

HOUSE BILL REPORT

ESHB 3148

As Passed House:
February 19, 2008

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

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

Sponsors: By House Committee on Judiciary (originally sponsored by Representative Moeller).

Brief History:

Committee Activity:

Judiciary: 1/29/08, 2/5/08 [DPS].

Floor Activity:

Passed House: 2/19/08, 95-0.

Brief Summary of Engrossed Substitute Bill

- Requires a nonimmigrant alien residing in Washington to acquire an alien firearm license to carry or possess a firearm for hunting and sport shooting.
- Allows county law enforcement to issue an alien firearm license to a nonimmigrant alien residing in Washington for hunting and sport shooting.
- Requires a nonimmigrant alien not residing in Washington to acquire certain federal and state documents in order to carry or possess a firearm.
- Repeals the current statute on alien firearm licenses.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Brian Considine (786-7290).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 from 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 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 alien does not have a valid Washington driver's license or identification 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.

Summary of Engrossed Substitute 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 Justice ATF-6 NIA application and permit;

and a valid hunting license or an invitation to participate in a trade show or sport shooting event.

The current alien firearm licenses statute is repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This bill represents the work that has been done on this issue over the last couple years. Currently, a legal resident in Washington has to go through the Department of Licensing (DOL) to obtain a hunting license. The Federal Bureau of Investigation has changed its laws and the DOL is not a law enforcement agency under its rules. This change has brought about this bill. Also, it would allow athletes to legally participate in events in the United States when the Olympics are in Vancouver, Canada. It allows hunting expeditions to come into the United States/Washington legally and spend their money in our local communities. The National Rifle Association has said that it supports this bill.

As the economy faces a recession, any extra money coming into local, rural communities will be helpful.

(Opposed) None.

Persons Testifying: Representative Moeller, prime sponsor; and Mark A. Taff, Citizens Committee for the Right to Keep and Bear Arms.

Persons Signed In To Testify But Not Testifying: None.