

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8144 HOUSE STATE AFFAIRS

409

Filial

351

HB

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 10, 1994

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2-24-94

The STATE AFFAIRS Committee considered:

HB 351

HOUSE BILL NO. 351

PERMIT TO CARRY CONCEALED WEAPONS

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

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_  the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X	<i>[Signature]</i>		X	
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				

*[Signature]*  
CHAIRMAN'S SIGNATURE

8-LS1471NU ✓  
Luckhaupt  
2/18/94

CS FOR HOUSE BILL NO. 351( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Bunde, Olberg, Sanders

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits for the carrying of a concealed weapon; relating to  
2 the authority of a court to prohibit persons convicted of certain misdemeanors  
3 from applying for, receiving, and possessing a permit to carry a concealed  
4 weapon; and relating to the possession of weapons."

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

6 \* Section 1. INTENT. The legislature finds as a matter of public policy and fact that it  
7 is necessary to provide statewide uniform standards for issuing licenses to carry concealed  
8 weapons and firearms for self-defense and finds it necessary to occupy the field of regulation  
9 of the bearing of concealed weapons or firearms for self-defense to ensure that an honest, law-  
10 abiding person who qualifies under the provisions of this Act is not subjectively or arbitrarily  
11 denied that person's rights. The legislature intends that this Act shall be liberally construed  
12 to carry out the constitutional right to bear arms. This Act is supplemental and additional to  
13 existing rights to bear arms, and nothing in this Act is intended to impair or diminish those  
14 rights.

1 \* Sec. 2. AS 11.61.220(a) is amended to read:

2 (a) A person commits the crime of misconduct involving weapons in the fifth  
3 degree if the person

4 (1) knowingly possesses a deadly weapon, other than an ordinary  
5 pocketknife or a defensive weapon, that is concealed on the person, unless the person  
6 at the time of the possession was

7 (A) in the person's dwelling or on land owned or leased by  
8 the person appurtenant to the dwelling;

9 (B) actually engaged in lawful hunting, fishing, trapping, or  
10 other lawful outdoor activity that necessarily involves the carrying of a  
11 weapon for personal protection; or

12 (C) the holder of a permit to carry a concealed weapon  
13 under AS 18.65.700 - 18.65.780 and the deadly weapon was not a  
14 prohibited weapon under AS 11.61.200;

15 (2) knowingly possesses a loaded firearm on the person in any place  
16 where intoxicating liquor is sold for consumption on the premises;

17 (3) being an unemancipated minor under 16 years of age, possesses a  
18 firearm without the consent of a parent or guardian of the minor;

19 (4) knowingly possesses a firearm

20 (A) or a defensive weapon within the grounds of or on a  
21 parking lot immediately adjacent to a public or private preschool, elementary,  
22 junior high, or secondary school without the permission of the chief  
23 administrative officer of the school or district or the designee of the chief  
24 administrative officer, except that a person 21 years of age or older may  
25 possess

26 (i) an unloaded firearm in the trunk of a motor vehicle  
27 or encased in a closed container in a motor vehicle;

28 (ii) a defensive weapon; or

29 (B) within the grounds of or on a parking lot immediately  
30 adjacent to a center, other than a private residence, licensed under  
31 AS 47.35.010 - 47.35.075 or recognized by the federal government for the care

1 of children; or

2 (5) possesses or transports a switchblade or a gravity knife.

3 \* Sec. 3. AS 11.61.220(c) is amended to read:

4 (c) The provisions of (a)(1), (2), and (4) of this section do not apply to a peace  
5 officer [ACTING WITHIN THE SCOPE AND AUTHORITY OF THE OFFICER'S  
6 EMPLOYMENT].

7 \* Sec. 4. AS 11.61.220(d) is amended to read:

8 (d) In a prosecution under (a)(1) or (2) [(a)(2)] of this section, it is a defense  
9 that the defendant, at the time of possession, was

10 (1) on business premises owned by or leased by the defendant; or

11 (2) on business premises in the course of the defendant's employment  
12 for the owner or lessee of those premises.

13 \* Sec. 5. AS 11.61.220(e) is amended to read:

14 (e) For purposes of this section, a deadly weapon on a person is concealed if  
15 it is covered or enclosed in any manner so that an observer cannot determine that it  
16 is a weapon without removing it from that which covers or encloses it or without  
17 opening, lifting, or removing that which covers or encloses it, it does not include an  
18 unloaded firearm encased in a closed container designed for transporting  
19 firearms.

20 \* Sec. 6. AS 11.61.220(f) is amended to read:

21 (f) For purposes of (a)(2) and (e) of this section, a firearm is loaded if the  
22 firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge.

23 \* Sec. 7. AS 12.55.015(a) is amended to read:

24 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing  
25 sentence on a defendant convicted of an offense, may singly or in combination

26 (1) impose a fine when authorized by law and as provided in  
27 AS 12.55.035;

28 (2) order the defendant to be placed on probation under conditions  
29 specified by the court that may include provision for active supervision;

30 (3) impose a definite term of periodic imprisonment;

31 (4) impose a definite term of continuous imprisonment;

- 1 (5) order the defendant to make restitution under AS 12.55.045;
- 2 (6) order the defendant to carry out a continuous or periodic program
- 3 of community work under AS 12.55.055;
- 4 (7) suspend execution of all or a portion of the sentence imposed under
- 5 AS 12.55.080;
- 6 (8) suspend imposition of sentence under AS 12.55.085;
- 7 (9) order the forfeiture to the commissioner of public safety of a deadly
- 8 weapon that was in the actual possession of or used by the defendant during the
- 9 commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;
- 10 (10) order the defendant, while incarcerated, to participate in or comply
- 11 with the treatment plan of a rehabilitation program that is related to the defendant's
- 12 offense or to the defendant's rehabilitation, if the program is made available to the
- 13 defendant by the Department of Corrections;
- 14 (11) prohibit the defendant from applying for, receiving, or
- 15 possessing a permit to carry a concealed weapon under AS 18.65.700 - 18.65.780
- 16 for a period of not greater than five years if the defendant was convicted of any
- 17 of the following misdemeanor offenses:
- 18 (A) AS 11.41.230, 11.41.250, 11.41.270;
- 19 (B) AS 11.46.140 or 11.46.150 when the defendant has
- 20 committed theft of services under AS 11.46.200(a)(1);
- 21 (C) AS 11.46.270, 11.46.320, 11.46.430, 11.46.484(a)(7);
- 22 (D) AS 11.51.130(a)(1);
- 23 (E) AS 11.56.330, 11.56.350, 11.56.380, 11.56.700, 11.56.740;
- 24 (F) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;
- 25 (G) AS 11.66.130; or
- 26 (H) AS 11.71.050.

27 \* Sec. 8. AS 18.65 is amended by adding new sections to read:

28 ARTICLE 9. PERMIT TO CARRY A CONCEALED WEAPON.

29 Sec. 18.65.700. PERMIT TO CARRY A CONCEALED WEAPON. (a) The

30 department shall issue a permit to carry a concealed weapon to a person who

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

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- (2) qualifies under AS 18.65.705;
- (3) submits a completed application on a form provided by the department, that provides the information required under AS 18.65.705 and 18.65.710 and is executed under oath;
- (4) submits evidence of competence with firearms as provided in AS 18.65.715;
- (5) shows a valid picture identification at the time of application; and
- (6) pays the application fee required by AS 18.65.720.

(b) The department shall immediately issue the permit or provide a written statement to the applicant providing the reasons for the rejection.

(c) A permit issued under this section is valid for five years from the date of issue.

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

- (1) is 21 years of age or older;
- (2) is eligible to own or possess a firearm under the laws of this state and under federal law;
- (3) is not prohibited by a court under AS 12.55.015 from applying for, receiving, or possessing a permit to carry a concealed weapon;
- (4) is not currently charged under a complaint, information, indictment, or presentment with a felony violation of AS 11.41 or a similar law of another jurisdiction;
- (5) is not now suffering, and has not within the five years immediately preceding the application suffered, from a mental illness as defined in AS 47.30.915;
- (6) is not now, and has not been, adjudicated as mentally incapacitated by a court of this state, another state, territory, or jurisdiction, or of the United States, unless the guardianship or similar arrangement has been closed or terminated and five years have elapsed since the closure or other termination;
- (7) is a resident of the state and has been for the 12 months immediately preceding the application for a permit;
- (8) has not been discharged from the armed forces of the United States

1 under dishonorable conditions;

2 (9) is not an alien who is residing in the United States illegally or a  
3 former citizen of the United States who has renounced the person's citizenship;

4 (10) is not now, and has not for the three years immediately preceding  
5 the application, suffered impairment from alcohol;

6 (11) is not an unlawful user of, or addicted to, a controlled substance;

7 (12) has not been convicted of two violations of AS 28.33.030,  
8 28.33.031, AS 28.35.030 or 28.35.032 or similar laws of another jurisdiction within  
9 the five years immediately preceding the application; and

10 (13) has demonstrated competence with firearms as provided in  
11 AS 18.65.715.

12 Sec. 18.65.710. APPLICATION FOR PERMIT TO CARRY A CONCEALED  
13 WEAPON. (a) The application for a permit to carry a concealed weapon must, at a  
14 minimum, include

15 (1) the applicant's name, address, place and date of birth, physical  
16 description, including height, weight, race, hair color, and eye color, and social security  
17 number;

18 (2) a statement that the applicant qualifies under AS 18.65.705;

19 (3) a statement that the applicant has been furnished with a copy of  
20 AS 18.65.700 - 18.65.780, has read those sections, and understands them;

21 (4) a statement that the applicant desires a permit to carry a concealed  
22 weapon for a lawful purpose, which may include lawful self-defense;

23 (5) a sworn statement by the applicant that all statements, answers, and  
24 attachments to the application are true and complete;

25 (6) a conspicuous warning that the application is executed under oath  
26 and that an applicant who supplies a false statement, answer, or document, in  
27 connection with the application that the applicant does not believe to be true, may be  
28 prosecuted for perjury under AS 11.56.200 and, if found guilty, may be punished for  
29 violation of a class B felony, and that in such cases the permit shall be revoked and  
30 the applicant may be barred from any further application for a permit; and

31 (7) a statement that the applicant understands that a background

1 investigation may be conducted as a part of the application process, that this may  
2 involve computerized records searches, and that the applicant authorizes the  
3 investigation.

4 (b) As a part of an application under (a) of this section, the department may  
5 not inquire of an applicant as to any firearms owned by the applicant.

6 **Sec. 18.65.715. DEMONSTRATION OF COMPETENCE WITH FIREARMS.**

7 An applicant for a permit to carry a concealed weapon must be competent in the use  
8 of firearms. The applicant may demonstrate this competence by submitting with the  
9 application

10 (1) evidence in the form of a copy of a certificate of completion, a  
11 certified copy of a transcript, or an affidavit of the instructor, group, club, or  
12 organization that conducted the training, course, or class, that the applicant has  
13 successfully completed a

14 (A) law enforcement firearms safety and training course or class  
15 offered for peace officers, security guards, or private investigators; or

16 (B) firearms safety or training course or class conducted by a  
17 National Rifle Association certified, United States Practical Shooting  
18 Association certified, state certified, or other certified firearms instructor;

19 (2) evidence of military instruction and experience with the safe use of  
20 firearms; or

21 (3) other evidence satisfactory to the commissioner that the person is  
22 competent in the use of firearms.

23 **Sec. 18.65.720. FEES.** (a) The department shall charge a nonrefundable fee  
24 of \$50 for application for and initial issuance of a permit.

25 (b) The department shall charge a fee of \$25 for the renewal of a permit under  
26 AS 18.65.725.

27 (c) The department shall charge a fee of \$15 for replacement of a permit under  
28 AS 18.65.730.

29 **Sec. 18.65.725. PERMIT RENEWAL.** (a) A permittee shall apply for  
30 renewal of a permit to carry a concealed weapon within 90 days before the expiration  
31 of the permit on a form provided by the department. The renewal form shall be

1 submitted under oath and must include

2 (1) any change in the information originally submitted under  
3 AS 18.65.710;

4 (2) a statement that the person remains qualified to receive and hold  
5 a permit to carry a concealed weapon under AS 18.65.705; and

6 (3) the renewal fee required under AS 18.65.720.

7 (b) A renewal of a permit to carry a concealed weapon submitted on or after  
8 the expiration date is subject to a late fee of \$25. The department may not accept a  
9 renewal for a permit that is submitted more than 90 days after the expiration date of  
10 the permit. Nothing in this subsection prohibits the holder of an expired permit from  
11 applying for a new permit.

12 Sec. 18.65.730. REPLACEMENT OF PERMIT. The department may replace  
13 a permit that the permittee certifies under oath has been lost, stolen, or destroyed.

14 Sec. 18.65.735. SUSPENSION OF PERMIT. The department shall  
15 immediately suspend a permit to carry a concealed weapon if a permittee is arrested  
16 for or formally charged with a crime that would disqualify the permittee under  
17 AS 18.65.705(4) from being eligible to hold a permit to carry a concealed weapon.  
18 A suspension of a permit remains in effect until the permit is revoked under  
19 AS 18.65.740 or the department has been notified of a disposition favorable to the  
20 defendant or the defendant has been released from custody without being charged. In  
21 this section, "disposition favorable to the defendant" means a dismissal by the  
22 prosecutor or an adjudication by a court other than a conviction.

