

ALASKA LEGISLATURE

1041

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

115

years to reform the nightmarish patchwork of concealed weapons ordinances found in Florida's counties are proud to point to its record of success. The new concealed carry permit law is working well.

Before passage of the reform law, our hodgepodge of law, either disregarded the Constitution's Second Amendment, were interpreted locally or were left up to bureaucratic whim. There was no uniform procedure in Florida's 67 counties and citizens were subject to varying criteria depending upon where they lived.

Now this very basic right no longer vacillates according to local politics or the authority of a powerful few. We now have a state agency that handles applications and issues licenses based on statewide statutory criteria, and the license is valid statewide—not just in a particular county as in the past.

A year after the law took effect, Willis Booth, executive director of the Florida Chiefs Association, told the press, "The minute the bill was passed, we asked our chiefs in the state to be particularly alert for any cases in their jurisdiction that would give us knowledge of the fact that there was some abuse. At this point, it would appear the law is working very well. There are no horror stories that can be attributed to the passage of the law."

John Fuller, general counsel for the Florida Sheriff's Association, agreed. "I haven't seen where we have had any instance of persons with permits causing violent crimes, and I'm constantly on the lookout," he said.

A Florida Department of Law Enforcement spokesman has told reporters that the new law hasn't affected firearms violence in Florida, indicating that any increase in crime is attributed to the growing drug problem, not the concealed firearms law.

Even Robert Creighton, agent in charge of the U.S. Bureau of Alcohol, Tobacco and Firearms (BATF) in Florida, acknowledged that the popular concealed weapons permits aren't a factor in crime, adding, "The criminal element has no permits."

Anti-gun groups and the media predicted an outbreak of shootings in the Sunshine State. But, since passage nearly four years ago, this fair and more uniform concealed carry law simply hasn't shaken the foundations of the Florida legal system or created "an Old Wild West," "O.K. Corral" or "GUNshine State," as doomsayers predicted.

But the media have been unenthusiastic about reporting the success of the law and rarely report incidents when license holders defend themselves with a firearm, or simply bury a very short report somewhere in the back of the paper. Nonetheless many Floridians are alive and well today because we stuck with it for seven years and passed a law that they credit with saving their lives.

Take the case of a Miami attorney who believes he and his wife are alive today because of passage of the law. He and his wife returned home from a basketball game late on the evening of February 24, 1991. After opening the door for his wife to enter the home he turned around in the garage to get a leash to walk his dog. He was confronted by two attackers standing in his garage, wearing ski masks and carrying guns. He ducked behind the door as one attacker fired a shot, pulled his .45-caliber semi-automatic handgun and opened fire through the doorway. The attackers ran from the garage and fled in a waiting vehicle driven by a third person.

The attorney said if the concealed weapons law had not passed he would not have been armed, and surely would not be alive to read the brief 2-inch-long story—buried inside the newspaper—reporting the incident.

Clearly, the law has worked as we said it would, proving what those of us who supported it said all along. Statistics from the Florida Department of State—the agency handling applications and issuing licenses—are graphically clear. They prove that applicants are conscientious citizens concerned about and taking responsibility for their personal safety. The issue is, and has always been, one of the right of self-defense. Law-abiding Florida citizens do not wish to harm anyone. Yet neither do they feel they should suffer harm at the hands of

the lawless. It is patently obvious from the accompanying chart that license holders are everyday, law-abiding people who simply want to be able to protect themselves and their families should the need arise.

That should come as no surprise. A study conducted by the St. Louis University School of Law found that armed citizens were exceedingly responsible in carrying handguns on the street. The study found that while police were successful in shooting or driving off criminals 68 percent of the time, private citizens succeeded in 83 percent of their encounters. Most importantly, while 11 percent of the individuals involved in police shootings were later found to be innocents misidentified as criminals, only 2 percent of those in civilian shootings were so misidentified. In light of the fact that in urban areas private citizens encounter and kill up to three times as



David Register, Director, Div. of Licensing, Florida Dept. of State (left), and Florida Sec. of State Jim Smith (right) present "Concealed Weapons License Number 1" to Marion P. Hammer under Florida's new concealed weapons licensing law. Ms. Hammer, representing the NRA and Unified Sportsmen of Florida, helped write and pass the self-defense legislation.

many criminals as do law enforcement authorities, the track record of the private citizen is very impressive indeed. Florida's experience simply proves it once again.

Law-abiding Floridians who choose to protect themselves by carrying a concealed firearm may apply for a license—and receive it—if they meet the standardized criteria. State law mandates that a license be issued within 90 days from receipt of a completed application if the applicant is 21 years of age or older, has been a resident of Florida for six months, has no criminal record, can document knowledge or training in the safe use

continued on back page

FLORIDA CONCEALED WEAPONS LICENSING STATISTICS TO DATE

Applications received:	104,249
Applications denied:	743
Denied for incomplete application:	301
Denied for criminal history:	442
Licenses revoked for offenses after licensure:	61
Revoked for offense/firearm present:	10
Revoked for other reasons:	51

*Majority of offenses were nonviolent crimes such as DUIs, worthless checks and controlled-substance convictions.

**DUIs, reckless display included.

NOTE: This chart contains official statistical data from the Florida Department of State, Division of Licensing.

and handling of a firearm, has no record of alcohol or drug abuse, no record of mental illness or mental incompetency, no physical infirmity that would prevent safe handling of a firearm and desires to carry a concealed firearm for lawful self-defense.

The state must issue the license or prove the individual is disqualified based solely on the statutory criteria. There is no arbitrary or subjective discretion by anyone, and rule-making authority that could alter the intent of the law is specifically prohibited.


Three years after passage, in November 1990, the press revisited the issue in an interview with State Representative Ron Silver. Silver, an ardent supporter of Handgun Control, Inc., and the organization's chairwoman, Sarah Brady, told the press, "There are lots of people, including myself, who thought things

would be a lot worse as far as that particular situation [people being licensed to carry firearms for protection] is concerned. I'm happy to say they're not."

Silver also said that Florida has a long way to go to rid itself of its Wild West reputation and the "GUNshine State" label that he and HCI helped create with their emotional predictions of misuse and abuse. He added, "All of us are trying to do away with that image."

The bottom line is that Florida is a safer place to live because of the law, as Silver admitted. So it's time for the anti-gun organizations to back off. The statistics are in. The proof supports our position. The law is working very well. And decent people are alive today as a result of its passage.

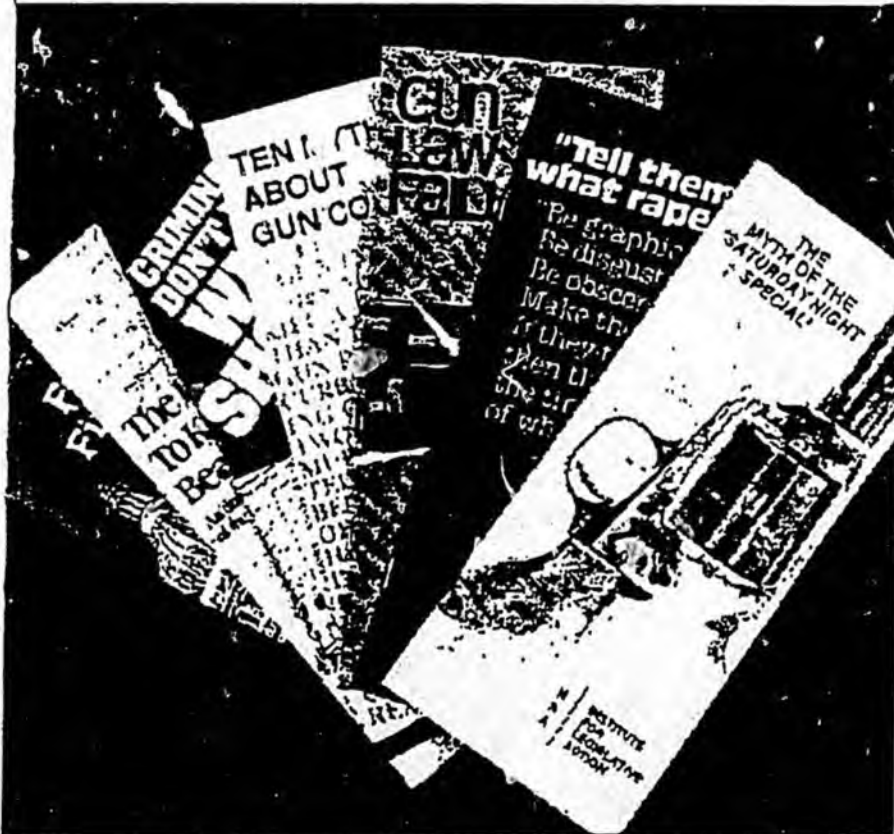
Other states (Idaho, Mississippi, Montana and Oregon) have already

used the Florida concealed weapons licensing law as a model and have passed similar legislation. Perhaps it's time for your state to do the same. 

Besides being a mother of three and a grandmother, Ms. Hammer has been active both as a sportswoman and as a political force working on behalf of firearms rights. Currently, she is a National Rifle Association board member and holds a seat on the NRA Legislative Policies Committee and the NRA Membership Committee and is chairperson of the NRA Ethics Committee. As a strong supporter of the NRA/ILA, she has been a media spokesperson on behalf of our 2nd Amendment rights, giving over 700 interviews in the past four years for national television, radio and the print media. For the past 12 years, Marion P. Hammer has held the post of Executive Director of United Sportsmen of Florida, 206 S. Monroe St., Suite 5, P.O. Box 6565, Tallahassee, FL 32314.

Permission to reprint granted to NRA Institute for Legislative Action by Guns and Ammo, pp. 22-23, and 92, November, 1991 issue.

Know the Facts!



From waiting periods and registration schemes to state and federal firearms laws, brochures available free from the NRA Institute for Legislative Action provide timely, accurate information concerning every aspect of the firearms issue. For the information you need, write:

Research and Information Division
NRA Institute for
Legislative Action
1600 Rhode Island Avenue, NW
Washington, DC 20036

ARMED CITIZENS & CRIME CONTROL

BY PAUL H. BLACKMAN, Ph.D.



ONE of the most popular features in the *American Hunter* is "The Armed Citizen" column, a listing of a tiny fraction of the incidents in which citizens use their privately owned firearms for protection. Only those incidents reported to the police, and covered in local newspapers, are highlighted in the column.

How widespread is the use of firearms by citizens for their self-defense? Data from diverse studies indicate that firearms—particularly, handguns—are used for protection in hundreds of thousands of incidents each year. Now, after years of research, a criminologist from Florida State University has published the most thorough estimates on the prevalence of defensive use of guns by Americans. The study—"Crime Control Through the Private Use of Armed Force" by Professor Gary Kleck—was published as the lead article in the February 1988 issue of *Social Problems*.

Dr. Kleck notes that although criminologists have long ignored the issue of guns for protection, they do study how "routine activities" may impact on crime and crime control. He notes that, with half of all American households and a quarter of retail businesses keeping firearms, "gun ownership must surely be considered a very routine aspect of American life and of obvious relevance to the activities of criminals." Nonetheless, Dr. Kleck adds, "victimology scholars have largely ignored victim gun ownership and use. [Yet] victim gun use may be one of the most serious risks a criminal faces."

