

ALASKA LEGISLATURE

1533

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

ALASKA DEPARTMENT OF CORRELATIONS
REGULAR SEVEN DAY MENU
CYCLE 4

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---------------------------------|--|------------------------|------------------------|-------------------------|------------------------|------------------------|
| Breakfast | Breakfast | Breakfast | Breakfast | Breakfast | Breakfast | Breakfast |
| 190 Turkey Ham | 107 Sausage Sandwich on English Muffin | 241 Poik Sausage | 202 Crisp Bacon | 210 Crisp Bacon | 77 Turkey Sausage | 144 Scrambled Eggs |
| 20z | 20z | 24z | 20z | 20z | 24z | 20z |
| 190 Eggs | 190 English Muffin | 190 Pancakes | 120 Hash Browns | 120 Hash Browns | 77 French Toast | 106 Potato Pancakes |
| 20z | 20z | 20z | 20z | 20z | 20z | 20z |
| 98 Cereal | 98 Cereal | 98 Cereal | 98 Cereal | 98 Cereal | 133 Cereal | 98 Cereal |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 241 Fruit | 241 Fruit | 241 Fruit | 241 Fruit | 241 Fruit | 62 Fruit | 62 Fruit |
| 121 Milk, 2 percent | 121 Milk, 2 percent | 121 Milk, 2 percent | 121 Milk, 2 percent | 121 Milk, 2 percent | 62 Milk, 2 percent | 121 Milk, 2 percent |
| 121 | 121 | 121 | 121 | 121 | 121 | 121 |
| 36 Margarine or butter | 36 Margarine or butter | 36 Margarine or butter | 36 Margarine or butter | 36 Margarine or butter | 36 Margarine or butter | 36 Margarine or butter |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 50 Jelly | 50 Jelly | 50 Jelly | 50 Jelly | 50 Jelly | 50 Syrup | 50 Syrup |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 180 Juice | 180 Juice | 112 Jelly | 112 Jelly | 112 Jelly | 50 Beverages | 112 Juice |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 919 Total Calories | 919 Total Calories | 863 Total Calories | 876 Total Calories | 883 Total Calories | 922 Total Calories | 1003 Total Calories |
| Lunch | Lunch | Lunch | Lunch | Lunch | Lunch | Lunch |
| 60z Chicken Noodle Soup | 64 Beef barley Soup | 92 Minestrone Soup | 58 Tomato Rice Soup | 81 Chili Macaroni | 290 Chicken (umbo | 60z Fajitas for Soup |
| 60z | 60z | 60z | 60z | 60z | 60z | 60z |
| (filled Ham and Cheese Sandwich | Casseroles | Chicken Gordon | Large Sandwich | Colcass | 83 Pizza | 101 Porkwood Beef |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 18 (Cornmeal Cakes) | 18 (Cornmeal Cakes) | 10z Beef on Bone | 10z Beef on Bone | 100 Salad Dressing | 100 Salad Dressing | 67 Salad Dressing |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 67 Crackers | 67 Crackers | 30 Vanilla Dressing | 226 Salad Dressing | 67 Ice Cream | 100 Rice Krispie Treat | 50 Flavored Pudding |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 111 Beverages | 111 Beverages | 30 Flavored Yogurt | 221 Beverages | 112 Crackers | 112 Crackers | 112 Crackers |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 50 Crackers | 50 Crackers | 112 Mayonnaise | 50 Beverages | 50 Beverages | 50 Beverages | 50 Beverages |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 777 Total Calories | 781 Total Calories | 875 Total Calories | 1018 Total Calories | 795 Total Calories | 716 Total Calories | 951 Total Calories |
| Dinner | Dinner | Dinner | Dinner | Dinner | Dinner | Dinner |
| 30z Meat Loaf | 30z Chicken Pot Pie | 315 Corned Beef | 281 Turkey Sou Fry | 331 Beef Stroganoff | 298 Meat Loaf with | 20z Sautéed Sausk |
| 30z | 30z | 30z | 30z | 30z | 30z | 30z |
| 158 Stewed Potatoes | 158 Stewed W/ Beans | Stewed Red Potatoes | Fluffy Rice | 165 (Hot Potatoes | 212 (Hot Potatoes | 20z Parfried Potatoes |
| 60z | 60z | 60z | 60z | 60z | 60z | 60z |
| Stewed Potatoes | 18 Salad Dressing | 18 Stewed Potatoes | 18 Salad Dressing | 18 Salad Dressing | 18 French Style | Stewed Tomatoes |
| 60z | 60z | 60z | 60z | 60z | 60z | 60z |
| 40z Salad Dressing | 40z Salad Dressing | 40z Salad Dressing | 40z Salad Dressing | 40z Salad Dressing | 40z Salad Dressing | 40z Salad Dressing |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 108 (Dinner Roll) | 108 (Dinner Roll) | 120 Salad Dressing | 18 Dinner Roll | 170 Dinner Roll | 170 Dinner Roll | 67 (Dinner Roll) |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 125 Rice Pudding | 125 Rice Pudding | 165 Salad Dressing | 67 Angel Food Cake | 142 Margarine or butter | 36 Margarine or butter | 120 Fruit Tart |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 36 Margarine or butter | 36 Margarine or butter | 36 Cornbread | 108 with Sauce | 142 Margarine or butter | 36 Margarine or butter | 36 Margarine or butter |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 112 Beverages | 112 Beverages | 36 Beverages | 36 Beverages | 36 Beverages | 36 Beverages | 36 Beverages |
| 10z | 10z | 10z | 10z | 10z | 10z | 10z |
| 1014 Total Calories | 1019 Total Calories | 1150 Total Calories | 1152 Total Calories | 1167 Total Calories | 1188 Total Calories | 1223 Total Calories |
| Grand Total Calories | Grand Total Calories | Grand Total Calories | Grand Total Calories | Grand Total Calories | Grand Total Calories | Grand Total Calories |

Barbara M. ...

| Food Audit Survey | | | | | | | | | |
|-----------------------------------|--------|--------|--------|--------|--------|--------|--------|---------|--|
| Cost Per Meal Per Inmate Per Day | | | | | | | | | |
| January thru July 1995 | | | | | | | | | |
| Facility | Jan-95 | Feb-95 | Mar-95 | Apr-95 | May-95 | Jun-95 | Jul-95 | Average | |
| Avnil Mountain, Nome | \$1.99 | \$1.99 | \$1.88 | \$2.21 | \$1.89 | \$2.04 | \$2.31 | \$2.04 | |
| Cook Inlet Pre-Trial | \$1.29 | \$1.24 | \$1.20 | \$1.32 | \$1.19 | \$1.24 | \$1.23 | \$1.24 | |
| Fairbanks Correctional | \$1.30 | \$1.47 | \$1.28 | \$1.33 | \$1.20 | \$1.64 | N/A | \$1.37 | |
| Hiland Mountain, Eagle River | \$1.39 | \$1.47 | \$1.28 | \$1.38 | \$1.20 | \$0.91 | N/A | \$1.27 | |
| Ketchikan Correctional | \$1.94 | \$1.82 | \$2.00 | \$1.78 | \$2.12 | \$1.80 | \$1.81 | \$1.89 | |
| Lemon Creek, Juneau | \$1.34 | \$1.37 | \$1.31 | \$1.39 | \$1.45 | \$1.39 | N/A | \$1.37 | |
| Mat-Su Pt. Mckenzie | \$1.65 | \$1.97 | N/A | \$1.77 | \$1.70 | \$1.76 | \$1.52 | \$1.72 | |
| Mat-Su Pre-Trial Facility, Palmer | \$1.87 | \$1.29 | \$1.09 | \$1.91 | \$1.22 | \$1.41 | N/A | \$1.46 | |
| Palmer Correctional | \$1.57 | \$1.47 | \$1.73 | \$1.32 | \$1.88 | \$1.65 | \$1.59 | \$1.60 | |
| Spring Creek, Seward | \$1.59 | \$1.83 | \$1.54 | \$1.46 | \$1.65 | \$1.45 | N/A | \$1.53 | |
| Sixth Avenue Annex | \$1.24 | \$1.12 | \$1.22 | \$1.30 | \$1.12 | \$1.52 | N/A | \$1.25 | |
| Wildwood Correctional, Kenai | \$1.47 | \$1.40 | \$1.59 | \$1.59 | \$1.59 | \$1.59 | N/A | \$1.53 | |
| Yukon-Kuskokwim, Bethel | \$2.00 | \$1.54 | \$2.07 | \$2.43 | \$1.81 | \$2.48 | N/A | \$2.05 | |

The Meal Cost Per Inmate amounts have been supplied by the Food Service Managers.

I have not audited the amounts and have included them to give an overall picture of our current meal cost per institution.

N/A refers to Numbers that are not available at the time I questioned the institution.

A FAX

Alaska State Legislature

Date: 2/20/96

To: Legal Services - Jack Chenoweth

Fax #: 2029 Phone #: 2450

From: Jerry - Senate Finance

Phone #: 4935

Re: Using CSSSSB 175(JUD) as the basis please prepare final draft incorporating attached 3 amendments. Please deliver to Room 520, Capitol Bldg.

Following this page, please find 3 pages(s). If this does not reach you in full, please inform us ASAP.



THANK YOU.

SENATE FINANCE
COMMITTEE
Amendment Number: 3
Bill Number: _____
Sponsor: _____ Date: _____
Logged In By: _____

adopted
2/20/96
FEB 16 1996

AMENDMENT

OFFERED IN THE SENATE
TO: C S S S B 175 (JUD)

BY SENATOR DONLEY

- 1 Page 1, lines 10-11
- 2 Delete ", in the opinion of the Parole Board, significantly reduces
- 3 the probability of committing"
- 4 Insert, line 10
- 5 "substantially eliminates the physical ability to commit"
- 6 Page 1, line 12
- 7 Delete "of committing"
- 8 Insert "to committ"

adopted
2/20/96

SENATE FINANCE
COMMITTEE

FEB 16 1996

Amendment Number: # 1
Bill Number: _____
Sponsor: _____ Date: _____
Logged In By: _____

AMENDMENT

OFFERED IN THE SENATE
TO: CSSSSB 175 (JUD)

BY SENATOR DONLEY

- 1 Page 3, line 31, after "a television"
- 2 Insert ", a compact disc player, a video cassette recorder (VCR),"

adopted
2/20/96

SENATE FINANCE
COMMITTEE
Amendment Number: 2
Bill Number: _____
Sponsor: _____ Date: _____
Logged In By: _____

FEB 16 1996

AMENDMENT

OFFERED IN THE SENATE
TO: CSSSSB 175 (JUD)

BY SENATOR DONLEY

- 1 Page 4, line 19, after "training":
- 2 insert "
- 3 (J) smoke unless the prisoner smokes in an area that
- 4 has been designated under AS 18.35.320 to permit smoking"

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS DONLEY, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to correctional institutions and their administration, and to
2 services provided to prisoners; amending the definition of 'severely medically
3 disabled' applicable to prisoners seeking special medical parole; and amending
4 provisions of the correctional industries program, and extending the termination
5 date of the Correctional Industries Commission and the program."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 • Section 1. Sections 3 - 5 of this Act may be known as the "Alaska No Frills Prison Act."

8 • Sec. 2. AS 33.16.900(10) is amended to read:

9 (10) "severely medically disabled" means that a person has a medical
10 condition that substantially eliminates the physical ability to commit an offense
11 similar to the offense for which the person was convicted or to commit an offense
12 in violation of AS 11.41 that is punishable as a felony, [REQUIRES THE PERSON
13 SUFFERING FROM THE CONDITION TO BE CONFINED TO BED] and the person

1 is likely to

2 (A) remain subject to the medical condition [BE CONFINED
3 TO BED] throughout the entire period of parole; or

4 (B) [TO] die from the medical condition;

5 * Sec. 3. AS 33.30.011 is amended to read:

6 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

7 (1) establish, maintain, operate, and control correctional facilities
8 suitable for the custody, care, and discipline of persons charged or convicted of
9 offenses against the state or held under authority of state law; each correctional
10 facility shall be established, maintained, operated, and controlled in a manner that
11 is consistent with AS 33.30.015;

12 (2) classify prisoners;

13 (3) for persons committed to the custody of the commissioner, establish
14 programs, including furlough programs that are reasonably calculated to

15 (A) protect the public;

16 (B) maintain health;

17 (C) create or improve occupational skills;

18 (D) enhance educational qualifications;

19 (E) support court-ordered restitution; and

20 (F) otherwise provide for the rehabilitation and reformation of
21 prisoners, facilitating their reintegration into society;

22 (4) subject to AS 33.30.028, provide necessary

23 (A) medical services for prisoners in correctional facilities or
24 who are committed by a court to the custody of the commissioner, including
25 examinations for communicable and infectious diseases;

26 (B) psychological or psychiatric treatment if a physician or
27 other health care provider, exercising ordinary skill and care at the time of
28 observation, concludes that

29 (i) a prisoner exhibits symptoms of a serious disease or
30 injury that is curable or may be substantially alleviated' and

31 (ii) the potential for harm to the prisoner by reason of

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delay or denial of care is substantial;

(5) establish minimum standards for sex offender treatment programs offered to persons who are committed to the custody of the commissioner; and

(6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060.

* Sec. 4. AS 33.30 is amended by adding a new section to read:

Sec. 33.30.015. WORK REQUIREMENT AND LIVING CONDITIONS FOR PRISONERS. (a) In implementing this chapter, the commissioner may not

(1) provide

(A) living conditions and recreational opportunities to prisoners within a correctional facility that substantially exceed the conditions that may be required of the state by the Constitution of the United States or the constitution of the state;

(B) living quarters for a prisoner into which the view into the quarters is obstructed; however, the commissioner may not be required to renovate the cells of a correctional facility that, on the effective date of this Act, confines prisoners in cells equipped with doors that do not have bars or windows;

(C) food that substantially exceeds in quality or quantity the food that must be served as required by the Constitution of the United States or the constitution of the state;

(D) equipment or facilities for publishing or broadcasting material the content of which is not subject to prior approval by the department as consistent with keeping order in the institution and prisoner discipline;

(E) cable television service in a correctional facility other than a level of basic cable television service that is available as a substitute for services that are broadcast to the public in the community in which a correctional facility is located;

(2) allow a prisoner to

(A) make unmonitored telephone calls, except for calls between the prisoner and the prisoner's legal counsel;

(B) possess a television, a compact disc player, a video cassette recorder (VCR), or a computer in the prisoner's cell;

1 (C) view movies rated "R," "X," or "NC-17," or that do not have
2 a rating;

3 (D) possess printed material that visually depicts a person's
4 genitals, anus, or female breast;

5 (E) receive instruction in person, or by broadcast or printed
6 medium, or engage in boxing, wrestling, judo, karate, or other martial art, in
7 bodybuilding or weight lifting, or in any activity that, in the commissioner's
8 discretion, would facilitate violent behavior;

9 (F) possess or have access to free weights, to bodybuilding or
10 weight-lifting equipment, or to other equipment for use in the activities listed in
11 (E) of this paragraph;

12 (G) possess in the prisoner's cell a coffee pot, hot plate,
13 appliance, or heating element for food preparation;

14 (H) possess or appear in a state of dress, hygiene, grooming, or
15 appearance other than as permitted as uniform or standard in the correctional
16 facility;

17 (I) use a computer other than those that may be provided by the
18 correctional facility; the use may be only as part of the prisoner's employment
19 or vocational training;

20 (J) smoke unless the prisoner smokes in an area that has been
21 designated under AS 18.35.320 to permit smoking.

22 • Sec. 5. AS 33.30.071(c) is amended to read:

23 (c) Medical services for a prisoner who is unconscious or in immediate need of
24 medical attention before admission to a correctional facility or commitment by a court
25 to the custody of the commissioner of corrections shall be provided by the law
26 enforcement agency having custody of the prisoner. The law enforcement agency may
27 require the prisoner to compensate the agency for the cost or for a portion of the cost
28 of medical services provided for any [A] preexisting medical condition [NOT ARISING
29 OUT OF THE PRISONER'S ARREST].

30 • Sec. 6. AS 33.32.010 is amended to read:

31 Sec. 33.32.010. PURPOSE OF CHAPTER. It is the purpose of this chapter to
32 [:]

1 (1) develop and operate agricultural, industrial, and service enterprises
2 employing prisoners under the jurisdiction of the commissioner of corrections;

3 (2) provide realistic work experience and vocational training for
4 prisoners under conditions as much like those that prevail in private industry as possible,
5 consistent with proper penal administration, and to direct their efforts toward financial
6 responsibility, acquiring or improving effective work habits and occupational skills, and
7 increasing the probability of opportunities for employment after release; and

8 (3) operate a work program for prisoners that will be as nearly self-
9 supporting as possible by generating a sufficient amount of money from the sale of
10 products and services to pay all or most of the expenses of the program.

11 * Sec. 7. AS 33.32.015(b) is amended to read:

12 (b) The commissioner of corrections may

13 (1) subject to AS 36.30 (State Procurement Code), use, purchase, lease,
14 equip, and maintain buildings, machinery, and other equipment, and may purchase
15 materials and enter into contracts that [, WHICH] may be necessary for the correctional
16 industries program;

17 (2) provide for prisoners to be employed in rendering services and
18 producing articles, materials, and supplies needed by a state agency, a political
19 subdivision of the state, an agency of the federal government, other states or their
20 political subdivisions, or for use by nonprofit organizations;

21 (3) if the Correctional Industries Commission established in AS 33.32.070
22 approves, employ prisoners to provide services or products as needed by private industry
23 if the services or products have potential for contributing to the economy of the state and
24 will have minimal negative impact on an existing private industry or labor force in the
25 state;

26 (4) authorize a prisoner to engage in vocational training or in
27 productive employment within or outside a correctional facility, or enter into a contract
28 under AS 33.30.191 for the employment of a prisoner if the Correctional Industries
29 Commission determines that the employment will have minimal negative impact on an
30 existing private industry or labor force in the state; and

31 (5) subject to the provisions of AS 36.30 (State Procurement Code), enter
32 into joint cooperative ventures with private industry for the establishment and operation

1 of "Free Venture" industries under AS 33.32.017 (,) if the Correctional Industries
2 Commission determines at the time of inception that the "Free Venture" industry will not
3 compete with an existing private industry or labor force in the state.

4 * Sec. 8. AS 33.32.015 is amended by adding a new subsection to read:

5 (c) This section does not require the commissioner of corrections to establish
6 and administer a vocational training program under the correctional industries program.

