

SB

69

<TARGET><BILL>SB 69</BILL><SUBJECT>SB
69</SUBJECT><COMM>SJUD30</COMM></TARGET>



SENATOR DENNIS EGAN

SB 69 – Concealed Firearms in Cars

Sponsor Statement

SB 69 will make Alaska police officers safer when they make traffic stops and investigate incidents in parking lots.

Today, an Alaskan with a handgun concealed under his jacket has a legal responsibility to tell a police officer about it as soon as the officer makes contact. But there's no rule about disclosing a handgun tucked in the center console or driver's door pocket. Traffic stops are risky situations for police, and knowing whether a firearm is in reach keeps everyone safe.

SB 69 respects our Second Amendment rights. It doesn't change who can carry or where. The bill applies the same rules for a firearm concealed on the person to a firearm concealed in the vehicle. It does not change any penalties or the severity of any offense.

ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108
SENATOR.DENNIS.EGAN@AKLEG.GOV

Table 27										
Law Enforcement Officers Feloniously Killed										
Circumstance at Scene of Incident by Type of Assignment, 2006–2015										
Circumstance		Total	2-Officer vehicle	1-Officer vehicle		Foot patrol		Other ¹		Off duty
				Alone	Assisted	Alone	Assisted	Alone	Assisted	
Number of victim officers	Total	491	50	126	153	1	1	23	90	47
Disturbance call	Total	58	3	14	30	0	1	1	3	6
	Disturbance (bar fight, person with firearm, etc.)	37	2	8	16	0	1	1	3	6
	Domestic disturbance (family quarrel, etc.)	21	1	6	14	0	0	0	0	0
Arrest situation	Total	92	14	15	25	0	0	3	17	18
	Burglary in progress/pursuing burglary suspect	9	4	2	1	0	0	0	1	1
	Robbery in progress/pursuing robbery suspect	38	7	7	7	0	0	0	1	16
	Drug-related matter	8	0	0	0	0	0	0	8	0
	Attempting other arrest	37	3	6	17	0	0	3	7	1
Civil disorder (mass disobedience, riot, etc.)	Total	0	0	0	0	0	0	0	0	0
Handling, transporting, custody of prisoner	Total	12	5	4	0	0	0	2	0	1
Investigating suspicious person/circumstance	Total	70	9	29	14	1	0	3	8	6
Ambush (entrapment/premeditation)	Total	36	3	6	14	0	0	3	1	9
Unprovoked attack	Total	56	6	24	10	0	0	7	7	2
Investigative activity (surveillance, search, interview, etc.)	Total	22	1	3	5	0	0	0	11	2
Handling person with mental illness	Total	9	2	0	4	0	0	2	1	0
Traffic pursuit/stop	Total	83	5	31	38	0	0	2	5	2
	Felony vehicle stop	29	1	2	20	0	0	1	4	1
	Traffic violation stop	54	4	29	18	0	0	1	1	1
Tactical situation (barricaded offender, hostage taking, high-risk entry, etc.)	Total	53	2	0	13	0	0	0	37	1
¹ Includes detectives, officers on special assignments, undercover officers, and officers on other types of assignments not listed.										
Source: FBI UCR 2015, Law Enforcement Officers Killed and Assaulted, 2015										



March 1, 2017

The Honorable Senator Egan
Alaska State Senate
State Capitol Room 417
Juneau AK, 99801

Dear Senator Egan:

On behalf of the Alaska Peace Officers Association (APOA), I am writing to convey our support of SB69, "An Act relating to misconduct involving weapons in the fifth degree; and providing for an effective date."

The APOA board of directors unanimously supports SB69 in its current form. Thank you for crafting a bill which positively impacts officer safety. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to help with the passage of this bill. Thank you for your commitment and dedication to our state.

Sincerely,

Brad Johnson
State President
Alaska Peace Officers Association

PO Box 240106
Anchorage, AK 99524
apoa@gci.net
(907)277-0515

About APOA

The Alaska Peace Officers Association (APOA) is a dynamic, professional and non-partisan organization. Our membership consists of law enforcement, corrections, prosecutors, security professionals and others at the local, state and federal levels. APOA has served as a voice for peace officers and issues impacting the law enforcement profession for over half a century. We are one of the oldest and largest 501c(3) charitable, nonprofit organizations in Alaska. www.apoaonline.org

February 28, 2017

To Whom It May Concern,

I am writing in support of Senate Bill No. 69. I am a police officer in Alaska and have had dealings with members of my community which involved a firearm, either in their vehicle or on their person. The majority of the times, citizens are quick to tell me they have a firearm in their vehicle. There are other times in which I am not informed about a firearm in the vehicle. Situations like this present a major risk to our law enforcement in the State of Alaska.

On one occasion, I had conducted a traffic stop on a male who was belligerent and refusing to answer officer's questions. It was later determined that he had a pistol leaning against his legs. Thankfully the male didn't decide to use it as myself and others officers would have been put at a greater risk.

As a police officer I support the 2nd Amendment whole heartedly. I also support the safety of the men and women who protect our city streets each day. I am not against a citizen having a firearm in their vehicle or on their person I just feel they should declare it when contacted by law enforcement.

Thank you,

A handwritten signature in black ink, appearing to read 'SL SL', written in a cursive style.

