

**SB**

**152**

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 3/20/03

FURTHER: Judiciary

Date of 5-Day Notice: 4/10/03  
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/15/03

State Affairs Committee considered SENATE BILL NO. 152

### SB 152 CONCEALED HANDGUNS

"An Act relating to concealed handguns."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
DOL	4/11/03		✓	1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>				

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# TEXAS DEPARTMENT OF PUBLIC SAFETY

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JAMES B. FRANCIS, JR.  
COMMISSIONERS

April 4, 2003

Barbara Bitney  
Alaska State Legislature

via fax: 907-465-4928

RE: Concealed Handgun Reciprocity

Dear Ms. Bitney:

The Department will negotiate reciprocity agreements with states that provide for the issuance of concealed handgun licenses, provided the background investigation meets or exceeds that required by federal law as a condition of receiving a handgun and the state recognizes a license issued in Texas. According to correspondence from Lieutenant Julia P. Grimes of the Alaska Department of Public Safety, Alaska will not recognize a Texas license if the license holder has had an application in Alaska rejected or had a permit revoked or suspended by Alaska. Based on the fact Alaska does not recognize all Texas licenses, the requirement of Texas Government Code 411.173(b)(2) cannot be fulfilled, and the Department cannot enter into a reciprocity agreement with the state of Alaska.

Sincerely,

Louis Beaty  
Manager, Crime Records Service Legal Staff

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 7, 2003

**SUBJECT:** Sectional Summary - SB 152 (Work Order No. 23-LS0824\D)

**TO:** Senator Ralph Sea kins  
Attn: Brian

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

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

**Section 1.** Amends AS 18.65.748 by removing language that prohibits a person who (1) is unqualified for an Alaska concealed handgun permit, or (2) had an Alaska concealed handgun permit revoked or suspended, from possessing a concealed handgun in Alaska with a permit from another state or political subdivision of another state.

**Section 2.** Requires the Department of Public Safety to enter into reciprocity agreements with other states so that Alaska permittees may carry concealed handguns in those other states.

GPL:lmb  
03-143.lmb

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 152  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to concealed handguns." BRU Criminal Division  
 Component All  
 Sponsor Senate Judiciary Committee  
 Requester Senate 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 handgun from other jurisdictions. Holders of those permits would automatically be considered Alaska permittees as well. Further, the Department of Public Safety is directed to enter into reciprocity agreements with other states so Alaska permittees can carry concealed handguns in those states.  
 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 4/11/03 3:32 PM  
 Approved by: Kathryn Daughetee for Gregg D. Renkes, Attorney General Date 4/11/2003  
 Agency: Department of Law

# ALASKA STATE SENATE



Session:  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-2327  
(907) 465-5241 Fax

Interim:  
119 N. Cushman, Suite 201  
Fairbanks, Alaska 99701  
(907) 456-8161  
Senator\_Ralph\_Seekins@legis.state.ak.us

**Senator Ralph Seekins**  
District D

## SB 152 Sponsor Statement

In 2002 Senate Bill 242 was introduced to simply and clarify the procedures for recognizing concealed handgun permits for other states. As a result of a floor amendment offered late in the session, recognition was limited to those permits held by individuals who had not had a permit denied or revoked.

Although, the amendment appeared reasonable on the surface, an unintended consequence resulted in Texas, the second most populous state in the nation, refusing reciprocity. The refusal is technically bureaucratic in nature, yet presents a barrier to reciprocity. Senate Bill 152 attempts to resolve this issue.

The first section of the Bill recognizes permit holders from other states as valid permit holders in Alaska. The second section of the legislation requires the Alaska Department of Public Safety to enter into reciprocity agreements with other states, when it is necessary to benefit Alaska permit holders.

916/806-3854(CEL)



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

March 25, 2003

Senator Ralph Seekins  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Seekins:

On behalf of the more than 24,000 Alaska members of the National Rifle Association, let me take this opportunity to offer our strong **support for Senate Bill 152**. SB 152 would help, in two ways, to ensure that other states recognize Alaska concealed handgun permits.

First, **Senate Bill 152** would repeal language which was put into the code last session as an amendment to a bill which was introduced to clarify the recognition of concealed handgun permits from other states. Senate Bill 242 (2002) was intended to simplify the recognition process by plainly recognizing all permits issued by other states. Supporters of the bill accepted an amendment late in the legislative process which has caused at least one state to refuse to recognize Alaska permits.

