

Initiative Measure No. 992

Filed
JAN 18 2008
SECRETARY OF STATE

1 AN ACT Relating to firearms; amending RCW 9.41.070 and 9.41.110;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 9.41.070 and 2002 c 302 s 703 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;

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

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

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

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

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

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

17 (h) He or she has not attended a firearm safety class.

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 secretary of the treasury under 18 U.S.C. Sec.
22 925(c), or RCW 9.41.040 (3) or (4) applies.

23 (2) The issuing authority shall check with the national crime
24 information center, the Washington state patrol electronic data base,
25 the department of social and health services electronic data base, and
26 with other agencies or resources as appropriate, to determine whether
27 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
28 a firearm and therefore ineligible for a concealed pistol license.
29 This subsection applies whether the applicant is applying for a new
30 concealed pistol license or to renew a concealed pistol license.

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

1 (4) The license application shall bear the full name, residential
2 address, telephone number at the option of the applicant, date and
3 place of birth, race, gender, description, not more than two complete
4 sets of fingerprints, and signature of the licensee, and the licensee's
5 driver's license number or state identification card number if used for
6 identification in applying for the license. A signed application for
7 a concealed pistol license shall constitute a waiver of confidentiality
8 and written request that the department of social and health services,
9 mental health institutions, and other health care facilities release
10 information relevant to the applicant's eligibility for a concealed
11 pistol license to an inquiring court or law enforcement agency.

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

14 The license and application shall contain a warning substantially
15 as follows:

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

21 The license shall contain a description of the major differences
22 between state and federal law and an explanation of the fact that local
23 laws and ordinances on firearms are preempted by state law and must be
24 consistent with state law. The application shall contain questions
25 about the applicant's eligibility under RCW 9.41.040 to possess a
26 pistol, the applicant's place of birth, and whether the applicant is a
27 United States citizen. The applicant shall not be required to produce
28 a birth certificate or other evidence of citizenship. A person who is
29 not a citizen of the United States shall meet the additional
30 requirements of RCW 9.41.170 and produce proof of compliance with RCW
31 9.41.170 upon application. The license shall be in triplicate and in
32 a form to be prescribed by the department of licensing.

33 The original thereof shall be delivered to the licensee, the
34 duplicate shall within seven days be sent to the director of licensing
35 and the triplicate shall be preserved for six years, by the authority
36 issuing the license.

37 The department of licensing shall make available to law enforcement

1 and corrections agencies, in an on-line format, all information
2 received under this subsection.

3 (5) The nonrefundable fee, paid upon application, for the original
4 five-year license shall be thirty-six dollars plus additional charges
5 imposed by the Federal Bureau of Investigation that are passed on to
6 the applicant. No other state or local branch or unit of government
7 may impose any additional charges on the applicant for the issuance of
8 the license.

9 The fee shall be distributed as follows:

- 10 (a) Fifteen dollars shall be paid to the state general fund;
- 11 (b) Four dollars shall be paid to the agency taking the
12 fingerprints of the person licensed;
- 13 (c) Fourteen dollars shall be paid to the issuing authority for the
14 purpose of enforcing this chapter; and
- 15 (d) Three dollars to the firearms range account in the general
16 fund.

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

20 The renewal fee shall be distributed as follows:

- 21 (a) Fifteen dollars shall be paid to the state general fund;
- 22 (b) Fourteen dollars shall be paid to the issuing authority for the
23 purpose of enforcing this chapter; and
- 24 (c) Three dollars to the firearms range account in the general
25 fund.

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

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

31 (9) A licensee may renew a license if the licensee applies for
32 renewal within ninety days before or after the expiration date of the
33 license. A license so renewed shall take effect on the expiration date
34 of the prior license. A licensee renewing after the expiration date of
35 the license must pay a late renewal penalty of ten dollars in addition
36 to the renewal fee specified in subsection (6) of this section. The
37 fee shall be distributed as follows:

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

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

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

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

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

29 (13) A person who knowingly makes a false statement regarding
30 attending a firearm safety class on an application for a concealed
31 pistol license is subject to a fine of five hundred dollars.

32 (14) 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.

1 Sec. 2. RCW 9.41.110 and 1994 sp.s. c 7 s 416 are each amended to
2 read as follows:

3 (1) No dealer may sell or otherwise transfer, or expose for sale or
4 transfer, or have in his or her possession with intent to sell, or
5 otherwise transfer, any pistol without being licensed as provided in
6 this section.

7 (2) No dealer may sell or otherwise transfer, or expose for sale or
8 transfer, or have in his or her possession with intent to sell, or
9 otherwise transfer, any firearm other than a pistol without being
10 licensed as provided in this section.

11 (3) No dealer may sell or otherwise transfer, or expose for sale or
12 transfer, or have in his or her possession with intent to sell, or
13 otherwise transfer, any ammunition without being licensed as provided
14 in this section.

