

HOUSE CS FOR CS FOR SENATE BILL NO. 177(FIN) am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/3/96

Offered: 4/26/96

Sponsor(s): SENATORS GREEN, Halford, Taylor

REPRESENTATIVES James, Kelly, Kohring, Ogan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits to carry concealed handguns; and relating to
2 possession of firearms on state ferries."

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; [OR]

12 (3) the holder of a valid permit to carry a concealed handgun under
13 AS 18.65.700 - 18.65.790, the deadly weapon concealed was a concealed handgun as
14 defined in AS 18.65.790, and the possession did not occur in a municipality or

1 established village in which the possession of concealed handguns is prohibited under
2 AS 18.65.780 - 18.65.785; or

3 (4) the holder of a valid permit to carry a concealed handgun
4 issued by another state if the state that issued the permit allows persons holding
5 permits issued under AS 18.65.700 - 18.65.790 to carry a concealed handgun in
6 that state as determined by the Department of Public Safety, and

7 (A) the deadly weapon concealed was a concealed handgun
8 as defined in AS 18.65.790; and

9 (B) the possession did not occur in a municipality or
10 established village in which the possession of concealed handguns is
11 prohibited under AS 18.65.780 - 18.65.785.

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

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

14 (1) an affirmative defense that the defendant, at the time of
15 possession, was the holder of a valid permit to carry a concealed handgun under
16 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
17 in AS 18.65.790, the defendant did not consume an intoxicating liquor at the place
18 where the possession occurred and did not have more than 0.04 percent by weight
19 of alcohol in the person's blood, more than 40 milligrams of alcohol per 100
20 milligrams of blood, or more than 0.04 grams of alcohol per 210 liters of the
21 person's breath, as determined by a chemical test taken within four hours after
22 the offense was committed, and the possession did not occur in a municipality or
23 established village in which the possession of concealed handguns is prohibited
24 under 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) [(1) ON BUSINESS PREMISES] owned by or leased by the
28 defendant; or

29 (B) [(2) ON BUSINESS PREMISES] in the course of the
30 defendant's employment for the owner or lessee of those premises.

31 * Sec. 3. AS 11.61.220 is amended by adding a new subsection to read:

1 (h) When the holder of a valid permit to carry a concealed handgun under
2 AS 18.65.700 - 18.65.790 is charged by a peace officer or arrested for violating (a)(2)
3 of this section, the holder may request the peace officer to conduct a blood or breath
4 test, at the expense of the holder, to determine the holder's blood alcohol level for use
5 under (d)(1) of this section.

6 * **Sec. 4.** AS 18.65.700(a) is amended to read:

7 (a) The department shall issue a permit to carry a concealed handgun to a
8 person who

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

10 (2) qualifies under AS 18.65.705;

11 (3) submits a completed application on a form provided by the
12 department, that provides the information required under AS 18.65.705 and 18.65.710
13 and is executed under oath; with each application form provided by the
14 department, the department shall provide a copy of the state laws and regulations
15 relating to concealed handguns;

16 (4) submits two complete sets of fingerprints on federal bureau of
17 investigation approved fingerprint cards that are of sufficient quality so that the
18 fingerprints may be processed; the fingerprints must be taken by a person, group, or
19 agency approved by the department; the department shall maintain a list of persons,
20 groups, or agencies approved to take fingerprints and shall provide the list to the
21 public upon request;

22 (5) submits evidence of competence with handguns as provided in
23 AS 18.65.715;

24 (6) provides two frontal view color photographs of the person taken
25 within the preceding 30 days that include the head and shoulders of the person and are
26 of a size specified by the department;

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

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

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

1 * **Sec. 5.** AS 18.65.700(b) is amended to read:

2 (b) The department shall either approve or reject an application for a permit
3 to carry a concealed handgun under (a) of this section within 30 [15] days of receipt
4 of [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF
5 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A
6 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL
7 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION
8 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department
9 shall notify the applicant in writing of the reason for a rejection.

10 * **Sec. 6.** AS 18.65.705 is amended to read:

11 Sec. 18.65.705. QUALIFICATIONS TO OBTAIN A PERMIT. A person is
12 qualified to receive and hold a permit to carry a concealed handgun if the person

13 (1) is 21 years of age or older;

14 (2) is eligible to own or possess a firearm under the laws of this state
15 and under federal law;

16 (3) has not been convicted of and is not currently charged under a
17 complaint, information, indictment, or presentment with a felony under the laws of this
18 state or a similar law of another jurisdiction;

19 (4) has not been convicted, within the five years immediately preceding
20 the application, of, and is not currently charged under a complaint, information,
21 indictment, or presentment with, any of the following misdemeanor offenses or similar
22 laws of another jurisdiction:

23 (A) AS 11.41.230, 11.41.250, 11.41.270;

24 (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

25 (C) AS 11.51.130;

26 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,
27 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800,
28 11.56.805;

29 (E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

30 or

31 (F) AS 11.71.050, 11.71.060;

1 (5) has not been convicted of two or more class A misdemeanors of
2 this state or similar laws of another jurisdiction within the five years immediately
3 preceding the application;

4 (6) has not within the 10 years immediately preceding the application
5 been adjudicated a delinquent for a felony offense of this state or another jurisdiction;

6 (7) is not now suffering, and has not within the five years immediately
7 preceding the application suffered, from a mental illness as defined in AS 47.30.915;

