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Martin
2/20/16

CS FOR SENATE BILL NO. 174(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS KELLY, Dunleavy, McGuire, Giessel, Stoltze

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the regulation of firearms and knives by the University of Alaska."

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

3 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS AND INTENT. The legislature finds that the individual right to keep and
6 bear arms is a constitutionally protected right under art. I, sec. 19, Constitution of the State of
7 Alaska, and may not be abridged by the Board of Regents of the University of Alaska. The
8 legislature reserves to the state the authority to regulate firearms, except as specifically
9 provided in AS 14.40.173.

10 * **Sec. 2.** AS 14.40 is amended by adding a new section to read:

11 **Sec. 14.40.173. Regulation of firearms and knives.** (a) The authority to
12 regulate firearms and knives is reserved to the state, and, except as specifically
13 provided by statute, the Board of Regents may not enact or enforce a policy regulating
14 the possession, ownership, use, carrying, registration, storage, or transportation of
15 firearms or knives.

(b) The Board of Regents may not regulate the possession, ownership, use, carrying, registration, storage, or transportation of concealed handguns or knives, except

(1) in a manner identical to state law;

(2) when the behavior of a student or an employee demonstrates that the student or employee poses a risk of harm to self or others;

(3) in student dormitories or other shared living quarters;

(4) in university facilities where health services, counseling services, or other services related to sexual harassment or violence are provided;

(5) in university facilities during adjudication of staff or student disciplinary issues; or

(6) in restricted access areas under (c)(3) of this section.

(c) The Board of Regents may adopt and enforce policies

(1) regulating the possession, ownership, use, carrying, registration, storage, and transportation of openly carried firearms and knives;

(2) restricting the discharge of firearms on any portion of university land where there is a reasonable likelihood that people, domestic animals, or property will be jeopardized; policies adopted or enforced under this paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19, Constitution of the State of Alaska, to bear arms in defense of self or others; and

(3) prohibiting the possession of firearms or knives in the restricted access area of university buildings; the university shall post notice of the prohibition against possession of firearms or knives at each entrance to the restricted access area.

(d) The University of Alaska shall establish a process to allow a person who is prevented from carrying a concealed handgun or knife under (b)(2) of this section to regain the ability to carry a concealed handgun or knife on university property.

(e) The Board of Regents, the University of Alaska, and any officers, employees, or agents of the University of Alaska may not create a database or registry of persons who possess a firearm on campus.

(f) The University of Alaska, the Board of Regents, and any officers, employees, or agents of the University of Alaska are immune from civil liability for

any act or omission resulting from a policy or regulation adopted or enforced under this section by the Board of Regents or the president of the University of Alaska, or a claim arising from the possession, ownership, use, carrying, registration, or transportation of firearms or knives by any person.

(g) In this section,

(1) "concealed handgun" has the meaning given in AS 18.65.790;

(2) "firearms" includes firearms, or any other element relating to firearms or parts of the firearm including ammunition and reloading components;

(3) "restricted access area" means the area beyond a secure point where visitors are screened and does not include common areas of ingress and egress open to the public.