

**HB**

**102**

## REPRESENTATIVE ERIC CROFT

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## REPRESENTATIVE ERIC CROFT

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### Memorandum

TO: Senator Ralph Seekins  
Chair Senate Judiciary Committee

FROM: Representative Eric Croft

DATE: May 2, 2003

RE: Committee Substitute (STA) House Bill 102

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I respectfully request that House Bill 102 be scheduled for a hearing in the Senate Judiciary Committee at your earliest possible convenience. I have attached a sponsor statement and background information on this resolution. I would like to allow Brian Judy from the National Rifle Association to testify and answer questions from the committee.

Thank you. *Eric Croft*



## REPRESENTATIVE ERIC CROFT

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### Sponsor Statement HB 102 An Act Relating to Concealed Deadly Weapons

HB 102 repeals the concealed carry laws that require permits to carry deadly weapons including handguns, knives and other legal to own deadly weapons. It does not repeal any of the restrictions on where a person can carry a concealed weapon such as on school grounds, in courthouses or on private property where the owner may prohibit such weapons.

Under HB 102, a person will be allowed to carry a concealed weapon without a permit with the same freedoms allowed in Vermont under that state's gun laws as long as the person is not a convicted felon or anyone else who is by law prohibited from obtaining a permit. The laws in Vermont have not proven to increase the rate of crime or to be reckless in any way. Vermont, like Alaska, is rural by nature and has a high number of outdoor sportsmen and other citizens who carry weapons for a variety of legitimate reasons.

HB 102 does not eliminate the state's concealed carry permit program for two reasons. First, a person may want a permit to allow reciprocity, i.e. traveling to a reciprocity state for a hunt. Second, a concealed carry permit is useful for purchasing because it allows permit holders to bypass the required waiting period because the FBI background checks have already been completed during the permitting process.

THE  
FOLLOWING  
DOCUMENT(S)  
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CS FOR HOUSE BILL NO. 102( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES CROFT, Foster, Stoltze, Crawford, Gatto, Anderson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to concealed deadly weapons."

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

3 \* Section 1. AS 11.61.220(a) is amended to read:

4 (a) A person commits the crime of misconduct involving weapons in the fifth  
5 degree if the person

6 (1) is 21 years of age or older and knowingly possesses a deadly  
7 weapon, other than an ordinary pocket knife or a defensive weapon,

8 (A) that is concealed on the person, and, when contacted by a  
9 peace officer, the person fails to

10 (i) immediately inform the peace officer of that  
11 possession; or

12 (ii) allow the peace officer to secure the deadly  
13 weapon, or fails to secure the weapon at the direction of the peace  
14 officer, during the duration of the contact;

15 (B) that is concealed on the person within the residence of

1 another person unless the person has first obtained the express permission  
2 of an adult residing there to bring a concealed deadly weapon within the  
3 residence;

4 (2) knowingly possesses a loaded firearm on the person in any place  
5 where intoxicating liquor is sold for consumption on the premises;

6 (3) being an unemancipated minor under 16 years of age, possesses a  
7 firearm without the consent of a parent or guardian of the minor;

8 (4) knowingly possesses a firearm

9 (A) within the grounds of or on a parking lot immediately  
10 adjacent to a center, other than a private residence, licensed under AS 14.37,  
11 AS 47.33, or AS 47.35 or recognized by the federal government for the care of  
12 children;

13 (B) within a

14 (i) courtroom or office of the Alaska Court System; or

15 (ii) courthouse that is occupied only by the Alaska  
16 Court System and other justice-related agencies; or

17 (C) within a domestic violence or sexual assault shelter that  
18 receives funding from the state; [OR]

19 (5) possesses or transports a switchblade or a gravity knife; or

20 (6) is less than 21 years of age and knowingly possesses a deadly  
21 weapon, other than an ordinary pocket knife or a defensive weapon, that is  
22 concealed on the person.

23 \* Sec. 2. AS 11.61.220(b) is amended to read:

24 (b) In a prosecution under (a)(6) [(a)(1)] of this section, it is an affirmative  
25 defense that the defendant, at the time of possession, was

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

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

31 (3) THE HOLDER OF A VALID PERMIT TO CARRY A

1 CONCEALED HANDGUN UNDER AS 18.65.700 - 18.65.790 AND THE  
2 WEAPON WAS A CONCEALED HANDGUN AS DEFINED IN AS 18.65.790; OR

3 (4) CONSIDERED A PERMITTEE UNDER AS 18.65.748 AND  
4 THE WEAPON WAS A CONCEALED HANDGUN AS DEFINED IN  
5 AS 18.65.790].

6 \* Sec. 3. AS 11.61.220(h) is amended to read:

7 (h) The provisions of (a)(1) and (6) of this section do not apply to a

8 (1) peace officer of this state or a municipality of this state acting  
9 within the scope and authority of the officer's employment;

10 (2) peace officer employed by another state or a political subdivision  
11 of another state who, at the time of the possession, is

12 (A) certified as a peace officer by the other state; and

13 (B) acting within the scope and authority of the officer's  
14 employment; or

15 (3) police officer of this state or a police officer or chief administrative  
16 officer of a municipality of this state; in this paragraph, "police officer" and "chief  
17 administrative officer" have the meanings given in AS 18.65.290.

18 \* Sec. 4. AS 11.61.220 is amended by adding a new subsection to read:

19 (j) In (a)(1) of this section, "contacted by a peace officer" means stopped,  
20 detained, questioned, or addressed in person by the peace officer for an official  
21 purpose.

22 \* Sec. 5. AS 18.65.748 is amended to read:

23 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska**  
24 **permit holders.** A person holding a valid permit to carry a concealed handgun from  
25 another state or a political subdivision of another state is a permittee under  
26 AS 18.65.700(b) for purposes of AS 18.65.755 - 18.65.765 [AS 18.65.750 -  
27 18.65.765] if the person has not had an application for a concealed handgun permit  
28 rejected in this state because the person was unqualified under AS 18.65.705 or had a  
29 concealed handgun permit revoked or suspended by this state.

30 \* Sec. 6. AS 18.65.770 is amended to read:

31 **Sec. 18.65.770. Permits, applications, and other materials not public**

1  
2  
3  
4  
5  
6  
7

records [ACCESS TO LIST OF PERMITTEES BY PEACE OFFICERS].  
Applications [THE DEPARTMENT SHALL COMPILE A LIST OF PERMITTEES  
IN A MANNER THAT ALLOWS IMMEDIATE ACCESS TO THE  
INFORMATION BY PEACE OFFICERS. THE LIST OF PERMITTEES AND ALL  
APPLICATIONS], permits, and renewals are not public records under AS 40.25.110 -  
40.25.125 and may only be used for law enforcement purposes.

\* Sec. 7. AS 11.61.220(d)(1)(A); AS 18.65.750, and 18.65.755(a)(1) are repealed.



## REPRESENTATIVE ERIC CROFT

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### MEMORANDUM

TO: Members of the House Judiciary Committee

FROM: Representative Eric Croft

DATE: April 10, 2003

RE: CSHB 102 (STA)

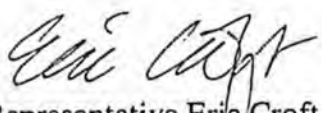
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Dear Colleagues,

In the House State Affairs Committee hearings on HB 102, there were many questions about the technicalities of this bill and the logic behind each proposed change to the statutes. The committee substitute takes into consideration the committee members' valid points and hopefully puts them forward in a clear manner. To further clarify the intent of the bill, I have included the committee substitute, my own sectional analysis and a letter of support from the National Rifle Association in this memo.

I hope this helps to answer any questions you might have about HB 102.

Sincerely,

  
Representative Eric Croft

Page 1 of 4

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January-May: State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4998 • (800) 689-4998 • Fax (907) 465-4419  
June-December: 716 W. 4<sup>th</sup> Avenue • Anchorage, Alaska 99501 • (907) 258-8162  
Representative\_Eric\_Croft@legis.state.ak.us



## REPRESENTATIVE ERIC CROFT

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### SPONSOR SUMMARY HB 102

**“An Act relating to concealed deadly weapons.”**

**Section 1.** Section 1(a)(1) makes it legal for someone to carry a concealed deadly weapon without a permit if they are 21 years old or older with the same restrictions that permit holders have now. The original bill did not include the requirement to be 21 to carry concealed.

