
HOUSE BILL 1352

State of Washington

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By Representatives Carrell, Constantine, Sheahan, Koster, Dickerson, Mielke, Lambert, Fortunato, Lantz, D. Schmidt, Boldt, Kessler, Benson, McMorris, Mulliken, Wensman, Crouse, Hatfield, Gombosky, Talcott, DeBolt, Wood, Hurst, Anderson, Pflug, Mitchell, Dunn, Buck, Wolfe, G. Chandler, McDonald, Campbell, Alexander, Skinner, Thomas, Esser and Bush

Read first time 01/22/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to temporary emergency concealed pistol licenses;
2 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 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 license to such person to carry a pistol concealed
9 on his or her person within this state for five years from date of
10 issue, for the purposes of protection or while engaged in business,
11 sport, or while traveling. However, if the applicant does not have a
12 valid permanent Washington driver's license or Washington state
13 identification card or has not been a resident of the state for the
14 previous consecutive ninety days, the issuing authority shall have up
15 to sixty days after the filing of the application to issue a license.
16 The issuing authority shall not refuse to accept completed applications
17 for concealed pistol licenses during regular business hours.

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

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

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

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

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

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

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

14 (g) He or she has been ordered to forfeit a firearm under RCW
15 9.41.098(1)(e) within one year before filing an application to carry a
16 pistol concealed on his or her person.

17 No person convicted of a felony may have his or her right to
18 possess firearms restored or his or her privilege to carry a concealed
19 pistol restored, unless the person has been granted relief from
20 disabilities by the secretary of the treasury under 18 U.S.C. Sec.
21 925(c), or RCW 9.41.040 (3) or (4) applies.

22 (2) The issuing authority shall check with the national crime
23 information center, the Washington state patrol electronic data base,
24 the department of social and health services electronic data base, and
25 with other agencies or resources as appropriate, to determine whether
26 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
27 a firearm and therefore ineligible for a concealed pistol license.
28 This subsection applies whether the applicant is applying for a new
29 concealed pistol license or to renew a concealed pistol license.

30 (3) 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)(A) 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 except as otherwise prohibited by
36 this chapter.

37 (4) The license application shall bear the full name, residential
38 address, telephone number at the option of the applicant, date and
39 place of birth, race, gender, description, not more than two complete

1 sets of fingerprints, and signature of the licensee, and the licensee's
2 driver's license number or state identification card number if used for
3 identification in applying for the license. A signed application for
4 a concealed pistol license shall constitute a waiver of confidentiality
5 and written request that the department of social and health services,
6 mental health institutions, and other health care facilities release
7 information relevant to the applicant's eligibility for a concealed
8 pistol license to an inquiring court or law enforcement agency.

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

11 The license and application shall contain a warning substantially
12 as follows:

13 CAUTION: Although state and local laws do not differ, federal
14 law and state law on the possession of firearms differ. If you
15 are prohibited by federal law from possessing a firearm, you
16 may be prosecuted in federal court. A state license is not a
17 defense to a federal prosecution.

18 The license shall contain a description of the major differences
19 between state and federal law and an explanation of the fact that local
20 laws and ordinances on firearms are preempted by state law and must be
21 consistent with state law. The application shall contain questions
22 about the applicant's eligibility under RCW 9.41.040 to possess a
23 pistol, the applicant's place of birth, and whether the applicant is a
24 United States citizen. The applicant shall not be required to produce
25 a birth certificate or other evidence of citizenship. A person who is
26 not a citizen of the United States shall meet the additional
27 requirements of RCW 9.41.170 and produce proof of compliance with RCW
28 9.41.170 upon application. The license shall be in triplicate and in
29 a form to be prescribed by the department of licensing.

30 The original thereof shall be delivered to the licensee, the
31 duplicate shall within seven days be sent to the director of licensing
32 and the triplicate shall be preserved for six years, by the authority
33 issuing the license.

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

37 (5) The nonrefundable fee, paid upon application, for the original
38 five-year license shall be thirty-six dollars plus additional charges

1 imposed by the Federal Bureau of Investigation that are passed on to
2 the applicant. No other state or local branch or unit of government
3 may impose any additional charges on the applicant for the issuance of
4 the license.

5 The fee shall be distributed as follows:

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

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

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

11 (d) Three dollars to the firearms range account in the general
12 fund.

13 (6) The nonrefundable fee for the renewal of such license shall be
14 thirty-two dollars. No other branch or unit of government may impose
15 any additional charges on the applicant for the renewal of the license.

16 The renewal fee shall be distributed as follows:

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

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

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

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

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

27 (9) A licensee may renew a license if the licensee applies for
28 renewal within ninety days before or after the expiration date of the
29 license. A license so renewed shall take effect on the expiration date
30 of the prior license. A licensee renewing after the expiration date of
31 the license must pay a late renewal penalty of ten dollars in addition
32 to the renewal fee specified in subsection (6) of this section. The
33 fee shall be distributed as follows:

34 (a) Three dollars shall be deposited in the state wildlife fund and
35 used exclusively for the printing and distribution of a pamphlet on the
36 legal limits of the use of firearms, firearms safety, and the
37 preemptive nature of state law. The pamphlet shall be given to each
38 applicant for a license; and

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

3 (10)(a) Notwithstanding the requirements of subsections (1) through
4 (9) of this section, the chief of police of the municipality or the
5 sheriff of the county of the applicant's residence may issue a
6 temporary emergency license for good cause pending review under
7 subsection (1) of this section. However, a temporary emergency license
8 issued under this subsection shall not exempt the holder of the license
9 from any records check requirement. Temporary emergency licenses shall
10 be easily distinguishable from regular licenses.

11 (b) "Good cause" for a temporary emergency license includes, but is
12 not limited to, when the applicant: (i) Has obtained a valid no-
13 contact order, antiharassment order, or protection order restraining
14 another person from molesting or disturbing the applicant or excluding
15 another person from going onto the grounds of or entering the home,
16 workplace, or school of the applicant; and (ii) has sworn by affidavit
17 that it is not unlawful for the applicant to possess a firearm under
18 this chapter. A temporary emergency license issued on the basis of a
19 no-contact order, antiharassment order, or protection order becomes
20 invalid either upon the revocation or termination of the no-contact
21 order, antiharassment order, or protection order or upon the denial of
22 the concealed pistol license, whichever occurs sooner.

23 (11) A political subdivision of the state shall not modify the
24 requirements of this section or chapter, nor may a political
25 subdivision ask the applicant to voluntarily submit any information not
26 required by this section.

27 (12) A person who knowingly makes a false statement regarding
28 citizenship or identity on an application for a concealed pistol
29 license, or who knowingly presents a false affidavit for a temporary
30 emergency license or makes a false statement on an application for a
31 temporary emergency license, is guilty of false swearing under RCW
32 9A.72.040. In addition to any other penalty provided for by law, the
33 concealed pistol license of a person who knowingly makes a false
34 statement shall be revoked, and the person shall be permanently
35 ineligible for a concealed pistol license.

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

37 (a) To the municipality or to the county in which the applicant
38 resides if the applicant resides in a municipality;

- 1 (b) To the county in which the applicant resides if the applicant
2 resides in an unincorporated area; or
3 (c) Anywhere in the state if the applicant is a nonresident.

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