

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

March 29, 2010

1:09 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Carl Gatto
Representative Bob Herron
Representative Bob Lynn
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

Representative Nancy Dahlstrom, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 381

"An Act relating to self defense."

- MOVED CSHB 381(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 348

"An Act relating to the membership of the state personnel board."

- MOVED CSHB 348(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 381

SHORT TITLE: SELF DEFENSE

SPONSOR(S): REPRESENTATIVE(S) NEUMAN

02/23/10	(H)	READ THE FIRST TIME - REFERRALS
02/23/10	(H)	JUD, FIN
03/15/10	(H)	JUD AT 1:00 PM CAPITOL 120
03/15/10	(H)	Heard & Held
03/15/10	(H)	MINUTE(JUD)
03/29/10	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 348

SHORT TITLE: PERSONNEL BOARD MEMBERSHIP

SPONSOR(S): REPRESENTATIVE(S) LYNN

02/17/10 (H) READ THE FIRST TIME - REFERRALS
02/17/10 (H) STA, JUD
03/11/10 (H) STA AT 8:00 AM CAPITOL 106
03/11/10 (H) Heard & Held
03/11/10 (H) MINUTE(STA)
03/16/10 (H) STA AT 8:00 AM CAPITOL 106
03/16/10 (H) Moved CSHB 348(STA) Out of Committee
03/16/10 (H) MINUTE(STA)
03/17/10 (H) STA RPT CS(STA) 3DP 1NR 2AM
03/17/10 (H) DP: PETERSEN, SEATON, LYNN
03/17/10 (H) NR: GATTO
03/17/10 (H) AM: GRUENBERG, P.WILSON
03/29/10 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

JIM ELLIS, Staff
to Representative Mark Neuman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 381, Version E, for the bill sponsor, Representative Neuman.

REPRESENTATIVE MARK NEUMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions, as the sponsor of HB 381.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during discussion of HB 381.

BRIAN JUDY, Senior State Liaison
National Rifle Association - Institute for Legislative Action
(NRA-ILA)
Sacramento, California

POSITION STATEMENT: Testified during discussion of HB 381.

MIKE SICA, Staff
to Representative Bob Lynn

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 348 on behalf of the bill sponsor, Representative Lynn, and responded to questions.

JUDY BOCKMON, Assistant Attorney General, State Ethics Attorney
Opinions, Appeals, & Ethics
Civil Division (Anchorage)
Department of Law (DOL)

POSITION STATEMENT: Testified and answered questions during discussion of HB 348.

DOUG WOOLIVER, Administrative Attorney
Administrative Staff
Central Office
Office of the Administrative Director
Alaska Court System (ACS)
Anchorage, Alaska

POSITION STATEMENT: Testified and answered questions during testimony on HB 348.

MIKE FORD, Assistant Attorney General & Legislative Liaison
Legislation & Regulations Section
Civil Division (Juneau)
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during discussion of HB 348.

ACTION NARRATIVE

[1:09:38 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:09 p.m. Representatives Ramras, Herron, Gatto, and Lynn were present at the call to order. Representatives Gruenberg and Holmes arrived as the meeting was in progress.

HB 381 - SELF DEFENSE

[1:09:45 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 381, "An Act relating to self defense."

1:10:10 PM

REPRESENTATIVE GATTO moved to adopt the proposed committee substitute (CS) for HB 381, 26-LS1534\E, Luckhaupt, 3/23/10, as the working document.

There being no objection, Version E was before the committee.

CHAIR RAMRAS pointed out that Version E was a truncated version of the original bill, but it will still benefit from discussion.

1:10:55 PM

JIM ELLIS, Staff to Representative Mark Neuman, Alaska State Legislature, explained that Version E addresses the concerns which arose for the original bill. He noted that Version E is limited to one topic.

1:11:39 PM

REPRESENTATIVE HERRON questioned whether the term, "complete safety" as used on page 1, line 5, will be statutorily defined.

MR. ELLIS, in response to a question, explained that the original bill contained a section for a proposed addition to AS 11.81, which discussed prima facie evidence. He pointed out that this proposed section is removed from Version E.

