



LAWS OF ALASKA

2005

Source

SCS HB 184(JUD) am S

Chapter No.

AN ACT

Relating to firearms.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to firearms.

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3 * **Section 1.** AS 18.65 is amended by adding a new section to read:

4 **Article 10A. Firearms.**

5 **Sec. 18.65.800. Possession of firearms in motor vehicles. (a)**

6 Notwithstanding any other provision of law, the state, a municipality, or a person may
7 not adopt or enforce a law, ordinance, policy, or rule that prohibits or has the effect of
8 prohibiting an individual from possessing a firearm while that individual is within a
9 motor vehicle or prohibiting an individual from storing a firearm that is locked in the
10 individual's motor vehicle while the motor vehicle is otherwise legally parked in or on
11 state or municipal property or another person's property. This section applies only to
12 possession of a firearm by an individual who may legally possess a firearm under state
13 and federal law.

14 (b) This section does not limit a person's rights or remedies under any other
15 law.

1 (c) The state, a municipality, or a person is not liable for any injury or damage
2 resulting from the storage of a firearm in the vehicle of another individual in
3 accordance with this section.

4 (d) Notwithstanding (a) of this section, an employer or its agent may prohibit
5 the possession of firearms within a secured restricted access area, as defined in
6 AS 29.35.145(d), in a vehicle owned, leased, or rented by the employer or its agent or
7 in a parking lot owned or controlled by the employer within 300 feet of the secured
8 restricted access area that does not include common areas of ingress and egress open
9 to the general public. The employer or its agent shall post conspicuous notice of the
10 prohibition against possession of firearms at each entrance to the restricted access area
11 and affected parking area.

12 * **Sec. 2.** AS 29.35.145(a) is repealed and reenacted to read:

13 (a) The authority to regulate firearms is reserved to the state, and, except as
14 specifically provided by statute, a municipality may not enact or enforce an ordinance
15 regulating the possession, ownership, sale, transfer, use, carrying, transportation,
16 licensing, taxation, or registration of firearms.

17 * **Sec. 3.** AS 29.35.145 is amended by adding new subsections to read:

18 (c) Municipalities may enact and enforce ordinances

19 (1) that are identical to state law and that have the same penalty as
20 provided for by state law;

21 (2) restricting the discharge of firearms in any portion of their
22 respective jurisdictions where there is a reasonable likelihood that people, domestic
23 animals, or property will be jeopardized; ordinances enacted or enforced under this
24 paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19,
25 Constitution of the State of Alaska, to bear arms in defense of self or others;

26 (3) restricting the areas in their respective jurisdictions in which
27 firearms may be sold; a business selling firearms may not be treated more restrictively
28 that other businesses located within the same zone; and

29 (4) prohibiting the possession of firearms in the restricted access area
30 of municipal government buildings; the municipal assembly shall post notice of the
31 prohibition against possession of firearms at each entrance to the restricted access

1 area.

2 (d) In this section,

3 (1) "firearms" includes firearms, or any other element relating to
4 firearms or parts thereof including ammunition and reloading components;

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

8 (e) The prohibition on taxation in (a) of this section does not include
9 imposition of a sales tax that is levied on all products sold within a municipality.