

HOUSE BILL NO. 408

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/26/10

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to misconduct involving weapons."**

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

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

4 (b) **The provisions of** [IT IS AN AFFIRMATIVE DEFENSE TO A
5 PROSECUTION]

6 (1) [UNDER] (a)(1) of this section **do not apply to a person if**
7 [THAT]

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

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

13 (C) a period of 10 years or more has elapsed between the date
14 of the person's unconditional discharge on the prior offense or adjudication of
15 juvenile delinquency and the date of the violation of (a)(1) of this section, and

1 the prior conviction or adjudication of juvenile delinquency did not result from
2 a violation of AS 11.41 or of a similar law of the United States or of another
3 state or territory;

4 (2) [UNDER] (a)(2) or (10) of this section **do not apply to a person if**
5 [THAT]

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

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

11 (C) a period of 10 years or more has elapsed between the date
12 of the person's unconditional discharge on the prior offense and the date of the
13 violation of (a)(2) or (10) of this section, and the prior conviction did not result
14 from a violation of AS 11.41 or of a similar law of the United States or of
15 another state or territory.

16 * **Sec. 2.** AS 11.61.200(f) and 11.61.200(g) are repealed.