

**SB**

**177**

9-LS1139\H  
Luckhaupt  
4/12/96

HOUSE CS FOR CS FOR SENATE BILL NO. 177( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS GREEN, Halford, Taylor, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits to carry concealed handguns; and relating to  
2 possession of firearms on state ferries."

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

4 \* Section 1. AS 11.61.210 is amended by adding a new subsection to read:

5 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense  
6 that the defendant, at the time of possession, was the holder of a valid permit to carry  
7 a concealed handgun under AS 18.65.700 - 18.65.790, the deadly weapon was a  
8 concealed handgun as defined in AS 18.65.790, and the possession

9 (1) occurred within a propelled vehicle, other than a school bus, and  
10 the defendant did not exit the propelled vehicle; and

11 (2) did not occur in a municipality or established village in which the  
12 possession of a concealed handgun is prohibited under AS 18.65.780 - 18.65.785.

13 \* Sec. 2. AS 11.61.220(d) is amended to read:

14 (d) In a prosecution under (a)(2) of this section, it is

1                   (1) an affirmative defense that the defendant, at the time of  
2                   possession, was the holder of a valid permit to carry a concealed handgun under  
3                   AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined  
4                   in AS 18.65.790, the defendant did not consume an intoxicating liquor at the place  
5                   where the possession occurred and did not consume an intoxicating liquor at any  
6                   time during the eight hours before the possession, and the possession did not  
7                   occur in a municipality or established village in which the possession of concealed  
8                   handguns is prohibited under AS 18.65.780 - 18.65.785;

9                   (2) a defense that the defendant, at the time of possession, was on  
10                   business premises

11                               (A) [(1) ON BUSINESS PREMISES] owned by or leased by the  
12                   defendant; or

13                               (B) [(2) ON BUSINESS PREMISES] in the course of the  
14                   defendant's employment for the owner or lessee of those premises.

15 \* Sec. 3. AS 18.65.700(a) is amended to read:

16                   (a) The department shall issue a permit to carry a concealed handgun to a person  
17                   who

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

19                               (2) qualifies under AS 18.65.705;

20                               (3) submits a completed application on a form provided by the  
21                   department, that provides the information required under AS 18.65.705 and 18.65.710  
22                   and is executed under oath; with each application form provided by the department,  
23                   the department shall provide a copy of the state laws and regulations relating to  
24                   concealed handguns;

25                               (4) submits two complete sets of fingerprints on federal bureau of  
26                   investigation approved fingerprint cards that are of sufficient quality so that the  
27                   fingerprints may be processed; the fingerprints must be taken by a person, group, or  
28                   agency approved by the department; the department shall maintain a list of persons,  
29                   groups, or agencies approved to take fingerprints and shall provide the list to the public  
30                   upon request;

31                               (5) submits evidence of competence with handguns as provided in  
32                   AS 18.65.715;

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

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

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

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

9 \* Sec. 4. AS 18.65.700(b) is amended to read:

10 (b) The department shall either approve or reject an application for a permit to  
11 carry a concealed handgun under (a) of this section within 30 [15] days of receipt of  
12 [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF  
13 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A  
14 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL  
15 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION  
16 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department  
17 shall notify the applicant in writing of the reason for a rejection.

18 \* Sec. 5. AS 18.65.705 is amended to read:

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

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

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

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

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

31 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

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(C) AS 11.51.130;

(D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

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

or

(F) AS 11.71.050, 11.71.060;

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

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

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

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

(9) is a resident of the state and has been for the 90 days [ONE YEAR] immediately preceding the application for a permit;

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

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

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

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

(14) is not now in and has not in the three years immediately preceding the application been ordered by a court to complete an alcohol treatment program;

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

(16) has demonstrated competence with handguns as provided in

1 AS 18.65.715.

2 \* Sec. 6. AS 18.65.710(a)(3) is amended to read:

3 (3) a statement that the applicant has been furnished with a copy of the  
4 state laws and regulations relating to concealed handguns [AS 18.65.700 -  
5 18.65.790], has read those sections, and understands them;

6 \* Sec. 7. AS 18.65.715 is amended by adding a new subsection to read:

7 (e) Notwithstanding (a) of this section, an honorably retired peace officer who  
8 applies for a permit to carry a concealed handgun within one year of the officer's  
9 retirement shall be presumed by the department to have satisfied the demonstration of  
10 competency required of an applicant for a permit. A demonstration of competency under  
11 this section for an honorably retired peace officer

12 (1) is for any action type or caliber;

13 (2) only applies to the initial demonstration of competency; to renew a  
14 concealed handgun permit, an honorably retired peace officer must demonstrate  
15 competency as provided in (b) of this section.

16 \* Sec. 8. AS 18.65 is amended by adding a new section to read:

17 Sec. 18.65.718. RECIPROCITY FOR HOLDERS OF CONCEALED  
18 HANDGUN PERMITS FROM OTHER STATES. (a) The department may enter into  
19 agreements with other states to provide reciprocity for holders of concealed handgun  
20 permits issued by another state to be permitted to carry a concealed handgun in Alaska  
21 provided the other state allows holders of concealed handgun permits issued under  
22 AS 18.65.700 - 18.65.790 to be permitted to carry concealed handguns in the other state.  
23 An agreement under this section, at a minimum, must provide that for a person issued  
24 a concealed handgun permit by another state to be reciprocally permitted in this state to  
25 carry a concealed handgun the person must submit

26 (1) an application executed under oath that provides information that is  
27 substantially similar to that required under AS 18.65.710, including the statement  
28 required under AS 18.65.710(a)(3);

29 (2) sufficient information to verify that the person holds a concealed  
30 handgun permit in the reciprocal state and to allow the department to register that permit;  
31 and

32 (3) a reciprocal application fee that may not exceed the fee set for the

1 application and initial issuance of a permit under AS 18.65.720.

2 (b) A person receiving a reciprocal permit under this section may carry a  
3 concealed handgun in the same manner and to the same extent as a person issued a  
4 permit under AS 18.65.700. Following issuance of the permit, all aspects concerning the  
5 regulation of the permit and the permittee are controlled by AS 18.65.700 - 18.65.790.

6 \* Sec. 9. AS 18.65.720 is amended to read:

7 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the  
8 processing of the application for and initial issuance of a permit, renewal of a permit, or  
9 replacement of a permit. The fees shall be set by regulation and must be based on the  
10 actual costs incurred by the department. However, the fee for the processing of an  
11 application and initial issuance of a permit may not exceed \$99 [\$125] and the fee for  
12 renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

13 \* Sec. 10. AS 18.65.755(a) is amended to read:

14 (a) A permittee may not carry a concealed handgun into or possess a concealed  
15 handgun within

16 (1) a law enforcement or correctional facility;

17 (2) or on school grounds or a school bus other than while in a  
18 propelled vehicle, other than a school bus, and the permittee does not exit the  
19 vehicle; in this paragraph, "school grounds" has the meaning given in AS 11.71.900;

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

21 (A) is a judge; or

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

24 (4) [A BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES  
25 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT  
26 AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

27 (5) AN OFFICE OF THE STATE, FEDERAL GOVERNMENT, OR OF  
28 A POLITICAL SUBDIVISION OF THE STATE THAT IS NOT LOCATED IN A  
29 BUILDING DESCRIBED IN (4) OF THIS SUBSECTION;

30 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN  
31 AIRLINE TERMINAL;

32 (7)] a vessel of the Alaska marine highway system as prohibited by

1 AS 19.65.055:

2 (5) [(8) A FACILITY PROVIDING SERVICES TO VICTIMS OF  
3 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

4 (9)] a residence where notice that carrying a concealed handgun is  
5 prohibited has been given by the posting of a conspicuous notice or by oral statement  
6 by the resident to the permittee;

7 (6) [(10)] a facility or meeting of a business, charitable, or other  
8 organization or entity where notice that carrying a concealed handgun is prohibited has  
9 been given by the posting of conspicuous notice;

10 (7) [(11)] a [FINANCIAL INSTITUTION; IN THIS PARAGRAPH,  
11 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS  
12 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY  
13 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER  
14 AS 06;

15 (12) ANOTHER] place where the possession of a deadly weapon or  
16 firearm is prohibited by federal law; or

17 (8) [(13)] a municipality or established village that has prohibited the  
18 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

19 \* Sec. 11. AS 18.65.755(c) is amended to read:

20 (c) In addition to any other penalty provided by law, a person who violates (a)  
21 of this section is guilty of a violation punishable as provided in AS 12.55.035 for the  
22 first offense, a class B misdemeanor for the second offense, and a class A  
23 misdemeanor for the third or subsequent offense.

24 \* Sec. 12. AS 18.65.755 is amended by adding new subsections to read:

25 (d) A permittee may not carry a concealed handgun in public while consuming  
26 an intoxicating liquor or within eight hours after consuming an intoxicating liquor.

27 (e) A person who violates (d) of this section is guilty of a class A misdemeanor.

28 \* Sec. 13. AS 19.65 is amended by adding a new section to read:

29 Sec. 19.65.055. POSSESSION OF FIREARMS ABOARD FERRIES. (a) A  
30 person may not possess or carry a firearm while aboard a vessel of the Alaska marine  
31 highway system unless the person

32 (1) is a peace officer;

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(2) secures the firearm in a locked propelled vehicle; or

(3) upon boarding, allows the purser to hold and secure the firearm until the person disembarks from the vessel.

(b) In this section, "firearm" and "propelled vehicle" have the meanings given in AS 11.81.900.

\* Sec. 14. AS 18.65.725(c) is repealed.

April 12, 1996

TESTIMONY -TO HOUSE JUDICIARY COMMITTEE ON SB-177, A BILL TO AMEND THE CONCEALED HANDGUN CARRY PERMIT PROVISIONS.

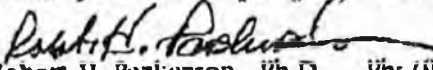
I support SB-177 and I have only the following comments:

1) To legislators who are inclined to dilute or oppose this legislation, please recognize that persons who are granted permits to carry concealed handguns are law abiding Alaskans, citizens who have demonstrated good citizenship in Alaska and elsewhere. The criminal can't care how law addressed concealed handgun carry. Criminals will carry in schools and banks regardless of the law. If intent on murder or other violations they will carry where and when they please, but the licensed carrier would be restricted from protection of loved ones and self in the same places. It is not logical

2) I respectfully submit that it is offensive to those of us who are solid citizens, who support good citizenship and law enforcement are not trusted by elected officials!

3) I urge the House Judiciary Committee to pass SB-177 to the House floor without amendment.