REPRESENTATIVE GATTO, pointing to Version E, page 2, line 3, asked if paragraphs (1), (2), (3), and (4) were necessary in light of (5).

MR. ELLIS replied that he was not sure, and that there could be some duplication. He explained that it was easier to add paragraph (5).

CHAIR RAMRAS, expressing his fascination with the meaning of different words, asked for the meaning of "or in any place where the person has a right to be."

MR. ELLIS offered his belief that this is any place where someone is not trespassing.

1:16:52 PM

CHAIR RAMRAS, reading Section 1, echoed Representative Gatto's question for the need of paragraphs (1)-(4).

MR. ELLIS agreed that paragraph (5) would include the other paragraphs.

1:19:58 PM

REPRESENTATIVE MARK NEUMAN, Alaska State Legislature, in response to Chair Ramras, explained that paragraph (1) refers to premises that a person owns, leases, or resides in. He declared that paragraph (5) was added to allow an individual to protect themselves in a place where they have a legal right to be.

CHAIR RAMRAS asked how paragraph (5) expands the rights beyond the prior four paragraphs.

REPRESENTATIVE NEUMAN named the places a person could be as described in paragraph (1), and noted that this also included a member of the person's family, as noted in paragraph (4). He opined that paragraph (5) expands the current definition for a "place where you have a right to be to be able to protect yourself or your family." He relayed that earlier discussions with the Department of Law (DOL), the National Rifle Association (NRA), and his staff had revolved around the "razor's edge on where you fall on rights." Under the bill, there would still be a determination of whether the use of deadly force was justified. He suggested that this would prevent vigilantism.

1:24:49 PM

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), acknowledged that Version E addresses many of the DOL's concerns, but she pointed out that it does not include the "duty to retreat," which is required in Alaska if it can be done in complete safety. In Alaska, self defense is a valid defense only if it can be proven beyond a reasonable doubt that you could not retreat in complete safety. In response to the question from Representative Gatto, DOL offered its belief that paragraph (5) eliminates the need for paragraphs (1) - (4). She explained that these were places that an individual has a right to be, so it is not necessary to list them. She pointed out that Alaska statutes do not define the term "complete safety".

MS. CARPENETI, in response to Chair Ramras, stated that although Version E is better than the original bill, DOL still has concerns. She agreed with Chair Ramras that Version E "makes a bad bill, better."

1:26:39 PM

REPRESENTATIVE HERRON asked Ms. Carpeneti to comment on the title of the bill.

MS. CARPENETI said that juries will evaluate whether a person is justified. She explained that the use of deadly force raises the question of whether the person had the duty to retreat.

1:27:42 PM

REPRESENTATIVE GATTO asked for examples of places that a person had no legal right to be. He asked if a sign declaring "No Trespassing" constituted such a place.

[CHAIR RAMRAS passed the gavel to Representative Herron.]

MS. CARPENETI agreed.

REPRESENTATIVE GATTO asked if his house or his property would be included.

MS. CARPENETI, in response, said that his house would be protected, but that it would depend on whether his property was clearly marked.

REPRESENTATIVE GATTO asked about a paved driveway off a dirt road, which was the only pavement for a mile, and went directly to his house.

[Representative Herron returned the gavel to Chair Ramras.]

MS. CARPENETI replied that all of these instances would be "factually based."

REPRESENTATIVE GATTO expressed concern about determining the boundaries of someone's unmarked property, which could lead to an accidental trespass.

[CHAIR RAMRAS passed the gavel to Representative Herron.]

1:30:46 PM

REPRESENTATIVE GATTO expressed concern about unknowingly trespassing onto unmarked private property.

[1:31:42 PM](#)

REPRESENTATIVE GRUENBERG referred to AS 11.46.350(b)-(c) which addresses criminal trespass. He noted that criminal trespass in the first degree is defined as entering or remaining unlawfully with the intent to commit a crime, a Class A misdemeanor. He defined criminal trespass in the second degree as a Class B misdemeanor. He pointed out that entering or remaining unlawfully is defined in the statute. He further explained that a person entering land, without intent to commit a crime, which is unused, unimproved, and not enclosed, is "privileged to do so, unless there is notice against trespass personally communicated to that person by the owner of the land or some other authorized person."

