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**SUBSTITUTE SENATE BILL 5634**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Hargrove and Stevens; by request of Department of Social and Health Services)

READ FIRST TIME 02/21/11.

1       AN ACT Relating to clarifying the entities to be consulted when  
2 determining eligibility to possess a firearm; amending RCW 9.41.047,  
3 9.41.090, and 9.41.173; reenacting and amending RCW 9.41.070; and  
4 creating a new section.

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

6       **Sec. 1.** RCW 9.41.047 and 2009 c 293 s 2 are each amended to read  
7 as follows:

8       (1) At the time a person is convicted or found not guilty by reason  
9 of insanity of an offense making the person ineligible to possess a  
10 firearm, or at the time a person is committed by court order under RCW  
11 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for  
12 mental health treatment, the convicting or committing court shall  
13 notify the person, orally and in writing, that the person must  
14 immediately surrender any concealed pistol license and that the person  
15 may not possess a firearm unless his or her right to do so is restored  
16 by a court of record. For purposes of this section a convicting court  
17 includes a court in which a person has been found not guilty by reason  
18 of insanity.

1       The convicting or committing court shall forward within three  
2 judicial days after conviction or entry of the commitment order a copy  
3 of the person's driver's license or identicard, or comparable  
4 information, along with the date of conviction or commitment, to the  
5 department of licensing. When a person is committed by court order  
6 under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77  
7 RCW, for mental health treatment, the committing court also shall  
8 forward, within three judicial days after entry of the commitment  
9 order, a copy of the person's driver's license, or comparable  
10 information, along with the date of commitment, to the national instant  
11 criminal background check system index, denied persons file, created by  
12 the federal Brady handgun violence prevention act (P.L. 103-159).

13       (2) Upon receipt of the information provided for by subsection (1)  
14 of this section, the department of licensing shall determine if the  
15 convicted or committed person has a concealed pistol license. If the  
16 person does have a concealed pistol license, the department of  
17 licensing shall immediately notify the license-issuing authority which,  
18 upon receipt of such notification, shall immediately revoke the  
19 license.

20       (3)(a) A person who is prohibited from possessing a firearm, by  
21 reason of having been involuntarily committed for mental health  
22 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter  
23 10.77 RCW, or equivalent statutes of another jurisdiction may, upon  
24 discharge, petition the superior court to have his or her right to  
25 possess a firearm restored.

26       (b) The petition may be brought in the superior court that ordered  
27 the involuntary commitment or the superior court of the county in which  
28 the petitioner resides.

29       (c) Except as provided in (d) of this subsection, the court shall  
30 restore the petitioner's right to possess a firearm if the petitioner  
31 proves by a preponderance of the evidence that:

32       (i) The petitioner is no longer required to participate in court-  
33 ordered inpatient or outpatient treatment;

34       (ii) The petitioner has successfully managed the condition related  
35 to the commitment;

36       (iii) The petitioner no longer presents a substantial danger to  
37 himself or herself, or the public; and

1 (iv) The symptoms related to the commitment are not reasonably  
2 likely to recur.

3 (d) If a preponderance of the evidence in the record supports a  
4 finding that the person petitioning the court has engaged in violence  
5 and that it is more likely than not that the person will engage in  
6 violence after his or her right to possess a firearm is restored, the  
7 person shall bear the burden of proving by clear, cogent, and  
8 convincing evidence that he or she does not present a substantial  
9 danger to the safety of others.

10 (e) When a person's right to possess a firearm has been restored  
11 under this subsection, the court shall forward, within three judicial  
12 days after entry of the restoration order, notification that the  
13 person's right to possess a firearm has been restored to the department  
14 of licensing(~~(, the department of social and health services,)~~) and the  
15 national instant criminal background check system index, denied persons  
16 file.

17 (4) No person who has been found not guilty by reason of insanity  
18 may petition a court for restoration of the right to possess a firearm  
19 unless the person meets the requirements for the restoration of the  
20 right to possess a firearm under RCW 9.41.040(4).

