

HB

201



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
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Rep. Bob Lynn
Room 104
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Rep. Carl Gatto
Room 108
(907) 465-3743

Rep. Max Gruenberg
Room 110
(907) 465-4940

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

MEMORANDUM

Date: April 1, 2009

To: Representative John Coghill
Chairman, House Rules Committee

From: Representative Jay Ramras
Chairman, House Judiciary Committee

Re: Referral File for HB201

Please accept this memo as the referral file for HB201. Attached please find the following documents:

- Sponsor Statement
- CSHB201(JUD) (26-LS0683\S)
- HJUD Amendment #1
- HB201 (26-LS0683\R)
- DPS Zero Fiscal Note
- Back-up
- Letters of Support
- HJUD Committee Report

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue, Suite 640
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Rep.Craig.Johnson@legis.state.ak.us



Session:
State Capitol, Room 126
Juneau, Alaska
99801-1182
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REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

Sponsor Statement Concealed Handgun Birthday Permit HB 201

June 2003 Alaska Governor Frank Murkowski signed into law the bill allowing citizens to carry firearms concealed without getting a permit. The bill had 33 co-sponsors, from both chambers, and passed on a veto-proof vote of 28 to 12 in the House and 12 to 8 in the Senate.

The permit is still available for those who would want to travel to other states that have reciprocity with Alaska. Since the permit is not necessary in Alaska some permit holders forget the renewal date.

This bill changes the expiration date of a concealed handgun permit from five years from the date of issue to the person's birthday. The first year is a transitional year where the permit will be issued for a minimum of 4 year and how ever many months it is until the person's birthday. All permits after that will be for 5 years.

AMENDMENT #1

26-LS0683\R.1
Luckhaupt
4/1/09

AMENDMENT

COGHILL

OFFERED IN THE HOUSE
TO: HB 201

BY REPRESENTATIVE ~~HOUSON~~

- 1 Page 1, line 5:
- 2 Delete "license"
- 3 Insert "permit"

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 201
 () Publish Date: _____

Identifier (file name): HB201-DPS-R&I-03-26-09 Dept. Affected: Public Safety
 Title "Concealed Handgun Permits" RDU Statewide Support
 Component Records & Identification
 Sponsor Representative Johnson
 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 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
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)

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 (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation amends AS 18.65.700(d) to make a concealed handgun permit expire on the person's birthday in the fifth year following issuance of the permit, rather than five years from the date the permit was issued.

Passage of this legislation will have no fiscal impact on the department.

Prepared by: David Schade, Director
 Division Statewide Services
 Approved by: Joseph A. Masters, Commissioner
Department of Public Safety

Phone (907) 269-0202
 Date/Time 3/31/09 1:10 PM
 Date 3/31/2009

Handguns

- Permit to carry handguns? No*

*According to the National Rifle Assc., "A permit to carry a concealed handgun is not necessary in Alaska, but permits are available to those who want to carry in states that recognize Alaska permits."

Carrying

Any person 21 years of age or older may carry a handgun concealed on their person provided that, when contacted by a police officer, informs the officer of that possession and allows the police officer to secure the handgun for the duration of that contact.

Any person 21 years of age or older may carry a handgun concealed on their person provided that, when contacted by a police officer, informs the officer of that possession and allows the police officer to secure the handgun for the duration of that contact.

A permit to carry a concealed handgun is available for those individuals who desire a means to carry a concealed handgun in states that honor Alaska's permit to carry.

A person can obtain a permit to carry a concealed handgun if the person:

- Is 21 years of age or older.
- Is eligible to own or possess a firearm under state and federal law.
- Has been a resident of the state for 90 days preceding application for permit.
- Has not been convicted of two or more class A misdemeanors within the preceding six years.
- Is not currently or has not within three years been ordered by a court to complete an alcohol treatment or substance abuse program.
- Has demonstrated competence with handguns.

Permits

The Department of Public Safety shall issue a permit to a person who applies in person at an office of the Alaska State Troopers and is not prohibited from possessing a handgun.

A completed application must be submitted under an oath. The applicant must provide two complete sets of fingerprints and two frontal view color photographs taken within 30 days prior to submitting application. An applicant must not suffer a physical infirmity that prevents the safe handling of a handgun.

A permit is valid for five years. Applications, permits, and renewals are not public records and can only be used for law enforcement purposes.

The Department shall either approve or reject an application within 30 days of receipt. A person shall apply in person for renewal of a permit to carry within 90 days before the expiration of the permit and shall present a complete renewal form under an oath. A permit to carry shall be immediately revoked if the permittee becomes disqualified to receive and hold a permit. A person whose permit is revoked may appeal to the commissioner. If the commissioner upholds the revocation, a person may seek judicial review. If the permit is revoked, such a person cannot apply for a permit until at least five years after it is revoked.

- A person carrying a concealed handgun may not carry it into any place prohibited by law.
- When entering the residence of another person, one must notify the resident that they are carrying a concealed handgun.
- A municipality may not restrict the carrying of a concealed handgun by permit.
- A permit holder from with a valid permit from other jurisdictions is considered an Alaska permit holder.

Source: National Rifle Association of America, Institute for Legislative Action



Public Safety > Division of Statewide Services > Records & Identification > Permits & Licensing > Concealed Handguns

Alaska Concealed Handgun Permits

Special Fee Change Notice:

Effective October 1, 2007, the application fee for a new Alaska Concealed Handgun Permit will be reduced to \$94.25. This reflects a reduction in the cost of conducting national criminal background checks. Fees for renewal and replacement applications will remain at \$25.00; only the fee for new applications is affected by this change. Applications received by the Department of Public Safety after October 1, 2007 must be accompanied by the fee of \$94.25.

Alaska Statute 11.61.220 allows anyone 21 or older, who may legally carry a firearm to also carry it concealed without having to obtain a special permit. The possession of a firearm at courthouses, school yards, bars and domestic violence shelters will continue to be prohibited. Alaskans may obtain a concealed carry permit if they want reciprocity with other states.

A person 21 or older may be charged with Misconduct involving Weapons in the 5th degree under AS 11.61.220 if s/he

- fails to immediately inform a peace officer that s/he is carrying a concealed handgun
- fails to allow the officer to secure the weapon or fails to secure the weapon at the direction of the peace officer, or
- carries the weapon concealed within another person's residence, unless s/he has first obtained the express permission of an adult residing there, whether or not the person has a concealed handgun permit.

Concealed Handguns Resources

- Frequently Asked Questions about Alaska Concealed Handgun Permits
- Reciprocity
- List of Approved Fingerprinters
- Alaska Statutes and Regulations concerning Alaska concealed handgun permits

Forms

- Address Change for a Concealed Handgun Permit
- Application for Permit Renewal
- Concealed Handgun Permit Application
- Replacement/Name Change of a Concealed Handgun Permit

For more information contact the Permits and Licensing Unit

Instructions

Things You'll Need:

- Application
- \$94.25 fee
- One recent photograph
- One set fingerprints
- Certificate of handgun course

Step 1



You must be a resident of Alaska and lived in the state at least ninety days to obtain the permit.

A convicted felon cannot legally conceal a firearm in the State of Alaska

Alaska will honor all valid permits to carry a concealed handgun from other states.

Step 2



The application for the permit is fairly simple. You must be at least twenty one years old, submit a photo taken in the last thirty days, a complete set of finger prints taken by an approved agency, proof of completing the handgun course, a Alaska drivers license or ID, and the ninety four dollars and twenty five cent application fee.

Step 3



The handgun safety course in Alaska is twelve hours and it concentrates on Alaska laws, the legal systems, and where you can and cannot carry a firearm. It also covers a review of basic marksmanship skills, the function of the double action revolver and the semi-auto pistol, the handling and operations needed to fire the weapons, and a live fire qualification the following day.

Alaska Concealed Handgun Permits

Frequently Asked Questions

New Applications:

Q: What are the procedures to apply for an Alaska Concealed Handgun Permit?

A: You must complete a handgun training course approved by the Department of Public Safety. Within one year after completion of the training course, submit your completed application in person to any State Trooper office. Your application must include:

- The completed application
- One photograph taken within 30 days of the date on the application,
- One set of identifiable fingerprints taken by a Department-approved technician,
- Proof of successful completion of a handgun course, and
- The \$94.25 application fee.

Q: How much does it cost to get an Alaska concealed handgun permit?

A: The application fee is \$94.25.

Q: Can I get my money back if my application is not approved?

A: No. Application fees are non-refundable. Please make sure that you qualify before you turn in your application. See Alaska Statute 18.65.705 for a list of qualifications to obtain an Alaska Concealed Handgun Permit.

Q: Can someone else bring in my new application for a Concealed Carry Permit?

A: No. The application for a new permit must be submitted in person to any Alaska State Trooper office. You will be asked to show a government issued photographic identity card (e.g., Alaska Driver's License or Alaska State Identification Card).

Q: For how long is my Alaska concealed handgun permit valid?

A: Permits are issued for 5 years.

General Qualification Questions:

Q: Are non-residents allowed to have an Alaska concealed handgun permit?

A: No. Only Alaska residents may have an Alaska concealed handgun permit. You must establish residency in the State of Alaska and may apply for a permit after you have been here at least 90 days.

Q: If I am a legal resident alien, can I get an Alaska concealed handgun permit?

A: Yes, provided you are a legal resident of Alaska and have lived in Alaska at least 90 days.

Q: If I am in the military and just transferred here, can I get an Alaska concealed handgun permit?

A: If you intend to become an Alaska resident, you may qualify to apply for an Alaska concealed handgun permit after you have been here for 90 days.

Q: I have moved out of the state. Can I still renew my Alaska concealed handgun permit?

A: No. Only Alaska residents may possess an Alaska concealed handgun permit.

Q: Does a conviction that has been 'set aside' count as a conviction as it applies to qualifications for an Alaska concealed handgun permit?

A: Yes. See 13 AAC 30.900(6) for the definition of conviction as it applies to the Alaska Concealed Handgun Program.

Q: I was convicted of a felony, but the conviction was later 'set aside'. Am I eligible to obtain an Alaska Concealed Handgun Permit?

A: No. A convicted felon who has not had the conviction vacated by a court as a result of motion, appellate action, petition for writ of habeas corpus, or application for post-conviction relief under Rule 35.1 of the Alaska Rules of Criminal Procedure or a similar procedure in another jurisdiction, cannot be issued an ACHP because they cannot legally conceal a firearm on the person except in two limited circumstances. See AS11.61.200 for these circumstances.

Permit renewal/lost/change of name or address:

Q: My permit is about to expire; what do I need to do to keep my permit valid?

A: Complete the Renewal of a Concealed Handgun Permit form (form # 12-299-84) and submit it to the ACHP office. You are not required to deliver it in person. You may apply to renew your concealed handgun permit by mail.

Renewal forms are available on-line on the ACHP Home Page. Mail your application to:

Alaska Concealed Handgun Permit Office

5700 E. Tudor Road

Anchorage, AK 99507

Renewal applications must be postmarked not more than 90 days before your concealed handgun permit expires. Include your renewal application, a recent photograph and the \$25 non-refundable fee.

A permit submitted on or after the expiration is subject to an additional \$25 late fee. The department will not accept a renewal for a permit submitted more than 60 days after the expiration date of the permit. (If more than 60 days have elapsed since your permit expired, you must submit an application for a new permit.)

Q: Do I have to return my old permit when I receive my renewal?

A: Yes. When you receive your renewed permit, return the old permit to the Alaska Concealed Handgun Permit Office at 5700 East Tudor Road, Anchorage, Alaska, 99507.

Q: What do I do if my permit is lost or stolen?

A: You must complete and submit an Application for Replacement of a Concealed Handgun Permit (Form 12-299-85). This form (which must include a new photograph) must be submitted in person at any Alaska State Trooper office. The replacement fee is \$25.

Q: If I move, do I notify the Department of Public Safety?

A: You must notify the Department of a change of address within 30 days. Changes of Address forms (12-299-88) are available on line from the ACHP Home Page, or you may contact the Alaska Concealed Handgun Office at (907) 269-0392. This form may be mailed to:

Alaska Concealed Handgun Permit Office

5700 East Tudor Road

Anchorage, AK, 99507

There is no charge to change your address.

Q: Is my Alaska concealed handgun permit valid if I move out of Alaska?

A: Your permit is valid only as long as you are an Alaska resident. Return your permit to the Alaska Concealed Handgun Permit Office. We will place your permit in an inactive status. If you return to Alaska and re-establish your residency before your permit expires, your permit may be reactivated at that time.

Q: What do I do if my legal name changes?

A: Complete and submit an Application for Replacement (form 12-299-85) to any State Trooper office. You must provide an official court document or marriage license in support of this change, and pay the \$25 fee.

Reciprocity:

Q: If I have an Alaska concealed handgun permit, can I carry my concealed handgun in another state?

A: Your Alaska concealed handgun permit does not allow you to carry a concealed handgun in another state, unless that state recognizes Alaska permits. It is important for permit holders to understand that when they are traveling in or through another state they are subject to the firearm laws of that state.

However, check the 'Reciprocity' link on the ACHP home page for a list of states that have indicated they will honor Alaska's permits. Note that this link is updated in the first quarter of every year. Some information may have changed. You should verify the requirements of the state to which you will be moving/traveling before you carry a concealed handgun in that state.

Q: Can I take firearms into Canada?

A: Contact the Canadian Firearms information Office at (800) 731-4000 for information about taking firearms into Canada.

Q: Will Alaska honor permits from other states?