A concern was raised last year that Alaska residents who had a permit denied or revoked could travel to another state which issues permits to non-residents, obtain a permit and travel back to Alaska and carry under the out-of-state permit. Although supporters of SB 242 felt such was a highly unlikely scenario, an amendment was accepted to limit recognition of out-of-state permits to those held by individuals who had never had a permit denied or revoked in Alaska. It was thought that this restriction would have no impact on the recognition of permits.

Unfortunately, the language has led to a refusal by the State of Texas to recognize Alaska permits because Alaska's law imposes limits on the recognition of Texas permits while Texas would impose no such limitation on the recognition of Alaska permits. The likelihood that, in reality, a Texas permit would not be recognized due to the provision in question is just about as unlikely as an Alaskan traveling to the lower 48 to circumvent the Alaska permit law. However, the fact remains that the SB 242 amendment has created a barrier to the recognition of Alaska permits. The repeal of this language by **Senate Bill 152** will open the door to greater recognition of Alaska permits.

I will provide you with a copy of the letter from the Texas Department of Public Safety (DPS) to Alaska DPS which lays out the problem. More importantly, I will also provide you with information on the issuance criteria of the eleven states which issue concealed handgun permits to non-residents. It is obvious, after reviewing this material, that should an Alaskan go to the trouble of traveling to another state, it is highly unlikely that person would be able to obtain an out-of-state permit. The issuance standards are generally at least as strict in each of the other states and fingerprint-based background checks are performed in virtually all cases.

With all due respect to those who raised questions last session, in reality, the evidence suggests that their concerns, while sincere, are not warranted. Further, since any person who can lawfully own and possess a firearm can legally carry *openly* in Alaska, an individual who had a permit denied or revoked in Alaska for a non-prohibiting offense could simply carry openly in Alaska without going to all the trouble and expense of obtaining another state's permit.

The second issue addressed by **Senate Bill 152** involves reciprocity agreements with other states. Although the State of Alaska now recognizes all other states' permits and is not required to enter into reciprocity agreements, some other states still require agreements for them to be able to recognize Alaska permits. SB 152 would require the Alaska Department of Safety to enter into reciprocity agreements with other states when it is necessary to benefit Alaska permit holders. Such agreements will only be required in rare cases and, thus, the cost to the Department in time and resources should be negligible.

Please let me know how I can be of assistance in the effort to pass **Senate Bill 152**.

Sincerely,

Brian Judy  
Alaska State Liaison

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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512/424-2000

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COMMISSIONERS

June 28, 2002

Delbert Smith  
Deputy Commissioner  
Alaska Department of Public Safety  
5700 E. Tudor Road  
Anchorage, Alaska 99507

Re: Concealed Handgun Reciprocity

Dear Commissioner Smith:

The Department recently received notice of "Senate Bill 242 am H" passed by the Alaska legislature. We have reviewed the bill to determine if it is now possible for Texas and Alaska to enter into a reciprocity agreement concerning concealed handgun licenses. S.B. 242 am H allows the state of Alaska to recognize a concealed handgun license from another state as long as the license holder has not had an application for a handgun permit rejected in Alaska or had a handgun permit revoked or suspended by Alaska. Texas Government Code Section 411.173(b)(2) allows the Department to enter into a reciprocity agreement if the other state recognizes a license issued in Texas.

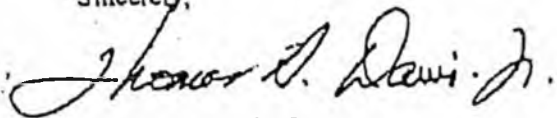
After reviewing both statutes, we are trying to determine if Alaska will recognize all licenses issued by Texas. For instance, if Texas and Alaska were to enter into a reciprocity agreement, would Alaska recognize the following Texas concealed handgun licenses:

- 1) if the Texas licensee is currently eligible for a Texas license, but not an Alaska permit and has never applied for an Alaska permit;
- 2) if the Texas licensee is currently eligible for a Texas license, but not an Alaska permit and has had an application in Alaska rejected or had a permit revoked or suspended by Alaska;
- 3) if the Texas licensee is currently eligible for a Texas license and an Alaska permit, but applied for an Alaska permit when he was not eligible and was rejected, or had an Alaska permit revoked because he was not eligible at the time.