Thank you for accepting this testimony.

  
Robert H. Parkerson, Ph.D. - Ph: (907) 745-4358.  
HC 02, Box 7630-A1  
Palmer, Alaska 99645

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 177( )

1 Page 7, lines 4 - 7:

2 Delete "where notice that carrying a concealed handgun is prohibited has been given  
3 by the posting of a conspicuous notice or by oral statement by the resident to the permittee"

4 Insert "other than the permittee's residence, unless the permittee has first  
5 obtained the express permission to bring a concealed handgun into the residence from  
6 an adult residing there [WHERE NOTICE THAT CARRYING A CONCEALED  
7 HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING OF A  
8 CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT TO THE  
9 PERMITTEE]"

Passes  
AIZ

Section 10 page 7 line 19 Amend 18.65.755 (a) by adding  
a new subsection (9) to read as follows:

"a health care facility, in this  
paragraph, "health care facility" means hospital,  
nursing home, public health center, outpatient  
clinic, facility for the developmentally disabled,  
rehabilitation facility, drug abuse and alcoholism  
treatment facility, mental health center, or health-  
care unit within a sheltered care home or within a  
home for senior citizens."

**COMMENT:** The effect of this amendment would be to add "health care facilities" to the list of places where a permittee may not carry a concealed handgun. The definition of "health care facility" is based on AS 18.26.900 (6), which pertains to the Alaska Medical Facility Authority.

#2

passes  
for SB 177  
TO Leg Legal X 2025  
from Tom Meyer

# ALASKA STATE LEGISLATURE

*Interim:*

600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 376-3370  
(907) 376-3157 Fax

*Session:*

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600  
Fax (907) 465-3805

## SENATOR LYDA GREEN

SENATE DISTRICT N

### CSSB 177 (FIN)

### Sponsor Statement

In an effort to **simplify** the concealed handgun permitting process and make the permits **more available** to those who need them the most, the following revisions are proposed:

1. **RETAIN** F.B.I. fingerprint requirement (and **CHANGE** department's time limit for approval from 15 to 30 days).
2. **RETAIN** requirement to qualify with specific action types, but **delete** specified caliber.
3. **DELETE** residency requirement.
4. **CHANGE** application fee cap from \$125 to \$99 and change renewal fee cap from \$50 to \$25.
5. **PROVIDE** for reciprocity with other states that honor our permits.
6. **REMOVE** restrictions on where a permit holder may carry a concealed handgun, other than inside school buildings and on school grounds, state court facilities, correctional facilities, law enforcement facilities, domestic violence and sexual abuse shelters, and where disallowed by Alaska Statute and federal law. *Private facilities still have the right to exclude concealed carry by posting of a notice. Enforcement is through the criminal trespass statutes.*
7. **REMOVE** disorderly conduct subsections pertaining to noise from the list of misdemeanor offenses that preclude obtaining or are grounds for revoking a permit.
7. **DELETE** prohibition on derringers and miniature handguns as allowable for concealed carry.
8. **ADD** providing applicant with a copy of laws and regulations pertaining to the concealed handgun program.
9. **ADD** statutory authority for Alaska Marine Highway system to continue its current policy pertaining to firearms.

The revisions contained in SB 177 are necessary in order to provide a more streamlined and less costly process for obtaining a permit as well as greater latitude for law abiding citizens to exercise their right to carry concealed. I respectfully request your support of this legislation.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105


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FAX (907) 465-2029  
Mail Stop 3101

## MEMORANDUM

March 30, 1996

**SUBJECT:** Sectional Summary of CSSB 177(FIN)  
(Work Order No. 9-LS1139D)

**TO:** Senator Lyda Green  
Attn: Brett Huber

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

You have requested a sectional summary of the above-described bill draft.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

**Section 1 of the bill** amends AS 11.61.220 by providing an affirmative defense to a charge of carrying a concealed deadly weapon if the person charged has a permit to carry a concealed handgun from another state if that state allows Alaska permit holders to carry concealed handguns in that state.

**Section 2 of the bill** amends AS 11.61.220(d) by providing an affirmative defense to a charge under AS 11.61.220(a)(2) of possessing "a loaded firearm on the person at any place where intoxicating liquor is sold for consumption on the premises" if the person possessing the loaded firearm is a concealed handgun permittee, the person did not consume liquor at the bar and for the eight hours prior to the possession, and the loaded firearm is a concealed handgun.

**Section 3 of the bill** amends AS 18.65.700(a)(3) to require the Department of Public Safety (department) to provide a copy of the state laws and regulations related to firearms with each application for a concealed handgun permit.

**Section 4 of the bill** amends AS 18.65.700(b) to require the department to accept or reject a concealed handgun application within 30 days.

Senator Lyda Green

March 30, 1996

Page 2

**Section 5 of the bill** amends AS 18.65.700(d) by removing a requirement that a concealed handgun permit must specify the calibers of handguns the person has demonstrated competence with and can carry.

**Section 6 of the bill** amends the list of misdemeanors that disqualify a person from receiving a concealed handgun permit.

**Section 7 of the bill** amends AS 18.65.710(a)(3) relating to a concealed handgun applicant's receipt of a copy, knowledge, and understanding of the state laws and regulations related to firearms.

**Section 8 of the bill** amends AS 18.65.715(a) by removing a requirement that a certificate of completion of a handgun course specifies the calibers of handguns the applicant has demonstrated competency with and also by removing a requirement that a handgun course must test an applicant's competence with each caliber the applicant wants to carry.

**Section 9 of the bill** amends AS 18.65.720 by reducing the fees for a permit and renewal and replacement of a permit.

**Section 10 of the bill** amends AS 18.65.740(a) by limiting the reasons for revoking a concealed handgun permit.

**Section 11 of the bill** amends AS 18.65.755(a) by changing the places that concealed handgun permittees may not carry their weapons.

**Section 12 of the bill** amends AS 18.65.765(a) by removing the requirement that permittees may only carry concealed handguns of the calibers they have demonstrated competency with.

**Section 13 of the bill** amends AS 18.65.790(3) by allowing derringers and miniature handguns to be carried by a concealed handgun permittee.

**Section 14 of the bill** provides that person may not possess or carry firearms on an Alaska state ferry unless the firearm is locked in a vehicle, secured by the purser, or the person possessing the firearm is a peace officer.

**Section 15 of the bill** provides repealers.

GPL:pl  
96-102.plm

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO: CSSB 177(FIN) am**

Revision Date: April 10, 1996  
 Title: " An Act relating to permits to carry concealed handguns "  
 Sponsor: Senator Green  
 Requestor: S. Rules

Dept. Affected: Public Safety  
 BRU: AST and DPS Statewide Support  
 Component: Detachments and AK Criminal Records and Identification  
 COMPONENT SERIAL NO. 799 and 1190

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( ) Revenue Code	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	(47.4)	(47.4)	(47.4)	(47.4)	(47.4)	(47.4)
1006 GE/MHTIA						
Other						
<b>TOTAL</b>						

Estimate of current year (FY 96) impact: \$ 0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Lt. Dan Lowden and Frank Allan  
 Division: Alaska State Troopers  
 Approved by Commissioner: *Ronald L. Otte*  
 Agency: Ronald L. Otte, Dept. of Public Safety

Phone: 465-5505 269-5691  
 Date: April 10, 1996  
 Date: 4/10/96

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**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO: CSSB 177(FIN) am**

Revision Date: April 10, 1996

Dept. Affected: Public Safety

The effect of this legislation will be to limit the Program Receipts authority to a maximum of \$99 per initial permit. The cost of providing the required background checks, including the processing of fingerprint checks through the FBI and the State of Alaska by the Alaska Criminal Records & Identification Section, is \$59. Under this bill \$40 per permit is all that the AST Permits Section would have available to process the applications.

The Alaska Concealed Handgun Permitting process was intended to be self-supporting and not to negatively impact the Division of Alaska State Trooper's basic law enforcement function. It is anticipated that this program will continue to be self-supporting at the \$99 fee established in the bill.

RECEIVED

FEB 23 1996

Ans'd.....

## LEGAL SERVICES

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130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

February 23, 1996

**SUBJECT:** Permits to Carry Concealed Handguns and Private Property - CSSB  
177(STA)(Work Order No. 9-LS1139/W)

**TO:** Senator Lyda Green  
Attn: Brett Huber

**FROM:** Gerald P. Luckhaupt *GPL*  
Legislative Counsel

You have asked if a private property owner may continue to lawfully exclude concealed handgun permittees from their premises if AS 18.65.755(a)(9) - (10) were repealed? The answer to your question involves whether the permittee's presence on the property can be considered a trespass. I think it is safe to say that a private property owner within certain bounds (those bounds may involve such varied interests as free speech and public safety) may limit or restrict access and activities on the property. As a basic concept I believe a private property owner has a right to exclude concealed handgun permittees from the property if the property owner so chooses. The enforcement of the right will be at least somewhat problematic as our criminal trespass statutes (AS 11.46.320 - 11.46.350) may or may not be implicated in a particular case with its particular circumstances. Actual notice to a permittee by a property owner may be necessary in some instances. This actual notice may in some cases not be satisfied by the mere posting of a sign. In this regard I am supplying an opinion rendered last year by the Department of Law that discusses the applicability of the criminal trespass statutes to concealed handguns. While I have not had the opportunity to review the opinion in any depth, the reasoning and conclusions of the opinion appear to me to be both reasonable and correct.

If you have any questions, please contact me at your convenience.

GPL:glc  
96-115.glc

# MEMORANDUM

State of Alaska  
Department of Law


TO: Ronald L. Otte  
Commissioner  
Department of Public Safety

DATE: July 12, 1995

FILE NO: 663-95-0323

TEL. NO: 465-3428

SUBJECT: Enforcement of criminal trespass  
statutes in connection with concealed  
handguns

FROM:  Dean J. Guaneff and Margot O. Knuth  
Assistant Attorneys General  
Criminal Division, Central Office

By memorandum dated December 21, 1994, you have requested advice as to whether a private business may bar from its premises someone who is carrying a concealed handgun and, if so, whether a person who nonetheless enters the business with a concealed handgun is guilty of a criminal offense. You have also requested advice as to whether a criminal offense is committed when a person carries a concealed handgun into a retail store that contains a branch office of a bank, in view of the new statute that prohibits concealed handguns from being carried into "financial institutions."

The Department of Law cannot provide legal advice to private parties, and consequently private businesses with questions about concealed firearms should contact their own legal advisors regarding their rights and liabilities for protecting patrons of their business and issues regarding employees of their business, civil actions for trespass<sup>1</sup> and general landlord and tenant matters.<sup>2</sup> Your question, however, is what action, if any, troopers should take when they receive a complaint about a person carrying a concealed handgun on private business premises. The following is our advice.

