

SENATE BILL NO. 294

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced: 3/21/00

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the possession of concealed handguns and to concealed
2 handgun permits."

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;

12 (3) the holder of a valid permit to carry a concealed handgun under
13 AS 18.65.700 - 18.65.790 **and** [,] the weapon was a concealed handgun as defined in
14 AS 18.65.790 [, AND THE POSSESSION DID NOT OCCUR IN A MUNICIPALITY

1 OR ESTABLISHED VILLAGE IN WHICH THE POSSESSION OF CONCEALED
2 HANDGUNS IS PROHIBITED UNDER AS 18.65.780 - 18.65.785]; or

3 (4) considered a permittee under AS 18.65.748 and

4 [(A)] the weapon was a concealed handgun as defined in
5 AS 18.65.790 [; AND

6 (B) THE POSSESSION DID NOT OCCUR IN A
7 MUNICIPALITY OR ESTABLISHED VILLAGE IN WHICH THE
8 POSSESSION OF CONCEALED HANDGUNS IS PROHIBITED UNDER
9 AS 18.65.780 - 18.65.785].

10 * **Sec. 2.** AS 11.61.220(d) is amended to read:

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

12 (1) an affirmative defense that

13 (A) the defendant, at the time of possession, was the holder of
14 a valid permit to carry a concealed handgun under AS 18.65.700 - 18.65.790
15 or was considered a permittee under AS 18.65.748;

16 (B) the loaded firearm was a concealed handgun as defined in
17 AS 18.65.790; **and**

18 (C) the possession occurred at a place designated as a restaurant
19 for the purposes of AS 04.16.049 and the defendant did not consume
20 intoxicating liquor at the place; [AND

21 (D) THE POSSESSION DID NOT OCCUR IN A
22 MUNICIPALITY OR ESTABLISHED VILLAGE IN WHICH THE
23 POSSESSION OF CONCEALED HANDGUNS IS PROHIBITED UNDER
24 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) owned by or leased by the defendant; or

28 (B) in the course of the defendant's employment for the owner
29 or lessee of those premises.

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

31 (a) The department shall issue a permit to carry a concealed handgun to a

1 person who

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

3 (2) qualifies under AS 18.65.705;

4 (3) submits a completed application on a form provided by the
5 department, that provides the information required under AS 18.65.705 and 18.65.710
6 and is executed under oath; with each application form provided by the department,
7 the department shall provide a copy of the state laws and regulations relating to
8 concealed handguns, which must include a concise summary of where, when, and by
9 whom a handgun can be carried under state and federal law;

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

16 (5) submits evidence of successful completion of a handgun course
17 [COMPETENCE WITH HANDGUNS] as provided in AS 18.65.715;

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

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

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

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

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

27 (d) A permit issued under (a) of this section is valid for five years from the
28 date of issue. [THE PERMIT MUST SPECIFY THE ACTION TYPES AND
29 MAXIMUM CALIBERS OF HANDGUN DESCRIBED IN THE PERMITTEE'S
30 CERTIFICATE OF COMPETENCY UNDER AS 18.65.715 BUT MAY NOT
31 SPECIFICALLY IDENTIFY A HANDGUN BY MAKE, MODEL, OR SERIAL

1 NUMBER.]

2 * **Sec. 5.** AS 18.65.705 is amended to read:

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

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

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

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

10 (4) has not been convicted of two or more class A misdemeanors of
11 this state **under AS 11.41** or similar laws of another jurisdiction within the six years
12 immediately preceding the application;

13 (5) is not now in and has not in the three years immediately preceding
14 the application been ordered by a court to complete an alcohol or substance abuse
15 treatment program; and

16 (6) has **successfully completed a handgun course** [DEMONSTRATED
17 COMPETENCE WITH HANDGUNS] as provided in AS 18.65.715.

