SB

294

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/21/00 FURTHER:

Date of 5-Day Notice:_____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: _____

Judiciary Committee considered SENATE BILL NO. 294

"An Act relating to the possession of concealed handguns and to concealed handgun permits."

and recommends:

[X] be **replaced** with _____ CS SB 294 (JUD)

[ ] adopt **previous** _____ CS _____ (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to the _____ Committee

Senate Bill:
[X] same title
[ ] new title
House Bill:
[ ] same title
[ ] technical title
[ ] new: SCR#_____

SIGNING DO PASS	*DP*	*OTHER RECOMMENDATIONS*	*NR*	*DNP*	*AM*
[illegible]	✓				
Rick Halford	✓				
CHAIR: Adrian L. Taylor	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
DPS	3/29/00	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

[ ] **APPROPRIATION -- no fiscal note**

***include fiscal notes accompanying Governor's bill**

1-LS1543\G
Luckhaupt
3/24/00

adopted 3/29/00

CS FOR SENATE BILL NO. 294( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the possession of concealed handguns and to concealed
2 handgun permits."

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;
12 (3) the holder of a valid permit to carry a concealed handgun under
13 AS 18.65.700 - 18.65.790 <u>and</u> [,] the weapon was a concealed handgun as defined in
14 AS 18.65.790 [, AND THE POSSESSION DID NOT OCCUR IN A MUNICIPALITY

1 OR ESTABLISHED VILLAGE IN WHICH THE POSSESSION OF CONCEALED
2 HANDGUNS IS PROHIBITED UNDER AS 18.65.780 - 18.65.785]; or
3 (4) considered a permittee under AS 18.65.748 and
4 [(A)] the weapon was a concealed handgun as defined in
5 AS 18.65.790 [; AND
6 (B) THE POSSESSION DID NOT OCCUR IN A
7 MUNICIPALITY OR ESTABLISHED VILLAGE IN WHICH THE
8 POSSESSION OF CONCEALED HANDGUNS IS PROHIBITED UNDER
9 AS 18.65.780 - 18.65.785].
10 * Sec. 2. AS 11.61.220(d) is amended to read:
11 (d) In a prosecution under (a)(2) of this section, it is
12 (1) an affirmative defense that
13 (A) the defendant, at the time of possession, was the holder of
14 a valid permit to carry a concealed handgun under AS 18.65.700 - 18.65.790
15 or was considered a permittee under AS 18.65.748;
16 (B) the loaded firearm was a concealed handgun as defined in
17 AS 18.65.790; <u>and</u>
18 (C) the possession occurred at a place designated as a restaurant
19 for the purposes of AS 04.16.049 and the defendant did not consume
20 intoxicating liquor at the place; [AND
21 (D) THE POSSESSION DID NOT OCCUR IN A
22 MUNICIPALITY OR ESTABLISHED VILLAGE IN WHICH THE
23 POSSESSION OF CONCEALED HANDGUNS IS PROHIBITED UNDER
24 AS 18.65.780 - 18.65.785;]
25 (2) a defense that the defendant, at the time of possession, was on
26 business premises
27 (A) owned by or leased by the defendant; or
28 (B) in the course of the defendant's employment for the owner
29 or lessee of those premises.
30 * Sec. 3. AS 18.65.700(a) is amended to read:
31 (a) The department shall issue a permit to carry a concealed handgun to a

