

**ALASKA STATE LEGISLATURE**  
**SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

May 18, 2021

3:34 p.m.

**MEMBERS PRESENT**

Senator Shelley Hughes, Chair  
Senator Robert Myers, Vice Chair  
Senator David Wilson  
Senator Elvi Gray-Jackson

**MEMBERS ABSENT**

Senator Lyman Hoffman

**COMMITTEE CALENDAR**

SENATE BILL NO. 136

"An Act relating to firearms and other weapons restrictions."

- MOVED CSSB 136 (CRA) OUT OF COMMITTEE

SENATE BILL NO. 46

"An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; establishing a statewide use-of-force database in the Department of Public Safety; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report for inclusion in the database incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

- MOVED CSSB 46 (CRA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 136

SHORT TITLE: LIMITATIONS ON FIREARMS RESTRICTIONS

SPONSOR(S): SENATOR(S) MYERS

05/05/21 (S) READ THE FIRST TIME - REFERRALS  
 05/05/21 (S) CRA, STA  
 05/11/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
 05/11/21 (S) -- MEETING CANCELED --  
 05/13/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
 05/13/21 (S) Heard & Held  
 05/13/21 (S) MINUTE(CRA)  
 05/18/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)

**BILL: SB 46**

SHORT TITLE: LAW ENFORCEMENT: REGISTRY; USE OF FORCE

SPONSOR(S): SENATOR(S) GRAY-JACKSON

01/25/21 (S) READ THE FIRST TIME - REFERRALS  
 01/25/21 (S) CRA, STA, FIN  
 04/20/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
 04/20/21 (S) Heard & Held  
 04/20/21 (S) MINUTE(CRA)  
 04/29/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
 04/29/21 (S) -- MEETING CANCELED --  
 05/04/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
 05/04/21 (S) Heard & Held  
 05/04/21 (S) MINUTE(CRA)  
 05/13/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
 05/13/21 (S) <Bill Hearing Canceled>  
 05/18/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

DAWSON MANN, Staff  
 Senator Shelley Hughes  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Read the summary of changes from version A to version I for SB 46:

KATHRYN MONFREDA, Director  
 Statewide Services  
 Department of Public Safety  
 Anchorage, Alaska

**POSITION STATEMENT:** Raised concern with SB 46 and offered a solution.

**ACTION NARRATIVE**

[3:34:59 PM](#)

**CHAIR SHELLEY HUGHES** called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:34 p.m. Present at the call to order were Senators Gray-Jackson, Myers, and Chair Hughes. Senator Wilson arrived thereafter.

**SB 136-LIMITATIONS ON FIREARMS RESTRICTIONS**

[3:35:47 PM](#)

CHAIR HUGHES announced the consideration of SENATE BILL NO. 136 "An Act relating to firearms and other weapons restrictions."

[3:36:15 PM](#)

SENATOR MYERS, speaking as sponsor of SB 136, stated the point of the bill is to protect rights regarding firearms during a disaster declaration. He added, "Especially during a time period when we may need our firearms to put food on the table or to defend ourselves, depending on the situation."

CHAIR HUGHES commented on the need to rebalance legislative power during a disaster declaration.

She asked if he had an amendment to offer.

[3:37:49 PM](#)

SENATOR MYERS moved Amendment 1.

[3:37:54 PM](#)

CHAIR HUGHES objected for discussion purposes.

[3:37:57 PM](#)

SENATOR MYERS explained Amendment 1 provides clarifying language. The Court System and other entities expressed concern that the bill would apply both during and outside a disaster declaration because of the use of the term "notwithstanding." He said the bill is intended to apply only during a disaster declaration; there is no intention to change firearm rules when there is not a disaster declaration. Rather, the bill seeks to prevent the state or a municipality from altering firearm rules by executive fiat and without legislative oversight.

Amendment 1 changes the phrase "notwithstanding a disaster declaration" to "during a disaster declaration". The phrase "state or municipal agency" is reworded to say, "the governor, a state agency, or a municipality".

[3:39:55 PM](#)

SENATOR GRAY-JACKSON stated she does not support the bill but she would support the amendment out of respect for her colleague.

[3:40:32 PM](#)

CHAIR HUGHES removed her objection. Finding no further objection, Amendment 1 was adopted.

She asked the sponsor if he had closing remarks.

[3:41:00 PM](#)

SENATOR MYERS stated the point of SB 136 is to ensure firearm rights are not violated by executive fiat during a disaster declaration. The intent is for people to be able to defend themselves, provide for their families, and do things they expect to be able to do with their firearm rights.

CHAIR HUGHES recalled early in the pandemic Alaskans were unsure about the Port of Seattle and how the food supply to Alaska might be affected. She appreciated that she lived in a state that had abundant hunting and fishing resources.

She asked the will of the committee.

[3:42:42 PM](#)

SENATOR MYERS moved to report SB 136, work order 32-LS0856\A as amended, from committee with individual recommendations and attached fiscal note(s).

[3:42:54 PM](#)

CHAIR HUGHES found no objection and CSSB 136(CRA) was reported from the Senate Community and Regional Affairs Standing Committee.

[3:42:57 PM](#)

At ease

**SB 46-LAW ENFORCEMENT: REGISTRY; USE OF FORCE**

[3:44:10 PM](#)

CHAIR HUGHES reconvened the meeting and announced the consideration of SENATE BILL NO. 46, "An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; establishing a statewide use-of-force database in the Department of Public Safety; requiring a municipality that employs a person

as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report for inclusion in the database incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

She noted the proposed committee substitute (CS).

