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**SENATE BILL 5448**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senators Prentice, Kohl-Welles, Fraser, Fairley, McAuliffe, Shin, Haugen, Costa and Kline

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

1 AN ACT Relating to possession of firearms on public transit;  
2 amending RCW 9.41.075; adding a new section to chapter 9.41 RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW  
6 to read as follows:

7 (1) It is unlawful for a person to carry onto, or to possess on,  
8 any means of public transit any firearm.

9 (2) Any person violating subsection (1) of this section is guilty  
10 of a gross misdemeanor. Any person convicted under this subsection is  
11 prohibited from applying for a concealed pistol license for a period of  
12 three years.

13 (3) Subsection (1) of this subsection does not apply to:

14 (a) Any person with a valid concealed pistol license;

15 (b) Law enforcement personnel in the performance of their duties;

16 (c) Public transit security personnel; and

17 (d) Any person engaged in military activities sponsored by the  
18 federal or state government, while engaged in official duties.

1 (4) Public transit shall be clearly marked as areas where firearms  
2 are prohibited, including posting notices, where possible, at the  
3 entrance to transit facilities.

4 **Sec. 2.** RCW 9.41.075 and 1994 sp.s. c 7 s 408 are each amended to  
5 read as follows:

6 (1) The license shall be revoked by the license-issuing authority  
7 immediately upon:

8 (a) Discovery by the issuing authority that the person was  
9 ineligible under RCW 9.41.070 for a concealed pistol license when  
10 applying for the license or license renewal;

11 (b) Conviction of the licensee of an offense, or commitment of the  
12 licensee for mental health treatment, that makes a person ineligible  
13 under RCW 9.41.040 to possess a firearm, or conviction of an offense  
14 under section 1 of this act;

15 (c) Conviction of the licensee for a third violation of this  
16 chapter within five calendar years; or

17 (d) An order that the licensee forfeit a firearm under RCW  
18 9.41.098(1)(d).

19 (2)(a) Unless the person may lawfully possess a pistol without a  
20 concealed pistol license, an ineligible person to whom a concealed  
21 pistol license was issued shall, within fourteen days of license  
22 revocation, lawfully transfer ownership of any pistol acquired while  
23 the person was in possession of the license.

24 (b) Upon discovering a person issued a concealed pistol license was  
25 ineligible for the license, the issuing authority shall contact the  
26 department of licensing to determine whether the person purchased a  
27 pistol while in possession of the license. If the person did purchase  
28 a pistol while in possession of the concealed pistol license, if the  
29 person may not lawfully possess a pistol without a concealed pistol  
30 license, the issuing authority shall require the person to present  
31 satisfactory evidence of having lawfully transferred ownership of the  
32 pistol. The issuing authority shall require the person to produce the  
33 evidence within fifteen days of the revocation of the license.

34 (3) When a licensee is ordered to forfeit a firearm under RCW  
35 9.41.098(1)(d), the issuing authority shall:

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

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

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

3 Any person whose license is revoked as a result of a forfeiture of  
4 a firearm under RCW 9.41.098(1)(d) may not reapply for a new license  
5 until the end of the revocation period.

6 (4) The issuing authority shall notify, in writing, the department  
7 of licensing of the revocation of a license. The department of  
8 licensing shall record the revocation.

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