

HB

338

SB

177

Alaska State Legislature

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House Of Representatives

House District 34

CSHB 338 () Version "G" Concealed Handgun Revisions 2/21/96

Ignore all previous drafts and amendments! Draft Version G makes the following changes to the **current statute**:

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 \$65 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.

9-LS1157G ✓
Luckhaupt
2/20/96

CS FOR HOUSE BILL NO. 338()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Foster, Kelly

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

14 (1) an affirmative defense that the defendant, at the time of
15 possession, was the holder of a valid permit to carry a concealed handgun under

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

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

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

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

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

14 (a) The department shall issue a permit to carry a concealed handgun to a person
 15 who

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

17 (2) qualifies under AS 18.65.705;

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

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

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

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

1 of a size specified by the department;

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

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

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

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

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

16 * Sec. 5. AS 18.65.705 is amended to read:

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

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

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

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

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

29 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

31 (C) AS 11.51.130;

32 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,

1 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800,
2 11.56.805;

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

4 or

5 (F) AS 11.71.050, 11.71.060;

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

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

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

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

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

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

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

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

24 (13) is not now the subject of an injunction under AS 25.35.010 -
25 25.35.020 unless the injunction has been dissolved or has expired;

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

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

30 (16) has demonstrated competence with handguns as provided in
31 AS 18.65.715.

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

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

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

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

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

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

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

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

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

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

30 (3) a reciprocal application fee that may not exceed the fee set for the
31 application and initial issuance of a permit under AS 18.65.720.

32 (b) A person receiving a reciprocal permit under this section may carry a

1 concealed handgun in the same manner and to the same extent as a person issued a
2 permit under AS 18.65.700. Following issuance of the permit, all aspects concerning the
3 regulation of the permit and the permittee are controlled by AS 18.65.700 - 18.65.790.

4 * Sec. 9. AS 18.65.720 is amended to read:

5 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the
6 processing of the application for and initial issuance of a permit, renewal of a permit, or
7 replacement of a permit. The fees shall be set by regulation and must be based on the
8 actual costs incurred by the department. However, the fee for the processing of an
9 application and initial issuance of a permit may not exceed \$65 [\$125] and the fee for
10 renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

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

12 (a) A permittee may not carry a concealed handgun into or possess a concealed
13 handgun within

14 (1) [A LAW ENFORCEMENT OR CORRECTIONAL FACILITY;

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

18 (2) [(3)] a courthouse or a courtroom of this state, unless the permittee

19 (A) is a judge; or

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

22 (3) [(4) A BUILDING HOUSING ONLY STATE OR FEDERAL
23 OFFICES OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE,
24 EXCEPT AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

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

28 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
29 AIRLINE TERMINAL;

30 (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;

31 (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF
32 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

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

4 (4) [(10)] a meeting of a business, charitable, or other organization or
5 entity where notice that carrying a concealed handgun is prohibited has been given by
6 the posting of conspicuous notice;

7 (5) [(11)] a [FINANCIAL INSTITUTION; IN THIS PARAGRAPH,
8 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
9 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
10 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER
11 AS 06;

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

14 (6) [(13)] a municipality or established village that has prohibited the
15 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

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

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

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

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

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

25 * Sec. 13. AS 18.65.725(c) is repealed.

Attached are the current statutes dealing with

OFFENSES INVOLVING WEAPONS.

(All are misdemeanors or felonies.)

Sec. 11.61.190. Misconduct involving weapons in the first degree. (a) A person commits the crime of misconduct involving weapons in the first degree if the person uses or attempts to use a firearm during the commission of an offense under AS 11.71.010 — 11.71.040.

(b) Misconduct involving weapons in the first degree is a class A felony. (§ 10 ch 79 SLA 1992)

Sec. 11.61.195. Misconduct involving weapons in the second degree. (a) A person commits the crime of misconduct involving weapons in the second degree if the person knowingly

(1) possesses a firearm during the commission of an offense under AS 11.71.010 — 11.71.040; or

(2) violates AS 11.61.200(a)(1) and is within the grounds of or on a parking lot immediately adjacent to

(A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or

(B) a center, other than a private residence, licensed under AS 47.33 or AS 47.35 or recognized by the federal government for the care of children.

(b) Misconduct involving weapons in the second degree is a class B felony. (§ 10 ch 79 SLA 1992; am § 1 ch 124 SLA 1994; am § 2 ch 130 SLA 1994)

Effect of amendments. — The first 1994 amendment, effective January 1, 1996, substituted "AS 47.35" for "AS 47.35.010 — 47.35.075" in subparagraph (a)(2)(B).

The second 1994 amendment, effective January 1, 1995, substituted "AS 47.33 or AS 47.35.010 — 47.35.070" for "AS 47.35.010 — 47.35.075" in subparagraph (a)(2)(B).

Editor's notes. — Until January 1, 1996, subparagraph (a)(2)(B) reads as follows: "(B) a center, other than a private residence, licensed under AS 47.33 or AS 47.35.010 — 47.35.070 or recognized by the federal government for the care of children."

Sec. 11.61.200. Misconduct involving weapons in the third degree. (a) A person commits the crime of misconduct involving weapons in the third degree if the person

(1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;

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

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

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

(5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable;

(6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;

(7) violates AS 11.46.320 and, during the violation, possesses on the person a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person's body;

(8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued under AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(9) communicates in person with another in violation of AS 11.56.740 and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(10) resides in a dwelling knowing that there is a firearm capable of being concealed on one's person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located; or

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated.

(b) It is an affirmative defense to a prosecution

(1) under (a)(1) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or a adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delin-

ency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) under (a)(2) or (10) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(f) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

(i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;

(ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;

(iii) bomb; or

(iv) grenade;

(B) device designed, made, or adapted to muffle the report of a firearm;

(C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger;

(D) rifle with a barrel length of less than 16 inches, shotgun with a barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than 26 inches;

(2) "unconditional discharge" has the meaning ascribed to it in AS 12.55.185.

(g) Misconduct involving weapons in the third degree is a class C felony. (§ 7 ch 166 SLA 1978; am § 1 ch 63 SLA 1990; am § 1 ch 189

SLA 1990; am §§ 4 — 6 ch 59 SLA 1991; am § 3 ch 64 SLA 1991; am §§ 11 — 14 ch 79 SLA 1992; am §§ 2, 3 ch 113 SLA 1994)

Revisor's notes. — Paragraphs (a)(8) and (9) of this section were enacted as (a)(7) and (8) respectively. Renumbered in 1990.

Subsection (d) enacted as (g). Relettered in 1992, at which time former subsections (d)-(f) were relettered as (e)-(g), respectively.

Effect of amendments. — The first 1990 amendment added paragraph (a)(7).

The second 1990 amendment added paragraphs (a)(8) and (a)(9).

The first 1991 amendment, effective September 16, 1991, rewrote the section.

The second 1991 amendment, effective September 16, 1991, in paragraph (a)(9), substituted "violation of AS 11.66.740" for "violation of AS 11.61.120(a)(6)."

The 1992 amendment, effective September 14, 1992, substituted "third degree" for "first degree" near the beginning of subsection (a) and in subsection (g); added

paragraph (a)(11) and made related stylistic changes; inserted "and (11)" in subsection (e); and added subsection (d).

The 1994 amendment, effective September 1, 1994, in subsection (a), inserted "or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult" in paragraph (1); and, in subsection (b), added the paragraph (1) designation, redesignated former paragraphs (1)-(3) as subparagraphs (1)(A)-(1)(C), deleted internal references in two places, inserted "or adjudication of juvenile delinquency" twice in subparagraph (1)(C), added paragraph (2), and made a related stylistic change.

Editor's notes. — Section 16(2), ch. 113, SLA 1994 provides that the amendments to (a) and (b) of this section by §§ 2 and 3, ch. 113, SLA 1994 apply "to offenses committed on or after September 1, 1994."

NOTES TO DECISIONS

I. General Consideration.

I. GENERAL CONSIDERATION.

Gravity knife.

Butterfly knives and balisong knives are not gravity knives. *State v. Strange*, 785 P.2d 563 (Alaska Ct. App. 1990).

Weapon as collateral for debt. — The legislature did not intend to permit felons to possess prohibited weapons as collateral for debt, nor did it intend to immunize knowing possession of a weapon for the time necessary to pawn it. *Baker v. State*, 781 P.2d 1368 (Alaska Ct. App. 1989).

Proof of prior convictions despite concession. — The government need not accept the accused's proposed concession to an element of an offense, and a trial

judge cannot altogether bar the prosecution from introducing evidence to prove a necessary element of its case, even when the element is undisputed or conceded. Thus, in a trial for possession of a concealed weapon by a felon, the trial judge could not bar the state from presenting evidence of the defendant's prior felony convictions, even though the defendant conceded that he was a felon. *State v. McLaughlin*, 860 P.2d 1270 (Alaska Ct. App. 1993).

Applied in *Hansen v. State*, 824 P.2d 1384 (Alaska Ct. App. 1992).

Cited in *Kinnish v. State*, 777 P.2d 1179 (Alaska Ct. App. 1989); *Weasolic v. State*, 837 P.2d 130 (Alaska Ct. App. 1992).

Sec. 11.61.210. Misconduct involving weapons in the fourth degree. (a) A person commits the crime of misconduct involving weapons in the fourth degree if the person

(1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating

quor of a controlled substance into the person's body in circumstances other than described in AS 11.61.200(a)(7);

- (2) discharges a firearm from, on, or across a highway;
- (3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person;
- (4) manufactures, possesses, transports, sells, or transfers metal knuckles;
- (5) manufactures, sells, or transfers a switchblade or a gravity knife;
- (6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

(A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) a defensive weapon;

(C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) [Repealed, § 4 ch 63 SLA 1990.]

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor. (§ 7 ch 166 SLA 1978; am §§ 21, 22 ch 102 SLA 1980;

am §§ 2, 4 ch 63 SLA 1990; am § 7 ch 59 SLA 1991; am §§ 15, 16 ch 79 SLA 1992; am §§ 1, 2 ch 33 SLA 1995)

Revisor's notes. — Subsection (c) was enacted as (d). Relettered in 1995. Subsection (d) was formerly (b); relettered as (c) in 1980 and relettered again in 1995.

Effect of amendments. — The 1990 amendment added "in circumstances other than described in AS 11.61.200 (a)(7)" at the end of paragraph (a)(1) and repealed subsection (b).

The 1991 amendment, effective September 15, 1991, in subsection (a), rewrote

paragraph (1) and added paragraphs (4) and (5).

The 1992 amendment, effective September 14, 1992, substituted "fourth degree" for "second degree" near the beginning of subsection (a) and in subsection (d); and added paragraph (a)(6) and made related stylistic changes.

The 1995 amendment, effective August 17, 1995, added paragraph (a)(7), made a related stylistic change, and added subsection (c).

NOTES TO DECISIONS

"Firearm". — A pellet pistol, which operates by the use of compressed air, does not qualify as a firearm because the weapon does not propel a shot through some sort of explosive means. *Kinnish v.*

State, 777 P.2d 1179 (Alaska Ct. App. 1989).

Cited in *State v. Jeske*, 823 P.2d 6 (Alaska Ct. App. 1991).

Sec. 11.61.215. Intoxication as applicable to possession of a firearm. [Repealed, § 11 ch 59 SLA 1991.]

Sec. 11.61.220. Misconduct involving weapons in the fifth degree. (a) A person commits the crime of misconduct involving weapons in the fifth degree if the person

(1) knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person;

(2) knowingly possesses a loaded firearm on the person in any place where intoxicating liquor is sold for consumption on the premises;

(3) being an unemancipated minor under 16 years of age, possesses a firearm without the consent of a parent or guardian of the minor;

(4) knowingly possesses a firearm within the grounds of or on a parking lot immediately adjacent to a center, other than a private residence, licensed under AS 47.33 or AS 47.35 or recognized by the federal government for the care of children; or

(5) possesses or transports a switchblade or a gravity knife.

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

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

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

(3) the holder of a valid permit to carry a concealed handgun under AS 18.65.700 — 18.65.790, the deadly weapon concealed was a hand-

gun as defined in AS 18.65.790, and the possession did not occur in a municipality or established village in which the possession of concealed handguns is prohibited under AS 18.65.780 — 18.65.785.

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

(d) In a prosecution under (a)(2) of this section, it is a defense that the defendant, at the time of possession, was

(1) on business premises owned by or leased by the defendant; or

(2) on business premises in the course of the defendant's employment for the owner or lessee of those premises.

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

(f) For purposes of (a)(2) and (e) of this section, a firearm is loaded if the

(1) firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge; and

(2) chamber, magazine, clip, or cylinder is installed in or on the firearm.

(g) Misconduct involving weapons in the fifth degree is a class B misdemeanor. (§ 7 ch 166 SLA 1978; am § 23 ch 102 SLA 1980; am §§ 8, 9 ch 59 SLA 1991; am §§ 17, 18 ch 79 SLA 1992; am §§ 1 — 3 ch 67 SLA 1994; am § 2 ch 124 SLA 1994; am § 3 ch 130 SLA 1994; am § 3 ch 33 SLA 1995)

Effect of amendments. — The 1991 amendment, effective September 15, 1991, in subsection (a), inserted "or a defensive weapon" in paragraph (1), added paragraphs (4) and (5), and made stylistic changes; and in subsection (c), inserted, "and (4)."

The 1992 amendment, effective September 14, 1992, substituted "fifth degree" for "third degree" near the beginning of subsection (a) and in subsection (g); and, in paragraph (a)(4), inserted "or a defensive weapon" in two places.

The first 1994 amendment, effective October 1, 1994, added paragraph (b)(3) and made related stylistic changes; added "; a deadly weapon on a person is not concealed if it is an unloaded firearm encased in a closed container designed for transporting firearms" at the end of subsection (e); and, in subsection (f), inserted an in-

ternal reference in the introductory language, added the paragraph (1) designation, added paragraph (2), and made a related stylistic change.

The second 1994 amendment, effective January 1, 1996, substituted "AS 47.55" for "AS 47.35.010 — 47.35.076" in paragraph (a)(4).

The third 1994 amendment, effective January 1, 1995, substituted "AS 47.33 or AS 47.35.010 — 47.35.076" for "AS 47.35.010 — 47.35.076" in paragraph (a)(4).

The 1995 amendment, effective August 17, 1995, in paragraph (a)(4), deleted former subparagraph (A), relating to possession of defensive weapons within the grounds of or on a parking lot immediately adjacent to a school, and deleted the former subparagraph (B) designation.

Editor's notes. — Until January 1,

1996, subparagraph (a)(4) reads as follows: "licensed under AS 47.35.010 — 47.35.076 or recognized by the federal government for the care of the children."

NOTES TO DECISIONS

Constitutionality. — This section was not unconstitutionally vague, as applied to a defendant charged with carrying a long-bladed knife in a briefcase in violation of paragraph (a)(1), since it is clear that the phrase "on the person" encompasses purses, briefcases, and other hand-carried containers. *De Nardo v. State*, 819 P.2d 903 (Alaska Ct. App. 1991).

"On the person". — The phrase "on the person" is broad enough, without the additional word "about", to encompass weapons concealed either in clothing or in purses, briefcases, or other hand-carried

containers. *De Nardo v. State*, 819 P.2d 903 (Alaska Ct. App. 1991).

Conviction reversed for disqualified judge. — Alleged drug dealer's conviction for carrying a concealed firearm was reversed because trial judge's failure to recuse himself resulted in a violation of AS 22.20.020(a)(6), where in his former role as district attorney, judge had personally prosecuted defendant in an unrelated matter within the previous two years. *Mustafoski v. State*, 867 P.2d 824 (Alaska Ct. App. 1994).

Cited in *Kinnish v. State*, 777 P.2d 1179 (Alaska Ct. App. 1989).

Sec. 11.61.240. Criminal possession of explosives.

