

**SB**

**141**

# ALASKA STATE LEGISLATURE

*Interim:*

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

*Session:*

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

## SENATOR LYDA GREEN

### SENATE DISTRICT N MEMO

TO: Senator Tim Kelly  
Chairman, Senate Rules

FROM: Senator Lyda Green

RE: CSSB141(FIN)

DATE: April 29, 1997

SB141 is the final bill that is part of the package of reform legislation I introduced this session. I would appreciate a Rules Committee hearing on Wednesday, April 30, 1997.

However, after discussions with Del Smith, Deputy Commissioner, Department of Public Safety, I encourage the Rules Committee to consider a CS.

The CS clarifies an ambiguity in SB141. The change would deny any Alaskan convicted of two Class A misdemeanors in any six year period the ability to apply or continue to hold a concealed carry permit. This change removes the last significant objection from the Department of Public Safety (with the exception of out-of-state permits where we have agreed to disagree).

I have already provided committee members with the Senate Finance committee substitute. I supported all but one of the changes. I have attached information regarding the bill, the changes, the amendments I opposed, and some relevant background information. More back-up is available if desired.

0-LS0706J  
Luckhaupt  
4/28/97

RECEIVED

VPSB.....

**CS FOR SENATE BILL NO. 141( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR GREEN**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

4 \* **Section 1.** AS 11.61.200(a) is amended by adding a new paragraph to read:

5 (12) knowingly possesses a firearm that is concealed on the person after  
6 having been convicted of a felony or adjudicated a delinquent minor for conduct that  
7 would constitute a felony if committed by an adult by a court of this state, a court of  
8 the United States, or a court of another state or territory.

9 \* **Sec. 2.** AS 11.61.200 is amended by adding new subsections to read:

10 (h) For purposes of (a)(12) of this section, a firearm on a person is concealed  
11 if it is covered or enclosed in any manner so that an observer cannot determine that  
12 it is a firearm without removing it from that which covers or encloses it or without  
13 opening, lifting, or removing that which covers or encloses it. A firearm on a person  
14 is not concealed if it is unloaded and is encased in a closed container designed for

1 transporting firearms.

2 (i) It is an affirmative defense to a prosecution under (a)(12) of this section  
3 that

4 (1) either

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

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

10 (C) a period of 10 years or more has elapsed between the date  
11 of the defendant's unconditional discharge on the prior offense or adjudication  
12 of juvenile delinquency and the date of the violation of (a)(12) of this section,  
13 and the prior conviction or adjudication of juvenile delinquency did not result  
14 from a violation of AS 11.41 or of a similar law of the United States or of  
15 another state or territory; and

16 (2) at the time of possession, the defendant was

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

19 (B) actually engaged in lawful hunting, fishing, trapping, or  
20 other lawful outdoor activity that necessarily involves the carrying of a weapon  
21 for personal protection.

22 \* Sec. 3. AS 11.61.220(b) is amended to read:

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

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

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

30 (3) the holder of a valid permit to carry a concealed handgun under  
31 AS 18.65.700 - 18.65.790, the [DEADLY] weapon [CONCEALED] was a concealed

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

4 (4) lawfully able to carry a concealed handgun in public in the state  
5 where the defendant resides or was the holder of a valid permit to carry a  
6 concealed handgun issued by another state or a political subdivision of another  
7 state and

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

10 (B) the possession did not occur in a municipality or  
11 established village in which the possession of concealed handguns is  
12 prohibited under AS 18.65.780 - 18.65.785; and

13 (C) if applicable, the defendant was considered a permittee  
14 under AS 18.65.748.

