assault (RCW 9A.36.100)
11 Unlawful possession of firearm or pistol by felon (RCW
12 9.41.040)
13 Harassment (RCW 9A.46.020)
14 Promoting Prostitution 2 (RCW 9A.88.080)
15 Willful Failure to Return from Work
16 Release (RCW 72.65.070)
17 Burglary 2 (RCW 9A.52.030)
18 Introducing Contraband 2 (RCW 9A.76.150)
19 Communication with a Minor for Immoral
20 Purposes (RCW 9.68A.090)
21 Patronizing a Juvenile Prostitute (RCW
22 9.68A.100)
23 Escape 2 (RCW 9A.76.120)
24 Perjury 2 (RCW 9A.72.030)
25 Bail Jumping with class B or C Felony (RCW
26 9A.76.170(2)(c))
27 Intimidating a Public Servant (RCW
28 9A.76.180)
29 Tampering with a Witness (RCW 9A.72.120)
30 Manufacture, deliver, or possess with
31 intent to deliver marijuana (RCW
32 69.50.401(a)(1)(ii))
33 Delivery of a material in lieu of a
34 controlled substance (RCW
35 69.50.401(c))
36 Manufacture, distribute, or possess with
37 intent to distribute an imitation
38 controlled substance (RCW
39 69.52.030(1))

1 Recklessly Trafficking in Stolen Property
2 (RCW 9A.82.050(1))
3 Theft of livestock 2 (RCW 9A.56.080)
4 Securities Act violation (RCW 21.20.400)

5 II Malicious Mischief 1 (RCW 9A.48.070)
6 Possession of Stolen Property 1 other than
7 firearm (RCW 9A.56.150(1)(a))
8 Theft 1 of other than firearm (RCW
9 9A.56.030(1)(a) and (b))
10 Possession of controlled substance that is
11 either heroin or narcotics from
12 Schedule I or II (RCW 69.50.401(d))
13 Possession of phencyclidine (PCP) (RCW
14 69.50.401(d))
15 Create, deliver, or possess a counterfeit
16 controlled substance (RCW
17 69.50.401(b))
18 Computer Trespass 1 (RCW 9A.52.110)
19 Reckless Endangerment 1 (RCW 9A.36.045)
20 Escape from Community Custody (RCW
21 72.09.310)

22 I Theft 2 (RCW 9A.56.040)
23 Possession of Stolen Property 2 (RCW
24 9A.56.160)
25 Forgery (RCW 9A.60.020)
26 Taking Motor Vehicle Without Permission
27 (RCW 9A.56.070)
28 Vehicle Prowl 1 (RCW 9A.52.095)
29 Attempting to Elude a Pursuing Police
30 Vehicle (RCW 46.61.024)
31 Malicious Mischief 2 (RCW 9A.48.080)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Unlawful Issuance of Checks or Drafts (RCW
34 9A.56.060)
35 Unlawful Use of Food Stamps (RCW 9.91.140
36 (2) and (3))
37 False Verification for Welfare (RCW
38 74.08.055)

1 Forged Prescription (RCW 69.41.020)
2 Forged Prescription for a Controlled
3 Substance (RCW 69.50.403)
4 Possess Controlled Substance that is a
5 Narcotic from Schedule III, IV, or V
6 or Non-narcotic from Schedule I-V
7 (except phencyclidine) (RCW
8 69.50.401(d))

9 **Sec. 6.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
10 as follows:

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

23 (a) Is ineligible to own a pistol under the provisions of RCW
24 9.41.040; or

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

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

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

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

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

35 (g) Has been convicted of any of the following offenses: Assault
36 in the third degree, indecent liberties, malicious mischief in the
37 first degree, possession of stolen property in the first or second

1 degree, or theft in the first or second degree. Any person who becomes
2 ineligible for a concealed pistol permit as a result of a conviction
3 for a crime listed in this subsection (1)(g) and then successfully
4 completes all terms of his or her sentence, as evidenced by a
5 certificate of discharge issued under RCW 9.94A.220 in the case of a
6 sentence under chapter 9.94A RCW, and has not again been convicted of
7 any crime and is not under indictment for any crime, may, one year or
8 longer after such successful sentence completion, petition the district
9 court for a declaration that the person is no longer ineligible for a
10 concealed pistol permit under this subsection (1)(g); or

11 (h) Has been convicted of RCW 9A.56.030(1)(c), theft of a firearm,
12 or RCW 9A.56.150(1)(b), possession of a stolen firearm.

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

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

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

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

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

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

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

34 (5) The license shall be in triplicate, in form to be prescribed by
35 the department of licensing, and shall bear the name, address, and
36 description, fingerprints, and signature of the licensee, and the
37 licensee's driver's license number or state identification card number
38 if used for identification in applying for the license. The license
39 application shall contain a warning substantially as follows:

1 CAUTION: Although state and local laws do not differ, federal
2 law and state law on the possession of firearms differ. If you
3 are prohibited by federal law from possessing a firearm, you
4 may be prosecuted in federal court. A state license is not a
5 defense to a federal prosecution.

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

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

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

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

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

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

37 (d) Three dollars to the firearms range account in the general
38 fund.

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

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

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

9 (c) Three dollars to the firearms range account in the general
10 fund.

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

14 (9) A licensee may renew a license if the licensee applies for
15 renewal within ninety days before or after the expiration date of the
16 license. A license so renewed shall take effect on the expiration date
17 of the prior license. A licensee renewing after the expiration date of
18 the license must pay a late renewal penalty of ten dollars in addition
19 to the renewal fee specified in subsection (7) of this section. The
20 fee shall be distributed as follows:

21 (a) Three dollars shall be deposited in the state wildlife fund and
22 used exclusively for the printing and distribution of a pamphlet on the
23 legal limits of the use of firearms, firearms safety, and the
24 preemptive nature of state law. The pamphlet shall be given to each
25 applicant for a license; and

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

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

33 (11) A political subdivision of the state shall not modify the
34 requirements of this section or chapter, nor may a political
35 subdivision ask the applicant to voluntarily submit any information not
36 required by this section. A civil suit may be brought to enjoin a
37 wrongful refusal to issue a license or a wrongful modification of the
38 requirements of this section or chapter. The civil suit may be brought
39 in the county in which the application was made or in Thurston county

1 at the discretion of the petitioner. Any person who prevails against
2 a public agency in any action in the courts for a violation of this
3 chapter shall be awarded costs, including reasonable attorneys' fees,
4 incurred in connection with such legal action.

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