

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8896 SENATE JUDICIARY

Senator Bert Sharp
January 23, 1996
Page 2

Section 5 of the bill amends AS 18.65.700(d) by removing a requirement that a concealed handgun permit must specify the action types and calibers of handguns the person has demonstrated competence with and can carry.

Section 6 of the bill amends AS 18.65.710(a)(2) relating to a concealed handgun applicant's receipt of a copy, knowledge, and understanding of the state laws and regulations related to firearms.

Section 7 of the bill amends AS 18.65.715(a) by removing a requirement that a certificate of completion of a handgun course specify the action types and calibers of handguns the applicant has demonstrated competency with and also by removing a requirement that a handgun course must test an applicant's competence with each handgun type and caliber the applicant wants to carry.

Section 8 of the bill adds a new section, AS 18.65.718, that permits the department to enter into agreements to provide reciprocity holders of concealed handgun permits in other states.

Section 9 of the bill amends AS 18.65.720 by reducing the fees for a permit.

Section 10 of the bill amends AS 18.65.735(a) by limiting the reasons for suspending a concealed handgun permit.

Section 11 of the bill amends AS 18.65.740(a) by limiting the reasons for revoking a concealed handgun permit.

Section 12 of the bill amends AS 18.65.755(a) by providing that concealed handgun permittees may carry their weapons anywhere in Alaska except where prohibited by federal law or by local option election.

Section 13 of the bill amends AS 18.65.790(3) by allowing miniature handguns to be carried by a concealed handgun permittee.

Section 14 of the bill provides repealers.

GPL:p!;glc
96-031.plm

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 22, 1996

SUBJECT: Concealed Handgun Permits and Alaska Marine Highway System
Regulation - Amendment (Work Order No. 9-LS1139/W.2)

TO: Senator Robin Taylor
Attn: Chuck Achberger

FROM: Gerald P. Luckhaupt *JPL*
Legislative Counsel

Enclosed is the amendment you requested. It is my opinion that the change made to page 7, line 12 of the CS(STA)¹ should address the situation presented by the Alaska Marine Highway system regulation that requires all firearms to be secured. Assuming that the regulation has been validly adopted pursuant to a statutory grant of authority from the legislature,² I believe the regulation is a law of the state such that the possession of a concealed handgun by a permittee would be subject to the regulation.

GPL:klb
96-125.klb

Enclosure

¹The prohibition embodied on page 7, lines 11 - 12, will now read:
[a] place where the possession of a deadly weapon or a
firearm is prohibited by a law of this state or the federal
government

²I assume the statutory authority would have to arise from AS 44.42.020 - 44.42.030

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 177(STA)

1 Page 7, line 12:

2 Delete "federal law"

3 Insert "a law of this state or the federal government"

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 177(STA)

1 Page 1, following line 13:

2 Insert a new bill section to read:

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

4 (b) In a prosecution under (a)(1) of this section, it is an affirmative defense
5 that the defendant, at the time of possession, was

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

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

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

16 (4) the holder of a valid permit to carry a concealed handgun
17 issued by another state if the state that issued the permit allows persons holding
18 permits issued under AS 18.65.700 - 18.65.790 to carry a concealed handgun in
19 that state, and

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

22 (B) the possession did not occur in a municipality or
23 established village in which the possession of concealed handguns is
24 prohibited under AS 18.65.780 - 18.65.785."

- 1 Renumber the following bill sections accordingly.
- 2 Page 4, line 29, through page 5, line 16:
- 3 Delete all material.
- 4 Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 177(STA)

1 Page 1, following line 13:

2 Insert a new bill section to read:

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

4 (b) In a prosecution under (a)(1) of this section, it is an affirmative defense
5 that the defendant, at the time of possession, was

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

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

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

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

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

22 (B) the possession did not occur in a municipality or
23 established village in which the possession of concealed handguns is
24 prohibited under AS 18.65.780 - 18.65.785."

- 1 Renumber the following bill sections accordingly.
- 2 Page 4, line 29, through page 5, line 16:
- 3 Delete all material.
- 4 Renumber the following bill sections accordingly.

#2 - adopted
2/12

February 13, 1996

AMENDMENT

OFFERED IN THE SENATE STATE AFFAIRS COMMITTEE

BY: SENATOR LEMAN

TO: CSSB 177 Version "O"

Page 3, line 25:

Insert between "AS" and "11.46.484(a)(7)":

"11.46.315, 11.46.430, 11.46.484(a)(1), 11.46.484(a)(2),"

Page 3, line 28:

Insert between "AS" and "11.56.380":

"11.56.330, 11.56.340, FORMER 11.56.350, 11.56.790,"

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR PHILLIPS

TO: CSSB 177(), "O" version, draft dated 2/12/96

- 1 Page 1, lines 3 - 11:
- 2 Delete all material.

- 3 Page 1, line 12:
- 4 Delete "* Sec. 2."
- 5 Insert "* Section 1."

- 6 Renumber the following bill sections accordingly.

- 7 Page 6, line 5:
- 8 Delete "a building"
- 9 Insert "buildings of, on the grounds of, on the school parking lot of, or on a school
- 10 bus"

- 11 Page 6, line 6, following "school":
- 12 Insert "or while participating in a school sponsored event"

2/12/96
failed 1-3

*Phillips - leave current law alone
- a.d. (business, etc.)
- leave "law" AMENDMENT*

#3
9-LS1139A0.1
Luckhaupt
2/13/96
fails 1-3

OFFERED IN THE SENATE

BY SENATOR PHILLIPS

TO: CSSB 177(), "O" version, draft dated 2/12/96

1 Page 6, line 13, through page 7, line 8:

2 Delete

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

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

9 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
10 AIRLINE TERMINAL;

11 (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;

12 (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF
13 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

14 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A
15 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
16 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT
17 TO THE PERMITTEE;

18 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
19 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
20 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
21 OF CONSPICUOUS NOTICE;

22 (11) A FINANCIAL INSTITUTION; IN THIS PARAGRAPH,
23 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
24 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
25 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER

1 AS 06;

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

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

6 Insert :

7 "(4) a building housing only state or federal offices or the offices of a
8 political subdivision of the state, except as authorized under (3) of this subsection;

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

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

14 (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;

15 (8)] a facility providing services to victims of domestic violence or
16 sexual assault;

17 (7) [(9)] a residence, business, hospital, or nursing home where notice
18 that carrying a concealed handgun is prohibited has been given by the posting of a
19 conspicuous notice or by oral statement by the resident or the owner or an employee
20 of the business, hospital, or nursing home to the permittee;

21 (8) [(10)] a meeting of a business, charitable, or other organization or
22 entity where notice that carrying a concealed handgun is prohibited has been given by
23 the posting of conspicuous notice.

24 (9) a [(11)] A FINANCIAL INSTITUTION; IN THIS PARAGRAPH,
25 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
26 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
27 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER
28 AS 06;

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

31 (10) [(13)] a municipality or established village that has prohibited the

1

possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785."

News from the Senate Majority

Alaska State Legislature

Senator Lyda Green

Contact: 907-465-6600

For Immediate Release: February 13, 1996

Legislation Proposes Changes to Concealed Handgun Permit Program

Juneau -- Senate Bill 177, legislation revising the concealed handgun permit program, moved out of the Senate State Affairs committee Tuesday, February 13, 1996.

The current concealed handgun program has proven to be overly restrictive and too expensive according to Senator Lyda Green (R. Mat-Su), sponsor of SB177. This new bill streamlines the process for obtaining a permit and creates greater latitude for law abiding citizens to exercise their right to carry concealed handguns.

Senator Green noted, "This is not just a gun bill -- it's a constitutional freedom bill that will ensure the rights of Alaskans to keep and bear arms."

Senate Bill 177 will simplify the concealed handgun permitting process and make the permits more available to those people who need them most. Some of the bill's provisions call for reducing the cost of the permitting process, aligning the state laws on restrictions to be consistent with federal law, and eliminating the one year state residency requirement for application.

Specifically, this bill's two major revisions will change the application fee cap from \$125 to \$65, and will reduce the renewal fee cap from \$50 to \$25. It will also allow permittees greater latitude in where they are allowed to carry their concealed handguns.

Senator Green was afforded the opportunity to familiarize herself with the current program as a result of obtaining her handgun permit last fall. "In going through the permitting process, I realized there were inconsistencies embodied in the current law, and now understand even more the importance of training people who carry a handgun to be diligent, informed and wise in their decisions and actions," Green said.

"Concealed handgun permit holders are law abiding citizens. They have met the application criteria, submitted to fingerprinting and background checks, received professional training on the use of firearms and the use of deadly force, and have displayed competency with their firearm," explained Senator Green. "They deserve a program that provides the opportunity to exercise their right to self-protection."

SENATE COMMITTEE REI RT
First Committee of Referral

DATE: 5/6/95

FURTHER: Judiciary

FINANCE - ADDED 1/24

Date of 5-Day Notice: 1/18/96
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/16/96

State Affairs Committee considered **SB 177**

Permits to carry concealed handguns.

and recommends:

- be replaced with CS SB 177 (STA)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Drew A. Ferman</i>	<input checked="" type="checkbox"/>	<i>Y.C. & J.C.</i>	<input checked="" type="checkbox"/>		
<i>David Donley</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>[Signature]</i>					

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Law	1/10/96	0	
DPS - Troopers	1/22/96		(117.6)
DPS - Admin. Serv.	1/22/96	0	
✓ Law	2/14/96	0	
✓ DPS - Troopers	2/13/96		(117.6)

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

DPS - Troopers	1/22/96		(117.6)

*work draft
9-25-113916
1/2/96
CS SB 177
(577)*

*work draft
2/12/96*

SB 177

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

RECEIVED
FEB 14 1996
Ans'd.....

February 9, 1996

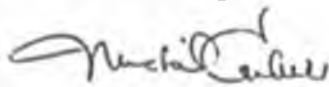
Senator Robin Taylor
Alaska State Legislature
State Capitol (MS 3100)
Juneau AK 99801-1182

Dear Senator Taylor,

On behalf of the Alaska Peace Officers Association, I would like to inform you of our position on Senate Bill 177. At a recent meeting of the APOA State Board, we unanimously decided to oppose this legislation. We feel that the present concealed weapon law is workable and no changes are necessary. We also feel that your proposed changes eliminate necessary investigative and practical steps in the concealed permit process and opens the door for abuse

We encourage you to call on us when there are teleconference hearings to testify about this legislation. Please call me at 451-5316, if you have questions about the position the Alaska Peace Officers Association has on this issue.

