

HB

351

HFIN

FILE

(11)

Date Referred: March 25, 1994

HOUSE COMMITTEE REF RT
FURTHER REFERRALS:

Date of Committee Action: 4/11/94

The FINANCE Committee considered:

HB 351

HOUSE BILL NO. 351

PERMIT TO CARRY CONCEALED WEAPONS

"An Act relating to the issuance of permits for the carrying of a concealed weapon."

RECOMMENDATIONS:

be replaced with CS HB 351 (FIN) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact DPS; Off. of Gov

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) law 3/25/94

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		Eileen P. Maclean ^{Maclean}	X		
Terry Martin ^{Martin}	✓	Ronald J. Larson ^{Larson}		X	
Mad Hanley ^{Hanley}	X	Mike Navarre ^{Navarre}		✓	
Sam Pannell ^{Pannell}	X	Ray Brown ^{BROWN}		✓	
Ben Grussendorf ^{grussendorf}	X				
Tom Pannell ^{Pannell}	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				

[Signature] ^{Larson} Eileen ^{Maclean} Maclean
CO-CHAIRMAN'S SIGNATURE

MAR-31-94 THU 13:17
MAR-31-94 THU 12:54

AK DIVISION OF ELECTIONS
REG II DIV OF ELECTIONS

FAX NO. 9074653203
FAX NO. 5221482

P. 02
P. 01 '93

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 351

1994 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Office of the Governor
Title: An Act relating to the issuance of BRU: Division of Elections
permits for the carrying of a concealed weapon Component: General and Primary Elections
Sponsor: Representative(s) James, Bunde, Olberg, Sanders
Requestor: _____ COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.44	2.44	2.44	2.44	2.44	2.44
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	2.44	2.44	2.44	2.44	2.44	2.44

CAPITAL	0	0	0	0	0	0
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REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1002 GF Match	0	0	0	0	0	0
1004 GF	2.44	2.44	2.44	2.44	2.44	2.44
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.44	2.44	2.44	2.44	2.44	2.44

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach separate page if necessary.) See Attached

Prepared by: Joseph L. Swanson, Director
Division: Division of Elections

Phone: 465-4811

Date: 3/31/94

Approved by Commissioner: Lt. Governor John B. Coghill

Agency: Office of the Lt. Governor

Date: 3/31/94

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MAR-31-94 THU 13:18
MAR-31-94 THU 12:55

AK DIVISION OF ELECTIONS
REG II DIV OF ELECTIONS

FAX NO. 9074653203
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P.03/03

Cost for by-mail elections
Page 2

Ballots for each regional offices to act as absentee voting officials. 25 ballots for each election, which can be distributed, 5 to each area. (\$.74 x 25)

Total \$18.50

Sample ballots for all elections
(Approx. 175 at \$1.00 ea)

Total \$175.00

Total cost for ballots:

Total \$767.00

Postage:

Postage for mailing Advance Flyer
(mail first class, \$.29 x 500) or to number of registered voters at time sent

Total \$145.00

Mailing ballots to all registered voters,
(based on 500 x \$.29) Mailed first class

Total \$145.00

Shipping charged for sending ballots and materials to the city. (Alaska Airlines Goldstreak)
\$25.00 a box

Total \$ 25.00

Total Cost for Postage/shipping

Total \$315.00

Grand Total \$2441.00

MAR-31-94 THU 13:17
MAR-31-94 THU 12:54

AK DIVISION OF ELECTIONS
REG II DIV OF ELECTIONS

FAX NO. 9074653203
FAX NO. 5221482

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COST FOR BY-MAIL ELECTIONS FOR HB351

The following is a cost estimate for by-mail elections for municipality. Cost estimates are based on 500 voters as we order ballots in pads of 25 and allowing for additional registration. Currently there are 500 registered voters in these five municipalities.

Personnel:

Estimated Cost:

Absentee Voting Official available in each city 15 days before the election.

(Flat fee of \$50.00 for each city)

Total \$50.00

1 hours for person to post 40/10 Posters

(Total \$8.00 Per Hour)

Total \$40.00

District Absentee Review Board... 1 City

(None will take approx. 2 days for 4 cities)

(Four board members are needed) \$10.00 Per Hour

Total \$40.00

District Absentee Review Board... 1 City

(Four board members at (\$10.00 Per Hour for 1 Hr)

Total \$40.00

State Review Board (four board members)

\$12.50 Per Hour for 4 days

Total \$50.00

Total Cost for Personnel:

Total \$220.00

Outreach/Advertising:

Estimated Cost:

2 - 40/10 Posters per city

(Approx. \$2.00 per poster)

Total \$ 4.00

Printing Advance Flyer (approx. 500 voters)

(.15 a copy x 500)

Total \$75.00

Newspaper, radio or RATNET advertisement

(Newspaper Display Ad is 4" x 4" at \$112.00 ea.)

Total \$560.00

General Instructions to voters to be included with the ballot. (Based on 500 card at \$1.00 ea.)

Total \$500.00

Total Cost for Advertising:

Total \$1139.00

Ballots:

Ballots for all registered voters

(Ballots ordered in pad of 25, 500 at \$.74 ea)

Total \$370.00

FISCAL NOTE

No. 3

Bill Version: CS&B 351 (JUD)

(H) Publish Date: 3/25/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: March 22, 1994
Title: "...permits for carrying of a concealed handgun; providing for local option elections..."
Sponsor: Representative James
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Prosecution
Component: All

COMPONENT SERIAL NO. 0085-0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
Division: Administrative Services Division

Phone: 465-3672

Date: March 22, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General

Agency: Department of Law

Date: March 22, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 351 (JUD)

ANALYSIS CONTINUATION:

This bill amends AS 18.65 to allow persons 21 years of age and older to carry concealed handguns under comprehensive permitting regulations to be administered by the Department of Public Safety. The bill lists thirteen requirements that a person must satisfy before a concealed handgun permit can be issued, including handgun proficiency training, absence of a controlled substance or alcohol dependence, absence of mental illness, lack of a criminal record, and a minimum 90-day residence. The bill also provides that, under certain circumstances, the Department of Public Safety may deny, suspend, or revoke a concealed handgun permit, and the bill provides that a person may seek judicial review of a decision to deny, suspend or revoke a permit. As the legal representative of the Department of Public Safety, the Department of Law will be involved in this process to the extent that persons seek judicial review. Although there may be some impact, at this stage we cannot say that permit appeals will be extensive enough to require fiscal note funds and none have been requested.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: CSHB351(JUD)

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to the issuance of BRU: Statewide/Alaska State Troopers
permits for the carrying of a concealed weapon." Component: Records & ID/Attachments
 Sponsor: Representative JAMES
 Requestor: (H) Judiciary COMPONENT SERIAL NO. 1190, 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	312.7	664.7	328.6	430.4	430.4	328.4
TRAVEL	3.3	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	118.5	401.1	138.0	182.8	182.8	145.0
SUPPLIES	20.8	41.2	12.8	21.3	21.3	12.8
EQUIPMENT	107.2	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	562.5	1,112.0	484.2	639.5	639.5	491.2
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()	567.5	1773.4	283.7	845.0	845.0	424.0
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF			200.5			67.2
1005 GF/Program Receipts	562.5	1,112.0	283.7	639.5	639.5	424.0
1006 GF/MHTIA						
Other						
TOTAL	562.5	1,112.0	484.2	639.5	639.5	491.2

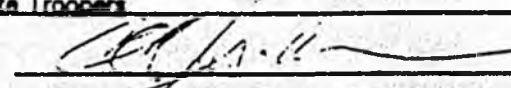
Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	9	9	6	8	8	6
PART-TIME	0	0	0	0	0	0
TEMPORARY	10	10	0	2	2	0

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: (907) 269-5691
 Division: Alaska State Troopers Date: 03/24/94
 Approved by Commissioner:  Date: 3-24-94
 Agency: Richard J. Burton, Dept. of Public Safety

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CSHB351 (JUD) - Concealed Weapons
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The following analysis is based upon an estimated FY95 total population of 623,600, recently obtained from the Department of Labor, and the actual experience in the State of Washington by the Division of Licensing and in the State of Oregon by the Oregon State Police, Identification Services Section.

Assumptions utilized in the preparation of this fiscal note include that the implementation date for the program will be April 1, 1995, in order to provide time to promulgate the regulations and develop the necessary administrative and operational procedures necessary to successfully implement the statute change.

REVENUE:

The following is an analysis of the number of permits and renewals that will be issued and the revenue that is anticipated to result. Revenue estimates are based upon information from Washington. It is anticipated that approximately 4% of the total population will request permits to carry concealed weapons (CCW) during the first twelve months that they become available, that .5% will do so each year thereafter and that 90% of permits issued will be renewed. Assuming that the earliest that the state could be prepared to issue permits is April 1, 1995 the following revenue is forecasted:

FY95:

623,600 X 4% new permits = 24,944
X 3 mos. of 1st yr = 6,236 X \$91 = \$567,476

FY96:

623,600 X 4% new permits = 24,944
X 9 mos of 1st yr = 18,708 x \$91 \$1,702,428
623,600 X .5% new permits = 3,118
X 3 mos of 2nd yr = 780 x \$91 70,980
subtotal 1,773,408

FY97:

623,600 X .5% new permits = 3,118 X \$91 = 283,738

CSHB351(JUD) - Concealed Weapons
Fiscal Impact
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FY98:

623,600 X .5% new permits = 3,118		
X \$91 =	\$ 283,738	
Renewals 24,944 X 90% = 22,450		
X 6 mos = 11,225 x \$50	<u>561,250</u>	
subtotal		844,988

FY99:

623,600 X .5% new permits = 3,118		
X \$91 =	\$ 283,738	
Renewals 24,944 X 90% = 22,450		
X 6 mos = 11,225 x \$50	<u>561,240</u>	
subtotal		844,978

FY00:

623,600 X .5% new permits = 3,118		
X \$91 =	\$ 283,738	
Renewals 3,118 X 90% = 2,806		
X \$50 =	<u>140,300</u>	
subtotal		424,038

EXPENDITURES:

CCW Unit

Sergeant - The new unit will require the oversight of an experienced State Trooper Sergeant, who will be responsible for developing, implementing and maintaining the program. This will involve setting up policy and procedures, preparing Standard Operating Procedures (SOP) for the unit, statewide implementation, overall supervising of the operation of personnel assigned, oversight list to be maintained for law enforcement. This position will oversee the suspension and revocation process, the investigation into the revocation and presentation to the hearing officer. In addition the position will also do criminal investigations of misuse of the permit (using information available from Oregon on revocations this would be approximately 1.1% or 120 per year. This does not include investigations that do not result in suspensions). Start date for this position will be 7/1/94.

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Fiscal Impact
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State Trooper - This position will follow up on discrepancies noted with information picked up in the checks made in the Alaska Public Safety Information Network (APSIN) AND national checks regarding applicant backgrounds and criminal records. The Trooper will investigate conflicts between the application statements and criminal records, interview applicants when necessary and act as Officer In Charge (OIC) of the CCW Unit when the Sergeant is not available. This position will not be needed until March 1st 1995, when applications are being distributed to the field. This position will oversee the suspension and revocation process and the presentation of revocations to the hearing officer. In addition the position will also do criminal investigations of misuse of the permit (using information available from Oregon on revocations this would be approximately 1.1% or 120 per year. This does not include investigations that do not result in suspensions). Start date for this position will be 3/1/95.

Clerk IV - Initially this senior civilian position in the CCW Unit will assist the unit supervisor in developing and implementing the CCW program. This clerical position will help to develop the application form, the SOPs for the unit and attend to various clerical duties of the unit, including the processing of the more troublesome or complicated applications. The Clerk IV will also schedule administrative hearings to deal with denials and revocations. This position will be needed on 7/1/94 to help initiate the program.

Clerk Typist III - The clerk typist position will be needed to process applications, including performing APSIN checks, file completed applications and to issue the permits. This position will not be needed until April 1, 1995 when the program begins to process permits.

Non-Permanent Clerk Typist III - Like the permanent Clerk Typist III, these positions will process applications. Ten will be needed during three months of FY95 and 9 months of FY96, to handle the initial large volume of applications in a timely manner. Two will be needed again for six months each in FY98 and FY99 to handle the renewals of the same permits.

Other Costs - Certified postage costs will be incurred when the permits are mailed to the permittees. Costs have been estimated at \$2.29 + 10% for the proposed postage increase or \$2.50 per item. This expenditure will be incurred on each permit and is calculated for each year covered by this fiscal note based upon the projected number of permits expected each year.

HB 351 Criminal Records and Identification Processing Assumptions:

1. Projected original-applicant and renewal-applicant workload is per the attached excel spreadsheet.

Due to significant program receipt fluctuations from year to year, the department is requesting General Funds. Over time, the bill will be revenue neutral. In certain years, not enough revenue will be realized to support resources required to perform functions required by this bill.

2. A journey level AAFIS operator I can perform the fingerprint portion of 10,000 applicant checks per year.

Due to the effort in hiring and training required to recruit qualified AAFIS operators, the department proposes to keep these two positions filled continuously in spite of workload fluctuations. Backlogs will be inevitable given the projected workload peaks.

3. A journey level criminal records clerk can accommodate 6,000 applicants per year (procedures explained further on).
4. The Records and Identification Section will check available information sources as follows:

Original Applications - Alaska Public Safety Information Network APSIN and the National Crime Information Center NCIC;

Renewal Applications - Alaska Public Safety Information Network, no fingerprint based national check; NCIC requires a new set of fingerprints for each applicant check. The Judiciary CS for HB 351 does not require fingerprints for renewals. The state check will be done by comparing the thumbprint on the renewal application with the original fingerprint card submitted by the applicant. For federal purposes, a name based check similar to that used for Brady clearances will be conducted.

Under typical circumstances, a background check as referenced in 18.65.710 (7) will consist of an applicant check by the department in the same manner as performed for security guards, teachers and other employers. Fee regulations already in place for these purposes are contained in 13 AAC 25.400. APSIN and NCIC will permit the department to determine past conviction and outstanding warrant information.

The Department will be unable to verify other qualifying information specified in Section 18.65.705 due to laws denying the department access or difficulty in obtaining the information. As in the Brady Bill implementation, most categories of disqualifying information cannot be routinely verified. Some states are making progress toward providing specified information (at least 26 states have gun control laws) but this is a new issue for Alaska. Both old and new forms used by the federal Bureau of Alcohol, Tobacco and Firearms provide for applicant certification that statements made on the form are true and correct. Under federal law, if it is later determined that the buyer made false statements on the form, the buyer has committed a felony offense. A similar provision is included in the CS HB 351 (JUD), section 18.65.710 (6).

Unverified categories of information specified by Section 18.65.705 will generally include:

- (2) Federal firearms eligibility except under the concept of "REASONABLE EFFORT" provided for in the Brady bill;
- (3) Indictments, Information, Presentments;
- (4) Will check available convictions in APSIN but will not research arrests without disposition information. If a disqualifying arrest is present without a disposition, the applicant will be asked to provide a copy of the court disposition indicating the case was dismissed or the applicant was found not guilty;
- (5) The Department does not have access to mental illness information;
- (6) Unless adjudications for mentally incapacitated occur in a criminal case, the department does not have feasible access to this information;
- (8) The Department does not have feasible access to military discharge information;
- (9) The Department does not have feasible access to renounced U.S. Citizenship records;
- (10) Unless incident to arrest or by conviction, the department does not have access to records indicating use or addiction to a controlled substance;
- (11) The Department does not have access to alcohol treatment program records;
- (12) The Department does not have access to substance abuse treatment program records.

5. Criminal Records AFIS Operators 3 months and Clerks require 1 month hire in advance of production need for training purposes.

6. Because of capacity limitations of the Alaska Automated Fingerprint Identification System (AAFIS), fingerprint cards will be retained in hardcopy files for retention purposes but will not be registered in AAFIS for electronic searching to help identify subsequent cases where concealed weapons permit holders may have been involved in a crime. The effect of not having these records available for electronic searching will preclude identification of 2,400 (10%) of previously unknown criminal arrestees based upon past experience verifying arrest fingerprint cards submitted to DPS. Additionally, not having these records available for electronic searching will preclude 7% of latent identifications by comparison with fingerprints retained in AFIS from unsolved crimes. In FY 83, DPS and APD conducted 1,139 latent searches and identified 87 subjects who would not have otherwise been identified. Past discussions with licensing agencies disclose the need for reporting subsequent arrest and conviction information back to the licensing agency. This service is not currently in place. However, to the extent that applicant fingerprints are not on the AAFIS file, the ability to report criminal event information subsequent to granting of a license will not be reliably possible.

7. Condition and Capacity of the Alaska Automated Fingerprint Identification System - The system is presently 12 years old and has been declared contractually obsolete by the vendor. Maintenance costs are increasing approximately 5% a year without this bill. Use of the system will more than double (2nd shift) as a result of this bill requiring renegotiation for vendor maintenance which is expected to increase from \$170,000 to approximately \$220,000. As discussed in 6 above, the department will not register concealed weapons permittees in the system to avoid exceeding capacity in one year. The consequences of this decision are discussed in 6 above. AAFIS needs to be upgraded or replaced at a cost of approximately \$2 million. The department is not saddling HB 351 with the costs of replacing this system but takes this opportunity to inform the legislature that the system has been declared contractually obsolete and that maintenance costs are expected to increase from approximately \$170,000 annually to more than \$220,000.

AAFIS is the cornerstone for providing a complete, accurate, and timely criminal history database with the ability to remotely search fingerprint databases of nine western states comprising approximately 16 million records. AAFIS makes the automated detection of persons using aliases possible so that complete criminal history information is provided to authorized inquirers. AAFIS also provides the ability to search latent fingerprints from unsolved crimes against the automated database. The more fingerprint records in the system, the higher the probability of a match (see 6 above). The criminal history database is used by Alaska's \$300 million criminal justice system as follows:

Police use criminal history information to aid investigations. Courts and Corrections use criminal history information in making release, probation and parole decisions;

Alaska law provides for presumptive sentencing which assumes that repeat offenders receive progressively more severe sentencing as a deterrent to repeat criminal behavior;

Alaska law provides for the screening of day care workers, foster parents, school teachers, school bus drivers and various other occupations, certifications, permits and licenses which require the use of criminal history information to ensure that inappropriate persons are not employed or licensed.

Legislation continues to be enacted and proposed in addition to CS HB 351 (JUD) including the Brady Bill, National Child Protection Act, pending bills HB 3, HB 480, SB 54 all of which depend on timely, accurate, and complete fingerprint based criminal history record information.

FINGERPRINT BASED CRIMINAL HISTORY CHECK PROCEDURES

The processing of applicant fingerprint cards is a three stage approach which requires handling by the R&I clerical staff and AAFIS operations staff acting in tandem. R&I clerks receive, audit funds, name search and separate this work by status before sending to AAFIS; AAFIS operators block, prepare, submit, review and verify the work before returning to clerical staff; and clerical personnel update information in APSIN, merge records in APSIN, update information in tracking system, forward fingerprint cards to FBI, forward information to applicant and agency in event of criminal findings, and file fingerprint cards.

This is an over-simplification of the duties performed and, therefore, a more detailed description would follow to generate a better understanding of these procedures.

STAGE I

Applicant fingerprint cards are received by R&I clerical staff and are sorted to separate fees from the cards and cards are date stamped. Information from the cards and accompanied fees are entered into the tracking program. All monies are recorded, balanced, and a summary report is prepared and forwarded to Fiscal with the monies.

A name check is conducted on each fingerprint card through APSIN by name, DOB and SS#. The ID/LIC or SID # is recorded on all cards

where the number is available and the cards are separated into three categories for further processing: SEARCH, VERIFY, and NOT IN APSIN.

SEARCH: These cards are sent to AAFIS operators for routine searches.

VERIFY: These cards will have an SID # affixed and are handled through a shortened route by the AAFIS operators by direct data base access to verify same individual.

NOT IN APSIN: These cards must be searched and returned to create SID # before entry into APSIN.

STAGE II

Applicant fingerprint cards are received in the three categories indicated above by the AAFIS operators for search, verification and registration into AAFIS data base with somewhat different handling according to category.

SEARCH: Pattern interpretation (blocking) is completed on each fingerprint and/or proper notation if finger is bandaged or amputated. Cards are then sorted and sequenced through the Fingerprint Reader (FR) to digitize image of fingerprint and obtain Process Control Number (PCN) in order to retrieve images for search through data base. PCN is entered and all demographics are entered, core and axis are determined and set for all images (10) on each card, and a search of data base is initiated. If an identification is not affected, the information normally is registered at this step and becomes part of the AAFIS data base. As discussed above, concealed weapon permit holders will not initially be registered. If a tentative identification is made against a fingerprint card on file, these documents are verified by the operator as being identical and SID # is affixed to card which is then returned to clerical staff to update APSIN files and merge records if necessary. Submitting agency and applicant would be notified if connection is made to a criminal history.

VERIFY: An SID # has been affixed to these cards which allows AAFIS operators direct entry into data base to call-up or retrieve the image and ascertain the positive identity of the applicant as being the same. This information will be verified by examination of the hard copy of the fingerprints on file. Cards are returned to clerical staff for updating.

NOT IN APSIN: These cards are blocked and prepared in the same way as the SEARCH cards, however, they are submitted for tenprint inquiry. If these cards are identified, they are

processed as in the VERIFY instructions above. If they are not identified, they are created into APSIN and an SID # is established which allows entry into AAFIS data base. These cards then follow the procedures outlined in SEARCH category above.

REJECTIONS: If cards are of unacceptable quality, they will be rejected by the Fingerprint Reader. This can occur for a number of reasons, i.e. insufficient ink, smudged prints, etc. These fingerprints are circled, reason noted, and returned to applicant or submitting agency via clerical staff for re submission.

Note: a \$20 resubmission fee is authorized under 13 AAC 25.400 (b), but has not been implemented.

STAGE III

All cards are returned to R&I clerical staff for additional handling and/or processing.

SEARCH: These cards will all be Master cards within the Alaska system and APSIN records will be updated on the personal information screen to include that a fingerprint card is on file for that individual. A criminal history screen is printed and attached to the card, an entry is made into tracking system indicating "State Complete" and forwarding coordinate fingerprint card to the Federal Bureau of Investigation for searching and processing. When card is returned from the FBI, update the tracking system to reflect "FBI Complete". Compile any/all criminal history and determine which information meets dissemination criteria for release to applicant or requesting agency. All cards are filed for future reference.

VERIFY: These cards have a counterpart on file, the demographics updated and entry made into tracking system to indicate completion and forwarding of card to FBI as indicated in above paragraph. All other aspects as indicated in SEARCH apply.

NOT IN APSIN: These will be treated the same as the master cards indicated above. Updates are required in APSIN and tracking systems and cards forwarded to the FBI. All other steps outlined previously are applied as to dissemination of information. See SEARCH.

REJECTIONS: These cards, accompanied by a reject letter are returned to the applicant or requesting agency. The tracking system is updated to reflect the rejection and return of same. Monies are maintained and noted in tracking system awaiting re submission. When a re submission arrives, the process begins at step one except for the collection of fees.

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Fiscal Impact
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Personnel & supporting costs:

FY95	1 AAFIS Operator II 1 AAFIS Operator I 3 Clerk IV
FY96	1 AAFIS Operator II 1 AAFIS Operator I 3 Clerk IV
FY97	1 AAFIS Operator II 1 AAFIS Operator I
FY98	1 AAFIS Operator II 1 AAFIS Operator I 2 Clerk IV
FY99	1 AAFIS Operator II 1 AAFIS Operator I 2 Clerk IV
FY00	As for FY97

FY95 and FY96 Costs

Based upon experience with handling Security Guard Licensing, approximately forty-five minutes to one hour will be required by an experienced clerk to process each permit application. During the startup period in FY95, some applications will be received, however most are anticipated to be received during FY96. In that year hours of effort will be needed. Because the initial startup year will require effort that will not continue at the same level, ten non-perm Clerk Typist IIIs will be needed in addition to the permanent positions. (24,944 applications at 1 hour each divided by 1,950 hours of available work time per position equals 12.8 (rounded down to a total of 12 clerical positions.)

Office and other equipment will only be needed in the first year (FY95, of operation.

Contractual Programming Support

APSIN	265 hours @ \$75.00	\$20,000
PC Application	200 hours @ \$75.00	<u>\$15,000</u>
	Initial	35,000
Data Storage and CPU Usage (on-going)		<u>\$5,000</u>
	Full First Year Cost	40,000

Administrative Hearings

Based upon the actual activity data from the State of Oregon, it appears that approximately 1% of the CCW applications will either be denied or later will be revoked. Further, approximately 25% of those actions will result in an administrative hearing based upon our experience with DWI cases. This will result in a cost of approximately \$3,000 per hearing based upon DPS experience with process services licensing administrative hearings. Based upon the expected first year volume of approximately 24,944 applications the resulting cost will be \$187,080 the first year of the program and, based upon approximately 3,125 applications in subsequent years, \$23,385.

FBI Fingerprint Fees

The FBI charges \$24 to process a national fingerprint check. These fees will be charged to the permit applicant, and passed to the FBI.

Sergeant
Anchorage
Base Cost
(PACS 12#094)

PERSONAL SERVICES

Salary - Range 78, Step A, including 120 hours of overtime	\$53,742	
Benefits	<u>23,007</u>	
Total Personal Services		\$76,749

TRAVEL AND PER DIEM

Average - Investigations, training, etc.		2,500
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CONTRACTUAL

Telephone/Postage, \$75 per mo	900	
Photo processing, \$40 per mo	480	
PSEA Physical exam, average	350	
Office Space 200 sq. ft. @ \$1.65	3,960	
HWCf Vehicle - Class 116 - Yearly		
Operating & Replacement costs per SEF	<u>6,900</u>	
Total Contractual		12,590

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc.	2,091	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,741

EQUIPMENT

Vehicle - SEF Class 116	18,415	
Car radio	2,400	
Portable radio	1,628	
Office furniture - desk, chair, etc.	1,100	
Firearms - S&W .4006 & Rem 870P	<u>782</u>	
Total Equipment		24,325

TOTAL COST

118,905

State Trooper
Anchorage
Base Cost
(PACS 12#143)

PERSONAL SERVICES

Salary - Range 78, Step A, including 120 hours of overtime	\$47,148	
Benefits	<u>20,755</u>	
Total Personal Services		\$67,903

TRAVEL AND PER DIEM

Average - Investigations, training, etc.		2,500
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CONTRACTUAL

Telephone/Postage, \$75 per mo	900	
Photo processing, \$40 per mo	480	
PSEA Physical exam, average	350	
Office Space 200 sq. ft. @ \$1.65	3,960	
HWCFF Vehicle - Class 115 - Yearly		
Operating & Replacement costs per SEF	<u>12,960</u>	
Total Contractual		18,650

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc.	2,091	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,741

EQUIPMENT

Vehicle - SEF Class 115	21,000	
Car radio	2,400	
Portable radio	1,628	
Office furniture - desk, chair, etc.	1,100	
Firearms - S&W .4006 & Rem 870P	<u>782</u>	
Total Equipment		26,910

TOTAL COST		118,704
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Clerk Typist III
Base Cost
(PACS 12#095)

PERSONAL SERVICES

Salary - Clerk III - Range 8, Step A, no overtime	\$22,188	
Benefits	<u>11,743</u>	
Total Personal Services		\$33,931

CONTRACTUAL

Telephone/Postage, \$90 per mo	1,080	
Repair and maintenance on micro computer	500	
Office space (200 sq. ft. @ \$1.65 x 12 mos =)	<u>3,960</u>	
Total Contractual		5,540

SUPPLIES & MATERIALS

Computer paper	500	
Forms	1,000	
Stationery, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk	500	
Chair	225	
Computer table	600	
Micro computer with printer and software	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST		<u>\$48,396</u>
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Clerk IV
Base Cost
(PACS 12#102, #167, #168, and #169)

PERSONAL SERVICES

Salary - Clerk IV - Range 9, Step A, no overtime	\$23,556	
Benefits	<u>12,149</u>	
Total Personal Services		\$35,705

CONTRACTUAL

Telephone/Postage, \$90 per mo	1,080	
Repair and maintenance on micro computer	600	
Office space (200 sq. ft. @ \$1.65 X 12 mos =)	<u>3,960</u>	
Total Contractual		5,640

SUPPLIES & MATERIALS

Computer paper	500	
Forms	1,200	
Copier paper	750	
File folders, lamination supplies, etc.	<u>500</u>	
Total Supplies & Materials		2,950

EQUIPMENT

Desk and Chair, 2 side chairs	1,250	
Bookcases (2) and file cabinets (5)	1,500	
Computer table	600	
Typewriter	400	
Micro computer with printer and software	5,000	
Laminator	<u>500</u>	

Total Equipment 9,250

TOTAL COST \$53,545

Non Perm
Clerk Typist III
Base Cost
(PACS 12#103, #104, #105, #106, #107,
#108, #109, #110, #111, #112)

PERSONAL SERVICES

Salary - Clerk III - Range 8, Step A, no overtime	\$22,188	
Benefits	<u>8,377</u>	
Total Personal Services		\$30,565

CONTRACTUAL

Telephone/Postage, \$90 per mo	1,080	
Repair and maintenance on micro computer	500	
Office space (200 sq. ft. @ \$1.65 x 12 mos =)	<u>3,960</u>	
Total Contractual		5,540

SUPPLIES & MATERIALS

Computer paper	500	
Forms	1,000	
Stationery, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk	500	
Chair	225	
Computer table	600	
Micro computer with printer and software	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST

\$45,030

AAFIS OPERATOR I
Base Cost
Anchorage
(PACS 12#096)

PERSONAL SERVICES

Salary - AAFIS Operator I, Range 15, Step A, 60 hrs overtime	\$35,841	
Benefits	<u>15,790</u>	
Total Personal Services		\$51,631

CONTRACTUAL

Telephone/Postage, \$100 per month	1,200	
Maintenance on office equipment	500	
Office space (200 sq. ft. @ \$1.65 X 12 mos =)	<u>3,960</u>	
Total Contractual		5,660

SUPPLIES & MATERIALS

Computer paper	500	
Fingerprint cards and supplies	1,000	
Copier paper, stationary, office supplies	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk and Chair	725	
Computer table	600	
Micro computer with printer and software	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST		\$66,216
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AAFIS OPERATOR II
Base Cost
Anchorage
(PACS 12#098)

PERSONAL SERVICES

Salary - AAFIS Operator II, Range 18, Step A, 60 hrs overtime	\$44,314	
Benefits	<u>13,301</u>	
Total Personal Services		\$62,616

CONTRACTUAL

Telephone/Postage, \$100 per month	1,200	
Maintenance on office equipment	500	
Office space (200 sq. ft. @ \$1.65 X 12 mos =)	<u>3,960</u>	
Total Contractual		5,660

SUPPLIES & MATERIALS

Computer paper	500	
Fingerprint cards and supplies	1,000	
Copier paper, stationary, office supplies	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk and Chair	725	
Computer table	600	
Micro computer with printer and software	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST		\$77,201
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FY95
Costs

	Sgt. x1 <u>x12 Months</u>	Trooper x1 <u>x4 Months</u>	CT III x1 <u>x3 Months</u>	NonPerm CTIII x 10 <u>x3 Months</u>	CK IV x1 <u>x12 Months</u>	OTHER Con (1)	AFIS OP I x1 <u>x9 Months</u>	AFIC OP II x1 <u>x6 Months</u>	CK IV x3 <u>x4 Months</u>	<u>TOTAL</u>
Personal Services	76.7	22.6	8.5	76.4	35.7	0.0	25.8	31.3	35.7	312.7
Travel	2.5	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.3
Contractual	12.6	6.2	1.4	13.9	5.6	67.6	2.8	2.8	5.6	118.5
Supplies	2.8	2.3	0.7	6.5	2.9	0.0	1.3	1.3	3.0	20.8
Equipment	24.3	26.9	6.3	0.0	9.3	0.0	6.3	6.3	27.8	107.2
TOTAL	<u>118.9</u>	<u>58.8</u>	<u>16.9</u>	<u>96.8</u>	<u>53.5</u>	<u>67.6</u>	<u>36.2</u>	<u>41.7</u>	<u>72.1</u>	<u>562.5</u>

(1) Startup contractual programming support. 40,000.0

Certified Postage \$2.50 x 6,236 permits. 15,590.0

Fingerprint System Maintenance. 12,000.0

Total Contracted 67,590.0

FY96
Costs

	Sgt. x1	Trooper x1	CK IV x1	CT III x1	NonPerm CT III x10 (1)	Con. (2)	AFIS OP II x1	AFIS OP I x1	CK IV x3	TOTAL
Personal Services	76.7	67.9	35.7	33.9	229.2	0.0	62.6	51.6	107.1	664.7
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.6	5.5	41.6	288.8	5.7	5.7	16.9	401.1
Supplies (3)	1.2	1.0	3.0	2.6	19.5	0.0	2.6	2.6	8.9	41.2
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>92.8</u>	<u>90.1</u>	<u>44.3</u>	<u>42.0</u>	<u>290.3</u>	<u>288.8</u>	<u>70.9</u>	<u>59.9</u>	<u>132.9</u>	<u>1,112.0</u>

(1) Needed for nine months.

(2) Other costs include:

Computer space storage	5,000.0
Administrative hearing costs.	187,080.0
Postage, \$2.50 x 19,488 =	48,720.0

Fingerprint System Maintenance	<u>48,000.0</u>
Total Contracted	288,800.0

(3) Replacement supplies only.

FY97
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	Other Con (1)	AFIS OP II x1	AFIS OP I x1	TOTAL
Personal Services	76.7	67.9	33.9	35.7	0.0	62.6	51.6	328.4
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.5	5.6	84.2	5.7	5.7	138.0
Supplies (2)	1.0	1.0	2.6	3.0	0.0	2.6	2.6	12.8
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	92.8	90.1	42.0	44.3	84.2	70.9	59.9	484.2

(1) Includes annual:

Computer space storage	5,000.0
Administrative hearing costs for denials and revocations	23,385.0
Postage \$2.50 x 3,118	7,795.0

Fingerprint System Maintenance	48,000.0
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Total Contractual	84,180.0
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(2) Replacement supplies only.

FY98
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	Other Con (1)	AFIS OP II x1	AFIS OP I x1	CK IV x2	Non Perm x2 x 6 Months	TOTAL
Personal Services	76.7	67.9	33.9	35.7	0.0	62.6	51.6	71.4	30.6	430.4
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.5	5.6	112.2	5.7	5.7	11.3	5.5	182.8
Supplies (2)	1.0	1.0	2.6	3.0	0.0	2.6	2.6	5.9	2.6	21.3
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	92.8	90.1	42.0	44.3	112.2	70.9	59.9	88.6	38.7	639.5

(1) Includes annual:

Computer space storage	5,000.0
Administrative hearing costs for denials and revocations	23,385.0
Postage \$2.50 x 14,342	35,855.0

Fingerprint System Maintenance	48,000.0
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Total Contractual	<u>112,240.0</u>
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(2) Replacement supplies only.

FY00
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	OTHER Gen (1)	AFIS OP II x1	AFIS OP I x1	TOTAL
Personnel Services	76.7	67.9	33.9	35.7	0.0	62.6	51.6	328.4
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.5	5.6	91.2	5.7	5.7	145.0
Supplies (2)	1.0	1.0	2.6	3.0	0.0	2.6	2.6	12.8
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	92.8	90.1	42.0	44.3	91.2	70.9	59.9	491.2

(1) Includes annual:

Computer space storage	5,000.0
Administrative hearing costs for denials and revocations	23,385.0
Postage \$2.50 x 5,924	14,810.0

Fingerprint System Maintenance	48,000.0
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Total Contractual	91,195.0
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(2) Replacement supplies only.

FY99
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	Non-perm x2 CT III x6 Months	Other Con (1)	AFIS OP II x1	AFIS OP I x3	CK IV x2	TOTAL
Personal Services	76.7	67.9	33.9	35.7	30.6	0.0	62.6	51.6	71.4	430.4
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.5	5.6	5.5	112.2	5.7	5.7	11.3	182.8
Supplies (2)	1.0	1.0	2.6	3.0	2.6	0.0	2.6	2.6	5.9	21.3
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	92.8	90.1	42.0	44.3	38.7	112.2	70.9	59.9	88.6	639.5

(1) Includes annual:

Computer space storage	5,000.0
Administrative hearing costs for denials and revocations	23,385.0
Postage \$2.50 x 14,342	35,855.0
Fingerprint System Maintenance	48,000.0
Total Contractual	112,240.0

(2) Replacement supplies only.

CSHB351 (JUD)
Permit and Renewal Projection

ORIGINAL APPLICATIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
3 MOS/25% OF 24,944	6236					
9 MOS/75% OF 24944		18708				
NEW APPLICATIONS						
.5% NEW X 623600 X .25%(3MOS)		779.5				
.5% NEW X 623600			3118	3118	3118	3118
RENEWALS						
90% X 24944 X 50%(3MOS + 90 DAY PRIOR TO EXPIRATION REQUIREMENT)				11224.8		
90% X 24944 X 50%(6MOS REMAINING FROM 1ST YEAR APPLICANTS)					11224.8	
90% X 3118 FROM FY 97 NEW APPLICATIONS						2806.2
TOTAL APPLICATIONS AND RENEWALS PROJECTED BY FISCAL YEAR	<u>6236</u>	<u>19487.5</u>	<u>3118</u>	<u>14342.8</u>	<u>14342.8</u>	<u>5924.2</u>

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
ORIGINAL APPLICATIONS						
3 MOS/25% OF 24,944	6236					
9 MOS/75% OF 24944		18708				
NEW APPLICATIONS						
5% NEW X 623600 X .25%(3MOS)		780				
.5% NEW X 623600			3118	3118	3118	3118
RENEWALS						
90% X 24944 X 50%(3MOS + 90 DAY PRIOR TO EXPIRATION REQUIREM. T)				11224.8		
90% X 24944 X 50%(6MOS REMAINING FROM 1ST YEAR APPLICANTS,					11224.8	
90% X 3118 FROM FY 97 NEW APPLICATIONS						2806.2
TOTAL APPLICATIONS AND RENEWALS PROJECTED BY FISCAL YEAR	6236	19488	3118	14342.8	14342.8	5924.2
GF/PGM Receipt Calculation						
Original Applications AST Permit Fee @ \$56+ APSIN Check @ \$35	\$567,476	\$1,773,408	\$283,738	\$283,738	\$283,738	\$283,738
Renewal Application AST Renewal Fee @ \$25 + APSIN Name Check @ \$25				\$561,240	\$561,240	\$140,310
GF/PGM Receipts by Fiscal Year	\$567,476	\$1,773,408	\$283,738	\$844,978	\$844,978	\$424,048

Amendments —

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

Page 2, lines 10 & 11:

Delete "and locked"

Page 9, line 22:

Delete "an office or building housing"

Insert "a building housing only"

Page 9, following line 23:

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

Renumber the following paragraphs accordingly.

