

ALASKA LEGISLATURE

1038

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

112

HB

351

HFIN

FILE

(11)

Date Referred: March 25, 1994

HOUSE COMMITTEE REF RT
FURTHER REFERRALS:

Date of Committee Action: 4/11/94

The FINANCE Committee considered:

HB 351

HOUSE BILL NO. 351

PERMIT TO CARRY CONCEALED WEAPONS

"An Act relating to the issuance of permits for the carrying of a concealed weapon."

RECOMMENDATIONS:

be replaced with _____

CS HB 351 (FIN)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact DPS; Off. of Gov

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Law 3/25/94

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		Eileen P. Maclean ^{Maclean}	X		
Terry Martin ^{Martin}	✓	Ronald J. Larson ^{Larson}		X	
Mad Hanley ^{Hanley}	X	Mike Navarre ^{Navarre}		✓	
Sam Pannell ^{Pannell}	X	Ray Brown ^{BROWN}		✓	
Ben Grussendorf ^{grussendorf}	X				
Tom Pannell ^{Pannell}	X				
<i>[Handwritten signature]</i>	X				
<i>[Handwritten signature]</i>	X				

[Handwritten signature] ^{Larson} Eileen ^{Maclean} Maclean
 CO-CHAIRMAN'S SIGNATURE

MAR-31-94 THU 13:17
MAR-31-94 THU 12:54

AK DIVISION OF ELECTIONS
REG II DIV OF ELECTIONS

FAX NO. 9074653203
FAX NO. 5221482

P. 02
P. 01 '93

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 351

1994 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Office of the Governor
Title: An Act relating to the issuance of BRU: Division of Elections
permits for the carrying of a concealed weapon Component: General and Primary Elections
Sponsor: Representative(s) James, Bunde, Olberg, Sanders
Requestor: _____ COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.44	2.44	2.44	2.44	2.44	2.44
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	2.44	2.44	2.44	2.44	2.44	2.44

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1002 GF Match	0	0	0	0	0	0
1004 GF	2.44	2.44	2.44	2.44	2.44	2.44
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.44	2.44	2.44	2.44	2.44	2.44

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach separate page if necessary.) See Attached

Prepared by: Joseph L. Swanson, Director
Division: Division of Elections

Phone: 465-4811

Date: 3/31/94

Approved by Commissioner: Lt. Governor John B. Coghill

Agency: Office of the Lt. Governor

Date: 3/31/94

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Rev 12/93

Page 1 of 1

Cost for by-mail elections
Page 2

Ballots for each regional offices to act as absentee voting officials. 25 ballots for each election, which can be distributed, 5 to each area. (\$.74 x 25)

Total \$18.50

Sample ballots for all elections
(Approx. 175 at \$1.00 ea)

Total \$175.00

Total cost for ballots:

Total \$767.00

Postage:

Postage for mailing Advance Flyer
(mail first class, \$.29 x 500) or to number of registered voters at time sent

Total \$145.00

Mailing ballots to all registered voters,
(based on 500 x \$.29) Mailed first class

Total \$145.00

Shipping charged for sending ballots and materials to the city. (Alaska Airlines Goldstreak)
\$25.00 a box

Total \$ 25.00

Total Cost for Postage/shipping

Total \$315.00

Grand Total \$2441.00

MAR-31-94 THU 13:17
MAR-31-94 THU 12:54

AK DIVISION OF ELECTIONS
REG II DIV OF ELECTIONS

FAX NO. 9074653203
FAX NO. 5221482

P. 03
P. 02/03

COST FOR BY-MAIL ELECTIONS FOR HB351

The following is a cost estimate for by-mail elections for municipality. Cost estimates are based on 500 voters as we order ballots in pads of 25 and allowing for additional registration. Currently there are 500 registered voters in these five municipalities.

Personnel:

Estimated Cost:

Absentee Voting Official available in each city 15 days before the election.

(Flat fee of \$50.00 for each city)

Total \$50.00

1 hours for person to post 40/10 Posters

(Total \$8.00 Per Hour)

Total \$40.00

District Absentee Review Board... 1 City

(None will take approx. 2 days for 4 cities)

(Four board members are needed) \$10.00 Per Hour

Total \$40.00

District Absentee Review Board... 1 City

(Four board members at (\$10.00 Per Hour for 1 Hr)

Total \$40.00

State Review Board (four board members)

\$12.50 Per Hour for 4 days

Total \$50.00

Total Cost for Personnel:

Total \$220.00

Outreach/Advertising:

Estimated Cost:

2 - 40/10 Posters per city

(Approx. \$2.00 per poster)

Total \$ 4.00

Printing Advance Flyer (approx. 500 voters)

(.15 a copy x 500)

Total \$75.00

Newspaper, radio or RATNET advertisement

(Newspaper Display Ad is 4" x 4" at \$112.00 ea.)

Total \$560.00

General Instructions to voters to be included with

the ballot. (Based on 500 card at \$1.00 ea.)

Total \$500.00

Total Cost for Advertising:

Total \$1139.00

Ballots:

Ballots for all registered voters

(Ballots ordered in pad of 25, 500 at \$.74 ea)

Total \$370.00

FISCAL NOTE

No. 3

Bill Version: CS&B 351 (JUD)

(H) Publish Date: 3/25/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: March 22, 1994
Title: "...permits for carrying of a concealed handgun; providing for local option elections..."
Sponsor: Representative James
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Prosecution
Component: All

COMPONENT SERIAL NO. 0085-0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
Division: Administrative Services Division

Phone: 465-3672

Date: March 22, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General

Agency: Department of Law

Date: March 22, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 351 (JUD)

ANALYSIS CONTINUATION:

This bill amends AS 18.65 to allow persons 21 years of age and older to carry concealed handguns under comprehensive permitting regulations to be administered by the Department of Public Safety. The bill lists thirteen requirements that a person must satisfy before a concealed handgun permit can be issued, including handgun proficiency training, absence of a controlled substance or alcohol dependence, absence of mental illness, lack of a criminal record, and a minimum 90-day residence. The bill also provides that, under certain circumstances, the Department of Public Safety may deny, suspend, or revoke a concealed handgun permit, and the bill provides that a person may seek judicial review of a decision to deny, suspend or revoke a permit. As the legal representative of the Department of Public Safety, the Department of Law will be involved in this process to the extent that persons seek judicial review. Although there may be some impact, at this stage we cannot say that permit appeals will be extensive enough to require fiscal note funds and none have been requested.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: CSHB351(JUD)

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to the issuance of BRU: Statewide/Alaska State Troopers
permits for the carrying of a concealed weapon." Component: Records & ID/Attachments
 Sponsor: Representative JAMES
 Requestor: (H) Judiciary COMPONENT SERIAL NO. 1190, 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	312.7	664.7	328.6	430.4	430.4	328.4
TRAVEL	3.3	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	118.5	401.1	138.0	182.8	182.8	145.0
SUPPLIES	20.8	41.2	12.8	21.3	21.3	12.8
EQUIPMENT	107.2	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	562.5	1,112.0	484.2	639.5	639.5	491.2
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()	567.5	1773.4	283.7	845.0	845.0	424.0
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF			200.5			67.2
1005 GF/Program Receipts	562.5	1,112.0	283.7	639.5	639.5	424.0
1006 GF/MHTIA						
Other						
TOTAL	562.5	1,112.0	484.2	639.5	639.5	491.2

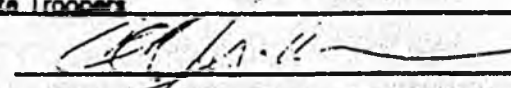
Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	9	9	6	8	8	6
PART-TIME	0	0	0	0	0	0
TEMPORARY	10	10	0	2	2	0

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: (907) 269-5691
 Division: Alaska State Troopers Date: 03/24/94
 Approved by Commissioner:  Date: 3-24-94
 Agency: Richard J. Burton, Dept. of Public Safety

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CSHB351 (JUD) - Concealed Weapons
Fiscal Impact
Page 2

The following analysis is based upon an estimated FY95 total population of 623,600, recently obtained from the Department of Labor, and the actual experience in the State of Washington by the Division of Licensing and in the State of Oregon by the Oregon State Police, Identification Services Section.

Assumptions utilized in the preparation of this fiscal note include that the implementation date for the program will be April 1, 1995, in order to provide time to promulgate the regulations and develop the necessary administrative and operational procedures necessary to successfully implement the statute change.

