REPORTING LAWS: CLERGY AS MANDATED REPORTERS

ARIZONA

Ariz. Rev. Stat. Ann. § 13-3620(A)-(B) (West, WESTLAW through 1999 1st Reg. Sess. & 2nd Sp. Sess.)

Any...clergyman or priest...whose observation...of any minor discloses reasonable grounds to believe that a minor is or has been the victim of injury, sexual abuse, ...sexual assault, molestation of a child, ...incest or child prostitution, death, abuse, or physical neglect...shall immediately report or cause a report to be made....

A clergyman or priest who has received a confidential communication or confession in that person's role as a clergyman or priest in the course of the discipline enjoined by the church to which the clergyman or priest belongs may withhold reporting of the communication or confession if the clergyman or priest determines that is reasonable and necessary within the concepts of the religion. The exemption applies only to the communication or confession and not to the personal observations of the clergyman or priest may otherwise make of the minor.

CALIFORNIA

Cal. Penal Code § 11165.7(a)(32) (West, WESTLAW through 2002 Reg. Sess. & 3rd Ex. Sess.)

A mandated reporter is defined as any of the following: A clergy member, as specified in § 11166(c). As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

Cal. Penal Code § 11166(c) (West, WESTLAW through 2002 Reg. Sess. & 3rd Ex. Sess.)

A clergy member who acquires knowledge or reasonable suspicion of child abuse during a penitential communication is not subject to the requirement to make a report. For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse when a clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

CONNECTICUT

Conn. Gen. Stat. Ann. § 17a-101(b) (West, WESTLAW through 1-1-02)

The following persons shall be mandated reporters: clergymen.

DELAWARE

Del. Code Ann. tit. 16, § 903 (WESTLAW through 1999 1st Spec. Sess.)

Any other person who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title.

Del. Code Ann. tit. 16, § 909 (Supp. 1998)

No legally recognized privilege, except that between attorney and client and that between priest and penitent in a sacramental confession, shall apply to situations involving known or suspected child abuse, neglect, exploitation, or abandonment and shall not constitute grounds for failure to report as required or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

FLORIDA

Fla. Stat. Ann. § 39.201(1) (West, WESTLAW through End of 2001 1st Reg. Sess.)

Any person... who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the department.

Fla. Stat. Ann. § 39.204 (West, WESTLAW through End of 2001 1st Reg. Sess.)

The privileged quality of communications between husband and wife and between any professional person and his or her patient or client, or any other privileged communications except that between attorney and client or the privilege provided by § 90.505 [providing for the confidentiality of communications made to a clergy member for the purpose of spiritual counsel], as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment or neglect, and shall not constitute grounds for failure to report as required by the reporting laws regardless of the source of information requiring the report, failure to cooperate with the Department, or failure to give evidence in any judicial proceeding relating to child abuse, abandonment, or neglect.

IDAHO

Idaho Code § 16-1619(a), (c) (Supp. 1998)

Any ...other person having reason to believe that a child...has been abused, abandoned, or neglected...shall report or cause a report to be made within 24 hours....

The notification requirements do not apply to a duly ordained minister of religion, with regard to any confession or confidential communication made to him in his ecclesiastical capacity in the course of discipline enjoined by the church to which he belongs if:

- The church qualifies as tax-exempt under Federal statute;
- The confession or confidential communication was made directly to the duly ordained minister of religion; and
- The confession or confidential communication was made in the manner and context which places the duly ordained minister specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

A confession or confidential communication made under any other circumstances does fall under this exemption.

KENTUCKY

Ky. Rev. Stat. Ann. § 620.030(1) (Michie Supp. 1998)

Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report to be made...

Ky. Rev. Stat. Ann. § 620.050(2) (Michie Supp. 1998)

Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be ground for refusing to report, or for excluding evidence regarding a dependant, neglected or abused child thereof, in any judicial proceedings resulting from a report.

LOUISIANA

La. Children's Code art. 603(13)(b) (West, WESTLAW through all 2001 Reg. & Ex. Sess. Acts)

"Mental health/social service practitioner" is any individual who provides mental health or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, aide, or other individual who provides counseling services to a child or his family. However, when a priest, rabbi, duly ordained minister, or Christian Science practitioner has acquired knowledge of abuse or neglect from a person during a confession or other sacred communication, he shall encourage that person to report but shall not be a mandatory reporter of that information given in confession or sacred communication.

MAINE

Me. Rev. Stat. Ann. tit. 22, § 4011-A(1)(A)(27) (West, WESTLAW through 2001 1st Reg. Sess.)

The following adult persons shall immediately report or cause a report to be made to the Department when the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected: A clergy member acquiring the information as a result of clerical professional work, except for information received during confidential communications.

MARYLAND

Md. Code Ann. Fam. Law § 5-705(a)(1), (a)(3) (Lexis, WESTLAW through 2000 Reg. Sess.)

Except as provided below, notwithstanding any other provision of law, including a law on privileged communications, a person other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall...notify the local department of the appropriate law enforcement agency.

A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice [when they have reason to believe that a child has been subjected to abuse or neglect] if the notice would disclose matter in relation to any communication that is protected by the clergy-penitent privilege and:

- The communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and
- The minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

MINNESOTA

Minn. Stat. Ann. § 626.556, Subd. 3(a) (West, WESTLAW through End of 2001 1st Sp. Sess.)

A person who knows or has reason to believe a child is being neglected or physically or sexually abused...shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff if the person is ...employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of clergy is not required to report information that is otherwise privileged under § 595.02(1)(c) [pertaining to clergy-penitent privilege].

MISSISSIPPI

Miss. Code Ann. § 43-21-353(1) (WESTLAW through End of 2001 2nd Ex. Sess.)

Any...minister...having reasonable cause to suspect that a child is a neglected child or an abused child, shall cause an oral report to be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing to the Department of Human Services....

MISSOURI

Mo. Ann. Stat. § 210.140 (West, WESTLAW through End of 2001 1st Reg. Sess. & 1st Ex. Sess.)

Any legally recognized privileged communication, except that between attorney and client, or involving communications made to a minister or clergyman, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted, to cooperate with the division in any of its activities, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

MONTANA

Mont. Code Ann. § 41-3-201(2)(h), (4)(b) (WESTLAW through 2001 Reg. Sess.)

Professionals and officials required to report [include]: a member of the clergy.

A clergyperson or priest is not required to report under this section if:

- The knowledge or suspicion of the abuse or neglect came from a statement or confession made to the clergyperson or priest in that person's capacity as a clergyperson or priest;
- The statement was intended to be a part of a confidential communication between the clergyperson or priest and a member of a clergyperson's or priest's church or congregation; and
- The person who made the statement or confession does not consent to the disclosure by the clergyperson or priest.

A clergyperson or priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

NEVADA

Nev. Rev. Stat. Ann. § 432B.220(3)(d) (WESTLAW through 2001 Reg. Sess. & 17th Spec. Sess.)

A report must be made by a clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

NEW HAMPSHIRE

N.H. Rev. Stat. Ann. § 169-C:29 (West, WESTLAW through 2001 Reg. Sess.)

A priest, minister, or rabbi having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.

N.H. Rev. Stat. Ann. § 169-C:32 (West, WESTLAW through 2001 Reg. Sess.)

The privileged quality of communication between husband and wife and any professional person [including a priest, minister, or rabbi] and his patient or client, except that between attorney and client, shall not apply to proceedings instituted pursuant to this chapter and shall not constitute grounds for failure to report as required by this chapter.

NORTH CAROLINA

N.C. Gen. Stat. § 7B-301 (West, WESTLAW through 2001 Reg. Sess.)

Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the Department of Social Services in the county where the juvenile resides or is found.

N.C. Gen. Stat. § 7B-310 (West, WESTLAW through 2000 Reg. Sess.)

No privilege shall be grounds for any person or institution failing to report that a juvenile may have been abused, neglected, or dependent, even if the knowledge or suspicion is acquired in an official professional capacity, except when the knowledge is gained by an attorney from that attorney's client during representation only in the abuse, neglect, or dependency case.

No privilege, except the attorney-client privilege, shall be grounds for excluding evidence of abuse, neglect, or dependency in any judicial proceeding (civil, criminal, or juvenile) in which a juvenile's abuse, neglect, or dependency is in issue nor in any judicial proceeding resulting from a report submitted under this Article, both as the privilege relates to the competency of the witness and to the exclusion of confidential communications.

NORTH DAKOTA

N.D. Cent. Code § 50-25.1-03(1) (Supp. 1997)

Any…member of the clergy having knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, shall report the circumstances to the department if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of a spiritual advisor.

OREGON

Or. Rev. Stat. Ann. § 419B.005(3)(b) (WESTLAW through End of 2001 Reg. Sess. & Cum. Supp.)

Public or private official [includes]: Member of the clergy.

Or. Rev. Stat. Ann. § 419B.010(1) (WESTLAW through End of 2001 Reg. Sess. & Cum. Supp.)

Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made....

Nothing shall affect the duty to report imposed by the reporting laws, except that a psychiatrist, psychologist, member of clergy or attorney shall not be required to report such information communicated by a person if such communication is privileged under §§ 40.225 to 40.295.

PENNSYLVANIA

23 Pa. Cons. Stat. Ann. § 6311(a), (b) (West Supp. 1998)

Except with respect to confidential communications made to an ordained member of the clergy which are protected under law relating to confidential communications to clergymen, the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report as required by this chapter.

Enumeration of persons required to report [includes]: member of the clergy.

RHODE ISLAND

R.I. Gen. Laws § 40-11-3(a) (WESTLAW through 2001 Reg. Sess.)

Any person who has reasonable cause to know or suspect that any child has been abused or neglected or has been a victim of sexual abuse by another child shall, within 24 hours, transfer that information to the Department....

R.I. Gen. Laws § 40-11-11 (1997)

The privileged quality of communication between husband and wife and any professional and his or her patient or client, except that between attorney and client, is hereby abrogated in situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required by this chapter, failure to cooperate with the Department in its activities pursuant to this chapter, or failure to give or accept evidence in any judicial proceeding relating to child abuse or neglect. In any family court proceeding relating to child abuse or neglect, notwithstanding the provisions of other statutes, no privilege of confidentiality may be invoked with respect to any illness, trauma, incompetency, addiction to drugs, or alcoholism of any parent.

SOUTH CAROLINA

S.C. Code Ann. § 20-7-550 (Law. Co-op. Supp. 1998)

The privileged quality of communication between husband and wife and any professional person and his patient or client, except for that between an attorney and client and priest and penitent, is abrogated and does not constitute grounds for failure to report, or the exclusion of evidence in a civil protective proceeding resulting from a report.

TEXAS

Tex. Fam. Code Ann. § 261.101 (West, WESTLAW through End of 1999 Reg. Sess.)

A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health care facility that provides reproductive services.

UTAH

Utah Code Ann. § 62-4a-403 (Lexis) WESTLAW through End of 2000 Gen. Sess.)

When any person ...has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he shall immediately notify the nearest peace officer, law enforcement agency, or office of the division.

The reporting requirements do not apply to a clergyman or priest, without the consent of the person making the confession, with regard to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs, if:

- The confession was made directly to the clergyman or priest by the perpetrator; and
- The clergyman or priest is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.

When the clergyman or priest receives information about abuse or neglect from any source other than confession of the perpetrator, he is required to give notification on the basis of that information even though he may have also received a report of abuse or neglect from the confession of the perpetrator.

Exemption of notification requirements for a clergyman or priest does not exempt a clergyman or priest from any other efforts require by law to prevent further abuse or neglect by the perpetrator.

WASHINGTON

Wash. Rev. Code Ann. § 26.44.030(7) (West, WESTLAW through 2002 Reg. Sess.)

Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

Wash. Rev. Code Ann. § 26.44.060(1)(a), (3) (West Supp. 1999)

Any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this State.

Conduct conforming with reporting requirements shall not be deemed a violation of the confidential communication privilege of §§ 5.60.060 [pertaining to husband-wife, attorney-client, clergy-penitent, and physician-patient privilege], 18.53.200 [pertaining to optometrist-patient privilege], and 18.83.110 [pertaining to psychologist-client privilege].

WEST VIRGINIA

W. Va. Code Ann. § 49-6A-2 (Lexis, WESTLAW through End of 2001 6th Ex. Sess.)

When any ...member of the clergy...has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect, such person shall immediately, and not more than forty-eight hours after suspecting this abuse, report the circumstances or cause a report to be made to the state department of human services.

W. Va. Code Ann. § 49-6A-7 (1996)

The privileged quality of communications between husband and wife and between any professional person and his or her patient or client, except that between attorney and client, is hereby abrogated in situations involving suspected or known child abuse or neglect.

WYOMING

Wyo. Stat. Ann. § 14-3-205(a) (Michie 1997)

Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made.

