

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

9041 SENATE STATE AFFAIRS



ANNETTE ISLANDS SCHOOL DISTRICT

PO Box 7 • Metlakatla, AK 99926

Member of Northwest Association of Schools and Districts

Principal: Ronald J. Jones
 (907) 556-3000
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 (907) 556-3072
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Director: [unclear]
 (907) 556-3100

March 7, 1995

Mrs. Karen Jones
 University of Alaska, S.E. Ketchikan
 2600 Seventh Av.
 Ketchikan, Ak.

Dear Karen:

Thank you, once again, for taking the time to visit Metlakatla High School and assisting our students with their college planning. Your institution offers a wonderful program for our students and one that I hope they continue to pursue.

As you and I discussed during your visit, the availability of housing is of primary concern. This is the first question asked of me during the college selection process. It is my feeling that providing adequate and reasonably priced housing for students attending your institution would be the most essential improvement that could be made. Those of us on this end of the college admission process would heartily agree that providing appropriate housing in Ketchikan would greatly enhance the desirability of attending the University of Alaska, S.E., Ketchikan Campus. For parents and students alike, this would make your school very appealing. It would enhance, greatly, your competitive position relative to the interest many of our students have in attending school down South.

I realize that this is a large task to undertake, but I think it is one that will provide dividends for your institution in the years ahead and is, certainly, a very worthwhile endeavor. I hope that this will one day become a reality.

Sincerely yours,

Gary Stefan, Counselor



UAS HOUSING RESOLUTIONS

Whereas the last three fall semesters UAS Juneau Student Housing has had a waiting list of at least 125 students on opening day and

Whereas the local Juneau rental market has a current vacancy rate of less than 1% and

Whereas a substantial number of students choose not to attend UAS because of the lack of available housing and

Whereas as of April 1995 UAS already has a waiting list of 97 students for fall housing, which is substantially higher than a year ago at this time and

Whereas the UAS Juneau Student Housing receives no general fund support and maintains a positive fund balance and

Whereas the UAS Juneau Student Housing has been 100% occupied for the last four years and

Whereas the Board of Regents, in their February meeting, approved the new UAS Juneau 31 bed residence hall design and the debt retirement plan presented.

University of Alaska Southeast Juneau Campus
 Dormatory Housing/Food Service Financing Repayment Plan

Housing Construction Cost	3.710 Mil	Interest Rate	3.0% Annual
Food Svc Remodeling Cost	490 Mil	Loan Period	25 Years
Total Project Costs	4.200 Mil	Qtrly Pymnt	\$61,541

1st Year Payment on Interest Only. Years 2 thru 25 include Amortized Principal from Year 1.

Yr.	Beginning Available Fund Bal for Debt Svc.	Investment Income on Fund Bal @ 4.0%	Fiscal Year Surplus before Debt Svc.	Less Debt Svc.	Ending Available Fund Balance
1996 Combined	\$491,000	\$19,640	\$87,895	(\$125,000)	\$472,535
1997 Combined	\$472,535	\$18,901	\$275,356	(\$246,164)	\$520,328
1998 Combined	\$520,328	\$20,813	\$293,212	(\$246,164)	\$579,189
1999 Combined	\$579,189	\$23,129	\$292,736	(\$246,164)	\$637,939
2000 Combined	\$637,939	\$25,518	\$272,381	(\$246,164)	\$689,873
2001 Combined	\$689,873	\$27,595	\$252,079	(\$246,164)	\$723,382
2002 Combined	\$723,382	\$28,935	\$251,100	(\$246,164)	\$757,253
2003 Combined	\$757,253	\$30,290	\$250,105	(\$246,164)	\$791,485
2004 Combined	\$791,485	\$31,659	\$249,100	(\$246,164)	\$826,080
2005 Combined	\$826,080	\$33,043	\$248,084	(\$246,164)	\$861,043
2006 Combined	\$861,043	\$34,442	\$247,062	(\$246,164)	\$896,383
2007 Combined	\$896,383	\$35,855	\$246,036	(\$246,164)	\$932,110
2008 Combined	\$932,110	\$37,284	\$245,009	(\$246,164)	\$968,239
2009 Combined	\$968,239	\$38,730	\$243,987	(\$246,164)	\$1,004,792
2010 Combined	\$1,004,792	\$40,192	\$242,971	(\$246,164)	\$1,041,790
2011 Combined	\$1,041,790	\$41,672	\$241,966	(\$246,164)	\$1,079,264
2012 Combined	\$1,079,264	\$43,171	\$240,979	(\$246,164)	\$1,117,249
2013 Combined	\$1,117,249	\$44,690	\$240,008	(\$246,164)	\$1,155,793
2014 Combined	\$1,155,793	\$46,231	\$239,065	(\$246,164)	\$1,194,919
2015 Combined	\$1,194,919	\$47,797	\$238,150	(\$246,164)	\$1,234,599
2016 Combined	\$1,234,599	\$49,388	\$237,272	(\$246,164)	\$1,275,195
2017 Combined	\$1,275,195	\$51,008	\$236,435	(\$246,164)	\$1,316,473
2018 Combined	\$1,316,473	\$52,659	\$235,644	(\$246,164)	\$1,358,612
2019 Combined	\$1,358,612	\$54,344	\$234,907	(\$246,164)	\$1,401,699
2020 Combined	\$1,401,699	\$56,068	\$234,229	(\$246,164)	\$1,445,832
Total Loan Payments				\$6,033,936	
Total Principal Paid				\$4,200,000	
Total Interest Paid				\$1,833,936	

**UAS Housing/Food Service
20 Yr. Summarized Financial Plan**

	Fiscal Year 1996	Fiscal Year 1997	Fiscal Year 1998	Fiscal Year 1999	Fiscal Year 2000
Housing Summary					
Total Revenues	\$674,126	\$936,706	\$1,006,957	\$1,037,165	\$1,068,283
Building Operations Expenditures	\$244,155	\$294,716	\$303,556	\$312,663	\$322,043
Building Maintenance	\$176,607	\$195,158	\$208,009	\$211,649	\$225,124
Building Renewal/Replacement Reserve	\$69,257	\$71,440	\$107,796	\$121,503	\$135,656
Total Program Operations & Management	\$118,099	\$152,219	\$156,786	\$161,490	\$166,335
Total Expenditures	\$608,118	\$713,533	\$776,147	\$807,305	\$849,158
Net Surplus Available for Debt Repayment	\$66,008	\$223,173	\$230,810	\$229,860	\$219,125
Food Service Summary					
Total Revenues	\$204,726	\$481,026	\$485,836	\$490,695	\$495,602
Total Cost of Goods Sold	\$72,322	\$171,846	\$173,564	\$175,300	\$177,053
Total Other Program Expenditures	\$96,112	\$228,497	\$230,782	\$233,090	\$235,421
Total Facility Rental	\$14,400	\$28,800	\$29,088	\$29,379	\$29,673
Total Expenditures	\$182,833	\$429,143	\$433,434	\$437,769	\$442,146
Net Surplus Available for Debt Repayment	\$21,887	\$51,883	\$52,402	\$52,926	\$53,455
Combined Housing/Food Svc					
Net Surplus Available for Debt Repayment	\$87,895	\$275,056	\$283,212	\$282,786	\$272,581

UAS Housing/Food Service**20 Yr. Summarized Financial Plan**

	Fiscal Year 2001	Fiscal Year 2002	Fiscal Year 2003	Fiscal Year 2004	Fiscal Year 2005
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Housing Summary

Total Revenues	\$1,100,331	\$1,133,339	\$1,167,330	\$1,202,359	\$1,230,429
Building Operations Expenditures	\$331,704	\$341,655	\$351,905	\$362,462	\$373,336
Building Maintenance	\$248,946	\$253,302	\$257,735	\$262,245	\$266,835
Building Renewal/Replacement Reserve	\$150,267	\$165,347	\$180,909	\$196,966	\$213,529
Total Program Operations & Management	\$171,325	\$176,464	\$181,758	\$187,211	\$192,828
Total Expenditures	\$902,242	\$936,769	\$972,307	\$1,008,885	\$1,046,527
Net Surplus Available for Debt Repayment	\$198,089	\$196,570	\$195,031	\$193,474	\$191,902

Food Service Summary

Total Revenues	\$500,558	\$505,563	\$510,619	\$515,725	\$520,882
Total Cost of Goods Sold	\$178,824	\$180,612	\$182,418	\$184,242	\$186,085
Total Other Program Expenditures	\$237,775	\$240,153	\$242,554	\$244,980	\$247,430
Total Facility Rental	\$29,969	\$30,269	\$30,572	\$30,877	\$31,186
Total Expenditures	\$446,568	\$451,034	\$455,544	\$460,099	\$464,700
Net Surplus Available for Debt Repayment	\$53,990	\$54,530	\$55,075	\$55,626	\$56,182

Combined Housing/Food Svc

Net Surplus Available for Debt Repayment	\$252,079	\$251,100	\$250,105	\$249,100	\$248,084
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**UAS Housing/Food Service
20 Yr. Summarized Financial Plan**

	Fiscal Year 2006	Fiscal Year 2007	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010
Housing Summary					
Total Revenues	\$1,275,583	\$1,313,850	\$1,353,266	\$1,393,864	\$1,435,680
Building Operations Expenditures	\$384,536	\$396,072	\$407,954	\$420,193	\$432,799
Building Maintenance	\$271,504	\$276,256	\$281,090	\$286,009	\$291,014
Building Renewal/Replacement Reserve	\$230,612	\$248,227	\$266,389	\$285,100	\$304,404
Total Program Operations & Management	\$198,612	\$204,571	\$210,708	\$217,029	\$223,540
Total Expenditures	\$1,085,265	\$1,125,125	\$1,166,141	\$1,208,340	\$1,251,757
Net Surplus Available for Debt Repayment	\$190,318	\$188,725	\$187,125	\$185,524	\$183,923
Food Service Summary					
Total Revenues	\$526,091	\$531,352	\$536,665	\$542,032	\$547,452
Total Cost of Goods Sold	\$187,945	\$189,825	\$191,723	\$193,640	\$195,577
Total Other Program Expenditures	\$249,904	\$252,403	\$254,927	\$257,476	\$260,051
Total Facility Rental	\$31,498	\$31,813	\$32,131	\$32,453	\$32,777
Total Expenditures	\$469,347	\$474,041	\$478,781	\$483,569	\$488,405
Net Surplus Available for Debt Repayment	\$56,744	\$57,311	\$57,884	\$58,463	\$59,048
Combined Housing/Food Svc					
Net Surplus Available for Debt Repayment	\$247,062	\$246,036	\$245,009	\$243,987	\$242,971

