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**SUBSTITUTE SENATE BILL 5465**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Schoesler, Kline, Carrell and Hatfield)

READ FIRST TIME 02/27/07.

1            AN ACT Relating to clarifying the process for restoration of the  
2 right to possess firearms; amending RCW 9.41.040, 9.41.047, 9.41.070,  
3 and 46.20.265; and adding a new section to chapter 9.41 RCW.

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

5            **Sec. 1.** RCW 9.41.040 and 2005 c 453 s 1 are each amended to read  
6 as follows:

7            (1)(a) A person, whether an adult or juvenile, is guilty of the  
8 crime of unlawful possession of a firearm in the first degree, if the  
9 person owns, has in his or her possession, or has in his or her control  
10 any firearm after having previously been convicted or found not guilty  
11 by reason of insanity in this state or elsewhere of any serious offense  
12 as defined in this chapter.

13            (b) Unlawful possession of a firearm in the first degree is a class  
14 B felony punishable according to chapter 9A.20 RCW.

15            (2)(a) A person, whether an adult or juvenile, is guilty of the  
16 crime of unlawful possession of a firearm in the second degree, if the  
17 person does not qualify under subsection (1) of this section for the  
18 crime of unlawful possession of a firearm in the first degree and the

1 person owns, has in his or her possession, or has in his or her control  
2 any firearm:

3 (i) After having previously been convicted or found not guilty by  
4 reason of insanity in this state or elsewhere of any felony not  
5 specifically listed as prohibiting firearm possession under subsection  
6 (1) of this section, or any of the following crimes when committed by  
7 one family or household member against another, committed on or after  
8 July 1, 1993: Assault in the fourth degree, coercion, stalking,  
9 reckless endangerment, criminal trespass in the first degree, or  
10 violation of the provisions of a protection order or no-contact order  
11 restraining the person or excluding the person from a residence (RCW  
12 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

13 (ii) After having previously been involuntarily committed for  
14 mental health treatment under RCW 71.05.320, (~~(71.34.090)~~) 71.34.750,  
15 chapter 10.77 RCW, or equivalent statutes of another jurisdiction,  
16 unless his or her right to possess a firearm has been restored as  
17 provided in RCW 9.41.047;

18 (iii) If the person is under eighteen years of age, except as  
19 provided in RCW 9.41.042; and/or

20 (iv) If the person is free on bond or personal recognizance pending  
21 trial, appeal, or sentencing for a serious offense as defined in RCW  
22 9.41.010.

23 (b) Unlawful possession of a firearm in the second degree is a  
24 class C felony punishable according to chapter 9A.20 RCW.

25 (3) Notwithstanding RCW 9.41.047 or any other provisions of law, as  
26 used in this chapter, a person has been "convicted", whether in an  
27 adult court or adjudicated in a juvenile court, at such time as a plea  
28 of guilty has been accepted, or a verdict of guilty has been filed,  
29 notwithstanding the pendency of any future proceedings including but  
30 not limited to sentencing or disposition, post-trial or post-  
31 factfinding motions, and appeals. Conviction includes a dismissal  
32 entered after a period of probation, suspension or deferral of  
33 sentence, and also includes equivalent dispositions by courts in  
34 jurisdictions other than Washington state. (~~(A person shall not be~~  
35 ~~precluded from possession of a firearm if the conviction has been the~~  
36 ~~subject of a pardon, annulment, certificate of rehabilitation, or other~~  
37 ~~equivalent procedure based on a finding of the rehabilitation of the~~  
38 ~~person convicted or the conviction or disposition has been the subject~~

1 of a pardon, annulment, or other equivalent procedure based on a  
2 finding of innocence.)) Where no record of the court's disposition of  
3 the charges can be found, there shall be a rebuttable presumption that  
4 the person was not convicted of the charge.

