

**HOUSE BILL NO. 408**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/26/10

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1    **"An Act relating to misconduct involving weapons."**

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

3        \* **Section 1.** AS 11.61.200(b) is amended to read:

4               (b)    **The provisions of** [IT IS AN AFFIRMATIVE DEFENSE TO A  
5               PROSECUTION]

6                       (1)   [UNDER] (a)(1) of this section **do not apply to a person if**  
7               [THAT]

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

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

13                              (C)   a period of 10 years or more has elapsed between the date  
14               of the person's unconditional discharge on the prior offense or adjudication of  
15               juvenile delinquency and the date of the violation of (a)(1) of this section, and

1 the prior conviction or adjudication of juvenile delinquency did not result from  
 2 a violation of AS 11.41 or of a similar law of the United States or of another  
 3 state or territory;

4 (2) [UNDER] (a)(2) or (10) of this section **do not apply to a person if**  
 5 [THAT]

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

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

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

16 \* **Sec. 2.** AS 11.61.200(f) and 11.61.200(g) are repealed.