
Alaska Statutes and Regulations

Concerning Alaska Concealed Handgun Permits



Alaska Concealed Handgun Permit Program

Department of Public Safety, Division of Statewide Services

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<http://www.dps.state.ak.us/statewide/PermitsLicensing/concealedhandguns.aspx>

This document is a compilation of Alaska statutes and regulations pertaining to concealed handgun permits and is current as of 09/20/2010. To be certain of the current version of the statutes and regulations, please refer to the official printed version of the statutes and regulations. These are available at all Alaska Court System law libraries and many public libraries.

CONCEALED HANDGUN PERMIT STATUTES AND REGULATIONS

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CONCEALED HANDGUN PERMIT STATUTES AND REGULATIONS

Alaska Residency

AS 01.10.055. Residency.

(a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.

(b) A person demonstrates the intent required under (a) of this section

(1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and

(2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.

(c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory, or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state.

Concealed Handgun Permit Statutes

AS 18.65.700. Permit to carry a concealed handgun.

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

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

(2) qualifies under AS 18.65.705;

(3) submits on an application form approved by the department the information required under AS 18.65.705 and 18.65.710; the department shall post on the department's website the state laws and regulations relating to concealed handguns, which must include a concise summary of where, when, and by whom a handgun can be carried under state and federal law and shall, on request, mail a copy of the regulations and summary to an applicant or permittee;

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(4) submits one complete set of fingerprints in the format approved by the department that is of sufficient quality so that the fingerprints may be processed; the fingerprints must be taken by a person, group, or agency approved by the department; the department shall maintain a list of persons, groups, or agencies approved to take fingerprints and shall provide the list to the public upon request; the fingerprints shall be used to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(5) submits evidence of successful completion of a handgun course as provided in AS 18.65.715;

(6) provides one frontal view color photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;

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

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

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

(b) The department shall either approve or reject an application for a permit to carry a concealed handgun under (a) of this section within 30 days of receipt of the application. If the department has not received necessary fingerprint eligibility information from another agency by the end of this 30-day period, and the applicant is otherwise eligible, the department shall issue a conditional permit to the applicant subject to immediate revocation under the procedure provided in AS 18.65.740(a) - (c) if the fingerprint information subsequently discloses that the applicant is ineligible for a permit. The department shall notify the applicant in writing of the reason for a rejection.

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

(d) A permit issued under (a) of this section expires on the person's birthday in the fifth year following issuance of the permit. The department may adjust the length of an initial permit so that a permit is not issued for a period of more than five years.

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(e) The department shall issue a permit to carry a concealed handgun to an honorably retired peace officer of this state who applies for a concealed handgun permit within one year of the officer's retirement and who satisfies the requirements of this subsection. To qualify for a permit under this subsection, an honorably retired peace officer must satisfy (a)(1) - (3) and (6) - (9) of this section and, unless the honorably retired peace officer has qualified with a handgun within five years of the officer's retirement, must also satisfy (a)(5) of this section. The department may not require an honorably retired peace officer applying under this subsection to comply with (a)(4) of this section to receive a permit. The department shall issue the permit without submitting information to or receiving permit eligibility information from the Federal Bureau of Investigation. The department may adopt regulations to define an "honorably retired peace officer" and the evidence that must be submitted to establish eligibility under this subsection.

AS 18.65.705. Qualifications to obtain a permit.

A person is qualified to receive and hold a permit to carry a concealed handgun if the person

(1) is 21 years of age or older;

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

(3) is a resident of the state and has been for the 90 days immediately preceding the application for a permit;

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

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

(6) has successfully completed a handgun course as provided in AS 18.65.715.

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AS 18.65.710. Application for permit to carry a concealed handgun.

(a) The application for a permit to carry a concealed handgun must contain the following information:

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

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

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

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

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

(6) a conspicuous warning that an applicant who supplies a false statement, answer, or document in connection with the application that the applicant does not believe to be true may be prosecuted for unsworn falsification in the second degree and, if found guilty, may be punished for violation of a class A misdemeanor, and that, in such cases, the permit shall be revoked and the applicant may be barred from any further application for a permit; and

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

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

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AS 18.65.715. Demonstration of competence with handguns.

(a) An applicant for a permit to carry a concealed handgun shall provide a certificate of successful completion of a handgun course that is approved by the department. The handgun course must have been completed within the 12 months immediately preceding the application. The department shall approve a handgun course, including the personal protection course offered by the National Rifle Association, if the course tests the applicant's

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

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

(3) knowledge of self-defense principles; and

(4) physical competence with a handgun.

(b) *[Repealed, Sec. 20 ch 1 SLA 1998].*

(c) The department may not require a certificate of competence submitted under this section to contain any specifically identifying information, including make, model, or serial number, of a handgun with which an applicant or permittee has demonstrated competence.

(d) The department shall maintain a list of approved courses and shall provide the list to the public upon request.

AS 18.65.720. Fees.

The department shall charge a nonrefundable fee for the processing of the application for an initial issuance of a permit, renewal of a permit, or replacement of a permit. The fees shall be set by regulation and must be based on the actual costs incurred by the department. However, the fee for the processing of an application and initial issuance of a permit may not exceed \$99 and the fee for renewal of a permit or replacement of a permit may not exceed \$30.

