

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

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

(4) considered a permittee under AS 18.65.748 and

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

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

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

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

(1) an affirmative defense that

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

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

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

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

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

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

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

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

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

1 person who

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

3 (2) qualifies under AS 18.65.705;

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

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

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

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

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

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

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

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

28 (d) A permit issued under (a) of this section is valid for five years from the
29 date of issue. [THE PERMIT MUST SPECIFY THE ACTION TYPES AND
30 MAXIMUM CALIBERS OF HANDGUN DESCRIBED IN THE PERMITTEE'S
31 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;

7 (2) is eligible to own or possess a handgun under the laws of this state
8 and under federal law;

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

11 (4) has not been convicted of two or more class A misdemeanors of
12 this state or similar laws of another jurisdiction within the six years immediately
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.

19 * **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:

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

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

28 (3) a statement that the applicant has been furnished with a copy of the
29 state laws and regulations relating to concealed handguns, has read those sections, and
30 understands them;

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

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

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

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

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

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

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

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

(2) familiarity with the basic concepts of the safe and responsible use of handguns;

(3) knowledge of self-defense principles; and

(4) physical competence with a [EACH ACTION TYPE OF] handgun [THE APPLICANT WISHES TO CARRY UNDER THE PERMIT AND THE MAXIMUM CALIBER FOR EACH ACTION TYPE THE APPLICANT WISHES TO CARRY UNDER THE PERMIT].

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

(a) A permittee shall apply [IN PERSON] for renewal of a permit to carry a concealed handgun within 90 days before the expiration of the permit and shall present a complete renewal form provided by the department. The renewal form [SHALL BE SUBMITTED UNDER OATH AND] must include

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

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

(3) one [REPEALED

(4) TWO] frontal view **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;

(4) [AND (5)] the renewal fee required under AS 18.65.720; and

(5) the warning listed in AS 18.65.710(a)(6).

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

(c) A renewal of a permit to carry a concealed handgun submitted on or after the expiration date is subject to a late fee of \$25. The department may not accept a renewal for a permit that is submitted more than 60 [30] days after the expiration date of the permit. Nothing in this subsection prohibits the holder of an expired permit from applying for a new permit.

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

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

provided the permittee applies in person and

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

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

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

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

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

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

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

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

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

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

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

(A) be at least 21 years of age;

(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.