Page 10, line 12:

Delete "damaged"

Insert "illegible"

AMENDMENT #2

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

Adopt as
Amend

Page 3, lines 3 & 4:

Delete all material and insert:

"(8) does not suffer from a physical infirmity which prevents the safe handling of a handgun; and"

~~Page 3, lines 7 - 9:~~

~~Delete "30 days of receipt of background information from the Federal Bureau of Investigation or other agency necessary to make a determination concerning"~~

~~Insert "45 days of receipt of"~~

Page 3, following line 10:

Insert a new subsection to read:

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

Page 3, line 11:

2A Adopt

Delete "(c)"

Insert "(d)"

Page 3, line 13, following "AS 18.65.715":

Insert "but may not specifically identify a handgun by make, model, or serial number"

Adopt
AMENDMENT

*to Amend
D/B*

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

BY REPRESENTATIVE HANLEY

Page 3, line 9, following "application.":

Insert "The department shall request background information under this subsection within five days of the receipt of an application."

failed

AMENDMENT #3

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 4, line 31, following "HANDGUN":
Insert "(a)"

Page 4, line 31:
Delete "must, at a"
Insert "may only"

Page 5, line 1:
Delete "minimum,"

Page 5, line 17, following "permit;":
Insert "and"

Page 5, line 18 & 19:
Delete "background investigation"
Insert "criminal records check"

Page 5, line 21:
Delete "investigation; and"
Insert "criminal records check."

Page 5, lines 22 & 23:
Delete all material.

Page 5, following line 23:
Insert a new subsection to read:

"(b) As a part of an application under (a) of this section, the department may not inquire of an applicant as to any firearms owned by the applicant or as to any specifically identifying information, including make, model, or serial number, regarding a handgun with which the applicant has demonstrated competence under AS 18.65.715."

AMENDMENT #4

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 5, line 31:

Delete "To be approved by the department, the handgun course"

Insert "The department shall approve any handgun course that"

Page 6, line 1:

Delete "must at a minimum test"

Insert "tests"

NOT MOVED

4A

Page 6, line 3:

Delete "and"

4B

Page 6, following line 3:

Insert new paragraphs to read:

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

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

ADORA

Renumber the following paragraph accordingly.

Page 6, following line 10:

Insert a new subsection to read:

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

Reletter the following subsection accordingly.

Page 12, line 1:

Insert a new paragraph to read:

"(2) "competence" means the ability to place 7 out of 10 shots in a lifesize silhouette target at 7 yards."

Renumber the following paragraphs accordingly.

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 10, line 26, following "18.65.790.":

Insert "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. ~~Subjective or arbitrary actions or regulations that encumber the issuing process~~ by placing burdens on the applicant beyond those sworn statements and specified documents detailed in AS 18.65.700 - 18.65.790 or that create restrictions beyond those specified or specifically authorized in AS 18.65.700 - 18.65.790 are prohibited."

AMENDMENT #6

no/obj
AS
Amend

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 6, lines 16 - 18:

Delete all material and insert:

"based on the actual costs incurred by the department for conducting criminal records checks and for implementing and maintaining the concealed handgun permit system.

AMENDMENT #7

failed

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

7A

REPRESENTATIVE JAMES

Page 1, line 1 following "handgun" through page 1, line 3 following "permit;" delete all material.

Page 2, line 2 following "18.65.790" through page 2, line 4 following "18.65.785" delete all material.

Page 9, line 25 following "system;" insert "or"

Page 9, line 27 following "law" through page 9, line 29 following "18.65.785" delete all material.

Page 10, line 27 through page 11, line 29 delete all material.

Page 10, following line 26:

7B

Insert a new section as follows:

Sec. 18.65.780. PROHIBITION ON CERTAIN ORDINANCES. A municipality may not enact an ordinance that conflicts with or imposes stricter standards than the requirements of this chapter.

Page 12, lines 8 & 9 delete all material.

2/18/04

Renumber the following paragraph accordingly.

AMENDMENT #8

w/d

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 12, after line 8 insert a new paragraph to read:

(5) "handgun" is a pistol or revolver with a barrel length of less than ⁸~~sixteen~~ inches.

Page 12, after line 9 insert a new paragraph to read:

(7) "miniature handgun" means a handgun with an overall length of less than four inches and having a cartridge capacity of fewer than three rounds.

Renumber the following paragraph accordingly.

AMENDMENT 9

failed

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

BY REPRESENTATIVE MACLEAN

Page 1, line 2:

Delete "prohibit"

Insert "allow"

Page 2, line 3:

Delete "had prohibited"

Insert "has not allowed"

Page 9, line 28:

Delete "prohibited"

Insert "not allowed"

Page 10, line 27:

Delete "PROHIBITION OF"

Insert "ALLOWING"

Page 10, line 31:

Delete "prohibited"

Insert "allowed"

Page 11, line 4:

Delete "prohibition"

Insert "allowance"

Delete "not"

Page 11, line 20:

Delete "to remove"

Insert "relating to"

Failed

AMENDMENT 10

OFFERED IN THE HOUSE

BY REPRESENTATIVE MACLEAN

TO: CSHB 351(JUD)

Page 1, line 4, following "weapons":

Insert "; and providing for an effective date"

Page 12, following line 11:

Insert new bill sections to read:

"* Sec. 4. AS 18.65.780 - 18.65.790, added by sec. 4 of this Act, take effect ~~January 1,~~
1996. *immediately*

* Sec. 5. Except as provided in sec. 4 of this Act, this Act takes effect July 1, 1997."

AMENDMENT 11

Failed

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 5, following line 7:

Insert a new paragraph to read:

"(4) a demonstrated need for the permit that meets requirements set
by the department by regulation;"

Renumber the following paragraphs accordingly.

Adopt

8-LS1471V.3 ✓
Luckhaupt
3/30/94

AMENDMENT 12

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 9, line 19, following the first "grounds":

Insert "or a school bus"

Page 9, following line 25:

Insert a new paragraph to read:

"(7) a facility providing services to victims of domestic violence or sexual assault;"

Renumber the following paragraphs accordingly.

Failed

8-LS1471V.4 /
Luckhaupt
3/29/94

AMENDMENT 13

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 3, line 16:

Delete "21"

Insert "25"

failed

8-LS1471N.V.S
Luckhaupt
3/29/94

AMENDMENT 14

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 2, line 1, following "was a":

Insert "single"

Page 3, line 13, following "AS 18.65.715.":

Insert "Only one concealed handgun may be carried at any one time under a permit issued under this section."

Page 9, line 17, following "HANDGUN":

Insert "; POSSESSION OF MORE THAN ONE CONCEALED HANDGUN"

Page 9, following line 29:

Insert a new subsection to read:

"(b) A permittee may not carry more than one concealed handgun at a time."

Reletter the following subsection accordingly.

AMENDMENT 15

failed

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 6, line 1, following "minimum":

Insert "(1)"

Page 6, line 2:

Delete "(1)"

Insert "(A)"

Page 6, line 4:

Delete "(2)"

Insert "(B)"

Page 6, line 5, following "permit":

Insert "; and

(2) provide training in making decisions on when to use deadly force
and when not to use deadly force"

AMENDMENT 16

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 6, lines 6 - 7:

Delete "for the second time and every other renewal thereafter"

Page 6, line 27:

Delete "if required under AS 18.65.715,"

AMENDMENT 17

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 2, following line 28:

Insert a new paragraph to read:

"(6) submits proof of liability insurance as required under AS 18.65.718;"

Renumber the following paragraphs accordingly.

Page 6, following line 12:

Insert a new section to read:

"Sec. 18.65.718. MANDATORY LIABILITY INSURANCE. Before the issuance or renewal of a permit under AS 18.65.700 - 18.65.790, the applicant or permittee must provide to the department evidence that the applicant or permittee has obtained liability insurance in the amount of \$125,000. The insurance must insure the applicant or permittee against loss from the liability imposed by law for damages arising from the applicant's or permittee's carrying and use of the concealed handgun. The insurance required under this section must be maintained throughout the period that a permittee possesses a permit for the carrying of a concealed handgun."

Page 6, following line 29:

insert a new paragraph to read:

"(4) proof of liability insurance as required under AS 18.65.718;"

Renumber the following paragraphs accordingly.

Page 7, lines 23 - 24:

Delete "handgun or"

Insert "handgun,"

Page 7, line 24, following "AS 25.35.010 - 25.35.020":

Insert ", or fails to maintain liability insurance as required under AS 18.65.718"

Page 7, line 27, following "charged,":

Insert "the department has been notified that insurance required under AS 18.65.718 is in effect,"

Page 8, line 30, following "PERMIT":

Insert "; MAINTENANCE AND PROOF OF INSURANCE"

Page 9, following line 2:

Insert a new subsection to read:

"(b) A permittee shall maintain liability insurance as required under AS 18.65.718. A permittee shall carry proof of insurance at all times the permittee carries a concealed handgun. The permittee shall display the proof of insurance when asked to do so by a peace officer at any time."

Reletter the following subsections accordingly.

Page 9, line 12:

Delete "(a) or (b)"

Insert "(a), (b), or (c)"

Page 9, line 14:

Delete "(c)"

Insert "(d)"

AMENDMENT 18

no/oby

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 4, following line 17:

Insert a new paragraph to read:

"(11) is not ~~now and has not been~~ the subject of an injunction under AS 25.35.010 - 25.35.020 unless the injunction has been dissolved or has expired;"

Renumber the following paragraphs accordingly.

A M E N D M E N T 19

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

BY REPRESENTATIVE BROWN

Page 4, line 2:

Delete "18.65.760"

Insert "18.65.756, 18.65.758, 18.65.763"

Page 10, line 1:

Delete "Sec. 18.65.760"

Insert new material to read:

"Sec. 18.65.756. POSSESSION OF A CONCEALED HANDGUN WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.

(a) A person who is a holder of a permit issued under AS 18.65.700 - 18.65.790 commits the crime of carrying a concealed handgun while intoxicated if the person carries a concealed handgun

(1) while under the influence of intoxicating liquor, or any controlled substance;

(2) when, as determined by a chemical test taken within four hours after the alleged offense was committed, there is 0.0~~4~~³ percent or more by weight of alcohol in the person's blood or 40 milligrams or more of alcohol per 100 milliliters of blood, or when there is 0.0~~4~~³ grams or more of alcohol per 210 liters of the person's breath; or

(3) while the person is under the combined influence of intoxicating liquor and a controlled substance.

(b) Carrying a concealed handgun while intoxicated is a class A misdemeanor.

Upon conviction

(1) the court shall impose a minimum sentence of imprisonment of
(A) not less than 72 consecutive hours and a fine of not less

than \$250 if the person has not been previously convicted;

(B) not less than 20 days and a fine of not less than \$500 if the person has been previously convicted once;

(C) not less than 60 days and a fine of not less than \$1,000 if the person has been previously convicted twice;

(D) not less than 120 days and a fine of not less than \$2,000 if the person has been previously convicted three times;

(E) not less than 240 days and a fine of not less than \$3,000 if the person has been previously convicted four times;

(F) not less than 360 days and a fine of not less than \$4,000 if the person has been previously convicted more than four times;

(2) the court may not

(A) suspend execution of sentence or grant probation except on condition that the person serve the minimum imprisonment under (1) of this subsection;

(B) suspend imposition of sentence;

(3) the court shall revoke the person's permit to carry a concealed handgun, and may order the handgun that was carried in violation of this section to be forfeited under AS 18.65.761.

(c) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under this section shall supply the Alaska court system with the information regarding the condition and treatment of those persons as the supreme court may require by rule. Information compiled under this subsection is confidential and may only be used by a court in sentencing a person convicted under this section, or by an officer of the court in preparing a presentence report for the use of the court in sentencing a person convicted under this section.

(d) A person who is sentenced to imprisonment for 72 consecutive hours upon a first conviction under this section and who is not released from imprisonment after 72 hours may not bring an action against the state or a municipality or its agents, officers, or employees for damages resulting from the additional period of confinement if

(1) the employee or employees who released the person exercised due

care and, in releasing the person, followed the standard release procedures of the prison facility; and

(2) the additional period of confinement did not exceed 12 hours.

(e) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an agency authorized by the court to make referrals for rehabilitative treatment or to provide rehabilitative treatment.

(f) A program of inpatient treatment may be required by the authorized agency under (e) of this section only if authorized in the judgment, and may not exceed the maximum term of inpatient treatment specified in the judgment. A person who has been referred for inpatient treatment under this subsection may make a written request to the sentencing court asking the court to review the referral. The request for review shall be made within seven days of the agency's referral, and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(g) If a person fails to satisfy the requirements of an authorized agency under (f) of this section, the court

(1) may impose any portion of a suspended sentence;

(2) may punish the failure as contempt of the authority of the court under AS 09.50.010 or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's permit to carry a concealed handgun until the requirements are satisfied.

(h) Imprisonment required under (b)(1)(A) or (B) of this section shall be served at a community residential center or, if a community residential center is not available, at another appropriate place determined by the commissioner of corrections. The cost of imprisonment resulting from the sentence imposed under (b)(1) of this section shall be paid to the state by the person being sentenced provided, however, that the cost of imprisonment required to be paid under this subsection may not exceed \$1,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs

of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065. While at the community residential center or other appropriate place, a person sentenced under (b)(1)(A) of this section shall perform at least 24 hours of community service work and a person sentenced under (b)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(i) The commissioner of corrections shall determine and prescribe by regulation a uniform average cost of imprisonment for the purpose of determining the cost of imprisonment required to be paid under (h) of this section by a convicted person.

(j) In this section,

(1) "controlled substance" has the meaning given in AS 28.33.190;

(2) "previously convicted" means having been convicted in this or another jurisdiction, within 10 years preceding the date of the present offense, of any of the following offenses, or of another law or ordinance with substantially similar elements; however, convictions for any of these offenses, if arising out of a single transaction and a single arrest, are considered one previous conviction:

(A) carrying a concealed handgun in violation of this section;

or

(B) refusal to submit to a chemical test in violation of AS 18.65.758.

Sec. 18.65.757. IMPLIED CONSENT. (a) A person who is the holder of a permit issued under AS 18.65.700 - 18.65.790 and who carries a concealed handgun in this state shall be considered to have given consent to a chemical test or tests of the person's breath for the purpose of determining the alcoholic content of the person's blood or breath if lawfully arrested for an offense arising out of acts alleged to have been committed while the person was carrying the concealed handgun. The

test or tests shall be administered at the direction of a law enforcement officer who has reasonable grounds to believe that the person was carrying a concealed handgun while intoxicated.

(b) A person who is the holder of a permit issued under AS 18.65.700 - 18.65.790 and who carries a concealed handgun in this state shall be considered to have given consent to a preliminary breath test for the purpose of determining the alcoholic content of the person's blood or breath. A law enforcement officer may administer a preliminary breath test at the scene of an incident involving a concealed handgun if the officer has reasonable grounds to believe that a person's ability to use the handgun safely is impaired by the ingestion of alcoholic beverages and that the person

(1) was involved in a shooting incident involving a concealed handgun that the person was carrying;

(2) unlawfully used the handgun; in this paragraph, "unlawfully" means in violation of any federal, state, or municipal statute, regulation, or ordinance, except for violations that do not provide reason to believe that the operator's ability to use the handgun safely was impaired by the ingestion of alcoholic beverages; or

(3) possessed the handgun while committing a violation of AS 11 or AS 18.65.700 - 18.65.790.

(c) Before administering a preliminary breath test under (b) of this section, the officer shall advise the person that refusal may be used against the person in a civil or criminal action arising out of the incident and that refusal is an infraction. If the person refuses to submit to the test, the test may not be administered.

(d) The result of the test under (b) of this section may be used by the law enforcement officer to determine whether the driver or operator should be arrested.

(e) Refusal to submit to a preliminary breath test at the request of a law enforcement officer is an infraction that may be punished by a fine of not more than \$300.

(f) The preliminary breath test authorized by (b) of this section is in addition to any tests authorized under (a) of this section.

Sec. 18.65.758. REFUSAL TO SUBMIT TO CHEMICAL TEST. (a) If a person under arrest refuses the request of a law enforcement officer to submit to a

chemical test under AS 18.65.757(a) after being advised by the officer that the refusal will, if that person was the holder of a permit issued under AS 18.65.700 - 18.65.790 and was arrested while carrying a concealed handgun, result in the denial or revocation of the person's permit to carry a concealed handgun, that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while carrying a concealed handgun while intoxicated, and that the refusal is a crime, a chemical test may not be given, except as provided by AS 18.65.760.

(b) The refusal of a person to submit to a chemical test of breath under (a) of this section is admissible evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while carrying a concealed handgun while intoxicated.

(c) Refusal to submit to the chemical test of breath authorized by AS 18.65.757(a) is a class A misdemeanor.

(d) Upon conviction under this section,

(1) the court shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours and a fine of not less than \$250 if the person has not been previously convicted;

(B) not less than 20 days and a fine of not less than \$500 if the person has been previously convicted once;

(C) not less than 60 days and a fine of not less than \$1,000 if the person has been previously convicted twice;

(D) not less than 120 days and a fine of not less than \$2,000 if the person has been previously convicted three times;

(E) not less than 240 days and a fine of not less than \$3,000 if the person has been previously convicted four times;

(F) not less than 360 days and a fine of not less than \$4,000 if the person has been previously convicted more than four times;

(2) the court may not

(A) suspend execution of the sentence required by (1) of this subsection or grant probation, except on condition that the person serve the minimum imprisonment under (1) of this subsection; or

(B) suspend imposition of sentence;

(3) the court shall revoke the person's permit to carry a concealed handgun and may order the handgun that was carried during the refusal to submit to the chemical test to be forfeited under AS 18.65.761; and

(4) the sentence imposed by the court under this subsection shall run consecutively with any other sentence of imprisonment imposed on the person.

(e) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under (h) of this section shall supply the Alaska court system with the information regarding the condition and treatment of those persons as the supreme court may require by rule. Information compiled under this subsection is confidential and may only be used by a court in sentencing a person convicted under this section, or by an officer of the court in preparing a pre-sentence report for the use of the court in sentencing a person convicted under this section.

(f) A person who is sentenced to imprisonment for 72 consecutive hours under (d) of this section and who is not released from imprisonment after 72 hours may not bring an action against the state or a municipality or its agents, officers, or employees for damages resulting from the additional period of confinement if

(1) the employee or employees who released the person exercised due care and, in releasing the person, followed the standard release procedures of the prison facility; and

(2) the additional period of confinement did not exceed 12 hours.

(g) For purposes of this section, convictions for carrying a concealed handgun while intoxicated under AS 18.65.756 and for refusal to submit to a chemical test of breath under this section, if arising out of a single transaction and a single arrest, are considered one previous conviction.

(h) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an agency authorized by the court to make referrals for rehabilitative treatment or to provide rehabilitative treatment.

(i) A program of inpatient treatment may be required by the authorized agency under (h) of this section only if authorized in the judgment, and may not

exceed the maximum term of inpatient treatment specified in the judgment. A person who has been referred for inpatient treatment under this subsection may make a written request to the sentencing court asking the court to review the referral. The request for review shall be made within seven days of the agency's referral and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(j) If a person fails to satisfy the requirements of an authorized agency under (i) of this section, the court

(1) may impose any portion of a suspended sentence;

(2) may punish the failure as contempt of the authority of the court under AS 09.50.010 or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's permit to carry a concealed handgun until the requirements are satisfied.

(k) Imprisonment required under (d)(1)(A) or (B) of this section shall be served at a community residential center or, if a community residential center is not available, at another appropriate place determined by the commissioner of corrections. The cost of imprisonment resulting from the sentence imposed under (d)(1) of this section shall be paid to the state by the person being sentenced provided, however, that the cost of imprisonment required to be paid under this subsection may not exceed \$1,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065. While at the community residential center or other appropriate place, a person sentenced under (d)(1)(A) of this section shall perform at least 24 hours of community service work and a person sentenced under (d)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center,

residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(l) In this section,

(1) "cost of imprisonment" means the cost of imprisonment as determined under AS 18.65.756(i);

(2) "previously convicted" has the meaning given in AS 18.65.756.

Sec. 18.65.759. PRESUMPTIONS AND CHEMICAL ANALYSIS OF BREATH OR BLOOD. (a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person who is a holder of a permit issued under AS 18.65.700 - 18.65.790, while carrying a concealed handgun while intoxicated, the amount of alcohol in the person's blood or breath at the time alleged shall give rise to the following presumptions:

(1) if there was 0.01 percent or less by weight of alcohol in the person's blood, or 10 milligrams or less of alcohol per 100 milliliters of the person's blood, or 0.01 grams or less of alcohol per 210 liters of the person's breath, it shall be presumed that the person was not under the influence of intoxicating liquor;

(2) if there was in excess of 0.01 percent but less than 0.04 percent by weight of alcohol in the person's blood, or in excess of 10 but less than 40 milligrams of alcohol per 100 milliliters of the person's blood, or in excess of 0.01 grams but less than 0.04 grams of alcohol per 210 liters of the person's breath, that fact does not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but that fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor;

(3) if there was 0.04 percent or more by weight of alcohol in the person's blood, or 40 milligrams or more of alcohol per 100 milliliters of the person's blood, or 0.04 grams or more of alcohol per 210 liters of the person's breath, it shall be presumed that the person was under the influence of intoxicating liquor.

(b) For purposes of this chapter, percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 100 milliliters of blood.

(c) The provisions of (a) of this section may not be construed to limit the introduction of any other competent evidence bearing upon the question of whether

the person was or was not under the influence of intoxicating liquor.

(d) To be considered valid under the provisions of this section, the chemical analysis of the person's breath or blood shall have been performed according to methods approved by the department. The department is authorized to approve satisfactory techniques, methods, and standards of training necessary to ascertain the qualifications of individuals to conduct the analysis. If it is established at trial that a chemical analysis of breath or blood was performed according to approved methods by a person trained according to techniques, methods, and standards of training approved by the department, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

(e) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of the person's own choosing administer a chemical test in addition to the test administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer; the fact that the person under arrest sought to obtain such an additional test, and failed or was unable so to do, is likewise admissible in evidence.

(f) Upon the request of the person who submits to a chemical test at the request of a law enforcement officer, full information concerning the test, including the results of it, shall be made available to the person or the person's attorney.

Sec. 18.65.760. ADMINISTRATION OF CHEMICAL TESTS WITHOUT CONSENT. (a) If a person, who is the holder of a permit issued under AS 18.65.700 - 18.65.790, is under arrest for an offense arising out of acts alleged to have been committed while the person was carrying a concealed handgun while intoxicated, and that arrest results from an incident that causes death or physical injury to another person, a chemical test may be administered without the consent of the person arrested to determine the amount of alcohol in that person's breath or blood.

(b) A person who is unconscious or otherwise in a condition rendering that person incapable of refusal is considered not to have withdrawn the consent provided under AS 18.65.757(a) and a chemical test may be administered to determine the amount of alcohol in that person's breath or blood. A person who is unconscious or

otherwise incapable of refusal need not be placed under arrest before a chemical test may be administered.

(c) If a chemical test is administered to a person under (a) or (b) of this section, that person is not subject to the penalties for refusal to submit to a chemical test provided by AS 18.65.758.

Sec. 18.65.761. FORFEITURE OF HANDGUN. (a) After conviction of an offense under AS 18.65.756 or 18.65.758, the state may move the court to order the forfeiture of the handgun involved in the commission of the offense if the convicted person, was at the time of the offense the holder of a permit issued under AS 18.65.700 - 18.65.790, and has been previously convicted in this or another jurisdiction of more than one of the following offenses or has more than once been previously convicted of one of the following offenses:

- (1) carrying a concealed handgun while intoxicated under AS 18.65.756 or another law or ordinance with substantially similar elements; or
- (2) refusal to submit to a chemical test under AS 18.65.758 or another law or ordinance with substantially similar elements.

(b) For purposes of this section, convictions for both carrying a concealed handgun while intoxicated and for refusal to submit to a chemical test of breath under AS 18.65.757(a), if arising out of a single transaction and a single arrest, are considered one previous conviction.

(c) Upon receipt of a motion for forfeiture, the court shall schedule a hearing on the matter and shall notify the state and the convicted person of the time and place set for the hearing. At the hearing, the court may order the forfeiture of the handgun if the court, sitting without a jury, determines by a preponderance of the evidence that the forfeiture of the handgun will serve one or more of the following purposes:

- (1) deterrence of the convicted person from the commission of future offenses under AS 18.65.756;
- (2) protection of the safety and welfare of the public;
- (3) deterrence of other persons who are potential offenders under AS 18.65.756; or
- (4) expression of public condemnation of the serious or aggravated nature of the convicted person's conduct.

(d) Upon forfeiture of a handgun under this section, the court shall require the surrender of the person's permit to carry a concealed handgun. The permit shall be delivered to the department.

(e) A handgun forfeited under this section may be disposed of at the discretion of the department.

Sec. 18.65.763"

4.

HOUSE FINANCE COMMITTEE

MEETING OF 4/9/94
SUBJECT Am 19

MEMBER	YES	NO
HANLEY		<input checked="" type="checkbox"/>
HOFFMAN		
MARTIN		<input checked="" type="checkbox"/>
NAVARRE		
PARNELL		<input checked="" type="checkbox"/>
TERRIAULT		<input checked="" type="checkbox"/>
BROWN	<input checked="" type="checkbox"/>	
FOSTER		
GRUSSENDORF		<input checked="" type="checkbox"/>
MACLEAN		
LARSON		<input checked="" type="checkbox"/>
TOTAL	_____	_____

PASSED: _____

FAILED: _____

AMENDMENT

Brown 20 w/d

HB 351

PAGE 6
LINE 5

Following permit

Insert:

"By the placement of 10 out of 10 shots in a life-sized silhouette target at 3 yards, 7 yards, and 15 yards."

AMENDMENT
HB 351

Brown

21

w/d

PAGE 12

Following line 8

Insert new paragraph to read:

(5) "handgun" means a revolver or pistol with a barrel length of not more than 6 inches;

Renumber the following paragraphs accordingly.

AMENDMENT

Brown 22

Apot

HB 351

PAGE 4

FOLLOWING LINE 4

INSERT NEW PARAGRAPH TO READ:

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

Runumber the following paragraphs accordingly.

AMENDMENT 23

failed

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 351(JUD):

Page 10, line 20 after "PERMITTEES"

Delete "BY PEACE OFFICERS"

Page 10, line 23 after "are":

Delete "not"

Page 10, line 24 after "09.25.125":

Delete "and may only be used for law enforcement purposes"

AMENDMENT

24

failed

CSHB351 (JUD)

Page 9, line 28

Insert new paragraphs to read:

"(8) a public transportation vehicle including a bus, a train and a taxicab;

Renumber the following paragraphs accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 351(JUD)

Page 3, line 13, following "AS 18.65.715":

Insert "but may not specifically identify a handgun by make, model, or serial number"

Page 4, line 31, following "HANDGUN.":

Insert "(a)"

Page 5, following line 23:

Insert a new subsection to read:

"(b) As a part of an application under (a) of this section, the department may not inquire of an applicant as to any firearms owned by the applicant or as to any specifically identifying information, including make, model, or serial number, regarding a handgun with which the applicant has demonstrated competence under AS 18.65.715."

Page 6, following line 10:

Insert a new subsection to read:

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

Reletter the following subsection accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

BY REPRESENTATIVE JAMES

Page 4, lines 18 - 27:

Delete all material and insert:

"(11) is not now suffering, and has not suffered during the three years immediately preceding the application, impairment from alcohol; and"

Renumber the following paragraph accordingly."

Back-up

Alaska State Legislature



REPRESENTATIVE
JEANNETTE JAMES

P.O. Box 5662L
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-9006
House District 34

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
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House of Representatives

SPONSOR STATEMENT

HOUSE BILL NO. 351

"AN ACT RELATING TO THE ISSUANCE OF PERMITS FOR THE CARRYING OF A CONCEALED WEAPON."

This bill is intended to insure that honest, law-abiding persons who qualify under the provisions of this act are not denied their right to choose to carry concealed weapons and firearms.

In his State of the State address at the opening of this Legislative session, Governor Hickel said that Alaskans are fed up with crime. One of his solutions was to fund more law enforcement agents, which will help, but generally a peace officer will become involved only after a law has been broken. Additional peace officers will act as a deterrent to crime only where they are visibly present, and they can't be on every corner all the time.

Allowing concerned, law-abiding, qualified citizens to carry concealed weapons will be an effective deterrent to crime; if law-breakers know that their potential victims are likely to be armed, and no longer defenseless, crime will decrease.

As we endeavor to carry out the wishes of our constituents, it is extremely important to note that this bill has the very strong support of a great majority of Alaskans.

BEFORE THE HOUSE FINANCE COMMITTEE
(Thursday, April 7, 1994)

**To conceal,
or not to conceal,
that is the question . . .**

A White Paper Discussing House Bill 351
by
The Department of Law and the Department of Public Safety

copy on file

WHAT THE PROFESSIONALS SAY:

"From a private citizen's standpoint I can summarize by saying if I get into a 'fender bender' on an Anchorage street corner, I will not be carrying a gun when I step out of my car, and I would just as soon the other guy isn't either."

Lawrence J. Nelson (retired)
FBI Special Agent in Charge in Alaska (1982-86)
Letter to Senator Salo, February 18, 1994

"Study after study has shown that most victims of assaults and rape suffer their fate at the hands of someone they know. We are in far more danger of being harmed by a loved one than we ever are of being assaulted by a street criminal. How are more concealed weapons going to protect these innocent people from acquaintances and relatives?"

Duane S. Udland, Deputy Chief
Anchorage Police Department
Letter to Rep. Porter, February 28, 1994

"If I were a taxicab driver in Anchorage, and suddenly realized that every third or fourth person who got into my cab could be sitting behind me with a loaded .357 magnum hidden under their coat, I think I might find another line of work."

Richard L. Burton, Commissioner
Department of Public Safety

"I know what it's like to run for office and to go up against a one-issue group in an election campaign. But I also know what it's like to sleep with a clear conscience, knowing I haven't allowed myself to be bullied into voting for something I thought was wrong. I believe the 'silent majority' of voters has more respect for legislators who don't knuckle under to organized special interest groups."

C. E. Swackhammer, Deputy Commissioner
Department of Public Safety
Alaska House of Representatives (1986-90)

THREE REASONS WHY CONCEALED HANDGUNS ARE NOT NEEDED IN ALASKA

1. Gun laws in Alaska are already more permissive than in almost any other state.

You have a right in Alaska to carry guns openly, except in bars and schools. An editorial entitled "Tuck this weapons bill out of sight" in the Fairbanks Daily News Miner (February 2, 1994) said that carrying guns openly is safer than carrying concealed and a better way to discourage an attack.

Guns can legally be carried concealed in your home, on property surrounding your home, and when you are hunting, fishing, hiking or engaged in other outdoor activity where you need a gun for safety. This means that right now guns can legally be carried concealed anywhere in Alaska except in populated areas.

Just three years ago, a state law was passed to allow *defensive* weapons to be carried concealed. In your purse or coat pocket you can carry mace, or pepper spray (just like the State Troopers use) or electric stun-guns. *These defensive weapons will protect you from rape, robbery and assault; and they won't kill innocent bystanders.* And best of all, these defensive weapons can't be used to kill *you*. (According to a recent FBI study, one out of seven police officers killed in the line of duty is killed with his or her own weapon.)

The notion that everyone is safer if everyone is secretly armed has not worked in international relations, and it will not work in interpersonal relations. This bill will put more guns on the street, in grocery stores, on ballfields and basketball courts, and in and around bars and liquor stores. That's something Alaskans just don't need.

2. This bill won't make a dent in crime. Violent crime and burglary occurs most often in the home, where concealed handguns are already legal in Alaska.

Alaskans can keep and carry concealed firearms in their homes and on property around their homes, but that hasn't stopped crimes in the home. It hasn't stopped burglaries; it hasn't stopped thefts from residences; it hasn't stopped malicious destruction of property; *and it certainly has not stopped domestic violence.*

Even though they have weapons available that they can carry concealed in and around their homes, many women in Alaska live in terror of domestic violence. This bill will do nothing to decrease their fear. Indeed, *the bill will increase the fear that their ex-husband or boyfriend could show up at their door in the middle of the night, legally carrying a concealed handgun.* This bill is opposed by the Council on Domestic Violence and Sexual Assault and by women's groups all across Alaska.

The vast majority of all burglaries occur in homes. Over 5000 burglaries were reported in Alaska in 1992. Having guns in the home didn't stop these burglaries, and this bill won't change that.

Most thefts and vandalism also occur in and around homes -- over 20,000 times in Alaska in 1992. Having guns in the home, and having the ability to carry them openly or concealed on your own property, didn't stop these acts and this bill won't change that. *In fact, it is a crime in Alaska to use "deadly force" to protect your property from theft or vandalism.*

Don't be misled: *This will not prevent or deter the crimes that plague Alaska.* It won't stop drunk driving or drunk driving deaths; it won't stop child sexual abuse; it won't stop drug dealing.

Don't be misled: *Crime rates have not gone down* in states allowing concealed handguns. Violent crime in Florida has increased over 17% in the six-year period beginning in 1987 -- the year Florida enacted concealed weapons legislation. The increase in Pennsylvania has been over 12% since enacting concealed weapons legislation. In West Virginia the increase has been over 40%.

3. There is more to using a concealed handgun than not having a criminal record and being able to shoot straight.

these people would have

Merely because a person does not have a criminal record does not mean the person has the judgment to use a concealed weapon. Nearly half of all police officers killed in the line of duty are killed by persons who had no criminal record of any kind. The majority of persons convicted of felonies in Alaska have no prior felony record. Under HB 351, many of

been qualified to obtain a state-issued permit to

carry concealed firearms.

State trooper recruits undergo psychological evaluations, and must pass a polygraph examination. Then they take many hours of training not only in firearm *accuracy*, but also in developing the judgment when to shoot, and when *not* to shoot. Special training, sometimes known as "Shoot / Don't Shoot" courses, are mandatory; even then, state trooper graduates undergo months of field training with experienced officers before being allowed on their own. State trooper policies also cover the care, inspection and maintenance of firearms, and require using only commercially manufactured ammunition, rather than sometimes less reliable hand-made ammunition favored by many gun owners. The Alaska State Troopers do not permit their officers to fire warning shots, because of the danger that innocent persons will be injured. Similar requirements will not, however, apply to persons who have permits to carry concealed handguns.

In addition, the Department of Public Safety will not be able to weed out those persons with mental problems or drug addictions because the department does not have access to records of mental health and drug abuse programs. Those records are protected by state and federal confidentiality laws. (Testimony before the House Finance Committee on March 31, 1994.)

Having a permit to carry a concealed weapon is not like having a license to drive. Most licensed drivers spend hundreds of hours a year driving their cars, but most gun owners will spend only a few hours on a firing range. Most drivers know what it's like to react to unexpected situations while driving a car, but fortunately most gun owners have never had to deal with an emergency by using a handgun against another person.

12 AMENDMENTS NEEDED TO GIVE MINIMAL PROTECTION TO INNOCENT ALASKANS

Amendment No. 1: Applicants should be given permits only if there is an articulable threat to their safety, and then only as long as the threat remains.

Amendment No. 2: A person should be limited to carrying only one concealed handgun at a time.

Amendment No. 3: When people carry concealed weapons, more accidents are sure to happen. Guns will go off in purses, coat pockets and day-packs. Guns will be drawn in emotional and highly-charged situations. Concealed handguns

will be used while intoxicated. A person was injured when a firearm discharged at a gun show in Anchorage in October, 1993, which means that accidents happen even to skilled gun-handlers. Innocent people are going to be hurt. Even skilled drivers are required to have car insurance to protect innocent motorists and pedestrians, and mandatory liability insurance is needed for persons who carry concealed handguns. Police departments are insured; private security guards (not now allowed to carry concealed weapons) are required by law to be insured. People who carry concealed weapons should be insured.

Innocent victims should be protected with mandatory liability insurance -- just like mandatory auto insurance

Amendment No. 4: The bill should provide a mandatory jail term -- just like for DWI -- if a person carries a concealed handgun while intoxicated by alcohol or drugs. Current law has no standards for intoxication with guns. The bill should adopt a standard of 0.08% blood alcohol

content for the crime of carrying while intoxicated, or perhaps even 0.04%, which is the standard for highly dangerous commercial motor vehicles. Under this bill an intoxicated person with a gun can't be directed to blow into a breath testing machine like drunk drivers can. The police should be able to order an intoxicated person to blow into an Intoximeter, and if the person refuses he should be charged with the crime of refusal to take a breath test, just like drunk drivers. The drunk driving statutes in AS 28.35.030 -- 035 should be used as a model for punishing carrying of concealed handguns while intoxicated. The provisions in Title 28 for revocation and suspension of driver licenses should be used as a model for revoking concealed handgun permits.

Standards should be set for the level of intoxication that will be permitted for persons carrying concealed weapons, just like for drunk drivers

Amendment No. 5: The bill should place restrictions on unsafe firearms: guns without a trigger guard, guns without a safety, guns that are hard to control and inaccurate, or guns that have been damaged or tampered with.

Unsafe handguns should not be used at all, much less carried concealed

Guns are the most under-regulated dangerous product in America. There are far more federal standards governing the manufacture of toy teddy bears than governing firearms. Unlike firearms, however, teddy bears do not become more dangerous if they have been tampered with, modified or repaired incorrectly.

The applicant for a permit should be required to have a certified gun expert inspect all handguns that may be carried concealed, and the permit should be limited to carrying only those inspected handguns. The definition of "handgun" should specify that it is a firearm which is a pistol or revolver that cannot discharge more than one shot with a single pull of the trigger. A person should be prohibited from carrying a concealed handgun that is prohibited by regulations adopted by the Department of Public Safety, especially: (a) a derringer; (b) a miniature handgun; (c) a firearm without a trigger guard; (d) a firearm without a properly operating safety; (e) a firearm altered from original manufacturer specifications; and (f) a firearm that is otherwise unsafe due to damage, tampering, design, or other reason.

Amendment No. 6: Greater protection should be given to abused women who have tried to escape their abusers. Therefore women's shelters and safe houses, and their surrounding grounds, should be made truly safe by adding those locations to the list of places where concealed handguns cannot be carried.

HB 351 does not protect those who are most vulnerable to misuse of concealed weapons:

-abused women in safe homes

-store clerks

-taxicab drivers, bus drivers and passengers on public transportation

-tourists

Amendment No. 7: A person should not be allowed to carry a concealed handgun if a domestic violence restraining order has been issued against the person within three years.

Amendment No. 8: Greater protection should be given to store clerks, shoppers, and tourists, by adding stores and shopping malls to the list of places where concealed weapons cannot be carried. There is no legitimate reason to carry concealed handguns in grocery stores, gift shops, fast food restaurants, or other places of business.

Amendment No. 9: Greater protection should be given to bus drivers, taxi drivers, and fellow passengers, by adding these means of transportation to the list of places where concealed weapons cannot be carried. There is no legitimate reason to carry concealed weapons in city buses, trains and taxicabs.

Amendment No. 10: This bill should be amended to prevent a person from obtaining a permit to carry a concealed handgun when their past record demonstrates that they cannot be trusted because they:

-- have been convicted of an attempt or solicitation to commit a class C felony offense, such as attempted sexual abuse of a minor in the third degree;

-- have been convicted of a theft offense or other crimes of dishonesty, such as concealment of merchandise, fraudulent use of a credit card, third degree forgery, unsworn falsification, or removal of identification marks from a firearm (AS 11.46.260);

Many people with criminal records would be allowed to obtain a permit to carry a concealed weapon

-- have been convicted of a misdemeanor offense committed while in possession of a firearm or other deadly weapon, whether concealed or unconcealed.

