

SJR

10

ALASKA STATE LEGISLATURE



SENATOR JOE THOMAS

SJR 10 - Urging the United States Congress to adopt S. 371, the Respecting States Rights and Concealed Carry Reciprocity Act of 2009

Sponsor Statement

The right to keep and bear arms is one of the rights most cherished by Alaskans. Our history and culture is tightly bound to our outdoor and sporting heritage. Residents of Alaska and Vermont enjoy some of the greatest freedoms in the country with regards to concealed carry. Senate Joint Resolution 10 supports federal legislation that recognizes and protects our unique situation.

The Respecting States Rights and Concealed Carry Reciprocity Act was introduced by U.S. Senators David Vitter (LA) and John Thune (SD). A House companion bill, H.R. 197, has been introduced by Representatives Cliff Stearns' (R-Fla.) and Rick Boucher (D-Va.) The bill would allow those American citizens who are licensed or otherwise authorized by their state government to carry a concealed weapon to lawfully carry concealed weapons in other states, in accordance with local laws. Provisions in the law ensure that residents of states like Alaska and Vermont, which have unique concealed carry laws, are not prohibited from enjoying the same rights as those residents from states with more common "conceal and carry" laws.

This piece of federal legislation respects state laws by requiring carriers of concealed firearms to follow all applicable state statutes governing concealed weapons. Currently, many states offer reciprocity agreements to other states with similar concealed carry laws. However, these agreements can change or lapse. For instance, North Dakota recently phased out the training requirement from the concealed carry-licensing process. This resulted in the lapsing of several reciprocity agreements between North Dakota and other states. Such shifting agreements can make it difficult for a bearer of a concealed weapon to keep track of which states offer reciprocity.

Federal passage of the Respecting States Rights and Concealed Carry Reciprocity Act would establish a nationwide reciprocity agreement, and place the duty to comply with local and state concealed carry laws squarely on the shoulders of the citizen. Individuals must follow the laws of the host state, including laws concerning specific locations where firearms may not be carried. Additionally, any individual prohibited by federal law from carrying a firearm will continue to be prohibited under the bill.

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Bill Overview

The bill would not create a federal licensing system; it would require the states to recognize each others' carry permits, just as they recognize drivers' licenses and carry permits held by armored car guards.

- **Today, 48 states have laws permitting concealed carry, in some circumstances.** Forty states, accounting for two-thirds of the U.S. population, have RTC laws. Thirty-six have "shall issue" permit laws (including Alaska, which also allows carrying without a permit), three have fairly administered "discretionary issue" permit laws, and Vermont (and Alaska) allow carrying without a permit. (Eight states have restrictive discretionary issue laws.) Most RTC states have adopted their laws in the last decade.
- **Citizens with carry permits are more law-abiding than the general public.** Only 0.01% of nearly 1.2 million permits issued by Florida have been revoked because of firearm crimes by permit holders. Similarly low percentages of permits have been revoked in Texas, Virginia, and other RTC states that keep such statistics. RTC is widely supported by law enforcement officials and groups.
- **States with RTC laws have lower violent crime rates.** On average, 22% lower total violent crime, 30% lower murder, 46% lower robbery, and 12% lower aggravated assault, compared to the rest of the country. The seven states with the lowest violent crime rates are RTC states. (Data: FBI.)
- **Crime declines in states with RTC laws.** Since adopting RTC in 1987, Florida's total violent crime and murder rates have dropped 32% and 58%, respectively. Texas' violent crime and murder rates have dropped 20% and 31%, respectively, since its 1996 RTC law. (Data: FBI.)
- **The right of self-defense is fundamental, and has been recognized in law for centuries.** The Declaration of Independence asserts that "life" is among the unalienable rights of all people. The Second Amendment guarantees the right of the people to keep and bear arms for "security."
- **The laws of all states and constitutions of most states recognize the right to use force in self-defense.** The Supreme Court has stated that a person "may repel force by force" in self-defense, and is "entitled to stand his ground and meet any attack made upon him with a deadly weapon, in such a way and with such force" as needed to prevent "great bodily injury or death." (*Beard v. U.S.*, 1895)
- **Congress affirmed the right to guns for "protective purposes"** in the Gun Control Act (1968) and Firearm Owners' Protection Act (1986). In 1982, the Senate Judiciary Committee Subcommittee on the Constitution described the right to arms as "a right of the individual citizen to privately possess and carry in a peaceful manner firearms and similar arms."

