

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 12, 2018

3:10 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Jonathan Kreiss-Tomkins, Vice Chair
Representative Louise Stutes
Representative Gabrielle LeDoux
Representative David Eastman
Representative Chuck Kopp

MEMBERS ABSENT

Representative Charisse Millett (alternate)
Representative Tiffany Zulkosky (alternate)

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

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|----------|-----|---------------------------------|
| 01/23/17 | (H) | READ THE FIRST TIME - REFERRALS |
| 01/23/17 | (H) | JUD, FIN |
| 02/28/18 | (H) | JUD AT 1:00 PM GRUENBERG 120 |
| 02/28/18 | (H) | Heard & Held |
| 02/28/18 | (H) | MINUTE (JUD) |
| 03/12/18 | (H) | JUD AT 1:00 PM GRUENBERG 120 |

WITNESS REGISTER

IVANA BARRICK

Juneau, Alaska

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

HILARY REHFIELD GREEN

Juneau, Alaska

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

MARJORIE MENZI

Juneau, Alaska

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

PATTY OWEN

Juneau, Alaska

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

MIKE COONS

Palmer, Alaska

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

ANN RAPPOPORT

Anchorage, Alaska

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

ACTION NARRATIVE

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CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 3:10 p.m. Representatives Kopp, LeDoux, and Eastman were present at the call to order. Representatives Kreiss-Tomkins, Stutes, and Reinbold arrived as the meeting was in progress.

HB 75-GUN VIOLENCE PROTECTIVE ORDERS

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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."

CHAIR CLAMAN opened public testimony on HB 75.

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IVANA BARRICK (audio difficulties) survivor and she is still coming to terms with that, which requires "a lot of therapy." The last five and one-half months have been a hard road, she described, but she is grateful for her friends and family that have supported her. Within the last five and one-half months all have heard "#Vegas Strong," and within those months there have more people in "our club." She said that she stands behind this bill because Alaska has a gun violence problem that needs to be addressed because Alaskans do not need any more people "to join this club." Since joining the club, there has been "Sutherland Strong" and "Parkland Strong." She urges each member to try to push this bill through because "enough is enough."

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HILARY REHFELD-GREEN advised that she is born and raised Alaskan who, through the years, has personally been affected by tragedy by way of unstoppable persons with firearms. Friends of hers have taken their own lives, extended family has been engaged in domestic disputes involving firearms and gun fire, and most recently, she related, she survived the mass shooting in Las Vegas. Her life has been permanently altered due to a troubled individual welding fire arms as weapons of mass destruction, and she related that it is her responsibility to do everything in her power to influence change and establish common sense gun laws for public safety. She remarked that no one else should have to experience what she, and thousands of other people, are suffering within recovery from the shootings and domestic gun violence. The extreme risk protection order could provide safety for vulnerable citizens, both the troubled and unstable individuals, and potential victims of gun violence. She opined that HB 75 is a realistic measure to take against

potential gun violence and she is hopeful the members can support this legislation.

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MARJORIE MENZI advised that she is a retired social studies educator, the mother of 5 children, and grandmother of 12 grandchildren. She related that she has suffered a "very strong emotional response" to the years of school shootings and the death of our children by gun fire. For the past five years, since the Sandy Hook Elementary School shooting in December 2012, she has been a supporter of the Brady Campaign to Prevent Gun Violence to reduce gun violence in the United States. Her concern with society's gun violence, she explained, became personal three years ago when a friend, a former Juneau resident's teen-age grandson was shot to death in Atlanta, Georgia while attending a high school football game. No one was ever charged with his murder, she expressed. She said she supports HB 75 and applauds the sponsors for taking this small step to address gun violence in Alaska, and she hopes this is just a first step. This legislation raises some questions in her mind which perhaps will be addressed by regulations or have been answered to the satisfaction of the committee members, she said. With regard to the next necessary steps from the Alaska Legislature and the United States Congress, she concurs with the recommendation of the emergency room psychiatrist, Doctor Amy Barnhort, who previously testified before this committee. Dr. Barnhort was quoted in the New York Times as saying, "It is important to put some distance between young men and their guns. One way to do that is to raise the age of legal carry to 21-years," which the State of Florida recently accomplished, she advised. The sale of guns needs to be stopped at gun shows, which takes place without background checks, and includes bump-fire stocks and the sale of automatic weapons. There must also be a comprehensive and easily accessible nationwide database for background checks. She said that she offers these suggestions as possible next steps that might be taken by the Alaska Legislature. The NRA created an environment of fear to justify the sale of assault weapons to ordinary citizens and has bank rolled United States Congressional campaigns to ensure that the NRA's positions regarding gun availability prevail in the United States. This state needs substantive action by legislators and by the United States Congress to ensure the safety of Alaskans and all Americans.

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PATTY OWEN advised that she is a life-long Alaskan and lives in Juneau, she is a health and safety advocate, and she has children and grandchildren living in Juneau. She related that she has 30 plus years of professional experience in disease and injury prevention, she is a mother who remembers the Columbine High School shooting in April 1999, and at that time moms were calling for common sense gun laws. During the past 20 years, gun violence has gotten worse and she related that HB 75 really has the promise to work for Alaskans' safety, particularly with the state's firearm death rate being higher than the national average, and the state's suicides being the highest in the nation. She urged the members to support HB 75.

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MIKE COONS said, "I am the NRA, I am one of 5 million proud members of the NRA, and we stand for the Second Amendment." He referred to the title of HB 75 regarding "An Act relating to gun violence protective orders," and commented that under federal law, if there is a protective order, that information automatically goes to the National Instant Criminal Background System (NICS). Although, he commented, 38 states chose not [be involved in that system]. He pointed to the title, "relating to a central registry for protective orders," and asked that if a police officer can call in over the radio to determine whether a person had a protective order, why is a registry necessary when the information is already available. He pointed to the title, "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 said, "Really? Isn't that when a person really has a mental problem that they are supposed to be seen, if there is a real problem they have a 72-hour hold, and if they are found to be a danger to themselves or others it goes to a court, a judge who adjudicates under the law whether the person is mentally a danger to others and they lose their Second Amendment rights, right then and there, and their firearms are confiscated and taken away." He advised that that is the federal law, "it is not being enforced all the way through the Alaska administration, although this administration has." He referred to the testimony of the woman who supports the Brady Campaign to Prevent Gun Violence and offered that there is no such thing as an assault weapon unless it is a fully automatic M-16 rifle, and the weapons used in the military are assault weapons. An AR-15 rifle is a semi-automatic, similar to a 10-22 rifle semi-automatic, and "it just looks bad." He referred to the gun show

loophole testimony and responded that there is no gun show loophole, and there is no loophole on the internet because "all federal firearms dealers have to be dealing with it." He said he is trying to get the facts out, rather than the hyperbole and the absolute adamant lies of the far-left anti-gun, anti-Second Amendment people that are going to be speaking in this committee. He said he opposes HB 75, he does not want to see it passed out of this committee, and he wants every good Republican to vote against it on the floor of the House of Representatives.

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ANN RAPPOPORT thanked Representatives Tarr, Spohnholz, and Drummond for introducing HB 75, which is a common sense preventative approach to one aspect of the gun violence in America that has needlessly torn apart and traumatized so many American families. She related that she is a 39-year resident of Alaska who took several gun safety courses during her career as a wildlife biologist, and her husband is a gun owner and avid hunter. She urged the legislature to quickly pass HB 75, as this bill does not interfere with anyone's rights under the Second Amendment. Rather, she explained, it will provide a safety net to identify troubled Alaskans who own or have access to firearms by notifying the proper authorities and then removing those firearms to keep those individuals, their loved ones, and innocent other safe until the troubled individual seeks help. Once the situation and the individual are considered stable, they will regain their firearms. Had a similar bill been in place a few years ago it could have prevented the tragic situation of the Alaskan who flew to the State of Florida and killed [17] innocent people at the Marjory Stoneman Douglas High School. This legislation could have prevented a number of suicides, which is a leading cause of death among young Alaskans, it could have prevented domestic violence, and it would have prevented the significant injuries and enduring trauma testified to earlier, (audio difficulties) history by so others (audio difficulties) events, she related. Statistics show that Alaska has the highest rate of firearm deaths in the nation, and most of those are suicides, and suicide by firearms is much deadlier than suicide attempted by other means. She advised that legislation similar to HB 75 has effectively been implemented in several other states. (Audio difficulties) to the youths of America while pushing adults to do something about the issue of gun violence in America. (Audio difficulties), Ariana O'Harra, a Junior at Eastside High School, who wrote an excellent commentary in last Wednesday's Anchorage Daily News where she lamented that Alaska's students now spend

more time preparing for a school shooting than earthquakes. This is not a situation anyone should consider staying for Alaska's children. She suggested that the terms, "foster parent and grandparent" be added to the list of immediate family members as it appears those individuals may be the primary caregivers for troubled youths. Alternatively, she said, Alaska has seen several situations where those are the people posing an immediate danger to vulnerable youths. Please help save our children, she asked, save our spouses and partners, and save countless others who are either going through a difficult period, or those who are innocent bystanders, with a yes-vote on HB 75, the first of many necessary steps in this area.

CHAIR CLAMAN announced that public testimony would be left open.

[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 3:26 p.m.