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MEMORANDUM

May 6, 2026

SUBJECT: Unlawful occupants
(CSSB 207(L&C); Work Order No. 34-LS1266\T.5)

TO: Senator Forrest Dunbar
Attn: Ariel Harbison

FROM: Conran H. Gunther
Legislative Counsel 

Attached is your requested amendment to SB 207 (Work Order No. 34-LS1266\T) requiring peace officers who are removing an unlawful occupant to assist the occupant when they have children under the age of 16 staying in the dwelling unit as well. This requirement raises equal protection concerns.

"The common question in equal protection cases is whether two groups of people who are treated differently are similarly situated and thus entitled to equal treatment."¹ To survive judicial scrutiny, at a minimum, the differential treatment must bear a fair and substantial relationship to the accomplishment of a legitimate governmental objective.² This amendment treats occupants with children under the age of 16 differently from occupants with children aged 16 and up, as well as all other occupants. As such, I recommend building a legislative record that demonstrates how the differential treatment in this amendment bears a fair and substantial relationship to the accomplishment of a legitimate governmental objective.

Please let me know if you have any questions.

CHG:mis
26-213.mis

Attachment

¹ *Stanek v. Kenai Peninsula Borough*, 81 P.3d 268, 270 (Alaska 2003).

² *Id.* at fn. 15.