

HOUSE BILL NO. 320

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES NEUMAN, Rauscher, Eastman

Introduced: 1/31/18

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to possession of deadly weapons by a person who is 18 years of age or**
2 **older."**

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

4 *** Section 1.** AS 11.61.210(a) is amended to read:

5 (a) A person commits the crime of misconduct involving weapons in the
6 fourth degree if the person

7 (1) possesses on the person, or in the interior of a vehicle in which the
8 person is present, a firearm when the person's physical or mental condition is impaired
9 as a result of the introduction of an intoxicating liquor or a controlled substance into
10 the person's body in circumstances other than described in AS 11.61.200(a)(7);

11 (2) discharges a firearm from, on, or across a highway;

12 (3) discharges a firearm with reckless disregard for a risk of damage to
13 property or a risk of physical injury to a person under circumstances other than those
14 described in AS 11.61.195(a)(3)(A);

1 (4) manufactures, possesses, transports, sells, or transfers metal
2 knuckles;

3 (5) sells or transfers a switchblade or a gravity knife to a person under
4 18 years of age without the prior written consent of the person's parent or guardian;

5 (6) knowingly sells a firearm or a defensive weapon to a person under
6 18 years of age;

7 (7) other than a preschool, elementary, junior high, or secondary
8 school student, knowingly possesses a deadly weapon or a defensive weapon, without
9 the permission of the chief administrative officer of the school or district or the
10 designee of the chief administrative officer, within the buildings of, on the grounds of,
11 or on the school parking lot of a public or private preschool, elementary, junior high,
12 or secondary school, on a school bus while being transported to or from school or a
13 school-sponsored event, or while participating in a school-sponsored event, except that
14 a person 18 [21] years of age or older may possess

15 (A) a deadly weapon, other than a loaded firearm, in the trunk
16 of a motor vehicle or encased in a closed container in a motor vehicle;

17 (B) a defensive weapon;

18 (C) an unloaded firearm if the person is traversing school
19 premises in a rural area for the purpose of entering public or private land that is
20 open to hunting and the school board with jurisdiction over the school
21 premises has elected to have this exemption apply to the school premises; in
22 this subparagraph, "rural" means a community with a population of 5,500 or
23 less that is not connected by road or rail to Anchorage or Fairbanks or with a
24 population of 1,500 or less that is connected by road or rail to Anchorage or
25 Fairbanks; or

26 (8) being a preschool, elementary, junior high, or secondary school
27 student, knowingly possesses a deadly weapon or a defensive weapon, within the
28 buildings of, on the grounds of, or on the school parking lot of a public or private
29 preschool, elementary, junior high, or secondary school, on a school bus while being
30 transported to or from school or a school-sponsored event, or while participating in a
31 school-sponsored event, except that a student may possess a deadly weapon, other

1 than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student
 2 has obtained the prior permission of the chief administrative officer of the school or
 3 district or the designee of the chief administrative officer for the possession.

4 * **Sec. 2.** AS 11.61.220(a) is amended to read:

5 (a) A person commits the crime of misconduct involving weapons in the fifth
 6 degree if the person

7 (1) is 18 [21] years of age or older and knowingly possesses a deadly
 8 weapon, other than an ordinary pocket knife or a defensive weapon,

9 (A) that is concealed on the person, and, when contacted by a
 10 peace officer, the person fails to

11 (i) immediately inform the peace officer of that
 12 possession; or

13 (ii) allow the peace officer to secure the deadly weapon,
 14 or fails to secure the weapon at the direction of the peace officer,
 15 during the duration of the contact;

16 (B) that is concealed on the person within the residence of
 17 another person unless the person has first obtained the express permission of
 18 an adult residing there to bring a concealed deadly weapon within the
 19 residence;

20 (2) knowingly possesses a loaded firearm on the person in any place
 21 where intoxicating liquor is sold for consumption on the premises;

22 (3) being an unemancipated minor under 16 years of age, possesses a
 23 firearm, switchblade, or gravity knife without the consent of a parent or guardian of
 24 the minor;

25 (4) knowingly possesses a firearm

26 (A) within the grounds of or on a parking lot immediately
 27 adjacent to an entity, other than a private residence, licensed as a child care
 28 facility under AS 47.32 or recognized by the federal government for the care of
 29 children, except that a person 18 [21] years of age or older may possess an
 30 unloaded firearm in the trunk of a motor vehicle or encased in a closed
 31 container of a motor vehicle;

1 (B) within a

2 (i) courtroom or office of the Alaska Court System; or

3 (ii) courthouse that is occupied only by the Alaska
4 Court System and other justice-related agencies; or

5 (C) within a domestic violence or sexual assault shelter that
6 receives funding from the state;

7 (5) [REPEALED]

8 (6) is less than 18 [21] years of age and knowingly possesses a deadly
9 weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed
10 on the person.

11 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **APPLICABILITY.** AS 11.61.210(a), as amended by sec. 1 of this Act, and
14 AS 11.61.220(a), as amended by sec. 2 of this Act, apply to offenses committed before, on, or
15 after the effective date of secs. 1 and 2 this Act.