Amendment No. 11: Under the bill, a juvenile armed robber who is kept in McLaughlin Youth Center until age 20 (the maximum allowable age) would be able to legally carry a concealed firearm within one year. The bill should be amended to disqualify a person who, within the previous ten years, has been adjudicated a juvenile delinquent for any felony offense.

Amendment No. 12: The bill should be amended to include a "sunset" clause so that it does not continue in force for more than two years without further legislative action and an assessment of its impact on Alaska.

FAIRBANKS

Daily News - Miner

"Independent in All Things . . . Neutral in None"

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Editorial Page Editor

Tuck this weapons bill out of sight

The daily reports of violence in Alaska and across the country elicit two understandable yet opposing reactions in people—we want to ban or reduce access to guns, but we also want to carry them to protect ourselves.

Following their self-protection impulses, several state legislators have introduced a bill that would make it legal in Alaska to carry firearms hidden in jackets or purses.

Such a measure seems to offer little additional protection while increasing danger to our police and citizens.

The saying "information is power" expresses the ultimate truth when deadly weapons are involved. Citizens should be given every opportunity to have information about the relative danger they face from people with whom they are interacting—whether they are talking, laughing, arguing or fighting. Permitting concealed weapons dilutes the safety of everyone because it hides information critical to their ability to make good decisions. Such information is particularly important for our police, who deal with emotionally touchy situations every day.

The bill, HB 351, would create an extensive screening process for anyone asking for a concealed weapon permit. Applicants would need to pass a firearms safety course. They would be fingerprinted and photographed. No felons need apply.

Such restrictions would discourage most questionable people. But consider that young people, who commit most of our violent crimes, could obtain a permit upon turning 21 years old if they have a relatively clean record. Every felon has a first, and if that first has not occurred before the person applies for a concealed weapon permit, that person will likely receive it.

If a person really wants to feel safer, wearing a gun in some visible manner probably offers a better way to discourage an attack. It won't make any fashion points, but, if people truly have reason to worry, good sense should override their concern about a tally on the social scoreboard.

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REBUTTAL TO LAW ENFORCEMENT WHITE PAPER 4/8/94

"What the professionals say"

- * Firearm prohibitionists in Florida made the exact same claims that "fender benders" would turn into shoot-outs. In fact, since 1987 when the Florida law was adopted, only 17 out of 126,249 licensees (1/100 of 1%) have had their licenses revoked because they criminally misused a firearm.
- * Violent crimes between people who know each other are not generally between "loved ones." They are between acquaintances such as prostitutes and their pimps, drug dealers and their competitors, and family members with criminal records.
- * The first use of a firearm by a Floridian licensed to carry a firearm was a justifiable homicide by a taxicab driver protecting his business and life. If I were a criminal in Anchorage, and suddenly realized that every cabdriver could have a loaded .357 Magnum hidden under his coat, I think I might find another line of "work."
- * The volume of public opinion messages indicates the majority is not silent.

"Gun laws in Alaska more permissive"

- * What do the *Fairbanks Daily News Miner* editors know about the safest manner to carry guns? Is carrying a purse openly a better way to discourage purse snatching than carrying it concealed? Open carry gives criminals a strategic advantage in an attack as they would know when a potential victim was likely to be armed.
- * In 1966, the City of Orlando, Florida, experienced a near tripling of the rape rate. Orlando police organized a handgun training program for women and issued permits to carry. In the following year, Orlando's rape rate dropped 88% while Florida's rape rate, and that of the U.S., remained constant.

"This bill won't make a dent in crime"

- * Virtually every state which has recently enacted concealed carry laws has seen a decrease in murder rates. Further, the violent crime rates of states with favorable concealed carry laws are generally lower than the U.S. total and much lower than states with restrictive laws such as is currently in existence in Alaska.
- * Twenty-two people were killed in a restaurant in Killeen, Texas, in 1992 because of a delayed police response and the lack of a concealed carry law. One woman in the restaurant, a doctor, was unable to prevent the death of her parents because she complied with the Texas law prohibiting concealed carry and left her handgun 100 feet away locked in her car.
- * If this bill saves one life, it will have been worth it!

"There is more to using a concealed handgun"

- * There is no more to using a concealed handgun than to using one carried openly. Fender benders don't turn into shoot-outs now and, as Florida experienced, they won't after this bill is passed. There is no reason why a person who wants to carry concealed should have to pay more fees and endure more government bureaucracy than a person who wants to carry openly under current law.
- * Law-abiding civilians use firearms to shoot criminals much more often than police officers. In fact, studies have indicated that law-abiding gun owners use firearms to thwart crime well over a million times each year, generally without a shot being fired.
- * Despite intense training, law enforcement officers' shootings at criminals result in the wrong person being shot five times more often than similar civilian shootings (2% for civilians, 11% for police officers). This could be due to the fact that, although they probably spend less time shooting than driving, in general, civilians spend more time at the range on an ongoing basis than law enforcement officers.
- * It is not the responsibility of law enforcement to protect the individual. Please pass HB351 and empower law-abiding citizens to choose how they will provide their own means of self-protection.

"How wonderful the day will be when 'the lamb will lay down with the lion' and there will be no more war, violence, or pain, and 'God shall wipe away all tears.'

"Unfortunately, that day is still beyond the horizon, and we must cope with the world we've got.

"How sad it is to live in a society where anarchy, violence, and consciousless crime has reached such levels that I, Howard Ruff, pacifist and nonviolent by nature and a believing Christian, now believe we might possibly be better off if everyone had a gun."

Howard Ruff, The Ruff Times

Violent Crime Rates, 1992: States With Most Favorable CCW Laws vs. Restrictive States

State	Violent Crime Rate	Homicide Rate	Robbery Rate	Assault Rate
U.S. Total	757.5	9.3	263.6	441.8
Favorable				
Alabama	871.7	11.0	164.9	654.8
Conn.	495.3	5.1	210.9	262.6
Florida	1207.2	9.0	266.9	777.2
Georgia	733.2	11.0	249.8	427.1
Idaho	281.4	3.5	21.5	224.7
Indiana	608.3	8.0	122.2	335.7
Maine	130.9	1.7	23.3	82.0
Mass.	411.7	12.2	124.5	239.4
Montana	189.9	2.9	26.9	114.8
New Hamp.	125.7	1.6	33.0	52.9
N. Dakota	83.3	1.9	7.9	50.3
Oregon	510.2	4.7	151.4	301.1
Pa. - Phila.	1189.0	28.5	728.4	385.4
S. Dakota	184.5	0.9	16.9	125.3
Utah	290.5	3.0	66.9	188.2
Vermont	109.5	2.1	8.9	73.5
Washington	534.5	5.0	139.8	317.3
Total	710.8	8.1	216.3	439.2
Restrictive				
Alaska	660.6	7.6	109.0	445.3
Arizona	670.8	8.1	163.1	468.8
Arkansas	676.5	10.8	125.5	399.0
California	1119.7	12.7	424.1	841.8
Colorado	679.8	6.2	120.5	404.9
Delaware	621.2	4.8	151.2	379.5
D.C.	2832.8	75.2	1266.4	1454.7
Hawaii	258.4	3.6	99.2	111.7
Illinois	977.3	11.4	412.5	518.4
Iowa	278.0	1.6	39.8	218.1
Kansas	510.8	6.0	129.9	333.7
Kentucky	535.5	5.8	87.2	410.1
Louisiana	984.6	17.4	271.4	633.4
Maryland	1000.1	12.1	429.0	612.8
Mass.	779.0	3.8	184.4	533.0
Michigan	770.1	8.9	221.5	458.0
Minnesota	338.0	3.3	109.5	184.1
Missouri	740.4	10.5	226.9	466.6
Nebraska	348.8	4.2	66.7	258.2
Nevada	696.8	10.9	331.3	291.8
New Jersey	616.8	6.1	286.2	304.8
New Mexico	934.9	8.9	139.3	724.1
New York	1122.1	13.2	596.9	483.5
N. Carolina	681.0	10.6	186.8	447.7
Oklahoma	622.8	0.6	136.2	431.8
Ohio	625.9	6.6	189.0	268.2
Phila., Pa.	309.5	3.1	96.3	185.7
Rhode Is.	394.5	3.6	94.5	285.5
S. Carolina	944.5	10.4	170.8	708.0
Tennessee	748.2	10.4	218.2	470.3
Texas	806.3	12.7	252.5	487.7
Virginia	374.9	8.8	137.8	198.8
W. Virginia	211.5	6.3	43.5	140.0
Wisconsin	275.7	4.4	119.8	125.3
Wyoming	319.5	3.6	18.0	282.9
Total	769.9	9.6	276.2	442.6
Amt. Higher Restrictive	8.3%	18.3%	27.7%	0.8%

Source: FBI Uniform Crime Reports

State & D.C. Violent Crime: Rates and Nat'l Rank in 1991

	Violent Crime	Homicide	Rape	Robbery	Aggravated Assault
1	D.C. 2453.3	D.C. 80.6	Alaska 91.3	D.C. 1215.6	D.C. 1121.4
2	Fla. 1184.3	La. 16.9	Del. 86.5	N.Y. 622.1	S.C. 731.2
3	N.Y. 1163.9	Tex. 15.3	Mich. 78.7	Ill. 456.1	Fla. 723.4
4	Calif. 1089.9	N.Y. 14.2	Wash. 70.3	Calif. 411.3	N.M. 651.6
5	Ill. 1039.2	Ga., Miss. 12.8	Nov. 66.0	Md. 407.1	Ala. 644.4
6	S.C. 972.5	Ho. above	S.C. 58.9	Fla. 399.8	Calif. 623.5
7	Md. 956.2	Calif. 12.7	Orn., Tex. 53.4	Nev. 312.5	La. 614.3
8	La. 951.8	Nev. 11.8	Ho. above	N.J. 293.1	Ill. 531.8
9	Ala. 844.2	Md. 11.7	Ohio 52.5	Tex. 286.5	Mass. 505.2
10	Tex. 840.1	Ala. 11.5	N.M. 52.4	La. 278.9	N.Y. 499.4
11	N.M. 834.8	N.C. 11.4	Fla. 51.7	Ga. 268.2	Id. 491.5
12	Mich. 803.1	Ill., S.C. 11.3	Okla. 50.9	Mo. 251.1	Tex. 484.9
13	Mo. 763.0	Ho. above	Colo. 47.0	Mich. 243.3	Mich. 470.3
14	Ga. 738.2	Ark. 11.1	Tenn. 46.4	Conn. 224.4	Mo. 467.4
15	Mass. 736.1	Tenn. 11.0	Miss. 46.3	Ohio 215.2	Tenn. 455.6
16	Tenn. 725.9	Mich. 10.8	Md. 45.9	Del. 214.7	Ariz. 454.8
17	Del. 714.3	N.M., Mo. 10.5	Utah 45.6	Tenn. 212.9	N.C. 434.4
18	Nev. 677.0	Ho. above	Kan. 44.8	Mass. 194.6	Ga. 415.0
19	Ariz. 670.7	Fla. 9.4	Ark. 44.6	Pa. 193.9	Del. 407.6
20	N.C. 658.4	Va. 9.3	Ariz., Calif. 42.4	N.C. 178.0	Ark. 401.9
21	N.J. 634.8	Ariz. 7.8	Ho. above	S.C. 171.1	Alaska 401.6
22	Alaska 613.9	Ind. 7.5	Ga. 42.3	Ariz. 165.7	Colo. 398.9
23	Ark. 593.3	Alaska 7.4	Ind. 41.3	Ala. 152.8	Okla. 396.7
24	Okla. 583.7	Ohio, Okla. 7.2	La. 40.9	Orn. 150.1	Ind. 340.5
25	Ohio 561.8	Ho. above	Ill. 40.0	Wash. 145.5	Ky. 312.7
26	Colo. 559.3	Ky. 6.8	Minn. 39.8	Kan. 138.4	Kan. 310.3
27	Conn. 539.7	Pa. 6.3	S.D. 39.7	Va. 137.6	N.J. 307.3
28	Wash. 522.6	W. Va. 6.2	D.C. 35.8	Ark. 135.6	R.I. 304.5
29	Orn. 586.3	Kan. 6.1	Ala. 35.6	Okla. 128.9	Wash. 302.5
30	Ind. 505.3	Colo. 5.9	Ky. 35.4	R.I. 122.9	Orn. 298.2
31	Kan. 499.6	Conn. 5.7	N.C. 34.6	N.M. 120.3	Ohio 287.0
32	R.I. 462.0	Del. 5.4	Mo. 34.0	Wis. 119.0	Nev. 286.7
33	Pa. 450.0	N.J. 5.2	Ha. 33.0	Miss. 116.3	Conn. 280.5
34	Ky. 438.0	Wis. 4.8	Mass. 32.1	Ind. 116.0	Wyo. 285.9
35	Miss. 389.1	Orn. 4.6	R.I. 30.9	Alaska 113.2	Neb. 249.2
36	Va. 373.2	Mass., Wash. 4.2	Vt. 30.5	Colo. 107.4	Id. 238.9
37	Neb. 334.6	Ho. above	N.H., Va. 29.9	Minn. 98.0	Iowa 235.4
38	N.M. 316.0	Ha. 4.0	Ho. above	Ha. 86.9	Pa. 221.1
39	Wyo. 310.2	R. I. 3.7	Conn. 29.2	Ky. 83.1	Miss. 213.7
40	Iowa 303.3	N.H. 3.6	N.J. 29.1	Utah 55.1	Va. 196.4
41	Id. 290.3	Neb., Wyo. 3.3	Id. 28.9	Neb. 54.0	Utah 183.1
42	Utah 286.8	Ho. above	Pa. 28.7	Iowa 45.0	Minn. 175.3
43	Wis. 277.0	Minn. 3.0	N.Y. 28.2	W. Va. 43.3	Wis. 127.7
44	Ha. 241.8	Utah 2.9	Neb. 28.1	N.H. 33.0	W. Va. 118.5
45	W. Va. 191.0	Mont. 2.6	Wyo. 25.9	Me. 22.7	Ha. 117.9
46	S.D. 182.2	Vt. 2.1	Wis. 25.4	Ida. 20.7	S.D. 122.0
47	Mont. 139.9	Iowa 2.0	W. Va. 23.0	S.D. 18.8	Mont. 98.9
48	Me. 132.1	Id. 1.8	Me. 21.9	Mont. 18.6	Me. 86.3
49	N.H. 119.3	S.D. 1.7	Iowa 20.9	Wyo. 17.2	Vt. 72.3
50	Vt. 116.8	Me. 1.2	Mont. 19.8	Vt. 11.8	N.H. 52.8
51	N.D. 65.4	N.D. 1.1	N.D. 18.3	N.D. 8.0	N.D. 38.0

F.B.I. UNIFORM CRIME REPORT
Incidence of Rape in Alaska

Year	Natl. Rank*	Rate/100,000
1992	1st	98.6
1991	1st	91.8
1990	3rd	72.9
1989	5th	52.9
1988	4th	57.7
1987	3rd	65.0
1986	1st	72.7
1985	1st	77.2
1984	1st	91.6
1983	1st	101.5
1982	1st	85.4
1981	1st	102.2
1980	2nd	62.5
1979	1st	71.9
1978	1st	55.6
1977	1st	51.6
1976	2nd	46.9
1975	1st	44.6
1974	1st	49.3
1973	2nd	44.5
1972	1st	41.8
1971	1st	43.5
1970	5th	26.1
1969	3rd	29.4
1968	6th	21.7
1967	6th	17.6
1966	3rd	19.5
1965	5th	17.8
1964	1st	22.4
1963	3rd	14.9
1962	2nd	18.7

* National ranking among the 50 states.

STATES WHICH HAVE LICENSES TO
CARRY CONCEALED WEAPONS
Compiled 1990

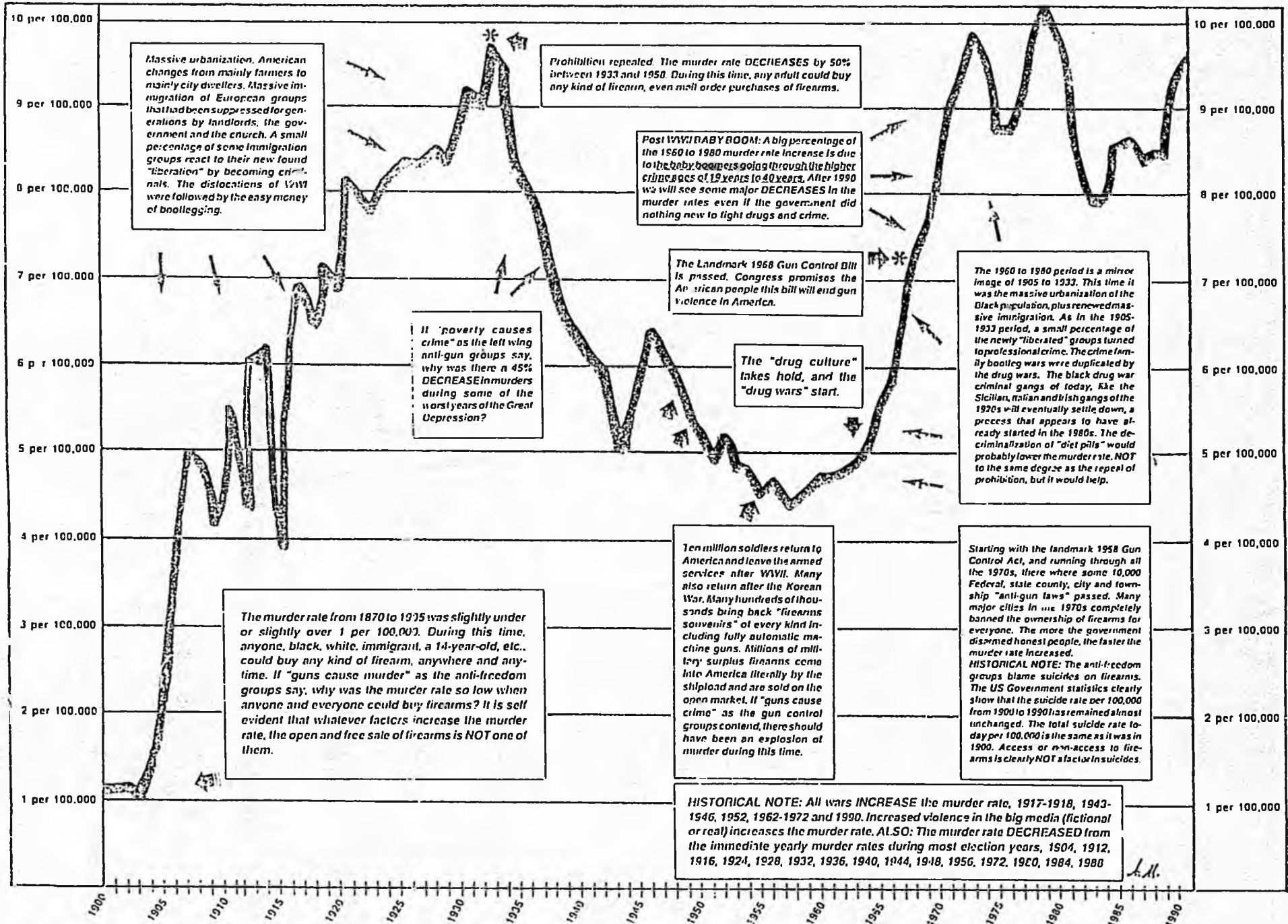
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Virginia
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per 100,000 Population 1900 to 1991

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Sources: Historical Statistics of the United States;
 Statistical Abstract of the United States



Are We 'a Nation of Cowards'?

JEFFREY SNYDER'S TIMING IS EITHER PERFECT OR PERFECTLY awful. Just as there seems to be a coalescing consensus that the keys to controlling violent crime are more police and fewer guns, along comes Snyder to trouble the conscience of anyone who thinks so. In his essay "A Nation of Cowards" in *The Public Interest* quarterly, he argues, with a potent blend of philosophy and fact, as follows:

"Crime is rampant because the law-abiding, each of us, condone it, excuse it, permit it, submit to it. We permit and encourage it because we do not fight back immediately, then and there, where it happens... The defect is there, in our character. We are a nation of cowards and shirkers."

Strong words, those, but not stronger than his argument, the gravamen of which is that the crime problem cannot be addressed without confronting the moral responsibility of the intended victim. Taking responsibility for one's life, family and community requires fighting back when threatened with violence. How? By possessing and mastering the means of resistance. He means an "equalizer"—a handgun. A responsible citizen, he says, "will be trained in the use of his weapon, and will defend himself when faced with lethal violence."

Before examining his argument for an armed citizenry, consider the freshest evidence of the nation's quickened concern about crime.

On Election Day voters in liberal Washington state gave emphatic (76 percent) approval to the "three strikes and you're out" initiative which mandates life imprisonment without parole for people convicted of three major felonies. California, although taxophobic, nevertheless voted to make permanent an existing tax to provide \$1.5 billion for public safety—more police and firemen. (Arson has made fire a facet of California's anxiety about crime.) Fiscally conservative Texas endorsed a \$1 billion bond issue to build more prisons and mental health facilities.

The day after the elections the House of Representatives, with a familiar mixture of posturing and false advertising, passed yet another crime bill, this one purporting to subsidize the hiring of 50,000 police officers. It probably would fund fewer. The Senate promptly pumped up the money. For 40 years Congress has passed a crime bill in every two-year session, except the last one. The criminal class has not been impressed.

The day after the elections the president held a ceremony to push the bill that would require a five-day waiting period for the purchase of a gun. The attention given to this "Brady bill" seems disproportionate, given that 93 percent of the guns obtained by violent criminals are not obtained through lawful transactions that are the focus of most gun control legislation.

More interesting, the day after the elections Sen. Pat Moynihan proposed whopping tax increases on various kinds of handgun ammunition. He even favors a 10,000 percent tax on the Winchester 9-mm hollow-tipped Black Talon cartridge. ("Penetrates soft tissue like a throwing star—very nasty," boasts an advertisement.) That tax would make 20 cartridges cost about \$1,500. In large

portions of Moynihan's New York City people are slain by stray—that's right, stray—bullets. Moynihan says: Guns do not kill people, bullets do. We have a 200-year supply of guns and a four-year supply of ammunition, so concentrate on the latter.

Snyder, an attorney in Washington, where the mayor begs for military help against crime, demurs, comprehensively. America, he says, is wrongly called an "armed society." He thinks we would be better off if it were.



EXAMINING THE ARGUMENT FOR AN ARMED CITIZENRY

More of the guns owned by law-abiding citizens are kept at home, but 57 percent of violent crimes occur outside the home. The constantly armed portion of the community consists primarily of the police and violent criminals. Multiplying the former cannot make us safe from the latter.

Self-respect: It is, says Snyder, foolish and craven to expect police to perform as personal bodyguards. The existence of police does not relieve individuals of all responsibility for self-protection. That judgment has both prudential and moral dimensions. Gun owners like to say, "Call for a cop, call for an ambulance and call for a pizza. See which comes first." The Department of Justice reports that in 1991, for all crimes of violence, only 28 percent of calls to the police were responded to within five minutes. And it is now more likely that an American will be injured by violent crime than that he will be injured in an auto accident.

Feminists, says Snyder, rightly insist that rape is not about sex but about domination. What is at issue in crime is not just property but dignity. Crime, he says, always violates the victim's dignity, which can hardly be said to exist if the victim does not deem it worth fighting for. Crime is "an act of enslavement" and a personal readiness to resist it should be regarded as a prerequisite of self-respect, properly understood. He notes that "self-respect," which implies standards by which one judges oneself, has been supplanted in public discourse by the locution "self-esteem," which simply means having warm feelings about oneself. Repeating the snibboletts of the gun control movement makes many people feel good about themselves. Snyder's argument should disturb their peace.

Much gun control advocacy is directed against normal citizens, who are depicted as at best benighted and at worst barbaric. Gun owners are routinely characterized as uneducated, intolerant, possibly paranoid rednecks—people urgently in need of re-education and "consciousness-raising" from the liberal agenda. In Mario Cuomo's depiction, gun owners are "hunters who drink beer, don't vote and lie to their wives about where they were all weekend." (Cuomo quickly recanted this. Gun owners do vote.) Actually, the gun-owning population is pretty much like the general population because approximately one of every two households has a gun.

Now, Snyder is right that the gun control movement often radiates distrust of average citizens, whose supposed mental and moral deficiencies are such that "only lack of immediate access to guns prevents the blood from flowing in the streets." Nevertheless, it is reasonable to wonder whether a nation whose citizens cannot

(Continued on page 93)

(Continued from page 94)

program their VCRs and who increasingly will not respect stop-lights (surely you have noticed the increasing lawlessness of drivers) is a nation whose citizens are insufficiently dexterous and too aggressive to be safely armed.

Snyder says the idea that only the police are qualified to use firearms is akin to saying that "only concert pianists may play the piano and only professional athletes may play sports." The flaw in Snyder's analogy is that if you play the piano unskillfully, you neither kill nor wound anyone. However, Snyder has evidence more powerful than his analogy.

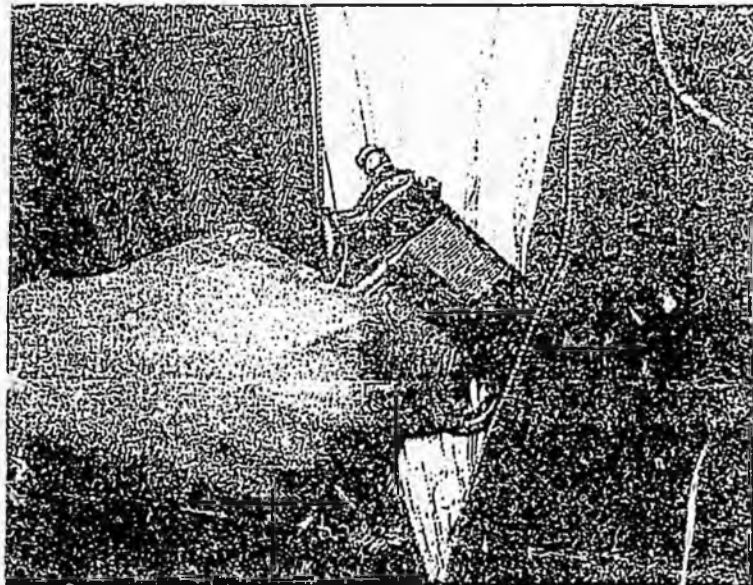
In 13 states citizens who wish to carry arms may do so, having met certain requirements. Consider Florida, which in 1987 enacted a concealed-carry law guaranteeing a gun permit to any resident who is at least 21, has no record of crime, mental illness or drug or alcohol abuse, and who has completed a firearms safety course. Florida's homicide rate fell following the enactment of this law, as did the rate in Oregon after the enactment of a similar law. Through June 1993, there had been 160,823 permits issued in Florida. Only 530, or 0.33 percent, of the applicants have been denied permits. This indicates that the law is serving the law abiding. Only 16 permits, less than 1/100th of 1 percent, have been rescinded because of the commission, after issuance, of a crime involving a firearm.

Ninety percent of violent crimes are committed by persons not carrying handguns. This is one reason why the mere brandishing of a gun by a potential victim of violence often is a sufficient response to a would-be attacker. In most cases where a gun is used in self-defense,

it is not fired. Can the average citizen be trusted to judge accurately when he or she is in jeopardy? Snyder answers that: "rape, robbery and attempted murder are not typically actions rife with ambiguity or subtlety." Furthermore:

"Florida State University criminologist Cary Kleck, using surveys and other data, has determined that armed citizens defend their lives or property with firearms against criminals approximately 1 million times a year. In 98 percent of these instances, the citizen merely brandishes the weapon or fires a warning shot. Only in 2 percent of the cases do citizens actually shoot their assailants. In defending themselves with their firearms, armed citizens kill 2,000 to 3,000 criminals each year, three times the number killed by the police. A nationwide study by Don Kates, the constitutional lawyer and criminologist, found that only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The 'error rate' for the police, however, was 11 percent, more than five times as high."

Concerning what we may call "the running of red lights syndrome" in contemporary America, I put the point to Snyder and he fired back a fax:



JON LEVY—GAMMA-LIAISON

Equalizer: Is this a citizen taking his responsibility seriously?

**'CRIME IS
RAMPANT
BECAUSE THE
LAW-ABIDING
SUBMIT TO IT'**

"Regarding your observation about our society's general level of aggressiveness and disregard for rules, you may wish to consider Robert Heinlein's famous dictum that 'An armed society is a polite society.' Knowing that one's fellow citizens are armed, greater care is naturally taken not to give offense. The proposition is, of course, difficult to prove, but you can find some support for it in English literature. Observe the polite formality with which strangers address each other in *inn* in, for example, Fielding's 'Tom Jones' or (with comedic exaggeration) in Dickens's 'Pickwick Papers.' While no doubt attributable in part to England's class structure and the education received by the aristocracy, I would hesitate to say that it had nothing to do with the fact that gentlemen generally were armed."

Or as is famously said in American literature, by the hero of Owen Wister's "The Virginian," "When you call me that, smile!" Such was politeness in the armed society of 19th-century Wyoming.

Finally, there is the matter of the Second Amendment. This Republic's Founders constitutionalized, which means they made

fundamental, the right to possess firearms, and they did not do so unreflectively. They placed that right second in the Bill of Rights, yielding precedence only to rights pertaining to speech, worship and association, and they did that for philosophically serious reasons. The philosophy of classical republicanism recognizes a crucial relationship between personal liberty and possession of arms by a people prepared to use them. Snyder believes that the Second Amendment is as much a product of this philosophy as of the Revolutionary War experience or the exigencies of frontier life: "To own firearms is to affirm that freedom is not a gift from government . . . As the

Founding Fathers knew well, a government that does not trust its honest, law-abiding, taxpaying citizens with the means of self-defense is not itself worthy of trust."

Yes, and yet . . . no society can be called successful where violence is so prevalent and random that lawful citizens must go about prepared to dispense violence in self-defense. No one wants to live, raise children and grow old in such a society. But government is constituted to provide, first and foremost,

domestic tranquility sufficient to make unnecessary the sort of personal measures that Snyder recommends. If such measures are becoming necessary, do not blame Snyder.

Snyder writes that "the association of personal disarmament with civilized behavior is one of the great unexamined beliefs of our time." Not anymore it isn't. His searching examination of it may not compel your assent—I remain unpersuaded—but it must shake some soothing assumptions regarding crime and civic responsibilities. I am among those whom Snyder faults, civilly but firmly, for insufficient rigor in reasoning about these matters. I find being reproved by him a bracing experience because it enlarges my understanding while subtracting from my certainties. I salute him and thank him.

THE RIGHT TO KEEP AND BEAR ARMS

PRO-GUN LAWS— THEY WORK!

Now that the law-abiding citizens of several states legally have the right to defend themselves, even anti-gun officials have admitted that they are safer states to live in than before the passage of a concealed weapons carry law.

A 33-year-old Miami cab driver was among the first to apply for and receive a concealed weapons license under the new concealed weapons licensing reform law that went into effect in Florida on October 1, 1987.

A few short months after receiving his license, Miami police reported that on March 5, 1988, he became the first license holder to be involved in a shooting.

Forced to defend himself, the driver shot and killed a robber who pointed a firearm at him, demanded money, then after taking the money told the moonlighting cab driver he was going to kill him.

The robber, a 29-year-old ex-convict with a history of attempting to kill police officers, tried to fire a Smith & Wesson 9mm semi-automatic handgun at the cabby at point-blank range. But he had forgotten to disengage the safety. In those few split seconds when the robber was distracted the cab driver pulled and fired his own gun—a Colt .45-caliber semi-automatic handgun—mortally wounding the attacker. Pronounced

"The bottom line is that Florida is a safer place to live because of the law...."

dead at the hospital, the robber still had the cabby's wallet in his pocket.

The ex-convict's past included arrests for armed robbery, gun violations and attempted first-degree murder of a police officer. In 1981, he shot out the windshield of a Hialeah patrol car, which then crashed. He also shot at Miami Spring police during a chase. He was sentenced to 12 years in prison, but seven years later he was on the street pulling the trigger on a law-abiding cab driver.

By Marion P. Hammer

The criminal justice system failed to protect the cabby by not keeping this violent criminal in prison to serve out his time. But Florida's new concealed weapons licensing law made it possible for him to protect his own life. As reported in a newspaper following



Marion P. Hammer has served as executive director for Unified Sportsmen of Florida for the past 12 years and is also a member of the NRA Board of Directors.

the incident, the cab driver "used the weapon correctly to defend himself. Without the law in effect, he would be a dead man this morning."

While this incident was reported to be the first involving a concealed carry permit holder, it has not been the last justifiable self-defense shooting involving law-abiding license holders. No one likes to see headlines filled with bloodshed, but all sane and reasonable Americans must surely applaud when a terrible crime is thwarted and an innocent citizen saved. In this case a quiet, hard-working and honest cab driver prevented his own death at the

hands of a criminal with a history of brutal violence.

The Miami police sergeant on the scene told reporters that the incident "sends a message to the rest of the robbers out there." I think the incident also sent a message to those who worked against the passage of the

"The issue is, and has always been, one of the right of self-defense."

concealed carry reform law.

The media have always been quick to report the emotional, inflammatory hysterics of the anti-gunners any time the subject of firearms emerges, and slow to report positive results of firearms ownership. During the fight for passage of the licensing reform legislation, it was commonplace to read and hear a steady media drumbeat about Dodge City, frontier-style justice, the O.K. Corral for guns, an invitation to a Wild West mentality, blood on the hands of those who vote for passage, etc. Some editorials, like the *Suntattler's*, got a little more creative, declaring: "...a state law that welcomes virtually everyone to pack a rod would increase lawlessness—and death. Forget that a pistol-packing citizenry will mean Itchier trigger fingers...Forget that South Florida's climate of smoldering fear would flash like napalm when every stranger totes a piece, and every mental snap in traffic could lead to the crack of gunfire."

Now, four years after implementing the concealed carry reforms in Florida, the critics and doomsayers have been forced to recant their hysterical predictions. They have been forced to abandon the parade of horrors they contrived in the heat of debate.

Those of us who labored for seven

years to reform the nightmarish patchwork of concealed weapons ordinances found in Florida's counties are proud to point to its record of success. The new concealed carry permit law is working well.

Before passage of the reform law, our hodgepodge of laws either disregarded the Constitution's Second Amendment, were interpreted locally or were left up to bureaucratic whim. There was no uniform procedure in Florida's 67 counties and citizens were subject to varying criteria depending upon where they lived.

Now this very basic right no longer vacillates according to local politics or the authority of a powerful few. We now have a state agency that handles applications and issues licenses based on statewide statutory criteria, and the license is valid statewide—not just in a particular county as in the past.

A year after the law took effect, Willis Booth, executive director of the Florida Chiefs Association, told the press, "The minute the bill was passed, we asked our chiefs in the state to be particularly alert for any cases in their jurisdiction that would give us knowledge of the fact that there was some abuse. At this point, it would appear the law is working very well. There are no horror stories that can be attributed to the passage of the law."

John Fuller, general counsel for the Florida Sheriff's Association, agreed. "I haven't seen where we have had any instance of persons with permits causing violent crimes, and I'm constantly on the lookout," he said.

A Florida Department of Law Enforcement spokesman has told reporters that the new law hasn't affected firearms violence in Florida, indicating that any increase in crime is attributable to the growing drug problem, not the concealed firearms law.

Even Robert Creighton, agent in charge of the U.S. Bureau of Alcohol, Tobacco and Firearms (BATF) in Florida, acknowledged that the popular concealed weapons permits aren't a factor in crime, adding, "The criminal element has no permits."

Anti-gun groups and the media predicted an outbreak of shootings in the Sunshine State. But, since passage nearly four years ago, this fair and more uniform concealed carry law simply hasn't shaken the foundations of the Florida legal system or created "an Old Wild West," "O.K. Corral" or "GUNshine State," as doomsayers predicted.

But the media have been unenthusiastic about reporting the success of the law and rarely report incidents when license holders defend themselves with a firearm, or simply bury a very short report somewhere in the back of the paper. Nonetheless many Floridians are alive and well today because we stuck with it for seven years and passed a law that they credit with saving their lives.

Take the case of a Miami attorney who believes he and his wife are alive today because of passage of the law. He and his wife returned home from a basketball game late on the evening of February 24, 1991. After opening the door for his wife to enter the home he turned around in the garage to get a leash to walk his dog. He was confronted by two attackers standing in his garage, wearing ski masks and carrying guns. He ducked behind the car as one attacker fired a shot, pulled his .45-caliber semi-automatic handgun and opened fire through the doorway. The attackers ran from the garage and fled in a waiting vehicle driven by a third person.

The attorney said if the concealed weapons law had not passed he would not have been armed, and surely would not be alive to read the brief 2-inch-long story—buried inside the newspaper—reporting the incident.

Clearly, the law has worked as we said it would, proving what those of us who supported it said all along. Statistics from the Florida Department of State—the agency handling applications and issuing licenses—are graphically clear. They prove that applicants are conscientious citizens concerned about and taking responsibility for their personal safety. The issue is, and has always been, one of the right of self-defense. Law-abiding Florida citizens do not wish to harm anyone. Yet neither do they feel they should suffer harm at the hands of

the lawless. It is patently obvious from the accompanying chart that license holders are everyday, law-abiding people who simply want to be able to protect themselves and their families should the need arise.

That should come as no surprise. A study conducted by the St. Louis University School of Law found that armed citizens were exceedingly responsible in carrying handguns on the street. The study found that while police were successful in shooting or driving off criminals 68 percent of the time, private citizens succeeded in 83 percent of their encounters. Most importantly, while 11 percent of the individuals involved in police shootings were later found to be innocents misidentified as criminals, only 2 percent of those in civilian shootings were so misidentified. In light of the fact that in urban areas private citizens encounter and kill up to three times as



David Register, Director, Div. of Licensing, Florida Dept. of State (left), and Florida Sec. of State Jim Smith (right) present "Concealed Weapons License Number 1" to Marion P. Hammer under Florida's new concealed weapons licensing law. Ms. Hammer, representing the NRA and Unified Sportsmen of Florida, helped write and pass the self-defense legislation.

many criminals as do law enforcement authorities, the track record of the private citizen is very impressive indeed. Florida's experience simply proves it once again.

Law-abiding Floridians who choose to protect themselves by carrying a concealed firearm may apply for a license—and receive it—if they meet the standardized criteria. State law mandates that a license be issued within 90 days from receipt of a completed application if the applicant is 21 years of age or older, has been a resident of Florida for six months, has no criminal record, can document knowledge or training in the safe use

continued on back page

FLORIDA CONCEALED WEAPONS LICENSING; STATISTICS TO DATE

Applications received:	104,249
Applications denied:	743
Denied for incomplete application:	301
Denied for criminal history*:	442
Licenses revoked for offenses after licensure:	61
Revoked for offense/firearm present*:	10
Revoked for other reasons*:	51

*Majority of offenses were nonviolent crimes such as DUIs, worthless checks and controlled-substance convictions.

**DUIs, reckless display included.

NOTE: This chart contains official statistical data from the Florida Department of State, Division of Licensing.

and handling of a firearm, has no record of alcohol or drug abuse, no record of mental illness or mental incompetency, no physical infirmity that would prevent safe handling of a firearm and desires to carry a concealed firearm for lawful self-defense.

