

HB

351

April 13, 1994

Dan P. Saunders
PO Bcx 3554
Palmer, Alaska 99645

Honorable Lt. Governor Jack Coghill
Office of the Lt. Governor
Capitol Building
Juneau, Alaska

Dear Lt. Governor Coghill:

I am a retired law enforcement officer with a total of 38 years of honorable service as a commissioned state, federal, and metropolitan officer. These years of service consisted of undercover narcotics investigation, criminal investigations in four different states, and Special Agent-Investigator for the F.A.A. Security Division in Alaska. My last seven years of service was as a criminal fraud investigator for the Alaska Department of Commerce. I have been an Alaska resident since February, 1961.

During my years of interviewing and interrogating convicted burglars, rapists and occasional murderers, one thing became obvious from their first-hand testimony to me. These hoodlums all had the same worry--that of running into an armed law abiding citizen or homeowner. They had no fear of a police officer whatsoever, and they have even less fear today, but each in his own words said he would avoid any town or neighborhood where the

citizens were believed to be armed. THEY STILL HAVE THAT SAME FEAR TODAY!

There is something else in present day Alaska that bothers me just as much. Our crime rate will never recede until our so-called prosecutors stop taking the "pansy" approach and accepting a guilty plea for reduced charges. Some of our Superior Court judges with who I am acquainted do a wonderful job in prosecuting felons, but their job would be a lot easier if the prosecutors would quit seeking TV coverage and start working on these felony cases as they are paid to do.

Please instruct the Department of Law in Juneau to stop wasting their time in complaining and generating "white papers," and start cracking down on felons so that our wives, our children, and grandchildren won't have to cower in fear because they can't defend themselves. I am a grown man who has learned a lot about the mentality and thought process of those who rape, rob, and murder innocent people. This is not "jolly Olde England" or some republic in revolt, but is a land where our Bill of Rights guarantees us the right to defend ourselves.

Keep up the good work.

Respectfully,

A handwritten signature in cursive script that reads "Dan P. Saunders".

Dan P. Saunders, ret.



JOHN B. COGHILL
LIEUTENANT GOVERNOR

STATE OF ALASKA

P. O. Box 110015
JUNEAU, ALASKA 99811-0015
(907) 485-3520

APR 22 1994

M E M O R A N D U M

To: The Honorable
Senator Robin Taylor

From: John B. Coghill, Lieutenant Governor

Date: April 19, 1994

Subject: Letter from Mr. Dan Saunders, support for HB 351.

APR 22 1994

I am forwarding the attached letter from Mr. Dan Saunders, retired law enforcement officer, to your attention. Mr. Saunders writes in support of HB 351.

I believe Mr. Saunders expresses the experience and observations of many police officers. He clearly states the concerns of many police officers regarding the trauma and victimization that he and other officers are rarely able to prevent.

Thank you for taking the time to consider implementing his concerns into legislative policy.

April 22, 1994

The Honorable
Senator Loren Lemman
State Capitol Room 118
Juneau, AK 99802-1182

Dear Senator Lemman:

Re: CS for HB351

I just wanted to relay a few words of encouragement as you begin to work on HB351, and hope that you get it to the Governor in a timely manner for his signature.

I have had police experience in a state that has a carry law, and in nearly 8 years experience there, never saw it to be the problem the Alaska Department of Public Safety (DPS) tries to implicate that it will be in Alaska.

With the help of the DPS, the House of Representatives had a great time amending this bill to the point that some parts of it are outlandishly ridiculous.

DPS has computer ability at this time to determine within minutes if a person has a felony background. I.e: Brady Bill checks. They do not need an indeterminate amount of time to conduct "background" checks. This smells like a harassment technique, and the time factor they can build in will only cause them to make the cost higher.

I would like to point out some other areas of concern that I have with this bill:

- 1) Beginning at Line 25, page two- the Department of Public Safety (DPS) wants two sets of fingerprints "submitted on FBI cards." If this requirement remains, DPS should be required to take them in their office. In many areas it will be impossible to find someone who is qualified to take fingerprints other than a DPS member who is academy trained to do so. DPS distrusts the citizens of Alaska so much that I would think they should be concerned that someone might somehow tamper with the fingerprint cards if they are taken by a third party.
- 2) The photograph requirement is carrying things a bit far when DMV has photos available and/or the ability to take them. Couldn't this be a source of revenue for DMV if the photo requirement is really necessary? They sure need the money. Say, \$8.00 for two photos.
- 3) Lines 9 and 10 of page 3, "or other agency necessary to make a determination concerning the application." How ambiguous can they get? This is an open ended statement that could hold up an application for ever.
- 4) Lines 20 and 21 of page 4, "is a resident of the state and has been for the 90 days immediately preceding the application for a permit; this appears to be an overt

Senator Loren Leman Page 2 HB351

attempt to prevent any reciprocity or cooperation with other states. In many states it is only necessary to show your permit from your home state to qualify for a permit in that state. And several states will honor permits from another state.

