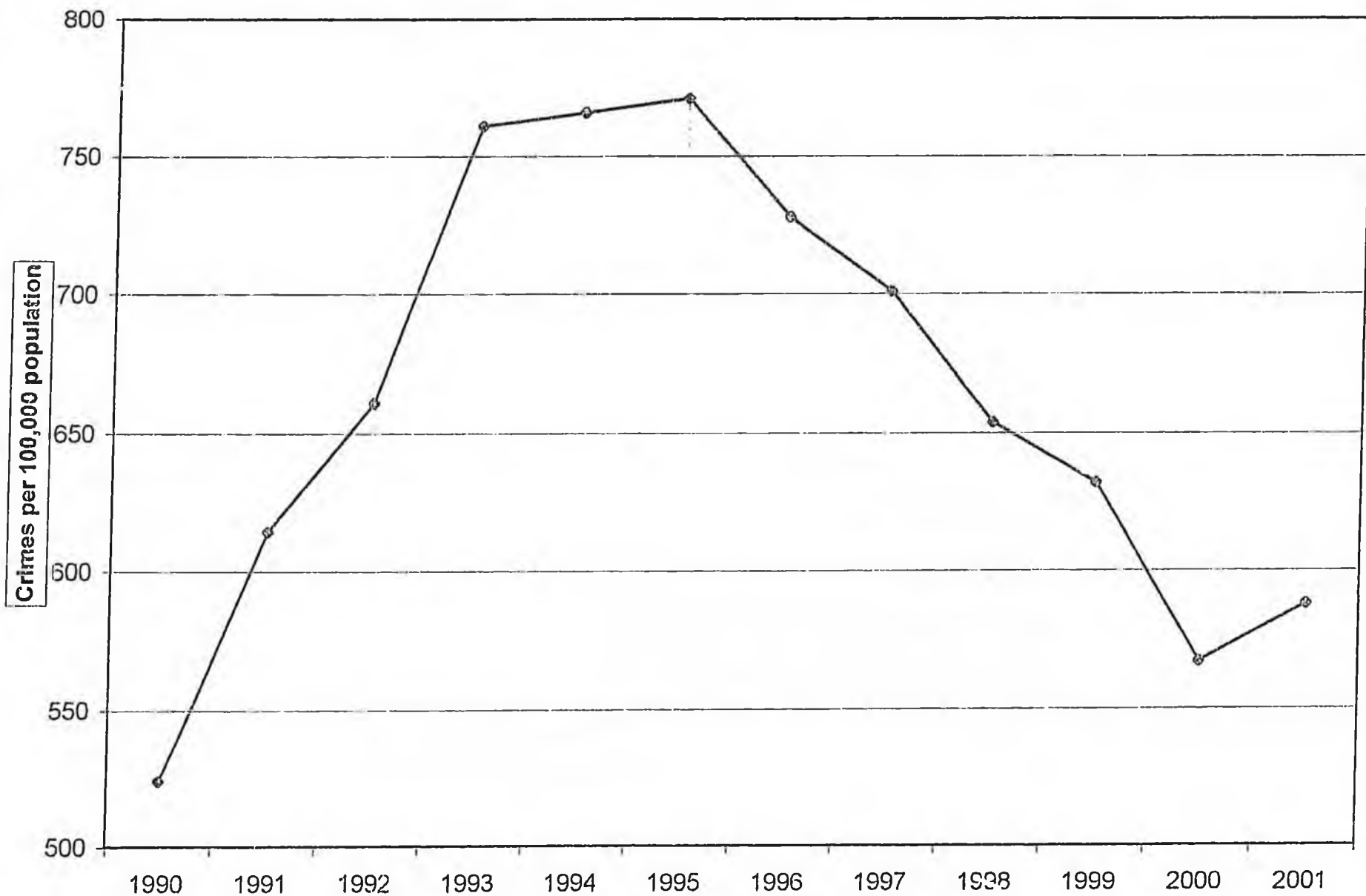


ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672
11031 HOUSE STATE AFFAIRS

