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HOUSE BILL 2845

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Sutherland and McCaslin

1 AN ACT Relating to concealed pistol licenses; amending RCW  
2 9.41.240; reenacting and amending RCW 9.41.070; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds state firearms  
6 regulations deny Second Amendment rights to lawful residents between  
7 the ages of eighteen and twenty. The legislature finds that  
8 vulnerable populations, such as young domestic violence victims and  
9 young women, are not afforded the opportunity to exercise their  
10 Second Amendment rights for self-defense purposes. The legislature  
11 intends to restore the rights of young adults to be able to carry a  
12 firearm for self-defense purposes when they are in fear of danger or  
13 harm from another person.

14 **Sec. 2.** RCW 9.41.070 and 2019 c 249 s 1, 2019 c 135 s 1, and  
15 2019 c 46 s 5004 are each reenacted and amended to read as follows:

16 (1) The chief of police of a municipality or the sheriff of a  
17 county shall within thirty days after the filing of an application of  
18 any person, issue a license to such person to carry a pistol  
19 concealed on his or her person within this state for five years from  
20 date of issue, for the purposes of protection or while engaged in

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

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

11 (a) He or she is ineligible to possess a firearm under the  
12 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from  
13 possessing a firearm under federal law;

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

16 (c) ~~((He))~~ Except as provided in subsection (2) of this section,  
17 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 chapter 7.90, 7.92, or 7.94 RCW, or RCW  
20 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
21 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or  
22 26.26A.470;

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

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

28 (g) He or she has been ordered to forfeit a firearm under RCW  
29 9.41.098(1)(e) within one year before filing an application to carry  
30 a pistol concealed on his or her person.

31 No person convicted of a felony may have his or her right to  
32 possess firearms restored or his or her privilege to carry a  
33 concealed pistol restored, unless the person has been granted relief  
34 from disabilities by the attorney general under 18 U.S.C. Sec.  
35 925(c), or RCW 9.41.040 (3) or (4) applies.

36 (2) A female person who is at least eighteen years of age and  
37 under twenty-one years of age may apply for, and be issued, a  
38 concealed pistol license if the person meets all the requirements of  
39 this section and, in addition, provides to the issuing authority a  
40 written declaration that the person is in fear of danger or harm from

1 another person that justifies a need to carry a pistol. The issuing  
2 authority shall not charge the application fee under subsection (7)  
3 of this section to an applicant who meets the requirements of this  
4 section.

5 (3)(a) The issuing authority shall conduct a check through the  
6 national instant criminal background check system, the Washington  
7 state patrol electronic database, the health care authority  
8 electronic database, and with other agencies or resources as  
9 appropriate, to determine whether the applicant is ineligible under  
10 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from  
11 possessing a firearm under federal law, and therefore ineligible for  
12 a concealed pistol license.

13 (b) The issuing authority shall deny a permit to anyone who is  
14 found to be prohibited from possessing a firearm under federal or  
15 state law.

16 (c) (a) and (b) of this subsection apply whether the applicant is  
17 applying for a new concealed pistol license or to renew a concealed  
18 pistol license.

19 (d) A background check for an original license must be conducted  
20 through the Washington state patrol criminal identification section  
21 and shall include a national check from the federal bureau of  
22 investigation through the submission of fingerprints. The results  
23 will be returned to the issuing authority. The applicant may request  
24 and receive a copy of the results of the background check from the  
25 issuing authority. If the applicant seeks to amend or correct their  
26 record, the applicant must contact the Washington state patrol for a  
27 Washington state record or the federal bureau of investigation for  
28 records from other jurisdictions.

29 ~~((3))~~ (4) Any person whose firearms rights have been restricted  
30 and who has been granted relief from disabilities by the attorney  
31 general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
32 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,  
33 transfer, ship, transport, carry, and possess firearms in accordance  
34 with Washington state law restored except as otherwise prohibited by  
35 this chapter.

36 ~~((4))~~ (5) The license application shall bear the full name,  
37 residential address, telephone number at the option of the applicant,  
38 email address at the option of the applicant, date and place of  
39 birth, race, gender, description, a complete set of fingerprints, and  
40 signature of the licensee, and the licensee's driver's license number

1 or state identification card number if used for identification in  
2 applying for the license. A signed application for a concealed pistol  
3 license shall constitute a waiver of confidentiality and written  
4 request that the health care authority, mental health institutions,  
5 and other health care facilities release information relevant to the  
6 applicant's eligibility for a concealed pistol license to an  
7 inquiring court or law enforcement agency.