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AS 18.65.725. Permit renewal.

(a) A permittee shall apply for renewal of a permit to carry a concealed handgun within 90 days before the expiration of the permit, on a renewal form approved by the department. The renewal form must include

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

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

(3) one frontal view photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;

(4) the renewal fee required under AS 18.65.720; and

(5) the warning listed in AS 18.65.710(a)(6).

(b) *[Repealed, Sec. 15 ch 94 SLA 2000].*

(c) A renewal of a permit to carry a concealed handgun submitted on or after the expiration date is subject to a late fee of \$25. The department may not accept a renewal for a permit that is submitted more than 60 days after the expiration date of the permit. Nothing in this subsection prohibits the holder of an expired permit from applying for a new permit.

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

(e) Notwithstanding AS 18.65.705(3), a permittee does not become ineligible to hold a permit, and need not return or surrender a permit, when ceasing to be a resident of the state, and the department may not require a permittee to return or surrender a permit because a permittee ceases to be a resident of the state. However, a permittee may not renew a permit if the permittee is not a resident of the state at the time of renewal.

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(f) The department shall mail the permittee a notice of expiration by first class mail at least 90 days before expiration of the permit. [See delayed amendment note]¹

AS 18.65.730. Replacement of permit.

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

(1) provides one frontal view photograph of the permittee taken within the preceding 30 days that includes the head and shoulders and is of a size specified by the department;

(2) pays the replacement fee required under AS 18.65.720.

AS 18.65.735. Suspension of permit.

(a) The department shall immediately suspend a permit to carry a concealed handgun if a permittee becomes ineligible to hold a permit under AS 18.65.705.

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

(c) The department shall retain a permit suspended under this section until the permit is revoked or returned to the permittee.

AS 18.65.740. Revocation of permit; appeal.

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

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

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

¹ Under sec. 6, ch. 24, SLA 2010, subsection (f) takes effect July 1, 2012.

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

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

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

(d) A person whose permit is revoked may not apply for a permit until at least five years after the revocation.

AS 18.65.745. No liability for issuance of permit or for training.

(a) The state, and its officers and employees, are not liable by virtue of having issued a permit to carry a concealed handgun for damage or harm caused by the permittee.

(b) A person who provides firearm training to a person who receives a permit under AS 18.65.700 - 18.65.790 is not liable for damage or harm caused by the permittee.

AS 18.65.748. Permit holders from other jurisdictions considered Alaska permit holders.

A person holding a valid permit to carry a concealed handgun from another state or a political subdivision of another state is a permittee under AS 18.65.700(b) for purposes of AS 18.65.755 - 18.65.765.

AS 18.65.750. Possession and display of permit. [Repealed, Sec. 7 ch 62 SLA 2003].

Repealed or Renumbered

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AS 18.65.755. Places where permittee may not possess a concealed handgun.

(a) A permittee may not possess a concealed handgun

(1) *[Repealed, Sec. 7 ch 62 SLA 2003].*

(2) anywhere a person is prohibited from possessing a handgun under state or federal law.

(b) *[Repealed, Sec. 20 ch 1 SLA 1998].*

(c) In addition to any other penalty provided by law, a person who violates this section is guilty of a class B misdemeanor.

AS 18.65.760. Misuse of a permit.

(a) The holder of a permit issued under AS 18.65.700 - 18.65.790 may not

(1) alter the permit;

(2) allow another person to use the permit;

(3) possess or display a suspended or revoked permit; or

(4) represent or display an expired permit as if the permit were valid, unless the holder has submitted a complete, timely renewal form under AS 18.65.725 and the renewal process has been delayed due to circumstances not under the control of the applicant; this paragraph does not require a holder to return or surrender a permit upon its expiration, nor may the department require a holder to return or surrender a permit upon its expiration.

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

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

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AS 18.65.765. Responsibilities of the permittee.

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

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

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

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

(4) *[Repealed, Sec. 15 ch 94 SLA 2000]*.

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

AS 18.65.770. Permits, applications, and other materials not public records.

Applications, permits, and renewals are not public records under AS 40.25.110 - 40.25.125 and may only be used for law enforcement purposes.

AS 18.65.775. Regulations; reciprocity agreements.

(a) The department shall adopt regulations to implement AS 18.65.700 - 18.65.790. This section does not delegate to the department the authority to regulate or restrict the issuing of permits beyond those provisions contained in AS 18.65.700 - 18.65.790.

(b) The department shall enter into reciprocity agreements with other states that have the legal authority to enter into such agreements so that permittees may carry concealed handguns in those other states.

AS 18.65.778. Municipal preemption.

A municipality may not restrict the carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790.

AS 18.65.780. Prohibition of possession of concealed handguns. [Repealed, Sec. 15 ch 94 SLA 2000].

Repealed or Renumbered

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AS 18.65.785. Procedure for local option elections. [Repealed, Sec. 15 ch 94 SLA 2000].

Repealed or Renumbered

AS 18.65.790. Definitions.