The committee took an at-ease from 1:34 p.m. to 1:35 p.m.

[1:35:17 PM](#)

REPRESENTATIVE GRUENBERG asked if being on a paved road could be trespassing.

MS. CARPENETI, in response, said that it would depend on the circumstances. The road would have to be marked as private. She agreed that a mailbox would indicate that it is private, but it would still depend on the circumstances.

[1:36:22 PM](#)

MS. CARPENETI, in response to Representative Lynn, declared that any person who is invited in, including service people, has a right to be there.

REPRESENTATIVE LYNN asked about people entering to retrieve an object, such as a ball or a model airplane.

MS. CARPENETI replied that it would depend on the circumstances.

[1:38:49 PM](#)

REPRESENTATIVE HOLMES, referring to the DOL letter dated March 15, 2010 [Included in the members' packets], asked if DOL maintained its objection. She read from the second paragraph on page one: "...if person A could avoid killing person B by walking away, he/she would no longer be required to do so, but instead would be authorized by law to kill person B." She asked if this would also now apply with Version E.

MS. CARPENETI replied that it is correct.

REPRESENTATIVE HOLMES read from page three, paragraph two: "The proposed subsection... would almost completely eliminate the duty to retreat." and she asked if this was also still a DOL concern of Version E.

MS. CARPENETI replied that it was still a concern.

REPRESENTATIVE HERRON, referring to Version E, page 2, line 3, asked if this was a re-write from the original bill.

[1:40:16 PM](#)

MS. CARPENETI explained that Version E merely changes the numbering of the paragraphs.

[1:40:41 PM](#)

REPRESENTATIVE GRUENBERG asked whether there had been discussion with the bill sponsor for inserting "that you only have a duty to retreat when you know you can safely do so." He opined that this was the basic principle of the common law.

MS. CARPENETI replied that this was already included on page 1, lines 4-7, of Version E.

MS. CARPENETI, in response to Representative Gruenberg, said that DOL did discuss with the bill sponsor the "burden of going forward and the burden of proof."

MS. CARPENETI, in response to Representative Gruenberg, stated that the duty of presenting evidence of self defense was discussed in general terms.

[1:43:10 PM](#)

REPRESENTATIVE GRUENBERG suggested a statement that "the burden to disprove the defense is on the prosecution beyond a reasonable doubt." He stated further that "all the defendant has to do is put in some evidence, enough to raise the issue, like to say, 'gee, I thought he was gonna go after me' and then the duty to disprove it, to show that didn't occur, is back on the prosecution and it's the highest burden in the law, beyond a reasonable doubt."

[1:44:09 PM](#)

MR. ELLIS replied that he would speak with the bill sponsor. He offered his understanding that, for this defense, the burden shifts to the prosecutors to prove beyond a reasonable doubt.

REPRESENTATIVE GRUENBERG agreed, and suggested that this be written into Version E. In response to Representative Herron, he explained that this is a convoluted area of law, which is not clarified in Version E. He suggested that making this change in Version E could better clarify the law.

[1:46:23 PM](#)

REPRESENTATIVE HOLMES expressed her concern with gang violence. She offered her belief that Version E would extend the "no duty to retreat" to public places such as malls and parks. She asked if this might unwittingly legalize gang violence.

MS. CARPENETI agreed that DOL also shared this concern. She said that the burden of "beyond a reasonable doubt" could be difficult to prove for either side. In response to a question from Representative Gatto, she explained that for this defense, the prosecution has the burden of disproving beyond a reasonable doubt, as defined in the justification section of Title 11.

MS. CARPENETI, in response to Representative Gatto, said that it would be unusual to have this written in two places in the law, as it could lead to confusion.

[1:48:58 PM](#)

BRIAN JUDY, Senior State Liaison, National Rifle Association - Institute for Legislative Action (NRA-ILA), offered his belief that the intent of the bill is to allow a person to kill someone who criminally threatens him/her. He said there are two questions to answer when someone is criminally threatened: first, is there justification for deadly force; and second, is there the possibility for retreat in complete safety. The NRA believes that no one should have to be burdened with this determination if they are in a lawful place. He agreed that there may still be a need to justify their action. He opined that Version E merely removed the duty to retreat. He opined that gang violence was an issue where justification was necessary. He stated that NRA just wanted to protect the law abiding citizen.