Sincerely



Michael Corkill
State President

Business Manager

Joseph E. Young
Anchorage

Board of Directors

Michael Corkill, President
Fairbanks

Robin Lazen, Vice President
Juneau

Mike Gomez, Past President
Anchorage

Ron Belden, Member
Kenai

Pres. Kenai Chapter

Leo Branson, Member
Anchorage

Pres. Anchorage Chapter

Sam Edwards, Member
Palmer

Pres. Mat Su Chapter

Steve Heckman, Member
Fairbanks

Pres. Fairbanks North Chapter

Steve Kawana, Member
Juneau

Pres. Clifton City Chapter

Scott Crane, Member
Wentz

Pres. Wentz Chapter

Lindy Meigs, Member
Ketchikan

Pres. First City Chapter

James Sisk, Member
Craig

Pres. Prince of Wales Chapter

9-LS1139AM-
Luckhaupt
1/31/96

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

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits to carry concealed handguns."

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

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

4 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense
5 that the defendant, at the time of possession, was the holder of a valid permit to carry
6 a concealed handgun under AS 18.65.700 - 18.65.790, the deadly weapon was a
7 concealed handgun as defined in AS 18.65.790, and the possession did not occur

8 (1) within the buildings of a public or private preschool, elementary,
9 junior high, or secondary school; or

10 (2) in a municipality or established village in which the possession of
11 a concealed handgun is prohibited under AS 18.65.780 - 18.65.785.

12 • Sec. 2. AS 11.61.220(d) is amended to read:

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

14 (1) an affirmative defense that the defendant, at the time of

1 possession, was the holder of a valid permit to carry a concealed handgun under
2 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
3 in AS 18.65.790, and the possession did not occur in a municipality or established
4 village in which the possession of concealed handguns is prohibited under
5 AS 18.65.780 - 18.65.785:

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

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

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

12 * Sec. 3. AS 18.65.700(a) is amended to read:

13 (a) The department shall issue a permit to carry a concealed handgun to a person
14 who

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

16 (2) qualifies under AS 18.65.705;

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

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

28 (5) submits evidence of competence with handguns as provided in
29 AS 18.65.715;

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

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

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

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

6 * Sec. 4. AS 18.65.700(b) is amended to read:

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

15 * Sec. 5. AS 18.65.700(d) is amended to read:

16 (d) A permit issued under (a) of this section is valid for five years from the date
17 of issue. [THE PERMIT MUST SPECIFY THE ACTION TYPES AND MAXIMUM
18 CALIBERS OF HANDGUN DESCRIBED IN THE PERMITTEE'S CERTIFICATE OF
19 COMPETENCY UNDER AS 18.65.715 BUT MAY NOT SPECIFICALLY IDENTIFY
20 A HANDGUN BY MAKE, MODEL, OR SERIAL NUMBER.]

21 * Sec. 6. AS 18.65.705(4) is amended to read:

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

26 (A) AS 11.41.230, 11.41.250, 11.41.270;

27 (B) AS 11.46.484(a)(7) [AS 11.46.315, 11.46.320, 11.46.330,
28 11.46.430, 11.46.484];

29 (C) AS 11.51.130;

30 (D) AS 11.56.380 [AS 11.56.330, 11.56.340, FORMER
31 AS 11.56.350, 11.56.380, 11.56.545,] 11.56.700, 11.56.710, 11.56.740, 11.56.780,
32 [11.56.790,] 11.56.800 [, 11.56.805];

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(E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

or

(F) AS 11.71.050, 11.71.060;

• Sec. 7. AS 18.65.710(a)(3) is amended to read:

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

• Sec. 8. AS 18.65.715(a) is amended to read:

(a) An applicant for a permit to carry a concealed handgun shall provide a certificate of successful completion of a handgun course that is approved by the department. [THE CERTIFICATE MUST STATE THE ACTION TYPE AND CALIBER OF HANDGUN OR HANDGUNS THE APPLICANT HAS DEMONSTRATED COMPETENCE WITH AND THAT THE APPLICANT MAY BE PERMITTED TO CARRY. A PERMITTEE MAY ONLY CARRY AS A CONCEALED HANDGUN AN ACTION TYPE OF HANDGUN DESCRIBED IN THE CERTIFICATE. A PERMITTEE MAY ONLY CARRY AS A CONCEALED HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE PERMITTEE DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER OF THE SAME ACTION TYPE.] The handgun course must have been completed within the 12 months immediately preceding the application. The department shall approve a handgun course, including the personal protection course offered by the National Rifle Association, if the course tests the applicant's

(1) knowledge of Alaska law relating to firearms and the use of deadly force;

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

(3) knowledge of self-defense principles [; AND

(4) PHYSICAL COMPETENCE WITH EACH ACTION TYPE OF HANDGUN THE APPLICANT WISHES TO CARRY UNDER THE PERMIT AND THE MAXIMUM CALIBER FOR EACH ACTION TYPE THE APPLICANT WISHES TO CARRY UNDER THE PERMIT].

• Sec. 9. AS 18.65 is amended by adding a new section to read:

1 Sec. 18.65.718. RECIPROCITY FOR HOLDERS OF CONCEALED HANDGUN
2 PERMITS FROM OTHER STATES. (a) The department may enter into agreements
3 with other states to provide reciprocity for holders of concealed handgun permits issued
4 by another state to be permitted to carry a concealed handgun in Alaska provided the
5 other state allows holders of concealed handgun permits issued under AS 18.65.700 -
6 18.65.790 to be permitted to carry concealed handguns in the other state. An agreement
7 under this section, at a minimum, must provide that for a person issued a concealed
8 handgun permit by another state to be reciprocally permitted in this state to carry a
9 concealed handgun the person must submit

10 (1) an application that provides information that is substantially similar
11 to that required under AS 18.65.710;

12 (2) sufficient information to verify that the person holds a concealed
13 handgun permit in the reciprocal state; and

14 (3) a reciprocal application fee that may not exceed the fee set for the
15 application and initial issuance of a permit under AS 18.65.720.

16 (b) A person receiving a reciprocal permit under this section may carry a
17 concealed handgun in the same manner and to the same extent as a person issued a
18 permit under AS 18.65.700. Following issuance of the permit, all aspects concerning the
19 regulation of the permit and the permittee are controlled by AS 18.65.700 - 18.65.790.

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

21 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the
22 processing of the application for and initial issuance of a permit, renewal of a permit, or
23 replacement of a permit. The fees shall be set by regulation and must be based on the
24 actual costs incurred by the department. However, the fee for the processing of an
25 application and initial issuance of a permit may not exceed \$65 (\$125) and the fee for
26 renewal of a permit or replacement of a permit may not exceed \$30 (\$60).

27 • Sec. 11. AS 18.65.740(a) is amended to read:

28 (a) A permit to carry a concealed handgun shall be immediately revoked by the
29 department when the permittee

30 (1) becomes disqualified to receive and hold a permit under
31 AS 18.65.705; or

32 (2) ~~IS CONVICTED OF TWO CLASS A MISDEMEANORS OF THIS~~

1 STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A FIVE-
2 YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS AFTER THE
3 APPLICATION:

4 (3)] knowingly supplied a false or fraudulent answer, statement, or
5 document, or made a material misstatement or omission, in connection with an
6 application for a permit or renewal or replacement of a permit.

7 • Sec. 12. AS 18.65.755(a) is amended to read:

8 (a) A permittee may not carry a concealed handgun into

9 (1) or possess a concealed handgun within, a building of a public or
10 private preschool, elementary, junior high, or secondary school (A LAW
11 ENFORCEMENT OR CORRECTIONAL FACILITY);

12 (2) [OR ON SCHOOL GROUNDS OR A SCHOOL BUS; IN THIS
13 PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
14 AS 11.71.900;

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

16 (A) is a judge; or

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

19 (3) a [(4) A BUILDING HOUSING ONLY STATE OR FEDERAL
20 OFFICES OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE,
21 EXCEPT AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

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

25 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
26 AIRLINE TERMINAL;

27 (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;

28 (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF
29 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

30 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A
31 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
32 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT

1 TO THE PERMITTEE;

2 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
3 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
4 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
5 OF CONSPICUOUS NOTICE;

6 (11) A FINANCIAL INSTITUTION; IN THIS PARAGRAPH,
7 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
8 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
9 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER
10 AS 06;

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

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

15 * Sec. 13. AS 18.65.790(3) is amended to read:

16 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
17 and that is covered or enclosed in any manner so that an observer cannot determine that
18 it is a handgun without removing it from that which covers or encloses it or without
19 opening, lifting, or removing that which covers or encloses it; however, "concealed
20 handgun" does not include a shotgun, rifle, or derringer [OR OTHER MINIATURE
21 HANDGUN], or a prohibited weapon as defined under AS 11.61.200; in this paragraph.

22 [(A)] "derringer" means a handgun that has individual barrels for
23 each cartridge it is capable of firing and lacks a manufacturer's installed trigger
24 guard that completely encircles the trigger and that [WHICH] is part of the
25 frame (; AND

26 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
27 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS
28 AND LACKS A MANUFACTURER'S INSTALLED TRIGGER GUARD
29 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART
30 OF THE FRAME];

31 * Sec. 14. AS 18.65.705(5), 18.65.705(9), 18.65.715(c), 18.65.725(c), 18.65.765(a)(4), and
32 18.65.790(2) are repealed.

ALASKA STATE LEGISLATURE

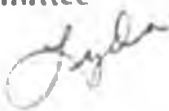
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200-002
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SENATOR LYDA GREEN SENATE DISTRICT N

MEMORANDUM

TO: Senator Robin Taylor, Chairman
Senate Judiciary Committee

FROM: Senator Lyda Green 

DATE: February 17, 1996

SUBJECT: Request for Hearing

=====

I respectfully request that you schedule Senate Bill 177, relating to concealed handgun permit revisions, for a hearing in the Senate Judiciary Committee.

I have attached a copy of my sponsor statement and other applicable supporting documentation for your review. I have requested a sectional analysis of CSSB177(STA) from the drafter and will provide you with a copy upon receiving it.

There are a couple of possible amendments that I would like to discuss with you regarding reciprocity and penalty for a permit holder carrying in disallowed areas.

Thank you for your consideration.

