

HOUSE BILL NO. 203

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES WOOL, Josephson, Spohnholz, Hannan, Story, Drummond, Tarr

Introduced: 5/5/21

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the offense of misconduct involving weapons in the sixth degree."**

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

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

5 SHORT TITLE. This Act may be known as the Alaska Secure Storage of Firearms
6 Act.

7 * **Sec. 2.** AS 11.61.210(a) is amended to read:

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

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

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

15 (3) discharges a firearm with reckless disregard for a risk of damage to

property or a risk of physical injury to a person under circumstances other than those described in AS 11.61.195(a)(3)(A);

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

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

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

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

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

(B) a defensive weapon;

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

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being

transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession; or

(9) violates AS 11.61.225 and, as a result of the violation, a prohibited person uses the firearm to commit a crime or injure self or another; in this paragraph, "prohibited person" has the meaning given in AS 11.61.225(b).

* **Sec. 3.** AS 11.61 is amended by adding a new section to read:

Sec. 11.61.225. Misconduct involving weapons in the sixth degree. (a) A person commits the offense of misconduct involving weapons in the sixth degree if the person

(1) keeps on a premises a firearm that is not

(A) carried by, or otherwise under the direct control of, the owner or an authorized person; or

(B) secured in a locked container, with a gun lock, or by other means to render the firearm inaccessible or unable to be used by a person who is not the owner or an authorized person; or

(2) knows or reasonably knows that a prohibited person is able to gain access to a firearm owned or under the control of the person and the person fails to secure the firearm in a locked container, with a gun lock, or by other means to render the firearm inaccessible or unable to be used by a person who is not the owner or an authorized person.

(b) In this section,

(1) "locked container" means a storage device approved, or that meets specifications established by, the Department of Public Safety;

(2) "prohibited person" means a person who is prohibited from possessing a firearm under 18 U.S.C. 922(g) or (x)(2) or by state law.

(c) Misconduct involving weapons in the sixth degree is a violation punishable by a fine of not more than

(1) \$500 for a violation of (a)(1) of this section;

1 (2) \$1,000 for a violation of (a)(2) of this section.

2 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **APPLICABILITY.** This Act applies to offenses committed on or after the effective
5 date of this Act.