

HOUSE BILL NO. 298

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/24/20

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing liability for injuries relating to the prohibition of firearms."**

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

3 * **Section 1.** AS 09.50.250 is amended by adding a new subsection to read:

4 (b) Notwithstanding (a) of this section, a person may bring an action against
5 the state if the claim arises under AS 09.55.655.

6 * **Sec. 2.** AS 09.55 is amended by adding a new section to article 9 to read:

7 **Sec. 09.55.655. Claims against property owner for firearm ban.** (a) A
8 person who may lawfully carry a firearm and who, as the result of conduct occurring
9 on property with a posted written notice prohibiting firearms, is injured, suffers bodily
10 injury or death, or incurs economic loss or expense, property damage, or any other
11 compensable loss that could have been avoided by carrying a firearm may bring a civil
12 cause of action against the owner or entity that exercises control over the property on
13 which the written notice was posted. In addition to any other damages authorized by
14 law, the person may be awarded reasonable attorney fees, expert witness costs, and
15 other costs necessary to bring the action.

1 (b) To prevail in an action brought under this section, a person must show by a
2 preponderance of the evidence that

3 (1) the person owned a firearm and was legally authorized to carry a
4 firearm at the time of the incident giving rise to the action;

5 (2) the person did not carry a firearm on the property where the
6 incident occurred because written notice prohibiting firearms was posted;

7 (3) the property owner or entity exercising control over the property
8 was not required by state or federal law to post the notice but posted the notice by
9 choice; and

10 (4) the injury, death, economic loss or expense, property damage, or
11 other compensable loss was caused as a result of conduct that occurred on the property
12 and would have been avoided if the written notice had not prevented the person from
13 carrying a firearm onto the property.

14 (c) An action brought under this section must be commenced within two years
15 after the date of the occurrence of the conduct that gave rise to the damages for which
16 the action is brought.

17 (d) A property owner or entity that exercises control over a property is not
18 liable under this section if the property owner or entity takes reasonable measures to
19 ensure the safety and defense of unarmed persons located on the property.

20 (e) In this section, "firearm" has the meaning given in AS 11.81.900.

21 * **Sec. 3.** AS 09.65.070 is amended by adding a new subsection to read:

22 (f) Notwithstanding (d)(2) or (4) of this section, a person may bring an action
23 against a municipality or its agents, officers, or employees if the claim arises under
24 AS 09.55.655.