

# OBSTRUCTION OF ACCESS TO PUBLIC PLACES

Treg Taylor, Attorney General

Parker Patterson, Senior Assistant Attorney General

Department of Law

Senate Judiciary Committee

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# SB 255 Overview

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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

# 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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Treg Taylor  
Attorney General  
[treg.taylor@alaska.gov](mailto:treg.taylor@alaska.gov)



Parker W. Patterson  
Senior Assistant Attorney General  
[parker.patterson@alaska.gov](mailto:parker.patterson@alaska.gov)