

SENATE CS FOR HOUSE BILL NO. 184(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/3/05
Referred: Rules

Sponsor(s): REPRESENTATIVES CHENAULT, Stoltze, Neuman, Dahlstrom, Harris, Olson, LeDoux, Hawker, Lynn, Holm, Guttenberg, Kohring

SENATORS Dyson, Huggins, Wagoner, Seekins, Green, Cowdery

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to firearms."**

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

3 *** Section 1.** AS 18.65 is amended by adding a new section to read:

4 **Article 10A. Firearms.**

5 **Sec. 18.65.800. Possession of firearms in motor vehicles. (a)**

6 Notwithstanding any other provision of law, the state, a municipality, or a person may
7 not adopt or enforce a law, ordinance, policy, or rule that prohibits or has the effect of
8 prohibiting an individual from possessing a firearm while that individual is within a
9 motor vehicle or prohibiting an individual from storing a firearm that is locked in the
10 individual's motor vehicle while the motor vehicle is otherwise legally parked in or on
11 state or municipal property or another person's property. This section applies only to
12 possession of a firearm by an individual who may legally possess a firearm under state
13 and federal law.

14 (b) This section does not limit a person's rights or remedies under any other
15 law.

1 (c) The state, a municipality, or a person is not liable for any injury or damage
 2 resulting from the storage of a firearm in the vehicle of another individual in
 3 accordance with this section.

4 * **Sec. 2.** AS 29.35.145(a) is repealed and reenacted to read:

5 (a) The authority to regulate firearms is reserved to the state and, except as
 6 specifically provided by statute, a municipality may not enact or enforce an ordinance
 7 regulating the possession, ownership, sale, transfer, use, carrying, transportation,
 8 licensing, taxation, or registration of firearms.

9 * **Sec. 3.** AS 29.35.145 is amended by adding new subsections to read:

10 (c) Municipalities may enact and enforce ordinances

11 (1) that are identical to state law and that have the same penalty as
 12 provided for by state law;

13 (2) restricting the discharge of firearms in any portion of their
 14 respective jurisdictions where there is a reasonable likelihood that people, domestic
 15 animals, or property will be jeopardized; ordinances enacted or enforced under this
 16 paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19,
 17 Constitution of the State of Alaska, to bear arms in defense of self or others;

18 (3) restricting the areas in their respective jurisdictions in which
 19 firearms may be sold; a business selling firearms may not be treated more restrictively
 20 that other businesses located within the same zone; and

21 (4) prohibiting the possession of firearms in the restricted access area
 22 of municipal government buildings; the municipal assembly shall post notice of the
 23 prohibition against possession of firearms at each entrance to the restricted access
 24 area.

25 (d) In this section,

26 (1) "firearms" includes firearms, or any other element relating to
 27 firearms or parts thereof including ammunition and reloading components;

28 (2) "restricted access area" means the area beyond a secure point
 29 where visitors are screened and does not include common areas of ingress and egress
 30 open to the general public.

31 (e) The prohibition on taxation in (a) of this section does not include

1 imposition of a sales tax that is levied on all products sold within a municipality.