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**SENATE BILL 5282**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senators Carrell, Pearson, Keiser, Sheldon, Becker, Tom, Parlette, Rivers, Braun, Bailey, Padden, Roach, Litzow, Honeyford, and Shin

Read first time 01/24/13. Referred to Committee on Human Services & Corrections.

1       AN ACT Relating to creating a statewide database of mental health  
2       commitment information; amending RCW 9.41.097, 9.41.047, 9.41.070,  
3       9.41.090, and 9.41.173; creating new sections; and providing an  
4       effective date.

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

6       NEW SECTION.   **Sec. 1.**   The purpose of this act is to consolidate  
7       statewide mental health involuntary commitment information at the  
8       department of licensing and Washington state patrol criminal history  
9       division.

10       NEW SECTION.   **Sec. 2.**   Within three months of the effective date of  
11       this section, all regional support networks in the state Washington and  
12       the department of social and health services must forward complete  
13       historical mental health commitment information retained by the  
14       organization to the department of licensing and Washington state patrol  
15       criminal history division. Commitment information does not need to be  
16       resent if it is already in the possession of the department of  
17       licensing and Washington state patrol. Regional support networks and

1 the department of social and health services shall be immune from  
2 liability related to the sharing of commitment information under this  
3 section.

4 **Sec. 3.** RCW 9.41.097 and 2009 c 216 s 6 are each amended to read  
5 as follows:

6 (1) The department of social and health services, mental health  
7 institutions, and other health care facilities shall(~~(, upon request of~~  
8 ~~a court or law enforcement agency,)~~) supply to the Washington state  
9 patrol criminal history division's electronic database and department  
10 of licensing, such relevant information as is necessary to determine  
11 the eligibility of a person to possess a (~~(pistol)~~) firearm under RCW  
12 9.41.040, or to be issued a concealed pistol license under RCW 9.41.070  
13 or to purchase a pistol under RCW 9.41.090.

14 (2) Mental health information received by: (a) The department of  
15 licensing pursuant to RCW 9.41.047 or 9.41.173, or subsection (1) of  
16 this section; (b) an issuing authority pursuant to RCW 9.41.047 or  
17 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or  
18 9.41.173; or (d) (~~(a court or law enforcement agency)~~) the Washington  
19 state patrol criminal history division pursuant to subsection (1) of  
20 this section, shall not be disclosed except as provided in RCW  
21 42.56.240(4).

22 **Sec. 4.** RCW 9.41.047 and 2011 c 193 s 2 are each amended to read  
23 as follows:

24 (1)(a) At the time a person is convicted or found not guilty by  
25 reason of insanity of an offense making the person ineligible to  
26 possess a firearm, or at the time a person is committed by court order  
27 under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77  
28 RCW for mental health treatment, the convicting or committing court  
29 shall notify the person, orally and in writing, that the person must  
30 immediately surrender any concealed pistol license and that the person  
31 may not possess a firearm unless his or her right to do so is restored  
32 by a court of record. For purposes of this section a convicting court  
33 includes a court in which a person has been found not guilty by reason  
34 of insanity.

35 (b) The convicting or committing court shall forward within three  
36 judicial days after conviction or entry of the commitment order a copy

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

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

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

24 (b) The petition must be brought in the superior court that ordered  
25 the involuntary commitment or the superior court of the county in which  
26 the petitioner resides.

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

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

32 (ii) The petitioner has successfully managed the condition related  
33 to the commitment;

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

36 (iv) The symptoms related to the commitment are not reasonably  
37 likely to recur.

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

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

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

19 **Sec. 5.** RCW 9.41.070 and 2011 c 294 s 1 are each amended to read  
20 as follows:

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

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

35 (a) He or she is ineligible to possess a firearm under the  
36 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from  
37 possessing a firearm under federal law;

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

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

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

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

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

12 (g) He or she has been ordered to forfeit a firearm under RCW  
13 9.41.098(1)(e) within one year before filing an application to carry a  
14 pistol concealed on his or her person.

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

20 (2)(a) The issuing authority shall conduct a check through the  
21 national instant criminal background check system, the Washington state  
22 patrol criminal history division's electronic database, (~~the~~  
23 ~~department of social and health services electronic database,~~) and  
24 (~~with other agencies or resources as appropriate~~) the department of  
25 licensing, to determine whether the applicant is ineligible under RCW  
26 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from  
27 possessing a firearm under federal law, and therefore ineligible for a  
28 concealed pistol license.

29 (b) The issuing authority shall deny a permit to anyone who is  
30 found to be prohibited from possessing a firearm under federal or state  
31 law.

32 (c) This subsection applies whether the applicant is applying for  
33 a new concealed pistol license or to renew a concealed pistol license.