8 The application for an original license shall include a complete  
9 set of fingerprints to be forwarded to the Washington state patrol.

10 The license and application shall contain a warning substantially  
11 as follows:

12 CAUTION: Although state and local laws do not differ, federal  
13 law and state law on the possession of firearms differ. If  
14 you are prohibited by federal law from possessing a firearm,  
15 you may be prosecuted in federal court. A state license is  
16 not a defense to a federal prosecution.

17 The license shall contain a description of the major differences  
18 between state and federal law and an explanation of the fact that  
19 local laws and ordinances on firearms are preempted by state law and  
20 must be consistent with state law.

21 The application shall contain questions about the applicant's  
22 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
23 the applicant's place of birth, and whether the applicant is a United  
24 States citizen. If the applicant is not a United States citizen, the  
25 applicant must provide the applicant's country of citizenship, United  
26 States issued alien number or admission number, and the basis on  
27 which the applicant claims to be exempt from federal prohibitions on  
28 firearm possession by aliens. The applicant shall not be required to  
29 produce a birth certificate or other evidence of citizenship. A  
30 person who is not a citizen of the United States shall, if  
31 applicable, meet the additional requirements of RCW 9.41.173 and  
32 produce proof of compliance with RCW 9.41.173 upon application. The  
33 license may be in triplicate or in a form to be prescribed by the  
34 department of licensing.

35 A photograph of the applicant may be required as part of the  
36 application and printed on the face of the license.

37 The original thereof shall be delivered to the licensee, the  
38 duplicate shall within seven days be sent to the director of

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

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

6 ~~((+5))~~ (6) The nonrefundable fee, paid upon application, for the  
7 original five-year license shall be thirty-six dollars plus  
8 additional charges imposed by the federal bureau of investigation  
9 that are passed on to the applicant. No other state or local branch  
10 or unit of government may impose any additional charges on the  
11 applicant for the issuance of the license.

12 The fee shall be distributed as follows:

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

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

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

18 (d) Two dollars and sixteen cents to the firearms range account  
19 in the general fund; and

20 (e) Eighty-four cents to the concealed pistol license renewal  
21 notification account created in RCW 43.79.540.

22 ~~((+6))~~ (7) The nonrefundable fee for the renewal of such license  
23 shall be thirty-two dollars. No other branch or unit of government  
24 may impose any additional charges on the applicant for the renewal of  
25 the license.

26 The renewal fee shall be distributed as follows:

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

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

30 (c) Two dollars and sixteen cents to the firearms range account  
31 in the general fund; and

32 (d) Eighty-four cents to the concealed pistol license renewal  
33 notification account created in RCW 43.79.540.

34 ~~((+7))~~ (8) The nonrefundable fee for replacement of lost or  
35 damaged licenses is ten dollars to be paid to the issuing authority.

36 ~~((+8))~~ (9) Payment shall be by cash, check, or money order at  
37 the option of the applicant. Additional methods of payment may be  
38 allowed at the option of the issuing authority.

39 ~~((+9))~~ (10) (a) A licensee may renew a license if the licensee  
40 applies for renewal within ninety days before or after the expiration

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

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

13 (ii) Seven dollars shall be paid to the issuing authority for the  
14 purpose of enforcing this chapter.

15 (b) Beginning with concealed pistol licenses that expire on or  
16 after August 1, 2018, the department of licensing shall mail a  
17 renewal notice approximately ninety days before the license  
18 expiration date to the licensee at the address listed on the  
19 concealed pistol license application, or to the licensee's new  
20 address if the licensee has notified the department of licensing of a  
21 change of address. Alternatively, if the licensee provides an email  
22 address at the time of license application, the department of  
23 licensing may send the renewal notice to the licensee's email  
24 address. The notice must contain the date the concealed pistol  
25 license will expire, the amount of renewal fee, the penalty for late  
26 renewal, and instructions on how to renew the license.

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

36 (~~(11)~~) (12) A political subdivision of the state shall not  
37 modify the requirements of this section or chapter, nor may a  
38 political subdivision ask the applicant to voluntarily submit any  
39 information not required by this section.

1       (~~(12)~~) (13) A person who knowingly makes a false statement  
2 regarding citizenship or identity on an application for a concealed  
3 pistol license is guilty of false swearing under RCW 9A.72.040. In  
4 addition to any other penalty provided for by law, the concealed  
5 pistol license of a person who knowingly makes a false statement  
6 shall be revoked, and the person shall be permanently ineligible for  
7 a concealed pistol license.