5) Lines 8 and 9 of page 5, **"has demonstrated competence with handguns as provided in AS 18.65.715."** This in entering the civil liability aspect of the responsibilities of the permittee and is not appropriate in the bill.

6) Lines 29 to 31 of page 5 and lines 1 to 3 of page 6, **"a statement that the applicant understands that a background investigation may be conducted....."** This authorizes troopers to go door to door in your neighborhood to gather information as to your suitability. This bill should specifically restrict DPS to use of their records, and the computer nets available to them to run wants, warrants and records checks.

7) Lines 16 to 18 of page 10--**all text relating to financial institutions as prohibited places to carry a concealed weapon.** In my case, my bank is 200 yards away. I often walk to the bank carrying large sums of money. It is possible that there may have been many instances when the people in the bank didn't know I was carrying a gun. If this had happened and I had been careless with it, then there would have been cause for concern.

8) **Take out the local exemption language.**

9) Lines 4 and 5 of page 13. **Delete "derringer or other miniature handgun"** from the restricted list. These are rather ridiculous to carry, but there are circumstances when they may be appropriate. We do have some t-shirt weather in Alaska when a derringer would not be inappropriate.

10) **Please don't leave us at the mercy of DPS as to the cost of a license.**

Carry bills are not the answer to the crime problem, but they have been proven in nearly 40 states to be no problem. Further, they have saved lives.

Many of the states that allow concealed carry have an application process that assumes a person with a clean record is not a criminal. Vermont would be the best example to follow, but if we can't do a Vermont system, I would suggest Florida as an example to follow.

Thank you for your consideration for this letter. If I can provide any further information in this matter, please call.

Sincerely,

Duane Buell
PO Box 32319
Juneau, AK 99801

Day phone 789-9785
Eve Phone 780-4489

April 26, 1994

Senator Loren Leman, Chairman
State Affairs Committee
State Capital
Juneau, AK 99801-1182

FAX #465-3810

RE: House Bill 351
Concealed Hand Gun Legislation

Dear Senator Leman,

I am writing to encourage you and your committee members to expedite approval on the above referenced House bill currently under consideration in your Senate committee. As you know, this bill has extensive support from Alaskans.

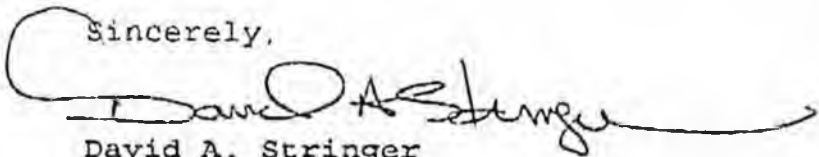
I have no problem with permit issuance contingent upon a background check, firearm instruction, testing or even range qualification. Presumably there will be a fee requirement to cover the expenses of such and presumably there will be periodic renewal requirements to insure continuing qualifications.

Those requirements, diligently administered, should put critics at ease and lessen their fears. Their notion that responsible law abiding citizens will be gun slingers and resolve conflicts by shoot-out is ludicrous. Such irresponsible action could be done today except that law abiders aren't concealing weapons and are not given to resolving conflicts in that fashion. Only the law breakers do that and they could care less about abiding by any laws.

It's strictly a matter of self defense. We know that the police cannot be at all places at all times and prevent crime. They can only respond after the fact. We all know of situations where crimes could have been prevented if victims had possessed firearms to defend themselves.

Thank you for your consideration to this matter.

Sincerely,



David A. Stringer
3035 Seawind Drive
Anchorage Alaska 99516

cc: Senator Mike Miller
Senator Robyn Taylor
Senator Jonny Ellis
Senator Jim Dunkin

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4322

April 26, 1994

The Honorable Robin Taylor
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senator Taylor,

I appreciated your comments on extending the period of time that a concealed handgun permit would be valid to five years, so that the person's drivers license could be flagged in some way. I think that having some sort of identifying mark on the driver's license is a very good idea. However, there are some draw backs to extending the permit time to five years. With the driver's license and the permit being the same document a difficulty arises when the license or the permit is suspended or revoked and the other is not. While there will be occasions that both the license and the permit will be suspended or revoked at the same time and there will be occasions when this will not be the case.

Another concern involves the initial issuance of a ccw permit and making it's expiration date coincide with the expiration date of the driver's license, some initial permits would be valid for fewer than five years. The renewal of a license and ccw permit will also cause some difficulty if the person does not start the renewal process in a timely manner. A person can renew their driver's license on the day before it expires, that will not be possible with a ccw permit. Lastly the Division of Motor Vehicles, advises that altering the driver's license will have major fiscal impact on them.

