

**ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672**

**8897 SENATE JUDICIARY**

10-5-95

Honorable Members :

The major failing of the recently enacted Concealed Carry law is the outrageous cost to obtain a permit.

Out of six friends who had planned to apply for a permit only one has done so due to the high cost.

Thank you,

Daniel E. Stone

Po Box 111414

ANCHORAGE, AK 99511



ROBERT WISEMAN  
 P.O. BOX 1135  
 SOLDOTNA, AK 99669  
 (907) 283-6110

SEP 7 1995



September 6, 1995

Senator Green & Representative James

I have given considerable thought to your pending legislation. I feel that the intentions of your legislation is in the best interest of all Alaskans.

However, I believe there is a much larger picture that must be looked at.

I believe that the current program has a very distinct advantage. That advantage is the ability to have reciprocity with 30 other states. At this time there are at least 30 states who have or have pending legislation for concealed carry laws. I feel that all Alaskans as well as all Americans would be very well served to have reciprocal concealed carry laws. I believe that to effect this wide spread reciprocity it is necessary to have the utmost integrity in our concealed carry law. I feel that we must maintain as part of our program the FBI fingerprint check, the 4 hour legal requirement, and the NRA certified instructors.

With the high number of Alaskans that travel to other states that have, or are trying to get, concealed carry laws and Alaska visitors from those states, reciprocity should be a very high priority. At this time there are some states who have legislation that makes reciprocity automatic for those states who recognize their permits. I believe that it would be very simple to give reciprocity to any state that as part of their program required the FBI fingerprint check and the 4 hour legal. This reciprocity could be for a maximum of 90 days for visitors. For anyone becoming a resident who has a permit from one of these states that our current renewal procedure could apply.

I believe that the current bill mandates the Dept. of Public Safety to justify the fee currently being charged for the permit. I have seen several changes recently that would indicate to me that they are trying to streamline their operation and thereby be able to lower the cost of the permit and cut down any delays. I feel that some communication between the legislature and the Dept of Public Safety may accomplish more than legislation in this area.

In conclusion I would ask that you give a lot of thought to what it might take to have reciprocity with as many states as possible, and how we might effect this. I would hope that you might agree that this direction might serve Alaskans better than taking a large part of the integrity out of the current program.

Thank You  
  
 Robert Wiseman

Post-it™ brand fax transmittal memo 7671		# of pages = 5
To: <i>State Affairs Unit</i>	From: <i>Thom Nelson</i>	
FA	Ca	
Dept.	Phone: <i>376-3704</i>	
Fax: <i>258-8173</i>	Fax: <i>376-6180</i>	

TESTIMONY OF THOM NELSON, J. 1975 ALASKA HOUSE/ SENATE STATE AFFAIRS  
COMMITTEES ON BILLS TO AMEND THE CONCEALED HANDGUN PROVISIONS-  
HB-338/SB177.

I HAVE BEEN A SHOOTER FOR MORE THAN 30 YRS. AND HAVE CONSISTENTLY SUPPORTED RESPONSIBLE FIREARMS OWNERSHIP AND USE. I SUPPORTED PASSAGE OF HB-351 IN 1994. I ALSO SUPPORT CHANGES TO THE EXISTING LAW BASED PRIMARILY UPON ON THE BELIEF THAT PERMITTING IS EXCESSIVELY COSTLY AND TIME CONSUMING.

1. FINGERPRINTING & BACKGROUND CHECKS: I HAVE NO PERSONAL AVERSION TO BEING FINGERPRINTED OF HAVING MY BACKGROUND CHECKED.

A. BACKGROUND CHECKS, AT LEAST PRELIMINARY CHECKS, CAN BE MADE BY ALASKA AUTHORITIES USING THE FBI NATIONAL COMPUTER SYSTEMS. FBI EXTRA CHECK MAY NOT BE NECESSARY. CHECKS SHOULD BE LESS COSTLY AND LESS TIME CONSUMING.

B. FBI FINGERPRINT CHECK SHOULD NOT BE STANDARD PRACTICE. BEING USED ONLY IF THERE IS COMPELLING REASON TO QUESTION THE VALIDITY OF AN APPLICANT'S RECORD.

C. UNDER NO CIRCUMSTANCES SHOULD A FEDERAL AGENCY BE ADVISED THAT THE REASON FOR ANY INQUIRIES RELATE TO CONCEALED CARRY PERMITTING OR FIREARM USE. IT IS A STATE PERMIT AND NOT FEDERAL. THE FEDERAL GOVERNMENT HAS NO NEED TO KNOW. THE PRACTICE REPRESENTS AN INTRUSION INTO MY PRIVACY. I WAS, AND REMAIN, ANGRY TO FIND THAT MY FBI FINGERPRINT FORM (FD-255) HAD UNDER REASON FINGERPRINTED: "CONCEALED HANDGUN APPLICANT AS 18.65.780"

2. TRAINING: IT IS RECOGNIZED THAT THE PRESENT TRAINING REQUIREMENT (NRA PERSONAL PROTECTION COURSE) IS BOTH EXPENSIVE AND MAY BE DIFFICULT TO SECURE IN SOME AREAS. I'VE TAKEN IT TWICE. IT IS MY OPINION THAT IT IS ENTIRELY ADEQUATE AND TO BE RECOMMENDED. OTHER COURSES MUST STRESS FIREARMS SAFETY AND HANDLING. NO OTHER TRAINING ADDRESSES INDIVIDUAL RESPONSIBILITY WITH RESPECT TO ALASKA LAW AND THE LEGITIMATE USE OF DEADLY FORCE OR PROVIDES DEMONSTRATED SAFE HANDGUN HANDLING OR PROFICIENCY IN HANDGUN USE. THE DEMONSTRATION OF KNOWLEDGE AND ABILITY NEEDS TO BE PRESERVED.

3 RESTRICTIONS ON CARRY: EXCEPT FOR PERHAPS DRINKING ESTABLISHMENTS, ALL PRIVATELY OWNED ESTABLISHMENTS SHOULD BE OPEN TO A LICENSED CARRIER UNDER ALASKA STATUTE. ONLY BY VERBAL REQUEST BY A PROPRIETOR OR WITH PROPER SIGNAGE SHOULD A CARRIER BE KEPT FROM SUCH ESTABLISHMENTS. THIS SHOULD APPLY AS WELL TO FINANCIAL INSTITUTIONS.

4. RESTRICTIONS ON QUALIFYING FIREARMS: ANY LEGALLY MANUFACTURED MINIATURE HANDGUNS OR "DERRINGERS" SHOULD QUALIFY AS USEABLE FOR CONCEALED HANDGUN CARRY, IF AN INDIVIDUAL HAS DEMONSTRATED THE SAME PROFICIENCY WITH THEM AS OTHER HANDGUNS.

ROBERT H PARKERSON - PH: (907) 745-4358  
PO BOX 7630-A1  
PALMER, ALASKA 99645.

APPLICANT

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PLEASE PRINT ALL INFORMATION IN BLOCK

LAST NAME HAM FIRST NAME PARKERSON MIDDLE NAME ROBERT HENRY

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SIGNATURE OF PERSON FINGERPRINTED

*Robert H. Parker*

ALIASES AKA

OR I

AKAST0100

RESIDENCE OF PERSON FINGERPRINTED

Our Rd, Old Glenn Hwy  
PALMER, ALASKA

CLIENT #8001

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ANCHORAGE, AK

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Brooklyn, N.Y.

SIGNATURE OF OFFICER (PRINT NAME AND TITLE)

*Robert H. Henderson*  
Henderson & Hollway SA's  
P.O. Box 3090  
Palmer AK 99645

FOUR NO. QSA 4006

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FBI NO. 281

ARMED FORCES NO. MMU AF  
15-504438

CLASS \_\_\_\_\_

SOCIAL SECURITY NO. 50C  
126-26-2573

SEX \_\_\_\_\_

MISCELLANEOUS NO. MMU  
0465049

PERSON FINGERPRINTED  
**CONCEALED HANDGUN  
APPLICATION  
AS 18.65.700**



1 - THUMB

2 - INDEX

3 - MIDDLE

4 - RING

5 - P. LITTLE



6 - THUMB

7 - INDEX

8 - MIDDLE

9 - RING

10 - P. LITTLE



*033-6*

Michael and Sandra Coons  
P.O. Box 4229  
Palmer AK 99645  
Phone (907) 745-6779

10/03/95

The House and Senate State Affairs Committee  
House bill 338 and Senate Bill 177 Revisions  
C/O Rep Jeannette James  
P.O. Box 56622  
North Pole, AK 99705

To All Committee Members:

We are writing in support of HB 338 and SB 177 to revise the standards for issuing Concealed Handgun Permits. Three of our biggest obstacles in obtaining a permit to carry has been the one year residency rule, cost for training and permit fees and the time to attend a class. With the proposed revisions all of these obstacles will be deleted. We will focus on these three issues in our written testimony.

We moved to Alaska in Apr of this year. Mike started his residency in Jan 95 while working in Allakaket and Sandy started her residency in Mar 95 when we started the purchase of our home in Palmer. Since that time we have become aware of the increased crime problems in Mountain View and Spenard, as well as the rest of the greater Anchorage area. Mike's work requires flying in and out of Anchorage at all hours of the day and night. This puts Sandy in a potentially dangerous situation when she drives alone without any legal means of defense against carjacking, drive-by shootings or other crimes which could occur. We feel strongly that Alaskan citizens are being penalized solely because we haven't been living in the state for an arbitrary period of time. We would be better served, as Alaskans, to be able to apply for a permit to carry upon obtaining a legal residence, driver's license and registering to vote. The current Handgun Law does not recognize us as Alaskan residents when in fact we are, under the state laws for voting and obtaining a driver's license and vehicle registration.

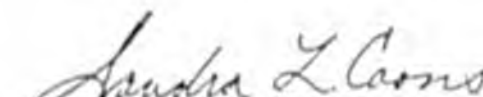
One of the big costs for a permit to carry is the requirement for fingerprints. According to Senator Lyda Green's staff, Florida has only had 0.01% of the applicants who applied turn out to be ineligible due to previous felony convictions. Florida does not use fingerprints but uses NCIC computers for criminal background checks. This method is cheaper for both the

applicant and the State/Federal government. Another cost, which is a burden, is the fees for firearms self defense instruction. We strongly concur with the revised requirements instead of the present law. As Hunter Safety Instructors for the State of Alaska from 1979 to 1981 we taught over 300 students. These students were taught the Ten Commandments of firearms safety. The most important of which is to only shoot at a clearly identified target which you intend to shoot (paraphrase). This applies to both a hunting environment as well as a self defense situation. The decision to shoot or don't shoot is a decision which cannot be taken lightly under any circumstances. From personal experience as an instructor there were usually 3-4 students in our classes who were taking the course either because their husband had firearms in the house and the wife was uneasy with firearms, or the student had or was purchasing a firearm for self defense purposes. The revised training requirements will reward those who have already taken firearms training courses by not requiring an additional cost. For those who have not had any firearms training these revisions will help in State-wide firearms safety overall, with minimal cost to the applicant.

The time factor in finding a class which does not interfere with work can be a burden. This may be viewed as a minor point of concern by many, but in reality it can be an irritating factor for someone who wants a carry permit. It becomes even more of an irritant to those of us who have life-long training in firearms use (which we could teach or have taught) but are still required to attend a course under the present law .

We agree with all other proposed changes to HB 338 and SB 177 as they currently appear. We appreciate the chance to testify to this hearing and look forward to a better law which will benefit all Alaskans.

  
MICHAEL C. COONS

  
SANDRA L. COONS

October 5, 1995

**Legislative Affairs Office**  
716 West 4th Avenue  
Anchorage, AK 99501

**ATTN: Senator Lyda Green &  
House Representative Jeannette James**  
Ref. SB-177 & HB 338 (Concealed Weapon Permit)  
Page 1 of 2

I begin my residency as a young boy back in the days when my father moved my brother and I (then we as three) from California to Alaska in January of 1960. Since those days there has been many changes since we first relocated to this state.

Growing up here created many memories of my youthful early days in Alaska. From attending elementary schools, high school graduation, college days and which inevitably lead me towards the courtship and marriage of my wife and raising a family. My wife and I have four grown daughters and we now enjoy the title of grandparents and godparents too.

My wife and I both have been long time employee's of righteous employer's striving to create a good example for our children and a solid living home environment for our family and friends.

I am interested in endorsing safe and healthy communities for all people who live or visit our great state. This includes (but not limited to), the elimination of fear of violence in the streets, our homes, our work places or any other everyday location(s) we desire to go.

I would like to say the expenses endured to obtain a concealed handgun permit within the State of Alaska would be to the benefit of the holder, **providing**, the costs were dramatically and immediately reduced. Unfortunately, still as of today, they are quite expensive since the inception of this permit program was implemented into law.

Due to the administrative "**red tape**" implemented by the individual(s) and /or agency(s) pursuing to maintain a high maintenance cost for processing each application, I fail to see where there is not a sound conclusive way to remodify and reduce the over all inflated process fees.

If we as United States citizens are experiencing everyday down sizing; cut backs; budgetary restraints; tightening up our belts; etc., and therefore are expected by our leaders to "**do more with less resources**". So why can't this same principle be applied here?

October 5, 1995  
Legislative Affairs Office  
ATTN: Senator Lyda Green &  
House Representative Jeannette James  
Page 2 of 2 (cont.)

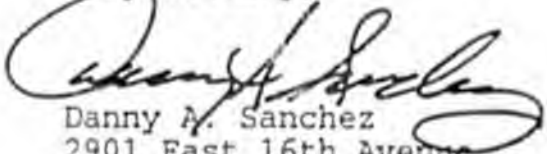
I as well as many others I'm sure are interested in minimizing costs and keeping these on-going law abiding opportunities available to the people of Alaska.

Those who choose to comply with the law and abide by the law, **should not be chastised** by over zealous expenditures beyond their reach, **but**, should be **rewarded** to share the opportunities granted to them by their elected officials **as an incentive** to reap the benefits and rewards of choosing to reside in the forty ninth state of the United States of America.

Therefore, I support and urge the both of you respectively to seek a more cost effective way to down size and reduce the overall cost of this concealed weapon bill for the benefit of the citizens of the State of Alaska now under reconsideration.

