

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 21, 2023

1:31 p.m.

MEMBERS PRESENT

Senator Forrest Dunbar, Chair
Senator Elvi Gray-Jackson
Senator Jesse Bjorkman
Senator Cathy Giessel

MEMBERS ABSENT

Senator Donald Olson, Vice Chair

COMMITTEE CALENDAR

SENATE BILL NO. 23

"An Act relating to the duties of the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; relating to the duties of the Department of Public Safety; relating to reports of 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 23(CRA) OUT OF COMMITTEE

SENATE BILL NO. 63

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

- MOVED SB 63 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 23

SHORT TITLE: LAW ENFORCEMENT: REGISTRY; USE OF FORCE

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

01/18/23	(S)	PREFILE RELEASED 1/9/23
01/18/23	(S)	READ THE FIRST TIME - REFERRALS
01/18/23	(S)	CRA, STA
03/09/23	(S)	CRA AT 1:30 PM BELTZ 105 (TSBldg)

03/09/23 (S) Heard & Held
03/09/23 (S) MINUTE(CRA)
03/21/23 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 63

SHORT TITLE: LIMITATIONS ON FIREARMS RESTRICTIONS

SPONSOR(s): SENATOR(s) KAWASAKI

02/08/23 (S) READ THE FIRST TIME - REFERRALS
02/08/23 (S) CRA, JUD
02/23/23 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)
02/23/23 (S) Heard & Held
02/23/23 (S) MINUTE(CRA)
03/21/23 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

LISA PURINTON, Bureau Chief
Criminal Records and Identification
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Explained the changes Amendment 1 made to SB 23.

SENATOR SCOTT KAWASAKI, District P
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 63.

ACTION NARRATIVE

1:31:47 PM

CHAIR FORREST DUNBAR called the Senate Community and Regional Affairs Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Gray-Jackson, Bjorkman, and Chair Dunbar. Senator Giessel arrived immediately thereafter.

SB 23-LAW ENFORCEMENT: REGISTRY; USE OF FORCE

1:32:37 PM

CHAIR DUNBAR announced the consideration of SENATE BILL NO. 23 "An Act relating to the duties of the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; relating to the duties of the Department of Public Safety; relating to reports of

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."

CHAIR DUNBAR stated this is the second hearing of SB 23, and there is one amendment. He asked Senator Gray-Jackson to move her amendment.

[1:33:07 PM](#)

SENATOR GIESSEL joined the meeting.

[1:33:23 PM](#)

SENATOR GRAY-JACKSON moved to adopt Amendment 1, work order 33-LS0230\A.2, for SB 23.

33-LS0230\A.2
Radford
3/20/23

AMENDMENT 1

OFFERED IN THE SENATE BY SENATOR GRAY-JACKSON
TO: SB 23

Page 1, line 5, following "**parole**,":
Insert "**pretrial services**,"

Page 1, line 10, following the third occurrence of
"officer,":
Insert "pretrial services officer,"

Page 1, lines 12 - 13:
Delete "used deadly force or prepared to use
deadly force"
Insert "engaged in the use of force"

Page 2, line 2, following the second occurrence of
"officers,":
Insert "pretrial services officers,"

Page 2, line 30:
Delete "a new paragraph"
Insert "new paragraphs"

Page 2, line 31:
Delete all material and insert:

"(10) "pretrial services officer" means a person who performs the duties assigned in AS 33.07;

(11) "serious physical injury" has the meaning given in AS 11.81.900(b);

(12) "use of force" means force that causes a fatality or serious physical injury or the discharge of a firearm at or in the direction of another person in the course of an interaction between a police officer, probation officer, parole officer, pretrial services officer, municipal correctional officer, or correctional officer and another person."

Page 3, line 30:

Delete "**Use of force reporting requirement**"

Insert "**Reporting requirement for use of force**"

Page 4, line 1:

Delete "Federal Bureau of Investigation"

Insert "Department of Public Safety, on a form prescribed by the Department of Public Safety,"

Page 4, line 2:

Delete "uses force against a person"

Insert "engages in use of force as defined in AS 18.65.290"

Page 4, line 3:

Delete "a new subsection"

Insert "new subsections"

Page 4, line 4:

Delete "Federal Bureau of Investigation"

Insert "Department of Public Safety, on a form prescribed by the Department of Public Safety,"

Page 4, line 5, following the second occurrence of "officer,":

Insert "pretrial services officer,"

Page 4, line 6:

Delete "uses force against a person"

Insert "engages in use of force as defined in AS 18.65.290"

Page 4, following line 6:

Insert a new subsection to read:
" (e) In this section, "department" means the Department of Corrections."