23 Sec. 18.65.740. REVOCATION OF PERMIT; APPEAL. (a) A permit to  
24 carry a concealed weapon shall be immediately revoked by the department when the  
25 permittee

26 (1) becomes disqualified to receive and hold a permit under  
27 AS 18.65.705, other than AS 18.65.705(4);

28 (2) is convicted of three violations of AS 18.65.750 or 18.65.755 within  
29 a five-year period;

30 (3) is convicted of two violations of AS 28.33.030, 28.33.031,  
31 AS 28.35.030, or 28.35.032, or similar laws of another jurisdiction within a five-year

1 period if at least one of the convictions occurs after the issuance of the permit;

2 (4) is convicted of violating AS 28.33.030, 28.33.031, AS 28.35.030,  
3 or 28.35.032 and was carrying a concealed weapon at the time of the violation; or

4 (5) with intent to mislead the department or its employees, supplied a  
5 false or fraudulent answer, statement, or document, or made a material misstatement  
6 or omission, in connection with an application for a permit or renewal or replacement  
7 of a permit.

8 (b) A person whose permit is revoked under this section may appeal the  
9 revocation decision to the commissioner. A person may seek judicial review of the  
10 decision of the commissioner under AS 44.62.560 - 44.62.570.

11 (c) A person whose permit is revoked under (a)(2) - (5) of this section may  
12 not apply for a new permit until at least five years have elapsed since the date of the  
13 last conviction or the revocation, whichever occurs first.

14 Sec. 18.65.745. NO LIABILITY FOR ISSUANCE OF PERMIT OR FOR  
15 TRAINING. (a) The department is not liable by virtue of having issued a permit to  
16 carry a concealed weapon for damage or harm caused by the permittee.

17 (b) A person who provides firearm training to a person who receives a permit  
18 under AS 18.65.700 - 18.65.780 is not liable for damage or harm caused to another  
19 person by the permittee.

20 Sec. 18.65.750. POSSESSION AND DISPLAY OF PERMIT. (a) A permittee  
21 shall carry the permit at all times the permittee carries a concealed weapon. The  
22 permittee shall display both the license and other proper identification when asked to  
23 do so by a peace officer at any time.

24 (b) Whenever a permittee who is carrying a concealed weapon is stopped by  
25 a peace officer, the permittee shall immediately inform the peace officer that the  
26 permittee is carrying a concealed weapon under the permit.

27 (c) A person who violates (a) or (b) of this section is guilty of a violation and  
28 shall be punished by a fine of \$25.

29 Sec. 18.65.755. PLACES WHERE PERMITTEE MAY NOT POSSESS A  
30 CONCEALED WEAPON. (a) A permittee may not carry a concealed weapon into

31 (1) a law enforcement or correctional facility;

- 1 (2) a courthouse or a courtroom;  
2 (3) an office or building housing state or federal offices or the offices  
3 of a political subdivision of the state;  
4 (4) a passenger loading or unloading area of an airline terminal;  
5 (5) a vessel of the Alaska marine highway system; or  
6 (6) another place where the possession of a deadly weapon or firearm  
7 is prohibited by state or federal law.

8 (b) In addition to any other penalty provided by law, a person who violates  
9 this section is guilty of a class B misdemeanor.

10 Sec. 18.65.760. ACCESS TO LIST OF PERMITTEES BY PEACE  
11 OFFICERS. The department shall compile a list of permittees in a manner that allows  
12 immediate access to the information by peace officers. The list of permittees and all  
13 applications, permits, and renewals are not public records under AS 09.25.110 -  
14 09.25.125 and may only be accessed for law enforcement purposes.

15 Sec. 18.65.765. EXEMPT PERSONS. Persons who are permitted to carry a  
16 concealed weapon under AS 11.61.220 other than AS 11.61.220(a)(1)(C), or are  
17 provided a defense to a charge of carrying a concealed weapon under AS 11.61.220  
18 are exempt from the provisions of AS 18.65.700 - 18.65.780 while engaging in the  
19 activities permitted or to which the defense applies.

20 Sec. 18.65.770. REGULATIONS. The department shall adopt regulations to  
21 implement AS 18.65.700 - 18.65.780. This section does not delegate to the department  
22 the authority to regulate or restrict the issuing of permits beyond those provisions  
23 contained in AS 18.65.700 - 18.65.780. Subjective or arbitrary actions or regulations  
24 that encumber the issuing process by placing burdens on the applicant beyond those  
25 sworn statements and specified documents detailed in AS 18.65.700 - 18.65.780 or that  
26 create restrictions beyond those specified or specifically authorized in AS 18.65.700 -  
27 18.65.780 are prohibited.

28 Sec. 18.65.775. PROHIBITION ON CERTAIN ORDINANCES. A  
29 municipality may not enact an ordinance that conflicts with or imposes stricter  
30 standards than the requirements of this chapter.

31 Sec. 18.65.780. DEFINITIONS. In AS 18.65.700 - 18.65.780,

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(1) "commissioner" means the commissioner of public safety;

(2) "concealed weapon" means a deadly weapon, as defined in AS 11.81.900, that is covered or enclosed in any manner so that an observer cannot determine that it is a weapon without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; however, "concealed weapon" does not include an unloaded firearm encased in a closed container designed for transporting firearms, a deadly weapon that is a prohibited weapon as defined under AS 11.61.200;

(3) "department" means the Department of Public Safety;

(4) "permit" means a permit to carry a concealed weapon issued under AS 18.65.700 - 18.65.780.

\* Sec. 9. AS 11.61.220(b) is repealed.

# Alaska State Legislature

REPRESENTATIVE  
JEANNETTE JAMES  
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House District 34

## House Of Representatives

### SPONSOR STATEMENT

#### HOUSE BILL NO. 351

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

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

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

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

I am also firmly convinced that this bill has the very strong support of most Alaskans.

# Alaska State Legislature

REPRESENTATIVE  
JEANNETTE JAMES

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House District 34



White in Juneau  
State Capitol  
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## House Of Representatives

HB 351

"PROS AND CONS"

### FOR:

1. Outdoor Council - Ken Maahs  
333-1446 or 229-8005
2. National Rifle Association - Laura Jane Wineinger  
745-2093 or 563-4262

### AGAINST:

1. Department of Public Safety  
Mr. Swackhammer, Commissioner Burton  
465-4322

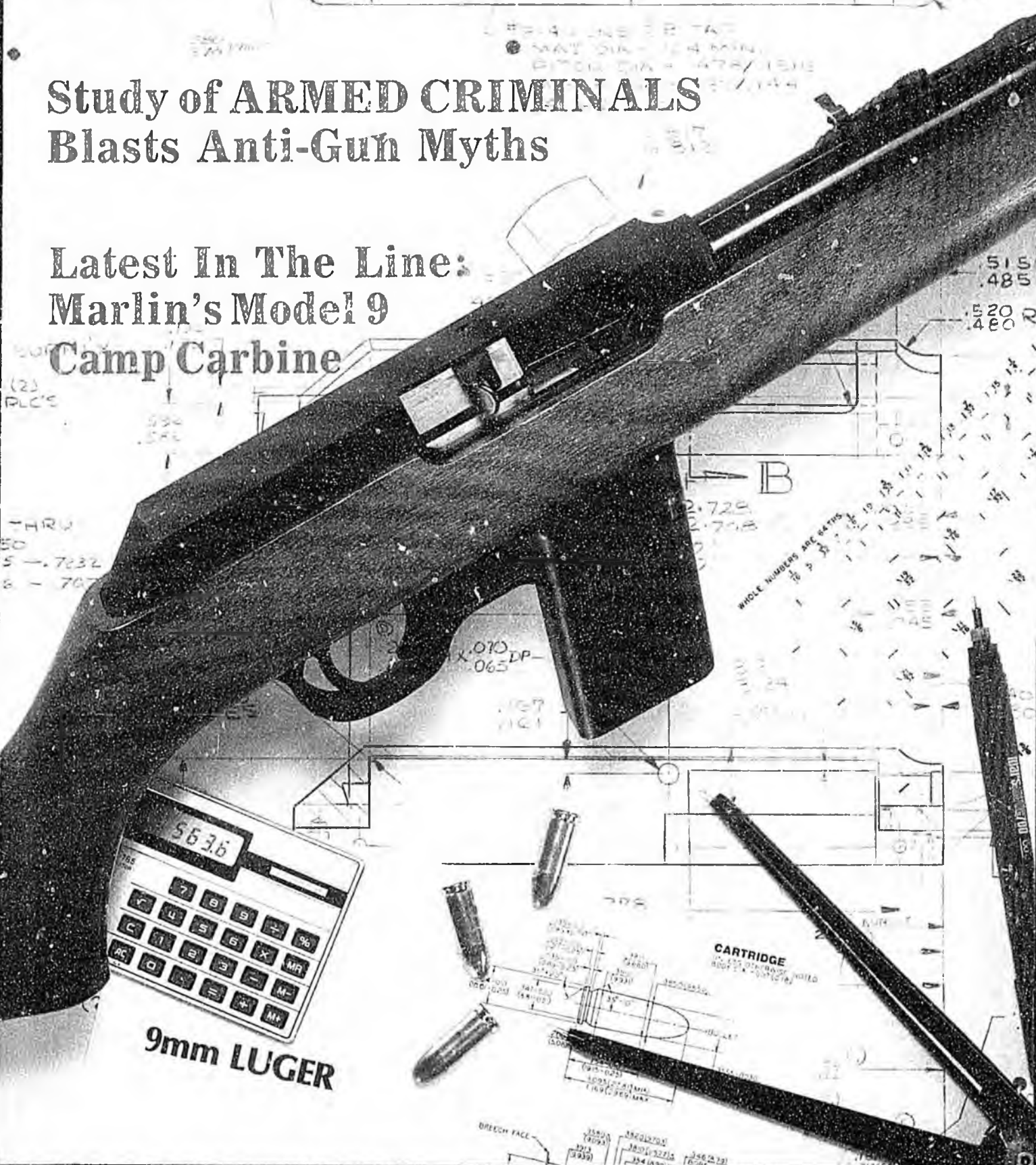
# AMERICAN RIFLEMAN

AUGUST 1985

\$1.75

## Study of ARMED CRIMINALS Blasts Anti-Gun Myths

### Latest In The Line: Marlin's Model 9 Camp Carbine



9mm LUGER



CARTRIDGE

BRECH FACE

A Justice Department-funded study of inmates in prisons across the nation has produced evidence that crumbles the foundations of anti-gun propaganda.

# The Armed Criminal In America



BY DR. PAUL H. BLACKMAN

**F**EAR of the armed citizen and the threat of tough punishment for using a gun (or other weapons) in committing a violent crime are significant factors in both reducing and deterring crime, according to the results of a survey of imprisoned felons conducted by Professors James D. Wright and Peter H. Rossi.

Through in-depth interviews with 1,874 imprisoned felons conducted between August, 1982, and January, 1983, the government-funded researchers delved into the deep-seated attitudes of criminals on the questions of weapons choice, deterrence, attitudes toward "gun control," criminal history, and firearms acquisition. The prisoners, studied under a grant from the National Institute of Justice of the U.S. Justice Department, were incarcerated in Arizona, Florida, Georgia, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada and Oklahoma.

Although some of the survey data and its authors' conclusions have been released piecemeal for the past two years, the government-issued Wright-Rossi analysis will soon be released in its entirety by the Justice Department. Complete data tapes were made available to the public on June 7, and now provide criminologists with extensive views into the mind of the criminal.

The officially released analysis will likely be edited by Justice bureaucrats seeking to minimize its pro-gun conclusions. The data, however, confirm policies espoused not only by the pro-gun fraternity for the past two decades but by others concerned with the trend toward judicial leniency in America. Based on characteristics such as age, race, education, marital status, and conviction offense, as reported in other surveys of state prisoner population, the experiences and attitudes of the adult male prisoners studied by Wright and Rossi appear to be fairly representative of the entire adult prison population, and of adult male criminals generally.

Wright-Rossi divided violators into the following categories corresponding to their use of weapons in committing crimes: unarmed felons, improvisors, knife-wielding criminals, one-time gun abusers, periodic or sporadic gun abusers, and handgun and shotgun predators. That last group commits a wide variety of crimes, using a host of weapons and with disproportionate frequency. For most purposes, interest centers on criminals who have used guns at least once in crime, although Wright notes that the predatory group, one fifth of the total sample, accounts for half of the crimes admitted to by these imprisoned felons.

**Q.**  
*One reason burglars avoid houses when people are home is that they fear being shot?*



**Q.**  
*A smart criminal tries to find out if his potential victim is armed?*



For the impact of mandatory penalties, however, it is the unarmed or non-gun criminals whose responses may be more instructive. The study shows a full 69% of respondents who did not carry firearms, but used knives, razors, brass knuckles, or clubs, said that "stiffer sentences" was a "very important" or "somewhat important" reason for their not carrying a gun. The fear of "stiffer sentences" was even greater for wholly unarmed felons, with 79% citing tougher punishment as "very" or "somewhat important" reason for not being armed.

Mandatory sentencing and other sentence enhancements help incapacitate repeat, predatory criminals and also work to discourage their less committed comrades from using a gun to commit a crime. The Wright-Rossi survey reemphasizes the need for expanding career criminal programs and for reducing prosecutorial and judicial leniency, particularly

*Dr. Blackman serves as Research Coordinator and Deputy Director of the NRA-ILA Information & Member Services Division. That division researches, analyzes, organizes, compiles, and distributes educational materials on the gun issue, supplying brochures and special information to NRA members and the public.*

AMERICAN RIFLEMAN

with active or predatory weapons-wielding criminals. Wright has noted, "It's only simple justice to punish criminals who prey on people with such intimidating weapons."

