

CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE HOUSE BILL 1052**

Chapter 216, Laws of 2009

61st Legislature  
2009 Regular Session

POSSESSION OF FIREARMS--NONCITIZENS

EFFECTIVE DATE: 07/26/09

Passed by the House April 16, 2009  
Yeas 97 Nays 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate April 7, 2009  
Yeas 45 Nays 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved April 25, 2009, 11:16 a.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1052** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

April 27, 2009

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE HOUSE BILL 1052**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House General Government Appropriations (originally sponsored by Representatives Moeller, Williams, Blake, Chase, and Kretz)

READ FIRST TIME 02/19/09.

1            AN ACT Relating to firearm licenses for persons from different  
2 countries; amending RCW 9.41.010, 9.41.070, 9.41.097, and 9.41.0975;  
3 adding new sections to chapter 9.41 RCW; repealing RCW 9.41.170; and  
4 prescribing penalties.

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

6            **Sec. 1.** RCW 9.41.010 and 2001 c 300 s 2 are each amended to read  
7 as follows:

8            Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

10           (1) "Firearm" means a weapon or device from which a projectile or  
11 projectiles may be fired by an explosive such as gunpowder.

12           (2) "Pistol" means any firearm with a barrel less than sixteen  
13 inches in length, or is designed to be held and fired by the use of a  
14 single hand.

15           (3) "Rifle" means a weapon designed or redesigned, made or remade,  
16 and intended to be fired from the shoulder and designed or redesigned,  
17 made or remade, and intended to use the energy of the explosive in a  
18 fixed metallic cartridge to fire only a single projectile through a  
19 rifled bore for each single pull of the trigger.

1 (4) "Short-barreled rifle" means a rifle having one or more barrels  
2 less than sixteen inches in length and any weapon made from a rifle by  
3 any means of modification if such modified weapon has an overall length  
4 of less than twenty-six inches.

5 (5) "Shotgun" means a weapon with one or more barrels, designed or  
6 redesigned, made or remade, and intended to be fired from the shoulder  
7 and designed or redesigned, made or remade, and intended to use the  
8 energy of the explosive in a fixed shotgun shell to fire through a  
9 smooth bore either a number of ball shot or a single projectile for  
10 each single pull of the trigger.

11 (6) "Short-barreled shotgun" means a shotgun having one or more  
12 barrels less than eighteen inches in length and any weapon made from a  
13 shotgun by any means of modification if such modified weapon has an  
14 overall length of less than twenty-six inches.

15 (7) "Machine gun" means any firearm known as a machine gun,  
16 mechanical rifle, submachine gun, or any other mechanism or instrument  
17 not requiring that the trigger be pressed for each shot and having a  
18 reservoir clip, disc, drum, belt, or other separable mechanical device  
19 for storing, carrying, or supplying ammunition which can be loaded into  
20 the firearm, mechanism, or instrument, and fired therefrom at the rate  
21 of five or more shots per second.

22 (8) "Antique firearm" means a firearm or replica of a firearm not  
23 designed or redesigned for using rim fire or conventional center fire  
24 ignition with fixed ammunition and manufactured in or before 1898,  
25 including any matchlock, flintlock, percussion cap, or similar type of  
26 ignition system and also any firearm using fixed ammunition  
27 manufactured in or before 1898, for which ammunition is no longer  
28 manufactured in the United States and is not readily available in the  
29 ordinary channels of commercial trade.

30 (9) "Loaded" means:

31 (a) There is a cartridge in the chamber of the firearm;

32 (b) Cartridges are in a clip that is locked in place in the  
33 firearm;

34 (c) There is a cartridge in the cylinder of the firearm, if the  
35 firearm is a revolver;

36 (d) There is a cartridge in the tube or magazine that is inserted  
37 in the action; or

1 (e) There is a ball in the barrel and the firearm is capped or  
2 primed if the firearm is a muzzle loader.

3 (10) "Dealer" means a person engaged in the business of selling  
4 firearms at wholesale or retail who has, or is required to have, a  
5 federal firearms license under 18 U.S.C. Sec. 923(a). A person who  
6 does not have, and is not required to have, a federal firearms license  
7 under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only  
8 occasional sales, exchanges, or purchases of firearms for the  
9 enhancement of a personal collection or for a hobby, or sells all or  
10 part of his or her personal collection of firearms.

