

HOUSE BILL NO. 296

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/24/20

Referred: Community & Regional Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to extreme risk protective orders; establishing the crime of
2 enforcement of an extreme risk protective order; and providing for an effective date."

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as the Anti Red Flag Act.

7 * **Sec. 2.** AS 18.66 is amended by adding a new section to read:

8 **Sec. 18.66.145. State preemption of extreme risk protective orders.** (a) The
9 legislature hereby occupies and preempts the entire field of legislation in the state
10 relating to federal or state extreme risk protective orders against a resident of the state
11 to the complete exclusion of an order, ordinance, or regulation by a municipality or
12 other political subdivision of the state.

13 (b) A federal statute, rule, or executive order or federal or state judicial order
14 that has the effect of forcing an extreme risk protective order or ex parte extreme risk

1 protective order against a resident of the state, which would infringe the resident's
2 constitutional rights, including the right to keep and bear arms and the right of
3 freedom of speech, is unenforceable and of no effect in the state.

4 (c) A state agency or political subdivision of the state may not accept federal
5 grant funding to implement a federal statute, rule, or executive order or federal or state
6 judicial order that has the effect of enforcing an extreme risk protective order against a
7 resident of the state.

8 (d) An individual, including a peace officer, who attempts to enforce a federal-
9 or state-implemented extreme risk protective order against a resident of the state is
10 guilty of a felony.

11 (e) In this section, "extreme risk protective order" means an executive order,
12 written order, or warrant issued by a federal or state court or signed by a magistrate or
13 comparable officer of the court for which the primary purpose is to reduce the risk of
14 firearm-related death or injury by

15 (1) prohibiting an individual from owning, possessing, purchasing, or
16 receiving a firearm or having a firearm in the individual's custody or control; or

17 (2) removing a firearm from an individual or requiring the individual
18 to surrender a firearm.

19 (f) This section applies to home rule municipalities.

20 * **Sec. 3.** AS 18.66.145(d), enacted by sec. 2 of this Act, applies to extreme risk protective
21 orders filed before, on, or after the effective date of this Act.

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