

**SB**

**130**

1-LS0665\G  
Ford  
5/17/99

5/17 adopted

HOUSE CS FOR SENATE BILL NO. 130( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS PETE KELLY, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to immunity for sale or transfer of a firearm; relating to  
2 administrative functions performed by and fees charge<sup>d</sup> by the Department of  
3 Public Safety for transfer of a firearm."

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

5 \* Section 1. AS 09.65 is amended by adding a new section to read:

6 Sec. 09.65.260. Civil immunity related to the sale or transfer of a firearm.

7 (a) A person may not bring a civil action for damage or harm caused by an individual  
8 for whom a federal firearm certificate was executed if the action arises from the  
9 execution of the federal firearm certificate by a public official with the authority under  
10 federal law to execute the certificate and the individual causing the damage or harm

11 (1) is the transferee of the firearm; and

12 (2) at the time the certificate is executed either

13 (A) has a permit to carry a concealed handgun issued under

14 AS 18.65.700; or

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(B) meets the qualifications imposed under AS 18.65.705(1) -  
(5) for obtaining a concealed handgun permit.

(b) In this section, "federal firearm certificate" means the certificate required on a federal "Form 1 (Firearms)," "Form 4 (Firearms)," or "Form 5 (Firearms)."

\* Sec. 2. AS 44.41.020(a) is amended to read:

(a) The Department of Public Safety shall administer functions relative to the protection of life and property, including functions relating to transfer of a firearm.

The department may enter into agreements with nonprofit organizations and federal and local government agencies to train personnel of those agencies in the protection of life and property. The department may charge a reasonable fee for services provided under a training agreement or for services relating to transfer of a firearm.

\* Sec. 3. APPLICABILITY. AS 09.65.260, added by sec. 1 of this Act, applies to a civil action that accrues on or after the effective date of this Act.

SENATE BILL NO. 130

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR PETE KELLY

Introduced: 4/1/99

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to immunity for sale or transfer of a firearm; relating to  
2 administrative functions performed by and fees charged by the Department of  
3 Public Safety for transfer of a firearm."

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

5 \* Section 1. AS 09.65 is amended by adding a new section to read:

6 **Sec. 09.65.260. Civil immunity related to the sale or transfer of a firearm.**

7 A person may not bring a civil action if the action arises from the execution of the  
8 certificate required on a federal "Form 1 (Firearms)," "Form 4 (Firearms)," or "Form 5  
9 (Firearms)" by a public official with the authority under federal law to execute the  
10 certificate for an individual who is to be a transferee of a firearm for damage or harm  
11 caused by the individual for whom the certificate was executed.

12 \* Sec. 2. AS 44.41.020(a) is amended to read:

13 (a) The Department of Public Safety shall administer functions relative to the  
14 protection of life and property, including functions relating to transfer of a firearm.

1 The department may enter into agreements with nonprofit organizations and federal  
2 and local government agencies to train personnel of those agencies in the protection  
3 of life and property. The department may charge a reasonable fee for services  
4 provided under a training agreement or for services relating to transfer of a firearm.

5 \* Sec. 3. APPLICABILITY. AS 09.65.260, added by sec. 1 of this Act, applies to a civil  
6 action that accrues on or after the effective date of this Act.



# Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone (907) 343-4461

Office of the Ombudsman

5/14

June 26, 1998

James Rowe  
PO Box 240445  
Anchorage, AK 99524-0445

Dear Mr. Rowe:

On May 29, 1998 we received your letter of complaint regarding the refusal of the Anchorage Chief of Police to sign an ATF Form 4 you presented to him. In the letter you stated that you believed that the application process for your lawful acquisition of a restricted weapon was being thwarted by the Chief's policy of not signing any ATF Form 4s presented to him.

In researching this matter, I met with Police Chief Duane Udland; I spoke at length with the Alcohol, Tobacco, and Firearms chief in Anchorage, John Bobb; and I discussed the matter with one of our Municipal Attorneys. As a result of this research, I have been able to confirm the information that was already presented to you. There is no statutory requirement imposed by ATF that mandates that a local law enforcement chief must sign the form. The Municipal Attorney issued an opinion (subject line: "APD Refusal to Sign Form 4") to the previous Police Chief in July 1995 which advised him and any other appropriate municipal official not to sign the form due to potential liability. Both the current and previous Chiefs have adhered strictly to that policy. In addition, the Chief believes that since this is an ATF program, that agency should be responsible for doing the appropriate records/background checks to allow them to make a decision on whether to approve the request. Mr. Bobb confirmed that there is a problem with the process that most likely would require a change at the federal level.

In light of this information, it is my determination that Police Chief's policy regarding the ATF Form 4 is not unreasonable. If you have any further questions, please contact me at 343-4461.

Sincerely,

Alan D. Muise  
Municipal Ombudsman