

HOUSE BILL REPORT

ESB 6057

As Reported By House Committee On:
Judiciary

Title: An act relating to aliens carrying firearms.

Brief Description: Strengthening restrictions on aliens carrying firearms.

Sponsors: Senator Ludwig.

Brief History:

Reported by House Committee on:
Judiciary, February 25, 1994, DPA.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 17 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Riley; Schmidt; Scott; Tate and Wineberry.

Staff: Margaret Allen (786-7191).

Background: It is a misdemeanor for any person who is not a citizen, or who has not declared his or her intention to become a citizen, to possess a firearm, unless the person has obtained an alien firearm license from the Department of Licensing (DOL). In addition, an alien who wants a concealed pistol license must first obtain an alien firearm license, if the alien has not declared his or her intention to become a citizen. An alien firearm license costs \$15 and need not be renewed.

DOL is not to issue an alien firearm license until the consul representing the country of the alien has certified the alien is a responsible person.

According to DOL, consuls who are willing to assist aliens in obtaining licenses conduct background checks in the alien's country. Current law is silent regarding the obligation of a consul to conduct such a background check when certifying the responsible character of the alien.

The consuls of some countries apparently are unwilling to assist their citizens in obtaining firearms or licenses to carry a concealed pistol. Also, some countries do not have consuls in Washington. In such cases, to qualify for an alien firearm license, the alien must file, with the United States Immigration and Naturalization Service, a declaration of intention to become a citizen.

Summary of Amended Bill: The requirements for obtaining an alien firearm license are modified. It is a class C felony for an alien to possess a firearm without an alien firearm license. The cost of an alien firearm license fee is raised to \$25, and the license must be renewed every four years.

DOL may issue a license if a consul has: (1) given DOL a certified copy of the alien's criminal history indicating the alien is not ineligible under Washington law to own, possess, or control a firearm; and (2) attested the alien is a responsible person.

However, if the alien has resided in the state for at least two years, and (1) is from a country without a consul in this state, or (2) if the consul fails, within 90 days after the alien's request, to provide the certified copy of the alien's criminal history or attestation that the alien is a responsible person, DOL still may issue an alien firearm license if certain conditions are met. In such cases, DOL must ask the local law enforcement agency of the jurisdiction in which the alien resides to complete a background check to verify the alien is not ineligible to own, possess, or control a firearm. The law enforcement agency has 30 days in which to complete the check, unless the alien does not have a valid Washington driver's license or identification card, in which case the law enforcement agency has 60 days to complete the check.

A declared intention to become a United States citizen will no longer qualify an alien for an alien firearm license or a concealed pistol license.

Amended Bill Compared to Engrossed Bill: A declared intention to become a United States citizen will no longer qualify a person for a concealed pistol license. All aliens must have an alien firearm license before possessing a firearm. The cost of an alien firearm license fee is raised to \$25, and the license must be renewed every four years.

An alien whose consul has failed to provide the required information still may qualify for an alien firearm license (rather than being eligible to apply for a concealed pistol license as under the engrossed bill), provided a background check indicates the alien is eligible to own, possess, or

control firearms. Provisions are added regarding background checks.

Provisions are added for aliens from countries without consuls within Washington State.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: An alien should be no less qualified to possess a firearm than any other Washington resident. If it is impossible to get the alien's criminal history from the alien's country, an otherwise qualified alien who has lived in Washington for at least two years should be able to get an alien firearm license.

Testimony Against: None.

Witnesses: Senator Curtis Ludwig, prime sponsor (pro).