18 * **Sec. 6.** AS 18.65.710(a) is amended to read:

19 (a) The application for a permit to carry a concealed handgun must contain the
20 following information:

21 (1) the applicant's name, physical residence, mailing address, place and
22 date of birth, physical description, including height, weight, race, hair color, and eye
23 color, Alaska driver's license or identification card number, and the city and state of
24 each place the applicant has resided in the five years immediately preceding the
25 application;

26 (2) a statement that the applicant qualifies under AS 18.65.705;

27 (3) a statement that the applicant has been furnished with a copy of the
28 state laws and regulations relating to concealed handguns, has read those sections, and
29 understands them;

30 (4) a statement that the applicant desires a permit to carry a concealed
31 handgun for a lawful purpose, which may include self-defense;

1 (5) a [SWORN] statement by the applicant that all statements, answers,
2 and attachments to the application are true and complete;

3 (6) a conspicuous warning that [THE APPLICATION IS EXECUTED
4 UNDER OATH AND THAT] an applicant who supplies a false statement, answer, or
5 document, in connection with the application that the applicant does not believe to be
6 true, may be prosecuted for unsworn falsification [PERJURY UNDER AS 11.56.200]
7 and, if found guilty, may be punished for violation of a class A misdemeanor [B
8 FELONY, AND THAT IN SUCH CASES THE PERMIT SHALL BE REVOKED
9 AND THE APPLICANT MAY BE BARRED FROM ANY FURTHER
10 APPLICATION FOR A PERMIT]; and

11 (7) a statement that the applicant understands that a permit eligibility
12 investigation will be conducted as a part of the application process, that this may
13 involve computerized records searches, and that the applicant authorizes the
14 investigation.

15 * **Sec. 7.** AS 18.65.715(a) is amended to read:

16 (a) An applicant for a permit to carry a concealed handgun shall provide a
17 certificate of successful completion of a handgun course that is approved by the
18 department. [THE CERTIFICATE MUST STATE THE ACTION TYPE AND
19 CALIBER OF HANDGUN OR HANDGUNS THE APPLICANT HAS
20 DEMONSTRATED COMPETENCE WITH AND THAT THE APPLICANT MAY BE
21 PERMITTED TO CARRY. A PERMITTEE MAY ONLY CARRY AS A
22 CONCEALED HANDGUN AN ACTION TYPE OF HANDGUN DESCRIBED IN
23 THE CERTIFICATE. A PERMITTEE MAY ONLY CARRY AS A CONCEALED
24 HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE PERMITTEE
25 DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER OF THE
26 SAME ACTION TYPE.] The handgun course must have been completed within the
27 12 months immediately preceding the application. The department shall approve a
28 handgun course, including the personal protection course offered by the National Rifle
29 Association, if the course tests the applicant's

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

1 (2) familiarity with the basic concepts of the safe and responsible use
2 of handguns; **and**

3 (3) knowledge of self-defense principles [; AND

4 (4) PHYSICAL COMPETENCE WITH EACH ACTION TYPE OF
5 HANDGUN THE APPLICANT WISHES TO CARRY UNDER THE PERMIT AND
6 THE MAXIMUM CALIBER FOR EACH ACTION TYPE THE APPLICANT
7 WISHES TO CARRY UNDER THE PERMIT].

8 * **Sec. 8.** AS 18.65.715 is amended by adding a new subsection to read:

9 (e) A member of the Alaska state troopers may participate in or conduct
10 handgun courses.

11 * **Sec. 9.** AS 18.65.725(a) is amended to read:

12 (a) A permittee shall apply in person for renewal of a permit to carry a
13 concealed handgun within 90 days before the expiration of the permit and shall present
14 a complete renewal form provided by the department. The renewal form shall be
15 submitted under oath and must include

16 (1) any change in the information originally submitted under
17 AS 18.65.710;

18 (2) a statement that the person remains qualified to receive and hold
19 a permit to carry a concealed handgun under AS 18.65.705;

20 (3) [REPEALED

21 (4)] two frontal view photographs of the person taken within the
22 preceding **10 years** [30 DAYS] that include the head and shoulders of the person and
23 are of a size specified by the department; and

24 **(4)** [(5)] the renewal fee required under AS 18.65.720.