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I will await your response before proceeding any further in regard to an agreement between Alaska and Texas. If you have any questions concerning the Texas concealed handgun statute, please contact Louis Beaty at 512-424-5836.

Sincerely,



Thomas A. Davis, Jr.  
Director

TAD:lab

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\*\* TOTAL PAGE.03 \*\*

Aug-13-02

~~18~~ 13 2002

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

Del Smith, Commissioner

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF ALASKA STATE TROOPERS

Permits and Licensing Unit  
5700 East Tudor Road  
Anchorage, Alaska 99507  
Telephone (907) 289-0392  
Facsimile (907) 289-5609

Thomas A. Davis, Jr.  
Director  
Texas Department of Public Safety  
5805 North Lamar Blvd., Box 4087  
Austin, Texas 78773-0001

Dear Mr. Davis:

Our Department is in receipt of your letter dated June 28, 2002 revisiting the possibility of a reciprocal agreement in reference to concealed handgun permits. "Senate Bill 242 am H" did amend Alaska Statute 18.65.748 which now authorized the State of Alaska to recognize concealed handgun permits from all other States.

After reviewing your letter and the three proposed conditions, we have determined that we will recognize licenses issued by the State of Texas if a person holds a valid Texas permit and if the person has not had an application for a concealed handgun permit rejected in the State of Alaska because the person was unqualified under AS18.65.705 or had a concealed handgun permit revoked or suspended by this state.

We would not recognize a Texas permit under the other two circumstances you listed. Based on the language of our new law, no reciprocity agreement is needed.

Please feel free to contact me if you have further questions concerning the concealed handgun permit program.

Sincerely,



Lieutenant Julia P. Grimes  
Alaska State Troopers

JG:mbf

Cc: Representative Terry Keel

**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

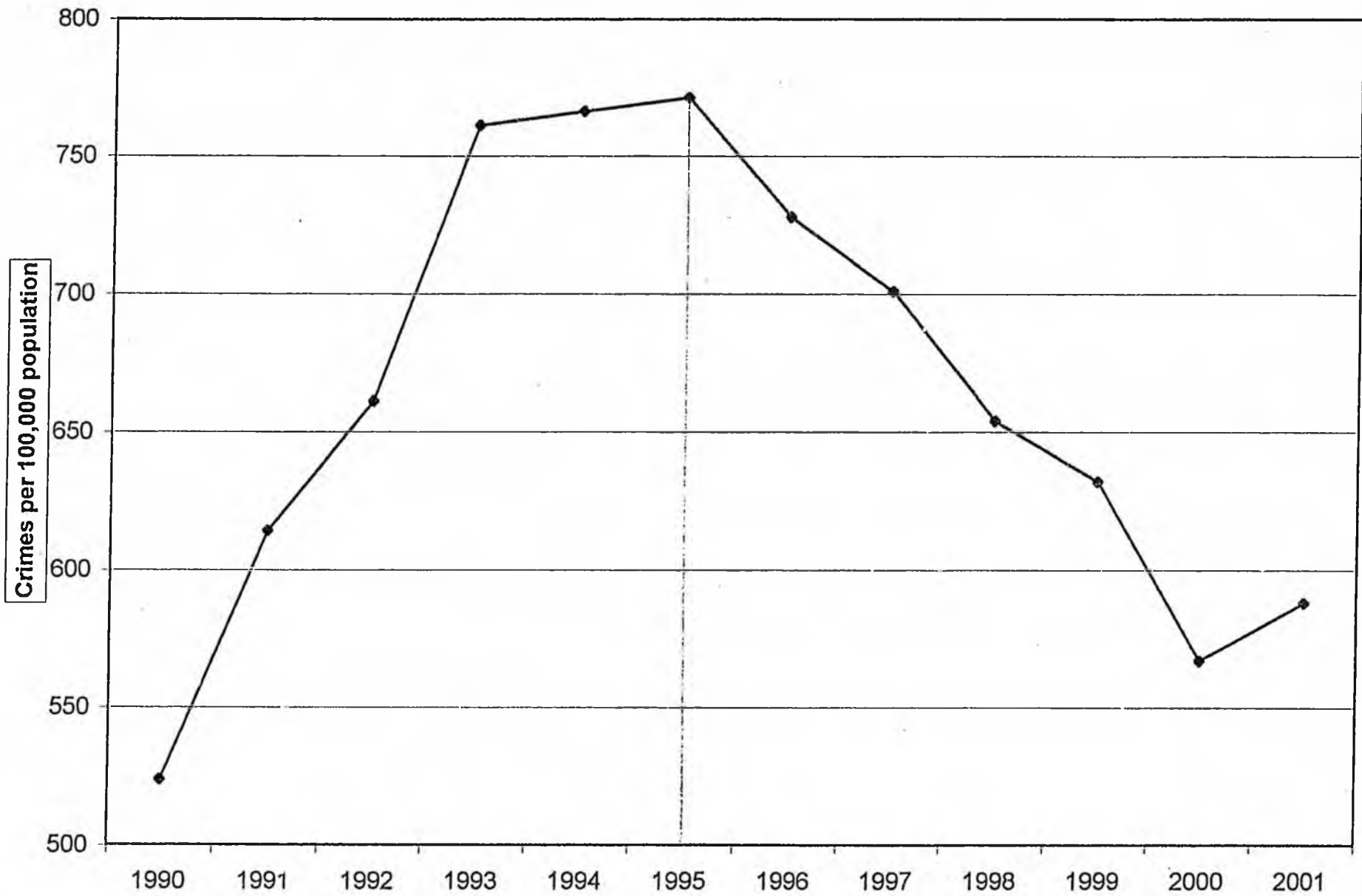
\* *Federal law* (18 U.S.C. §922 (g)) prohibits possession of a firearm by any person:

- 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.

# Alaska Crime Rates

## Violent Crime

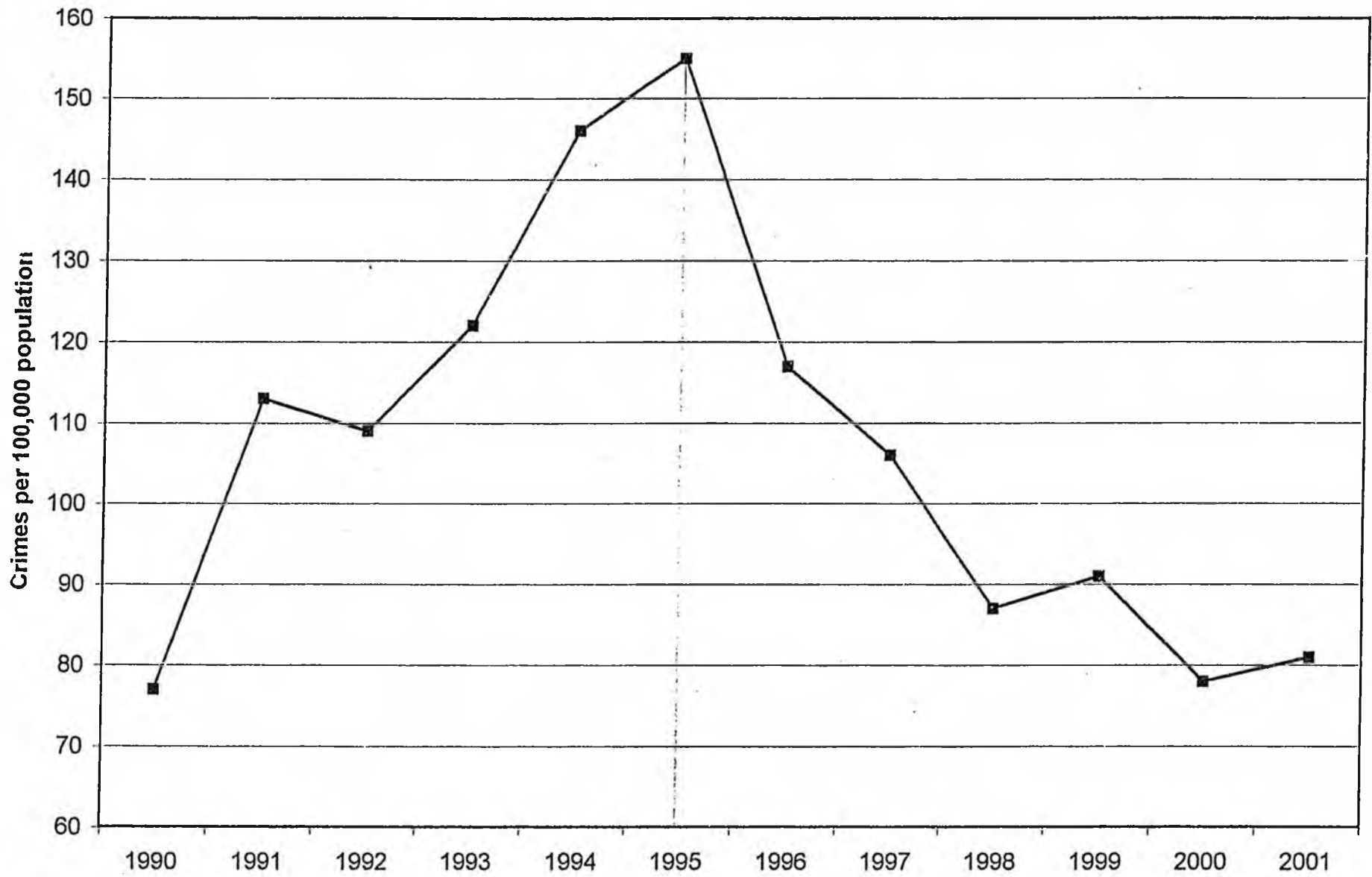
Sources: FBI and Bureau of Justice Statistics