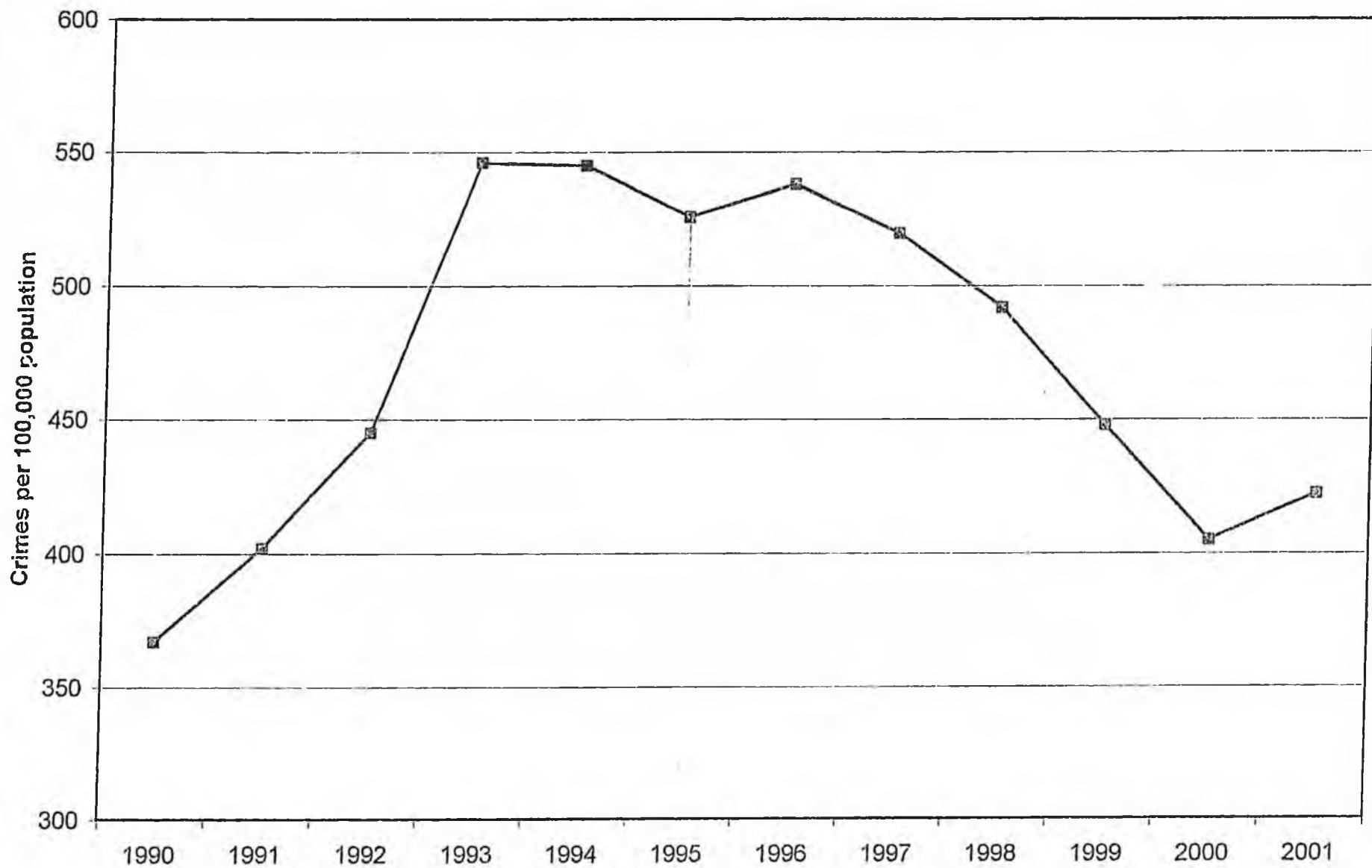
Alaska Crime Rates

Violent Crime
Sources: FBI and Bureau of Justice Statistics



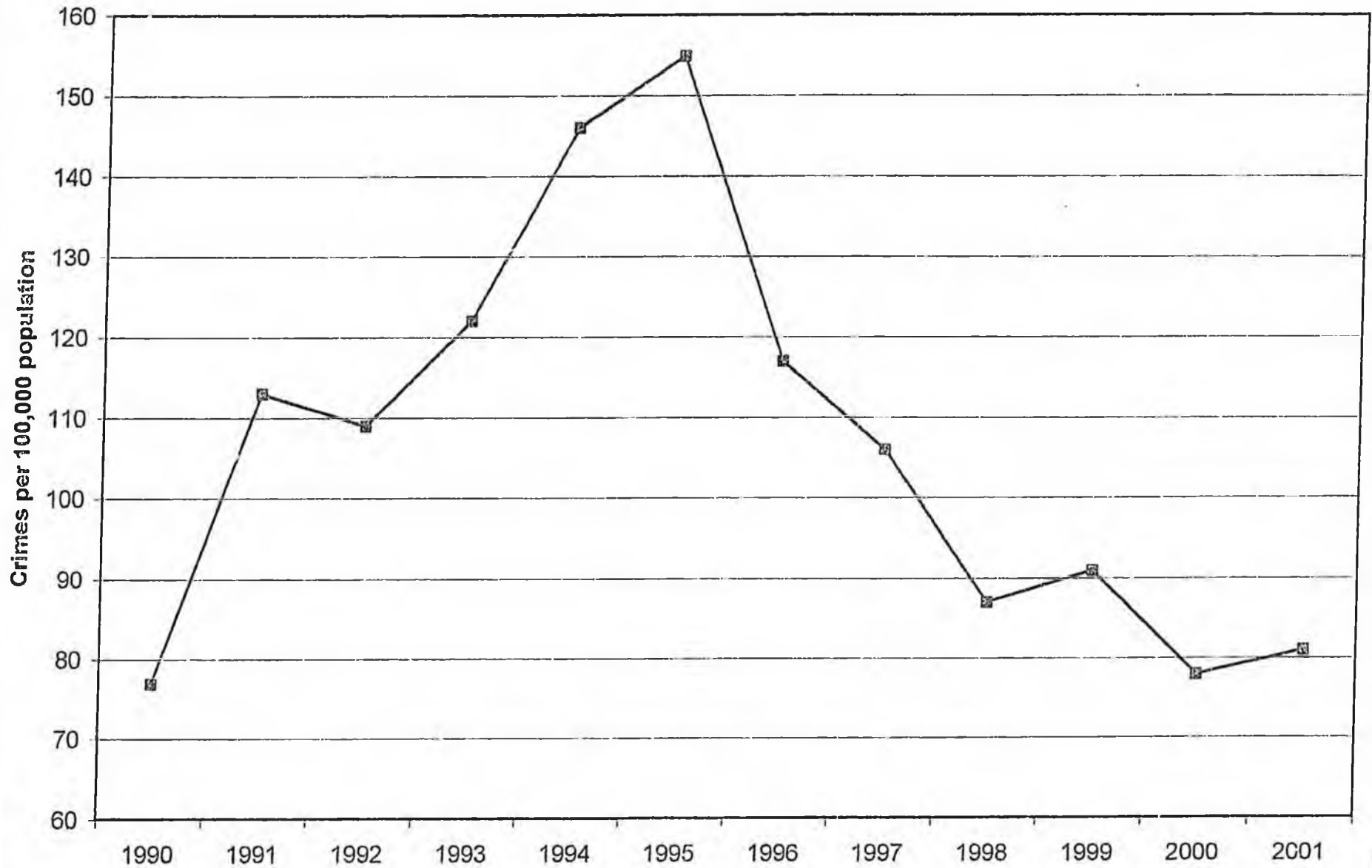
Alaska Crime Rates

Aggravated Assault
Sources: FBI and Bureau of Justice Statistics



Alaska Crime Rates

Robbery
Sources: FBI and Bureau of Justice Statistics



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		Homicide		Unintentional		Undetermined		Total Firearm ³	
		Deaths	Rate	Deaths	Rate	Death	Rate	Death	Rate	Death	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

Alaska Compared 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

	Population	Suicide		Homicide		Unintentional		Undetermined		Total Firearm ³	
		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.



40% of American households with children have guns.
Hart Research



How can I help?
What can I do?

Study

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A comprehensive database of relevant resources on the web.

Relevant current newspaper articles.

Significant facts on the subject, with links to sources.

State-specific headlines, statistics, and resources.

Radio and TV coverage, plus Common Sense advertisements.

Share Your Thoughts: See what others have to say and post messages of your own.

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



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.

YOUR DONATION CAN HELP



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Radio and TV coverage, plus Common Sense advertisements.

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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.
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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, 1991
- 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

TOTAL P.08

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

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 hurdles" 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:

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)

-
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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ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



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STATE AFFAIRS COMMITTEE

Fax

To: Jerry Luckhaupt

From: Ginny Austerman

Fax: 465-2029

Date: March 27, 2003

Phone: 465-2450

Pages:

Re: CS HB 177

CC:

Urgent For Review Please Comment Please Reply

•Comments:

Today the House State Affairs Committee heard HB 102 and adopted two amendments. These amendments are on pages 2-5 of this fax. If you have any questions, please call me at 2028.

AMENDMENT #1

adopted

OFFERED IN THE HOUSE

TO: HB 102

1 Page 1, lines 3 - 8:

2 Delete all material.

3 Insert a new bill section to read:

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

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

7 (1) knowingly possesses a ^{may be a} deadly weapon, other than an ordinary
8 pocket knife or a defensive weapon, that is concealed on the person and when
9 contacted by a peace officer fails to immediately inform the peace officer of that
10 possession;

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

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

15 (4) knowingly possesses a firearm

16 (A) within the grounds of or on a parking lot immediately
17 adjacent to a center, other than a private residence, licensed under AS 14.37,
18 AS 47.33, or AS 47.35 or recognized by the federal government for the care of
19 children;

20 (B) within a

21 (i) courtroom or office of the Alaska Court System; or

22 (ii) courthouse that is occupied only by the Alaska
23 Court System and other justice-related agencies; or

1 (C) within a domestic violence or sexual assault shelter that
2 receives funding from the state; or
3 (5) possesses or transports a switchblade or a gravity knife.

4

5 Page 2, line 2:

6 Delete "11.61.220(a)(1), 11.61.220(b), 11.61.220(e), 11.61.220(h)"

7 Insert "11.61.220(b)"

AMENDMENT

#2 adopted

OFFERED IN THE HOUSE

TO: HB 102

1 Page 1, lines 3 - 8:

2 Delete all material.

3 Insert a new bill section to read:

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

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

7 (1) knowingly possesses a deadly weapon, other than an ordinary
8 pocket knife or a defensive weapon, that is concealed on the person within the
9 residence of another person unless the person has first obtained the express
10 permission of an adult residing there to bring a concealed deadly weapon within
11 the residence;

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

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

16 (4) knowingly possesses a firearm

17 (A) within the grounds of or on a parking lot immediately
18 adjacent to a center, other than a private residence, licensed under AS 14.37,
19 AS 47.33, or AS 47.35 or recognized by the federal government for the care of
20 children;

21 (B) within a

22 (i) courtroom or office of the Alaska Court System; or

23 (ii) courthouse that is occupied only by the Alaska

1 Court System and other justice-related agencies; or
2 (C) within a domestic violence or sexual assault shelter that
3 receives funding from the state; or
4 (5) possesses or transports a switchblade or a gravity knife.
5

6 Page 2, line 2:

7 Delete "11.61.220(a)(1), 11.61.220(b), 11.61.220(e), 11.61.220(h)"

8 Insert "11.61.220(b)"

FEB 24 2003



REPRESENTATIVE ERIC CROFT

MEMORANDUM

To: Chairman Weyhrauch, State Affairs Committee

From: Rep. Eric Croft

Date: February 22, 2003

Re: HB 102

Please add the enclosed Sectional Analysis to the bill packet for HB 102.
Thank you.

