

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1052

61st Legislature
2009 Regular Session

Passed by the House April 16, 2009
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 7, 2009
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1052** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1052

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House General Government Appropriations (originally sponsored by Representatives Moeller, Williams, Blake, Chase, and Kretz)

READ FIRST TIME 02/19/09.

1 AN ACT Relating to firearm licenses for persons from different
2 countries; amending RCW 9.41.010, 9.41.070, 9.41.097, and 9.41.0975;
3 adding new sections to chapter 9.41 RCW; repealing RCW 9.41.170; and
4 prescribing penalties.

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

6 **Sec. 1.** RCW 9.41.010 and 2001 c 300 s 2 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Firearm" means a weapon or device from which a projectile or
11 projectiles may be fired by an explosive such as gunpowder.

12 (2) "Pistol" means any firearm with a barrel less than sixteen
13 inches in length, or is designed to be held and fired by the use of a
14 single hand.

15 (3) "Rifle" means a weapon designed or redesigned, made or remade,
16 and intended to be fired from the shoulder and designed or redesigned,
17 made or remade, and intended to use the energy of the explosive in a
18 fixed metallic cartridge to fire only a single projectile through a
19 rifled bore for each single pull of the trigger.

1 (4) "Short-barreled rifle" means a rifle having one or more barrels
2 less than sixteen inches in length and any weapon made from a rifle by
3 any means of modification if such modified weapon has an overall length
4 of less than twenty-six inches.

5 (5) "Shotgun" means a weapon with one or more barrels, designed or
6 redesigned, made or remade, and intended to be fired from the shoulder
7 and designed or redesigned, made or remade, and intended to use the
8 energy of the explosive in a fixed shotgun shell to fire through a
9 smooth bore either a number of ball shot or a single projectile for
10 each single pull of the trigger.

11 (6) "Short-barreled shotgun" means a shotgun having one or more
12 barrels less than eighteen inches in length and any weapon made from a
13 shotgun by any means of modification if such modified weapon has an
14 overall length of less than twenty-six inches.

15 (7) "Machine gun" means any firearm known as a machine gun,
16 mechanical rifle, submachine gun, or any other mechanism or instrument
17 not requiring that the trigger be pressed for each shot and having a
18 reservoir clip, disc, drum, belt, or other separable mechanical device
19 for storing, carrying, or supplying ammunition which can be loaded into
20 the firearm, mechanism, or instrument, and fired therefrom at the rate
21 of five or more shots per second.

22 (8) "Antique firearm" means a firearm or replica of a firearm not
23 designed or redesigned for using rim fire or conventional center fire
24 ignition with fixed ammunition and manufactured in or before 1898,
25 including any matchlock, flintlock, percussion cap, or similar type of
26 ignition system and also any firearm using fixed ammunition
27 manufactured in or before 1898, for which ammunition is no longer
28 manufactured in the United States and is not readily available in the
29 ordinary channels of commercial trade.

30 (9) "Loaded" means:

31 (a) There is a cartridge in the chamber of the firearm;

32 (b) Cartridges are in a clip that is locked in place in the
33 firearm;

34 (c) There is a cartridge in the cylinder of the firearm, if the
35 firearm is a revolver;

36 (d) There is a cartridge in the tube or magazine that is inserted
37 in the action; or

1 (e) There is a ball in the barrel and the firearm is capped or
2 primed if the firearm is a muzzle loader.

3 (10) "Dealer" means a person engaged in the business of selling
4 firearms at wholesale or retail who has, or is required to have, a
5 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
6 does not have, and is not required to have, a federal firearms license
7 under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only
8 occasional sales, exchanges, or purchases of firearms for the
9 enhancement of a personal collection or for a hobby, or sells all or
10 part of his or her personal collection of firearms.

11 (11) "Crime of violence" means:

12 (a) Any of the following felonies, as now existing or hereafter
13 amended: Any felony defined under any law as a class A felony or an
14 attempt to commit a class A felony, criminal solicitation of or
15 criminal conspiracy to commit a class A felony, manslaughter in the
16 first degree, manslaughter in the second degree, indecent liberties if
17 committed by forcible compulsion, kidnapping in the second degree,
18 arson in the second degree, assault in the second degree, assault of a
19 child in the second degree, extortion in the first degree, burglary in
20 the second degree, residential burglary, and robbery in the second
21 degree;

22 (b) Any conviction for a felony offense in effect at any time prior
23 to June 6, 1996, which is comparable to a felony classified as a crime
24 of violence in (a) of this subsection; and

25 (c) Any federal or out-of-state conviction for an offense
26 comparable to a felony classified as a crime of violence under (a) or
27 (b) of this subsection.