The state must issue the license or prove the individual is disqualified based solely on the statutory criteria. There is no arbitrary or subjective discretion by anyone, and rule-making authority that could alter the intent of the law is specifically prohibited.

Three years after passage, in November 1990, the press revisited the issue in an interview with State Representative Ron Silver. Silver, an ardent supporter of Handgun Control, Inc., and the organization's chairwoman, Sarah Brady, told the press, "There are lots of people, including myself, who thought things

would be a lot worse as far as that particular situation [people being licensed to carry firearms for protection] is concerned. I'm happy to say they're not."

Silver also said that Florida has a long way to go to rid itself of its Wild West reputation and the "GUNshine State" label that he and HCI helped create with their emotional predictions of misuse and abuse. He added, "All of us are trying to do away with that image."

The bottom line is that Florida is a safer place to live because of the law, as Silver admitted. So it's time for the anti-gun organizations to back off. The statistics are in. The proof supports our position. The law is working very well. And decent people are alive today as a result of its passage.

Other states (Idaho, Mississippi, Montana and Oregon) have already

used the Florida concealed weapons licensing law as a model and have passed similar legislation. Perhaps it's time for your state to do the same. *

Besides being a mother of three and a grandmother, Ms. Hammer has been active both as a sportswoman and as a political force working on behalf of firearms rights. Currently, she is a National Rifle Association board member and holds a seat on the NRA Legislative Policies Committee and the NRA Membership Committee and is chairperson of the NRA Ethics Committee. As a strong supporter of the NRA/ILA, she has been a media spokesperson on behalf of our 2nd Amendment rights, giving over 700 interviews in the past four years for national television, radio and the print media. For the past 12 years, Marion P. Hammer has held the post of Executive Director of Unified Sportsmen of Florida. 206 S. Monroe St., Suite 5, P.O. Box 6565, Tallahassee, FL 32314.

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ARMED CITIZENS & CRIME CONTROL

BY PAUL H. BLACKMAN, Ph.D.



ONE of the most popular features in the *American Hunter* is "The Armed Citizen" column, a listing of a tiny fraction of the incidents in which citizens use their privately owned firearms for protection. Only those incidents reported to the police, and covered in local newspapers, are highlighted in the column.

How widespread is the use of firearms by citizens for their self-defense? Data from diverse studies indicate that firearms—particularly, handguns—are used for protection in hundreds of thousands of incidents each year. Now, after years of research, a criminologist from Florida State University has published the most thorough estimates on the prevalence of defensive use of guns by Americans. The study—"Crime Control Through the Private Use of Armed Force" by Professor Gary Kleck—was published as the lead article in the February 1988 issue of *Social Problems*.

Dr. Kleck notes that although criminologists have long ignored the issue of guns for protection, they do study how "routine activities" may impact on crime and crime control. He notes that, with half of all American households and a quarter of retail businesses keeping firearms, "gun ownership must surely be considered a very routine aspect of American life and of obvious relevance to the activities of criminals." Nonetheless, Dr. Kleck adds, "victimology scholars have largely ignored victim gun ownership and use. [Yet] victim gun use may be one of the most serious risks a criminal faces."

Dr. Kleck's study focuses on: (1) the frequency and nature of private citizens' defensive uses of firearms against criminals; (2) the effectiveness versus risk of such actions; and (3) the potential deterrent impact on crime of defensive gun ownership and use.

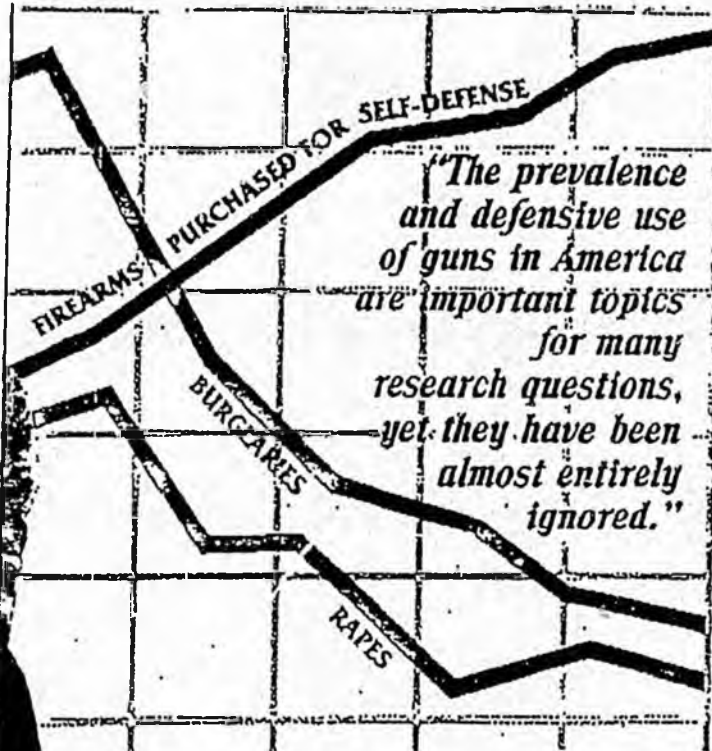
Primary sources for the study are national and state surveys on gun ownership and use, on victimization and protective measures taken, and on local studies on "jus-

tifiable" and "excusable" (self-defense) homicides. Dr. Kleck also weighs what he calls "quasi-experimental" cases of deterrence, such as the well-known example of Orlando, Florida, where women purchased firearms and attended safety classes on gun use in response to an increase in rapes. As a result, incidences of rape and burglary dropped dramatically.

Although several national surveys all suggest relatively small percentages of the nation's 60 million gun owners are using their firearms for protection, Dr. Kleck notes that the figures represent a "large number of actual uses." He estimates that "there were about 645,000 defensive uses of handguns against persons per year, excluding police or military uses." In addition, Dr. Kleck made projections on the uses of long guns, based on the numbers of households keeping long guns vs. handguns primarily for protection. Added together, Dr. Kleck estimates "that guns of all types are used for defensive purposes about one million times a year," and that "guns of all types are used substantially more often defensively than criminally." Most of these uses do not involve firing the gun, much less injuring the criminal.

"Although shootings of criminals represent a small fraction of defensive uses of guns, Americans shoot criminals with a frequency that must be regarded as remarkable by any standard," says Dr. Kleck. The criminologist notes that the FBI's so-called "justifiable homicide" data miss most killings of criminals by civilians because of technical reporting reasons. Using those data as suggestive and local studies as a means of estimating how many *actually* occur, Dr. Kleck estimates that annually, "gun-wielding civilians in self-defense or some other legally justified cause" kill between about 1,500 and 2,800 felons—or 2½ to seven times as many criminals as are shot dead by police.

Insofar as citizens protect themselves from criminals,



EDITOR'S NOTE

Dr. Gary Kleck is an associate professor at the Florida State University School of Criminology in Tallahassee. His research has focused on firearms for a dozen years, since he was a University of Illinois graduate student working with Professor David J. Bordua on patterns of firearms ownership, use and regulation in Illinois and on his dissertation, "Homicide, Capital Punishment, and Gun Ownership."

A specialist in research methodology, Dr. Kleck has authored or co-authored several articles on firearms and the "gun control" issue. His studies generally undermine the various assumptions of advocates of restrictive firearms laws and include a definitive academic rebuttal of the myth of the so-called "Saturday Night Special." He is currently working with Dr. Bordua on a study of private firearms ownership in the U.S.

Even though his research does not show restrictive firearms laws to be either necessary or beneficial, Dr. Kleck supports a "permissive" licensing system for all firearms on the assumption it would not interfere with private ownership. He is opposed to gun schemes directed exclusively at handguns, including licensing.

Attack, Injury and Crime Completion Rates in Robbery and Assault Incidents, by Self-Protection Method

Method of Self-Protection	Robbery				Assault		
	Percent Completed	Percent Attacked	Percent Injured	Number Times Used ^(a)	Percent Attacked	Percent Injured	Estimated Number Times Used ^(a)
Used gun	30.9%	25.2%	17.4%	89,009	23.2%	12.1%	386,083
Used knife	35.2	55.6	40.3	59,813	46.4	29.5	123,062
Used other weapon	28.9	41.5	22.0	104,700	41.4	25.1	454,570
Used physical force	50.1	75.6	50.8	1,653,880	82.8	52.1	6,638,823
Tried to get help or frighten offender	63.9	73.5	48.9	1,516,141	55.2	40.1	4,383,117
Threatened or reasoned with offender	53.7	48.1	30.7	955,398	40.0	24.7	5,743,008
Nonviolent resistance, including evasion	50.8	54.7	34.9	1,539,895	40.0	25.5	8,935,738
Other measures	48.5	47.3	26.5	284,423	36.1	20.7	1,451,103
Any self-protection	52.1	60.8	38.2	4,603,671	49.5	30.7	21,801,957
No self-protection	88.5	41.5	24.7	2,686,960	39.9	27.3	6,154,763
Total	65.4	53.7	33.2	7,290,631	47.3	29.9	27,956,719

Notes: (a) Separate frequencies in these columns do add to totals in "Any self-protection" row since a single crime incident can involve more than one self-protection method. Sources: Analysis of incident files of 1979-1985 National Crime Survey public use computer tapes (ICPSR, 1987b).

Robbery and assault victims who used firearms for protection were less likely to be attacked or injured than victims who responded in any other manner. Only 17% of those using guns to resist attempted robbery and 12% using guns to resist assault suffered any kind of injury. 25% of robbery victims and 27% of assault victims who did not resist were injured anyway.

Dr. Kleck estimates "there were about 8,700-16,600 non-fatal, legally permissible woundings of criminals by gun-armed civilians" annually, and "the rest of the one million estimated defensive gun uses, over 98% involved neither killings nor woundings but rather warning shots fired or guns pointed or referred to."

National gun prohibitionists claim that firearms owned for protection are "generally useless and even dangerous to the victim . . ." Using victimization surveys commissioned by the U.S. Department of Justice, Dr. Kleck puts them at contention to rest, finding that "for both robbery and assault, victims who used guns for protection were less likely either to be attacked or injured than victims who responded in any other way, including those who did not

resist at all. Only 12% of gun resisters in assault and 17% in robberies suffered any kind of injury. After 300 resistance, the course of action least likely to be associated with injury is doing nothing at all, i.e., not resisting. However, passivity is not a completely safe course either since 25% of robbery victims and 27% of assault victims who did not resist were injured anyway."

Significantly, Dr. Kleck notes that the victimization surveys actually exaggerated the association of injury with gun-resistance since the surveys generally fail to ask whether the injury occurs after and because of resistance or whether the injury occurred first. In a supplemental questionnaire, however, it was found that most injuries to

Florida State University

File: Klock

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Steve Humphries
October 1991

Florida State criminologist shoots down gun-control myth

TALLAHASSEE, Fla.--A criminal without a gun is more likely to hurt you than a criminal with one. You're less apt to be robbed, or to be hurt in a robbery, if you have a gun for defense. And an assailant is no more likely to kill you if he has a gun than if he doesn't.

Those findings are contained in a new book, "Point Blank: Guns and Violence in America," by Gary Klock, a criminologist at Florida State University.

"It appears that the net effect of gun availability on crime is just about zero," said Klock. "Victims with guns may depress crime a little and offenders with guns may increase it a little. My research indicates they cancel each other out."

The 500-plus-page book, due out Nov. 5, notes that guns are used for defense in this country about the same number of times each year as they are used to commit crimes -- and usually with no one getting hurt.

"In a robbery, people who use guns in self-defense avoid injury 83 percent of the time and in most cases they don't have the crime completed against them," Klock found. "The results are similar for assaults and rapes."

"It turns out you're less likely to be hurt if you resist with a gun, even compared to doing nothing at all to resist. This shouldn't be surprising. If a gun works in committing a crime, why wouldn't it also work in preventing one?"

Klock found that people who do nothing to protect themselves are injured in 25 percent of robberies, while those who use a gun for protection are hurt only 17 percent of the time.

He said would-be victims thwart many crimes by carrying a gun, and assailants often find just flashing a firearm can keep the situation from escalating into a fight.

"You are actually less likely to be injured if a robber

-more-

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has a gun than if he doesn't," he said. "And you're less likely to be injured if you have a gun.

"It's actually safer if either party has a gun."

Kleck, a professor in the FSU School of Criminology and Criminal Justice, studied 19 types of gun control and found that almost none -- including waiting periods and owner registration -- had any effect on crime rates. Banning guns, he said, is no longer an option.

"This country has 200 million guns, minimum, in private hands," he said. "To think of some method that works by controlling the overall supply of guns is hopeless. We passed that point long ago."

Instead, Kleck says, background checks should be instituted to make it harder for convicted violent offenders to buy guns and penalties should be strengthened for those caught with them. Laws also should be passed to more closely regulate the carrying of guns, he said, to decrease the number of opportunistic robberies.

Kleck bases his recommendations on data that show most violent offenders are not average citizens who become enraged, pick up a gun and commit a crime.

"Repeatedly violent offenders account for most cases of domestic violence and practically all homicides," he said. "There aren't many average-Joe, honest-to-God, they-did-it-out-of-nowhere killers. It's a wonderful media myth -- the average Joe killer."

Kleck said 70 percent of all homicides in the United States are committed by someone with at least one prior arrest.

"Point Blank," published by Aldine de Gruyter, is a first in at least two respects.

It is the first to use nationally representative samples of violent incidents -- from minor threats to homicides, including those reported and those not reported to the police -- to distinguish between attack, injury and death as outcomes of violent situations. It also is the first to combine national data on both fatal and non-fatal violent incidents to study how weapon use affects death rates.

-30-

Dr. Kleck can be reached at (904) 644-4080. Audio tapes containing actualities by Dr. Kleck, and videotapes and photographs of Dr. Kleck, can be obtained by calling the FSU Media Relations Office.

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The Pacific Institute for Public Policy, in February 1990, published a Policy Briefing entitled GUNS, MURDERS, AND THE CONSTITUTION; a Realistic Assessment of Gun Control, by Don B. Kates, Jr.

The author does an excellent job of addressing the issue of gun control laws, giving the pros and cons and comparing the actual facts with the assumptions of the various attitudes which are prevalent.

Two positions are attached here for your information:

1. Sagecraft Summarized
2. Police Protection vs Capacity to Defend Oneself

1. Sagecraft Summarized

Lest the sagecraft concept seem unduly harsh, I will briefly review five particularly insupportable anti-gun claims (they and others are further detailed in the body of this paper):

- a) *The claim that homicide is predominantly a matter of "ordinary law-abiding people" killing a relative or acquaintance because a loaded gun happened to be available during a moment of anger.*

This claim is contradicted by all national and local studies of homicide, which uniformly show that murderers are not "ordinary law-abiding people." Rather, murderers (like gun accident perpetrators) are highly aberrant individuals, characterized by felony records, alcohol and/or drug dependence, and life histories of irrational violence against people around them.¹⁰

⁸ Bruce-Briggs, above.

⁹ Tonso, above, applying concepts based on F. Znaniecki, *The Social Role of the Man of Knowledge*, 72-74 (N.Y.: Harpers, 1968).

¹⁰ Straus, "Domestic Violence and Homicide Antecedents," 62 *Bull. N.Y. Acad. Med.* 446 (1986); cf. Bruce-Briggs, "The Great American Gun War," 45 *The Public Interest* 37, 40 (1976):

The calculation of family homicides and accidents as costs of gun ownership is false. The great majority of these killings are among poor, restless, alcoholic, troubled people, usually with long criminal records. Applying the domestic homicide rate of these people to the presumably upstanding citizens whom they prey upon is seriously misleading.

See also Kates, "Firearms and Violence: Old Premises, Current Evidence," in T. Gurr (ed.), 1 *Violence in America*, 203-204 (1989) (hereinafter cited as "Current Research"); Kleck, "Policy Lessons from Recent Gun Control Research," 49 *Law & Contemp. Probs.* 35 (1986) (hereinafter cited as "Policy Lessons") at 40-41, and studies there cited.

- b) *The claim that (though banning all guns may not be politically feasible) banning only handguns would save lives because gun attacks are more lethal than knife attacks.*

In a recent National Institute of Justice survey among about 2,000 incarcerated felons, well over 80 percent of those who had often misused handguns said that if handguns were unavailable they would turn to long guns (rifles or shotguns) instead.¹¹ Thus, a crucial issue in any handgun ban is that, while handgun wounds are 1.3 to 3 times more lethal than knife wounds, a rifle or shotgun wound kills 5 to 11.4 times more often than a handgun wound. Far from decreasing homicide, if a handgun ban caused only 30 percent of handgun attackers to turn to long guns, the homicide rate might nearly double; if 50 percent switched, homicides could more than triple.¹² Astoundingly, not one academic who argued that banning handguns would save lives (because knives are less deadly) even mentioned the necessary corollary that not controlling long guns would cost lives because rifles and shotguns are far more lethal.

- c) *The claim that comparing American statistics to those of selected gun-banning foreign countries proves that guns cause crime and that banning them reduces it.*

Differentials in international crime rates reflect basic socio-cultural and economic differences that have nothing to do with gun laws. First, Western Europe has not only far less gun violence but also less violence of all kinds *per capita*. Second, this difference between the United States and Western Europe was even greater before the latter's gun laws were adopted in the 1920s and 1930s. Third, those laws were adopted to control political violence—to which those countries have always been far more subject than the United States. Fourth, as American violence skyrocketed from the mid-1960s on, violence rates increased even more rapidly in the gun-banning countries (particularly gun violence). And fifth, in such equally crime-free countries as Switzerland, Israel, and New Zealand, there is even more gun availability than there is in the United States.¹³

- d) *The claim that guns are generally not useful and not used for self-defense.*

Gary Kleck recently has found that, while handguns are used in vast numbers of crimes annually, they are used even more often by good citizens to repel crime

¹¹ J. Wright & P. Rossi, *Armed and Dangerous: A Survey of Felons and Their Firearms* 221, table 11.3 (N.Y.: Aldine, 1986) (hereinafter called NIJ Felon Survey).

¹² Policy Lessons at 48-50, Lizotte, "The Costs of Using Gun Control to Reduce Homicide," 62 *Bull. N.Y. Acad. Med.* 539, 541 (1986).

¹³ See discussion in Current Evidence at pp. 200ff and below in this paper.

(approximately 581,000 crimes vs. about 645,000 defense uses annually).¹⁴

e) *The claim that there is no individual right to arms because the Second Amendment to the U.S. Constitution protects only the states' right to arm the militia.*

Though mere control is constitutional, wholesale prohibition and confiscation is not; the Constitution precludes laws barring responsible, law-abiding adults from choosing to own guns for self-defense. Sanford Levinson, a leading constitutional scholar (who personally opposes gun ownership), recently dismissed academic obliviousness to this clear fact in a paper fittingly entitled "The Embarrassing Second Amendment."¹⁵

1. Police Protection vs. the Capacity to Defend Oneself

Perhaps the single most common argument against freedom of choice is that personal self-defense has been rendered obsolete by the existence of a professional police force.⁶⁹ For decades, anti-gun officials in Chicago, San Francisco, New York, and Washington, D.C., have admonished the citizenry that they don't need guns for self-defense because the police will defend them. This advice is mendacious: when those cities are sued for failure to provide police protection, those same officials send forth their city attorneys to invoke

[the] fundamental principle of American law that a government and its agents are under no general duty to provide public services, such as police protection, to any individual citizen.⁷⁰

Even as a matter of theory (much less in fact), the police do NOT exist to protect the individual citizen. Rather their function is to deter crime in general by patrol activities and by apprehension after the crime has occurred. If circumstances permit, the police should and will protect a citizen in distress. But they are not legally duty bound even to do that nor to provide any direct protection—no matter how urgent a distress call they may receive. *A fortiori* the police have no duty to, and do not, protect citizens who are under death threat (e.g., women threatened by former boyfriends or husbands).

⁶⁸ All discussion of gun-armed self-defense in this paper is directed to handguns because they are infinitely more efficacious for defense than rifles or shotguns. In contrast to the unwieldy long gun, the short-barrelled handgun is much easier to bring into play at close quarters and much harder for an assailant to wrest away. Consider the situation of a woman holding an intruder at bay while trying to dial the police. With a rifle, this is difficult and hazardous at best. Given only the two-inch barrel of a snub-nosed handgun to grasp, not even the strongest man can lever it from a woman's grip before she shoots him. M. Ayoob, *The Truth About Self-Protection* (N.Y.: Bantam, 1983) 332-33, 341-42, 345-55.

⁶⁹ Thus Ramsey Clark denounces precautionary gun ownership as an atavistic insult to American government: "A state in which a citizen needs a gun to protect himself from crime has failed to perform its first purpose"; it is "anarchy, not order under law—a jungle where each relies on himself for survival," R. Clark, *Crime in America* 88 (1971). For similar views, see also Wills, "Handguns that Kill," *Washington Star*, Jan. 18, 1981; "John Lennon's War," *Chicago Sun Times*, Dec. 12, 1980; and "Or Worldwide Gun Control" *Philadelphia Inquirer*, May 17, 1981; editorial: "Guns and the Civilizing Process," *Washington Post*, Sept. 26, 1972.

⁷⁰ *Warren v. District of Columbia*, 444 A.2d 1 (D.C. Ct. of Ap. 1981). For similar cases from New York and Chicago, see *Riss v. City of New York*, 22 N.Y. 2d 579, 293 NYS2d 897, 240 N.E. 2d 860 (N.Y. Ct. of Ap. 1958); *Keane v. City of Chicago*, 98 Ill. App.2d 460, 240 N.E.2d 321 (1968). See also the cases cited in the next two footnotes and *Bowers v. DeVito*, 686 F.2d 61 (7 Cir. 1982) (no federal constitutional requirement that state or local agencies provide sufficient police protection).

victims sued the city under the following facts. Two of the victims were upstairs when they heard the other being attacked by men who had broken in downstairs. Half an hour having passed and their roommate's screams having ceased, they assumed the police must have arrived in response to their repeated phone calls. In fact, their calls had somehow been lost in the shuffle while the roommate was being beaten into silent acquiescence. When the roommates went downstairs to see to her, as the court's opinion graphically describes it, "For the next fourteen hours the women were held captive, raped, robbed, beaten, forced to commit sexual acts upon each other, and made to submit to the sexual demands" of their attackers.

Having set out these facts, the District of Columbia's highest court exonerated the District and its police, because it is "fundamental [in] American law" that the police do not exist to provide personal protection to individual citizens.⁷¹ In addition to the case law I have cited, this principle has been expressly enunciated over and over again in statute law.⁷²

The fundamental principle that the police have no duty to protect individuals derives equally from practical necessity and from legal history. Historically, there were no police, even in large American or English cities, before the mid-19th century. Citizens were not only expected to protect themselves (and each other), but also legally required in response to the hue and cry to chase down and apprehend criminals. The very idea of a police was anathema, American and English liberalism viewing any such force as a form of the dreaded "standing army."⁷³ This view yielded only grudgingly to the fact that citizens were unwilling to spend their leisure hours patrolling miles of city streets and were incapable even of chasing fleeing criminals down on crowded city streets—much less tracing and apprehending them or detecting surreptitious crimes.

Eventually, police forces were established to augment citizen self-protection by systematic patrol to deter crime and to detect and apprehend criminals if a crime should occur. Historically, there was no thought of the police displacing the citizen's right of self-protection. Nor, as a practical matter, is that displacement remotely

⁷¹ 444 A.2d at 6; see also *Morgan v. District of Columbia*, 468 A.2d 1306 (D.C. Ct. of Ap. 1983). To the same effect, see *Calogrides v. City of Mobile*, 475 So. 2d 560 (S.Ct. Ala. 1985); *Morris v. Musser*, 478 A.2d 937 (1984); *Davidson v. City of Westminster*, 32 C.3d 197, 185 Cal. Rptr. 252, 649 P.2d 894 (S. Ct. Cal. 1982); *Chapman v. City of Philadelphia*, 434 A.2d 753 (Sup. Ct. Penn. 1981); *Weutrich v. Delia*, 155 N.J. Super. 324, 326, 382 A.2d 929, 930 (1978); *Sapp v. City of Tallahassee*, 348 So.2d 363 (Fla. Ct. of Ap. 1977); *Simpson's Food Fair v. Evansville*, 272 N.E. 2d 871 (Ind. Ct. of Ap.); *Silver v. City of Minneapolis*, 170 N.W.2d 206 (S. Ct. Minn. 1969); and the other authorities cited in the footnotes preceding and following this one.

⁷² See Cal. Govt. Code §§ 821, 845, & 846, and 85 Ill. Rev. Stat. 4-102, construed in *Stone v. State*, 106 C.A.3d 924, 165 Cal. Rptr. 339 (Cal. Ct. of Ap. 1980); and *Jamison v. City of Chicago*, 48 Ill. App. 567 (Ill. Ct. of Ap. 1977) respectively; see generally 18 *McQuillen on Municipal Corporations*, sec. 53.80.

⁷³ See generally 82 *Mich. L. Rev.* above at 214-16. and F. Morn, "Firearms Use and the Police: A Historic Evolution of American Values," in D. Kates (ed.), *Firearms and Violence* (1984).

feasible in light of the demands a high-crime society makes on the limited resources available to police it. Even if all 500,000 American police officers were assigned to patrol, they could not protect 240 million citizens from upwards of 10 million criminals who enjoy the luxury of deciding when and where to strike. But we have nothing like 500,000 patrol officers: to determine how many police are actually available for any one shift, we must divide the 500,000 by four (three shifts per day, plus officers who have days off, are on sick leave, etc.). The resulting number must be cut in half to account for officers assigned to investigations, juvenile, records, laboratory, traffic, etc., rather than patrol.⁷⁴

Doubtless the deterrent effect of the police helps ensure that many Americans will never be so unfortunate as to live in circumstances requiring personal protection. But for those who do need such protection, police do not and cannot function as bodyguards for ordinary citizens (though in New York and other major cities police may perform bodyguard services for the mayor and other prominent officials). Consider just the number of New York City women who each year seek police help, reporting threats by ex-husbands, ex-boyfriends, etc. To bodyguard just those women would exhaust the resources of the nation's largest police department, leaving no officers available for street patrol, traffic control, crime detection, apprehension of perpetrators, responses to emergency calls and so forth.⁷⁵

Given what New York courts have called "the crushing nature of the burden,"⁷⁶ the police cannot be expected to protect the individual citizen. Individuals remain responsible for their own personal safety, with police providing only an auxiliary general deterrent. The issue is whether those individuals should be free to choose gun ownership as a means of protecting themselves, their homes, and their families.

⁷⁴ See the extended discussion in Bowman, "An Open Letter," *Police Marksman*, July-Aug. 1986.

⁷⁵ Silver and Kates, "Handgun Ownership, Self-Defense and the Independence of Women in a Violent, Sexist Society," in D. Kates (ed.), *Restriction Handguns* at 144-47. Prof. Leddy, formerly a N.Y. officer, cites personal experience:

The ability of the state to protect us from personal violence is limited by resources and personnel shortages [in addition to which] the state is usually unable to know that we need protection until it is too late. By the time that the police can be notified and then arrive at the scene, the violent criminal has ample opportunity to do serious harm. *I once waited 20 minutes for the New York City Police to respond to an "officer needs assistance" call which has their highest priority.* On the other hand, a gun provides immediate protection. Even where the police are prompt and efficient, the gun is speedier.

From "The Ownership and Carrying of Personal Firearms," forthcoming in *Int'l. J. Victimol.* (Emphasis added). Cf. the Riss and Silver cases cited above, as well as *Wong v. City of Miami*, 237 So.2d 132 (Fla., 1970). All emphasize the need for judicial deference to administrators' allocation of scarce police resources as a reason for denying liability for failure to protect.

⁷⁶ *Wiener v. Metropolitan Transit Authority*, 433 N.E. 2d 174, 127, 55 N.Y. 2d 175, 498 N.Y.S. 2d 141 (N.Y. App. Div. 1982).

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March 14, 1994

MEMORANDUM

TO: Representative Brian Porter

FROM: Gordon S. Harrison, Director 

RE: **Survey of Concealed Weapons Laws**
Research Request 94.166

You asked for a table summarizing key features of a sample of state laws that authorize permits to carry a concealed weapon. You were particularly interested in provisions in these laws that establish the basic qualifications of a permit holder, requirements for training in the use of weapons, the necessity to prove the need for a concealed weapon, and places where a concealed weapon is prohibited by a permit holder.

Attached is a table that summarizes the laws in 15 states (about half of the states that authorize concealed weapons permits). Also attached are copies of the statutes of Florida, Montana and Oregon. These state laws are long, not easily summarized in a table, and may otherwise be of interest to you.

Generally speaking, we found that our sample of laws fell into two broad categories: those that are brief and give wide discretion to local sheriffs and police chiefs for issuing a concealed weapons permit; and those that spell out in detail the eligibility criteria and give local authorities no leeway in the issuance of a permit to a person who meets these criteria. An example of the former is the law of Idaho (18-3302), which states, in pertinent part:

provided, however, that any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff of the necessity thereof.

Examples of the latter are the laws of Florida, Montana and Oregon, copies of which are attached.

A few of the statutes require the applicant to show evidence of having completed a training program in the use of firearms. In this respect the North Dakota law is unusual because it

Representative Porter
March 11, 1994
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describes at some length the content of the necessary training course (it must include material on the law of the use of deadly force).

Several statutes--typically the terse ones that give discretion to the local sheriff--require the applicant to show a convincing need for the permit. The California law refers to a showing of "good cause;" the New York statute authorizes a permit for "proper cause;" and applicants in North Dakota must have a "valid reason" for a permit. On the other hand, some laws do not require the applicant to justify his or her need for a permit: if the applicant is qualified, the permit must be issued (often within a specified period of time).

Florida law prohibits the carrying of a concealed weapon by a permittee in a number of designated places, including a police station, jail, courtroom, polling place, government meeting, athletic event, and school (see 790.06 [12]). Oregon's law states:

When a sheriff issues a concealed handgun license under this section, the sheriff shall provide the licensee with a list of those places where carrying concealed handguns is prohibited or restricted by state or federal law (166.292 [6]).

The only pertinent Oregon law we could find is 166.370, which prohibits firearms in all schools and public buildings, but other provisions may also exist.

California law, which among our sample is the only other law to treat this subject, authorizes the issuer of a license to designate places "off limits" to a permitted weapon:

A license may include any reasonable restrictions or conditions the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the person may carry a concealed firearm (Penal Code 12050 [b]).

Most states explicitly prohibit the issuance of a license to people who have a criminal record, a history of mental illness, or drug or alcohol problems. However, there is considerable variation in the scope of these exclusions and the evidence necessary to disqualify an applicant because of them. For example, in addition to convicted felons, laws may also exclude a person who is under indictment or awaiting trial or who has been convicted of a crime of violence involving a firearm. Conviction for the use or sale of drugs, and evidence of dependency on drugs or alcohol, typically disqualifies an applicant. In Utah, a person is also ineligible for a permit if he has been convicted of "any offense involving the use of alcohol."

I hope this information is what you were looking for. Call if you have questions about it or if you want additional information.

Attachments

Features of a Sample of State Laws that Authorize the Issuance of a Concealed Weapon Permit

State	Statute	Issuing Authority	License Duration (Years)	Basic Qualifications			Prohibited Persons	Training Required	Need	Prohibited Places
				Age	Residency	U.S. Citizenship				
California	Penal 12050	Local	1		County		"good moral character"		"good cause"	(See Note)
Colorado	18-12-1051	Local					(See Note)			
Connecticut	53-206	Local					(See Note)	Felons		
Florida	790.06	State	3	21		X	Numerous	Numerous	x	Numerous
Hawaii	134-9	Local	1	20		X	"suitable person"	Numerous		(See Note)
Idaho	18-3302	Local								(See Note)
Maine	25.2003	Local	3	18	Municipality		"good moral character"	Numerous		
Montana	45-8-322	Local	4	18	6 mo. in state	X		Numerous	X	Must Describe
Nevada	202.350	Local								Must State
New York	Penal 400.00	Local	3		City or County		"good moral character"	(See Note)		"proper cause"
North Dakota	62.1-04-02	State	3				Approval of Local Sheriff		(See Note)	"valid reason"
Oregon	166.291	Local	4	21	6 mo. in County	Or intent		Numerous	X	
Utah	76-10-513	State	2	21			"good character"	X	(See Note)	"show cause"
Washington	9.41.070	Local	4	21		Or intent		X		
Wyoming	6-8-104	Local	3				(See Note)		(See Note)	

Statutes are attached for those states that are shaded (Florida, Montana and Oregon).

- California:** "A license may include any reasonable restrictions or conditions the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the person may carry a concealed firearm."
- Colorado:** The Sheriff must determine if the applicant would "present a danger to others or to himself" if granted a permit; the sheriff may be liable for damages if sheriff does not request a check of the criminal history from the Colorado Bureau of Investigation.
- Connecticut:** The issuing authority may request the applicant's fingerprints and full information concerning his criminal record and make an investigation concerning the suitability of the applicant to carry any such weapon.
- Hawaii:** A permit may be issued "where the urgency or the need has been sufficiently indicated."
- Idaho:** May secure a permit "after satisfying the sheriff of the necessity thereof."
- New York:** Applicant must be of "good moral character," not be convicted of a "felony or serious offense," state that he has never suffered any mental illness or been confined to any hospital or institution for mental illness, and be a person "concerning whom no good cause exists for a denial of the license." Applicant must provide on application "such other facts as may be required to show the good character, competency and integrity" of the applicant. Background check and fingerprinting are required.
- North Dakota:** The approval by the sheriff may not be given until the applicant has successfully completed a background investigation in that county and has attended a testing procedure conducted pursuant to rules adopted by the attorney general. The testing procedure . . . must include an open book test to be given from a manual that sets forth weapon safety rules and the deadly force law of North Dakota, including judicial decisions and attorney general opinions, and a proficiency test consisting of a cause of fire to be designated by the criminal justice training and statistics division of the attorney general's office." [more specifics follow about the scope of the testing and administration of testing.]
- Utah:** Applicant must show "evidence of weapons familiarity."
- Wyoming:** Permit may be issued to "travelers, merchant police, private detectives or other persons whose work, vocation or profession requires them to carry a weapon and who the sheriff believes are qualified, taking into account the person's general reputation and previous criminal record."

ATTACHMENT A
Florida Statute 790.06
"License to carry concealed weapon or firearm"

used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

(15) "Readily accessible for immediate use" means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person.

(16) "Securely encased" means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access.

(17) "Sterile area" means the area of an airport to which access is controlled by the inspection of persons and property in accordance with federally approved airport security programs.

History.—s. 1, ch. 69-306, ss. 13, 19, 35, ch. 69-106, ss. 1, 2, ch. 70-441; s. 32, ch. 73-334; s. 1, ch. 76-165; s. 12, ch. 77-120; s. 1, ch. 78-200; s. 19, ch. 79-3; s. 1, ch. 79-53; s. 1, ch. 80-112; s. 1, ch. 82-131; s. 162, ch. 83-216; s. 2, ch. 88-183; s. 43, ch. 88-381; s. 1, ch. 90-124; s. 1, ch. 90-176; s. 1, ch. 93-17.

790.01 Carrying concealed weapons.—

(1) Whoever shall carry a concealed weapon or electric weapon or device on or about his person shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Whoever shall carry a concealed firearm on or about his person shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Nothing in this section shall relate to persons licensed as set forth in ss. 790.053 and 790.06.

History.—s. 1, ch. 4929, 1901; GS 3262; RGS 5095; CGL 7197; s. 1, ch. 67-165; s. 2, ch. 69-306; s. 739, ch. 71-136; s. 2, ch. 76-165; s. 3, ch. 80-268; s. 2, ch. 92-183.

790.02 Officer to arrest without warrant and upon probable cause.—The carrying of a concealed weapon is declared a breach of peace, and any officer authorized to make arrests under the laws of this state may make arrests without warrant of persons violating the provisions of s. 790.01 when said officer has reasonable grounds or probable cause to believe that the offense of carrying a concealed weapon is being committed.

History.—s. 1, ch. 4929, 1901; GS 3263; RGS 5096; CGL 7198; s. 3, ch. 69-306.

790.051 Exemption from licensing requirements; law enforcement officers.—Law enforcement officers are exempt from the licensing and penal provisions of this chapter when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.

History.—s. 11, ch. 69-306.

790.052 Carrying concealed firearms; off-duty law enforcement officers.—

(1) All persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9) shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations. However, nothing in this subsection shall be con-

strued to limit the right of a law enforcement officer to carry a concealed firearm off duty as a private citizen.

(2) The superior officer of any police department or sheriff's office or the Florida Highway Patrol, if he elects to direct the officers under his supervision to carry concealed firearms while off duty, shall file a statement with the governing body of such department of his instructions and requirements relating to the carrying of said firearms.

History.—ss. 1, 2, 3, ch. 72-84; s. 235, ch. 77-104; s. 23, ch. 79-8; s. 3, ch. 98-183.

790.053 Open carrying of weapons.—Except as otherwise provided by law, it shall be unlawful for any person to openly carry on or about his person any firearm or electric weapon or device; provided, however, that a person may openly carry a stun gun or nonlethal electric weapon or device designed solely for defensive purposes, which weapon does not fire a dart or projectile. Any person violating this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 1, ch. 87-537; s. 173, ch. 91-224.

790.06 License to carry concealed weapon or firearm.—

(1) The Department of State is authorized to issue licenses to carry concealed weapons or concealed firearms to persons qualified as provided in this section. Each such license must bear a color photograph of the licensee. For the purposes of this section, concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun as defined in s. 790.001(9). Such licenses shall be valid throughout the state for a period of 3 years from the date of issuance. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm notwithstanding the provisions of s. 790.01. The licensee must carry the license or an actual copy thereof, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display both the license and proper identification upon demand by a law enforcement officer. Violations of the provisions of this subsection shall constitute a noncriminal violation with a penalty of \$25, payable to the clerk of the court.

(2) The Department of State shall issue a license if the applicant:

(a) Is a resident of the United States or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year

period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Game and Fresh Water Fish Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of State;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or has waited 5 years from the date of his restoration to capacity by court order under s. 744.464;

(j) Has not been committed to a mental institution under chapter 394, unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of 5 years; and

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred.

(3) The Department of State may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred, prior to the date on which the application is submitted or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case.

(4) The application shall be completed, under oath, on a form promulgated by the Department of State and shall include:

(a) The name, address, place and date of birth, race, and occupation of the applicant;

(b) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3);

(c) A statement that the applicant has been furnished a copy of this chapter and is knowledgeable of its provisions;

(d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under s. 837.06; and

(e) A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense.

(5) The applicant shall submit to the Department of State:

(a) A completed application as described in subsection (4).

(b) A nonrefundable license fee not to exceed \$125, if he has not previously been issued a statewide license, or a nonrefundable license fee not to exceed \$100 for renewal of a statewide license. Costs for processing the set of fingerprints as required in paragraph (c) shall be borne by the applicant. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," "correctional officer," or "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the licensing requirements of this section. If any individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) wishes to receive a concealed weapons or firearms license, such person is exempt from the background investigation and all background investigation fees, but shall pay the current

license fees regularly required to be paid by nonexempt applicants. Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3) is exempt from the required fees and background investigation for a period of 1 year subsequent to the date of retirement of said officer as a law enforcement officer, a correctional officer, or a correctional probation officer.

(c) A full set of fingerprints of the applicant administered by a law enforcement agency.

