

OBSTRUCTION OF ACCESS TO PUBLIC PLACES

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SB 255 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.

SB 255 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



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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