NOTES TO DECISIONS

Double jeopardy. — The statutes which proscribe attempted murder, possession of explosives, and arson differ markedly in the conduct which they prohibit and in the specific societal interests

which they seek to preserve, and multiple sentences for the three offenses do not violate double jeopardy. *Machado v. State*, 797 P.2d 677 (Alaska Ct. App. 1990).

Chapter 66. Offenses Against Public Health and Decency.

Article

2. Gambling Offenses (§ 11.66.280)
3. Adult Entertainment Business (§ 11.66.300)

Article 2. Gambling Offenses.

Section

280. Definitions

Cross references. — For exemption from AS 11.66.200 — 11.66.280 of gambling conducted by cruise ships, that was effective from May 19, 1995 through Sep-

tember 29, 1996, see § 1(b), ch. 31, SLA 1995 in the Temporary and Special Acts pamphlet.

Sec. 11.66.280. Definitions. In AS 11.66.200 — 11.66.280, unless the context requires otherwise,

(1) "contest of chance" means a contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree

11.56.370. Permitting an escape. (a) A public servant who is authorized by law to have charge of a person arrested for, charged with, or convicted of a crime commits the crime of permitting an escape if the public servant permits a person under his custody to escape.

Permitting an escape is a class C felony. (§ 6 ch 166 SLA 1978; ch 102 SLA 1980)

For legislative history reports. — For a complete list, see House Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 29, 1980.

NOTES TO DECISIONS

When construing former AS 11.56.375 concerning an officer's not exercising authority whereby a person escapes, see *Larson v. State*, 564 P.2d 365 (Alaska 1977).

11.56.375. Promoting contraband in the first degree. A person commits the crime of promoting contraband in the first degree if the person violates AS 11.56.380 and the contraband is a deadly weapon;

an article that is intended by the defendant to be used as a means of facilitating an escape; or a controlled substance.

Promoting contraband in the first degree is a class C felony. (§ 6 ch 166 SLA 1978)

NOTES TO DECISIONS

Reasonableness. — This section is a restriction of an inmate's right to privacy. The fact that such right of privacy is substantially limited and necessary to protect possession of property in a correctional institution. See *State v. Resek*, 759 P.2d 553 (Alaska Ct. App. 1988).

It is not unconstitutional in a correctional facility more restrictive than the general population. The prohibition of possession of alcohol is not inconsistent with the legal treatment of alcohol and is for the general population. See *State v. Resek*, 759 P.2d 553 (Alaska Ct. App. 1988).

The term "controlled substance" in this section includes marijuana. See *State v. Resek*, 706 P.2d 706 (Alaska Ct. App. 1985).

Because neither this section nor AS 11.56.380, both of which outlaw the promotion of contraband, including controlled substances, in correctional facilities, defined "controlled substance," there was reference to the general definition in the revised code for guidance; as of January 1, 1983, the revised code clearly defined controlled substances to include marijuana. See *State v. Resek*, 706 P.2d 706 (Alaska Ct. App. 1985).

Cited in *Jennings v. State*, 713 P.2d 1222 (Alaska Ct. App. 1986).

Sec. 11.56.380. Promoting contraband in the second degree. (a) A person commits the crime of promoting contraband in the second degree if the person

(1) introduces, takes, conveys, or attempts to introduce, take, or convey contraband into a correctional facility; or

(2) makes, obtains, possesses, or attempts to make, obtain, or possess anything that person knows to be contraband while under official detention within a correctional facility.

(b) Promoting contraband in the second degree is a class A misdemeanor. (§ 6 ch 166 SLA 1978)

NOTES TO DECISIONS

Marijuana included. — Because neither AS 11.56.375 nor this section, both of which outlaw the promotion of contraband, including controlled substances, in correctional facilities, defined "controlled substance," there was reference to the general definition in the revised code for guidance; as of January 1, 1983, the revised code clearly defined controlled substances to include marijuana. See *State v. Resek*, 706 P.2d 706 (Alaska Ct. App. 1985).
Quoted in *Cleland v. State*, 759 P.2d 553 (Alaska Ct. App. 1988).

Sec. 11.56.390. Definition. In AS 11.56.300 — 11.56.390, "contraband" means any article or thing which persons confined in a correctional facility are prohibited by law from obtaining, making, or possessing in that correctional facility. (§ 6 ch 166 SLA 1978)

Cross references. — For definition of terms used in this chapter, see AS 11.56.900; for definition of terms used in this title, see AS 11.81.900.

Article 4. Offenses Relating to Judicial and Other Proceedings.

Section	Section
510. Interference with official proceedings	545. Tampering with a witness in the second degree
520. Receiving a bribe by a witness or juror	590. Jury tampering
540. Tampering with a witness in the first degree	600. Misconduct by a juror
	610. Tampering with physical evidence
	620. Simulating legal process

Collateral references. — 58 Am. Jur. 2d, Obstructing Justice, §§ 1-9, 25-29. 67 C.J.S., Obstructing Justice, §§ 1-22. Obstruction of justice as "infamous offense" within constitutional provision in relation to presentment or indictment grand jury, 24 ALR 1015.

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House Of Representatives

House District 34

PROPOSED AMENDMENTS TO CSHB338() VERSION "F"

2/17/96

- Amendment F.1 adds the condition that a licensee carrying a concealed handgun in a licensed restaurant or bar may not consume intoxicating liquor, and further that a licensee carrying a concealed handgun anywhere may not be impaired by alcohol.
- Amendment F.2 adds the condition that a licensee carrying a concealed handtgun may not exit a vehicle on school grounds while school is in session.
- Amendment F.3² Removes a section which conflicted with the list of misdemeanors in the bill. *P. Anderson*
- Amendment F.4² Adds back in the right to post signs prohibiting concealed handguns on the posted premises. Specifications for the signs are already in the concealed handgun law.
- Amendment F.5³ Reduces the penalty from a class B misdemeanor to a violation for carrying a concealed handgun into a prohibited area.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 338(), "F" version, draft dated 2/6/96

1 Page 2, lines 3 - 4:

2 Delete "the possession occurred at a restaurant or eating place licensed under
3 AS 04.11.100. and"

4 Page 2, line 6, following "AS 18.65.780 - 18.65.785":

5 Insert ", and the defendant did not consume an intoxicating liquor at the place
6 where the possession occurred and was not impaired by the introduction of an
7 intoxicating liquor into the defendant's body"

8 Page 6, line 25, following "into":

9 Insert "or possess a concealed handgun within"

10 Page 6, line 27:

11 Delete "other than a restaurant or eating place licensed under AS 04.11.100"

12 Insert "unless the permittee does not consume an intoxicating liquor at the place
13 and the permittee is not impaired by the introduction of an intoxicating liquor into the
14 permittee's body"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 338(), "F" version, draft dated 2/6/96

1 Page 1, lines 8 - 11:

2 Delete all material and insert:

3 "did not occur in a municipality or established village in which the possession of a
4 concealed handgun is prohibited under AS 18.65.780 - 18.65.785, and

5 (1) did not occur while the school was in session; or

6 (2) occurred within a propelled vehicle, other than a school bus, and

7 the defendant did not exit the propelled vehicle."

8 Page 6, lines 29 - 31:

9 Delete:

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

13 Insert new material to read:

14 "(2) or on

15 (A) school grounds, while school is in session, other than
16 while in a propelled vehicle and the permittee does not exit the propelled
17 vehicle [OR A SCHOOL BUS]; in this paragraph, "school grounds" has the
18 meaning given in AS 11.71.900; or

19 (B) a school bus;"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 338(), "F" version, draft dated 2/6/96

1 Page 4, lines 7 - 10:

2 Delete:

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

6 (6)"

7 Insert new material to read:

8 "(5) [HAS NOT BEEN CONVICTED OF TWO OR MORE CLASS
9 A MISDEMEANORS OF THIS STATE OR SIMILAR LAWS OF ANOTHER
10 JURISDICTION WITHIN THE FIVE YEARS IMMEDIATELY PRECEDING THE
11 APPLICATION;

12 (6)]"

13 Page 4, line 12:

14 Delete "(7)"

15 Insert "(6) [(7)]"

16 Page 4, line 14:

17 Delete "(8)"

18 Insert "(7) [(8)]"

19 Page 4, line 18:

20 Delete "(9)"

21 Insert "(8) [(9)]"

1 Page 4, line 20:

2 Delete "(10)"

3 Insert "(9) [(10)]"

4 Page 4, line 22:

5 Delete "(11)"

6 Insert "(10) [(11)]"

7 Page 4, line 24:

8 Delete "(12)"

9 Insert "(11) [(12)]"

10 Page 4, line 25:

11 Delete "(13)"

12 Insert "(12) [(13)]"

13 Page 4, line 27:

14 Delete "(14)"

15 Insert "(13) [(14)]"

16 Page 4, line 29:

17 Delete "(15)"

18 Insert "(14) [(15)]"

19 Page 4, line 31:

20 Delete "(16)"

21 Insert "(15) [(16)]"

22 Page 7, line 32:

23 Delete "AS 18.65.705(5) and 18.65.725(c) are"

24 Insert "AS 18.65.725(c) is"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 338(), "F" version, draft dated 2/6/96

1 Page 7, line 4:

2 Delete "a [BUILDING]"

3 Insert "[A BUILDING]"

4 Page 7, lines 15 - 23:

5 Delete:

6 "(9) A RESIDENCE WHERE NOTICE THAT CARRYING A
7 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
8 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT
9 TO THE PERMITTEE;

10 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
11 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
12 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
13 OF CONSPICUOUS NOTICE;

14 (11) A FINANCIAL"

15 Insert new material to read:

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

19 (5) [(10)] a meeting of a business, charitable, or other organization or
20 entity where notice that carrying a concealed handgun is prohibited has been given
21 by the posting of conspicuous notice;

22 (6) [(11)] a [FINANCIAL"

- 1 Page 7, line 30:
- 2 Delete "(5)"
- 3 Insert "(7)"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 338(), "F" version, draft dated 2/6/96

1 Page 7, following line 31:

2 Insert a new bill section to read:

3 ** Sec. 12. AS 18.65.755(c) is amended to read:

4 (c) In addition to any other penalty provided by law, a person who violates
5 this section is guilty of a violation punishable as provided in AS 12.55.035 [CLASS
6 B MISDEMEANOR]."

7 Renumber the following bill section accordingly.

Alaska State Legislature

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House of Representatives

House District 34

February 7, 1996

New Committee Substitute for HB 338 (Concealed Handguns): Version 9-LS1157/F dated 2/6/96

1. Change Cap on the application fee to: \$ _____
Change Cap on the renewal fee to: \$ _____
2. Places where concealed handguns may NOT be carried:

Those places where firearms are prohibited by federal law,

Areas that have opted out,

State Court Facilities,

Bars (establishments serving only alcohol) but OK in restaurants which serve liquor,

OK to carry on person in vehicle on school grounds, but licensee is prohibited from disembarking from vehicle while carrying.
3. List of misdemeanors to include those dealing with violence and weapons (see attached).
4. Return residency requirement to 90 days.
5. Reciprocity: The Department may enter into agreements with other states. Licensees from approved states must REGISTER their permits, and they must get a copy of State laws and certify they have read and will abide by them.
6. Retired police officers may be granted a permit without training requirements if they apply within one year of retirement and pay the license fee. After receiving a permit, they are subject to all existing revocation and renewal requirements.
7. Page 2, line 19, change "firearms" to "concealed handguns".
8. Return to original statute (old HB 351) prohibition on miniature handguns and derringers.
9. Return to original statute (old HB 351) training requirements, including need to qualify on specified caliber and action type.
10. Return to original statute (old HB 351) requirements for fingerprints and background check.

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SPONSOR STATEMENT

HB 338, CONCEALED HANDGUN REVISIONS

After the passage of House Bill 351 in 1994, providing for the issuance of concealed handgun permits, we heard many comments from prospective applicants and license holders that

1. the process needed to be simplified,
2. the cost needed to be lowered, and
3. most of all, the list of places where a concealed handgun could be carried needed to be less restrictive.

People were discovering that, after subjecting themselves to the lengthy and expensive process of obtaining a concealed handgun permit, they were very limited in where they were allowed to carry their concealed handguns.

Those individuals willing to undergo the rigorous training courses and background checks required to acquire a concealed handgun permit in Alaska must be assumed to be among our most law-abiding, trustworthy, and conscientious citizens. They should not have to be constantly leaving their handguns behind in order to conduct a normal day's business in our state. HB 338 would alleviate this problem.

9-LS1157AF
Luckhaupt
2/6/96

CS FOR HOUSE BILL NO. 338()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Foster, Kelly

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

14 (1) an affirmative defense that the defendant, at the time of

1 possession, was the holder of a valid permit to carry a concealed handgun under
2 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
3 in AS 18.65.790, the possession occurred at a restaurant or eating place licensed
4 under AS 04.11.100, and the possession did not occur in a municipality or
5 established village in which the possession of concealed handguns is prohibited
6 under AS 18.65.780 - 18.65.785;

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

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

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

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

14 (a) The department shall issue a permit to carry a concealed handgun to a person
15 who

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

17 (2) qualifies under AS 18.65.705;

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

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

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

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

1 of a size specified by the department;

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

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

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

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

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

16 * Sec. 5. AS 18.65.705 is amended to read:

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

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

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

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

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

29 (A) AS 11.41.230, 11.41.250, 11.41.270;

30 (B) AS 11.46.484(a)(7) [AS 11.46.315, 11.46.320, 11.46.330,
31 11.46.430, 11.46.484];

32 (C) AS 11.51.130;

1 (D) AS 11.56.380 [AS 11.56.330, 11.56.340, FORMER
2 AS 11.56.350, 11.56.380, 11.56.545,] 11.56.700, 11.56.710, 11.56.740, 11.56.780,
3 [11.56.790,] 11.56.800 [, 11.56.805];

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

5 or

6 (F) AS 11.71.050, 11.71.060;

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

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

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

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

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

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

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

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

25 (13) is not now the subject of an injunction under AS 25.35.010 -
26 25.35.020 unless the injunction has been dissolved or has expired;

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

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

31 (16) has demonstrated competence with handguns as provided in
32 AS 18.65.715.

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

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

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

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

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

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

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

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

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

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

31 (3) a reciprocal application fee that may not exceed the fee set for the
32 application and initial issuance of a permit under AS 18.65.720.

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

5 * Sec. 9. AS 18.65.720 is amended to read:

6 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the
7 processing of the application for and initial issuance of a permit, renewal of a permit, or
8 replacement of a permit. The fees shall be set by regulation and must be based on the
9 actual costs incurred by the department. However, the fee for the processing of an
10 application and initial issuance of a permit may not exceed \$65 [\$125] and the fee for
11 renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

12 * Sec. 10. AS 18.65.740(a) is amended to read:

13 (a) A permit to carry a concealed handgun shall be immediately revoked by the
14 department when the permittee

15 (1) becomes disqualified to receive and hold a permit under
16 AS 18.65.705; or

17 (2) [IS CONVICTED OF TWO CLASS A MISDEMEANORS OF THIS
18 STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A FIVE-
19 YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS AFTER THE
20 APPLICATION;

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

24 * Sec. 11. AS 18.65.755(a) is amended to read:

25 (a) A permittee may not carry a concealed handgun into

26 (1) a place where alcoholic beverages are sold for consumption on
27 the premises other than a restaurant or eating place licensed under AS 04.11.100
28 [A LAW ENFORCEMENT OR CORRECTIONAL FACILITY];

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

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

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Needs to be reworded

- (A) is a judge; or
- (B) has been authorized to possess a concealed handgun by a judge presiding at that courthouse or courtroom;
- (4) a [BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;
- (5) AN OFFICE OF THE STATE, FEDERAL GOVERNMENT, OR OF A POLITICAL SUBDIVISION OF THE STATE THAT IS NOT LOCATED IN A BUILDING DESCRIBED IN (4) OF THIS SUBSECTION;
- (6) A PASSENGER LOADING OR UNLOADING AREA OF AN AIRLINE TERMINAL;
- (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;
- (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT;
- (9) A RESIDENCE WHERE NOTICE THAT CARRYING A CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT TO THE PERMITTEE;
- (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING OF CONSPICUOUS NOTICE;
- (11) A FINANCIAL INSTITUTION; IN THIS PARAGRAPH, "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER AS 06;
- (12) ANOTHER] place where the possession of a deadly weapon or firearm is prohibited by federal law; or
- (5) [(13)] a municipality or established village that has prohibited the possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

* Sec. 12. AS 18.65.705(5) and 18.65.725(c) are repealed.