Page 4, line 10:

Delete "uses force against a person"
Insert "engages in use of force as defined in AS 18.65.290"

Page 4, lines 12 - 17:

Delete all material and insert:
"Sec. 44.41.055. Statewide reporting of use of force. (a) The Department of Public Safety shall maintain a central repository of incidents of use of force in the state.
(b) The Department of Public Safety shall report all incidents of use of force, including incidents reported to the department by the Department of Corrections and by municipalities, to the Federal Bureau of Investigation for inclusion in the Federal Bureau of Investigation's data collection program for the use of force.
(c) The Department of Public Safety shall prepare a report that summarizes the information contained in the reports of use of force submitted by the Department of Public Safety, the Department of Corrections, and municipalities during the preceding fiscal year and shall submit the report to the chief clerk of the house of representatives and the senate secretary and notify the legislature that the report is available not later than December 1 of each year.
(d) In this section, "use of force" has the meaning given in AS 18.65.290."

CHAIR DUNBAR objected for purposes of discussion.

SENATOR GRAY-JACKSON said that the Department of Public Safety recommended Amendment 1 and requested a representative from the department explain the changes it proposes to SB 23.

CHAIR DUNBAR invited Ms. Purinton to address Amendment 1.

[1:34:14 PM](#)

LISA PURINTON, Bureau Chief, Criminal Records and Identification, Department of Public Safety (DPS), Anchorage,

Alaska, explained that Amendment 1 proposes changes related to reporting requirements for some of the agencies referenced in the bill.

CHAIR DUNBAR requested a little more detail about what Amendment 1 does.

MS. PURINTON offered the following details about what Amendment 1 does:

Page 1, line 5, following "**parole**,":
Insert "**pretrial services**,"

She explained this adds pretrial officer to the definition of officers.

Page 1, line 10, following the third occurrence of "officer,":
Insert "pretrial services officer,"

She explained this adds conforming language to incorporate pretrial officer, a relatively new type of officer in the Department of Corrections (DOC). This updates the statutes to include this type of officer.

Page 1, lines 12 - 13:
Delete "used deadly force or prepared to use deadly force"
Insert "engaged in the use of force"

She explained that the Alaska Police Standards Council and the department were concerned about vague language because most uniformed, armed officers are "prepared to use deadly force" daily. The department recommends replacing the "deadly force" phrase with "engaged in the use of force" for clarity.

Page 2, line 2, following the second occurrence of "officers,":
Insert "pretrial services officers,"

She explained this adds conforming language that incorporates pretrial officers in the list of officers.

Page 2, line 30:
Delete "a new paragraph"
Insert "new paragraphs"

She explained this adds plural language to reflect the addition of a new paragraph.

[1:36:47 PM](#)

Page 2, line 31:

Delete all material and insert:

"(10) "pretrial services officer" means a person who performs the duties assigned in AS 33.07;

(11) "serious physical injury" has the meaning given in AS 11.81.900(b);

(12) "use of force" means force that causes a fatality or serious physical injury or the discharge of a firearm at or in the direction of another person in the course of an interaction between a police officer, probation officer, parole officer, pretrial services officer, municipal correctional officer, or correctional officer and another person."

She explained this section:

- deletes the term "deadly force" because that term is already referenced in statute;
- adds a new paragraph that defines the DOC pretrial services officer;
- adds a new paragraph that defines "serious physical injury" and references the statute; and
- adds a new paragraph that ensures the State definition of the term "use of force" conforms with the Federal Bureau of Investigation (FBI) definition. She said that an "apples to apples" definition provides entities with the capacity for direct comparison and consistent use between organizations.

Page 3, line 30:

Delete "**Use of force reporting requirement**"

Insert "**Reporting requirement for use of force**"

She said this language was suggested to clarify the header.

[1:38:13 PM](#)

Page 4, line 1:

Delete "Federal Bureau of Investigation"

Insert "Department of Public Safety, on a form prescribed by the Department of Public Safety,"

She said this is a change in the reporting requirement that allows state agencies to file a "use of force" incident report directly with DPS. DPS received a module update to the department's Uniform Crime Reporting Collection Program that allows it to report data directly to the FBI on behalf of reporting agencies. She said the sponsor sought to capture a broader range of reporting and this change achieves that aim, specifically for the Department of Corrections, as its officers

fall outside the scope of the FBI's National Use of Force Program definitions.

MS. PURINTON pointed out that this reporting requirement is repeated several times in Amendment 1.

Page 4, line 2:

Delete "uses force against a person"

Insert "engages in use of force as defined in AS 18.65.290"

She explained this adds required language to conform with the "use of force" definition.

Page 4, line 3:

Delete "a new subsection"

Insert "new subsections"

She explained this adds plural language to reflect the addition of a new subsection.

Page 4, line 4:

Delete "Federal Bureau of Investigation"

Insert "Department of Public Safety, on a form prescribed by the Department of Public Safety,"

She said this is a reporting requirement change that allows the department to submit a "use of force" incident report directly to DPS.

Page 4, line 5, following the second occurrence of "officer,":

Insert "pretrial services officer,"

She explained this adds conforming language to ensure pretrial officers are included in the scope of SB 23.