Dr. Kleck's study focuses on: (1) the frequency and nature of private citizens' defensive uses of firearms against criminals; (2) the effectiveness versus risk of such actions; and (3) the potential deterrent impact on crime of defensive gun ownership and use.

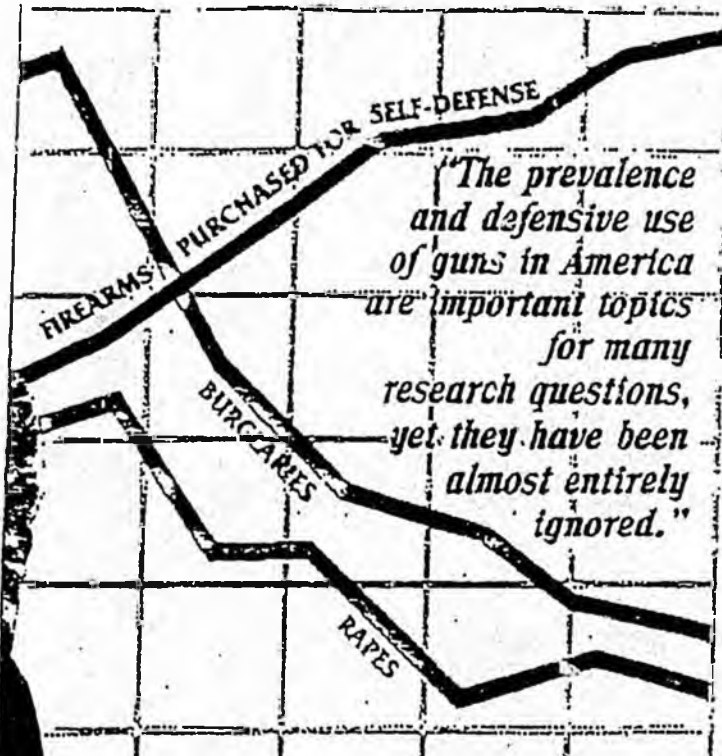
Primary sources for the study are national and state surveys on gun ownership and use, on victimization and protective measures taken, and on local studies on "jus-

tifiable" and "excusable" (self-defense) homicides. Dr. Kleck also weighs what he calls "quasi-experimental" cases of deterrence, such as the well-known example of Orlando, Florida, where women purchased firearms and attended safety classes on gun use in response to an increase in rapes. As a result, incidences of rape and burglary dropped dramatically.

Although several national surveys all suggest relatively small percentages of the nation's 60 million gun owners are using their firearms for protection, Dr. Kleck notes that the figures represent a "large number of actual uses." He estimates that "there were about 645,000 defensive uses of handguns against persons per year, excluding police or military uses." In addition, Dr. Kleck made projections on the uses of long guns, based on the numbers of households keeping long guns vs. handguns primarily for protection. Added together, Dr. Kleck estimates "that guns of all types are used for defensive purposes about one million times a year," and that "guns of all types are used substantially more often defensively than criminally." Most of these uses do not involve firing the gun, much less injuring the criminal.

"Although shootings of criminals represent a small fraction of defensive uses of guns, Americans shoot criminals with a frequency that must be regarded as remarkable by any standard," says Dr. Kleck. The criminologist notes that the FBI's so-called "justifiable homicide" data miss most killings of criminals by civilians because of technical reporting reasons. Using those data as suggestive and local studies as a means of estimating how many actually occur, Dr. Kleck estimates that annually, "gun-wielding civilians in self-defense or some other legally justified cause" kill between about 1,500 and 2,800 felons—or 2½ to seven times as many criminals as are shot dead by police.

Insofar as citizens protect themselves from criminals,



EDITOR'S NOTE

Dr. Gary Kleck is an associate professor at the Florida State University School of Criminology in Tallahassee. His research has focused on firearms for a dozen years, since he was a University of Illinois graduate student working with Professor David J. Bordua on patterns of firearms ownership, use and regulation in Illinois and on his dissertation, "Homicide, Capital Punishment, and Gun Ownership."

A specialist in research methodology, Dr. Kleck has authored or co-authored several articles on firearms and the "gun control" issue. His studies generally undermine the various assumptions of advocates of restrictive firearms laws and include a definitive academic rebuttal of the myth of the so-called "Saturday Night Special." He is currently working with Dr. Bordua on a study of private firearms ownership in the U.S.

Even though his research does not show restrictive firearms laws to be either necessary or beneficial, Dr. Kleck supports a "permissive" licensing system for all firearms on the assumption it would not interfere with private ownership. He is opposed to gun schemes directed exclusively at handguns, including licensing.

Attack, Injury and Crime Completion Rates in Robbery and Assault Incidents, by Self-Protection Method

Method of Self-Protection	Robbery				Assault		
	Percent Completed	Percent Detected	Percent Injured	Number Times Used ^(a)	Percent Injured	Percent Killed	Estimated Number Times Used ^(a)
Used gun	30.9%	25.2%	17.4%	89,005	23.2%	12.1%	386,023
Used knife	25.2	55.6	40.3	59,813	46.4	29.5	123,062
Used other weapon	28.9	41.5	22.0	104,700	41.4	25.1	454,570
Used physical force	50.1	75.6	50.8	1,653,880	82.8	52.1	6,538,823
Tried to get help or frighten offender	63.9	73.5	48.9	1,516,141	55.2	40.1	4,383,117
Threatened or reasoned with offender	53.7	48.1	30.7	955,298	40.0	24.7	5,743,008
Nonviolent resistance, including evasion	50.8	54.7	34.9	1,539,895	40.0	25.5	3,935,738
Other measures	48.5	47.3	26.5	284,423	36.1	20.7	1,451,103
Any self-protection	52.1	60.8	38.2	4,603,671	49.5	30.7	21,901,957
No self-protection	88.5	41.5	24.7	2,586,960	39.9	27.3	6,154,763
Total	65.4	53.7	33.2	7,290,631	47.2	29.9	27,956,719

Notes: (a) Separate frequencies in these columns do add to totals in "Any self-protection" row since a single crime incident can involve more than one self-protection method. Sources: Analysis of incident files of 1979-1985 National Crime Survey public use computer tapes (ICPSR, 1987b).

Robbery and assault victims who used firearms for protection were less likely to be attacked or injured than victims who responded in any other manner. Only 17% of those using guns to resist attempted robbery and 12% using guns to resist assault suffered any kind of injuries. 25% of robbery victims and 27% of assault victims who did not resist were injured anyway.

Dr. Kleck estimates "there were about 8,700-16,600 non-fatal, legally permissible woundings of criminals by gun-armed civilians" annually, and "the rest of the one million estimated defensive gun uses, over 98% involved neither killings nor woundings but rather warning shots fired or guns pointed or referred to."

National gun prohibitionists claim that firearms owned for protection are "generally useless and even dangerous to the victim . . ." Using victimization surveys commissioned by the U.S. Department of Justice, Dr. Kleck puts that contention to rest, finding that "for both robbery and assault, victims who used guns for protection were less likely either to be attacked or injured than victims who responded in any other way, including those who did not

resist at all. Only 12% of gun resisters in assault and 17% in robberies suffered any kind of injury. After gun resistance, the course of action least likely to be associated with injury is doing nothing at all, i.e., not resisting. However, passivity is not a completely safe course either since 25% of robbery victims and 27% of assault victims who did not resist were injured anyway."

Significantly, Dr. Kleck notes that the victimization surveys actually exaggerated the association of injury with gun-resistance since the surveys generally fail to ask whether the injury occurs after and because of resistance or whether the injury occurred first. In a supplemental questionnaire, however, it was found that most injuries to

ice of The Times

Concealed weapons 'white paper' full of baloney

By PAUL JENKINS

If you believed everything you read in a recent concealed weapons "White Paper" slapped together by the state departments of Law and Public Safety, you'd have to be dumber than a stump.

You would also have to believe law-abiding Alaskans are closet miscreants, and that House Bill 351 — a measure that would allow responsible citizens to carry concealed weapons — is the devil's work. You would have to believe the same tired drivel already disproved in other states.

Packed with some of the most inane reasoning I've ever encountered, the position paper's inescapable conclusions are these: If concealed weapons permits are allowed in Alaska, normally decent people will shoot cops and cab drivers, and, in their spare time, engage in gunfights, robberies and murders.

Utter, offensive trash and nonsense.

What the bill really is about is this: Giving law-abiding people the means to defend themselves in an increasingly violent world — if they choose to go through fingerprinting and a records check, pay a fee and take the necessary training.



Jenkins

It is not an indictment of the police or an invitation to vigilantism. It simply is an acknowledgment that the best cops in the world aren't worth squat when you desperately need them and they are busy elsewhere.

Instead of recognizing that and helping to craft legislation that might get somebody home safely, these people — the same ones supposedly looking out for our welfare — put out a half-baked paper to derail Rep. Jeannette James' HB351, now awaiting action in the House Rules Committee.

They would have you believe it's terrible, that it will return us to television's version of the Wild West.

But would it? Do normally law-abiding people who carry concealed weapons legally in other states turn into rampaging, blood-thirsty killers?

Florida has issued concealed weapons permits since Oct. 1, 1987. About 204,000 of the \$137 permits have been issued af-

these people have been involved in firearms-related crimes?

"I can't think of one, actually," says John Joyce, public information director for the Florida Department of Law Enforcement. "I can't recall one person carrying a weapon under a concealed weapon permit being involved in a crime."

But what about those who say gun permit holders are all wackos looking for shootouts? What about fender-bender slayings; fistfights escalating into macho shootings? What about mass chaos; the ritual eating of babies by gun-toting NRA crazies?

"There's an element in every state that wants people to believe that will happen," Joyce says. "As far as going out and committing crimes with weapons carried under the permits, that's something we've never seen."

The permits, he says, are not an issue with police because the people who carry them are not problem. And while the violent crime rate going up in Florida, "It's not a problem caused by people with concealed weapons permits," Joyce says.

Lou Summerford, supervisor of the Concealed Weapons Section of the Florida Department of State, says the permit holders "generally are upstanding people." His agency has revoked 358 permits since 1987 — or about one-thousandth of 1 percent of those issued.

They were revoked for a variety of reasons, he says, such as discovery of a

from the office of Representative Jeannette James

Florida's experience, and the experience of virtually every other state where concealed weapons permits are issued, may be anomalies, freaks of nature, cosmic weirdness. Or it may confirm the obvious truth: Normal, law-abiding people do not lust to kill cops, cab drivers, loved ones or anybody else — despite what some of Alaska's top cops and lawyers apparently want legislators to believe.

House Bill 351 should be passed, adopted by the Senate and signed into law by Gov. Walter Hickel. The governor already has given more than a lukewarm endorsement of the bill, so you have to wonder why his Law and Public Safety departments are trying to kill it.

"He has said they are free to express their concerns about it, but their position, as they expressed it in their white paper, is not his position," says John Manley, Hickel's press secretary. "He has said they can express their concern as professionals, but the governor's position is that if he gets a bill that he believes adequately addresses public safety concerns — and I don't mean the concerns of the Department of Public Safety — he won't have a problem with it."