5 (4) (~~Notwithstanding subsection (1) or (2) of this section, a~~  
6 ~~person convicted or found not guilty by reason of insanity of an~~  
7 ~~offense prohibiting the possession of a firearm under this section~~  
8 ~~other than murder, manslaughter, robbery, rape, indecent liberties,~~  
9 ~~arson, assault, kidnapping, extortion, burglary, or violations with~~  
10 ~~respect to controlled substances under RCW 69.50.401 and 69.50.410, who~~  
11 ~~received a probationary sentence under RCW 9.95.200, and who received~~  
12 ~~a dismissal of the charge under RCW 9.95.240, shall not be precluded~~  
13 ~~from possession of a firearm as a result of the conviction or finding~~  
14 ~~of not guilty by reason of insanity. Notwithstanding any other~~  
15 ~~provisions of this section, if a person is prohibited from possession~~  
16 ~~of a firearm under subsection (1) or (2) of this section and has not~~  
17 ~~previously been convicted or found not guilty by reason of insanity of~~  
18 ~~a sex offense prohibiting firearm ownership under subsection (1) or (2)~~  
19 ~~of this section and/or any felony defined under any law as a class A~~  
20 ~~felony or with a maximum sentence of at least twenty years, or both,~~  
21 ~~the individual may petition a court of record to have his or her right~~  
22 ~~to possess a firearm restored:~~

23 (a) ~~Under RCW 9.41.047; and/or~~

24 (b)(i) ~~If the conviction or finding of not guilty by reason of~~  
25 ~~insanity was for a felony offense, after five or more consecutive years~~  
26 ~~in the community without being convicted or found not guilty by reason~~  
27 ~~of insanity or currently charged with any felony, gross misdemeanor, or~~  
28 ~~misdemeanor crimes, if the individual has no prior felony convictions~~  
29 ~~that prohibit the possession of a firearm counted as part of the~~  
30 ~~offender score under RCW 9.94A.525; or~~

31 (ii) ~~If the conviction or finding of not guilty by reason of~~  
32 ~~insanity was for a nonfelony offense, after three or more consecutive~~  
33 ~~years in the community without being convicted or found not guilty by~~  
34 ~~reason of insanity or currently charged with any felony, gross~~  
35 ~~misdemeanor, or misdemeanor crimes, if the individual has no prior~~  
36 ~~felony convictions that prohibit the possession of a firearm counted as~~  
37 ~~part of the offender score under RCW 9.94A.525 and the individual has~~  
38 ~~completed all conditions of the sentence.~~

1       ~~(5)~~) In addition to any other penalty provided for by law, if a  
2 person under the age of eighteen years is found by a court to have  
3 possessed a firearm in a vehicle in violation of subsection (1) or (2)  
4 of this section or to have committed an offense while armed with a  
5 firearm during which offense a motor vehicle served an integral  
6 function, the court shall notify the department of licensing within  
7 twenty-four hours and the person's privilege to drive shall be revoked  
8 under RCW 46.20.265.

9       ~~((6))~~ (5) Nothing in chapter 129, Laws of 1995 shall ever be  
10 construed or interpreted as preventing an offender from being charged  
11 and subsequently convicted for the separate felony crimes of theft of  
12 a firearm or possession of a stolen firearm, or both, in addition to  
13 being charged and subsequently convicted under this section for  
14 unlawful possession of a firearm in the first or second degree.  
15 Notwithstanding any other law, if the offender is convicted under this  
16 section for unlawful possession of a firearm in the first or second  
17 degree and for the felony crimes of theft of a firearm or possession of  
18 a stolen firearm, or both, then the offender shall serve consecutive  
19 sentences for each of the felony crimes of conviction listed in this  
20 subsection.

21       ~~((7))~~ (6) Each firearm unlawfully possessed under this section  
22 shall be a separate offense.

23       **Sec. 2.** RCW 9.41.047 and 2005 c 453 s 2 are each amended to read  
24 as follows:

25       (1) At the time a person is convicted or found not guilty by reason  
26 of insanity of an offense making the person ineligible to possess a  
27 firearm, or at the time a person is committed by court order under RCW  
28 71.05.320, ~~((71.34.090))~~ 71.34.750, or chapter 10.77 RCW for mental  
29 health treatment, the convicting or committing court shall notify the  
30 person, orally and in writing, that the person must immediately  
31 surrender any concealed pistol license and that the person may not  
32 possess a firearm unless his or her right to do so is restored by a  
33 court of record pursuant to subsection (6) of this section. For  
34 purposes of this section a convicting court includes a court in which  
35 a person has been found not guilty by reason of insanity.

36       The convicting or committing court also shall forward a copy of the

1 person's driver's license or identicard, or comparable information, to  
2 the department of licensing, along with the date of conviction or  
3 commitment.

