

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

March 27, 2013

1:33 p.m.

**MEMBERS PRESENT**

Senator John Coghill, Chair  
Senator Lesil McGuire, Vice Chair  
Senator Fred Dyson  
Senator Donald Olson  
Senator Bill Wielechowski

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE JOINT RESOLUTION NO. 9

Proposing amendments to the Constitution of the State of Alaska relating to state aid for education.

- MOVED SJR 9 OUT OF COMMITTEE

SENATE BILL NO. 36

"An Act relating to missing vulnerable adult prompt response and notification plans."

- HEARD AND HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 24(JUD)

"An Act relating to self-defense in any place where a person has a right to be."

- MOVED CSHB 24(JUD) OUT OF COMMITTEE

SENATE BILL NO. 72

"An Act clarifying that the Alaska Bar Association is an agency for purposes of investigations by the ombudsman; relating to compensation of the ombudsman and to employment of staff by the ombudsman under personal service contracts; providing that certain records of communications between the ombudsman and an agency are not public records; relating to disclosure by an agency to the ombudsman of communications subject to attorney-client and attorney work-product privileges; relating to informal and formal reports of opinions and recommendations

issued by the ombudsman; relating to the privilege of the ombudsman not to testify and creating a privilege under which the ombudsman is not required to disclose certain documents; relating to procedures for procurement by the ombudsman; relating to the definition of 'agency' for purposes of the Ombudsman Act and providing jurisdiction of the ombudsman over persons providing certain services to the state by contract; and amending Rules 501 and 503, Alaska Rules of Evidence."

- SCHEDULED BUT NOT HEARD

CS FOR HOUSE JOINT RESOLUTION NO. 4(JUD)  
Urging the President of the United States to rescind 23 executive orders, executive actions, and executive recommendations, related to regulation of firearms; and urging the United States Congress to refrain from passing legislation that restricts the right of individuals to keep and bear arms.

- SCHEDULED BUT NOT HEARD

#### PREVIOUS COMMITTEE ACTION

BILL: SJR 9

SHORT TITLE: CONST. AM: EDUCATION FUNDING

SPONSOR(S): SENATOR(S) DUNLEAVY

02/13/13	(S)	READ THE FIRST TIME - REFERRALS
02/13/13	(S)	EDC, JUD
02/15/13	(S)	EDC REFERRAL REMOVED
02/15/13	(S)	FIN REFERRAL ADDED AFTER JUD
02/15/13	(S)	UPHOLD CHANGE TO REFERRALS Y11 N4 E4 A1
03/13/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/13/13	(S)	Scheduled But Not Heard
03/15/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/15/13	(S)	Heard & Held
03/15/13	(S)	MINUTE(JUD)
03/18/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/18/13	(S)	Heard & Held
03/18/13	(S)	MINUTE(JUD)
03/20/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/20/13	(S)	-- Public Testimony < Time Limit May Be Set> --
03/22/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/22/13	(S)	Heard & Held
03/22/13	(S)	MINUTE(JUD)
03/25/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/25/13	(S)	Heard & Held

03/25/13 (S) MINUTE(JUD)  
03/27/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 36

SHORT TITLE: MISSING VULNERABLE ADULT RESPONSE PLAN

SPONSOR(s): SENATOR(s) ELLIS

01/25/13 (S) READ THE FIRST TIME - REFERRALS  
01/25/13 (S) STA, JUD  
02/08/13 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS  
02/08/13 (S) STA, JUD  
02/21/13 (S) STA RPT 3DP  
02/21/13 (S) DP: DYSON, WIELECHOWSKI, STEDMAN  
02/21/13 (S) STA AT 9:00 AM BUTROVICH 205  
02/21/13 (S) Moved SSSB 36 Out of Committee  
02/21/13 (S) MINUTE(STA)  
03/27/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 24

