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**Judiciary Committee**

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**HB 3148**

**Title:** An act relating to firearm licenses for persons from different countries.

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

**Sponsors:** Representative Moeller.

**Brief Summary of Bill**

- Allows city or county law enforcement to issue an alien firearm license for hunting and sport shooting.
- Repeals the current alien firearm license statute.

**Hearing Date:** 1/29/08

**Staff:** Brian Considine (786-7290).

**Background:**

Alien Firearm License

It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm without having obtained an alien firearm license for the Director of the Department of Licensing (Director). In order to be eligible, an alien must provide the Director with a certified copy of the alien's criminal history in the alien's country, and an attestation from the consul domiciled in Washington representing the country of the alien that the alien is a responsible person.

If the alien has been a resident of the Washington for at least two years and is from a country without a consul domiciled within Washington, or the consul has failed to provide, within 90 days, the required documentation, the Director may issue an alien firearm license, subject to the following requirements: before issuing the license, the Director must ask local law enforcement agencies to conduct a background and fingerprint check to determine the alien's eligibility to own, possess, or control a firearm. This check must be conducted within 30 days of the request. If the

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alien does not have a valid Washington driver's license or I.D. card, the check must be conducted within 60 days of the request. The alien firearm license is good for five years.

These requirements do not apply to Canadian citizens who reside in a province which has an enactment or public policy providing substantially similar privileges to Washington residents who carry or possess weapons for the purpose of using them in hunting or competing in organized contests where rifles, pistols, or shotguns are used.

#### Concealed Pistol License

A person must apply for a concealed gun license through his or her city or county law enforcement agency. The applicant must provide, among other requirements, two sets of fingerprints to be forwarded to the Washington State Patrol.

#### **Summary of Bill:**

##### Nonimmigrant Alien – Residing in Washington

It is a class C felony for a nonimmigrant alien residing in Washington to carry or possess any firearm without having an alien firearm license. Any nonimmigrant alien residing in Washington may apply to the county or city law enforcement agency where he or she resides for an alien firearm license. The license will be valid for hunting and sport shooting, and it expires two years after issuance or until the person permanently leaves the state.

There is a 60-day waiting period before the city or county law enforcement agency may issue an alien firearm license. Before issuing the license, the applicant will submit one complete set of fingerprints with the application, and law enforcement will conduct a background check through the National Crime Information Center, the Washington State Patrol, and the Department of Social and Health Services databases.

##### Nonimmigrant Alien - Not Residing in Washington

It is a class C felony for any nonimmigrant alien not residing in Washington to carry or possess a firearm in Washington unless he or she possesses a valid passport and visa (a Canadian citizen need only to possess valid documentation as required for entry into the United States); an approved U.S. Department of Treasury ATF-6 NIA application and permit; and a valid hunting license or an invitation to participate in a trade show or sport shooting event.

#### Concealed Gun License

An application for a concealed gun license requires one complete set of the applicant's fingerprints for a background check through Washington State Patrol and the Federal Bureau of Investigation.

The current alien firearm licenses statute is repealed.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/23/08.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.