Through the regulation process the department can achieve the positive aspects of identifying a ccw permit holder on their driver's license without the drawbacks of using the same document. The Department envisions a process where a tamper resistant sticker would be placed on the driver's license when the applicant came into pick up their permit.

Also for your information, according to a 1990 study by the Oregon State Police of the 50 states, 35 issued concealed weapons permits. The survey reported the duration of permits for 32 states. Most of the states have a period of one or two years.

- | | |
|----------------------------|--------------------------|
| a. five years -- 5 states | d. two years -- 8 states |
| b. four years -- 3 states | c. one year -- 10 states |
| c. three years -- 6 states | |

The Honorable Robin Taylor
April 26, 1994
Page 2

Please feel free to contact me if you have any questions about this information or if you have any other suggestions.

Sincerely,

A handwritten signature in cursive script that reads "Daniel W. Swackhammer".Handwritten initials "fo" in cursive script.

C. E. Swackhammer
Deputy Commissioner
Alaska Department of Public Safety

CS/dl

Gun bill fires through Senate

By KRISTEN SEINE
Of The Star Staff

If - or when - House Bill 351 passes, criminals might just want to think twice before mugging, robbing, raping, or car-jacking Alaska residents. They'll never know if their intended victim might turn the tables on them with a legally concealed weapon.

That's one of the arguments being promulgated by proponents of the bill, which was introduced by Rep. Jeannette James, a Republican from North Pole. It's apparently a pretty persuasive argument, because the bill has passed the House floor twice now.

The first time the bill was voted on, on April 18, it passed 31-7. Then the vote was reconsidered - "they always reconsider bills," says Portia Babcock, aide to Sen. Loren Leman (R-Anchorage) - the next day, and it passed 33-4. One of those who changed their minds was Rep. David Finkelstein (D-Anchorage).

Finkelstein said on Thursday that he still has some concerns

about concealed weapons, and those expressed by police officers and state troopers weighed most heavily with him. However, he said, "there is a strong case to be made" for allowing concealed weapons. "It was the debate on the last day that swayed me," Finkelstein said,



adding that "the degree to which there are going to be requirements - that they (permit holders) be registered, finger-printed, and show pretty extensive knowledge of gun safety and marksmanship" made the difference. "It was one of the most prolonged debates we've ever had," he noted.

The bill is now going through the Senate, and is scheduled for a

public hearing (listen-only) on Monday, April 25, from 9 to 11 a.m. in the Senate State Affairs Committee - chaired by Sen. Leman. "we will be proposing a few changes," Babcock said, "deleting some pretty ridiculous restrictions - for example the one that says if you got any misdemeanor while holding you permit and gun, it can be taken away for five years...people forget that simply driving with expired tags on you car is a misdemeanor. I don't think that was the intent there."

Babcock says it is likely the bill will move quickly through the State Affairs Committee, on to the Senate Finance Committee, and to a vote on the Senate floor. "We're hoping for a House concurrence," she said, on the changes, "so it won't have to go into conference committee."

A similar municipal ordinance is scheduled for continued public hearing at next Tuesday's Anchorage assembly meeting, and a high turn-out is expected for that also.



*Quoth the raven...
An intrepid raven tried to ord
tree behind the Star Publishin
weren't very intimidated. The r
to a tree with smaller inhabita*

COMMUNITY COUNCIL NEWS

Thursday, April 28

Birchwood Community Council:

The council will meet at 7 p.m. at the Birchwood Elementary School library. After the monthly status reports, Rosa Garner, municipal ombudsman, will give members an overview of what the ombuds-

gravel haul this summer as well as residential development within the former Powder Reserve lands. Attendance is requested, as this April meeting "will set the tenor for the remainder of the year." For more information, contact chair Dan Fickett at 688-3875 or Robbi Wells

Scenic Park Area Community Council:

The council is scheduled to meet at 7:30 at Scenic Park School, but does not meet every month. For more information, contact chair Gordon Nelson at 333-2697 or Dee Hubbard at 337-6370

Labor union's cl:

"It's all a bunch of lies. Blatant manager Bruce Scott late Thursday advertisement placed by VALUE, had spent "more than \$100,000" o
The cooperative has been forc

8-LS1471NW ✓
Luckhaupt
4/23/94

SENATE CS FOR CS FOR HOUSE BILL NO. 351(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

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

14 (f) For purposes of (a)(2) and (e) of this section, a firearm is loaded if the
15 (1) firing chamber, magazine, clip, or cylinder of the firearm contains
16 a cartridge; and
17 (2) chamber, magazine, clip, or cylinder is installed in or on the
18 firearm.