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<sup>1</sup> This memorandum addresses criminal trespass laws only and we express no opinion on the ability of private persons to maintain a civil suit for trespass. See *Brown Jug, Inc. v. International Brotherhood of Teamsters*, 688 P.2d 932, 937-38 (Alaska 1984) (in civil action, intentional entry onto land of another constitutes intentional trespass even if trespasser believes that he or she has the right to be on the land).

<sup>2</sup> This department has previously opined, in response to questions from the legislature, that a landlord has a right to prohibit firearms on leased property. 1983 Inf. Op. Att'y Gen. (Jul. 1; 366-444-83).

## I. Summary

The short answer to your first question is that it may, depending on the circumstances, be illegal under the state criminal trespass statutes for a person to carry concealed handguns on private business premises, even though the person has a permit for the weapon. The short answer to your second question is that clear demarcation of bank premises and notice to patrons are important considerations in enforcing the concealed handgun law on bank premises within larger stores. Issues regarding automatic teller machines and other premises of financial institutions will be discussed below. Before reaching these issues, however, we will first discuss the impact of the newly-enacted concealed handgun statutes on state criminal trespass laws.

## II. Discussion

### A. The Concealed Handgun Statutes Do Not Prevent Private Property Owners From Relying On Criminal Trespass Laws To Control Access To Their Premises

Under AS 11.61.220, it is a crime for a person to carry a concealed handgun unless the person is a peace officer, is on the person's own property, is engaged in a lawful outdoor activity requiring a weapon for protection, or has obtained a permit under the new statutes set out in AS 18.65.700 -- 18.65.790. Even if a person has obtained a permit to carry a concealed handgun, there are several types of places where these guns cannot be carried. AS 18.65.755(c) makes it a class B misdemeanor for a person with a permit to possess a concealed handgun in one of these legislatively designated areas.<sup>3</sup>

The first question that you have asked is whether there are any other premises that can be designated as off-limits for concealed handguns, even though they do not appear on the list of prohibited premises in AS 18.65.755. We believe that there are.

Alaska has a criminal trespass statute, AS 11.46.330, which makes it a crime to enter or remain on premises when a person is not privileged to do so or has been directed to leave. It provides as follows: "A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully (1) in or upon premises; or (2) in a propelled vehicle." AS 11.46.330. AS 11.46.350 defines "enter or remain unlawfully" as meaning to "(1) enter or remain in or upon premises . . . when the premises . . . at the time of the entry or

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<sup>3</sup> These places include, among others: law enforcement or correctional facilities, school grounds, courthouses, certain governmental buildings, portions of airline terminals, and residences where an appropriate notice has been given by oral statement or by a conspicuous notice. AS 18.65.755.

remaining is not open to the public and when the defendant is not otherwise privileged to do so; [or] (2) fail to leave premises . . . that is open to the public after being lawfully directed to do so personally by the person in charge."

These statutes give property owners the right to exclude a person from their property for any reason. That reason can include carrying a concealed handgun, even with a permit, unless the concealed handgun permit laws are interpreted as somehow superseding this aspect of the criminal trespass laws. It is therefore necessary to consider whether the legislature's enactment of AS 18.65.755 impliedly repealed the criminal trespass statute (and any municipal ordinance prohibiting criminal trespass) as applied to the carrying of concealed handguns. As explained below, we do not believe that AS 18.65.755 prevents property owners from choosing to exclude persons carrying concealed handguns, even if the person has a permit, and, accordingly, those who enter or remain on property with a concealed handgun despite the owner's request that they leave can be prosecuted for criminal trespass.

To determine whether a prior statute has been impliedly repealed, Alaska's courts look to the intent of the legislature in passing the new statute to determine if there is an irreconcilable conflict between the two. *Peter v. State*, 531 P.2d 1263, 1268 (Alaska 1975). Although the supreme court will not automatically apply the common law presumption against implied repeals, the court has quoted from a well-respected commentator who notes that "[t]he presumption has . . . special application to important public statutes of long standing." *Id.* (quoting 1A J. Sutherland, *Statutes and Statutory Construction* § 23.10 (4th ed. Sands 1972)).

Criminal trespass laws are important public statutes that protect private property rights by allowing owners to choose who may enter or remain on their premises. Although there are limits on the extent to which private property owners can control free speech on portions of their premises that have become the functional equivalent of public property (*see, e.g., Pruneyard Shopping Center v. Robins*, 447 U.S. 74, 100 S. Ct. 2035, 64 L. Ed. 2d 741 (1980)), there are no similar limitations in Alaska law on the ability of businesses to prohibit firearms or smoking on the premises, or to require a dress code or otherwise require that patrons behave in a way that is believed by the business owner to be appropriate for operation of the establishment or for preserving the safety and comfort of other patrons.<sup>4</sup>

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<sup>4</sup> We note that the Alaska Constitution was recently amended to create an "individual" right to bear arms that is not to be infringed by state or local government. Art. I, § 19, Alaska Const. We conclude that this amendment does not prevent private persons from setting rules of conduct for their own property. For example, the Alaska Supreme Court has declared that ingesting substances (such as smoking tobacco) is constitutionally protected, *Gray v. State*, 525 P.2d 524 (Alaska 1974), as is choosing how to appear and what to wear, *Breese v. Smith*, 501 P.2d 159 (Alaska 1972). Nonetheless, private  
(continued...)

Also, criminal trespass laws have been part of Alaska society for many years. The present Model Penal Code formulation of the criminal trespass statute has been part of Alaska law since 1980, and earlier criminal trespass statutes were part of the Alaska criminal code since well before statehood.<sup>5</sup>

Given the importance and long history of these laws, it is probable that the Alaska courts would impose a presumption against the implied repeal of the criminal trespass statutes. Even if no presumption is applied, however, it is unlikely that a court would find that the concealed handgun statutes impliedly repealed the criminal trespass statutes to the extent of prohibiting businesses from excluding concealed handguns on their premises.

There is nothing on the face of the concealed handgun statutes in general, or in AS 18.65.755 in particular, that is inherently inconsistent with the criminal trespass statute set out in AS 11.46.330. The concealed handgun statutes create a detailed statutory scheme for obtaining permits to carry concealed handguns. They also create a large number of *new* offenses for carrying concealed handguns in certain designated areas or for misusing the permit. See AS 18.65.760; AS 18.65.765. The criminal trespass statute, on the other hand, gives private property owners the right to ensure that their property is used in the manner they choose. These purposes are not in conflict.<sup>6</sup> We accordingly conclude that AS 11.46.330, as applied to persons

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<sup>4</sup>(...continued)

businesses indisputedly may ban smoking and impose dress codes. This is because the constitutional rights in Article I of the Alaska Constitution (like the Bill of Rights in the United States Constitution) are limitations on the power of government, rather than on the actions of private persons. *Luedtke v. Nabors Alaska Drilling, Inc.*, 768 P.2d 1123, 1129-30 (Alaska 1989).

<sup>5</sup> See former AS 11.20.610, AS 11.20.630 and AS 11.20.650. The Revised Criminal Code replaced these earlier, more specific laws with broader provisions so as to eliminate a "needless proliferation of statutes." *Alaska Criminal Code Revision*, Tentative Draft, Part 3, Offenses Against Property (April 1977) at 59.

<sup>6</sup> The legislative history of AS 18.65.755 discloses that an unsuccessful attempt was made in the House of Representatives to expand the list of prohibited premises to include retail establishments and other places that post signs prohibiting entrants from carrying concealed handguns. See Amendments 2 and 3 offered to CSHB 351(FIN) on April 15, 1994. House Journal at 3471-73 (1994). It is rarely appropriate to infer legislative intent from the defeat of a proposed amendment. Its defeat may mean only that legislators wanted to ensure that some areas would be off-limits to concealed handguns, regardless of whether a person carrying a concealed handgun noticed that a sign had been posted, while in other areas it is to be left to the discretion of the property owner whether to allow patrons to carry concealed handguns.

carrying concealed handguns, should not be interpreted as having been impliedly repealed by AS 18.65.755.<sup>7</sup>

B. Alaska's Criminal Trespass Laws

AS 11.46.330 makes it the crime of criminal trespass in the second degree, a class B misdemeanor, to "enter or remain unlawfully" in or upon land, buildings or propelled vehicles. Under AS 11.46.350, the phrase "enter or remain unlawfully" is defined to include

(1) for premises *not open to the public*, entering or remaining "when the defendant is not otherwise privileged to do so"; and

(2) for places *open to the public*, "fail[ing] to leave . . . after being lawfully directed to do so personally by the person in charge."

These two provisions differ slightly with regard to the type of notice that must be given to a person before that person may be deemed to have entered or remained unlawfully. We will first discuss places "*not open to the public*," and then places "*open to the public*."

1. Places Not Open to the Public

The primary elements of the crime of criminal trespass in the second degree, as applied to persons who carry concealed weapons into places that are *not open to the public*, are: (1) that the person knowingly entered or remained in the place with a concealed handgun, (2) that the person was not privileged to enter or remain in the place with a concealed handgun, and (3) that the person entered or remained with reckless disregard as to whether or not he or she was privileged to do so.

Whether a place is "*not open to the public*," for purposes of the criminal trespass statute, is a question ultimately to be decided by the factfinder in each specific criminal case and we accordingly will not attempt to try to list all the places that are "*not open to the public*." The term, however, almost certainly includes (1) private offices, (2) offices that require an

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<sup>7</sup> Our conclusion is bolstered by the analogy that can be made to the state's public drunkenness statutes. In *Peter v. State*, the Alaska Supreme Court held that the Uniform Alcoholism and Intoxication Treatment Act in AS 47.37 impliedly repealed Alaska's drunk-in-public law. The court found that the legislature's *expressed* intent in adopting the Uniform Act was to stop criminally punishing drunks and to rehabilitate them instead. 531 P.2d at 1271. This holding, however, has no impact on the ability of business owners to invoke the criminal trespass laws against drunks who are asked to leave the premises and refuse to do so.

appointment (such as doctor or dentist offices), (3) places reserved for residents or authorized guests of residents (such as nursing homes),<sup>8</sup> (4) places for employees or authorized personnel only, (5) places that are limited to only members or authorized guests of members (such as members-only stores or clubs), and (6) premises that are normally open to the public, but closed for special occasions (for example, restaurants closed for a "private party"). *Johnson v. State*, 739 P.2d 781, 783 n.1 (Alaska App. 1987).