United States Senate

WASHINGTON, DC 20510

February 4, 2009

Please support Senator Thune and Senator Vitter's bill

"Respecting States Rights and Concealed Carry Reciprocity Act"

Dear Colleague,

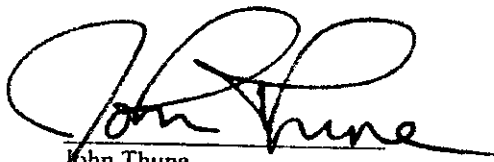
We are writing to invite you to cosponsor our legislation, which will allow individuals the right to carry lawfully concealed firearms across state lines, while at the same time respecting the laws of the host state.

Law-abiding citizens have a right to possess a firearm in order to defend against the threat of violence. A state's border should not limit a law-abiding individual's ability to defend themselves. At the same time, each state's laws deserve respect. The Respecting States Rights and Concealed Carry Reciprocity Act strikes an appropriate balance between states' rights and the rights of individuals to lawfully carry concealed firearms outside of his/her respective state.

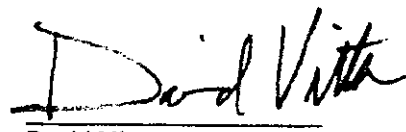
Our bill allows individuals to lawfully carry a concealed firearm across state lines if they either hold a valid state license or permit or if, under the state of their residence, they are entitled to carry a concealed firearm. These provisions ensure that residents of states like Alaska and Vermont, which have unique conceal carry laws, are not prohibited from enjoying the same rights as those residents from states with more common conceal and carry laws.

In order to protect states' rights, our bill does not allow conceal carry in states that do not already allow the practice. Individuals must follow the laws of the host state, including laws concerning specific types of locations in which firearms may or may not be carried. Additionally, if an individual is prohibited by federal law from carrying a firearm, they will continue to be prohibited under our bill.

We hope you join our efforts to give law-abiding citizens the freedom to carry concealed firearms across state borders, by cosponsoring our bill. If you would like to be added as a cosponsor to this legislation, please have your staff contact Adrian Arnakis at 8-5388 or Adrian_arnakis@thune.senate.gov, or Brent Furer at 8-5060 or brent_furer@vitter.senate.gov. Thank you for your attention to this matter.


John Thune
U.S. Senator

Sincerely,


David Vitter
U.S. Senator

Please support Senator Thune and Senator Vitter's bill

"Respecting States Rights and Concealed Carry Reciprocity Act"

Our bill is simple. It will allow our citizens the right to carry concealed carry permits in states that allow concealed carry permits with the exception that the laws of the host state be obeyed.

- Our bill protects residents of states like Vermont and Alaska, which have unique conceal carry permit laws, by allowing them to also have the right to conceal carry in other states.
- Also, our bill protects state rights by not mandating the right to conceal carry in states that do not allow the practice.

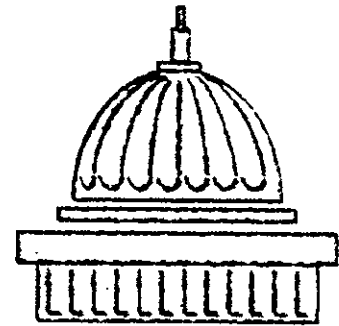
Does our bill violate the right of states to enact concealed carry laws?

- No. This bill does NOT establish national standards for concealed carry, nor does it provide for a national carry permit.
- This bill simply allows citizens who are able to carry in their home state, to also carry in states that have concealed carry permits with the exception that the laws of the host state must be followed.
- If anyone is prohibited by federal law from carrying a firearm they will continue to be prohibited under this bill.
- Our bill also respects state laws by requiring that state laws concerning specific types of locations in which firearms may not be carried be followed.