In AS 18.65.700 - 18.65.790,

- (1) "commissioner" means the commissioner of public safety;
- (2) "competence" means the ability to place in a life size silhouette target
 - (A) seven out of 10 shots at seven yards;
 - (B) six out of 10 shots at 15 yards;
- (3) "concealed handgun" means a firearm, that is a pistol or a revolver, and that is covered or enclosed in any manner so that an observer cannot determine that it is a handgun without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; however, "concealed handgun" does not include a shotgun, rifle, or a prohibited weapon as defined under AS 11.61.200;
- (4) "department" means the Department of Public Safety;
- (5) "permit" means a permit to carry a concealed handgun issued under AS 18.65.700 - 18.65.790.

Concealed Handgun Permit Regulations

13 AAC 30.010. Issuance of new permits; replacement of a permit

(a) Repealed 5/8/2002.

(b) A permit issued under AS 18.65.700 - 18.65.790 authorizes the permittee to carry a concealed handgun as provided by AS 11 and AS 18.65.700 - 18.65.790.

(c) The department will replace a permit if the permittee appears in person at an office of the Alaska State Troopers to certify under oath, on a form provided by the department, that the permit has been lost, stolen, or destroyed and to provide the items required by AS 18.65.730 . Replacement of a permit under this subsection does not change the expiration date of that permit.

(d) The department will issue a permit to carry a concealed handgun to an honorably retired peace officer of this state who complies with the requirements of AS 18.65.700(e) and

(1) repealed 5/8/2002;

(2) repealed 5/8/2002;

(3) provides the department with proof of

(A) handgun training as specified in 13 AAC 30.090(a); or

(B) handgun qualification as specified in 13 AAC 30.090(d).

Authority: AS 18.65.700 AS 18.65.775

13 AAC 30.020. Permit renewals

Repealed 5/8/2002.

13 AAC 30.030. Permit upgrades

Repealed 5/8/2002.

13 AAC 30.040. Fees

(a) Before processing an application for a permit, certificate, or other service under this chapter, the department will collect a nonrefundable fee as follows:

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(1) new permit application fee\$40 plus the fees required for fingerprint processing under 13 AAC 68.900, if applicable;

(2) permit renewal\$25;

(3) permit replacement\$25;

(4) repealed 5/8/2002;

(5) new permit application fee for an honorably retired peace officer \$40.

(b) The department will conduct a periodic review of the cost of administering the program under this chapter and may adjust the fees set out in (a) of this section after compliance with the AS 44.62 (Administrative Procedures Act).

Authority: AS 18.65.720 AS 18.65.775

13 AAC 30.050. Processing of applications; appeals

(a) Repealed 5/8/2002.

(b) An application for a

(1) new permit

(A) from a person who is not applying as an honorably retired peace officer under AS 18.65.700(e) is complete when the requirements of AS 18.65.700(a) and this chapter have been met;

(B) from a person who is applying as an honorably retired peace officer under AS 18.65.700(e) is complete when the requirements of AS 18.65.700(e), 13 AAC 30.085, and 13 AAC 30.090 have been met;

(2) replacement permit is complete when the requirements of AS 18.65.730 and 13 AAC 30.032 have been met;

(3) permit renewal is complete when the requirements of AS 18.65.725 have been met;

(4) repealed 5/8/2002;

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(5) handgun course certificate of approval is complete when the requirements of 13 AAC 30.070 have been met.

(c) The office that received the application will promptly send it to the department's permits and licensing unit.

(d) The department's permits and licensing unit will request permit eligibility information from the Federal Bureau of Investigation, or another agency, that is necessary to make a determination concerning the application.

(e) Review of an application for a permit, certificate, or other service under this chapter will be discontinued if

(1) a fee check is returned by a financial institution as being without sufficient funds or is otherwise uncollectible;

(2) discrepancies or omissions are present in the application, or in documents submitted with the application, or the application or accompanying documents have not been completed correctly;

(3) fingerprints accompanying the application are not sufficiently readable for manual or computer use, or the information required to be submitted on fingerprint forms has not been completed correctly;

(4) the department determines that the application or a document submitted in connection with the application contains a false statement that the applicant does not believe to be true; or

(5) the department determines that the applicant is not otherwise qualified or entitled to obtain the permit, certificate, or other service requested.

(f) If review of an application is discontinued under (e) of this section, the department will mail to the applicant the department's written reasons for the discontinuance. The department will resume reviewing the application if, within 90 days after the date of the department's written notice that review has been discontinued, the applicant provides supplementary information to the department that resolves the reason for the discontinuance; and necessary supplementary information is described

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in 13 AAC 30.130(a) if the discontinuance is related to the criteria under AS 18.65.700(a)(8). The department will reject the application if that information is not provided to the department within 90 days after the date of the department's written notice to the applicant that review has been discontinued.

(g) If after review of an application, the application is denied, the department will mail to the applicant a notice of denial containing written reasons for the denial. A person whose application has been denied may appeal to the commissioner for reversal of the decision. The appeal must be received in writing within 30 days after the date of the notice of denial, and must set out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 days after receipt of the appeal.

(h) A person whose application has been rejected or denied under this section

(1) may not apply again for a period of five years if the rejection or denial was for the reason set out in (e)(4) of this section and the false statement related to a material matter;

(2) repealed 5/8/2002.

(i) The department shall issue a permit that states that the permit holder is "not nics exempt" if the permit holder's fingerprints have been rejected by the Federal Bureau of Investigation as not sufficiently readable for manual or computer use.

