

HOUSE CS FOR SENATE BILL NO. 309(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/3/98
Referred: Judiciary

Sponsor(s): SENATORS WARD, Donley, Halford, Green, Mackie, Leman, Pearce, Taylor

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 by peace officers
5 and guards as nondeadly force. (a) Whenever a guard employed in a correctional
6 facility or a peace officer is justified under other sections of this chapter in using
7 nondeadly force, the force that the guard or peace officer may use includes the use of
8 a nonlethal firearm. The use of a nonlethal firearm does not amount to the use of
9 deadly force if the firearm is used in the manner it was designed to be used.

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

13 * Sec. 2. AS 11.81.420(a) is amended to read:

14 (a) Unless inconsistent with **AS 11.81.320 - 11.81.415** [AS 11.81.320 -
15 11.81.410], conduct that [WHICH] would otherwise constitute an offense is justified

1 when it is required or authorized by law or by a judicial decree, judgment, or order.