

---

SENATE BILL 5193

---

State of Washington

61st Legislature

2009 Regular Session

By Senators Delvin, Hewitt, Kastama, Carrell, Kilmer, Zarelli, Stevens, King, Schoesler, Swecker, Pridemore, Roach, and Holmquist

Read first time 01/16/09. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to weapons possession by an alien when hunting with  
2 a Washington-licensed hunter; and amending RCW 9.41.170.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.170 and 1996 c 295 s 11 are each amended to read  
5 as follows:

6 (1) Except as provided in subsections (4) and (5) of this section,  
7 it is a class C felony for any person who is not a citizen of the  
8 United States to carry or possess any firearm, without first having  
9 obtained an alien firearm license from the director of licensing. In  
10 order to be eligible for a license, an alien must provide proof that he  
11 or she is lawfully present in the United States, which the director of  
12 licensing shall verify through the appropriate authorities. Except as  
13 provided in subsection (2)(a) of this section, and subject to the  
14 additional requirements of subsection (2)(b) of this section, the  
15 director of licensing may issue an alien firearm license only upon  
16 receiving from the consul domiciled in this state representing the  
17 country of the alien, a certified copy of the alien's criminal history  
18 in the alien's country indicating the alien is not ineligible under RCW

1 9.41.040 to own, possess, or control a firearm, and the consul's  
2 attestation that the alien is a responsible person.

3 (2)(a) Subject to the additional requirements of (b) of this  
4 subsection, the director of licensing may issue an alien firearm  
5 license without a certified copy of the alien's criminal history or the  
6 consul's attestation required by subsection (1) of this section, if the  
7 alien has been a resident of this state for at least two years and:  
8 (i) The alien is from a country without a consul domiciled within this  
9 state, or (ii) the consul has failed to provide, within ninety days  
10 after a request by the alien, the criminal history or attestation  
11 required by subsection (1) of this section.

12 (b) Before issuing an alien firearm license under subsection (1) of  
13 this section or this subsection (2), the director of licensing shall  
14 ask the local law enforcement agency of the jurisdiction in which the  
15 alien resides to complete a background and fingerprint check to  
16 determine the alien's eligibility under RCW 9.41.040 to own, possess,  
17 or control a firearm. The law enforcement agency shall complete a  
18 background check within thirty days after the request, unless the alien  
19 does not have a valid Washington driver's license or Washington state  
20 identification card. In the latter case, the law enforcement agency  
21 shall complete the background check within sixty days after the  
22 request.

23 A signed application for an alien firearm license shall constitute  
24 a waiver of confidentiality and written request that the department of  
25 social and health services, mental health institutions, and other  
26 health care facilities release information relevant to the applicant's  
27 eligibility for an alien firearm license to an inquiring law  
28 enforcement agency.

29 (3) The alien firearm license shall be valid for five years from  
30 the date of issue so long as the alien is lawfully present in the  
31 United States. The nonrefundable fee, paid upon application, for the  
32 five-year license shall be fifty-five dollars plus additional charges  
33 imposed by the Federal Bureau of Investigation that are passed on to  
34 the applicant. The fee shall be distributed as follows:

35 (a) Fifteen dollars shall be paid to the department of licensing;

36 (b) Twenty-five dollars shall be paid to the Washington state  
37 patrol; and

1 (c) Fifteen dollars shall be paid to the local law enforcement  
2 agency conducting the background check.

3 (4) This section shall not apply to Canadian citizens resident in  
4 a province which has an enactment or public policy providing  
5 substantially similar privilege to residents of the state of Washington  
6 and who are carrying or possessing weapons for the purpose of using  
7 them in the hunting of game while such persons are in the act of  
8 hunting, or while on a hunting trip, or while such persons are  
9 competing in a bona fide trap or skeet shoot or any other organized  
10 contest where rifles, pistols, or shotguns are used. Nothing in this  
11 section shall be construed to allow aliens to hunt or fish in this  
12 state without first having obtained a regular hunting or fishing  
13 license.

14 (5) This section shall not apply to a nonimmigrant alien who is  
15 carrying or possessing weapons for the purpose of using them in the  
16 hunting of game while such person is in the act of hunting, or while on  
17 a hunting trip, while accompanied by a nondeferred Washington-licensed  
18 hunter who has held a Washington hunting license for the prior three  
19 years and is over eighteen years of age. Nothing in this section shall  
20 be construed to allow aliens to hunt or fish in this state without  
21 first having obtained a nonresident hunting or fishing license. For  
22 the purposes of this subsection, "accompanied" means to go along with  
23 another person while staying within a range of the other person that  
24 permits continual unaided visual and auditory communication.

--- END ---