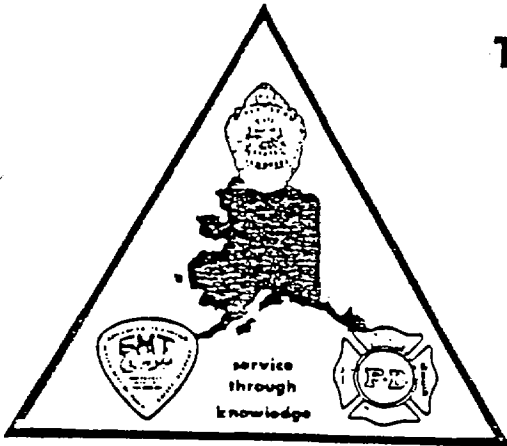


DEPARTMENT OF PUBLIC SAFETY

TRAINING ACADEMY

LEGAL BULLETIN NO. 81
April 12, 1984



MUNICIPAL ORDINANCE PROHIBITING CARRYING A CONCEALED WEAPON ON OR ABOUT THE PERSON

Reference: Municipality of Anchorage
v.
David H. LLOYD

Alaska Court of Appeals
Opinion No. 354
679 P.2d 486
April 6, 1984

FACTS:

David LLOYD was arrested for carrying a concealed weapon. A .357 revolver was found under the seat of the car he was driving. LLOYD moved to dismiss the complaint, contending Municipal Ordinance AMC 8.05.070(A) does not apply to weapons concealed under the seat of a car. A District Court judge granted the motion to dismiss and the Municipality of Anchorage appealed.

ISSUE:

Does AMC 8.05.070(A) prohibit carrying a concealed weapon under the seat of an automobile? AMC 8.05.070(A) provides, in relevant part:

"It is unlawful for any person to carry concealed about his person in any manner:

(1) a revolver, pistol or other firearm." (emphasis added)

HELD: Yes.

REASONING:

1. The term "about his person" as used in AMC 8.05.070(A) was intended to have a broader meaning than "on his person" and was meant to encompass a weapon carried in close proximity to a person and readily accessible for use
2. The traditional purpose of such statutes is generally recognized as protection of the public by preventing individuals from having, readily available for use, weapons of which others are unaware. (emphasis added)
3. The act of carrying a concealed weapon includes transportation beneath the driver's seat of a car. (emphasis added)
4. The plain meaning of the ordinance is sufficiently broad to prohibit the driver or passenger of an automobile from keeping a weapon concealed on his person or in close proximity to his person, readily available for use.

NOTES:

There are a number of cities in Alaska which have similar ordinances. These ordinances are different from the State Statute, AS 11.61.220(a)(1), prohibiting the carrying of a concealed weapon because the State Statute specifically reads: "...concealed on his person." There is nothing preventing a State

LEGAL BULLETIN NO. 81
April 12, 1984

Pe

Trooper from enforcing the Municipal Ordinance if the carrying of a conceal
weapon occurs within the city limits. The complaint should be prosecuted
by the Municipal Attorney citing the appropriate ordinance.