

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 9, 2022

1:25 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Liz Snyder, Vice Chair
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Christopher Kurka
Representative Sarah Vance

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5

"An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date."

- MOVED SSHB 5 OUT OF COMMITTEE

HOUSE BILL NO. 325

"An Act relating to domestic violence."

- MOVED HB 325 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 182 (JUD)

"An Act establishing the crime of interference with emergency communications."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 5

SHORT TITLE: SEXUAL ASSAULT; DEF. OF "CONSENT"

SPONSOR(S): REPRESENTATIVE(S) TARR

02/18/21 (H) PREFILE RELEASED 1/8/21

02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
03/26/21	(H)	SPONSOR SUBSTITUTE INTRODUCED
03/26/21	(H)	READ THE FIRST TIME - REFERRALS
03/26/21	(H)	STA, JUD
03/27/21	(H)	STA AT 1:00 PM GRUENBERG 120
03/27/21	(H)	Heard & Held
03/27/21	(H)	MINUTE(STA)
04/13/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/13/21	(H)	Heard & Held
04/13/21	(H)	MINUTE(STA)
04/20/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/20/21	(H)	Heard & Held
04/20/21	(H)	MINUTE(STA)
04/27/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/27/21	(H)	Heard & Held
04/27/21	(H)	MINUTE(STA)
04/29/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/29/21	(H)	Scheduled but Not Heard
05/04/21	(H)	STA AT 3:00 PM GRUENBERG 120
05/04/21	(H)	Moved CSSSHB 5(STA) Out of Committee
05/04/21	(H)	MINUTE(STA)
05/06/21	(H)	STA RPT CS(STA) 1DP 5AM
05/06/21	(H)	DP: TARR
05/06/21	(H)	AM: VANCE, STORY, EASTMAN, KAUFMAN, KREISS-TOMKINS
05/06/21	(H)	FIN REFERRAL ADDED AFTER JUD
03/04/22	(H)	JUD AT 1:00 PM GRUENBERG 120
03/04/22	(H)	Heard & Held
03/04/22	(H)	MINUTE(JUD)
03/09/22	(H)	JUD AT 1:00 PM GRUENBERG 120
03/09/22	(H)	Heard & Held
03/09/22	(H)	MINUTE(JUD)
03/30/22	(H)	JUD AT 1:00 PM GRUENBERG 120
03/30/22	(H)	Heard & Held
03/30/22	(H)	MINUTE(JUD)
04/13/22	(H)	JUD AT 1:00 PM GRUENBERG 120
04/13/22	(H)	Heard & Held
04/13/22	(H)	MINUTE(JUD)
04/15/22	(H)	JUD AT 1:00 PM GRUENBERG 120
04/15/22	(H)	Heard & Held
04/15/22	(H)	MINUTE(JUD)
04/27/22	(H)	JUD AT 1:00 PM GRUENBERG 120
04/27/22	(H)	Heard & Held
04/27/22	(H)	MINUTE(JUD)
05/02/22	(H)	JUD AT 1:00 PM GRUENBERG 120
05/02/22	(H)	Heard & Held

05/02/22 (H) MINUTE (JUD)
05/04/22 (H) JUD AT 1:00 PM GRUENBERG 120
05/04/22 (H) Heard & Held
05/04/22 (H) MINUTE (JUD)
05/06/22 (H) JUD AT 10:30 AM GRUENBERG 120
05/06/22 (H) -- Continued from 5/04/22 --
05/06/22 (H) JUD AT 1:00 PM GRUENBERG 120
05/06/22 (H) -- MEETING CANCELED --
05/09/22 (H) JUD AT 1:00 PM GRUENBERG 120
05/09/22 (H) FIN AT 1:30 PM ADAMS 519

BILL: HB 325

SHORT TITLE: DOMESTIC VIOLENCE

SPONSOR(s): REPRESENTATIVE(s) RASMUSSEN

02/16/22 (H) READ THE FIRST TIME - REFERRALS
02/16/22 (H) JUD
02/25/22 (H) JUD AT 1:30 PM GRUENBERG 120
02/25/22 (H) Heard & Held
02/25/22 (H) MINUTE (JUD)
05/02/22 (H) JUD AT 1:00 PM GRUENBERG 120
05/02/22 (H) Heard & Held
05/02/22 (H) MINUTE (JUD)
05/06/22 (H) JUD AT 10:30 AM GRUENBERG 120
05/06/22 (H) -- Continued from 5/04/22 --
05/06/22 (H) JUD AT 1:00 PM GRUENBERG 120
05/06/22 (H) -- MEETING CANCELED --
05/09/22 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: SB 182