The Wright-Rossi survey shows clearly that gun laws affect only the law-abiding, and that criminals know it. Eighty-two percent of the sample agreed that "Gun laws only affect law-abiding citizens; criminals will always be able to get guns," and 88% agreed that "A criminal who wants a handgun is going to get one, no matter how much it costs." To this Wright adds, "The more deeply we delve into our analyses of the illicit firearms market, the more confident we become that these opinions are essentially correct ones."

In states with widespread gun ownership and tough punishment for gun misuse, criminals surveyed were often unarmed: 54% in Oklahoma, 62% in Georgia, 40% in Maryland, 43% in Missouri, and 35% in Florida. In Massachusetts, however, only 29% of the felon-respondents were unarmed. In that state, it is difficult lawfully to acquire a firearm, and the illegal carrying of a firearm, rather than the criminal misuse of a gun, is subject to the mandatory penalty. The survey data indicate that the criminals' fear of an armed victim relates directly to the severity of the gun laws in the state surveyed. Where gun laws are less restrictive, such as Georgia and Maryland, criminals think twice before running the risk of facing an armed victim; they are much less concerned in Massachusetts.

Fifty-six percent of the felons surveyed agreed that "A crim-

inal is not going to mess around with a victim he knows is armed with a gun;" 74% agreed that "One reason burglars avoid houses when people are at home is that they fear being shot."

A 57% majority agreed that "Most criminals are more worried about meeting an armed victim than they are about running into the police." In asking felons what they personally thought about while committing crimes, 34% indicated that they thought about getting "shot at by police" or "shot by victim."

The data suggest that criminals may be a little more concerned about being caught by police and imprisoned than about being shot, but meeting the armed citizen clearly elicited fears of being shot. That deterrent effect of citizen gun ownership appeared in their responses to questions about actual encounters. Although 37% of those surveyed admitted that they personally had "run into a victim who was armed with a gun," that figure surpassed the 50% mark for armed criminals, an experience shared by 57% of the active gun predators. And 34% of the sample admitted to having been "scared off, shot at, wounded, or captured by an armed victim."

Significantly, almost 40% said there was at least one time when the criminal "decided not to do a crime because [he] knew or believed that the victim was carrying a gun." Clearly, armed citizens represent a real threat to criminals, a threat with which large numbers are personally familiar, or familiar with through the shared experiences of their fellow outlaws.

Other surveys, taken of law-abiding gun owners, suggest that

**Q.**  
*Thinking of all the crimes you ever committed... Did you ever run into a victim armed with a gun?*



**Q.**  
*Have you ever been scared off, shot at, wounded or captured by an armed citizen?*



handguns are used for protection about 350,000 times each year in America. The data from the Wright-Rossi felon survey, based on the number of crimes each felon has committed, and the number of times the criminals acknowledge being deterred or scared off—some a few or even many times—lends support to that figure. And it would appear from the survey data and police data that a criminal is much more likely to be driven off from a particular crime by an armed victim than to be imprisoned for it by the criminal justice system.

The criminal's physical condition also favors the armed citizens' success in thwarting an attempted crime. Abuse of alcohol or drugs appears to be commonplace. More than one-quarter of the felons admitted to alcoholism and/or drug addiction, and most had used a variety of hard and soft drugs. A majority (57%) admitted to being high on drugs and/or intoxicated at the time they committed the offense for which they were imprisoned. Drug abuse tends to increase along with the number of crimes committed. About 80% of the most active predators are drug abusers, compared to just over half of the whole sample surveyed.

The number of criminals committing crimes while "high" on drugs or alcohol undermines the image, often espoused by the anti-gunners, of a victim's inability to overcome a competent, controlled criminal. The trumped-up charge that resistance is useless against criminal attack is proved to be unfounded based on criminals' expressed fear of the armed

(Continued on next page)

**D**R. James W. Wright is a professor of sociology and director of the Social and Demographic Research Institute (SADRI) at the University of Massachusetts, an expert on survey research, and a reformed advocate of harsh gun laws. In a 1975 article entitled, "The Ownership of the Means of Destruction: Weapons in the United States," Wright attacked the NRA and gun ownership. In 1979, Prof. Wright joined with Peter H. Rossi—also from SADRI at U. Mass., and a former president of the American Sociological Association—in studying the gun issue more thoroughly. This caused a dramatic shift in their views.

Although Wright currently supports so-called "permissive" gun laws, he no longer espouses "gun control" as an effective form of "crime control." And while Prof. Wright's previous anti-gun research gained massive media attention, his recent

voluminous and scholarly research has been all but ignored by the major newspapers, magazines, and academicians in this country.

Wright and Rossi have now completed two major gun-issue studies commissioned by the U.S. Department of Justice at a cost of \$684,000. The first study was reprinted in book form as *Under the Gun: Weapons, Crime, and Violence in America* (Aldine, 1983). The second will soon be released by the Justice Department under the title *The Armed Criminal in America*. Wright may expand his survey analysis into book length.

The Wright-Rossi data tapes have been turned over to the Criminal Justice Archive and Information Network (CJAIN) of the Inter-University Consortium for Political and Social Research for use by scholars in analyzing U.S. crime trends and their solutions. ■

AUGUST 1985

## The Armed Criminal

citizen and likelihood that the criminals' abilities and reflexes are dramatically impaired by substance abuse.

The Wright-Rossi data further confirm that the widespread policy of treating criminals under 18 years of age with kid gloves, or ignoring pre-adult records in determining sentencing in later years, is misguided and mistaken. A majority of the felons surveyed had, before turning 18, committed at least one burglary and one theft, while one-third had committed a robbery, and over one-fourth had committed an armed robbery.

The survey also refutes the oft-stated myth that criminals obtain firearms to commit crime through legitimate business channels, such as firearms dealers in general or pawnbrokers in particular. And the survey data thus show the absurdity of attempting to regulate criminal access to firearms by regulating legitimate channels. As Wright has noted, criminals "obtain guns in hard-to-regulate ways from hard-to-regulate sources. . . . Swaps, purchases, and trades among private parties (friends and family members) represent the dominant pattern of acquisition within the illicit firearms market."

The average gun-wielding criminal studied expected to have no difficulty in obtaining a gun within a day after release from prison. Fifty percent expected to unlawfully purchase a gun through unregulated channels; 25% anticipated borrowing a gun, and only one-eighth expected to steal their guns. The choices of where to obtain a handgun, among those categorized as handgun abusers, ranged downward from friends, to the street, to fences, the blackmarket and their drug dealers. Licensed gun dealers do not figure high in the plans of the felons surveyed. And pawnbrokers accounted for only 6% of the mentions of possible sources for guns. That low number supports the findings of BATF studies showing that pawnshops were not disproportionately used by criminals who illegally obtained firearms through licensed dealers.

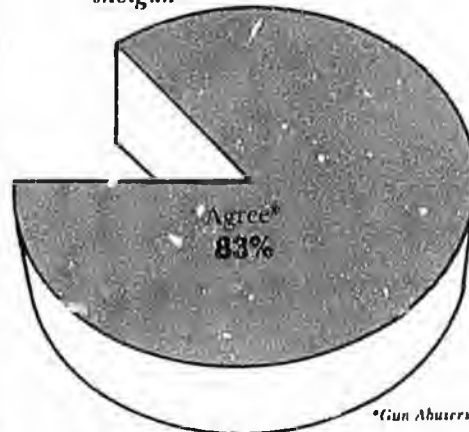
Theft is certainly a problem, but other unregulated acquisition is even more popular with felons. Criminals are thieves, however, and guns are clearly among the items stolen, mostly to sell rather than for personal use. The criminals surveyed reported committing a great number of thefts, with a large percentage stealing guns from regulated sources. Among those who reported stealing a gun (40% of the total sample), 37% stole from stores, 15% from a policeman, 16% from a truck shipment, and 8% from a manufacturer.

Well-secured and well-regulated sources such as stores, shippers, manufacturers

and even police, may represent a substantial percentage of the guns stolen, indicating that theft from individuals may have been exaggerated as a problem in the illegal commerce in firearms as anti-gunners frequently charge. These data might suggest that a reasonable policy conclusion would be to make theft of a

Q.

*If a criminal wants a handgun but can't get one, he can always saw off a rifle or shotgun*



firearm, especially more than one, a felony regardless of the value of the gun or guns stolen.

The Wright-Rossi landmark study also explodes the so-called "Saturday Night Special" myth, long propounded by anti-gun activists, that criminals prefer small, cheap handguns and that their ban would save lives. The data indicate that small-caliber, short-barrelled, or inexpensive handguns are quite opposite the characteristics sought when criminals steal, or choose to own a handgun to commit violent crime.

The firearm of choice, based on the handguns criminals own, is akin to those used by law enforcement: a .38 or .357 with a 4" barrel, made by Smith & Wesson, Colt, or Ruger with an estimated retail value of over \$170. Felons stated preferences for high quality, accurate, and easy-to-shoot guns, generally revolvers rather than semi-automatic firearms. Only 14% of the guns owned by criminals would fit the classic anti-gun definition of a "Saturday Night Special," combining small caliber (.32 or less) with short barrel (3" or less). Fifty-five percent combined a caliber .38 or more powerful with a barrel length of at least 4". Only 5% admitted to owning a .25, although this particular model accounts for a 13% domestic market share in handguns purchased by U.S. citizens, according to the earlier Wright-Rossi book, *Under the Gun*.

The survey findings give the lie to any suggestion, popular with Handgun Control, Inc., and its Kennedy-Rodino gun bill, that a ban on small handguns, the so-called "Saturday Night Specials,"

would be beneficial. According to Wright, felons make it clear that such a law "would stimulate a wholesale shift to bigger and more lethal weapons among predatory felons." The same crimes would still be committed, but with potentially more lethal firearms. Wright has characterized his findings on the possible impact of such a ban as "uniformly dismal. If what they're saying is true, I'd rather they carry little cheap stuff. Not that I want them to be carrying anything, but if they don't have little guns they might buy .357 Magnums or 9 mm semi-automatic pistols, and death rates go up with larger-caliber weapons."

The data show that an outright ban on handguns, such as is proposed by the National Coalition to Ban Handguns, would have nightmarish consequences. Most of the criminals who have previously used handguns—and especially those predators who have committed many crimes using handguns—said they would simply move to long guns which would be sawed down to concealable size. Outlawing handguns would simply make career criminals turn to what Wright describes as bigger, more lethal weapons.

If a ban on handguns was enacted, 64% of the criminal respondents said they would shift from a handgun to sawed-off rifles and shotguns. That finding was elicited from three-fourths of "handgun predators" and five-eighths of those who had used a handgun more than once in crime. Wright says, "We would do well, by the way, to take this response seriously: most of the predators who said they would substitute the sawed-off shotgun also told us elsewhere in the questionnaire that they had in fact sawed off a shotgun at some time in their lives and that it would be 'very easy' for them to do so again. The possibility that even a few of the men who presently prowl the streets with handguns would, in the face of a handgun ban, prowl with sawed-off shotguns instead is itself good reason to think twice about the advisability of such a ban. That as many as three-quarters of them might do so causes one to tremble." Wright argues, then, that there are "sensible and humane" reasons for opposing a handgun ban.

The policy implications of the Wright-Rossi survey should give lawmakers pause before inflicting restrictive gun laws on the law-abiding gunowner who plays a significant, proven role in curbing violent crime. This policy implication is especially significant, coming as it does, from a man who admits to having taken for granted—before five years of studying guns, crime, and violence in America—that "gun control" laws would be beneficial. Today, Wright concurs with the National Rifle Association members in saying, "They oppose gun regulation because they don't believe it will help control crime, and so do I." ■

February 28, 1994

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*When it comes to meeting the basic responsibilities of Alaska's government to its citizens, there is nothing more important than ensuring Alaskan families are safe in their homes and neighborhoods. This means making certain Alaska has laws in place that not only punish criminals, but that enable Alaskans to defend themselves, if necessary. To this end, I wanted to share with you my support for several resolutions and bills that may be of interest to you.*

*There are five resolutions that will amend the Alaska Constitution to secure an individual's right to keep and bear arms. Traditionally, Alaskans are the most responsible gun owners in the country. I wholeheartedly endorse these resolutions because they will give Alaskans the opportunity to amend their Constitution to provide them with this fundamental right.*

*HB 351 and SB 237 will broaden when Alaskans can carry a concealed weapon. According to sponsors of this legislation, the purpose is to promote responsible gun ownership--and not to just put more guns on the street. As these bills work their way through the legislative process, my administration is working hard with the Legislature to ensure that the concerns of public safety officials are adequately considered, while at the same time, ensuring that law-abiding Alaskans will have the tools to responsibly protect themselves. I am confident that these two goals can be achieved. I look forward to seeing a bill on my desk that I can sign into law.*

*Should you have any questions during the legislative session concerning these or other legislative issues, please contact Raga Elim, Legislative Liaison, in my office at 465-3500.*

*With best regards.*

*Sincerely,*

*Walter J. Hickel  
Governor*

1-28-94

AV

Bill Scharrer  
PO Box 79  
Unalaska, AK 99685

Representative Al Vezev  
State Affairs Committee  
State Capital, Room 102  
Juneau, AK 99811

Dear Representative Vezev,

I am writing you to express my support for House Bill 351. The citizens of the United States have the right to keep and bear arms. The people can be trusted to operate cars, boats, and airplanes. We are capable of using and keeping firearms in our homes and in the field. Why can we not legally carry those same firearms in town were the need for self-defense is the greatest.

Criminals are not dissuade from carrying arms by little laws. Why not trust the law abiding citizens with the right to carry concealed weapons? When this law was debated in Florida, dire predictions were made: "there will be blood in the streets!" there will be gun fights over parking spots!" In fact the only measurable effect was that crime decreased. Look up the statistics yourself. Nation wide, the places with the most stringent gun control laws have the highest crime rates. Those areas with concealed carry permits for honest citizens have less crime!

