

**SENATE BILL REPORT**

**ESB 6057**

**AS PASSED SENATE, FEBRUARY 10, 1994**

**Brief Description:** Strengthening restrictions on aliens carrying firearms.

**SPONSORS:** Senator Ludwig

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley and Schow.

**Staff:** Dick Armstrong (786-7460)

**Hearing Dates:** January 21, 1994; February 2, 1994

**HOUSE COMMITTEE ON JUDICIARY**

**BACKGROUND:**

It is a misdemeanor for any person who is not a citizen, or who has not declared his or her intention to become a citizen, to possess a firearm, unless the person has obtained an alien license certificate from the Department of Licensing (DOL).

DOL cannot issue such a license until the consul who represents the country of the alien has certified the alien is a responsible person. According to DOL, some consuls conduct a "background check" on the alien and forward such information to the department.

The cost of the license is \$15.

**SUMMARY:**

The requirements for obtaining an alien firearm license certificate are modified. The Department of Licensing (DOL) may issue such a license only if the consul has (1) given the director a certified copy of the alien's criminal history from the alien's country, and (2) attested the alien is a responsible person.

If the consul has not provided a certificate of criminal history within 90 days, an alien who has been a resident for at least two years may apply for a concealed pistol license.

An alien can no longer obtain the right to possess a firearm by declaring his or her intention to become a citizen.

The cost of the alien license certificate is increased to \$23.

Violation of the statute is increased to a class C felony.

**Appropriation:** none

**Revenue:** yes

**Fiscal Note:** requested

**TESTIMONY FOR:**

Law enforcement officers are frustrated with the existing statute, which allows an alien to get a license without a criminal background check. The statute should be strengthened by requiring aliens to go through a formal process.

**TESTIMONY AGAINST:**

The legal system is hostile to some aliens and honest aliens should not be penalized by the provisions of the bill. The existing system is not broken.

**TESTIFIED:** PRO: James C. Gleason, WASPC, Klickitat County; William A. Logan, WASPC, Lewis County Sheriff; Tom Sekerak, CCRKBA; CON: Mary L. Montgomery; David Reynard; Myrtle Cooper; Merton Cooper

**HOUSE AMENDMENT(S):**

The requirements for obtaining an alien firearm license are modified. It is a class C felony for an alien to possess a firearm without an alien firearm license. The cost of an alien firearm license fee is raised to \$25, and the license must be renewed every four years.

DOL may issue a license if a consul has: (1) given DOL a certified copy of the alien's criminal history indicating the alien is not ineligible under Washington law to own, possess, or control a firearm; and (2) attested the alien is a responsible person.

However, if the alien has resided in the state for at least two years, and (1) is from a country without a consul in this state, or (2) if the consul fails, within 90 days after the alien's request, to provide the certified copy of the alien's criminal history or attestation that the alien is a responsible person, DOL still may issue an alien firearm license if certain conditions are met. In such cases, DOL must ask the local law enforcement agency of the jurisdiction in which the alien resides to complete a background check to verify the alien is not ineligible to own, possess, or control a firearm. The law enforcement agency has 30 days in which to complete the check, unless the alien does not have a valid Washington driver's license or identification card, in which case the law enforcement agency has 60 days to complete the check.

A declared intention to become a United States citizen will no longer qualify an alien for an alien firearm license or a concealed pistol license.