

CS FOR SENATE BILL NO. 177(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/19/96

Referred: JUD, FIN

Sponsor(s): SENATORS GREEN, Halford, Taylor, Donley

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) did not occur within or on a school bus;

9 (2) occurred as the defendant, without entering the school building,
10 directly escorted to or from the school, or picked up or dropped off at the school,
11 without detour or delay while on school grounds, a person or thing; and

12 (3) did not occur in a municipality or established village in which the
13 possession of a concealed handgun is prohibited under AS 18.65.780 - 18.65.785.

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

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

1 (1) an affirmative defense that the defendant, at the time of
2 possession, was the holder of a valid permit to carry a concealed handgun under
3 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
4 in AS 18.65.790, and the possession did not occur in a municipality or established
5 village in which the possession of concealed handguns is prohibited under
6 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
10 the 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 18.65.700(d) is amended to read:

17 (d) A permit issued under (a) of this section is valid for five years from the date

18 of issue. The permit must specify the action types [AND MAXIMUM CALIBERS] of

19 handgun described in the permittee’s certificate of competency under AS 18.65.715 but

20 may not specifically identify a handgun by make, model, or serial number.

21 * **Sec. 6.** AS 18.65.705(4) is amended to read:

22 (4) has not been convicted, within the five years immediately preceding

23 the application, of, and is not currently charged under a complaint, information,

24 indictment, or presentment with, any of the following misdemeanor offenses or similar

25 laws of another jurisdiction:

- 26 (A) AS 11.41.230, 11.41.250, 11.41.270;
- 27 (B) AS 11.46.315, [11.46.320, 11.46.330,] 11.46.430,
- 28 11.46.484(a)(1), (2), or (7) [11.46.484];
- 29 (C) AS 11.51.130;
- 30 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,
- 31 [11.56.545,] 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800
- 32 [, 11.56.805];

1 (E) AS 11.61.110(a)(3) - (7) [AS 11.61.110], 11.61.120,
2 11.61.210, 11.61.220, 11.61.240; or

3 (F) AS 11.71.050, 11.71.060;

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

5 (3) a statement that the applicant has been furnished with a copy of **the**
6 **state laws and regulations relating to concealed handguns** [AS 18.65.700 -
7 18.65.790], has read those sections, and understands them;

8 * **Sec. 8.** AS 18.65.715(a) is amended to read:

9 (a) An applicant for a permit to carry a concealed handgun shall provide a
10 certificate of successful completion of a handgun course that is approved by the
11 department. The certificate must state the action type [AND CALIBER] of handgun or
12 handguns the applicant has demonstrated competence with and that the applicant may be
13 permitted to carry. A permittee may only carry as a concealed handgun an action type
14 of handgun described in the certificate. [A PERMITTEE MAY ONLY CARRY AS A
15 CONCEALED HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE
16 PERMITTEE DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER
17 OF THE SAME ACTION TYPE.] The handgun course must have been completed
18 within the 12 months immediately preceding the application. The department shall
19 approve a handgun course, including the personal protection course offered by the
20 National Rifle Association, if the course tests the applicant's

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

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

25 (3) knowledge of self-defense principles; and

26 (4) physical competence with each action type of handgun the applicant
27 wishes to carry under the permit [AND THE MAXIMUM CALIBER FOR EACH
28 ACTION TYPE THE APPLICANT WISHES TO CARRY UNDER THE PERMIT].

