

LEGAL SERVICES

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MEMORANDUM

January 26, 2012

SUBJECT: Sectional Analysis of HB 262; An Act Relating to the New
Offense of Interference with Access to Public Buildings or
Transportation Facilities (Work Order No. 27-LS1016\M)

TO: Representative Sharon Cissna

FROM: Doug Gardner
Director

You requested a sectional analysis for House Bill 262. As a preliminary matter, please note that a sectional analysis should not be considered an authoritative interpretation of the bill, and the bill itself is the best statement of its contents. HB 262 is a single-section bill that amends AS 11.76 by adding a new section providing for a new criminal offense entitled "interference with access to public buildings or transportation facilities."

Section 1 Section 1 of the bill amends AS 11.76, by adding a new section (AS 11.76.118) providing for a new A misdemeanor offense entitled "interference with access to public buildings or transportation facilities." A person commits this offense in subsection (a) if the person:

- as a condition for access to a public building or transportation facility;
- knowingly requires another person to consent or otherwise submit to
 - physical contact by any person touching directly or through clothing the genitals, buttocks or female breast of the person seeking access; or
 - any electronic process that produces an electronic image of the genital, anus or female breast or otherwise creates an electronic image of the person seeking access that exposes or reveals a physical characteristic that is normally hidden by clothing and is not normally visible to the public.

Subsection (b) of proposed AS 11.76.118 provides, that the defense of justification provided in AS 11.81.420 is not available in a prosecution under AS 11.76.118. This subsection would, for example, prevent a person from arguing that they were justified in conditioning access to a public building or transportation facility based on the conduct set forth in section (a), because the person was acting as authorized by law, judicial decree or judgment.

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Subsection (c) of proposed AS 11.76.118 provides a definition of "public building" to exclude from the offense conduct that might otherwise be covered by subsection (a) at correctional facilities, a probation office, a restricted access area of a law enforcement building or federal building, a courtroom, offices of the Alaska Court System, or a courthouse that is occupied only by the Alaska Court System and other justice agencies.

Subsection (d) of proposed AS 11.76.118 provides that interference with access to public buildings or transportation facilities is a class A misdemeanor.

DDG:plm

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