Wyo. Stat. Ann. § 14-3-210 (Michie 1997)

Evidence regarding a child in any judicial proceeding resulting from a report made pursuant to the reporting laws shall not be excluded on the ground it constitutes a privileged communication:

- Between husband and wife;
- Claimed under any provision of law other than § 1-12-101(a)(i) [regarding attorney-client or physician-patient privilege] and § 1-12-101(a)(ii) [regarding privilege of a clergyman or priest as it relates to a confession made to him in his professional character if enjoined by the church to which he belongs];
- Claimed pursuant to § 1-12-116 regarding the confidential communication between a family violence and sexual assault advocate and victim.

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Child Abuse and Neglect State Statutes Series

Ready Reference

Reporting Laws: Religious Exemptions

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

2002

This **Ready Reference** is a product of the **Child Abuse and Neglect State Statutes Series** prepared by the National Clearinghouse on Child Abuse and Neglect Information. The Clearinghouse is a service of the Children's Bureau, Administration on Children, Youth and Families, Administration for Children and Families, U.S. Department of Health and Human Services.

The Ready Reference publications contain excerpts of text with citations from specific sections of each State's code that focus on a single issue of special interest. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.

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We welcome your comments and suggestions about this publication.

Ready Reference publications present compilations of State statutes citations and text on subjects of special interest. They are intended to provide easy access to information on issues that are a part of one or more State Statutes Elements. Legal references are current as of December 2001.

The Child Abuse Prevention and Treatment Act Amendments of 1996 added new provisions specifying that nothing in the Act be construed as establishing a Federal requirement that a parent or legal guardian provide any medical service or treatment that is against the religious beliefs of the parent or legal guardian (42 U.S.C. 5106i). Many States do provide in their statutory definitions of child abuse and neglect an exemption for parents who choose not to seek medical care for their children due to religious beliefs.

The citations for *Reporting Laws: Religious Exemptions* are drawn from the following title in the Child Abuse and Neglect State Statutes *Compendium of Laws:*

- Reporting Laws: Definitions of Child Abuse and Neglect

The following States, which have reporting laws regarding religious exemptions, are included in this publication:

Alabama
Alaska
Arizona
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Michigan
Minnesota
Mississippi
Missouri
Montana
Nevada
New Hampshire
New Mexico
Ohio
Oklahoma
Pennsylvania
Vermont
Virginia
Washington
Wyoming

Reporting Laws:
Religious Exemptions

ALABAMA

Ala. Code § 26-14-7.2(a) (Supp. 1998)

When an investigation of child abuse or neglect by the Department of Human Resources determines that a parent or legal guardian legitimately practicing his or her religious beliefs has not provided specific medical treatment for a child, the parent or legal guardian shall not be considered a negligent parent or guardian for that reason alone. This exception shall not preclude a court from ordering that medical services be provided to the child when the child's health requires it.

ALASKA

Alaska Stat. § 47.17.020(d) (1996)

A religious healing practitioner is not required to report as neglect of a child the failure to provide medical attention to a child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

ARIZONA

Ariz. Rev. Stat. Ann. § 8-201(13)(b) (West Supp. 1998)

A "dependent child" does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner.

CALIFORNIA

Cal. Penal Code § 11165.2(b) (West 1992)

A child receiving treatment by spiritual means or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.

COLORADO

Colo. Rev. Stat. Ann. § 19-3-103 (West Supp. 1998)

No child who in lieu of medical treatment is under treatment solely by spiritual means through prayer in accordance with a recognized method of religious healing shall, for that reason alone, be considered to have been neglected or dependent within the purview of this article. However, the religious rights of a parent, guardian, or legal custodian shall not limit the access of a child to medical care in a life-threatening situation or when the condition will result in serious disability. In order to make a determination as to whether the child is in a life-threatening situation or that the child's condition will result in serious disability, the court may order a medical evaluation of the child. If the court determines, on the basis of any relevant evidence before the court, including the medical evaluation ordered pursuant to this section, that the child is in a life-threatening situation or that the child's condition will result in serious disability, the court may order that medical treatment be provided for the child. A child whose parent, guardian, or legal custodian inhibits or interferes with the provision of medical treatment in accordance with a court order shall be considered to have been neglected or dependent for the purposes of this article and injured or endangered for the purposes of section 18-6-401, C.R.S.

A method of religious healing shall be presumed to be a recognized method of religious healing if:

- Fees and expenses incurred in connection with such treatment are permitted to be deducted from taxable income as medical expenses pursuant to regulations or rules promulgated by the United States Internal Revenue Service; and
- Fees and expenses incurred in connection with such treatment are generally recognized as reimbursable health care expenses under medical policies of insurance issued by insurers licensed by this state; or
- Such treatment provides a rate of success in maintaining health and treating disease or injury that is equivalent to that of medical treatment.

CONNECTICUT

Conn. Gen. Stat. Ann. § 46b-120(10) (West, WESTLAW through 1-1-01)

The treatment of any child by an accredited Christian Science practitioner in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment.

DELAWARE

Del. Code Ann. tit. 16, § 913 (Supp. 1998)

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a

duly accredited practitioner thereof shall for that reason alone be considered a neglected child for the purposes of this chapter.

DISTRICT OF COLUMBIA

D.C. Code Ann. § 16-2301(9) (WESTLAW through 10-2-01)

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered a neglected child.

FLORIDA

Fla. Stat. Ann. § 39.01(45) (West, WESTLAW through End of 2000 2nd Reg. Sess.)

A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering medical services or other treatment to be provided when the health of the child so requires.

GEORGIA

Ga. Code Ann. § 19-7-5(b)(3) (WESTLAW through 2001)

No child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an "abused" child.

IDAHO

Idaho Code § 16-1602(21)(a) (WESTLAW through Idaho 2001 Legis Serv., Ch. 107)

No child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to statute.

ILLINOIS

325 Ill. Comp. Stat. Ann. 5/3 (West, WESTLAW through Ill. 2001 Legis Serv., P.A. 92-408 & P.A. 92-432)

A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care.

INDIANA

Ind. Code Ann. § 31-34-1-14 (Michie 1997)

A child is not a child in need of services if a parent, guardian, or custodian fails to provide specific medical treatment for a child because of the legitimate and genuine practice of the religious beliefs of the parent, guardian, or custodian, a rebuttable presumption arises that the child is not a child in need of services because of the failure. However, this presumption does not do any of the following:

- Prevent a juvenile court from ordering, when the health of a child requires, medical services from a physician licensed to practice medicine in Indiana.
- Apply to situations in which the life or health of a child is in serious danger.

Ind. Code Ann. § 31-34-1-15 (Michie 1997)

This chapter does not limit the lawful practice or teaching of religious beliefs.

IOWA

Iowa Code Ann. § 232.68(2)(d) (West, WESTLAW through Iowa 2001 Legis. Serv., Ch. 46 & 131)

A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child, however, this provision shall not preclude a court from ordering that medical service be provided to the child where the child's health requires it.

KANSAS

Kan. Stat. Ann. § 38-1502(cc)(3) (WESTLAW through 2001 Kan. Legis. Serv., Ch. 211)

A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent.

KENTUCKY

Ky. Rev. Stat. Ann. § 600.020(1)(h) (WESTLAW through End of 2000 Reg. Sess.)

A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child.

LOUISIANA

La. Children's Code Ann. art. 603(14) (West, WESTLAW through 2001 Reg. Sess. & Ex. Sess.)

Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

MAINE

Me. Rev. Stat. Ann. tit. 22, § 4010(1) (West 1992)

A child shall not be considered to be abused or neglected, in jeopardy of health or welfare or in danger of serious harm solely because treatment is by spiritual means by an accredited practitioner of a recognized religious organization.

MICHIGAN

Mich. Stat. Ann. § 722.634 (West 1992)

A parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent

parent or guardian. This section shall not preclude a court from ordering the provision of medical services or nonmedical remedial services recognized by state law to a child where the child's health requires it nor does it abrogate the responsibility of a person required to report child abuse or neglect.

MINNESOTA

Minn. Stat. Ann. § 626.556 Subd. 2(c)(5) (West, WESTLAW through End of 2001 1st Sp. Sess.)

Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report, has a duty to report if a lack of medical care may cause serious danger to the child's health.

MISSISSIPPI

Miss. Code Ann. § 43-21-105(l)(i) (West, WESTLAW through End of 2002 2nd Ex. Sess.)

A parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under any provision of this chapter.

MISSOURI

Mo. Ann. Stat. § 210.115(3) (West, WESTLAW through End of 2001 1st Reg. Sess. & 1st Ex. Sess.)

Any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the Division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

MONTANA

Mont. Code Ann. § 41-3-102(4)(b) (WESTLAW through 2001 Reg. Sess.)

This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, due to religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

NEVADA

Nev. Rev. Stat. Ann. § 432B.020(2)(b) (WESTLAW through Nev. 2001 Legis. Serv., Ch. 276)

A child is not abused or neglected, nor is his health or welfare harmed or threatened for the sole reason that his parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this state in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to statute.

NEW HAMPSHIRE

N.H. Rev. Stat. Ann. § 169-C:3(XIX) (WESTLAW through End of 2001 Reg. Sess.)

No child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

NEW MEXICO

N.M. Stat. Ann. § 32A-4-2(E)(5) (Michie, WESTLAW through 1999 1st Reg. Sess. & Spec. Sess.)

Nothing in the Children's Code shall be construed to imply that a child who is being provided with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof, is for that reason alone a neglected child. No child shall be denied the protection afforded to all children under the Children's Code.

OHIO

Ohio Rev. Code Ann. § 2151.03(B) (West, WESTLAW through 2000 portion of 123rd Gen. Assem.)

Nothing in this chapter shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when, solely in the practice of his religious beliefs, he fails to provide adequate medical or surgical care or treatment for the child.

OKLAHOMA

Okla. Stat. Ann. § 10-7103(E) (West, WESTLAW through 2001 1st Ex. Sess.)

Nothing in this section shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.
Nothing in this subsection shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

PENNSYLVANIA

23 Pa. Cons. Stat. Ann. § 6303(b)(3) (West Supp. 1998)

If, upon investigation:

- The county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare,
- Which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused.

The county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.

In cases involving religious circumstances, all correspondence with a subject of the report and the records of the Department of Public Welfare and the county agency shall not reference "child abuse" and shall acknowledge the religious basis for the child's condition, and the family shall be referred for general protective services, if appropriate.

VERMONT

Vt. Stat. Ann. tit. 33, § 4912(3)(b) (WESTLAW through 2000 Reg. Sess.)

For purposes of this subchapter, "adequate healthcare" includes any medical or nonmedical remedial health care permitted or authorized under State law. Notwithstanding that a child might be found to be without proper parental care under chapter 55 of Title 33, a parent or other person responsible for a child's care legitimately practicing his or her religious beliefs who thereby does not provide specified medical treatment for a child shall not be considered neglectful for that reason alone.

VIRGINIA

Va. Code Ann. § 63.1-248.2(2) (Lexis, WESTLAW through 2000 Reg. Sess.)

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child.

WASHINGTON

Wash. Rev. Code Ann. § 26.44.020(3) (West, WESTLAW through End of 2000 Spec. Sess.)

The term "practitioner" shall include a duly accredited Christian Science practitioner: provided, however, that a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

WYOMING

Wyo. Stat. Ann. § 14-3-202(a)(vii) (Michie 1997)

Treatment given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination is not child neglect for that reason alone.

April 8, 2003

To: Representative Les Gara

Re: HB 92 – Confidentiality

The Idaho statute: On April 7, 2003, Bob Flint, representing the Catholic Archdiocese, and I discussed a joint approach to the question of confidentiality in HB 92. Bob made a suggestion to utilize a different section of the Rules of Evidence as the basis for a compromise. I drafted and sent to Bob the text of the attached substitute for language in HB 92. In the meantime, he had received from your office an indication that you might be agreeable to "the Idaho statute." Bob sent me the statute. I then discussed it with your Administrative Aide, who asked me to send some comments to you.

The Idaho statute provides no protection to Evangelical or Pentecostal churches. It probably also fails to provide any protection for mainline Protestant churches. The difficulty lies in the triggering provisions of 16-1619 (c) (3). That provides that a confession or confidential communication must take place in a "manner and context...which invokes a level of confidentiality inviolate under canon law or church doctrine." A confession or confidential communication made under any other circumstances—other than the prescribed manner or context—is not secure.

None of the Protestant churches that I am familiar with, including the Baptists, utilizes or even has anything similar to a prescribed form of "confession." Usually the person seeking help will simply ask to speak "privately." This invokes a relationship of confidentiality, which has nothing to do with a specific form or place of worship. I also cannot think of a single Evangelical or Pentecostal church that has in its doctrine a specific reference to confession and confidentiality in a conjoined sense. We would have

to amend our rules to make explicit that which is now assumed. Even then we would probably fail the Idaho test of "manner and context."

There are numerous other problems with the Idaho statute. There are problems with the terms "ordination or set apart" (16-1619 (b)) for churches that may license instead of ordaining. There are constitutional problems with the requirement for "bona fide doctrines..." in 16-1619 (b). There is little point in discussing these given the larger problems of (c) (3).

I believe the compromise attached which incorporates Bob Flint's and my approach is better suited to resolve the problem. You will note that I have drafted this to state that the minister or priest is not required to report; it does not say he may not report. I inserted this because of your concern that we would somehow preclude the reporting of things we now report. This also gives the minister a relief valve to deal with the "preemptive" or deliberately misleading "confidential communication."