I leave you with this thought:

"The supposed quietude of a good man allures the ruffian; while on the other hand, arms like laws discourage ar d keep the invader and plunder in awe, and preserve order in the world. The same balance would be preserved were all the world destitute of arms. . . .but since some will not, others dare not lay them aside. . . .Horrid mischief would ensue were one half the world deprived of the use of them. . . ." Thomas Paine (1894)

Sincerely,

*Bill Scharrer*



## NUTYULIT SAFE SHOOTING CLUB, INC.

Box 1009  
Bethel, Alaska 99559  
543-3140



01/20/94

To the House State Affairs Committee regarding House Bill 351, "an Act relating to the issuance of permits for the carrying of a concealed weapon."

After much discussion of the many valid reasons to support H351 to become law and finding no valid argument against H351, the 102 member Nutyulit Safe Shooting Club, Inc. supports this bill.

The Constitution and the Bill of Rights grew out of the most basic building block of democracy; the responsible individual. We quote Thomas Jefferson, "the constitutions of most of our states (and of the United States) assert that all power is inherent in the people; that they may exercise it themselves." At this time we cannot, by state law, exercise our power to choose. The citizens of 36 (soon to be 39) other states have the right to choose for themselves whether or not they want to carry a concealed firearm. Some of the states have been issuing permits longer than Alaska has been in existence as a state. Not one state has ever closed down a permit system because the citizens have proven themselves irresponsible. We declare as Americans, as Alaskans, in this respect we are no different.

We ask that you re-affirm that you stand on the Constitution, that the power is with the people, that we have the right to make mature, intelligent, responsible choices for ourselves. Make this House Bill 351 law.

We are watching this bill carefully as it proceeds through the legislature.

Thank you.



## Tanana Valley Sportsmen's Association

INCORPORATED

P. O. Box 660

Fairbanks, Alaska 99707

Phone 474-0437

Fax 474-0437

January 20, 1994

Representative Jeannette James  
State Capitol  
Juneau Alaska 99801-1182

Dear Representative James:

The Tanana Valley Sportsmen's Association has supported a concealed carry law for many years. We have discussed it with several legislators over the past many years. There always seems to be a higher or conflicting legislative priority. With the current emphasis on crime and the determination of the Clinton administration to disarm the public, the time is right to establish laws which firmly reflect the lifestyle and attitude of Alaskans.

The current law prohibiting concealed carry, with it's incomprehensible "permissible defense" clause, is not understood by the public or the many layers of enforcement officers.

Thank you for introducing this Bill. You can count on the support of the association and our individual members. Our next newsletter will be going out in about 10 days to about 500 members. We hope to generate many PCM's, Faxes, phone calls and letters supporting your bill.

You are courageous to introduce a concealed carry bill which will probably be opposed by the administration. It promises to be an uphill battle. My personal point of view is that we should question the integrity of any administration opposed to an armed law abiding public.

Sincerely,

Oliver "Bud" Burris  
President

STATES WHICH HAVE LICENSES TO  
CARRY CONCEALED WEAPONS  
Compiled 1990

Alabama  
California  
Colorado  
Connecticut  
Deleware  
Florida  
Georgia  
Hawaii  
Idaho  
Indiana  
Iowa  
Louisiana  
Maine  
Maryland  
Massachusetts  
Michigan  
Minnesota  
Mississippi  
Montana  
Nevada  
New Hampshire  
New Jersey  
New York  
North Dakota  
Oregon  
Pennsylvania  
Rhode Island  
South Carolina  
South Dakota  
Utah  
Virginia  
Washington  
West Virginia  
Wyoming

# Alaska State Legislature

REPRESENTATIVE  
JEANNETTE JAMES  
P O Box 56622  
North Pole, Alaska 99705  
(907) 488-0862

House District 34



White in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-3745

## House Of Representatives

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

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

Two positions are attached here for your information:

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

## 1. Sagecraft Summarized

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

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

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

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<sup>8</sup> Bruce-Briggs, above.

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

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

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

See also Kates, "Firearms and Violence: Old Premises, Current Evidence," in T. Gurr (ed.), 1 *Violence in America*, 203-204 (1989) (hereinafter cited as "Current Research"); Kleck, "Policy Lessons from Recent Gun Control Research," 49 *Law & Contemp. Probs.* 35 (1986) (hereinafter cited as "Policy Lessons") at 40-41, and studies there cited.

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

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

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

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

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

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

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

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

<sup>13</sup> See discussion in Current Evidence at pp. 200ff and below in this paper.

(approximately 581,000 crimes vs. about 645,000 defense uses annually).<sup>14</sup>

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

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

## 1. Police Protection vs. the Capacity to Defend Oneself

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

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

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

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

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

<sup>70</sup> *Warren v. District of Columbia*, 444 A.2d 1 (D.C. Ct. of Ap. 1981). For similar cases from New York and Chicago, see *Riss v. City of New York*, 22 N.Y. 2d 579, 293 NYS2d 897, 240 N.E. 2d 860 (N.Y. Ct. of Ap. 1958); *Keane v. City of Chicago*, 98 Ill. App.2d 460, 240 N.E.2d 321 (1968). See also the cases cited in the next two footnotes and *Bowers v. DeVito*, 686 F.2d 61 (7 Cir. 1982) (no federal constitutional requirement that state or local agencies provide sufficient police protection).

An illustrative case is *Warren v. District of Columbia* in which three rape victims sued the city under the following facts. Two of the victims were upstairs when they heard the other being attacked by men who had broken in downstairs. Half an hour having passed and their roommate's screams having ceased, they assumed the police must have arrived in response to their repeated phone calls. In fact, their calls had somehow been lost in the shuffle while the roommate was being beaten into silent acquiescence. When the roommates went downstairs to see to her, as the court's opinion graphically describes it, "For the next fourteen hours the women were held captive, raped, robbed, beaten, forced to commit sexual acts upon each other, and made to submit to the sexual demands" of their attackers.

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

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

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

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<sup>71</sup> 444 A.2d at 6; see also *Morgan v. District of Columbia*, 468 A.2d 1306 (D.C. Ct. of Ap. 1983). To the same effect, see *Calogrides v. City of Mobile*, 475 So. 2d 560 (S.Ct. Ala. 1985); *Morris v. Musser*, 478 A.2d 937 (1984); *Davidson v. City of Westminster*, 32 C.3d 197, 185 Cal. Rptr. 252, 649 P.2d 894 (S. Ct. Cal. 1982); *Chapman v. City of Philadelphia*, 434 A.2d 753 (Sup. Ct. Penn. 1981); *Weutrich v. Delia*, 155 N.J. Super. 324, 326, 382 A.2d 929, 930 (1978); *Sapp v. City of Tallahassee*, 348 So.2d 363 (Fla. Ct. of Ap. 1977); *Simpson's Food Fair v. Evansville*, 272 N.E. 2d 871 (Ind. Ct. of Ap.); *Silver v. City of Minneapolis*, 170 N.W.2d 206 (S. Ct. Minn. 1969); and the other authorities cited in the footnotes preceding and following this one.

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

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

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

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

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

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

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

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

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

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

My name is Elena Nelson-Rothschild, Supervisor Instructor for the Community Health Aide Program with Yukon Kuskokwim Health Corporation. I supervise 22 Community Health Aides in seven villages and travel twice a year to each village.

On 12/13/93 I had traveled to Pitka's Point, a small community with the population of 143. I stayed at the two room clinic which is located inside the community building. The building has a front and back doors which can only be locked from the inside. On the early morning hours of 12/16/93 around 12:30 am someone had entered the community building and was knocking on the door to the clinic. At that time I had both of the doors to the clinic locked which I had always done in all my other clinics. I had asked who it was but I couldn't understand his response since his speech sounded somewhat slurred and I could tell he had been drinking. Right then I called the health aide, William John and told him someone had come into the building and was still knocking on the door. The health aide came over in less than 5 minutes after I called. When I heard him knocking from the front door next to the first room of the clinic I opened the door and found David Wasky, former clinic janitor standing there. He smelled of alcohol but he was not staggering drunk. On my way to unlock the door I asked him what he wanted, he didn't answer. The health aide came and before he left to bring him back to his home we checked both of the doors but we found the locked from the inside. He then assured me that Mr. Wasky will not bother me again with both doors locked. I went back to bed after rechecking all the doors again and also locked the doors to the clinic but had hard time going back to sleep. Then about 1:30 am I heard some noise from the back door area but I was unsure if anyone would come in with the doors locked until I heard footsteps outside from the clinic and the sound of the doorknob turning. I ran to the other room to call the health aide when the person was trying to open the door with something. I asked "who it was?" and "what do you want?" but he wouldn't answer. By then I was starting to panic and I know it took me 3 to 4 times just to be able to dial the health aides number. When he finally answered the phone I told him someone came into the building again and was trying to come in. Then just when I hung up the phone the person outside the door walked away from the door and that's when the lights inside the community building were turned off before he started to pry the doorknob open. I really panicked then. I was shaking, my chest and my abdomen felt very tight, I had shortness of breath and just was trying to hang on to myself as much as I

~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~

TESTIMONY OF ELENA ROTHSCCHILD  
P.O. BOX 1783  
BETHEL, AK 99559  
543-5478 H.  
4471 W.K.

FAX TO 465-3258  
ATTN: WHITNEY

can. I even opened the window wide open and got myself ready to jump out if the door was open. I know it was high and unsafe for me to jump out but I didn't care how I would land. It took longer time for the health aide to come by but when he did and heard him hollering I seemed to come back to my senses but I couldn't move for a few minutes because my legs were both weak and still shaking. I couldn't even turn the doorknob to open the door. When I finally did, I found William had thrown David Wasky out into the porch. He was on his knee's and I had noticed a butter knife sticking out in his back pocket. I then told william about it after letting Mr. Wasky out then he ran out to retrieve the butter knife. When he got back, he told me that the front door was locked when he came but found the back door open. That's when we realized he had also pried the back door to get into the building. He then tied the door knob with some string found from the clinic and nailed it on to the inside panel of the door.

I had the health aide spent the rest of the night at the clinic and I know I would not get any sleep at all. From this threatening experience I still feel so much of myself was taken away from me and at times I still get depressed but I always have to lift myself knowing that I should not have something like this ruin the work I love to do. I strongly feel anyone who travels alone to the villages should be able to bring some kind of a protection against such people. I still feel that my life was in danger during that time.

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

Dear Rep. James:

Ref: House Bill 351

I applaud your efforts to enact a law that allows for a permit to carry a concealed weapon. I am in favor of such a law and hope that it passes quickly.

While I am comfortable with the initial application fee, I would like to point out that the renewal fee seems to be extremely expensive. The work involved in issuing a renewal should be considerably less than when processing the original application and the cost should be commensurate.


There should be a reciprocity clause attached so licenses issued outside the state will be recognized in Alaska. Alaskan licenses would then be much more likely to be honored by other states.

Last of all, I am concerned with a law enforcement facility being a prohibited place to carry a concealed weapon. If I have a handgun concealed on my person when I am on foot in Anchorage, Fairbanks or Juneau I would probably be foolish not to declare the weapon after I entered the police department.

I believe I would look and feel even more foolish standing on the sidewalk, removing the weapon, clearing it properly and hand carrying it into the lobby so I could ask my question and avoid being in violation of the law.

Thank you for your consideration of this letter.

Sincerely,

  
DUANE BUEHL  
P.O. Box 32319  
JUNEAU AK 99807

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

Dear Rep. James:

I applaud your efforts to enact a law that allows for a permit to carry a concealed weapon. I am in favor of such a law and hope that it passes quickly.

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Thank you for your consideration of this letter.

Sincerely,

*Dale R. Saxes*  
DALE R. SAXES  
7340 Glacier Highway  
Juneau, AK. 99801

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

Dear Rep. James:

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Sincerely,

Joseph D. Shepherd  
9131 GLACIER HWY #1  
JUNEAU, AK. 99801  
Joseph D. Shepherd

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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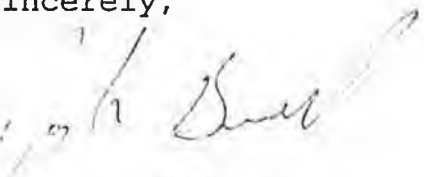
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Thank you for your consideration of this letter.

Sincerely,

  
JOSEPH BUELL  
PO Box 33359  
JUNEAU AK 99803

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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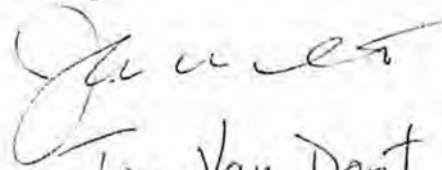
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Sincerely,

  
Jan Van Dort  
10518 Fox Farm TRAIL  
JUNEAU, AK 99801

January 20, 1994

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State Capitol  
Juneau, AK

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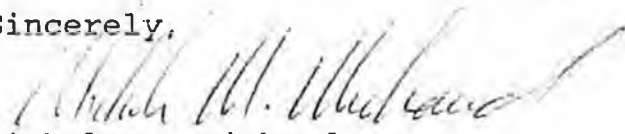
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Thank you for your consideration of this letter.

Sincerely,



Michele M. Michaud  
P. O. Box 32841  
Juneau, AK 99803

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

Dear Rep. James:

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Sincerely,

  
Susan I. Buell  
P. O. Box 32319  
Juneau, AK 99803

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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Thank you for your consideration of this letter.