This legislation may not turn the tide, and it is not likely to solve a crime problem the police themselves cannot control. Nobody ever said it would. But it will allow decent people to defend themselves.

And that's not a bad thing, considering the police — even if there were 100,000 of them — can't do it.

Monte and Linda Parrish

**P.O. Box 671852
Chugiak, Alaska 99567
907-688-9700**

To: Representative Jeannette James
Juneau, AK
% fax 465-2381

Reference: HB 351

Dear Ms James,

Thank You!! My husband and I just learned of the bill you introduced to create a legal way to carry a concealed weapon. In support of the legislation, I would like you to know about the following event;

One year ago, my husband and I were surprise assaulted by a person named Edward Scott Coleman. As it was, our being able to produce the handgun was the only thing that stopped his attack on us.

The assailant has a history of violence and trouble with the law, has threatened peoples lives, and is experienced at manipulating the system to minimize repercussions to himself. The irony is that because we had the firearm, we suffered some loss of credibility with one of the investigating officers. This was a factor that added to the assailant getting the charges against him, *dropped!*

To compound problems, by the nature of our existing law, the D.A.'s office was forced to consider charging us with carrying a concealed weapon.

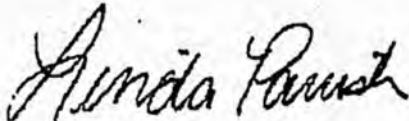
Even though the incident was sudden and terrorizing, we have some resolve in the fact that had it not been for our ability to produce a firearm at the time, it would have most surely ended in something tragic, rather than just the \$400.00 damage to our vehicle (which we have not been able to collect).

...By the way, the assailant is employed as a truck driver and currently resides in the Fairbanks area.

We feel compelled to carry a firearm because of bank deposits we transport from our business, and because of a violent rape that a family member was subjected to.

If you need to contact us for any reason during the day, our office number in Anchorage is 561-4820, fax is 562-2316. Feel free to circulate this communication as you wish.

Best Regards,



Linda Parrish



FREELON F. STANBERRY
MAYOR

February 1, 1994

Representative Jeannette James
State of Alaska Legislature
State Capitol Building
Room 501
Juneau, Alaska 99801-1182

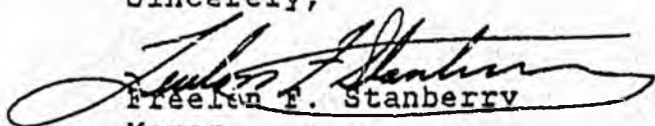
Dear Representative James,

I would like to thank you for introducing HB 351. We have long needed this bill and I am confident that our legislatures will do the right thing and pass this legislation.

I think it is needed more here in Alaska because of the many small towns like the City of Houston which does not have a police force and must depend on outside help which takes up to four hours to get in case of trouble. The carrying of a concealed weapon by law abiding citizens has already proven its self to be a deterrent to crime and not a problem to the police force in several small cities in the United States.

I also feel that in the case of the City of Houston if some of our citizens were allowed to carry a concealed weapon, they would be ready to identify drug dealers who we know are armed and dangerous. At this time they have no way of protecting themselves legally at all times. Thanks again and if I can be of any assistance please let me know.

Sincerely,



Freelon F. Stanberry

Mayor
PO Box 236
Houston, Alaska 99694
w/ 348-5105 h/ 892-6198



Daniel K. Schoonover, M.D., F.A.C.E.P.
Emergency Medicine

and Dark Knob Station
P.O. Box 10790
Fairbanks, Alaska 99710
(907) 451-3567

February 2, 1994

The Honorable Jeannette James,

I am in strong support of HB 351.

Being a practicing emergency medicine physician I see the violence in Alaska in a different light than does the national media. What I see in our busy emergency department are the victims of violence, unable to defend themselves against the rising numbers of violent criminals. The police do the best they can, but in these times of decreasing budgets, staff and funds, they are unable to prevent these violent crimes and are only able to assist and investigate after the fact. This Bill will allow the law abiding citizens of Alaska the opportunity to adequately defend themselves and their families in an inconspicuous way.

We don't need to encourage a "wild west" attitude of guns worn openly on the hip, that's too disruptive to the everyday activities of most Alaskans, but 37 states already have a law allowing concealed carry and it's worked very well for them. In this state where law enforcement response can be measured in hours instead of minutes (as witnessed with the murders at McCarthy, and Manley Hot Springs and the shoot out at Central), our citizens need a viable option for their self defense.

On a more personal note, as a doctor my life has been threatened by drug abusers and violent criminals so many times that I keep an unlisted phone number and a post office box so no one can find my home. Obviously I can not carry a firearm in plain view as it would illicit a very undesirable response in my patients and coworkers, but I do need protection. More emergency medicine doctors have been murdered in the last several years than any other specialty in the United States. Please support this Bill with all your heart and energy and please don't hesitate to call on me to help you in any way.

Sincerely,

DAVE WAARVIK
2355 O'Day Drive
JUNEAU, ALASKA 99901
(907) 789-0453

Tuesday, 2-1-94

To the honorable Jeannette James

I am writing in support of House bill 351 relating to Provisions for a permit to carry a concealed weapon.

I have been interested in firearms safety and proficiency issues for most of my adult life. I have about fifteen years experience in police work beginning in the late '50s with the U.S. Air force Air Police and with the Wisconsin state patrol and the Alaska State troopers. Also I am an active firearms and hunter safety instructor certified by NRA and ADF&G.

I have been following the issue of concealed weapons permits for the past few years and am convinced that there is no good reason for Alaska to continue to ignore the issue any longer. Some studies indicate that a significant part of the U.S. population periodically carries concealed weapons irrespective of the law and in response to a perceived need to be able to protect oneself. HB351 would provide a LEGAL mechanism for those who wish to invest the time money and effort to equip themselves with an effective means of self defense. What this is really is a matter of freedom of choice.

Col. Murphy AST the other day commented that the 88 million dollars spent on the drug enforcement effort in Alaska in the past few years does not appear to have any appreciable effect and perhaps it's time to reevaluate our approach.

Like the gun control approach to attacking crime, places like New York city and Washington D.C. have had an ever increasing violent crime rate despite ever more restrictions on the private ownership of firearms. It seems one should not be blaming gun owning citizens for crime any more than the police who are doing a good job in view of having to look at the same faces over and over as criminals circulate through the revolving door of the so called criminal justice system.

Granted, as the Wright/Rossi study found in most cases of armed robbery mounting an effective defense would not have been possible in any case. But in some cases it would and there is NO credible evidence that the committed, trained and licensed citizen lacks the judgement or restraint to respond to a threat appropriately. In the Florida experience since 1987 when over 160,000 Concealed weapons permits were issued over a six year period only 16 of them (0.01%) have been revoked because of weapons infractions. Unlike police who are required by law to place themselves in harms way and make snap judgements and are afforded the protection of the state against personal civil liability, The responsible civilian is under no obligation to persist in the face of danger and risks the wrath of both the civil and criminal legal process should he make an error in judgement. And should he err in judgement he, unlike the police officer, incurs no liability against the state, only himself.

Respectfully,

April 13, 1994

*from Representative
Samuel James*

Dan P. Saunders
PO Box 3554
Palmer, Alaska 99645

Honorable Lt. Governor Jack Coghill
Office of the Lt. Governor
Capitol Building
Juneau, Alaska

Dear Lt. Governor Coghill:

I am a retired law enforcement officer with a total of 38 years of honorable service as a commissioned state, federal, and metropolitan officer. These years of service consisted of undercover narcotics investigation, criminal investigations in four different states, and Special Agent-Investigator for the F.A.A. Security Division in Alaska. My last seven years of service was as a criminal fraud investigator for the Alaska Department of Commerce. I have been an Alaska resident since February, 1961.

During my years of interviewing and interrogating convicted burglars, rapists and occasional murderers, one thing became obvious from their first-hand testimony to me. These hoodlums all had the same worry--that of running into an armed law abiding citizen or homeowner. They had no fear of a police officer whatsoever, and they have even less fear today, but each in his own words said he would avoid any town or neighborhood where the

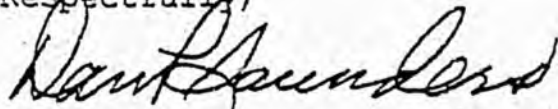
citizens were believed to be armed. THEY STILL HAVE THAT SAME
FEAR TODAY!

There is something else in present day Alaska that bother
me just as much. Our crime rate will never recede until our so-
called prosecutors stop taking the "pansy" approach and accepting
a guilty plea for reduced charges. Some of our Superior Court
judges with who I am acquainted do a wonderful job in prosecuting
felons, but their job would be a lot easier if the prosecutors
would quit seeking TV coverage and start working on these felony
cases as they are paid to do.

Please instruct the Department of Law in Juneau to stop
wasting their time in complaining and generating "white papers,"
and start cracking down on felons so that our wives, our
children, and grandchildren won't have to cower in fear because
they can't defend themselves. I am a grown man who has learned a
lot about the mentality and thought process of those who rape,
rob, and murder innocent people. This is not "jolly Olde England"
or some republic in revolt, but is a land where our Bill of
Rights guarantees us the right to defend ourselves.

Keep up the good work.

Respectfully,



Dan P. Saunders, ret.

Back-up

FISCAL NOTE

No. 2

Bill Version: CSHB 351(JUD)

(H) Publish Date: 3/25/94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL NO. _____

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/Detachments
 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	328.4	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.

Changes in CSHB 351 (STA.)
 reflect NO FISCAL CHANGE from the original
 fiscal note. This fiscal note is appropriate.

4-27-94
 date Comte Aide (initial)

COMMITTEE COPY

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

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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.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

No. 2
Bill Version: CSHB 351 (JUD)
BILL NO. 5 (H) Publish Date: 3/25/94

Revision Date: _____ Dept. Affected: Public Safety
Title: "An act relating to the issuance of
permits for the carrying of a concealed weapon." BRU: Statewide/Alaska State Troopers
Sponsor: Representative JAMES Component: Records & ID/Detachments
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	328.4	430.4	430.4	323.4
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
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TOTAL OPERATING	562.5	1,112.0	484.2	639.5	639.5	491.2
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Changes in CS CSHB 351 (STA.)
reflect NO FISCAL CHANGE from the original
fiscal note. This fiscal note is appropriate.
4-27-94 [Signature]
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Prepared By: Francis C. Allan Phone: (907) 269-5691
Division: Alaska State Troopers Date: 03/24/94
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Agency: Richard L. Burton, Dept. of Public Safety

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CSHB35 (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		
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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 law 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 discloses 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 AFSIN 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.