11 (11) "Crime of violence" means:

12 (a) Any of the following felonies, as now existing or hereafter  
13 amended: Any felony defined under any law as a class A felony or an  
14 attempt to commit a class A felony, criminal solicitation of or  
15 criminal conspiracy to commit a class A felony, manslaughter in the  
16 first degree, manslaughter in the second degree, indecent liberties if  
17 committed by forcible compulsion, kidnapping in the second degree,  
18 arson in the second degree, assault in the second degree, assault of a  
19 child in the second degree, extortion in the first degree, burglary in  
20 the second degree, residential burglary, and robbery in the second  
21 degree;

22 (b) Any conviction for a felony offense in effect at any time prior  
23 to June 6, 1996, which is comparable to a felony classified as a crime  
24 of violence in (a) of this subsection; and

25 (c) Any federal or out-of-state conviction for an offense  
26 comparable to a felony classified as a crime of violence under (a) or  
27 (b) of this subsection.

28 (12) "Serious offense" means any of the following felonies or a  
29 felony attempt to commit any of the following felonies, as now existing  
30 or hereafter amended:

31 (a) Any crime of violence;

32 (b) Any felony violation of the uniform controlled substances act,  
33 chapter 69.50 RCW, that is classified as a class B felony or that has  
34 a maximum term of imprisonment of at least ten years;

35 (c) Child molestation in the second degree;

36 (d) Incest when committed against a child under age fourteen;

37 (e) Indecent liberties;

38 (f) Leading organized crime;

1 (g) Promoting prostitution in the first degree;

2 (h) Rape in the third degree;

3 (i) Drive-by shooting;

4 (j) Sexual exploitation;

5 (k) Vehicular assault, when caused by the operation or driving of  
6 a vehicle by a person while under the influence of intoxicating liquor  
7 or any drug or by the operation or driving of a vehicle in a reckless  
8 manner;

9 (l) Vehicular homicide, when proximately caused by the driving of  
10 any vehicle by any person while under the influence of intoxicating  
11 liquor or any drug as defined by RCW 46.61.502, or by the operation of  
12 any vehicle in a reckless manner;

13 (m) Any other class B felony offense with a finding of sexual  
14 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

15 (n) Any other felony with a deadly weapon verdict under RCW  
16 9.94A.602; or

17 (o) Any felony offense in effect at any time prior to June 6, 1996,  
18 that is comparable to a serious offense, or any federal or out-of-state  
19 conviction for an offense that under the laws of this state would be a  
20 felony classified as a serious offense.

21 (13) "Law enforcement officer" includes a general authority  
22 Washington peace officer as defined in RCW 10.93.020, or a specially  
23 commissioned Washington peace officer as defined in RCW 10.93.020.  
24 "Law enforcement officer" also includes a limited authority Washington  
25 peace officer as defined in RCW 10.93.020 if such officer is duly  
26 authorized by his or her employer to carry a concealed pistol.

27 (14) "Felony" means any felony offense under the laws of this state  
28 or any federal or out-of-state offense comparable to a felony offense  
29 under the laws of this state.

30 (15) "Sell" refers to the actual approval of the delivery of a  
31 firearm in consideration of payment or promise of payment of a certain  
32 price in money.

33 (16) "Barrel length" means the distance from the bolt face of a  
34 closed action down the length of the axis of the bore to the crown of  
35 the muzzle, or in the case of a barrel with attachments to the end of  
36 any legal device permanently attached to the end of the muzzle.

37 (17) "Family or household member" means "family" or "household  
38 member" as used in RCW 10.99.020.

1       (18) "Nonimmigrant alien" means a person defined as such in 8  
2 U.S.C. Sec. 1101(a)(15).

3       (19) "Lawful permanent resident" has the same meaning afforded a  
4 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
5 1101(a)(20).

6       NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW  
7 to read as follows:

8       It is a class C felony for any person who is not a citizen of the  
9 United States to carry or possess any firearm, unless the person: (1)  
10 Is a lawful permanent resident; (2) has obtained a valid alien firearm  
11 license pursuant to section 3 of this act; or (3) meets the  
12 requirements of section 4 of this act.

13       NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW  
14 to read as follows:

15       (1) In order to obtain an alien firearm license, a nonimmigrant  
16 alien residing in Washington must apply to the sheriff of the county in  
17 which he or she resides.