(d) A photocopy of a certificate or an affidavit or document as described in paragraph (2)(h).

(e) A full frontal view color photograph of the applicant taken within the preceding 30 days, in which the head, including hair, measures $\frac{7}{8}$ of an inch wide and $1\frac{1}{8}$ inches high.

(6)(a) The Department of State, upon receipt of the items listed in subsection (5), shall forward the full set of fingerprints of the applicant to the Department of Law Enforcement for state and federal processing, provided the federal service is available, to be processed for any criminal justice information as defined in s. 943.045, and forward a copy of the application and \$20 of the original license fee or \$10 of the renewal license fee to the sheriff of the applicant's county of residence. The cost of processing such fingerprints shall be payable to the Department of Law Enforcement by the Department of State.

(b) The sheriff of the applicant's county of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of State containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. Any such voluntary reporting shall be made within 45 days after the date he receives the copy of the application. If the sheriff chooses, he may notify the department in writing that he does not wish to receive copies of the application and the fee described in paragraph (a).

(c) The sheriff's office shall provide fingerprinting service at no charge to the applicant if requested by the applicant to do so.

(d) The Department of State shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or
2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of State denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

(e) In the event a legible set of fingerprints, as determined by the Department of State or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of State shall determine eligibility based upon the name checks conducted by the Florida Department of Law Enforcement.

(f) A consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country

must be issued a license within 20 days after the date of the receipt of a completed application, certification document, and a nonrefundable license fee of \$300. Consular security official licenses shall be valid for 1 year and may be renewed upon completion of the application process as provided in this section.

(7) The Department of State shall maintain an automated listing of licenseholders and pertinent information, and such information shall be available on-line, upon request, at all times to all law enforcement agencies through the Florida Crime Information Center.

(8) Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the Department of State of such change. Failure to notify the Department of State pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of \$25.

(9) In the event that a concealed weapon or firearm license is lost or destroyed, the license shall be automatically invalid, and the person to whom the same was issued may, upon payment of \$15 to the Department of State, obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the Department of State that such license has been lost or destroyed.

(10) A license issued under this section shall be suspended or revoked pursuant to chapter 120 if the licensee:

(a) Becomes ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under the provisions of chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3);

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331; or

(h) Is committed to a mental institution under chapter 394.

(11) No less than 90 days prior to the expiration date of the license, the Department of State shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of State. The licensee must renew his license on or before the expiration date by filing with the Department of State the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3), a completed fingerprint card, and the required renewal fee and fingerprint processing fee. The license shall be renewed upon receipt of the completed renewal application, fingerprint card, and appropriate payment of fees. Additionally, a

licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of \$15. No license shall be renewed 6 months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section. Persons who knowingly file false information pursuant to this subsection shall be subject to criminal prosecution under s. 837.06.

(12) No license issued pursuant to this section shall authorize any person to carry a concealed weapon or firearm into any place of nuisance as defined in s. 823.05; any police, sheriff, or highway patrol station; any detention facility, prison, or jail; any courthouse; any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom; any polling place; any meeting of the governing body of a county, public school district, municipality, or special district; any meeting of the Legislature or a committee thereof; any school, college, or professional athletic event not related to firearms; any school administration building; any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose; any elementary or secondary school facility; any area vocational-technical center; any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile; inside the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or any place where the carrying of firearms is prohibited by federal law. Any person who willfully violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) All moneys collected pursuant to this section shall be deposited in the Division of Licensing Trust Fund, and the Legislature shall appropriate from the fund those amounts deemed necessary to administer the provisions of this section. The Department of State shall be authorized to expend revenues collected from this section for startup and first year costs required to implement and administer the provisions of this section. Any balance at the end of the first year of operation shall be deferred equally over the 2 remaining years of the licensure period. Thereafter, all revenues collected, less those costs determined by the Department of State to be nonrecurring or one-time costs, shall be deferred over the 3-year licensure period. Notwithstanding the provisions of s. 493.6117, all moneys collected pursuant to this section shall not revert to the General Revenue

Fund; however, this shall not abrogate the requirement for payment of the service charge imposed pursuant to chapter 215.

(14) All funds received by the sheriff pursuant to the provisions of this section shall be deposited into the general revenue fund of the county and shall be budgeted to the sheriff.

(15) The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed weapons and firearms for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed weapons or firearms for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this section is subjectively or arbitrarily denied his rights. The Department of State shall implement and administer the provisions of this section. The Legislature does not delegate to the Department of State the authority to regulate or restrict the issuing of licenses provided for in this section, beyond those provisions contained in this section. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this section or which create restrictions beyond those specified in this section are in conflict with the intent of this section and are prohibited. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense. This section is supplemental and additional to existing rights to bear arms, and nothing in this section shall impair or diminish such rights.

(16) By March 1 of each year, the Department of State shall submit a statistical report to the Governor, the President of the Senate, the Senate Republican Leader, the Speaker of the House of Representatives, and the House Minority Leader indicating the number of licenses issued, revoked, suspended, and denied.

(17) As amended by chapter 87-24, Laws of Florida, this section shall be known and may be cited as the "Jack Hagler Self Defense Act."

History.—s. 2, ch. 4147, 1893; s. 1, ch. 5139, 1903; GS 3268; AGS 5101; CGL 7203; s. 2, ch. 76-165; s. 67, ch. 77-121; s. 1, ch. 77-302; s. 176, ch. 79-164; ss. 1, 2, ch. 87-24; s. 4, ch. 88-183; s. 2, ch. 89-60; s. 110, ch. 89-95; s. 3, ch. 90-311; s. 2, ch. 90-316, ss. 1, 7, ch. 90-364; s. 1, ch. 92-32; s. 1, ch. 92-183; s. 38, ch. 93-29.

790.061 Judges and justices; exceptions from licensure provisions.—No county court judge, circuit court judge, district court of appeal judge, or justice of the supreme court shall be required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge shall be required to comply with the provisions of s. 790.06(2)(h). The Department of State shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

History.—s. 2, ch. 90-311.

790.065 Sale and delivery of firearms.—

(1) No licensed importer, licensed manufacturer, or licensed dealer shall sell or deliver from his inventory at his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until he has:

ATTACHMENT B
Montana Statutes regarding concealed weapon permits
45-8-321 through 45-8-328

45-8-318. Possession of deadly weapon by prisoner. (1) Every prisoner committed to the Montana state prison or incarcerated in a county jail, city jail, or regional jail who, while at the state prison or a jail, while being conveyed to or from the Montana state prison or a jail, while at a state prison farm or ranch, while being conveyed to or from any such place, or while under the custody of prison or jail officials, officers, or employees, purposely or knowingly possesses or carries upon his person or has under his custody or control without lawful authority a dirk, dagger, pistol, revolver, slingshot, sword cane, billy, knuckles made of any metal or hard substance, knife, razor not including a safety razor, or other deadly weapon is guilty of a felony.

(2) He shall be punished by imprisonment in the state prison for a term not less than 5 years or more than 15 years, such term of imprisonment to commence from the time he would otherwise have been released from jail or prison, or shall be punished by a fine of not more than \$50,000, or by both such fine and imprisonment.

History: En. Sec. 1, Ch. 131, L. 1961; Sec. 94-3527.1, R.C.M. 1947; redca. 94-8-213 by Sec. 29, Ch. 513, L. 1973; R.C.M. 1947, 94-8-213; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1, Ch. 424, L. 1987.

Cross-References

Felony defined, 45-2-101.

Aggravated kidnapping, 45-5-303.

Transferring illegal or unauthorized communication, 45-7-307.

45-8-319. Repealed. Sec. 14, Ch. 759, L. 1991.

History: En. Sec. 5, Ch. 74, L. 1919; re-en. Sec. 11306, R.C.M. 1921; re-en. Sec. 11306, R.C.M. 1935; Sec. 94-3529, R.C.M. 1947; redca. 94-8-214 by Sec. 29, Ch. 513, L. 1973; amd. Sec. 38, Ch. 359, L. 1977; R.C.M. 1947, 94-8-214; amd. Sec. 3, Ch. 221, L. 1989.

45-8-320. Repealed. Sec. 1, Ch. 312, L. 1979.

History: En. Sec. 8, Ch. 74, L. 1919; re-en. Sec. 11309, R.C.M. 1921; re-en. Sec. 11309, R.C.M. 1935; Sec. 94-3532, R.C.M. 1947; redca. 94-8-217 by Sec. 29, Ch. 513, L. 1973; R.C.M. 1947, 94-8-217.

45-8-321. Permit to carry concealed weapon. (1) A county sheriff shall, within 60 days after the filing of an application, issue a permit to carry a concealed weapon to the applicant. The permit is valid for 4 years from the date of issuance. An applicant must be a United States citizen 18 years of age or older who holds a valid Montana driver's license or other form of identification issued by the state that has a picture of the person identified. An applicant must have been a resident of the state for at least 6 months. Except as provided in subsection (2), this privilege may not be denied an applicant unless the applicant:

(a) is ineligible under Montana or federal law to own, possess, or receive a firearm;

(b) has been charged and is awaiting judgment in any state of a state or federal crime that is punishable by incarceration for 1 year or more;

(c) has been convicted in any state or federal court in any state of a crime punishable by more than 1 year of incarceration or, regardless of the sentence that may be imposed, a crime that includes as an element of the crime an act, attempted act, or threat of intentional homicide, violence, bodily injury, serious bodily harm, unlawful restraint, sexual abuse, or sexual intercourse or contact without consent;

(d) has been convicted under 45-8-327 or 45-8-328, unless he has been pardoned or 5 years have elapsed since the date of the conviction;

(e) has a warrant of any state or the federal government out for his arrest;

(f) has been adjudicated in a criminal or civil proceeding in a court of any state or in a federal court to be an unlawful user of an intoxicating substance and is under a court order of imprisonment or other incarceration, probation, suspended or deferred imposition of sentence, treatment or education, or other conditions of release or is otherwise under state supervision;

(g) has been adjudicated in a criminal or civil proceeding in a court of any state or in a federal court to be mentally ill, mentally defective, or mentally disabled and is still subject to a disposition order of that court; or

(h) was dishonorably discharged from the United States armed forces.

(2) The sheriff may deny an applicant a permit to carry a concealed weapon if the sheriff has reasonable cause to believe that the applicant is mentally ill, mentally defective, or mentally disabled or otherwise may be a threat to the peace and good order of the community to the extent that the applicant should not be allowed to carry a concealed weapon.

(3) An applicant for a permit under this section must, as a condition to issuance of the permit, be required by the sheriff to demonstrate familiarity with a firearm by:

(a) completion of a hunter education or safety course approved or conducted by the department of fish, wildlife, and parks or a similar agency of another state;

(b) completion of a firearms safety or training course approved or conducted by the department of fish, wildlife, and parks, a similar agency of another state, a national firearms association, a law enforcement agency, an institution of higher education, or an organization that uses instructors certified by a national firearms association;

(c) completion of a law enforcement firearms safety or training course offered to or required of public or private law enforcement personnel and conducted or approved by a law enforcement agency; or

(d) possession of a license from another state to carry a firearm, concealed or otherwise, that is granted by that state upon completion of a course described in subsections (3)(a) through (3)(c).

(4) A photocopy of a certificate of completion of a course described in subsection (3), an affidavit from the entity or instructor that conducted the course attesting to completion of the course, or a copy of any other document that attests to completion of the course and can be verified through contact with the entity or instructor that conducted the course creates a presumption that the applicant has completed a course described in subsection (3).

History: En. Sec. 1, Ch. 759, L. 1991.

45-8-322. Application, renewal, permit, and fees. (1) The application form must be readily available at the sheriff's office and must read as follows:

CONCEALED WEAPON PERMIT APPLICATION

To be completed by each person making application:

RESIDENT OF MONTANA AT LEAST 6 MONTHS () Yes () No
CITIZEN OF THE UNITED STATES () Yes () No
18 YEARS OF AGE OR OLDER () Yes () No

PLEASE TYPE OR PRINT

Full name: Last First Middle

Alias/Maiden/Nickname:

Address: Home: Zip

Employer: Zip

Phone: Home Employer Message

Place of birth: Date of birth:

Driver's license #: Issuing state:

Social Security #:

Ht. Wt. Eyes Hair

LIST EACH FORMER EMPLOYER OR BUSINESS ENGAGED IN FOR THE LAST 5 YEARS:

Table with 3 columns: Employer or business name, Address, Dates of employment. Rows 1-5.

LIST EACH PLACE IN WHICH YOU HAVE LIVED FOR THE LAST 5 YEARS:

Table with 3 columns: City, State, Dates of residence. Rows 1-5.

4.
5.
6.

MILITARY SERVICE, BRANCH FROM TO

TYPE OF DISCHARGE RANK UPON DISCHARGE

HAVE YOU EVER BEEN ARRESTED FOR OR CONVICTED OF A CRIME OR FOUND GUILTY IN A COURT-MARTIAL PROCEEDING? () YES () NO

IF YES, COMPLETE THE FOLLOWING (Exceptions: minor traffic violations) (Attach additional sheet if necessary):

Table with 4 columns: City, State, Charge, Date. Rows 1-5.

LIST THREE PERSONS WHOM YOU HAVE KNOWN FOR AT LEAST 5 YEARS THAT WILL BE CREDIBLE WITNESSES TO YOUR GOOD MORAL CHARACTER AND PEACEABLE DISPOSITION (DO NOT include relatives or present/past employers):

Table with 3 columns: Name, Address, Phone. Rows 1-3.

IN COMPLETE DETAIL, PLEASE EXPLAIN YOUR REASONS FOR REQUESTING THIS PERMIT (Attach additional sheet if necessary):

.....

I, the undersigned applicant, swear that the foregoing information is true and correct to the best of my knowledge and belief and is given with the full knowledge that any misstatement contained herein may be sufficient cause for denial or revocation of a permit to carry a concealed weapon. I hereby authorize any person having information concerning me that relates to the information requested by this application and the requirements for a con-

cealed weapon permit, either public record or otherwise, to furnish it to the sheriff to whom this application is made.

.....
Signature
.....
Date of application

This application must be signed in the presence of the sheriff or his designee.

(2) The application must be in triplicate. The applicant must be given the original at the time the completed application is filed with the sheriff, the sheriff shall keep a copy for at least 4 years, and a copy must, within 7 days of the sheriff's receipt of the application, be mailed to the chief of police if the applicant resides in a city or town with a police force.

(3) The fee for issuance of a permit is \$50. The permit must be renewed for additional 4-year periods upon payment of a \$25 fee per renewal and upon request for renewal made within 90 days before expiration of the permit. The permit and each renewal must be in triplicate, in a form prescribed by the department of justice, and must at a minimum include the name, address, physical description, signature, driver's license or state identification card number, and a picture of the permittee. The permit must state that federal and state laws on possession of firearms and other weapons differ and that a person who violates the federal law may be prosecuted in federal court and the Montana permit will not be a defense. The permittee must be given the original, and the sheriff shall keep a copy and send a copy to the department of justice, which shall keep a central repository record of all permits. Replacement of a lost permit must be treated as a renewal under this subsection.

(4) The sheriff shall conduct a criminal record and background check of an applicant, may require an applicant to submit his fingerprints, and may charge the applicant \$5 for fingerprinting.

(5) Permit, background, and fingerprinting fees may be retained by the sheriff and used to implement 45-8-321 through 45-8-325.

(6) A state or local government law enforcement agency or other agency or any of its officers or employees may not request a permittee to voluntarily submit information in addition to that required on an application and permit.

History: En. Sec. 2, Ch. 759, L. 1991.

45-8-323. Denial of renewal — revocation of permit. A permit to carry a concealed weapon may be revoked or its renewal denied by the sheriff of the county in which the permittee resides if circumstances arise that would require the sheriff to refuse to grant the permittee an original license.

History: En. Sec. 3, Ch. 759, L. 1991.

45-8-324. Appeal. The denial or revocation of a permit to carry a concealed weapon or refusal of a renewal is subject to appeal to the district court and from that court to the Montana supreme court.

History: En. Sec. 4, Ch. 759, L. 1991.

45-8-325. Permittee change of county of residence — notification to sheriffs and chief of police. A person with a permit to carry a concealed weapon who changes his county of residence shall within 10 days of the change inform the sheriffs of both the old and new counties of residence of his change of residence and that he holds the permit. If his residence changes either from or to a city or town with a police force, he shall also inform the chief of police in each of those cities or towns that has a police force.

History: En. Sec. 5, Ch. 759, L. 1991.

45-8-326. Immunity from liability. A sheriff, employee of a sheriff's office, or county is not liable for damages in a civil action by a person or entity claiming death, personal injury, or property damage arising from alleged wrongful or improper grant of, renewal of, or failure to revoke a permit to carry a concealed weapon, except for actions that constitute willful misconduct or gross negligence.

History: En. Sec. 6, Ch. 759, L. 1991.

45-8-327. Carrying a concealed weapon while under the influence. A person commits the offense of carrying a concealed weapon while under the influence if he purposely or knowingly carries a concealed weapon while under the influence of an intoxicating substance. It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both.

History: En. Sec. 7, Ch. 759, L. 1991.

45-8-328. Carrying concealed weapon in a prohibited place. (1) A person commits the offense of carrying a concealed weapon in a prohibited place if he purposely or knowingly carries a concealed weapon in:

- (a) a building owned or leased by the federal, state, or local government;
- (b) a bank, credit union, savings and loan institution, or similar institution; or

(c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises.

(2) It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both.

History: En. Sec. 8, Ch. 759, L. 1991.

Cross-References

Offense defined, 45-2-101.

45-8-329 and 45-8-330 reserved.

45-8-331. Switchblade knives. (1) Every person who carries or bears upon his person, who carries or bears within or on any motor vehicle or other means of conveyance owned or operated by him, or who owns, possesses, uses, stores, gives away, sells, or offers for sale a switchblade knife shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding 6 months or by both such fine and imprisonment.

ATTACHMENT C
Oregon Statutes regarding concealed weapon permits
166.291 through 166.295

OREGON

166.291

CRIMES AND PUNISHMENTS

166.291 Issuance of concealed handgun license; application; fees; liability. (1) The sheriff of a county, upon a person's application for an Oregon concealed handgun license, upon receipt of the appropriate fees and after compliance with the procedures set out in this section, shall issue the person a concealed handgun license if the person:

(a)(A) Is a citizen of the United States; or

(B) Is a legal resident alien who can document continuous residency in the county for at least six months and has declared in writing to the Immigration and Naturalization Service the intent to acquire citizenship status and can present proof of the written declaration to the sheriff at the time of application for the license;

(b) Is at least 21 years of age;

(c) Has a principal residence in the county in which the application is made;

(d) Has no outstanding warrants for arrest;

(e) Is not free on any form of pretrial release;

(f) Demonstrates competence with a handgun by any one of the following:

(A) Completion of any hunter education or hunter safety course approved by the State Department of Fish and Wildlife or a similar agency of another state if handgun safety was a component of the course;

(B) Completion of any National Rifle Association firearms safety or training course if handgun safety was a component of the course;

(C) Completion of any firearms safety or training course or class available to the general public offered by law enforcement, community college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or a law enforcement agency if handgun safety was a component of the course;

(D) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, reserve law enforcement officers or any other law enforcement officers if handgun safety was a component of the course;

(E) Presents evidence of equivalent experience with a handgun through participation in organized shooting competition or military service;

(F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been revoked; or

(G) Completion of any firearms training or safety course or class conducted by a firearms instructor certified by a law enforcement agency or the National Rifle Association if handgun safety was a component of the course;

(g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;

(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application;

(i) Has not been committed to the Mental Health and Developmental Disability Services Division under ORS 426.130;

(j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness; and

(k) Has been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, the person was found to be within the jurisdiction of the juvenile court for having committed an act which, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470.

(2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. §925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection (1)(g) to (k) of this section.

(3) Before the sheriff may issue a license:

(a) The application must state the applicant's legal name, current address and telephone number, date and place of birth, hair and eye color and height and weight. The application must also list the applicant's residence address or addresses for the previous three years. The application must contain a statement by the applicant that the applicant meets the requirements of subsection (1)(a) to (k) of this section. The application must be signed by the applicant.

(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff shall fingerprint and photograph the applicant and shall conduct any investigation necessary to corroborate the requirements listed under subsection (1) of this section.

(4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon request. The forms shall be uniform throughout the state in substantially the following form:

APPLICATION FOR LICENSE TO CARRY CONCEALED HANDGUN

Date _____

I hereby declare as follows:

I am a citizen of the United States or a legal resident alien who can document continuous residency in the county for at least six months and have declared in writing to the Immigration and Naturalization Service my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act which, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Mental Health and Developmental Disability Services Division under ORS 426.130, nor have I been found mentally ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. §925(c) or have had the records expunged. I understand I will be fingerprinted and photographed.

Age _____ Date of birth _____

Place of birth _____

Social Security Number _____

(Disclosure of your social security account number is voluntary. Solicitation of the number is authorized under ORS 166.420. It will be used only as a means of identification.)

Proof of identification (Two pieces of current identification are required, one of which must bear a photograph of the applicant. Type of identification and number on identification to be filled in by sheriff):

1. _____

2. _____

Height _____ Weight _____

Current address _____

(List residence addresses for the past three years on back)

City _____ County _____ Zip _____

Phone _____

I have read the entire text of this application, and the statements therein are correct and true. (Making false statements on this application is a misdemeanor.)

(Signature of Applicant)

Character references.

Name	Address

Name	Address

Approved _____ Disapproved _____ by _____

Competence with handgun demonstrated by _____ (to be filled in by sheriff)

Date _____ Fee Paid _____

License No. _____

(5)(a) Fees for concealed handgun licenses are:

(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

(C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

(b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.

(6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.

(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant's name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.

(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need. (1989 c.839 §8 (166.291 to 166.293 enacted in lieu of 166.290); 1991 c.67 §38; 1993 c.732 §2; 1993 c.735 §4)

166.292 Procedure for issuing; form of license; duration. (1) If the application for

the license is approved, the sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of the application, a wallet sized license bearing the photograph of the licensee. The license must be signed by the licensee and carried whenever the licensee carries a concealed handgun.

(2) Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license.

(3) Licenses for concealed handgun; shall be uniform throughout the state in substantially the following form:

**OREGON CONCEALED HANDGUN
LICENSE**

County _____ License Number _____
 Expires _____ Date of birth _____
 Height _____ Weight _____
 Name _____ Address _____
 Licensee's City _____ Zip _____ Photograph
 Signature _____
 Issued by _____
 Date of issue _____

(4) An Oregon concealed handgun license issued under ORS 166.291 and this section, unless revoked under ORS 166.293, is valid for a period of four years from the date on which it is issued.

(5) The sheriff shall keep a record of each license issued under ORS 166.291 and this section, or renewed pursuant to ORS 166.295.

(6) When a sheriff issues a concealed handgun license under this section, the sheriff shall provide the licensee with a list of those places where carrying concealed handguns is prohibited or restricted by state or federal law. (1989 c.839 §9 (166.291 to 166.293 enacted in lieu of 166.290); 1993 c.625 §5; 1993 c.693 §2; 1993 c.735 §5)

166.293 Denial or revocation of license; review. (1) If the application for the concealed handgun license is denied, the sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail, restricted delivery, within 45 days after the application was made. If no decision is issued within 45 days, the person may seek review under the procedures in subsection (5) of this section.

(2) Notwithstanding ORS 166.291 (1), and subject to review as provided in subsection (5) of this section, a sheriff may deny a concealed handgun license if the sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental

or psychological state, as demonstrated by past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence.

(3) Any act or condition that would prevent the issuance of a license under ORS 166.291 to 166.293 shall be cause for revoking a concealed handgun license. A sheriff may revoke a license by serving upon the licensee a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be included in the file of the licensee. The revocation is effective upon the licensee's receipt of the notice.

(4) Any peace officer or corrections officer may seize a concealed handgun license and return it to the issuing sheriff when the license is held by a person who has been arrested or cited for a crime that can or would otherwise disqualify the person from being issued a concealed handgun license. The issuing sheriff shall hold the license for 30 days. If the person is not charged with a crime within the 30 days, the sheriff shall return the license unless the sheriff revokes the license as provided in subsection (3) of this section.

(5) A person denied a concealed handgun license or whose license is revoked or not renewed under ORS 166.291 to 166.295 may petition the district court in the petitioner's county of residence or, if there is no district court, the circuit court to review the denial, nonrenewal or revocation. The petition must be filed within 30 days after the receipt of the notice of denial or revocation.

(6) The judgment affirming or overturning the sheriff's decision shall be based solely on whether the petitioner meets the criteria that are used for issuance of the license under ORS 166.291 to 166.293. Whenever the petitioner has been previously sentenced for a crime under ORS 161.610 or for a crime of violence for which the person could have received a sentence of more than 10 years, the court shall only grant relief if the court finds that relief should be granted in the interest of justice.

(7) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city, county, district or other political subdivision or public corporation in this state, without appearance by attorney, may appear as a party to an action under this section.

(8) Petitions filed under this section shall be heard and disposed of within 15 judicial days of filing or as soon as practicable thereafter.

(9) Filing fees for actions shall be as for any civil action filed in the court. If the pe-

itioner prevails, the amount of the filing fee shall be paid by the respondent to the petitioner and may be incorporated into the court order.

(10) Initial appeals of petitions shall be heard de novo. Appeals from district court shall go to circuit court.

(11) Any party to a judgment under this section may appeal to the Court of Appeals in the same manner as for any other civil action.

(12) If the governmental entity files an appeal under this section and does not prevail, it shall be ordered to pay the attorney fees for the prevailing party. (1989 c.839 §9a (166.291 to 166.293 enacted in lieu of 166.290); 1993 c.735 §6)

166.295 Renewal of license. (1)(a) A concealed handgun license is renewable by repeating the procedures set out in ORS 166.291 and 166.292, except for the requirement to submit fingerprints and provide character references.

(b) An otherwise expired concealed handgun license continues to be valid for up to 45 days after the licensee applies for renewal if:

(A) The licensee applies for renewal before the original license expires;

(B) The licensee has proof of the application for renewal; and

(C) The application for renewal has not been denied.

(2) If a licensee changes residence, the licensee shall report the change of address and the sheriff shall issue a new license as a duplication for a change of address. The license shall expire upon the same date as would the original. (1989 c.839 §10; 1993 c.735 §7)

166.297 Annual report regarding revocation of licenses. (1) The sheriff of a county shall submit annually to the Department of State Police a report containing the number of concealed handgun licenses revoked during the reporting period and the reasons for the revocations.

(2) The Department of State Police shall compile the reports submitted under subsection (1) of this section and shall submit the compilation to the Legislative Assembly biennially (1993 c.735 §13)

166.300 Killing another as cause for loss of right to bear arms. (1) Any person who has committed, with firearms of any kind or description, murder in any degree, or manslaughter, either voluntary or involuntary, or who in a careless or reckless manner, kills or injures another with firearms, and who, at any time after committing murder or manslaughter or after said careless or

reckless killing or injury of another, carries or bears firearms of any kind or description within this state, shall be punished upon conviction by a fine of not more than \$500, or by imprisonment in the county jail not to exceed one year, or both.

(2) Subsection (1) of this section does not deprive the people of this state of the right to bear arms for the defense of themselves and the state, and does not apply to any peace officer in the discharge of official duties or to a member of any regularly constituted military organization while on duty with such military organization.

(3) Justices of the peace, district courts, county courts and all other courts having jurisdiction as justices of the peace, shall have concurrent jurisdiction with the circuit courts of all prosecutions under subsection (1) of this section.

Note: See note under 166.180.

166.310 [Repealed by 1985 c.709 §4]

166.320 Setting springgun or setgun.

(1) Any person who places or sets any loaded springgun, setgun, or any gun, firearm or other device of any kind designed for containing or firing explosives, in any place where it may be fired, exploded or discharged by the contact of any person or animal with any string, wire, rod, stick, spring or other contrivance affixed to or connected with it, or with its trigger, shall be punished upon conviction by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both.

(2) Subsection (1) of this section does not apply to any loaded springgun, setgun, firearm or other device placed for the purpose of destroying gophers, moles or other burrowing rodents, and does not prevent the use of a coyote getter by employees of county, state or federal governments engaged in cooperative predatory animal control work.

Note: See note under 166.180.

166.330 Use of firearms with other than incombustible gun wadding. Any person who uses in any firearms discharged on lands within this state, not owned by the person, anything other than incombustible gun wadding, shall be punished upon conviction by a fine of not less than \$5 nor more than \$100, or by imprisonment in the county jail for not less than two days nor more than 60 days.

Note: See note under 166.180.

166.340 [1965 c.20 §§2,3; 1969 c.351 §1; repealed by 1981 c.41 §3]

166.350 Unlawful possession of armor piercing ammunition. (1) A person commits

Alaska State Legislature



House of Representatives House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

Contingent Statutes

- (A) AS 11.41.230 Assault in the 4th degree
- AS 11.41.250 Reckless endangerment
- AS 11.41.270 Stalking in the 2nd degree

- (B) AS 11.46.315 Possession of burglary tools
- AS 11.46.320 Criminal trespass in the 1st degree
- AS 11.46.330 Criminal trespass in the 2nd degree
- AS 11.46.430 Criminally negligent burning
- AS 11.46.484 Criminal mischief in the 3rd degree

- (C) AS 11.51.130 Contributing to the delinquency of a minor

- (D) AS 11.56.330 Escape in the 4th degree
- AS 11.56.350 Unlawful evasion in the 2nd degree
- AS 11.56.380 Promoting contraband in the 2nd degree
- AS 11.56.545 Tampering with a witness in the 2nd degree
- AS 11.56.700 Resisting or interfering with arrest
- AS 11.56.710 Harming a police dog in the 2nd degree
- AS 11.56.740 Violating a domestic violence restraining order
- AS 11.56.780 Hindering prosecution in the 2nd degree
- AS 11.56.790 Compounding
- AS 11.56.800 Making a false report
- AS 11.56.805 False accusations
- AS 11.56.810 Terroristic threatening

- (E) AS 11.61.110 Disorderly conduct
- AS 11.61.120 Harassment
- AS 11.61.210 Misconduct involving weapons in the 4th degree
- AS 11.61.220 Misconduct involving weapons in the 5th degree
- AS 11.61.240 Criminal possession of explosives

- (F) AS 11.71.050 Misconduct involving a controlled substance in the 5th degree
- AS 11.71.060 Misconduct involving a controlled substance in the 6th degree

- (G) AS 18.65.750 Village public safety officers program
- AS 18.65.755 "Possession location violation"
- AS 18.65.760 "Misuse of permit"

- AS 25.35.010. Injunctive relief in cases involving domestic violence
- AS 25.35.020 Emergency injunctive relief in cases involving domestic violence



Tom Fink, Mayor

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-8500



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REP BRIAN PORTER

February 28, 1994

Representative Brian Porter
House of Representatives
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska

Post-It™ brand fax transmittal memo 7871		# of pages # 5
To <i>Rep. Brian Porter</i>	From <i>Det. Chief 111111</i>	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

Dear Representative Porter,

I am writing this letter to express my strong opposition to a concealed weapons permit system. House Bill 351 would allow for the carrying of concealed weapons by almost everyone who is over the age of 21 years.

Advocates of concealed weapons are pushing this as anti crime legislation and argue that the honest citizen is the only one not carrying a gun. They argue that the only way to reduce crime is for the average person to arm themselves and stop expecting the police to protect them. Many advocates also point to Florida as an example of a state where the crime rate has gone down since concealed weapons have been introduced.

I will admit that there are a very few examples where concealed weapons have been shown to protect people. However, most of the testimony and argument that I have heard in favor of concealed weapons has described situations where carrying a weapon concealed is permitted under existing law. Even statistics frequently cited by supporters of concealed weapons show a high percentage of justifiable homicides occur in the home rather than on the streets. The actual number of times a concealed weapon would protect someone on the street is extremely low.

According to FBI statistics, there were 262 justifiable homicides in 1992. The FBI does not break the numbers down as to where the

justifiable homicides took place. Supporters of concealed weapons often times point to a study done by Gary Kleck, an associate professor at Florida State University, to support concealed weapons. In that study, Kleck claims that 75% of the justifiable homicides occur in the home. If that is true, then it further demonstrates that very few incidents actually happen out "on the street".

What about the other side of the coin? You don't have to be a criminologist or statistician to know that more guns will mean more accidents, more injury, and more tragedy. The news media routinely runs stories about the proliferation of weapons and the resulting death and injury. The risk of accident proportionally increases the more people carry guns.

It is not necessarily true that concealed weapons will protect us from crime. First, it presumes that people are proficient in the use of firearms in life threatening situations, and in a position to use the gun in the first place. Take police officers as an example. Year after year, FBI statistics show that police officers are routinely killed with their own weapons. We also know that the number of bullets that actually find their intended target is frighteningly low. Yet these same officers are highly trained in the use of their weapons and how to protect themselves. The feeling of safety a concealed weapon may bring is largely a false perception.

Secondly, the argument presumes that we need to protect ourselves from the criminal who is a stranger. Study after study has shown that most victims of assaults and rape suffer their fate at the hands of someone they know. We are in far more danger of being harmed by a loved one than we ever are of being assaulted by a street criminal. How are more concealed weapons going to protect these innocent people from acquaintances and relatives?

Police departments around the country do their level best at screening police officers. We conduct extensive backgrounds, we administer polygraph and psychological tests and we provide extensive training. And yet, as every police chief knows, we still have problems with some officers and guns. This occurs even after exhaustive selection efforts and attempts to control behavior. No concealed weapons legislation is going to mandate this kind of screening for private citizens and as a result, people who should not be carrying concealed handguns will be issued permits.

I take no comfort in the fact that concealed weapons legislation denies permits to persons with a criminal or mental illness history. Police departments arrest people all the time who carry concealed weapons and have no criminal background. Mental illness records are confidential under a variety of state and federal laws, so we'll never know in most cases if an applicant is mentally ill or not. A permit applicant who has poor judgment is not necessarily going to have a criminal background or be mentally incompetent.

All of us probably know individuals we would not want to see carrying a concealed weapon. We all know people who are quick to anger, who exercise poor judgment in emotional situations and who should never carry a gun concealed or otherwise. Yet most of these same individuals would pass background checks and qualify for a concealed weapons permit. How would we ever screen these people out? Are we really a safer society by letting everyone who passes a background check carry a concealed firearm?

I'm concerned with the type of behavior that more guns on the streets may encourage. Will motorists shoot at one another like they do Outside for minor affronts? Will more people feel free to shoot fleeing teenagers who are guilty of minor thefts? Will men who stalk women be encouraged to carry a gun because it is legal to carry them concealed? Will people be more likely to place themselves in positions of danger because of the false sense of security a concealed weapon brings them? Will people be tempted to carry them in prohibited places like bars because it takes too much time to remove them and leave them in the car? Do we want community patrols to carry concealed weapons? Will police officers be safer while on the job when people are carrying concealed weapons?

We need to think about the message we send to children about the use of firearms. A child who watches a parent routinely carry a concealed weapon is being taught that it is adult behavior to carry a gun. We know that children mimic the behavior of their parents. Is that the message or behavior that we want kids to emulate at school or in the neighborhood with their friends?

The greatest fraud that proponents of concealed weapons have come to believe is that the Florida experience with concealed weapons has reduced crime. FBI Uniform Crime Statistics show that violent crime in Florida has increased by 17.7% from 1987 (the year that Florida enacted concealed weapons) to 1992. I have no idea where

proponents of concealed weapons are getting their information, but its not from reported violent crime to the FBI which shows the following violent crime increases for Florida:

1988	+9.1%
1989	-0.7%
1990	+12.2%
1991	-4.8%
1992	+1.9%
Total	17.7%

Other states that changed or enacted concealed weapons laws have had increases in their crime rate. Pennsylvania had a needs based concealed weapons law until June of 1989 when a new more liberal concealed weapons law went into effect. The FBI statistics show the following:

	<u>Number of Violent Crimes</u>	<u>Violent Crime Rate</u>
1988	43,534	326.0
1989	45,586	378.6
1990	51,213	431.0
1991	53,824	450.0
1992	51,276	427.0

In West Virginia (a state where their constitutional right to keep and bear arms was "clarified" as an individual right) a new no-needs based concealed weapons law went into effect in 1989. Their experience with violent crime according to FBI statistics is:

	<u>Number of Violent Crimes</u>	<u>Violent Crime Rate</u>
1988	2,476	131.4
1989	2,724	146.7
1990	3,036	169.3
1991	3,440	191.0
1992	3,833	211.5

If there really is a state where it can be shown where the crime rate went down, I am not aware of which one it is. (Note: All "violent crime rates" reflect the number of crimes per 100,000 population.)

Alaska, where we have very few restrictive laws on fire arms and no concealed weapons permits, enjoys a state wide crime rate which is below the national average.

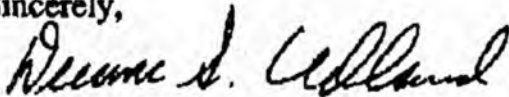
	<u>Number of Violent Crimes</u>	<u>Violent Crime Rate</u>	<u>US. Rate</u>
1988	2,682	522.8	637.2
1989	2,623	497.7	663.1
1990	2,885	524.5	731.8
1991	3,499	613.9	758.1
1992	3,877	660.5	757.5

Certainly crime has been on the increase in Alaska, but I believe much of that can be explained by the influx of population as our economy has improved. We still remain below the national average and I can not find any statistical argument that supports concealed weapons.

I find it ironic that some of law enforcement's staunchest supporters in the legislature are among the most adamant about concealed weapons. I wish our beliefs could be reconciled, but I'm afraid our opinions are too far apart on this issue. I cannot see any connection between a safer society and concealed weapons. I have been asked what could be done to make a concealed weapons bill more palatable. My answer is don't pass it into law.

I realize that any legislator who speaks out against concealed weapons faces passionate and organized criticism from a very vocal group. We already have very liberal laws allowing the carrying and use of firearms. I hope, however, you and other members of the legislature will stand against the onslaught and continue to make Alaska a safe place to live. If I can be of any assistance to you please contact me.

Sincerely,



Duane S. Udland
Deputy Chief of Police
Anchorage Police Department
4501 South Bragaw
Anchorage, Alaska 99507



JOHN NEALON
SERGEANT

VALDEZ POLICE DEPARTMENT

P.O. BOX 307
VALDEZ, ALASKA 99686
(907) 835-4560 • FAX (907) 835-3412

Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801

Dear Rep. Olberg:

As a fifteen year Police Officer in Alaska I have no objection to a law which would allow a law abiding citizen of Alaska to carry a concealed weapon. I have read HB351 and the only objection I have to it is in Sec 18.65.705 (12), Demonstrating Competence. I think a mandatory training program is appropriate. The training should include Alaska law regarding use of force, civil liability, moral considerations, limitations of the permit, and firearms safety. The course should include a written test and practical test including live fire by the applicant. I believe this course could be completed in 8 to 12 hours and should be paid for by the applicant.

When it comes to issuing permits to carry concealed weapons I believe the state should test an applicants competency at least as thoroughly as when issuing a drivers license.

Sincerely,

John Nealon
PO Box 2379
Valdez, Ak 99686

RECEIVED

MAR 14 1994

Rep. Brian Porter

The Lexington Heritage Association, Inc.