Section 1(a)(1)(A) requires anyone carrying a concealed deadly weapon to inform a peace officer that they are carrying a concealed weapon when contacted by an officer, to secure the weapon when directed by the officer, and to allow the officer to secure the weapon if requested to do so by the officer. Under the changes brought by this bill, these requirements apply even if the person is on their own property when contacted by the officer. This is not currently required in statute.

Section 1(a) (1) (B) states that before a person carrying a concealed deadly weapon enters the residence of another person, the carrier must obtain express permission of an adult residing in the residence allowing the carrier to bring the weapon into the residence.

Part (6) makes it a crime for anyone under the age of 21 to carry a concealed deadly weapon other than an ordinary pocketknife or a defensive weapon [as defined in AS 11.81.900(b) 19]. Currently, anyone applying for a concealed weapon permit must be at least 21 years old. By adding subsection (6), I am simply maintaining the current age requirement to carry concealed or to obtain a permit.

**Section 2.** The changes to this section make it conform to Section 1.

Section 2. (b). The reference (a)(1) is deleted because the following defenses in this section are unnecessary because it is no longer a crime to carry a



**SPONSOR SUMMARY HB102**  
**"An Act relating to concealed deadly weapons."**

concealed weapon in accordance with Section 1. The reference (a)(6) replaces (a)(1) because now these defenses apply to people under the age of 21. In other words, this provision keeps it legal for a person under 21 to carry a concealed weapon in their house, on their land or while engaged in a lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection such as hunting, fishing or trapping.

**Section 2.(b)(3)and(4)** are deleted because the whole section (b) now only applies to people under the age of 21 and those people cannot be permit holders.

**Section 3.** The change to this section takes into consideration peace officers under the age of 21.

**Section 4.** This section replaces the clause from AS 18.65.750(b) that defines the phrase "contacted by a peace officer." Section 7 of this bill repeals this language, so we replace it here. We maintain this language in statute to help clarify the law and aid in prosecution of the crime.

**Section 5.** This section gives permit holders from outside Alaska the same rights as Alaskan permit holders and holds them to the same responsibilities as Alaskan concealed weapons carriers.

**Section 6.** This section takes the list of permit applications, permits and renewals off the public record. It also absolves the Department of Public Safety of the responsibility of compiling a list of permittees and applications for access by peace officers. This does not preclude the department from keeping such a list; it just helps protect the rights of those who still wish to get a concealed carry permit. Why should the law require that they be on a list when anyone can carry concealed without a permit?

**Section 7.** This section repeals three sections that no longer apply if a permit is not required to carry a concealed weapon.

**AS 18.65.750** I repeal this section because Section 1 and Section 4 of this bill address the issues surrounding contact by a peace officer. Also, if it is legal to carry a concealed weapon without a permit, than there is no reason to mandate that a permit holder carry his permit at all times.

Page 3 of 4



**SPONSOR SUMMARY HB102**  
**“An Act relating to concealed deadly weapons.”**

AS 18.65.755(a)(1) Section 1 of this bill covers this provision.

AS 11.61.220(d)(1)(A) Section 1 of this bill makes this an unnecessary requirement of defense. Currently, permittees can carry legally in a restaurant (as defined in AS 04.16.049) because of the defenses listed in this section. Without removing the permit part of the affirmative defense, it would make it illegal for a person to carry concealed in a restaurant unless they had a permit even if they were not drinking. This exception would be confusing and unfair to those citizens who choose to carry without a permit. I remove this clause because it was not my intention to add or remove any restrictions of where a person is allowed to carry a concealed weapon.



NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
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STATE & LOCAL AFFAIRS DIVISION  
BRIAN JUDY, ALASKA STATE LIAISON

April 4, 2003

Representative Eric Croft  
State Capitol, Room 400  
Juneau, AK 99801-1182

Dear Representative Croft:

On behalf of the over 24,000 Alaska members of the National Rifle Association, let me take this opportunity to offer our strong support for House Bill 102. HB 102 would repeal the existing provision of law which prohibits the carrying of a concealed weapon in Alaska.

Law-abiding citizens should not be required to obtain permission to provide a means of self protection for themselves or their family. Indeed, Article I, Section 19 of the Alaska State Constitution provides that "The *individual* right to keep and *bear* arms shall not be denied or infringed by the state..." Alaska's prohibition on concealed carry essentially puts a pricetag on those Alaskan's natural right to self-defense for whom carrying a firearm in plain view is not a reasonable nor responsible option.

In fact, in Alaska a law-abiding citizen needs no permission to carry a firearm openly anywhere in the state, whether loaded or unloaded, nor to carry concealed when engaged in lawful outdoor activities that necessarily involve the carrying of a weapon for self protection. But if that person desires to wear outer clothing which might cover a weapon, is dressed in a manner which is not compatible with open carry, is engaged in other than an "outdoor activity" or is in a situation in which open carry might not be responsible due to possible intimidation of others, advance governmental permission must be obtained.

It really makes no sense to require a law-abiding citizen to pay a fee, endure a relatively significant bureaucratic process, be subjected to fingerprinting, obtain the government's permission and be added to a government-maintained list of firearm owners simply so they can wear a coat or carry in what would arguably be a more responsible manner during circumstances in which open carry is not appropriate.

11.

Vermont is currently the only state which allows the carrying of concealed weapons without a permit. Unlike other states, Vermont has no criminal code provision prohibiting concealed carry and thus, no concealed weapon permit system. In Vermont any law-abiding citizen who can legally own and possess a firearm is entitled to carry it openly or concealed, loaded or unloaded. According to the FBI Uniform Crime Report, the State of Vermont consistently falls near the bottom of the list in terms of crime. For 2001, the most recent year for which statistics are available, Vermont ranks as follows: Total violent crime - 49, Murder & non-negligent manslaughter - 48, Forcible rape - 49, Robbery - 47 and Aggravated Assault - 48.

There is absolutely nothing inherently wrong with a law-abiding citizen carrying a firearm concealed. The prohibition against concealed carry is a "Malum prohibitum" offense, that is it is only wrong (illegal) because a statute has been passed to arbitrarily make it illegal. This is as opposed to a "Malum in se" offense (such as murder), that is an offense which is inherently wrong.

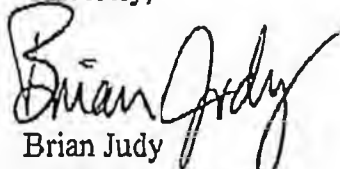
Only law-abiding citizens are currently obtaining permits to carry concealed firearms. Being allowed to carry concealed without the permit will not change the fact they are law-abiding. Criminals, on the other hand, are already carrying concealed firearms without permits. Those with existing criminal records who are prohibited from owning or possessing firearms can be prosecuted for mere possession. Those with no prior record, but who commit a crime in conjunction with the concealed carry, can be charged with the other, probably more serious, offense.

Alaska's concealed handgun permit law was passed in 1995. Opponents screamed hysterically that "blood would run in the streets." Such did not occur. The permit system was reformed in 1998 amidst the same dire warnings and predictions. Empirical evidence, again, proved the alarmist rhetoric to be unfounded. Further streamlining in 2000 and 2002 has not had negative consequences and no increase in firearm-related problems. Repealing the prohibition on concealed carry is the ultimate in streamlining and the predictable outcome is that such a statutory revision will have no negative impact. If anything, Alaska residents should expect that crime rates will decrease, moving in the direction of those in the State of Vermont.

The National Rifle Association supports your approach to this issue with House Bill 102 by maintaining Alaska's concealed handgun permit system and repealing only the prohibition on concealed carry. As such, any person who would still desire a permit so that they can carry in other states which reciprocate with or recognize Alaska permits or who want to continue to be exempt from firearm purchase background checks may still obtain a permit.

Please let me know how I can be of assistance in the effort to pass House Bill 102.

Sincerely,

  
 Brian Judy  
 Alaska State Liaison

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 102  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title "An Act relating to concealed deadly BRU Criminal Division  
weapons." Component All  
Sponsor Representative Croft  
Requester House State Affairs Committee Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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 (Specify Type—Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill recognizes valid permits to carry a concealed weapon from other jurisdictions. Holders of those permits would automatically be considered Alaska permittees as well, unless the person had an application to carry a concealed weapon in Alaska rejected because they were unqualified, or the person had their Alaska permit revoked or suspended by the state.

