

HOUSE BILL NO. 419

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KOTT, Ogan, Foster, Sanders, Willis, Toohey, Vezey, Kelly, Phillips, James

Introduced: 1/12/96

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the disposal of firearms and ammunition by the state or a
2 municipality."

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

4 * **Section 1.** AS 12.36.030(b) is amended to read:

5 (b) The law enforcement agency shall dispose of that part of the property
6 referenced in (a) of this section, that is

7 (1) a firearm or ammunition, in the manner provided in
8 AS 18.65.340;

9 (2) other than a firearm or ammunition, and is

10 (A) [(1)] subject to AS 34.45.110 - 34.45.780, in accordance
11 with AS 34.45.110 - 34.45.780;

12 (B) [(2)] not subject to AS 34.45.110 - 34.45.780, by selling the
13 property in the same manner as a sale upon execution; after paying the
14 expenses for the preservation and sale of the property, the law enforcement

1 agency shall dispose of the proceeds of the sale in the same manner as money
2 collected upon a judgment.

3 * **Sec. 2.** AS 12.36.060(a) is amended to read:

4 (a) A deadly weapon, **other than a firearm or ammunition**, forfeited under
5 AS 12.55.015(a)(9), unless remitted under AS 12.36.050, shall be disposed of by the
6 commissioner of public safety under this section. **Under this subsection, the** [THE]
7 commissioner of public safety

8 **(1)** may declare a weapon surplus and transfer it to the commissioner
9 of administration;

10 **(2) may, if the** [. A] weapon **is** suitable for law enforcement purposes,
11 [BALLISTICS TESTING,] training, or identification, **retain the weapon for use**
12 [MAY BE RETAINED] by the Department of Public Safety or **transfer the weapon**
13 [TRANSFERRED] to the municipal law enforcement agency making the arrest that led
14 to the forfeiture;

15 **(3) shall destroy a** [. A] weapon that is unsafe or unlawful [SHALL
16 BE DESTROYED].

17 * **Sec. 3.** AS 12.36.060 is amended by adding a new subsection to read:

18 (c) A firearm or ammunition forfeited under AS 12.55.015(a)(9), unless
19 remitted under AS 12.36.050, shall be disposed of as provided in AS 18.65.340.

20 * **Sec. 4.** AS 18.65 is amended by adding a new section to read:

21 ARTICLE 3A. DISPOSAL OF FIREARMS AND AMMUNITION.

22 Sec. 18.65.340. DISPOSAL OF FIREARMS AND AMMUNITION BY THE
23 STATE OR A MUNICIPALITY. Except for disposals under AS 17.30.122, the state
24 or a municipality of the state may only dispose of forfeited, surplus, or recovered but
25 unclaimed, firearms and ammunition by sale or trade to a federally licensed firearms
26 dealer. Only firearms and ammunition that are serviceable and safe and legal for a
27 federally licensed firearms dealer to possess may be sold or traded under this section.
28 Firearms and ammunition that are not serviceable and safe shall be destroyed by the
29 state or the municipality having possession of the firearms and ammunition. Firearms
30 and ammunition that are not legal for a federally licensed firearms dealer to possess
31 shall be disposed of only by destruction or by transfer to a law enforcement agency

1 that can legally possess the firearms or ammunition.