

ORDINANCE No. 112103

COUNCIL BILL No. 104646

AN ORDINANCE relating to the Criminal Code, adding new sections to Chapter 12A.14 thereof defining offenses relating to weapons control, amending Sections 12A.14.010, 12A.14.020 and 12A.14.030 relating to weapons control and repealing Sections 12A.14.040 and 12A.14.050.

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The City of Seattle--Legisla

REPORT OF COMMITTEE

Honorable President:

Your Committee on Public Safety

to which was referred the within Council Bill No. 104646 report that we have considered the same and respectfully recommend

DO PASS

11835-DOPASS (3-0)

COMPTROLLER FILE No. _____

Introduced: <u>NOV 26 1984</u>	By: <u>Bennett</u>
Referred: <u>NOV 26 1984</u>	To: <u>Public Safety</u>
Referred:	To:
Referred:	To:
Reported: <u>JAN 14 1985</u>	Second Reading: <u>JAN 14 1985</u>
Third Reading: <u>JAN 14 1985</u>	Signed: <u>JAN 14 1985</u>
Presented to Mayor: <u>JAN 15 1985</u>	Approved: <u>JAN 17 1985</u>
Returned to City Clerk: <u>JAN 17 1985</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

[Signature]

Committee Chair

MS:nc(hh)
10/22/84
I:ORD9.1

ORDINANCE 112103

AN ORDINANCE relating to the Criminal Code, adding new sections to Chapter 12A.14 thereof defining offenses relating to weapons control, amending Sections 12A.14.010, 12A.14.020 and 12A.14.040 relating to weapons control and repealing Sections 12A.14.030 and 12A.14.050.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.14.010 of the Seattle Municipal Code (Section 12A.17.010 of Ordinance 102843, as last amended by Ordinance 110785), is further amended as follows:

12A.14.010 Definitions.

The following definitions apply in this chapter:

A. "Aerosol tear gas personal protection device" means a container for dispensing a tear gas, the active ingredient of which is either chloracetophenone (CN) or O-chlorobenzylidene malonotrile (CS) within the range of 0.8% to 1.2% of the net contents by volume, which container has a net weight of 150 grams or less.

B. "Commercial seller" means a person who has a federal firearms license.

~~((B-))~~ C. "Crime of violence" means any of the following ~~((crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.))~~ felonies, as now existing or hereafter amended:

1. Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second

1 degree, indecent liberties if committed by forcible compulsion,
2 rape in the second degree, kidnapping in the second degree,
3 arson in the second degree, assault in the second degree,
4 extortion in the first degree, burglary in the second degree,
5 and robbery in the second degree;

6 2. Any conviction for a felony offense in effect at any
7 time prior to July 1, 1976, which is comparable to a felony
8 classified as a crime of violence in subsection (C) (1) of
9 this section; and

10 3. Any federal or out-of-state conviction for an offense
11 comparable to a felony classified as a crime of violence under
12 subsection (C) (1) or (2) of this section.

13 ((G-)) D. "Dangerous knife" means any knife having a blade
14 more than three and one-half inches in length, or any dagger,
15 sword, bayonet, bolo knife, hatchets, straight-edge razor, or
16 razor blade not in a package, dispenser, or shaving appliance.

17 E. "Firearm" means a weapon or device from which a
18 projectile may be fired by an explosive such as gunpowder.

19 ((D- "Fugitive from justice" means a person who, having
20 committed a crime, flees from the jurisdiction where it was
21 committed to evade arrest.))

22 ((E-)) F. "Gas pen," "gas pencil," "gas bomb" and "gas
23 pistol" mean any pen, pencil, bomb, pistol or other device
24 which is capable of containing and emitting tear gas or any
25 noxious liquid, gas or substance.

26 ((F-)) G. "Short firearm" or "pistol" means any firearm
27 ((or other weapon for the purposes of discharging a projectile
28 by means of compressed air, chemical combustion, or otherwise
and)) having a barrel less than twelve inches in length.

