

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 434
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY REPRESENTATIVES DAVIES, Grussendorf, Brown, Finkelstein

Introduced: 2/14/94

Referred: Health, Education & Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the possession of deadly weapons or defensive weapons on
2 school grounds or adjacent parking lots; relating to the possession of deadly
3 weapons or defensive weapons on child care center grounds or adjacent parking
4 lots."

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

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

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

9 (1) knowingly possesses a firearm capable of being concealed on one's
10 person after having been convicted of a felony by a court of this state, a court of the
11 United States, or a court of another state or territory;

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

1 (3) manufactures, possesses, transports, sells, or transfers a prohibited
2 weapon;

3 (4) knowingly sells or transfers a firearm to another whose physical or
4 mental condition is substantially impaired as a result of the introduction of an
5 intoxicating liquor or controlled substance into that other person's body;

6 (5) removes, covers, alters, or destroys the manufacturer's serial
7 number on a firearm with intent to render the firearm untraceable;

8 (6) possesses a firearm on which the manufacturer's serial number has
9 been removed, covered, altered, or destroyed, knowing that the serial number has been
10 removed, covered, altered, or destroyed with the intent of rendering the firearm
11 untraceable;

12 (7) violates AS 11.46.320 and, during the violation, possesses on the
13 person a firearm when the person's physical or mental condition is impaired as a result
14 of the introduction of an intoxicating liquor or controlled substance into the person's
15 body;

16 (8) violates AS 11.46.320 or 11.46.330 by entering or remaining
17 unlawfully on premises or in a propelled vehicle in violation of a provision of an order
18 issued under AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the
19 person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

20 (9) communicates in person with another in violation of AS 11.56.740
21 and, during the communication, possesses on the person a defensive weapon or a
22 deadly weapon, other than an ordinary pocketknife;

23 (10) resides in a dwelling knowing that there is a firearm capable of
24 being concealed on one's person or a prohibited weapon in the dwelling if the person
25 has been convicted of a felony by a court of this state, a court of the United States,
26 or a court of another state or territory, unless the person has written authorization to
27 live in a dwelling in which there is a concealable weapon described in this paragraph
28 from a court of competent jurisdiction or from the head of the law enforcement agency
29 of the community in which the dwelling is located; [OR]

30 (11) discharges a firearm from a propelled vehicle while the vehicle is
31 being operated; or

1 (12) knowingly possesses a firearm or other deadly weapon or a
2 defensive weapon within the grounds of or on a parking lot immediately adjacent
3 to a public or private preschool, elementary, junior high, or secondary school, or
4 within the grounds of or on a parking lot immediately adjacent to a center, other
5 than a private residence, licensed under AS 47.35.010 - 47.35.075 or recognized
6 by the federal government for the care of children, without the permission of the
7 chief administrative officer of the preschool, school, school district, or center or
8 the designee of the chief administrative officer, except that a person 21 years of
9 age or older may possess an

10 (A) unloaded firearm or other deadly weapon in the trunk
11 of a motor vehicle or encased in a closed container in a motor vehicle;

12 (B) ordinary pocket knife or a defensive weapon.

13 * Sec. 2. AS 11.61.200(e) is amended to read:

14 (e) The provisions of (a)(3), [AND] (11), and (12) of this section do not apply
15 to a peace officer acting within the scope and authority of the officer's employment.

16 * Sec. 3. AS 11.61.200 is amended by adding a new subsection to read:

17 (h) In (a)(12) of this section, "firearm" includes an air gun or pellet gun that
18 discharges a shot, pellet, or other projectile by means of compressed air or other gas.

19 * Sec. 4. AS 11.61.220(c) is amended to read:

20 (c) The provisions of (a)(1) [,] and (2) [, AND (4)] of this section do not
21 apply to a peace officer acting within the scope and authority of the officer's
22 employment.

23 * Sec. 5. AS 14.03.080 is amended by adding a new subsection to read:

24 (f) This section does not require a school district to admit a child or person
25 currently under suspension or expulsion under AS 14.03.160 in that or another school
26 district.

27 * Sec. 6. AS 14.03 is amended by adding a new section to read:

28 Sec. 14.03.160. SUSPENSION OR EXPULSION OF STUDENTS FOR
29 POSSESSING WEAPONS. Notwithstanding any other provision of law, a school
30 district shall adopt procedures, including the right to a hearing, requiring the
31 suspension for at least 30 days, or expulsion for the school year or permanently, of a

- 1 student who violates AS 11.61.200(a)(12). A prior conviction, or adjudication of
- 2 delinquency or child in need of supervision, for violation of AS 11.61.200(a)(12) is not
- 3 necessary for a school board to suspend or expel a student under this section.
- 4 • Sec. 7. AS 11.61.220(a)(4) is repealed.