

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

January 23, 2023

1:31 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator James Kaufman
Senator Cathy Giessel
Senator Donald Olson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE DISCUSSION OF JUDICIARY TOPICS

- HEARD

SENATE BILL NO. 38

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 38

SHORT TITLE: INTERFERENCE WITH EMERGENCY SERVICES

SPONSOR(s): SENATOR(s) WILSON

01/18/23	(S)	PREFILE RELEASED 1/13/23
01/18/23	(S)	READ THE FIRST TIME - REFERRALS
01/18/23	(S)	JUD
01/23/23	(S)	JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR DAVID WILSON, District N
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 38.

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

POSITION STATEMENT: Presented the Sectional Analysis for SB 38.

JACOB BUTCHER, Communications Manager
Mat-Com Dispatch
Wasilla, Alaska

POSITION STATEMENT: Provided invited testimony and answered questions in support of SB 38.

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

POSITION STATEMENT: Provided invited testimony and answered questions in support of SB 38.

JAMES COCKRELL, Commissioner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony and answered questions in support of SB 38.

ACTION NARRATIVE

[1:31:02 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Kaufman, Kiehl, Giessel, Olson and Chair Claman.

INTRODUCTIONS AND COMMITTEE DISCUSSION OF JUDICIARY TOPICS

[1:32:01 PM](#)

CHAIR CLAMAN asked members to introduce themselves and voice their goals for the Senate Judiciary Committee.

[1:32:05 PM](#)

SENATOR KAUFMAN, District F, admitted that he had little experience with the judiciary system, and this was his first judiciary committee placement since serving in the legislature.

[1:32:45 PM](#)

SENATOR OLSON, District T, stated that he attended law school. The communities in the district he served were small and village public safety officers (VPSOs) provided "law and order". He expressed interest in the needs of rural communities.

[1:33:20 PM](#)

SENATOR GIESSEL, District E, informed that she had "zero background" in judiciary. She specialized in nursing professionally and focused on Alaska's natural resources during her time with the legislature.

[1:34:06 PM](#)

SENATOR KIEHL, District Q, noted that he served on the committee four years previously and he did not have a law degree. He mentioned issues encountered during prior sessions.

[1:35:30 PM](#)

CHAIR CLAMAN, District H, provided a brief overview of his legal background which included a current law practice and law degree. He served on the House Judiciary Committee for eight years. He provided further description of his 34 year-long law practice in Texas and Alaska. He believed that productive committee discussions led to the best product and outcome. He committed himself to the non-lawyer members of the committee and hoped to provide accessibility and education.

CHAIR CLAMAN explained his management style and how he intended to lead the Senate Judiciary Standing Committee. He requested that members use time related to questions and policy issues appropriately. He noted that he would not set time limits for questions or comments initially. He expressed confidence that the habits of the Senate would set the tone for an efficient process. He stated that he would set deadlines for proposed amendments and asked members to communicate with his office about these deadlines.

SB 38-INTERFERENCE WITH EMERGENCY SERVICES

[1:40:06 PM](#)

CHAIR CLAMAN announced the consideration of SENATE BILL NO. 38 "An Act establishing the crime of interference with emergency communications."

CHAIR CLAMAN revealed that this was the first hearing of SB 38 in the Senate Judiciary Committee and asked the bill sponsor and staff to come forward, put their names on the record, and begin their remarks.

[1:40:42 PM](#)

SENATOR DAVID WILSON, District N, Alaska State Legislature, Juneau, Alaska, sponsor of SB 38 paraphrased the following Sponsor Statement:

[Original punctuation provided.]

SPONSOR STATEMENT

Senate Bill 38 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, or harasses or threatens a 911 operator.

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.

Please contact Jasmin Martin in my office at (907)465-8165 or by email at Jasmin.Martin@akleg.gov for more

information. I respectfully ask for your support of this legislation.

[1:44:09 PM](#)

JASMIN MARTIN, Staff, Senator David Wilson, Alaska State Legislature, Juneau, Alaska, presented the Sectional Analysis for SB 38 into the record:

[Original punctuation provided.]

Sectional Analysis
Senate Bill 38 v. A
"An Act establishing the crime of interference with emergency communications."

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

[1:45:05 PM](#)

SENATOR WILSON indicated invited testifiers were standing by online.

[1:45:29 PM](#)

JASMIN MARTIN presented a brief audio recording exemplifying harassment in an emergency call.

[1:46:21 PM](#)

CHAIR CLAMAN introduced Mr. Jacob Butcher for invited testimony.

[1:46:36 PM](#)

JACOB BUTCHER, Communications Manager, Mat-Com Dispatch, Wasilla, Alaska, provided invited testimony and answered questions in support of SB 38. He informed that he served as a 911 telecommunicator for nearly 17 years in South Central Alaska. He had answered countless emergency help requests and helped many people with various emergencies. Every call to a 911 dispatch center was answered efficiently to determine the validity of the reported emergency. Non-emergent calls were handled with grace and efficiency and redirected to appropriate resources. He highlighted some cases where explanations and education could not surmount the disruption caused by intentionally false, disorderly and harassing calls to the 911 center. Computerized call spoofing allowed false emergencies to be reported. These types of calls required appropriate vetting to ensure that the reported incident was false. The calls tied up resources from Mat-Com Dispatch, the Department of Public Safety (DPS), Anchorage police, fire departments and others.

