

**SB**

**214**

# Alaska State Legislature

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MIKE MILLER  
President of the Senate

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.

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.

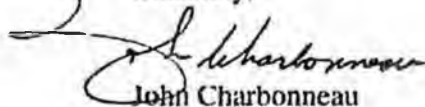
As was discussed during the meetings with you and/or your respective staffs during the interim, SB214 is intended to reverse the restrictions that would be placed on law enforcement officers relative to carrying a concealed weapon by the provision in SB141 should it become law.

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.

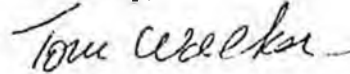
Thank you again for the opportunity to work with you and/or your respective staff members these past few months and we look forward to participating in the hearing process on SB214.

Sincerely,



John Charbonneau  
President  
APOA

Sincerely,



Tom Walker  
President  
AACOP

cc: Alaska Legislators

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

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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  
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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