

**CS FOR SENATE BILL NO. 177(FIN) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/2/96

Offered: 3/26/96

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

REPRESENTATIVES James, Kelly

**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 have more than 0.04 percent by weight  
19 of alcohol in the person's blood, more than 40 milligrams of alcohol per 100  
20 milligrams of blood, or more than 0.04 grams of alcohol per 210 liters of the  
21 person's breath, as determined by a chemical test taken within four hours after  
22 the offense was committed, and the possession did not occur in a municipality or  
23 established village in which the possession of concealed handguns is prohibited  
24 under AS 18.65.780 - 18.65.785;

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

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

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

31 \* Sec. 3. AS 11.61.220 is amended by adding a new subsection to read:

1 (h) When the holder of a valid permit to carry a concealed handgun under  
2 AS 18.65.700 - 18.65.790 is charged by a peace officer or arrested for violating (a)(2)  
3 of this section, the holder may request the peace officer to conduct a blood or breath  
4 test, at the expense of the holder, to determine the holder's blood alcohol level for use  
5 under (d)(1) of this section.

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

7 (a) The department shall issue a permit to carry a concealed handgun to a person  
8 who

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

10 (2) qualifies under AS 18.65.705;

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

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

22 (5) submits evidence of competence with handguns as provided in  
23 AS 18.65.715;

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

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

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

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

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

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

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

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

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

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

19 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

21 (C) AS 11.51.130;

22 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,  
23 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800,  
24 11.56.805;

25 (E) **AS 11.61.110(a)(3) - (7)** [AS 11.61.110], 11.61.120,  
26 11.61.210, 11.61.220, 11.61.240; or

27 (F) AS 11.71.050, 11.71.060;

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

29 (3) a statement that the applicant has been furnished with a copy of **the**  
30 **state laws and regulations relating to concealed handguns** [AS 18.65.700 -  
31 18.65.790], has read those sections, and understands them;

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

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

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

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

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

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

21 \* **Sec. 10.** AS 18.65.720 is amended to read:

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

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

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

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

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

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

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

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

10 (1) a law enforcement or correctional facility;

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

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

14 (A) is a judge; or

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

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

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

23 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN  
24 AIRLINE TERMINAL;

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

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

28 [(9) A RESIDENCE WHERE NOTICE THAT CARRYING A  
29 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING  
30 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT  
31 TO THE PERMITTEE;

32 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER

1 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A  
2 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING  
3 OF CONSPICUOUS NOTICE;

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

9 (5) a [(12) ANOTHER] place where the possession of a deadly weapon  
10 or firearm is prohibited by **a statute of this state or a law of the federal government**  
11 [LAW]; or

12 (6) [(13)] a municipality or established village that has prohibited the  
13 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

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

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

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

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

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

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

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

27 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,  
28 and that is covered or enclosed in any manner so that an observer cannot determine that  
29 it is a handgun without removing it from that which covers or encloses it or without  
30 opening, lifting, or removing that which covers or encloses it; however, "concealed  
31 handgun" does not include a shotgun **or** [,] rifle, [DERRINGER OR OTHER  
32 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [;

1 IN THIS PARAGRAPH,

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

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

12 \* **Sec. 15.** AS 19.65 is amended by adding a new section to read:

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

- 16 (1) is a peace officer;  
17 (2) secures the firearm in a locked propelled vehicle; or  
18 (3) upon boarding, allows the purser to hold and secure the firearm  
19 until the person disembarks from the vessel.

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

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