

Alaska Department of Public Safety Frequently Asked Questions Firearms¹

I. General Questions:

Question #1: Am I prohibited from possessing firearms and ammunition in Alaska due to my being currently charged with an offense in any court for which the maximum potential jail sentence is more than one year?

Answer: Yes.

Question #2: Am I prohibited from possessing firearms and ammunition in Alaska due to my having plead guilty or no contest, or had a jury or judge return a verdict of guilty, in any court – juvenile or adult – to any offense for which the maximum potential jail sentence was more than one year?

Answer: Yes; unless one of the following circumstances exist:

- a) “adjudication was withheld;” or
- b) a “suspended imposition of sentence” was granted and a court later issued an order “setting aside” the conviction; or
- c) the conviction later was “dismissed;” or
- d) a period of 10 years or more has elapsed between the date of unconditional discharge from probation/parole supervision and the conviction was not for an offense against a person - a crime in violation of Alaska Statutes 11.41 or similar law of the United States, another state, or territory; or
- e) a State Governor or the President of the United States granted a pardon for the conviction and the terms of the pardon do not restrict the right to possess firearms or ammunition.

¹ The below questions and answers are designed to provide general information to the public. Neither the Alaska Department of Public Safety nor the Alaska Attorney General’s Office provide legal advice to individual citizens. Individuals should seek the advice of a private lawyer admitted to practice law in Alaska regarding the legal ramifications or legality of possessing firearms and/or ammunition in Alaska in light of their unique circumstances. Additional general information can be found at the website of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives: www.atf.gov/firearms/faq.

Question #3: Am I prohibited from possessing firearms and ammunition in Alaska due to my being subject to a domestic violence protective order, or any other court order, that prohibits the possession of a firearm and ammunition?

Answer: Yes.

Question #4: Am I prohibited from possessing firearms and ammunition in Alaska due to my being subject to a domestic violence protective order?

Answer: Yes; provided the protective order:

- First, was issued after a court hearing as to which you received notice and had the opportunity to participate (all one year Alaska DVPO orders meet this requirement); and
- Second, protects your spouse, your former spouse, a child of yours, the father/mother of a joint child of yours, or a person with whom you have cohabited (the checking of box 1(a), 1(b), or 1(f) on page one of Alaska DVPO one year, Rev. 1/07; or box C(3)(a), C(3)(b), C(3)(c), or C(3)(e) on page two of Alaska DVPO - one year, Rev. 10/10 & 5/11 meets this requirement); and
- Third, includes a finding of a credible threat to physical safety (the checking of box 4 on page one of Alaska DVPO one year order, Rev 1/07; or box C(5) on page two of Alaska DVPO - one year order, Rev. 10/10 & 5/11 meets this requirement); and
- Fourth, prohibits the use, attempted use, or threatened use of physical force (the checking of box 1(a) on page two of Alaska DVPO one year, Rev. 1/07; or box 1(a) on page three of Alaska DVPO - one year, Rev. 10/10 & 5/11 meets this requirement); and
- Fifth, the prohibition on the use, attempted use, or threatened use of physical force has not been dissolved by later court order. (Page six of Alaska DVPO - one year, Rev. 1/07 and page one of Alaska DVPO - one year, Rev. 10/10 & 5/11 expressly provide that the prohibition on use, attempted use or threatened use of physical force remains in effect indefinitely.)

Question #5: Am I prohibited from possessing firearms and ammunition in an Alaska residence at which a person will be present who has plead guilty or no contest, or had a jury or judge return a verdict of guilty, in any court – juvenile or adult – to any offense for which the maximum potential jail sentence was more than one year?

Answer: Yes; unless one of the following circumstances exist:

a) “adjudication was withheld;” or

b) a “suspended imposition of sentence” was granted and a court later issued an order “setting aside” the conviction and the conviction was not for a crime against a person – a crime in violation of Alaska Statutes 11.41 or similar law of the United States, another state, or territory; or

c) the conviction later was “dismissed;” or

d) a period of 10 years or more has elapsed between the date of unconditional discharge from probation/parole supervision and the conviction was not for an offense against a person - a crime in violation of Alaska Statutes 11.41 or similar law of the United States, another state, or territory; or

e) a State Governor or the President of the United States granted a pardon for the conviction and the terms of the pardon do not restrict the right to possess firearms or ammunition.

Question #6: Am I prohibited from possessing firearms and ammunition in Alaska due to my being currently charged with any offense, felony or misdemeanor, in any jurisdiction (federal, state, county, local, or foreign) outside of the State of Alaska?

Answer: Yes.