SHORT TITLE: INTERFERENCE WITH EMERGENCY SERVICES

SPONSOR(s): SENATOR(s) WILSON

02/08/22 (S) READ THE FIRST TIME - REFERRALS
02/08/22 (S) JUD
02/16/22 (S) JUD AT 1:30 PM BUTROVICH 205
02/16/22 (S) Heard & Held
02/16/22 (S) MINUTE (JUD)
02/25/22 (S) JUD AT 1:30 PM BUTROVICH 205
02/25/22 (S) Heard & Held
02/25/22 (S) MINUTE (JUD)
02/28/22 (S) JUD AT 1:30 PM BUTROVICH 205
02/28/22 (S) <Bill Hearing Rescheduled to 03/02/22>
03/02/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/02/22 (S) Moved CSSB 182 (JUD) Out of Committee
03/02/22 (S) MINUTE (JUD)
03/04/22 (S) JUD RPT CS 3DP 2NR SAME TITLE

03/04/22 (S) DP: HOLLAND, MYERS, HUGHES
 03/04/22 (S) NR: SHOWER, KIEHL
 03/04/22 (S) JUD AT 1:30 PM BUTROVICH 205
 03/04/22 (S) <Bill Hearing Canceled>
 03/09/22 (S) TRANSMITTED TO (H)
 03/09/22 (S) VERSION: CSSB 182 (JUD)
 03/14/22 (H) READ THE FIRST TIME - REFERRALS
 03/14/22 (H) STA, JUD
 04/12/22 (H) STA AT 3:00 PM GRUENBERG 120
 04/12/22 (H) Heard & Held
 04/12/22 (H) MINUTE (STA)
 04/16/22 (H) STA AT 10:00 AM GRUENBERG 120
 04/16/22 (H) Heard & Held
 04/16/22 (H) MINUTE (STA)
 05/05/22 (H) STA AT 3:00 PM GRUENBERG 120
 05/05/22 (H) Moved HCS CSSB 182 (STA) Out of
 Committee
 05/05/22 (H) MINUTE (STA)
 05/09/22 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

JASMIN MARTIN, Staff
 Senator David Wilson
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented HCS CSSB 182 (STA), on behalf of Senator Wilson, prime sponsor.

JACOB BUTCHER, Communications Manager
 MatCom Dispatch
 Wasilla, Alaska

POSITION STATEMENT: Provided invited testimony in support of HCS CSSB 182 (STA).

JOEL BUTCHER, Alaska President
 Association of Public Safety Communication Officials
 (APCO)/National Emergency Numbers Association (NENA)
 Palmer, Alaska

POSITION STATEMENT: Provided invited testimony in support of HCS CSSB 182 (STA).

KACI SCHROEDER, Assistant Attorney General
 Criminal Division
 Department of Law
 Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HCS CSSB 182 (STA).

ACTION NARRATIVE

[1:25:15 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:25 p.m. Representatives Drummond, Snyder, Kreiss-Tomkins, Eastman, Vance, and Claman were present at the call to order. Representative Kurka arrived as the meeting was in progress.

HB 5-SEXUAL ASSAULT; DEF. OF "CONSENT"

[1:25:46 PM](#)

CHAIR CLAMAN announced that the first order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5, "An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date." [CSSSHB 5(JUD) was reported from committee on 5/6/22.]

[1:25:57 PM](#)

REPRESENTATIVE SNYDER moved to rescind the committee's action on 5/6/22 in reporting CSSSHB 5(JUD) from committee. There being no objection, it was so ordered.

[1:26:05 PM](#)

REPRESENTATIVE SNYDER moved to report CSSSHB 5, Version 32-LS0065\R, Radford, 5/2/22, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE EASTMAN objected.

[1:26:18 PM](#)

A roll call vote was taken. Representatives Drummond, Snyder, Kreiss-Tomkins, Vance, and Claman voted in favor of the motion. Representative Eastman voted against it. Therefore, CSSSHB 5(JUD) was reported out of the House Judiciary Standing Committee by a vote of 5-1.

HB 325-DOMESTIC VIOLENCE

[1:26:52 PM](#)

CHAIR CLAMAN announced that the next order of business would be HOUSE BILL NO. 325, "An Act relating to domestic violence." [HB 325 was moved from committee on 5/6/22.]

[1:27:01 PM](#)

REPRESENTATIVE SNYDER moved to rescind the committee's action on 5/6/22 in reporting HB 325 from committee. There being no objection, it was so ordered.

[1:27:17 PM](#)

REPRESENTATIVE SNYDER moved to report HB 325 out of committee with individual recommendations and the accompanying fiscal notes.

[1:27:29 PM](#)

REPRESENTATIVE EASTMAN objected.

