

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1152**

54th Legislature  
1995 Regular Session

Passed by the House April 20, 1995  
Yeas 88 Nays 8

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**Speaker of the  
House of Representatives**

Passed by the Senate April 14, 1995  
Yeas 42 Nays 6

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1152** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1152**

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AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

**State of Washington 54th Legislature**

**1995 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Pennington, Buck, Smith, Sherstad, Beeksma, Hargrove, Campbell, Chappell, Basich, Sheldon, Backlund, L. Thomas, Thompson, Foreman, Benton, McMorris, Robertson, Goldsmith, McMahan, Chandler, Clements, Mulliken, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes, Skinner, Mielke and Padden)

Read first time 02/13/95.

1       AN ACT Relating to fees for concealed pistol licenses; and  
2 reenacting and 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 1994 sp.s. c 7 s 407 and 1994 c 190 s 2  
5 are each reenacted and amended to read as follows:

6       (1) The (~~judge of a court of record, the~~) chief of police of a  
7 municipality(~~(7)~~) or the sheriff of a county(~~(7)~~) shall within thirty  
8 days after the filing of an application of any person, issue a license  
9 to such person to carry a pistol concealed on his or her person within  
10 this state for (~~four~~) five years from date of issue, for the purposes  
11 of 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. The issuing authority shall not  
17 refuse to accept completed applications for concealed pistol licenses  
18 during regular business hours.

1 The applicant's constitutional right to bear arms shall not be  
2 denied, unless (~~he or she~~):

3 (a) He or she is ineligible to possess a firearm under the  
4 provisions of RCW 9.41.040 or 9.41.045;

5 (b) The applicant's concealed pistol license is in a revoked  
6 status;

7 (c) He or she is under twenty-one years of age;

8 (~~(e)~~) (d) He or she is subject to a court order or injunction  
9 regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040,  
10 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130,  
11 26.26.137, 26.50.060, or 26.50.070;

12 (~~(d)~~) (e) He or she is free on bond or personal recognizance  
13 pending trial, appeal, or sentencing for a serious offense;

14 (~~(e)~~) (f) He or she has an outstanding warrant for his or her  
15 arrest from any court of competent jurisdiction for a felony or  
16 misdemeanor;

17 (~~(f)~~) (g) He or she has been ordered to forfeit a firearm under  
18 RCW 9.41.098(1)(~~(d)~~) (e) within one year before filing an application  
19 to carry a pistol concealed on his or her person; or

20 (~~(g)~~) (h)(i) He or she has been convicted of any crime against a  
21 child or other person listed in RCW 43.43.830(5).

22 (ii) Except as provided in (~~(g)~~) (h)(iii) of this subsection, any  
23 person who becomes ineligible for a concealed pistol license as a  
24 result of a conviction for a crime listed in (~~(g)~~) (h)(i) of this  
25 subsection and then successfully completes all terms of his or her  
26 sentence, as evidenced by a certificate of discharge issued under RCW  
27 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has  
28 not again been convicted of any crime and is not under indictment for  
29 any crime, may, one year or longer after such successful sentence  
30 completion, petition a court of record for a declaration that the  
31 person is no longer ineligible for a concealed pistol license under  
32 (~~(g)~~) (h)(i) of this subsection.

33 (iii) No person convicted of a serious offense as defined in RCW  
34 9.41.010 may have his or her right to possess firearms restored, unless  
35 the person has been granted relief from disabilities by the secretary  
36 of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4)  
37 applies.

38 (2) The issuing authority shall check with the national crime  
39 information center, the Washington state patrol electronic data base,

1 the department of social and health services electronic data base, and  
2 with other agencies or resources as appropriate, to determine whether  
3 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess  
4 a (~~pistol~~) firearm and therefore ineligible for a concealed pistol  
5 license. This subsection applies whether the applicant is applying for  
6 a new concealed pistol license or to renew a concealed pistol license.

7 (3) Any person whose firearms rights have been restricted and who  
8 has been granted relief from disabilities by the secretary of the  
9 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
10 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,  
11 transfer, ship, transport, carry, and possess firearms in accordance  
12 with Washington state law restored except as otherwise prohibited by  
13 this chapter.

14 (4) The license application shall (~~be in triplicate, in form to be~~  
15 ~~prescribed by the department of licensing, and shall~~) bear the full  
16 name, (~~street~~) residential address, telephone number at the option of  
17 the applicant, date and place of birth, race, gender, description, not  
18 more than two complete sets of fingerprints, and signature of the  
19 licensee, and the licensee's driver's license number or state  
20 identification card number if used for identification in applying for  
21 the license. A signed application for a concealed pistol license shall  
22 constitute a waiver of confidentiality and written request that the  
23 department of social and health services, mental health institutions,  
24 and other health care facilities release information relevant to the  
25 applicant's eligibility for a concealed pistol license to an inquiring  
26 court or law enforcement agency.

