

SB

177

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/6/96

DATE TURNED INTO OFFICE: 3/20/96

The Finance Committee considered SB 177

Relating to permits to carry concealed handguns.

*CS (Fin)
coming*

and recommends:

- be replaced with _____ CS SB 177 (Fin)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
 - same title
 - new title
- House Bill:
 - same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>	Co-Chair:			
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

DOR	3/2/96	0	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#3 DOR	2/28/96	0	
#4 DPS	3/0/96		(17.6)

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB177

Revision Date: _____ Dept. Affected: Public Safety
 Title: " An Act relating to permits to carry concealed
handguns " BRU: AST and DPS Statewide Support
 Sponsor: Senator Green Component: Detachments and AK Criminal Records
and Identification
 Requestor: S STA COMPONENT SERIAL NO. 799 and 1190

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

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

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

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	(117.6)	(117.6)	(117.6)	(117.6)	(117.6)	(117.6)
1006 GE/MHTIA						
Other						
TOTAL						

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Lt. Dan Lowden and Frank Allan Phone: 465-5505 269-5691
 Division: Alaska State Troopers Date: 01/19/96
 Approved by Commissioner: *Ronald L. Orr* Date: 1/22/96
 Agency: Ronald L. Orr, Dept. of Public Safety

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Revision F 00

Dept. Affected: Public Safety

The effect of this legislation will be to limit the Program Receipts authority to a maximum of \$65 per initial permit. The cost of providing the required background checks, including the processing of fingerprint checks through the FBI and the State of Alaska by the Alaska Criminal Records & Identification Section, is \$59. Under this bill \$6 per permit is all that the AST Permits Section would have available to process the applications. It should also be noted that if the fingerprinting requirement of current application process is eliminated, holders of Alaska Concealed Handgun Permits would no longer be exempted from the Brady Bill requirements.

The level of funding in this bill would reduce the Concealed Handgun staff from the current 1.5 to less than 30% of one position. The level of funding in this bill will not provide for any other costs such as the printing of new permits. This would result in the issuance of permits quickly becoming backlogged and the backlog growing longer as time progresses. AST could not meet the 30 day time limit to issue permits as required in Section 4 (b) of the bill.

The Alaska Concealed Handgun Permitting process was intended to be self-supporting and not to negatively impact the Division of Alaska State Trooper's basic law enforcement function. Accordingly, AST would only be able to process a very limited number of permits utilizing the estimated \$12,378 that are projected to be available from the limited \$6 per application.

On the following page is a financial summary of the impact on the Detachments Component of the AST BRU and upon the Alaska Criminal Records and Identification component of the DPS Statewide Support BRU.

Revision Date: _____

Dept. Affected: _____

Public Safety

SB177 Revenue Changes Recap

FY 97 Governor's Budget Program Receipts Recap

Component	est applic	fee	FY 97 Gov Budget Prog Recpt	Pass Thru to FBI	Total Receipts
Crim Records/ID	2063	AAFIS \$35	72,205		72,205
	2063	FBI	<u>24</u>	<u>49,512</u>	<u>49,512</u>
subtotal			59	49,512	121,717
AST/Detachments	2063	CHP	<u>63</u>	<u>129,969</u>	<u>129,969</u>
Total	2063		122	49,512	251,686

SB177 Program Receipts Revised Projection

Component	est applic	fee	Revised Prog Recpt HB 338	Pass Thru to FBI	Total Receipts
Crim Records/ID	2063	AAFIS \$35	72,205		72,205
	2063	FBI	<u>24</u>	<u>49,512</u>	<u>49,512</u>
subtotal			59	49,512	121,717
AST/Detachments	2063	CHP	<u>6</u>	<u>12,378</u>	<u>12,378</u>
Total	2063		65	49,512	134,095

Fiscal Note Recap

Component	est applic	fee	Revised Prog Recpt HB 338	FY 97 Gov Budget Prog Recpt	Fiscal Note Impact
Crim Records/ID	2063	AAFIS	72,205	(72,205)	0
	2063	FBI			
subtotal			72,205	(72,205)	0
AST/Detachments	2063	CHP	<u>12,378</u>	<u>(129,969)</u>	<u>(117,591)</u>
Total	2063		84,583	(202,174)	(117,591)

FISCAL NOTE

Work Draft
2/12/96

21/
571

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 177 ()

Revision Date: 2/13/96 Dept. Affected: Department of Law
 Title: "An Act relating to permits to carry concealed handguns." BRU: Criminal Division
 Component: Criminal Division
 Sponsor: Senator Green
 Requester: Senate State Affairs Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/AMTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: [Attach a separate page if necessary]

The 2/12/96 work draft version for CSSB 177 () amends Alaska's laws concerning concealed handguns to remove many of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. The bill will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Pogues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Richard M. Botwin Agency General
 Agency: Department of Law

Phone: 465-2672
 Date: 2/13/96
 Date: 2/13/96

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1/27/96

FISCAL NOTE

Work Draft
1/12/96

BILL NO. SB 177 (STA)

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to permits to carry concealed handguns." BRU: Criminal Division
 Sponsor: Senator Green Component: Criminal Division
 Requester: Senate State Affairs Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This 1/12/96 work draft version of SB 177 amends Alaska's laws concerning concealed handguns to remove most of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. The bill will not have a fiscal impact on the Department of Law.

Prepared by: Richard L. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Richard L. Peques
 Agency: Department of Law

Phone: 465-3972
 Date: 1/19/96
 Date: 1/19/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: Draft CSSB177

Revision Date: _____ Dept. Affected: Public Safety
 Title: " An Act relating to permits to carry concealed handguns " BRU: AST and DPS Statewide Support
 Sponsor: Senator Green Component: Detachments and AK Criminal Records and Identification
 Requestor: 3 5 96 COMPONENT SERIAL NO. 799 and 1190

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	(117.6)	(117.6)	(117.6)	(117.6)	(117.6)	(117.6)
1006 GE/STIA						
Other						
TOTAL						

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared By: LI Dan Lowden and Frank Allen Phone: 465-5505 269-5591
 Division: Alaska State Troopers Date: 01/19/96
 Approved by Commissioner: *Ronald L. Otto* Date: 1/22/96
 Agency: Ronald L. Otto, Dept. of Public Safety

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Revision Date: _____ Dept. Affected: Public Safety

The effect of this legislation will be to limit the Program Receipts authority to a maximum of \$65 per initial permit. The cost of providing the required background checks, including the processing of fingerprint checks through the FBI and the State of Alaska by the Alaska Criminal Records & Identification Section, is \$59. Under this bill \$6 per permit is all that the AST Permits Section would have available to process the applications. It should also be noted that if the fingerprinting requirement of current application process is eliminated, holders of Alaska Concealed Handgun Permits would no longer be exempted from the Brady Bill requirements.

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The Alaska Concealed Handgun Permitting process was intended to be self-supporting and not to negatively impact the Division of Alaska State Trooper's basic law enforcement function. Accordingly, AST would only be able to process a very limited number of permits utilizing the estimated \$12,378 that are projected to be available from the limited \$6 per application.

Discussions with the Alaska Court System, have indicated that if this legislation is implemented in its current form regarding the removal of the prohibition of carrying concealed weapons into court facilities, the Court System will require the presence of Court Services Officers in every court room, at every hearing and trial. This substantial impact upon the budget of the Alaska State Troopers has not yet been calculated and further study needs to be made on this impact.

On the following page is a financial summary of the impact on the Detachments Component of the AST BRU and upon the Alaska Criminal Records and Identification component of the DPS Statewide Support BRU.

Revision Date: _____ Dept. Affected: Public Safety

Draft CSSB177 Revenue Changes Recap

FY 97 Governor's Budget Program Receipts Recap

Component	est applic	fee	FY 97 Gov Budget Prog Recpt	Pass Thru to FBI	Total Receipts
Crim Records/ID	2063	AAFIS \$35	72,205		72,205
	2063	FBI 24		49,512	49,512
subtotal		59	72,205	49,512	121,717
AST/Detachments	2063	CHP 63	129,969		129,969
Total	2063	122	202,174	49,512	251,686

Draft CSSB177 Program Receipts Revised Projection

Component	est applic	fee	Revised Prog Recpt HB 338	Pass Thru to FBI	Total Receipts
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subtotal		59	72,205	49,512	121,717
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Total	2063	65	84,583	49,512	134,095

Fiscal Note Recap

Component	est applic	fee	Revised Prog Recpt HB 338	FY 97 Gov Budget Prog Recpt	Fiscal Note Impact
Crim Records/ID	2063	AAFIS	72,205	(72,205)	0
	2063	FBI			
subtotal			72,205	(72,205)	0
AST/Detachments	2063	CHP	12,378	(129,969)	(117,591)
Total	2063		84,583	(202,174)	(117,591)

FISCAL NOTE

No. 1
 Bill Version: CSSB 177 (STA)
 (S) Publish Date: 2/19/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: 2/13/96 Dept. Affected: Department of Law
 Title: "An Act relating to permits to carry concealed
handguns." BRU: Criminal Division
 Sponsor: Senator Green Component: Criminal Division
 Requester: Senate State Affairs Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The 2/12/96 work draft version for CSSB 177 () amends Alaska's laws concerning concealed handguns to remove many of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. The bill will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/13/96
 Approved by Commissioner: Bruce M. Bostelo, Attorney General Date: 2/13/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO

No. 2

Bill Version: CS SB 177(STH)

(S) Publish Date: 2/19/96

Revision Date: _____
Title: An Act relating to permits to carry concealed handguns
Sponsor: Senator Green
Requestor: S. State Affairs

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

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

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

CAPITAL EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02

CHANGE IN REVENUES ()	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	(127.6)	(127.6)	(127.6)	(127.6)	(127.6)	(127.6)
1006 GE/MHTA						
Other						
TOTAL						

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

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

See attached analysis

Prepared By: Lt. Dan Lowden and Frank Allen
Division: Alaska State Troopers

Phone: 465-5505 269-5691
Date: 02/13/96

Approved by Commissioner: *Paul H. Otlet*
Agency: Ron L. Ott, Dept. of Public Safety

Date: 2/13/96

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB177

Revision Date: _____ Dept. Affected: Public Safety

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Revision Date: _____ Dept. Affected: Public Safety

SB177 Revenue Changes Recap

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Fiscal Note Recap

Component	est applic	fee	Revised Prog Recpt HB 338	FY 97 Gov Budget Prog Recpt	Fiscal Note Impact
Crim Records/ID	2063	AAFIS	72,205	(72,205)	0
	2063	FBI			
subtotal			72,205	(72,205)	0
AST/Detachments	2063	CHP	12,378	(129,969)	(117,591)
Total	2063		84,583	(202,174)	(117,591)

FISCAL NOTE

#2
STA

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB177

Revision Date: _____	Dept. Affected: <u>Public Safety</u>
Title: <u>* An Act relating to permits to carry concealed handguns *</u>	BRU: <u>AST and DPS Statewide Support</u>
Sponsor: <u>Senator Green</u>	Component: <u>Detachments and AK Criminal Records and Identification</u>
Requestor: <u>S State Affairs</u>	COMPONENT SERIAL NO. <u>792 and 1190</u>

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

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

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

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	(117.8)	(117.8)	(117.8)	(117.8)	(117.8)	(117.8)
1006 GE/MHTIA						
Other						
TOTAL						

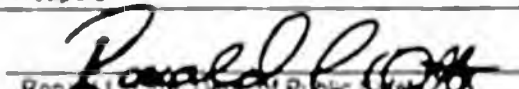
Estimate of current year (FY 96) impact: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

See attached analysis

Prepared By	Lt. Dan Lowden and Frank Allan	Phone	465-5505 269-5691
Division	Alaska State Troopers	Date	02/13/96
Approved by Commissioner		Date	2/13/96
Agency	Ronald L. Otte, Dept. of Public Safety		

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB177

Revision Date _____ Dept. Affected Public Safety

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FISCAL NOTE

4) 2/2/96
FIN

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: Draft "Z" CSSB177 (STA)

Revision Date: March 5, 1995
 Title: * An Act relating to permits to carry concealed handguns *
 Sponsor: Senator Green
 Requestor: (S) JUD

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

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

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

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 C/F Match						
1004 C/F						
1005 C/F/Program Receipts	(117.6)	(117.6)	(117.6)	(117.6)	(117.6)	(117.6)
1008 C/F/AMTIA						
Other						
TOTAL						

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

See attached analysis

Prepared By Lt. Dan Lowden and Frank Allen Phone 465-5505 269-5691
 Division Alaska State Troopers Date March 4, 1996
 Approved by Commissioner Ronald L. Otto Date 3/6/96
 Agency Ronald L. Otto, Dept. of Public Safety

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: Draft "Z" CSSB177 (STA)

Revision Date: March 5, 1996

Dept. Affected

Public Safety

The effect of this legislation will be to limit the Program Receipts authority to a maximum of \$65 per initial permit. The cost of providing the required background checks, including the processing of fingerprint checks through the FBI and the State of Alaska by the Alaska Criminal Records & Identification Section, is \$59. Under this bill \$6 per permit is all that the AST Permits Section would have available to process the applications. It should also be noted that if the fingerprinting requirement of current application process is eliminated, holders of Alaska Concealed Handgun Permits would no longer be exempted from the Brady Bill requirements.

