
SENATE BILL 5637

State of Washington

61st Legislature

2009 Regular Session

By Senators Swecker, Hobbs, Hewitt, Morton, Zarelli, Carrell, Schoesler, King, Roach, Stevens, McCaslin, Honeyford, Benton, and Holmquist

Read first time 01/28/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to allowing members of the armed forces to submit
2 an application for renewal of a concealed pistol license by mail; and
3 amending RCW 9.41.070.

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

5 **Sec. 1.** RCW 9.41.070 and 2002 c 302 s 703 are each amended to read
6 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 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 secretary of the treasury under 18 U.S.C. Sec.
23 925(c), or 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 secretary of the
34 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
35 Sec. 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, not more than two complete
4 sets of 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 meet the additional
30 requirements of RCW 9.41.170 and produce proof of compliance with RCW
31 9.41.170 upon application. The license shall be in triplicate and in
32 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 online format, all information received
2 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) 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 licensee may submit an application for renewal by mail if
34 the licensee:

35 (i) Is a member of the armed forces, including the national guard
36 and armed forces reserves, who is unable to renew his or her license in
37 person because of his or her assignment, reassignment, or deployment
38 for out-of-state military service; and

1 (ii) Submits with the application for renewal a copy of the
2 licensee's original order designating the specific period of
3 assignment, reassignment, or deployment for out-of-state military
4 service and a copy of the licensee's military identification.

5 (b) A license so renewed shall take effect on the expiration date
6 of the prior license. A licensee renewing after the expiration date of
7 the license must pay a late renewal penalty of ten dollars in addition
8 to the renewal fee specified in subsection (6) of this section. The
9 fee shall be distributed as follows:

10 ~~((a))~~ (i) Three dollars shall be deposited in the state wildlife
11 ~~(fund)~~ account and used exclusively first for the printing and
12 distribution of a pamphlet on the legal limits of the use of firearms,
13 firearms safety, and the preemptive nature of state law, and
14 subsequently the support of volunteer instructors in the basic firearms
15 safety training program conducted by the department of fish and
16 wildlife. The pamphlet shall be given to each applicant for a license;
17 and

18 ~~((b))~~ (ii) Seven dollars shall be paid to the issuing authority
19 for the purpose of enforcing this chapter.

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

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

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

- 1 (13) A person may apply for a concealed pistol license:
- 2 (a) To the municipality or to the county in which the applicant
- 3 resides if the applicant resides in a municipality;
- 4 (b) To the county in which the applicant resides if the applicant
- 5 resides in an unincorporated area; or
- 6 (c) Anywhere in the state if the applicant is a nonresident.

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