
SENATE BILL 6686

State of Washington 60th Legislature 2008 Regular Session

By Senators Roach, Rasmussen, Hargrove, Carrell, Benton, and Kline

Read first time 01/21/08. Referred to Committee on Judiciary.

1 AN ACT Relating to concealed pistol license applicants who are
2 active duty members of the United States armed forces; 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 2002 c 302 s 703 are each amended to read
6 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 (2) For the purposes of this section, any person who is an active
2 duty member of the United States armed forces, including the national
3 guard and armed forces reserves stationed in the state, shall be
4 considered a resident of the state even if he or she:

5 (a) Maintains a residence in another state and claims that
6 residence for voting or tax purposes; or

7 (b) Does not have a valid permanent Washington driver's license or
8 Washington state identification card, but does have a valid out-of-
9 state driver's license or an identification card issued by another
10 state.

11 (3) The applicant's constitutional right to bear arms shall not be
12 denied, unless:

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

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

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

18 (d) He or she is subject to a court order or injunction regarding
19 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
20 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,
21 26.50.070, or 26.26.590;

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

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

26 (g) He or she has been ordered to forfeit a firearm under RCW
27 9.41.098(1)(e) within one year before filing an application to carry a
28 pistol concealed on his or her person.

29 No person convicted of a felony may have his or her right to
30 possess firearms restored or his or her privilege to carry a concealed
31 pistol restored, unless the person has been granted relief from
32 disabilities by the secretary of the treasury under 18 U.S.C. Sec.
33 925(c), or RCW 9.41.040 (3) or (4) applies.

34 ~~((+2))~~ (4) The issuing authority shall check with the national
35 crime information center, the Washington state patrol electronic
36 database, the department of social and health services electronic
37 database, and with other agencies or resources as appropriate, to
38 determine whether the applicant is ineligible under RCW 9.41.040 or

1 9.41.045 to possess a firearm and therefore ineligible for a concealed
2 pistol license. This subsection applies whether the applicant is
3 applying for a new concealed pistol license or to renew a concealed
4 pistol license.

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

12 ~~((+4))~~ (6) The license application shall bear the full name,
13 residential address, telephone number at the option of the applicant,
14 date and place of birth, race, gender, description, not more than two
15 complete sets of fingerprints, and signature of the licensee, and the
16 licensee's driver's license number or state identification card number
17 if used for identification in applying for the license. A signed
18 application for a concealed pistol license shall constitute a waiver of
19 confidentiality and written request that the department of social and
20 health services, mental health institutions, and other health care
21 facilities release information relevant to the applicant's eligibility
22 for a concealed pistol license to an inquiring court or law enforcement
23 agency.

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

26 The license and application shall contain a warning substantially
27 as follows:

28 CAUTION: Although state and local laws do not differ, federal
29 law and state law on the possession of firearms differ. If you
30 are prohibited by federal law from possessing a firearm, you
31 may be prosecuted in federal court. A state license is not a
32 defense to a federal prosecution.

33 The license shall contain a description of the major differences
34 between state and federal law and an explanation of the fact that local
35 laws and ordinances on firearms are preempted by state law and must be
36 consistent with state law. The application shall contain questions
37 about the applicant's eligibility under RCW 9.41.040 to possess a
38 pistol, the applicant's place of birth, and whether the applicant is a

1 United States citizen. The applicant shall not be required to produce
2 a birth certificate or other evidence of citizenship. A person who is
3 not a citizen of the United States shall meet the additional
4 requirements of RCW 9.41.170 and produce proof of compliance with RCW
5 9.41.170 upon application. The license shall be in triplicate and in
6 a form to be prescribed by the department of licensing.

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

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

14 ~~((+5))~~ (7) The nonrefundable fee, paid upon application, for the
15 original five-year license shall be thirty-six dollars plus additional
16 charges imposed by the Federal Bureau of Investigation that are passed
17 on to the applicant. No other state or local branch or unit of
18 government may impose any additional charges on the applicant for the
19 issuance of the license.

20 The fee shall be distributed as follows:

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

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

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

26 (d) Three dollars to the firearms range account in the general
27 fund.

28 ~~((+6))~~ (8) The nonrefundable fee for the renewal of such license
29 shall be thirty-two dollars. No other branch or unit of government may
30 impose any additional charges on the applicant for the renewal of the
31 license.

32 The renewal fee shall be distributed as follows:

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

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

36 (c) Three dollars to the firearms range account in the general
37 fund.

1 ~~((7))~~ (9) The nonrefundable fee for replacement of lost or
2 damaged licenses is ten dollars to be paid to the issuing authority.

3 ~~((8))~~ (10) Payment shall be by cash, check, or money order at the
4 option of the applicant. Additional methods of payment may be allowed
5 at the option of the issuing authority.

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

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

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

22 ~~((10))~~ (12) Notwithstanding the requirements of subsections (1)
23 through ~~((9))~~ (11) of this section, the chief of police of the
24 municipality or the sheriff of the county of the applicant's residence
25 may issue a temporary emergency license for good cause pending review
26 under subsection (1) of this section. However, a temporary emergency
27 license issued under this subsection shall not exempt the holder of the
28 license from any records check requirement. Temporary emergency
29 licenses shall be easily distinguishable from regular licenses.

30 ~~((11))~~ (13) A political subdivision of the state shall not modify
31 the requirements of this section or chapter, nor may a political
32 subdivision ask the applicant to voluntarily submit any information not
33 required by this section.

34 ~~((12))~~ (14) A person who knowingly makes a false statement
35 regarding citizenship or identity on an application for a concealed
36 pistol license is guilty of false swearing under RCW 9A.72.040. In
37 addition to any other penalty provided for by law, the concealed pistol

1 license of a person who knowingly makes a false statement shall be
2 revoked, and the person shall be permanently ineligible for a concealed
3 pistol license.

4 ((~~13~~)) 15 A person may apply for a concealed pistol license:

5 (a) To the municipality or to the county in which the applicant
6 resides if the applicant resides in a municipality;

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

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

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