4 (2) Upon receipt of the information provided for by subsection (1)  
5 of this section, the department of licensing shall determine if the  
6 convicted or committed person has a concealed pistol license. If the  
7 person does have a concealed pistol license, the department of  
8 licensing shall immediately notify the license-issuing authority which,  
9 upon receipt of such notification, shall immediately revoke the  
10 license.

11 (3)(a) A person who is prohibited from possessing a firearm, by  
12 reason of having been involuntarily committed for mental health  
13 treatment under RCW 71.05.320, (~~(71.34.090)~~) 71.34.750, chapter 10.77  
14 RCW, or equivalent statutes of another jurisdiction may, upon  
15 discharge, petition a court of record to have his or her right to  
16 possess a firearm restored pursuant to subsection (6) of this section.  
17 At the time of commitment, the court shall specifically state to the  
18 person that he or she is barred from possession of firearms.

19 (b) The secretary of social and health services shall develop  
20 appropriate rules to create an approval process under this subsection.  
21 The rules must provide for the restoration of the right to possess a  
22 firearm upon a showing in a court of competent jurisdiction that the  
23 person is no longer required to participate in an inpatient or  
24 outpatient treatment program, is no longer required to take medication  
25 to treat any condition related to the commitment, and does not present  
26 a substantial danger to himself or herself, others, or the public.  
27 Unlawful possession of a firearm under this subsection shall be  
28 punished as a class C felony under chapter 9A.20 RCW.

29 (c) A person petitioning the court under this subsection (3) shall  
30 bear the burden of proving by a preponderance of the evidence that the  
31 circumstances resulting in the commitment no longer exist and are not  
32 reasonably likely to recur. If a preponderance of the evidence in the  
33 record supports a finding that the person petitioning the court has  
34 engaged in violence and that it is more likely than not that the person  
35 will engage in violence after his or her right to possess a firearm is  
36 restored, the person shall bear the burden of proving by clear, cogent,  
37 and convincing evidence that he or she does not present a substantial  
38 danger to the safety of others.

1 (4) No person who has been found not guilty by reason of insanity  
2 may petition a court for restoration of the right to possess a firearm  
3 unless the person meets the requirements for the restoration of the  
4 right to possess a firearm under ((RCW 9.41.040(4))) subsection (5) of  
5 this section.

6 (5) Notwithstanding RCW 9.41.040 (1) or (2), a person convicted or  
7 found not guilty by reason of insanity of an offense prohibiting the  
8 possession of a firearm under RCW 9.41.040 other than murder,  
9 manslaughter, robbery, rape, indecent liberties, arson, assault,  
10 kidnapping, extortion, burglary, or violations with respect to  
11 controlled substances under RCW 69.50.401 and 69.50.410, who received  
12 a probationary sentence under RCW 9.95.200, and who received a  
13 dismissal of the charge under RCW 9.95.240, shall not be precluded from  
14 possession of a firearm as a result of the conviction or finding of not  
15 guilty by reason of insanity. Notwithstanding any other provisions of  
16 RCW 9.41.040, if a person is prohibited from possession of a firearm  
17 under RCW 9.41.040 (1) or (2) and has not previously been convicted or  
18 found not guilty by reason of insanity of a sex offense prohibiting  
19 firearm ownership under RCW 9.41.040 (1) or (2) and/or any felony  
20 defined under any law as a class A felony or with a maximum sentence of  
21 at least twenty years, or both, the individual may petition a court of  
22 record pursuant to subsection (6) of this section to have his or her  
23 right to possess a firearm restored:

24 (a) Under this section; and/or

25 (b)(i) If the conviction or finding of not guilty by reason of  
26 insanity was for a felony offense, after five or more consecutive years  
27 in the community without being convicted or found not guilty by reason  
28 of insanity or currently charged with any felony, gross misdemeanor, or  
29 misdemeanor crimes, if the individual has no prior felony convictions  
30 that prohibit the possession of a firearm counted as part of the  
31 offender score under RCW 9.94A.525 and the individual has completed all  
32 conditions of the sentence; or

33 (ii) If the conviction or finding of not guilty by reason of  
34 insanity was for a nonfelony offense, after three or more consecutive  
35 years in the community without being convicted or found not guilty by  
36 reason of insanity or currently charged with any felony, gross  
37 misdemeanor, or misdemeanor crimes, if the individual has no prior

1 felony convictions that prohibit the possession of a firearm counted as  
2 part of the offender score under RCW 9.94A.525 and the individual has  
3 completed all conditions of the sentence.

