

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 30, 2024

3:34 p.m.

MEMBERS PRESENT

Senator Scott Kawasaki, Chair
Senator Matt Claman, Vice Chair
Senator Jesse Bjorkman
Senator Bill Wielechowski
Senator Kelly Merrick

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 193

"An Act relating to sexual assault examination kits; establishing the sexual assault examination kit tracking system; and providing for an effective date."

- MOVED CSSB 193 (STA) OUT OF COMMITTEE

SENATE BILL NO. 208

"An Act relating to the registration and titling of vehicles; relating to electronic registration and titling; relating to the powers of the commissioner of administration with respect to motor vehicles; relating to the transfer of vehicles; relating to motor vehicle liability insurance; relating to non-domiciled commercial driver's licenses and non-domiciled commercial learner's permits; and providing for an effective date."

- MOVED CSSB 208 (STA) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 316 (STA) AM

"An Act relating to law enforcement requests for wireless device location information in emergencies; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 229

"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; amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 265

"An Act changing the term 'child pornography' to 'child sexual abuse material.'"

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 193

SHORT TITLE: SEXUAL ASSAULT EXAMINATION KITS/TRACKING

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/18/24	(S)	READ THE FIRST TIME - REFERRALS
01/18/24	(S)	STA, FIN
03/12/24	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
03/12/24	(S)	Heard & Held
03/12/24	(S)	MINUTE(STA)
04/30/24	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 208

SHORT TITLE: VEHICLES:REGISTER;TRANSFER; INS.; LICENSE

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/26/24	(S)	READ THE FIRST TIME - REFERRALS
01/26/24	(S)	STA, FIN
02/22/24	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
02/22/24	(S)	Heard & Held
02/22/24	(S)	MINUTE(STA)
04/30/24	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: HB 316

SHORT TITLE: EMERG WIRELESS DEVICE LOCATION DISCLOSURE

SPONSOR(s): C.JOHNSON

02/09/24	(H)	READ THE FIRST TIME - REFERRALS
02/09/24	(H)	STA
02/27/24	(H)	STA AT 3:00 PM GRUENBERG 120
02/27/24	(H)	Heard & Held

02/27/24 (H) MINUTE (STA)
03/05/24 (H) STA AT 3:00 PM GRUENBERG 120
03/05/24 (H) Moved CSHB 316 (STA) Out of Committee
03/05/24 (H) MINUTE (STA)
03/06/24 (H) STA RPT CS (STA) NEW TITLE 7DP
03/06/24 (H) DP: WRIGHT, CARPENTER, C. JOHNSON,
ALLARD, CARRICK, STORY, SHAW
03/20/24 (H) BEFORE HOUSE IN SECOND READING
03/21/24 (H) TRANSMITTED TO (S)
03/21/24 (H) VERSION: CSHB 316 (STA) AM
03/22/24 (S) READ THE FIRST TIME - REFERRALS
03/22/24 (S) STA
04/30/24 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 229

SHORT TITLE: GUN VIOLENCE PROTECTIVE ORDERS

SPONSOR (s): TOBIN

02/14/24 (S) READ THE FIRST TIME - REFERRALS
02/14/24 (S) STA, JUD
04/30/24 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

JOE HAYES, Staff
Senator Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the explanation of changes from Version A to B of SB 193

BRENDA STANFILL, Executive Director
Alaska Center on Domestic Violence and Sexual Assault
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 193.

REPRESENTATIVE CRAIG JOHNSON, District 10
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of CSHB 316.

PORTIA SAMUELS, Staff
Representative Johnson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on HB 316.

GREG SMITH, Executive Director
The Kelsey Smith Foundation
Overland Park, Kansas

POSITION STATEMENT: Testified by invitation on HB 316.

SENATOR LOKI TOBIN, District I
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 229.

LOUIE FLORA, Staff
Senator Löki Tobin
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 229.

CHRISTOPHER CARITA, representing self
Fort Lauderdale, Florida

POSITION STATEMENT: Testified by invitation on SB 229.

KRYSTAL LOPILATO, Senior Policy Counsel
Every Town for Gun Safety
New York, New York

POSITION STATEMENT: Testified by invitation on SB 229.

AOIBHEANN CLINE, State Director
National Rifle Association (NRA)
Fairfax, Virginia

POSITION STATEMENT: Testified in opposition to SB 229.

DIANE DESLOOVER, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 229.

MARIAN CLOUGH, representing self
Auke Bay, Alaska

POSITION STATEMENT: Testified in support of SB 229.

