

# Fiscal Note

State of Alaska  
2022 Legislative Session

Bill Version: HB 203  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB203-DPS-DET-03-26-22  
Title: MISCONDUCT INVOLVING WEAPONS  
Sponsor: WOOL  
Requester: (H) STATE AFFAIRS

Department: Department of Public Safety  
Appropriation: Alaska State Troopers  
Allocation: Alaska State Trooper Detachments  
OMB Component Number: 2325

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2023	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2023 Request	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
<b>OPERATING EXPENDITURES</b>	<b>FY 2023</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
Personal Services	***	***	***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	***	***	***	***	***	***	***

## Fund Source (Operating Only)

None							
<b>Total</b>	***	***	***	***	***	***	***

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2022) cost:** 0.0 *(separate supplemental appropriation required)*

**Estimated CAPITAL (FY2023) cost:** 0.0 *(separate capital appropriation required)*

**Does the bill create or modify a new fund or account?** No  
*(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)*

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

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Division:	Commissioner's Office	Date:	03/26/2022
Approved By:	April Andrews, Acting Administrative Services Director	Date:	03/26/22
Agency:	Department of Public Safety		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2022 LEGISLATIVE SESSION

BILL NO. HB 203

### Analysis

This bill creates the new offense of misconduct involving weapons in the sixth degree under AS 11.61.225. A person commits the offense of misconduct in the sixth degree if the person fails to keep a firearm secured within their premises so that the firearm is inaccessible to a prohibited person or a person who is not the owner of, or authorized to have access to, the firearm.

The firearm would need to be carried by, or otherwise under the direct control of the owner or an authorized person, or secured in a locked container, secured with a gun lock, or secured by other means to render it inaccessible or unable to be used by anyone other than the owner or an authorized person.

A person who commits the offense of misconduct involving weapons in the sixth degree would be guilty of a violation punishable by a fine of up to \$1,000.

The bill also makes a violation of the new section misconduct involving weapons in the fourth degree, a class A misdemeanor under AS 11.61.210, if as a result of the violation, a prohibited person uses the firearm to commit a crime or injure themselves or another person. A "prohibited person" is defined in the bill as a person who is prohibited from possessing a firearm under state or federal law.

The bill defines a "locked container" as a storage device approved by, or meeting specifications established by, the Department of Public Safety (DPS). The term "secure gun storage or safety device" is defined under federal law at 18 USC § 921(a)(34). It is unclear whether the bill would require DPS staff to physically approve individual firearm storage devices to ensure they comply with the definition under 18 USC § 921(a)(34). DPS cannot estimate the fiscal impact of having to inspect individual storage devices for approval, which could include having to inspect such devices within a persons home (e.g., large gun safes).

Investigation of the offenses in this bill fall under the general duties of the Alaska State Troopers. It is unknown how many violations of proposed AS 11.61.225 would occur during the course of standard investigations, or how many additional criminal investigations under proposed AS 11.61.210(a)(9) would occur as a result of a prohibited person committing a crime or injuring themselves or another with a firearm the prohibited person was not authorized to possess.

For the reasons explained above, the fiscal impact of this bill cannot be determined. Therefore, an indeterminate fiscal note is being submitted.