F. NRA / ILA Firearms Laws for

ALASKA

As of Jun, 2004



Compiled by:
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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes*

* 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.

STATE CONSTITUTIONAL PROVISION

"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the state or political subdivision of the State." Article 1, Section 19.

PURCHASE

No state permit is required to purchase a rifle, shotgun or handgun.

It is unlawful to sell or transfer a firearm capable of being concealed on one's person to anyone who has been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult. It is an affirmative defense that 10 years or more has elapsed since the unconditional discharge on the prior offense.

It is unlawful to knowingly sell or transfer a firearm to a person whose physical or mental condition is substantially impaired as a result of an intoxicating liquor or drug, or to sell a firearm to a person less than 18.

POSSESSION

No state permit is required to possess a rifle, shotgun or handgun.

It is unlawful for a person convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult to possess a "firearm capable of being

concealed on his person" unless 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.

It is unlawful to possess a firearm, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, on any public or private school property, on a school bus while being transported to or from school, or at a school-sponsored event, or while participating in a school-sponsored event, 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 in a motor vehicle.

It is unlawful to possess a firearm in a courthouse or courtroom, grounds of a day care center or parking lot immediately adjacent to these structures, or within a domestic violence or sexual assault shelter.

It is unlawful to possess a firearm by a person who violates a domestic violence protective order. It is unlawful to possess a firearm while substantially impaired as a result of an intoxicating liquor or drug.

Loaded firearms may not be possessed in any place where intoxicating liquor is sold for consumption on the premises. Exempt from this prohibition is the owner or lessee or an employee in the course of his employment for the owner or lessee while on the business premise. A firearm is loaded if the firing chamber, magazine, clip or cylinder of the firearm contains a cartridge.

An unemancipated minor less than 16 years of age may not possess a firearm without the consent of his parent or guardian.

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.

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:

- (1) is 21 years of age or older;
- (2) is eligible to own or possess a firearm under state and federal law;
- (3) has been a resident of the state for 90 days preceding application

for permit;

(4) has not been convicted of two or more class A misdemeanors within the preceding six years;

(5) is not currently or has not within three years been ordered by a court to complete an alcohol treatment or substance abuse program;

(6) has demonstrated competence with handguns.

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.

The permit fee cannot exceed \$99.00 and the renewal or a replacement permit fee may not exceed \$30.00. 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. 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 if the fingerprint information subsequently discloses that the applicant is ineligible for a permit. The department shall notify the applicant in writing the reason for the rejection. A person whose application is rejected may appeal to the commissioner. If commissioner rejects the application, a person may seek judicial review.

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 state or federal 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.

MACHINE GUNS

A machine gun is defined as a firearm that is capable of shooting more than one shot automatically, without manual reloading, by a

single function of the trigger. It is unlawful to manufacture, possess, transport or sell a machine gun or a silencer, but it is an affirmative defense to possess such devices if they are legally registered and possessed in compliance with all federal laws. It is unlawful to possess any rifle with a barrel length of less than 16 inches, a shotgun with a barrel length of less than 18 inches, or any rifle or shotgun with an overall length of less than 26 inches.

ANTIQUES AND REPLICAS

Alaska statutes are silent on antique and replica firearms. They are treated as ordinary firearms for possession and carrying purposes.

MISCELLANEOUS

It is unlawful to remove, alter, cover, or destroy the manufacturer's serial number on a firearm with the intent to render the firearm untraceable or to possess such a firearm.

It is unlawful to discharge a firearm with reckless disregard of damage to property or risk of physical injury to persons.

It is unlawful to discharge a firearm from a vehicle while the vehicle is being operated. It is unlawful to discharge a firearm from, on, or across a highway.

A civil action to recover damages or to seek injunctive relief may not be brought against a person who manufactures or sells firearms or ammunition if the action is based on the lawful sale, manufacture, or design of firearms or ammunition. However, this section does not prohibit a civil action resulting from a negligent design, a manufacturing defect, a breach of contract, or a breach of warranty.