Alaska State Legislature

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House Of Representatives

House District 34

February 16, 1996

Legislative Research did an extensive search through Federal laws to find out where firearms are prohibited. The task turned out to be more difficult than expected.

Following is all they could find. They caution us that just because they did not find a location to be prohibited does not mean it is not!

Federal law prohibits carrying firearms on airplanes.

FR Ch. 1 (1-1-91 Edition)

by program. Form, content, ability.

security program required ill-

for the safety of persons traveling in air transportation; interstate air transportation; acts of criminal violence

writing and signed by the holder or any person delegating authority in this matter; the items listed in paragraph of this section, as required and

approved by the Administration.

security program required must include the following, by that section:

procedures and a description of facilities and equipment used to perform screening functions specified in § 108.9.

procedures and a description of facilities and equipment used to inspect the airplane and facilities and procedures specified in § 108.13.

procedures used to comply with applicable requirements of guarding law enforcement of

procedures used to comply with requirements of § 108.17 re use of X-ray systems.

procedures used to comply with requirements of § 108.19 re bomb and air piracy threats.

procedures used to comply with applicable requirements of

curriculum used to accomplish training required by § 108.23.

procedures and a description of facilities and equipment used to comply with the requirements of regarding explosives detection

each certificate holder having an approved security program shall--

maintain at least one complete copy of the approved security program in its principal business office;

maintain a complete copy or the pertinent portions of its approved security program or appropriate implementing instructions at each airport

Federal Aviation Administration, DOT

where security screening is being conducted;

(3) Make these documents available for inspection upon request of any Civil Aviation Security Inspector;

(4) Restrict the availability of information contained in the security program to those persons with an operational need-to-know; and

(5) Refer requests for such information by other persons to the Director of Civil Aviation Security of the FAA.

(Doc. No. 108, 46 FR 3786, Jan. 15, 1981, as amended by Amdt. 108-3, 50 FR 28893, July 16, 1985; Amdt. 108-7, 54 FR 33946, Sept. 3, 1989)

§ 108.9 Screening of passengers and property.

(a) Each certificate holder required to conduct screening under a security program shall use the procedures included, and the facilities and equipment described, in its approved security program to prevent or deter the carriage aboard airplanes of any explosive, incendiary, or a deadly or dangerous weapon on or about each individual's person or accessible property, and the carriage of any explosive or incendiary in checked baggage.

(b) Each certificate holder required to conduct screening under a security program shall refuse to transport--

(1) Any person who does not consent to a search of his or her person in accordance with the screening system prescribed in paragraph (a) of this section; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the screening system prescribed by paragraph (a) of this section.

(c) Except as provided by its approved security program, each certificate holder required to conduct screening under a security program shall use the procedures included, and the facilities and equipment described, in its approved security program for detecting explosives, incendiaries, and deadly or dangerous weapons to inspect each person entering a sterile area at each preboarding screening checkpoint in the United States for which it is responsible, and to inspect all accessible property under that person's control.

§ 108.11

(Doc. No. 108, 46 FR 3786, Jan. 15, 1981, as amended by Amdt. 108-4, 51 FR 1362, May 10, 1986; Amdt. 108-5, 52 FR 48500, Dec. 21, 1987)

§ 108.10 Prevention and management of hijackings and sabotage attempts.

(a) Each certificate holder shall--

(1) Provide and use a Security Coordinator on the ground and in flight for each international and domestic flight, as required by its approved security program; and

(2) Designate the pilot in command as the Inflight Security Coordinator for each flight, as required by its approved security program.

(b) Ground Security Coordinator. Each ground Security Coordinator shall carry out the ground Security Coordinator duties specified in the certificate holder's approved security program.

(c) Inflight Security Coordinator. The pilot in command of each flight shall carry out the Inflight Security Coordinator duties specified in the certificate holder's approved security program.

(Doc. No. 25719-50 FR 28893, July 16, 1985)

§ 108.11 Carriage of weapons.

(a) No certificate holder required to conduct screening under a security program may permit any person to have, nor may any person have, on or about his or her person or property, a deadly or dangerous weapon, either concealed or unconcealed, accessible to him or her while aboard an airplane for which screening is required unless--

(1) The person having the weapon is--

(i) An official or employee of the United States, or a State or political subdivision of a State, or of a municipality who is authorized by his or her agency to have the weapon; or

(ii) Authorized to have the weapon by the certificate holder and the Administrator and has successfully completed a course of training in the use of firearms acceptable to the Administrator.

(2) The person having the weapon needs to have the weapon accessible in connection with the performance of his or her duty from the time he or

From: ALASKA LEGISLATIVE RESEARCH AGENCY

she would otherwise check it in accordance with paragraph (d) of this section until the time it would be returned after deplaning.

(3) The certificate holder is notified—

(i) Of the flight on which the armed person intends to have the weapon accessible to him or her at least 1 hour, or in an emergency as soon as practicable, before departure; and

(ii) When the armed person is other than an employee or official of the United States, that there is a need for the weapon to be accessible to the armed person in connection with the performance of that person's duty from the time he or she would otherwise check it in accordance with paragraph (d) of this section until the time it would be returned to him or her after deplaning.

(4) The armed person identifies himself or herself to the certificate holder by presenting credentials that include his or her clear, full-face picture, his or her signature, and the signature of the authorizing official of his or her service or the official seal of his or her service. A badge, shield, or similar may not be used as the sole means of identification.

(5) The certificate holder—

(i) Ensures that the armed person is familiar with its procedures for carrying a deadly or dangerous weapon aboard its airplane before the time the person boards the airplane;

(ii) Ensures that the identity of the armed person is known to each law enforcement officer and each employee of the certificate holder responsible for security during the boarding of the airplane; and

(iii) Notifies the pilot in command, other appropriate crewmembers, and any other person authorized to have a weapon accessible to him or her aboard the airplane of the location of each authorized armed person aboard the airplane.

(b) No person may, while on board an airplane operated by a certificate holder for which screening is not conducted, carry on or about that person a deadly or dangerous weapon, either concealed or unconcealed. This paragraph does not apply to—

(1) Officials or employees of a municipality or a State, or of the United States, who are authorized to carry arms; or

(2) Crewmembers and other persons authorized by the certificate holder to carry arms.

(c) No certificate holder may knowingly permit any person to transport, nor may any person transport or tender for transport, any explosive, incendiary or a loaded firearm in checked baggage aboard an airplane. For the purpose of this section, a loaded firearm means a firearm which has a live round of ammunition, cartridge, detonator, or powder in the chamber or in a clip, magazine, or cylinder inserted in it.

(d) No certificate holder may knowingly permit any person to transport, nor may any person transport or tender for transport, any unloaded firearm in checked baggage aboard an airplane unless—

(1) The passenger declares to the certificate holder, either orally or in writing before checking the baggage, that any firearm carried in the baggage is unloaded;

(2) The firearm is carried in a container the certificate holder considers appropriate for air transportation;

(3) When the firearm is other than a shotgun, rifle, or other firearm normally fired from the shoulder position, the baggage in which it is carried is locked, and only the passenger checking the baggage retains the key or combination; and

(4) The baggage containing the firearm is carried in an area, other than the flightcrew compartment, that is inaccessible to passengers.

(e) No certificate holder may serve any alcoholic beverage to a person having a deadly or dangerous weapon accessible to him or her nor may such person drink any alcoholic beverage while aboard an airplane operated by the certificate holder.

(f) Paragraphs (a), (b), and (d) of this section do not apply to the carriage of firearms aboard air carrier flights conducted for the military forces of the Government of the United States when the total cabin load of the airplane is under exclusive

use by those military forces whose operating conditions are met:

(1) No firearm is loaded; and such firearms are locked in their open position; and

(2) The certificate holder by the unit commander or other person in charge of the flight before that weapons will be carried on the aircraft.

[Doc. No. 108, 46 FR 3786, Jan 10, 1981, amended by Amdt. 108-4, 51 FR 10, 1986]

§ 108.13 Security of airplanes

Each certificate holder conduct screening under program shall use the procedures described, and the facilities and equipment described, in its approved program to perform the control functions with respect to airplane operation for which a security program is required:

(a) Prohibit unauthorized persons from boarding the airplane.

(b) Ensure that baggage is checked in a manner that identifies the person who is responsible for the baggage, and that identification is obtained from persons known to the certificate holder, such as shippers, shipping agents, or other persons handling the cargo aboard the airplane.

(c) Ensure that cargo is handled in a manner that prevents unauthorized access.

(d) Conduct a security check of the airplane before placement and after it has been loaded.

§ 108.14 Transportation of Federal Air Marshals

(a) Each certificate holder shall carry Federal Air Marshal number and manner specified by the Administrator, on each scheduled public charter passenger aircraft designated by the Administrator.

(b) Each Federal Air Marshal may be carried on a first priority basis without charge while on duty, including repositioning flights.

(c) Each certificate holder shall assign the specific seat required for each Federal Air Marshal who is on duty.

Officials or employees of a municipality or a State, or of the United States, who are authorized to carry

firearms and other persons authorized by the certificate holder to carry firearms.

A certificate holder may knowingly permit any person to transport, or any person to transport or for transport, any explosive, incendiary, or a loaded firearm in baggage aboard an airplane.

For the purpose of this section, a loaded firearm means a firearm which contains a round of ammunition, a cartridge, or powder in the chamber, or in a clip, magazine, or cylinder inserted in it.

A certificate holder may knowingly permit any person to transport, or any person to transport or for transport, any unloaded firearm in checked baggage aboard an airplane unless—

(1) The passenger declares to the certificate holder, either orally or in writing before checking the baggage, that the firearm is carried in the baggage unloaded;

(2) The firearm is carried in a container that the certificate holder considers suitable for air transportation;

(3) When the firearm is other than a rifle, or other firearm not stored from the shoulder position, the baggage in which it is carried is locked, and only the passenger whose baggage retains the key to the baggage retains the key to the baggage; and

(4) The baggage containing the firearm is carried in an area, other than the crew compartment, that is inaccessible to passengers.

(5) A certificate holder may serve alcoholic beverage to a person who is not a deadly or dangerous weapon available to him or her nor may such person drink any alcoholic beverage aboard an airplane operated by a certificate holder.

Paragraphs (a), (b), and (d) of this section do not apply to the carriage of firearms aboard air carrier aircraft conducted for the military or the Government of the United States when the total cabin capacity of the airplane is under exclusive

use by those military forces if the following conditions are met:

(1) No firearm is loaded and all bolts to such firearms are locked in the open position; and

(2) The certificate holder is notified by the unit commander or officer in charge of the flight before boarding that weapons will be carried aboard the aircraft.

(Doc. No. 108, 46 FR 3786, Jan. 15, 1981, as amended by Amdt. 108-4, 51 FR 1362, Jan. 10, 1986)

§ 108.13 Security of airplanes and facilities.

Each certificate holder required to conduct screening under a security program shall use the procedures included, and the facilities and equipment described, in its approved security program to perform the following control functions with respect to each airplane operation for which screening is required:

(a) Prohibit unauthorized access to the airplane.

(b) Ensure that baggage carried in the airplane is checked in by a responsible agent and that identification is obtained from persons, other than known shippers, shipping goods or cargo aboard the airplane.

(c) Ensure that cargo and checked baggage carried aboard the airplane is handled in a manner that prohibits unauthorized access.

(d) Conduct a security inspection of the airplane before placing it in service and after it has been left unattended.

§ 108.14 Transportation of Federal Air Marshals.

(a) Each certificate holder shall carry Federal Air Marshals, in the number and manner specified by the Administrator, on each scheduled and public charter passenger operation designated by the Administrator.

(b) Each Federal Air Marshal shall be carried on a first priority basis and without charge while on official duty, including repositioning flights.

(c) Each certificate holder shall assign the specific seat requested by a Federal Air Marshal who is on official duty.

(Doc. No. 24714, 50 FR 27926, July 2, 1985)

§ 108.15 Law enforcement officers.

(a) At airports within the United States not governed by part 107 of this chapter, each certificate holder engaging in scheduled passenger or public charter passenger operations shall—

(1) If security screening is required for a public charter operation by § 108.5(a), or for a scheduled passenger operation by § 108.5(b) provide for law enforcement officers meeting the qualifications and standards, and in the number and manner specified, in part 107; and

(2) When using airplanes with a passenger seating configuration of 31 through 60 seats in a public charter operation for which screening is not required, arrange for law enforcement officers meeting the qualifications and standards specified in part 107 to be available to respond to an incident, and provide to its employees, including crewmembers, as appropriate, current information with respect to procedures for obtaining law enforcement assistance at that airport.

(b) At airports governed by part 107 of this chapter, each certificate holder engaging in scheduled or public charter passenger operations, when using airplanes with a passenger seating configuration of 31 through 60 seats for which screening is not required, shall arrange for law enforcement officers meeting the qualifications and standards specified in part 107 to be available to respond to an incident and provide to its employees, including crewmembers, as appropriate, current information with respect to procedures for obtaining this law enforcement assistance at that airport.

§ 108.17 Use of X-ray systems.

(a) No certificate holder may use an X-ray system within the United States to inspect carry-on or checked articles unless specifically authorized under a security program required by § 108.5 of this part or use such a system contrary to its approved security program. The Administrator authorizes certificate holders to use X-ray systems for inspecting carry-on or checked articles

Federal law prohibits carrying firearms into Federal facilities and Federal court facilities.

From:

ALASKA LEGISLATIVE
RESEARCH AGENCY 3351

Rules and Regulations Governing Public Buildings and Grounds

June 1991

Federal Property Management Regulations Title 41, Code of Federal Regulations, Subpart 101-20.3

Authority. These rules and regulations are promulgated pursuant to Public Law 968, 80th Congress, approved June 1, 1948 (Title 40, U.S. Code 311c) and the Federal Property and Administrative Services Act of 1949 (Title 41, United States Statutes at Large, 377), as amended.

Applicability (41 CFR 101-20.300). These rules and regulations apply to all property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

Inspection (41 CFR 102-20.301). Packages, briefcases, and other containers in the immediate possession of visitors, employees, or other persons arriving on, working at, visiting, or departing from Federal property, are subject to inspection. A full search of a person and any vehicle driven or occupied by the person may accompany an arrest.

Admission to property (41 CFR 101-20.302). Property shall be closed to the public during other than normal working hours. The closing of property will not apply to that space in those instances where the Government has approved the after-normal-working-hours use of buildings or portions thereof for activities authorized by Subpart 101-20.4. During normal working hours, property shall be closed to the public only when announced requirements are in effect to ensure the orderly conduct of Government business. The decision to close the property shall be made by the designated official under the Occupant Emergency Program after consultation with the building manager and the nearest representative of the Law Enforcement Branch responsible for protection of the facility or the area. The designated official is defined in § 101-20.003(a) as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials. When property, or a portion thereof, is closed to the public, admission to this property, or a portion, will be restricted to authorized persons who shall register upon entry to the property and shall, when requested, display Government or other identifying credentials in the Federal Protective Officer or other authorized individuals when entering, leaving, or while on the property. Failure to comply with any of the above applicable provisions is a violation of these regulations.

Preservation of property (41 CFR 100-20.303). The improper disposal of rubbish on property; the willful destruction of or damage to property; the theft of property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from or on a building or the discharging upon streets, thoroughfares, or any part of the

building, is prohibited.

Conformity with signs and directions (41 CFR 101-20.304). Persons in and on property shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the lawful directions of Federal Protective Officers and other authorized individuals.