[1:27:33 PM](#)

A roll call vote was taken. Representatives Vance, Drummond, Snyder, Kreiss-Tomkins, and Claman voted in favor of moving HB 325 from committee. Representative Eastman voted against it. Therefore, HB 325 was reported out of the House Judiciary Standing Committee by a vote of 5-1.

SB 182-INTERFERENCE WITH EMERGENCY SERVICES

[1:28:07 PM](#)

CHAIR CLAMAN announced that the final order of business would be CS FOR SENATE BILL NO. 182(JUD), "An Act establishing the crime of interference with emergency communications." [Before the committee was HCS CSSB 182(STA).]

[1:28:45 PM](#)

JASMIN MARTIN, Staff, Senator David Wilson, Alaska State Legislature, on behalf of Senator Wilson, prime sponsor, presented HCS CSSB 182(STA). She paraphrased the sponsor

statement [included in the committee packet], which read as follows [original punctuation provided]:

Senate Bill 182 establishes the offense of interference with emergency communications. This statute would apply when a person: repeatedly makes 911 calls to report something they know has already been reported, repeatedly calls 911 when there is no emergency, harasses or threatens a 911 operator, or disrupts communications between 911 operators and first responders.

Interference with emergency communications - the misuse, abuse, and disruption of 911 dispatch centers - is a problem that severely impacts public safety and emergency response by delaying responses to real emergencies. It is prevalent at dispatch centers across Alaska and must be addressed.

During these disruptive events, other urgent emergency calls must be placed on hold or delayed to meet standards; industry standards are that all 911 calls must be answered within 15-20 seconds. A dispatcher could be required to place the parent of a choking child on hold to answer repeated calls from a harassing individual who is not in need of emergency services, delaying necessary life-saving measures. Under the language in the bill, that harasser could be charged. Currently, state statute does not address harassing behavior specific to 911 dispatch centers, nor does it give law enforcement adequate recourse to stop the behavior.

This problem is not unique to Alaska. Other states have developed legislation that makes interfering with emergency communications an arrestable offense - which is the most effective way to stop the interference - thus allowing 911 telecommunicators to focus on legitimate emergencies.

[1:30:57 PM](#)

MS. MARTIN presented the sectional analysis for HCS CSSB 182(STA) [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: Adds a new section (.785. Interference with emergency communications) to AS 11.56. (Criminal Law, 56. Offenses Against Public Administration).

(a) Establishes that a person commits a crime of interference with emergency communication when they:

(1) Call 911 to elicit a first responder response for a previously reported incident when there has been no change in circumstances, and they have been instructed to stop calling

(2) Make repeated 911 calls when there is no emergency.

(3) Threaten 911 operator during a call to 911.

(4) Disrupt emergency communications:

(A) Between 911 operators and first responders,

(B) Between first responders.

(C) Between a 911 operator and a person reporting an emergency.

(b) Clarifies that that (4)(a) does not apply to in person communications.

(c) Defines: "emergency communication," "emergency communication center," and "emergency communication worker."

(d) Establishes that this crime is a class B misdemeanor.

Section 2: Adds a section to uncodified law that specifies that this act is not applicable to offenses committed prior to this legislation.

[1:32:13 PM](#)

CHAIR CLAMAN proceeded with invited testimony.

[1:32:54 PM](#)

JACOB BUTCHER, Communications Manager, MatCom Dispatch, said he had worked as a 911 emergency telecommunicator for 16 years. During that time, he provided emergency lifesaving support and walked people through emergencies, including providing bleeding control or cardiopulmonary resuscitation (CPR) instructions and deescalating armed suicidal callers. Not every call to the call center is a life and death matter, he said, but dispatchers must answer every call. Calls not constituting emergencies can be professionally handled by redirecting the caller to nonemergency resources; however, sometimes explanations and educating callers

cannot surmount the disruption caused by intentionally false, disorderly, and harassing calls to the center.

MR. JACOB BUTCHER related that on July 4, 2021, the 911 center was attacked by two different types of emergency communications interference. One form was computerized call spoofing, where a caller deliberately falsifies the information transmitted to the caller identification (ID) display to disguise their identity. He reported that the call center received 45 spoofing calls within 24 hours. Still, each call needed to be answered, processed, vetted, and followed up. These calls tied up resources from Mat-Com Dispatch, the Department of Public Safety (DPS), the Anchorage Police Department (APD), the Anchorage Fire Department, and several others. The second issue was a person who was upset with how a prior incident had been handled and aired his frustration by dialing 911 over 80 times in a single day. Before hanging up, he unleashed a barrage of profane, insulting, and highly vulgar expressions, Mr. Jacob Butcher recollected. The call center staff sifted through those calls while continuing to provide assistance and responses to emergencies, including a reported drowning that led to water rescue efforts, two plane crashes, four separate wildfire reports from fireworks, and a full structure fire. Seconds count for most true emergencies, he emphasized, and he asked whether members could envision being placed on hold or interrupted by one of the 120 plus false emergency calls during an emergency. He concluded by stating that SB 182 would provide a mechanism for resolving disruptions to call centers to free up the 911 lines.