Passage of this legislation is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
Division Attorney General's Office Date/Time 3/11/03 11:02 AM  
Approved by: Kathryn Daughhettee for Gregg D. Renkes, Attorney General Date 3/11/2003  
Agency Department of Law

# LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY  
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Juneau, Alaska 99801-1182  
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## MEMORANDUM

April 9, 2003

**SUBJECT:** Concealed Deadly Weapons and Contacted by a Peace Officer  
(Work Order No. 23-LS0515A)

**TO:** Representative Eric Croft  
Attn: Mark

**FROM:** Gerald P. Luckhaupt *JERRY*  
Legislative Counsel

You have asked about the origin of the term "contacted by a peace officer" which is used in sec. 1 of CSHB 102( ) and defined in sec. 4 of that bill. This term exists in the Alaska statutes in AS 18.65.750.<sup>1</sup> It currently governs the conduct of concealed handgun permittees when those permittees are "contacted by a peace officer." This language was developed after much discussion in 1994 when the concealed handgun permit system was

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<sup>1</sup> AS 18.65.750 provides:

Sec. 18.65.750. Possession and display of permit.

(a) A permittee shall carry the permit at all times the permittee carries a concealed handgun. The permittee shall display both the license and other proper identification when asked to do so by a peace officer at any time.

(b) Whenever a permittee who is carrying a concealed handgun is contacted by a peace officer, the permittee shall immediately inform the peace officer that the permittee is carrying a concealed handgun under the permit.

(c) During a contact with a permittee, a peace officer may secure a handgun, or direct that it be secured, during the duration of the contact if the peace officer determines that the action is necessary for the safety of any person, including the peace officer, present. The permittee shall submit to the securing of the handgun.

(d) In this section, "contacted by a peace officer" means stopped, detained, questioned, or addressed in person by the peace officer for an official purpose.

(e) A person who violates (a) of this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.

(f) A person who violates (b) or (c) of this section is guilty of a class A misdemeanor.

Representative Eric Croft

April 9, 2003

Page 2

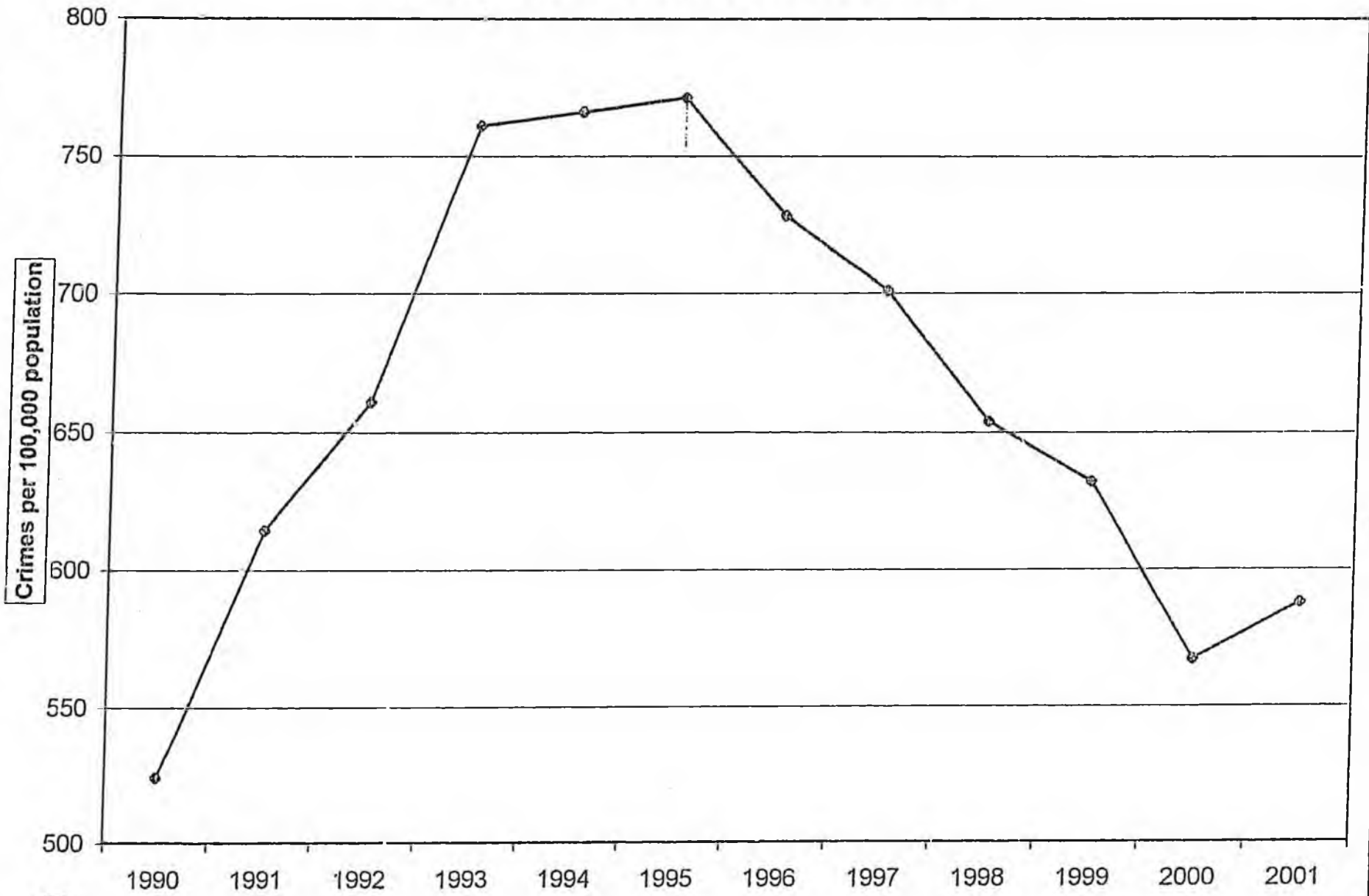
first adopted. I have not been informed of any problems in the application of this statute in the concealed handgun permit system. It was designed to reach situations when a concealed handgun permittee is contacted by a peace officer and the peace officer is entitled to do a protective frisk of the person under the authority of *Terry v. Ohio*, 392 U.S. 1 (1968).