Disturbance (41 CFR 101-20.305). Any loitering, disorderly conduct, or other conduct on property which creates loud or unusual noise or a nuisance which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees or which prevents the general public from obtaining the administrative services provided on the property in a timely manner, is prohibited.

Gambling (41 CFR 101-20.306). Participating in games for money or other personal property or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property is prohibited. This prohibition shall not apply to the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107, et seq.).

Alcoholic beverages and narcotics (41 CFR 101-20.307). Operation of a motor vehicle while on the property by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. Entering upon the property, or while on the property, under the influence of or using or possessing any narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine is prohibited. The prohibition shall not apply in cases where the drug is being used as prescribed for a patient by a licensed physician. Entering upon the property, or being on the property, under the influence of alcoholic beverages is prohibited. The use of alcoholic beverages on property is prohibited except, upon occasion and on property upon which the head of the responsible agency or his or her designee has for appropriate official uses granted an exemption in writing. The head of the responsible agency or his or her designee shall provide a copy of all exemptions granted to the building manager and the Chief, Law Enforcement Branch, or other authorized officials, responsible for the security of the property.

Soliciting, vending, and debt collection (41 CFR 101-20.308). Soliciting alms, commercial or political soliciting, and vending of all kinds, currying or distributing commercial advertisements, or collecting

private debts on GSA-controlled property is prohibited. This rule does not apply to (a) national or local drives for funds for welfare, health, or other purposes as authorized by 5 CFR, Parts 110 and 950, Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations, issued by the U.S. Office of Personnel Management under Executive Order 12353 of March 23, 1982, as amended, and sponsored or approved by the occupant agency; (b) cocoanuts or personal notices posted by employees on authorized bulletin boards; (c) solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95-454); and (d) lease, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490(a)(16)). Public uses of GSA-controlled property may be used for other activities permitted in accordance with Subpart 101-20.4.

Posting and distributing materials (41 CFR 101-20.309). Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property is prohibited, except as authorized in § 101-20.308 or when these displays are conducted as part of authorized Government activities. Distribution of materials, such as pamphlets, handbills, or flyers, is prohibited, except in the public area of the property as defined in § 101-20.003(d), unless conducted as part of authorized Government activities. Any person or organization proposing to distribute materials in a public area under this section shall first obtain a permit from the building manager under Subpart 101-20.4 and shall conduct distribution in accordance with the provisions of Subpart 101-20.4. Failure to comply with those provisions is a violation of these regulations.

Photographs for news, advertising, or essential purposes (41 CFR 101-20.310). Photographs may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned. Except when security regulations apply or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken.

Dogs and other animals (41 CFR 101-20.311). Dogs and other animals, except seeing eye dogs, other guide dogs, and animals used to guide or assist handicapped persons, shall not be brought upon

property for other than official purposes.

Vehicle and pedestrian traffic (41 CFR 101-20.312). (a) Drivers of all vehicles entering or while on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of Federal Protective Officers or other authorized individuals and all posted traffic signs. (b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants on property is prohibited; and (c) Except in emergencies, parking on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, when warning signs are posted, shall be subject to removal at the owner's risk and expense. This paragraph may be supplemented from time to time with the approval of the Regional Administrator by the issuance and posting of such specific traffic directives as may be required, and when so issued such posted such directives shall have the same force and effect as if made a part thereof. Proof that a motor vehicle was parked in violation of these regulations or directives may be taken as prima facie evidence that the registered owner was responsible for the violation.

Explosives (41 CFR 101-20.313). No person entering or while on property shall carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes. (Weapons, see Title 18, U.S. Code Section 930.)

Non-discrimination (41 CFR 101-20.314). There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, sex, color, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the property.

Penalties and other laws (41 CFR 101-20.315). Whoever shall be found guilty of violating any rule or regulation in this Subpart 101-20.3 while on any property under the charge and control of the U.S. General Services Administration is subject to a fine of not more than \$50 or imprisonment of not more than 30 days, or both. (See Title 40, U.S. Code 311c.) Nothing in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated (Sec. 205(c), 61 U.S. Statutes, 190, 40 U.S. Code 446(c)).



WARNING

Title 18, United States Code, Section 930 WEAPONS PROHIBITED

Federal law prohibits the knowing possession or the causing to be present of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by Title 18, United States Code, Section 930(c). Violators shall be subject to fine and/or imprisonment for periods up to five (5) years.



U.S. General Services Administration

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Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment, including that imposed for the crime in which the armor piercing ammunition was used or possessed. No person sentenced under this section shall be eligible for parole during the term of imprisonment imposed herein.

(Added Oct. 12, 1984, P. L. 98-473, Title II, Ch X, Part E, § 1006(a), 98 Stat. 2139; May 19, 1986, P. L. 99-308, § 108, 100 Stat. 460; Aug. 28, 1986, P. L. 99-408, § 8, 100 Stat. 921; Nov. 18, 1988, P. L. 100-690, Title VI, Subtitle G, § 6212, Title VII, Subtitle B, § 7060(b), 102 Stat. 4360, 4404.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

Act Aug. 28, 1986, P. L. 99-408 § 8(1) purported to amend subsec. (a) of this section by striking out "violence including" and by inserting "violence (including)"; however the amendment was executed to subsec. (a), para. (1), as so designated by Act May 19, 1986 and by substituting "(including)" for "including" following "drug trafficking crime," as added by such Act May 19, 1986, as the probable intent of Congress. The May 19, 1986 amendments were to have become effective 180 days after enactment on May 19, 1986 and so would not have been effective at the time Act Aug. 28, 1986 was enacted.

Amendments:

1986. Act May 19, 1986 (effective 180 days after enactment on 5/19/86, as provided by § 110(a) of such Act, which appears as 18 USCS § 921 note), in subsec. (a), designated the existing provisions as para. (1) and, in para. (1) as so designated, substituted "violence or drug trafficking crime," for "violence" wherever appearing, and added para. (2).

Act Aug. 28, 1986 (effective on enactment on 8/28/86, as provided by § 9 of such Act, which appears as 18 USCS § 921 note), in subsec. (a)(1), substituted "(including)" for "including" [see the Explanatory notes to this section] and substituted "device" for "device for", substituted "uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm" for "uses or carries any handgun loaded with armor-piercing ammunition as defined in subsection (b)", deleted "nor more than ten" following "five", and deleted "Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other terms of imprisonment including that imposed for the felony in which the armor-piercing handgun ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein." following "years."; and substituted subsec. (b) for one which read:

"(b) For purposes of this section—

"(1) 'armor-piercing ammunition' means ammunition which, when or if fired from any handgun used or carried in violation of subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NILECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978; and

"(2) 'handgun' means any firearm, including a pistol or revolver, originally designed to be fired by the use of a single hand."

1988. Act Nov. 18, 1988, in subsec. (a), in para. (1), substituted "trafficking crime" for "trafficking crime," wherever appearing, and substituted para. (2) for one which read:

"For purposes of this subsection, the term 'drug trafficking crime' means any felony violation of Federal law involving the distribution, manufacture, or importation of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))."

Other provisions:

State firearms laws and published ordinances to be provided to licensees; annual publication in Federal Register. For provisions requiring the Secretary to publish and provide to all licensees a compilation of the State laws and published ordinances of which licensees are presumed to have knowledge pursuant to 18 USCS §§ 921 et seq., and to publish same in the Federal Register, see Act May 19, 1986, P. L. 99-308, § 110(a), 100 Stat. 460, which appears as 18 USCS § 921 note.

CROSS REFERENCES

As to sentencing guidelines for this section, see the appendix entitled "Sentencing Guidelines for U.S. Courts" at the end of Title 18.

§ 930. Possession of firearms and dangerous weapons in Federal facilities

(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

(c) A person who kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.

(d) Subsection (a) shall not apply to—

(1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;

(2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

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(3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.

(e)(1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years, or both.

(2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection [(d)] (c).

(f) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.

(g) As used in this section:

(1) The term "Federal facility" means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

(2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(3) The term "Federal court facility" means the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.

[(h)](g) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection [(e)] (d) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or [(e)] (d) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or [(e)] (d), as the case may be.

(Added Nov. 18, 1988, P. L. 100-690, Title VI, Subtitle G, § 6215(a), 102 Stat. 4361; Nov. 29, 1990, P. L. 101-647, Title XXII, § 2205(a), 104 Stat. 4858; Sept. 13, 1994, P. L. 103-322, Title VI, § 60014, 108 Stat. 1973.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed designation "(h)" has been inserted preceding the second subsec. (g) in order to maintain alphabetical continuity.

The bracketed subsection designations "(d)" and "(e)" have been inserted in the text of subsecs. (e)(2) and [(h)] (g) as the references probably intended by Congress pursuant to redesignations made by Act Sept. 13, 1994, P. L. 103-322.

Amendments:

1990. Act Nov. 29, 1990 (applicable to conduct engaged in after enactment of this Act, as provided by § 2205(b) of such Act, which appears as a note to this section), in subsec. (a), inserted "(other than a Federal court facility)", redesignated former subsecs. (d)-(f) as subsecs. (e)-(g), respectively; and added a new subsec. (d); in subsec. (f), as so redesignated, added para. (3); in subsec. (g), as so redesignated, inserted "and notice of subsection (d) shall be posted conspicuously at each public entrance to each Federal court facility," "or (d)" and "or (d), as the case may be".

1994. Act Sept. 13, 1994 redesignated subsecs. (c)-(f) as subsecs. (d)-(g), respectively; in subsec. (a), substituted "(d)" for "(c)"; and added new subsec. (c).

Other provisions:

Effective date of Act Nov. 29, 1990 amendment of section. Act Nov. 29, 1990, P. L. 101-647, Title XXII, § 2205(b), 104 Stat. 4858, provides: "The amendments made by subsection (a) (amending this section) shall apply to conduct engaged in after the date of the enactment of this Act."

INTERPRETIVE NOTES AND DECISIONS

Jury was properly advised that in order to find that government had given "conspicuous notice" of prohibition against firearms possession, it must find that notice was "reasonably calculated to warn public," since "calculated" means "adapted, suited; proper," and did not imply that

government need only demonstrate that it made reasonable effort to notify public. United States v Lunsedt '1993, CA9 Or) 997 F2d 665, 93 CDOS 5135, 93 Daily Journal DAR 8661.

CHAPTER 45. FOREIGN RELATIONS

Section

968, 969. [Repealed]

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1990. Act Nov. 29, 1990, P. L. 101-647, Title XII, § 1206(a), 104 Stat. 4833, amended the analysis of this chapter by deleting items 968 and 969 which read:

"968. Exportation of war materials to certain countries

"969. Exportation of arms, liquors and narcotics to Pacific Islands".

§ 3530 of Title XXXV of such Act, 104 Stat. 4924, purported to amend the analysis of this chapter by deleting item 968, however such amendment had already been made. See amendment note above.

Federal law prohibits carrying firearms in some National Parks.

AGENCY

§ 13.19

for specific park areas in subpart C of this part.

(b) *Picnicking.* Picnicking is permitted in park areas except where such activity is prohibited by the posting of appropriate signs.

§ 13.19 Weapons, traps and nets.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(b) Firearms may be carried within park areas in accordance with applicable Federal and State laws, except where such carrying is prohibited or otherwise restricted pursuant to § 13.30.

(c) Traps, bows and other implements authorized by State and Federal law for the taking of fish and wildlife may be carried within National Preserves only during those times when the taking of fish and wildlife is authorized by applicable law or regulation.

(d) In addition to the authorities provided in paragraphs (b) and (c) of this section, weapons (other than firearms) traps and nets may be possessed within park areas provided such weapons, traps or nets are within or upon a device or animal used for transportation and are unloaded and cased or otherwise packed in such a manner as to prevent their ready use while in a park area.

(e) Notwithstanding the provisions of this section, local rural residents who are authorized to engage in subsistence uses, including the taking of wildlife pursuant to § 13.48, may use, possess, or carry traps, nets and other weapons in accordance with applicable State and Federal laws.

§ 13.20 Preservation of natural features.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park, the former Mt. McKinley National Park, Glacier Bay National Monument, and Katmai National Monument.

(b) *Renewable Resources.* The gathering or collecting, by hand and for per-

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sonal use only, of the following renewable resources is permitted:

(1) Natural plant food items, including fruits, berries and mushrooms, but not including threatened or endangered species;

(2) Driftwood and uninhabited sea-shells;

(3) Such plant materials and minerals as are essential to the conduct of traditional ceremonies by Native Americans; and

(4) Dead or downed wood for use in fires within park areas.

(c) *Rocks and Minerals.* Surface collection, by hand (including hand-held gold pans) and for personal recreational use only, of rocks and minerals is permitted: *Provided, however,* That (1) collection of silver, platinum, gemstones and fossils is prohibited, and (2) collection methods which may result in disturbance of the ground surface, such as the use of shovels, pick-axes, sluice boxes, and dredges, are prohibited.

(d) *Closure and Notice.* Under conditions where it is found that significant adverse impact on park resources, wildlife populations, subsistence uses, or visitor enjoyment of resources will result, the Superintendent shall prohibit the gathering or otherwise restrict the collecting of these items. Portions of a park area in which closures or restrictions apply shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection in the office of the Superintendent, or (2) designated by the posting of appropriate signs, or (3) both.

(e) *Subsistence.* Nothing in this section shall apply to local rural residents authorized to take renewable resources.

§ 13.21 Taking of fish and wildlife.

(a) *Subsistence.* Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(b) *Fishing.* Fishing is permitted in all park areas in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations to the extent they are not inconsistent with § 2.3 of this chapter.

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terior boundaries a park area or portion thereof is located. Nonconflicting State laws are adopted as a part of these regulations.

(b) State fishing licenses are not required in Big Bend, Crater Lake, Denali, Glacier, Isle Royale (inland waters only), Mammoth Cave, Mount Rainer, Olympic and Yellowstone National Parks.

(c) Except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of §1.5 for the purpose of restricting or closing park areas to the taking of fish.

(d) The following are prohibited:

(1) Fishing in fresh waters in any manner other than by hook and line, with the rod or line being closely attended.

(2) Possessing or using as bait for fishing in fresh waters, live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe, except in designated waters. Waters which may be so designated shall be limited to those where non-native species are already established, scientific data indicate that the introduction of additional numbers or types of non-native species would not impact populations of native species adversely, and park management plans do not call for elimination of non-native species.

(3) Chumming or placing preserved or fresh fish eggs, fish roe, food, fish parts, chemicals, or other foreign substances in fresh waters for the purpose of feeding or attracting fish in order that they may be taken.

(4) Commercial fishing, except where specifically authorized by Federal statutory law.

(5) Fishing by the use of drugs, poisons, explosives, or electricity.

(6) Digging for bait, except in privately owned lands.

(7) Failing to return carefully and immediately to the water from which it was taken a fish that does not meet size or species restrictions or that the person chooses not to keep. Fish so released shall not be included in the catch or possession limit. *Provided*, That at the time of catching the person did not possess the legal limit of fish.

(8) Fishing from motor road bridges, from or within 200 feet of a public raft or float designated for water sports, or within the limits of locations designated as swimming beaches, surfing areas, or public boat docks, except in designated areas.

(e) Except as otherwise designated, fishing with a net, spear, or weapon in the salt waters of park areas shall be in accordance with State law.

(f) Authorized persons may check fishing licenses and permits; inspect creels, tackle and fishing gear for compliance with equipment restrictions; and inspect fish that have been taken for compliance with species, size and other taking restrictions.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 52 FR 35240, Sept. 18, 1987]

§2.4 Weapons, traps and nets.

(a) (1) Except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited:

- (i) Possessing a weapon, trap or net
- (ii) Carrying a weapon, trap or net
- (iii) Using a weapon, trap or net

(2) Weapons, traps or nets may be carried, possessed or used:

(i) At designated times and locations in park areas where:

(A) The taking of wildlife is authorized by law in accordance with §2.2 of this chapter;

(B) The taking of fish is authorized by law in accordance with §2.3 of this part.