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>

Crime Ranks.xls

2001	Total violent crime		Murder and non-neg. mansl.		Forcible rape		Robbery		Aggravated assault
	2001	2001	2001	2001	2001	2001	2001	2001	
District of Columbia	1,736.7	District of Columbia	40.6	1 Alaska	78.9	District of Columbia	689.6	District of Columbia	973.7
1 Florida	797.2	1 Louisiana	11.2	2 Delaware	52.8	1 Maryland	251.6	1 New Mexico	581.9
2 Maryland	703.0	2 Mississippi	9.9	3 Michigan	52.7	2 Nevada	234.2	2 Florida	550.9
3 New Mexico	781.1	3 Nevada	8.5	4 New Mexico	45.5	3 Florida	200.5	3 South Carolina	549.3
4 Tennessee	745.3	4 Alabama	8.5	5 South Dakota	46.4	4 Illinois	199.2	4 Tennessee	521.6
5 South Carolina	720.3	5 Maryland	8.3	6 Minnesota	45.0	5 New York	192.3	5 Maryland	496.1
6 Louisiana	687.0	6 Illinois	7.9	7 Colorado	43.7	6 California	187.1	6 Louisiana	468.3
7 Illinois	636.9	7 Arizona	7.5	8 Washington	43.4	7 Tennessee	178.0	7 Alaska	422.3
8 California	617.0	8 Tennessee	7.4	9 Oklahoma	42.9	8 Louisiana	176.1	8 Delaware	410.6
9 Delaware	611.4	9 Georgia	7.1	10 Nevada	41.9	9 Georgia	171.8	9 Illinois	398.3
10 Alaska	588.3	10 Indiana	6.8	11 Florida	40.5	10 Arizona	167.1	10 California	394.6
11 Nevada	586.8	11 Michigan	6.7	12 Mississippi	40.1	11 New Jersey	166.3	11 Oklahoma	384.6
12 Texas	572.8	12 Missouri	6.6	13 Utah	39.5	12 Texas	165.8	12 Missouri	372.1
13 Michigan	554.7	13 California	6.4	14 Rhode Island	39.3	13 North Carolina	162.5	13 Michigan	365.8
14 Missouri	541.3	14 South Carolina	6.3	15 Ohio	39.3	14 Ohio	151.2	14 Texas	362.5
15 Arizona	540.3	15 Texas	6.2	16 Texas	38.3	United States	148.5	15 Massachusetts	346.6
16 New York	516.0	16 North Carolina	6.2	17 Tennessee	38.3	15 New Mexico	147.3	16 Arizona	337.1
17 Oklahoma	512.3	17 Alaska	6.1	18 New Hampshire	36.4	16 Delaware	145.2	17 Arkansas	333.2
United States	504.4	United States	5.6	19 Kansas	35.1	17 Pennsylvania	142.4	United States	318.5
18 Georgia	497.0	18 Arkansas	5.5	20 South Carolina	34.0	18 Missouri	138.9	18 Montana	302.4
19 North Carolina	494.3	19 New Mexico	5.4	21 Oregon	33.8	19 South Carolina	130.7	19 Nevada	302.2
20 Massachusetts	479.5	20 Oklahoma	5.3	22 Hawaii	33.4	20 Michigan	129.5	20 North Carolina	300.2
21 Arkansas	452.8	21 Florida	5.3	23 Arkansas	33.1	21 Alabama	125.1	21 New York	300.0
22 Alabama	438.6	22 Pennsylvania	5.3	District of Columbia	32.9	22 Connecticut	122.1	22 Georgia	292.1
23 Pennsylvania	410.4	23 Virginia	5.1	24 Idaho	32.2	23 Indiana	117.3	23 Kansas	276.4
24 Kansas	404.8	24 New York	5.0	United States	31.8	24 Mississippi	115.3	24 Alabama	274.4
25 New Jersey	390.1	25 Kentucky	4.7	25 Illinois	31.5	25 Massachusetts	101.5	25 Pennsylvania	234.5
26 Indiana	371.8	26 Ohio	4.0	26 Louisiana	31.4	26 Washington	99.1	26 Colorado	222.9
27 Washington	355.0	27 New Jersey	4.0	27 Wyoming	30.9	27 Virginia	95.4	27 West Virginia	220.2
28 Montana	352.4	28 Montana	3.8	28 Alabama	30.7	28 Hawaii	93.3	28 Indiana	219.7
29 Ohio	351.9	29 Rhode Island	3.7	29 Massachusetts	29.1	29 Rhode Island	93.1	29 Nebraska	210.6
30 Colorado	350.7	30 Colorado	3.6	30 California	28.9	30 Kansas	89.9	30 Washington	209.5
31 Mississippi	350.1	31 Wisconsin	3.6	31 Arizona	28.6	31 Wisconsin	82.3	31 Wyoming	207.5
32 Connecticut	335.5	32 Kansas	3.4	32 Pennsylvania	28.2	32 Arkansas	81.0	32 Iowa	205.7
33 Rhode Island	309.6	33 Connecticut	3.1	33 Indiana	28.1	33 Alaska	81.0	33 New Jersey	204.7
34 Oregon	306.7	34 Washington	3.0	34 Kentucky	27.8	34 Kentucky	80.7	34 Connecticut	191.7
35 Nebraska	304.3	35 Utah	3.0	35 Maryland	27.0	35 Colorado	80.5	35 Oregon	191.3
36 Virginia	291.3	36 Delaware	2.9	36 Georgia	26.0	36 Oklahoma	79.4	36 Idaho	190.1
37 West Virginia	279.4	37 Hawaii	2.6	37 North Dakota	25.8	37 Oregon	79.2	37 Mississippi	184.8
38 Iowa	269.1	38 Nebraska	2.5	38 North Carolina	25.4	38 Minnesota	75.6	38 Rhode Island	173.5
39 Minnesota	264.4	39 Oregon	2.4	39 Maine	25.3	39 Nebraska	65.8	39 Virginia	166.2
40 Wyoming	257.3	40 Minnesota	2.4	40 Nebraska	25.2	40 Utah	52.7	40 Ohio	157.4
41 Kentucky	257.0	41 Massachusetts	2.3	41 Virginia	24.6	41 Iowa	39.5	41 Kentucky	143.8
42 Hawaii	254.6	42 Idaho	2.3	42 Missouri	24.6	42 West Virginia	39.2	42 Minnesota	141.4
43 Idaho	243.1	43 West Virginia	2.2	43 Iowa	22.2	43 New Hampshire	35.3	43 Utah	139.0
44 Utah	234.1	44 Wyoming	1.8	44 Wisconsin	21.1	44 Montana	25.4	44 Hawaii	125.3
45 Wisconsin	231.1	45 Iowa	1.7	45 Montana	20.8	45 Maine	20.5	45 Wisconsin	124.2
46 New Hampshire	170.3	46 Maine	1.4	46 Connecticut	18.7	46 Idaho	18.5	46 New Hampshire	97.2
47 South Dakota	154.8	47 New Hampshire	1.4	47 New York	18.7	47 Vermont	17.5	47 South Dakota	93.8
48 Maine	111.5	48 Vermont	1.1	48 West Virginia	17.8	48 Wyoming	17.0	48 Vermont	69.0
49 Vermont	105.0	49 North Dakota	1.1	49 Vermont	17.5	49 South Dakota	13.6	49 Maine	64.2
50 North Dakota	79.6	50 South Dakota	0.9	50 New Jersey	15.1	50 North Dakota	9.5	50 North Dakota	43.2

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

	Population	Suicide		Homicide		Unintentional		Undetermined		Total Firearm ³	
		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.

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

	<u>Population</u>	<u>Suicide</u>		<u>Homicide</u>		<u>Unintentional</u>		<u>Undetermined</u>		<u>Total Firearm</u> ³	
		<u>Deaths</u>	<u>Rate</u>	<u>Deaths</u>	<u>Rate</u>	<u>Death</u>	<u>Rate</u>	<u>Death</u>	<u>Rate</u>	<u>Death</u>	<u>Rate</u>
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

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

		<u>Ranking (1-highest, 51-lowest)</u>
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.

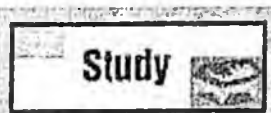


30% of handguns are stored unlocked and loaded.

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Significant facts on the subject, with links to sources.

State-specific headlines, statistics, and resources.

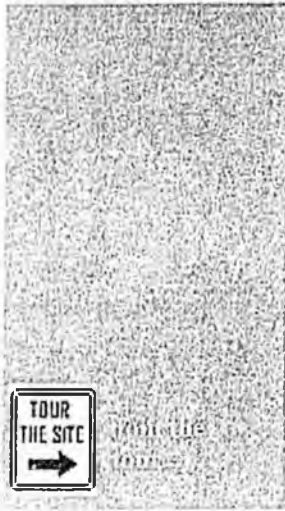
Radio and TV coverage, plus Common Sense advertisements.

Share Your Thoughts: See what others have to say and post messages of your own.

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	15-19	20-24	25-29	30-34	35-39	40-44
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.