15 \* Sec. 4. AS 11.61.220(c) is amended to read:

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

18 \* Sec. 5. AS 11.61.220(d) is amended to read:

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

20 (1) an affirmative defense that

21 (A) the defendant, at the time of possession, was

22 (i) the holder of a valid permit to carry a concealed  
23 handgun under AS 18.65.700 - 18.65.790 or under the law of  
24 another state or a political subdivision of another state; or

25 (ii) lawfully able to carry a concealed handgun in  
26 public in the state where the defendant resides;

27 (B) the loaded firearm was a concealed handgun as defined  
28 in AS 18.65.790;

29 (C) the possession occurred at a place designated as a  
30 restaurant for the purposes of AS 04.16.049 and the defendant did not  
31 consume intoxicating liquor at the place;

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

4                    (E) if applicable, the defendant was considered a permittee  
5                    under AS 18.65.748;

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

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

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

12 \* Sec. 6. AS 11.61.220 is amended by adding a new subsection to read:

13                    (h) The provisions of (a)(1) of this section do not apply to a peace officer

14                    (1) of this state who is certified by the Alaska Police Standards Council  
15                    as a peace officer; or

16                    (2) employed by another state or a political subdivision of another state  
17                    who is at the time of the possession certified as a peace officer by the other state and  
18                    is acting within the scope and authority of the officer's employment.

19 \* Sec. 7. AS 18.65.700(a) is amended to read:

20                    (a) The department shall issue a permit to carry a concealed handgun to a  
21                    person who

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

23                    (2) qualifies under AS 18.65.705;

24                    (3) submits a completed application on a form provided by the  
25                    department, that provides the information required under AS 18.65.705 and 18.65.710  
26                    and is executed under oath; with each application form provided by the  
27                    department, the department shall provide a copy of the state laws and regulations  
28                    relating to concealed handguns, which must include a concise summary of where,  
29                    when, and by whom a handgun can be carried under state and federal law;

30                    (4) submits two complete sets of fingerprints on Federal Bureau of  
31                    Investigation approved fingerprint cards that are of sufficient quality so that the

1 fingerprints may be processed; the fingerprints must be taken by a person, group, or  
2 agency approved by the department; the department shall maintain a list of persons,  
3 groups, or agencies approved to take fingerprints and shall provide the list to the  
4 public upon request;

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

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

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

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

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

15 \* Sec. 8. AS 18.65.700(b) is amended to read:

16 (b) The department shall either approve or reject an application for a permit  
17 to carry a concealed handgun under (a) of this section within 30 [15] days of receipt  
18 of [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF  
19 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A  
20 DETERMINATION CONCERNING] the application. If the department has not  
21 received necessary fingerprint eligibility information from another agency by the  
22 end of this 30-day period, and the applicant is otherwise eligible, the department  
23 shall issue a conditional permit to the applicant subject to immediate revocation  
24 under the procedure provided in AS 18.65.740(a) - (c) if the fingerprint  
25 information subsequently discloses that the applicant is ineligible for a permit  
26 [THE DEPARTMENT SHALL REQUEST PERMIT ELIGIBILITY INFORMATION  
27 UNDER THIS SUBSECTION WITHIN FIVE DAYS OF THE RECEIPT OF THE  
28 APPLICATION]. The department shall notify the applicant in writing of the reason  
29 for a rejection.

30 \* Sec. 9. AS 18.65.700 is amended by adding a new subsection to read:

31 (e) The department shall issue a permit to carry a concealed handgun to an

1 honorably retired peace officer of this state who applies for a concealed handgun  
2 permit within one year of the officer's retirement and who satisfies the requirements  
3 of this subsection. To qualify for a permit under this subsection, an honorably retired  
4 peace officer must satisfy (a)(1) - (3) and (6) - (9) of this section and, unless the  
5 honorably retired peace officer has qualified with a handgun within five years of the  
6 officer's retirement, must also satisfy (a)(5) of this section. The department may not  
7 require an honorably retired peace officer applying under this subsection to comply  
8 with (a)(4) of this section to receive a permit. The department shall issue the permit  
9 without submitting information to or receiving permit eligibility information from the  
10 Federal Bureau of Investigation. The department may adopt regulations to define an  
11 "honorably retired peace officer" and the evidence that must be submitted to establish  
12 eligibility under this subsection.

