

SENATE BILL NO. 8

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS DUNCAN, Kelly

Introduced: 1/16/95

Referred: HES, JUD

A BILL

FOR AN ACT ENTITLED

1 "An Act increasing the penalty for possession of deadly weapons or defensive
2 weapons on school grounds or adjacent parking lots, or on child care center
3 grounds; and providing for an effective date."

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

5 * **Section 1.** AS 11.61.200(a) is amended to read:

6 (a) A person commits the crime of misconduct involving weapons in the third
7 degree if the person

8 (1) knowingly possesses a firearm capable of being concealed on one's
9 person after having been convicted of a felony or adjudicated a delinquent minor for
10 conduct that would constitute a felony if committed by an adult by a court of this
11 state, a court of the United States, or a court of another state or territory;

12 (2) knowingly sells or transfers a firearm capable of being concealed
13 on one's person to a person who has been convicted of a felony by a court of this
14 state, a court of the United States, or a court of another state or territory;

1 (3) manufactures, possesses, transports, sells, or transfers a prohibited
2 weapon;

3 (4) knowingly sells or transfers a firearm to another whose physical or
4 mental condition is substantially impaired as a result of the introduction of an
5 intoxicating liquor or controlled substance into that other person's body;

6 (5) removes, covers, alters, or destroys the manufacturer's serial
7 number on a firearm with intent to render the firearm untraceable;

8 (6) possesses a firearm on which the manufacturer's serial number has
9 been removed, covered, altered, or destroyed, knowing that the serial number has been
10 removed, covered, altered, or destroyed with the intent of rendering the firearm
11 untraceable;

12 (7) violates AS 11.46.320 and, during the violation, possesses on the
13 person a firearm when the person's physical or mental condition is impaired as a result
14 of the introduction of an intoxicating liquor or controlled substance into the person's
15 body;

16 (8) violates AS 11.46.320 or 11.46.330 by entering or remaining
17 unlawfully on premises or in a propelled vehicle in violation of a provision of an order
18 issued under AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the
19 person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

20 (9) communicates in person with another in violation of AS 11.56.740
21 and, during the communication, possesses on the person a defensive weapon or a
22 deadly weapon, other than an ordinary pocketknife;

23 (10) resides in a dwelling knowing that there is a firearm capable of
24 being concealed on one's person or a prohibited weapon in the dwelling if the person
25 has been convicted of a felony by a court of this state, a court of the United States,
26 or a court of another state or territory, unless the person has written authorization to
27 live in a dwelling in which there is a concealable weapon described in this paragraph
28 from a court of competent jurisdiction or from the head of the law enforcement agency
29 of the community in which the dwelling is located; [OR]

30 (11) discharges a firearm from a propelled vehicle while the vehicle is
31 being operated; or

1 (12) knowingly possesses a firearm or other deadly weapon or a
2 defensive weapon within the grounds of or on a parking lot immediately adjacent
3 to a public or private preschool, elementary, junior high, or secondary school, or
4 within the grounds of or on a parking lot immediately adjacent to a center, other
5 than a private residence, licensed under AS 47.35.010 - 47.35.070 or recognized
6 by the federal government for the care of children, without the permission of the
7 chief administrative officer of the preschool, school, school district, or child care
8 center, or the designee of the chief administrative officer, except that a person 21
9 years of age or older may possess an

10 (A) unloaded firearm or other deadly weapon in the trunk
11 of a motor vehicle or encased in a closed container in a motor vehicle;

12 (B) ordinary pocket knife or a defensive weapon.

13 * **Sec. 2.** AS 11.61.200(a)(12) is amended to read:

14 (12) knowingly possesses a firearm or other deadly weapon or a
15 defensive weapon within the grounds of or on a parking lot immediately adjacent to
16 a public or private preschool, elementary, junior high, or secondary school, or within
17 the grounds of or on a parking lot immediately adjacent to a center, other than a
18 private residence, licensed under **AS 47.35** [AS 47.35.010 - 47.35.070] or recognized
19 by the federal government for the care of children, without the permission of the chief
20 administrative officer of the preschool, school, school district, or child care center, or
21 the designee of the chief administrative officer, except that a person 21 years of age
22 or older may possess an

23 (A) unloaded firearm or other deadly weapon in the trunk of a
24 motor vehicle or encased in a closed container in a motor vehicle;

25 (B) ordinary pocket knife or a defensive weapon.

26 * **Sec. 3.** AS 11.61.200(e) is amended to read:

27 (e) The provisions of (a)(3), [AND] (11), **and (12)** of this section do not apply
28 to a peace officer acting within the scope and authority of the officer's employment.

29 * **Sec. 4.** AS 11.61.220(a)(4) is repealed.

30 * **Sec. 5.** Section 2 of this Act takes effect January 1, 1996.