View another State Statistics page:

[Return to Vermont page](#)

Select:

Common Sense
 ABOUT KIDS AND GUNS

the child you love may be your own

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The HELP Network



HELP Network
(773) 880-8122
contact@helpnetwork.org

Children's Memorial Hospital
2300 Children's Plaza,
Box #88,
Chicago, IL 60614

www.helpnetwork.org

Legislative Update for the State of Alaska

State Gun Laws¹

• Anti-Trafficking: Is there a one-handgun-per-month limit on gun sales?	no
Assault Weapons: Are there limitations on assault weapons and magazines?	no
Attorney General Regulations: May Attorney General regulate guns?	yes
Background Check at State Level: Do state police perform a background check in addition to federal NICS check?	no
• Ballistic Fingerprinting: Must handguns be ballistic fingerprinted prior to sale?	no
CCW Limits: May police limit carrying concealed handguns?	no
Child Access Prevention -CAP: Are gun owners held accountable for leaving guns accessible to kids?	no
Child-Safety Locks: Must locking devices be sold with guns?	no
Gun Manufacturer Accountability: Do cities have authority to hold gun makers legally liable?	no
Gun Show Checks: Are background checks required at gun shows?	no
Juvenile Possession: Are minors restricted from possessing guns?	yes
• Juvenile Sale: Is it illegal to sell guns to kids?	yes
Licensing: Is a license/permit required to buy handguns?	no
Local Gun Laws -Preemption: May cities enact laws stronger than the state's?	partial
• Record Keeping: May police maintain gun sale records?	no
Registration: Are all guns registered with law enforcement?	no
Safety Standards: are there consumer safety standards on guns?	no
Safety Training: Is safety training required for handgun buyers?	no
Saturday Night Specials: Are there limitations on "junk" handguns?	no
School Zones: Is it illegal to have a gun in or around schools?	yes
• Secondary Sales: Are background checks required on "private" gun sales?	no
Waiting Period: Is there a waiting period on gun sales?	no

¹ Source: Brady Campaign - www.bradycampaign.org as of February 2002

The HELP Network



HELP Network
(773) 880-8122
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2300 Children's Plaza,
Box #88,
Chicago, IL 60614

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Legislative Update for the State of Vermont

State Gun Laws¹

Anti-Trafficking: Is there a one-handgun-per-month limit on gun sales?	no
Assault Weapons: Are there limitations on assault weapons and magazines?	no
Attorney General Regulations: May Attorney General regulate guns?	yes
Background Check at State Level: Do state police perform a background check in addition to federal NICS check?	yes
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¹ Source: Brady Campaign - www.bradycampaign.org as of February 2002

Updated: 02/2002



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

**SUPPORT ALASKA HOUSE BILL 102
("VERMONT CARRY")**

* HB 102 would repeal the existing provision of law which prohibits the carrying of a concealed weapon in Alaska.

* It is referred to as "Vermont carry" because 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/possess a firearm is entitled to carry it openly or concealed, loaded or unloaded.)

* According to 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.

* In Alaska, existing law allows any law-abiding citizen who can legally own/possess a firearm to carry it openly, either loaded or unloaded. Additionally, law-abiding citizens are authorized to carry firearms concealed, without a permit, when they are engaged in any lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection

* 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.

* The difference between a firearm carried openly and a firearm carried concealed can be as insignificant as the donning of a coat.

* 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.

* Article I, Section 19 of the Alaska Constitution provides that the "...*individual* right to keep and bear arms shall not be denied or infringed..." A concealed handgun permit system essentially puts a price tag on law-abiding citizens' constitutional right to provide a means of self-protection.

* 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 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.

* With respect to individuals who commit a more serious crime in conjunction with the carrying of a concealed firearm, repealing this law may give prosecutors one less option regarding plea bargains. The simple resolution to this issue is to NOT plea bargain with criminals who commit illegal acts with firearms.

* 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 move in the direction of those in the State of Vermont.

* Some will argue that people carrying concealed firearms should undergo training. Again, it makes no sense to allow people to carry *openly* without restriction but subject them to bureaucratic requirements in order to wear outer clothing. Forty-three states currently have laws providing for the issuance of concealed handgun permits. Training requirements range from nothing to the extreme. The empirical evidence from every such state, however, regardless of the level of qualification or training standards, is the same: Law-abiding citizens who carry firearms are exercising their constitutional right to bear arms and their natural right to defend themselves with utmost responsibility and without causing problems, training-related or otherwise. It will be instructive to see who mounts the strongest objections on the training issue; it is intuitive that those who have a vested financial interest in the provision of training programs will oppose this proposal. Training programs will still be as readily available as they are today for those who feel they need to undergo instruction.

* Repeal of the prohibition on concealed carry will not change the law regarding where firearms are currently prohibited. Current Alaska law restricts the *possession* of firearms in many places, including the following: courthouses, school grounds, bars, child care centers and domestic violence and sexual assault centers.

* House Bill 102 would not repeal Alaska's concealed handgun permit system, only the prohibition on concealed carry. Any person who desires a permit so that they can still 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.

BRIAN JUDY NRA HB102

CHUCK HOSSACK AB 81 & 93

ANSWER QUESTIONS

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

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

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to concealed deadly BRU Criminal Division
weapons." Component All
 Sponsor Representative Croft
 Requester House State Affairs Committee 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)

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

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 Phone (907) 465-5370
 Division: Attorney General's Office Date/Time 3/11/03 11:02 AM
 Approved by: Kathryn Daughettee for Gregg D. Renkes, Attorney General Date 3/11/2003
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

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

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act relating to concealed BRU Alaska State Troopers
weapons. Component AST Detachments
 Sponsor Representative Croft
 Requester House State Affairs Component No. 2315

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	*	*	*	*	*	*

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2003) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

* Fiscal impact is indeterminable at this time.

It is anticipated that some of the approximately 17,100 current permit holders would choose not to renew their permits. That would reduce the number of \$25 renewals that come in annually. (Permits are good for five years.) It is also expected that there would be a reduction in the number of new applications filed each year. First time applicants pay a \$99 fee.

At some point, due to the decline in fee-based revenue and due to a decline in workload, an administrative clerk position would be reduced from a full time to part time assignment.

Prepared by: Lieutenant Matthew Leveque
 Division: Alaska State Troopers
 Approved by: William Tandeske, Commissioner
 Agency: Department of Public Safety

Phone 907 269-0390
 Date/Time 3/12/03 4:22 PM
 Date 3/10/2003



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 who meets the current requirements for a concealed weapon permit will be allowed to carry a concealed weapon without a permit with the same freedoms allowed in Vermont under that state's gun laws. 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.

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

February 21, 2003

SUBJECT: Sectional Summary (HB102)

TO: Representative Eric Croft
Attn: Mark

FROM: Gerald P. Luckhaupt *GPL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. Please be advised that a sectional summary is not an authoritative interpretation of the contents of a bill - the bill itself is the best statement of its contents.

Section 1. Provides a conforming amendment to the repeal of AS 11.61.220(e) in sec. 3 of the bill.

Section 2. Provides a conforming amendment to the repeal of AS 18.65.750 in sec. 3 of the bill.

Section 3. Repeals various provisions of law relating to the possession of concealed deadly weapons.

GPL:med
03-180.med



FEB 21 2003

REPRESENTATIVE ERIC CROFT

Memorandum

TO: Representative Bruce Weyhrauch
Chair House State Affairs Committee

FROM: Representative Eric Croft

DATE: February 21, 2003

RE: House Bill 102

I respectfully request that House Bill 102 be scheduled for a hearing in the House State Affairs Committee at your earliest possible convenience. I have attached a sponsor statement and background information on this resolution. Legal Services is compiling a Sectional Analysis which we will forward to you as soon as it is completed.

Thank you.



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.

HOUSE BILL NO. 102

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CROFT, Foster, Stoltze, Crawford, Gatto

Introduced: 2/14/03

Referred: State Affairs, Judiciary

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(l) is amended to read:

4 (l) For purposes of (a)(2) [AND (e)] of this section, a firearm is loaded if the

5 (1) firing chamber, magazine, clip, or cylinder of the firearm contains a
6 cartridge; and7 (2) chamber, magazine, clip, or cylinder is installed in or on the
8 firearm.

