

HOUSE CS FOR CS FOR SENATE BILL NO. 274(FIN) am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/5/06

Offered: 5/3/06

Sponsor(s): SENATORS DYSON, Huggins, Stedman, Green, Bunde, Therriault, Gary Stevens, Cowdery, Wagoner, Ben Stevens

REPRESENTATIVES Hawker, Meyer, Stoltze, Foster, Neuman, Lynn, Wilson, Dahlstrom, LeDoux, McGuire, Chenault

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the disposition of forfeited, surplus, and unclaimed firearms by the
2 state and municipalities."

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

4 * **Section 1.** AS 12.36.030(a) is amended to read:

5 (a) Unless the property is a firearm, ammunition, or a firearm part
6 subject to AS 18.65.340, if [IF] property that is used as evidence in a criminal
7 proceeding or a children's court proceeding, including wrongfully taken or damaged
8 property, is not claimed by the owner within one year after the final disposition of the
9 case, the law enforcement agency having custody of the property shall dispose of it
10 under (b) of this section.

11 * **Sec. 2.** AS 18.65.340 is repealed and reenacted to read:

12 **Sec. 18.65.340. Disposal of firearms and ammunition by the state and**
13 **municipalities.** (a) Except as provided by (b) of this section, the state and a
14 municipality may only dispose of forfeited, surplus, or recovered but unclaimed

1 firearms and ammunition by

2 (1) public sale not limited to firearms dealers;

3 (2) trade-in for credit in the purchase of a firearm;

4 (3) donation as provided by the regulations of the department or the
5 ordinances of the municipality making the donation; or

6 (4) transfer to a state or municipal law enforcement agency.

7 (b) If state or federal law prohibits the sale of a particular surplus firearm
8 under (a)(1) of this section, the department or municipality that is disposing of the
9 surplus firearm shall

10 (1) sell the surplus firearm to a firearms dealer who has the appropriate
11 federal license to buy the surplus firearm;

12 (2) donate the surplus firearm under (a)(3) of this section; or

13 (3) dismantle the surplus firearm, destroy those surplus firearm parts
14 that cause the sale of the surplus firearm under (a)(1) of this section to be prohibited,
15 and dispose of the other parts of the surplus firearm under (a) of this section.

16 (c) If a department disposes of a surplus firearm under (a)(2), (3), or (4) of this
17 section, the department shall submit to the legislature each year during the legislature's
18 review of the department's budget a report that lists the surplus firearms that the
19 department has disposed of under (a)(2), (3), or (4) of this section during the previous
20 calendar year. The report must include a description of each surplus firearm and, for
21 each surplus firearm disposed of under

22 (1) (a)(2) of this section, the value of the firearm purchased and the
23 value received for the surplus firearm; and

24 (2) (a)(3) or (4) or (b)(2) of this section, the identity of the
25 governmental agency, the organization, or the individual to whom the surplus firearm
26 was donated or transferred.

27 (d) All money collected from the disposal of surplus firearms may be used to
28 fund gun safety education programs in the state.

29 (e) Notwithstanding AS 09.50.250 or another provision of law, the state, a
30 municipality, and the officers, agents, and employees of the state or a municipality, are
31 not liable to any person, including the purchaser of a surplus firearm or part of a

1 surplus firearm, for personal injuries or damage to property as a result of the sale of a
2 firearm or a part of a firearm under (a) of this section, unless the state or municipality
3 conducts the sale with gross negligence or recklessness.

4 (f) In this section,

5 (1) "department" means a department of state government listed in
6 AS 44.17.005(2) - (15);

7 (2) "firearm" does not include a firearm that has been used in a
8 homicide;

9 (3) "surplus firearm" means a firearm or ammunition that is forfeited,
10 surplus, or recovered but unclaimed.