# Alaska Crime Rates

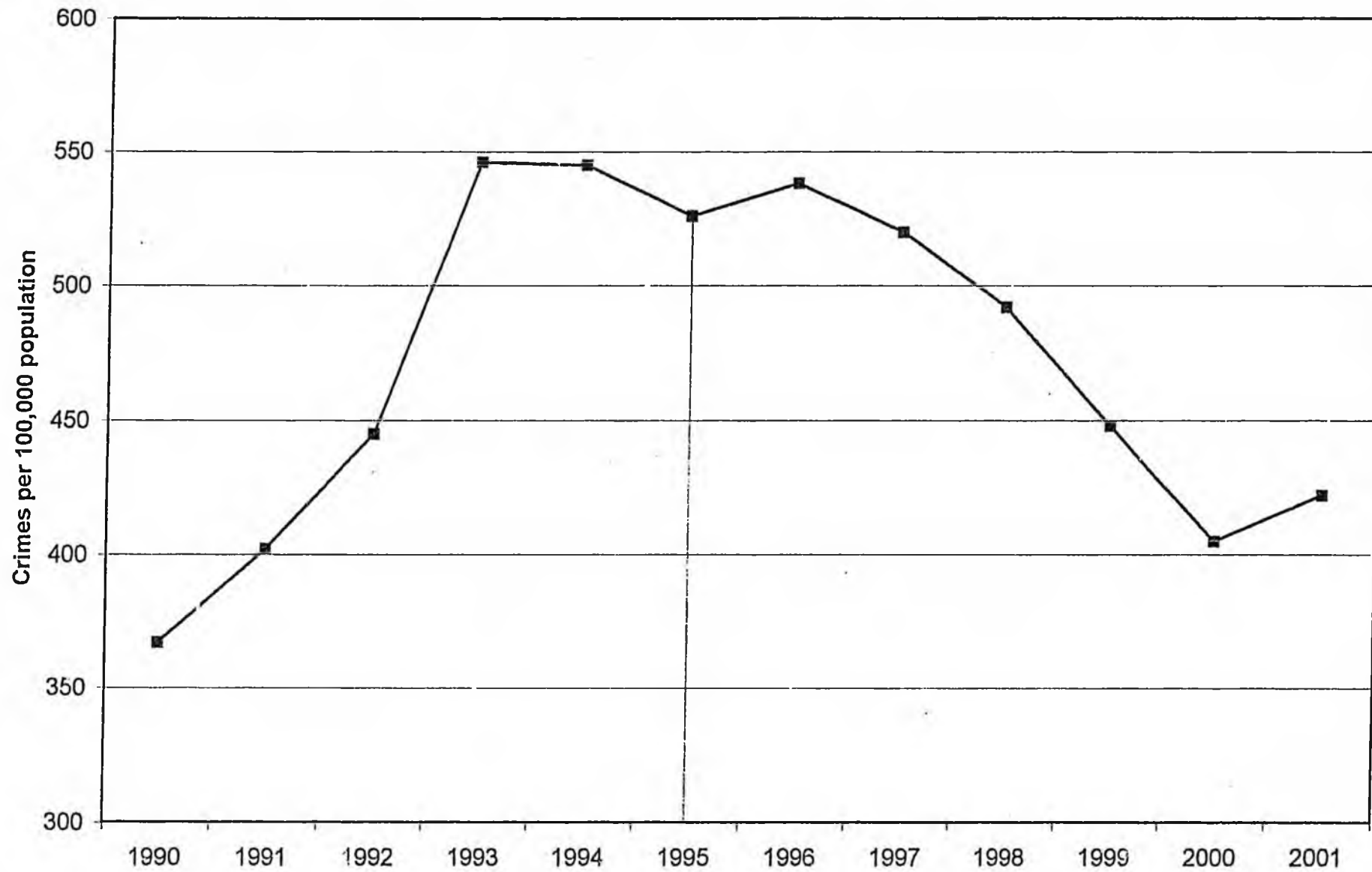
## Robbery

Sources: FBI and Bureau of Justice Statistics



# Alaska Crime Rates

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





NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
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SACRAMENTO, CALIFORNIA 95814  
(916)446-2455 voice ■ (916)448-7469 fax

STATE & LOCAL AFFAIRS DIVISION  
BRIAN JUDY, ALASKA STATE LIAISON

March 25, 2003

Senator Gary Stevens  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Stevens:

On behalf of the more than 24,000 Alaska members of the National Rifle Association, let me take this opportunity to urge your **support for Senate Bill 152**. SB 152 would help, in two ways, to ensure that other states recognize Alaska concealed handgun permits.

First, **Senate Bill 152** would repeal language which was put into the code last session as an amendment to a bill which was introduced to clarify the recognition of concealed handgun permits from other states. Senate Bill 242 (2002) was intended to simplify the recognition process by plainly recognizing all permits issued by other states. Supporters of the bill accepted an amendment late in the legislative process which has caused at least one state to refuse to recognize Alaska permits.

A concern was raised last year that Alaska residents who had a permit denied or revoked could travel to another state which issues permits to non-residents, obtain a permit and travel back to Alaska and carry under the out-of-state permit. Although supporters of SB 242 felt such was a highly unlikely scenario, an amendment was accepted to limit recognition of out-of-state permits to those held by individuals who had never had a permit denied or revoked in Alaska. It was thought that this restriction would have no impact on the recognition of permits.

Unfortunately, the language has led to a refusal by the State of Texas to recognize Alaska permits because Alaska's law imposes limits on the recognition of Texas permits while Texas would impose no such limitation on the recognition of Alaska permits. The likelihood that, in reality, a Texas permit would not be recognized due to the provision in question is just about as unlikely as an Alaskan traveling to the lower 48 to circumvent the Alaska permit law. However, the fact remains that the SB 242 amendment has created a barrier to the recognition of Alaska permits. The repeal of this language by **Senate Bill 152** will open the door to greater recognition of Alaska permits.

