
ENGROSSED HOUSE BILL 2519

State of Washington

65th Legislature

2018 Regular Session

By Representatives Lovick, Hayes, Goodman, Klippert, Appleton, Sells,
and Robinson

Read first time 01/10/18. Referred to Committee on Judiciary.

1 AN ACT Relating to concealed pistol license eligibility
2 requirements; amending RCW 9.41.345 and 9.41.240; and reenacting and
3 amending RCW 9.41.070.

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

5 **Sec. 1.** RCW 9.41.345 and 2015 c 130 s 2 are each amended to read
6 as follows:

7 (1) Before a law enforcement agency returns a privately owned
8 firearm, the law enforcement agency must:

9 (a) Confirm that the individual to whom the firearm will be
10 returned is the individual from whom the firearm was obtained or an
11 authorized representative of that person;

12 (b) Confirm that the individual to whom the firearm will be
13 returned is eligible to possess a firearm pursuant to RCW 9.41.040;

14 (c) Ensure that the firearm is not otherwise required to be held
15 in custody or otherwise prohibited from being released; and

16 (d) Ensure that twenty-four hours have elapsed from the time the
17 firearm was obtained by law enforcement.

18 (2)(a) Once the requirements in subsections (1) and (3) of this
19 section have been met, a law enforcement agency must release a
20 firearm to the individual from whom it was obtained or an authorized
21 representative of that person upon request without unnecessary delay.

1 (b)(i) If a firearm cannot be returned because it is required to
2 be held in custody or is otherwise prohibited from being released, a
3 law enforcement agency must provide written notice to the individual
4 from whom it was obtained within five business days of the individual
5 requesting return of his or her firearm and specify the reason the
6 firearm must be held in custody.

7 (ii) Notification may be made via email, text message, mail
8 service, or personal service. For methods other than personal
9 service, service shall be considered complete once the notification
10 is sent.

11 (3) If a family or household member has requested to be notified
12 pursuant to RCW 9.41.340, a law enforcement agency must:

13 (a) Provide notice to the family or household member within one
14 business day of verifying that the requirements in subsection (1) of
15 this section have been met; and

16 (b) Hold the firearm in custody for seventy-two hours from the
17 time notification has been provided.

18 (4)(a) A law enforcement agency may not return a concealed pistol
19 license that has been surrendered to or impounded by the law
20 enforcement agency for any reason to the licensee until the law
21 enforcement agency determines the licensee is eligible to possess a
22 firearm under state and federal law and meets the other eligibility
23 requirements for a concealed pistol license under RCW 9.41.070.

24 (b) A law enforcement agency must release a concealed pistol
25 license to the licensee without unnecessary delay, and in no case
26 longer than five days, after the law enforcement agency determines
27 the requirements of (a) of this subsection have been met.

28 (5) The provisions of chapter 130, Laws of 2015 and subsection
29 (4) of this section shall not apply to circumstances where a law
30 enforcement officer has momentarily obtained a firearm or concealed
31 pistol license from an individual and would otherwise immediately
32 return the firearm or concealed pistol license to the individual
33 during the same interaction.

34 **Sec. 2.** RCW 9.41.070 and 2017 c 282 s 1 and 2017 C 174 s 1 are
35 each reenacted and amended to read as follows:

36 (1) The chief of police of a municipality or the sheriff of a
37 county shall within thirty days after the filing of an application of
38 any person, issue a license to such person to carry a pistol
39 concealed on his or her person within this state for five years from

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

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

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

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, except that a
18 person who is under twenty-one years of age and at least eighteen
19 years of age, and who is an active duty member of the armed forces of
20 the United States, a member of the national guard or the reserves of
21 the armed forces of the United States, or an honorably discharged
22 veteran, is not ineligible for a concealed pistol license under this
23 subsection (1)(c);

24 (d) He or she is subject to a court order or injunction regarding
25 firearms pursuant to chapters 7.90, 7.92, or 7.94 RCW, or RCW
26 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
27 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

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

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

33 (g) He or she has been ordered to forfeit a firearm under RCW
34 9.41.098(1)(e) within one year before filing an application to carry
35 a pistol concealed on his or her person.

