

SENATE BILL NO. 136

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATORS MYERS, Hughes, Holland, Shower, Revak, Wilson, Costello, Micciche, Stedman, Bishop, Stevens, Wielechowski, Kawasaki

Introduced: 5/5/21

Referred: Community & Regional Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to firearms and other weapons restrictions."**

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

3 * **Section 1.** AS 44.99 is amended by adding new sections to article 5 to read:

4 **Sec. 44.99.510. Infringements on the right to keep and bear arms. (a)**

5 Notwithstanding a disaster emergency declared under AS 26.23.020, a state or
6 municipal agency may not

7 (1) forbid the possession, use, or transfer of a firearm, a firearm
8 accessory, ammunition, or other weapon for personal use;

9 (2) order the seizure or confiscation of a firearm, a firearm accessory,
10 ammunition, or other weapon for personal use;

11 (3) limit the quantity or place other restrictions on the sale or service of
12 firearms, firearm accessories, ammunition, or other weapons for personal use;

13 (4) unless the closure or limitation applies equally to all forms of
14 commerce within the jurisdiction, close or limit the operating hours of

15 (A) an entity engaged in the sale or service of firearms, firearm

1 accessories, ammunition, or other weapons for personal use; or

2 (B) an indoor or outdoor shooting range;

3 (5) suspend or revoke a permit to carry a concealed handgun issued
4 under AS 18.65.700, except as provided in AS 18.65.735 and 18.65.740; or

5 (6) refuse to accept an application to carry a concealed handgun,
6 provided the application contains the information required under AS 18.65.710.

7 (b) This section does not apply to the possession of a firearm, a firearm
8 accessory, ammunition, or other weapon by a person who is prohibited from legally
9 possessing a firearm, a firearm accessory, ammunition, or other weapon under state
10 law.

11 (c) A person may bring a civil action in superior court if the person is
12 adversely affected by a violation of (a) of this section, and the person is

13 (1) qualified under state law to possess a firearm, a firearm accessory,
14 ammunition, or other weapon; or

15 (2) a membership organization consisting of two or more individuals
16 eligible under (1) of this subsection that is dedicated in whole or in part to the
17 protection of the rights of persons who possess or use firearms or other weapons.

18 (d) Notwithstanding AS 09.17.020(f) - (h), a prevailing plaintiff under (c) of
19 this section may recover

20 (1) the greater amount of actual economic damages or punitive
21 damages in the amount of three times the plaintiff's attorney fees;

22 (2) court costs; and

23 (3) attorney fees.

24 (e) In this section, "state or municipal agency" means the University of Alaska
25 or a department, institution, board, commission, division, council, committee,
26 authority, public corporation, school district, regional educational attendance area, or
27 other administrative unit of a municipality or of the executive, judicial, or legislative
28 branch of state government, and includes employees of those entities.

29 **Sec. 44.99.595. Definitions.** In AS 44.99.500 - 44.99.510,

30 (1) "firearm" has the meaning given in AS 11.81.900;

31 (2) "firearm accessory" means an item that is used in conjunction with

1 or mounted on a firearm but is not essential to the basic function of a firearm,
2 including a telescopic or laser sight, magazine, flash or sound suppressor, folding or
3 aftermarket stock and grip, speedloader, ammunition carrier, and light for target
4 illumination.

5 * **Sec. 2.** AS 44.99.500(g)(1) is repealed.