

**CS FOR HOUSE BILL NO. 351(FIN) am(efd add)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Amended: 4/15/94**  
**Offered: 4/12/94**

**Sponsor(s): REPRESENTATIVES JAMES, Bunde, Olberg, Sanders**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to permits for the carrying of a concealed handgun; providing  
2 for local option elections in municipalities and established villages to prohibit the  
3 possession of a concealed handgun under a permit; and relating to the possession  
4 of weapons; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. AS 11.61.220(b) is amended to read:

7 (b) In a prosecution under (a)(1) of this section, it is an affirmative defense  
8 that the defendant, at the time of possession, was

9 (1) in the defendant's dwelling or on land owned or leased by the  
10 defendant appurtenant to the dwelling; [OR]

11 (2) actually engaged in lawful hunting, fishing, trapping, or other lawful  
12 outdoor activity that necessarily involves the carrying of a weapon for personal  
13 protection; or

1                   **(3) the holder of a valid permit to carry a concealed handgun under**  
2                   **AS 18.65.700 - 18.65.790, the deadly weapon concealed was a handgun as defined**  
3                   **in AS 18.65.790, and the possession did not occur in a municipality or established**  
4                   **village that had prohibited possession of concealed handguns under AS 18.65.780 -**  
5                   **18.65.785.**

6       \* Sec. 2. AS 11.61.220(e) is amended to read:

7                   (e) For purposes of this section, a deadly weapon on a person is concealed if  
8                   it is covered or enclosed in any manner so that an observer cannot determine that it  
9                   is a weapon without removing it from that which covers or encloses it or without  
10                  opening, lifting, or removing that which covers or encloses it; **a deadly weapon on**  
11                  **a person is not concealed if it is an unloaded firearm encased in a closed**  
12                  **container designed for transporting firearms.**

13       \* Sec. 3. AS 11.61.220(f) is amended to read:

14                  (f) For purposes of (a)(2) **and (e)** of this section, a firearm is loaded if the  
15                  firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge.

16       \* Sec. 4. AS 18.65 is amended by adding new sections to read:

17                   **ARTICLE 9. PERMIT TO CARRY A CONCEALED HANDGUN.**

18                  **Sec. 18.65.700. PERMIT TO CARRY A CONCEALED HANDGUN. (a) The**  
19                  **department shall issue a permit to carry a concealed handgun to a person who**

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

21                               (2) qualifies under AS 18.65.705;

22                               (3) submits a completed application on a form provided by the  
23                  department, that provides the information required under AS 18.65.705 and 18.65.710  
24                  and is executed under oath;

25                               (4) submits two complete sets of fingerprints on Federal Bureau of  
26                  Investigation approved fingerprint cards that are of sufficient quality so that the  
27                  fingerprints may be processed;

28                               (5) submits evidence of competence with handguns as provided in  
29                  AS 18.65.715;

30                               (6) provides two frontal view color photographs of the person taken  
31                  within the preceding 30 days that include the head and shoulders of the person and are

1 of a size specified by the department;

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

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

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

7 (b) The department shall either approve or reject an application for a permit  
8 to carry a concealed handgun under (a) of this section within 30 days of receipt of  
9 background information from the Federal Bureau of Investigation or other agency  
10 necessary to make a determination concerning the application. The department shall  
11 request background information under this subsection within five days of the receipt  
12 of the application. The department shall notify the applicant in writing of the reason  
13 for a rejection.

14 (c) A person whose application is rejected under this section may appeal the  
15 rejection decision to the commissioner. A person may seek judicial review of the  
16 decision of the commissioner under AS 44.62.560 - 44.62.570.

17 (d) A permit issued under (a) of this section is valid for three years from the  
18 date of issue. The permit must specify the size and type of handgun described in the  
19 permittee's certificate of competency under AS 18.65.715 but may not specifically  
20 identify a handgun by make, model, or serial number.