The level of funding in this bill would reduce the Concealed Handgun staff from the current 1.5 to less than 30% of one position. The level of funding in this bill will not provide for any other costs such as the printing of new permits. This would result in the issuance of permits becoming backlogged and the backlog growing longer as time progresses. AST could not meet the 30 day time limit to issue permits as required in Section 4 (b) of the bill.

The Alaska Concealed Handgun Permitting process was intended to be self-supporting and not to negatively impact the Division of Alaska State Trooper's basic law enforcement function. Accordingly, AST would only be able to process a very limited number of permits utilizing the estimated \$12,378 that are projected to be available from the limited \$6 per application.

On the following page is a financial summary of the impact on the Detachments Component of the AST BRU and upon the Alaska Criminal Records and Identification Component of the DPS Statewide Support BRU

**STATE OF ALASKA
1996 LEGISLATIVE SESSION**

BILL NO: Draft "Z" CSSB177 (STA)

Revision Date March 5, 1996

Dept. Affected Public Safety

Draft CSSB177 Revenue Changes Recap

FY 97 Governor's Budget Program Receipts Recap

Component	est applic	fee	FY 97 Gov Budget Prog Recpt	Pass Thru to FBI	Total Receipts
Crim Records/ID	2063	AAFIS \$35	72,205		72,205
	2063	FBI 24		49,512	49,512
subtotal		59	<u>72,205</u>	49,512	121,717
AST/Detachments	2063	CHP 63	<u>129,969</u>		<u>129,969</u>
Total	2063	122	202,174	49,512	251,686

Draft CSSB177 Program Receipts Revised Projection

Component	est. applic.	fee	Revised Prog Recpt. HB 338	Pass Thru to FBI	Total Receipts
Crim Records/ID	2063	AAFIS \$35	72,205		72,205
	2063	FBI 24		49,512	49,512
subtotal		59	<u>72,205</u>	49,512	121,717
AST/Detachments	2063	CHP 6	<u>12,378</u>		<u>12,378</u>
Total	2063	65	84,583	49,512	134,095

Fiscal Note Recap

Component	est. applic.	fee	Revised Prog Recpt HB 338	FY 97 Gov Budget Prog Recpt	Fiscal Note Impact
Crim Records/ID	2063	AAFIS	72,205	(72,205)	0
	2063	FBI			
subtotal			72,205	(72,205)	0
AST/Detachments	2063	CHP	<u>12,378</u>	<u>(129,969)</u>	<u>(117,591)</u>
Total	2063		84,583	(202,174)	(117,591)

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB177 (STA)

Revision Date: January 17, 1996
 Title: Concealed handgun permit amendments
 Sponsor: Senator Green
 Requestor: STA

Dept. Affected: Public Safety
 BRU: Stwd Support
 Component: R & I
 COMPONENT SERIAL NO. 1190

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE Program Receipts						
1006 GE MHTIA						
Other						
TOTAL	0	0	0	0	0	0

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary;)

This bill has a zero fiscal impact on the Alaska Criminal Records and Identification component due to continuation of fees received for fingerprint based criminal history checks currently performed for concealed handgun permits. These checks will continue under this legislation.

Prepared By: *KES* Kenneth E. Bischoff, Director
 Division: Administrative Services
 Approved by Commissioner: *R. L. Otto*
 Agency: Ronald L. Otto, Dept. of Public Safety

Phone: 465-4336
 Date: January 17, 1996
 Date: 1/31/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 177(STA)

Revision Date: _____ Dept. Affected: Corrections
 Title: An act relating to permits to carry concealed BRU: _____
 handguns _____ Component: _____
 Sponsor: Senator Green
 Requester: Senate State Affairs Committee COMPONENT SERIAL NO. #0894

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of *per* current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would not have any fiscal impact on the Department of Corrections.

Prepared by: Jerry Shriner Phone: 465-4052
 Division: Office of the Commissioner Date: 1/22/96
 Approved by Commissioner: Margaret Pugh Date: 1/22/96
 Agency: Department of Corrections

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FISCAL NOTE

No. 3

Bill Version: CS SB 177(JUD)

(S) Publish Date: 3-6-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: <u>2/28/96</u>	Dept. Affected: <u>Department of Law</u>
Title: <u>*An Act relating to permits to carry concealed handguns.*</u>	BRU: <u>Criminal Division</u>
Sponsor: <u>Senator Green</u>	Component: <u>Criminal Division</u>
Requester: <u>Senate Judiciary Committee</u>	COMPONENT SERIAL NO. <u>2085</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSSB 177 (JUD) amends Alaska's laws concerning concealed handguns to remove many of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. The bill will not have a fiscal impact on the Department of Law.

Richard I. Pegues

Prepared by:	<u>Richard I. Pegues, Director</u>	Phone: <u>465-3672</u>
Division:	<u>Administrative Services Division</u>	Date: <u>2/28/96</u>
Approved by Commissioner:	<u>Royce M. Botelho, Attorney General</u>	Date: <u>2/28/96</u>
Agency:	<u>Department of Law</u>	

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FISCAL NOTE

No. 3

Bill Version: CS SB 177 (JUD)

(S) Publish Date: 3-6-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 2/28/96 Dept. Affected: Department of Law
 Title: *An Act relating to permits to carry concealed BRU: Criminal Division
 handgunt.* Component: Criminal Division
 Sponsor: Senator Green
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

*002 Federal Receipts						
*003 GF Match						
*004 GF						
*005 GF/Program Receipts						
*006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSSB 177 (JUD) amends Alaska's laws concerning concealed handguns to remove many of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. The bill will not have a fiscal impact on the Department of Law.

Richard I. Peques

Prepared by: Richard I. Peques, Director
 Division: Administrative Services
 Approved by Commissioner: Walter A. Rognoni
 Agency: Department of Law

Phone: 465-3672
 Date: 2/28/96
 Date: 2/28/96

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 [Signature]

FISCAL NOTE

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

BILL NO. CSSB 177 (JUD)

Revision Date: 2/28/96 Dept. Affected: Department of Law
 Title: "An Act relating to permits to carry concealed handguns." BRU: Criminal Division
 Component: Criminal Division
 Sponsor: Senator Green
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSSB 177 (JUD) amends Alaska's laws concerning concealed handguns to remove many of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. The bill will not have a fiscal impact on the Department of Law.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director Phone: 465-1672
 Division: Administrative Services Division Date: 2/28/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/28/96
 Agency: Department of Law

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FISCAL NOTE

(No. 4)

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: DI **Bill Version:** CS SB 177(JUD)
(S) Publish Date: 3-6-96

Revision Date: March 5, 1995
Title: " An Act relating to permits to carry concealed handguns "
Sponsor: Senator Green
Requestor: (S) JUD

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

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	(117.4)	(117.4)	(117.4)	(117.4)	(117.4)	(117.4)
1006 GRANTIA						
Other						
TOTAL						

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

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

See attached analysis

Prepared By: Lt Dan Lowden and Frank Atan
Division: Alaska State Troopers

Phone: 465-5505 269-5691
Date: March 4, 1996

Approved by Commissioner: Ronald L. Otto
Agency: Ronald L. Otto, Capt. of Public Safety

Date: 3/6/96

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO:

CS SB 177 (JUD)
~~DR 177 CS SB 177 (JUD)~~

Revision Date: March 5, 1996

Dept. Affected: Public Safety

The effect of this legislation will be to limit the Program Receipts authority to a maximum of \$65 per initial permit. The cost of providing the required background checks, including the processing of fingerprint checks through the FBI and the State of Alaska by the Alaska Criminal Records & Identification Section, is \$59. Under this bill \$6 per permit is all that the AST Permits Section would have available to process the applications. It should also be noted that if the fingerprinting requirement of current application process is eliminated, holders of Alaska Concealed Handgun Permits would no longer be exempted from the Brady Bill requirements.

The level of funding in this bill would reduce the Concealed Handgun staff from the current 1.5 to less than 30% of one position. The level of funding in this bill will not provide for any other costs such as the printing of new permits. This would result in the issuance of permits becoming backlogged and the backlog growing longer as time progresses. AST could not meet the 30 day time limit to issue permits as required in Section 4 (b) of the bill.

The Alaska Concealed Handgun Permitting process was intended to be self-supporting and not to negatively impact the Division of Alaska State Trooper's basic law enforcement function. Accordingly, AST would only be able to process a very limited number of permits utilizing the estimated \$12,378 that are projected to be available from the limited \$6 per application.

On the following page is a financial summary of the impact on the Detachments Component of the AST BRU and upon the Alaska Criminal Records and Identification component of the DPS Statewide Support BRU.

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO:

CS SB 177(JUD)
~~HB 127/CS SB 177(JUD)~~

Revision Date: March 5, 1996

Dept. Affected: Public Safety

Draft CSSB177 Revenue Changes Recap

FY 97 Governor's Budget Program Receipts Recap

Component	est applic	fee	FY 97 Gov Budget Prog Recpt	Pass Thru to FBI	Total Receipts
Crim Records/ID	2063	AAFIS \$35	72,205		72,205
	2063	FBI 24		49,512	49,512
subtotal		59	72,205	49,512	121,717
AST/Detachments	2063	CHP 61	129,969		129,969
Total	2063	122	202,174	49,512	251,686

Draft CSSB177 Program Receipts Revised Projection

Component	est. applic.	fee	Revised Prog Recpt. HB 338	Pass Thru to FBI	Total Receipts
Crim Records/ID	2063	AAFIS \$35	72,205		72,205
	2063	FBI 24		49,512	49,512
subtotal		59	72,205	49,512	121,717
AST/Detachments	2063	CHP 5	12,378		12,378
Total	2063	65	84,583	49,512	134,095

Fiscal Note Recap

Component	est. applic.	fee	Revised Prog Recpt HB 338	FY 97 Gov Budget Prog Recpt	Fiscal Note Impact
Crim Records/ID	2063	AAFIS	72,205	(72,205)	0
	2063	FBI			
subtotal			72,205	(72,205)	0
AST/Detachments	2063	CHP	12,378	(129,969)	(117,591)
Total	2063		84,583	(202,174)	(117,591)

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 177(FIN)

Revision Date: March 27, 1996
 Title: * An Act relating to permits to carry concealed handguns *
 Sponsor: Senator Green
 Requestor: S. Rules

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

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

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

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	(17.4)	(47.4)	(47.4)	(47.4)	(47.4)	(47.4)
1006 GE/MHTIA						
Other						
TOTAL						

Estimate of current year (FY 95) impact \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

See attached analysis

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

Phone 465-5505 269-5691
 Date 03/27/96
 Date 3/27/96

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 177(FIN)

Revision Date: _____ Dept. Affected: Public Safety

The effect of this legislation will be to limit the Program Receipts authority to a maximum of \$99 per initial permit. The cost of providing the required background checks, including the processing of fingerprint checks through the FBI and the State of Alaska by the Alaska Criminal Records & Identification Section, is \$59. Under this bill \$40 per permit is all that the AST Permits Section would have available to process the applications. It should also be noted that if the fingerprinting requirement of current application process is eliminated, holders of Alaska Concealed Handgun Permits would no longer be exempted from the Brady Bill requirements.

The Alaska Concealed Handgun Permitting process was intended to be self-supporting and not to negatively impact the Division of Alaska State Trooper's basic law enforcement function. This bill will force the existing AST budget to provide all costs for the supervision of the program which had previously been paid by program receipts.

On the following page is a financial summary of the impact on the Detachments Component of the AST BRU and upon the Alaska Criminal Records and Identification component of the DPS Statewide Support BRU.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 177 (FIN)

Revision Date: 3/27/96 Dept. Affected: Department of Law
 Title: "An Act relating to permits to carry concealed handguns...possession of firearms on state ferries." BRU: Criminal Division
 Component: Criminal Division
 Sponsor: Senator Green
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSSB 177 (FIN) amends Alaska's laws concerning concealed handguns to remove many of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. This version of SB 177 adds a section that includes and spells out the restrictions for possessing a firearm aboard a vessel of the Alaska Marine Highway System to conform to existing practice. This bill will not have a fiscal impact for the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3/27/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/27/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 177(FIN) am

Revision Date: <u>April 10, 1996</u>	Dept. Affected: <u>Public Safety</u>
Title: <u>* An Act relating to permits to carry concealed handguns *</u>	BRU: <u>AST and DPS Statewide Support</u>
Sponsor: <u>Senator Green</u>	Component: <u>Detachments and AK Criminal Records and Identification</u>
Requestor: <u>S Rules</u>	COMPONENT SERIAL NO. <u>799 and 1190</u>

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0
Revenue Code						

FUNDING: (Thousands of Dollars)

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

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary.)

See attached analysis

Prepared By: <u>Lt Dan Lowden and Frank Allan</u>	Phone: <u>465-5505 269-5691</u>
Division: <u>Alaska State Troopers</u>	Date: <u>April 10, 1996</u>
Approved by Commissioner: <u><i>Ronald L. Otto</i></u>	Date: <u>4/10/96</u>
Agency: <u>Ronald L. Otto, Dept. of Public Safety</u>	

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 177(FIN) am

Revision Date: April 10, 1996

Dept. Affected: Public Safety

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

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

A FAX

Alaska State Legislature

Date: 26 March 1996

To: Jerry Luckhaupt

Fax #: 2029 Phone #: 2450

From: Jerry, Sen. Finance Committee

Phone #: 4935

Re: please incorporate attached amendments (3) into final
version of CSSB 171 (FIN). Many thanks!

