

State Laws and Published Ordinances – Alaska
Current through all 2021 regular and special session legislation

Office of the Attorney General
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
Voice: 907-269-5100
<http://www.law.state.ak.us/>



Seattle Field Division
1521 1st Avenue South, Suite 600
Seattle, WA 98134
Voice: (206) 204-3205
<https://www.atf.gov/seattle-field-division>



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Title 8 – Business and Professions
Chapter 76 – Pawnbrokers and Secondhand Dealers

Section 08.76.010. Transactions to be entered in book kept at place of business; electronic records.

(a) A person engaged in the business of buying and selling secondhand articles, except a bank or a person regulated by AS 08.76.100 - 08.76.590, shall maintain a book, in permanent form, in which the person shall enter in legible English at the time of each purchase or sale

- (1) the date of the transaction;
- (2) the name of the person conducting the transaction;
- (3) the name, age, and address of the customer;
- (4) a description of the property bought, which includes, for any firearm, watch, camera, or optical equipment bought, the name of the maker, the serial, model, or other number, and all letters and marks inscribed;
- (5) the price paid;
- (6) the signature of the customer.

Section 08.76.020. Manner of recording entry.

The entries in the book required by AS 08.76.100 shall appear in chronological order in ink or indelible pencil. Blank lines may not be left between entries. Obliterations, alterations, or erasures may not be made. Corrections shall be made by drawing a line through the entry without destroying its legibility, and the line shall be drawn in ink. The book shall be open to the inspection of a peace officer at reasonable times.

Section 08.76.030. Criminal liability.

A person who violates AS 08.76.100 or 08.76.020 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both.

Title 11 – Criminal Law
Chapter 46 – Offenses against Property
Article 1 – Theft and Related Offenses

Section 11.46.260. Removal of identification marks.

(a) A person commits the crime of removal of identification marks if, with intent to cause interruption to the ownership of another, the person defaces, erases, or otherwise alters or attempts to deface, erase, or otherwise alter any serial number or identification mark placed or inscribed on a propelled vehicle, bicycle, firearm, movable or immovable construction tool or equipment, appliance, merchandise, or other article or its component parts.

(b) Removal of identification marks is

- (1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$750 or more;
- (2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$250 or more but less than \$750;
- (3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than \$250.

Section 11.46.270. Unlawful possession.

(a) A person commits the crime of unlawful possession if the person possesses a propelled vehicle, bicycle, firearm, movable or immovable construction tool or equipment, appliance, merchandise or other article or its component parts knowing that the serial number or identification mark placed on it by the manufacturer or owner for the purpose of identification has been defaced, erased, or otherwise altered with the intent of causing interruption to the ownership of another.

(b) Unlawful possession is

- (1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$750 or more;
- (2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$250 or more but less than \$750;

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than \$250.

Chapter 61 – Offenses against Public Order
Article 2 – Weapons and Explosives

Section 11.61.190. Misconduct involving weapons in the first degree.

- (a) A person commits the crime of misconduct involving weapons in the first degree if the person
- (1) uses or attempts to use a firearm during the commission of an offense under [AS 11.71.010](#) — 11.71.040; or
 - (2) discharges a firearm from a propelled vehicle while the vehicle is being operated and under circumstances manifesting substantial and unjustifiable risk of physical injury to a person or damage to property.

Section 11.61.195. Misconduct involving weapons in the second degree.

- (a) A person commits the crime of misconduct involving weapons in the second degree if the person knowingly
- (2) violates AS 11.61.200(a)(1) and is within the grounds of or on a parking lot immediately adjacent to
 - (A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or
 - (B) an entity, other than a private residence, licensed as a child care facility under AS 47.32 or recognized by the federal government for the care of children; or

Section 11.61.200. Misconduct involving weapons in the third degree.

- (a) A person commits the crime of misconduct involving weapons in the third degree if the person
- (1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;
 - (2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory;
 - (3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;
 - (4) knowingly sells or transfers a firearm to another whose physical or mental condition is substantially impaired as a result of the introduction of an intoxicating liquor or controlled substance into that other person's body;
 - (5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable;
 - (6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;
 - (7) violates AS 11.46.320 and, during the violation, possesses on the person a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person's body;
 - (8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under AS 18.66.100 - 18.66.180 or issued under former AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;
 - (9) communicates in person with another in violation of AS 11.56.740 and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;
 - (10) resides in a dwelling knowing that there is a firearm capable of being concealed on one's person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located; or
- (b) The provisions of
- (1) (a)(1) of this section do not apply to a person if

- (A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;
- (B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or
- (C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) (a)(2) or (10) of this section do not apply to a person if

- (A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;
- (B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or
- (C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(h) As used in this section,

(1) "**prohibited weapon**" means any

- (A) explosive, incendiary, or noxious gas
 - (i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;
 - (ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;
 - (iii) bomb; or
 - (iv) grenade;
- (B) device designed, made, or adapted to muffle the report of a firearm;
- (C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or
- (D) rifle with a barrel length of less than 16 inches, shotgun with a barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than 26 inches;

(2) "**unconditional discharge**" has the meaning ascribed to it in AS 12.55.185.

