

# SENATE BILL REPORT

## ESSB 5456

---

---

As Passed Senate, February 15, 2008

**Title:** An act relating to nonresidents' participation in hunting and organized shooting events.

**Brief Description:** Revising rules concerning nonresidents' participation in hunting and organized shooting events.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senator Morton).

**Brief History:**

**Committee Activity:** Judiciary: 1/30/07, 2/06/07 [DPS].

Passed Senate: 2/23/07, 48-0; 2/15/08, 49-0.

---

### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5456 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

**Staff:** Lidia Mori (786-7755)

**Background:** The law currently states that 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 licensing. In order to be eligible, an alien must provide the director of licensing a certified copy of the alien's criminal history in the alien's country, as well as an attestation that the alien is a responsible person, from the consul domiciled in Washington representing the country of the alien.

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 of licensing may issue an alien firearm license, subject to the following requirements: before issuing the license, the director of licensing 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 I.D. 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 resident in a province which has an enactment or public policy providing substantially similar privileges to Washington residents

---

*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.*

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:** Additional conditions are imposed upon nonimmigrant aliens. Nonimmigrant aliens must possess a valid passport and visa, if already required by the United States, and an approved U.S. Department of Treasury ATF-6 NIA application and permit for temporary importation of firearms and ammunition. In addition, the county sheriff, rather than the Department of Licensing, is tasked with issuing firearm licenses.

The nonrefundable license fee is reduced from \$55 plus additional charges to \$30 plus additional charges.

It is provided that the Washington State Patrol (WSP) may impose charges upon the applicant in addition to the nonrefundable fee. This change allows the WSP to impose charges based upon its fee schedule rather than a flat rate imposed by statute.

It is provided that the county sheriff's department will be paid the \$30 nonrefundable fee to conduct the required background check.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: The winter Olympics are quickly approaching and with that a growing demand for facilities at which individuals and teams can practice shooting. These Olympic competitors bring with them their personal instruments, or guns, that they use in competition. We need to create a way for competitors, Olympic and otherwise, to come into our state with their personal instruments while at the same time protecting ourselves against terrorism. This legislation requires nonimmigrant aliens to possess a valid passport and visa as well as an approved U.S. Department of Treasury ATF-6 NIA application, which requires a background check. Nonimmigrant aliens must also possess a permit for temporary importation of firearms and ammunition. This would allow those competitors, and others, going to the Olympics to participate in Washington shooting events.

Approximately 20 clubs from various nations have already approached facilities in Whatcom County for purposes of practicing. An ATF background process is more than reasonable and makes common sense.

This is good legislation, but it might require some changes. Currently, under RCW 9.41.170, the Department of Licensing (DOL) is tasked with issuing these licenses to various categories of aliens. But, about eight months ago, the FBI decided that because the DOL is not a law enforcement agency, it is not allowed to issue firearms licenses. At this point in time, no alien firearm licenses are allowed to be issued. The FBI controls access to criminal history databases required to conduct background checks. Because the DOL is not a law enforcement agency, they do not have access to this information. There may be a way to fix this problem

by shifting the responsibility to county sheriffs who already process concealed weapons licenses.

**Persons Testifying:** PRO: Joe Waldron, Citizen Committee for the Right to Keep and Bear Arms, Gun Owners Action League, Washington Administrative Code, Washington State Rifle and Pistol Association, Wildlife Committee of Washington; Ed Owens, Hunters Heritage Council.