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

20 ARTICLE 9. PERMIT TO CARRY A CONCEALED HANDGUN.

21 Sec. 18.65.700. PERMIT TO CARRY A CONCEALED HANDGUN. (a) The
22 Government shall issue a permit to carry a concealed handgun to a person who

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

24 (2) qualifies under AS 18.65.705;

25 (3) submits a completed application on a form provided by the
26 department. that provides the information required under AS 18.65.705 and 18.65.710
27 and is executed under oath;

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

31 (5) submits evidence of competence with handguns as provided in

1 AS 18.65.715;

2 (6) provides two frontal view color photographs of the person taken
3 within the preceding 30 days that include the head and shoulders of the person and are
4 of a size specified by the department;

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

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

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

10 (b) The department shall either approve or reject an application for a permit
11 to carry a concealed handgun under (a) of this section within 15 days of receipt of
12 permit eligibility information from the Federal Bureau of Investigation or other agency
13 necessary to make a determination concerning the application. The department shall
14 request permit eligibility information under this subsection within five days of the
15 receipt of the application. The department shall notify the applicant in writing of the
16 reason for a rejection.

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

20 (d) A permit issued under (a) of this section is valid for four years from the
21 date of issue. The permit must specify the action types and maximum calibers of
22 handgun described in the permittee's certificate of competency under AS 18.65.715 but
23 may not specifically identify a handgun by make, model, or serial number.

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

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

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

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

1 (4) has not been convicted, within the five years immediately preceding
2 the application, of, and is not currently charged under a complaint, information,
3 indictment, or presentment with, any of the following misdemeanor offenses or similar
4 laws of another jurisdiction:

5 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

7 (C) AS 11.51.130;

8 (D) AS 11.56.330, 11.56.350, 11.56.380, 11.56.545, 11.56.700,
9 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

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

11 or

12 (F) AS 11.71.050, 11.71.060;

13 (5) has not been convicted of two or more class A misdemeanors of
14 this state or similar laws of another jurisdiction within the five years immediately
15 preceding the application:

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

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

20 (8) has not been adjudicated as mentally incapacitated by a court of this
21 state, another state, territory, or jurisdiction, or of the United States, unless the
22 guardianship or similar arrangement has been closed or terminated and five years have
23 elapsed since the closure or other termination;

24 (9) is a resident of the state and has been for the 90 days immediately
25 preceding the application for a permit;

26 (10) has not been discharged from the armed forces of the United
27 States under dishonorable conditions;

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

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

31 (13) is not now the subject of an injunction under AS 25.35.010 -

1 25.35.020 unless the injunction has been dissolved or has expired;

2 (14) is not now in and has not in the three years immediately preceding
3 the application entered an alcohol treatment program;

4 (15) is not now in and has not in the three years immediately preceding
5 the application entered a substance abuse treatment program; and

6 (16) has demonstrated competence with handguns as provided in
7 AS 18.65.715.

8 Sec. 18.65.710. APPLICATION FOR PERMIT TO CARRY A CONCEALED
9 HANDGUN. (a) The application for a permit to carry a concealed handgun must
10 contain the following information:

11 (1) the applicant's name, physical residence, mailing address, place and
12 date of birth, physical description, including height, weight, race, hair color, and eye
13 color, Alaska driver's license or identification card number, and the city and state of
14 each place the applicant has resided in the five years immediately preceding the
15 application;

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

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

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

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

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

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

1 investigation.

2 (b) An application under (a) of this section may not inquire of an applicant
3 about or require the submission of information beyond that described in that
4 subsection. As part of an application under (a) of this section, the department may not
5 inquire of an applicant as to any firearms owned by the applicant.

6 Sec. 18.65.715. DEMONSTRATION OF COMPETENCE WITH
7 HANDGUNS. (a) An applicant for a permit to carry a concealed handgun shall
8 provide a certificate of successful completion of a handgun course that is approved by
9 the department. The certificate must state the action type and caliber of handgun or
10 handguns the applicant has demonstrated competence with and that the applicant may
11 be permitted to carry. A permittee may only carry as a concealed handgun an action
12 type of handgun described in the certificate. A permittee may only carry as a
13 concealed handgun the caliber of the action type that the permittee demonstrated
14 competence with or any lesser caliber of the same action type. The handgun course
15 must have been completed within the 12 months immediately preceding the
16 application. The department shall approve the personal protection course offered by
17 the National Rifle Association and any other handgun course that tests the applicant's

18 (1) knowledge of Alaska law relating to firearms and the use of deadly
19 force:

20 (2) familiarity with the basic concepts of the safe and responsible use
21 of handguns:

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

23 (4) physical competence with each action type of handgun the applicant
24 wishes to carry under the permit and the maximum caliber for each action type the
25 applicant wishes to carry under the permit.