(ii) When used for target practice at designated times and at facilities or locations designed and constructed specifically for this purpose and designated pursuant to special regulations.

(iii) Within a residential dwelling. For purposes of this subparagraph only, the term "residential dwelling" means a fixed housing structure which is either the principal residence of its occupants, or is occupied on a regular and recurring basis by its occupants as

an alternate home.

(3) Traps, nets, may be possessed, lodging or maintenance when considered temporary, packed, cased that will prevent

(b) Carrying a weapon in a other mode of ited, except that a loaded weapon when such vessel by machinery platform in a and State law.

(c) The use in a manner that property is protected

(d) The superintendent permit to carry trap or net circumstances:

(1) When research activities in accordance with §2.5

(2) To carry a charge of pack for emergency

(3) For employing officials, their official duties

(4) To provide accessible land to a park area, access are otherwise possible.

Violation of any of a permit in paragraph is prohibited in the suspension permit.

(e) Authorized local law enforcement carry firearms, their official duties

(f) The carrying a weapon, trap or net applicable Federal regulations prohibited.

(g) The regulations in this section apply, in addition to State law, on all lands

from motor road bridges, within 200 feet of a public raft, or in areas designated for water sports, or in areas of locations designated as swimming beaches, surfing areas, boat docks, except in areas otherwise designated.

As otherwise designated, a net, spear, or weapon in any of park areas shall be in accordance with State law.

Authorized persons may check traps and permits; inspect traps and fishing gear for compliance with equipment restrictions; and fish that have been taken in accordance with species, size and other restrictions.

Regulations contained in this section, regardless of land ownership, apply to lands and waters within a park area under the legislative jurisdiction of the United States.

Authority: 48 FR 30282, June 30, 1983, as amended at 52 FR 18450, Apr. 30, 1987; 52 FR 35240, Sept. 18, 1987.

§ 2.5 Traps and nets.

As otherwise provided in parts 7 (special regulations) and parts 13 (Alaska regulations), traps and nets are prohibited:

(1) To carry a weapon, trap or net in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.

(2) Traps or nets may be used in accordance with § 2.2 of this section.

(3) Authorized times and locations for trapping of wildlife is authorized in accordance with § 2.2 of this section.

(4) Trapping of fish is authorized in accordance with § 2.3 of this section.

(5) Trapping for target practice at ranges and at facilities or locations established and constructed specifically for this purpose and designed in accordance with special regulations.

(6) A residential dwelling, as defined in this subparagraph, is not a "residential dwelling" if it is a housing structure which is the principal residence of its occupants or is occupied on a regular basis by its occupants as

an alternate residence or vacation home.

(3) Traps, nets and unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use.

(b) Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.

(c) The use of a weapon, trap or net in a manner that endangers persons or property is prohibited.

(d) The superintendent may issue a permit to carry or possess a weapon, trap or net under the following circumstances:

(1) When necessary to support research activities conducted in accordance with § 2.5.

(2) To carry firearms for persons in charge of pack trains or saddle horses for emergency use.

(3) For employees, agents or cooperating officials in the performance of their official duties.

(4) To provide access to otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible.

Violation of the terms and conditions of a permit issued pursuant to this paragraph is prohibited and may result in the suspension or revocation of the permit.

(e) Authorized Federal, State and local law enforcement officers may carry firearms in the performance of their official duties.

(f) The carrying or possessing of a weapon, trap or net in violation of applicable Federal and State laws is prohibited.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a

park area that are under the legislative jurisdiction of the United States.

[48 FR 30282, June 30, 1983, as amended at 49 FR 18450, Apr. 30, 1984; 52 FR 35240, Sept. 18, 1987]

§ 2.5 Research specimens.

(a) Taking plants, fish, wildlife, rocks or minerals except in accordance with other regulations of this chapter or pursuant to the terms and conditions of a specimen collection permit, is prohibited.

(b) A specimen collection permit may be issued only to an official representative of a reputable scientific or educational institution or a State or Federal agency for the purpose of research, baseline inventories, monitoring, impact analysis, group study, or museum display when the superintendent determines that the collection is necessary to the stated scientific or resource management goals of the institution or agency and that all applicable Federal and State permits have been acquired, and that the intended use of the specimens and their final disposal is in accordance with applicable law and Federal administrative policies. A permit shall not be issued if removal of the specimen would result in damage to other natural or cultural resources, affect adversely environmental or scenic values, or if the specimen is readily available outside of the park area.

(c) A permit to take an endangered or threatened species listed pursuant to the Endangered Species Act, or similarly identified by the States, shall not be issued unless the species cannot be obtained outside of the park area and the primary purpose of the collection is to enhance the protection or management of the species.

(d) In park areas where the enabling legislation authorizes the killing of wildlife, a permit which authorizes the killing of plants, fish or wildlife may be issued only when the superintendent approves a written research proposal and determines that the collection will benefit science or has the potential for improving the management and protection of park resources.

(e) In park areas where enabling legislation does not expressly prohibit the killing of wildlife, a permit authorizing the killing of plants, fish or wildlife

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CS FOR HOUSE BILL NO. 338()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Foster, Kelly

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

14 (1) an affirmative defense that the defendant, at the time of

1 possession, was the holder of a valid permit to carry a concealed handgun under
2 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
3 in AS 18.65.790, the possession occurred at a restaurant or eating place licensed
4 under AS 04.11.100, and the possession did not occur in a municipality or
5 established village in which the possession of concealed handguns is prohibited
6 under AS 18.65.780 - 18.65.785:

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

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

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

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

14 (a) The department shall issue a permit to carry a concealed handgun to a person
15 who

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

17 (2) qualifies under AS 18.65.705;

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

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

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

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

1 of a size specified by the department;

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

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

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

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

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

16 * Sec. 5. AS 18.65.705 is amended to read:

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

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

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

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

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

29 (A) AS 11.41.230, 11.41.250, 11.41.270;

30 (B) AS 11.46.484(a)(7) [AS 11.46.315, 11.46.320, 11.46.330,
31 11.46.430, 11.46.484];

32 (C) AS 11.51.130;

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(D) AS 11.56.380 [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 AS 18.65.715.

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

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

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

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

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

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

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

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

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

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

31 (3) a reciprocal application fee that may not exceed the fee set for the
32 application and initial issuance of a permit under AS 18.65.720.

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

5 * Sec. 9. AS 18.65.720 is amended to read:

6 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the
7 processing of the application for and initial issuance of a permit, renewal of a permit, or
8 replacement of a permit. The fees shall be set by regulation and must be based on the
9 actual costs incurred by the department. However, the fee for the processing of an
10 application and initial issuance of a permit may not exceed \$65 [\$125] and the fee for
11 renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

12 * Sec. 10. AS 18.65.740(a) is amended to read:

13 (a) A permit to carry a concealed handgun shall be immediately revoked by the
14 department when the permittee

15 (1) becomes disqualified to receive and hold a permit under
16 AS 18.65.705; or

17 (2) [IS CONVICTED OF TWO CLASS A MISDEMEANORS OF THIS
18 STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A FIVE-
19 YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS AFTER THE
20 APPLICATION;

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

24 * Sec. 11. AS 18.65.755(a) is amended to read:

25 (a) A permittee may not carry a concealed handgun into

26 (1) a place where alcoholic beverages are sold for consumption on
27 the premises other than a restaurant or eating place licensed under AS 04.11.100
28 [A LAW ENFORCEMENT OR CORRECTIONAL FACILITY];

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

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

- 1 (A) is a judge; or
- 2 (B) has been authorized to possess a concealed handgun by a
- 3 judge presiding at that courthouse or courtroom;
- 4 (4) a [BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
- 5 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
- 6 AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;
- 7 (5) AN OFFICE OF THE STATE, FEDERAL GOVERNMENT, OR OF
- 8 A POLITICAL SUBDIVISION OF THE STATE THAT IS NOT LOCATED IN A
- 9 BUILDING DESCRIBED IN (4) OF THIS SUBSECTION;
- 10 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
- 11 AIRLINE TERMINAL;
- 12 (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;
- 13 (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF
- 14 DC... TIC VIOLENCE OR SEXUAL ASSAULT;
- 15 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A
- 16 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
- 17 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT
- 18 TO THE PERMITTEE;
- 19 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
- 20 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
- 21 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
- 22 OF CONSPICUOUS NOTICE;
- 23 (11) A FINANCIAL INSTITUTION; IN THIS PARAGRAPH,
- 24 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
- 25 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
- 26 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER
- 27 AS 06;
- 28 (12) ANOTHER] place where the possession of a deadly weapon or
- 29 firearm is prohibited by federal law; or
- 30 (5) [(13)] a municipality or established village that has prohibited the
- 31 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.
- 32 * Sec. 12. AS 18.65.705(5) and 18.65.725(c) are repealed.



SUGGESTED AMENDMENT TO HB 338/SB 177

Section 9, page 5, line 27: Amend 18.65.755 (a) by adding a new subsection (14), to read as follows:

(14) 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.

For More Information: Harlan Knudson
Alaska State Hospital & Nursing Home Assn.
319 Seward St., #11
Juneau AK 99801

907-586-1790 Fx 907-463-3573

A New Concept
in Senior Well-Being

9100 Centennial Drive
Anchorage, Alaska 99504
907-555-2100

DEAR SENATOR:

JUST A QUICK NOTE TO THANK YOU FOR EVERYTHING YOU HAVE DONE FOR US IN THE INTERIOR OF ALASKA. AS I DID LAST YEAR I FIND A IMPORTANT ISSUE WORKING ITS WAY ON TO TO FLOOR TO BE VOTED UPON. I FIND I MUST ASK YOU TO SUPPORT SB177, CHANGES TO THE CONCEALED HANGUN PERMITS, WE NEED THIS BILL TO MAKE IT TO THE FLOOR AND TO BE APPROVED.

THANK YOU
CASEY WHEELER

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Alaska State Legislature

Please enter into the record my testimony to the HS STA.
committee name

committee on HR 378 / SB 177, dated 1-23-96
bill/subject

I CONCUR WITH TESTIMONY TO REDUCE COST OF
PERMIT.

Reduce REGULATIONS IN THE BILL.

you should NOT be MADE TO FEEL you WANT
something you do NOT OBSERVE by all the
CHECKS you HAVE TO DO.

Signed: Ken Rivard (Rivard)
Testifier

SELF
Representing (Optional)

Box 871842 WASILLA AK 99687
Address

907 376 2140
Phone No.

January 24, 1996

Senator Bert Sharp
119 N. Cushman St., #201
Fairbanks, AK 99701

Mark & Mimi Nix
P.O. Box 56753
3476 Durham Circle
North Pole, AK 99705

Dear Senator Sharp:

We would appreciate your prompt attention to assure the passage of Senate Bill 177. This bill contains important revisions in our state's concealed carry law that we deem very appropriate. We appreciate your attention to the matter.

Mark Nix
Alaskan Voter



Alaska State Legislature

Please enter into the record my testimony to the House and Senate Joint State
committee name Affairs com.

committee on S.B. 177 + H.B. 338 dated January 23, 1996
bill/subject:

I am testifying concerning SB 177 and HB 338 and their provisions for changes in the present Alaska law providing for permits to carry concealed handguns. The present concealed carry permit process is both complex and expensive for law-abiding Alaskans seeking a permit. The cost of ^{authorized} fingerprints, photos, and the application fee can easily exceed \$200⁰⁰. Additional costs for require. classes can bring total costs to over \$300⁰⁰. Many qualified, law-abiding Alaskans simply cannot afford such costs, especially if both husband and wife want the concealed carry permit for their protection. Lowering permit costs, simplifying the background check process, and expanding the kinds of training classes accepted will make the permit more available/affordable to Alaskans.

Permit holders should pass a background check to screen out persons with history of criminal activity, mental disorder that indicate person to be unsafe or physical inability to safely fire a handgun. Any reciprocity ^{cover}

Signed: James S. Hopkins Harry L. Hopkins
Testifier Mae Alice Hopkins Mae Alice Hopkins
Self

Representing (Optional)
P.O. Box 2191, Soldotna, AK 99669
Address
907-262-4505
Phone No.

with other states allowing ^{17112/2001} permit for holder of permit in other states should require that the requirements of that state be in line with Alaska's requirements, especially in the background check, educational training, and competency in handling a handgun.

The restrictions on where a permit holder may carry a concealed handgun should be eliminated, except as disallowed by federal law. The present restrictions place an unfair boundary on a qualified permittee.

Perhaps HB 338, Sec. 7 (a)(2) could add to "the presentation of evidence of experience with a handgun..." the words "or law enforcement service" following the words "or military" service.



Alaska State Legislature

Please enter into the record my testimony to the Joint House & Senate St Off.
committee name

committee on HB 338 SB 177, dated 1/23/96
bill/subject

I wish to express my support for SB 177 amending the Conceal Carry Laws. This process was never meant to be a money maker for the state, nor to require unreasonable restraint on permit applicants.

Mike Langan
PO Box 38
Glenallen AK, 99588
Ph # 907-822-3780

Please enter into the record my testimony to the Joint State Affairs committee on SB177, dated 1/23/96.

My name is Raymond L. Carr, I live at 4401 N. Dogwood, Kenai, AK., my phone number is (907)283-7001.

I am a certified range officer for the United State Practical Shooting Association/International Practical Shooting Confederation, a graduate of the American Small Arms Academy, have been shooting regularly in action pistol, rifle, and shotgun competitions for the past ten years, and I have been an NRA Certified Instructor since 1985.

I support SB177 except for parts of section 7 pertaining to firearms training. I do not believe a training course should be accepted that is not specifically designed to instruct a student in the safe handling and use of a concealed handgun for self defense.

The hunter safety course, some firearms education courses, military service, and some shooting competitions do not give individuals the vital information needed to safely carry a concealed handgun for self defense. A few very important topics not covered by these courses are:

1. Self defense principles.
2. Proper ammo selection for self defense.
3. Conceal handgun carry techniques.
4. How to clear malfunctions.
5. Use of cover.
6. Defensive firearms selection for individuals, and
7. Mental conditioning.

As far as military training is concerned, most service men train only with a rifle and shoot only a few times a year with a range officer standing over them. They carry their rifles much of the time, but aren't given ammo except on the firing line at the range or just before they go into combat. This training has nothing to do with carrying a loaded-concealed handgun in public.

There are specific safe gun handling rules for carrying concealed, if these are not learned, the carrier is more likely to have an accidental discharge. If you carry daily you will handle a loaded handgun a minimum of two times a day, that's 730 times a year, you won't handle a loaded hunting rifle or combat rifle in the military that many times in a lifetime.

My hope is for Alaska's conceal carry law to be successful in saving lives and protecting law-abiding citizens. All it would take to tarnish the program is an accident by someone not receiving the proper training. Please keep the training for the conceal carry program relevant.



Alaska State Legislature

Please enter into the record my testimony to the Joint State of Affairs committee name

committee on SB 177 HR 338 dated 1-23-96
bill/subject

I agree these Bills need to be amended. Not just with a word or phrase changed added or taken away. These Bills and any like them are totally against the Federal and State Constitution and are totally illegal. These bills need to be changed to read we the people shall have the right to keep and bear arms without any infringements.

PERIOD.

Anything other is an infringement and is illegal.
PS Hitler also started gun confiscation with permits under his regime.
Why are we following his example?
Reservation of Rights without prejudice under UCC 1-207

Signed: [Signature]
Testifier

Concerned Citizen

Representing (Optional) Fourth Judicial District
LIO PO Box 1059
Delta Junction Alaska Republic
Address

895 4805
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on SB 177 / HB 338 , dated 1-23-96
bill/subject

I believe that less government intervention would be better for all. These Bills and most that are like them only enhance the ability to take away rights belonging to the People according to the Federal and State Constitution. This is just another ploy to control people much like Hitler did. It's another way to ~~do~~ do away with the Constitution and give funding to the State by the Federal government for harassment and threatening the People. Government is the Peoples Servant not the Master.