13 \* Sec. 10. AS 18.65.705 is repealed and reenacted to read:

14 **Sec. 18.65.705. Qualifications to obtain a permit.** A person is qualified to  
15 receive and hold a permit to carry a concealed handgun if the person

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

17 (2) is eligible to own or possess a handgun under the laws of this state  
18 and under federal law;

19 (3) is a resident of the state and has been for the 90 days immediately  
20 preceding the application for a permit;

21 (4) has not been convicted of two or more class A misdemeanors of  
22 this state or similar laws of another jurisdiction within the six years immediately  
23 preceding the application; and

24 (5) has demonstrated competence with handguns as provided in  
25 AS 18.65.715.

26 \* Sec. 11. AS 18.65.710(a)(3) is amended to read:

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

30 \* Sec. 12. AS 18.65.720 is amended to read:

31 **Sec. 18.65.720. Fees.** The department shall charge a nonrefundable fee for the

1 processing of the application for and initial issuance of a permit, renewal of a permit,  
 2 or replacement of a permit. The fees shall be set by regulation and must be based on  
 3 the actual costs incurred by the department. However, the fee for the processing of an  
 4 application and initial issuance of a permit may not exceed \$99 [\$125], and the fee for  
 5 renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

6 \* **Sec. 13.** AS 18.65.735(a) is repealed and reenacted to read:

7 (a) The department shall immediately suspend a permit to carry a concealed  
 8 handgun if a permittee becomes ineligible to hold a permit under AS 18.65.705.

9 \* **Sec. 14.** AS 18.65.740(a) is amended to read:

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

12 (1) becomes disqualified to receive and hold a permit under  
 13 AS 18.65.705;

14 (2) is convicted of two class A misdemeanors of this state or similar  
 15 laws of another jurisdiction within a six-year [FIVE-YEAR] period if at least one of  
 16 the convictions occurs after the application;

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

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

21 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska**  
 22 **permit holders.** A person holding a permit to carry a concealed handgun from  
 23 another state or a political subdivision of another state or who may lawfully carry a  
 24 concealed handgun in public in the state where the person resides is a permittee under  
 25 AS 18.65.700(b) for purposes of AS 18.65.750 - 18.65.765 if the person

26 (1) has not been in Alaska for more than 90 consecutive days; or

27 (2) has informed the Department of Public Safety of the person's  
 28 presence in the state and address within the state and of the jurisdiction issuing the  
 29 person's permit.

30 \* **Sec. 16.** AS 18.65.755(a) is repealed and reenacted to read:

31 (a) A permittee may not possess a concealed handgun

1 (1) within a residence, other than the permittee's residence, unless the  
2 permittee has first obtained the express permission of an adult residing there to bring  
3 a concealed handgun within the residence; and

4 (2) anywhere a person is prohibited from possessing a handgun under  
5 state or federal law.

6 \* Sec. 17. AS 18.65.790(3) is amended to read:

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

14 (A) "DERRINGER" MEANS A HANDGUN THAT HAS  
15 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF  
16 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER  
17 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH  
18 IS PART OF THE FRAME; AND

19 (B) "MINIATURE HANDGUN" MEANS A HANDGUN  
20 THAT HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES  
21 OR LESS AND LACKS A MANUFACTURER'S INSTALLED TRIGGER  
22 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH  
23 IS PART OF THE FRAME];

24 \* Sec. 18. AS 18.65.715(b), 18.65.725(a)(3), and 18.65.755(b) are repealed.

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*Session:*

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## SENATOR LYDA GREEN SENATE DISTRICT N

### SB 141

#### **Revisions to Alaska's Concealed Handgun Permit Law:**

**Smaller, smarter government: less bureaucracy and more clarity for citizens**

The intent of SB141 is simple:

There is NO reason the permitted few should be more restricted than the unregulated many. Treat people and their handguns equally. All Alaskans, who are not otherwise prohibited by federal or state law from owning or possessing handguns, can carry handguns openly in certain places and can carry concealed without a permit in certain places. If an Alaskan wants to carry a concealed handgun in more places, we should do no more than require fingerprinting, training, and background checks.