The simplest element of the offense of criminal trespass is whether the person knowingly entered or remained on the premises. Unless a person has entered a place by mistake, or for some reason is unaware of his or her location, this element can easily be proven.<sup>9</sup>

Assuming that a person has a permit to carry a concealed handgun, whether that person is privileged to carry the gun onto premises that are not open to the public depends on the policies of the office, theater, sporting event, or other premise operator. The prohibition against bringing guns onto the premises must be an official policy of the organization or be imposed by someone managing the premises.<sup>10</sup>

Whether or not a person entered or remained in reckless disregard of a lack of privilege depends on the type of notice provided. Although the statutory definition of "reckless" in AS 11.81.900(a) requires only awareness and disregard of a *risk* that the circumstance (in this case, a lack of privilege) exists, most juries will likely want proof that the person actually *knew* he or she was prohibited from carrying a concealed handgun on the premises.

The strongest evidence that a person knew he or she was not allowed to enter or remain on the premises with a concealed handgun is if the property manager or an agent of the manager provides this information to the person in a face-to-face conversation or by telephone.

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<sup>8</sup> *But see Steele v. Breinholt*, 747 P.2d 433 (Utah App. 1987), in which the issue of whether a nursing home was open to a particular visitor was deemed to be question of fact for the jury.

<sup>9</sup> In most instances, a person both enters and remains either with or without the permission of the property owner. In some cases, however, a person may initially enter with the permission of the owner but thereafter lose that permission.

<sup>10</sup> There is nothing, however, that precludes an organization from applying different rules at different times. For example, an arena or convention center may choose to allow guests to carry firearms, including concealed handguns, at a gun collectors show, but prohibit concealed weapons at a rock concert. It is also permissible for an organization to allow peace officers or other authorized persons (such as security guards) to carry concealed handguns, but prohibit other persons from carrying them.

Proof of a written communication of this information would also establish the fact. For example, in *Johnson v. State*, 739 P.2d 781 (Alaska App. 1987), the court upheld a criminal trespass conviction against a skier on the basis of a letter that the Alyeska Ski Resort had written to him, barring him from the resort for the remainder of the season because of the danger posed by his reckless conduct.

Alternatively, a business may communicate the information by placing a placard at each of its entrances. The Alaska Statutes specify the size and contents of a notice against trespass in AS 11.46.350(c).<sup>11</sup> The notice must be "printed legibly in English," be "at least 144 square inches in size," contain "the name and address of the person under whose authority the property is posted and the name and address of the person who is authorized to grant permission to enter the property," and be "placed at each . . . way of access onto the property." AS 11.46.350(c)(1) -- (4).<sup>12</sup>

There may, however, be circumstances under which a posted notice described in AS 11.46.350(c) may not be visible enough and therefore it will be difficult to prove that the entrant had actual knowledge. For example, persons seeking admission to a crowded auditorium may not be able to see a sign of the statutory minimum 144 square inches (12 inches by 12 inches). Or a person who enters an office or a "members-only" store for the first time may not notice a small sign. In these situations, one option would be for the business to increase the size of the sign.

In terms of the content of the notice, the following is an example of language that might be used:

**NO CONCEALED HANDGUNS**  
EVEN IF YOU HAVE A PERMIT

Violators will be arrested and prosecuted.  
This warning does not apply to peace officers  
or authorized security personnel.

John Doe, Manager, P.O. Box 123  
Anchorage, Alaska 99501

<sup>11</sup> AS 11.46.350 was enacted with other statutes in ch. 168, SLA 1988, dealing with trespasses to unoccupied land. Its terms, however, are not explicitly limited to unoccupied land.

<sup>12</sup> See also AS 18.65.755, setting out similar requirements for the posting of notice by homeowners that permittees are prohibited from bringing concealed handguns into their homes.

Organizations that wish to preclude firearms generally should use the phrase "no firearms" instead of "no concealed handguns."

There are a myriad of alternative means that may be used by businesses to provide the necessary notice. For example, a business may decide to give out handbills to persons entering the establishment. A similar notice could be given at the time a ticket is purchased or an application for membership is obtained. Alternatively, in theaters, sporting events, or members-only stores, it would seem to be a simple matter to print a written warning (similar to the sample sign set out above) directly on the admission ticket or membership card.

It would be difficult to list all the ways in which the necessary notice can be given, and it is impossible to predict all of the defenses that might be raised by persons claiming they were unaware that they did not have a privilege to possess firearms on the premises. State troopers investigating cases of trespass will have to determine whether, based on all the circumstances, there is evidence establishing that the person was aware of the prohibition.

## 2. Places Open to the Public

The primary elements of the crime of criminal trespass in the second degree, as applied to persons who carry concealed weapons into places that *are* open to the public, are: (1) that the person knowingly entered or remained in a place with a concealed handgun, (2) that the person was directed to leave personally by the person in charge or someone authorized by the person in charge, and (3) that the person recklessly disregarded the lawful order not to remain. *Johnson v. State*, 739 P.2d at 783-84.

Again, the element of whether the person knowingly entered or remained in the place is easily proven.

The second element, that the person was "directed to leave personally," is more difficult. A prosecution cannot easily be based on notice provided solely by a sign posted at an entryway. Notice, however, will be sufficient if the business owner, or the person in charge, acts through an agent to provide actual notice. *Cleveland v. Municipality of Anchorage*, 631 P.2d 1073, 1077 (Alaska 1981). As before, a face-to-face or telephone conversation is the clearest example of personal notice. It is likely that most cases of criminal trespass that require trooper involvement will occur *after* a person has been told not to bring a firearm into an establishment. This advisement should be deemed to remain in effect until rescinded.

As in *Johnson*, a letter directed to the person will also suffice under this subsection of the criminal trespass statute. Similarly, a handbill given to an entrant will also be

sufficient. The adequacy of other types of personal directions (for example, an announcement made over a loudspeaker) will depend on the circumstances.

If there is sufficient evidence that the person was personally directed to leave, then there should be no problem proving the final element, that the person recklessly disregarded that direction. The lawfulness of an order to leave — like other legal issues — would seem to be a question for a judge, rather than a question of fact for the jury to decide.<sup>13</sup>

### C. The Defense of "Necessity" Is Not Available

Persons who carry concealed handguns often claim they are doing so for purposes of self-defense. It is foreseeable that a person charged with criminal trespass may try to raise the defense of "necessity." Thus, for example, a defendant charged with criminal trespass for refusing to leave premises when asked to do so by an owner who objects to the presence of concealed weapons may argue that his "need" to carry a concealed handgun outweighs the owner's interest in barring the presence of such weapons on the premises.

The defense of "necessity" is governed in Alaska by the common law and by AS 11.81.320. In accordance with these authorities, it is only rarely, if ever, that the defense of necessity will justify a person's possession of a concealed handgun on premises where such possession is prohibited by the owner.<sup>14</sup> See *Cleveland v. Municipality of Anchorage*, 631 P.2d 1073 (Alaska 1981) (defense of necessity to "preserve life" rejected in trespass case arising from

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<sup>13</sup> But see *Johnson v. State*, 739 P.2d 781 (Alaska App. 1987), in which the court indicated that the lawfulness of the order was a "circumstance" in the case that the jury could review. It is not clear what the *Johnson* court meant by this. The court observed that, under the facts in that case, the defendant could claim he was not reckless because he reasonably questioned the "validity" of a warning letter. We believe that the technical lawfulness of an order is a question for a judge to decide. *Johnson*, however, suggests that the reasonableness of the defendant's belief with respect to that order is a question for the jury. In the rare case in which there may be a question about the legality of an order to leave (e.g., a property owner changes the terms of a lease in the middle of the tenancy), a judge would be the more appropriate one to decide the issue than a jury.

<sup>14</sup> It is at least theoretically possible for a "necessity" defense to arise if, for example, a person with a concealed weapon were chased by attackers into a prohibited area. In the unlikely event that the person were prosecuted for trespass for entering the prohibited area, a defense of "necessity" or perhaps duress would be applicable. Note, however, that prisoners who escape can raise a defense of "necessity" if they were in danger in prison, but they must then turn themselves in and inform authorities immediately, or else justify their continuing absence. *Wells v. State*, 687 P.2d 346 (Alaska App. 1984). Like escape, criminal trespass is a continuing offense that would have to be justified.

defendant's refusal to leave an abortion clinic); *Bird v. Municipality of Anchorage*, 787 P.2d 119 (Alaska App. 1990) (abortion clinic trespass case). Nonetheless, we recommend that the investigating officer provide a suspect with the opportunity to explain why the suspect thought it was necessary to carry a concealed handgun onto the premises in contravention of the owner's explicit directions.

D. "Financial Institutions" under AS 18.65.755

Under AS 18.65.755(a)(11), a person with a permit to carry a concealed handgun is prohibited from carrying the gun "into . . . a financial institution." The statute defines "financial institution" as a "bank, savings bank, savings association, credit union, or other institution regulated by the Department of Commerce and Economic Development under AS 06."

You have asked whether a branch office of a financial institution fits within the prohibition of AS 18.65.755(a)(11) when the branch office is located within a larger retail store that is not a "financial institution." We conclude that a branch office of a bank is a financial institution under AS 18.65.755. This, however, does not mean that the entire retail store enclosing the branch office automatically becomes a financial institution for purposes of the prohibition set out in the concealed handgun law.

If the bank branch office is physically separated from the remainder of the store by walls or other barriers, then the statutory prohibition against carrying concealed handguns into a financial institution applies to that separate area, but not to the surrounding store. If the branch office is not physically separated from the remainder of the store, we believe that the prohibition set out in AS 18.65.755 applies only to those areas where a patron of the bank deals face-to-face with a bank employee, or in those waiting areas where patrons of the bank congregate or line up to wait to see a bank employee. In either situation, it is advisable for notice (through use of a sign or one of the other means discussed above) to be provided to the customers of the bank that concealed handguns or firearms are not allowed in that area.

A related question is whether drive-up teller windows, outdoor automatic teller machines, and bank parking lots are included within the term "financial institution" for purposes of AS 18.65.755. We believe that drive-up teller windows and automatic teller machines fall within the ambit of that term, while bank parking lots do not.

This, however, does not end the inquiry. For purposes of AS 18.65.755(a)(11), the key question about drive-up teller windows and outdoor automatic teller machines is whether the person using that service has come "into" a financial institution. We conclude that a person who uses a drive-up teller window has not entered "into" a financial institution. Similarly, a person who uses an outdoor automatic teller machine, even one that is connected to a bank, has

not entered "into" the bank itself. On the other hand, if the automatic teller machine is located inside bank premises, or in a foyer or other entry to the bank, a person who uses such a machines has entered "into" the institution.