REVENUE:

The following is an analysis of the number of permits and renewals that will be issued and the revenue that is anticipated to result. Revenue estimates are based upon information from Washington. It is anticipated that approximately 4% of the total population will request permits to carry concealed weapons (CCW) during the first twelve months that they become available, that .5% will do so each year thereafter and that 90% of permits issued will be renewed. Assuming that the earliest that the state could be prepared to issue permits is April 1, 1995 the following revenue is forecasted:

FY95:

623,600 X 4% new permits = 24,944
X 3 mos. of 1st yr = 6,236 X \$91 = \$567,476

FY96:

623,600 X 4% new permits = 24,944
X 9 mos of 1st yr = 18,708 x \$91 \$1,702,428
623,600 X .5% new permits = 3,118
X 3 mos of 2nd yr = 780 x \$91 70,980
subtotal 1,773,408

FY97:

623,600 X .5% new permits = 3,118 X \$91 = 283,738

CSHB351(JUD) - Concealed Weapons
Fiscal Impact
Page 3

FY98:

623,600 X .5% new permits = 3,118		
X \$91 =	\$ 283,738	
Renewals 24,944 X 90% = 22,450		
X 6 mos = 11,225 x \$50	<u>561,250</u>	
subtotal		844,988

FY99:

623,600 X .5% new permits = 3,118		
X \$91 =	\$ 283,738	
Renewals 24,944 X 90% = 22,450		
X 6 mos = 11,225 x \$50	<u>561,240</u>	
subtotal		844,978

FY00:

623,600 X .5% new permits = 3,118		
X \$91 =	\$ 283,738	
Renewals 3,118 X 90% = 2,806		
X \$50 =	<u>140,300</u>	
subtotal		424,038

EXPENDITURES:

CCW Unit

Sergeant - The new unit will require the oversight of an experienced State Trooper Sergeant, who will be responsible for developing, implementing and maintaining the program. This will involve setting up policy and procedures, preparing Standard Operating Procedures (SOP) for the unit, statewide implementation, overall supervising of the operation of personnel assigned, oversight list to be maintained for law enforcement. This position will oversee the suspension and revocation process, the investigation into the revocation and presentation to the hearing officer. In addition the position will also do criminal investigations of misuse of the permit (using information available from Oregon on revocations this would be approximately 1.1% or 120 per year. This does not include investigations that do not result in suspensions). Start date for this position will be 7/1/94.

CSHB351(JUD) - Concealed Weapons
Fiscal Impact
Page 4

State Trooper - This position will follow up on discrepancies noted with information picked up in the checks made in the Alaska Public Safety Information Network (APSIN) AND national checks regarding applicant backgrounds and criminal records. The Trooper will investigate conflicts between the application statements and criminal records, interview applicants when necessary and act as Officer In Charge (OIC) of the CCW Unit when the Sergeant is not available. This position will not be needed until March 1st 1995, when applications are being distributed to the field. This position will oversee the suspension and revocation process and the presentation of revocations to the hearing officer. In addition the position will also do criminal investigations of misuse of the permit (using information available from Oregon on revocations this would be approximately 1.1% or 120 per year. This does not include investigations that do not result in suspensions). Start date for this position will be 3/1/95.

Clerk IV - Initially this senior civilian position in the CCW Unit will assist the unit supervisor in developing and implementing the CCW program. This clerical position will help to develop the application form, the SOPs for the unit and attend to various clerical duties of the unit, including the processing of the more troublesome or complicated applications. The Clerk IV will also schedule administrative hearings to deal with denials and revocations. This position will be needed on 7/1/94 to help initiate the program.

Clerk Typist III - The clerk typist position will be needed to process applications, including performing APSIN checks, file completed applications and to issue the permits. This position will not be needed until April 1, 1995 when the program begins to process permits.

Non-Permanent Clerk Typist III - Like the permanent Clerk Typist III, these positions will process applications. Ten will be needed during three months of FY95 and 9 months of FY96, to handle the initial large volume of applications in a timely manner. Two will be needed again for six months each in FY98 and FY99 to handle the renewals of the same permits.

Other Costs - Certified postage costs will be incurred when the permits are mailed to the permittees. Costs have been estimated at \$2.29 + 10% for the proposed postage increase or \$2.50 per item. This expenditure will be incurred on each permit and is calculated for each year covered by this fiscal note based upon the projected number of permits expected each year.

HB 351 Criminal Records and Identification Processing Assumptions:

1. Projected original-applicant and renewal-applicant workload is per the attached excel spreadsheet.

Due to significant program receipt fluctuations from year to year, the department is requesting General Funds. Over time, the bill will be revenue neutral. In certain years, not enough revenue will be realized to support resources required to perform functions required by this bill.

2. A journey level AAFIS operator I can perform the fingerprint portion of 10,000 applicant checks per year.

Due to the effort in hiring and training required to recruit qualified AAFIS operators, the department proposes to keep these two positions filled continuously in spite of workload fluctuations. Backlogs will be inevitable given the projected workload peaks.

3. A journey level criminal records clerk can accommodate 6,000 applicants per year (procedures explained further on).
4. The Records and Identification Section will check available information sources as follows:

Original Applications - Alaska Public Safety Information Network APSIN and the National Crime Information Center NCIC;

Renewal Applications - Alaska Public Safety Information Network, no fingerprint based national check; NCIC requires a new set of fingerprints for each applicant check. The Judiciary CS for HB 351 does not require fingerprints for renewals. The state check will be done by comparing the thumbprint on the renewal application with the original fingerprint card submitted by the applicant. For federal purposes, a name based check similar to that used for Brady clearances will be conducted.

Under typical circumstances, a background check as referenced in 18.65.710 (7) will consist of an applicant check by the department in the same manner as performed for security guards, teachers and other employers. Fee regulations already in place for these purposes are contained in 13 AAC 25.400. APSIN and NCIC will permit the department to determine past conviction and outstanding warrant information.

The Department will be unable to verify other qualifying information specified in Section 18.65.705 due to laws denying the department access or difficulty in obtaining the information. As in the Brady Bill implementation, most categories of disqualifying information cannot be routinely verified. Some states are making progress toward providing specified information (at least 26 states have gun control laws) but this is a new issue for Alaska. Both old and new forms used by the federal Bureau of Alcohol, Tobacco and Firearms provide for applicant certification that statements made on the form are true and correct. Under federal law, if it is later determined that the buyer made false statements on the form, the buyer has committed a felony offense. A similar provision is included in the CS HB 351 (JUD), section 18.65.710 (6).

Unverified categories of information specified by Section 18.65.705 will generally include:

- (2) Federal firearms eligibility except under the concept of "REASONABLE EFFORT" provided for in the Brady bill;
- (3) Indictments, Information, Presentments;
- (4) Will check available convictions in APSIN but will not research arrests without disposition information. If a disqualifying arrest is present without a disposition, the applicant will be asked to provide a copy of the court disposition indicating the case was dismissed or the applicant was found not guilty;
- (5) The Department does not have access to mental illness information;
- (6) Unless adjudications for mentally incapacitated occur in a criminal case, the department does not have feasible access to this information;
- (8) The Department does not have feasible access to military discharge information;
- (9) The Department does not have feasible access to renounced U.S. Citizenship records;
- (10) Unless incident to arrest or by conviction, the department does not have access to records indicating use or addiction to a controlled substance;
- (11) The Department does not have access to alcohol treatment program records;
- (12) The Department does not have access to substance abuse treatment program records.

5. Criminal Records AFIS Operators 3 months and Clerks require 1 month hire in advance of production need for training purposes.

6. Because of capacity limitations of the Alaska Automated Fingerprint Identification System (AAFIS), fingerprint cards will be retained in hardcopy files for retention purposes but will not be registered in AAFIS for electronic searching to help identify subsequent cases where concealed weapons permit holders may have been involved in a crime. The effect of not having these records available for electronic searching will preclude identification of 2,400 (10%) of previously unknown criminal arrestees based upon past experience verifying arrest fingerprint cards submitted to DPS. Additionally, not having these records available for electronic searching will preclude 7% of latent identifications by comparison with fingerprints retained in AFIS from unsolved crimes. In FY 93, DPS and APD conducted 1,139 latent searches and identified 87 subjects who would not have otherwise been identified. Past discussions with licensing agencies disclose the need for reporting subsequent arrest and conviction information back to the licensing agency. This service is not currently in place. However, to the extent that applicant fingerprints are not on the AAFIS file, the ability to report criminal event information subsequent to granting of a license will not be reliably possible.

7. Condition and Capacity of the Alaska Automated Fingerprint Identification System - The system is presently 12 years old and has been declared contractually obsolete by the vendor. Maintenance costs are increasing approximately 5% a year without this bill. Use of the system will more than double (2nd shift) as a result of this bill requiring renegotiation for vendor maintenance which is expected to increase from \$170,000 to approximately \$220,000. As discussed in 6 above, the department will not register concealed weapons permittees in the system to avoid exceeding capacity in one year. The consequences of this decision are discussed in 6 above. AAFIS needs to be upgraded or replaced at a cost of approximately \$2 million. The department is not saddling HB 351 with the costs of replacing this system but takes this opportunity to inform the legislature that the system has been declared contractually obsolete and that maintenance costs are expected to increase from approximately \$170,000 annually to more than \$220,000.

AAFIS is the cornerstone for providing a complete, accurate, and timely criminal history database with the ability to remotely search fingerprint databases of nine western states comprising approximately 16 million records. AAFIS makes the automated detection of persons using aliases possible so that complete criminal history information is provided to authorized inquirers. AAFIS also provides the ability to search latent fingerprints from unsolved crimes against the automated database. The more fingerprint records in the system, the higher the probability of a match (see 6 above). The criminal history database is used by Alaska's \$300 million criminal justice system as follows:

Police use criminal history information to aid investigations. Courts and Corrections use criminal history information in making release, probation and parole decisions;

Alaska law provides for presumptive sentencing which assumes that repeat offenders receive progressively more severe sentencing as a deterrent to repeat criminal behavior;

Alaska law provides for the screening of day care workers, foster parents, school teachers, school bus drivers and various other occupations, certifications, permits and licenses which require the use of criminal history information to ensure that inappropriate persons are not employed or licensed.