1 person who
2 (1) applies in person at an office of the Alaska State Troopers;
3 (2) qualifies under AS 18.65.705;
4 (3) submits a completed application on a form provided by the
5 department, that provides the information required under AS 18.65.705 and 18.65.710
6 [AND IS EXECUTED UNDER OATH]; with each application form provided by the
7 department, the department shall provide a copy of the state laws and regulations
8 relating to concealed handguns, which must include a concise summary of where,
9 when, and by whom a handgun can be carried under state and federal law;
10 (4) submits two complete sets of fingerprints on Federal Bureau of
11 Investigation approved fingerprint cards that are of sufficient quality so that the
12 fingerprints may be processed; the fingerprints must be taken by a person, group, or
13 agency approved by the department; the department shall maintain a list of persons,
14 groups, or agencies approved to take fingerprints and shall provide the list to the
15 public upon request;
16 (5) submits evidence of <u>successful completion of a handgun course</u>
17 [COMPETENCE WITH HANDGUNS] as provided in AS 18.65.715;
18 (6) provides two frontal view color photographs of the person taken
19 within the preceding 30 days that include the head and shoulders of the person and are
20 of a size specified by the department;
21 (7) shows a valid Alaska driver's license or identification card at the
22 time of application;
23 (8) does not suffer a physical infirmity that prevents the safe handling
24 of a handgun; and
25 (9) pays the application fee required by AS 18.65.720.
26 * Sec. 4. AS 18.65.700(d) is amended to read:
27 (d) A permit issued under (a) of this section is valid for five years from the
28 date of issue. [THE PERMIT MUST SPECIFY THE ACTION TYPES AND
29 MAXIMUM CALIBERS OF HANDGUN DESCRIBED IN THE PERMITTEE'S
30 CERTIFICATE OF COMPETENCY UNDER AS 18.65.715 BUT MAY NOT
31 SPECIFICALLY IDENTIFY A HANDGUN BY MAKE, MODEL, OR SERIAL

1 NUMBER.]
2 * Sec. 5. AS 18.65.705 is amended to read:
3 **Sec. 18.65.705. Qualifications to obtain a permit.** A person is qualified to
4 receive and hold a permit to carry a concealed handgun if the person
5 (1) is 21 years of age or older;
6 (2) is eligible to own or possess a handgun under the laws of this state
7 and under federal law;
8 (3) is a resident of the state and has been for the 90 days immediately
9 preceding the application for a permit;
10 (4) has not been convicted of two or more class A misdemeanors of
11 this state or similar laws of another jurisdiction within the six years immediately
12 preceding the application;
13 (5) is not now in and has not in the three years immediately preceding
14 the application been ordered by a court to complete an alcohol or substance abuse
15 treatment program; and
16 (6) has <u>successfully completed a handgun course</u> [DEMONSTRATED
17 COMPETENCE WITH HANDGUNS] as provided in AS 18.65.715.
18 * Sec. 6. AS 18.65.710(a) is amended to read:
19 (a) The application for a permit to carry a concealed handgun must contain the
20 following information:
21 (1) the applicant's name, physical residence, mailing address, place and
22 date of birth, physical description, including height, weight, race, hair color, and eye
23 color, Alaska driver's license or identification card number, and the city and state of
24 each place the applicant has resided in the five years immediately preceding the
25 application;
26 (2) a statement that the applicant qualifies under AS 18.65.705;
27 (3) a statement that the applicant has been furnished with a copy of the
28 state laws and regulations relating to concealed handguns, has read those sections, and
29 understands them;
30 (4) a statement that the applicant desires a permit to carry a concealed
31 handgun for a lawful purpose, which may include self-defense;

(5) a [SWORN] statement by the applicant that all statements, answers, and attachments to the application are true and complete;

(6) a conspicuous warning that [THE APPLICATION IS EXECUTED UNDER OATH AND THAT] an applicant who supplies a false statement, answer, or document, in connection with the application that the applicant does not believe to be true, may be prosecuted for **unsworn falsification** [PERJURY UNDER AS 11.56.200] and, if found guilty, may be punished for violation of a class **A misdemeanor** [B FELONY], and that, in such cases, the permit shall be revoked and the applicant may be barred from any further application for a permit; and

(7) a statement that the applicant understands that a permit eligibility investigation will be conducted as a part of the application process, that this may involve computerized records searches, and that the applicant authorizes the investigation.

* Sec. 7. AS 18.65.715(a) is amended to read:

(a) An applicant for a permit to carry a concealed handgun shall provide a certificate of successful completion of a handgun course that is approved by the department. [THE CERTIFICATE MUST STATE THE ACTION TYPE AND CALIBER OF HANDGUN OR HANDGUNS THE APPLICANT HAS DEMONSTRATED COMPETENCE WITH AND THAT THE APPLICANT MAY BE PERMITTED TO CARRY. A PERMITTEE MAY ONLY CARRY AS A CONCEALED HANDGUN AN ACTION TYPE OF HANDGUN DESCRIBED IN THE CERTIFICATE. A PERMITTEE MAY ONLY CARRY AS A CONCEALED HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE PERMITTEE DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER OF THE SAME ACTION TYPE.] The handgun course must have been completed within the 12 months immediately preceding the application. The department shall approve a handgun course, including the personal protection course offered by the National Rifle Association, if the course tests the applicant's

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

(2) familiarity with the basic concepts of the safe and responsible use

of handguns; and

(3) knowledge of self-defense principles [: AND

(4) PHYSICAL COMPETENCE WITH EACH ACTION TYPE OF HANDGUN THE APPLICANT WISHES TO CARRY UNDER THE PERMIT AND THE MAXIMUM CALIBER FOR EACH ACTION TYPE THE APPLICANT WISHES TO CARRY UNDER THE PERMIT].

