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Senate District B

CS SB 136 (CRA)
Sectional Analysis

Limitations On Firearms Restrictions.

Section 1. Adds two new sections to AS 44.99. Miscellaneous Provisions and Policies.

AS 44.99.510. Infringements on the right to keep and bear arms.

- Establishes that during a disaster emergency declared under AS 26.23.020, the governor, a state agency, or a municipality may not issue or adopt an order, proclamation, regulation, ordinance, or policy regarding the following.
 1. Forbidding the possession, use, or transfer of a firearm, a firearm accessory, ammunition, or other weapon for personal use.
 2. Ordering the seizure or confiscation of a firearm, a firearm accessory, ammunition, or other weapon for personal use.
 3. Limiting the quantity or placing other restrictions on the sale or service of firearms, firearm accessories, ammunition, or other weapons for personal use.
 4. Clarifies the closure or limitation of commerce must apply equally to all forms of commerce within the jurisdiction, and cannot selectively close or limit the operating hours of the following:
 - Entity engaged in the sale or service of firearms, firearm accessories, ammunition, or other weapons for personal use.
 - Operation of an indoor or outdoor shooting range is prohibited.
 5. Suspending or revoking a permit to carry a concealed handgun issued under AS 18.65.700, except as provided in AS 18.65.735 (Suspension of permit) and AS 18.65.740 (Revocation of permit; appeal.)
 6. Refusing to accept an application to carry a concealed handgun, provided the application contains the information required under AS 18.65.710. (Application for permit to carry a concealed handgun).
- Clarifies that AS 44.99.510 does not apply to the possession of a firearm, a firearm accessory, ammunition, or other weapon by a person who is prohibited from legally possessing a firearm, a firearm accessory, ammunition, or other weapon under state law.
- Establishes that a person may bring a civil action in superior court if a person is adversely affected by a violation of AS 44.99.510(a) and is one of the following.
 1. Individual is qualified under state law to possess a firearm, firearm accessory, ammunition, or other weapon.

2. A membership organization consisting of two or more individuals that are qualified under state law to possess a firearm, firearm accessory, ammunition, or other weapon; and is dedicated in whole or in part to the protection of the rights of persons who possess or use firearms or other weapons.
- Clarifies that notwithstanding AS 09.17.020(f) - (h) of Chapter 17. Civil Damages and Appointment of Fault, a prevailing plaintiff may recover the following: greater amount of actual economic damages or punitive damages in the amount of three times the plaintiff's attorney fees, court costs, and attorney fees.

AS 44.99.595. Definitions. In AS 44.99.500 - 44.99.510

- Establishes the following definitions for AS 44.99.500 - 44.99.510
- "Firearm" has the meaning given in AS 11.81.900.
- "Firearm accessory" means an item that is used in conjunction with or mounted on a firearm but is not essential to the basic function of a firearm, including a telescopic or laser sight, magazine, flash or sound suppressor, folding or aftermarket stock and grip, speedloader, ammunition carrier, and light for target illumination.

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