Question #7: Am I prohibited from possessing firearms and ammunition in Alaska due to my using any marijuana?

Answer: Yes.

Question #8: Am I prohibited from possessing firearms and ammunition in Alaska due to my using any controlled substance - including but not limited to depressants, stimulants, or narcotics – other than that prescribed for you to use by a medical doctor?

Answer: Yes.

Question #9: Am I prohibited from possessing firearms and ammunition in Alaska due to a judge or jury finding me mentally incompetent or to suffer from a mental defect or disease?

Answer: Yes.

Question #10: Am I prohibited from possessing firearms and ammunition in Alaska due to a judge or jury committing me to a mental health institution or facility?

Answer: Yes.

Question #11: Am I prohibited from possessing firearms and ammunition in Alaska due to my illegally or unlawfully being in the United States?

Answer: Yes.

Question #12: Am I prohibited from possessing firearms and ammunition in Alaska due to my not being a citizen of the United States and not admitted for permanent residence?

Answer: Yes; unless the possession is in direct connection with lawful hunting or a lawful organized athletic or sport shooting event.

Question #13: Am I prohibited from possessing firearms and ammunition in Alaska due to my having been dishonorably discharged from the armed forces?

Answer: Yes.

Question #14: Am I prohibited from possessing firearms and ammunition in Alaska due to my renouncing my United States citizenship?

Answer: Yes.

Question #15: Am I prohibited from possessing on my person firearms and ammunition in Alaska any time I am under the influence of alcohol?

Answer: Yes.

Question #16: Am I prohibited from possessing on my person firearms and ammunition in Alaska any time I am under the influence of any controlled substance - including but not limited to marijuana, depressants, stimulants, or narcotics – other than that prescribed for you to use by a medical doctor?

Answer: Yes.

Question #17: Am I prohibited from possessing on my person firearms and ammunition in Alaska any time I am under the influence of any drug that is impairing my mental or physical functioning?

Answer: Yes.

Question 18: Do I need a permit to carry a firearm concealed in Alaska?

Answer: No. In Alaska, anyone who is 21 years of age or older and legally allowed to possess a firearm is permitted to carry the firearm concealed without a permit.

Question 19: Do I need to do anything special when I am carrying concealed in Alaska and I come into contact with a law enforcement officer?

Answer: Yes. The law requires you to immediately inform the officer that you are in possession of the firearm; failure to do so is a criminal offense.

Question 20: What is the law regarding possessing firearms and ammunition in Canada?

Answer: You can contact the Canadian Firearms information Office at (800) 731-4000 for information about possessing firearms and ammunition in Canada.

Question 21: Does Alaska recognize pardons issued by other states for offenses which occur in the other states when the individual is a resident of Alaska?

Answer: Yes.

Question 22: Is a person's right to possess firearms and ammunition in Alaska restored by the Governor of the State of Alaska issuing a pardon for the offense which triggered the prohibition?

Answer: Yes, unless the terms of the pardon provide that the prohibition on possessing firearms and ammunition is to remain in effect.

Question 23: Does a Presidential pardon for a federal offense which triggered a prohibition restore a person's right to possess firearms and ammunition in Alaska?

Answer: Yes, unless the terms of the pardon provide that the prohibition on possessing firearms and ammunition it to remain in effect.

Question 24: Does Alaska recognize a restoration of firearm rights given by another state?

Answer: No, except that Alaska does recognize pardons issue by the Governors of other states.

Question 25: How are firearm rights restored in Alaska for felony offenses?

Answer: Convictions for felony offenses against persons trigger life time prohibitions which cannot be lifted by anything other than the granting of a pardon. Prohibitions arising from other felony convictions are lifted as a matter of law after the expiration of a period of 10 years following unconditional discharge from probation and parole.

Question 26: Does Alaska recognize United States Alcohol, Tobacco, Firearms and Explosives relief from disabilities, issued pursuant to 18 USC 925(c), as lifting any federal prohibition against possessing firearms and ammunition in Alaska?

Answer: Yes.

Question 27: Does a felony offense for which a person received a suspended imposition of sentence ("SIS") prohibit the person from possessing firearms and ammunition in Alaska?

Answer: Yes. The conviction and resulting prohibition remains in effect unless and until a court later issues a separate order expressly "setting aside the conviction."

Question 28: Do juvenile adjudications for felony offenses trigger the prohibition against possessing firearms and ammunition in Alaska?

Answer: Yes. Juvenile adjudications for any felony offense have the same effect as adult convictions regarding firearm possession in Alaska, except the prohibition is limited to firearms that can be concealed on the person.