21 **Sec. 2.** RCW 9.41.070 and 2009 c 216 s 5 and 2009 c 59 s 1 are each  
22 reenacted and amended to read as follows:

23 (1) The chief of police of a municipality or the sheriff of a  
24 county shall within thirty days after the filing of an application of  
25 any person, issue a license to such person to carry a pistol concealed  
26 on his or her person within this state for five years from date of  
27 issue, for the purposes of protection or while engaged in business,  
28 sport, or while traveling. However, if the applicant does not have a  
29 valid permanent Washington driver's license or Washington state  
30 identification card or has not been a resident of the state for the  
31 previous consecutive ninety days, the issuing authority shall have up  
32 to sixty days after the filing of the application to issue a license.  
33 The issuing authority shall not refuse to accept completed applications  
34 for concealed pistol licenses during regular business hours.

35 The applicant's constitutional right to bear arms shall not be  
36 denied, unless:

1 (a) He or she is ineligible to possess a firearm under the  
2 provisions of RCW 9.41.040 or 9.41.045;

3 (b) The applicant's concealed pistol license is in a revoked  
4 status;

5 (c) He or she is under twenty-one years of age;

6 (d) He or she is subject to a court order or injunction regarding  
7 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
8 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,  
9 26.50.070, or 26.26.590;

10 (e) He or she is free on bond or personal recognizance pending  
11 trial, appeal, or sentencing for a felony offense;

12 (f) He or she has an outstanding warrant for his or her arrest from  
13 any court of competent jurisdiction for a felony or misdemeanor; or

14 (g) He or she has been ordered to forfeit a firearm under RCW  
15 9.41.098(1)(e) within one year before filing an application to carry a  
16 pistol concealed on his or her person.

17 No person convicted of a felony may have his or her right to  
18 possess firearms restored or his or her privilege to carry a concealed  
19 pistol restored, unless the person has been granted relief from  
20 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or  
21 RCW 9.41.040 (3) or (4) applies.

22 (2) The issuing authority shall (~~(check with the national crime~~  
23 ~~information center, the Washington state patrol electronic database,~~  
24 ~~the department of social and health services electronic database))~~  
25 conduct a check through the national instant criminal background check  
26 system, the Washington crime information center, the department of  
27 licensing, and ((with)) other agencies or resources as appropriate, to  
28 determine whether the applicant is ineligible under RCW 9.41.040 or  
29 9.41.045 to possess a firearm and therefore ineligible for a concealed  
30 pistol license. Until June 30, 2012, the issuing authority may but  
31 need not make an additional check with the department of social and  
32 health services. This subsection applies whether the applicant is  
33 applying for a new concealed pistol license or to renew a concealed  
34 pistol license.

35 (3) Any person whose firearms rights have been restricted and who  
36 has been granted relief from disabilities by the attorney general under  
37 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.  
38 921(a)(20)(A) shall have his or her right to acquire, receive,

1 transfer, ship, transport, carry, and possess firearms in accordance  
2 with Washington state law restored except as otherwise prohibited by  
3 this chapter.

4 (4) The license application shall bear the full name, residential  
5 address, telephone number at the option of the applicant, date and  
6 place of birth, race, gender, description, a complete set of  
7 fingerprints, and signature of the licensee, and the licensee's  
8 driver's license number or state identification card number if used for  
9 identification in applying for the license. A signed application for  
10 a concealed pistol license shall constitute a waiver of confidentiality  
11 and written request that the department of social and health services,  
12 mental health institutions, and other health care facilities release  
13 information relevant to the applicant's eligibility for a concealed  
14 pistol license to an inquiring court or law enforcement agency.

15 The application for an original license shall include two complete  
16 sets of fingerprints to be forwarded to the Washington state patrol.

17 The license and application shall contain a warning substantially  
18 as follows:

19 CAUTION: Although state and local laws do not differ, federal  
20 law and state law on the possession of firearms differ. If you  
21 are prohibited by federal law from possessing a firearm, you  
22 may be prosecuted in federal court. A state license is not a  
23 defense to a federal prosecution.

24 The license shall contain a description of the major differences  
25 between state and federal law and an explanation of the fact that local  
26 laws and ordinances on firearms are preempted by state law and must be  
27 consistent with state law. The application shall contain questions  
28 about the applicant's eligibility under RCW 9.41.040 to possess a  
29 pistol, the applicant's place of birth, and whether the applicant is a  
30 United States citizen. The applicant shall not be required to produce  
31 a birth certificate or other evidence of citizenship. A person who is  
32 not a citizen of the United States shall, if applicable, meet the  
33 additional requirements of RCW 9.41.173 and produce proof of compliance  
34 with RCW 9.41.173 upon application. The license may be in triplicate  
35 or in a form to be prescribed by the department of licensing.

