

**HOUSE BILL NO. 473**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVES FINKELSTEIN, Brown, B.Davis**

**Introduced: 2/14/94**

**Referred: Health, Education & Social Services, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the possession of firearms by minors and to offenses  
2 involving firearms."

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

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

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

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

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

12 (3) discharges a firearm with reckless disregard for a risk of damage  
13 to property or a risk of physical injury to a person;

14 (4) manufactures, possesses, transports, sells, or transfers metal knuckles;

1 (5) manufactures, sells, or transfers a switchblade or a gravity knife;

2 [OR]

3 (6) knowingly sells a firearm or a defensive weapon to a person under  
4 18 years of age; or

5 (7) except when provision of a firearm to a person under 18 years  
6 of age is authorized by (d) of this section, knowingly provides a firearm to a  
7 person under 18 years of age in circumstances that do not constitute sale of the  
8 firearm.

9 \* Sec. 2. AS 11.61.210 is amended by adding new subsections to read:

10 (d) The provisions of (a)(7) of this section do not apply to the provision of a  
11 firearm to a person under 18 years of age if, at the time the firearm is provided to the  
12 person under 18, the person under 18

13 (1) is either accompanied by a parent or guardian or has in the person's  
14 possession a form provided by the Department of Public Safety, signed and dated by  
15 the person's parent or guardian giving the person permission to possess the firearm,  
16 and executed and sworn to by the person giving permission before a notary public;

17 (2) has completed a firearm safety course or hunting safety course, as  
18 evidenced by the person having proof of successful completion of the course in the  
19 person's possession; and

20 (3) swears, under penalty of unsworn falsification, that the person will  
21 have possession of the firearm only

22 (A) while in the person's residence;

23 (B) while on privately owned real property with the permission  
24 or consent of the owner, lessee, or licensee of the real property;

25 (C) while

26 (i) actually engaged in hunting for which the person  
27 holds a valid hunting license issued under AS 16.05.330 -16.05.430;

28 (ii) engaging in a hunter's safety course or firearm  
29 safety course;

30 (iii) practicing the use of the firearm at a shooting range  
31 or any place where discharge of the firearm is not prohibited; or

1 (iv) engaging in an organized competition involving the  
2 use of firearms at a shooting range; or

3 (D) while traveling to or from an activity described in, or while  
4 traveling for a purpose identified in, (C) of this paragraph and the firearm is  
5 not loaded; for purposes of this subparagraph, a firearm is loaded if the firing  
6 chamber, magazine, clip, or cylinder of the firearm contains a cartridge.

7 (e) In (a)(6) and (7) of this section, "sale," when applied to a firearm, means  
8 to sell, barter, or exchange a firearm for value.

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

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

12 (1) knowingly possesses a deadly weapon, other than an ordinary  
13 pocketknife or a defensive weapon, that is concealed on the person;

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

16 (3) being

17 (A) a person under 18 years of age, possesses a firearm if  
18 the person has been convicted of an offense that is a crime of violence or  
19 has been adjudicated a delinquent minor for the violation of a law or  
20 ordinance that would constitute a crime of violence if the person were an  
21 adult; for purposes of this subparagraph, "crime of violence" means the  
22 commission or attempt on the part of the person to commit any of the  
23 following offenses:

24 (i) murder in any degree;

25 (ii) manslaughter;

26 (iii) criminally negligent homicide;

27 (iv) assault in any degree;

28 (v) kidnapping;

29 (vi) sexual assault in any degree;

30 (vii) sexual abuse of a minor in any degree; or

31 (viii) robbery in any degree;

1                    **(B)** an unemancipated minor [**UNDER 16 YEARS OF AGE**],  
2 possesses a firearm without the consent of a parent or guardian of the minor  
3 **given in the manner required by (h)(2) of this section:**

4                    (4) knowingly possesses a firearm

5                    (A) or a defensive weapon within the grounds of or on a  
6 parking lot immediately adjacent to a public or private preschool, elementary,  
7 junior high, or secondary school without the permission of the chief  
8 administrative officer of the school or district or the designee of the chief  
9 administrative officer, except that a person 21 years of age or older may  
10 possess

11                    (i) an unloaded firearm in the trunk of a motor vehicle  
12 or encased in a closed container in a motor vehicle;

13                    (ii) a defensive weapon; or

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

18                    (5) possesses or transports a switchblade or a gravity knife; or

19                    **(6) is the parent or guardian of a person under 18 years of age and,**  
20 **knowing that the person under 18 years of age possesses a firearm in violation of**  
21 **(3)(A) of this subsection, fails to make a reasonable effort to secure the possession**  
22 **of the firearm from the person under 18 years of age.**

23 \* Sec. 4. AS 11.61.220(f) is amended to read:

24                    (f) For purposes of (a)(2) and (h)(3)(E) of this section, a firearm is loaded if  
25 the firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge.