* **Sec. 8.** AS 18.65.715 is amended by adding a new subsection to read:

(e) A member of the Alaska state troopers may participate in or conduct handgun courses.

* **Sec. 9.** AS 18.65.725(a) is amended to read:

(a) A permittee shall apply in person for renewal of a permit to carry a concealed handgun within 90 days before the expiration of the permit and shall present a complete renewal form provided by the department. The renewal form shall be submitted under oath and must include

(1) any change in the information originally submitted under AS 18.65.710;

(2) a statement that the person remains qualified to receive and hold a permit to carry a concealed handgun under AS 18.65.705;

(3) [REPEALED

(4)] two frontal view photographs of the person taken within the preceding seven years [30 DAYS] that include the head and shoulders of the person and are of a size specified by the department; and

(4) [(5)] the renewal fee required under AS 18.65.720.

* **Sec. 10.** AS 18.65.725(c) is amended to read:

(c) A renewal of a permit to carry a concealed handgun submitted on or after the expiration date is subject to a late fee of $25. The department may not accept a renewal for a permit that is submitted more than 60 [30] days after the expiration date of the permit. Nothing in this subsection prohibits the holder of an expired permit from applying for a new permit.

* **Sec. 11.** AS 18.65.730 is amended to read:

Sec. 18.65.730. Replacement of permit. The department may replace a

1 permit that the permittee certifies under oath has been lost, stolen, or destroyed,
2 provided the permittee applies in person and
3 (1) provides two frontal view photographs of the permittee taken within
4 the preceding seven years [30 DAYS] that include the head and shoulders and are of
5 a size specified by the department;
6 (2) [SUBMITS TO THE TAKING OF A SINGLE THUMB OR
7 FINGERPRINT BY THE DEPARTMENT TO COMPARE AGAINST THE
8 FINGERPRINT ORIGINALLY SUBMITTED WITH THE APPLICATION; AND
9 (3)] pays the replacement fee required under AS 18.65.720.
10 * Sec. 12. AS 18.65.740(a) is amended to read:
11 (a) A permit to carry a concealed handgun shall be immediately revoked by
12 the department when the permittee
13 (1) becomes disqualified to receive and hold a permit under
14 AS 18.65.705;
15 (2) is convicted of two class A misdemeanors of this state or similar
16 laws of another jurisdiction within a six-year period if at least one of the convictions
17 occurs after the application;
18 (3) knowingly supplied a false or fraudulent answer, statement, or
19 document, or made a material misstatement or omission, in connection with an
20 application for a permit or renewal or replacement of a permit.
21 * Sec. 13. AS 18.65.748 is amended to read:
22 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska**
23 **permit holders.** A person holding a valid permit to carry a concealed handgun from
24 another state or a political subdivision of another state with permit requirements
25 similar to [AT LEAST AS STRICT AS] those in AS 18.65.700 - 18.65.790 is a
26 permittee under AS 18.65.700(b) for purposes of AS 18.65.750 - 18.65.765 if the
27 person has not been in Alaska for more than 120 consecutive days. In this section,
28 "permit requirements similar to those in AS 18.65.700 - 18.65.790" means that,
29 in order to receive and hold the permit in the other state or political subdivision,
30 the person must
31 (1) be at least 21 years of age;