*deletion
by c-2 (0) 2/12/96*

Current Law (1995)

Brief Description of Misdemeanor Offenses That Disqualify a Person for Five Years from Obtaining a Permit to Carry a Concealed Handgun

AS 11 41 230 (assault in the fourth degree) is often referred to as misdemeanor assault. It includes causing non-serious physical injury as well as placing someone in fear of imminent physical injury by words or other conduct. Most non-serious domestic assaults fall into this category.

AS 11 41 250 (reckless endangerment) prohibits creating a substantial risk of serious physical injury to another.

AS 11 41 270 (stalking in the second degree) prohibits causing a person to be in fear for his or her safety or the safety of a family member, because of more than one incident of contact with the person (including contact by telephone, mail or other indirect methods) without that person's consent.

AS 11 46 315 (possession of burglary tools) prohibits possessing explosives, torches, tools or other devices intended to be used to commit burglary or theft of services.

AS 11 46 320 and 330 (criminal trespass in the first and second degrees) prohibits entering or remaining on land premises in a dwelling or in a vehicle without having a right to be there or after having been asked to leave.

AS 11 46 430 (criminally negligent burning) prohibits damaging another person's property by fire or explosion.

AS 11 46 484 (criminal mischief in the third degree) prohibits any of the following, if you do not have a right to do so: (1) intentionally damaging another person's property in an amount less than \$500, (2) taking another person's vehicle (joyriding), (3) late return of a rental vehicle, (4) tampering with a fire protection device in a public place, (5) knowingly accessing a computer, (6) using a descrambling device to obtain electronic signals, and (7) tampering with a traffic control device.

AS 11 51 130 (contributing to the delinquency of a minor) prohibits aiding, inducing, causing or encouraging a person (1) under 18 to violate the law or to be in a place where illegal drugs are sold, or (2) under 16 to be absent from school or their parent's custody.

AS 11 56 330 and 350 (escape in the fourth degree and unlawful evasion in the second degree) prohibits removing yourself from police restraint before an arrest, or removing yourself from official detention for a misdemeanor, whether by escaping or failing to return after being granted a temporary leave or a furlough.

AS 11 56 380 (promoting contraband in the second degree) prohibits taking contraband into a correctional facility or possessing or attempting to make contraband within a correctional facility.

AS 11 56 545 (tampering with a witness in the second degree) prohibits attempting to induce a witness to be absent from an official proceeding to which the witness has been summoned.

AS 11 56 700 (resisting or interfering with arrest) prohibits resisting or interfering with an arrest by (1) force, (2) criminal mischief, or (3) creating a substantial risk of physical injury to anyone.

AS 11 56 710 (harming a police dog in the second degree) prohibits injuring, tormenting, kicking, striking, stoning or tampering with a police dog, knowing it is a police dog.

AS 11 56 740 (violating a domestic violence restraining order) prohibits knowingly violating an order issued under AS 25 35 010(b) or 020 if the court issuing the order found that the person subjected another to domestic violence.

AS 11 56 780 (hindering prosecution in the second degree) prohibits helping a person who has committed an offense punishable by more than 90 days in jail by (1) harboring or concealing the person, (2) warning the person of discovery or arrest, (3) providing the person with money, transportation, a weapon, a disguise or other means of avoiding apprehension, (4) preventing anyone by means of force, threat or deception from doing anything that might result in discovering or arresting the person, (5) conceals, alters or destroys physical evidence, (6) aids the person in securing or protecting proceeds of the crime.

AS 11 56 790 (compounding) prohibits offering any kind of benefit or agreeing to accept a benefit for concealing a crime, refraining from instituting prosecution or withholding evidence.

AS 11 56 800 (making a false report) prohibits knowingly giving false information to a peace officer (1) to report a crime, (2) to implicate another person in a crime, or (3) to give a false report or a false alarm about a fire or another dangerous incident that would call for an emergency response.

AS 11 56 805 (false accusation) prohibits knowingly making a false report to the legislative ethics committee.

AS 11 61 110 (disorderly conduct) prohibits (1) making an unreasonably loud noise, (2) refusing a police officer's lawful order to disperse or to leave the premises, (3) challenging another to fight or engaging in fighting not in self-defense, (4) creating a hazardous condition without lawful excuse, and (5) intentionally exposing one's buttocks to another person.

AS 11 61 120 (harassment) prohibits intending to harass or annoy another person by (1) insulting, taunting or challenging the person in a manner likely to provoke an immediate violent response, (2) telephoning and failing to hang up, (3) making repeated telephone calls at

*see
attached
file*

Sec. 11.61.110

DISORDERLY CONDUCT.

(a) A person commits the crime of disorderly conduct if,

(1) with intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(2) in a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(3) in a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace officer to disperse;

(4) in a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the express invitation to remain of a person having a right of possession;

(5) in a public or private place, the person challenges another to fight or engages in fighting other than in self-defense;

(6) the person recklessly creates a hazardous condition for others by an act which has no legal justification or excuse; or

(7) the offender intentionally exposes the offender's buttock or anus to another with reckless disregard for the offensive or insulting effect the act may have on that person.

(b) As used in this section, "noise" is "unreasonably loud" if, considering the nature and purpose of the defendant's conduct and the circumstances known to the defendant, including the nature of the location and the time of day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. "Noise" does not include speech that is constitutionally protected.

(c) Disorderly conduct is a class B misdemeanor and is punishable as authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall be for a definite term of not more than 10 days.

inconvenient hours, (4) making anonymous or obscene telephone calls, or one that threatens injury, (5) subjecting another person to offensive physical contact.

AS 11 61 210 (misconduct involving weapons in the fourth degree) prohibits (1) possessing a firearm on your person or in a vehicle when your physical or mental condition is impaired by alcohol or drugs (2) discharging a firearm from, on or across a highway (3) discharging a firearm with reckless disregard for risk of damage to property or injury, (4) possessing metal knuckles, (5) making or selling a switchblade or a gravity knife, and (6) knowingly selling a firearm or defensive weapon to a person under age 18.

AS 11 61 220 (misconduct involving weapons in the fifth degree) prohibits (1) carrying a concealed deadly weapon other than an ordinary pocket knife or a defensive weapon (2) possessing a loaded firearm in any place where intoxicating liquor is sold for consumption on the premises (3) being under 18 and possessing a firearm without parental consent, (4) possessing a firearm or defensive weapon on school grounds, and (5) possessing a switchblade or gravity knife.

AS 11 61 240 (criminal possession of explosives) prohibits possession of explosives intended to be used to commit a crime.

AS 11 71 050 (misconduct involving controlled substances in the fifth degree) prohibits (1) possessing one-half ounce or more of marijuana with the intent to grow or deliver it for free, (2) possessing any amount of marijuana with the intent to grow or deliver it for sale or exchange, and (3) illegally possessing certain amounts of schedule IIIA and IVA controlled substances.

AS 11 71 060 (misconduct involving controlled substances in the sixth degree) prohibits (1) using or displaying any amount of marijuana, and (2) possessing less than one-half pound of marijuana.

Important Definitions for an Applicant to be Aware Of

"alcohol treatment program" means counseling about the effects of the consumption of alcohol on human behavior and physiology whether provided individually or in a group, by a public or private agency, or on an in-patient or out-patient basis.

"convicted" or "conviction" means that a person has entered a plea of guilty or no contest to, or has been found guilty by a court or jury of, a criminal offense regardless of whether the judgment was after that set aside under AS 12 55 085 or a similar procedure in another jurisdiction, or was the subject of a pardon or other executive clemency, but does not include a judgment that has been reversed or vacated by a court as a result of motion, appellate action, petition for writ of habeas corpus, or application for post-conviction relief under Rule 35.1 of the Alaska Rules of Criminal Procedure or a similar procedure in another jurisdiction.

"felony" means an offense punishable by more than a year of incarceration if committed by an adult under the laws of this state or a similar law of another jurisdiction.

"injunction under AS 25 35 010 - 25 35 020" means a domestic violence restraining order, regardless of whether the order

"resident" has the meaning given in AS 01 10 055.

"substance abuse treatment program" means counseling about the effects on human behavior and physiology of the consumption of alcohol, illegal drugs, or other controlled substances, excluding tobacco, whether provided individually or in a group, by a public or private agency, or on an in-patient or out-patient basis.

"unlawful user of a controlled substance" means the applicant has unlawfully distributed, or has possessed or used without a prescription.

For purposes of AS 18 65 705(4) and (5), the date of conviction is the date sentence was imposed or imposition of sentence was suspended under AS 12 55 085 or a similar procedure in another jurisdiction.

"Mental illness" as used in AS 18 65 705 has the meaning given in AS 47 30 915.

"A schedule IVA or VA controlled substance" is described in AS 11 71 170 - 11 71 180 and includes a large number of prescription drugs such as barbital, phenobarbital, valium, librium, transene, narvon, and prescription cough suppressants, and

"A schedule IA or IIA or IIIA controlled substance" is described in AS 11 71 140 - 11 71 160 and includes a large number of narcotic, depressant, stimulant, and hallucinogenic drugs such as opium, lytton, morphine, demerol, dilaudid, percodan, methadone, lysergic acid diethylamide (LSD), mescaline, peyote, cocaine, phencyclidine (PCP), amphetamine, methamphetamine, barbiturates, hashish, hash oil, tetrahydrocannabinol (THC), psilocybin, methaqualone, codeine, and secobarbital.

ALASKA STATE LEGISLATURE



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State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
Fax (907) 465-3605

SENATOR LYDA GREEN

SENATE DISTRICT N

CSSB 177 Version "O"

"An Act Relating to Permits to Carry Concealed Handguns"

Sponsor Statement

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

1. RETAIN F.B.I. fingerprint requirement (and CHANGE department's time limit for approval from 15 to 30 days).
2. RETAIN requirement to qualify with specific action types, but delete specified caliber.
3. DELETE residency requirement.
4. CHANGE application fee cap from \$125 to \$65 and change renewal fee cap from \$50 to \$25.
5. AUTHORIZE the Department of Public Safety to enter into reciprocity agreements with other states for holders of concealed handgun permits.
6. REMOVE restrictions on where a permit holder may carry a concealed handgun, other than inside school buildings, state court facilities, correctional facilities, law enforcement facilities and where disallowed by federal law.
7. LIMITS misdemeanor offenses that would preclude obtaining a permit to those involving violence or misuse of weapons.
7. DELETE prohibition on derringers and miniature handguns as allowable for concealed carry.
8. ADD providing applicant with a copy of laws and regulations pertaining to the concealed handgun program.

