

HOUSE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES CHENAULT, Millett, Johnson, Tammie Wilson, Hawker, Olson, Feige,
Peggy Wilson, Thompson, Keller, Gattis, Lynn, Saddler, Higgins, LeDoux, Foster, Hughes, Stoltze, Reinbold,
Tuck, Neuman, Isaacson**

**Introduced: 1/16/13
Referred: Judiciary**

A BILL

FOR AN ACT ENTITLED

**"An Act exempting certain firearms and firearm accessories in this state from federal
regulation; providing criminal penalties for federal officials who enforce or attempt to
enforce a federal law, regulation, rule, or order regulating certain firearms and firearm
accessories in this state; and providing for an effective date."**

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

*** Section 1.** AS 44.99.500(a) is amended to read:

(a) A personal firearm, a firearm accessory, or ammunition that is **possessed
in this state or** manufactured commercially or privately in this state and that remains
in the state is not subject to federal law or federal regulation, including registration,
under the authority of the United States Congress to regulate interstate commerce as
those items have not traveled in interstate commerce.

*** Sec. 2.** AS 44.99.500(b) is amended to read:

(b) This section applies to a firearm, a firearm accessory, or ammunition that
is **possessed in this state or** manufactured in this state from basic materials and that

can be manufactured without the inclusion of any significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearm accessories, or ammunition, and their importation into this state and incorporation into a firearm, a firearm accessory, or ammunition manufactured in this state does not subject the firearm, firearm accessory, or ammunition to federal regulation. Basic materials, such as unmachined steel and unshaped wood, are not firearms, firearm accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearm accessories, and ammunition under interstate commerce as if they were actually firearms, firearm accessories, or ammunition. The authority of the United States Congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearm accessories, and ammunition possessed in this state or made in this state from those materials. Firearm accessories that are imported into this state from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in this state.

* **Sec. 3.** AS 44.99.500(d) is amended to read:

(d) The attorney general may defend a citizen of this state who is prosecuted by the government of the United States under the congressional power to regulate interstate commerce for violation of a federal law concerning the manufacture, sale, transfer, or possession of a firearm, a firearm accessory, or ammunition possessed in this state or manufactured and retained within this state.

* **Sec. 4.** AS 44.99.500 is amended by adding new subsections to read:

(f) A federal statute, regulation, rule, or order enacted or effective on or after the effective date of this Act is unenforceable in this state if the federal statute, regulation, rule, or order attempts to

(1) ban or restrict ownership of a semiautomatic firearm or a magazine of a firearm; or

(2) require a firearm, magazine, or other firearm accessory to be registered.

(g) An official, agent, or employee of the federal government who enforces or

1 attempts to enforce a federal statute, regulation, rule, or order that is unenforceable
2 under (f) of this section is guilty of a class B misdemeanor and may be punished as
3 provided in AS 12.55.

4 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).