With the exception of the recognition of out-of-state permits and the lowering of the permit fee, the Alaska Peace Officers Association supports SB141.

The Police Chiefs of Barrow, Valdez and Wasilla have testified in favor of, or spoken favorably, about SB141.

SB141 is endorsed by the Alaska Outdoor Council and the National Rifle Association.

The Department of Public Safety supports portions of the bill and opposes some portions. The Department is primarily opposed to recognition of out-of-state permits and is cautious about the effect of changing the standards for where you can carry and who can apply.

### **OBSERVATIONS**

There have been almost 6,300 permits issued in Alaska for carrying concealed handguns since that right was recognized in state law in 1994. The Department of Public Safety has done a remarkable job of ensuring fair and speedy processing of applications.

However, Alaskans have voiced some complaints on overly restrictive and confusing prohibitions and regulations leading to a burdensome waste of time. Many of these stipulations were included in the original legislation due to courteous consideration of the dire predictions of mayhem in the streets from some members of the legal

community and law enforcement. None of those dire predictions has proven accurate during years of experience and it is appropriate to restore equal rights for law-abiding citizens.

For the most part, the law is working. Crime is down. According to the information we have from the Department of Public Safety, of 6,000 permittees, not one person has used their concealed handgun to commit a crime.

Similar legislation (SB177) passed last session by large majorities, but was vetoed by the Governor. Even though legislation last year prohibited anyone from drinking and carrying a concealed handgun, some felt that whether one was drinking or not, no concealed handguns should be allowed in bars. In the spirit of compromise, we have drafted SB141 to allow concealed handguns in restaurants regulated under AS 04.16.049 and not in bars. Further objection was voiced in Senate State Affairs by the Department of Public Safety regarding a permittee drinking in a restaurant. Although current law already makes it illegal to carry firearms while intoxicated, Senator Green supports amending SB141 to specifically prohibit permittees from drinking intoxicating beverages in restaurants (**amended Section 5**).

This bill does not change other existing state or federal law restricting carrying weapons in bars or schools. Other existing laws restricting handguns in bars and schools remain in force.

If SB141 is passed, the simple effect would be that anywhere you can carry a handgun openly (which you can do without training, without background checks, without fingerprinting, and without a permit) you will be able to carry a permitted concealed handgun.

If 300,000 adult Alaskans can legally carry a handgun openly, there is no reason to have greater restrictions for the 6,000 Alaskans who have been fingerprinted, checked, trained and permitted.

The existing law is too restrictive, too confusing and too expensive. For example, under current law you are prohibited from walking into a financial institution with a permitted concealed handgun, but you are allowed to take the handgun out and carry it openly into the bank. Existing law too often turns common sense on its head.

**Sections 1 and 2** amend Alaska criminal statutes to make clear that no felon, even a non-violent felon, would ever be able to apply for a concealed carry permit.

**Sections 3, 5 and 14** of the bill make several things much cleaner and easier to enforce. If a person is a concealed handgun permit holder from another state and comes to Alaska to visit, we will recognize that permit. However, that person is responsible for following the laws regulating Alaskan permit holders. In addition, Section 12 requires that the visitor must, within 90 days, inform the Department of Public Safety of their presence so that, just as with Alaskan permit holders, the Department knows who is allowed to carry concealed handguns in Alaska.

These amendments simply recognize the equality of all Americans as requested by SJR14, which supports legislation in the U.S. Congress seeking nationwide recognition of concealed carry permits issued by any government agency or subdivision.

**Sections 3 and 5** also improve definitions and still attempt to permit a municipality or village to prohibit possession of concealed handguns.

**Section 5** leaves existing law intact and bars are off limits to concealed handguns but SB141 does allow access to restaurants identified under AS 04.16.049. If the Alcohol Beverage Control Board finds that a business, or a specific area of a business, is not a bar, you will be allowed to carry concealed. The proposed committee substitute amends SB141 to also prohibit a permittee from consuming intoxicating liquor in the restaurant.