A: Alaska will honor a valid permit to carry a concealed handgun from another state or subdivision of a state.

General Questions:

Q: Can I carry my handgun in the glove box of my vehicle?

A: Local ordinances vary from city to city in Alaska. Contact your city, borough, or municipal police department and ask them about their ordinances concerning firearms and concealed weapons.

Q: Will the state limit the number of handgun instructors or permit holders?

A: No.

Q: I am a retired peace officer. I retired several years ago when the concealed program provisions were not in effect. Can I be "grand-fathered" into the permit program and allowed to waive the certification training?

A: No. You must apply for a concealed handgun permit within one year of your retirement in order to qualify for the honorably retired peace officer provisions of the law.

Q: Do I have to notify the Permits and Licensing Unit when I purchase another handgun?

A: No. For additional information about purchasing and/or selling firearms, contact your local Federal Bureau of Alcohol, Tobacco, and Firearms office.



Public Safety > Division of Statewide Services > Records & Identification > Permits & Licensing > Concealed Handguns > Reciprocity

Reciprocity

Alaska Statute 18.65.748 states that a person holding a valid permit to carry a concealed handgun from another state or a political subdivision of another state is a permittee under AS 18.65.700 (b) for purposes of AS 18.65.750 - 18.65.765.

Alaska Statute 18.65.775 requires the Department of Public Safety to enter into reciprocity agreements with other states that have the legal authority to enter into such agreements so that Alaska Concealed Handgun permittees may carry concealed handguns in those other states.

Annually, the Department of Public Safety will review legislation in other states to determine if a reciprocity agreement is required or if an existing agreement is still valid. It is important for permit holders to understand that when they are traveling in or through another state they are subject to the firearm laws of that state. You should verify the requirements of the state to which you will be moving/traveling before you carry a concealed handgun in that state.

The following states recognize valid Alaska concealed handgun permits:

1. Alabama
2. Arkansas
3. Arizona (Agreement)
4. Colorado
5. Delaware
6. Florida (Agreement)
7. Georgia
8. Idaho
9. Indiana
10. Kansas
11. Kentucky
12. Louisiana
13. Michigan
14. Minnesota
15. Mississippi
16. Missouri
17. Montana
18. Nevada
19. New Hampshire
20. New Mexico
21. North Carolina
22. North Dakota (Agreement)
23. Ohio (Agreement)
24. Oklahoma (Agreement)
25. Pennsylvania (Agreement)
26. South Carolina
27. South Dakota (Agreement)
28. Tennessee
29. Texas (Agreement)
30. Utah
31. Vermont
32. Virginia (Agreement)
33. West Virginia
34. Wyoming (Agreement)

The following states will not recognize Alaska concealed handgun permits:

1. California
2. Connecticut
3. Hawaii
4. Illinois
5. Iowa
6. Maine
7. Maryland
8. Massachusetts
9. Nebraska
10. New Jersey
11. New York
12. Oregon
13. Rhode Island
14. Washington
15. Wisconsin

Click on the state of interest to visit their web site or click on 'Agreement' to view a printable copy of the actual agreement. Please note that some states do not require a written 'agreement', but have verified in writing that they will honor Alaska Concealed Handgun Permits.

Any person traveling to a state that has agreed to honor Alaska permits is encouraged to visit that state's web site to review laws and regulations specific to that state.

MEMORANDUM OF AGREEMENT

between

The Commonwealth of Pennsylvania

and

The State of Alaska

concerning Handgun License Reciprocity for Concealed Carry

WHEREAS, the Commonwealth of Pennsylvania has the authority to issue a License to Carry a Firearm pursuant to 18 Pennsylvania Consolidated Statutes Annotated § 6109; and

WHEREAS, the State of Alaska has the authority to issue a Concealed Handgun License pursuant to AS 18.65.700; and

WHEREAS, the Commonwealth of Pennsylvania is authorized to recognize the validity of a nonresident concealed handgun license if the Pennsylvania Attorney General determines that a background check of each applicant for a license issued by the other state is conducted by state or local authorities, or agent thereof, before the license is issued to determine the applicants' eligibility to possess a firearm under the Federal Gun Control Act (18 U.S.C. § 922); and

WHEREAS, the Attorney General for the Commonwealth of Pennsylvania has made such affirmative determination with respect to the State of Alaska; and

WHEREAS, the State of Alaska is authorized, pursuant to AS 18.65.748, to recognize the validity of a permit to carry a concealed handgun issued by another state; and

WHEREAS, the Attorney General of the Commonwealth of Pennsylvania is authorized, pursuant to 18 Pennsylvania Consolidated Statutes Annotated § 6109(k), to enter into reciprocity agreements with other states providing for the mutual recognition of each state's license to carry a firearm; and

WHEREAS, the Attorney General of the Commonwealth of Pennsylvania has determined that the State of Alaska meets the requirements for reciprocity with the Commonwealth of Pennsylvania; and

WHEREAS, Handgun License reciprocity between Alaska and Pennsylvania is thus supported by the laws of both states;

NOW, THEREFORE, the parties do hereby agree as follows:

RECEIVED
AK DEPT. OF
PUBLIC SAFETY

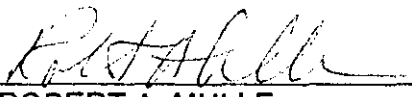
OCT 19 2005

RI ANCHORAGE

1. The Commonwealth of Pennsylvania shall give full faith and credit to a valid Concealed Handgun License issued by the State of Alaska; and
2. The State of Alaska shall consider holders of a valid Concealed Handgun License issued by the Commonwealth of Pennsylvania to be concealed handgun permittees in Alaska as required by Alaska Stat. § 18.65.748; and
3. Persons carrying a concealed firearm pursuant to this Memorandum of Agreement shall comply with all applicable concealed carry laws, rules and regulations of the respective states, including, but not limited to, age requirements and restrictions regarding the type of firearms that may be carried; and
4. The State of Alaska and the Commonwealth of Pennsylvania will inform each other of any changes to their respective weapons statutes that may affect the eligibility of the recognition granted by each state pursuant to this Memorandum of Agreement.

This Memorandum of Agreement becomes effective on the date of the final signature and shall continue in effect unless modified by mutual written consent, or terminated by either state upon thirty (30) days' written notice. This document is not intended to limit or restrict the statutory authority or jurisdiction of either state.


WILLIAM TANDESKE
Commissioner of Public Safety

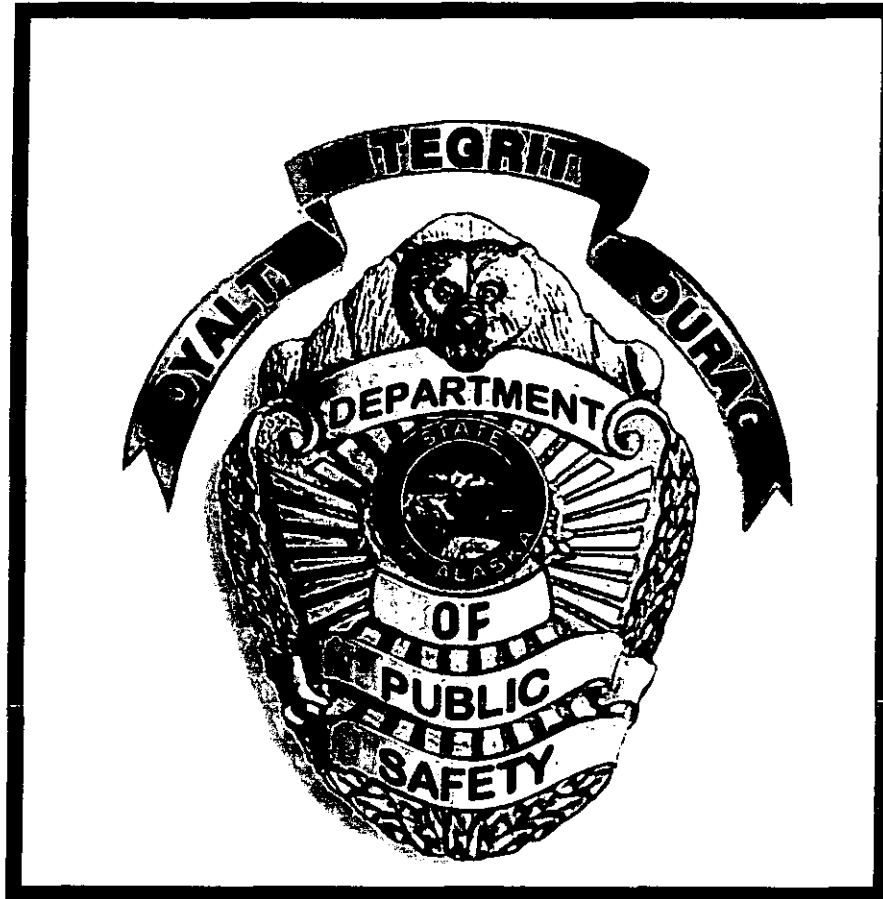

ROBERT A. MULLE
Chief Deputy Attorney General
for Attorney General of Pennsylvania

DATE 10-24-05

DATE 10/13/05

Alaska Statutes and Regulations

Concerning Alaska Concealed Handgun Permits



Alaska Concealed Handgun Permit Program

Department of Public Safety, Division of Statewide Services

5700 East Tudor Road

Anchorage, Alaska 99507

(907) 269-0392

<http://www.dps.state.ak.us/PermitsLicensing/>

ALASKA CONCEALED HANDGUN PERMIT INFORMATION

AS 01.10.055. Residency.

- (a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.
- (b) A person demonstrates the intent required under (a) of this section
 - (1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and
 - (2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.
- (c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state. (§ 1 ch 67 SLA 1983).

Note: AS 18.65.705(3) requires that an applicant be a resident of the state and has been for the 90 days immediately preceding the application for the permit.

TITLE 18. HEALTH, SAFETY, AND HOUSING CHAPTER 65. POLICE PROTECTION ARTICLE 10. PERMIT TO CARRY A CONCEALED HANDGUN

Sec. 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
 - (1) applies in person at an office of the Alaska State Troopers;
 - (2) qualifies under AS 18.65.705 ;
 - (3) submits a completed application on a form provided by the department, that provides the information required under AS 18.65.705 and 18.65.710; with each application form provided by the department, the department shall provide a copy of the state laws and regulations relating to concealed handguns, which must include a concise summary of where, when, and by whom a handgun can be carried under state and federal law;
 - (4) submits one complete set of fingerprints on a Federal Bureau of Investigation approved fingerprint card that is of sufficient quality so that the fingerprints may be processed; the fingerprints must be taken by a person, group, or agency approved by the department; the department shall maintain a list of persons, groups, or agencies approved to take fingerprints and shall provide the list to the public upon request; the fingerprints shall be used to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400 ;
 - (5) submits evidence of successful completion of a handgun course as provided in AS 18.65.715 ;
 - (6) provides one frontal view color photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;
 - (7) shows a valid Alaska driver's license or identification card at the time of application;
 - (8) does not suffer a physical infirmity that prevents the safe handling of a handgun; and
 - (9) pays the application fee required by AS 18.65.720 .
- (b) The department shall either approve or reject an application for a permit to carry a concealed handgun under (a) of this section within 30 days of receipt of the application. If the department has not received necessary fingerprint eligibility information from another agency by the end of this 30-day period, and the applicant is otherwise eligible, the department shall issue a conditional permit to the applicant subject to immediate revocation under the procedure provided in AS 18.65.740(a) - (c) if the fingerprint information subsequently discloses that the applicant is ineligible for a permit. The department shall notify the applicant in writing of the reason for a rejection.

ALASKA CONCEALED HANDGUN PERMIT INFORMATION

(c) A person whose application is rejected under this section may appeal the rejection decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS 44.62.560 - 44.62.570.

(d) A permit issued under (a) of this section is valid for five years from the date of issue.

(e) The department shall issue a permit to carry a concealed handgun to an honorably retired peace officer of this state who applies for a concealed handgun permit within one year of the officer's retirement and who satisfies the requirements of this subsection. To qualify for a permit under this subsection, an honorably retired peace officer must satisfy (a)(1) - (3) and (6) - (9) of this section and, unless the honorably retired peace officer has qualified with a handgun within five years of the officer's retirement, must also satisfy (a)(5) of this section. The department may not require an honorably retired peace officer applying under this subsection to comply with (a)(4) of this section to receive a permit. The department shall issue the permit without submitting information to or receiving permit eligibility information from the Federal Bureau of Investigation. The department may adopt regulations to define an "honorably retired peace officer" and the evidence that must be submitted to establish eligibility under this subsection.

Sec. 18.65.705. Qualifications to obtain a permit.

A person is qualified to receive and hold a permit to carry a concealed handgun if the person

- (1) is 21 years of age or older;
- (2) is eligible to own or possess a handgun under the laws of this state and under federal law;
- (3) is a resident of the state and has been for the 90 days immediately preceding the application for a permit;
- (4) has not been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the six years immediately preceding the application;
- (5) is not now in and has not in the three years immediately preceding the application been ordered by a court to complete an alcohol or substance abuse treatment program; and
- (6) has successfully completed a handgun course as provided in AS 18.65.715.

Sec. 18.65.710. Application for permit to carry a concealed handgun.