9 * Sec. 2. AS 18.65.748 is amended to read:

10 Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska
11 permit holders. A person holding a valid permit to carry a concealed handgun from
12 another state or a political subdivision of another state is a permittee under
13 AS 18.65.700(b) for purposes of AS 18.65.755 - 18.65.765 [AS 18.65.750 -
14 18.65.765] if the person has not had an application for a concealed handgun permit
15 rejected in this state because the person was unqualified under AS 18.65.705 or had a

1 concealed handgun permit revoked or suspended by this state.

2 * **Sec. 3.** AS 11.61.220(a)(1), 11.61.220(b), 11.61.220(e), 11.61.220(h); AS 18.65.750,
3 18.65.755(a)(1), and 18.65.770 are repealed.

HB

109

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

Fax

To: Legislative Legal

From: Ginny Austerman

Fax: 2029

Date: March 25, 2003

Phone: 2450

Pages: 1

Re: CSHB 109

CC:

Urgent For Review Please Comment Please Reply

•Comments:

TO: Katherine Kurtz

Today the House State Affairs Committee adopted and passed out of Committee with no further changes CS HB109 (23-LS058\D).

Please delete the "Work Draft" notations and send the completed bill back to me in the State Affairs Committee.

Thank you,

Ginny

* P. 01 *
* TRANSACTION REPORT *
* MAR-25-03 TUE 01:10 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* MAR-25 01:09 PM 2029 30" 1 SEND OK 450 *

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB109
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Treasury Warrants BRU Revenue Operations
 Component Treasury
 Sponsor House State Affairs
 Requester House State Affairs Component No. 121

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

FUND SOURCE (Thousands of Dollars)

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation is not expected to have any effect on the operating expenses of the Unclaimed Property Section at the Treasury Division.

This legislation would amend statute to treat state-dated state warrants the same as other unclaimed property, with payment made under the unclaimed property authorization instead of needing to seek legislative approval each year as is currently done for state-dated warrants.

Prepared by: Rachel Lewis, Unclaimed Property Section Phone 465-5885
 Division Treasury Division Date/Time 3/17/03 1:19 PM
 Approved by: Larry Persily, Deputy Commissioner Date 3/17/2003
 Agency Department of Revenue

23-LS0581\D
Kurtz
3/24/03

CS FOR HOUSE BILL NO. 109()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the limitation on payment of state treasury warrants; and providing
2 for an effective date."

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

4 * Section 1. AS 37.05.180 is amended to read:

5 Sec. 37.05.180. Limitation [TWO-YEAR LIMITATION] on payment of
6 warrants. A warrant upon the state treasury may not be paid unless presented at the
7 office of the commissioner of revenue within six months [TWO YEARS] of the date
8 of its issuance. A warrant not presented within that time is presumed abandoned
9 [CONSIDERED PAID, AND MONEY HELD AT THE EXPIRATION OF THAT
10 TIME IN A SPECIAL FUND OR ACCOUNT FOR THE PAYMENT OF THE
11 WARRANT SHALL BE TRANSFERRED TO THE GENERAL FUND], except
12 where the warrant is for the payment of a permanent fund dividend or [,] a benefit
13 payment or refund under AS 14.25, AS 22.25, AS 26.05, AS 39.30, AS 39.35,
14 AS 39.37, or AS 39.45. Money held for an abandoned warrant shall be delivered

1 to the custody of the Department of Revenue to be administered as unclaimed
2 property under AS 34.45 [, OR WHERE TRANSFER IS PROHIBITED BY THE
3 FEDERAL GOVERNMENT FOR STATE PARTICIPATION IN A FEDERAL
4 PROGRAM].

5 * Sec. 2. This Act takes effect July 1, 2003.

Change requested w/ Catherine Keutz Leg. Legal 9530.11

HOUSE BILL NO. 1092

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the limitation on payment of state treasury warrants; and providing
2 for an effective date."

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

4 * Section 1. AS 37.05.180 is amended to read:

5 Sec. 37.05.180. Limitation [TWO-YEAR LIMITATION] on payment of
6 warrants. A warrant upon the state treasury may not be paid unless presented at the
7 office of the commissioner of revenue within one year [TWO YEARS] of the date of
8 its issuance. A warrant not presented within that time is presumed abandoned
9 [CONSIDERED PAID, AND MONEY HELD AT THE EXPIRATION OF THAT
10 TIME IN A SPECIAL FUND OR ACCOUNT FOR THE PAYMENT OF THE
11 WARRANT SHALL BE TRANSFERRED TO THE GENERAL FUND], except
12 where the warrant is for the payment of a permanent fund dividend or [,] a benefit
13 payment or refund under AS 14.25, AS 22.25, AS 26.05, AS 39.30, AS 39.35,
14 AS 39.37, or AS 39.45. Money held for an abandoned warrant shall be delivered

1
2
3
4
5

to the custody of the Department of Revenue to be administered as unclaimed property under AS 34.45 [, OR WHERE TRANSFER IS PROHIBITED BY THE FEDERAL GOVERNMENT FOR STATE PARTICIPATION IN A FEDERAL PROGRAM].

* Sec. 2. This Act takes effect July 1, 2003.

ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

HB 109

(907) 465-3744
FAX (907) 465-2273

New Funding Procedures for Stale-Dated State Warrants

Sponsor Statement

This bill changes the period after which a state warrant may no longer be presented for payment. The changes made by the bill reconcile the existing inconsistency between the payment of warrants statute (AS 37.05.180) and the unclaimed property statute (AS 34.45.230).

Unless excepted under existing AS 37.05.180, a state warrant currently must be presented for payment within two years after the date of issuance. After two years, money held for the payee is released to the state treasury. If the payee subsequently presents the stale-dated warrant for payment, the issuing agency must obtain a new appropriation in order to pay for it.

Under the bill, a state warrant would be presumed abandoned after one year from the date it was issued. The money held to cover presentment of the warrant would be transmitted to the custody of the administrator of unclaimed property, in the Department of Revenue. A payee who subsequently presents a warrant after the one-year period could claim payment under the unclaimed property procedures in AS 34.45. The advantage of this change is that the stale-dated warrant could be paid immediately from the standing appropriation for unclaimed property rather than awaiting enactment of another appropriation expressly made to validate the stale warrant. Pending a valid claim to recover the abandoned money, money held to pay the warrant would be available in the general fund for appropriation by the legislature for other public purposes.

Passage of HB not only benefits the payees of stale-dated warrants, but also would streamline the state's account reconciliation and appropriations processes.

The Department of Administration enthusiastically supports passage of HB

Contact: Linda Sylvester
465-3744

Last updated: February 14, 2003

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH
HOUSE DISTRICT 4



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

CS for HB 109

Stale-Dated State Warrants

Sectional Analysis

Section 1. Amends 37.05.180 by limiting the period of time in which a state warrant may be presented to the treasury for payment to six months. A warrant not presented within six months is presumed abandoned and funds shall be turned over to the Department of Revenue's unclaimed property program (administered under AS 34.45).

Section 2. The Act takes effect July 1, 2003.

RATIONALE

HB 109 eliminates inefficiency associated with "staledating" state warrants under AS 37.05.180. Under current law, warrants that are not cashed within two years revert to the general fund unless specifically exempted. When valid claims are made on these warrants, agencies must submit new appropriation language to pay them. The resulting wait for vendors, grantees, or employees with such claims can be up to a year or more, as such items must be specially appropriated by the Legislature in the Supplemental Budget.

The Unclaimed Property Section within the Department of Revenue was established under AS 34.45.230 to match rightful owners with unclaimed property. Adding uncashed state warrants to this mix is an efficient use of existing state resources. The cash will still reside in the general fund until a valid claim is made, but at that time, it could be paid immediately.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 109
 () Publish Date: 2/19/2003

Revision Date/Time (Note if correction): _____ Dept. Affected: All
 Title Act relating to limitation on payment BRU All
of warrants upon the state treasury Component All
 Sponsor Rep. Weyhrauch
 Requester House State Affairs Committee Component No. All

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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (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

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation costs nothing, but would eliminate inefficiency associated with "staledating" state warrants under AS 37.05.180. Under current law, warrants that are not cashed within two years revert to the general fund unless specifically exempted. When valid claims are made on these warrants, agencies must submit new appropriation language to pay them. The resulting wait for vendors, grantees, or employees with such claims can be up to a year depending upon the timing.

The Unclaimed Property Section within the Department of Revenue was established under AS 34.45.230 to match rightful owners with unclaimed property. Adding uncashed state warrants to this mix is an efficient use of existing state resources. The cash will still reside in the general fund until a valid claim is made, but at that time it could be paid immediately.

