

1 IN THE HOUSE

BY MR. MILLER

2

HOUSE BILL NO. 241

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRD LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act to provide for punishment for the  
7 misuse of firearms."

7

8

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

9

\* Section 1. AS 11.15.200 is repealed and re-enacted to read:

10

Sec. 11.15.200. MISUSE OF FIREARMS. (a) A person who

11

points, carries, or discharges a firearm in a negligent man-

12

ner is guilty of a misdemeanor. In this section "negligent"

13

means lacking in that care for the safety of persons or

14

property which a prudent man experienced in the use and know-

15

ledgeable in the characteristics of firearms would use in the

16

circumstances.

17

(b) A person who intentionally discharges a firearm

18

within 300 yards of an occupied dwelling is guilty of a mis-

19

demeanor, unless he could not by the exercise of reasonable

20

diligence have known that there was an occupied dwelling with-

21

in 300 yards. This subsection does not apply if the person

22

discharges the firearm

23

(1) on his own property;

24

(2) in an area customarily used by the public as a

25

shooting range;

26

(3) to protect persons or property from a threat

27

of harm; or

28

(4) with the permission of the occupant of each

29

occupied dwelling within 300 yards.

1 (c) The scope or application of (a) of this section is  
2 in no way limited by (b) of this section.

3 (d) In this section

4 (1) "dwelling" means any structure or enclosure of  
5 a kind used for human habitation;

6 (2) "occupied" means currently in use as a resi-  
7 dence or place of abode whether or not a person is physically  
8 present on the premises.

9 (e) A person having custody of a minor who is convicted  
10 of a violation of this section is chargeable with the payment  
11 of any fine which may be assessed against the minor.

12 \* Sec. 2. AS 11.15 is amended by adding a new section to  
13 read:

14 Sec. 11.15.205. INJURY OR DEATH RESULTING FROM MISUSE  
15 OF FIREARMS. (a) If injury to a human being results from  
16 the commission of an act which constitutes a misdemeanor un-  
17 der sec. 200 of this chapter, the misdemeanor is punishable  
18 by a fine of not more than \$2,000, or by imprisonment for not  
19 more than one year, or by both.

20 (b) If the death of a human being results from the dis-  
21 charge of a firearm which constitutes a misdemeanor under  
22 sec. 200 of this chapter, the person discharging the firearm  
23 may in the discretion of the prosecuting officer or grand  
24 jury be charged with the crime of manslaughter.

25  
26  
27  
28  
29