

Original sponsor: Mr. Miller

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR 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."

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 AS 11.15.200 is repealed and re-enacted to read: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
12 manner is guilty of a misdemeanor. In this section
13 "negligent" means lacking in that care for the safety of
14 persons or property which a prudent man experienced in the
15 use and knowledgeable in the characteristics of firearms
16 would use in the 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
21 within 300 yards. This subsection does not apply if the
22 person discharges the firearm

23 (1) on his own property;

24 (2) in an area customarily used by the public as
25 a shooting range;

26 (3) to protect persons or property from a threat
27 of harm;

28 (4) with the permission of the occupant of each
29 occupied dwelling within 300 yards; or

1 (5) under circumstances in which if the discharge
2 resulted in homicide the homicide would be justifiable under
3 secs. 90 and 100 of this chapter.

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

6 (d) In this section

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

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

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
17 under 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 * Sec. 3. AS 11.55.050 is repealed.
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