8       (~~(13)~~) (14) A person may apply for a concealed pistol license:

9       (a) To the municipality or to the county in which the applicant  
10 resides if the applicant resides in a municipality;

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

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

14       (~~(14)~~) (15) Any person who, as a member of the armed forces,  
15 including the national guard and armed forces reserves, is unable to  
16 renew his or her license under subsections (~~(6)~~) (7) and (~~(9)~~)  
17 (10) of this section because of the person's assignment,  
18 reassignment, or deployment for out-of-state military service may  
19 renew his or her license within ninety days after the person returns  
20 to this state from out-of-state military service, if the person  
21 provides the following to the issuing authority no later than ninety  
22 days after the person's date of discharge or assignment,  
23 reassignment, or deployment back to this state: (a) A copy of the  
24 person's original order designating the specific period of  
25 assignment, reassignment, or deployment for out-of-state military  
26 service, and (b) if appropriate, a copy of the person's discharge or  
27 amended or subsequent assignment, reassignment, or deployment order  
28 back to this state. A license so renewed under this subsection  
29 (~~(14)~~) (15) shall take effect on the expiration date of the prior  
30 license. A licensee renewing after the expiration date of the license  
31 under this subsection (~~(14)~~) (15) shall pay only the renewal fee  
32 specified in subsection (~~(6)~~) (7) of this section and shall not be  
33 required to pay a late renewal penalty in addition to the renewal  
34 fee.

35       (~~(15)~~) (16) (a) By October 1, 2019, law enforcement agencies  
36 that issue concealed pistol licenses shall develop and implement a  
37 procedure for the renewal of concealed pistol licenses through a mail  
38 application process, and may develop an online renewal application  
39 process, for any person who, as a member of the armed forces,  
40 including the national guard and armed forces reserves, is unable to

1 renew his or her license under subsections (~~((6))~~) (7) and (~~((9))~~)  
2 (10) of this section because of the person's assignment,  
3 reassignment, or deployment for out-of-state military service.

4 (b) A person applying for a license renewal under this subsection  
5 shall:

6 (i) Provide a copy of the person's original order designating the  
7 specific period of assignment, reassignment, or deployment for out-  
8 of-state military service;

9 (ii) Apply for renewal within ninety days before or after the  
10 expiration date of the license; and

11 (iii) Pay the renewal licensing fee under subsection (~~((6))~~) (7)  
12 of this section, and, if applicable, the late renewal penalty under  
13 subsection (~~((9))~~) (10) of this section.

14 (c) A license renewed under this subsection takes effect on the  
15 expiration date of the prior license and is valid for a period of one  
16 year.

17 **Sec. 3.** RCW 9.41.240 and 2019 c 3 s 13 (Initiative Measure No.  
18 1639) are each amended to read as follows:

19 (1) A person under twenty-one years of age may not purchase a  
20 pistol or semiautomatic assault rifle, and except as otherwise  
21 provided in this chapter, no person may sell or transfer a  
22 semiautomatic assault rifle to a person under twenty-one years of  
23 age.

24 (2) Unless an exception under RCW 9.41.042, 9.41.050, (~~((6))~~)  
25 9.41.060, or subsection (4) of this section applies, a person at  
26 least eighteen years of age, but less than twenty-one years of age,  
27 may possess a pistol only:

28 (a) In the person's place of abode;

29 (b) At the person's fixed place of business; or

30 (c) On real property under his or her control.

31 (3) Except in the places and situations identified in RCW  
32 9.41.042 (1) through (9) and 9.41.060 (1) through (10), a person at  
33 least eighteen years of age, but less than twenty-one years of age,  
34 may possess a semiautomatic assault rifle only:

35 (a) In the person's place of abode;

36 (b) At the person's fixed place of business;

37 (c) On real property under his or her control; or

38 (d) For the specific purpose of (i) moving to a new place of  
39 abode; (ii) traveling between the person's place of abode and real

1 property under his or her control; or (iii) selling or transferring  
2 the firearm in accordance with the requirements of this chapter;  
3 provided that in all of these situations the semiautomatic assault  
4 rifle is unloaded and either in secure gun storage or secured with a  
5 trigger lock or similar device that is designed to prevent the  
6 unauthorized use or discharge of the firearm.

7 (4) The provisions of this section governing possession of  
8 pistols do not apply to a female person at least eighteen years of  
9 age, but less than twenty-one years of age, who has a valid concealed  
10 pistol license issued under the requirements of RCW 9.41.070(2).

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