

HB

351



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

Rep. Jay Ramras
Chairman
Room, 118
(907) 465-3004

Rep. Nancy Dahlstrom
Vice-Chairman
Room 409
(907) 465-3783

Rep. John Coghill
Room 214
(907) 465-3719

Rep. Bob Lynn
Room 104
(907) 465-4931

Rep. Ralph Samuels
Room 204
(907) 465-2095

Rep. Mike Doogan
Room 112
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: February 12, 2008

To: Representative Kevin Meyer
Co-Chair House Finance Committee

From: Representative Jay Ramras
Chair House Judiciary Committee

Re: Referral file for HB 351 (25-LS1411E)

Attached please find the following documents:

- Sponsor Statement
- CS HB351(JUD) 25-LS1411E
- JUD Amendment #1
- HB351 25-LS1411E
- Sectional
- Support
- Fiscal Note - DPS - 0
- HJUD Report 2/11/08

ALASKA STATE HOUSE OF REPRESENTATIVES

**Contact:**

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

Session

(907)-465-3719
FAX# (907)-465-3258
**State Capitol
Room 214**

REPRESENTATIVE JOHN COGHILL

SPONSOR STATEMENT

"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.

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.

ALASKA STATE HOUSE OF REPRESENTATIVES

**Contact:**

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

Session

(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: February 11, 2008
To: Judiciary Committee Members
From: Representative John Coghill, Chair
House Rules
Re: Amendment to HB 351

A handwritten signature in black ink, appearing to read "JCO", is written over the "From:" line of the memorandum.

The attached proposed Amendment was requested 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.

This amendment will eliminate the need to submit another bill when electronic transmission becomes the standard.

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

Amendment #1 PASSED

25-LS1411C.1
Luckhaupt
2/11/08

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 351

BY REPRESENTATIVE COGHILL

- 1 Page 2, lines 1 - 2:
- 2 Delete "on a Federal Bureau of Investigation approved fingerprint card [CARDS]"
- 3 Insert "in the format approved by the department [ON FEDERAL BUREAU OF
- 4 INVESTIGATION APPROVED FINGERPRINT CARDS]"

ALASKA STATE HOUSE OF REPRESENTATIVES

**Contact:**

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

Session

(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 214

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]

Please enter into the record my testimony to the

HOUSE JUDICIARY

committee name

committee on HB 351dated 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.

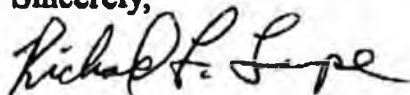
People who have never been arrested for anything have been delayed by the NICS check because of Errors in the Federal Data Base, Criminals with the same or similar name, Identity theft , or Computer systems being inoperable at the time, and other reasons the FBI will not disclose. If Alaskans are going 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

Glennallen, Alaska 99588

Representing (Optional)

Mile 175.9 Glenn Hwy. Glennallen, Alaska 99588

Address

907 - 822 - 3560

Phone No.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 351
 () Publish Date: _____

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
 Component: Records & Identification
 Sponsor: Representative Coghill
 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								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

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: Walt Monegan, Commissioner
Department of Public Safety

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



State of Alaska

Department of Public Safety
Division of

Statewide Services

Sarah H. Palin, Governor
Walter Monegan, Commissioner

February 11, 2008

Representative Jay Ramras
Chair, House Judiciary Committee
Capitol Building Room 118
Juneau, AK 99801

Dear Representative Ramras:

During the House Judiciary Committee meeting reference HB 351, pertaining to the Alaska Concealed Handgun Program, AS 18.65.700, a question arose pertaining to the term 'physical infirmity' as mentioned in AS 18.65.700.(a)(8). I was unable to answer the question immediately, but promised to obtain the answer to the question and report that answer in writing to you.

AS 18.65.700(a)(8) states "(a) The department shall issue a permit to carry a concealed handgun to a person who:

(8) does not suffer a physical infirmity that prevents the safe handling of a handgun."

The term 'physical infirmity' is not defined in either the Alaska Concealed Handgun Permit statute or the associated regulations (13 AAC 68.30). 13 AAC 30.130 discusses the qualifications for safe handling of a handgun. Paragraph (a) indicates that the department will discontinue review of an application for a permit, permit upgrade or permit renewal "If the department has reason to believe that the applicant suffers from a physical infirmity...". Paragraph (c) states that the department will not investigate a report relating to the handling of a handgun unless the report is in writing, signed and provides specific information pertaining to the permittee's physical condition, or handling of a handgun. Suspension and revocation of a permit and appeal procedures are discussed in 13 AAC 30.080.

I hope this information answers the Representative's concerns about the 'physical infirmity' clause in the Alaska Concealed Handgun Permit law.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn M. Monfreda".

Kathryn M. Monfreda
Chief, Criminal Records & Identification Bureau

"Public Safety through Public Service"

Alaska Concealed Handgun Permits
5700 East Tudor Road - Anchorage, AK 99507 - Voice (907) 269-0392 - Fax (907) 269-5609