**UAS Housing/Food Service
20 Yr. Summarized Financial Plan**

	Fiscal Year 2011	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015
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Housing Summary

Total Revenues	\$1,478,750	\$1,523,113	\$1,568,806	\$1,615,870	\$1,664,346
Building Operations Expenditures	\$445,783	\$459,156	\$472,931	\$487,119	\$501,732
Building Maintenance	\$296,107	\$301,289	\$306,561	\$311,926	\$317,385
Building Renewal/Replacement Reserve	\$324,286	\$344,771	\$365,874	\$387,609	\$409,994
Total Program Operations & Management	\$230,246	\$237,154	\$244,268	\$251,596	\$259,144
Total Expenditures	\$1,296,422	\$1,342,370	\$1,389,634	\$1,438,250	\$1,488,255

Net Surplus Available for Debt Repayment	\$182,328	\$180,743	\$179,172	\$177,620	\$176,091
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Food Service Summary

Total Revenues	\$552,927	\$558,456	\$564,041	\$569,681	\$575,378
Total Cost of Goods Sold	\$197,533	\$199,508	\$201,503	\$203,518	\$205,553
Total Other Program Expenditures	\$262,651	\$265,278	\$267,931	\$270,610	\$273,316
Total Facility Rental	\$33,105	\$33,436	\$33,770	\$34,108	\$34,449
Total Expenditures	\$493,289	\$498,222	\$503,204	\$508,236	\$513,318

Net Surplus Available for Debt Repayment	\$59,638	\$60,235	\$60,837	\$61,445	\$62,060
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Combined Housing/Food Svc

Net Surplus Available for Debt Repayment	\$241,966	\$240,978	\$240,009	\$239,065	\$238,151
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**UAS Housing/Food Service
20 Yr. Summarized Financial Plan**

	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020
Housing Summary					
Total Revenues	\$1,714,277	\$1,765,705	\$1,818,676	\$1,873,236	\$1,929,434
Building Operations Expenditures	\$516,784	\$532,288	\$548,256	\$564,704	\$581,645
Building Maintenance	\$322,939	\$328,591	\$334,341	\$340,192	\$346,145
Building Renewal/Replacement Reserve	\$433,043	\$456,773	\$481,201	\$506,344	\$532,221
Total Program Operations & Management	\$266,918	\$274,926	\$283,174	\$291,669	\$300,419
Total Expenditures	\$1,539,685	\$1,592,577	\$1,646,972	\$1,702,909	\$1,760,431
Net Surplus Available for Debt Repayment	\$174,592	\$173,128	\$171,704	\$170,327	\$169,003
Food Service Summary					
Total Revenues	\$581,132	\$586,943	\$592,013	\$598,741	\$604,720
Total Cost of Goods Sold	\$207,609	\$209,685	\$211,782	\$213,899	\$216,038
Total Other Program Expenditures	\$276,049	\$278,810	\$281,598	\$284,414	\$287,258
Total Facility Rental	\$34,794	\$35,141	\$35,493	\$35,848	\$36,206
Total Expenditures	\$518,451	\$523,636	\$528,872	\$534,161	\$539,503
Net Surplus Available for Debt Repayment	\$62,680	\$63,307	\$63,940	\$64,580	\$65,225
Combined Housing/Food Svc					
Net Surplus Available for Debt Repayment	\$237,272	\$236,435	\$235,644	\$234,907	\$234,229

PROJECT PLANNING GUIDE

81 BED STUDENT RESIDENCE HALL

FY96 CIP REQUEST

UNIVERSITY OF ALASKA SOUTHEAST JUNEAU CAMPUS

INTRODUCTION

Enrollment growth at the Juneau campus is being constrained by lack of facilities including insufficient on-campus housing for both single students and students with families. The problem is exacerbated by a rental vacancy rate of 0.8% in the community and the high rental rates that accompany such a low vacancy rate (first quarter 1994 vacancy rates from AHFC). An informal poll of students who planned to attend UAS in the Fall 1992 semester, but who failed to register for classes, indicated that the majority listed financial pressures and lack of affordable housing as reasons for not enrolling.

The existing housing complex, completed in the Fall of 1985, consists of 50 apartments, each capable of housing four students in either single or double bedrooms. However, 11 of the apartments are currently dedicated to families. The result is that about 167 students are routinely housed. For the past three years, at the beginning of the Fall semester, the occupancy rate has been 100% with a substantial waiting list. In an effort to ease the housing shortage, UAS has acquired two older private residences and converted them to housing for UAF graduate students in the fisheries program.

PROPOSED PROJECT

UAS proposes to develop housing for single students in a residence hall format to accommodate 81 students. This will provide a more traditional housing type which will be better suited to the younger student -- a growing component of the total UAS enrollment. The younger student can be expected to more easily make the transition from home to campus in a collective type of housing environment, and can later transfer to apartment style living on campus.

The proposed housing type is more efficient, and more cost effective, than apartment style housing because less floor area is constructed for each student. However, the existing campus food service operation will have to be expanded and the hours extended to accommodate a full meal service program. That work is planned as a separate capital improvement project.

PROJECT DESCRIPTION

The residence hall is anticipated to consist of 42 bedrooms, each housing 2 students except for a single resident advisor bedroom on each floor. Each pair of bedrooms will share a semi-private bathroom. The total floor area is 18,433 GSF arranged in three levels with 14 bedrooms

and 7 bathrooms at each level. Mechanical and electrical services are located in a partial basement. The facility will also include a communal living room, study room, TV room, and some laundry facilities. Other amenities, such as a game room, are available in the existing lodge building nearby.

Major systems and assemblies have been evaluated by several criteria including first cost, operating cost, maintenance, weatherability, vandal resistance, thermal performance, and acoustic performance. Preliminary selections of materials assume the following: stained siding on exterior walls similar in character to existing buildings; metal roofing similar in appearance to existing buildings; two layers of painted gypsum drywall on interior walls; thermal break double casement aluminum windows with insulating glass.

The structural system assumes simple spread footings, wood truss roof framing, metal joists at floors, and walls framed with metal studs. The mechanical system assumes oil fired boilers and distribution of heat through a perimeter baseboard radiation system. The ventilation system will include air-to-air heat exchangers. Like the existing complex, the building will be served by city water and sewer systems.

A site has been selected east of the lodge building. There will be no need for additional parking. Extension of utilities to the site will require approximately 300 foot runs for power, sewer, water and communications.

PROJECT BUDGET

The budget is based on a building cost of \$2,736,000. Site development costs are estimated to be \$209,000, and furnishings and equipment are budgeted at \$192,000.

Design fees, construction contingency, art in public places acquisitions, and project management costs bring the total project budget to an estimated \$3,710,000 in 1995 dollars. UAS is requesting half of the project cost, in the amount of \$1,855,000, as part of the University of Alaska FY96 Capital Improvement Program funded by the state legislature. The remaining cost of the project will be funded by revenue bonds that will be repaid from rent receipts.

PROJECT SCHEDULE

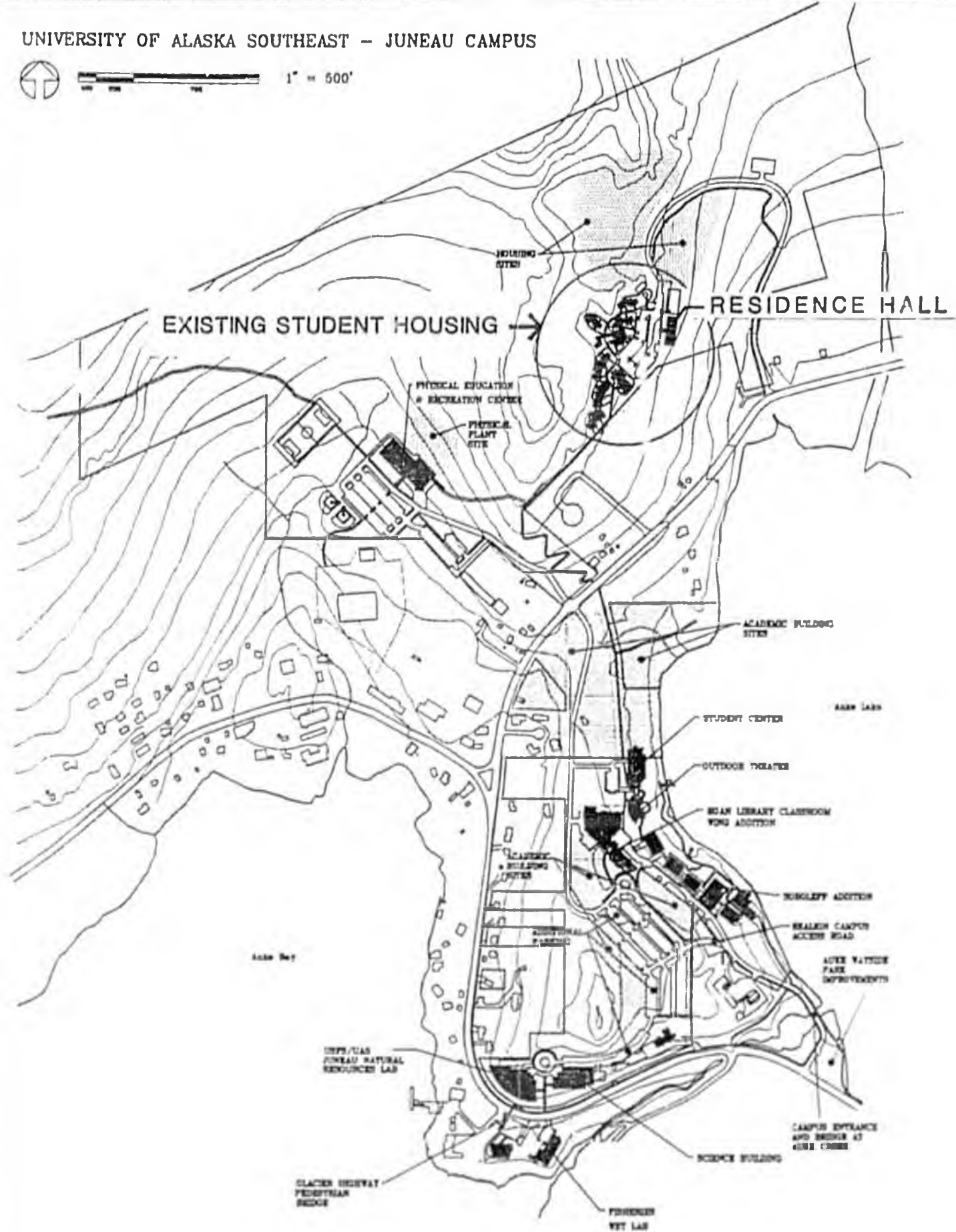
Engineering and architectural design of the facility will be completed in September, 1994, and the project will be released to bidders in May, 1995. Funding of the state supported portion of the project budget is expected in July, 1995, and construction will begin immediately. The facility will be ready for use at the start of the Fall semester in 1996.