If a financial institution reports that a person is carrying a firearm in a parking lot or when using a drive-up window or outdoor automatic teller machine, then the state troopers may take action if the elements of the offense of criminal trespass have been met, as discussed in earlier sections of this memorandum (*e.g.*, notice has been provided to the patron, etc).

### III. Conclusion

For the reasons set out in this memorandum, we conclude that the state's criminal trespass laws can be used to arrest and prosecute a person who possesses a concealed handgun on private business premises, even if the person has obtained a permit for the concealed weapon, if the owner or management of the business has provided notice that concealed handguns (or all firearms) are prohibited on the premises.

We also conclude that a branch office of a bank that is located in a retail store is a financial institution under AS 18.65.755. If the branch office in the retail store has been physically separated from the rest of the store, through the use of walls or other types of dividers, then AS 18.65.755 prohibits a person from carrying a concealed weapon into the area. It is not a violation of AS 18.65.755, however, to carry concealed handguns to drive-up teller windows, outdoor automatic teller machines, or bank parking lots, although this conduct might constitute criminal trespass if all of the elements of that offense can be proven.

Please contact this office if you have further questions.

DJG/MOK/jf

RECEIVED  
MAR 25 1996  
Ans'd.....

March 25, 1996

Senator Lyda Green  
Room 423  
State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Green:

Attached is written testimony on behalf of SB 177 and HB 338 (Rep. James's bill) to streamline the process of obtaining a permit to carry a concealed weapon, and to provide for realistic restrictions. I have been unable to deliver this, or any other testimony due to job pressures. Please feel free to share this information and use it any way you see fit. I wish you the best in all your endeavors, and especially with the issue of concealed carry permits.

Sincerely,



Leonard Abel, Ph.D.  
326 4th St. #1002  
Juneau, Alaska 99801

## Testimony In Support Of CS For SB 177 (STA) And CS For HB 338

I would like to take this opportunity to address the committee in support of CS For SB 177 (STA) and CS for HB 338. I will attempt to state that support briefly, and as dispassionately as possible. I realize that the issue of firearm possession, in general, is a highly controversial and emotional one, and that concealed weapons, in particular, occasion passionate discussion that is heavily laden with fear and misinformation but most frequently devoid of reasoned analysis.

As simply stated as possible, the effect of CS For SB 177 (STA) and CS for HB 338 would be to allow Alaskans more appropriate access to concealed weapon permits, and with a valid concealed weapon permit, to conduct their daily affairs, discretely armed for personal protection, without inappropriate restrictions as to where the weapon can be carried.

When the original legislation allowing concealed weapon permits appeared likely to pass, a number of amendments were quickly offered which made the permit harder to get. The cost of the permit was placed out of the reach of many working people, time limits to process applications were made too long, the training requirements imposed were excessive, and some of the past offenses which would bar a person from ever having a permit went beyond reason. For example, if you were ever convicted of playing your stereo too loud (AS 11.61.110 (a) (1) (2)), or of "moonning" someone (AS 11.61.110 (a) (7)), you would be considered too dangerous to carry a concealed weapon.

These amendments were not added because of a reasoned analysis of the issue of properly controlling access to concealed weapon permits. The amendments were driven by emotion - a fear of guns and anyone who would wish to carry one. The amendments were a deliberate attempt to allow as few permits as possible to be issued, and make the process of obtaining them as difficult as possible.

CS For SB 177 (STA) and CS for HB 338 would correct some of these problems. The cost of the permit is reduced 50%, bringing it in line with the majority of states that have enacted similar statutes, and that are currently in the process of enacting them. Time limits for processing applications have been shortened, and training requirements are streamlined. Annoying your neighbor with loud rock and roll music will no longer bar you from getting a permit, and the senate bill will not bar you because you "moonned" someone.

The 18th Legislature believed that law-abiding Alaskans should be allowed to carry concealed weapons for personal protection. If that assumption is valid, and I believe it is, the restrictions were illogical. If you do not believe that individuals have the right to carry weapons to protect themselves and their families, then the restrictions are something you are likely to support. However, there should be an honest statement that the opposition to the changes brought about through CS For SB 177 (STA) and CS for HB 338 are opposition to guns, and not to the particulars of these bills.

In addition to the restrictions placed on getting a permit, a number of other amendments were also offered by those opposed to concealed carry permits, which placed so many restrictions on

where the concealed weapon could be carried that a permit holder could not conduct a day's business without repeatedly returning to his home or car, removing the weapon from his person, leaving the weapon to conduct one item of business, going back to get the weapon, etc. The point of a concealed weapon for personal protection is to be able to conduct all daily activities with the weapon available, but not as an item of particular concern. You should be able to largely forget that it is there. Within reason, a law-abiding citizen who passes a criminal background check and has a valid permit should be able to go anywhere with the weapon that he could go without the weapon.

I can legally carry ten dollars and my concealed handgun to the supermarket to buy groceries. I am allowed to protect myself in that instance. However, if I am carrying ten thousand dollars to the bank, I have to leave the only reliable means of self protection at home and risk robbery, and worse. I can legally go to Burger King to eat while carrying my concealed handgun. However, I can not go out to eat at Josephine's in Anchorage with that same weapon, because the restaurant sells liquor by the drink, even if I only have coffee with my meal. CS For SB 177 (STA) and CS for HB 338 would change these situations.

I can carry my concealed weapon to my doctor's office, to my barber shop, to the hardware store, and to many other places of business, but I can't drop my kid off at school, pick my wife up at the airport (even if I'm outside the terminal in the passenger loading area), go onto a ferry, or go to Motor Vehicles to renew my car license tags. CS For SB 177 (STA) and CS for HB 338 would also change these situations. These restrictions were placed upon permit holders because those opposed to concealed carry permits believe that anyone carrying a weapon is a danger to society, despite the evidence to the contrary. The belief is that I would become a danger to bank employees and customers if I conducted my banking while armed. There is no data to support that contention. The evidence suggests that permit holders, as a group, commit far fewer crimes of all types than does the general population. A bank customer would be safer entering a bank which had present a dozen customers with permits, and all armed, than he would be with a dozen randomly selected citizens who were not permit holders.

I wish to repeat something I said earlier. The 18th Legislature believed that law-abiding Alaskans should be allowed to carry concealed weapons for personal protection. Even if you do not agree with their decision, that decision is Alaska law. CS For SB 177 (STA) and CS for HB 338 are pieces of legislation that reaffirm the faith that the 18th Legislature had in the wisdom, stability, and maturity of Alaskans to assume responsibility for their own protection and that of their families. That faith is shown in the removal of emotionally-driven restrictions upon that process. If you accept that persons have a basic right to protect themselves and their families, and if you accept the decision of the 18th Legislature that Alaskans who have a valid permit have the right to carry concealed weapons for that purpose, then you will find nothing of concern in CS For SB 177 (STA) and CS for HB 338, and should approve them. If you take the position that guns, and anyone who carries them, are inherently bad, then you will likely be opposed to this legislation, as a general stand against firearms. I hope that you will look logically and unemotionally at the issues. If you do, I trust you will approve CS For SB 177 (STA) and CS for HB 338.

10-5-95

Honorable Members :

The major failing of the recently enacted Concealed Carry law is the outrageous cost to obtain a permit. Out of six friends who had planned to apply for a permit only one has done so due to the high cost.

Thank you,

Daniel E. Stone

Po Box 111414

ANCHORAGE, AK 99511

October 5, 1995

Legislative Affairs Office  
716 West 4th Avenue  
Anchorage, AK 99501

ATTN: Senator Lyda Green &  
House Representative Jeannette James  
Ref. SB-177 & HB 338 (Concealed Weapon Permit)  
Page 1 of 2

I begin my residency as a young boy back in the days when my father moved my brother and I (then we as three) from California to Alaska in January of 1960. Since those days there has been many changes since we first relocated to this state.

Growing up here created many memories of my youthful early days in Alaska. From attending elementary schools, high school graduation, college days and which inevitably lead me towards the courtship and marriage of my wife and raising a family. My wife and I have four grown daughters and we now enjoy the title of grandparents and godparents too.

My wife and I both have been long time employee's of righteous employer's striving to create a good example for our children and a solid living home environment for our family and friends.

I am interested in endorsing safe and healthy communities for all people who live or visit our great state. This includes (but not limited to), the elimination of fear of violence in the streets, our homes, our work places or any other everyday location(s) we desire to go.

I would like to say the expenses endured to obtain a concealed handgun permit within the State of Alaska would be to the benefit of the holder, providing, the costs were dramatically and immediately reduced. Unfortunately, still as of today, they are quite expensive since the inception of this permit program was implemented into law.

Due to the administrative "red tape" implemented by the individual(s) and /or agency(s) pursuing to maintain a high maintenance cost for processing each application, I fail to see where there is not a sound conclusive way to remodify and reduce the over all inflated process fees.

If we as United States citizens are experiencing everyday down sizing; cut backs; budgetary restraints; tightening up our belts; etc., and therefore are expected by our leaders to "do more with less resources". So why can't this same principle be applied here?

October 5, 1995  
Legislative Affairs Office  
ATTN: Senator Lyda Green &  
House Representative Jeannette James  
Page 2 of 2 (cont.)

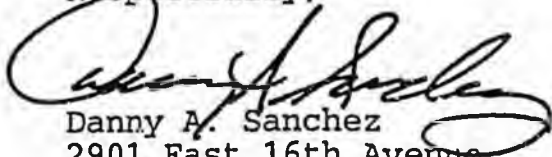
I as well as many others I'm sure are interested in minimizing costs and keeping these on-going law abiding opportunities available to the people of Alaska.

Those who choose to comply with the law and abide by the law, should not be chastised by over zealous expenditures beyond their reach, but, should be rewarded to share the opportunities granted to them by their elected officials as an incentive to reap the benefits and rewards of choosing to reside in the forty ninth state of the United States of America.

Therefore, I support and urge the both of you respectively to seek a more cost effective way to down size and reduce the overall cost of this concealed weapon bill for the benefit of the citizens of the State of Alaska now under reconsideration.

I thank you for this opportunity to speak out and be heard hopefully to have my vote counted in favor of concealed weapon permit application cost reduction fees to and for the people of the State of Alaska.

Respectfully;



Danny A. Sanchez  
2901 East 16th Avenue  
Anchorage, AK 998508-2911  
907-269-4944 (W)

COMMENTS (PUBLIC OPINION) REGARDING HOUSE BILL NO.338 and  
SENATE BILL NO.177

Most of the changes to the existing law that these two bills<sup>two</sup> propose are beneficial. The single exception is Section 7.