Substitute Section HB 92 (a) – Confidentiality

Sec. 47.17.021. Reports by Clergy Members. (a) Notwithstanding AS 47.17.020 (a), a clergy member who acquires knowledge of or reasonable cause to suspect child abuse during a confidential communication made to the clergy member in that individual's professional role as spiritual advisor is not required to report such communication. A communication is confidential if made privately and is not intended for further disclosure.

HB
102

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 14, 2003 — FURTHER REFERRALS:

Date of Committee Action: April 23, 2003

The JUDICIARY Committee considered: — HB 102

HOUSE BILL NO. 102 — CONCEALED DEADLY WEAPONS LEGAL

"An Act relating to concealed deadly weapons."

Recommends it be replaced with [ ] HCS or [X] CS for HB 102 (STA)

For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_______ [X] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to __________ Committee
[ ] Letter of Intent __________ Committee

List of Abbrev for Depts.:
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CRT
EED
DEC
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GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

NEW **FISCAL NOTES** — *Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS **FISCAL NOTES**

List by Dept(s):	FN#	Fiscal	Indet.	Zero
LAW	1			✓

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
[signature]	GARA			✓	
[signature]	HOLM			✓	
[signature]	SAMUELS	✓			
[signature]	McGuire	✓			
Tom Anderson	ANDERSON	X			
[signature]	Ogg	✓			
Chair: [signature]					
Chair:					

HOUSE COMMITTEE REPORT

(7) 4.14.03

Date Referred to Committee: February 14, 2003

FURTHER REFERRALS: (Judiciary)

Date of Committee Action: April 10, 2003

The STATE AFFAIRS Committee considered: HB 102

HOUSE BILL NO. 102 CONCEALED DEADLY WEAPONS LEGAL

"An Act relating to concealed deadly weapons."

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB102 (STA)

*For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR*_______ [X] Same Title [ ] New Title

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***NEW* FISCAL NOTES**
*Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero
LAW	1			✓

***PREVIOUS* FISCAL NOTES**

List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP (3)	DNP	NR (3)	AM
[signature]	SEATON			✓	
[signature]	BERKOWITZ			✓	
[signature]	Gruenberg	✓			
[signature]	Dahlstrom	X			
[signature]	HOLM	✓			
Chair: [signature]	Weyhrauch			X	
Chair:					

How HB 102 Will Affect Alaska's Concealed Carry Laws

	Current Alaska Law	Alaska Law as Amended by HB102
Who is eligible to carry a concealed deadly weapon?	Any citizen who is 21 years old, has not been convicted of a felony, is eligible under state and federal laws to own a handgun, and has successfully completed the application process and a handgun training course may carry a concealed handgun. (AS 18.65.705)	Any person, Alaskan or from out of state, who is 21 years old, has not been convicted of a felony and is eligible under state and federal laws to own a handgun may carry a concealed weapon.
	Some permit holders from out of state can carry concealed in Alaska (AS18.65.748).	
	Persons under the age of 21 can carry concealed weapons on their own property or while actively engaged in lawful hunting or other outdoor activities (AS 11.61.220(b)).	Persons under the age of 21 can carry concealed weapons on their own property or while actively engaged in lawful hunting or other outdoor activities.
Where am I not allowed to carry a concealed deadly weapon?	You **cannot** carry a concealed weapon within:	No change
	a **residence** other than your own without having first obtained express permission from an adult residing there	
	anywhere a person is prohibited from carrying under state or federal law including schools (18.USC.921), (AS 18.65.755)	
	any **place where intoxicating liquor is sold** for consumptive purposes (AS 11.61.220(a)(2))	
	the premises or on a parking lot adjacent to **child care centers**, or a **domestic violence or sexual assault centers**, or within a **courtroom or courthouse** (AS 11.61.220(a)(4)).	

How HB 102 Will Affect Alaska's Concealed Carry Laws

	Current Alaska Law	Alaska Law as Amended by HB102
Do I need a permit to carry a concealed deadly weapon?	Yes, unless you are on your own land or are actively engaged in lawful hunting or other lawful activity that necessarily involves the carrying of a weapon for personal protection (AS 11.61.220(b)(1) and (2)).	No.
When contacted by a peace officer, do I have to tell him I'm carrying?	Yes, if you have a permit. No, if you do not have a permit and are legally carrying a concealed handgun on your own property or actively engaged in an outdoor activity as described above. No, if you are carrying a handgun or other deadly weapon illegally. (AS 18.65.750)	Yes, whether you have a permit or not, Yes, whether you are legally allowed to carry or not, Yes, whether you are carrying a handgun or other type of concealed deadly weapon. Yes, whether you are on your own property or not. Yes, even if you are hunting or actively engaged in another outdoor activity.
Can I legally carry a sheath knife under my coat?	No. (AS 11.61.220 (a)(1)). Permits are for handguns only. (AS 18.65.700-790)	Yes.
If I am carrying a sheath knife, am I legally obligated to tell a peace officer?	No.	Yes.
Can I carry a pipe bomb or other explosive?	No. (AS 11.61.240.)	No. (AS 11.61.240.)
Can I carry my gun in other states?	Yes, certain states allow permit holders from Alaska to carry concealed in their state.	Yes, HB102 maintains the permit system for exactly this purpose.

REPRESENTATIVE ERIC CROFT

MEMORANDUM

TO: Members of the House Judiciary Committee

FROM: Representative Eric Croft

DATE: April 10, 2003

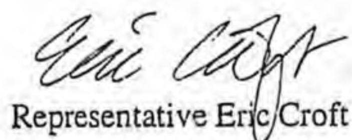
RE: CSHB 102 (STA)

Dear Colleagues,

In the House State Affairs Committee hearings on HB 102, there were many questions about the technicalities of this bill and the logic behind each proposed change to the statutes. The committee substitute takes into consideration the committee members' valid points and hopefully puts them forward in a clear manner. To further clarify the intent of the bill, I have included the committee substitute, my own sectional analysis and a letter of support from the National Rifle Association in this memo.

I hope this helps to answer any questions you might have about HB 102.

Sincerely,



Representative Eric Croft

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Representative_Eric_Croft@legis.state.ak.us

REPRESENTATIVE ERIC CROFT

Memorandum

TO: Representative Lesil McGuire
Chair House Judiciary Committee

FROM: Representative Eric Croft

DATE: April 10, 2003

RE. Committee Substitute (STA) House Bill 102

I respectfully request that House Bill 102 be scheduled for a hearing in the House Judiciary Committee at your earliest possible convenience. I have attached a sponsor statement and background information on this resolution.

Thank you.

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REPRESENTATIVE ERIC CROFT

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REPRESENTATIVE ERIC CROFT

Sponsor Statement HB 102
An Act Relating to Concealed Deadly Weapons

HB 102 repeals the concealed carry laws that require permits to carry deadly weapons including handguns, knives and other legal to own deadly weapons. It does not repeal any of the restrictions on where a person can carry a concealed weapon such as on school grounds, in courthouses or on private property where the owner may prohibit such weapons.

Under HB 102, a person will be allowed to carry a concealed weapon without a permit with the same freedoms allowed in Vermont under that state's gun laws as long as the person is not a convicted felon or anyone else who is by law prohibited from obtaining a permit. The laws in Vermont have not proven to increase the rate of crime or to be reckless in any way. Vermont, like Alaska, is rural by nature and has a high number of outdoor sportsmen and other citizens who carry weapons for a variety of legitimate reasons.

HB 102 does not eliminate the state's concealed carry permit program for two reasons. First, a person may want a permit to allow reciprocity, i.e. traveling to a reciprocity state for a hunt. Second, a concealed carry permit is useful for purchasing because it allows permit holders to bypass the required waiting period because the FBI background checks have already been completed during the permitting process.

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Luckhaupt
4/2/03

CS FOR HOUSE BILL NO. 102( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CROFT, Foster, Stoltze, Crawford, Gatto, Anderson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to concealed deadly weapons."

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

3 * Section 1. AS 11.61.220(a) is amended to read:

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

6 (1) <u>is 21 years of age or older and</u> knowingly possesses a deadly
7 weapon, other than an ordinary pocket knife or a defensive weapon,

8 <u>(A)</u> that is concealed on the person<u>, and, when contacted by a</u>
9 <u>peace officer, the person fails to</u>

10 <u>(i) immediately inform the peace officer of that</u>
11 <u>possession; or</u>

12 <u>(ii) allow the peace officer to secure the deadly</u>
13 <u>weapon, or fails to secure the weapon at the direction of the peace</u>
14 <u>officer, during the duration of the contact;</u>

15 <u>(B) that is concealed on the person within the residence of</u>

1 **<u>another person unless the person has first obtained the express permission</u>**
2 **<u>of an adult residing there to bring a concealed deadly weapon within the</u>**
3 **<u>residence</u>**;
4 (2) knowingly possesses a loaded firearm on the person in any place
5 where intoxicating liquor is sold for consumption on the premises;
6 (3) being an unemancipated minor under 16 years of age, possesses a
7 firearm without the consent of a parent or guardian of the minor;
8 (4) knowingly possesses a firearm
9 (A) within the grounds of or on a parking lot immediately
10 adjacent to a center, other than a private residence, licensed under AS 14.37,
11 AS 47.33, or AS 47.35 or recognized by the federal government for the care of
12 children;
13 (B) within a
14 (i) courtroom or office of the Alaska Court System; or
15 (ii) courthouse that is occupied only by the Alaska
16 Court System and other justice-related agencies; or
17 (C) within a domestic violence or sexual assault shelter that
18 receives funding from the state; [OR]
19 (5) possesses or transports a switchblade or a gravity knife**<u>; or</u>**
20 **<u>(6) is less than 21 years of age and knowingly possesses a deadly</u>**
21 **<u>weapon, other than an ordinary pocket knife or a defensive weapon, that is</u>**
22 **<u>concealed on the person</u>**.
23 * Sec. 2. AS 11.61.220(b) is amended to read:
24 (b) In a prosecution under <u>(a)(6)</u> [(a)(1)] of this section, it is an affirmative
25 defense that the defendant, at the time of possession, was
26 (1) in the defendant's dwelling or on land owned or leased by the
27 defendant appurtenant to the dwelling; <u>or</u>
28 (2) actually engaged in lawful hunting, fishing, trapping, or other
29 lawful outdoor activity that necessarily involves the carrying of a weapon for personal
30 protection [;
31 (3) THE HOLDER OF A VALID PERMIT TO CARRY A

1 CONCEALED HANDGUN UNDER AS 18.65.700 - 18.65.790 AND THE
2 WEAPON WAS A CONCEALED HANDGUN AS DEFINED IN AS 18.65.790; OR
3 (4) CONSIDERED A PERMITTEE UNDER AS 18.65.748 AND
4 THE WEAPON WAS A CONCEALED HANDGUN AS DEFINED IN
5 AS 18.65.790].
6 * Sec. 3. AS 11.61.220(h) is amended to read:
7 (h) The provisions of (a)(1) <u>and (6)</u> of this section do not apply to a
8 (1) peace officer of this state or a municipality of this state acting
9 within the scope and authority of the officer's employment;
10 (2) peace officer employed by another state or a political subdivision
11 of another state who, at the time of the possession, is
12 (A) certified as a peace officer by the other state; and
13 (B) acting within the scope and authority of the officer's
14 employment; or
15 (3) police officer of this state or a police officer or chief administrative
16 officer of a municipality of this state; in this paragraph, "police officer" and "chief
17 administrative officer" have the meanings given in AS 18.65.290.
18 * Sec. 4. AS 11.61.220 is amended by adding a new subsection to read:
19 (j) In (a)(1) of this section, "contacted by a peace officer" means stopped,
20 detained, questioned, or addressed in person by the peace officer for an official
21 purpose.
22 * Sec. 5. AS 18.65.748 is amended to read:
23 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska**
24 **permit holders.** A person holding a valid permit to carry a concealed handgun from
25 another state or a political subdivision of another state is a permittee under
26 AS 18.65.700(b) for purposes of <u>**AS 18.65.755 - 18.65.765**</u> [AS 18.65.750 -
27 18.65.765] if the person has not had an application for a concealed handgun permit
28 rejected in this state because the person was unqualified under AS 18.65.705 or had a
29 concealed handgun permit revoked or suspended by this state.
30 * Sec. 6. AS 18.65.770 is amended to read:
31 **Sec. 18.65.770.** <u>**Permits, applications, and other materials not public**</u>

5.

1 records [ACCESS TO LIST OF PERMITTEES BY PEACE OFFICERS].
2 Applications [THE DEPARTMENT SHALL COMPILE A LIST OF PERMITTEES
3 IN A MANNER THAT ALLOWS IMMEDIATE ACCESS TO THE
4 INFORMATION BY PEACE OFFICERS. THE LIST OF PERMITTEES AND ALL
5 APPLICATIONS], permits, and renewals are not public records under AS 40.25.110 -
6 40.25.125 and may only be used for law enforcement purposes.
7 * Sec. 7. AS 11.61.220(d)(1)(A); AS 18.65.750, and 18.65.755(a)(1) are repealed.

