

Introduced: 2/12/75  
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 153

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to firearms and other weapons."

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

8 \* Section 1. AS 11.55 is amended by adding new sections to read:

9 Sec. 11.55.005. POSSESSION OF PROHIBITED WEAPONS. A person,  
10 other than a peace officer, member of the armed forces of the United  
11 States or National Guard acting in the lawful discharge of his duties,  
12 or a person who has a valid permit and license under applicable federal  
13 law, who knowingly owns or possesses a machine gun, a sawed-off shotgun,  
14 sawed-off rifle, firearm silencer, or destructive device is guilty of  
15 possession of a prohibited weapon and, upon conviction, is punishable  
16 by imprisonment for not more than five years nor less than one year,  
17 or by a fine of not more than \$5,000, or by both. This section does  
18 not apply to antique weapons manufactured before 1899.

19 Sec. 11.55.090. POSSESSION OF FIREARM IN LIQUOR ESTABLISHMENT.

20 (a) A person is guilty of a misdemeanor who

21 (1) brings a pistol, revolver, rifle, shotgun or other  
22 firearm into a barroom, cocktail lounge, restaurant, dining room,  
23 nightclub or other room where alcoholic beverages are served; or

24 (2) while in a barroom, cocktail lounge, restaurant, dining  
25 room, nightclub, or other room where alcoholic beverages are served,  
26 has in his possession or under his control a pistol, revolver, rifle,  
27 shotgun or other firearm.

28 (b) A person who violates a provision of (a) of this section  
29 is, upon conviction, punishable by imprisonment for not more than one

1 year, or by a fine of not more than \$1,000, or by both.

2 (c) This section does not apply to

3 (1) a peace officer; or

4 (2) an owner of premises where alcoholic beverages are  
5 served where a firearm is kept upon the premises for the protection of  
6 the owner, his employees, or his property; or

7 (3) premises used solely as a private home.

8 Sec. 11.55.100. OBLITERATION OR ALTERATION OF SERIAL NUMBERS ON  
9 FIREARMS. A person who purposefully obliterates, removes, changes,  
10 or alters the serial number of a firearm is guilty of a misdemeanor and,  
11 upon conviction, is punishable by imprisonment for not more than one  
12 year, or by a fine of not more than \$500, or by both.

13 Sec. 11.55.110. POSSESSION OF FIREARM WITH OBLITERATED OR ALTERED  
14 SERIAL NUMBER. (a) Except as provided in (b) of this section, a person  
15 who knowingly possesses a firearm the serial number of which has been  
16 obliterated, removed, changed or altered is guilty of a misdemeanor and,  
17 upon conviction, is punishable by imprisonment for not more than six  
18 months, or by a fine of not more than \$250, or by both.

19 (b) A person who buys, receives, or otherwise acquires a firearm,  
20 shall inspect the firearm so as to insure that the serial number has  
21 not been obliterated, removed, changed or altered. A person possessing  
22 a firearm the serial number of which has been obliterated, removed,  
23 changed or altered is not in violation of this section if he reports  
24 this information within 20 days from the time he comes into possession  
25 of the firearm to the nearest state trooper detachment headquarters.  
26 The state trooper detachment headquarters to which the report is made  
27 shall notify the Bureau of Alcohol, Tobacco, and Firearms of the United  
28 States Treasury Department so that a new serial number may be issued.  
29

1 (c) A person in possession of a firearm when this statute takes  
2 effect has 20 days to comply with its requirements.

3 Sec. 11.55.120. DISPOSITION OF WEAPONS. (a) When a conviction  
4 is obtained for a misdemeanor or felony involving the unlawful use  
5 or possession of a weapon, the weapon is subject to disposition as  
6 provided in (c) of this section.

7 (b) A weapon recovered by a peace officer in the normal course  
8 of duty which is unclaimed or whose ownership cannot be determined, is  
9 subject to disposition as provided in (c) of this section.