Legislation continues to be enacted and proposed in addition to CS HB 351 (JUD) including the Brady Bill, National Child Protection Act, pending bills HB 3, HB 480, SB 54 all of which depend on timely, accurate, and complete fingerprint based criminal history record information.

FINGERPRINT BASED CRIMINAL HISTORY CHECK PROCEDURES

The processing of applicant fingerprint cards is a three stage approach which requires handling by the R&I clerical staff and AAFIS operations staff acting in tandem. R&I clerks receive, audit funds, name search and separate this work by status before sending to AAFIS; AAFIS operators block, prepare, submit, review and verify the work before returning to clerical staff; and clerical personnel update information in APSIN, merge records in APSIN, update information in tracking system, forward fingerprint cards to FBI, forward information to applicant and agency in event of criminal findings, and file fingerprint cards.

This is an over-simplification of the duties performed and, therefore, a more detailed description would follow to generate a better understanding of these procedures.

STAGE I

Applicant fingerprint cards are received by R&I clerical staff and are sorted to separate fees from the cards and cards are date stamped. Information from the cards and accompanied fees are entered into the tracking program. All monies are recorded, balanced, and a summary report is prepared and forwarded to Fiscal with the monies.

A name check is conducted on each fingerprint card through APSIN by name, DOB and SS#. The ID/LIC or SID # is recorded on all cards

where the number is available and the cards are separated into three categories for further processing: SEARCH, VERIFY, and NOT IN APSIN.

SEARCH: These cards are sent to AAFIS operators for routine searches.

VERIFY: These cards will have an SID # affixed and are handled through a shortened route by the AAFIS operators by direct data base access to verify same individual.

NOT IN APSIN: These cards must be searched and returned to create SID # before entry into APSIN.

STAGE II

Applicant fingerprint cards are received in the three categories indicated above by the AAFIS operators for search, verification and registration into AAFIS data base with somewhat different handling according to category.

SEARCH: Pattern interpretation (blocking) is completed on each fingerprint and/or proper notation if finger is bandaged or amputated. Cards are then sorted and sequenced through the Fingerprint Reader (FR) to digitize image of fingerprint and obtain Process Control Number (PCN) in order to retrieve images for search through data base. PCN is entered and all demographics are entered, core and axis are determined and set for all images (10) on each card, and a search of data base is initiated. If an identification is not affected, the information normally is registered at this step and becomes part of the AAFIS data base. As discussed above, concealed weapon permit holders will not initially be registered. If a tentative identification is made against a fingerprint card on file, these documents are verified by the operator as being identical and SID # is affixed to card which is then returned to clerical staff to update APSIN files and merge records if necessary. Submitting agency and applicant would be notified if connection is made to a criminal history.

VERIFY: An SID # has been affixed to these cards which allows AAFIS operators direct entry into data base to call-up or retrieve the image and ascertain the positive identity of the applicant as being the same. This information will be verified by examination of the hard copy of the fingerprints on file. Cards are returned to clerical staff for updating.

NOT IN APSIN: These cards are blocked and prepared in the same way as the SEARCH cards, however, they are submitted for tenprint inquiry. If these cards are identified, they are

processed as in the VERIFY instructions above. If they are not identified, they are created into APSIN and an SID # is established which allows entry into AAFIS data base. These cards then follow the procedures outlined in SEARCH category above.

REJECTIONS: If cards are of unacceptable quality, they will be rejected by the Fingerprint Reader. This can occur for a number of reasons, i.e. insufficient ink, smudged prints, etc. These fingerprints are circled, reason noted, and returned to applicant or submitting agency via clerical staff for re submission.

Note: a \$20 resubmission fee is authorized under 13 AAC 25.400 (b), but has not been implemented.

STAGE III

All cards are returned to R&I clerical staff for additional handling and/or processing.

SEARCH: These cards will all be Master cards within the Alaska system and APSIN records will be updated on the personal information screen to include that a fingerprint card is on file for that individual. A criminal history screen is printed and attached to the card, an entry is made into tracking system indicating "State Complete" and forwarding coordinate fingerprint card to the Federal Bureau of Investigation for searching and processing. When card is returned from the FBI, update the tracking system to reflect "FBI Complete". Compile any/all criminal history and determine which information meets dissemination criteria for release to applicant or requesting agency. All cards are filed for future reference.

VERIFY: These cards have a counterpart on file, the demographics updated and entry made into tracking system to indicate completion and forwarding of card to FBI as indicated in above paragraph. All other aspects as indicated in SEARCH apply.

NOT IN APSIN: These will be treated the same as the master cards indicated above. Updates are required in APSIN and tracking systems and cards forwarded to the FBI. All other steps outlined previously are applied as to dissemination of information. See SEARCH.

REJECTIONS: These cards, accompanied by a reject letter are returned to the applicant or requesting agency. The tracking system is updated to reflect the rejection and return of same. Monies are maintained and noted in tracking system awaiting re submission. When a re submission arrives, the process begins at step one except for the collection of fees.

CSHB351 (JUD) - Concealed Weapons
Fiscal Impact
Page 11

Personnel & supporting costs:

FY95	1 AAFIS Operator II 1 AAFIS Operator I 3 Clerk IV
FY96	1 AAFIS Operator II 1 AAFIS Operator I 3 Clerk IV
FY97	1 AAFIS Operator II 1 AAFIS Operator I
FY98	1 AAFIS Operator II 1 AAFIS Operator I 2 Clerk IV
FY99	1 AAFIS Operator II 1 AAFIS Operator I 2 Clerk IV
FY00	As for FY97

FY95 and FY96 Costs

Based upon experience with handling Security Guard Licensing, approximately forty-five minutes to one hour will be required by an experienced clerk to process each permit application. During the startup period in FY95, some applications will be received, however most are anticipated to be received during FY96. In that year hours of effort will be needed. Because the initial startup year will require effort that will not continue at the same level, ten non-perm Clerk Typist IIIs will be needed in addition to the permanent positions. (24,944 applications at 1 hour each divided by 1,950 hours of available work time per position equals 12.8 (rounded down to a total of 12 clerical positions.)

Office and other equipment will only be needed in the first year (FY95, of operation.

Contractual Programming Support

APSIN	265 hours @ \$75.00	\$20,000
PC Application	200 hours @ \$75.00	<u>\$15,000</u>
	Initial	35,000
Data Storage and CPU Usage (on-going)		<u>\$5,000</u>
	Full First Year Cost	40,000

Administrative Hearings

Based upon the actual activity data from the State of Oregon, it appears that approximately 1% of the CCW applications will either be denied or later will be revoked. Further, approximately 25% of those actions will result in an administrative hearing based upon our experience with DWI cases. This will result in a cost of approximately \$3,000 per hearing based upon DPS experience with process services licensing administrative hearings. Based upon the expected first year volume of approximately 24,944 applications the resulting cost will be \$187,080 the first year of the program and, based upon approximately 3,125 applications in subsequent years, \$23,385.

FBI Fingerprint Fees

The FBI charges \$24 to process a national fingerprint check. These fees will be charged to the permit applicant, and passed to the FBI.

Sergeant
Anchorage
Base Cost
(PACS 12#094)

PERSONAL SERVICES

Salary - Range 78, Step A, including 120 hours of overtime	\$53,742	
Benefits	<u>23,007</u>	
Total Personal Services		\$76,749

TRAVEL AND PER DIEM

Average - Investigations, training, etc.		2,500
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CONTRACTUAL

Telephone/Postage, \$75 per mo	900	
Photo processing, \$40 per mo	480	
PSEA Physical exam, average	350	
Office Space 200 sq. ft. @ \$1.65	3,960	
HWCf Vehicle - Class 116 - Yearly		
Operating & Replacement costs per SEF	<u>6,900</u>	
Total Contractual		12,590

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc.	2,091	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,741

EQUIPMENT

Vehicle - SEF Class 116	18,415	
Car radio	2,400	
Portable radio	1,628	
Office furniture - desk, chair, etc.	1,100	
Firearms - S&W .4006 & Rem 870P	<u>782</u>	
Total Equipment		24,325

TOTAL COST

118,905

State Trooper
Anchorage
Base Cost
(PACS 12#143)

PERSONAL SERVICES

Salary - Range 78, Step A, including 120 hours of overtime	\$47,148	
Benefits	<u>20,755</u>	
Total Personal Services		\$67,903

TRAVEL AND PER DIEM

Average - Investigations, training, etc.		2,500
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CONTRACTUAL

Telephone/Postage, \$75 per mo	900	
Photo processing, \$40 per mo	480	
PSEA Physical exam, average	350	
Office Space 200 sq. ft. @ \$1.65	3,960	
HWCf Vehicle - Class 115 - Yearly		
Operating & Replacement costs per SEF	<u>12,960</u>	
Total Contractual		18,650

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc.	2,091	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,741

EQUIPMENT

Vehicle - SEF Class 115	21,000	
Car radio	2,400	
Portable radio	1,628	
Office furniture - desk, chair, etc.	1,100	
Firearms - S&W .4006 & Rem 870P	<u>782</u>	
Total Equipment		26,910

TOTAL COST 118,704

Clerk Typist III
Base Cost
(PACS 12#095)

PERSONAL SERVICES

Salary - Clerk III - Range 8, Step A, no overtime	\$22,188	
Benefits	<u>11,743</u>	
Total Personal Services		\$33,931