(i) Misconduct involving weapons in the third degree is a class C felony.

Section 11.61.210. Misconduct involving weapons in the fourth degree.

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

- (1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person's body in circumstances other than described in AS 11.61.200(a)(7);
- (6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;
- (7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to

or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

(A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) a defensive weapon;

(C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor.

Section 11.61.220. Misconduct involving weapons in the fifth degree.

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

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

Chapter 81 – General Provisions Article 7 – Definitions

Section 11.81.900. Definitions

(a) For purposes of this title, unless the context requires otherwise,

(15) "**dangerous instrument**" means

(A) any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury; or

(16) "**deadly weapon**" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive;

(20) "**defensive weapon**" means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury;

(26) "**firearm**" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury;

(50) "**possess**" means having physical possession or the exercise of dominion or control over property;

Title 18 – Health, Safety, Housing, Human Rights, and Public Defender Chapter 65 – Police Protection Article 10 – Permit to Carry a Concealed Handgun

Section 18.65.700. Permit to Carry a Concealed Handgun.

(a) The department shall issue a permit to carry a concealed handgun to a person who

(1) applies in person at an office of the Alaska State Troopers;

(2) qualifies under AS 18.65.705 ;

(3) submits on an application form approved by the department the information required under AS 18.65.705 and 18.65.710; the department shall post on the department's website the state laws and regulations relating to concealed

handguns, which must include a concise summary of where, when, and by whom a handgun can be carried under state and federal law and shall, on request, mail a copy of the regulations and summary to an applicant or permittee;

(4) submits two complete sets of fingerprints on Federal Bureau of Investigation approved fingerprint cards that are of sufficient quality so that the fingerprints may be processed; the fingerprints must be taken by a person, group, or agency approved by the department; the department shall maintain a list of persons, groups, or agencies approved to take fingerprints and shall provide the list to the public upon request; the fingerprints shall be used to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400 ;

(5) submits evidence of successful completion of a handgun course as provided in AS 18.65.715 ;

(6) provides one frontal view color photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;

(7) shows a valid Alaska driver's license or identification card at the time of application;

(8) does not suffer a physical infirmity that prevents the safe handling of a handgun; and

(9) pays the application fee required by AS 18.65.720.

(b) The department shall either approve or reject an application for a permit to carry a concealed handgun under (a) of this section within 30 days of receipt of the application. If the department has not received necessary fingerprint eligibility information from another agency by the end of this 30-day period, and the applicant is otherwise eligible, the department shall issue a conditional permit to the applicant subject to immediate revocation under the procedure provided in AS 18.65.740(a) - (c) if the fingerprint information subsequently discloses that the applicant is ineligible for a permit. The department shall notify the applicant in writing of the reason for a rejection.

(c) A person whose application is rejected under this section may appeal the rejection decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS 44.62.560 - 44.62.570.

(d) A permit issued under (a) of this section expires on the person's birthday in the fifth year following issuance of the permit. The department may adjust the length of an initial permit so that a permit is not issued for a period of more than five years.

(e) The department shall issue a permit to carry a concealed handgun to an honorably retired peace officer of this state who applies for a concealed handgun permit within one year of the officer's retirement and who satisfies the requirements of this subsection. To qualify for a permit under this subsection, an honorably retired peace officer must satisfy (a)(1) - (3) and (6) - (9) of this section and, unless the honorably retired peace officer has qualified with a handgun within five years of the officer's retirement, must also satisfy (a)(5) of this section. The department may not require an honorably retired peace officer applying under this subsection to comply with (a)(4) of this section to receive a permit. The department shall issue the permit without submitting information to or receiving permit eligibility information from the Federal Bureau of Investigation. The department may adopt regulations to define an "honorably retired peace officer" and the evidence that must be submitted to establish eligibility under this subsection.

Section 18.65.705. Qualifications to obtain a permit.

A person is qualified to receive and hold a permit to carry a concealed handgun if the person

(1) is 21 years of age or older;

(2) is eligible to own or possess a handgun under the laws of this state and under federal law;

(3) is a resident of the state and has been for the 90 days immediately preceding the application for a permit;

(4) has not been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the six years immediately preceding the application;

(5) is not now in and has not in the 3 years immediately preceding the application been ordered by a court to complete an alcohol or substance abuse treatment program; and

(6) has successfully completed a handgun course as provided in AS 18.65.715.

Section 18.65.710. Application for permit to carry a concealed handgun

(a) The application for a permit to carry a concealed handgun must contain the following information:

(1) the applicant's name, physical residence, mailing address, place and date of birth, physical description, including height, weight, race, hair color, and eye color, Alaska driver's license or identification card number, and the city and state of each place the applicant has resided in the five years immediately preceding the application;

(2) a statement that the applicant qualifies under AS 18.65.705;

(3) a statement that the applicant has been furnished with a copy of the state laws and regulations relating to concealed handguns, has read those sections, and understands them;

(4) a statement that the applicant desires a permit to carry a concealed handgun for a lawful purpose, which may include self-defense;

(5) a statement by the applicant that all statements, answers, and attachments to the application are true and complete;

(6) a conspicuous warning that an applicant who supplies a false statement, answer, or document in connection with the application that the applicant does not believe to be true may be prosecuted for unsworn falsification in the second degree and, if found guilty, may be punished for violation of a class A misdemeanor, and that, in such cases, the permit shall be revoked and the applicant may be barred from any further application for a permit; and

(7) a statement that the applicant understands that a permit eligibility investigation will be conducted as a part of the application process, that this may involve computerized records searches, and that the applicant authorizes the investigation.