7 * Sec. 9. Section 7, ch. 53, SLA 1982, as amended by sec. 1, ch. 25, SLA 1987, by sec. 4,
8 ch. 77, SLA 1991, and by sec. 10, ch. 93, SLA 1995, is amended to read:

9 Sec. 7. AS 33.32 is repealed July 1, 2005 [1999].

SENATE FINANCE COMMITTEE REPORT

DATE: 2/14/96

DATE TURNED INTO OFFICE: _____

The Finance Committee considered **SPONSOR SUBSTITUTE FOR SB 175**

Relating to the "No Frills" prison act.

and recommends:

- be replaced with CS 555B 175 (FIN)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
 House Bill:
 same title
 technical change
 new: SCR^e _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | NR | DNP | AM |
|------------------------------|----|-----------------------|----|-----|----|
| <i>[Signature]</i> | ✓ | <i>[Signature]</i> | ✓ | | |
| <i>[Signature]</i> | ✓ | | | | |
| Co-Chair: <i>[Signature]</i> | ✓ | Co-Chair: | | | |
| Co-Chair: <i>[Signature]</i> | ✓ | Co-Chair: | | | |

NEW FISCAL NOTE(S):

| Department | Date | Zero | Fiscal |
|-------------|---------|------|--------|
| Corrections | 2/18/96 | ∅ | |
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PREVIOUS FISCAL NOTE(S):*

| Department | Date | Zero | Fiscal |
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| H & SS | 2/3/96 | ∅ | |
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APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill



FEB 14 1996

SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Senator Rick Halford
Co-Chair, Senate Finance Committee

FROM: Senator Dave Donley *DB*

RE: Senate Bill 175 "Alaska No Frills Prison Act"

DATE: February 14, 1996

I request that you schedule SB 175, relating to correctional institutions and their administration, for a hearing in your committee.

Senate Bill 175 would remove many of the luxuries currently afforded to inmates in the state's correctional facilities including such things as televisions in inmate living quarters, use of body building equipment, and possession of pornographic material.

Senate Bill 175 also amends the current statutes dealing with the cost of health care for inmates and how those services would be provided for in the future. These changes include amending the definition of "severely medically disabled" inmates in an effort to minimize health care costs for those individuals. The bill would also require inmates to reimburse the state for either the full or partial costs of treatment for any pre-existing medical condition that the inmate may have.

Senate Bill 175 also restructures the Correctional Industries Commission in an effort to increase both the productivity and the amount of inmates working in the Correctional Industries Program.

Thank you in advance for your consideration of this request. If you have additional questions please contact myself or James Armstrong of my staff at 465-3892.

DD/jja



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor Statement
for
CSSS Senate Bill 175 (JUD)
The Alaska No Frills Prison Act

Senate Bill 175 sets limits on prisoners' possessions and activities by regulating the luxuries for prisoners housed in our state correctional facilities. SB 175 also allows the Department of Corrections to recoup costs for certain health care services provided to prisoners. SB 175 amends the definition of "severely medically disabled" person in an effort to minimize state funded health care costs for those individuals. The bill would also increase the amount of inmates working in our correctional facilities by expanding the Correctional Industries Program.

Senate Bill 175 would remove many of the luxuries currently afforded to inmates in the state's correctional facilities including such things as televisions in inmate living quarters, use of body building equipment, and possession of pornographic material. The bill would also place reasonable limits on the quality of food that is currently being served in correctional facilities.

Senate Bill 175 would also require inmates to reimburse the state for either the full or partial costs of treatment for any pre-existing medical condition. The term "severely medically disabled" is amended by Senate Bill 175 allowing the parole board greater flexibility in granting "special medical paroles". Parole would only be granted if the board determines that the inmate's ability to commit an offense similar to the offense for which the inmate was convicted or an offense punishable by a felony is significantly reduced. The parole board would also have to determine if the inmate is likely to be inflicted with the medical condition for the duration of the parole or is likely to die from the condition.

Senate Bill 175
Sponsor Statement
Page 2

Senate Bill 175 would restructure the Correctional Industries Commission in an effort to increase both the productivity and the amount of inmates working in the Correctional Industries Program. In many instances, inmates lack the necessary job skills or training to effectively perform jobs located within the Correctional Industries program. Correctional Industries has not been able to market products high in demand because the prison workforce is unqualified to perform technical labor, and no training is available for inmates. Inmates with lesser job skills would receive vocational training for jobs within the industry increasing both productivity and performance in the program.

DD/jja



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sectional Analysis for CSSS SB 175 (JUD)

Section #1 - refers to Sections 3-5 of this act as the "Alaska No Frills Prison Act".

Section #2 - amends the definition of "severely medically disabled" to give the Parole board greater flexibility in granting "special medical paroles" for certain inmates. Parole could be granted in instances where:

- 1) the inmate suffers from a medical condition that reduces the likelihood of that inmate committing an offense similar for which the inmate was convicted.
- 2) the inmate suffers from a medical condition that reduces the probability of that inmate committing an offense punishable as a felony.
- 3) the inmate suffers from a medical condition and is likely to suffer from that condition for the remainder of the parole.
- 4) the inmate is likely to die from the medical condition.

This expanded definition of "severely medically disabled" inmates may allow the Department of Corrections to parole certain inmates, who in the opinion of the parole board, no longer pose a significant risk to society. When the department began "furloughing" individuals under the existing "severely medically disabled" clause, only 5 or so individuals qualified for release. With this expanded definition, the department expects that up to 10 or more individuals could qualify as "severely medically disabled" saving the state a significant amount in medical costs.

The department would assist those eligible individuals in securing medical services such as Medicare and Medicaid once they are released.

Section #3 - Requires the Commissioner to establish, maintain, operate, and control each correctional facility in a manner consistent with Section #4 of the bill. It also requires the Commissioner to determine who is responsible for medical costs when inmates are provided medical services.

Sectional Analysis - Page 2

Section #4 - mandates that the Commissioner may not provide the following to inmates:

- 1) living conditions and access to recreational opportunities that substantially exceed what is required under the Constitution of the United States.
- 2) living quarters in which the view into the quarters is obstructed; certain state facilities already in operation would be exempt from this language.
- 3) food that substantially exceeds, in quality or quantity, to that which is required under the Constitution of the United States.
- 4) access to equipment or facilities for publishing or broadcasting material whose content is not consistent with facility guidelines or discipline.
- 5) access to only basic cable television service.

This section also prohibits:

- 1) unmonitored phone calls, except for calls to the inmate's legal counsel.
- 2) possessing a television or a computer in their living quarters.
- 3) viewing "R", "X", or "NC-17" rated movies.
- 4) possessing pornographic material
- 5) participating or receiving instruction in any activity, in the opinion of the commissioner, that would facilitate violent behavior.
- 6) having access to or possession of free weights, body building equipment, or weightlifting equipment.
- 7) possessing a coffee pot, hot plate, appliance, or heating element in their living quarters.
- 8) appearing in a state of dress that is not consistent with the guidelines of the facility.
- 9) using a computer other than those provided by the facility.

Section #5 - allows a law enforcement agency to recoup medical costs for medical services provided to prisoners in their care. The agency may require inmates to compensate the agency for the cost or for a portion of the cost of medical services provided for any preexisting medical condition.

Section #6 - allows the department, at its discretion, to provide vocational training for inmates. Vocational training would be provided to those individuals who lack the necessary job skills to work in jobs within Correctional Industries increasing both the productivity and the amount of inmates working in the program.

Section #7 - extends the sunset date for the Correctional Industries Program from the year 1999 to the year 2005. This extension would allow the department to develop a stable and long range plan to provide more marketable products and work opportunities for inmates.

BY GARRY BOULARD

WHAT'S TOUGH ENOUGH

In response to the public's perception
that prison life is too easy,
new policies are designed
to make life there
as unpleasant as possible.

Alabama hasn't seen anything like it since the heyday of the 1960s civil rights movement: journalists and TV camera crews flying in from all parts of the world, spirited and sometimes angry public debate and well-known civil liberty groups filing lawsuits against the state itself.

But the center of Alabama's most recent cyclone is not the church in Montgomery where Martin Luther King Jr. exhorted his followers to give of themselves for the civil rights movement, nor is it Selma where those same followers confronted a violent and bloody local reaction.

Today the controversy in Alabama is about the men in uniballs moving along the state's highways and the chains that bind them: Alabama has reinstated the chain gang, one of the most powerful and some say brutal, symbols of the Southern past.

The man in charge of the program, Prison Commissioner Earl Jones, says it is all part of an effort to hold down prison costs.

"The tougher prison time gets, the more likely it is that you'll see the number of repeat prisoners decrease," says Jones, who has the solid backing of Alabama's Governor Fob James for his chain gang idea. "And as that number decreases, so will the enormous costs of running our prisons."

CONSTITUTIONAL CHALLENGES

Although Jones' chain gangs have won the enmity of the Southern Poverty Law Center (SPLC) of Alabama, which has filed a class action suit to end them, one other state—Arizona—has also brought back chain gangs. And Florida is planning a similar effort next year.

Of course, the chain gang concept may prove to be short-lived if the lawsuit against it succeeds. Phonda Brownstein, a staff attorney with the SPLC in Montgomery, said she expects the courts to prohibit such prison practices because they are a form of "cruel and unusual punishment" that is unconstitutional under the Eighth Amendment.

Brownstein said the SPLC suit would also challenge, on the same cruel and unusual punishment basis, Alabama's practice of chaining to hitching posts prisoners who refuse to work. "They have just gone way overboard with all of this stuff. I think if we defeat them on it, it will provide a precedent for other states," she said.

But the legal challenges haven't stopped Jones' chain gangs where prisoners are connected by lightweight leg chains in a row of five as they dig ditches and clean up the debris along the state's highways. There are currently some 800 repeat offenders working on such gangs, but Jones hopes to bring that number up to about 1,200 by the early part of next year.

Because the nation's prison population is growing rapidly, the chain gangs represented under the suit, if not highly controversial, seem to hold a certain appeal. They also represent a trend toward making life tougher for prisoners as one solution to overcrowding.

PRISON POPULATION BURGEONS

Just the mere number of inmates seems to demand some sort of new approach. As of 1991, the number of people in the nation's prisons topped the 1 million mark, up from about 600,000 in 1980. At the same time, average state spending on "corrections" has more than tripled, from about \$6 billion in 1980 to just under \$20 billion today, constituting nearly 10 percent of the average state's spending in 1994.

And in some states the growth rate of the prison population has far exceeded that of the general population. The number of

some hundred of facilities with four to six inmates, which is equal to the two

PRISONS GO PRIVATE

prisoners in Florida, for example, has more than doubled from 26,000 in 1984 to nearly 56,000 last year. Missouri's prisoners went from 8,300 a decade ago to more than 17,000 today, while New York's inmate numbers grew from over 30,000 a decade ago to nearly 67,000 today.

"Prisons are becoming one of the fastest growing budget items in the states today," said James Wooten, president of Safe Streets Alliance in Washington, a group that supports longer sentences for violent offenders and truth-in-sentencing initiatives. "But we are finding that the longer time a violent criminal serves in prison, the far less likely it is that that person will commit the same or a similar kind of crime again. That means, over time, you can reduce your prison costs because you won't be seeing as many repeat offenders."

VIOLENCE BEGETS LONGER, TOUGHER TIME

Although many prison officials and civil libertarians dispute the beneficial effects of longer sentences and harsher prison time for repeat offenders, a consensus among the states appears to be emerging. Make those guilty of violent crimes serve longer and tougher time while offering alternative solutions to other types of offenses.

New York may be a case in point. With a prison population of just under 67,000, New York has had one of the largest inmate growth rates in the nation, a 400 percent increase from 1974 when the state housed about 15,000 prisoners. The state's prison budget has also jumped from more than \$4 million annually to more than \$17 million today.

But this spring, Governor George Pataki proposed doing away with a series of 1973 laws enacted by then-Governor Nelson Rockefeller that mandated stiff prison sentences for drug offenders.

"Pataki's proposal was an absolute breakthrough for us," said Charles "Skip" Carrere, a spokesman for Assembly Speaker Sheldon Silver. "We had been trying for years to get sentencing reform through the legislature, but because it was a conservative, tough-on-crime Republican who brunched the idea, we finally reached an agreement."

Indeed, after Pataki's proposal was first aired, Robert Gange, director of the Correctional Association of New York, told *The New York Times*, "It's another case of the Nixon going to China syndrome. Pataki is considered a hard line, if not a hawk, on these issues. He's already pointed his finger in

increasingly, privatization is being seen as an alternative to the traditional publicly run prison, offering a possible way to accommodate current calls for incarceration while keeping prison costs down.

"Privatization is increasing by about 25 percent to 30 percent a year," said Charles Logan, a professor of sociology at the University of Connecticut, "even though it is still only a small percentage of the national total." The number of privately run prison facilities has jumped from less than five a decade ago to more than 30 today, according to a study by the Center for Law and Democracy in Washington, D.C. The inmates they house have increased from about 2,000 a decade ago to just under 50,000 today. That number is expected to rise to 65,000 by 1996.

"The private sector can do it less expensively because its motivation is entirely different," said Richard Crane, an attorney in Nashville, Tenn., and former counsel for the largest prison privatization firm in the country, Corrections Corporation of America.

Crane argues that because showing a profit is the only thing that matters to business, private prisons are more likely to be cost-efficient and able to do more with less money. That argument has proved so persuasive that Corrections Corporation now runs four prisons in Texas where it has entered into contracts with the state government promising to keep costs 10 percent below previous state-run prison budgets.

A recent study by the Tennessee General Assembly appears to support Crane's argument. Comparing two similar prisons in neighboring South Carolina, both built at the same time and each housing just over 1,000 inmates—one publicly run, the other private—the study concluded that the privately run prison cost \$150,000 less a year in operational costs than its public counterpart.

Privatized prisons have also won high marks from lawmakers and even prison advocacy groups for working with inmates to resolve conflicts and iron out complaints and problems before they lead to larger and sometimes deadly disputes.

Some experts believe that private management can also respond more effectively to the get-tough approach if that means keeping prisoners incarcerated for longer periods of time. "The longer you keep an inmate in prison, the

more expensive it gets," said Charles W. Thomas, director of the Private Corrections Department at the University of Florida. "So, in that sense, I think privately run prisons can respond in a more cost-effective manner to the get-tough movement."

Thomas also contends that, as the get-tough movement produces more prison facilities, private management may also be seen as a more viable alternative simply because "the private sector has a much smaller lag time between the awarding of a contract to build a new prison and actually opening it, than the public sector does. On average, private prisons are up and running in about 12 to 18 months, while it may take up to 30 months for the public sector to do it."

But Crane, among other privatization supporters, opposes much of the new prison reform legislation coming from the states. "It's a bad management device," he said. "If you take away things like TV and weights and smoking from an inmate, you've essentially taken everything away from him—and that means this person is going to be a whole lot harder to control."

Of course, not everyone agrees that private prisons are the best way to go, with or without a get-tough movement. Jim Schmitz with the American Federation of State, County and Municipal Employees faults private prisons for their "high employee turnover rates." Said Schmitz, "That is one of the pitfalls when you do it. You think about the bottom line and saving money. You end up with a large number of underpaid employees in high-stress jobs who are frequently leaving. Because public employees get higher wages and benefits, they tend to stay with their jobs in prisons longer, which is less expensive overall."

Professor Logan, however, thinks private prisons can be both cost-effective and tougher.

"The solution is to make things more strict, but not necessarily more harsh," he said. "A tougher prison time means less probation and parole, less discretionary release, all of which move in the direction of making the system more fair and consistent, then private prisons are a better way to go because one of the things they are most concerned about is having things run smoothly. They have proved that they can be tough, without inciting the prisoners to riot, which is a pretty important thing."

supporting the death penalty and other hard-line positions."

New York's new sentencing legislation, which passed both houses by overwhelming margins in June, redirects nonviolent, drug-addicted inmates to treatment programs. In the process, it will free up at least 3,000 prison beds annually, making it virtually certain now that violent offenders will be imprisoned.

In North Carolina, concerns about prison overcrowding and budget busting prompted the General Assembly last year to pass a measure by Representative Phil Baddour that balances the number of people sentenced to prison with the actual number of available prison bed spaces. Using a "felony punishment chart," judges under the new legislation determine, among other things, the seriousness of a convict's crime, his past criminal record and then how much prison space is available.

Now in North Carolina, violent and repeat offenders are automatically incarcerated, while first and second offenders who committed certain nonviolent felonies might be given suspended sentences if they complete such alternative punishment as boot camp, house arrest or intensive probation.

Baddour—ironically defeated in 1994 by an opponent who portrayed him as soft on crime—said his measure was an attempt to punish violent offenders while keeping an eye on rising prison costs. "Once you have the decision that first-degree murder is at the top and way down at the bottom is an infraction like jaywalking, with a lot of stuff in between, you can rank crimes according to their seriousness and then see how much prison space you have left," he said.

Similar presumptive sentencing rules, which are essentially devices to gain control over the nation's rapidly escalating prison popula-

tions, have been enacted in 17 other states.

But Charles Logan, a professor of sociology at the University of Connecticut and author of *Private Prisons—Cons and Pros* thinks the states can afford to build more prisons and house inmates longer if they adopt what he called a "cost benefit analysis frame."

"There should be with prison policy an estimation of the costs and payoffs," Logan explained. "But that does not necessarily mean that you would have less use of prisons. It might mean instead that the states simply will become more cautious in using their prisons too broadly."

DIVERGENT VIEWS ON TOUGH TIME

There are, of course, widely divergent views on the wisdom of making prison life harder and longer, even for the most dangerous convicts. Many lawmakers, alarmed over what they see as rising crime rates in their own districts, believe prisons should be as brutal as possible. "The people who run the prisons want happy prisoners. I want prisoners to be so miserable that they won't even think of coming back," said Representative Mark McInnis of Mississippi, where lawmakers last year in a special session voted to prohibit inmates from possessing or using weight equipment, compact disc players and televisions among other items. Lawmakers also approved a measure requiring inmates to wear striped uniforms with the word "convict" showing clearly on their backs.

Others believe the "get-tough" prison reform approach is a smoke screen that only hides a bigger problem that the states simply cannot afford—more and more prisoners and prisons. "I think you have to wonder at some point where it is all going to end," said Jenni

Gainsborough, a spokeswoman for the National Prison Project of the American Civil Liberties Union, who believes states should concentrate more on alternatives to prison. "Do we just keep packing them in or do we try to find some sort of alternative? Surely, any rational person can see that the present trends simply can't continue."

