

HOUSE BILL NO. 506

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 3/19/02
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to legislative immunity."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 24.40.010 is repealed and reenacted to read:

4 **Sec. 24.40.010. Immunities.** (a) Legislators and their staff may not be held
5 to answer before any other tribunal for actions undertaken in the exercise of their
6 legislative duties. Actions undertaken in the exercise of legislative duties include
7 communications with other legislators, staff, and constituents, and investigatory
8 activities on matters of legislative concern.

9 (b) A member attending, going to, or returning from legislative sessions is not
10 subject to civil process and is privileged from arrest except for felony or breach of the
11 peace. The immunities provided in this subsection extend to a legislator attending,
12 going to, or returning from a meeting of an interim standing or special committee of
13 the legislature of which the legislator is a member. For the purposes of going to and
14 returning from a session or meeting, the immunities provided extend to a legislator for
15 a period of five days immediately preceding and following the legislator's attendance

1 at the session or meeting.

2 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 EFFECT AND LEGISLATIVE INTENT. One effect of sec. 1 of this Act is to create
5 an evidentiary privilege by providing that legislators and their staff may not be compelled to
6 be a witness, to disclose any matter, or to produce any object or writing relating to their
7 actions undertaken in the exercise of their legislative duties. By creating this privilege it is
8 not the intent of the Legislature of the State of Alaska to diminish the effect of the law of
9 legislative immunity as it exists in Alaska under the Constitution of the State of Alaska and
10 the common law. The legislature recognizes that legislative immunity in Alaska rises beyond
11 a mere evidentiary privilege to an immunity that reaches the personal and subject-matter
12 jurisdiction of the courts.