REPRESENTATIVE HERRON declared that HB 381 [Version E] would be set aside until later in the meeting.

HB 348 - PERSONNEL BOARD MEMBERSHIP

[1:52:06 PM](#)

REPRESENTATIVE HERRON announced that the next order of business would be HOUSE BILL NO. 348, "An Act relating to the membership of the state personnel board." [Before the committee was CSHB 348(STA), 26-LS1360\E.]

[1:52:14 PM](#)

REPRESENTATIVE LYNN, speaking as the sponsor, explained that HB 348 would increase the range of representation to the personnel board allowing for greater independence. He noted that HB 348 would increase the personnel board membership to five members, which:

allows the governor to make an appointment from at least three people nominated by the chief justice of the Alaska Supreme Court, subject to the right of the governor to request additional recommendations. It also ensures the board has at least one member of each of the two parties that got the most votes in the previous election.

He opined that the current board representation allows for the public perception that it is "a creature of the governor rather than a totally independent body when it comes to investigating executive branch ethics complaints." He stated that the purpose of the bill was to create a better foundation of trust between the public and elected officials.

[1:55:17 PM](#)

MIKE SICA, Staff to Representative Bob Lynn, Alaska State Legislature, explained that HB 348 increased the personnel board membership from three to five, and it allowed for the appointment of a member from each of the two political parties receiving the highest number of votes in the gubernatorial race. He noted that Section 2 was just conforming language. He pointed out that the two changes in CSHB 348 (STA), Version E, were in Section 3: page 2, line 14 adds "political" after the word "or"; and page 2, lines 16-18 reflects that these were now reformatted into separate paragraphs (3), (4), and (5).

MR. SICA described this as a friendly bill. He described the personnel board to be very visible, and of great interest to the public. He pointed out that public policy questions are discussed at the board meetings. He read the description of the personnel board: "the personnel board, also created by the Personnel Act, is an independent agency composed of members appointed by the governor." He stated a desire for the board to maintain its independence.

1:59:05 PM

REPRESENTATIVE GATTO, referring to Version E, page 1, line 15, asked if the language "until a successor is confirmed" allowed the governor an opportunity to control the board for many years simply by not submitting any names for confirmation.

MR. SICA offered his understanding that language was included to allow for interim appointments.

1:59:50 PM

REPRESENTATIVE GATTO mentioned the possibility for unintended consequences. He questioned whether the bill should be amended to ensure that the governor would not be able to exercise this power.

2:01:09 PM

JUDY BOCKMON, Assistant Attorney General, State Ethics Attorney, Opinions, Appeals, & Ethics, Civil Division (Anchorage), also expressed concern for unintended consequences.

[Representative Herron returned the gavel to Chair Ramras.]

MS. BOCKMON expressed concern for the scope of the restrictions in Section 3. She pointed out that Section 3 adds some prohibitions and restrictions on conduct for campaigning and lobbying, which includes employees of the board and persons under contract. She asked whether the intention of the bill is to impose these restrictions uniquely on employees hired by the board or would these restrictions also be imposed on Department of Administration (DOA) employees working in the [Division] of Personnel. She questioned how these would relate to the "rights and responsibilities" listed in AS 39.25.178. Referring to Section 3, she questioned to whom the persons under contract

specifically referred, and if the restrictions were on an individual or also the business.

MS. BOCKMON directed attention to the specific restrictions, which she opined are placed on the members, not the employees. She questioned whether the restrictions make sense for members of the personnel board. She asked whether the intention is to restrict the voluntary board members from any lobbying efforts on behalf of their personal businesses. She asked to determine the scope of the restrictions before imposing them. She opined that the workload of the board would demand more members.

[2:08:16 PM](#)

REPRESENTATIVE GATTO agreed with the distinction between employees of the board and persons under contract. He offered his belief that "we don't intend to eliminate those people as people who might have a special interest."