Reservation of rights without prejudice under UCC 1-207

Signed: Jeanie Marie Shipp
Testifier

Concerned Citizen For Sovereignty
Representing (Optional) FOURTH JUDICIAL DISTRICT
1/2 P.O. Box 544 Delta Junction Alaska Republic
Address
907-895-4805
Phone No.

~~By AC 1-2-2007 - Informal - Once~~

TESTIMONY TO JOINT HOUSE / SENATE AFFAIRS

I PERSONALLY FEEL WE WERE GIVEN
THE RIGHT TO BEAR ARMS BY OUR
CONSTITUTION — NOT IF WE COULD
AFFORD THE FEE TO TAKE THE
CLASS & IF WE COULD AFFORD
THE CHARGE FOR THE PERMIT.

WE HAVE THE RIGHT TO CARRY
ARMS.

IT IS THE HONEST CITIZENS
WHO ARE BEING PUNISHED BY THESE
LAWS. THE CRIMINALS ARE STILL
ABLE TO OBTAIN & CARRY FIREARMS.
THEY HAVE THE AUTOMATIC WEAPONS THAT
THE LAW ABIDING CITIZENS CAN'T
HAVE, WHERE IS THE FAIRNESS
IN THAT?

A CONCERNED ALASKAN

Diane Bennett

DIANE BENNETT, BOX 2542, SOLDOTNA

Post-It™ brand fax transmittal memo 7671		# of pages • 3
To <i>H. State Affairs</i>	From <i>Met - Su 110</i>	
Co. <i>N</i>	Co.	
Dept.	Phone #	<i>316-3704</i>
Fax # <i>465-2070</i>	Fax # 316 <i>316-6180</i>	

TESTIMONY 1/23/96- JOINT SENATE/HOUSE- STATE AFFAIRS COMMITTEES ON SB-177, A BILL TO AMEND THE CONCEALED HANDGUN CARRY PERMIT PROVISIONS.

I testified on October 1995 before a joint meeting of these same committees concerning this same subject. My attitudes and concerns have not changed and I support SB-177 as drafted in the "Work Draft" dated 1/17/96. 10:57 A.

I have only the following comments:

1) To legislators who are inclined to vote in opposition to this legislation, please recognize that persons who are granted permits to carry concealed handguns are law abiding citizens.

2) Commissioner Ron Oue has been very cooperative in administering provisions in the existing statute for permitting concealed carry of handguns. However, officials of the previous administration appeared to have less understanding of, or willingness to comply with legislative intent. Therefore, I suggest that stronger language than "authorize" be used to direct the Department of Public Safety to seek reciprocity with other states with "carry permit" regulations..

3) It is a disappointment to see prohibitions on the use of "derringers" for this purpose. They have the advantage of being easier to carry than larger arms, but retain adequate power more common to larger arms.

Thank you for accepting this testimony.



Robert H. Parkerson - Ph: (907) 745-4358. Date: Jan 23, 1996
 HC 02, Box 7630-A1
 Palmer, Alaska 99645



Alaska State Legislature

Please enter into the record my testimony to the HIS STA
 committee name
 committee on HB 338 / SB 177 , dated 1-23-96
 bill/subject

THE AOC SUPPORTS HB 338 / SB 177
 AND AGREES WITH THE TESTIMONY
 PROVIDED BY JANIE WINEGATE DURING
 TODAY'S TELECONFERENCE.

Signed: EDDIE GRASSER

Testifier

ALASKA OUTDOOR COUNCIL

Representing (Optional)

Box 2192 Palmer AK 99645

Address

745-3772

Phone No.

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

To: Senator Myda 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

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



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.

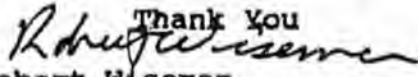
However, I believe there is a much larger picture that must be looked at.

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

Post-It™ brand fax transmittal memo 7671		# of pages >	3
To: <i>State Affairs Unit</i>		From:	<i>Thot-N. L. 10</i>
Dept.		Phone #	<i>376-3704</i>
Fax # <i>258-8173</i>		Fax #	<i>376-6180</i>

**LEGISLATIVE ULTRADER J. 1777- JUDICIAL 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-255) HAD UNDER REASON FINGERPRINTED: "CONCEALED HANDGUN APPLICANT AS 18.65.780"

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

APPLICANT

LEAVE BLANK

LEAVE BLANK ALL INFORMATION IN BLOCK
LAST NAME NAME FIRST NAME MIDDLE NAME

FBI

PARKERSON, Robert Henry

950974877008

SIGNATURE OF PERSON FINGERPRINTED

Paul H. Kochakos

ALIAS: OSA

OR I

AKAST0100

RESIDENCE OF PERSON FINGERPRINTED

Old Glenn Hwy
PALMER, ALASKA

CLIENT #8001

DPS
ANCHORAGE, AK

DATE OF BIRTH DOB
MEMO DAY 3:
06 02 3:

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

1975 Holat M Henderson

CITIZENSHIP CIZ USA

SEX M RACE W HT 6'0" WT 205 HAIR BLU EYES WHI

PLACE OF BIRTH POB
Brooklyn, N.Y

EMPLOYER AND ADDRESS

Henderson & Holmstrom
P.O. Box 3090
Palmer AK 99645

YOUR NO OSA 4006

FBI NO FBI

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ARMY FORCES NO MNU AF
16-504438

CLASS _____

SECURITY NO. SOC
126-26-2573

REC _____

MULTI-PURPOSE NO. MNU
0465049

CONCEALED HANDGUN
APPLICATION
AS 18:65.700



1 R. THUMB

2 R. INDEX

3 R. MIDDLE

4 R. RING

5 R. LITTLE



6 L. THUMB

7 L. INDEX

8 L. MIDDLE

9 L. RING

10 L. LITTLE



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.

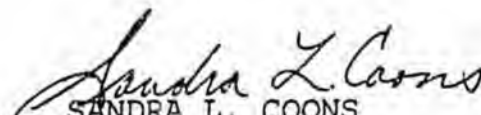
One of the big costs for a permit to carry is the requirement for fingerprints. According to Senator Lyda Green's staff, Florida has only had 0.01% of the applicants who applied turn out to be ineligible due to previous felony convictions. Florida does not use fingerprints but uses NCIC computers for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

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) pursueing 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.)

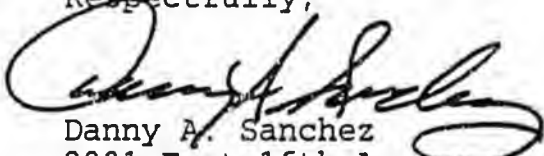
I as well as many others I'm sure are interested in minimizing costs and keeping these on-going law abiding opportunities available to the people of Alaska.

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 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

01/25/96

LEGISLATIVE TELECONFERENCE NETWORK

LTN1405

09:21:02 N

CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

TCN 60182

T/C DATE: 01/23/96 TIME: 15:30 to 17:00

STATUS: 7 STATS IN

SITE: LIO ANC VTS

ANCHORAGE

1	MR.	NEIL	CAMERON		T 99 ALL ITEMS
		3514 W 40TH	ANCHORAGE	AK 99517	(907)243-5663
2	MR.	GARY	CARLSON		T 99 ALL ITEMS
		2439 TULANE	ANCHORAGE	AK 99504	(907)337-3857
3	MR.	TIM	SCHRAGET		T 99 ALL ITEMS
		3130 E 46TH #3	ANCHORAGE	AK 99507	(907)337-2813
4	MS.	JOAN	FISHER	MARY CONRAD CNTR	T 99 ALL ITEMS
		9100 CENTENNIAL DR.	ANCHORAGE	AK 99504	(907)333-8100
5	MR.	JESS	BULKLEY		T 99 ALL ITEMS
		2530 W 79TH AVE	ANCHORAGE	AK 99502	(907)248-6633
6	MR.	CHRIS	SULLIVAN		T 99 ALL ITEMS
		4155 MCLEAN	ANCHORAGE	AK 99504	(907)337-3075
7	MR.	JOHN	REIGHARD		U 99 ALL ITEMS
		6811 E 3RD AVE	ANCHORAGE	AK 99508	(907)333-6245
8	MS.	DEANNA	SPILS		U 99 ALL ITEMS
		1900 WILDWOOD LN	ANCHORAGE	AK 99517	(907)522-4512

MSG:

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01/25/96

LEGISLATIVE TELECONFERENCE NETWORK

LTN1405

09:23:49 N CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN

SITE: LIO ANC VTS ANCHORAGE

9 MR.	JERRY	OTTO		O 99 ALL ITEMS
	12332 WOODWARD	ANCHORAGE	AK 99516	(907)345-0914
10 MR.	JOHN	RUSSELL		O 99 ALL ITEMS
		EAGLE RIVER	AK 99577	(907)696-3375
11 MR.	RICHARD	COGNELL		O 99 ALL ITEMS
	PO BOX 772502	EAGLE RIVER	AK 99577	(907)694-5576
12 MR.	BOB	WIENLTOLD		O 99 ALL ITEMS
	10132 COLVILLE	EAGLE RIVER	AK 99577	(907)694-2445
13 MR.	DAVID	ALLEN		O 99 ALL ITEMS
	8336 PECK AVE	ANCHORAGE	AK 99504	(907)337-2771
14 MR.	TOM	JURASEK		O 99 ALL ITEMS
	4030 W 89TH AVE	ANCHORAGE	AK 99502	(907)245-0499
15 MR.	J'AUNE	MC CLENTON		O 99 ALL ITEMS
	PO BOX 240592	ANCHORAGE	AK 99524	(907)344-1530
16 MR.	SCOTT	PEPPERS		O 99 ALL ITEMS
	PO BOX 771064	EAGLE RIVER	AK 99577	(907)694-9681

MSG:

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LTN1405

09:24:00 N

CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

TCN 60182

T/C DATE: 01/23/96 TIME: 15:30 to 17:00

STATUS: 7 STATS IN

SITE: LIO BAR VTS

BARROW

1 MR.	GARY	JUDD	NUVUK GUN CLUB	T 01 SB 177
	PO BOX 1469	BARROW	AK 99723	(907)852-4503
2 MS.	BETTY	WALLACE	SELF	O 01 SB 177
	GENERAL DELIVERY	BARROW	AK 99723	(907)852-2312
3 MR.	TOM	NICOLOS	SELF	O 01 SB 177
	PO BOX 385	BARROW	AK 99723	(907)852-4503

MSG: 1410 NO FURTHER INFORMATION

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TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN
SITE: LIO BET VTS BETHEL
1 BILL LANG SELF O 01 SB 177
PO BOX 448 BETHEL AK 99559 (907)543-3465

MSG: 1410 NO FURTHER INFORMATION
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01/25/96

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TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN

SITE: LIO DJT VTS DELTA JCT.

1	MR.	PATRICK	DALTON			T 99 ALL ITEMS (907)000-0000
2	MR.	BERNARD	GOODNO			T 99 ALL ITEMS (907)895-0000
		PO BOX 92		DELTA JUNCTION	AK 99737	
3	MR.	ROY	BOWDRE			O 99 ALL ITEMS (907)895-4448
		PO BOX 2		DELTA JUNCTION	AK 99737	
4	MR.	TIM	WEBB			O 99 ALL ITEMS (907)895-1024
				DELTA JUNCTION	AK 99737	
5	MR.	DAN	DAVIS			O 99 ALL ITEMS (907)895-4190
		PO BOX 1285		DELTA JUNCTION	AK 99737	
6	MR.	PATRICK	MCKEEN			O 99 ALL ITEMS (907)895-0000
		PO BOX 151		DELTA JUNCTION	AK 99737	
7	MR.	MIKE	SARVER			O 99 ALL ITEMS (907)895-4178
		PO BOX 1014		DELTA JUNCTION	AK 99737	
8	MRS.	CHEYENNE	WEBB			O 99 ALL ITEMS (907)895-1024
		HC 62 BOX 5358		DELTA JUNCTION	AK 99737	

MSG: 1410 NO FURTHER INFORMATION

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CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

TCN 60182

T/C DATE: 01/23/96 TIME: 15:30 to 17:00

STATUS: 7 STATS IN

SITE: LIO FBX VTS FAIRBANKS

1 MR.	DAVID	WILLIAMS		T 02 HB 338
	1335 SUNNYSLOPE RD.	FAIRBANKS	AK 99709	(907)455-6652
2 MS.	BONNIE	WILLIAMS		T 02 HB 338
	1335 SUNNYSLOPE RD.	FAIRBANKS	AK 99709	(907)455-6652
3 MR.	MICHAEL	CULBERT		T 02 HB 338
	1934 ENDECOTT AVE.	NORTH POLE	AK 99705	(907)488-3061
4 MR.	G. DOUGLAS	SOMERS		T 02 HB 338
	PO BOX 58195	FAIRBANKS	AK 99711	(907)488-7100
5 MR.	LADD	MCBRIDE		T 02 HB 338
	PO BOX 83567	FAIRBANKS	AK 99708	(907)479-8096
6 MR.	JERRY	POTTS		T 02 HB 338
	747 GRUBSTAKE RD.	FAIRBANKS	AK 99712	(907)458-9446
7 MR.	DAN	HITCHCOCK		T 02 HB 338
	PO BOX 14001	SALCHA	AK 99714	(907)488-0811

MSG: 1410 NO FURTHER INFORMATION

ENTER Pg# 10 PF2 NextC# ynnnn PF3 Exit

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TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN

SITE: LIO GLN VTS GLENNALLEN

1	MR. CLEM	BOUCHER		O 01 SB 177
	P O BOX 258	GLENNALLEN	AK 99588	(907)822-3684
2	MR. ED	KNOEBEL		T 01 SB 177
	P O BOX 84	GLENNALLEN	AK 99588	(907)822-3208
3	MR. DOUG	RHODES		T 01 SB 177
	P O BOX 110	GLENNALLEN	AK 99588	(907)822-3663
4	MR. AUSTIN	MAHALKEY		O 01 SB 177
	P O BOX 455	GLENNALLEN	AK 99588	(907)822-3613
5	MR. MIKE	LANEGAN		O 01 SB 177
	P O BOX 28	GLENNALLEN	AK 99588	(907)822-5289
6	MR. JOHN	BREIVOGEL		O 01 SB 177
	SR BOX 106	COPPER CENTER	AK 99573	(907)822-5870
7	MR. OBSERVER	1		O 01 SB 177
				(907)000-0000
8	MS OBSERVER	2		O 01 SB 177
				(907)000-0000

MSG: 1410 NO FURTHER INFORMATION

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TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN
SITE: LIO HOM VTS HOMER
1 MR. PATRICK JOHNSON T 99 ALL ITEMS
54540 EAST END RD. HOMER AK 99603 (907)235-6656

MSG: 1410 NO FURTHER INFORMATION
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LEGISLATIVE TELECONFERENCE NETWORK

LTN1405

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TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN

SITE: LIO KEN VTS KENAI LIO

1	MR.	LYMAN	NICHOLS	SELF		T 01 SB 177
		PO BOX 783	COOPER LANDING	AK 99572		(907)595-1224
2	MR.	CLARK	BERGER	SELF		T 01 SB 177
		PO BOX 3113	KENAI	AK 99611		(907)776-8055
3	MR.	MARSHALL	MARTIN	SELF		T 01 SB 177
		31695 MURRAY LANE	SOLDOTNA	AK 99669		(907)262-5909
4	MR.	PHIL	NASH	SELF		T 01 SB 177
		110 S WILLOW #104	KENAI	AK 99611		(907)283-7514
5	MR.	ROD	CHRISTOPHER	PENINWEAPACADEMY		T 01 SB 177
		180 S BINKLEY	SOLDOTNA	AK 99669		(907)262-5556
6	MR.	DICK	HUBLEY	SELF		T 01 SB 177
		PO BOX 754	STERLING	AK 99672		(907)262-7450
7	MR.	DOUG	MALLETTE	SELF		T 01 SB 177
		HC 2 BOX 329	SOLDOTNA	AK 99669		(907)262-2774
8	MR.	LARRY	MITCHELL	SELF		O 01 SB 177
		202 PAMELA CT	KENAI	AK 99611		(907)283-3186

