

CS FOR HOUSE BILL NO. 417(JUD) am**IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - SECOND SESSION****BY THE HOUSE JUDICIARY COMMITTEE****Amended: 4/15/94****Offered: 4/8/94****Sponsor(s): REPRESENTATIVES BUNDE, Finkelstein****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to the possession of weapons within the grounds of or on the
 2 parking lot of preschools, elementary, junior high, and secondary schools or while
 3 participating in a school-sponsored event; and relating to school lockers and other
 4 containers provided in a public or private school by the school or the school
 5 district."

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

7 * Section 1. AS 11.61.210(a) is amended to read:

8 (a) A person commits the crime of misconduct involving weapons in the fourth
 9 degree if the person

10 (1) possesses on the person, or in the interior of a vehicle in which the
 11 person is present, a firearm when the person's physical or mental condition is impaired
 12 as a result of the introduction of an intoxicating liquor or a controlled substance into
 13 the person's body in circumstances other than described in AS 11.61.200(a)(7);

- 1 (2) discharges a firearm from, on, or across a highway;
2 (3) discharges a firearm with reckless disregard for a risk of damage
3 to property or a risk of physical injury to a person;
4 (4) manufactures, possesses, transports, sells, or transfers metal
5 knuckles;
6 (5) manufactures, sells, or transfers a switchblade or a gravity knife;

7 [OR]

- 8 (6) knowingly sells a firearm or a defensive weapon to a person under
9 18 years of age; or

- 10 (7) knowingly possesses a deadly weapon or a defensive weapon,
11 without the permission of the chief administrative officer of the school or district
12 or the designee of the chief administrative officer, within the grounds of or on the
13 parking lot immediately adjacent to a public or private preschool, elementary,
14 junior high, or secondary school or while participating in a school-sponsored
15 event, except that a person 21 years of age or older may possess a

- 16 (A) deadly weapon other than a loaded firearm in the trunk
17 of a motor vehicle or encased in a closed container in a motor vehicle;

- 18 (B) defensive weapon;

- 19 (C) firearm that is unloaded and is possessed by an
20 individual while traversing school premises for the purpose of gaining
21 access to public or private lands open to hunting.

22 * Sec. 2. AS 11.61.210 is amended by adding a new subsection to read:

- 23 (d) The provisions of (a)(7) of this section do not apply to a peace officer
24 acting within the scope and authority of the officer's employment.

25 * Sec. 3. AS 11.61.220(a) is amended to read:

- 26 (a) A person commits the crime of misconduct involving weapons in the fifth
27 degree if the person

- 28 (1) knowingly possesses a deadly weapon, other than an ordinary
29 pocket knife or a defensive weapon, that is concealed on the person;

- 30 (2) knowingly possesses a loaded firearm on the person in any place
31 where intoxicating liquor is sold for consumption on the premises;

1 (3) being an unemancipated minor under 16 years of age, possesses a
2 firearm without the consent of a parent or guardian of the minor;

3 (4) knowingly possesses a firearm

4 [(A) OR A DEFENSIVE WEAPON WITHIN THE GROUNDS
5 OF OR ON A PARKING LOT IMMEDIATELY ADJACENT TO A PUBLIC
6 OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR HIGH, OR
7 SECONDARY SCHOOL WITHOUT THE PERMISSION OF THE CHIEF
8 ADMINISTRATIVE OFFICER OF THE SCHOOL OR DISTRICT OR THE
9 DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER, EXCEPT THAT
10 A PERSON 21 YEARS OF AGE OR OLDER MAY POSSESS

11 (i) AN UNLOADED FIREARM IN THE TRUNK OF
12 A MOTOR VEHICLE OR ENCASED IN A CLOSED CONTAINER
13 IN A MOTOR VEHICLE;

14 (ii) A DEFENSIVE WEAPON; OR

15 (B)] within the grounds of or on a parking lot immediately
16 adjacent to a center, other than a private residence, licensed under
17 AS 47.35.010 - 47.35.075 or recognized by the federal government for the care
18 of children; or

19 (5) possesses or transports a switchblade or a gravity knife.

20 * Sec. 4. AS 14.03 is amended by adding a new section to read:

21 Sec. 14.03.105. SCHOOL LOCKERS. (a) Subject to (b) of this section, a
22 locker or other container provided in a school by the school or the school district may
23 be searched and examined with the permission of the chief administrative officer of
24 the school or the school district or the designee of the chief administrative officer to
25 determine compliance with school regulations, school district regulations, and local,
26 state, and federal laws.

27 (b) Notices in letters at least two inches high stating the right and the intention
28 of school and school district officers to permit searches and examinations under (a) of
29 this section shall be posted in prominent locations throughout a school.

30 (c) Nothing in this section limits the ability of a peace officer, chief
31 administrative officer, or other appropriate person, acting in compliance with local,

1 state, or federal laws, to search a locker or other container provided in a public or
2 private school by the school district.

3 * Sec. 5. AS 14.45 is amended by adding a new section to article 3 to read:

4 **Sec. 14.45.190. SCHOOL LOCKERS.** A private school may search school
5 lockers and other containers as provided in AS 14.03.105.