

**HOUSE CS FOR CS FOR SENATE BILL NO. 294(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/19/00

Referred: Rules

Sponsor(s): SENATE JUDICIARY COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the possession of concealed handguns and to concealed  
2 handgun permits."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 11.61.220(b) is amended to read:

5 (b) In a prosecution under (a)(1) of this section, it is an affirmative defense  
6 that the defendant, at the time of possession, was

7 (1) in the defendant's dwelling or on land owned or leased by the  
8 defendant appurtenant to the dwelling;

9 (2) actually engaged in lawful hunting, fishing, trapping, or other lawful  
10 outdoor activity that necessarily involves the carrying of a weapon for personal  
11 protection;

12 (3) the holder of a valid permit to carry a concealed handgun under  
13 AS 18.65.700 - 18.65.790 **and** [,] the weapon was a concealed handgun as defined in  
14 AS 18.65.790 [, AND THE POSSESSION DID NOT OCCUR IN A MUNICIPALITY

1 OR ESTABLISHED VILLAGE IN WHICH THE POSSESSION OF CONCEALED  
 2 HANDGUNS IS PROHIBITED UNDER AS 18.65.780 - 18.65.785]; or

3 (4) considered a permittee under AS 18.65.748 and

4 [ (A)] the weapon was a concealed handgun as defined in  
 5 AS 18.65.790 [; AND

6 (B) THE POSSESSION DID NOT OCCUR IN A  
 7 MUNICIPALITY OR ESTABLISHED VILLAGE IN WHICH THE  
 8 POSSESSION OF CONCEALED HANDGUNS IS PROHIBITED UNDER  
 9 AS 18.65.780 - 18.65.785].

10 \* **Sec. 2.** AS 11.61.220(d) is amended to read:

11 (d) In a prosecution under (a)(2) of this section, it is

12 (1) an affirmative defense that

13 (A) the defendant, at the time of possession, was the holder of  
 14 a valid permit to carry a concealed handgun under AS 18.65.700 - 18.65.790  
 15 or was considered a permittee under AS 18.65.748;

16 (B) the loaded firearm was a concealed handgun as defined in  
 17 AS 18.65.790; **and**

18 (C) the possession occurred at a place designated as a restaurant  
 19 for the purposes of AS 04.16.049 and the defendant did not consume  
 20 intoxicating liquor at the place; [AND

21 (D) THE POSSESSION DID NOT OCCUR IN A  
 22 MUNICIPALITY OR ESTABLISHED VILLAGE IN WHICH THE  
 23 POSSESSION OF CONCEALED HANDGUNS IS PROHIBITED UNDER  
 24 AS 18.65.780 - 18.65.785;]

25 (2) a defense that the defendant, at the time of possession, was on  
 26 business premises

27 (A) owned by or leased by the defendant; or

28 (B) in the course of the defendant's employment for the owner  
 29 or lessee of those premises.

30 \* **Sec. 3.** AS 18.65.700(a) is amended to read:

31 (a) The department shall issue a permit to carry a concealed handgun to a

person who

(1) applies in person at an office of the Alaska State Troopers;

(2) qualifies under AS 18.65.705;

(3) submits a completed application on a form provided by the department, that provides the information required under AS 18.65.705 and 18.65.710 [AND IS EXECUTED UNDER OATH]; with each application form provided by the department, the department shall provide a copy of the state laws and regulations relating to concealed handguns, which must include a concise summary of where, when, and by whom a handgun can be carried under state and federal law;

(4) submits two complete sets of fingerprints on Federal Bureau of Investigation approved fingerprint cards that are of sufficient quality so that the fingerprints may be processed; the fingerprints must be taken by a person, group, or agency approved by the department; the department shall maintain a list of persons, groups, or agencies approved to take fingerprints and shall provide the list to the public upon request;

(5) submits evidence of **successful completion of a handgun course**  
[COMPETENCE WITH HANDGUNS] as provided in AS 18.65.715;

(6) provides one [TWO] frontal view color **photograph** [PHOTOGRAPHS] of the person taken within the preceding 30 days that includes [INCLUDE] the head and shoulders of the person and is [ARE] of a size specified by the department;

(7) shows a valid Alaska driver's license or identification card at the time of application;

(8) does not suffer a physical infirmity that prevents the safe handling of a handgun; and

(9) pays the application fee required by AS 18.65.720.