[3:44:40 PM](#)

SENATOR MYERS moved to adopt the committee substitute (CS) for SB 46, work order 32-LS0366\I, as the working document.

[3:44:53 PM](#)

CHAIR HUGHES objected for discussion purposes.

[3:45:03 PM](#)

DAWSON MANN, Staff, Senator Shelley Hughes, Alaska State Legislature, Juneau, Alaska, read the summary of changes from version A to version I for SB 46. The document read as follows:

**Title Changes:** The following has been removed from the title in order to conform to changes.

- "Establishing a statewide use-of-force database in the Department of Public Safety; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report for inclusion in the database incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

**Title Changes:** The following has been added to the title in order to conform to changes.

- "Requiring the Department of Public Safety to submit a yearly use-of-force report to the legislature; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public safety to report to the Federal Bureau of Investigation incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal

correctional facility employees; and providing for an effective date."

**Sec. 1 - AS 18.65.220 Page 1, Lines 11-12, Page 2 Lines 1-21**

This section is amended to state that the council shall make recommendations regarding reports of use of force which may be adopted as regulations.

This section is also amended to require that the central registry of information include the reason for denial or revocation of an officer's certificate.

**Sec. 6 - AS 29.71 Page 3, Lines 18-22**

This section is amended to require a municipality to submit reports of use of force by municipal officers and correctional employees to the Federal Bureau of Investigation.

**Sec. 7 - AS 44.28.020 Page 3, Lines 23-26**

This section is amended to require the Department of Corrections to submit reports of use of force by probation officers, parole officers, and correctional officers to the Federal Bureau of Investigation.

**Sec. 8 - AS 44.41.020 Page 3, Lines 27-30**

This section is amended to require the Department of Public Safety to submit reports of use of force by state troopers, village public safety officers, and regional public safety officers to the Federal Bureau of Investigation.

**Sec. 9 - AS 44.41.055 Page 3, Line 31, Page 4, Lines 1-6**

This section is amended to remove the original statewide use of force data base and instead require the Department of Public Safety to submit an annual report to the legislature based on the information contained in the use of force reports provided by the Department of Public Safety, the Department of Corrections, and municipalities to the Federal Bureau of Investigation database.

**Sec. 15 -Page 4, Line 29**

This is amended to establish the effective date as July 1<sup>st</sup>, 2022.

[3:45:57 PM](#)

SENATOR WILSON joined the committee meeting.

[3:47:15 PM](#)

SENATOR GRAY-JACKSON asked to hear what the Department of Public Safety thinks about the changes.

[3:47:37 PM](#)

CHAIR HUGHES removed her objection. Finding no further objection, version I was adopted.

CHAIR HUGHES explained she had the CS drafted to respond to the Alaska Association of Chiefs of Police letter of objection. Out of respect for their work statewide, she wanted to heed their suggestions and provide an opportunity over the interim to work through some of the issues with the sponsor. She described the CS as a softer approach. The Police Standards Council would make recommendations rather than requiring law enforcement agencies adopt regulations. Rather than the department creating a database, the CS uses the existing FBI portal for law enforcement agencies to input data, including use of force, but with modifications that Ms. Monfreda would describe. She reiterated that the CS was a work in progress but she would like to move the bill to the State Affairs Committee where the work can continue next session and after the sponsor has had the opportunity to work with the Association of Chiefs of Police over the interim.

She asked the sponsor if she had any comment.

[3:50:03 PM](#)

SENATOR GRAY-JACKSON thanked the chair for her efforts to move the bill forward and for mentioning she intended to meet with public safety officers statewide throughout the summer so her suite of police reforms could move forward amicably.

[3:51:06 PM](#)

KATHRYN MONFREDA, Director, Statewide Services, Department of Public Safety (DPS) Department of Public Safety, Anchorage, Alaska, stated DPS currently is not able to get reports from the FBI database. A solution is to purchase a module that includes all the data elements currently required for the FBI use of force database. The module allows reports to be pulled and the information to be submitted to the FBI.

[3:52:04 PM](#)

SENATOR GRAY-JACKSON asked whether the department had funding for the module.

[3:52:19 PM](#)

MS. MONFREDA answered the department is working to identify a funding source for the module.

CHAIR HUGHES asked the sponsor if she had an amendment to offer.

[3:52:55 PM](#)

SENATOR GRAY-JACKSON answered the amendment she had intended to offer was no longer relevant because of the committee substitute.

CHAIR HUGHES asked if she had any closing remarks.

SENATOR GRAY-JACKSON stated SB 46 would complement the database the Department of Public Safety is already using by adding statistics on use of force incidents. She said this bill is needed and she looks forward to it becoming state law.

[3:53:41 PM](#)

CHAIR HUGHES solicited the will of the committee.

[3:53:52 PM](#)

SENATOR MYERS moved to report SB 46, work order 32-LS0366\I, from committee with individual recommendations and attached fiscal note(s).

[3:54:09 PM](#)

CHAIR HUGHES found no objection and CSSB 46(CRA) was reported from the Senate Community and Regional Affairs Standing Committee.

[3:56:00 PM](#)

There being no further business to come before the committee, Chair Hughes adjourned the Senate Community and Regional Affairs Standing Committee meeting at 3:56 p.m.