
HOUSE BILL 1923

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Goodman, Reykdal, Hunt, Pedersen, Roberts, and Hunter

Read first time 02/10/11. Referred to Committee on Judiciary.

1 AN ACT Relating to requiring the denial of a concealed pistol
2 license application when the applicant is ineligible to possess a
3 firearm under federal law; and reenacting and 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 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, or is prohibited from
5 possessing a firearm under federal law;

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

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

9 (d) He or she is subject to a court order or injunction regarding
10 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
11 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,
12 26.50.070, or 26.26.590;

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

15 (f) He or she has an outstanding warrant for his or her arrest from
16 any court of competent jurisdiction for a felony or misdemeanor; 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 a
19 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 concealed
22 pistol restored, unless the person has been granted relief from
23 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or
24 RCW 9.41.040 (3) or (4) applies.

25 (2) The issuing authority shall check with the national crime
26 information center, the Washington state patrol electronic database,
27 the department of social and health services electronic database, and
28 with other agencies or resources as appropriate, to determine whether
29 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
30 a firearm, or is prohibited from possessing a firearm under federal
31 law, and therefore ineligible for a concealed pistol license. This
32 subsection applies whether the applicant is applying for a new
33 concealed pistol license or to renew a concealed pistol license.

34 (3) Any person whose firearms rights have been restricted and who
35 has been granted relief from disabilities by the attorney general under
36 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.
37 921(a)(20)(A) shall have his or her right to acquire, receive,

1 transfer, ship, transport, carry, and possess firearms in accordance
2 with Washington state law restored except as otherwise prohibited by
3 this chapter.

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

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

17 The license and application shall contain a warning substantially
18 as follows:

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

24 The license shall contain a description of the major differences
25 between state and federal law and an explanation of the fact that local
26 laws and ordinances on firearms are preempted by state law and must be
27 consistent with state law. The application shall contain questions
28 about the applicant's eligibility under RCW 9.41.040 and federal law to
29 possess a pistol, the applicant's place of birth, and whether the
30 applicant is a United States citizen. The applicant shall not be
31 required to produce a birth certificate or other evidence of
32 citizenship. A person who is not a citizen of the United States shall,
33 if applicable, meet the additional requirements of RCW 9.41.173 and
34 produce proof of compliance with RCW 9.41.173 upon application. The
35 license may be in triplicate or in a form to be prescribed by the
36 department of licensing.

37 The original thereof shall be delivered to the licensee, the

1 duplicate shall within seven days be sent to the director of licensing
2 and the triplicate shall be preserved for six years, by the authority
3 issuing the license.

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

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

13 The fee shall be distributed as follows:

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

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

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

19 (d) Three dollars to the firearms range account in the general
20 fund.

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

24 The renewal fee shall be distributed as follows:

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

26 (b) Fourteen dollars shall be paid to the issuing authority for the
27 purpose of enforcing this chapter; and

28 (c) Three dollars to the firearms range account in the general
29 fund.

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

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

35 (9) A licensee may renew a license if the licensee applies for
36 renewal within ninety days before or after the expiration date of the
37 license. A license so renewed shall take effect on the expiration date
38 of the prior license. A licensee renewing after the expiration date of

1 the license must pay a late renewal penalty of ten dollars in addition
2 to the renewal fee specified in subsection (6) of this section. The
3 fee shall be distributed as follows:

4 (a) Three dollars shall be deposited in the state wildlife account
5 and used exclusively first for the printing and distribution of a
6 pamphlet on the legal limits of the use of firearms, firearms safety,
7 and the preemptive nature of state law, and subsequently the support of
8 volunteer instructors in the basic firearms safety training program
9 conducted by the department of fish and wildlife. The pamphlet shall
10 be given to each applicant for a license; and

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

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

21 (11) A political subdivision of the state shall not modify the
22 requirements of this section or chapter, nor may a political
23 subdivision ask the applicant to voluntarily submit any information not
24 required by this section.

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

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

33 (a) To the municipality or to the county in which the applicant
34 resides if the applicant resides in a municipality;

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

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

1 (14) Any person who, as a member of the armed forces, including the
2 national guard and armed forces reserves, is unable to renew his or her
3 license under subsections (6) and (9) of this section because of the
4 person's assignment, reassignment, or deployment for out-of-state
5 military service may renew his or her license within ninety days after
6 the person returns to this state from out-of-state military service, if
7 the person provides the following to the issuing authority no later
8 than ninety days after the person's date of discharge or assignment,
9 reassignment, or deployment back to this state: (a) A copy of the
10 person's original order designating the specific period of assignment,
11 reassignment, or deployment for out-of-state military service, and (b)
12 if appropriate, a copy of the person's discharge or amended or
13 subsequent assignment, reassignment, or deployment order back to this
14 state. A license so renewed under this subsection (14) shall take
15 effect on the expiration date of the prior license. A licensee
16 renewing after the expiration date of the license under this subsection
17 (14) shall pay only the renewal fee specified in subsection (6) of this
18 section and shall not be required to pay a late renewal penalty in
19 addition to the renewal fee.

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