MSG:

ENTER Pg# 10 PF2 NextC# ynnnn PF3 Exit

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LEGISLATIVE TELECONFERENCE NETWORK

LTN1405

09:26:45 N

CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

TCN 60182

T/C DATE: 01/23/96 TIME: 15:30 to 17:00

STATUS: 7 STATS IN

SITE: LIO KEN VTS

KENAI LIO

9 MS.	KATHIE	SAVAGE	SELF	O 01 SB 177
PO BOX	2997	KENAI	AK 99611	(907)283-3099
10 MR.	STUART	PRISK	SELF	O 01 SB 177
PO BOX	1208	SOLDOTNA	AK 99669	(907)262-2494
11 MS.	DIANE	CAMPBELL	SELF	O 01 SB 177
PO BOX	1208	SOLDOTNA	AK 99669	(907)262-2494
12 MR.	ELLERY	GIBBS	SELF	O 01 SB 177
PO BOX	408	SOLDOTNA	AK 99669	(907)262-7275
13 MS.	MARY	ISLEY	SELF	O 01 SB 177
PO BOX	2378	SOLDOTNA	AK 99669	(907)260-3321
14 MR.	KEN	MARQUIS	SELF	O 01 SB 177
PO BOX	1092	KENAI	AK 99611	(907)283-4039

MSG: 1410 NO FURTHER INFORMATION

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LTN1405

09:27:00 N CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN

SITE: LIO KTN VTS KETCHIKAN

1	MR.	ELZIE	ISLEY		T 01 SB 177
		2533 3RD AVE.	KETCHIKAN	AK 99901	(907)225-4881
2	MR.	ROBERT	NESVICK, JR.		T 01 SB 177
		PO BOX 5726	KETCHIKAN	AK 99901	(907)225-4618
3	MR.	BILL	HOLLYWOOD		O 01 SB 177
		3059 CREST AVE.	KETCHIKAN	AK 99901	(907)225-2013
4	MR.	KEN	ROWAN		O 01 SB 177
		PO BOX 1078	WARD COVE	AK 99928	(907)225-5030
5	MR.	ROE	THOMAS		O 01 SB 177
		PO BOX 8282	KETCHIKAN	AK 99901	(907)225-4858

MSG: 1410 NO FURTHER INFORMATION

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LTN1405

09:27:09 N CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN

SITE: LIO MAT VTS MATSU

1 MS	LAURA JANE	WINEINGER	NRA	T 01 SB 177
	P O BOX 1111	CHICKALOON	AK 99674	(907)745-2093
2 MR	CHARLES	STIEHR		T 01 SB 177
	P O BOX 671108	CHUGIAK	AK 99867	(907)688-3227
3 MR	THOMAS	DEVINE		T 01 SB 177
	P O BPX 771413	EAGLE RIVER	AK 99577	(907)696-8211
4 MR.	LLOYD	BARRUS		T 01 SB 177
	HC31 BOX 5182A	WASILLA	AK 99654	(907)373-4039
5 MR.	KEN	RIVARD		O 01 SB 177
	P O BOX 871842	WASILLA	AK 99687	(907)376-2140
6 MR	EDDIE	GRASSER		O 01 SB 177
	P O BOX 2193	PALMER	AK 99645	(907)745-3772
7 MR	ERIC	BECKMAN		T 01 SB 177
	HC32 BOX 6629B	WASILLA	AK 99654	(907)373-2234
8 MR	LEONARD	TAD		O 01 SB 177
	P O BOX 2982	PALMER	AK 99645	(907)745-0386

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01/25/96

LEGISLATIVE TELECONFERENCE NETWORK

LTN1405

09:27:34 N

CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE

TCN 60182

T/C DATE: 01/23/96 TIME: 15:30 to 17:00

STATUS: 7 STATS IN

SITE: LIO MAT VTS

MATSU

9 MR. DON
P O BOX 875133

ZIMMERMAN
WASILLA

AK 99687

O 01 SB 177
(907)376-0344

10 MR. FRED
P O BOX 499

JAMES
PALMER

AK 99645

O 01 SB 177
(907)000-0000

MSG: 1410 NO FURTHER INFORMATION

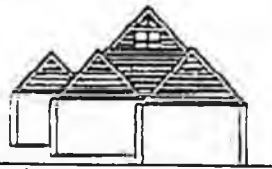
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01/25/96 LEGISLATIVE TELECONFERENCE NETWORK LTN1405
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TCN 60182 T/C DATE: 01/23/96 TIME: 15:30 to 17:00 STATUS: 7 STATS IN
SITE: LIO VAL VTS VALDEZ
1 MR. JOHN NEALON T 01 SB 177
PO BOX 2379 VALDEZ AK 99686 (907)835-5031

MSG: 1410 NO FURTHER INFORMATION
ENTER Pg# 10 PF2 NextC# ynnnn PF3 Exit

PF7 Bwd PF8 Fwd PF12 Quit



MARY CONRAD
CENTER

October 4, 1995

Representative Jeanette James
Legislative Information Office
716 West Fourth Street
Anchorage, Alaska 99501

RE: HB 338/SB 177

Dear Representative James:

I am writing on behalf of the Providence Health System in Alaska which includes Providence Alaska Medical Center, Providence Extended Care Center, Providence Horizon House and the Mary Conrad Center (managed facility). The recent Alaska Statute and regulations that authorize licensed citizens to carry concealed handguns does not clearly allow the health care facilities authority to prohibit concealed handguns on our premises.

The facilities listed above care for persons who are medically fragile, elderly and disabled. Our facilities are open to the public 24 hours a day receiving many visitors, employees, medical staff, vendors and patients. We feel that we have sufficient justification for prohibiting the carrying of concealed handguns at the health care facilities.

We are seeking your support to approach the legislature to add an amendment to HB 338/SB 177 specifically authorizing health care facilities to prohibit the carrying of concealed handguns on its premises. Please see the attached suggested amendment. Let me know if I can be of further assistance or answer any questions. Thank you for your consideration of this amendment to the bill.

Sincerely,

Joan L. Fisher
Operations Administrator

cc: Douglas Bruce, Chief Executive
Providence Health System in Alaska

A New Concept
In Senior Well-Being

9100 Centennial Drive
Anchorage, Alaska 99504
(907) 853-8100



SUGGESTED AMENDMENT TO HB 338/SB 177

Section 9, page 5, line 27: Amend 18.65.755 (a) by adding a new subsection (14), to read as follows:

(14) 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.

A New Concept
In Senior Well-Being

9100 Centennial Drive
Anchorage, Alaska 99504
(907) 558-8100

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 P.O. Box 872752 Wasilla Alaska 99687	
Clay Langland	3605 Arctic Blvd Anchorage 99503	
Harvey L. Burson	2814 Brittonville Anchorage 99504	333-0900
Jean S. Bell	P.O. Box 878783 Wasilla	373-7339
John Bell	PO 878783 WASILLA 99687	3737339 376-9350
Sam Raymond	1061 Fairview Drive Wasilla 99654	
Paul Barry	3850 Caribou Dr.	376-4569
James J. Dwyer	4100 Bull Moose Dr Wasilla 99654	373-6670
Lynda J. Clark	Bull Moose Dr. Wasilla	373-6670 99654-1741

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 NASSILA, 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
Stenor A 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	746-0187
Keith Pappas	Box 876415 Wasilla 99687	376-5523
JAMES GARHART	Box 872533 WASILLA	746-2828
ASHLE EDWARD	7406 5th St Ft Richardson	428-4087
Tom Whitstone Jr	Box 871985 Wasilla	373-2578
Sherry Whitstone	" "	" "
DAVID AUSMAN	1503 W 33RD 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
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, AK 99687	373-1634
Mary Periak	P.O. Box 1365 Palmer AK 99645	745-3000
Joe Boekly	HC 30 5503 Wasilla AK 99654	373-7951
John Baker	Palmer AK 99647	373-1957
William J. Dravin	6830 Ehrlich - Anch	537-5827
DAVE PETERSON	Box 1010, Willow, AK	495 6556
JR Bobart	PO Box 3915 Palmer AK 99645	892 8632
Robert G. Wivisaker	Box 2666 Palmer	746-0626
John A. Boque	Box 2137 Palmer AK	745-1736
Billy C. Lemon, Jr	HC 89 Box 8107 Talkeetna	355-1441
FLO M. LEMON	99687 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
KEN KENNITT	HC04 Box 9576 PALMUM, AK 99645	745-1376
ROB SHIPLEY	9660 ALBATROSS DR. ANCH, 99515	257-3915
JR McCURBINS	PO Box 1656 Homer ALASKA 99603-2354	
Kim Mellock	PO Box 2125 Palmer	746-3519
PATRICK CRAMER	9411 AGATTU cir. FAIR RIVER 99577	694-7898
TUCKERMAN BABCOCK	HC01 Box 6219 C Palmer 99645	746-7632
Jacob Hancock	6209 Chervigny 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 871706 Wasilla AK 99687	373-6700
Jeff Ferry	PO Box 62 Willow AK 99688	
CARY MUMFORD	HC01 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



Please sign-in

1995 Alaska State Fair - Visitors

NAME

ADDRESS

PHONE

I SUPPORT SB 177

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

Stephen Stoll 1001 TORR CR WASILLA AK

Linnette Booth " "

Bill SPENCER PO Box 520553 Big Lake AK 99652 892-674

Russel TUCKER P.O. Box 873425 Wasilla AK 99697

ROY C. McLaughlin 2221 Muldora street ANCHORAGE AK 99504

MARTIN H. OTT 332 BOUNDARY FAIRBANKS AK 99701

PAUL H GABBONT 2ND WEST BEND ALEXANDER CR AK 99695

GERALD A WILLMAN 1401 BOY 6083 PALMCR 745-3665

Robert Katsur 445 JEROME DR. WASILLA 376-1384

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

Pollia Bodrock 10209 Chavigny St. 99502 # 243-3439

LORETTA WOLSKI 3354 ORION 243-270

THANK YOU FOR VISITING!

*** Senator ***

LYDA GREEN



ALASKA STATE LEGISLATURE

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370



Session:
Juneau, Alaska 99801-1182
(907) 465-6600
Fax 465-3805

SENATOR LYDA GREEN
SENATE DISTRICT N

SB 177

"An Act Relating to Permits to Carry Concealed Handguns"

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. **DELETE** F.B.I. investigation (and **CHANGE** department's time limit for approval from 15 to 30 days).
2. **DELETE** requirement to qualify with specific action types and caliber of handguns.
3. **DELETE** residency requirement.
4. **CHANGE** application fee cap from \$125 to \$65 and change renewal fee cap from \$50 to \$25.
5. **AUTHORIZE** the Department of Public Safety to enter into reciprocity agreements with other states for holders of concealed handgun permits.
6. **REMOVE** restrictions on where a permit holder may carry a concealed handgun, other than where disallowed by federal law.
7. **DELETE** the miniature handgun prohibition.
8. **ADD** providing applicant with a copy of laws and regulations 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 rights 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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

January 23, 1996

SUBJECT: Sectional Summary of CSSB 177(STA) draft, dated 1/12/96. (Work Order No. 9-LS1139\G)

TO: Senator Bert Sharp
Attn: Ann Ringstad

FROM: Gerald P. Luckhaupt *JPL*
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 11.61.210 by adding a new subsection that provides an affirmative defense to a charge under AS 11.61.210(a)(7) of possessing a deadly weapon "within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school" if the person possessing the deadly weapon is a concealed handgun permittee and the weapon possessed is a concealed handgun.

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 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 Bert Sharp
January 23, 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 action types and calibers of handguns the person has demonstrated competence with and can carry.

Section 6 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 7 of the bill amends AS 18.65.715(a) by removing a requirement that a certificate of completion of a handgun course specify the action types and 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 handgun type and caliber the applicant wants to carry.

Section 8 of the bill adds a new section, AS 18.65.718, that permits the department to enter into agreements to provide reciprocity holders of concealed handgun permits in other states.

Section 9 of the bill AS 18.65.720 by reducing the fees for a permit.

Section 10 of the bill amends AS 18.65.735(a) by limiting the reasons for suspending a concealed handgun permit.

Section 11 of the bill amends AS 18.65.740(a) by limiting the reasons for revoking a concealed handgun permit.

Section 12 of the bill amends AS 18.65.755(a) by providing that concealed handgun permittees may carry their weapons anywhere in Alaska except where prohibited by federal law or by local option election.

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

Section 14 of the bill provides repealers.

GPL:pl:glc
96-031.plm

9-LS1139\G
Luckhaupt
1/12/96

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

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS GREEN, Halford, Taylor

A BILL

FOR AN ACT ENTITLED

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

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

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

4 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense that
5 the defendant, at the time of possession, was the holder of a valid permit to carry a
6 concealed handgun under AS 18.65.700 - 18.65.790, the deadly weapon was a concealed
7 handgun as defined in AS 18.65.790, and the possession did not occur in a municipality
8 or established village in which the possession of concealed handguns is prohibited under
9 AS 18.65.780 - 18.65.785.

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

11 (d) In a prosecution under (a)(2) of this section, it is
12 (1) an affirmative defense that the defendant, at the time of
13 possession, was the holder of a valid permit to carry a concealed handgun under
14 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined

1 in AS 18.65.790, and the possession did not occur in a municipality or established
2 village in which the possession of concealed handguns is prohibited under
3 AS 18.65.780 - 18.65.785;

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

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

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

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

11 (a) The department shall issue a permit to carry a concealed handgun to a
12 person who

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

14 (2) qualifies under AS 18.65.705;

15 (3) submits a completed application on a form provided by the
16 department, that provides the information required under AS 18.65.705 and 18.65.710
17 and is executed under oath; with each application form provided by the
18 department, the department shall provide a copy of the state laws and regulations
19 relating to firearms;

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

26 (5) submits evidence of competence with handguns as provided in
27 AS 18.65.715;

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

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

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

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

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

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

13 * Sec. 5. AS 18.65.700(d) is amended to read:

14 (d) A permit issued under (a) of this section is valid for five years from the
15 date of issue. [THE PERMIT MUST SPECIFY THE ACTION TYPES AND
16 MAXIMUM CALIBERS OF HANDGUN DESCRIBED IN THE PERMITTEE'S
17 CERTIFICATE OF COMPETENCY UNDER AS 18.65.715 BUT MAY NOT
18 SPECIFICALLY IDENTIFY A HANDGUN BY MAKE, MODEL, OR SERIAL
19 NUMBER.]

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

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

24 * Sec. 7. AS 18.65.715(a) is amended to read:

25 (a) An applicant for a permit to carry a concealed handgun shall provide a
26 certificate of successful completion of a handgun course that is approved by the
27 department. [THE CERTIFICATE MUST STATE THE ACTION TYPE AND
28 CALIBER OF HANDGUN OR HANDGUNS THE APPLICANT HAS
29 DEMONSTRATED COMPETENCE WITH AND THAT THE APPLICANT MAY BE
30 PERMITTED TO CARRY. A PERMITTEE MAY ONLY CARRY AS A
31 CONCEALED HANDGUN AN ACTION TYPE OF HANDGUN DESCRIBED IN

1 THE CERTIFICATE. A PERMITTEE MAY ONLY CARRY AS A CONCEALED
2 HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE PERMITTEE
3 DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER OF THE
4 SAME ACTION TYPE.] The handgun course must have been completed within the
5 12 months immediately preceding the application. The department shall approve a
6 handgun course, including the personal protection course offered by the National Rifle
7 Association, if the course tests the applicant's

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

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

12 (3) knowledge of self-defense principles [; AND

13 (4) PHYSICAL COMPETENCE WITH EACH ACTION TYPE OF
14 HANDGUN THE APPLICANT WISHES TO CARRY UNDER THE PERMIT AND
15 THE MAXIMUM CALIBER FOR EACH ACTION TYPE THE APPLICANT
16 WISHES TO CARRY UNDER THE PERMIT].