Prepared by: Kim J. Garner Phone 465-3435
 Division: Finance Date/Time 2/24/03 12:00 PM
 Approved by: Mike Miller, Commissioner Date 2/24/2003
 Agency: Department of Administration

State Date Warrant Re-Appropriation Request FY 2003-1

Item	Warrant	Amount	Name	Distribution Address	ISSUED
1	15034565	\$1,426.14	Amos E Anderson	PO Box 157, Naknek, AK 99633-0157	8/26/98
2	33844222	\$250.00	Elma Peterson	PO Box 17, Levelock, AK 99625-0017	4/1/99
3	26345889	\$105.26	Ruth-Anne O'Gorman	PO Box 4261, Kodiak, AK 99615-4261	11/10/99
4	26490328	\$1,975.00	John E. Reid & Associates, Inc.	250 S Wacker Dr, Ste 1200, Chicago, IL 60606	3/24/00
5	25403874	\$35.00	Lane Inc.	600 E 48th Ave, Anchorage, AK 99503	9/18/97
6	26485338	\$26,345.99	USDA APHIS FSO Acctg Services	PO Box 3334, Minneapolis, MN 55403	3/21/00
7	26557624	\$12,900.00	Martha Dickerson	PO Box 196900, Anchorage, AK 99519	5/17/00
8	26173775	\$464.00	William Brent	PO Box 25535, Juneau, AK 99802-5535	6/29/99
9	25884982	\$115.49	Doug Alsip	PO Box 22161, Juneau, AK 99802	10/23/98
10	322112	\$300.00	William F. Jennings	16250 Old Glenn, Chugiak, AK 99567	9/2/83
11	33557322	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	4/1/98
12	33730416	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	11/1/98
13	33754294	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	12/1/98
14	33778114	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	1/1/99
15	33871395	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	5/1/99
16	33894746	100	Jessie V Eller	PO Box 145, Tanana, AK 99777	6/1/99
17	34269246	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	11/1/00
18	34119294	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	4/1/00
19	33918218	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	7/1/99
20	33941397	\$100.00	Jessie V Eller	PO Box 145, Tanana, AK 99777	8/1/99
	TOTAL	\$44,916.88	SUBMITTAL # 1		

HB 109

Rep Weyhrauch, members of the committee.

My name is Kim Garner and I work as the director of finance in the department of administration.

We in Division of Finance pay vendors, grantees, and employees for the state. When our warrants are not cashed within two years, the law currently requires that the amount revert to the general fund in a process called "staledating."

When those individuals whose checks were staledated later come forward and make their claim on uncashed warrants known, a new appropriation is required before we can pay them. Claimants can be required to wait up to a year before the appropriation is in place and payment can be made. This is frustrating for both the claimant and the state agency who must track this through the process. Our current staledate appropriation request was for 20 warrants totalling \$44,917. This amount was included in the fast track supplemental that the governor signed last week. I have already become aware of new claims for staledates that we'll have to get into legislation later this session or those folks will have to wait til next year.

This staledate law has been in place since the 1960s. In 1986 Alaska adopted the unclaimed property statutes in title 34. The legislative proposal before you today would shorten the timeframe and change the handling of uncashed warrants to treat them as unclaimed property. The unclaimed property program is administered by the Department of Revenue and actively seeks to match rightful owners with their property. Treating uncashed warrants as unclaimed property would expedite payments to valid property owners.

Rachel Lewis oversees the program and is here today to answer any questions you may have on its operation.

Thank you. I remain available for any questions you may have.

Subject: [Fwd: HB109_ADMIN_2_24]

Date: Thu, 13 Mar 2003 08:48:14 -0900

From: Heather Brakes <Heather_Brakes@gov.state.ak.us>

Organization: Alaska Office of the Governor

To: Ginny Austerman <ginny_austerman@legis.state.ak.us>

----- Original Message -----

Subject: HB109_ADMIN_2_24

Date: Mon, 24 Feb 2003 12:03:56 -0900

From: Nancy Norton <nancy_norton@admin.state.ak.us>

To: Heather Brakes <Heather_Brakes@gov.state.ak.us>

CC: Kevin M Jardell <kevin_jardell@admin.state.ak.us>

References: <3E541CBE.E3B92B44@admin.state.ak.us>

<3E54584B.EDC31BF1@gov.state.ak.us>

Okay, the new version of LL03-0006 is attached.... Let me know if there's anything else. Nancy

Heather Brakes wrote:

> Yes - actually, Nancy if you could change the fiscal note to reflect the bill
> that Rep. Weyhrauch introduced that would be great. Thanks so much. Linda
> will have the info on bill number etc. Let me know if you have any problems.

>

> Nancy Norton wrote:

>

> > I'm not sure when this is up for hearing. Evidently Linda Sylvester
> > from (H) STA called Kim Garner in the Division of Finance and requested
> > this.... We had previously only sent the Governor's Office a Bill
> > Analysis form.

> >


> >

> >

> >

> >

Name: 03-0006 FIN FN.pdf
03-0006 FIN FN.pdf Type: Acrobat (application/pdf)
Encoding: base64

 HB 109 Finance fn.pdf	Name: HB 109 Finance fn.pdf Type: Acrobat (application/pdf) Encoding: base64
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HB

127

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

Fax

To: George Utermohle

From: Ginny Austerman

Fax: 465-2029

Date: March 27, 2003

Phone: 465-2450

Pages:

Re: CSHB 127

CC:

Urgent For Review Please Comment Please Reply

•Comments:

Today House State Affairs adopted CSHB 127 (23LS0299II).

The following amendments were offered and passed by the Committee:

Amendment #1 – page 2 delete lines 7, 8 and 9. Line 10 - delete the words “from construction, maintenance, or use of the right-of-way.

Line 11 – delete the words “, or for damage or injury resulting from the presence of,”

Amendment #2 – page 2 line 1 after the word “location” insert the words “within seven days of placement”.

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

corrected
Ya

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Date: March 27, 2003

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Line 11 - delete the words " , or for damage or injury resulting from the presence of,"

Amendment #2 - page 2 line 1 after the word "location" insert the words "within seven days of placement".

Adopted

23-LS0299I
Utermohle
3/21/03

CS FOR HOUSE BILL NO. 127()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE WHITAKER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to roadside memorials within the right-of-way of a state highway."**

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

3 *** Section 1.** AS 19.25 is amended by adding new sections to read:

4 **Article 4. Roadside Memorials.**

5 **Sec. 19.25.260. Roadside memorials permitted.** (a) Notwithstanding
6 AS 19.25.090, 19.25.105, and 19.25.200, a person may place in the right-of-way but
7 outside of the traveled way of a state highway a temporary memorial for a decedent
8 who died in a traffic accident at or reasonably near the site where the memorial is
9 located.

10 (b) A memorial must not interfere with the use of the highway, with other uses
11 of the right-of-way, with the visibility of directional and other official signs and
12 notices, or with highway safety, construction, or maintenance.

13 (c) The person who places a memorial in the right-of-way of a state highway
14 shall

15 (1) post the person's contact information on the memorial;

L

Amendment #2
within 7 days of placement of the memorial

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(2) inform the department of the location of the memorial; and

(3) provide the person's contact information to the department.

(d) A person may not place a political or commercial message on a memorial.

(e) A person may not place reflective material or another item on a memorial if that material or item would be distracting to drivers and other users of the right-of-way.

Amendment #1

(f) The person who places a memorial in the right-of-way of a state highway bears the sole risk of liability for damage or injury resulting from the presence of the memorial in the right-of-way and the sole risk for damage to the memorial arising from construction, maintenance, or use of the right-of-way. The state is not liable for damage to, ^a or for damage or injury resulting from the presence of, a memorial in the right-of-way of a state highway.

(g) In this section, "memorial" means decorations, flags, flowers, and other lightweight objects or ornamentation commonly used at funerals or at gravesides as a tribute to a decedent.

Sec. 19.25.270. Relocation or removal of memorial. (a) If, incidental to the construction or maintenance of a state highway, the department determines that a memorial authorized by AS 19.25.260 must be changed, relocated, or removed, the person who placed the memorial within the right-of-way shall change, relocate, or remove the memorial at no expense to the state within a reasonable time set by the department. If the owner does not change, relocate, or remove a memorial within the time set by the department, the memorial is an unauthorized encroachment and subject to the provisions of AS 19.25.230 - 19.25.250.

