

# **SB 136**

**An Act Relating to Firearms  
and Other Weapons Restrictions.**

# State of Emergencies

- **Governors of the United States may declare a state of emergency in the event of a disaster.**
  - Declarations provide expansive police powers to regulate states during emergencies to protect public health and safety.
- **Police powers are granted by the state constitution.**
  - State statutes clarify and defines the extend of the emergency authority granted during an emergency declaration.
  - State legislatures can create reasonable regulations to define and establish the restrictions on constitutional rights in times of emergency.

# Sponsor Statement

- **SB 136 clarifies the authority granted during an emergency declaration regarding the Second Amendment.**
  - SB 136 establishes that notwithstanding a declaration of a disaster emergency, neither a state or a municipal agency may not forbid the possession, use or transfer of a firearm, firearm accessory, ammunition, or other weapon for personal use.
  - SB 136 would establish that the closure and limitation of commerce under the police powers of the governor must be equally applied to all forms of commerce.

# Sectional Analysis

- **Section 1. Amends AS 44.99 by adding new sections to the Alaska Firearms Freedom Act.**
- **AS 44.99.510. Infringements on the right to keep and bear arms.**
- **Notwithstanding a disaster emergency declared under AS 26.23.020, a state or municipal agency may not:**
  - Forbid the possession, use, or transfer of a firearm, a firearm accessory, ammunition, or other weapon for personal use.
  - Order seizure or confiscation of a firearm, firearm accessory, ammunition, or other weapon for personal use.
  - Limit quantity or place other restrictions on sale or service of firearms, firearm accessories, ammunition, or other weapons for personal use.

# Sectional Analysis

- **Notwithstanding a disaster emergency declared under AS 26.23.020, a state or municipal agency may not:**
  - Unless closure or limitation applies equally to all forms of commerce within the jurisdiction, close or limit operating hours of...
    - An entity engaged in the sale or service of firearms, firearm accessories, ammunition, or other weapons for personal use; or
    - An indoor or outdoor shooting range.
  - Suspend or revoke a permit to carry a concealed handgun issued under AS 18.65.700, except as provided in AS 18.65.735 and 18.65.740; or
  - Refuse to accept an application to carry a concealed handgun, provided the application contains the information required under AS 18.65.710.
  - Section does not apply to the possession of a firearm, firearm accessory, ammunition, or other weapon by a person who is prohibited from legally possessing a firearm, a firearm accessory, ammunition, or other weapon under state law.

# Sectional Analysis

- **Person may bring a civil action in superior court if the person is adversely affected by a violation of this section, and the person is**
  - Qualified under state law to possess a firearm, firearm accessory, ammunition, or other weapon; or
  - Membership organization consisting of two or more individuals that is dedicated to the protection of the rights of persons who possess or use firearms.
- **Notwithstanding AS 09.17.020(f) - (h),**
  - A prevailing plaintiff may recover the greater amount of actual economic damages or punitive damages in the amount of three times the plaintiff's attorney fees, court costs; and attorney fees.

# Sectional Analysis

- **Section 1. Amends Article 5 of AS 44.99 by adding new sections.**
- **AS 44.99.595. “Definitions.” AS 44.99.500 - 44.99.510**
  - “State or municipal agency” is defined as the University of Alaska or a department, institution, board, commission, division, council, committee, authority, public corporation, school district, regional educational attendance area, or other administrative unit of a municipality or of the executive, judicial, or legislative branch of state government, and includes employees of those entities.

# Sectional Analysis

- **Section 1. Amends Article 5 of AS 44.99 by adding new sections.**
- **AS 44.99.595. “Definitions.” AS 44.99.500 - 44.99.510**
  - “Firearm” has the meaning given in AS 11.81.900;
  - “Firearm Accessory” means an item that is used in conjunction with or mounted on a firearm but is not essential to the basic function of a firearm, including a telescopic or laser sight, magazine, flash or sound suppressor, folding or aftermarket stock and grip, speed loader, ammunition carrier, and light for target illumination.
- **Section 2. Repeals AS 44.99.500(g)(1). “Firearm Accessory”**
  - Definition is relocated to AS 44.99.595. “Definitions.” AS 44.99.500 - 44.99.510.



# **SB 136**

**An Act Relating to Firearms  
and Other Weapons Restrictions.**