CONTRACTUAL

Telephone/Postage, \$90 per mo	1,080	
Repair and maintenance on micro computer	500	
Office space (200 sq. ft. @ \$1.65 x 12 mos =)	<u>3,960</u>	
Total Contractual		5,540

SUPPLIES & MATERIALS

Computer paper	500	
Forms	1,000	
Stationery, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk	500	
Chair	225	
Computer table	600	
Micro computer with printer and software	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST		<u>\$48,396</u>
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Clerk IV
Base Cost
(PACS 12#102, #167, #168, and #169)

PERSONAL SERVICES

Salary - Clerk IV - Range 9, Step A, no overtime	\$23,556	
Benefits	<u>12,149</u>	
Total Personal Services		\$35,705

CONTRACTUAL

Telephone/Postage, \$90 per mo	1,080	
Repair and maintenance on micro computer	600	
Office space (200 sq. ft. @ \$1.65 X 12 mos =)	<u>3,960</u>	
Total Contractual		5,640

SUPPLIES & MATERIALS

Computer paper	500	
Forms	1,200	
Copier paper	750	
File folders, lamination supplies, etc.	<u>500</u>	
Total Supplies & Materials		2,950

EQUIPMENT

Desk and Chair, 2 side chairs	1,250	
Bookcases (2) and file cabinets (5)	1,500	
Computer table	600	
Typewriter	400	
Micro computer with printer and software	5,000	
Laminator	<u>500</u>	
Total Equipment		9,250

TOTAL COST		<u>\$53,545</u>
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Non Perm
Clerk Typist III
Base Cost
(PACS 12#103, #104, #105, #106, #107,
#108, #109, #110, #111, #112)

PERSONAL SERVICES

Salary - Clerk III - Range 8, Step A, no overtime	\$22,188	
Benefits	<u>8,377</u>	
Total Personal Services		\$30,565

CONTRACTUAL

Telephone/Postage, \$90 per mo	1,080	
Repair and maintenance on micro computer	500	
Office space (200 sq. ft. @ \$1.65 x 12 mos =)	<u>3,960</u>	
Total Contractual		5,540

SUPPLIES & MATERIALS

Computer paper	500	
Forms	1,000	
Stationery, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk	500	
Chair	225	
Computer table	600	
Micro computer with printer and software	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST

\$45,030

AAFIS OPERATOR I
Base Cost
Anchorage
(PACS 12#096)

PERSONAL SERVICES

Salary - AAFIS Operator I, Range 15, Step A, 60 hrs overtime	\$35,841	
Benefits	<u>15,790</u>	
Total Personal Services		\$51,631

CONTRACTUAL

Telephone/Postage, \$100 per month	1,200	
Maintenance on office equipment	500	
Office space (200 sq. ft. @ \$1.65 X 12 mos =)	<u>3,960</u>	
Total Contractual		5,660

SUPPLIES & MATERIALS

Computer paper	500	
Fingerprint cards and supplies	1,000	
Copier paper, stationary, office supplies	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk and Chair	725	
Computer table	600	
Micro computer with printer and software	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST		\$66,216
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AAFIS OPERATOR II
Base Cost
Anchorage
(PACS 12#098)

PERSONAL SERVICES

Salary - AAFIS Operator II, Range 18, Step A, 60 hrs overtime	\$44,314	
Benefits	<u>13,301</u>	
Total Personal Services		\$62,616

CONTRACTUAL

Telephone/Postage, \$100 per month	1,200	
Maintenance on office equipment	500	
Office space (200 sq. ft. @ \$1.65 X 12 mos =)	<u>3,960</u>	
Total Contractual		5,660

SUPPLIES & MATERIALS

Computer paper	500	
Fingerprint cards and supplies	1,000	
Copier paper, stationary, office supplies	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk and Chair	725	
Computer table	600	
Micro computer with printer and software	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST		\$77,201
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FY95
Costs

	Sgt. x1 <u>x12 Months</u>	Trooper x1 <u>x4 Months</u>	CT III x1 <u>x3 Months</u>	NonPerm CTIII x 10 <u>x3 Months</u>	CK IV x1 <u>x12 Months</u>	OTHER Con (1)	AFIS OP I x1 <u>x9 Months</u>	AFIC OP II x1 <u>x6 Months</u>	CK IV x3 <u>x4 Months</u>	<u>TOTAL</u>
Personal Services	76.7	22.6	8.5	76.4	35.7	0.0	25.8	31.3	35.7	312.7
Travel	2.5	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.3
Contractual	12.6	6.2	1.4	13.9	5.6	67.6	2.8	2.8	5.6	118.5
Supplies	2.8	2.3	0.7	6.5	2.9	0.0	1.3	1.3	3.0	20.8
Equipment	24.3	26.9	6.3	0.0	9.3	0.0	6.3	6.3	27.8	107.2
TOTAL	<u>118.9</u>	<u>58.8</u>	<u>16.9</u>	<u>96.8</u>	<u>53.5</u>	<u>67.6</u>	<u>36.2</u>	<u>41.7</u>	<u>72.1</u>	<u>562.5</u>

(1) Startup contractual programming support. 40,000.0

Certified Postage \$2.50 x 6,236 permits. 15,590.0

Fingerprint System Maintenance. 12,000.0

Total Contracted 67,590.0

FY96
Costs

	Sgt. x1	Trooper x1	CK IV x1	CT III x1	NonPerm CT III x10 (1)	Con. (2)	AFIS OP II x1	AFIS OP I x1	CK IV x3	TOTAL
Personal Services	76.7	67.9	35.7	33.9	229.2	0.0	62.6	51.6	107.1	664.7
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.6	5.5	41.6	288.8	5.7	5.7	16.9	401.1
Supplies (3)	1.2	1.0	3.0	2.6	19.5	0.0	2.6	2.6	8.9	41.2
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>92.8</u>	<u>90.1</u>	<u>44.3</u>	<u>42.0</u>	<u>290.3</u>	<u>288.8</u>	<u>70.9</u>	<u>59.9</u>	<u>132.9</u>	<u>1,112.0</u>

(1) Needed for nine months.

(2) Other costs include:

Computer space storage	5,000.0
Administrative hearing costs.	187,080.0
Postage, \$2.50 x 19,488 =	48,720.0
Fingerprint System Maintenance	<u>48,000.0</u>
Total Contracted	<u>288,800.0</u>

(3) Replacement supplies only.

FY97
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	Other Con (1)	AFIS OP II x1	AFIS OP I x1	TOTAL
Personal Services	76.7	67.9	33.9	35.7	0.0	62.6	51.6	328.4
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.5	5.6	84.2	5.7	5.7	138.0
Supplies (2)	1.0	1.0	2.6	3.0	0.0	2.6	2.6	12.8
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	92.8	90.1	42.0	44.3	84.2	70.9	59.9	484.2

(1) Includes annual:

Computer space storage	5,000.0
Administrative hearing costs for denials and revocations	23,385.0
Postage \$2.50 x 3,118	7,795.0

Fingerprint System Maintenance	48,000.0
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Total Contractual	84,180.0
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(2) Replacement supplies only.

FY98
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	Other Con (1)	AFIS OP II x1	AFIS OP I x1	CK IV x2	Non Perm x2 x 6 Months	TOTAL
Personal Services	76.7	67.9	33.9	35.7	0.0	62.6	51.6	71.4	30.6	430.4
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.5	5.6	112.2	5.7	5.7	11.3	5.5	182.8
Supplies (2)	1.0	1.0	2.6	3.0	0.0	2.6	2.6	5.9	2.6	21.3
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	92.8	90.1	42.0	44.3	112.2	70.9	59.9	88.6	38.7	639.5

(1) Includes annual:

Computer space storage	5,000.0
Administrative hearing costs for denials and revocations	23,385.0
Postage \$2.50 x 14,342	35,855.0

Fingerprint System Maintenance	48,000.0
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Total Contractual	<u>112,240.0</u>
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(2) Replacement supplies only.

FY00
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	OTHER Gen (1)	AFIS OP II x1	AFIS OP I x1	TOTAL
Personnel Services	76.7	67.9	33.9	35.7	0.0	62.6	51.6	328.4
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.5	5.6	91.2	5.7	5.7	145.0
Supplies (2)	1.0	1.0	2.6	3.0	0.0	2.6	2.6	12.8
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	92.8	90.1	42.0	44.3	91.2	70.9	59.9	491.2

(1) Includes annual:

Computer space storage	5,000.0
Administrative hearing costs for denials and revocations	23,385.0
Postage \$2.50 x 5,924	14,810.0

Fingerprint System Maintenance	48,000.0
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Total Contractual	91,195.0
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(2) Replacement supplies only.

FY99
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	Non-perm x2 CT III x6 Months	Other Con (1)	AFIS OP II x1	AFIS OP I x3	CK IV x2	TOTAL
Personal Services	76.7	67.9	33.9	35.7	30.6	0.0	62.6	51.6	71.4	430.4
Travel	2.5	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0
Contractual	12.6	18.7	5.5	5.6	5.5	112.2	5.7	5.7	11.3	182.8
Supplies (2)	1.0	1.0	2.6	3.0	2.6	0.0	2.6	2.6	5.9	21.3
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	92.8	90.1	42.0	44.3	38.7	112.2	70.9	59.9	88.6	639.5

(1) Includes annual:

Computer space storage	5,000.0
Administrative hearing costs for denials and revocations	23,385.0
Postage \$2.50 x 14,342	35,855.0
Fingerprint System Maintenance	48,000.0
Total Contractual	112,240.0

(2) Replacement supplies only.

