

CS FOR SENATE BILL NO. 141(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/26/97
Referred: Finance

Sponsor(s): SENATOR GREEN

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;

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 18.65.705 is repealed and reenacted to read:

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

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

21 (2) is eligible to own or possess a handgun under the laws of this state
22 and under federal law;

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

25 (4) has demonstrated competence with handguns as provided in
26 AS 18.65.715.

27 * **Sec. 6.** 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. 7.** AS 18.65.720 is amended to read:

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

7 * **Sec. 8.** AS 18.65.735(a) is repealed and reenacted to read:

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

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

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

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

17 (2) has informed the Department of Public Safety of the person's
 18 presence in the state and address within the state and of the jurisdiction issuing the
 19 person's permit.

20 * **Sec. 10.** AS 18.65.755(a) is repealed and reenacted to read:

21 (a) A permittee may not possess a concealed handgun anywhere a person is
 22 prohibited from possessing a handgun under state or federal law.

23 * **Sec. 11.** AS 18.65.790(3) is amended to read:

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

31 (A) "DERRINGER" MEANS A HANDGUN THAT HAS

1 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
2 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
3 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
4 IS PART OF THE FRAME; AND

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

10 * **Sec. 12.** AS 18.65.715(b), 18.65.725(a)(3), 18.65.740(a)(2), and 18.65.755(b) - (c) are
11 repealed.