(b) An application under (a) of this section may not inquire of an applicant about, or require the submission of, information beyond that described in that subsection. As part of an application under (a) of this section, the department may not inquire of an applicant as to any firearms owned by the applicant.

Section 18.65.715. Demonstration of competence with handguns

(a) An applicant for a permit to carry a concealed handgun shall provide a certificate of successful completion of a handgun course that is approved by the department. The handgun course must have been completed within the 12 months immediately preceding the application. The department shall approve a handgun course, including the personal protection course offered by the National Rifle Association, if the course tests the applicant's

(1) knowledge of Alaska law relating to firearms and the use of deadly force;

(2) familiarity with the basic concepts of the safe and responsible use of handguns;

(3) knowledge of self-defense principles; and

(4) physical competence with a handgun.

(c) The department may not require a certificate of competence submitted under this section to contain any specifically identifying information, including make, model, or serial number, of a handgun with which an applicant or permittee has demonstrated competence.

(d) The department shall maintain a list of approved courses and shall provide the list to the public upon request.

Section 18.65.720. Fees.

The department shall charge a nonrefundable fee for the processing of the application for and initial issuance of a permit, renewal of a permit, or replacement of a permit. The fees shall be set by regulation and must be based on the actual costs incurred by the department. However, the fee for the processing of an application and initial issuance of a permit may not exceed \$99 and the fee for renewal of a permit or replacement of a permit may not exceed \$30.

Section 18.65.725. Permit renewal

(a) A permittee shall apply for renewal of a permit to carry a concealed handgun within 90 days before the expiration of the permit, on a renewal form approved by the department. The renewal form must include

(1) any change in the information originally submitted under AS 18.65.710;

(2) a statement that the person remains qualified to receive and hold a permit to carry a concealed handgun under AS 18.65.705;

(3) one frontal view photograph of the person taken within the preceding 30 days that includes the head and shoulders of the person and is of a size specified by the department;

(4) the renewal fee required under AS 18.65.720; and

(5) the warning listed in AS 18.65.710(a)(6).

(c) A renewal of a permit to carry a concealed handgun submitted on or after the expiration date is subject to a late fee of \$ 25. The department may not accept a renewal for a permit that is submitted more than 60 days after the expiration date of the permit. Nothing in this subsection prohibits the holder of an expired permit from applying for a new permit.

(d) A renewal form under (a) of this section may not inquire of a permittee about, or require the submission of, information beyond that described in (a) of this section.

(e) Notwithstanding AS 18.65.705(3), a permittee does not become ineligible to hold a permit, and need not return or surrender a permit, when ceasing to be a resident of the state, and the department may not require a permittee to return or surrender a permit because a permittee ceases to be a resident of the state. However, a permittee may not renew a permit if the permittee is not a resident of the state at the time of renewal.

(f) The department shall mail the permittee a notice of expiration by first class mail at least 90 days before expiration of the permit.

Section 18.65.730. Replacement of permit.

The department may replace a permit that the permittee certifies under oath has been lost, stolen, or destroyed, provided the permittee applies in person and

(1) provides one frontal view photograph of the permittee taken within the preceding 30 days that includes the head and shoulders and is of a size specified by the department;

(2) pays the replacement fee required under AS 18.65.720.

Section 18.65.735. Suspension of permit

(a) The department shall immediately suspend a permit to carry a concealed handgun if a permittee becomes ineligible to hold a permit under AS 18.65.705.

(b) A person whose permit is suspended under this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.

(c) The department shall retain a permit suspended under this section until the permit is revoked or returned to the permittee.

Section 18.65.740. Revocation of permit; appeal

(a) A permit to carry a concealed handgun shall be immediately revoked by the department when the permittee

(1) becomes disqualified to receive and hold a permit under AS 18.65.705;

(2) is convicted of two class A misdemeanors of this state or similar laws of another jurisdiction within a six-year period if at least one of the convictions occurs after the application;

(3) knowingly supplied a false or fraudulent answer, statement, or document, or made a material misstatement or omission, in connection with an application for a permit or renewal or replacement of a permit.

(b) A person whose permit is revoked under (a) of this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.

(c) A person whose permit is revoked under this section may appeal the revocation decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS 44.62.560 – 44.62.570.

(d) A person whose permit is revoked may not apply for a permit until at least five years after the revocation.

