
SENATE BILL 5477

State of Washington

55th Legislature

1997 Regular Session

By Senators Benton, Hargrove, Zarelli, Hochstatter, Stevens, Schow and Swecker

Read first time 01/28/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to permanent concealed pistol licenses; and
2 amending RCW 9.41.070 and 9.41.090.

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

4 **Sec. 1.** RCW 9.41.070 and 1996 c 295 s 6 are each amended to read
5 as follows:

6 (1) The chief of police of a municipality or the sheriff of a
7 county shall within thirty days after the filing of an application of
8 any person, issue a permanent license to such person to carry a pistol
9 concealed on his or her person within this state (~~for five years~~)
10 from date of issue, for the purposes of protection or while engaged in
11 business, sport, or while traveling. However, if the applicant does
12 not have a valid permanent Washington driver's license or Washington
13 state identification card or has not been a resident of the state for
14 the previous consecutive ninety days, the issuing authority shall have
15 up to sixty days after the filing of the application to issue a
16 license. The issuing authority shall not refuse to accept completed
17 applications for concealed pistol licenses during regular business
18 hours. A valid license issued under this section is permanent until
19 suspended or revoked or until the person to whom the license was issued

1 becomes otherwise ineligible to possess a firearm or to obtain a
2 concealed pistol license. Any person whose eligibility is restored
3 under this section, RCW 9.41.040, or other law, may apply for a
4 permanent license under this section. A permanent license issued under
5 this section entitles a person to carry a pistol concealed on his or
6 her person in accordance with this section regardless of the date of
7 issuance of the license, and the license need not be renewed for that
8 purpose. However, such a license does not entitle a person to take
9 delivery of a pistol under RCW 9.41.090(1)(a) if more than five years
10 have passed since the date of the issuance or latest renewal of the
11 license, and such a license may be renewed as authorized by this
12 section for the purpose of taking the delivery.

13 The applicant's constitutional right to bear arms shall not be
14 denied, unless:

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

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

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

20 (d) He or she is subject to a court order or injunction regarding
21 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
22 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137,
23 26.50.060, or 26.50.070;

24 (e) He or she is free on bond or personal recognizance pending
25 trial, appeal, or sentencing for a felony offense;

26 (f) He or she has an outstanding warrant for his or her arrest from
27 any court of competent jurisdiction for a felony or misdemeanor; or

28 (g) He or she has been ordered to forfeit a firearm under RCW
29 9.41.098(1)(e) within one year before filing an application to carry a
30 pistol concealed on his or her person.

31 No person convicted of a felony may have his or her right to
32 possess firearms restored or his or her privilege to carry a concealed
33 pistol restored, unless the person has been granted relief from
34 disabilities by the secretary of the treasury under 18 U.S.C. Sec.
35 925(c), or RCW 9.41.040 (3) or (4) applies.

36 (2) The issuing authority shall check with the national crime
37 information center, the Washington state patrol electronic data base,
38 the department of social and health services electronic data base, and
39 with other agencies or resources as appropriate, to determine whether

1 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
2 a firearm and therefore ineligible for a concealed pistol license.
3 This subsection applies whether the applicant is applying for a ((new))
4 permanent concealed pistol license or to renew a concealed pistol
5 license.

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

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

24 The application for ((an original)) a permanent license shall
25 include two complete sets of fingerprints to be forwarded to the
26 Washington state patrol.

27 The license and application shall contain a warning substantially
28 as follows:

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

34 The license shall contain a description of the major differences
35 between state and federal law and an explanation of the fact that local
36 laws and ordinances on firearms are preempted by state law and must be
37 consistent with state law. The application shall contain questions
38 about the applicant's eligibility under RCW 9.41.040 to possess a

1 pistol, the applicant's place of birth, and whether the applicant is a
2 United States citizen. The applicant shall not be required to produce
3 a birth certificate or other evidence of citizenship. A person who is
4 not a citizen of the United States shall meet the additional
5 requirements of RCW 9.41.170 and produce proof of compliance with RCW
6 9.41.170 upon application. The license shall be in triplicate and in
7 a form to be prescribed by the department of licensing.