Jim Gondoles, executive director of the American Correctional Association, thinks the only way to approach prison issues today is comprehensively, taking into consideration the seriousness of an inmate's crime and the probable effects of both increased punishment and tougher prison time and rehabilitation. "If you don't include other things in your approach, things like education and skills classes or even drug rehabilitation, then you're not taking a balanced approach and it is going to show in the results—prison violence, which is costly to the state, and a much higher rate of recidivism, which is also expensive," Gondoles said.

Tilman Bishop, a Colorado senator who introduced a bill taking away privileges from inmates who file frivolous lawsuits, thinks prisons will become more severe places because of a growing perception among the public that violence and crime are worse than before. "There is a concern that crime is out of control and that the people responsible for it come to prison and live the

1996

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good life," said the Colorado Republican, whose measure was overwhelmingly approved by the legislature last spring. "It is now up to us as lawmakers to address those concerns and see what needs to be improved upon or taken away or just changed."

Legislatures in more than a dozen states including Arizona, Mississippi, Texas, California and Michigan have passed or introduced measures reducing prisoner access to weight lifting equipment, television and telephones. In this effort, though, the states may be taking their cue from federally managed prisons. According to a recent survey conducted by the Corrections Compendium, roughly 60 percent of all federal prisons have eliminated some prison privileges.

That survey, in fact, showed that state prison systems in Oregon, Texas, Kansas and Utah have even banned smoking in their facilities while California, Idaho, Michigan, Oklahoma and South Dakota have restricted smoking to designated areas of prison property.

And nearly all federal and state prisons are being affected this year by the loss of Pell grants for prisoners who want to take college classes. In 1994, more than 28,000 inmates received such grants nationally for programs in paralegal training and computer technology. This year, as part of President Clinton's Omnibus Crime Bill of 1994, that funding has dried up and most of the programs in the prisons have ended.

Even in Alabama, where the chain gangs would seem to offer the ultimate "get tough" solution, new policy is designed to make life as unpleasant as possible. "We work these men 12 hours a day, 60 hours a week and they have to do it," said Commissioner Jones. "And during that time they have none of the privileges enjoyed by the other prisoners—no television, no telephone, no basketball, no visitors."

Jones also thinks his get-tough approach could prove to be more economical. Already, through staff layoffs and scaled-down programs, Jones estimates that he's reduced the average costs per prisoner in Alabama from \$9,500 in 1994 to \$9,000 this year, which is substantially lower than the national per inmate cost of about \$16,000. "And I think we can get it down to about \$8,500 by 1996," he added.

But not all states want to duplicate Alabama's example. Prison officials worry what the effects of harder time might be from a management perspective. Even within Alabama there is opposition. "We are right now on the verge of a major riot," said Alabama Representative John Rogers. "And it isn't just the prisoners who are angry. The staff workers are also demoralized. They are being ordered to push and push, even though they know it could result in violence that will hurt them too."

Still others worry that state spending on prisons shows no end in sight. "We can continue to move in this direction, but, if we do, we have to realize it is going to cost more and more," said Professor Logan. "We have to be willing to make a large

commitment that we may not see any benefits from in a long time."

But in the absence of any other sure solutions, that commitment may prove easier to make than many imagine. "If anyone has a better approach to all of this than we do, I wish he'd come forward—because none of us has a perfect solution," said McInnis of Mississippi. "We're just trying to battle crime the best way we know how by showing that if you're going to commit a crime, you're going to have to pay for it. I don't know any other way to go about it." ■

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|---------------------------------|-------------------|-----------------|------------|------------------------|------------------|
| 6th Avenue | dayrooms | no | no | 5 | 5 |
| Anvil Mountain | dayrooms | yes (basic)* | no | no limit | no limit |
| Cook Inlet Pretrial | dayrooms | no | no | 5 | 5 |
| Fairbanks | dayrooms (basic)* | no yes (basic)* | no | 5 | 5 |
| Hiland Mountain | honor status | no | no | limit varies w/program | |
| Ketchikan | dayrooms | yes (basic)* | no | 5 | 5 |
| Lemon Creek day ^{room} | buy own | yes (prom) | no | 10 | |
| Matsu Pretrial | dayrooms | no | no | | 5 |
| Palmer (medium) | honor status | no | yes | varies | varies |
| Palmer (minimum) | buy own | yes (prom) | yes | varies | varies |
| Spring Creek | yes buy own | yes (basic)* | no | 10 | 10 |
| Wildwood | yes buy own | yes (prom) | no | no limit | no limit |
| WV Pretrial | no dayrooms | no | no | 5 | 5 |
| YKCC (Bethel) | no Dayrooms | yes (basic)* | no | 5 | 5 |

* basic cable is used at these sites because broadcast tv is either unavailable or unable to penetrate the structure of the facility.

NB: One inmate at FCC has his own tv by court order.

FRUIT '8 CORRECTIONAL CENTE
SEVEN DAY MENU

DATE: 9-17-95 Through 9-23-95

WEEK - 2

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|---|--|--|--|---|--|--|--|---|--|--|--|--|--|--|--|--|---|---|--|---|---|---|--|---|--|--|---|--|---|---|--|--|--|--|--|---|--|--|---|--|---|
| FRIED EGGS TURKEY HAM HASH BROWN POTATOES COLD CEREAL COFFEE or TEA MILK TOAST w/BUTTER FRESH FRUIT JELLY | 2 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 1 pt. 00 | 1000 SPLIT PEA SOUP PEANUT BUTTER & JELLY SANDWICH CARROT SALAD BEVERAGE CRACKERS | 2 oz. 100 1 oz. 100 4 oz. 200 4 oz. 200 2 oz. 100 2 oz. 171 1 pt. 00 | 1000 MEAT LOAF MASHED POTATOES GRAVY GREEN BEANS ALMOND TOSS SALAD BAR w/DRESSING DINNER ROLL w/BUTTER APPLE CINSP BEVERAGE | 2 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 | 1000 CREAMED BEEF BISCUITS HASH BROWN POTATOES HOT CEREAL COFFEE or TEA MILK FRESH FRUIT | 2 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 | 1000 BEEF BARLEY SOUP CHILI HOT DOG ON A BUN POTATO CHIPS TOSS SALAD w/DRESSING COOKIES BEVERAGE CRACKERS | 2 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 | 1000 FRIED FISH SCALLOPED POTATOES SPINACH TARTAR SAUCE SALAD BAR w/DRESSING BREAD & BUTTER CHEESE CAKE BEVERAGE | 2 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 | 1000 SCRAMBLED EGGS BACON HASH BROWN POTATOES COLD CEREAL COFFEE or TEA MILK TOAST w/BUTTER FRESH FRUIT Juice JELLY | 2 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 1 pt. 00 | 1000 CHICKEN RICE SOUP Grilled Ham/Cheese BAKED BEANS Sand. TOSS SALAD w/DRESSING LEMON PUDDING BREAD & BUTTER BEVERAGE CRACKERS | 2 oz. 100 2 oz. 100 4 oz. 200 4 oz. 200 1 pt. 00 2 oz. 100 2 oz. 100 | 1000 Beef Lasagna STEAMED CAULIFLOWER GARLIC BREAD SALAD BAR w/DRESSING PUMPKIN PIE w/TOPPING BEVERAGE | 2 oz. 100 2 oz. 100 4 oz. 200 4 oz. 200 1 pt. 00 2 oz. 100 | 1000 PANCAKES SYRUP PORK SAUSAGE HOT CEREAL COFFEE or TEA MILK FRESH FRUIT | 2 oz. 100 1.5 oz. 100 2 oz. 100 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 | 1000 NAVY BEAN SOUP Chicken Pattie/Bun OVEN BROWNED POTATOES TOMATO /ONION LETTUCE TARTAR SAUCE PUDDING BEVERAGE CRACKERS | 2 oz. 100 1 oz. 100 2 oz. 100 2 oz. 100 1 pt. 00 1 pt. 00 2 oz. 100 | 1000 BEEF STEW STEAMED RICE BRUSSELS SPROUTS SALAD BAR w/DRESSING BREAD & BUTTER Chilled Plus BEVERAGE | 2 oz. 100 2 oz. 100 4 oz. 200 4 oz. 200 2 oz. 100 1 pt. 00 2 oz. 100 | 1000 CHEESE OMELET BACON HASH BROWN POTATOES COLD CEREAL COFFEE or TEA MILK TOAST w/BUTTER FRESH FRUIT JELLY | 2 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 1 pt. 00 | 1000 VEGETABLE SOUP Cheeseburger/Bun FRENCH FRIES TOMATO /ONION LETTUCE COOKIES BEVERAGE CRACKERS | 2 oz. 100 1 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 2 oz. 100 | 1000 BBQ CHICKEN O'BRIEN POTATOES GREEN PEAS SALAD BAR w/DRESSING BREAD & BUTTER CINNAMON ROLL BEVERAGE | 1 pt. 00 2 oz. 100 4 oz. 200 4 oz. 200 2 oz. 100 1 pt. 00 2 oz. 100 | 1000 FRENCH TOAST SYRUP TURKEY SAUSAGE HOT CEREAL COFFEE or TEA MILK FRESH FRUIT Juice | 1.5 oz. 100 2 oz. 100 2 oz. 100 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 | 1000 CLAM CHOWDER Salmon Pattie/Bun Spanish Rice TOMATO /ONION LETTUCE BROWNE BEVERAGE CRACKERS | 2 oz. 100 1 oz. 100 2 oz. 100 2 oz. 100 1 pt. 00 2 oz. 100 2 oz. 100 | 1000 SWISS STEAK BROWN GRAVY BUTTERED POTATOES BUTTERED CORN CORNBREAD & BUTTER SALAD BAR w/DRESSING CHOCOLATE CAKE w/ICING BEVERAGE | 2 oz. 100 2 oz. 100 2 oz. 100 4 oz. 200 1 pt. 00 4 oz. 200 1 pt. 00 2 oz. 100 | 1000 FRIED EGGS PORK SAUSAGE HASH BROWN POTATOES COLD CEREAL COFFEE or TEA MILK TOAST w/BUTTER FRESH FRUIT JELLY | 2 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 100 2 oz. 171 1 pt. 00 1 pt. 00 | 1000 TOMATO RICE SOUP SOLOMNA & CHEESE SANDWICH TOMATO /ONION LETTUCE MACARONI SALAD BEVERAGE CRACKERS | 2 oz. 100 1 oz. 100 2 oz. 100 4 oz. 200 2 oz. 100 2 oz. 171 2 oz. 100 | 1000 ROAST TURKEY MASHED POTATOES NATURAL PAN GRAVY Steamed Asparagus SALAD BAR w/DRESSING BREAD & BUTTER CARROT CAKE BEVERAGE | 2 oz. 100 2 oz. 100 2 oz. 100 4 oz. 200 4 oz. 200 2 oz. 100 1 pt. 00 2 oz. 100 |
|---|--|--|--|---|--|--|--|---|--|--|--|--|--|--|--|--|---|---|--|---|---|---|--|---|--|--|---|--|---|---|--|--|--|--|--|---|--|--|---|--|---|

STANDARD MENU

This menu is subject to change due to non-availability of product.

C. E. Stewart
FOOD STEWARD

FOOD SERVICE SUPERVISOR

FAIRDANKS COMMERCIAL CENTER

SEVEN DAY MENU

DATE: 9-24-95 Through 9-30-95

WEEK - 3

| | | | | | | |
|---|--|--|---|--|--|----|
| FRIED EGGS TURKEY HAM HASH BROWN POTATOES COLD CEREAL COFFEE or TEA MILK TOAST w/BUTTER FRESH FRUIT JELLY | 2 oz. 100 8 oz. 100 4 oz. 000 2 oz. 100 8 oz. 121 2 oz. 171 1 oz. 02 1 pk. 00 1000 | POTATO SOUP TURKEY SALAMI & CHEESE SANDWICH POTATO SALAD TOMATO /ONION /LETTUCE BEVERAGE CRACKERS | 8 oz. 1 oz. 4 oz. 2 oz. 8 oz. 2 oz. | BEEF ROUND MASHED POTATOES NATURAL GRAVY GREEN BEANS SALAD BAR w/DRESSING BREAD & BUTTER PEACH COBBLER BEVERAGE | 8 oz. 8 oz. 2 oz. 4 oz. 4 oz. 2 oz. 1 oz. 8 oz. | 24 |
| CREAMED BEEF BISCUITS HASH BROWN POTATOES HOT CEREAL COFFEE or TEA MILK FRESH FRUIT | 8 oz. 100 2 oz. 010 4 oz. 200 8 oz. 204 8 oz. 121 1 oz. 02 1070 | VEGETABLE SOUP TURKEY w/ KING BUTTERED NOODLES TOSS SALAD w/DRESSING BREAD & BUTTER OATMEAL COOKIES BEVERAGE CRACKERS | 8 oz. 1 oz. 8 oz. cp 4 oz. 2 oz. 2 oz. 8 oz. 2 oz. | BEEF TACO BURRITO SPANISH RICE REFINED BEANS BREAD & BUTTER Chilled Plum BEVERAGE | 2 oz. 1 oz. 8 oz. 4 oz. 4 oz. 2 oz. 1 oz. 8 oz. | 25 |
| SCRAMBLED EGGS BACON HASH BROWN POTATOES COLD CEREAL COFFEE or TEA MILK TOAST w/BUTTER FRESH FRUIT Juice JELLY | 2 oz. 100 8 oz. 100 4 oz. 200 2 oz. 100 8 oz. 121 2 oz. 171 1 oz. 02 1 pk. 00 1100 | CHICKEN NOOD SOUP SLOPPY JOE ON A BUN FRENCH FRIES TOSS SALAD w/DRESSING PEANUT BUTTER COOKIE BEVERAGE CRACKERS | 8 oz. 1 oz. 4 oz. 4 oz. 2 oz. 8 oz. 2 oz. | BAKED FISH FILET MACARONI & CHEESE Steamed Asparagus SALAD BAR w/DRESSING TARTAR SAUCE BREAD & BUTTER LEMON CREAM PIE BEVERAGE | 8 oz. 4 oz. 4 oz. 4 oz. 1 pk. 2 oz. 1 oz. 8 oz. | 26 |
| PANCAKES SYRUP PORK SAUSAGE HOT CEREAL COFFEE or TEA MILK FRESH FRUIT | 2 oz. 100 1.5 oz. 104 2 oz. 210 8 oz. 204 8 oz. 121 1 oz. 02 1100 | PINTO BEAN SOUP CHEESEBURGER ON A BUN FRENCH FRIES TOMATO /ONION /LETTUCE BROWNIES BEVERAGE CRACKERS | 8 oz. 1 oz. 4 oz. 2 oz. 1 oz. 8 oz. 2 oz. | SPAGHETTI w/MEAT SAUCE BROCCOLI CARLO BREAD SALAD BAR w/DRESSING CHEESE CAKE w/TOPPING BEVERAGE | 1 oz. 4 oz. 2 oz. 4 oz. 1 oz. 8 oz. | 27 |
| CHEESE OMELET BACON HASH BROWN POTATOES COLD CEREAL COFFEE or TEA MILK TOAST w/BUTTER FRESH FRUIT JELLY | 8 oz. 200 8 oz. 100 4 oz. 200 2 oz. 100 8 oz. 121 2 oz. 171 1 oz. 02 1 pk. 00 1100 | BEEF NOODLE SOUP CHU Hot Dog ON A BUN STEAMED RICE TOSS SALAD w/DRESSING WHITE CAKE BEVERAGE CRACKERS | 8 oz. 8 oz. 1 oz. 4 oz. 4 oz. 1 oz. 8 oz. 2 oz. | BEEF VEGETABLE STEW BUTTERED POTIM BUTTERED CARN FLOWER SALAD BAR w/DRESSING CORNMEAL & BUTTER CINNAMON ROLL BEVERAGE | 8 oz. 4 oz. 4 oz. 4 oz. 1 oz. 1 oz. 8 oz. | 28 |
| FRENCH TOAST SYRUP TURKEY SAUSAGE HOT CEREAL COFFEE or TEA MILK FRESH FRUIT Juice | 1.5 oz. 104 8 oz. 144 8 oz. 204 8 oz. 121 1 oz. 02 1001 | CLAM CHOWDER Salmon Pattie/BUN OVEN BROWNED POTATOES TOMATO /ONION /LETTUCE TARTAR SAUCE CHOCOLATE CHIP COOKIES BEVERAGE CRACKERS | 8 oz. 1 oz. 8 oz. 8 oz. 1 pk. 2 oz. 8 oz. 2 oz. | SOUTHERN STYLE CHICKEN MASHED POTATOES GRAVY CORN ON THE COB SALAD BAR w/DRESSING BREAD & BUTTER Blueberry Pie BEVERAGE | 1 oz. 8 oz. 2 oz. 4 oz. 4 oz. 2 oz. 1 oz. 8 oz. | 29 |
| FRIED EGGS PORK SAUSAGE HASH BROWN POTATOES COLD CEREAL COFFEE or TEA MILK TOAST w/BUTTER FRESH FRUIT JELLY | 2 oz. 100 2 oz. 210 4 oz. 200 2 oz. 100 8 oz. 121 2 oz. 171 1 oz. 02 1 pk. 00 1000 | BEEF BAKED SOUP BOLOMNA & CHEESE SANDWICH TOMATO /ONION /LETTUCE CARROT SALAD BEVERAGE CRACKERS | 8 oz. 1 oz. 8 oz. 4 oz. 8 oz. 2 oz. | ROAST TURKEY MASHED POTATOES NATURAL PAN GRAVY Steamed Asparagus SALAD BAR w/DRESSING BREAD & BUTTER PUMPKIN PIE w/TOPPING BEVERAGE | 8 oz. 8 oz. 2 oz. 4 oz. 4 oz. 2 oz. 1 oz. 8 oz. | 30 |

STANDARD MENU

This menu is subject to change due to non-availability of product.