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

9-LS1139\O
Luckhaupt
2/12/96

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

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits to carry concealed handguns."

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

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

4 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense
5 that the defendant, at the time of possession, was the holder of a valid permit to carry
6 a concealed handgun under AS 18.65.700 - 18.65.790, the deadly weapon was a
7 concealed handgun as defined in AS 18.65.790, and the possession did not occur

8 (1) within the buildings of a public or private preschool, elementary,
9 junior high, or secondary school; or

10 (2) in a municipality or established village in which the possession of
11 a concealed handgun is prohibited under AS 18.65.780 - 18.65.785.

12 * Sec. 2. AS 11.61.220(d) is amended to read:

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

14 (1) an affirmative defense that the defendant, at the time of
15 possession, was the holder of a valid permit to carry a concealed handgun under

1 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
2 in AS 18.65.790, and the possession did not occur in a municipality or established
3 village in which the possession of concealed handguns is prohibited under
4 AS 18.65.780 - 18.65.785:

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

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

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

11 * Sec. 3. AS 18.65.700(a) is amended to read:

12 (a) The department shall issue a permit to carry a concealed handgun to a person
13 who

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

15 (2) qualifies under AS 18.65.705;

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

21 (4) submits two complete sets of fingerprints on Federal Bureau of
22 Investigation approved fingerprint cards that are of sufficient quality so that the
23 fingerprints may be processed; the fingerprints must be taken by a person, group, or
24 agency approved by the department; the department shall maintain a list of persons,
25 groups, or agencies approved to take fingerprints and shall provide the list to the public
26 upon request;

27 (5) submits evidence of competence with handguns as provided in
28 AS 18.65.715;

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

32 (7) shows a valid Alaska driver's license or identification card at the time

1 of application;

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

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

5 * Sec. 4. AS 18.65.700(b) is amended to read:

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

14 * Sec. 5. AS 18.65.700(d) is amended to read:

15 (d) A permit issued under (a) of this section is valid for five years from the date
16 of issue. The permit must specify the action types [AND MAXIMUM CALIBERS] of
17 handgun described in the permittee's certificate of competency under AS 18.65.715 but
18 may not specifically identify a handgun by make, model, or serial number.

19 * Sec. 6. AS 18.65.705(4) is amended to read:

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

24 (A) AS 11.41.230, 11.41.250, 11.41.270;

25 (B) AS 11.46.484(a)(7) [AS 11.46.315, 11.46.320, 11.46.330,
26 11.46.430, 11.46.484];

27 (C) AS 11.51.130;

28 (D) AS 11.56.380 [AS 11.56.330, 11.56.340, FORMER
29 AS 11.56.350, 11.56.380, 11.56.545,] 11.56.700, 11.56.710, 11.56.740, 11.56.780,
30 [11.56.790,] 11.56.800 [, 11.56.805];

31 (E) AS 11.61.110(a)(3) - (7) [AS 11.61.110], 11.61.120,
32 11.61.210, 11.61.220, 11.61.240; or

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(F) AS 11.71.050, 11.71.060;

* Sec. 7. AS 18.65.710(a)(3) is amended to read:

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

* Sec. 8. AS 18.65.715(a) is amended to read:

(a) An applicant for a permit to carry a concealed handgun shall provide a certificate of successful completion of a handgun course that is approved by the department. The certificate must state the action type [AND CALIBER] of handgun or handguns the applicant has demonstrated competence with and that the applicant may be permitted to carry. A permittee may only carry as a concealed handgun an action type of handgun described in the certificate. [A PERMITTEE MAY ONLY CARRY AS A CONCEALED HANDGUN THE CALIBER OF THE ACTION TYPE THAT THE PERMITTEE DEMONSTRATED COMPETENCE WITH OR ANY LESSER CALIBER OF THE SAME ACTION TYPE.] The handgun course must have been completed within the 12 months immediately preceding the application. The department shall approve a handgun course, including the personal protection course offered by the National Rifle Association, if the course tests the applicant's

(1) knowledge of Alaska law relating to firearms and the use of deadly force:

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

(3) knowledge of self-defense principles; and

(4) physical competence with each action type of handgun the applicant wishes to carry under the permit [AND THE MAXIMUM CALIBER FOR EACH ACTION TYPE THE APPLICANT WISHES TO CARRY UNDER THE PERMIT].

* Sec. 9. AS 18.65 is amended by adding a new section to read:

Sec. 18.65.718. RECIPROCITY FOR HOLDERS OF CONCEALED HANDGUN PERMITS FROM OTHER STATES. (a) The department may enter into agreements with other states to provide reciprocity for holders of concealed handgun permits issued by another state to be permitted to carry a concealed handgun in Alaska provided the other state allows holders of concealed handgun permits issued under AS 18.65.700 -

1 18.65.790 to be permitted to carry concealed handguns in the other state. An agreement
2 under this section, at a minimum, must provide that for a person issued a concealed
3 handgun permit by another state to be reciprocally permitted in this state to carry a
4 concealed handgun the person must submit

5 (1) an application that provides information that is substantially similar
6 to that required under AS 18.65.710;

7 (2) sufficient information to verify that the person holds a concealed
8 handgun permit in the reciprocal state; and

9 (3) a reciprocal application fee that may not exceed the fee set for the
10 application and initial issuance of a permit under AS 18.65.720.

11 (b) A person receiving a reciprocal permit under this section may carry a
12 concealed handgun in the same manner and to the same extent as a person issued a
13 permit under AS 18.65.700. Following issuance of the permit, all aspects concerning the
14 regulation of the permit and the permittee are controlled by AS 18.65.700 - 18.65.790.

15 * Sec. 10. AS 18.65.720 is amended to read:

16 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the
17 processing of the application for and initial issuance of a permit, renewal of a permit, or
18 replacement of a permit. The fees shall be set by regulation and must be based on the
19 actual costs incurred by the department. However, the fee for the processing of an
20 application and initial issuance of a permit may not exceed \$65 [\$125] and the fee for
21 renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

22 * Sec. 11. AS 18.65.740(a) is amended to read:

23 (a) A permit to carry a concealed handgun shall be immediately revoked by the
24 department when the permittee

25 (1) becomes disqualified to receive and hold a permit under
26 AS 18.65.705; or

27 (2) ~~[IS CONVICTED OF TWO CLASS A MISDEMEANORS OF THIS~~
28 STATE OR SIMILAR LAWS OF ANOTHER JURISDICTION WITHIN A FIVE-
29 YEAR PERIOD IF AT LEAST ONE OF THE CONVICTIONS OCCURS AFTER THE
30 APPLICATION;

31 (3)] knowingly supplied a false or fraudulent answer, statement, or
32 document, or made a material misstatement or omission, in connection with an

1 application for a permit or renewal or replacement of a permit.

2 * Sec. 12. AS 18.65.755(a) is amended to read:

3 (a) A permittee may not carry a concealed handgun into

4 (1) a law enforcement or correctional facility;

5 (2) or possess a concealed handgun within, a building of a public or
6 private preschool, elementary, junior high, or secondary school [ON SCHOOL

7 GROUPS OR A SCHOOL BUS; IN THIS PARAGRAPH, "SCHOOL GROUNDS"
8 HAS THE MEANING GIVEN IN AS 11.71.900];

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

10 (A) is a judge; or

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

13 (4) a [BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
14 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
15 AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

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

19 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
20 AIRLINE TERMINAL;

21 (7) A VESSEL OF THE ALASKA MARINE HIGHWAY SYSTEM;

22 (8) A FACILITY PROVIDING SERVICES TO VICTIMS OF
23 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

24 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A
25 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
26 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT
27 TO THE PERMITTEE;

28 (10) A MEETING OF A BUSINESS, CHARITABLE, OR OTHER
29 ORGANIZATION OR ENTITY WHERE NOTICE THAT CARRYING A
30 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
31 OF CONSPICUOUS NOTICE;

32 (11) A FINANCIAL INSTITUTION; IN THIS PARAGRAPH,

1 "FINANCLAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
 2 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
 3 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER
 4 AS 06;

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

7 (5) [(13)] a municipality or established village that has prohibited the
 8 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

9 * Sec. 13. AS 18.65.765(a) is amended to read:

10 (a) The holder of a permit issued under AS 18.65.700 - 18.65.790

11 (1) shall notify the department of a change in the permittee's address
 12 within 30 days;

13 (2) shall immediately report a lost, stolen, or illegible permit to the
 14 department;

15 (3) shall immediately notify the department if the holder is no longer
 16 qualified to hold a permit under AS 18.65.705; and

17 (4) may only carry a concealed handgun of the action type [AND
 18 CALIBER] the holder has demonstrated competency with [OR OF ANY LESSER
 19 CALIBER OF THE SAME ACTION TYPE] as authorized in the permit issued under
 20 AS 18.65.700.

21 * Sec. 14. AS 18.65.790(3) is amended to read:

22 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
 23 and that is covered or enclosed in any manner so that an observer cannot determine that
 24 it is a handgun without removing it from that which covers or encloses it or without
 25 opening, lifting, or removing that which covers or encloses it; however, "concealed
 26 handgun" does not include a shotgun or [,] rifle, [DERRINGER OR OTHER
 27 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [:
 28 IN THIS PARAGRAPH.

29 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
 30 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
 31 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
 32 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH

1 IS PART OF THE FRAME; AND

2 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
3 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS
4 AND LACKS A MANUFACTURER'S INSTALLED TRIGGER GUARD
5 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART
6 OF THE FRAME];

7 * Sec. 15. AS 18.65.705(5), 18.65.705(9), and 18.65.725(c) are repealed.

February 23, 1996

TESTIMONY -TO SENATE JUDICIARY COMMITTEE ON SB-177. A BILL TO AMEND THE CONCEALED HANDGUN CARRY PERMIT PROVISIONS.

I support SB-177 and I have only the following comments:


1) To legislators who are inclined to vote in opposition to this legislation, please recognize that persons who are granted permits to carry concealed handguns are law abiding citizens. Good Alaskans! Lesser citizens don't care how law addressed concealed handgun carry. They will carry in schools and banks regardless of the law. If intent on murder, bank robbery, or kidnapping they will carry as they please, but the licensed carrier, if permitted by the law may save the life of a child, loved one, or other citizen.

2) The Department of Public Safety should be directed to seek reciprocity with other states having having concealed weapon permitting for their citizens.