26 (b) At the time the permittee renews a permit under AS 18.65.725 for the
27 second time and every other renewal thereafter, the permittee shall provide at the time
28 of renewal a certificate of successful completion of a handgun course approved by the
29 department under (a) of this section. A handgun course required under this subsection
30 must be completed in the 12 months immediately preceding the appropriate renewal.

31 (c) The department may not require a certificate of competence submitted

1 under this section to contain any specifically identifying information, including make,
2 model, or serial number, of a handgun with which an applicant or permittee has
3 demonstrated competence.

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

6 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for
7 the processing of the application for and initial issuance of a permit, renewal of a
8 permit, or replacement of a permit. The fees shall be set by regulation and must be
9 based on the actual costs incurred by the department.

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

14 (1) any change in the information originally submitted under
15 AS 18.65.710;

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

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

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

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

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

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

1 (d) A renewal form under (a) of this section may not inquire of a permittee
2 about, or require the submission of, information beyond that described in (a) of this
3 section.

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

7 (1) provides two frontal view photographs of the permittee taken within
8 the preceding 30 days that include the head and shoulders and are of a size specified
9 by the department:

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

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

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

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

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

31 Sec. 18.65.740. REVOCATION OF PERMIT; APPEAL. (a) A permit to

1 carry a concealed handgun shall be immediately revoked by the department when the
2 permittee

3 (1) becomes disqualified to receive and hold a permit under
4 AS 18.65.705;

5 (2) is convicted of two class A misdemeanors of this state or similar
6 laws of another jurisdiction within a five-year period if at least one of the convictions
7 occurs after the application;

8 (3) knowingly supplied a false or fraudulent answer, statement, or
9 document, or made a material misstatement or omission, in connection with an
10 application for a permit or renewal or replacement of a permit.

11 (b) A person whose permit is revoked under (a) of this section shall
12 immediately surrender the permit to the nearest peace officer. A peace officer
13 receiving a permit under this section shall immediately forward the permit to the
14 department.

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

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

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

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

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

31 (b) Whenever a permittee who is carrying a concealed handgun is contacted

1 by a peace officer, the permittee shall immediately inform the peace officer that the
2 permittee is carrying a concealed handgun under the permit.

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

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

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

11 (f) A person who violates (b) or (c) of this section is guilty of a class A
12 misdemeanor.

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

15 (1) a law enforcement or correctional facility;

16 (2) or on school grounds or a school bus; in this paragraph, "school
17 grounds" has the meaning given in AS 11.71.900;

18 (3) a courthouse or a courtroom of this state, unless the permittee

19 (A) is a judge; or

20 (B) has been authorized to possess a concealed handgun by a
21 judge presiding at that courthouse or courtroom;

22 (4) a building housing only state or federal offices or the offices of a
23 political subdivision of the state, except as authorized under (3) of this subsection;

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

27 (6) a passenger loading or unloading area of an airline terminal;

28 (7) a vessel of the Alaska marine highway system;

29 (8) a facility providing services to victims of domestic violence or
30 sexual assault;

31 (9) a financial institution; in this paragraph, "financial institution"

1 means a bank, savings bank, savings association, credit union, or other institution
2 regulated by the Department of Commerce and Economic Development under AS 06;

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

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

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

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

11 (1) alter the permit;

12 (2) allow another person to use the permit;

13 (3) possess or display a suspended or revoked permit; or

14 (4) display an expired permit.

15 (b) A person who violates (a)(1) - (3) of this section is guilty of a class A
16 misdemeanor.

17 (c) A person who violates (a)(4) of this section is guilty of a violation and
18 upon conviction may be punished by a fine of not more than \$100.

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

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

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

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

27 (4) may only carry a concealed handgun of the action type and caliber
28 the holder has demonstrated competency with or of any lesser caliber of the same
29 action type as authorized in the permit issued under AS 18.65.700.

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

1 Sec. 18.65.770. ACCESS TO LIST OF PERMITTEES BY PEACE
2 OFFICERS. The department shall compile a list of permittees in a manner that allows
3 immediate access to the information by peace officers. The list of permittees and all
4 applications, permits, and renewals are not public records under AS 09.25.110 -
5 09.25.125 and may only be used for law enforcement purposes.

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

10 Sec. 18.65.778. MUNICIPAL PREEMPTION. A municipality may not restrict
11 the carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790 except
12 as provided in AS 18.65.780 - 18.65.785.

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

16 Shall the possession of concealed handguns by permit in
17 (name of municipality or village) be prohibited?

18 [] Yes [] No.

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

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

31 (b) The lieutenant governor, whenever 10 percent of the registered voters

1 residing within an established village petition the lieutenant governor to do so, shall
2 place upon a separate ballot at a special election the question set out in AS 18.65.780
3 that is the subject of the petition. The lieutenant governor shall conduct the election
4 in the manner prescribed by AS 15 (Alaska Election Code).

