

CS FOR SENATE BILL NO. 177(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/26/96

Referred: Rules

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

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 consume an intoxicating liquor at any
19 time during the eight hours before the possession, and the possession did not
20 occur in a municipality or established village in which the possession of concealed
21 handguns is prohibited under AS 18.65.780 - 18.65.785;

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

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

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

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

29 (a) The department shall issue a permit to carry a concealed handgun to a person
30 who

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

32 (2) qualifies under AS 18.65.705;

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

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

12 (5) submits evidence of competence with handguns as provided in
13 AS 18.65.715;

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

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

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

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

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

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

31 * **Sec. 5.** AS 18.65.700(d) is amended to read:

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

1 of issue. The permit must specify the action types [AND MAXIMUM CALIBERS] of
2 handgun described in the permittee's certificate of competency under AS 18.65.715 but
3 may not specifically identify a handgun by make, model, or serial number.

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

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

9 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

11 (C) AS 11.51.130;

12 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,
13 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800,
14 11.56.805;

15 (E) AS 11.61.110(a)(3) - (7) [AS 11.61.110], 11.61.120,
16 11.61.210, 11.61.220, 11.61.240; or

17 (F) AS 11.71.050, 11.71.060;

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

19 (3) a statement that the applicant has been furnished with a copy of **the**
20 **state laws and regulations relating to concealed handguns** [AS 18.65.700 -
21 18.65.790], has read those sections, and understands them;

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

23 (a) An applicant for a permit to carry a concealed handgun shall provide a
24 certificate of successful completion of a handgun course that is approved by the
25 department. The certificate must state the action type [AND CALIBER] of handgun or
26 handguns the applicant has demonstrated competence with and that the applicant may be
27 permitted to carry. A permittee may only carry as a concealed handgun an action type
28 of handgun described in the certificate. [A PERMITTEE MAY ONLY CARRY AS A
29 CONCEALED HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE
30 PERMITTEE DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER
31 OF THE SAME ACTION TYPE.] The handgun course must have been completed
32 within the 12 months immediately preceding the application. The department shall

1 approve a handgun course, including the personal protection course offered by the
2 National Rifle Association, if the course tests the applicant's

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

5 (2) familiarity with the basic concepts of the safe and responsible use of
6 handguns;

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

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

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

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

18 * **Sec. 10.** AS 18.65.740(a) is amended to read:

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

21 (1) becomes disqualified to receive and hold a permit under
22 AS 18.65.705; **or**

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

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

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

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

32 (1) a law enforcement or correctional facility;

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

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

4 (A) is a judge; or

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

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

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

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

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

16 (8) A] facility providing services to victims of domestic violence or
17 sexual assault;

18 (5) [(9)] a residence, **other than the permittee's residence, unless the**
19 **permittee has first obtained the express permission to bring a concealed handgun**
20 **into the residence from an adult residing there** [WHERE NOTICE THAT
21 CARRYING A CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY
22 THE POSTING OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY
23 THE RESIDENT TO THE PERMITTEE;

24 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
25 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
26 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
27 OF CONSPICUOUS NOTICE;

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

1 (6) a [(12) ANOTHER] place where the possession of a deadly weapon
2 or firearm is prohibited by a statute of this state or a law of the federal government
3 [LAW]; or

4 (7) [(13)] a municipality or established village that has prohibited the
5 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

6 * **Sec. 12.** AS 18.65.765(a) is amended to read:

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

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

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

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

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

18 * **Sec. 13.** AS 18.65.790(3) is amended to read:

19 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
20 and that is covered or enclosed in any manner so that an observer cannot determine that
21 it is a handgun without removing it from that which covers or encloses it or without
22 opening, lifting, or removing that which covers or encloses it; however, "concealed
23 handgun" does not include a shotgun or [,] rifle, [DERRINGER OR OTHER
24 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [;
25 IN THIS PARAGRAPH,

26 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
27 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
28 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
29 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
30 IS PART OF THE FRAME; AND

31 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
32 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS

1 AND LACKS A MANUFACTURER’S INSTALLED TRIGGER GUARD
2 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART
3 OF THE FRAME];

4 * **Sec. 14.** AS 19.65 is amended by adding a new section to read:

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

8 (1) is a peace officer;

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

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

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

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