3) It is a disappointment to me prohibitions on the use of "derringers" for permitted concealed carry. They have the advantage of being easier to carry than larger arms, but retain adequate power more common to larger arms. They can be fired accurately at ranges that other handgun proficiency is tested (7 and 15 yards)

I urge your support of SB-177.

Thank you for accepting this testimony.



Robert H. Parkerson - Ph: (907) 745-4358. Date Feb 21, 1996
BC 02, Box 7630-A1
Palmer, Alaska 99645

Senator Robin Taylor
State Capital Room 30
Juneau, Ak 99801-1182

2/16/96

RECEIVED
FEB 21 1996
Ans'd.....

Dear Senator Taylor,

I like what is being done to correct some of the problems in the original concealed carry legislation as well as adding new sections like AS 18.65.718. We should have reciprocity agreements with other states. However, in implementing a reciprocity clause we need to keep in mind that the Department of Public Safety has not always had the People's best interest at heart. This was demonstrated throughout the passage and implementation of the original concealed handgun laws and regulations. So why put the statement "at a minimum" in front of a section of law that the department will turn into regulation. If you want something implemented a certain way then spell it out, tell the Department how the regulation is to be written and then tell them that is all that is to be written!

My suggestion is to simplify the reciprocity provision. If the other state has similar qualifications for a person to obtain a CCP then why don't we assume that the other state has determined that the person is a law abiding citizen. The Department should not have their workload needlessly increased. Please find my suggestions attached.

Thank you,



Allen J. Gray

126 Glacier Ave.

Fairbanks, Ak 99701

phone 907-452-7879

fax 907-457-7879

PS Please don't hesitate to contact/fax me on any late breaking developments. I will get as many people to send PDMs as I can as long as I know what the current issues and/or problems are

(Text added to CS HB 388, text-deleted)

* Sec. 8. AS 18.65 is amended by adding a new section to read:

Sec. 18.65.718. RECIPROcity AGREEMENTS WITH OTHER STATES FOR HOLDERS OF CONCEALED HANDGUN PERMITS FROM OTHER STATES.

(a) The department ~~may~~ shall make a good faith effort to enter into agreements with other states to provide reciprocity for holders of concealed handgun permits issued by another state to be permitted to carry a concealed handgun in Alaska provided the other state allows holders of concealed handgun permits issued under AS 18.65.700 - 18.65.790 to be permitted to carry concealed handguns in the other state. An agreement under this section, at a minimum, ~~must~~ shall, in total, provide that for a person issued a concealed handgun permit by

(1) another state to be reciprocally permitted in this state to carry a concealed handgun the person must submit

(A) read and understand an information packet on this state's laws and regulations related to carrying a concealed handgun provided by the department at no charge upon request in person or by mail. This information packet will also include a list of municipalities and established villages that prohibit possession of a concealed handgun under AS 18.65.760 - 18.65.785; and

(B) have in the person's possession sufficient information to verify that the person holds a concealed handgun permit in the reciprocal state.

(2) this state to be reciprocally permitted in the other state to carry a concealed handgun the person must

(A) read and understand an information packet on the other state's laws and regulations related to carrying a concealed handgun provided by the other state upon request, either in person or by mail; and

(B) have in the person's possession the person's state of Alaska concealed handgun permit.

~~(1) an application that provides information that is substantially similar to that required under AS 18.65.710~~

~~(2) sufficient information to verify that the person holds a concealed handgun permit in the reciprocal state; and~~

~~(3) a reciprocal application fee that may not exceed the fee set for the application and initial issuance of a permit under AS 18.65.720.~~

(b) A person from receiving a reciprocal state is permitted under this section may to carry a concealed handgun in the same manner and to the same extent as a person issued a permit under AS 18.65.700. ~~Following issuance of the permit, all aspects concerning the regulation of the permit and the permittee are controlled by AS 18.65.700 - 18.65.790.~~

(c) The department shall provide upon request a list of other states that have reciprocity agreements with Alaska. The list will also provide addresses and information for obtaining the other state's laws and regulations relating to concealed handguns.

MEMORANDUM

State of Alaska

Department of Law


TO Ronald L. Otte
Commissioner
Department of Public Safety

DATE July 12, 1995

FILE NO 663-95-0323

TEL NO 465-3428

SUBJECT Enforcement of criminal trespass
statutes in connection with concealed
handguns

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

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

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

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

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

I. Summary

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

II. Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴(...continued)

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

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

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

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

B. Alaska's Criminal Trespass Laws

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

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

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

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

1. Places Not Open to the Public

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NO CONCEALED HANDGUNS
EVEN IF YOU HAVE A PERMIT

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

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

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

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

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

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

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

2. Places Open to the Public

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

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

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

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

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

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

C. The Defense of "Necessity" Is Not Available

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

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

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

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

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

D. "Financial Institutions" under AS 18.65.755

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

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

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

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

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

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

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

III. Conclusion

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

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

Please contact this office if you have further questions.

DJG/MOK/jf

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 22, 1996

SUBJECT: Sectional Summary of CSSB 177(STA) (Work Order No. 9-LS1139\W)

TO: Senator Lyda Green
Attn: Brett Huber

FROM: Gerald P. Luckhaupt *JGL*
Legislative Counsel

You have requested a sectional summary of the above-described bill draft.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.61.210 by adding a new subsection that provides an affirmative defense to a charge under AS 11.61.210(a)(7) of possessing a deadly weapon "within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school" if the person possessing the deadly weapon is a concealed handgun permittee, the weapon possessed is a concealed handgun, the possession does not occur on a school bus, and the possession is incident to the escorting, picking up, or dropping off of a person or thing at the school.

Section 2 of the bill amends AS 11.61.220(d) by providing an affirmative defense to a charge under AS 11.61.220(a)(2) of possessing "a loaded firearm on the person at any place where intoxicating liquor is sold for consumption on the premises" if the person possessing the loaded firearm is a concealed handgun permittee and the loaded firearm is a concealed handgun.

Section 3 of the bill amends AS 18.65.700(a)(3) to require the Department of Public Safety (department) to provide a copy of the state laws and regulations related to firearms with each application for a concealed handgun permit.

Section 4 of the bill amends AS 18.65.700(b) to require the department to accept or reject a concealed handgun application within 30 days.

Senator Lyda Green

February 22, 1996

Page 2

Section 5 of the bill amends AS 18.65.700(d) by removing a requirement that a concealed handgun permit must specify the calibers of handguns the person has demonstrated competence with and can carry.

Section 6 of the bill amends the list of misdemeanors that disqualify a person from receiving a concealed handgun permit.

Section 7 of the bill amends AS 18.65.710(a)(3) relating to a concealed handgun applicant's receipt of a copy, knowledge, and understanding of the state laws and regulations related to firearms.

Section 8 of the bill amends AS 18.65.715(a) by removing a requirement that a certificate of completion of a handgun course specify the calibers of handguns the applicant has demonstrated competency with and also by removing a requirement that a handgun course must test an applicant's competence with each caliber the applicant wants to carry.

Section 9 of the bill adds a new section, AS 18.65.718, that permits the department to enter into agreements to provide reciprocity holders of concealed handgun permits in other states.

Section 10 of the bill AS 18.65.720 by reducing the fees for a permit.

Section 11 of the bill amends AS 18.65.740(a) by limiting the reasons for revoking a concealed handgun permit.

Section 12 of the bill amends AS 18.65.755(a) by limiting the places that concealed handgun permittees may carry their weapons.

Section 13 of the bill amends AS 18.65.765(a) by removing the requirement that permittees may only carry concealed handguns of the calibers they have demonstrated competency with.

Section 14 of the bill amends AS 18.65.790(3) by allowing derringers and miniature handguns to be carried by a concealed handgun permittee.

Section 15 of the bill provides repealers.

GPL:glc

96-110.glc

1995 PTA Membership Card 1996

Date issued: 9-95 Expires: September 30, 1996

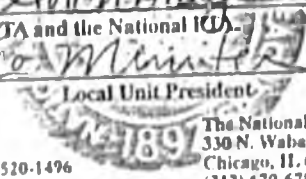
(Member name) Tessa Lanum

is a member of (local unit name) Hullman PTA

located in (city) Anchorage

and the Alaska PTA and the National PTA.

Liese Minster
Local Unit President



Alaska PTA
P.O. Box 201496
Anchorage, AK 99520-1496
907-279-9445

The National PTA
330 N. Wabash Ave., Suite 2100
Chicago, IL 60611-3690
(312) 670-6782



Alaska PTA

TESS LANUM

Vice-President Legislation

(907) 522-4456

Fax (907) 522-4521

1-800-478-8377

email • tessinak@aol.com

6625 Fairweather Drive, Anchorage, AK 99518-2227

Alaska PTA Position Statement CS SB177 (STA)

- Testimony to be given to the Senate Judiciary Committee at 4:00
February 23, 1996

My name is Tess Lanum and I am the Vice President of Legislation for the Alaska PTA

The PTA has given a great deal of careful thought and consideration to SB177 and the impact that it would have on the safety and well being of the children and youth attending school in Alaska

The objects of the PTA include promoting the welfare of all children and securing adequate laws for the care and protection of all children and youth

The PTA believes that allowing deadly weapons on school grounds would be a step backwards in our endeavors to protect our children from harm

Guns are not allowed on school property now for the very reason that they are deadly weapons and should be nowhere near children

The children of Alaska should be able to attend school knowing that the lawmakers of this state would not allow anything deadly onto their school's property

Parents in Alaska should be able to send their children to school knowing that the lawmakers of this state would not allow anything deadly near their children

The state of Alaska currently leads the nation in per capita firearm injury and death

According to vital statistics death in Alaska due to firearms has continued to rise

In 1990 there were 117 deaths in Alaska caused by firearms

In 1991 there were 111 deaths

In 1992 there were 130 deaths

In 1993 there were 145 deaths

In 1994 there were 154 deaths

The PTA believes that the injury or death of any student by a hand gun can be prevented if as lawmakers you do not allow guns onto school property under any circumstances for any length of time. It would take only seconds for an injury or death to occur from a deadly weapon such as a hand gun

No matter how careful a person may be, it is a fact that accidents will happen



Alaska State Legislature

Session:
State Capitol
Juneau AK 99801-1182

Senate State Affairs

Interim:
716 W 4th Avenue
Anchorage AK 99501-2133

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

FROM: Senator Bert Sharp, Chairman *BRS/aa*
Senate State Affairs Committee

DATE: February 15, 1996

RE: CSSB 177 (STA) - "An Act relating to permits to carry
concealed handguns."