The current law specifies the NRA-Personal Protection Course or similar approved course. This course includes, along with safety and handling, a section on local and state laws relating to lethal force and the responsibilities of owning and carrying a firearm. This is a necessary part of the course and should not be omitted. The only group of people that might be exempted from this required training would be civilian law enforcement officers. I was trained in the use of military small arms and I have been involved with the training of security guards. Neither training begins to cover the attitude of care and responsibility or legal knowledge necessary for responsible carry of a firearm for personal protection.

The present course requirements should remain as is. The proposed changes in Sec.7 should be omitted from these bills.

Sincerely,

J. David Longacre

P.O. box 103553  
Anchorage, Ak. 99510  
(907) 561-2522

M.M. Moore  
2200 E 56th  
Anchorage, Alaska 99507  
(907) 563-7576

To: Senator Lyda Green

Re: SB 177 "An Act Relating to Permits to Carry Concealed Handguns"

Dear Senator Green:

It appears that Senate Bill 177 fails to make provision for former Alaska Peace Officers. These people who have carried a gun in the line of duty have had the training and are certainly qualified to obtain a permit without the necessity of participating in a training course.

May I suggest that Senate Bill 177, Number 6, page 2, be amended as follows:

6. Presentation of evidence of experience with a handgun, equivalent to any of the courses or classes above through participation in organized shooting competition or military service, or having served as a Alaska Peace Officer.

Sincerely,

M.M. "Moose" Moore

Michael and Sandra Coons  
P.O. Box 4229  
Palmer AK 99645  
Phone (907) 745-6779

10/03/95

The House and Senate State Affairs Committee  
House bill 338 and Senate Bill 177 Revisions  
C/O Rep Jeannette James  
P.O. Box 56622  
North Pole, AK 99705

To All Committee Members:

We are writing in support of HB 338 and SB 177 to revise the standards for issuing Concealed Handgun Permits. Three of our biggest obstacles in obtaining a permit to carry has been the one year residency rule, cost for training and permit fees and the time to attend a class. With the proposed revisions all of these obstacles will be deleted. We will focus on these three issues in our written testimony.

We moved to Alaska in Apr of this year. Mike started his residency in Jan 95 while working in Allakaket and Sandy started her residency in Mar 95 when we started the purchase of our home in Palmer. Since that time we have become aware of the increased crime problems in Mountain View and Spenard, as well as the rest of the greater Anchorage area. Mike's work requires flying in and out of Anchorage at all hours of the day and night. This puts Sandy in a potentially dangerous situation when she drives alone without any legal means of defense against carjacking, drive-by shootings or other crimes which could occur. We feel strongly that Alaskan citizens are being penalized solely because we haven't been living in the state for an arbitrary period of time. We would be better served, as Alaskans, to be able to apply for a permit to carry upon obtaining a legal residence, driver's license and registering to vote. The current Handgun Law does not recognize us as Alaskan residents when in fact we are, under the state laws for voting and obtaining a driver's license and vehicle registration.

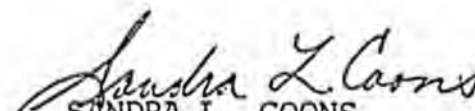
One of the big costs for a permit to carry is the requirement for fingerprints. According to Senator Lyda Green's staff, Florida has only had 0.01% of the applicants who applied turn out to be ineligible due to previous felony convictions. Florida does not use fingerprints but uses NCIC computers for criminal background checks. This method is cheaper for both the

applicant and the State/Federal government. Another cost, which is a burden, is the fees for firearms self defense instruction. We strongly concur with the revised requirements instead of the present law. As Hunter Safety Instructors for the State of Alaska from 1979 to 1981 we taught over 300 students. These students were taught the Ten Commandments of firearms safety. The most important of which is to only shoot at a clearly identified target which you intend to shoot (paraphrase). This applies to both a hunting environment as well as a self defense situation. The decision to shoot or don't shoot is a decision which cannot be taken lightly under any circumstances. From personal experience as an instructor there were usually 3-4 students in our classes who were taking the course either because their husband had firearms in the house and the wife was uneasy with firearms, or the student had or was purchasing a firearm for self defense purposes. The revised training requirements will reward those who have already taken firearms training courses by not requiring an additional cost. For those who have not had any firearms training these revisions will help in State-wide firearms safety overall, with minimal cost to the applicant.

The time factor in finding a class which does not interfere with work can be a burden. This may be viewed as a minor point of concern by many, but in reality it can be an irritating factor for someone who wants a carry permit. It becomes even more of an irritant to those of us who have life-long training in firearms use (which we could teach or have taught) but are still required to attend a course under the present law .

We agree with all other proposed changes to HB 338 and SB 177 as they currently appear. We appreciate the chance to testify to this hearing and look forward to a better law which will benefit all Alaskans.

  
MICHAEL C. COONS

  
SANDRA L. COONS

Post-It™ brand fax transmittal memo 7671		# of pages	3
To	H. State Affairs		
From	Nat - Mr LLO		
Dept.	376-3704		
Fax #	258-8173	Fax #	376-6180

TESTIMONY OF LUDER J. 1773 - JOURNAL HOUSE/ SENATE STATE AFFAIRS  
 COMMITTEES ON BILLS TO AMEND THE CONCEALED HANDGUN PROVISIONS -  
 HB-338/SB177.

I HAVE BEEN A SHOOTER FOR MORE THAN 50 YRS. AND HAVE CONSISTENTLY SUPPORTED RESPONSIBLE FIREARMS OWNERSHIP AND USE. I SUPPORTED PASSAGE OF HB-351 IN 1994. I ALSO SUPPORT CHANGES TO THE EXISTING LAW BASED PRIMARILY UPON ON THE BELIEF THAT PERMITTING IS EXCESSIVELY COSTLY AND TIME CONSUMING.

1. FINGERPRINTING & BACKGROUND CHECKS: I HAVE NO PERSONAL AVERSION TO BEING FINGERPRINTED OF HAVING MY BACKGROUND CHECKED...

A. BACKGROUND CHECKS, AT LEAST PRELIMINARY CHECKS, CAN BE MADE BY ALASKA AUTHORITIES USING THE FBI NATIONAL COMPUTER SYSTEM. FBI EXTRA CHECK MAY NOT BE NECESSARY. CHECKS SHOULD BE LESS COSTLY AND LESS TIME CONSUMING.

B. FBI FINGERPRINT CHECK SHOULD NOT BE STANDARD PRACTICE, BEING USED ONLY IF THERE IS COMPELLING REASON TO QUESTION THE VALIDITY OF AN APPLICANT'S RECORD.

C. UNDER NO CIRCUMSTANCES SHOULD A FEDERAL AGENCY BE ADVISED THAT THE REASON FOR ANY INQUIRIES RELATE TO CONCEALED CARRY PERMITTING OR FIREARM USE. IT IS A STATE PERMIT AND NOT FEDERAL. THE FEDERAL GOVERNMENT HAS NO NEED TO KNOW. THE PRACTICE REPRESENTS AN INTRUSION INTO MY PRIVACY. I WAS, AND REMAIN, ANGRY TO FIND THAT MY FBI FINGERPRINT FORM (FD-259) HAD UNDER REASON FINGERPRINTED: "CONCEALED HANDGUN APPLICANT AS 18.65.700"

2. TRAINING: IT IS RECOGNIZED THAT THE PRESENT TRAINING REQUIREMENT (NRA PERSONAL PROTECTION COURSE) IS BOTH EXPENSIVE AND MAY BE DIFFICULT TO SECURE IN SOME AREAS. I'VE TAKEN IT TWICE IT IS MY OPINION THAT IT IS ENTIRELY ADEQUATE AND TO BE RECOMMENDED. OTHER COURSES MUST STRESS FIREARMS SAFETY AND HANDLING. NO OTHER TRAINING ADDRESSES INDIVIDUAL RESPONSIBILITY WITH RESPECT TO ALASKA LAW AND THE LEGITIMATE USE OF DEADLY FORCE OR PROVIDES DEMONSTRATED SAFE HANDGUN HANDLING OR PROFICIENCY IN HANDGUN USE. THE DEMONSTRATION OF KNOWLEDGE AND ABILITY NEEDS TO BE PRESERVED.

3 RESTRICTIONS ON CARRY: EXCEPT FOR PERHAPS DRINKING ESTABLISHMENTS, ALL PRIVATELY OWNED ESTABLISHMENTS SHOULD BE OPEN TO A LICENSED CARRIER UNDER ALASKA STATUTE. ONLY BY VERBAL REQUEST BY A PROPRIETOR OR WITH PROPER SIGNAGE SHOULD A CARRIER BE KEPT FROM SUCH ESTABLISHMENTS. THIS SHOULD APPLY AS WELL TO FINANCIAL INSTITUTIONS.

4. RESTRICTIONS ON QUALIFYING FIREARMS: ANY LEGALLY MANUFACTURED MINIATURE HANDGUNS OR "DERRINGERS" SHOULD QUALIFY AS USEABLE FOR CONCEALED HANDGUN CARRY, IF AN INDIVIDUAL HAS DEMONSTRATED THE SAME PROFICIENCY WITH THEM AS OTHER HANDGUNS.

ROBERT H. PAPERSON - PH: (907) 745-4358  
HC 02, BOX 7630-A1  
PALMER, ALASKA 99645.

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TYPE OR PRINT ALL INFORMATION IN BLACK

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# APPLICANT

LAST NAME **PARKERSON**, FIRST NAME **Robert**, MIDDLE NAME **Henry**

950974877008

SIGNATURE OF PERSON FINGERPRINTED  
*Paul H. Kochakran*

ALIASES AKA

AKAST0100

RESIDENCE OF PERSON FINGERPRINTED  
Our Rd, Old Glenn Hwy  
PALMER, ALASKA

CLIENT #8001

DPS ANCHORAGE, AK

DATE OF BIRTH DOB  
Month Day Year  
06 02 31

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS  
*Robert H. Henderson*

CITIZENSHIP Q12 USA

SEX M RACE W HT 6'0" WT 205 BLU WHT

PLACE OF BIRTH POB  
Brooklyn, N.Y.

