

death or serious physical injury; including a knife, an axe, a club, metal knuckles, or an explosive; ...

(18) "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; ...

(24) "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; ...

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

Title 18. Health, Safety, and Housing

Chapter 18.65. Police Protection

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 a completed application on a form provided by the department, that provides the information required under AS 18.65.705 and 18.65.710; with each application form provided by the department, the department shall provide a copy of 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;

(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;

(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 de-

partment 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 is valid for five years from the date of issue.

(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.

18.65.748. Permit holders from other jurisdictions considered Alaska permit holders. A person holding a valid permit to carry a concealed handgun from another state or a political subdivision of another state

(1) with permit requirements similar to those in AS 18.65.700 - 18.65.790 is a permittee under AS 18.65.700(b) for purposes of AS 18.65.750 - 18.65.765 if the person has not been in Alaska for more than 120 consecutive days; in this paragraph, "permit requirements similar to those in AS 18.65.700 - 18.65.790" means that, in order to receive and hold the permit in the other state or political subdivision, the person must

(A) be at least 21 years of age;

(B) be eligible to own or possess a handgun under state or federal law;

(C) successfully complete some type of handgun or firearms safety course; and

(D) be subject to a fingerprint-based criminal records search;

(2) is a permittee under AS 18.65.700(b) for purposes of AS 18.65.750 - 18.65.765 if the person has not been in Alaska for more than 120 consecutive days and the other state or political subdivision allows a permittee under AS 18.65.700 - 18.65.790 to carry a concealed handgun in the other state or political subdivision; the department shall determine which states or political subdivisions grant reciprocity to permittees under AS 18.65.700 - 18.65.790 and shall distribute a list of those jurisdictions to each law enforcement agency in this state .

18.65.778. Municipal preemption. A municipality may not restrict the carrying of a concealed handgun by permit under AS 18.65.700 - 18.65.790.

18.65.790. Definitions. In AS 18.65.700 - 18.65.790, ...

(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 ;

Title 29. Municipal Government

Chapter 29.35. Municipal Powers and Duties

29.35.145. Regulation of Firearms.

(a) A municipality may not, except by ordinance ratified by the voters, restrict the right to own or possess firearms within a residence or transport unloaded firearms.

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

[Current through 2000 Legislative Session, including 2000 Alaska Sess. Laws 94 (SB 294)]

Publisher's Notes:

Anchorage **restricts the age at which it is lawful for a person to purchase or receive a firearm.**

Fairbanks **imposes recordkeeping requirements as a condition of lawful sale of firearms.**

City and Borough of Juneau **restricts the sale and possession of destructive devices which include tracer or incendiary ammunition (except for shotguns) and weapons of a calibre greater than .60 caliber which fire fixed ammunition (other than shotguns).**

AMERICAN SAMOA

AM. SAMOA CODE

Title 46, Chapter 42. Weapons

46.4201. Definitions. ...

(d) **"Firearm"** means any weapon that is designed or adapted to expel a projectile by the action of an explosive.

(e) **"Firearm silencer"** means any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm. ...

(j) **"Machinegun"** means any firearm that is capable of firing more than two (2) shots automatically, without manual reloading, by a single function of the trigger.

(l) **"Rifle"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

(m) **"Short barrel"** means any barrel length of less than 16" for a rifle and 18" for a shotgun, or an overall rifle and shotgun length of less than 26".

(n) **"Shotgun"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shots or single projectile through a smoothbore barrel by a single function of the trigger.

46.4202. Prohibited weapons.

(a) A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapons;
- (2) a machinegun;...
- (4) a short-barreled rifle or shotgun;
- (5) a silencer; ...

(b) A person does not commit a crime under this section if his conduct:

- (1) was incident to the performance of official duty by the armed forces, a governmental law enforcement agency, or a penal institution;
 - (2) was incident to engaging in a lawful commercial or business transaction with an organization listed in paragraph (b)(1); or
 - (3) was incident to using an explosive weapon reasonably related to a lawful industrial or commercial enterprise;
 - (4) was incident to displaying the weapon in a public museum or exhibition; or
 - (5) was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in paragraph (a)(1), (3), (4), or (5), it must be in a nonfunctioning condition that it cannot readily be made operable. No machinegun may be possessed, manufactured, transported, repaired, or sold as a curio, ornament, or keepsake even if it is inoperable and cannot be made readily operable.
- (c) The defendant has the burden of injecting the issue of an exemption under subsection (b).
...
- (d) A crime under paragraph (a)(1), (2), (3), (4), or (5) is a class C felony; a crime under paragraph (a)(6), (7), or (8) is a class A misdemeanor.

46.4205. Possession of a defaced firearm.

(a) A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which does not have the manufacturer's or importer's serial number engraved or cast on the receiver or frame of the firearm.

(b) Possession of a defaced firearm is a class B misdemeanor.

