



Alaska State Legislature

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House Bill 312 Sectional Analysis —Version O

Section 1

AS 12.25.030(b) - Grounds for arrest by private person or peace officer without a warrant.

Establishes that a peace officer may arrest a person without a warrant when the peace officer has probable cause for believing that the person has committed an assault in the fourth degree at a health care facility and the person was not seeking medical treatment at the facility or was stable for discharge.

The term “stable for discharge” comes from the federal Emergency Medical Treatment and Labor Act, also known as EMTALA. EMTALA requires anyone coming to an emergency department be stabilized and treated, regardless of their insurance status or ability to pay. The federal government has published guidelines that describes the responsibilities of hospitals in emergency cases.

The guidelines provide: “a patient is considered stable for discharge...when, within reasonable clinical confidence, it is determined that the patient has reached the point where his/her continued care, including diagnostic work-up and/or treatment, could be reasonably performed as an outpatient or later as an inpatient, provided the patient is given a plan for appropriate follow-up care with the discharge instructions.” In addition, “... ‘Stable for discharge’ does not require the final resolution of the emergency medical condition.”

Section 2

AS 12.25.030 - Grounds for arrest by private person or peace officer without a warrant.

Establishes that the definition for “health care facility” has the meaning given in AS 18.07.111.

Section 3

AS 12.55.155(c) - Factors in aggravation and mitigation.

Adds an aggravator to Alaska’s felony assault statute when a defendant committed the offense at a health care facility and knowingly directed the conduct constituting the offense at a medical professional during or because of the medical professional’s exercise of professional duties.

Section 4

Uncodified law

This section contains applicability provisions.