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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		<u>118,905</u>
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ref - tc.392

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		<u>26,910</u>

		118,704
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ref - tc.392

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		<u>\$45,030</u>
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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

		<hr style="width: 10%; margin: 0 auto;"/> \$66,216
TOTAL COST		

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>18,301</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		<u>\$77,201</u>
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FY95
Costs

	Sgt. x1 x12 Months	Trooper x1 x4 Months	CT III x1 x3 Months	NonPerm CTIII x 10 x3 Months	CK IV x1 x12 Months	OTHER Con (1)	AFIS OPI x1 x9 Months	AFIC OP II x1 x6 Months	CK IV x3 x4 Months	TOTAL
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	118.9	58.8	16.9	96.8	53.5	67.6	36.2	41.7	72.1	562.5

(1) Startup contractual programming support. 40,000.0

Certified Postage \$2.50 x 6,236 permils. 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)	1.0	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	92.8	90.1	44.3	42.0	290.3	288.8	70.9	59.9	132.9	1,112.0

(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	48,000.0
Total Contracted	288,800.0

(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
Total Contractual	84,180.0

(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
Total Contractual	112,240.0

(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.

FY00
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	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
Total Contractual	91,195.0

(2) Replacement supplies only.

CSHB351 (JJD)
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					
90 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
.../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

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: SCS HB351 (STA) am S

Revision Date: 5/5/94
 Title: "An act relating to the issuance of permits for the carrying of a concealed weapon."
 Sponsor: Representative JAMES
 Requestor: Senate Rules

Dept. Affected: Public Safety
 BRU: Statewide/Alaska State Troopers
 Component: Records & ID/Detachments
 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	663.9	397.2	328.4	328.4	328.4	450.7
Travel	4.8	5.0	5.0	5.0	5.0	5.0
Contractual	460.1	296.1	161.4	161.4	161.4	462.5
Supplies	45.2	18.6	12.8	12.8	12.8	23.0
Equipment	177.8	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	1,351.8	716.9	507.6	507.6	507.6	941.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	1,842.7	844.6	307.1	307.1	307.1	1,275.2
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,351.8	716.9	507.6	507.6	507.6	941.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,351.8	716.9	507.6	507.6	507.6	941.2

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

POSITIONS:

Full - Time	9	9	6	6	6	8
Part - Time	0	0	0	0	0	0
Temporary	10	10	0	0	0	2

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

Prepared By: Sgt. Dan Lowden & Francis C. Allen Phone: (907) 465-5505
 Division: Alaska State Troopers Date: 5/5/94
 Approved by Commissioner: [Signature] Date: 5/5/94
 Agency: Richard L. Burton, Department of Public Safety

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5/5/94

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 as close to the effective date of the bill of October 1, 1994 as possible. However, time to promulgate the regulations and develop the necessary administrative and operational procedures necessary to successfully implement the statute change may delay the opening of the program. Every effort will be made to accomplish the desired October 1st starting date.

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 handguns (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. Based on the effective date in the bill of October 1, 1994 following revenue is forecasted:

FY95:

623,600 X 4% new permits = 24,944	
X 9 mos. of 1st yr. = 18,708 X \$98.50 =	\$1,842,738

FY96:

623,600 X 4% new permits = 24,944	
X 3 mos of 1st yr. = 6,236 x \$98.50 =	\$614,246
623,600 X .5% new permits = 3,118	
X 12 mos of 2nd yr. = 3,118 x \$98.50 =	\$307,123
FY year total	\$921,369

FY97:

623,600 X .5% new permits = 3,118 X \$98.50 =	\$307,123
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FY98:

623,600 X .5% new permits = 3,118 X \$98.50 =	\$307,123
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FY99:

623,600 X .5% new permits = 3,118 X \$98.50 = \$307,123

FY00:

623,600 X .5% new permits = 3,118 X \$98.50 = \$307,123

Renewals 24,944 X 90% = 22,450

X 9 mos = 16,838 x \$57.50 \$968,139

FY year total \$1,275,262

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.

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 be needed by August 1, 1994 to assist in developing the program. After implementation the 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 8/1/94.

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. To help initiate the program the start date for this position will be 7/1/94.

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. The start date for this position will be 8/1/94.

Non-Permanent Clerk Typist III - Like the permanent Clerk Typist III, these positions will process applications. Ten will be needed during ten months of FY95 and two months of FY96, to handle the initial large volume of applications in a timely manner. Two will be needed again for six months in FY00 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 position 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

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.

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
FY99	1 AAFIS Operator II 1 AAFIS Operator I
FY00	1 AAFIS Operator II 1 AAFIS Operator I 2 Clerk IV

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Fiscal Impact

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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. Most of the initial applications are anticipated to be received during the start up period in FY95. In that year hours of effort will be needed. Because the initial start up 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

AP SIN	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 be denied and another 1% will later will be revoked. Approximately 25% of those actions will result in an administrative or judicial hearings 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.

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	
Micro computer work station	5,000	
Firearms - S&W .4006 & Rem 870P	<u>782</u>	
Total Equipment		29,325

TOTAL COST 123,905

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	
Micro computer work station	5,000	
Firearms - S&W .4006 & Rem 870P	<u>782</u>	
Total Equipment		31,910

TOTAL COST 123,704

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 work station	<u>5,000</u>	
Total Equipment		6,325

TOTAL COST **\$48,396**

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	
Facsimile machine	3,200	
Micro computer work station	5,000	
Laminator	<u>500</u>	
Total Equipment		12,450

TOTAL COST **\$56,745**

Non Perrn
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>3,377</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 work station	<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 work station	<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>18,301</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 work station	<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>x11 Months</u>	CT III x1 <u>x11 Months</u>	NonPerm CTIII x 10 <u>x10 Months</u>	CK IV x1 <u>x12 Months</u>	OTHER Con (1)	AFIS OP I x1 <u>x12 Months</u>	AFIC OP II x1 <u>x12 Months</u>	CK IV x3 <u>x10 Months</u>	<u>TOTAL</u>
Personal Services	76.7	62.2	31.1	254.7	35.7	0.0	51.6	62.6	89.3	663.9
Travel	2.5	2.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.8
Contractual	12.6	17.1	5.0	46.1	5.6	348.2	5.7	5.7	14.1	460.1
Supplies	2.8	2.7	2.6	21.6	2.9	0.0	2.6	2.6	7.4	45.2
Equipment	29.3	26.9	6.3	52.7	12.5	0.0	6.3	6.3	37.5	177.8
TOTAL	<u>123.9</u>	<u>111.2</u>	<u>45.0</u>	<u>375.1</u>	<u>56.7</u>	<u>348.2</u>	<u>66.2</u>	<u>77.2</u>	<u>148.3</u>	<u>1,351.8</u>

(1) Startup contractual programming support.	40,000
Certified Postage \$2.50 x 6,236 permits.	15,590
Administrative hearing costs.	280,620
Fingerprint System Maintenance.	<u>12,000</u>
Total Contracted	348,210

SCS HB351 (STA) am S

**FY96
Costs**

	<u>Sgt. x1</u>	<u>Trooper x1</u>	<u>CK IV x1</u>	<u>CT III x1</u>	<u>NonPerm CT III x10 (1)</u>	<u>Con. (2)</u>	<u>AFIS OP II x1</u>	<u>AFIS OP I x1</u>	<u>CK IV x3 (4)</u>	<u>TOTAL</u>
Personal Services	76.7	67.9	35.7	33.9	50.9	0.0	62.6	51.6	17.9	397.2
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	9.2	230.3	5.7	5.7	2.8	296.1
Supplies (3)	1.0	1.0	3.0	2.6	4.3	0.0	2.6	2.6	1.5	18.6
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>64.4</u>	<u>230.3</u>	<u>70.9</u>	<u>59.9</u>	<u>22.2</u>	<u>716.9</u>

(1) Needed for two months.

(2) Other costs include:

Computer space storage	5,000
Administrative hearing costs.	128,618
Postage, \$2.50 x 19,488 =	48,720
 Fingerprint System Maintenance	 <u>48,000</u>
Total Contracted	230,338

(3) Replacement supplies only.

(4) Needed for two months.

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**FY97
Costs**

	<u>Sgt. x1</u>	<u>Trooper x1</u>	<u>CT III x1</u>	<u>CK IV x1</u>	<u>Other Con (1)</u>	<u>AFIS OP II x1</u>	<u>AFIS OP I x1</u>	<u>TOTAL</u>
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	107.6	5.7	5.7	161.4
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	107.6	70.9	59.9	507.6

(1) Includes annual:

Computer space storage	5,000
Administrative hearing costs for denials and revocations	46,770
Postage \$2.50 x 3,118	7,795
 Fingerprint System Maintenance	 48,000
Total Contractual	<u>107,565</u>

(2) Replacement supplies only.

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FY98
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	107.6	5.7	5.7	161.4
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	107.6	70.9	59.9	507.6

(1) Includes annual:

Computer space storage	5,000
Administrative hearing costs for denials and revocations	46,770
Postage \$2.50 x 3,118	7,795
Fingerprint System Maintenance	48,000
Total Contractual	107,565

(2) Replacement supplies only.

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FY99
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	Other Con (1)	AFIS OPII 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	107.6	5.7	5.7	161.4
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	107.6	70.9	59.9	507.6

(1) Includes annual:

Computer space storage	5,000
Administrative hearing costs for denials and revocations	46,770
Postage \$2.50 x 3,118	7,795
 Fingerprint System Maintenance	 48,000
Total Contractual	<u>107,565</u>

(2) Replacement supplies or . /.

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FY00
Costs

	Sgt. x1	Trooper x1	CT III x1	CK IV x1	Other Con (1)	AFIS OP II x1	AFIS OP 1 x1	CK IV x2	Non Perm x2 x 10 Months	TOTAL
Personal Services	76.7	67.9	33.9	35.7	0.0	62.6	51.6	71.4	50.9	450.7
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	5.5	5.6	388.2	5.7	5.7	11.3	9.2	462.5
Supplies (2)	1.0	1.0	2.6	3.0	0.0	2.6	2.6	5.9	4.3	23.0
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	388.2	70.9	59.9	88.6	64.4	941.2

(1) Includes annual:

Computer space storage	5,000
Administrative hearing costs for denials and revocations	299,328
Postage \$2.50 x 14,342	35,855
 Fingerprint System Maintenance	 48,000
Total Contractual	388,183

(2) Replacement supplies only.