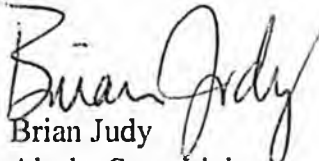
Attached is a copy of the letter from the Texas Department of Public Safety (DPS) to Alaska DPS which lays out the problem. More importantly, I will also provide you with information on the issuance criteria of the eleven states which issue concealed handgun permits to non-residents. It is obvious, after reviewing this material, that should an Alaskan go to the trouble of traveling to another state, it is highly unlikely that person would be able to obtain an out-of-state permit. The issuance standards are generally at least as strict in each of the other states and fingerprint-based background checks are performed in virtually all cases.

With all due respect to those who raised questions last session, in reality, the evidence suggests that their concerns, while sincere, are not warranted. Further, since any person who can lawfully own and possess a firearm can legally carry *openly* in Alaska, an individual who had a permit denied or revoked in Alaska for a non-prohibiting offense could simply carry openly in Alaska without going to all the trouble and expense of obtaining another state's permit.

The second issue addressed by **Senate Bill 152** involves reciprocity agreements with other states. Although the State of Alaska now recognizes all other states' permits and is not required to enter into reciprocity agreements, some other states still require agreements for them to be able to recognize Alaska permits. SB 152 would require the Alaska Department of Safety to enter into reciprocity agreements with other states when it is necessary to benefit Alaska permit holders. Such agreements will only be required in rare cases and, thus, the cost to the Department in time and resources should be negligible.

It is for these reasons that the NRA requests your support for **Senate Bill 152**.

Sincerely,

  
Brian Judy  
Alaska State Liaison