SOURCES: A.S. §§ 9.65.155; 11.61.195; 11.61.200; 11.61.210; 11.61.220; 18.65.700; 18.65.705; 18.65.710; 18.65.715; 18.65.720; 18.65.725; 18.65.730; 18.65.740; 18.65.748; 18.65.755; 18.65.775; 18.65.778; 18.65.790

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. YOU MUST ABIDE WITH ALL LAWS, STATE, FEDERAL AND LOCAL.

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States That Honor AK Permit

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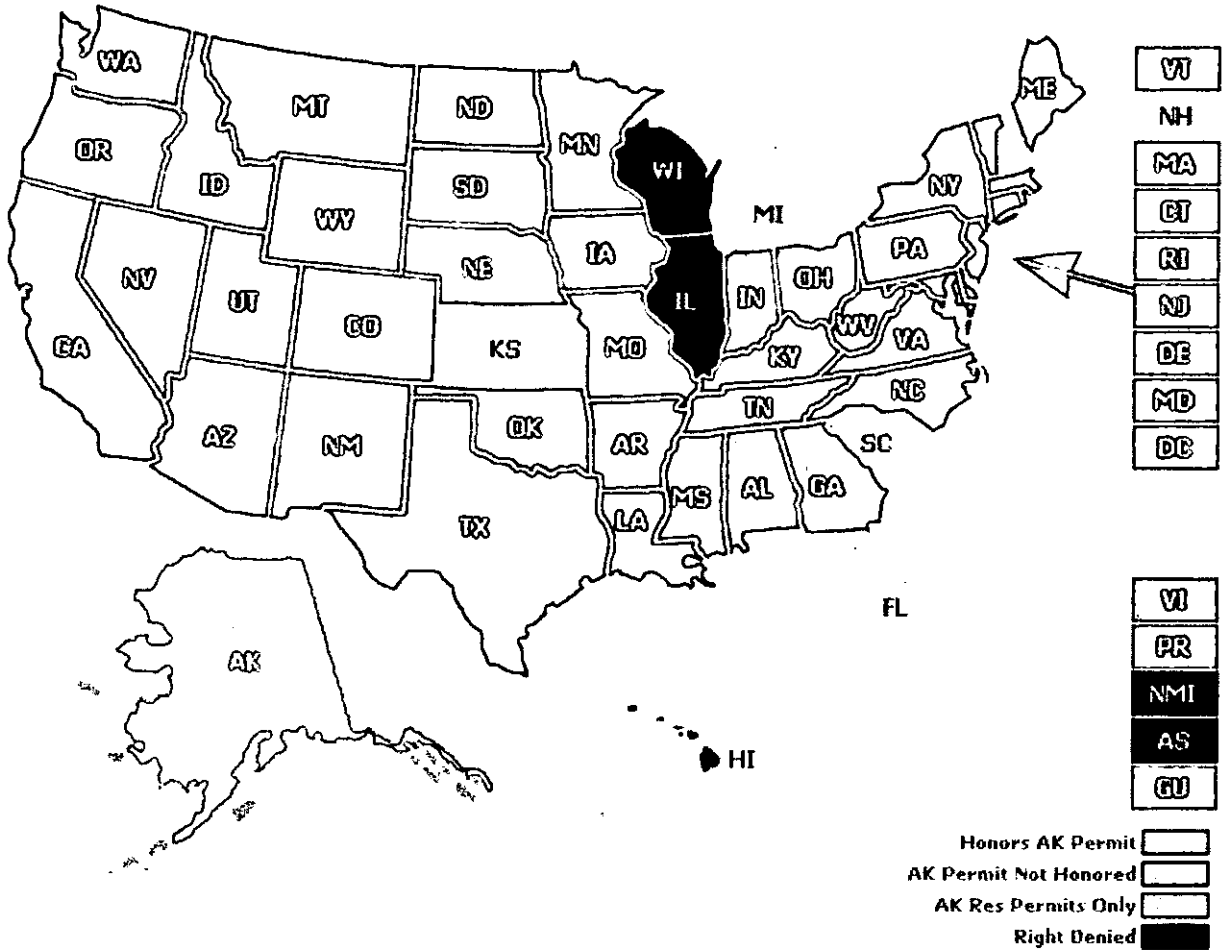
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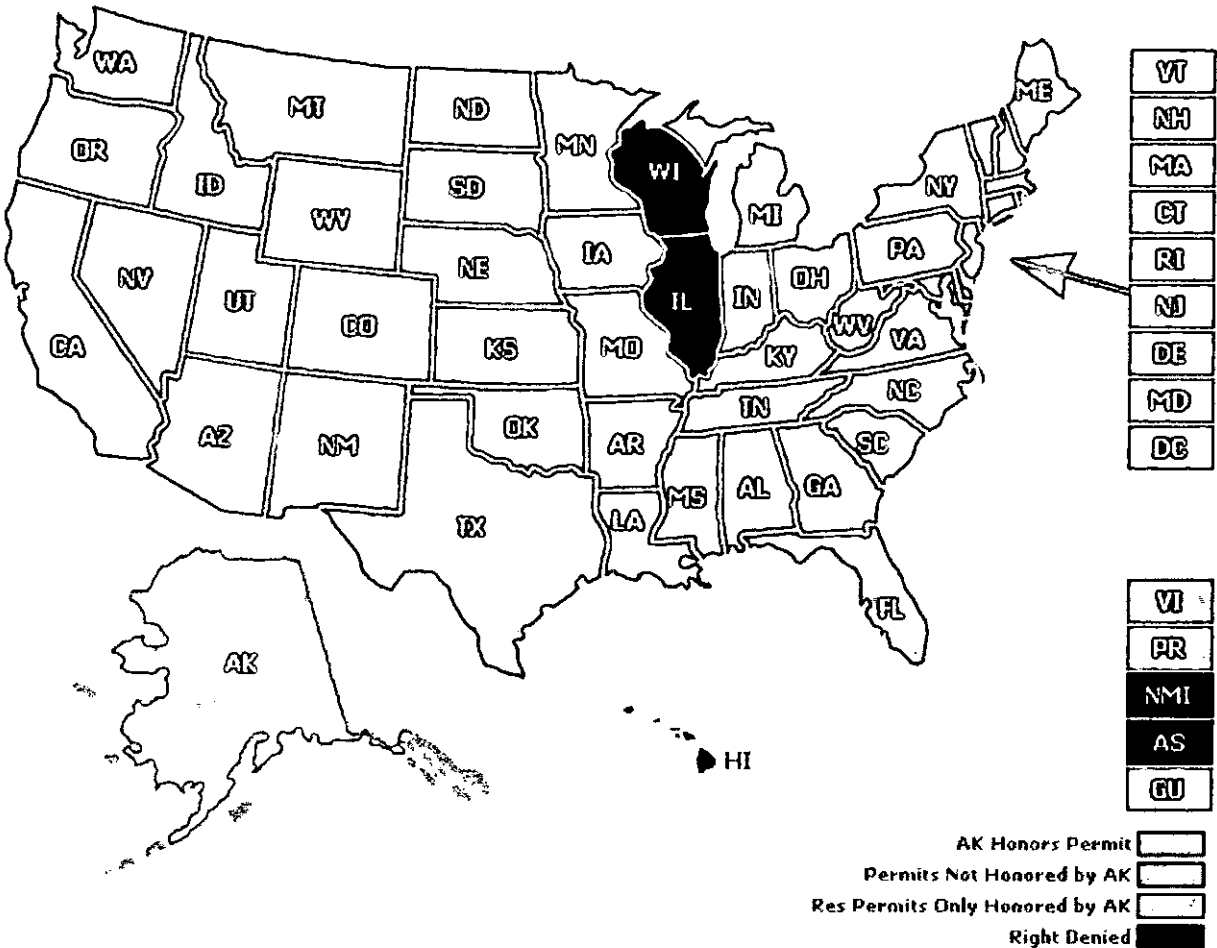
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