(b) If a memorial in the right-of-way of a state highway does not comply with the requirements of AS 19.25.260, the memorial is an unauthorized encroachment. The department may require removal of the encroachment in the manner provided in AS 19.25.230 - 19.25.250.

L

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB127
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act allowing certain roadside memorials to BRU Design and Engineering Services
be placed in the right-of-way of a state highway Component Nnrther Region D&ES
 Sponsor Whitaker
 Requester HTRA Component No. 2299

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	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (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
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Dennis R. Poshard Phone 465-3900
 Division Special Assistant to Commissioner Date/Time 3/6/03 8:59 AM
 Approved by: Commissioner Mike Barton Date 3/6/2003
 Agency Alaska Department of Transportation and Public Facilities

Alaska State Legislature

Representative Jim Whitaker
House of Representatives
District 10



Session
Capitol Building, Room 501
Juneau, Alaska 99801
Phone: (907) 465-3004
Fax: (907) 465-2070

Interim
119 N. Cushman St. Suite 213
Fairbanks, AK 99701
Phone: (907) 452-1088
Fax: (907) 452-1146

Sponsor Statement

HB 127 – Roadside Memorials

When a person dies on an Alaska road, family and friends often express their grief by placing items near where the tragedy occurred, in a kind of memorial to their loved one. Sometimes, even strangers are moved to add to the memorial when particularly touched by the loss.

These memorials serve two purposes. One, to allow the grieving to express their sorrow, and two, to remind those who travel, of the inherent dangers in driving Alaska's roads, particularly when excessive speed or alcohol contributed to the cause of the accident. Many Alaskans instinctively check their speed and take extra care in driving when passing one of these personal memorials.

Recently, the State of Alaska Department of Transportation informed the creators of such memorials that these encroachments to the right of way would no longer be tolerated. They warned that the department would remove them if they were not taken down by a date certain. This action is in response to a perceived threat to federal highway funding if the state allowed the memorials, as well as an interpretation of the state law that bans billboards.

The liberty to express our grief, the desire to memorialize a fallen officer, the wish to recognize a tragedy among our community, is a very personal freedom that must not be unnecessarily infringed by government.

HB 127 sets out to clarify that, while the State does not attempt to discourage the placing of such memorials, they will be reasonably regulated so as not to allow unsafe distractions and hazards in Alaska's right of ways.

Introduced by: Mayor Thompson
& Council Member Kawasaki
Date: March 10, 2003

RESOLUTION NO. 4054

A RESOLUTION IN SUPPORT OF HOUSE BILL 127, WHICH WOULD ALLOW THE PLACEMENT OF ROADSIDE MEMORIALS FOR THE VICTIMS OF A TRAFFIC ACCIDENT TO BE PLACED WITHIN THE RIGHT-OF-WAY OF A STATE HIGHWAY.

WHEREAS, certain staff of the Alaska Department of Transportation and Public Facilities have taken a position that will not allow the placement of personalized roadside memorials in memory of victims of traffic accidents.

WHEREAS, House Bill 127, as attached, will accommodate the interest of both the state and those wishing to place personalized roadside memorials; and

WHEREAS, the City Council believes that personalized memorials, safely placed in accord with House Bill 127, will not only honor the dead, but will also serve as a better way to alert motorists of the importance of driving responsibly; and

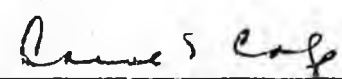
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks that the City Council supports passage of House Bill 127.

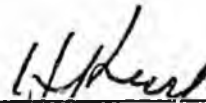
Passed, Approved and Effective this 10th day of March, 2003


Steve M. Thompson, City Mayor

ATTEST:

APPROVED AS TO FORM


Carol L. Colp, City Clerk


Herbert P. Kuss, City Attorney

Date:	# Of Pages	QUICK FAX™ OfficeMax	
To: <i>Carol L. Colp</i>	From: <i>Herbert P. Kuss</i>		
Co./Dept.:	Co./Dept.:		
Fax:	Fax:		
Phone:	Phone:		
Note:	E-Mail:		

**MADD GOLDEN HEART CHAPTER
FAIRBANKS, AKASKA**

Resolution

March 4, 2003

**RE: H. B. No. 127
Roadside Memorials**

The Pending MADD Golden Heart Chapter of Fairbanks, Alaska, has voted in support of Rep. Jim Whitaker's House Bill Number 127, which allows for personal roadside memorials to be placed on or near the site of a traffic accident.

The following members have voted in support of the legislation:

Asa Dowdy, Jr.
Barbara Dowdy
Mary Ehrlander
Sally Ekland
Joe Joseph
Heather Koponen
Gabriele Larry
Bill Larry
Sandra McVeigh
Linda Pearson
Brenda Sadler
Pat Thurman
Michael Thurnes
Sandi Trumbower
Perry Williamson
Sue Williamson
Jennifer White

AB 127



West Virginia Department of Transportation Connecting West Virginia and the World

A World-Class Mountain
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- [State Highway System](#)

Location and DOH operation of Interstates, US routes, WV routes and bridges

- [DOH Programs](#)

Programs and events sponsored by the DOH

- [The Division of Highways](#)

Contact information, archaeology, transportation planning and DOH regulations



- [Multimodal Connections](#)

Download PDF map showing the connections between buses, rail, roads, rivers and air.

You will need the free [Adobe Acrobat Reader](#) to open the PDF map.

Rules and Regulations

Roadside Memorials:

- ["We Respect Your Feelings,"](#) a primer for Roadside Memorials.
- [Legislative Rules 157CSR6-9 Roadside Memorials](#)
- [Application Form for Permanent Memorials](#)
Help Us... Read the Guidelines

"We Respect Your Feelings"

A Primer for Roadside Memorials

In General . . .

Every year, over 300 persons lose their lives on West Virginia streets and highways. Frequently, loved ones and friends have chosen to commemorate these individuals and to honor their memories by placing some type of memorial object or display near the spot where they died.

The Division of Highways has tried to respect these memorial displays and has had an informal policy that the persons placing or renewing them may do so with as little interference as possible. The memorials have been left in place, unless safety or maintenance considerations dictated otherwise.

The West Virginia Legislature has taken notice of this custom, and passed House Bill 4063 on March 9, 2000. This Bill specifically authorizes the placement of memorial markers or other tributes within state highway rights of way to memorialize people who have died as a result of motor vehicle related accidents.

This information has been prepared by the Division of Highways to explain how you may go about placing these memorials, and to help promote the state use of the highway and the right of way while the markers are being placed or maintained.

Identifying your Tribute

The Division of Highways will not ordinarily contact you regarding your highway memorial. However, in case this becomes necessary, we suggest that you place a small, durable tag or label with your name, address and daytime telephone number on the memorial.

If You Need to Contact Us . . .

If it becomes necessary to remove some or your entire memorial, our employees will attempt to preserve the items removed and will attempt to preserve the items removed and will hold them at the local maintenance garage for you to claim them.

Other contacts should be directed to the District Office, which oversees the county in which the memorial is located.

Types of Memorials and Registering Your Memorial

The Division of Highways has separated highway memorials into two classes. A **"temporary"** memorial is one that consists of flowers (cut and artificial), flags, or other lightweight ornaments and objects that do not exceed a surface dimension of four feet by four feet. Before placing temporary memorials, you must contact the nearest Division of Highways office for placement identification and for safety considerations.

In some instances, families or friends may wish to place and maintain more substantial or permanent tributes. Before placing a **"permanent"** memorial, you must obtain a formal permit from the appropriate Highways District Office.

Please Help Us!

Highways employees perform a variety of activities on the roadway and within the right-of-way to properly maintain our highway system. Our highways also serve as corridors for utilities and are bordered by private property. Please be aware of our needs and of the rights, requirements and feelings of our neighbors when placing any decorations or other items.

For instance:

Don't place any items on, in front of or alongside private property or residences without express permission.

Don't attach anything to trees or to signal or utility poles.

Stay well away from ditches, culvert pipes, bridges and other highway features where the DOH needs access.

If a guardrail is present, please place your tribute behind it or you may attach "temporary" markers to a guardrail post with removable, lightweight, string, wire or tape.

If you have questions or concerns, please contact us before proceeding.

PLEASE KEEP YOURSELF AND OTHERS SAFE!

Our foremost concern is that you, our employees and the traveling public be safe while your memorial is being placed, is present or is being maintained.

