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SENATE BILL 5465

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Schoesler, Kline, Carrell and Hatfield

Read first time 01/19/2007. Referred to Committee on Judiciary.

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 creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature intends to clarify the  
6 process for obtaining a certificate of rehabilitation in the  
7 restoration of firearm possession rights in response to *State v.*  
8 *Masangkay*, Docket Number 52096-2-1 (2004). In that case, the court  
9 held that there was no provision in Washington statutes for issuance of  
10 a certificate of rehabilitation. The legislature intends to clarify  
11 the current procedure governing restoration of possession rights so  
12 that a person may petition a court of record for a certificate of  
13 rehabilitation.

14            **Sec. 2.** RCW 9.41.040 and 2005 c 453 s 1 are each amended to read  
15 as follows:

16            (1)(a) A person, whether an adult or juvenile, is guilty of the  
17 crime of unlawful possession of a firearm in the first degree, if the  
18 person owns, has in his or her possession, or has in his or her control

1 any firearm after having previously been convicted or found not guilty  
2 by reason of insanity in this state or elsewhere of any serious offense  
3 as defined in this chapter.

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

6 (2)(a) A person, whether an adult or juvenile, is guilty of the  
7 crime of unlawful possession of a firearm in the second degree, if the  
8 person does not qualify under subsection (1) of this section for the  
9 crime of unlawful possession of a firearm in the first degree and the  
10 person owns, has in his or her possession, or has in his or her control  
11 any firearm:

12 (i) After having previously been convicted or found not guilty by  
13 reason of insanity in this state or elsewhere of any felony not  
14 specifically listed as prohibiting firearm possession under subsection  
15 (1) of this section, or any of the following crimes when committed by  
16 one family or household member against another, committed on or after  
17 July 1, 1993: Assault in the fourth degree, coercion, stalking,  
18 reckless endangerment, criminal trespass in the first degree, or  
19 violation of the provisions of a protection order or no-contact order  
20 restraining the person or excluding the person from a residence (RCW  
21 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

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

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

29 (iv) If the person is free on bond or personal recognizance pending  
30 trial, appeal, or sentencing for a serious offense as defined in RCW  
31 9.41.010.

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

34 (3) Notwithstanding RCW 9.41.047 or any other provisions of law, as  
35 used in this chapter, a person has been "convicted", whether in an  
36 adult court or adjudicated in a juvenile court, at such time as a plea  
37 of guilty has been accepted, or a verdict of guilty has been filed,  
38 notwithstanding the pendency of any future proceedings including but

1 not limited to sentencing or disposition, post-trial or post-  
2 factfinding motions, and appeals. Conviction includes a dismissal  
3 entered after a period of probation, suspension or deferral of  
4 sentence, and also includes equivalent dispositions by courts in  
5 jurisdictions other than Washington state. (~~(A person shall not be~~  
6 ~~precluded from possession of a firearm if the conviction has been the~~  
7 ~~subject of a pardon, annulment, certificate of rehabilitation, or other~~  
8 ~~equivalent procedure based on a finding of the rehabilitation of the~~  
9 ~~person convicted or the conviction or disposition has been the subject~~  
10 ~~of a pardon, annulment, or other equivalent procedure based on a~~  
11 ~~finding of innocence.)) Where no record of the court's disposition of  
12 the charges can be found, there shall be a rebuttable presumption that  
13 the person was not convicted of the charge.~~

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

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

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

1 that prohibit the possession of a firearm counted as part of the  
2 offender score under RCW 9.94A.525; or

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

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

19 ~~((6))~~ (5) Nothing in chapter 129, Laws of 1995 shall ever be  
20 construed or interpreted as preventing an offender from being charged  
21 and subsequently convicted for the separate felony crimes of theft of  
22 a firearm or possession of a stolen firearm, or both, in addition to  
23 being charged and subsequently convicted under this section for  
24 unlawful possession of a firearm in the first or second degree.  
25 Notwithstanding any other law, if the offender is convicted under this  
26 section for unlawful possession of a firearm in the first or second  
27 degree and for the felony crimes of theft of a firearm or possession of  
28 a stolen firearm, or both, then the offender shall serve consecutive  
29 sentences for each of the felony crimes of conviction listed in this  
30 subsection.