(a) The application for a permit to carry a concealed handgun must contain the following information:

- (1) the applicant's name, physical residence, mailing address, place and date of birth, physical description, including height, weight, race, hair color, and eye color, Alaska driver's license or identification card number, and the city and state of each place the applicant has resided in the five years immediately preceding the application;
- (2) a statement that the applicant qualifies under AS 18.65.705 ;
- (3) a statement that the applicant has been furnished with a copy of the state laws and regulations relating to concealed handguns, has read those sections, and understands them;
- (4) a statement that the applicant desires a permit to carry a concealed handgun for a lawful purpose, which may include self-defense;
- (5) a statement by the applicant that all statements, answers, and attachments to the application are true and complete;
- (6) a conspicuous warning that an applicant who supplies a false statement, answer, or document in connection with the application that the applicant does not believe to be true may be prosecuted for unsworn falsification and, if found guilty, may be punished for violation of a class A misdemeanor, and that, in such cases, the permit shall be revoked and the applicant may be barred from any further application for a permit; and
- (7) a statement that the applicant understands that a permit eligibility investigation will be conducted as a part of the application process, that this may involve computerized records searches, and that the applicant authorizes the investigation.

(b) An application under (a) of this section may not inquire of an applicant about, or require the submission of, information beyond that described in that subsection. As part of an application under (a) of this section, the department may not inquire of an applicant as to any firearms owned by the applicant.

Sec. 18.65.715. Demonstration of competence with handguns.

ALASKA CONCEALED HANDGUN PERMIT INFORMATION

(a) An applicant for a permit to carry a concealed handgun shall provide a certificate of successful completion of a handgun course that is approved by the department. The handgun course must have been completed within the 12 months immediately preceding the application. The department shall approve a handgun course, including the personal protection course offered by the National Rifle Association, if the course tests the applicant's

- (1) knowledge of Alaska law relating to firearms and the use of deadly force;
- (2) familiarity with the basic concepts of the safe and responsible use of handguns;
- (3) knowledge of self-defense principles; and
- (4) physical competence with a handgun.

(b) *[Repealed, Sec. 20 ch 1 SLA 1998].*

(c) The department may not require a certificate of competence submitted under this section to contain any specifically identifying information, including make, model, or serial number, of a handgun with which an applicant or permittee has demonstrated competence.

(d) The department shall maintain a list of approved courses and shall provide the list to the public upon request.

Sec. 18.65.720. Fees.

The department shall charge a nonrefundable fee for the processing of the application for and initial issuance of a permit, renewal of a permit, or replacement of a permit. The fees shall be set by regulation and must be based on the actual costs incurred by the department. However, the fee for the processing of an application and initial issuance of a permit may not exceed \$99 and the fee for renewal of a permit or replacement of a permit may not exceed \$30.

Sec. 18.65.725. Permit renewal.

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

- (1) any change in the information originally submitted under AS 18.65.710;
- (2) a statement that the person remains qualified to receive and hold a permit to carry a concealed handgun under AS 18.65.705 ;
- (3) one frontal view photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;
- (4) the renewal fee required under AS 18.65.720 ; and
- (5) the warning listed in AS 18.65.710 (a)(6).

(b) *[Repealed, Sec. 15 ch 94 SLA 2000].*

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

(d) A renewal form under (a) of this section may not inquire of a permittee about, or require the submission of, information beyond that described in (a) of this section.

Sec. 18.65.730. Replacement of permit.

The department may replace a permit that the permittee certifies under oath has been lost, stolen, or destroyed, provided the permittee applies in person and

- (1) provides one frontal view photograph of the permittee taken within the preceding 30 days that includes the head and shoulders and is of a size specified by the department;
- (2) pays the replacement fee required under AS 18.65.720 .

Sec. 18.65.735. Suspension of permit.

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(a) The department shall immediately suspend a permit to carry a concealed handgun if a permittee becomes ineligible to hold a permit under AS 18.65.705.

(b) A person whose permit is suspended under this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.

(c) The department shall retain a permit suspended under this section until the permit is revoked or returned to the permittee.

Sec. 18.65.740. Revocation of permit; appeal.

(a) A permit to carry a concealed handgun shall be immediately revoked by the department when the permittee

- (1) becomes disqualified to receive and hold a permit under AS 18.65.705;
- (2) is convicted of two class A misdemeanors of this state or similar laws of another jurisdiction within a six-year period if at least one of the convictions occurs after the application;
- (3) knowingly supplied a false or fraudulent answer, statement, or document, or made a material misstatement or omission, in connection with an application for a permit or renewal or replacement of a permit.

(b) A person whose permit is revoked under (a) of this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.

(c) A person whose permit is revoked under this section may appeal the revocation decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS 44.62.560 - 44.62.570.

(d) A person whose permit is revoked may not apply for a permit until at least five years after the revocation.

Sec. 18.65.745. No liability for issuance of permit or for training.

(a) The state, and its officers and employees, are not liable by virtue of having issued a permit to carry a concealed handgun for damage or harm caused by the permittee.

(b) A person who provides firearm training to a person who receives a permit under AS 18.65.700 - 18.65.790 is not liable for damage or harm caused by the permittee.

Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska permit holders.

A person holding a valid permit to carry a concealed handgun from another state or a political subdivision of another state is a permittee under AS 18.65.700 (b) for purposes of AS 18.65.755 - 18.65.765.

Sec. 18.65.750. Possession and display of permit. [Repealed, Sec. 7 ch 62 SLA 2003].

Repealed or Renumbered

Sec. 18.65.755. Places where permittee may not possess a concealed handgun.

(a) A permittee may not possess a concealed handgun

(1) *[Repealed, Sec. 7 ch 62 SLA 2003].*

(2) anywhere a person is prohibited from possessing a handgun under state or federal law.

(b) *[Repealed, Sec. 20 ch 1 SLA 1998].*

(c) In addition to any other penalty provided by law, a person who violates this section is guilty of a class B misdemeanor.

Sec. 18.65.760. Misuse of a permit.

(a) The holder of a permit issued under AS 18.65.700 - 18.65.790 may not

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- (1) alter the permit;
- (2) allow another person to use the permit;
- (3) possess or display a suspended or revoked permit; or
- (4) display an expired permit, unless the holder has submitted a complete, timely renewal form under AS 18.65.725 and the renewal process has been delayed due to circumstances not under the control of the applicant.

(b) A person who violates (a)(1) - (3) of this section is guilty of a class A misdemeanor.

(c) A person who violates (a)(4) of this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.

Sec. 18.65.765. Responsibilities of the permittee.

(a) The holder of a permit issued under AS 18.65.700 - 18.65.790

- (1) shall notify the department of a change in the permittee's address within 30 days;
- (2) shall immediately report a lost, stolen, or illegible permit to the department;
- (3) shall immediately notify the department if the holder is no longer qualified to hold a permit under AS 18.65.705.
- (4) *[Repealed, Sec. 15 ch 94 SLA 2000].*

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

Sec. 18.65.770. Permits, applications, and other materials not public records.

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. 18.65.775. Regulations; reciprocity agreements.

(a) The department shall adopt regulations to implement AS 18.65.700 - 18.65.790. This section does not delegate to the department the authority to regulate or restrict the issuing of permits beyond those provisions contained in AS 18.65.700 - 18.65.790.

(b) The department shall enter into reciprocity agreements with other states that have the legal authority to enter into such agreements so that permittees may carry concealed handguns in those other states.

Sec. 18.65.778. Municipal preemption.

A municipality may not restrict the carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790.

Sec. 18.65.780. Prohibition of possession of concealed handguns. *[Repealed, Sec. 15 ch 94 SLA 2000].*

Repealed or Renumbered

Sec. 18.65.785. Procedure for local option elections. *[Repealed, Sec. 15 ch 94 SLA 2000].*

Repealed or Renumbered

Sec. 18.65.790. Definitions.

In AS 18.65.700 - 18.65.790,

- (1) "commissioner" means the commissioner of public safety;
- (2) "competence" means the ability to place in a life size silhouette target
 - (A) seven out of 10 shots at seven yards;
 - (B) six out of 10 shots at 15 yards;
- (3) "concealed handgun" means a firearm, that is a pistol or a revolver, and that is covered or enclosed in any manner so that an observer cannot determine that it is a handgun without removing it from that which covers or

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encloses it or without opening, lifting, or removing that which covers or encloses it; however, "concealed handgun" does not include a shotgun, rifle, or a prohibited weapon as defined under AS 11.61.200 ;

(4) "department" means the Department of Public Safety;

(5) "permit" means a permit to carry a concealed handgun issued under AS 18.65.700 - 18.65.790.

RELATED STATUTORY DEFINITIONS

AS 11.81.900(b)(44) "peace officer" means a public servant vested by law with a duty to maintain public order or make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders.

AS 11.56.240(1) "statement" means a representation of fact and includes a representation of opinion, belief, or other state of mind when the representation clearly relates to state of mind apart from or in addition to any facts that are the subject of the representation.

AS 18.65.290. Definitions. In AS 18.65.130 - 18.65.290,

- (1) "chief administrative officer" means a chief of police or other official who is head of a police department in a political subdivision;
- (2) "correctional facility" means a prison or jail owned, leased, or operated by the state that is designated by the commissioner of corrections for the custody, care, security, control, and discipline of prisoners;
- (3) "correctional officer" means a person
 - (A) appointed by the commissioner of corrections whose primary duty under AS 33.30 is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; or
 - (B) employed in a correctional facility in this state whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law;
- (4) "council" means the Alaska Police Standards Council;
- (5) "municipal correctional officer" means a person who is employed full-time in a municipal correctional facility whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law; and the municipality has adopted an ordinance under AS 18.65.285 making AS 18.65.130-18.65.290 applicable.
- (6) "parole officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of supervising the parole of prisoners under AS 33.16;
- (7) "police officer" means
 - (A) a full-time employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;
 - (B) an officer or employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a);
 - (C) a University of Alaska public safety officer with general police powers authorized under AS 14.40.043 ;

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- (8) "probation officer" means a person appointed by the commissioner of corrections to perform the duties of a probation officer under AS 33.05.

**ALASKA ADMINISTRATIVE CODE
TITLE 13. PUBLIC SAFETY
PART 1. DIVISION OF ALASKA STATE TROOPERS
CHAPTER 30. CONCEALED HANDGUN PERMIT**

13 AAC 30.010. Issuance of New Permits; Replacement of a Permit

- (a) Repealed 5/8/2002.
- (b) A permit issued under AS 18.65.700 - 18.65.790 authorizes the permittee to carry a concealed handgun as provided by AS 11 and AS 18.65.700 - 18.65.790.
- (c) The department will replace a permit if the permittee appears in person at an office of the Alaska State Troopers to certify under oath, on a form provided by the department, that the permit has been lost, stolen, or destroyed and to provide the items required by AS 18.65.730 . Replacement of a permit under this subsection does not change the expiration date of that permit.
- (d) The department will issue a permit to carry a concealed handgun to an honorably retired peace officer of this state who complies with the requirements of AS 18.65.700 (e) and
 - (1) repealed 5/8/2002;
 - (2) repealed 5/8/2002;
 - (3) provides the department with proof of
 - (A) handgun training as specified in 13 AAC 30.090(a) ; or
 - (B) handgun qualification as specified in 13 AAC 30.090(d) .

13 AAC 30.020. PERMIT RENEWALS.

Repealed (05/08/2002)

13 AAC 30.040. FEES.

- (a) Before processing an application for a permit, certificate, or other service under this chapter, the department will collect a nonrefundable fee as follows:
 - (1) new permit application fee\$40 plus the fees required for fingerprint processing under 13 AAC 68.900, if applicable;
 - (2) permit renewal.....\$25;
 - (3) permit replacement.....\$25;
 - (2) Repealed 5/8/2002
 - (3) New permit application fee for an honorably retired peace officer \$40

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- (b) The department will conduct a periodic review of the cost of administering the program under this chapter and may adjust the fees set out in (a) of this section after compliance with AS 44.62 (Administrative Procedures Act).

13 AAC 30.050. PROCESSING OF APPLICATIONS; APPEALS.

- (a) Repealed 5/08/2002
- (b) An application for a
- (1) new permit
 - (A) from a person who is not applying as an honorably retired peace officer under AS 18.65.700(e) is complete when the requirements of AS 18.65.700(a) and this chapter have been met.
 - (B) from a person who is applying as an honorably retired peace officer under AS 18.65.700 (e) is complete when the requirements of AS 18.65.700 (e), 13 AAC 30.085, and 13 AAC 30.090 have been met;
 - (2) replacement permit is complete when the requirements of 18.65.730 and 13 AAC 30.032 have been met.
 - (3) permit renewal is complete when the requirements of AS 18.65.725 have been met.
 - (3) Repealed 5/08/2002
 - (5) handgun course certificate of approval is complete when the requirements of 13 AAC 30.070 have been met.
- (c) The office that received the application will promptly send it to the department's permits and licensing unit.
- (d) The department's permits and licensing unit will request permit eligibility information from the Federal Bureau of Investigation, or another agency, that is necessary to make a determination concerning the application.
- (e) Review of an application for a permit, certificate, or other service under this chapter will be discontinued if
- (1) a fee check is returned by a financial institution as being without sufficient funds or is otherwise uncollectible;
 - (2) discrepancies or omissions are present in the application, or in documents submitted with the application, or the application or accompanying documents have not been completed correctly;
 - (3) fingerprints accompanying the application are not sufficiently readable for manual or computer use, or the information required to be submitted on fingerprint forms has not been completed correctly;
 - (4) the department determines that the application or a document submitted in connection with the application contains a false statement that the applicant does not believe to be true; or
 - (5) the department determines that the applicant is not otherwise qualified or entitled to obtain the permit, certificate, or other service requested.
- (f) If review of an application is discontinued under (e) of this section, the department will mail to the applicant the department's written reasons for the discontinuance. The department will resume reviewing the application if, within 90 days after the date of the department's written notice that review has been discontinued, the applicant provides supplementary information to the department that resolves the reason for the discontinuance; and necessary supplementary information is described in 13 AAC 30.130(a) if the discontinuance is related to the criteria under AS 18.65.700 (a)(8). The department will

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reject the application if that information is not provided to the department within 90 days after the date of the department's written notice to the applicant that review has been discontinued.

