

AMENDMENT #3

OFFERED IN THE HOUSE
TO: CSHJR 4(JUD)

BY REPRESENTATIVE JOSEPHSON

1 Page 1, lines 1 - 4: *(title amendment)*

2 Delete all material and insert:

3 **""Urging the President of the United States to propose or sign gun legislation**
4 **only if it is consistent with the United States Supreme Court's Heller decision and**
5 **decisions of the Alaska appellate courts, and only after consideration of**
6 **recommendations made by the states, and urging the United States Congress to refrain**
7 **from passing legislation that restricts the right of individuals to keep and bear arms,**
8 **except when otherwise consistent with the Heller decision.""**

9

10 Page 1, line 8, following "arms":

11 Insert ", with limited exceptions"

12

13 Page 1, lines 9 - 13:

14 Delete all material and insert:

15 **"WHEREAS** President Barack Obama has issued 23 executive actions and
16 recommendations, intended to reduce gun-related violence, and many of those actions and
17 recommendations concern mental health, gun training, prosecution of offenses constituting
18 criminal conduct that is currently proscribed, and related subjects that are not considered
19 infringements of Alaskans' constitutional rights to keep and bear arms; and

20 **WHEREAS**, in *District of Columbia v. Heller*, 554 U.S. ___, 128 S.Ct. 2783 (2008),
21 the United States Supreme Court struck down a District of Columbia ban on possession of
22 handguns in the home as a violation of the Second Amendment to the Constitution of the
23 United States; and

1 **WHEREAS**, in the majority opinion in Heller, Justice Antonin Scalia noted that the
2 rights secured by the Second Amendment are not unlimited, and that certain longstanding
3 prohibitions on who may possess firearms, where firearms may be carried, how the
4 commercial sale of firearms may be conducted, and what weapons can be possessed, remain
5 in place, and that some measures regulating handguns may be undertaken; and"

6
7 Page 1, line 15, through page 2, line 1:

8 Delete "will restrict the ability of law-abiding people in the state to own firearms and
9 firearm accessories"

10 Insert "could be unconstitutional if not consistent with the decision in Heller"

11
12 Page 2, line 8:

13 Delete "will"

14 Insert "may"

15
16 Page 2, line 9:

17 Delete "in a misguided attempt to curb gun-related crime"

18 Insert "as its objective, although, as Americans, Alaskans will accept those provisions
19 if considered constitutional and not violative of the federal or state constitutions;"

20
21 Page 2, lines 10 - 27:

22 Delete all material and insert:

23 **"WHEREAS** Alaskans respect the discussion on a national solution to the problems
24 evidenced by the Newtown massacre; and

25 **WHEREAS** Alaskans have real concerns that, in an effort to ban categories of
26 firearms or munitions, certain law-abiding people will see restrictions on their right to keep
27 and bear arms, as interpreted in Heller; and"

28
29 Page 2, line 28, following "and":

30 Insert "generally"

1 Page 2, line 31, through page 3, line 1:

2 Delete "but one of the lowest rates of gun crimes in the nation"

3

4 Page 3, line 4:

5 Delete "simply"

6

7 Page 3, line 5:

8 Delete all material.

9 Insert "an additional approach, along with any federal remedy for the criminal misuse
10 and abuse of firearms privileges, would be consideration of recommendations made by
11 members of the legislature to protect the health and safety of Alaskans;"

12

13 Page 3, lines 7 - 8:

14 Delete all material.

15 Insert "and the United States Congress to enact only legislation consistent with rights
16 under the Second Amendment to the Constitution of the United States and art. I, sec. 19,
17 Constitution of the State of Alaska, as outlined by the judicial officers whose judicial review
18 has expounded on those rights."

19

20 Page 3, lines 9 - 11:

21 Delete all material.