31 ~~((7))~~ (6) Each firearm unlawfully possessed under this section  
32 shall be a separate offense.

33 **Sec. 3.** RCW 9.41.047 and 2005 c 453 s 2 are each amended to read  
34 as follows:

35 (1) At the time a person is convicted or found not guilty by reason  
36 of insanity of an offense making the person ineligible to possess a  
37 firearm, or at the time a person is committed by court order under RCW

1 71.05.320, ((71.34.090)) 71.34.750, or chapter 10.77 RCW for mental  
2 health treatment, the convicting or committing court shall notify the  
3 person, orally and in writing, that the person must immediately  
4 surrender any concealed pistol license and that the person may not  
5 possess a firearm unless his or her right to do so is restored by a  
6 court of record pursuant to subsection (6) of this section. For  
7 purposes of this section a convicting court includes a court in which  
8 a person has been found not guilty by reason of insanity.

9 The convicting or committing court also shall forward a copy of the  
10 person's driver's license or identicard, or comparable information, to  
11 the department of licensing, along with the date of conviction or  
12 commitment.

13 (2) Upon receipt of the information provided for by subsection (1)  
14 of this section, the department of licensing shall determine if the  
15 convicted or committed person has a concealed pistol license. If the  
16 person does have a concealed pistol license, the department of  
17 licensing shall immediately notify the license-issuing authority which,  
18 upon receipt of such notification, shall immediately revoke the  
19 license.

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

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

1 (c) A person petitioning the court under this subsection (3) shall  
2 bear the burden of proving by a preponderance of the evidence that the  
3 circumstances resulting in the commitment no longer exist and are not  
4 reasonably likely to recur. If a preponderance of the evidence in the  
5 record supports a finding that the person petitioning the court has  
6 engaged in violence and that it is more likely than not that the person  
7 will engage in violence after his or her right to possess a firearm is  
8 restored, the person shall bear the burden of proving by clear, cogent,  
9 and convincing evidence that he or she does not present a substantial  
10 danger to the safety of others.

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

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

34 (a) Under this section; and/or

35 (b)(i) If the conviction or finding of not guilty by reason of  
36 insanity was for a felony offense, after five or more consecutive years  
37 in the community without being convicted or found not guilty by reason  
38 of insanity or currently charged with any felony, gross misdemeanor, or

1 misdemeanor crimes, if the individual has no prior felony convictions  
2 that prohibit the possession of a firearm counted as part of the  
3 offender score under RCW 9.94A.525 and the individual has completed all  
4 conditions of the sentence; or

5 (ii) If the conviction or finding of not guilty by reason of  
6 insanity was for a nonfelony offense, after three or more consecutive  
7 years in the community without being convicted or found not guilty by  
8 reason of insanity or currently charged with any felony, gross  
9 misdemeanor, or misdemeanor crimes, if the individual has no prior  
10 felony convictions that prohibit the possession of a firearm counted as  
11 part of the offender score under RCW 9.94A.525 and the individual has  
12 completed all conditions of the sentence.

13 (6)(a) In order to have the right to possess a firearm restored  
14 under this section, a person must petition in an original action in the  
15 superior court of the county in which the person resides for entry of  
16 an order restoring the person's right to possess a firearm.

17 (b) The petition shall be granted if the person meets all  
18 requirements of this section for restoration of the right to possess a  
19 firearm and the petition:

20 (i) Was served on the prosecuting attorney's office of the county  
21 in which the person resides. Service may be accomplished by mailing a  
22 copy of the petition no later than ten days before any scheduled  
23 hearing. Failure to serve a copy of the petition upon the prosecuting  
24 attorney will result in a void order;

25 (ii) Included a statement, under oath, setting out the person's  
26 criminal history and arrests, and the date the person was last released  
27 from prison or jail; and

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

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

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

34 (C) A declaration from the clerk of the sentencing court stating  
35 that the court records demonstrate that the person has completed all  
36 conditions of the sentence;

37 (D) A certified copy of the court docket provided such docket  
38 states that the person has completed all conditions of the sentence;

1 (E) A declaration from the appropriate parole or probation office  
2 stating that the office's records demonstrate that the person has  
3 completed all conditions of the sentence; or

4 (F) A declaration from the city, county, or state prosecuting  
5 attorney whose office was responsible for the proceeding against the  
6 person which resulted in a disqualifying conviction.