Authority: AS 18.65.710 AS 18.65.720 AS 18.65.775

13 AAC 30.060. Suspension and revocation of permits; appeals

(a) If the department suspends a permit under AS 18.65.735, the department immediately will mail or deliver a notice of the suspension to the permittee. The permittee is required by AS 18.65.735 to immediately surrender the permit to the nearest peace officer.

(b) A suspension of a permit under (a) of this section remains in effect until the permit is revoked or the permittee provides proof satisfactory to the department that the reason for suspension has been rectified.

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(c) If the department revokes a permit under AS 18.65.740, the department immediately will mail or deliver a notice of the revocation to the permittee. The permittee is required by AS 18.65.740 to surrender the permit to the nearest peace officer.

(d) For purposes of revocation under AS 18.65.740, the date of conviction is the date sentence was imposed or imposition of sentence was suspended under AS 12.55.085 or a similar procedure in another jurisdiction.

(e) If a peace officer believes that a permit is subject to suspension or revocation under AS 18.65.735 or 18.65.740, the officer shall immediately notify the department's permits and licensing unit of the identity and location of the permittee and the grounds for suspension or revocation.

(f) A permittee who becomes subject to suspension or revocation under (a) or (c) of this section shall immediately notify the department and surrender the permit to the nearest peace officer.

(g) If, under 13 AAC 30.130(b), the department has reason to believe that a permittee suffers from a physical infirmity that may prevent the safe handling of a handgun, the department will mail or deliver to the permittee a notice that the department intends to revoke the permittee's permit because of the physical infirmity. After mailing or delivery of the notice, the following procedures apply:

(1) the permittee may submit to the department, within 30 days after the date of the notice, a written report by a physician, optometrist, or other competent medical authority, who can lawfully practice in this state, that, as determined from an examination within the six months before the date of the notice, the permittee does not suffer from the physical infirmity;

(2) if the permittee demonstrates to the department that circumstances beyond the permittee's control prevent the submission of the report within the 30 days, the department will extend the deadline for 15 days;

(3) if the necessary report is not received by the department by the deadline in (1) or (2) of this subsection, whichever is applicable, the permit is automatically revoked and the department will so notify the permittee;

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(4) if the permittee submits a report by the deadline set in (1) or (2) of this subsection, but the department determines that the report does not substantiate that the permittee does not suffer from the physical infirmity, the department will mail or deliver to the permittee a notice that the permittee, within 30 days after the date of the notice under this paragraph, may submit another report to meet the requirements of (1) of this subsection;

(5) if a second report is necessary under (4) of this subsection but is not received by the department by the deadline set by that paragraph, the permit is automatically revoked and the department will so notify the permittee;

(6) if a permit is revoked under this subsection, the permittee, upon receipt of the revocation notice under (3) or (5) of this subsection, shall immediately surrender the permit to the nearest peace officer;

(7) if the department timely receives a report that meets the requirements of this subsection, the department will notify the permittee that the permit is not revoked;

(8) a permittee whose permit is revoked under this subsection may appeal the revocation under the procedures in (j) of this section.

(h) If, under 13 AAC 30.130(b), the department has reason to believe that a permittee is not able to safely or competently handle a handgun, the department will mail or deliver to the permittee a notice that the department intends to revoke the permittee's permit. After mailing or delivery of the notice, the following procedures apply:

(1) the permittee may submit to the department, within 30 days after the date of the notice, a certificate of completion from an approved handgun course verifying that the permittee has, no earlier than six months before the date of the notice, taken and successfully completed the part of the handgun course described in 13 AAC 30.070(a) (1)(A)(iv);

(2) if the permittee demonstrates to the department that circumstances beyond the permittee's control prevent the submission of the certificate of completion within the 30 days, the department will extend the deadline for 15 days;

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(3) if the certificate of completion required by (1) of this subsection is not received by the department by the deadline in (1) or (2) of this subsection, whichever is applicable, the permit is automatically revoked and the department will so notify the permittee;

(4) if a permit is revoked under this subsection, the permittee, upon receipt of the revocation notice under (3) of this subsection, shall immediately surrender the permit to the nearest peace officer;

(5) if the department timely receives the certificate of completion required by (1) of this subsection, the department will notify the permittee that the permit is not revoked;

(6) a permittee whose permit is revoked under this subsection may appeal the revocation under the procedures in (j) of this section.

(i) A peace officer who receives a surrendered permit shall immediately

(1) notify the department's permits and licensing unit, identifying the permittee who surrendered the permit, and the date, time, and location the permit was surrendered; and

(2) send the surrendered permit to the department's permits and licensing unit.

(j) A person who has surrendered a permit because it has been revoked under this section may appeal to the commissioner for reversal of the revocation. The appeal must be received in writing within 30 days after the date of the notice of revocation, and must set out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 calendar days after receipt of the appeal.

(k) A person whose permit is revoked

(1) under AS 18.65.740(a)(1) or (3) may not apply for a new permit under 13 AAC 30.010 sooner than five years following the date of the notice of revocation;

(2) under AS 18.65.740(a)(2) may not apply for a new permit under 13 AAC 30.010 until the person qualifies under AS 18.65.705(4).