SHORT TITLE: SELF DEFENSE

SPONSOR(s): REPRESENTATIVE(s) NEUMAN, ISAACSON, LYNN, FEIGE

01/16/13 (H) PREFILE RELEASED 1/7/13  
01/16/13 (H) READ THE FIRST TIME - REFERRALS  
01/16/13 (H) JUD, FIN  
02/06/13 (H) JUD AT 1:00 PM CAPITOL 120  
02/06/13 (H) Heard & Held  
02/06/13 (H) MINUTE(JUD)  
02/08/13 (H) JUD AT 1:00 PM CAPITOL 120  
02/08/13 (H) Moved CSHB 24(JUD) Out of Committee  
02/08/13 (H) MINUTE(JUD)  
02/11/13 (H) JUD RPT CS(JUD) 7DP  
02/11/13 (H) DP: MILLETT, GRUENBERG, PRUITT, LYNN,  
FOSTER, LEDOUX, KELLER  
02/21/13 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
02/21/13 (H) Heard & Held  
02/21/13 (H) MINUTE(FIN)  
02/25/13 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
02/25/13 (H) Heard & Held  
02/25/13 (H) MINUTE(FIN)  
02/25/13 (H) FIN AT 6:30 PM HOUSE FINANCE 519  
02/25/13 (H) Heard & Held  
02/25/13 (H) MINUTE(FIN)  
02/28/13 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
02/28/13 (H) Moved CSHB 24(JUD) Out of Committee  
02/28/13 (H) MINUTE(FIN)  
03/01/13 (H) FIN RPT CS(JUD) 5DP 5NR

03/01/13 (H) DP: T.WILSON, NEUMAN, COSTELLO,  
THOMPSON, STOLTZE  
03/01/13 (H) NR: HOLMES, MUNOZ, GARA, KAWASAKI,  
AUSTERMAN  
03/22/13 (H) TRANSMITTED TO (S)  
03/22/13 (H) VERSION: CSHB 24(JUD)  
03/25/13 (S) READ THE FIRST TIME - REFERRALS  
03/25/13 (S) JUD, FIN  
03/27/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

SENATOR MIKE DUNLEAVY  
Alaska State Legislature  
Juneau, AK  
**POSITION STATEMENT:** Sponsor of SJR 9.

SENATOR JOHNNY ELLIS  
Alaska State Legislature  
Juneau, AK  
**POSITION STATEMENT:** Sponsor of SB 36.

NATHAN ZENCEY, Staff  
Senator Johnny Ellis  
Alaska State Legislature  
Juneau, AK  
**POSITION STATEMENT:** Provided information on SB 36 on behalf of  
the sponsor.

DENISE DANIELLO, Executive Director  
Alaska Commission on Aging  
Department of Health and Social Services (DHSS)  
**POSITION STATEMENT:** Testified in support of SB 36.

RODNEY DIAL, Lieutenant  
Alaska State Troopers  
Department of Public Safety (DPS)  
Ketchikan, AK  
**POSITION STATEMENT:** Testified that DPS supports the changes made  
to SB 36.

MARIE DARLIN, AARP of Alaska  
Juneau, AK  
**POSITION STATEMENT:** Testified in support of SB 36.

MICHAEL VANVLEET, Social Work Intern  
Warrior Transition Unit

Soldier and Family Assistance  
Anchorage, AK

**POSITION STATEMENT:** Testified in support of SB 36.

REPRESENTATIVE MARK NEUMAN  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of HB 24.

REX SHATTUCK  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Provided information related to HB 24.

BRIAN JUDY, Alaska State Liaison  
National Rifle Association  
Sacramento, CA

**POSITION STATEMENT:** Testified in support of HB 24.

#### **ACTION NARRATIVE**

[1:33:35 PM](#)

**CHAIR JOHN COGHILL** called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Dyson, Olson, McGuire, and Chair Coghill. Senator Wielechowski arrived during the course of the meeting. He stated that the committee would not hear either SB 72 or HJR 4 today, and that he was still looking for an attorney general opinion on HB 69.

#### **SJR 9-CONST. AM: EDUCATION FUNDING**

[1:35:02 PM](#)

**CHAIR COGHILL** announced the consideration of SJR 9, "Proposing amendments to the Constitution of the State of Alaska relating to state aid for education." He stated his intention to take action on the legislation, and recapped that there was considerable discussion and public testimony that he allowed to wander into the educational realm. He asked the sponsor if he had any closing remarks.

[1:35:12 PM](#)

**SENATOR MIKE DUNLEAVY**, sponsor of SJR 9, reviewed the hearings that included testimony from both sides of the issue. He noted that the committee saw a poll done by the House that indicates that Alaskans want the opportunity to vote on how their constitution should treat educational funding. He acknowledged

that the issue of vouchers has clouded the issue, and related that he introduced a bill that addresses vouchers through tax credits.