Page 4, line 6:

Delete "uses force against a person"

Insert "engages in use of force as defined in AS 18.65.290"

She explained this adds required language to conform with the "use of force" definition.

Page 4, following line 6:

Insert a new subsection to read:

"(e) In this section, "department" means the Department of Corrections."

MS. PURINTON explained that SB 23 references multiple departments. This clarifies that "department" means the Department of Corrections in this section.

Page 4, line 10:

Delete "uses force against a person"

Insert "engages in use of force as defined in AS 18.65.290"

She explained this adds required language to conform with the "use of force" definition.

Page 4, lines 12 - 17:

Delete all material and insert:

"Sec. 44.41.055. Statewide reporting of use of force. (a) The Department of Public Safety shall maintain a central repository of incidents of use of force in the state.

(b) The Department of Public Safety shall report all incidents of use of force, including incidents reported to the department by the Department of Corrections and by municipalities, to the Federal Bureau of Investigation for inclusion in the Federal Bureau of Investigation's data collection program for the use of force.

(c) The Department of Public Safety shall prepare a report that summarizes the information contained in the reports of use of force submitted by the Department of Public Safety, the Department of Corrections, and municipalities during the preceding fiscal year and shall submit the report to the chief clerk of the house of representatives and the senate secretary and notify the legislature that the report is available not later than December 1 of each year.

(d) In this section, "use of force" has the meaning given in AS 18.65.290."

She explained this outlines the "use of force" reporting requirements and replaces the language in this section.

[1:41:54 PM](#)

SENATOR GRAY-JACKSON thanked Ms. Purinton and the department for recognizing the importance of SB 23 and working cooperatively with her office to improve its delivery.

[1:42:20 PM](#)

SENATOR BJORKMAN asked whether DPS has taken a position on SB 23.

MS. PURINTON answered DPS is neutral on the bill. The department reports data to the FBI and has done so since the program

started a couple of years ago. Several agencies across the state are voluntarily participating.

[1:42:59 PM](#)

SENATOR GRAY-JACKSON reminded members that the reason for bringing this bill forward is to ensure reporting requirements are resistant to leadership changes. SB 23 codifies reporting requirements to remain in statute in perpetuity, being neither discretionary nor subject to leadership changes.

[1:43:27 PM](#)

CHAIR DUNBAR removed his objection; he found no further objection and Amendment 1 was adopted.

[1:43:54 PM](#)

SENATOR GIESSEL pointed out that public testimony was left open in the previous meeting.

[1:45:37 PM](#)

At ease.

[1:44:29 PM](#)

CHAIR DUNBAR reconvened the meeting.

CHAIR DUNBAR opened public testimony on SB 23; finding none, he closed public testimony.

CHAIR DUNBAR solicited the will of the committee.

[1:45:12 PM](#)

SENATOR GIESSEL moved to report SB 23, 33-LS0230\A, as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR DUNBAR found no objection and CSSB 23(CRA) was reported from the Senate Community and Regional Affairs Standing Committee.

[1:45:36 PM](#)

At ease.

SB 63-LIMITATIONS ON FIREARMS RESTRICTIONS

[1:46:26 PM](#)

CHAIR DUNBAR reconvened the meeting and announced the consideration of SENATE BILL NO. 63 "An Act relating to restrictions on firearms and other weapons."

CHAIR DUNBAR said this is the second hearing of SB 63, and the intention is to act on the bill today. He invited Senator Kawasaki to make closing remarks.

[1:47:02 PM](#)

SENATOR SCOTT KAWASAKI, District P, Alaska State Legislature, Juneau, Alaska, sponsor of SB 63, replied to questions pertaining to private right of action and injunctive relief, referencing a Legal Services "cause of action and relief" memo, dated March 18, from Claire Radford, Legislative Counsel. The memo is available on BASIS. He gave a brief overview of the questions asked in the memo:

Question: Does SB 63 create a private right of action where individual officers, national guardsmen, and aide workers could be sued for doing their job to protect the public?

Senator Kawasaki said the short answer is no. The cause of action would apply to the person who issued the order, proclamation, regulation, or ordinance.

Question: Is injunctive relief or specific performance a more typical remedy versus treble damages?

Senator Kawasaki said that treble damages are not used as often but are in statute and defined in law. He advised that the next committee of referral could make a policy call on this.

[1:48:54 PM](#)

SENATOR GIESSEL moved to report SB 63, 33-LS0425\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR DUNBAR found no objection and SB 63 was reported from the Senate Community and Regional Affairs Standing Committee.

[1:49:16 PM](#)

At ease.

[1:52:39 PM](#)

CHAIR DUNBAR reconvened the meeting.

[1:52:58 PM](#)

There being no further business to come before the committee, Chair Dunbar adjourned the Senate Community and Regional Affairs Standing Committee meeting at 1:52 p.m.