

SENATE CS FOR CS FOR HOUSE BILL NO. 417(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/27/94
Referred: Judiciary

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

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

18 (B) a defensive weapon.

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

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

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

23 (a) A person commits the crime of misconduct involving weapons in the fifth
24 degree if the person

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

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

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

31 (4) knowingly possesses a firearm

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

8 **(i) AN UNLOADED FIREARM IN THE TRUNK OF**
9 **A MOTOR VEHICLE OR ENCASED IN A CLOSED CONTAINER**
10 **IN A MOTOR VEHICLE;**

11 **(ii) A DEFENSIVE WEAPON; OR**

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

16 **(5) possesses or transports a switchblade or a gravity knife.**

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

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

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

27 **(c) Nothing in this section limits the ability of a peace officer, chief**
28 **administrative officer, or other appropriate person, acting in compliance with local,**
29 **state, or federal laws, to search a locker or other container provided in a public or**
30 **private school by the school district.**

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

1 Sec. 14.45.190. SCHOOL LOCKERS. A private school may search school
2 lockers and other containers as provided in AS 14.03.105.