

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 6057**

53rd Legislature  
1994 Regular Session

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

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**President of the Senate**

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

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**Speaker of the  
House of Representatives**

Approved

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.

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**Secretary**

FILED

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Governor of the State of Washington

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 6057

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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.

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