October 4, 1994

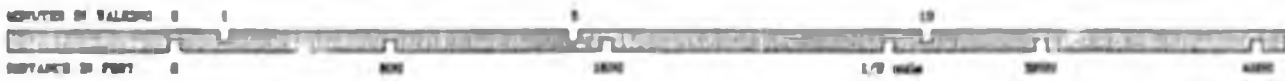
UNIVERSITY OF ALASKA SOUTHEAST - JUNEAU CAMPUS

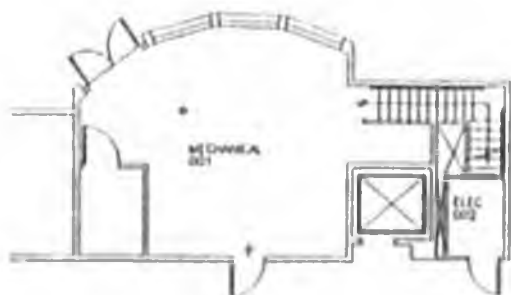
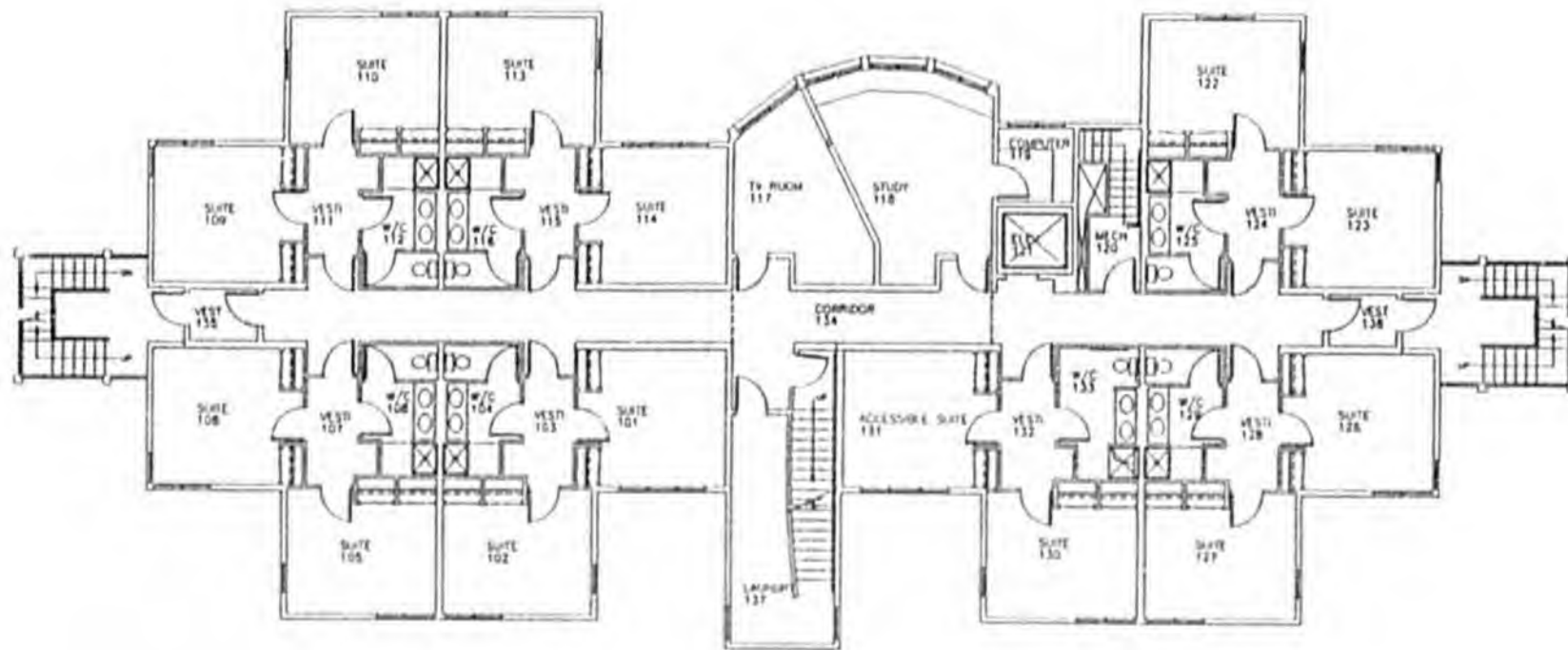


1" = 500'



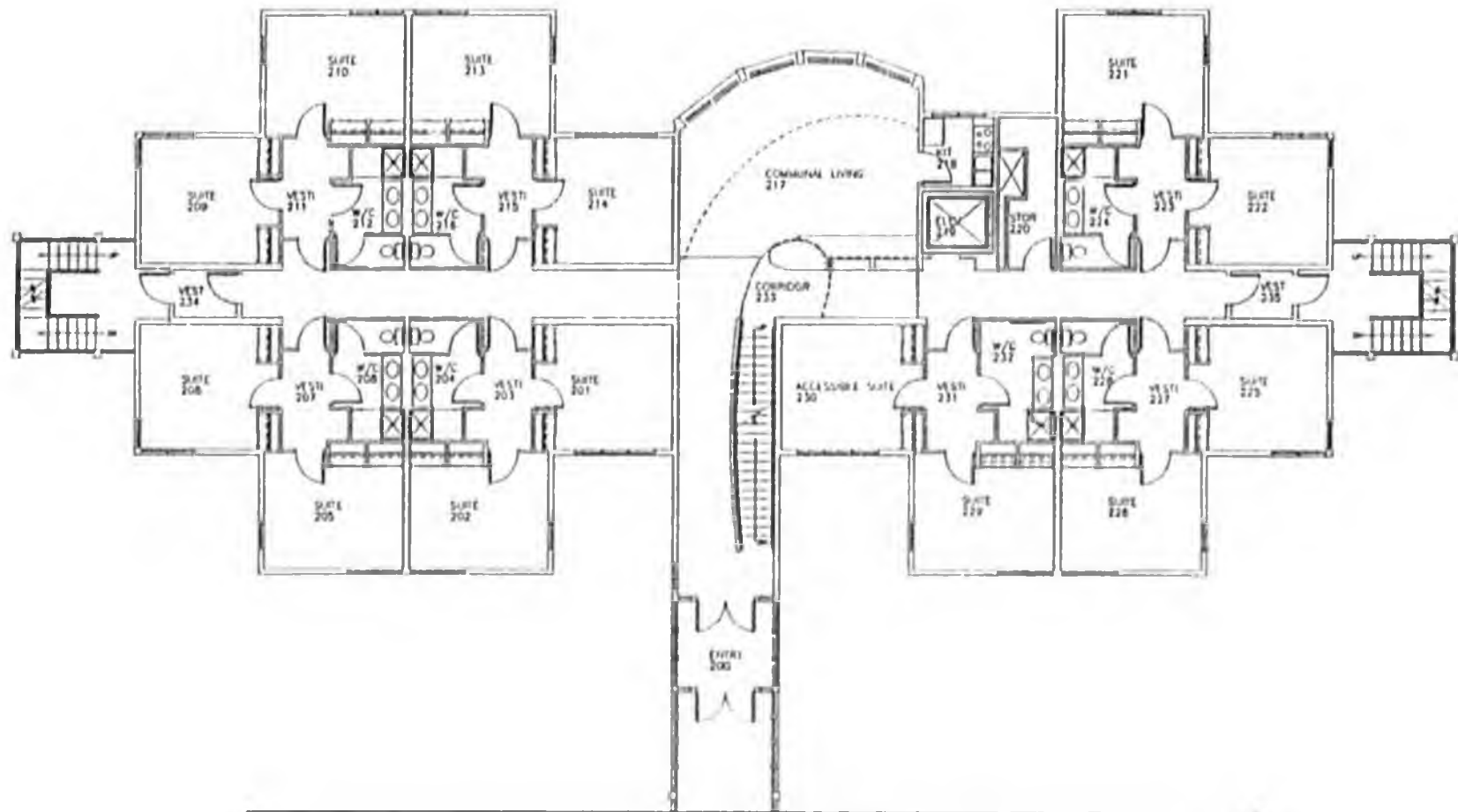
PROPOSED FACILITIES
LONG RANGE DEVELOPMENT SITES





