

HOUSE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CHENAULT, Millett, Johnson, Tammie Wilson, Hawker, Olson, Feige,
Peggy Wilson, Thompson, Keller, Gattis, Lynn, Saddler, Higgins, LeDoux, Foster, Peggy Wilson

Introduced: 1/16/13

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting certain firearms and firearm accessories in this state from federal**
2 **regulation; providing criminal penalties for federal officials who enforce or attempt to**
3 **enforce a federal law, regulation, rule, or order regulating certain firearms and firearm**
4 **accessories in this state; and providing for an effective date."**

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

6 * **Section 1.** AS 44.99.500(a) is amended to read:

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

12 * **Sec. 2.** AS 44.99.500(b) is amended to read:

13 (b) This section applies to a firearm, a firearm accessory, or ammunition that
14 is **possessed in this state or** manufactured in this state from basic materials and that

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

17 * **Sec. 3.** AS 44.99.500(d) is amended to read:

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

23 * **Sec. 4.** AS 44.99.500 is amended by adding new subsections to read:

24 (f) A federal statute, regulation, rule, or order enacted or effective on or after
 25 the effective date of this Act is unenforceable in this state if the federal statute,
 26 regulation, rule, or order attempts to

27 (1) ban or restrict ownership of a semiautomatic firearm or a magazine
 28 of a firearm; or

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

31 (g) An official, agent, or employee of the federal government who enforces or

1 attempts to enforce a federal statute, regulation, rule, or order that is unenforceable
2 under (f) of this section is guilty of a class B misdemeanor and may be punished as
3 provided in AS 12.55.

4 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).