1 ~~(G-)~~ H. "Switchblade knife" means any knife having a
2 blade that opens automatically by hand pressure applied to a
3 button, spring mechanism, or other device, or blade that opens,
4 falls or is ejected into position by force of gravity or by
5 an outward, downward, or centrifugal thrust or movement.

6 Section 2. Section 12A.14.020 of the Seattle Municipal
7 Code (Section 12A.17.020 of Ordinance 102843) is amended as
8 follows:

9 12A.14.020 License application for concealed pistol.

10 Any person applying to the Chief of Police of the city
11 pursuant to RCW 9.41.070 for a license to carry a pistol
12 concealed on his person shall file with the Chief of Police,
13 on a form to be provided by ~~((him))~~ the Chief of Police, an
14 application in writing which shall include at a minimum the
15 following information and material:

16 A. Name and address of the applicant;

17 B. The applicant's citizenship and age;

18 C. A statement whether the applicant:

- 19 1. Has ever been convicted in any court of a crime
20 ~~((punishable by imprisonment for a term exceeding
21 one year))~~ of violence or is at the time of such
22 application under indictment for or charged by
23 information with any such crime; ~~((is a fugitive
24 from justice.))~~
- 25 2. Has an outstanding warrant for his or her arrest
26 from any court of competent jurisdiction for a
27 felony or misdemeanor.
- 28 3. ~~((is an unlawful user of or addicted to marijuana
 or any depressant or stimulant or narcotic drug.))~~

1 Is ineligible to own a pistol under the provisions
2 of RCW 9.41.040.

3 4. ((Has ever been adjudicated as a mental defective
4 or committed to any mental institution;))

5 Is subject to a court order or injunction
6 regarding firearms pursuant to RCW 10.49.040,
7 10.99.045; or 26.09.060;

8 5. ((Has ever been adjudicated as a common or
9 habitual drunk;))

10 Is free on bond or personal recognizance pending
11 trial, appeal, or sentencing for a crime of
12 violence;

13 D. A photograph of the applicant, taken within sixty days
14 immediately prior to the date of filing of the
15 application, which shall be two inches by two inches
16 showing the head and shoulders of the applicant in a
17 clear and distinguishing manner;

18 E. The applicant's fingerprints;

19 F. A statement of the applicant's reasons for desiring
20 such license including such factual information as
21 the Chief of Police finds reasonably necessary to
22 effectuate the purpose of, and determine compliance
23 with this chapter and RCW Chapter 9.41.

24 Section 3. Section 12A.14.030 of the Seattle Municipal Code
25 (Section 12A.17.040 of Ordinance 102843) is hereby repealed.

26 Section 4. Chapter 12A.14 of the Seattle Municipal Code
27 is amended by adding thereto a new section 12A.14.035 as follows:

28 Section 12A.14.035 License issuance and denial.

A. The Chief of Police shall, within thirty days after
the filing of an application of any person, issue a license

1 to such person to carry a pistol concealed on his person
2 within this state for four years from date of issue, for the
3 purposes of protection or while engaged in business, sport or
4 while traveling. However, if the applicant does not have a
5 valid permanent Washington driver's license or Washington state
6 identification card or has not been a resident of the state for
7 the previous consecutive ninety days, the Chief of Police shall
8 have up to sixty days after the filing of the application to
9 issue a license. A citizen's constitutional right to bear arms
shall not be denied unless he or she:

10 (a) Is ineligible to own a pistol under the provisions of
11 RCW 9.41.040; or

12 (b) Is under twenty-one years of age; or

13 (c) Is subject to a court order or injunction regarding
14 firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

15 (d) Is free on bond or personal recognizance pending trial,
16 appeal, or sentencing for a crime of violence; or

17 (e) Has an outstanding warrant for his or her arrest from
18 any court of competent jurisdiction for a felony or misdemeanor;

19 B. The license permit shall be revoked immediately upon
20 conviction of a crime which makes such a person ineligible to
21 own a pistol or upon the third conviction for a violation of
22 this chapter within five calendar years. The license shall be
23 in triplicate, in a form to be prescribed by the Washington State
24 department of licensing, and shall bear the name, address, and
25 description, fingerprints, and signature of the licensee and the
26 licensee's driver's license number or state identification card
27 number if used for identification in applying for the license.
28 The original thereof shall be delivered to the licensee, the
duplicate shall within seven days be sent by registered mail

1 to the Washington State director of licensing and the triplicate
2 shall be preserved for six years, by the Seattle Police
3 Department.