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

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

27 (1) an application that provides information that is substantially similar
28 to that required under AS 18.65.710;

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

31 (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
5 the regulation of the permit and the permittee are controlled by AS 18.65.700 -
6 18.65.790.

7 * Sec. 9. AS 18.65.720 is amended to read:

8 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for
9 the processing of the application for and initial issuance of a permit, renewal of a
10 permit, or replacement of a permit. The fees shall be set by regulation and must be
11 based on the actual costs incurred by the department. However, the fee for the
12 processing of an application and initial issuance of a permit may not exceed \$65
13 [~~\$125~~] and the fee for renewal of a permit or replacement of a permit may not exceed
14 \$30 [~~\$60~~].

15 * Sec. 10. AS 18.65.735(a) is amended to read:

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

27 * Sec. 11. AS 18.65.740(a) is amended to read:

28 (a) A permit to carry a concealed handgun shall be immediately revoked by
29 the department when the permittee

30 (1) becomes disqualified to receive and hold a permit under
31 AS 18.65.705; or

1 (2) [IS CONVICTED OF TWO CLASS A MISDEMEANORS OF
2 THIS STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A
3 FIVE-YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS
4 AFTER THE APPLICATION;

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

8 * Sec. 12. AS 18.65.755(a) is amended to read:

9 (a) A permittee may not carry a concealed handgun into

10 (1) a [LAW ENFORCEMENT OR CORRECTIONAL FACILITY;

11 (2) OR ON SCHOOL GROUNDS OR A SCHOOL BUS; IN THIS
12 PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
13 AS 11.71.900;

14 (3) A COURTHOUSE OR A COURTROOM OF THIS STATE,
15 UNLESS THE PERMITTEE

16 (A) IS A JUDGE; OR

17 (B) HAS BEEN AUTHORIZED TO POSSESS A
18 CONCEALED HANDGUN BY A JUDGE PRESIDING AT THAT
19 COURTHOUSE OR COURTROOM;

20 (4) A BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
21 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
22 AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

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

26 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
27 AIRLINE TERMINAL;

28 (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;

29 (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF
30 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

31 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A

1 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE
2 POSTING OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE
3 RESIDENT TO THE PERMITTEE;

4 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
5 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
6 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE
7 POSTING OF CONSPICUOUS NOTICE;

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

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

15 (2) [(13)] a municipality or established village that has prohibited the
16 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

17 * Sec. 13. AS 18.65.790(3) is amended to read:

18 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
19 and that is covered or enclosed in any manner so that an observer cannot determine
20 that it is a handgun without removing it from that which covers or encloses it or
21 without opening, lifting, or removing that which covers or encloses it; however,
22 "concealed handgun" does not include a shotgun, rifle, or derringer [OR OTHER
23 MINIATURE HANDGUN], or a prohibited weapon as defined under AS 11.61.200;
24 in this paragraph, [(A)] "derringer" means a handgun that has individual barrels for
25 each cartridge it is capable of firing and lacks a manufacturer's installed trigger guard
26 that completely encircles the trigger and that [WHICH] is part of the frame [; AND

27 (B) "MINIATURE HANDGUN" MEANS A HANDGUN
28 THAT HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES
29 OR LESS AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
30 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
31 IS PART OF THE FRAME];

- 1 * Sec. 14. AS 18.65.705(4), 18.65.705(5), 18.65.705(9), 18.65.715(c), 18.65.725(c),
2 18.65.765(a)(4), and 18.65.790(2) are repealed.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

Memorandum

The following are chapters mentioned in **AS18.65.705 Qualifications to obtain a permit:**

- 11.41.230 Assault in the 4th degree (class A misdemeanor)
- 250 Reckless endangerment (class A misd.)
- 270 Stalking in the second degree (class A misd.)

- 11.46.315 Possession of burglary tools (class A misdemeanor)
- 320 Criminal trespass in the first degree (class A misdemeanor)
- 330 Criminal trespass in the second degree (class B misd.)
- 430 Criminally negligent burning (class A misd)
- 484 Criminal mischief in the third degree (from class A misd. - class C felony)

- 11.51.130 Contributing to the delinquency of a minor (class A misd.)

- 11.56.330 Escape in the fourth degree (class A misd)
- 350 Unlawful evasion in the second degree (class B misd)
- 380 Promoting contraband in the second degree (class A misd)
- 545 Tampering with a witness in the second degree (class A misd)
- 700 Resisting or interfering with arrest (class A misd)
- 710 Harming a police dog in the second degree (class A misd)
- 740 Violating a domestic violence restraining order (class misd)
- 780 Hindering prosecution in the second degree (class B misd)
- 790 Compounding (class A misd)
- 800 Making a false report (class A misd)
- 805 False accusation (class A misd)

- 11.61.110 Disorderly conduct (class B misd)
- 120 Harassment (class B misd)
- 210 Misconduct involving weapons in the second degree (class A misd)
- 220 Misconduct involving weapons in the third degree (class B misd)
- 240 Criminal possession of explosives (class A or B misd)

- 11.71.050 Misconduct involving a controlled substance in the 5th degree(class A m)
- 060 " " " " 6th degree(class B m)

9-LS1157A
Luckhaupt
1/12/96

CS FOR HOUSE BILL NO. 338()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Foster

A BILL

FOR AN ACT ENTITLED

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

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

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4 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense that
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7 handgun as defined in AS 18.65.790 and the possession did not occur in a municipality
8 or established village in which the possession of concealed handguns is prohibited under
9 AS 18.65.780 - 18.65.785.

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

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12 (1) an affirmative defense that the defendant, at the time of
13 possession, was the holder of a valid permit to carry a concealed handgun under
14 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined

1 in AS 18.65.790, and the possession did not occur in a municipality or established
 2 village in which the possession of concealed handguns is prohibited under
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4 (2) a defense that the defendant, at the time of possession, was on
 5 business premises

6 (A) [(1) ON BUSINESS PREMISES] owned by or leased by the
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13 (1) applies in person at an office of the Alaska State Troopers;

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15 (3) submits a completed application on a form provided by the
 16 department, that provides the information required under AS 18.65.705 and 18.65.710
 17 and is executed under oath; with each application form provided by the
 18 department, the department shall provide a copy of the state laws and regulations
 19 relating to firearms: *concealed handguns* → *change!*

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

26 (5) submits evidence of competence with handguns as provided in
 27 AS 18.65.715;

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

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

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

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

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

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

13 * Sec. 5. AS 18.65.700(d) is amended to read:

14 (d) A permit issued under (a) of this section is valid for five years from the
15 date of issue. [THE PERMIT MUST SPECIFY THE ACTION TYPES AND
16 MAXIMUM CALIBERS OF HANDGUN DESCRIBED IN THE PERMITTEE'S
17 CERTIFICATE OF COMPETENCY UNDER AS 18.65.715 BUT MAY NOT
18 SPECIFICALLY IDENTIFY A HANDGUN BY MAKE, MODEL, OR SERIAL
19 NUMBER.]

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

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

24 * Sec. 7. AS 18.65.715(a) is amended to read:

25 (a) An applicant for a permit to carry a concealed handgun shall provide a
26 certificate of successful completion of a handgun course that is approved by the
27 department. [THE CERTIFICATE MUST STATE THE ACTION TYPE AND
28 CALIBER OF HANDGUN OR HANDGUNS THE APPLICANT HAS
29 DEMONSTRATED COMPETENCE WITH AND THAT THE APPLICANT MAY BE
30 PERMITTED TO CARRY. A PERMITTEE MAY ONLY CARRY AS A
31 CONCEALED HANDGUN AN ACTION TYPE OF HANDGUN DESCRIBED IN

1 THE CERTIFICATE. A PERMITTEE MAY ONLY CARRY AS A CONCEALED
2 HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE PERMITTEE
3 DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER OF THE
4 SAME ACTION TYPE.] The handgun course must have been completed within the
5 12 months immediately preceding the application. The department shall approve a
6 handgun course, including the personal protection course offered by the National Rifle
7 Association, if the course tests the applicant's

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

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

12 (3) knowledge of self-defense principles [; AND

13 (4) PHYSICAL COMPETENCE WITH EACH ACTION TYPE OF
14 HANDGUN THE APPLICANT WISHES TO CARRY UNDER THE PERMIT AND
15 THE MAXIMUM CALIBER FOR EACH ACTION TYPE THE APPLICANT
16 WISHES TO CARRY UNDER THE PERMIT].

17 * Sec. 8. AS 18.55 is amended by adding a new section to read:

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

27 (1) an application that provides information that is substantially similar
28 to that required under AS 18.65.710;

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

31 (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
5 the regulation of the permit and the permittee are controlled by AS 18.65.700 -
6 18.65.790.

7 * Sec. 9. AS 18.65.720 is amended to read:

8 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for
9 the processing of the application for and initial issuance of a permit, renewal of a
10 permit, or replacement of a permit. The fees shall be set by regulation and must be
11 based on the actual costs incurred by the department. However, the fee for the
12 processing of an application and initial issuance of a permit may not exceed \$65
13 [\$125] and the fee for renewal of a permit or replacement of a permit may not exceed
14 \$30 [\$50].

15 * Sec. 10. AS 18.65.735(a) is amended to read:

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

27 * Sec. 11. AS 18.65.740(a) is amended to read:

28 (a) A permit to carry a concealed handgun shall be immediately revoked by
29 the department when the permittee

30 (1) becomes disqualified to receive and hold a permit under
31 AS 18.65.705; or

1 (2) [IS CONVICTED OF TWO CLASS A MISDEMEANORS OF
2 THIS STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A
3 FIVE-YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS
4 AFTER THE APPLICATION;

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

8 * Sec. 12. AS 18.65.755(a) is amended to read:

9 (a) A permittee may not carry a concealed handgun into

10 (1) a [LAW ENFORCEMENT OR CORRECTIONAL FACILITY;

11 (2) OR ON SCHOOL GROUNDS OR A SCHOOL BUS; IN THIS
12 PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
13 AS 11.71.900;

14 (3) A COURTHOUSE OR A COURTROOM OF THIS STATE,
15 UNLESS THE PERMITTEE

16 (A) IS A JUDGE; OR

17 (B) HAS BEEN AUTHORIZED TO POSSESS A
18 CONCEALED HANDGUN BY A JUDGE PRESIDING AT THAT
19 COURTHOUSE OR COURTROOM;

20 (4) A BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
21 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
22 AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

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

26 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
27 AIRLINE TERMINAL;

28 (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;

29 (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF
30 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

31 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A

1 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE
2 POSTING OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE
3 RESIDENT TO THE PERMITTEE;

4 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
5 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
6 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE
7 POSTING OF CONSPICUOUS NOTICE;

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

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

15 (2) [(13)] a municipality or established village that has prohibited the
16 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

17 * Sec. 13. AS 18.65.790(3) is amended to read:

18 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
19 and that is covered or enclosed in any manner so that an observer cannot determine
20 that it is a handgun without removing it from that which covers or encloses it or
21 without opening, lifting, or removing that which covers or encloses it; however,
22 "concealed handgun" does not include a shotgun, rifle, or derringer [OR OTHER
23 MINIATURE HANDGUN], or a prohibited weapon as defined under AS 11.61.200;
24 in this paragraph, [(A)] "derringer" means a handgun that has individual barrels for
25 each cartridge it is capable of firing and lacks a manufacturer's installed trigger guard
26 that completely encircles the trigger and that [WHICH] is part of the frame [; AND

27 (B) "MINIATURE HANDGUN" MEANS A HANDGUN
28 THAT HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES
29 OR LESS AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
30 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
31 IS PART OF THE FRAME];

- 1 * Sec. 14. AS 18.65.705(4), 18.65.705(5), 18.65.705(9), 18.65.715(c), 18.65.725(c),
2 18.65.765(a)(4), and 18.65.790(2) are repealed.



NEA-ALASKA

Affiliated with the National Education Association

NEA-ALASKA POSITION STATEMENT CS HB 338

NEA-Alaska opposes changes to Section 10 (a) (2) of CS HB 338, "An Act relating to permits to carry concealed handguns."

NEA-Alaska believes that students and school employees should be safe from violence, weapons and the threat of violence. Guns, concealed or in the open, have no place in school or on school grounds - period. Schools should be "weapon free" - havens of safety for our children and school employees.

Across the nation and our state, newspapers and media report an increase in school violence. School systems are dealing with escalating violence. There are increasing reports of students assaulting students or teachers, school vandalism, and gang violence. A majority of these reports involve guns. School violence whether it is verbal abuse or physical intimidation is increasing at an alarming rate, and it not only detracts educators from their main function of educating students, but it has a great psychological impact on people and an economical cost to individuals and society.

People, old and young alike, have a fascination for guns and violence. If you need examples, just watch cartoons or consider recent movies ("Casino," "City Hall," "Heat"), or stop by the toy department, or check out children's video games. Violence has become part of the very fabric of our society. According to *U.S News and World Report*, a national survey cited 80 percent of the American public sees a relationship between violence in TV programming and the amount of violence in society

How many times have you heard a child say, "You'd better watch out, my dad's bigger than yours." And there's no doubt that some children compare the families gun collections - and what guns their parents have that are concealed. Children often have difficulty distinguishing between what's real and what's make believe. Schools need clear rules for all to understand and follow; there should be no questions about what's legal regarding handguns on school property.

I'm sure some of the supporters of this bill will say, "Oh but this bill is for the law abiding, the responsible citizen who would never hurt anyone." The reality is that every day we hear reports of accidents with guns, of unexpected situations with guns, of carelessness with guns. How many of you heard the story on the news recently about a bird who flew into a man's house and he shot it. The only problem was that when he shot the bird the bullet went through two rooms in his home and also shot his wife.

In the November/December 1995 issue of *The National PTA Magazine*, an article, "Violence -- Safeguarding Our Children," included the following:

"Gun Safety

Close to half of American homes have guns, according to the Harvard School of Public Health. The American Medical Association reported that 53 percent of gun owners surveyed did not keep their guns locked up. An accessible loaded gun in the house puts families at great risk of gun-related accidents and violence. A gun kept in the home for self-protection is 43 times more likely to kill family members and friends than it is an intruder. Consider these gun violence facts published by the American Academy of Pediatrics and the Center to Prevent Handgun Violence:

- * The risk of domestic homicide is 3 times greater if there's a gun in the home.
- * The risk of suicide is 5 times greater if there's a gun in the home.
- * Every day, 14 American children under age 20 are killed by guns.

The best way to prevent tragedy is to have *no* guns in the home, but if they are present, then to keep them unloaded and locked away from children's reach. Ammunition should be locked in a separate place with the key in an adult's possession."

I stress again: guns and schools and children do not mix. Schools and school grounds must be gun free. Many communities and schools are adopting "no tolerance" policy for any weapons. It is illogical and unsettling to believe that in Alaska we would allow a bill to become law that would permit guns anywhere near a school.

I understand that this bill is an attempt to simplify the procedures for those who have permits to carry handguns and make them more available for those that need them. My question is why in the world would anyone need a concealed weapon on school grounds? If our communities are so unsafe that parents or citizens have to carry concealed weapons to school, then we have much greater problems than those that are addressed in this bill.

Another problem is enforcement. Teachers and school employees are not police. If someone is seen or suspected of carrying a concealed handgun, is it the responsibility of the school employee to check for a permit or have the person removed because of potential danger to children? How will a school employee determine if someone was a law abiding permittee or a violator? This bill weakens control and enforcement. There are many grey areas in the bill. This bill applies to motorcycles, snowmachines, and four-wheelers. One question not answered in the bill, "Is the permittee allowed to drive in areas where there is not a delineated road or path?"

I urge you to amend CS HB 338 and reestablish the prohibition of concealed handguns on school grounds. I ask you to reconsider, let us not have to have an incident or an accident involving a licensed, concealed gun and school violence which forces us to recognize that guns and schools do not mix.

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Joint Senate and House State Affairs
10-5-95 9:00 am
HB 338/SB 177