Following this page, please find 6 pages(s). If this does not reach you in full, please inform us ASAP.



THANK YOU.

*faxed 10:45 a.m.
3/26/96*

3-26-96
SFC
-SR
By Rights-moved
Adopted
4-3

Amendment
To: Work Draft 9-LS1139 \ D
CS SB 177

Page 6, Lines 16-17

Delete: "A FACILITY PROVIDING SERVICES TO VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT"

Insert "a facility providing services to victims of domestic violence or sexual assault"

re-number other subparagraphs accordingly

SENATE FINANCE
COMMITTEE

Amendment Number: 3

Bill Number: _____

Sponsor: _____ Date: 3/26/96

Logged In By: ph

9-LS1139VZ.4

Luckhaupt

3/25/96

JFC 3/24/96

RP moved

Adopted

4-3

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 177(JUD)

BY SENATOR PHILLIPS

1 Page 7, line 1:

2 Delete

3 "(9) A RESIDENCE WHERE"

4 Insert

5 "(9) A) residence, other than the permittee's residence, unless the
6 permittee has first obtained the express permission to bring a concealed handgun
7 into the residence from an adult residing there [WHERE"

8 Page 7, lines 13 - 14:

9 Delete "AS 06;

10 (12) ANOTHER]"

11 Insert "AS 06);

12 (5) a [(12) ANOTHER]"

13 Page 7, line 16:

14 Delete "(5)"

15 Insert "(6)"

9-LS1139AD ✓
Luckhaupt
3/25/96

JFC 3/26/96
BS
Moved
Adopted

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

Amend p. 4
Adopted

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

4 • Section 1. AS 11.61.220(b) is amended to read:

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

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

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

12 (3) the holder of a valid permit to carry a concealed handgun under
13 AS 18.65.700 - 18.65.790, the deadly weapon concealed was a concealed handgun as
14 defined in AS 18.65.790, and the possession did not occur in a municipality or

1 established village in which the possession of concealed handguns is prohibited under
2 AS 18.65.780 - 18.65.785; or

3 (4) the holder of a valid permit to carry a concealed handgun
4 issued by another state if the state that issued the permit allows persons holding
5 permits issued under AS 18.65.700 - 18.65.790 to carry a concealed handgun in
6 that state as determined by the Department of Public Safety, and

7 (A) the deadly weapon concealed was a concealed handgun
8 as defined in AS 18.65.790; and

9 (B) the possession did not occur in a municipality or
10 established village in which the possession of concealed handguns is
11 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
16 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
17 in AS 18.65.790, the defendant did not consume an intoxicating liquor at the place
18 where the possession occurred and did not consume an intoxicating liquor at any
19 time during the eight hours before the possession, and the possession did not
20 occur in a municipality or established village in which the possession of concealed
21 handguns is prohibited under AS 18.65.780 - 18.65.785;

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

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

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

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

29 (a) The department shall issue a permit to carry a concealed handgun to a person
30 who

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

32 (2) qualifies under AS 18.65.705;

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

6 (4) submits two complete sets of fingerprints on Federal Bureau of
7 Investigation approved fingerprint cards that are of sufficient quality so that the
8 fingerprints may be processed; the fingerprints must be taken by a person, group, or
9 agency approved by the department; the department shall maintain a list of persons,
10 groups, or agencies approved to take fingerprints and shall provide the list to the public
11 upon request;

12 (5) submits evidence of competence with handguns as provided in
13 AS 18.65.715;

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

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

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

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

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

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

31 • Sec. 5. AS 18.65.700(d) is amended to read:

32 (d) A permit issued under (a) of this section is valid for five years from the date

1 of issue. The permit must specify the action types [AND MAXIMUM CALIBERS] of
 2 handgun described in the permittee's certificate of competency under AS 18.65.715 but
 3 may not specifically identify a handgun by make, model, or serial number.

4 * Sec. 6. AS 18.65.705(4) is amended to read:

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

9 (A) AS 11.41.230, 11.41.250, 11.41.270;

10 (B) AS 11.46.315, ~~11.46.320, 11.46.330,~~ 11.46.430, 11.46.484;

11 (C) AS 11.51.130;

12 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,
 13 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800,
 14 11.56.805;

15 (E) ~~AS 11.61.110(a)(3) - (7)~~ [AS 11.61.110], 11.61.120,
 16 11.61.210, 11.61.220, 11.61.240; or

17 (F) AS 11.71.050, 11.71.060;

18 * Sec. 7. AS 18.65.710(a)(3) is amended to read:

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

22 * Sec. 8. AS 18.65.715(a) is amended to read:

23 (a) An applicant for a permit to carry a concealed handgun shall provide a
 24 certificate of successful completion of a handgun course that is approved by the
 25 department. The certificate must state the action type [AND CALIBER] of handgun or
 26 handguns the applicant has demonstrated competence with and that the applicant may be
 27 permitted to carry. A permittee may only carry as a concealed handgun an action type
 28 of handgun described in the certificate. [A PERMITTEE MAY ONLY CARRY AS A
 29 CONCEALED HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE
 30 PERMITTEE DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER
 31 OF THE SAME ACTION TYPE.] The handgun course must have been completed
 32 within the 12 months immediately preceding the application. The department shall

1 approve a handgun course, including the personal protection course offered by the
2 National Rifle Association, if the course tests the applicant's

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

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

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

8 (4) physical competence with each action type of handgun the applicant
9 wishes to carry under the permit [AND THE MAXIMUM CALIBER FOR EACH
10 ACTION TYPE THE APPLICANT WISHES TO CARRY UNDER THE PERMIT].

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

12 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the
13 processing of the application for and initial issuance of a permit, renewal of a permit, or
14 replacement of a permit. The fees shall be set by regulation and must be based on the
15 actual costs incurred by the department. However, the fee for the processing of an
16 application and initial issuance of a permit may not exceed \$99 [S125] and the fee for
17 renewal of a permit or replacement of a permit may not exceed \$30 [S60].

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

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

21 (1) becomes disqualified to receive and hold a permit under
22 AS 18.65.705; ~~or~~

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

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

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

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

32 (1) a law enforcement or correctional facility;

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

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

4 (A) is a judge; or

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

7 (4) a [BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
8 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
9 AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

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

13 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
14 AIRLINE TERMINAL;

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

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

18 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A
19 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
20 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT
21 TO THE PERMITTEE;

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

26 (11) A FINANCIAL INSTITUTION; IN THIS PARAGRAPH,
27 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
28 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
29 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER
30 AS 06;

31 (12) ANOTHER] place where the possession of a deadly weapon or
32 firearm is prohibited by a statute of this state or a law of the federal government

1 [LAW]; or

2 (5) ~~((13))~~ a municipality or established village that has prohibited the
3 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

4 • Sec. 12. AS 18.65.765(a) is amended to read:

5 (a) The holder of a permit issued under AS 18.65.700 - 18.65.790

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

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

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

12 (4) may only carry a concealed handgun of the action type [AND
13 CALIBER] the holder has demonstrated competency with [OR OF ANY LESSER
14 CALIBER OF THE SAME ACTION TYPE] as authorized in the permit issued under
15 AS 18.65.700.

16 • Sec. 13. AS 18.65.790(3) is amended to read:

17 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
18 and that is covered or enclosed in any manner so that an observer cannot determine that
19 it is a handgun without removing it from that which covers or encloses it or without
20 opening, lifting, or removing that which covers or encloses it; however, "concealed
21 handgun" does not include a shotgun or [.] rifle. [DERRINGER OR OTHER
22 MINIATURE HANDGUN.] or a prohibited weapon as defined under AS 11.61.200 [;
23 IN THIS PARAGRAPH.

24 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
25 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
26 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
27 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
28 IS PART OF THE FRAME; AND

29 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
30 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS
31 AND LACKS A MANUFACTURER'S INSTALLED TRIGGER GUARD
32 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART

1 OF THE FRAME];

2 * Sec. 14. AS 19.65 is amended by adding a new section to read:

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

6 (1) is a peace officer;

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

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

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

12 * Sec. 15. AS 18.65.705(5), 18.65.705(9), and 18.65.725(c) are repealed.

A FAX

Alaska State Legislature

Date: 22 March 1996

To: Jerry Luckhaupt, Legal Services

Fax #: 2029 Phone #: 2450

From: Jerry L. Soltani, Senate Finance Committee

Phone #: 4935

Re: using CSSB 177 (JUD) as a basis would you please do a draft version of a FIN CS incorporating the amendments I have attached. Many thanks.

Following this page, please find 6 pages(s). If this does not reach you in full, please inform us ASAP.



THANK YOU.

SENATE FINANCE
COMMITTEE

Amendment Number: 1

Bill Number: SB 177

Sponsor: _____ Date: 3/22/96

Logged In By: JS

Sen. Donkey moved
adopted 3/22/96
9-LS1139Z.3
Luckhaupt
3/19/96

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 177(JUD)

1 Page 1, lines 3 - 13:

2 Delete all material.

3 Page 1, line 14:

4 Delete "* Sec. 2."

5 Insert "* Section 1."

6 Renumber the following bill sections accordingly.

7 Page 6, lines 10 - 17:

8 Delete

9 "(2) or possess a concealed handgun within a building, on the
10 grounds or on the parking lot of a public or private preschool, elementary, junior
11 high, or secondary school except while the permittee, without entering a school
12 building, without detour or delay while on school grounds, and without being on
13 a school bus, directly escorted to or from the school, or picked up or dropped off
14 at the school, a person or thing; (ON SCHOOL GROUNDS OR A SCHOOL BUS;
15 IN THIS PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
16 AS 11.71.900);"

17 Insert

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

Sen. Frank moved
adopted 8/22/96
9-LS1139Z.2
Luckhaupt
3/19/96

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 177(JUD)

- 1 Page 5, line 25:
- 2 Delete "\$65"
- 3 Insert "\$99"

SENATE FINANCE
COMMITTEE
Amendment Number: 2
Bill Number: SB 177
Sponsor: _____ Date: 8/22/96
Logged In By: js

1 that the defendant, at the time of possession, was

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

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

7 (3) the holder of a valid permit to carry a concealed handgun under
8 AS 18.65.700 - 18.65.790, the deadly weapon concealed was a concealed handgun as
9 defined in AS 18.65.790, and the possession did not occur in a municipality or
10 established village in which the possession of concealed handguns is prohibited under
11 AS 18.65.780 - 18.65.785; or

12 (4) the holder of a valid permit to carry a concealed handgun
13 issued by another state if the state that issued the permit allows persons holding
14 permits issued under AS 18.65.700 - 18.65.790 to carry a concealed handgun in
15 that state as determined by the Department of Public Safety, and

16 (A) the deadly weapon concealed was a concealed handgun
17 as defined in AS 18.65.790; and

18 (B) the possession did not occur in a municipality or
19 established village in which the possession of concealed handguns is
20 prohibited under AS 18.65.780 - 18.65.785.

21 • Sec. 3. AS 11.61.220(d) is amended to read:

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

23 (1) an affirmative defense that the defendant, at the time of
24 possession, was the holder of a valid permit to carry a concealed handgun under
25 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
26 in AS 18.65.790, and the possession did not occur in a municipality or established
27 village in which the possession of concealed handguns is prohibited under
28 AS 18.65.780 - 18.65.785;

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

31 (A) [(1) ON BUSINESS PREMISES] owned by or leased by

Sen. Donley moved
adopted
3/22/96

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 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

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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,
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22 concealed handguns;

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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

the bill for the committee. Senator Donley moved amendment #1 and without objection it was adopted. Senator Frank moved amendment #2 and without objection it was adopted. Senator Donley moved that in Sec. 3, page 2, line 25 the House version (HB0338b), page 2, line 2 beginning with the word "the..." and ending with the word "possession" on line 4 be added and without objection it was adopted. Senator Donley moved in Section 7, page 4, line 19 delete "11.06.484(a)(1), (2), or (7)", line 22 delete "[11.56.545,]", line 23 delete "[, 11.56.805]" and leave line 24 as is and without objection it was adopted. The following individuals testified before the committee: Mr. David Schwantes, ret., NEA; Lt. Chris Stockard, Department of Public Safety; Jayne Andreen, Council on Domestic Violence and Sexual Assault; Mr. Ed Viscardi, NEA; and Kimberly Homme, Special Assistant to the Commissioner, Department of Education. The bill was HELD in committee pending further action.

ADJOURNMENT

The meeting was adjourned at approximately 11:20 A.M.

1 [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF
2 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A
3 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL
4 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION
5 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department
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10 handgun described in the permittee's certificate of competency under AS 18.65.715 but
11 may not specifically identify a handgun by make, model, or serial number.

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14 the application, of, and is not currently charged under a complaint, information,
15 indictment, or presentment with, any of the following misdemeanor offenses or similar
16 laws of another jurisdiction:

17 (A) AS 11.41.230, 11.41.250, 11.41.270;

18 (B) AS 11.46.315, [11.46.320, 11.46.330,] 11.46.430,

19 *del. 11.46.484(1)(1), (2), or (7) [11.46.484];*

20 (C) AS 11.51.130;

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

22 *del. 11.56.545;* 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800

23 *del. 11.56.805;*

24 (E) AS 11.61.110(a)(3) - (7) [AS 11.61.110], 11.61.120,
25 11.61.210, 11.61.220, 11.61.240; or

26 (F) AS 11.71.050, 11.71.060;

27 • Sec. 8. AS 18.65.710(a)(3) is amended to read:

28 (3) a statement that the applicant has been furnished with a copy of the
29 state laws and regulations relating to concealed handguns [AS 18.65.700 -
30 18.65.790], has read those sections, and understands them;

31 • Sec. 9. AS 18.65.715(a) is amended to read:

32 (a) An applicant for a permit to carry a concealed handgun shall provide a

3/20/96

Jerry-

Please review final
C55B 177 (Fix) and
advise if inclusion of
Sen. Phillips' amend.
meets with his approval.