EMPLOYER AND ADDRESS  
*Henderson & Holwosky S&A S&A*  
P.O. Box 3090  
Palmer AK 99645

YOUR NC QCA 40C10

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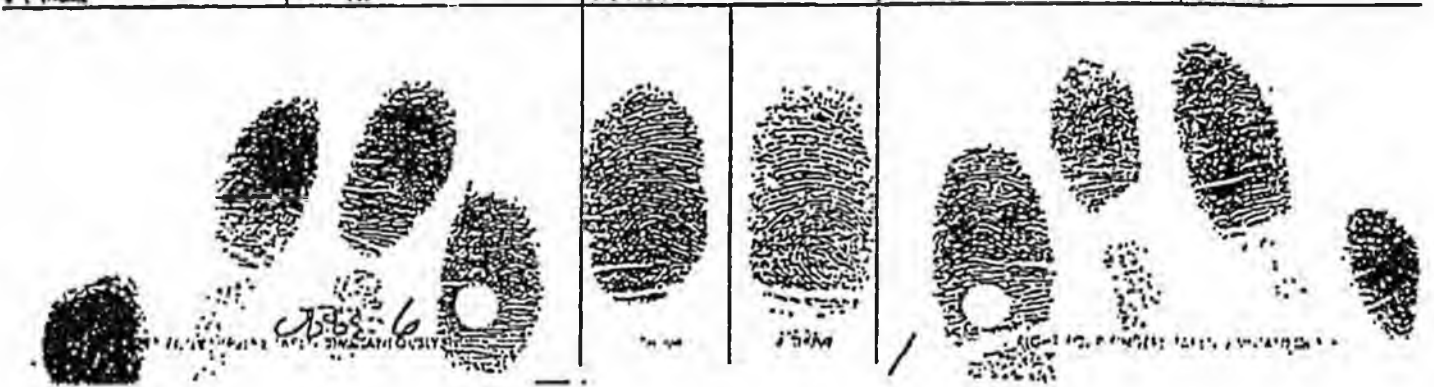
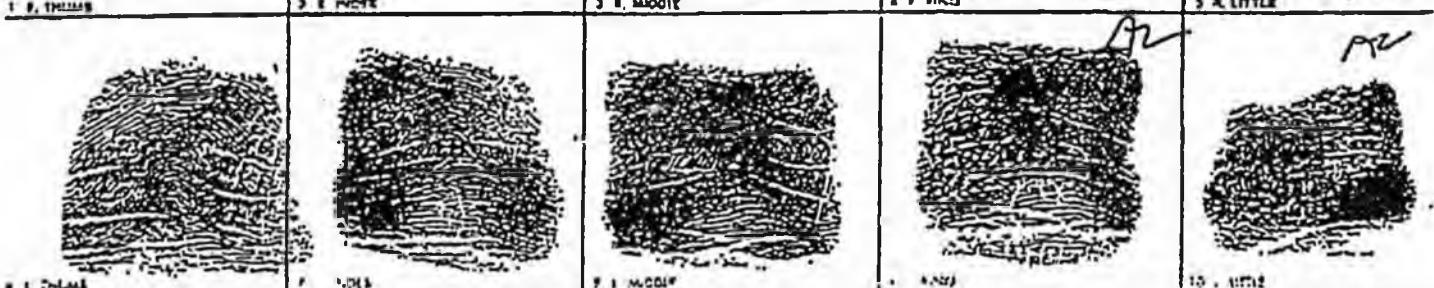
FBI NO FBI

ARMED FORCES NO MNU AF  
15-506438

SOCIAL SECURITY NO. SOC  
126-26-2573

MISCELLANEOUS NO. MNU  
0465049

PERSON FINGERPRINTED  
CONCEALED FIREARM  
APPLICATION  
AS 18.65.760





ROBERT WISEMAN  
 P.O. BOX 1135  
 SOLDOTNA, AK 99669  
 (907) 283-6110

SFP 7 1995



September 6, 1995

Senator Green & Representative James

I have given considerable thought to your pending legislation. I feel that the intentions of your legislation is in the best interest of all Alaskans.

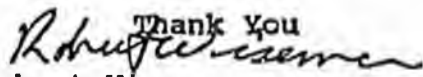
However, I believe there is a much larger picture that must be looked at.

I believe that the current program has a very distinct advantage. That advantage is the ability to have reciprocity with 30 other states. At this time there are at least 30 states who have or have pending legislation for concealed carry laws. I feel that all Alaskans as well as all americans would be very well served to have reciprocal concealed carry laws. I believe that to effect this wide spread reciprocity it is necessary to have the utmost integrity in our concealed carry law. I feel that we must maintain as part of our program the FBI fingerprint check, the 4 hour legal requirement, and the NRA certified instructors.

With the high number of Alaskans that travel to other states that have, or are trying to get, concealed carry laws and Alaska visitors from those states, reciprocity should be a very high priority. At this time there are some states who have legislation that makes reciprocity automatic for those states who recognize their permits. I believe that it would be very simple to give reciprocity to any state that as part of their program required the FBI fingerprint check and the 4 hour legal. This reciprocity could be for a maximum of 90 days for visitors. For anyone becoming a resident who has a permit from one of these states that our current renewal procedure could apply.

I believe that the current bill mandates the Dept. of Public Safety to justify the fee currently being charged for the permit. I have seen several changes recently that would indicate to me that they are trying to streamline their operation and thereby be able to lower the cost of the permit and cut down any delays. I feel that some communication between the legislature and the Dept of Public Safety may accomplish more than legislation in this area.

In conclusion I would ask that you give a lot of thought to what it might take to have reciprocity with as many states as possible, and how we might effect this. I would hope that you might agree that this direction might serve Alaskans better than taking a large part of the integrity out of the current program.

Thank You  
  
 Robert Wiseman

SB 177

"An Act relating to permits to carry concealed handguns."

I support Senate Bill 177

NAME	ADDRESS	PHONE
KEVIN LEAVITT	HCO4 Box 9576 Palmer, AK 99645	745-1376
ROB SHIPLEY	9660 ALBATROSS DR. ANCH, 99515	257-3915
J.P. McCUBBINS	P.O. Box 1656 Homer ALASKA 99603	255-4434
Kim Medlock	PO Box 2125 Palmer	746-3519
PATRICK CRAMER	9411 AGATTU cir. EAGLE RIVER 99577	694-7898
TUCKERMAN DABROCK	HCO1 Box 6219 C Palmer 99645	746-7632
Jacob Hancock	6209 Cheryn Anch. AK 99502	243-3439
HERBERT L. FEY	PO Box 1101 Chickaloon AK 99674	746-5139
Peggy M. Gifford	PO Box 874803 Wasilla 99687	373-5606 522-1459
JAMES W. HILL	3860 AMBER BAY LOOP, ANCH-99515	
Ron Johnson	PO Box 871701 Wasilla AK 99687	373-6700
Jeff Perry	PO Box 62 Willow AK 99688	745-1014
GARY M. MICHAEL	HCO1 Box 6050 BB PALMER 99645	745-8224
William W. Carlson	P.O. Box 190024 ANCH. AK 99519	346-2897

THANK YOU FOR YOUR SUPPORT

\*\*\* Senator \*\*\*

LYDA GREEN



**SB 177****"An Act relating to permits to carry concealed handguns."****I support Senate Bill 177**

NAME	ADDRESS	PHONE
JEFF HASKIN	WASILLA, AK, 99654 500 E. Crestwood Ave	376-2073
PAM HASKIN	WASILLA AK 99654 500 E CRESTWOOD	376-2073
WILLIAM GAINES	P.O. Box 877414, WASILLA, <sup>99687</sup>	373-1634
Mary Psenak	P.O. Box 1365 Palmer <sup>99645</sup>	745-3000
Jane Boekly	HC30 5503 WasAK 99654	373-7951
Lola Baker	P.O. Box 967 Palmer AK	373-7951
Ellen J. Irvine	6830 Ehrlich <sup>11</sup> - Anch	337-5827
DAVE PETERSON	Box 1010, Willow, AK	495 6556
JR Bobart	PO Box 3915 Palmer AK 99645	892 8632
Robert G. Ylvisaker	Box 2666 Palmer	746-0626
John A. Hooper	Box 2137 Palmer AK	745-1736
Billy C. Lemon, Jr	HC89 Box 8107 Talkeetna	355-1441
Flo M. Lemon	<sup>99687</sup> P.O. Box 870441 WASILLA AK	373-1441
PAT MARLEY	2901 WHISPERING WOODS DR.	376-5602

THANK YOU FOR  
YOUR SUPPORT

\*\*\* Senator \*\*\*

**LYDA GREEN**



SB 177

"An Act relating to permits to carry concealed handguns."

I support Senate Bill 177

NAME	ADDRESS	PHONE
MICHAEL W. MOORE	P.O. Box 873427 WASILLA, AK. 99697	1-907-376-6165
RICHARD PERRY	P.O. Box 19031, ANCHORAGE, ALASKA	907-344-7693
Deane L Goodrich	Box 821 Palmer 99645	745 3968
Glenn R Goodrich	PO Box 821 Palmer AK 99645	745-3968
Dean Hendrickson	PO Box 1271 Palmer AK 99645	745-0838
RAE ANN Hendrickson	" "	" "
WALTER F FERGUS	840 Rockside Wasilla AK. 99654	376-6907
Rita Sanning	Box 19 SUTTON 99674	746-0789
Keith Pappas	Box 871415 Wasilla 99687	376-5523
JAMES GARHART	Box 872533 WASILLA	746-2828
ASHLEIGH EDWARD	7406 5th St Ft Richardson	428-4087
Tom Whitstone Jr	Box 871985 Wasilla	373-2578
Sherry Whitstone	" "	" "
DAVID AUSMAN	1503 W 33 RD ANCH.	501 8904

THANK YOU FOR YOUR SUPPORT

\*\*\* Senator \*\*\*

LYDA GREEN



SB 177

"An Act relating to permits to carry concealed handguns."

I support Senate Bill 177

NAME	ADDRESS	PHONE
Jeffrey W LAMB	3105 Arctic #2243 Anchorage	258-1519
Chris Newman	41901 Pine To Box 872752 Wasilla 99687	
CLAY LANGRISH	3605 Arctic Blvd Anchorage 99503	
William L. Burson	2814 Brittonville Anchorage 99504	393-0901
Jessy S. Bell	P.O. Box 878783 Wasilla	373-7339
<del>Chris Bell</del>	P.O. 878783 WASILLA 99687	3737339 376-9350
Sam Raynovic	1061 East Pine wasilla 99654	
Paul Barry	3850 cowboy Dr.	376-4569
James J. Dwyer	4100 BULL MOOSE DR WASILLA	373-6670 99654-1741
Leslie Clark	Bull Moose Dr Wasilla	373-6670 99654-1741

THANK YOU FOR YOUR SUPPORT

\*\*\* Senator \*\*\*

LYDA GREEN



Please  
sign-in

# 1995 Alaska State Fair - Visitors

NAME

ADDRESS

PHONE

I SUPPORT SB 177

"AN ACT RELATING TO PERMITS TO  
CARRY CONCEALED HANDGUNS."