National Headquarters
12300 East Soapstone Road
P.O. Box 1967

Phone: 907-746-1776

Palmer, Alaska 99645

FAX: 907-745-0688

March 14, 1994

Representative Jeannette James
Vice Chair, Judiciary Standing Cmte.
Room 30, Capitol
Juneau, Alaska 99801

Dear Rep. James:

We are requesting that you influence passage of SJR-39 and HB-351 out of the House Judiciary Committee for further action by the full legislature.

It is our position that these pieces of legislation should stand on their own merit, or lack thereof, before the full legislative process and the Alaska people.

We are neither naive nor unfamiliar with the legislative committee process. What we strenuously object to however, and find constitutionally derelict, is subversion of the democratic process by committee chairs who attempt to rule on legislation by personal fiat.

These two pieces of legislation represent the fundamental rights and civil liberties of the people of Alaska. Both should rightly stand before all of the people's representatives for consideration.



"The Right of the People."

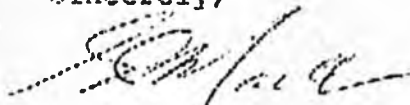
Pres.: Glenn Marden, Sr., Palmer
Sec.: Howard DeLo, Big Lake

V. Pres.: Charles Hester, Tulkoctiv
Treas.: Ken Eward, Anchorage

To subvert that process by allowing someone to superimpose personal values and prejudices are neither in the best interests of your oath of office to uphold the constitution nor our legislative system.

We respectfully ask that you honor that oath and our right to petition our government for redress of grievances within our democratic process. Please urge the Judiciary Chair to move these two pieces of legislation on to their respective resolutions, whatever they may be.

Sincerely,



Glenn C. Marden, Sr.
President

glj

ALASKA PEACE OFFICERS ASSOCIATION

Mat-Su Chapter APOA • 423 S. Valley Way • Palmer, Alaska 99645 • (907) 745-4811

March 1, 1994

The Honorable Members of the Alaska State Legislature
c/o Legislative Information Office
185 East Parks Highway
Wasilla, AK 99654

The members of the Mat-Su Chapter of the Alaska Peace Officers Association do not support House Bill 351 concerning concealed weapons permits. The State of Alaska offers individuals very liberal laws allowing the carrying of firearms. Allowing an individual to carry a concealed weapon is not in the best interest of the community as a whole.

Our organization has a diverse membership with a common commitment to public safety. We do not feel this bill serves public good. Please do not support House Bill 351.

Thank you

Sincerely,

Samuel E. Edwards, Jr.

John Glass
President

(H) Judiciary

From the desk of...

CHRISTIAN BERRIGAN

3605 Arctic #2060
Anchorage, AK 99503
Phone: 907-349-6729
FAX: 907-344-2097

3/14/94

Rep. Brian Porter
House Judiciary Committee, Chairman

Via FAX# 907-465-3834

Dear Rep. Porter:

Thank you for your letter confirming you will allow HB351, concealed carry permit bill, through your committee. I appreciate you listening to the will of the people on this matter. When we spoke at the Anchorage caucus, I greatly admired the fact that you were able to put personal concerns aside on a matter so important to your constituency, at least enough to allow the bill to pass through your committee in a timely fashion. I look forward to receiving a copy of a fair committee substitute after March 21. As you know, it is important to get the bill to Finance and allow them sufficient time to meet the April 8 Rules Committee deadline.

I have another issue of equal if not greater concern. SJR39 is a bill simply clarifying that the existing right to keep and bear arms is a right of the individual. More importantly, this is a bill that is not making any decision other than to allow the people to vote on the amendment. I implore you to realize the importance of not denying the people you represent an opportunity to speak for themselves on this issue. As you know, there is broad-based support on this matter and few people will see any good reason for one person to refuse them their opportunity to decide for themselves how they want to handle an issue of that so greatly affects their personal lives.

Although I am confident that you will continue to demonstrate the fair and honest track record you established with HB351, I thought it important to also express my views on SJR39.

Thank you again for your concern,

CHRISTIAN BERRIGAN
Precinct 343, Republican Committeeman

CC: Ramona Barnes, Speaker of the House

Received

REP BRIAN PORTER

February 18, 1993

Brian Porter, Representative
Rm. 118. State Capitol
Juneau, AK 99801-1182

Dear Representative Porter,

This letter is a follow-up to my conversation with Eric Musser on your staff. Our conversation revolved around the 2/6 COMPASS article supporting HB351 in the Anchorage Daily News. At issue here is the statistical evidence that Mr. Bibee uses (enclosed) in supporting HB351, namely the work done by FSU criminology professor Gary Kleck. Mark Twain is believed to have said, "There are liars, damn liars, and statisticians". I believe that a similar case can be made for Professor Kleck, and that some or all of his statistics lack the veracity attributed to them by Mr. Bibee. These are:

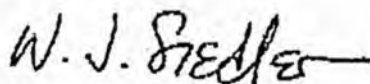
- A. Number of times an "armed citizen defends himself or his property" = 1 million/year.** How were these stats gathered/ I'll bet that much of the time, it's a case of "mean ol' Mr. Crabapple" waving a gun at kids who accidentally threw a frisbee into his yard, and then dared to retrieve it. Or Joe Paranoia, who thinks he has thwarted a mugging with the reassuring pat of his concealed weapon, when the object of his fear-and-loathing is only asking directions.
- B. "96% of the time, he merely brandishes the weapon or fires a warning shot. In 2% of the cases the citizen actually shoots the assailant".** That's a total of 98%. Who does the citizen shoot the other 2% of the time? Himself? A family Member? A bystander? And who are these "assailants" any how? The kid who was killed by the Lo-Mar furniture store owner? The teenage burglar up on Rabbit Creek two weeks ago? The scottish salesman in Texas who was gunned down for asking directions? The Japanese foreign-exchange student, again in Texas (a coincidence)?
- C. "...the armed Florida citizen ended up killing 2,000 to 3,000 criminals each year since 1987".** These figures appear ludicrous on their face (in 1994 that's a whopping 14,000-21,000 dead criminals in Florida, not counting the 5,000-7,000 wacked by the cops. Are any lucky enough to make it to prison?). Again, who are these heinous criminals? Axe wielding coked-up baby rapers? Or bicycle thieves, trespassers and innocent out-of-towners?

In any case, the statistical evidence proffered by Gary Kleck (through Mr. Bibee) or the NRA, for that matter, deserves further analysis. This has probably been done by an "equal and opposite PHD" or an anti-concealed weapons Florida Legislator (is there at least one?). My own feeling is that for every "criminal" or "assailant" dispatched by the armed citizen, at least one innocent person is also killed or maimed. I'm not at all sure the "butcher's bill" is worth the trade-off.

HB351, in theory at least, may not seem that onerous. Certainly, there is a valid argument to be made for "leveling the killing field" as regards the accessibility of guns by the criminal element. But as a practical matter, many of HB351's most ardent supporters are already "packing", and simply want the legislature to validate an illegal practice. Many of them are as likely to cause a gun-related accident or crime, as prevent one. Let them carry firearms on the outside of their person, where it may actually have a deterrent effect; the criminals-and the rest of us-will steer clear. If you cannot or will not keep this bill in Judiciary, please at least ensure the most stringent possible background checks, safety courses, and permit fees.

I hope you choose to respond to Mr. Bibee's COMPASS piece. If you do, "good hunting" for your own anti-HB351 statistics. As former legislative assistant myself (Rep. Menard 1989-1993) I know it can be difficult. But a bill with this much potential for mayhem must get a thorough and balanced examination, and should not be rushed to the Governor because of a vocal minority's "2nd Amendment fever"

Warm regards,



Bill Siedler
POB 1685
Palmer, AK 99645
746-0923

cc: Reps. Larson, Menard, Carney, Nordland, Green
Sen. Kerttula

FORUM/LETTERS

Concealed weapons protect victims, not c



Let's get one thing straight at the beginning. Police don't protect. Period. In fact, they are required by law to react after a crime is either in progress or is over. Police retaliate.

The illusion of police protection is one of the great myths that I, as a self-defense for women instructor, have to overcome. One of the other myths is that if a woman pulls a gun on a bad guy, he will summarily take it away from her and use it on her. That doesn't happen either.

But back to the police. They have been very good at finding ways to protect themselves. The concern that C.E. Swackhammer, Ron Otte and Brian Porter have about HB 351 (the bill to allow concealed carry of firearms) is that the passage of this bill might make it more dangerous for police officers. It might, but it definitely would make it more dangerous for the criminals.

Supporters of this bill have pointed to the Florida experience as a way of demonstrating what the passage of this bill means.

In total, there are 13 states that allow concealed carry. To date, there has been no research on the effects of concealed carry that includes all of these states.

But information has been developed about the Florida experience by Florida State University criminologist Gary Kleck. According to his data, approximately 1 million times a year an armed citizen defends himself or his property. Ninety-six percent of the time, he merely brandishes the weapon or fires a warning shot. In 2 percent of the cases, the citizen actually shoots the assailant. While defending themselves with firearms, the armed Florida citizen ended up killing between 2,000 to 3,000 criminals each year since 1987 when the law was enacted. This is three times the number killed by police during the same time-frame.

In a nationwide study, Kates found that about 2 percent of civilian shootings involved the

COMPASS

POINTS OF VIEW FROM OUR COMMUNITY

injury of an innocent citizen mistakenly identified as an assailant. The error rate for police, however, was 11 percent.

The difference in the "identification" problem is fairly easy to understand. If a citizen is standing at the bus stop of life and a bad guy comes up, pulls a knife and says, "Your money or your life," it is pretty obvious that a crime is in progress. Police, on the other hand, are usually not privy to that kind of exchange. They retaliate, after the fact, and try to sort out who did what to whom.

Self-defense laws, in general, favor protection of the police, the criminal justice system, and those who make their living off of those institutions. In short, if a citizen is going to act in self-defense, he must first try to run away. Failing that, he cannot escalate past what is being done to him (e.g., if the bad guy is unarmed, the good guy cannot start hitting the bad guy with a 2-by-4).

Then, once the bad guy is on the ground, the good guy must stop, wait for the bad guy to get up and present himself as a danger again before the good guy can act again. Additionally, the good guy can only use lethal force if he can prove to a jury that he was in fear of losing his life (or he was preventing another from losing his/her life).

If I had followed these guidelines as I fought my way through my early life, I wouldn't be alive today. Combat strategies that actually work will not fit neatly into those restrictive guidelines.

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Another powerful there is handgun, rapist, th mugger, percent take a wc her. Agai away, the What capable attack:

• 92-y shot her:

• After her rapit (Seattle

• "Wo Intruder 1993);

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The e gun ow anged, looking They ar accept victims.

• Bruce owner o teaching

Move legislature to Wasilla

The new capital designation which is coming onto the ballot in the general election in

Now ONE MORE TIME...

has bi misapp Gov. Barnes that vc every

02-18-1994 10:46AM FROM REPRESENTATIVE RUI LAHSON TU 1455JBJH F-01

criminals

fact is: Only the intended victim of a crime is in a position to: 1) establish that a crime has occurred, and 2) prevent that crime from occurring. No one else is in any position to do anything else except pick up the pieces after the fact.

Another fact is: The handgun is the most effective tool for prevention and protection that a woman, trained in the use of a handgun, stands a good chance against the actions of an estranged husband or boyfriend, the actions of a man. FBI statistics say that in less than 1% of the cases reported did the assailant take the man's gun away from her and use it on her, compared to police giving their guns to a citizen did better. The fact that does happen is that women are fully capable of defending themselves from violent

assaults. For example, an 80-year-old, wheelchair-bound Bessie Jones was assaulted (USA Today, Nov. 10, 1993); after being blindfolded and raped, Madeline Hise reached the gun in her purse and held the assailant at gunpoint while she called the police (Times, May 13, 1993); a man Feeding Baby At Home Shoots (San Antonio Express News, Aug. 10,

1993) "Police Chief Shoots Intruder" (San Antonio Express News, April 22, 1993).

The experience of the armed citizen is not that criminals are homicidal, emotionally disturbed, sub-human throwbacks who are just looking for an excuse to blow somebody away. They are, rather, decent, law-loving people who are aware of the fact that only they, the intended victims, can prevent crime.

Bibee is a seventh-degree black belt. He is the founder of the Kung-Fu San Soo Center, and he has been teaching women's self-defense classes since 1976.

men spent. Why not let those who have appropriated our money personally return it. Let Hickel, then Attorney General Cole, then Fialford and the rest of the legislature be forced to spend our money. Let each and every one of them dig into their pockets and replace our



FREELON F. STANBERRY
MAYOR

February 1, 1994

Representative Jeannette James
State of Alaska Legislature
State Capitol Building
Room 501
Juneau, Alaska 99801-1182

Dear Representative James,

I would like to thank you for introducing HB 351. We have long needed this bill and I am confident that our legislatures will do the right thing and pass this legislation.

I think it is needed more here in Alaska because of the many small towns like the City of Houston which does not have a police force and must depend on outside help which takes up to four hours to get in case of trouble. The carrying of a concealed weapon by law abiding citizens has already proven its self to be a deterrent to crime and not a problem to the police force in several small cities in the United States.

I also feel that in the case of the City of Houston if some of our citizens were allowed to carry a concealed weapon, they would be ready to identify drug dealers who we know are armed and dangerous. At this time they have no way of protecting themselves legally at all times. Thanks again and if I can be of any assistance please let me know.

Sincerely,

Freelon F. Stanberry
Mayor
PO Box 236
Houston, Alaska 99694
w/ 348-5105 h/ 892-6198



Daniel K. Schoonover, M.D., F.A.C.E.P.
Emergency Medicine

and Dark Knob Station
P.O. Box 10790
Fairbanks, Alaska 99710
(907) 451-3567

February 2, 1994

The Honorable Jeannette James,

I am in strong support of HB 351.

Being a practicing emergency medicine physician I see the violence in Alaska in a different light than does the national media. What I see in our busy emergency department are the victims of violence, unable to defend themselves against the rising numbers of violent criminals. The police do the best they can, but in these times of decreasing budgets, staff and funds, they are unable to prevent these violent crimes and are only able to assist and investigate after the fact. This Bill will allow the law abiding citizens of Alaska the opportunity to adequately defend themselves and their families in an inconspicuous way.

We don't need to encourage a "wild west" attitude of guns worn openly on the hip, that's too disruptive to the everyday activities of most Alaskans, but 37 states already have a law allowing concealed carry and it's worked very well for them. In this state where law enforcement response can be measured in hours instead of minutes (as witnessed with the murders at McCarthy, and Manley Hot Springs and the shoot out at Central), our citizens need a viable option for their self defense.

On a more personal note, as a doctor my life has been threatened by drug abusers and violent criminals so many times that I keep an unlisted phone number and a post office box so no one can find my home. Obviously I can not carry a firearm in plain view as it would illicit a very undesirable response in my patients and coworkers, but I do need protection. More emergency medicine doctors have been murdered in the last several years than any other specialty in the United States. Please support this Bill with all your heart and energy and please don't hesitate to call on me to help you in any way.

Sincerely,

Monte and Linda Parrish

**P.O. Box 671852
Chugiak, Alaska 99567
907-688-9700**

To: Representative Jeannette James
Juneau, AK
% fax 465-2381

Reference: HB 351

Dear Ms James,

Thank You!! My husband and I just learned of the bill you introduced to create a legal way to carry a concealed weapon. In support of the legislation, I would like you to know about the following event;

One year ago, my husband and I were surprise assaulted by a person named Edward Scott Coleman. As it was, our being able to produce the handgun was the only thing that stopped his attack on us.

The assailant has a history of violence and trouble with the law, has threatened peoples lives, and is experienced at manipulating the system to minimize repercussions to himself. The irony is that because we had the firearm, we suffered some loss of credibility with one of the investigating officers. This was a factor that added to the assailant getting the charges against him, *dropped!*

To compound problems, by the nature of our existing law, the D.A.'s office was forced to consider charging us with carrying a concealed weapon.

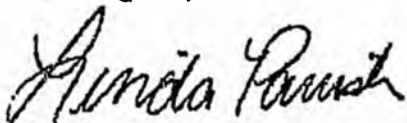
Even though the incident was sudden and terrorizing, we have some resolve in the fact that had it not been for our ability to produce a firearm at the time, it would have most surely ended in something tragic, rather than just the \$400.00 damage to our vehicle (which we have not been able to collect).

...By the way, the assailant is employed as a truck driver and currently resides in the Fairbanks area.

We feel compelled to carry a firearm because of bank deposits we transport from our business, and because of a violent rape that a family member was subjected to.

If you need to contact us for any reason during the day, our office number in Anchorage is 561-4820, fax is 562-2316. Feel free to circulate this communication as you wish.

Best Regards,



Linda Parrish

DAVE WAARVIK
2356 O'Day Drive
JUNEAU, ALASKA 99801
(907) 789-0453

Tuesday, 2-1-94

To the honorable Jeannette James

I am writing in support of House bill 351 relating to Provisions for a permit to carry a concealed weapon.

I have been interested in firearms safety and proficiency issues for most of my adult life. I have about fifteen years experience in police work beginning in the late '50s with the U.S. Air force Air Police and with the Wisconsin state patrol and the Alaska State troopers. Also I am an active firearms and hunter safety instructor certified by NRA and ADF&G.

I have been following the issue of concealed weapons permits for the past few years and am convinced that there is no good reason for Alaska to continue to ignore the issue any longer. Some studies indicate that a significant part of the U.S. population periodically carries concealed weapons irrespective of the law and in response to a perceived need to be able to protect oneself. HB351 would provide a LEGAL mechanism for those who wish to invest the time money and effort to equip themselves with an effective means of self defense. What this is really is a matter of freedom of choice.

Col. Murphy AST the other day commented that the 88 million dollars spent on the drug enforcement effort in Alaska in the past few years does not appear to have any appreciable effect and perhaps it's time to reevaluate our approach.

Like the gun control approach to attacking crime, places like New York city and Washington D.C. have had an ever increasing violent crime rate despite ever more restrictions on the private ownership of firearms. It seems one should not be blaming gun owning citizens for crime any more than the police who are doing a good job in view of having to look at the same faces over and over as criminals circulate through the revolving door of the so called criminal justice system.

Granted, as the Wright/Rossi study found in most cases of armed robbery mounting an effective defense would not have been possible in any case. But in some cases it would and there is NO credible evidence that the committed, trained and licensed citizen lacks the judgement or restraint to respond to a threat appropriately. In the Florida experience since 1987 when over 160,000 Concealed weapons permits were issued over a six year period only 16 of them (0.01%) have been revoked because of weapons infractions. Unlike police who are required by law to place themselves in harms way and make snap judgements and are afforded the protection of the state against personal civil liability, The responsible civilian is under no obligation to persist in the face of danger and risks the wrath of both the civil and criminal legal process should he make an error in judgement. And should he err in judgement he, unlike the police officer, incurs no liability against the state, only himself.

Respectfully,

Dave Waarvik

434 McKinley View Dr.
Fairbanks, AK 99712

Dear Legislator:

Please consider the following facts:

Firearms are used 2.4 million times annually, in self-defense, according to a study by Prof. Gary Kleck, PhD, Florida State University criminologist.

Overall violent crime rates appear to have dropped in Florida, Georgia, Washington and South Dakota since citizen concealed weapons carry laws were enacted.

Few to no crimes are committed by citizens carrying licensed firearms. Contrary to the belief of some, those who carry concealed weapons do not suddenly become crazed criminals because they are issued a license to do so.

Outside of large urban areas, crime rates have generally not increased in the United States, except for spotty, localized areas. Some places have seen decreases.

Areas such as Chicago, Detroit, Philadelphia, New York City, District of Columbia, Boston and other large cities in the U. S. have seen explosive growth in all sorts of violent crime, but this growth has been among Blacks and to a lesser degree Hispanics. Denver, Los Angeles and Miami, for instance, have large numbers of both, and it is among these groups that crime rates are soaring. Whites generally are not even the victims of most of this crime, particularly if not resident in the high-crime areas.

FBI statistics indicate that police accidentally shoot many times more innocent bystanders, percentage wise, than do citizens defending themselves against criminals. Armed citizens do a better job than police in these cases because they know which ones are the criminals, but when the police arrive, everybody looks like a dangerous thug!

If the April 8 deadline into Rules is to be met, you on the Finance committee must expedite this bill. I sincerely hope that you will do so, which will be a valuable service to all your constituents.

In light of the above and reams of other data which support the use of firearms by honest, respectable citizens, outside as well as inside their homes to protect themselves and their families, I hope you will vote "yes" on HB 351, "License To Carry A Concealed Weapon."

Sincerely,

TO THE FINANCE COMMITTEE

MARCH 29, 1994

PLEASE COPY EACH MEMBER OF THE FINANCE COMMITTEE

WE WANT BILL HB 351 PASSED JUST AS IT IS NOW WITH NO
ADDITIONS OR CORRECTIONS.

THANK YOU, RICK & JUDY WHITESIDE

1223 26th AVE
FAIRBANKS ALASKA 99701

907-452-8628
fax 907-456-7228

Rick Whiteside
Judy Whiteside

F A X M A I L

TO: _____

FROM: J. ALAN PATTERSON

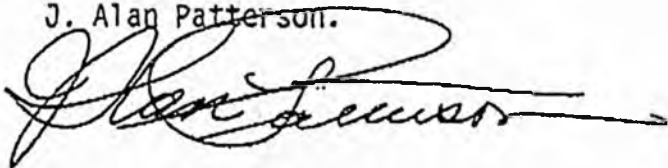
FAX NUMBER: 1-465-2278

PHONE: (907) 457-5665 (Voice/FAX)

DATE: March 29, 1994

I WISH TO RECORD MY FEELINGS ABOUT HB 351 (I BELIEVE THAT IS THE CORRECT NUMBER) DEALING WITH CARRYING A CONCEALED WEAPON. PLEASE APPROVE OF THIS BILL AS QUICKLY AS POSSIBLE. FLORIDA, OREGON AND WASHINGTON HAVE PASSED SIMILAR LAWS AND THE VIOLENT CRIME HAS GONE DOWN WHILE IN OTHER STATES, IT IS GOING UP. THE FEAR OF WEAPONS BEING USED BY THESE WHO ARE LICENSED TO CARRY WEAPONS HAS NOT HAPPENED IN THESE STATES. VERY, VERY FEW WHO HAVE PERMITS TO CARRY A WEAPON HAVE USED THEIR WEAPON IN A WRONG WAY. IT ONE PERSON ON THE LONG ISLAND RAILWAY HAD A WEAPON, ALL THOSE WHO DIED MAY NOT HAVE LOST THEIR LIVES. THE PROBLEM WITH VIOLENT CRIME IS NOT, I REPEAT, IT IS NOT THE RESULT OF GUNS, BUT WE ARE MOVING OUR CRIMINALS THROUGH A REVOLVING DOOR AND THEY ARE NOT SPENDING THEIR TIME IN PRISON. THERE ARE 4.3 MILLION FELONS AND ONLY 25% OF THEM ARE IN PRISON. PLEASE MOVE THIS BILL ALONG SO IT CAN BE SIGNED AND PUT INTO LAW AS SOON AS POSSIBLE.

J. Alan Patterson.



A handwritten signature in cursive script, appearing to read 'J. Alan Patterson', written over the typed name above.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

WALTER J. HICKEL, GOVERNOR

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4356
FAX: (907) 465-3627
OFFICE ADDRESS: 450 WHITTIER ST.

April 6, 1994

Dear Alaskan:

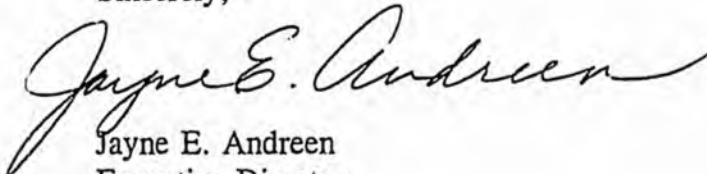
Enclosed you will find the Annual Report by the Council on Domestic Violence and Sexual Assault. This report describes the accomplishments of the many people working in the domestic violence and sexual assault fields in Alaska.

In Fiscal Year 1993, the Council was able to fund 23 programs in 17 communities. Services that were provided include shelters, safe housing, crisis intervention, counseling, advocacy, and support for 12,646 people affected by family and sexual violence. Prevention and education programs were provided to communities and school districts, as well as outreach to rural areas. Batterer's counseling was funded in several communities, and advocacy and support were provided to survivors of victims of homicide. The effort and commitment of program staff and volunteers is evident throughout the State of Alaska as these people continue their efforts to end violence.

Even with these resources, violent crime continues to rise at record rates. Domestic violence and sexual assault crimes have reached epidemic proportions, affecting us all. Many victims and their families do not have access to services, particularly when living in rural areas where support services are scarce or non-existent. Shelters that house battered women and their children are filling beyond capacity. It will continue to take a united effort of Alaska's people to put an end to this type of devastation.

The Council on Domestic Violence and Sexual Assault and its staff will continue to work with you to increase and improve services to victims, their families, and Alaska's communities. The Council office is available to provide additional information and assistance.

Sincerely,



Jayne E. Andreen
Executive Director

**AN ANNUAL REPORT TO
GOVERNOR WALTER J. HICKEL**

AND

THE ALASKA STATE LEGISLATURE

By the Council on Domestic Violence
and Sexual Assault

For the period January 1, 1993 - December 31, 1993

State of Alaska
Department of Public Safety
Richard L. Burton, Commissioner

COUNCIL MEMBERS AND STAFF

COUNCIL MEMBERS:

Susan Parkes, Chair, Department of Law
Willie Kiniebrew, Vice-Chair, Anchorage (Public Member)
Ellen Ronimus, Eagle River (Public Member)
C.E. Swackhammer, Department of Public Safety
Andy Klamsner, Homer (Public Member)
Loren Jones, Department of Health & Social Services
Barbara Thompson, Department of Education

COUNCIL STAFF:

Jayne E. Andreen, Executive Director
Marcia Lynn McKenzie, Program Coordinator
Renea I. Rovner, Statistical Technician
Errol F. Arnaud, Secretary

Address:

Council on Domestic Violence and Sexual Assault
Department of Public Safety
P.O. Box 111200
Juneau, AK 99811-1200
Phone:(907) 465-4356
Fax:(907) 465-3627
TDD:(800) 770-8255

Location:

Public Safety Building
450 Whittier Street Room 204
Juneau, AK 99801

The Council on Domestic Violence and Sexual Assault is an equal opportunity employer and complies with the Americans with Disabilities Act. Individuals who require alternative formats should contact the Council office.

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INTRODUCTION

"My husband wrestled me in the kitchen, put his foot on my neck and proceeded to pull my finger backwards. The bone snapped..."

"Three weeks after we were married, I was hit for stepping on a combat boot my husband just shined..."

"My husband beat me so bad I lost a child. He put me in the hospital for a week."

"As a result of the beatings, my cheek is wired in two places, my jaw was broken, and I have a silicone implant to hold my eye up, because the bone was shattered."

"The worst part came on Christmas Eve. My present was a bad beating. My husband wrapped a vacuum cleaner cord around my neck and almost did me in..."

"I have lived with this for 30 years now. Even my grandson is a victim of abuse...And to think I stayed for the sake of the children."

"I always thought it was my fault. If only I was better or prettier, or had black hair instead of red. I was too afraid to leave; finally I got too afraid to stay."

They are Alaskan women and children and the millions of women and children each year in the U.S. that are battered, sexually assaulted and abused.

Half of all homicide victims in Alaska are killed by people they know. Violence is occurring between people who are intimate with each other.

"Violence has reached epidemic proportions as a public health problem in America. The Center for Disease Control has designated interpersonal violence as a major public health problem with the same kind of tolls in loss of life and cost to society as cancer and heart disease. It permeates every corner of our land. It destroys our cities. It destroys our communities and it destroys our families. Home is actually a more dangerous place for American women than the city streets!"

Antonio C. Novello, former U.S. Surgeon General 10/91.

"More Americans report witnessing incidents of domestic violence than robberies and mugging combined. More than one in three have witnessed an actual incident of domestic violence. One in two women believes that battering is not uncommon in relationships. The overwhelming majority (87%) of Americans say that the beating of women by their husbands or boyfriends is a serious problem facing many families. Americans of every age group and race agree that violence is not just a physical assault but also an attack on women's dignity and freedom. And people say they are anxious to end this epidemic. Most Americans today believe that there is no excuse for domestic violence."

Esta Soler, Executive Director, Family Violence Prevention Fund 4/93.

"Alaska ranks second in the nation in reported rapes of adult women, and first in the nation in child sexual assault. In 1992, rates of forcible rape in Alaska were higher than at any time in the past ten years. These crimes stem from a common source: the use of power to dominate another person against his/her will. Likewise sexual harassment involves the use of power to dominate another. We cannot stop one without addressing them all."

Cindy Smith, Executive Director, Alaska Network on Domestic Violence and Sexual Assault

Studies show that while progress is being made in addressing domestic violence and sexual assault, society as a whole has not really acknowledged how serious the problems are. Excerpts from an abuse victim's letter, who is today a quadriplegic, sums it all up: "I can't lift a finger, but I am a fighter and I am not ever going to give up. I am going to fight for my rights. I am down but not out. We need to fight this together. We need to fight for our rights before the fist is raised, before the gun is fired. We need you to fight with us, to help us walk tall, and, when necessary, to help us walk away from violence in our homes."

All wars are alike in at least three particulars: death, destruction and rape. A Serbian fighter gave a New York Times reporter one reason that rape is so often part of a soldier's arsenal. Serbian commanders told him and his companions that raping Muslim women was "good for raising the fighters' morale." Some of the women were pregnant, and all suffered physical and emotional battering, and treating their psychological damage is out of the question. A Zagreb political scientist said that "no one cared about the women and there was no social consciousness on the issue".

In April, 1993, Time Magazine reported Sex With a Scorecard. A group of high school boys were charged with tallying their conquests by keeping score of how many different girls with which they achieved an orgasm. One boy reported his parents were surprised when he tallied only 50--they thought it was more. Comments were made about boys will be boys, "it's a testosterone thing" and "a Freudian thing, you know, penis envy". Girls were called trash and sluts. The boys were cheered when they returned to classes.

The stories go on and on and on. Crimes of domestic violence, sexual assault/abuse and harassment are unacceptable. Innocent victims of crime have been overlooked, their pleas for justice have gone unheeded, and their wounds, personal, emotional and financial have gone unattended. People continue to be killed, beaten and raped in record numbers. Violent crime in general is increasing, including violent crimes against women. Since 1974, the rate of assaults against young women (ages 20 - 24) has risen almost 50%; for young men it has decreased. Data from the National Crime Survey shows that women are the victims of violent crime committed by family members at a rate three times that for men. Also, according to the Survey, spouses or ex-spouses commit more than half of all violent crimes committed by relatives against women.

A woman is beaten every 18 seconds and 4,000 battered women are killed every year in the United States. Nationwide, more than one million abused women each year seek medical assistance for injuries caused by battering. In Alaska, 26% of adult women have been physically abused by a spouse sometime during their lives and most of the battered women were abused at least once a month. It is estimated that a minimum of 13,200 women living in Alaska have required medical

treatment by a doctor or hospital for injuries sustained by abuse at some time in their life. In 1990, fifty percent of female murder victims in Alaska were killed by their husbands or boyfriends. More than half of all homeless women are on the street because they are fleeing domestic violence. Most victims of domestic violence have nowhere to go. In the entire United States, there are only 1,500 shelters for battered women and children compared to 3,807 animal shelters.

Children raised in violent homes suffer the effects of living in this environment and are at higher risk for physical and sexual abuse. Children raised in violent homes are 1500% more likely to be physically abused or seriously neglected. Nearly fifty percent of abusive husbands batter their wives when they are pregnant, making these battered women four times more likely to bear infants of low birth weight. These women also have twice as many miscarriages as non-battered women.

The crime rate against women in the United States is significantly higher than in other countries. The United States has a rape rate which is 13 times higher than England's, nearly 4 times higher than Germany's and more than 20 times higher than Japan's. Sexual violence against women in Alaska continues to rise. The most serious crimes against women are rising at a significantly faster rate than total crime. During the past 10 years, rape rates have risen nearly four times as fast as the total crime rate. According to a study compiled by staff of the Alaska Senate Judiciary Committee (August 29, 1990) 25 million of all of the American women alive today either have been or will be raped at least once during their lives. More than 40% of college women who have been raped say that they expect to be raped again. There were more women "wounded" by rapists last year than Marines wounded by the enemy in all of World War II. Of all those arrested for major crimes (murder, rape, robbery, assault, burglary, larceny theft, motor vehicle theft, and arson) rapists are the most likely to escape conviction. In 1950, police arrested 83% of all rapists; in 1992, they arrested only 18%.

According to "Crime Reported in Alaska, 1992, Uniform Crime Reporting, Department of Public Safety," Alaska continues to have one of the highest incidences of rape in the country. In 1992 in Alaska, there were 566 reported cases of rape, a 73% increase over five years. Of the 566 reported cases, 88.2% were forcible rape and 11.8% were attempts to rape. Rapes accounted for 15% of all violent crimes and 1.8% of the total crime index. The month of January showed the highest frequency of rapes with 68, and February had the lowest frequency with 27. These statistics must be viewed in the context of reported forcible rapes against females, and do not account for the numbers of unreported sexual assaults that occur everyday, or the male victims. According to data provided by a criminological study conducted in 1990, rape remains the most under-reported of all major crimes; it is estimated that only 7% of all rapes are reported to police. It is safe to estimate that 8100 sexual assaults occurred in Alaska in 1992.

Violence against young women has also increased. Young women aged 16 - 19 are the most likely to be raped. The average age of a rape victim is 18½ years old. Girls who are raped before age 18 are least likely to report their victimization to police.

The report from the U.S. Attorney General's Task Force on Family Violence states that "Shelters are an important resource for a diverse group of victims of family violence who must leave home to escape life-threatening abuse and have nowhere else to go." Among the most important services shelters offer for battered women and their children are immediate safety, counseling, referrals to alcohol and drug treatment programs and assistance in seeking employment and permanent housing.

Services for victims of domestic violence and their children are crucial in order to save lives and reduce the pain and suffering caused by these crimes. Victims of sexual assault must receive crisis intervention services so they can overcome the trauma. Without assistance, they may continue to relive the event and live in fear for their life and safety.

Services for child victims must be available to help them cope with the horrors they have encountered. Children from violent homes suffer emotional and physical disorders as a result of their family situations. Many of these children are victims of physical and sexual abuse, who need to be protected and helped. Helping these children will not only ease the pain, but also prevent future problems. Alcohol and other drug abuse, suicide and criminal behavior are often caused by abuse suffered in childhood. Services for children are important to stop the cycle of abuse.

Treatment for batterers, by trained providers, is essential to protect the victim. Gondolf and Russell, noted authorities in the field of domestic violence, describe wife abuse as a husband's actions to destroy his wife's self esteem. Men batter to control. Experience has shown that most battered women return to the violent relationships. Lack of financial resources to live independently, threats and fear are some of the many reasons they return. The number of programs that provide services for batterers are increasing. Without counseling, violence in these relationships generally becomes more frequent and severe, often resulting in death.

Alaska is fortunate to have a comprehensive, coordinated system for addressing the pain and suffering caused by family violence. In FY94, the Council on Domestic Violence and Sexual Assault is funding 23 community-based programs to provide services to victims of domestic violence and their families. These programs also provide important educational services to their communities as well as outlying communities. Without an all-out effort by community members, family violence will not be stopped.

In FY93, Council-funded programs served 12,646 clients; 8,774 of these clients were victims of domestic violence and their children. Emergency shelter was provided to victims and their children for a total of 56,588 nights of safety in shelters or safe homes. The urgent need for these services can be seen in the numbers of clients as well as the tremendous increases in demand for services. Since FY87, the number of nights of safety provided to program clients has increased by 54%.

The mission of the Council on Domestic Violence and Sexual Assault is to provide immediate safety and support to victims of domestic violence and sexual assault in life-threatening situations and to reduce the incidence of domestic violence and sexual assault in Alaska. The Council accomplishes this through serving as a funding agency for community-based programs. The Council processes applications for funding and monitors programs that receive grants and provides technical assistance to programs and other community groups. It also serves as a planning and coordinating agency for domestic violence and sexual assault services provided by various agencies. This report presents major Council initiatives in 1993, describes programs funded by the Council, presents statistical data gathered from programs in FY93, and identifies issues of concern and possible solutions.

INFORMATION COMPILED FROM:

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Flothe, Captain G., "Alaska State Troopers Report on Sexual Assault and Sexual Exploitation", Alaska Department of Public Safety, February, 1992.

Novello, M.D. M.P.H., A. C., Surgeon General; Address to the AMA, Cook County Hospital, Chicago, Illinois, October 16, 1991.

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National Woman Abuse Prevention Project, "Understanding Domestic Violence: Fact Sheets".

Stockholm, K.R and Helms, A., "Domestic Violence in Alaska: Women's Attitudes and Experiences", University of Alaska, Fairbanks, 1986.

"Ten Facts about Violence Against Women", compiled by staff of the Senate Judiciary Committee for the Hearing on Violence Against Women, Alaska State Legislature, June 20, 1990.

Hart, B., "Safety for Women: Monitoring Barterers' Programs", Pennsylvania Coalition Against Domestic Violence, 1988.

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COUNCIL-FUNDED PROGRAMS

The Council on Domestic Violence and Sexual Assault awarded grants to twenty-three community programs for FY94 for a total of \$5,795,500. This includes \$497,700 in federal funds (\$329,000 from the Victims of Crime Act and \$168,700 from the Family Violence Prevention Services Act).

Domestic violence and sexual assault programs funded by the Council provide many services to victims of domestic violence and sexual assault, their families, batterers, and the communities they serve. These programs and the comprehensive range of services they provide are crucial in helping victims and their families survive the trauma caused by domestic violence and sexual assault. Shelters and safe homes provide safety for victims and their children in life-threatening situations. Crisis lines and crisis counseling assist them in dealing with the immediate trauma caused by violence.

However, these safety and crisis services do not sufficiently address the problems of domestic violence and sexual assault. Victims of domestic violence and sexual assault also need support when they go to the hospital or when they interact with the criminal justice system. These experiences are often overwhelming, particularly for people who have recently suffered a major trauma. Many victims, particularly those living in isolated communities, do not have resources available to assist them in reshaping their lives. Victims in rural areas of the state often have difficulty learning about services and getting to them when needed. They need information about, referrals to, and often advocacy in seeking financial and other support. They also need emotional support to assist them to gain self-esteem and strength.

Providing safety and crisis services and assisting and supporting victims is crucial, but is not itself enough to stop the cycle of violence. Children's programs are needed so children can learn that aggression is not an appropriate pattern of behavior. Children from violent homes often experience emotional, psychological and physical problems. They need support, advocacy and counseling so they may grow up to be healthy, happy adults. Victims of child sexual assault and non-offending family members need intervention services to help them through the crisis when abuse has been disclosed. They also need ongoing support during an investigation or trial as well as long term treatment to reduce the trauma of abuse.

Programs for batterers are also needed. Experience shows that battered women return to violent relationships for several reasons, including the lack of sufficient financial resources to live independently. Without counseling for batterers, violence in these relationships becomes more frequent and severe, often resulting in death. Even if the victim leaves a violent relationship, the offender will carry the pattern of violence to the next relationship unless new behaviors are learned.