- (g) If after review of an application, the application is denied, the department will mail to the applicant a notice of denial containing written reasons for the denial. A person whose application has been denied may appeal to the commissioner for reversal of the decision. The appeal must be received in writing within 30 days after the date of the notice of denial, and must set out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 days after receipt of the appeal.
- (h) A person whose application has been rejected or denied under this section
- (1) may not apply again for a period of five years if the rejection or denial was for the reason set out in (e)(4) of this section and the false statement related to a material matter;
 - (2) Repealed 5/08/2002
- (i) 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.

13 AAC 30.060. SUSPENSION AND REVOCATION OF PERMITS; APPEALS.

- (a) If the department suspends a permit under AS 18.65.735, the department immediately will mail or deliver a notice of the suspension to the permittee. The permittee is required by AS 18.65.735 to immediately surrender the permit to the nearest peace officer.
- (b) A suspension of a permit under (a) of this section remains in effect until the permit is revoked or the permittee provides proof satisfactory to the department that the reason for the suspension has been rectified.
- (c) If the department revokes a permit under AS 18.65.740, the department immediately will mail or deliver a notice of the revocation to the permittee. The permittee is required by AS 18.65.740 to surrender the permit to the nearest peace officer.
- (d) For purposes of revocation under AS 18.65.740, the date of conviction is the date sentence was imposed or imposition of sentence was suspended under AS 12.55.085 or a similar procedure in another jurisdiction.
- (e) If a peace officer believes that a permit is subject to suspension or revocation under AS 18.65.735 or 18.65.740, the officer shall immediately notify the department's permits and licensing unit of the identity and location of the permittee and the grounds for suspension or revocation.
- (f) A permittee who becomes subject to suspension or revocation under (a) or (c) of this section shall immediately notify the department and surrender the permit to the nearest peace officer.
- (g) If, under 13 AAC 30.130(b), the department has reason to believe that a permittee suffers from a physical infirmity that may prevent the safe handling of a handgun, the department will mail or deliver to the permittee a notice that the department intends to revoke the permittee's permit because of the physical infirmity. After mailing or delivery of the notice, the following procedures apply:
- (1) the permittee may submit to the department, within 30 days after the date of the notice, a written report by a physician, optometrist, or other competent medical authority, who can lawfully practice in this state, that, as determined from an examination within the six months before the date of the notice, the permittee does not suffer from the physical infirmity;

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- (2) if the permittee demonstrates to the department that circumstances beyond the permittee's control prevent the submission of the report within the 30 days, the department will extend the deadline for 15 days;
 - (3) if the necessary report is not received by the department by the deadline in (1) or (2) of this subsection, whichever is applicable, the permit is automatically revoked and the department will so notify the permittee;
 - (4) if the permittee submits a report by the deadline set in (1) or (2) of this subsection, but the department determines that the report does not substantiate that the permittee does not suffer from the physical infirmity, the department will mail or deliver to the permittee a notice that the permittee, within 30 days after the date of the notice under this paragraph, may submit another report to meet the requirements of (1) of this subsection;
 - (5) if a second report is necessary under (4) of this subsection but is not received by the department by the deadline set by that paragraph, the permit is automatically revoked and the department will so notify the permittee;
 - (6) if a permit is revoked under this subsection, the permittee, upon receipt of the revocation notice under (3) or (5) of this subsection, shall immediately surrender the permit to the nearest peace officer;
 - (7) if the department timely receives a report that meets the requirements of this subsection, the department will notify the permittee that the permit is not revoked;
 - (8) a permittee whose permit is revoked under this subsection may appeal the revocation under the procedures in (j) of this section.
- (h) If, under 13 AAC 30.130(b), the department has reason to believe that a permittee is not able to safely or competently handle a handgun, the department will mail or deliver to the permittee a notice that the department intends to revoke the permittee's permit. After mailing or delivery of the notice, the following procedures apply:
- (1) the permittee may submit to the department, within 30 days after the date of the notice, a certificate of completion from an approved handgun course verifying that the permittee has, no earlier than six months before the date of the notice, taken and successfully completed the part of the handgun course described in 13 AAC 30.070(a)(1)(A)(iv);
 - (2) if the permittee demonstrates to the department that circumstances beyond the permittee's control prevent the submission of the certificate of completion within the 30 days, the department will extend the deadline for 15 days;
 - (3) if the certificate of completion required by (1) of this subsection is not received by the department by the deadline in (1) or (2) of this subsection, whichever is applicable, the permit is automatically revoked and the department will so notify the permittee;
 - (4) if a permit is revoked under this subsection, the permittee, upon receipt of the revocation notice under (3) of this subsection, shall immediately surrender the permit to the nearest peace officer;
 - (5) if the department timely receives the certificate of completion required by (1) of this subsection, the department will notify the permittee that the permit is not revoked;
 - (6) a permittee whose permit is revoked under this subsection may appeal the revocation under the procedures in (j) of this section.
- (i) A peace officer who receives a surrendered permit shall immediately
- (1) notify the department's permits and licensing unit, identifying the permittee who surrendered the permit, and the date, time, and location the permit was surrendered; and
 - (2) send the surrendered permit to the department's permits and licensing unit.

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- (j) A person who has surrendered a permit because it has been revoked under this section may appeal to the commissioner for reversal of the revocation. The appeal must be received in writing within 30 days after the date of the notice of revocation, and must set out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 calendar days after receipt of the appeal.
- (k) A person whose permit is revoked
 - (1) under AS 85.65.740 (a)(1) or (3) may not apply for a new permit under 13 AAC 30.010 sooner than five years following the date of the notice of revocation;
 - (2) under AS 18.65.740 (a)(2) may not apply for a new permit under 13 AAC 30.010 until the person qualifies under AS 18.65.705 (4).
- (l) A permit that is revoked under (g) or (h) of this section may be reinstated if the former permittee provides proof to the department that the reason for revocation has been rectified and complies with the requirements of 13 AAC 30.020 if the person applies for renewal no later than the 31st day after the original permit would have expired had it not been revoked. If the former permittee does not meet the deadline in this subsection for reinstatement of the permit, the former permittee may apply for a new permit under 13 AAC 30.010, and must provide proof to the department that the reason for revocation has been rectified.

13 AAC 30.070. APPROVAL OF HANDGUN COURSES.

- (a) A person who or organization that wishes to provide a handgun course for the purposes of AS 18.65.715 shall apply to the department, on a form provided by the department, for approval of the course. After processing and review under 13 AAC 30.050, the department will approve the course and will issue a certificate of approval if
 - (1) the application contains sufficient curriculum and course information to show that
 - (A) the curriculum includes at least 12 hours of training in the use of handguns that instructs the student in
 - (i) knowledge of Alaska law relating to firearms and the use of deadly force, including instruction in statutes, administrative regulations, and case law,
 - (ii) the basic concepts of the safe and responsible use of handguns;
 - (iii) knowledge of self-defense principles; and
 - (iv) the physical handling, mechanics, carrying, transporting, storage, loading, and unloading of handguns, including a test of competence of a handgun.
 - (B) the instruction in the subjects listed in (A)(ii) - (A)(iv) of this paragraph will be provided by an instructor for whom information has been submitted to the department as provided in (3) of this subsection;
 - (C) the instruction in the subjects listed in (A)(i) of this paragraph will be provided by an attorney licensed to practice law in this state, or by a person with a valid certification as a police officer issued by the Alaska Police Standards Council;
 - (2) the application contains information sufficient to substantiate that the course will ensure that
 - (A) a student who has successfully completed instruction in the subjects listed in (1)(A) of this subsection will be provided with a certificate showing the course title, printed name and signature of the primary training instructor, the student's printed name, the student's Alaska driver's license or identification card number, the name of the organization conducting the instruction, the date of successful completion of the instruction, and a statement that the student has demonstrated physical competence with a handgun as required by AS 18.65.715 ; and

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- (B) upon request, the department will be
 - (i) allowed access to course facilities during times of instruction;
 - (ii) allowed access at reasonable times to all records related to the applicant's handgun course;
 - (iii) provided with documentation to confirm the attendance and completion records of a student who applies for a permit;
 - (iv) provided with other information needed to assess the course's qualification for purposes of AS 18.65.715;
- (3) the application is accompanied by the following for each course instructor described in (1)(B) of this subsection:
 - (A) complete instructor information on a form provided by the department, signed by the instructor and the person signing the application under this section, and containing the information specified in (b) of this section;
 - (B) two sets of fingerprints, obtained as specified in 13 AAC 30.100(b) , and the fee required by 13 AAC 68.900, unless two sets of the instructor's fingerprints have been submitted to the department, for purposes of this chapter, within the 12 months preceding the date of the application; and
 - (C) Repealed 5/08/2002
- (b) A completed instructor information form required by (a)(3) of this section must
 - (1) show that the subject instructor is eligible to possess a firearm under the laws of this state and under federal law;
 - (2) state the subject instructor's Alaska driver's license number or identification card number; and
 - (3) have attached to it a copy of a certificate of training showing that
 - (A) the subject instructor has successfully completed a handgun instructor's training course recognized by the department under (d) of this section as providing adequate handgun instructor training; and
 - (B) the subject instructor's signed statement that the subject instructor remains current with the standards of that handgun instructor's training course.
- (c) The instructor information form provided by the department and referred to in (a) and (b) of this section will contain the statement that a person signing the form
 - (1) understands that an investigation may be conducted regarding the information given on the form, including a search of computer records; and
 - (2) the person authorizes the investigation.
- (d) The department will recognize a handgun instructor's training course as providing adequate handgun instruction training if the course provides students with instruction in
 - (1) how to instruct in the topics set out in (a)(1)(A) of this section;
 - (2) preparing a curriculum and course outline for a handgun training course;
 - (3) organizing and conducting a handgun training course;
 - (4) use of visual aids and techniques in student skill development; and
 - (5) proper testing techniques.

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- (e) An application for a certificate of approval for a handgun course must be signed by a person designated as the chief operating officer of the course. In addition to the penalty provided in AS 18.65.710(a)(6), a false statement made in an application, on a form, or in other information provided to the department under this section for the purposes of this chapter and AS 18.65.700 - 18.65.790 is punishable under AS 11.56.210.
- (f) A person who or organization that has been issued a certificate of approval under this section shall notify the department's permits and licensing unit in writing if the person or organization is no longer providing instruction on an annual basis.
- (g) As used in this section, "instruction" or "instructs" includes testing in the subject matter of the curriculum.

13 AAC 30.080. REVOCATION OF HANDGUN COURSE CERTIFICATE OF APPROVAL.

- (a) Except as provided in (b) of this section, the department will immediately revoke a handgun course certificate of approval issued under 13 AAC 30.070, and will mail to the certificate holder a notice of the revocation, if the
 - (1) department has reason to believe that the handgun course no longer meets the requirements of 13 AAC 30.070(a) for approval of a handgun course; or
 - (2) certificate holder submitted an application under 13 AAC 30.070, or a document in connection with the application, that contained a
 - (A) false statement that the applicant does not believe to be true; or
 - (B) material misstatement or omission.
- (b) If the department obtains information about an instructor of an approved handgun course that would result in denial of the handgun course's application for a certificate of approval if the application was being considered by the department, the department will immediately notify the chief operating officer of the handgun course that, in order to retain the course's certificate of approval, the instructor may not be allowed to continue providing instruction for purposes of AS 18.65.715. The course of instruction being provided by that instructor at the time of notice under this subsection will not satisfy the requirements of AS 18.65.700 - 18.65.790 and 13 AAC 30.010 - 13 AAC 30.900. If the department determines that the instructor is continuing to provide instruction for purposes of AS 18.65.715, the department will immediately revoke the handgun course's certificate of approval and will mail to the certificate holder a notice of revocation.
- (c) The holder of a certificate of approval that is revoked under this section may appeal the revocation to the commissioner. The appeal must be received in writing within 30 days after the date of the notice of revocation, and must set out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 calendar days after receipt of the appeal.
- (d) The holder of a certificate of approval that is revoked under this section shall immediately surrender the certificate by sending it to the department's permits and licensing unit.
- (e) A certificate of approval that is revoked under this section may be reinstated if the person or organization operating the handgun course (1) provides proof to the department that the reason for the revocation has been rectified; and (2) resubmits an application for a certificate of approval that meets the requirements of 13 AAC 30.070. However, a certificate of approval that was revoked for the reason set out in (a)(2) of this section may not be reinstated sooner than one year following the date of the notice of revocation under this section.