I thank you for this opportunity to speak out and be heard hopefully to have my vote counted in favor of concealed weapon permit application cost reduction fees to and for the people of the State of Alaska.

Respectfully;



Danny A. Sanchez  
2901 East 16th Avenue  
Anchorage, AK 998508-2911  
907-269-4944 (W)

COMMENTS (PUBLIC OPINION) REGARDING HOUSE BILL NO.338 and  
SENATE BILL NO.177

Most of the changes to the existing law that these two bills propose are beneficial. The single exception is Section 7.

The current law specifies the NRA-Personal Protection Course or similar approved course. This course includes, along with safety and handling, a section on local and state laws relating to lethal force and the responsibilities of owning and carrying a firearm. This is a necessary part of the course and should not be omitted. The only group of people that might be exempted from this required training would be civilian law enforcement officers. I was trained in the use of military small arms and I have been involved with the training of security guards. Neither training begins to cover the attitude of care and responsibility or legal knowledge necessary for responsible carry of a firearm for personal protection.

The present course requirements should remain as is. The proposed changes in Sec.7 should be omitted from these bills.

Sincerely,

J. David Longacre

P.O. box 103553  
Anchorage, Ak. 99510  
(907) 561-2522

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(2) causes the performance or motion picture to be performed or exhibited without the consent of the manager or owner of the theater or other place of showing.

(c) Distribution of child pornography is a class C felony.

(d) In this section, "distribution" includes delivering, selling, renting, leasing, lending, giving, circulating, exhibiting, presenting, providing, and exchanging, whether or not for monetary or other consideration. (§ 2 ch 57 SLA 1983; am §§ 1, 2 ch 39 SLA 1985; am § 4 ch 161 SLA 1990)

Effect of amendments. — The 1990 amendment inserted "or aurally" in subsection (a).

NOTES TO DECISIONS

Cited in *Harris v. State*, 790 P.2d 1379 (Alaska Ct. App. 1990).

Sec. 11.61.127. Possession of child pornography. (a) A person commits the crime of possession of child pornography if the person possesses any material that visually or aurally depicts conduct described in AS 11.41.455(a) knowing that the production of the material involved the use of a child under 18 years of age who engaged in the conduct.

(b) This section does not apply to persons providing plethysmograph assessments in the course of a sex offender treatment program that meets the minimum standards under AS 33.30.011(a)(5).

(c) Possession of child pornography is a class A misdemeanor. (§ 1 ch 51 SLA 1994; am § 1 ch 70 SLA 1995)

Effect of amendments. — The 1995 amendment, effective September 3, 1995, made a section reference substitution in subsection (b).

Effective dates. — Section 1, ch. 51, SLA 1994, which enacted this section, took effect on August 21, 1994.

Article 2. Weapons and Explosives.

Section	Section
190. Misconduct involving weapons in the first degree	210. Misconduct involving weapons in the fourth degree
195. Misconduct involving weapons in the second degree	215. [Repealed]
200. Misconduct involving weapons in the third degree	220. Misconduct involving weapons in the fifth degree



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(3) manufactures, possesses, transports, sells, or transfers a prohib-  
ited weapon;

(4) knowingly sells or transfers a firearm to another whose physical  
or mental condition is substantially impaired as a result of the intro-  
duction of an intoxicating liquor or controlled substance into that  
other person's body;

(5) removes, covers, alters, or destroys the manufacturer's serial  
number on a firearm with intent to render the firearm untraceable;

(6) possesses a firearm on which the manufacturer's serial number  
has been removed, covered, altered, or destroyed, knowing that the  
serial number has been removed, covered, altered, or destroyed with  
the intent of rendering the firearm untraceable;

(7) violates AS 11.46.320 and, during the violation, possesses on the  
person a firearm when the person's physical or mental condition is  
impaired as a result of the introduction of an intoxicating liquor or  
controlled substance into the person's body;

(8) violates AS 11.46.320 or 11.46.330 by entering or remaining  
unlawfully on premises or in a propelled vehicle in violation of a  
provision of an order issued under AS 25.35.010(b) or 25.35.020 and,  
during the violation, possesses on the person a defensive weapon or a  
deadly weapon, other than an ordinary pocketknife;

(9) communicates in person with another in violation of AS  
11.56.740 and, during the communication, possesses on the person a  
defensive weapon or a deadly weapon, other than an ordinary pocket-  
knife;

(10) resides in a dwelling knowing that there is a firearm capable of  
being concealed on one's person or a prohibited weapon in the dwell-  
ing if the person has been convicted of a felony by a court of this state,  
a court of the United States, or a court of another state or territory,  
unless the person has written authorization to live in a dwelling in  
which there is a concealable weapon described in this paragraph from  
a court of competent jurisdiction or from the head of the law enforce-  
ment agency of the community in which the dwelling is located; or

(11) discharges a firearm from a propel- d vehicle while the vehicle  
is being operated.

(b) It is an affirmative defense to a prosecution

(1) under (a)(1) of this section that

(A) the person convicted of the prior offense on which the action is  
based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has  
been set aside under AS 12.55.085 or as a result of post-conviction  
proceedings; or

(C) a period of 10 years or more has elapsed between the date of the  
person's unconditional discharge on the pri... offense or adjudication  
of juvenile delinquency and the date of the violation of (a)(1) of this  
section, and the prior conviction or adjudication of juvenile delin-

quency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) under (a)(2) or (10) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(f) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

(i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;

(ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;

(iii) bomb; or

(iv) grenade;

(B) device designed, made, or adapted to muffle the report of a firearm;

(C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(D) rifle with a barrel length of less than 16 inches, shotgun with a barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than 26 inches;

(2) "unconditional discharge" has the meaning ascribed to it in AS 12.55.185.

(g) Misconduct involving weapons in the third degree is a class C felony. (§ 7 ch 166 SLA 1978; am § 1 ch 63 SLA 1990; am § 1 ch 189

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Revisor's notes,  
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**Revisor's notes.** — Paragraphs (a)(8) and (9) of this section were enacted as (a)(7) and (8) respectively. Renumbered in 1990.

Subsection (d) enacted as (g). Relettered in 1992, at which time former subsections (d)-(f) were relettered as (e)-(g), respectively.

**Effect of amendments.** — The first 1990 amendment added paragraph (a)(7).

The second 1990 amendment added paragraphs (a)(8) and (a)(9).

The first 1991 amendment, effective September 15, 1991, rewrote the section.

The second 1991 amendment, effective September 16, 1991, in paragraph (a)(9), substituted "violation of AS 11.56.740" for "violation of AS 11.61.120(a)(6)."

The 1992 amendment, effective September 14, 1992, substituted "third degree" for "first degree" near the beginning of subsection (a) and in subsection (g), added

paragraph (a)(11) and made related stylistic changes; inserted "and (11)" in subsection (e); and added subsection (d).

The 1994 amendment, effective September 1, 1994, in subsection (a), inserted "or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult" in paragraph (1); and, in subsection (b), added the paragraph (1) designation, redesignated former paragraphs (1)-(3) as subparagraphs (1)(A)-(1)(C), deleted internal references in two places, inserted "or adjudication of juvenile delinquency" twice in subparagraph (1)(C), added paragraph (2), and made a related stylistic change.

**Editor's notes.** — Section 16(2), ch. 113, SLA 1994 provides that the amendments to (a) and (b) of this section by §§ 2 and 3, ch. 113, SLA 1994 apply "to offenses committed on or after September 1, 1994."

NOTES TO DECISIONS

I. General Consideration.

I. GENERAL CONSIDERATION.

**Gravity knife.**

Butterfly knives and balisong knives are not gravity knives. *State v. Stratton*, 785 P.2d 563 (Alaska Ct. App. 1990).

**Weapon as collateral for debt.** — The legislature did not intend to permit felons to possess prohibited weapons as collateral for debt, nor did it intend to immunize knowing possessor of a weapon for the time necessary to pawn it. *Baker v. State*, 781 P.2d 1318 (Alaska Ct. App. 1989).

**Proof of prior convictions despite concession.** — The government need not accept the accused's proposed concession to an element of an offense, and a trial

judge cannot altogether bar the prosecution from introducing evidence to prove a necessary element of its case, even when the element is undisputed or conceded. Thus, in a trial for possession of a concealed weapon by a felon, the trial judge could not bar the state from presenting evidence of the defendant's prior felony convictions, even though the defendant conceded that he was a felon. *State v. McLaughlin*, 860 P.2d 1270 (Alaska Ct. App. 1993).

Applied in *Hansen v. State*, 824 P.2d 1384 (Alaska Ct. App. 1992).

Cited in *Kinnish v. State*, 777 P.2d 1179 (Alaska Ct. App. 1989); *Wesolic v. State*, 837 P.2d 130 (Alaska Ct. App. 1992).

**Sec. 11.61.210. Misconduct involving weapons in the fourth degree.** (a) A person commits the crime of misconduct involving weapons in the fourth degree if the person

(1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating

liquor or a controlled substance into the person's body in circumstances other than described in AS 11.61.200(a)(7);

(2) discharges a firearm from, on, or across a highway;

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person;

(4) manufactures, possesses, transports, sells, or transfers metal knuckles;

(5) manufactures, sells, or transfers a switchblade or a gravity knife;

(6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, 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 or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

(A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) a defensive weapon;

(C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive 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 or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) *[Repealed, § 4 ch 63 SLA 1990.]*

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor. (§ 7 ch 166 SLA 1978; am §§ 21, 22 ch 102 SLA 1980;

am §§ 2, 4 ch 79 SLA 1992

Revisor's not enacted as (d). Repealed (d) was for in 1980 and rel.

Effect of amendment added other than de (a)(7)" at the end repealed subject:

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Sec. 11.61. arm. *[Repeal]*

Sec. 11.61. gree. (a) A weapons in t (1) knowin; pocket knife (2) knowin; where intoxic (3) being as a firearm wit (4) knowin; within the gr center, other 47.35 or recog or

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am §§ 2, 4 ch 63 SLA 1990; am § 7 ch 59 SLA 1991; am §§ 15, 16 ch 79 SLA 1992; am §§ 1, 2 ch 33 SLA 1995)

Revisor's notes. — Subsection (c) was enacted as (d). Relottered in 1995. Subsection (d) was formerly (b); relettered as (c) in 1980 and relettered again in 1995.

Effect of amendments. — The 1990 amendment added "in circumstances other than described in AS 11.61.200 (a)(7)" at the end of paragraph (a)(1) and repealed subsection (b).

The 1991 amendment, effective September 15, 1991, in subsection (a), rewrote

paragraph (1) and added paragraphs (4) and (5).

The 1992 amendment, effective September 14, 1992, substituted "fourth degree" for "second degree" near the beginning of subsection (a) and in subsection (d); and added paragraph (a)(6) and made related stylistic changes.

The 1995 amendment, effective August 17, 1995, added paragraph (a)(7), made a related stylistic change, and added subsection (c).

NOTES TO DECISIONS

"Firearm". — A pellet pistol, which operates by the use of compressed air, does not qualify as a firearm because the weapon does not propel a shot through some sort of explosive means. *Kinnish v.*

*State*, 777 P.2d 1179 (Alaska Ct. App. 1989).

Cited in *State v. Jeske*, 823 P.2d 6 (Alaska Ct. App. 1991).

*Sec. 11.61.215. Intoxication as applicable to possession of a firearm. [Repealed, § 11 ch 59 SLA 1991.]*

*Sec. 11.61.220. Misconduct involving weapons in the fifth degree. (a) A person commits the crime of misconduct involving weapons in the fifth degree if the person*

- (1) knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person;
- (2) knowingly possesses a loaded firearm on the person in any place where intoxicating liquor is sold for consumption on the premises;
- (3) being an unemancipated minor under 16 years of age, possesses a firearm without the consent of a parent or guardian of the minor;
- (4) knowingly possesses a firearm within the grounds of or on a parking lot immediately adjacent to a center, other than a private residence, licensed under AS 47.33 or AS 47.35 or recognized by the federal government for the care of children;

or

- (5) possesses or transports a switchblade or a gravity knife.
- (b) In a prosecution under (a)(1) of this section, it is an affirmative defense that the defendant, at the time of possession, was
  - (1) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling;
  - (2) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection; or
  - (3) the holder of a valid permit to carry a concealed handgun under AS 18.65.700 — 18.65.790, the deadly weapon concealed was a hand-

gun as defined in AS 18.65.790, and the possession did not occur in a municipality or established village in which the possession of concealed handguns is prohibited under AS 18.65.780 — 18.65.785.

(c) The provisions of (a)(1), (2), and (4) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) In a prosecution under (a)(2) of this section, it is a defense that the defendant, at the time of possession, was

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

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

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

(f) For purposes of (a)(2) and (e) of this section, a firearm is loaded if the

(1) firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge; and

(2) chamber, magazine, clip, or cylinder is installed in or on the firearm.

(g) Misconduct involving weapons in the fifth degree is a class B misdemeanor. (§ 7 ch 166 SLA 1978; am § 23 ch 102 SLA 1980; am §§ 8, 9 ch 59 SLA 1991; am §§ 17, 18 ch 79 SLA 1992; am §§ 1 — 3 ch 67 SLA 1994; am § 2 ch 124 SLA 1994; am § 3 ch 130 SLA 1994; am § 3 ch 33 SLA 1995)

**Effect of amendments.** — The 1991 amendment, effective September 15, 1991, in subsection (a), inserted "or a defensive weapon" in paragraph (1), added paragraphs (4) and (5), and made stylistic changes; and in subsection (c), inserted, "and (4)."

The 1992 amendment, effective September 14, 1992, substituted "fifth degree" for "third degree" near the beginning of subsection (a) and in subsection (g); and, in paragraph (a)(4), inserted "or a defensive weapon" in two places.

The first 1994 amendment, effective October 1, 1994, added paragraph (b)(3) and made related stylistic changes; added "; a deadly weapon on a person is not concealed if it is an unloaded firearm encased in a closed container designed for transporting firearms" at the end of subsection (e); and, in subsection (f), inserted an in-

ternal reference in the introductory language, added the paragraph (1) designation, added paragraph (2), and made a related stylistic change.

