

CS FOR HOUSE BILL NO. 69(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/20/13

Referred: Rules

Sponsor(s): REPRESENTATIVES CHENAULT, Millett, Johnson, Tammie Wilson, Hawker, Olson, Feige, Peggy Wilson, Thompson, Keller, Gattis, Lynn, Saddler, Higgins, LeDoux, Foster, Hughes, Stoltze, Reinbold, Tuck, Neuman

A BILL

FOR AN ACT ENTITLED

1 "An Act exempting certain firearms, firearm accessories, and ammunition in this state
2 from federal regulation; declaring certain federal statutes, regulations, rules, and orders
3 unconstitutional under the Constitution of the United States and unenforceable in this
4 state; providing criminal penalties for federal officials who enforce or attempt to enforce
5 a federal statute, regulation, rule, or order regulating certain firearms and firearm
6 accessories in this state; and providing for an effective date."

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

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

10 FINDINGS. The legislature finds that

11 (1) a statute, regulation, rule, or order that has the purpose, intent, or effect of
12 confiscating any firearm, banning any firearm, limiting the size of a magazine for any firearm,
13 imposing any limit on the ammunition that may be purchased for any firearm, or requiring the

1 registration of any firearm or its ammunition infringes on an Alaskan's right to bear arms in
 2 violation of the Second Amendment to the Constitution of the United States and, therefore, is
 3 not made in accordance with the Constitution of the United States, is not authorized by the
 4 Constitution of the United States, is not the supreme law of the land, and, consequently, is
 5 invalid in this state and shall be considered null and void and of no effect in this state; and

6 (2) further authority for this Act is the following:

7 (A) art. I, sec. 19, Constitution of the State of Alaska, clearly secures
 8 to Alaska citizens and prohibits government interference with the right of individual
 9 Alaska citizens to keep and bear arms;

10 (B) the Tenth Amendment to the Constitution of the United States
 11 guarantees to the states and their people all powers not granted to the federal
 12 government elsewhere in the constitution and reserves to the state and people of
 13 Alaska certain powers as they were intended at the time that Alaska was admitted to
 14 statehood in 1959; the guaranty of those powers is a matter of contract between the
 15 state and people of Alaska and the United States as of the time that the compact with
 16 the United States was agreed to and adopted by Alaska and the United States in 1959;

17 (C) the Ninth Amendment to the Constitution of the United States
 18 guarantees to the people rights not granted in the constitution and reserves to the
 19 people of Alaska certain rights as they were intended at the time that Alaska was
 20 admitted to statehood in 1959; the guaranty of those rights is a matter of contract
 21 between the state and people of Alaska and the United States as of the time that the
 22 compact with the United States was agreed upon and adopted by Alaska and the
 23 United States in 1959.

24 * **Sec. 2.** AS 44.99.500(a) is amended to read:

25 (a) A personal firearm, a firearm accessory, or ammunition that is **possessed**
 26 **in this state or** manufactured commercially or privately in this state and that remains
 27 in the state is not subject to federal law or federal regulation, including registration,
 28 under the authority of the United States Congress to regulate interstate commerce as
 29 those items have not traveled in interstate commerce.

30 * **Sec. 3.** AS 44.99.500(b) is amended to read:

31 (b) This section applies to a firearm, a firearm accessory, or ammunition that

1 is possessed in this state or manufactured in this state from basic materials and that
2 can be manufactured without the inclusion of any significant parts imported from
3 another state. Generic and insignificant parts that have other manufacturing or
4 consumer product applications are not firearms, firearm accessories, or ammunition,
5 and their importation into this state and incorporation into a firearm, a firearm
6 accessory, or ammunition manufactured in this state does not subject the firearm,
7 firearm accessory, or ammunition to federal regulation. Basic materials, such as
8 unmachined steel and unshaped wood, are not firearms, firearm accessories, or
9 ammunition and are not subject to congressional authority to regulate firearms, firearm
10 accessories, and ammunition under interstate commerce as if they were actually
11 firearms, firearm accessories, or ammunition. The authority of the United States
12 Congress to regulate interstate commerce in basic materials does not include authority
13 to regulate firearms, firearm accessories, and ammunition possessed in this state or
14 made in this state from those materials. Firearm accessories that are imported into this
15 state from another state and that are subject to federal regulation as being in interstate
16 commerce do not subject a firearm to federal regulation under interstate commerce
17 because they are attached to or used in conjunction with a firearm in this state.

18 * **Sec. 4.** AS 44.99.500(d) is amended to read:

19 (d) The attorney general may defend a citizen of this state who is prosecuted
20 by the government of the United States under the congressional power to regulate
21 interstate commerce for violation of a federal law concerning the manufacture, sale,
22 transfer, or possession of a firearm, a firearm accessory, or ammunition possessed in
23 this state or manufactured and retained within this state.

24 * **Sec. 5.** AS 44.99.500 is amended by adding new subsections to read:

25 (f) A federal statute, regulation, rule, or order adopted, enacted, or otherwise
26 effective on or after the effective date of this Act is unenforceable in this state by an
27 official, agent, or employee of this state, a municipality, or the federal government if
28 the federal statute, regulation, rule, or order attempts to

29 (1) ban or restrict ownership of a semiautomatic firearm or a magazine
30 of a firearm; or

31 (2) require a firearm, magazine, or other firearm accessory to be

1 registered.

2 (g) An official, agent, or employee of the federal government who enforces or
3 attempts to enforce a federal statute, regulation, rule, or order unenforceable under (f)
4 of this section is guilty of a class C felony and may be punished as provided in
5 AS 12.55.

6 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).