18       (2) The sheriff of the county shall within sixty days after the  
19 filing of an application of a nonimmigrant alien residing in the state  
20 of Washington, issue an alien firearm license to such person to carry  
21 or possess a firearm for the purposes of hunting and sport shooting.  
22 The license shall be good for two years. The issuing authority shall  
23 not refuse to accept completed applications for alien firearm licenses  
24 during regular business hours. An application for a license may not be  
25 denied, unless the applicant's alien firearm license is in a revoked  
26 status, or the applicant:

27       (a) Is ineligible to possess a firearm under the provisions of RCW  
28 9.41.040 or 9.41.045;

29       (b) Is subject to a court order or injunction regarding firearms  
30 pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050,  
31 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or  
32 26.26.590;

33       (c) Is free on bond or personal recognizance pending trial, appeal,  
34 or sentencing for a felony offense; or

35       (d) Has an outstanding warrant for his or her arrest from any court  
36 of competent jurisdiction for a felony or misdemeanor.

1 No license application shall be granted to a nonimmigrant alien  
2 convicted of a felony unless the person has been granted relief from  
3 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or  
4 unless RCW 9.41.040 (3) or (4) applies.

5 (3) The sheriff shall check with the national crime information  
6 center, the Washington state patrol electronic database, the department  
7 of social and health services electronic database, and with other  
8 agencies or resources as appropriate, to determine whether the  
9 applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a  
10 firearm.

11 (4) The license application shall bear the full name, residential  
12 address, telephone number at the option of the applicant, date and  
13 place of birth, race, gender, description, not more than two complete  
14 sets of fingerprints, and signature of the applicant, a copy of the  
15 applicant's passport and visa showing the applicant is in the country  
16 legally, and a valid Washington hunting license or documentation that  
17 the applicant is a member of a sport shooting club.

18 A signed application for an alien firearm license shall constitute  
19 a waiver of confidentiality and written request that the department of  
20 social and health services, mental health institutions, and other  
21 health care facilities release information relevant to the applicant's  
22 eligibility for an alien firearm license to an inquiring court or law  
23 enforcement agency.

24 The application for an original license shall include a complete  
25 set of fingerprints to be forwarded to the Washington state patrol.

26 The license and application shall contain a warning substantially  
27 as follows:

28 CAUTION: Although state and local laws do not differ, federal  
29 law and state law on the possession of firearms differ. If you  
30 are prohibited by federal law from possessing a firearm, you  
31 may be prosecuted in federal court. A state license is not a  
32 defense to a federal prosecution.

33 The license shall contain a description of the major differences  
34 between state and federal law and an explanation of the fact that local  
35 laws and ordinances on firearms are preempted by state law and must be  
36 consistent with state law. The application shall contain questions  
37 about the applicant's eligibility under RCW 9.41.040 to possess a

1 firearm. The nonimmigrant alien applicant shall be required to produce  
2 a passport and visa as evidence of being in the country legally.

3 The license may be in triplicate or in a form to be prescribed by  
4 the department of licensing. The original thereof shall be delivered  
5 to the licensee, the duplicate shall within seven days be sent to the  
6 director of licensing and the triplicate shall be preserved for six  
7 years, by the authority issuing the license.

8 The department of licensing shall make available to law enforcement  
9 and corrections agencies, in an online format, all information received  
10 under this section.

11 (5) The sheriff has the authority to collect a nonrefundable fee,  
12 paid upon application, for the two-year license. The fee shall be  
13 fifty dollars plus additional charges imposed by the Washington state  
14 patrol and the federal bureau of investigation that are passed on to  
15 the applicant. No other state or local branch or unit of government  
16 may impose any additional charges on the applicant for the issuance of  
17 the license. The fee shall be retained by the sheriff.

18 (6) Payment shall be by cash, check, or money order at the option  
19 of the applicant. Additional methods of payment may be allowed at the  
20 option of the sheriff.

21 (7) A political subdivision of the state shall not modify the  
22 requirements of this section, nor may a political subdivision ask the  
23 applicant to voluntarily submit any information not required by this  
24 section.