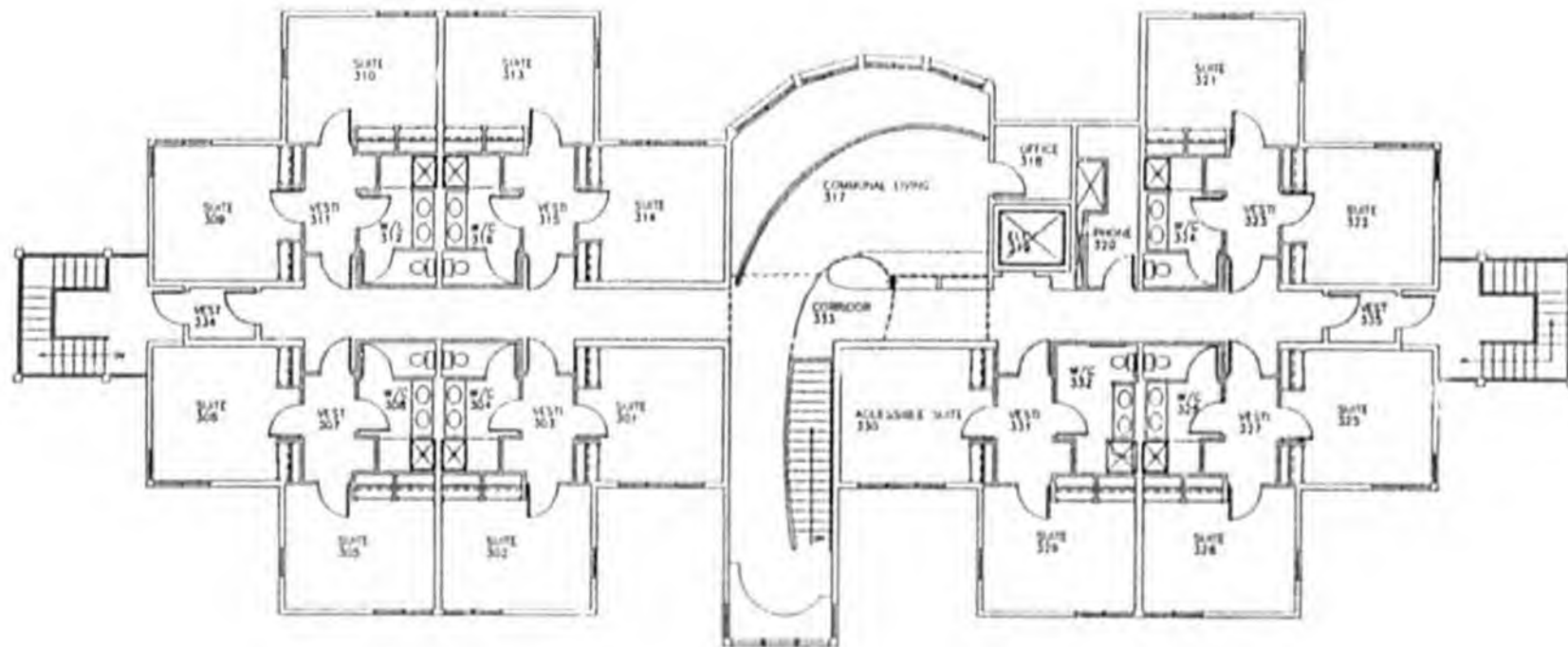
UNIVERSITY OF ALASKA, SOUTHEAST
STUDENT RESIDENCE HALL

1st floor



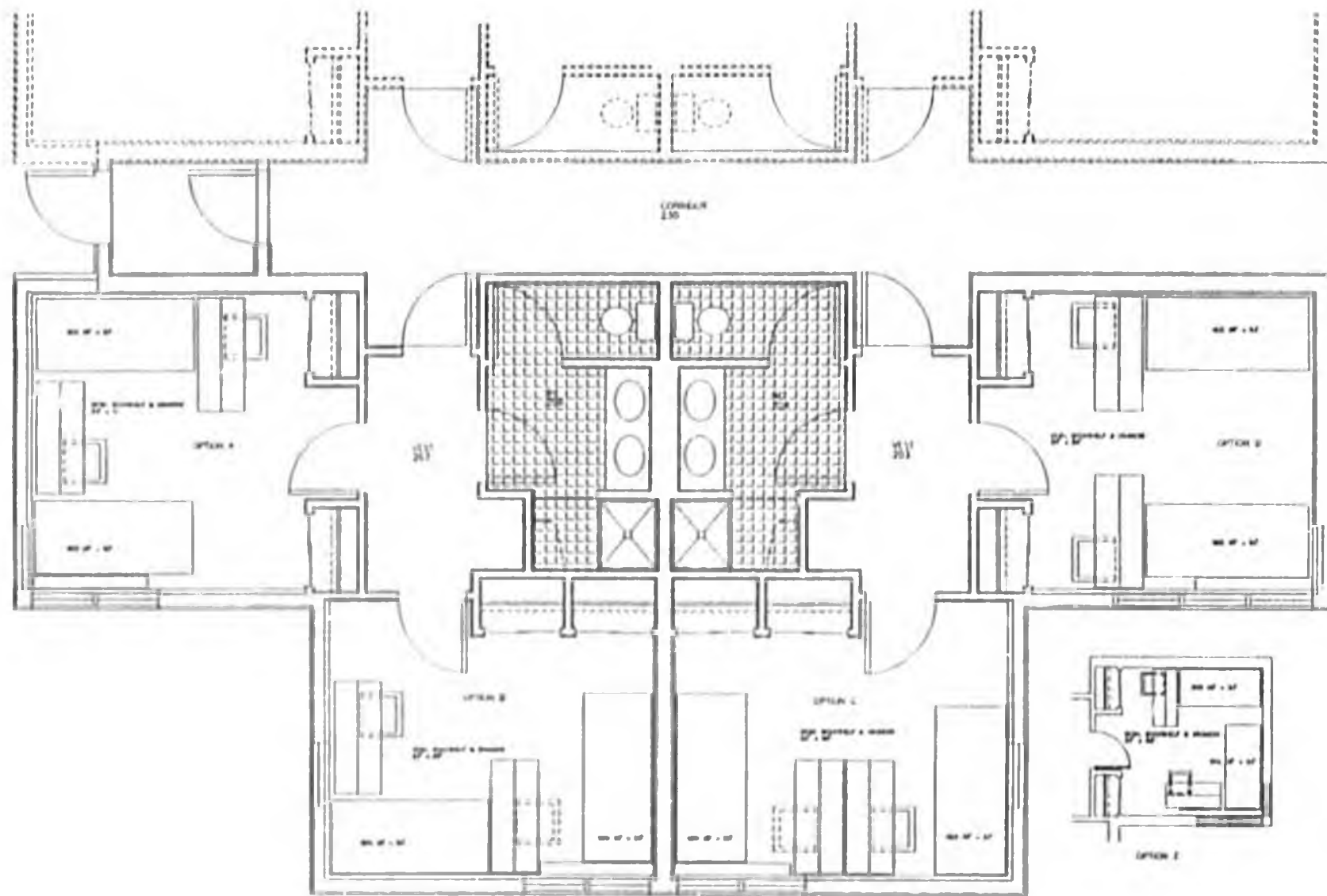
UNIVERSITY OF ALASKA, SOUTHEAST
 STUDENT RESIDENCE HALL

2nd floor



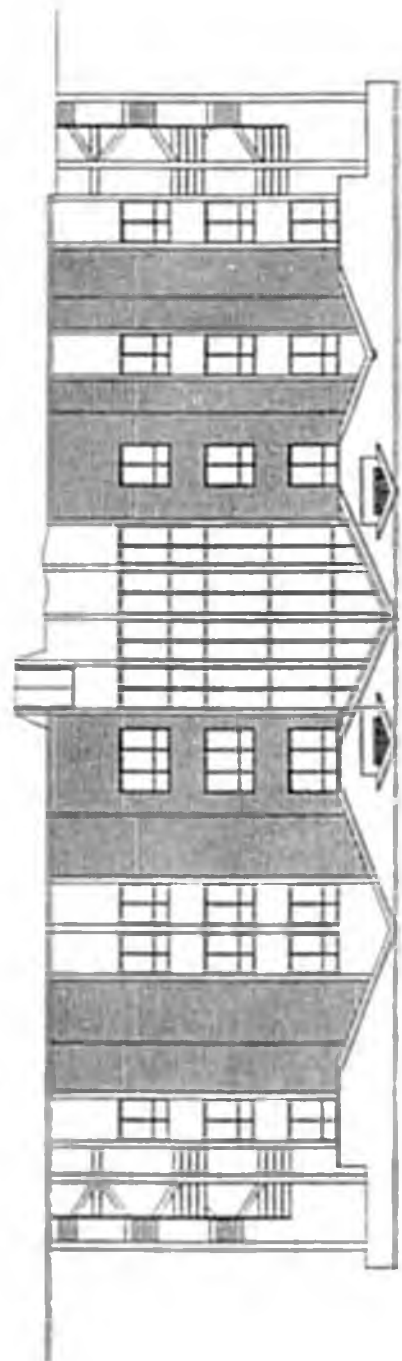
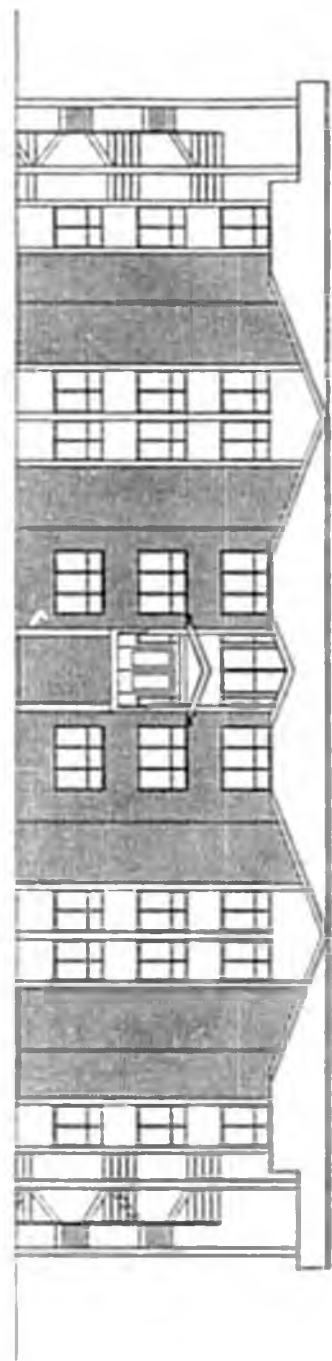
UNIVERSITY OF ALASKA, SOUTHEAST
STUDENT RESIDENCE HALL

3rd
floor



UNIVERSITY OF ALASKA SOUTHEAST
STUDENT RESIDENCE HALL

Typical
Buite Plan



UNIVERSITY OF ALASKA BOUTHEAULT
STUDENT RESIDENCE HALL
Elevations



The White House
Conference on Small Business

Foundation for a New Century

RESOLUTION SUPPORTING UAA HOUSING

WHEREAS the University of Alaska Anchorage (UAA) is currently a computer campus due to the lack of University housing on campus; and

WHEREAS there are only 400 rooms available on-campus with a current established need for 3000 rooms; and

WHEREAS the establishment of a campus life at the UAA would increase UAA's enrollment; and

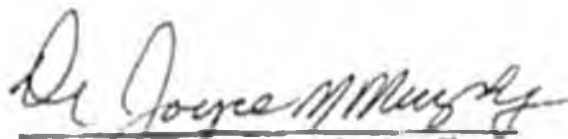
WHEREAS this increased enrollment is likely to represent more traditionally aged college students coming from Alaska communities; and

WHEREAS these additional students will certainly support small businesses in Anchorage, will be more likely to remain in the state to complete their higher education and will provide a more knowledgeable, educated work force for Alaska businesses;

NOW THEREFORE BE IT RESOLVED that the Alaska delegation of the White House Conference on Small Business supports legislative authorization for Alaska Housing Finance Corporation (AHFC) to issue a bond in the amount of \$31,300,000 at 3% interest for the construction of a 500 bed residence hall with food service at the University of Alaska Anchorage; and

BE IT FURTHER RESOLVED that the Alaska delegation urges the Alaska House of Representatives and the Alaska Senate to pass House Bill 309 prior to adjournment of this session.

PASSED this 28th day of April, 1995.


Dr. Joyce Murphy, State Chair

SB

177

TO: Bert

FROM: Ann

DATE: March 8, 1996

RE: CSSB 177 (JUD) Concealed Handgun Permits
FYI

The attached CS was passed out of the Senate Judiciary Committee on February 19th; changes from the Senate State Affairs Committee version are noted for your information.

The bill picked up a fiscal note from the Department of Public Safety, and therefore has a further referral to the Senate Finance Committee. You will also recall that the Senate State Affairs Committee requested the Senate Finance Committee to review the fiscal note re: a realistic application fee. (No mention of the Senate Judiciary Committee action re: Alaska Marine Highway concerns...)