OK by Jerry } Thank You,
1:45 pm } Kathy
2618

3:55 pm Call from Kern
Approved by Sen. Donley

Post Office Telephone Message Card 7560

To 60262
Date 3/26 Time 2:02 PM

WHILE YOU WERE OUT

M Phillips
of Sen. Phillips' office

Phone No _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL
WAS IN TO SEE YOU	<input type="checkbox"/>	WILL CALL BACK
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT
RETURNED YOUR CALL	<input type="checkbox"/>	

Message will look you up

Operator 1

NEW BILL
COMMITTEE 3/6/96

CS FOR SENATE BILL NO. 177(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/6/96

Referred: Finance

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

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 (c) 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) did not occur within or on a school bus;

9 (2) occurred as the defendant, without entering the school building,
10 directly escorted to or from the school, or picked up or dropped off at the school,
11 without detour or delay while on school grounds, a person or thing; and

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

14 • Sec. 2. AS 11.61.220(b) is amended to read:

15 (b) In a prosecution under (a)(1) of this section, it is an affirmative defense

1 that the defendant, at the time of possession, was

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

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

7 (3) the holder of a valid permit to carry a concealed handgun under
8 AS 18.65.700 - 18.65.790, the deadly weapon concealed was a concealed handgun as
9 defined in AS 18.65.790, and the possession did not occur in a municipality or
10 established village in which the possession of concealed handguns is prohibited under
11 AS 18.65.780 - 18.65.785; or

12 (4) the holder of a valid permit to carry a concealed handgun
13 issued by another state if the state that issued the permit allows persons holding
14 permits issued under AS 18.65.700 - 18.65.790 to carry a concealed handgun in
15 that state as determined by the Department of Public Safety, and

16 (A) the deadly weapon concealed was a concealed handgun
17 as defined in AS 18.65.790; and

18 (B) the possession did not occur in a municipality or
19 established village in which the possession of concealed handguns is
20 prohibited under AS 18.65.780 - 18.65.785.

21 * Sec. 3. AS 11.61.220(d) is amended to read:

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

23 (1) an affirmative defense that the defendant, at the time of
24 possession, was the holder of a valid permit to carry a concealed handgun under
25 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
26 in AS 18.65.790, and the possession did not occur in a municipality or established
27 village in which the possession of concealed handguns is prohibited under
28 AS 18.65.780 - 18.65.785;

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

31 (A) [(1) ON BUSINESS PREMISES] owned by or leased by

1 the defendant; or

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

4 • Sec. 4. AS 18.65.700(a) is amended to read:

5 (a) The department shall issue a permit to carry a concealed handgun to a person
6 who

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

8 (2) qualifies under AS 18.65.705;

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

14 (4) submits two complete sets of fingerprints on Federal Bureau of
15 Investigation approved fingerprint cards that are of sufficient quality so that the
16 fingerprints may be processed; the fingerprints must be taken by a person, group, or
17 agency approved by the department; the department shall maintain a list of persons,
18 groups, or agencies approved to take fingerprints and shall provide the list to the public
19 upon request;

20 (5) submits evidence of competence with handguns as provided in
21 AS 18.65.715;

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

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

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

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

30 • Sec. 5. AS 18.65.700(b) is amended to read:

31 (b) The department shall either approve or reject an application for a permit to
32 carry a concealed handgun under (a) of this section within 30 [15] days of receipt of

1 [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF
2 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A
3 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL
4 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION
5 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department
6 shall notify the applicant in writing of the reason for a rejection.

7 • Sec. 6. AS 18.65.700(d) is amended to read:

8 (d) A permit issued under (a) of this section is valid for five years from the date
9 of issue. The permit must specify the action types [AND MAXIMUM CALIBERS] of
10 handgun described in the permittee's certificate of competency under AS 18.65.715 but
11 may not specifically identify a handgun by make, model, or serial number.

12 • Sec. 7. AS 18.65.705(4) is amended to read:

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

17 (A) AS 11.41.230, 11.41.250, 11.41.270;

18 (B) AS 11.46.315, [11.46.320, 11.46.330,] 11.46.330,

19 11.46.384(a)(1), (2), or (7) [11.46.384];

20 (C) AS 11.51.130;

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

22 [11.56.545,] 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800

23 [, 11.56.805];

24 (E) AS 11.61.110(a)(3) - (7) [AS 11.61.110], 11.61.120,

25 11.61.210, 11.61.220, 11.61.240; or

26 (F) AS 11.71.050, 11.71.060;

27 • Sec. 8. AS 18.65.710(a)(3) is amended to read:

28 (3) a statement that the applicant has been furnished with a copy of the
29 state laws and regulations relating to concealed handguns [AS 18.65.700 -
30 18.65.790], has read those sections, and understands them;

31 • Sec. 9. AS 18.65.715(a) is amended to read:

32 (a) An applicant for a permit to carry a concealed handgun shall provide a

1 certificate of successful completion of a handgun course that is approved by the
2 department. The certificate must state the action type [AND CALIBER] of handgun or
3 handguns the applicant has demonstrated competence with and that the applicant may be
4 permitted to carry. A permittee may only carry as a concealed handgun an action type
5 of handgun described in the certificate. [A PERMITTEE MAY ONLY CARRY AS A
6 CONCEALED HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE
7 PERMITTEE DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER
8 OF THE SAME ACTION TYPE.] The handgun course must have been completed
9 within the 12 months immediately preceding the application. The department shall
10 approve a handgun course, including the personal protection course offered by the
11 National Rifle Association, if the course tests the applicant's

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

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

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

17 (4) physical competence with each action type of handgun the applicant
18 wishes to carry under the permit [AND THE MAXIMUM CALIBER FOR EACH
19 ACTION TYPE THE APPLICANT WISHES TO CARRY UNDER THE PERMIT].

20 * Sec. 10. AS 18.65.720 is amended to read:

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

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 the
29 department when the permittee

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

32 (2) [IS CONVICTED OF TWO CLASS A MISDEMEANORS OF THIS

1 STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A FIVE-
2 YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS AFTER THE
3 APPLICATION;

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

7 • Sec. 12. AS 18.65.755(a) is amended to read:

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

9 (1) a law enforcement or correctional facility;

10 (2) or possess a concealed handgun within a building, on the grounds
11 or on the parking lot of a public or private preschool, elementary, junior high, or
12 secondary school except while the permittee, without entering a school building,
13 without detour or delay while on school grounds, and without being on a school
14 bus, directly escorted to or from the school, or picked up or dropped off at the
15 school, a person or thing; [ON SCHOOL GROUNDS OR A SCHOOL BUS; IN THIS
16 PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
17 AS 11.71.900];

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

19 (A) is a judge; or

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

22 (4) a [BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
23 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
24 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
2 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
3 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT
4 TO THE PERMITTEE;

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

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

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

16 ~~(5)~~ [(13)] a municipality or established village that has prohibited the
17 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

18 * Sec. 13. AS 18.65.765(a) is amended to read:

19 (a) The holder of a permit issued under AS 18.65.700 - 18.65.790

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

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

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

26 (4) may only carry a concealed handgun of the action type [AND
27 CALIBER] the holder has demonstrated competency with [OR OF ANY LESSER
28 CALIBER OF THE SAME ACTION TYPE] as authorized in the permit issued under
29 AS 18.65.700.

30 * Sec. 14. AS 18.65.790(3) is amended to read:

31 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
32 and that is covered or enclosed in any manner so that an observer cannot determine that

1 it is a handgun without removing it from that which covers or encloses it or without
2 opening, lifting, or removing that which covers or encloses it; however, "concealed
3 handgun" does not include a shotgun or [.] rifle. [DERRINGER OR OTHER
4 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [;
5 IN THIS PARAGRAPH.

6 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
7 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
8 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
9 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
10 IS PART OF THE FRAME; AND

11 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
12 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS
13 AND LACKS A MANUFACTURER'S INSTALLED TRIGGER GUARD
14 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART
15 OF THE FRAME];

16 * Sec. 15. AS 18.65.705(5), 18.65.705(9), and 18.65.725(c) are repealed.

SENATE FINANCE
COMMITTEE

9-LS1139Z.4

Luckhaupt

3/25/96

Amendment Number: 3

Bill Number: _____

Sponsor: _____ Date: 3/26/96

Logged In By: ML

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR PHILLIPS

TO: CSSB 177(JUD)

1 Page 7, line 1:

2 Delete

3 "(9) A RESIDENCE WHERE"

4 Insert

5 "(9) A] residence, other than the permittee's residence, unless the
6 permittee has first obtained the express permission to bring a concealed handgun
7 into the residence from an adult residing there [WHERE"

8 Page 7, lines 13 - 14:

9 Delete "AS 06:

10 (12) ANOTHER]"

11 Insert "AS 06];

12 (5) [(12) ANOTHER]"

13 Page 7, line 16:

14 Delete "(5)"

15 Insert "(6)"

SENATE FINANCE COMMITTEE REPORT

DATE: 3/6/96

DATE TURNED INTO OFFICE: 3/24/96

The Finance Committee considered SB 177

Relating to permits to carry concealed handguns.

*CS (Fin)
coming*

and recommends:

- be replaced with CS SB 177 (Fin)
- adopt previous CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
 - same title
 - new title
- House Bill:
 - same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>	Co-Chair:			
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

DPS	4/2/96	0	0

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#3 DOLAW	2/29/96	0	0
#4 DPS	7/0/96		(117.6)

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

TESTIMONY FOR SB 177

OFFERED IN THE SENATE FINANCE
COMMITTEE



LEONARD ABEL, Ph.D.
PROGRAM ADMINISTRATOR
COMMUNITY MENTAL HEALTH SERVICES

STATE OF ALASKA
DEPARTMENT OF HEALTH & SOCIAL SERVICES
DIVISION OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

P.O. BOX 1164
JUNEAU ALASKA 99801
PHONE (907) 465-3370

FRIDAY MARCH 22, 1996

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

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

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

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

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

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

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

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

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

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

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

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

ALASKA STATE LEGISLATURE

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

State Capitol
Juneau, Alaska 99801-1102
(907) 465-2600
Fax (907) 465-3805

SENATOR LYDA GREEN SENATE DISTRICT N

MEMORANDUM

TO: Senator Rick Halford, Chairman
Senate Finance Committee

FROM: Senator Lyda Green *Lyda Green*

DATE: March 21, 1996

SUBJECT: Request for Hearing

=====

I respectfully request that you schedule Senate Bill 177, relating to concealed handgun permit revisions, for a hearing in the Senate Finance Committee.

I have attached a copy of my sponsor statement, sectional analysis and other applicable supporting documentation for inclusion in the committee packets.

There are a couple of amendments that I would like to make to the bill. The first raises the fee cap from the \$65 to \$99, this level is supported by the Department and will allow them to continue to issue permits in a timely manner. The second deletes the allowance of concealed carry on school grounds. This issue has been the most contentious portion of the bill and maintaining the current law should help solidify support among the other members.

Thank you for your consideration. Please let me know if your need further information or have any questions.

ALASKA STATE LEGISLATURE

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



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

SENATOR LYDA GREEN

SENATE DISTRICT N

CSSB 177 (JUD)

"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. RETAIN F.B.I. fingerprint requirement (and CHANGE department's time limit for approval from 15 to 30 days).
2. RETAIN requirement to qualify with specific action types, but delete specified caliber.
3. DELETE residency requirement.
4. CHANGE application fee cap from \$125 to \$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 inside school buildings, state court facilities, correctional facilities, law enforcement facilities and where disallowed by Alaska state and federal law.
7. LIMITS misdemeanor offenses that would preclude obtaining a permit to those involving violence or misuse of weapons.
7. DELETE prohibition on derringers and miniature handguns as allowable for concealed carry.
8. ADD providing applicant with a copy of laws and regulations pertaining to the concealed handgun program.

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

LEGAL SERVICES

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

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

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

MEMORANDUM

March 11, 1996

SUBJECT: Sectional Summary of CSSB 177(JUD)
(Work Order No. 9-LS1139VZ)

TO: Senator Lyda Green
Attn: Brett Huber

FROM: Gerald P. Luckhaupt *GLP*
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, the weapon possessed is a concealed handgun, the possession does not occur on a school bus or within a municipality or established village that has prohibited the possession of concealed handguns, and the possession is incident to the escorting, picking up, or dropping off of a person or thing at the school.

Section 2 of the bill amends AS 11.61.220 by providing an affirmative defense to a charge of carrying a concealed deadly weapon if the person charged has a permit to carry a concealed handgun from another state if that state allows Alaska permit holders to carry concealed handguns in that state.

Section 3 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.

Senator Lyda Green

March 11, 1996

Page 2

Section 4 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 5 of the bill amends AS 18.65.700(b) to require the department to accept or reject a concealed handgun application within 30 days.