13 AAC 30.085. ESTABLISHING ELIGIBILITY AS AN HONORABLY RETIRED PEACE OFFICER. In order to establish eligibility as an "honorably retired peace officer of this state" for the purposes of AS 18.65.700(e), the applicant must provide

- (1) evidence satisfactory to the department to show
 - (A) employment as a peace officer with a law enforcement agency in this state

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- (i) for two or more years before terminating as a peace officer; and
 - (ii) within the one year before application for a permit under this chapter; and
- (B) the person did not terminate employment as a peace officer in lieu of firing, suspension, or other involuntary separation or employee discipline; and
- (2) Repealed 5/08/2002

13 AAC 30.090. PROOF OF HANDGUN TRAINING.

- (a) Proof of handgun training for purposes of obtaining a new permit is established by providing to the department, at the time of the application, a copy of a certificate of successful completion of an approved handgun course; the certificate must contain the information required by 13 AAC 30.070(a)(2)(A) and must show that a course described in 13 AAC 30.070(a) has been completed within the 12 months immediately before submitting the application.
- (b) Repealed 12/9/98.
- (c) Repealed 12/9/98.
- (d) An honorably retired peace officer making application under AS 18.65.700(e) desiring to satisfy the handgun qualification requirements for a permit by demonstrating that the applicant has qualified with a handgun within five years of the peace officer's termination of employment from the law enforcement agency must submit a notarized copy of the applicant's record of the handgun qualification and a copy of the law enforcement agency's handgun qualification policy along with the applicant's completed application. The record of handgun qualification must indicate that the applicant's score met or exceeded the minimum passing standard under the handgun qualification policy. For purposes of this subsection, "handgun qualification policy" means the standards by which a person qualified to carry a handgun as part of the person's official duties as a peace officer for the law enforcement agency.

13 AAC 30.100. PHOTOGRAPHS AND FINGERPRINTS.

- (a) A photograph submitted under AS 18.65.700 - 18.65.790 and this chapter must be one frontal views that include the head and shoulders, must be taken within the 30 days before submission, and must be of a size, color, and condition that will allow the photographs to be processed in the department's identification production equipment. Applications and other forms provided by the department under this chapter will contain detailed specifications for photographs, necessary for processing.
- (b) Fingerprints submitted under AS 18.65.700 - 18.65.790 and this chapter must be taken within the 90 days before submission on forms approved by the Federal Bureau of Investigation and in accordance with instructions on those forms. If the fingerprints submitted by an applicant are not sufficiently readable, the applicant must obtain another set at the applicant's expense. Fingerprints may be taken by (1) a law enforcement agency or state correctional facility; or (2) a person, not affiliated with a law enforcement agency or state correctional facility, who holds a current commission as a notary public in Alaska and who has received the department's written approval to take fingerprints. A list of persons or agencies approved to take fingerprints will be made available to the public.
- (c) Repealed 5/08/2002.

13 AAC 30.110. NOTIFICATION OF PLACES WHERE CONCEALED HANDGUNS MAY NOT BE CARRIED.

- (a) Repealed 5/08/2002
- (b) Nothing in this chapter or AS 18.65.700 - 18.65.790 precludes a person from posting, to the extent allowed by law, a notice regarding the carrying of a concealed handgun.

13 AAC 30.120.FORM OF PERMITS. A permit will

- (1) display a color photograph of the permittee;

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- (2) show the permittee's name, city and state of residence, date of birth, and physical description including height, weight, race, hair color, and eye color;
- (3) show the expiration date of the permit; and
- (4) repealed 5/8/2002.

13 AAC 30.130. QUALIFICATIONS REGARDING SAFE HANDLING OF A HANDGUN.

- (a) The department, under 13 AAC 30.050, 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 that may prevent the safe handling of a handgun. The department will request from the applicant, as supplementary information under 13 AAC 30.050(f), a written report by a physician, optometrist, or other competent medical authority, who can lawfully practice in this state, that, the applicant does not currently suffer from a physical infirmity that prevents the safe handling of a handgun.
- (b) The department will notify a permittee that it intends to revoke a permit under 13 AAC 30.060(g) or (h) if, after investigation of a report from a criminal justice agency, physician or other medical provider, or member of the general public relating to the handling of a handgun by, or the physical condition of, a permittee, the department has reason to believe that a permittee
 - (1) suffers from a physical infirmity that may prevent the safe handling of a handgun, the department will use the procedures set out in 13 AAC 30.060(g) to revoke the permit;
 - (2) is not able to safely or competently handle a handgun, the department will use the procedures set out in 13 AAC 30.060(h) to revoke the permit.
- (c) The department will not investigate a report relating to the handling of a handgun by, or the physical condition of, a permittee unless the report
 - (1) is in writing;
 - (2) is signed; and
 - (3) provides specific information pertaining to the permittee's physical condition, or handling of a handgun.

13 AAC 30.140. APPLICATION FORMS.

- (a) The department will provide application forms for persons to use in applying for a permit, certificate of approval, or other service under this chapter. An application form submitted under this chapter, and any document accompanying an application form, must be completed in ink.
- (b) Along with an application form, the department will provide to an applicant for a permit
 - (1) a copy of the definitions of the following terms, as set out in 13 AAC 30.900:
 - (A) alcohol treatment program;
 - (B) convicted;
 - (C) felony;
 - (D) resident; and
 - (E) substance abuse treatment program.
 - (2) a concise summary of where, when, and by whom a handgun can be carried under state and federal law; and
 - (3) written notice that, for purposes of AS 18.65.705(4) and (5), the date of conviction is the date sentence was imposed or imposition of sentence was suspended under AS 12.55.085 or a similar procedure in another jurisdiction.

13 AAC 30.150. RECIPROCITY.

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The department will post, on its official Internet website, the status of reciprocity with another state or a political subdivision of another state. The department will distribute a list of those jurisdictions with reciprocity to a person who makes a request.

13 AAC 30.800. CONFIDENTIALITY.

Repealed 5/08/2002

13 AAC 30.900. DEFINITIONS.

(a) In this chapter,

(1) repealed 5/8/2002;

(2) repealed 12/9/98;

(3) "approved handgun course" means a handgun course that has a certificate of approval under 13 AAC 30.070;

(4) "competence" has the meaning given in AS 18.65.790;

(5) "commissioner" means the commissioner of the Department of Public Safety;

(6) "convicted" or "conviction" means that a person has entered a plea of guilty or no contest to, or has been found guilty by a court or jury of, a criminal offense, regardless of whether the judgment was after that set aside under AS 12.55.085 or a similar procedure in another jurisdiction, or was the subject of a pardon or other executive clemency, but does not include a judgment that has been reversed or vacated by a court as a result of motion, appellate action, petition for writ of habeas corpus, or application for post-conviction relief under Rule 35.1 of the Alaska Rules of Criminal Procedure or a similar procedure in another jurisdiction;

(7) "department" means the Department of Public Safety;

(8) repealed 12/9/98;

(9) "office of the Alaska State Troopers" means an office of

(A) the Department of Public Safety, division of Alaska state troopers;

(B) the Department of Public Safety, division of fish and wildlife protection; or

(C) a municipal police department that has submitted a written request to the commissioner to accept applications for concealed handgun permits, and has been approved in writing by the commissioner to accept applications;

(10) "permit" means a permit to carry a concealed handgun issued under this chapter;

(11) "permittee" means a person to whom a permit has been issued.

(12) "nics" means National Instant Check System administered by the Federal Bureau of Investigation.

(b) As used in AS 18.65.700 - 18.65.790,

(1) "alcohol treatment program" means counseling about the effects of the consumption of alcohol on human behavior and physiology, whether provided individually or in a group, by a public or private agency, or on an in-patient or out-patient basis;

(2) "approved handgun course" means a course of handgun instruction operated by the holder of a certificate of approval issued under 13 AAC 30.070;

(3) "convicted" has the meaning given in (a) of this section;

(4) repealed 12/9/98;

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- (5) "felony" means an offense punishable by more than a year of incarceration if committed by an adult, under the laws of this state or a similar law of another jurisdiction;
 - (6) repealed 12/9/98;
 - (7) "judge" means a judge, justice, magistrate, or deputy magistrate of this state or the United States, whether sitting in a regular or pro tem capacity, but does not include a special or standing master, or an administrative law judge or hearing officer;
 - (8) repealed 12/9/98;
 - (9) repealed 12/9/98;
 - (10) "resident" has the meaning given in AS 01.10.055;
 - (11) "statement" has the meaning in AS 11.56.240;
 - (12) "substance abuse treatment program" means counseling about the effects on human behavior and physiology, of the consumption of alcohol, illegal drugs, or other controlled substances, excluding tobacco, whether provided individually or in a group, by a public or private agency, or on an in-patient or out-patient basis;
 - (13) repealed 12/9/98;
 - (14) "honorably retired peace officer of this state" means a peace officer who establishes eligibility under 13 AAC 30.085;
 - (15) "peace officer" has the meaning given in AS 11.81.900.
- (c) As used in AS 18.65.700 - 18.65.790 and this chapter, "identification card" means an identification card, issued by the department, that contains a photograph of the person named on the card.

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Selected Alaska Statutes regarding misconduct involving weapons.

Sec. 11.61.190. Misconduct involving weapons in the first degree.

- (a) A person commits the crime of misconduct involving weapons in the first degree if the person
- (1) uses or attempts to use a firearm during the commission of an offense under AS 11.71.010 - 11.71.040; or
 - (2) discharges a firearm from a propelled vehicle while the vehicle is being operated and under circumstances manifesting substantial and unjustifiable risk of physical injury to a person or damage to property.
- (b) Misconduct involving weapons in the first degree is a class A felony.

Sec. 11.61.195. Misconduct involving weapons in the second degree.

- (a) A person commits the crime of misconduct involving weapons in the second degree if the person knowingly
- (1) possesses a firearm during the commission of an offense under AS 11.71.010 - 11.71.040;
 - (2) violates AS 11.61.200 (a)(1) and is within the grounds of or on a parking lot immediately adjacent to
 - (A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or
 - (B) an entity, other than a private residence, licensed as a child care facility under AS 47.32 or recognized by the federal government for the care of children; or
 - (3) discharges a firearm at or in the direction of
 - (A) a building with reckless disregard for a risk of physical injury to a person; or
 - (B) a dwelling.
- (b) Misconduct involving weapons in the second degree is a class B felony.

Sec. 11.61.200. Misconduct involving weapons in the third degree.

- (a) A person commits the crime of misconduct involving weapons in the third degree if the person
- (1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;
 - (2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory;
 - (3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;
 - (4) knowingly sells or transfers a firearm to another whose physical or mental condition is substantially impaired as a result of the introduction of an intoxicating liquor or controlled substance into that other person's body;
 - (5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable;
 - (6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;
 - (7) violates AS 11.46.320 and, during the violation, possesses on the person a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person's body;
 - (8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under AS 18.66.100 - 18.66.180 or issued under former AS 25.35.010 (b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;
 - (9) communicates in person with another in violation of AS 11.56.740 and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;
 - (10) resides in a dwelling knowing that there is a firearm capable of being concealed on one's person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written

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authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located;

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated in circumstances other than described in AS 11.61.190(a)(2); or

(12) knowingly possesses a firearm that is concealed on the person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory.

(b) It is an affirmative defense to a prosecution

(1) under (a)(1) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) under (a)(2) or (10) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(f) For purposes of (a)(12) of this section, a firearm on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a firearm without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it. A firearm on a person is not concealed if it is unloaded and is encased in a closed container designed for transporting firearms.

(g) It is an affirmative defense to a prosecution under (a)(12) of this section that

(1) either

(A) the defendant convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the defendant's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(12) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory; and

(2) at the time of possession, the defendant was

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

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(B) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

(h) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

(i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;

(ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;

(iii) bomb; or

(iv) grenade;

(B) device designed, made, or adapted to muffle the report of a firearm;

(C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(D) rifle with a barrel length of less than 16 inches, shotgun with a barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than 26 inches;

(2) "unconditional discharge" has the meaning ascribed to it in AS 12.55.185.

(i) Misconduct involving weapons in the third degree is a class C felony.

Sec. 11.61.210. Misconduct involving weapons in the fourth degree.

(a) A person commits the crime of misconduct involving weapons in the fourth degree if the person

(1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person's body in circumstances other than described in AS 11.61.200 (a)(7);

(2) discharges a firearm from, on, or across a highway;

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person under circumstances other than those described in AS 11.61.195 (a)(3)(A);

(4) manufactures, possesses, transports, sells, or transfers metal knuckles;

(5) manufactures, sells, or transfers a switchblade or a gravity knife;

(6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

(A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) a defensive weapon;

(C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

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(b) [Repealed, Sec. 4 ch 63 SLA 1990].

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor.

Sec. 11.61.215. Intoxication as applicable to possession of a firearm. [Repealed, Sec. 11 ch 59 SLA 1991].
Repealed or Renumbered

Sec. 11.61.220. Misconduct involving weapons in the fifth degree.

