

SB

214

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 28, 1998

FURTHER REFERRALS:

Date of Committee Action: 2/12/98

The STATE AFFAIRS Committee considered:

CSSB 214(STA)

CS FOR SENATE BILL NO. 214(STA)

PEACE OFFICERS/CONCEALED WEAPONS

"An Act relating to the possession of a concealed deadly weapon by peace officers and by chief administrative officers of municipal police departments; relating to the definition of police officer; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) DPS, GOV

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Shannette James</i>	✓			
<i>Frank...</i>	✓			
<i>...</i>	✓			
<i>...</i>	✓			
<i>Mark...</i>	✓			

CHAIR'S SIGNATURE *Shannette James*

Alaska State Legislature

Mailing Address:
P.O. Box 55094
North Pole, Alaska 99705
Ph: (907) 488-0862
Fax: (907) 488-4271



MIKE MILLER
President of the Senate

Write in Juneau
State Capitol
Juneau, Alaska
99801-1182
Ph: (907) 465-4976
Fax: (907) 465-3883

Senate District Q

SB 214 SPONSOR STATEMENT

Senate Bill 214 corrects a potential technical glitch affecting peace officers that was caused by an amendment to SB141 offered by the Alaska Peace Officers Association last session. This technical glitch is easily fixed by SB214.

SB214 is supported by the Alaska Peace Officers Association, the Alaska Association of Chiefs of Police and the Alaska Department of Public Safety.

Section 1 re-enacts the exemption for peace officers to carry concealed weapons while on duty. In addition, a new subsection (page 1, line 14) allows police officers and chief administrative officers of municipal police departments to carry concealed weapons without obtaining a state permit.

Section 2 clarifies the definition of police officer. The word "local" is changed to "municipal" on page 2, line 5. This change is included in SB214 on advice of legislative legal counsel. There is no definition in statute of "local," while "municipal" is defined and covers all local police departments in Alaska.

On page 2, lines 10 and 11, the words "carry a concealed weapon" is deleted. This change is included in SB214 on advice of the Department of Law, Criminal Division. Rather than including the ability to carry a concealed handgun within the definition of a police officer, it is included in the criminal statutes as an affirmative defense.

Section 3 establishes the effective date of SB214. The legislation becomes effective on the same day that SB141 becomes effective.

SB214 has no known opposition. I respectfully request the Committee's support of SB214 and encourage expedited consideration. Thank you.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4322
FAX: (907) 465-4362

January 14, 1998

The Honorable Mike Miller
Alaska State Senate
Capitol Building, Room 107
Juneau, AK 99801-1182

Dear Senator Miller:

Portia Parker of your office has asked that I provide a letter indicating the language that is now included in SB214 adequately addresses the law enforcement concerns expressed regarding sections 6 & 8 of SB141.

Representatives of the Alaska Peace Officers Association, the Alaska Association of Police Chiefs and the Department of Public Safety, have reviewed the proposed language in SB214 and believe it will correct the problems created for non-certified law enforcement officers by SB141 becoming law.

While the proposed language in SB214 appears to adequately address the so called law enforcement problem, it does not include language to maintain current law in three key areas the law enforcement community still finds problematic in SB141. I am sure you are well aware of them by now, but I wanted to take this opportunity to reiterate our specific concerns:

- Concealed firearms will not be prohibited in domestic violence shelters that are not state funded or in a facility of any domestic violence program that doesn't qualify as a shelter.
- Persons indicted for a felony will not be precluded from obtaining a permit.
- Persons convicted of some misdemeanor domestic violence crimes will not be precluded from obtaining a permit.
- Unless they have been adjudicated mentally defective or have been institutionalized, persons with mental problems will not be precluded from obtaining a permit.

The Honorable Mike Miller
January 14, 1998
Page 2

While I would have preferred not to see the veto of SB141 overridden and current law changed, since it is, I strongly urge you to ensure the above areas of concern are addressed in SB214.

Thank you for your time and attention and I look forward to working with your office on matters of mutual concern during this session.

Sincerely,

A handwritten signature in cursive script that reads "Del Smith". The signature is written in dark ink and is positioned above the printed name and title.

Del Smith
Deputy Commissioner

January 12, 1998

Senator Lyda Green
Senator Mike Miller

Dear Senator Green and Senator Miller:

We want to take this opportunity to thank you and your respective staff members for working with us to address the concerns raised by a provision of SB141 that would inadvertently preclude some police officers from carrying a concealed weapon within the scope of their employment.

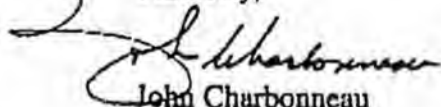
As was discussed during the meetings with you and/or your respective staffs during the interim, SB214 is intended to reverse the restrictions that would be placed on law enforcement officers relative to carrying a concealed weapon by the provision in SB141 should it become law.

While SB214 when it becomes law will resolve our concerns regarding law enforcement's ability to carry concealed weapons, it does not address some additional concerns that we expressed during our last meeting. As we indicated to your staff at that time we were very interested in maintaining current law in three other areas that SB141 changes. Specifically, we were interested in continuing the provision of current law that does not allow the carrying of a concealed weapon into the facilities of a domestic violence program no matter what the source of funding. We also would like to retain the provision of current law that denies a concealed handgun permit to persons convicted of domestic violence crimes or those under indictment for a felony offense. Finally, we think the current law's prohibition against the issuance of a concealed handgun permit to a mentally ill person is more effective than the language in SB141 which would deny permits only to those in mental institutions or those adjudicated "mentally defective" by the Courts.

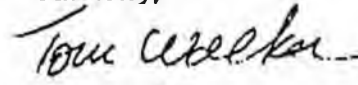
As SB214 begins moving through the legislative process we strongly urge you to include amendments to the bill that would address the three areas of concern that are outlined above.

Thank you again for the opportunity to work with you and/or your respective staff members these past few months and we look forward to participating in the hearing process on SB214.

Sincerely,


John Charbonneau
President
APOA

Sincerely,


Tom Walker
President
AACOP

cc: Alaska Legislators

Alaska State Legislature

Mailing Address:
P.O. Box 55094
North Pole, Alaska 99705
Ph: (907) 488-0862
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Senate District Q

MEMORANDUM

TO: Representative Jeannette James, Chairman
House Committee on State Affairs

FROM: Senator Mike Miller
President of the Senate 

DATE: January 29, 1998

RE: SB214

I respectfully request that SB214 be scheduled for a hearing in the House Committee on State Affairs at the earliest convenience of the Chairman.

Thank you.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: CSSB 214 (STA)

Revision Date: 1/21/98
 Title: Possession of concealed weapons by peace officers and chief administrative officers
 Sponsor: Senators Miller & Green
 Requestor: Senate Rules

Dept. Affected: Public Safety
 BRU: Alaska State Troopers
 Component: Detachments
 COMPONENT SERIAL NO. 0799

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-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 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 99) impact: \$ 0

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.)

Prepared By: Sandy Perry-Provost, Spec. Asst. to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 01/21/98
 Approved by Commissioner: Ronald L. Otte Date: 01/21/98
 Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 214 (STA)

Revision Date: 1/22/98
 Title: "An Act relating to the possession of a concealed deadly weapon by peace officers...."
 Sponsor: Sen. Miller
 Requestor: (S) STA

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Brant McGee, Director Phone: 269-3500
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Mark Boyer *[Signature]* Date: 1/22/98
 Agency: Department of Administration

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