Section 18.65.760. Misuse of a permit

(a) The holder of a permit issued under AS 18.65.700 – 18.65.790 may not

(1) alter the permit;

(2) allow another person to use the permit;

(3) possess or display a suspended or revoked permit; or

(4) represent or display an expired permit as if the permit were valid, unless the holder has submitted a complete, timely renewal form under AS 18.65.725 and the renewal process has been delayed due to circumstances not under the control of the applicant; this paragraph does not require a holder to return or surrender a permit upon its expiration, nor may the department require a holder to return or surrender a permit upon its expiration.

(b) A person who violates (a)(1) – (3) of this section is guilty of a class A misdemeanor.

(c) A person who violates (a)(4) of this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.

Section 18.65.765. Responsibilities of the permittee

(a) The holder of a permit issued under AS 18.65.700 – 18.65.790

(1) shall notify the department of a change in the permittee's address within 30 days;

(2) shall immediately report a lost, stolen, or illegible permit to the department;

(3) shall immediately notify the department if the holder is no longer qualified to hold a permit under AS 18.65.705.

(b) A person who violates this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.

Section 18.65.790. Definitions.

In AS 18.65.700 - 18.65.790,

(1) "**commissioner**" means the commissioner of public safety;

(2) "**competence**" means the ability to place in a life size silhouette target

(A) seven out of 10 shots at seven yards;

(B) six out of 10 shots at 15 yards;

(3) "**concealed handgun**" means a firearm, that is a pistol or a revolver, and that is covered or enclosed in any manner so that an observer cannot determine that it is a handgun without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; however, "concealed handgun" does not include a shotgun, rifle, or a prohibited weapon as defined under AS 11.61.200;

(4) "**department**" means the Department of Public Safety;

(5) "**permit**" means a permit to carry a concealed handgun issued under AS 18.65.700 - 18.65.790.

Chapter 66 – Domestic Violence and Sexual Assault Article 2 – Protective Orders

Section 18.66.100. Protective orders: eligible petitioners; relief

(a) A person who is or has been a victim of a crime involving domestic violence may file a petition in the district or superior court for a protective order against a household member. A parent, guardian, or other representative appointed by the court under this section may file a petition for a protective order on behalf of a minor. The court may appoint a guardian ad litem or attorney to represent the minor. Notwithstanding AS 25.24.310 or this section, the office of public advocacy may not be appointed as a guardian ad litem or attorney for a minor in a petition filed under this section unless the petition has been filed on behalf of the minor.

(b) When a petition for a protective order is filed, the court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or by an attorney. If the court finds by a preponderance of evidence that the respondent has committed a crime involving domestic violence against the petitioner, regardless of whether the respondent appears at the hearing, the court may order any relief available under (c) of this section. The provisions of a protective order issued under

(2) (c)(2) – (16) of this section are effective for one year unless earlier dissolved by court order.

(c) A protective order under this section may

(6) prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;

(7) direct the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence;

Title 47 – Welfare, Social Services, and Institutions Chapter 30 – Mental Health Article 10 – Patient Rights

Section 47.30.851. Relief from legal disability.

(a) A person who is prohibited from possessing a firearm or ammunition under 18 U.S.C. 922(g)(4) as a result of an involuntary commitment or an adjudication of mental illness or mental incompetence that occurred in this state may, at any time, move to be relieved from the disability resulting from an involuntary commitment or an adjudication of mental illness or mental incompetence.

(b) In ruling on a motion under (a) of this section, the court

(1) shall consider

(A) the circumstances of the involuntary commitment or adjudication of mental illness or mental incompetence;

(B) the time that has elapsed since the involuntary commitment or adjudication of mental illness or mental incompetence;

(C) the person's reputation and mental health and criminal history records;

(D) any conduct by the person that would constitute a crime against a person under AS 11.41 or a violation of AS 11.61.190 — 11.61.250; and

(E) any changes in the person's condition or circumstances relevant to the relief sought; and

(2) shall grant relief from the disability resulting from an involuntary commitment or adjudication of mental illness or mental incompetence if the court finds, by a preponderance of the evidence, that

(A) the person is unlikely to act in a manner dangerous to self or to public safety; and

(B) granting the relief is not contrary to the public interest.

(c) The court shall order a hearing conducted under (b) of this section to be held open or closed to the public at the option of the person.

(d) A decision to grant or deny relief under this section may be appealed as provided in AS 22.05.010. In reviewing the decision of the superior court, the standard of review may be de novo.

Article 11 – Miscellaneous Provisions

Section 47.30.915. Definitions.

In AS 47.30.660 – 47.30.915,

(1) “**adjudication of mental illness or mental incompetence**” means a court order finding that a person is

(A) not guilty by reason of insanity or guilty but mentally ill under AS 12.47.040;

(B) incompetent to stand trial for a criminal offense under AS 12.47.100 — 12.47.120; or

(C) a danger to self or others, or is gravely disabled because of incapacity, incompetence, mental illness, dementia, or some other cause;

(6) “**disability resulting from an involuntary commitment or an adjudication of mental illness or mental incompetence**” means the prohibition against the possession of a firearm or ammunition under 18 U.S.C. 922(g)(4) that results from an involuntary commitment or adjudication of mental illness or mental incompetence;

Title 29 – Municipal Government Chapter 35 – Municipal Powers and Duties Article 1 – General Powers

Section 29.35.145. Regulation of firearms and knives.