The Senate State Affairs Committee has amended SB 177 and passed out CSSB 177 (STA) with a request to the Senate Finance Committee to review the following fiscal matter:

Section 10, (AS 18.65.720) was amended to decrease the cap on processing, permitting, renewal or replacement fees. It is the consensus of some committee members that the fees may, in fact, be set too low in the CSSB 177 (STA) version. It is not the intent of the Committee to provide for a subsidized permitting program; rather that the program pays for itself. Therefore, it is requested by the Senate State Affairs Committee that when this legislation comes before the Senate Finance Committee, that the Committee more closely examine the fee structure and determine a feasible cap on the fee structure.

Chuck-

2/23/76

(1) Sen. Ellis requested that the com. be given a copy of what happens when a kid brings a weapon to school. There was testimony that there are steps taken in the public schools to either suspend or expel a student. I can get info. from the ASD for you, but it is probably different in every district.

(2) (Taylor)
 Amend #1 (9-LS1139) v. 1.2 passed - no objection
 Amend #2 (Green) (9-LS1139) v. 1.3 objections passed
 Ellis N
 Green Y
 Miller Y
 Taylor Y

For SB77, there is add'l back-up: 1. a legal opinion
2. testimony
3. editorial
4. copy of amendments.

SB77 moved out of JUD w/ amendments!

Let me know if you need anything else. Hopefully everything is here. Good luck!!

Mary

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510

(907) 586-1083 • Fax (907) 586-2995

Position Paper on SB 177 - "Concealed Handguns on School Grounds"

The Association of Alaska School Boards has established child advocacy as one of our top priorities. Our mission to promote parental, public, and social service commitment to the shared responsibility of educating all children enables us to address issues that deal with the health and safety of Alaska's children. AASB's continues its focus on preventing problems from occurring, rather than treating the consequences.

Because of our commitment to promoting the health and safety of Alaska's public school children, it is our belief that guns and schools do not mix. While we understand the arguments of the proponents and their constitutional rights, we believe that by declaring schools and school grounds "gun free zones" that we are sending a strong message to kids, families, and communities. The message is simple, "Guns do not belong on school property."

Many schools across the nation have adopted a "Zero Tolerance" policy toward guns in school. These policies simply state that there is no good reason to have a gun in school or on school grounds. Educational professionals, community leaders, and law enforcement officials try to ensure that schools are an environment which is safe for kids. By having sanctioned, concealed fire arms on campus, the integrity of that safe community is jeopardized.

We are certain that the members of the committee understand that only a minute chance exists that a sanctioned, concealed fire arm could result in the injury of one of Alaska's children. However, because that minute chance does indeed exist, AASB strongly recommends that the bill be amended to not allow concealed firearms on any public school ground in the state of Alaska.

Present: Sen. Taylor, chair
Sen. Eitzen
Sen. Miller

Sen. Adams
Sen. Ellis
also present: Sen. Lenau

2/23/96 (S) JLD hrg.
Anchorage LIC

- 000 Call to order Sen. Taylor
SB194
- 015 Sherman Eriouf, Sen Kelly's Aide
go through SB194 changes
- 054 Sen. Adams question
Can law enforcement enforce legislation?
dress code? re: gang members
- 070 Sherman Eriouf
- 085 Sen. Adams
- 088 Sherman Eriouf
- 095 Sen. Taylor
- 104 Annie Carpeneti DOL criminal division
- 114 Mike Erimes AFD - in support of SB194
- 251 Sen. Eitzen
- 254 Mike Gilms
- 259 move to adopt CS SB194 version U. by Sen. Ellis
no objection - adopted.
- 275 Dennis Casanovas - AST Support SB194
- 300 PBK - Janie Sebr
- 315 Annie Carpeneti
- 406 Jack Chenoweth, Legislative Legal Services
- 414 Lynn Stribler Director ACLU
- forfeiture pg. 6 line 6-9
Identifying clothing etc. 1st amendment expression
- 511 Sen. Adams what is HB387?
- 613 Lynn Stribler
- 637 side 2 Tape 1

- 640 Sen. Taylor
- 674 Lynn Stribler - assigned to look @ different lang. re: clothing.
- 685 Annic Carpeneti - Forfeiture (pg. 6 line 12-10),
alternative
- 695 Sen. Taylor hold bill until next week.
- 702 Sen. Adams - would like add'l back-up from ACLU
- 707 Brett Huber Aide to Sen. Green re: SB177
- 760 Sen. Adam ?'s
- 772 Brett Huber
- 783 Sen. Leman - cost
- 791 Brett Huber - no response - but have received PR.
- 857 Tess Lanum VP AK PTA
- 099 Jane Wincinger - NRA
- 260 New Tape
- 277 Larry Wiget ASD
- 335 Moe McGee Anchorage Libraries
- 345 Curtis Green Wasilla
- 351 Kate Tesar - telecont. Juneau
- 386 Ray Carr - telecont - Kenai 4401 N. Dogwood Kenai, Ak
- 533 Claudia Douglas
- 614 Belinda Daniels

- 815 Roll call vote Amend #2
- 913 move by Sen. Green
direction Adam W Miller
Ellis N Green Y
Tay
- 711 Inset adjourned



MEMO

TO: Senator Bert Sharp **DATE:** January 22, 1996
Anne Ringstad - Fax #465-2070

Representative Jeanette James
Walt Wilcox - Fax #465-2381

FROM: Joan Fisher, Administrator
Mary Conrad Center

SUBJECT: HB 338/SB 177

Please submit the attached letter and proposed amendment to the combined House and Senate State Affairs Committees for their review at the hearings on January 23, 1996. If either committee has further questions or comments, please feel free to contact me at 907-333-8100.

Thank you.



October 4, 1995

Representative Jeanette James
Legislative Information Office
716 West Fourth Street
Anchorage, Alaska 99501

RE: HB 338/SB 177

Dear Representative James:

I am writing on behalf of the Providence Health System in Alaska which includes Providence Alaska Medical Center, Providence Extended Care Center, Providence Horizon House and the Mary Conrad Center (managed facility). The recent Alaska Statute and regulations that authorize licensed citizens to carry concealed handguns does not clearly allow the health care facilities authority to prohibit concealed handguns on our premises.

The facilities listed above care for persons who are medically fragile, elderly and disabled. Our facilities are open to the public 24 hours a day receiving many visitors, employees, medical staff, vendors and patients. We feel that we have sufficient justification for prohibiting the carrying of concealed handguns at the health care facilities.

We are seeking your support to approach the legislature to add an amendment to HB 338/SB 177 specifically authorizing health care facilities to prohibit the carrying of concealed handguns on its premises. Please see the attached suggested amendment. Let me know if I can be of further assistance or answer any questions. Thank you for your consideration of this amendment to the bill.

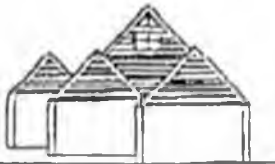
Sincerely,

Joan L. Fisher
Operations Administrator

cc: Douglas Bruce, Chief Executive
Providence Health System in Alaska

A New Concept
In Senior Well Being

710 Centennial Drive
Anchorage, Alaska 99501
(907) 335-2100



MARY CONRAD
CENTER

SUGGESTED AMENDMENT TO HB 338/SB 177

Section 9, page 5, line 27: Amend 18.65.755 (a) by adding a new subsection (14), to read as follows:

(14) a health care facility: in this paragraph, "health care facility" means hospital, nursing home, public health center, outpatient clinic, facility for the developmentally disabled, rehabilitation facility, drug abuse and alcoholism treatment facility, mental health center, or health-care unit within a sheltered care home or within a home for senior citizens.

COMMENT: The effect of this amendment would be to add "health care facilities" to the list of places where a permittee may not carry a concealed handgun. The definition of "health care facility" is based on AS 18.26.900 (6), which pertains to the Alaska Medical Facility Authority.

A New Center
in Senior Well-Being

9100 Central Drive
Anchorage, Alaska 99504
907-555-2100

Please enter into the record my testimony to the Joint State Affairs committee on SB177, dated 1/23/96

My name is Raymond L. Carr, I live at 4401 N Dogwood, Kenai, AK., my phone number is (907)283-7001

I am a certified range officer for the United State Practical Shooting Association/International Practical Shooting Confederation, a graduate of the American Small Arms Academy, have been shooting regularly in action pistol, rifle, and shotgun competitions for the past ten years and I have been an NFA Certified Instructor since 1985

I support SB177 except for parts of section 7 pertaining to firearms training. I do not believe a training course should be accepted that is not specifically designed to instruct a student in the safe handling and use of a concealed handgun for self defense

The hunter safety course, some firearms education courses, military service, and some shooting competitions do not give individuals the vital information needed to safely carry a concealed handgun for self defense. A few very important topics not covered by these courses are:

1. Self defense principles.
2. Proper ammo selection for self defense.
3. Conceal handgun carry techniques
4. How to clear malfunctions.
5. Use of cover.
6. Defensive firearms selection for individuals, and
7. Mental conditioning

As far as military training is concerned, most service men train only with a rifle and shoot only a few times a year with a range officer standing over them. They carry their rifles much of the time, but aren't given ammo except on the firing line at the range or just before they go into combat. This training has nothing to do with carrying a loaded-concealed handgun in public

There are specific safe gun handling rules for carrying concealed, if these are not learned, the carrier is more likely to have an accidental discharge. If you carry daily you will handle a loaded handgun a minimum of two times a day, that's 730 times a year, you won't handle a loaded hunting rifle or combat rifle in the military that many times in a lifetime

My hope is for Alaska's conceal carry law to be successful in saving lives and protecting law-abiding citizens. All it would take to tarnish the program is an accident by someone not receiving the proper training. Please keep the training for the conceal carry program relevant.

January 24, 1996

Senator Bert Sharp
119 N. Cushman St., #201
Fairbanks, AK 99701

Mark & Mimi Nix
P.O. Box 56753
3476 Durham Circle
North Pole, AK 99705

Dear Senator Sharp:

We would appreciate your prompt attention to assure the passage of Senate Bill 177. This bill contains important revisions in our state's concealed carry law that we deem very appropriate. We appreciate your attention to the matter.

