

CS FOR SENATE BILL NO. 177(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/6/96
Referred: Finance

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(b) is amended to read:

15 (b) In a prosecution under (a)(1) of this section, it is an affirmative defense

1 that the defendant, at the time of possession, was

2 (1) in the defendant's dwelling or on land owned or leased by the
3 defendant appurtenant to the dwelling;

4 (2) actually engaged in lawful hunting, fishing, trapping, or other lawful
5 outdoor activity that necessarily involves the carrying of a weapon for personal
6 protection; [OR]

7 (3) the holder of a valid permit to carry a concealed handgun under
8 AS 18.65.700 - 18.65.790, the deadly weapon concealed was a **concealed** handgun as
9 defined in AS 18.65.790, and the possession did not occur in a municipality or
10 established village in which the possession of concealed handguns is prohibited under
11 AS 18.65.780 - 18.65.785; **or**

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

16 **(A) the deadly weapon concealed was a concealed handgun**
17 **as defined in AS 18.65.790; and**

18 **(B) the possession did not occur in a municipality or**
19 **established village in which the possession of concealed handguns is**
20 **prohibited under AS 18.65.780 - 18.65.785.**

21 * Sec. 3. AS 11.61.220(d) is amended to read:

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

23 **(1) an affirmative defense that the defendant, at the time of**
24 **possession, was the holder of a valid permit to carry a concealed handgun under**
25 **AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined**
26 **in AS 18.65.790, and the possession did not occur in a municipality or established**
27 **village in which the possession of concealed handguns is prohibited under**
28 **AS 18.65.780 - 18.65.785;**

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

31 **(A) [(1) ON BUSINESS PREMISES]** owned by or leased by

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

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

5 (a) The department shall issue a permit to carry a concealed handgun to a person
6 who

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

8 (2) qualifies under AS 18.65.705;

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

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

20 (5) submits evidence of competence with handguns as provided in
21 AS 18.65.715;

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

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

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

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

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

31 (b) The department shall either approve or reject an application for a permit to
32 carry a concealed handgun under (a) of this section within **30** [15] days of receipt of

1 [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF
2 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A
3 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL
4 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION
5 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department
6 shall notify the applicant in writing of the reason for a rejection.

7 * **Sec. 6.** AS 18.65.700(d) is amended to read:

8 (d) A permit issued under (a) of this section is valid for five years from the date
9 of issue. The permit must specify the action types [AND MAXIMUM CALIBERS] of
10 handgun described in the permittee’s certificate of competency under AS 18.65.715 but
11 may not specifically identify a handgun by make, model, or serial number.

12 * **Sec. 7.** AS 18.65.705(4) is amended to read:

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

17 (A) AS 11.41.230, 11.41.250, 11.41.270;

18 (B) AS 11.46.315, [11.46.320, 11.46.330,] 11.46.430,
19 11.46.484(a)(1), (2), or (7) [11.46.484];

20 (C) AS 11.51.130;

21 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,
22 [11.56.545,] 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800
23 [, 11.56.805];

24 (E) AS 11.61.110(a)(3) - (7) [AS 11.61.110], 11.61.120,
25 11.61.210, 11.61.220, 11.61.240; or

26 (F) AS 11.71.050, 11.71.060;

27 * **Sec. 8.** AS 18.65.710(a)(3) is amended to read:

28 (3) a statement that the applicant has been furnished with a copy of the
29 state laws and regulations relating to concealed handguns [AS 18.65.700 -
30 18.65.790], has read those sections, and understands them;

31 * **Sec. 9.** AS 18.65.715(a) is amended to read:

32 (a) An applicant for a permit to carry a concealed handgun shall provide a

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

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

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

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

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

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

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

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

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

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

32 (2) [IS CONVICTED OF TWO CLASS A MISDEMEANORS OF THIS

1 STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A FIVE-
2 YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS AFTER THE
3 APPLICATION;

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

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

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

9 (1) a law enforcement or correctional facility;

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

18 (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 (4) a [BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
23 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
24 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
2 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
3 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT
4 TO THE PERMITTEE;

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

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

14 (12) ANOTHER] place where the possession of a deadly weapon or
15 firearm is prohibited by a law of this state or the federal government; or

16 ~~(5)~~ [(13)] a municipality or established village that has prohibited the
17 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

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

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

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

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

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

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

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

31 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
32 and that is covered or enclosed in any manner so that an observer cannot determine that

1 it is a handgun without removing it from that which covers or encloses it or without
2 opening, lifting, or removing that which covers or encloses it; however, "concealed
3 handgun" does not include a shotgun or [,] rifle, [DERRINGER OR OTHER
4 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [;
5 IN THIS PARAGRAPH,

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

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

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