You should park safely; completely clear of the travel lanes, even if it means walking some distance. It may be necessary to relocate your memorial to a nearby site to avoid endangering yourself or creating a hazard.

Memorials may not be placed:

In the median of any divided highway

On any bridge

Where they would block sight distance from any intersecting road or driveway

Where they interfere with or obscure any traffic control device

[Back to Top of Page](#)

Legislative Rules 157CSR6-9 Roadside Memorials, Effective May 4, 2001

2.22. "Roadside Memorial Marker" means any of the various kinds of tributes, typically ornamental, placed alongside the roadway to memorialize people who have died as a result of vehicular accidents. For the purpose of this rule, Temporary Memorial Markers include, but are not limited to the various types of decorations, flags, flowers (cut and artificial) and other lightweight objects or ornamentation commonly used at funerals or at gravesides as a tribute to the dead. Permanent Memorial Markers are items such as plaques, stone monuments and etc., which are typically self-supported, intended to last many years and require a more significant installation/mounting process.

§157-6-9. Roadside Memorials.

9.1. Purpose. This section provides requirements for the placement of Roadside Memorial Markers within the rights-of-way of the State's highways by family members or friends for the sole purpose of memorializing persons who have died as a result of vehicle related accidents.

9.2. Temporary Memorial Markers. Temporary Memorial Markers may be placed near the location of a fatal vehicular accident within the following rules.

9.2.a. Before placing a Temporary Memorial Marker, the person(s) must contact the nearest Division of Highways office. The family member or friend will be asked questions concerning the intended placement and construction of the Temporary Memorial Marker so that appropriate guidance may be provided. Also, the Division employee will record the family member or friend's name, address and phone number for future contact, if required.

9.2.b. Temporary Memorial Markers must not exceed surface dimensions of four feet in length by four feet in width, and should be self-supporting. Any structural or support members of the memorial are limited to a diameter no greater than three inches if wooden or one-quarter inch if metal.

9.3. Permanent Memorial Markers. Permanent Memorial Markers are only allowed if a permit is obtained from the Division. Application for this permit may be made through the Division's District office with jurisdiction.

9.4. Physical placement of Roadside Memorial Markers. All Roadside Memorial Markers must:

9.4.a. be within the highway right-of-way, as far from the travel lanes as reasonably possible and not on private property nor in front of or alongside of private property or residences unless express permission is obtained from the property owner;

9.4.b. be clear of ditches, culvert pipes, bridges and other highway features that require access for maintenance;

9.4.c. be behind the guardrail, if one is present, except that Temporary Memorial Markers may be tied to a guardrail post with lightweight string, wire or tape and must be easily removable for maintenance purposes;

9.4.d. not be placed in the highway median, on any bridge, nor attached to trees, fences, signs, signals, utility poles, etc.

9.4.e. not be a hazard to the motoring public in any way including, but not limited to: restricting driver's sight; having any light reflecting materials or be illuminated by any means; or by interfering with or obscuring any traffic control device.

9.5. Safety. Persons placing roadside memorial markers are responsible for doing so by acting in a safe manner including parking completely clear of the travel lanes, even if it means walking some distance. The memorial may need to be placed nearby the accident location, rather than exactly at the accident location, in order to avoid endangering the persons placing or maintaining the memorial and to avoid endangering the motoring public.

9.6. Removal of Roadside Memorial Markers. Division of Highways personnel will normally not remove Roadside Memorial Markers that meet the requirements of these rules. However, the Commissioner has the authority to direct or cause the removal of any Roadside Memorial Marker, without notice, within a state highway right-of-way upon determining that removal is necessary for construction, maintenance, safety or other purpose.

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[State Highway System](#) | [DOH Programs](#) | [Division of Highways](#) | [Multimodal Connections](#)

West Virginia Department of Transportation
Division of Highways
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General information and/or questions, please email info@dot.state.wv.us



HB 127

MEMORIALS ON THE RIGHT OF WAY NATIONWIDE SURVEY

STATE	Allow DWI	Allow Other	State Law	Time limit	Cost Burden	Sign or memorial	Unofficially allowed to stay in place?:
Alabama							
Alaska							
Arizona							
Arkansas							
California	NO	NO	NO	N/A	N/A	N/A	YES, for a few months
Colorado	YES	NO	NO	2 years	\$100 family	Sign	NO
Connecticut	NO	NO	NO	N/A	N/A	N/A	NO
Delaware							
Florida	YES	YES	NO	1 yr min	State	Sign	NO
Georgia							
Hawaii	YES	YES	NO	1 week	Family	Flowers	NO
Idaho	YES	YES	NO	NONE	Family	Sign	YES
Illinois							
Iowa							
Indiana							
Kansas	YES	YES	NO	NONE	Family	Memorial	YES <i>Warren Lick - Trans. Engineers</i>
Kentucky							
Louisiana	NO	NO	NO	N/A	N/A	N/A	NO
Maine							
Maryland	NO	NO	NO	N/A	N/A	N/A	YES, for a short period of time.
Massachusetts							
Michigan	NO	NO	NO	N/A	N/A	N/A	YES
Minnesota							
Mississippi	NO	NO	NO	N/A	N/A	N/A	YES
Missouri							
Montana	YES	YES	NO	NO	American legion	Cross only	YES

MEMORIALS ON THE RIGHT OF WAY NATIONWIDE SURVEY

STATE	Allowed DWI	Allowed Other	State Law	Time limit	Cost Burden	Sign or memorial	Unofficially allowed to stay in place?:
Nebraska	NO	NO	NO	N/A	N/A	N/A	YES
Nevada	NO	NO	NO	N/A	N/A	N/A	YES
New Hampshire	YES	YES	NO	6-months	Family	Memorial	YES <i>603-271-3734 Commis</i>
New Jersey	YES	YES	NO	NONE	Family	Memorial	YES
New Mexico	YES	YES	NO	1 yr min	Family	Sign	YES
New York							
North Carolina							
North Dakota	NO	NO	NO	N/A	N/A	N/A	YES
Ohio							
Oklahoma							
Oregon	NO	NO	NO	N/A	N/A	N/A	YES. The last legislative session attempted to deal with the issue and quickly backed off the subject entirely due to the heated emotions.
Pennsylvania	NO	NO	NO	N/A	N/A	N/A	YES. They also allow the planting of flowers.
Rhode Island							
South Carolina							
South Dakota							
Tennessee							
Texas							
Utah							
Vermont	YES	NO	NO	NONE	Family	Sign	YES, for 1 month
Virginia	YES	YES	NO	NONE	Family	Memorial	YES
Washington	YES	YES	NO	6 months	Family	Sign	YES
West Virginia	YES	YES	YES	NONE	Family	Memorial	YES
Wisconsin							

MEMORIALS ON THE RIGHT OF WAY NATIONWIDE SURVEY

STATE	Allowed DWI	Allowed Other	State Law	Time limit	Cost Burden	Sign or memorial	Unofficially allowed to stay in place?:
Wyoming	NO	NO	NO	N/A	N/A	N/A	YES



Alaska State Legislature

MAR 31 2003

2 PAGES

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

committee on HB 127, dated 3-27-03
bill/subject

Roadside memorials are unsightly - After a day or two they are so much trash, rotting flowers, tattered decorations, and rotting teddy bears.

Road side memorials are distracting for drivers and make highways more dangerous.

Roadways are public property consequently they are secular. Legally religious symbols are not permitted on public property.

HB 127 is in conflict with Federal regulations, right of ways

Bill is unnecessary as DOT already has provision for Roadside memorials. They have provisions like many other states for a sign program in place of roadside memorials.

Signed:

Testifier

Jim Ede

(Over)!

Representing (Optional)

Alaskans United for Separation of

Address: Church & State

Box 870365 Wasilla

Phone No.

376-4631

Before HR 127 goes anywhere there should be an attorney General's opinion on the legality of bill, the implications of Bill in conflict with federal law & regulations, and the consequences of passing such a bill in light of federal regulations and law

Alaska State Legislature

Representative Jim Whitaker

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Memorandum

To: Representative Bruce Weyhrauch,
Chair, House State Affairs Committee

From: Representative Jim Whitaker

Re: Hearing Request for HB127

Date: March 6, 2003

HB 127, Roadside Memorials, has been referred to the House Committee on State Affairs. I respectfully request a hearing of this bill before the committee at your earliest possible convenience.