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Referred: Judiciary

6-0174H

1 IN THE SENATE

BY BINKLEY, FAIKS, COGHILL
AND JONES

2

SENATE BILL NO. 226

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to misconduct involving possession
7 of a firearm by a person who commits criminal tres-
8 pass while intoxicated or under the influence of
9 drugs."

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

11 * Section 1. AS 11.61.200(a) is amended to read:

12 (a) A person commits the crime of misconduct involving weapons
13 in the first degree if the person

14 (1) knowingly possesses a firearm capable of being con-
15 cealed on one's person after having been convicted of a felony by a
16 court of this state, a court of the United States, or a court of
17 another state or territory;

18 (2) knowingly sells or transfers a firearm capable of being
19 concealed on one's person to a person who has been convicted of a
20 felony by a court of this state, a court of the United States, or a
21 court of another state or territory;

22 (3) manufactures, possesses, transports, sells, or trans-
23 fers a prohibited weapon;

24 (4) knowingly sells or transfers a firearm to another whose
25 physical or mental condition is substantially impaired as a result of
26 the introduction of an intoxicating liquor or drug into that other
27 person's body;

28 (5) removes, covers, alters, or destroys the manufacturer's
29 serial number on a firearm with intent to render the firearm

1 untraceable; [OR]

2 (6) possesses a firearm on which the manufacturer's serial
3 number has been removed, covered, altered, or destroyed, knowing that
4 the serial number has been removed, covered, altered, or destroyed
5 with the intent of rendering the firearm untraceable; or

6 (7) violates AS 11.46.320 or 11.46.330 and, during the
7 violation, possesses on the person a firearm while under the influence
8 of an intoxicating liquor or drug.

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

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

12 (1) possesses on the person a firearm while under the
13 influence of an intoxicating liquor or drug in circumstances other
14 than described in AS 11.61.200(a)(7);

15 (2) discharges a firearm from, on, or across a highway; or

16 (3) discharges a firearm with reckless disregard for a risk
17 of damage to property or a risk of physical injury to a person.

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

19 Sec. 11.61.215. INTOXICATION AS APPLICABLE TO POSSESSION OF A
20 FIREARM. For purposes of AS 11.61.200(a)(7) and 11.61.210(a), a
21 person is under the influence of an intoxicating liquor or drug when,
22 as a result of the introduction of an intoxicating liquor or drug into
23 the person's body, physical or mental abilities are impaired so that
24 the person no longer has the ability to possess a firearm with the
25 caution characteristic of a sober person of ordinary prudence under
26 the same or similar circumstances.

27 * Sec. 4. AS 11.61.210(b) is repealed.