

HOUSE BILL NO. 143

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TILTON, Rauscher, Vance, McCabe, Schwanke, Saddler, Underwood

Introduced: 3/21/25

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the privacy of firearm transactions; relating to discrimination**
2 **against firearm retailers by financial institutions and payment networks; relating to the**
3 **disclosure of financial records by financial institutions and payment networks; and**
4 **amending Rules 65 and 82, Alaska Rules of Civil Procedure."**

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

6 * **Section 1.** AS 06.90 is amended by adding a new section to read:

7 **Sec. 06.90.020. Firearm transactions.** (a) A financial institution, a payment
8 network, or an agent of a financial institution or payment network may not require a
9 firearm code to be used in a way that distinguishes a firearm retailer from a general
10 merchandise retailer or sporting goods retailer.

11 (b) A financial institution or payment network may not discriminate against a
12 firearm retailer by

13 (1) declining a lawful payment card transaction based solely on the
14 assignment or lack of assignment of a firearm code to a merchant or transaction;

1 (2) limiting or declining to do business with a customer, potential
2 customer, or merchant based on the assignment or lack of assignment of a firearm
3 code to a lawful transaction involving the customer, potential customer, or merchant;

4 (3) charging a higher transaction or interchange fee to a merchant or
5 for a lawful transaction based on the assignment or lack of assignment of a firearm
6 code to a transaction; or

7 (4) taking another action against a customer or merchant that is
8 intended to impede the customer's or merchant's engagement in lawful commerce
9 involving a firearm, a firearm accessory or component, or ammunition.

10 (c) Except as otherwise required by law, a financial institution or payment
11 network may not disclose a financial record that was collected in violation of this
12 section.

13 (d) If subjected to an alleged violation of AS 44.99.515 or this section, a
14 firearm retailer or a customer who transacts with a firearm retailer may petition the
15 attorney general to investigate the alleged violation.

16 (e) The attorney general may investigate alleged violations of AS 44.99.515 or
17 this section and, upon finding a violation, shall provide written notice of the violation
18 to the person. A person receiving notice under this subsection shall stop the violation
19 within 30 days after receiving the notice. Upon request, the attorney general may grant
20 a person an additional 120 days to stop the violation.

21 (f) If a person receiving notice under (e) of this section fails to stop the alleged
22 violation within the time provided under (e) of this section, the attorney general may
23 file an action to enjoin the person from continuing to violate AS 44.99.515 or this
24 section. If the attorney general does not file an action within 90 days after receiving a
25 petition under (d) of this section, the petitioner may file an action to enjoin the person
26 from continuing to violate AS 44.99.515 or this section. An action filed under this
27 section must be filed in a court of competent jurisdiction.

28 (g) A preliminary or permanent injunction issued under (f) of this section may
29 not take effect until 30 days after the date that the order granting the injunction is
30 issued.

31 (h) Knowingly violating an injunction under (f) of this section is punishable

1 by a fine of not more than \$10,000 for each violation. In determining the amount of a
2 fine, the court shall consider the financial resources of the violator and the risk of
3 harm to the right to keep and bear arms under art. I, sec. 19, Constitution of the State
4 of Alaska, and the Second Amendment to the United States Constitution.

5 (i) If the attorney general or a petitioner prevails in an action under (f) of this
6 section, the court shall award the attorney general or petitioner full reasonable attorney
7 fees and any other remedy the court considers appropriate.

8 (j) In this section,

9 (1) "ammunition" means cartridge cases, primers, bullets, or propellant
10 powder designed for use in a firearm;

11 (2) "department" means the Department of Commerce, Community,
12 and Economic Development;

13 (3) "disclose" means the transfer, publication, or distribution to another
14 person of a record of a sale, purchase, return, or refund involving a payment card that
15 is retrieved, characterized, generated, labeled, sorted, or grouped based on the
16 assignment of a firearm code for any purpose other than to process or facilitate a
17 payment card transaction;

18 (4) "financial institution" means

19 (A) an institution subject to the regulation of the department
20 under this title or the Federal Deposit Insurance Corporation under federal law;
21 and

22 (B) an entity involved in facilitating or processing a payment
23 card transaction;

24 (5) "financial record" means

25 (A) a record or document held by a payment network
26 pertaining to a customer of a financial institution using the payment network;

27 (B) a record held by a payment network related to a payment
28 card transaction that the financial institution has processed or facilitated; and

29 (C) any information derived from a record or document
30 meeting the requirements of (A) or (B) of this paragraph;

31 (6) "firearm code" means a code or other indicator that a payment

1 network assigns to a merchant or payment card transaction that identifies whether the
 2 merchant is a firearm retailer or the payment card transaction involves the purchase of
 3 a firearm, a firearm accessory or component, or ammunition;

4 (7) "firearm retailer" means a person lawfully engaging in the state in
 5 the business of selling or trading firearms or ammunition to be used in firearms;

6 (8) "knowingly" has the meaning given in AS 11.81.900(a);

7 (9) "payment card" means a credit, charge, debit, or other card issued
 8 to an authorized card user that allows the user to purchase goods or services;

9 (10) "payment network" means a credit card association, electronic
 10 funds transfer network, or other debit or credit network through which funds can be
 11 transferred and that issues or sponsors a financial transaction device.

12 * **Sec. 2.** AS 44.99 is amended by adding a new section to read:

13 **Sec. 44.99.515. Firearm list prohibition.** (a) Except for records kept during
 14 the regular course of a criminal investigation and prosecution, or as otherwise required
 15 by law, the state, a political subdivision of the state, or a person may not knowingly
 16 keep or cause to be kept a list, record, or registry of privately owned firearms or
 17 owners of privately owned firearms. This subsection does not apply to an owner of a
 18 privately owned firearm who keeps or causes to be kept a list, record, or registry of the
 19 owner's own firearms.

20 (b) A violation of this section is governed by AS 06.90.020(d) - (i).

21 (c) In this section, "knowingly" has the meaning given in AS 11.81.900(a).

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

24 **INDIRECT COURT RULE AMENDMENTS.** (a) AS 06.90.020(g), enacted by sec. 1
 25 of this Act, has the effect of changing Rule 65, Alaska Rules of Civil Procedure, by
 26 prohibiting preliminary and permanent injunctions issued under AS 06.90.020(f), enacted by
 27 sec. 1 of this Act, from taking effect until 30 days after the date the injunction is ordered by
 28 the court.

29 (b) AS 06.90.020(i), enacted by sec. 1 of this Act, has the effect of changing Rule 82,
 30 Alaska Rules of Civil Procedure, by requiring full reasonable attorney fees to be awarded to
 31 the attorney general or a petitioner if the attorney general or petitioner prevails in an action

1 under AS 06.90.020(f), enacted by sec. 1 of this Act.

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

4 **CONDITIONAL EFFECT.** (a) AS 06.90.020(g), enacted by sec. 1 of this Act, takes
5 effect only if sec. 3(a) of this Act receives the two-thirds majority vote of each house required
6 by art. IV, sec. 15, Constitution of the State of Alaska.

7 (b) AS 06.90.020(i), enacted by sec. 1 of this Act, takes effect only if sec. 3(b) of this
8 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
9 Constitution of the State of Alaska.