15 (4) The duly constituted licensing authorities of any city, town,
16 or political subdivision of this state shall grant licenses in forms
17 prescribed by the director of licensing effective for not more than one
18 year from the date of issue permitting the licensee to sell firearms
19 within this state subject to the following conditions, for breach of
20 any of which the license shall be forfeited and the licensee subject to
21 punishment as provided in RCW 9.41.010 through 9.41.810. A licensing
22 authority shall forward a copy of each license granted to the
23 department of licensing. The department of licensing shall notify the
24 department of revenue of the name and address of each dealer licensed
25 under this section.

26 (5) (a) A licensing authority shall, within thirty days after the
27 filing of an application of any person for a dealer's license,
28 determine whether to grant the license. However, if the applicant does
29 not have a valid permanent Washington driver's license or Washington
30 state identification card, or has not been a resident of the state for
31 the previous consecutive ninety days, the licensing authority shall
32 have up to sixty days to determine whether to issue a license. No
33 person shall qualify for a license under this section without first
34 receiving a federal firearms license and undergoing fingerprinting and
35 a background check. In addition, no person ineligible to possess a
36 firearm under RCW 9.41.040 or ineligible for a concealed pistol license
37 under RCW 9.41.070 shall qualify for a dealer's license.

1 (b) A dealer shall require every employee who may sell a firearm in
2 the course of his or her employment to undergo fingerprinting and a
3 background check. An employee must be eligible to possess a firearm,
4 and must not have been convicted of a crime that would make the person
5 ineligible for a concealed pistol license, before being permitted to
6 sell a firearm. Every employee shall comply with requirements
7 concerning purchase applications and restrictions on delivery of
8 pistols that are applicable to dealers.

9 (6) (a) Except as otherwise provided in (b) of this subsection, the
10 business shall be carried on only in the building designated in the
11 license. For the purpose of this section, advertising firearms for
12 sale shall not be considered the carrying on of business.

13 (b) A dealer may conduct business temporarily at a location other
14 than the building designated in the license, if the temporary location
15 is within Washington state and is the location of a gun show sponsored
16 by a national, state, or local organization, or an affiliate of any
17 such organization, devoted to the collection, competitive use, or other
18 sporting use of firearms in the community. Nothing in this subsection
19 (6) (b) authorizes a dealer to conduct business in or from a motorized
20 or towed vehicle.

21 In conducting business temporarily at a location other than the
22 building designated in the license, the dealer shall comply with all
23 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
24 9.41.110. The license of a dealer who fails to comply with the
25 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
26 section while conducting business at a temporary location shall be
27 revoked, and the dealer shall be permanently ineligible for a dealer's
28 license.

29 (7) The license or a copy thereof, certified by the issuing
30 authority, shall be displayed on the premises in the area where
31 firearms are sold, or at the temporary location, where it can easily be
32 read.

33 (8) (a) No pistol may be sold: (i) In violation of any provisions
34 of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol be sold under
35 any circumstances unless the purchaser is personally known to the
36 dealer or shall present clear evidence of his or her identity.

37 (b) A dealer who sells or delivers any firearm in violation of RCW
38 9.41.080 is guilty of a class C felony. In addition to any other

1 penalty provided for by law, the dealer is subject to mandatory
2 permanent revocation of his or her dealer's license and permanent
3 ineligibility for a dealer's license.

4 (c) A dealer who knowingly sells or delivers a firearm to any
5 person who has not attended a firearm safety class is subject to a fine
6 of five hundred dollars.

7 (d) The license fee for pistols shall be one hundred twenty-five
8 dollars. The license fee for firearms other than pistols shall be one
9 hundred twenty-five dollars. The license fee for ammunition shall be
10 one hundred twenty-five dollars. Any dealer who obtains any license
11 under subsection (1), (2), or (3) of this section may also obtain the
12 remaining licenses without payment of any fee. The fees received under
13 this section shall be deposited in the account under RCW 69.50.520.

14 (9) (a) A true record in triplicate shall be made of every pistol
15 sold, in a book kept for the purpose, the form of which may be
16 prescribed by the director of licensing and shall be personally signed
17 by the purchaser and by the person effecting the sale, each in the
18 presence of the other, and shall contain the date of sale, the caliber,
19 make, model and manufacturer's number of the weapon, the name, address,
20 occupation, and place of birth of the purchaser and a statement signed
21 by the purchaser that he or she is not ineligible under RCW 9.41.040 to
22 possess a firearm.

23 (b) One copy shall within six hours be sent by certified mail to
24 the chief of police of the municipality or the sheriff of the county of
25 which the purchaser is a resident; the duplicate the dealer shall
26 within seven days send to the director of licensing; the triplicate the
27 dealer shall retain for six years.

28 (10) Subsections (2) through (9) of this section shall not apply to
29 sales at wholesale.

30 (11) The dealer's licenses authorized to be issued by this section
31 are general licenses covering all sales by the licensee within the
32 effective period of the licenses. The department shall provide a
33 single application form for dealer's licenses and a single license form
34 which shall indicate the type or types of licenses granted.

35 (12) Except as provided in RCW 9.41.090, every city, town, and
36 political subdivision of this state is prohibited from requiring the

- 1 purchaser to secure a permit to purchase or from requiring the dealer
- 2 to secure an individual permit for each sale.

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