4 (6)(a) A petition to have the right to possess a firearm restored  
5 must be filed as a civil suit in the superior court of the county where  
6 the conviction occurred and judgment was entered, or where the finding  
7 of not guilty by reason of insanity was entered. If the person has  
8 disqualifying convictions from more than one county, a separate  
9 petition must be filed in each county. If the person has disqualifying  
10 convictions from another state, or a finding of not guilty by reason of  
11 insanity from another state, a petition must be filed in Thurston  
12 county superior court.

13 (b) Within ninety days of receipt of the master copy from the  
14 administrative office of the courts, all court clerk's offices shall  
15 make available the model forms and instructional brochures required by  
16 section 5 of this act. Any assistance or information provided by  
17 clerks under this section does not constitute the practice of law and  
18 clerks are not responsible for incorrect information contained in a  
19 petition.

20 (c) A petition shall be granted if the person meets all  
21 requirements of this section for restoration of the right to possess a  
22 firearm and the petition:

23 (i) Was served on the prosecuting attorney's office or the city  
24 attorney's office that prosecuted the crime or crimes for which relief  
25 is sought or on the attorney general for the state of Washington, if  
26 the petitioner has disqualifying convictions from another state.  
27 Service may be accomplished by mailing a copy of the petition no later  
28 than ten days before any scheduled hearing. Failure to serve a copy of  
29 the petition upon the proper prosecuting attorney's office, city  
30 attorney's office, or attorney general will result in a void order;

31 (ii) Included a statement, under oath, setting out the person's  
32 criminal history and the date the person was last released from prison  
33 or jail; and

34 (iii) Was accompanied by one of the following documents for each  
35 disqualifying conviction:

36 (A) A certificate of discharge issued pursuant to RCW 9.94A.637 or  
37 an equivalent out-of-state statute;

1       (B) A certificate of discharge issued pursuant to RCW 9.96.050 or  
2 an equivalent out-of-state statute;

3       (C) A copy of the person's case financial history screen from the  
4 superior court clerk which provides whether the person has met the  
5 required legal financial obligations;

6       (D) A declaration from the appropriate parole or probation office  
7 stating that the office's records demonstrate that the person has  
8 completed all conditions of the sentence; or

9       (E) A declaration from the city, county, or state prosecuting  
10 attorney whose office was responsible for the proceeding against the  
11 person which resulted in a disqualifying conviction that states that  
12 the city, county, or state prosecuting attorney's office files indicate  
13 that the person has satisfied all of the conditions of the sentence  
14 that were imposed as a result of the disqualifying conviction.

15       (d) In cases where the person has disqualifying convictions in more  
16 than one county or from another state or the federal government, a  
17 court may only issue an order indicating that the disqualification  
18 arising from the convictions for offenses committed within that county  
19 is hereby removed, unless the person presents orders demonstrating that  
20 the disqualification arising from the convictions for all offenses  
21 committed outside the county has been removed. In such a case, the  
22 court may issue an order restoring the person's right to possess a  
23 firearm.

24       (e) The clerk of the court in which an order granting a petition  
25 restoring a person's right to possess a firearm within the state of  
26 Washington is entered shall immediately transmit information regarding  
27 the order restoring the right to possess a firearm to the Washington  
28 state patrol identification section and the department of licensing.  
29 The Washington state patrol and the department of licensing shall  
30 immediately update their records to reflect the entry of the order  
31 restoring the person's right to possess a firearm.

32       (f) Any order restoring the right to possess a firearm shall  
33 contain a warning substantially as follows:

34       CAUTION: Although state and local laws do not differ, federal  
35 law and state law on the possession of firearms differ. If you  
36 are prohibited by federal law from possessing a firearm, you  
37 may be prosecuted in federal court. An order restoring your

1 right to possess a firearm in Washington is not a defense to a  
2 federal prosecution or to a prosecution under the laws of  
3 another state.

4 (7) A person shall not be precluded from possession of a firearm if  
5 the conviction has been the subject of a pardon, annulment, an  
6 executive branch certificate of rehabilitation, or other equivalent  
7 executive branch procedure based on a finding of the rehabilitation of  
8 the person convicted or the conviction or disposition has been the  
9 subject of a pardon, annulment, or other equivalent procedure based on  
10 a finding of innocence.

