

HB

351

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 13, 2008

FURTHER REFERRALS:

Date of Committee Action: 2/28/08

The FINANCE Committee considered:

HB 351

HOUSE BILL NO. 351

CONCEALED HANDGUN PERMIT: FINGERPRINTS

"An Act relating to submission of fingerprints by applicants for a concealed handgun permit; and providing for an effective date."

Recommends it be replaced with HCS or CS for HB 351 (JAD)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
COR				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DPS	1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Mich C. Hunt</i>	Hunter	*			
<i>Harry J. Crawford Jr</i>	CRAWFORD	X			
<i>[Signature]</i>	Joule	X			
<i>[Signature]</i>	Gara	✓			
<i>Mary Nelson</i>	NELSON	✓			
<i>Bill Stuffle</i>	STUFFLE	X			
<i>William Kelly</i>	Thomas	X			
<i>[Signature]</i>	KELLY	X			
Chair: <i>K. Meyer</i>	Meyer	X			
Chair: <i>Mike Chavault</i>	Chavault	*			

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB351-DOC-OC-2-15-08
() Publish Date: _____

Identifier (file name): HB351-DOC-OC-2-15-08 Dept. Affected: Corrections
Title "An Act relating to submission of fingerprints by applicants for a concealed handgun permit; and providing for an effective date." RDU Administration and Operations
Sponsor Representatives Coghill & Dahlstrom Component Office of the Commissioner
Requester House Finance Component Number 694

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director
Division: Administrative Services
Approved by: Dwayne Peoples, Deputy Commissioner
Department of Corrections

Phone (907) 465-3339
Date/Time 2/15/08 2 01 PM
Date 2/8/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 351(JUD)
(H) Publish Date: 2/13/08

Identifier (file name): HB351-DPS-R&I-02-08-08 Dept. Affected: Public Safety
Title: "An Act relating to submission of fingerprints by applicants for a concealed handgun permit." RDU: Statewide Support
Sponsor: Representative Coghill Component: Records & Identification
Requester: House Judiciary Committee Component Number: 1190

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
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	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The changes in this bill would reduce, from two to one, the number of complete sets of fingerprints a person who is applying for a concealed handgun permit is required to provide to the department. The department does not expect this bill to have any fiscal impact.

Prepared by: David Schade, Director
Division: Statewide Services
Approved by: Wall Monegan, Commissioner
Department of Public Safety

Phone (907) 269-0202
Date/Time 2/8/08 4:27 PM
Date 1/22/2008

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REPRESENTATIVE JOHN COGHILL

SPONSOR STATEMENT

CSHB No. 351 (JUD)

"An Act relating to submission of fingerprints by applicants for a concealed handgun permit; and providing for an effective date."

Because of changes in the way the Department of Public Safety processes fingerprint cards, it is now possible to notify the Alaska Automated Fingerprint Identification System and the Federal Bureau of Investigation from one fingerprint card.

CS HB 351 (JUD) will amend the requirements in AS 18.65.700(a)(4) from submitting two sets of fingerprint cards to submitting one set for individuals applying for a concealed handgun permit. It also changes the FBI approved fingerprint card to a format approved by the department.

These changes will be a savings in cost and effort for those that provide fingerprinting for concealed handgun permit applicants. Additionally, as technology changes the format for the fingerprint card may change and giving the Department of Public Safety the latitude to change the format of the fingerprint card will not require another bill to correct the format requirement sometime in the future.

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Because of changes in the way the Department of Public Safety processes fingerprint cards, it is now possible to notify the Alaska Automated Fingerprint Identification System and the Federal Bureau of Investigation from one fingerprint card.

HB 351 will amend the requirements in AS 18.65.700(a)(4) from submitting two sets of fingerprint cards to submitting one set for individuals applying for a concealed handgun permit.

The benefits of this legislation are savings in cost and effort for those that provide fingerprinting for concealed handgun permit applicants. Additionally the State no longer has to handle and ultimately dispose of the extra fingerprint card.

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REPRESENTATIVE JOHN COGHILL

SECTIONAL

"An Act relating to submission of fingerprints by applicants for a concealed handgun permit; and providing for an effective date."

Section 1: AS 18.65.700 Permit to Carry a Concealed Handgun.

(a) The department shall issue a permit to carry a concealed handgun to a person who

(4) submits one [two] complete set [sets] of fingerprints on a Federal Bureau of Investigation approved fingerprint card [cards] that is [are]

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REPRESENTATIVE JOHN COGHILL

SECTIONAL

CSHB No. 351 (JUD)

"An Act relating to submission of fingerprints by applicants for a concealed handgun permit; and providing for an effective date."

Section 1: AS 18.65.700 Permit to Carry a Concealed Handgun.