36 The original thereof shall be delivered to the licensee, the  
37 duplicate shall within seven days be sent to the director of licensing

1 and the triplicate shall be preserved for six years, by the authority  
2 issuing the license.

3 The department of licensing shall make available to law enforcement  
4 and corrections agencies, in an on-line format, all information  
5 received under this subsection.

6 (5) The nonrefundable fee, paid upon application, for the original  
7 five-year license shall be thirty-six dollars plus additional charges  
8 imposed by the federal bureau of investigation that are passed on to  
9 the applicant. No other state or local branch or unit of government  
10 may impose any additional charges on the applicant for the issuance of  
11 the license.

12 The fee shall be distributed as follows:

13 (a) Fifteen dollars shall be paid to the state general fund;

14 (b) Four dollars shall be paid to the agency taking the  
15 fingerprints of the person licensed;

16 (c) Fourteen dollars shall be paid to the issuing authority for the  
17 purpose of enforcing this chapter; and

18 (d) Three dollars to the firearms range account in the general  
19 fund.

20 (6) The nonrefundable fee for the renewal of such license shall be  
21 thirty-two dollars. No other branch or unit of government may impose  
22 any additional charges on the applicant for the renewal of the license.

23 The renewal fee shall be distributed as follows:

24 (a) Fifteen dollars shall be paid to the state general fund;

25 (b) Fourteen dollars shall be paid to the issuing authority for the  
26 purpose of enforcing this chapter; and

27 (c) Three dollars to the firearms range account in the general  
28 fund.

29 (7) The nonrefundable fee for replacement of lost or damaged  
30 licenses is ten dollars to be paid to the issuing authority.

31 (8) Payment shall be by cash, check, or money order at the option  
32 of the applicant. Additional methods of payment may be allowed at the  
33 option of the issuing authority.

34 (9) A licensee may renew a license if the licensee applies for  
35 renewal within ninety days before or after the expiration date of the  
36 license. A license so renewed shall take effect on the expiration date  
37 of the prior license. A licensee renewing after the expiration date of

1 the license must pay a late renewal penalty of ten dollars in addition  
2 to the renewal fee specified in subsection (6) of this section. The  
3 fee shall be distributed as follows:

4 (a) Three dollars shall be deposited in the state wildlife account  
5 and used exclusively first for the printing and distribution of a  
6 pamphlet on the legal limits of the use of firearms, firearms safety,  
7 and the preemptive nature of state law, and subsequently the support of  
8 volunteer instructors in the basic firearms safety training program  
9 conducted by the department of fish and wildlife. The pamphlet shall  
10 be given to each applicant for a license; and

11 (b) Seven dollars shall be paid to the issuing authority for the  
12 purpose of enforcing this chapter.

13 (10) Notwithstanding the requirements of subsections (1) through  
14 (9) of this section, the chief of police of the municipality or the  
15 sheriff of the county of the applicant's residence may issue a  
16 temporary emergency license for good cause pending review under  
17 subsection (1) of this section. However, a temporary emergency license  
18 issued under this subsection shall not exempt the holder of the license  
19 from any records check requirement. Temporary emergency licenses shall  
20 be easily distinguishable from regular licenses.

21 (11) A political subdivision of the state shall not modify the  
22 requirements of this section or chapter, nor may a political  
23 subdivision ask the applicant to voluntarily submit any information not  
24 required by this section.

25 (12) A person who knowingly makes a false statement regarding  
26 citizenship or identity on an application for a concealed pistol  
27 license is guilty of false swearing under RCW 9A.72.040. In addition  
28 to any other penalty provided for by law, the concealed pistol license  
29 of a person who knowingly makes a false statement shall be revoked, and  
30 the person shall be permanently ineligible for a concealed pistol  
31 license.

32 (13) A person may apply for a concealed pistol license:

33 (a) To the municipality or to the county in which the applicant  
34 resides if the applicant resides in a municipality;

35 (b) To the county in which the applicant resides if the applicant  
36 resides in an unincorporated area; or

37 (c) Anywhere in the state if the applicant is a nonresident.