C.C. Volans FOOD STEWARD

FOOD SERVICE SUPERVISOR

SEVEN DAY MENU

4-16-95

Through 4-22-95

WEEK - 4

| DAY | ITEM | QTY | PRICE | ITEM | QTY | PRICE | ITEM | QTY | PRICE |
|-------------|---------------------|---------|----------|--------------------------------|-------|----------|---|---------|-------|
| M | FRIED EGGS | 2 oz. | 100 | CHICKEN NOODLE SOUP | 8 oz. | | MEAT LOAF | 6 oz. | |
| | TURKEY HAM | 8 oz. | 100 | BOLOGNA & CHEESE SANDWICH | 1 ea. | | PARBLIED POTATOES | 6 oz. | |
| | HASH BROWN POTATOES | 4 oz. | 280 | TOMATO / ONION LETTUCE | 2 oz. | | GRAVY | 2 oz. | |
| | COLD CEREAL | 2 oz. | 100 | MACARONI SALAD | 4 oz. | | STEAMED BROCCOLI | 4 oz. | |
| | COFFEE or TEA | | | BEVERAGE | 8 oz. | | SALAD BAR w/DRESSING | 4 oz. | |
| | MILK | 8 oz. | 121 | CRACKERS | 2 ea. | | CORNBREAD & BUTTER | 1 ea. | |
| | TOAST w/BUTTER | 2 sl. | 171 | | | | WHITE CAKE w/ICING | 1 ea. | |
| FRESH FRUIT | 1 ea. | 82 | | | | BEVERAGE | 8 oz. | | |
| JELLY | 1 pk. | 50 | | | | | | | |
| | | | 1005 | | | | | | |
| M | SCRAMBLED EGG | 8 oz. | 150 | VEGETABLE SOUP | 8 oz. | | COUNTRY STYLE CHICKEN | 1/4 ea. | |
| | BISCUITS | 2 oz. | 810 | CHEESEBURGER ON A BUN | 1 ea. | | MASHED POTATOES | 6 oz. | |
| | HASH BROWN POTATOES | 4 oz. | 280 | FRENCH FRIES | 4 oz. | | CHICKEN GRAVY | 2 oz. | |
| | HOT CEREAL | 8 oz. | 204 | TOMATO / ONION LETTUCE | 2 oz. | | BUTTERED CORN | 4 oz. | |
| | COFFEE or TEA | | | PEANUT BUTTER COOKIES | 2 ea. | | SALAD BAR w/DRESSING | 4 oz. | |
| | MILK | 8 oz. | 121 | BEVERAGE | 8 oz. | | BREAD & BUTTER | 2 ea. | |
| | FRESH FRUIT | 1 ea. | 82 | CRACKERS | 2 ea. | | BREAD PUDDING w/ VANILLA SAUCE | 1 CP. | |
| | | | 1070 | | | BEVERAGE | 8 oz. | | |
| T | SCRAMBLED EGGS | 2 oz. | 150 | MINERTRONE SOUP | 2 oz. | | SWISS STEAK | 8 oz. | |
| | BACON | 8 oz. | 100 | FISH SANDWICH ON A BUN | 1 ea. | | BROWN GRAVY | 2 oz. | |
| | HASH BROWN POTATOES | 4 oz. | 280 | MACARONI & CHEESE | 8 oz. | | BUTTERED POTATOES | 6 oz. | |
| | COLD CEREAL | 2 oz. | 100 | TOMATO / ONION LETTUCE | 2 oz. | | MIXED VEGETABLES | 4 oz. | |
| | COFFEE or TEA | | | TARTAR SAUCE | 1 pk. | | SALAD BAR w/DRESSING | 4 oz. | |
| | MILK | 8 oz. | 121 | RICE PUDDING | 1 cp. | | CORNBREAD & BUTTER | 1 ea. | |
| | TOAST w/BUTTER | 2 sl. | 171 | BEVERAGE | 8 oz. | | PEACH COWBELL w/ TOPPING | 1 ea. | |
| FRESH FRUIT | 1 ea. | 82 | CRACKERS | 2 ea. | | BEVERAGE | 8 oz. | | |
| JELLY | 1 pk. | 50 | | | | | | | |
| | | | 1104 | | | | | | |
| W | PANCAKES | 2 ea. | 120 | CREAM OF BROCCOLI SOUP | 8 oz. | | REEF LIVER & ONIONS | 6 oz. | |
| | SYRUP | 1.5 ea. | 124 | POOR BOY SANDWICH | 1 ea. | | BUTTERED POTATOES | 6 oz. | |
| | PORK SAUSAGE | 2 oz. | 210 | POTATO CHIPS | 1 oz. | | BROWN GRAVY | 2 oz. | |
| | HOT CEREAL | 8 oz. | 204 | TOSS SALAD w/DRESSING | 4 oz. | | GREEN BEANS | 4 oz. | |
| | COFFEE or TEA | | | CHOCOLATE PUDDING | 1 cp. | | SALAD BAR w/DRESSING | 4 oz. | |
| | MILK | 8 oz. | 121 | BEVERAGE | 8 oz. | | BREAD & BUTTER | 2 ea. | |
| | FRESH FRUIT | 1 ea. | 82 | CRACKERS | 2 ea. | | RAISED DOUGHNUTS | 1 ea. | |
| | | | 891 | | | BEVERAGE | 8 oz. | | |
| F | CHEESE OMELET | 8 oz. | 205 | VEGETABLE SOUP | 8 oz. | | BEEF STEW | 8 oz. | |
| | BACON | 8 oz. | 100 | HAMBURGER ON BUN | 1 ea. | | STEAMED RICE | 6 oz. | |
| | HASH BROWN POTATOES | 4 oz. | 280 | FRENCH FRIES | 4 oz. | | CALIFLOWER | 4 oz. | |
| | COLD CEREAL | 2 oz. | 100 | TOMATO/ONION/LETTUCE | 2 oz. | | SALAD BAR w/DRESSING | 4 oz. | |
| | COFFEE or TEA | | | OATMEAL COOKIES | 8 ea. | | BREAD & BUTTER | 2 ea. | |
| | MILK | 8 oz. | 121 | BEVERAGE | 8 oz. | | APPLE BROWN BETTY | 1 ea. | |
| | TOAST w/BUTTER | 2 sl. | 171 | CRACKERS | 2 ea. | | BEVERAGE | 8 oz. | |
| FRESH FRUIT | 1 ea. | 82 | | | | | | | |
| JELLY | 1 pk. | 50 | | | | | | | |
| | | | 1182 | | | | | | |
| F | FRENCH TOAST | 2 ea. | 100 | CLAM CHOWDER | 8 oz. | | BREADED VEAL PATTY w/ CREAM MUSHROOM SAUCE | 8 oz. | |
| | SYRUP | 1.5 ea. | 124 | PIZZA PIE | 1 ea. | | SCALLIONED POTATOES | 8 oz. | |
| | TURKEY SAUSAGE | 8 oz. | 144 | TOSS SALAD w/DRESSING | 4 oz. | | BUTTERED PEAS/CARROTS | 4 oz. | |
| | HOT CEREAL | 8 oz. | 204 | BROWNIE | 1 ea. | | SALAD BAR w/DRESSING | 4 oz. | |
| | COFFEE or TEA | | | BEVERAGE | 8 oz. | | BREAD & BUTTER | 2 ea. | |
| | MILK | 8 oz. | 121 | CRACKERS | 2 ea. | | WHITE CAKE w/ICING | 1 ea. | |
| | FRESH FRUIT | 1 ea. | 82 | | | | BEVERAGE | 8 oz. | |
| | | | 1001 | | | | | | |
| A | FRIED EGGS | 2 oz. | 100 | CHICKEN RICE SOUP | 8 oz. | | ROAST TURKEY | 8 oz. | |
| | PORK SAUSAGE | 8 oz. | 210 | TURKEY SALAD & CHEESE SANDWICH | 1 ea. | | MASHED POTATOES | 6 oz. | |
| | HASH BROWN POTATOES | 4 oz. | 280 | TOMATO / ONION LETTUCE | 2 oz. | | NATURAL PAN GRAVY | 8 oz. | |
| | COLD CEREAL | 2 oz. | 100 | COLE SLAW | 4 oz. | | MIXED VEGETABLES | 4 oz. | |
| | COFFEE or TEA | | | BEVERAGE | 8 oz. | | SALAD BAR w/DRESSING | 4 oz. | |
| | MILK | 8 oz. | 121 | CRACKERS | 2 ea. | | BREAD & BUTTER | 2 ea. | |
| | TOAST w/BUTTER | 2 sl. | 171 | | | | JELLY HOLL | 1 ea. | |
| FRESH FRUIT | 1 ea. | 82 | | | | BEVERAGE | 8 oz. | | |
| JELLY | 1 pk. | 50 | | | | | | | |
| | | | 1200 | | | | | | |

STANDARD MENU

This menu is subject to change due to non-availability of product.

FOOD STEWARD

FOOD SERVICE SUPERVISOR

SB

177

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 15, 1996

FURTHER REFERRALS:

Date of Committee Action: 4/24/96

The FINANCE Committee considered:

CSSB 177(FIN) am

CS FOR SENATE BILL NO. 177(FIN) am

CONCEALED HANDGUN PERMITS/ GUNS ON FERRY

"An Act relating to permits to carry concealed handguns; and relating to possession of firearms on state ferries."

recommends it be replaced with the following committee substitute

H.C.S. CSSB 177(FIN)

the same title
 a new title

- additional referral to _____ Committee
- attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____

Senate fiscal note(s) DO 7/11/94

zero fiscal note(s) _____

Senate zero fiscal note(s) DOC 3/26/94
LAW 3/6/94

| SIGNING WITH RECOMMENDATIONS | | DP | DNP | NR | AM |
|------------------------------|-------------|----|-----|----|----|
| <i>Richard J. Foster</i> | Foster | X | | | |
| <i>Tom Mulder</i> | Mulder | X | | | |
| <i>Alan Hamell</i> | Parcell | | | X | |
| <i>Joe Theroault</i> | Theroault | X | | | |
| <i>Ray Brown</i> | Brown | | X | | |
| <i>John Grossendick</i> | Grossendick | X | | | |
| <i>John Kelly</i> | Kelly | X | | | |
| <i>Terry Martin</i> | Martin | X | | | |
| <i>Vin Kohring</i> | Kohring | X | | | |
| <i>Mark Hanley</i> | Hanley | | | X | |

CHAIR'S SIGNATURE *Mark Hanley* *Richard J. Foster*

FISCAL NOTE

No. 3

Bill Version: CS SB 177 (JUD)

(S) Publish Date: 3-6-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 2/28/96 Dept. Affected: Department of Law
 Title: "An Act relating to permits to carry concealed handguns." BRU: Criminal Division
 Sponsor: Senator Green Component: Criminal Division
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

CSSB 177 (JUD) amends Alaska's laws concerning concealed handguns to remove many of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. The bill will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Peque, Director Phone: 465-3672
 Division: Administrative Services Date: 2/28/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/28/96
 Agency: Department of Law

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FISCAL NOTE

No. 5

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: CS 58177(FIN)

(S) Publish Date: 3-26-96

Revision Date: _____ Dept. Affected: Corrections
 Title: An act relating to permits to carry concealed BRU: _____
handguns Component: _____
 Sponsor: Senator Green
 Requester: Senate State Affairs Committee COMPONENT SERIAL NO. 10694

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| FUND SOURCE | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill would not have any fiscal impact on the Department of Corrections.

Prepared by: Jerry Shriner
 Division: Office of the Commissioner
 Approved by Commissioner: Margaret Pugh Margaret Pugh
 Agency: Department of Corrections

Phone: 485-4852
 Date: 1/22/96
 Date: 1/22/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 177 (FIN)

| | |
|---|--|
| Revision Date: <u>3/27/96</u> | Dept. Affected: <u>Department of Law</u> |
| Title: <u>"An Act relating to permits to carry concealed handguns...possession of firearms on state ferries."</u> | BRU: <u>Criminal Division</u> |
| Sponsor: <u>Senator Green</u> | Component: <u>Criminal Division</u> |
| Requester: <u>Senate Finance Committee</u> | COMPONENT SERIAL NO. <u>2085</u> |

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|--------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES | | | | | | |
|--------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

| FUND SOURCE | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

| POSITIONS | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL-TIME | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

CSSB 177 (FIN) amends Alaska's laws concerning concealed handguns to remove many of the existing places from the list of places where a permitted person is prohibited from possessing a deadly weapon, and to loosen existing concealed handgun eligibility, application, and qualification requirements. This version of SB 177 adds a section that includes and spells out the restrictions for possessing a firearm aboard a vessel of the Alaska Marine Highway System to conform to existing practice. This bill will not have a fiscal impact for the Department of Law.

| | |
|---|------------------------|
| Prepared by: <u>Richard I. Pegues, Director</u> | Phone: <u>465-3672</u> |
| Division: <u>Administrative Services Division</u> | Date: <u>3/27/96</u> |
| Approved by Commissioner: <u>Bruce M. Botelho, Attorney General</u> | Date: <u>3/27/96</u> |
| Agency: <u>Department of Law</u> | |

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 177(FIN) am

Revision Date: April 10, 1996
 Title: * An Act relating to permits to carry concealed handguns *
 Sponsor: Senator Green
 Requestor: S Rules

Dept. Affected: Public Safety
 BRU: AST and DPS Statewide Support
 Component: Detachments and AK Criminal Records and Identification
 COMPONENT SERIAL NO. 799 and 1190

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

| | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|--|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL EXPENDITURES | 0 | 0 | 0 | 0 | 0 | 0 |
| CHANGE IN REVENUES () Revenue Code | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------|--------|--------|--------|--------|--------|
| 1002 Federal Receipts | | | | | | |
| 1003 GE Match | | | | | | |
| 1004 GE | | | | | | |
| 1005 GE/Program Receipts | (47.4) | (47.4) | (47.4) | (47.4) | (47.4) | (47.4) |
| 1008 GE/MHT/A | | | | | | |
| Other | | | | | | |
| TOTAL | | | | | | |

Estimate of current year (FY 96) impact: \$ 0

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS (Attach a separate page if necessary)

See attached analysis

Prepared By: Lt. Dan Lowden and Frank Allen
 Division: Alaska State Troopers
 Approved by Commissioner: *Ronald L. Otte*
 Agency: Ronald L. Otte, Dept. of Public Safety

Phone: 465-5505 269-5691
 Date: April 10, 1996
 Date: 4/10/96

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 177(FIN) am

Revision Date: April 10, 1996 Dept. Affected: Public Safety

The effect of this legislation will be to limit the Program Receipts authority to a maximum of \$99 per initial permit. The cost of providing the required background checks, including the processing of fingerprint checks through the FBI and the State of Alaska by the Alaska Criminal Records & Identification Section, is \$59. Under this bill \$40 per permit is all that the AST Permits Section would have available to process the applications.

The Alaska Concealed Handgun Permitting process was intended to be self-supporting and not to negatively impact the Division of Alaska State Trooper's basic law enforcement function. It is anticipated that this program will continue to be self-supporting at the \$99 fee established in the bill.

9-LS1139S

Luckhaupt

4/22/96

adopted NO OBJ

HOUSE CS FOR CS FOR SENATE BILL NO. 177()
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATORS GREEN, Halford, Taylor, Donley

REPRESENTATIVES James, Kelly, Kohring

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits to carry concealed handguns; and relating to
 2 possession of firearms on state ferries."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 11.61.210 is amended by adding a new subsection to read:

5 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense
 6 that the defendant, at the time of possession, was the holder of a valid permit to carry
 7 a concealed handgun under AS 18.65.700 - 18.65.790, the deadly weapon was a
 8 concealed handgun as defined in AS 18.65.790, and the possession

9 (1) occurred within a propelled vehicle, other than a school bus, and
 10 the defendant did not exit the propelled vehicle; and

11 (2) did not occur in a municipality or established village in which the
 12 possession of a concealed handgun is prohibited under AS 18.65.780 - 18.65.785.

13 * Sec. 2. AS 11.61.220(b) is amended to read:

14 (b) In a prosecution under (a)(1) of this section, it is an affirmative defense

1 that the defendant, at the time of possession, was

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

4 (2) actually engaged in lawful hunting, fishing, trapping, or other lawful
5 outdoor activity that necessarily involves the carrying of a weapon for personal
6 protection; [OR]

7 (3) the holder of a valid permit to carry a concealed handgun under
8 AS 18.65.700 - 18.65.790, the deadly weapon concealed was a concealed handgun as
9 defined in AS 18.65.790, and the possession did not occur in a municipality or
10 established village in which the possession of concealed handguns is prohibited under
11 AS 18.65.780 - 18.65.785; or

12 (4) the holder of a valid permit to carry a concealed handgun
13 issued by another state if the state that issued the permit allows persons holding
14 permits issued under AS 18.65.700 - 18.65.790 to carry a concealed handgun in
15 that state as determined by the Department of Public Safety, and

16 (A) the deadly weapon concealed was a concealed handgun
17 as defined in AS 18.65.790; and

18 (B) the possession did not occur in a municipality or
19 established village in which the possession of concealed handguns is
20 prohibited under AS 18.65.780 - 18.65.785.

21 * Sec. 3. AS 11.61.220(d) is amended to read:

22 (d) In a prosecution under (a)(2) of this section, it is

23 (1) an affirmative defense that the defendant, at the time of
24 possession, was the holder of a valid permit to carry a concealed handgun under
25 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
26 in AS 18.65.790, the defendant did not consume an intoxicating liquor at the place
27 where the possession occurred and did not have more than 0.04 percent by weight
28 of alcohol in the person's blood, more than 40 milligrams of alcohol per 100
29 milligrams of blood, or more than 0.04 grams of alcohol per 210 liters of the
30 person's breath, as determined by a chemical test taken within four hours after
31 the offense was committed, and the possession did not occur in a municipality or

1 established village in which the possession of concealed handguns is prohibited
2 under AS 18.65.780 - 18.65.785;

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

5 (A) [(1) ON BUSINESS PREMISES] owned by or leased by the
6 defendant; or

7 (B) [(2) ON BUSINESS PREMISES] in the course of the
8 defendant's employment for the owner or lessee of those premises.

- 9 • Sec. 4. AS 11.61.220 is amended by adding a new subsection to read:

10 (h) When the holder of a valid permit to carry a concealed handgun under
11 AS 18.65.700 - 18.65.790 is charged by a peace officer or arrested for violating (a)(2)
12 of this section, the holder may request the peace officer to conduct a blood or breath
13 test, at the expense of the holder, to determine the holder's blood alcohol level for use
14 under (d)(1) of this section.

