

# Alaska State Legislature

## Juneau

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## Fairbanks

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## Member

House Finance Committee

## Representative Mike Kelly

*House District 7*

### MEMORANDUM

**DATE:** January 20, 2010

**TO:** Representative Mike Kelly

**FROM:** Derek Miller

**RE:** Sectional Analysis for CSHB 186(FIN) – (26-LS0627\P.A)

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A sectional summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

#### **Section 1.**

Findings Section. The authority of this Act is the Second, Ninth, and Tenth Amendments to the Constitution of the United States. The Second Amendment reserves to the people the right to keep and bear arms, the Ninth Amendment guarantees to the people rights not granted in the constitution, and the Tenth Amendment guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution. The United States Congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearm accessories, and ammunition. Article I, Section 19 of the Constitution of the State of Alaska secures to the citizens and prohibits government interference with the right of individual Alaska citizens to keep and bear arms.

## **Section 2.**

(a) A personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in this state and that remains in the state is not subject to federal law or federal regulation including registration under the authority of the United States Congress to regulate intrastate commerce.

(b) This section applies to a firearm, a firearm accessory, or ammunition that is manufactured in this state from basic materials without the inclusion of significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer applications are not firearms, firearm accessories, or ammunition and their incorporation into a firearm, firearm accessory, or ammunition manufactured in this state does not subject them to federal regulation. Basic materials, such as unmachined steel and unshaped wood are not firearms, firearm accessories, and ammunition and are not subject to federal regulation under intrastate commerce. Firearm accessories imported into this state from another state and are attached to or used in conjunction with a firearm in this state does not subject the firearm to federal regulation under intrastate commerce.

(c) A firearm manufactured or sold in this state and not subject to federal regulation must have the words "Made in Alaska" clearly stamped on a central metallic part, such as the receiver or frame.

(d) Permits the Attorney General of Alaska to defend a citizen of the state who is prosecuted by the government of the United States under power to regulate interstate commerce for violating federal law concerning the manufacture, sale, transfer, or possession of a firearm, a firearm accessory, or ammunition manufactured and retained within this state.

(e) Definitions section.

"Firearm accessory" – an item that is used in conjunction with or mounted on a firearm but is not essential to the basic function of a firearm. This includes: a telescope or laser sight, magazine, flash or sound suppressor, folding or aftermarket stock and grip, speedloader, ammunition carrier, and light for target illumination.

"Generic and insignificant parts" – includes springs, screws, nuts, and pins.

"Manufactured" – means a firearm a firearm accessory, or ammunition that has been created from basic materials for functional usefulness, including forging, casting, machining, or other processes for working materials.

## **Section 3.**

Applicability section. This Act applies to firearms, firearm accessories, and ammunition that are manufactured and retained in this state after October 1, 2009.

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*House District 7*

### MEMORANDUM

**DATE:** April 7, 2009  
**TO:** Representative Mike Kelly  
**FROM:** Derek Miller  
**RE:** Changes to HB 186 in CSHB 186(JUD)  
(26-LS0627\S)

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#### Section 1. (Minor Changes)

Page 1, line 10	Page 2, line 2	Page 2, line 12
Delete "understood"	Delete "understood"	Delete "understood"
Insert "intended"	Insert "intended"	Insert "intended"

#### Section 2.

The CSHB 186(JUD) deleted a section requiring the Attorney General to defend a citizen of the state who is prosecuted by the government of the United States under the Congressional power to regulate interstate commerce for violation of a federal law concerning the manufacture, sale, transfer, or possession of a firearm, a firearm accessory, or ammunition manufactured and retained within this state.

Page 3, lines 18 – 26  
Delete

#### Section 3

No changes.

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#### Section 1.

No changes.

#### Section 2.

Added subsection (d) – page 3, lines 18 – 24.

New section (d) requires the Attorney General of Alaska to defend a citizen of the state who is prosecuted by the government of the United States under the Congressional power to regulate interstate commerce for violation of a federal law concerning the manufacture, sale, transfer, or possession of a firearm, a firearm accessory, or ammunition manufactured and retained within this state.

Re-numbered the definitions subsection accordingly.

#### Section 3.

No changes.

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(26-LS0627\P.A)

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#### Section 1.

No changes

#### Section 2.

Page 3, line 18  
Delete "shall"  
Insert "may"

#### Section 3

No changes.