MS. BOCKMON clarified that the concern is for the scope of restrictions on an employee, and for which employees are specified. She pointed out the different types of lobbyists and asked if this threat of restrictions was appropriate for all of them.

[2:10:35 PM](#)

REPRESENTATIVE GRUENBERG offered his understanding that "imputed disqualification for a conflict of interest" would often disqualify all members of the law firm.

REPRESENTATIVE GRUENBERG suggested a conceptual amendment, as a solution, which he stated:

Page 2, lines 8-9, following "board members"
Delete "and board employees and contractors"

Page 2, lines 9-10, following "personnel board"
Delete "an employee of the board, or a person under contract to provide personal services to the board"

Page 2, lines 11-12
Delete "or employment or during the term of the person's contract"

[2:12:43 PM](#)

MS. BOCKMON agreed that either the employees or the contractors should not be included, or the intent of the restrictions needs to be clarified.

[2:13:13 PM](#)

REPRESENTATIVE GATTO, referring to Version E, page 2, line 11, expressed his difficulty in understanding the difference between a "person" and an earlier reference to a "member of the personnel board" and the associated restrictions. He asked if the proposed conceptual amendment would clarify this.

[2:14:19 PM](#)

REPRESENTATIVE GRUENBERG, directing attention to page 2, line 11, suggested deleting "person's" and adding "member's".

CHAIR RAMRAS expressed his desire to hear testimony prior to discussion of any amendments.

[2:15:11 PM](#)

DOUG WOOLIVER, Administrative Attorney, Administrative Staff, Central Office, Office of the Administrative Director, Alaska Court System (ACS), explained the differences between the personnel board and the ethics committee. He stated that ACS did not want a role in the personnel management of another branch.

[2:16:32 PM](#)

MIKE FORD, Assistant Attorney General & Legislative Liaison, Legislation & Regulations Section, Civil Division (Juneau), Department of Law (DOL), directing his comments to Section 1 of the bill, pointed out the constitutional concerns for the insertion of the judicial branch into the appointment process. He pointed out that the Alaska State Constitution gives the governor the power to appoint the members of boards and commissions. He reflected that DOL views Section 1 as an encroachment on those powers. He referenced Bradner v. Hammond, 1979, and suggested that expansion of this mechanism would not be viewed favorably.

[2:18:11 PM](#)

CHAIR RAMRAS, after ascertaining that no one else wished to speak, closed public testimony on HB 348.

[2:18:52 PM](#)

REPRESENTATIVE LYNN moved to adopt Amendment 1, labeled 26-LS1360\E.1, Bullard, 3/29/10, which read:

Page 2, line 9, following "**contractors.**":
Insert "(a)"

Page 2, line 14:
Delete ", political committee,"

Page 2, following line 18:
Insert a new subsection to read:
"(b) In this section,
(1) "political group" has the meaning given to "group" in AS 15.13.400;
(2) "political party" has the meaning given in AS 15.13.400."

There being no objections, Amendment 1 was adopted.

[2:19:37 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 2, which read [original punctuation provided]:

Page 1, line 10:
Delete "of the candidate for governor who received the highest number of votes"
Insert "that has had the highest number of registered voters"

Page 1, lines 11-12:
Delete "of the candidate for governor who received the second highest number of votes"
Insert "that has had the second highest number of registered voters"

REPRESENTATIVE GATTO objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG relayed that this same issue had been discussed in the House State Affairs Standing Committee. He referenced the gubernatorial campaign in which Mr. Hickel ran as an independent, not as a member of a major party. He pointed

out that with the current language of the bill, this would have allowed for an Independent and a Republican Party member, but not a Democratic Party member, to be nominated to the board. He explained that Amendment 2 would guarantee that the two largest political parties in Alaska would have a member on the state personnel board.

REPRESENTATIVE GATTO requested more discussion.

REPRESENTATIVE GRUENBERG offered his belief that the purpose of the bill is to require a bipartisan membership on the board and ensure membership of the two major political groups. He pointed out that the remaining members of the board could be non-partisan.

REPRESENTATIVE GATTO removed his objection.

CHAIR RAMRAS, noting that there were no further objections, announced that Amendment 2 was adopted.