36 No person convicted of a felony may have his or her right to
37 possess firearms restored or his or her privilege to carry a
38 concealed pistol restored, unless the person has been granted relief
39 from disabilities by the attorney general under 18 U.S.C. Sec.
40 925(c), or RCW 9.41.040 (3) or (4) applies.

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

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

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

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

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

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

36 The license and application shall contain a warning substantially
37 as follows:

38 CAUTION: Although state and local laws do not differ, federal
39 law and state law on the possession of firearms differ. If

1 you are prohibited by federal law from possessing a firearm,
2 you may be prosecuted in federal court. A state license is
3 not a defense to a federal prosecution.

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

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

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

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

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

35 The fee shall be distributed as follows:

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

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

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

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

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

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

11 The renewal fee shall be distributed as follows:

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

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

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

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

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

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

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

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

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

1 (b) Beginning with concealed pistol licenses that expire on or
2 after August 1, 2018, the department of licensing shall mail a
3 renewal notice approximately ninety days before the license
4 expiration date to the licensee at the address listed on the
5 concealed pistol license application, or to the licensee's new
6 address if the licensee has notified the department of licensing of a
7 change of address. Alternatively, if the licensee provides an email
8 address at the time of license application, the department of
9 licensing may send the renewal notice to the licensee's email
10 address. The notice must contain the date the concealed pistol
11 license will expire, the amount of renewal fee, the penalty for late
12 renewal, and instructions on how to renew the license.

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

21 (11) A political subdivision of the state shall not modify the
22 requirements of this section or chapter, nor may a political
23 subdivision ask the applicant to voluntarily submit any information
24 not required by this section.

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

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

33 (a) To the municipality or to the county in which the applicant
34 resides if the applicant resides in a municipality;

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

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

38 (14) Any person who, as a member of the armed forces, including
39 the national guard and armed forces reserves, is unable to renew his
40 or her license under subsections (6) and (9) of this section because

1 of the person's assignment, reassignment, or deployment for out-of-
2 state military service may renew his or her license within ninety
3 days after the person returns to this state from out-of-state
4 military service, if the person provides the following to the issuing
5 authority no later than ninety days after the person's date of
6 discharge or assignment, reassignment, or deployment back to this
7 state: (a) A copy of the person's original order designating the
8 specific period of assignment, reassignment, or deployment for out-
9 of-state military service, and (b) if appropriate, a copy of the
10 person's discharge or amended or subsequent assignment, reassignment,
11 or deployment order back to this state. A license so renewed under
12 this subsection (14) shall take effect on the expiration date of the
13 prior license. A licensee renewing after the expiration date of the
14 license under this subsection (14) shall pay only the renewal fee
15 specified in subsection (6) of this section and shall not be required
16 to pay a late renewal penalty in addition to the renewal fee.

17 **Sec. 3.** RCW 9.41.240 and 1994 sp.s. c 7 s 423 are each amended
18 to read as follows:

19 (1) Except as provided in subsection (2) of this section, and
20 unless an exception under RCW 9.41.042, 9.41.050, or 9.41.060
21 applies, a person at least eighteen years of age, but less than
22 twenty-one years of age, may possess a pistol only:

23 ~~((1))~~ (a) In the person's place of abode;

24 ~~((2))~~ (b) At the person's fixed place of business; or

25 ~~((3))~~ (c) On real property under his or her control.

26 (2) This section does not apply to a person at least eighteen
27 years of age, but less than twenty-one years of age, who is an active
28 duty member of the armed forces of the United States, a member of the
29 national guard or the reserves of the armed forces of the United
30 States, or an honorably discharged veteran.

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