- 15 • Sec. 5. AS 18.65.700(a) is amended to read:

16 (a) The department shall issue a permit to carry a concealed handgun to a
17 person who

18 (1) applies in person at an office of the Alaska State Troopers;

19 (2) qualifies under AS 18.65.705;

20 (3) submits a completed application on a form provided by the
21 department, that provides the information required under AS 18.65.705 and 18.65.710
22 and is executed under oath; with each application form provided by the
23 department, the department shall provide a copy of the state laws and regulations
24 relating to concealed handguns;

25 (4) submits two complete sets of fingerprints on federal bureau of
26 investigation approved fingerprint cards that are of sufficient quality so that the
27 fingerprints may be processed; the fingerprints must be taken by a person, group, or
28 agency approved by the department; the department shall maintain a list of persons,
29 groups, or agencies approved to take fingerprints and shall provide the list to the
30 public upon request;

31 (5) submits evidence of competence with handguns as provided in

1 AS 18.65.715;

2 (6) provides two frontal view color photographs of the person taken
3 within the preceding 30 days that include the head and shoulders of the person and are
4 of a size specified by the department;

5 (7) shows a valid Alaska driver's license or identification card at the
6 time of application;

7 (8) does not suffer a physical infirmity that prevents the safe handling
8 of a handgun; and

9 (9) pays the application fee required by AS 18.65.720.

10 • Sec. 6. AS 18.65.700(b) is amended to read:

11 (b) The department shall either approve or reject an application for a permit
12 to carry a concealed handgun under (a) of this section within ~~30~~ [15] days of receipt
13 of [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF
14 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A
15 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL
16 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION
17 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department
18 shall notify the applicant in writing of the reason for a rejection.

19 • Sec. 7. AS 18.65.705 is amended to read:

20 Sec. 18.65.705. QUALIFICATIONS TO OBTAIN A PERMIT. A person is
21 qualified to receive and hold a permit to carry a concealed handgun if the person

22 (1) is 21 years of age or older;

23 (2) is eligible to own or possess a firearm under the laws of this state
24 and under federal law;

25 (3) has not been convicted of and is not currently charged under a
26 complaint, information, indictment, or presentment with a felony under the laws of this
27 state or a similar law of another jurisdiction;

28 (4) has not been convicted, within the five years immediately preceding
29 the application, of, and is not currently charged under a complaint, information,
30 indictment, or presentment with, any of the following misdemeanor offenses or similar
31 laws of another jurisdiction:

- 1 (A) AS 11.41.230, 11.41.250, 11.41.270;
2 (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;
3 (C) AS 11.51.130;
4 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,
5 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800,
6 11.56.805;
7 (E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

8 or

- 9 (F) AS 11.71.050, 11.71.060;
- 10 (5) has not been convicted of two or more class A misdemeanors of
11 this state or similar laws of another jurisdiction within the five years immediately
12 preceding the application;
- 13 (6) has not within the 10 years immediately preceding the application
14 been adjudicated a delinquent for a felony offense of this state or another jurisdiction;
- 15 (7) is not now suffering, and has not within the five years immediately
16 preceding the application suffered, from a mental illness as defined in AS 47.30.915;
- 17 (8) has not been adjudicated as mentally incapacitated by a court of this
18 state, another state, territory, or jurisdiction, or of the United States, unless the
19 guardianship or similar arrangement has been closed or terminated and five years have
20 elapsed since the closure or other termination;
- 21 (9) is a resident of the state and has been for the 90 days [ONE
22 YEAR] immediately preceding the application for a permit;
- 23 (10) has not been discharged from the armed forces of the United
24 States under dishonorable conditions;
- 25 (11) is not an alien who is residing in the United States illegally or a
26 former citizen of the United States who has renounced the person's citizenship;
- 27 (12) is not an unlawful user of, or addicted to, a controlled substance;
- 28 (13) is not now the subject of an injunction under AS 25.35.010 -
29 25.35.020 unless the injunction has been dissolved or has expired;
- 30 (14) is not now in and has not in the three years immediately preceding
31 the application been ordered by a court to complete an alcohol treatment program;

1 (15) is not now in and has not in the three years immediately preceding
2 the application entered a substance abuse treatment program; and

3 (16) has demonstrated competence with handguns as provided in
4 AS 18.65.715.

5 • Sec. 8. AS 18.65.710(a)(3) is amended to read:

6 (3) a statement that the applicant has been furnished with a copy of the
7 state laws and regulations relating to concealed handguns [AS 18.65.700 -
8 18.65.790], has read those sections, and understands them;

9 • Sec. 9. AS 18.65.715 is amended by adding a new subsection to read:

10 (e) Notwithstanding (a) of this section, an honorably retired peace officer who
11 applies for a permit to carry a concealed handgun within one year of the officer's
12 retirement shall be presumed by the department to have satisfied the demonstration of
13 competency required of an applicant for a permit. A demonstration of competency
14 under this section for an honorably retired peace officer

15 (1) is for any action type or caliber;

16 (2) only applies to the initial demonstration of competency; to renew
17 a concealed handgun permit, an honorably retired peace officer must demonstrate
18 competency as provided in (b) of this section.

19 • Sec. 10. AS 18.65.720 is amended to read:

20 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for
21 the processing of the application for and initial issuance of a permit, renewal of a
22 permit, or replacement of a permit. The fees shall be set by regulation and must be
23 based on the actual costs incurred by the department. However, the fee for the
24 processing of an application and initial issuance of a permit may not exceed ~~\$99~~
25 [\$125] and the fee for renewal of a permit or replacement of a permit may not exceed
26 ~~\$30~~ [\$60].

27 • Sec. 11. AS 18.65.755(a) is amended to read:

28 (a) A permittee may not carry a concealed handgun into or possess a
29 concealed handgun within

30 (1) a law enforcement or correctional facility;

31 (2) or on school grounds or a school bus other than while in a

1 propelled vehicle, other than a school bus, and the permittee does not exit the
2 vehicle; in this paragraph, "school grounds" has the meaning given in AS 11.71.900;

3 (3) a courthouse or a courtroom of this state, unless the permittee

4 (A) is a judge; or

5 (B) has been authorized to possess a concealed handgun by a
6 judge presiding at that courthouse or courtroom;

7 (4) [A BUILDING HOUSING ONLY STATE OR FEDERAL
8 OFFICES OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE,
9 EXCEPT AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

10 (5) AN OFFICE OF THE STATE, FEDERAL GOVERNMENT, OR
11 OF A POLITICAL SUBDIVISION OF THE STATE THAT IS NOT LOCATED IN
12 A BUILDING DESCRIBED IN (4) OF THIS SUBSECTION;

13 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
14 AIRLINE TERMINAL;

15 (7)] a vessel of the Alaska marine highway system as prohibited by
16 AS 19.65.055;

17 (5) [(8)] a facility providing services to victims of domestic violence
18 or sexual assault;

19 (6) [(9)] a residence other than the permittee's residence, unless the
20 permittee has first obtained the express permission to bring a concealed handgun
21 into the residence from an adult residing there [WHERE NOTICE THAT
22 CARRYING A CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY
23 THE POSTING OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY
24 THE RESIDENT TO THE PERMITTEE];

25 (7) [(10)] a facility or meeting of a business, charitable, or other
26 organization or entity where notice that carrying a concealed handgun is prohibited has
27 been given by the posting of conspicuous notice;

28 (8) [(11)] a [FINANCIAL INSTITUTION; IN THIS PARAGRAPH,
29 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
30 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
31 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

1 UNDER AS 06;

2 (12) ANOTHER] place where the possession of a deadly weapon or
3 firearm is prohibited by federal law; or

4 (9) [(13)] a municipality or established village that has prohibited the
5 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

6 * Sec. 12. AS 18.65.755(c) is amended to read:

7 (c) In addition to any other penalty provided by law, a person who violates (a)
8 of this section is guilty of a violation punishable as provided in AS 12.55.035 for
9 the first offense, a class B misdemeanor for the second offense, and a class A
10 misdemeanor for the third or subsequent offense.

11 * Sec. 13. AS 19.65 is amended by adding a new section to read:

12 Sec. 19.65.055. POSSESSION OF FIREARMS ABOARD FERRIES. (a) A
13 person may not possess or carry a firearm while aboard a vessel of the Alaska marine
14 highway system unless the person

15 (1) is a peace officer;

16 (2) secures the firearm in a locked propelled vehicle; or

17 (3) upon boarding, allows the purser to hold and secure the firearm
18 until the person disembarks from the vessel.

19 (b) In this section, "firearm" and "propelled vehicle" have the meanings given
20 in AS 11.81.900.

21 * Sec. 14. AS 18.65.725(c) is repealed.

Amendment. 1

To: HCSCSB 177 (JW)

Page 7, after line 26

Insert new subsection (ii)

"(ii) University of Alaska campus grounds or facilities except as provided by Board of Regents policy."

no OBJ - adopted

AMENDMENT 2

OFFERED IN THE HOUSE

TO: HCS CSSB 177(), "S" version, dated 4/22/96

1 Page 1, lines 4 - 12:

2 Delete all material.

3 Page 1, line 13:

4 Delete "• Sec. 2."

5 Insert "• Section 1."

6 Renumber the following bill sections accordingly.

7 Page 6, line 31, through page 7, line 2:

8 Delete "other than while in a propelled vehicle, other than a school bus, and the
9 permittee does not exit the vehicle"

AMENDMENT -

NOT
OFFERED

OFFERED IN THE HOUSE

TO: HCS CSSB 177(), "S" version, dated 4/22/96

1 Page 7, lines 19 - 24:

2 Delete "other than the permittee's residence, unless the permittee has first
3 obtained the express permission to bring a concealed handgun into the residence from
4 an adult residing there [WHERE NOTICE THAT CARRYING A CONCEALED
5 HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING OF A
6 CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT TO THE
7 PERMITTEE]"

8 Insert "where notice that carrying a concealed handgun is prohibited has been given
9 by the posting of a conspicuous notice or by oral statement by the resident to the permittee"



PO Box 201496
Anchorage, Alaska 99520
279-9345

working with you!

April 22, 1996

STATEMENT TO HOUSE FINANCE COMMITTEE REGARDING SB 177

On behalf of Alaska PTA the largest non profit and child advocate organization in Alaska . I would like to thank every committee member for considering our position on SB177 as it pertains to concealed handguns on school property.

Two years ago when the concealed handgun law was passed , one of the places that a permittee could not possess a concealed handgun was in a school or on school grounds.

The original law had the wisdom to protect our children and youth attending school in Alaska from the potential risk of an unintentional injury or death due to an accident occurring with a concealed handgun.

The Legislature realized that more than 122, 500 children and youth in Alaska spend over a quarter of their day at school. They knew how important it is that we keep our kids as safe as possible. The Legislature sent a clear message to the citizens of Alaska that they valued the safety of children.

Many schools in Alaska have adopted a zero tolerance of guns on school property. The only exceptions to this policy is when firearms are part of a schools curriculum and students receive instruction in marksmanship. There are very very few schools that have these courses and they normally involve .22 caliber rifles used in a controlled atmosphere with proper adult supervision and instruction. The other exception is when law enforcement officers may be on school property during the course of their duties.

Cities across Alaska including Anchorage, our largest city, have municipal codes prohibiting guns on school property and the discharging of a firearm.

From these facts we can extrapolate that the people of Alaska care deeply about the safety and welfare of their children and they want Alaska's schools to be a safe place where children will know that people are prohibited from bringing loaded handguns onto school property and exposing them to the risk of injury or death.

The original language in SB177 would have amended the original law to allow a concealed handgun permittee to enter school grounds and go all the way up to the school doors.

*Copy on
File*

The Department of Public Safety, Permits and Licensing Unit has provided Alaska PTA with a report of the number of concealed handgun permits issued as of March 18, 1996. There are 3,415 men and 936 women for a total of 4,351.

Alaska PTA has been informed that it is an inconvenience for some permittees not to be able to carry their concealed handgun with them onto school grounds or to escort their spouses and children to the school doors.

Please, don't let the inconvenience of anyone persuade you to put the safety of over 122,500 children at risk.

One question to ask supporters of allowing concealed handguns onto school property and up to the doors is, why are they not asking to enter the school buildings? Where is the difference in the risk? If they don't want to enter school buildings with their concealed handgun because of the risk of injury or death, they likewise should not want to be on school property with a concealed handgun because the risk for an accidental injury or death is the same inside a school building or on school grounds even if a person remains in their vehicle, the potential for injury and death remains the same.

Alaska PTA is part of the National PTA's 7.9 million members. One of our objects is to secure adequate laws for the care and protection of children and youth.

The language in SB177 that would allow people with a permit to carry a concealed handgun onto school property will certainly not care for, nor protect Alaska's children from harm. In fact, it will do the opposite.

If you allow anyone to enter school grounds with a concealed handgun whether they stay in their vehicle or walk right up to the door the risk would be in place for injury and death.

Alaska PTA urges this committee to amend SB177 and remove the language that would allow concealed handguns onto school property. The original concealed handgun law states a permittee may not carry a concealed handgun into or on school grounds or a school bus, should remain as part of Alaska's concealed handgun law.

Over 122,500 kids are counting on you to keep their future positive and their safety your highest priority.

Included in this packet of information is a letter to the Governor of Alaska and every member of the Legislature from delegates that attended Alaska PTA's 1996 annual convention.

CORRECTION

THE FOLLOWING DOCUMENT(S)
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State of Alaska



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Cities across Alaska including Anchorage, our largest city, have municipal codes prohibiting guns on school property and the discharging of a firearm.

From these facts we can extrapolate that the people of Alaska care deeply about the safety and welfare of their children and they want Alaska's schools to be a safe place where children will know that people are prohibited from bringing loaded handguns onto school property and exposing them to the risk of injury or death.

The original language in SB177 would have amended the original law to allow a concealed handgun permittee to enter school grounds and go all the way up to the school doors.

Copy on file

Senator Lyda Green. The bill sponsor removed that language and SB177 passed the Senate and went to the House Judiciary committee.

New language was added in House Judiciary to SB177 that would allow permittees to carry a concealed handgun onto school property if they did not exit their vehicle

Alaska PTA would like this committee to consider the impact this would have on the safety of over 122,500 children attending school in Alaska.

If you allow this language to remain in this bill, you will be exposing every child attending school in Alaska to a potentially deadly situation.

You will have jeopardized the safety of school children.

We urge you to keep in mind that accidents can, do, and will happen.

Alaska PTA has attached to this statement statistical reports from three sources for your consideration.

A recently released study by The Johns Hopkins University School of Public Health Center For Injury Research and Policy shows that between 1986 - 1992 the leading cause of injury death for children in Alaska was firearms. The study also shows that overall these injury deaths by firearms were largely unintentional.

An earlier study by The Johns Hopkins University shows that between 1980-1985 Alaska had 15 children that died from an unintentional firearm injury.

A February, 1996 report from the State of Alaska Department of Health and Social Services on Youth Mortality in Alaska indicates that in 1993, 82,810 youth died in the United States and 268 youth died in Alaska. Unintentional injury has replaced infectious disease as the leading killer of American youth.

In Alaska, unintentional injury claimed 86, 110, and 90 youth lives from 1991 to 1993 respectively.

The Anchorage Police Department Statistical Report for 1994 indicates that arrest charges for weapon offenses in Anchorage have increased between 1990-1994.

What these statistics show you is that Alaska's children are being exposed to and killed with guns through accidents.

It does not matter where these accidental deaths are happening. What does matter is that they are happening.

The Department of Public Safety Permits and Licensing Unit has provided Alaska PTA with a report of the number of concealed handgun permits issued as of March 18, 1996. There are 3,415 men and 936 women for a total of 4,351.

Alaska PTA has been informed that it is an inconvenience for some permittees not to be able to carry their concealed handgun with them onto school grounds or to escort their spouses and children to the school doors.

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One question to ask supporters of allowing concealed handguns onto school property and up to the doors is, **why are they not asking to enter the school buildings? Where is the difference in the risk?** If they don't want to enter school buildings with their concealed handgun because of the risk of injury or death, they likewise should not want to be on school property with a concealed handgun because the risk for an accidental injury or death is the same inside a school building or on school grounds even if a person remains in their vehicle, the potential for injury and death remains the same.

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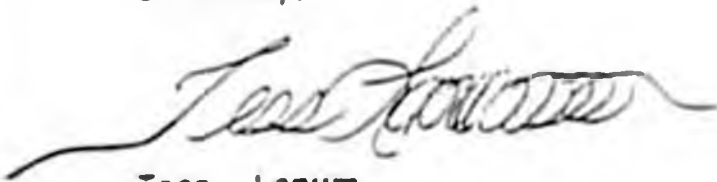
These delegates represent PTA units across Alaska and we respectfully ask that you amend the language in the bill before you to prevent the possession of a concealed handgun on school property.

Alaska PTA has been informed that the bill sponsor, Senator Lyda Green will speak to the House Finance Committee and ask you to amend the language in this bill. Representative Joe Green will also speak to this committee regarding concealed handguns on school property.

Alaska PTA would like to thank you for all your hard work and we want you to know that your time, efforts and dedication are appreciated.

If you have any questions or would like further information please feel free to contact me at 907-522-4456.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tess Lanum". The signature is written in dark ink and is positioned above the typed name and title.

Tess Lanum
Vice President Legislation

FROM CTR
FACSIMILE TRANSMISSION COVER PAGE

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF PUBLIC HEALTH
CENTER FOR INJURY RESEARCH AND POLICY
Department of Health Policy and Management
Hampton House - Room 537
624 North Broadway
Baltimore, Maryland 21205
Telephone Number: 410-955-2079

FAX NUMBER: 410-614-2797

DATE: March 19, 1996

TO: Tess Larum

FAX NUMBER: 907-522-4521

FROM: DIANE M. REINTZELL, Assistant to Susan P. Baker, M.P.H.

~~NUMBER OF PAGES TO FOLLOW 5~~

.....

MESSAGE/COMMENTS:

Per our telephone conversation, see attached

FROM CTR
FACSIMILE TRANSMISSION COVER PAGE

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF PUBLIC HEALTH
CENTER FOR INJURY RESEARCH AND POLICY
Department of Health Policy and Management
Hampton House - Room 537
624 North Broadway
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Telephone Number: 410-955-2079

FAX NUMBER: 410-614-2797

DATE: March 19, 1996

TO: Tess Lanum

FAX NUMBER: 907-522-4521

FROM: DIAKE M. REINTZELL, Assistant to Susan P. Baker, M.P.H.

