

**SENATE BILL NO. 271**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATORS DUNCAN, Ellis, Lincoln, Adams, Hoffman

Introduced: 1/30/98

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the possession of firearms; and providing for an effective  
2 date."

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

4 \* **Section 1.** AS 11.61.220(a), as amended by sec. 4, ch. 1, SLA 1998, is amended to read:

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

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

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

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

13 (4) knowingly possesses a firearm

14 (A) within the grounds of or on a parking lot immediately

1 adjacent to a center, other than a private residence, licensed under AS 47.33 or  
 2 AS 47.35 or recognized by the federal government for the care of children;  
 3 [OR]

4 (B) within a

5 (i) courtroom or office of the Alaska Court System; or

6 (ii) courthouse that is occupied only by the Alaska Court

7 System and other justice-related agencies;

8 (C) within a **facility providing services to victims of** domestic  
 9 violence or sexual assault [SHELTER] that receives funding from the state; or

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

11 \* **Sec. 2.** AS 11.61.220(i), added by sec. 8, ch. 1, SLA 1998, is amended to read:

12 (i) In a prosecution

13 (1) [(A)] under (a)(4)(B) of this section, it is a defense that the  
 14 defendant, at the time of possession, was authorized to possess the firearm  
 15 under a rule of court;

16 (2) [(B)] under (a)(4)(C) of this section, it is a defense that the  
 17 defendant, at the time of possession, was authorized in writing by the  
 18 administrator of the **facility** [SHELTER] to possess the firearm.

19 \* **Sec. 3.** AS 18.65.705, as repealed and reenacted by sec. 12, ch. 1, SLA 1998, is amended  
 20 to read:

21 **Sec. 18.65.705. Qualifications to obtain a permit.** A person is qualified to  
 22 receive and hold a permit to carry a concealed handgun if the person

23 (1) is 21 years of age or older;

24 (2) is eligible to own or possess a handgun under the laws of this state  
 25 and under federal law;

26 (3) is a resident of the state and has been for the 90 days immediately  
 27 preceding the application for a permit;

28 (4) has not been convicted of two or more class A misdemeanors of  
 29 this state or similar laws of another jurisdiction within the six years immediately  
 30 preceding the application;

31 (5) is not now in and has not in the three years immediately preceding

1 the application been ordered by a court to complete an alcohol or substance abuse  
2 treatment program; [AND]

3 (6) has demonstrated competence with handguns as provided in  
4 AS 18.65.715;

5 (7) has not, within the six years immediately preceding the  
6 application, been convicted of, or as a permittee is not convicted of,

7 (A) a misdemeanor that is a crime involving domestic  
8 violence;

9 (B) stalking in the second degree under AS 11.41.270;

10 (8) is not the respondent in a protective order issued under  
11 AS 18.66.100 - 18.66.180 unless the protective order has been dissolved or has  
12 expired; and

13 (9) is not currently charged under a complaint, information, or  
14 indictment with any of the following offenses or a similar law of another  
15 jurisdiction:

16 (A) a felony;

17 (B) a crime involving domestic violence; or

18 (C) stalking in the second degree.

19 \* Sec. 4. AS 18.65.790 is amended by adding a new paragraph to read:

20 (8) "crime involving domestic violence" has the meaning given in  
21 AS 18.66.990.

22 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c) but not before the date  
23 that ch. 1, SLA 1998, takes effect.