(a) The authority to regulate firearms and knives is reserved to the state, and, except as specifically provided by statute, a municipality may not enact or enforce an ordinance regulating the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation, or registration of firearms or knives.

(b) Municipalities may enact and enforce ordinances

(1) that are identical to state law and that have the same penalty as provided for by state law;

(2) restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that people, domestic animals, or property will be jeopardized; ordinances enacted or enforced under this paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19, Constitution of the State of Alaska, to bear arms in defense of self or others;

(3) restricting the areas in their respective jurisdictions in which firearms or knives may be sold; a business selling firearms or knives may not be treated more restrictively than other businesses located within the same zone; and

(4) prohibiting the possession of firearms or knives in the restricted access area of municipal government buildings; the municipal assembly shall post notice of the prohibition against possession of firearms or knives at each entrance to the restricted access area.

(c) The prohibition on taxation in (a) of this section does not include imposition of a sales tax that is levied on all products sold within a municipality.

(d) This section applies to home rule and general law municipalities.

(e) In this section,

(1) "**firearms**" includes firearms, or any other element relating to firearms or parts thereof including ammunition and reloading components;

(2) "**restricted access area**" means the area beyond a secure point where visitors are screened and does not include common areas of ingress and egress open to the general public.

Anchorage Code of Ordinances

Codified through Ordinance of March 9, 2021. (Supp. No. Ma 74)

Title 8 – Penal Code

Chapter 8.25 – Weapon Offenses

Section 8.25.030. Unlawful use or possession of firearms.

A. It is unlawful for any person to knowingly:

2. Possess on the person, in the interior of a vehicle in which the person is present, or use or discharge, a firearm while such person is under the influence of intoxicating liquor or a controlled substance as defined in AS 11.71.900.

C. Violation of this section is a class B misdemeanor. In addition, the firearm shall be forfeited to the Municipality of Anchorage. If the conviction under subsection A. of this section is for the discharge of a firearm from a vehicle, the court may order forfeiture of the defendant's interest in the vehicle to the municipality in addition to any other penalties.

Section 8.25.060. Firearms and deadly weapons on school grounds.

A. It is unlawful for any person to knowingly have in possession or control within the grounds of or on a parking lot of a public or private preschool, elementary, junior high or high school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event:

1. A deadly weapon, except a person who is 21 years of age or older, and who is not a preschool, elementary school, junior high, or secondary school student, may possess

a. A deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle; or

b. A defensive weapon.

B. Subsection A. of this section shall not apply to peace officers or persons who have express authorization of the school district superintendent or the designee or, in the case of a private or religious school, express authorization of the chief administrative officer of that school.

C. In the case of a conviction under subsection A. of this section, the weapon shall be disposed of as provided in section 8.05.020F.

D. Weapons possessed by persons under 18 years of age (minors) in violation of subsection A. of this section shall be seized and may be forfeited to the municipality in accordance with this section.

1. The legal owner of a weapon seized from a minor, if known, shall be notified by first class mail within 30 days of the seizure.

2. The legal owner may redeem the weapon upon providing the chief of police or designee with the following information:

a. Proof of ownership.

b. A description of precautions taken to prevent unauthorized access to the weapon.

c. A statement that the juvenile in possession of the weapon did not have permission to have access to the weapon.

d. A description of the steps the owner intends to take to prevent future incidents of unauthorized access.

3. The chief of police or designee may deny return of the weapon and order it forfeited if the chief, after considering information provided by the purported owner, police reports regarding the incident, information regarding prior incidents involving the weapon or the individuals, and such other relevant information as is presented, determines based upon a preponderance of the evidence that either:

- a. The person claiming the weapon is not the rightful owner;
- b. The owner failed to store the weapon in a manner which would reasonably be expected to prevent unauthorized access to the weapon; or
- c. The owner authorized the minor to access the weapon during school hours.

4. If the legal owner is unknown, or fails to request return of the weapon under subsection D.2. of this section within 30 days of mailing of the notice under subsection D.1. of this section, the weapon may be disposed of pursuant to Chapter 7.25, pertaining to abandoned property.

E. Violation of this section is a class A misdemeanor.

Section 8.25.090. Sale or furnishing of firearms, switchblades or gravity knives to minors.

A. A person may not knowingly:

- 1. Sell a firearm or defensive weapon to a person under 18 years of age; or

B. Violation of this section is a class A misdemeanor.

Title 10 – Business Licenses and Regulations Chapter 10.20 – Merchants

Section 10.20.015. Auctioneers, Inventory of merchandise.

When ...guns, cameras, crafted precious metals or scrap metals included for regulation under this chapter are sold at auction, the auctioneer shall take an inventory of all such merchandise to be offered for sale. The inventory shall be available for police use at least 24 hours prior to the commencement of the auction sale. The auctioneer shall attach to the inventory a sworn affidavit stating that the inventory contains a true itemized account of all the property to be sold. No property or merchandise of this nature may be sold at an auction except property itemized in the inventory required by this section.

