

**CS FOR HOUSE BILL NO. 338(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/28/96

Referred: Judiciary

Sponsor(s): REPRESENTATIVES JAMES, Foster, Kelly

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to permits to carry concealed handguns."

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

3 \* **Section 1.** AS 11.61.210 is amended by adding a new subsection to read:

4 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense  
5 that the defendant, at the time of possession, was the holder of a valid permit to carry  
6 a concealed handgun under AS 18.65.700 - 18.65.790, the deadly weapon was a  
7 concealed handgun as defined in AS 18.65.790, and the possession

8 (1) occurred within a propelled vehicle, other than a school bus, and  
9 the defendant did not exit the propelled vehicle; and

10 (2) did not occur in a municipality or established village in which the  
11 possession of a concealed handgun is 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

1 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined  
2 in AS 18.65.790, the defendant did not consume an intoxicating liquor at the place  
3 where the possession occurred and did not consume an intoxicating liquor at any  
4 time during the eight hours before the possession, and the possession did not  
5 occur in a municipality or established village in which the possession of concealed  
6 handguns is prohibited under AS 18.65.780 - 18.65.785;

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

9 (A) [(1) ON BUSINESS PREMISES] owned by or leased by the  
10 defendant; or

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

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

14 (a) The department shall issue a permit to carry a concealed handgun to a person  
15 who

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

17 (2) qualifies under AS 18.65.705;

18 (3) submits a completed application on a form provided by the  
19 department, that provides the information required under AS 18.65.705 and 18.65.710  
20 and is executed under oath; **with each application form provided by the department,**  
21 **the department shall provide a copy of the state laws and regulations relating to**  
22 **concealed handguns;**

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

29 (5) submits evidence of competence with handguns as provided in  
30 AS 18.65.715;

31 (6) provides two frontal view color photographs of the person taken  
32 within the preceding 30 days that include the head and shoulders of the person and are

- 1 of a size specified by the department;
- 2 (7) shows a valid Alaska driver’s license or identification card at the time
- 3 of application;
- 4 (8) does not suffer a physical infirmity that prevents the safe handling
- 5 of a handgun; and
- 6 (9) pays the application fee required by AS 18.65.720.

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

8 (b) The department shall either approve or reject an application for a permit to

9 carry a concealed handgun under (a) of this section within **30** [15] days of receipt of

10 [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF

11 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A

12 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL

13 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION

14 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department

15 shall notify the applicant in writing of the reason for a rejection.

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

17 Sec. 18.65.705. QUALIFICATIONS TO OBTAIN A PERMIT. A person is

18 qualified to receive and hold a permit to carry a concealed handgun if the person

- 19 (1) is 21 years of age or older;
- 20 (2) is eligible to own or possess a firearm under the laws of this state
- 21 and under federal law;
- 22 (3) has not been convicted of and is not currently charged under a
- 23 complaint, information, indictment, or presentment with a felony under the laws of this
- 24 state or a similar law of another jurisdiction;
- 25 (4) has not been convicted, within the five years immediately preceding
- 26 the application, of, and is not currently charged under a complaint, information,
- 27 indictment, or presentment with, any of the following misdemeanor offenses or similar
- 28 laws of another jurisdiction:
- 29 (A) AS 11.41.230, 11.41.250, 11.41.270;
- 30 (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;
- 31 (C) AS 11.51.130;
- 32 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,

1 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800,  
2 11.56.805;

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

4 or

5 (F) AS 11.71.050, 11.71.060;

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

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

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

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

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

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

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

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

24 (13) is not now the subject of an injunction under AS 25.35.010 -  
25 25.35.020 unless the injunction has been dissolved or has expired;

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

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

30 (16) has demonstrated competence with handguns as provided in  
31 AS 18.65.715.

