

**HOUSE BILL NO. 233**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE KAWASAKI**

**Introduced: 4/16/09**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to misconduct involving weapons in the third degree."**

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

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

4 (g) It is an affirmative defense to a prosecution under (a)(12) of this section  
5 that

6 (1) [EITHER

7 (A)] the defendant convicted of the prior offense on which the  
8 action is based received a pardon for that conviction;

9 (2) [(B)] the underlying conviction upon which the action is based has  
10 been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

11 (3) [(C)] a period of 10 years or more has elapsed between the date of  
12 the defendant's unconditional discharge on the prior offense or adjudication of juvenile  
13 delinquency and the date of the violation of (a)(12) of this section, and the prior  
14 conviction or adjudication of juvenile delinquency did not result from a violation of  
15 AS 11.41 or of a similar law of the United States or of another state or territory [;

1           AND

2                           (2) AT THE TIME OF POSSESSION, THE DEFENDANT WAS

3                                   (A) IN THE DEFENDANT'S DWELLING OR ON LAND  
4 OWNED OR LEASED BY THE DEFENDANT APPURTENANT TO THE  
5 DWELLING; OR

6                                   (B) ACTUALLY ENGAGED IN LAWFUL HUNTING,  
7 FISHING, TRAPPING, OR OTHER LAWFUL OUTDOOR ACTIVITY  
8 THAT NECESSARILY INVOLVES THE CARRYING OF A WEAPON  
9 FOR PERSONAL PROTECTION].