

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

February 10, 2023

1:31 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative David Eastman
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

Representative Jamie Allard, Vice Chair

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 3

Encouraging Congress to pass the Concealed Carry Reciprocity Act or a similar bill.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 3

SHORT TITLE: CONCEALED HANDGUN RECIPROCITY B/W STATES

SPONSOR(S): REPRESENTATIVE(S) RAUSCHER

02/01/23	(H)	READ THE FIRST TIME - REFERRALS
02/01/23	(H)	JUD, STA
02/10/23	(H)	JUD AT 1:30 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE GEORGE RAUSCHER

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HJR 3.

AOIBHEANN CLINE, Northwest Regional Director

National Rifle Association

Fairfax, Virginia

POSITION STATEMENT: Provided invited testimony during the hearing on HJR 3.

RYAN MCKEE, Staff
Representative George Rauscher
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HJR 3, on behalf of Representative Rauscher, prime sponsor.

ACTION NARRATIVE

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CHAIR SARAH VANCE called the House Judiciary Standing Committee meeting to order at 1:31 p.m. Representatives C. Johnson, Gray, Groh, and Vance were present at the call to order. Representatives Eastman and Carpenter arrived as the meeting was in progress.

HJR 3-CONCEALED HANDGUN RECIPROCITY B/W STATES

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CHAIR VANCE announced that the only order of business would be HOUSE JOINT RESOLUTION NO. 3, "Encouraging Congress to pass the Concealed Carry Reciprocity Act or a similar bill."

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REPRESENTATIVE GEORGE RAUSCHER, Alaska State Legislature, as prime sponsor, introduced HJR 3. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Joint Resolution 3 would encourage Congress to amend the federal criminal code to allow an individual who is qualified to carry or possess a concealed handgun in one state to be allowed to also carry or possess a concealed handgun in another state that also allows individuals to carry concealed firearms.

This Resolution would also request that Congress enact the Concealed Carry Reciprocity Act (H.R. 38) from the 117th Congress, or a similar bill.

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AOIBHEANN CLINE, Northwest Regional Director, National Rifle Association (NRA), stated her support for HJR 3. She conveyed that Congress introduced H.R. 38, the Concealed Carry Reciprocity Act, on January 9, 2023. H.R. 38 would allow law abiding Americans who were eligible to carry a concealed handgun under state law to do so in all other U.S. states and territories that recognize the rights of their own residents to carry concealed. She reported that 42 states and the District of Columbia [Washington, D.C.], broadly recognized the right to carry, or apply to carry, a concealed handgun for self-defense. She remarked, "The remaining eight states, however, have laws that allow even the most qualified applicants to be denied a license unless they can show an extraordinary reason for having one. This results in an arbitrary and unconstitutional system where people are denied the right to carry, not because they are a public safety risk, but because licensing officials simply don't believe ordinary people should have that right." She stated that H.R. 38 would ensure that no "upstanding" American would be denied an effective means of self defense while traveling from state to state. She explained that under H.R. 38, states would remain in complete control of the standards by which concealed carry licenses were issued. Further, property owners - both public and private - would maintain discretion over carrying firearms on their own premises. She indicated that effectually, the congressional bill would stop state from arresting and prosecuting travelers for crossing into their territory with an otherwise lawfully concealed handgun. She emphasized that any criminal behavior committed with that firearm would still be subject to the full force of the law. She concluded by declaring that passage of HJR 3 would provide Congress and Alaska's federal delegation with a unified voice in support of the Concealed Carry Reciprocity Act.

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CHAIR VANCE invited questions from members of the committee.

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REPRESENTATIVE GRAY asked how H.R. 38 would impact Alaskans should it become law.

REPRESENTATIVE RAUSCHER said it would have no impact, as Alaskans would still be allowed to carry a concealed weapon per existing state law. He deferred to Ms. Cline.

MS. CLINE indicated that HJR 3 would encourage Congress to pass H.R. 38, a congressional bill that would allow concealed reciprocity across all 50 states. She explained that if H.R. 38 were to pass, Alaskans would be allowed to travel into other states without fear or prosecution or violating the law from one boarder to another.

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REPRESENTATIVE GRAY asked how many Alaskans had been issued a valid concealed carry permit by the Department of Public Safety (DPS).

REPRESENTATIVE RAUSCHER deferred to Ms. Cline.