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Permit and Renewal Projection

ORIGINAL APPLICATIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
9 MOS/75% OF 24,944	18,708					
3 MOS/25% OF 24,944		6,236				
NEW APPLICATIONS						
.5% NEW X 623600 X .75% (9MOS)		2,339				
.5% NEW X 623600			3,118	3,118	3,118	3,118
RENEWALS						
90% X 24944 X 75%						16,837
TOTAL APPLICATIONS AND RENEWALS PROJECTED BY FISCAL YEAR	18,708	8,575	3,118	3,118	3,118	19,955
Total number of administrative hearings.	94	43	16	16	16	100
Total cost of administrative hearings. (Hearings x \$3,000)	280,620	128,618	46,770	46,770	46,770	299,328

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Year Renewal	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
RIGINAL APPLICATIONS						
MOS/75% OF 24,944	18,708					
MOS/25% OF 24,944		6,236				
EW APPLICATIONS						
3% NEW X 623600 X .75%		2,339				
3% NEW X 623600			3,118	3,118	3,118	3,118
ENEWALS						
0% X 24944 X 75%						16,837
TOTAL APPLICATIONS AND RENEWALS PROJECTED BY FISCAL YEAR	18,708	8,575	3,118	3,118	3,118	19,955
F/PGM Receipt Calculation						
Original Applications AST Permit Fee @ \$63.50 + APSIN Check @ \$35	1,842,738	844,588	307,123	307,123	307,123	307,123
Renewal Application AST Renewal Fee @ \$32.50 + APSIN Name Check @ \$25						968,139
F/PGM Receipts by Fiscal Year	1,842,738	844,588	307,123	307,123	307,123	1,275,262

Anticipated Costs to Applicants for obtaining Concealed Weapons Permits

Cost Category	Original Application	Renewal Application	DPS Fund Source
Training	\$130.00	\$130.00	NO
Rolled Print	\$30.00		NO
DPS Permit Fee	\$63.50	\$32.50	Yes GF/PGM
State Fingerprint Based Criminal History Check	\$35.00		Yes GF/PGM
National Fingerprint Based Criminal History Check	\$24.00		NO
State Thumbprint Verified Criminal History Check + National Name Based Criminal History Check		\$25.00	Yes GF/PGM
Total Anticipated Costs To Applicant	\$282.50	\$187.50	

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
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99801-1192
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House Of Representatives

The Pacific Institute for Public Policy, in February 1990, published a Policy Briefing entitled GUNS, MURDERS, AND THE CONSTITUTION; a Realistic Assessment of Gun Control, by Don B. Kates, Jr.

The author does an excellent job of addressing the issue of gun control laws, giving the pros and cons and comparing the actual facts with the assumptions of the various attitudes which are prevalent.

Two positions are attached here for your information:

1. Sagecraft Summarized
2. Police Protection vs Capacity to Defend Oneself

POLICY BRIEFING-A
REALISTIC ASSESSMENT
OF GUN CONTROL

1. Sagecraft Summarized

Let the sagecraft concept seem unduly harsh, I will briefly review five particularly insupportable anti-gun claims (they and others are further detailed in the body of this paper):

- a) *The claim that homicide is predominantly a matter of "ordinary law-abiding people" killing a relative or acquaintance because a loaded gun happened to be available during a moment of anger.*

This claim is contradicted by all national and local studies of homicide, which uniformly show that murderers are not "ordinary law-abiding people." Rather, murderers (like gun accident perpetrators) are highly aberrant individuals, characterized by felony records, alcohol and/or drug dependence, and life histories of irrational violence against people around them.¹⁰

⁸ Bruce-Briggs, above.

⁹ Tonso, above, applying concepts based on F. Znaniecki, *The Social Role of the Man of Knowledge*, 72-74 (N.Y.: Harpers, 1968).

¹⁰ Straus, "Domestic Violence and Homicide Antecedents," 62 *Bull. N.Y. Acad. Med.* 446 (1986); cf. Bruce-Briggs, "The Great American Gun War," 45 *The Public Interest* 37, 40 (1976):

The calculation of family homicides and accidents as costs of gun ownership is false. The great majority of these killings are among poor, restless, alcoholic, troubled people, usually with long criminal records. Applying the domestic homicide rate of these people to the presumably upstanding citizens whom they prey upon is seriously misleading.

See also Kates, "Firearms and Violence: Old Premises, Current Evidence," in T. Gurr (ed.), *Violence in America*, 203-204 (1989) (hereinafter cited as "Current Research"); Kleck, "Policy Lessons from Recent Gun Control Research," 49 *Law & Contemp. Probs.* 35 (1986) (hereinafter cited as "Policy Lessons") at 40-41, and studies there cited.

- b) *The claim that (though banning all guns may not be politically feasible) banning only handguns would save lives because gun attacks are more lethal than knife attacks.*

In a recent National Institute of Justice survey among about 2,000 incarcerated felons, well over 80 percent of those who had often misused handguns said that if handguns were unavailable they would turn to long guns (rifles or shotguns) instead.¹¹ Thus, a crucial issue in any handgun ban is that, while handgun wounds are 1.3 to 3 times more lethal than knife wounds, a rifle or shotgun wound kills 5 to 11.4 times more often than a handgun wound. Far from decreasing homicide, if a handgun ban caused only 30 percent of handgun attackers to turn to long guns, the homicide rate might nearly double; if 50 percent switched, homicides could more than triple.¹² Astoundingly, not one academic who argued that banning handguns would save lives (because knives are less deadly) even mentioned the necessary corollary that not controlling long guns would cost lives because rifles and shotguns are far more lethal.

- c) *The claim that comparing American statistics to those of selected gun-banning foreign countries proves that guns cause crime and that banning them reduces it.*

Differentials in international crime rates reflect basic socio-cultural and economic differences that have nothing to do with gun laws. First, Western Europe has not only far less gun violence but also less violence of all kinds *per capita*. Second, this difference between the United States and Western Europe was even greater before the latter's gun laws were adopted in the 1920s and 1930s. Third, those laws were adopted to control political violence—to which those countries have always been far more subject than the United States. Fourth, as American violence skyrocketed from the mid-1960s on, violence rates increased even more rapidly in the gun-banning countries (particularly gun violence). And fifth, in such equally crime-free countries as Switzerland, Israel, and New Zealand, there is even more gun availability than there is in the United States.¹³

- d) *The claim that guns are generally not useful and not used for self-defense.*

Gary Kleck recently has found that, while handguns are used in vast numbers of crimes annually, they are used even more often by good citizens to repel crime

¹¹ J. Wright & P. Rossi, *Armed and Dangerous: A Survey of Felons and Their Firearms* 221, table 11.3 (N.Y.: Aldine, 1986) (hereinafter called NIJ Felon Survey).

¹² Policy Lessons at 48-50, Lizotte, "The Costs of Using Gun Control to Reduce Homicide," 62 *Bull. N.Y. Acad. Med.* 539, 541 (1986).

¹³ See discussion in Current Evidence at pp. 200ff and below in this paper.

(approximately 581,000 crimes vs. about 645,000 defense uses annually).¹⁴

e) *The claim that there is no individual right to arms because the Second Amendment to the U.S. Constitution protects only the states' right to arm the militia.*

Though mere control is constitutional, wholesale prohibition and confiscation is not; the Constitution precludes laws barring responsible, law-abiding adults from choosing to own guns for self-defense. Sanford Levinson, a leading constitutional scholar (who personally opposes gun ownership), recently dismissed academic obliviousness to this clear fact in a paper fittingly entitled "The Embarrassing Second Amendment."¹⁵

1. Police Protection vs. the Capacity to Defend Oneself

Perhaps the single most common argument against freedom of choice is that personal self-defense has been rendered obsolete by the existence of a professional police force.⁶⁹ For decades, anti-gun officials in Chicago, San Francisco, New York and Washington, D.C., have admonished the citizenry that they don't need guns for self-defense because the police will defend them. This advice is mendacious: when those cities are sued for failure to provide police protection, those same officials send forth their city attorneys to invoke

[the] fundamental principle of American law that a government and its agents are under no general duty to provide public services, such as police protection, to any individual citizen.⁷⁰

Even as a matter of theory (much less in fact), the police do NOT exist to protect the individual citizen. Rather their function is to deter crime in general by patrol activities and by apprehension after the crime has occurred. If circumstances permit, the police should and will protect a citizen in distress. But they are not legally duty bound even to do that nor to provide any direct protection--no matter how urgent a distress call they may receive. *A fortiori* the police have no duty to, and do not, protect citizens who are under death threat (e.g., women threatened by former boyfriends or husbands).

⁶⁸ All discussion of gun-armed self-defense in this paper is directed to handguns because they are infinitely more efficacious for defense than rifles or shotguns. In contrast to the unwieldy long gun, the short-barrelled handgun is much easier to bring into play at close quarters and much harder for an assailant to wrest away. Consider the situation of a woman holding an intruder at bay while trying to dial the police. With a rifle, this is difficult and hazardous at best. Given only the two-inch barrel of a snub-nosed handgun to grasp, not even the strongest man can lever it from a woman's grip before she shoots him. M. Ayoub, *The Truth About Self-Protection* (N.Y.: Bantam, 1983) 332-33, 341-42, 345-55.

⁶⁹ Thus Ramsey Clark denounces precautionary gun ownership as an atavistic insult to American government: "A state in which a citizen needs a gun to protect himself from crime has failed to perform its first purpose"; it is "anarchy, not order under law--a jungle where each relies on himself for survival," R. Clark, *Crime in America* 88 (1971). For similar views, see also Wills, "Handguns that Kill," *Washington Star*, Jan. 18, 1981; "John Lennon's War," *Chicago Sun Times*, Dec. 12, 1980; and "Or Worldwide Gun Control" *Philadelphia Inquirer*, May 17, 1981; editorial: "Guns and the Civilizing Process," *Washington Post*, Sept. 26, 1972.

⁷⁰ *Warren v. District of Columbia*, 444 A.2d 1 (D.C. Ct. of Ap. 1981). For similar cases from New York and Chicago, see *Riss v. City of New York*, 22 N.Y. 2d 579, 293 N.Y.S.2d 897, 240 N.E. 2d 860 (N.Y. Ct. of Ap. 1958); *Keane v. City of Chicago*, 98 Ill. App.2d 460, 240 N.E.2d 321 (1968). See also the cases cited in the next two footnotes and *Bowers v. DeVito*, 686 F.2d 61 (7 Cir. 1982) (no federal constitutional requirement that state or local agencies provide sufficient police protection).

All illustrative case is *Morgan v. District of Columbia*, 468 A.2d 1506 (D.C. Ct. of Ap. 1985). Two of the victims were upstairs when they heard the other being attacked by men who had broken in downstairs. Half an hour having passed and their roommate's screams having ceased, they assumed the police must have arrived in response to their repeated phone calls. In fact, their calls had somehow been lost in the shuffle while the roommate was being beaten into silent acquiescence. When the roommates went downstairs to see to her, as the court's opinion graphically describes it, "For the next fourteen hours the women were held captive, raped, robbed, beaten, forced to commit sexual acts upon each other, and made to submit to the sexual demands" of their attackers.

Having set out these facts, the District of Columbia's highest court exonerated the District and its police, because it is "fundamental [in] American law" that the police do not exist to provide personal protection to individual citizens.⁷¹ In addition to the case law I have cited, this principle has been expressly enunciated over and over again in statute law.⁷²

The fundamental principle that the police have no duty to protect individuals derives equally from practical necessity and from legal history. Historically, there were no police, even in large American or English cities, before the mid-19th century. Citizens were not only expected to protect themselves (and each other), but also legally required in response to the hue and cry to chase down and apprehend criminals. The very idea of a police was anathema, American and English liberalism viewing any such force as a form of the dreaded "standing army."⁷³ This view yielded only grudgingly to the fact that citizens were unwilling to spend their leisure hours patrolling miles of city streets and were incapable even of chasing fleeing criminals down on crowded city streets—much less tracing and apprehending them or detecting surreptitious crimes.