1 (14) Any person who, as a member of the armed forces, including the  
2 national guard and armed forces reserves, is unable to renew his or her  
3 license under subsections (6) and (9) of this section because of the  
4 person's assignment, reassignment, or deployment for out-of-state  
5 military service may renew his or her license within ninety days after  
6 the person returns to this state from out-of-state military service, if  
7 the person provides the following to the issuing authority no later  
8 than ninety days after the person's date of discharge or assignment,  
9 reassignment, or deployment back to this state: (a) A copy of the  
10 person's original order designating the specific period of assignment,  
11 reassignment, or deployment for out-of-state military service, and (b)  
12 if appropriate, a copy of the person's discharge or amended or  
13 subsequent assignment, reassignment, or deployment order back to this  
14 state. A license so renewed under this subsection (14) shall take  
15 effect on the expiration date of the prior license. A licensee  
16 renewing after the expiration date of the license under this subsection  
17 (14) shall pay only the renewal fee specified in subsection (6) of this  
18 section and shall not be required to pay a late renewal penalty in  
19 addition to the renewal fee.

20 **Sec. 3.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read  
21 as follows:

22 (1) In addition to the other requirements of this chapter, no  
23 dealer may deliver a pistol to the purchaser thereof until:

24 (a) The purchaser produces a valid concealed pistol license and the  
25 dealer has recorded the purchaser's name, license number, and issuing  
26 agency, such record to be made in triplicate and processed as provided  
27 in subsection (5) of this section. For purposes of this subsection  
28 (1)(a), a "valid concealed pistol license" does not include a temporary  
29 emergency license, and does not include any license issued before July  
30 1, 1996, unless the issuing agency conducted a records search for  
31 disqualifying crimes under RCW 9.41.070 at the time of issuance;

32 (b) The dealer is notified in writing by the chief of police or the  
33 sheriff of the jurisdiction in which the purchaser resides that the  
34 purchaser is eligible to possess a pistol under RCW 9.41.040 and that  
35 the application to purchase is approved by the chief of police or  
36 sheriff; or



1 (c) Five business days, meaning days on which state offices are  
2 open, have elapsed from the time of receipt of the application for the  
3 purchase thereof as provided herein by the chief of police or sheriff  
4 designated in subsection (5) of this section, and, when delivered, the  
5 pistol shall be securely wrapped and shall be unloaded. However, if  
6 the purchaser does not have a valid permanent Washington driver's  
7 license or state identification card or has not been a resident of the  
8 state for the previous consecutive ninety days, the waiting period  
9 under this subsection (1)(c) shall be up to sixty days.

10 (2)(a) Except as provided in (b) of this subsection, in determining  
11 whether the purchaser meets the requirements of RCW 9.41.040, the chief  
12 of police or sheriff, or the designee of either, shall ~~((check with the  
13 national crime information center, the Washington state patrol  
14 electronic database, the department of social and health services  
15 electronic database))~~ conduct a check through the national instant  
16 criminal background check system, the Washington crime information  
17 center, the department of licensing, and ((with)) other agencies or  
18 resources as appropriate, to determine whether the applicant is  
19 ineligible under RCW 9.41.040 to possess a firearm. Until June 30,  
20 2012, an additional check may but need not be made with the department  
21 of social and health services.

22 (b) Once the system is established, a dealer shall use the state  
23 system and national instant criminal background check system, provided  
24 for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et  
25 seq.), to make criminal background checks of applicants to purchase  
26 firearms. However, a chief of police or sheriff, or a designee of  
27 either, shall continue to check ~~((the department of social and health  
28 services' electronic database and))~~ with other agencies or resources as  
29 appropriate, to determine whether applicants are ineligible under RCW  
30 9.41.040 to possess a firearm.

31 (3) In any case under subsection (1)(c) of this section where the  
32 applicant has an outstanding warrant for his or her arrest from any  
33 court of competent jurisdiction for a felony or misdemeanor, the dealer  
34 shall hold the delivery of the pistol until the warrant for arrest is  
35 served and satisfied by appropriate court appearance. The local  
36 jurisdiction for purposes of the sale shall confirm the existence of  
37 outstanding warrants within seventy-two hours after notification of the  
38 application to purchase a pistol is received. The local jurisdiction

1 shall also immediately confirm the satisfaction of the warrant on  
2 request of the dealer so that the hold may be released if the warrant  
3 was for an offense other than an offense making a person ineligible  
4 under RCW 9.41.040 to possess a pistol.

