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**SENATE BILL 5508**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Fortunato, Darneille, Saldaña, Pedersen, King, Sheldon, Hobbs, Dhingra, Holy, and Wilson, L.; by request of Washington State Patrol

Read first time 01/23/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to background checks for concealed pistol  
2 licenses; reenacting and amending RCW 9.41.070; and declaring an  
3 emergency.

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

5 **Sec. 1.** RCW 9.41.070 and 2018 c 226 s 2 and 2018 c 201 s 6002  
6 are each reenacted and amended to read 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  
10 concealed on his or her person within this state for five years from  
11 date of issue, for the purposes of protection or while engaged in  
12 business, sport, or while traveling. However, if the applicant does  
13 not have a valid permanent Washington driver's license or Washington  
14 state identification card or has not been a resident of the state for  
15 the previous consecutive ninety days, the issuing authority shall  
16 have up to sixty days after the filing of the application to issue a  
17 license. The issuing authority shall not refuse to accept completed  
18 applications for concealed pistol licenses during regular business  
19 hours.

20 The applicant's constitutional right to bear arms shall not be  
21 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 chapter((s)) 7.90, 7.92, or 7.94 RCW, or RCW  
9 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
10 26.10.040, 26.10.115, ((26.26.130)) 26.26B.020, 26.50.060, 26.50.070,  
11 or 26.26.590;

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

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

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

20 No person convicted of a felony may have his or her right to  
21 possess firearms restored or his or her privilege to carry a  
22 concealed pistol restored, unless the person has been granted relief  
23 from disabilities by the attorney general under 18 U.S.C. Sec.  
24 925(c), or RCW 9.41.040 (3) or (4) applies.

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

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

36 (c) (a) and (b) of this subsection ((applies)) apply whether the  
37 applicant is applying for a new concealed pistol license or to renew  
38 a concealed pistol license.

39 (d) A background check for an original license must be conducted  
40 through the Washington state patrol criminal identification section

1 and shall include a national check from the federal bureau of  
2 investigation through the submission of fingerprints. The results  
3 will be returned to the issuing authority. The applicant may request  
4 and receive a copy of the results of the background check from the  
5 issuing authority. If the applicant seeks to amend or correct their  
6 record, the applicant must contact the Washington state patrol for a  
7 Washington state record or the federal bureau of investigation for  
8 records from other jurisdictions.

9 (3) Any person whose firearms rights have been restricted and who  
10 has been granted relief from disabilities by the attorney general  
11 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.  
12 921(a)(20)(A) shall have his or her right to acquire, receive,  
13 transfer, ship, transport, carry, and possess firearms in accordance  
14 with Washington state law restored except as otherwise prohibited by  
15 this chapter.

16 (4) The license application shall bear the full name, residential  
17 address, telephone number at the option of the applicant, email  
18 address at the option of the applicant, date and place of birth,  
19 race, gender, description, a complete set of fingerprints, and  
20 signature of the licensee, and the licensee's driver's license number  
21 or state identification card number if used for identification in  
22 applying for the license. A signed application for a concealed pistol  
23 license shall constitute a waiver of confidentiality and written  
24 request that the health care authority, mental health institutions,  
25 and other health care facilities release information relevant to the  
26 applicant's eligibility for a concealed pistol license to an  
27 inquiring court or law enforcement agency.

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

30 The license and application shall contain a warning substantially  
31 as follows:

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

37 The license shall contain a description of the major differences  
38 between state and federal law and an explanation of the fact that

1 local laws and ordinances on firearms are preempted by state law and  
2 must be consistent with state law.

3 The application shall contain questions about the applicant's  
4 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
5 the applicant's place of birth, and whether the applicant is a United  
6 States citizen. If the applicant is not a United States citizen, the  
7 applicant must provide the applicant's country of citizenship, United  
8 States issued alien number or admission number, and the basis on  
9 which the applicant claims to be exempt from federal prohibitions on  
10 firearm possession by aliens. The applicant shall not be required to  
11 produce a birth certificate or other evidence of citizenship. A  
12 person who is not a citizen of the United States shall, if  
13 applicable, meet the additional requirements of RCW 9.41.173 and  
14 produce proof of compliance with RCW 9.41.173 upon application. The  
15 license may be in triplicate or in a form to be prescribed by the  
16 department of licensing.

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

19 The original thereof shall be delivered to the licensee, the  
20 duplicate shall within seven days be sent to the director of  
21 licensing and the triplicate shall be preserved for six years, by the  
22 authority issuing the license.

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

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

32 The fee shall be distributed as follows:

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

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

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

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

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

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

7 The renewal fee shall be distributed as follows:

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

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

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

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

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

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

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

27 (i) Three dollars shall be deposited in the state wildlife  
28 account and used exclusively first for the printing and distribution  
29 of a pamphlet on the legal limits of the use of firearms, firearms  
30 safety, and the preemptive nature of state law, and subsequently the  
31 support of volunteer instructors in the basic firearms safety  
32 training program conducted by the department of fish and wildlife.  
33 The pamphlet shall be given to each applicant for a license; and

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

36 (b) Beginning with concealed pistol licenses that expire on or  
37 after August 1, 2018, the department of licensing shall mail a  
38 renewal notice approximately ninety days before the license  
39 expiration date to the licensee at the address listed on the  
40 concealed pistol license application, or to the licensee's new

1 address if the licensee has notified the department of licensing of a  
2 change of address. Alternatively, if the licensee provides an email  
3 address at the time of license application, the department of  
4 licensing may send the renewal notice to the licensee's email  
5 address. The notice must contain the date the concealed pistol  
6 license will expire, the amount of renewal fee, the penalty for late  
7 renewal, and instructions on how to renew the license.

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

16 (11) A political subdivision of the state shall not modify the  
17 requirements of this section or chapter, nor may a political  
18 subdivision ask the applicant to voluntarily submit any information  
19 not required by this section.

20 (12) A person who knowingly makes a false statement regarding  
21 citizenship or identity on an application for a concealed pistol  
22 license is guilty of false swearing under RCW 9A.72.040. In addition  
23 to any other penalty provided for by law, the concealed pistol  
24 license of a person who knowingly makes a false statement shall be  
25 revoked, and the person shall be permanently ineligible for a  
26 concealed pistol license.

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

28 (a) To the municipality or to the county in which the applicant  
29 resides if the applicant resides in a municipality;

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

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

33 (14) Any person who, as a member of the armed forces, including  
34 the national guard and armed forces reserves, is unable to renew his  
35 or her license under subsections (6) and (9) of this section because  
36 of the person's assignment, reassignment, or deployment for out-of-  
37 state military service may renew his or her license within ninety  
38 days after the person returns to this state from out-of-state  
39 military service, if the person provides the following to the issuing  
40 authority no later than ninety days after the person's date of

1 discharge or assignment, reassignment, or deployment back to this  
2 state: (a) A copy of the person's original order designating the  
3 specific period of assignment, reassignment, or deployment for out-  
4 of-state military service, and (b) if appropriate, a copy of the  
5 person's discharge or amended or subsequent assignment, reassignment,  
6 or deployment order back to this state. A license so renewed under  
7 this subsection (14) shall take effect on the expiration date of the  
8 prior license. A licensee renewing after the expiration date of the  
9 license under this subsection (14) shall pay only the renewal fee  
10 specified in subsection (6) of this section and shall not be required  
11 to pay a late renewal penalty in addition to the renewal fee.

12 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of  
14 the state government and its existing public institutions, and takes  
15 effect immediately.

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