Also note attached letter from a constituent (Allen J. Gray on Glacier Avenue) re: reciprocity provisions. Please note that Section 9 of CSSB 177 (STA) was deleted regarding reciprocity.

- H/SO deletes reciprocity (section 1)
6 (S-13177)(JH)

9-LS1139Z

CS FOR SENATE BILL NO. 177(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/6/96

Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

8 (1) did not occur within or on a school bus;

9 (2) occurred as the defendant, without entering the school building,
10 directly escorted to or from the school, or picked up or dropped off at the school,
11 without detour or delay while on school grounds, a person or thing; and

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) an affirmative defense that the defendant, at the time of
24 possession, was the holder of a valid permit to carry a concealed handgun under
25 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
26 in AS 18.65.790, and the possession did not occur in a municipality or established
27 village in which the possession of concealed handguns is prohibited under
28 AS 18.65.780 - 18.65.785;

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

31 (A) [(1) ON BUSINESS PREMISES] owned by or leased by

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

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

5 (a) The department shall issue a permit to carry a concealed handgun to a person
6 who

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

8 (2) qualifies under AS 18.65.705;

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

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

20 (5) submits evidence of competence with handguns as provided in
21 AS 18.65.715;

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

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

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

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

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

31 (b) The department shall either approve or reject an application for a permit to
32 carry a concealed handgun under (a) of this section within ~~30~~ [15] days of receipt of

1 [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF
2 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A
3 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL
4 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION
5 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department
6 shall notify the applicant in writing of the reason for a rejection.

7 * Sec. 6. AS 18.65.700(d) is amended to read:

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

12 * Sec. 7. AS 18.65.705(4) is amended to read:

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

17 (A) AS 11.41.230, 11.41.250, 11.41.270;

18 (B) AS 11.46.315, [11.46.320, 11.46.330,] 11.46.430,
19 11.46.484(a)(1), (2), or (7) [11.46.484];

20 (C) AS 11.51.130;

21 (D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380,
22 [11.56.545,] 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800
23 [, 11.56.805];

24 (E) AS 11.61.110(a)(3) - (7) [AS 11.61.110], 11.61.120,
25 11.61.210, 11.61.220, 11.61.240; or

26 (F) AS 11.71.050, 11.71.060;

27 * Sec. 8. AS 18.65.710(a)(3) is amended to read:

28 (3) a statement that the applicant has been furnished with a copy of the
29 state laws and regulations relating to concealed handguns [AS 18.65.700 -
30 18.65.790], has read those sections, and understands them;

31 * Sec. 9. AS 18.65.715(a) is amended to read:

32 (a) An applicant for a permit to carry a concealed handgun shall provide a

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

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

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

16 (3) knowledge of self-defense principles; and

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

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

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

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

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

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

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

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

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

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

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

9 (1) a law enforcement or correctional facility;

10 (2) or possess a concealed handgun within a building, on the grounds
11 or on the parking lot of a public or private preschool, elementary, junior high, or
12 secondary school except while the permittee, without entering a school building,
13 without detour or delay while on school grounds, and without being on a school
14 bus, directly escorted to or from the school, or picked up or dropped off at the
15 school, a person or thing; [ON SCHOOL GROUNDS OR A SCHOOL BUS; IN THIS
16 PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
17 AS 11.71.900];

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

19 (A) is a judge; or

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

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

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

28 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
29 AIRLINE TERMINAL;

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

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

1 (9) A RESIDENCE WHERE NOTICE THAT CARRYING A
2 CONCEALED HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING
3 OF A CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT
4 TO THE PERMITTEE;

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

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

14 (12) ANOTHER] place where the possession of a deadly weapon or
15 firearm is prohibited by a law of this state or the federal government; or

16 ~~(5)~~ [(13)] a municipality or established village that has prohibited the
17 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

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

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

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

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

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

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

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

31 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
32 and that is covered or enclosed in any manner so that an observer cannot determine that

1 it is a handgun without removing it from that which covers or encloses it or without
2 opening, lifting, or removing that which covers or encloses it; however, "concealed
3 handgun" does not include a shotgun or [,] rifle, [DERRINGER OR OTHER
4 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [
5 IN THIS PARAGRAPH,

6 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
7 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
8 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
9 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
10 IS PART OF THE FRAME; AND

11 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
12 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS
13 AND LACKS A MANUFACTURER'S INSTALLED TRIGGER GUARD
14 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART
15 OF THE FRAME];

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

CS FOR SENATE BILL NO. 177(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/19/96

Referred: JUD, FIN

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

8 (1) did not occur within or on a school bus;

9 (2) occurred as the defendant, without entering the school building,
10 directly escorted to or from the school, or picked up or dropped off at the school,
11 without detour or delay while on school grounds, a person or thing; and12 (3) did not occur in a municipality or established village in which the
13 possession of a concealed handgun is prohibited under AS 18.65.780 - 18.65.785.

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

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

1 (1) an affirmative defense that the defendant, at the time of
2 possession, was the holder of a valid permit to carry a concealed handgun under
3 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
4 in AS 18.65.790, and the possession did not occur in a municipality or established
5 village in which the possession of concealed handguns is prohibited under
6 AS 18.65.780 - 18.65.785;

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

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

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

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

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

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

17 (2) qualifies under AS 18.65.705;

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

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

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

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

- 1 of a size specified by the department,
2 (7) shows a valid Alaska driver's license or identification card at the time
3 of application;
4 (8) does not suffer a physical infirmity that prevents the safe handling
5 of a handgun; and
6 (9) pays the application fee required by AS 18.65.720.

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

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

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

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

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

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

26 (A) AS 11.41.230, 11.41.250, 11.41.270;

27 (B) AS 11.46.315, [11.46.320, 11.46.330,] 11.46.430,
28 11.46.484(a)(1), (2), or (7) [11.46.484];

29 (C) AS 11.51.130;

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

1 (E) AS 11.61.110(a)(3) - (7) [AS 11.61.110], 11.61.120,
2 11.61.210, 11.61.220, 11.61.240; or

3 (F) AS 11.71.050, 11.71.060;

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

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

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

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

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

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

25 (3) knowledge of self-defense principles; and

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

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

30 Sec. 18.65.718. RECIPROCITY FOR HOLDERS OF CONCEALED HANDGUN
31 PERMITS FROM OTHER STATES. (a) The department may enter into agreements
32 with other states to provide reciprocity for holders of concealed handgun permits issued

1 by another state to be permitted to carry a concealed handgun in Alaska provided the
2 other state allows holders of concealed handgun permits issued under AS 18.65.700 -
3 18.65.790 to be permitted to carry concealed handguns in the other state. An agreement
4 under this section, at a minimum, must provide that for a person issued a concealed
5 handgun permit by another state to be reciprocally permitted in this state to carry a
6 concealed handgun the person must submit

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (1) a law enforcement or correctional facility;

7 (2) or possess a concealed handgun within a building, on the grounds
8 or on the parking lot of a public or private preschool, elementary, junior high, or
9 secondary school except while the permittee, without entering a school building,
10 without detour or delay while on school grounds, and without being on a school
11 bus, directly escorted to or from the school, or picked up or dropped off at the
12 school, a person or thing; [ON SCHOOL GROUNDS OR A SCHOOL BUS; IN THIS
13 PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN

14 AS 11.71.900];

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

16 (A) is a judge; or

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

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

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

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

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

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

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

1 TO THE PERMITTEE;

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

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

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

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

15 • Sec. 13. AS 18.65.765(a) is amended to read:

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

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

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

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

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

27 • Sec. 14. AS 18.65.790(3) is amended to read:

28 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
29 and that is covered or enclosed in any manner so that an observer cannot determine that
30 it is a handgun without removing it from that which covers or encloses it or without
31 opening, lifting, or removing that which covers or encloses it; however, "concealed
32 handgun" does not include a shotgun or [.] rifle, [DERRINGER OR OTHER

1 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [;
2 IN THIS PARAGRAPH,

3 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
4 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
5 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
6 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
7 IS PART OF THE FRAME; AND

8 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
9 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS
10 AND LACKS A MANUFACTURER'S INSTALLED TRIGGER GUARD
11 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART
12 OF THE FRAME];

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

SENATE FINANCE
COMMITTEE

Amendment Number: 1

Bill Number: SB 177

Sponsor: _____ Date: 3/22/96

Logged In By: J

9-LS1139Z.3

Luckhaupt

3/19/96

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 177(JUD)

1 Page 1, lines 3 - 13:

2 Delete all material.

3 Page 1, line 14:

4 Delete "* Sec. 2."

5 Insert "* Section 1."

6 Renumber the following bill sections accordingly.

7 Page 6, lines 10 - 17:

8 Delete

9 "(2) or possess a concealed handgun within a building, on the
10 grounds or on the parking lot of a public or private preschool, elementary, junior
11 high, or secondary school except while the permittee, without entering a school
12 building, without detour or delay while on school grounds, and without being on
13 a school bus, directly escorted to or from the school, or picked up or dropped off
14 at the school, a person or thing; [ON SCHOOL GROUNDS OR A SCHOOL BUS;
15 IN THIS PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
16 AS 11.71.900];"

17 Insert

18 "(2) or on school grounds or a school bus; in this paragraph, "school
19 grounds" has the meaning given in AS 11.71.900;"

(28) "school bus" means a motor vehicle operated by a school district or private school, directly or by contract, to transport students;

(29) "school grounds" means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool, elementary, or secondary school.

(30) "ultimate user" means a person who lawfully possesses a controlled substance for the person's own use or for the use of a member of the person's household or for administering to an animal owned by the person or by a member of the person's household. (§ 2 ch 45 SLA 1982; am § 41 ch 6 SLA 1984; am § 5 ch 63 SLA 1991; am § 5 ch 70 SLA 1994)

Revisor's notes. — Paragraphs in this section were renumbered in 1991 and 1994 as necessary to reflect the enactment of paragraphs (20) and (29) — (30) and maintain alphabetical order.

Effect of amendments. — The 1991 amendment, effective September 16, 1991, added paragraphs (28) and (29).

The 1994 amendment, effective September 1, 1994, added present paragraph (20).

NOTES TO DECISIONS

Purpose of definition of marijuana. It is clear that this statutory definition of marijuana is not controlling when the aggregate weight of marijuana is at issue in a given case; rather, that issue is gov-

erned by AS 11.71.080, *Atkinson v. State*, 869 P.2d 486 (Alaska Ct. App. 1994).

Quoted in *Chambers v. State*, 811 P.2d 318 (Alaska Ct. App. 1991).

Chapter 73. Imitation Controlled Substances.