- (a) A person commits the crime of misconduct involving weapons in the fifth degree if the person
- (1) is 21 years of age or older and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon,
 - (A) that is concealed on the person, and, when contacted by a peace officer, the person fails to
 - (i) immediately inform the peace officer of that possession; or
 - (ii) allow the peace officer to secure the deadly weapon, or fails to secure the weapon at the direction of the peace officer, during the duration of the contact;
 - (B) that is concealed on the person within the residence of another person unless the person has first obtained the express permission of an adult residing there to bring a concealed deadly weapon within the residence;
 - (2) knowingly possesses a loaded firearm on the person in any place where intoxicating liquor is sold for consumption on the premises;
 - (3) being an unemancipated minor under 16 years of age, possesses a firearm without the consent of a parent or guardian of the minor;
 - (4) knowingly possesses a firearm
 - (A) within the grounds of or on a parking lot immediately adjacent to an entity, other than a private residence, licensed as a child care facility under AS 47.32 or recognized by the federal government for the care of children, except that a person 21 years of age or older may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed container of a motor vehicle;
 - (B) within a
 - (i) courtroom or office of the Alaska Court System; or
 - (ii) courthouse that is occupied only by the Alaska Court System and other justice-related agencies; or
 - (C) within a domestic violence or sexual assault shelter that receives funding from the state;
 - (5) possesses or transports a switchblade or a gravity knife; or
 - (6) is less than 21 years of age and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person.
- (b) In a prosecution under (a)(6) of this section, it is an affirmative defense that the defendant, at the time of possession, was
- (1) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or
 - (2) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.
- (c) The provisions of (a)(2) and (4) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.
- (d) In a prosecution under (a)(2) of this section, it is
- (1) an affirmative defense that

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(A) *[Repealed, Sec. 7 ch 62 SLA 2003].*

(B) the loaded firearm was a concealed handgun as defined in AS 18.65.790; and

(C) the possession occurred at a place designated as a restaurant for the purposes of AS 04.16.049 and the defendant did not consume intoxicating liquor at the place;

(2) a defense that the defendant, at the time of possession, was on business premises

(A) owned by or leased by the defendant; or

(B) in the course of the defendant's employment for the owner or lessee of those premises.

(e) For purposes of this section, a deadly weapon on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a weapon without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; a deadly weapon on a person is not concealed if it is an unloaded firearm encased in a closed container designed for transporting firearms.

(f) For purposes of (a)(2) and (e) of this section, a firearm is loaded if the

(1) firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge; and

(2) chamber, magazine, clip, or cylinder is installed in or on the firearm.

(g) Misconduct involving weapons in the fifth degree is a class B misdemeanor.

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

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

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

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

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

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

(i) In a prosecution

(1) under (a)(4)(B) of this section, it is a defense that the defendant, at the time of possession, was authorized to possess the firearm under a rule of court;

(2) under (a)(4)(C) of this section, it is a defense that the defendant, at the time of possession, was authorized in writing by the administrator of the shelter to possess the firearm.

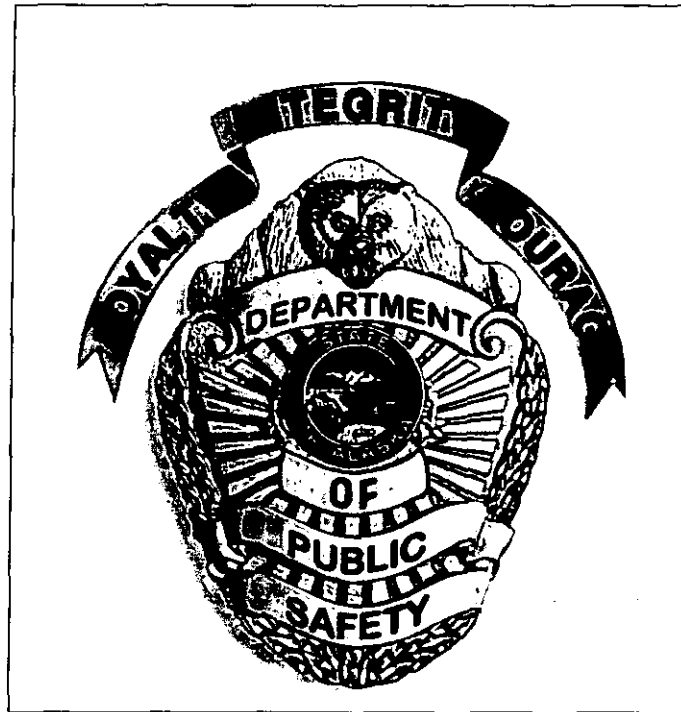
(j) In (a)(1) of this section, "contacted by a peace officer" means stopped, detained, questioned, or addressed in person by the peace officer for an official purpose.

Sec. 11.61.230. *[Renumbered as AS 11.46.315].*

Repealed or Renumbered

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY



APPLICATION

for a

CONCEALED HANDGUN PERMIT

This packet contains:

- General information and instructions
- Application for a **new** concealed handgun permit
- Specifications and instructions for photographs and fingerprints

Direct inquiries to:

Department of Public Safety, Division of Statewide Services
Permits and Licensing Unit
5700 East Tudor Road, Anchorage, Alaska 99507
Telephone (907) 269-0392
<http://www.dps.state.ak.us/PermitsLicensing/achp/>

GENERAL INFORMATION - Retain for your files

1. ALASKA CONCEALED HANDGUN PERMIT

By submitting an application for a concealed handgun permit, you acknowledge you have read and understand the laws and regulations relating to carrying a concealed handgun (Alaska Statutes (AS 18.65.700 – AS 18.65.790) and Administrative Regulations (13 AAC 30.010 – 13 AAC 30.900).

2. ADDRESS, RESIDENCE, AND TELEPHONE INFORMATION

The permit holder must be a resident of Alaska for the 90 days immediately preceding submittal of your application. You are required to list a residence address on the application and fingerprint card and may **not** use a post office box, mail drop, or lot and block number. Your residence address is your street number and name, apartment number, city, and zip code. In outlying areas, provide a brief description of your physical address, e.g., Village Road, fourth house on the left next to boat ramp.

Reminder: AS 18.65.765(a)(1) states the holder of a permit shall notify the department of a change in the permit holder's address within 30 days.

Telephone number - If there is a correctable problem on your application, we can save processing time if you list a daytime telephone number.

3. DEFINITION OF "CONVICTION"

13 AAC 30.900(6) defines "conviction" as it applies to qualifications that must be met for an individual to possess a Concealed Handgun Permit. It states:

"(6)"convicted" or "conviction" means that a person has entered a plea of guilty or no contest to, or has been found guilty by a court or jury of, a criminal offense, **regardless of whether the judgment was after that set aside** under AS 12.55.085 or a similar procedure in another jurisdiction, or was the subject of a pardon or other executive clemency, but does not include a judgment that has been reversed or vacated by a court as a result of motion, appellate action, petition for writ of habeas corpus, or application for post-conviction relief under Rule 35.1 of the Alaska Rules of Criminal Procedure or a similar procedure in another jurisdiction."

4. FEES

Submit the \$94.25 **non-refundable** application fee with your application. You may pay the fee with a personal check, cashier's check, or money order payable to *State of Alaska*.

5. TRAINING DOCUMENTATION

Submit a **copy** of a certificate showing successful completion of a handgun course **approved by the department and completed within the previous 12 months**. The certificate will **not** be returned. A list of approved handgun courses is available from the Permits and Licensing Unit at the address listed on the cover page.

6. FINGERPRINTS

Submit one set of fingerprints of acceptable technical quality. Fingerprints submitted must be rolled by a person or agency approved by the department, or by a law enforcement agency or state correctional facility at the discretion of the agency or facility. A list of fingerprint technicians or agencies approved by the department is available on the ACHP web-site. **See the Concealed Handgun Permit Fingerprint Card Instructions in this packet for specific information.**

7. PHOTOGRAPH

Include **one quality color photograph** taken within the 30 days preceding the date you apply for your permit. **See the Photograph Instructions and Specifications in this packet for size restrictions and specific information.**

8. APPLICATION PROCESS

You must apply in person for a concealed handgun permit (AS 18.65.700(a)(1)). Review your application, fingerprint card, and photograph **before** you submit them. **Failure to submit a properly completed application and attachments will result in a delay in processing your application.** Take your completed application, photograph, fingerprints, copy of training certificate, and the \$94.25 fee to an office of the Alaska State Troopers, Fish and Wildlife Protection, or a municipal police department authorized to accept Alaska Concealed Handgun Permit applications.

If you want the receipt information completed on your copy, make a copy of the application **before** you submit it and take the copy with you when you submit your application.

Your application will be processed when the Permits and Licensing Unit in Anchorage receives your application, the \$94.25 fee, photograph, and all required documents.

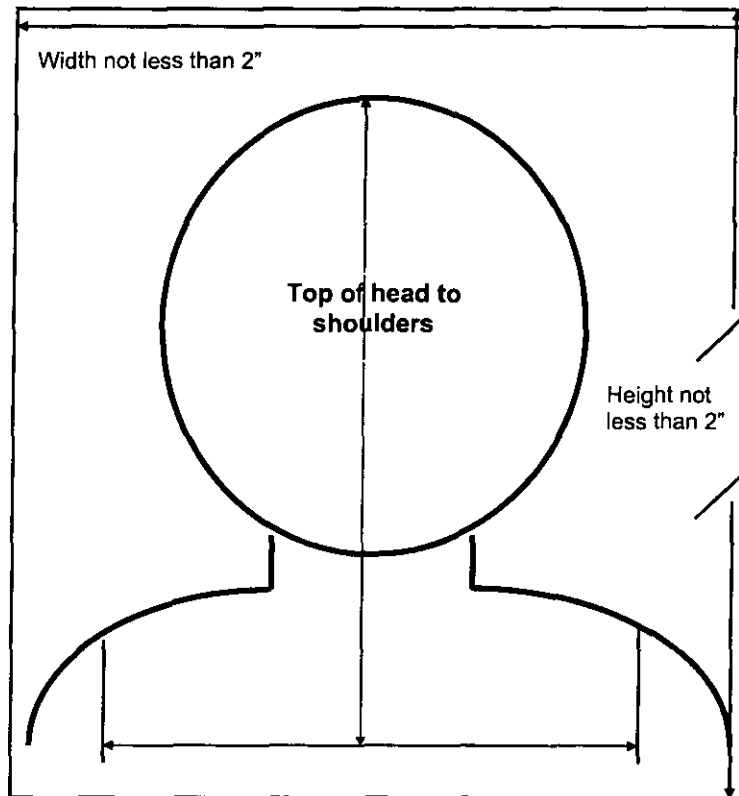
9. TERM OF NEW PERMIT

New permits issued under 13 AAC 30.010 expire five years following issuance of the permit.

PHOTOGRAPH INSTRUCTIONS AND SPECIFICATIONS

INSTRUCTIONS:

1. Take photograph within 30 days of the date of the application.
2. Print applicant's name, date photographs were taken, and Alaska Driver's License or Identification Card number on the **back** of the photograph.



SPECIFICATIONS:

1. Uncut (not trimmed), rectangular, color photograph including the top of the subject's head to the shoulders (computer disc from a digital camera is acceptable – format must be .BMP, .DIB, .TGA, .TIF, .PCX, .GIF, .WPG, .JPG, .CMP, and .PCD).
2. Outer dimension of the photograph is **not less than 2** inches wide by 2 inches high (passport photographs are acceptable).
3. Photograph of applicant is full frontal view **including head and shoulders only**.
4. Background is very light or white with no fancy backdrop or lettering behind subject.
5. Image is **sharp** and **correctly exposed**, not retouched.
6. Photograph lies flat, is not stained, cracked, or mutilated; is not pasted on a card or mounted in any way.
7. Group pictures and full-length portraits are **not** acceptable.
8. Photograph of applicant in a hat or sunglasses is **not** acceptable.

IMPORTANT NOTE: Failure to submit photograph as specified will delay processing

CONCEALED HANDGUN PERMIT FINGERPRINT CARD INSTRUCTIONS

Submit one standard 8"x 8" **FBI APPLICANT FINGERPRINT CARD** with your application. Fingerprints submitted must be taken by a person or agency approved by the department, or by a law enforcement agency or state correctional facility (at the discretion of the agency or facility). Fingerprint cards are available from department approved fingerprint technicians or agencies. A list of approved fingerprint technicians or agencies may be obtained from any office of the Alaska State Troopers. There may be a charge by fingerprint agencies or technicians for fingerprinting services.

- Complete the top of the fingerprint card **before** submitting the application.
 - **Do not sign the fingerprint card before your fingerprints are taken.**
 - Type or clearly print all required information on the fingerprint cards using **BLACK INK (cards submitted using any other color of ink will be rejected).**
 - Wash and thoroughly dry your fingers before fingerprinting.
 - **Do not fill out the blocks titled:**
 YOUR NO. OCA
 ARMED FORCES NO. MNU
 FBI NO. FBI
 REASON FINGERPRINTED (Completed by Permits and Licensing Unit personnel)
 MISCELLANEOUS NO. MNU (Completed by Permits and Licensing Unit personnel)
 - **Name block.** The format is **last** name followed by a comma (,) **first** and **middle** name. Suffix denoting seniority, i.e., Jr., Sr., III, etc., **follows** the middle or first name.
 - **Employer and address block.** Write the name and address of the **fingerprint technician or agency taking the fingerprints.**
 - **Aliases (AKA) block.** List other names used that are different than the name entered in the NAME block, including maiden and previous married names of females.
 - **Citizenship block.** Enter "US" if a citizen of the United States; otherwise, enter correct country or country abbreviation.
 - **DATE OF BIRTH DOB, PLACE OF BIRTH POB, SEX, RACE, HGT (height), WGT (weight), EYES, and HAIR blocks must be completed.**
 - **Place of birth block.** List the **city and state, territorial possession, province (Canadian), or country of birth.** Use the correct abbreviation for foreign countries or correctly spell the country name. Do **not** list a **county** as a place of birth.
 - **Race block. Use the following codes:**
A (Asian, Pacific Islander, Chinese, Japanese, Polynesian, Korean, Vietnamese, Philippino, Samoan)
B (Black)
I (American Indian, Alaska Native, Eskimo)
W **Do not use the letter "C"** (White, Mexican, Latin, Puerto Rican, Cuban, Central/South American, other Spanish cultures)
 - **Height block.** Use feet and inches, not total inches. **Example: 5'7" is entered 507. Do not use fractions of an inch.**
 - **Eyes/Hair blocks – Choose only one color to describe color of eyes and hair using the appropriate three letter code from the following list:**

<u>EYE COLOR</u>	<u>CODE</u>	<u>HAIR COLOR</u>	<u>CODE</u>
Black	BLK	Bald	BAL
Blue	BLU	Black	BLK
Brown	BRO	Blonde	BLN
Gray	GRY	Brown	BRO
Green	GRN	Gray	GRY
Hazel	HAZ	Red or Auburn	RED
Maroon	MAR	Sandy	SDY
Pink	PNK	White	WHI

Use **Bald (BAL)** when a person has lost **most** of the hair on top of the person's head.
 Use **Gray (GRY)** when **most** of the person's hair is gray.
 - **Social Security No. block** is for your social security number. You do not have to provide your social security number.
- Do not fold or damage the fingerprint card.** Fingerprint cards cannot be processed if they are folded, creased, or damaged. **Fingerprint cards that are rejected may require resubmission, and may require a reexamination fee.**

IMPORTANT NOTE: Failure to submit a fingerprint card as specified will delay processing

ALASKA DEPARTMENT OF PUBLIC SAFETY Division of Statewide Services	APPLICATION FOR A NEW CONCEALED HANDGUN PERMIT Please type or print using <i>black</i> ink	Do not write in this space
This application will <u>not</u> be processed unless all applicable questions are answered and the required training certificate, photograph, fingerprint card, and application fee accompany the application. THE APPLICATION FEE IS NON-REFUNDABLE.		

