

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6057

Chapter 190, Laws of 1994

53rd Legislature
1994 Regular Session

ALIEN FIREARM LICENSE

EFFECTIVE DATE: 6/9/94

Passed by the Senate March 7, 1994
YEAS 46 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 4, 1994
YEAS 97 NAYS 1

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved March 30, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6057** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 30, 1994 - 1:40 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6057

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Senator Ludwig

Read first time 01/10/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to aliens carrying firearms; amending RCW 9.41.170
2 and 9.41.070; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.41.170 and 1979 c 158 s 3 are each amended to read
5 as follows:

6 (~~It shall be unlawful for any person who is not a citizen of the
7 United States, or who has not declared his intention to become a
8 citizen of the United States, to carry or have in his possession at any
9 time any shotgun, rifle, or other firearm, without first having
10 obtained a license from the director of licensing, and such license is
11 not to be issued by the director of licensing except upon the
12 certificate of the consul domiciled in the state and representing the
13 country of such alien, that he is a responsible person and upon the
14 payment for the license of the sum of fifteen dollars: PROVIDED,
15 That~~) (1) It is a class C felony for any person who is not a citizen
16 of the United States to carry or possess any firearm, without first
17 having obtained an alien firearm license from the director of
18 licensing. Except as provided in subsection (2) of this section, the
19 director of licensing may issue an alien firearm license only upon

1 receiving from the consul domiciled in this state representing the
2 country of the alien, a certified copy of the alien's criminal history
3 in the alien's country indicating the alien is not ineligible under RCW
4 9.41.040 to own, possess, or control a firearm, and the consul's
5 attestation that the alien is a responsible person.

6 (2)(a) Subject to the additional requirements of (b) of this
7 subsection, the director of licensing may issue an alien firearm
8 license without a certified copy of the alien's criminal history or the
9 consul's attestation required by subsection (1) of this section, if the
10 alien has been a resident of this state for at least two years and:
11 (i) The alien is from a country without a consul domiciled within this
12 state, or (ii) the consul has failed to provide, within ninety days
13 after a request by the alien, the criminal history or attestation
14 required by subsection (1) of this section.

15 (b) Before issuing an alien firearm license under this subsection
16 (2), the director of licensing shall ask the local law enforcement
17 agency of the jurisdiction in which the alien resides to complete a
18 background check to determine the alien's eligibility under RCW
19 9.41.040 to own, possess, or control a firearm. The law enforcement
20 agency shall complete a background check within thirty days after the
21 request, unless the alien does not have a valid Washington driver's
22 license or Washington state identification card. In the latter case,
23 the law enforcement agency shall complete the background check within
24 sixty days after the request.

25 A signed application for an alien firearm license shall constitute
26 a waiver of confidentiality and written request that the department of
27 social and health services, mental health institutions, and other
28 health care facilities release information relevant to the applicant's
29 eligibility for an alien firearm license to an inquiring law
30 enforcement agency.

31 (3) The fee for an alien firearm license shall be twenty-five
32 dollars, and the license shall be valid for four years from the date of
33 issue.

34 (4) This section shall not apply to Canadian citizens resident in
35 a province which has an enactment or public policy providing
36 substantially similar privilege to residents of the state of Washington
37 and who are carrying or possessing weapons for the purpose of using
38 them in the hunting of game while such persons are in the act of
39 hunting, or while on a hunting trip, or while such persons are

1 competing in a bona fide trap or skeet shoot or any other organized
2 contest where rifles, pistols, or shotguns are used (~~as to weapons~~
3 ~~used in such contest~~). Nothing in this section shall be construed to
4 allow aliens to hunt or fish in this state without first having
5 obtained a regular hunting or fishing license. (~~Any person violating~~
6 ~~the provisions of this section shall be guilty of a misdemeanor.~~)

7 **Sec. 2.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
8 as follows:

9 (1) The judge of a court of record, the chief of police of a
10 municipality, or the sheriff of a county, shall within thirty days
11 after the filing of an application of any person issue a license to
12 such person to carry a pistol concealed on his or her person within
13 this state for four years from date of issue, for the purposes of
14 protection or while engaged in business, sport, or while traveling.
15 However, if the applicant does not have a valid permanent Washington
16 driver's license or Washington state identification card or has not
17 been a resident of the state for the previous consecutive ninety days,
18 the issuing authority shall have up to sixty days after the filing of
19 the application to issue a license. Such applicant's constitutional
20 right to bear arms shall not be denied, unless he or she:

21 (a) Is ineligible to own a pistol under the provisions of RCW
22 9.41.040; or

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

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

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

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

30 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
31 within one year before filing an application to carry a pistol
32 concealed on his or her person; or

33 (g) Has been convicted of any of the following offenses: Assault
34 in the third degree, indecent liberties, malicious mischief in the
35 first degree, possession of stolen property in the first or second
36 degree, or theft in the first or second degree. Any person who becomes
37 ineligible for a concealed pistol permit as a result of a conviction
38 for a crime listed in this subsection (1)(g) and then successfully

1 completes all terms of his or her sentence, as evidenced by a
2 certificate of discharge issued under RCW 9.94A.220 in the case of a
3 sentence under chapter 9.94A RCW, and has not again been convicted of
4 any crime and is not under indictment for any crime, may, one year or
5 longer after such successful sentence completion, petition the district
6 court for a declaration that the person is no longer ineligible for a
7 concealed pistol permit under this subsection (1)(g).