21 Sec. 18.65.705. QUALIFICATIONS TO OBTAIN A PERMIT. A person is  
22 qualified to receive and hold a permit to carry a concealed handgun if the person

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

24 (2) is eligible to own or possess a firearm under the laws of this state  
25 and under federal law;

26 (3) has not been convicted of and is not currently charged under a  
27 complaint, information, indictment, or presentment with a felony under the laws of this  
28 state or a similar law of another jurisdiction;

29 (4) has not been convicted, within the five years immediately preceding  
30 the application, of, and is not currently charged under a complaint, information,  
31 indictment, or presentment with, any of the following misdemeanor offenses or similar

1 laws of another jurisdiction:

2 (A) AS 11.41.230, 11.41.250, 11.41.270;

3 (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

4 (C) AS 11.51.130;

5 (D) AS 11.56.330, 11.56.350, 11.56.380, 11.56.545, 11.56.700,  
6 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805, 11.56.810;

7 (E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

8 (F) AS 11.71.050, 11.71.060;

9 (G) AS 18.65.750, 18.65.755, 18.65.760; or

10 (H) any misdemeanor offense committed while the person  
11 possessed a concealed handgun;

12 (5) has not within the 10 years immediately preceding the application  
13 been adjudicated a delinquent for a felony offense of this state or another jurisdiction;

14 (6) is not now suffering, and has not within the five years immediately  
15 preceding the application suffered, from a mental illness as defined in AS 47.30.915;

16 (7) has not been adjudicated as mentally incapacitated by a court of this  
17 state, another state, territory, or jurisdiction, or of the United States, unless the  
18 guardianship or similar arrangement has been closed or terminated and five years have  
19 elapsed since the closure or other termination;

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

22 (9) has not been discharged from the armed forces of the United States  
23 under dishonorable conditions;

24 (10) is not an alien who is residing in the United States illegally or a  
25 former citizen of the United States who has renounced the person's citizenship;

26 (11) is not an unlawful user of, or addicted to, a controlled substance;

27 (12) is not now the subject of an injunction under AS 25.35.010 -  
28 25.35.020 unless the injunction has been dissolved or has expired;

29 (13) is not now in and has not previously involuntarily entered an  
30 alcohol treatment program, unless the person presents the department with a sworn  
31 statement of a medical or psychological professional that the person has undergone

1 treatment for alcohol abuse and has demonstrated freedom from alcohol impairment  
2 for the three years immediately preceding the application;

3 (14) is not now in and has not previously entered a substance abuse  
4 treatment program, unless the person presents the department with a sworn statement  
5 of a medical or psychological professional that the person has undergone treatment for  
6 substance abuse and has demonstrated freedom from substance impairment for the  
7 three years immediately preceding the application; and

8 (15) has demonstrated competence with handguns as provided in  
9 AS 18.65.715.

10 Sec. 18.65.710. APPLICATION FOR PERMIT TO CARRY A CONCEALED  
11 HANDGUN. The application for a permit to carry a concealed handgun must, at a  
12 minimum, include

13 (1) the applicant's name, physical residence, mailing address, place and  
14 date of birth, physical description, including height, weight, race, hair color, and eye  
15 color, and Alaska driver's license or identification card number;

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

17 (3) a statement that the applicant has been furnished with a copy of  
18 AS 18.65.700 - 18.65.790, has read those sections, and understands them;

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

21 (5) a sworn statement by the applicant that all statements, answers, and  
22 attachments to the application are true and complete;

23 (6) a conspicuous warning that the application is executed under oath  
24 and that an applicant who supplies a false statement, answer, or document, in  
25 connection with the application that the applicant does not believe to be true, may be  
26 prosecuted for perjury under AS 11.56.200 and, if found guilty, may be punished for  
27 violation of a class B felony, and that in such cases the permit shall be revoked and  
28 the applicant may be barred from any further application for a permit;

29 (7) a statement that the applicant understands that a background  
30 investigation may be conducted as a part of the application process, that this may  
31 involve computerized records searches, and that the applicant authorizes the

1 investigation; and

2 (8) any other information the department determines to be necessary  
3 to carry out the provisions of AS 18.65.700 - 18.65.790.

4 Sec. 18.65.715. DEMONSTRATION OF COMPETENCE WITH  
5 HANDGUNS. (a) An applicant for a permit to carry a concealed handgun shall  
6 provide a certificate of successful completion of a handgun course that is approved by  
7 the department. The certificate must state the type and size of handgun or handguns  
8 the applicant has demonstrated competence with. A permittee may only carry as a  
9 concealed handgun a size and type of handgun described in the certificate. The  
10 handgun course must have been completed within the 12 months immediately  
11 preceding the application. The department shall approve any handgun course that tests  
12 the applicant's

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

15 (2) familiarity with the basic concepts of the safe and responsible use  
16 of handguns;

17 (3) knowledge of self-defense principles; and

18 (4) physical competence with each type and size of handgun the  
19 applicant wishes to carry under the permit.