1 **(2) be eligible to own or possess a handgun under state or federal**
2 **law;**
3 **(3) successfully complete some type of handgun or firearms safety**
4 **course; and**
5 **(4) be subject to a fingerprint-based criminal records search.**
6 * **Sec. 14.** AS 18.65.760(a) is amended to read:
7 (a) The holder of a permit issued under AS 18.65.700 - 18.65.790 may not
8 (1) alter the permit;
9 (2) allow another person to use the permit;
10 (3) possess or display a suspended or revoked permit; or
11 (4) display an expired permit**, unless the holder has submitted a**
12 **complete, timely renewal form under AS 18.65.725 and the renewal process has**
13 **been delayed due to circumstances not under the control of the applicant**.
14 * **Sec. 15.** AS 18.65.778 is amended to read:
15 **Sec. 18.65.778. Municipal preemption.** A municipality may not restrict the
16 carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790 [EXCEPT
17 AS PROVIDED IN AS 18.65.780 - 18.65.785].
18 * **Sec. 16.** AS 18.65.715(c), 18.65.725(b), 18.65.765(a)(4), 18.65.780, 18.65.785,
19 18.65.790(2), 18.65.790(5), and 18.65.790(6) are repealed.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CS for SB294 (Jud)

Revision Date		Dept. Affected	Public Safety
Title	Relating to the possesion of concealed handguns and to concealed handgun permits.	BRU	AK. State Trooper - Detachments
		Component	AK. State Trooper - Detachments
Sponsor	Senate Judiciary Committee		
Requester	Senate Judiciary Committee	Component No.	2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill is not expected to have a budgetary impact.

Prepared by:	Royce Weller, Special Assistant	Phone	465-2649
Division	Office of the Comissioner	Date/Time	3/29/00 12:00 AM
Approved by Commissioner	Ronald L. Otte	Date	3/29/00
Agency	Department of Public Safety		

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Juneau, AK 99801-1182
(907) 465-3717
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Senate Judiciary Committee

Sponsor Statement
CS FOR SENATE BILL 294
"An Act relating to the possession of concealed handguns and to concealed handgun permits"

Since its passage, Alaska's concealed carry law has been one of the most successful programs in the United States. That success is based, in part, on the original intent of the legislation to allow only knowledgeable, law-abiding citizens to obtain state permits to carry concealed handguns. Although the program has been successful, there are several recurring problems with the implementation and management of the state's program. SB 294 proposes statutory changes to improve and streamline the process to obtain and renew a concealed handgun permit.

CS for SB 294 will eliminate some of the cumbersome and unnecessary language written into the statute: applicants will no longer be required to have a sworn application; permit holders will be allowed to submit their renewal applications 60 days prior to expiration, rather than 30 days, thus allowing more time to complete the renewal process before the expiration date; a new photograph will be required every ten years, instead of every five (same as for a state driver's license); additional thumb prints will no longer be required during the renewal process, as prints never change.

The bill also makes changes to some of the training and education statutes, streamlining the process and making reciprocity with other states more attainable. The applicant will be required to provide evidence of completion of a handgun or firearms safety course, but eliminates the more subjective requirement by eliminating the specific statutory definition of "competence," which is causing problems with reciprocity and/or recognition with other states. Alaska State Troopers now will be authorized by statute to help teach handgun courses, which may generate additional revenue.

In addition, SB 294 makes the statute apply equally to all citizens statewide and clarifies the standards for recognition of permits from other states.

SB 294 streamlines and improves a program that has been, and will continue to be, a success for Alaska.

CSSB 294
SECTIONAL

Section 1-2	Deletes criminal offense of possession of a concealed handgun while in a local community with an opt-out ordinance.
Section 3	Deletes statutory requirement that the application be executed under oath.
Section 4	Deletes requirement to list specific action type and caliber on permit.
Section 5	Amends qualifications to obtain a permit to: "has successfully completed a handgun course."
Section 6	Deletes warning that the application is executed under oath and changes the penalty for providing known false or inaccurate information from perjury to unsworn falsification
Section 7	Deletes requirement for specific action type and caliber of handgun and deletes the requirement that the applicant physically demonstrate competence with specific action type and caliber.
Section 8	Gives statutory authority for Alaska State troopers to participate in handgun courses.
Section 9	Amends permit renewal requirements to provide a new photograph every seven years (every other renewal), instead of every five years.
Section 10	Amends permit renewal process to allow an applicant to file for a renewal of the permit for up to 60 days after the expiration date of the permit.
Section 11	Amends replacement of permit process to provide a photograph taken within the previous seven years, instead of within the preceding 30 days.
Section 12	Revocation of permit (no changes to current law).
Section 13	Expands and better defines guidelines for recognition of permit holders from other jurisdictions.
Section 14	Provides for an exception to expired permit penalty if the applicant has filed in a timely manner for a permit renewal and has not yet received the permit from the state of Alaska.
Section 15	Deletes local opt-out provisions of municipal preemption statute.
Section 16	Repeals sections to conform to the changes made throughout the bill.