Eventually, police forces were established to augment citizen self-protection by systematic patrol to deter crime and to detect and apprehend criminals if a crime should occur. Historically, there was no thought of the police displacing the citizen's right of self-protection. Nor, as a practical matter, is that displacement remotely

⁷¹ 444 A.2d at 6; see also *Morgan v. District of Columbia*, 468 A.2d 1506 (D.C. Ct. of Ap. 1985). To the same effect, see *Calogrides v. City of Mobile*, 475 So. 2d 560 (S.Ct. Ala. 1985); *Morris v. Musser*, 478 A.2d 937 (1984); *Davidson v. City of Westminster*, 32 C.3d 197, 185 Cal. Rptr. 252, 649 P.2d 894 (S. Ct. Cal. 1982); *Chapman v. City of Philadelphia*, 434 A.2d 753 (Sup. Ct. Penn. 1981); *Weurich v. Delia*, 155 N.J. Super. 324, 326, 382 A.2d 929, 930 (1978); *Sapp v. City of Tallahassee*, 348 So.2d 363 (Fla. Ct. of Ap. 1977); *Simpson's Food Fair v. Evansville*, 272 N.E. 2d 871 (Ind. Ct. of Ap.); *Silver v. City of Minneapolis*, 170 N.W.2d 206 (S. Ct. Minn. 1969); and the other authorities cited in the footnotes preceding and following this one.

⁷² See Cal. Govt. Code §§ 821, 845, 846, and 85 Ill. Rev. Stat. 4-102, construed in *Stone v. State*, 106 C.A.3d 924, 165 Cal. Rptr. 339 (Cal. Ct. of Ap. 1980); and *Jamison v. City of Chicago*, 48 Ill. App. 567 (Ill. Ct. of Ap. 1977) respectively; see generally 18 *McQuillen on Municipal Corporations*, sec. 53.80.

⁷³ See generally 82 *Mich. L. Rev.* above at 214-16. and F. Morn, "Firearms Use and the Police: A Historic Evolution of American Values," in D. Kates (ed.), *Firearms and Violence* (1984).

feasible in light of the demands a high-crime society makes on the limited resources available to police it. Even if all 500,000 American police officers were assigned to patrol, they could not protect 240 million citizens from upwards of 10 million criminals who enjoy the luxury of deciding when and where to strike. But we have nothing like 500,000 patrol officers: to determine how many police are actually available for any one shift, we must divide the 500,000 by four (three shifts per day, plus officers who have days off, are on sick leave, etc.). The resulting number must be cut in half to account for officers assigned to investigations, juvenile, records, laboratory, traffic, etc., rather than patrol.⁷⁴

Doubtless the deterrent effect of the police helps ensure that many Americans will never be so unfortunate as to live in circumstances requiring personal protection. But for those who do need such protection, police do not and cannot function as bodyguards for ordinary citizens (though in New York and other major cities police may perform bodyguard services for the mayor and other prominent officials). Consider just the number of New York City women who each year seek police help, reporting threats by ex-husbands, ex-boyfriends, etc. To bodyguard just those women would exhaust the resources of the nation's largest police department, leaving no officers available for street patrol, traffic control, crime detection, apprehension of perpetrators, responses to emergency calls and so forth.⁷⁵

Given what New York courts have called "the crushing nature of the burden,"⁷⁶ the police cannot be expected to protect the individual citizen. Individuals remain responsible for their own personal safety, with police providing only an auxiliary general deterrent. The issue is whether those individuals should be free to choose gun ownership as a means of protecting themselves, their homes, and their families.

⁷⁴ See the extended discussion in Bowman, "An Open Letter," *Police Marksman*, July-Aug. 1986.

⁷⁵ Silver and Kates, "Handgun Ownership, Self-Defense and the Independence of Women in a Violent, Sexist Society," in D. Kates (ed.), *Restriction Handguns* at 144-47. Prof. Leddy, formerly a N.Y. officer, cites personal experience:

The ability of the state to protect us from personal violence is limited by resources and personnel shortages [in addition to which] the state is usually unable to know that we need protection until it is too late. By the time that the police can be notified and then arrive at the scene, the violent criminal has ample opportunity to do serious harm. *I once waited 20 minutes for the New York City Police to respond to an "officer needs assistance" call which has their highest priority. On the other hand, a gun provides immediate protection. Even where the police are prompt and efficient, the gun is speedier.*

From "The Ownership and Carrying of Personal Firearms," forthcoming in *Int'l J. Victimol.* (Emphasis added). Cf. the Riss and Silver cases cited above, as well as *Wong v. City of Miami*, 237 So.2d 132 (Fla., 1970). All emphasize the need for judicial deference to administrators' allocation of scarce police resources as a reason for denying liability for failure to protect.

⁷⁶ *Wiener v. Metropolitan Transit Authority*, 433 N.E. 2d 124, 127, 55 N.Y. 2d 175, 498 N.Y.S. 2d 141 (N.Y. App. Div. 1982).

Alaska State Legislature

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SPONSOR STATEMENT

HOUSE BILL NO. 351

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

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 handguns.

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.

All being concerned, law-abiding, qualified citizens to carry concealed handguns 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.

HB 351

MEMO

TO: Kathryn Daughhettee
Fiscal Analyst
Legislative Finance Division

FROM: Kathy Holmquist *ph*
Senate Finance

DATE: May 27, 1994

RE: HB 351 - Permits for Carrying Concealed Weapons

Received a telephone call yesterday afternoon from Lee Ann Lucas at Dept. of Public Safety inquiring about the fiscal note for HB 351. I researched the packet of fiscal notes submitted to the conference committee and advised that it appeared the 4/28/94 note from the department showing GF/PR of \$1,351.8 was the basis for the \$1,000.0 provided in CCS HB 370--the FY 95 budget. Lee Ann said a 5/5/94 note was submitted by the department showing the \$1,351.8 as GF rather than GF/PR. I located the 5/5/94 note in a stack of fiscal notes that accumulated after the conference committee adjourned. Lee Ann indicated that the 5/5/94 note should have been the basis for budget funding. I explained that neither Carol nor I could have inserted the updated note into the conference fiscal note packet, without authorization from our co-chairs, since it was not reported out of either finance committee. Had we received the note prior to conclusion of conference, we would have made those reviewing the notes aware of the update as an extraneous item. However, since the note was located among the post-conference notes, it does not appear it was timely.

In response to your call, this morning, indicating the department made similar inquiries of you, I researched Senate Journal entries for HB 351 for possible changes in the fiscal note. Although six Senate floor amendments were offered for the bill, none related to the fiscal note. Fiscal note information in BASIS for both House and Senate action on the bill evidences only the 4/28/94 GF/PR note (published 5/2/94). As a double-check, I called John Bitney in Rep. Larson's Wasilla office. John confirmed that reduced funding of \$1,000.0 for HB 351 was based on estimated GF/PR. The reduction was effected because it appeared unlikely the full estimate of program receipts would be collected in the first year of the program.

APR 25 1994

ALASKA**CIVIL LIBERTIES UNION**

An Affiliate of the American Civil Liberties Union

P. O. Box 201844 - 419 Barrow Street - Anchorage, AK 99520-1844

Phone: 907-258-0044 Fax: 907-258-0288

HB 351

AkCLUF

Board of Directors:

FACSIMILE TRANSMISSION - HARD COPY TO FOLLOW

OfficersMary C. Geddes,
President

April 20, 1994

Nancy Groszek,
Vice-PresidentThe Honorable Drue Pearce
Alaska State Senate
State Capitol - Room 508
Juneau, AK 99811-1182Don Clocksin,
SecretaryGail Gatton,
TreasurerDear ^{Drs} Senator Pearce:**Anchorage**Lloy' A. Eggan
Michael Irwin
Suzanne La Pierre

I am writing on behalf of the Board of Directors and members of the Alaska Civil Liberties Union (AkCLU) regarding House Bill 351, Representative James' bill to permit Alaskans to carry concealed weapons. As you know, HB 351 passed the House on a vote of 33 to 7 on Monday of this week. That same evening, the Board of Directors voted to publicly express its concern that certain special interests are making statements regarding the parameters of the U. S. Constitution's "right to bear arms" that are not an accurate reflection of the intent and meaning of the Second Amendment.

Fairbanks

Bob Miller

JuneauJennifer Bell
Shirley Dean
Liz Dodd
Tina M. Eckles

The AkCLU has been getting a lot of calls on HB 351, asking us to both support and oppose the bill. However, what has become most clear from these conversations is the confusion that exists over what the Second Amendment to the U. S. Constitution really means. The national ACLU has for decades agreed that the Second Amendment *guarantees* only the rights of states to maintain militias. The ACLU has also urged caution, however, over gun control laws that, though well-intended, *might* infringe on other civil liberties.

Kenai

Jeff Jefferson

The AkCLU believes that the right of Alaska and other states and the federal government to regulate guns is *not* counter to the U. S. Constitution's Second Amendment. Indeed, it is important to be factual in this often emotional debate: the U. S. Supreme Court, in the four cases in which it has addressed this issue, has consistently held that the Second Amendment does not confer a blanket right of individual gun ownership. There can be no debate on this issue. The Supreme Court has flatly held that an individual's right to keep and bear arms is not a right granted by the Constitution.

Ketchikan

Connie Griffith

Kotzebue

Martha Stewart

Nome

H. Connor Thomas

Valdez

Dirk R. Nelson

The Alaska affiliate, like other ACLU affiliates across the country, believes that effective gun control -- especially of handguns and assault weapons -- is essential to curbing the escalating violence in our society. A bill to legalize carrying a concealed weapon, however well-crafted, will only further increase the climate of concern for personal safety that is eroding each Alaskan's sense of well-being.

Randall P. Burns
Executive Director

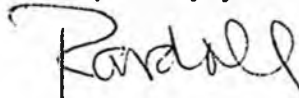
In Anchorage yesterday a large majority of residents voted to restrict guns from minors, a clear expression of the voters' concern for their safety and a belief in the benefit of gun control.

It is the AkCLU's particular concern that this loss of a feeling of personal safety is causing the public to clamor for more restrictive and repressive crime bills, bills that we believe time will show to have seriously eroded personal civil liberties and alarmingly increased police powers in the guise of protection.

The AkCLU *does not* oppose individual gun ownership, but the AkCLU is concerned that the proponents of HB 351 fail or refuse to recognize the role that guns play in the commission of crimes and that we, as a society, must start to take responsibility for that. The ability to carry a concealed weapon is not a constitutional right. We believe it appropriate for the AkCLU, whose focus is the protection of constitutionally guaranteed rights, to go on record refuting those who would claim gun control is unconstitutional.

Attached to this letter is a copy of some questions and answers on the Second Amendment developed by the Southern California ACLU affiliate. We urge you to read through the attached pages. At a time when the Alaska Legislature is passing bills that attack individual civil liberties in response to a perception that crime is on the rise, we believe that the Legislature should at least acknowledge the role that guns play in contributing to a fear-ridden society and recognize that responsible gun control is not contrary to the Second Amendment.

Respectfully yours,



Randall P. Burns
Executive Director

cc: All Members, AkCLU Board of Directors

The Second Amendment: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

Q1: The Second Amendment says "the right of the people to keep and bear arms shall not be infringed." Doesn't it mean just that?