[1:37:28 PM](#)

SENATOR DYSON offered his understanding is that courts in states that have identical constitutional language have found that it is constitutional for public money to follow the student to the school of their choice.

SENATOR DUNLEAVY said that some would say that Florida voted no and that courts in Indiana and Colorado found in favor of the concept of using public monies for vouchers to follow the student to private or sectarian schools.

SENATOR DYSON summarized that courts found in other states with constitutional language that is similar or more restrictive than Alaska's, have found that it is legitimate for public money to follow the student. The problem in Alaska is a court said that public money could not be used for private or sectarian schools. Thus, the only choices are to bring another case or clarify the language in the constitution. The latter provides the flexibility to do things that he and probably the sponsor think should be legitimate already.

SENATOR DUNLEAVY agreed.

[1:39:51 PM](#)

SENATOR MCGUIRE opined that the committee answered the judicial questions and none of the members or the sponsor wants to see Alaska's public school system fail.

SENATOR MCGUIRE moved to report SJR 9 from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL found no objection and announced that SJR 9 moved from the Senate Judiciary Standing Committee.

[1:40:50 PM](#)

At ease

**SB 36-MISSING VULNERABLE ADULT RESPONSE PLAN**

[1:42:07 PM](#)

CHAIR COGHILL announced the consideration of SB 36. [SSSB 36 was before the committee.]

[1:42:26 PM](#)

SENATOR JOHNNY ELLIS, sponsor of SB 36, thanked the committee for hearing the bill and Senator Dyson for joining him as a co-sponsor. He noted that a similar version of the bill passed the Senate last year 20 to zero. He said the bill has a zero fiscal note and the only criticism is why hasn't this already been done. Alaska has a growing senior population and is one of the last states to take action in this regard. He continued the introduction paraphrasing the following sponsor statement:

This bill would ensure that the Department of Military and Veterans Affairs works together with the Department of Public Safety to develop plans for state and local law enforcement to quickly notify the media, the public, and other law enforcement agencies when a vulnerable adult goes missing. A Silver Alert program here in Alaska, we believe, would establish clear and consistent lines of communication and develop efficient procedures for citizens, law enforcement, and media outlets to follow in this situation.

We believe the preparation in this bill will ensure we maintain an efficient system for activating rapid searches and media alerts for a senior citizen with Alzheimer's disease or dementia, or an adult with mental disabilities when they are missing, even when law enforcement agencies may be burdened by high response demands in other areas or if they may lose experienced officers to retirement or turnover.

Thirty-eight other states have established Silver Alerts or even more extensive missing persons response programs. Despite this, Alaska has still not taken the opportunity to design a dedicated response and notification program for our senior citizens and disabled adults when they go missing. We believe that due to the rapidly growing senior population here, it is imperative that we establish this program to allow our seniors and disabled adults to continue to live and retire here, which they are increasingly choosing to do alongside their families and children.

We have seen what this program can do in other states. Just this past August, the Mississippi Highway Patrol, which operates the Silver Alert in Mississippi, praises their Silver Alert program for helping them save just three lives in a month.

SENATOR ELLIS stated that an Alaska Silver Alert program would pose no additional cost to the state, but would be invaluable for reducing response times when adults with dementias or other cognitive disabilities go missing. He relayed that both the Alaska Broadcasters Association and public safety agencies have given input. The expectation is that this program will be a boost to law enforcement and that all media outlets will be happy to broadcast a missing vulnerable adult report that has been thoroughly but promptly vetted by law enforcement. Broadcasters emphasized the importance of proper vetting and that concept went into the drafting of the bill.

SENATOR ELLIS said that when a vulnerable adult goes missing, their best chance of being found alive is to be located within 24-48 hours. He noted that these searches can cost federal taxpayers up to \$1,500 per hour. He offered to answer questions about the differences between the previous version and the proposed committee substitute (CS).

[1:47:05 PM](#)

CHAIR COGHILL asked for a motion to adopt the proposed committee substitute.

[1:47:15 PM](#)

SENATOR MCGUIRE moved to adopt the work draft CS for SSSB 36, labeled 28-LS0338\C, for discussion purposes.

CHAIR COGHILL found no objection and announced that version C was before the committee. He asked if the differences related to definitions.

