
HOUSE BILL 1238

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Orcutt, Blake, Rivers, Klippert, McCune, Kretz, Taylor, Haler, Takko, Short, and Condotta

Read first time 01/17/11. 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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