The second 1994 amendment, effective January 1, 1996, substituted "AS 47.35" for "AS 47.35.010 — 47.35.075" in paragraph (a)(4).

The third 1994 amendment, effective January 1, 1995, substituted "AS 47.33 or AS 47.35.010 — 47.35.070" for "AS 47.35.010 — 47.35.075" in paragraph (a)(4).

The 1995 amendment, effective August 17, 1995, in paragraph (a)(4), deleted former subparagraph (A), relating to possession of defensive weapons within the grounds of or on a parking lot immediately adjacent to a school, and deleted the former subparagraph (B) designation.

**Editor's notes.** — Until January 1,

1996, subparagraph (b) reads: "licensed and

**Constitutionality.** — Not unconstitutional to a defendant charged with possession of a long-bladed knife in violation of paragraph (1) of this section that the phrase "or passes purses, briefcases, or other containers" in P.S. 22d 903 (Alaska Code of Criminal Justice) is broad. "On the person of the person" is broad. Additional word "weapons concealed in purses, briefcases,

Sec. 11.61.2-

**Double jeopardy.** — Which proscribes a second session of explosion of explosives markedly in the same place and in the same

Chapter 1

**Article 2.** Gambling Of  
3. Adult Entertainment

**Section 280.** Definitions

**Cross reference.** — From AS 11.66.2 (b) gaming conducted effective from M

**Sec. 11.66.**  
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§ 11.61.220

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endment, effective ituted "AS 47.35" 47.35.075" in para-

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it, effective August 1 (a)(4), deleted for- , relating to posses- sions within the striking lot immedi- ool, and deleted the (B) designation Until January 1,

§ 11.61.240

1996, subparagraph (a)(4) reads as fol- lows: "licensed under AS 47.35.010 —

CRIMINAL LAW

§ 11.66.280

47.35.075 or recognized by the federal government for the care of the children."

NOTES TO DECISIONS

Constitutionality. — This section was not unconstitutionally vague, as applied to a defendant charged with carrying a long-bladed knife in a briefcase in viola- tion of paragraph (a)(1), since it is clear that the phrase "on the person" encom- passes purses, briefcases, and other hand- carried containers. De Nardo v. State, 819 P.2d 903 (Alaska Ct. App. 1991)

"On the person". — The phrase "on the person" is broad enough, without the additional word "about", to encompass weapons concealed either in clothing or in purses, briefcases, or other hand carried

containers. De Nardo v. State, 819 P.2d 903 (Alaska Ct. App. 1991)

Conviction reversed for disqualified judge. — Alleged drug dealer's conviction for carrying a concealed firearm was re- versed because trial judge's failure to recuse himself resulted in a violation of AS 22.20.020(a)(6), where in his former role as district attorney, judge had person- ally prosecuted defendant in an unrelated matter within the previous two years. Mustafoski v. State, 867 P.2d 824 (Alaska Ct. App. 1994)

Cited in Kinnish v. State, 777 P.2d 1179 (Alaska Ct. App. 1989)

Sec. 11.61.240. Criminal possession of explosives.

NOTES TO DECISIONS

Double jeopardy. — The statutes which proscribe attempted murder, pos- session of explosives, and arson differ markedly in the conduct which they pro- hibit and in the specific societal interests

which they seek to preserve, and multiple sentences for the three offenses do not vio- late double jeopardy. Machado v. State, 797 P.2d 677 (Alaska Ct. App. 1990)

Chapter 66. Offenses Against Public Health and Decency.

Article

- 2 Gambling Offenses (§ 11.66.280)
3 Adult Entertainment Business (§ 11.66.200)

Article 2. Gambling Offenses.

Section

- 280 Definitions

Cross references. — For exemption from AS 11.66.200 — 11.66.280 of gam- bling conducted by cruise ships, that was effective from May 19, 1995 through Sep-

tember 29, 1995, see 1 title ch 31, SLA 1995 in the Temporary and Special Acts pamphlet.

Sec. 11.66.280. Definitions. In AS 11.66.200 — 11.66.280, unless the context requires otherwise,

(1) "contest of chance" means a contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree

Supplement

18.65.085

086

HEALTH, SAFETY, AND HOUSING

18.65.086

nce, added ", and the depart-  
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of amendments. — The first  
1995 amendment, effective August 8,  
1995, in subsection (b), substituted "pre-  
pare" for "submit to the legislature" in the  
first sentence and added the second sen-  
tence.

The second 1995 amendment, effective  
July 1, 1995, in subsections (a) and (c),  
substituted "a local option" for "an ordi-  
nance" and made a section reference sub-  
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ive unit on sexually abused  
riminally exploited children.

Sec. 18.65.086. Investigative unit on sexually abused and  
criminally exploited children. (a) There is established in the De-  
partment of Public Safety, division of state troopers, a special unit for  
the purpose of investigating cases of repeated child sexual abuse and  
the criminal exploitation of children.

(b) The commissioner of public safety shall prepare, within 30 days  
from the date the legislature convenes in odd-numbered years, a re-  
port concerning the activities of the special unit on repeated child  
sexual abuse and the criminal exploitation of children. The commis-  
sioner shall notify the legislature that the report is available. The  
report must include, but is not limited to, the number of arrests made  
in cases of repeated child sexual abuse and the criminal exploitation  
of children, the number of investigations that result in the Depart-  
ment of Health and Social Services taking temporary or permanent  
custody of the child, the sentences received by persons convicted in the  
state of child sexual abuse or criminal exploitation of a child, and an  
overall view of the problems of child sexual abuse and the criminal  
exploitation of children in the state.

(c) In this section,

(1) "child" means a person under 18 years of age at the time the  
alleged offense was committed by or against the person;

(2) "criminal exploitation of children" means the use of a child by  
an adult in a criminal manner for the personal gratification or profit  
of the adult;

(3) "repeated child sexual abuse" means conduct that is a criminal  
sexual offense against a child under AS 11 and that is committed  
against the child more than once or against more than one child. (1  
ch 114 SLA 1986, am 1 34 ch 21 SLA 1995)

Effect of amendments. — The 1995 "submit to the legislature" in the first  
amendment, effective August 8, 1995, in sentence and added the second sentence  
subsection (b), substituted "prepare" for

### Article 9. Permit to Carry a Concealed Handgun.

#### Section

705 Qualifications to obtain a permit

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04 11 491, 14 1 ch 74  
ch 154 SLA 1990, am  
SLA 1995)

**Sec. 18.65.705. Qualifications to obtain a permit.** A person is qualified to receive and hold a permit to carry a concealed handgun if the person

(1) is 21 years of age or older;

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

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

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

(A) AS 11.41.230, 11.41.250, 11.41.270;

(B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

(C) AS 11.51.130;

(D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

(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.

(5) has not been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the five years immediately preceding the application;

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

(7) is not now suffering, and has not within the five years immediately preceding the application suffered, from a mental illness as defined in AS 47.30.915.

(8) has not been adjudicated as mentally incapacitated by a court of this state, another state, territory, or jurisdiction, or of the United States, unless the guardianship or similar arrangement has been closed or terminated and five years have elapsed since the closure or other termination;

(9) is a resident of the state and has been for the one year immediately preceding the application for a permit;

(10) has not been discharged from the armed forces of the United States under dishonorable conditions;

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

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

(13) is not now the subject of an injunction under AS 25.35.010 — 25.35.020 unless the injunction has been dissolved or has expired;

(14) is not ceding the ap treatment pr

(15) is not ceding the ap and

(16) has d AS 18.65.71!

Effect of an 1995 amendme through August: reference in su The second 1 August 25, 1995 substitution in Editor's note

Chapter:

Section 50 Duties of

Sec. 18.66

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§ 18.66.705

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§ 18.66.050

HEALTH, SAFETY, AND HOUSING

§ 18.66.050

(14) is not now in and has not in the three years immediately preceding the application been ordered by a court to complete an alcohol treatment program;

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

(16) has demonstrated competence with handguns as provided in AS 18.65.715. (§ 4 ch 67 SLA 1994; am § 4 ch 51 SLA 1995)

Effect of amendments. — The first 1995 amendment, effective May 11, 1995 through August 24, 1995, added a section reference in subparagraph (4ND).

The second 1995 amendment, effective August 25, 1995, made a section reference substitution in subparagraph (4ND).

Editor's notes. — Under § 18, ch. 23,

SLA 1995, from May 11, 1995 through August 24, 1995, (4ND) of this section reads as follows: "AS 11.56.330, 11.56.340, 11.56.350, 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805."

## Chapter 66. Council on Domestic Violence and Sexual Assault.

### Section

#### 50. Duties of the council

Sec. 18.66.050. Duties of the council. The council shall

(1) hire an executive director and necessary staff;

(2) elect one of its members as presiding officer;

(3) in consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including educational programs, films, and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault;

(4) coordinate services provided by the Department of Law, the Department of Education, the Department of Public Safety, the Department of Health and Social Services, and other state agencies and community groups dealing with domestic violence, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups;

(5) develop and implement a standardized data collection system on domestic violence, sexual assault, and crisis intervention and prevention;

(6) conduct public hearings and studies on issues relating to violence, including domestic violence and sexual assault, and on issues relating to the role of crisis intervention and prevention;

(7) receive and disperse state and federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs;

5.670

§ 18.65.700

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§ 18.65.700

(b) With funds appropriated for that purpose, the commissioner of public safety shall provide grants to nonprofit regional corporations for village public safety officers.

(c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for community or corporation participation, and the interaction between the Department of Public Safety and village public safety officers. (§ 1 ch 48 SLA 1993)

Article 9. Permit to Carry a Concealed Handgun.

Section

- 700. Permit to carry a concealed handgun
- 705. Qualifications to obtain a permit
- 710. Application for permit to carry a concealed handgun
- 715. Demonstration of competence with handguns
- 720. Fees
- 725. Permit renewal
- 730. Replacement of permit
- 735. Suspension of permit
- 740. Revocation of permit; appeal
- 745. No liability for issuance of permit or for training

Section

- 750. Possession and display of permit
- 755. Places where permittee may not possess a concealed handgun
- 760. Misuse of a permit
- 765. Responsibilities of the permittee
- 770. Access to list of permittees by peace officers
- 775. Regulations
- 778. Municipal preemption
- 780. Prohibition of possession of concealed handguns
- 785. Procedure for local option elections
- 790. Definitions

Sec. 18.65.700. Permit to carry a concealed handgun. (a) The department shall issue a permit to carry a concealed handgun to a person who

- (1) applies in person at an office of the Alaska State Troopers;
- (2) qualifies under AS 18.65.705;
- (3) submits a completed application on a form provided by the department, that provides the information required under AS 18.65.705 and 18.65.710 and is executed under oath;
- (4) submits two complete sets of fingerprints on Federal Bureau of Investigation approved fingerprint cards that are of sufficient quality so that the fingerprints may be processed; the fingerprints must be taken by a person, group, or agency approved by the department; the department shall maintain a list of persons, groups, or agencies approved to take fingerprints and shall provide the list to the public upon request;
- (5) submits evidence of competence with handguns as provided in AS 18.65.715;
- (6) provides two frontal view color photographs of the person taken within the preceding 30 days that include the head and shoulders of the person and are of a size specified by the department;
- (7) shows a valid Alaska driver's license or identification card at the time of application;
- (8) does not suffer a physical infirmity that prevents the safe handling of a handgun; and

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

(b) The department shall either approve or reject an application for a permit to carry a concealed handgun under (a) of this section within 15 days of receipt of permit eligibility information from the Federal Bureau of Investigation or other agency necessary to make a determination concerning the application. The department shall request permit eligibility information under this subsection within five days of the receipt of the application. The department shall notify the applicant in writing of the reason for a rejection.

(c) A person whose application is rejected under this section may appeal the rejection decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS 44.62.560 - 44.62.570.

(d) A permit issued under (a) of this section is valid for five years from the date of issue. The permit must specify the action types and maximum calibers of handgun described in the permittee's certificate of competency under AS 18.65.715 but may not specifically identify a handgun by make, model, or serial number. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.705. Qualifications to obtain a permit.** A person is qualified to receive and hold a permit to carry a concealed handgun if the person

(1) is 21 years of age or older;

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

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

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

(A) AS 11.41.230, 11.41.250, 11.41.270;

(B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

(C) AS 11.51.130,

(D) AS 11.56.330, 11.56.350, 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

(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;

(5) has not been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the five years immediately preceding the application;

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

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18.65.705

§ 18.65.710

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§ 18.65.710

Application for permit to carry a handgun within the state of Alaska shall be terminated if the applicant fails to pay the fee within the time specified in the application.

Application may be renewed if the applicant has not been adjudicated as mentally incapacitated by a court of this state, another state, territory, or jurisdiction, or of the United States, unless the guardianship or similar arrangement has been closed or terminated and five years have elapsed since the closure or other termination;

Application shall be denied if the applicant is not a resident of the state and has not been for the one year immediately preceding the application for a permit;

Application shall be denied if the applicant has not been discharged from the armed forces of the United States under dishonorable conditions;

Application shall be denied if the applicant is not an alien who is residing in the United States illegally or a former citizen of the United States who has renounced the person's citizenship;

Application shall be denied if the applicant is not an unlawful user of, or addicted to, a controlled substance;

Application shall be denied if the applicant is not now the subject of an injunction under AS 25.35.010 — 25.35.020 unless the injunction has been dissolved or has expired.

Application shall be denied if the applicant is not now in and has not in the three years immediately preceding the application been ordered by a court to complete an alcohol treatment program;

Application shall be denied if the applicant is not now in and has not in the three years immediately preceding the application entered a substance abuse treatment program; and

Application shall be denied if the applicant has demonstrated competence with handguns as provided in AS 18.65.715. (§ 4 ch 67 SLA 1994)

(7) is not now suffering, and has not within the one year immediately preceding the application suffered, from a mental illness as defined in AS 47.30.915;

(8) has not been adjudicated as mentally incapacitated by a court of this state, another state, territory, or jurisdiction, or of the United States, unless the guardianship or similar arrangement has been closed or terminated and five years have elapsed since the closure or other termination;

(9) is a resident of the state and has been for the one year immediately preceding the application for a permit;

(10) has not been discharged from the armed forces of the United States under dishonorable conditions;

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

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

(13) is not now the subject of an injunction under AS 25.35.010 — 25.35.020 unless the injunction has been dissolved or has expired.