MS. CLINE said she did not know the answer. She shared her understanding that Alaska did not require a permit to carry a concealed firearm within the state.

REPRESENTATIVE GRAY asked whether [H.R. 38] would allow Alaskans to carry concealed weapons without a permit in states that required concealed carry permits.

MS. CLINE stated that each state would maintain control over the standards by which they issued permits.

REPRESENTATIVE GRAY restated his question, asking whether [H.R. 38] would allow Alaskans to carry concealed weapons without a permit in states that required concealed carry permits.

MS. CLINE offered to follow up with the requested information.

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REPRESENTATIVE EASTMAN sought to confirm that H.R. 38 would abolish the right for the State of Alaska to arrest and prosecute an individual traveling from another state for carrying a firearm in violation of state laws.

REPRESENTATIVE RAUSCHER deferred to Ms. Cline.

MS. CLINE asked Representative Eastman to clarify the question.

REPRESENTATIVE EASTMAN remarked, "If this law were to become federal law, would that then prevent us in Alaska from later instituting the same types of requirements that you referenced in New Jersey?"

MS. CLINE said she did not understand the question.

REPRESENTATIVE EASTMAN asked whether Alaska's "hands would be tied" if H.R. 38 were to pass.

MS. CLINE answered no.

REPRESENTATIVE EASTMAN inquired about the purpose of the congressional bill if it made no changes to existing state laws.

REPRESENTATIVE RAUSCHER said the purpose of H.R. 38 is to allow individuals with concealed carry permits to travel to or through another state without being arrested.

REPRESENTATIVE EASTMAN asked whether the bill would prevent New Jersey from maintaining its existing restrictions and prevent Alaska from imposing similar restrictions in the future.

REPRESENTATIVE RAUSCHER said, to his knowledge, that would be true.

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REPRESENTATIVE GRAY referenced a message on the Division of Statewide Services, [DPS], website, which read, "All states do not have the same laws. All states do not reciprocate with Alaska. The Alaska concealed handgun permit holder is responsible for understanding the laws and regulations of each state to which they will travel." He shared his belief that carriers of concealed firearms are responsible for understanding the laws governing those practices.

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CHAIR VANCE sought to confirm that H.R. 38 would provide the flexibility for those carrying concealed [weapons] to move from state to state freely.

REPRESENTATIVE RAUSCHER confirmed.

CHAIR VANCE sought to confirm that HJR 3 represents the legislature's affirmation of H.R. 38.

REPRESENTATIVE RAUSCHER said, "That's correct." He referred committee members to the document titled, "HJR 3 - Supporting Documents - BILLS-117hr38ih" [included in the committee packet].

He clarified that the bill would allow permitted individuals to freely travel to and through states with different laws.

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REPRESENTATIVE CARPENTER pointed out that in Alaska, a concealed carry permit is not required to carry a handgun. He shared his understanding that H.R. 38 would not allow Alaskans to carry a handgun in a state that required a permit. He asked whether that is accurate.

REPRESENTATIVE RAUSCHER said that was his understanding.

CHAIR VANCE explained that the committee is seeking clarification on whether all Alaskans - who followed permitless concealed carry laws within the state - would be granted reciprocity across states if H.R. 38 were to pass.

REPRESENTATIVE RAUSCHER said he did not know the answer. He shared his understanding that the bill specifically references permits, indicating that Alaska may need change its policies to be granted reciprocity in other states.

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REPRESENTATIVE GRAY shared his understanding that HJR 3 is encouraging the federal government to take control of Second Amendment rights. He inferred that the resolution sponsor wants the federal government "to tell states what they can or cannot do with regards to the Second Amendment," as opposed to states making those decisions on their own. He asked whether that is an accurate summation.

REPRESENTATIVE RAUSCHER acknowledged that determining constitutional rights is the crux of the issue; however, he clarified that [H.R. 38] is not mandating states to implement a permitting requirement to conceal carry, nor would it override a state's decision not to implement such a law. He opined that the congressional bill needs to be vetted to provide a clear answer on the right to carry concealed.

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REPRESENTATIVE EASTMAN asked whether [H.R. 38] would apply to open carry restrictions as well.

REPRESENTATIVE RAUSCHER shared his understanding that the congressional bill only pertained to concealed carry laws.

REPRESENTATIVE EASTMAN cited restrictions that had been implemented in the city of Oakland, California regarding the possession of a firearm. He asked whether the reciprocity outlined in H.R. 38 would extend to similar restrictions in other states.