Communities as a whole must be educated to realize that domestic violence and sexual assault are totally unacceptable. People in all situations should understand the underlying causes of domestic violence and sexual assault and work toward eradicating behaviors that contribute to these problems. Helping agencies and law enforcement entities need to be informed of the dynamics and causes of domestic violence and sexual assault and be aware of appropriate techniques for intervention and prevention.

FY93 FUNDED PROGRAMS

AVV 835-2980

Sandy Stone, Executive Director
Advocates for Victims of Violence
P.O. Box 524
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KWRCC 486-6171

Letitia Raub, Executive Director
Kodiak Women's Resource and
Crisis Center
P.O. Box 2122
Kodiak, AK 99615
FAX: 486-6162

TCCC 586-3585

Annette Coggins, Executive Director
Tongass Community Counseling Center
222 Seward St., Suite 202
Juneau, AK 99801
FAX: 586-3241

AWAIC 279-9581

Cathy Schindler, Acting Executive Director
Abused Women's Aid In Crisis
100 West 13th Avenue
Anchorage, AK 99501
FAX: 279-7244

PFC 586-3785

Mary Halloran, Executive Director
Parent & Family Center
427 W. 12th Street
Juneau, AK 99801
FAX: 586-2011

TWC 543-3455

Lauree Hugonin, Executive Director
Tundra Women's Coalition
P.O. Box 1537
Bethel, AK 99559

AWARE 586-6623

Jennifer Bell, Executive Director
Aiding Women from Abuse and
Rape Emergencies
P.O. Box 020809
Juneau, AK 99802-0809
FAX: 586-2479

SAFE 842-2320

Ginger Baim, Executive Director
Safe And Fear-Free Environment
P.O. Box 94
Dillingham, AK 99576
FAX: 842-2198

USAFV 581-1500

Michelle Callaham, Executive Director
Unalaskans Against Sexual Assault and
Family Violence
P.O. Box 36
Unalaska, AK 99685
FAX: 581-2989

AWIC 852-0261

Jeanne Cross, Coordinator
Arctic Women In Crisis
P.O. Box 69
Barrow, AK 99723
FAX: 852-0315

SAFV 747-3370

Val Revard, Executive Director
Sitkans Against Family Violence
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Sitka, AK 99835
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VFJ 278-0977

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Victims For Justice
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AWRC 276-0528

Mary Grisco, Executive Director
Alaska Women's Resource Center
111 W. 9th Avenue
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SLAC 224-5257

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Acting Administrative Director
Terry Nash, DV/SA Specialist
Seward Life Action Council
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Seward, AK 99664
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VWRC 746-4080

Pam Lutgen-Sandvik, Executive Director
Valley Women's Resource Center
403 South Alaska Street
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FAX: 746-1177

BSWG 443-5491

Beverly Bowers, Executive Director
Bering Sea Women's Group
P.O. Box 1596
Nome, AK 99762
FAX: 443-3748

SPWS 235-7712

Julie Olson & Stephanie Lieb Migal
Acting Co-Directors
South Peninsula Women's Services
3776 Lake St., Suite 100
Homer, AK 99603
FAX: 235-2733

WIC-CA 452-2293

Connie Embrey, Executive Director
Women In Crisis-Counseling & Assistance
717 9th Avenue
Fairbanks, AK 99701
FAX: 452-2613

EWS 949-1434

Lenora (Lynn) Hootch, Executive Director
Emmonak Women's Shelter
P.O. Box 207
Emmonak, AK 99581
FAX: 949-1412

STAR 563-9981

Judith Lethin, Executive Director
Standing Together Against Rape
360 West Benson, Ste. 201
Anchorage, AK 99503
FAX: 563-9983

WISH 225-0202

Gigi Pilcher, Executive Director
Women In Safe Homes
P.O. Box 6552
Ketchikan, AK 99901
FAX: 225-2472

K/SWRCC 283-9479

Ann E. Dooley, Executive Director
Kenai/Soldotna Women's Resource
and Crisis Center
325 Spruce Street
Kenai, AK 99611
FAX: 283-5844

TCC 452-8251

Don Shircel, Family Services Director
Tanana Chiefs Conference
122 First Avenue
Fairbanks, AK 99701-4897
FAX: 459-3851

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT
GRANT AWARDS

<u>PROGRAM</u>	<u>FY94 GRANT</u>	<u>FY93 GRANT</u>	<u>COUNCIL-FUNDED SERVICES - FY93</u>
<u>ANCHORAGE</u>			
ABUSED WOMEN'S AID IN CRISIS (AWAIC)	716.7	716.7	Domestic violence: shelter, crisis line, advocacy, counseling, children's services, batterers' counseling, elder abuse services, prevention/education
ALASKA WOMEN'S RESOURCE CENTER (AWRC)	159.4	151.6	Domestic violence: crisis intervention, advocacy, counseling, prevention/education
STANDING TOGETHER AGAINST RAPE (STAR)	310.5	326.1	Sexual assault: crisis line, advocacy, counseling, children's services, elder abuse services, prevention/education
VICTIMS FOR JUSTICE (VFJ)	32.7	10.0	Survivors of homicide victims and violent crime victims: crisis intervention, advocacy, education & support/counseling
<u>BARROW</u>			
ARCTIC WOMEN IN CRISIS (AWIC)	230.2	213.7	Domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's program, rural outreach, prevention/education
<u>BETHEL</u>			
TUNDRA WOMEN'S COALITION (TWC)	492.1	484.1	Domestic violence/sexual assault: shelter, crisis line, counseling, children's services, rural outreach, prevention/education, client advocacy
<u>DILLINGHAM</u>			
SAFE AND FEAR-FREE ENVIRONMENT (SAFE)	244.3	236.3	Domestic violence/sexual assault: shelter, crisis line, counseling, children's program, rural outreach, prevention/education

EMMONAK

EMMONAK WOMEN'S SHELTER (EWS) 72.7 72.7 Domestic violence: shelter, crisis intervention

FAIRBANKS

WOMEN IN CRISIS - COUNSELING & ASSISTANCE (WIC-CA) 589.9 589.9 Domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, elder abuse services, rural outreach, prevention/ education

TANANA CHIEFS CONFERENCE (TCC) 23.0 23.0 Domestic violence/sexual assault: safe homes, crisis intervention, advocacy, rural outreach

HOMER

SOUTH PENINSULA WOMEN'S SERVICES (SPWS) 205.1 200.1 Domestic violence/sexual assault: safe homes, crisis line, advocacy, children's program, counseling, rural outreach, prevention/education

JUNEAU

AIDING WOMEN FROM ABUSE AND RAPE EMERGENCIES (AWARE) 425.6 425.6 Domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, elder abuse services, rural outreach, prevention/education

PARENT & FAMILY CENTER (PFC) 7.2 7.2 Parent education and counseling

TONGASS COMMUNITY COUNSELING CENTER (TCCC) 89.6 95.9 Domestic violence: batterers' counseling, children's services, prevention/education

KENAI/SOLDOTNA

KENAI/SOLDOTNA WOMEN'S RESOURCE AND CRISIS CENTER (K/SWRCC) 335.0 331.3 Domestic violence/sexual assault: shelter, crisis line, advocacy, elder abuse, counseling, children's program, prevention/education

KETCHIKAN

WOMEN IN SAFE HOMES (WISH)	395.2	387.2	Domestic violence/sexual assault;shelter, crisis line, advocacy, counseling, children's services, rural outreach prevention/education
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KODIAK

KODIAK WOMEN'S RESOURCE & CRISIS CENTER (KWRCC)	233.9	233.9	Domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, rural outreach, prevention/education
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NOME

BERING SEA WOMEN'S GROUP (BSWG)	396.9	387.9	Domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, rural outreach, prevention/education
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PALMER

VALLEY WOMEN'S RESOURCE CENTER (VALLEY C)	347.0	328.5	Domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, prevention/education
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SEWARD

SEWARD LIFE ACTION COUNCIL (SLAC)	50.0	41.4	Domestic violence/sexual assault: safe homes, crisis line, advocacy, counseling
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SITKA

SITKANS AGAINST FAMILY VIOLENCE (SAFV)	234.6	226.6	Domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, rural outreach, prevention/education
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UNALASKA

UNALASKANS AGAINST SEXUAL ASSAULT AND FAMILY VIOLENCE (USAFV)	66.9	57.9	Domestic violence/sexual assault: safe homes, crisis intervention, advocacy, crisis line, prevention/education, counseling
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VALDEZ

ADVOCATES FOR
VICTIMS OF VIOLENCE
(AVV)

137.0 133.0

Domestic violence/sexual assault:
shelter, counseling, crisis line, client
advocacy, children's services,
prevention/education, rural outreach

MAJOR COUNCIL INITIATIVES IN 1993

1. Coordination

Coordination of services with local, state and national agencies is one of the Council's major roles. The Council has four State members representing the Departments of Law, Education, Public Safety, and Health and Social Services. In addition, there are three public members who bring their unique backgrounds and talents from diverse areas of the state. The makeup of the Council encourages coordination by combining the knowledge, experience and programmatic resources of its members so that issues of domestic violence and sexual assault can be addressed in a comprehensive and effective manner.

Through a Reimbursable Services Agreement with the Department of Corrections (DOC), the Council funded and monitored prison batterers' programs in Juneau, Fairbanks and Nome in 1993. The focus of these programs is to offer inmates, especially those convicted of violent crimes or who were victimized themselves, alternatives to aggression. The Council also provided training for prison batterers' program staff as well as DOC staff. Following are the amounts of funding awarded to each prison batterers' program for FY94:

<u>Facility</u>	<u>Program Name</u>	<u>Amount Funded</u>
Fairbanks Correctional Center	Women In Crisis - Counseling & Assistance	\$28,300
Anvil Mountain Correctional Center (Nome)	Bering Sea Women's Group	36,800
Lemon Creek Correctional Center (Juneau)	Tongass Community Counseling Center	43,600

In addition to routine coordination activities, the Council and its staff:

- * Developed, coordinated, and sponsored the first multi-disciplinary training on "Successfully Investigating and Prosecuting Sexual Assault Crimes." Approximately 160 people statewide, including law enforcement, victim advocates, and prosecutors, attended the five-day conference.
- * Facilitated on-going work by staff of Council-funded programs to establish standards for community-based batterer treatment programs.
- * Provided input to the Department of Health & Social Services for development of the Adolescent Health Plan and the Intentional Injuries section of the proposed State Health Plan.
- * Distributed a Council-funded training video entitled "Domestic Violence and Law Enforcement" statewide. Recipients included local, military, and airport police departments, victim advocate programs, and the Alaska Department of Law. The video received a certificate of recognition as a finalist in the New York Film Festival's 1993 International Non-Broadcast Media Competition.
- * Continued development of a training manual on sexual assault advocacy through a contract funded by prevention monies from the Division of Public Health in the Department of Health and Social Services.
- * Worked with the Alaska Network on Domestic Violence and Sexual Assault on program training, coordination and legislation.

2. Planning of Services for Victims of Domestic Violence or Sexual Assault. Their Families, and Perpetrators of Domestic Violence and Sexual Assault

The Council has established regulations that require funded programs to establish local plans. The Council provides technical assistance, as requested, in developing local plans.

3. Public Meetings and Hearings

The Council held four meetings in 1993. All Council meetings are advertised and open to the public.

4. Staffing and Budget

The Council maintained a full-time Executive Director, Program Coordinator, Statistical Technician and Secretary for all of FY93. In FY93, the Council expended the following:

<u>PERSONNEL:</u>	\$240,500
Council Office	
<u>TRAVEL:</u>	45,700
Program evaluations, Council meetings (7 Council members and staff), and limited training travel for staff of Council-funded programs	
<u>CONTRACTUAL SERVICES:</u>	36,200
Telephone, public teleconferences, printing, word processing, copying, etc.	
<u>SUPPLIES AND MATERIALS:</u>	5,200
Council office supplies, films and domestic violence and sexual assault pamphlets for distribution	
<u>MACHINERY/EQUIPMENT:</u>	4,300
<u>GRANTS:</u>	<u>5,789,300</u>
Grants to community-based programs	
TOTAL	\$6,121,200

The Council's administrative costs are extremely low. In FY93, 94% of the Council's total funding went to community-based grantees. The Council's operational costs for FY94 will remain at 5.5%, which is much less than other comparable State agencies. Lack of administrative resources meant that not all programs could be evaluated in 1993 (see Evaluations, pg. 9), and there were limited resources for printing and technical assistance materials.

The Council's FY93 expenditures included \$484,600 in federal funds (\$324,600 from the Victims of Crime Act and \$160,000 from the Family Violence Prevention Services Act). In addition, the Council received \$120,035 from a Reimbursable Services Agreement from the Department of Corrections to fund and administer batterers' programs in prisons, and \$4,827 from a Reimbursable Services Agreement from the Department of Health and Social Services to contract for a training manual on sexual assault and crisis intervention and advocacy.

5. Capital and Special Grants

Five programs received six capital appropriations in 1993 totalling \$139,200. By program and location, these capital projects are as follows:

Abused Women Aid In Crisis (AWAIC) - Anchorage for bedframes and mattresses	\$ 10,000
Abused Women Aid In Crisis (AWAIC) - Anchorage for a passenger van	\$ 23,000
South Peninsula Women's Services (SPWS) - Homer for facility acquisition	\$ 41,000
Unalaskans Against Family Violence (USAFV) - Unalaska for USAFV project	\$ 10,000
Victims For Justice (VFJ) - Anchorage for equipment and supplies	\$ 40,000
Women In Safe Homes (WISH) - Ketchikan for shelter fire safety improvements	\$ 15,200

6. Development of Educational Materials on the Cause, Prevention and Treatment of Domestic Violence and Sexual Assault and Related Issues

The Council makes its film library available and distributes pamphlets, upon request, to any agency in Alaska. Materials that are routinely distributed are the Council's Sexual Assault Curriculum and companion videotapes for grades K-6 and 7-12 and the booklet "Village to Village" and its accompanying videotape.

7. Regulations

The Council has adopted regulations for grant administration and for program standards. As needed, the Council adopts amendments to the regulations to make them consistent with changes in State law or to deal with other issues which may arise.

8. Evaluations and Audits

The Council staff monitored all funded programs through written fiscal and narrative reports. Due to limited travel and personnel funds, it is not possible to conduct yearly evaluations for all programs. For those programs that have been in existence for three years and received good evaluations, have no known problems and have maintained the same director for at least a year, an on-site evaluation is not done annually. Most on-site evaluations are conducted in the late summer and fall. On-site program evaluations were conducted for nine (9) programs in 1993.

The on-site evaluations of programs funded by the Council were conducted by the Program Coordinator or the Executive Director; these visits averaged 2½ days per program. Each evaluation included interviews with program staff and volunteers, relevant community agencies, clients and the governing board. Each program's policy and procedure manuals, client files, and other materials

pertinent to compliance with State regulations and grant award conditions were reviewed. After each on-site visit, a report outlining findings and making recommendations for change was completed.

9. Technical Assistance

The Council provides domestic violence and sexual assault information to any group or individual requesting it. The Council and its staff understand the importance of assisting community groups and programs, particularly in rural areas, to improve services to meet local needs. Technical assistance is provided through telephone calls, by written materials, and through on-site visits as travel resources permit.

DOMESTIC VIOLENCE/SEXUAL ASSAULT

ISSUES OF CONCERN

Data Collection

The Council developed and implemented a standardized data collection system for its funded programs in July, 1982, which continues to operate in much the same manner. Currently, raw data is received from the 23 Council-funded programs and manually keyed into a database management system on a personal computer. In a single year over 100,000 documents must be entered by Council staff. Very limited pre-set reports are then produced for program and Council use. The actual raw data which is collected contains a wealth of information which is not being utilized due to the limitations of the existing software. At the local level, most of the programs have additional statistical collection procedures, in order to obtain the information they deem is necessary for evaluation of services, thereby duplicating the efforts of the Council.

Information that is gathered is regularly provided to interested parties from governmental, public and media agencies. More detailed information that is requested by other departments, researchers and potential funding sources is not available. This prohibits the Council from effectively analyzing the data to best allocate the resources.

Rural Services

Many people who live in rural areas do not have ready access to domestic violence and sexual assault programs. There are also fewer other resources to serve victims of domestic violence and sexual assault in rural areas than in larger communities. Police protection may be limited or nonexistent, and there are fewer trained health and social service professionals. The plight of victims of rape in a rural area is worsened because of the difficulty of conducting investigations. Battered women do not always have the refuge of family and friends because they fear for other people's safety or they feel shame in letting other people know of their problems. Children who are victims of sexual assault do not have the necessary resources to help them deal with the trauma of the assault, legal process and after-effects.

The Council funded programs have developed rural service delivery to most communities in Alaska. This is accomplished by means of local safe home programs, access to 24-hour crisis lines, and travel into the shelters. Outreach to these communities often is limited to only one trip per year, making it difficult to educate the community to the issues of family and sexual violence, and accessibility of services. Because of the high cost of air travel within the state, funding for client travel to shelters is quickly exhausted. Additional resources are always needed to ensure safety is provided to all victims within the state, regardless of locale.

Sexual Assault Coordination

With one of the highest rates of sexual assault in the nation, the need for an effective interagency response to rape is imperative to apprehending offenders and providing the necessary support for victims. The number of sexual assaults that are ever reported to law enforcement ranges from 5 to 25 percent. Yet once a case is reported, the rate of successful prosecution is much lower than other crimes against people. Other crimes in Alaska vary from 10% to 30% in declination rate once the case is referred to the District Attorney, while

sexual assault cases were declined for prosecution at a rate of 54% in FY92. The reason for this high rate is the investigation of sexual assault is highly resource intensive. Even if a case is accepted for prosecution the chances are high the case will be pled down to a lesser charge. A victim who decides to report will often end up feeling victimized by the very system that is in place to help her. The need for a strong advocacy system to operate in her behalf is vital to providing the level of support and education necessary for her to go through the ordeal. It is also imperative that a strong interagency coordination system is in place to decrease the trauma to the victim, while providing the necessary information for law enforcement and criminal justice systems to effectively follow through.

Several communities have some type of sexual assault task force or coordination groups established to address these concerns. Currently several communities in Alaska are in the process of developing Sexual Assault Response Teams to respond to sexual assault cases from the time the victim enters an emergency room for the rape exam. The purpose of the teams are to increase the training of the professionals involved in sexual assault investigation and prosecution, while providing support for the victim.

Batterers' Service Standards

In the past few years, there has been a proliferation of programs offering treatment for batterers in response to the willingness of the courts to take a pro-active stance in ordering perpetrators of domestic violence to receive counseling. For many victims, the most dangerous time is during separation from the perpetrator or when the perpetrator enters (court-ordered) treatment. The Council is concerned that these services are being offered with no standards in place to ensure that the treatment is in fact appropriate and ensures the safety of the batterer's victim(s). The Council is currently working with a group of batterer service providers to develop standards that can be used to monitor these types of programs.

Registration of Sex Offenders

The Council believes that the registration of sex offenders would deter, if not prevent future abuses of women and children. It would also provide victims of sex crimes a greater degree of information as to the status and whereabouts of offenders, thereby gaining a greater measure of protection.

Most sex offenders are released from prison without completing sex offender treatment, and the likelihood of recidivism is high. When a discharged sex offender repeats the crime, the cost to society to investigate, prosecute, and incarcerate the offender, as well as to assist and treat the victim is high. Any reduction in the number of assaults against women and children will save both human suffering and costs to society.

Telephone Caller Identification

The introduction of telephone caller identification service in Alaska will present an increased danger to victims of domestic violence. In situations where a victim who is in hiding may need to contact the perpetrator for whatever reason, such as financial support or to arrange child visitation, telephone caller identification would allow the perpetrator to locate the victim through the use of a reverse telephone directory. The Council supports people's right to have a telephone line blocked from being identified and that this service be offered free of charge to ensure the safety of victims, as well as those who may be assisting them.

Civil Commitment of Predatory Sex Offenders

Currently the State of Alaska has no recourse when a sexually violent offender exhibits a congenital or acquired condition that predisposes the person to the commission of criminal sexual acts, once they have completed their sentence with the Department of Corrections. They are generally antisocial, and are not amenable to existing mental illness treatment methods, and exhibit the highest rate of recidivism of sexual offenders. The Council supports the concept of allowing a civil commitment process that would remand these offenders to the Department of Health and Social Services for custody and the intensive residential treatment necessary to ensure public safety.

Law Enforcement Reporting of Domestic Violence

The Council has identified the lack of tracking of law enforcement's response to domestic violence cases as an issue that needs to be addressed in order to provide a clear idea of how many domestic violence cases are being reported to local police or Alaska State Troopers. Some law enforcement agencies currently require this information be recorded on the incident report, but for the agencies that don't, this information is combined in with the type of offense only, e.g. harassment, assault, etc. A requirement to stipulate when an incident is a domestic violence situation on law enforcement reports would provide the Department of Public Safety with valuable information on what type of an impact these crimes have on our systems.

APPENDIX A

PROGRAM DATA

The data presented in this section encompass the time period July 1, 1992 to June 30, 1993. These data reflect the varied and comprehensive services provided by Council-funded programs. The following charts describe clients of community-based and prison programs and the services provided to clients. Information in this appendix is presented in the following order. First is a list of programs that provide emergency shelter in safe homes and shelters, and the number of nights of safety provided by each program. This chart is followed by the number of clients served by Council-funded programs which is presented, by client type. Information on the gender, age and race of clients is presented on the next two pages. Lastly, the service statistics indicate the number of services received by clients in FY93.

Some definitions to help in interpreting the charts:

Advocacy - a program working on behalf of or with a client; directed support of a client to another agency.

Client - a person who receives direct services from a program and is expected to receive services on more than a one-time, brief basis.

Client Adult - a person 18 years of age and over admitted into the program for treatment and/or intervention as a result of a domestic violence and/or sexual assault incident directed towards another person, usually a relative, neighbor, friend, etc.

Client Services Provided - the numbers signify the number of staff contacts with clients for a particular kind of service.

Counseling - providing information and personal support, which may include assistance in clarifying options and determining future goals.

Perpetrator - a person admitted into the program for treatment and/or intervention due to domestic violence and/or a sexual assault the individual directed towards another person.

Victim - a person admitted into the program for treatment and/or intervention as a result of a domestic violence and/or sexual assault incident directed towards that individual and a child from a violent home whether or not the abuse was directed towards the child.

Number of Client Nights by Program
IN SHELTERS AND SAFE HOMES
July 1992 - June 1993

<u>PROGRAM</u>	<u>1st QTR</u>	<u>2nd QTR</u>	<u>3rd QTR</u>	<u>4th QTR</u>	<u>TOTAL</u>
<u>ANCHORAGE</u>					
Abused Women's Aid in Crisis (52 beds)	4,943	3,600	2,907	3,678	15,128
<u>BARROW</u>					
Arctic Women in Crisis (8 beds)	466	409	531	551	1,957
<u>BETHEL</u>					
Tundra Women's Coalition (24 beds)	1,761	1,166	481	605	4,013
<u>DILLINGHAM</u>					
Safe and Fear-free Environment (12 beds)	181	101	216	371	869
<u>EMMONAK</u>					
Emmonak Women's Shelter (9 beds)	120	191	254	61	626
<u>FAIRBANKS</u>					
Tanana Chiefs Conference	4	37	52	16	109
Women in Crisis Counseling and Assistance (35 beds)	2,565	1,410	1,184	1,396	6,555
<u>HOMER</u>					
Scuth Peninsula Women's Services	11	3	0	2	16
<u>JUNEAU</u>					
Aiding Women from Abuse and Rape Emergencies (48 beds)	3,433	1,570	1,424	1,826	8,253
<u>KENAI</u>					
Women's Resource & Crisis Center (32 beds)	1,122	552	518	1,150	3,342
<u>KETCHIKAN</u>					
Women in Safe Homes (25 beds)	767	853	657	1,442	3,719
<u>KODIAK</u>					
Kodiak Women's Resource and Crisis Center (11 beds)	570	516	608	447	2,141
<u>NOME</u>					
Bering Sea Women's Group (14 beds)	768	369	815	426	2,378
<u>VALMER</u>					
Valley Women's Resource Center (18 beds)	1,213	1,077	1,314	1,581	5,185
<u>SEWARD</u>					
Seward Life Action Council	0	0	0	11	11
<u>SITKA</u>					
Sitkans Against Family Violence (15 beds)	284	249	767	480	1,780
<u>UNALASKA</u>					
Unalaskans Against Sexual Assault and Family Violence	7	6	8	28	49
<u>VALDEZ</u>					
Advocates for Victims of Violence (10 beds)	241	81	71	64	457
TOTALS:	18,456	12,190	11,807	13,829	56,588

Number of Clients
by Program and Client Type

FY93'

PROGRAM	VICTIMS**	MINOR CHILDREN	CLIENT ADULTS	CRISIS INTERVENTION CLIENTS	PERPETRATORS+	TOTAL
<u>ANCHORAGE</u>						
AWAIC	792	622	7	4	426	1,851
AWRC	452	1	4	138	2	597
STAR	808	21	292	83	4	1,208
VFJ	55	1	18	407	0	481
<u>BARROW</u>						
AWIC	250	136	31	10	1	428
<u>BETHEL</u>						
TWC	125	165	10	0	0	300
<u>DILLINGHAM</u>						
SAFE	100	53	25	77	0	255
<u>EMMONAK</u>						
EWS	14	68	23	23	1	129
<u>FAIRBANKS</u>						
TCC	40	8	7	33	1	89
WICCA	703	300	4	39	276	1,382
<u>HOMER</u>						
SPWS	298	28	22	39	0	387
<u>JUNEAU</u>						
AWARE	503	244	107	59	0	913
PAFSC	80	1	0	4	0	85
TCCC	4	99	3	0	329	435
<u>KENAI / SOLDOTNA</u>						
K/SWRCC	371	121	10	172	51	725
<u>KETCHIKAN</u>						
WISH	442	144	72	93	6	757
<u>KODIAK</u>						
KWRCC	199	74	4	13	0	290
<u>NOME</u>						
BSWG	173	109	2	40	157	481
<u>PALMER</u>						
VWRC	515	176	21	51	0	763
<u>SEWARD</u>						
SLAC	43	1	0	15	1	60
<u>SITKA</u>						
SAFV	173	74	11	11	2	271
<u>UNALASKA</u>						
USAFV	36	3	7	20	2	68
<u>VALDEZ</u>						
AVV	105	44	13	90	16	268
TOTALS:	6,281	2,493	693	1,421	1,335	12,223

* This report includes new and continuing clients (unduplicated).

** Includes domestic violence and sexual assault victims, adult incest survivors and child incest victims.

* Does not include prison batterers' programs' clients.

Number of Total Clients
Served by Council-Funded Programs
by Gender, Age and Race
FY93

TOTAL NUMBER OF VICTIMS': 9,467

GENDER**

Female .. 7,593
Male 1,297
Unknown . 577

AGE**

0-12... 2,338
13-17... 46?
18-29... 2,571
30-44... 2,715
45-64... 438
65+..... 27
Unknown. 915

RACE**

American Indian..... 123
Alaska Native..... 2,641
Asian..... 133
Black..... 341
Caucasian..... 5,065
Hispanic..... 123
Other..... 76
Unknown..... 965

TOTAL NUMBER OF PERPETRATORS': 1,335

GENDER**

Female .. 36
Male1,203
Unknown . 577

AGE**

0-12... 3
13-17... 5
18-29... 502
30-44... 629
45-64... 87
65+..... 0
Unknown. 109

RACE**

American Indian..... 16
Alaska Native..... 215
Asian..... 11
Black..... 147
Caucasian..... 774
Hispanic..... 40
Other..... 11
Unknown..... 121

- * Includes domestic violence and sexual assault victims, adult incest survivors, child incest victims and children from violent homes.
- * Does not include prison batterers' programs' clients.
- ** The numbers portrayed are only approximations.

Number of Total Clients Served by
 Prison Batterers' Programs
 by Gender, Age and Race
 FY93

TOTAL NUMBER OF CLIENTS: 423

GENDER

Female .. 57
 Male 347
 Unknown . 19

AGE

0-12... 1
 13-17... 0
 18-29... 231
 30-44... 130
 45-64... 11
 65+..... 0
 Unknown. 1

RACE

American Indian..... 22
 Alaska Native..... 181
 Asian..... 2
 Black..... 42
 Caucasian..... 92
 Hispanic..... 6
 Other..... 2
 Unknown..... 76

SERVICE STATISTICS
NUMBER OF SERVICES PROVIDED
FY93

ALL PROGRAMS

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	444
Transportation	4,056
All Other Advocacy	7,727

COUNSELING:

Group	33,336
Crisis Counseling	9,799
Other Counseling	64,688

LEGAL ASSISTANCE:

Temporary Restraining Order	2,262
Divorce/Dissolution	1,005
Court Services (includes accompaniment & representation.)	1,249
Advocacy to Law Enforcement	1,276
All Other Legal Assistance	6,449

OTHER:

Follow-up	4,308
Safety Checks	7,173
Child Care	7,023
Other	2,118
Report to DFYS	930
Consultations	23,134

REFERRALS:

Number from:

Social Services	146
DV/SA Agency	212
Medical	116
Mental Health	45
Alcohol Agency	2,164
Program Outreach	544
Criminal Justice	728
All Other	876

Number to:

Social Services	194
DV/SA Agency	1,158
Medical	2,358
Mental Health Agency	1,596
Alcohol Agency	174
Criminal Justice	1,157
All Other	2,357

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

ABUSED WOMEN'S AID IN CRISIS (Anchorage)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	9
Transportation	763
All Other Advocacy	180

COUNSELING:

Group	11,615
Crisis Counseling	535
Other Counseling	7,535

LEGAL ASSISTANCE:

Temporary Restraining Order	57
Divorce/Dissolution	3
Court Services (includes accompaniment & representation)	14
Advocacy to Law Enforcement	13
All Other Legal Assistance	103

OTHER:

Follow-up	93
Safety Checks	184
Child Care	29
Other	272
Report to DFYS	23
Consultations	698

REFERRALS:

Number from:

Social Services	1
DV/SA Agency	7
Medical	9
Mental Health	9
Alcohol Agency	1
Program Outreach	52
Criminal Justice	19
Other	57

Number to:

Social Services	47
DV/SA Agency	112
Medical	50
Mental Health	37
Alcohol Agency	20
Criminal Justice	47
Other	153

ALASKA WOMEN'S RESOURCE CENTER (Anchorage)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	0
Transportation	8
All Other Advocacy	96

COUNSELING:

Group	166
Crisis Counseling	454
Other Counseling	979

LEGAL ASSISTANCE:

Temporary Restraining Order	59
Divorce/Dissolution	39
Court Services (includes accompaniment & representation)	16
Advocacy to Law Enforcement	6
All Other Legal Assistance	150

OTHER:

Follow-up	18
Safety Checks	118
Child Care	0
Other	85
Report to DFYS	14
Consultations	92

REFERRALS:

Number from:

Social Services	2
DV/SA Agency	7
Medical	17
Mental Health	14
Alcohol Agency	5
Program Outreach	85
Criminal Justice	58
Other	39

Number to:

Social Services	8
DV/SA Agency	13
Medical	8
Mental Health	5
Alcohol Agency	0
Criminal Justice	50
Other	134

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

STANDING TOGETHER AGAINST RAPE (Anchorage)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	69
Transportation	2
All Other Advocacy	7

COUNSELING:

Group	161
Crisis Counseling	1,330
Other Counseling	1,015

LEGAL ASSISTANCE:

Temporary Restraining Order	1
Divorce/Dissolution	0
Court Services (includes accompaniment & representation)	9
Advocacy to Law Enforcement	9
All Other Legal Assistance	123

OTHER:

Follow-up	115
Safety Checks	2,047
Child Care	0
Other	45
Report to DFYS	37
Consultations	254

REFERRALS:

Number from:

Social Services	12
DV/SA Agency	17
Medical	83
Mental Health	37
Alcohol Agency	10
Program Outreach	896
Criminal Justice	25
Other	166

Number to:

Social Services	112
DV/SA Agency	579
Medical	175
Mental Health	131
Alcohol Agency	5
Criminal Justice	104
Other	149

VICTIMS FOR JUSTICE (Anchorage)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	1
Transportation	0
All Other Advocacy	153

COUNSELING:

Group	222
Crisis Counseling	41
Other Counseling	965

LEGAL ASSISTANCE:

Temporary Restraining Order	2
Divorce/Dissolution	0
Court Services (includes accompaniment & representation)	103
Advocacy to Law Enforcement	34
All Other Legal Assistance	99

OTHER:

Follow-up	38
Safety Checks	9
Child Care	3
Other	10
Report to DFYS	2
Consultations	68

REFERRALS:

Number from:

Social Services	10
DV/SA Agency	1
Medical	0
Mental Health	0
Alcohol Agency	0
Program Outreach	35
Criminal Justice	14
Other	41

Number to:

Social Services	6
DV/SA Agency	10
Medical	15
Mental Health	16
Alcohol Agency	0
Criminal Justice	17
Other	104

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

ARCTIC WOMEN IN CRISIS (Barrow)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	35
Transportation	140
All Other Advocacy	93

COUNSELING:

Group	172
Crisis Counseling	329
Other Counseling	1,400

LEGAL ASSISTANCE:

Temporary Restraining Order	82
Divorce/Dissolution	8
Court Services (includes accompaniment & representation)	53
Advocacy to Law Enforcement	78
All Other Legal Assistance	264

OTHER:

Follow-up	345
Safety Checks	2,941
Child Care	168
Other	174
Report to DFYS	82
Consultations	1,795

REFERRALS:

Number from:

Social Services	4
DV/SA Agency	1
Medical	5
Mental Health	0
Alcohol Agency	1
Program Outreach	35
Criminal Justice	11
Other	27

Number to:

Social Services	26
DV/SA Agency	6
Medical	20
Mental Health	12
Alcohol Agency	7
Criminal Justice	27
Other	23

TUNDRA WOMEN'S COALITION (Bethel)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	39
Transportation	201
All Other Advocacy	149

COUNSELING:

Group	1,116
Crisis Counseling	125
Other Counseling	1,241

LEGAL ASSISTANCE:

Temporary Restraining Order	99
Divorce/Dissolution	6
Court Services (includes accompaniment & representation)	55
Advocacy to Law Enforcement	24
All Other Legal Assistance	64

OTHER:

Follow-up	10
Safety Checks	14
Child Care	512
Other	1
Report to DFYS	36
Consultations	389

REFERRALS:

Number from:

Social Services	3
DV/SA Agency	0
Medical	0
Mental Health	0
Alcohol Agency	0
Program Outreach	0
Criminal Justice	0
Other	9

Number to:

Social Services	0
DV/SA Agency	1
Medical	0
Mental Health	0
Alcohol Agency	0
Criminal Justice	0
Other	0

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

SAFE AND FEAR FREE ENVIRONMENT (Dillingham)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	22
Transportation	243
All Other Advocacy	489

COUNSELING:

Group	26
Crisis Counseling	173
Other Counseling	895

LEGAL ASSISTANCE:

Temporary Restraining Order	39
Divorce/Dissolution	15
Court Services (includes accompaniment & representation)	25
Advocacy to Law Enforcement	29
All Other Legal Assistance	189

OTHER:

Follow-up	89
Safety Checks	20
Child Care	326
Other	32
Report to DFYS	14
Consultations	643

REFERRALS:

Number from:

Social Services	4
DV/SA Agency	3
Medical	2
Mental Health	2
Alcohol Agency	0
Program Outreach	86
Criminal Justice	93
Other	20

Number to:

Social Services	48
DV/SA Agency	25
Medical	43
Mental Health	34
Alcohol Agency	29
Criminal Justice	51
Other	149

EMMONAK WOMEN'S SHELTER (Emmonak)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	1
Transportation	0
All Other Advocacy	8

COUNSELING:

Group	35
Crisis Counseling	4
Other Counseling	264

LEGAL ASSISTANCE:

Temporary Restraining Order	0
Divorce/Dissolution	0
Court Services (includes accompaniment & representation)	0
Advocacy to Law Enforcement	0
All Other Legal Assistance	0

OTHER:

Follow-up	1
Safety Checks	3
Child Care	0
Other	0
Report to DFYS	0
Consultations	33

REFERRALS:

Number from:

Social Services	0
DV/SA Agency	0
Medical	0
Mental Health	0
Alcohol Agency	0
Program Outreach	45
Criminal Justice	2
Other	17

Number to:

Social Services	2
DV/SA Agency	47
Medical	2
Mental Health	2
Alcohol Agency	0
Criminal Justice	1
Other	7

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

TANANA CHIEFS CONFERENCE (Fairbanks)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	1
Transportation	26
All Other Advocacy	163

COUNSELING:

Group	14
Crisis Counseling	32
Other Counseling	194

LEGAL ASSISTANCE:

Temporary Restraining Order	0
Divorce/Dissolution	0
Court Services (includes accompaniment & representation)	3
Advocacy to Law Enforcement	24
All Other Legal Assistance	70

OTHER:

Follow-up	135
Safety Checks	94
Child Care	21
Other	8
Report to DFYS	22
Consultations	395

REFERRALS:

Number from:

Social Services	0
DV/SA Agency	1
Medical	1
Mental Health	0
Alcohol Agency	1
Program Outreach	44
Criminal Justice	0
Other	51

Number to:

Social Services	22
DV/SA Agency	23
Medical	34
Mental Health	34
Alcohol Agency	15
Criminal Justice	7
Other	32

WOMEN IN CRISIS-COUNSELING AND ASSISTANCE (Fairbanks)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	16
Transportation	180
All Other Advocacy	198

COUNSELING:

Group	5,391
Crisis Counseling	1,261
Other Counseling	11,187

LEGAL ASSISTANCE:

Temporary Restraining Order	484
Divorce/Dissolution	240
Court Services (includes accompaniment & representation)	206
Advocacy to Law Enforcement	160
All Other Legal Assistance	1,819

OTHER:

Follow-up	45
Safety Checks	197
Child Care	2,416
Other	669
Report to DFYS	229
Consultations	1,521

REFERRALS:

Number from:

Social Services	2
DV/SA Agency	1
Medical	5
Mental Health	3
Alcohol Agency	0
Program Outreach	6
Criminal Justice	4
Other	6

Number to:

Social Services	10
DV/SA Agency	4
Medical	8
Mental Health	9
Alcohol Agency	1
Criminal Justice	48
Other	32

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

SOUTH PENINSULA WOMEN'S SERVICES (Homer)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	7	Group	125
Transportation	63	Crisis Counseling	321
All Other Advocacy	163	Other Counseling	840
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	130	Follow-up	629
Divorce/Dissolution	3	Safety Checks	331
Court Services (includes accompaniment & representation)	81	Child Care	2
Advocacy to Law Enforcement	95	Other	105
All Other Legal Assistance	88	Report to DFYS	42
		Consultations	672

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	0	Social Services	2
DV/SA Agency	0	DV/SA Agency	5
Medical	12	Medical	11
Mental Health	10	Mental Health	8
Alcohol Agency	2	Alcohol Agency	1
Program Outreach	24	Criminal Justice	7
Criminal Justice	6	Other	5
Other	18		

AIDING WOMEN FROM ABUSE AND RAPE EMERGENCIES (Juneau)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	64	Group	3,303
Transportation	978	Crisis Counseling	1,001
All Other Advocacy	2,531	Other Counseling	14,873
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	381	Follow-up	1,086
Divorce/Dissolution	239	Safety Checks	286
Court Services (includes accompaniment & representation)	246	Child Care	2,025
Advocacy to Law Enforcement	288	Other	410
All Other Legal Assistance	1,203	Report to DFYS	91
		Consultations	4,820

