

CS FOR HOUSE BILL NO. 69()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CHENAULT, Millett, Johnson, Tammie Wilson, Hawker, Olson, Feige, Peggy Wilson, Thompson, Keller, Gattis, Lynn, Saddler, Higgins, LeDoux, Foster, Hughes, Stoltze, Reinbold

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting certain firearms and firearm accessories in this state from federal**
2 **regulation; declaring certain federal statutes, regulations, rules, and orders**
3 **unconstitutional under the Constitution of the United States and unenforceable in this**
4 **state; providing criminal penalties for federal officials who enforce or attempt to enforce**
5 **a federal statute, regulation, rule, or order regulating certain firearms and firearm**
6 **accessories in this state; and providing for an effective date."**

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

8 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 **FINDINGS.** The legislature finds that

11 (1) a statute, regulation, rule, or order that has the purpose, intent, or effect of
12 confiscating any firearm, banning any firearm, limiting the size of a magazine for any firearm,
13 imposing any limit on the ammunition that may be purchased for any firearm, taxing any

1 firearm or its ammunition, or requiring the registration of any firearm or its ammunition
2 infringes on an Alaskan's right to bear arms in violation of the Second Amendment to the
3 Constitution of the United States and, therefore, is not made in accordance with the
4 Constitution of the United States, is not authorized by the Constitution of the United States, is
5 not the supreme law of the land, and, consequently, is invalid in this state and shall be
6 considered null and void and of no effect in this state; and

7 (2) further authority for this Act is the following:

8 (A) art. I, sec. 19, Constitution of the State of Alaska, clearly secures
9 to Alaska citizens and prohibits government interference with the right of individual
10 Alaska citizens to keep and bear arms;

11 (B) the Tenth Amendment to the Constitution of the United States
12 guarantees to the states and their people all powers not granted to the federal
13 government elsewhere in the constitution and reserves to the state and people of
14 Alaska certain powers as they were intended at the time that Alaska was admitted to
15 statehood in 1959; the guaranty of those powers is a matter of contract between the
16 state and people of Alaska and the United States as of the time that the compact with
17 the United States was agreed to and adopted by Alaska and the United States in 1959;

18 (C) the Ninth Amendment to the Constitution of the United States
19 guarantees to the people rights not granted in the constitution and reserves to the
20 people of Alaska certain rights as they were intended at the time that Alaska was
21 admitted to statehood in 1959; the guaranty of those rights is a matter of contract
22 between the state and people of Alaska and the United States as of the time that the
23 compact with the United States was agreed upon and adopted by Alaska and the
24 United States in 1959.

25 * Sec. 2. AS 44.99.500(a) is amended to read:

26 (a) A personal firearm, a firearm accessory, or ammunition that is possessed
27 in this state or manufactured commercially or privately in this state and that remains
28 in the state is not subject to federal law or federal regulation, including registration,
29 under the authority of the United States Congress to regulate interstate commerce as
30 those items have not traveled in interstate commerce.

31 * Sec. 3. AS 44.99.500(b) is amended to read:

1 (b) This section applies to a firearm, a firearm accessory, or ammunition that
2 is possessed in this state or manufactured in this state from basic materials and that
3 can be manufactured without the inclusion of any significant parts imported from
4 another state. Generic and insignificant parts that have other manufacturing or
5 consumer product applications are not firearms, firearm accessories, or ammunition,
6 and their importation into this state and incorporation into a firearm, a firearm
7 accessory, or ammunition manufactured in this state does not subject the firearm,
8 firearm accessory, or ammunition to federal regulation. Basic materials, such as
9 unmachined steel and unshaped wood, are not firearms, firearm accessories, or
10 ammunition and are not subject to congressional authority to regulate firearms, firearm
11 accessories, and ammunition under interstate commerce as if they were actually
12 firearms, firearm accessories, or ammunition. The authority of the United States
13 Congress to regulate interstate commerce in basic materials does not include authority
14 to regulate firearms, firearm accessories, and ammunition possessed in this state or
15 made in this state from those materials. Firearm accessories that are imported into this
16 state from another state and that are subject to federal regulation as being in interstate
17 commerce do not subject a firearm to federal regulation under interstate commerce
18 because they are attached to or used in conjunction with a firearm in this state.

19 * Sec. 4. AS 44.99.500(d) is amended to read:

20 (d) The attorney general may defend a citizen of this state who is prosecuted
21 by the government of the United States under the congressional power to regulate
22 interstate commerce for violation of a federal law concerning the manufacture, sale,
23 transfer, or possession of a firearm, a firearm accessory, or ammunition possessed in
24 this state or manufactured and retained within this state.

25 * Sec. 5. AS 44.99.500 is amended by adding new subsections to read:

26 (f) A federal statute, regulation, rule, or order adopted, enacted, or otherwise
27 effective on or after January 1, 2013, is unenforceable in this state by an official,
28 agent, or employee of this state, a municipality, or the federal government if the
29 federal statute, regulation, rule, or order attempts to

30 (1) ban or restrict ownership of a semiautomatic firearm or a magazine
31 of a firearm; or

1 (2) require a firearm, magazine, or other firearm accessory to be
2 registered.

3 (g) An official, agent, or employee of the federal government who enforces or
4 attempts to enforce a federal statute, regulation, rule, or order unenforceable under (f)
5 of this section that is adopted on or after the effective date of (f) of this section is
6 guilty of a class C felony and may be punished as provided in AS 12.55.

7 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 RETROACTIVITY. AS 44.99.500(f), added by sec. 5 of this Act, is retroactive to
10 January 1, 2013.

11 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).