

SENATE BILL NO. 141

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATOR GREEN

Introduced: 2/14/97

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits to carry concealed handguns; and relating to the
2 possession of firearms."

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**
14 handgun as defined in AS 18.65.790, and the possession did not occur in a

1 municipality or established village in which the possession of concealed handguns is
 2 prohibited under AS 18.65.780 - 18.65.785; or

3 (4) lawfully able to carry a concealed handgun in public in the state
 4 where the defendant resides or was the holder of a valid permit to carry a
 5 concealed handgun issued by another state or a political subdivision of another
 6 state and

7 (A) the weapon was a concealed handgun as defined in
 8 AS 18.65.790;

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; and

12 (C) if applicable, the defendant was considered a permittee
 13 under AS 18.65.748.

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

16 (1) an affirmative defense that

17 (A) the defendant, at the time of possession, was

18 (i) the holder of a valid permit to carry a concealed
 19 handgun under AS 18.65.700 - 18.65.790 or under the law of
 20 another state or a political subdivision of another state; or

21 (ii) lawfully able to carry a concealed handgun in
 22 public in the state where the defendant resides;

23 (B) the loaded firearm was a concealed handgun as defined
 24 in AS 18.65.790;

25 (C) the possession occurred at a place designated as a
 26 restaurant for the purposes of AS 04.16.049; and

27 (D) the possession did not occur in a municipality or
 28 established village in which the possession of concealed handguns is
 29 prohibited under AS 18.65.780 - 18.65.785; and

30 (E) if applicable, the defendant was considered a permittee
 31 under AS 18.65.748;

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

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

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

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

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

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

11 (2) qualifies under AS 18.65.705;

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

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

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

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

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

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

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

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

3 (b) The department shall either approve or reject an application for a permit
4 to carry a concealed handgun under (a) of this section within 15 days of receipt of
5 [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF
6 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A
7 DETERMINATION CONCERNING] the application. **If the department has not**
8 **received necessary fingerprint eligibility information from another agency by the**
9 **end of this 15-day period, and the applicant is otherwise eligible, the department**
10 **shall issue a conditional permit to the applicant subject to immediate revocation**
11 **under the procedure provided in AS 18.65.740(a) - (c) if the fingerprint**
12 **information subsequently discloses that the applicant is ineligible for a permit**
13 [THE DEPARTMENT SHALL REQUEST PERMIT ELIGIBILITY INFORMATION
14 UNDER THIS SUBSECTION WITHIN FIVE DAYS OF THE RECEIPT OF THE
15 APPLICATION]. The department shall notify the applicant in writing of the reason
16 for a rejection.

17 * **Sec. 5.** AS 18.65.700 is amended by adding a new subsection to read:

18 (e) The department may not copy the fingerprint cards that have been
19 submitted for processing under (a) of this section or use the sets of fingerprints for any
20 other purpose except as expressly provided in AS 18.65.700 - 18.65.790.

21 * **Sec. 6.** AS 18.65 is amended by adding a new section to read:

22 **Sec. 18.65.702. Emergency permit for victims of domestic violence.** (a)
23 Notwithstanding another provision of AS 18.65.700 - 18.65.790, the department may
24 issue an emergency permit to carry a concealed handgun to a person who

25 (1) applies on a form provided by the department;

26 (2) is a victim of domestic violence; and

27 (3) is in danger of further domestic violence.

28 (b) A permit issued under this section

29 (1) shall be issued without charge to the applicant;

30 (2) may be issued without a fingerprint check of the applicant;

31 (3) is valid for not more than 90 days from the date of issuance and

1 may not be renewed or extended; and

2 (4) is a permit for all purposes provided in AS 18.65.735 - 18.65.790.

3 (c) A person may receive only one permit under this section in a five-year
4 period.

5 * **Sec. 7.** AS 18.65.705 is repealed and reenacted to read:

6 **Sec. 18.65.705. Qualifications to obtain a permit.** A person is qualified to
7 receive and hold a permit to carry a concealed handgun if the person

8 (1) is 21 years of age or older;

9 (2) is eligible to own or possess a firearm under the laws of this state
10 and under federal law;

11 (3) is a resident of the state and has been for the 90 days immediately
12 preceding the application for a permit; and

13 (4) has demonstrated competence with handguns as provided in
14 AS 18.65.715.

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

16 (3) a statement that the applicant has been furnished with a copy of **the**
17 **state laws and regulations relating to concealed handguns** [AS 18.65.700 -
18 18.65.790], has read those sections, and understands them;

19 * **Sec. 9.** AS 18.65.715 is amended by adding a new subsection to read:

20 (e) Notwithstanding (a) of this section, an honorably retired peace officer who
21 applies for a permit to carry a concealed handgun shall be presumed by the department
22 to have satisfied the demonstration of competency required of an applicant for a
23 permit. A demonstration of competency under this section for an honorably retired
24 peace officer is for any action type or caliber.

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

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

1 * **Sec. 11.** AS 18.65.735(a) is repealed and reenacted to read:

2 (a) The department shall immediately suspend a permit to carry a concealed
3 handgun if a permittee becomes ineligible to hold a permit under AS 18.65.705.

4 * **Sec. 12.** AS 18.65 is amended by adding a new section to read:

5 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska**
6 **permit holders.** A person holding a permit to carry a concealed handgun from
7 another state or a political subdivision of another state or who may lawfully carry a
8 concealed handgun in public in the state where the person resides is a permittee under
9 AS 18.65.700(b) for purposes of AS 18.65.750 - 18.65.765 if the person

10 (1) has not been in Alaska for more than 90 consecutive days; or

11 (2) has informed the Department of Public Safety of the person's
12 presence in the state and address within the state and of the jurisdiction issuing the
13 person's permit.

14 * **Sec. 13.** AS 18.65.755(a) is repealed and reenacted to read:

15 (a) Except as otherwise provided by law or by written permission of the person
16 responsible for a building or facility, a permittee may not possess a concealed handgun
17 within

18 (1) a law enforcement or correctional facility;

19 (2) a courthouse or a courtroom of this state;

20 (3) a vessel of the Alaska marine highway system if that vessel allows
21 the purser to hold and secure the concealed handgun until the permittee disembarks
22 from the vessel;

23 (4) a facility providing services to victims of domestic violence or
24 sexual assault;

25 (5) a residence where notice that carrying a concealed handgun is
26 prohibited has been given by the posting of a conspicuous notice or by oral statement
27 by the resident to the permittee;

28 (6) a facility or meeting of a business, charitable, or other organization
29 or entity where notice that carrying a concealed handgun is prohibited has been given
30 by the posting of conspicuous notice and a secure lock box is provided for the storage
31 of a permittee's handgun until the permittee leaves the facility or meeting; or

1 (7) a municipality or established village that has prohibited the
2 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

3 * **Sec. 14.** AS 18.65.755(c) is amended to read:

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

8 * **Sec. 15.** AS 18.65.790(3) is amended to read:

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

16 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
17 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
18 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
19 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
20 IS PART OF THE FRAME; AND

21 (B) "MINIATURE HANDGUN" MEANS A HANDGUN
22 THAT HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES
23 OR LESS AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
24 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
25 IS PART OF THE FRAME];

26 * **Sec. 16.** AS 18.65.715(b), 18.65.725(a)(3), 18.65.725(c), and 18.65.740(a)(2) are
27 repealed.