

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 186(FIN) am
 (S) Publish Date: 2/26/10

Identifier (file name): HB186CS(FIN)AM-LAW-CRIM-01-29-10 Dept. Affected: LAW
 Title An Act declaring that certain firearms and accessories RDU CRIMINAL
are exempt form federal regulation. Component CRIMINAL JUSTICE LITIGATION

Sponsor REPRESENTATIVE(s) Kelly, Wilson, Lynn, Gatto, Ramras,
 Requester Austerman, Stoltze, Hawker, Dahlstrom, Johnson, Millett, Newman
JUDICIARY Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	***	***	***	***	***	***	***	***

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	***	***	***	***	***	***	***	***

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This bill attempts to declare that firearms that are made in Alaska are exempt from any federal law or regulation. The bill grants the Attorney General for Alaska the authority to defend any Alaska citizen prosecuted for violating federal law regarding firearms, when that citizen defends on the ground that the firearm was manufactured in Alaska. The bill has significant constitutional issues. These issues would most likely arise in the context of a state citizen being charged with a crime in federal court. It is anticipated that an affected citizens might contend that the AG is required to exercise the discretion to defend them, which could result in significant litigation in both state and federal court. While such litigation is likely, it is difficult to estimate with any certainty the costs that might be incurred and they are therefore indeterminate at this point.

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 Division Administrative Services
 Approved by: Daniel S. Sullivan, Attorney General
Department of Law

Phone 465-5427
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 Date 1/29/2010