

8/29/00
postponed
indefinitely

Submitted by: Chairman of the Assembly at
the Request of the Mayor

Prepared by: Department of Law

For reading: AUGUST 15, 2000



ANCHORAGE, ALASKA
AO NO. 2000-133(S)

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 4.40 TO
2 ENACT A NEW SECTION 4.40.160 CREATING THE FIREARM REGISTRATION REVIEW
3 BOARD TO REVIEW AND DETERMINE APPLICANT ELIGIBILITY OF FEDERAL
4 "APPLICATION FOR TAX PAID TRANSFER AND REGISTRATION OF FIREARM"
5 (ALCOHOL, TOBACCO AND FIREARM FORM 4) AND SETTING OUT THE BOARD'S
6 DUTIES, RESPONSIBILITIES AND PROCEDURES.

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8
9 THE ANCHORAGE ASSEMBLY ORDAINS:

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11 **Section 1.** Anchorage Municipal Code chapter 4.40 is hereby amended by enacting a new
12 section 4.40.160 to read as follows:

13 **4.40.160 FIREARM REGISTRATION REVIEW BOARD**

- 14 A. There is hereby established a regulatory Firearm Registration Review Board
15 (FRRB) consisting of three (3) members appointed by the Mayor and confirmed by
16 the Assembly which shall meet at the call of the Board, but not less often than
17 once each calendar quarter.
- 18 B. The FRRB shall investigate applications and interview applicants for registration
19 of certain regulated firearms submitted on the Bureau of Alcohol, Tobacco and
20 Firearm (ATF) Form 4. **The FRRB shall address applications for registration**
21 **of firearms, as the term 'firearms' is defined on ATF Form 4. Applications**
22 **for certain regulated firearms defined as 'other weapons' and 'destructive**
23 **devices' on ATF Form 4 are not included in this process.**
- 24 C. The duties of the FRRB shall be as follows:
- 25 1 To determine that each and every component required by and described on
26 the ATF Form 4 has been provided by the applicant.
- 27 2. To determine that each and every component required by APD, in order to
28 process the application and investigate the applicant, has been provided by
29 the applicant. The required components are described below:
- 30 a. One recent 2x2 photograph affixed to the Affidavit of Applicant;
- 31 b. One FBI Form FD-258 Fingerprint Card, completed at APD at the
32 time the application is submitted, affixed to the Affidavit of
33 Applicant;

- c. **APD application processing fee;**
 - d. **A certificate showing successful completion of a gun safety course approved by APD;**
 - e. **In addition to the information certified by the applicant on ATF Form 4, the applicant shall complete an Affidavit provided by APD and executed under oath, that provides the following additional information:**
 - 1 Any and all names used by the applicant, including married, maiden or changed, with or without legal process, in the last 10 years;**
 - 2 The name of each city and state in which the applicant has resided in the last 10 years;**
 - 3 Two non-family personal references in the State of Alaska, including full name, physical address, mailing address, and present telephone numbers;**
 - 4 A statement that the applicant has not been convicted of a felony in this state, or any other state or jurisdiction, domestic or foreign;**
 - 5 A statement that the applicant has not been convicted of any offense or crime involving a firearm in this state or any other state or jurisdiction, domestic or foreign;**
 - 6 A statement that the applicant has not been convicted of any type of domestic violence crime or violation of a domestic violence court order or domestic assault in this state or any other state or jurisdiction, domestic or foreign;**
 - 7 A statement that the applicant is now a resident of the State of Alaska, and has been a resident of the state for the 90 days immediately preceding this application;**
 - 8 A statement that the applicant acknowledges, understands, and authorizes APD, by submitting this application, to conduct an full and complete eligibility investigation, including computerized records searches and contacting personal references.**
3. **To investigate the applicant's eligibility for registration under ATF Form 4, including the following requirements:**
 - a. **That the applicant holds a valid Alaska Drivers License or Alaska Identification Card;**