Question 29: Is there any difference regarding the ability to lawfully possess firearms and ammunition if a conviction resulted from a plea of guilty, plea of no contest, plea of “nolo contendere,” finding of guilty by a judge, or finding of guilty by a jury?

Answer: No. All have the same effect.

Question 30: Does a domestic violence assault, having a mental state element of intentional, knowing or reckless, misdemeanor conviction or a domestic violence reckless endangerment conviction trigger a prohibition for me to possess firearms and ammunition in Alaska?

Answer: Yes. The United States Supreme Court in *Voisine v. United States*, 136 S.Ct. 2272 (2016) removed previously existing ambiguity regarding the answer to this question. The prohibition is for a lifetime, and cannot be lifted by anything other than the granting of a pardon.

Question 31: How are firearm rights restored in Alaska for misdemeanor offenses?

Answer: Convictions for Alaska misdemeanor offenses, other than domestic violence assault or domestic violence reckless endangerment, do not trigger firearm prohibitions. Prohibitions arising from domestic violence assault convictions are lifetime prohibitions. A State Governor or the President of the United States granting a pardon for a domestic violence assault conviction – with the terms of the pardon not restricting the right to possess firearms or ammunition – would lift the prohibition arising from that conviction. Prohibitions arising from the issuance of court orders, including domestic violence protective orders, are dependent on the terms of the order. Prohibitions arising from domestic violence protective orders remain in effect indefinitely unless later expressly dissolved by separate court order.

Question 32: Can I possess and/or shoot black powder guns in Alaska if I am prohibited from possessing firearms and ammunition?

Answer: Black powder guns that meet the federal definition of being “antique firearms” are not classified as firearms and therefore may be lawfully possessed by persons prohibited from possessing firearms. Black powder for use in antique firearms in connection with sporting, recreational or cultural purposes is not

classified as ammunition and may be possessed in a quantity not to exceed 50 pounds by persons prohibited from possessing ammunition.

Question 33: Can I possess and/or shoot archery bows and arrows in Alaska if I am prohibited from possessing firearms and ammunition?

Answer: Yes.

II. Alaska Concealed Carry Permit Questions:

Question #1: Can I obtain a concealed carry permit even if I cannot legally possess firearms and ammunition?

Answer: No. Only persons who can legally possess firearms can be granted concealed carry permits.

Question #2: What do I need to provide in connection with a concealed carry permit to prove that I received a pardon for a conviction?

Answer: A certified copy of the pardon paperwork.

Question #3: What do I need to provide in connection with a concealed carry permit to prove that my conviction was set aside or dismissed?

Answer: A certified copy of the order setting aside or dismissing the conviction.

Question #4: What do I need to provide in connection with a concealed carry permit to prove that ten years or more has passed since the date of my unconditional discharge from a felony conviction?

Answer: A certified copy of documentation from the Alaska Department of Corrections, or equivalent entity of another state for a conviction in that other state, reflecting the date of unconditional discharge.

Question #5: Can I obtain an Alaska concealed permit if I have been convicted of a misdemeanor offense that does not trigger a prohibition against me possessing firearms and ammunition?

Answer: A person convicted of two or more class A misdemeanors in Alaska, or similar offenses in another jurisdiction, within the six years immediately preceding the date of application, regardless of whether the convictions were later set aside or the subject of a pardon or other executive clemency, may not obtain an Alaska concealed carry permit

Question #6: Why would I want to obtain an Alaska concealed carry permit if a permit is not needed to be able to legally carry concealed in Alaska?

Answer: The law of some other states might give some significance to your holding an Alaska concealed carry permit in connection with carrying concealed in those states. You will need to be sure of the law of any other state in which

you may want to carry concealed to assure that you do commit a crime under the law of that state by carrying concealed even though you have obtained an Alaska concealed carry permit.

Question #7: How do I apply for an Alaska concealed carry permit?

Answer: You must complete a handgun training course approved by the Department of Public Safety. Within one year after completion of the training course, a completed application must be delivered in person to an Alaska State Trooper office. The packet of materials must include the completed application, one photograph of you taken within 30 days of the date on the application, identifiable fingerprints taken by a DPS approved technician, proof of successful completion of the handgun training course, and the \$87.00 application fee.

Question #8: *How much does it cost to apply for an Alaska concealed carry permit?*

Answer: \$88.25

Question #9: *Can I get my money back if my application for an Alaska concealed carry permit is not approved?*

Answer: No. Application fees are non-refundable. You should make sure that you qualify before submitting an application. Alaska Statutes 18.65.705 sets forth the qualifications that must be met for a person to obtain an Alaska concealed handgun permit.