27 The application for an original license shall include two complete  
28 sets of fingerprints to be forwarded to the Washington state patrol.

29 The license and application shall contain a warning substantially  
30 as follows:

31 CAUTION: Although state and local laws do not differ, federal  
32 law and state law on the possession of firearms differ. If you  
33 are prohibited by federal law from possessing a firearm, you  
34 may be prosecuted in federal court. A state license is not a  
35 defense to a federal prosecution.

36 The license (~~application~~) shall contain a description of the  
37 major differences between state and federal law and an explanation of  
38 the fact that local laws and ordinances on firearms are preempted by

1 state law and must be consistent with state law. The application shall  
2 contain questions about the applicant's eligibility under RCW 9.41.040  
3 to possess a pistol, the applicant's place of birth, and whether the  
4 applicant is a United States citizen(~~(, and whether he or she has been~~  
5 ~~required to register with the state or federal government and has an~~  
6 ~~identification or registration number)~~). The applicant shall not be  
7 required to produce a birth certificate or other evidence of  
8 citizenship. A person who is not a citizen of the United States shall  
9 meet the additional requirements of RCW 9.41.170 and produce proof of  
10 compliance with RCW 9.41.170 upon application. The license shall be in  
11 triplicate and in a form to be prescribed by the department of  
12 licensing.

13 The original thereof shall be delivered to the licensee, the  
14 duplicate shall within seven days be sent by registered mail to the  
15 director of licensing and the triplicate shall be preserved for six  
16 years, by the authority issuing the license.

17 The department of licensing shall make available to law enforcement  
18 and corrections agencies, in an on-line format, all information  
19 received under this subsection.

20 (5) The nonrefundable fee, paid upon application, for the original  
21 (~~issuance of a four-year~~) five-year license shall be (~~fifty~~)  
22 thirty-six dollars plus additional charges imposed by the federal  
23 bureau of investigation that are passed on to the applicant. No other  
24 state or local branch or unit of government may impose any additional  
25 charges on the applicant for the issuance of the license.

26 The fee shall be distributed as follows:

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

28 (b) (~~Ten~~) Four dollars shall be paid to the agency taking the  
29 fingerprints of the person licensed;

30 (c) (~~Fifteen~~) Fourteen dollars shall be paid to the issuing  
31 authority for the purpose of enforcing this chapter; and

32 (d) (~~Ten~~) Three dollars to the firearms range account in the  
33 general fund.

34 (6) The fee for the renewal of such license shall be (~~fifty~~)  
35 thirty-two dollars. No other branch or unit of government may impose  
36 any additional charges on the applicant for the renewal of the license.

37 The renewal fee shall be distributed as follows:

38 (a) (~~Twenty~~) Fifteen dollars shall be paid to the state general  
39 fund;

1 (b) (~~Twenty~~) Fourteen dollars shall be paid to the issuing  
2 authority for the purpose of enforcing this chapter; and

3 (c) (~~Ten~~) Three dollars to the firearms range account in the  
4 general fund.

5 (7) The fee for replacement of lost or damaged licenses is ten  
6 dollars to be paid to the issuing authority.

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

10 (~~(+8)~~) (9) A licensee may renew a license if the licensee applies  
11 for renewal within ninety days before or after the expiration date of  
12 the license. A license so renewed shall take effect on the expiration  
13 date of the prior license. A licensee renewing after the expiration  
14 date of the license must pay a late renewal penalty of (~~twenty~~) ten  
15 dollars in addition to the renewal fee specified in subsection (6) of  
16 this section. The fee shall be distributed as follows:

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

22 (b) (~~Ten~~) Seven dollars shall be paid to the issuing authority  
23 for the purpose of enforcing this chapter.

24 (~~(+9)~~) (10) Notwithstanding the requirements of subsections (1)  
25 through (~~(+8)~~) (9) of this section, the chief of police of the  
26 municipality or the sheriff of the county of the applicant's residence  
27 may issue a temporary emergency license for good cause pending review  
28 under subsection (1) of this section.

29 (~~(+10)~~) (11) A political subdivision of the state shall not modify  
30 the requirements of this section or chapter, nor may a political  
31 subdivision ask the applicant to voluntarily submit any information not  
32 required by this section.

33 (~~(+11)~~) (12) A person who knowingly makes a false statement  
34 regarding citizenship or identity on an application for a concealed  
35 pistol license is guilty of false swearing under RCW 9A.72.040. In  
36 addition to any other penalty provided for by law, the concealed pistol  
37 license of a person who knowingly makes a false statement shall be  
38 revoked, and the person shall be permanently ineligible for a concealed  
39 pistol license.

1        (~~(12)~~) (13) A person may apply for a concealed pistol license:  
2        (a) To the municipality or to the county in which the applicant  
3 resides if the applicant resides in a municipality;  
4        (b) To the county in which the applicant resides if the applicant  
5 resides in an unincorporated area; or  
6        (c) Anywhere in the state if the applicant is a nonresident.

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