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

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

15 (5) The nonrefundable fee, paid upon application, for the
16 ~~((original five-year))~~ permanent license ~~((shall be))~~ is thirty-six
17 dollars plus additional charges imposed by the Federal Bureau of
18 Investigation that are passed on to the applicant. No other state or
19 local branch or unit of government may impose any additional charges on
20 the applicant for the issuance of the license.

21 The fee shall be distributed as follows:

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

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

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

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

29 (6) A person with a permanent license may renew the license for the
30 purpose of being eligible to take delivery of a pistol under RCW
31 9.41.090(1)(a). A renewal is valid for that purpose for five years
32 from the date of its issuance. The nonrefundable fee for the renewal
33 of ~~((such))~~ a permanent license ~~((shall be))~~ is thirty-two dollars. No
34 other branch or unit of government may impose any additional charges on
35 the applicant for the renewal of the license.

36 The renewal fee shall be distributed as follows:

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

38 (b) Fourteen dollars shall be paid to the issuing authority for the
39 purpose of enforcing this chapter; and

1 (c) Three dollars to the firearms range account in the general
2 fund.

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

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

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

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

20 (b) ~~Seven dollars shall be paid to the issuing authority for the
21 purpose of enforcing this chapter)) at any time.~~

22 (10) Notwithstanding the requirements of subsections (1) through
23 (9) of this section, the chief of police of the municipality or the
24 sheriff of the county of the applicant's residence may issue a
25 temporary emergency license for good cause pending review under
26 subsection (1) of this section. However, a temporary emergency license
27 issued under this subsection shall not exempt the holder of the license
28 from any records check requirement. Temporary emergency licenses shall
29 be easily distinguishable from regular licenses.

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

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

1 the person shall be permanently ineligible for a concealed pistol
2 license.

3 (13) A person may apply for a concealed pistol license:

4 (a) To the municipality or to the county in which the applicant
5 resides if the applicant resides in a municipality;

6 (b) To the county in which the applicant resides if the applicant
7 resides in an unincorporated area; or

8 (c) Anywhere in the state if the applicant is a nonresident.

9 **Sec. 2.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read
10 as follows:

11 (1) In addition to the other requirements of this chapter, no
12 dealer may deliver a pistol to the purchaser thereof until:

13 (a) The purchaser produces a valid concealed pistol license and the
14 dealer has recorded the purchaser's name, license number, and issuing
15 agency, such record to be made in triplicate and processed as provided
16 in subsection (5) of this section. For purposes of this subsection
17 (1)(a), a "valid concealed pistol license" does not include a temporary
18 emergency license, and does not include any license issued before July
19 1, 1996, unless the issuing agency conducted a records search for
20 disqualifying crimes under RCW 9.41.070 at the time of issuance, and
21 does not include any license more than five years after the date of its
22 issuance or latest renewal;

23 (b) The dealer is notified in writing by the chief of police or the
24 sheriff of the jurisdiction in which the purchaser resides that the
25 purchaser is eligible to possess a pistol under RCW 9.41.040 and that
26 the application to purchase is approved by the chief of police or
27 sheriff; or

28 (c) Five business days, meaning days on which state offices are
29 open, have elapsed from the time of receipt of the application for the
30 purchase thereof as provided herein by the chief of police or sheriff
31 designated in subsection (5) of this section, and, when delivered, the
32 pistol shall be securely wrapped and shall be unloaded. However, if
33 the purchaser does not have a valid permanent Washington driver's
34 license or state identification card or has not been a resident of the
35 state for the previous consecutive ninety days, the waiting period
36 under this subsection (1)(c) shall be up to sixty days.

37 (2)(a) Except as provided in (b) of this subsection, in determining
38 whether the purchaser meets the requirements of RCW 9.41.040, the chief

1 of police or sheriff, or the designee of either, shall check with the
2 national crime information center, the Washington state patrol
3 electronic data base, the department of social and health services
4 electronic data base, and with other agencies or resources as
5 appropriate, to determine whether the applicant is ineligible under RCW
6 9.41.040 to possess a firearm.