(14) is not now in and has not in the three years immediately preceding the application been ordered by a court to complete an alcohol treatment program;

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

(16) has demonstrated competence with handguns as provided in AS 18.65.715. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.710. Application for permit to carry a concealed handgun.** (a) The application for a permit to carry a concealed handgun must contain the following information:

(1) the applicant's name, physical residence, mailing address, place and date of birth, physical description, including height, weight, race, hair color, and eye color, Alaska driver's license or identification card number, and the city and state of each place the applicant has resided in the five years immediately preceding the application;

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

(3) a statement that the applicant has been furnished with a copy of AS 18.65.700 — 18.65.790, has read those sections, and understands them;

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

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

(6) a conspicuous warning that the application is executed under oath and that an applicant who supplies a false statement, answer, or

document, in connection with the application that the applicant does not believe to be true, may be prosecuted for perjury under AS 11.56.200 and, if found guilty, may be punished for violation of a class B felony, and that in such cases the permit shall be revoked and the applicant may be barred from any further application for a permit; and

(7) a statement that the applicant understands that a permit eligibility investigation will be conducted as a part of the application process, that this may involve computerized records searches, and that the applicant authorizes the investigation.

(b) An application under (a) of this section may not inquire of an applicant about or require the submission of information beyond that described in that subsection. As part of an application under (a) of this section, the department may not inquire of an applicant as to any firearms owned by the applicant. (§ 4 ch 67 SLA 1994)

Sec. 18.65.715. Demonstration of competence with handguns.

(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.

(b) At the time the permittee renews a permit under AS 18.65.725, the permittee shall provide a certificate of successful completion of a handgun course approved by the department under (a) of this section. The handgun course required under this subsection must be completed in the 12 months immediately preceding the renewal.

(c) The department may not require a certificate of competence submitted under this section to contain any specifically identifying infor-

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mation, including make, model, or serial number, of a handgun with which an applicant or permittee has demonstrated competence.

(d) The department shall maintain a list of approved courses and shall provide the list to the public upon request. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.720. Fees.** The department shall charge a nonrefundable fee for the processing of the application for and initial issuance of a permit, renewal of a permit, or replacement of a permit. The fees shall be set by regulation and must be based on the actual costs incurred by the department. However, the fee for the processing of an application and initial issuance of a permit may not exceed \$125 and the fee for renewal of a permit or replacement of a permit may not exceed \$60. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.725. Permit renewal.** (a) A permittee shall apply in person for renewal of a permit to carry a concealed handgun within 90 days before the expiration of the permit and shall present a complete renewal form provided by the department. The renewal form shall be submitted under oath and must include

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

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

(3) a certificate of successful completion of a handgun course within the 12 months immediately preceding the renewal;

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

(5) the renewal fee required under AS 18.65.720.

(b) The department shall take a single thumb or fingerprint from the permittee to compare against the fingerprints originally submitted with the application.

(c) A renewal of a permit to carry a concealed handgun submitted on or after the expiration date is subject to a late fee of \$25. The department may not accept a renewal for a permit that is submitted more than 30 days after the expiration date of the permit. Nothing in this subsection prohibits the holder of an expired permit from applying for a new permit.

(d) A renewal form under (a) of this section may not inquire of a permittee about, or require the submission of, information beyond that described in (a) of this section. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.730. Replacement of permit.** The department may replace a permit that the permittee certifies under oath has been lost, stolen, or destroyed, provided the permittee applies in person and

(1) provides two frontal view photographs of the permittee taken within the preceding 30 days that include the head and shoulders and are of a size specified by the department;

(2) submits to the taking of a single thumb or fingerprint by the department to compare against the fingerprint originally submitted with the application; and

(3) pays the replacement fee required under AS 18.65.720. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.735. Suspension of permit.** (a) The department shall immediately suspend a permit to carry a concealed handgun if a permittee is arrested for or formally charged with a crime that would disqualify the permittee under AS 18.65.705(3) — (4) from being eligible for a permit to carry a concealed handgun or is the subject of an injunction under AS 25.35.010 — 25.35.020. A suspension of a permit remains in effect until the permit is revoked under AS 18.65.740, the department has been notified of a disposition favorable to the defendant or the defendant has been released from custody without being charged, or the injunction under AS 25.35.010 — 25.35.020 is dissolved or expires without being renewed. In this subsection, "disposition favorable to the defendant" means a dismissal by the prosecutor or an adjudication by a court other than a conviction or a suspended imposition of sentence.

(b) A person whose permit is suspended under this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.

(c) The department shall retain a permit suspended under this section until the permit is revoked or returned to the permittee. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.740. Revocation of permit; appeal.** (a) A permit to carry a concealed handgun shall be immediately revoked by the department when the permittee

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

(2) is convicted of two class A misdemeanors of this state or similar laws of another jurisdiction within a five-year period if at least one of the convictions occurs after the application;

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

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§ 18.65.745

HEALTH, SAFETY, AND HOUSING

§ 18.65.755

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(b) A person whose permit is revoked under (a) of this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.

(c) A person whose permit is revoked under this section may appeal the revocation decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS 44.62.560 — 44.62.570.

(d) A person whose permit is revoked may not apply for a permit until at least five years after the revocation. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.745. No liability for issuance of permit or for training.** (a) The state, and its officers and employees, are not liable by virtue of having issued a permit to carry a concealed handgun for damage or harm caused by the permittee.

(b) A person who provides firearm training to a person who receives a permit under AS 18.65.700 — 18.65.790 is not liable for damage or harm caused by the permittee. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.750. Possession and display of permit.** (a) A permittee shall carry the permit at all times the permittee carries a concealed handgun. The permittee shall display both the license and other proper identification when asked to do so by a peace officer at any time.

(b) Whenever a permittee who is carrying a concealed handgun is contacted by a peace officer, the permittee shall immediately inform the peace officer that the permittee is carrying a concealed handgun under the permit.

(c) During a contact with a permittee, a peace officer may secure a handgun, or direct that it be secured, during the duration of the contact if the peace officer determines that the action is necessary for the safety of any person, including the peace officer, present. The permittee shall submit to the securing of the handgun.

(d) In this section, "contacted by a peace officer" means stopped, detained, questioned, or addressed in person by the peace officer for an official purpose.

(e) A person who violates (a) of this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.

(f) A person who violates (b) or (c) of this section is guilty of a class A misdemeanor. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.755. Places where permittee may not possess a concealed handgun.** (a) A permittee may not carry a concealed handgun into

(1) a law enforcement or correctional facility;

- 2) or on school grounds or a school bus; in this paragraph, "school grounds" has the meaning given in AS 11.71.900;
- 3) a courthouse or a courtroom of this state, unless the permittee (A) is a judge; or
- (B) has been authorized to possess a concealed handgun by a judge sitting at that courthouse or courtroom;
- 4) a building housing only state or federal offices or the offices of a political subdivision of the state, except as authorized under (3) of this section;
- 5) an office of the state, federal government, or of a political subdivision of the state that is not located in a building described in (4) of this subsection;
- 6) a passenger loading or unloading area of an airline terminal;
- 7) a vessel of the Alaska marine highway system;
- 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 a conspicuous notice or by a statement by the resident to the permittee;
- 10) a meeting of a business, charitable, or other organization or entity where notice that carrying a concealed handgun is prohibited has been given by the posting of conspicuous notice;
- 11) a financial institution; in this paragraph, "financial institution" means a bank, savings bank, savings association, credit union, or other institution regulated by the Department of Commerce and Economic Development under AS 06;
- (2) another place where the possession of a deadly weapon or firearm is prohibited by law; or
- (3) a municipality or established village that has prohibited the possession of concealed handguns by a permit under AS 18.65.780 — 18.65.785.
- (d) In (a) of this section, the posting of a conspicuous notice is satisfied if the notice
- (1) is printed in legible English;
  - (2) is at least 144 square inches in size;
  - (3) contains the name and address of the person under whose authority the notice is posted; and
  - (4) is posted at each entrance to the residence or place where a meeting is being held.
- (e) In addition to any other penalty provided by law, a person who violates this section is guilty of a class B misdemeanor. (§ 4 ch 67 SLA 1994)

**Cross references.** — For prohibition on possession of a firearm when impaired by intoxicating liquor or controlled substance, see AS 11.61.210(a)(1). For prohibition on possession of a loaded firearm in a place where alcohol is sold for consumption, see AS 11.61.220(a)(2); for prohibition on possession of a firearm when impaired by intoxicating liquor or controlled substance, see AS 11.61.210(a)(1).

**Sec. 18.65.760. Misuse of a permit.** (a) The holder of a permit issued under AS 18.65.700 — 18.65.790 may not

- (1) alter the permit;
- (2) allow another person to use the permit;
- (3) possess or display a suspended or revoked permit; or
- (4) display an expired permit.

(b) A person who violates (a)(1) — (3) of this section is guilty of a class A misdemeanor.

(c) A person who violates (a)(4) of this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$400. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.765. Responsibilities of the permittee.** (a) The holder of a permit issued under AS 18.65.700 — 18.65.790

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

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

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

(4) may only carry a concealed handgun of the action type and caliber the holder has demonstrated competency with or of any caliber of the same action type as authorized in the permit issued under AS 18.65.700.

(b) A person who violates this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.770. Access to list of permittees by peace officers.** The department shall compile a list of permittees in a manner that allows immediate access to the information by peace officers. Lists of permittees and all applications, permits, and renewals are public records under AS 09.25.110 — 09.25.125 and may only be used for law enforcement purposes. (§ 4 ch 67 SLA 1994)

**Sec. 18.65.775. Regulations.** The department shall adopt regulations to implement AS 18.65.700 — 18.65.790. This section does not delegate to the department the authority to regulate or restrict the issuing of permits beyond those provisions contained in AS 18.65.700 — 18.65.790. (§ 4 ch 67 SLA 1994)

Sec. 18.65.778. Municipal preemption. A municipality may not restrict the carrying of a concealed handgun by permit under AS 18.65.700 — 18.65.790 except as provided in AS 18.65.780 — 18.65.785. (§ 4 ch 67 SLA 1994)

Sec. 18.65.780. Prohibition of possession of concealed handguns. (a) The following question, appearing alone, may be placed before the voters of a municipality or an established village in accordance with AS 18.65.785:

Shall the possession of concealed handguns by permit in ..... (name of municipality or village) be prohibited?

[ ] Yes [ ] No.

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the department shall be notified immediately after certification of the results of the election, and so long as the prohibition remains in effect, a person may not possess a concealed handgun with a permit issued under AS 18.65.700 — 18.65.790 in the municipality or the established village. (§ 4 ch 67 SLA 1994)

Sec. 18.65.785. Procedure for local option elections. (a) The local governing body of a municipality, whenever a number of registered voters equal to at least 10 percent of the number of votes cast at the last regular municipal election petition the local governing body to do so, shall place upon a separate ballot at the next regular election or at a special election the question set out in AS 18.65.780 that is the subject of the petition. The local governing body shall conduct the election in accordance with the election ordinance of the municipality.

(b) The lieutenant governor, whenever 10 percent of the registered voters residing within an established village petition the lieutenant governor to do so, shall place upon a separate ballot at a special election the question set out in AS 18.65.780 that is the subject of the petition. The lieutenant governor shall conduct the election in the manner prescribed by AS 15 (Alaska Election Code).

(c) Notwithstanding another provision of law, an election under (a) or (b) of this section relating to the possession of concealed handguns with a permit under AS 18.65.780 may not be conducted more than once every 12 months.

(d) AS 29.26.110 — 29.26.160 apply to a petition under (a) of this section in a general law municipality except the

(1) number of required signatures is determined under (a) of this section rather than under AS 29.26.130,

(2) application filed under AS 29.26.110 must contain the question set out under AS 18.65.780 rather than containing an ordinance or resolution;

(3) petition must contain the question set out under AS 18.65.780 rather than material required under AS 29.26.120(a)(1) and (2). (§ 4 ch 67 SLA 1994)

Sec. 18.65.790. Definitions. In AS 18.65.700 — 18.65.790,

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

(2) "competence" means the ability to place in a life size silhouette target

(A) seven out of 10 shots at seven yards;

(B) six out of 10 shots at 15 yards;

(3) "concealed handgun" means a firearm, that is a pistol or a revolver, and that is covered or enclosed in any manner so that an observer cannot determine that it is a handgun without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; however, "concealed handgun" does not include a shotgun, rifle, derringer or other miniature handgun, or a prohibited weapon as defined under AS 11.61.200; in this paragraph,

(A) "derringer" means a handgun that has individual barrels for each cartridge it is capable of firing and lacks a manufacturer's installed trigger guard that completely encircles the trigger and which is part of the frame; and

(B) "miniature handgun" means a handgun that has a barrel length of three and one-half inches or less and lacks a manufacturer's installed trigger guard that completely encircles the trigger and which is part of the frame;

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

(5) "established village" has the meaning given in AS 04.21.080;

(6) "local governing body" has the meaning given in AS 04.21.080;

(7) "permit" means a permit to carry a concealed handgun issued under AS 18.65.700 — 18.65.790. (§ 4 ch 67 SLA 1994)

*repeated*

Chapter 66. Council on Domestic Violence and Sexual Assault.