Juneau Code of Ordinances

Codified through Serial Number 2021-19, adopted August 2, effective September 1, 2021. (Supp. No. 133)

Title 20 – Business Regulations Chapter 20.05 – Secondhand Dealers

Section 20.05.010. Applicability of chapter.

This chapter applies to the buying, trading, exchanging, consigning or selling of the following property by secondhand dealers:

(e) Firearms;

Section 20.05.020. Duty to maintain and submit electronic record of transactions.

(a) A person engaged in the business of buying and selling property described in section 20.05.010, except a bank or a person regulated by AS 08.76.100, 08.76.590, shall maintain an electronic record containing the following information for all secondhand transactions of property described in section 20.05.010:

- (1) The date of the transaction;
- (2) The name of the secondhand dealer conducting the transaction;
- (3) The name, age, and address of the customer selling or consigning the secondhand article;
- (4) The type of government-issued identification used by the customer, the name of the government agency that issued the identification, and the number written on the identification;
- (5) The amount of the purchase price paid by the secondhand dealer to the customer; and
- (6) A complete and accurate description of the secondhand item that is the subject of the transaction, including as applicable:
 - (A) The item's brand name, model number, manufacturer's serial number, and all letters and marks inscribed;
 - (B) The type of action and caliber or gauge, if the property is a firearm; and

(c) If the secondhand article is a piece of jewelry, a digital photograph, in .PNG, .JPEG, or .GIF format, of the article.

(b) Transactions shall be recorded in chronological order.

(c) A secondhand dealer may not falsify or intentionally fail to collect or maintain an electronic record required by this section.

(d) An electronic report of all transactions shall be provided to the Juneau Police Department on a weekly basis. The report is confidential under AS 40.25.100, 40.25.220 and may only be used by a police officer to investigate a crime involving the property that is the subject of the secondhand transactions.

(e) A person who violates any provision of this section is guilty of a Class B misdemeanor and upon conviction is punishable by a fine of not more than \$1,000.00, or by imprisonment for not more than 90 days, or by both.

Section 20.05.030. Label or tag requirement.

(a) A secondhand dealer, upon purchasing or receiving in consignment an article described in section 20.05.010, shall affix to the article a legible, identifying label or tag to correspond to that item's entry in the electronic reporting system required by section 20.05.010.

Section 20.05.040. Customer and transaction limitations.

(a) A secondhand dealer may not knowingly purchase secondhand property described in section 20.05.010 from a person who is:

(1) Under 18 years of age;

(2) Under the influence of alcohol or a controlled substance when the influence is apparent; or

(3) Using the name of another person.

(b) A secondhand dealer may not knowingly accept or receive misappropriated property from a person in a purchase transaction.

Section 20.05.050. Retention, storage and lease.

A secondhand dealer shall store purchased or consigned secondhand property described in section 20.05.010 in a secure area.

Section 20.05.060. Required holding period for certain purchased and consigned property.

(a) It is unlawful for a secondhand dealer to sell, transfer, exchange or otherwise dispose of any purchased property described in section 20.05.010 required to be reported to the police department under the provisions of this chapter except as provided herein.

(b) Property described in section 20.05.010 reported as a result of transactions described in this chapter shall not be sold, transferred, exchanged or otherwise disposed of until the property has been in the custody of the reporting secondhand dealer for a period of at least 30 days since the property was reported to the police department pursuant to subsection 20.05.010(d).

(c) During the period that the property described in section 20.05.010 is held pursuant to this chapter, the secondhand dealer shall preserve it in the condition in which it was received and shall not dismantle, scrap, melt-down, press, transform, or otherwise disfigure it until it has been held for the period required by this section. During the holding period, all items that have been purchased or taken in on consignment must remain on the premises of the place of business where the items were taken in by the secondhand dealer.

Section 20.05.070. Issuance of police hold order.

(a) When a police officer has probable cause to believe that property described in section 20.05.010 in the possession of a secondhand dealer in a second hand shop has been misappropriated, the police officer may issue a police hold order that directs the secondhand dealer not to release or dispose of the property until the police hold order terminates or a court orders the release or disposal.

(b) A police hold order begins when the secondhand dealer or the secondhand dealer's designee receives the police hold order.

(c) A police hold order may not exceed 30 days. However, if the probable cause belief required by subsection (a) continues, a police officer may extend the police hold order for two additional successive 30-day periods by giving written notification to the secondhand dealer before the expiration of each 30-day period.

(d) A new police hold order may not be issued for the same property after the second additional 30-day period allowed under this section. However, the termination of the police hold order does not affect an existing evidentiary hold order on the same property or prevent the issuance of an evidentiary hold order for the same property.

(e) A police hold order may be terminated before the end of a 30-day period by the issuing officer or the officer's designee issuing a written release to the secondhand dealer.

Section 20.05.080. Evidentiary hold order.