Mark Nix
Alaskan Voter



Alaska State Legislature

Please enter into the record my testimony to the House and Senate Joint State
committee name Affairs on

committee on S.B. 177 + H.B. 338 . dated January 23, 1996
bill/subject:

I am testifying concerning SB 177 and HB 338 and their provisions for changes in the present Alaska law providing for permits to carry concealed handguns. The present concealed carry permit process is both complex and expensive for law-abiding Alaskans seeking a permit. The cost of ^{authorized} fingerprints, photos, and the application fee can easily exceed \$200⁰⁰. Additional costs for require classes can bring total costs to over \$300⁰⁰. Many qualified, law-abiding Alaskans simply cannot afford such costs, especially if both husband and wife want the concealed carry permit for their protection. Lowering permit costs, simplifying the background check process, and expanding the kinds of training classes accepted will make the permit more available/affordable to Alaskans.

Permit holders should pass a background check to screen out persons with history of criminal activity, mental disorder that indicate person to be unsafe or physical inability to safely fire a handgun. Any reciprocity ^{cover}

Signed: Harry L. Hopkins Harry L. Hopkins
Testifier Mae Alice Hopkins Mae Alice Hopkins
Self

Representing (Optional)

P.O. Box 2191, Soldotna, AK 99669

Address

907-262-4505

Phone No.

with other states allowing ^{reciprocity} permit for holder of permit in other states should require that the requirements of that state be in line with Alaska's requirements, especially in the background check, educational training, and competency in handling a handgun.

The restrictions on where a permit holder may carry a concealed handgun should be eliminated, except as disallowed by federal law. The present restrictions place an unfair boundary on a qualified permittee.

Perhaps HB 338, Sec. 7(a)(2) could add to "the presentation of evidence of experience with a handgun..." the words "or law enforcement service" following the words "or military" service.



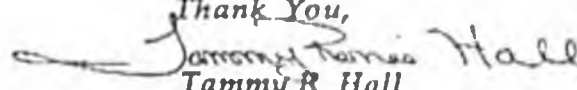
Legislative Affairs Agency
Division of Administrative Services
Delta Junction Legislative Information Office
P.O. Box 1189
Delta Jct., AK 99737
Phone: (907) 895-4236 Fax: (907) 895-5017

Official Business

To: Senate State Affairs
Fax: 465-2070 Phone: _____

Testimony from Senate State Affairs
Committee hearing on 1123196

Date Sent: 11/24/96 No. of Pages Including Cover Sheet: 3

Thank You,

Tammy R. Hall
Information Assistant



STATE of ALASKA

Delta Junction Legislative Information Office

P.O. Box 1189
Room 210, Jarvis Office Center
Delta Junction, AK 99737
(907) 895-4236

Fax: (907) 895-5017

January 24, 1996

TO: Senate State Affairs Committee

Please accept the enclosed original(s) of written testimony for the House State Affairs Committee hearing that was scheduled on 1/23/96.

Copies of this testimony were transmitted by fax on 1/24/96.

Thank you,

A handwritten signature in cursive script that reads "Tammy Renee Hall".

Tammy Renee Hall
Information Assistant

Enclosures: 2



Alaska State Legislature

Please enter into the record my testimony to the Joint State of Affairs
 committee name
 committee on SB 177
HR 778 dated 1-23-96
 bill/subject

I agree these Bills need to be amended.
 Not just with a word or phrase changed
 added or taken away. These Bills and any
 like them are totally against the Federal and
 State Constitution and are Totally illegal.
 These bills need to be changed to read
 we the people shall have the right to keep
 and bear arms without any infringement.

PERIOD

Anything other is and infringement and is
 illegal.

PS Hitler also started gun confiscation with
 permits under his regime.

Why are we following his example?

Reservation of Rights without prejudice
 under UCC 1-207

Signed:

[Signature]
 Testifier

Concerned Citizen

Representing (Optional)

Fourth Judicial District

110 PO Box 1089

Delta Junction, Alaska Republic

Address

895 4805

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on SB 177 / HB 338 , dated 1-23-96
bill/subject

I believe that less government interventions would be better for all. These Bills and most that are like them only enhance the ability to take away rights belonging to the People according to the Federal and State Constitution. This is just another ploy to control people much like Hitler did. It's another way to ~~do~~ do away with the Constitution and give funding to the State by the Federal government for harassment and threatening the People. Government is the Peoples Servant not the Master.

Reservation of rights without prejudice under UCC 1-207

Signed: Jeanie Marie Pappas
Testifier

Concerned Citizen For Sovereignty
Representing (Optional) FOURTH JUDICIAL DISTRICT
1/2 P.O. Box 544 Delta Junction Alaska Republic
Address
907-895-4865
Phone No.

~~NO SIGNATURE REQUIRED~~



Alaska State Legislature

Please enter into the record my testimony to the Joint House Senate St Aff
committee name

committee on HB 338 SB 177, dated 1/23/00
bill/subject

I wish to express my support for SB 177 amending the Conceal Carry Laws. This process was never meant to be a money maker for the state, nor to require unreasonable restraint on permit applicants.

Mike Langan
PO Box 26
Chenailien AK, 99506
PH # 907-872-3780

TESTIMONY TO JOINT HOUSE / SENATE AFFAIRS

I PERSONALLY FEEL WE WERE GIVEN
THE RIGHT TO BEAR ARMS BY OUR
CONSTITUTION — NOT IF WE COULD
AFFORD THE FEE TO TAKE THE
CLASS & IF WE COULD AFFORD
THE CHARGE FOR THE PERMIT.

WE HAVE THE RIGHT TO CARRY
ARMS.

IT IS THE HONEST CITIZENS
WHICH ARE BEING PUNISHED BY THESE
LAWS. THE CRIMINALS ARE STILL
ABLE TO OBTAIN & CARRY FIREARMS.
THEY HAVE THE AUTOMATIC WEAPONS THAT
THE LAW ABIDING CITIZENS CAN'T
HAVE. WHERE IS THE FAIRNESS
IN THAT?

A CONCERNED ALASKAN



DIANE BENNETT, BOX 2542, SOLDOTNA

DEAR SENATOR:

JUST A QUICK NOTE TO THANK YOU FOR EVERYTHING YOU HAVE DONE FOR US IN THE INTERIOR OF ALASKA. AS I DID LAST YEAR I FIND A IMPORTANT ISSUE WORKING ITS WAY ON TO TO FLOOR TO BE VOTED UPON. I FIND I MUST ASK YOU TO SUPPORT SB177. CHANGES TO THE CONCEALED HANGUN PERMITS. WE NEED THIS BILL TO MAKE IT TO THE FLOOR AND TO BE APPROVED.

THANK YOU
CASEY WHEELER

Post-It™ brand fax transmittal memo 7671		# of pages = 3
To <i>St. State Affairs</i>	From <i>Met. Sec 110</i>	
Co.	Co.	
Dept.	Phone =	<i>376-3704</i>
Fax = <i>465-2076</i>	Fax = 376-6180	

TESTIMONY 1/23/96- JOINT SENATE/HOUSE- STATE AFFAIRS COMMITTEES ON SB-177, A BILL TO AMEND THE CONCEALED HANDGUN CARRY PERMIT PROVISIONS.

I testified in October 1995 before a joint meeting of these same committees concerning this same subject. My attitudes and concerns have not changed and I support SB-177 as drafted in the "Work Draft" dated 1/17/96, 1057 A.

I have only the following comments:

1) To legislators who are inclined to vote in opposition to this legislation, please recognize that persons who are granted permits to carry concealed handguns are law abiding citizens.

2) Commissioner Ron Ouc has been very cooperative in administering provisions in the existing statute for permitting concealed carry of handguns. However, officials of the previous administration appeared to have less understanding of, or willingness to comply with legislative intent. Therefore, I suggest that stronger language than "authorize" be used to direct the Department of Public Safety to seek reciprocity with other states with "carry permit" regulations.

3) It is a disappointment to see prohibitions on the use of "derringers" for this purpose. They have the advantage of being easier to carry than larger arms, but retain adequate power more common to larger arms.

Thank you for accepting this testimony.

Robert H. Parkerson - Ph: (907) 745-4358. Date: *Jan 23, 1996*
HC 02, Box 7630-A1
Palmer, Alaska 99645

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Re 698

Central Microfilm Services
Department of Education
State of Alaska

Post-It™ brand fax transmittal memo 7071		# of pages • 3
To: <i>H. Stat. Lefkowitz</i>	From: <i>Met. Sen 110</i>	
Co: <i>N.J.</i>	Co:	
Dept:	Phone: <i>316-3704</i>	
Fax: <i>465-2076</i>	Fax: <i>316-6180</i>	

**TESTIMONY 1/23/96- JOINT SENATE/HOUSE- STATE AFFAIRS COMMITTEES
ON SB-177, A BILL TO AMEND THE CONCEALED HANDGUN CARRY PERMIT
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this purpose. They have the advantage of being easier to carry than larger arms, but
retain adequate power more common to larger arms.

Thank you for accepting this testimony.



Robert H. Parkerson - Ph: (907) 745-4358 Date: *Jan 23, 1996*
HC 02, Box 7630-A1
Palmer, Alaska 99645



Alaska State Legislature

Please enter into the record my testimony to the HIS STA
 committee name
 committee on HB 338 / SB 177, dated 1-23-90
 bill/subject

THE AOC SUPPORTS HB 338 / SB 177
 AND AGREES WITH THE TESTIMONY
 PROVIDED BY JANIE WINGGARD DURING
 TODAY'S TELECONFERENCE.

Signed: EDDIE GRASSER

Testifier

ALASKA OUTDOOR COUNCIL

Representing (Optional)

Box 2192 Palmer AK 99645

Address

745-3772

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the HS STA.
committee name

committee on HS 338 / SB 127, dated 1-23-90
bill/subject

I CONCUR WITH TESTIMONY TO REDUCE COST OF
PERMITS.

REDUCE REGULATIONS IN THE BILL.

YOU SHOULD NOT BE MADE TO FAIL YOU WANT
SOMETHING YOU DO NOT OBSERVE BY ALL THE
CHECKS YOU HAVE TO DO.

Signed: Kim R. Rasmussen
Testifier

S.E.F.
Representing (Optional)

Box 871842 Wasilla AK 99687
Address

907 376 2140
Phone No.