(a) The department shall issue a permit to carry a concealed handgun to a person who

(4) Delete: submits one [TWO] complete set [SETS] of fingerprints "in

the format approved by the department [ON FEDERAL BUREAU OF

INVESTIGATION APPROVED FINGERPRINT CARDS] that is [ARE]

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REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: February 22, 2008
To: House Finance Committee Members
From: Representative John Coghill, Chair
House Rules
Re: CSHB 351(JUD)

The attached CSHB 351(JUD) reflects a change proposed by the Department of Public Safety to change the requirement of the FBI fingerprint card to department approved format, in preparation for the coming change to electronic transmission.

The original intent of this bill is to allow those who provide fingerprints for applicants for conceal carry handgun permit to no longer submit two sets. With advancements made in DPS only one set of prints is necessary. However, it was necessary to change the statute because it specifically stated two sets of fingerprints. This is a benefit to the DPS and those who submit fingerprints to the state.

I am requesting your support of this bill. Thank you.

Please enter into the record my testimony to the

HOUSE JUDICIARY

committee name

committee on

HB 351

dated

2/11/08

Good Afternoon ,

My name is Richard Lampe and I reside in The Glennallen area. I am a current holder of a Concealed Handgun Permit. I obtained my first permit in 2001 after passing the required course, Passing the range test, then being fingerprinted and photographed and paying the required fees including the extra amount to be exempt from the Federal "National Instant Check System" Referred to hereafter as "NICS". In March of 2006, my permit was expiring, so I filled out the necessary paperwork, got fingerprinted twice again, photographed, and enclosed the required Fees. My renewal turned into a nightmare as the FBI had incorrect Information in my records , and the State of Alaska would not renew my permit until I filed for an appeal with the FBI and it took 3 months to do so, 2 more sets of fingerprints and Court documents from Florida to prove I was eligible , during all the prior years, I had not been arrested nor left the State of Alaska.

It is My understanding that 2 fingerprint cards are required by the FBI to do a Criminal records check, reason being one set could be smudged or rejected by the FBI as not sufficiently readable for manual or computer use. Under 13 AAC 30.050. "Processing of Applications; appeals" section "i" reads ... "The department shall issue a permit that states that the permit holder is "NOT NICS Exempt" if the permit holder's fingerprints have been rejected by the Federal Bureau of Investigation as not sufficiently readable for manual or computer use."

So one fingerprint Card may not be sufficient, in some cases. In June of 2006, the Department of Public Safety, Concealed Handgun Licensing Unit stopped issuing permits that are "NICS Exempt" claiming that the FBI would no longer provide the required Information to have this exemption on a holders license. There is Nothing in the Alaska Administration codes or laws addressing this issue.

I respectfully ask that this committee address this issue of "NICS Exemption" on Concealed Handgun Licenses while discussing the fingerprint card issue before you.

Since Alaska citizens are no longer required to have a license to carry a concealed weapon by Law , the only time a license is necessary is if an Alaskan travels to the lower 48 to a State that has reciprocity allowing concealed carry by recognizing the Alaska Concealed Handgun Permit. Many people are delayed when trying to purchase a firearm from a Federally Licensed dealer if the FBI NICS check says "Delay", it is 5 more working days before a person can purchase a firearm if the FBI does not call back and DENY the transaction .

This creates an expensive burden on Alaskans that live in the rural areas where there are no Gun shops, if they have to stay a week in town or make another trip to complete the transaction and pick up a new Firearm.


People who have never been arrested for anything have been delayed by the NICS check because of Errors in the Federal Data Base, Criminals with the same or similar name, Identity theft , or Computer systems being inoperable at the time, and other reasons the FBI will not disclose. If Alaskans are going through the process of getting fingerprinted, whether it be one or two cards, photographed, and qualifying to Carry Concealed Handguns, we should also be "Exempted" from the NICS check which is allowed under Federal Law on the Form 4473 that has to be filled out when purchasing a Firearm from a Dealer. This speeds up the process of buying a firearm and continues to insure that Alaskans can readily purchase the protection they may need without a lot of "Federal Government Red Tape". This was the main reason I got my License , not just to be armed all the time.

Another point that needs to be made is that it is difficult or impossible to find a qualified person to take fingerprints in Rural Alaska villages and communities sometimes. For that reason , Alaska State Troopers or VPSO's should be able to provide this service since they are trained to fingerprint people and because the License is issued by the Department of Public Safety.

Please address these issues and insure that Law abiding Alaskans continue to have the quality of life we deserve and the freedoms we are entitled.

Thank You for your time.

Sincerely,



Richard F. Lampe

P.O. Box 684

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Representing (Optional)

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