(a) When property described in section 20.05.010 in the possession of a secondhand dealer may be needed as evidence in a filed court action involving a criminal charge, the Juneau Police Department may issue an evidentiary hold order to a secondhand dealer that directs the secondhand dealer not to release or dispose of the property until the evidentiary hold order terminates or a court orders the release or disposal.

Section 20.05.100. Exemptions.

This chapter does not apply to:

(b) Organizations that have been determined to be exempt from taxation, pursuant to Section 501(c) of the Internal Revenue Code, by the Internal Revenue Service, including churches and religious organizations;

(c) Casual or isolated transactions made by any person offering his or her own personal property for sale, purchase or consignment or that are not made:

(1) Pursuant to a business license; or

(2) By secondhand dealers representing themselves to be in the business of buying, selling, trading, exchanging, consigning or otherwise dealing in secondhand goods or articles.

Section 20.05.110. Inspection by police.

If a police officer provides the case number assigned to the investigation for which the inspection is being made, a secondhand dealer may not refuse to allow the police to inspect during normal business hours the purchased or consigned property described in section 20.05.010 involved in the investigation.

Section 20.05.120. Violations.

Except as otherwise provided in this chapter, any person, firm, co-partnership or corporation violating any provision of this chapter is guilty of an infraction and upon conviction thereof, shall be punished according to section 01.40.010.

Section 20.05.130. Definitions.

In this chapter:

Firearms includes, but is not limited to, rifles, shotguns, handguns, revolvers, pellet guns and BB guns.

Person means an individual, corporation, limited liability company, partnership or association.

Police department or **police officer** means the Juneau Police Department or a Juneau Police Officer.

Secondhand dealer means a person engaged in the buying, selling, trading, exchanging, or consigning used goods or articles, including, but not limited to: firearms; electronic equipment; tools; jewelry; precious metals, such as gold or gold-plated ware, silver or silver-plated ware, or platinum ware; precious and semi-precious stones; bullion or coins.

"**Secondhand dealer**" shall not include auctioneers.

Title 42 – Penal Code **Chapter 42.20 – Offenses Against Public Order**

Section 42.20.060. Misconduct involving weapons.

(a) A person commits the crime of misconduct involving weapons, an A misdemeanor, if the person:

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

(5) Knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(6) Except for a peace officer acting within the scope and authority of the officer's employment, other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from

school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess:

(A) A deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) A defensive weapon.

(7) Being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) A person commits the crime of misconduct involving weapons, a B misdemeanor, if the person:

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

(5) Is less than 21 years of age and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person, unless, at the time of possession, the person was:

(A) In the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or

(B) Actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

(e) For purposes of this section, a "**peace officer**" means a peace officer of this state or a municipality within this state, or a peace officer employed by another state or a political subdivision of another state who, at the time of the possession, is:

(1) Certified by this or another state as a peace officer; and

(2) Acting within the scope and authority of the officer's employment.

Section 42.20.080. Destructive devices.

(a) Definitions. The following words and phrases when used in this chapter shall have the meanings ascribed in this subsection:

(1) **Destructive device** includes any of the following weapons except such devices as are designed primarily for emergency or distress signaling purposes:

(A) Any projectile containing any explosive or incendiary material or any other chemical substance, including that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns;

(B) Any bomb, grenade, explosive missile, or similar device or any launching device therefor, whether commercially manufactured or not;

(C) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor other than a shotgun or shotgun ammunition;

(D) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than sixty hundredths of an inch, or any launching device therefor, and any rocket, rocket-propelled projectile or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device;

(E) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(2) Explosive means any material defined as an explosive in the Fire Prevention Code adopted under title 30 of this Code.

(b) Sale, purchase or possession of destructive devices exceptions. Nothing in this chapter shall prohibit the sale to, purchase by, possession of, or use of destructive devices by:

(1) Any peace officer of any recognized governmental agency, while on duty and acting within the scope and course of employment;

(2) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of service, nor shall anything in this chapter prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the state, or a municipal corporation of this state, while on duty and acting within the scope and course of employment, of any equipment used by such department or agency in the course of fire suppression.

(d) Possession of destructive device.

(1) It is unlawful for any person, firm, or corporation purposely, knowingly, recklessly or negligently to possess within the City and Borough any destructive device except as provided by this chapter.

(2) Negligent possession shall be possession where the person is unaware of such possession, but where the ordinary person in the person's position would have known of such possession or would have been on inquiry to discover such possession.

(e) Intent to injure with destructive device. It is unlawful for any person to possess, place, explode, ignite, or attempt to explode or ignite any destructive device or any explosive with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property.

(f) Presumption of intent to injure. Knowing or reckless unlawful possession of a destructive device by any person, or knowing or reckless, unlawful possession of an explosive by a person not excepted by this Code or by state or federal laws or regulations shall constitute a rebuttable presumption of intent to injure with a destructive device.

(g) Exceptions. Nothing in subsections (a), (e) of this section shall be construed to prohibit the legitimate possession or use of explosives by a person licensed by the state to handle explosives where such possession and use is in compliance with the Fire Prevention Code adopted under title 30 of this Code and the proper permits have been obtained, or where explosives are being lawfully transported in interstate or intrastate commerce; nor shall a construction be given which would prohibit the possession of hand loading materials of the type and quantity excepted by title 30 of this Code where such materials are lawfully possessed and used for hand loading purposes.

