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SENATE BILL 6267

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators Schoesler, Bailey, Warnick, Hobbs, Takko, Padden, Carlyle, Ericksen, Hargrove, Brown, Conway, Honeyford, Keiser, Dansel, Parlette, and Hewitt

Read first time 01/13/16. Referred to Committee on Law & Justice.

1            AN ACT Relating to notice to the licensee before a concealed  
2 pistol license expires; and 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  
9 concealed on his or her person within this state for five years from  
10 date of issue, for the purposes of protection or while engaged in  
11 business, sport, or while traveling. However, if the applicant does  
12 not have a valid permanent Washington driver's license or Washington  
13 state identification card or has not been a resident of the state for  
14 the previous consecutive ninety days, the issuing authority shall  
15 have up to sixty days after the filing of the application to issue a  
16 license. The issuing authority shall not refuse to accept completed  
17 applications for concealed pistol licenses during regular business  
18 hours.

19            The applicant's constitutional right to bear arms shall not be  
20 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  
14 from any court of competent jurisdiction for a felony or misdemeanor;  
15 or

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

19 No person convicted of a felony may have his or her right to  
20 possess firearms restored or his or her privilege to carry a  
21 concealed pistol restored, unless the person has been granted relief  
22 from disabilities by the attorney general under 18 U.S.C. Sec.  
23 925(c), or RCW 9.41.040 (3) or (4) applies.

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

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

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

38 (3) Any person whose firearms rights have been restricted and who  
39 has been granted relief from disabilities by the attorney general  
40 under 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, email  
7 address at the option of the applicant, date and place of birth,  
8 race, gender, description, a complete set of fingerprints, and  
9 signature of the licensee, and the licensee's driver's license number  
10 or state identification card number if used for identification in  
11 applying for the license. A signed application for a concealed pistol  
12 license shall constitute a waiver of confidentiality and written  
13 request that the department of social and health services, mental  
14 health institutions, and other health care facilities release  
15 information relevant to the applicant's eligibility for a concealed  
16 pistol license to an inquiring court or law enforcement agency.

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

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

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

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

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

1 person who is not a citizen of the United States shall, if  
2 applicable, meet the additional requirements of RCW 9.41.173 and  
3 produce proof of compliance with RCW 9.41.173 upon application. The  
4 license may be in triplicate or in a form to be prescribed by the  
5 department of licensing.

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

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

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

19 The fee shall be distributed as follows:

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

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

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

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

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

31 The renewal fee shall be distributed as follows:

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

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

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

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

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

4 (9) If the licensee provides an email address and requests notice  
5 at the time of application, the licensing authority must send notice  
6 of the license expiration to the licensee's email address thirty days  
7 prior to the expiration of the license. A licensee may renew a  
8 license if the licensee applies for renewal within ninety days before  
9 or after the expiration date of the license. A license so renewed  
10 shall take effect on the expiration date of the prior license. A  
11 licensee renewing after the expiration date of the license must pay a  
12 late renewal penalty of ten dollars in addition to the renewal fee  
13 specified in subsection (6) of this section. The fee shall be  
14 distributed as follows:

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

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

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

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

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

1 revoked, and the person shall be permanently ineligible for a  
2 concealed pistol license.

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

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

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

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

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

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