28 (12) "Serious offense" means any of the following felonies or a
29 felony attempt to commit any of the following felonies, as now existing
30 or hereafter amended:

31 (a) Any crime of violence;

32 (b) Any felony violation of the uniform controlled substances act,
33 chapter 69.50 RCW, that is classified as a class B felony or that has
34 a maximum term of imprisonment of at least ten years;

35 (c) Child molestation in the second degree;

36 (d) Incest when committed against a child under age fourteen;

37 (e) Indecent liberties;

38 (f) Leading organized crime;

1 (g) Promoting prostitution in the first degree;

2 (h) Rape in the third degree;

3 (i) Drive-by shooting;

4 (j) Sexual exploitation;

5 (k) Vehicular assault, when caused by the operation or driving of
6 a vehicle by a person while under the influence of intoxicating liquor
7 or any drug or by the operation or driving of a vehicle in a reckless
8 manner;

9 (l) Vehicular homicide, when proximately caused by the driving of
10 any vehicle by any person while under the influence of intoxicating
11 liquor or any drug as defined by RCW 46.61.502, or by the operation of
12 any vehicle in a reckless manner;

13 (m) Any other class B felony offense with a finding of sexual
14 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

15 (n) Any other felony with a deadly weapon verdict under RCW
16 9.94A.602; or

17 (o) Any felony offense in effect at any time prior to June 6, 1996,
18 that is comparable to a serious offense, or any federal or out-of-state
19 conviction for an offense that under the laws of this state would be a
20 felony classified as a serious offense.

21 (13) "Law enforcement officer" includes a general authority
22 Washington peace officer as defined in RCW 10.93.020, or a specially
23 commissioned Washington peace officer as defined in RCW 10.93.020.
24 "Law enforcement officer" also includes a limited authority Washington
25 peace officer as defined in RCW 10.93.020 if such officer is duly
26 authorized by his or her employer to carry a concealed pistol.

27 (14) "Felony" means any felony offense under the laws of this state
28 or any federal or out-of-state offense comparable to a felony offense
29 under the laws of this state.

30 (15) "Sell" refers to the actual approval of the delivery of a
31 firearm in consideration of payment or promise of payment of a certain
32 price in money.

33 (16) "Barrel length" means the distance from the bolt face of a
34 closed action down the length of the axis of the bore to the crown of
35 the muzzle, or in the case of a barrel with attachments to the end of
36 any legal device permanently attached to the end of the muzzle.

37 (17) "Family or household member" means "family" or "household
38 member" as used in RCW 10.99.020.

1 (18) "Nonimmigrant alien" means a person defined as such in 8
2 U.S.C. Sec. 1101(a)(15).

3 (19) "Lawful permanent resident" has the same meaning afforded a
4 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
5 1101(a)(20).

6 NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW
7 to read as follows:

8 It is a class C felony for any person who is not a citizen of the
9 United States to carry or possess any firearm, unless the person: (1)
10 Is a lawful permanent resident; (2) has obtained a valid alien firearm
11 license pursuant to section 3 of this act; or (3) meets the
12 requirements of section 4 of this act.

13 NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW
14 to read as follows:

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

18 (2) The sheriff of the county shall within sixty days after the
19 filing of an application of a nonimmigrant alien residing in the state
20 of Washington, issue an alien firearm license to such person to carry
21 or possess a firearm for the purposes of hunting and sport shooting.
22 The license shall be good for two years. The issuing authority shall
23 not refuse to accept completed applications for alien firearm licenses
24 during regular business hours. An application for a license may not be
25 denied, unless the applicant's alien firearm license is in a revoked
26 status, or the applicant:

27 (a) Is ineligible to possess a firearm under the provisions of RCW
28 9.41.040 or 9.41.045;

29 (b) Is subject to a court order or injunction regarding firearms
30 pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050,
31 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or
32 26.26.590;

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

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

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

5 (3) The sheriff shall check with the national crime information
6 center, the Washington state patrol electronic database, the department
7 of social and health services electronic database, and with other
8 agencies or resources as appropriate, to determine whether the
9 applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a
10 firearm.

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

18 A signed application for an alien firearm license shall constitute
19 a waiver of confidentiality and written request that the department of
20 social and health services, mental health institutions, and other
21 health care facilities release information relevant to the applicant's
22 eligibility for an alien firearm license to an inquiring court or law
23 enforcement agency.