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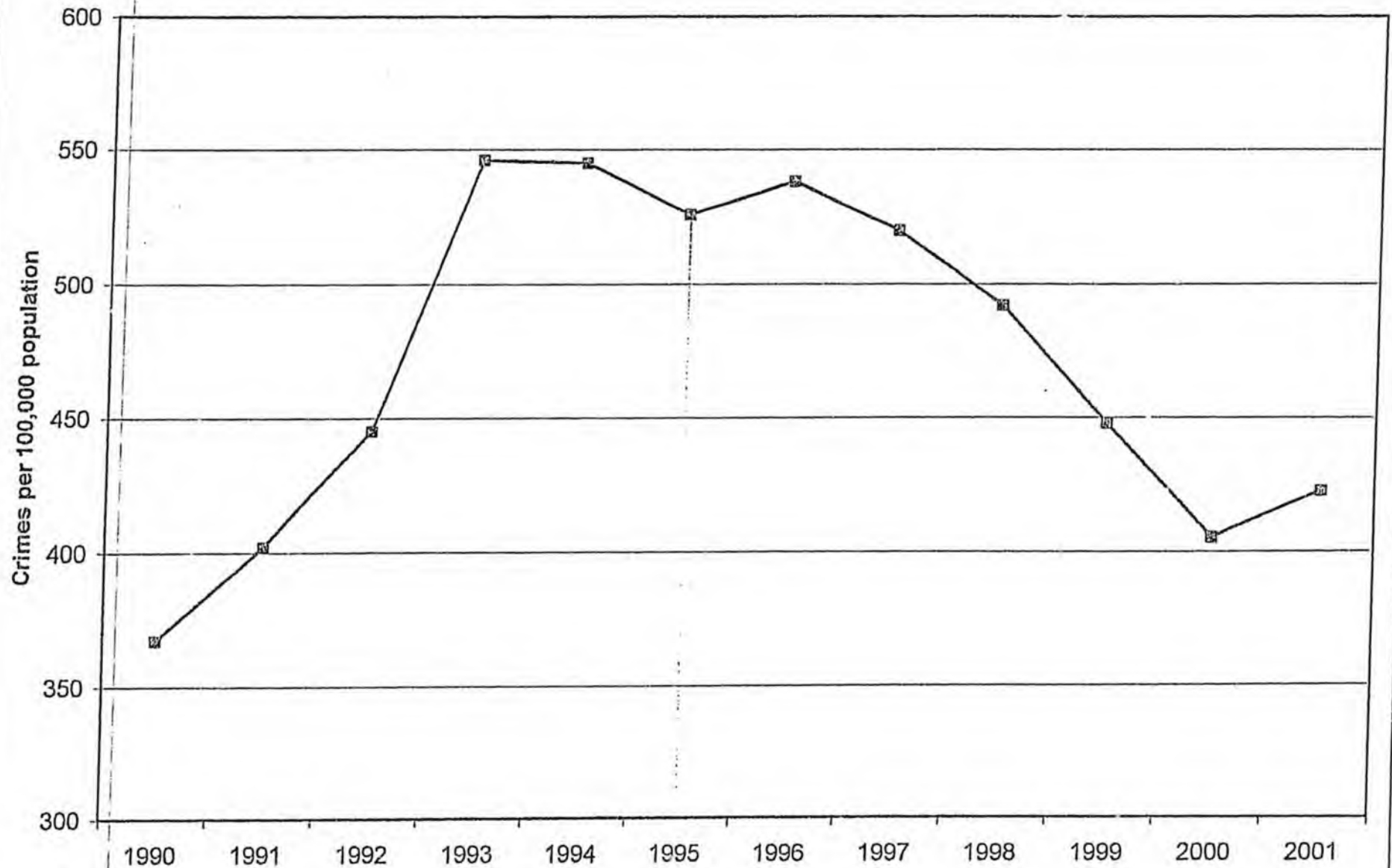
# Alaska Crime Rates

**Violent Crime**  
Sources: FBI and Bureau of Justice Statistics



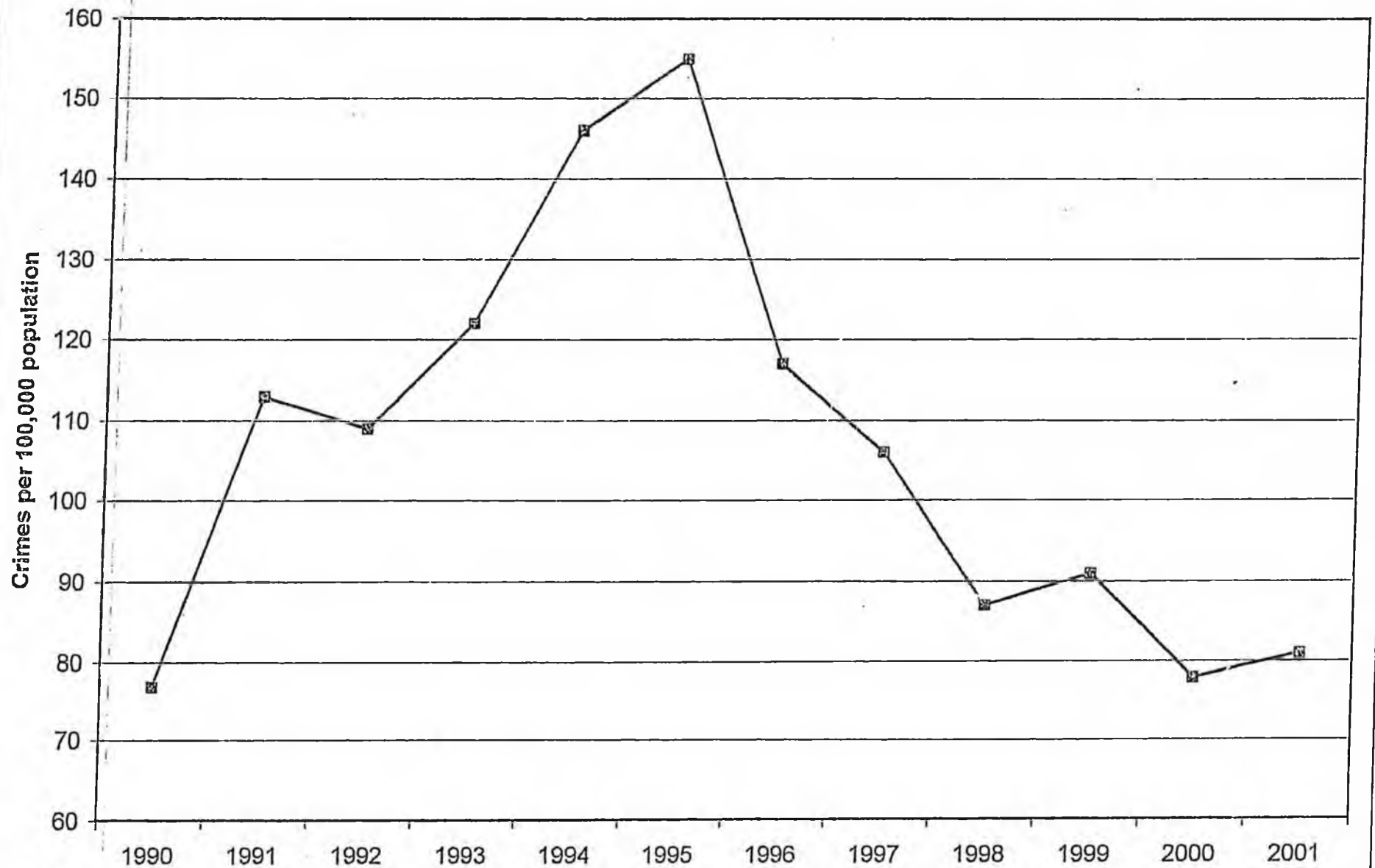
# Alaska Crime Rates

**Aggravated Assault**  
Sources: FBI and Bureau of Justice Statistics



# Alaska Crime Rates

Robbery  
Sources: FBI and Bureau of Justice Statistics



Crime Rates by State: 2001  
(Reported Offenses per 100,000 Population)

State	Total Crime Index	State Rank	Violent Crime	State Rank	Property Crime	State Rank
Alabama	4,319.4	33	438.6	29	3,880.8	32
→ Alaska	4,236.2	30	588.3	41	3,647.9	26
Arizona	6,077.4	50	540.3	36	5,537.1	50
Arkansas	4,134.2	26	452.8	30	3,681.4	28
California	3,902.9	22	617.0	43	3,286.0	18
Colorado	4,218.9	29	350.7	21	3,868.2	31
Connecticut	3,117.9	11	335.5	19	2,782.4	11
Delaware	4,052.8	23	611.4	42	3,441.4	22
District of Columbia	7,709.6	51	1,736.7	51	5,972.8	51
Florida	5,569.7	49	797.2	50	4,772.5	47
Georgia	4,646.3	37	497.0	33	4,149.3	39
Hawaii	5,386.1	48	254.6	9	5,131.5	49
Idaho	3,133.4	12	243.1	8	2,890.3	14
Illinois	4,097.8	25	636.9	44	3,460.8	24
Indiana	3,831.4	21	371.8	25	3,459.6	23
Iowa	3,301.2	15	269.1	13	3,032.1	15
Kansas	4,321.4	34	404.8	27	3,916.6	33
Kentucky	2,938.1	8	257.0	10	2,681.1	10
Louisiana	5,338.1	47	687.0	45	4,651.1	45
Maine	2,688.2	5	111.5	3	2,576.7	7
Maryland	4,866.8	40	783.0	49	4,083.8	37
Massachusetts	3,098.6	10	479.5	31	2,619.1	8
Michigan	4,081.5	24	554.7	38	3,526.8	25
Minnesota	3,583.7	18	264.4	12	3,319.3	19
Mississippi	4,185.2	28	350.1	20	3,835.1	30
Missouri	4,776.1	39	541.3	37	4,234.9	40
Montana	3,688.7	20	352.4	23	3,336.3	20
Nebraska	4,329.6	35	304.3	16	4,025.3	35
Nevada	4,266.0	32	586.8	40	3,679.2	27
New Hampshire	2,321.6	1	170.3	5	2,151.3	1
New Jersey	3,225.3	14	390.1	26	2,835.2	12
New Mexico	5,324.0	46	781.1	48	4,542.8	43
New York	2,925.1	7	516.0	35	2,409.1	5
North Carolina	4,938.0	41	494.3	32	4,443.7	42
North Dakota	2,417.7	3	79.6	1	2,338.1	4
Ohio	4,177.6	27	351.9	22	3,825.7	29
Oklahoma	4,607.0	36	512.3	34	4,094.7	38
Oregon	5,044.1	42	306.7	17	4,737.4	46
Pennsylvania	2,961.1	9	410.4	28	2,550.7	6
Rhode Island	3,684.9	19	309.6	18	3,375.3	21
South Carolina	4,752.7	38	720.3	46	4,032.4	36