Question #10: *Can someone else bring in my application for an Alaska concealed carry permit?*

Answer: No. The application for a new permit must be submitted in person to an Alaska State Trooper office. You will be asked to show a government issued photographic identity card to prove your identity.

Question #11: How long is an Alaska concealed carry permit valid?

Answer: Assuming there is no change in federal or Alaska state law and no change in your ability to lawfully possess firearms, a permit will expire on your birthday in the fifth year following issuance, for a total period of time not to exceed five years.

Question #12: Can residents of states other than Alaska obtain an Alaska concealed carry permit?

Answer: No. Alaska concealed permits can be issued only to persons who are and have been physically in Alaska for at least 90 days and who intend to remain in Alaska indefinitely.

Question #13: Can legal resident aliens who reside in Alaska obtain an Alaska concealed carry permit?

Answer: Yes, provided the legal resident alien is and has been physically in Alaska for at least 90 days and intends to remain in Alaska indefinitely.

Question #14: Can I renew my Alaska concealed carry permit if I no longer am a resident of Alaska?

Answer: No. Only residents of Alaska can renew Alaska concealed carry permits.

Question #15: What good is my Alaska concealed carry permit if I no longer am a resident of Alaska?

Answer: The permit very likely will not have any legal significance once you no longer are a resident of Alaska. The significance, if any, of the Alaska permit will depend on the law of the state in which you possess any firearm.

Question #16: My Alaska concealed carry permit is about to expire; what do I need to do to keep it valid?

Answer: You need to complete a renewal of concealed carry permit application (DPS form # 12-299-84) and submit it to the Alaska Concealed Carry Office at 5700 E. Tudor Road, Anchorage Alaska 99507. You need not deliver the application in person. Renewal applications must be postmarked not more than 90 days before your permit is to expire. A photograph taken within 30 days of the application and \$25 non-refundable fee must be included in the submitted materials. A renewal application submitted after the permit has expired is subject to an additional \$25 late fee. The department will not accept a renewal application for a permit that has been expired for more than 60 days.

Question #17: Am I required to surrender my old permit when I receive my renewed permit?

Answer: No. There is no requirement to surrender an expired permit unless it was suspended or revoked. You, however, may not display an expired permit in a manner that would imply it remains valid.

Question #18: Am I required to surrender an expired Alaska concealed carry permit when I do not have a currently valid Alaska permit and I will not be applying for a new Alaska permit?

Answer: No. There is no requirement to surrender an expired permit unless it was suspended or revoked. You, however, may not display an expired permit in a manner that would imply it is remains valid.

Question #19: What do I do if I lose my permit or if it is stolen?

Answer: You must complete and submit an application for replacement of a concealed carry permit (DPS Form 12-299-85). The completed form, together with a photograph taken within 30 days of the application and \$25 fee must be submitted in person at an Alaska State Trooper office.

Question #20: Do I have to do anything if my address changes?

Answer: Yes. You must notify DPS of any change in your address within 30 days of the change by completing and submitting a change of address notification (DPS Form #12-299-88) to the Alaska concealed carry office at 5700 East Tudor Road, Anchorage, Alaska 99507.

Question #21: What do I do if my legal name changes?

Answer: You need to complete and personally submit an application for replacement (DPS form 12-299-85) to an Alaska State Trooper office together with a certified copy of a court or other public document reflecting the change and a \$25 fee.

Question #22: Does my having an Alaska concealed carry permit authorize me to carry concealed outside of Alaska?

Answer: Maybe. The legal significance of your Alaska concealed carry permit is determined by the law of the state or country in which you possess a firearm. Another state or country may or may not afford significance to an Alaska permit. The “Reciprocity” link on the Alaska concealed carry home page lists states that have indicated they will give significance to Alaska permits. The information reflected in the link, however, is updated only one time each year. The information, therefore, may not be current. You will need to independently determine the current status of the law in the state or country in which you will possess a firearm.

Question #23: Does Alaska recognize and give significance to concealed carry permits issued by other states?

Answer: All persons 21 years of age or older and physically in Alaska – and who can legally possess firearms and ammunition – can legally carry concealed firearms except in certain specified locations, including, but not limited to,

schools, child care facilities, courthouses, and places displaying notices that firearms are prohibited.

Question #24: I am a retired peace officer. I retired before the Alaska concealed carry program came into effect. Can I be "grand-fathered" into the permit program and be exempt from having to successfully complete the firearm training course requirement?

Answer: No. You must apply for a concealed carry permit within one year of your retirement as a peace officer to qualify for the honorably retired peace officer provisions of the law.