Section
99. Definitions

Sec. 11.73.099. Definitions. In this chapter

(1) "controlled substance" means a substance as defined in AS 11.71.900(4);

(2) "deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of an imitation controlled substance, whether or not there is an agency relationship;

(3) "imitation controlled substance" means a substance containing ephedrine, ephedrine sulfate, pseudoephedrine, pseudoephedrine hydrochloride, phenylpropanolamine, caffeine, theophylline, lidocaine, procaine, tetracaine, dyclonine, acetaminophen, salicylamide, doxylamine, diphenhydramine, pheniramine, chlorpheniramine, or pryrilamine, or their salts, that is not a controlled substance, and that by dosage unit appearance (including color, shape, size, and markings) and by representations would lead a reasonable person to believe that the substance is a controlled substance; the term "representations", as used in this paragraph, includes

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Effect of amendment
amendment substituted "a

Chapter

Section
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105. Possession of tobacco

Sec. 11.76.100. S
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SENATE COMMITTEE REFR RT
First Committee of Referral

DATE: 5/6/95

FURTHER: Judiciary
 FINANCE - ADDED 1/24

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

DATE TURNED INTO OFFICE: 2/16/96

State Affairs Committee considered **SB 177**

Permits to carry concealed handguns.

and recommends:

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

Senate Bill:
 | same title
 | new title
House Bill:
 | same title
 | technical title
 | new: SCR* _____

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

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
Law	1/18/96	0	
DPS - Troopers	1/27/96		(117.6)
DPS - Admin. Serv.	1/27/96	0	
Law	2/14/96	0	
DPS - Troopers	2/14/96		(117.6)

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DPS - Troopers	1/22/96		(117.6)

| APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

work draft
 9.25.113719
 1/12/96
 CS SB 177
 (STA)

wo "0"
 2/12/96

SB 177



Alaska State Legislature

Session:
State Capitol
Juneau AK 99801-1182

Senate State Affairs

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

TO: Senator Robin Taylor, Chairman
Senate Judiciary Committee

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

DATE: February 15, 1996

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

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

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



Alaska State Legislature

Session:
State Capitol
Juneau AK 99801-1182

Senate State Affairs

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

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

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

DATE: February 15, 1996

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

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

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

JUNEAU EMPIRE

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Guns don't belong in schools, courthouses

Two legislators have introduced bills that would revise Alaska's concealed handgun laws. "Our intent is to simplify the handgun permitting process and reduce the cost to make the permits available to those who need them the most," said Sen. Lyda Green, R-Wasilla. Green is the sponsor of the Senate version of the bill. Rep. Jeannette James, R-North Pole, sponsored the House version.

Under the bills, permit fees would be limited to \$65 instead of the current \$125 and renewal fees would drop from \$50 to \$25. Reciprocity agreements with other states also would be provided for.

The Juneau Empire is all for simplifying regulations and reducing the cost of government appropriately. We think the fee reductions are reasonable if those amounts will cover the cost of administering the permitting process. And reciprocal agreements with other states are a good idea if they meet the standards required by Alaska.

Other provisions, however are quite troubling to us. Under the bills, an FBI investigation of the applicant no longer would be required and the permit would not limit the carrier to a specific caliber of weapon. Provisions also would allow people to carry concealed handguns onto school grounds without the knowledge of school officials and into courthouses. They would also eliminate residency requirements and prohibit private businesses from banning concealed handguns.

We find these provisions to be outrageously negligent. State and local government agencies and private businesses have a responsibility to provide a safe environment for their employees, clients and students.

Allowing people to carry concealed weapons without a background check is ludicrous in today's mobile society and there have already been too many instances where disgruntled employees have discharged weapons in their workplaces.

We don't believe firearms should be allowed on the grounds of any school. However, Green says the provision would make the permit more practical in every day situations.

"If their wife worked at the school they would be in violation of the law by dropping their wife off," she said.

Leaving the gun at home in such a situation may be inconvenient, but it is the right thing to do. There should be no instance in which we are willing to put school children in harm's way.

As for taking guns into courtrooms, we agree with Art Snowden, administrative director of the state court system. He said allowing anyone to carry a weapon into a court house is dangerous, even if they are permitted, because someone else may snatch it.

"People fight in courthouses," Snowden said. "That's what courts are about. Emotions take over."

There may be some ways to simplify the concealed weapon permitting process, but these bills contain too many ill-conceived provisions. We urge legislators to remove them before these bills are passed.

We fully support the constitutional guarantee to the right to bear arms, but with that right comes certain responsibilities. There just are some places where guns should not be allowed. Those places are schools, courtrooms - except for law enforcement officers - and private businesses where the owners do not want them.

LIVING WITH CONCEALED WEAPONS



**Police are learning
that it may be more
prudent to help write
a weapons law than
to try and keep it
off the books.**

BY ELLEN PERLMAN

This spring, for the fifth time in six years, the Missouri legislature will debate whether to legalize the carrying of concealed weapons. As before, gun enthusiasts and gun control activists will pack the galleries in opposition to each other. And as before, the police will be in the gallery, too—not to keep order, but to serve as a visual reminder of their own precise demands about how to craft the legislation.

In Missouri as elsewhere, most police officers privately express dismay at the prospect of people shopping, partying or going to the movies with a weapon undemeath their clothes. But the passage of concealed-weapons legislation has taken on an aura of inevitability. So a coalition of Missouri sheriffs, police and state highway patrol officers has gone on record supporting a concealed-weapons law—provided it contains 25 safeguards. Among them: background checks and firearms training, specially marked license plates and a requirement that anyone packing a concealed gun carry \$100,000 in liability insurance in case the weapon is misused.

The Missouri law enforcement coalition is following a pattern made familiar in many of the 42 states that have passed concealed-weapons laws in the past decade. In a growing number of states, law enforcement officers have concluded they are powerless to stop the concealed-weapon movement. So they are choosing to protect themselves and citizens by backing the most restrictive law possible.

It is a pattern that goes back to 1967 in Florida, where the country's first lenient concealed-weapons law was passed. "We

tried to do the best we could, take our best shot to get restrictions into the bill," says Tim Moore, commissioner of the Department of Law Enforcement. While Florida's law is not considered very stringent, it does require applicants to get a background check and complete a firearms safety class.

The most recent laws tend to be on the loose side. Last year alone, seven states passed relatively unrestricted laws. Twenty-eight states have "shall issue" concealed-weapons laws—the least restrictive of all. Under typical "shall issue" laws, applicants must be issued a permit unless there is something specific that disqualifies them, such as a felony conviction, a mental health problem or some other blemish in their background.

Fourteen other states have "may issue" laws, which leave it up to the discretion of law enforcement to dole out permits. A businesswoman who closes up shop late at night in a rough area, for instance, might be someone who could make a compelling case to carry a gun. Not surprisingly, far fewer permits are issued under "may issue" provisions.

"A police officer's biggest fear is getting involved in an armed confrontation in a shopping mall or store where well-intentioned citizens are pulling out guns and shooting," says Mike Taylor, a police officer in Columbus, Ohio. "How do we decide who's the good guy and who's the bad guy?"



Now that more than half the states have "shall issue" laws, states entering into the fray don't have to break a lot of new ground. Supporters of the least restrictive laws point out that states that have issued hundreds of concealed-carry permits haven't turned into shooting galleries, with otherwise meek law-abiding citizens now freely pulling the trigger.

Florida has the longest track record, and officials there maintain that the state has encountered few problems with concealed weapons. "It's not the old Wild West that everyone predicted, with shoot-outs at traffic lights," says John Russi, director of the licensing division in Florida's Department of State. "It just didn't materialize."

So far, Florida has issued more than 306,000 licenses and revoked 613 for various reasons. Firearms have been used in a crime by a permit holder 52 times. "I'm not in favor of everyone getting a weapon," says Moore, the Florida law enforcement commissioner. "But here, it's not on my list of top 10 problems."

For some who've read national newspaper stories about violence in Florida,

**At the very least,
citizens holding
concealed-weapons
permits don't appear to
have become giddy
with their firepower.**

that may be hard to believe. But the truth is that nearly all of the shooting incidents involve illegally carried guns. Concealed-weapons proponents even make the case that the laws act as a deterrent to crime, since criminals can't be sure that their intended victim is unarmed.

But the various statistics thrust forth by both sides to prove or disprove the dangers of concealed weapons laws are hotly disputed. Can a rise or drop in homicides be conclusively linked to concealed-carry permits? Florida law enforcement officials are among those who insist there's no way to link an upturn or downturn in crime to their concealed-weapons law.

Nevertheless, researchers keep trying. A University of Maryland study showed firearm homicides increased in four of five urban areas in Florida, Mississippi and Oregon after passage of "shall carry" laws. The Independence Institute, a free-market think tank in Colorado, looked at three different studies and claimed that the laws appear to reduce murder rates in large, high-crime states. At the very least, permit-holding citizens do not appear to have become giddy with their firepower. "It's not leading to people everywhere shooting people at McDonald's over ketchup packets," insists David Kopel, the institute's research director.

Nor is everyone running out and getting a permit just because a new state law says they can. Only between 1 and 4 percent of those eligible to apply for a concealed-carry permit go through the process.

Those seeking permits face a wide range of laws in the various states that allow concealed weapons. Many states don't allow guns to be carried in establishments that serve alcohol, or in courthouses and other public buildings. Most states require background checks and firearms

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training or proficiency. Pennsylvania and Mississippi are among a handful that don't require any firearms training at all.

Last year, Texas passed one of the most stringent laws in the nation. Permit applicants must pay \$140, pass a background check, prove they have an understanding of laws on the use of force and pass a shooting test. They also have to go through a 12-hour course that teaches applicants how to tone down arguments so they don't escalate to the point where people start waving guns around. The goal is to prevent shoot-outs over petty misunderstandings.

In addition to Missouri, there are seven other holdout states that still don't issue permits for citizens to carry concealed weapons: New Mexico, Nebraska, Kentucky, Kansas, Wisconsin, Illinois and Ohio. In the last four, Republican governors have stated their opposition to such laws. That puts them in the same camp as hundreds of police chiefs who worry about the greater danger they pose to officers. "We're not anxious to have people walking around out there with weapons," says Roy Kime of the Interna-

tional Association of Chiefs of Police.

And neither are most citizens, many law enforcement officials insist. In Illinois, state police released the findings of a statewide survey showing that nearly three-quarters of the 1,400 respondents said they wouldn't want people next to them on the bus or in the supermarket concealing a gun. An attempt to pass a concealed-weapons law failed in Illinois last year.

It is expected to come up again this year, not only in Illinois but in Kansas, Missouri and New Mexico, where bills also died last year. In California and Colorado, where concealed-weapons laws are in place, less restrictive ones are likely to be reintroduced.

