

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

February 17, 2023

1:30 p.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE JOINT RESOLUTION NO. 3

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

- MOVED CSHJR 3(JUD) OUT OF COMMITTEE

**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
02/10/23	(H)	Heard & Held
02/10/23	(H)	MINUTE(JUD)
02/17/23	(H)	JUD AT 1:30 PM GRUENBERG 120

**WITNESS REGISTER**

REPRESENTATIVE GEORGE RAUSCHER

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, offered information 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.

CORNELIUS SIMS, Captain  
Alaska State Troopers  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HJR 3.

#### **ACTION NARRATIVE**

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**CHAIR SARAH VANCE** called the House Judiciary Standing Committee meeting to order at 1:30 p.m. Representatives Allard, C. Johnson, Eastman, Gray, Groh and Vance were present at the call to order. Representative 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, prime sponsor, provided introductory remarks on 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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RYAN MCKEE, Staff, Representative George Rauscher, Alaska State Legislature, responded to unanswered questions from the previous bill hearing, on behalf of Representative Rauscher, prime sponsor of HJR 3. He confirmed that nonresidents visiting a state would need to abide by that state's concealed carry laws. He reiterated that H.R. 38 [the Concealed Carry Reciprocity Act] would allow individuals with concealed carry privileges in their home state to exercise those rights in any other state that allowed concealed carry while still abiding by that state's laws. He added that the goal of the congressional bill was to reduce confusion and legal inconsistencies for responsible gun owners when traveling outside their home state. In response to a previous hypothetical question, he indicated that a nonresident with a concealed carry permit would not be allowed to freely carry or possess a concealed handgun in a state that decided to ban concealed carry permits. However, he pointed out that if a state were to eliminate all concealed carry permits, litigation would likely follow.

CHAIR VANCE invited questions from members of the committee.

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REPRESENTATIVE GRAY shared his understanding that if H.R. 38 were to pass, individuals would be required to obey the concealed carry laws of both their home state and states they travel to. He asked how that differed from existing policy.

MR. MCKEE explained that if H.R. 38 were to pass, a nonresident traveling through California [with a concealed carry permit from his/her home state] would have to abide by the state's concealed carry laws, as opposed to the laws of his/her home state.

REPRESENTATIVE GRAY reported that Vermont allowed 16-year-olds to obtain a concealed carry permit; further, that 18 stated allowed 18-year-olds to acquire concealed carry permits. He sought to confirm that 18-year-olds traveling from those states to Alaska would be allowed to carry concealed with a valid permit from their home state.

MR. MCKEE explained that an Alaskan traveling to Vermont would be legally required to abide by Vermont's concealed carry laws.

REPRESENTATIVE GRAY restated his question, asking whether an 18-year-old traveling to Alaska from those states in which 18-year-olds were allowed to obtain a concealed carry permit would be permitted to carry concealed with a valid permit from his/her home state.

MR. MCKEE deferred the question to Captain Sims.

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CORNELIUS SIMS, Captain, Alaska State Troopers, stated that any nonresident traveling to Alaska with a concealed carry permit would be required to obey the state's laws, meaning that 18-year-olds would not be allowed to carry concealed.

REPRESENTATIVE GRAY asked how H.R. 38 would impact reciprocity across states.

MR. MCKEE said the proposed resolution was aimed at states with "may issue" permitting laws. He explained that currently, it would be illegal for anyone 21 or older from Alaska to travel to New Jersey, for example, and other "may issue" states, with a concealed handgun. However, if H.R. 38 were to pass, the congressional bill would allow Alaskans to carry concealed in New Jersey, as long as they abided by the state's laws.

REPRESENTATIVE RAUSCHER conveyed that H.R. 38 required nonresidents with concealed carry permits to carry the documentation with them while traveling concealed to or through other states. The destination states would then be required to recognize the concealed carry permits.

REPRESENTATIVE GRAY highlighted the contradictory responses. He shared his understanding that Captain Sims had stated that an 18-year-old's concealed carry permit from his/her home state would not be valid in Alaska because Alaska's minimum age is 21. He inferred that reciprocity would not apply for someone under the age of 21 with a valid concealed carry permit in Alaska. He asked whether that was correct.

REPRESENTATIVE RAUSCHER emphasized that the laws in the destination state must be followed. He reiterated that an 18-year-old with a valid concealed carry permit from another state would not be legally allowed to carry concealed in Alaska.

REPRESENTATIVE GRAY concluded that H.R. 38 was more limited than he had initially understood it to be. He sought to confirm that the state with the most lenient concealed carry requirements would not become the standard across all states if H.R. 38 were to pass.

REPRESENTATIVE RAUSCHER confirmed that the congressional bill would not apply the "lowest denominator" in terms of reciprocity laws across all states.

CHAIR VANCE likened the reciprocity in H.R. 38 to a nonresident with a valid drivers license from his/her home state who was traveling to another state. That person would be allowed to drive with valid documentation, as long as the speed limit and safety laws of the destination state were followed. She asked whether that analogy was accurate.

REPRESENTATIVE RAUSCHER deferred the question to Captain Sims.