CSHB351 (JUD)
Permit and Renewal Projection

ORIGINAL APPLICATIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
3 MOS/25% OF 24,944	6236					
9 MOS/75% OF 24944		18708				
NEW APPLICATIONS						
.5% NEW X 623600 X .25%(3MOS)		779.5				
.5% NEW X 623600			3118	3118	3118	3118
RENEWALS						
90% X 24944 X 50%(3MOS + 90 DAY PRIOR TO EXPIRATION REQUIREMENT)				11224.8		
90% X 24944 X 50%(6MOS REMAINING FROM 1ST YEAR APPLICANTS)					11224.8	
90% X 3118 FROM FY 97 NEW APPLICATIONS						2806.2
TOTAL APPLICATIONS AND RENEWALS PROJECTED BY FISCAL YEAR	<u>6236</u>	<u>19487.5</u>	<u>3118</u>	<u>14342.8</u>	<u>14342.8</u>	<u>5924.2</u>

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
ORIGINAL APPLICATIONS						
3 MOS/25% OF 24,944	6236					
9 MOS/75% OF 24944		18708				
NEW APPLICATIONS						
5% NEW X 623600 X .25%(3MOS)		780				
.5% NEW X 623600			3118	3118	3118	3118
RENEWALS						
90% X 24944 X 50%(3MOS + 90 DAY PRIOR TO EXPIRATION REQUIREMENT)				11224.8		
90% X 24944 X 50%(6MOS REMAINING FROM 1ST YEAR APPLICANTS,					11224.8	
90% X 3118 FROM FY 97 NEW APPLICATIONS						2806.2
TOTAL APPLICATIONS AND RENEWALS PROJECTED BY FISCAL YEAR	6236	19488	3118	14342.8	14342.8	5924.2
GF/PGM Receipt Calculation						
Original Applications AST Permit Fee @ \$56+ APSIN Check @ \$35	\$567,476	\$1,773,408	\$283,738	\$283,738	\$283,738	\$283,738
Renewal Application AST Renewal Fee @ \$25 + APSIN Name Check @ \$25				\$561,240	\$561,240	\$140,310
GF/PGM Receipts by Fiscal Year	\$567,476	\$1,773,408	\$283,738	\$844,978	\$844,978	\$424,048

Amendments —

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

Page 2, lines 10 & 11:

Delete "and locked"

Page 9, line 22:

Delete "an office or building housing"

Insert "a building housing only"

Page 9, following line 23:

Insert "(5) an office of the state, federal government, or of a political subdivision of the state that is not located in a building described in paragraph (4) of this subsection;"

Renumber the following paragraphs accordingly.

Page 10, line 12:

Delete "damaged"

Insert "illegible"

AMENDMENT #2

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

Adopt as
Amend

Page 3, lines 3 & 4:

Delete all material and insert:

"(8) does not suffer from a physical infirmity which prevents the safe handling of a handgun; and"

~~Page 3, lines 7 - 9:~~

~~Delete "30 days of receipt of background information from the Federal Bureau of Investigation or other agency necessary to make a determination concerning"~~

~~Insert "45 days of receipt of"~~

Page 3, following line 10:

Insert a new subsection to read:

(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.

Page 3, line 11:

2A Adopt

Delete "(c)"

Insert "(d)"

Page 3, line 13, following "AS 18.65.715":

Insert "but may not specifically identify a handgun by make, model, or serial number"

Adopt
AMENDMENT

*to Amend
D/B*

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

BY REPRESENTATIVE HANLEY

Page 3, line 9, following "application.":

Insert "The department shall request background information under this subsection within five days of the receipt of an application."

failed

AMENDMENT #3

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 4, line 31, following "HANDGUN":
Insert "(a)"

Page 4, line 31:
Delete "must, at a"
Insert "may only"

Page 5, line 1:
Delete "minimum,"

Page 5, line 17, following "permit;":
Insert "and"

Page 5, line 18 & 19:
Delete "background investigation"
Insert "criminal records check"

Page 5, line 21:
Delete "investigation; and"
Insert "criminal records check."

Page 5, lines 22 & 23:
Delete all material.

Page 5, following line 23:
Insert a new subsection to read:

"(b) As a 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 or as to any specifically identifying information, including make, model, or serial number, regarding a handgun with which the applicant has demonstrated competence under AS 18.65.715."

AMENDMENT #4

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 5, line 31:

Delete "To be approved by the department, the handgun course"

Insert "The department shall approve any handgun course that"

Page 6, line 1:

Delete "must at a minimum test"

Insert "tests"

NOT MOVED

4A

Page 6, line 3:

Delete "and"

4B

Page 6, following line 3:

Insert new paragraphs to read:

"(2) familiarity with the basic concepts of the safe and responsible use of handguns;

(3) knowledge of self-defense principles; and"

ADORA

Renumber the following paragraph accordingly.

Page 6, following line 10:

Insert a new subsection to read:

"(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."

Reletter the following subsection accordingly.

Page 12, line 1:

Insert a new paragraph to read:

"(2) "competence" means the ability to place 7 out of 10 shots in a lifesize silhouette target at 7 yards."

Renumber the following paragraphs accordingly.

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 10, line 26, following "18.65.790.":

Insert "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. ~~Subjective or arbitrary actions or regulations that encumber the issuing process~~ by placing burdens on the applicant beyond those sworn statements and specified documents detailed in AS 18.65.700 - 18.65.790 or that create restrictions beyond those specified or specifically authorized in AS 18.65.700 - 18.65.790 are prohibited."

AMENDMENT #6

no/obj
AS
Amend

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 6, lines 16 - 18:

Delete all material and insert:

"based on the actual costs incurred by the department for conducting criminal records checks and for implementing and maintaining the concealed handgun permit system.

AMENDMENT #7

failed

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

7A

REPRESENTATIVE JAMES

Page 1, line 1 following "handgun" through page 1, line 3 following "permit;" delete all material.

Page 2, line 2 following "18.65.790" through page 2, line 4 following "18.65.785" delete all material.

Page 9, line 25 following "system;" insert "or"

Page 9, line 27 following "law" through page 9, line 29 following "18.65.785" delete all material.

Page 10, line 27 through page 11, line 29 delete all material.

Page 10, following line 26:

7B

Insert a new section as follows:

Sec. 18.65.780. PROHIBITION ON CERTAIN ORDINANCES. A municipality may not enact an ordinance that conflicts with or imposes stricter standards than the requirements of this chapter.

Page 12, lines 8 & 9 delete all material.

248

Renumber the following paragraph accordingly.

AMENDMENT #8

w/d

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

REPRESENTATIVE JAMES

Page 12, after line 8 insert a new paragraph to read:

(5) "handgun" is a pistol or revolver with a barrel length of less than ⁸~~sixteen~~ inches.

Page 12, after line 9 insert a new paragraph to read:

(7) "miniature handgun" means a handgun with an overall length of less than four inches and having a cartridge capacity of fewer than three rounds.

Renumber the following paragraph accordingly.

AMENDMENT 9

failed

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

BY REPRESENTATIVE MACLEAN

Page 1, line 2:

Delete "prohibit"

Insert "allow"

Page 2, line 3:

Delete "had prohibited"

Insert "has not allowed"

Page 9, line 28:

Delete "prohibited"

Insert "not allowed"

Page 10, line 27:

Delete "PROHIBITION OF"

Insert "ALLOWING"

Page 10, line 31:

Delete "prohibited"

Insert "allowed"

Page 11, line 4:

Delete "prohibition"

Insert "allowance"

Delete "not"

Page 11, line 20:

Delete "to remove"

Insert "relating to"

Failed

AMENDMENT 10

OFFERED IN THE HOUSE

BY REPRESENTATIVE MACLEAN

TO: CSHB 351(JUD)

Page 1, line 4, following "weapons":

Insert "; and providing for an effective date"

Page 12, following line 11:

Insert new bill sections to read:

** Sec. 4. AS 18.65.780 - 18.65.790, added by sec. 4 of this Act, take effect ~~January 1,~~
1996. *immediately*

* Sec. 5. Except as provided in sec. 4 of this Act, this Act takes effect July 1, 1997."

AMENDMENT 11

Failed

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 5, following line 7:

Insert a new paragraph to read:

"(4) a demonstrated need for the permit that meets requirements set
by the department by regulation;"

Renumber the following paragraphs accordingly.

Adopt

8-LS1471V.3 ✓
Luckhaupt
3/30/94

AMENDMENT 12

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 9, line 19, following the first "grounds":

Insert "or a school bus"

Page 9, following line 25:

Insert a new paragraph to read:

"(7) a facility providing services to victims of domestic violence or sexual assault;"

Renumber the following paragraphs accordingly.

Failed

8-LS1471V.4 /
Luckhaupt
3/29/94

AMENDMENT 13

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 3, line 16:

Delete "21"

Insert "25"

failed

8-LS1471N.V.S
Luckhaupt
3/29/94

AMENDMENT 14

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 2, line 1, following "was a":

Insert "single"

Page 3, line 13, following "AS 18.65.715.":

Insert "Only one concealed handgun may be carried at any one time under a permit issued under this section."