4 C. The fee for the original issuance of a four-year license
5 shall be twenty dollars.

6 D. The fee for the renewal of such license shall be
7 twelve dollars;

8 E. The Chief of Police may renew a license if the licensee
9 applies for renewal within ninety days before or after the
10 expiration date of the license. A license so renewed shall
11 take effect on the expiration date of the prior license.
12 A licensee renewing after the expiration date of the license
13 must pay a late renewal penalty of ten dollars in addition
14 to the renewal fee specified in subsection D of this section.

15 F. The Chief of Police may issue a temporary emergency
16 license for good cause pending review under subsection A of this
17 section.

18 Section 5. Section 12A.14.040 of the Seattle Municipal Code
19 (Section 12A.17.060 of Ordinance 102843) is amended as follows:

20 Section 12A.14.040 False statement to obtain pistol license.

21 It is unlawful for a person to knowingly make any false
22 statement in his or her application for a concealed pistol
23 license.

24 Section 6. Section 12A.14.050 of the Seattle Municipal Code
25 (Section 12A.17.080 of Ordinance 102843, as last amended by
26 Ordinance 103472 §2) is hereby repealed.

27 Section 7. Chapter 12A.14 of the Seattle Municipal Code is
28 amended by adding a new section 12A.14.055 as follows:

Section 12A.14.055 Unlawful Sale or Delivery of Pistol

A. In addition to the other requirements of this chapter or
RCW Chapter 9.41, no commercial seller shall deliver a pistol
to the purchaser thereof until:

1 (1) The purchaser produces a valid concealed pistol license
2 and the commercial seller has recorded the purchaser's name,
3 license number, and issuing agency, such record to be made in
4 duplicate and processed as provided in subsection D of this
5 section; or

6 (2) The seller is notified in writing by the Chief of
7 Police or the sheriff of the county that the purchaser meets the
8 requirements of RCW 9.41.040 and that the application to purchase
is granted; or

9 (3) Five consecutive days including Saturday, Sundays and
10 holidays have elapsed from the time of receipt of the
11 application for the purchase thereof as provided by
12 the Chief of Police in subsection D of this section and, when
13 delivered, said pistol shall be securely wrapped and shall
14 be unloaded. However, if the purchaser does not have a valid
15 permanent Washington driver's license or state identification
16 card or has not been a resident of the state for the previous
17 consecutive ninety days, the waiting period under this
subsection (A) (3) shall be up to sixty days.

18 (B) In any case under subsection (A) (3) of this section
19 where the applicant has an outstanding warrant for his or her
20 arrest from any court of competent jurisdiction for a felony
21 or misdemeanor, the seller shall hold the delivery of the
22 pistol until the warrant for arrest is served and satisfied
23 by appropriate court appearance. The Chief of Police, for
24 purposes of the sale, shall confirm the existence of outstanding
25 warrants within seventy-two hours after notification of the
26 application to purchase a pistol is received. The local
27 jurisdiction shall also immediately confirm the satisfaction
of the warrant on request of the seller so that the hold may

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1 be released if the warrant was for a crime other than a crime
2 of violence.

3 (C) In any case where the Chief of Police has reasonable
4 grounds based on the following circumstances: (1) open
5 criminal charges, (2) pending criminal proceedings, (3)
6 pending commitment proceedings, (4) an outstanding warrant
7 for a crime of violence, or (5) an arrest for a crime of
8 violence if the records of disposition have not yet been
9 reported or entered sufficiently to determine eligibility to
10 purchase a pistol, the local jurisdiction may hold the sale
11 and delivery of the pistol beyond five days up to thirty days
12 in order to confirm existing records in this state or elsewhere.
13 After thirty days, the hold will be lifted unless an extension
14 of the thirty days is approved by the Seattle Municipal
15 Court for good cause shown. An applicant shall be
16 notified of each hold placed on the sale by the Chief of Police
17 and of any application to the court for an additional hold period
18 to confirm records or confirm the identity of the applicant.