Section	Section
10. Council on domestic violence and sexual assault; purpose	40. Meetings and quorum
20. Membership, terms, vacancies, and disqualification	50. Duties of the council
30. Compensation and expenses	60. Qualifications for grants and contracts
	900. Definitions

Sec. 18.66.010. Council on domestic violence and sexual assault; purpose. There is established in the Department of Public Safety the Council on Domestic Violence and Sexual Assault. The purpose of the council is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their

DEPARTMENT OF PUBLIC SAFETY

ALASKA STATE TROOPERS

ALASKA CONCEALED HANDGUN PERMIT PROGRAM

FY 96 Planned Expenditure of the \$63 Fee

	Base ACHP Program (A)	Supervisor Cost (C)	Program Total
Personal Services:	75,100	33,300	108,400
Travel:			
For Investigations & Appeals		500	500
Contractual:			
Contractual Computer Support	2,000		2,000
Communications	4,000	100	4,100
Messenger Service	140		140
Repairs & Maintenance	260		260
Copier	2,300		2,300
Printing	1,000		1,000
Rent	4,675 (B)	785	5,460
SUPPLIES:			
Office supplies	1,600	100	1,700
DP supplies	640		640
<b>TOTALS</b>	<b>91,715</b>	<b>34,785</b>	<b>126,500</b>

\$126,500 divided by 2,008 applications = \$63.14, round to \$63.00

- (A) 2 clerk positions.
- (B) Estimated use by ACHP is 350 sq. ft. (including shared common areas) of the 3, 101 sq. ft. lease space costing \$41,400 per year. Supervisor has approximately 150 sq. ft. (including common areas)
- (C) The permits Section is supervised by a Corporal (approximately 30% base cost to ACHP)

# Concealed Handgun Permit Program Cost Breakdown\*

~4000 applications  
divided by 12 months

~333 applications per month  
divided by 22 working days

~15 applications per day  
divided by 7.5 hours

~2 applications per hour

\* Based on CHP applications received from 1/95 through 1/96 and the Department of Public Safety FY 96 planned CHP program expenditures (see attached).



Testimony  
5 min. time limit

# LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

60369

SPONSOR: Senate Judiciary  
SUBJECT: SB177 - Concealed Handgun Permit + Amendment / SB194 - Gang Related Crimes  
START/END TIME: 4:00 DATE: 2-27

PLEASE PRINT

	Name/Representing	Address	Zip	Phone No.	Testify	Observe	Bill No.
✓ 1.	Tess Latum Alaska PTA	6625 Fairweather Dr Anchorage, AK	99518	522-4456	✓		SB177
✓ 2.	SANE WINEINGER NRA	PO BOX 1111 Chickaloon AK	99674	745-2093	✓		SB177
✓ 3.	MICHAEL GRIMES - APD	4501 S. BLASAW ST	99507	788-8807	✓		SB194
last.	Chris Sullivan	4155 McLean Place	99504	337-305	✓		SB177
Wig 15. ✓	LARRY WIGET - ASD	4100 Delum Rd	99570	269-1251	✓		SB177
Def 6.	DENNIS CASANOVA - STATE TROOPER	5700 E. TUDOR Rd Anch AK	99507	269-5757	✓		SB194
✓ 7.	HARLAN KENNEDY	319 Seward #18	99501	5861790	✓		SB177
✓ 8.	mod Curtis Green - ME (many in the) sit.	4000 Palmdale Wasilla	99654	3764614	✓		SB177
9.	Lynn Smoler A CLU	201844, Anch 99520					
10.	JIM DORE	PO. BOX 113171 ANCH AK 99511	99511	345-4830	✓		SB177
✓ 11.	CLAUDIA DOUGLAS / NEA ALASKA	2801 W. INTL RD. A303 ANCH	99502	274-8536	✓		SB177
12.							
13.							
14.							
15.							



Testimony  
5 min. time limit

# LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

60369

SPONSOR: Senate Judiciary  
SUBJECT: SB 177 - Consumer Energy Permit & Amendment / 1994 - Gang Related Crime  
START/END TIME: 1:00 DATE: 2-27

PLEASE PRINT

	Name/Representing	Address	Zip	Phone No.	Testify	Observe	Bill No.
1.	Tess Latour Alaska PTA	6625 Fairweather Dr Bachorage, AK 99518	99518	522-4456	✓		SB 177
2.	JANE WINEINGER NRA	PO BOX 1111 Chickaloon AK	99674	745-2093	✓		SB 177
3.	MICHAEL GRIMES - A.P.O.	4501 S. BAZZARA ST	99507	788-8807	✓		SB 194
4.	Chris Sullivan	4155 McLean Place	99504	337-30X	✓		SB 177
5.	LARRY WIGOT - ASB	4100 Dalton Rd	99510	262-1351	✓		SB 177
6.	DENNIS CASANIUS - SEA TOWERS	5000 E. TROIE Rd Anch AK	99507	261-5957	✓		SB 194
7.	HARLAN KENNEDY	519 Sewall #11	99501	586-1790	✓		SB 177
8.	Curtis Green - Me	4000 Palmdale Wasilla	99654	376-0614	✓		SB 177
9.	MOO MO GRI				✓		SB 177
10.							
11.							
12.							
13.							
14.							
15.							



*Just in my  
5 minute limit*

# LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

60367

SPONSOR: Senate Judiciary  
SUBJECT: SB 177 - Criminals Waiver. Public Access to 1/5/17 - Gang Related Crimes  
START/END TIME: 1:00 DATE: 2-23

PLEASE PRINT

	Name/Representing	Address	Zip	Phone No.	Testify	Observe	Bill No.
1.	Tess Larson Alaska PTA	6625 Fairweather Dr Fairbanks, AK 99718	99718	522-4456	✓		SB 177
2.	JANE WINEBARGER NEA	PO BOX 111 Chickaloon AK	99674	745-2693	✓		SB 177
3.	MICHAEL GRIMES - APD	4501 S. BAGAN ST	99507	788-8807	✓		SB 177
4.	Chris Sullivan	4155 McLean Place	99504	337-305	✓		SB 177
5.	LARRY LIGHT - ASD	4500 Delum Rd	99519	262-1211	✓		SB 177
6.	DENNIS CASANOVA - STATE TROOPER	5700 E. TUCKER Rd Anch. AK	99507	369-5757	✓		SB 177
7.	HARLAN KENNEDY	319 Seward Hill	99501	586-1790	✓		SB 177
8.	Curtis Green - Me	4000 Palmdale Uouilla	99654	376-4214	✓		SB 177
9.	MICHAEL MCGEE	201844, Anch 99520					
10.	JIM DORE	PO. BOX 113171 ANCH AK 99511	99511	345-4830	✓		SB 177
11.	CLAUDIA DOUGLAS / NEA ALASKA	2801 W. INTL. RD. ANCH, AK	99507	274-3536	✓		SB 177
12.	MICHAEL MCGEE Anch & Home Lib						
13.	BELINDA DANIELS NEA-ALASKA	Box 93003 ANCHORAGE AK	99509	243-1666	✓		SB 177
14.							
15.							

JUDICIARY COMMITTEE  
DELIVERY ACCEPTANCE LOG

MEETING DATE 7/23/96

BILL NUMBERS SB 1779

LEGISLATOR      ACCEPTED BY      TIME      DATE.....

SEN. GREEN. *John Green*

SEN. MILLER *M. Gore*

SEN. ADAMS *David*

SEN. ELLIS *Tommy Ellis*



# LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

SPONSOR: \_\_\_\_\_

SUBJECT: \_\_\_\_\_

START/END TIME: \_\_\_\_\_ DATE: \_\_\_\_\_

**PLEASE PRINT**

	Name/Representing	Address	Zip	Phone No.	Testify	Observe	Bill No.
1.	Moe McGee - Anch Mun Libraries	3000 Denali	99503	343-2983	✓		SB171
2.							
3.							
4.							
5.							
6.							
7.							
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9.							
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11.							
12.							
13.							
14.							
15.							



Testimony  
5 min. time limit

# LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

60367

SPONSOR: Senate Judiciary  
SUBJECT: SB 177 - Concealed Handgun Permit Amend / SB 194 - Gang Related Crime  
START/END TIME: 4:00 DATE: 2-23

PLEASE PRINT

	Name/Representing	Address	Zip	Phone No.	Testify	Observe	Bill No.
1.	✓ Jess Larson Alaska PTA	6625 Fairweather Dr Anchorage, AK 99518	99518	522-4456	✓		SB 177
2.	✓ VIANE WINEINGER NRA	PO BOX 1111 Chitkaton AK	99674	745-2093	✓		SB 177
3.	✓ MICHAEL GRIMES - APD	4501 S. PLAGAW ST	99507	788-8807	✓		SB 194
4.	✓ Chris Sullivan	4155 McLean Place	99504	337-3075	✓		SB 177
5.	✓ LARRY WIGET - ASB	4100 Delun Rd	99519	269-1251	U		SB 177
6.	✓ DENNIS CASANOVA STATE TROOPER	5700 E. TUDOR Rd Anch. AK	99507	269-5757	✓		SB 194
7.	✓ HARLAN KOUSSOON	319 Seward Hill	99501	586-1780	✓		SB 177
8.	✓ Curtis Green - Me	4000 Palmdale Wasilla	99654	376-4619	✓		SB 177
9.	✓ ROE Mc GEE Shalik A LU	201844, Anch 99520					
10.	✓ JIM DORE	PO. BOX 113171 ANCH AK 99511	99511	345-4832	✓		SB 177
11.	✓ LAURIA DOUGLAS / NEA-ALASKA	2801 W. INTL RD. A303, ANCH.	99502	274-8536	✓		SB 177
12.							
13.							
14.							
15.							

# ALASKA STATE LEGISLATURE

*Interim*

600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 376-3370  
(907) 376-3157 Fax



*Session*

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600  
Fax (907) 465-3805

## SENATOR LYDA GREEN

SENATE DISTRICT N

### CSSB 177(STA)

## "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, on school grounds (except to pick-up or drop-off), state court facilities, correctional facilities, law enforcement facilities and where disallowed by federal law.
7. REVISES misdemeanor offenses that would preclude obtaining a permit or provide grounds for revoking a permit.
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.

SPONSOR STATEMENT

**SB**

**184**

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9-LS101JK-  
Foxd  
2/16/96

*Rep. Porter*

CS FOR HOUSE BILL NO. 316(JUD)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE MULDER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability for false claims and improper allegations or  
2 defenses in civil practice; amending Rules 13(e) and 37, Alaska Rules of Civil  
3 Procedure; and providing for an effective date."

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

5 • Section 1. AS 09.65 is amended by adding a new section to read:

6 Sec. 09.65.190. CIVIL LIABILITY FOR FALSE CLAIMS AND IMPROPER  
7 PRACTICE. (a) A person may not

8 (1) knowingly or recklessly file, or cause to be filed, a civil complaint,  
9 answer, or other civil pleading that contains false or misleading allegations or material  
10 misstatements of fact;

11 (2) sign a civil pleading before making reasonable inquiry and  
12 determining that, to the best of the signer's knowledge, information, and belief, each  
13 claim, defense, and allegation contained in the pleading is well grounded in fact and  
14 is warranted by existing law or a good faith argument for the extension, modification,

WORK DRAFT

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1 or reversal of existing law; or

2 (3) interpose, in a civil action, a claim, defense, or allegation for an  
3 improper purpose, including to harass or to cause unnecessary delay or needless  
4 increase in the cost of litigation.

5 (b) If the court determines that a party to a civil action has intentionally made  
6 a false statement of a material fact in connection with the prosecution or defense of  
7 a civil action, the court shall enter judgment against the party making the false  
8 statement on the issue to which the false statement relates. If the civil action involves  
9 multiple claims and the false statement does not apply to all claims, the judgment  
10 required under this section shall apply only to those claims to which the false  
11 statement relates.

12 (c) A person who is injured by a violation of (a) of this section may bring an  
13 action for compensatory damages. However, if the injury is the result of an act or  
14 omission of a

15 (1) party, then the action shall be asserted in the same action in which  
16 the injury arose; and

17 (2) nonparty, then the action shall be asserted in a separate action  
18 commenced after entry of final judgment in the action in which the injury arose.

19 (d) A person who, on the person's own behalf or as a representative of a party,  
20 takes part in the initiation, defense, continuation, or procurement of a civil action  
21 against another is subject to civil liability for compensatory and punitive damages if  
22 the person acts

23 (1) ~~without probable cause~~ on a claim or defense; or

24 (2) primarily for a purpose other than that of securing the proper  
25 adjudication of a claim or defense involved in the civil action.

26 (e) An action to recover damages under (c) of this section may be pled by a  
27 party to a civil action but may not be considered by the jury unless the person bringing  
28 the action or defense is the prevailing party on the claim in question.

29 (f) A person may not bring a civil action to recover damages under (d) of this  
30 section unless the person is the prevailing party and final judgment has been entered  
31 in the civil action described in (d) of this section.

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- 1     • Sec. 2. AS 09.65.190(a), as enacted by sec. 1 of this Act, has the effect of amending
- 2 Rule 13(e), Alaska Rules of Civil Procedure, by giving a person injured by a violation of
- 3 AS 09.65.190(a) the right to file a claim for compensatory damages after serving a pleading.
- 4     • Sec. 3. AS 09.65.190(b), added by sec. 1 of this Act, has the effect of amending Rule
- 5 37, Alaska Rules of Civil Procedure, by requiring the court to enter judgment against a party
- 6 making an intentional material false statement.
- 7     • Sec. 4. SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the
- 8 application of a provision of this Act to any person or circumstance is held invalid, the
- 9 remainder of this Act and the application to other persons shall not be affected.
- 10    • Sec. 5. This Act takes effect immediately under AS 01.10.070(c).



OFFICE  
LEGISLATIVE COUNCIL

CO-CHAIR,  
HOUSE SPECIAL COMMITTEE  
ON MILITARY AND  
VETERANS AFFAIRS

CO-CHAIR,  
MILITARY AFFAIRS FOR  
ALASKA CAUCUS

Post-It <sup>®</sup> Fax Note	7071	Date	# of pages 2
To	Bob Mulder	From	Denny D. Witt
Co./Dept.		Co.	
Phone #		Phone #	465-2647
Fax #	272-3655	Fax #	465-3518



**REPRESENTATIVE ELDON MULDER**  
DISTRICT 23 MULDOON-Ft. RICHARDSON

## SPONSOR STATEMENT

### CS for HB 316

House Bill 316 requires parties to law suits to be truthful and responsible in their pleadings. This bill discourages false statements in litigation and encourage responsibility by all parties and their attorneys. It requires more careful and focused preparation and presentation of pleadings.

This bill creates an obligation for litigants and attorneys to make reasonable efforts to insure that claims have a probability of succeeding. If the claim is knowingly or recklessly false, both the attorney and the party can be assessed damages.