11 **Sec. 3.** RCW 9.41.070 and 2002 c 302 s 703 are each amended to read  
12 as follows:

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

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

27 (a) He or she is ineligible to possess a firearm under the  
28 provisions of RCW 9.41.040 or 9.41.045;

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

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

32 (d) He or she is subject to a court order or injunction regarding  
33 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
34 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,  
35 26.50.070, or 26.26.590;

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

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

3 (g) He or she has been ordered to forfeit a firearm under RCW  
4 9.41.098(1)(e) within one year before filing an application to carry a  
5 pistol concealed on his or her person.

6 No person convicted of a felony may have his or her right to  
7 possess firearms restored or his or her privilege to carry a concealed  
8 pistol restored, unless the person has been granted relief from  
9 disabilities by the secretary of the treasury under 18 U.S.C. Sec.  
10 925(c), or RCW (~~(9.41.040 (3) or (4))~~) 9.41.047 applies.

11 (2) The issuing authority shall check with the national crime  
12 information center, the Washington state patrol electronic data base,  
13 the department of social and health services electronic data base, and  
14 with other agencies or resources as appropriate, to determine whether  
15 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess  
16 a firearm and therefore ineligible for a concealed pistol license.  
17 This subsection applies whether the applicant is applying for a new  
18 concealed pistol license or to renew a concealed pistol license.

19 (3) Any person whose firearms rights have been restricted and who  
20 has been granted relief from disabilities by the secretary of the  
21 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
22 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,  
23 transfer, ship, transport, carry, and possess firearms in accordance  
24 with Washington state law restored except as otherwise prohibited by  
25 this chapter.

26 (4) The license application shall bear the full name, residential  
27 address, telephone number at the option of the applicant, date and  
28 place of birth, race, gender, description, not more than two complete  
29 sets of fingerprints, and signature of the licensee, and the licensee's  
30 driver's license number or state identification card number if used for  
31 identification in applying for the license. A signed application for  
32 a concealed pistol license shall constitute a waiver of confidentiality  
33 and written request that the department of social and health services,  
34 mental health institutions, and other health care facilities release  
35 information relevant to the applicant's eligibility for a concealed  
36 pistol license to an inquiring court or law enforcement agency.

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

1 The license and application shall contain a warning substantially  
2 as follows:

3 CAUTION: Although state and local laws do not differ, federal  
4 law and state law on the possession of firearms differ. If you  
5 are prohibited by federal law from possessing a firearm, you  
6 may be prosecuted in federal court. A state license is not a  
7 defense to a federal prosecution.

8 The license shall contain a description of the major differences  
9 between state and federal law and an explanation of the fact that local  
10 laws and ordinances on firearms are preempted by state law and must be  
11 consistent with state law. The application shall contain questions  
12 about the applicant's eligibility under RCW 9.41.040 to possess a  
13 pistol, the applicant's place of birth, and whether the applicant is a  
14 United States citizen. The applicant shall not be required to produce  
15 a birth certificate or other evidence of citizenship. A person who is  
16 not a citizen of the United States shall meet the additional  
17 requirements of RCW 9.41.170 and produce proof of compliance with RCW  
18 9.41.170 upon application. The license shall be in triplicate and in  
19 a form to be prescribed by the department of licensing.

20 The original thereof shall be delivered to the licensee, the  
21 duplicate shall within seven days be sent to the director of licensing  
22 and the triplicate shall be preserved for six years, by the authority  
23 issuing the license.

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

27 (5) The nonrefundable fee, paid upon application, for the original  
28 five-year license shall be thirty-six dollars plus additional charges  
29 imposed by the Federal Bureau of Investigation that are passed on to  
30 the applicant. No other state or local branch or unit of government  
31 may impose any additional charges on the applicant for the issuance of  
32 the license.

33 The fee shall be distributed as follows:

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

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

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

1 (d) Three dollars to the firearms range account in the general  
2 fund.

3 (6) The nonrefundable fee for the renewal of such license shall be  
4 thirty-two dollars. No other branch or unit of government may impose  
5 any additional charges on the applicant for the renewal of the license.  
6 The renewal fee shall be distributed as follows:

7 (a) Fifteen dollars shall be paid to the state general fund;  
8 (b) Fourteen dollars shall be paid to the issuing authority for the  
9 purpose of enforcing this chapter; and

10 (c) Three dollars to the firearms range account in the general  
11 fund.