\* **Sec. 4.** AS 18.65.700(d) is amended to read:

(d) A permit issued under (a) of this section is valid for five years from the date of issue. [THE PERMIT MUST SPECIFY THE ACTION TYPES AND MAXIMUM CALIBERS OF HANDGUN DESCRIBED IN THE PERMITTEE'S CERTIFICATE OF COMPETENCY UNDER AS 18.65.715 BUT MAY NOT

1           SPECIFICALLY IDENTIFY A HANDGUN BY MAKE, MODEL, OR SERIAL  
2           NUMBER.]

3 \* Sec. 5. AS 18.65.705 is amended to read:

**4 Sec. 18.65.705. Qualifications to obtain a permit.** A person is qualified to  
5 receive and hold a permit to carry a concealed handgun if the person

**6** (1) is 21 years of age or older;

9 (3) is a resident of the state and has been for the 90 days immediately  
10 preceding the application for a permit;

(4) has not been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the six years immediately preceding the date of application for a permit.

13 preceding the application;

14 (5) is not now in and has not in the three years immediately preceding

15 the application been ordered by a court to complete an alcohol or substance abuse

16 treatment program; and

17 (6) has **successfully completed a handgun course** [DEMONSTRATED  
18 COMPETENCE WITH HANDGUNS] as provided in AS 18.65.715

<sup>19</sup> \* **Sec. 6.** AS 18.65.710(a) is amended to read:

20 (a) The application for a permit to carry a concealed handgun must contain the  
21 following information:

(1) the applicant's name, physical residence, mailing address, place and date of birth, physical description, including height, weight, race, hair color, and eye color, Alaska driver's license or identification card number, and the city and state of each place the applicant has resided in the five years immediately preceding the application;

(2) a statement that the applicant qualifies under AS 18.65.705;

31 (4) a statement that the applicant desires a permit to carry a concealed

1 handgun for a lawful purpose, which may include self-defense;

2 (5) a [SWORN] statement by the applicant that all statements, answers,  
3 and attachments to the application are true and complete;

4 (6) a conspicuous warning that [THE APPLICATION IS EXECUTED  
5 UNDER OATH AND THAT] an applicant who supplies a false statement, answer, or  
6 document, in connection with the application that the applicant does not believe to be  
7 true, may be prosecuted for unsworn falsification [PERJURY UNDER AS 11.56.200]  
8 and, if found guilty, may be punished for violation of a class A misdemeanor [B  
9 FELONY], and that, in such cases, the permit shall be revoked and the applicant may  
10 be barred from any further application for a permit; and

11 (7) a statement that the applicant understands that a permit eligibility  
12 investigation will be conducted as a part of the application process, that this may  
13 involve computerized records searches, and that the applicant authorizes the  
14 investigation.

15 \* **Sec. 7.** AS 18.65.715(a) is amended to read:

16 (a) An applicant for a permit to carry a concealed handgun shall provide a  
17 certificate of successful completion of a handgun course that is approved by the  
18 department. [THE CERTIFICATE MUST STATE THE ACTION TYPE AND  
19 CALIBER OF HANDGUN OR HANDGUNS THE APPLICANT HAS  
20 DEMONSTRATED COMPETENCE WITH AND THAT THE APPLICANT MAY BE  
21 PERMITTED TO CARRY. A PERMITTEE MAY ONLY CARRY AS A  
22 CONCEALED HANDGUN AN ACTION TYPE OF HANDGUN DESCRIBED IN  
23 THE CERTIFICATE. A PERMITTEE MAY ONLY CARRY AS A CONCEALED  
24 HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE PERMITTEE  
25 DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER OF THE  
26 SAME ACTION TYPE.] The handgun course must have been completed within the  
27 12 months immediately preceding the application. The department shall approve a  
28 handgun course, including the personal protection course offered by the National Rifle  
29 Association, if the course tests the applicant's

30 (1) knowledge of Alaska law relating to firearms and the use of deadly  
31 force;

3 (3) knowledge of self-defense principles; and  
4 (4) physical competence with a [EACH ACTION TYPE OF] handgun  
5 [THE APPLICANT WISHES TO CARRY UNDER THE PERMIT AND THE  
6 MAXIMUM CALIBER FOR EACH ACTION TYPE THE APPLICANT WISHES TO  
7 CARRY UNDER THE PERMIT].