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(l) A permit that is revoked under (g) or (h) of this section may be reinstated if the former permittee provides proof to the department that the reason for revocation has been rectified and complies with the requirements of AS 18.65.725 if the person applies for renewal no later than the 31st day after the original permit would have expired had it not been revoked. If the former permittee does not meet the deadline in this subsection for reinstatement of the permit, the former permittee may apply for a new permit under 13 AAC 30.010, and must provide proof to the department that the reason for revocation has been rectified.

Authority: AS 18.65.735 AS 18.65.740 AS 18.65.765 AS 18.65.775

13 AAC 30.070. Approval of handgun courses

(a) A person who or organization that wishes to provide a handgun course for the purposes of AS 18.65.715 shall apply to the department, on a form provided by the department, for approval of the course. After processing and review under 13 AAC 30.050, the department will approve the course and will issue a certificate of approval if

(1) the application contains sufficient curriculum and course information to show that

(A) the curriculum includes at least 12 hours of training in the use of handguns that instructs the student in

(i) knowledge of Alaska law relating to firearms and the use of deadly force, including instruction in statutes, administrative regulations, and case law;

(ii) the basic concepts of the safe and responsible use of handguns;

(iii) knowledge of self-defense principles; and

(iv) the physical handling, mechanics, carrying, transporting, storage, loading, and unloading of handguns, including a test of competence with a handgun;

(B) the instruction in the subjects listed in (A)(ii) - (A)(iv) of this paragraph will be provided by an instructor for whom information has been submitted to the department as provided in (3) of this subsection;

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(C) the instruction in the subjects listed in (A)(i) of this paragraph will be provided by an attorney licensed to practice law in this state, or by a person with a valid certification as a police officer issued by the Alaska Police Standards Council;

(2) the application contains information sufficient to substantiate that the course will ensure that

(A) a student who has successfully completed instruction in the subjects listed in (1)(A) of this subsection will be provided with a certificate showing the course title, printed name and signature of the primary training instructor, the student's printed name, the student's Alaska driver's license or identification card number, the name of the organization conducting the instruction, the date of successful completion of the instruction, and a statement that the student has demonstrated physical competence with a handgun as required by AS 18.65.715; and

(B) upon request, the department will be

(i) allowed access to course facilities during times of instruction;

(ii) allowed access at reasonable times to all records related to the applicant's handgun course;

(iii) provided with documentation to confirm the attendance and completion records of a student who applies for a permit;

(iv) provided with other information needed to assess the course's qualification for purposes of AS 18.65.715;

(3) the application is accompanied by the following for each course instructor described in (1)(B) of this subsection:

(A) complete instructor information on a form provided by the department, signed by the instructor and the person signing the application under this section, and containing the information specified in (b) of this section;

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(B) two sets of fingerprints, obtained as specified in 13 AAC 30.100(b), and the fee required by 13 AAC 68.900, unless two sets of the instructor's fingerprints have been submitted to the department, for purposes of this chapter, within the 12 months preceding the date of the application; and

(C) repealed 5/8/2002.

(b) A completed instructor information form required by (a)(3) of this section must

(1) show that the subject instructor is eligible to possess a firearm under the laws of this state and under federal law;

(2) state the subject instructor's Alaska driver's license number or identification card number; and

(3) have attached to it a copy of a certificate of training showing that

(A) the subject instructor has successfully completed a handgun instructor's training course recognized by the department under (d) of this section as providing adequate handgun instructor training; and

(B) the subject instructor's signed statement that the subject instructor remains current with the standards of that handgun instructor's training course.

(c) The instructor information form provided by the department and referred to in (a) and (b) of this section will contain the statement that a person signing the form

(1) understands that an investigation may be conducted regarding the information given on the form, including a search of computer records; and

(2) the person authorizes the investigation.

(d) The department will recognize a handgun instructor's training course as providing adequate handgun instruction training if the course provides students with instruction in

(1) how to instruct in the topics set out in (a)(1)(A) of this section;

(2) preparing a curriculum and course outline for a handgun training course;

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(3) organizing and conducting a handgun training course;

(4) use of visual aids and techniques in student skill development; and

(5) proper testing techniques.

(e) An application for a certificate of approval for a handgun course must be signed by a person designated as the chief operating officer of the course. In addition to the penalty provided in AS 18.65.710(a)(6), a false statement made in an application, on a form, or in other information provided to the department under this section for the purposes of this chapter and AS 18.65.700 - 18.65.790 is punishable under AS 11.56.210.

(f) A person who or organization that has been issued a certificate of approval under this section shall notify the department's permits and licensing unit in writing if the person or organization is no longer providing instruction on an annual basis.

(g) As used in this section, "instruction" or "instructs" includes testing in the subject matter of the curriculum.

Authority: AS 18.65.715 AS 18.65.775

13 AAC 30.080. Revocation of handgun course certificate of approval

(a) Except as provided in (b) of this section, the department will immediately revoke a handgun course certificate of approval issued under 13 AAC 30.070, and will mail to the certificate holder a notice of the revocation, if the

(1) department has reason to believe that the handgun course no longer meets the requirements of 13 AAC 30.070(a) for approval of a handgun course; or

(2) certificate holder submitted an application under 13 AAC 30.070, or a document in connection with the application, that contained a

(A) false statement that the applicant does not believe to be true; or

(B) material misstatement or omission.

