

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 61(STA)

BY REPRESENTATIVE CARRICK

1 Page 1, line 1, following "Act": *(title amendment)*

2 Insert "relating to misconduct involving weapons in the fourth degree;
3 establishing the offense of misconduct involving weapons in the sixth degree; and"

4

5 Page 1, following line 2:

6 Insert new bill sections to read:

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

9 **SHORT TITLE.** Sections 1 - 3 of this Act may be known as the Alaska Child Access
10 Prevention and Secure Storage of Firearms Act.

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

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

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

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

19 (3) discharges a firearm with reckless disregard for a risk of damage to
20 property or a risk of physical injury to a person under circumstances other than those
21 described in AS 11.61.195(a)(3)(A);

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

1 (5) sells or transfers a switchblade or a gravity knife to a person under
2 18 years of age without the prior written consent of the person's parent or guardian;

3 (6) knowingly sells a firearm or a defensive weapon to a person under
4 18 years of age;

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

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

15 (B) a defensive weapon;

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

24 (8) being a preschool, elementary, junior high, or secondary school
25 student, knowingly possesses a deadly weapon or a defensive weapon, within the
26 buildings of, on the grounds of, or on the school parking lot of a public or private
27 preschool, elementary, junior high, or secondary school, on a school bus while being
28 transported to or from school or a school-sponsored event, or while participating in a
29 school-sponsored event, except that a student may possess a deadly weapon, other
30 than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student
31 has obtained the prior permission of the chief administrative officer of the school or

1 district or the designee of the chief administrative officer for the possession; or
 2 (9) violates AS 11.61.225 and, as a result of the violation, an
 3 individual under 18 years of age or a prohibited person uses the firearm to
 4 commit a crime or injure self or another; in this paragraph, "prohibited person"
 5 has the meaning given in AS 11.61.225(b).

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

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

10 (1) keeps on a premises a firearm that is not carried by, or otherwise
 11 under the control of, the owner or an authorized person; and

12 (2) knows or reasonably should know that an individual under 18 years
 13 of age, who is not an owner or authorized person, or a prohibited person is able to gain
 14 access to a firearm owned or under the control of the person and the person fails to
 15 secure the firearm in a locked container, with a gun lock, or by other means to render
 16 the firearm inaccessible or unable to be used by a person who is not the owner or an
 17 authorized person.

18 (b) In this section,

19 (1) "authorized person" means a person granted permission by the
 20 owner or a person in possession of a firearm to carry or control the firearm on a
 21 temporary basis while in the presence of the owner or person in possession;

22 (2) "control" means a firearm is within a proximity of the owner or an
 23 authorized person that allows the owner or authorized person to

24 (A) retrieve and use the firearm in the same manner as if the
 25 firearm were carried on the person of the owner or authorized person; and

26 (B) prevent another person who is not an authorized person
 27 from obtaining the firearm;

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

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

1 (c) Misconduct involving weapons in the sixth degree is a violation punishable
2 by a fine of not more than \$1,000."

3

4 Page 1, line 3:

5 Delete "Section 1"

6 Insert "Sec. 4"

7

8 Renumber the following bill section accordingly.

9

10 Page 3, following line 5:

11 Insert a new bill section to read:

12 "* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 APPLICABILITY. AS 11.61.210(a), as amended by sec. 2 of this Act, and
15 AS 11.61.225, enacted by sec. 3 of this Act, apply to offenses committed on or after the
16 effective date of this Act."