[2:23:07 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 3, which read [original punctuation provided]:

page 2 lines 8-13
delete all material

and insert

"Sec.39.25.064. Prohibited conduct by board members. A member of the personnel board may not, during the member's term of office,"

CHAIR RAMRAS, noting that there were no objections, announced that Amendment 3 was adopted.

REPRESENTATIVE GRUENBERG reflected on discussions in the House State Affairs Standing Committee whether the chief justice of the supreme court should be involved [in the nomination process.]

CHAIR RAMRAS replied that he was content with CSHB 348(STA), as amended.

REPRESENTATIVE LYNN concurred.

[2:24:30 PM](#)

REPRESENTATIVE GATTO asked whether the courts objected to submitting a list of nominees.

MR. WOOLIVER replied that the court, although preferring not to be involved, will submit the nominations.

[2:25:28 PM](#)

REPRESENTATIVE HERRON moved to report CSHB 348(STA), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 348(JUD) was reported from the House Judiciary Standing Committee.

[2:25:47 PM](#)

The committee took an at-ease from 2:25 p.m. to 2:27 p.m.

HB 381 - SELF DEFENSE

[2:27:44 PM](#)

CHAIR RAMRAS announced that as its final order of business, the committee would return to the hearing on HOUSE BILL NO. 381, "An Act relating to self defense." [Before the committee was the proposed committee substitute (CS) for HB 381, Version E, which had been adopted as the work draft earlier in the meeting.]

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HB 381.

[2:28:09 PM](#)

REPRESENTATIVE HERRON moved to report the proposed committee substitute (CS) for HB 381, 26-LS1534\E, Luckhaupt, 3/23/10, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GATTO objected, and suggested an oral amendment, which he stated:

Page 1, lines 4-15:
Delete all

Page 2, lines 1-2:
Delete all

He opined that this would retain the essence of the bill.

CHAIR RAMRAS objected, offering his belief that it was not the will of the bill sponsor. He asked Mr. Ellis to agree that the sponsor would include a statement outlining the suggested amendment from Representative Gatto as part of the bill package when it moved to the next committee. He opined that he preferred the specificity of Version E, but he recognized the value of the suggested amendment, as it offered an "umbrella over the whole bill."

REPRESENTATIVE GRUENBERG reflected that more work needed to be done on the suggested amendment. He pointed out that paragraph (1) referenced "where this occurs"; paragraph (2) referenced "who this applies to"; paragraph (3) referenced "where it occurs"; and paragraph (4) referenced "what the person is doing". He stated that paragraph (5) should only be substituted for paragraphs (1) and (3).

REPRESENTATIVE HERRON stated that he did not support the suggested amendment. He nominated that the bill title be changed to "An Act relating to self defense in any place where a person has the right to be."

REPRESENTATIVE GRUENBERG offered his support for a title change, and he asked if the bill sponsor would support this.

MR. ELLIS said that he could not speak for the bill sponsor, Representative Neuman.

[2:31:42 PM](#)

The committee took an at-ease from 2:31 p.m. to 2:32 p.m.

[2:32:45 PM](#)

CHAIR RAMRAS summarized the suggested amendment, and the subsequent discussion. He also spoke about the proposed title change.

REPRESENTATIVE GATTO clarified that he had not made a motion for an amendment.

CHAIR RAMRAS asked Representative Neuman, as the bill sponsor, for his response to a title change.

2:34:40 PM

REPRESENTATIVE NEUMAN expressed his appreciation and offered his support to a title change.

2:35:09 PM

The committee took a brief at-ease.

2:35:40 PM

REPRESENTATIVE HERRON [although an objection had been stated to the motion to move the bill from committee and neither the objection nor the motion were withdrawn] moved to adopt Conceptual Amendment 1 for a title change, which he stated:

Page 1, line 1:

Following "defense"

Insert "in any place where the person has a right to be."

There being no objection, Conceptual Amendment 1 was adopted.

2:36:13 PM

REPRESENTATIVE HERRON restated his motion to report the proposed committee substitute (CS) for HB 381, Version 26-LS1534\E, Luckhaupt, 3/23/10, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 381(JUD) was reported from the House Judiciary Standing Committee.

2:37:07 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:37 p.m.