



OBSTRUCTION OF ACCESS TO PUBLIC PLACES

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HB 386 Overview

Alaskans have a constitutional right to freedom of movement within the state and to have free access to public places.

Alaskans also have a constitutional right to peaceably and lawfully assemble.

HB 386 is an Act to protect Alaskans' constitutional rights.



Freedom of Movement

- Alaskans' right to freely move within the state is violated when their access to public places and facilities are unlawfully obstructed
- Unlawful obstruction presents a threat to public safety - emergency vehicles are unable to respond when a crucial roadway is obstructed
- Unlawful obstruction poses a threat to Alaska's economy - businesses cannot operate normally; Alaskans may be unable to get to work
- HB 386 imposes additional criminal penalties for obstruction of public places and creates a civil cause of action for a private citizen whose access is unlawfully obstructed
- Penalties imposed by the bill discourage and deter unlawful obstruction of public places



Freedom of Assembly



- Conduct that includes rendering highways, roadways inaccessible or impassible is already illegal.
- Freedom of expression is already subject to time, place, and manner restrictions to prevent interference with the rights of others
- Proposed bill targets the conduct of blocking access to public places – not Alaskans' right to peaceably and lawfully assemble
- Provides Alaskans an avenue to remedy against unlawful obstruction

Around the U.S.

Protestors bodily block traffic at the State of the Union Address Washington, D.C.



Trump supporters use their cars to block access to a bridge South Nyack, NY



Seward Highway

Obstructing the Seward south of Anchorage blocks the Kenai Peninsula from accessing the Port of Alaska and the Ted Stevens Int'l Airport

Glenn Highway

Obstructing the Glenn north of Anchorage blocks every community north of Anchorage from accessing the Port of Alaska and the Ted Stevens Int'l Airport

Dalton Highway

Obstructing the Haul Road during mobilization season could have devastating effects on the oil patch

Highway 2

Obstructing the road just inside the US/Canada border blocks all traffic in and out of Alaska

Alaskans are Vulnerable



Economic impacts



Road safety concerns



Disruptions to Alaskans' lives



Sectional

Section 1

- Amends existing obstruction of airports statute to prohibit general obstruction of runways

Section 2

- Adds new penalties to the crime of obstruction of airports and classifies specific conduct as class C felony or class A misdemeanor

Section 3

- Accounts for amendments in section 2 with a conforming change



Sectional

Section 4

- Establishes strict liability in a civil case for violations of any criminal statutes created or amended by the bill and sets out provisions for civil cause of action

Section 5

- Amends the crime of criminal trespass in the first degree to class C felony if the conduct creates a substantial risk of physical injury or interferes with an emergency response

Section 6

- Amends the crime of criminal trespass in the second degree to class A misdemeanor if the conduct creates a substantial risk of physical injury or interferes with an emergency response



Sectional

Section 7

- Accounts for amendments in section 8 with a conforming change

Section 8

- Makes obstructing a highway by dropping a substance on the highway a class C felony if it creates a substantial risk of physical injury or interferes with an emergency response
- Other highway obstruction class A misdemeanor

Section 9

- Creates crime of obstruction of free passage in public places, a class A misdemeanor if conduct creates a substantial risk of physical injury or interferes with an emergency response
- Permitted conduct exempt



Sectional

Section 10

- Amends the crime of obstruction to navigable waters to a class A misdemeanor if the conduct creates a substantial risk of injury or interferes with an emergency response
- Other obstructions class B misdemeanor

Section 11

- Provides prospective application of criminal offenses amended in the bill

Section 12

- Provides for a July 1, 2024 effective date

Summary

- The proposed bill is both content and viewpoint neutral. It aims to
 - Allow Alaskans to seek remedy when their right to access public places is violated
 - Deter and discourage unlawful conduct through stronger criminal penalties
 - Uphold Alaskans' constitutional right to assembly and demonstration





Thank you



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