Sincerely,

Flo M. Maccagno  
8916 Birch Lane  
Juneau, AK 99801



January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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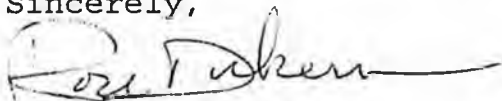
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Thank you for your consideration of this letter.

Sincerely,



Rose M. Dickerson  
9328 Glacier Hwy #33  
Juneau, AK 99801

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

Dear Rep. James:

I applaud your efforts to enact a law that allows for a permit to carry a concealed weapon. I am in favor of such a law and hope that it passes quickly.

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Sincerely,

*Larry Townsend*  
Larry Townsend  
P.O. Box 210021  
Anchorage AK 99521

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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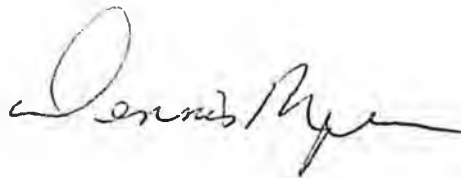
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Thank you for your consideration of this letter.

Sincerely,

DEANIS MAYER   
PO BOX 210936  
Anchorage AK.  
99821

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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Thank you for your consideration of this letter.

Sincerely,

*Jack D Morgan*

Jack D Morgan  
9131 Glacier Hwy Suite #1  
Juneau AK 99801

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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Thank you for your consideration of this letter.

Sincerely,

Heidi Glasein

HEIDI GLASEIN  
928 CALHOUN #15  
JUNEAU, AK 99801

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

Dear Rep. James:

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Thank you for your consideration of this letter.

Sincerely,

*David Olsen*

*Dave Olsen  
928 Calhoun #5  
Juneau AK  
99801*

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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Thank you for your consideration of this letter.

Sincerely,

*Jerry Myers*  
PO Box 22561  
Juneau, ALASKA 99802  

---

JERRY MYERS.

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

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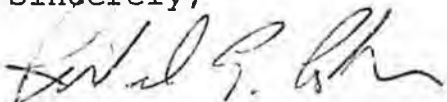
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Sincerely,



RICHARD E. COLUM

Box 32761

JUNEAU, ALASKA  
99803

January 20, 1994

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State Capitol  
Juneau, AK

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Sincerely,

*Adolphus W. Hensley*

Adolphus W. HENSLEY

P.O. Box 21383

Juneau, Alaska 99802

January 20, 1994

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State Capitol  
Juneau, AK

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Ref: House Bill 351

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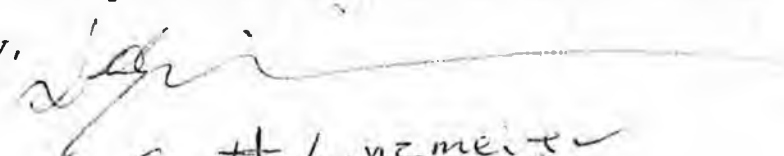
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Last of all, I am concerned with a law enforcement facility being a prohibited place to carry a concealed weapon. If I have a handgun concealed on my person when I am on foot in Anchorage, Fairbanks or Juneau I would probably be foolish not to declare the weapon after I entered the police department.

I believe I would look and feel even more foolish standing on the sidewalk, removing the weapon, clearing it properly and hand carrying it into the lobby so I could ask my question and avoid being in violation of the law.

Thank you for your consideration of this letter.

Sincerely,

  
Scott Linzmeier  
4825 Thane rd.  
Juneau, Ak. 99801

January 20, 1994

Representative Jeanette James  
State Capitol  
Juneau, AK

Dear Rep. James:

Ref: House Bill 351

I applaud your efforts to enact a law that allows for a permit to carry a concealed weapon. I am in favor of such a law and hope that it passes quickly.

While I am comfortable with the initial application fee, I would like to point out that the renewal fee seems to be extremely expensive. The work involved in issuing a renewal should be considerably less than when processing the original application and the cost should be commensurate.

There should be a reciprocity clause attached so licenses issued outside the state will be recognized in Alaska. Alaskan licenses would then be much more likely to be honored by other states.

Last of all, I am concerned with a law enforcement facility being a prohibited place to carry a concealed weapon. If I have a handgun concealed on my person when I am on foot in Anchorage, Fairbanks or Juneau I would probably be foolish not to declare the weapon after I entered the police department.

I believe I would look and feel even more foolish standing on the sidewalk, removing the weapon, clearing it properly and hand carrying it into the lobby so I could ask my question and avoid being in violation of the law.

Thank you for your consideration of this letter.

Sincerely,

*John R Haugh*

John R Haugh

AKB 241

Yakutat AK 99689

JAN 23 1994



TELECOPY COVER SHEET  
Delta Junction Legislative Information Office  
Office - (907) 895-4236 Fax - (907) 895-5017

TO: House State Affairs CITY: Jnu

ATTN: \_\_\_\_\_ FAX: \_\_\_\_\_ PHONE: \_\_\_\_\_

FROM: \_\_\_\_\_ PHONE: \_\_\_\_\_

INSTRUCTIONS: \_\_\_\_\_

SENT: Date 1/22/94 Time \_\_\_\_\_

NUMBER OF PAGES: 1 (NOT counting cover sheet)

TRANSMITTED BY: cas

JAN 23 1994



# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs  
committee name

committee on HB 351, dated January 22, 1994  
bill/subject

Dr. Suzanne Gracia was lunching with her parents in Lubys Cafe in Kilken, Texas when a deranged murderer broke through the cafe in his pick up truck and proceeded systematic ally to shoot & kill 30 some people. She survived, though her parents died. Her reaction ~~was~~ as given before the Texas state legislature was as follows:

"I blame the deaths of my parents on those legislators who deny me the right to defend myself."

Ironically, - several blocks away was a convention of police officers who responded within a short time. Also, ironically, this Doctor Gracia had a handgun in her car outside in the parking lot. She was understandably bitter at this denial of her constitutional rights and I would hope that the Alaska state legislature never has a tragedy of this proportion to which they have to listen to irate survivors. Pass ~~to~~ H.B. 351, to prevent similar tragedies from occurring in this state.

Signed: Chas M Larue  
Testifier

myself  
Representing (Optional)

Po 1014 Delta Jet AK 99737  
Address

895-4178  
Phone No.



# Alaska State Legislature

STATE OF AK.  
14 LEG - 2ND SESSION

Please enter into the record my testimony to the JAMES BUNDE OLBERG  
committee name

committee on H B# 357, dated 1/10/94  
bill/subject

IN REF SEC 18065.713, I BELIEVE  
\$125 INITIAL ISSUE + \$100 YEARLY RENEWAL  
IS TOO HIGH FOR THE PRIVATE CITIZEN  
NOT ON EXPENSE ACCOUNTS,

ALSO ANY DEMONSTRATED COMPETENCE  
OF FIRE ARMS WOULD POSSIBLY BE ANOTHER \$100 -  
ALL THIS, IN MY CASE OF USING PISTOLS + LONG GUNS SAFELY  
FOR PAST 50 YEARS IN ALASKA, PERHAPS  
GRAND FATHER CLAUSE APPLICABLE, GAT

Signed: [Signature]  
Testifier

Representing (Optional)  
830 PETERS ST KETCHIKAN AK 99901  
Address  
987 225-4371  
Phone No.

JAN 28 1994

Alaska House State Affairs Committee  
State Capitol

Juneau, Alaska 99801-1152

January 21, 1994

Dear committee members,

I am a 35 year resident and registered voter of Alaska. I wish to express my support for HB 351, the Carry Concealed bill. I believe the bill to be well thought out, and I believe it contains any necessary safeguards for public security.

Constitutionally, every American citizen has the right to defend him/herself, their family and property. Currently there is a national hysteria concerning guns and crime. I hope Alaska's legislature and administration are capable of rising above that hysterical mindset by recognizing the growing need for this legislation. The crime rate soars while state monies run short, leaving the citizenry less and less protected. All of us, including criminals are aware of the spreading crime epidemic, the overcrowded prisons and the lenient tendencies of our current justice system which seems to give more credence to the demands of the violator rather than those who were violated.

The appropriate time to have passed Carry Concealed legislation is long overdue and I sincerely hope the State Affairs Committee neither kills nor weakens the bill, but unanimously recommends passage.

Thank you,



Harry Aulman

P.O. Box 28

Talkeetna, Alaska 99676

# FAX COVER SHEET

## Kodiak Legislative Information Office

Office - (907) 486-8116

Fax - (907) 486-5264

TO: Tuneau FAX: 465-2864 PHONE: \_\_\_\_\_

FROM: Kodiak PHONE: \_\_\_\_\_

INSTRUCTIONS: Written Testimony for TIC 40166  
House State Affairs / NB 351 on 1-22-94

RECEIVED: Date 1-21-94 Time \_\_\_\_\_

SENT: Date \_\_\_\_\_ Time \_\_\_\_\_

DISPOSAL OF ORIGINAL: Discard \_\_\_\_\_ Hold for Pickup \_\_\_\_\_

NUMBER OF PAGES: 1 (Not counting cover sheet)

SENT BY: Loma



# Alaska State Legislature

JAN 23 1994

Please enter into the record my testimony to the House State Affairs Committee  
committee name

committee on HB R. 11 351, dated 1-21-94  
bill/subject

Regarding HB 351:

The officials are quite understanding here in Kodiak. Quite a number of us carry hand guns, for bear protection, and sometimes it is covered with an open rain coat to protect both men and arms from rain. This is not perfectly legal but accetable here on Kodiak Island.

How will this be effected by (Page 8, Line 11, 12, \$ 13). Without the permit what problem can transportation in vehicles cause?

Signed: Bryce Gordon Bryce Gordon  
Testifier

VFW & Self  
Representing (Optional)

1512 Ismauloy Kodiak 99615  
Address

4876 6350  
Phone No.

February 7, 1994

Office of the Governor  
Governor Walter J. Hickel  
3rd Floor Capitol  
P.O. Box 110001  
Juneau, AK 99811-0001

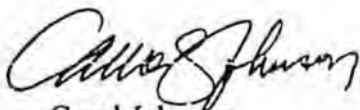
Dear Governor Hickel:

Thank you for understanding what's going on in Alaska, furthermore, we appreciate all that you have done for Juneau. That is why I write today, to express my concern with the gun control issue. The Senate bill is SJR39 and the House bill is HB351. I do not currently own a gun, however, I strongly feel that it is my constitutional right to be able to carry a concealed weapon to protect myself, my family, and my property.

I am confident that you will not let the media sway your judgment when dealing with constitutional rights of Alaskan citizens. For this reason I am supporting Representative Jeannette James on her legislation being presented to Congress at this time. Please help with the issue and vote "yes" on these two bills. Surely you'll agree it is inaccurate thinking to believe that gun law restrictions will decrease crime. It will only in danger the lives of innocent citizens.

Thank you for all your support.

A concerned citizen,



Carol Johnson

Voter registration number 05345362

cc: Representative Jeannette James  
Mayor Jamie Parsons  
Senator Jim Duncan  
Representative Fran Ulmer  
Representative Bill Hudson  
Al Vezy, State Affairs Committee  
Brian Porter, Judiciary Committee  
Ron Larson, co-Finance Committee

BRU: Motor Vehicles

MISSION: *To protect life and property through the efficient and effective administration of the title, registration, and driver license programs.*

OVERVIEW: AS 28, 13 AAC 08-70

The Division of Motor Vehicles is a service organization with a high amount of public contact and visibility. Due to the high degree of vehicle ownership, and the need to have a driver's license, DMV's activities reach virtually every person of driving age.

Licensed drivers in Alaska: 449,386

Registered vehicles in Alaska: 590,545

Driver Services: Compiles and maintains driver records used for insurance, court, and law enforcement purposes; administers the driver improvement program which takes action against habitual traffic violators; administers the financial responsibility law, and mandatory insurance law which protect victims involved in accidents with uninsured motorists; conducts administrative reviews of license actions under "drunk driver" laws; and processes applications for licenses by mail.

Field Services: Operates 22 field offices and has 13 commission agents which: issue vehicle titles, registrations, driver's licenses, and ID cards; register voters; collect municipal taxes; enforce municipal emission control programs; provide organ donor identification and information; and certify the collection of federal taxes for heavy vehicles.

Administration: Responsible for overall management and accounting of more than \$29,400,000 collected each year by DMV; provides overall Division management; and compiles and maintains all vehicle ownership records.

Over 6,000 drivers are notified annually of a suspension of their driver's license within 30-45 days of an uninsured accident. Less than one half of that number of drivers are suspended for having no motor vehicle liability insurance, representing approximately 10% of the total number of drivers involved in accidents during the year. The 10% uninsured rate is consistent with other mandatory insurance states.

Over 4,500 drivers arrested during the year for DWI blow a .10 or greater BAC, and nearly 1000 refuse to give a breath sample. These 5,500 drivers have their driver's licenses administratively revoked with nearly 2,000 contesting the action. The processing delays from these challenges cause the number of days from arrest to license revocation to exceed by 10 days the time period allowed to qualify for federal incentive money.

The Division operates 22 state public service offices located in cities throughout the state. These offices provide all types of motor vehicle services including the issuance of registrations, titles, driver licenses,

and ID cards; driver testing; and historical record checks. The larger offices are typically open from 8:30 a.m. to 4:30 p.m. and the smaller offices have reduced hours since in most cases these are one-person offices. The single employee in the smaller offices must close the office during road tests and while performing accounting and mail duties.

These offices have over 3,000,000 direct public contacts annually either in person or by phone. In FY93 the offices collected approximately \$29,400,000.00 in government revenues. Although these offices improve safety through the licensing and registration programs, their performance is generally measured by the amount of time the public has to wait for service. With the addition of the seasonal positions in this budget, the peak waiting times in the larger offices should be reduced from over 3 hours to approximately 1.5 hours. The peak waits for road test appointments should be reduced from eight weeks to four weeks.

