

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 12, 2018

7:02 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
Representative Lora Reinbold

MEMBERS ABSENT

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

OTHER REPRESENTATIVES

Representative Justin Parish
Representative Geran Tarr

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
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
03/12/18 (H) JUD AT 7:00 PM GRUENBERG 120

WITNESS REGISTER

RACHEL GEARHART
Clinical Social Worker
Juneau, Alaska

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

LEIGH BOLIN
Licensed Clinical Social Worker
Dillingham, Alaska

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

MARTIN STEPTEN, SR,
Juneau, Alaska

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

J.T.BOLIN
Licensed Clinical Social Worker
Dillingham, Alaska

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

LIN DAVIS
Juneau, Alaska

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

BARBARA LEARMONTH
Juneau, Alaska

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

MARTHA PALICKA
Unknown Location

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

JEAN CHENG

Eagle River, Alaska

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

JACOB BERA

Chugiak, Alaska

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

ELLEN JOHNSTON-PRICE

Anchorage, Alaska

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

KATHRINE CARSSOW

Homer, Alaska

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

LAURA SPAAN

Unknown Location

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

JAMIE RODRIGUEZ

Anchorage, Alaska

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

MADELINE SCHOLL

Moms Demand Action

Anchorage, Alaska

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

JOHN SOMAN

Douglas, Alaska

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

JOE SCHLANGER

Wasilla, Alaska

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

KAREN DEAPHERAGE

Anchorage, Alaska

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.

EARL LACKEY
Wasilla, Alaska

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

MIKE ALEXANDER
Big Lake, Alaska

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

NINA SANDERS
Juneau, Alaska

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

JOANNE BLOOM
Juneau, Alaska

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

ACTION NARRATIVE

[7:02:11 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 7:02 p.m. Representatives Claman, Stutes, Kopp, Reinbold, and Eastman were present at the call to order. Representatives LeDoux and Kreiss-Tomkins arrived as the meeting was in progress.

HB 75-GUN VIOLENCE PROTECTIVE ORDERS

[7:02:40 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."

CHAIR CLAMAN continued public testimony on HB 75.

[7:03:36 PM](#)

RACHEL GEARHART, Clinical Social Worker, advised that in Juneau today, the National Association of Social Workers Alaska is having its legislative education and advocacy day, and asked that the committee support HB 75. Ms. Gearhart shared a personal experience as follows:

On December 1, 1997, I was a Sophomore in high school and I experienced gun violence in my hometown at one of the neighboring city -- county high schools. Hunkering under my desk, finding out that a girl that I had met, and having my father co-officiate the shared funeral, changed me and it made me who I am. Twenty years, one month, and twenty-two days later, at Marshall County High School, the county just next door to that, there was another school shooting that happened just this year and it affected some of the same families.

HB 75 can help prevent situations like this. In the weeks before the Heath High School shooting, the shooter, Michael Carneal, tried to sell a gun to his peers and he told people that something big was going to happen. Two things that might have led to the use of a gun protective violence order by family or by law enforcement. I urge you to support HB 75 as just one possible option to save any lives. Thank you very much.

[7:05:19 PM](#)

LEIGH BOLIN, Licensed Clinical Social Worker, asked the committee to support this bill because, as a licensed clinical social worker in Dillingham, the goal is to provide the least restrictive environment for the people they serve. When someone is a danger to themselves or others, court orders must be sought that violates their rights by hospitalization. In the event a gun could be removed from that person's home and keep the person

in their home while "we try to help their mental health, that would be ideal."

[7:06:14 PM](#)

MARTIN STEPTEN, SR. advised that he is from Saint Paul Island but currently lives in Juneau, and he supports HB 75 for a number of reasons. He offered that he has never personally experienced gun violence in his life, but there is a lot of gun violence in St. Paul, and a big part of this [bill] has to do with protection for the people who are going to hurt themselves. It is no secret that Alaska has some of the highest suicide rates in the United States, and this bill speaks to that issue. He offered that one of the worst events to come out of the St. Paul Island community was that one of the "folks from home went off and killed one of the Coast Guard guys out there." He then related a personal anecdote that took place while he was in high school. Granted, he said, Alaska has not experienced the same type of killings and murders as in other states, and God forbid it happens here, but the legislature could say that it was trying to do something here with this bill. This is a proactive bill, he described, and it does exactly what it says - there's nothing hidden, it is straight-forward, and it does not infringe on Second Amendment rights. In the event this bill becomes law, the legislature can say it is progressing and trying to help the horrible situations currently taking place throughout the United States. He said he supports this bill and hopes the committee supports the bill.

[7:09:09 PM](#)

J.T.BOLIN, Licensed Clinical Social Worker, advised that he is in Juneau with the National Association of Social Workers, and he supports HB 75. Mr. Bolin related that as a mental health clinician, he works with many trauma victims, many of which have suffered domestic violence. This state has a high rate of domestic violence which includes threatening with firearms. Personally, he is a social worker who likes firearms and, he pointed out that due process is involved in this legislation. Many times, people are sent to API because someone is danger to themselves or others while social workers are trying to keep people safe in the region. Whereas, he pointed out, the state is spending dollars to "send people out to treatment out of region" when treatment therapy could be offered in the region. The big contributing factor is the safety issue of firearms, and the state can empower law enforcement and family members to maintain safe households with such a simple bill that involves

due process and going before a judge. As a mental health clinician and a citizen, this legislation makes sense, he said.

[7:10:32 PM](#)

LIN DAVIS thanked the committee for supporting HB 75 because Alaska has the highest rate of gun killings well above any other state in the nation. This legislation is a common-sense measure, she described, to address "some beginning critical Alaskan issues related to gun violence." When she first moved to Juneau she worked at Juneau Alliance for the Mentally Ill, (JAMI), and worked with people who experience chronic mental illness. In the event a person had gone off their medication or they had been newly diagnosed and are distraught and a possible danger to themselves, this common-sense bill could help. She remarked that, "Along with that, we all know that people with a chronic mental illness are no more likely to commit a violent act than any of us." All people are vulnerable to some kind of horrific experience that puts someone into a new realm. She related that when she was a college student, her mother became suicidal and her family had a few days of extreme worry about the guns in the house before she was hospitalized. This measure makes sense for Alaskans where many people own guns, and as the state's economy worsens, the suicide rates tend to rise. There is no good reason not to pass HB 75, and Alaska can show the nation that it is taking steps to deal with gun violence, she stressed.

[7:12:39 PM](#)

BARBARA LEARMONTH advised that she has lived in Juneau for the last 40 years and she supports HB 75. She said she did not have any expert testimony or research to offer, but she wanted to express how the lack of reasonable regulations affects her family in terms of fear even though they have not actually been victims of gun violence. Ms. Learmonth explained that her husband is a teacher, and after the Marjory Stoneman Douglas High School, Parkland, Florida, shooting they sat down together and with tears in his eyes, he explained that he does not believe it is a question of whether there will be a shooting in Juneau because he believes it is a question of when. She related that if her husband is there when a shooting takes place, he will die because he will protect the students, not with a gun, but with his body, his resourcefulness, and his courage. A gun will not make her husband feel safer, and it won't make her feel that her husband is safer with a gun. Approximately one week ago, she left the office and did not take

her cell phone, and when she returned, her office was locked up, her supervisor and her two co-workers were gone. She checked her phone and a message said, "Come back right away, your co-worker has suffered a personal tragedy" with no details. Immediately, she thought of the woman's two grandchildren and that something had happened to her two-year old grandson, or her 12-year old granddaughter had been shot at the middle school. She was alarmed that that is how her mind works now because Alaska does not have reasonable gun regulations. She related that this Wednesday she will march with the Juneau-Douglas High School (JDHS) students at 10:00 from their school to the Capitol steps to honor the memory of those killed in the Florida shooting. She offered pride in the students for demonstrating what citizenship looks like, and she hopes the committee members will be on the steps telling the students of their pride in them, and that the members will support this legislation as a first step toward protecting students.

7:15:26 PM

MARTHA PALICKA advised that she does not support HB 75 as currently written because it does not address what happens after a person is ordered to give up their guns, what happens with the other family member or roommates' guns. Language needs to be added to this bill to protect the rights of others. She added that certainly guns are a tool of suicide, but if guns are not available, a person can access another means to commit suicide, and the bill does not address that issue. She related that that is not a reason to take a gun away from someone and she urged the committee to not support this bill.

7:16:41 PM

JEAN CHENG advised that she is an alumna of Marjory Stoneman Douglas High School in Parkland, Florida, currently lives in Eagle River, and wholeheartedly supports HB 75. This is a common-sense gun bill, she related, and she wants to make sure that all children attending school are safe and they feel safe in their environment. She said she was recently at a "March of our lives" meeting in Anchorage and the discussion was around what could be accomplished immediately to help children feel safe. She explained that the suggestions included a "hot line," students speaking up, and noticing the warning signs of a person with a possible mental illness, then this can be prevented in Alaska. She said she never wants to see the tragedy that took place in Parkland, Florida happen in Alaska, and this bill can help prevent that event from taking place.

7:18:09 PM

JACOB BERA advised that he is testifying in strong support of HB 75, and shared that he is a retired United States Marine, he owns firearms, he is comfortable around firearms, and he has no problem with this common-sense bill. Mr. Bera advised that he has three children and his biggest fear in Alaska is gun violence. It appears that, especially the legislators who are talking tough about getting tough on crime, especially those critical of Senate Bill 91 [passed in the Twenty-Ninth Alaska State Legislature] would be first in line to pass this bill. He acknowledged that one single bill will not completely eliminate the threat of gun violence, but this is a common-sense middle-of-the-road bill that "can go a long ways to at least helping out."

7:18:57 PM

ELLEN JOHNSTON-PRICE advised that she supports HB 75, and asked the committee to move the bill forward. Recently, she related, her family member was suicidal and had access to guns. She related that she can testify that it is a terrifying and helpless feeling to know there was nothing she could do legally to prevent her loved one from accessing firearms while suffering from such thoughts and in such a difficult place to receive help. This legislation would not only prevent countless suicides but it would also keep other families from experiencing this sense of helplessness. Professionally, she offered, she works as a chaplain and has worked as a hospital chaplain in the past. She has often worked with people in times of crisis and with those suffering from periods of depression. Depression is more common than many people realize because those who suffer are often "good at masking it" from the general public. In working with people with those types of struggles she said that she discourages them from making major decisions while in the midst of that crisis and instability, such as changing jobs, leaving a marriage, or starting new relationships, which are often major and permanent types of decisions. It is her belief that this common-sense legislation would help to prevent people in crisis from making "very permanent lethal decisions," using firearms to end their lives or that of others. For those reasons, and the reasons of the other testifiers, she speaks in support of HB 75, she remarked.

7:20:58 PM

KATHRINE CARSSOW advised that she supports HB 75, and she is a recently retired psychotherapist who was the director of the Adult Emergency Services Program at South Peninsula Behavioral Health Services. She said that she could not stress enough the importance of this bill and having the opportunity to be able to take guns away from folks who are at risk of suicide with suicide ideations, folks with homicidal ideations, and folks who are mentally ill and in crisis at the time. She explained that she experienced a situation where someone actually shot at their spouse several times and ended up being hospitalized, except it is hard to keep people in API because people have rights. The person was released and his guns were given back to him because that was his legal right. She described that it was a dangerous situation for the family, but also for the place of employment of the spouse and it was a pretty terrifying situation for quite a while. That scenario takes place too often. Someone with suicide ideation, she reiterated, can be admitted into API for a short period of time, but it is not possible to keep them because their rights are protected, which is essentially "putting them, like in prison. So, they have rights to get out." She remarked that it is important they not have access to guns until they are truly safe for themselves and others. She urged the committee to support HB 75, as it is an important piece of legislation.

[7:23:34 PM](#)

LAURA SPAAN advised that she is a mother, grandmother, a gun owner, and she is strongly in favor of HB 75. Many people are frightened that they just do not have protection from those people doing harm to themselves or others with guns, she related. People need this [bill's] protection in giving law enforcement the tool to diffuse situations where other people can be harmed because people being left without any type of protection must change, she stressed. Alaska can no longer be complacent in this issue, and she reminded the committee that the state regulates many different things in society for the greater good, and for the protection of people. When looking carefully at what HB 75 does, she described that it is a thoughtful and a thorough piece of legislation that allows for the importance of due process rights for people, this legislation does not take away anyone's rights. Importantly, she remarked, it provides protection for a person who is suffering with mental health issues, a crisis, or other behavioral issues and the public needs this protection now as it is long overdue, she expressed.

[7:25:50 PM](#)

JAMIE RODRIGUEZ advised that she supports HB 75, and noted that it is good to finally see a bill such as HB 75, because it fills a long-standing and large safety gap. By safety gap, she explained, the heart of the issue is that sometimes a person has weaponry and people are concerned they will do something unsafe. In the event someone is aware of an issue that might lead to a tragic ending, there currently is no way to legally report it because the person in question had not taken any illegal action yet. There are no legal means within which to step in, and while she can see those legal arguments, mental health does not quite fit into that puzzle. Therefore, she pointed out, it appears preferable to rescue someone before they go over the cliff and hurt themselves and others, and this legislation can possibly save a life and help them through whatever horrible situation they are experiencing. She related that she has retired after teaching for 30-years in the Anchorage School District. Teachers see many situations in families and, by law, they are obliged to report a situation to protective services when they see something or suspect an unsafe situation for a student. This bill simply broadens that safety net for situations where young lives may be at stake. She said she can only see how this bill will help and not hurt, and she cannot see why anyone would not support this bill. Her family, and everyone she has discussed this legislation with wholeheartedly supports HB 75, and supports everyone's effort to pass this legislation out of committee tonight and save some lives, she stressed.

[7:28:39 PM](#)

MADELINE SCHOLL, Moms Demand Action, noted that she testified previously.

CHAIR CLAMAN advised that it is the committee's policy that members of the public testify once on a piece of legislation.

MS. SCHOLL urged the members of the committee who have reservations about the bill to reach out to the sponsors and co-sponsors to set the record straight.

[7:29:51 PM](#)

JOHN SOMAN advised that he is a lifelong resident of Douglas and as an Alaskan, this bill must pass. He spoke of "exhilarated sensations," the emotions in a domestic situation, and he said

it is common to "think digitally," which means "me or you, us or them" with (indisc.) any kind of abuse of "artificial inducement to euphoria," which is what he calls drugs and alcohol, is more exhilaration. He said the person doesn't think of human beings (indisc.) yet, and the reaction is deadly when a firearm is involved. [The Gun Violence Protective Orders] would be one step in many that must be taken to (indisc.) 90 deaths each day from firearms in this country. He noted that he was unsure in Alaska and probably (indisc.) suicide rate. It is known that domestic violence is accelerated when a gun is involved, he stressed.

[7:32:11 PM](#)

JOE SCHLANGER advised that he is against this bill for one reason only, which is whether there would be due process for the respondent because the bill read that guns can be taken away for several months. This legislation gives the right to a psychiatrist, physician, social workers, marital and family therapists to issue this type of order or, he asked, whether it is just the judges. He expressed confusion about the language and asked that someone to answer his question.

CHAIR CLAMAN noted that Mr. Schlanger could continue to listen to the hearings as the committee is only taking public testimony at this time.

[7:33:18 PM](#)

KAREN DEAPHERAGE advised that she supports HB 75, she lives in Anchorage where there definitely is a gun culture, and these past couple of years she has experienced that culture first-hand. She explained that two individuals were killed on the (indisc.), and she heard the gun shots that night from her bedroom and she was quite a distance away from that situation. Every day she is reminded when she walks the trail with her dog and there is a (indisc.) that was shot at random. She said she often wonders if the individual who was doing these shootings is someone who should not have a gun because of known mental health issues. In the event the guns had been taken away, she wouldn't have to look at it everyday and remember the person who was simply riding their bike home and is now deceased. It is hard for those of us, even if they are not directly involved, to live in this type of culture. This bill is a start and she asked the committee to support this legislation and pass it out of the committee.

[7:34:52 PM](#)

EILEEN FOYL-SAFT advised she has lived in Anchorage for 35 years, and she looks forward to raising her grandchildren in Anchorage. She said that for the last 27 years, she has taught school in the Anchorage School District in the primary grades, and she is honored to be an educator and remains proud of the fine citizens the schools continue to grow in this fine city. Innocent lives are lost due to senseless gun violence. This legislation will create an extreme risk protection order which will empower families and law enforcement to remove guns from individuals experiencing elevated risks of mental illness, and of endangering themselves or others. Alaska needs this common-sense and measured tool, she pointed out, because it is temporary in nature and limited in scope. The alarming high rates of domestic violence, suicide, and sexual assault, demand that action be taken and she asked the committee to please support this bill that promotes responsible gun ownership in this fine state.

[7:36:16 PM](#)

EARL LACKEY advised that he is against HB 75 because it "absolutely messes up our program entirely." He advised that after reading HB 75, his wife commented that "some vindictive woman is going to destroy whoever it is that she's dealing with." This is not the way to go about it, he related, as the state can take a man's guns away, sell the guns, and do whatever the state wants to do with them. In the event a person is determined to take their own life or harm someone else, it is not the gun that does it because they could use a hammer or something else. He said, "(Indisc.) for a misdemeanor offense it takes the guns, (indisc.) dealer to sell them." He opined that it is a crazy system that has "definitely got to go." He said he is totally against (indisc.) and will "fight right to the end."

[7:37:44 PM](#)

MIKE ALEXANDER said he is a retired psychiatric nurse, who has worked at (indisc.) Creek and was a health care provider with a national provider identifier (NPI) until he retired. He said he has worked (indisc.) violence. He related that a person could use a hammer or rope, and the only way for the proposed legislation to be effective would be to require the person to be locked in a padded cell with a straight-jacket on, which he doubted was the intent of the state. He referred to the public

testimony wherein these people were afraid because they heard shots "and all that," and suggested that if a person is afraid, he/she should "take a course" and have their own weapon. He related that an ex-spouse, be it a man or a woman, will get even if that is their goal, and the common-sense issue here is that "the police are only minutes away when seconds count." He opined that this bill is not common-sense, and he predicted it will cause a lot of discontent while doing nothing. He remarked, "There are more people probably killed with a hammer last year than there ever has been with a gun and domestic violence." He said the committee must consider what good can be done [under the proposed legislation] besides (indisc.). He said if the committee's goal is to increase bureaucracy, then it is "right on target here." He advised that in the event the committee wants to do something useful, then everyone should be required to carry a weapon and take a self-defense course. He surmised that would be less expensive.

[7:39:52 PM](#)

NINA SANDERS advised that she is a student at Thunder Mountain High School and offered testimony as follows:

I'm here to represent myself. I think that this bill is really good. I, personally, experienced some of -- my family members have mental illnesses and he killed two cops. And, I feel that if this bill was in place back then, the cops still would have been alive. And, the cops were great. The cop, one of the cops, had a mental illness ... not a mental illness, but a disease also, but he was really good, he was a good cop. ... I was born ... here, raised in Hoonah, and I was taught to respect elders, and respect guns, and respect everything. ... I'm in a U.S. Government class right now, and I'm just learning all about this. And, I wasn't really into government before, but it is starting to intrigue me, and I think this is a really good bill to be made a law.

[7:42:00 PM](#)

JOANNE BLOOM offered appreciation to the sponsors for introducing HB 75, and that the House Judiciary Standing Committee is deliberating it today. She offered testimony as follows:

Earlier today I went for a walk, up Basin Road past my house, with a friend, and it was special because this friend had lost a child through gun violence and she was just starting to get out and be social. And, there was just no way I could have asked her to come and speak in front of this committee. She's just not -- that's not where she is in her grieving process. And I -- her child was killed by someone who shouldn't -- if this law was in place, I believe that it could have been prevented from happening. Just like the two suicides that happened here in Juneau less than three weeks ago. They were both by guns and their family members may have had some understanding that something was amiss, and if this was in place, maybe those two could have been prevented. But, I'm sure those families, like most victims and their families, they're not coming and speaking up. It's just too darn hard. And so, I'm really glad you have this before you and I really hope that you pass this out of committee and it becomes law. Thank you for your time.

CHAIR CLAMAN, after ascertaining that no one wished to testify, closed the public hearing on HB 75.

[HB 75 was held over.]

[7:44:41 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 7:44 p.m.