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HOUSE BILL 1318

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State of Washington                      63rd Legislature                      2013 Regular Session

By Representatives Taylor, Blake, Shea, and Overstreet

Read first time 01/23/13. Referred to Committee on Judiciary.

1            AN ACT Relating to concealed pistol license renewal notices; and  
2 amending RCW 9.41.070.

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

4            **Sec. 1.** RCW 9.41.070 and 2011 c 294 s 1 are each amended to read  
5 as follows:

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

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

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

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

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

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

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

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

15 (g) He or she has been ordered to forfeit a firearm under RCW  
16 9.41.098(1)(e) within one year before filing an application to carry a  
17 pistol concealed on his or her person.

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

23 (2)(a) The issuing authority shall conduct a check through the  
24 national instant criminal background check system, the Washington state  
25 patrol electronic database, the department of social and health  
26 services electronic database, and with other agencies or resources as  
27 appropriate, to determine whether the applicant is ineligible under RCW  
28 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from  
29 possessing a firearm under federal law, and therefore ineligible for a  
30 concealed pistol license.

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

34 (c) This subsection applies whether the applicant is applying for  
35 a new concealed pistol license or to renew a concealed pistol license.

36 (3) Any person whose firearms rights have been restricted and who  
37 has been granted relief from disabilities by the attorney general under  
38 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.

1 921(a)(20)(A) shall have his or her right to acquire, receive,  
2 transfer, ship, transport, carry, and possess firearms in accordance  
3 with Washington state law restored except as otherwise prohibited by  
4 this chapter.

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

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

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

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

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

29 The application shall contain questions about the applicant's  
30 eligibility under RCW 9.41.040 and federal law to possess a pistol, the  
31 applicant's place of birth, and whether the applicant is a United  
32 States citizen. If the applicant is not a United States citizen, the  
33 applicant must provide the applicant's country of citizenship, United  
34 States issued alien number or admission number, and the basis on which  
35 the applicant claims to be exempt from federal prohibitions on firearm  
36 possession by aliens. The applicant shall not be required to produce  
37 a birth certificate or other evidence of citizenship. A person who is  
38 not a citizen of the United States shall, if applicable, meet the

1 additional requirements of RCW 9.41.173 and produce proof of compliance  
2 with RCW 9.41.173 upon application. The license may be in triplicate  
3 or in a form to be prescribed by the department of licensing.

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

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

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

17 The fee shall be distributed as follows:

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

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

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

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

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

28 The renewal fee shall be distributed as follows:

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

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

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

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

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

1           (9)(a) 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)~~) (i) Three dollars shall be deposited in the state wildlife  
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)~~) (ii) Seven dollars shall be paid to the issuing authority  
16 for the purpose of enforcing this chapter.

17           **(b) Approximately ninety days before the license expiration date,**  
18 **the department of licensing shall mail a renewal notice to the licensee**  
19 **at the address listed on the concealed pistol license application, or**  
20 **to the licensee's new address if the licensee has notified the**  
21 **department of licensing of a change of address. The notice must**  
22 **contain the date the concealed pistol license will expire, the amount**  
23 **of renewal fee, the penalty for late renewal, and instructions on how**  
24 **to renew the license.**

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

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

37           (12) A person who knowingly makes a false statement regarding  
38 citizenship or identity on an application for a concealed pistol

1 license is guilty of false swearing under RCW 9A.72.040. In addition  
2 to any other penalty provided for by law, the concealed pistol license  
3 of a person who knowingly makes a false statement shall be revoked, and  
4 the person shall be permanently ineligible for a concealed pistol  
5 license.

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

7 (a) To the municipality or to the county in which the applicant  
8 resides if the applicant resides in a municipality;

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

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

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

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