Page 9, line 17, following "HANDGUN":

Insert "; POSSESSION OF MORE THAN ONE CONCEALED HANDGUN"

Page 9, following line 29:

Insert a new subsection to read:

"(b) A permittee may not carry more than one concealed handgun at a time."

Reletter the following subsection accordingly.

AMENDMENT 15

failed

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By BROWN

Page 6, line 1, following "minimum":

Insert "(1)"

Page 6, line 2:

Delete "(1)"

Insert "(A)"

Page 6, line 4:

Delete "(2)"

Insert "(B)"

Page 6, line 5, following "permit":

Insert "; and

(2) provide training in making decisions on when to use deadly force
and when not to use deadly force"

AMENDMENT 16

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 6, lines 6 - 7:

Delete "for the second time and every other renewal thereafter"

Page 6, line 27:

Delete "if required under AS 18.65.715,"

AMENDMENT 17

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

By Brown

Page 2, following line 28:

Insert a new paragraph to read:

"(6) submits proof of liability insurance as required under AS 18.65.718;"

Renumber the following paragraphs accordingly.

Page 6, following line 12:

Insert a new section to read:

"Sec. 18.65.718. MANDATORY LIABILITY INSURANCE. Before the issuance or renewal of a permit under AS 18.65.700 - 18.65.790, the applicant or permittee must provide to the department evidence that the applicant or permittee has obtained liability insurance in the amount of \$125,000. The insurance must insure the applicant or permittee against loss from the liability imposed by law for damages arising from the applicant's or permittee's carrying and use of the concealed handgun. The insurance required under this section must be maintained throughout the period that a permittee possesses a permit for the carrying of a concealed handgun."

Page 6, following line 29:

insert a new paragraph to read:

"(4) proof of liability insurance as required under AS 18.65.718;"

Renumber the following paragraphs accordingly.

Page 7, lines 23 - 24:

Delete "handgun or"

Insert "handgun,"

Page 7, line 24, following "AS 25.35.010 - 25.35.020":

Insert ", or fails to maintain liability insurance as required under AS 18.65.718"

Page 7, line 27, following "charged,":

Insert "the department has been notified that insurance required under AS 18.65.718 is in effect,"

Page 8, line 30, following "PERMIT":

Insert "; MAINTENANCE AND PROOF OF INSURANCE"

Page 9, following line 2:

Insert a new subsection to read:

"(b) A permittee shall maintain liability insurance as required under AS 18.65.718. A permittee shall carry proof of insurance at all times the permittee carries a concealed handgun. The permittee shall display the proof of insurance when asked to do so by a peace officer at any time."

Reletter the following subsections accordingly.

Page 9, line 12:

Delete "(a) or (b)"

Insert "(a), (b), or (c)"

Page 9, line 14:

Delete "(c)"

Insert "(d)"

AMENDMENT 18

no/oby

OFFERED IN THE HOUSE

By Brown

TO: CSHB 351(JUD)

Page 4, following line 17:

Insert a new paragraph to read:

"(11) is not ~~now and has not been~~ the subject of an injunction under AS 25.35.010 - 25.35.020 unless the injunction has been dissolved or has expired;"

Renumber the following paragraphs accordingly.

A M E N D M E N T 19

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

BY REPRESENTATIVE BROWN

Page 4, line 2:

Delete "18.65.760"

Insert "18.65.756, 18.65.758, 18.65.763"

Page 10, line 1:

Delete "Sec. 18.65.760"

Insert new material to read:

"Sec. 18.65.756. POSSESSION OF A CONCEALED HANDGUN WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.

(a) A person who is a holder of a permit issued under AS 18.65.700 - 18.65.790 commits the crime of carrying a concealed handgun while intoxicated if the person carries a concealed handgun

(1) while under the influence of intoxicating liquor, or any controlled substance;

(2) when, as determined by a chemical test taken within four hours after the alleged offense was committed, there is 0.0~~4~~³ percent or more by weight of alcohol in the person's blood or 40 milligrams or more of alcohol per 100 milliliters of blood, or when there is 0.0~~4~~³ grams or more of alcohol per 210 liters of the person's breath; or

(3) while the person is under the combined influence of intoxicating liquor and a controlled substance.

(b) Carrying a concealed handgun while intoxicated is a class A misdemeanor.

Upon conviction

(1) the court shall impose a minimum sentence of imprisonment of
(A) not less than 72 consecutive hours and a fine of not less

than \$250 if the person has not been previously convicted;

(B) not less than 20 days and a fine of not less than \$500 if the person has been previously convicted once;

(C) not less than 60 days and a fine of not less than \$1,000 if the person has been previously convicted twice;

(D) not less than 120 days and a fine of not less than \$2,000 if the person has been previously convicted three times;

(E) not less than 240 days and a fine of not less than \$3,000 if the person has been previously convicted four times;

(F) not less than 360 days and a fine of not less than \$4,000 if the person has been previously convicted more than four times;

(2) the court may not

(A) suspend execution of sentence or grant probation except on condition that the person serve the minimum imprisonment under (1) of this subsection;

(B) suspend imposition of sentence;

(3) the court shall revoke the person's permit to carry a concealed handgun, and may order the handgun that was carried in violation of this section to be forfeited under AS 18.65.761.

(c) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under this section shall supply the Alaska court system with the information regarding the condition and treatment of those persons as the supreme court may require by rule. Information compiled under this subsection is confidential and may only be used by a court in sentencing a person convicted under this section, or by an officer of the court in preparing a presentence report for the use of the court in sentencing a person convicted under this section.

(d) A person who is sentenced to imprisonment for 72 consecutive hours upon a first conviction under this section and who is not released from imprisonment after 72 hours may not bring an action against the state or a municipality or its agents, officers, or employees for damages resulting from the additional period of confinement if

(1) the employee or employees who released the person exercised due

care and, in releasing the person, followed the standard release procedures of the prison facility; and

(2) the additional period of confinement did not exceed 12 hours.

(e) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an agency authorized by the court to make referrals for rehabilitative treatment or to provide rehabilitative treatment.

(f) A program of inpatient treatment may be required by the authorized agency under (e) of this section only if authorized in the judgment, and may not exceed the maximum term of inpatient treatment specified in the judgment. A person who has been referred for inpatient treatment under this subsection may make a written request to the sentencing court asking the court to review the referral. The request for review shall be made within seven days of the agency's referral, and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(g) If a person fails to satisfy the requirements of an authorized agency under (f) of this section, the court

(1) may impose any portion of a suspended sentence;

(2) may punish the failure as contempt of the authority of the court under AS 09.50.010 or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's permit to carry a concealed handgun until the requirements are satisfied.

(h) Imprisonment required under (b)(1)(A) or (B) of this section shall be served at a community residential center or, if a community residential center is not available, at another appropriate place determined by the commissioner of corrections. The cost of imprisonment resulting from the sentence imposed under (b)(1) of this section shall be paid to the state by the person being sentenced provided, however, that the cost of imprisonment required to be paid under this subsection may not exceed \$1,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs

of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065. While at the community residential center or other appropriate place, a person sentenced under (b)(1)(A) of this section shall perform at least 24 hours of community service work and a person sentenced under (b)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(i) The commissioner of corrections shall determine and prescribe by regulation a uniform average cost of imprisonment for the purpose of determining the cost of imprisonment required to be paid under (h) of this section by a convicted person.

(j) In this section,

(1) "controlled substance" has the meaning given in AS 28.33.190;

(2) "previously convicted" means having been convicted in this or another jurisdiction, within 10 years preceding the date of the present offense, of any of the following offenses, or of another law or ordinance with substantially similar elements; however, convictions for any of these offenses, if arising out of a single transaction and a single arrest, are considered one previous conviction:

(A) carrying a concealed handgun in violation of this section;

or

(B) refusal to submit to a chemical test in violation of AS 18.65.758.

Sec. 18.65.757. IMPLIED CONSENT. (a) A person who is the holder of a permit issued under AS 18.65.700 - 18.65.790 and who carries a concealed handgun in this state shall be considered to have given consent to a chemical test or tests of the person's breath for the purpose of determining the alcoholic content of the person's blood or breath if lawfully arrested for an offense arising out of acts alleged to have been committed while the person was carrying the concealed handgun. The

test or tests shall be administered at the direction of a law enforcement officer who has reasonable grounds to believe that the person was carrying a concealed handgun while intoxicated.

(b) A person who is the holder of a permit issued under AS 18.65.700 - 18.65.790 and who carries a concealed handgun in this state shall be considered to have given consent to a preliminary breath test for the purpose of determining the alcoholic content of the person's blood or breath. A law enforcement officer may administer a preliminary breath test at the scene of an incident involving a concealed handgun if the officer has reasonable grounds to believe that a person's ability to use the handgun safely is impaired by the ingestion of alcoholic beverages and that the person

(1) was involved in a shooting incident involving a concealed handgun that the person was carrying;

(2) unlawfully used the handgun; in this paragraph, "unlawfully" means in violation of any federal, state, or municipal statute, regulation, or ordinance, except for violations that do not provide reason to believe that the operator's ability to use the handgun safely was impaired by the ingestion of alcoholic beverages; or

(3) possessed the handgun while committing a violation of AS 11 or AS 18.65.700 - 18.65.790.

