

HOUSE BILL NO. 152

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES EASTMAN, Kurka

Introduced: 3/26/21

Referred: Community and Regional Affairs, State 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 uncoded 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) This section applies to home rule municipalities.

12 (f) This section is not subject to judicial review.

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

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

19 (2) removing a firearm from an individual or requiring the individual
 20 to surrender a firearm.

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

23 APPLICABILITY. AS 18.66.145(d), enacted by sec. 2 of this Act, applies to extreme
 24 risk protective orders filed before, on, or after the effective date of this Act.

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