Among police, there is a rift in the ranks on the issue. Members of the Alliance of Law Enforcement Officers, a group started with National Rifle Association seed money, support the right to bear concealed arms. "There's never been a law enforcement officer killed by someone with a permit. We haven't seen anybody go wild in the

streets," says Executive Director Jim Fotis. Cop-killers, he insists, don't bother to get permits.

Some officers also contend that without weapons, average citizens, particularly women, are sitting ducks for carjackers and other armed criminals. "When you're out there every day and you see how people are taken advantage of, you'd like to see them have the means to take care of themselves," says Dallas police officer James Steverson.

The chief of police in Florissant, Missouri, is appalled that any rank-and-file officers would favor arming the populace. "Police on the street are placed in harm's way with so many weapons," says Robert Lowery. "For some of those people to be supporting concealed-carry laws is unbelievable to me."

Even so, Lowery is part of the Missouri coalition that will go along with a bill this year—if it is restrictive enough. But he has placed his personal hopes on the group's demand that any laws the legislature comes up with be put to voters in a referendum. "I don't believe they're going to vote for it," Lowery says. □

CS FOR SENATE BILL NO. 177(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

8 (1) did not occur within or on a school bus;

9 (2) occurred as the defendant, without entering the school building,
10 directly escorted to or from the school, or picked up or dropped off at the school,
11 without detour or delay while on school grounds, a person or thing; and

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

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

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

1 (1) an affirmative defense that the defendant, at the time of
2 possession, was the holder of a valid permit to carry a concealed handgun under
3 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
4 in AS 18.65.790, and the possession did not occur in a municipality or established
5 village in which the possession of concealed handguns is prohibited under
6 AS 18.65.780 - 18.65.785;

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

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

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

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

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

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

17 (2) qualifies under AS 18.65.705;

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

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

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

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

1 of a size specified by the department;

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

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

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

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

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

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

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

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

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

26 (A) AS 11.41.230, 11.41.250, 11.41.270;

27 (B) AS 11.46.315, [11.46.320, 11.46.330,] 11.46.430,
28 11.46.484(a)(1), (2), or (7) [11.46.484];

29 (C) AS 11.51.130;

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

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

(F) AS 11.71.050, 11.71.060;

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

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

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

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

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

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

(3) knowledge of self-defense principles; and

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

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

Sec. 18.65.718. RECIPROCITY FOR HOLDERS OF CONCEALED HANDGUN PERMITS FROM OTHER STATES. (a) The department may enter into agreements with other states to provide reciprocity for holders of concealed handgun permits issued

1 by another state to be permitted to carry a concealed handgun in Alaska provided the
2 other state allows holders of concealed handgun permits issued under AS 18.65.700 -
3 18.65.790 to be permitted to carry concealed handguns in the other state. An agreement
4 under this section, at a minimum, must provide that for a person issued a concealed
5 handgun permit by another state to be reciprocally permitted in this state to carry a
6 concealed handgun the person must submit

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

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

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

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

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

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

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

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

27 (1) becomes disqualified to receive and hold a permit under
28 AS 18.65.705; ~~or~~

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

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

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

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

6 (1) a law enforcement or correctional facility;

7 (2) or possess a concealed handgun within a building, on the grounds
8 or on the parking lot of a public or private preschool, elementary, junior high, or
9 secondary school except while the permittee, without entering a school building,
10 without detour or delay while on school grounds, and without being on a school
11 bus, directly escorted to or from the school, or picked up or dropped off at the
12 school, a person or thing; [ON SCHOOL GROUNDS OR A SCHOOL BUS; IN THIS
13 PARAGRAPH, "SCHOOL GROUNDS" HAS THE MEANING GIVEN IN
14 AS 11.71.900];

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

16 (A) is a judge; or

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

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

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

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

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

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

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

1 TO THE PERMITTEE;

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

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

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

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

15 • Sec. 13. AS 18.65.765(a) is amended to read:

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

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

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

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

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

27 • Sec. 14. AS 18.65.790(3) is amended to read:

28 (3) "concealed handgun" means a firearm, that is a pistol or a revolver,
29 and that is covered or enclosed in any manner so that an observer cannot determine that
30 it is a handgun without removing it from that which covers or encloses it or without
31 opening, lifting, or removing that which covers or encloses it; however, "concealed
32 handgun" does not include a shotgun or [,] rifle, [DERRINGER OR OTHER

1 MINIATURE HANDGUN,] or a prohibited weapon as defined under AS 11.61.200 [;
2 IN THIS PARAGRAPH,

3 (A) "DERRINGER" MEANS A HANDGUN THAT HAS
4 INDIVIDUAL BARRELS FOR EACH CARTRIDGE IT IS CAPABLE OF
5 FIRING AND LACKS A MANUFACTURER'S INSTALLED TRIGGER
6 GUARD THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH
7 IS PART OF THE FRAME; AND

8 (B) "MINIATURE HANDGUN" MEANS A HANDGUN THAT
9 HAS A BARREL LENGTH OF THREE AND ONE-HALF INCHES OR LESS
10 AND LACKS A MANUFACTURER'S INSTALLED TRIGGER GUARD
11 THAT COMPLETELY ENCIRCLES THE TRIGGER AND WHICH IS PART
12 OF THE FRAME];

13 • Sec. 15. AS 18.65.705(5), 18.65.705(9), and 18.65.725(c) are repealed.

SB 177 - "AN ACT RELATING TO PERMITS TO CARRY CONCEALED HANDGUNS"

PROPOSED CS 3-LS1139\O Dated 2/12/96

Section 1.: AS 11.61.210 - Weapons and Explosives - .210 - Misconduct involving weapons in the fourth degree: (Class A misdemeanor)

New subsection would not allow holders of permits to carry concealed handguns in preschool, elementary, junior high or secondary schools. Also disallow carry in a muni or established village where it is prohibited.

Section 2. - AS 11.61.220 (d) amended: Misconduct involving weapons in the fifth degree:

Amendment allows valid permit holder to carry a concealed loaded handgun in a place where intoxicating liquor is sold for consumption on the premises, as long as the possession did not occur in a municipality or established village in which the possession of a concealed handgun is prohibited.

(Also technical drafting amendments included in this section.)

Section 3.: 18.65.700 (a) Permit to carry a concealed handgun.

Amendment provides that Department of Public Safety will provide each applicant with a copy of the state laws and regulations regarding firearms.

(DPS claims this is too much paperwork - FYI, NRA also provides this information without too much fanfare.)

Section 4. 18.65.700(b) Permit to carry concealed handgun; permit review:

Amendment deletes requirement that Department do **spot** checks with the FBI. Fingerprint records would still be sent to the FBI, and a search is conducted by the FBI at that time. A spot check is redundant. Also gives the Department 30 days (was 15 days) to process the application.

Section 5.: AS 18.65.700(d) - Permit to carry concealed handgun; type of handgun certification:

Amendment deletes requirement that maximum caliber of handgun be noted on certificate, but would include action type and proficiency thereof.

Section 6. New section to include most all misdemeanor charges within past five years as reason for nonapproval of application; would delete specific misdemeanors (see list attached).

Section 7. AS 18.65.710(a)(3) - Permit to carry concealed handgun:

Technical amendment to refer to state laws and regulations, rather than a statute cite. The application packet will contain a copy of state laws and regs pertinent to permits.

Section 8. AS 18.65.715(a) - Demonstration of competence with handguns:

Amended to delete requirement that permit certificate specify caliber of weapons, but would still include action type and proficiency of holder.

Section 9: AS 18.65.718 - New section re: Reciprocity for Holders of Concealed Handgun Permits from Other States:

Currently, there are 28 states that have some sort of concealed handgun permit laws on the books. This would allow the Department of Public Safety to enter into a reciprocity agreement with states holding similar laws in order to facilitate reciprocity permits to holders of out-of-state permits. This will alleviate the Department's background check of permit applicant if they hold a permit from an authorized state, since the reciprocal state will also conduct this search at the time of application.

Section 10. AS 18.65.720 - Fees.

Amended to decrease fee cap for initial issuance from \$125 to \$65 and renewal from \$60 to \$35.

The sponsor feels that for the minute amount of work involved in processing these permit applications, the department should not charge such an exorbitant fee.

Section 11. AS 18.65.740(a) Revocation of permit; appeal.

Deletes misdemeanor offenses as reason for permit suspension in the case of appeals. (Also see Section 10)

Section 12.: AS 18.65.755(a) Places where permittee may not possess a concealed handgun:

By this amendment, Permittee will now be able to carry a concealed handgun to any location other than those that are prohibited by federal law, a law enforcement or correctional facility, or school building, or state or federal courthouse. This will mean that the permittee **can** carry a concealed handgun into a bank, passenger loading or unloading area of an airline terminal, hospital, domestic violence shelter or place that a notice prohibiting carry is posted, etc.

Section 13: AS 18.65.765(a) (New in CS):

The holder of a permit may only carry a concealed weapon of the **action** type the holder has demonstrated competency with as authorized in the permit (deletes "caliber type only).

Section 14.: AS 18.65.790(3); Definitions:

Deletes definitions for "miniature handgun" and "derringer" (per Sen. Donley proposed amendment), as there is no need to disallow their carry.

Section 15. Repealers:

AS 18.65.705(4) - Qualifications to obtain a permit. listing of misdemeanor charges repealed.

AS 18.65.705(5) - Qualifications to obtain a permit - has not been convicted of two or more class A misdemeanors within 5 years of application repealed.

AS 18.65.705(9) - 1 year residency requirement repealed.

AS 18.65.715(c) - Demonstration of competence with handguns. Deletes department requirement of specification of handgun type, serial number, etc. on certification.

AS 18.65.725(c) - Renewal of expired permit is subject to a \$25 late fee. This amendment repeals that fee.

2/13/96

CSSB 177 (VERSION "O" DATED 1/31/96) CONCEALED WEAPON PERMITS
(Work Draft 9-LS1139\O)

Changes from "G" version dated 1/12/96:

*Adds back in certain misdemeanor charges for application/permit disqualification. Please review attached list of misdemeanors still deleted - Department of Public Safety recommended to Sen. Green's staff that misdemeanors that didn't involve physical harm to a person be deleted; they did not recommend which to delete, however. (DPS has told me that they do not support deleting ANY misdemeanors from bill, but they take a neutral stance in this area.) As of Tuesday morning, February 13, DPS and Dept. of Law have a copy of the draft CS to review for fiscal impact.

Please review attached list of misdemeanants for deletions.

**Changes term "firearm" to "concealed weapon" where appropriate.

***Now would prohibit concealed carry in a school or court building, or law enforcement or correctional facility (or where prohibited by federal law).

*****NEW: Section 14: Donely amendment re: deletion of "derringer" from list of guns not considered eligible to be "concealed weapons".