6.

REPRESENTATIVE ERIC CROFT

SPONSOR SUMMARY HB 102

"An Act relating to concealed deadly weapons."

Section 1. **Section 1(a)(1)** makes it legal for someone to carry a concealed deadly weapon without a permit if they are 21 years old or older with the same restrictions that permit holders have now. The original bill did not include the requirement to be 21 to carry concealed.

Section 1(a)(1)(A) requires anyone carrying a concealed deadly weapon to inform a peace officer that they are carrying a concealed weapon when contacted by an officer, to secure the weapon when directed by the officer, and to allow the officer to secure the weapon if requested to do so by the officer. Under the changes brought by this bill, these requirements apply even if the person is on their own property when contacted by the officer. This is not currently required in statute.

Section 1(a) (1) (B) states that before a person carrying a concealed deadly weapon enters the residence of another person, the carrier must obtain express permission of an adult residing in the residence allowing the carrier to bring the weapon into the residence.

Part (6) makes it a crime for anyone under the age of 21 to carry a concealed deadly weapon other than an ordinary pocketknife or a defensive weapon [as defined in AS 11.81.900(b) 19]. Currently, anyone applying for a concealed weapon permit must be at least 21 years old. By adding subsection (6), I am simply maintaining the current age requirement to carry concealed or to obtain a permit.

Section 2. The changes to this section make it conform to Section 1.

Section 2. (b). The reference (a)(1) is deleted because the following defenses in this section are unnecessary because it is no longer a crime to carry a

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8.

SPONSOR SUMMARY HB102
"An Act relating to concealed deadly weapons."

concealed weapon in accordance with Section 1. The reference (a)(6) replaces (a)(1) because now these defenses apply to people under the age of 21. In other words, this provision keeps it legal for a person under 21 to carry a concealed weapon in their house, on their land or while engaged in a lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection such as hunting, fishing or trapping.

Section 2.(b)(3)and(4) are deleted because the whole section (b) now only applies to people under the age of 21 and those people cannot be permit holders.

Section 3. The change to this section takes into consideration peace officers under the age of 21.

Section 4. This section replaces the clause from AS 18.65.750(b) that defines the phrase "contacted by a peace officer." Section 7 of this bill repeals this language, so we replace it here. We maintain this language in statute to help clarify the law and aid in prosecution of the crime.

Section 5. This section gives permit holders from outside Alaska the same rights as Alaskan permit holders and holds them to the same responsibilities as Alaskan concealed weapons carriers.

Section 6. This section takes the list of permit applications, permits and renewals off the public record. It also absolves the Department of Public Safety of the responsibility of compiling a list of permittees and applications for access by peace officers. This does not preclude the department from keeping such a list; it just helps protect the rights of those who still wish to get a concealed carry permit. Why should the law require that they be on a list when anyone can carry concealed without a permit?

Section 7. This section repeals three sections that no longer apply if a permit is not required to carry a concealed weapon.

AS 18.65.750 I repeal this section because Section 1and Section 4 of this bill address the issues surrounding contact by a peace officer. Also, if it is legal to carry a concealed weapon without a permit, than there is no reason to mandate that a permit holder carry his permit at all times.

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SPONSOR SUMMARY HB102

"An Act relating to concealed deadly weapons."

AS **18.65.755(a)(1)** Section 1 of this bill covers this provision.

AS **11.61.220(d)(1)(A)** Section 1 of this bill makes this an unnecessary requirement of defense. Currently, permittees can carry legally in a restaurant (as defined in AS 04.16.049) because of the defenses listed in this section. Without removing the permit part of the affirmative defense, it would make it illegal for a person to carry concealed in a restaurant unless they had a permit even if they were not drinking. This exception would be confusing and unfair to those citizens who choose to carry without a permit. I remove this clause because it was not my intention to add or remove any restrictions of where a person is allowed to carry a concealed weapon.

January-May: State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4998 • (800) 689-4998 • Fax (907) 465-4419
June-December: 716 W. 4th Avenue • Anchorage, Alaska 99501 • (907) 258-8162
Representative_Eric_Croft@legis.state.ak.us

10.

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
555 CAPITOL MALL, SUITE 625
SACRAMENTO, CALIFORNIA 95814
(916)446-2455 voice ■ (916)448-7469 fax

STATE & LOCAL AFFAIRS DIVISION
BRIAN JUDY, ALASKA STATE LIAISON

April 4, 2003

Representative Eric Croft
State Capitol, Room 400
Juneau, AK 99801-1182

Dear Representative Croft:

On behalf of the over 24,000 Alaska members of the National Rifle Association, let me take this opportunity to offer our strong **support for House Bill 102.** HB 102 would repeal the existing provision of law which prohibits the carrying of a concealed weapon in Alaska.

Law-abiding citizens should not be required to obtain permission to provide a means of self protection for themselves or their family. Indeed, Article I, Section 19 of the Alaska State Constitution provides that "The *individual* right to keep and *bear* arms shall not be denied or infringed by the state..." Alaska's prohibition on concealed carry essentially puts a pricetag on those Alaskan's natural right to self-defense for whom carrying a firearm in plain view is not a reasonable nor responsible option.

In fact, in Alaska a law-abiding citizen needs no permission to carry a firearm openly anywhere in the state, whether loaded or unloaded, nor to carry concealed when engaged in lawful outdoor activities that necessarily involve the carrying of a weapon for self protection. But if that person desires to wear outer clothing which might cover a weapon, is dressed in a manner which is not compatible with open carry, is engaged in other than an "outdoor activity" or is in a situation in which open carry might not be responsible due to possible intimidation of others, advance governmental permission must be obtained.

It really makes no sense to require a law-abiding citizen to pay a fee, endure a relatively significant bureaucratic process, be subjected to fingerprinting, obtain the government's permission and be added to a government-maintained list of firearm owners simply so they can wear a coat or carry in what would arguably be a more responsible manner during circumstances in which open carry is not appropriate.

Vermont is currently the only state which allows the carrying of concealed weapons without a permit. Unlike other states, Vermont has no criminal code provision prohibiting concealed carry and thus, no concealed weapon permit system. In Vermont any law-abiding citizen who can legally own and possess a firearm is entitled to carry it openly or concealed, loaded or unloaded. According to the FBI Uniform Crime Report, the State of Vermont consistently falls near the bottom of the list in terms of crime. For 2001, the most recent year for which statistics are available, Vermont ranks as follows: Total violent crime - 49, Murder & non-negligent manslaughter - 48, Forcible rape - 49, Robbery - 47 and Aggravated Assault - 48.

There is absolutely nothing inherently wrong with a law-abiding citizen carrying a firearm concealed. The prohibition against concealed carry is a "Malum prohibitum" offense, that is it is only wrong (illegal) because a statute has been passed to arbitrarily make it illegal. This is as opposed to a "Malum in se" offense (such as murder), that is an offense which is inherently wrong.

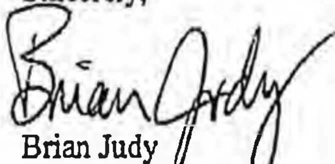
Only law-abiding citizens are currently obtaining permits to carry concealed firearms. Being allowed to carry concealed without the permit will not change the fact they are law-abiding. Criminals, on the other hand, are already carrying concealed firearms without permits. Those with existing criminal records who are prohibited from owning or possessing firearms can be prosecuted for mere possession. Those with no prior record, but who commit a crime in conjunction with the concealed carry, can be charged with the other, probably more serious, offense.

Alaska's concealed handgun permit law was passed in 1995. Opponents screamed hysterically that "blood would run in the streets." Such did not occur. The permit system was reformed in 1998 amidst the same dire warnings and predictions. Empirical evidence, again, proved the alarmist rhetoric to be unfounded. Further streamlining in 2000 and 2002 has not had negative consequences and no increase in firearm-related problems. Repealing the prohibition on concealed carry is the ultimate in streamlining and the predictable outcome is that such a statutory revision will have no negative impact. If anything, Alaska residents should expect that crime rates will decrease, moving in the direction of those in the State of Vermont.

The National Rifle Association supports your approach to this issue with House Bill 102 by maintaining Alaska's concealed handgun permit system and repealing only the prohibition on concealed carry. As such, any person who would still desire a permit so that they can carry in other states which reciprocate with or recognize Alaska permits or who want to continue to be exempt from firearm purchase background checks may still obtain a permit.

Please let me know how I can be of assistance in the effort to pass House Bill 102.

Sincerely,



Brian Judy
Alaska State Liaison

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB 102
() Publish Date:

Revision Date/Time (Note if correction):
Title "An Act relating to concealed deadly weapons."
Sponsor Representative Croft
Requester House State Affairs Committee

Dept. Affected: Law
BRU Criminal Division
Component All
Component No.

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal: [ ]

POSITIONS

POSITIONS	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Full-time						
Part-time						
Temporary						

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

This bill recognizes valid permits to carry a concealed weapon from other jurisdictions. Holders of those permits would automatically be considered Alaska permittees as well, unless the person had an application to carry a concealed weapon in Alaska rejected because they were unqualified, or the person had their Alaska permit revoked or suspended by the state.

Passage of this legislation is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson
Division: Attorney General's Office
Phone (907) 465-5370
Date/Time 3/11/03 11:02 AM

Approved by: Kathryn Daughhetee for Gregg D. Renkes, Attorney General
Agency: Department of Law
Date 3/11/2003

(Revised 9/2002 OMB)

13.

LEGAL SERVICES

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

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM April 9, 2003

SUBJECT: Concealed Deadly Weapons and Contacted by a Peace Officer (Work Order No. 23-LS0515\A)

TO: Representative Eric Croft
Attn: Mark

FROM: Gerald P. Luckhaupt
Legislative Counsel

You have asked about the origin of the term "contacted by a peace officer" which is used in sec. 1 of CSHB 102( ) and defined in sec. 4 of that bill. This term exists in the Alaska statutes in AS 18.65.750.[1] It currently governs the conduct of concealed handgun permittees when those permittees are "contacted by a peace officer." This language was developed after much discussion in 1994 when the concealed handgun permit system was

---

[1] AS 18.65.750 provides:

Sec. 18.65.750. Possession and display of permit.

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

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

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

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

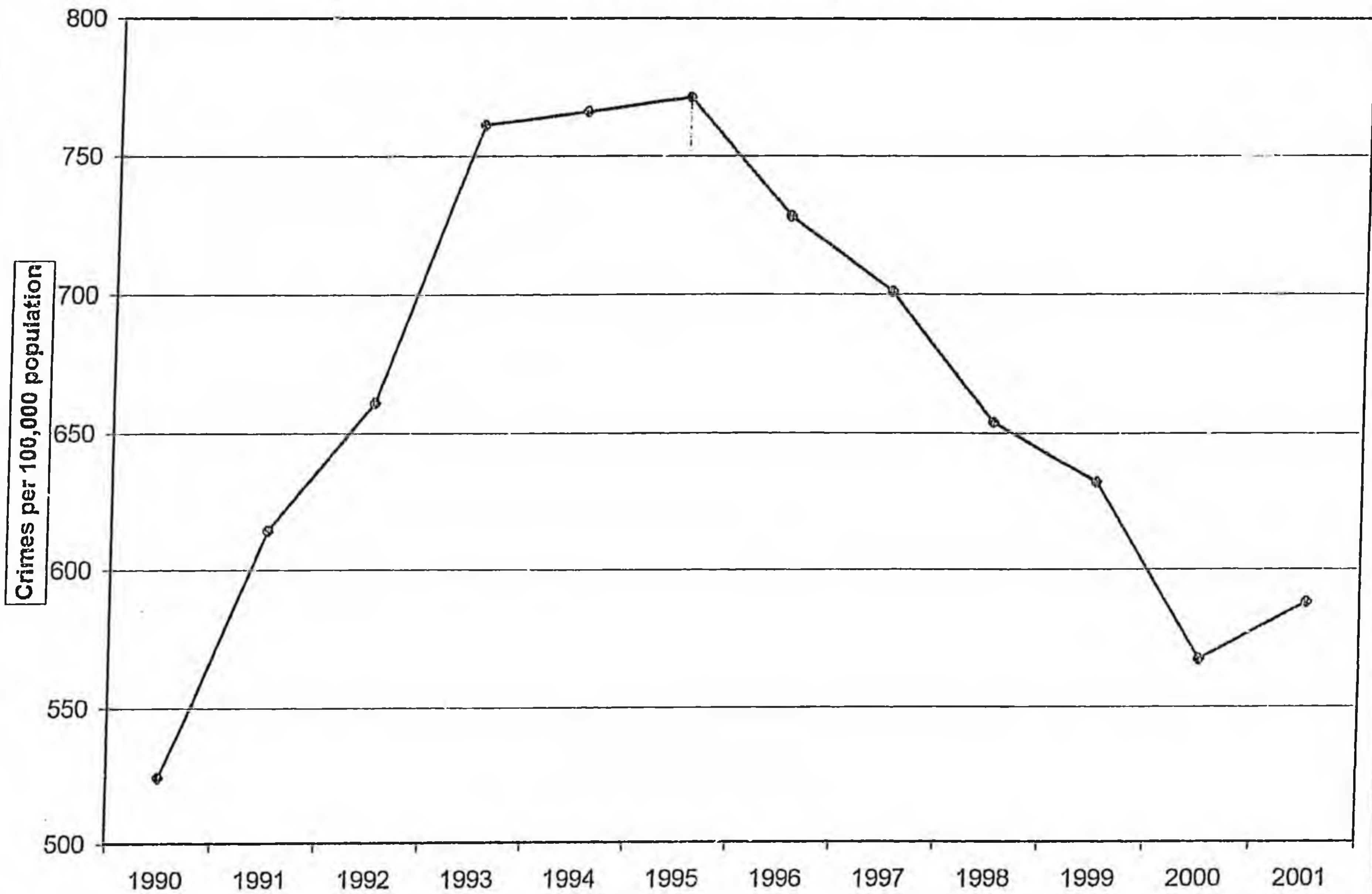
(e) A person who violates (a) of this section is guilty of a violation and upon conviction may be punished by a fine of not more than $100.