46.4206. Unlawful transfer of weapons.

(a) A person commits the crime of unlawful transfer of weapons if he:

- (1) knowingly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to any person, who, under the provisions of 46.4207, is not lawfully entitled to possess it.
- (2) Knowingly sells, leases, loans, gives away, or delivers a ... rifle, shotgun ... to a person less than 18 years old without the consent of the child's custodial parent or guardian, or recklessly sells, leases, loans, gives away, or delivers any other firearm to a person less than 18 years old; provided, that this does not prohibit delivery of those weapons to any peace officer or member of the armed forces while performing his official duty; or
- (3) recklessly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

(b) Unlawful transfer of weapons under paragraph (a)(1) is a class D felony; unlawful transfer of weapons under paragraphs (a)(2) and (3) is a class A misdemeanor.

46.4207. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the crime of unlawful possession of a firearm or firearm ammunition if he has any firearm or firearm ammunition in his possession, and

- (1) he has been convicted of a dangerous felony or confined therefor in this territory or elsewhere during the 5-year period immediately preceding the date of that possession; or
- (2) he is a fugitive from justice, a habitual drunkard, a drug addict, or is currently adjudged mentally incompetent.

(b) Unlawful possession of a firearm or firearm ammunition is a class C felony.

46.4220. Definition of "arms" as used in 46.4220 through 46.4234. "Arms" includes guns, rifles, pistols, air rifles, gas rifles, gas pistols, ammunition, shells, cartridges, gunpowder, dynamite, nitroglycerine, blasting powder, fireworks, and all other firearms and explosives and materials for the manufacture of the same.

46.4221. License - Required when.

(a) It is unlawful of any person, whether permanently or temporarily resident within American Samoa or whether on shore or on board any vessel, anchored, moored, or docked in any harbor in American Samoa, to have in his possession any arms without first having obtained a license from the commissioner of public safety.

(b) A license to possess arms shall not be issued by the commissioner of public safety unless the application therefor has been approved by the attorney general.

(c) A license shall be issued only for this ownership and possession of 12, 16, 20 and 410 gauge shotguns and shotgun shells and 22 caliber rifles.

46.4222. License - Required for import.

(a) It is unlawful of any person to import arms into American Samoa without having obtained a license therefor from the commissioner of public safety.

(b) A license to import arms shall not be issued by the commissioner of public safety unless the application has been approved by the attorney general.

(c) Unless otherwise authorized, only those shotguns and rifles referred to in section 46.221(c) ASCA may be imported with licenses.

46.4223. License - Required for the sale of arms.

(a) It is unlawful for any person to sell or in any other way transfer the right of possession of any arms without having obtained from the commissioner of public safety a license to sell arms. The application for such license shall contain such information as may be required by the commissioner of public safety.

(b) A license to sell arms shall not be issued by the commissioner of public safety unless the application for the license has been approved by

the attorney general. No license shall be issued for the sale of arms other than shotguns and .22 caliber rifles as set out in 46.221(c) and ammunition therefor.

46.4224. License - Information required.

(a) Every person who obtains a license to possess, import, or sell arms shall, upon the written request of the Governor or his designated representative, furnish such information concerning such arms as may be reasonably required.

(b) Each license issued shall specify the number, quantity, and description of the arms which may be possessed, imported, or sold, or otherwise transferred under it.

46.4226. License - Revocation. Any license issued under authority of this Title may be altered or revoked by the Governor or his designated representative at any time for good cause.

46.4227. License - Renewal.

(a) Licenses to possess arms shall expire on 10 January of the year following their issue. Each holder of a license to possess arms shall, between the 1st and the 10th of January of each year, submit his license to possess arms for the previous year, together with the annual license fee, to the commissioner of public safety.

(b) The commissioner of public safety may renew the license with or without examining the arms for which the license is to be issued; but the holder of the license shall, upon the demand of the commissioner of public safety, submit the arms to him for examination.

46.4229. Sales to persons without licenses. (a) No person shall sell or otherwise transfer any arms to any person who does not hold a valid and existing license to possess the particular firearms to be sold.

46.4233. Authorized possession and use of arms without license.

(a) This chapter does not prohibit the possession and use of arms and other police weapons by any member of the police force, armed forces of the United States or employees if the government of the United States and law enforcement officers of other states or territories if these arms are properly issued by the issuing authorities and are brought into the Territory in the course of performance of official duties.

(b) The Governor or his designated representative may authorize the police of any village to possess and use arms in connection with his official duties without first obtaining a license.

(c) The Governor may enter into reciprocal agreements with states whose law enforcement officers may be assigned on official duty to the Territory to permit these law enforcement officers to carry firearms without registration.

46.4234. Violation penalty - Disposition of confiscated arms. (a) Any person who violates any of the provisions of this chapter or who refuses to obey any lawful order issued under the authority of this chapter is guilty of a class A misdemeanor and shall, upon conviction, be sentenced accordingly, and any arms involved may be confiscated by the government.

**ARIZONA
ARIZ. REV. STATS.**

Title 13. Criminal Code

Chapter 9. Probation and Restoration of Civil Rights

13-912. Restoration of civil rights; automatic for first offenders; persons excluded.

A. Upon completion of the term of probation, or upon absolute discharge from imprisonment, and upon the completion of payment of any fine or restitution imposed, any person who has not

previously been convicted of any other felony shall automatically be restored any civil rights which were lost or suspended by the conviction.

B. This section does not apply to a person's right to possess weapons as defined in section