

HOUSE BILL NO. 61

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TILTON, McCabe

Introduced: 2/6/23

Referred: Community and Regional Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to restrictions on firearms and other weapons."**

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

3 * **Section 1.** AS 44.99 is amended by adding new sections to article 5 to read:

4 **Sec. 44.99.510. Infringements on the right to keep and bear arms; disaster.**

5 (a) During a disaster emergency declared under AS 26.23.020, the governor, a state
6 agency, or a municipality may not issue or adopt an order, proclamation, regulation,
7 ordinance, or policy

8 (1) forbidding the possession, use, or transfer of a firearm, a firearm
9 accessory, ammunition, or other weapon for personal use;

10 (2) ordering the seizure or confiscation of a firearm, a firearm
11 accessory, ammunition, or other weapon for personal use;

12 (3) limiting the quantity or placing other restrictions on the sale or
13 service of firearms, firearm accessories, ammunition, or other weapons for personal
14 use;

15 (4) unless the closure or limitation applies equally to all forms of

1 commerce within the jurisdiction, closing or limiting the operating hours of

2 (A) an entity engaged in the sale or service of firearms, firearm
3 accessories, ammunition, or other weapons for personal use; or

4 (B) an indoor or outdoor shooting range;

5 (5) suspending or revoking a permit to carry a concealed handgun
6 issued under AS 18.65.700, except as provided in AS 18.65.735 and 18.65.740; or

7 (6) refusing to accept an application to carry a concealed handgun,
8 provided the application contains the information required under AS 18.65.710.

9 (b) This section does not apply to the possession of a firearm, a firearm
10 accessory, ammunition, or other weapon by a person who is prohibited from legally
11 possessing a firearm, a firearm accessory, ammunition, or other weapon under state
12 law.

13 (c) A person may bring a civil action in superior court if the person is
14 adversely affected by a violation of (a) of this section, and the person is

15 (1) qualified under state law to possess a firearm, a firearm accessory,
16 ammunition, or other weapon; or

17 (2) a membership organization consisting of two or more individuals
18 eligible under (1) of this subsection that is dedicated in whole or in part to the
19 protection of the rights of persons who possess or use firearms or other weapons.

20 (d) Notwithstanding AS 09.17.020(f) - (h), a prevailing plaintiff under (c) of
21 this section may recover

22 (1) the greater amount of actual economic damages or punitive
23 damages in the amount of three times the plaintiff's attorney fees;

24 (2) court costs; and

25 (3) attorney fees.

26 **Sec. 44.99.520. Definitions.** In AS 44.99.500 - 44.99.520,

27 (1) "firearm" has the meaning given in AS 11.81.900(b);

28 (2) "firearm accessory" means an item that is used in conjunction with
29 or mounted on a firearm but is not essential to the basic function of a firearm,
30 including a telescopic or laser sight, magazine, flash or sound suppressor, folding or
31 aftermarket stock and grip, speedloader, ammunition carrier, and light for target

1 illumination.

2 * **Sec. 2.** AS 44.99.500(g)(1) is repealed.