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REPRESENTATIVE JOHN COGHILL

CS HB 400

“An Act relating to confiscation of firearms in disaster emergencies.”

SECTIONAL

Section 1

Sec. 26.23.200 places limitation on the authority, and responsibility set out in AS 26.23.010 – 26.23.220 Disasters. This bill adds a new section that states there is no authority granted or implied under the Alaska Disaster Act that:

(5) authorizes the confiscation of lawfully owned, possessed, or carried firearms from law-abiding citizens. (*insert law-abiding citizens.*)

In this section, “confiscation” has the meaning given in Black’s Law Dictionary “*seizure of property for the public treasury.*”

Section 2

Sec. 26.23.205 describes the penalty for:

Confiscation of firearms. A person forfeits any office or governmental position held if the person, under color of law, confiscates, attempts to confiscate, or orders the confiscation of a firearm during a disaster emergency having no right to do so and no reasonable ground to believe the person has such a right. However, a person does not violate this section if the person is acting as a private citizen who has been directed by another whom the person reasonably believes to be a peace officer or active member of the armed forces or militia, to assist in confiscating a firearm. In addition to forfeiture of office or position, an officer under the jurisdiction of the Alaska Police Standards Council who violates this section is subject to revocation of the officer’s certification.

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