

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

February 28, 2018

1:02 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Jonathan Kreiss-Tomkins
Representative Gabrielle LeDoux
Representative David Eastman
Representative Chuck Kopp
Representative Lora Reinbold

MEMBERS ABSENT

Representative Zach Fansler, Vice-Chair
Representative Charisse Millett (alternate)
Representative Louise Stutes (alternate)

OTHER MEMBERS

Representative Andy Josephson

COMMITTEE CALENDAR

HOUSE BILL NO. 75

"An Act relating to gun violence protective orders; relating to the crime of violating a protective order; relating to a central registry for protective orders; relating to the powers of district judges and magistrates; requiring physicians, psychologists, psychological associates, social workers, marital and family therapists, and licensed professional counselors to report annually threats of gun violence; and amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 75

SHORT TITLE: GUN VIOLENCE PROTECTIVE ORDERS

SPONSOR(s): REPRESENTATIVE(s) TARR

01/23/17	(H)	READ THE FIRST TIME - REFERRALS
01/23/17	(H)	JUD, FIN

WITNESS REGISTER

REPRESENTATIVE GERAN TARR

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, presented the legislation and answered questions.

DOCTOR AMY BARNHORST, Psychiatrist Professor

University of California Davis Medical Center

Sacramento, California

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

JANICE SWIDERSKI

Moms Demand Action for Gun Sense in America

Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

SAM TRIVETTE, Member

Juneau Suicide Prevention Coalition

Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

HALEY MCKINLEY

Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 78, testified in support of the legislation.

JASON KEDY

Moms Demand Action for Gun Sense in America

Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

STELLA TALLMON

Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

SUZANNE COHEN

Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

SALLY DONALDSON
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

SALLY RUE
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

LUANN McVEY
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

RICHARD STEELE
Douglas, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified.

KARLA HART
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

JOHN SONIN
Civilized Humanity
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, offered support for the legislation.

DIEULEVEUT BIRINGANINE
Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

AMOS KISSEL
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

KATE WOOL
Fairbanks, Alaska

POSITION STATEMENT: During the hearing of Hb 75, testified in support of the legislation.

TALIA JOHNSON
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

JAYNE ANDREEN
Douglas, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified.

ANNA FRASER
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

JOSH Quinto
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

JEAN CHANG
Eagle River, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

DAVID NEES
Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified.

MADELINE SCHOLL
Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

MICHELLE PUTZ
Sitka, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

ELIZABETH TOMPSON
Petersburg & State

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

GENEVIEVE MINA
Anchorage & State

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

PAIGE HODSON

Anchorage & State

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

EILEEN FOYLE-SAFT

Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

KARA HOLLATZ

Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

DANA DARDIS

Anchorage & State

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

JENNIFER COLLIN

Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 75, testified in support of the legislation.

BRUCE EDWARDS

Butte, Montana

POSITION STATEMENT: During the hearing of HB 75, testified in opposition of the legislation.

ACTION NARRATIVE

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CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:02 p.m. Representatives Claman, Kreiss-Tomkins, LeDoux, Eastman, Reinbold, and Kopp were present at the call to order.

^#hb75

HB 75-GUN VIOLENCE PROTECTIVE ORDERS

[1:03:11 PM](#)

CHAIR CLAMAN announced that the only order of business would be HOUSE BILL NO. 75, "An Act relating to gun violence protective orders; relating to the crime of violating a protective order; relating to a central registry for protective orders; relating to the powers of district judges and magistrates; requiring physicians, psychologists, psychological associates, social workers, marital and family therapists, and licensed professional counselors to report annually threats of gun violence; and amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."

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REPRESENTATIVE GERAN TARR, Alaska State Legislature, advised that the bill creates "gun violence protective orders," and offered that she sponsored this legislation due to some of the instances that have occurred in the district she represents. She advised that Leroy Lawrence was killed last year on his 17th birthday by a stray bullet, and another young person, Precious Alex, was killed in her sleep by a stray bullet. These are some of the public safety challenges that have taken place in the neighborhoods she represents, and she has long been looking for solutions for gun violence prevention. Most people agree that the vast majority of gun owners are lawful gun owners and are not the individuals who cause concerns to society about owning guns. Society is worried about two categories of people, those folks who are criminals and are involved in gangs or drugs and so forth, and those folks experiencing mental illness and may be a danger to self or others. She explained that HB 75 does not really get at the criminals because she is still looking at avenues to address that piece of the problem. This legislation, she explained, is a policy alternative that references the group of individuals who are experiencing mental illness and could commit a crime or be a danger to self or others.

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REPRESENTATIVE TARR offered that other states have implemented these gun violence protective orders. For example, the State of Connecticut implemented this policy and it has been shown to reduce the number of suicides, which is of interest to Alaska due to its high rates of suicide. On a personal level, she related that her brother committed suicide, and for two-years prior to his death, he was in serious crisis. He was very unhappy about his interactions with law enforcement and he talked about committing violent acts. As a family member, she said, his state of mind was incredibly difficult and because she

did not have any good tools, she stayed with him to convince him that that was not the right thing to do. The only sense of relief she has is that in the end he only took his own life and no one else's life. From that perspective, she related, a policy alternative such as HB 75 is about empowering family members to be a part of the solution. Oftentimes, it is the family members who see the deterioration of a family member over a period of time because they are closest to that individual. Family members are looking for a tool and this legislation could be an important prevention tool.

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REPRESENTATIVE TARR turned to the handout titled, "House Bill 75: Gun Violence Protective Orders," aka "Extreme Risk Protection Orders" aka "Red Flag Laws." She explained that these protective orders are temporary in nature and limited in scope. This legislation focuses on those people causing concern, and it is consistent with maintaining a person's Second Amendment rights as this bill is a temporary removal of firearms.

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REPRESENTATIVE TARR turned to the handout and explained that essentially three types of protections orders have been created. She turned to the standard Gun Violence Protection Order (GVPO) and explained as follows: this protective order can be petitioned by an immediate family member, which includes spouse, child, step-child, parent, step-parent, or a peace officer; the evidence standard is clear and convincing evidence, which is a high standard to meet in order to prove this person is a danger to self or others; the duration of the protective order is six-months, which is the longest period of time for the three options; the family member or peace officer must reasonably believe the person is a danger to self or others; and, that individual can petition the court for a hearing and ask for reconsideration or modifications to that protective order.

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REPRESENTATIVE TARR turned to the "Ex Parte" protective order and advised as follows: the immediate family member and a peace officer can petition for the protective order; the evidence standard is the preponderance of evidence; it expires 20-days after issuance unless it was dissolved earlier by the court at

the request of either the petitioner or the respondent; and the individual poses a significant danger to themselves or others.

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REPRESENTATIVE TARR turned to the "Emergency" protective order and advised as follows: only a peace officer can petition the court for a protective order; it is a preponderance of the evidence standard; and, it expires 72-hours after issuance unless dissolved by the court earlier, but only at the request of the petitioner - the respondent does not have an option to request a shortening of the duration of that protective order.

REPRESENTATIVE TARR explained as follows: the bill is limited in scope, both in the people this legislation would apply and it is only immediate family members or a peace officer can access it; the high standard of clear and convincing evidence and the preponderance of evidence; it is temporary in nature; and individuals do have access to petition the court to request changes, with the exception of the emergency protective order.

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REPRESENTATIVE TARR pointed to the language below the table located on the handout, and paraphrased as follows:

SURRENDER OF FIREARMS: The respondent must surrender to a local law enforcement agency or sell to a firearms dealer all firearms and ammunition that the person possesses, owns, or has within the respondent's custody or control within 24 hours of receipt of the protective order.

RETURN OF FIREARMS: When the protective order expires, the law enforcement agency shall return the firearms or ammunition to the respondent. Prior to being returned, any firearms or ammunition surrendered to a law enforcement agency shall be retained by the law enforcement agency until the expiration of the gun violence protective order.

TEMPORARY HEALTH REPORTING: The bill requires reporting of serious threats conveyed to a health care provider during the year of gun violence against a reasonably identifiable victim. The reporting may not include any personally identifiable information. This

would result in one report in 2019 and this section is repealed February 1, 2020.

REPRESENTATIVE TARR explained that the expectation is that soon after the protective order is issued, the person would respond and turn over their firearms. She pointed to the section regarding the return of firearms and advised that when the protective order expires, "the law enforcement agency shall return the firearms or ammunition to the respondent." The intention of the bill is that the person, once the crisis situation passed, would lawfully have possession of their firearms again. She related that this bill is aimed at a crisis situation to give a family member a tool that could protect themselves or others because they believe the person will cause someone harm.

[CHAIR CLAMAN listed the individuals online available for questions.]

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REPRESENTATIVE KOPP stated that this discussion is long overdue in many ways. He referred to [AS 18.65.815(a)], Sec. 6, page 3, [lines 12-14], wherein an immediate family member or peace officer must present their belief that the respondent is a danger to self or others, and noted that "an immediate family member" is defined under [Sec. 7, page 8, lines 4-5], which read as follows:

In AS 18.65.815-18.65.840 "immediate family member" means a spouse, child, stepchild, parent, or stepparent.

REPRESENTATIVE KOPP suggested that the committee may want to incorporate more of the domestic violence section because it is more inclusive of long term spousal-type relationships, boyfriends, or girlfriends, who may be in a great position to assess the mental frame of mind of the person.

REPRESENTATIVE TARR offered her appreciation for that suggestion and she welcomes that option as a possibility. In the other states, there have been more broad definitions as to who can petition the court and she wanted to start as small as possible. Although, it would be appropriate through conversation to add to that but to make sure it is something that people feel comfortable cannot be abused. That is an important issue, she described, that there is not an opportunity for someone to

misuse this bill as it is actually limited to crisis situations for safety reasons.

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REPRESENTATIVE KOPP said that he agrees with everything Representative Tarr pointed out as to the language being used in an abusive manner. He noted that because the language is focused on the firearm and taking it away based on something someone said or their actions, "this tool has to be removed from their life." He suggested possibly requiring a mental health competency hearing as something that would further show the justice system that the goal is to do more than just take away their ability to kill self or others, but to also help them get better as quickly as possible and find the true mental health issue. He asked whether Representative Tarr would accept some type of a mental health competency risk analysis included in this language. He pointed out that the bill takes away a significant liberty, and the committee does not want the respondent to go next door and "continue to carry out what they're going to do."

REPRESENTATIVE TARR responded that she welcomes that suggestion and working with Representative Kopp because she would like to look into the particulars of how that might work. She noted an earlier conversation regarding the state's involuntary commitment statutes and determining where this language blends or meets up.

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REPRESENTATIVE REINBOLD noted that the goal is decreasing violence and domestic violence, wherein weapons, such as a car, can be used for harm. She agreed that the committee does not want something that is intended for good, such as this bill, to be misused by an angry girlfriend or boyfriend "just to get guns away from somebody." She referred to [AS 18.65.820], page 4, lines 8-9, which read as follows:

(a) An immediate family member of a respondent or a peace officer who reasonably believes ...

REPRESENTATIVE REINBOLD requested the definition of "reasonably believes."

REPRESENTATIVE TARR answered that she included this language in the table in order to compare those and determine whether it is

the appropriate language. The "reasonably believes" language in this section pares up with the preponderance of evidence, as to how to understand what standard would have to be met so that it could not be misused. The preponderance of evidence is actually more than 50 percent likely, there has to be some behaviors and other things that would lead someone to believe that the person is a danger. She referred to [AS 19.65.820], page 4, lines 11-13, which read as follows:

(a) ... that the respondent poses a significant danger of injury to self or others by possessing, owning, purchasing, or receiving a firearm, that less restrictive alternatives have been tried and were ineffective, ...

REPRESENTATIVE TARR explained that in addition to meeting that preponderance of evidence standard, a petitioner would have to show that they have, in fact, tried other things and they were unsuccessful and; therefore, are asking the court for what would be considered a more restrictive measure by preventing them from being in possession of firearms for that period of time.

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REPRESENTATIVE REINBOLD said she would like to echo the concerns of Representative Kopp in that she does not want to put a judge who may or may not be qualified to perform mental health evaluations in that situation. An evaluation from a mental health professional is worthy, and it sounded like Representative Tarr was supportive of that idea, she said.

REPRESENTATIVE TARR reiterated that that is a welcomed suggestion and she will look into how it would work.

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REPRESENTATIVE REINBOLD noted that in the event there is a mental health issue and someone is angry, they will use other tools besides firearms, such as a car or a knife. This legislation must be used globally and not solely focused on firearms, and she asked whether the mental health issue is addressed in this legislation.

REPRESENTATIVE TARR replied that there is not a requirement for a mental health competency hearing at this time; however, she reiterated that she has had conversations regarding the involuntary commitment statutes. The intention would be to

determine how these two issues meet or whether there is a gap because it is an opportunity to determine someone's mental health status and get them into a treatment program or something similar. She said she certainly does not want to miss that opportunity from this particular policy in determining how it might work and whether there is a way to blend that into the procedure here and maintain a person's rights and due process.

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REPRESENTATIVE LEDOUX referred to the document titled, "House Bill 75: Gun Violence Protective Orders" and noted that the gun violence protective order (GVPO) read that the standard is "clear and convincing evidence," except under the heading "Danger to Self or Others" is the phrase "reasonably believes." Reasonably believes, she commented is probably the preponderance of evidence, and preponderance of evidence is 50 percent plus one fraction; therefore, the language appears to be inconsistent.

REPRESENTATIVE TARR referred to [Sec. 6, AS 18.65.815(a)(b), page 3, lines 12-26] and answered that this language reads: "reasonably believes poses a significant danger and immediate danger" and she explained that the language is there in order to have this conversation, but in that particular section of the bill, the clear and convincing evidence standard must be met. Subsection (a) [page 3, lines 12-18] is with regard to who can petition the court if they reasonably believe the respondent is a danger to self or others. Subsection (b) [page 3, lines 19-26] discusses how the court would issue the order and the court would use the clear and convincing evidence standard. She reiterated that it is a bit broader in terms of who can apply and they would reasonably believe the person was a danger, but in order for the court to issue the protective order it would have to use the clear and convincing evidence standard.

CHAIR CLAMAN advised Representative LeDoux that the proceeding under HB 75 is a contested proceeding and the person petitioning to have the firearms taken away and the respondent would be entitled to appear at that proceeding. The court must find that the petitioner's belief that the respondent may harm self or others is reasonable. After the respondent testifies that they are not a danger and it is unreasonable to believe their guns should be taken away, the court must rule under clear and convincing evidence. Whereas, he explained, the ex parte protective order by its very definition is ex parte and the respondent is not present for that hearing. The big issue is

not whether the belief was reasonable, but whether the petitioner has shown by clear and convincing evidence that the person is a risk, he said.

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REPRESENTATIVE LEDOUX referred to the respondent meeting this standard of proof and asked why they would not be in API or another private facility for that amount of time.

REPRESENTATIVE TARR answered that one of the challenges is a capacity issue where there is not the capacity in some of these facilities to take these individuals, so it is not as easy as simply showing up and advising that someone needs to be involuntarily committed. Currently, she explained, due to the lack of capacity at API, a lot of these individuals end up in emergency rooms. Oftentimes they have to wait several days before they are assessed because the emergency room does not have the appropriate staff to perform the assessment to lead to the involuntary commitment. This conversation needs to be overlapped with what is going on in health care because there are certainly gaps there, which is why she wants to review where this legislation ends and where it meets up with the involuntary commitment statute, she offered. For example, she said, the emergency protective order is an immediate danger and perhaps that person should appropriately be transitioned into a secure facility where they cannot harm self or others. Under the GVPO, this person may be someone who is normally medicated but has gone off their medications and it may not be appropriate to put that person into a secure facility. This situation may be more of a matter of getting that person into an appropriate health care provider to re-evaluate their situation and get them back on medication that will stabilize whatever mental health problem they may be experiencing. There is a bit of grey area in what kind of mental health challenges some people may be experiencing as to whether they would best be served with their primary health care provider versus someone who is more clearly a danger to self or others, she said.

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REPRESENTATIVE LEDOUX offered concern that the language self or others may get out of control because someone could say that the clinically depressed person may be a danger to self but not to others. She asked whether the committee was willing to take the right to bear arms out of the hands of everyone who is diagnosed with clinical depression. She noted her belief that if that is

the result, it would be an incentive for people to not seek psychiatric help for depression.

REPRESENTATIVE TARR answered that in the case of these gun violence protective orders, the petitioners can only be immediate family members or peace officers. Therefore, the privilege of privacy with health care providers would remain the same, and the health care provider is not an individual who can petition the court to try to have firearms removed. She stressed that it is not her intention to interfere with a person's relationship with their health care provider, and in the event of that concern, it should be looked at carefully.

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REPRESENTATIVE KREISS-TOMKINS offered that he was intrigued by the involuntary commitment standards and how that relates to the standards set forth in this legislation for a gun violence protective order. He referred to AS 18.65.820(a), page 4, lines 12-13 [previously typed] and asked what those less restrictive alternatives would be in reality.

REPRESENTATIVE TARR noted that in the conversations she has had so far, it centered mostly around voluntarily giving up firearms and someone not wanting to voluntarily participate, with the alternative of petitioning the court for a legal option to remove the firearms.

CHAIR CLAMAN added a personal note in connection with Representative LeDoux question about the intersection between depression and mental illness. Years ago, he offered, a friend of his was an active gun enthusiast and hunter and he spent Sunday morning with the gentleman trying to get better at hitting the target with a 44-magnum pistol. Chair Claman said that his friend's wife died several years ago and the gentleman was severely depressed. He did not need to be institutionalized but he was severely depressed, and there were no court orders. A group of his friends recognized the severity of the gentleman's depression and due to these tough times for him, they would like him to agree to remove the guns from his house, and he agreed. That, he said, is an example of someone who is not suitable for commitment, but it was not suitable for the gentleman to have access to the guns.

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CHAIR CLAMAN opened public testimony on HB 75.

1:33:16 PM

DOCTOR AMY BARNHORST, Psychiatrist Professor, University of California Davis Medical Center, advised that she works in the Psychiatric Crisis Unit in Sacramento and she is the portal to the involuntary mental health care system, which is often the pathway for firearm prohibitions based on mental illness, and often for treatment of people deemed to be dangerous to themselves or others. Oftentimes, when there is a mass shooting, as in the recent past, there is a big focus on the mental health system as a mechanism for preventing violence. She referred to the question as to how a mental health evaluation might play into this gun violence protection order, and she explained that the mental health system has a hard time helping a lot of the people who are at risk for mass shootings and mass violence, mostly because the majority of these shooters do not actually have a treatable mental illness and they do not qualify for involuntary admission due to dangerousness. Oftentimes, she explained, these people are brought to the emergency mental health care system by law enforcement with their knowledge there is no pathway for them in the criminal justice system until they have committed a crime. In truth, she related, there is not much the system can do for them either. A gun violence protection order fills that gap in between the criminal system and the mental health system to at least remove gun access from those potentially dangerous people. She commented that it is nice to think that the mental health system would be able to do something about them, but it has a hard-enough time treating the people they do have with severe mental illness. Dr. Barnhorst pointed out that most community violence is not committed due to mental illness, it is committed due to the other factors at play with those people who do commit violence.

DR. BARNHORST offered her awareness of Alaska's quite high suicide rate, particularly by firearms, and related that most of the five states with a similar type of court order found that an order was used more in cases of suicide than in its cases of violence. Truth be told, she said, the majority of firearm deaths in the United States are actually suicides with a ratio of approximately two-to-one to homicides. The reality is that a gun violence protective order can be an effective tool for people who do not meet the criteria for involuntary commitment but are still at risk for suicide. Friends and family can identify [the changes in a person's behavior] and involve the legal system and separate these people from the most lethal

method of suicide that exists and possibly save lives. The question of a mental health evaluation as part of the gun violence protection order is not necessary because it would not offer another pathway that does not already currently exist. The gun violence protection order is a tool to be used for those people who do not fit neatly within the mental health system or the criminal justice pathway and those people will not necessarily benefit from acute or crisis mental health treatment. These people would not be prohibited from owning firearms via the traditional mental health pathways. She stressed that this a great opportunity to fill a void there.

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JANICE SWIDERSKI, Moms Demand Action for Gun Sense in America, advised that she has lived in Alaska for 22-years and currently lives in Anchorage. She related that she is a member of the national grassroots organization, "Moms Demand Action for Gun Sense in America," and its members are respectful of the Second Amendment right to keep and bear arms, and it is also united in the belief that common-sense regulations go hand-in-hand with that Second Amendment right. Everyone deserves to live in a country where their right to life, liberty, and the pursuit of happiness is protected, and this legislation is one of those common-sense solutions that can help protect the safety and security of all Alaskans without infringing on anyone's Second Amendment rights. On a personal level, she advised that she is supportive of how HB 75 would help reduce the incidents of suicide by gun in this state. Many years ago, her father's only sibling shot and killed himself with a gun and she experienced the trauma that a tragic suicide can inflict on a family and, unfortunately, far too many Alaskan families experience this trauma with its suicide rate among the highest in the country. As Representative Tarr mentioned, loved ones and law enforcement are often the first to see the warning signs when a person is in crisis, and this legislation would give them a way to protect that person from making an impulsive deadly decision. Studies have shown that 90 percent of the people who attempt suicide with a gun will die, and in total contrast to that study, 90 percent of the people who attempt suicide by another method will survive and the majority of those survivors do not make another attempt. Gun users are not more suicidal or have more intent, they simply have access to a particularly deadly method of self-harm in a time of crisis. These tragedies are preventable. Research found that variations in suicide rates across the states are due primarily to the variations in the availability of firearms, not by differences in mental health, and the

availability of firearms is clear in this state where "so many of us are gun owners." She said that she strongly urges all of the House of Representatives members to support HB 75 to save lives and help ensure that no family has to experience the tragedy her family experienced. If her family had had access to a tool such as HB 75, her dear uncle, a World War II combat veteran, might have lived out his life to the fullest in a manner he truly deserved, she related.

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SAM TRIVETTE, Juneau Suicide Prevention Coalition, advised that he and his wife have been involved with the Juneau Suicide Prevention Coalition for 9-plus years due to the unfortunate loss of their son to suicide 10.5 years ago, by firearm, and since that time, he and his wife have received extensive training involving these issues. The State of New Hampshire has done an excellent job of not taking away a person's right to own firearms, and instead helped them keep their guns safer which resulted in a much-reduced suicide rate, and HB 75 is a rational approach. Having worked as a peace officer and in corrections in Alaska for 30-some years before he retired, he said he knows a tremendous amount about domestic violence and all of the other kinds of violence with guns. He noted that he had guns in his house his entire life, up until his son died, and stressed that trying to force people to undergo a mental health evaluation before considering the possibility of removing a gun does not work. Mental health clinicians are swamped and, he explained, a person won't see a clinician for some period of time and if one becomes available, many times the evidence is not there that will allow the clinician to perform a diagnosis on the spot quickly. This legislation is a way to remove guns quickly and efficiently, and in the event the clock could be turned back 10.5 years, he said he would have moved for the "very important" ex parte protective order. He described this as excellent legislation that may need tweaking, and he referred the sponsor to the great research from the Department of Health and Social Services (DHSS).

[1:43:48 PM](#)

HALEY MCKINLEY advised she is an 18-year old registered voter from Anchorage who recently organized a "walk-out" at West Anchorage High School in protest of the perpetuation of gun violence in the United States, and she is an active member of local activist groups relating to this subject. Most recently, she noted, she has been working on the planning and organization

of the "Sister March for Our Lives" rally planned in the State of Florida. Ms. McKinley offered support for HB 75 because the safety of civilians and students is more important than allowing dangerous individuals access to firearms, thereby, posing a considerable threat to herself and those she cares about. As a student, this issue is of particular importance and she pointed to the events which occurred in Parkland, Florida two weeks ago today. The Marjory Stoneman Douglas High School is located in an incredibly safe community and its students and staff were all trained as to Alert, Lockdown, Inform, Counter, Evacuate (ALICE), just as the students are trained at her own high school. Regardless of these facts, she pointed out that the Parkland, Florida shooting is presently the deadliest school shooting to ever occur at a high school in the United States surpassing the Columbine High School shooting in casualties. Now, more than ever, (audio difficulties) no amount of practical training or the support of safety in a given community is enough to not be caught up in a shooter situation, and the only solution is to take legal measures to keep firearms out of the hands of dangerous people. She reiterated her support for HB 75 because she believes it is the strongest guarantee of the safety of herself, her peers, and the community at-large.

[1:46:19 PM](#)

JASON KEDY, Moms Demand Action for Gun Sense in Alaska, advised that as he sees kids of all ages traveling to and from the area schools, he considers himself fortunate to witness firsthand the next generation taking their formative steps toward being the future leaders of our great state. However, in the wake of the recent numerous reports of gun violence, there is an added tinge of concern in searching to find ways to protect our most valuable and beloved resources, our children. He stated that HB 75 is a decisive and comprehensive step toward safe-guarding the vulnerable populations and a step toward stemming the epidemic of gun violence in Alaska. A hallmark of Alaska is its tight-knit community kinship and the ability of these communities to work together to create common-sense solutions for everyday problems, he said. When a person is in crisis, he pointed out that close family members and law enforcement often are the first to see these warning signs, and HB 75 would connect and empower communities to take immediate and decisive action while also respecting civil liberties and due process. The message is clear, community members throughout Alaska desire a prompt and decisive response to its dilemma of gun violence, and it is his belief, he said, that HB 75 is a common-sense measure for Alaskans. Oftentimes, when tragedy strikes, whether it is a

suicide or a shooting, people look to the family members and law enforcement as having some responsibility. This legislation now gives family members and law enforcement the ability to take immediate and responsive action to defuse a dangerous situation, and he asked the committee to support HB 75, empower Alaskan communities, and improve public safety across the state.

[1:48:19 PM](#)

STELLA TALLMON advised that she is a sophomore at Juneau-Douglas High School (JDHS), is a member of the JDHS student council, and she supports HB 75. Earlier this month there was a shooting at a high school in Parkland, Florida and 14 kids, "just like me" were murdered, but she said that she is inspired by the courage of the shooting survivors for speaking up and advocating for gun laws because that is what is needed right now in the United States. The legislature must pass laws to prevent guns (audio difficulties) and HB 75 is a step in the right direction. She pointed out that each time a school shooting takes place "we say never again" but the "never again" will only happen if law makers take action to prevent these lethal weapons. These dangerous weapons need to be abolished from our 21st century society of which they have no place. As an American, she said, she should not feel scared to go to school, "but I am scared. I'm scared that someone will come into my school and kill me, or my two other sisters, or my friends with weapons that they should not possess." She urged the committee to vote in support of HB 75 because Alaska needs stricter gun laws, and she asked the committee to do the right thing and secure a safer future for Alaskans.

REPRESENTATIVE REINBOLD asked Ms. Tallmon whether it would be wise to place metal detectors in schools because criminals are not law-abiding citizens and they may steal a gun when theirs has been taken away ...

CHAIR CLAMAN interrupted Representative Reinbold and pointed out that Ms. Tallmon is a high school student and she does not need a long-detailed question.

REPRESENTATIVE REINBOLD asked whether Ms. Tallman would support better security on the school campuses, more cameras, and possibly armed guards.

MS. TALLMAN responded that that would be appropriate but the main issue here is getting the guns out of the hands of the people who should not have guns.

1:51:10 PM

SUZANNE COHEN advised that she is a 26-year resident of Juneau and represents four generations of her family. She related that her grandmother was an expert and an award-winning marksman, her father served in the military, her husband and sons enjoy going out to the shooting range for some father-son "blam blam" time, and one of her sons is an avid hunter in Southeast Alaska. While her family members are not strangers to guns or gun ownership, all of her family agrees that increased gun control is needed. This legislation is a common-sense piece of legislation and, she pointed out, if there is one thing in this gun debate that people seem to agree on, it is that homicidal or suicidal people should not have access to firearms. Alaska has "very relaxed" gun regulations and it also has the highest gun death rate per capita in the entire country, it is almost double the national average. This legislation gives law enforcement a manner in which to decrease that number of deaths and, she noted that if this bill had been law two years ago, it is probable that the Florida airport shooting by war veteran Esteban Santiago would have been prevented. (Audio difficulties) it is quite possible that two weeks ago the Parkland, Florida shooting would have been prevented. She stressed that suicide in Alaska is responsible for over 75 percent (audio difficulties), and this bill gives a tool to families and law enforcement to save the lives of those people who are a danger to themselves. She commented that this legislation will not avert every gun death, but even if it reduces the deaths by one-half, or one-quarter, that would be an amazing accomplishment and it would be a huge help to the individuals, families, and communities of the people suffering with mental health issues.

1:53:23 PM

SALLY DONALDSON advised that she lives in Juneau and supports HB 75, and urged the committee to also support HB 75. Alaska is able to say that it has not experienced a school shooting since the Bethel shooting, 21-years ago, when the principal and a student were killed. It is possible, with this legislation, that those deaths may not have taken place, it is also possible that Alaska could reduce its suicide rate by a great deal and also reduce domestic violence shootings. She urged the committee to support this legislation because she believes that everyone in the room wishes to keep Alaska's school shootings to zero, after 1997. She expressed that she would like Alaska to reduce its horrific suicide rate, and for Alaska to join the

five other states that have passed laws related to gun violence, as follows: the States of Connecticut, Indiana, Oregon, Washington, and California. Gun violence protection orders are not the only methods available to reduce this violence, but it is something in the state's immediate possession right now and it could pass this session.

1:55:24 PM

SALLY RUE advised that she is testifying on behalf of her husband, Frank Rue, and herself, and they have been residents of Juneau over 40-years. She mentioned that they are gun owners and hunters, and they both grew up in households with guns. From personal experience, many communities and friends know how often this violence occurs wherein people have access to a gun and they are either suicidal or are lashing out to harm others. She described this as an important piece of legislation that can fill that gap and give family members and law enforcement something legally constructive to keep the person suffering from a crisis, their family members, their friends, and other members of the public safe. Personally, she offered, her husband's family suffered a suicide wherein his depressed cousin had a gun and killed himself leaving a wife and two young sons. (Audio difficulties) far too many friends have faced the heartbreak of their children killing themselves. It is true that many things can be weapons, but when a gun is involved there is a high rate of the success of suicide, this bill is a win for everyone, it is limited in scope, it is temporary in nature, and it offers an important tool in a moment of crisis to do something positive, she remarked.

1:58:09 PM

LUANN McVEY advised that she is a retired Juneau school teacher, and she believes that HB 75 is "a really good start," in terms of gun regulations for Alaska. It is pretty obvious, she said, that when families and law enforcement become aware that a person is a threat to self or others, that the person has no business having a gun. It is society's responsibility to remove guns from those who endanger themselves and others, and she asked that the committee support HB 75 with whatever small changes need to be made.

REPRESENTATIVE REINBOLD asked that when people know someone is a danger to self or others, whether their car keys should be taken from them, or pills taken away so they cannot overdose. She asked whether Ms. McVey would support those types of efforts.

MS. McVEY responded that this bill is correct in placing the emphasis on guns because guns can do so much damage to so many people, and guns are so successful when used. As for the others, such as a car or pills, to her those are sidelines, the guns are the issue and HB 75 is correct to address guns, she remarked.

CHAIR CLAMAN warned Representative Reinbold that this is not a chance to argue with the witness, but she could ask a question.

REPRESENTATIVE REINBOLD said that she believes it is a mental health issue.

CHAIR CLAMAN pointed out that this is an opportunity for the public to testify, of which the committee would like to hear, and not be engaged in the debate that will take place after public testimony is closed.

[2:00:47 PM](#)

RICHARD STEELE advised that he owns two rifles, he is a hunter, and he recently received a permit for a moose at Berner's Bay of which he is very excited. He said that his father-in-law has had a camp at Pybus Point since 1961, and they have never had an incident because no loaded guns are allowed in the cabin. He remarked that he wonders whether in that, microcosm of society in the cabin group, what would happen if they applied these same rules wherein if someone was a danger to self or any of the hunters, they would immediately take the weapons (audio difficulties).

[2:01:59 PM](#)

KARLA HART advised that she strongly supports this bill as it is the first step in dealing with mental health and violence in America. This first step is before the legislature and she urged the committee to pass this legislation and concurrently start working toward other bigger successes for the safety in schools and in America.

[2:02:35 PM](#)

JOHN SONIN, Civilized Humanity, advised that he represents Civilized Humanity and there is a problem when it comes to Alaska's suicide rate and its domestic violence issues. A weapon of any sort, he described, can be an impulsive exhilarant

which can finalize the disarray a person may be suffering at that moment. This is a mental health issue and, he pointed out that undiagnosed schizophrenia and manic depression is a mental health issue which is pretty rampant throughout society, "especially when you have this craziness going on in the White House." This legislation is the first step, and society needs to irradiate, as much as possible, all of the impulsive devices that society has in its hands to self-annihilation. The suicide rate in Alaska is awful and guns are a large part of that rate and also throughout the country. He referred to the issue of raising kids on video games and commented that they think it is a toy. He asked the committee to support this legislation.

REPRESENTATIVE REINBOLD asked Mr. Sonin to explain more about video games.

MR. SONIN answered that he was shocked and saddened to notice in his dumpster that there was a box for a Play Station 3 Assault Weapon Extension. He opined that the person shoots at the video screen, and real people in an urban environment are shooting drug lord minions that are real people on the screen and children play with an assault rifle. He asked whether that is "how to raise your kids."

REPRESENTATIVE REINBOLD said that she raised two boys who spent a lot of time on video games and it is her belief that the discussion should be broader. She asked whether he would agree with her statement.

MR. SONIN responded that the issue of education and raising children with respect and love is what society must live by in order to remain a civilized society. That respect and love for each other is not being re-enforced by the amusements the marketplace has determined sells, so they are popular. When it comes to the video games and when he saw the box of an assault weapon extension, he was thrown for a loop. (Audio difficulties). When it comes to guns, there is a problem pinpointing guns as the problem. He offered a personal story wherein his father was a World War II veteran, he raised six children, and he had a problem with drinking. One night, when Mr. Sonin was not at home, his father pulled out a gun thinking he was being attacked in the house. Mr. Sonin heard about this event from his brothers and sisters, and he asked whether the committee could imagine what sort of consequences that would have been had his father fired the gun. It was at that point that his father took the gun to the local police department and they held it for the family, he related.

2:08:35 PM

DIEULEVEUT BIRINGANINE advised that she is the student body president at Service High School and that recently Service High School lost a student who committed suicide with a friend's gun. This event has caused low morale at school lately and (audio difficulties) to show support toward the students who died during the Parkland, Florida shooting. She advised that she personally organized the walk-out, and that currently students are scared of what is next. Most students, she explained, are afraid and tired of the violence, and the only people who are really targeted are students, beginning with the Columbine High School shooting to this recent Parkland, Florida shooting. Students are worried about their brothers and sisters moving into high school, and she described this legislation as the first active step toward this issue and she supports this bill because it is pointed toward reducing gun violence. It is about lives and not really about (audio difficulties) because as someone said, a person can use a car and hurt lives but (audio difficulties). Voting on this bill is thinking about the lives that are on the line, and not really about who holds a gun and who does not hold a gun. This legislation is about helping people who (audio difficulties) who did have access to a gun and he just took the opportunity and "there goes another life." She asked the committee to support HB 75.

2:12:04 PM

AMOS KISSEL offered his belief the HB 75 is a great bill because it targets the "bad guys with guns" and not the "good guys with guns." The line between the good guys and the bad guys is always changing, and the amazing thing about this legislation is that it recognizes this issue because the forfeiture of firearms only exists between two weeks and six months. Meanwhile, he said, felons are required to avoid firearms for ten years. He noted a strong desire to become trained in firearms one day so he can protect his family and community, and he would not like this right taken away from anyone with an interest in protecting others. However, he noted that he has witnessed times when he and others lose control and do not recognize the dangerous symptoms of mental illness taking over. This legislation creates safer communities recognizing that anyone can go through such a mental breakdown at any point in life, and just as quickly receive the treatment they need to recover. He remarked that being served this protective order asking someone to surrender their firearms is a major wake-up call, it also

provides an incentive for the person to get help and overcome the issues that led to the protective order being issued in the first place. There are people who may believe that false accusations will result in the justice system taking away their firearms; however, he pointed out, society should have complete faith in the justice system's ability to recognize cases where false accusations are placed on the respondent. The courts do not take the issue of protective orders lightly and it makes every effort to ensure that a protective order is not issued frivolously, and that the several options had been exhausted. Thereby, he advised, a mentally healthy person has nothing to fear from false accusations as it would never stand up under the scrutiny of the judge, and hearsay alone is never anything to fear being used against a person in the court. He noted that the most intelligent criticism of HB 75 is that it would be an undue burden to those who live a subsistence hunting lifestyle, and in this case a forfeiture of firearms would mean they could no longer put food on the table. However, this bill does not say that and it is a "fake news interpretation," he opined. The critics must realize that the state's justice system works and its courts are 100 percent responsible when handling a complex case involving a subsistence hunter and a potential victim of gun violence. This is a great bill because it also requires mental health professionals to report threats of violence against potential victims, he expressed.

[2:14:43 PM](#)

REPRESENTATIVE REINBOLD noted that oftentimes felons end up with guns anyway and asked whether sometimes it is better to alienate the felon because they have already broken the law and will find guns.

MR. KISSEL advised that he did not know what Representative Reinbold meant about "alienate the person" ...

REPRESENTATIVE REINBOLD clarified "isolate."

MR. KISSEL said that he did not know how that would work, but this is a wake-up call because when a protective order is served, that is a message to the person that they are doing something wrong and the system is involved. Whether that person chooses to work with the system or go against the system, that is not anything that can be controlled, he pointed out.

REPRESENTATIVE REINBOLD said that sometimes when a person is bound and determined to hurt their spouse in a domestic violence

situation it would appear that the course of action would be to remove the person from the situation until they are able to calm down.

MR. KISSEL commented that that would be for the courts to decide because it is his understanding that when a protective order is issued, it automatically triggers that the person must turn the firearms into law enforcement within 24-hours or sell them to a licensed dealer. He pointed out that the other situation where a person needs to be removed, that is a completely different subject as far as he understands.

[2:17:21 PM](#)

KATE WOOL described herself as a concerned citizen, a mother of future generations, and offered support for HB 75. She advised that three-years ago, concerned parents spearheaded the start of an existing national campaign called "Asking Saves Kids (ASK)" at her daughter's elementary school. The premise of the campaign is for parents to ask other parents, before sending their child to someone's house, whether there is an unlocked gun where their child plays. Parents are communicating a potential threat and creating a dialogue with one common goal, keeping their children safe. An unlocked gun is risky for a child, even deadly, just like a gun in the hands of an unstable person is a risk to everyone, even deadly. Communicating that risk to the right people creates a dialogue of care and concern whether it is for a child's play date or a family member in need of help, she said. The Alaska campaign has been a success because it brings people together with one common goal, and HB 75 can experience the same type of success. She said she supports this legislation because it is an incremental step in gun safety that implements a system of prevention and care to help decrease the risk of suicide, violence, and even death for Alaskans and their families. Within the past six months she has had two close friends with family members and loved ones commit suicide, and this bill might have helped them. She thanked the committee for always working hard to make Alaska a better and safer place for all of its citizens.

REPRESENTATIVE KREISS-TOMKINS commented that he appreciated the testifier's op-ed in the Fairbanks Daily News Miner.

[2:19:59 PM](#)

TALIA JOHNSON described HB 75 as an "amazing bill," and a step in the right direction because she is sick and tired of being

scared to go to school on certain days due to what might happen, especially when students can take guns from their parents or from anyone who has a gun. While she realizes this bill will not end all gun violence, she knows it will make a change. Clearly, she said, the laws against murder do not stop murders, but HB 75 is an amazing bill at such a difficult time. This legislation will make a change whether it is large or small, and it is a great idea to give someone the ability to go to court and offer testimony against those people who should not have guns. She asked the committee to support HB 75.

[2:21:54 PM](#)

JAYNE ANDREEN advised that she is a private citizen testifying with background information (audio difficulties). Ms. Andreen offered testimony as follows:

Back in the early 1990s, I was the director of the domestic violence program in Homer. And, I remember getting a phone call at home on a Sunday afternoon from one of the doctors in town who said, (audio difficulties) mental health contacted you, and I said, "No, why?" There was a man who had presented himself to the ER over the weekend who said that his wife had left him, he blamed our agency, and he was afraid that he was going to try to kill us, me, and my staff. He agreed to a voluntary assessment up at API. They sent him off, but we were supposed to be notified. I was supposed to be notified because we had an open facility and what was I going to do to protect my staff? Now, one of the things I learned is that because it was voluntary, he was actually back in town 48-hours later. I didn't have the 72-hour period of time that I thought. I also met with the police and the mental health director and they both went "Well, you know, he presented. It seemed okay." And, I told the police officer "Go back and check your records, there is a long history with this man with weapons." They went back, he checked, he called up and said, "Jane, I'm so sorry, you do have to take immediate action." The man's wife in this ... there was a 24-hour period there that things were really crazy. She called me and she said, "I have access to all of his guns, he has a lot of guns. Can I ... I called the police, they said they could hold them but they would have to give them back to him as soon as he asked. Can I throw them in the harbor?" And, I said, "I

cannot advise you to do anything with his property. What would be best is if you could follow the legal channels." Now, since that time, I know that there have been improvements to the law in terms of what can be done. But, I think that this is a classic example of the type of situation, whether or not it is about domestic violence, he recognized that he had a problem. But, that did not remove the danger that was there for myself, and for my staff, and for anybody else that he might have targeted. So, I just ... this has been resonating through my head as I've sat here listening to this testimony. And, I just ... anything that we can do to help people avoid doing things in a state of crisis, in a state of emotion, in the state of whatever, I think would be really beneficial for Alaska.

[2:24:25 PM](#)

REPRESENTATIVE REINBOLD asked what happens when there are five adults in a house and one person is unstable, but all of the guns are taken from the mentally healthy people due to that one mentally unhealthy person at the time. The mentally unstable person steals a gun and comes back and there is no way for the four people to defend themselves. She commented that sometimes guns are necessary for self-defense and asked whether a better option rather than law enforcement is having a combination safe.

MS. ANDREEN responded that a person could come up with all sorts of scenarios and it is important to have the discussions about different possible perspectives. Except, when reading of the Parkland, Florida shooting she thinks about the people who had taken him out of the goodness of their hearts and did not realize his history in terms of potential mental illness. The family set up the safety factors, they made him get a gun safe, they made him give them the key, and it was her understanding that he asked twice for the key, once they said yes, and once they said no. Unfortunately, they did not know he had kept his own key so he had his own access anyway, she said. This bill, she described, is as much about the types of situations in school shootings as it is about suicide prevention. She said she lost two first cousins to suicide by firearm, and she does not want any family to have to go through that tragedy.

[2:27:03 PM](#)

ANNA FRASER advised that she is a junior at Thunder Mountain High School and she supports HB 75 because it is sad that schools have to practice "school shooter drills" the same way they practice fire drills. She reminded the committee that Thunder Mountain High School had a school shooter threat and over 70 percent of the students skipped school because they were afraid of being shot at school.

[2:27:56 PM](#)

JOSH QUINTO described that he is a senior at Thunder Mountain High School and offered support for HB 75. He pointed to an earlier discussion about bringing metal detectors into the schools, and after many conversations with classmates, they all agree that that is not a good solution. Although, he said it can help find concealed weaponry but what is to stop someone from simply walking straight through the metal detector and not caring and it is only effective when it is a targeted attack and not when the person just wants to kill a bunch of people. Taking away a person's ability to have that gun should be a better solution. He said he will not be attending high school much longer but he does not want to have to worry about his younger siblings or any of his classmates going to school any longer. It is just not right, he expressed.

[2:28:52 PM](#)

REPRESENTATIVE REINBOLD asked whether he had researched the effectiveness of metal detectors.

MR. QUINTO responded that he had researched the issue and for a while he was looking into the effectiveness of TSA. Evidence found that TSA has not been fully effective because a study was performed where TSA missed 95 percent of the threats "they threw at them." The reason for the requirement to take off our shoes [when going through TSA] is because it missed a shoe bombing. It is basically "security theater" which can help deter, but for someone who is mentally ill and doesn't care about security theater, it is not effective.

[2:29:31 PM](#)

REPRESENTATIVE REINBOLD said that when someone goes through a metal detector [with a gun] it could put people on better alert, and for anything to help protect the children in the schools, a metal detector is a good step.

MR. QUINTO answered that he understands wanting to have heightened awareness, but with the heightened awareness can also come fear and an inability to focus. When he is at school, he should not have to have a heightened awareness for someone coming in and shooting him, he should be able to go to school and learn and not have to worry about someone threatening his life, he expressed.

[2:30:55 PM](#)

REPRESENTATIVE KREISS-TOMKINS referred to the period of time after the Parkland, Florida shooting and before Mr. Quinto was aware of this piece of legislation and asked him to relate the conversations that took place at Thunder Mountain High School between his peers that organically evolved in terms of a means to prevent what happened in Florida, at Thunder Mountain High School.

MR. QUINTO responded that those types of conversations were a bit rare. Although, many of his friends in his AP Government class talked about having background checks, those with prior felonies, and taking away the right to have a firearm from certain people. Those people who abide by the laws and do not pose a threat to anyone can have their guns, go shooting, have their fun, and live off subsistence, but certain people with mental illnesses who have shown to commit violent crimes with these guns should have them taken away, he said. A big argument for his statement is in the constitution, wherein the constitution had laws about slaves and now those laws are gone because society realized those laws were wrong. Therefore, the constitution is not "rock solid" in its beliefs. Society's beliefs have changed over the centuries and its laws need to be able to change with those beliefs, which is why he supports this bill.

CHAIR CLAMAN warned Representative Reinbold that he does not want the discussion to go down the line of different views on the constitution, and the committee appreciates Mr. Quinto's views.

[2:33:16 PM](#)

REPRESENTATIVE REINBOLD noted that in a perfect world, possibly a student would not need to be aware [of a threat] in their classroom. She asked whether he feels he needs to be aware [of a threat] on the streets, and in public, and commented that the best self-defense is awareness. She referred to his statements

about mental health and asked whether judges should receive training [in diagnosing mental health] or whether it is a physician's role to diagnose mental health issues before the guns are taken.

MR. QUINTO answered that judges trained in the law should not have to be able to diagnose someone, which is why there are doctors trained in the mental health system. A person could be referred to a doctor to be evaluated, and he reiterated that he does not see why judges should have to diagnose someone.

[2:34:44 PM](#)

JEAN CHANG advised that she is a resident of Eagle River, she supports this legislation, and she is an alumnus from the Marjory Stoneman Douglas High School, in Parkland, Florida where the mass shooting took place. It is her belief that the shooter committed this heinous crime because he was mentally ill and he had access to an AR-15 assault rifle and other firearms. She pointed out that the combination of his volatile and violent psychological history and his access to firearms enabled him to kill 17 people and injure dozens of others at her school. Speaking as someone who personally witnessed the effects of this tragedy, she believes that the citizens of the State of Alaska and especially its vulnerable students would benefit from this bill. This legislation facilitates, for law enforcement, concerned family members, and medical professionals, the ability to question and assess whether a person poses a danger to students and society. She offered her hope that the committee supports this bill.

[2:36:43 PM](#)

DAVID NEES commented that there had been "lots of good testimony," but he questioned the necessity of this legislation. He referred to Sec. 6, [AS 18.65.815(b), page 3, lines 19-21], which read as follows:

(b) When a petition for a protective order is filed, the court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or through an attorney.

MR. NEES offered concern regarding the 10-day waiting period from the time someone requests a protective order until the

person actually appears in court. He referred to AS 47.30.700(a), which read as follows:

Initiation of Involuntary Commitment Procedures

(a) Upon petition of any adult, a judge shall immediately conduct a screening investigation or direct a local mental health professional employed by the department or by a local mental health program that receives money from the department under AS 47.30.520 - 47.30.620 or another mental health professional designated by the judge, to conduct a screening investigation of the person alleged to be mentally ill and, as a result of that condition, alleged to be gravely disabled or to present a likelihood of serious harm to self or others.

MR. NEES pointed out that this statute allows that a judge immediately evaluates so it has an easier path in, and it has the shorter wait time of 48-72-hour "time out" at which point the person would have no access to guns. He opined that if the committee blends the intent of this bill with current law it could achieve the goal of some "time out" when people are in a state of crisis. He pointed out that this legislation is not as restrictive as current law, and it needs to be fine-tuned because he does not see the necessity of a bill when there is already a law on the books.

[2:38:32 PM](#)

MADLINE SCHOLL advised that she has lived in Alaska for 28-years, she is a concerned Alaskan, and a local member of "Moms Demand Action for Gun Sense in America." At every opportunity, she said that she is a volunteer for gun safety, a "Sandy Hook Promise" supporter, and she supports HB 75. Alaskans are all too aware of the epidemic of gun deaths by suicide in this beloved state and how it disproportionately affects rural Alaskans and members of the military. This legislation would reduce the number of deaths by suicide in Alaska by providing a method for limiting a suicidal person's access to firearms. She pointed out that nine out ten suicide attempts with a gun result in death, whereas, as other testifiers have testified today, most suicide attempts by other means, such as a car or pills, do not always result in death. In fact, she advised, most of those often do not make a second attempt. Ms. Scholl testified as follows:

I, personally, wish this bill had been a state law in May of 2008, when a very good friend of mine, Nick, took his own life with a gun during a moment of personal crisis. He was 21-years old, studying music education at UAS, where we met, and was loved by many friends and family who filled the Great Hall at UAS for his memorial service.

And, this year marks the 10th anniversary of his death and the heartache of losing him is felt just as deeply as it was 10 years ago. And, if HB 75 had been law at that time, Nick's immediate family or a law enforcement officer could have petitioned the court for one of these Red Flag orders, which this bill calls the Gun Violence Protective Order. And, the court could have reviewed all of the evidence and testimony of both parties, and under this bill, to temporarily take away a person's gun, a judge would have to find by clear and convincing evidence that a person is dangerous, or if the matter is an immediate emergency, by a preponderance of the evidence.

In Nick's case, a judge could have deemed him an immediate danger of harming himself or others and could have required Nick to temporarily forfeit any firearms in his possession. And, Nick's life could have been saved, and that's all I'm saying. And, isn't the possibility, just the possibility, that this bill could save even just one person's life, or deter them from committing suicide with a gun, and even if they end up, you know, finding a weapon and other means, we should make it harder for them to access firearms.

[2:41:44 PM](#)

MICHELLE PUTZ advised that she only uses guns for all the reasons Alaskan's own guns, such as hunting, protection from bears, and for fun. She offered that she had a "lady shooting party" on her 40th birthday, so no one can claim that she does not support the Second Amendment. She said that she appreciates, supports, and urges the committee to support this legislation and to even provide more protection under HB 75. Ms. Putz testified as follows:

A short story, my cousin, known to the family to be somewhat unstable was ... the family told law enforcement several times that he was unstable, they didn't do anything about it. He eventually ... no one knows how he got the gun, but he got a gun, shot his mother - killed her, set the house on fire, and essentially put himself out there to be shot by the police.

So, it's affected me personally, and so I really want to not just urge you to do this but consider doing even more. Including ... you know, to protect Alaskans and Americans by banning high capacity magazines, expanding background checks to all, banning the sale of assault rifles and (indisc.), and doing whatever you can. I think that it is about the guns.

[2:43:09 PM](#)

ELIZABETH TOMPSON advised that she supports this legislation. Ms. Tompson then described a situation in Petersburg years ago where someone at the Harbor Master Shack was angry and said they were going to "go kill a bunch of people," and law enforcement locked down all of the schools and her daughter was there. She related that since she was a little kid, she knew that when someone is in the airport to not make bomb jokes because security will descend upon the person and they will not make their flight. She said that people need to be responsible for the words they speak and if someone says they are going to go kill a bunch of people, there should be something the people who heard the comment can do to help prevent that from happening, and this legislation gives Alaskans something they can do in those situations. She supports giving Alaskans tools to step in when someone is clearly in a mental crisis to make sure they don't hurt themselves or any other person, she offered.

[2:44:45 PM](#)

GENEVIEVE MINA advised she is a UAA student, a lifelong Anchorage resident, and is in support of this legislation. She commended Representative Tarr for recognizing that these types of gun limitations are necessary while knowing that Alaskans feel strongly about gun rights, and she acknowledged her ignorance as to firearm terminology and gun sales. She stressed that she wants effective evidence-based solutions and that she can speak to these specific gun violence protective orders Ms. Mina offered testimony as follows:

My father was a gun owner, he was diagnosed with depression, which my family knew about. And, 10-years ago he sat on the couch with a gun in his hand, my mom walked in and he pointed the gun at her but did not shoot. He, instead, shot himself in front of the woman he married with his children at home on Thanksgiving Day.

A gun made his split-second decision permanent. Any suicide is horrific and terrifying, but I believe that suicide by gun is by-far the worst. No other method is as jarring, as easy, as instantaneous, as loud, as bloody, and as effective. And, according to a 2016 report by the ADN, about 80 percent of gun deaths in Alaska in 2014 were not by homicides or mass shootings, but suicide. I quote, " Alaskans are more than twice as likely to commit suicide with a gun as the average American, 68.9 percent of all suicides involved a gun."

As much as Alaskans love the Second Amendment, suicide by gun is the biggest elephant in the room in our gun debate. If passed, HB 75 would do more than mitigate suicides or homicides, it could prevent a son from delivering the worst news to his aunts and uncles, it could repair the trauma of a daughter growing up to be threatened by loud noises, and it could prevent a mom, a lifelong nurse, from being forced to use her own profession to save her husband. I urge the committee to pass HB 75. I thank you for your time.

[2:46:49 PM](#)

PAIGE HODSON advised that she is a 56-year resident of Alaska, wife, mother of three, a hunter, and a gun owner. She listed her advocacy involvements as follows: she has been involved in advocacy for abused women and children as a court-appointed special advocate (CASA) volunteer; ran and operated national and statewide support groups for domestic violence victims facing custody challenges by their children's abusers; and a national and state speaker on those issues. She urged the committee to support HB 75. Last year, as she was preparing a speech for educators and mental health professionals at UAA on these issues, two mothers seeking to leave their abusers were killed by guns, one in Anchorage and one in Fairbanks. She pointed out that the Anchorage mother had a short-term protective order and

was in the midst of divorce; and there were three hostage police standoff situations involving guns, two in Anchorage, one in Big Lake. These events all involved victims who were mothers and some with their children present, and all of the perpetrators had criminal histories including domestic violence. Nikolas Jacob Cruz, a former student at Marjory Stoneman Douglas High School in Parkland, Florida, killed 17 people, and prior to that tragic event had multiple contacts with the Anchorage Police Department for domestic violence perpetrated against the mother and child. She advised that he had strangled the mother on two occasions but was only charged with criminal mischief and property damage misdemeanors, and he was put into a diversion program and an anger management program. In the event this man had been properly charged with a felony and prosecuted, he may never have been able to possess a gun. The FBI agents with whom "he brought an ammo clip to and talked about CIA plots," could have used their type of law to remove his guns in the midst of a clear mental health breakdown when the rest of the process failed. She related that last spring, a 69-year old veteran showed signs of mental decline to his family, neighbors, and his psychiatrist, in the months leading to his death during an arms standoff with police on the Anchorage Hillside. The death of that man and the injuries to the two police officers could have been prevented with an extreme violence protective order, such as this. Common threads among mass shooters, she explained, are previous histories of domestic violence, and it should be no surprise that the same people who harm families also attack total strangers. Oftentimes, it is the close family members that see the first red flags in behaviors such as suicidal ideation and threats of harm to self and others. This bill would prevent senseless tragedies in Alaska and the nation, and she hopes this legislature will be the leaders in that nation to strengthening its laws on domestic violence and child abuse, including common-sense measures to prevent gun violence, she said.

[2:49:54 PM](#)

EILEEN FOYLE-SAFT advised she has been an Anchorage resident for 35-years, she looks forward to growing older in Alaska, and she taught in the primary grades in the Anchorage School District for the last 27-years. She related that she is honored to be an educator and she remains proud of the fine citizens the school districts produce and continue to teach. Many of the citizens within which she has interacted have expressed a need to address gun violence in America, the school shootings have become America's national tragedy and its attention is commanded in

many areas. A significant area can be addressed now through the passage of HB 75, as it is clearly a common-sense response to the gun violence epidemic sweeping across schools and cities. Guns must not be readily available for unstable people who are a danger to themselves and others, she urged the committee to pass this common-sense bill that promotes responsible gun ownership.

[2:51:11 PM](#)

KARA HOLLATZ advised that she is a lifelong Alaskan having grown up in Juneau and returned after college and taught Kindergarten before becoming a stay-at-home mom to her children. She advised that the State of Connecticut enacted a similar law in 2013, and researchers estimate that for every 10.5 guns collected under this law, one person was stopped from taking their own life. The State of Connecticut estimates that by removing guns from high risk people, it may have prevented up to 100 suicides. Currently, she said that she worries when sending her children to school and she wants to see changes to the gun laws so she feels that her children are at least safer. This legislation appears to be a good first step as it is well known that countries with more gun laws have less gun violence. She then quoted Albert Einstein, as follows:

The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing.

MS. HOLLATZ urged the committee "not to look on" but to instead protect those who need help even though not everyone can be protected from everything. However, she related that if this legislation saves one life, the legislature has done something, and she asked the committee to support HB 75.

[2:52:44 PM](#)

DANA DARDIS advised that she supports HB 75, and although there are many steps to be taken, this is a good first step in protecting the public, and it does not infringe on Second Amendment rights. Many mass shooters have a history of depression, domestic violence, or other violent behaviors, she pointed out, and it is time to pay attention and take meaningful steps to protect Alaska's communities and all of America's citizens. She asked the committee to please be brave and "do the moral thing."

[2:53:33 PM](#)

JENNIFER COLLIN advised that she has been a proud Alaska resident since 2002 and is the mother of two young boys. She related that she is in strong support of HB 75, to establish gun violence protective orders in Alaska, and she commended Representatives Tarr, Sponhholz, and Drummond's efforts to prevent future violence. As a mother of two young boys, she said she is terrified to know that they could become victims of a shooting at school, a place that should be safe and nourishing. Her kindergartener asked what they were preparing for during the lock-down drills, and it breaks her heart to have to explain the reason. It is her belief that her child should be able to attend school without the threat of being murdered by an active shooter, and this legislation is the least that can be done to reduce this threat. It has been shown that in the school shootings, including the recent mass murder of innocent children and teachers in Parkland, Florida, the vast majority of the shooters showed signs of their intentions before committing these horrific acts. Gun violence protective orders such as HB 75 are critical tools in preventing gun violence before it happens because it empowers families to intervene when they see signs of violent behavior. These orders mirror the same effect of the judicial process of domestic violence and several other protection orders. When there is documented evidence that a person is threatening to harm themselves or others, families and law enforcement can petition the court to temporarily suspend that person's access to firearms. She expressed that she is proud to support HB 75, and she urged the passage of this bill because it is time to demand a clamp in gun violence.

[2:55:35 PM](#)

BRUCE EDWARDS commented that "a bunch of women are calling in with prepared statements, it looks like a conspiracy to me." He related that the problem in the Butte area is that everyone he knows that was unarmed is now dead, and the ones that were armed are normally still alive. Enforcement of the existing laws is needed, not more gun laws, and he described that this legislation is just more gun confiscation, "I can tell, it's all over the country, you know." He said that this legislature needs to push those people back, and enforce the law, and have the people evaluated who are actually doing the threatening. He commented that the judge cannot be trusted who does not know this person, he will just sit in there and go along with whatever. "Some woman call in, say she got slapped in the face, take all her guns away, it ain't gonna work," he offered. He stated that all "we're lookin at is a conspiracy to take our

guns away." He said that "If you look at Florida, same thing, all over the place, they're shooting the place up, they're running railroad trains, we almost lost a senator in our river." He asked what a person is to do, "you gonna take a pressure cooker, let's register all the pressure cookers, let's register all the machetes, let's register this that, the bombs, everything, black powder, whatever, not gonna work." This legislation won't work and it is another "touchy feely, make it look good, and all these women are gonna call in, and it just not gonna work. We gotta do the corrective actions."

CHAIR CLAMAN advised that Representative Tarr's office has received 65 letters and emails in support of HB 75.

[2:58:14 PM](#)

CHAIR CLAMAN, after ascertaining no one wished to testify, closed public testimony on HB 75, with the caveat that in the event only one person wished to testify, he would re-open public testimony.

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REPRESENTATIVE EASTMAN referred to [AS 18.65.835(b)(1)], page 7 line 1, which read as follows:

(1) "Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and a fine of up to \$10,000"; and

REPRESENTATIVE EASTMAN commented that generally speaking, he is not particularly in favor of adding new laws but this legislation may be a good new addition. He noted that once this new law has been established and the protective order issued, the penalty is one year in jail and up to \$10,000 fine. He asked whether that is really what someone needs who is a danger to self or others and whether that will satisfy the problem this legislation is trying to solve by putting someone in jail and fining them up to \$10,000.

REPRESENTATIVE TARR answered that the provision is consistent with a class A misdemeanor in terms of the amount of jailtime, and not following the provisions of the protective order is a class A misdemeanor. Consequences need to be in place to ensure that people will follow through with the provisions of the protective order issued by the court, she pointed out.

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REPRESENTATIVE EASTMAN noted that there is a 10-day notice for the respondent to respond to the person bringing the protective order. He offered concern that when dealing with someone who is suicidal or a danger to self or others, wouldn't that simply give the person 10-days' notice to either commit suicide or do some other evil deed. Also, at the point this hearing comes up might that not be a trigger to get the person to a point of decision and carry out the very thing society does not want the person to accomplish.

REPRESENTATIVE TARR responded that it is difficult to predict how any individual would behave under these circumstances. She referred to [Sec. 6, AS 18.65.815(b)] page 3, lines 19-26, which read as follows:

(b) When a petition for a protective order is filed, the court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or through an attorney. If the court finds by clear and convincing evidence that the respondent is a danger to self or others by possessing, owning, purchasing, or receiving a firearm, regardless of whether the respondent appears at the hearing, the court may order the relief available under (c) of this section. The provisions of a protective order issued under this section are effective for six months unless earlier dissolved by the court.

REPRESENTATIVE TARR explained that the hearing provides at least 10-days' notice to the respondent, and farther down the page, it read as follows:

(b) ... regardless of whether the respondent appears at the hearing, the court may order the relief available under (c) of this section.

REPRESENTATIVE TARR noted that if the concern is, that if the respondent attended that hearing, that would somehow trigger some other kind of behavior, she answered that that issue may be addressed through the above-provision wherein the hearing can take place without the respondent. In the event it was that serious, the petitioner might want to consider the ex parte order that could be addressed more quickly. There are three

protective orders set up, and three different standards as to the dangerousness of the respondent, which is why she included the language in the table of the handout depicting the difference. The protective orders begin where the petitioner reasonably believes the respondent is a danger to self or others; the ex parte language is that the respondent poses a significant danger, which happens more quickly; and the emergency order is that there is an immediate danger. Those three options, hopefully, would accommodate the different sets of circumstances relative to the concerns of the respondent's behavior, she said.

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REPRESENTATIVE EASTMAN noted that it appears the sponsor is creating an unhappy medium because there is a certain amount of time involved which will not really help the situation where someone actually is a danger to self or others because there is plenty of time for them to be that danger to self or others. Currently, he said, there is a process for involuntary commitment which effectively takes someone's firearms away from them, but this bill does not go through the rigorosity of that process. He asked how to resolve the fact that someone is being taken through a legal process that is designed to demonstrate that the person is a danger to self or others, but then they are supposed to defend themselves, yet there would be a question as to whether they were competent to stand in their own defense. He described that the sponsor is almost arguing that they are not competent.

REPRESENTATIVE TARR noted that this issue had been discussed earlier in some of the examples wherein a person shows different signs of mental health challenges that cause someone concern but they do not meet the standard of involuntary commitment. Perhaps, she advised, in that circumstance the family member is focused on getting them into a primary care provider, having assessments performed, determining a diagnosis, and getting them on medication if necessary. There are two different circumstances Representative Eastman is highlighting, she explained, where the right outcome is that the person is appropriately placed in a secure facility, and another right outcome is that a secure facility does not necessarily meet the needs of the person but given their mental state it is recognized that they are in a crisis situation and this is a safety measure. Hopefully, she said, it is a preventative safety measure and possibly nothing would happen, but it gives

the family member time to access the person's appropriate health care and try to address their needs.

3:05:26 PM

REPRESENTATIVE LEDOUX asked how this legislation would work mechanically if more than one person lived in the household, such as college age students living together, and a protective order was issued against one of those students, except there were still many guns in the house owned by the other roommates. She further asked whether all of the guns "have to go", which appears to be problematic for the other roommates. Although, she questioned, if everyone's guns could remain, how could this bill work at all under those circumstances.

REPRESENTATIVE TARR answered that it is specific to the respondent in this case and only their firearms would be removed. Under this legislation, only immediate family members or peace officers can petition the court, and she would hope that if the immediate family members are petitioning the court due to concerns about safety to self and others, that the roommates would take the precautionary measure of securing their firearms so that individual did not have access. The language is specific to possess, own, or receive, but only for that particular individual.

3:07:11 PM

REPRESENTATIVE LEDOUX said that one family member could petition the court, but it does not necessarily read that the person is living with that family member. She said that she pointed out that issue as a mechanical problem.

REPRESENTATIVE TARR responded that the bill can only address lawful possession of firearms and if the individual would basically be stealing firearms, whether from a family member or someone else, that would be unlawful possession because those would be stolen firearms. This bill does not address what happens in the circumstance of unlawful possession, and instead addresses the lawful possession by that individual during this time of crisis and preventing a gun tragedy.

3:08:38 PM

REPRESENTATIVE KOPP offered a clarifying statement as to [Sec. 6, 18.65.815(b)] page 3, line 24, whereas the language is in the permissive in that "the court may order the relief available

under (c) of this section." He explained that it provides the court flexibility in innumerable situations of complexity as to how this would work mechanically. The courts are positioned to deal with domestic violence type orders which are similar, such that a person will not use or possess firearms because of an incident. It was his opinion, he said, that as long as the court has flexibility to address these situations, it does not stop the purpose of the bill.

[3:09:40 PM](#)

REPRESENTATIVE REINBOLD referred to the various terrorist attacks and asked how law enforcement will know where all of the guns are located, whether people turned in all of their guns to law enforcement, and whether this bill is actually a registry.

REPRESENTATIVE TARR answered that this issue has been discussed at length because under this legislation, if the person does not voluntarily relinquish their firearms, a peace officer would remove the guns, which is where Representative Eastman's question comes in if they don't follow the lawful order allowing removal of those guns. She advised that it will never be known whether every firearm has been removed, and this is not a registry or an attempt at creating a registry. She reiterated that she has been looking for policy alternatives that get to the problem and offer something that would be a solution. This legislation addresses a crisis situation but it is temporary in nature so it recognizes that the person can recover from the crisis and then take lawful possession of their firearms again. She said she has not put forward a policy creating a registry because she does not think a registry would be effective at reducing gun violence, and that is not the intent of the bill.

[HB 75 was held over.]

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ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:12 p.m.