**Sections 7 and 8** ensures that the applicant for a permit receives a copy of the state law and regulations and certifies the applicant read them. The bill also requires the Department of Public Safety to compile a concise summary of where, when and by whom a handgun can be carried under state and federal law. The Department is already working to compile this summary.

**Section 8** requires the Department to process the permit within 30 days if the permittee is otherwise eligible without having to wait for weeks or months for the F.B.I. to complete fingerprinting checks. The Department is given authority to immediately revoke a conditional permit whenever it receives information from checking fingerprinting making the permittee ineligible. This conforms statute to what is actually being done already in practice

**Section 10** simplifies the standards for qualifications to apply for a permit.

Under existing law, in order to carry openly you must be 21 years of age or older and be allowed by state or federal law to own or possess a handgun.

Under existing state law, in order to carry concealed during recreation activities, in your dwelling, in your business, where you are employed or on land owned or leased by the person (see AS 11.61.220) you must be 16, and you must be allowed by state and federal law to own or possess a firearm.

Under existing law, in order to carry concealed in other places than those mentioned above, you must acquire a permit. If SB141 is passed, in order to do that you must be 21, you must be allowed by state and federal law to own or possess a firearm, you must be a 90 day resident of the state immediately preceding your application for a concealed handgun permit, you must receive training and education and you must demonstrate competence with a handgun.

**A restrictive laundry list of prohibitions tailored only for the fingerprinted, trained, permitted carriers make little sense when state law allows almost any adult to carry openly, and, in many cases concealed, without a**

permit. Federal and state law already address who may own or possess a handgun.

**Section 12** reduces the fees from \$125 to \$99 for initial application and from \$60 to \$30 for renewal or replacement to better reflect the true cost. Almost every other state have even lower fees or no fees at all. This should still leave the Department with at least \$40 for processing each permit above the costs for F.B.I. and background checks.

**Section 13** amends language to clearly give the Department the authority to immediately suspend permits for anyone who is ineligible under state or federal law to own or possess a handgun.

**Section 15** repeals a long list of special prohibitions that don't apply to open carry or, in some cases, to concealed carry unpermitted. Instead, there is a flat prohibition for possession of a concealed handgun wherever federal or state law prohibits possession of a handgun.

A restrictive laundry list of prohibitions tailored only for the fingerprinted, trained, permitted carriers make little sense when state law allows you to carry openly in those places. Federal and state law already address where handguns can be possessed. In addition, any private business has the right to post signs prohibiting carrying handguns whether concealed or open. Violators would be subject to criminal trespass statutes (the penalty can be just as severe for criminal trespass as current law prohibiting permittees from carrying in certain places).

**Section 16** simplifies definitions so that shotguns, rifles and all weapons prohibited under AS 11.61.200 do not qualify for concealed carry. Otherwise, just as in every other state, any handgun not otherwise prohibited by state or federal law is treated equally. The Senate State Affairs Committee has received testimony from women requesting they be allowed to apply and train for a permit to carry handguns designed for concealed carry. There are no examples, apparently, anywhere in the United States, where a permittee has used a derringer or "miniature" handgun in a crime.

**Section 17** repeals renewal training requirements; sections no longer justified under the principle "if you can carry open, you can carry concealed." AS 18.65.715(b), 18.65.725(a)(3), ~~18.65.740(a)(2)~~, 18.65.755(b), and 18.65.755(c).

**Sections 4, 6 and 9** are included to make special provisions for certain peace officers and the carrying of concealed handguns. While there are objections to making special provisions for certain individuals, it is not unreasonable to amend the bill to provide special exemptions for peace officers. This especially seems reasonable in light of the increasing support from peace officers and their organizations for the concept of concealed carry by law-abiding citizens.

I urge the adoption of SB141 to continue to excellent record set this year by the State Senate toward reducing government regulation and taking practical steps to make Alaska's government smaller and smarter.