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

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

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

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

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

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

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

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

20 (A) seven out of 10 shots at seven yards;

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

22 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
23 and that is covered or enclosed in any manner so that an observer cannot determine
24 that it is a handgun without removing it from that which covers or encloses it or
25 without opening, lifting, or removing that which covers or encloses it; however,
26 "concealed handgun" does not include a shotgun, rifle, derringer or other miniature
27 handgun, or a prohibited weapon as defined under AS 11.61.200; in this paragraph,

28 (A) "derringer" means a handgun that has individual barrels for
29 each cartridge it is capable of firing and lacks a manufacturer's installed trigger
30 guard that completely encircles the trigger and which is part of the frame; and

31 (B) "miniature handgun" means a handgun that has a barrel

1 length of three and one-half inches or less and lacks a manufacturer's installed
2 trigger guard that completely encircles the trigger and which is part of the
3 frame;

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

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

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

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

8 AS 18.65.700 - 18.65.790.

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

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

SENATE CS FOR CS FOR HOUSE BILL NO. 351(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

14 (3) the holder of a valid permit to carry a concealed handgun under

1 AS 18.65.700 - 18.65.790, the deadly weapon concealed was a handgun as defined
2 in AS 18.65.790, and the possession did not occur in a municipality or established
3 village in which the possession of concealed handguns is prohibited under
4 AS 18.65.780 -18.65.785.

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

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

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

13 (f) For purposes of (a)(2) and (e) of this section, a firearm is loaded if the
14 (1) firing chamber, magazine, clip, or cylinder of the firearm contains
15 a cartridge; and
16 (2) chamber, magazine, clip, or cylinder is installed in or on the
17 firearm.

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

19 ARTICLE 9. PERMIT TO CARRY A CONCEALED HANDGUN.

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

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

23 (2) qualifies under AS 18.65.705;

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

27 (4) submits two complete sets of fingerprints on Federal Bureau of
28 Investigation approved fingerprint cards that are of sufficient quality so that the
29 fingerprints may be processed; the fingerprints must be taken by a person, group, or
30 agency approved by the department; the department shall maintain a list of persons,
31 groups, or agencies approved to take fingerprints and shall provide the list to the

1 public upon request;

2 (5) submits evidence of competence with handguns as provided in
3 AS 18.65.715;

4 (6) provides two frontal view color photographs of the person taken
5 within the preceding 30 days that include the head and shoulders of the person and are
6 of a size specified by the department;

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

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

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

12 (b) The department shall either approve or reject an application for a permit
13 to carry a concealed handgun under (a) of this section within 15 days of receipt of
14 permit eligibility information from the Federal Bureau of Investigation or other agency
15 necessary to make a determination concerning the application. The department shall
16 request permit eligibility information under this subsection within five days of the
17 receipt of the application. The department shall notify the applicant in writing of the
18 reason for a rejection.

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

22 (d) A permit issued under (a) of this section is valid for four years from the
23 date of issue. The permit must specify the action types and maximum calibers of
24 handgun described in the permittee's certificate of competency under AS 18.65.715 but
25 may not specifically identify a handgun by make, model, or serial number.

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

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

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

31 (3) has not been convicted of and is not currently charged under a

1 complaint, information, indictment, or presentment with a felony under the laws of this
2 state or a similar law of another jurisdiction;

3 (4) has not been convicted, within the five years immediately preceding
4 the application, of, and is not currently charged under a complaint, information,
5 indictment, or presentment with, any of the following misdemeanor offenses or similar
6 laws of another jurisdiction:

7 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

9 (C) AS 11.51.130;

10 (D) AS 11.56.330, 11.56.350, 11.56.380, 11.56.545, 11.56.700,
11 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

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

13 or

14 (F) AS 11.71.050, 11.71.060;

15 (5) has not been convicted of two or more class A misdemeanors of
16 this state or similar laws of another jurisdiction within the five years immediately
17 preceding the application;

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

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

22 (8) has not been adjudicated as mentally incapacitated by a court of this
23 state, another state, territory, or jurisdiction, or of the United States, unless the
24 guardianship or similar arrangement has been closed or terminated and five years have
25 elapsed since the closure or other termination;

26 (9) is a resident of the state and has been for the 90 days immediately
27 preceding the application for a permit;

28 (10) has not been discharged from the armed forces of the United
29 States under dishonorable conditions;

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

- 1 (12) is not an unlawful user of, or addicted to, a controlled substance;
2 (13) is not now the subject of an injunction under AS 25.35.010 -
3 25.35.020 unless the injunction has been dissolved or has expired;
4 (14) is not now in and has not in the three years immediately preceding
5 the application entered an alcohol treatment program;
6 (15) is not now in and has not in the three years immediately preceding
7 the application entered a substance abuse treatment program; and
8 (16) has demonstrated competence with handguns as provided in
9 AS 18.65.715.