Section 6 of the bill amends AS 18.65.700(d) by removing a requirement that a concealed handgun permit must specify the calibers of handguns the person has demonstrated competence with and can carry.

Section 7 of the bill amends the list of misdemeanors that disqualify a person from receiving a concealed handgun permit.

Section 8 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 9 of the bill amends AS 18.65.715(a) by removing a requirement that a certificate of completion of a handgun course specifies the calibers of handguns the applicant has demonstrated competency with and also by removing a requirement that a handgun course must test an applicant's competence with each caliber the applicant wants to carry.

Section 10 of the bill amends AS 18.65.720 by reducing the fees for a 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 changing the places that concealed handgun permittees may not carry their weapons.

Section 13 of the bill amends AS 18.65.765(a) by removing the requirement that permittees may only carry concealed handguns of the calibers they have demonstrated competency with.

Section 14 of the bill amends AS 18.65.790(3) by allowing derringers and miniature handguns to be carried by a concealed handgun permittee.

Section 15 of the bill provides repealers.

GPL:kjb

96-178.kjb

10-5-95

Honorable Members :

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

Thank you,

Daniel E. Stone

Po Box 111414

ANCHORAGE, AK 99511

October 5, 1995

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

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

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

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

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

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

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

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

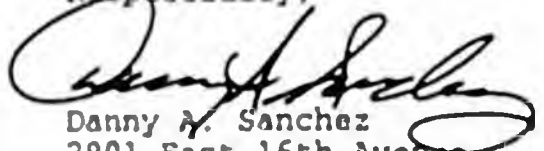
I as well as many others I'm sure are interested in minimizing costs and keeping these on-going law abiding opportunities available to the people of Alaska.

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

15073163151 P.01
M.M. MOORE
2200 E 56th
Anchorage, Alaska 99507
(907) 563-7576

To: Senator Lyda Green:

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

Dear Senator Green:

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

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

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

Sincerely,

M.M. "Moose" Moore

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

10/03/95

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

To All Committee Members:

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

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

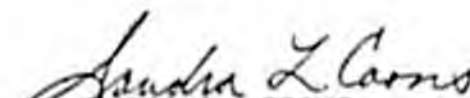
One of the big costs for a permit to carry is the requirement for fingerprints. According to Senator Lyda Groon's staff, Florida has only had 0.01% of the applicants who applied turn out to be ineligible due to previous felony convictions. Florida does not use fingerprints but uses NCIC computers for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

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

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

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


MICHAEL C. COONS


SANDRA L. COONS

Post-it brand fax transmittal memo 7571	# of pages = 5
St. State Affairs Center Nat. 6110	
Dept.	Phone 376-3704
258-8173	376-6180

TESTIMONY OF OCTOBER 3, 1995, JOINT HOUSE/ SENATE STATE AFFAIRS
COMMITTEES ON BILLS TO AMEND THE CONCEALED HANDGUN PROVISIONS-
HB-338/SB177.

I HAVE BEEN A SHOOTER FOR MORE THAN 30 YRS. AND HAVE CONSISTENTLY SUPPORTED RESPONSIBLE FIREARMS OWNERSHIP AND USE. I SUPPORTED PASSAGE OF HB-331 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-293) HAD UNDER REASON FINGERPRINTED: "CONCEALED HANDGUN APPLICANT AS 18.63.700"

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

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

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

ROBERT H. PARKERSON - PH: (907) 745-4358
PO BOX 7630-A1
PALMER, ALASKA 99647.

APPLICANT

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION ON PLATE

LEAVE BLANK

LAST NAME FIRST MIDDLE NAME

PARKERSON, Robert Henry

Paul R. Rochester

AKAST0100

950974877006

Our Rd, Old Glenn Hwy
PALMER, ALASKA

CLIENT #8001

DPS
ANCHORAGE, AK

DATE OF BIRTH
06 02 31

1945 Robert H Henderson

CITIZENSHIP USA

M W 6'0" 205 BLU WHI

PLACE OF BIRTH
Brooklyn, N.Y.

*Henderson & Kolwosty St 514
P.O. Box 3090
Palmer AK 99645*

FOUR NO. 4006

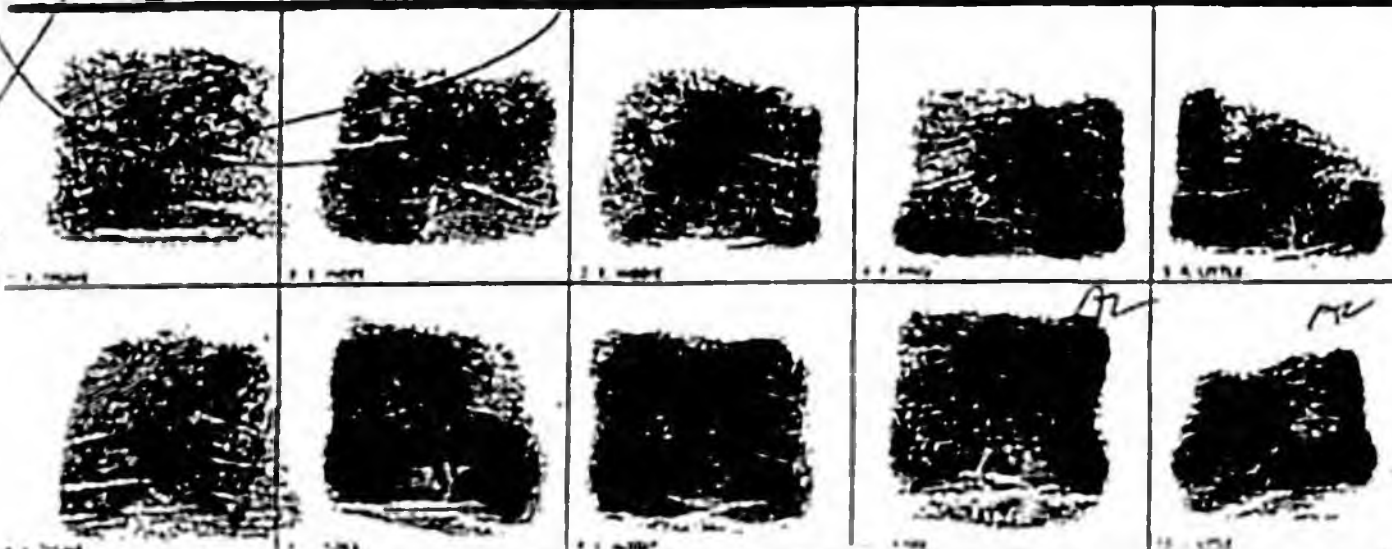
IN NO.

ALASKA DRIVER NO. 15-506438

ALASKA LICENSE NO. 126-26-2573

ALASKA IDENTITY NO. 0465049

CONCEALED H/MDGUN
APPLICATION
AS 18.65.700





October 4, 1995

Post-It Fax Note	7871	Date	9/5	Page	7
To	JEANETTE JAMES	From	JOAN FISHER		
Co./Dept.	LIO	Co.	MCC		
Phone #		Phone #			
Fax #	258-1d61	Fax #	338-6789		

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 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 Commercial Drive
 Anchorage, Alaska 99501
 (907) 333-3100



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

9700 Commercial Drive
Anchorage, Alaska 99504
(907) 533-1100

SEP 7 1995



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



September 6, 1995

Senator Green & Representative James

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

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

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

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

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

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

Thank You

 Robert Wiseman

SB 177

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

I support Senate Bill 177

NAME	ADDRESS	PHONE
KEA LEIGHT	HCO4 Box 9576 Palmer AK 99645	745-1326
ROB SHIPLEY	9600 ALBATROSS DR. ANCH. 99515	257-3915
J.P. McCUBBINS	P.O. Box 1656 Homer ALASKA 99603-0165	
Kim Medlock	PO Box 2125 Palmer	746-3519
PATRICK CRAMER	9411 AGATTA CIG. EAGLE RIVER 99577	694-7898
TUCKERMAN DUBOIS	HCO1 Box 6219 C. Palmer 99645	746-7632
Jacob Hicoek	6209 CLERIGNY 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 522-1959
JAMES W. HILL	3860 AMBER BAY LOOP, ANCH-99515	
Ross Johnson	PO Box 871706 Wasilla AK 99687	373-6800
Jeff Ferry	PO Box 62 Willow AK 99688	746-1115
CAROL MUMFORD	HCO1 Box 6050 BB PALMER 99645	745-8224
William W. Paulson	P.O. Box 190029 ANCH. AK 99519	346-2897

THANK YOU FOR YOUR SUPPORT

... Senator ...

LYDA GREEN



SB 177

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

I support Senate Bill 177

NAME	ADDRESS	PHONE
JEFF HASKIN	WASILLA AK 99654 500 E. Crestwood Ave	376-2073
PAM HASKIN	WASILLA AK 99654 500 E CRESTWOOD	376-2073
WILLIAM GAINES	99687 P.O. Box 877414, WASILLA,	373-1634
Mary Pevak	99645 P.O. Box 1365 Palmer	745-3065
Joe Beckly	HC 30 5503 Wasilla AK 99654	373-7951
John Beckly	Palmer AK 99647	373-7951
Bill Smith	6830 Elmerick Ct - Anch	537-5827
Dave Peterson	Box 1010, Willow, AK	495 6556
JR Bobert	Palmer AK 99645 P.O. Box 3915	892 8632
Robert G. Vilvisaker	Box 2666 Palmer	746-0626
John R. Bozner	Box 2132 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
AT MARLEY	2901 Whispering Willow Dr.	376-5602

THANK YOU FOR
YOUR SUPPORT

... Senator ...
LYDA GREEN



SB 177

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

I support Senate Bill 177

NAME	ADDRESS	PHONE
MICHAEL N. MOORE	P.O. Box 873427 WASILLA, AK 99697	1-907-376-6165
RICHARD PERRY	P.O. Box 19031, ANCHORAGE, ALASKA	907-344-7693
Duane LeYoodrick	Box 821 Palmer 99645	745 3968
Steve R. Auduel	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	576-6907
Rita Sennings	Box 19 SUTTON 99674	746-0787
Kelli Peppers	Box 870415 Wasilla 99687	376-5523
JAMES GARHART	Box 872533 WASILLA	746-2828
ASHLE EDWARD	740 G St 25 Ft Richardson	420-4087
Tom Whitsome 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
Jeffrey W LAMB	3605 ARCTIC #2243 AKIAK	258-1519
Chris NEUMAN	41901 Pine, P.O. Box 872752 WASH/ALASKA 99687	
CLAY LANGRAN	3605 Arctic Blvd Anch, 99503	
Katherine L. Burgen	2814 Brittonville Anch, AK 99504	333-0900
Debra S. Bell	P.O. Box 878783 WAILIA	373-7339
Debra S. Bell	PO 878783 WAILIA (AK 99657)	5737339 576-9350
Sam Rappaport	1061 Gail Drive Wailia 99654	
Paul Barry	3850 Caribou Dr.	376-1569
Janet J. Day	4100 BULL MOOSE DR WAILIA	373-6670 99654-1741
Lydia Clarke	Bull Moose Dr Wailia	373-6670 99654-1741

THANK YOU FOR YOUR SUPPORT

... Senator ...

LYDA GREEN



Please
sign-in

1995 Alaska State Fair - Visitors

171522

NAME

ADDRESS

PHONE

I SUPPORT SB 177

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

[Signature] Stephen Stoll 1001 TORR CR WASILLA

[Signature] Linnette Booth " "

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

Russel Tucker P.O. Box 873423 Wasilla AK 99697

Roy C. McLaughlin 7001 Mylonea Spur Anchorage AK 99504

MARTIN H. OTT 392 BOUNDARY FAIRBANKS AK 99701

PAUL H GABBONT 2ND WEST BEND ALEXANDER CR AK 99695

GERALD A WILDMAN HC01 Box 6083 Palmer 745-3665

Robert Katsue 495 JEROME DR. WASILLA 376-1309

Sandy Blomfield #8156 7610 Wildwood Cir. Anch, AK 346-2738

Pattia Bebrock 6209 Cheviot St. 99502 # 243-3439

LORETTA WOLSKI 3354 ORION 243-2765

THANK YOU
FOR VISITING!

... Senator ...

LYDA GREEN



SB 177

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

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MAR 07 1976
Lind.....

I support Senate Bill 177

NAME	ADDRESS	PHONE
Mark Gordon	HCOI 6131 AB Palmer AK 99645	907-745-5520
Ray W. White	P.O. Box 105	746-3026
PAUL LE WHITE	✓ ✓ ✓	✓
Claude Morris	PO Box 547 Girdwood AK 99587	783-2836
Rocky FRANK	1601 Wolverine Anch, AK 99504	353 8888
Dick Train	2020 Diamond Dr Anch, AK 99507	568-798
Bryon Miller	P.O. Box 876227, Wasilla, AK 99687	373-3228
Mark Hollinger	1001 Dunedin St. Wasilla Ak	373-2535
JE CAMPBELL	PO BOX 2838 PALMER AK	776-7588
Ray L. Reed	Box 1201 Chickaloon	746-4507
Jerry J. Hall	Box 13502 Seldovia	344-5997
Davis Pross	2208 DOUGLAS PK. AK 99571	337-2020
Larry Roberts	3705 ARCTIC HIGHWAY, ANCH, AK 99503	338-911
Donald Frederick	5771 CHISANA WAY	99516 3461721

THANK YOU FOR
YOUR SUPPORT

Senator Lyda Green
Senator Rick Halford



SB 177

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

RECEIVED
MAR 07 1997
Asst.....

