

SENATE BILL NO. 188

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR DYSON

Introduced: 4/15/03

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to concealed deadly weapons."**

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

3 * **Section 1.** AS 11.61.220(a) is amended to read:

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

6 (1) **is 21 years of age or older and** knowingly possesses a deadly
7 weapon, other than an ordinary pocket knife or a defensive weapon,

8 **(A) that is concealed on the person, and, when contacted by a**
9 **peace officer, the person fails to**

10 **(i) immediately inform the peace officer of that**
11 **possession; or**

12 **(ii) allow the peace officer to secure the deadly**
13 **weapon, or fails to secure the weapon at the direction of the peace**
14 **officer, during the duration of the contact;**

15 **(B) that is concealed on the person within the residence of**

1 **another person unless the person has first obtained the express permission**
 2 **of an adult residing there to bring a concealed deadly weapon within the**
 3 **residence;**

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

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

8 (4) knowingly possesses a firearm

9 (A) within the grounds of or on a parking lot immediately
 10 adjacent to a center, other than a private residence, licensed under AS 14.37,
 11 AS 47.33, or AS 47.35 or recognized by the federal government for the care of
 12 children;

13 (B) within a

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

15 (ii) courthouse that is occupied only by the Alaska
 16 Court System and other justice-related agencies; or

17 (C) within a domestic violence or sexual assault shelter that
 18 receives funding from the state; [OR]

19 (5) possesses or transports a switchblade or a gravity knife; **or**

20 **(6) is less than 21 years of age and knowingly possesses a deadly**
 21 **weapon, other than an ordinary pocket knife or a defensive weapon, that is**
 22 **concealed on the person.**

23 * **Sec. 2.** AS 11.61.220(b) is amended to read:

24 (b) In a prosecution under **(a)(6)** [(a)(1)] of this section, it is an affirmative
 25 defense that the defendant, at the time of possession, was

26 (1) in the defendant's dwelling or on land owned or leased by the
 27 defendant appurtenant to the dwelling; **or**

28 (2) actually engaged in lawful hunting, fishing, trapping, or other
 29 lawful outdoor activity that necessarily involves the carrying of a weapon for personal
 30 protection [;

31 (3) THE HOLDER OF A VALID PERMIT TO CARRY A

1 CONCEALED HANDGUN UNDER AS 18.65.700 - 18.65.790 AND THE
 2 WEAPON WAS A CONCEALED HANDGUN AS DEFINED IN AS 18.65.790; OR
 3 (4) CONSIDERED A PERMITTEE UNDER AS 18.65.748 AND
 4 THE WEAPON WAS A CONCEALED HANDGUN AS DEFINED IN
 5 AS 18.65.790].

6 * **Sec. 3.** AS 11.61.220(h) is amended to read:

7 (h) The provisions of (a)(1) **and (6)** of this section do not apply to a

8 (1) peace officer of this state or a municipality of this state acting
 9 within the scope and authority of the officer's employment;

10 (2) peace officer employed by another state or a political subdivision
 11 of another state who, at the time of the possession, is

12 (A) certified as a peace officer by the other state; and

13 (B) acting within the scope and authority of the officer's
 14 employment; or

15 (3) police officer of this state or a police officer or chief administrative
 16 officer of a municipality of this state; in this paragraph, "police officer" and "chief
 17 administrative officer" have the meanings given in AS 18.65.290.

18 * **Sec. 4.** AS 11.61.220 is amended by adding a new subsection to read:

19 (j) In (a)(1) of this section, "contacted by a peace officer" means stopped,
 20 detained, questioned, or addressed in person by the peace officer for an official
 21 purpose.

22 * **Sec. 5.** AS 18.65.748 is amended to read:

23 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska**
 24 **permit holders.** A person holding a valid permit to carry a concealed handgun from
 25 another state or a political subdivision of another state is a permittee under
 26 AS 18.65.700(b) for purposes of **AS 18.65.755 - 18.65.765** [AS 18.65.750 -
 27 18.65.765] if the person has not had an application for a concealed handgun permit
 28 rejected in this state because the person was unqualified under AS 18.65.705 or had a
 29 concealed handgun permit revoked or suspended by this state.

30 * **Sec. 6.** AS 18.65.770 is amended to read:

31 **Sec. 18.65.770. Permits, applications, and other materials not public**

1 **records** [ACCESS TO LIST OF PERMITTEES BY PEACE OFFICERS].
2 **Applications** [THE DEPARTMENT SHALL COMPILE A LIST OF PERMITTEES
3 IN A MANNER THAT ALLOWS IMMEDIATE ACCESS TO THE
4 INFORMATION BY PEACE OFFICERS. THE LIST OF PERMITTEES AND ALL
5 APPLICATIONS], permits, and renewals are not public records under AS 40.25.110 -
6 40.25.125 and may only be used for law enforcement purposes.
7 * **Sec. 7.** AS 11.61.220(d)(1)(A); AS 18.65.750, and 18.65.755(a)(1) are repealed.