SENATOR ELLIS said yes. He explained that the legislature voted to expand the definition of "vulnerable adult" in the governor's anti-trafficking bill last year, but law enforcement expressed concern with that expanded definition in the context of this legislation. He suggested his staff give a brief explanation.

[1:48:14 PM](#)

NATHAN ZENCEY, Staff to Senator Johnny Ellis, sponsor of SB 36, explained that public safety wanted to return to the more limited definition of "vulnerable adult" solely for the purposes of this legislation. He read the following definition in the proposed AS 44.41.060(2)(d):

In this section, "vulnerable adult" means a person 18 years of age or older who, because of physical or

mental impairment, is unable to meet the person's own needs or to seek help without assistance.

Public safety expressed a preference for this definition to avoid the potential for both misuse and over use. The sponsor and advocates support this change.

CHAIR COGHILL recalled the discussion about the overly broad definition and that it could limit the effectiveness of the silver alerts.

[1:49:57 PM](#)

SENATOR MCGUIRE asked if any thought was given to saying "vulnerable senior."

MR. ZENCEY said that while that designation would account for a large proportion of the alerts, advocates and the sponsor feel it is important to include people with cognitive disabilities in the category of vulnerable adults.

SENATOR ELLIS added that he agrees with the previous committee that thought that people with PTSD should be considered vulnerable adults.

[1:50:58 PM](#)

SENATOR DYSON asked if other states with similar programs use electronic tracking devices.

MR. ZENCEY offered to follow up with the information.

SENATOR DYSON said that wasn't necessary and noted that audience members were nodding.

SENATOR MCGUIRE asked who is covered by the definition and if public safety believes that covering that number of people will be manageable.

SENATOR ELLIS explained that the legislation covers seniors with Alzheimer's and other dementias, adults with cognitive impairments, and adults with post-traumatic stress disorder (PTSD). The bill seeks to comport with the desires of the broadcasters and not have a program that overloads the system and places too many demands on law enforcement. Referencing Senator Dyson's question, he explained that the bill takes a system approach for emergency alerts rather than individual tracking.

[1:56:16 PM](#)

DENISE DANIELLO, Executive Director, Alaska Commission on Aging, Department of Health and Social Services (DHSS), testified in support of SB 36. She explained that the commission is charged by statute to provide services for seniors, educate Alaskans about senior issues, and provide recommendations to the governor and legislature regarding regulations, legislation and appropriations for programs serving senior Alaskans. She said that wandering is a common symptom for people with dementias and it's not uncommon for these people to become lost and disoriented. According to statistics from the national Alzheimer's Association, about 60 percent of people with Alzheimer's disease may suffer from wandering during the course of the disease. In Alaska, this can have life or death consequences.

MS DANIELLO provided some statistics. About 6,140 Alaskans age 65 and older have some type of dementia, and that population will likely triple over the next 20 years. About 1 in 9 older Alaskans may have dementia, and about 1 in 2 people age 85 and older may have Alzheimer's disease. According to the 2013 Alzheimer's disease report, about 1 in 3 elders will die with symptoms of dementia. She reported that the commission conducted seven forums statewide and found a top concern was the need to improve public safety for people with dementias through a silver alert or community response system.

MS. DANIELLO concluded that the commission supports SB 36 because it will promote greater awareness and provide effective tools to help find people with dementias.

[2:00:12 PM](#)

CHAIR COGHILL asked how people communicate now if somebody with dementia is missing.

MS. DANIELLO offered her understanding that there isn't a formal plan to respond to people who are missing.

[2:01:24 PM](#)

RODNEY DIAL, Lieutenant, Alaska State Troopers, Department of Public Safety (DPS), Ketchikan, AK, reported that DPS supports the changes made to SB 36 and believes it is manageable. The number of people it covers would not be so great as to discourage media participation or desensitize the public to the alerts. He explained that the department currently maintains emergency and media contact lists and plans at all Trooper posts that can be used in all missing person cases. He opined that the

legislation could be of benefit to municipalities or smaller departments that don't have a plan in place.

[2:02:39 PM](#)

MARIE DARLIN, AARP of Alaska, testified in support of SB 36. She noted that the AARP state office submitted written testimony that included examples of what happens without a system for locating missing persons. She said that the best solution now for locating somebody who is missing is to alert the neighbors. The Amber Alert for locating missing children has worked and a similar system should work for locating vulnerable adults who are missing, she said.

[2:04:57 PM](#)

MICHAEL VANVLEET, Social Work Intern, Warrior Transition Unit, Soldier and Family Assistance, testified in support of SB 36. He informed the committee that he was a student at UAA and had served in the Marine Corps. He opined that the individuals in the Warrior Transition Unit and active duty military with traumatic brain injury would benefit from this legislation. He related that many members of the military between the ages of 18 and 24 have severe cognitive impairment and sometimes wander and don't know where they are because of their injuries.

[2:08:05 PM](#)

CHAIR COGHILL announced his intention to hold SB 36 in committee and take action on Friday.

### **HB 24-SELF DEFENSE**

[2:08:59 PM](#)

CHAIR COGHILL announced the consideration of HB 24. [CSHB 24(JUD) was before the committee.]

[2:09:45 PM](#)

REPRESENTATIVE MARK NEUMAN, joint prime sponsor of HB 24, said HB 24 is "An Act relating to self-defense in any place where a person has a right to be." He explained that the bill would extend the rights of the castle doctrine to any place in Alaska where a person has a legal right to be. However, the bill does not change the justification clauses. He noted that the House Judiciary Committee made a slight change and placed the word "other" between the words "any" and "place" [on page 2, line 3 to clarify that the proposed new AS 11.81.335(b)(5) addresses locations other than those already outlined in existing AS 11.81.335(b)(1) and (3).] He summarized that the bill allows

Alaskans to protect themselves and their families when they are in any place they have a right to be.

[2:12:08 PM](#)

SENATOR DYSON offered his understanding that to use deadly force a person has to be in fear of death or serious bodily harm.

REPRESENTATIVE NEUMAN confirmed that the justification clause in AS 11.81.335(a) says that a person may use deadly force in self-defense "to the extent that a person reasonably believes that the use of deadly force is necessary against death; serious physical injury; kidnapping, except what is described as custodial interference in the first degree; sexual assault in the first and second degrees; sexual abuse of a minor in the first degree; or robbery in any degree."

SENATOR DYSON said he wanted it on the record that the legislation does not exclude the fact that for a person to be justified in using deadly force the person must be in fear of their life or serious physical injury. This does not give blanket permission for people to shoot somebody.

[2:13:22 PM](#)

SENATOR MCGUIRE highlighted that AS 11.81.335(b) goes on to say "A person may not use deadly force under this section if the person knows that, with complete personal safety and with complete safety as to others being defended, the person can avoid the necessity of using deadly force by leaving the area of the encounter, except there is no duty to leave the area if the person is" on premises the person owns or leases, resides or is a guest. The bill does not change that except as outlined under subsection (a).

She asked for the reasoning underlying the House Judiciary amendment to insert "other" between the words "any" and "place" [on page 2, line 3].

REPRESENTATIVE NEUMAN said that body wanted to clarify that paragraph (5) identifies a place other than a person's home or business.

CHAIR COGHILL asked for an explanation of the debate that took place on the House floor and where the sponsor stood on the proposed amendment relating to robbery.

[2:15:50 PM](#)

REPRESENTATIVE NEUMAN explained that current statute says a person has the right to use deadly force in the defense of self in robbery in any degree. The proposed amendment would have eliminated the possibility to use deadly force for robbery in the second degree. He did not support the amendment because circumstances can be nuanced and change in a split second. AS 11.41.500, robbery in the first degree, involves a threat of physical injury. AS 11.41.510, robbery in the second degree, does not involve a threat or physical injury. He relayed that he respected the fact that previous legislators included all robbery.

CHAIR COGHILL offered his understanding that robbery involves taking from somebody as opposed to thievery.

REPRESENTATIVE NEUMAN reiterated that he did not support the floor amendment proposed in the other body.

[2:19:05 PM](#)

REX SHATTUCK, Staff to Representative Mark Neuman, sponsor of HB 24, added that robbery is typically against a person. It doesn't matter what is being taken; if there is a weapon or indication of serious threat, it is against a person. He emphasized that the deliberations are about protecting the rights of an individual.

CHAIR COGHILL said the law should be very clear because people won't be thinking about the fine points of law when confronted by a violent act.

[2:20:26 PM](#)

REPRESENTATIVE NEUMAN said he spent considerable time discussing the point with legislative legal and decided that it was appropriate to keep the current statute.

[2:21:02 PM](#)

BRIAN JUDY, Alaska State Liaison, National Rifle Association, said the NRA supports HB 24. He said this important self-defense legislation provides that a law-abiding person who is justified in using deadly force in self-defense has no duty to retreat from an attack if the person is in a place he or she has a legal right to be. He emphasized that this only affects cases where a person is justified. He explained that current Alaska law provides that there is no duty to retreat if a person who is justified in using deadly force in self-defense is on premises they own, lease, reside, or work. If the person is in any other place and knows he or she can retreat from an encounter, the

person is legally required to do so. In an encounter that requires a person to use deadly force in self-defense, the person must first consider justification and then retreat. The only time retreat becomes a consideration is when the person has determined he or she is justified in taking action.

AS 11.81.335 and AS 11.81.330 build on each other to create the legal requirement for justification, and the bottom line is that a person may only use deadly force in self-defense if the person reasonably believes it is necessary against an imminent threat of death, serious physical injury, kidnapping, sexual assault, and robbery. To employ self-defense a person also must satisfy both subjective and objective standards. The subjective standard is that the person must actually believe that deadly force is necessary. The objective standard is that a reasonable person would have to hold that belief under the circumstances. There are also certain circumstances that specifically do not justify the use of deadly or nondeadly force. These are if a person was engaged in mutual combat; if a person provoked the other person's conduct; if the person using self-defense was the initial aggressor; or if the person was involved in felonious or gang activity.

He recapped that a person using deadly force in self-defense must have justification and must consider in a split second whether to respond to an aggressor with force. Removing the question as to whether the person can retreat with complete safety means one less thing a potential victim must consider in what may be a life-or-death, split-second decision. Removing the duty to retreat does not change the fact that a person must have justification.

MR. JUDY refuted the argument that the bill promotes violence saying that a person may only use deadly force when they reasonably believe it is necessary to prevent an imminent threat. He said he also believes that the opposition is mischaracterizing the justification statute. Under existing law, a person who resists an aggressor bears the risk of a finding that while the response was proportional to the reasonably perceived threat, the person overestimated the difficulty of getting away safely and is therefore guilty of a crime. He said that removing the retreat provision shifts some of the risk back to the aggressor. Noting that opponents argue that the bill will benefit dangerous criminals, he emphasized that the duty to retreat actually protects persons against whom defense of force would otherwise be justified. He concluded that law-abiding citizens should not fear criminal prosecution when they stand

their ground and defend themselves without retreating when they're justified and in a place they have a legal right to be.

[2:29:16 PM](#)

CHAIR COGHILL noted that Quinlan Steiner was available to answer questions. He highlighted that the committee heard the bill several times in previous years. He said he was satisfied that gunplay between competing groups falls under justification with regard to mutual combat and provocation.

[2:30:17 PM](#)

SENATOR DYSON commented that it is instructive to read the sections on self-defense in AS 11.81.340 and AS 11.81.350 because they expand on other areas where the use of deadly force is justified. He offered his belief that HB 24 does not affect those sections.

[2:32:12 PM](#)

SENATOR WIELECHOWSKI joined the committee.

REPRESENTATIVE NEUMAN agreed. He asked to distribute a letter [dated March 28, 2012] to the former Judiciary Committee chair from Attorney General Geraghty who said, "The fact that defendants may attempt to take advantage of the law once it is on the books should not dissuade us from enacting laws that protect a citizen's right to legitimate self-defense outside the home."

CHAIR COGHILL said he initially didn't intend to take action on the bill today, but he hadn't heard a lot of other dialog at this point.

SENATOR DYSON said there was a lively debate in the other body, and he had given the issue a lot of thought for the past three years so he was comfortable moving the bill along.

CHAIR COGHILL said he wanted to make sure that the committee heard about the debate that took place on the floor in the other body. He said he was satisfied and was willing to accept a motion.

[2:34:19 PM](#)

SENATOR MCGUIRE moved to report CS for HB 24, version \U from committee with individual recommendations and attached fiscal note(s).

[2:34:33 PM](#)

CHAIR COGHILL announced that without objection CSHB 24(JUD) moved from the Senate Judiciary Standing Committee.

2:34:43 PM

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 2:34 p.m.