Section I.

ALASKA DRIVERS LICENSE OR IDENTIFICATION NUMBER		Department use only APSIN NUMBER		DATE OF BIRTH		PLACE OF BIRTH (CITY/STATE or CITY/COUNTRY)	
FIRST NAME			MIDDLE NAME <small>(NMN if no middle name or MIO if initial only)</small>		LAST NAME		SUFFIX <small>(Jr, Sr, II, III)</small>
HEIGHT FT.	HEIGHT IN.	WEIGHT	HAIR COLOR	EYE COLOR	RACE	GENDER	DAYTIME TELEPHONE NUMBER <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell
MAILING ADDRESS				CITY		STATE	ZIP CODE
RESIDENCE ADDRESS (IF DIFFERENT THAN ABOVE)				CITY		STATE	ZIP CODE
How long have you lived at your current address? From _____ to present. <small>(Date)</small>							
Previous residences – Complete this section if you have <i>not</i> lived at your current address during the five years preceding the date of this application. Attach a separate page if necessary.							
CITY			STATE			DATE(S)	
CITIZENSHIP (INDICATE COUNTRY) <small>Note: If you are not a U.S. Citizen, you must complete Section IV of this application.</small>							

Have you ever applied for or been issued an Alaska Concealed Handgun permit? If yes, provide information and if necessary, attach a signed statement with an explanation. Yes No

Section II. Read each question carefully. If you make an error, cross out the incorrect choice and initial the change. If you answer "no" to questions 1-4, or "yes" to questions 5-14, attach court documents or a signed statement explaining your answers.

1. Are you 21 years of age or older?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Are you eligible to own or possess a firearm under the laws of this state and federal law?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Are you a resident of Alaska and have you been a resident of the state for the 90 days immediately preceding this application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Have you demonstrated competence with handguns as provided in AS 18.65.715?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Have you been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the six years immediately preceding this application? See General Information and Instructions for definition of "conviction."	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Are you now in, or have you been ordered by a court within the last three years to complete an alcohol or substance abuse treatment program?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Are you under indictment or information for, or have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Are you the subject of a domestic violence injunction under AS 18.66.100 that was issued after a hearing for which you received notice and had an opportunity to participate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Have you ever been convicted in any court of a misdemeanor crime of domestic violence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Are you a fugitive from justice?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. Are you an unlawful user of, or addicted to any controlled substances?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12. Have you been adjudicated a mental defective or been committed to a mental institution?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13. Are you an alien who is residing in the United States illegally or a former citizen of the United States who has renounced your citizenship?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14. Have you been discharged from the armed forces under dishonorable conditions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Section III.

WARNING: SUPPLYING A FALSE STATEMENT, ANSWER, OR DOCUMENT THE APPLICANT DOES NOT BELIEVE TO BE TRUE MAY SUBJECT THE APPLICANT TO CRIMINAL PROSECUTION FOR UNSWORN FALSIFICATION UNDER ALASKA STATUTE 11.56.210. IF FOUND GUILTY, THE APPLICANT MAY BE PUNISHED FOR VIOLATION OF A CLASS A MISDEMEANOR, AND IN SUCH CASES THE PERMIT WILL BE REVOKED AND THE APPLICANT MAY BE BARRED FROM ANY FURTHER APPLICATION FOR A PERMIT.

I HEREBY STATE UNDER PENALTY OF LAW THAT:

1. I have read AS 18.65.705 and qualify to apply for a concealed handgun permit;
2. I have been furnished with a copy of the state laws and regulations relating to concealed handguns and have read and understand them;
3. I want a permit to carry a concealed handgun for lawful purposes, which may include self-defense;
4. The information in this application and any documents submitted with this application is true, correct, and complete to the best of my knowledge and belief; and
5. I understand a permit eligibility investigation will be conducted as part of the application process; this may involve computerized records searches and I authorize the investigation.

Date _____

Signature of applicant _____

Full name (clearly printed or typed) _____

Section IV. Must be completed by all non-U.S. Citizens

FIRST NAME		MIDDLE NAME <small>(NMN if no middle name or MIO if initial only)</small>			LAST NAME		SUFFIX <small>(JR, SR, II, III)</small>
HEIGHT <small>FT. IN.</small>	WEIGHT	HAIR COLOR	EYE COLOR	RACE	GENDER	STATE OF RESIDENCE	
COUNTRY OF CITIZENSHIP	ALIEN OR I-94 REGISTRATION NUMBER		ARE YOU A NON-IMMIGRANT?)		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Have you been a resident for at least 90 days? <input type="checkbox"/> Yes <input type="checkbox"/> No (You MUST provide a copy of supporting documentation)							
NON-IMMIGRANT/ALIEN EXCEPTION: <input type="checkbox"/> Yes <input type="checkbox"/> No Check the appropriate exception if you choose 'YES'. You MUST provide a copy of supporting documentation:							
<input type="checkbox"/> Valid Hunting License/Permit		<input type="checkbox"/> Official Representative of Foreign Government		<input type="checkbox"/> Foreign Gov't Official/Distinguished Visitor			
<input type="checkbox"/> Foreign Law Enforcement Officer		<input type="checkbox"/> Waiver from Prohibition		<input type="checkbox"/> Other (describe)			

Instructions to applicant: Review the application, fingerprint card, photograph, and attachments carefully. Failure to submit a properly completed application will result in a delay in processing your application. Use the checklist below as a reminder that you have included all the necessary forms and documents. Mark the box to the left of an item as you place it in the envelope to take to the Alaska State Trooper office or the office of an approved police department.

Applicant Checklist		
<input type="checkbox"/> Application (page 1)	<input type="checkbox"/> Application (page 2)	<input type="checkbox"/> Photograph
<input type="checkbox"/> Fingerprint card	<input type="checkbox"/> Training certificate	<input type="checkbox"/> Attachments
<input type="checkbox"/> \$94.25 fee	<input type="checkbox"/>	<input type="checkbox"/>

FOR DEPARTMENT USE ONLY

RECEIPT FOR FEES PAID	
The Department of Public Safety acknowledges that _____, the sum of \$ _____ was received by:	
<input type="checkbox"/> CASH	<input type="checkbox"/> CHECK No. _____ (Date) <input type="checkbox"/> MONEY ORDER No. _____
_____ Signature of employee accepting application	_____ Printed or typed name of employee accepting application

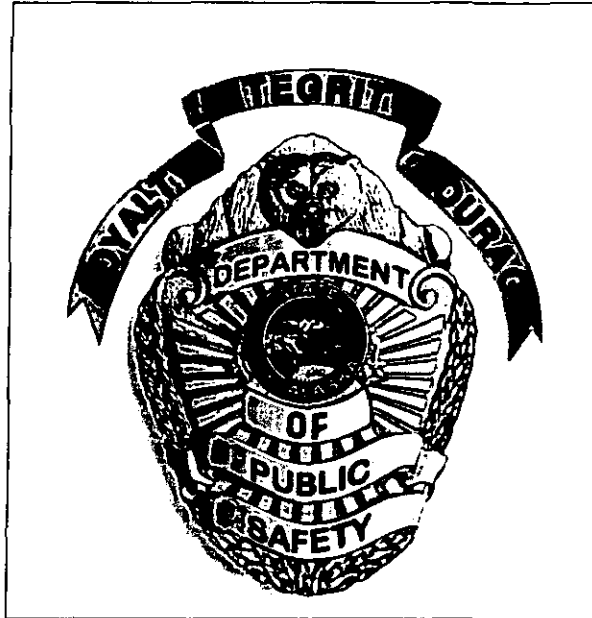
Instructions to department employee or employee of an approved police department receiving the application. Use the checklist below to mark items in the packet before forwarding the application packet to the Permits and License Unit. The applicant turning in this document must show to you a valid Alaska Driver's License or Alaska Identification Card. **When the fee is paid, complete the *Receipt For Fees Paid*. If the applicant provides you with a copy of this page, complete the receipt information and give the copy to the applicant.**

Receiving Office

<input type="checkbox"/> Alaska OL or ID verified	<input type="checkbox"/> Training certificate	<input type="checkbox"/> Photograph
<input type="checkbox"/> Application (page 1)	<input type="checkbox"/> Application (page 2) signed and dated	<input type="checkbox"/> Fingerprint card completed correctly and signed
<input type="checkbox"/> \$94.25 fee	<input type="checkbox"/> Attachments	<input type="checkbox"/> Receipt

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY



RENEWAL

of a

CONCEALED HANDGUN PERMIT

This packet contains:

- General information and instructions
- Application for *renewal* of a concealed handgun permit
- Photograph specifications and instructions

Direct inquiries to:

Department of Public Safety, Division of Statewide Services

Permits and Licensing Unit

5700 East Tudor Road, Anchorage, Alaska 99507

Telephone (907) 269-0392

<http://www.dps.state.ak.us/PermitsLicensing/achp/>

Special Notice:

The Federal Bureau of Investigation (FBI) has informed the Department of Public Safety that effective June 1, 2006, they will no longer complete National Instant Check System (NICS) checks subsequent to the processing of fingerprint cards for the purposes of obtaining an Alaska Concealed Handgun Permit (ACHP).

This means that Concealed Handgun Permits issued after June 1, 2006 will contain the notation "NOT NICS EXEMPT", and a permit holder will be required to undergo a NICS background check at the time of any firearm purchase.

Permits issued prior to June 1, 2006 and indicating "NICS EXEMPT" may still be used in lieu of the permit holder undergoing a NICS check at the time of a firearm purchase, for the life of the permit.

We have requested that the FBI reconsider this decision; should they do so, we will once again be able to issue "NICS EXEMPT" Alaska Concealed Handgun Permits.

The Department of Public Safety will not accept the submission of fingerprints for ACHP renewals after June 1, 2006. However, state law still requires a fingerprint based background check prior to the issuance of a new concealed handgun permit.

GENERAL INFORMATION - Retain for your files

1. ALASKA CONCEALED HANDGUN PERMIT RENEWAL

You may not apply to renew your concealed handgun permit sooner than 90 days before the expiration of your permit. By submitting a *renewal* application for your concealed handgun permit, you acknowledge you have read and understand the laws and regulations relating to carrying a concealed handgun (Alaska Statutes (AS 18.65.700 -- AS 18.65.790) and Alaska Administrative Regulations (13 AAC 30.010 -- 13 AAC 30.900)).

2. ADDRESS, RESIDENCE, AND TELEPHONE INFORMATION

The permit holder must be a resident of Alaska. You are required to list a residence address on the application and may not use a post office box, mail drop, or lot and block number. Your residence address is your street number and name, apartment number, city, and zip code. In outlying areas, provide a brief description of your physical address, e.g., Village Road, fourth house on the left next to boat ramp. *Reminder: AS 18.65.765(a)(1) states the holder of a permit shall notify the department of a change in the permit holder's address within 30 days.*

Telephone number - If there is a correctable problem on your application, we can save processing time if you list a daytime telephone number.

3. DEFINITION OF "CONVICTION"

13 AAC 30.900(6) defines "conviction" as it applies to qualifications that must be met for an individual to possess a Concealed Handgun Permit. It states: "(6) "convicted" or "conviction" means that a person has entered a plea of guilty or no contest to, or has been found guilty by a court or jury of, a criminal offense, regardless of whether the judgment was after that set aside under AS 12.55.085 or a similar procedure in another jurisdiction, or was the subject of a pardon or other executive clemency, but does not include a judgment that has been reversed or vacated by a court as a result of motion, appellate action, petition for writ of habeas corpus, or application for post-conviction relief under Rule 35.1 of the Alaska Rules of Criminal Procedure or a similar procedure in another jurisdiction."

4. FEES

Submit the \$25 *non-refundable* renewal fee with your application. A permit submitted on or after the expiration date will be assessed a \$25 late fee. You may pay the fee with a personal check, cashier's check, or money order payable to *State of Alaska*. **DO NOT SEND CASH THROUGH THE MAIL.**

5. PERMITS EXPIRED MORE THAN 60 DAYS

The department will **not** accept a renewal for a permit submitted more than 60 days after the expiration date of the permit. Nothing prohibits the holder of an expired permit from applying for a new permit.