(f) A person who violates (b) or (c) of this section is guilty of a class A misdemeanor.

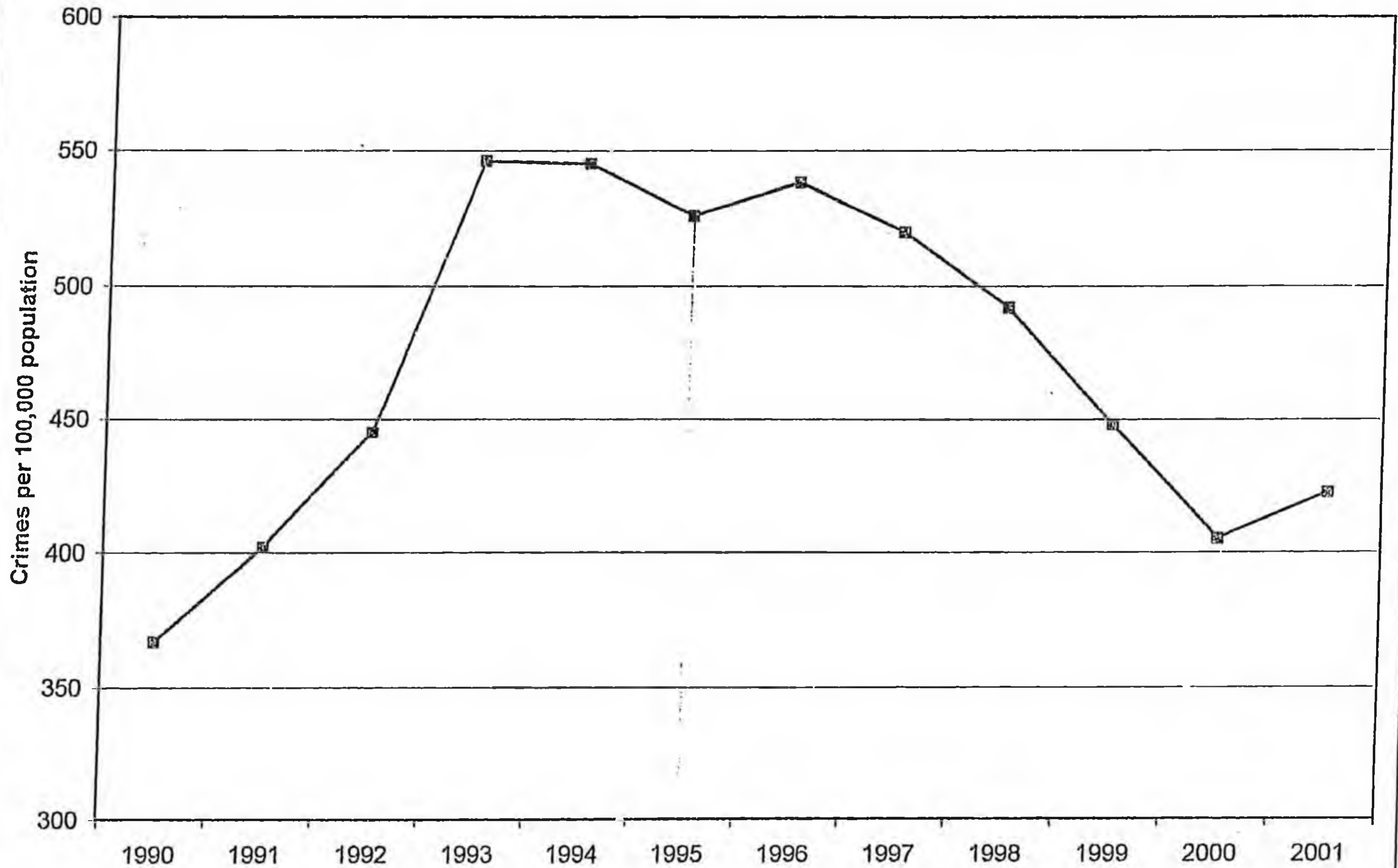
first adopted. I have not been informed of any problems in the application of this statute in the concealed handgun permit system. It was designed to reach situations when a concealed handgun permittee is contacted by a peace officer and the peace officer is entitled to do a protective frisk of the person under the authority of *Terry v. Ohio*, 392 U.S 1 (1968).

GPL:med
03-381.med

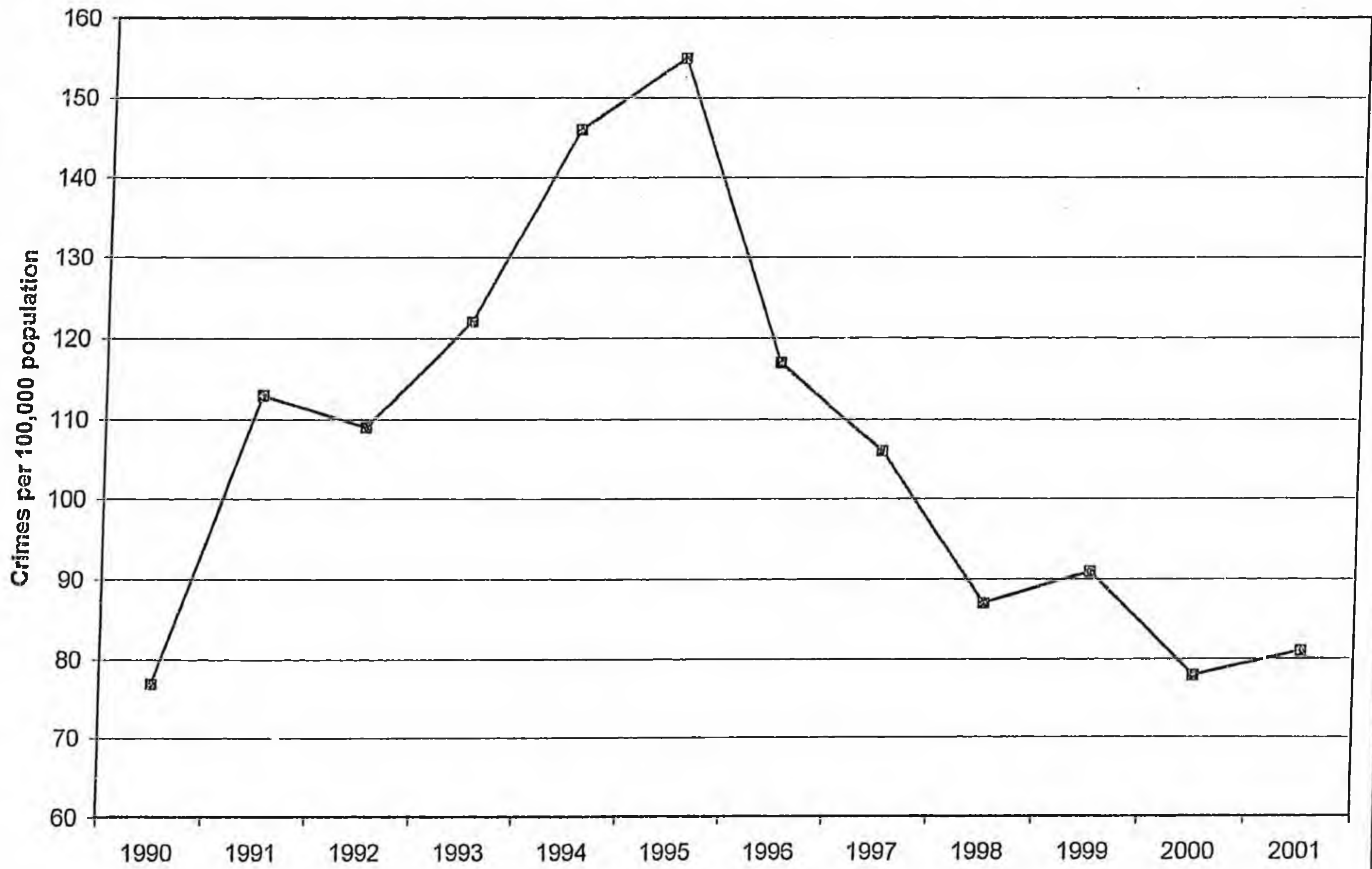
Alaska Crime Rates



Alaska Crime Rates



Alaska Crime Rates



18.

Crime Rates by State: 2001
(Reported Offenses per 100,000 Population)

State	Total Crime Index	State Rank	Violent Crime	State Rank	Property Crime	State Rank
Alabama	4,319.4	33	438.6	29	3,880.8	32
Alaska	4,236.2	30	588.3	41	3,647.9	26
Arizona	6,077.4	50	540.3	36	5,537.1	50
Arkansas	4,134.2	26	452.8	30	3,681.4	28
California	3,902.9	22	617.0	43	3,286.0	18
Colorado	4,218.9	29	350.7	21	3,868.2	31
Connecticut	3,117.9	11	335.5	19	2,782.4	11
Delaware	4,052.8	23	611.4	42	3,441.4	22
District of Columbia	7,709.6	51	1,736.7	51	5,972.8	51
Florida	5,569.7	49	797.2	50	4,772.5	47
Georgia	4,646.3	37	497.0	33	4,149.3	39
Hawaii	5,386.1	48	254.6	9	5,131.5	49
Idaho	3,133.4	12	243.1	8	2,890.3	14
Illinois	4,097.8	25	636.9	44	3,460.8	24
Indiana	3,831.4	21	371.8	25	3,459.6	23
Iowa	3,301.2	15	269.1	13	3,032.1	15
Kansas	4,321.4	34	404.8	27	3,916.6	33
Kentucky	2,938.1	8	257.0	10	2,681.1	10
Louisiana	5,338.1	47	687.0	45	4,651.1	45
Maine	2,688.2	5	111.5	3	2,576.7	7
Maryland	4,866.8	40	783.0	49	4,083.8	37
Massachusetts	3,098.6	10	479.5	31	2,619.1	8
Michigan	4,081.5	24	554.7	38	3,526.8	25
Minnesota	3,583.7	18	264.4	12	3,319.3	19
Mississippi	4,185.2	28	350.1	20	3,835.1	30
Missouri	4,776.1	39	541.3	37	4,234.9	40
Montana	3,688.7	20	352.4	23	3,336.3	20
Nebraska	4,329.6	35	304.3	16	4,025.3	35
Nevada	4,266.0	32	586.8	40	3,679.2	27
New Hampshire	2,321.6	1	170.3	5	2,151.3	1
New Jersey	3,225.3	14	390.1	26	2,835.2	12
New Mexico	5,324.0	46	781.1	48	4,542.8	43
New York	2,925.1	7	516.0	35	2,409.1	5
North Carolina	4,938.0	41	494.3	32	4,443.7	42
North Dakota	2,417.7	3	79.6	1	2,338.1	4
Ohio	4,177.6	27	351.9	22	3,825.7	29
Oklahoma	4,607.0	36	512.3	34	4,094.7	38
Oregon	5,044.1	42	306.7	17	4,737.4	46
Pennsylvania	2,961.1	9	410.4	28	2,550.7	6
Rhode Island	3,684.9	19	309.6	18	3,375.3	21
South Carolina	4,752.7	38	720.3	46	4,032.4	36

State	Total Crime Index	State Rank	Violent Crime	State Rank	Property Crime	State Rank
South Dakota	2,332.0	2	154.8	4	2,177.2	2
Tennessee	5,152.8	45	745.3	47	4,407.5	41
Texas	5,152.7	44	572.8	39	4,579.9	44
Utah	4,243.0	31	234.1	7	4,008.9	34
→ Vermont	2,769.3	6	105.0	2	2,664.2	9
Virginia	3,178.3	13	291.3	15	2,886.9	13
Washington	5,151.9	43	355.0	24	4,796.8	48
West Virginia	2,559.5	4	279.4	14	2,280.1	3
Wisconsin	3,321.2	16	231.1	6	3,090.1	16
Wyoming	3,517.6	17	257.3	11	3,260.4	17

Source: Federal Bureau of Investigation, Uniform Crime Reports, http://www.fbi.gov/ucr/ucr.htm

Handgun Epidemic Lowering Plan (HELP) Network Firearm Injury Prevention State Status Report

Alaska

Updated 2/6/2002

Pediatric and Young Adult, and all Firearm Deaths and Rate per 100,000 Population (1999) [2]

	Population	Suicide Deaths	Suicide Rate	Homicide Deaths	Homicide Rate	Unintentional Death	Unintentional Rate	Undetermined Death	Undetermined Rate	Total Firearm [3] Death	Total Firearm Rate
All ages	619,500	55	8.9	27	4.4	3	0.5	2	0.3	88	14.2
0-14	163,094	1	0.6	5	3.1	0	0.0	0	0.0	6	3.7
15-19	56,192	10	17.8	4	7.1	1	1.8	2	3.6	17	30.3
15-24	104,654	17	16.2	6	5.7	1	1.0	2	1.9	26	24.8
25-44	178,632	20	11.2	13	7.3	2	1.1	0	0.0	35	19.6
45-64	138,370	10	7.2	1	0.7	0	0.0	0	0.0	12	8.7
64+	34,750	7	20.1	2	5.8	0	0.0	0	0.0	9	25.9

AlaskaCompared With Other States (and D.C.)