MR. JACOB BUTCHER continued to say that Mat-Com Dispatch recalled an incident where a community member expressed discontent by dialing the emergency number over 80 times in one day only to unleash a profane and insulting barrage of expressions to the telecommunicators before hanging up. Staff was asked to sift through the calls to provide emergency assistance for true emergencies. He stated that SB 38 provides a mechanism in which law enforcement could react swiftly to resolve these disruptions to Alaska's essential public safety infrastructure.

[1:49:46 PM](#)

JOEL BUTCHER, Alaska President, Association of Public Safety Communication Officials (APCO)/National Emergency Numbers Association, Alaska, Palmer, Alaska, provided invited testimony and answered questions in support of SB 38. He noted the absence of a state statute that criminalizes the reporting of false emergencies to 911 emergency communications. This legislation does not pertain to an error, but rather gives dispatchers the ability to cite a statute and warn those calling with fraudulent emergency requests.

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CHAIR CLAMAN asked Mr. Joel Butcher about his knowledge of other states enacting similar laws. He wondered how the legislation enacted in other states aided those dispatchers with harassment calls.

[1:51:29 PM](#)

MR. JOEL BUTCHER stated his belief that 23 states had passed similar legislation. Those pieces of legislation helped inform the language displayed in SB 38. He was unsure about the effect of the legislation on prosecution rates in those other states.

[1:52:21 PM](#)

JAMES COCKRELL, Commissioner, Department of Public Safety, Anchorage, Alaska, provided invited testimony and answered questions in support of SB 38. He declared that the Department of Public Safety (DPS) supported this bill. He stressed the need for a mechanism to prevent abuse of the 911 emergency call service. He noted that social media heightened the number of problematic calls. He concluded that DPS required legislation to hold people accountable for fraudulent behavior that could hamper an effort to help with a true life-threatening emergency.

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SENATOR KAUFMAN asked Commissioner Cockrell what percentage of dispatcher time is consumed by disruptive 911 calls.

[1:55:08 PM](#)

COMMISSIONER COCKRELL answered that he did not have a specific time percentage but noted that these fraudulent calls can complicate efforts to provide public safety interventions when needed.

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SENATOR GIESSEL asked whether there was a provision to accommodate callers with mental health/impairment issues. She shared a personal story related to dementia and her mother in Fairbanks.

COMMISSIONER COCKRELL deferred to the sponsor to answer questions pertaining to specific provisions in the bill. He said that the purpose of SB 38 is not to target people with dementia or mental health issues.

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CHAIR CLAMAN said he understood that the proposed law would act as a warning rather than an act of prosecution.

COMMISSIONER COCKRELL concurred and stated that SB 38 provided a deterrent to the disruptive behavior.

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SENATOR KAUFMAN wondered about the routing and logging of 911 calls. He supposed that warnings would be recorded and logged appropriately.

[2:00:08 PM](#)

SENATOR WILSON deferred the question to Mr. Jacob Butcher.

[2:00:24 PM](#)

MR. JACOB BUTCHER replied that the routing technology directed calls to the responsible communication center. He stated that misrouted or overflow calls occurred infrequently.

[2:01:05 PM](#)

CHAIR CLAMAN asked Senator Kaufman to clarify his question.

[2:01:11 PM](#)

SENATOR KAUFMAN asked if the system would communicate or flag nuisance callers.

MR. JACOB BUTCHER replied that various technological tools were in place to flag those who were making multiple calls.

[2:02:15 PM](#)

CHAIR CLAMAN opened public testimony on SB 38; finding none, he closed public testimony.

[2:03:10 PM](#)

SENATOR KIEHL asked two questions of the bill sponsor on a broader issue of callers suffering from mental health response. He relayed that the state lacked adequate resources and first responders. He wondered about alternatives to the criminal approach for those calls from people with mental health challenges who might unknowingly abuse the emergency call systems.

[2:03:58 PM](#)

SENATOR WILSON responded that his office thoroughly researched the issue. He brought up past meetings in the House State Affairs Committee. He pointed to the passage of HB 172 last session. The intent of the legislation is to provide tools for first responders including a crisis mobilization team assessment.

[2:06:37 PM](#)

SENATOR KIEHL asked a technical question regarding the bill language. He wondered about harassment language and the word "threatens".

[2:07:26 PM](#)

JASMIN MARTIN requested an opportunity to discuss past legislation.

[2:08:14 PM](#)

CHAIR CLAMAN agreed that the information was helpful and appropriate.

JASMIN MARTIN stated that SB 38 builds on previously heard legislation. The language in the proposed legislation was similar to that of last session. The language related to harassment was changed last year following some criticism about its broad nature.

[2:09:05 PM](#)

CHAIR CLAMAN recalled discussion related to misdemeanor language.

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JASMIN MARTIN responded that changes were made related to misdemeanor and felony language. She recalled various changes during the committee process last year.

[2:10:50 PM](#)

SENATOR WILSON clarified the intent of those laws was to provide a deterrent that might prevent the abusive and disruptive fraudulent calls. The legislation would allow first responders to efficiently perform their public safety duties.

[2:12:40 PM](#)

CHAIR CLAMAN pointed to class C felonies and terrorist calls. He noted that other options existed in the criminal code to address these serious crimes.

[2:12:58 PM](#)

SENATOR WILSON agreed, but pointed out that the current law did not have clear definitions or tools related to harassing calls.

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CHAIR CLAMAN held SB 38 in committee.

[2:14:14 PM](#)

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:14 p.m.