26 \* Sec. 5. AS 11.61.220 is amended by adding new subsections to read:

27                    (h) The provisions of (a)(3)(B) of this section do not apply to a person under  
28 18 years of age as to whom the disabilities of minority have not been removed in  
29 possession of a firearm if the person

30                    (1) is accompanied by a parent or guardian while the person has the  
31 weapon in the person's possession;

1 (2) possesses the firearm with permission to possess the firearm that  
2 has been given by the person's parent or legal guardian if

3 (A) the parent or legal guardian gave permission to possess the  
4 firearm; the permission must be given on a form provided by the Department  
5 of Public Safety, must be signed and dated by the person giving permission,  
6 and must be executed and sworn to by the person giving permission before a  
7 notary public; and

8 (B) the person has the form giving written permission in the  
9 minor's possession at the time the minor possesses the firearm;

10 (3) possesses the firearm

11 (A) while in the person's residence;

12 (B) while on privately owned real property with the permission  
13 or consent of the owner, lessee, or licensee of the real property;

14 (C) when the person has completed a firearm safety course or  
15 hunting safety course if the person has proof of successful completion of the  
16 course in the person's possession;

17 (D) while

18 (i) actually engaged in hunting if the person holds a  
19 valid hunting license issued under AS 16.05.330 -16.05.430;

20 (ii) engaging in a hunter's safety course or firearm  
21 safety course;

22 (iii) practicing the use of the firearm at a shooting range  
23 or any place where discharge of the firearm is not prohibited; or

24 (iv) engaging in an organized competition involving the  
25 use of firearms at a shooting range; or

26 (E) while traveling to or from an activity described in, or while  
27 traveling for a purpose identified in, (D) of this paragraph and the firearm is  
28 not loaded.

29 \* Sec. 6. AS 12.55.015(a) is amended to read:

30 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing  
31 sentence on a defendant convicted of an offense, may singly or in combination

1 (1) impose a fine when authorized by law and as provided in  
2 AS 12.55.035;

3 (2) order the defendant to be placed on probation under conditions  
4 specified by the court that may include provision for active supervision;

5 (3) impose a definite term of periodic imprisonment;

6 (4) impose a definite term of continuous imprisonment;

7 (5) order the defendant to make restitution under AS 12.55.045;

8 (6) order the defendant to carry out a continuous or periodic program  
9 of community work under AS 12.55.055;

10 (7) suspend execution of all or a portion of the sentence imposed under  
11 AS 12.55.080;

12 (8) suspend imposition of sentence under AS 12.55.085;

13 (9) order the forfeiture to the commissioner of public safety of a deadly  
14 weapon that was in the actual possession of or used by the defendant during the  
15 commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61,  
16 except that, if the deadly weapon was a firearm possessed by a minor in violation  
17 of AS 11.61.220(a)(3), the court shall order the forfeiture to the commissioner of  
18 public safety of the firearm:

19 (10) order the defendant, while incarcerated, to participate in or comply  
20 with the treatment plan of a rehabilitation program that is related to the defendant's  
21 offense or to the defendant's rehabilitation [,] if the program is made available to the  
22 defendant by the Department of Corrections.

23 \* Sec. 7. AS 44.41.020 is amended by adding a new subsection to read:

24 (e) The Department of Public Safety shall prepare and distribute a form by  
25 which a parent or legal guardian of a minor may give permission to the minor to  
26 possess a firearm. The form shall meet the requirements of AS 11.61.210(d)(1) and  
27 11.61.220(h)(2) and, in addition, describe the type of firearm that the minor may  
28 possess, and the firearm's caliber, serial number, and manufacturer.