20 (b) At the time the permittee renews a permit under AS 18.65.725 for the  
21 second time and every other renewal thereafter, the permittee shall provide at the time  
22 of renewal a certificate of successful completion of a handgun refresher course  
23 approved by the department. A handgun refresher course required under this section  
24 must be completed in the 12 months immediately preceding the appropriate renewal.

25 (c) The department may not require a certificate of competence submitted  
26 under this section to contain any specifically identifying information, including make,  
27 model, or serial number, of a handgun with which an applicant or permittee has  
28 demonstrated competence.

29 (d) The department shall maintain a list of approved courses and shall provide  
30 the list upon request to the public.

31 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for

1 the processing of the application for and initial issuance of a permit, renewal of a  
2 permit, or replacement of a permit. The fees shall be set by regulation and must be  
3 based on the actual costs incurred by the department.

4 Sec. 18.65.725. PERMIT RENEWAL. (a) A permittee shall apply in person  
5 for renewal of a permit to carry a concealed handgun within 90 days before the  
6 expiration of the permit and shall present a complete renewal form provided by the  
7 department. The renewal form shall be submitted under oath and must include

8 (1) any change in the information originally submitted under  
9 AS 18.65.710;

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

12 (3) if required under AS 18.65.715, a certificate of successful  
13 completion of a handgun refresher course within the 12 months immediately preceding  
14 the renewal;

15 (4) two frontal view photographs of the person taken within the  
16 preceding 30 days that include the head and shoulders of the person and are of a size  
17 specified by the department; and

18 (5) the renewal fee required under AS 18.65.720.

19 (b) The department shall take a single thumb or fingerprint from the permittee  
20 to compare against the fingerprints originally submitted with the application.

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

26 Sec. 18.65.730. REPLACEMENT OF PERMIT. The department may replace  
27 a permit that the permittee certifies under oath has been lost, stolen, or destroyed,  
28 provided the permittee applies in person and

29 (1) provides two frontal view photographs of the permittee taken within  
30 the preceding 30 days that include the head and shoulders and are of a size specified  
31 by the department;

1                   (2) submits to the taking of a single thumb or fingerprint by the  
2 department to compare against the fingerprint originally submitted with the application;  
3 and

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

5                   Sec. 18.65.735. SUSPENSION OF PERMIT. (a) The department shall  
6 immediately suspend a permit to carry a concealed handgun if a permittee is arrested  
7 for or formally charged with a crime that would disqualify the permittee under  
8 AS 18.65.705(3) - (4) from being eligible for a permit to carry a concealed handgun  
9 or is the subject of an injunction under AS 25.35.010 - 25.35.020. A suspension of  
10 a permit remains in effect until the permit is revoked under AS 18.65.740, the  
11 department has been notified of a disposition favorable to the defendant or the  
12 defendant has been released from custody without being charged, or the injunction  
13 under AS 25.35.010 - 25.35.020 is dissolved or expires without being renewed. In this  
14 section, "disposition favorable to the defendant" means a dismissal by the prosecutor  
15 or an adjudication by a court other than a conviction or a suspended imposition of  
16 sentence.

17                   (b) A person whose permit is suspended under this section shall immediately  
18 surrender the permit to the nearest peace officer. A peace officer receiving a permit  
19 under this section shall immediately forward the permit to the department.

20                   (c) The department shall retain a permit suspended under this section until the  
21 permit is revoked or returned to the permittee.

22                   Sec. 18.65.740. REVOCATION OF PERMIT; APPEAL. (a) A permit to  
23 carry a concealed handgun shall be immediately revoked by the department when the  
24 permittee

25                   (1) becomes disqualified to receive and hold a permit under  
26 AS 18.65.705;

27                   (2) knowingly supplied a false or fraudulent answer, statement, or  
28 document, or made a material misstatement or omission, in connection with an  
29 application for a permit or renewal or replacement of a permit.