7 (c) The clerk of the court in which an order granting a petition  
8 restoring a person's right to possess a firearm within the state of  
9 Washington is entered shall immediately transmit the order restoring  
10 the right to possess a firearm to the Washington state patrol  
11 identification section and the department of licensing. The Washington  
12 state patrol and the department of licensing shall immediately update  
13 their records to reflect the entry of the order restoring the person's  
14 right to possess a firearm.

15 (d) Any order restoring the right to possess a firearm shall  
16 contain a warning substantially as follows:

17 CAUTION: Although state and local laws do not differ, federal  
18 law and state law on the possession of firearms differ. If you  
19 are prohibited by federal law from possessing a firearm, you  
20 may be prosecuted in federal court. An order restoring your  
21 right to possess a firearm in Washington is not a defense to a  
22 federal prosecution or to a prosecution under the laws of  
23 another state.

24 (7) A person shall not be precluded from possession of a firearm if  
25 the conviction has been the subject of a pardon, annulment, certificate  
26 of rehabilitation, or other equivalent procedure based on a finding of  
27 the rehabilitation of the person convicted or the conviction or  
28 disposition has been the subject of a pardon, annulment, or other  
29 equivalent procedure based on a finding of innocence.

30 **Sec. 4.** RCW 9.41.070 and 2002 c 302 s 703 are each amended to read  
31 as follows:

32 (1) The chief of police of a municipality or the sheriff of a  
33 county shall within thirty days after the filing of an application of  
34 any person, issue a license to such person to carry a pistol concealed  
35 on his or her person within this state for five years from date of  
36 issue, for the purposes of protection or while engaged in business,  
37 sport, or while traveling. However, if the applicant does not have a



1 valid permanent Washington driver's license or Washington state  
2 identification card or has not been a resident of the state for the  
3 previous consecutive ninety days, the issuing authority shall have up  
4 to sixty days after the filing of the application to issue a license.  
5 The issuing authority shall not refuse to accept completed applications  
6 for concealed pistol licenses during regular business hours.

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

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

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

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

14 (d) He or she is subject to a court order or injunction regarding  
15 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
16 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,  
17 26.50.070, or 26.26.590;

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

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

22 (g) He or she has been ordered to forfeit a firearm under RCW  
23 9.41.098(1)(e) within one year before filing an application to carry a  
24 pistol concealed on his or her person.

25 No person convicted of a felony may have his or her right to  
26 possess firearms restored or his or her privilege to carry a concealed  
27 pistol restored, unless the person has been granted relief from  
28 disabilities by the secretary of the treasury under 18 U.S.C. Sec.  
29 925(c), or RCW (~~(9.41.040 (3) or (4))~~) 9.41.047 applies.

30 (2) The issuing authority shall check with the national crime  
31 information center, the Washington state patrol electronic data base,  
32 the department of social and health services electronic data base, and  
33 with other agencies or resources as appropriate, to determine whether  
34 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess  
35 a firearm and therefore ineligible for a concealed pistol license.  
36 This subsection applies whether the applicant is applying for a new  
37 concealed pistol license or to renew a concealed pistol license.

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

8 (4) The license application shall bear the full name, residential  
9 address, telephone number at the option of the applicant, date and  
10 place of birth, race, gender, description, not more than two complete  
11 sets of fingerprints, and signature of the licensee, and the licensee's  
12 driver's license number or state identification card number if used for  
13 identification in applying for the license. A signed application for  
14 a concealed pistol license shall constitute a waiver of confidentiality  
15 and written request that the department of social and health services,  
16 mental health institutions, and other health care facilities release  
17 information relevant to the applicant's eligibility for a concealed  
18 pistol license to an inquiring court or law enforcement agency.