A: There is more to the Second Amendment than just the last 14 words. Most of the debate on the Amendment has focused on its final phrase and entirely ignores the first phrase: "A well regulated Militia, being necessary to the security of a free State..." And to dissect the Amendment is to destroy its context. While some scholars have suggested that the Amendment gives individuals the constitutional right to bear arms, still others have argued for discarding the Amendment as irrelevant and out of date. However, the vast majority of constitutional experts agree that the right to keep and bear arms was intended to apply only to members of state-run, citizen militias.

Q2: If it doesn't guarantee the right to own a gun, why was the Second Amendment included in the Bill of Rights?

A: When James Madison proposed the Bill of Rights in the late 1780's, people were still suspicious of any centralized federal government. Just 10 years earlier, the British Army had been an occupying force in Colonial America -- enforcing arbitrary laws decreed from afar. After the Revolutionary War, the states insisted on the constitutional right to defend themselves in case the fledgling U. S. government became tyrannical like the British Crown. The states demanded the right to keep an armed "militia" as a form of insurance.

Q3: What exactly is "a well regulated militia"?

A: Militias in 1792 consisted of part-time citizen-soldiers organized by the individual states. Its members were civilians who kept arms, ammunition, and any other military equipment in their houses and barns -- there was no other way to muster a militia with sufficient speed. Over time, however, the state militias failed to develop as originally anticipated. States found it difficult to organize and finance their militias and, by the mid-1800's, they had effectively ceased to exist. Beginning in 1903, Congress began to pass legislation that would eventually transform state militias into what is now the National Guard. Today, the National Guard -- and Army Reserve -- are scarcely recognizable as descendants of the militias of the 1790's. The National Guard and Reserve forces, in fact, do not permit personnel to store military weapons at home. And many of today's weapons -- tanks, armored personnel carriers, airplanes, and the like -- hardly lend themselves to use by individuals.

Q4: Does the Second Amendment in any way guarantee gun rights to individuals?

A: No. The weight of historical and legal scholarship clearly shows the Second Amendment was intended to guarantee that states could maintain armed forces to resist the federal government. Most scholars overwhelmingly concur that the Second Amendment was never intended to guarantee gun ownership rights for individual personal use. Small arms ownership was common when the Bill of Rights was adopted, with many people owning single-shot firearms for hunting in what was then an overwhelming rural nation.

Q5: Does the Second Amendment authorize Americans to possess and own any firearms they feel they may need?

A: Clearly, no. The original intent of the Second Amendment was to protect the right of states to maintain state militias. Private gun ownership that is not necessary to the maintenance of militia is not protected by the Second Amendment.

Q6: Does the Second Amendment allow government to limit -- even prohibit -- ownership of guns by individuals?

A: Yes. Federal, state, and local governments can all regulate guns without violating the Second Amendment. State authorities have considerable powers to regulate guns. The federal government can also regulate firearm ownership, although some scholars believe that the federal power may not be as extensive as that of an individual state. California, for example, has limited the ability of local governments to regulate firearms. While the state has kept its broad regulatory authority, cities and counties can only prohibit guns from being carried in public places.

Q7: How have the courts -- particularly the U. S. Supreme Court -- interpreted the Second Amendment?

A: The Supreme Court has flatly held that the individual's right to keep and bear arms "is not a right granted by the Constitution." In the four cases in which the high court has addressed the issue, it has consistently held that the Second Amendment does not confer a blanket right of individual gun ownership. The most important Supreme Court Second Amendment case, *U. S. v. Miller*, was decided in 1939. It involved two men who illegally shipped a sawed-off shotgun from Oklahoma to Arkansas, then claimed the Second Amendment prohibited the federal government from prosecuting them. The court emphatically disagreed, ruling that the Second Amendment had the "obvious purpose" of creating state militias, not of authorizing individual gun ownership. In two earlier rulings, in 1876 and 1886, the Supreme Court held that the Second Amendment affected only the federal government's power to regulate gun ownership and had no effect on state gun control powers. Those cases, *Presser v. U. S.* and *U. S. v. Cruikshank*, formed the basis for the continuing legal decisions that the Second Amendment is not an impediment to rational gun control. In another case that the Supreme Court declined to review, a federal appeals court in Illinois ruled in 1983 that the Second Amendment could not prevent a municipal government from banning handgun possession. In the case, *Quilici v. Village of Morton Grove*, the appeals court held that contemporary handguns couldn't be considered as weapons relevant to a collective militia.

Q8: The National Rifle Association (NRA) says the Second Amendment guarantees our right to keep and bear arms. Has the NRA got it wrong?

A: Like any powerful special interest, the NRA works to secure its financial well being. It insists on a view of the Second Amendment that defies virtually all court decisions and contradicts findings of most legal scholars. In so doing, the NRA actively perpetuates a seemingly endless cycle of gun-related fatalities. The NRA intimidates politicians because it is very well financed and, like any wealthy single-issue special interest, can muster considerable pressure and scare tactics against legislators who oppose it. For decades, the NRA has effectively promulgated its message. Other voices have recently begun to be heard, however, including the public health community, civil rights and civil liberties organizations, and groups committed to women's, children's, and family rights. The NRA implies that the Bill of Rights forces us to accept unlimited gun ownership and to tolerate the human tragedies that guns cause in our society. That simply isn't true.

HB 351

Post-It™ brand fax transmittal memo 7671		# of pages	6
To	Hon. Steve Frank		
From	Jerry Jernigan		
Co.	S. Fin. Com.		
Dept.			
Phone #	823-5274		
Fax #	465-2187		

April 15, 1994

P.O. Box 895
Tok, Alaska 99780

Phone 907 883 5074
Fax 907 883 5878

REF: HB 351

I urge you to help keep HB 351 clean and simple and to vote yes for passage.

The people of Alaska need protection from the criminal element, especially the violent criminal.

I wish to share with you the attached pro-gun news articles that are taken from other than the mainstream press. Very few citizens have had an opportunity to read them.

Passage of HB 351 as I understand it read 1-2 weeks ago can very well help provide the citizen with added protection and become benchmark legislation that sets an example for other states (and our Federal Government) desiring to protect their citizens from the violent criminal.

Please make it possible for us, the people, to be able to protect each other by the passage of Hb 351. After all, the police have told us that they are unable to protect us, they can only respond after-the-fact.

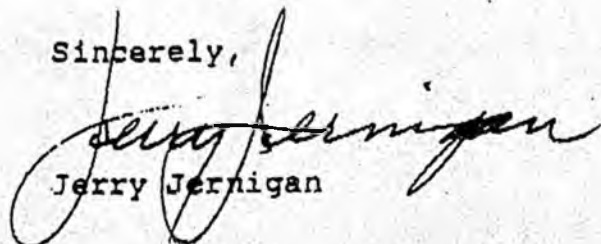
Yes errors will be made, innocent people will be hurt however I can not help but feel that a lot more innocent people will be protected and even be saved from serious injury or death. That is as it should be. The laws of our society should be for the benefit of the majority is that society.

As problems arise and oportunities for improvements are presented then this law can be ammended and others can be passed.

I trust that you feel as I do that its time government step forward and make it possible for the people to have the protection they need and deserve.

Passage of HB 351 will go a long way in providing this protection.

Sincerely,


Jerry Jernigan



NAFTA Deals Promote National Cynicism

WASHINGTON (UPI)—A consumer group said Wednesday that President Clinton made 21 deals with House members that cost taxpayers billions of dollars in pork projects to gain votes needed to pass the North American Free Trade Agreement last month.

Public Citizen said in a report released Wednesday that the "dealmaking frenzies" increase public cynicism about the political process.

"The dealmaking over NAFTA was a slap in the face of every citizen who made the public spirited effort to express to Congress a view on the dangers of the trade deal," said Public Citizen President Joan Claybrook.

The Ralph Nader-founded organization said the deals were

beyond "business as usual" and raised questions on whether the trade agreement with Mexico and Canada is worth its merit or whether it was purchased with special deals.

Among the agreements Public Citizen said were made in exchange for NAFTA votes were:

• A highway project in California linking the Golden State and Antelope Valley freeways, made on behalf of Rep. Howard "Buck" McKeon, R-Calif.

• A government-funded laboratory to explore uses for plutonium, made on behalf of Rep. Bill Sarpalino, R-Texas.

• Concessions to the textile industry, made on behalf of the Congressional Textile Caucus.

• A provision that would retroactively wipe out tariffs amount-

ing to \$17 million on Canadian-made Honda Civics. The group called it "the mystery deal" because no member of Congress could be associated to it.

• Fund-raisers and appearances by the president and his aides.



Consumer activist and advocate, Ralph Nader in Washington, D.C.

Opinion: Banning Guns Is Not the Answer, More Americans Should Carry Guns

By MARTIN ANDERSON
Special Columnist

The recent killing of six people on a Long Island commuter train by a man with a former postal box touched off a cascade of cries to "do something" about violence in America. Usually, some of the solutions offered to the problem would increase the violence.

Behind many of these proposals is the unspoken wish for: of the liberal's most cherished issues—a gun-free society. They have proposed steps that are partly intended to one day disarm the general public.

But lost in this emotional burst and the water of "belated, accomplish-nothing" news is any serious discussion why some 60 million Americans—virtually all of them tax-paying, God-fearing and law-abiding—own guns and what, if anything, can really be done to

reduce the danger of innocent people being shot.

The founders of this country did not lety add the Bill of Rights to the Constitution. Right after guaranteeing freedom of religion, freedom of speech and freedom of the press, and just before guaranteeing that Americans would be secure in their persons, houses, papers and effects against unreasonable searches and seizures, they added these words:

"A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

In 1791 the "militia" included every able-bodied man in the country. When the drafters of our constitution included the right to carry arms, they weren't thinking about hunters or target shooters or gun collectors. No, they were concerned about self-defense and the power of the state to oppress its citizens by force.

In 1993 any concern about a

powerful state oppressing U.S. citizens seems far away. But is it?

Now will argue the point that truly effective gun control—which would require national registration, licensing and seizures of houses and automobiles—would primarily affect those gun owners who do not abuse guns and use them chiefly for self-defense. No one will argue that a person innocent of robbery or murder would willingly obey any gun registration law.

The result would only increase the concentration of guns in the hands of two groups—criminals and the police—and the relative power of those two groups, *vis-a-vis* the rest of us, would increase.

What can we do to help prevent the kind of carnage that took place on that train? Remember, the killer was a 35-year-old college student with no criminal record. Not a single one of the solutions now on the table would have deterred him in the slightest.

Instead of trying futilely to disarm the criminals among us, perhaps we should increase the number of responsible armed citizens. Imagine what might have happened if an off-duty New York City policeman had been on that Long Island Railroad commuter train wearing his gun, which he is allowed and often required to carry. Would he have used it to take out the damaged gunman before he inflicted so much damage? Probably yes.

One sensible comment that President Clinton made on this tragedy was that when he was a boy, "one of the first things I was told was that you have to learn how to use a gun safely and responsibly."

