

**HOUSE BILL NO. 28**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BUNDE, Rokeberg, Green, Toohey, Kott, Elton

Introduced: 1/16/95

Referred: Health, Education and Social Services, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the possession of weapons within the grounds of or on the  
2 parking lot of preschools, elementary, junior high, and secondary schools or while  
3 participating in a school-sponsored event; requiring the expulsion or suspension of  
4 students possessing deadly weapons on school grounds; and relating to school  
5 lockers and other containers provided in a public or private school by the school  
6 or the school district."

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

8 \* **Section 1.** AS 11.61.210(a) is amended to read:

9 (a) A person commits the crime of misconduct involving weapons in the fourth  
10 degree if the person

11 (1) possesses on the person, or in the interior of a vehicle in which the  
12 person is present, a firearm when the person's physical or mental condition is impaired  
13 as a result of the introduction of an intoxicating liquor or a controlled substance into

1 the person's body in circumstances other than described in AS 11.61.200(a)(7);

2 (2) discharges a firearm from, on, or across a highway;

3 (3) discharges a firearm with reckless disregard for a risk of damage  
4 to property or a risk of physical injury to a person;

5 (4) manufactures, possesses, transports, sells, or transfers metal  
6 knuckles;

7 (5) manufactures, sells, or transfers a switchblade or a gravity knife;

8 [OR]

9 (6) knowingly sells a firearm or a defensive weapon to a person under  
10 18 years of age; **or**

11 **(7) knowingly possesses a deadly weapon or a defensive weapon,**  
12 **without the permission of the chief administrative officer of the school or district**  
13 **or the designee of the chief administrative officer, within the grounds of or on the**  
14 **parking lot immediately adjacent to a public or private preschool, elementary,**  
15 **junior high, or secondary school or while participating in a school-sponsored**  
16 **event, except that a person 21 years of age or older may possess**

17 **(A) a deadly weapon other than a loaded firearm in the**  
18 **trunk of a motor vehicle or encased in a closed container in a motor**  
19 **vehicle;**

20 **(B) a defensive weapon;**

21 **(C) an unloaded firearm if the person is traversing school**  
22 **premises in a rural area for the purpose of entering public or private land**  
23 **that is open to hunting and the school board with jurisdiction over the**  
24 **school premises has elected to have this exemption apply to the school**  
25 **premises; in this subparagraph, "rural" means a community with a**  
26 **population of 5,500 or less that is not connected by road or rail to**  
27 **Anchorage or Fairbanks or with a population of 1,500 or less that is**  
28 **connected by road or rail to Anchorage or Fairbanks.**

29 \* **Sec. 2.** AS 11.61.210 is amended by adding a new subsection to read:

30 (d) The provisions of (a)(7) of this section do not apply to a peace officer  
31 acting within the scope and authority of the officer's employment.

1 \* **Sec. 3.** AS 11.61.220(a) is amended to read:

2 (a) A person commits the crime of misconduct involving weapons in the fifth  
3 degree if the person

4 (1) knowingly possesses a deadly weapon, other than an ordinary  
5 pocket knife or a defensive weapon, that is concealed on the person;

6 (2) knowingly possesses a loaded firearm on the person in any place  
7 where intoxicating liquor is sold for consumption on the premises;

8 (3) being an unemancipated minor under 16 years of age, possesses a  
9 firearm without the consent of a parent or guardian of the minor;

10 (4) knowingly possesses a firearm

11 [(A) OR A DEFENSIVE WEAPON WITHIN THE GROUNDS  
12 OF OR ON A PARKING LOT IMMEDIATELY ADJACENT TO A PUBLIC  
13 OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR HIGH, OR  
14 SECONDARY SCHOOL WITHOUT THE PERMISSION OF THE CHIEF  
15 ADMINISTRATIVE OFFICER OF THE SCHOOL OR DISTRICT OR THE  
16 DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER, EXCEPT THAT  
17 A PERSON 21 YEARS OF AGE OR OLDER MAY POSSESS

18 (i) AN UNLOADED FIREARM IN THE TRUNK OF  
19 A MOTOR VEHICLE OR ENCASED IN A CLOSED CONTAINER  
20 IN A MOTOR VEHICLE;

21 (ii) A DEFENSIVE WEAPON; OR

22 (B)] within the grounds of or on a parking lot immediately  
23 adjacent to a center, other than a private residence, licensed under AS 47.33 or  
24 AS 47.35 or recognized by the federal government for the care of children; or

25 (5) possesses or transports a switchblade or a gravity knife.

26 \* **Sec. 4.** AS 14.03.080 is amended by adding a new subsection to read:

27 (f) This section does not require a school district to admit a child or person  
28 currently under suspension or expulsion under AS 14.03.160 in that or another school  
29 district.

30 \* **Sec. 5.** AS 14.03 is amended by adding a new section to read:

31 Sec. 14.03.105. SCHOOL LOCKERS. (a) Subject to (b) of this section, a

1 locker or other container provided in a school by the school or the school district may  
2 be searched and examined with the permission of the chief administrative officer of  
3 the school or the school district or the designee of the chief administrative officer to  
4 determine compliance with school regulations, school district regulations, and local,  
5 state, and federal laws.

6 (b) Notices in letters at least two inches high stating the right and the intention  
7 of school and school district officers to permit searches and examinations under (a) of  
8 this section shall be posted in prominent locations throughout a school.

9 (c) Nothing in this section limits the ability of a peace officer, chief  
10 administrative officer, or other appropriate person, acting in compliance with local,  
11 state, or federal laws, to search a locker or other container provided in a public or  
12 private school by the school district.

13 \* **Sec. 6.** AS 14.03 is amended by adding a new section to read:

14 Sec. 14.03.160. SUSPENSION OR EXPULSION OF STUDENTS FOR  
15 POSSESSING WEAPONS. (a) Notwithstanding any other provision of law, a school  
16 district shall

17 (1) expel for at least one year a student who violates  
18 AS 11.61.210(a)(7) while possessing a firearm, as that term is defined under 18 U.S.C.  
19 921;

20 (2) suspend for a least 30 days, or expel for the school year or  
21 permanently, a student who violates AS 11.61.210(a)(7) while possessing a deadly  
22 weapon, other than a firearm, as that term is defined under 18 U.S.C. 921.

23 (b) The administrative officer of a school district may on a case-by-case basis  
24 reduce or otherwise modify the expulsion or suspension of a student under (a) of this  
25 section.

26 (c) A prior conviction, or adjudication of delinquency or child in need of  
27 supervision, for violation of AS 11.61.210(a)(7) is not necessary for a school board to  
28 suspend or expel a student under this section.

29 (d) In this section, "deadly weapon" has the meaning given in AS 11.81.900.

30 \* **Sec. 7.** AS 14.45 is amended by adding a new section to article 3 to read:

31 Sec. 14.45.190. SCHOOL LOCKERS. A private school may search school

1 lockers and other containers as provided in AS 14.03.105.