

Introduced: 2/13/84
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY LISKA

2

HOUSE BILL NO. 647

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the possession of concealed
7 weapons."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 11.61.200(a) is amended to read:

10 (a) A person commits the crime of misconduct involving weapons
11 in the first degree if the person

12 (1) knowingly possesses a firearm capable of being con-
13 cealed on one's person after having been convicted of a felony by a
14 court of this state, a court of the United States, or a court of
15 another state or territory;

16 (2) knowingly sells or transfers a firearm capable of being
17 concealed on one's person to a person who has been convicted of a
18 felony by a court of this state, a court of the United States, or a
19 court of another state or territory;

20 (3) manufactures, possesses, transports, sells, or trans-
21 fers a prohibited weapon;

22 (4) knowingly sells or transfers a firearm to another whose
23 physical or mental condition is substantially impaired as a result of
24 the introduction of an intoxicating liquor or drug into that other
25 person's body;

26 (5) removes, covers, alters, or destroys the manufacturer's
27 serial number on a firearm with intent to render the firearm untrace-
28 able; or

29 (6) possesses a firearm on which the manufacturer's serial

1 number has been removed, covered, altered, or destroyed, knowing that
2 the serial number has been removed, covered, altered, or destroyed
3 with the intent of rendering the firearm untraceable;

4 (7) knowingly possesses a deadly weapon, other than an
5 ordinary pocket knife, that is concealed on the person.

6 * Sec. 2. AS 11.61.200(d) is amended to read:

7 (d) The provisions of (a)(7) of this section do not apply to a
8 person with a permit to carry a concealed weapon issued under AS 18.-
9 68.010 if the person is carrying a weapon of the type allowed under
10 the permit. The provisions of (a)(3) and (7) of this section do not
11 apply to a peace officer acting within the scope and authority of the
12 officer's employment.

13 * Sec. 3. AS 11.61.200(f) is amended to read:

14 (f) Misconduct involving weapons in the first degree is a class
15 C felony. A defendant convicted under (a)(7) of this section shall be
16 sentenced to a minimum term of imprisonment of one year and a minimum
17 fine of \$1,000 shall be imposed.

18 * Sec. 4. AS 11.61.200 is amended by adding new subsections to read:

19 (g) In a prosecution under (a)(7) of this section, it is an
20 affirmative defense that the defendant, at the time of possession, was

21 (1) in the defendant's dwelling or on land owned or leased
22 by the defendant appurtenant to the dwelling; or

23 (2) actually engaged in lawful hunting, fishing, trapping,
24 or other lawful outdoor activity that necessarily involves the carry-
25 ing of a weapon for personal protection.

26 (h) For purposes of this section, a deadly weapon on a person is
27 concealed if it is covered or enclosed in any manner so that an ob-
28 server cannot determine that it is a weapon without removing it from
29 that which covers or encloses it or without opening, lifting, or

1 removing that which covers or encloses it.

2 * Sec. 5. AS 11.61.220(c) is amended to read:

3 (c) The provisions of (a) [(1) AND] (2) of this section do not
4 apply to a peace officer acting within the scope and authority of the
5 officer's employment.

6 * Sec. 6. AS 18 is amended by adding a new chapter to read:

7 CHAPTER 68. PERMITS FOR CONCEALED WEAPONS.

8 Sec. 18.68.010. PERMIT FOR CONCEALED WEAPON. (a) A person may
9 apply to the Department of Public Safety for a permit to carry a
10 concealed weapon for the purpose of self-protection. The applicant
11 shall verify in writing that the applicant is qualified under AS 18.-
12 68.020(a) to carry the type of concealed weapon for which the permit
13 is sought. After receipt of an application the Department of Public
14 Safety shall issue to a qualified applicant a permit to carry a con-
15 cealed weapon for the purpose of self-protection. The department
16 shall preserve a copy of each permit issued under this section for at
17 least six years after the date it is issued.

18 (b) A permit to carry a concealed weapon must contain the
19 following information:

- 20 (1) the name and address of the permittee;
21 (2) a physical description of the permittee;
22 (3) the thumbprints of the permittee;
23 (4) the reason given by the permittee for wanting a permit;
24 (5) the signature of the permittee;
25 (6) the expiration date of the permit;
26 (7) a photograph of the permittee; and
27 (8) a description of the type of weapon that the permittee

28 is authorized to carry in a concealed fashion.

29 (c) A permittee shall have in possession the permit issued under

1 this section whenever the permittee is carrying a concealed weapon.
2 Failure to comply with this subsection is a violation.

3 Sec. 18.68.020. QUALIFICATIONS. (a) An applicant who is at
4 least 19 years of age and has a need to carry a concealed weapon for
5 self-protection is qualified to receive a permit under AS 18.68.010
6 unless the applicant

7 (1) has been convicted of a misdemeanor or felony by a
8 court, has not received a pardon for the conviction, and the con-
9 viction has not been set aside under AS 12.55.085 or as a result of a
10 post-conviction proceeding;

11 (2) is addicted to the use of alcohol or another drug;

12 (3) has been adjudicated mentally incompetent or insane by
13 a court and has not thereafter been declared competent; or

14 (4) is prohibited by law from possessing a firearm, and the
15 permit sought is for a firearm.

16 (b) In addition to requirements under (a) of this section,
17 before a permit may be issued an applicant shall

18 (1) demonstrate the ability to exercise competency in
19 handling and firing the type of firearm for which a permit to carry a
20 concealed firearm is sought; or

21 (2) complete a safety class in handling weapons other than
22 firearms that meets requirements established by the Department of
23 Public Safety if a permit to carry a concealed weapon that is not a
24 firearm is sought.

25 (c) A conviction or adjudication that would disqualify an appli-
26 cant for a permit under this section also disqualifies a permittee and
27 automatically terminates the permit to carry a concealed weapon.

28 Sec. 18.68.030. EXPIRATION AND RENEWAL OF PERMITS. A permit to
29 carry a concealed weapon expires two years after the date it is issued

1 unless it is renewed. Upon receipt of a renewal application, the
2 Department of Public Safety may require the permittee to demonstrate
3 that the permittee still qualifies under AS 18.68.020 for a permit.

4 Sec. 18.68.040. REGULATIONS. The commissioner of public safety
5 shall adopt regulations to implement this chapter. The commissioner
6 shall adopt regulations establishing fees for filing applications,
7 issuing permits, and renewing permits under this chapter.

8 Sec. 18.68.050. HEARING. A person who is denied a permit to
9 carry a concealed weapon or whose permit is terminated may request a
10 hearing on the denial or termination. Upon receipt of a request, the
11 Department of Public Safety shall conduct the hearing in accordance
12 with the Administrative Procedure Act (AS 44.62).

13 * Sec. 7. AS 11.61.220(a)(1), (b), and (e) are repealed.