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

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

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

28 The license shall contain a description of the major differences  
29 between state and federal law and an explanation of the fact that local  
30 laws and ordinances on firearms are preempted by state law and must be  
31 consistent with state law. The application shall contain questions  
32 about the applicant's eligibility under RCW 9.41.040 to possess a  
33 pistol, the applicant's place of birth, and whether the applicant is a  
34 United States citizen. The applicant shall not be required to produce  
35 a birth certificate or other evidence of citizenship. A person who is  
36 not a citizen of the United States shall meet the additional  
37 requirements of RCW 9.41.170 and produce proof of compliance with RCW

1 9.41.170 upon application. The license shall be in triplicate and in  
2 a form to be prescribed by the department of licensing.

3 The original thereof shall be delivered to the licensee, the  
4 duplicate shall within seven days be sent to the director of licensing  
5 and the triplicate shall be preserved for six years, by the authority  
6 issuing the license.

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

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

16 The fee shall be distributed as follows:

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

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

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

22 (d) Three dollars to the firearms range account in the general  
23 fund.

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

27 The renewal fee shall be distributed as follows:

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

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

31 (c) Three dollars to the firearms range account in the general  
32 fund.

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

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

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

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

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

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

25 (11) A political subdivision of the state shall not modify the  
26 requirements of this section or chapter, nor may a political  
27 subdivision ask the applicant to voluntarily submit any information not  
28 required by this section.

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

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

37 (a) To the municipality or to the county in which the applicant  
38 resides if the applicant resides in a municipality;

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

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

4 **Sec. 5.** RCW 46.20.265 and 2005 c 288 s 2 are each amended to read  
5 as follows:

6 (1) In addition to any other authority to revoke driving privileges  
7 under this chapter, the department shall revoke all driving privileges  
8 of a juvenile when the department receives notice from a court pursuant  
9 to RCW 9.41.040(~~(+5)~~) (4), 13.40.265, 66.44.365, 69.41.065, 69.50.420,  
10 69.52.070, or a substantially similar municipal ordinance adopted by a  
11 local legislative authority, or from a diversion unit pursuant to RCW  
12 13.40.265.

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

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

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

21 (c) Each offense for which the department receives notice shall  
22 result in a separate period of revocation. All periods of revocation  
23 imposed under this section that could otherwise overlap shall run  
24 consecutively up to the juvenile's twenty-first birthday, and no period  
25 of revocation imposed under this section shall begin before the  
26 expiration of all other periods of revocation imposed under this  
27 section or other law. Periods of revocation imposed consecutively  
28 under this section shall not extend beyond the juvenile's twenty-first  
29 birthday.

30 (3)(a) If the department receives notice from a court that the  
31 juvenile's privilege to drive should be reinstated, the department  
32 shall immediately reinstate any driving privileges that have been  
33 revoked under this section if the minimum term of revocation as  
34 specified in RCW 13.40.265(1)(c), 66.44.365(3), 69.41.065(3),  
35 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and  
36 subject to subsection (2)(c) of this section.

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

6 (4)(a) If the department receives notice pursuant to RCW  
7 13.40.265(2)(b) from a diversion unit that a juvenile has completed a  
8 diversion agreement for which the juvenile's driving privileges were  
9 revoked, the department shall reinstate any driving privileges revoked  
10 under this section as provided in (b) of this subsection, subject to  
11 subsection (2)(c) of this section.

12 (b) If the diversion agreement was for the juvenile's first  
13 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department  
14 shall not reinstate the juvenile's privilege to drive until the later  
15 of ninety days after the date the juvenile turns sixteen or ninety days  
16 after the juvenile entered into a diversion agreement for the offense.  
17 If the diversion agreement was for the juvenile's second or subsequent  
18 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department  
19 shall not reinstate the juvenile's privilege to drive until the later  
20 of the date the juvenile turns seventeen or one year after the juvenile  
21 entered into the second or subsequent diversion agreement.

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