19 D. At the time of applying for the purchase of a pistol,
20 the purchaser shall sign in duplicate and deliver to the seller
21 an application containing his or her full name, address,
22 occupation, place of birth, and the date and hour of the
23 application; the applicant's driver's license number or state
24 identification card number; and a description of the weapon,
25 including the make, model, caliber, and manufacturer's number;
26 and a statement that the purchaser is eligible to own a
27 pistol under RCW 9.41.040.

28 The seller shall, by the end of the business day, sign and
attach his or her address and deliver the original of the
application and such other documentation as required under

1 subsection (A) of this section to the Chief of Police or the
2 sheriff of the county of which the seller is a resident. The
3 seller shall deliver the pistol to the purchaser following the
4 period of time specified in this section unless the seller is
5 notified in writing by the Chief of Police or the sheriff of the
6 county, whichever is applicable, denying the purchaser's applica-
7 tion to purchase and the grounds thereof. The application shall
8 not be denied unless the purchaser fails to meet the requirements
9 specified in RCW 9.41.040. The Chief of Police shall maintain a
10 file containing the original of the application to purchase a
11 pistol.

12 Section 8 Chapter 12A.14 of the Seattle Municipal Code
13 is amended by adding thereto a new section 12A.14.085 as follows:

14 Section 12A.14.085 Court forfeiture of firearms

15 A. Upon application by the Chief of Police, the Municipal
16 Court may order forfeiture of a firearm which is proven to be:

17 (1) Found concealed on a person not authorized by
18 RCW 9.41.060 or the provisions of this chapter to carry a
19 concealed pistol: PROVIDED, That it is an absolute defense
20 to forfeiture if the person possessed a valid Washington
21 concealed pistol license within the preceding two years and
22 has not become ineligible for a concealed pistol license in
23 the interim. Before the firearm may be returned, the person
24 must pay the past due renewal fee and the current renewal fee;

25 (2) Commercially sold to any person without an application
26 as required by RCW 9.41.090 or this chapter;

27 (3) Found in the possession or under the control of a person
28 at the time the person committed or was arrested for committing
a crime of violence or a crime in which a firearm was used or
displayed or a felony violation of the uniform controlled
substances act, chapter 69.50 RCW;

1 (4) Found concealed on a person who is in any place in
2 which a concealed pistol license is required, and who is
3 under the influence of any drug or under the influence of
4 intoxicating liquor, having 0.10 percent or more by weight
5 of alcohol in his blood, as shown by chemical analysis of his
6 breath, blood, or other bodily substance;

7 (5) Found in the possession of a person prohibited from
8 possessing the firearm under RCW 9.41.040;

9 (6) Found in the possession of a person free on bail or
10 personal recognizance pending trial, appeal, or sentencing for
11 a crime of violence or a crime in which a firearm was used or
12 displayed, except that violations of Title 77 RCW shall not
13 result in forfeiture under this section;

14 (7) Found in the possession of a person found to have been
15 mentally incompetent while in possession of a firearm when
16 apprehended or who is thereafter committed pursuant to
17 chapter 10.77 or 71.05 RCW;

18 (8) Known to have been used or displayed by a person in the
19 violation of a proper written order of a court of general juris-
20 diction; or

21 (9) Known to have been used in the commission of a crime of
22 violence or a crime in which a firearm was used or displayed or
23 a felony violation of the uniform controlled substances act,
24 chapter 69.50 RCW.