The Division contracts with agents to provide service in areas where a State office would not be cost effective. Approximately 5,000 annual transactions are needed to make a State office more cost effective than a commission agent. Twelve commission agents in small communities throughout the state collected nearly \$600,000 from motor vehicle and driver's license transaction fees. All but one commission agent are city governments.

DMV employees in Haines, Cordova, Glennallen, Bethel, and Nome provide part-time motor vehicle and driver's license service, and additionally support the Divisions of Alaska State Troopers and Fish and Wildlife Protection in those areas.

AST employees in Tok, Talkeetna, and Kotzebue, provide part-time DMV services in these communities where transaction volumes are too low to justify even part-time DMV offices or commission agents.

FINANCIAL SUMMARY:

	<u>TOTAL FUNDS</u>	<u>GENERAL FUNDS</u>	<u>PROGRAM RECEIPTS</u>	<u>OTHER FUNDS</u>	<u>POSITIONS</u>		
					<u>PFT</u>	<u>PPT</u>	<u>NP</u>
FY94 AUTHORIZED	7,912.2	3,215.3	4,439.2	257.7	142	3	
FY95 GOVERNOR	8,569.8	3,307.2	5,132.4	130.2	142	21	

BRU/COMPONENT CHANGES:

The Division of Motor Vehicles has a responsibility to maintain offices that are accessible to the public for a variety of services. The need for these offices is demonstrated by over 3,000,000 public contacts each year making this Division the most widely used state agency. To provide access the Division maintains offices in all major population centers of the state. In the larger areas with sufficient work volume the Division has offices with state employees. These range in size from Anchorage with 42 employees to locations with only a part-time employee. In many smaller communities with a very low volume the Division uses contract agents. All except one of these agent contracts are with the local

gov. time. The Division's budget funds these public service offices and related headquarters support functions. As a return for the \$7,912,200 spent on the Division's FY 94 budget the Division is expected to collect nearly \$30,000,000 in state and local revenues.

The most critical service measure of this Division's budget is the ability to provide service in a timely manner. The ability to achieve a reasonable measure of service is a function of having enough employees to keep pace with the increasing driver and vehicle populations. The need for adequate staffing is most critical during the months of April - September when the work volume increases by 50%. The most cost-effective method to accommodate this increase is to augment the regular staff with seasonal positions during this time. The use of seasonal positions had been very successful until FY 92 when the seasonal positions were deleted from the budget. The seasonal positions were approved for a short period in FY 93 as an RPL, and again in FY 94. Without these positions waiting times at major offices would be nearly 4 hours and waits for road tests would exceed 8 weeks. This budget request addresses this issue by including an increment to fund 18 seasonal positions in 7 locations. These seasonal positions will increase staffing during the busy months at these offices by 25% - 30% and will reduce the wait times to an average of 1.5 hours at peak times and waits for road tests to 4 weeks.

The Division uses the state's mainframe and network to process all transactions in the state in an on-line mode. This approach has two main advantages. First there is no need to have a large data entry section to input work that has already been handled at the public counter. The same employee is able to review the documents, input the work, and give the customer the finished documents immediately. Secondly the information is immediately available to law enforcement agencies, courts and other users who have a critical need for this information. The costs for the system are returned to the Department of Administration through the DP chargeback system. Their estimated costs have increased dramatically and have been passed on to the users who have little or no control over them. These services are critical to the operation and an increment is included to fund these charges.

HB 351

FEB 09 1994

Dear Governor Hickel,

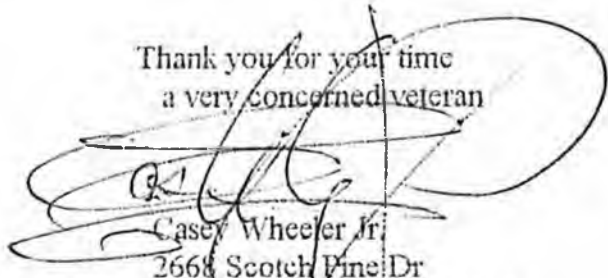
I would first like to thank you for all you have done to help the people of the state of Alaska since taking office. As a voter in the state I was so glad to see the changes that you have brought forward for the state. I am taking time to write this letter tonight to ask for your support of my right not only to keep and bear arms but also to allow honest people like myself to carry a concealed weapon for my own protection. I am asking you to please support HB351 and any senate bills that come along on this subject. I understand that I would be required to demonstrate competence with a firearm, by completing a gun safety course given by the National Rifle Association or a law enforcement safety course, and I believe this would be the right way to insure everyone can handle their weapon safely. I would also like to ask that you help clean up the bill as the way it is written now has a few problems.

1. Lets make the issuance of a concealed weapon permit a requirement just like a driver license, if a person has meet the requirements, then give them a permit.

2. Let's also reduce the amount of time that the Alaska State Troopers have before either approving or rejecting an application to 30 days and allow a personal interview as an appeal for reconsideration if rejected.

Also I ask for your support not as a gun packing cowboy but as a concerned business man in this state who has discovered it is very improper to carry a weapon in an unconcealed manner most of the time because it draws more attention than I care to bring forth to myself.

Thank you for your time  
a very concerned veteran

  
Casey Wheeler Jr.  
2668 Scotch Pine Dr  
North Pole Ak 99705-6440  
voter I.D.# 04255768

cc: Mayor Jim Sampson  
Mayor James Hayes  
Mayor Lute Cunningham  
Representative Gene Theriault  
Representative Jeannette James  
Representative Al Vezey  
Senator Mike Miller

1581 Beaver Pl  
Anchorage, AK 99504

Feb 4, 1994

The Honorable Walter J. Hickel  
Governor of Alaska  
P. O. Box 110001  
Juneau, AK 99811-0001

Dear Governor Hickel

Thank you for your continuing stand in favor of Free Enterprise,  
Property Ownership, and the Right to Bear Arms.

I am concerned about the current move to disarm American citizens  
and urge you continue to fight this battle. My wife and I need to  
be able to carry a weapon (obviously, as civilians, it must be  
concealed) to protect ourselves from the criminals. The Government  
cannot hire enough policemen or troopers to protect all of us--we  
must protect ourselves.

Thank you again for your support of a concealed weapon law.



Derrill V. Langen  
Voter I.D.# 02762133

c Mayor Tom Fink  
Senator Tim Kelly  
Representative Bettye Davis  
Assemblyman Mark Begich  
Assemblyman Cheryl Clementson

1581 Beaver Pl  
Anchorage, AK 99504

Feb 4, 1994

The Honorable Walter J. Hickel  
Governor of Alaska  
P. O. Box 110001  
Juneau, AK 99811-0001

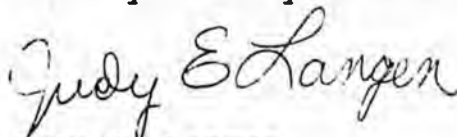
Dear Governor Hickel

I appreciate your stand in favor of the basic rights of citizens: to own property, own their own businesses, and protect their belongings including their family.

As a mother of four young daughters, I am very concerned about the current push to make it illegal for me to carry a gun to protect myself and my children. Obviously, police cannot be everywhere and without a gun I am at the mercy of the criminal who does have a gun.

I urge you to support a concealed weapon law. We need to stop disarming the victims.

Thank you for your concern.



Judy E. Langen  
Voter I.D.# 02762144

c Mayor Tom Fink  
Senator Tim Kelly  
Representative Bettye Davis  
Assemblyman Mark Begich  
Assemblyman Cheryl Clementson

01/26/94 11:41 9074655100

DEC ASM

002/012

AS 46.14.510 is amended to add:

(e) There is within the department a separate air quality fund consisting of monies received pursuant to this section and monies appropriated by the legislature.

(f) Every person who is required to register a motor vehicle in this state pursuant to AS 28.10.011 shall pay, in addition to the registration fee, an air quality fee at the time of vehicle registration each year. The amount of fee shall be established by the department through regulations in accordance with this chapter. This section does not apply to electrically powered vehicles, snow machines, nonmotorized vehicles such as trailers, or all terrain vehicles not licensed for use on the public highways.

(g) The Department of Public Safety shall collect the fees and transfer the air quality fees to the department's mobile source air quality fund on a monthly basis.

(h) The Department of Environmental Conservation may adopt regulations that prescribe reasonable fees to cover the applicable direct costs associated with control of emissions from mobile sources, including the regulation of fuels to control emissions.

AS 28.10.423 is repealed:

[AS 28.10.423. EMISSION CONTROL INSPECTION PROGRAM FEES. In addition to the annual registration fee specified in AS 28.10.421, a \$1 fee is imposed upon every vehicle required to be inspected under an emission control program established under AS 46.14.400 or AS 46.14.510. This fee shall be collected at the time and in the same manner as the registration fee.]

DMV Concurrence I concur with transferring the fee collected to DEC and the authority removed from Title 28. However, since increased fees always have an impact "at the counter" the fee should be set by statute and should remain \$1.

*Jay P. Dulaney*  
Name

*Director DMV*  
Title

*1-24-94*  
Date

Foot-It™ brand tax transmittal memo 7671		# of pages • 1
To <i>Ron King</i>	From <i>Jay Dulaney</i>	
Co. <i>Air Quality Management</i>	Co. <i>DMV</i>	
Dept. <i>DEC</i>	Phone # <i>269-5559</i>	
Fax # <i>515-5729</i>	Fax # <i>333-8615</i>	



# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs  
committee name

committee or HB 351, dated 1/22/93  
bill/subject

Speaking for

There are numerous safeguards to prevent the incompetent, unstable... and those of criminal character from obtaining a carry permit under this bill

I feel that a law abiding citizen who feels a need and meets the qualifications should be allowed to obtain a permit if he so wishes

JAN 22 1994

Signed: Rebecca Boston  
Testifier

Representing (Optional)  
1202 Box 7520 A-2 Palmer AK 99645  
Address

7452784  
Phone No.



# Alaska State Legislature

JAN 22 1994

Please enter into the record my testimony to the 18 Legislature - Second Session  
committee name

committee on HB 351, dated 1-22-94

bill/subject

I support HB 351 and I can speak for my wife.

My wife had her purse taken from her and she fought up with the person, also two people helped her but they cut one of the people and I feel if one of those people had a concealed weapon there would not have been any problem from the thief and cutting the person. I feel that it is my right to be able to carry a concealed weapon for my protection and my family.

Also my wife travels to & from Anchorage five days a week. She has been approached by strangers in the parking lot in daylight and darkness and she should have a right to protect herself even if it only to show the person she is armed. (I agree with the North Pole person on local enforcement)

Signed: Harold R. Noble

Testifier

Self

Representing (Optional)

P.O. Box 875353 Wasilla, AK 99687

Address

376-3187

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the State Affairs Finance  
 and Judiciary committee name  
 committee on HB 351, dated 1/21/94  
 bill/subject

DEAR SIR

I support HB 351 But would like to see an add. Amend (on fire arm use/permits and penalty's) for ~~3~~ TRAINING required and must pass with a 100% percent. Also this TRAINING would explain what happens to a permit holder when they ~~can~~ try to stop a person committing a crime.

JAN 22 1994

Signed: Fred Jones

Testifier

Member of U.S. Practical Shooting Association

Representing (Optional)

P.O. Box 740, Palmer AK 99645

Address

745-0510

Phone No.

JAN 22 1994



JAN-22-94 SAT 13:24

FBX INFO OFFICE

FAX NO. 456 3346

P. 01

# TELECOPY COVER SHEET

## Fairbanks Legislative Information Office

Office - (907) 452-4448

Fax - (907) 456-3346

TO: House State Affairs FAX: \_\_\_\_\_ PHONE: 1-22-94

FROM: FAIRBANKS - Annie PHONE: \_\_\_\_\_

INSTRUCTIONS: Testimony for HB351  
Teleconference

RECEIVED: Date \_\_\_\_\_ Time \_\_\_\_\_

SENT: Date \_\_\_\_\_ Time \_\_\_\_\_

DISPOSAL OF ORIGINAL: Discard \_\_\_\_\_ Hold for Pickup \_\_\_\_\_

NUMBER OF PAGES: 7 (Not counting cover sheet)

SENT BY: Annie

1/22/94

Testimony HB351

JAN 22 1994

**HOLD YOUR FIRE**DAVID L. WILLIAMS  
1335 Sunny Slopes Rd.

Gun Control Won't Stop Rising Violence

Fairbanks, 99709  
455-6652

(3 pages)

DAVID B. KOPEL

①

As deaths from rampant gun violence mount, and city-dwellers from Boston to Los Angeles learn to distinguish the pop of a Smith & Wesson pistol from the blast of a Winchester shotgun, Americans insist on action to combat the national crime epidemic.

Although the per-capita murder rate remains below the record set in 1980, the actual number of homicides reached an all-time high of 24,703 in 1991; most of these murders were committed with guns. Most disturbing of all is the rise in violent crimes committed by gun-wielding teenagers. Able to acquire illegal weapons with ease, in spite of a nationwide prohibition on firearms sales to minors, teenage thugs display a disregard for human life that would have shocked the criminals of earlier generations. The latest urban terror, "carjacking," is the seizure at gunpoint of automobiles from their drivers, usually women.

As armed gangs settle turf disputes over drug-selling territory through mortal combat, they kill not only each other, but also innocent bystanders caught in the crossfire. Firearms violence, once thought to be the problem of the inner city, is spreading into the suburbs and beyond. And with depressing frequency, newspapers report stories of children dying in senseless gun accidents. In Louisiana last October, a Japanese exchange student was mistakenly shot when he entered the wrong house on the way to a Halloween party, and, not understanding the warning, continued to advance toward the homeowner despite an order to "Freeze!"

