

FINAL BILL REPORT

2SHB 1052

C 216 L 09
Synopsis as Enacted

Brief Description: Concerning firearm licenses for persons from other countries.

Sponsors: House Committee on General Government Appropriations (originally sponsored by Representatives Moeller, Williams, Blake, Chase and Kretz).

House Committee on Judiciary
House Committee on General Government Appropriations
Senate Committee on Judiciary

Background:

Alien Firearm Licenses.

It is a class C felony for a person who is not a citizen of the United States to possess a firearm in Washington unless the person has obtained an alien firearms license from the Department of Licensing (DOL). To obtain an alien firearms license, an applicant must: provide proof that he or she is lawfully present in the United States; undergo a fingerprint-based background check; and, with certain exceptions, provide specified information from the applicant's consulate located in Washington. The DOL has interpreted the alien firearms license statute to allow only those non-citizens who are residents of Washington to obtain an alien firearm license.

An alien firearm license is valid for five years. An applicant for an alien firearm license must pay a fee of \$55 to the DOL plus additional charges imposed by the Federal Bureau of Investigation (FBI) that are passed on to the applicant. The fee is distributed as follows: \$15 to the DOL; \$25 to the Washington State Patrol; and \$15 to the local law enforcement agency conducting the background check.

A Canadian citizen is exempt from the requirements of the alien firearm license statute if the Canadian citizen possesses the firearm for the purpose of hunting or competing in a bona fide trap or skeet shoot or other organized event where firearms are used, and if the Canadian citizen lives in a province that provides similar privileges to Washington residents.

Federal Law.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The federal Gun Control Act generally prohibits aliens admitted to the United States under non-immigrant visas from importing firearms into or possessing firearms within the United States. There is an exception for non-immigrant aliens who are admitted to the United States for lawful hunting or sporting purposes or in possession of a hunting license lawfully issued in the United States.

A non-immigrant alien who wishes to import a firearm or ammunition into the United States must have an approved Application and Permit for Temporary Importation of Firearms and Ammunition for Nonimmigrant Aliens (ATF Form 6NIA). In order to obtain approval for an ATF Form 6NIA permit, the non-immigrant alien must possess either: a valid hunting license issued by a state; or an invitation or registration to attend a competitive target shooting event or sports or hunting trade show sponsored by a national, state, or local jurisdiction.

Summary:

The alien firearm statute is repealed and new requirements for the possession of firearms by non-citizens are established. It is a class C felony for a person who is not a citizen of the United States to possess a firearm in Washington unless the person is: a lawful permanent resident; a non-immigrant alien residing in Washington who has obtained an alien firearm license; or a non-immigrant alien residing outside of Washington who meets certain requirements.

Non-immigrants Residing in Washington.

A non-immigrant alien residing in Washington must obtain an alien firearm license in order to carry or possess a firearm. An applicant for an alien firearm license may apply to the county sheriff where he or she resides, and the sheriff has 60 days to issue the license. The license is valid for two years and allows the applicant to carry or possess a firearm only for the purpose of hunting and sport shooting. An applicant for an alien firearm license must submit a copy of a passport and visa showing that the applicant is in the country legally and a valid Washington hunting license or documentation that the applicant is a member of a sport shooting club.

The county sheriff must conduct a fingerprint-based background check through the National Crime Information Center, the Washington State Patrol (WSP), the Department of Social and Health Services databases, and other appropriate agencies, to determine whether the applicant is ineligible to possess a firearm under state law.

One copy of the license must be sent to the DOL, and the county sheriff issuing the license must retain a copy for six years. The fee for the license is \$50, plus additional charges imposed by the WSP and the FBI that are passed on to the applicant. The fee is retained by the county sheriff issuing the license.

Non-immigrants Who Do Not Reside in Washington.

A non-immigrant alien who is not a resident of Washington may carry or possess a firearm in Washington only for the purpose of hunting or sport shooting if the person possesses: a valid

passport and visa or, in the case of a Canadian citizen, valid documentation for entry into the United States; an approved ATF Form 6NIA application and permit, if required under federal law; and a valid hunting license or an invitation to participate in a trade show or sport shooting event.

Other Provisions.

Law enforcement agencies and other entities are provided immunity for activities associated with the issuance or denial of an alien firearm license.

The concealed pistol license statute is amended to reference alien firearm licenses created by the act. A person who is not a citizen of the United States has to comply with the requirements of the alien firearm statute, if applicable, in order to obtain a concealed pistol license.

Votes on Final Passage:

House	97	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 2009