		Ranking (1-highest, 51-lowest)
Rate of firearm deaths/100,000 pop. (1999)	14.2	12 of 51
Number of firearm deaths (1999)	88	43 of 51
Number of Federal Firearm Licensees (FFLs) (1999) [4]	1,274	33 of 51
Rate of FFLs per 100,000 pop. (1999)	205.6	1 of 51
Number of Federal Firearm Licensees (2001) [4]	*1,211*	*35 of 51*

For Available State Data, Contact:

Alaska Department of Health and Social Services, Bureau of Vital Statistics
http://health.hss.state.ak.us/

HELP Organizational Members Based in State: none

[1] Compiled by HELP Network; (773) 880-8122, email: contact@helpnetwork.org. Children's Mem. Hosp., 2300 Children's Plaza, #88, Chicago, IL State Status Reports can be viewed at www.helpnetwork.org

[2] Data are from National Center for Health Statistics, National Vital Statistics System

[3] In 1999, the 1 death due to legal intervention (not shown separately) is included in Total Firearm deaths.

[4] Bureau of Alcohol, Tobacco and Firearms (ATF). FFLs are those with a federal firearm license which is required to sell firearms.

Handgun Epidemic Lowering Plan (HELP) Network Firearm Injury Prevention State Status Report

Vermont

Updated 2/6/2002

Pediatric and Young Adult, and all Firearm Deaths and Rate per 100,000 Population (1999) [2]

		Suicide		Homicide		Unintentional		Undetermined		Total Firearm [3]	
	Population	Deaths	Rate	Deaths	Rate	Death	Rate	Death	Rate	Death	Rate
All ages	593,740	46	7.7	8	1.3	2	0.3	1	0.2	57	9.6
0-14	112,801	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
15-19	43,814	2	4.6	0	0.0	1	2.3	0	0.0	3	6.8
15-24	79,740	7	8.8	0	0.0	2	2.5	1	1.3	10	12.5
25-44	187,907	17	9.0	4	2.1	0	0.0	0	0.0	21	11.2
45-64	140,376	11	7.8	3	2.1	0	0.0	0	0.0	14	10.0
64+	72,916	11	15.1	1	1.4	0	0.0	0	0.0	12	16.5

Vermont Compared With Other States (and D.C.)

		Ranking (1-highest, 51-lowest)
Rate of firearm deaths/100,000 pop. (1999)	9.6	34 of 51
Number of firearm deaths (1999)	57	48 of 51
Number of Federal Firearm Licensees (FFLs) (1999) [4]	595	47 of 51
Rate of FFLs per 100,000 pop. (1999)	100.2	5 of 51
Number of Federal Firearm Licensees (2001) [4]	*570*	*47 of 51*

For Available State Data, Contact:

Vermont Department of Health, Division of Health Surveillance: Public Health Statistics Unit
http://www.state.vt.us/health/healthsu.htm

HELP Organizational Members Based in State: none

[1] Compiled by HELP Network; (773) 880-8122, email: contact@helpnetwork.org. Children's Mem. Hosp., 2300 Children's Plaza, #88, Chicago, IL State Status Reports can be viewed at www.helpnetwork.org

[2] Data are from National Center for Health Statistics, National Vital Statistics System

[3] Includes firearm deaths from all causes.

[4] Bureau of Alcohol, Tobacco and Firearms (ATF). FFLs are those with a federal firearm license which is required to sell firearms.

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40% of American households with children have guns.
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Alaska Firearm Deaths

Alaska Firearm Deaths
Ages 0 to 19, 1995-2000
All Races, Both Sexes

		2000	1999	1998	1997	1996	1995
Accidental							
	0-4	1	0	0	0	0	1
	5-9	1	0	1	0	0	0
	10-14	0	0	1	2	0	1
	15-19	0	1	1	5	9	1
	Subtotal	2	1	3	7	9	3
Suicide							
	0-4	0	0	0	0	0	0
	5-9	0	0	1	0	0	0
	10-14	1	1	4	0	4	9
	15-19	19	10	19	18	22	19
	Subtotal	20	11	24	18	26	28
Homicide							
	0-4	0	3	1	0	0	1
	5-9	0	2	2	1	0	3
	10-14	0	0	11	0	1	9
	15-19	2	4	22	27	26	35
	Subtotal	2	9	36	28	27	48
Undetermined/Other							
	0-4	0	0	0	0	0	1
	5-9	0	0	0	0	0	1
	10-14	0	0	1	0	0	0
	15-19	1	2	5	2	1	4
	Subtotal	1	2	6	2	1	6
All Intents/TOTAL							
	0-4	1	3	1	0	0	3
	5-9	1	2	4	1	0	4

23.

	10-14	1	1	17	2	5	19
	15-19	22	17	47	52	58	59
	TOTAL	25	23	69	55	63	85

NOTE: Rates based on 20 or fewer deaths may be unstable. Use with caution.
ABOUT 1999-2000 DATA: The coding of mortality data changed significantly in 1999 from ICD-9 to ICD-10, so you may not be able to compare number of deaths and death rates from 1998 and before with data from 1999 and after. Though there were no apparent changes in the coding of firearm deaths, the National Center for Health Statistics does not recommend combining 1999-2000 data with previous years to obtain average annual numbers of death and death rates.
TABLE: Statistics compiled by *Common Sense about Kids and Guns* using WISQARS. WISQARS is produced by the Office of Statistics and Programming, NCIPC, CDC.
DATA SOURCE: NCHS National Vital Statistics System.

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30% of handguns are stored unlocked and loaded.
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Vermont Firearm Deaths

Vermont Firearm Deaths
Ages 0 to 19, 1995-2000
All Races, Both Sexes

		2000	1999	1998	1997	1996	1995
Accidental							
	0-4	0	0	0	0	0	0
	5-9	0	0	0	0	0	0
	10-14	0	0	0	0	0	0
	15-19	0	1	0	0	1	1
	Subtotal	0	1	0	0	1	1
Suicide							
	0-4	0	0	0	0	0	0
	5-9	0	0	0	0	0	0
	10-14	0	0	0	1	0	0
	15-19	4	2	5	0	2	5
	Subtotal	4	2	5	1	2	5
Homicide							
	0-4	0	0	0	1	0	0
	5-9	0	0	0	1	0	0
	10-14	0	0	0	0	0	0
	15-19	0	0	0	0	1	0
	Subtotal	0	0	0	2	1	0
Undetermined/Other							
	0-4	0	0	0	0	0	0
	5-9	0	0	0	0	0	0
	10-14	0	0	0	0	1	0
	15-19	0	0	0	2	0	0
	Subtotal	0	0	0	2	1	0
All Intents/TOTAL							
	0-4	0	0	0	1	0	0
	5-9	0	0	0	1	0	0
	10-14	0	0	0	1	1	0

	10-14	0	0	0	1	1	0
	15-19	4	3	5	2	4	6
	TOTAL	4	3	5	5	5	6

NOTE: Rates based on 20 or fewer deaths may be unstable. Use with caution.
ABOUT 1999-2000 DATA: The coding of mortality data changed significantly in 1999 from ICD-9 to ICD-10, so you may not be able to compare number of deaths and death rates from 1998 and before with data from 1999 and after. Though there were no apparent changes in the coding of firearm deaths, the National Center for Health Statistics does not recommend combining 1999-2000 data with previous years to obtain average annual numbers of death and death rates.
TABLE: Statistics compiled by *Common Sense about Kids and Guns* using WISQARS. WISQARS is produced by the Office of Statistics and Programming, NCIPC, CDC.
DATA SOURCE: NCHS National Vital Statistics System.

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PERMIT ISSUANCE CRITERIA
FOR STATES WHICH ISSUE
CONCEALED WEAPON PERMITS TO NON-RESIDENTS
(As compared to Alaska's qualifications)

Alaska - fingerprints required with application
1) 21 years of age
2) Eligible to own/possess under federal law*
3) Not been convicted of two or more Class A misdemeanors within six years
4) Not in last three years ordered to complete alcohol/substance abuse program

---

Arizona - fingerprints required with application
1) 21 years of age
2) No felony indictment or conviction
3) Does not suffer from mental illness nor has been adjudicated mentally incompetent
4) Fingerprints to FBI for national criminal history check

Florida - fingerprints required with application
1) 21 years of age
2) Eligible to own/possess under federal law
3) No misdemeanor crime of violence in last three years
4) Not committed for substance abuse or convicted of a crime relating to controlled substances within three years
5) Does not chronically and habitually use alcohol, as provided by Florida law

Idaho - fingerprints required with application
1) 21 years of age
2) Eligible to own/possess under federal law
3) No misdemeanor crime of violence in last three years
4) Not an unlawful user of or addicted to controlled substance
5) Not currently suffering from mental illness nor has been adjudicated mentally ill
6) Not subject to protection order

Indiana - fingerprints required with application
1) 18 years of age
2) No felony conviction
3) Must be of good character and reputation
4) Applicant must have a "proper reason" to carry a handgun
5) Issuance to non-residents is limited to those who have a regular place of business or employment in Indiana

Iowa - fingerprints not mentioned in statute but criminal history check specifically required
1) 18 years of age
2) No felony conviction
3) No history of repeated acts of violence
4) Not addicted to the use of alcohol or any controlled substance
5) Issuing officer must reasonably determine the applicant does not constitute a danger to any person
6) Applicant must "reasonably justify" why he needs to carry a handgun

Maine - fingerprints may be required with application
1) 18 years of age
2) No felony conviction nor charges pending
3) Not been convicted of three or more misdemeanors in last five years
4) Not a drug user and not convicted in last five years of marijuana possession nor other drug crimes
5) Not convicted of possession of a firearm in a bar in last five years
5) Not been the subject of an investigation regarding domestic violence
6) Numerous other criteria which essentially mirror federal law

Maryland - fingerprints required with application
1) 18 years of age
2) No felony conviction
3) Has not exhibited a propensity for violence or instability
4) Not convicted of any offense involving possession, use or distribution of controlled substance
5) Not under legitimate medical direction nor an alcoholic
6) Applicant must have "good and substantial reason" to carry a handgun

Nevada - fingerprints required with application
1) 21 years of age
2) Eligible to own/possess under federal law
3) Not convicted of a misdemeanor crime of violence in last three years
4) Not convicted of DUI nor committed for alcohol or drug treatment in last five years
5) Not convicted of a crime involving domestic violence nor subject to a dv restraining order

North Dakota - fingerprints required with application
1) 18 years of age
2) Eligible to own/possess under federal law
3) Not convicted of a Class A misdemeanor crime of violence in last five years
4) Not been diagnosed and confined or committed as mentally ill or deficient in last three years
5) Non-resident application requires a LOCAL background check and approval from local law enforcement in the applicant's county (or city, borough, etc...) of residence

Utah - fingerprints required with application
1) 21 years of age
2) Eligible to own/possess under federal law
3) No conviction for crime of violence nor offense involving moral turpitude or domestic violence
4) No conviction for offense involving use of alcohol or controlled substances
5) Has not been adjudicated mentally ill
6) Is not a danger to self or others as demonstrated by specific evidence

Washington - fingerprints required with application
1) 21 years of age
2) No felony convictions
3) No domestic violence misdemeanor convictions since July 1, 1993
4) Has not been ordered to forfeit a firearm in the last year for, among other reasons, possessing a firearm while under the influence of alcohol or any drug
5) Has not been involuntarily committed for mental health treatment
6) No outstanding felony or misdemeanor arrest warrants
7) Not subject to provisions of protective order

* *Federal law* (18 U.S.C. §922 (g)) prohibits possession of a firearm by any person:
1) who has been convicted of a crime punishable by imprisonment for more than one year (generally includes any felony);
2) who is a fugitive from justice;
3) who is an unlawful user of or addicted to any controlled substance;
4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
5) who is an illegal alien or who has been admitted under a nonimmigrant visa;
6) who has been dishonorably discharged from the Armed Forces;
7) who has renounced his US citizenship; or
8) who has been convicted of a misdemeanor crime of domestic violence.

updated 3/3/03

www.gunowners.org
Apr 1999

Why Adopt a Vermont-style CCW Law?