To some well-meaning Americans, the antidote to gun crime is gun control. Senator John Chafee (R-RJ) calls for the confiscation of all handguns. Other voices, such as Handgun Control, Inc.'s Sarah Brady, urge a national waiting period on handgun purchases, and a ban on assault weapons. The national media's insistent message is that we must "do something" about guns.

Meanwhile, the National Rifle Association adds tens of thousands of members every month—membership is at a record three million—and continues to stymie gun control at nearly every turn. Although the 99th, 100th, and 101st Congresses passed some minor gun controls, the 102nd Congress went home without enacting any new gun-control measures. The New Jersey legislature is

ready to overturn its assault-weapon ban the moment the legislative leadership schedules a vote on the issue.

Critics of gun control believe that it violates the right to keep and bear arms guaranteed by the Second Amendment of the United States Constitution and by 43 state constitutions. In the American political tradition, the right to own a gun is seen as intimately related to the natural right of self-defense, to what John Locke described as the natural right to control and protect one's body and property. Millions of Americans consider an armed citizenry to be one of the principal safeguards against possible tyranny by the state.

The constitutional argument against laws that infringe on gun ownership was strengthened by the 1990 Supreme Court decision in *United States v. Verdugo-Urquidez*. There, Chief Justice Rehnquist observed that the phrase "right of the people" occurs several times in the Bill of Rights, specifically the Second Amendment's "right of the people to keep and bear arms," the First Amendment's "right of the people peaceably to assemble," and the Fourth Amendment's "right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures." In all cases, the Court said, the phrase "right of the people" was used as a "term of art" that referred to individual Americans.

But critics of gun control do not base their opposition on political principles alone. They also cite a large body of recent social science research, much of which has been produced by scholars who formerly believed that gun control was an obvious solution to crime.

**Jimmy Carter's Shocker**

When gun control first became an important national issue in the 1960s, there was almost no research worth noting on the subject. Partisans on both sides of the debate had hardly more ammunition than intuitions and

DAVID B. KOPEL is director of the Second Amendment Project at the Independence Institute, a Golden, Colorado think-tank, and is the author of *The Samurai*, *The Mountie*, and *The Cowboy: Should America Adopt the Gun Controls of Other Democracies?*

JAN 22 1994

to prosecute Latta for either the self-defense homicide or the illegal gun.

A Wisconsin woman, Bonnie Elmasri, was not so lucky. On March 5, 1991 she called a firearms instructor, worried that her husband—who was subject to a restraining order to stay away from her—had been threatening her and her children. When she asked the instructor about getting a handgun, the instructor explained that Wisconsin has a 48-hour waiting period. Elmasri and her two children were murdered by her husband 24 hours later.

Waiting periods that appear reasonable in a legislative chamber may become unreasonable through administrative abuse. Although New Jersey law requires that the authorities act on gun license applications within 30 days, delays of 90 days are routine; some applications are delayed for years for no valid reason. In Maryland, where an appeals process exists, the police are overruled on 78 percent of the denials that are appealed.

### Instant Records Check

If it is determined that the way to keep criminals from getting guns is to impose background checks on retail handgun sales—a questionable determination—a mandatory instant records check makes sense. The same technology that allows a store to receive verification of credit card validity within a few minutes can also allow firearms dealers to dial a state government registry and verify that a gun buyer has no felony record.

Polling data suggests that most Americans prefer the instant check to the waiting period, particularly when presented with the choice of mandatory immediate check (the NRA proposal) versus a waiting period with no requirement that any check be conducted (the Brady Bill). In recent years, many states have made major progress in bringing their criminal-records histories online. Thus, an instant check should become feasible in the near future.

And if records are not sufficiently accurate to support an instant check, they are also not sufficient to support a check with a one-week wait. Former Attorney General Thornburgh's task force found that even if there were no improvement in state criminal records, an instant check would be just as accurate as a check that could be completed in one week.

Unfortunately, if adequate safeguards are not in place, the instant check, like the waiting period, can be misused by police departments to create a registry of gun owners. In 1991, California admitted that it had used the state's handgun waiting period to create a list of handgun owners, even though nothing in California law authorizes the compilation of such a list.

Although the federal gun-control debate talks almost exclusively about retail handgun sales and the Brady Bill, the most effective method to deal with criminals obtaining guns might be to focus on the major source of criminal guns: the black market. A sensible first step in dealing with the black market would be to increase penalties for fencing a gun known to be stolen. In some states, theft and sale of a \$75 gun amounts only to petty larceny. Selling a "hot" \$75 pistol ought to be a more serious offense than selling a "hot" \$75 toaster-oven.

### NRA's Reform Proposal

While Congress has spent most of its gun-control effort debating new restrictions on gun acquisition, the discussion in many state legislatures has shifted to the carrying of firearms. The Second Amendment refers to a right "to keep and bear arms," and if the text is read consistently with original intent and judicial interpretations of the following century, the government cannot require that citizens ask for permission to carry an unconcealed gun in public.

But in many states, the right to carry has been obliterated by laws that require a police license to carry, and by police administrators who give out carry licenses only to the political elite. In New York City, crime victims who will testify at a forthcoming trial, and who are receiving death threats from the criminal's friends, are denied carry permits—while politically powerful citizens are routinely granted them. While New York's abuse of licensing discretion is notorious, the licensing systems in many other cities are also skewed against people without some kind of clout.

Based on a literalist reading of the Constitution, Second-Amendment advocates should lobby for repeal of all laws requiring a license to carry a gun. But instead, the NRA suggests only reform of easily abused gun licensing systems.

The NRA proposal requires that applicants for a permit to carry a protective firearm must undergo safety training and must submit to a police background check. Then, if the applicant passes the safety class and back-

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## Every 48 seconds, an American uses a handgun for defense against an attacker.

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ground check, he or she is to be granted a license to carry. The bureaucratic discretion to deny permits to qualified citizens simply because the bureaucrat does not like guns would be removed.

### Progress in the Gunshine State

Carry reform was first enacted in Florida in 1987, amidst vociferous cries from gun-control supporters in the legislature that blood would run in the streets as Floridians shot each other while jostling in line at fast-food restaurants. Florida would become the "Gunshine State," it was warned.

Today, those same critics have admitted that they were wrong, and that they regret the harm done to Florida's reputation by the histrionic campaign against carry reform. Indeed, while the murder rate has risen 14 percent nationally from 1986 to 1991, it has fallen 20 percent in Florida. The state's total murder rate was 36 percent higher than the U.S. murder rate in 1986, and is now 4 percent below the national average. In the same



AP/Wide World Photos

Bans on semi-automatic "assault weapons" are based on the misconception that they fire rapidly like machine guns. They actually fire like every other common gun—one bullet per squeeze of the trigger.

I had a perfect shot at him. It would have been clear. I had a place to prop my hand. The guy was not even aware of what we were doing. I'm not saying that I could have saved anybody in there, but I would have had a chance." Hennard reloaded five times, and had to throw away one pistol because it jammed, so there was plenty of opportunity for someone to fire at him.

Even if Gratia hadn't killed or wounded Hennard, he would have had to dodge hostile gunfire, and wouldn't have been able methodically to finish off his victims as they lay wounded on the floor. The hypothetical risks of a stray bullet from Gratia would have been rather small compared with the actual risks of Hennard not facing any resistance. But because of the Texas law, Gratia had left her gun in the car and couldn't take a shot at Hennard. Instead, she watched him murder both her parents.

Two months later, a pair of criminals with stolen pistols herded 20 customers and employees into the walk-in refrigerator of a Shoney's restaurant in Anniston, Alabama. Hiding under a table in the restaurant was Thomas Glenn Terry, armed with the .45 semiautomatic pistol he carried legally under Alabama law. One of the robbers discovered Terry, but Terry killed him with five shots in the chest. The second robber, who had been holding the manager hostage, shot at Terry and grazed him. Terry returned fire, and mortally wounded the robber.

Twenty-three people died in Killeen, where carrying a gun for self-defense was illegal. Twenty lives were saved, and only the two criminals died in Anniston, where self-defense permits are legal. Yet while Anniston never made the network news, Killeen did, and is used to this day as supposed proof of the need for severe gun controls. Precisely because lives are saved, instances of citizens using firearms carried on their persons to defend themselves and others rarely make the national news, even though such defensive acts occur with great frequency, as the research of Professors Kleck and Mauser demonstrates.

JAN 22 1994  
 period, robbery rose 9 percent in Florida, and 21 percent nationally.

There has been no research proving that Florida's carry reform was part of the reason for Florida's relative improvement in recent years. But the experience of Florida, and of other carry reform states such as Oregon, Montana, Mississippi, and Pennsylvania, demonstrates that people who are already good citizens and who are willing to pass through a licensing process do not suddenly turn into murderous psychopaths when granted a permit to carry a firearm for protection.

**Interrupting a Mass Murder**

While tragic mass murders are frequently used by the pro-control lobby to push restrictive laws, evidence suggests that laws prohibiting firearms carrying may be costing innocent lives.

In October 1991 in Killeen, Texas, a psychopath named George Hennard rammed his pickup truck through the plate glass window of a Luby's cafeteria. Using a pair of ordinary pistols, he murdered 23 people in 10 minutes, stopping only when the police arrived.

Dr. Suzanna Gratia, a cafeteria patron, had a gun in her car, but, in conformity to Texas law, she did not carry the gun; Texas, despite its Wild-West image, has the most severe law in the country against carrying firearms. Carry-reform legislation had almost passed the state legislature, but had been stopped in House Rules Committee by the gun-control lobby.

Gratia later testified that if she had been carrying her gun, she could have shot at Hennard: "I know what a lot of people think, they think, 'Oh, my God, then you would have had a gunfight and then more people would have been killed.' Unhuh, no. I was down on the floor; this guy is standing up; everybody else is down on the floor.

**Emphasis on Gun Safety**

Gun control, properly conceived, is not simply a matter of passing laws, or adding to the paperwork involved in retail gun purchases. Gun control needs to give people control, or more precisely, helping people take control of their own actions. In this regard, the NRA's gun safety programs rank as America's most successful gun-control efforts.

The National Rifle Association was founded in 1871 by Union Army generals dismayed at the poor marksmanship displayed by Union forces during the recent war. The NRA always has placed heavy emphasis on its mission to train American citizens in responsible and effective firearms handling.

Happily, the fatal gun accident rate is now at an all-time low. In 1945, for every million Americans, there were about 350,000 firearms and 18 fatal gun accidents. Today, the per-million rate is 850,000 and 6 accidents. As the gun supply per capita more than doubled, fatal accidents fell by two-thirds.

NRA safety programs implemented by the 32,000

3

7



# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs  
committee name

committee on HB 351, dated 1-21-94  
bill/subject

JAN 22 1994

Please support House Bill no. 351.  
As a single woman I would  
like to be able to defend myself  
as I venture into the wilderness  
alone. I also support proper  
training and education on the  
responsibility of handling a firearm

Signed: Ruth Nicolas Ruth Nicolas  
Testifier

Representing (Optional)

P.O. Box 73814 - Fairbanks, 99707  
Address

907 452-2131  
Phone No.

(4)



JAN 22 1994

# Alaska State Legislature

Please enter into the record my testimony to the HOUSE STATE AFFAIRS  
committee name

committee on HB 351, dated 1/22/94  
bill/subject

PERSONAL

I STRONGLY SUPPORT HB 351. THE COMMITTEE SUBSTITUTE MAKES SEVERAL IMPROVEMENTS ON THE BILL. IN ADDITION THERE SHOULD BE AN APPEAL PROCEDURE FOR RETREATED APPLICATIONS; MISTAKES CAN BE MADE IN EVALUATIONS, FOR EXAMPLE, THAT WOULD NEED TO BE CORRECTED.

THE POINT OF THE BILL IS TO ENABLE LAW ABIDING PEOPLE TO PROTECT THEMSELVES. THE "UNDESIRABLE" PEOPLE REFERRED TO BY DPTN. PUBLIC SAFETY ARE UNLIKELY TO APPLY FOR A PERMIT. THE OCCASIONAL "UNDESIRABLE" WHO MAY APPLY IS THE EXCEPTION, & DOES NOT OFFSET THE BENEFITS OF ACCOMMODATING LAW ABIDING PEOPLE

ALASKA OUTDOOR COUNCIL (AOC)

THE AOC HAS NOT HAD THE OPPORTUNITY TO TAKE FORMAL ACTION ON HB 351, BUT IN VARIOUS MEETINGS INCLUDING A NOV 13 LEGISLATIVE WORKSHOP, MEMBERS STRONGLY SUPPORTED THE CONCEPT OF PROVIDING FOR LAW ABIDING PEOPLE TO CARRY A CONCEALED WEAPON.

Signed: Richard H. Bishop RICHARD H. BISHOP  
Testifier

SELF AND AK. OUTDOOR COUNCIL  
Representing (Optional)

1555 BUS'S GRIND, FAIRBANKS, AK 99709  
Address PH 455-6151 FAX 455-6151

(5)

JAN 22 1994



# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs  
committee name

committee on 351, dated 1-22-94

bill/subject

- one fact to base a permit system is out of Florida. It appears that tourists are being targeted because the criminal knows they do not have a gun. Whereas the American public citizen of Fla. can probably be carrying a gun.
- There should be a Federal system to go into for background check of permit holders.
- a permit from one State into others should also be allowed. If a person is approved - especially through a National Federal System - they should be acknowledged as being responsible in all States.