30                   (b) A person whose permit is revoked under (a) of this section shall  
31 immediately surrender the permit to the nearest peace officer. A peace officer

1 receiving a permit under this section shall immediately forward the permit to the  
2 department.

3 (c) A person whose permit is revoked under this section may appeal the  
4 revocation decision to the commissioner. A person may seek judicial review of the  
5 decision of the commissioner under AS 44.62.560 - 44.62.570.

6 (d) A person whose permit is revoked may not apply for a permit until at least  
7 five years after the revocation.

8 Sec. 18.65.745. NO LIABILITY FOR ISSUANCE OF PERMIT OR FOR  
9 TRAINING. (a) The department, and its officers and employees, are not liable by  
10 virtue of having issued a permit to carry a concealed handgun for damage or harm  
11 caused by the permittee.

12 (b) A person who provides firearm training to a person who receives a permit  
13 under AS 18.65.700 - 18.65.790 is not liable for damage or harm caused by the  
14 permittee.

15 Sec. 18.65.750. POSSESSION AND DISPLAY OF PERMIT. (a) A permittee  
16 shall carry the permit at all times the permittee carries a concealed handgun. The  
17 permittee shall display both the license and other proper identification when asked to  
18 do so by a peace officer at any time.

19 (b) Whenever a permittee who is carrying a concealed handgun is contacted  
20 by a peace officer, the permittee shall immediately inform the peace officer that the  
21 permittee is carrying a concealed handgun under the permit.

22 (c) During a contact with a permittee, a peace officer may secure a handgun,  
23 or direct that it be secured, during the duration of the contact if the peace officer  
24 determines that the action is necessary for the safety of any person, including the peace  
25 officer, present. The permittee shall submit to the securing of the handgun.

26 (d) In this section, "contacted by a peace officer" means stopped, detained,  
27 questioned, or addressed in person by the peace officer for an official purpose.

28 (e) A person who violates (a) or (b) of this section is guilty of a class B  
29 misdemeanor.

30 (f) A person who violates (c) of this section is guilty of a class A  
31 misdemeanor.

1           **Sec. 18.65.755. PLACES WHERE PERMITTEE MAY NOT POSSESS A**  
2 **CONCEALED HANDGUN. (a) A permittee may not carry a concealed handgun into**

3                   (1) a law enforcement or correctional facility;  
4                   (2) or on school grounds or a school bus; in this paragraph, "school  
5 grounds" has the meaning given in AS 11.71.900;

6                   (3) a courthouse or a courtroom;  
7                   (4) a building housing only state or federal offices or the offices of a  
8 political subdivision of the state;

9                   (5) an office of the state, federal government, or of a political  
10 subdivision of the state that is not located in a building described in (4) of this  
11 subsection;

12                   (6) a passenger loading or unloading area of an airline terminal;  
13                   (7) a vessel of the Alaska marine highway system;  
14                   (8) a facility providing services to victims of domestic violence or  
15 sexual assault;

16                   (9) a financial institution; in this paragraph, "financial institution"  
17 means a bank, savings bank, savings association, credit union, or other institution  
18 regulated by the Department of Commerce and Economic Development under AS 06;

19                   (10) another place where the possession of a deadly weapon or firearm  
20 is prohibited by law; or

21                   (11) a municipality or established village that has prohibited the  
22 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

23           (b) In addition to any other penalty provided by law, a person who violates  
24 this section is guilty of a class B misdemeanor.

25           **Sec. 18.65.760. MISUSE OF A PERMIT. (a) The holder of a permit issued**  
26 **under AS 18.65.700 - 18.65.790 may not**

27                   (1) alter the permit;  
28                   (2) allow another person to use the permit; or  
29                   (3) possess a suspended or revoked permit or display a suspended,  
30 revoked, or expired permit.

31           (b) A person who violates this section is guilty of a class A misdemeanor.