State	Total Crime Index	State Rank	Violent Crime	State Rank	Property Crime	State Rank
South Dakota	2,332.0	2	154.8	4	2,177.2	2
Tennessee	5,152.8	45	745.3	47	4,407.5	41
Texas	5,152.7	44	572.8	39	4,579.9	44
Utah	4,243.0	31	234.1	7	4,008.9	34
→ Vermont	2,769.3	6	105.0	2	2,664.2	9
Virginia	3,178.3	13	291.3	15	2,886.9	13
Washington	5,151.9	43	355.0	24	4,796.8	48
West Virginia	2,559.5	4	279.4	14	2,280.1	3
Wisconsin	3,321.2	16	231.1	6	3,090.1	16
Wyoming	3,517.6	17	257.3	11	3,260.4	17

Source: Federal Bureau of Investigation, Uniform Crime Reports, <http://www.fbi.gov/ucr/ucr.htm>

# Handgun Epidemic Lowering Plan (HELP) Network Firearm Injury Prevention State Status Report

## Alaska

Updated 2/6/2002

### Pediatric and Young Adult, and all Firearm Deaths and Rate per 100,000 Population (1999) <sup>2</sup>

	Population	Suicide		Homicide		Unintentional		Undetermined		Total Firearm <sup>3</sup>	
		Deaths	Rate	Deaths	Rate	Death	Rate	Death	Rate	Death	Rate
All ages	619,500	55	8.9	27	4.4	3	0.5	2	0.3	88	14.2
0-14	163,094	1	0.6	5	3.1	0	0.0	0	0.0	6	3.7
15-19	56,192	10	17.8	4	7.1	1	1.8	2	3.6	17	30.3
15-24	104,654	17	16.2	6	5.7	1	1.0	2	1.9	26	24.8
25-44	178,632	20	11.2	13	7.3	2	1.1	0	0.0	35	19.6
45-64	138,370	10	7.2	1	0.7	0	0.0	0	0.0	12	8.7
64+	34,750	7	20.1	2	5.8	0	0.0	0	0.0	9	25.9

### Alaska Compared With Other States (and D.C.)

		Ranking (1-highest, 51-lowest)
Rate of firearm deaths/100,000 pop. (1999)	14.2	12 of 51
Number of firearm deaths (1999)	88	43 of 51
Number of Federal Firearm Licensees (FFLs) (1999) <sup>4</sup>	1,274	33 of 51
Rate of FFLs per 100,000 pop. (1999)	205.6	1 of 51
Number of Federal Firearm Licensees (2001)	1,211	35 of 51

#### For Available State Data, Contact:

Alaska Department of Health and Social Services, Bureau of Vital Statistics  
<http://health.hss.state.ak.us/>

HELP Organizational Members Based in State: none

<sup>1</sup> Compiled by HELP Network; (773) 880-8122, email: [contact@helpnetwork.org](mailto:contact@helpnetwork.org). Children's Mem. Hosp., 2300 Children's Plaza, #88, Chicago, IL  
 State Status Reports can be viewed at [www.helpnetwork.org](http://www.helpnetwork.org)

<sup>2</sup> Data are from National Center for Health Statistics, National Vital Statistics System

<sup>3</sup> In 1999, the 1 death due to legal intervention (not shown separately) is included in Total Firearm deaths.

<sup>4</sup> Bureau of Alcohol, Tobacco and Firearms (ATF). FFLs are those with a federal firearm license which is required to sell firearms.

# Handgun Epidemic Lowering Plan (HELP) Network Firearm Injury Prevention State Status Report

## Vermont

Updated 2/6/2002

### Pediatric and Young Adult, and all Firearm Deaths and Rate per 100,000 Population (1999) <sup>2</sup>

	Population	Suicide		Homicide		Unintentional		Undetermined		Total Firearm <sup>3</sup>	
		Deaths	Rate	Deaths	Rate	Death	Rate	Death	Rate	Death	Rate
All ages	593,740	46	7.7	8	1.3	2	0.3	1	0.2	57	9.6
0-14	112,801	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
15-19	43,814	2	4.6	0	0.0	1	2.3	0	0.0	3	6.8
15-24	79,740	7	8.8	0	0.0	2	2.5	1	1.3	10	12.5
25-44	187,907	17	9.0	4	2.1	0	0.0	0	0.0	21	11.2
45-64	140,376	11	7.8	3	2.1	0	0.0	0	0.0	14	10.0
65+	72,916	11	15.1	1	1.4	0	0.0	0	0.0	12	16.5

### Vermont Compared With Other States (and D.C.)

		Ranking (1-highest, 51-lowest)
Rate of firearm deaths/100,000 pop. (1999)	9.6	34 of 51
Number of firearm deaths (1999)	57	48 of 51
Number of Federal Firearm Licensees (FFLs) (1999) <sup>4</sup>	595	47 of 51
Rate of FFLs per 100,000 pop. (1999)	100.2	5 of 51
Number of Federal Firearm Licensees (2001) <sup>4</sup>	570	47 of 51

#### For Available State Data, Contact:

Vermont Department of Health, Division of Health Surveillance: Public Health Statistics Unit  
<http://www.state.vt.us/health/healthsu.htm>

HELP Organizational Members Based in State: none

<sup>1</sup> Compiled by HELP Network; (773) 880-8122, email: [contact@helpnetwork.org](mailto:contact@helpnetwork.org). Children's Mem. Hosp., 2300 Children's Plaza, #88, Chicago, IL. State Status Reports can be viewed at [www.helpnetwork.org](http://www.helpnetwork.org)

<sup>2</sup> Data are from National Center for Health Statistics, National Vital Statistics System

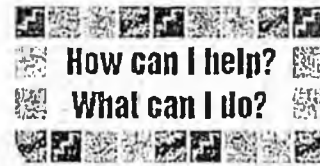
<sup>3</sup> Includes firearm deaths from all causes.

<sup>4</sup> Bureau of Alcohol, Tobacco and Firearms (ATF). FFLs are those with a federal firearm license which is required to sell firearms.



40% of American households with children have guns.

Hart Research



## Alaska Firearm Deaths

Alaska Firearm Deaths  
Ages 0 to 19, 1995-2000  
All Races, Both Sexes

**Study**

Go directly to:

Entry Hall

A comprehensive database of relevant resources on the web.

Relevant current newspaper articles.

Significant facts on the subject, with links to sources.

State-specific headlines, statistics, and resources.

Radio and TV coverage, plus Common Sense advertisements.

Share Your Thoughts: See what others have to say and post messages of your own.