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

26 The license and application shall contain a warning substantially
27 as follows:

28 CAUTION: Although state and local laws do not differ, federal
29 law and state law on the possession of firearms differ. If you
30 are prohibited by federal law from possessing a firearm, you
31 may be prosecuted in federal court. A state license is not a
32 defense to a federal prosecution.

33 The license shall contain a description of the major differences
34 between state and federal law and an explanation of the fact that local
35 laws and ordinances on firearms are preempted by state law and must be
36 consistent with state law. The application shall contain questions
37 about the applicant's eligibility under RCW 9.41.040 to possess a

1 firearm. The nonimmigrant alien applicant shall be required to produce
2 a passport and visa as evidence of being in the country legally.

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

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

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

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

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

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

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.41 RCW
32 to read as follows:

33 (1) A nonimmigrant alien, who is not a resident of Washington or a
34 citizen of Canada, may carry or possess any firearm without having
35 first obtained an alien firearm license if the nonimmigrant alien
36 possesses:

1 (a) A valid passport and visa showing he or she is in the country
2 legally;

3 (b) If required under federal law, an approved United States
4 department of justice ATF-6 NIA application and permit for temporary
5 importation of firearms and ammunition by nonimmigrant aliens; and

6 (c)(i) A valid hunting license issued by a state or territory of
7 the United States; or

8 (ii) An invitation to participate in a trade show or sport shooting
9 event being conducted in this state, another state, or another country
10 that is contiguous with this state.

11 (2) A citizen of Canada may carry or possess any firearm so long as
12 he or she possesses:

13 (a) Valid documentation as required for entry into the United
14 States;

15 (b) If required under federal law, an approved United States
16 department of justice ATF-6 NIA application and permit for temporary
17 importation of firearms and ammunition by nonimmigrant aliens; and

18 (c)(i) A valid hunting license issued by a state or territory of
19 the United States; or

20 (ii) An invitation to participate in a trade show or sport shooting
21 event being conducted in this state, another state, or another country
22 that is contiguous with this state.

23 (3) For purposes of subsections (1) and (2) of this section, the
24 firearms may only be possessed for the purpose of using them in the
25 hunting of game while such persons are in the act of hunting, or while
26 on a hunting trip, or while such persons are competing in a bona fide
27 trap or skeet shoot or any other organized contest where rifles,
28 pistols, or shotguns are used. Nothing in this section shall be
29 construed to allow aliens to hunt or fish in this state without first
30 having obtained a regular hunting or fishing license.

31 **Sec. 5.** RCW 9.41.070 and 2002 c 302 s 703 are each amended to read
32 as follows:

33 (1) The chief of police of a municipality or the sheriff of a
34 county shall within thirty days after the filing of an application of
35 any person, issue a license to such person to carry a pistol concealed
36 on his or her person within this state for five years from date of
37 issue, for the purposes of protection or while engaged in business,

1 sport, or while traveling. However, if the applicant does not have a
2 valid permanent Washington driver's license or Washington state
3 identification card or has not been a resident of the state for the
4 previous consecutive ninety days, the issuing authority shall have up
5 to sixty days after the filing of the application to issue a license.
6 The issuing authority shall not refuse to accept completed applications
7 for concealed pistol licenses during regular business hours.

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

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

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

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

15 (d) He or she is subject to a court order or injunction regarding
16 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
17 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,
18 26.50.070, or 26.26.590;

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

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

23 (g) He or she has been ordered to forfeit a firearm under RCW
24 9.41.098(1)(e) within one year before filing an application to carry a
25 pistol concealed on his or her person.

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

31 (2) The issuing authority shall check with the national crime
32 information center, the Washington state patrol electronic database,
33 the department of social and health services electronic database, and
34 with other agencies or resources as appropriate, to determine whether
35 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
36 a firearm and therefore ineligible for a concealed pistol license.
37 This subsection applies whether the applicant is applying for a new
38 concealed pistol license or to renew a concealed pistol license.

1 (3) Any person whose firearms rights have been restricted and who
2 has been granted relief from disabilities by the (~~secretary of the~~
3 ~~treasury~~) attorney general under 18 U.S.C. Sec. 925(c) or who is
4 exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right
5 to acquire, receive, transfer, ship, transport, carry, and possess
6 firearms in accordance with Washington state law restored except as
7 otherwise prohibited by this chapter.