25 B. Upon order of forfeiture, the court in its discretion
26 shall order destruction of any firearm that is illegal for any
27 person to possess, retention of the firearm as evidence,
28 appropriate use by the Police Department, donation to a
historical museum, or sale at a public auction to a commercial
seller. The proceeds from any sale shall be divided as follows:

1, The City shall retain its costs, including actual costs of
2 storage and sale, and shall forward the remainder to the state
3 game commission for use in its firearms training program pursuant
4 to RCW 77.32.155. If the court orders delivery to the Police
5 Department and the Police Department no longer requires use of
6 the firearm, the Department shall dispose of the firearm in a
7 manner which is consistent with this subsection.

8 C. The court shall order the firearm returned to the owner
9 upon a showing that there is no probable cause to believe a
10 violation of subsection (A) of this section existed or the
11 firearm was stolen from the owner or the owner neither
12 had knowledge of nor consented to the act or omission involving
13 the firearm which resulted in its forfeiture.

14 D. A Seattle Police officer may confiscate a firearm found
15 to be in possession of a person under circumstances specified in
16 subsection A of this section. After confiscation, the firearm
17 shall not be surrendered except as follows: (1) To the prose-
18 cuting attorney or the City Attorney for use in subsequent legal
19 proceedings; (2) for disposition according to an order of a court
20 having jurisdiction as provided in subsection (A) of this sec-
21 tion; or (3) to the owner if the proceedings are dismissed or as
22 directed in subsection (C) of this section.

23 Section 9. The provisions of this ordinance are declared to
24 be separate and severable. The invalidity of any clause, sen-
25 tence, paragraph, subdivision, section or portion of this ordi-
26 nance, or the invalidity of the application thereof to any person
27 or circumstances shall not affect the validity of the remainder
28 of this ordinance, or the validity of its application to other
29 persons or circumstances.

(To be used for all Ordinances except Emergency.)

Section 10. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 14th day of January, 1985,
and signed by me in open session in authentication of its passage this 14th day of
January, 1985 William B. Allen
President of the City Council.

Approved by me this 17th day of January, 1985,
Charles Royce
Mayor.

Filed by me this 17th day of January, 1985.

Attest: Jim Hill
City Comptroller and City Clerk.

(SEAL)

Published.....

By Lee Ehrlich
Deputy Clerk.

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

October 22, 1984

The Honorable George Benson
City Council
The City of Seattle

Re: Proposed Amendments to the Seattle Criminal Code

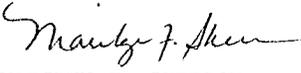
Dear Councilmember Benson:

We have attached for your consideration a series of amendments to the Criminal Code. The proposed amendments will bring Seattle's weapon's control ordinance into conformity with recently enacted state law and repeals certain sections that would otherwise be a conflict with the proposed amendments.

If you have any questions regarding the attached ordinance, please contact the undersigned assistant at 625-2050.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By 
MARILYN F. SHERRON
Assistant

MFS:lj

attachment

City of Seattle

ORDINANCE 112103

AN ORDINANCE relating to the Criminal Code, adding new sections to Chapter 12A.14 thereof defining offenses relating to weapons control, amending Sections 12A.14.010, 12A.14.020 and 12A.14.040 relating to weapons control and repealing Sections 12A.14.030 and 12A.14.050.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.14.010 of the Seattle Municipal Code (Section 12A.17.010 of Ordinance 102843, as last amended by Ordinance 110785), is further amended as follows:

12A.14.010 Definitions.

The following definitions apply in this chapter:

A. "Aerosol tear gas personal protection device" means a container for dispensing a tear gas, the active ingredient of which is either chloracetophenone (CN) or O-chlorobenzylidene malonitrile (CS) within the range of 0.8% to 1.2% of the net contents by volume, which container has a net weight of 150 grams or less.

B. "Commercial seller" means a person who has a federal firearms license.

(B-1) C. "Crime of violence" means any of the following (crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping) felonies, as now existing or hereafter amended:

1. Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

2. Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (C) (1) of this section; and

3. Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection (C) (1) or (2) of this section.

(E-1) D. "Dangerous knife" means any knife having a blade more than three and one-half inches in length, or any dagger, sword, bayonet, bolo knife, hatchets, straight-edge razor, or razor blade not in a package, dispenser, or shaving appliance.