Hmmmm. Maybe instead of fumbling around with waiting periods, limiting the number of bullets in clips to 10 and registering gun serial numbers in a national computer bank, we should set up training programs across the country to increase the number of men and

women who could perform the function of off-duty policeman.

These "special deputies" would be subject to the same extensive background checks as policemen. Let these men and women, who can pass the same competency tests for gun handling that are required of policemen receive a license to carry a concealed weapon.

Joycelyn Elders, the surgeon general of the United States, thinks we should study legalizing drugs to reduce violence. All right, let's study it. But perhaps we should also study whether the more effective way to reduce violent crime in America would be to decriminalize the carrying of a self-defense weapon in public.

—Martin Anderson, a senior advisor on the President's Council on Policy Advisory Board during the Reagan Administration, is now a senior fellow at the Hoover Institution, a Stanford University

For the People Will Not Cease Discussion of Our Constitutional Rights

Larry Pratt

Guns Don't Cause Crime, They Lower It

By LARRY PRATT
Special to For the People

When a lone gunman killed six people on a Long Island commuter train in December, he was the only person on the train with a gun. All the victims were unarmed. By law.

It is almost impossible for decent people to get a permit to carry a firearm in New York City and Long Island. This is typical of your high crime jurisdictions. These criminals are not stupid, they tend to be more brazen in areas where their working environment has been made safer by law.

Officials in these jurisdictions have an odd view of public safety. They think it is permissible for the police to kill a criminal in self-defense, but it's not O.K. for the general public to do the same. They think the police are capable of defending the public. Yet we know that that is not the way it works in practice — call for a cop, call for an ambulance and call for pizza. See which one shows up first.

As a result, the circumstances on the death train had no way to fight back. The murderer could count on that.

Is the answer to put another 100,000 police on the street, as President Clinton has suggested? That would bring the number on duty at one time to perhaps 180,000 officers to provide police coverage for over a quarter of a

billion Americans.

Court rulings have consistently held that the police have no responsibility to provide personal protection. The job of the police is to provide for law and order, and in practice this means that the cops are a clean up crew. They try to arrest the assailant after a crime has been committed.

Florida State University criminologist Dr. Gary Kleck has found that citizens shoot about twice as many assailants in self-defense as do police. The numbers are approximately 2,000 justifiable homicides for civilians and about 1,500 for the police each year.

Crime Goes Down When Gun Ownership Goes Up

Surely, someone might object, you are not advocating that everyone be armed. Why, if we were to allow that, the American people could not handle it and we would have people settling petty disputes with guns. The facts do not support this view.

Kennesaw, Georgia is a suburb of Atlanta. Over a decade ago, Kennesaw enacted an ordinance requiring every household have a gun. The armed burglary rate in Kennesaw plummeted, falling off at 72 percent below what it was before the ordinance was passed.

Five years ago Florida took a good first step toward eliminating unconstitutional infringements of the right to carry arms. There were all kinds of predictions that Florida would become a more vio-

lent place with people using guns to settle even minor disputes. The results were quite to the contrary. Florida's murder rate, which had been above the national average, declined 21 percent even while the national average rose twelve percent (See Chart 1, below).

The gun control argument assumes that guns cause crime. Why else would Sarah Brady of Handgun Control, Inc., or President Clinton or the host of others calling for gun controls want to restrict or ban guns? They say they want to fight crime. Obviously, the most important thing in their mind is gun control or they would advocate something else.

Washington, D.C.: model for failure

To evaluate their assumption, let us look at their showcase for gun control: Washington, D.C. Washington made it illegal to get a handgun after 1976 and requires that any shotgun or rifle be kept broken down and locked up. Effectively, the civilian population has been disarmed. Has this benefited the criminals?

Washington's murder rate rose from about the nation to first following the imposition of gun control. At the same time, the justifiable homicide rate (the killing of assailants by the good guys) fell by two-thirds. Obviously, Washington became more danger-

ous for decent people even while offering a safer working environment for criminals.

Gun grabbers respond that Washington's woes stem from the easy availability of guns in Virginia — guns which often overtake D.C. and commit murder there. What this argument fails to answer is why Virginia's guns are not the same problem in Virginia. (See Chart 2, below).

Virginia's murder rate is a fraction of that of the nation's capital. If guns had anything to do with crime, Virginia's murder rate would be at least two or three times that of D.C.'s.

Guns and crime abroad

Still trying to show that guns cause crime, gun controllers turn to comparisons of the U.S. with Europe and Japan. Many European countries have lower murder rates than does the U.S., so they jump to the conclusion that European gun control is the reason. But for their argument to make sense, it would have to explain all the data, and Switzerland doesn't fit.

Switzerland is an armed camp. Because of its citizen army, virtually every Swiss home has a fully-automatic assault rifle not to mention lots of other firearms as well. Gun control advocates argue that Switzerland's low murder rate

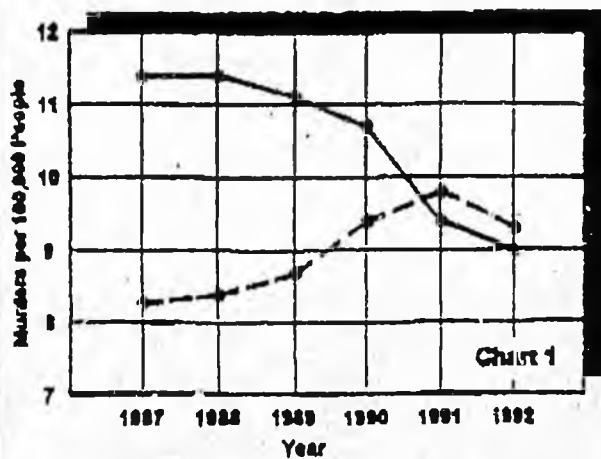
is the result of strict gun laws, but they miss their own argument. They have argued that guns cause crime, yet Switzerland has even more guns around in private hands than in the U.S. And the Swiss murder rate is about 14 percent of the U.S. rate (See Table 1, page 5).

The chart also makes it clear that homicide is only part of the picture of a violent society. Japan's combined murder and suicide rate is greater than that of the U.S. Also, keep in mind that every Japanese "suicide" include the murder of family members' before the suicide.

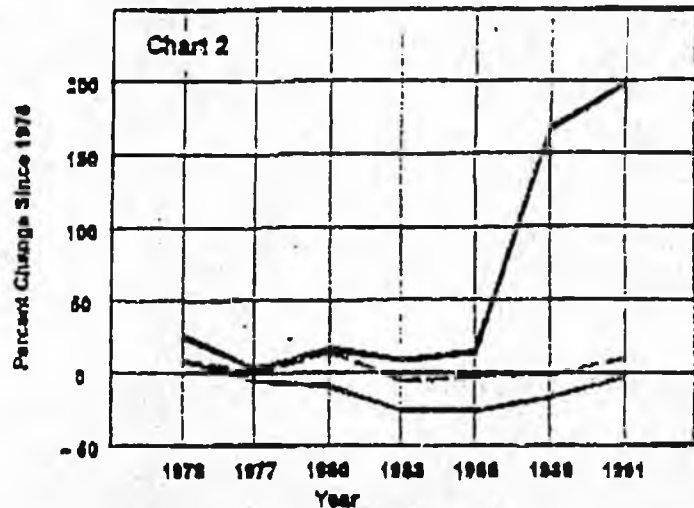
Virtual gun bans in Europe or Japan have not led to less violent societies. And as Japan makes it clear, gun control is carried out by a system that practices gross violations of civil liberties. Japan has been condemned by Amnesty International for its civil liberties abuses which include very inhumane treatment of prisoners in jail and an almost 100% conviction rate of those arrested. Japanese homes are open to warrantless inspection by Japanese police. When Japan is held up as a model of a civilized society that has crime under control, the above information needs to be kept in mind.

It is also worth looking at the

(See Pratt, page 3)



NOTE: Florida's Concealed Carry Law was enacted in 1987.



NOTE: Washington, D.C.'s Gun Control law was passed in 1976.
SOURCE: FBI, Uniform Crime Reports.

Pratt, from page 4

two following charts dealing with the percentages of murders and suicides which use firearms. These charts show that guns are not the cause of crime. Clearly, if all guns were taken away in the United States, there would still be a high non-gun murder rate in comparison to the murder rate of other countries.

By the same token, even without firearms available, the heavily armed Swiss would still have a very high suicide rate. Japan's suicide rate is very high (see table one), even though almost no firearms are used.

Again, this shows that people in a society can be violent with or without guns. Guns are not the problem, violent attitudes are (See Charts 3 and 4, below).

The Wrong Prescription

Some sectors of the medical community have joined the gun control ranks, arguing that guns are a public health problem. Their logic is the same as the rest of the gun grabbers, namely, that guns cause crimes.

One recent study that appeared in the *New England Journal of Medicine* alleges that one is three times more likely to be murdered if there is a firearm in one's house than if one is not.

The study was poorly done for several reasons. It ignored the vast number of cases where firearms are used defensively each year. Dr. Gary Kleck has found that firearms are used about 2.5 million times each year to ward off a criminal attack. In most of these cases (98%), the defender only needs to

brandish his firearm or fire a warning shot — a fact ignored by the medical journal study.

An additional shortcoming of the medical journal study was to intentionally ignore the criminal and violent background of those committing murder in its study. About 70 percent of the murderers in the U.S. have a violent criminal background, as do about 65 percent of their victims. In other words, it is criminals killing criminals. Guns are not the problem, violent attitudes are.

Consider also that 85 percent of crimes against persons are committed outside the home. Criminals know that at least half of American homes have guns. On the street, particularly in high-crime areas, victims are not allowed to carry arms. Getting guns off the streets has made it more

dangerous outside the home. While some doctors think the right prescription is to also rid homes of guns, taking their medicine would result in death for thousands of people.

There is an irony in seeing the medical field turn its attention to the supposed gun crisis, when doctors themselves are more responsible for limiting the rights of people.

The 1990 *Harvard Medical Practice Study* suggests that doctors' negligence kills about 100,000 non-psychiatric patients (as many as 150,000 including psychiatric inpatients and all outpatients) each year. In New York alone, almost 7,000 such patients die annually from doctors' negligence.

Shapiro's criticism shows that any American is at least 66 times

as likely to die from a doctor's "negligence" as from a gun murder (1,300 per year), and at least 66 times as likely to die from a doctor's negligence as from a gun murder (12,300 per year). The 12,300 figure is not for murders, not an estimate of 4,000 justifiable homicides credited to police and civilians alike who are able to kill criminals at the scene of a crime.

Gun control can jeopardize safety of innocent people.

There is a bitter irony: telling citizens the police cannot protect them, but then preventing them — through gun control laws — from defending themselves. Such restrictive laws only affect the law-abiding citizens, and in many cases, have led to the death of innocent people. Consider also

(See Pratt, page 0

**Chart 3 and 4
Guns and Deadly Violence**

Ranked according to percentages of households with firearms in 1988. Homicide and suicide data are averages from 1983-1988.



Legend:
 ■ Homicides with Guns per Million People
 □ Homicides without Guns per Million People

*NOTE: Breakdown not available, total shown.



Legend:
 ■ Suicides with Guns per Million People
 □ Suicides without Guns per Million People