25 (8) A person who knowingly makes a false statement regarding  
26 citizenship or identity on an application for an alien firearm license  
27 is guilty of false swearing under RCW 9A.72.040. In addition to any  
28 other penalty provided for by law, the alien firearm license of a  
29 person who knowingly makes a false statement shall be revoked, and the  
30 person shall be permanently ineligible for an alien firearm license.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.41 RCW  
32 to read as follows:

33 (1) A nonimmigrant alien, who is not a resident of Washington or a  
34 citizen of Canada, may carry or possess any firearm without having  
35 first obtained an alien firearm license if the nonimmigrant alien  
36 possesses:



1 (a) A valid passport and visa showing he or she is in the country  
2 legally;

3 (b) If required under federal law, an approved United States  
4 department of justice ATF-6 NIA application and permit for temporary  
5 importation of firearms and ammunition by nonimmigrant aliens; and

6 (c)(i) A valid hunting license issued by a state or territory of  
7 the United States; or

8 (ii) An invitation to participate in a trade show or sport shooting  
9 event being conducted in this state, another state, or another country  
10 that is contiguous with this state.

11 (2) A citizen of Canada may carry or possess any firearm so long as  
12 he or she possesses:

13 (a) Valid documentation as required for entry into the United  
14 States;

15 (b) If required under federal law, an approved United States  
16 department of justice ATF-6 NIA application and permit for temporary  
17 importation of firearms and ammunition by nonimmigrant aliens; and

18 (c)(i) A valid hunting license issued by a state or territory of  
19 the United States; or

20 (ii) An invitation to participate in a trade show or sport shooting  
21 event being conducted in this state, another state, or another country  
22 that is contiguous with this state.

23 (3) For purposes of subsections (1) and (2) of this section, the  
24 firearms may only be possessed for the purpose of using them in the  
25 hunting of game while such persons are in the act of hunting, or while  
26 on a hunting trip, or while such persons are competing in a bona fide  
27 trap or skeet shoot or any other organized contest where rifles,  
28 pistols, or shotguns are used. Nothing in this section shall be  
29 construed to allow aliens to hunt or fish in this state without first  
30 having obtained a regular hunting or fishing license.

31 **Sec. 5.** RCW 9.41.070 and 2002 c 302 s 703 are each amended to read  
32 as follows:

33 (1) The chief of police of a municipality or the sheriff of a  
34 county shall within thirty days after the filing of an application of  
35 any person, issue a license to such person to carry a pistol concealed  
36 on his or her person within this state for five years from date of  
37 issue, for the purposes of protection or while engaged in business,

1 sport, or while traveling. However, if the applicant does not have a  
2 valid permanent Washington driver's license or Washington state  
3 identification card or has not been a resident of the state for the  
4 previous consecutive ninety days, the issuing authority shall have up  
5 to sixty days after the filing of the application to issue a license.  
6 The issuing authority shall not refuse to accept completed applications  
7 for concealed pistol licenses during regular business hours.

8 The applicant's constitutional right to bear arms shall not be  
9 denied, unless:

10 (a) He or she is ineligible to possess a firearm under the  
11 provisions of RCW 9.41.040 or 9.41.045;

12 (b) The applicant's concealed pistol license is in a revoked  
13 status;

14 (c) He or she is under twenty-one years of age;

15 (d) He or she is subject to a court order or injunction regarding  
16 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
17 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,  
18 26.50.070, or 26.26.590;

19 (e) He or she is free on bond or personal recognizance pending  
20 trial, appeal, or sentencing for a felony offense;

21 (f) He or she has an outstanding warrant for his or her arrest from  
22 any court of competent jurisdiction for a felony or misdemeanor; or

23 (g) He or she has been ordered to forfeit a firearm under RCW  
24 9.41.098(1)(e) within one year before filing an application to carry a  
25 pistol concealed on his or her person.

26 No person convicted of a felony may have his or her right to  
27 possess firearms restored or his or her privilege to carry a concealed  
28 pistol restored, unless the person has been granted relief from  
29 disabilities by the (~~secretary of the treasury~~) attorney general  
30 under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

31 (2) The issuing authority shall check with the national crime  
32 information center, the Washington state patrol electronic database,  
33 the department of social and health services electronic database, and  
34 with other agencies or resources as appropriate, to determine whether  
35 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess  
36 a firearm and therefore ineligible for a concealed pistol license.  
37 This subsection applies whether the applicant is applying for a new  
38 concealed pistol license or to renew a concealed pistol license.

1 (3) Any person whose firearms rights have been restricted and who  
2 has been granted relief from disabilities by the (~~secretary of the~~  
3 ~~treasury~~) attorney general under 18 U.S.C. Sec. 925(c) or who is  
4 exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right  
5 to acquire, receive, transfer, ship, transport, carry, and possess  
6 firearms in accordance with Washington state law restored except as  
7 otherwise prohibited by this chapter.