(Re: Mary Conrad Center, Providence Hospital, domestic violence shelter, bar and noticed premises - concealed carry still allowed in these places. This should be considered based on testimony from 1/23/96 meeting.)

****Proficiency test required as to action types, but not caliber types.

Repealers:

Section 15. Repealers:

AS 18.65.705(5) - Qualifications to obtain a permit - has not been convicted of two or more class A misdemeanors within 5 years of application repealed.

AS 18.65.705(9) - (Residency requirements still on list of repealers.)
1 year residency requirement repealed.

AS 18.65.725(c) - Renewal of expired permit is subject to a \$25 late fee. This amendment repeals that fee.

****1/23/96 testimony re: retired police officers and waiving training class was not addressed.

2/14/96

Senate State Affairs Committee Hearing, Tuesday, February 13, 1996

CSSB 177 (STA) version ")" work draft dated 2/12/96 (9LS1139\O)

CS adopted (version "O")

Amendments:

1. Conceptual amendment adopted re: school zones:

Senator Donley proposed a conceptual amendment regarding possession of a permitted concealed weapon while a permittee is dropping off or picking up from school grounds. Legal services will draft amendment.

2. Leman amendment dated February 13, 1996 adopted:

re: misdemeanor charges considered for permit application:

Version "O" Page 3, starting with line 25:

(see attached):

(B) AS 11.46.315, [AS 11.46.320, 11.46.330,] AS 11.46.430,
[11.46.484]AS 11.46.484(a)(1), 11.46.484(a)(2),
11.46.484(a)(7);

Page 3, starting at line 28:

(D) AS 11.56.330, 11.56.340, Former 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];

Further, a memorandum to the next committee of referral, that being the Senate Judiciary Committee that the Senate State Affairs Committee moves out the amended version of CSSB 177(STA) with the following caveat:

The Senate Judiciary Committee should examine this legislation relating to current state and federal laws and how they affect concealed carry on the Alaska Marine Highway system. Currently,

the Alaska Marine Highway requires that all guns will be locked up in the passenger's vehicle or taken directly to the Purser's office for safekeeping during any voyage. Would this CS preempt the Alaska Marine Highway from enforcing their current policy concerning guns of any type?

Further, the Senate State Affairs Committee would like the Senate Finance Committee to examine this legislation in light of the fiscal impact to the state regarding the permit fees. It is the intent of the Committee that permit fees should not be state subsidized, but rather that the program pays for itself. Is the \$65 cap sufficient to operate the program or would a fee of, say \$95, cover the charges?

Am
2/1/96

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SENATOR LYDA GREEN

SENATE DISTRICT N

CSSB 177 Version "O"

"An Act Relating to Permits to Carry Concealed Handguns"

Sponsor Statement

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

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

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

News from the Senate Majority

Alaska State Legislature

Senator Lyda Green

Contact: 907-465-6600

For Immediate Release: February 13, 1996

Legislation Proposes Changes to Concealed Handgun Permit Program

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

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

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

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

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

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

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

February 13, 1996

AMENDMENT

OFFERED IN THE SENATE STATE AFFAIRS COMMITTEE

BY: SENATOR LEMAN

TO: CSSB 177 Version "O"

Page 3, line 25:

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

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

Page 3, line 28:

Insert between "AS" and "11.56.380":

"11.56.330, 11.56.340, FORMER 11.56.350, 11.56.790,"

I believe the following offenses, now removed by SB 177, should remain in the law as disqualifiers:

- 1) 11.46.315 Possession of burglary tools if the person possesses a burglary tool with intent to commit a crime.
- 2) 11.46.430 Criminally negligent burning: with criminal negligence, the person damages property of another by fire or explosion.
- 3) 11.46.484(a)(1) Intentionally damaging another's property, and causing less than \$500 but more than \$50 in damage.
- 4) 11.46.484(a)(2) Joyriding: person drives, tows away, or takes the vehicle of another.
- 5) 11.56.330 Escape in the fourth degree: removing oneself from official detention for a misdemeanor, or removing oneself from restraint before arrest by a police officer.
- 6) 11.56.340 Unlawful evasion: Failure of a person charged or convicted of a felony or misdemeanor to return to official detention within the time authorized following temporary leave or a furlough.
- 7) FORMER 11.56.350 Unlawful evasion in second degree. Similar to 11.56.340.
- 8) 11.56.790 Compounding: Prohibits offering any kind of benefit, or agreeing to accept a benefit, for concealing a crime, refraining from initiating prosecution or withholding evidence.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR PHILLIPS

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

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

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

- 6 Renumber the following bill sections accordingly.

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

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

2/13/96
failed 1-3

Current
Phillips - leave law alone
- a.c. (business, etc.)
- leave "law"
AMENDMENT

#3
9-LS11390.1
Luckhaupt
2/13/96

fails 1-3

OFFERED IN THE SENATE

BY SENATOR PHILLIPS

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

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

2 Delete

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

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

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

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

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

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

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

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

1 AS 06;

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

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

6 Insert :

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

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

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

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

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

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

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

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

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

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

1

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

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SENATOR LYDA GREEN

SENATE DISTRICT N

SB 177

"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. **DELETE** requirement to qualify with specific action types and caliber of handguns.
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 and state court facilities and where disallowed by federal law.
7. **DELETE** the miniature handgun prohibition.
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 rights to carry concealed. I respectfully request your support of this legislation.

Changes:

- Adds back on misdemeanor charges for application disqualification - may delete too many, though.
- changes term "license" to "concealed weapons" when appropriate
- prohibits concealed carry in school & court bldgs.
- *more* concealed carry from hospital, shelter, *home* notified premises still allowed to carry
- proficiency is not required

9-LS1139M
Luckhaupt
1/31/96

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

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) qualifies under AS 18.65.705;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

29 (C) AS 11.51.130;

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

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

or

(F) AS 11.71.050, 11.71.060;

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

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

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

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

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

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

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

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

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

*(No spec
to be
with
1/22/00)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (A) ~~is a judge; or~~

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

*reword back
in by 1/10/02*

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

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

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

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

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

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

1 TO THE PERMITTEE;

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

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

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

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

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

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

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

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

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

*what about
"by notice"?*

*delete
"or"
"derringer"*

CSSB 177 (VERSION "M" DATED 1/31/96) CONCEALED WEAPON PERMITS

Changes from "G" version dated 1/12/96:

*Adds back in certain misdemeanor charges for application/permit disqualification. ~~Please review attached list of misdemeanors still deleted~~ - Department of Public Safety recommended in testimony that misdemeanors that didn't involve physical harm to a person be deleted; they did not recommend which to delete, however. DPS has NOT had a chance to see the list of deletions as of 2/5/96.

Also Note: Sen. Green would also like to delete Sec. 11.61.110 (1) and (2) relating to disturbing the peace. Please see attached statute cite for particulars. (This is not included in "M" version of CS.)

**Changes term "firearm" to "concealed weapon" where appropriate.

***Now would prohibit concealed carry in a school or court building, (or where prohibited by federal law).

(Re: Mary Conrad Center, Providence Hospital, domestic violence shelter, bar and noticed premises - concealed carry still allowed in these places. This should be considered based on testimony from 1/23/96 meeting.)

****Proficiency test still not required.

*****1/23/96 testimony re: retired police officers and waiving training class was not addressed.

Ann
2/3/96

deletions
by CS (-m) 1/31/96

Current Law (1995)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AS 11 58 800 (making a false report) prohibits knowingly giving false information to a peace officer (1) to report a crime, (2) to implicate another person in a crime, or (3) to give a false report or a false alarm about a fire or another dangerous incident that would call for an emergency response.

AS 11 58 805 (false accusation) prohibits knowingly making a false report to the legislative ethics committee.

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

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

2/15/96
revised
substantive
see
Attached
file

Sec. 11.61.110

DISORDERLY CONDUCT.

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

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

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

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

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

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

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

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

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

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

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

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

AS 11 61 220 (misconduct involving weapons in the fifth degree) prohibits (1) carrying a concealed deadly weapon other than an ordinary pocket knife or a defensive weapon, (2) possessing a loaded firearm in any place where intoxicating liquor is sold for consumption on the premises, (3) being under 16 and possessing a firearm without parental consent, (4) possessing a firearm or defensive weapon on school grounds, and (5) possessing a switchblade or gravity knife.

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

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

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

Important Definitions for an Applicant to be Aware Of

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

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

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

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

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

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

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

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

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

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

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

ALASKA STATE LEGISLATURE

Interim:

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



State Capitol
Juneau, Alaska 99801-1162
(907) 465-6071
Fax (907) 465-3575

SENATOR LYDA GREEN
SENATE DISTRICT N

SB 177

"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. DELETE requirement to qualify with specific action types and caliber of handguns.
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 and state court facilities and where disallowed by federal law.
7. DELETE the miniature handgun prohibition.
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 rights to carry concealed. I respectfully request your support of this legislation.

9-LS1139M
Luckhaupt
1/31/96

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

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

4 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense
5 that the defendant, at the time of possession, was the holder of a valid permit to carry
6 a concealed handgun under AS 18.65.700 - 18 55.790, the deadly weapon was a
7 concealed handgun as defined in AS 18.65.790, and the possession did not occur

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) qualifies under AS 18.65.705;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (A) AS 11.41.230, 11.41.250, 11.41.270;

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

29 (C) AS 11.51.130;

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

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

or

(F) AS 11.71.050, 11.71.060;

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

(3) a statement that the applicant has been furnished with a copy of the state laws and regulations relating to ^("6" LG = firearms) concealed handguns [AS 18.65.700 - 18.65.790], has read those sections, and understands them; *what about Fed. law?*

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

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

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

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

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

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

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

no special in cert. in West

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

- (1) an application that provides information that is substantially similar to that required under AS 18.65.710;
- (2) sufficient information to verify that the person holds a concealed handgun permit in the reciprocal state; and
- (3) a reciprocal application fee that may not exceed the fee set for the application and initial issuance of a permit under AS 18.65.720.

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

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

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 \$65 [\$125] and the fee for renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

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

(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; ~~or~~

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

Class participation similar to Alaska's requirements?
what about fees?

why is this still repealed?

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

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

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

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

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

new in CB

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

?

15 (3)] a courthouse or a courtroom of this state, unless the permittee
16 (A) is a judge; or

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

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

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

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

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

consider leaving in

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

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

1 TO THE PERMITTEE;

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

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

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

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

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

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

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

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

31 • Sec. 14. AS 18.65.705(5), 18.65.705(9), 18.65.715(c), 18.65.725(c), 18.65.765(a)(4), and
32 18.65.790(2) are repealed. *18.65.705(4) repealed by "G" CS - not repealed by "M" CS*