

Alaska Const. art. I, § 19

Current through the 2015 First Regular Session and the First, Second, and Third Special Sessions of the Twenty-Ninth State Legislature.

Alaska Constitution > THE CONSTITUTION OF THE STATE OF ALASKA > ARTICLE I. DECLARATION OF RIGHTS

Section 19. Right to Keep and Bear Arms

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State.

Annotations

Notes

EFFECT OF AMENDMENTS. --

The amendment, effective December 30, 1994 (18th Legislature's Legislative Resolve No. 45), added the second sentence.

Case Notes

NOTES TO DECISIONS

STATUTE PROHIBITING POSSESSION OF FIREARM BY FELON. --*AS 11.61.200(a)*, prohibiting a felon from possessing a concealable firearm, does not violate this provision of the constitution by failing to differentiate between violent and non-violent felons. The legislature has the authority to regulate the possession of guns by felons, and that authority is not limited by art. I, § 19. [*Wilson v. State*, 207 P.3d 565 \(Alaska Ct. App. 2009\)](#).

The individual right to bear arms set out in *Alaska Const. art. I, § 19* is limited and does not invalidate laws that restrict convicted felons' access to firearms; the adverse consequences of conviction that defendant argued violated his constitutional rights were, in fact, the natural and intended collateral consequences of having been convicted, and they did not justify judicial expungement of his criminal record. [*Farmer v. State, Dep't of Law*, 235 P.3d 1012 \(Alaska 2010\)](#).

LIMITATION OF RIGHT TO USE FIREARMS IN SELF-DEFENSE. --Defendant's attack on *AS 11.81.330(a)(4)(A)*, (B), and (C) as violating the right to keep and bear arms under *Alaska Const. art. I, § 19* was rejected. Governmental restrictions on the right to bear arms must only be substantially related to a legitimate government interest, rather than supported by a compelling state interest. *Stefano v. State*, -- P.3d -- (Alaska Ct. App. Feb. 29, 2012), (memorandum opinion).

STATUTE ON MISCONDUCT INVOLVING WEAPONS CONSTITUTIONAL. --Application of *AS 11.61.210* to persons who possess firearms while intoxicated in their homes or on their

residential property is not violative of the constitutional right to privacy and to bear arms. [*Gibson v. State*, 930 P.2d 1300 \(Alaska Ct. App. 1997\)](#).

STATUTE PROHIBITING FELON FROM RESIDING IN DWELLING CONTAINING FIREARM.
--Application of [*AS 11.61.200\(a\)\(10\)*](#), prohibiting a felon from residing in a dwelling knowing there is a firearm in the dwelling, does not infringe on the constitutional right to keep and bear arms. [*Morgan v. State*, 943 P.2d 1208 \(Alaska Ct. App. 1997\)](#).

Research References & Practice Aids

COLLATERAL REFERENCES. --

79 Am.Jur.2d, Weapons and Firearms, §§ 4, 6, 7, 9 to 25.

94 C.J.S., Weapons, §§ 3, 5, 8, 10.

Gun control laws, validity and construction of. [28 ALR3d 845](#); [86 ALR4th 931](#); [37 ALR Fed. 696](#); [60 ALR Fed. 305](#); [125 ALR Fed. 613](#).

Validity of state statutes restricting the right of aliens to bear arms. [28 ALR4th 1096](#).

Fact that weapon was acquired for self-defense or to prevent its use against defendant as defense in prosecution for violation of state statute prohibiting persons under indictment for, or convicted of, crime from acquiring, having, carrying, or using firearms or weapons. [39 ALR4th 967](#).

Sufficiency of prior conviction to support prosecution under state statute prohibiting persons under indictment for, or convicted of, crime from acquiring, having, carrying, or using firearms or weapons. [39 ALR4th 983](#).

Validity of state statute proscribing possession or carrying of knife. [47 ALR4th 651](#).

Federal constitutional right to bear arms. [37 ALR Fed. 696](#).

ALASKA STATUTES

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