8 (4) The license application shall bear the full name, residential  
9 address, telephone number at the option of the applicant, date and  
10 place of birth, race, gender, description, (~~not more than two~~) a  
11 complete set(~~s~~) of fingerprints, and signature of the licensee, and  
12 the licensee's driver's license number or state identification card  
13 number if used for identification in applying for the license. A  
14 signed application for a concealed pistol license shall constitute a  
15 waiver of confidentiality and written request that the department of  
16 social and health services, mental health institutions, and other  
17 health care facilities release information relevant to the applicant's  
18 eligibility for a concealed pistol license to an inquiring court or law  
19 enforcement agency.

20 The application for an original license shall include two complete  
21 sets of fingerprints to be forwarded to the Washington state patrol.

22 The license and application shall contain a warning substantially  
23 as follows:

24 CAUTION: Although state and local laws do not differ, federal  
25 law and state law on the possession of firearms differ. If you  
26 are prohibited by federal law from possessing a firearm, you  
27 may be prosecuted in federal court. A state license is not a  
28 defense to a federal prosecution.

29 The license shall contain a description of the major differences  
30 between state and federal law and an explanation of the fact that local  
31 laws and ordinances on firearms are preempted by state law and must be  
32 consistent with state law. The application shall contain questions  
33 about the applicant's eligibility under RCW 9.41.040 to possess a  
34 pistol, the applicant's place of birth, and whether the applicant is a  
35 United States citizen. The applicant shall not be required to produce  
36 a birth certificate or other evidence of citizenship. A person who is  
37 not a citizen of the United States shall, if applicable, meet the  
38 additional requirements of (~~RCW 9.41.170~~) section 3 of this act and

1 produce proof of compliance with ((RCW 9.41.170)) section 3 of this act  
2 upon application. The license ((shall)) may be in triplicate ((and))  
3 or in a form to be prescribed by the department of licensing.

4 The original thereof shall be delivered to the licensee, the  
5 duplicate shall within seven days be sent to the director of licensing  
6 and the triplicate shall be preserved for six years, by the authority  
7 issuing the license.

8 The department of licensing shall make available to law enforcement  
9 and corrections agencies, in an on-line format, all information  
10 received under this subsection.

11 (5) The nonrefundable fee, paid upon application, for the original  
12 five-year license shall be thirty-six dollars plus additional charges  
13 imposed by the Federal Bureau of Investigation that are passed on to  
14 the applicant. No other state or local branch or unit of government  
15 may impose any additional charges on the applicant for the issuance of  
16 the license.

17 The fee shall be distributed as follows:

18 (a) Fifteen dollars shall be paid to the state general fund;

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

21 (c) Fourteen dollars shall be paid to the issuing authority for the  
22 purpose of enforcing this chapter; and

23 (d) Three dollars to the firearms range account in the general  
24 fund.

25 (6) The nonrefundable fee for the renewal of such license shall be  
26 thirty-two dollars. No other branch or unit of government may impose  
27 any additional charges on the applicant for the renewal of the license.

28 The renewal fee shall be distributed as follows:

29 (a) Fifteen dollars shall be paid to the state general fund;

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

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

34 (7) The nonrefundable fee for replacement of lost or damaged  
35 licenses is ten dollars to be paid to the issuing authority.

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

1 (9) A licensee may renew a license if the licensee applies for  
2 renewal within ninety days before or after the expiration date of the  
3 license. A license so renewed shall take effect on the expiration date  
4 of the prior license. A licensee renewing after the expiration date of  
5 the license must pay a late renewal penalty of ten dollars in addition  
6 to the renewal fee specified in subsection (6) of this section. The  
7 fee shall be distributed as follows:

8 (a) Three dollars shall be deposited in the state wildlife (~~fund~~)  
9 account and used exclusively first for the printing and distribution of  
10 a pamphlet on the legal limits of the use of firearms, firearms safety,  
11 and the preemptive nature of state law, and subsequently the support of  
12 volunteer instructors in the basic firearms safety training program  
13 conducted by the department of fish and wildlife. The pamphlet shall  
14 be given to each applicant for a license; and

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

17 (10) Notwithstanding the requirements of subsections (1) through  
18 (9) of this section, the chief of police of the municipality or the  
19 sheriff of the county of the applicant's residence may issue a  
20 temporary emergency license for good cause pending review under  
21 subsection (1) of this section. However, a temporary emergency license  
22 issued under this subsection shall not exempt the holder of the license  
23 from any records check requirement. Temporary emergency licenses shall  
24 be easily distinguishable from regular licenses.