25 * **Sec. 10.** AS 18.65.725(c) is amended to read:

26 (c) A renewal of a permit to carry a concealed handgun submitted on or after
27 the expiration date is subject to a late fee of \$25. The department may not accept a
28 renewal for a permit that is submitted more than **60** [30] days after the expiration date
29 of the permit. Nothing in this subsection prohibits the holder of an expired permit
30 from applying for a new permit.

31 * **Sec. 11.** AS 18.65.730 is amended to read:

1 **Sec. 18.65.730. Replacement of permit.** The department may replace a
 2 permit that the permittee certifies under oath has been lost, stolen, or destroyed,
 3 provided the permittee applies in person and

4 (1) provides two frontal view photographs of the permittee taken within
 5 the preceding **10 years** [30 DAYS] that include the head and shoulders and are of a
 6 size specified by the department;

7 (2) [SUBMITS TO THE TAKING OF A SINGLE THUMB OR
 8 FINGERPRINT BY THE DEPARTMENT TO COMPARE AGAINST THE
 9 FINGERPRINT ORIGINALLY SUBMITTED WITH THE APPLICATION; AND

10 (3)] pays the replacement fee required under AS 18.65.720.

11 * **Sec. 12.** AS 18.65.740(a) is amended to read:

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

14 (1) becomes disqualified to receive and hold a permit under
 15 AS 18.65.705;

16 (2) is convicted of two class A misdemeanors of this state **under**
 17 **AS 11.41** or similar laws of another jurisdiction within a six-year period if at least one
 18 of the convictions occurs after the application [;

19 (3) KNOWINGLY SUPPLIED A FALSE OR FRAUDULENT
 20 ANSWER, STATEMENT, OR DOCUMENT, OR MADE A MATERIAL
 21 MISSTATEMENT OR OMISSION, IN CONNECTION WITH AN APPLICATION
 22 FOR A PERMIT OR RENEWAL OR REPLACEMENT OF A PERMIT].

23 * **Sec. 13.** AS 18.65.748 is amended to read:

24 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska**
 25 **permit holders.** A person holding a valid permit to carry a concealed handgun from
 26 another state or a political subdivision of another state with permit requirements at
 27 least as strict as those in AS 18.65.700 - 18.65.790 is a permittee under
 28 AS 18.65.700(b) for purposes of AS 18.65.750 - 18.65.765 if the person has not been
 29 in Alaska for more than 120 consecutive days. **In this section, "permit requirements**
 30 **at least as strict as those in AS 18.65.700 - 18.65.790" means that, in order to**
 31 **receive and hold the permit in the other state or political subdivision, the person**

1 must

2 (1) be at least 21 years of age;

3 (2) be eligible to own or possess a handgun under state or federal

4 law;

5 (3) successfully complete a handgun course comparable to that
6 required under AS 18.65.715; and

7 (4) be subject to a fingerprint-based criminal records search.

8 * **Sec. 14.** AS 18.65.760(a) is amended to read:

9 (a) The holder of a permit issued under AS 18.65.700 - 18.65.790 may not

10 (1) alter the permit;

11 (2) allow another person to use the permit;

12 (3) possess or display a suspended or revoked permit; or

13 (4) display an expired permit, unless the holder has submitted a

14 complete, timely renewal form under AS 18.65.725 and the renewal process has

15 been delayed due to circumstances not under the control of the applicant.

16 * **Sec. 15.** AS 18.65.778 is amended to read:

17 **Sec. 18.65.778. Municipal preemption.** A municipality may not restrict the
18 carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790 [EXCEPT
19 AS PROVIDED IN AS 18.65.780 - 18.65.785].

20 * **Sec. 16.** AS 18.65.715(c), 18.65.725(b), 18.65.765(a)(4), 18.65.780, 18.65.785,
21 18.65.790(2), 18.65.790(5), and 18.65.790(6) are repealed.