- b. That the applicant is at least 21 years of age;
 - c. That the applicant is eligible to possess a firearm under the laws of this state and under federal laws;
 - d. That the applicant is a resident of this state, and has been for 90 days immediately preceding the application;
 - e. That the applicant has successfully completed a gun safety course approved by APD;
 - f. That the applicant has not been convicted of any Class A misdemeanor as defined by statute in this state, or under similar laws of any other state or jurisdiction, domestic or foreign, within the past 6 years;
 - g. That the applicant is not now in, and has not in the 6 years immediately preceding the application, been ordered by a court to complete an alcohol or substance abuse treatment program;
 - h. That the applicant has no felony conviction in this state, or any other state or jurisdiction, domestic or foreign, and is not presently under indictment for, or ever been convicted of, a crime punishable by imprisonment for a term exceeding 1 year;
That the applicant has not been convicted of any type of domestic violence crime or violation of a court order of domestic violence in this state or any other state or jurisdiction, foreign or domestic;
 4. To interview the applicant in person;
 5. To determine whether the applicant is prohibited from receiving a firearm under 18 U.S.C. Chapter 44 and Title VII of Public Law 90-351, as amended. The persons prohibited from receiving a firearm, including an unserviceable firearm which has a frame or receiver, are described on ATF Form 4; and
 6. To determine whether information received by or about the applicant indicates that the applicant's receipt or possession of the firearm will place the applicant in violation of Federal, State or local law, or that the applicant will use the firearm for other than lawful purposes.
- D. After examining and fulfilling the duties outlined in Section C above, and based upon the FRRB's interview of the applicant and investigation of the application, including all accompanying and pertinent documentation received from the applicant and from APD, the FRRB shall make a determination whether the applicant is eligible under ATF Form 4 and this section. The FRRB shall provide

the Chief of Police with its findings and conclusions of the applicant's eligibility for registration of certain regulated firearms.

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2000.

Chair of the Assembly

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

AM No. 804-2000

Meeting Date: August 15, 2000

From: Mayor

Subject: AO 2000-133(S): An ordinance creating the Firearm Registration Review Board.

The ordinance creates a new Municipal regulatory board, the Firearm Registration Review Board (FRRB), to review and determine an applicant's eligibility for federal "Application For Tax Paid Transfer And Registration Of Firearm" on Alcohol, Tobacco and Firearm (ATF) Form 4.

- A. This ordinance applies only to registration of certain regulated firearms, defined in 26 U.S.C. §5845 as a 'firearm', but excludes firearms defined as an 'other weapon' or a 'destructive device'.

"The term 'firearm' means:

- a. a shotgun having a barrel or barrels of less than 18 inches in length;
- b. a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;
- c. a rifle having a barrel or barrels of less than 16 inches in length;
- d. a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;
- e. a machinegun; and
- f. a muffler or a silencer for any firearm whether or not such firearm is included within the definition.

The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Director, Bureau of Alcohol, Tobacco and Firearms, or authorized delegate, finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon."

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B. The FRRB shall

Review a person's application and the investigation by the Anchorage Police Department (APD) to determine the applicant's eligibility to federally register certain regulated firearms, defined by federal law, and including fully automatic rifles, machine guns, sawed off shotguns, silencers, etc.;

2. Interview the applicant;
3. Determine the applicant's eligibility for certification; and
4. Determine the adequacy of the APD investigation.

C. The ordinance specifies the information the applicant is to provide, which follows the requirements of ATF Form 4 and the State statute requirements for obtaining a permit to carry a concealed handgun.

D. The ordinance requires personal information, personal references, domestic violence history, criminal record history, military discharge status, and prior residence addresses.

E. General qualifications include a valid Alaska drivers license or Alaska identification card, at least 21 years of age, presently a resident of Alaska and for the immediately preceding 90 days, and no indication from the documentation or investigation that registration or possession of the regulated firearm is illegal or that it will be used for unlawful purposes. Under federal law, and described on ATF Form 4, the following persons are prohibited from receiving a firearm, including an unserviceable firearm which has a frame or receiver:

1. Fugitives from justice (any crime);
2. Persons under indictment for, or who have been convicted of, a crime punishable by imprisonment for a term exceeding 1 year;
3. Narcotic addicts or unlawful drug users;
4. Persons adjudicated mental defectives or mentally incompetent, or who have been committed to, or treated in, any mental institution;
5. Veterans discharged under dishonorable conditions;
6. Persons who have renounced their United States citizenship; and
7. Aliens illegally or unlawfully in the United States.

