

SENATE BILL NO. 309

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATORS WARD, Donley, Halford, Green, Mackie, Leman, Pearce, Taylor

Introduced: 2/16/98

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the use of force by peace officers and correctional officers."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * **Section 1.** AS 11.81 is amended by adding a new section to read:

4 **Sec. 11.81.415. Justification: Use of nonlethal firearms and defensive**
5 **weapons by peace officers and guards as nondeadly force.** (a) Whenever a guard
6 employed in a correctional facility or a peace officer is justified under other sections
7 of this chapter in using nondeadly force, the force that the guard or peace officer may
8 use includes the use of a (1) nonlethal firearm, or (2) defensive weapon. The use of
9 a nonlethal firearm or a defensive weapon does not amount to the use of deadly force
10 if the firearm or weapon is used in the manner it was designed to be used.

11 (b) In this section, "nonlethal firearm" means a firearm that discharges a
12 projectile that is designed to stun, temporarily incapacitate, or cause temporary
13 discomfort to a person without penetrating the person's body.

14 * **Sec. 2.** AS 11,81.420(a) is amended to read:

15 (a) Unless inconsistent with AS 11.81.320 - 11.81.415 [AS 11.81.320 -

1 11.81.410), conduct **that** [WHICH] would otherwise constitute an offense is justified
2 when it is required or authorized by law or by a judicial decree, judgment, or order.