*[Signature]* Stephen Stoll 1001 YORK CR WASILLA

*[Signature]* Linnette Booth " "

Bill SPENCER PO Box 520553 Big Lake AK 99652 892-6745

Russel TUCKER P.O. Box 873425 Wasilla AK 99697

Roy C. McLaughlin 2021 Muldoon Spire Anchorage AK 99504

MARTIN H. OTT 332 BOUNDARY FAIRBANKS AK 99701

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GERALD A. WILLMAN 1401 Box 6083 PALMCR 745-3615

Robert Katsur 445 JEROME DR. WASILLA 376-1384

Sandy Blomfield #B156 7610 Wildwood Cir. Anch, AK 346-2738

Pollia Bedrock 6209 Cheviot St. 99502 # 243-3439

LORETTA WOLSKI 3354 ORION 243-2757

THANK YOU  
FOR VISITING!

\*\*\* Senator \*\*\*  
**LYDA GREEN**



SB 177

"An Act relating to permits to carry concealed handguns."

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Ans'd.....

# I support Senate Bill 177

NAME	ADDRESS	PHONE
Mark Gordon	HCOI 6131 AB Palmer AK 99645	907-745-5520
Roy W. White	P.O. Box 105	746-3026
PHIL E. WHITE	✓ ✓ ✓	✓
Claude MORRIS	PO Box 547 Girdwood AK 99587	783-2836
Rocky FRANK	1601 WOLVERINE ANCH, AK 99504	333 8889
Dick Traini	2020 DIMOND DR ANCH, AK 99507	563-7986
BRYAN MILLER	P.O. Box 876277, WASILLA, AK 99687	373-3228
Mark Hollins	1001 Dunedin St. Wasilla Ak	373-2535
JE CHAMBERS	PO BOX 2838 PALMER AK	776-7588
Roy L. Reed	Box 1201 Chickaloon	746-4507
Randy J Hall	Box 13502 Soldotna	344-5997
DAVID PROSE	2208 DOUGLAS PL. AA 99574	337-2020
Larry Roberts	3705 ARCTIC #1317, ANCH, 99503	338-2692
DOWNLO FREDERICK	5881 CHISANA WAY 99516	3461721

THANK YOU FOR  
YOUR SUPPORT

Senator Lyda Green  
Senator Rick Halford



SB 177

"An Act relating to permits to carry concealed handguns."

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NAME	ADDRESS	PHONE
LARRY POLAND	P.O. Box 71405, Fairbanks, Ak. 99707-1405	907-479-4425
Jay YAKOBY	PO Box 1554 Palmer AK 99645	907-745-1248
Russ Moody	10 Box 59 Willow, AK 99688	
Barbara Beckman	AK 32 Box 6629B Wasilla <sup>99654</sup>	373-2289
Jimmy Weinger	PO Box 1111 Chickadee AK 99674	745-2093
John Schultz	650 STORMY CIR WASILLA AK 99654	376-1480
JESSE RAY	1241 SAN ANTONIO ST ANCH AK 99508	357-8646
Ralph Brooman	3840 Eastwood Ave Anch AK 99508	338-7950
DON BLACKER	5121 Spruce Creek Cir Anch AK 99516	346-3286
CAROL R BLACKER	5121 SPRUCE CREEK CIR ANCH AK 99516	346-3286
W. H. MARTIN	Box 1271 Eagle River, AK 99577	894-2627
James A. Miller	3024 Brittany Place Anch. Ak. 99504	333-2075
Melvin Overlees	2912 Bonita Parkway Anch. Ak. 99504	333-5147
Howard Selo	PO Box 520707 Big Lake, AK 99652	892-8796

THANK YOU FOR  
YOUR SUPPORT

Senator Lyda Green  
Senator Rick Halford



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Ans'l.....

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NAME	ADDRESS	PHONE
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Jim Wadell	Box 1315 Soldotna AK 99689	262-4400 <sup>- 22301</sup>
Larry Winter	2651 Nancy Way, Wasilla, AK 99654	376-6888
John Savuc	6929 Camden Anch AK 99504	333 2207
Dean Syta	3006 Dennington Dr Anch AK 99504	333-1562
STEVEN CUIN	501 Togiak Cir Anch AK 99505	563 4436
Karen Steen	HC 32 Box 6561, Wasilla AK 99654	745-2739
<sup>WILLIAM H WATSON</sup> [Signature]	310 STATE ST Anch AK 99504	337-6522
Carolynn Tomary	2104 Tenada Ave, Cheyik, AK 99567	688-5451
VICTORIA SCHULTE	P.O. BOX 2576 PALMER, AK 99645	745 1911
RODNEY SCHULTZ	P.O. BOX 2576 PALMER, AK 99645	745-1911
Don Wineinger	PO BOX 1111 Chukcheon Ak	745-2093
Ed Gross	2828 E 20th Anch AK 99508	277-3070

GEORGE BOYCE 419 Carefree Pl. Wasilla AK 99654 3768646

THANK YOU FOR  
YOUR SUPPORT

Senator Lyda Green  
Senator Rick Halford



SB 177

"An Act relating to permits to carry concealed handguns."

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NAME	ADDRESS	PHONE
MIAN Applehans	P.O. Box 874004 WAILA AK.	373-5407
CAROL E. WHITEJK	POB 2482 PALMER AK	745-6587
Wicki White	PO Box 2482 Palmer, AK SOLDON TA KA	745-6587
STEVEN STOEPIER	116 BLENLY ST APT 22	260-3743
TRACY REED	P.O. Box 22544 AMITRAGE AK 99522	245-1500
Danny P. Daniels	P.O. Box 878605 Wailan AK <sup>99687</sup>	373-0832
W. Doug Ryan	P.O. 671266 Chugach, AK	688-3803
Robert Bone	P.O. 90825 Anch, AK	349-6240
KATH CORP	12921 TROY ST ANCH AK	345-4772
Clyde Corp	12921 Troy St Anch AK	345-4222
Heather Palmer	10270 Tanana Dr G. Wasilla AK 99654	376-7467
Patrick J. Parsley	3180 Leaning Circle Wasilla AK 99654	376-7235
Allen R. Dannel	751 W. 76 <sup>th</sup> Apt. B. Anch., AK. 99518	349-6970
DANIEL E. LUSH	PO Box 266 GLENHALLEN AK 99588	822 5879

HANK YOU FOR  
YOUR SUPPORT

Senator Lyda Green  
Senator Rick Halford



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Ans'd.....

# I support Senate Bill 177

NAME	ADDRESS	PHONE
Keith FORSGREN	3400 SHAW COOP WASILLA	373 6054
PAT PARKS	MAGNETIC RD GOLDSTEIN	262-5384
Norman Wilkins	HC1 Box 2440 GLENWALLEN	822-5271
London L. Dempsey	PO Box 7497, NIKISKI AK 99635	776-8425
Kevin J. Herdley	12800 Foster Rd Anch AK 99518	345-1568
Charles F. Reed	P.O. Box 929 Eagle River, AK 99577	694-2772
Robert Reed	P.O. Box 929 Eagle River AK 99577	
Marvin R. Anderson	Box 1216 Palmer AK 99645	
Roger H. Buckland	Box 672086 Chugiak AK 99567	688-3849
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**SB 177**

"An Act relating to permits to carry concealed handguns."

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Senator Lyda Green  
Senator Rick Halford



# Alaska State Legislature

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## House Of Representatives

House District 34

### **CSHB 338 (STA)** (Version 9-LS1157/K) **Concealed Handgun Revisions** 2/22/96

The House State Affairs Committee Substitute for House Bill 338 makes the following changes to the current statute which was passed two years ago:

Section 1 provides an affirmative defense against prosecution for misconduct involving weapons in the fourth degree (possessing a deadly weapon on school grounds) by allowing a licensee to carry a concealed handgun on school grounds within a propelled vehicle, other than a school bus, as long as the defendant did not exit the propelled vehicle.

Section 2 provides an affirmative defense against prosecution for misconduct involving weapons in the fifth degree (possessing a deadly weapon where intoxicating liquor is sold for consumption on the premises) by allowing a licensee to carry a concealed handgun into a place where intoxicating liquor is sold for consumption on the premises as long as the defendant did not consume intoxicating liquor there and did not consume intoxicating liquor at any time during the previous eight hours.

It also clarifies current statute which provides an affirmative defense if the possession occurred on business premises owned or leased by the defendant or in the course of the defendant's employment for the owner or lessee of the premises.

Section 3 requires the Department of Public Safety to provide each applicant with a copy of state laws and regulations relating to concealed handguns.

Section 4 gives the Department of Public Safety a total of 30 days (instead of 15 days after receipt of background check information) to either approve or reject an application.

Section 5 amends qualifications for obtaining a permit. It returns to the original list of disqualifying misdemeanors in current statute. It also changes the residency requirement from one year to 90 days.

Section 6 changes the Department of Public Safety's requirement to provide each applicant with a copy of state laws and regulations relating to just concealed handguns (rather than relating to all firearms).

Section 7 adds a new subsection allowing an honorably retired peace officer to apply for and receive a permit within one year of retirement without having to demonstrate competency. This applies only to the initial application, not to subsequent renewals.

Section 8 adds a new section allowing the Department of Public Safety to enter into reciprocity agreements with other states. Applicants from qualifying states must meet Alaska's qualifications and pay a fee not to exceed Alaska's initial application fee.

Section 9 lowers the application fee cap to \$99 and the renewal fee cap to \$30.

Section 10 changes the list of places where a licensee may NOT carry a concealed handgun, to include only:

1. All places prohibited by federal law (all federal facilities and federal courts, airplanes, and some national parks).
2. State courthouses or courtrooms.

3. Residences, businesses, or meetings where notice prohibiting concealed handguns is conspicuously posted.
4. School grounds except within the licensee's vehicle.
5. Municipalities or villages that have opted out.

Section 11 changes the penalties for carrying a concealed handgun into a prohibited place.

The first offense is a violation, punishable by a fine.

The second offense is a class B misdemeanor.

The third and any subsequent offense are class A misdemeanors (two Class A misdemeanors cause revocation of the license), EXCEPT:

Section 12 adds a new subsection making it a class A misdemeanor to carry a concealed handgun in public while consuming intoxicating liquor or within eight hours after consuming an intoxicating liquor.

Section 13 repeals penalties for late renewal of a permit.