I support Senate Bill 177

NAME	ADDRESS	PHONE
LARRY POLAND	P.O. Box 71405, Fairbanks, Ak. 99707-1405	907-479-4425
Jay YAKAM 72	P.O. Box 1554, Palmer, AK 99645	907-745-1248
Russ Moody	1012 5 th Willow, AK 99684	
Barbara Beckman	HC 32 Box 6629B Wasilla, AK 99654	373-2284
Jimmy Weinger	PO Box 1111 Chickadee, AK 99674	745-2093
John Elbert	650 STORMY CIR WASILLA AK 99654	376-1480
JESSE RAY	1241 SAN ANTONIO ST ANCH AK 99508	352-8646
PAUL BROWN	3840 EASTWOOD HICK AK 99508	338-7950
DON BLACKER	5121 Spruce Creek Cir Anch AK 99516	346-3286
CAROL R BLACKER	5121 SPRUCE CREEK CIR ANCH AK 99516	346-3285
W. H. MARTIN	5204 1271 2nd Ave Anch, AK 99507	894-2621
James A. Miller	3024 Brittany Place Anch. AK 99504	333-2075
Melva Overlees	2912 Bonifera Parkway Anch. AK 99504	333-5147
Howard Solo	PO Box 52077 Big Lake, AK 99652	892-8796

THANK YOU FOR
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NAME	ADDRESS	PHONE
Ken Loughhead	Box 140623 Anch, AK 99514	213-8196
Jim Wadell	Box 1315 Soldotna AK 99669	262-4444 ^{- 2x301}
Larry Winter	2651 Nancy Way Wasilla, AK 99654	376-6888
John Savuc	6929 Camden Ln Anch AK 99504	333-7207
Dean Syta	3006 Dennington Pl Anch AK 99504	533-1562
STEVEN CUNN	501 Togiak Cir Anch AK 99505	563-4456
Karen Steen	HC 32 Box 6561 Wasilla AK 99654	745-2739
^{WILLIAM WATSON} RT	310 STRIKE ST Anch AK 99504	377-6522
Carolynn Tomery	21014 Tenada Ave, Chugiak, AK 99567	689-5451
VICTORIA SCHULTE	P.O. BOX 2576 PALMER, AK 99645	745-1911
RODNEY SCHULTZ	P.O. Box 2576 PALMER, AK 99645	745-1911
Don Wunneiger	PO Box 1111 Chukchee Ak	745-2091
Ed Gross	2828 E 20th Anch AK 99508	277-3070
GEORGE BOICE	419 Enefso Pl, Wasilla AK 99654	376-6106

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NAME	ADDRESS	PHONE
AIAN Applehans	P.O. Box 874004 WAILA AK.	373-5407
LARRY E. WHITEJR	POB 2482 PALMER AK	745-6587
Wicki White	PO Box 2482 Palmer, AK	745-6587
STEVEN STOEPIER	116 BIELLY ST APT 22 SOLDONTA KA	260-3743
TRACY REED	P.O. Box 27644 AMITOKAGE AK 99522	245-1560
James P. Daniels	P.O. Box 878605 Whittier AK ⁹⁹⁶⁸⁷	373-0832
W. Mung Bean	P.O. 671266 Chugiak, AK	688-3803
Valent Bone	P.O 90825 An, AK	349-6240
KATH CORP	13921 TROY ST Anch AK	315-4772
Clyde Corp	12921 Troy St Anch AK	345-4223
Heather Palmer	1070 Tawana Dr Girdville AK 99654	376-7460
Patrick J. Parley	3160 Louisa Circle Ubbille AK 99654	376-7235
Allen R. Darnell	751 W. 76 th Apt. B. Anch. AK 99518	349-6970
DAVID E. KUSH	PO Box 266 GLENMALLIN AK 99588	872-5879

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NAME	ADDRESS	PHONE
Keith FORESGREEN	3400 SHAW COOP WARTON	373 6054
PAT PARKS	MARKET 116 Rd SLDOTNA	262-5389
Norman Wilkins	HC1 Box 2440 GLENWALLEN	822-5271
Robert L. Dimsley	PO Box 7497, NIKISKI AK 99635	776-8925
Kevin J. Herdley	12800 Foster Rd ARC AK 99511	345-1568
Charles F. Reed	P.O. Box 929 Eagle River, AK 99577	694-2792
Robert Reed	P.O. Box 929 Eagle River AK. 99577	
Marvin B. Andersen	Box 1216 Palmer AK . 99645	
Roger H. Buckhad	Box 672086 Chugiak AK 99567	688-3849
Adam D. Schillinghamer	541 EVANS CIR ANCHORAGE AK 99507	344-7494
WILLIAM L. SMILETT	21-722 CITRUS AVE ACCE EAGLE RIVER AK 99577	757-8124
Carl Winter	182-12 Clear Falls Eagle AK	746-7060
ELIZABETH R. STEVENS-OPCZEWSKA	HC OR Box 7070 PALMER AK 99645	
PAULINE C. SMITH	PO Box 110000 Anchorage AK 99508	

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NAME	ADDRESS	PHONE
JIM A. GASEL	PO Box 2873 ER. AK	674-2168
RAY THURMANT	P.O. 671247 ⁹⁹⁵⁶⁷ CHUGAK	688-6606
MANE STUNK	PO BOX 2448	745-6325
Colleen P Stunk	PO Box 2448	745-6325
NANCY Beaty	PO Box 875411 Wasilla	374-4366
Mike Beaty	PO Box 875611 Wasilla	376-4366
CANDICE CUETZLER	HCO1 Box 6081E PALMER	746-6963
Wm. Richter	HCO1, Box 6081E PALMER	746-6963
EWA MORGAN	P.O. Box 90564 ANCH	248-8857
GEORGE SCHWADERER	HCO1 Box 6312-C PALMER	376-6903
FRED SCHWADERER	5000 NAOMI DR. WASILLA, AK	373-1550
Kevin Robinson	PO Box 2711 Palmer AK	745 7811
Robert H. PARKERSON	HCO2, Box 7630-A1 ^{Palmer} AK	745-4358

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NAME	ADDRESS	PHONE
KURT R. JACOBSON	210 E 74th Ave, Ste 1A Anchorage, AK 99501	279-6371
CRICK D. PARKER	MILE 8.2 KNIU RIVER RD PALMER, AK 99645	
Lynda J BRASE	Box 342 Pitmead AK	99645
JAMES KRACKER	Box 1946 Palmer	99645 745-5679
Richard E Staller Jr.	21-666B Plum St Elmendorf AFB AK 99506	753-7128
Karl G. Braedel	P.O. Box 1148 Chickaloon	AK 99674 745-4064
Norman D Braedel	P.O. Box 1148 Chickaloon	AK 99674 745-4064
Michael V. Avery	800 WIN CIR., WASILLA, AK	99654 376-0259
RUFFORD L. HOPELENSKY	7221 SITKIN CIR ANCHORAGE, AK	99504-333-4227
John Nicely	7507 E. 17th Ave Anchorage, AK	99504 338-0727
Randal S. Rauth	8521 Mass Pt Unit B Anchorage	AK 99504 333-6757
EDGEE THOMPSON	HCO, Box 6201-AB, PALMER, AK	99645 373-6347
(GALLARD) HALE	POB 272 PALMER AK	99645 745-5659
W. A. HUNT	12030 Steenmichols Rd Palmer	AK 99645 345-7904

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NAME	ADDRESS	PHONE
Rita Jones	PO Box 872544 Wasilla, AK 99687	745-0550
Richard Corbett	4227 IRENE DR RAINIER AK 99504	337-0977
DEAN TETER	1519 WINTERGREEN AVE 99508	272-9846
Joe Polinsky	PO Box 879062 WASILLA 99687	892-8315
G. E. MARTIN	3440 KACHENAK AVE. 99515	349-1937
John Chamberlin	11535 Our Road Anch 99514	346-1524
Maurice Pepera	P.O. BOX 879016 ⁹⁹⁶⁸⁷ WASILLA AK	376-5697
Joseph Espiritu	5210 CHEVA AVE AK 99508	
Francisco A Ferrandaz	1129 E 11TH Ave 99501	
John Karsten	Box 661 Palmer AK	
HUGH LITTELL	9660 Reliance Dr Anchorage 99507	
Patrick O'Connor	PO Box 3687 Palmer AK	
Frank Danford	Box 241183 Anch 99524	
Robert K. Thompson	18757 Maynard Circle Eagle River AK ⁹⁹⁵⁷⁷	696-5381

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NAME	ADDRESS	PHONE
H. GALE McKNIGHT	9501 ALBATROSS ANCILORA GE, GA	248-1908
Thomas [unclear]	21432 Turika PO Box 170123 Chugiak AK 99507	138-2381
Down [unclear]	21432 Turika AK 99507 Chugiak AK 99507	488-2381
[unclear]	POB 2725 Palmer AK 99645	355-6688
Keli [unclear]	Box 2012 Palmer AK 99645 7115 Crawford St	746-4008
[unclear]	Anchorage AK 99502	243-4765
[unclear]	HC 33, Box 3200 Wasilla, AK 99654	376-5175
[unclear]	PO Box 2408 Palmer AK 99645	745-4339
[unclear]	Box 870246 Wasilla	376 6860
[unclear]	Box 1539 Palmer	745-2226
JAMES GARYART	P.O. BOX 572533 WASILLA	746-2828
Rene [unclear]	1905 Jenkins St Wasilla	373-1492
Charlene [unclear]	PO Box 331 Sutton AK	745-0534
John S. [unclear]	P.O. Box 2271 Palmer AK	746-2960

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NAME	ADDRESS	PHONE
<i>Ed Conway</i>	Po Box 1985 Talkeetna AK 99645	
DAVID E BARKLEY	Po Box 520894 BILAKEM AK	892-8249
<i>Jim Linn</i>	12332 END ST #207 FAGLER BLVD AK 99577	696-1873
Jim Ritchie	4610 REKA DR A-14 ANCHORAGE AK 99508	333 1479
MICHAEL D. MOONEY	1185 OCEANVIEW DR ANCHORAGE, AK 99505	345-3022
<i>Rod Chapman</i>	Box 1758 SOLDOTNA AK 99669	262-9399
<i>Mike Christopher</i>	Po Box 1758 Sold. AK 99660	262-9399
<i>Paul M. Hill</i>	22835 Glacier View Dr. Eagle River AK 99577	694-2787
<i>John Brunlow</i>	3811 E 84th 99507	349-8237
<i>Bob Brunlow</i>	3811 E 84th 99507	349-8237
<i>Stanley Wood</i>	720 North Shore Drive 99654	376-5888
<i>Frank Hoff</i>	24621 Fox Lake Ct Chugiak AK 99567	688-6431
<i>Craig Hill</i>	Po box 570912 Winnipeg AK 9967	376-5261
<i>Steve Zuber</i>	ANCHORAGE, AK PO Box 221234 99502	249-8773

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NAME

ADDRESS

PHONE

CARL BAKER P.O. Box 670221 CHICAGO IL 60687 688-2026

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DEPARTMENT OF PUBLIC SAFETY

ALASKA STATE TROOPERS

ALASKA CONCEALED HANDGUN PERMIT PROGRAM

FY 96 Planned Expenditure of the \$63 Fee

	Base ACHP Program (A)	Supervisor Cost (C)	Program Total
Personal Services:	75,100	33,300	108,400
Travel:			
For Investigations & Appeals		500	500
Contractual:			
Contractual Computer Support	2,000		2,000
Communications	4,000	100	4,100
Messenger Service	140		140
Repairs & Maintenance	260		260
Copier	2,300		2,300
Printing	1,000		1,000
Rent	4,675 (B)	785	5,460
SUPPLIES:			
Office supplies	1,600	100	1,700
DP supplies	640		640
TOTALS	91,715	34,785	126,500

\$126,500 divided by 2,008 applications = \$63.14, round to \$63.00

- (A) 2 clerk positions.
- (B) Estimated use by ACHP is 350 sq. ft. (including shared common areas) of the 3,101 sq. ft. lease space costing \$41,400 per year. Supervisor has approximately 150 sq. ft. (including common areas).
- (C) The permits Section is supervised by a Corporal (approximately 30% base cost to ACHP).

Concealed Handgun Permit Program Cost Breakdown*

~4000 applications
divided by 12 months

~333 applications per month
divided by 22 working days

~15 applications per day
divided by 7.5 hours

~2 applications per hour

- * Based on CHP applications received from 1/95 through 1/96 and the Department of Public Safety FY 96 planned CHP program expenditures (see attached).

MISDEMEANORS DELETED FROM CONCEALED HANDGUN PROGRAM

AS 11.46.320	criminal trespass first degree
AS 11.46.330	criminal trespass second degree
AS 11.46.484(a)(3-6)	criminal mischief
AS 11.56.545	tampering with a witness second degree
AS 11.56.805	false complaint
AS 11.61.110(a)(1,2)	disorderly conduct

Sec. 11.46.320

CRIMINAL TRESPASS IN THE FIRST DEGREE.

(a) A person commits the crime of criminal trespass in the first degree if the person enters or remains unlawfully

- (1) on land with intent to commit a crime on the land; or
- (2) in a dwelling.