Sterling Salisbury

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 69
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB069-DOA-OPA-03-11-17
Title: MISCONDUCT INVOLVING WEAPONS 5TH DEGREE
Sponsor: EGAN
Requester: Senate Judiciary

Department: Department of Administration
Appropriation: Legal and Advocacy Services
Allocation: Office of Public Advocacy
OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: Richard Allen, Director	Phone: (907)269-3504
Division: Office of Public Advocacy	Date: 03/11/2017 09:00 AM
Approved By: Sheldon Fisher, Commissioner	Date: 03/11/17
Agency: Administration	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 69

Analysis

The proposed bill addresses the fact that under current law, there is no duty for a person present in a motor vehicle that is stopped by a peace officer to disclose, upon being asked, whether there is a deadly weapon in the vehicle. The presence of deadly weapons in a vehicle during a traffic stop can become a safety issue for the peace officer and the person(s) in the vehicle. By requiring disclosure of whether there is a deadly weapon in a stopped vehicle, the bill would help make peace officers aware of the presence of deadly weapons and enhance the safety and efficiency of traffic stops.

The Office of Public Advocacy does not expect a fiscal impact and therefore submits a zero fiscal note.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 69
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB069-DPS-DET-03-10-17
Title: MISCONDUCT INVOLVING WEAPONS 5TH DEGREE
Sponsor: EGAN
Requester: (S) JUD

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Kelly Howell
Division: Administrative Services
Approved By: Walt Monegan
Agency: Public Safety

Phone: (907)465-4336
Date: 03/10/2017 08:15 PM
Date: 03/10/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB 69

Analysis

This legislation amends the crime of misconduct involving weapons in the fifth degree under AS 11.61.220(a) by adding a new subparagraph to include the following conduct when contacted by a peace officer, a person fails to immediately inform the peace officer of a concealed firearm within the interior of a vehicle in which the person is present, or fails to allow the peace officer to secure such firearm, or fails to secure such firearm at the direction of the peace officer.

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

Passage of this legislation will have no fiscal impact on the Alaska State Troopers. Therefore, a zero fiscal note is being submitted.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 69
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB069-LAW-CRIM-03-10-17
Title: MISCONDUCT INVOLVING WEAPONS 5TH DEGREE
Sponsor: EGAN
Requester: Senate Judiciary

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Valerie Rose, Budget Analyst	Phone: (907)465-3674
Division: Administrative Services	Date: 03/10/2017 08:34 AM
Approved By: Jahna Lindemuth, Attorney General	Date: 03/10/17
Agency: Department of Law	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB 69

Analysis

This legislation requires a person who has a concealed firearm inside a vehicle to immediately disclose that fact when contacted by a peace officer. The officer must also be allowed to secure the firearm for the duration of the contact. A person who does not disclose the presence of a firearm or allow an officer to secure it is guilty of misconduct involving weapons in the fifth degree which is a class B misdemeanor.

The Department of Law does not anticipate a fiscal impact at this time.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 69
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB069-DOC-IDO-03-13-17
Title: MISCONDUCT INVOLVING WEAPONS 5TH DEGREE
Sponsor: EGAN
Requester: (S)JUDICIARY

Department: Department of Corrections
Appropriation: Population Management
Allocation: Institution Director's Office
OMB Component Number: 1381

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: April Wilkerson
Division: Administrative Services - Department of Corrections
Approved By: Dean Williams, Commissioner
Agency: Department of Corrections

Phone: (907)465-3460
Date: 03/13/2017 11:00 AM
Date: 03/13/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB 69

Analysis

This legislation adds a section to AS 11.61.220(a), addressing a person who is knowingly possessing a firearm that is concealed within the interior of a vehicle in which the person is present, and, when contacted by a peace officer, the person fails to, immediately inform the peace officer of that possession; or allow the peace officer to secure the firearm or fails to secure the firearm at the direction of the peace officer, during the duration of the contact.

The potential financial impacts to the Department could range anywhere from \$0.00 (no time served) to \$149.62 (per day) for each offender incarcerated under this legislation; however, based on current offender data it is estimated that this section would have minimal impacts to offender population and can be absorbed. A zero fiscal note is anticipated at this time.

The Department will continue to monitor the financial impacts of this legislation if passed.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 69
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB069-DHSS-PS-03-10-17
Title: MISCONDUCT INVOLVING WEAPONS 5TH DEGREE
Sponsor: EGAN
Requester: Senate JUD

Department: Department of Health and Social Services
Appropriation: Juvenile Justice
Allocation: Probation Services
OMB Component Number: 2134

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? NO
If yes, by what date are the regulations to be adopted, amended or repealed? NA

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: Barb Murray, Acting Director	Phone: (907)465-8644
Division: Juvenile Justice	Date: 03/10/2017 11:20 AM
Approved By: Shawnda O'Brien, Asst. Commissioner	Date: 03/10/17
Agency: Health and Social Services	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB 69

Analysis

This bill aims to provide a level of protection for peace officers by requiring individuals to declare the presence of a firearm in the vehicle during a traffic stop, to allow the peace officer to secure the firearm or to follow the peace officer's instruction to secure the firearm. Juveniles cited for misconduct involving weapons in the fifth degree are under the jurisdiction of the Division of Juvenile Justice.

Between FY2012 and FY2017 (to date), the Division of Juvenile Justice has received 102 referrals for misconduct involving weapons in the fifth degree. The majority of youth referred for the crime of misconduct involving weapons in the fifth degree are under AS 11.61.220(a)(6) for being younger than 21 and knowingly possessing a deadly weapon concealed on the person or under AS 11.61.220(a)(3) for being a minor under 16 years of age and possessing a firearm, switchblade, or gravity knife without parental consent.

Any additional referrals to the Division of Juvenile Justice due to the changes in misconduct involving weapons in the fifth degree can be handled using existing resources and staffing.