

2 **ESB 6057 - H COMM AMD ADOPTED 3-4-94**

3 By Committee on Judiciary

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9.41.170 and 1979 c 158 s 3 are each amended to read  
8 as follows:

9 ~~((It shall be unlawful for any person who is not a citizen of the  
10 United States, or who has not declared his intention to become a  
11 citizen of the United States, to carry or have in his possession at any  
12 time any shotgun, rifle, or other firearm, without first having  
13 obtained a license from the director of licensing, and such license is  
14 not to be issued by the director of licensing except upon the  
15 certificate of the consul domiciled in the state and representing the  
16 country of such alien, that he is a responsible person and upon the  
17 payment for the license of the sum of fifteen dollars: PROVIDED,  
18 That))~~ (1) It is a class C felony for any person who is not a citizen  
19 of the United States to carry or possess any firearm, without first  
20 having obtained an alien firearm license from the director of  
21 licensing. Except as provided in subsection (2) of this section, the  
22 director of licensing may issue an alien firearm license only upon  
23 receiving from the consul domiciled in this state representing the  
24 country of the alien, a certified copy of the alien's criminal history  
25 in the alien's country indicating the alien is not ineligible under RCW  
26 9.41.040 to own, possess, or control a firearm, and the consul's  
27 attestation that the alien is a responsible person.

28 (2)(a) Subject to the additional requirements of (b) of this  
29 subsection, the director of licensing may issue an alien firearm  
30 license without a certified copy of the alien's criminal history or the  
31 consul's attestation required by subsection (1) of this section, if the  
32 alien has been a resident of this state for at least two years and:  
33 (i) The alien is from a country without a consul domiciled within this  
34 state, or (ii) the consul has failed to provide, within ninety days  
35 after a request by the alien, the criminal history or attestation  
36 required by subsection (1) of this section.

1        (b) Before issuing an alien firearm license under this subsection  
2 (2), the director of licensing shall ask the local law enforcement  
3 agency of the jurisdiction in which the alien resides to complete a  
4 background check to determine the alien's eligibility under RCW  
5 9.41.040 to own, possess, or control a firearm. The law enforcement  
6 agency shall complete a background check within thirty days after the  
7 request, unless the alien does not have a valid Washington driver's  
8 license or Washington state identification card. In the latter case,  
9 the law enforcement agency shall complete the background check within  
10 sixty days after the request.

11        A signed application for an alien firearm license shall constitute  
12 a waiver of confidentiality and written request that the department of  
13 social and health services, mental health institutions, and other  
14 health care facilities release information relevant to the applicant's  
15 eligibility for an alien firearm license to an inquiring law  
16 enforcement agency.

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

20        (4) This section shall not apply to Canadian citizens resident in  
21 a province which has an enactment or public policy providing  
22 substantially similar privilege to residents of the state of Washington  
23 and who are carrying or possessing weapons for the purpose of using  
24 them in the hunting of game while such persons are in the act of  
25 hunting, or while on a hunting trip, or while such persons are  
26 competing in a bona fide trap or skeet shoot or any other organized  
27 contest where rifles, pistols, or shotguns are used ((as to weapons  
28 used in such contest)). Nothing in this section shall be construed to  
29 allow aliens to hunt or fish in this state without first having  
30 obtained a regular hunting or fishing license. ((Any person violating  
31 the provisions of this section shall be guilty of a misdemeanor.))

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

34        (1) The judge of a court of record, the chief of police of a  
35 municipality, or the sheriff of a county, shall within thirty days  
36 after the filing of an application of any person issue a license to  
37 such person to carry a pistol concealed on his or her person within  
38 this state for four years from date of issue, for the purposes of

1 protection or while engaged in business, sport, or while traveling.  
2 However, if the applicant does not have a valid permanent Washington  
3 driver's license or Washington state identification card or has not  
4 been a resident of the state for the previous consecutive ninety days,  
5 the issuing authority shall have up to sixty days after the filing of  
6 the application to issue a license. Such applicant's constitutional  
7 right to bear arms shall not be denied, unless he or she:

8 (a) Is ineligible to own a pistol under the provisions of RCW  
9 9.41.040; or

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

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

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

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

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

20 (g) Has been convicted of any of the following offenses: Assault  
21 in the third degree, indecent liberties, malicious mischief in the  
22 first degree, possession of stolen property in the first or second  
23 degree, or theft in the first or second degree. Any person who becomes  
24 ineligible for a concealed pistol permit as a result of a conviction  
25 for a crime listed in this subsection (1)(g) and then successfully  
26 completes all terms of his or her sentence, as evidenced by a  
27 certificate of discharge issued under RCW 9.94A.220 in the case of a  
28 sentence under chapter 9.94A RCW, and has not again been convicted of  
29 any crime and is not under indictment for any crime, may, one year or  
30 longer after such successful sentence completion, petition the district  
31 court for a declaration that the person is no longer ineligible for a  
32 concealed pistol permit under this subsection (1)(g).

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

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

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

7 (a) On the first forfeiture, revoke the license for one year;

8 (b) On the second forfeiture, revoke the license for two years;

9 (c) On the third or subsequent forfeiture, revoke the license for  
10 five years.

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

16 (5) The license shall be in triplicate, in form to be prescribed by  
17 the department of licensing, and shall bear the name, address, and  
18 description, fingerprints, and signature of the licensee, and the  
19 licensee's driver's license number or state identification card number  
20 if used for identification in applying for the license. The license  
21 application shall contain a warning substantially as follows:

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

27 The license application shall contain a description of the major  
28 differences between state and federal law and an explanation of the  
29 fact that local laws and ordinances on firearms are preempted by state  
30 law and must be consistent with state law. The application shall  
31 contain questions about the applicant's place of birth, whether the  
32 applicant is a United States citizen, (~~(and if not a citizen whether~~  
33 ~~the applicant has declared the intent to become a citizen)) and whether~~  
34 he or she has been required to register with the state or federal  
35 government and (~~(any))~~ has an identification or registration number(~~(-~~  
36 ~~if applicable))~~). The applicant shall not be required to produce a  
37 birth certificate or other evidence of citizenship. (~~(An applicant who~~  
38 ~~is not a citizen shall provide documentation showing resident alien~~

1 ~~status and the applicant's intent to become a citizen.))~~ A person who  
2 makes a false statement regarding citizenship on the application is  
3 guilty of a misdemeanor. A person who is not a citizen of the United  
4 States(~~(, or has not declared his or her intention to become a~~  
5 ~~citizen))~~ shall meet the additional requirements of RCW 9.41.170.

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

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

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

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

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

20 (d) Three dollars to the firearms range account in the general  
21 fund.

22 (7) The fee for the renewal of such license shall be fifteen  
23 dollars: PROVIDED, That no other additional charges by any branch or  
24 unit of government shall be borne by the applicant for the renewal of  
25 the license: PROVIDED FURTHER, That the fee shall be distributed as  
26 follows:

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

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

30 (c) Three dollars to the firearms range account in the general  
31 fund.

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

35 (9) A licensee may renew a license if the licensee applies for  
36 renewal within ninety days before or after the expiration date of the  
37 license. A license so renewed shall take effect on the expiration date  
38 of the prior license. A licensee renewing after the expiration date of  
39 the license must pay a late renewal penalty of ten dollars in addition

1 to the renewal fee specified in subsection (7) of this section. The  
2 fee shall be distributed as follows:

3 (a) Three dollars shall be deposited in the state wildlife fund and  
4 used exclusively for the printing and distribution of a pamphlet on the  
5 legal limits of the use of firearms, firearms safety, and the  
6 preemptive nature of state law. The pamphlet shall be given to each  
7 applicant for a license; and

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

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

15 (11) A political subdivision of the state shall not modify the  
16 requirements of this section or chapter, nor may a political  
17 subdivision ask the applicant to voluntarily submit any information not  
18 required by this section. A civil suit may be brought to enjoin a  
19 wrongful refusal to issue a license or a wrongful modification of the  
20 requirements of this section or chapter. The civil suit may be brought  
21 in the county in which the application was made or in Thurston county  
22 at the discretion of the petitioner. Any person who prevails against  
23 a public agency in any action in the courts for a violation of this  
24 chapter shall be awarded costs, including reasonable attorneys' fees,  
25 incurred in connection with such legal action."

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