HB 316 requires attorneys and their clients to research their claims to assure they are factually supported before filing a suit. This bill will help eliminate "boiler plate" pleadings in law suits and encourage responsible and focused pleadings. "Boiler plate" pleadings include everything anyone could ever imagine could have happened rather than focusing on those specific issues that actually happened. These extraneous pleadings are expensive to work through and are most often thrown out. They simply cause one party to expend significant dollars to pare the filing down to the real issues.

Many suits are often times cheaper to settle than litigate, regardless of their merit. This bill does not affect suits filed in good faith. It will, however, have a significant deterrent effect on those without merit. A system that allows deceit to be rewarded must be changed.

This bill assigns financial responsibility to those who file suits without probable cause, those who provide false information, those who want to use claims and cross claims to cloud the issues and those who want to go on unsuccessful fishing trips. This is not why we have and support a judicial system.

A jury will make the determination whether the information presented was intentional and material. If honest errors are made, there will be no problem. I believe that the jury can make these decisions and that the deterrent effect of this bill will apply to those cases that are inappropriate without inhibiting the filings of cases believed to have merit.

**SB**

**186**

No. 1

# FISCAL NOTE

Bill Version: CSSB 186(L&C)

(S) Publish Date: 3/18/96

**STATE OF ALASKA  
1996 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_  
 Title: Limited Liability Partnerships  
 Sponsor: Senate Labor & Commerce  
 Requestor: Senate Labor & Commerce

Department: Commerce and Economic Development  
 BRU: Banking, Securities and Corporations  
 Component: Banking, Securities and Corporations

COMPONENT SERIAL NO. 1233

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES</b>	<b>800</b>	<b>840</b>	<b>1040</b>	<b>1090</b>	<b>1150</b>	<b>1210</b>
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

Estimate of any current year (FY 96) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME	
PART-TIME	
TEMPORARY	

**ANALYSIS:** (Attach a separate page if necessary)

The revenue figures are based upon the current number of limited liability companies that have filed with the State of Alaska under the limited liability Act since July 1, 1995. Using those figures, the department estimates that approximately 324 limited liability partnerships (LLP) would file in FY 1997, and would increase at 5% per year. Starting in FY 99, the revenue figure anticipates additional revenue derived from biennial license renewal fees.



Prepared by: William F. Kispalrick, Director  
 Division: Banking, Securities and Corporations  
 Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Phone: 465-2521  
 Date: 2-6-96  
 Date: 2-7-96

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JUL 100 07007P 21 1

**PRESENTATION TO THE SENATE LABOR AND COMMERCE  
COMMITTEE ON SENATE BILL 186**

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS PETER DENN AND I AM AN ALASKAN CPA, HAVING LIVED AND WORKED IN THE STATE FOR THE LAST 22 YEARS. I AM THE MANAGING PARTNER OF THE ALASKA PRACTICE FOR DELOITTE & TOUCHE, WHICH NOW EMPLOYS APPROXIMATELY 50 ALASKANS, AND I AM HERE TODAY AS A MEMBER OF AND BEHALF OF THE ALASKA SOCIETY OF CPA'S. I GREATLY APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO SPEAK IN FAVOR OF SB 186, THE PROPOSED REGISTERED LIMITED LIABILITY PARTNERSHIP LAW.

BEFORE I TALK ABOUT THE BILL, I WOULD LIKE TO THANK YOU, SENATOR KELLY, THE MEMBERS OF YOUR COMMITTEE AND YOUR STAFF FOR YOUR PATIENCE OVER THE LAST YEAR. WE HAVE WORKED CLOSELY WITH THE ALASKA BANKERS, ESPECIALLY JOE SCHIERHORN AND JOHN BEARD, TO ARRIVE AT CONSENSUS BEFORE TODAY'S MEETING AND I BELIEVE YOU HAVE THE RESULTS OF THAT EFFORT BEFORE YOU

I WOULD LIKE TO POINT OUT THAT I AM NOT AN ATTORNEY THOUGH TODAY I AM ADDRESSING LEGAL FORMS OF ORGANIZATION. I BELIEVE, AS A

BUSINESSMAN, THAT THE LLP WILL BENEFIT SMALL AND GROWING BUSINESSES IN ALASKA AND ENHANCE OUR BUSINESS FRIENDLY ENVIRONMENT.

SELECTING THE FORM IN WHICH TO OPERATE IS ONE OF THE MOST SIGNIFICANT DECISIONS A CLIENT STARTING A BUSINESS, OR CONTINUING AN EXISTING ONE, WILL HAVE TO MAKE WITH RESPECT TO THAT BUSINESS.

THE CHOICE OF ENTITY WILL HAVE BROAD IMPLICATIONS. IT WILL AFFECT HOW THE BUSINESS IS CONDUCTED, THE PERSONAL AFFAIRS OF ITS OWNERS, AND EVEN IMPACT ON THE BUSINESSES' EMPLOYEES. TO CONTINUE TO ATTRACT AND RETAIN BUSINESSES, IT IS IMPORTANT THAT BUSINESSES HAVE, AND ALASKA PROVIDES, A FULL CHOICE OF FORMS IN WHICH BUSINESSES MAY OPERATE.

THE LIMITED LIABILITY PARTNERSHIP (OR LLP) IS A NEW TYPE OF GENERAL PARTNERSHIP THAT IS BEGINNING TO SWEEP THE NATION. THIRTY-EIGHT (38) STATES AND THE DISTRICT OF COLUMBIA HAVE ALREADY ADOPTED LLP LEGISLATION. TWELVE (12) ADDITIONAL STATES, NOW INCLUDING ALASKA, ARE CONSIDERING LLP LEGISLATION IN 1996.

THE LLP FORM IS APPEALING TO LOTS OF PARTNERSHIPS, BUT PARTICULARLY TO THE SEGMENT OF THE ECONOMY THAT IS GROWING THE FASTEST -- SMALL

BUSINESSES AND START-UP VENTURES. THIS IS BECAUSE IT HAS LOW START-UP COSTS, IS FLEXIBLE, AND RELATIVELY EASY TO OPERATE.

LLP'S PROVIDE A FLEXIBLE FORM OF ORGANIZATION FOR SMALL BUSINESSES THAT HELPS THEM OBTAIN PARITY WITH LARGER, BETTER CAPITALIZED ORGANIZATIONS WHICH CAN AFFORD THE ANCILLARY BENEFITS OF MORE COMPLICATED BUSINESS ORGANIZATIONS. AT THE SAME TIME, THE LIMITED LIABILITY PARTNERSHIP RETAINS MANY OF THE POSITIVE ATTRIBUTES OF A GENERAL PARTNERSHIP.

FIRST, IT IS SIMPLE TO FORM.

SECOND, IT IS SIMPLE TO OPERATE -- UNLIKE GENERAL CORPORATIONS, THERE ARE NO REQUIRED ARTICLES OF INCORPORATION BY-LAWS, BOARD OF DIRECTORS MEETINGS, ETC.

THIRD, IT IS TAXED LIKE A PARTNERSHIP -- MEANING THAT THE TAX LIABILITY FLOWS THROUGH DIRECTLY TO THE LLP'S PARTNERS.

THE LIMITED LIABILITY PARTNERSHIP ALSO HAS ONE OF THE POSITIVE ATTRIBUTES OF MORE COMPLICATED BUSINESS FORMS -- PARTIAL LIMITED LIABILITY.

INDIVIDUAL PARTNERS IN AN LLP ARE NOT PERSONALLY LIABLE FOR THE DEBTS AND OBLIGATIONS OF THE LLP ARISING OUT OF ERRORS, OMISSIONS, NEGLIGENCE, INCOMPETENCE, OR MALFEASANCE COMMITTED IN THE COURSE OF THE PARTNERSHIP BUSINESS BY ANOTHER PARTNER OR REPRESENTATIVES OF THE PARTNERSHIP NOT WORKING UNDER THEIR DIRECTION OR SUPERVISION.

PLEASE NOTE THAT ALL PARTNERS CONTINUE TO BE PERSONALLY LIABLE FOR THEIR OWN ACTS AND OMISSIONS AND THE ACTS AND OMISSIONS OF PERSONS OVER WHOM THEY HAVE CONTROL. ALL PARTNERS ALSO CONTINUE TO BE PERSONALLY LIABLE FOR ALL OTHER DEBTS AND OBLIGATIONS OF THE PARTNERSHIP.

THE LLP ITSELF REMAINS LIABLE FOR ALL OF THE ACTIONS OF ITS OWNERS AND EMPLOYEES AND THE LLP OWNERS REMAIN PERSONALLY LIABLE FOR THEIR OWN ACTIONS AND THE ACTIONS OF THOSE UNDER THEIR CONTROL. BUT, BEYOND ANY INVESTMENTS IN THE LLP ITSELF, THE PERSONAL ASSETS OF THE OWNERS AND THEIR FAMILIES NEED NOT BE SACRIFICED TO PAY JUDGMENTS ARISING FROM EVENTS OR ACTIONS OVER WHICH THEY HAVE NO CONTROL.

WHILE THE OTHER FORMS OF ORGANIZATION, SUCH AS CORPORATIONS, PROFESSIONAL CORPORATIONS, AND LIMITED PARTNERSHIPS, PROVIDE FAR MORE COMPREHENSIVE PROTECTION FOR THE PERSONAL ASSETS OF A BUSINESS OWNER AND GENERALLY PROTECT OWNERS FROM ANY ACTION AGAINST THE ENTITY, THEY ALSO CARRY WITH THEM SIGNIFICANT COSTS AND REQUIRE A LEVEL OF SOPHISTICATION TO SET UP AND OPERATE.

CONSEQUENTLY, THE LIMITED LIABILITY PARTNERSHIP SHOULD APPEAL TO THE TYPES OF BUSINESSES TODAY THAT ARE OPERATING AS PARTNERSHIPS AND THAT CAN NOT AFFORD OR DO NOT HAVE THE TIME TO DEAL WITH STATUTORY AND REGULATORY REQUIREMENTS OF QUALIFYING AND OPERATING AS THESE OTHER BUSINESS FORMS.

FROM ALASKA'S PERSPECTIVE, IT WILL BE A TREMENDOUS ADVANTAGE TO OFFER BUSINESS THE LLP FORM FOR THE FOLLOWING REASONS:

THE LLP IS BUSINESS DEVELOPMENT ORIENTED. STATES AT THE FOREFRONT OF ECONOMIC DEVELOPMENT ARE THERE BECAUSE THEY OFFER AN EXPANSIVE MENU OF ORGANIZATIONAL ALTERNATIVES FOR DOING BUSINESS. THEY ENABLE THE BUSINESSES IN THEIR STATES TO BE COMPETITIVE WITH BUSINESSES FROM OTHER STATES AND ABROAD BY ENABLING THEM TO USE THE BUSINESS FORM MOST SUITABLE TO THEIR BUSINESS SITUATION.

ENACTMENT OF LLP LEGISLATION IS CONSISTENT WITH PUBLIC POLICY POSITIONS ALREADY ADOPTED BY THE STATE. LIKE ANY BUSINESS FORM, THE PARTNERS IN AN LLP ALWAYS REMAIN RESPONSIBLE FOR THEIR OWN ACTIONS, AND THE PARTNERSHIP REMAINS RESPONSIBLE FOR THE ACTIONS TAKEN ON ITS BEHALF BY EMPLOYEES OR PARTNERS.

ADOPTION OF A LIMITED LIABILITY PARTNERSHIP LAW WILL PROVIDE A FAVORABLE BUSINESS CLIMATE -- AND WILL ESPECIALLY BENEFIT THAT PORTION OF THE ECONOMY THAT HAS THE POTENTIAL TO GROW THE FASTEST, SMALL BUSINESSES AND START-UP VENTURES.

A LLP LAW WILL ENABLE ALASKA TO MAKE AVAILABLE AN ORGANIZATION FORM AVAILABLE TO 4/5 OF THE NATION AND ALLOW BUSINESSES THAT ARE RESIDENT HERE TO BETTER COMPETE WITH OUT-OF-STATE FIRMS.

FOR THESE REASONS, WE URGE YOU TO ADOPT THIS LEGISLATION.

THANK YOU FOR ALLOWING ME TO APPEAR HERE. IF YOU HAVE ANY QUESTIONS, I WILL BE HAPPY TO TRY TO ANSWER THEM.

**SB**

**188**

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 188

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to reports of suspected child abuse or neglect ...."  
 Sponsor: Sen. Taylor  
 Requestor: (S) HES

Dept. Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

Prepared by: John Salemi, Director  
 Division: Public Defender Agency

Phone: 264-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 1/27/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 188

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to reports of suspected child abuse or neglect..."  
 Sponsor: Sen. Taylor  
 Requestor: (S) HE

Dept. Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

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

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate  
 Division: Office of Public Advocacy

Phone: 274-1694  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 1/31/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB188

Revision Date: \_\_\_\_\_  
 Title: Videotape/Audiotape Interviews with Children  
 Sponsor: Senators Taylor, Miller  
 Requestor: Secate (HES)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Northern Region  
 COMPONENT SERIAL NO. 245  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	615.0	615.0	615.0	615.0	615.0	615.0
TRAVEL	27.4	3.2	3.2	3.2	3.2	3.2
CONTRACTUAL	511.3	500.2	500.2	500.2	500.2	500.2
SUPPLIES	32.0	22.2	22.2	22.2	22.2	22.2
EQUIPMENT	21.1	3.8	3.8	3.8	3.8	3.8
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1,206.8</b>	<b>1,144.4</b>	<b>1,144.4</b>	<b>1,144.4</b>	<b>1,144.4</b>	<b>1,144.4</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,206.8	1,144.4	1,144.4	1,144.4	1,144.4	1,144.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>1,206.8</b>	<b>1,144.4</b>	<b>1,144.4</b>	<b>1,144.4</b>	<b>1,144.4</b>	<b>1,144.4</b>

**POSITIONS:**

FULL-TIME	15	15	15	15		
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

This bill would require that an interview with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office, multiple cameras for larger offices such as Fairbanks where generally several interviews are occurring at the same time. DFYS would have to hire fifteen Social Service Associate III's to operate camera's and to support the cataloging and organization of tapes. There would be cleaning, repair, maintenance and replacement cost for the videotape and audiotape recorders. There would be transcription cost assuming two hours of transcription per each report of harm received by DFYS and translation cost assuming 10% of the tapes would require translation from Native languages.