8 (4) The license application shall bear the full name, residential
9 address, telephone number at the option of the applicant, date and
10 place of birth, race, gender, description, (~~not more than two~~) a
11 complete set(~~s~~) of fingerprints, and signature of the licensee, and
12 the licensee's driver's license number or state identification card
13 number if used for identification in applying for the license. A
14 signed application for a concealed pistol license shall constitute a
15 waiver of confidentiality and written request that the department of
16 social and health services, mental health institutions, and other
17 health care facilities release information relevant to the applicant's
18 eligibility for a concealed pistol license to an inquiring court or law
19 enforcement agency.

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

22 The license and application shall contain a warning substantially
23 as follows:

24 CAUTION: Although state and local laws do not differ, federal
25 law and state law on the possession of firearms differ. If you
26 are prohibited by federal law from possessing a firearm, you
27 may be prosecuted in federal court. A state license is not a
28 defense to a federal prosecution.

29 The license shall contain a description of the major differences
30 between state and federal law and an explanation of the fact that local
31 laws and ordinances on firearms are preempted by state law and must be
32 consistent with state law. The application shall contain questions
33 about the applicant's eligibility under RCW 9.41.040 to possess a
34 pistol, the applicant's place of birth, and whether the applicant is a
35 United States citizen. 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
38 additional requirements of (~~RCW 9.41.170~~) section 3 of this act and

1 produce proof of compliance with ((RCW 9.41.170)) section 3 of this act
2 upon application. The license ((shall)) may be in triplicate ((and))
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 (~~fund~~)
9 account and used exclusively first for the printing and distribution of
10 a 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 **Sec. 6.** RCW 9.41.097 and 2005 c 274 s 202 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 such relevant information as
9 is necessary to determine the eligibility of a person to possess a
10 pistol or to be issued a concealed pistol license under RCW 9.41.070 or
11 to purchase a pistol under RCW 9.41.090.

12 (2) Mental health information received by: (a) The department of
13 licensing pursuant to RCW 9.41.047 or (~~9.41.170~~) section 3 of this
14 act; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c)
15 a chief of police or sheriff pursuant to RCW 9.41.090 or (~~9.41.170~~)
16 section 3 of this act; (d) a court or law enforcement agency pursuant
17 to subsection (1) of this section, shall not be disclosed except as
18 provided in RCW 42.56.240(4).

19 **Sec. 7.** RCW 9.41.0975 and 1996 c 295 s 9 are each amended to read
20 as follows:

21 (1) The state, local governmental entities, any public or private
22 agency, and the employees of any state or local governmental entity or
23 public or private agency, acting in good faith, are immune from
24 liability:

25 (a) For failure to prevent the sale or transfer of a firearm to a
26 person whose receipt or possession of the firearm is unlawful;

27 (b) For preventing the sale or transfer of a firearm to a person
28 who may lawfully receive or possess a firearm;

29 (c) For issuing a concealed pistol license or alien firearm license
30 to a person ineligible for such a license;

31 (d) For failing to issue a concealed pistol license or alien
32 firearm license to a person eligible for such a license;

33 (e) For revoking or failing to revoke an issued concealed pistol
34 license or alien firearm license;

35 (f) For errors in preparing or transmitting information as part of

1 determining a person's eligibility to receive or possess a firearm, or
2 eligibility for a concealed pistol license or alien firearm license;

3 (g) For issuing a dealer's license to a person ineligible for such
4 a license; or

5 (h) For failing to issue a dealer's license to a person eligible
6 for such a license.

7 (2) An application may be made to a court of competent jurisdiction
8 for a writ of mandamus:

9 (a) Directing an issuing agency to issue a concealed pistol license
10 or alien firearm license wrongfully refused;

11 (b) Directing a law enforcement agency to approve an application to
12 purchase wrongfully denied;

13 (c) Directing that erroneous information resulting either in the
14 wrongful refusal to issue a concealed pistol license or alien firearm
15 license or in the wrongful denial of a purchase application be
16 corrected; or

17 (d) Directing a law enforcement agency to approve a dealer's
18 license wrongfully denied.

19 The application for the writ may be made in the county in which the
20 application for a concealed pistol license or alien firearm license or
21 to purchase a pistol was made, or in Thurston county, at the discretion
22 of the petitioner. A court shall provide an expedited hearing for an
23 application brought under this subsection (2) for a writ of mandamus.
24 A person granted a writ of mandamus under this subsection (2) shall be
25 awarded reasonable attorneys' fees and costs.

26 NEW SECTION. **Sec. 8.** RCW 9.41.170 (Alien's license to carry
27 firearms--Exception) and 1996 c 295 s 11, 1994 c 190 s 1, 1979 c 158 s
28 3, 1969 ex.s. c 90 s 1, & 1953 c 109 s 1 are each repealed.

--- END ---