25 (11) A political subdivision of the state shall not modify the  
26 requirements of this section or chapter, nor may a political  
27 subdivision ask the applicant to voluntarily submit any information not  
28 required by this section.

29 (12) A person who knowingly makes a false statement regarding  
30 citizenship or identity on an application for a concealed pistol  
31 license is guilty of false swearing under RCW 9A.72.040. In addition  
32 to any other penalty provided for by law, the concealed pistol license  
33 of a person who knowingly makes a false statement shall be revoked, and  
34 the person shall be permanently ineligible for a concealed pistol  
35 license.

36 (13) A person may apply for a concealed pistol license:

37 (a) To the municipality or to the county in which the applicant  
38 resides if the applicant resides in a municipality;

- 1 (b) To the county in which the applicant resides if the applicant
- 2 resides in an unincorporated area; or
- 3 (c) Anywhere in the state if the applicant is a nonresident.

4 **Sec. 6.** RCW 9.41.097 and 2005 c 274 s 202 are each amended to read  
5 as follows:

6 (1) The department of social and health services, mental health  
7 institutions, and other health care facilities shall, upon request of  
8 a court or law enforcement agency, supply such relevant information as  
9 is necessary to determine the eligibility of a person to possess a  
10 pistol or to be issued a concealed pistol license under RCW 9.41.070 or  
11 to purchase a pistol under RCW 9.41.090.

12 (2) Mental health information received by: (a) The department of  
13 licensing pursuant to RCW 9.41.047 or (~~9.41.170~~) section 3 of this  
14 act; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c)  
15 a chief of police or sheriff pursuant to RCW 9.41.090 or (~~9.41.170~~)  
16 section 3 of this act; (d) a court or law enforcement agency pursuant  
17 to subsection (1) of this section, shall not be disclosed except as  
18 provided in RCW 42.56.240(4).

19 **Sec. 7.** RCW 9.41.0975 and 1996 c 295 s 9 are each amended to read  
20 as follows:

21 (1) The state, local governmental entities, any public or private  
22 agency, and the employees of any state or local governmental entity or  
23 public or private agency, acting in good faith, are immune from  
24 liability:

25 (a) For failure to prevent the sale or transfer of a firearm to a  
26 person whose receipt or possession of the firearm is unlawful;

27 (b) For preventing the sale or transfer of a firearm to a person  
28 who may lawfully receive or possess a firearm;

29 (c) For issuing a concealed pistol license or alien firearm license  
30 to a person ineligible for such a license;

31 (d) For failing to issue a concealed pistol license or alien  
32 firearm license to a person eligible for such a license;

33 (e) For revoking or failing to revoke an issued concealed pistol  
34 license or alien firearm license;

35 (f) For errors in preparing or transmitting information as part of

1 determining a person's eligibility to receive or possess a firearm, or  
2 eligibility for a concealed pistol license or alien firearm license;

3 (g) For issuing a dealer's license to a person ineligible for such  
4 a license; or

5 (h) For failing to issue a dealer's license to a person eligible  
6 for such a license.

7 (2) An application may be made to a court of competent jurisdiction  
8 for a writ of mandamus:

9 (a) Directing an issuing agency to issue a concealed pistol license  
10 or alien firearm license wrongfully refused;

11 (b) Directing a law enforcement agency to approve an application to  
12 purchase wrongfully denied;

13 (c) Directing that erroneous information resulting either in the  
14 wrongful refusal to issue a concealed pistol license or alien firearm  
15 license or in the wrongful denial of a purchase application be  
16 corrected; or

17 (d) Directing a law enforcement agency to approve a dealer's  
18 license wrongfully denied.

19 The application for the writ may be made in the county in which the  
20 application for a concealed pistol license or alien firearm license or  
21 to purchase a pistol was made, or in Thurston county, at the discretion  
22 of the petitioner. A court shall provide an expedited hearing for an  
23 application brought under this subsection (2) for a writ of mandamus.  
24 A person granted a writ of mandamus under this subsection (2) shall be  
25 awarded reasonable attorneys' fees and costs.

26 NEW SECTION. **Sec. 8.** RCW 9.41.170 (Alien's license to carry  
27 firearms--Exception) and 1996 c 295 s 11, 1994 c 190 s 1, 1979 c 158 s  
28 3, 1969 ex.s. c 90 s 1, & 1953 c 109 s 1 are each repealed.

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