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(b) If the department obtains information about an instructor of an approved handgun course that would result in denial of the handgun course's application for a certificate of approval if the application was being considered by the department, the department will immediately notify the chief operating officer of the handgun course that, in order to retain the course's certificate of approval, the instructor may not be allowed to continue providing instruction for purposes of AS 18.65.715. The course of instruction being provided by that instructor at the time of notice under this subsection will not satisfy the requirements of AS 18.65.700 - 18.65.790 and 13 AAC 30.010 - 13 AAC 30.900. If the department determines that the instructor is continuing to provide instruction for purposes of AS 18.65.715, the department will immediately revoke the handgun course's certificate of approval and will mail to the certificate holder a notice of revocation.

(c) The holder of a certificate of approval that is revoked under this section may appeal the revocation to the commissioner. The appeal must be received in writing within 30 days after the date of the notice of revocation, and must set out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 calendar days after receipt of the appeal.

(d) The holder of a certificate of approval that is revoked under this section shall immediately surrender the certificate by sending it to the department's permits and licensing unit.

(e) A certificate of approval that is revoked under this section may be reinstated if the person or organization operating the handgun course (1) provides proof to the department that the reason for the revocation has been rectified; and (2) resubmits an application for a certificate of approval that meets the requirements of 13 AAC 30.070. However, a certificate of approval that was revoked for the reason set out in (a)(2) of this section may not be reinstated sooner than one year following the date of the notice of revocation under this section.

Authority: AS 18.65.715 AS 18.65.775

13 AAC 30.085. Establishing eligibility as an honorably retired peace officer

To establish eligibility as an "honorably retired peace officer of this state" for the purposes of AS 18.65.700(e), the applicant must provide

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(1) evidence satisfactory to the department to show

(A) employment as a peace officer with a law enforcement agency in this state

(i) for two or more years before terminating employment as a peace officer; and

(ii) within the one year before application for a permit under this chapter; and

(B) the person did not terminate employment as a peace officer in lieu of firing, suspension, or other involuntary separation or employee discipline; and

(2) repealed 5/8/2002.

Authority: AS 18.65.700 AS 18.65.775

13 AAC 30.090. Proof of handgun training

(a) Proof of handgun training for purposes of obtaining a new permit is established by providing to the department, at the time of the application, a copy of a certificate of successful completion of an approved handgun course; the certificate must contain the information required by 13 AAC 30.070(a)(2)(A) and must show that a course described in 13 AAC 30.070(a) has been completed within the 12 months immediately before submitting the application.

(b) Repealed 12/9/98.

(c) Repealed 12/9/98.

(d) An honorably retired peace officer making application under AS 18.65.700(e) desiring to satisfy the handgun qualification requirements for a permit by demonstrating that the applicant has qualified with a handgun within five years of the peace officer's termination of employment from the law enforcement agency must submit a notarized copy of the applicant's record of the handgun qualification and a copy of the law enforcement agency's handgun qualification policy along with the applicant's completed application. The record of handgun qualification must indicate that the applicant's score met or exceeded the minimum passing standard under the handgun qualification policy. For purposes of this subsection, "handgun qualification policy" means the standards by which a

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person qualified to carry a handgun as part of the person's official duties as a peace officer for the law enforcement agency.

Authority: AS 18.65.715 AS 18.65.775

13 AAC 30.100. Photographs and fingerprints

(a) A photograph submitted under AS 18.65.700 - 18.65.790 and this chapter must be one frontal view that includes the head and shoulders, must be taken within the 30 days before submission, and must be of a size, color, and condition that will allow the photograph to be processed in the department's identification production equipment. Applications and other forms provided by the department under this chapter will contain detailed specifications for the photograph, necessary for processing.

(b) Fingerprints submitted under AS 18.65.700 - 18.65.790 and this chapter must be taken within the 90 days before submission on forms approved by the Federal Bureau of Investigation and in accordance with instructions on those forms. If the fingerprints submitted by an applicant are not sufficiently readable, the applicant must obtain another set at the applicant's expense. Fingerprints may be taken by (1) a law enforcement agency or state correctional facility; or (2) a person, not affiliated with a law enforcement agency or state correctional facility, who has received the department's written approval to take fingerprints. A list of persons or agencies approved to take fingerprints will be made available to the public.

(c) Repealed 5/8/2002.

Authority: AS 18.65.700 AS 18.65.725 AS 18.65.730 AS 18.65.775

13 AAC 30.110. Notification of places where concealed handguns may not be carried

(a) Repealed 5/8/2002.

(b) Nothing in this chapter or in AS 18.65.700 - 18.65.790 precludes a person from posting, to the extent allowed by law, a notice regarding the carrying of a concealed handgun.

Authority: AS 18.65.775

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13 AAC 30.120. Form of permits

A permit will

(1) display a color photograph of the permittee;

(2) show the permittee's name, mailing and residence address, date of birth, and physical description including height, weight, race, hair color, and eye color;

(3) show the expiration date of the permit; and

(4) repealed 5/8/2002.