		2000	1999	1998	1997	1996	1995
<b>Accidental</b>							
	0-4	1	0	0	0	0	1
	5-9	1	0	1	0	0	0
	10-14	0	0	1	2	0	1
	15-19	0	1	1	5	9	1
	Subtotal	2	1	3	7	9	3
<b>Suicide</b>							
	0-4	0	0	0	0	0	0
	5-9	0	0	1	0	0	0
	10-14	1	1	4	0	4	9
	15-19	19	10	19	18	22	19
	Subtotal	20	11	24	18	26	28
<b>Homicide</b>							
	0-4	0	3	1	0	0	1
	5-9	0	2	2	1	0	3
	10-14	0	0	11	0	1	9
	15-19	2	4	22	27	26	35
	Subtotal	2	9	36	28	27	48
<b>Undetermined/Other</b>							
	0-4	0	0	0	0	0	1
	5-9	0	0	0	0	0	1
	10-14	0	0	1	0	0	0
	15-19	1	2	5	2	1	4
	Subtotal	1	2	6	2	1	6
<b>All Intents/TOTAL</b>							
	0-4	1	3	1	0	0	3
	5-9	1	2	4	1	0	4



10-14	1	1	17	2	5	19
15-19	22	17	47	52	58	59
TOTAL	25	23	69	55	63	85

NOTE: Rates based on 20 or fewer deaths may be unstable. Use with caution.  
 ABOUT 1999-2000 DATA: The coding of mortality data changed significantly in 1999 from ICD-9 to ICD-10, so you may not be able to compare number of deaths and death rates from 1998 and before with data from 1999 and after. Though there were no apparent changes in the coding of firearm deaths, the National Center for Health Statistics does **not** recommend combining 1999-2000 data with previous years to obtain average annual numbers of death and death rates.  
 TABLE: Statistics compiled by *Common Sense about Kids and Guns* using WISQARS. WISQARS is produced by the Office of Statistics and Programming, NCIPC, CDC.  
 DATA SOURCE: NCHS National Vital Statistics System.



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30% of handguns are stored unlocked and loaded.

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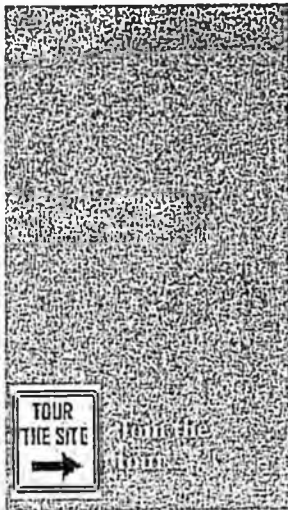
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## Vermont Firearm Deaths

Vermont Firearm Deaths  
Ages 0 to 19, 1995-2000  
All Races, Both Sexes

	2000	1999	1998	1997	1996	1995
<b>Accidental</b>						
0-4	0	0	0	0	0	0
5-9	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	0	1	0	0	1	1
Subtotal	0	1	0	0	1	1
<b>Suicide</b>						
0-4	0	0	0	0	0	0
5-9	0	0	0	0	0	0
10-14	0	0	0	1	0	0
15-19	4	2	5	0	2	5
Subtotal	4	2	5	1	2	5
<b>Homicide</b>						
0-4	0	0	0	1	0	0
5-9	0	0	0	1	0	0
10-14	0	0	0	0	0	0
15-19	0	0	0	0	1	0
Subtotal	0	0	0	2	1	0
<b>Undetermined/Other</b>						
0-4	0	0	0	0	0	0
5-9	0	0	0	0	0	0
10-14	0	0	0	0	1	0
15-19	0	0	0	2	0	0
Subtotal	0	0	0	2	1	0
<b>All Intents/TOTAL</b>						
0-4	0	0	0	1	0	0
5-9	0	0	0	1	0	0
10-14	0	0	0	1	1	0



10-14	4	3	5	2	4	6
15-19	4	3	5	5	5	6
TOTAL	4	3	5	5	5	6

NOTE: Rates based on 20 or fewer deaths may be unstable. Use with caution.  
 ABOUT 1999-2000 DATA: The coding of mortality data changed significantly in 1999 from ICD-9 to ICD-10, so you may not be able to compare number of deaths and death rates from 1998 and before with data from 1999 and after. Though there were no apparent changes in the coding of firearm deaths, the National Center for Health Statistics does not recommend combining 1999-2000 data with previous years to obtain average annual numbers of death and death rates.  
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**PERMIT ISSUANCE CRITERIA  
FOR STATES WHICH ISSUE  
CONCEALED WEAPON PERMITS TO NON-RESIDENTS  
(As compared to Alaska's qualifications)**

*Alaska* - fingerprints required with application

- 1) 21 years of age
  - 2) Eligible to own/possess under federal law\*
  - 3) Not been convicted of two or more Class A misdemeanors within six years
  - 4) Not in last three years ordered to complete alcohol/substance abuse program
- 

*Arizona* - fingerprints required with application

- 1) 21 years of age
- 2) No felony indictment or conviction
- 3) Does not suffer from mental illness nor has been adjudicated mentally incompetent
- 4) Fingerprints to FBI for national criminal history check

*Florida* - fingerprints required with application

- 1) 21 years of age
- 2) Eligible to own/possess under federal law
- 3) No misdemeanor crime of violence in last three years
- 4) Not committed for substance abuse or convicted of a crime relating to controlled substances within three years
- 5) Does not chronically and habitually use alcohol, as provided by Florida law

*Idaho* - fingerprints required with application

- 1) 21 years of age
- 2) Eligible to own/possess under federal law
- 3) No misdemeanor crime of violence in last three years
- 4) Not an unlawful user of or addicted to controlled substance
- 5) Not currently suffering from mental illness nor has been adjudicated mentally ill
- 6) Not subject to protection order

*Indiana* - fingerprints required with application

- 1) 18 years of age
- 2) No felony conviction
- 3) Must be of good character and reputation
- 4) Applicant must have a "proper reason" to carry a handgun
- 5) Issuance to non-residents is limited to those who have a regular place of business or employment in Indiana

*Iowa* - fingerprints not mentioned in statute but criminal history check specifically required

- 1) 18 years of age
- 2) No felony conviction
- 3) No history of repeated acts of violence
- 4) Not addicted to the use of alcohol or any controlled substance
- 5) Issuing officer must reasonably determine the applicant does not constitute a danger to any person
- 6) Applicant must "reasonably justify" why he needs to carry a handgun

*Maine* - fingerprints may be required with application

- 1) 18 years of age
- 2) No felony conviction nor charges pending
- 3) Not been convicted of three or more misdemeanors in last five years
- 4) Not a drug user and not convicted in last five years of marijuana possession nor other drug crimes
- 5) Not convicted of possession of a firearm in a bar in last five years
- 5) Not been the subject of an investigation regarding domestic violence
- 6) Numerous other criteria which essentially mirror federal law

*Maryland* - fingerprints required with application

- 1) 18 years of age
- 2) No felony conviction
- 3) Has not exhibited a propensity for violence or instability
- 4) Not convicted of any offense involving possession, use or distribution of controlled substance
- 5) Not under legitimate medical direction nor an alcoholic
- 6) Applicant must have "good and substantial reason" to carry a handgun

*Nevada* - fingerprints required with application

- 1) 21 years of age
- 2) Eligible to own/possess under federal law
- 3) Not convicted of a misdemeanor crime of violence in last three years
- 4) Not convicted of DUI nor committed for alcohol or drug treatment in last five years
- 5) Not convicted of a crime involving domestic violence nor subject to a dv restraining order

*North Dakota* - fingerprints required with application

- 1) 18 years of age
- 2) Eligible to own/possess under federal law
- 3) Not convicted of a Class A misdemeanor crime of violence in last five years
- 4) Not been diagnosed and confined or committed as mentally ill or deficient in last three years
- 5) Non-resident application requires a LOCAL background check and approval from local law enforcement in the applicant's county (or city, borough, etc...) of residence

*Utah* - fingerprints required with application

- 1) 21 years of age
- 2) Eligible to own/possess under federal law
- 3) No conviction for crime of violence nor offense involving moral turpitude or domestic violence
- 4) No conviction for offense involving use of alcohol or controlled substances
- 5) Has not been adjudicated mentally ill
- 6) Is not a danger to self or others as demonstrated by specific evidence

*Washington* - fingerprints required with application

- 1) 21 years of age
- 2) No felony convictions
- 3) No domestic violence misdemeanor convictions since July 1, 1993
- 4) Has not been ordered to forfeit a firearm in the last year for, among other reasons, possessing a firearm while under the influence of alcohol or any drug
- 5) Has not been involuntarily committed for mental health treatment
- 6) No outstanding felony or misdemeanor arrest warrants
- 7) Not subject to provisions of protective order

\* *Federal law* (18 U.S.C. §922 (g)) prohibits possession of a firearm by any person:

- 1) who has been convicted of a crime punishable by imprisonment for more than one year (generally includes any felony);
- 2) who is a fugitive from justice;
- 3) who is an unlawful user of or addicted to any controlled substance;
- 4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- 5) who is an illegal alien or who has been admitted under a nonimmigrant visa;
- 6) who has been dishonorably discharged from the Armed Forces;
- 7) who has renounced his US citizenship; or
- 8) who has been convicted of a misdemeanor crime of domestic violence.

updated 3/3/03

www.gunowners.org  
Apr 1999

## Why Adopt a Vermont-style CCW Law?

Several states are considering adopting "Vermont-style" concealed carry legislation. Most of the Carry Concealed Weapon (CCW) laws in the country require citizens to first get permits. But in a couple of states, like Vermont, citizens can carry a firearm without getting permission . . . without paying a fee . . . or without going through any kind of government- imposed waiting period. There are many reasons for a state to adopt a genuine right to carry law:

### 1. Carrying a firearm is a "right" not a "privilege"

The Second Amendment guarantees that "the right of the people to keep and bear arms shall not be infringed." This means that law-abiding citizens should not need to beg the government for permission to carry a firearm. That would turn the "right" to bear arms into a mere "privilege." Likewise, one should not have to be photographed, fingerprinted, or registered before they can exercise their Second Amendment rights. Criminals certainly do not jump through these "hoops." The Second Amendment is no different than any of the other protections enumerated in the Bill of Rights. That is, honest citizens should not need a government issued permission slip; rather, they should be able to carry as a matter of right.

### 2. The issuing of permits can be abused by officials

#### a. Refuse to issue

\* New York City: Officials in New York City routinely deny gun permits for ordinary citizens and store owners because -- as the courts have ruled - - they have no greater need for protection than anyone else in the city. In fact, the authorities have even refused to issue permits when the courts have ordered them to do so. (1)

\* Gary, Indiana: Then-Mayor Richard Hatcher let it be known in 1979 that he would not be approving any citizens' concealed carry applications. He then said if they wanted to challenge his authority, they were welcome to take him to court. It took citizens over 10 years (and thousands of dollars in legal fees) to get any relief. (2)

\* San Jose, CA: Joseph McNamara, a former police chief and anti-gun spokesman, bragged in his 1984 book, *Safe & Sane*, that "in San Jose, I have made it considerably tougher for residents to get handgun permits." (3)

b. Require fingerprints -- Virginia applicants for concealed carry permits were forced to submit to FBI fingerprint background checks without any authorization requiring such checks. (4)

c. Revoke for politically incorrect speech -- In Oregon, officials have been known to revoke concealed carry licenses because of one's political views. In one case, a

permit holder had his license revoked because he was the editor of a pro-life newspaper. (5)

d. Print licensee holders' names in newspapers -- In several states, newspapers have frequently printed the names of concealed carry permit holders, which are almost always public information. (6)

**3. Officials can "raise the hurdles" in order to get a permit**

**\* The power to license a right is the power to destroy a right**

a. Arbitrary Delays -- While New Jersey law requires applications to be responded to within thirty days, delays of ninety days are routine; sometimes, applications are delayed for several years for no readily apparent reason. (7)

b. Arbitrary Denials -- See the examples above from New York City, Indiana and California.

c. Arbitrary Fee Increases -- In 1994, the Clinton administration pushed for a license fee increase of almost 1,000 percent on gun dealers. According to U.S. News & World Report, the administration was seeking the license fee increase "in hopes of driving many of America's 258,000 licensed gun dealers out of business." (8) This example clearly shows how easily government officials can abuse the issuing of carry permits. Instead of using lower fees to merely pay for the processing of permits, officials can raise the fees to keep people from exercising their rights.

**4. Vermont has a genuine right to carry law (i.e., requires no permits) and yet boasts one of the lowest crime rates in the nation**

**A. Vermont enjoys the 49th lowest crime rate in the nation, according to the FBI:**

Violent Crime (1997) rate per 100,000 people		
Rank	State	Rate
1st	Florida	1023.6
2nd	South Carolina	990.3
	U.S. average	610.8
49th	Vermont	119.7
50th	North Dakota	87.2

**B. The FBI statistics also show that Vermont boasts the 47th lowest murder rate among the 50 states:**

Murder (1997) rate per 100,000 people		
Rank	State	Rate
1st	Louisiana	15.7
2nd	Mississippi	13.1
	U.S. average	6.8
47th	Vermont	1.5
48th	New Hampshire	1.4
49th	South Dakota	1.4
50th	North Dakota	.9

C. Anti-gunners like Sarah Brady want people to think that "access to firearms" is one of the greatest social ills facing this nation. If this is so, then why are guns not a problem in Vermont where anyone can strap a .45 under their jacket and go about their business? Why hasn't Vermont turned into the popular notion of the Wild West? Few states ever come close to earning the title of the "state with the lowest crime rate." Vermont has.(9)

D. Not surprisingly, concealed carry laws have worked nationwide to drop crime rates.

1. A comprehensive national study in 1996 determined that violent crime fell after states made it legal to carry concealed firearms. (10)

2. The results of the study showed:

\* States which passed concealed carry laws reduced their murder rate by 8.5%, rapes by 5%, aggravated assaults by 7% and robbery by 3%; and

\* If those states not having concealed carry laws had adopted such laws in 1992, then approximately 1,570 murders, 4,177 rapes, 60,000 aggravated assaults and 12,000 robberies would have been avoided yearly. (11)

5. Waiting periods of any kind (such as those resulting from the CCW licensing process) can threaten honest people's safety. (12)

Note: Criminals usually don't bother to go through the waiting period since they don't apply for permits.

a. New York. In 1983, Igor Hutorsky was murdered by two burglars who broke into his Brooklyn furniture store. The tragedy is that some time before the murder his business partner had applied for permission to keep a handgun at the store. Even four

months after the murder, the former partner had still not heard from the police about the status of his gun permit. (13)

b. Colorado. Talk show host (Alan Berg) was gunned down in 1984 after being denied a concealed carry permit. (14)

c. Wisconsin. In 1991, Bonnie Elmasri inquired about getting a gun to protect herself from a husband who had repeatedly threatened to kill her. She was told there was a 48 hour waiting period to buy a handgun. But unfortunately, Bonnie was never able to pick up a gun. She and her two sons were killed the next day by an abusive husband of whom the police were well aware. (15)

d. Los Angeles. USA Today reported that many of the people rushing to gun stores during the 1992 riots were "lifelong gun-control advocates, running to buy an item they thought they'd never need." Ironically, they were outraged to discover they had to wait 15 days to buy a gun for self-defense. (16)

e. Virginia. In 1993, Marine Cpl. Rayna Ross bought a gun (in a non-waiting period state) and used it two days later to kill an attacker who was armed with a bayonet. (17) Had a waiting period been in effect, Ms. Ross would have been defenseless against the man who was stalking her.

## 6. CCW licenses register gun owners -- and licensing can lead to confiscation of firearms

a. **Step One: Registration** -- In the mid-1960s officials in New York City began registering long guns. They promised they would never use such lists to take away firearms from honest citizens. But in 1991, the city banned (and soon began confiscating) many of those very guns. (18)

b. **Step Two: Confiscation** -- In 1992, a New York city paper reported that, "Police raided the home of a Staten Island man who refused to comply with the city's tough ban on assault weapons, and seized an arsenal of firearms. . . . Spot checks are planned [for other homes]." (19)

c. **Foreign Countries** -- Gun registration has led to confiscation in several countries, including Greece, Ireland, Jamaica and Bermuda. (20) And in an exhaustive study on this subject, Jews for the Preservation of Firearms Ownership has researched and translated several gun control laws from foreign countries. Their publication, *Lethal Laws: "Gun Control" is the Key to Genocide*, documents how gun control (and confiscation) has preceded the slaughter and genocide of millions of people in Turkey, the Soviet Union, Germany, China, Cambodia and others. (21)

## 7. Constitutionally, officials cannot license or register a fundamental right

The Supreme Court held in *Lamont v. Postmaster General* (1965) that the First Amendment prevents the government from registering purchasers of magazines and newspapers -- even if such material is "communist political propaganda." (22)

