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HOUSE BILL 3082

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Williams and Upthegrove

Read first time 01/22/10. Referred to Committee on Judiciary.

1            AN ACT Relating to possession of pistols by persons eighteen years  
2 and older; amending RCW 9.41.073; reenacting and amending RCW 9.41.070;  
3 and repealing RCW 9.41.240.

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

5            **Sec. 1.** RCW 9.41.070 and 2009 c 216 s 5 and 2009 c 59 s 1 are each  
6 reenacted and amended to read as follows:

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

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

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~~) eighteen years of age;

8 (d) He or she is subject to a court order or injunction regarding  
9 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
10 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,  
11 26.50.070, or 26.26.590;

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

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

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

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

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

32 (3) Any person whose firearms rights have been restricted and who  
33 has been granted relief from disabilities by the attorney general under  
34 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.  
35 921(a)(20)(A) shall have his or her right to acquire, receive,  
36 transfer, ship, transport, carry, and possess firearms in accordance  
37 with Washington state law restored except as otherwise prohibited by  
38 this chapter.

1 (4) The license application shall bear the full name, residential  
2 address, telephone number at the option of the applicant, date and  
3 place of birth, race, gender, description, a complete set of  
4 fingerprints, and signature of the licensee, and the licensee's  
5 driver's license number or state identification card number if used for  
6 identification in applying for the license. A signed application for  
7 a concealed pistol license shall constitute a waiver of confidentiality  
8 and written request that the department of social and health services,  
9 mental health institutions, and other health care facilities release  
10 information relevant to the applicant's eligibility for a concealed  
11 pistol license to an inquiring court or law enforcement agency.

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

14 The license and application shall contain a warning substantially  
15 as follows:

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

21 The license shall contain a description of the major differences  
22 between state and federal law and an explanation of the fact that local  
23 laws and ordinances on firearms are preempted by state law and must be  
24 consistent with state law. The application shall contain questions  
25 about the applicant's eligibility under RCW 9.41.040 to possess a  
26 pistol, the applicant's place of birth, and whether the applicant is a  
27 United States citizen. The applicant shall not be required to produce  
28 a birth certificate or other evidence of citizenship. A person who is  
29 not a citizen of the United States shall, if applicable, meet the  
30 additional requirements of RCW 9.41.173 and produce proof of compliance  
31 with RCW 9.41.173 upon application. The license may be in triplicate  
32 or in a form to be prescribed by the department of licensing.

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

37 The department of licensing shall make available to law enforcement

1 and corrections agencies, in an on-line format, all information  
2 received under this subsection.

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

9 The fee shall be distributed as follows:

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

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

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

15 (d) Three dollars to the firearms range account in the general  
16 fund.

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

20 The renewal fee shall be distributed as follows:

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

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

24 (c) Three dollars to the firearms range account in the general  
25 fund.

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

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

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

1 (a) Three dollars shall be deposited in the state wildlife account  
2 and used exclusively first for the printing and distribution of a  
3 pamphlet on the legal limits of the use of firearms, firearms safety,  
4 and the preemptive nature of state law, and subsequently the support of  
5 volunteer instructors in the basic firearms safety training program  
6 conducted by the department of fish and wildlife. The pamphlet shall  
7 be given to each applicant for a license; and

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

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

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

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

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

30 (a) To the municipality or to the county in which the applicant  
31 resides if the applicant resides in a municipality;

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

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

35 (14) Any person who, as a member of the armed forces, including the  
36 national guard and armed forces reserves, is unable to renew his or her  
37 license under subsections (6) and (9) of this section because of the  
38 person's assignment, reassignment, or deployment for out-of-state

1 military service may renew his or her license within ninety days after  
2 the person returns to this state from out-of-state military service, if  
3 the person provides the following to the issuing authority no later  
4 than ninety days after the person's date of discharge or assignment,  
5 reassignment, or deployment back to this state: (a) A copy of the  
6 person's original order designating the specific period of assignment,  
7 reassignment, or deployment for out-of-state military service, and (b)  
8 if appropriate, a copy of the person's discharge or amended or  
9 subsequent assignment, reassignment, or deployment order back to this  
10 state. A license so renewed under this subsection (14) shall take  
11 effect on the expiration date of the prior license. A licensee  
12 renewing after the expiration date of the license under this subsection  
13 (14) shall pay only the renewal fee specified in subsection (6) of this  
14 section and shall not be required to pay a late renewal penalty in  
15 addition to the renewal fee.

16 **Sec. 2.** RCW 9.41.073 and 2004 c 148 s 1 are each amended to read  
17 as follows:

18 (1)(a) A person licensed to carry a pistol in a state the laws of  
19 which recognize and give effect in that state to a concealed pistol  
20 license issued under the laws of the state of Washington is authorized  
21 to carry a concealed pistol in this state if:

22 (i) The licensing state does not issue concealed pistol licenses to  
23 persons under (~~twenty-one~~) eighteen years of age; and

24 (ii) The licensing state requires mandatory fingerprint-based  
25 background checks of criminal and mental health history for all persons  
26 who apply for a concealed pistol license.

27 (b) This section applies to a license holder from another state  
28 only while the license holder is not a resident of this state. A  
29 license holder from another state must carry the handgun in compliance  
30 with the laws of this state.

31 (2) The attorney general shall periodically publish a list of  
32 states the laws of which recognize and give effect in that state to a  
33 concealed pistol license issued under the laws of the state of  
34 Washington and which meet the requirements of subsection (1)(a)(i) and  
35 (ii) of this section.

1        NEW SECTION.   **Sec. 3.**   RCW 9.41.240 (Possession of pistol by person  
2   from eighteen to twenty-one) and 1994 sp.s. c 7 s 423, 1971 c 34 s 1,  
3   1909 c 249 s 308, & 1883 p 67 s 1 are each repealed.

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