Authority: AS 18.65.775

13 AAC 30.130. Qualifications regarding safe handling of a handgun

(a) The department, under 13 AAC 30.050, will discontinue review of an application for a permit or permit renewal, if the department has reason to believe that the applicant suffers from a physical infirmity that may prevent the safe handling of a handgun. The department will request from the applicant, as supplementary information under 13 AAC 30.050(f), a written report by a physician, optometrist, or other competent medical authority, who can lawfully practice in this state, that the applicant does not currently suffer from a physical infirmity that prevents the safe handling of a handgun.

(b) The department will notify a permittee that it intends to revoke a permit under 13 AAC 30.060(g) or (h) if, after investigation of a report from a criminal justice agency, physician or other medical provider, or member of the general public relating to the handling of a handgun by, or the physical condition of, a permittee, the department has reason to believe that a permittee

(1) suffers from a physical infirmity that may prevent the safe handling of a handgun, the department will use the procedures set out in 13 AAC 30.060(g) to revoke the permit;

(2) is not able to safely or competently handle a handgun, the department will use the procedures set out in 13 AAC 30.060(h) to revoke the permit.

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(c) The department will not investigate a report relating to the handling of a handgun by, or the physical condition of, a permittee unless the report

(1) is in writing;

(2) is signed; and

(3) provides specific information pertaining to the permittee's physical condition or handling of a handgun.

Authority: AS 18.65.700 AS 18.65.705 AS 18.65.710 AS 18.65.775

13 AAC 30.140. Application forms

(a) The department will provide application forms for persons to use in applying for a permit, certificate of approval, or other service under this chapter. An application form submitted under this chapter, and any document accompanying an application form, must be completed in ink.

(b) Along with an application form, the department will provide to an applicant for a permit

(1) a copy of the definitions of the following terms, as set out in 13 AAC 30.900:

(A) alcohol treatment program;

(B) convicted;

(C) felony;

(D) resident; and

(E) substance abuse treatment program;

(2) a concise summary of where, when, and by whom a handgun can be carried under state and federal law; and

(3) written notice that, for purposes of AS 18.65.705(4) and (5), the date of conviction is the date sentence was imposed or imposition of sentence was suspended under AS 12.55.085 or a similar procedure in another jurisdiction.

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Authority: 18.65.700 18.65.775

13 AAC 30.150. Reciprocity

The department will post, on its official Internet website, the status of reciprocity with another state or a political subdivision of another state. The department will distribute a list of those jurisdictions with reciprocity to a person who makes a request.

Authority: AS 18.65.748 AS 18.65.775

13 AAC 30.800. Confidentiality

Repealed 5/8/2002.

13 AAC 30.900. Definitions

(a) In this chapter,

(1) repealed 5/8/2002;

(2) repealed 12/9/98;

(3) "approved handgun course" means a handgun course that has a certificate of approval under 13 AAC 30.070;

(4) "competence" has the meaning given in AS 18.65.790;

(5) "commissioner" means the commissioner of the Department of Public Safety;

(6) "convicted" or "conviction" means that a person has entered a plea of guilty or no contest to, or has been found guilty by a court or jury of, a criminal offense, regardless of whether the judgment was after that set aside under AS 12.55.085 or a similar procedure in another jurisdiction, or was the subject of a pardon or other executive clemency, but does not include a judgment that has been reversed or vacated by a court as a result of motion, appellate action, petition for writ of habeas corpus, or application for post-conviction relief under Rule 35.1 of the Alaska Rules of Criminal Procedure or a similar procedure in another jurisdiction;

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

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(8) repealed 12/9/98;

(9) "office of the Alaska State Troopers" means an office of

(A) the Department of Public Safety, division of Alaska state troopers;

(B) the Department of Public Safety, division of fish and wildlife protection; or

(C) a municipal police department that has submitted a written request to the commissioner to accept applications for concealed handgun permits, and has been approved in writing by the commissioner to accept applications;

(10) "permit" means a permit to carry a concealed handgun issued under this chapter;

(11) "permittee" means a person to whom a permit has been issued.

(12) "nics" means National Instant Check System administered by the Federal Bureau of Investigation.

(b) As used in AS 18.65.700 - 18.65.790,

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

(2) "approved handgun course" means a course of handgun instruction operated by the holder of a certificate of approval issued under 13 AAC 30.070;

(3) "convicted" has the meaning given in (a) of this section;

(4) repealed 12/9/98;

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

(6) repealed 12/9/98;

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(7) "judge" means a judge, justice, magistrate, or deputy magistrate of this state or the United States, whether sitting in a regular or pro tem capacity, but does not include a special or standing master, or an administrative law judge or hearing officer;

(8) repealed 12/9/98;

(9) repealed 12/9/98;

(10) "resident" has the meaning given in AS 01.10.055;

(11) "statement" has the meaning in AS 11.56.240;

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

(13) repealed 12/9/98;

(14) "honorably retired peace officer of this state" means a peace officer who establishes eligibility under 13 AAC 30.085;

(15) "peace officer" has the meaning given in AS 11.81.900.

(c) As used in AS 18.65.700 - 18.65.790 and this chapter, "identification card" means an identification card, issued by the department, that contains a photograph of the person named on the card.

Authority: AS 18.65.755 AS 18.65.775

Misconduct Involving Weapons

AS 11.61.190. Misconduct involving weapons in the first degree.