5 (4) In any case where the chief or sheriff of the local  
6 jurisdiction has reasonable grounds based on the following  
7 circumstances: (a) Open criminal charges, (b) pending criminal  
8 proceedings, (c) pending commitment proceedings, (d) an outstanding  
9 warrant for an offense making a person ineligible under RCW 9.41.040 to  
10 possess a pistol, or (e) an arrest for an offense making a person  
11 ineligible under RCW 9.41.040 to possess a pistol, if the records of  
12 disposition have not yet been reported or entered sufficiently to  
13 determine eligibility to purchase a pistol, the local jurisdiction may  
14 hold the sale and delivery of the pistol beyond five days up to thirty  
15 days in order to confirm existing records in this state or elsewhere.  
16 After thirty days, the hold will be lifted unless an extension of the  
17 thirty days is approved by a local district court or municipal court  
18 for good cause shown. A dealer shall be notified of each hold placed  
19 on the sale by local law enforcement and of any application to the  
20 court for additional hold period to confirm records or confirm the  
21 identity of the applicant.

22 (5) At the time of applying for the purchase of a pistol, the  
23 purchaser shall sign in triplicate and deliver to the dealer an  
24 application containing his or her full name, residential address, date  
25 and place of birth, race, and gender; the date and hour of the  
26 application; the applicant's driver's license number or state  
27 identification card number; a description of the pistol including the  
28 make, model, caliber and manufacturer's number if available at the time  
29 of applying for the purchase of a pistol. If the manufacturer's number  
30 is not available, the application may be processed, but delivery of the  
31 pistol to the purchaser may not occur unless the manufacturer's number  
32 is recorded on the application by the dealer and transmitted to the  
33 chief of police of the municipality or the sheriff of the county in  
34 which the purchaser resides; and a statement that the purchaser is  
35 eligible to possess a pistol under RCW 9.41.040.

36 The application shall contain a warning substantially as follows:

37 CAUTION: Although state and local laws do not differ, federal  
38 law and state law on the possession of firearms differ. If you

1 are prohibited by federal law from possessing a firearm, you  
2 may be prosecuted in federal court. State permission to  
3 purchase a firearm is not a defense to a federal prosecution.

4 The purchaser shall be given a copy of the department of fish and  
5 wildlife pamphlet on the legal limits of the use of firearms, firearms  
6 safety, and the fact that local laws and ordinances on firearms are  
7 preempted by state law and must be consistent with state law.

8 The dealer shall, by the end of the business day, sign and attach  
9 his or her address and deliver a copy of the application and such other  
10 documentation as required under subsection (1) of this section to the  
11 chief of police of the municipality or the sheriff of the county of  
12 which the purchaser is a resident. The triplicate shall be retained by  
13 the dealer for six years. The dealer shall deliver the pistol to the  
14 purchaser following the period of time specified in this section unless  
15 the dealer is notified of an investigative hold under subsection (4) of  
16 this section in writing by the chief of police of the municipality or  
17 the sheriff of the county, whichever is applicable, denying the  
18 purchaser's application to purchase and the grounds thereof. The  
19 application shall not be denied unless the purchaser is not eligible to  
20 possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

21 The chief of police of the municipality or the sheriff of the  
22 county shall retain or destroy applications to purchase a pistol in  
23 accordance with the requirements of 18 U.S.C. Sec. 922.

24 (6) A person who knowingly makes a false statement regarding  
25 identity or eligibility requirements on the application to purchase a  
26 pistol is guilty of false swearing under RCW 9A.72.040.

27 (7) This section does not apply to sales to licensed dealers for  
28 resale or to the sale of antique firearms.

29 **Sec. 4.** RCW 9.41.173 and 2009 c 216 s 3 are each amended to read  
30 as follows:

31 (1) In order to obtain an alien firearm license, a nonimmigrant  
32 alien residing in Washington must apply to the sheriff of the county in  
33 which he or she resides.

34 (2) The sheriff of the county shall within sixty days after the  
35 filing of an application of a nonimmigrant alien residing in the state  
36 of Washington, issue an alien firearm license to such person to carry  
37 or possess a firearm for the purposes of hunting and sport shooting.

1 The license shall be good for two years. The issuing authority shall  
2 not refuse to accept completed applications for alien firearm licenses  
3 during regular business hours. An application for a license may not be  
4 denied, unless the applicant's alien firearm license is in a revoked  
5 status, or the applicant:

6 (a) Is ineligible to possess a firearm under the provisions of RCW  
7 9.41.040 or 9.41.045;

8 (b) Is subject to a court order or injunction regarding firearms  
9 pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050,  
10 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or  
11 26.26.590;

12 (c) Is free on bond or personal recognizance pending trial, appeal,  
13 or sentencing for a felony offense; or

14 (d) Has an outstanding warrant for his or her arrest from any court  
15 of competent jurisdiction for a felony or misdemeanor.

