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ENGROSSED SUBSTITUTE SENATE BILL 5456

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State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senator Morton)

READ FIRST TIME 02/07/07.

1 AN ACT Relating to nonresidents' participation in hunting and  
2 organized shooting events; and amending RCW 9.41.170.

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

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

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

1 alien is not ineligible under RCW 9.41.040 to own, possess, or control  
2 a firearm, and the consul's attestation that the alien is a responsible  
3 person.

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

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

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

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

38 ~~(a) Fifteen dollars shall be paid to the department of licensing:~~

1       ~~(b) Twenty five dollars shall be paid to the Washington state~~  
2 ~~patrol; and~~

3       ~~(c) Fifteen dollars shall be paid to the local law enforcement~~  
4 ~~agency)) paid to the county sheriff's department conducting the~~  
5 ~~background check.~~

6       (4) This section shall not apply to (~~Canadian citizens resident in~~  
7 ~~a province which has an enactment or public policy providing~~  
8 ~~substantially similar privilege to residents of the state of~~  
9 ~~Washington)) nonimmigrant aliens in possession of a valid Washington  
10 hunting license or an invitation or registration to attend a  
11 competitive target shooting event and who are carrying or possessing  
12 weapons for the purpose of using them in the hunting of game while such  
13 persons are in the act of hunting, or while on a hunting trip, or while  
14 such persons are competing in a bona fide trap or skeet shoot or any  
15 other organized contest sponsored by a national, state, or local  
16 organization devoted to the competitive or sporting use of firearms  
17 where rifles, pistols, or shotguns are used, so long as the  
18 nonimmigrant alien possesses:~~

19       (a) A valid passport and visa, if required by the United States,  
20 showing they are in the country legally; and

21       (b) An approved United States department of the treasury ATF-6 NIA  
22 application and permit for temporary importation of firearms and  
23 ammunition by nonimmigrant aliens. Nothing in this section shall be  
24 construed to allow aliens to hunt or fish in this state without first  
25 having obtained a regular hunting or fishing license.

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