## 8. Citizens show amazing accuracy and self-restraint with firearms

Citizens shoot and kill at least twice as many criminals as police do every year (1,527 to 606). (23) And readers of Newsweek learned in 1993 that "only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The 'error rate' for the police, however, was 11 percent, more than five times as high." (24)

- 
1. David Kopel, "Trust the People: The Case Against Gun Control," [Cato Institute] Policy Analysis 109 (July 11, 1988): 25-26.
  2. Supreme Court of Indiana, *Kellogg v. City of Gary*, 1990.
  3. Joseph McNamara, *Safe & Sane*, (1984): 74.
  4. Peter Finn, "FBI Stops Checking Va. Gun Applicants," *The Washington Post*, 12 July 1996.
  5. In a court hearing to have the license returned, the judge in the case admitted that the individual did not meet the criteria for a revocation (i.e., he had never engaged in acts of violence or made threats of violence) but agreed to uphold the revocation anyway. The justification the judge gave was that the abortion issue was "a volatile one" and people involved in it should not be allowed to carry guns. A friend of the "defendant" made a routine inquiry to the sheriff's department to see if any abortion doctors or activists had their licenses revoked. By Oregon law this is public information. He was immediately visited by four FBI agents who demanded to know the reason for the request. Statement by Kevin Starrett, Oregon Representative for Gun Owners of America, August 21, 1995.
  6. North Carolina, Pennsylvania and Virginia are just three examples where local newspapers have printed the names of concealed carry permit holders.
  7. Kopel, "Trust the People," at 26.
  8. U.S. News & World Report, (17 January 1994): 8.
  9. Morgan Quitno Press, *Crime State Rankings 1996*, at iv.
  10. John R. Lott, Jr. and David B. Mustard, "Crime, Deterrence, and Right-to-Carry Concealed Handguns," University of Chicago, (13 July 1996). See also Lott, Jr., "More Guns, Less Violent Crime," *The Wall Street Journal* (28 August 1996).
  11. *Ibid.*
  12. Any waiting period -- whether the wait to buy a gun, or the wait to get a carry permit -- can have disastrous consequences. While most of the examples listed here relate to gun purchase waiting periods, the principle is the same. Waiting periods put one's rights on hold; and when one is in immediate danger, the result can be death.
  13. Senate, "Handgun Violence," at 107, citing *Novae Russkae Slovo*, Vol. LXXII, No. 26.291, (6 Nov. 1983).
  14. Stephen Singular, *Talked to Death: The Murder of Alan Berg and the Rise of the Neo-Nazis*, (1987): 137-138. Since he was shot from behind, one could possibly argue that a gun might not have helped him. Of course, had Berg received a carry permit, one can never be sure if his being armed would have served as a deterrent to the killer, who had stalked him for some time. Regardless, the point is that he should have been able to defend himself.
  15. *Congressional Record*, 8 May 1991, pp. H 2859, H 2862.
  16. Jonathan T. Lovitt, "Survival for the armed," *USA Today*, 4 May 1992.
  17. *Wall Street Journal*, 3 March 1994 at A10.
  18. On August 16, 1991, New York City Mayor David Dinkins signed Local Law 78 which banned the possession and sale of certain rifles and shotguns.
  19. John Marzulli, "Weapons ban defied: S.I. man, arsenal seized," *Daily News*, 5 September 1992.
  20. David Kopel, "Trust the People: The Case Against Gun Control," [Cato Institute] Policy Analysis 109 (July 11, 1988):25.
  21. Jay Simkin, Aaron Zelman and Alan M. Rice, *Lethal Laws: "Gun Control" is the Key to Genocide*, (Milwaukee: Jews for the Preservation of Firearms Ownership, 1994).
  22. *Lamont v. Postmaster General*, 381 U.S. 301, 85 S. Ct. 1493, 14 L. Ed. 2d 398 (1965).
  23. Kleck, *Point Blank: Guns and Violence in America*, (1991):111-116, 148.
  24. George F. Will, "Are We 'a Nation of Cowards'?", *Newsweek* (15 November 1993):93.
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## How HB 102 Will Affect Alaska's Concealed Carry Laws

**Who is eligible to carry a concealed deadly weapon?**

### **Current Alaska Law**

Any citizen who is 21 years old, has not been convicted of a felony, is eligible under state and federal laws to own a handgun, and has successfully completed the application process and a handgun training course may carry a concealed handgun. (AS 18.65.705)

Some permit holders from out of state can carry concealed in Alaska (AS18.65.748).

Persons under the age of 21 can carry concealed weapons on their own property or while actively engaged in lawful hunting or other outdoor activities (AS 11.61.220(b)).

You cannot carry a concealed weapon within:

a residence other than your own without having first obtained express permission from an adult residing there

anywhere a person is prohibited from carrying under state or federal law including schools (18.U.S.C.921), (AS 18.65.755)

any place where intoxicating liquor is sold for consumptive purposes (AS 11.61.220(a)(2))

the premises or on a parking lot adjacent to child care centers, or a domestic violence or sexual assault centers, or within a courtroom or courthouse (AS 11.61.220(a)(4)).

### **Alaska Law as Amended by HB102**

Any person, Alaskan or from out of state, who is 21 years old, has not been convicted of a felony and is eligible under state and federal laws to own a handgun may carry a concealed weapon.

Persons under the age of 21 can carry concealed weapons on their own property or while actively engaged in lawful hunting or other outdoor activities.

No change

**Where am I not allowed to carry a concealed deadly weapon?**

## How HB 102 Will Affect Alaska's Concealed Carry Laws

	<b>Current Alaska Law</b>	<b>Alaska Law as Amended by HB102</b>
<b>Do I need a permit to carry a concealed deadly weapon?</b>	Yes, unless you are on your own land or are actively engaged in lawful hunting or other lawful activity that necessarily involves the carrying of a weapon for personal protection (AS 11.61.220(b)(1) and (2)).	No.
<b>When contacted by a peace officer, do I have to tell him I'm carrying?</b>	Yes, if you have a permit.  No, if you do not have a permit and are legally carrying a concealed handgun on your own property or actively engaged in an outdoor activity as described above.  No, if you are carrying a handgun or other deadly weapon illegally.  (AC 18.65.750)	Yes, whether you have a permit or not,  Yes, whether you are legally allowed to carry or not,  Yes, whether you are carrying a handgun or other type of concealed deadly weapon.  Yes, whether you are on your own property or not.  Yes, even if you are hunting or actively engaged in another outdoor activity.
<b>Can I legally carry a sheath knife under my coat?</b>	No. (AS 11.61.220 (a)(1)). Permits are for handguns only. (AS 18.65.700-790)	Yes.
<b>If I am carrying a sheath knife, am I legally obligated to tell a peace officer?</b>	No.	Yes.
<b>Can I carry a pipe bomb or other explosive?</b>	No. (AS 11.61.240.)	No. (AS 11.61.240.)
<b>Can I carry my gun in other states?</b>	Yes, certain states allow permit holders from Alaska to carry concealed in their state.	Yes, HB102 maintains the permit system for exactly this purpose.



## REPRESENTATIVE ERIC CROFT

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### The Benefits of HB 102 to Rural Alaskans

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HB 102 eliminates the requirement that a person have a permit to carry a concealed weapon in Alaska. The bill does not change federal and state provisions that describe who can and cannot legally possess a weapon or what type of weapons are legal or illegal to possess or carry. It also does not change any of the restrictions on where someone can carry a weapon. In Alaska, people can already openly carry a weapon without a permit. This bill simply eliminates the distinction between concealed and open carry.

This simple change has many benefits to rural Alaskans including:

**A person passing through a village on his way home from a hunting trip will no longer be breaking the law if they have a warm jacket on over their gun or knife.**

- As it is now, a person can carry a concealed weapon while actively engaged in a lawful outdoor activity such as hunting, fishing or trapping, where a weapon is necessary for personal protection, but he cannot pass through a village or other area that is closed to such activities with the weapon concealed.

**A person snowmachining will be able to legally wear their gun or knife under their coat instead of cumbersomely on the outside.**

**Permits are often difficult to obtain in rural Alaska.**

- Most certified training courses are located closer to the larger municipalities.

**Sheath knives are no longer illegal to carry concealed**

- Under current law, it is illegal to carry a concealed deadly weapon without a permit, but the permits only license handguns, not long knives.