~~NUMBER OF PAGES TO FOLLOW 6~~

.....
MESSAGE/COMMENTS:

Per our telephone conversation, see attached

**INJURY DEATHS BY CAUSE AND SEX
ALASKA CHILDREN AGES 0-14, 1980-1985**

| INJURY CAUSE | MALE | FEMALE | TOTAL |
|-------------------------|------|--------|-------|
| Total motor vehicle | 29 | 25 | 54 |
| Motor vehicle occupant | 8 | 10 | 18 |
| Pedestrian, traffic | 12 | 10 | 22 |
| Bicycle | 3 | 4 | 7 |
| Pedestrian, non-traffic | 2 | 1 | 3 |
| Motorcycle | 0 | 0 | 0 |
| Other motor vehicle | 4 | 0 | 4 |
| Drowning | 18 | 10 | 48 |
| Housefire | 14 | 12 | 26 |
| Homicide | 12 | 7 | 19 |
| Suffocation | 8 | 1 | 9 |
| Firearm, unintentional | 10 | 5 | 15 |
| Fall | 3 | 1 | 4 |
| Suicide | 4 | 0 | 4 |
| Aspiration, other | 1 | 0 | 1 |
| Aspiration, food | 5 | 2 | 7 |
| Poison, solid/liquid | 1 | 1 | 2 |
| Farm machinery | 0 | 0 | 0 |
| Electric current | 2 | 0 | 2 |
| Poison, vapor | 5 | 6 | 11 |
| Airplane crash | 10 | 3 | 13 |
| Other unintentional | 17 | 11 | 28 |
| Unknown intent | 4 | 1 | 5 |
| Medical/surgical | 0 | 0 | 0 |
| All injury (E800-E999) | 163 | 85 | 248 |

**INJURY DEATHS BY CAUSE AND AGE
ALASKA CHILDREN AGES 0-14, 1980-1985**

| INJURY CAUSE | < 1 YEAR | 1-4 YRS | 5-9 YRS | 10-14 YRS |
|-------------------------------|--------------------|----------------|----------------|------------------|
| Total motor vehicle | 4 | 11 | 17 | 22 |
| Motor vehicle occupant | 2 | 4 | 6 | 6 |
| Pedestrian, traffic | 2 | 5 | 6 | 9 |
| Bicycle | 0 | 0 | 4 | 3 |
| Pedestrian, non-traffic | 0 | 2 | 1 | 0 |
| Motorcycle | 0 | 0 | 0 | 0 |
| Other motor vehicle | 0 | 0 | 0 | 4 |
| Drowning | 2 | 15 | 17 | 24 |
| Housefire | 3 | 14 | 4 | 5 |
| Homicide | 7 | 7 | 5 | 0 |
| Suffocation | 5 | 1 | 0 | 3 |
| Firearms, unintentional | 0 | 1 | 5 | 9 |
| Fall | 0 | 1 | 1 | 2 |
| Suicide | 0 | 0 | 0 | 4 |
| Aspiration, other | 0 | 1 | 0 | 0 |
| Aspiration, food | 3 | 2 | 0 | 2 |
| Poison, solid/liquid | 0 | 0 | 1 | 1 |
| Farm machinery | 0 | 0 | 0 | 0 |
| Electric current | 0 | 1 | 1 | 0 |
| Poison, vapor | 3 | 3 | 3 | 2 |
| Airplane crash | 2 | 5 | 3 | 3 |
| Other unintentional | 4 | 13 | 6 | 5 |
| Unknown intent | 1 | 1 | 1 | 2 |
| Medical/surgical | 0 | 0 | 0 | 0 |
| All injury (E800-E999) | 34 | 76 | 64 | 74 |

Alaska Vital Signs



Tony Knowles, Governor
 Karen Perdue, Commissioner
 Peter M. Nakamura, MD, MPH, Director of Public Health
 Alfred G. Zangri, MPH, MA, Editor/Chief, Bureau of Vital Statistics
 Author: Anthony E. Zank, MPA, Bureau of Vital Statistics



Youth Mortality in Alaska

Introduction

During 1993, 32,310 youth died in the United States and 253 youth died in Alaska. For purposes of this report, "youth" are considered to be persons less than 25 years of age, including infants. Young males in the United States and in Alaska died at higher rates than females. Youth mortality statistics will be presented in this report by cause of death, resident location, age group, gender, and race.

Vital statistics presented for Alaska's youth were calculated using data from death certificates, managed by the Alaska Bureau of Vital Statistics. In this report several tables are presented that compare Alaska's youth mortality rates with those of the United States. Statistics for the United States were obtained from Monthly Vital Statistics Reports (MVSRS), published by the National Center for Health Statistics. The International Classification of Disease (ICD9) codes used for cause of death categories that are reported are listed below.

| Cause of Death | ICD9 Codes |
|-------------------------------------|------------|
| Unintentional Injury | E800-E949 |
| Suicide | E950-E959 |
| Homicide/Legal Intervention | E960-E979 |
| Sudden Infant Death Syndrome (SIDS) | 798.0 |
| Perinatal Period Conditions | 760-779 |
| Congenital Anomalies | 740-759 |

Leading Causes of Death

Unintentional injury has replaced infectious disease as the leading killer of American youth. Examples of unintentional injury include motor-vehicle crashes, asphyxiation from fire in the home, drowning, and ingestion of poison. Nearly half of all childhood deaths in the United States are due to unintentional injury, and about half of those are from motor-vehicle crashes (American Journal of Preventive Medicine, 1989). In Alaska, unintentional injury claimed 36, 110, and 90 youth lives from 1991 to 1993, respectively.

Suicide, homicide, and legal intervention are considered intentional deaths. Suicide in Alaska claimed 29, 36, and 40 youth lives from 1991 to 1993, respectively. Homicide and legal intervention claimed 19, 16, and 19 youth lives in Alaska from 1991 to 1993, respectively.

Infants in Alaska died most often from congenital anomalies, sudden infant death syndrome (SIDS), and conditions in the perinatal period (23rd week of gestation to the 28th day of birth).

| Report Sections | Page |
|-------------------------|------|
| Introduction | 1 |
| Leading Causes of Death | 2 |
| Mortality by Location | 3 |
| Mortality by Age/Gender | 4 |
| Mortality by Race | 5 |
| Conclusion | 6 |
| References | 7 |



1994 Annual Statistical Report

Anchorage Police Department



Service since 1921

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1994 Annual Statistical Report

Anchorage Police Department



Service since 1921

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Guns and Other Weapons

Calls for Service Involving Weapons

| | 1990 | 1991 | 1992 | 1993 | 1994 |
|--|------|------|-------|-------|-------|
| Initial Calls for Service with Weapons Involved | 699 | 951 | 1,050 | 1,669 | 2,060 |
| Final Breakdown of Calls for Service with Weapons Involved | 1990 | 1991 | 1992 | 1993 | 1994 |
| Drunk/Minor/Felon | 32 | 44 | 46 | 43 | 43 |
| Carrying a Concealed Weapon | 96 | 66 | 93 | 127 | 132 |
| Illegal Discharge | 86 | 84 | 76 | 101 | 82 |
| Possession of a Prohibited Weapon | 8 | 9 | 7 | 23 | 7 |
| Shooting from Moving Vehicle* | 0 | 0 | 0 | 20 | 76 |
| All Other Types of Weapons Offenses | 69 | 123 | 111 | 142 | 165 |
| Total | 291 | 326 | 333 | 456 | 505 |

Arrest Charges for Weapon Offenses

| | 1990 | 1991 | 1992 | 1993 | 1994 |
|-----------------------------------|------|------|------|------|------|
| Weapons Offense Charges | 1990 | 1991 | 1992 | 1993 | 1994 |
| Concealed Weapon | 128 | 100 | 154 | 178 | 153 |
| Discharge of Firearm | 65 | 67 | 52 | 62 | 46 |
| Firearm on Premise | 1 | 1 | 4 | 2 | 2 |
| Firearm on School Grounds | 6 | 36 | 24 | 15 | 34 |
| Possession of Weapon by a Minor** | 0 | 0 | 0 | 0 | 8 |
| All Other Weapon Charges | 78 | 94 | 101 | 176 | 219 |
| Total | 278 | 298 | 335 | 433 | 462 |

Guns used in UCR Offenses

| | 1990 | 1991 | 1992 | 1993 | 1994 |
|---------------------------|------|------|------|------|------|
| Homicides by Firearm | 7 | 7 | 10 | 11 | 14 |
| Sexual Assault by Firearm | 9 | 10 | 21 | 18 | 15 |
| Robbery with Firearm | 133 | 179 | 158 | 214 | 276 |
| Assault by Firearm | 123 | 164 | 217 | 251 | 305 |

* New category in 1993. ** New arrest charge for 1994.

**ANCHORAGE
MUNICIPAL
CODE**



- a. Following or appearing within the sight of that person;
- b. Approaching or confronting that person in a public place or on private property;
- c. Appearing at the workplace or residence of that person;
- d. Entering onto or remaining on property owned, leased, or occupied by that person;
- e. Contacting that person by telephone;
- f. Sending mail or electronic communications to that person;
- g. Placing an object on, or delivering an object to, property owned, leased, or occupied by that person;

4. Victim means a person who is the target of a course of conduct. (AO No. 93-200, §1, 2-3-94).

8.05.060 Child abuse.

- A. It is unlawful for any person to commit child abuse.
- B. A person commits child abuse if he knowingly, intentionally or negligently and without justifiable excuse causes or permits a child to be:
 - 1. Placed in a situation that may endanger its life or health; or
 - 2. Abandoned, tortured, cruelly confined or cruelly punished; or
 - 3. Deprived of necessary food, clothing or shelter.
- C. In this section, "child" means a person under the age of 16 years. (CAC 8.47.010).

8.05.070 Concealed weapon.

It is unlawful for any person other than a peace officer to carry concealed about his person in any manner:

- A. A revolver, pistol or other firearm; or
- B. A switchblade, gravity, or any knife other than an ordinary folded pocket knife (one which has the blade stored in the handle and requires the bearer to physically pull the blade from the handle before it can be used), or a dirk or dagger; or

- C. A slingshot, metal knuckles, club, billy, blackjack or any other instrument or thing the principal purpose or use of which is as a weapon; or
- D. Any other instrument or thing which, because of the manner in which it is concealed and the accompanying circumstances, could reasonably be construed as being kept as a weapon or in order to achieve some violent purpose, and by which injury could be inflicted upon the person of another.
- E. Nothing in this section shall be construed to prohibit the following:
 - 1. Carrying a weapon concealed in a vehicle so long as the weapon is not also concealed on the person of an occupant of the vehicle; or
 - 2. Carrying a concealed handgun in accordance with §§18.65.700-18.65.790, AS, by a person issued and carrying a valid permit under said State statutes. (Adapted from AS 11.55.010-.020, AO 89-52; AO No. 94-72(S-1), §1. 4-26-94; AO 94-171, §1. 10-1-94).

18.05.080 Consuming liquor in public place.

- A. It is unlawful for any person to consume any alcoholic beverage on the traveled portion of any public street, sidewalk or alley, upon the grounds of any municipal building, except as permitted by ordinance or regulation, or in any store or establishment doing business with the public and not authorized to sell alcoholic beverages for consumption on the premises, nor shall any person who owns, operates or controls any such unauthorized store or establishment permit the consumption of alcoholic beverages therein.
- B. The mayor is authorized to designate public areas and places, in addition to those specified in sub. A. above, in which the consumption of alcoholic beverages is prohibited, and to cause signs to be posted in such areas or places advising members of the public of the prohibition. (Adapted from GAB 18.05.010GG and new).

18.05.100 Defrauding innkeeper.

- A. It is unlawful for any person to put up at a hotel, inn, boardinghouse, or lodging house and procure a fare, board or lodging from the owner or operator by means of a trick, deception or false representation, or a false show of baggage or effects, or procure food, drink or other merchandise from any restaurant, dining room, cocktail lounge, bar or other premises where food or drink is offered to the public for sale, with the intent to cheat or defraud the owner or operator out of the pay for the

8.05.220 False pretenses--Obtaining money by.

It is unlawful for any person to obtain money, property or other things of value, including but not limited to the use of coin vending devices, or the use of any public utility service:

- A. by false pretenses or representations, whether oral, written or otherwise; or
- B. by use of any device or means by which the use of any such machine or service is secured without paying or contracting to pay the established consideration therefor; or
- C. when the consideration therefor is charged to another person without the authorization or subsequent consent of the person. (Adapted from GAAB 16.05.010KK).

8.05.240 Firearms--Discharging of.

- A. It is unlawful for any person to:
 1. shoot, discharge or flourish any firearm, air rifle or air pistol from or upon a public road or highway;
 2. flourish, point or discharge a firearm, air rifle or air pistol in the former City or Spenard service areas or other urban area or in or on any means of public transportation, or in or near a park or public grounds, or at a public place, whether public in itself or made public at the time by an assemblage of people, except in those areas open to the public for lawful hunting or upon established shooting ranges;
 3. discharge or shoot a pistol or other firearm, air rifle or air pistol into, in, through or against a dwelling, house, schoolhouse, church building, factory, storehouse, courthouse or a house or building used for manufacturing purposes, or any house or building used for the assembling of people for business or pleasure;
 4. have in his possession or under his control, or use or discharge, a firearm while such person is under the influence of intoxicating liquor or a narcotic, stimulant, hallucinogenic or depressant drug.

- B. This section shall not apply to any officer of the United States, the State of Alaska or the municipality who is authorized to use firearms in the enforcement of any law or ordinance and who is actually engaged in such enforcement. (Adapted from AS 11.55.050-.070 and GAAB 18.05.010D).

8.05.250 Firearms on licensed premises.

- A. It is unlawful for any person to have in his possession or control any firearm on premises licensed for the sale of alcoholic beverages for consumption, or for any person to conceal a firearm on licensed premises.
- B. Subsection A of this section shall not apply to the owner of the premises, or to an employee of the premises while performing his duties, or to a peace officer. (new, am AO 79-24).

8.05.255 Firearms on school grounds.

- A. It is unlawful for any person to have in his possession or control within the grounds of or on a parking lot immediately adjacent to a public or private preschool, elementary, junior high or secondary school:
1. A revolver, pistol, or other firearm; or
 2. A switchblade, gravity or any knife other than a folded pocket knife (one which requires the bearer to physically pull the blade from the handle before it can be used), or a dirk or dagger; or
 3. A slingshot, metal knuckles, club, billy, blackjack, or other instrument or thing the principal purpose or use of which is as a weapon.
- B. Subsection A of this section shall not apply to peace officers or persons who have express authorization of the Anchorage School District Superintendent or his designee or, in the case of a private or religious school, express authorization of the chief administrative officer of that school.
- C. In the case of a conviction under subsection A the weapon shall be disposed of as provided in AMC 8.50.020F.
- D. Weapons possessed by persons under 18 years old (minors) in violation of subsection A of this section shall be seized and may be forfeited to the Municipality of Anchorage in accordance with this section.
1. The legal owner of a weapon seized from a minor, if known, shall be notified by first class mail within 30 days of the seizure.

3. Has completed a firearms safety course or hunting safety course and has proof of successful course completion in his/her possession; or
4. Has in his/her possession, the written permission of his/her parent or legal guardian to have the weapon in his/her possession, and at the time of possession he/she:
 - a. Holds a valid hunting license issued pursuant to AS 16.05.330-.430 and was actively engaged in traveling to or returning from a lawful activity relating to hunting; or
 - b. Is traveling to, from, or engaging in:
 - (1) A hunter's safety course; or
 - (2) A firearm safety course; or
 - (3) Practicing the use of firearms at a shooting range or any place where discharge is not prohibited; or
 - (4) An organized competition involving the use of firearms at an authorized shooting range; and
 - c. While traveling in possession of a firearm under subsections A.4.a or b. of this section, such firearm is not loaded.
- B. Any minor under 12 years of age in possession of a dangerous weapon shall be accompanied by a responsible adult unless at his/her residence or on privately owned real property with the permission of the owner, licensee or lessee of the property.
- C. Except as provided by federal or state law, a minor under 18 years of age may not possess the following:
 1. A sawed-off rifle or sawed-off shotgun; or
 2. A fully automatic weapon.
- D. For the purposes of this section:
 1. Shooting range shall include shooting galleries licensed pursuant to AMC 10.45.035 or publicly owned shooting ranges.
 2. Dangerous weapon means any weapon, the concealment of which is prohibited by AMC 8.05.070.

3. Fully automatic weapon means any firearm which is designed to fire, or can be readily restored to fire, automatically more than one shot, without manual reloading, by a single function of the trigger.
4. Parental permission as used in this section means written approval or permission to possess a firearm which is on a form prescribed by the chief of police, signed by the minor's parent or legal guardian which specifically describes the firearm as follows:
 - a. Type;
 - b. Manufacturer;
 - c. Caliber; and
 - d. Serial number.
- E. For the purposes of this section a firearm shall be considered loaded if:
 1. There is a cartridge in the chamber of the firearm; or
 2. There is a cartridge in the cylinder, if the firearm is a revolver; or
 3. There is a cartridge in the magazine which is attached to the firearm, if the firearm utilizes a magazine, whether such magazine is detachable or fixed; or
 4. The firearm, and the ammunition therefor, are carried on the person of the juvenile or are within such close proximity the juvenile could readily gain access to the firearm and the ammunition and load the firearm.
- F. In the event a minor is convicted of a violation of this section, the court shall order the forfeiture of the firearm which the minor possessed in violation of this section. The court shall order the return of the firearm to its lawful owner only if the owner shows to the court, by a preponderance of the evidence, that such firearm was obtained by the minor without permission of the owner. (AO No. 94-30, §1, 4-19-94).

§ 95.270 Fireworks.

It is unlawful for any person to sell, possess or use any explosive fireworks or stench bomb to which fuses are attached or which are capable of ignition by matches or percussion.

ALASKA CONCEALED HANGDUN PERMITS
BY LOCATION AS OF
MARCH 18, 1996

| | |
|-------------|-------|
| ANCHORAGE | 1869 |
| EAGLE RIVER | 224 |
| WASILLA | 246 |
| PALMER | 172 |
| CHUGIAK | 80 |
| FAIRBANKS | 516 |
| NORTH POLE | 189 |
| KENAI | 30 |
| SOLDOTNA | 50 |
| SEWARD | 16 |
| HOMER | 25 |
| KODIAK | 47 |
| SITKA | 47 |
| KETCHIKAN | 79 |
| JUNEAU | 99 |
| KOTzebue | 8 |
| RAMPART | 0 |
| BETHEL | 5 |
| TOTAL | 4,351 |
| MALE | 3,415 |
| FEMALE | 936 |

ASD STATEMENT OF RIGHTS AND RESPONSIBILITIES

1995-96

PREAMBLE

1. A primary responsibility of the Anchorage School District and its professional staff shall be the development of an understanding and appreciation of our representative form of government, the rights and responsibilities of the individual and the legal process as whereby necessary changes are brought about.
2. The school is a community and the rules and regulations of a school are the laws of that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. Among the responsibilities of school citizenship are respecting the laws of the community and the rights of other citizens and contributing to the fulfillment of educational purposes through cooperative conduct.