(a) A person commits the crime of misconduct involving weapons in the first degree if the person

(1) uses or attempts to use a firearm during the commission of an offense under AS 11.71.010 - 11.71.040; or

(2) discharges a firearm from a propelled vehicle while the vehicle is being operated and under circumstances manifesting substantial and unjustifiable risk of physical injury to a person or damage to property.

(b) Misconduct involving weapons in the first degree is a class A felony.

AS 11.61.195. Misconduct involving weapons in the second degree.

(a) A person commits the crime of misconduct involving weapons in the second degree if the person knowingly

(1) possesses a firearm during the commission of an offense under AS 11.71.010 - 11.71.040;

(2) violates AS 11.61.200(a)(1) and is within the grounds of or on a parking lot immediately adjacent to

(A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or

(B) an entity, other than a private residence, licensed as a child care facility under AS 47.32 or recognized by the federal government for the care of children; or

(3) discharges a firearm at or in the direction of

(A) a building with reckless disregard for a risk of physical injury to a person; or

(B) a dwelling.

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(b) Misconduct involving weapons in the second degree is a class B felony.

AS 11.61.200. Misconduct involving weapons in the third degree.

(a) A person commits the crime of misconduct involving weapons in the third degree if the person

(1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;

(2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory;

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

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

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

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

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

(8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under AS 18.66.100 - 18.66.180

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or issued under former AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

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

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

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated in circumstances other than described in AS 11.61.190(a)(2); or

(12) *[Repealed, Sec. 2 ch 100 SLA 2010].*

(b) The provisions of

(1) (a)(1) of this section do not apply to a person if

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

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

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) (a)(2) or (10) of this section do not apply to a person if

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

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

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

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

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

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

(f) *[Repealed, Sec. 2 ch 100 SLA 2010].*

(g) *[Repealed, Sec. 2 ch 100 SLA 2010].*

(h) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

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

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

(iii) bomb; or

(iv) grenade;

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

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

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

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

(i) Misconduct involving weapons in the third degree is a class C felony.

AS 11.61.210. Misconduct involving weapons in the fourth degree.

(a) A person commits the crime of misconduct involving weapons in the fourth degree if the person

(1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person's body in circumstances other than described in AS 11.61.200(a)(7);

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

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person under circumstances other than those described in AS 11.61.195(a)(3)(A);

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

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

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

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

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

(B) a defensive weapon;

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

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

(b) *[Repealed, Sec. 4 ch 63 SLA 1990].*

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

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor.

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

Repealed or Renumbered

AS 11.61.220. Misconduct involving weapons in the fifth degree.

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

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

(A) that is concealed on the person, and, when contacted by a peace officer, the person fails to

(i) immediately inform the peace officer of that possession; or

(ii) allow the peace officer to secure the deadly weapon, or fails to secure the weapon at the direction of the peace officer, during the duration of the contact;

(B) that is concealed on the person within the residence of another person unless the person has first obtained the express permission of an adult residing there to bring a concealed deadly weapon within the residence;

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

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

(4) knowingly possesses a firearm

(A) within the grounds of or on a parking lot immediately adjacent to an entity, other than a private residence, licensed as a child care facility under AS 47.32 or recognized by the federal

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government for the care of children, except that a person 21 years of age or older may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed container of a motor vehicle;

(B) within a

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

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

(C) within a domestic violence or sexual assault shelter that receives funding from the state;

(5) possesses or transports a switchblade or a gravity knife; or

(6) is less than 21 years of age and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person.

(b) In a prosecution under (a)(6) of this section, it is an affirmative defense that the defendant, at the time of possession, was

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

(2) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

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

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

(1) an affirmative defense that

(A) *[Repealed, Sec. 7 ch 62 SLA 2003]*.

(B) the loaded firearm was a concealed handgun as defined in AS 18.65.790; and

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(C) the possession occurred at a place designated as a restaurant for the purposes of AS 04.16.049 and the defendant did not consume intoxicating liquor at the place;

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

(A) owned by or leased by the defendant; or

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

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

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

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

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

(g) Misconduct involving weapons in the fifth degree is a class B misdemeanor.

(h) The provisions of (a)(1) and (6) of this section do not apply to a

(1) peace officer of this state or a municipality of this state acting within the scope and authority of the officer's employment;

(2) peace officer employed by another state or a political subdivision of another state who, at the time of the possession, is

(A) certified as a peace officer by the other state; and

(B) acting within the scope and authority of the officer's employment; or

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(3) police officer of this state or a police officer or chief administrative officer of a municipality of this state; in this paragraph, "police officer" and "chief administrative officer" have the meanings given in AS 18.65.290.

(i) In a prosecution

(1) under (a)(4)(B) of this section, it is a defense that the defendant, at the time of possession, was authorized to possess the firearm under a rule of court;

(2) under (a)(4)(C) of this section, it is a defense that the defendant, at the time of possession, was authorized in writing by the administrator of the shelter to possess the firearm.

(j) In (a)(1) of this section, "contacted by a peace officer" means stopped, detained, questioned, or addressed in person by the peace officer for an official purpose.

AS 11.61.230. [Renumbered as AS 11.46.315].

Repealed or Renumbered