10 (c) Upon conviction of a person for an offense involving a  
11 weapon described in (a) of this section, or upon recovery of a weapon  
12 as described in (b) of this section, the weapon shall be surrendered  
13 to the state trooper detachment headquarters in the judicial district  
14 where the conviction is obtained or the weapon is recovered. The  
15 commissioner of public safety shall annually, between July 1 and 10,  
16 offer the surrendered weapons which he considers to have value with  
17 respect to sporting, recreational or collection purposes for sale at  
18 public auction to persons licensed under federal law to engage in  
19 business involving the weapons for sale. If a weapon is stolen and is  
20 recovered from the thief or his transferee, it may not be offered for  
21 sale, but it shall be restored to the rightful owner upon his identif-  
22 ication of the weapon and presentation of proof of ownership and as  
23 soon as its use as evidence has been served. Upon the certificate  
24 of a judge of a court of record or of the district attorney of the  
25 judicial district where the conviction is obtained that the retention  
26 of a weapon is necessary or proper to the ends of justice, that weapon  
27 may not be disposed of as provided in this section.

28 (d) A weapon, which qualifies for disposition under this section  
29 and which the commissioner of public safety considers to be of use to

1 the Department of Public Safety in the performance of its official  
2 duties, shall be retained by the Department of Public Safety and not  
3 offered for sale.

4 (e) If a weapon is not of the type that qualifies for sale to  
5 the public or is not sold, under (c) of this section, the weapon shall  
6 immediately be destroyed or otherwise disposed of so that it can no  
7 longer be used.

8 (f) All proceeds received at public auction under (c) of this  
9 section shall be deposited in the general fund.

10 Sec. 11.55.130. DEFINITIONS. In this chapter

11 (1) "destructive device" means an explosive, incendiary, or  
12 poison gas bomb, grenade, mine, rocket, missile or similar device,  
13 except that a destructive device does not include a device which is not  
14 designed, redesigned, used or intended for use as a weapon;

15 (2) "firearm silencer" means an instrument, attachment,  
16 weapon, or appliance for causing the firing of a firearm to be silent,  
17 or intended to lessen or muffle the noise of the firing of a weapon;

18 (3) "machine gun" means any firearm that shoots automatically  
19 more than one shot, without manual reloading, by a single function of  
20 the trigger;

21 (4) "sawed-off rifle" means a rifle having a barrel less than  
22 16 inches long, or an overall length of less than 26 inches;

23 (5) "sawed-off shotgun" means a shotgun having a barrel or  
24 barrels less than 18 inches long or an overall length of less than 26  
25 inches.

26 \* Sec. 2. AS 11.55.010 is amended to read:

27 Sec. 11.55.010. CARRYING CONCEALED WEAPONS. It is unlawful for a  
28 person to carry concealed about his person, in any manner, a revolver,  
29 pistol, or other firearm, or knife, other than an ordinary pocketknife,

1 or a dirk or dagger, slingshot, metal knuckles, or an instrument by  
2 the use of which injury could be inflicted upon the person or property  
3 of another. For purposes of this section, a pocketknife with a blade  
4 longer than four inches is not an ordinary pocketknife.

5 \* Sec. 3. AS 11.55.030 is amended to read:

6 Sec. 11.55.030. POSSESSION BY CONVICTS. A person who has been  
7 convicted of a crime involving violence or the use of a weapon [FELONY,  
8 OR A MISDEMEANOR INVOLVING ASSAULT AND BATTERY, ASSAULT WITH A DANGEROUS  
9 WEAPON, BURGLARY, ROBBERY AND LIKE CRIMES,] by a court in this [THE]  
10 state, or by the courts of the United States or of another state or  
11 territory, may not own or have in his possession or under his custody  
12 or control a pistol, revolver, or other firearm capable of being con-  
13 cealed about his person, or carry concealed about his person a knife  
14 with a blade over two inches long or a dirk or dagger, slingshot, metal  
15 knuckles, or an instrument by the use of which injury could be inflicted  
16 upon the person or property of another.