

HOUSE BILL NO. 164

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CARRICK, Gray, Armstrong, Groh, Mina, Hannan, Fields

Introduced: 4/19/23

Referred: Judiciary, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to misconduct involving weapons in the fourth degree; and establishing**
2 **the offense of misconduct involving weapons in the sixth degree."**

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

4 * **Section 1.** The uncodified 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 Alaska Child Access Prevention and
7 Secure Storage of Firearms Act.

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

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

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

- 1 (2) discharges a firearm from, on, or across a highway;
- 2 (3) discharges a firearm with reckless disregard for a risk of damage to
3 property or a risk of physical injury to a person under circumstances other than those
4 described in AS 11.61.195(a)(3)(A);
- 5 (4) manufactures, possesses, transports, sells, or transfers metal
6 knuckles;
- 7 (5) sells or transfers a switchblade or a gravity knife to a person under
8 18 years of age without the prior written consent of the person's parent or guardian;
- 9 (6) knowingly sells a firearm or a defensive weapon to a person under
10 18 years of age;
- 11 (7) other than a preschool, elementary, junior high, or secondary
12 school student, knowingly possesses a deadly weapon or a defensive weapon, without
13 the permission of the chief administrative officer of the school or district or the
14 designee of the chief administrative officer, within the buildings of, on the grounds of,
15 or on the school parking lot of a public or private preschool, elementary, junior high,
16 or secondary school, on a school bus while being transported to or from school or a
17 school-sponsored event, or while participating in a school-sponsored event, except that
18 a person 21 years of age or older may possess
- 19 (A) a deadly weapon, other than a loaded firearm, in the trunk
20 of a motor vehicle or encased in a closed container in a motor vehicle;
- 21 (B) a defensive weapon;
- 22 (C) an unloaded firearm if the person is traversing school
23 premises in a rural area for the purpose of entering public or private land that is
24 open to hunting and the school board with jurisdiction over the school
25 premises has elected to have this exemption apply to the school premises; in
26 this subparagraph, "rural" means a community with a population of 5,500 or
27 less that is not connected by road or rail to Anchorage or Fairbanks or with a
28 population of 1,500 or less that is connected by road or rail to Anchorage or
29 Fairbanks; [OR]
- 30 (8) being a preschool, elementary, junior high, or secondary school
31 student, knowingly possesses a deadly weapon or a defensive weapon, within the

1 buildings of, on the grounds of, or on the school parking lot of a public or private
 2 preschool, elementary, junior high, or secondary school, on a school bus while being
 3 transported to or from school or a school-sponsored event, or while participating in a
 4 school-sponsored event, except that a student may possess a deadly weapon, other
 5 than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student
 6 has obtained the prior permission of the chief administrative officer of the school or
 7 district or the designee of the chief administrative officer for the possession; or

8 (9) violates AS 11.61.225 and, as a result of the violation, an
 9 individual under 18 years of age or a prohibited person uses the firearm to
 10 commit a crime or injure self or another; in this paragraph, "prohibited person"
 11 has the meaning given in AS 11.61.225(b).

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

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

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

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

24 (b) In this section,

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

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

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

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

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

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

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

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

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