32 \* Sec. 6. AS 18.65.710(a)(3) is amended to read:

1 (3) a statement that the applicant has been furnished with a copy of the  
2 state laws and regulations relating to concealed handguns [AS 18.65.700 -  
3 18.65.790], has read those sections, and understands them;

4 \* **Sec. 7.** AS 18.65.715 is amended by adding a new subsection to read:

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

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

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

14 \* **Sec. 8.** AS 18.65 is amended by adding a new section to read:

15 Sec. 18.65.718. RECIPROCITY FOR HOLDERS OF CONCEALED  
16 HANDGUN PERMITS FROM OTHER STATES. (a) The department may enter into  
17 agreements with other states to provide reciprocity for holders of concealed handgun  
18 permits issued by another state to be permitted to carry a concealed handgun in Alaska  
19 provided the other state allows holders of concealed handgun permits issued under  
20 AS 18.65.700 - 18.65.790 to be permitted to carry concealed handguns in the other state.  
21 An agreement under this section, at a minimum, must provide that for a person issued  
22 a concealed handgun permit by another state to be reciprocally permitted in this state to  
23 carry a concealed handgun the person must submit

24 (1) an application executed under oath that provides information that is  
25 substantially similar to that required under AS 18.65.710, including the statement  
26 required under AS 18.65.710(a)(3);

27 (2) sufficient information to verify that the person holds a concealed  
28 handgun permit in the reciprocal state and to allow the department to register that permit;  
29 and

30 (3) a reciprocal application fee that may not exceed the fee set for the  
31 application and initial issuance of a permit under AS 18.65.720.

32 (b) A person receiving a reciprocal permit under this section may carry a

1           concealed handgun in the same manner and to the same extent as a person issued a  
2           permit under AS 18.65.700. Following issuance of the permit, all aspects concerning the  
3           regulation of the permit and the permittee are controlled by AS 18.65.700 - 18.65.790.

4   \* **Sec. 9.** AS 18.65.720 is amended to read:

5           Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the  
6           processing of the application for and initial issuance of a permit, renewal of a permit, or  
7           replacement of a permit. The fees shall be set by regulation and must be based on the  
8           actual costs incurred by the department. However, the fee for the processing of an  
9           application and initial issuance of a permit may not exceed **\$99** [\$125] and the fee for  
10          renewal of a permit or replacement of a permit may not exceed **\$30** [\$60].

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

12           (a) A permittee may not carry a concealed handgun into **or possess a concealed**  
13          **handgun within**

14                   (1) [A LAW ENFORCEMENT OR CORRECTIONAL FACILITY;

15                   (2)] or on school grounds or a school bus **other than while in a**  
16          **propelled vehicle, other than a school bus, and the permittee does not exit the**  
17          **vehicle**; in this paragraph, "school grounds" has the meaning given in AS 11.71.900;

18                   (2) [(3)] a courthouse or a courtroom of this state, unless the permittee

19                           (A) is a judge; or

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

22                   (3) [(4)] A BUILDING HOUSING ONLY STATE OR FEDERAL  
23          OFFICES OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE,  
24          EXCEPT AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

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

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

30                   (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;

31                   (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF  
32          DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

1 (9)] a residence where notice that carrying a concealed handgun is  
2 prohibited has been given by the posting of a conspicuous notice or by oral statement  
3 by the resident to the permittee;

4 (4) [(10)] a **facility or** meeting of a business, charitable, or other  
5 organization or entity where notice that carrying a concealed handgun is prohibited has  
6 been given by the posting of conspicuous notice;

7 (5) [(11)] a [FINANCIAL INSTITUTION; IN THIS PARAGRAPH,  
8 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS  
9 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY  
10 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER  
11 AS 06;

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

14 (6) [(13)] a municipality or established village that has prohibited the  
15 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

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

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

21 \* **Sec. 12.** AS 18.65.755 is amended by adding new subsections to read:

22 (d) A permittee may not carry a concealed handgun in public while consuming  
23 an intoxicating liquor or within eight hours after consuming an intoxicating liquor.

24 (e) A person who violates (d) of this section is guilty of a class A misdemeanor.

25 \* **Sec. 13.** AS 18.65.725(c) is repealed.