

HOUSE BILL NO. 199

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KURKA, Eastman

Introduced: 5/4/21

Referred: Judiciary, Education, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to misconduct involving weapons; and relating to the regulation of**
2 **firearms."**

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as the Gun Rights Restoration and Criminal
7 Safety Zone Elimination Act.

8 * **Sec. 2.** AS 11.61.220(a) is amended to read:

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

11 (1) is 21 years of age or older and knowingly possesses a deadly
12 weapon, other than an ordinary pocket knife or a defensive weapon,

13 (A) that is concealed on the person, and, when contacted by a
14 peace officer, the person fails to

1 (i) immediately inform the peace officer of that
2 possession; or

3 (ii) allow the peace officer to secure the deadly weapon,
4 or fails to secure the weapon at the direction of the peace officer,
5 during the duration of the contact;

6 (B) that is concealed on the person within the residence of
7 another person unless the person has first obtained the express permission of
8 an adult residing there to bring a concealed deadly weapon within the
9 residence;

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

12 (3) being an unemancipated minor under 16 years of age, possesses a
13 firearm, switchblade, or gravity knife without the consent of a parent or guardian of
14 the minor;

15 (4) knowingly possesses a firearm

16 (A) within the grounds of or on a parking lot immediately
17 adjacent to an entity, other than a private residence, licensed as a child care
18 facility under AS 47.32 or recognized by the federal government for the care of
19 children, except that a person 21 years of age or older may possess an unloaded
20 firearm in the trunk of a motor vehicle or encased in a closed container of a
21 motor vehicle;

22 (B) within a

23 (i) courtroom or office of the Alaska Court System; or

24 (ii) courthouse that is occupied only by the Alaska
25 Court System and other justice-related agencies; or

26 (C) within a domestic violence or sexual assault shelter that
27 receives funding from the state;

28 (5) [REPEALED]

29 (6) is less than 18 [21] years of age and knowingly possesses a deadly
30 weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed
31 on the person.

1 * **Sec. 3.** AS 11.61.220(c) is amended to read:

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

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

5 (f) For purposes of [(a)(2) AND] (e) of this section, a firearm is loaded if the

6 (1) firing chamber, magazine, clip, or cylinder of the firearm contains a
7 cartridge; and

8 (2) chamber, magazine, clip, or cylinder is installed in or on the
9 firearm.

10 * **Sec. 5.** AS 14.40 is amended by adding a new section to read:

11 **Sec. 14.40.173. Regulation of firearms.** (a) The Board of Regents may not
12 enact or enforce a policy regulating the possession, ownership, use, carrying,
13 registration, storage, or transportation of firearms.

14 (b) The Board of Regents, the University of Alaska, and any officers,
15 employees, or agents of the University of Alaska may not

16 (1) create a database or registry of persons who possess a firearm on
17 campus;

18 (2) require written permission before a person may possess a firearm
19 on campus; or

20 (3) adopt an implied consent policy regarding restricted possession of
21 concealed handguns.

22 (c) This section is not subject to judicial review.

23 (d) In this section,

24 (1) "concealed handgun" has the meaning given in AS 18.65.790;

25 (2) "firearms" includes firearms or other elements relating to firearms
26 or parts of a firearm, including ammunition and reloading components.

27 * **Sec. 6.** AS 44.99 is amended by adding a new section to article 1 to read:

28 **Sec. 44.99.050. Limitation on regulation of firearms.** (a) An institution that
29 receives state funding may not enact or enforce a policy regulating the possession,
30 ownership, use, carrying, registration, storage, or transportation of firearms.

31 (b) If an institution enacts a policy regulating the possession, ownership, use,

1 carrying, registration, storage, or transportation of firearms, the institution is not
2 eligible to receive state funding while the policy is in effect.

3 (c) This section does not apply to a courthouse, state or municipal correctional
4 facility, Alaska state trooper post or municipal police department, or a facility
5 providing psychiatric care to a prisoner committed to the custody of the commissioner
6 of corrections if the courthouse, facility, post, or department employs armed security
7 officers and screens for firearms possession as a person enters the building.

8 (d) This section is not subject to judicial review.

9 (e) In this section,

10 (1) "firearms" includes elements relating to firearms or parts of a
11 firearm, including ammunition and reloading components;

12 (2) "institution" means a person, other than an individual, organized
13 and operated for profit or for charitable purposes, or a government or governmental
14 subdivision, agency, or instrumentality.

15 * **Sec. 7.** AS 11.61.210(a)(7), 11.61.210(c), 11.61.220(a)(1), 11.61.220(a)(2),
16 11.61.220(a)(4)(A), 11.61.220(d), 11.61.220(g), 11.61.220(i); and AS 41.15.950(c) are
17 repealed.

18 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 **APPLICABILITY.** AS 11.61.220(a), as amended by sec. 2 of this Act,
21 AS 11.61.220(c), as amended by sec. 3 of this Act, AS 11.61.220(f), as amended by sec. 4 of
22 this Act, and the repeals of AS 11.61.210(a)(7), 11.61.210(c), 11.61.220(a)(1),
23 11.61.220(a)(2), 11.61.220(a)(4)(A), 11.61.220(d), 11.61.220(g), 11.61.220(i), and
24 AS 41.15.950(c) by sec. 7 of this Act apply to offenses committed on or after the effective
25 date of this Act.