3. Young people in the United States have the right to receive a free public education, and deprivation of that right may occur only for just cause and in accordance with the process of law.
4. Students have the rights of citizenship as determined in the United States Constitution and its amendments, and those rights may not be abridged, abridged or in other ways limited except in accordance with the process of law. The First and Fourteenth Amendments to the Constitution of the United States prohibit states from unduly infringing upon the rights of speech and expression. In the school setting this restriction on state action limits the student and creates in which schools may regulate the speech and expression of students. In order to curtail First Amendment rights, school authorities must show that the failure to do so would create a material and substantial disruption of school work and discipline.
5. Administrators and teachers also have rights and duties. The reality of a request by law to maintain a positive environment for learning, and administrators have the responsibility for maintaining and facilitating the educational process.
6. The principal is authorized to recommend suspension, and to suspend or discipline students for cause. The teacher has the authority to temporarily remove students from a class or discipline students for cause. The following rules, regulations and law process procedures students are designed to protect all members of the educational community in the exercise of their rights and duties.
7. Nothing in this statement of student rights shall be held to limit the due process rights of students or non-student school employees nor give rise of District grievance procedures.

Rights, Responsibilities and Limitations

Any conduct prohibited by the following statement of rights, responsibilities and limitations shall be subject to appropriate corrective action from proper discipline to expulsion.

1. CRIMINAL ACTS

The following acts are among those crimes defined in criminal codes the laws of the State of Alaska.

AGGREG AND ABILITYING - Assisting in the commission of a crime, with the intent of being present as a principal. AS 11.41.20 - 29

ABUSE - Damaging any property by intentionally or negligently burning it or causing an explosion, or attempting to burn it or cause an explosion. AS 11.41.40 - 49

AGGRAVATED - Intentionally causing or attempting to physically injure another person. AS 11.41.200-299

BURGLARY - Entering unlawfully or remaining unlawfully with intent to commit a crime. AS 11.46.300 - 310

EXTORTION OR BLACKMAIL - Challenging, cooing, property, or actions by threats or threat of violence or untrue accusations or public ridicule. AS 11.41.250 - 259

FORGERY - Falsely making or altering a written instrument or knowingly possessing a forged instrument. AS 11.46.300 - 11.46.39

LARCENY - Theft without force or violence upon another person. AS 11.46.100-210

MALICIOUS MISCHIEF - Willful property damage or interference with property rights. AS 11.46.480-486

RECKLESS ENDANGERMENT - Engaging in conduct which creates a substantial risk of serious physical injury to another person. AS 11.41.290

ROBBERY - Stealing from the person of another by force or threat of force. AS 11.41.500-510

SALE, USE OR POSSESSION OF DANGEROUS LIQUOR OR ILLEGAL DRUGS - AS 17.10.010, 17.12.310, 4.16.010

TRESPASS - Presence on another's property without permission and/or refusal to leave another's property upon request. AS 11.46.320-330

The commission of, or participation in, any criminal activity in school buildings, on school property, or in school-sponsored events is prohibited. Disciplinary action may be taken by the school regardless of whether or not criminal charges or prosecution result.



2. **WEAPONS AND DANGERS** - Students on school property or attending a school-sponsored event shall not carry on their person or place weapons, any firearms or other weapons, knives or dangerous objects, any "sand" during a regular course of instruction. Students found with any firearms or weapons at school or at school activities are subject to expulsion and arrest. Weapons include, but are not limited to, firearms, pellet guns, gas guns, shockers, knives, clubs, brass knuckles, semiautomatic and throwing weapons.
3. **SMOKING** - Students are not permitted to smoke on school property.
4. **ATTENDANCE** - Daily attendance of all who are enrolled in the ASD schools is required in accordance with state law and School Board rules. Students will attend regularly scheduled classes unless officially excused.

5. **DISRUPTIVE CONDUCT** - Conduct which materially and substantially interferes with the educational process or the lawful activities of others is prohibited.
6. **COOPERATION WITH SCHOOL PERSONNEL** - Students must obey the lawful instructions of all school district personnel.

7. **SELF IDENTIFICATION** - All students in school buildings, on school grounds, or at school-sponsored events must, upon request, identify themselves to authorized school district personnel in clear language.
8. **OFF-CAMPUS EVENTS** - Students in school sponsored, off-campus events shall be governed by school district rules and regulations and shall be subject to the authority of school district personnel.

9. **FREEDOM OF SPEECH AND ASSEMBLY**
 1. Students are entitled to express verbally their personal opinions in a manner that does not interfere with the freedom of others to express themselves. Obscenity and slander are prohibited.

- Placement in school vault
- Item(s) may be returned to student after school or parent may be asked to pick up items
- Detentions/work detail may be assigned
- Repeated violations will be regarded as willful disobedience with applicable sanctions.

Rashless or Unsafe Behavior Actions that jeopardize the safety and/or welfare of people under school jurisdiction are prohibited. Running, pushing and horseplay in the halls are examples of undesirable behaviors.

Students behaving in an unsafe manner in high risk classes such as lab, shop, physical education may be withdrawn on a non-credit basis at the first offense.

It and subsequent offenses

- Work details/detentions
- 1-3 day suspension
- Parent conference
- Class withdrawal if behavior continues

Theft Theft or possession of stolen property, or the misuse of stolen property by students will result in the following sanctions:

It and subsequent offenses

- Parent conference required
- 1-9 day suspension
- Refer to police, subject to arrest
- Liable for restitution

Tobacco Use or possession of tobacco in any form by students on school property is prohibited. Additionally, students in junior high school are prohibited from being in possession of matches and lighters.

Students violating the tobacco rule are subject to the following sanctions:

It and subsequent offenses

- Work details/detentions
- Parent notification or suspension from classes with re-admission pending on a parent conference
- 1-9 day suspension

Trespass A person is considered to be trespassing if he/she enters or remains on school property or school sponsored activities without permission. Any student expelled from ASD is not allowed on any school property or at any school activity on or off school property (i.e. hockey games, etc.).

Non-Student

It and subsequent offenses

- Official warning
- Subject to arrest
- Referral to police/subject to arrest

Anchorage School District Students

It and subsequent offenses

- Official warning
- Parent notification
- Work details/detentions
- 1-9 day suspension
- Referral to police/subject to arrest

Vandalism Removing, marking, destroying, defacing, or removing objects or materials belonging to the school, school personnel, or other persons. Students participating in acts of vandalism may be denied participation in graduation ceremonies.

It and subsequent offenses

- Parent notification
- Work details/detentions
- 1-9 day suspension
- Subject to arrest
- Liable for damages

May result in recommendation to school board for expulsion.

Weapons and Firearms NO GUNS. The possession and/or use of weapons or items designed to look like weapons under school district jurisdiction are strictly prohibited by Municipal ordinances. Weapons include, but are not limited to, firearms, pellet guns, air guns, shotguns, knives, clubs, metal knuckles, nunchucks and throwing weapons.

Permission/Use

- Parent conference
- 3-9 day suspension/referral to APD/AST
- Emergency suspension
- Subject to arrest
- Recommendation to School Board for expulsion

Willful Disobedience Willful disobedience is the refusal to comply with a reasonable request by staff.

It and subsequent offenses

- Work details/detentions
- 1-9 day suspension
- Parent conference required
- Class withdrawal if behavior continues

Prohibited Organizations and Groups

1. Groups which instigate, advocate, or promote activities which threaten the safety or well being of persons or property at school or at school activities are determined to be detrimental to the education program of the school and are prohibited. Apparel, jewelry, accessory or grooming which implies or indicates that a person is a member of a prohibited group is prohibited at school or at school activities.

2. Participation in activities such as initiation, hazing, intimidation or activities designed to create group affiliation that can cause bodily danger, physical harm or mental or emotional harm, are prohibited.

3. Persons who display symbols of prohibited groups or who participate in activities identified with prohibited groups or who participate in activities which intimidate another student are subject to disciplinary action.

4. Groups that behave in the manner described in this section will be defined as gangs. Gang behavior is prohibited at school and school activities.

5. Inservice training will be provided as required to develop staff skills. School staff will promote participation in authorized school activities as a positive alternative to membership in these groups.

Waiting For The School Bus

1. Stay a safe distance from the roadway.
2. Be at your stop five (5) minutes ahead of time. Your school bus driver has a schedule to keep and cannot wait for you.
3. Be in line when the school bus approaches.
4. Stay clear of wheels until the school bus has come to a complete stop—don't play or push others.
5. Let the smaller children board first.
6. Students must cross the highway only in front of the school bus when given permission to do so by the school bus driver.
7. Walk on the left-hand side of the road facing traffic.

Boarding the School Bus

1. Always use the handrail and go up the steps one at a time.
2. Don't push, crowd or disturb others.
3. Go directly to your seat and be seated.
4. No animals, large or small, or any kind are allowed on the bus at any time.
5. Ice skates must have protective guards on the blades or be placed in an appropriate bag. Paper bags are not adequate blade protectors.

SECTIONAL ANALYSIS

Section 1 of the bill provides an affirmative defense for AS 11.61.210 that would allow permit holders to carry concealed on school grounds providing they did not exit a propelled vehicle.

Section 2 of the bill provides for reciprocity of holders of permits of other states that honor Alaska permits as determined by the Department of Public Safety.

Section 3 of the bill provides an affirmative defense for AS 11.61.220 allowing a permit holder to possess a firearm in an establishment with a beverage dispensary license, providing no alcohol is consumed while at the establishment and the permit holder has a blood alcohol level below .04.

Section 4 of the bill provides that a permit holder may request a blood or breath alcohol test to be performed (at their expense) to be used for the affirmative defense provided for in section 3.

Section 5 of the bill requires that the Department of Public Safety provide CHP applicants a copy of the law and regulation relating to concealed handguns.

Section 6 of the bill extends the Department's time period to approve or reject an application to 30 days after receipt of the application.

Section 7 establishes the residency requirement of 90 days.

Section 8 of the bill is a language change corresponding to section 5.

Section 9 of the bill provides an exemption from the display of competency for initial permit application for an honorably retired peace officer within one year of the officer's retirement.

Section 10 of the bill changes the fee cap on initial permit issue from \$125 to \$99 and from \$60 to \$30 on renewal.

Section 11 of the bill removes the restrictions on where a permit holder is allowed to carry, other than state court facilities, correctional facilities, law enforcement facilities, domestic violence and sexual assault facilities, facilities

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that have posted notice disallowing concealed carry, vessels of the Alaska marine highway system (as prohibited by AS 19.65.055), a municipality or village that has opted out and where disallowed by federal law. This section also requires a permit holder to obtain express permission to carry concealed in a residence.

Section 12 of the bill establishes that a permit holder carrying in an area disallowed by the previous section is, for the first offense, guilty of a violation (\$300 fine), the second offense - class B misdemeanor, third offense - class A misdemeanor.

Section 13 of the bill provides the statutory authority for the marine highway system to continue its current policy on firearms possession.

Section 14 of the bill provides repealer of AS 18.65.725(c) late fee for renewal.

####

April 24, 1996

Testimony for House Finance Committee

Mr. Chairman, members of the committee I am Brett Huber, staff to Senator Green, prime sponsor of Senate Bill 177. Senator Green brought this legislation forward after hearing from many constituents, both permit holders and non permit holders, firearms instructors and gun rights advocacy groups that our current concealed handgun program is in need of revision.

Provisions in SB 177 will revise Alaska's Concealed Handgun Permit program in order to provide a more streamlined and less costly process for obtaining a permit, as well as greater latitude for law abiding citizens to exercise their right to carry concealed.

I think it is important to note that the public testimony on this legislation as it has progressed through the committee process has been very supportive to the reduction in permit cost, the removal of limitations on where permit holders are allowed to carry and the allowance of reciprocity agreements with other states.

We should also remember that when we are talking about our citizens that hold a permit to carry a concealed handgun, we are talking about law abiding Alaskans. CHP permit holders have met the program application criteria, submitted to fingerprinting and background checks, received professional training on the use of firearms, the laws relating to firearms, the use of deadly force and displayed competency and qualified with their firearm. As you consider this legislation I think it is important to differentiate between a law abiding permit holder's proper possession and use of a firearm, and the concerns associated with other, improper use.

Mr. Chairman I would be happy to briefly outline the sections of the bill if you would like.

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SENATOR LYDA GREEN

SENATE DISTRICT N

HCS for CSSB 177 (FIN)

Sponsor Statement

In an effort to simplify the concealed handgun permitting process and make the permits more available to those who need them the most, the following revisions are proposed:

1. RETAIN F.B.I. fingerprint requirement (and CHANGE department's time limit for approval from 15 to 30 days).
2. CHANGE residency requirement from 1 year to 90 days.
3. CHANGE application fee cap from \$125 to \$99 and change renewal fee cap from \$60 to \$30.
4. PROVIDE for reciprocity with other states that honor our permits.
5. REMOVE restrictions on where a permit holder may carry a concealed handgun. Retain the prohibition for concealed carry in school buildings and on school grounds, state court facilities, correctional facilities, law enforcement facilities, domestic violence and sexual abuse shelters, and where disallowed by federal law. *Private facilities still have the right to exclude concealed carry by posting of a notice. Enforcement is through the criminal trespass statutes.*
6. ADD providing applicant with a copy of laws and regulations pertaining to the concealed handgun program.
7. ADD statutory authority for Alaska Marine Highway system to continue its current policy pertaining to firearms.
8. PROVIDE a waiver of the demonstration of competency requirement for an honorably retired peace officer.

The revisions contained in SB 177 are necessary in order to provide a more streamlined and less costly process for obtaining a permit as well as greater latitude for law abiding citizens to exercise their right to carry concealed. I respectfully request your support of this legislation.

MEMORANDUM

State of Alaska

Department of Law

TO: Ronald L. Otte
Commissioner
Department of Public Safety

DATE: July 12, 1995

FILE NO: 663-95-0323

TEL. NO: 465-3428

SUBJECT: Enforcement of criminal trespass
statutes in connection with concealed
handguns

FROM: Dean J. Guanch  and Margot O. Knuth
Assistant Attorneys General
Criminal Division, Central Office

By memorandum dated December 21, 1994, you have requested advice as to whether a private business may bar from its premises someone who is carrying a concealed handgun and, if so, whether a person who nonetheless enters the business with a concealed handgun is guilty of a criminal offense. You have also requested advice as to whether a criminal offense is committed when a person carries a concealed handgun into a retail store that contains a branch office of a bank, in view of the new statute that prohibits concealed handguns from being carried into "financial institutions."

The Department of Law cannot provide legal advice to private parties, and consequently private businesses with questions about concealed firearms should contact their own legal advisors regarding their rights and liabilities for protecting patrons of their business and issues regarding employees of their business, civil actions for trespass¹ and general landlord and tenant matters.² Your question, however, is what action, if any, troopers should take when they receive a complaint about a person carrying a concealed handgun on private business premises. The following is our advice.

¹ This memorandum addresses criminal trespass laws only and we express no opinion on the ability of private persons to maintain a civil suit for trespass. See *Brown Jug, Inc. v. International Brotherhood of Teamsters*, 688 P.2d 932, 937-38 (Alaska 1984) (in civil action, intentional entry onto land of another constitutes intentional trespass even if trespasser believes that he or she has the right to be on the land).

² This department has previously opined, in response to questions from the legislature, that a landlord has a right to prohibit firearms on leased property. 1983 Inf. Op. Att'y Gen. (Jul. 1; 366-444-83).

I. Summary

The short answer to your first question is that it may, depending on the circumstances, be illegal under the state criminal trespass statutes for a person to carry concealed handguns on private business premises, even though the person has a permit for the weapon. The short answer to your second question is that clear demarcation of bank premises and notice to patrons are important considerations in enforcing the concealed handgun law on bank premises within larger stores. Issues regarding automatic teller machines and other premises of financial institutions will be discussed below. Before reaching these issues, however, we will first discuss the impact of the newly-enacted concealed handgun statutes on state criminal trespass laws.

II. Discussion

A. The Concealed Handgun Statutes Do Not Prevent Private Property Owners From Relying On Criminal Trespass Laws To Control Access To Their Premises

Under AS 11.61.220, it is a crime for a person to carry a concealed handgun unless the person is a peace officer, is on the person's own property, is engaged in a lawful outdoor activity requiring a weapon for protection, or has obtained a permit under the new statutes set out in AS 18.65.700 — 18.65.790. Even if a person has obtained a permit to carry a concealed handgun, there are several types of places where these guns cannot be carried. AS 18.65.755(c) makes it a class B misdemeanor for a person with a permit to possess a concealed handgun in one of these legislatively designated areas.³

The first question that you have asked is whether there are any other premises that can be designated as off-limits for concealed handguns, even though they do not appear on the list of prohibited premises in AS 18.65.755. We believe that there are.

Alaska has a criminal trespass statute, AS 11.46.330, which makes it a crime to enter or remain on premises when a person is not privileged to do so or has been directed to leave. It provides as follows: "A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully (1) in or upon premises; or (2) in a propelled vehicle." AS 11.46.330. AS 11.46.350 defines "enter or remain unlawfully" as meaning to "(1) enter or remain in or upon premises . . . when the premises . . . at the time of the entry or

³ These places include, among others: law enforcement or correctional facilities, school grounds, courthouses, certain governmental buildings, portions of airline terminals, and residences where an appropriate notice has been given by oral statement or by a conspicuous notice. AS 18.65.755.

remaining is not open to the public and when the defendant is not otherwise privileged to do so; [or] (2) fail to leave premises . . . that is open to the public after being lawfully directed to do so personally by the person in charge."

These statutes give property owners the right to exclude a person from their property for any reason. That reason can include carrying a concealed handgun, even with a permit, unless the concealed handgun permit laws are interpreted as somehow superseding this aspect of the criminal trespass laws. It is therefore necessary to consider whether the legislature's enactment of AS 18.65.755 impliedly repealed the criminal trespass statute (and any municipal ordinance prohibiting criminal trespass) as applied to the carrying of concealed handguns. As explained below, we do not believe that AS 18.65.755 prevents property owners from choosing to exclude persons carrying concealed handguns, even if the person has a permit, and, accordingly, those who enter or remain on property with a concealed handgun despite the owner's request that they leave can be prosecuted for criminal trespass.