[1:36:29 PM](#)

JOEL BUTCHER, Alaska President, Association of Public Safety Communication Officials (APCO)/National Emergency Numbers Association (NENA), emphasized the importance of the legislation moving forward, as it addressed a real problem in the state of Alaska. He acknowledged that although the incidents were not every-day occurrences, they crippled the 911 centers when they did transpire. He welcomed questions from members of the committee.

[1:37:38 PM](#)

CHAIR CLAMAN sought questions from committee members.

[1:37:56 PM](#)

REPRESENTATIVE SNYDER questioned the motivation for reestablishing the crime as a class B misdemeanor instead of a class C felony.

MS. MARTIN explained that the original version of the bill classified the crime as a class C felony if the interference resulted in serious harm or death, or the offender was repeatedly convicted; otherwise, the crime was a class A misdemeanor. Due to concerns expressed by both the Senate Judiciary Standing Committee and the House State Affairs Standing Committee, the C felony was ultimately lowered to a class B misdemeanor in the House State Affairs Standing Committee, which the committee believed to be a more appropriate punishment. She noted that the bill sponsor was supportive of that change.

[1:39:12 PM](#)

REPRESENTATIVE SNYDER asked Ms. Martin to expound on the members' concerns about the crime's original classification.

MS. MARTIN said primarily, members were concerned about making people felons. The previous committees of referral wanted to ensure that the behavior wasn't over-criminalized, as 911 centers were called often, she added.

CHAIR CLAMAN summarized the amendment process in the House State Affairs Standing Committee.

REPRESENTATIVE SNYDER asked whether intervention through alternate means would be provided to repeat callers who were experiencing a mental health crisis.

MS. MARTIN answered no.

[1:41:04 PM](#)

REPRESENTATIVE KURKA asked whether interference that resulted in death would be penalized with a stiffer penalty.

MS. MARTIN replied not under the proposed legislation; however, intentionally negligent or harmful behavior resulting in death could be captured under existing statutes.

CHAIR CLAMAN asked Ms. Schroeder to address the question of whether existing crimes would capture conduct that led to death.

[1:42:17 PM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law (DOL), confirmed that other crimes, such as criminally negligent homicide and manslaughter, would be available if causation could be proved; however, linking them could be difficult, she said.

REPRESENTATIVE KURKA asked how a connection could be made between [interference with emergency communications] that resulted in death and a stiffer penalty.

MS. SCHROEDER said prosecution would have to show that the act of repeatedly calling 911 interfered with a person receiving help and ultimately caused his/her death. She added that the causation issue would be the biggest hurdle.

REPRESENTATIVE KURKA considered a scenario in which a dying person called 911 to no avail. He asked whether that situation would qualify if it was later proven that the deceased individual could have been saved.

MS. SCHROEDER said the significant factor was proving that the individual could have been saved had the 911 center not been interfered with. She reiterated the difficulty of that type of prosecution.

[1:45:40 PM](#)

REPRESENTATIVE DRUMMOND asked how the proposed legislation would put a stop to the conduct in question.

MS. MARTIN said it would allow the dispatcher to communicate to the caller that the behavior was illegal. In some instances, it would allow for a police officer to be dispatched to speak with or arrest the caller.

REPRESENTATIVE DRUMMOND asked whether the dispatcher could hang up on the caller after communicating that the behavior was illegal. She said she was trying to figure out how dispatchers could return to the true emergencies.

MS. MARTIN deferred to Mr. Jacob Butcher

MR. JACOB BUTCHER said determining whether an emergency existed was of the utmost importance. Dispatchers had the option of

disconnecting calls when vulgarities were being screamed by the caller, he added.

CHAIR CLAMAN shared a personal anecdote.

[1:50:17 PM](#)

REPRESENTATIVE EASTMAN asked whether the language in the bill paralleled other statutes involving interference with first responders, such as paramedics, police officers, or firefighters.

MS. MARTIN offered to follow up with the requested information. She noted that page 2, line 6, addressed interference with communication equipment used by first responders.

[1:52:38 PM](#)

CHAIR CLAMAN opened public testimony on HCS CSSB 182(STA). After ascertaining that no one wished to testify, he closed public testimony and announced that the bill would be held over.

[1:53:46 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:54 p.m.