(h) Penalties. Violation of subsection (e) of this section is a Class A misdemeanor. Violation of any other subsection of this section is a Class B misdemeanor.

Section 42.20.085. Weapons on school grounds.

(a) It is unlawful for any person except an authorized person to:

(1) Possess a deadly weapon, or a defensive weapon while in or upon school grounds, or

(2) Place a deadly weapon or a defensive weapon in any locker, desk, or other place in or upon school grounds.

(b) As used in this section:

(1) Authorized person means:

(A) A peace officer;

(B) A police reserve officer;

(C) A member of the National Guard or the armed forces of the United States in the line of duty;

(D) A person proceeding to, engaging in, or returning from target practice or other authorized activity at a place and time sanctioned by the superintendent of schools.

(2) **Deadly weapon** means any firearm, or anything designed for and capable of causing death or serious physical injury, including metal knuckles, sharp-edged or pointed throwing devices, or any knife equipped with a blade over three inches in length.

(5) **School grounds** means any City and Borough school building, school administration building or associated playground, parking lot, or any athletic field, while such athletic field is being used for an activity sponsored and supervised by the City and Borough school district.

(c) Violation of this section is a Class A misdemeanor.

Chapter 42.30 – Offenses Against Public Administration

Section 42.30.060. Violating a protective order.

(a) A person commits the crime of violating a protective order if the person is subject to a protective order containing a provision listed in subsection (b) of this section and knowingly commits or attempts to commit an act in violation of that provision.

(b) This section applies to a protective order which:

(1) Prohibits the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence; or

(2) Directs the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence.

(c) Violation of this section is a Class A misdemeanor.

(d) In this section, "**protective order**" means an order issued or filed under AS 18.66.100, AS 18.66.180, 18.65.850, 18.65.855, 18.65.860, or 18.65.867.

Ketchikan Code of Ordinance

Current through Ordinance 1936, passed September 2, 2021.

**Title 9 – Peace, Safety and Morals
Chapter 9.32 – Firearms and Deadly Weapons**

Section 9.32.040. Sale of firearms to minors.

It is unlawful for any person to sell firearms to persons under the age of 18.

Kodiak Code of Ordinance

Current through Ordinance 1422 (SUB), passed October 28, 2021.

**Title 8 – Peace, Safety and Morals
Chapter 8.88 – Tobacco and Firearms**

Section 8.88.020. Firearms.

It is unlawful without consent of a minor's parent or guardian for any person to give, barter, sell, lease, or otherwise make available to any such minor under the age of 18 years, any firearms, including but not limited to pistols, rifles, and shotguns.

Kotzebue Code of Ordinances

Codified through Ordinance No. 2008, passed January 21, 2021. (Supp. No. 13)

**Title 9 – Public Peace, Morals and Welfare
Division VIII – Weapons
Chapter 9.86 – Weapons Use and Possession Prohibitions**

Section 9.86.050. Weapons transactions with intoxicated, disturbed or minor persons.

No person shall purchase from, or sell, loan or furnish to, any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or any person in a condition of agitation and excitability, or a minor under the age of eighteen years without written permission of his parent or guardian, any weapon in which any explosive substance can be used.

Valdez Code of Ordinances

Current through Ordinance 21-11, passed October 19, 2021.

**Title 9 – Public Peace and Welfare
Chapter 9.24 – Offenses by or Against Minors**

Section 9.24.060. Sale of firearms to.

A. It is unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years any firearm, including but not limited to pistols, rifles, and shotguns, within the city.

B. Upon citation under this section, court appearance is mandatory.

Whittier Code of Ordinances
Current through Ordinance 06-2021, passed December 14, 2021.

Title 9 – Public Peace, Morals and Welfare
Chapter 9.32 – Weapons
Article I – Weapons Generally

Section 9.32.010. Definitions.

In this chapter unless the context otherwise requires:

“Firearm” means a weapon including a pistol, revolver, rifle, shotgun, air pistol, or air rifle, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death, physical injury, or damage to property.

“Possess” means having physical possession or the exercise of dominion or control over property.

Under the Influence of an Intoxicating Liquor or Drug. A person is “under the influence of an intoxicating liquor or drug” when, as a result of the introduction of an intoxicating liquor or drug into his body, his physical or mental abilities are impaired so that he no longer has the ability to possess a firearm with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances.

Section 9.32.020. Unlawful acts designated.

A. A person commits the crime or misconduct involving weapons if he:

1. Possesses on his person a firearm while under the influence of an intoxicating liquor or drug; or

B. This section shall not apply to any officer of the United States, the State of Alaska or the City who is authorized to use firearms in the enforcement of any law or ordinance and who is actually engaged in such enforcement.

Section 9.32.030. Violation – Penalty.

A person convicted of misconduct involving weapons as defined and stated in this article may be punished by imprisonment for not more than 30 days, or by a fine of not more than \$300.00.