Signed: Gudrun G. McDonald  
Testifier

myself & my family of 3 children & 6 Grandchildren  
Representing (Optional)  
P.O. Box 825-30 1411 Pickering Dr.  
Address Fairbanks AK. 99708-2530 479-7249 (6)

JAN 22 1994

JAN 22 1994



# Alaska State Legislature

House State Affairs

HB 351

Please enter into the record my testimony to the

committee name

committee on HB 351

dated Jan. 22 94

bill/subject

First, I would like to thank the sponsors and other legislators who support HB 351. This is a good step toward letting the law abiding citizen carry a concealed weapon for self protection and provides proper steps to insure that only responsible individuals will carry permits to legally poses a concealed weapon. \*

Further-more we all need to realize its our God given right to be able to protect ourselves in our ever changing world. And we should not be denied that right through restricted laws.

Thank you,

Signed:

Greg Machacek  
Testifier

Greg Machacek

myself

Representing (Optional)

P.O. Box 56245 North Pole 99705

Address

(7)



TELECOPY COVER SHEET  
Bethel Legislative Information Office  
Office - (907) 543-3541 Fax - (907) 543-2712

TO: House State Affairs Committee

ATTN: Chair - Al Vezev FAX: 465-3258 PHONE: \_\_\_\_\_

FROM: \_\_\_\_\_ PHONE: \_\_\_\_\_

INSTRUCTIONS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JAN 22 1994

SENT: Date 1-22-94 Time \_\_\_\_\_

DISPOSAL OF ORIGINAL: Discard \_\_\_\_\_ Hold for Pickup \_\_\_\_\_

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TRANSMITTED BY: RP



**LEGISLATIVE AFFAIRS AGENCY**  
**DIVISION OF PUBLIC SERVICES**

JAN 22 1994

DATE: January 22, 1994

Please accept the enclosed original(s) of written testimony  
for the HB 351 - Permit for Conc. Wap teleconference hearing that was  
scheduled on January 22, 1994.

A copy of this testimony was transmitted to your committee via  
fax on January 22, 1994.

Thank you,  
Retha Pyle, Bethel

JAN 2 2 1994

GOOD MORNING, MY NAME IS ROBERT [unclear]

OF MY WIFE REENA ROTTSCHILD IN YOUR INFORMATION PACKETS. GO DOWN ABOUT 1/4 OF THE PAGE, I'LL READ. I ASKED WHO IT WAS, AND WHAT DO YOU WANT, BUT HE WOULDN'T ANSWER. AT THEN I WAS STARTING TO PANIC AND I KNOW IT TOOK ME 3-4 TIMES JUST TO BE ABLE TO DIAL THE HEALTH AIDS NUMBER. WHEN HE FINALLY ANSWERED THE PHONE I TOLD HIM ~~SOMEONE~~ SOMEONE CAME INTO THE BUILDING AGAIN AND WAS TRYING TO COME IN. THEN JUST WHEN I HUNG UP THE PHONE THE PERSON OUTSIDE THE DOOR WALKED AWAY FROM THE DOOR AND THAT'S WHEN THE LIGHTS INSIDE THE COMMUNITY BUILDINGS WERE TURNED OFF BEFORE HE STARTED TO PULL THE DOOR KNOB OPEN. I REALLY PANICKED THEN, I WAS SHAKING, MY CHEST AND MY ABDOMEN FELT VERY TIGHT. I HAD SHORTNESS OF BREATH AND JUST WAS TRYING TO HANG ON TO MYSELF AS MUCH AS I CAN. I EVEN OPENED THE WINDOW WIDE OPEN AND GO MYSELF READY TO JUMP OUT OF THE DOOR WAS OPENED. I KNOW IT WAS HIGH AND UNSAFE FOR ME TO JUMP OUT BUT I DIDN'T CARE HOW I WOULD LAND. MY WIFE WAS DESPERATE, NOW TO THROW HERSELF OUT. A WINDOW IS 15 FEET OFF THE GROUND AT 100 MM AT 20° F WINDS AT 15.

<sup>NOW</sup> PLEASE LISTEN AS I READ FROM THE DECLARATION OF RIGHTS: THIS CONSTITUTION IS DEDICATED TO THE PRINCIPLES THAT ALL PERSONS HAVE A NATURAL RIGHT TO LIFE, LIBERTY THE PURSUIT OF HAPPINESS AND THE ENJOYMENT OF THE FRUITS OF THEIR OWN INDUSTRY THAT ALL PERSONS ARE EQUAL AND ENTITLED TO EQUAL RIGHTS, OPPORTUNITIES AND POLITICAL PROTECTION UNDER THE LAW. SECTION 2. SOURCE OF GOVERNMENT, ALL ~~POWER~~ POLITICAL POWER IS INHERENT IN THE PEOPLE, ALL GOVERNMENT ORIGINATES WITH THE PEOPLE. I QUOTE MICHAEL JEFFERSON, "THE CONSTITUTIONS OF MOST OF OUR STATES (AND OF THE UNITED STATES) ASSERT THAT ALL POWER IS ENTIAINMENT IN THE PEOPLE.; THAT THEY EXERCISE IT THEMSELVES." THE MOST BASIC BUILDING BLOCK OF DEMOCRACY IS THE RESPONSIBLE CITIZEN. ALL GOV'NT ORIGINATES WITH <sup>THE</sup> INDIVIDUAL MAKING CHOICES, DECISIONS ACTING WITHIN SELF-CONTROL.

JAN 22 1985

LADIES AND GENTLEMEN THE QUESTION BEFORE US IS NOT NUMBERS, NOT STATISTICS NOR  
ERUDITE ARGUMENTS FROM FEDERAL SOCIAL ENGINEERS, OUR QUESTION IS  
MAKE A CHOICE FOR THEMSELVES

YES! DO THE PEOPLE HAVE THE RIGHT TO ~~MAKE CHOICES~~, ~~THEIR~~

OR WILL OUR ~~CHOSEN~~ <sup>ELECTED</sup> OFFICIALS ADOPT ~~THEIR~~ ADOPT OUR RIGHTS AND MAKE  
WHAT IS LEFT IN THE POT UNTIL ALL ELSE IS  
A CHOICE FOR US. THAT IS THE ROOT, BOILED AWAY. → CAN WE PROTECT OURSELVES.

37 STATES HAVE RECOGNIZED THE INHERENT RIGHT OF THE INDIVIDUAL  
TO MAKE CHOICES, 37 STATES HAVE CONCEALED CARRY PERMIT SYSTEMS

SO THAT INDIVIDUAL CITIZENS CAN CHOOSE FOR THEMSELVES WHETHER  
OR NOT THEY ~~WANT~~ <sup>CAN</sup> CARRY A PERMIT FOR PERSONAL PROTECTION. UNFORTUNATELY  
AND CONTRARY TO OUR CONSTITUTION AND THE DEMOCRATIC PRINCIPLES ENUNCIATED

THERE, WE THE PEOPLE OF ALASKA CANNOT EXERCISE OUR POWER TO CHOOSE AS  
ALASKA HAS NOT YET RECOGNIZED THIS RIGHT. LADIES AND GENTLEMEN

OF THE LEGISLATURE, YOU CANNOT DENY THE EXISTENCE OF THIS RIGHT AND CLAIM  
TO ~~STAND~~ STAND UPON THE CONSTITUTION <sup>TO DO SO WOULD</sup> BE THE DECLARATION OF

A NEW ORDER IN JUNEAU THAT YOU ARE THE ENLIGHTENED ONES THAT YOU NOW  
WILL ~~BE~~ <sup>BE</sup> <sup>BY</sup> DECREE. I PRAY THIS ~~IS~~ <sup>WILL</sup> NOT SO. 37 STATES HAVE PERMIT SYSTEMS.

<sup>MORE</sup> 3 - N. CAROLINA, TEXAS, MISSOURI - ARE EXPECTED TO INSTALL PERMITTING THIS YEAR.

WHAT'S WRONG WITH ALASKA, WILL YOU TELL US. WE ARE LESS RESPONSIBLE, LESS HONORABLE,  
LESS INTELLIGENT THAN OTHER AMERICANS? I WILL OFFER THE ONLY EVIDENCE OUTSIDE

OF THAT EMBODIED IN OUR CONSTITUTION TO SUPPORT THIS LAW. SINCE 1911 AND THE PASSING  
OF THE SULLIVAN ACT IN NEW YORK STATE NOT ONE STATE HAS EVER SHUT DOWN A

PERMIT HOLDING  
PERMITTING SYSTEM BECAUSE OF IRRESPONSIBLE CITIZENS. IN 1987 DESPITE TRENCHES

AND ONLY FLORIDA PASSED CONCEALED CARRY. STATE THEN 4 OTHER STATES FOLLOWED  
USING FLORIDA'S <sup>LAW</sup> ~~AS~~ AS A MODEL. WHAT YOU SEE BEFORE YOU IS VIRTUALLY IDENTICAL

EXCEPT FOR THE NAMES OF AGENCIES. IT IS A GOOD, CLEAN LAW, SIMPLE AND TO THE  
POINT.

REMEMBER THIS: NO MAN, NO WOMAN, NO POLITICAL OPONENT CAN REPEL POINT

JAN 22 1994

A FINGER AT YOU AND SAY YOU HAVE NONE ALONG THEM, AS LONG AS YOU  
STAND ON CONSTITUTIONAL RIGHT ~~TO CHOOSE TO CHOOSE TO PROTECT YOURS~~  
~~THE~~ OF THE INDIVIDUAL ~~SELF PROTECTION~~  
TO PROTECT THEMSELVES.

I WANT TO CLOSE WITH THIS. WHEN MY WIFE WAKES ME AT NIGHT, WHEN PIENING,

WEEPING, TALKING HER LEES, HER HANDS, MAKING SOBBING SOUNDS OF FEAR, WHEN

I WAKE HER FROM THE ~~THE~~ DREAM IN WHICH THAT MAN IS CHASING HER, WHILE

I HOLD HER IN MY ARMS AS SHE WEEPS HERSELF BACK TO SLEEP. I ASK MYSELF  
FOR COUNSELING

WHY CAN'T WE HAVE THE ABILITY TO CHOOSE TO CARRY CONCEALED FIREARMS,  
FOR OUR OWN PROTECTION?

PLEASE MAKE THIS BELL LAW.

CHAIRMAN VEZIEP, THANK YOU FOR HAVING THE  
OPPORTUNITY TO TESTIFY. I APOLOGIZE FOR BREAKING  
DOWN AT MY CLOSE. MY WIFE CAME SO CLOSE TO RAPIE  
OR DEATH. CERTAINLY INJURY, THAT I'M STILL GREATLY  
AFFECTED.

MAY GOD BLESS YOU.



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

DIVISION OF LICENSING  
Post Office Box 6687  
Tallahassee, Florida 32314-6687  
CONCEALED WEAPONS/FIREARMS LICENSE  
STATISTICAL REPORT FOR  
PERIOD 10/01/87 - 1/31/93

		TOTAL
o Applications Received:		149,414
New	108,894	
Renewal	40,520	
o Licenses Issued:		142,010
New	102,010	
Renewal	40,057	
o Licenses Valid		81,560
o Applications Denied:		855
Criminal History	514	
Incomplete Application	341	
o License Revoked:		273
Clemency Rule Change or Legislative Change	66	
Illegible Prints With No Response	10	
Crime Prior To Licensure	47	
- Firearm Utilized	--4	
Crime After Licensure	137	
- Firearm Utilized	--16	
Other	13	
Reinstated		26

JAN 22 1994

ONLY 16 OUT OF 149414 PERMITS,

\*Statistics regarding number of licenses reinstated were not maintained prior to January 1990.

To House State Affairs Committee

Hello, Jim Rodney Rogers, PO Box 2172 Bethel zip code 99559. My phone # is 543-2179 and am representing myself.

No matter what the anti's try to tell you about self defense, the truth of the matter is that studies have shown, that firearms are used over one million times a year for personal protection and that just the presence of a firearm prevents the crime without a shot being fired in many instances.

An interview with prisoners confirms, they would much prefer to not pick on someone who is armed as it makes their profession much more hazardous.

However good the police are at their job, they can't be everywhere & they will admit they can't come close to protecting everyone as in the L.A. riots, they actually admitted that citizens would have to protect themselves. Now our government wants to

take our guns away from the honest citizens so they can't even do that. The anti's point to Canada & England and their low gun related incidences, however they still have plenty of crime. I would watch Switzerland and Israel against them at any time, crime per capita, where it is mandatory for citizens to own weapons. Guns don't kill people, people kill people and people need to be made responsible for their own decisions and actions.

It's my belief that the crime against honest citizens would drop if our honest citizens would drop if our honest citizens were also armed by means of lawful concealed carry permit, weapons of their choice and be competent in the safety and proficiency of their use.

At least we could be on a more even playing field with our unlawful adversaries. As they are going to have guns and carry concealed without lawful permits.

JAN 22 1994

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JAN 22

Clinton + Reno can pass all the laws they want + register gun owners and guess who won't be registered, they are criminals because they laugh at the laws, always have, always will. There is only one place for criminals. If our government is serious about eliminating crime, they can do that by getting to the bottom of the trouble, gangs + drugs !! Another survey of prisoners shows that at the time + crime, the criminals went to or was sentenced to prison, 3/4 of them were on drugs.

Also in areas where concealed carry ~~has~~ became more readily available, crime actually went down.

We do know that the large majority of gun related crimes are gang + drug related, drugs + gangs also contribute to a very large amount of other crimes.

So I feel our government should quit wasting time and tax payers money trying to make honest gun owning citizens, criminals, and start going after the real criminals. I support Bill # 351

Thank you.

JAN 22 1994