(b) Criminal trespass in the first degree is a class A misdemeanor.

Sec. 11.46.330

CRIMINAL TRESPASS IN THE SECOND DEGREE.

(a) A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully

- (1) in or upon premises; or
- (2) in a propelled vehicle.

(b) Criminal trespass in the second degree is a class B misdemeanor.

Sec. 11.46.484

CRIMINAL MISCHIEF IN THE THIRD DEGREE.

(a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right

(1) with intent to damage property of another, the person damages property of another in an amount of \$50 or more but less than \$500;

(2) the person drives, tows away, or takes the propelled vehicle of another;

(3) having custody of a propelled vehicle under a written agreement with the owner of the vehicle that includes an agreement to return the vehicle to the owner at a specified time, the person knowingly retains or withholds possession of the vehicle without the consent of the owner for so long a period beyond the time specified as to render the retention or possession of the vehicle an unreasonable deviation from the agreement;

(4) the person tampers with a fire protection device in a building that is a public place;

(5) the person knowingly accesses a computer, computer system, computer program, computer network, or part of a computer system or network;

(6) the person uses a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984; or

(7) the person knowingly removes, relocates, defaces, alters, obscures, shoots at, destroys, or otherwise tampers with an official traffic control device or damages the work upon a highway under construction.

(b) Except as provided in (c) of this section, criminal mischief in the third degree is a class A misdemeanor.

(c) A person convicted under (a)(2) of this section is guilty of a class C felony if, within the preceding seven years, the person was convicted under

(1) the provisions of (a)(2) of this section;

(2) former AS 28.35.010;

(3) the provisions of AS 11.46.482(a)(4);

(4) an offense involving the theft of a propelled vehicle under AS 11.46.120 - 11.46.140; or

(5) a law or ordinance of this or another jurisdiction with elements substantially similar to those of the offenses described in (1) - (4) of this subsection.

Sec. 11.56.545

TAMPERING WITH A WITNESS IN THE SECOND DEGREE.

(a) A person commits the crime of tampering with a witness in the second degree if the person knowingly induces or attempts to induce a witness to be absent from an official proceeding, other than a judicial proceeding, to which the witness has been summoned.

(b) Tampering with a witness in the second degree is a class A misdemeanor.

Sec. 11.56.805

FALSE ACCUSATION.

(a) A person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the Select Committee on Legislative Ethics established in AS 24.60.

(b) False accusation is a class A misdemeanor.

Sec. 11.61.110

DISORDERLY CONDUCT.

(a) A person commits the crime of disorderly conduct if,

(1) with intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(2) in a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(3) in a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace officer to disperse;

(4) in a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the express invitation to remain of a person having a right of possession;

(5) in a public or private place, the person challenges another to fight or engages in fighting other than in self-defense;

(6) the person recklessly creates a hazardous condition for others by an act which has no legal justification or excuse; or

(7) the offender intentionally exposes the offender's buttock or anus to another with reckless disregard for the offensive or insulting effect the act may have on that person.

(b) As used in this section, "noise" is "unreasonably loud" if, considering the nature and purpose of the defendant's conduct and the circumstances known to the defendant, including the nature of the location and the time of day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. "Noise" does not include speech that is constitutionally protected.

(c) Disorderly conduct is a class B misdemeanor and is punishable as authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall be for a definite term of not more than 10 days.

MISDEMEANORS RETAINED IN CONCEALED HANDGUN PROGRAM

AS 11.41.230	assault in the fourth degree
AS 11.41.250	reckless endangerment
AS 11.41.270	stalking in the second degree
AS 11.46.315	possession of burglary tools
AS 11.46.430	criminally negligent burning
AS 11.46.484(a)(1)	intentionally damaging property
AS 11.46.484(a)(2)	joyriding
AS 11.46.484(a)(7)	criminal mischief - shooting signs
AS 11.51.130	contributing to the delinquency of a minor
AS 11.56.330	escape in the fourth degree
AS 11.56.340	unlawful evasion
AS 11.56.350	unlawful evasion in the second (former)
AS 11.56.380	promoting contraband in the second degree
AS 11.56.700	resisting or interfering with arrest
AS 11.56.710	harming a police dog in the second degree
AS 11.56.740	violating a domestic violence restraining order
AS 11.56.780	hindering prosecution in the second degree
AS 11.56.790	compounding
AS 11.56.800	making a false report
AS 11.61.110(3-7)	disorderly conduct
AS 11.61.120	harassment
AS 11.61.210	misconduct involving weapons in the fourth
AS 11.61.220	misconduct involving weapons in the fifth
AS 11.61.240	criminal possession of explosives
AS 11.71.050	misconduct inv. controlled substance in the fifth
AS 11.71.060	misconduct inv. controlled substance in the sixth

Sec. 11.41.230

ASSAULT IN THE FOURTH DEGREE.

- (a) A person commits the crime of assault in the fourth degree if
- (1) that person recklessly causes physical injury to another person;
 - (2) with criminal negligence that person causes physical injury to another person by means of a dangerous instrument; or
 - (3) by words or other conduct that person recklessly places another person in fear of imminent physical injury.
- (b) Assault in the fourth degree is a class A misdemeanor.

Sec. 11.41.250

RECKLESS ENDANGERMENT.

- (a) A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.
- (b) Reckless endangerment is a class A misdemeanor.

Sec. 11.41.260

STALKING IN THE FIRST DEGREE.

- (a) A person commits the crime of stalking in the first degree if the person violates AS 11.41.270 and
- (1) the actions constituting the offense are in violation of an order issued under AS 25.35.010(b) or 25.35.020;
 - (2) the actions constituting the offense are in violation of a condition of probation, release before trial, release after conviction, or parole;
 - (3) the victim is under 16 years of age;
 - (4) at any time during the course of conduct constituting the offense the defendant possessed a deadly weapon;
 - (5) the defendant has been previously convicted of a crime under this section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section, AS 11.41.270, or AS 11.56.740; or
 - (6) the defendant has been previously convicted of a crime, or an attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250, 11.41.300 - 11.41.460, AS 11.56.810, AS 11.61.120, or (B) a law or an ordinance of this or another jurisdiction with elements similar to a crime, or an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250, 11.41.300 - 11.41.460, AS 11.56.810, or AS 11.61.120, involving the same victim as the present offense.
- (b) In this section, "course of conduct" and "victim" have the meanings given in AS 11.41.270(b).
- (c) Stalking in the first degree is a class C felony.

Sec. 11.41.270

STALKING IN THE SECOND DEGREE.

- (a) A person commits the crime of stalking in the second degree if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member.
- (b) In this section,
- (1) "course of conduct" means repeated acts of nonconsensual contact involving the victim or a family member;
 - (2) "family member" means a
 - (A) spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the victim, whether related by blood, marriage, or adoption;
 - (B) person who lives, or has previously lived, in a spousal relationship with the victim;

- (C) person who lives in the same household as the victim; or
- (D) person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim;
- (3) "nonconsensual contact" means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued; "nonconsensual contact" includes
 - (A) following or appearing within the sight of that person;
 - (B) approaching or confronting that person in a public place or on private property;
 - (C) appearing at the workplace or residence of that person;
 - (D) entering onto or remaining on property owned, leased, or occupied by that person;
 - (E) contacting that person by telephone;
 - (F) sending mail or electronic communications to that person;
 - (G) placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- (4) "victim" means a person who is the target of a course of conduct.
- (c) Stalking in the second degree is a class A misdemeanor.

Sec. 11.46.315

POSSESSION OF BURGLARY TOOLS.

- (a) A person commits the crime of possession of burglary tools if the person possesses a burglary tool with intent to use or permit use of the tool in the commission of
 - (1) burglary in any degree;
 - (2) a crime referred to in AS 11.46.130(a)(3); or
 - (3) theft of services.
- (b) As used in this section, "burglary tools" means
 - (1) nitroglycerine, dynamite, or any other tool, instrument, or device adapted or designed for use in committing a crime referred to in (a)(1)-(3) of this section; or
 - (2) any acetylene torch, electric arc, burning bar, thermal lance, oxygen lance, or other similar device capable of burning through steel, concrete, or other solid material.
- (c) Possession of burglary tools is a class A misdemeanor.

Sec. 11.46.430

CRIMINALLY NEGLIGENT BURNING.

- (a) A person commits the crime of criminally negligent burning if with criminal negligence the person damages property of another by fire or explosion.
- (b) Criminally negligent burning is a class A misdemeanor.

Sec. 11.46.484

CRIMINAL MISCHIEF IN THE THIRD DEGREE.

(a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right

(1) with intent to damage property of another, the person damages property of another in an amount of \$50 or more but less than \$500;

(2) the person drives, tows away, or takes the propelled vehicle of another;

(3) having custody of a propelled vehicle under a written agreement with the owner of the vehicle that includes an agreement to return the vehicle to the owner at a specified time, the person knowingly retains or withholds possession of the vehicle without the consent of the owner for so long a period beyond the time specified as to render the retention or possession of the vehicle an unreasonable deviation from the agreement;

(4) the person tampers with a fire protection device in a building that is a public place;

(5) the person knowingly accesses a computer, computer system, computer program, computer network, or part of a computer system or network;

(6) the person uses a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984; or

(7) the person knowingly removes, relocates, defaces, alters, obscures, shoots at, destroys, or otherwise tampers with an official traffic control device or damages the work upon a highway under construction.

(b) Except as provided in (c) of this section, criminal mischief in the third degree is a class A misdemeanor.

(c) A person convicted under (a)(2) of this section is guilty of a class C felony if, within the preceding seven years, the person was convicted under

(1) the provisions of (a)(2) of this section;

(2) former AS 28.35.010;

(3) the provisions of AS 11.46.482(a)(4);

(4) an offense involving the theft of a propelled vehicle under AS 11.46.120 - 11.46.140; or

(5) a law or ordinance of this or another jurisdiction with elements substantially similar to those of the offenses described in (1) - (4) of this subsection.

Sec. 11.51.130

CONTRIBUTING TO THE DELINQUENCY OF A MINOR.

(a) A person commits the crime of contributing to the delinquency of a minor if, being 19 years of age or older or being under 19 years of age and having the disabilities of minority removed for general purposes under AS 09.55.590, the person aids, induces, causes, or encourages a child

(1) under 18 years of age to do any act prohibited by state law unless the child's disabilities of minority have been removed for general purposes under AS 09.55.590;

(2) under 18 years of age to enter or remain in the same room in a building where the unlawful sale of a drug occurs unless the child's disabilities of minority have been removed for general purposes under AS 09.55.590;

(3) under 16 years of age to be repeatedly absent from school, without just cause; or

(4) under 18 years of age to be absent from the custody of a parent, guardian, or custodian without just cause, unless the child's disabilities of minority have been removed for general purposes under AS 09.55.590 or the person has immunity under AS 47.10.350 or 47.10.398(a).

(b) Contributing to the delinquency of a minor is a class A misdemeanor.

Sec. 11.56.330

ESCAPE IN THE FOURTH DEGREE.

- (a) One commits the crime of escape in the fourth degree if, without lawful authority, one
- (1) removes oneself from official detention for a misdemeanor; or
 - (2) having been placed under actual restraint by a peace officer before arrest, removes oneself from the restraint.
- (b) Escape in the fourth degree is a class A misdemeanor.

Sec. 11.56.340

UNLAWFUL EVASION IN THE FIRST DEGREE.

- (a) A person commits the crime of unlawful evasion in the first degree if, while charged with or convicted of a felony,
- (1) the person fails to return to official detention within the time authorized following temporary leave granted for a specific purpose or limited period, including leave granted under AS 33.30.181; or
 - (2) while on furlough under AS 33.30.101 - 33.30.131 the person fails to return to the place of confinement or residence within the time authorized by those having direct supervision.
- (b) Unlawful evasion in the first degree is a class A misdemeanor.

Sec. 11.56.350

UNLAWFUL EVASION IN THE SECOND DEGREE.

- (a) A person commits the crime of unlawful evasion in the second degree if, while charged with or convicted of a misdemeanor,
- (1) the person fails to return to official detention within the time authorized following temporary leave granted for a specific purpose or limited period, including leave granted under AS 33.30.181; or
 - (2) while on furlough under AS 33.30.101 - 33.30.131 the person fails to return to the place of confinement or residence within the time authorized by those having direct supervision.
- (b) Unlawful evasion in the second degree is a class B misdemeanor.

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.

Sec. 11.56.700

RESISTING OR INTERFERING WITH ARREST.

- (a) A person commits the crime of resisting or interfering with arrest if, knowing that a peace officer is making an arrest, with the intent of preventing the officer from making the arrest, the person resists personal arrest or interferes with the arrest of another by
- (1) force;
 - (2) committing any degree of criminal mischief; or
 - (3) any means that creates a substantial risk of physical injury to any person.
- (b) Resisting or interfering with arrest is a class A misdemeanor.

Sec. 11.56.710

HARMING A POLICE DOG IN THE SECOND DEGREE.

(a) A person commits the crime of harming a police dog in the second degree if the person intentionally causes physical injury to or, without causing physical injury to, torments, kicks, strikes, stones, or tampers with a police dog, knowing the dog to be a police dog.

(b) Harming a police dog in the second degree is a class A misdemeanor.