SB294 TC#10643

PAGE ONE section 3. WHY HAVE A HANDgun PERMIT if IT CAN BE OUTLAWED AT A MUNICIPALITY OR VILLAGE.
IT puts THE PERMIT HOLDER UNDER A CATCH 22 SITUATION.

PAGE 6 Section 9 AS 1865.725A WHY should you HAVE TO APPLY FOR A PERMIT 3 MONTHS IN ADVANC

BILL 294
MR ELZIE ISLEY
2533 3rd AVE
KETCHIKAN AK 99901

Alaska State Legislature

Please enter into the record my testimony to the (S) Judiciary
committee name

committee on SB 294, dated 3/29/00
Bill/Subject

PLEASE VOTE TO MOVE THIS BILL TO THE FLOOR IN ITS PRESENT FORM. THE MOST IMPORTANT IMPROVEMENTS ALLOWED BY THIS BILL WILL BENIFIT ALASKA CITIZENRY IN THE AREA OF EXERCISE OF THE USE OF THESE PERMITS IN OTHER STATES. AGAIN PLEASE SUPPORT THIS BILL AND MOVE FROM COMMITTEE.

THANK YOU RAY HALLEY

Signed. Raymond Halley
Testifier

Representing (Optional)

Box 1515 VALDEZ AK 99686
Address

907 835-2181
Phone No

Alaska State Legislature

Please enter into the record my testimony to the SENATE JUDICIARY
committee name

committee on SB 294, dated 3-29-00.
bill/subject

PLEASE SUPPORT

SB 294

Signed: STAN & KAREN TUCKER
Testifier

Representing (Optional)

1001 ELLIWOOD ST. WASILLA, AK 99654
Address

373-7139
Phone No.

Alaska State Legislature
Written Testimony Form

Please enter into the record my testimony to the SJUD Committee on
(Committee Name)
SB 294, dated 3.29.00.
(bill/subj)

~~Eric~~

This bill sucks. Your are not trying to help the people retain their right to bear arms. You're infringing on their rights by misrepresenting the constitution. Stop trying to usurp the constitution. Uphold it, repeal all the feel good gun bills. You're setting us up for a police state. There is no sane reason to have a concealed carry permit or license to defend yourself.

Testifier Signature: Eric Weathers per phone to LIO

Representing: (Optional): —

Address: Third Judicial Dist. Deep Bay Hawkins Island
c/o PO Box 1791 Cordova, AK 99574

Phone Number: (907) 424-3745

Alaska State Legislature
Written Testimony Form

Please enter into the record my testimony to the SJUD Committee on
(Committee Name)
SB 294 dated 3.29.00.
(bill/subj)

~~Denny~~

This bill is unconstitutional. Nowhere in article 1 section 19 of the state constitution does it say the people or the individual have the right to bear arms if: the person is 21 years of age, shows a state driver's license, pays an application fee, takes an NRA course, provides finger prints to the FBI, provides two frontal view photographs along with place and date of birth, physical description, including height, weight, race, hair and eye color. No that is not what the state constitution says, in fact what it says is ..."the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the state or a political sub-division of the state." Uphold the constitution as it is written. Repeal all gun bills. Quit trying to make the people of Alaska criminals.

Testifier Signature: Denny K. Weathers per phone to LIO

Representing: (Optional)

Address: THIRD Judicial Dist. Deep Bay Hawkins Island c/o PO Box 1791 Cordova, AK 99574

Phone Number: (907) 424-3745

Alaska State Legislature

Please enter into the record my testimony to the SENATE JUDICIARY
committee name

committee on SB 294, dated 3-29-00.
bill/subject

PLEASE SUPPORT

SB 294

RECEIVED
APR 3 2000
Ans'd.....

Signed: STAN & KAREN TUCKER
Testifier

Representing (Optional)

1001 HELLWOOD ST. WASILLA AK 99654
Address

373-7139
Phone No.