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	20	Social Services	66
DV/SA Agency	22	DV/SA Agency	40
Medical	15	Medical	81
Mental Health	5	Mental Health	41
Alcohol Agency	4	Alcohol Agency	20
Program Outreach	75	Criminal Justice	105
Criminal Justice	81	Other	192
Other	114		

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

PARENT AID AND FAMILY SUPPORT CENTER (Juneau)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	0	Group	256
Transportation	0	Crisis Counseling	33
All Other Advocacy	1	Other Counseling	955
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	0	Follow-up	1
Divorce/Dissolution	0	Safety Checks	3
Court Services (includes accompaniment & representation)	0	Child Care	92
Advocacy to Law Enforcement	0	Other	0
All Other Legal Assistance	0	Report to DFYS	2
		Consultations	104

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	16	Social Services	0
DV/SA Agency	64	DV/SA Agency	0
Medical	0	Medical	2
Mental Health	0	Mental Health	2
Alcohol Agency	0	Alcohol Agency	0
Program Outreach	20	Criminal Justice	0
Criminal Justice	0	Other	0
Other	7		

TONGASS COMMUNITY COUNSELING CENTER (Juneau)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	1	Group	2,519
Transportation	0	Crisis Counseling	14
All Other Advocacy	47	Other Counseling	1,214
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	0	Follow-up	4
Divorce/Dissolution	1	Safety Checks	43
Court Services (includes accompaniment & representation)	0	Child Care	0
Advocacy to Law Enforcement	0	Other	0
All Other Legal Assistance	6	Report to DFYS	0
		Consultations	21

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	0	Social Services	0
DV/SA Agency	0	DV/SA Agency	1
Medical	1	Medical	0
Mental Health	0	Mental Health	0
Alcohol Agency	0	Alcohol Agency	0
Program Outreach	1	Criminal Justice	0
Criminal Justice	0	Other	1
Other	0		

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

KENAI/SOLDOTNA WOMEN'S RESOURCE AND CRISIS CENTER

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	19	Group	2,010
Transportation	98	Crisis Counseling	389
All Other Advocacy	1,253	Other Counseling	1,992
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	159	Follow-up	489
Divorce/Dissolution	102	Safety Checks	162
Court Services (includes accompaniment & representation)	53	Child Care	29
Advocacy to Law Enforcement	178	Other	48
All Other Legal Assistance	681	Report to DFYS	63
		Consultations	2,769

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	13	Social Services	118
DV/SA Agency	17	DV/SA Agency	108
Medical	16	Medical	101
Mental Health	7	Mental Health	50
Alcohol Agency	1	Alcohol Agency	25
Program Outreach	111	Criminal Justice	195
Criminal Justice	49	Other	449
Other	66		

WOMEN IN SAFE HOMES (Ketchikan)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	22	Group	1,695
Transportation	635	Crisis Counseling	535
All Other Advocacy	441	Other Counseling	3,903
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	128	Follow-up	163
Divorce/Dissolution	25	Safety Checks	47
Court Services (includes accompaniment & representation)	84	Child Care	501
Advocacy to Law Enforcement	95	Other	24
All Other Legal Assistance	311	Report to DFYS	70
		Consultations	1,555

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	6	Social Services	22
DV/SA Agency	0	DV/SA Agency	5
Medical	2	Medical	19
Mental Health	1	Mental Health	11
Alcohol Agency	0	Alcohol Agency	5
Program Outreach	1	Criminal Justice	35
Criminal Justice	4	Other	31
Other	2		

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

KODIAK WOMEN'S RESOURCE AND CRISIS CENTER

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	13
Transportation	44
All Other Advocacy	359

COUNSELING:

Group	409
Crisis Counseling	182
Other Counseling	2,921

LEGAL ASSISTANCE:

Temporary Restraining Order	158
Divorce/Dissolution	49
Court Services (includes accompaniment & representation)	81
Advocacy to Law Enforcement	48
All Other Legal Assistance	239

OTHER:

Follow-up	147
Safety Checks	6
Child Care	5
Other	137
Report to DFYS	31
Consultations	3,018

REFERRALS:

Number from:

Social Services	4
DV/SA Agency	3
Medical	10
Mental Health	10
Alcohol Agency	6
Program Outreach	370
Criminal Justice	52
Other	217

Number to:

Social Services	76
DV/SA Agency	11
Medical	112
Mental Health	96
Alcohol Agency	17
Criminal Justice	149
Other	490

BERING SEA WOMEN'S GROUP (Nome)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	95
Transportation	165
All Other Advocacy	92

COUNSELING:

Group	1,867
Crisis Counseling	534
Other Counseling	4,522

LEGAL ASSISTANCE:

Temporary Restraining Order	40
Divorce/Dissolution	12
Court Services (includes accompaniment & representation)	37
Advocacy to Law Enforcement	24
All Other Legal Assistance	123

OTHER:

Follow-up	172
Safety Checks	75
Child Care	440
Other	22
Report to DFYS	40
Consultations	900

REFERRALS:

Number from:

Social Services	16
DV/SA Agency	0
Medical	9
Mental Health	3
Alcohol Agency	8
Program Outreach	105
Criminal Justice	26
Other	61

Number to:

Social Services	38
DV/SA Agency	10
Medical	35
Mental Health	8
Alcohol Agency	13
Criminal Justice	26
Other	65

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

VALLEY WOMEN'S RESOURCE CENTER (Palmer)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	13	Group	1,347
Transportation	137	Crisis Counseling	988
All Other Advocacy	267	Other Counseling	3,551
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	131	Follow-up	94
Divorce/Dissolution	42	Safety Checks	31
Court Services (includes accompaniment & representation)	35	Child Care	324
Advocacy to Law Enforcement	14	Other	14
All Other Legal Assistance	204	Report to DFYS	29
		Consultations	320

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	0	Social Services	73
DV/SA Agency	1	DV/SA Agency	24
Medical	4	Medical	71
Mental Health	3	Mental Health	49
Alcohol Agency	1	Alcohol Agency	14
Program Outreach	16	Criminal Justice	174
Criminal Justice	8	Other	211
Other	22		

SEWARD LIFE ACTION COUNCIL (Seward)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	5	Group	49
Transportation	18	Crisis Counseling	36
All Other Advocacy	75	Other Counseling	177
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	55	Follow-up	201
Divorce/Dissolution	33	Safety Checks	103
Court Services (includes accompaniment & representation)	11	Child Care	1
Advocacy to Law Enforcement	18	Other	7
All Other Legal Assistance	48	Report to DFYS	16
		Consultations	201

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	4	Social Services	9
DV/SA Agency	0	DV/SA Agency	24
Medical	12	Medical	24
Mental Health	9	Mental Health	24
Alcohol Agency	2	Alcohol Agency	8
Program Outreach	21	Criminal Justice	42
Criminal Justice	24	Other	33
Other	24		

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

SITKANS AGAINST FAMILY VIOLENCE (Sitka)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	28	Group	587
Transportation	131	Crisis Counseling	237
All Other Advocacy	606	Other Counseling	2,199
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	85	Follow-up	24
Divorce/Dissolution	72	Safety Checks	31
Court Services (includes accompaniment & representation)	68	Child Care	94
Advocacy to Law Enforcement	73	Other	9
All Other Legal Assistance	337	Report to DFYS	27
		Consultations	1,335

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	24	Social Services	19
DV/SA Agency	1	DV/SA Agency	14
Medical	2	Medical	27
Mental Health	1	Mental Health	22
Alcohol Agency	3	Alcohol Agency	7
Program Outreach	90	Criminal Justice	34
Criminal Justice	24	Other	46
Other	37		

UNALASKANS AGAINST SEXUAL ASSAULT & FAMILY VIOLENCE)

CLIENT SERVICES PROVIDED:

<u>ADVOCACY:</u>		<u>COUNSELING:</u>	
Medical Accompaniment	7	Group	2
Transportation	54	Crisis Counseling	44
All Other Advocacy	54	Other Counseling	206
 <u>LEGAL ASSISTANCE:</u>		 <u>OTHER:</u>	
Temporary Restraining Order	28	Follow-up	191
Divorce/Dissolution	8	Safety Checks	91
Court Services (includes accompaniment & representation)	25	Child Care	5
Advocacy to Law Enforcement	17	Other	3
All Other Legal Assistance	47	Report to DFYS	11
		Consultations	114

REFERRALS:

<u>Number from:</u>		<u>Number to:</u>	
Social Services	0	Social Services	14
DV/SA Agency	0	DV/SA Agency	4
Medical	0	Medical	10
Mental Health	0	Mental Health	9
Alcohol Agency	0	Alcohol Agency	7
Program Outreach	29	Criminal Justice	23
Criminal Justice	20	Other	12
Other	22		

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY93

ADVOCATES FOR VICTIMS OF VIOLENCE (Valdez)

CLIENT SERVICES PROVIDED:

ADVOCACY:

Medical Accompaniment	10
Transportation	170
All Other Advocacy	302

COUNSELING:

Group	249
Crisis Counseling	397
Other Counseling	1,660

LEGAL ASSISTANCE:

Temporary Restraining Order	144
Divorce/Dissolution	108
Court Services (includes accompaniment & representation)	44
Advocacy to Law Enforcement	49
All Other Legal Assistance	281

OTHER:

Follow-up	221
Safety Checks	337
Child Care	30
Other	43
Report to DFYS	49
Consultations	1,417

REFERRALS:

Number from:

Social Services	4
DV/SA Agency	0
Medical	7
Mental Health	2
Alcohol Agency	0
Program Outreach	16
Criminal Justice	24
Other	23

Number to:

Social Services	10
DV/SA Agency	4
Medical	28
Mental Health	17
Alcohol Agency	0
Criminal Justice	15
Other	39

APPENDIX B

DOMESTIC VIOLENCE AND SEXUAL ASSAULT ALASKA LAWS

Through the years, the Legislature and Executive Branch have enacted innovative legislation and policies to address domestic violence and sexual assault in Alaska. Following is a summary of many of the laws enacted in Alaska that are related to domestic violence and sexual assault.

AS 18.66.010-18.66.900. DOMESTIC VIOLENCE/SEXUAL ASSAULT PROGRAMS. The Council on Domestic Violence and Sexual Assault was established in the Department of Public Safety to provide for planning and coordination of services to victims of domestic violence or sexual assault, their families and the perpetrators and to provide for crisis intervention and prevention programs. The Council was established through the efforts of many dedicated parties, particularly the Alaska Network on Domestic Violence and Sexual Assault, which is a professional organization of domestic violence/ sexual assault program directors.

The Council's mandates are to:

- develop, implement, maintain and monitor domestic violence, sexual assault and crisis intervention and prevention programs, including educational films and school curricula on the cause, prevention and treatment of domestic violence and sexual assault;
- coordinate domestic violence/sexual assault services among the Departments of Law, Education, Public Safety, Health and Social Services and other State and community agencies and provide technical assistance as requested;
- develop and implement a standardized data collection system;
- conduct public hearings and studies on issues relating to violence and crisis intervention and prevention;
- receive and dispense State and federal money to qualified local community entities for domestic violence, sexual assault and crisis intervention and prevention programs;
- oversee and audit domestic violence, sexual assault and crisis intervention and prevention programs; and
- adopt regulations to carry out the purposes of the law.

AS 09.10.060 and AS 09.10.140. RECOVERY OF DAMAGES FOR SEXUAL ABUSE. A victim of sexual abuse must commence an action for recovery of damages for an injury or condition suffered as a result of the sexual abuse against the perpetrator within three years after the injury. If the victim is under the age of majority or incompetent by reason of mental illness, the time of disability or minority is not part of the time limit. If a disability exists, the time period an action may be brought is not extended longer than two years after the disability ceases. An action may be brought more than three years after the victim

reaches the age of majority if the action is brought within three years after the victim discovered that one act of sexual abuse or the series of acts caused the injury or condition.

AS 11.41.100. MURDER IN THE FIRST DEGREE. One of the ways a person commits the crime of murder in the first degree is if a person knowingly engages, under circumstances manifesting extreme indifference to the value of human life, in a pattern or practice of assault or torture of a child under the age of 16, and one of the acts of assault or torture results in the death of the child. A person "engages in a pattern or practice of assault or torture" if the person inflicts serious physical injury to the child by at least two separate acts, and one of the acts results in the death of the child. Murder in the first degree is an unclassified felony.

AS 11.41.260. STALKING IN THE FIRST DEGREE. (a) A person commits the crime of stalking in the first degree if the person violates AS 11.41.270 and 1) the act constituting the offense are in violation of an order issued under As 25.35.010(b) or (1) the actions constituting the offense are in violation of an order issued under AS 25.35.010(b) or 25.35.020; (2) the actions constituting the offense are in violation of a condition of probation, release before trial, release after conviction, or parole; (3) the victim is under 16 years of age; (4) at any time during the course of conduct constituting the offense the defendant possessed a deadly weapon; (5) the defendant has been previously convicted of a crime under this section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section, AS 11.41.270, or AS 11.56.740; or (6) the defendant has been previously convicted of a crime, or an attempt or solicitation to commit a crime, under (A) AS 11.41.100 --- 11.41.250, 11.41.300 --- 11.41.460, AS 11.56.810, AS 11.61.120, or (B) a law or an ordinance of this or another jurisdiction with elements similar to a crime, or an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250, 11.41.300 - 11.41.460, AS 11.56.810, or AS 11.61.120, involving the same victim as the present offense. (b) In this section, "course of conduct" and "victim" have the meanings given in AS 11.41.270(b). (c) Stalking in the first degree is a class C felony. (1 ch 40 SLA 1993)

AS 11.41.270. STALKING IN THE SECOND DEGREE. (a) A person commits the crime of stalking in the second degree if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member. (b) In this section, (1) "Course of conduct" means repeated acts of nonconsensual contact involving the victim or a family member; (2) "family member" means a (A) spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the victim, whether related by blood, marriage, or adoption; (B) person who lives, or has previously lived, in a spousal relationship with the victim; (C) person who lives in the same household as the victim; or (D) person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim; (3) "nonconsensual contact" means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued; "nonconsensual contact" includes (A) following or appearing within the sight of that person; (B) approaching or confronting that person in a public place or on private property; (C) appearing at the workplace or residence of that person; (D) entering onto or remaining on property owned, leased, or occupied by that person; (E) contacting that person by telephone; (F) sending mail or electronic communications to that person;

(G) placing an object on, or delivering an object to, property owned, leased, or occupied by that person; (4) "victim" means a person who is the target of a course of conduct. (c) Stalking in the second degree is a class A misdemeanor. 1 ch 40 SLA 1993)

AS 11.41.410. **SEXUAL ASSAULT IN THE FIRST DEGREE.** Sexual assault in the first degree can be committed in one of three ways: 1) engaging in sexual penetration without consent of the victim (commonly referred to as rape); 2) attempting to engage in sexual penetration without consent of the victim and causing serious physical injury; or, 3) engaging in sexual penetration with someone the defendant knows is mentally incapable and is entrusted to the defendant's care by authority of law or in a facility licensed by the Department of Health and Social Services. 4) engaging in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and the offender is a health care worker; and the offense takes place during the course of professional treatment of the victim. First-degree sexual assault is an unclassified felony.

AS 11.41.420. **SEXUAL ASSAULT IN THE SECOND DEGREE.** Sexual assault in the second degree can be committed in one of three ways: 1) engaging in sexual contact without consent; or 2) engaging in sexual contact with someone who the offender knows is mentally incapable and is entrusted to the offender's care by authority of law or in a facility licensed by the Department of Health and Social Services; or 3) engaging in sexual penetration with a person who the offender knows is mentally incapable or incapacitated or unaware that a sexual act is being committed. 4) engaging in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and the offender is a health care worker; and the offense takes place during the course of professional treatment of the victim. Second-degree sexual assault is a class B felony.

AS 11.41.425. **SEXUAL ASSAULT IN THE THIRD DEGREE.** A person commits sexual assault in the third degree by engaging in sexual contact with a person the offender knows is mentally incapable or incapacitated. Sexual assault in the third degree is a class C felony.

AS 11.41.432. **DEFENSES.** In a prosecution under AS 11.41.410 or AS 11.41.420, it is not generally a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

AS 11.41.434-440. **SEXUAL ABUSE OF A MINOR.** There are four degrees of sexual abuse of a minor. Sexual abuse of a minor in the first degree can be committed in one of three ways: 1) a person who is 16 years of age or older engages in sexual penetration with someone under 13 years of age or aids, induces, causes or encourages a person under 13 to engage in sexual penetration with another person; 2) a person 18 years of age or older engages in sexual penetration with a person under 18 years of age and the offender is the victim's natural parent, step-parent, adopted parent or legal guardian; or, 3) a person 18 years of age or older, engages in sexual penetration with a person who is under 16 years of age and who is residing in the same household as the offender and the offender has authority over the victim or the offender occupies a position of authority in relation to the victim. Position of authority is defined in AS 11.41.470. Sexual abuse of a minor in the first degree is an unclassified felony.

Sexual abuse of a minor in the second degree can be committed in one of five ways: 1) when a person who is 16 or older engages in sexual penetration with a person who is 13, 14, or 15 and at least 3 years younger than the offender, or aids, induces or causes such a person to engage in sexual penetration with another; 2) sexual contact between a person 16 or older and a person under 13 or a person 16 or older induces a person under 13 years of age to engage in sexual contact with another; 3) sexual contact between a person 18 or

older and a person under 18 and the offender is the victim's natural parent, step-parent, adopted parent or legal guardian; 4) a person 16 or older aids, induces or causes a person under 16 to engage in prohibited sexual acts to produce child pornography; or 5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age and the victim is residing in the same household as the offender and the offender has authority over the victim or the offender occupies a position of authority in relation to the victim. Sexual abuse of a minor in the second degree is a Class B felony.

Sexual abuse of a minor in the third degree is sexual contact between an offender 16 or older and a victim 13, 14, or 15 who is at least 3 years younger than the offender or sexual penetration between an offender who is at least 18 years old and occupies a position of authority in relation to the victim who is at least three years younger than the offender and is 16 or 17 years old. Sexual abuse of a minor in the third degree is a class C felony.

Sexual abuse of a minor in the fourth degree is sexual penetration or contact between an offender under 16 and victim under 13 who is at least 3 years younger than the offender or sexual contact between an offender who occupies a position of authority in relation to the victim and is at least 18 years of age with a person 16 or 17 who is at least three years younger than the offender. Sexual abuse of a minor in the fourth degree is a class A misdemeanor.

AS 11.41.445. GENERAL PROVISIONS. In a prosecution under AS 11.41.434-440 it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant, unless the offense was committed without the consent of the victim.

AS 11.41.450. INCEST. A person commits incest if, being 18 or older, the person engages in sexual penetration with a person who is related. Incest is a class C felony.

AS 11.41.455. UNLAWFUL EXPLOITATION OF A MINOR. Exploitation includes using a child under 18 as the subject of pornographic material. Unlawful exploitation of a minor is a class B felony.

AS 11.41.460. INDECENT EXPOSURE. If the offender intentionally exposes his or her genitals to another with reckless disregard for the effect that act has on others, it is considered indecent exposure. Indecent exposure before a person under 16 years of age is a class A misdemeanor. Indecent exposure before a person 16 years of age or older is a class B misdemeanor.

AS 11.46.320-330 and AS 11.46.350. CRIMINAL TRESPASS. A person commits the crime of criminal trespass by entering or remaining upon premises or in a propelled vehicle in violation of a domestic violence restraining order issued under AS 25.35.010(b) or AS 25.35.020.

AS 11.56.740. VIOLATING A DOMESTIC VIOLENCE RESTRAINING ORDER. The crime of violating a restraining order can be committed by knowingly violating a domestic violence injunctive relief order that restrains the person from communicating directly or indirectly with another and the contact is made by someone who had subjected another to domestic violence as found by the court at the time the restraining order was issued. Violating a domestic violence restraining order is a class A misdemeanor.

AS 11.61.200. MISCONDUCT INVOLVING WEAPONS IN THE FIRST DEGREE. Among other things, a person commits the crime of misconduct involving weapons in the first degree if the person trespasses by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a domestic violence

restraining order and during the violation possesses on the person a deadly weapon other than an ordinary pocketknife; or communicates with another person in knowing violation of a domestic violence restraining order after a court has found that the defendant had subjected another to domestic violence and during the communication possesses on the person a deadly weapon other than an ordinary pocketknife. The crime of misconduct involving a weapon in the first degree is a Class C felony.

AS 12.10.020(c). TIME LIMITATIONS ON PROSECUTION. Even if the general time limitation (five years) has expired, a prosecution under AS 11.41.410 - 11.41.460, AS 11.66.110-130, former AS 11.41.430 or former AS 11.51.130 (a)(4) of an offense committed against a person under 16 may be commenced one year after the crime is reported to a peace officer or the person reaches the age of 16, whichever occurs first. However, the period of limitation is not extended by more than five years.

AS 12.25.030(b). GROUNDS FOR ARREST BY PRIVATE PERSON OR PEACE OFFICER WITHOUT A WARRANT. A peace officer without a warrant may arrest a person when the officer has reasonable cause to believe that the person has committed a crime under AS 11.41 (offenses against the person), 11.46.330 (criminal trespass in the second degree), or 11.61.120 (harassment), or has violated an ordinance with elements substantially similar to the elements of a crime under the above-mentioned statutes, against a member of the person's household, someone who lives or previously lived in a spousal relationship with the person who committed the crime, or a parent, grandparent, child or grandchild of the person who committed the crime.

AS 12.30.025. RELEASE BEFORE TRIAL IN CASES INVOLVING DOMESTIC VIOLENCE. In determining conditions of release before trial in cases involving domestic violence, the court shall consider and impose one or more of the following conditions it considers necessary to protect the victim, including ordering the defendant not to subject the victim to further violence; to vacate the home of the victim; not to contact the victim other than through counsel; to engage in counseling (if the court directs the defendant to engage in personal counseling, the court shall provide in the order that the counseling must propose alternatives to aggression if that type of counseling is available; if the court directs the defendant to participate in family counseling, it shall make a finding that family counseling will not result in additional domestic violence) and to refrain from the consumption of alcohol and other drugs.

AS 12.30.040. RELEASE AFTER CONVICTION. A person may not be released on bail after conviction of an unclassified or Class A felony, pending an appeal or sentencing.

AS 12.40.110. HEARSAY EVIDENCE IN PROSECUTIONS FOR SEXUAL OFFENSES. In a prosecution for an offense under AS 11.41.410-440 or AS 11.41.455, hearsay evidence of a statement related to the offense, not otherwise admissible, made by a child who is the victim of the offense may be admitted into evidence before the grand jury if: 1) circumstances indicate its reliability; 2) the child is under 10; 3) additional evidence is introduced to corroborate the statement; 4) the child testifies at the grand jury proceedings or will be available to testify at the trial.

AS 12.45.045. EVIDENCE OF PAST SEXUAL CONDUCT. In trials of sexual assault in any degree, sexual abuse of a minor in any degree, unlawful exploitation of a minor, or an attempt to commit any of these crimes, evidence of the alleged victim's previous sexual conduct is not admissible nor shall reference be made to it except when a defendant applies for an order of the court. The court shall conduct a hearing in camera to determine if value of evidence outweighs undue prejudice, confusion of the issues or invasion of the victim's privacy.

AS 12.45.046. TESTIMONY OF CHILDREN IN CRIMINAL PROCEEDINGS. In a criminal proceeding under AS 11.41 that involves the prosecution of an offense committed against a child under the age of 13 or witnessed by a child under the age of 13, the court may appoint a guardian ad litem for the child and/or may order that the child's testimony be taken by closed circuit TV or through one-way mirrors if the court determines that the testimony by the child would result in the child's inability to effectively communicate. The law lists the factors to be considered in determining whether to use closed circuit TV or one-way mirrors, who may be in the room with the child testifying and who may question the child. The law also discusses other ways to safeguard the child testifying in a court room from emotional harm or stress.

AS 12.45.049 PRIVILEGE RELATING TO DOMESTIC VIOLENCE AND SEXUAL ASSAULT COUNSELING. Confidential communications between a victim of domestic violence or sexual assault and a victim counselor are privileged under AS 25.35.100-25.35.150.

AS 12.45.120. AUTHORITY TO COMPROMISE MISDEMEANORS FOR WHICH A VICTIM HAS CIVIL ACTION. Although compromising a misdemeanor by civil remedy is allowed in certain instances, it is prohibited when the crime was committed against a spouse, former spouse, certain relatives, a member of the social unit or someone who previously lived in a spousal relationship with the defendant.

AS 12.55.045. PAYMENT OF CRIMINAL FINES AND RESTITUTION. Restitution may be paid to a victim or a public, private or non-profit organization that has provided counseling, medical or shelter services to the victim, or as otherwise authorized by law.

AS 12.55.155(d). MITIGATING FACTORS. In a conviction for assault or attempted assault or for homicide or attempted homicide, if the defendant acted in response to domestic violence perpetrated by the victim against the defendant and the domestic violence consisted of aggravated or repeated instances of assaultive behavior, the court may consider this in sentencing and may mitigate the presumptive term set out in AS 12.55.125.

AS 12.61.010-030. CRIME VICTIMS' RIGHTS. (Also see AS 09.05.050, AS 09.38.030(c), AS 09.38.065(a), AS 09.55.601, AS 12.47.095, AS 12.55.023, AS 12.55.088, AS 12.55.172, AS 12.55.185, AS 12.61.900, AS 33.16.110-120, AS 33.16.150, AS 33.16.260, AS 33.20.080, AS 33.30.013, AS 33.30.111, AS 33.30.292, AS 33.30.901, AS 47.10.070, AS 47.10.072, AS 47.10.081, AS 47.10.990 and Alaska Rules of Criminal Procedure.) These sections delineate victims' rights regarding trials, notices of pending hearings and actions, presentence reports, sentencing, compensation, medical assistance, notification and comment upon prisoner parole and release, notification to victim of prisoner's escape, and sets out duties of prosecuting attorneys to victims.

AS 12.61.100-150. CONFIDENTIALITY OF VICTIM AND WITNESS INFORMATION. These sections prohibit the unnecessary disclosure of the identities, addresses and telephone numbers of victims of or witnesses to crimes. Documents related to a crime in the custody of a public official may not be made available unless the residence, business address and telephone numbers of victims and witnesses have been deleted. When a defendant is represented by counsel, a victim's or witnesses' telephone number and address may be released to counsel, but the court shall order the defendant's counsel not to disclose the information to the defendant. If the defendant is proceeding without counsel, and the court finds the defendant may pose a continuing threat to the victim, the court shall specify a person to receive the information about the address and phone number of a victim or witness. This person shall be ordered not to disclose the information to the defendant and the defendant shall meet or speak with the victim or witness in the presence of that person.

If a person representing the defendant contacts the victim, the person shall clearly inform the victim of the person's identity and association with the defendant, that the victim does not have to talk to the person unless the victim wishes and that the victim may have a prosecuting attorney or other person present during an interview. Unless the court determines the information is relevant, a victim or witness may not be required to provide addresses or telephone numbers in response to questioning in open court. This law also provides for other protection of a victim's identity, address or phone numbers during and after the court process.

AS 12.62.035. ACCESS TO CERTAIN CRIME INFORMATION. An employer may request from the Department of Public Safety records of all felony convictions, convictions for contributing to the delinquency of a minor and convictions involving any sex crimes of a person who holds or applies for a position in which the person has or would have supervisory or disciplinary power over a minor or dependent adult. The Department of Public Safety shall disclose the information to the requesting person and to the person who is subject to the request.

AS 14.30.360. PERSONAL SAFETY CURRICULUM. Each school district in the state shall be encouraged to conduct a program in health education for kindergarten through grade 12. Among other things, the program should include instruction in personal safety, including the identification and prevention of child abuse, abduction, neglect, sexual abuse and domestic violence. The State Board shall establish guidelines for a health and personal safety education program. Personal safety guidelines shall be developed in consultation with the Council on Domestic Violence and Sexual Assault.

AS 18.05.037. FETAL HEALTH EFFECTS. The Department of Health and Social Services shall make information about fetal alcohol effects and the fetal health effects of chemical abuse and battering during pregnancy available to public hospitals, clinics and other health facilities for distribution to their patients. Written information about these effects, including the effects of battering during pregnancy, shall also be given with marriage licenses.

AS 18.15.300 ORDER FOR BLOOD TEST; DISCLOSURE OF RESULTS. Permits alleged victims of sexual assault to petition the court to order blood testing of the alleged perpetrator to determine the communicable disease status of the perpetrator. The law also establishes guidelines for how the testing occurs and how the test results are conveyed to the victim. It provides for counseling and information for the victim on the status of her/his potential for exposure to communicable diseases. A court may order a test under this section (1) before seven days after the defendant or minor's arrest; (2) after the entry of a disposition favorable to a defendant; or (3) if the defendant is convicted or adjudicated delinquent or in need of aid, after 90 days after the issuance of the judgement and sentence or of the judgement in a juvenile action.

AS 18.65.510. DOMESTIC VIOLENCE TRAINING. Each established police training program in the state is required to provide training that acquaints police officers with: 1) laws and rules of criminal procedure relating to domestic violence; 2) techniques for handling domestic violence incidents to promote the safety of the victim and the officer and reduce the likelihood of recurrence; 3) organizations in the state that offer aid or shelter to victims; 4) injunctive relief orders; and 5) the notification to be given to victims under AS 18.65.520.

AS 18.65.520. NOTIFICATION TO VICTIMS. Police officers responding to a domestic violence offense are required to inform the victim of services and the victim's rights as listed in this statute. Services include shelter programs, temporary restraining orders, and victim/ witness programs.

AS 18.67.010-180. VIOLENT CRIMES COMPENSATION BOARD. This statute permits payment of compensation to victims of crimes that caused personal injury or death. Among other requirements, the applicant must have cooperated with law enforcement to further prosecution in order to receive compensation. Sections disallowing compensation if the victim was a relative of the offender or living or maintaining a sexual relationship with the offender were repealed in 1983. Changes in 1989 permitted compensation for injuries resulting from assault in any degree, rather than only assault in the first or second degree.

AS 18.68.010-030. SEXUAL ASSAULT EXAMINATION KITS, INVESTIGATION PROTOCOLS AND TRAINING. The Departments of Public Safety and Law shall develop and distribute uniform sexual assault examination kits, develop a manual of protocols governing the distribution and use of the examination kits, and develop and implement training in the use of protocols and kits.

AS 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND MAGISTRATE. Each district judge and magistrate has the power to issue a temporary restraining order (TRO) for injunctive relief in cases involving domestic violence as provided in AS 25.35.010 and AS 25.35.020.

AS 25.20.090 and AS 25.24.150. FACTORS TO BE CONSIDERED IN MAKING CHILD CUSTODY DETERMINATIONS. Evidence of domestic violence, child abuse, or child neglect in the proposed custodial household or a history of violence between the parents are factors that the court must consider in making child custody determinations.

AS 25.23.180. TERMINATION OF PARENTAL RIGHTS OF PERPETRATORS OF CERTAIN SEXUAL OFFENSES. The relationship of parent and child may be terminated by a court order on grounds that the parent committed an act constituting sexual assault or sexual abuse of a minor and the act resulted in conception of the child.

AS 25.24.140. RESTRAINING ORDERS DURING A DIVORCE ACTION. During the pendency of a divorce action, a spouse may apply for and is entitled to necessary protective orders, including orders providing for freedom of each spouse from the control of the other spouse, restraining each spouse from subjecting the other spouse or another person living in the household to domestic violence, directing one spouse to vacate the residence, restraining a spouse from communicating directly or indirectly with the other spouse, restraining a spouse from entering a propelled vehicle in the possession of or occupied by the other spouse and prohibiting a spouse from disposing of the property of either spouse or mutual property without the permission of the other spouse or a court order.

AS 25.24.210 and AS 25.24.220. HEIGHTENED JUDICIAL SCRUTINY IN DISSOLUTIONS WHEN THERE IS DOMESTIC VIOLENCE. A petition for dissolution of a marriage must state whether a domestic violence complaint has been filed during the marriage by a member of the household. If a domestic violence complaint has been filed during the marriage by a member of the family or there is evidence of domestic violence during the marriage, a heightened level of judicial scrutiny is required in petitions for dissolution. If the court finds a higher level of scrutiny is required, the court shall examine the written agreements between the spouses to determine that they are just, that they constitute the entire agreement between the

parties, and that the agreements concerning child custody, child support, and visitation are in the best interest of the children of the marriage, if any. The court shall require the presence of both spouses at a hearing for this purpose unless the court finds on the record that it would constitute a significant hardship on one of the spouses to appear and that a just agreement has been reached.

AS 25.35.010. INJUNCTIVE RELIEF IN CASES INVOLVING DOMESTIC VIOLENCE. A person who is subjected to domestic violence may petition a superior or district court for injunctive relief to restrain the infliction of further domestic violence. This order may include additional provisions that direct the respondent to leave the petitioner's home, provide support for the petitioner and minor children in the petitioner's care, pay medical expenses of the respondent and engage in counseling (if the court directs the respondent to engage in personal counseling, the court shall provide in the order that the counseling must propose alternatives to aggression if that type of counseling is available; if the court directs the respondent to participate in family counseling, it shall make a finding that family counseling will not result in additional domestic violence). An order remains in effect for 90 days, but may be extended by petition to the court. The court may appoint a guardian ad litem or attorney to represent a minor who is subject to this chapter.

Except for a restraining order that prohibits the petitioner from communicating directly or indirectly with the respondent, the court may not issue an order restraining a petitioner under this section unless the court finds that the respondent has been subjected to domestic violence by the petitioner. The court may not issue a restraining order that prohibits the petitioner from communicating directly or indirectly with the respondent unless the court finds that the respondent has been subjected to domestic violence by the petitioner, or there is other good cause based on extraordinary circumstances of the case as supported by specific findings of fact by the court.

Domestic violence in this statute, as well as under AS 25.35.020, means a crime under AS 11.41 when the victim is a spouse or former spouse of the respondent; a parent, grandparent, child, or grandchild of the respondent; a member of the social unit comprised of those living together in the same dwelling as the respondent; or a person who is not a spouse or former spouse of the respondent but who previously lived in a spousal relationship with the respondent or is in or has been in a dating, courtship or engagement relationship with the defendant.

AS 25.35.020. EMERGENCY INJUNCTIVE RELIEF. If it appears that there is a substantial likelihood of immediate danger from the respondent, an emergency injunctive relief order may be issued. An emergency injunctive relief order may be issued without notice to the respondent. The order is in effect for 20 days unless extended by the court for good cause. As in the regular restraining order, the situations when a mutual restraining order may be issued are limited.

AS 25.35.040. SERVICE OF PROCESS. Injunctive relief orders shall be promptly served and executed. These orders are to be served by the peace officer who has jurisdiction within the area of service. A state trooper shall serve the order in any area that is not within the jurisdiction of a peace officer of a municipality or unincorporated community.

AS 25.35.050. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. The court shall send a copy of the injunctive relief order to the appropriate law enforcement agency. Each law enforcement agency shall establish procedures to inform peace officers of copies of the orders received. Police officers shall use every reasonable means to enforce an order issued.

25.35.100. COMPULSORY DISCLOSURE OF COMMUNICATIONS PROHIBITED. A victim or victim counselor may not be compelled, without appropriate consent, to give testimony or to produce records concerning confidential communications for any purpose is a criminal, civil, legislative, or administrative proceeding. Appropriate consent means 1) the consent of the victim with respect to the testimony of an adult victim and a victim counselor when the victim is an adult; 2) the consent of the victim's parent, legal guardian, or guardian ad litem with respect to the testimony of a victim or a victim counselor when the victim is a minor or incompetent to testify. A victim or victim counselor may not be compelled to provide testimony in a civil, criminal or administrative proceeding that would identify the name, address, location or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding, or the name, address, or telephone number of a victim counselor, unless the court or hearing officer determines that the information is necessary and relevant to the facts of the case.

AS 33.30.161. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL RESTITUTION CENTER. Correctional restitutional centers are established to provide certain offenders with rehabilitation through community services and employment. Prisoners are not eligible if they have been convicted of a felony involving violence or the use of force or are serving a sentence for any crime involving violence or the use of force or under AS 11.41.320 (custodial interference in the first degree), AS 11.41.330 (custodial interference in the second degree) or AS 11.56.740 (violating a domestic violence restraining order).

AS 47.17.020. PERSONS REQUIRED TO REPORT CHILD ABUSE. The following persons are immediately required to report suspected harm, by other than accidental means, through physical injury or neglect, mental injury, sexual abuse, sexual exploitation or maltreatment of children to the nearest office of the Department of Health and Social Services if, in the performance of their occupational duties, they have reasonable cause to suspect a child has suffered harm:

- (1) practitioners of the healing arts, including mental health counselors,
- (2) school teachers and school administrative staff members of public and private schools,
- (3) social workers,
- (4) peace officers, and officers of the Department of Corrections,
- (5) administrative officers of institutions,
- (6) child care providers,
- (7) paid employees of domestic violence and sexual assault programs and crisis intervention programs as defined in AS 18.66.900.
- (8) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs and alcohol.

However, if it is not possible to report harm to the Department of Health and Social Services and immediate action is necessary for the well-being of the child, the report of harm shall be made to a peace officer.

AS 47.17.022. TRAINING. A person employed by the State or by a school district who is required under AS 47.17 to report abuse or neglect of children shall receive training on the recognition and reporting of child abuse and neglect. Each department of the State and school district that employs persons required to report abuse or neglect of children shall provide initial training and appropriate in-service training. These departments and school districts shall develop a training curriculum that acquaints their employees with laws relating to child abuse and neglect; techniques for recognition and detection of child abuse and neglect; agencies and organizations within the state that offer aid or shelter to victims and their families; procedures for

required notification of suspected abuse or neglect; the role of a person required to report child abuse or neglect as well as the role of the employing agency after the report has been made; and a brief description of the manner in which cases of child abuse and neglect are investigated by the department and law enforcement agencies after a report of suspected abuse or neglect.

AS 47.17.023. REPORTING CHILD PORNOGRAPHY. A person who, in the course of processing or producing visual or printed matter, suspects that the matter depicts a child engaged in prohibited sexual acts to produce child pornography shall immediately report this to the nearest law enforcement agency.

AS 47.24.110. PERSONS REQUIRED TO REPORT PHYSICAL OR SEXUAL ASSAULT AGAINST A DISABLED PERSON. The following persons are required to report physical or sexual assault against a disabled adult to the nearest law enforcement agency if, in the performance of their duties, they have reasonable cause to believe a disabled person is a victim of assault and that the disabled adult is unable to report the crime:

- a. licensed health care provider
- b. mental health professional
- c. pharmacist
- d. employee of a nursing home, residential care or health care facility
- e. caretaker, guardian or conservator of the disabled adult
- f. police officer
- g. village public safety officer
- h. health aide
- i. social worker
- j. member of the clergy
- k. staff of a program serving disabled adults
- l. licensed foster care provider
- m. worker in a domestic violence, sexual assault or a crisis intervention prevention program
- n. EMT or paramedic in a mobile intensive care program
- o. an employee of a homemaker program or home health aide program.