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SENATE BILL 5997

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Ludwig, A. Smith and McAuliffe

Read first time 01/10/94. Referred to Committee on Law & Justice.

1            AN ACT Relating to residency requirements for concealed pistol  
2 licenses; 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 1992 c 168 s 1 are each amended to read  
5 as follows:

6            (1) The judge of a court of record(~~(, the))~~ or chief of police (~~(of~~  
7 ~~a municipality,~~) or (~~(the))~~ sheriff of (~~(a county,~~) the jurisdiction  
8 in which the applicant resides shall within thirty days after the  
9 filing of an application of any person issue a license to such person  
10 to carry a pistol concealed on his or her person within this state for  
11 four years from date of issue, for the purposes of protection or while  
12 engaged in business, sport, or while traveling. However, if the  
13 applicant does not have a valid permanent Washington driver's license  
14 or Washington state identification card or has not been a resident of  
15 the state for the previous consecutive ninety days, the issuing  
16 authority shall have up to sixty days after the filing of the  
17 application to issue a license. Such applicant's constitutional right  
18 to bear arms shall not be denied, unless he or she:

1 (a) Is ineligible to own a pistol under the provisions of RCW  
2 9.41.040; or

3 (b) Is under twenty-one years of age; or

4 (c) Is subject to a court order or injunction regarding firearms  
5 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

6 (d) Is free on bond or personal recognizance pending trial, appeal,  
7 or sentencing for a crime of violence; or

8 (e) Has an outstanding warrant for his or her arrest from any court  
9 of competent jurisdiction for a felony or misdemeanor; or

10 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)  
11 within one year before filing an application to carry a pistol  
12 concealed on his or her person; or

13 (g) Has been convicted of any of the following offenses: Assault  
14 in the third degree, indecent liberties, malicious mischief in the  
15 first degree, possession of stolen property in the first or second  
16 degree, or theft in the first or second degree. Any person who becomes  
17 ineligible for a concealed pistol permit as a result of a conviction  
18 for a crime listed in this subsection (1)(g) and then successfully  
19 completes all terms of his or her sentence, as evidenced by a  
20 certificate of discharge issued under RCW 9.94A.220 in the case of a  
21 sentence under chapter 9.94A RCW, and has not again been convicted of  
22 any crime and is not under indictment for any crime, may, one year or  
23 longer after such successful sentence completion, petition the district  
24 court for a declaration that the person is no longer ineligible for a  
25 concealed pistol permit under this subsection (1)(g).

26 (2) Any person whose firearms rights have been restricted and who  
27 has been granted relief from disabilities by the secretary of the  
28 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
29 Sec. 921(a)(20) shall have his or her right to acquire, receive,  
30 transfer, ship, transport, carry, and possess firearms in accordance  
31 with Washington state law restored.

32 (3) The license shall be revoked by the issuing authority  
33 immediately upon conviction of a crime which makes such a person  
34 ineligible to own a pistol or upon the third conviction for a violation  
35 of this chapter within five calendar years.

36 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the  
37 issuing authority shall:

38 (a) On the first forfeiture, revoke the license for one year;

39 (b) On the second forfeiture, revoke the license for two years;

1 (c) On the third or subsequent forfeiture, revoke the license for  
2 five years.

3 Any person whose license is revoked as a result of a forfeiture of a  
4 firearm under RCW 9.41.098(1)(d) may not reapply for a new license  
5 until the end of the revocation period. The issuing authority shall  
6 notify, in writing, the department of licensing upon revocation of a  
7 license. The department of licensing shall record the revocation.

8 (5) The license shall be in triplicate, in form to be prescribed by  
9 the department of licensing, and shall bear the name, address, and  
10 description, fingerprints, and signature of the licensee, and the  
11 licensee's driver's license number or state identification card number  
12 if used for identification in applying for the license. The license  
13 application shall contain a warning substantially 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 application shall contain a description of the major  
20 differences between state and federal law and an explanation of the  
21 fact that local laws and ordinances on firearms are preempted by state  
22 law and must be consistent with state law. The application shall  
23 contain questions about the applicant's place of birth, whether the  
24 applicant is a United States citizen, and if not a citizen whether the  
25 applicant has declared the intent to become a citizen and whether he or  
26 she has been required to register with the state or federal government  
27 and any identification or registration number, if applicable. The  
28 applicant shall not be required to produce a birth certificate or other  
29 evidence of citizenship. An applicant who is not a citizen shall  
30 provide documentation showing resident alien status and the applicant's  
31 intent to become a citizen. A person who makes a false statement  
32 regarding citizenship on the application is guilty of a misdemeanor. A  
33 person who is not a citizen of the United States, or has not declared  
34 his or her intention to become a citizen shall meet the additional  
35 requirements of RCW 9.41.170.

36 The original thereof shall be delivered to the licensee, the  
37 duplicate shall within seven days be sent by registered mail to the

1 director of licensing and the triplicate shall be preserved for six  
2 years, by the authority issuing said license.

3 (6) The fee for the original issuance of a four-year license shall  
4 be twenty-three dollars: PROVIDED, That no other additional charges by  
5 any branch or unit of government shall be borne by the applicant for  
6 the issuance of the license: PROVIDED FURTHER, That the fee shall be  
7 distributed as follows:

8 (a) Four 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) Twelve 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 (7) The fee for the renewal of such license shall be fifteen  
16 dollars: PROVIDED, That no other additional charges by any branch or  
17 unit of government shall be borne by the applicant for the renewal of  
18 the license: PROVIDED FURTHER, That the fee shall be distributed as  
19 follows:

20 (a) Four dollars shall be paid to the state general fund;

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

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

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

28 (9) A licensee may renew a license if the licensee applies for  
29 renewal within ninety days before or after the expiration date of the  
30 license. A license so renewed shall take effect on the expiration date  
31 of the prior license. A licensee renewing after the expiration date of  
32 the license must pay a late renewal penalty of ten dollars in addition  
33 to the renewal fee specified in subsection (7) of this section. The  
34 fee shall be distributed as follows:

35 (a) Three dollars shall be deposited in the state wildlife fund and  
36 used exclusively for the printing and distribution of a pamphlet on the  
37 legal limits of the use of firearms, firearms safety, and the  
38 preemptive nature of state law. The pamphlet shall be given to each  
39 applicant for a license; and

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

3 (10) Notwithstanding the requirements of subsections (1) through  
4 (9) of this section, the chief of police of the municipality or the  
5 sheriff of the county of the applicant's residence may issue a  
6 temporary emergency license for good cause pending review under  
7 subsection (1) of this section.

8 (11) A political subdivision of the state shall not modify the  
9 requirements of this section or chapter, nor may a political  
10 subdivision ask the applicant to voluntarily submit any information not  
11 required by this section. A civil suit may be brought to enjoin a  
12 wrongful refusal to issue a license or a wrongful modification of the  
13 requirements of this section or chapter. The civil suit may be brought  
14 in the county in which the application was made or in Thurston county  
15 at the discretion of the petitioner. Any person who prevails against  
16 a public agency in any action in the courts for a violation of this  
17 chapter shall be awarded costs, including reasonable attorneys' fees,  
18 incurred in connection with such legal action.

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