Sec. 11.56.740

VIOLATING A DOMESTIC VIOLENCE RESTRAINING ORDER.

(a) A person commits the crime of violating a domestic violence restraining order if

(1) the person knowingly violates a provision of an order issued under AS 25.35.010(b) or 25.35.020 restraining the person from communicating directly or indirectly with another; and

(2) at the time the restraining order was issued, the court made a finding that the person had subjected another to domestic violence.

(b) Violation of this section is a class A misdemeanor.

Sec. 11.56.780

HINDERING PROSECUTION IN THE SECOND DEGREE.

(a) A person commits the crime of hindering prosecution in the second degree if the person renders assistance to another who has committed a crime punishable by imprisonment for more than 90 days, with intent to

(1) hinder the apprehension, prosecution, conviction, or punishment of the other person; or

(2) assist the other person in profiting or benefiting from the commission of the crime.

(b) For purposes of this section, a person "renders assistance" to another if the person does any act described in AS 11.56.770(b).

(c) Hindering prosecution in the second degree is a class B misdemeanor.

Sec. 11.56.790

COMPOUNDING.

(a) A person commits the crime of compounding if, unless authorized by AS 12.45.120 or 12.45.130, the person

(1) confers, offers to confer, or agrees to confer a benefit on another in consideration of that other person's concealing an offense, refraining from initiating or aiding in the prosecution of an offense, or withholding evidence of an offense; or

(2) accepts or agrees to accept a benefit in consideration of concealing an offense, refraining from initiating or aiding in the prosecution of an offense, or withholding evidence of an offense.

(b) Compounding is a class A misdemeanor.

Sec. 11.56.800

MAKING A FALSE REPORT.

(a) A person commits the crime of making a false report if the person knowingly

(1) gives false information to a peace officer with the intent of implicating another in a crime;

(2) makes a false report to a peace officer that a crime has occurred or is about to occur;

(3) makes a false report or gives a false alarm that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur; or

(4) makes a false report to the Department of Natural Resources under AS 46.17 concerning the condition of a dam or reservoir.

(b) Making a false report is a class A misdemeanor.

Sec. 11.61.110

DISORDERLY CONDUCT.

(a) A person commits the crime of disorderly conduct if,

(1) with intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(2) in a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(3) in a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace officer to disperse;

(4) in a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the express invitation to remain of a person having a right of possession;

(5) in a public or private place, the person challenges another to fight or engages in fighting other than in self-defense;

(6) the person recklessly creates a hazardous condition for others by an act which has no legal justification or excuse; or

(7) the offender intentionally exposes the offender's buttock or anus to another with reckless disregard for the offensive or insulting effect the act may have on that person.

(b) As used in this section, "noise" is "unreasonably loud" if, considering the nature and purpose of the defendant's conduct and the circumstances known to the defendant, including the nature of the location and the time of day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. "Noise" does not include speech that is constitutionally protected.

(c) Disorderly conduct is a class B misdemeanor and is punishable as authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall be for a definite term of not more than 10 days.

Sec. 11.61.120

HARASSMENT.

(a) A person commits the crime of harassment if, with intent to harass or annoy another person, that person

(1) insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;

(2) telephones another and fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;

(3) makes repeated telephone calls at extremely inconvenient hours;

(4) makes an anonymous or obscene telephone call or a telephone call that threatens physical injury; or

(5) subjects another person to offensive physical contact.

(b) Harassment is a class B misdemeanor.

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 liquor or 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; or

(6) knowingly sells a firearm or a defensive weapon to a person under 18 years of

age.

(b) *Repealed, Sec. 4 ch 63 SLA 1990.*

(c) Misconduct involving weapons in the fourth degree is a class A misdemeanor.



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 pocketknife 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

(A) or a defensive weapon within the grounds of or on a parking lot immediately adjacent to 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, except that a person 21 years of age or older may possess

(i) an unloaded firearm in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(ii) a defensive weapon; or

(B) 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 handgun 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.

Sec. 11.61.240

CRIMINAL POSSESSION OF EXPLOSIVES.

(a) A person commits the crime of criminal possession of explosives if the person possesses or manufactures an explosive substance or device and intends to use that substance or device to commit a crime.

(b) Criminal possession of explosives is a

- (1) class A felony if the crime intended is murder in any degree or kidnapping;
- (2) class B felony if the crime intended is a class A felony;
- (3) class C felony if the crime intended is a class B felony;
- (4) class A misdemeanor if the crime intended is a class C felony;
- (5) class B misdemeanor if the crime intended is a class A or class B misdemeanor.

Sec. 11.71.050

MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE FIFTH DEGREE.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fifth degree if the person

(1) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-half ounce or more containing a schedule VIA controlled substance;

(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one-half ounce containing a schedule VIA controlled substance, for remuneration;

(3) possesses

(A) less than 25 tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;

(B) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than three grams containing a schedule IIIA or IVA controlled substance;

(C) less than 50 tablets, ampules, or syrettes containing a schedule VA controlled substance;

(D) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than six grams containing a schedule VA controlled substance; or

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-half pound or more containing a schedule VIA controlled substance; or

(4) fails to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under AS 17.30.

(b) Misconduct involving a controlled substance in the fifth degree is a class A misdemeanor.

Sec. 11.71.060

MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the sixth degree if the person

(1) uses or displays any amount of a schedule VIA controlled substance or possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one-half pound containing a schedule VIA controlled substance; or

(2) refuses entry into a premise for an inspection authorized under AS 17.30.

(b) Misconduct involving a controlled substance in the sixth degree is a class B misdemeanor.

MEMORANDUM

State of Alaska

Department of Law


TO: Ronald L. Otte
Commissioner
Department of Public Safety

DATE: July 12, 1995

FILE NO: 663-95-0323

TEL NO: 465-3428

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

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

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

The Department of Law cannot provide legal advice to private parties, and consequently private businesses with questions about concealed firearms should contact their own legal advisors regarding their rights and liabilities for protecting patrons of their business and issues regarding employees of their business, civil actions for trespass¹ and general landlord and tenant matters.² Your question, however, is what action, if any, troopers should take when they receive a complaint about a person carrying a concealed handgun on private business premises. The following is our advice.

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

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

I. Summary

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

II. Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴(...continued)

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

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

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

carrying concealed handguns, should not be interpreted as having been impliedly repealed by AS 18.65.755.⁷

B. Alaska's Criminal Trespass Laws

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

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

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

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

1. Places Not Open to the Public

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

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

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

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

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

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

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

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

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

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

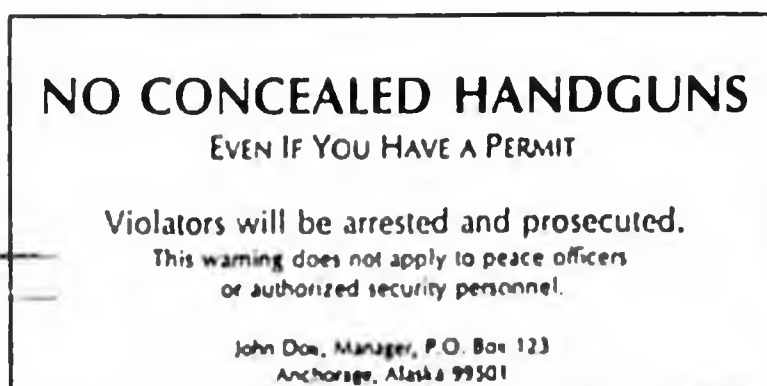
¹⁰ There is nothing, however, that precludes an organization from applying different rules at different times. For example, an arena or convention center may choose to allow guests to carry firearms, including concealed handguns, at a gun collectors show, but prohibit concealed weapons at a rock concert.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

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

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

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

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



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

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

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

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

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

2. Places Open to the Public

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

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

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

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

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

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

C. The Defense of "Necessity" Is Not Available

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

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

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

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

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

D. "Financial Institutions" under AS 18.65.755

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

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

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

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

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

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

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

III. Conclusion

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

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

Please contact this office if you have further questions.

DJG/MOK/jf

SENATE FINANCE COMMITTEE

SB 177 CONCEALED HANDGUN PERMIT AMENDMENTS

PLEASE SIGN-IN BELOW

NAME: David Schwantes

Co./Dept/Title: NEA-RETIRED Phone: 333-1327

Address: 8148 E 4TH Ave., Anchorage zip: 99504

Do you wish to testify? Yes No Respond to Questions

NAME: Lt. Chris Stockard

Co./Dept/Title: AK Dept of Public Safety Phone: 465-4306

Address: 450 Whiting Street, Juneau Zip: 99801

Do you wish to testify? Yes No Respond to Questions

NAME: JANNE ANDREU

Co./Dept/Title: LDVST Phone: 4356

Address: 308 11/200 Seward Zip: 99811-1300

Do you wish to testify? Yes No Respond to Questions

NAME: ED VISCARDI

Co./Dept/Title: NEA/AK Phone: 845-5599

Address: 1205 OCEANVIEW DR. Zip: 99515

Do you wish to testify? Yes No Respond to Questions

NAME: Kimberly Homme
Co./Dept/Title: Dept of Ed Phone: 2803
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond to Questions

NAME: RON FUHRER
Co./Dept/Title: NEA-AK Phone: 337-1662
Address: 4166 LARON LANE ANCH AK Zip: 99504
Do you wish to testify? Yes No Respond to Questions

NAME: _____
Co./Dept/Title _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond to Questions

NAME: _____
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Co./Dept/Title: AK Dept of Public Safety Phone: 465-4306

Address: 450 Whiting Street, Juneau zip: 99801

Do you wish to testify? Yes No Respond to Questions

NAME: MAINE HINDRELL

Co./Dept/Title: LAUSA Phone: 4356

Address: 308 11700 Juneau zip: 99811-1200

Do you wish to testify? Yes No Respond to Questions

NAME: ED VISCARDI

Co./Dept/Title: NEA/AK Phone: 845-5599

Address: 1205 OCEANVIEW DR. zip: 99515

Do you wish to testify? Yes No Respond to Questions

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: SB 177
Sponsor: _____ Date: 3/22/96
Logged In By: JR

9-LS1139Z.3
Luckhaupt
3/19/96

A M E N D M E N T

OFFERED IN THE SENATE
TO: CSSB 177(JUD)

1 Page 1, lines 3 - 13:

2 Delete all material.

3 Page 1, line 14:

4 Delete "* Sec. 2."

5 Insert "* Section 1."

6 Renumber the following bill sections accordingly.

7 Page 6, lines 10 - 17:

8 Delete

9 "(2) or possess a concealed handgun within a building, on the
10 grounds or on the parking lot of a public or private preschool, elementary, junior
11 high, or secondary school except while the permittee, without entering a school
12 building, without detour or delay while on school grounds, and without being on
13 a school bus, directly escorted to or from the school, or picked up or dropped off
14 at the school, a person or thing; [ON SCHOOL GROUNDS OR A SCHOOL BUS;
15 IN THIS PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
16 AS 11.71.900];"

17 Insert

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

AMENDMENT

OFFERED IN THE SENATE
TO: CSSB 177(JUD)

SENATE FINANCE
COMMITTEE

Amendment Number: 2
Bill Number: SB 177
Sponsor: _____ Date: 3/22/96
Logged In By: JS

- 1 Page 5, line 25:
- 2 Delete "\$65"
- 3 Insert "\$99"

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: SB 177
Sponsor: _____ Date: 3/22/96
Logged In By: JS

9-LS1139Z.3
Luckhaupt
3/19/96

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TO: CSSB 177(JUD)

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SENATE FINANCE
COMMITTEE
Amendment Number: 2
Bill Number: SB 177
Sponsor: _____ Date: 3/22/96
Logged In By: JS

SENATE COMMITTEE REF RT
First Committee of Referral

DATE: 5/6/95

FURTHER:

Judiciary

FINANCE - 900000 1/24

Date of 5-Day Notice: 1/13/96
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/16/96

State Affairs Committee considered

SB 177

Permits to carry concealed handguns.

01 PM

and recommends:

- be replaced with CS SB 177 (STA)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical title
- new: SCR

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Drew A. Lewis</i>	<input checked="" type="checkbox"/>	<i>Vote on 200</i>			
<i>Donald Doney</i>	<input checked="" type="checkbox"/>				
<i>Chair</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
Law	1/13/96	0	(117.6)
DPS Troopers	1/13/96	0	(117.6)
DPS - Admin Serv	1/13/96	0	(117.6)
<input checked="" type="checkbox"/> Law	2/14/96	0	
<input checked="" type="checkbox"/> DPS - Troopers	7/1/96		(117.6)

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DPS Troopers	1/13/96	0	(117.6)

*Work on 9/25/95
 1/13/96
 2/14/96
 7/1/96
 SB
 CS*

APPROPRIATION - no fiscal note

*include fiscal notes accompanying Governor's bill

Senate Finance Committee

To: Larry Stevens

From: ~~Rose Sturgis~~ Kathy (2618)

Date: 1-23-96

Subject: Bill Number: SB 177 Version: _____

Fiscal Note WITHOUT a Senate Finance Committee Referral

Title: Concealed Handguns

Referrals: STA, TUD

Sponsor(s): Sen. Green, et. al.

Department: DPS

BRC: Troopers + Support

Component: Detachments + Crim. Records

Comments: Notes evidence limitation
on prog. receipt authority.

Joint H+S (STA) teleconference
this date 3:30pm
Butovich Room.