

**CS FOR SENATE BILL NO. 70(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/1/97  
Referred: Finance

Sponsor(s): SENATORS DONLEY, Pearce, Leman, Green, Wilken, Mackie, Phillips, Ellis, Ward,  
Duncan, Kelly

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the discharge of firearms at or in the direction of buildings  
2 and dwellings."

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

4 \* **Section 1.** INTENT. It is the legislature's intent that the offense of misconduct involving  
5 weapons in the second degree under AS 11.61.195(a)(3)(A)(i), enacted in sec. 2 of this Act,  
6 does not require that a defendant act intentionally, knowingly, recklessly, or with criminal or  
7 civil negligence as to the element of the offense that the building was occupied at the time  
8 of the discharge of the firearm. The legislature intends to dispense with the requirement of  
9 a culpable mental state and to apply strict liability as to that element. See, Noblit v. State,  
10 808 P.2d 280 (Alaska App. 1991).

11 \* **Sec. 2.** AS 11.61.195(a) is amended to read:

12 (a) A person commits the crime of misconduct involving weapons in the  
13 second degree if the person knowingly

14 (1) possesses a firearm during the commission of an offense under

1 AS 11.71.010 - 11.71.040; [OR]

2 (2) violates AS 11.61.200(a)(1) and is within the grounds of or on a  
3 parking lot immediately adjacent to

4 (A) a public or private preschool, elementary, junior high, or  
5 secondary school without the permission of the chief administrative officer of  
6 the school or district or the designee of the chief administrative officer; or

7 (B) a center, other than a private residence, licensed under  
8 AS 47.33 or AS 47.35 or recognized by the federal government for the care of  
9 children; **or**

10 **(3) discharges a firearm at or in the direction of**

11 **(A) a building**

12 **(i) and the building is occupied; or**

13 **(ii) with reckless disregard for a risk of damage to**  
14 **property or a risk of physical injury to a person; or**

15 **(B) a dwelling.**

16 \* **Sec. 3.** AS 11.61.210(a)(3) is amended to read:

17 (3) discharges a firearm with reckless disregard for a risk of damage  
18 to property or a risk of physical injury to a person **under circumstances other than**  
19 **those described in AS 11.61.195(a)(3)(A)(ii);**