\* Deleted by Sen. Donley's amendment.

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO:** N 5  
 Bill Version: CSSB 141 (STA)  
 (S) Publish Date: 4-3-97

Revision Date: 03/28/97 Dept. Affected: Public Safety  
 Title: Concealed Handguns BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Sen. Green  
 Requestor: S. STA COMPONENT SERIAL NO. 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS	5.0					
<b>TOTAL OPERATING</b>	<b>5.0</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>	<b>5.0</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
CHANGE IN REVENUES ( ) Revenue Code	(37.8)	(37.8)	(37.8)	(37.8)	(37.8)	(37.8)

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

Estimate of current year (FY 97) 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 will have fiscal impact on AST depending on further clarification of some parts and depending on modifications to others. An indeterminate fiscal note is being submitted at this time. Some areas of concern are noted on the attachment.

Prepared By: F/Sgt. Robert Gorder Phone: 269-5650  
 Division: Alaska State Troopers Date: 03/28/97  
 Approved by Commissioner: Ronald L. Otte Date: 3-31-97  
 Agency: Department of Public Safety

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Attachment to CSSB 141 fiscal note.

The areas of greatest fiscal concern are as follows:

1. Changes proposed by this bill in the areas of qualifications, suspension and revocation, domestic violence, nationwide reciprocity, etc. will require DPS to undertake a regulation project to modify existing regulations and add new regulations to administer the new provisions in this bill. The average regulation project costs approximately \$5000.00.
3. Provisions outlining national reciprocity will require modification to the statewide information system (APSIN) or will require the creation of a LAN/WAN based information system that can be made accessible to law enforcement agencies statewide, 24 hours a day.
4. Reduction of the permit fee from a maximum of \$125.00 (actual fee has been set at \$122.00) to a new maximum fee of \$99.00 will have an effect on the costs to the division. Currently, the costs to operate the ACHP are just being offset by the revenues collected. Any reduction in the fees will require the division to absorb the shortfall. How much that will be depends on the amount of permits processed. An estimated \$23 per permit would have to be absorbed.

# ALASKA STATE LEGISLATURE



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## SENATOR LYDA GREEN SENATE DISTRICT N

### CSSB141(FIN)

A committee substitute, which I supported, was adopted initially by Senate Finance. The changes in SB141 (version X) are reflected in the sponsor statement and sectional commentary.

Two additional amendments were adopted in Senate Finance and one amendment was rejected.

Senator Phillips offered an amendment (adopted 4-3) to mandate that in all cases, for each visit to the home, a person entering a home or property must announce that he or she is carrying a permitted concealed handgun. The homeowner is given no choice in the matter, but is required under Senator Phillips' amendment to force all visitors to announce they are carrying a permitted handgun. Failure to announce constitutes a class B misdemeanor for the permittee. No provision is made for anyone who does not wish to subject visitors to their home to this strange mandate. That new criminal penalty and mandate appears unenforceable, insignificant, and somewhat specious.

Senator Donley offered an amendment (adopted unanimously), which I supported, to leave in statute the provision that a repeat class A misdemeanor violation will result in the loss of a concealed carry permit.

Senators Adams and Phillips introduced an amendment that would have amended criminal law to prohibit carrying handguns openly or permitted concealed in a number of places. This amendment failed 2-5. I objected to this amendment on several points.

First, SB141 is about permitting concealed handguns, not about extending gun control to various locations around Alaska.

Second, SB141 is simply about extending the same right to carry to fingerprinted, background checked, trained permittees as currently enjoyed by almost every adult in Alaska to carry open.

Finally, SB141 does not alter existing law restricting open carry anywhere in Alaska. SB141 repeals special provisions in law that restricted only permitted concealed carry. Given the experience of every other state with permitted concealed and given Alaska's experience during the last three years, there is no reason to continue to be more restrictive with our background checked, trained, fingerprinted permittees than the some 300,000 adults free to carry handguns openly.