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HOUSE BILL 1934

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Caldier, Kilduff, Mosbrucker, Irwin, Pollet, Chapman, Leavitt, and Van Werven

Read first time 02/06/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to renewal of a concealed pistol license by  
2 members of the armed forces; and reenacting and amending RCW  
3 9.41.070.

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

5 **Sec. 1.** RCW 9.41.070 and 2018 c 226 s 2 and 2018 c 201 s 6002  
6 are each 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  
10 concealed on his or her person within this state for five years from  
11 date of issue, for the purposes of protection or while engaged in  
12 business, sport, or while traveling. However, if the applicant does  
13 not have a valid permanent Washington driver's license or Washington  
14 state identification card or has not been a resident of the state for  
15 the previous consecutive ninety days, the issuing authority shall  
16 have up to sixty days after the filing of the application to issue a  
17 license. The issuing authority shall not refuse to accept completed  
18 applications for concealed pistol licenses during regular business  
19 hours.

20 The applicant's constitutional right to bear arms shall not be  
21 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, or is prohibited from  
3 possessing a firearm under federal law;

4 (b) The applicant's concealed pistol license is in a revoked  
5 status;

6 (c) He or she is under twenty-one years of age;

7 (d) He or she is subject to a court order or injunction regarding  
8 firearms pursuant to chapter((s)) 7.90, 7.92, or 7.94 RCW, or RCW  
9 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
10 26.10.040, 26.10.115, ((26.26.130)) 26.26B.020, 26.50.060, 26.50.070,  
11 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  
15 from any court of competent jurisdiction for a felony or misdemeanor;  
16 or

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

20 No person convicted of a felony may have his or her right to  
21 possess firearms restored or his or her privilege to carry a  
22 concealed pistol restored, unless the person has been granted relief  
23 from disabilities by the attorney general under 18 U.S.C. Sec.  
24 925(c), or RCW 9.41.040 (3) or (4) applies.

25 (2)(a) The issuing authority shall conduct a check through the  
26 national instant criminal background check system, the Washington  
27 state patrol electronic database, the health care authority  
28 electronic database, and with other agencies or resources as  
29 appropriate, to determine whether the applicant is ineligible under  
30 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from  
31 possessing a firearm under federal law, and therefore ineligible for  
32 a concealed pistol license.

33 (b) The issuing authority shall deny a permit to anyone who is  
34 found to be prohibited from possessing a firearm under federal or  
35 state law.

36 (c) This subsection applies whether the applicant is applying for  
37 a new concealed pistol license or to renew a concealed pistol  
38 license.

39 (3) Any person whose firearms rights have been restricted and who  
40 has been granted relief from disabilities by the attorney general

1 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.  
2 921(a)(20)(A) shall have his or her right to acquire, receive,  
3 transfer, ship, transport, carry, and possess firearms in accordance  
4 with Washington state law restored except as otherwise prohibited by  
5 this chapter.

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

18 The application for an original license shall include a complete  
19 set of fingerprints to be forwarded to the Washington state patrol.

20 The license and application shall contain a warning substantially  
21 as follows:

22 CAUTION: Although state and local laws do not differ, federal  
23 law and state law on the possession of firearms differ. If  
24 you are prohibited by federal law from possessing a firearm,  
25 you may be prosecuted in federal court. A state license is  
26 not a defense to a federal prosecution.

27 The license shall contain a description of the major differences  
28 between state and federal law and an explanation of the fact that  
29 local laws and ordinances on firearms are preempted by state law and  
30 must be consistent with state law.

31 The application shall contain questions about the applicant's  
32 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
33 the applicant's place of birth, and whether the applicant is a United  
34 States citizen. If the applicant is not a United States citizen, the  
35 applicant must provide the applicant's country of citizenship, United  
36 States issued alien number or admission number, and the basis on  
37 which the applicant claims to be exempt from federal prohibitions on  
38 firearm possession by aliens. The applicant shall not be required to  
39 produce a birth certificate or other evidence of citizenship. A

1 person who is not a citizen of the United States shall, if  
2 applicable, meet the additional requirements of RCW 9.41.173 and  
3 produce proof of compliance with RCW 9.41.173 upon application. The  
4 license may be in triplicate or in a form to be prescribed by the  
5 department of licensing.

6 A photograph of the applicant may be required as part of the  
7 application and printed on the face of the license.

8 The original thereof shall be delivered to the licensee, the  
9 duplicate shall within seven days be sent to the director of  
10 licensing and the triplicate shall be preserved for six years, by the  
11 authority issuing the license.

