

SENATE BILL NO. 268

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR WILKEN

Introduced: 1/16/04

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the safe storage of firearms."**

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

3 *** Section 1.** AS 11.61.200(a) is amended to read:

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

6 (1) knowingly possesses a firearm capable of being concealed on one's
7 person after having been convicted of a felony or adjudicated a delinquent minor for
8 conduct that would constitute a felony if committed by an adult by a court of this state,
9 a court of the United States, or a court of another state or territory;

10 (2) knowingly sells or transfers a firearm capable of being concealed
11 on one's person to a person who has been convicted of a felony by a court of this state,
12 a court of the United States, or a court of another state or territory;

13 (3) manufactures, possesses, transports, sells, or transfers a prohibited
14 weapon;

15 (4) knowingly sells or transfers a firearm to another whose physical or

1 mental condition is substantially impaired as a result of the introduction of an
2 intoxicating liquor or controlled substance into that other person's body;

3 (5) removes, covers, alters, or destroys the manufacturer's serial
4 number on a firearm with intent to render the firearm untraceable;

5 (6) possesses a firearm on which the manufacturer's serial number has
6 been removed, covered, altered, or destroyed, knowing that the serial number has been
7 removed, covered, altered, or destroyed with the intent of rendering the firearm
8 untraceable;

9 (7) violates AS 11.46.320 and, during the violation, possesses on the
10 person a firearm when the person's physical or mental condition is impaired as a result
11 of the introduction of an intoxicating liquor or controlled substance into the person's
12 body;

13 (8) violates AS 11.46.320 or 11.46.330 by entering or remaining
14 unlawfully on premises or in a propelled vehicle in violation of a provision of an order
15 issued or filed under AS 18.66.100 - 18.66.180 or issued under former
16 AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a
17 defensive weapon or a deadly weapon, other than an ordinary pocketknife;

18 (9) communicates in person with another in violation of AS 11.56.740
19 and, during the communication, possesses on the person a defensive weapon or a
20 deadly weapon, other than an ordinary pocketknife;

21 (10) resides in a dwelling knowing that there is a firearm capable of
22 being concealed on one's person or a prohibited weapon in the dwelling if the person
23 has been convicted of a felony by a court of this state, a court of the United States, or a
24 court of another state or territory, unless the person has written authorization to live in
25 a dwelling in which there is a concealable weapon described in this paragraph from a
26 court of competent jurisdiction or from the head of the law enforcement agency of the
27 community in which the dwelling is located;

28 (11) discharges a firearm from a propelled vehicle while the vehicle is
29 being operated in circumstances other than described in AS 11.61.190(a)(2); [OR]

30 (12) knowingly possesses a firearm that is concealed on the person
31 after having been convicted of a felony or adjudicated a delinquent minor for conduct

1 that would constitute a felony if committed by an adult by a court of this state, a court
2 of the United States, or a court of another state or territory; **or**

3 **(13) violates AS 11.61.210(a)(9) and the child uses the firearm to**
4 **cause death or physical injury to the child or another person.**

5 * **Sec. 2.** AS 11.61.210(a) is amended to read:

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

8 (1) possesses on the person, or in the interior of a vehicle in which the
9 person is present, a firearm when the person's physical or mental condition is impaired
10 as a result of the introduction of an intoxicating liquor or a controlled substance into
11 the person's body in circumstances other than described in AS 11.61.200(a)(7);

12 (2) discharges a firearm from, on, or across a highway;

13 (3) discharges a firearm with reckless disregard for a risk of damage to
14 property or a risk of physical injury to a person under circumstances other than those
15 described in AS 11.61.195(a)(3)(A);

16 (4) manufactures, possesses, transports, sells, or transfers metal
17 knuckles;

18 (5) manufactures, sells, or transfers a switchblade or a gravity knife;

19 (6) knowingly sells a firearm or a defensive weapon to a person under
20 18 years of age;

21 (7) other than a preschool, elementary, junior high, or secondary
22 school student, knowingly possesses a deadly weapon or a defensive weapon, without
23 the permission of the chief administrative officer of the school or district or the
24 designee of the chief administrative officer, within the buildings of, on the grounds of,
25 or on the school parking lot of a public or private preschool, elementary, junior high,
26 or secondary school, on a school bus while being transported to or from school or a
27 school-sponsored event, or while participating in a school-sponsored event, except that
28 a person 21 years of age or older may possess

29 (A) a deadly weapon, other than a loaded firearm, in the trunk
30 of a motor vehicle or encased in a closed container in a motor vehicle;

31 (B) a defensive weapon;

1 (C) an unloaded firearm if the person is traversing school
 2 premises in a rural area for the purpose of entering public or private land that is
 3 open to hunting and the school board with jurisdiction over the school
 4 premises has elected to have this exemption apply to the school premises; in
 5 this subparagraph, "rural" means a community with a population of 5,500 or
 6 less that is not connected by road or rail to Anchorage or Fairbanks or with a
 7 population of 1,500 or less that is connected by road or rail to Anchorage or
 8 Fairbanks; [OR]

9 (8) being a preschool, elementary, junior high, or secondary school
 10 student, knowingly possesses a deadly weapon or a defensive weapon, within the
 11 buildings of, on the grounds of, or on the school parking lot of a public or private
 12 preschool, elementary, junior high, or secondary school, on a school bus while being
 13 transported to or from school or a school-sponsored event, or while participating in a
 14 school-sponsored event, except that a student may possess a deadly weapon, other
 15 than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student
 16 has obtained the prior permission of the chief administrative officer of the school or
 17 district or the designee of the chief administrative officer for the possession; **or**

18 **(9) recklessly stores or leaves a loaded firearm in a place knowing**
 19 **that a child under 14 years of age is likely to gain access to the firearm without**
 20 **the permission of the child's parent or guardian and the child uses the firearm in**
 21 **an unlawful manner or displays the firearm to another person.**

22 * **Sec. 3.** AS 11.61.210 is amended by adding a new subsection to read:

23 (e) It is a defense to a prosecution under (a)(9) of this section that the

24 (1) person secured a firearm by a working trigger lock mechanism,
 25 placed the firearm in a securely locked box or container, kept the firearm on one's
 26 person, or placed the firearm in some other location which a reasonable person would
 27 believe to be secure from a child under 14 years of age; or

28 (2) child gained access to the firearm by the child or another person
 29 committing a burglary, trespass, or other unlawful entry.