8 (8) has not been adjudicated as mentally incapacitated by a court of this
9 state, another state, territory, or jurisdiction, or of the United States, unless the
10 guardianship or similar arrangement has been closed or terminated and five years have
11 elapsed since the closure or other termination;

12 (9) is a resident of the state and has been for the **90 days** [ONE
13 YEAR] immediately preceding the application for a permit;

14 (10) has not been discharged from the armed forces of the United
15 States under dishonorable conditions;

16 (11) is not an alien who is residing in the United States illegally or a
17 former citizen of the United States who has renounced the person's citizenship;

18 (12) is not an unlawful user of, or addicted to, a controlled substance;

19 (13) is not now the subject of an injunction under AS 25.35.010 -
20 25.35.020 unless the injunction has been dissolved or has expired;

21 (14) is not now in and has not in the three years immediately preceding
22 the application been ordered by a court to complete an alcohol treatment program;

23 (15) is not now in and has not in the three years immediately preceding
24 the application entered a substance abuse treatment program; and

25 (16) has demonstrated competence with handguns as provided in
26 AS 18.65.715; **or is a peace officer who has successfully completed Alaska Police**
27 **Standards Council Training within the last year, including firearms training and**
28 **qualification.**

29 * Sec. 7. AS 18.65.710(a)(3) is amended to read:

30 (3) a statement that the applicant has been furnished with a copy of **the**
31 **state laws and regulations relating to concealed handguns** [AS 18.65.700 -

1 18.65.790], has read those sections, and understands them;

2 * **Sec. 8.** AS 18.65.715 is amended by adding a new subsection to read:

3 (e) Notwithstanding (a) of this section, an honorably retired peace officer who
4 applies for a permit to carry a concealed handgun within one year of the officer's
5 retirement shall be presumed by the department to have satisfied the demonstration of
6 competency required of an applicant for a permit. A demonstration of competency
7 under this section for an honorably retired peace officer

8 (1) is for any action type or caliber;

9 (2) only applies to the initial demonstration of competency; to renew
10 a concealed handgun permit, an honorably retired peace officer must demonstrate
11 competency as provided in (b) of this section.

12 * **Sec. 9.** AS 18.65.720 is amended to read:

13 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for
14 the processing of the application for and initial issuance of a permit, renewal of a
15 permit, or replacement of a permit. The fees shall be set by regulation and must be
16 based on the actual costs incurred by the department. However, the fee for the
17 processing of an application and initial issuance of a permit may not exceed \$99
18 [\$125] and the fee for renewal of a permit or replacement of a permit may not exceed
19 \$30 [\$60].

20 * **Sec. 10.** AS 18.65.755(a) is amended to read:

21 (a) A permittee may not carry a concealed handgun into or possess a
22 concealed handgun within

23 (1) a law enforcement or correctional facility;

24 (2) or on school grounds or a school bus; in this paragraph, "school
25 grounds" has the meaning given in AS 11.71.900;

26 (3) a courthouse or a courtroom of this state, unless the permittee

27 (A) is a judge; or

28 (B) has been authorized to possess a concealed handgun by a
29 judge presiding at that courthouse or courtroom;

30 (4) [A BUILDING HOUSING ONLY STATE OR FEDERAL
31 OFFICES OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE,

EXCEPT AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

(5) AN OFFICE OF THE STATE, FEDERAL GOVERNMENT, OR OF A POLITICAL SUBDIVISION OF THE STATE THAT IS NOT LOCATED IN A BUILDING DESCRIBED IN (4) OF THIS SUBSECTION;

(6) A PASSENGER LOADING OR UNLOADING AREA OF AN AIRLINE TERMINAL;

(7)] a vessel of the Alaska marine highway system as prohibited by AS 19.65.055;

(5) [(8)] a facility providing services to victims of domestic violence or sexual assault;

(6) [(9)] a residence other than the permittee's residence, unless the permittee has first obtained the express permission to bring a concealed handgun into the residence from an adult residing there [WHERE NOTICE THAT CARRYING A CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT TO THE PERMITTEE];

(7) [(10)] a facility or meeting of a business, charitable, or other organization or entity where notice that carrying a concealed handgun is prohibited has been given by the posting of conspicuous notice;

(8) [(11)] a [FINANCIAL INSTITUTION; IN THIS PARAGRAPH, "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER AS 06;

(12) ANOTHER] place where the possession of a deadly weapon or firearm is prohibited by federal law; [OR]

(9) [(13)] a municipality or established village that has prohibited the possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785; or

(10) the campus grounds or facilities of the University of Alaska except as provided by Board of Regents' policy.

* Sec. 11. AS 18.65.755(c) is amended to read:

1 (c) In addition to any other penalty provided by law, a person who violates (a)
2 of this section is guilty of a violation punishable as provided in AS 12.55.035 for
3 the first offense, a class B misdemeanor for the second offense, and a class A
4 misdemeanor for the third or subsequent offense.

5 * **Sec. 12.** AS 19.65 is amended by adding a new section to read:

6 Sec. 19.65.055. POSSESSION OF FIREARMS ABOARD FERRIES. (a) A
7 person may not possess or carry a firearm while aboard a vessel of the Alaska marine
8 highway system unless the person

9 (1) is a peace officer;

10 (2) secures the firearm in a locked propelled vehicle; or

11 (3) upon boarding, allows the purser to hold and secure the firearm
12 until the person disembarks from the vessel.

13 (b) In this section, "firearm" and "propelled vehicle" have the meanings given
14 in AS 11.81.900.

15 * **Sec. 13.** AS 18.65.725(c) is repealed.