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SENATE BILL 5545

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State of Washington

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By Senators Roach, Rasmussen, Mulliken, Kline, Honeyford, Hewitt, Stevens, Morton, Benson, Schoesler, Schmidt, Fairley, McCaslin, Carrell, Swecker, Keiser, Delvin, Deccio and Oke

Read first time 01/27/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to renewing a concealed pistol license by members  
2 of the armed forces; 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 2002 c 302 s 703 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, 26.50.060,  
9 26.50.070, or 26.26.590;

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

1 place of birth, race, gender, description, not more than two complete  
2 sets of fingerprints, and signature of the licensee, and the licensee's  
3 driver's license number or state identification card number if used for  
4 identification in applying for the license. A signed application for  
5 a concealed pistol license shall constitute a waiver of confidentiality  
6 and written request that the department of social and health services,  
7 mental health institutions, and other health care facilities release  
8 information relevant to the applicant's eligibility for a concealed  
9 pistol license to an inquiring court or law enforcement agency.

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

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

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

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

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

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

1 (5) The nonrefundable fee, paid upon application, for the original  
2 five-year license shall be thirty-six dollars plus additional charges  
3 imposed by the Federal Bureau of Investigation that are passed on to  
4 the applicant. No other state or local branch or unit of government  
5 may impose any additional charges on the applicant for the issuance of  
6 the license.

7 The fee shall be distributed as follows:

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

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

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

13 (d) Three dollars to the firearms range account in the general  
14 fund.

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

18 The renewal fee shall be distributed as follows:

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

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

22 (c) Three dollars to the firearms range account in the general  
23 fund.

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

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

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

36 (a) Three dollars shall be deposited in the state wildlife fund and  
37 used exclusively first for the printing and distribution of a pamphlet  
38 on the legal limits of the use of firearms, firearms safety, and the

1 preemptive nature of state law, and subsequently the support of  
2 volunteer instructors in the basic firearms safety training program  
3 conducted by the department of fish and wildlife. The pamphlet shall  
4 be given to each applicant for a license; and

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

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

15 (11) A political subdivision of the state shall not modify the  
16 requirements of this section or chapter, nor may a political  
17 subdivision ask the applicant to voluntarily submit any information not  
18 required by this section.

19 (12) A person who knowingly makes a false statement regarding  
20 citizenship or identity on an application for a concealed pistol  
21 license is guilty of false swearing under RCW 9A.72.040. In addition  
22 to any other penalty provided for by law, the concealed pistol license  
23 of a person who knowingly makes a false statement shall be revoked, and  
24 the person shall be permanently ineligible for a concealed pistol  
25 license.

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

27 (a) To the municipality or to the county in which the applicant  
28 resides if the applicant resides in a municipality;

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

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

32 (14) Any person who, as a member of the armed forces, including the  
33 national guard and armed forces reserves, is unable to renew his or her  
34 license under subsections (6) and (9) of this section because of the  
35 person's assignment, reassignment, or deployment for out-of-state  
36 military service may renew his or her license within ninety days after  
37 the person returns to this state from out-of-state military service, if  
38 the person provides the following to the issuing authority no later

1 than ninety days after the person's date of discharge or assignment,  
2 reassignment, or deployment back to this state: (a) A copy of the  
3 person's original order designating the specific period of assignment,  
4 reassignment, or deployment for out-of-state military service, and (b)  
5 if appropriate, a copy of the person's discharge or amended or  
6 subsequent assignment, reassignment, or deployment order back to this  
7 state. A license so renewed under this subsection (14) shall take  
8 effect on the expiration date of the prior license. A licensee  
9 renewing after the expiration date of the license under this subsection  
10 (14) shall pay only the renewal fee specified in subsection (6) of this  
11 section and shall not be required to pay a late renewal penalty in  
12 addition to the renewal fee.

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