E. "Firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(B-2) F. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest;

(F-1) G. "Gas pen," "gas pencil," "gas bomb" and "gas pistol" mean any pen, pencil, bomb, pistol or other device which is capable of containing and emitting tear gas or any noxious liquid, gas or substance.

(F-2) H. "Short firearm" or "pistol" means any firearm (or other weapon for the purposes of discharging a projectile by means of compressed air, chemical combustion, or otherwise) having a barrel less than twelve inches in length.

(G-1) I. "Switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or blade that opens, falls or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.

Section 2. Section 12A.14.020 of the Seattle Municipal Code (Section 12A.17.020 of Ordinance 102843) is amended as follows:

12A.14.020 License application for concealed pistol.

Any person applying to the Chief of Police of the city pursuant to RCW 9.41.070 for a license to carry a pistol concealed on his person shall file with the Chief of Police, on a form to be provided by (his) the Chief of Police, an application in writing which shall include at a minimum the following information and material:

- A. Name and address of the applicant;
- B. The applicant's citizenship and age;
- C. A statement whether the applicant:

1. Has ever been convicted in any court of a crime

(punishable by imprisonment for a term exceeding one year) of violence or is at the time of such application under indictment for or charged by information with any such crime; ((is a fugitive from justice.))

2. Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

3. ((is an unlawful user of or addicted to marijuana or any depressant or stimulant or narcotic drug.)) Is ineligible to own a pistol under the provisions of RCW 9.41.040.

4. ((Has ever been adjudicated as a mental defective or committed to any mental institution.)) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.49.040, 10.99.045, or 26.09.060;

5. ((Has ever been adjudicated as a common or habitual drunkard.)) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence;

D. A photograph of the applicant, taken within sixty days immediately prior to the date of filing of the application, which shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

E. The applicant's fingerprints;

F. A statement of the applicant's reasons for desiring such license including such factual information as the Chief of Police finds reasonably necessary to effectuate the purpose of, and determine compliance with this chapter and RCW Chapter 9.41.

Section 3. Section 12A.14.030 of the Seattle Municipal Code (Section 12A.17.040 of Ordinance 102843) is hereby repealed.

Section 4. Chapter 12A.14 of the Seattle Municipal Code is amended by adding thereto a new section 12A.14.035 as follows: Section 12A.14.035 License issuance and denial.

A. The Chief of Police shall, within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the Chief of Police shall have up to sixty days after the filing of the application to issue a license. A citizen's constitutional right to bear arms shall not be denied unless he or she:

- (a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or

- (b) Is under twenty-one years of age; or

- (c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

- (d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

- (e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor;

B. The license permit shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years. The license shall be in triplicate, in a form to be prescribed by the Washington State department of licensing, and shall bear the name, address, and description, fingerprints, and signature of the licensee and the licensee's driver's license number or state identification card number if used for identification in applying for the license.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the Washington State director of licensing and the triplicate shall be preserved for six years, by the Seattle Police Department.

C. The fee for the original issuance of a four-year license shall be twenty dollars.

D. The fee for the renewal of such license shall be twelve dollars;

E. The Chief of Police may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection D of this section.

F. The Chief of Police may issue a temporary emergency license for good cause pending review under subsection A of this section.

Section 5. Section 12A.14.040 of the Seattle Municipal Code (Section 12A.17.060 of Ordinance 102843) is amended as follows:

Section 12A.14.040 False statement to obtain pistol license.
It is unlawful for a person to knowingly make any false statement in his or her application for a concealed pistol license.

Section 6. Section 12A.14.050 of the Seattle Municipal Code (Section 12A.17.080 of Ordinance 102843, as last amended by Ordinance 103472 §2) is hereby repealed.