10 Sec. 18.65.710. APPLICATION FOR PERMIT TO CARRY A CONCEALED
11 HANDGUN. (a) The application for a permit to carry a concealed handgun must
12 contain the following information:

- 13 (1) the applicant's name, physical residence, mailing address, place and
14 date of birth, physical description, including height, weight, race, hair color, and eye
15 color, Alaska driver's license or identification card number, and the city and state of
16 each place the applicant has resided in the five years immediately preceding the
17 application;
- 18 (2) a statement that the applicant qualifies under AS 18.65.705;
- 19 (3) a statement that the applicant has been furnished with a copy of
20 AS 18.65.700 - 18.65.790, has read those sections, and understands them;
- 21 (4) a statement that the applicant desires a permit to carry a concealed
22 handgun for a lawful purpose, which may include self-defense;
- 23 (5) a sworn statement by the applicant that all statements, answers, and
24 attachments to the application are true and complete;
- 25 (6) a conspicuous warning that the application is executed under oath
26 and that an applicant who supplies a false statement, answer, or document, in
27 connection with the application that the applicant does not believe to be true, may be
28 prosecuted for perjury under AS 11.56.200 and, if found guilty, may be punished for
29 violation of a class B felony, and that in such cases the permit shall be revoked and
30 the applicant may be barred from any further application for a permit; and
31 (7) a statement that the applicant understands that a permit eligibility

1 investigation will be conducted as a part of the application process, that this may
2 involve computerized records searches, and that the applicant authorizes the
3 investigation.

4 (b) An application under (a) of this section may not inquire of an applicant
5 about or require the submission of information beyond that described in that
6 subsection. As part of an application under (a) of this section, the department may not
7 inquire of an applicant as to any firearms owned by the applicant.

8 Sec. 18.65.715. DEMONSTRATION OF COMPETENCE WITH
9 HANDGUNS. (a) An applicant for a permit to carry a concealed handgun shall
10 provide a certificate of successful completion of a handgun course that is approved by
11 the department. The certificate must state the action type and caliber of handgun or
12 handguns the applicant has demonstrated competence with and that the applicant may
13 be permitted to carry. A permittee may only carry as a concealed handgun an action
14 type of handgun described in the certificate. A permittee may only carry as a
15 concealed handgun the caliber of the action type that the permittee demonstrated
16 competence with or any lesser caliber of the same action type. The handgun course
17 must have been completed within the 12 months immediately preceding the
18 application. The department shall approve the personal protection course offered by
19 the National Rifle Association and any other handgun course that tests the applicant's

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

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

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

25 (4) physical competence with each action type of handgun the applicant
26 wishes to carry under the permit and the maximum caliber for each action type the
27 applicant wishes to carry under the permit.

28 (b) At the time the permittee renews a permit under AS 18.65.725 for the
29 second time and every other renewal thereafter, the permittee shall provide at the time
30 of renewal a certificate of successful completion of a handgun course approved by the
31 department under (a) of this section. A handgun course required under this subsection

1 must be completed in the 12 months immediately preceding the appropriate renewal.

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

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

8 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for
9 the processing of the application for and initial issuance of a permit, renewal of a
10 permit, or replacement of a permit. The fees shall be set by regulation and must be
11 based on the actual costs incurred by the department. However, the fee for the
12 processing of an application and initial issuance of a permit may not exceed \$125 and
13 the fee for renewal of a permit or replacement of a permit may not exceed \$50.

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

18 (1) any change in the information originally submitted under
19 AS 18.65.710;

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

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

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

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

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

31 (c) A renewal of a permit to carry a concealed handgun submitted on or after

1 the expiration date is subject to a late fee of \$25. The department may not accept a
2 renewal for a permit that is submitted more than 30 days after the expiration date of
3 the permit. Nothing in this subsection prohibits the holder of an expired permit from
4 applying for a new permit.

5 (d) A renewal form under (a) of this section may not inquire of a permittee
6 about, or require the submission of, information beyond that described in (a) of this
7 section.

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

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

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

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

18 Sec. 18.65.735. SUSPENSION OF PERMIT. (a) The department shall
19 immediately suspend a permit to carry a concealed handgun if a permittee is arrested
20 for or formally charged with a crime that would disqualify the permittee under
21 AS 18.65.705(3) - (4) from being eligible for a permit to carry a concealed handgun
22 or is the subject of an injunction under AS 25.35.010 - 25.35.020. A suspension of
23 a permit remains in effect until the permit is revoked under AS 18.65.740, the
24 department has been notified of a disposition favorable to the defendant or the
25 defendant has been released from custody without being charged, or the injunction
26 under AS 25.35.010 - 25.35.020 is dissolved or expires without being renewed. In this
27 section, "disposition favorable to the defendant" means a dismissal by the prosecutor
28 or an adjudication by a court other than a conviction or a suspended imposition of
29 sentence.