8 (2) Any person whose firearms rights have been restricted and who
9 has been granted relief from disabilities by the secretary of the
10 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
11 Sec. 921(a)(20) shall have his or her right to acquire, receive,
12 transfer, ship, transport, carry, and possess firearms in accordance
13 with Washington state law restored.

14 (3) The license shall be revoked by the issuing authority
15 immediately upon conviction of a crime which makes such a person
16 ineligible to own a pistol or upon the third conviction for a violation
17 of this chapter within five calendar years.

18 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the
19 issuing authority shall:

- 20 (a) On the first forfeiture, revoke the license for one year;
21 (b) On the second forfeiture, revoke the license for two years;
22 (c) On the third or subsequent forfeiture, revoke the license for
23 five years.

24 Any person whose license is revoked as a result of a forfeiture of a
25 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
26 until the end of the revocation period. The issuing authority shall
27 notify, in writing, the department of licensing upon revocation of a
28 license. The department of licensing shall record the revocation.

29 (5) The license shall be in triplicate, in form to be prescribed by
30 the department of licensing, and shall bear the name, address, and
31 description, fingerprints, and signature of the licensee, and the
32 licensee's driver's license number or state identification card number
33 if used for identification in applying for the license. The license
34 application shall contain a warning substantially as follows:

35 CAUTION: Although state and local laws do not differ, federal
36 law and state law on the possession of firearms differ. If you
37 are prohibited by federal law from possessing a firearm, you
38 may be prosecuted in federal court. A state license is not a
39 defense to a federal prosecution.

1 The license application shall contain a description of the major
2 differences between state and federal law and an explanation of the
3 fact that local laws and ordinances on firearms are preempted by state
4 law and must be consistent with state law. The application shall
5 contain questions about the applicant's place of birth, whether the
6 applicant is a United States citizen, (~~and if not a citizen whether~~
7 ~~the applicant has declared the intent to become a citizen~~) and whether
8 he or she has been required to register with the state or federal
9 government and (~~any~~) has an identification or registration number(~~(~~
10 ~~if applicable~~)). The applicant shall not be required to produce a
11 birth certificate or other evidence of citizenship. (~~An applicant who~~
12 ~~is not a citizen shall provide documentation showing resident alien~~
13 ~~status and the applicant's intent to become a citizen.~~) A person who
14 makes a false statement regarding citizenship on the application is
15 guilty of a misdemeanor. A person who is not a citizen of the United
16 States(~~(~~
17 ~~or has not declared his or her intention to become a~~
18 ~~citizen~~)) shall meet the additional requirements of RCW 9.41.170.

18 The original thereof shall be delivered to the licensee, the
19 duplicate shall within seven days be sent by registered mail to the
20 director of licensing and the triplicate shall be preserved for six
21 years, by the authority issuing said license.

22 (6) The fee for the original issuance of a four-year license shall
23 be twenty-three dollars: PROVIDED, That no other additional charges by
24 any branch or unit of government shall be borne by the applicant for
25 the issuance of the license: PROVIDED FURTHER, That the fee shall be
26 distributed as follows:

27 (a) Four dollars shall be paid to the state general fund;

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

30 (c) Twelve dollars shall be paid to the issuing authority for the
31 purpose of enforcing this chapter; and

32 (d) Three dollars to the firearms range account in the general
33 fund.

34 (7) The fee for the renewal of such license shall be fifteen
35 dollars: PROVIDED, That no other additional charges by any branch or
36 unit of government shall be borne by the applicant for the renewal of
37 the license: PROVIDED FURTHER, That the fee shall be distributed as
38 follows:

39 (a) Four dollars shall be paid to the state general fund;

1 (b) Eight dollars shall be paid to the issuing authority for the
2 purpose of enforcing this chapter; and

3 (c) Three dollars to the firearms range account in the general
4 fund.

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

8 (9) A licensee may renew a license if the licensee applies for
9 renewal within ninety days before or after the expiration date of the
10 license. A license so renewed shall take effect on the expiration date
11 of the prior license. A licensee renewing after the expiration date of
12 the license must pay a late renewal penalty of ten dollars in addition
13 to the renewal fee specified in subsection (7) of this section. The
14 fee shall be distributed as follows:

15 (a) Three dollars shall be deposited in the state wildlife fund and
16 used exclusively for the printing and distribution of a pamphlet on the
17 legal limits of the use of firearms, firearms safety, and the
18 preemptive nature of state law. The pamphlet shall be given to each
19 applicant for a license; and

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

22 (10) Notwithstanding the requirements of subsections (1) through
23 (9) of this section, the chief of police of the municipality or the
24 sheriff of the county of the applicant's residence may issue a
25 temporary emergency license for good cause pending review under
26 subsection (1) of this section.

27 (11) A political subdivision of the state shall not modify the
28 requirements of this section or chapter, nor may a political
29 subdivision ask the applicant to voluntarily submit any information not
30 required by this section. A civil suit may be brought to enjoin a
31 wrongful refusal to issue a license or a wrongful modification of the
32 requirements of this section or chapter. The civil suit may be brought
33 in the county in which the application was made or in Thurston county
34 at the discretion of the petitioner. Any person who prevails against
35 a public agency in any action in the courts for a violation of this
36 chapter shall be awarded costs, including reasonable attorneys' fees,
37 incurred in connection with such legal action.

Passed the Senate March 7, 1994.

Passed the House March 4, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.