(c) Before administering a preliminary breath test under (b) of this section, the officer shall advise the person that refusal may be used against the person in a civil or criminal action arising out of the incident and that refusal is an infraction. If the person refuses to submit to the test, the test may not be administered.

(d) The result of the test under (b) of this section may be used by the law enforcement officer to determine whether the driver or operator should be arrested.

(e) Refusal to submit to a preliminary breath test at the request of a law enforcement officer is an infraction that may be punished by a fine of not more than \$300.

(f) The preliminary breath test authorized by (b) of this section is in addition to any tests authorized under (a) of this section.

Sec. 18.65.758. REFUSAL TO SUBMIT TO CHEMICAL TEST. (a) If a person under arrest refuses the request of a law enforcement officer to submit to a

chemical test under AS 18.65.757(a) after being advised by the officer that the refusal will, if that person was the holder of a permit issued under AS 18.65.700 - 18.65.790 and was arrested while carrying a concealed handgun, result in the denial or revocation of the person's permit to carry a concealed handgun, that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while carrying a concealed handgun while intoxicated, and that the refusal is a crime, a chemical test may not be given, except as provided by AS 18.65.760.

(b) The refusal of a person to submit to a chemical test of breath under (a) of this section is admissible evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while carrying a concealed handgun while intoxicated.

(c) Refusal to submit to the chemical test of breath authorized by AS 18.65.757(a) is a class A misdemeanor.

(d) Upon conviction under this section,

(1) the court shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours and a fine of not less than \$250 if the person has not been previously convicted;

(B) not less than 20 days and a fine of not less than \$500 if the person has been previously convicted once;

(C) not less than 60 days and a fine of not less than \$1,000 if the person has been previously convicted twice;

(D) not less than 120 days and a fine of not less than \$2,000 if the person has been previously convicted three times;

(E) not less than 240 days and a fine of not less than \$3,000 if the person has been previously convicted four times;

(F) not less than 360 days and a fine of not less than \$4,000 if the person has been previously convicted more than four times;

(2) the court may not

(A) suspend execution of the sentence required by (1) of this subsection or grant probation, except on condition that the person serve the minimum imprisonment under (1) of this subsection; or

(B) suspend imposition of sentence;

(3) the court shall revoke the person's permit to carry a concealed handgun and may order the handgun that was carried during the refusal to submit to the chemical test to be forfeited under AS 18.65.761; and

(4) the sentence imposed by the court under this subsection shall run consecutively with any other sentence of imprisonment imposed on the person.

(e) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under (h) of this section shall supply the Alaska court system with the information regarding the condition and treatment of those persons as the supreme court may require by rule. Information compiled under this subsection is confidential and may only be used by a court in sentencing a person convicted under this section, or by an officer of the court in preparing a pre-sentence report for the use of the court in sentencing a person convicted under this section.

(f) A person who is sentenced to imprisonment for 72 consecutive hours under (d) of this section and who is not released from imprisonment after 72 hours may not bring an action against the state or a municipality or its agents, officers, or employees for damages resulting from the additional period of confinement if

(1) the employee or employees who released the person exercised due care and, in releasing the person, followed the standard release procedures of the prison facility; and

(2) the additional period of confinement did not exceed 12 hours.

(g) For purposes of this section, convictions for carrying a concealed handgun while intoxicated under AS 18.65.756 and for refusal to submit to a chemical test of breath under this section, if arising out of a single transaction and a single arrest, are considered one previous conviction.

(h) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an agency authorized by the court to make referrals for rehabilitative treatment or to provide rehabilitative treatment.

(i) A program of inpatient treatment may be required by the authorized agency under (h) of this section only if authorized in the judgment, and may not

exceed the maximum term of inpatient treatment specified in the judgment. A person who has been referred for inpatient treatment under this subsection may make a written request to the sentencing court asking the court to review the referral. The request for review shall be made within seven days of the agency's referral and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(j) If a person fails to satisfy the requirements of an authorized agency under (i) of this section, the court

(1) may impose any portion of a suspended sentence;

(2) may punish the failure as contempt of the authority of the court under AS 09.50.010 or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's permit to carry a concealed handgun until the requirements are satisfied.

(k) Imprisonment required under (d)(1)(A) or (B) of this section shall be served at a community residential center or, if a community residential center is not available, at another appropriate place determined by the commissioner of corrections. The cost of imprisonment resulting from the sentence imposed under (d)(1) of this section shall be paid to the state by the person being sentenced provided, however, that the cost of imprisonment required to be paid under this subsection may not exceed \$1,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065. While at the community residential center or other appropriate place, a person sentenced under (d)(1)(A) of this section shall perform at least 24 hours of community service work and a person sentenced under (d)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center,

residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(l) In this section,

(1) "cost of imprisonment" means the cost of imprisonment as determined under AS 18.65.756(i);

(2) "previously convicted" has the meaning given in AS 18.65.756.

Sec. 18.65.759. PRESUMPTIONS AND CHEMICAL ANALYSIS OF BREATH OR BLOOD. (a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person who is a holder of a permit issued under AS 18.65.700 - 18.65.790, while carrying a concealed handgun while intoxicated, the amount of alcohol in the person's blood or breath at the time alleged shall give rise to the following presumptions:

(1) if there was 0.01 percent or less by weight of alcohol in the person's blood, or 10 milligrams or less of alcohol per 100 milliliters of the person's blood, or 0.01 grams or less of alcohol per 210 liters of the person's breath, it shall be presumed that the person was not under the influence of intoxicating liquor;

(2) if there was in excess of 0.01 percent but less than 0.04 percent by weight of alcohol in the person's blood, or in excess of 10 but less than 40 milligrams of alcohol per 100 milliliters of the person's blood, or in excess of 0.01 grams but less than 0.04 grams of alcohol per 210 liters of the person's breath, that fact does not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but that fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor;

(3) if there was 0.04 percent or more by weight of alcohol in the person's blood, or 40 milligrams or more of alcohol per 100 milliliters of the person's blood, or 0.04 grams or more of alcohol per 210 liters of the person's breath, it shall be presumed that the person was under the influence of intoxicating liquor.

(b) For purposes of this chapter, percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 100 milliliters of blood.

(c) The provisions of (a) of this section may not be construed to limit the introduction of any other competent evidence bearing upon the question of whether

the person was or was not under the influence of intoxicating liquor.

(d) To be considered valid under the provisions of this section, the chemical analysis of the person's breath or blood shall have been performed according to methods approved by the department. The department is authorized to approve satisfactory techniques, methods, and standards of training necessary to ascertain the qualifications of individuals to conduct the analysis. If it is established at trial that a chemical analysis of breath or blood was performed according to approved methods by a person trained according to techniques, methods, and standards of training approved by the department, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

(e) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of the person's own choosing administer a chemical test in addition to the test administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer; the fact that the person under arrest sought to obtain such an additional test, and failed or was unable so to do, is likewise admissible in evidence.

(f) Upon the request of the person who submits to a chemical test at the request of a law enforcement officer, full information concerning the test, including the results of it, shall be made available to the person or the person's attorney.

Sec. 18.65.760. ADMINISTRATION OF CHEMICAL TESTS WITHOUT CONSENT. (a) If a person, who is the holder of a permit issued under AS 18.65.700 - 18.65.790, is under arrest for an offense arising out of acts alleged to have been committed while the person was carrying a concealed handgun while intoxicated, and that arrest results from an incident that causes death or physical injury to another person, a chemical test may be administered without the consent of the person arrested to determine the amount of alcohol in that person's breath or blood.

(b) A person who is unconscious or otherwise in a condition rendering that person incapable of refusal is considered not to have withdrawn the consent provided under AS 18.65.757(a) and a chemical test may be administered to determine the amount of alcohol in that person's breath or blood. A person who is unconscious or

otherwise incapable of refusal need not be placed under arrest before a chemical test may be administered.

(c) If a chemical test is administered to a person under (a) or (b) of this section, that person is not subject to the penalties for refusal to submit to a chemical test provided by AS 18.65.758.

Sec. 18.65.761. FORFEITURE OF HANDGUN. (a) After conviction of an offense under AS 18.65.756 or 18.65.758, the state may move the court to order the forfeiture of the handgun involved in the commission of the offense if the convicted person, was at the time of the offense the holder of a permit issued under AS 18.65.700 - 18.65.790, and has been previously convicted in this or another jurisdiction of more than one of the following offenses or has more than once been previously convicted of one of the following offenses:

(1) carrying a concealed handgun while intoxicated under AS 18.65.756 or another law or ordinance with substantially similar elements; or

(2) refusal to submit to a chemical test under AS 18.65.758 or another law or ordinance with substantially similar elements.

(b) For purposes of this section, convictions for both carrying a concealed handgun while intoxicated and for refusal to submit to a chemical test of breath under AS 18.65.757(a), if arising out of a single transaction and a single arrest, are considered one previous conviction.

(c) Upon receipt of a motion for forfeiture, the court shall schedule a hearing on the matter and shall notify the state and the convicted person of the time and place set for the hearing. At the hearing, the court may order the forfeiture of the handgun if the court, sitting without a jury, determines by a preponderance of the evidence that the forfeiture of the handgun will serve one or more of the following purposes:

(1) deterrence of the convicted person from the commission of future offenses under AS 18.65.756;

(2) protection of the safety and welfare of the public;

(3) deterrence of other persons who are potential offenders under AS 18.65.756; or

(4) expression of public condemnation of the serious or aggravated nature of the convicted person's conduct.