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

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

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

24 (a) Three dollars shall be deposited in the state wildlife (~~fund~~)  
25 account and used exclusively first for the printing and distribution of  
26 a pamphlet on the legal limits of the use of firearms, firearms safety,  
27 and the preemptive nature of state law, and subsequently the support of  
28 volunteer instructors in the basic firearms safety training program  
29 conducted by the department of fish and wildlife. The pamphlet shall  
30 be given to each applicant for a license; and

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

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

1 issued under this subsection shall not exempt the holder of the license  
2 from any records check requirement. Temporary emergency licenses shall  
3 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 not  
7 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 license  
12 of a person who knowingly makes a false statement shall be revoked, and  
13 the person shall be permanently ineligible for a concealed pistol  
14 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 **Sec. 4.** RCW 46.20.265 and 2005 c 288 s 2 are each amended to read  
22 as follows:

23 (1) In addition to any other authority to revoke driving privileges  
24 under this chapter, the department shall revoke all driving privileges  
25 of a juvenile when the department receives notice from a court pursuant  
26 to RCW 9.41.040(~~(+5)~~) (4), 13.40.265, 66.44.365, 69.41.065, 69.50.420,  
27 69.52.070, or a substantially similar municipal ordinance adopted by a  
28 local legislative authority, or from a diversion unit pursuant to RCW  
29 13.40.265.

30 (2) The driving privileges of the juvenile revoked under subsection  
31 (1) of this section shall be revoked in the following manner:

32 (a) Upon receipt of the first notice, the department shall impose  
33 a revocation for one year, or until the juvenile reaches seventeen  
34 years of age, whichever is longer.

35 (b) Upon receipt of a second or subsequent notice, the department  
36 shall impose a revocation for two years or until the juvenile reaches  
37 eighteen years of age, whichever is longer.

1 (c) Each offense for which the department receives notice shall  
2 result in a separate period of revocation. All periods of revocation  
3 imposed under this section that could otherwise overlap shall run  
4 consecutively up to the juvenile's twenty-first birthday, and no period  
5 of revocation imposed under this section shall begin before the  
6 expiration of all other periods of revocation imposed under this  
7 section or other law. Periods of revocation imposed consecutively  
8 under this section shall not extend beyond the juvenile's twenty-first  
9 birthday.

10 (3)(a) If the department receives notice from a court that the  
11 juvenile's privilege to drive should be reinstated, the department  
12 shall immediately reinstate any driving privileges that have been  
13 revoked under this section if the minimum term of revocation as  
14 specified in RCW 13.40.265(1)(c), 66.44.365(3), 69.41.065(3),  
15 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and  
16 subject to subsection (2)(c) of this section.

17 (b) The juvenile may seek reinstatement of his or her driving  
18 privileges from the department when the juvenile reaches the age of  
19 twenty-one. A notice from the court reinstating the juvenile's driving  
20 privilege shall not be required if reinstatement is pursuant to this  
21 subsection.

22 (4)(a) If the department receives notice pursuant to RCW  
23 13.40.265(2)(b) from a diversion unit that a juvenile has completed a  
24 diversion agreement for which the juvenile's driving privileges were  
25 revoked, the department shall reinstate any driving privileges revoked  
26 under this section as provided in (b) of this subsection, subject to  
27 subsection (2)(c) of this section.

28 (b) If the diversion agreement was for the juvenile's first  
29 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department  
30 shall not reinstate the juvenile's privilege to drive until the later  
31 of ninety days after the date the juvenile turns sixteen or ninety days  
32 after the juvenile entered into a diversion agreement for the offense.  
33 If the diversion agreement was for the juvenile's second or subsequent  
34 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department  
35 shall not reinstate the juvenile's privilege to drive until the later  
36 of the date the juvenile turns seventeen or one year after the juvenile  
37 entered into the second or subsequent diversion agreement.

1        NEW SECTION.   **Sec. 5.**   A new section is added to chapter 9.41 RCW  
2 to read as follows:

3        The administrative office of the courts shall develop and prepare,  
4 in consultation with interested persons, model forms and instructional  
5 brochures required under section 2 of this act.

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