34 (3) Any person whose firearms rights have been restricted and who  
35 has been granted relief from disabilities by the attorney general under  
36 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.  
37 921(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.

28 The application shall contain questions about the applicant's  
29 eligibility under RCW 9.41.040 and federal law to possess a pistol, the  
30 applicant's place of birth, and whether the applicant is a United  
31 States citizen. If the applicant is not a United States citizen, the  
32 applicant must provide the applicant's country of citizenship, United  
33 States issued alien number or admission number, and the basis on which  
34 the applicant claims to be exempt from federal prohibitions on firearm  
35 possession by aliens. The applicant shall not be required to produce  
36 a birth certificate or other evidence of citizenship. A person who is  
37 not a citizen of the United States shall, if applicable, meet the

1 additional requirements of RCW 9.41.173 and produce proof of compliance  
2 with RCW 9.41.173 upon application. The license may be in triplicate  
3 or in a form to be prescribed by the department of licensing.

4 The original thereof shall be delivered to the licensee, the  
5 duplicate shall within seven days be sent to the director of licensing  
6 and the triplicate shall be preserved for six years, by the authority  
7 issuing the license.

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

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

17 The fee shall be distributed as follows:

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

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

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

23 (d) Three dollars to the firearms range account in the general  
24 fund.

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

28 The renewal fee shall be distributed as follows:

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

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

32 (c) Three dollars to the firearms range account in the general  
33 fund.

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

36 (8) 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 issuing authority.

1 (9) A licensee may renew a license if the licensee applies for  
2 renewal within ninety days before or after the expiration date of the  
3 license. A license so renewed shall take effect on the expiration date  
4 of the prior license. A licensee renewing after the expiration date of  
5 the license must pay a late renewal penalty of ten dollars in addition  
6 to the renewal fee specified in subsection (6) of this section. The  
7 fee shall be distributed as follows:

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

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

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

25 (11) A political subdivision of the state shall not modify the  
26 requirements of this section or chapter, nor may a political  
27 subdivision ask the applicant to voluntarily submit any information not  
28 required by this section.

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

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

37 (a) To the municipality or to the county in which the applicant  
38 resides if the applicant resides in a municipality;



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

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

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

23 **Sec. 6.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read  
24 as follows:

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

27 (a) The purchaser produces a valid concealed pistol license and the  
28 dealer has recorded the purchaser's name, license number, and issuing  
29 agency, such record to be made in triplicate and processed as provided  
30 in subsection (5) of this section. For purposes of this subsection  
31 (1)(a), a "valid concealed pistol license" does not include a temporary  
32 emergency license, and does not include any license issued before July  
33 1, 1996, unless the issuing agency conducted a records search for  
34 disqualifying crimes under RCW 9.41.070 at the time of issuance;

35 (b) The dealer is notified in writing by the chief of police or the  
36 sheriff of the jurisdiction in which the purchaser resides that the

1 purchaser is eligible to possess a pistol under RCW 9.41.040 and that  
2 the application to purchase is approved by the chief of police or  
3 sheriff; or

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

13 (2)(a) Except as provided in (b) of this subsection, in determining  
14 whether the purchaser meets the requirements of RCW 9.41.040, the chief  
15 of police or sheriff, or the designee of either, shall check with the  
16 national crime information center, the Washington state patrol criminal  
17 history division's electronic database, (~~the department of social and~~  
18 ~~health services electronic database,~~) and (~~with other agencies or~~  
19 ~~resources as appropriate~~) the department of licensing, to determine  
20 whether the applicant is ineligible under RCW 9.41.040 to possess a  
21 firearm.

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. 7.** 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 conduct a check (~~((with))~~) through the national  
21 (~~((crime information center))~~) instant criminal background check system,  
22 the Washington state patrol criminal history division's electronic  
23 database, (~~((the department of social and health services electronic~~  
24 ~~database,))~~) and (~~((with other agencies or resources as appropriate))~~) the  
25 department of licensing, to determine whether the applicant is  
26 ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

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

34 A signed application for an alien firearm license shall constitute  
35 a waiver of confidentiality and written request that the department of  
36 social and health services, mental health institutions, and other  
37 health care facilities release information relevant to the applicant's

1 eligibility for an alien firearm license to an inquiring court or law  
2 enforcement agency.

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

5 The license and application shall contain a warning substantially  
6 as follows:

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

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

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

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

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

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

37 (7) A political subdivision of the state shall not modify the

1 requirements of this section, nor may a political subdivision ask the  
2 applicant to voluntarily submit any information not required by this  
3 section.

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

10 NEW SECTION. **Sec. 8.** Sections 3 through 7 of this act take effect  
11 January 1, 2014.

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