ALA "A STATE

HOSPITAL & NURSING HOME

ASSOCIATION

February 20, 1996

Senator Robin Taylor, Chair
Judiciary Committee
Alaska State Senate
Capitol Building
Juneau AK 99801

Re: Amendment - SB 177
Permit to Carry Handgun

Dear Senator Taylor & Members of the Judiciary Committee

Community hospital and nursing home administrators in Alaska are opposed to individuals carrying concealed handguns into health care facilities. ASHNHA, representing community hospitals nursing homes asks the support of the Senate Judiciary Committee with the following amendments to CSSB 177 (2/19/96):

Page 6, line 28 retain in current statute subsection (8)

(8) A facility providing services to victims of domestic violence or sexual assault

Purpose of amendment: Retain language in current statute prohibiting the carrying of a concealed handgun in a facility providing care to victims of domestic violence and/or sexual assault.

Page 7, line 14, add new section:

(6) a health care facility; in this paragraph, "health care facility" means hospital, nursing home, public health center, outpatient clinic, facility for the developmentally disabled, rehabilitation facility, drug abuse and alcoholism treatment facility, mental health center, assisted living facility or health care unit within a sheltered care home or home for senior citizens.

Purpose of Amendment:

To prohibit the carrying of concealed handguns into Alaska health facilities.

Our interpretation of Alaska statute (AS 18.65.700) and regulations (13 AAC, Chapter 30) is that they do not specifically authorize health care facilities to prohibit the carrying of concealed weapons on to their premises.

Health facilities may have the traditional common law right as an owner of the premises to prohibit concealed handguns.

Under the current statute, a person who has a concealed handgun permit may not possess a concealed handgun in:

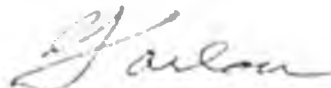
(8) a facility providing services to victims of domestic violence or sexual assault:

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

The Alaska Department of Public Safety's regulations define a facility providing services to victims of domestic violence or sexual assault, but these regulations do not include a hospital and/or nursing home in that definition. The term residence is not defined in statute and/or by regulation. A nursing home is the residence for many Alaskans.

We ask the Senate Judiciary Committee to amend SB 177 so that concealed handguns cannot be carried into Alaska's health facilities.

Sincerely,



Harlan R. Knudson
President/CEO

cc: Senator Lyda Green



Alaska State Legislature

Session:
State Capitol
Juneau AK 99801-1182

Senate State Affairs

Interim:
716 W 4th Avenue
Anchorage AK 99501-2133

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

FROM: Senator Bert Sharp, Chairman *BMS/oa*
Senate State Affairs Committee

DATE: February 15, 1996

RE: CSSB 177 (STA) - "An Act relating to permits to carry
concealed handguns."

The Senate State Affairs Committee has amended SB 177 and passed out CSSB 177 (STA) with a request to the Senate Finance Committee to review the following fiscal matter:

Section 10, (AS 18.65.720) was amended to decrease the cap on processing, permitting, renewal or replacement fees. It is the consensus of some committee members that the fees may, in fact, be set too low in the CSSB 177 (STA) version. It is not the intent of the Committee to provide for a subsidized permitting program; rather that the program pays for itself. Therefore, it is requested by the Senate State Affairs Committee that when this legislation comes before the Senate Finance Committee, that the Committee more closely examine the fee structure and determine a feasible cap on the fee structure.



Alaska State Legislature

Session:
State Capitol
Juneau AK 99801-1182

Senate State Affairs

Interim:
716 W 4th Avenue
Anchorage AK 99501-2133

TO: Senator Robin Taylor, Chairman
Senate Judiciary Committee

FROM: Senator Bert Sharp, Chairman *Bert Sharp*
Senate State Affairs Committee

DATE: February 15, 1996

RE: CSSB 177 (STA) - "An Act relating to permits to carry
concealed weapons."

The Senate State Affairs Committee has considered SB 177 and recommends that it be replaced with CSSB 177 (STA). It is requested by the Committee that the Senate Judiciary Committee review this legislation in relation to the Alaska Marine Highway system policy regarding weapons on board.

Would CSSB 177 (STA) preempt the Alaska Marine Highway system from enforcing their current policy? Currently, the Alaska Marine Highway policy requires that all guns are locked up in the passenger's vehicle or taken directly to the Purser's office for safekeeping prior to any voyage. The Senate Judiciary Committee should examine the effect of CSSB 177 (STA) on the current Alaska Marine Highway policy.

SB 177

"An Act relating to permits to carry concealed handguns."

I support Senate Bill 177

NAME	ADDRESS	PHONE
Jeffrey W LAMB	3105 ARCTIC #2213 ANCHORAGE	258-1519
CHRIS NEWMAN	41901 Pine To Box 872752 WASHILLA ⁹⁹⁶⁸⁷ AK	
CLAY LANGRISH	3605 Arctic Blvd Anchorage 99503	
Harriet L. Burson	2814 Brittonville Anchorage 99504	333-0900
Dennis S. Bell	P.O. Box 878783 Wasilla	373-7339
Dennis S. Bell	PO 878783 WASHILLA 99687	3737339 336-9350
Sam Rayson	1061 Gail Drive Wasilla 99654	
Paul Barry	3850 Caribou Dr.	376-4569
James J. Clark	4100 BULL MOOSE DR WASHILLA	99654-1741 373-6670
Lydia Clark	Bull Moose Dr. Wasilla	99654-1741 373-6670

THANK YOU FOR YOUR SUPPORT

... Senator ...

INDA GREEN



SB 177

"An Act relating to permits to carry concealed handguns."

I support Senate Bill 177

NAME	ADDRESS	PHONE
MICHAEL W. MOORE	P.O. Box 873427 WASILLA, AK 99697	1-907-376-6165
RICHARD PERRY	P.O. Box 19031, ANCHORAGE, ALASKA	907-344-7693
Duane L Goodrich	Box 821 Palmer 99645	745 3968
Steve R Goodrich	PO Box 821 Palmer AK 99645	745-3968
Dean Hendrickson	PO Box 1271 Palmer AK 99645	745-0838
RAE ANN HENDRICKSON	" "	" "
WALTER F FERGUS	840 Rockside Wasilla AK 99654	376-6907
Rita Sanning	Box 19 SUTTON 99674	746-0187
Keith Pappas	Box 876415 Wasilla 99687	376-5523
JAMES GARHART	Box 872533 WASILLA	746-2828
ASHER EDWARD	7406 5th St Ft Richardson	420-4007
Tom Whitstone Jr	Box 871985 Wasilla	373-2578
Sherry Whitstone	" "	" "
DAVID AUSMAN	1503 W 33RD ANCH.	501 8904

THANK YOU FOR
YOUR SUPPORT

... Senator ...

IVDA GREEN



SB 177

"An Act relating to permits to carry concealed handguns."

I support Senate Bill 177

NAME	ADDRESS	PHONE
JEFF HASKIN	WASILLA, AK. 99654 500 E. Crestwood Ave	376-2073
PAM HASKIN	WASILLA AK 99654 500 E CRESTWOOD	376-2073
WILLIAM GAINES	99687 P.O. Box 877414, WASILLA,	373-1634
Mary Periak	99645 P.O. Box 1365 Palmer	745-3000
Joe Boehly	99654 HC30 5503 WasAK	373-7951
Bill Brien	9967 Palmer AK	373-1000
Bill Brown	6830 Elmerick Ct - Anch	537-5527
DAVE PETERSON	Box 1010, Willow, AK	495 6556
JR Bobart	Palmer AK 99645 Pa Box 3915	892 8632
Robert G. Ylvisaker	Palmer Box 2666	746-0626
John A. Hoare	Palmer AK Box 2132	745-1736
Billy C. Lemon, Jr	Talkeetna HC89 Box 8107	355-1441
FLO M. Lemon	99687 P.O. Box 870441 WASILLA AK	373-1441
PAT MARLEY	2901 WHISPERING WOODS DR.	376-5602

... Senator ...

THANK YOU FOR
YOUR SUPPORT

MYDA GREEN



SB 177

"An Act relating to permits to carry concealed handguns."

I support Senate Bill 177

NAME	ADDRESS	PHONE
KEP. LEHMITT	HC04 Box 9576 Palmer, AK 99645	745-1376
ROB SHIPLEY	9600 ALBATROSS DR. ANCH. 99515	257-3915
JR Mc CUBBINS	PO Box 1656 Homer ALASKA 99603 23544	
Kim Medlock	PO Box 2125 Palmer	746-3519
PATRICK CRAMER	9411 AGATTU CIR. EAGLE RIVER 99577	694-7898
TUCKERMAN BABCOCK	HC01 Box 6219 C Palmer 99645	746-7632
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JAMES W. HILL	3860 AMBER BAY LOOP, ANCH-99515	
Ron Watson	PO Box 871706 Wasilla AK 99687	373-6700
Jeffery	PO Box 62 Willow AK 99688	745-1025
CARY MUMFORD	HC01 Box 6050 BB PALMER 99645	745-8224
W. Allison W. Paulson	P.O. Box 190024 ANCH AK 99519	346-2897

THANK YOU FOR YOUR SUPPORT

... Senator ...

INDA GREEN



Please sign-in

1995 Alaska State Fair - Visitors

NAME

ADDRESS

PHONE

I SUPPORT SB 177

"AN ACT RELATING TO PERMITS TO
CARRY CONCEALED HANDGUNS."

Stephen Stoll 1001 TORROR WASHILA

Linnette Booth " "

Bill SPENCER PO Box 520553 Big Lake AK 99652 892-674

Russel Tucker P.O. Box 873425 Wasilla AK 99627

ROY C McLAUGHLIN 7001 MYLORCA SPUR ANCHORAGE AK 99504

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PATIA BEDROCK 12209 Chertigny St. 99502 # 243-3439

LORETTA WOLSKI 33654 ORION 243-27

THANK YOU FOR VISITING!

... Senator ...

LYDA GREEN



M.M. MOORE
2200 E 56th
Anchorage, Alaska 99507
(907) 563-7576

To: Senator Lydia Green

Re: SB 177 "An Act Relating to Permits to Carry Concealed Handguns"

Dear Senator Green:

It appears that Senate Bill 177 fails to make provision for former Alaska Peace Officers. These people who have carried a gun in the line of duty have had the training and are certainly qualified to obtain a permit without the necessity of participating in a training course.

May I suggest that Senate Bill 177, Number 6, page 2, be amended as follows:

6. Presentation of evidence of experience with a handgun, equivalent to any of the courses or classes above through participation in organized shooting competition or military service, or having served as a Alaska Peace Officer.

Sincerely,

M.M. "Moose" Moore