

SENATE JOINT RESOLUTION NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS WAGONER, Therriault, Dyson, Guess

Introduced: 1/21/03

Referred: State Affairs, Judiciary

A RESOLUTION

1 **Urging the President of the United States and the Congress to act to ensure that federal**
2 **agencies do not retain records relating to lawful purchase or ownership of firearms**
3 **gathered through the Brady Handgun Bill instant check system.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** the Second Amendment to the Constitution of the United States protects
6 the right of all citizens to keep and bear arms; and

7 **WHEREAS** art. I, sec. 19, Constitution of the State of Alaska, clarifies that the right
8 to keep and bear arms is an individual right in Alaska; and

9 **WHEREAS** the intent of H.R. 1025, known as the Brady Handgun Bill, when passed
10 by the Congress was to create an instant criminal background check system that kept records
11 only on individuals who are prohibited from lawfully owning firearms; and

12 **WHEREAS** the Brady Handgun Bill specifically states that, when a call to the instant
13 check system reveals that a person may lawfully own firearms, "the system shall . . . destroy
14 all records of the system with respect to the call (other than the identifying number and the
15 date the number was assigned) and all records of the system relating to the person or the

1 transfer." (18 U.S.C. 922(t)(2)(C)); and

2 **WHEREAS** the Federal Bureau of Investigation (FBI) has indicated an intent to keep
3 records gathered through the Brady Handgun Bill instant check system regarding lawful
4 owners of firearms in its data banks for "audit purposes"; and

5 **WHEREAS** the actions of the FBI are contrary to both the letter and the spirit of the
6 Brady Handgun Bill and further erode the constitutional right of Alaskans to keep and bear
7 arms;

8 **BE IT RESOLVED** that the Alaska State Legislature respectfully urges the President
9 of the United States to prevent federal agencies from maintaining information regarding
10 lawful owners of firearms in violation of the Brady Handgun Bill; and be it

11 **FURTHER RESOLVED** that the Alaska State Legislature respectfully urges the
12 Congress to make any necessary statutory changes to prevent federal agencies from
13 maintaining information regarding the lawful possession of firearms.

14 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
15 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States
16 and President of the U.S. Senate; Robert Mueller, Director of the Federal Bureau of
17 Investigation; the Honorable Bill Frist, Majority Leader of the U.S. Senate; the Honorable J.
18 Dennis Hastert, Speaker of the U.S. House of Representatives; and to the Honorable Ted
19 Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young,
20 U.S. Representative, members of the Alaska delegation in Congress.