7 (b) Once the system is established, a dealer shall use the state
8 system and national instant criminal background check system, provided
9 for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et
10 seq.), to make criminal background checks of applicants to purchase
11 firearms. However, a chief of police or sheriff, or a designee of
12 either, shall continue to check the department of social and health
13 services' electronic data base and with other agencies or resources as
14 appropriate, to determine whether applicants are ineligible under RCW
15 9.41.040 to possess a firearm.

16 (3) In any case under subsection (1)(c) of this section where the
17 applicant has an outstanding warrant for his or her arrest from any
18 court of competent jurisdiction for a felony or misdemeanor, the dealer
19 shall hold the delivery of the pistol until the warrant for arrest is
20 served and satisfied by appropriate court appearance. The local
21 jurisdiction for purposes of the sale shall confirm the existence of
22 outstanding warrants within seventy-two hours after notification of the
23 application to purchase a pistol is received. The local jurisdiction
24 shall also immediately confirm the satisfaction of the warrant on
25 request of the dealer so that the hold may be released if the warrant
26 was for an offense other than an offense making a person ineligible
27 under RCW 9.41.040 to possess a pistol.

28 (4) In any case where the chief or sheriff of the local
29 jurisdiction has reasonable grounds based on the following
30 circumstances: (a) Open criminal charges, (b) pending criminal
31 proceedings, (c) pending commitment proceedings, (d) an outstanding
32 warrant for an offense making a person ineligible under RCW 9.41.040 to
33 possess a pistol, or (e) an arrest for an offense making a person
34 ineligible under RCW 9.41.040 to possess a pistol, if the records of
35 disposition have not yet been reported or entered sufficiently to
36 determine eligibility to purchase a pistol, the local jurisdiction may
37 hold the sale and delivery of the pistol beyond five days up to thirty
38 days in order to confirm existing records in this state or elsewhere.
39 After thirty days, the hold will be lifted unless an extension of the

1 thirty days is approved by a local district court or municipal court
2 for good cause shown. A dealer shall be notified of each hold placed
3 on the sale by local law enforcement and of any application to the
4 court for additional hold period to confirm records or confirm the
5 identity of the applicant.

6 (5) At the time of applying for the purchase of a pistol, the
7 purchaser shall sign in triplicate and deliver to the dealer an
8 application containing his or her full name, residential address, date
9 and place of birth, race, and gender; the date and hour of the
10 application; the applicant's driver's license number or state
11 identification card number; a description of the pistol including the
12 make, model, caliber and manufacturer's number if available at the time
13 of applying for the purchase of a pistol. If the manufacturer's number
14 is not available, the application may be processed, but delivery of the
15 pistol to the purchaser may not occur unless the manufacturer's number
16 is recorded on the application by the dealer and transmitted to the
17 chief of police of the municipality or the sheriff of the county in
18 which the purchaser resides; and a statement that the purchaser is
19 eligible to possess a pistol under RCW 9.41.040.

20 The application shall contain a warning substantially as follows:

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

26 The purchaser shall be given a copy of the department of fish and
27 wildlife pamphlet on the legal limits of the use of firearms, firearms
28 safety, and the fact that local laws and ordinances on firearms are
29 preempted by state law and must be consistent with state law.

30 The dealer shall, by the end of the business day, sign and attach
31 his or her address and deliver a copy of the application and such other
32 documentation as required under subsection (1) of this section to the
33 chief of police of the municipality or the sheriff of the county of
34 which the purchaser is a resident. The triplicate shall be retained by
35 the dealer for six years. The dealer shall deliver the pistol to the
36 purchaser following the period of time specified in this section unless
37 the dealer is notified of an investigative hold under subsection (4) of
38 this section in writing by the chief of police of the municipality or

1 the sheriff of the county, whichever is applicable, denying the
2 purchaser's application to purchase and the grounds thereof. The
3 application shall not be denied unless the purchaser is not eligible to
4 possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

5 The chief of police of the municipality or the sheriff of the
6 county shall retain or destroy applications to purchase a pistol in
7 accordance with the requirements of 18 U.S.C. Sec. 922.

8 (6) A person who knowingly makes a false statement regarding
9 identity or eligibility requirements on the application to purchase a
10 pistol is guilty of false swearing under RCW 9A.72.040.

11 (7) This section does not apply to sales to licensed dealers for
12 resale or to the sale of antique firearms.

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