16 No license application shall be granted to a nonimmigrant alien  
17 convicted of a felony unless the person has been granted relief from  
18 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or  
19 unless RCW 9.41.040 (3) or (4) applies.

20 (3) The sheriff shall (~~check with the national crime information~~  
21 ~~center, the Washington state patrol electronic database, the department~~  
22 ~~of social and health services electronic database)) conduct a check  
23 through the national instant criminal background check system, the  
24 Washington crime information center, the department of licensing, and  
25 ~~(with))~~ other agencies or resources as appropriate, to determine  
26 whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to  
27 possess a firearm. Until June 30, 2012, the sheriff may but need not  
28 make an additional check with the department of social and health  
29 services.~~

30 (4) The license application shall bear the full name, residential  
31 address, telephone number at the option of the applicant, date and  
32 place of birth, race, gender, description, not more than two complete  
33 sets of fingerprints, and signature of the applicant, a copy of the  
34 applicant's passport and visa showing the applicant is in the country  
35 legally, and a valid Washington hunting license or documentation that  
36 the applicant is a member of a sport shooting club.

37 A signed application for an alien firearm license shall constitute  
38 a waiver of confidentiality and written request that the department of

1 social and health services, mental health institutions, and other  
2 health care facilities release information relevant to the applicant's  
3 eligibility for an alien firearm license to an inquiring court or law  
4 enforcement agency.

5 The application for an original license shall include a complete  
6 set of fingerprints to be forwarded to the Washington state patrol.

7 The license and application shall contain a warning substantially  
8 as follows:

9 CAUTION: Although state and local laws do not differ, federal  
10 law and state law on the possession of firearms differ. If you  
11 are prohibited by federal law from possessing a firearm, you  
12 may be prosecuted in federal court. A state license is not a  
13 defense to a federal prosecution.

14 The license shall contain a description of the major differences  
15 between state and federal law and an explanation of the fact that local  
16 laws and ordinances on firearms are preempted by state law and must be  
17 consistent with state law. The application shall contain questions  
18 about the applicant's eligibility under RCW 9.41.040 to possess a  
19 firearm. The nonimmigrant alien applicant shall be required to produce  
20 a passport and visa as evidence of being in the country legally.

21 The license may be in triplicate or in a form to be prescribed by  
22 the department of licensing. The original thereof shall be delivered  
23 to the licensee, the duplicate shall within seven days be sent to the  
24 director of licensing and the triplicate shall be preserved for six  
25 years, by the authority issuing the license.

26 The department of licensing shall make available to law enforcement  
27 and corrections agencies, in an online format, all information received  
28 under this section.

29 (5) The sheriff has the authority to collect a nonrefundable fee,  
30 paid upon application, for the two-year license. The fee shall be  
31 fifty dollars plus additional charges imposed by the Washington state  
32 patrol and the federal bureau of investigation that are passed on to  
33 the applicant. No other state or local branch or unit of government  
34 may impose any additional charges on the applicant for the issuance of  
35 the license. The fee shall be retained by the sheriff.

36 (6) Payment shall be by cash, check, or money order at the option  
37 of the applicant. Additional methods of payment may be allowed at the  
38 option of the sheriff.

1 (7) A political subdivision of the state shall not modify the  
2 requirements of this section, nor may a political subdivision ask the  
3 applicant to voluntarily submit any information not required by this  
4 section.

5 (8) A person who knowingly makes a false statement regarding  
6 citizenship or identity on an application for an alien firearm license  
7 is guilty of false swearing under RCW 9A.72.040. In addition to any  
8 other penalty provided for by law, the alien firearm license of a  
9 person who knowingly makes a false statement shall be revoked, and the  
10 person shall be permanently ineligible for an alien firearm license.

11 NEW SECTION. **Sec. 5.** By December 31, 2011, a regional support  
12 network shall transfer information it retains regarding persons who  
13 became ineligible to possess a firearm as a result of civil commitment  
14 before July 26, 2009, to the national instant criminal background check  
15 database.

--- END ---