Prepared by: L. Diane Worley *L Diane Worley* Phone: 465-3191  
 Division: Family & Youth Services Date: 01/30/96  
 Approved by Commissioner: Karla Priddy, Commissioner *Karla Priddy* Date: 1/31/96  
 Agency: Department of Health & Social Services

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB188

Revision Date: \_\_\_\_\_  
 Title: Videotape/Audiotape Interviews with  
Children  
 Sponsor: Senators Taylor, Miller  
 Requestor: Senate (HES)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Southeastern Region  
 COMPONENT SERIAL NO. 254  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	1,189.0	1,189.0	1,189.0	1,189.0	1,189.0	1,189.0
TRAVEL	18.8	4.4	4.4	4.4	4.4	4.4
CONTRACTUAL	844.1	823.5	823.5	823.5	823.5	823.5
SUPPLIES	43.1	38.4	38.4	38.4	38.4	38.4
EQUIPMENT	31.8	7.3	7.3	7.3	7.3	7.3
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2,126.4</b>	<b>2,080.8</b>	<b>2,080.8</b>	<b>2,080.8</b>	<b>2,080.8</b>	<b>2,080.8</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	2,126.4	2,080.8	2,080.8	2,080.8	2,080.8	2,080.8
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>2,126.4</b>	<b>2,080.8</b>	<b>2,080.8</b>	<b>2,080.8</b>	<b>2,080.8</b>	<b>2,080.8</b>

**POSITIONS:**

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	29	29	29	29	29	29
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 0.0

**ANALYSIS:** (Attach a separate page if necessary)

This bill would require that an interview with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office, multiple cameras for larger offices where generally several interviews are occurring at the same time; for example, Anchorage may have four to six interviews proceeding at the same time. DFYS would have to hire 29 Social Service Associate III's to operate camera's and to support the cataloging and organization of tapes. There would be cleaning, repair, maintenance and replacement cost for the videotape and audiotape recorders. There would be transcription cost assuming two hours of transcription per each report of harm received by DFYS and translation cost assuming 10% of the tapes would require translation from Native languages.

Prepared by: L. Diane Worley  
 Division: Family & Youth Services  
 Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 01/30/96  
 Date: 1/31/96

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB188

Revision Date: \_\_\_\_\_  
Title: Videotape/Audiotape Interviews with  
Children  
Sponsor: Senators Taylor, Miller  
Requestor: Senate (HES)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southeastern Region  
COMPONENT SERIAL NO. 258  
See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	246.0	246.0	246.0	246.0	246.0	246.0
TRAVEL	6.5	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	135.4	181.8	181.8	181.8	181.8	181.8
SUPPLIES	11.3	9.1	9.1	9.1	9.1	9.1
EQUIPMENT	8.7	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>457.9</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	457.9	440.4	440.4	440.4	440.4	440.4
1005 GF/Program Receipts						
1006 GF/MHTLA						
Other (please specify)						
<b>TOTAL</b>	<b>457.9</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>

**POSITIONS:**

FULL-TIME	6	6	6	6	6	6
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

This bill would require that an interview with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office and multiple camera's for larger offices where generally several interviews are occurring at the same time. DFYS would have to hire six Social Service Associate III's to operate camera's and to support the cataloging and organization of tapes. There would be cleaning, repair, maintenance and replacement cost for the videotape and audiotape recorders. There would be transcription cost assuming two hours of transcription per each report of harm received by DFYS and translation cost assuming 10% of the tapes would require translation from Native languages.

Prepared by: L. Diane Worley  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 01/30/96  
Date: 1/31/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 188

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: \*...requiring that...all interviews with children who BRU: Criminal Division  
are alleged to have been abused or neglected be videotaped.\* Component: Criminal Division  
 Sponsor: Senator Taylor  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	18.3	18.3	18.3	18.3	18.3	18.3
TRAVEL	180.8	139.8	139.8	139.8	139.8	139.8
CONTRACTUAL	1.0	1.0	1.0	1.0	1.0	1.0
SUPPLIES	29.5	0.0	0.0	7.4	7.4	7.4
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>207.6</b>	<b>157.1</b>	<b>157.1</b>	<b>164.5</b>	<b>164.5</b>	<b>164.5</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	207.6	157.1	157.1	164.5	164.5	164.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>207.6</b>	<b>157.1</b>	<b>157.1</b>	<b>164.5</b>	<b>164.5</b>	<b>164.5</b>

Estimate of any current year (FY96) cost: 0.0

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 47.17 to provide that upon receiving a report that a child has been abused or neglected, that a government officer (including a school official) or an agent of the government may not investigate the report of harm by interviewing the child concerning the alleged abuse or neglect unless the initial interview and each subsequent interview is videotaped.

Department of Law prosecutors and the department's victim/witness paralegals routinely interview children in cases where child abuse and neglect have been alleged. About 360 of these cases are referred to the department annually, and about 200 cases are accepted for prosecution. Prosecutors conduct a prescreening interview with the children involved in about one-half of the cases that are referred to the department. This amounts to one hour each or approximately 180 hours of interview time.

Of the 200 cases that are accepted, prosecutors and paralegals spend about 2 hours in total interviewing the

Prepared by: Richard I. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 1/31/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/31/96  
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 188

ANALYSIS CONTINUATION:

child victim in each case. This amounts to approximately 400 hours of interview time.

The Department of Law has two concerns regarding the wholesale videotaping of children in child abuse and neglect cases. First, the expense of videotaping is prohibitive. This includes video equipment and operators. Also, in many cases interviews are scheduled in the late afternoon, in early evening hours, or on weekends because of prosecutors' trial calendars, making scheduling and logistics very difficult and expensive.

Second, the use of videotaping is invasive to victims of any age, and particularly to victims of sexual or physical abuse. It is doubtful that any adult victim of these crimes would even consider participating in such a process, if it was ever required. Therefore, we are concerned that parents would not allow their child to participate in a process that requires the child to be repeatedly placed before a video camera to relate what to most people are horrifying, traumatic experiences. If interpreted to require repeated video taping of abused children, we believe the bill would have a dramatic chilling effect on the willingness and the ability of child victims to speak out against their abusers. Furthermore, the requirement for the unlimited use of recording devices, and the invasiveness of such devices, also raises the issue of whether such unlimited use is lawful under Article 1, Section 25 of Alaska's Constitution. Section 25 provides in part: "Crime victims...shall have the following rights...the right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process..."

The bill will therefore require an elaborate system of two-way mirrored interview rooms be established throughout the state so that a child is not aware that videotaping is occurring. However, the costs would be significant for the Department of Law, and much higher for other departments and local agencies who do the majority of interviews. The department would have to lease additional space and bear the cost of renovating and staffing each of the state's 12 District Attorney's offices and where, in our largest office, multiple video interview rooms would be necessary.

Based on the foregoing, the department's prosecutors and paralegals will have to conduct 580 hours of interviews at 12 different locations throughout the state each year. This will require the acquisition of 16 cameras, 17 VCRs, plus an additional 13 VCRs to use as duplicators, and 17 video monitors. The department will also need 500 video tapes annually. Last, the department will require outside court reporter services to transcribe video tapes, because the recorded interviews will be discoverable by the defense. Normally, 40 pages of transcription is required for each hour of a recorded interview. The number and length of interviews to be conducted by the Department of Law will be relatively small compared to law enforcement officers and social workers, and their cost for interviews will be much higher than the department's. A summary of the Department of Law's costs is attached.

Personal Services (paralegal overtime)

75% of interviews will take place outside of normal business hours requiring overtime pay for paralegals.

$$580 \text{ hrs} \times .75 = 435 \text{ hrs} \times \$25.03 \text{ (salary and benefits)} \times 1.5 = \$16,332$$

Contractual Services

$$\begin{array}{r} 580 \text{ hours audiotape interviews} \\ \underline{\times 40} \text{ pages of transcription per hour} \\ = 23,200 \text{ pages} \\ \underline{\times \$3.75} \text{ per page court reporter fee} \\ = \$87,000 \end{array}$$

\$52,800 Additional lease cost for 2-way mirrored interview room. Approximately 200 square foot of additional space will be needed at 8 leased facilities where prosecutors are not located in a state-owned building

$$\begin{array}{r} 1,500 \text{ one-time building cost for interview room setup} \\ \underline{\times 14} \\ = \$21,000 \end{array}$$

Total Contractual = \$160,800 (including \$21,000 one-time)

Supplies

$$\begin{array}{r} 500 \text{ 2 hour videotape} \\ \underline{\times \$2.00} \text{ per tape} \\ = \$ 1,000 \end{array}$$

Equipment

$$\begin{array}{r} \$ 1,000 \text{ video camera each} \\ \underline{\times 16} \text{ cameras} \\ = \$16,000 \end{array}$$

$$\begin{array}{r} \$ 279 \text{ video recorder/player each} \\ \underline{\times 17} \text{ recorder/players} \\ = \$ 4,743 \end{array}$$

$$\begin{array}{r} \$ 279 \text{ video tape duplicators each} \\ \underline{\times 13} \text{ duplicators} \\ = \$ 3,627 \end{array}$$

$$\begin{array}{r} \$ 299 \text{ 20 inch monitor each} \\ \underline{\times 17} \text{ monitors} \\ = \$ 5,083 \end{array}$$

Total Equipment = \$29,451

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SB188

Revision Date: \_\_\_\_\_  
Title: Video taping of interviews with abused minors  
Sponsor: Senators Taylor and Miller  
Requestor: Senate HESS

Dept. Affected: Public Safety  
BRU: Alaska State Troopers  
Component: Detachments: CTB  
COMPONENT SERIAL NO. 0799: 0830:

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES	6.0	6.0	6.0	6.0	6.0	6.0
EQUIPMENT	43.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>49.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
CHANGE IN REVENUES ( ) Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	49.0	6.0	6.0	6.0	6.0	6.0
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>49.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

See Attached.

Prepared By: Lt. Dan Lowden  
Division: Alaska State Troopers

Phone: 465-5505  
Date: January 31, 1996

Approved by Commissioner:   
Agency: Ronald L. Otte, Department of Public Safety

Date: 1/31/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SB188

Revision Date: January 31, 1996

Dept. Affected: Public Safety

## ANALYSIS CONTINUED:

To have the ability to videotape the interviews as required under this bill the division would need 43 new video camera kits at about \$1000.00 each (\$43,000.00) and about 1,710 video tapes at 3.50 each (\$5,985.00). The video tapes would have to be purchased each year as new cases would be coming in and the used tapes would be in storage as evidence.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSBI88(HES)

Revision Date: \_\_\_\_\_  
 Title: Videotape/Audiotape Interviews with Children  
 Sponsor: Senators Taylor, Miller  
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Southeastern Region  
 COMPONENT SERIAL NO. 25H  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	240.0	240.0	240.0	240.0	240.0	240.0
TRAVEL	6.5	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	185.4	181.8	181.8	181.8	181.8	181.8
SUPPLIES	11.3	9.1	9.1	9.1	9.1	9.1
EQUIPMENT	8.7	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>457.9</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>

**CAPITAL EXPENDITURES**

**CHANGES IN REVENUES**

**FUND SOURCE**

(Thousands of Dollars)

*002 Federal Receipts						
*003 GF Match						
*004 GF	457.9	440.4	440.4	440.4	440.4	440.4
*005 GF/Program Receipts						
*006 GF/AMTIA						
Other (please specify)						
<b>TOTAL</b>	<b>457.9</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>	<b>440.4</b>

**POSITIONS:**

FULL TIME	01	5	6	6	6	6
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost

80.0

**ANALYSIS:**

(Attach a separate page if necessary)

This bill would require that an interview with children alleged to have been abused or neglected be videotaped whenever possible, and audiotaped when not possible to videotape. DFYS would need to purchase video camera's for every field office and multiple cameras for larger offices where generally several interviews are occurring at the same time. DFYS would have to hire six Social Service Associate III's to operate camera's and to support the cataloging and organization of tapes. There would be cleaning, repair, maintenance and replacement cost for the videotape and audiotape recorders. There would be transcription cost assuming two hours of transcription per each report of harm received by DFYS and translation cost assuming 10% of the tapes would require translation from Native languages.

Prepared by: [Signature]  
 Division: \_\_\_\_\_  
 Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_

L. Diane Worley  
 Family & Youth Services  
[Signature]  
 Karra Frower, Commissioner  
 Department of Health & Social Services

Phone: 465-3191  
 Date: 03/06/96  
 Date: 3/6/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 188 (HES)

Revision Date: \_\_\_\_\_  
 Title: An Act relating to reports of suspected child abuse or neglect  
 Sponsor: Sen. Taylor  
 Requestor: (S) JUD

Dept. Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by Brant McGee, Public Advocate  
 Division Office of Public Advocacy

Phone: 274-1684  
 Date: \_\_\_\_\_

Approved by Commissioner Mark Boyer *Mark Boyer*  
 Agency: Department of Administration

Date: 3/6/96

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# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO: CSSB188(HESS)**

Revision Date: March 6, 1996  
 Title: Video tape interview of abused minors  
 Sponsor: Senator Taylor  
 Requestor: S. Judiciary

Dept. Affected: Public Safety  
 BRU: Alaska State Troopers  
 Component: Detachments: CIB  
**COMPONENT SERIAL NO. 0799: 0830**

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

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

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS (Attach a separate page if necessary)**

This bill will not have a fiscal impact on the Division of Alaska State Troopers

Prepared By: Lt. Dan Lowden  
 Division: Alaska State Troopers  
 Approved by Commissioner: *[Signature]*  
 Agency: Ronald L. Otte, Department of Public Safety

Phone: 465-5505  
 Date: March 6, 1996  
 Date: 3/13/96

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# SENATE COMMITTEE REPORT

DATE: 2/29/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-22-96

The Judiciary Committee considered SB 188

Relating to reports of suspected child abuse or neglect; and requiring all official interviews with children be videotaped.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS SB 188 (HESJ)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical change
  - new: SCR\*

SIGNING: DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Muffel</i>	<input checked="" type="checkbox"/>	<i>Lyle Green - Will support when</i>			<input checked="" type="checkbox"/>
		<i>Al Cdeas</i>		<input checked="" type="checkbox"/>	
CHAIR: <i>Miss L. Taylor</i>	<input checked="" type="checkbox"/>				

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal

Department	Date	Zero	Fiscal
<i>South Central Health &amp; Social Serv.</i>	<i>3/4/96</i>		<i>2126.4</i>
<i>HSS - Northern Rg.</i>	<i>3/4/96</i>		<i>1206.8</i>
<i>Administration</i>	<i>3/6/96</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# Alaska State Legislature

SENATOR  
MIKE MILLER

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Senate District 9

Senate

## Joint Sponsor Statement Senate Bill 188

SB 188: "An Act relating to reports of suspected child abuse or neglect, and requiring that, as part of the investigation of the reports of suspected child abuse or neglect, all official interviews with children who are alleged to have been abused or neglected be videotaped."