29 * **Sec. 9.** AS 18.65 is amended by adding a new section to read:

30 Sec. 18.65.718. RECIPROCITY FOR HOLDERS OF CONCEALED HANDGUN
31 PERMITS FROM OTHER STATES. (a) The department may enter into agreements
32 with other states to provide reciprocity for holders of concealed handgun permits issued

1 by another state to be permitted to carry a concealed handgun in Alaska provided the
2 other state allows holders of concealed handgun permits issued under AS 18.65.700 -
3 18.65.790 to be permitted to carry concealed handguns in the other state. An agreement
4 under this section, at a minimum, must provide that for a person issued a concealed
5 handgun permit by another state to be reciprocally permitted in this state to carry a
6 concealed handgun the person must submit

7 (1) an application that provides information that is substantially similar
8 to that required under AS 18.65.710;

9 (2) sufficient information to verify that the person holds a concealed
10 handgun permit in the reciprocal state; and

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

13 (b) A person receiving a reciprocal permit under this section may carry a
14 concealed handgun in the same manner and to the same extent as a person issued a
15 permit under AS 18.65.700. Following issuance of the permit, all aspects concerning the
16 regulation of the permit and the permittee are controlled by AS 18.65.700 - 18.65.790.

17 * **Sec. 10.** AS 18.65.720 is amended to read:

18 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the
19 processing of the application for and initial issuance of a permit, renewal of a permit, or
20 replacement of a permit. The fees shall be set by regulation and must be based on the
21 actual costs incurred by the department. However, the fee for the processing of an
22 application and initial issuance of a permit may not exceed \$65 [\$125] and the fee for
23 renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

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

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

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

29 (2) [IS CONVICTED OF TWO CLASS A MISDEMEANORS OF THIS
30 STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A FIVE-
31 YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS AFTER THE
32 APPLICATION;

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

4 * **Sec. 12.** AS 18.65.755(a) is amended to read:

5 (a) A permittee may not carry a concealed handgun into

6 (1) a law enforcement or correctional facility;

7 (2) or **possess a concealed handgun within a building, on the grounds**
8 **or on the parking lot of a public or private preschool, elementary, junior high, or**
9 **secondary school except while the permittee, without entering a school building,**
10 **without detour or delay while on school grounds, and without being on a school**
11 **bus, directly escorted to or from the school, or picked up or dropped off at the**
12 **school, a person or thing;** [ON SCHOOL GROUNDS OR A SCHOOL BUS; IN THIS
13 PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
14 AS 11.71.900];

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

16 (A) is a judge; or

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

19 (4) a [BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
20 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
21 AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

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

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

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

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

30 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A
31 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
32 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT

1 TO THE PERMITTEE;

2 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
3 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
4 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
5 OF CONSPICUOUS NOTICE;

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

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

13 (5) [(13)] a municipality or established village that has prohibited the
14 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

15 * **Sec. 13.** AS 18.65.765(a) is amended to read:

16 (a) The holder of a permit issued under AS 18.65.700 - 18.65.790

17 (1) shall notify the department of a change in the permittee's address
18 within 30 days;

19 (2) shall immediately report a lost, stolen, or illegible permit to the
20 department;

21 (3) shall immediately notify the department if the holder is no longer
22 qualified to hold a permit under AS 18.65.705; and

23 (4) may only carry a concealed handgun of the action type [AND
24 CALIBER] the holder has demonstrated competency with [OR OF ANY LESSER
25 CALIBER OF THE SAME ACTION TYPE] as authorized in the permit issued under
26 AS 18.65.700.

27 * **Sec. 14.** AS 18.65.790(3) is amended to read:

28 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
29 and that is covered or enclosed in any manner so that an observer cannot determine that
30 it is a handgun without removing it from that which covers or encloses it or without
31 opening, lifting, or removing that which covers or encloses it; however, "concealed
32 handgun" does not include a shotgun or [,] rifle, [DERRINGER OR OTHER

1 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [;
2 IN THIS PARAGRAPH,

3 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
4 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
5 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
6 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
7 IS PART OF THE FRAME; AND

8 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
9 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS
10 AND LACKS A MANUFACTURER'S INSTALLED TRIGGER GUARD
11 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART
12 OF THE FRAME];

13 * **Sec. 15.** AS 18.65.705(5), 18.65.705(9), and 18.65.725(c) are repealed.