CHAIR VANCE restated the question, asking whether the principle of reciprocity in H.R. 38 was similar to the reciprocity of state driver's licenses across states.

CAPTAIN SIMS confirmed that the analogy was spot on.

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REPRESENTATIVE EASTMAN expounded on the contradictions referenced by Representative Gray. He considered a scenario in which a 15-year-old acquired a valid driver's license from his/her home state and traveled to Alaska with it. He asked whether that person would be ticketed for driving in Alaska because his/her age did not qualify under state law.

CHAIR VANCE directed Representative Eastman to keep his questions specific to the reciprocity of concealed carry laws, as proposed in H.R. 38.

REPRESENTATIVE EASTMAN contended that an analogy had been drawn between the reciprocity of concealed carry laws and the reciprocity of driver's licenses across state lines. He asked whether driver's licenses were dealt with in the same manner as firearms or whether the reciprocity was different.

REPRESENTATIVE RAUSCHER considered several various hypothetical scenarios regarding driver's licenses and firearms.

REPRESENTATIVE ALLARD pointed out that in Alaska, driver's permits could be obtained at 14 years old. Referencing Alaska's marijuana laws, she suggested that the state was in favor of less government. She remarked, "My point is that we are looking at less government, and we do have a republic that allows our states to decide what works best for them."

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REPRESENTATIVE GRAY reported that some states already practiced reciprocity in terms of concealed carry permits, while others did not. He reported that Alaska concealed carry permits were not recognized in Washington due to a perception of insufficient mental health background checks. He explained that the workaround for Alaskans was to obtain a Utah concealed carry permit via in-person classes offered in state, which was valid in Washington. He asked whether H.R. 38 would allow Alaskans to carry concealed in Washington with an Alaska concealed carry permit.

REPRESENTATIVE RAUSCHER did not know the answer.

CAPTAIN SIMS did not know the answer.

MR. MCKEE offered to follow up with the requested information.

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REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment 1 to HJR 3.

REPRESENTATIVE ALLARD objected for the purpose of discussion.

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REPRESENTATIVE EASTMAN shared his belief that there were four sections of the resolution that could be shortened and amended for accuracy, which Conceptual Amendment 1 aimed to do. He indicated that he was proposing the conceptual amendment for the purpose of clarity and legal accuracy.

CHAIR VANCE asked whether the sponsor considered Conceptual Amendment 1 a friendly amendment.

REPRESENTATIVE RAUSCHER answered yes.

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The committee took a brief at-ease.

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CHAIR VANCE asked Representative Eastman to explain Conceptual Amendment 1 in further detail.

REPRESENTATIVE EASTMAN explained that Conceptual Amendment 1 would change the word "documents" on page 2, line 5, to "records" and replace "recognized" on page 2, line 6, with "proved, and the effect thereof" to maintain consistency with the [Constitution of the United States]. Further, the proposed conceptual amendment would insert "a bill that accomplishes this, such as" on page 2, line 24, before the direct reference to "the Concealed Carry Reciprocity Act (H.R. 38)" to show Alaska's support for any legislation by a different title that accomplished the concealed carry reciprocity proposed in H.R. 38.

REPRESENTATIVE ALLARD noted, for the public, that the brief at-ease was requested to allow members time to read Conceptual Amendment 1 in its entirety.

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REPRESENTATIVE GRAY inquired about the addition of the word "proved" on page 2, line 6.

REPRESENTATIVE EASTMAN indicated that the goal was to remove discretion from law enforcement and clarify the specific requirements for validating records from another state.

REPRESENTATIVE GRAY discussed mental health, criminal, and fingerprint background checks, and opined that a federal baseline was needed to define a valid concealed carry permit. He speculated that the concern regarding H.R. 38 stemmed from a fear that the least restrictive state would determine the standard for all 50 states.

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REPRESENTATIVE C. JOHNSON briefly reviewed the intent of Conceptual Amendment 1 for the purpose of clarification.

REPRESENTATIVE ALLARD withdrew her objection. There being no further objection, Conceptual Amendment 1 to HJR 3 was adopted.

CHAIR VANCE invited additional comments on HJR 3, as amended.

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REPRESENTATIVE RAUSCHER explained the difference between a bill and a resolution, noting that the resolution was a formal message from the Alaska State Legislature to the U.S. Congress in support of H.R. 38. He emphasized that the legislature would have no role in crafting the congressional bill.

REPRESENTATIVE EASTMAN provided final comment on HJR 3, as amended. He referenced the underlying confusion regarding the proposed resolution and discussed constitutionality regarding state reciprocity. He remarked, "the idea of trying to apply a marriage license or a driver's license or any other type of license in the way that we're trying to apply concealed carry licenses in here sounds somewhat incoherent." He opined that there was room for a more robust application of the constitution in the proposed resolution.

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REPRESENTATIVE ALLARD moved to report HJR 3, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 3(JUD) was reported out of the House Judiciary Standing Committee.

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The committee took an at-ease from 2:10 p.m. to 2:13 p.m.

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CHAIR VANCE provided closing remarks on future business.

[2:14:14 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:14 p.m.