Section 7. Chapter 12A.14 of the Seattle Municipal Code is amended by adding a new section 12A.14.055 as follows:

Section 12A.14.055 Unlawful Sale or Delivery of Pistol

A. In addition to the other requirements of this chapter or RCW Chapter 9.41, no commercial seller shall deliver a pistol to the purchaser thereof until:

(1) The purchaser produces a valid concealed pistol license and the commercial seller has recorded the purchaser's name, license number, and issuing agency, such record to be made in duplicate and processed as provided in subsection D of this section; or

(2) The seller is notified in writing by the Chief of Police or the sheriff of the county that the purchaser meets the requirements of RCW 9.41.040 and that the application to purchase is granted; or

(3) Five consecutive days including Saturday, Sundays and holidays have elapsed from the time of receipt of the

application for the purchase thereof as provided by the Chief of Police in subsection D of this section and, when delivered, said pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (A) (3) shall be up to sixty days.

(B) In any case under subsection (A) (3) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the seller shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The Chief of Police, for purposes of the sale, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the seller so that the hold may be released if the warrant was for a crime other than a crime of violence.

(C) In any case where the Chief of Police has reasonable grounds based on the following circumstances: (1) open criminal charges, (2) pending criminal proceedings, (3) pending commitment proceedings, (4) an outstanding warrant for a crime of violence, or (5) an arrest for a crime of violence if the records of disposition have not yet been

reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by the Seattle Municipal Court for good cause shown. An applicant shall be notified of each hold placed on the sale by the Chief of Police and of any application to the court for an additional hold period to confirm records or confirm the identity of the applicant.

D. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application containing his or her full name, address, occupation, place of birth, and the date and hour of the application; the applicant's driver's license number or state identification card number; and a description of the weapon, including the make, model, caliber, and manufacturer's number; and a statement that the purchaser is eligible to own a pistol under RCW 9.41.040.

The seller shall, by the end of the business day, sign and attach his or her address and deliver the original of the application and such other documentation as required under subsection (A) of this section to the Chief of Police or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following the period of time specified in this section unless the seller is notified in writing by the Chief of Police or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser fails to meet the requirements specified in RCW 9.41.040. The Chief of Police shall maintain a file containing the original of the application to purchase a pistol.

Section 8 Chapter 12A.14 of the Seattle Municipal Code is amended by adding thereto a new section 12A.14.085 as follows:

Section 12A.14.085 Court forfeiture of firearms

A. Upon application by the Chief of Police, the Municipal Court may order forfeiture of a firearm which is proven to be:

(1) Found concealed on a person not authorized by RCW 9.41.060 or the provisions of this chapter to carry a concealed pistol: PROVIDED, That it is an absolute defense for forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and is not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(2) Commercially sold to any person without an application required by RCW 9.41.090 or this chapter;

(3) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(4) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 percent or more by weight of alcohol in his blood, as shown by chemical analysis of his breath, blood, or other bodily substance;

(5) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(6) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(7) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(8) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(9) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50. RCW.

B. Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by the Police Department, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The City shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state

game commission for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to the Police Department and the Police Department no longer requires use of the firearm, the Department shall dispose of the firearm in a manner which is consistent with this subsection.

C. The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (A) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

D. A Seattle Police officer may confiscate a firearm found to be in possession of a person under circumstances specified in subsection A of this section. After confiscation, the firearm shall not be surrendered except as follows: (1) To the prosecuting attorney or the City Attorney for use in subsequent legal proceedings; (2) for disposition according to an order of a court having jurisdiction as provided in subsection (A) of this section; or (3) to the owner if the proceedings are dismissed or as directed in subsection (C) of this section.

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 10. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 14th day of January, 1985, and signed by me in open session in authentication of its passage this 17th day of January, 1985. *William B. Royce* President of the City Council.
Approved by me this 17th day of January, 1985. *Charles Royce* Mayor.
Filed by me this 17th day of January, 1985. *Jim Hill* City Comptroller and City Clerk.
Attest: *Jim Hill* City Comptroller and City Clerk.
By: *Lee Thelick* Deputy Clerk.

(SEAL)

C-607

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 112103

was published on January 21, 1985

B. Blain
Subscribed and sworn to before me on

January 21, 1985

Wm. Summers
Notary Public for the State of Washington,
residing in Seattle.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

X *Joe Benson* _____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE