

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 26, 2018

7:00 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)

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 AND 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)	Heard & Held
03/12/18	(H)	MINUTE (JUD)
03/12/18	(H)	JUD AT 7:00 PM GRUENBERG 120
03/12/18	(H)	Heard & Held
03/12/18	(H)	MINUTE (JUD)
03/14/18	(H)	JUD AT 1:00 PM GRUENBERG 120
03/14/18	(H)	Heard & Held
03/14/18	(H)	MINUTE (JUD)
03/16/18	(H)	JUD AT 1:00 PM GRUENBERG 120
03/16/18	(H)	Heard & Held
03/16/18	(H)	MINUTE (JUD)
03/19/18	(H)	JUD AT 1:00 PM GRUENBERG 120
03/19/18	(H)	Scheduled but Not Heard
03/26/18	(H)	JUD AT 1:00 PM GRUENBERG 120
03/26/18	(H)	JUD AT 7:00 PM GRUENBERG 120

WITNESS REGISTER

STELLA TALLMON, Sophomore
 Juneau-Douglas High School (JDHS)
 Juneau, Alaska

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

NOAH WILLIAMS
 Juneau, Alaska

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

KERRI WILLOUGHBY
 Juneau, Alaska

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

HOLLY HANDLER, Attorney
 Juneau, Alaska

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

JASMINE LEREMIA, Senior
 Petersburg High School
 Petersburg, Alaska

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

ABBY HARDIE, Senior
 Petersburg High School

Petersburg, Alaska

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

JOSEPH SCHLANGER

Wasilla, Alaska

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

REPRESENTATIVE GERAN TARR

Alaska State Legislature

Juneau, Alaska

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

NANCY MEADE, General Counsel

Office of the Administrative Director

Alaska Court System

Anchorage, Alaska

POSITION STATEMENT: During the hearing of CSHB 75, answered questions.

ACTION NARRATIVE

[7:00:43 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 7:00 p.m. Representatives Claman, Kreiss-Tomkins, Kopp, and Stutes were present at the call to order. Representatives Reinbold, Eastman and LeDoux arrived as the meeting was in progress.

HB 75-GUN VIOLENCE PROTECTIVE ORDERS

[7:01:15 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 passed gavel to Vice Chair Kreiss-Tomkins and presented the committee substitute.

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CHAIR CLAMAN clarified that the committee substitute is labeled 30-LS0304\R, Martin, 3/26/18, and paraphrased the sectional analysis as follows:

Section 1.

AS 11.56.740(a) - Violating a protective order.
Makes violating a gun violence protective order as described in section 7 a Class A misdemeanor.

Section 2.

AS 11.56.740(c) - Violating a protective order.
Adds the definition of a gun violence protective order created in section 7 to the list of definitions in Alaska's criminal code.

Section 3.

AS 12.35 - Search and Seizure.
Adds a new section to AS 12.35 allowing for the warrantless seizure of a firearm from an individual believed to be dangerous, with reference to the procedures in AS 18.65.815 -18.65.845 in the event of such a seizure.

Section 4.

AS 18.65.530(a) - Mandatory arrest for crimes involving domestic violence, violation of protective orders, and violation of conditions of release. Allows a peace officer to arrest a person, with or without a warrant, who violates a gun violence protective order.

Section 5.

AS 18.65.540(a) - Central registry of protective orders.
Adds a conforming amendment to existing powers of the Department of Public Safety to add this to their existing central registry for a gun violence protective order. The registry must include, for each protective order, the names of the petitioner and respondent, their dates of birth, and the conditions and duration of the order. The Department of Public Safety shall retain a record of the protective order after it has expired.

Section 6.

AS 18.65.540(b) - Central registry of protective orders.

Adds a conforming amendment to existing powers of the Department of Public Safety to take reasonable steps to report that the order, modified order, or dismissal is entered into the central registry within 24 hours after being received.

Section 7.

Amends AS 18.65 to add seven new sections. The likely use of the gun violence protective order starts with an ex parte order under Sec. 18.65.820:

Sec. 18.65.820. - Ex parte gun violence protective orders.

Allows a peace officer to request an ex parte gun violence protective order. If the court finds that the petition establishes probable cause to believe that the respondent is a dangerous individual, the court shall ex parte and without notice to the respondent issue a protective order. Defines how that order would be created. Following the ex parte order and service of the order, a contested or 20-day hearing would occur.

Sec. 18.65.815 - Gun Violence Protective Orders.

Allows a peace officer to file a petition for a protective order against a respondent if they reasonably believe that the respondent is a dangerous individual.

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. The notice of the hearing must inform the respondent of the option to waive the hearing. The notice must inform the respondent that if the respondent does not appear at the hearing, the respondent will have six months to request a hearing regarding the protective order. A protective order issued under this section expires six months after it is issued unless dissolved earlier by the court at the request of either the peace officer or the respondent after notice and, if requested, a hearing. A protective order issued under this section shall prohibit the respondent from

possessing, owning, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition.

If the court issues a protective order under this section, the court shall direct the respondent to surrender to the appropriate law enforcement agency, sell to a firearms dealer, or deliver to a court-approved third party all firearms and ammunition that the respondent possesses or owns within 48 hours after receipt of the order.

Sec. 18.65.825. - Modification of gun violence protective order.

Allows the peace officer or the respondent to request modification of the gun violence protective order. Describes how to modify the order.

Sec. 18.65.830. - Surrender of firearms and ammunition.

Allows the court to order the respondent to temporarily surrender or sell all firearms and ammunition within 48 hours of receipt of the protective order. When the protective order is terminated or expires, the law enforcement agency shall notify the respondent that return of the firearms or ammunition to the respondent is available.

Sec. 18.65.835. - Service of process; forms for petitions and orders; fees; warnings; notification; and pending civil or criminal actions. Requires the Alaska Court System to prepare forms to file this protective order, without charging filing fees. Establishes that violating the order is a misdemeanor, punishable by up to one year of incarceration and a fine of up to \$25,000. Clarifies that the respondent is not entitled to court appointed counsel employed at the public's expense to contest the order.

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CHAIR CLAMAN noted that under Sec. 18.65.830, in the event the 20-day order is a contested hearing, the respondent would have 48-hours to turn in their guns if so ordered. In the event the hearing is ex parte, a warning would not be required because the officer would have already seized the guns.

CHAIR CLAMAN continued paraphrasing the sectional analysis as follows:

Sec. 18.65.840. - Notification of law enforcement agencies.

Requires the court to notify local law enforcement of the order so it can be enforced.

Sec. 18.65.845. - Dangerous Individual

Defines a definition of a dangerous individual for the purposes of filing a petition for a gun violence protective order.

Section 8.

AS 22.15.100 - Functions and powers of district judge and magistrate.

Adds a conforming amendment to existing powers of district judges and magistrates to be able to administer this new gun violence emergency protective order.

Section 9.

AS 22.35.030 - Records concerning criminal cases resulting in acquittal or dismissal.

Amends AS 22.35.030 to add a new subsection (b) stating that the Alaska Court System may not publish a court record of an ex parte protective order on a publicly available website.

[7:08:26 PM](#)

CHAIR CLAMAN explained that the uncontested ex parte orders would not be placed on CourtView, the contested hearing would appear on CourtView if a person was found, at that hearing, to be dangerous.

CHAIR CLAMAN continued paraphrasing the sectional analysis as follows:

Section 10.

Indirect Court Rules Amendments - Lists court rules that are affected by the bill relating to court fees and the process for issuing protective orders.

Section 11.

Conditional Effects - Sections 1-9 of this legislation only take effect if Section 10 gets a two-thirds

majority vote of each house of the Alaska Legislature, which is required by art. IV, sec. 15, Constitution of the State of Alaska.

Section 12.

Provides for an effective date of October 1, 2018.

CHAIR CLAMAN explained that the effective date was at the request of the Alaska Court System because it required additional time to prepare the necessary forms and comply with this particular law, should it pass.

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CHAIR CLAMAN noted that the three largest changes in CSHB 75, are that Version D allowed that individuals, basically non-police officers, could apply for a gun violence protective order. Version R allows that only peace officers can apply for the gun violence protective order, but the public can voice their concerns to police officers. Also, he offered, Version D prohibited ownership of weapons, and Version R only prohibits possession and purchasing, it would not prohibit someone from owning weapons. Essentially, he explained, the state does not want to get into the process of prohibiting someone from owning guns because when that order expires, the person would still own those same guns. The third change specifically allows that if a police officer encounters an individual believed to be dangerous and is in possession of guns, the police officer can seize the guns without a warrant. Subsequently, and within 72-hours after seizing that weapon, the police officer would have to file for a gun violence protective order to explain why the guns were seized and submit that report to the court.

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CHAIR CLAMAN moved to adopt CSHB75, labeled 30-LS0304\R as the working document.

REPRESENTATIVE EASTMAN objected because he needed more time to review the new committee substitute before beginning the timeline on amendments, he said.

[7:12:19 PM](#)

REPRESENTATIVE KOPP noted that the State of Indiana gun violence protective order law withstood the court's scrutiny [under

Redington v. Indiana, 992 N.E.2d 823], and Version R contains considerably more due process protections.

REPRESENTATIVE REINBOLD commented that she would have preferred more time in order to review Version R.

VICE CHAIR KREISS-TOMKINS offered his understanding that the committee will be working with Version R for a while in moving forward.

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REPRESENTATIVE LEDOUX commented that she sure liked Version R better than Version D.

REPRESENTATIVE STUTES commented that she appreciates the work that went into Version R because she had had an opportunity to get her "two cents in" and the version was tailored nicely.

REPRESENTATIVE EASTMAN maintained his objection.

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A roll call vote was taken. Representatives Reinbold, Kopp, Stutes, LeDoux, Kreiss-Tomkins and Claman voted in favor of the adoption of CSHB 75, labeled 30-LS0304\R. Representative Eastman voted against it. Therefore, CSHB 75 was adopted by a vote of 6-1.

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VICE CHAIR KREISS-TOMKINS passed the gavel back to Chair Claman.

CHAIR CLAMAN opened public testimony on HB 75.

[7:15:24 PM](#)

STELLA TALLMON, Sophomore, Juneau-Douglas High School (JDHS), advised that she is strongly in favor of HB 75 because it is a huge step in the right direction in ensuring a safe future for citizens and students like herself. She thanked Representative Tarr for bringing this legislation forward because recently her peers across the country have been speaking out about the need for more gun control in our nation. Through the national student walkout and the March for our Lives, the public has been shown that students are "sick and tired" of being scared to go to school due to school shootings and regular lock-down drills that

have become the norm. She advised that Alaska's legislature could provide as many mental health programs as it desires and put metal protectors in every school, but that wouldn't solve the problem that guns do the killing in the end. The State of Alaska's current gun laws do not ensure domestic tranquility, they do not provide for the common defense, they do not provide for general public welfare. Most of all, she described, Alaska's laws do not ensure the blessings of liberty to receive a public education and not get shot in school for ourselves and our posterity. She said that she speaks for thousands of her peers across the state when she says, "enough is enough." It is time to pass common sense gun laws in Alaska, and to please do the right thing for the future and vote in favor of HB 75. She expressed that, "We're saying never again, and we really mean it."

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REPRESENTATIVE REINBOLD noted that Ms. Talimon had testified that "you represent a lot of kids" and asked whether she has a resolution, whether it was from her classmates or something she worked on in school.

MS. TALIMON remarked "Actually yes." She advised that she is on the Student Council and it organized the National Student Walkout a couple of weeks ago wherein hundreds of students attended with community support. She stressed that many of her peers have advised her that they support gun control in the state and in the nation.

[7:17:21 PM](#)

REPRESENTATIVE REINBOLD asked whether teachers are involved, and how many school shootings have taken place in Alaska.

MS. TALIMON responded that teachers are not involved in this because it is the students that are coming together, and she could not recite the number of school shootings in Alaska, but there was one in Bethel. She expressed that there are school shootings in the nation almost every week and it is not safe for students.

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REPRESENTATIVE REINBOLD related that 21-years ago there was a school shooting in Bethel and asked whether she could recall any other school shootings in Alaska.

MS. TALIMON reiterated that she could not recall any other school shootings in Alaska. Except, she stressed, Alaska should play its part as a state within the United States to promote gun control because this is what many of her peers believe is right.

[7:18:37 PM](#)

NOAH WILLIAMS advised that he represents an over-looked angle of this issue, which is gun suicides. There is a lot of focus on the gun violence against others aspect, but the majority of gun deaths in the country are self-inflicted. This legislation would not solely allow for the confiscations of people's guns who are a threat to others, but also themselves. He opined that the language will save a lot of lives that society does not see, and he noted that it is difficult to collect statistics on the lives saved from measures such as HB 75. He guaranteed that a lot of students have been set on edge by the events of the last year, and he is one. He related that, previously, he was in a state of despair and if he had had access to a gun he probably would have taken his own life.

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KERRI WILLOUGHBY advised that she has lived in Alaska for 15-years, she is a financial planner, a mother, and is representing herself and other mothers. Ms. Willoughby advised that her six-year old son attends Harborview Elementary School in Juneau and she is one of the millions of Americans who know that thoughts and prayers are not enough. As law makers, she pointed out, Alaskans are counting on them to make the needed changes to protect our children from violence in school. She urged the committee to please support CSHB 75.

[7:21:52 PM](#)

HOLLY HANDLER, Attorney, advised that she is testifying on behalf of herself and her family, and she is the mother of twin nine-year old boys. As a mother of children in school, she advised that active shooter drills are a regular part of her family's conversation and are part of parent/teacher conferences. As a constituent, she stated, she not here asking the committee to fix gun violence in one day or one session, but she hopes that legislators will consider HB 75 as one step toward making our communities and schools safer. As an attorney, she explained, part of her practice is to represent women in domestic violence protection hearings and one of the

scariest conversations she has to have with clients is that after receiving a domestic violence protective order, which is a piece of paper, to discuss safety planning. There have been situations where an enraged boyfriend, ex-partner, or spouse may react to the protective order by coming to their home with a gun. Oftentimes, she related, the protective orders themselves do not include provisions calling for the forfeiture of weapons, and she has clients who are terrified each night that their former partner will shoot them. Even after obtaining a protective order, and despite this piece of paper in their hand, they are terrified of their former partner coming in and shooting them, she reiterated. Clearly, she pointed out, it does not have to happen in our communities to be afraid of it, it doesn't have to happen down the street to be afraid of such situations because society knows it happens in our country. It is known that one of the problems is that there are insufficient protections in place, and as a mother and a concerned citizen, she asked the committee to please support CSHB 75.

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JASMINE LEREMIA, Senior, Petersburg High School, advised that she is in support of HB 75 because it is one step in the right direction concerning gun control safety laws in Alaska. Although, she related, she would like to see a bill directly concerning mental health issues within the state, such as helping aid and diagnose those individuals with severe mental illnesses. Throughout the years in the nation, many children have been subjected to mass murders at the hands of unchecked rage and aggression, not to mention that Alaska has the highest rate of suicides per capita in the nation. She noted that she considers herself lucky to live in Alaska where mass shootings are not the norm, but she does not want to wait for the day that those shootings are the norm. It is her belief that CSHB 75 could help lead Alaska and other states to a safer future, and she urged legislators to pass this legislation.

[7:25:16 PM](#)

ABBY HARDIE, Senior, Petersburg High School, advised that she is in support of CSHB 75 because it is a common-sense measure for public safety, especially when considering the high suicide rates and domestic violence rates in Alaska. In view of recent and tragic school shootings within the United States, the March for our Lives and student walkouts, she opined that this bill would be a safeguard in ensuring the feeling of safety in schools. As a student, she said that she previously always felt

safe in school with her peers and teachers until the recent events in the nation, and now changes should be made so every student feels safe in the years to come. She pointed out that her school has regular lock-down drills because these cases of school shootings seem so commonplace now. As to mental health, she opined that CSHB 75 is a step forward in providing a more preventative measure for public safety and awareness of mental health, and who should be considered extreme risks. She urged the committee to pass this legislation for public safety as it does not infringe on Second Amendment rights and it will be a step in the right direction for students and general public safety.

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JOSEPH SCHLANGER advised that he represents himself and he is against this legislation. He opined that there does need to be some protection for the victim and "that is already in there for the protective order," in that a person cannot possess a weapon if they have a protective order against them. He referred to the Constitution of the State of Alaska, Art. 1 Sec. 14, which read as follows:

The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

MR. SCHLANGER said, "You've got in there that the peace officer can in there and -- basically go in there with a warrant -- without a warrant," and he asked whether that language could be changed. He opined that it is a violation of Art. 1 Sec. 19, which read as follows:

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State. [Amended 1994]

MR. SCHLANGER commented that "You guys" are instituting this bill because they are over-reacting about a school shooting. He opined that the people on the side of the school shooting do not

want to hear what the other side has to say, which has been seen by the main stream media and the State of Alaska. The governor came out and said that he is with the students and "he is with this, with taking our guns. That's exactly what the students are talking about is wanting to take our weapons from us to protect us."

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CHAIR CLAMAN, after ascertaining that no one wished to testify, closed public testimony.

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REPRESENTATIVE KOPP offered his understanding, regarding the concerns of the last testifier, wherein any time the term "gun control" or other language is heard, often that means solely curtailing Second Amendment rights to keep and bear arms. That, he commented, always greatly concerns him as he strongly believes that the Second Amendment was not solely written to provide for a military. Ultimately, he explained, the Second Amendment was to protect the people from a tyrannical government if necessary, and that right is unique to the United States of America. It is a false dichotomy, he pointed out, that this debate about gun violence often boils down between those who own guns and those who do not approve of guns, and it is a superficial argument. The people who own guns also deeply love and care about children, and oftentimes the message is that that is not true. He said that he is not interested in limiting the freedoms of law abiding and non-dangerous citizens, and during his 23 years in law enforcement in Alaska, he enforced the provision of domestic violence sexual assault protective orders, which are far more limiting than CSHB 75. Domestic violence protective orders forcibly remove a person from their own home, forcibly remove their property and vehicles, and if the court so orders, the person's firearms. He offered that those laws have been on the books for many decades to keep people alive in volatile domestic violence situations and due process has been afforded. He related that he likes the fact that this legislation moves toward a time-proven model of protecting folks from violence. Unique to CSHB 75, he explained, is that a crime need not have occurred. He related that if someone posts on Facebook several times that they want to be a professional school shooter, but they have not directly depicted a place, time, or victim, it is hard for the current protective order to work. This legislation allows that some action can be undertaken before tragedy strikes, for example, when someone

manifests verbal language or behavior that they have [a violent] intent and they possess a firearm, makes them likely to inflict harm to self or others.

REPRESENTATIVE KOPP explained that as to due process, if it is an ex parte order, within 72 hours a hearing is ordered, the person is notified and they must respond to the court, a hearing is then set within ten days, and the judge will make a determination based on all of the facts, sworn statements, and circumstances. He opined that this process closely mirrors a current tool in the law that is actually much more restrictive. Under this legislation, at any point, the court can reject the order if the judge did not believe the allegations rose to the level of the dangerous person definition provided in this legislation, he said.

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REPRESENTATIVE KOPP stated that when people makes statements or post online that they intend to cause harm but leave out, for example, the identity of the victim and the time and place, the committee does not want to stand by and wait for victims to stack up before taking any action. As a parent of children who have gone through the school system, he wants law enforcement to, at least, have the necessary tools. Version R allows that only public safety professionals can request a gun violence protective order because they are trained to look at the evidence and facts in the law, and what rises to probable cause, he commented. He described this as a possible tool to implement and put the state in a better position to protect our youth and someone known to be suicidal and obtain a protective order until that storm had passed. Suicide, he described, is a permanent solution to a temporary problem and most school shooters were looking for a permanent solution to a temporary insanity they were experiencing in their life. He reiterated that he is pleased to see that this closely mirrors domestic violence protective orders, which are far more liberty restricting in the law than this gun violence protective order.

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REPRESENTATIVE REINBOLD noted that no one wants guns in the hands of dangerous individuals with the possibility of harming self or others. The concern is gun free zones and a large majority of mass shootings have been in gun free zones.

CHAIR CLAMAN advised that HB 75 does not create any gun free zones.

REPRESENTATIVE REINBOLD responded that when confiscating guns from a household, business, and so forth, technically it can create a gun free zone.

CHAIR CLAMAN explained that this bill would only take guns away from an individual. He reiterated the earlier testimony wherein if two individuals lived in a house and the order removed the guns from one person, that would not remove all of the guns from the house. He pointed out that for the other individual living in the house with a gun, they may choose to have someone else keep their guns. This order, in and of itself, would not create such a gun free gun zone, he offered.

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REPRESENTATIVE REINBOLD commented that if there was only one gun in the house and that gun was confiscated, the household would not be able to self-defend. She related that she simply wanted on the record that some people could argue that this legislation could be creating gun free zones, and it could also help in certain situations by taking away the guns.

CHAIR CLAMAN, in response to Representative Reinbold, stated that the committee is aware that Alaska probably has the highest per capita gun possession in the country.

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REPRESENTATIVE REINBOLD advised that guns do nothing alone and they do not harm anyone, it is because the person has a heart, mind, soul, physical, and mental breakdown. She asked whether [laws], other than the State of Indiana, have shown a dramatic reduction in suicides or murder, and whether law enforcement is in favor of this tool.

[7:40:51 PM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, responded that the State of Indiana gun violence protective order law was passed in 2005, and the law in the State of Connecticut was passed in 1999. Within the State of Connecticut, that law has proven to reduce the number of suicides and it can link the number of guns confiscated. She opined that for every 11 guns taken away, one death was prevented. According to the

testimony, she noted that it is difficult to extrapolate whether preventing that individual from hurting themselves also meant preventing them from harming another person because those two events happen frequently, especially in domestic type of incidents where someone kills the family and then kills themselves. Interestingly, she offered, the State of Indiana related that a high percentage of the folks do not try to retrieve their firearms once the protective order has expired and they chose to let law enforcement have their guns. She acknowledged that that is a different sort of evidence, but it shows that people have realized or chosen afterwards to no longer possess firearms. The States of Washington, Oregon, and California recently passed a gun violence protective order law and those states are in the data gathering phase. The State of Washington passed the law via a citizen initiative in 2016, the State of California passed its law in 2015, and the State of Oregon law passed last year, she advised.

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REPRESENTATIVE REINBOLD asked whether there are any official statistics such as the Uniform Crime Report in this regard. She then asked the opinions of peace officers and whether the Anchorage Police Department (APD) and the Alaska State Troopers (AST) are in favor of this legislation. She commented that she found it "pretty intimidating" that without a search warrant, law enforcement can "dig into people's stuff" and remove their guns, and that "they are putting them in harm's way."

REPRESENTATIVE TARR answered that the sponsor's office worked with the Department of Law (DOL), Department of Public Safety (DPS), and there have been conversations with the APD. She remarked that she was unsure she was the best person to speak on their behalf. Representative Tarr referred to the indeterminate fiscal note and pointed out that DPS does not know how frequently this tool would be used so it cannot predict how often it would retrieve and secure the firearms, as opposed to the person voluntarily relinquishing their guns. The DPS advised the sponsor that the guns would be removed by two officers and it stressed that an officer would not be sent on that call alone, she advised. Until such a policy is in place, it is difficult to know whether it would be used once per week, month, or year, she said.

CHAIR CLAMAN noted that the Department of Public Safety (DPS) is not available tonight, but he had had conversations with representatives from the APD and one of the changes in the

adopted committee substitute [Version R] was requested by the APD. Under the original version of HB 75, if an ex parte order was issued, typically two officers were sent to serve that order, which is similar to a domestic violence protective order. In the event the gun violence protective order was served on day one and the person advised that they were not turning over their guns, a warrant would be necessary, whereby a full SWAT team would arrive with a search and seizure warrant to seize the guns. The request from APD was that if it was serving these protective orders, it wanted the authority to remove the weapons immediately, and if the person did not surrender their weapons it would be a violation of the gun violence protective order and allow for an arrest at that time. Thereby, he offered, it would be tailored to make this similar to a domestic violence protective order in terms of the procedure when serving the order. He advised that an effort will be made to locate a representative from APS or the Alaska State Troopers to provide further testimony at the next hearing.

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REPRESENTATIVE REINBOLD requested that a representative from the Juneau Police Department (JPD), APD, and the Alaska State Troopers testify. She added that she would like a representative who is able to speak on behalf of each entity, not just one person testifying and "being told what to say by the majority or the governor." She referred to [Section 3. AS 12.35.200(c)] page 2, lines 30-31, which read as follows:

(c) Nothing in this section authorizes a peace officer to perform a warrantless search or seizure if a warrant would otherwise be required.

REPRESENTATIVE REINBOLD asked the breadth of that warrantless search.

CHAIR CLAMAN referred to Sec. 12.35.200(c) and noted that it is a limited exception to the warrant requirement. The main point is that when law enforcement is presented with an individual it believes is dangerous, to act right then and not spend time going to the courthouse to obtain a warrant. Today there are many occasions when an officer can act to seize a weapon without a warrant. He referenced the State of Indiana case [Redington v. Indiana, 992 N.E.2d 823], which was previously distributed to the committee, and offered that it describes a challenge to the warrantless seizure of weapon. The facts of the lawsuit are, he explained, [Robert E. Redington] was sitting in a parking garage

watching a nightclub across the way and he was apparently watching for someone to exit the nightclub. [Due to the previous acts of Mr. Redington], the officers believed it was appropriate to seize the firearm without obtaining a warrant from the court in that instance, he explained.

7:48:50 PM

REPRESENTATIVE KOPP commented that this legislation basically puts into statute what has been performed in practice for many decades. In the event law enforcement observed a dangerous situation, for example, someone threatening to kill their "old lady," or blow the head off of their boss, and law enforcement saw the handgun on the counter, it would be beyond poor judgement to leave that person and that firearm together at the same time. He pointed out that law enforcement would remove the firearm for safekeeping, write a report, send it into the District Attorney's Office, and chances are, the gun may be released back to the person the following day. He pointed out that law enforcement frequently makes judgment calls based on, "should that person and that firearm be still together after I'm no longer present?" That type of situation would be under the warrantless seizure, he said.

7:50:07 PM

REPRESENTATIVE REINBOLD referred to Section 3, page 2, beginning line 17, and asked what Version R allows that was not allowed under Version D.

CHAIR CLAMAN explained that Version R allows peace officers to do what they are already doing, and it provides a process and procedure that was not required previously. He referred to Representative Kopp's scenario and explained that the officer having seized the weapon would need to go to court and file the request for a gun violence protective order. He noted that a crime had not been committed, but the process is that law enforcement seizes the weapon, files the paperwork creating a record of the circumstances, and the court considers the facts and evidence to make its determination.

REPRESENTATIVE KOPP offered appreciation for the time limit of 72-hours wherein the gun would not be sitting in safekeeping for two weeks because the officer was unsure whether the person continued to be dangerous. Protections for gun owners are in place because hard timelines are built into Version R versus simply the judgement of law enforcement or the District

Attorney's Office as to how long they would like to see the gun in safekeeping. He reiterated that more due process is built into this legislation that ensure rights are protected on either end.

[7:52:05 PM](#)

REPRESENTATIVE REINBOLD summarized her previous questions as follows: where this has been proven to reduce crime; request for FBI statistics; whether this bill creates any liability for the state if people have their guns seized and are unable to self-defend; whether this legislation creates gun free zones; federal, state, and local police officers' input; and she would like to see the fiscal notes for this bill.

[7:52:55 PM](#)

REPRESENTATIVE TARR, in response to a request for clarification from Representative LeDoux, said there are a total of five states which have enacted these laws, but she had focused mainly on the States of Indiana and Connecticut because those two states passed their laws in 2005 and 1999, respectively. She pointed out that those laws have been in place long enough to research whether there was evidence that the law was abused or whether there was case law. She related that throughout her research she did not locate where the law had been abused, and there was one lawsuit regarding the warrantless seizure issue.

CHAIR CLAMAN noted that the State of Florida passed a gun violence protective order law within the past three weeks.

[7:54:03 PM](#)

REPRESENTATIVE LEDOUX requested statistics in two categories, as follows: the number of people injured or killed with guns prior to, and after, the passage of the law in the States of Indiana and Connecticut; and the number of suicides prior to, and after, the passage of the law in the States of Indiana and Connecticut. She related that she would like to see whether there were substantial reductions in either category.

REPRESENTATIVE TARR referred to a one-page comparison document titled "Gun Violence Protection Order [contained in the committee packet] as to the Alaska proposal prior to the committee substitute and the States of Indiana and Connecticut, where information was provided about the retrieval of the guns and suicides. She pointed out that information came from a more

comprehensive report that discusses all of those different points and she would provide that report to the committee.

[7:55:32 PM](#)

REPRESENTATIVE TARR referred to the left side, bottom row of the comparison titled "Gun Violence Protection Order" which read "Research on success of policy:" and explained that after enactment of the State of Connecticut law, it was found that for every ten to eleven-gun removal cases, one suicide was averted which was an estimated 72 averted suicides. Under the State of Indiana law, the court retained firearms in 63 percent of the cases, dismissed 29 percent of the cases, and most individuals did not request return of their firearm.

REPRESENTATIVE LEDOUX described that information as an interesting statistic, but it does not show whether crimes using firearms, hurting self or others with guns, had an effect.

[7:56:35 PM](#)

REPRESENTATIVE TARR, in response to Chair Claman, described the document being discussed as a document comparing the gun violence protective order statutes in the States of Connecticut and Indiana to the proposal under consideration for Alaska. The comparison is in terms of: who can file; length of time; mental health language included in the legislation/law; warrantless seizure; seizure of another person's guns; and research on the success of policy. She explained that this comparison was drafted in response to several questions asked during the initial hearings and some of the language listed on the document was incorporated into Version R, so there are protections in there. For example, she said, the State of Indiana law read, and she paraphrased as follows:

Instructions to determine whether the individual is defined as 'dangerous' includes, but is not limited to, whether the individual (A) has a mental illness that may be controlled by medication and has not demonstrated a pattern of voluntarily and consistently taking the individual's medication while not under supervision.

REPRESENTATIVE TARR then referred to the paragraph above the provision and paraphrased as follows:

Having previously been in a mental health facility.

REPRESENTATIVE TARR explained that neither of those can be used to "establish someone's mental health in themselves." For example, she said, those provisions have been added into Version R to include stronger language. The asterisk points to a report titled "DEVELOPMENTS IN MENTAL HEALTH LAW - The Institute of Law, Psychiatry & Public Policy - University of Virginia, Volume 36, Issue 2, Summer 2017." She explained that that is where the data was pulled involving the research on the success of the policy and it is a lengthy report with much more information. Representative Tarr agreed to provide the committee with a copy of the report.

[7:58:36 PM](#)

REPRESENTATIVE LEDOUX commented that critically missing from this is that under the State of Indiana, it does not show the crime rate with guns, the number of people injured or killed with guns, and the number of suicides, before and after the enactment of the law. She further commented that she did not believe it goes to whether the statute is working.

CHAIR CLAMAN asked whether the gun violence was cut in half.

REPRESENTATIVE LEDOUX related that she would like to see whether it cut the gun violence at all, which is the missing information.

[7:59:40 PM](#)

REPRESENTATIVE TARR advised that the lengthy report had been distributed to the members, and the development in mental health is part of the packet. She turned to page 17 of the report and noted that it mentions experience under temporary firearm removal statutes.

REPRESENTATIVE TARR explained that the report discusses the States of Connecticut and Indiana, and how many cases were heard during the first two years, patterns, and so forth.

CHAIR CLAMAN explained that the report was distributed by email because it was too lengthy to print for everyone.

CHAIR CLAMAN, in response to Representative Reinbold's question about fiscal notes, advised that they had been distributed some time ago and they are posted online.

[8:00:37 PM](#)

REPRESENTATIVE LEDOUX offered interest in how it was calculated that for every ten to eleven-gun removal cases, one suicide was averted. For example, in 1998 there were 50 suicides using guns, and in 2013 there were less than that number, and the increase in population would make a difference. She asked whether there was a determination that less guns were used in suicides and what that did for the suicide statistics overall because if people were killing themselves under other methods then she questioned that information.

[8:01:55 PM](#)

REPRESENTATIVE REINBOLD commented that she was unsure the committee had seen fiscal notes for Version R, and whether there were changes in the fiscal notes.

CHAIR CLAMAN opined that it is not the practice to issue new fiscal notes when there are new committee substitutes.

REPRESENTATIVE REINBOLD referred to a previous comment that a committee member did not want any deterrent for people to receive mental health assistance. She commented that this bill is better in that regard, and referred to CSHB 75, Version R, [Section 7, Sec. 18.65.845(b)] page 9, lines 4-7, which read as follows:

(b) The fact that an individual has been released from a mental health facility or has a mental illness for which the individual has been prescribed medication does not determine that an individual is dangerous for purposes of AS 18.65.815-18.65.845.

REPRESENTATIVE REINBOLD related that that was important to put on the record. The committee might want to hear from a prescribing psychiatrist for an overview of which drugs are highly prescribed and more dangerous, she said.

[8:04:03 PM](#)

REPRESENTATIVE EASTMAN referred to the University of Virginia study and asked whether these numbers of people, for example, saved from suicide or gun violence also take into account the individuals who became victims of crime in their own defenses after they lost access to their firearms.

REPRESENTATIVE TARR responded that there was no evidence in the documents she researched.

REPRESENTATIVE EASTMAN asked whether that issue was taken into account.

REPRESENTATIVE TARR (audio difficulties), but she would say that she spent quite of bit of time trying to find any information or evidence that these [laws] were abused in any manner or had any negative outcomes and she has yet to find any information of those issues, she reiterated.

[8:05:32 PM](#)

REPRESENTATIVE EASTMAN asked Nancy Meade, Alaska Court System, whether there is any manner in which to anticipate the degree of frequency the courts might grant these gun violence protective orders requested under Version R.

[8:05:53 PM](#)

NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, responded that she could not predict how many cases would come, but as to the three types of domestic violence protective orders, one type can be filed by a law enforcement officer. The other two protective orders are short term and long-term that can be filed by a household member, and the domestic violence protective orders filed by law enforcement are not terribly common. When domestic violence protective orders are requested, they are carefully reviewed by a judicial officer and, just like everything else, those filed by law enforcement have a higher grant rate than those filed by household members, she offered.

[8:07:01 PM](#)

REPRESENTATIVE EASTMAN asked Ms. Meade to describe the other types of documents law enforcement might request from the court with some degree of regularity, other than search warrants.

MS. MEADE commented that that is better question for someone in law enforcement to answer, but she knows that law enforcement officers can file criminal complaints that the district attorney will then pursue in different areas. She added that certain types of peace officers and probation officers can file petitions to revoke probation on a regular basis.

8:07:45 PM

REPRESENTATIVE EASTMAN asked Ms. Meade to describe how often courts will grant search warrants which, he assumed, were requested by law enforcement as is this bill.

MS. MEADE responded that she would have to review the data in order to answer and she would forward that information.

CHAIR CLAMAN noted that police officers will periodically request search warrants to seize blood regarding a driving while under the influence (DWI) case.

8:08:24 PM

REPRESENTATIVE KOPP explained that every state's Department of Public Safety tracks assaults with firearms and suicides with firearms and turns the information into the FBI for its annual report on crime to the nation, the Uniform Crime Report. The report should offer whether there was any appreciable impact with this law. He said he appreciates that the standard of probable cause is used, as that is the standard with which law enforcement is familiar when establishing whether a particular fact or circumstance exists. He referred to Section 7, Sec. 18.65.820(a), page 5, lines 2-7, which read as follows:

If the court finds that the petition establishes probable cause to believe that the respondent is a dangerous individual, that less restrictive alternatives have been tried and were ineffective, and that the police officer has certified to the court in writing the efforts, if any, that have been made to provide notice to the respondent, the court shall ex parte and without notice to the respondent issue a protective order.

REPRESENTATIVE KOPP noted that the bill refers to a less restrictive alternative as to the long-term orders, and the court asks whether any less restrictive alternatives were undertaken. He said that he appreciates that the witnesses are examined under oath. The State of Indiana law requires that the person whose firearm is removed must petition the court to have it returned, and under Version R, when the order expires the gun is returned to the respondent, he said. In the event it is the ex parte order, the firearm is returned to the respondent after 20-days unless the court had dissolved the order sooner. In the event it is the long-term order, when the order expires in six-

months, the firearm is returned to the respondent. He described this provision as a good thing because if the respondent is truly still dangerous, society does want law enforcement to have to go back to court and advise the judge that it needs a continuing order and have to prove its case all over again. The default should be that the respondent receives their firearm back again when the order expires, rather than filing a petition and having a court date set. He opined that as the committee goes through this legislation, it will receive clarity from the requested testifiers about data points and public safety.

[8:11:21 PM](#)

REPRESENTATIVE EASTMAN asked the sponsor how a "dangerous individual" is treated under current law.

REPRESENTATIVE TARR asked Representative Eastman to refine his question a bit about the circumstances because it is an overly broad question. There are many factors, such as, is it a domestic dispute, is the person in a public place, are they threatening people, do they have a weapon, and so forth, she said.

[8:12:16 PM](#)

REPRESENTATIVE EASTMAN surmised that this legislation does not require a whole lot of scenarios, it just requires the person to be "a dangerous person."

CHAIR CLAMAN interjected that Representative Eastman was misrepresenting the definition of "dangerous person" in the bill. The statute specifically proposed under [Section 7, Sec. 18.65.845(a), page 8, lines 24-26], read as follows:

(a) For purposes of AS 18.65.815-18.65.845, an individual is considered dangerous if the individual presents

(1) an immediate risk of personal injury to self or others; or

CHAIR CLAMAN noted that Representative Eastman's suggestion that it is ambiguous is just not true.

[8:13:04 PM](#)

REPRESENTATIVE EASTMAN referred to Sec. 18.65.845(a), page 8, line 26], and the word "or," and noted that suddenly someone does not have to be an immediate risk, they can just be "a risk," and that he is discussing the "a risk" part of that requirement. In the event a person is a risk, a dangerous individual, and they come into contact with law enforcement, he asked how law enforcement would treat them under current law.

CHAIR CLAMAN advised Representative Eastman that his question could be addressed by a public safety official, and his question is not within the scope of questions the bill sponsor should be asked to answer.

[8:13:49 PM](#)

REPRESENTATIVE EASTMAN referred to [Section 7, Sec. 18.65.845(a)(B)], page 9, lines 1-3, which read as follows:

(B) is the subject of documented evidence that would give rise to a reasonable belief that the individual has a propensity for violence or unstable conduct.

REPRESENTATIVE EASTMAN asked why the phrase "unstable conduct" was chosen.

CHAIR CLAMAN advised Representative Eastman that this language is patterned after the law in the State of Indiana, and the best source to answer his question would be to read the case from the State of Indiana [Redington v. Indiana, 992 N.E.2d 823].

[8:14:50 PM](#)

REPRESENTATIVE EASTMAN asked Chair Claman to described "unstable conduct."

CHAIR CLAMAN urged Representative Eastman to read the State of Indiana case.

REPRESENTATIVE EASTMAN asked why the "unstable conduct" language was chosen.

CHAIR CLAMAN reiterated that this section of the bill is patterned after the State of Indiana law.

REPRESENTATIVE EASTMAN asked someone to provide the cite to the committee.

CHAIR CLAMAN advised that the State of Indiana law was distributed to the committee.

[8:15:28 PM](#)

REPRESENTATIVE EASTMAN asked whether there is a definition for "unstable conduct" somewhere in statute.

CHAIR CLAMAN answered, "No."

REPRESENTATIVE EASTMAN asked who is going to define that phrase.

CHAIR CLAMAN reminded Representative Eastman that part of the role of the statutes is not to define every single word of every single statute because that is the purpose of a dictionary. He opined that "unstable conduct" is defined as common knowledge, and it has some common parlance within law enforcement which is something the court would look at and consider the specific facts of the case.

[8:15:57 PM](#)

REPRESENTATIVE KOPP added that the entire section Representative Eastman referred to must be read in context, and he referred to Section 7, page 8, lines 24-31 and page 9, lines 1-3, which read as follows:

Sec. 18.65.845. Dangerous individual. (a) an individual is considered dangerous if the individual presents

(1) an immediate risk of personal injury to self or others; or

(2) a risk of personal injury to self or others in the future and the individual

(A) has a mental illness for which the individual has been prescribed medication that the individual has demonstrated a pattern of not voluntarily and consistently taking while not under supervision; or

(B) is the subject of documented evidence that would give rise to a reasonable belief

that the individual has a propensity for violence or unstable conduct.

REPRESENTATIVE KOPP explained that paragraph (1) is the immediate risk; paragraph (2) is the risk to self or others in the future; and subparagraphs (A) and (B) are the qualifiers. The qualifiers of subparagraphs (A) and (B) are predicated in paragraph (2), "a risk of personal injury to self or others in the future". He offered that the difference between the immediate risk would be when someone makes the direct threat of harm to self or others specifically, the future risk is when they post online, "I'm going to be a professional school shooter." In the event one of the mental health qualifiers attach, that would give rise to the dangerous individual definition coming into play. It refers to mental health facilities and mental illness in this section and he suggested that a mental health official comment on the section.

[8:18:00 PM](#)

REPRESENTATIVE EASTMAN pointed to "a risk of personal injury to self or others in the future" and remarked that "the future" language appears to be broad. He asked whether there is any case law that would pare that down, for example, thirty-days, three months, or six months.

CHAIR CLAMAN pointed out that obviously there is no case law interpreting this in Alaska because it would be a new statute that has not yet been applied in Alaska and he reiterated the reference to the State of Indiana case law. These are issues wherein judges would apply their usual good judgment in determining the circumstances, he remarked.

REPRESENTATIVE TARR suggested that rather than focusing on the descriptive language Representative Eastman had referred, to instead focus on the high standard of evidence that must be proved for probable cause or clear and convincing evidence, of which the judge must apply in assessing the danger.

[8:19:38 PM](#)

REPRESENTATIVE EASTMAN referred to [Section 7, amending AS 18.65.835(b)(2)], page 8, lines 10-11, which read as follows:

You are not entitled to court-appointed counsel employed at the public's expense to contest the order.

REPRESENTATIVE EASTMAN asked where in the bill it provides that a person is not entitled to court-appointed counsel.