Several states are considering adopting "Vermont-style" concealed carry legislation. Most of the Carry Concealed Weapon (CCW) laws in the country require citizens to first get permits. But in a couple of states, like Vermont, citizens can carry a firearm without getting permission . . . without paying a fee . . . or without going through any kind of government- imposed waiting period. There are many reasons for a state to adopt a genuine right to carry law:

1. Carrying a firearm is a "right" not a "privilege"

The Second Amendment guarantees that "the right of the people to keep and bear arms shall not be infringed." This means that law-abiding citizens should not need to beg the government for permission to carry a firearm. That would turn the "right" to bear arms into a mere "privilege." Likewise, one should not have to be photographed, fingerprinted, or registered before they can exercise their Second Amendment rights. Criminals certainly do not jump through these "hoops." The Second Amendment is no different than any of the other protections enumerated in the Bill of Rights. That is, honest citizens should not need a government issued permission slip; rather, they should be able to carry as a matter of right.

2. The issuing of permits can be abused by officials

a. Refuse to issue

* New York City: Officials in New York City routinely deny gun permits for ordinary citizens and store owners because -- as the courts have ruled -- they have no greater need for protection than anyone else in the city. In fact, the authorities have even refused to issue permits when the courts have ordered them to do so. (1)

* Gary, Indiana: Then-Mayor Richard Hatcher let it be known in 1979 that he would not be approving any citizens' concealed carry applications. He then said if they wanted to challenge his authority, they were welcome to take him to court. It took citizens over 10 years (and thousands of dollars in legal fees) to get any relief. (2)

* San Jose, CA: Joseph McNamara, a former police chief and anti-gun spokesman, bragged in his 1984 book, Safe & Sane, that "in San Jose, I have made it considerably tougher for residents to get handgun permits." (3)

b. Require fingerprints -- Virginia applicants for concealed carry permits were forced to submit to FBI fingerprint background checks without any authorization requiring such checks. (4)

c. Revoke for politically incorrect speech -- In Oregon, officials have been known to revoke concealed carry licenses because of one's political views. In one case, a

30.

permit holder had his license revoked because he was the editor of a pro-life newspaper. (5)

d. Print licensee holders' names in newspapers -- In several states, newspapers have frequently printed the names of concealed carry permit holders, which are almost always public information. (6)

3. Officials can "raise the hurdies" in order to get a permit

* The power to license a right is the power to destroy a right

a. Arbitrary Delays -- While New Jersey law requires applications to be responded to within thirty days, delays of ninety days are routine; sometimes, applications are delayed for several years for no readily apparent reason. (7)

b. Arbitrary Denials -- See the examples above from New York City, Indiana and California.

c. Arbitrary Fee Increases -- In 1994, the Clinton administration pushed for a license fee increase of almost 1,000 percent on gun dealers. According to U.S. News & World Report, the administration was seeking the license fee increase "in hopes of driving many of America's 258,000 licensed gun dealers out of business." (8) This example clearly shows how easily government officials can abuse the issuing of carry permits. Instead of using lower fees to merely pay for the processing of permits, officials can raise the fees to keep people from exercising their rights.

4. Vermont has a genuine right to carry law (i.e., requires no permits) and yet boasts one of the lowest crime rates in the nation

A. Vermont enjoys the 49th lowest crime rate in the nation, according to the FBI:

Violent Crime (1997)
rate per 100,000 people

Rank	State	Rate
1st	Florida	1023.6
2nd	South Carolina	990.3
	U.S. average	610.8
49th	Vermont	119.7
50th	North Dakota	87.2

B. The FBI statistics also show that Vermont boasts the 47th lowest murder rate among the 50 states:

31.

Murder (1997)
rate per 100,000 people

Rank	State	Rate
1st	Louisiana	15.7
2nd	Mississippi	13.1
	U.S. average	6.8
47th	Vermont	1.5
48th	New Hampshire	1.4
49th	South Dakota	1.4
50th	North Dakota	.9

C. Anti-gunners like Sarah Brady want people to think that "access to firearms" is one of the greatest social ills facing this nation. If this is so, then why are guns not a problem in Vermont where anyone can strap a .45 under their jacket and go about their business? Why hasn't Vermont turned into the popular notion of the Wild West? Few states ever come close to earning the title of the "state with the lowest crime rate." Vermont has.(9)

D. Not surprisingly, concealed carry laws have worked nationwide to drop crime rates.

1. A comprehensive national study in 1996 determined that violent crime fell after states made it legal to carry concealed firearms. (10)

2. The results of the study showed:

* States which passed concealed carry laws reduced their murder rate by 8.5%, rapes by 5%, aggravated assaults by 7% and robbery by 3%; and

* If those states not having concealed carry laws had adopted such laws in 1992, then approximately 1,570 murders, 4,177 rapes, 60,000 aggravated assaults and 12,000 robberies would have been avoided yearly. (11)

5. Waiting periods of any kind (such as those resulting from the CCW licensing process) can threaten honest people's safety. (12)

Note: Criminals usually don't bother to go through the waiting period since they don't apply for permits.

a. New York. In 1983, Igor Hutorsky was murdered by two burglars who broke into his Brooklyn furniture store. The tragedy is that some time before the murder his business partner had applied for permission to keep a handgun at the store. Even four

months after the murder, the former partner had still not heard from the police about the status of his gun permit. (13)

b. Colorado. Talk show host (Alan Berg) was gunned down in 1984 after being denied a concealed carry permit. (14)

c. Wisconsin. In 1991, Bonnie Elmasri inquired about getting a gun to protect herself from a husband who had repeatedly threatened to kill her. She was told there was a 48 hour waiting period to buy a handgun. But unfortunately, Bonnie was never able to pick up a gun. She and her two sons were killed the next day by an abusive husband of whom the police were well aware. (15)

d. Los Angeles. USA Today reported that many of the people rushing to gun stores during the 1992 riots were "lifelong gun-control advocates, running to buy an item they thought they'd never need." Ironically, they were outraged to discover they had to wait 15 days to buy a gun for self-defense. (16)

e. Virginia. In 1993, Marine Cpl. Rayna Ross bought a gun (in a non-waiting period state) and used it two days later to kill an attacker who was armed with a bayonet. (17) Had a waiting period been in effect, Ms. Ross would have been defenseless against the man who was stalking her.

6. CCW licenses register gun owners -- and licensing can lead to confiscation of firearms

a. Step One: Registration -- In the mid-1960s officials in New York City began registering long guns. They promised they would never use such lists to take away firearms from honest citizens. But in 1991, the city banned (and soon began confiscating) many of those very guns. (18)

b. Step Two: Confiscation -- In 1992, a New York city paper reported that, "Police raided the home of a Staten Island man who refused to comply with the city's tough ban on assault weapons, and seized an arsenal of firearms. . . . Spot checks are planned [for other homes]." (19)

c. Foreign Countries -- Gun registration has led to confiscation in several countries, including Greece, Ireland, Jamaica and Bermuda. (20) And in an exhaustive study on this subject, Jews for the Preservation of Firearms Ownership has researched and translated several gun control laws from foreign countries. Their publication, Lethal Laws: "Gun Control" is the Key to Genocide, documents how gun control (and confiscation) has preceded the slaughter and genocide of millions of people in Turkey, the Soviet Union, Germany, China, Cambodia and others. (21)

7 . Constitutionally, officials cannot license or register a fundamental right

The Supreme Court held in Lamont v. Postmaster General (1965) that the First Amendment prevents the government from registering purchasers of magazines and newspapers -- even if such material is "communist political propaganda." (22)

8. Citizens show amazing accuracy and self-restraint with firearms

Citizens shoot and kill at least twice as many criminals as police do every year (1,527 to 606). (23) And readers of Newsweek learned in 1993 that "only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The 'error rate' for the police, however, was 11 percent, more than five times as high." (24)

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1. David Kopel, "Trust the People: The Case Against Gun Control," [Cato Institute] Policy Analysis 109 (July 11, 1988): 25-26.
2. Supreme Court of Indiana, Kellogg v. City of Gary, 1990.
3. Joseph McNamara, Safe & Sane, (1984): 74.
4. Peter Finn, "FBI Stops Checking Va. Gun Applicants," The Washington Post, 12 July 1996.
5. In a court hearing to have the license returned, the judge in the case admitted that the individual did not meet the criteria for a revocation (i.e., he had never engaged in acts of violence or made threats of violence) but agreed to uphold the revocation anyway. The justification the judge gave was that the abortion issue was "a volatile one" and people involved in it should not be allowed to carry guns. A friend of the "defendant" made a routine inquiry to the sheriff's department to see if any abortion doctors or activists had their licenses revoked. By Oregon law this is public information. He was immediately visited by four FBI agents who demanded to know the reason for the request. Statement by Kevin Starrett, Oregon Representative for Gun Owners of America, August 21, 1995.
6. North Carolina, Pennsylvania and Virginia are just three examples where local newspapers have printed the names of concealed carry permit holders.
7. Kopel, "Trust the People," at 26.
8. U.S. News & World Report, (17 January 1994): 8.
9. Morgan Quitno Press, Crime State Rankings 1996, at iv.
10. John R. Lott, Jr. and David B. Mustard, "Crime, Deterrence, and Right-to-Carry Concealed Handguns," University of Chicago, (13 July 1996). See also Lott, Jr., "More Guns, Less Violent Crime," The Wall Street Journal (28 August 1996).
11. Ibid.
12. Any waiting period -- whether the wait to buy a gun, or the wait to get a carry permit -- can have disastrous consequences. While most of the examples listed here relate to gun purchase waiting periods, the principle is the same. Waiting periods put one's rights on hold; and when one is in immediate danger, the result can be death.
13. Senate, "Handgun Violence," at 107, citing Novae Russkae Slovo, Vol. LXXII, No. 26.291, (6 Nov. 1983).
14. Stephen Singular, Talked to Death: The Murder of Alan Berg and the Rise of the Neo-Nazis, (1987): 137-138. Since he was shot from behind, one could possibly argue that a gun might not have helped him. Of course, had Berg received a carry permit, one can never be sure if his being armed would have served as a deterrent to the killer, who had stalked him for some time. Regardless, the point is that he should have been able to defend himself.
15. Congressional Record, 8 May 1991, pp. H 2859, H 2862.
16. Jonathan T. Lovitt, "Survival for the armed," USA Today, 4 May 1992.
17. Wall Street Journal, 3 March 1994 at A10.
18. On August 16, 1991, New York City Mayor David Dinkins signed Local Law 78 which banned the possession and sale of certain rifles and shotguns.
19. John Marzulli, "Weapons ban defied: S.I. man, arsenal seized," Daily News, 5 September 1992.
20. David Kopel, "Trust the People: The Case Against Gun Control," [Cato Institute] Policy Analysis 109 (July 11, 1988):25.
21. Jay Simkin, Aaron Zelman and Alan M. Rice, Lethal Laws: "Gun Control" is the Key to Genocide, (Milwaukee: Jews for the Preservation of Firearms Ownership, 1994).
22. Lamont v. Postmaster General, 381 U.S. 301, 85 S. Ct. 1493, 14 L. Ed. 2d 398 (1965).
23. Kleck, Point Blank: Guns and Violence in America, (1991):111-116, 148.
24. George F. Will, "Are We 'a Nation of Cowards'?," Newsweek (15 November 1993):93.

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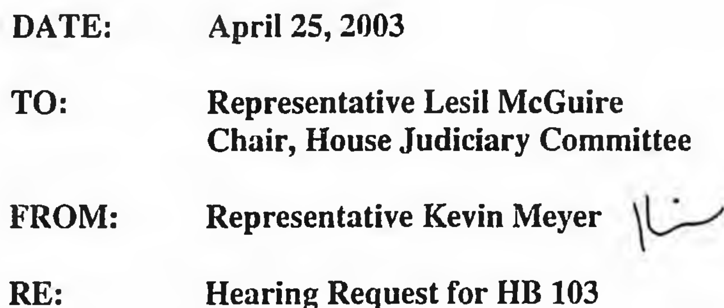
HB
103

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM



DATE: April 25, 2003

TO: Representative Lesil McGuire
Chair, House Judiciary Committee

FROM: Representative Kevin Meyer

RE: Hearing Request for HB 103

At your convenience, please schedule HB 103 Crime Victims' Compensation: Sexual Abuse/Assault for a hearing in the House Judiciary Committee.

This bill ensures compensation is not denied based on considerations of provocation: the use of alcohol or drugs, or the prior social history of the victim. It also retains the current language for compensation criteria for all other crimes.

Thank you.

Email: Representative_Kevin_Meyer@legis.state.ak.us • **Toll Free:** (866) 465-4945
Session: State Capitol, Juneau, Alaska 99801-1182 • **Phone:** (907) 465-4945 **Fax:** (907) 465-3476
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • **Phone:** (907) 269-0199 **Fax:** (907) 269-0197

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement
HB 103

"An Act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."