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**Sec. 18.65.765. RESPONSIBILITIES OF THE PERMITTEE. (a) The holder of a permit issued under AS 18.65.700 - 18.65.790**

**(1) shall notify the department of a change in the permittee's address within 30 days;**

**(2) shall immediately report a lost, stolen, or illegible permit to the department; and**

**(3) shall immediately notify the department if the holder is no longer qualified to hold a permit under AS 18.65.705; and**

**(4) may only carry a concealed handgun of the type and size the holder has demonstrated competency with by certificate under AS 18.65.715.**

**(b) A person who violates this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.**

**Sec. 18.65.770. ACCESS TO LIST OF PERMITTEES BY PEACE OFFICERS. The department shall compile a list of permittees in a manner that allows immediate access to the information by peace officers. The list of permittees and all applications, permits, and renewals are not public records under AS 09.25.110 - 09.25.125 and may only be used for law enforcement purposes.**

**Sec. 18.65.775. REGULATIONS. The department shall adopt regulations to implement AS 18.65.700 - 18.65.790. This section does not delegate to the department the authority to regulate or restrict the issuing of permits beyond those provisions contained in AS 18.65.700 - 18.65.790.**

**Sec. 18.65.780. PROHIBITION OF POSSESSION OF CONCEALED HANDGUNS. (a) The following question, appearing alone, may be placed before the voters of a municipality or an established village in accordance with AS 18.65.785:**

**Shall the possession of concealed handguns by permit in .....**

**(name of municipality or village) be prohibited?**

**[ ] Yes [ ] No.**

**(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the department shall be notified immediately after certification of the results of the election, and so long as the prohibition remains in effect, a person may not possess a concealed handgun with a permit issued under AS 18.65.700 - 18.65.790 in**

1 the municipality or the established village.

2 Sec. 18.65.785. PROCEDURE FOR LOCAL OPTION ELECTIONS. (a) The  
3 local governing body of a municipality, whenever a number of registered voters equal  
4 to at least 10 percent of the number of votes cast at the last regular municipal election,  
5 petition the local governing body to do so, shall place upon a separate ballot at the  
6 next regular election or at a special election the question set out in AS 18.65.780 that  
7 is the subject of the petition. The local governing body shall conduct the election in  
8 accordance with the election ordinance of the municipality.

9 (b) The lieutenant governor, whenever 10 percent of the registered voters  
10 residing within an established village petition the lieutenant governor to do so, shall  
11 place upon a separate ballot at a special election the question set out in AS 18.65.780  
12 that is the subject of the petition. The lieutenant governor shall conduct the election  
13 in the manner prescribed by AS 15 (Alaska Election Code).

14 (c) Notwithstanding another provision of law, an election under (a) or (b) of  
15 this section to remove a restriction on the possession of concealed handguns by permit  
16 under AS 18.65.780 may not be conducted more than once every 12 months.

17 (d) AS 29.26.110 - 29.26.160 apply to a petition under (a) of this section in  
18 a general law municipality except the

19 (1) number of required signatures is determined under (a) of this  
20 section rather than under AS 29.26.130;

21 (2) application filed under AS 29.26.110 must contain the question set  
22 out under AS 18.65.780 rather than containing an ordinance or resolution;

23 (3) petition must contain the question set out under AS 18.65.780 rather  
24 than material required under AS 29.26.120(a)(1) and (2).

25 Sec. 18.65.790. DEFINITIONS. In AS 18.65.700 - 18.65.790,

26 (1) "commissioner" means the commissioner of public safety;

27 (2) "competence" means the ability to place in a life size silhouette  
28 target

29 (A) seven out of 10 shots at seven yards; and

30 (B) six out of 10 shots at 15 yards;

31 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,

1 and that is covered or enclosed in any manner so that an observer cannot determine  
2 that it is a handgun without removing it from that which covers or encloses it or  
3 without opening, lifting, or removing that which covers or encloses it; however,  
4 "concealed handgun" does not include a shotgun, rifle, derringer or other miniature  
5 handgun, or a prohibited weapon as defined under AS 11.61.200;

6 (4) "department" means the Department of Public Safety;

7 (5) "established village" has the meaning given in AS 04.21.080;

8 (6) "local governing body" has the meaning given in AS 04.21.080;

9 (7) "permit" means a permit to carry a concealed handgun issued under

10 AS 18.65.700 - 18.65.790.

11 \* Sec. 5. AS 18.65.780 - 18.65.790, added by sec. 4 of this Act, take effect immediately.

12 \* Sec. 6. Except as provided in sec. 5 of this Act, this Act takes effect January 1, 1995.