6. RE-CERTIFICATION TRAINING is not required to renew your concealed handgun permit.

7. FINGERPRINTS are not required to renew your concealed handgun permit.

8. PHOTOGRAPH

Include *one quality color photograph* taken within the 30 days preceding the date you apply for renewal. See the *Photograph Instructions and Specifications* in this packet for specific information.

9. RENEWAL PROCESS - Review your application and photograph **before** you submit them. *Failure to submit a properly completed application and attachments will result in a delay in processing your renewal.*

Apply to renew your concealed handgun permit by mail. You are not required to apply in person.

- (a) Mail application to the Permits and Licensing Unit, 5700 East Tudor Road, Anchorage, Alaska 99507, **postmarked** not more than **90 days before** or **60 days after** your concealed handgun permit expires (renewal applications postmarked on or after the permit expiration date are subject to a \$25 late fee);
- (b) If you want to receive a copy of the receipt information, make a copy of the application and include it **and** a self addressed stamped envelope; and
- (c) Include your completed renewal application, photograph, \$25 renewal fee, and \$25 late fee (if applicable).

You may apply in person only if you cannot mail your renewal application to the Permits and Licensing Unit.

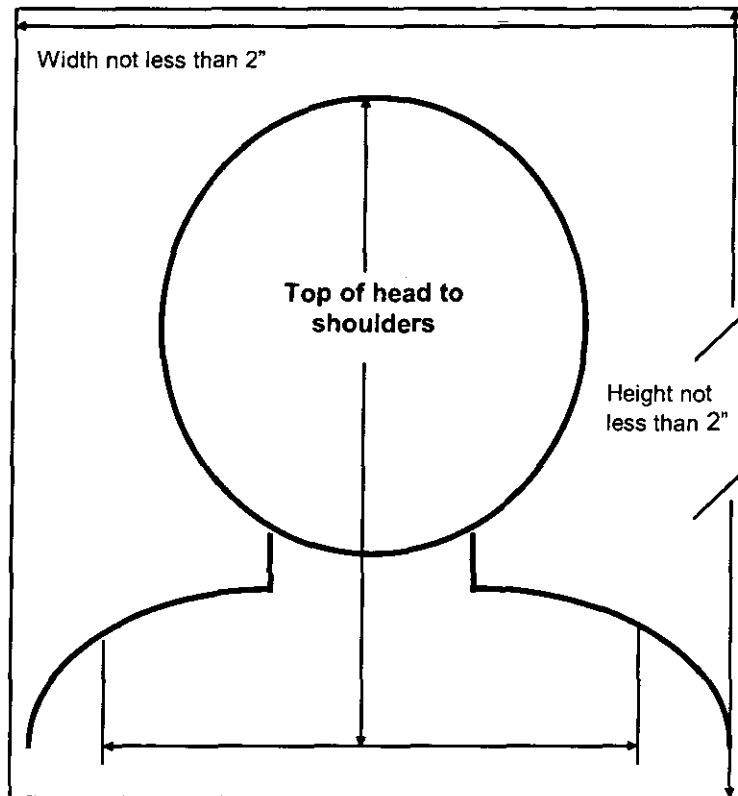
- (a) If you want the receipt information completed on your copy, make a copy of the application **before** you submit it and take the copy with you; and
- (b) Take your completed renewal application, photograph, and fee(s) to an office of the Alaska State Troopers.

10. TERM OF RENEWAL PERMIT - Permits renewed under AS 18.65.725 are valid for five years.

PHOTOGRAPH INSTRUCTIONS AND SPECIFICATIONS

INSTRUCTIONS:

1. Take photograph within 30 days of the date of the application.
2. Print applicant's name, date photograph was taken, and Alaska Driver's License or Identification Card number on the **back** of the photograph.



SPECIFICATIONS:

1. Uncut (not trimmed), rectangular, color photograph including the top of the subject's head to the shoulders (computer disc from a digital camera is acceptable – format must be .BMP, .DIB, .TGA, .TIF, .PCX, .GIF, .WPG, .JPG, .CMP, and .PCD).
2. Outer dimension of the photograph is **not less than 2** inches wide by 2 inches high (passport photographs are acceptable).
3. Photograph of applicant is full frontal view **including head and shoulders only**.
4. Background is very light or white with no fancy backdrop or lettering behind subject.
5. Image is **sharp** and **correctly exposed**, not retouched.
6. Photograph lies flat, is not stained, cracked, or mutilated; is not pasted on a card or mounted in any way.
7. Group pictures and full-length portraits are **not** acceptable.
8. Photograph of applicant in a hat or sunglasses is **not** acceptable.

IMPORTANT NOTE: Failure to submit photograph as specified will delay processing

ALASKA DEPARTMENT OF PUBLIC SAFETY Division of Statewide Services	RENEWAL OF A CONCEALED HANDGUN PERMIT Please type or print using <i>black ink</i>	Do not write in this space
This renewal application will <u>not</u> be processed unless all applicable questions are answered and the required fee(s) and photograph accompany the application. THE RENEWAL FEE IS NON-REFUNDABLE.		

Section I.

ALASKA DRIVERS LICENSE OR IDENTIFICATION NUMBER		Department use only APSIN NUMBER		DATE OF BIRTH		PERMIT EXPIRATION DATE	
FIRST NAME			MIDDLE NAME <small>(NMN if no middle name or MIO if initial only)</small>		LAST NAME		SUFFIX <small>(JR, SR, II, III)</small>
HEIGHT <small>FT. IN.</small>	WEIGHT	HAIR COLOR	EYE COLOR	RACE	GENDER	DAYTIME TELEPHONE NUMBER <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell	
MAILING ADDRESS				CITY		STATE	ZIP CODE
RESIDENCE ADDRESS (IF DIFFERENT THAN ABOVE)				CITY		STATE	ZIP CODE
CITIZENSHIP (INDICATE COUNTRY) Note: If you are not an U.S. Citizen and you request a NICS check, you must complete Section V of this application.							

Section II. Has there been any change in the information submitted on your original application? Yes No
 If you answered "Yes" explain below and if necessary, attach a signed statement with an explanation. Include copies of judgments, charging documents, military discharge documents, or any paperwork that will allow the department to determine whether you meet the requirements of AS 18.65.705.

Section III.

WARNING: SUPPLYING A FALSE STATEMENT, ANSWER, OR DOCUMENT THE APPLICANT DOES NOT BELIEVE TO BE TRUE MAY SUBJECT THE APPLICANT TO CRIMINAL PROSECUTION FOR UNSWORN FALSIFICATION UNDER ALASKA STATUTE 11.56.210. IF FOUND GUILTY, THE APPLICANT MAY BE PUNISHED FOR VIOLATION OF A CLASS A MISDEMEANOR, AND IN SUCH CASES THE PERMIT WILL BE REVOKED AND THE APPLICANT MAY BE BARRED FROM ANY FURTHER APPLICATION FOR A PERMIT.

I HEREBY STATE UNDER PENALTY OF LAW THAT:

1. I have read AS 18.65.705 and still qualify for a concealed handgun permit;
2. I want to renew my permit to carry a concealed handgun for lawful purposes, which may include self-defense;
3. The information in this application and any documents submitted with this application is true, correct, and complete to the best of my knowledge and belief; and
4. I understand a permit eligibility investigation will be conducted as part of the application process; this may involve computerized records searches and I authorize the investigation.

Date	Signature of applicant
	Full name (clearly printed or typed)

FOR DEPARTMENT USE ONLY

RECEIPT FOR FEES PAID

The applicant whose name appears above paid the sum of \$ _____ by:

CASH CHECK No. _____ MONEY ORDER No. _____

Signature of employee accepting application _____

Printed or typed name of employee accepting application _____

Date _____

AST office _____

Must be completed by all non-U.S. Citizens

FIRST NAME		MIDDLE NAME <small>(NMN if no middle name or MIO if initial only)</small>			LAST NAME		SUFFIX <small>(JR, SR, II, III)</small>
HEIGHT FT. IN.	WEIGHT	HAIR COLOR	EYE COLOR	RACE	GENDER	STATE OF RESIDENCE	
COUNTRY OF CITIZENSHIP	ALIEN OR I-94 REGISTRATION NUMBER		ARE YOU A NON-IMMIGRANT?)		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Have you been a resident for at least 90 days?		<input type="checkbox"/> Yes <input type="checkbox"/> No (You MUST provide a copy of supporting documentation)					
NON-IMMIGRANT/ALIEN EXCEPTION: <input type="checkbox"/> Yes <input type="checkbox"/> No Check the exception if you choose 'YES'. You MUST provide a copy of supporting documentation:							
<input type="checkbox"/> Valid Hunting License/Permit		<input type="checkbox"/> Official Representative of Foreign Government		<input type="checkbox"/> Foreign Gov't Official/Distinguished Visitor			
<input type="checkbox"/> Foreign Law Enforcement Officer		<input type="checkbox"/> Waiver from Prohibition		<input type="checkbox"/> Other (describe)			

CONCEALED CARRY PERMIT CLASSES IN ALASKA**Anchorage**

Company Name	Contact	Cost	Services	Gun Provided?
Alaska Tactical and Security Inc	Steven McDaniel	\$205	Photo, fingerprints	Y
Fabubba, Inc.	Alver Cohen	\$150	Add \$35 for photo, fingerprints	N
Gary's Bullets and Handgun Training	Gary Gibson	FREE		N
Knox Guns	Bud Knox	\$65	Add \$25 for Fingerprints	N

Fairbanks

Company Name	Contact	Cost	Services	Gun Provided?
Firearms Instrucion Services	Joe Nava	\$100.00	Photo, fingerprints	Y
Icy Swam Instructional Services	Michael McConahy	\$100	Photo, fingerprints	Y
Tanana Valley Rifle and Pistol Club	Grant Lewis	\$100		Y

Homer

Company Name	Contact	Cost	Services	Gun Provided?
Paviks	Patrick Johnson	\$90	Add \$5-50 for photo and fingerprints	Y (Rent for \$5)

Kodiak

Company Name	Contact	Cost	Services	Gun Provided?
Kodiak Island Sportsmans Association	Gary Byers	\$229.25	Photo, fingerprint	Y

Petersberg

Company Name	Contact	Cost	Services	Gun Provided?
Greywolf Enterprises	James Agner	\$50 ^A		Y

^A (\$25 if member of Petersberg Rod and Gun Club)

Jeanne Ostnes

From: Joe Nava [ffjn@ak.net]
Sent: Tuesday, March 31, 2009 3:38 PM
To: Rep. Craig Johnson
Subject: ACHP CHange

Rep. Johnson:

My name is Joe Nava. I have taught thousands of people the AK State Concealed Carry Course. I believe the change to an expiration date that coincides with a birthday is a step in the right direction. The bill has my support. I cannot get to the public hearing.
469 NRA Lane, Fairbanks, AK 99709

From: Randy Pitney [mailto:fnrwp@uaf.edu]
Sent: Tuesday, March 31, 2009 12:37 PM
To: Jeanne_ostnes@legis.state.ak.us
Cc: Subject: conceal carry bill

Jeanne,

I support the bill changing the expiration date on the conceal carry to a person's birth date, like with our driver's licenses. Unfortunately, I am not available for the call in.
Randy Pitney

MICK MANNS
BETTIE'S. AK 99726

AS A FORMER DEPUTY SHERIFF

FORMER POLICE OFFICER & HAWAII

HAD A CONCEALED CARRY PERMIT

1 MY COMMENTS ARE THESE-

1- FINGER PRINTS NEVER CHANGE

TO DO THIS OVER MAKES NO SENSE

2 2. TO SET THROUGH A CLASS ALL

OVER FOR SOMETHING WEVE ALREADY

PASSED DOESNT SEEM REASONABLE

3 WE HAVE NO OBJECTION TO

A LATE FEE OF REASONABLE

479-5704

HONORABLE MEMBERS

MY NAME IS JACK McMANUS A RETIRED
LAWYER WHO MOVED TO AK 20 YRS AGO. I LIVE IN
FAIRBANKS AND SUBSTANTIAL DOEDED LAND AT CHANDLER
LAKE

I ALSO WRITE EXTENSIVELY ON THE CONSTITUTION OF
THE U.S PARTICULARLY THE 2ND AMENDMENT.

IN REGARDS TO THE CONCEALED WEAPON REGULATIONS
MAY I POINT OUT IN AK YOU DO NOT NEED A PERMIT

HOWEVER A CONCEALED CARRY PERMIT. REQUIRES
ONE TO TAKE AN INSTRUCTIONAL COURSE WITH DIPLOMA
AND SHOOT FOR RECORD

WE^{RE} YOUR SUPPLICANTS HAVE DONE THIS BUT
BECAUSE OF EXCUSABLE NEGLECT, INADVERTANCY, AND
NOT KNOWING OF THE TIME LIMIT ON THE PERMIT, —
WE LOST OUR PERMITS

WE ASK YOU^{TO} ALLOW FORMER PERMIT HOLDERS
TO RE-ESTABLISH OUR PERMIT BY APPLICATION
AND PERHAPS A REASONABLE RENEVAL FEE — HOWEVER
WE HAVE ALREADY PASSED THE EDUCATIONAL REQUIREMENTS
AND HAVE SHOT FOR RECORD. THANK YOU.

Senpax Fidelis

Jack McManus

907-479-5001