**8** \* Sec. 8. AS 18.65.725(a) is amended to read:

13 (1) any change in the information originally submitted under  
14 AS 18.65.710;

15 (2) a statement that the person remains qualified to receive and hold  
16 a permit to carry a concealed handgun under AS 18.65.705;

17 (3) one [REPEALED]

18 (4) TWO] frontal view **photograph** [PHOTOGRAPHS] of the person  
19 taken within the preceding 30 days that **includes** [INCLUDE] the head and shoulders  
20 of the person and **is** [ARE] of a size specified by the department;

23 \* Sec. 9. AS 18.65.725(c) is amended to read:

**29** \* Sec. 10. AS 18.65.730 is amended to read:

**30 Sec. 18.65.730. Replacement of permit.** The department may replace a  
31 permit that the permittee certifies under oath has been lost, stolen, or destroyed,

1 provided the permittee applies in person and

2 (1) provides one [TWO] frontal view **photograph** [PHOTOGRAPHS]  
 3 of the permittee taken within the preceding 30 days that includes [INCLUDE] the head  
 4 and shoulders and is [ARE] of a size specified by the department;

5 (2) [SUBMITS TO THE TAKING OF A SINGLE THUMB OR  
 6 FINGERPRINT BY THE DEPARTMENT TO COMPARE AGAINST THE  
 7 FINGERPRINT ORIGINALLY SUBMITTED WITH THE APPLICATION; AND

8 (3)] pays the replacement fee required under AS 18.65.720.

9 \* **Sec. 11.** AS 18.65.740(a) is amended to read:

10 (a) A permit to carry a concealed handgun shall be immediately revoked by  
 11 the department when the permittee

12 (1) becomes disqualified to receive and hold a permit under  
 13 AS 18.65.705;

14 (2) is convicted of two class A misdemeanors of this state or similar  
 15 laws of another jurisdiction within a six-year period if at least one of the convictions  
 16 occurs after the application;

17 (3) knowingly supplied a false or fraudulent answer, statement, or  
 18 document, or made a material misstatement or omission, in connection with an  
 19 application for a permit or renewal or replacement of a permit.

20 \* **Sec. 12.** AS 18.65.748 is amended to read:

21 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska  
 22 permit holders.** A person holding a valid permit to carry a concealed handgun from  
 23 another state or a political subdivision of another state

24 (1) with permit requirements similar to [AT LEAST AS STRICT AS]  
 25 those in AS 18.65.700 - 18.65.790 is a permittee under AS 18.65.700(b) for purposes  
 26 of AS 18.65.750 - 18.65.765 if the person has not been in Alaska for more than 120  
 27 consecutive days; in this paragraph, "permit requirements similar to those in  
 28 AS 18.65.700 - 18.65.790" means that, in order to receive and hold the permit in  
 29 the other state or political subdivision, the person must

30 (A) be at least 21 years of age;

31 (B) be eligible to own or possess a handgun under state or

1                   federal law;

2                   (C) successfully complete some type of handgun or firearms  
 3                   safety course; and

4                   (D) be subject to a fingerprint-based criminal records  
 5                   search;

6                   (2) is a permittee under AS 18.65.700(b) for purposes of  
 7                   AS 18.65.750 - 18.65.765 if the person has not been in Alaska for more than 120  
 8                   consecutive days and the other state or political subdivision allows a permittee  
 9                   under AS 18.65.700 - 18.65.790 to carry a concealed handgun in the other state  
 10                   or political subdivision; the department shall determine which states or political  
 11                   subdivisions grant reciprocity to permittees under AS 18.65.700 - 18.65.790 and  
 12                   shall distribute a list of those jurisdictions to each law enforcement agency in this  
 13                   state.

14                   \* **Sec. 13.** AS 18.65.760(a) is amended to read:

15                   (a) The holder of a permit issued under AS 18.65.700 - 18.65.790 may not  
 16                   (1) alter the permit;  
 17                   (2) allow another person to use the permit;  
 18                   (3) possess or display a suspended or revoked permit; or  
 19                   (4) display an expired permit, unless the holder has submitted a  
 20                   complete, timely renewal form under AS 18.65.725 and the renewal process has  
 21                   been delayed due to circumstances not under the control of the applicant.

22                   \* **Sec. 14.** AS 18.65.778 is amended to read:

23                   **Sec. 18.65.778. Municipal preemption.** A municipality may not restrict the  
 24                   carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790 [EXCEPT  
 25                   AS PROVIDED IN AS 18.65.780 - 18.65.785].

26                   \* **Sec. 15.** AS 18.65.725(b), 18.65.765(a)(4), 18.65.780, 18.65.785, 18.65.790(5), and  
 27                   18.65.790(6) are repealed.