In 1971, the State created the Victims' Compensation Board. The function of the Board is to ensure that the victim's role in a crime is taken into consideration. For example, if an individual starts a fight and is injured, the Board could deny his or her case.

As an unintended result of this language, victims of sexual assault and child abuse could be denied compensation if the Board found them to have contributed to the circumstances of the crime. Forseeably, victims of sexual assault who had been drinking could be denied because they were intoxicated when the assault occurred.

The implication that a victim of sexual assault or child abuse in some way "deserved" to be victimized runs counter to the values of our society. An individual has done nothing to bring such a crime on him or herself.

To rectify this unintended consequence, HB 103 does the following:

1. It ensures that the victim's behavior, prior social history, or use of drugs or alcohol are <u>not</u> considered by the Board when awarding compensation, and

2. Retains the existing language for compensation criteria for all other Crimes

The Victims' Compensation Board is funded 60/40, by the state and federal governments, respectively. Since the State's 60 percent is derived from permanent fund dividend checks garnisheed from convicted felons, the fiscal impact on the State is zero or is negligible.

***

Email: Representative_Kevin_Meyer@legis.state.ak.us • **Toll Free:** (866) 465-4945
Session: State Capitol, Juneau, Alaska 99801-1182 • **Phone:** (907) 465-4945 **Fax:** (907) 465-3476
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • **Phone:** (907) 269-0199 **Fax:** (907) 269-0197

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

VIOLENT CRIMES COMPENSATION BOARD

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-3040
TOLL FREE: 1-800-764-3040
FAX: (907) 465-2379

May 6, 2003

The Honorable Gretchen Guess
State Senate
State Capitol, Room 423
Juneau, Alaska 99801-1182

By Facsimile: 907-465-6615
Hand Deliver

RE: HB 103
SB22

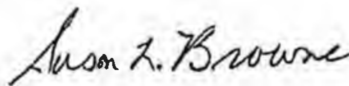
Dear Senator Guess:

In your letter of April 29, 2003, to Gerad Godfrey, Violent Crimes Compensation Board Chairperson, you afforded Mr. Godfrey the opportunity to provide suggested changes to this legislation. Please find attached suggested changes drafted based on my review of legislation, regulations, and guidelines implemented both here in Alaska and by other State crime victim compensation programs.

Alaska was one of the first ten states to establish a crime victim compensation program. Alaska's legislation is similar to the legislation adopted by most of the country's original crime victim compensation programs. Other States have expressed concern similar to your concern regarding the legislation and Mr. Godfrey's concerning the original proposed change. I am hoping the attached language presents a resolution.

The Board would appreciate your consideration of these suggested changes. Thank you.

Respectfully,



Susan L. Browne
Administrator

Attachment

CC: House Judiciary Members
Vanessa Tondini, Judiciary Committee Staff

printed on recycled paper

SB 22 and HB 103

18.67.080

(c) In determining whether to make an order under this section, the board shall consider all circumstances determined to be relevant, including provocation, consent, or any other behavior of the victim that directly or indirectly contributed to the victim's injury or death, the prior case or social history, if any, of the victim, the victim's need for financial aid, and any other relevant matters. <u>To justify a denial under this section, the victim's behavior must relate significantly to the occurrence that caused the victimization and be such that a reasonable or prudent individual would know that the actions could lead to their victimization. Only evidence that indicates on a more probable than not basis that the victim consented to, provoked or incited the criminal act shall be considered. Cause exists if "but for" the acts of the victim, the crime would not have occurred and proximate cause exists if the acts of the victim resulted in a foreseeable injury. Consent involves a victim's voluntary entry into a course of action that naturally led to the crime. A denial based on this section involves a victim's decision to enter into actions that a reasonable person could foresee would result in the crime.</u>

<u>(d) In the case of sex crimes, if an offender is charged with and convicted of a sex crime then it is rarely possible that a victim's actions were so extreme that they constitute involvement. Therefore, no sex crime claim will be denied on that basis. Where there does not appear to be a preponderance of evidence that a sex crime occurred, the board will consider whether or not there is sufficient evidence of a crime eligible for compensation under this section. The Board shall not base a denial upon the involvement or behavior of the victim.</u>

<u>(e) To justify a denial based on drug use, the board will only consider evidence that the victim was clearly involved in a drug transaction such as buying, selling, or delivering at the time of the crime and/or evidence that the victimization was a direct result of a prior drug transaction. This must be corroborated by evidence from law enforcement or other credible sources. The evidence must show a direct correlation linking the drug-related activity to the incident in the claim which resulted in the victim's injuries or death.</u>

Current 18.67.080(d) becomes 18.67.080(f)

(f) An order may be made under this section whether or not a person is prosecuted or convicted.........imminent.

121 West Fireweed Lane
Suite 240
Anchorage, AK 99503
Phone: (907) 278-1122
Fax: (907) 278-1121

March 19, 2003

To Whom It May Concern:

My name is Denise Morris, I am the President/CEO of the Alaska Native Justice Center and I chair the Alaska Native Women's Sexual Assault Committee whose mission is to prevent sexual violence against Alaska Native women by increasing community awareness through outreach, education, and promoting research. In addition, I serve as a board member of Standing Together Against Rape (STAR).

I am writing today in support of HB 103 "An act limiting the factors that may be consider in making crime victims' compensation awards in cases of sexual assault or sexual abuse of a minor."

The unintended consequence of the present law creates an "impression" of wrongdoing and blame on the part of the victim that is neither right nor consistent with the practices Alaskans hold dear. The present language could be subjectively interpreted and could potentially deny victims of sexual assault or abuse just compensation.

HB 103 will ensure a person's prior social history, or the use of alcohol/drugs will not be a mitigating factor when determining a sexual assault victim's' claim for compensation.

On behalf of the Alaska Native Justice Center, the Alaska Native Women's Sexual Assault Committee and the clients we serve, I urge your support of HB 103.

Sincerely,

Denise R. Morris
President/CEO

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Main Office & Legal Advocacy Project
130 Seward Street, Suite 209
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org

Pro Bono Project
P.O. Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

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Cordova
CFRC

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Homer
SPWS

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AWARE

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K/SWRCC)

Ketchikan
WISH

Kodiak
KWRCC

Kotzebue
MFCC

Nome
BSWG

Palmer
AFRC

Seward
SCS

Sitka
SAFV

Unalaska
USAFV

Valdez
AVV

Representative Kevin Meyer
Room 513, State Capitol
Juneau, Alaska 99811-1182

March 6, 2003

Dear Representative Meyer:

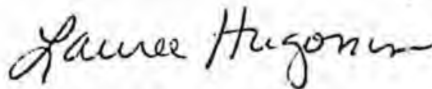
Please accept this letter as one of support for HB103.

We wish the day would have long come and gone when victims of sexual assault were routinely questioned or somehow made to feel guilty because of the clothes they chose to wear, or the fact that they may have had a drink, or that there may be something in their past they wished they had done differently. None of those things cause perpetrators to commit the crime of sexual assault or contribute to the crime. Unfortunately, the violent crimes compensation board still has similar items listed as things to be considered when determining whether or not to grant compensation to victims of sexual assault or sexual abuse of a minor.

It is difficult enough to come forward as a victim of sexual assault and enter the system to try and find some justice. Victims journeys are made more difficult when parts of the system rely on myths to respond to these crimes. Your bill will help stop the practice of victim blaming.

Thank you for your work to increase the availability of justice to victims of sexual assault.

Sincerely,



Lauree Hugonin
Executive Director

HB
106

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 14, 2003 **FURTHER REFERRALS:**

Date of Committee Action: May 17, 2003

The JUDICIARY Committee considered: **HB 106**

HOUSE BILL NO. 106 **DEFINITION OF LOBBYING**

"An Act amending the definition of 'lobbyist' in the Regulation of Lobbying Act, and as it applies in the act setting standards of conduct for legislators and legislative employees, to define 'regular' and 'substantial' as those terms describe activities for which a person receives consideration for the purpose of influencing legislative or administrative action."

Recommends it be replaced with [ ] HCS *or* **[X] CS for** HB 106 (JUD)

***For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR*_______ [ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to ____________Committee
[ ] Letter of Intent___________Committee

List of Abbrev for Depts.:
ADM, CED, COR, CRT, EED, DEC, DFG, GOV, HSS, LEG, LAW, LWF, MVA, DNR, DPS, REV, DOT, UA

***NEW* FISCAL NOTES** — *Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero
(FORTHCOMING) CED				

***PREVIOUS* FISCAL NOTES**

List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
[signature]	SAMUELS			✓	
[signature]	Holm			✓	
[signature]	Gara			✓	
NR [signature]	Ogg			✓	
[signature]	Gruenberg			✓	
Tom Anderson	ANDERSON	X			
Chair: [signature]	McGuire	✓			
Chair:					

HB

111

(File 1 of 5)

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: May 14, 2003 — FURTHER REFERRALS:

Date of Committee Action: May 17, 2003

The JUDICIARY Committee considered: **HB 111**

HOUSE BILL NO. 111 — EXTEND REGULATORY COMMISSION OF ALASKA

"An Act extending the termination date of the Regulatory Commission of Alaska; and providing for an effective date."

Recommends it be replaced with [ ] HCS or [X] CS for HB 111 (JUD)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR______ [ ] Same Title [X] New Title

[ ] attach amendments
[ ] add new referral to ____________ Committee
[ ] Letter of Intent ____________ Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

NEW **FISCAL NOTES** (*Assigned by Chief Clerk's Office)

List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS **FISCAL NOTES**

List by Dept(s):	FN#	Fiscal	Indet.	Zero
DCED	1	✓		

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
[signature]	SAMUELS			✓	
[signature]	Holm			✓	
[signature]	Gara	✓		[scribbled out]	
[signature]	Ogg			✓	
[signature]	Gruenberg			—	
[signature]	ANDERSON			X	
Chair: [signature]	McGuire	✓			
Chair:					

HOUSE COMMITTEE REPORT

5.13.03

(11)

Date Referred to Committee: April 28, 2003

FURTHER REFERRALS: ~~Rules~~ Jud added 5.14.03

Date of Committee Action: 5/12/03

The FINANCE Committee considered: **HB 111**

HOUSE BILL NO. 111 **EXTEND REGULATORY COMMISSION OF ALASKA**

"An Act extending the termination date of the Regulatory Commission of Alaska; and providing for an effective date."

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* ____________ (______)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR______ [ ] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to __________Committee
[ ] Letter of Intent__________Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero

***PREVIOUS* FISCAL NOTES**

List by Dept(s):	FN#	Fiscal	Indet.	Zero
DCED	#1	✓		

Signing with recommendations	Printed Last Name	DP (4)	DNP	NR (5)	AM (1)
[signature]	Meyer	✓			
[signature]	Hawker			✓	
[signature]	Stoltze				✓
[signature]	Kerttula			✓	
[signature]	Berkowitz			✓	
[signature]	MOSES			✓	
[signature]	Whitaker	✓			
[signature]	FOSTER	X			
Chair: [signature]	Harris			✓	
Chair: [signature]	Williams	✓			

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CO

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HOUSE COMMITTEE REPORT

4.28.03

(7)
Date Referred to Committee: February 19, 2003 **FURTHER REFERRALS: Finance**

Date of Committee Action: April 25, 2003

The LABOR AND COMMERCE Committee considered: **HB 111**

HOUSE BILL NO. 111 **EXTEND REGULATORY COMMISSION OF ALASKA**

"An Act extending the termination date of the Regulatory Commission of Alaska; and providing for an effective date."

Recommends it be replaced with [ ] HCS *or* [✓] CS for HB 111 (L&C)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_______ **[ ] Same Title [✓] New Title**

[ ] attach amendments
[ ] add new referral to ___________Committee
[ ] Letter of Intent___________Committee

List of Abbrev for Depts.:
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***NEW* FISCAL NOTES** (*Assigned by Chief Clerk's Office)

List by Dept(s):	*FN#	Fiscal	Indet.	Zero

***PREVIOUS* FISCAL NOTES**

List by Dept(s):	FN#	Fiscal	Indet.	Zero
CED	1	✓		

Signing with recommendations	Printed Last Name	DP (1)	DNP (1)	NR (4)	AM (1)
[signature]	LYNN		X		
Harry F Crawford	CRAWFORD			✓	
[signature]	GATTO			X	
[signature]	GUTTENBERG				✓
[signature]	DAHLSTROM			X	
[signature]	ROKEBERG			✓	
Chair: [signature]	ANDERSON	X			
Chair:					

23-GH1049\C
Craver
5/15/03

CS FOR HOUSE BILL NO. 111(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for the prospective effect of standards changed by the Regulatory**
2 **Commission of Alaska; relating to competition in regulated telecommunications and**
3 **exemptions from tariffs in competitive telecommunications markets; relating to the**
4 **designation of a dominant carrier in local exchange and long distance markets; relating**
5 **to depreciation expense rates and cost recovery for telecommunications utilities; setting**
6 **a policy regarding unbundled network elements in the telecommunications market;**
7 **extending the termination date of the Regulatory Commission of Alaska; and providing**
8 **for an effective date."**

9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
11 to read:
12 FINDINGS AND PURPOSE. (a) The legislature finds that