

LEGAL SERVICES

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MEMORANDUM

March 21, 2014

SUBJECT: CSHB 366() -- Changes recommended by the Bureau of Alcohol, Tobacco, Firearms and Explosives; other (Work Order No. 28-LS1172\Y)

TO: Representative Lance Pruitt
Attn: Morgan Hopson

FROM: Kathleen Strasbaugh
Legislative Counsel

Please find enclosed a draft of the above bill that incorporates changes that an attorney with the Bureau of Alcohol, Tobacco, Firearms, and Explosives in the United States Department of Justice (BATFE) has told the Department of Public Safety (DPS) are necessary. In my opinion, the change regarding the use of "resulting from" instead of "record of" makes no substantive difference with respect to compliance with federal law, but the changes have been incorporated to address the concern expressed by BATFE to DPS.

I have changed the language concerning the court's role in ruling on the motion for relief from "may" to "shall." It was not clear to me that this is required by federal law. However, I have spoken with the attorney from BATFE to whom you have referred me. It is BATFE's position that persons from Alaska would not be eligible for relief from the disabilities imposed by 18 U.S.C. 922(g)(4) if the statute is not worded in this manner. This is surprising but of course we want to make sure the court is effective.

I have also incorporated amendment P.1 into this draft. Please let me know if you did not wish to do this.

If I may be of further assistance, please advise.

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Enclosure