**PURPOSE:** this legislation was prompted by distress from concerned parents requesting a more stringent "check and balance" accountability system for state agencies in regard to child abuse legislation.

**INTENT:** is that all interviews be video taped from the onset with allegedly abused or neglected children; furthermore, the interview may not proceed unless the above mentioned process is in place.

In turn this would help implement sound public policy by requiring accountability of agency action in the sensitive area of state interference in private family life; it would also provide a protection of the rights of the person conducting the interview.

I strongly urge your support of SB 188.

2/9/96



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE JUDICIARY  
 COMMITTEE ON SB 188 COMMITTEE NAME  
 BILL/SUBJECT DATED 3-22-96

AS PARTIAL JUSTIFICATION OF ITS EFFORT TO AVOID ACCOUNTABILITY, DFYS  
 BEWAILS THE COST OF TRAINING ITS PERSONNEL TO OPERATE VIDEOCAMERAS.  
 I WAS A PROTOTYPE TECHNICIAN AT AMPEX CORP. IN THE 1950'S - PART  
 OF THE TEAM WHICH DESIGNED AND BUILT THE VERY FIRST VIDEO TAPE  
 RECORDERS. I'LL TEACH THE STATE SOCIAL WORKERS TO OPERATE THE  
 EQUIPMENT AND WILL ONLY BILL FOR THE AMOUNT OF THE COLLEGE  
 FUNDS MY CHILDREN HAVE LOST IN OUR NEARLY 3-YEAR LEGAL BATTLE  
 AGAINST DFYS'S FALSE CHARGES AND RESULTING DESTRUCTION AND  
 SCATTERING OF OUR FAMILY. THE TOTAL THUS FAR IS \$157,240<sup>00</sup>.

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To <u>Sen Taylor</u>	From <u>FBX L10</u>
Co <u>Senate Judiciary</u>	Co
Dept.	Phone #
Fax #	Fax #

SIGNED Richard Mealy  
 TESTIFIER

REPRESENTING (OPTIONAL)

Box 62 Chena, AK 99704 (907) 832-5245  
 ADDRESS/PHONE NUMBER



# Alaska State Legislature

Please enter into the record my testimony to the STUD  
 committee name  
 committee on SB188, dated 3-22-96  
 bill/subject:

DFYS has complaints about anything that might cause them not to have such a heavy caseload and might jeopardize their own jobs.

They are set against organizations such as ours working with parents and families. We do not in no way advocate any type of abuse.

Workers don't follow their own SOP now this bill would make them responsible for their actions.

Discipline, ~~situated~~ within reason should not be automatically considered abuse.

Parents need to have control over their children.

Signed: Naemi Hodson  
 Testifier  
Guardians of Family Rights  
 Representing (Optional)  
P.O. Box 3687 Soldotna, Ak. 99669  
 Address  
907-262-7225  
 Phone No.

FROM: Jodi Olmstead Delaney  
P.O. Box 56054  
North Pole, Alaska 99705  
(907) 488-0334

February 9th, 1996  
Fairbanks, Alaska

TO: Senator Robin Taylor  
Alaska Legislature  
State Capitol  
Juneau, Alaska 99811-0001  
(907) 465-4076

RE: Senate Bill 188: "Mandatory Videotaping of Child Abuse Interviews".

Dear Sir; Honourable Members,

this is my letter to you, to provide extended testimony on SB188. I would like you to consider these points:

- 1)\*\*\*Alaska's rate of "false allegations", not "unprosecuted crimes", is 60%.
- 2)\*\*\*It is wrong for people to be falsely accused.
- 3)\*\*\*It costs large amounts of scarce resources to process any allegation.
- 4)\*\*\*Experts should be able to handle technical details, not create technical details.
- 5)\*\*\*It is inefficient to have no testable performance standard for workers.
- 6)\*\*\*It is morally unacceptable to not have a testable standard in such allegations.
- 7)\*\*\*There is no reason to prefer "experts", to parents and family, in Alaska.
- 8)\*\*\*Accountability provides mutual and widespread benefits to all citizens.
- 9)\*\*\*Citizens are experts about government, not the property of government.

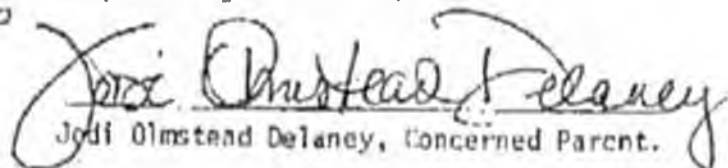
The problem with resolving the technical issues inherent to the approach of this legislation, is that these are only real issues that are difficult to resolve, if one is engaged in an activity to suspend rudimentary constitutional liberties of citizens of this state and nation. Otherwise, people solve such problems every day of their lives, without that inconvenience.

With the potential expenditure of some eighty or more hours of paid staff time on the processing of a false allegation, and the effects upon the children of multiple interviews which might traumatize or indoctrinate them, there is the great likelihood that this cost could be saved, in each of the 60% of cases based upon a false allegation. No child or citizen can benefit from failing to save these costs.

The argument that opportunities will be lost to help children who need that is voided by the certainty that most will suffer because of the "help", if it is given. An abused child would have greater reason to fear systematic bungling and invasion, than reason to fear taking responsibility for telling the truth. It might be hard for a child to know the difference between a reality and an untruth, not only because of intimidation, but also because of impressionability. There is no contest between foregoing the believability of a victim, and sacrificing the vulnerable innocence of a non-victim. The victims need to know that responsible people are in charge. For the 60% of subjects, these people are their parents.

The inevitable result of establishing the most careful standards in such cases, is that more resources will be available, proportionately, to serve the needs of any person who might really have such needs. Punishing everyone to badly serve a few is no standard for anyone who recognizes and cares about protecting and nurturing children.

Respectfully submitted,

  
Jodi Olmstead Delaney, Concerned Parent.

Marje Russell  
3356 Lineman Ave.  
North Pole, AK. 99705

**Re: SB 188 "Mandatory Videotaping of Child Abuse Interviews"**

To All Concerned;

This bill that has been brought to you, is one that is to help in streamlining the efficiency of the Department of Family and Youth Services, as well as protecting innocent parties of false allegations. The Department's responsibility is to protect children who are being abused, but the system has been abused by some people to get out of a perfectly good home. I do not understand how the original bill of videotaping has been reduced to audio taping. I am also wondering how you can have the Department that this will impact do the review of this bill, when it has been something they are fighting for many reasons. Those may be that this may affect some jobs in this department due to better efficiency of the reporting system.

The advantages of videotaping is the fact that it is accurate, it saves time, it gives the social worker time to do their job, keeps records accurate without opinions, and protects everyone involved.

Video cameras are used in everyday life. Banks, stores, and courts use video taping as a source of record. It is known that some criminals will videotape their crime, which can be used as concrete evidence, thus saving the state money in prosecution costs. The cost of this operation is low compared to the advantages and expense of having people do all the work, rewriting the interview.

Social Workers are so loaded down with cases that in the course of the required eight to eleven interviews, they are to write up each interview because that is the only record. It is known that these reports are written after the interview, not during, and could be days later. It is also a proven fact that a student that listens to a lecture will remember 50% of the lecture an hour later, and only 20% five hours later. How much is the social worker remembering,



# Alaska State Legislature

Please enter into the record my testimony to the SJUD  
committee name  
 committee on SB 188, dated 2/9/96  
bill/subject

I AM IN FULL SUPPORT OF SB 188  
 BECAUSE DFYS PUTS IN THEIR  
 OWN ~~WORDS~~ WORDS INSTEAD OF  
 THE CHILD'S WORDS AND SENATOR  
 MILLER IS RIGHT THE PAPER  
 WORK <sup>ALWAYS</sup> DOES GETS LOSS I KNOW  
 THIS TO BE A FACT BE OVER HALF  
 OF MY OWN CASE FILE HAS  
 VANISH

Signed: Con O. Dennis  
Testifier  
GUARDIANS OF FAMILY RIGHTS  
Representing (Optional)  
BOX 3087 SOLDOTNA 99669  
Address  
907-283-7841  
Phone No.

CS FOR SENATE BILL NO. 188(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/29/96

Referred: JUD. FIN

Sponsors: SENATORS TAYLOR AND MILLER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reports of suspected child abuse or neglect, and requiring  
2 that, as part of the investigation of the reports of suspected child abuse or  
3 neglect, all official interviews with children who are alleged to have been abused  
4 or neglected be recorded."

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

6 \* Section 1. AS 47.17.010 is amended to read:

7 Sec. 47.17.010. PURPOSE AND INTENT. (a) In order to protect children  
8 whose health and well-being may be adversely affected through the infliction, by other  
9 than accidental means, of harm through physical injury or neglect, mental injury,  
10 sexual abuse, sexual exploitation, or maltreatment, the legislature requires the reporting  
11 of these cases by practitioners of the healing arts and others to the department. It is  
12 not the intent of the legislature that persons required to report suspected child abuse  
13 or neglect under this chapter investigate the suspected child abuse or neglect before  
14 they make the required report to the department. Reports of suspected child abuse

1 or neglect must be made when there is a reasonable cause to suspect child abuse or  
2 neglect in order to make state investigative and social services available in a wider  
3 range of cases at an earlier point in time.

4 (b) It is the intent of the legislature [, TO MAKE SURE] that investigations  
5 regarding reports of suspected child abuse and neglect

6 (1) be [ARE] conducted by trained investigators;

7 (2) [, AND TO] avoid subjecting a child to multiple interviews about  
8 the abuse or neglect; and

9 (3) ensure that all interviews with the child concerning the alleged  
10 abuse or neglect that are made as part of the investigation of a report of harm  
11 are recorded on audiotape, or, whenever feasible, on videotape.

12 (c) It is the further intent of the legislature that, as a result of requiring the  
13 making of these reports of suspected child abuse or neglect, protective services will  
14 be made available in an effort to

15 (1) prevent further harm to the child;

16 (2) safeguard and enhance the general well-being of children in this  
17 state; and

18 (3) preserve family life unless that effort is likely to result in physical  
19 or emotional damage to the child.

20 \* Sec. 2. AS 47.17.025(a) is amended to read:

21 (a) A law enforcement agency shall immediately notify the department of the  
22 receipt of a report of harm to a child from abuse. Upon receipt from any source of  
23 a report of harm to a child from abuse, the department shall notify the Department of  
24 Law and investigate the report. However, the department may not proceed in an  
25 investigation of a report of harm to a child from abuse if the department, in  
26 interviewing the child concerning the alleged abuse, is unable to record or fails  
27 to record each interview with the child. Within [AND, WITHIN] 72 hours of the  
28 receipt of the report of harm to a child from abuse, the department [,] shall provide  
29 a written report of its investigation of the harm to a child from abuse to the  
30 Department of Law for review. In this subsection, "record" means to audiotape,  
31 and, whenever circumstances permit or it is otherwise feasible, to videotape,

1 \* Sec. 3. AS 47.17.027(a) is amended to read:

2 (a) If the department or a law enforcement agency provides written  
3 certification to the child's school officials that (1) there is reasonable cause to suspect  
4 that the child has been abused or neglected by a person responsible for the child's  
5 welfare or as a result of conditions created by a person responsible for the child's  
6 welfare; (2) an interview at school is a necessary part of an investigation to determine  
7 whether the child has been abused or neglected; and (3) the interview at school is in  
8 the best interests of the child, school officials shall permit the child to be interviewed  
9 at school by the department or a law enforcement agency before notification of, or  
10 receiving permission from, the child's parent, guardian, or custodian. A school official  
11 shall be present during an interview at the school unless the child objects or the  
12 department or law enforcement agency determines that the presence of the school  
13 official will interfere with the investigation. The interview shall be recorded as  
14 required by AS 47.17.035. Immediately after conducting an interview authorized  
15 under this section, and after informing the child of the intention to notify the child's  
16 parent, guardian, or custodian, the department or agency shall make every reasonable  
17 effort to notify the child's parent, guardian, or custodian that the interview occurred  
18 unless it appears to the department or agency that notifying the child's parent,  
19 guardian, or custodian would endanger the child.

20 \* Sec. 4. AS 47.17 is amended by adding a new section to read:

21 Sec. 47.17.035. RECORDING OF INTERVIEWS. An officer, employee, or  
22 agent of the department, a local government health or social services agency, a law  
23 enforcement agency, or another state or local government agency or unit who receives  
24 a report of harm to a child from abuse or neglect may not investigate the report of  
25 harm by interviewing the child concerning the alleged abuse or neglect unless the  
26 initial interview and each subsequent interview are recorded. In this section, "recorded"  
27 means audiotaped and, whenever circumstances permit or it is otherwise feasible,  
28 videotaped.

# National Child Welfare Resource Center



**for Organizational Improvement**

One Post Office Square • P.O. Box 15010 • Portland, Maine 04112

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Toll Free: 1-800-HELP KID (1-800-435-7543)

## **Mandatory Videotaping in the Investigation of Child Abuse and Neglect: An Impact Study for the State of Alaska**

**January, 1996**

**Prepared by the National Child Welfare Resource Center  
for Organizational Improvement  
University of Southern Maine**

**Barbara Sparks, Consultant**



**VIDEOTAPING STUDY**



**Edmund S. Muskie Institute of Public Affairs, University of Southern Maine**