F. Certification could be denied if any of the following items apply to the applicant:

1. Felony indictment or conviction;
2. Prior domestic violence;

3. Firearm offense;
4. Class A misdemeanor under State statute within preceding six years;
5. Alcohol or substance abuse treatment within preceding six years;
6. Adjudicated mentally incompetent or treated for mental incompetence within preceding six years;
7. Dishonorable discharge from the military;
8. Fugitives; or
9. Illegal aliens.

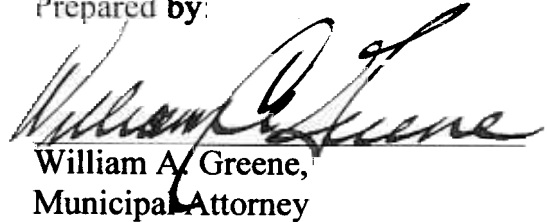
THE ADMINISTRATION RECOMMENDS APPROVAL OF AO NO. 2000-133(S) TO ENACT A NEW SECTION TO THE ANCHORAGE MUNICIPAL CODE CREATING THE FIREARM REGISTRATION REVIEW BOARD, AND SETTING OUT ITS DUTIES, RESPONSIBILITIES AND PROCEDURES.

Concurrence:



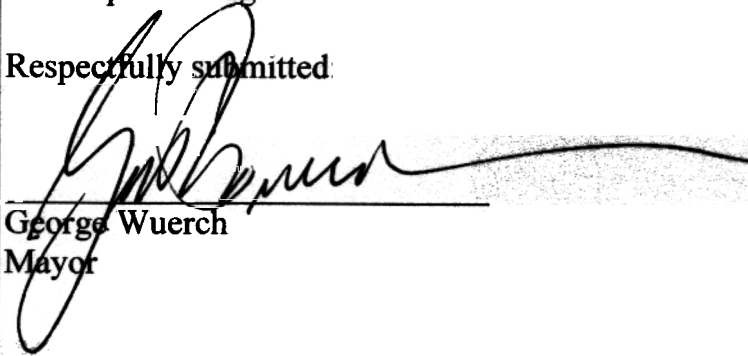
Harry Kieling, Jr.
Municipal Manager

Prepared by:



William A. Greene,
Municipal Attorney

Respectfully submitted:



George Wuerch
Mayor

**MUNICIPALITY OF ANCHORAGE
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

80-
Ad 133(s)

1	SUBJECT OF AGENDA DOCUMENT Amending AMC 4.40 to enact new section 4.40.160 creating Firearm Registration Review Board	DATE PREPARED August 15, 2000	
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME Law	DIRECTOR'S NAME William A. Greene, Municipal Attorney	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Rhonda Fehlen	HIS/HER PHONE NUMBER 343-4532	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor	<i>W</i>	
	Municipal Clerk		
	Municipal Attorney		
	Employee Relations		
<input checked="" type="checkbox"/>	Municipal Manager	<i>m</i>	8/15
	Cultural & Recreational Services		
	Fire		
	Health & Human Services		
	Merrill Field Airport		
	Municipal Light & Power		
	Office of Management & Budget		
	Police		
	Port of Anchorage		
	Public Works		
	Solid Waste Services		
	Public Transportation		
	Water & Wastewater Utility		
	Executive Manager		
	Community Planning & Development		
	Finance, Chief Fiscal Officer		
	Heritage Land Bank		
	Management Information Systems		
	Property & Facility Management		
	Purchasing		
	Other		
5	SPECIAL INSTRUCTIONS/COMMENTS <div style="text-align: right; padding-right: 50px;"> <i>Addendum</i> <i>7.B-7b Introduction</i> </div>		
6	ASSEMBLY HEARING DATE REQUESTED <i>8/15/00</i>		7
			PUBLIC HEARING DATE REQUESTED <i>8/29/00</i>