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

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

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

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

7 (1) becomes disqualified to receive and hold a permit under
8 AS 18.65.705;

9 (2) is convicted of two class A misdemeanors of this state or similar
10 laws of another jurisdiction within a five-year period if at least one of the convictions
11 occurs after the application;

12 (3) knowingly supplied a false or fraudulent answer, statement, or
13 document, or made a material misstatement or omission, in connection with an
14 application for a permit or renewal or replacement of a permit.

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

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

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

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

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

31 Sec. 18.65.750. POSSESSION AND DISPLAY OF PERMIT. (a) A permittee

1 shall carry the permit at all times the permittee carries a concealed handgun. The
2 permittee shall display both the license and other proper identification when asked to
3 do so by a peace officer at any time.

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

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

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

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

15 (f) A person who violates (b) or (c) of this section is guilty of a class A
16 misdemeanor.

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

19 (1) a law enforcement or correctional facility;

20 (2) or on school grounds or a school bus; in this paragraph, "school
21 grounds" has the meaning given in AS 11.71.900;

22 (3) a courthouse or a courtroom of this state, unless the permittee

23 (A) is a judge; or

24 (B) has been authorized to possess a concealed handgun by a
25 judge presiding at that courthouse or courtroom;

26 (4) a building housing only state or federal offices or the offices of a
27 political subdivision of the state, except as authorized under (3) of this subsection;

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

31 (6) a passenger loading or unloading area of an airline terminal;

1 (7) a vessel of the Alaska marine highway system;

2 (8) a facility providing services to victims of domestic violence or
3 sexual assault;

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

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

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

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

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

15 (1) alter the permit;

16 (2) allow another person to use the permit;

17 (3) possess or display a suspended or revoked permit; or

18 (4) display an expired permit.

19 (b) A person who violates (a)(1) - (3) of this section is guilty of a class A
20 misdemeanor.

21 (c) A person who violates (a)(4) of this section is guilty of a violation and
22 upon conviction may be punished by a fine of not more than \$100.

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

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

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

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

31 (4) may only carry a concealed handgun of the action type and caliber

1 the holder has demonstrated competency with or of any lesser caliber of the same
2 action type as authorized in the permit issued under AS 18.65.700.

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

5 Sec. 18.65.770. ACCESS TO LIST OF PERMITTEES BY PEACE
6 OFFICERS. The department shall compile a list of permittees in a manner that allows
7 immediate access to the information by peace officers. The list of permittees and all
8 applications, permits, and renewals are not public records under AS 09.25.110 -
9 09.25.125 and may only be used for law enforcement purposes.

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

14 Sec. 18.65.778. MUNICIPAL PREEMPTION. A municipality may not restrict
15 the carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790 except
16 as provided in AS 18.65.780 - 18.65.785.

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

20 Shall the possession of concealed handguns by permit in
21 (name of municipality or village) be prohibited?

22 [] Yes [] No.

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

28 Sec. 18.65.785. PROCEDURE FOR LOCAL OPTION ELECTIONS. (a) The
29 local governing body of a municipality, whenever a number of registered voters equal
30 to at least 10 percent of the number of votes cast at the last regular municipal election
31 petition the local governing body to do so, shall place upon a separate ballot at the

1 next regular election or at a special election the question set out in AS 18.65.780 that
2 is the subject of the petition. The local governing body shall conduct the election in
3 accordance with the election ordinance of the municipality.

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

9 (c) Notwithstanding another provision of law, an election under (a) or (b) of
10 this section relating to the possession of concealed handguns by permit under
11 AS 18.65.780 may not be conducted more than once every 12 months.

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

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

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

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

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

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

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

24 (A) seven out of 10 shots at seven yards;

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

26 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
27 and that is covered or enclosed in any manner so that an observer cannot determine
28 that it is a handgun without removing it from that which covers or encloses it or
29 without opening, lifting, or removing that which covers or encloses it; however,
30 "concealed handgun" does not include a shotgun, rifle, derringer or other miniature
31 handgun, or a prohibited weapon as defined under AS 11.61.200; in this paragraph,

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(A) "derringer" means a handgun that has individual barrels for each cartridge it is capable of firing and lacks a manufacturer's installed trigger guard that completely encircles the trigger and which is part of the frame; and

(B) "miniature handgun" means a handgun that has a barrel length of three and one-half inches or less and lacks a manufacturer's installed trigger guard that completely encircles the trigger and which is part of the frame;

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

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

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

(7) "permit" means a permit to carry a concealed handgun issued under AS 18.65.700 - 18.65.790.

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

* Sec. 6. Except as provided in sec. 5 of this Act, this Act takes effect October 1, 1994.