CHAIR CLAMAN asked Representative Eastman to recall the earlier testimonies from several people, including the opinion from the attorney general, that in a civil proceeding such as this, just as in a domestic violence protective order proceeding except in a very limited set of circumstances, there is not a right to court-appointed counsel. This provision simply requires that the notice provided to the respondent specifically state that they are not entitled to court-appointed counsel, he pointed out.

[8:20:39 PM](#)

REPRESENTATIVE EASTMAN asked whether, under this bill, that could be changed to allow that the respondent is eligible for a court-appointed counsel to defend themselves against this new law.

CHAIR CLAMAN reminded Representative Eastman of prior testimony wherein the committee was advised that to add to the duties of the Public Defender Agency and provide counsel in these circumstances, which is not a criminal case or a child custody matter, would require a change to the statute regarding the Public Defender Agency, which would bring with it a fiscal note.

[8:21:18 PM](#)

REPRESENTATIVE LEDOUX referred to [Section 7, Sec. 18.65.845], pages 8-9 [previously typed] and paraphrased as follows: "a risk of personal injury to self or others in the future and the individual has a mental illness which they are not taking their medicine for." Representative LeDoux then referred to subparagraph (b) and paraphrased, "or is the subject of documented evidence that could give rise to a reasonable belief that the individual has a propensity for violence or unstable conduct." She asked whether the word should read "and" rather than "or?"

CHAIR CLAMAN noted that prior to drafting the committee substitute, there had been specific interest in the individuals who may actually have a propensity for violence and are not diagnosed as mentally ill. According to previous testimony, some people may be quite stable and quite angry and have a history of inflicting violence while angry, he noted.

8:22:53 PM

REPRESENTATIVE LEDOUX offered concern about the person with a mental illness who is not taking their prescribed medication, because simply not taking the medication does not necessarily mean they will commit a violent act. Clearly, she offered, the person with documented evidence would give rise to a reasonable belief that the individual has a propensity for violence or unstable conduct makes sense in and of itself. She commented that she was unsure that simply removing a person's guns because the psychiatrists said the person is supposed to take medication and they are not taking the medication, is up in the air. There is a lot of disagreement about some of these medications, she added.

CHAIR CLAMAN commented that subsection (a) must be read in the context of the overarching subparagraph (A) that it is not just that the person is off of their medication, but that they are off their medication and there is either clear and convincing evidence or probable cause evidence that they are a risk of personal injury to self or others. A person simply being off of their medication and talking "wacky" does not get to a gun violence protective order, there must be additional evidence that the person is at risk of harm to self or others in the future. He added that the dangerous factor must be included.

8:24:48 PM

REPRESENTATIVE LEDOUX commented that the future is a nebulous concept and while it makes perfect sense to have an ex parte basis if someone is flinging a gun around and saying crazy stuff that they are going to blow up everyone is one thing, but the future is another thing, is it a week or a year from now, she asked.

CHAIR CLAMAN responded that the original concerns offered were about the potential abuse of a domestic violence protective order, which is why the [Version R] language allows that solely police officers can apply for a gun violence protective order. He related that he will do his best to have public safety officers testify at the next hearing. He opined that the reassurance is that if a person advises a police officer that a person may be dangerous in six months when "such and such happens," the police officer would advise that they had more pressing needs on the docket right now. The requirement of a public safety officer being the applicant and the requirement that the officer convince a court, makes it unlikely that the

officer will request an order for something a long time in the future.

[8:26:37 PM](#)

REPRESENTATIVE TARR noted that for purposes of evaluating the future, the gun violence protective order expires at the end of the six-month period.

REPRESENTATIVE LEDOUX commented that Representative Tarr had offered a good point.

REPRESENTATIVE TARR noted that in order to tease out how it is a "two way so it's not the immediate risk," she referred to paragraph (2), it is the risk in the future. She explained that there is one pathway for the person with the mental illness not taking their medications, and the other is unstable conduct. At least in the research she performed, she said, the way it might work is that family members approach law enforcement about a family member because often they see a pattern of concern and re hopeful their family member will get back on their medications and stabilize. Concerned family members have a good understanding of the timeline of risk due to the pattern of that family member's behavior as to how quickly they will deteriorate when they are not medicated for their mental health condition, she explained.

[8:28:25 PM](#)

REPRESENTATIVE KREISS-TOMKINS offered that his question could be taken up another time or offline, and he referred to Representative David Guttenberg's bill [HB 355] when the committee went down the rabbit hole as to the definition of peace officer. The term "peace officer" is listed on page 2, line 18 and page 3, lines 23 and 31, of which is an important concept in HB 75. He asked whether there is a definition for peace officer that this bill is tethered to that makes clear whether it is the Alaska State Troopers and what is normally thought of as a peace officer.

REPRESENTATIVE TARR advised that she spent some time on this very discussion wherein some language in the bill read law enforcement versus peace officer. She explained that peace officer is the generally used term in statute to describe local police, state troopers, or Village Public Safety Officer (VPSO).

[8:29:46 PM](#)

REPRESENTATIVE EASTMAN noted that specifically spelled out in this bill is language that if it is an ex parte order, the information will not be available to the public via CourtView. He asked why the sponsor left it open that an individual who is subject to a six-month gun violence protective order would have their information available for the public wherein someone who may want to steal from their home could identify that they do not have any weapons.

CHAIR CLAMAN pointed out that HB 75 has nothing to do with the scenario of trying to identify houses without guns. He explained that the intention was to be consistent with the domestic violence protective orders which are available on CourtView, and to provide protections for those who are subject to an ex parte order. Hence, he pointed out, they do not have the opportunity to contest that proceeding so it would not be available on CourtView. The information listed on CourtView is only when there is a contested proceeding and the respondent has their due process opportunity to proceed as they wish, that is the only information that would be listed on CourtView, he reiterated.

[8:31:01 PM](#)

REPRESENTATIVE REINBOLD commented that she has is an issue with the definition of "dangerous individual," and that medications "are gonna be the end all, be all" when a lot of medications have serious side effects and can actually cause violence or suicidal thoughts. She related that she is glad it is defined, but this is a slippery slope.

[HB 75 was held over.]

[8:32:42 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 8:32 p.m.