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

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

21 The fee shall be distributed as follows:

- 22 (a) Fifteen dollars shall be paid to the state general fund;
- 23 (b) Four dollars shall be paid to the agency taking the  
24 fingerprints of the person licensed;
- 25 (c) Fourteen dollars shall be paid to the issuing authority for  
26 the purpose of enforcing this chapter;
- 27 (d) Two dollars and sixteen cents to the firearms range account  
28 in the general fund; and
- 29 (e) Eighty-four cents to the concealed pistol license renewal  
30 notification account created in RCW 43.79.540.

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

35 The renewal fee shall be distributed as follows:

- 36 (a) Fifteen dollars shall be paid to the state general fund;
- 37 (b) Fourteen dollars shall be paid to the issuing authority for  
38 the purpose of enforcing this chapter;
- 39 (c) Two dollars and sixteen cents to the firearms range account  
40 in the general fund; and

1 (d) Eighty-four cents to the concealed pistol license renewal  
2 notification account created in RCW 43.79.540.

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

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

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

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

22 (ii) Seven dollars shall be paid to the issuing authority for the  
23 purpose of enforcing this chapter.

24 (b) Beginning with concealed pistol licenses that expire on or  
25 after August 1, 2018, the department of licensing shall mail a  
26 renewal notice approximately ninety days before the license  
27 expiration date to the licensee at the address listed on the  
28 concealed pistol license application, or to the licensee's new  
29 address if the licensee has notified the department of licensing of a  
30 change of address. Alternatively, if the licensee provides an email  
31 address at the time of license application, the department of  
32 licensing may send the renewal notice to the licensee's email  
33 address. The notice must contain the date the concealed pistol  
34 license will expire, the amount of renewal fee, the penalty for late  
35 renewal, and instructions on how to renew the license.

36 (10) Notwithstanding the requirements of subsections (1) through  
37 (9) of this section, the chief of police of the municipality or the  
38 sheriff of the county of the applicant's residence may issue a  
39 temporary emergency license for good cause pending review under  
40 subsection (1) of this section. However, a temporary emergency

1 license issued under this subsection shall not exempt the holder of  
2 the license from any records check requirement. Temporary emergency  
3 licenses shall be easily distinguishable from regular licenses.

4 (11) A political subdivision of the state shall not modify the  
5 requirements of this section or chapter, nor may a political  
6 subdivision ask the applicant to voluntarily submit any information  
7 not required by this section.

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

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

16 (a) To the municipality or to the county in which the applicant  
17 resides if the applicant resides in a municipality;

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

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

21 (14) Any person who, as a member of the armed forces, including  
22 the national guard and armed forces reserves, is unable to renew his  
23 or her license under subsections (6) and (9) of this section because  
24 of the person's assignment, reassignment, or deployment for out-of-  
25 state military service may renew his or her license within ninety  
26 days after the person returns to this state from out-of-state  
27 military service, if the person provides the following to the issuing  
28 authority no later than ninety days after the person's date of  
29 discharge or assignment, reassignment, or deployment back to this  
30 state: (a) A copy of the person's original order designating the  
31 specific period of assignment, reassignment, or deployment for out-  
32 of-state military service, and (b) if appropriate, a copy of the  
33 person's discharge or amended or subsequent assignment, reassignment,  
34 or deployment order back to this state. A license so renewed under  
35 this subsection (14) shall take effect on the expiration date of the  
36 prior license. A licensee renewing after the expiration date of the  
37 license under this subsection (14) shall pay only the renewal fee  
38 specified in subsection (6) of this section and shall not be required  
39 to pay a late renewal penalty in addition to the renewal fee.

1       (15)(a) By October 1, 2019, law enforcement agencies that issue  
2 concealed pistol licenses shall develop and implement a procedure for  
3 the renewal of concealed pistol licenses through a mail application  
4 process, and may develop an online renewal application process, for  
5 any person who, as a member of the armed forces, including the  
6 national guard and armed forces reserves, is unable to renew his or  
7 her license under subsections (6) and (9) of this section because of  
8 the person's assignment, reassignment, or deployment for out-of-state  
9 military service.

10       (b) A person applying for a license renewal under this subsection  
11 shall:

12       (i) Provide a copy of the person's original order designating the  
13 specific period of assignment, reassignment, or deployment for out-  
14 of-state military service;

15       (ii) Apply for renewal within ninety days before or after the  
16 expiration date of the license; and

17       (iii) Pay the renewal licensing fee under subsection (6) of this  
18 section, and, if applicable, the late renewal penalty under  
19 subsection (9) of this section.

20       (c) A license renewed under this subsection takes effect on the  
21 expiration date of the prior license and is valid for a period of one  
22 year.

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