REPRESENTATIVE RAUSCHER remarked, "You're not moving to New York or California, you're traveling through. You have to be in that state that day. I think there's a difference on what you're saying."

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REPRESENTATIVE GRAY considered a scenario in which an 18-year-old obtained a concealed carry permit in another state. He asked whether that 18-year-old could return to Alaska and carry concealed if H.R. 38 were to pass.

REPRESENTATIVE KAUFMAN shared his understanding that 18-year-olds were not legally allowed to purchase a firearm in Alaska; however, that would not prevent them from carrying one. He deferred to Ms. Cline.

MS. CLINE explained that H.R. 38 would not allow an 18-year-old Alaskan resident to travel to another state and obtain a concealed carry permit. She reiterated that the bill would stop states from arresting and prosecuting out-of-state travelers who obtained a valid concealed carry permit from their issuing state.

CHAIR VANCE concluded that H.R. 38 would allow concealed carry permits to be recognized from one state to another. She asked how that reciprocity was realized under existing laws.

MS. CLINE indicated that Alaska offers a permitting option but is predominantly a permitless carry state. She reported that 42 states and Washington D.C. recognize the right to carry concealed with a permit. She reiterated that the remaining 8 states require an "extraordinary" reason to obtain a permit. She emphasized that H.R. 38 would not change state laws. It would, however, allow concealed carry permit holders to travel freely across the remainder of the U.S. without fear of prosecution. She emphasized that each state would retain their

ability to enact laws and requirements pertaining to concealed carry permits.

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REPRESENTATIVE GRAY considered a scenario in which it is legal for a 14-year-old to obtain a concealed carry permit in another state. He sought to confirm if that 14-year-old were to travel to Alaska, whether he/she would be allowed to carry concealed.

MS. CLINE clarified that a concealed carry permit could not be legally obtained by a 14-year-old in any U.S. state. She further noted that individuals must be at least 21 years of age to buy a handgun under federal law.

CHAIR VANCE asked whether concealed carry permitting laws vary from state to state.

MS. CLINE said the laws varies quite considerably. She reported that 25 states allowed permitless concealed carry, while the remaining states varied between "shall issue" and "may issue" requirements.

CHAIR VANCE asked whether H.R. 38 would grant the federal government authority over Alaska's Second Amendment rights.

MS. CLINE clarified that Alaska has the ability to create its own concealed carry laws, adding that H.R. 38 would allow those laws to be recognized when Alaskans traveled to or through other states. She reiterated that the congressional bill would not give the federal government any authority over Alaska's concealed carry laws.

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REPRESENTATIVE EASTMAN considered a scenario in which the State of New York issued restrictions against obtaining a concealed carry permit. He asked whether Alaska State Troopers would be required to enforce those restrictions on a visitor from New York.

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RYAN MCKEE, Staff, Representative George Rauscher, Alaska State Legislature, on behalf of Representative Rauscher, prime sponsor of HJR 3, confirmed that if an individual is not allowed to

obtain a legal license from his/her home state, that person could not travel to Alaska and carry concealed.

REPRESENTATIVE EASTMAN asked whether current law allows a New Yorker to travel to Alaska and carry concealed.

REPRESENTATIVE RAUSCHER read the following excerpt from the H.R. 38:

(a) Notwithstanding any provision of the law of any State or political subdivision thereof (except as provided in subsection (b)) and subject only to the requirements of this section, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, who is carrying a valid identification document containing a photograph of the person, and who is carrying a valid license or permit

REPRESENTATIVE RAUSCHER emphasized that a valid license or permit must be carried by the traveler.

REPRESENTATIVE EASTMAN clarified that his question was about current state law. He asked whether someone from New York could travel to Alaska and carry concealed if H.R. 38 did not pass.

REPRESENTATIVE RAUSCHER deferred to Ms. Cline.

MS. CLINE said a person traveling to Alaska is subject to Alaska's laws.

REPRESENTATIVE EASTMAN asked whether constitutional [permitless] carry only applies to Alaska residents.

REPRESENTATIVE RAUSCHER offered to follow up with the requested information. He shared his understanding that it is legal for an individual to travel to Alaska with his/her guns to hunt.

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CHAIR VANCE opened public testimony on HJR 3. After ascertaining that no one in the room or online wished to testify, she closed public testimony. She announced that HJR 3 would be held over.

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ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:10 p.m.