To determine whether a prior statute has been impliedly repealed, Alaska's courts look to the intent of the legislature in passing the new statute to determine if there is an irreconcilable conflict between the two. *Peter v. State*, 531 P.2d 1263, 1268 (Alaska 1975). Although the supreme court will not automatically apply the common law presumption against implied repeals, the court has quoted from a well-respected commentator who notes that "[t]he presumption has . . . special application to important public statutes of long standing." *Id.* (quoting 1A J. Sutherland, *Statutes and Statutory Construction* § 23.10 (4th ed. Sands 1972)).

Criminal trespass laws are important public statutes that protect private property rights by allowing owners to choose who may enter or remain on their premises. Although there are limits on the extent to which private property owners can control free speech on portions of their premises that have become the functional equivalent of public property (*see, e.g., Pruneyard Shopping Center v. Robins*, 447 U.S. 74, 100 S. Ct. 2035, 64 L. Ed. 2d 741 (1980)), there are no similar limitations in Alaska law on the ability of businesses to prohibit firearms or smoking on the premises, or to require a dress code or otherwise require that patrons behave in a way that is believed by the business owner to be appropriate for operation of the establishment or for preserving the safety and comfort of other patrons.⁴

⁴ We note that the Alaska Constitution was recently amended to create an "individual" right to bear arms that is not to be infringed by state or local government. Art. I, § 19, Alaska Const. We conclude that this amendment does not prevent private persons from setting rules of conduct for their own property. For example, the Alaska Supreme Court has declared that ingesting substances (such as smoking tobacco) is constitutionally protected, *Gray v. State*, 525 P.2d 524 (Alaska 1974), as is choosing how to appear and what to wear, *Breese v. Smith*, 501 P.2d 159 (Alaska 1972). Nonetheless, private

(continued...)

Also, criminal trespass laws have been part of Alaska society for many years. The present Model Penal Code formulation of the criminal trespass statute has been part of Alaska law since 1980, and earlier criminal trespass statutes were part of the Alaska criminal code since well before statehood.⁵

Given the importance and long history of these laws, it is probable that the Alaska courts would impose a presumption against the implied repeal of the criminal trespass statutes. Even if no presumption is applied, however, it is unlikely that a court would find that the concealed handgun statutes impliedly repealed the criminal trespass statutes to the extent of prohibiting businesses from excluding concealed handguns on their premises.

There is nothing on the face of the concealed handgun statutes in general, or in AS 18.65.755 in particular, that is inherently inconsistent with the criminal trespass statute set out in AS 11.46.330. The concealed handgun statutes create a detailed statutory scheme for obtaining permits to carry concealed handguns. They also create a large number of *new* offenses for carrying concealed handguns in certain designated areas or for misusing the permit. See AS 18.65.760; AS 18.65.765. The criminal trespass statute, on the other hand, gives private property owners the right to ensure that their property is used in the manner they choose. These purposes are not in conflict.⁶ We accordingly conclude that AS 11.46.330, as applied to persons

⁴(...continued)

businesses indisputedly may ban smoking and impose dress codes. This is because the constitutional rights in Article I of the Alaska Constitution (like the Bill of Rights in the United States Constitution) are limitations on the power of government, rather than on the actions of private persons. *Luedtke v. Nabors Alaska Drilling, Inc.*, 768 P.2d 1123, 1129-30 (Alaska 1989).

⁵ See former AS 11.20.610, AS 11.20.630 and AS 11.20.650. The Revised Criminal Code replaced these earlier, more specific laws with broader provisions so as to eliminate a "needless proliferation of statutes." *Alaska Criminal Code Revision, Tentative Draft, Part 3, Offenses Against Property* (April 1977) at 59.

⁶ The legislative history of AS 18.65.755 discloses that an unsuccessful attempt was made in the House of Representatives to expand the list of prohibited premises to include retail establishments and other places that post signs prohibiting entrants from carrying concealed handguns. See Amendments 2 and 3 offered to CSHB 351(FIN) on April 15, 1994. House Journal at 3471-73 (1994). It is rarely appropriate to infer legislative intent from the defeat of a proposed amendment. Its defeat may mean only that legislators wanted to ensure that some areas would be off-limits to concealed handguns, regardless of whether a person carrying a concealed handgun noticed that a sign had been posted, while in other areas it is to be left to the discretion of the property owner whether to allow patrons to carry concealed handguns.

carrying concealed handguns, should not be interpreted as having been impliedly repealed by AS 18.65.755.⁷

B. Alaska's Criminal Trespass Laws

AS 11.46.330 makes it the crime of criminal trespass in the second degree, a class B misdemeanor, to "enter or remain unlawfully" in or upon land, buildings or propelled vehicles. Under AS 11.46.350, the phrase "enter or remain unlawfully" is defined to include

(1) for premises *not open to the public*, entering or remaining "when the defendant is not otherwise privileged to do so"; and

(2) for places *open to the public*, "fail[ing] to leave . . . after being lawfully directed to do so personally by the person in charge."

These two provisions differ slightly with regard to the type of notice that must be given to a person before that person may be deemed to have entered or remained unlawfully. We will first discuss places "*not open to the public*," and then places "*open to the public*."

1. Places Not Open to the Public

The primary elements of the crime of criminal trespass in the second degree, as applied to persons who carry concealed weapons into places that are *not open to the public*, are: (1) that the person knowingly entered or remained in the place with a concealed handgun, (2) that the person was not privileged to enter or remain in the place with a concealed handgun, and (3) that the person entered or remained with reckless disregard as to whether or not he or she was privileged to do so.

Whether a place is "*not open to the public*," for purposes of the criminal trespass statute, is a question ultimately to be decided by the factfinder in each specific criminal case and we accordingly will not attempt to try to list all the places that are "*not open to the public*." The term, however, almost certainly includes (1) private offices, (2) offices that require an

⁷ Our conclusion is bolstered by the analogy that can be made to the state's public drunkenness statutes. In *Peter v. State*, the Alaska Supreme Court held that the Uniform Alcoholism and Intoxication Treatment Act in AS 47.37 impliedly repealed Alaska's drunk-in-public law. The court found that the legislature's *expressed intent* in adopting the Uniform Act was to stop criminally punishing drunks and to rehabilitate them instead. 531 P.2d at 1271. This holding, however, has no impact on the ability of business owners to invoke the criminal trespass laws against drunks who are asked to leave the premises and refuse to do so.

appointment (such as doctor or dentist offices), (3) places reserved for residents or authorized guests of residents (such as nursing homes),⁸ (4) places for employees or authorized personnel only, (5) places that are limited to only members or authorized guests of members (such as members-only stores or clubs), and (6) premises that are normally open to the public, but closed for special occasions (for example, restaurants closed for a "private party"). *Johnson v. State*, 739 P.2d 781, 783 n.1 (Alaska App. 1987).

The simplest element of the offense of criminal trespass is whether the person knowingly entered or remained on the premises. Unless a person has entered a place by mistake, or for some reason is unaware of his or her location, this element can easily be proven.⁹

Assuming that a person has a permit to carry a concealed handgun, whether that person is privileged to carry the gun onto premises that are not open to the public depends on the policies of the office, theater, sporting event, or other premise operator. The prohibition against bringing guns onto the premises must be an official policy of the organization or be imposed by someone managing the premises.¹⁰

Whether or not a person entered or remained in reckless disregard of a lack of privilege depends on the type of notice provided. Although the statutory definition of "reckless" in AS 11.81.900(a) requires only awareness and disregard of a *risk* that the circumstance (in this case, a lack of privilege) exists, most juries will likely want proof that the person actually *knew* he or she was prohibited from carrying a concealed handgun on the premises.

The strongest evidence that a person knew he or she was not allowed to enter or remain on the premises with a concealed handgun is if the property manager or an agent of the manager provides this information to the person in a face-to-face conversation or by telephone.

⁸ *But see Steele v. Breinholt*, 747 P.2d 433 (Utah App. 1987), in which the issue of whether a nursing home was open to a particular visitor was deemed to be question of fact for the jury.

⁹ In most instances, a person both enters and remains either with or without the permission of the property owner. In some cases, however, a person may initially enter with the permission of the owner but thereafter lose that permission.

¹⁰ There is nothing, however, that precludes an organization from applying different rules at different times. For example, an arena or convention center may choose to allow guests to carry firearms, including concealed handguns, at a gun collectors show, but prohibit concealed weapons at a rock concert. It is also permissible for an organization to allow peace officers or other authorized persons (such as security guards) to carry concealed handguns, but prohibit other persons from carrying them.

Proof of a written communication of this information would also establish the fact. For example, in *Johnson v. State*, 739 P.2d 781 (Alaska App. 1987), the court upheld a criminal trespass conviction against a skier on the basis of a letter that the Alyeska Ski Resort had written to him, barring him from the resort for the remainder of the season because of the danger posed by his reckless conduct.

Alternatively, a business may communicate the information by placing a placard at each of its entrances. The Alaska Statutes specify the size and contents of a notice against trespass in AS 11.46.350(c).¹¹ The notice must be "printed legibly in English," be "at least 144 square inches in size," contain "the name and address of the person under whose authority the property is posted and the name and address of the person who is authorized to grant permission to enter the property," and be "placed at each . . . way of access onto the property." AS 11.46.350(c)(1) -- (4).¹²

There may, however, be circumstances under which a posted notice described in AS 11.46.350(c) may not be visible enough and therefore it will be difficult to prove that the entrant had actual knowledge. For example, persons seeking admission to a crowded auditorium may not be able to see a sign of the statutory minimum 144 square inches (12 inches by 12 inches). Or a person who enters an office or a "members-only" store for the first time may not notice a small sign. In these situations, one option would be for the business to increase the size of the sign.

In terms of the content of the notice, the following is an example of language that might be used:

NO CONCEALED HANDGUNS
EVEN IF YOU HAVE A PERMIT

Violators will be arrested and prosecuted.
This warning does not apply to peace officers
or authorized security personnel.

John Doe, Manager, P.O. Box 123
Anchorage, Alaska 99501

¹¹ AS 11.46.350 was enacted with other statutes in ch. 168, SLA 1988, dealing with trespasses to unoccupied land. Its terms, however, are not explicitly limited to unoccupied land.

¹² See also AS 18.65.755, setting out similar requirements for the posting of notice by homeowners that permittees are prohibited from bringing concealed handguns into their homes.

Organizations that wish to preclude firearms generally should use the phrase "no firearms" instead of "no concealed handguns."

There are a myriad of alternative means that may be used by businesses to provide the necessary notice. For example, a business may decide to give out handbills to persons entering the establishment. A similar notice could be given at the time a ticket is purchased or an application for membership is obtained. Alternatively, in theaters, sporting events, or members-only stores, it would seem to be a simple matter to print a written warning (similar to the sample sign set out above) directly on the admission ticket or membership card.

It would be difficult to list all the ways in which the necessary notice can be given, and it is impossible to predict all of the defenses that might be raised by persons claiming they were unaware that they did not have a privilege to possess firearms on the premises. State troopers investigating cases of trespass will have to determine whether, based on all the circumstances, there is evidence establishing that the person was aware of the prohibition.

2. Places Open to the Public

The primary elements of the crime of criminal trespass in the second degree, as applied to persons who carry concealed weapons into places that are open to the public, are: (1) that the person knowingly entered or remained in a place with a concealed handgun, (2) that the person was directed to leave personally by the person in charge or someone authorized by the person in charge, and (3) that the person recklessly disregarded the lawful order not to remain. *Johnson v. State*, 739 P.2d at 783-84.

Again, the element of whether the person knowingly entered or remained in the place is easily proven.

The second element, that the person was "directed to leave personally," is more difficult. A prosecution cannot easily be based on notice provided solely by a sign posted at an entryway. Notice, however, will be sufficient if the business owner, or the person in charge, acts through an agent to provide actual notice. *Cleveland v. Municipality of Anchorage*, 631 P.2d 1073, 1077 (Alaska 1981). As before, a face-to-face or telephone conversation is the clearest example of personal notice. It is likely that most cases of criminal trespass that require trooper involvement will occur *after* a person has been told not to bring a firearm into an establishment. This advisement should be deemed to remain in effect until rescinded.

As in *Johnson*, a letter directed to the person will also suffice under this subsection of the criminal trespass statute. Similarly, a handbill given to an entrant will also be

sufficient. The adequacy of other types of personal directions (for example, an announcement made over a loudspeaker) will depend on the circumstances.

If there is sufficient evidence that the person was personally directed to leave, then there should be no problem proving the final element, that the person recklessly disregarded that direction. The lawfulness of an order to leave — like other legal issues — would seem to be a question for a judge, rather than a question of fact for the jury to decide.¹³

C. The Defense of "Necessity" Is Not Available

Persons who carry concealed handguns often claim they are doing so for purposes of self-defense. It is foreseeable that a person charged with criminal trespass may try to raise the defense of "necessity." Thus, for example, a defendant charged with criminal trespass for refusing to leave premises when asked to do so by an owner who objects to the presence of concealed weapons may argue that his "need" to carry a concealed handgun outweighs the owner's interest in barring the presence of such weapons on the premises.

The defense of "necessity" is governed in Alaska by the common law and by AS 11.81.320. In accordance with these authorities, it is only rarely, if ever, that the defense of necessity will justify a person's possession of a concealed handgun on premises where such possession is prohibited by the owner.¹⁴ See *Cleveland v. Municipality of Anchorage*, 631 P.2d 1073 (Alaska 1981) (defense of necessity to "preserve life" rejected in trespass case arising from

¹³ But see *Johnson v. State*, 739 P.2d 781 (Alaska App. 1987), in which the court indicated that the lawfulness of the order was a "circumstance" in the case that the jury could review. It is not clear what the *Johnson* court meant by this. The court observed that, under the facts in that case, the defendant could claim he was not reckless because he reasonably questioned the "validity" of a warning letter. We believe that the technical lawfulness of an order is a question for a judge to decide. *Johnson*, however, suggests that the reasonableness of the defendant's belief with respect to that order is a question for the jury. In the rare case in which there may be a question about the legality of an order to leave (e.g., a property owner changes the terms of a lease in the middle of the tenancy), a judge would be the more appropriate one to decide the issue than a jury.

¹⁴ It is at least theoretically possible for a "necessity" defense to arise if, for example, a person with a concealed weapon were chased by attackers into a prohibited area. In the unlikely event that the person were prosecuted for trespass for entering the prohibited area, a defense of "necessity" or perhaps duress would be applicable. Note, however, that prisoners who escape can raise a defense of "necessity" if they were in danger in prison, but they must then turn themselves in and inform authorities immediately, or else justify their continuing absence. *Wells v. State*, 687 P.2d 346 (Alaska App. 1984). Like escape, criminal trespass is a continuing offense that would have to be justified.

defendant's refusal to leave an abortion clinic); *Bird v. Municipality of Anchorage*, 787 P.2d 119 (Alaska App. 1990) (abortion clinic trespass case). Nonetheless, we recommend that the investigating officer provide a suspect with the opportunity to explain why the suspect thought it was necessary to carry a concealed handgun onto the premises in contravention of the owner's explicit directions.

D. "Financial Institutions" under AS 18.65.755

Under AS 18.65.755(a)(11), a person with a permit to carry a concealed handgun is prohibited from carrying the gun "into . . . a financial institution." The statute defines "financial institution" as a "bank, savings bank, savings association, credit union, or other institution regulated by the Department of Commerce and Economic Development under AS 06."

You have asked whether a branch office of a financial institution fits within the prohibition of AS 18.65.755(a)(11) when the branch office is located within a larger retail store that is not a "financial institution." We conclude that a branch office of a bank is a financial institution under AS 18.65.755. This, however, does not mean that the entire retail store enclosing the branch office automatically becomes a financial institution for purposes of the prohibition set out in the concealed handgun law.

If the bank branch office is physically separated from the remainder of the store by walls or other barriers, then the statutory prohibition against carrying concealed handguns into a financial institution applies to that separate area, but not to the surrounding store. If the branch office is not physically separated from the remainder of the store, we believe that the prohibition set out in AS 18.65.755 applies only to those areas where a patron of the bank deals face-to-face with a bank employee, or in those waiting areas where patrons of the bank congregate or line up to wait to see a bank employee. In either situation, it is advisable for notice (through use of a sign or one of the other means discussed above) to be provided to the customers of the bank that concealed handguns or firearms are not allowed in that area.

A related question is whether drive-up teller windows, outdoor automatic teller machines, and bank parking lots are included within the term "financial institution" for purposes of AS 18.65.755. We believe that drive-up teller windows and automatic teller machines fall within the ambit of that term, while bank parking lots do not.

This, however, does not end the inquiry. For purposes of AS 18.65.755(a)(11), the key question about drive-up teller windows and outdoor automatic teller machines is whether the person using that service has come "into" a financial institution. We conclude that a person who uses a drive-up teller window has not entered "into" a financial institution. Similarly, a person who uses an outdoor automatic teller machine, even one that is connected to a bank, has

not entered "into" the bank itself. On the other hand, if the automatic teller machine is located inside bank premises, or in a foyer or other entry to the bank, a person who uses such a machines has entered "into" the institution.

If a financial institution reports that a person is carrying a firearm in a parking lot or when using a drive-up window or outdoor automatic teller machine, then the state troopers may take action if the elements of the offense of criminal trespass have been met, as discussed in earlier sections of this memorandum (e.g., notice has been provided to the patron, etc).

III. Conclusion

For the reasons set out in this memorandum, we conclude that the state's criminal trespass laws can be used to arrest and prosecute a person who possesses a concealed handgun on private business premises, even if the person has obtained a permit for the concealed weapon, if the owner or management of the business has provided notice that concealed handguns (or all firearms) are prohibited on the premises.

We also conclude that a branch office of a bank that is located in a retail store is a financial institution under AS 18.65.755. If the branch office in the retail store has been physically separated from the rest of the store, through the use of walls or other types of dividers, then AS 18.65.755 prohibits a person from carrying a concealed weapon into the area. It is not a violation of AS 18.65.755, however, to carry concealed handguns to drive-up teller windows, outdoor automatic teller machines, or bank parking lots, although this conduct might constitute criminal trespass if all of the elements of that offense can be proven.

Please contact this office if you have further questions.

DJG/MOK/jf