(d) Upon forfeiture of a handgun under this section, the court shall require the surrender of the person's permit to carry a concealed handgun. The permit shall be delivered to the department.

(e) A handgun forfeited under this section may be disposed of at the discretion of the department.

Sec. 18.65.763"

4.

HOUSE FINANCE COMMITTEE

MEETING OF 4/9/94
SUBJECT Am 19

MEMBER	YES	NO
HANLEY		<input checked="" type="checkbox"/>
HOFFMAN		
MARTIN		<input checked="" type="checkbox"/>
NAVARRE		
PARNELL		<input checked="" type="checkbox"/>
TERRIAULT		<input checked="" type="checkbox"/>
BROWN	<input checked="" type="checkbox"/>	
FOSTER		
GRUSSENDORF		<input checked="" type="checkbox"/>
MACLEAN		
LARSON		<input checked="" type="checkbox"/>
TOTAL	_____	_____

PASSED: _____

FAILED: _____

AMENDMENT

Brown 20 w/d

HB 351

PAGE 6
LINE 5

Following permit

Insert:

"By the placement of 10 out of 10 shots in a life-sized silhouette target at 3 yards, 7 yards, and 15 yards."

AMENDMENT
HB 351

Brown

21

w/d

PAGE 12

Following line 8

Insert new paragraph to read:

(5) "handgun" means a revolver or pistol with a barrel length of not more than 6 inches;

Renumber the following paragraphs accordingly.

AMENDMENT

Brown 22

Apot

HB 351

PAGE 4

FOLLOWING LINE 4

INSERT NEW PARAGRAPH TO READ:

"(5) has not within the 10 years immediately preceding the application been adjudicated a delinquent for a felony offense of this state or similar of another jurisdiction;"

Runumber the following paragraphs accordingly.

AMENDMENT 23

failed

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 351(JUD):

Page 10, line 20 after "PERMITTEES"

Delete "BY PEACE OFFICERS"

Page 10, line 23 after "are":

Delete "not"

Page 10, line 24 after "09.25.125":

Delete "and may only be used for law enforcement purposes"

AMENDMENT

24

failed

CSHB351 (JUD)

Page 9, line 28

Insert new paragraphs to read:

"(8) a public transportation vehicle including a bus, a train and a taxicab;

Renumber the following paragraphs accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 351(JUD)

Page 3, line 13, following "AS 18.65.715":

Insert "but may not specifically identify a handgun by make, model, or serial number"

Page 4, line 31, following "HANDGUN.":

Insert "(a)"

Page 5, following line 23:

Insert a new subsection to read:

"(b) As a 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 or as to any specifically identifying information, including make, model, or serial number, regarding a handgun with which the applicant has demonstrated competence under AS 18.65.715."

Page 6, following line 10:

Insert a new subsection to read:

"(c) The department may not require a certificate of competency 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."

Reletter the following subsection accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHB 351(JUD)

BY REPRESENTATIVE JAMES

Page 4, lines 18 - 27:

Delete all material and insert:

"(11) is not now suffering, and has not suffered during the three years
immediately preceding the application, impairment from alcohol; and"

Renumber the following paragraph accordingly."

Back-up

Alaska State Legislature



REPRESENTATIVE
JEANNETTE JAMES

P.O. Box 5662L
North Pole, Alaska 99705
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FAX (907) 488-9006
House District 34

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
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House of Representatives

SPONSOR STATEMENT

HOUSE BILL NO. 351

"AN ACT RELATING TO THE ISSUANCE OF PERMITS FOR THE CARRYING OF A CONCEALED WEAPON."

This bill is intended to insure that honest, law-abiding persons who qualify under the provisions of this act are not denied their right to choose to carry concealed weapons and firearms.

In his State of the State address at the opening of this Legislative session, Governor Hickel said that Alaskans are fed up with crime. One of his solutions was to fund more law enforcement agents, which will help, but generally a peace officer will become involved only after a law has been broken. Additional peace officers will act as a deterrent to crime only where they are visibly present, and they can't be on every corner all the time.

Allowing concerned, law-abiding, qualified citizens to carry concealed weapons will be an effective deterrent to crime; if law-breakers know that their potential victims are likely to be armed, and no longer defenseless, crime will decrease.

As we endeavor to carry out the wishes of our constituents, it is extremely important to note that this bill has the very strong support of a great majority of Alaskans.

BEFORE THE HOUSE FINANCE COMMITTEE
(Thursday, April 7, 1994)

**To conceal,
or not to conceal,
that is the question . . .**

A White Paper Discussing House Bill 351
by
The Department of Law and the Department of Public Safety

copy on file

WHAT THE PROFESSIONALS SAY:

"From a private citizen's standpoint I can summarize by saying if I get into a 'fender bender' on an Anchorage street corner, I will not be carrying a gun when I step out of my car, and I would just as soon the other guy isn't either."

Lawrence J. Nelson (retired)
FBI Special Agent in Charge in Alaska (1982-86)
Letter to Senator Salo, February 18, 1994

"Study after study has shown that most victims of assaults and rape suffer their fate at the hands of someone they know. We are in far more danger of being harmed by a loved one than we ever are of being assaulted by a street criminal. How are more concealed weapons going to protect these innocent people from acquaintances and relatives?"

Duane S. Udland, Deputy Chief
Anchorage Police Department
Letter to Rep. Porter, February 28, 1994

"If I were a taxicab driver in Anchorage, and suddenly realized that every third or fourth person who got into my cab could be sitting behind me with a loaded .357 magnum hidden under their coat, I think I might find another line of work."

Richard L. Burton, Commissioner
Department of Public Safety

"I know what it's like to run for office and to go up against a one-issue group in an election campaign. But I also know what it's like to sleep with a clear conscience, knowing I haven't allowed myself to be bullied into voting for something I thought was wrong. I believe the 'silent majority' of voters has more respect for legislators who don't knuckle under to organized special interest groups."

C. E. Swackhammer, Deputy Commissioner
Department of Public Safety
Alaska House of Representatives (1986-90)

THREE REASONS WHY CONCEALED HANDGUNS ARE NOT NEEDED IN ALASKA

1. Gun laws in Alaska are already more permissive than in almost any other state.

You have a right in Alaska to carry guns openly, except in bars and schools. An editorial entitled "Tuck this weapons bill out of sight" in the Fairbanks Daily News Miner (February 2, 1994) said that carrying guns openly is safer than carrying concealed and a better way to discourage an attack.

Guns can legally be carried concealed in your home, on property surrounding your home, and when you are hunting, fishing, hiking or engaged in other outdoor activity where you need a gun for safety. This means that right now guns can legally be carried concealed anywhere in Alaska except in populated areas.

Just three years ago, a state law was passed to allow *defensive* weapons to be carried concealed. In your purse or coat pocket you can carry mace, or pepper spray (just like the State Troopers use) or electric stun-guns. *These defensive weapons will protect you from rape, robbery and assault; and they won't kill innocent bystanders.* And best of all, these defensive weapons can't be used to kill *you*. (According to a recent FBI study, one out of seven police officers killed in the line of duty is killed with his or her own weapon.)

The notion that everyone is safer if everyone is secretly armed has not worked in international relations, and it will not work in interpersonal relations. This bill will put more guns on the street, in grocery stores, on ballfields and basketball courts, and in and around bars and liquor stores. That's something Alaskans just don't need.

2. This bill won't make a dent in crime. Violent crime and burglary occurs most often in the home, where concealed handguns are already legal in Alaska.

Alaskans can keep and carry concealed firearms in their homes and on property around their homes, but that hasn't stopped crimes in the home. It hasn't stopped burglaries; it hasn't stopped thefts from residences; it hasn't stopped malicious destruction of property; *and it certainly has not stopped domestic violence.*

Even though they have weapons available that they can carry concealed in and around their homes, many women in Alaska live in terror of domestic violence. This bill will do nothing to decrease their fear. Indeed, *the bill will increase the fear that their ex-husband or boyfriend could show up at their door in the middle of the night, legally carrying a concealed handgun.* This bill is opposed by the Council on Domestic Violence and Sexual Assault and by women's groups all across Alaska.

The vast majority of all burglaries occur in homes. Over 5000 burglaries were reported in Alaska in 1992. Having guns in the home didn't stop these burglaries, and this bill won't change that.

Most thefts and vandalism also occur in and around homes -- over 20,000 times in Alaska in 1992. Having guns in the home, and having the ability to carry them openly or concealed on your own property, didn't stop these acts and this bill won't change that. *In fact, it is a crime in Alaska to use "deadly force" to protect your property from theft or vandalism.*

Don't be misled: *This will not prevent or deter the crimes that plague Alaska.* It won't stop drunk driving or drunk driving deaths; it won't stop child sexual abuse; it won't stop drug dealing.

Don't be misled: *Crime rates have not gone down* in states allowing concealed handguns. Violent crime in Florida has increased over 17% in the six-year period beginning in 1987 -- the year Florida enacted concealed weapons legislation. The increase in Pennsylvania has been over 12% since enacting concealed weapons legislation. In West Virginia the increase has been over 40%.