JAN CAULFIELD, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 229.

LAURA FLEMING, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 229.

PATRICK MARTIN, representing self

Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to SB 229.

RICK MCCLURE, President

Alaska Gun Rights

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 229.

KITRA CHASYAH, representing self

South Carolina

POSITION STATEMENT: Testified in opposition to SB 229.

ODETTE EDGAR, representing self

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 229.

LUANN MCVEY, representing self

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 229.

ACTION NARRATIVE

[3:34:49 PM](#)

CHAIR SCOTT KAWASAKI called the Senate State Affairs Standing Committee meeting to order at 3:34 p.m. Present at the call to order were Senators Wielechowski, Bjorkman, Merrick, and Chair Kawasaki. Senator Claman arrived thereafter.

SB 193-SEXUAL ASSAULT EXAMINATION KITS/TRACKING

[3:36:05 PM](#)

CHAIR KAWASAKI announced the consideration of SENATE BILL NO. 193, "An Act relating to sexual assault examination kits; establishing the sexual assault examination kit tracking system; and providing for an effective date."

CHAIR KAWASAKI noted there was a committee substitute (CS) for the committee to consider.

[3:36:19 PM](#)

CHAIR KAWASAKI solicited a motion.

[3:36:22 PM](#)

SENATOR MERRICK moved to adopt the committee substitute (CS) for SB 193, work order 33-GS2317\B, as the working document.

[3:36:33 PM](#)

CHAIR KAWASAKI objected for purposes of discussion.

[3:36:58 PM](#)

JOE HAYES, Staff, Senator Scott Kawasaki, Alaska State Legislature, Juneau, Alaska, provided the explanation of changes from Version A to B of SB 193:

[Original punctuation provided.]

SB 193 - Sexual Assault Examination Kits/Tracking

Summary of Changes From
Version A to Version 33-GH2317\B

"An Act relating to sexual assault examination kits; establishing the sexual assault examination kit tracking system; and providing for an effective date."

Section 1:

Amendment A.5 added a new section 1 and renumbered the subsequent sections accordingly. The new section 1 on page 1 following line 3 of Version B amends Alaska Statute (AS) 12.61.010(a) to add a new section to the crime victim's right statute to include the right to be notified of the location and testing date of a sexual assault examination kit collected from the victim.

Section 2:

Page 3, line 4 and requires law enforcement to send the sexual assault examination kits to an accredited laboratory with DPS within 20 days of receiving notice from the healthcare provider, reducing the current time frame of 30 days.

Page 3, line 22 requires the laboratory receiving the completed sexual assault examination kits to complete a DNA test on the kit within 120 days, reducing the current time frame of six months.

Page 3, line 26 changes 7 to 14 days for healthcare providers to gather evidence and notify appropriate law enforcement agencies that the sexual assault kit is available to be sent to an accredited laboratory operated by the Department of Public Safety.

[3:38:31 PM](#)

SENATOR CLAMAN joined the meeting.

[3:38:43 PM](#)

CHAIR KAWASAKI removed his objection. He found no further objection and CSSB 193 was adopted as the working document.

[3:39:05 PM](#)

At ease

[3:39:25 PM](#)

CHAIR KAWASAKI reconvened the meeting.

[3:39:48 PM](#)

CHAIR KAWASAKI opened public testimony on SB 193.

[3:40:10 PM](#)

BRENDA STANFILL, Executive Director, Alaska Center on Domestic Violence and Sexual Assault, Juneau, Alaska, testified in support of SB 193. She opined that rape is one of the worst things that can happen to a woman (second only to murder). She said that rape is a life altering experience. She commented that SB 193 offers victims a sense of control by allowing them to track their rape kit as it moves through the investigatory process. She added that SB 193 would shorten the timeframe for investigations and processing. She emphasized the efforts that have been made to shorten the timeframe. She expressed concern about the nurse's 14-day timeframe but acknowledged that this would provide them the time they need to adequately fill out and turn in the necessary paperwork. She expressed appreciation for this legislation.

[3:41:54 PM](#)

CHAIR KAWASAKI closed public testimony on SB 193.

[3:41:59 PM](#)

CHAIR KAWASAKI solicited the will of the committee.

[3:42:02 PM](#)

SENATOR MERRICK moved to report CSSB 193, work order 33-GS2317\B, from committee with individual recommendations and attached fiscal note(s).

[3:42:16 PM](#)

CHAIR KAWASAKI found no objection and CSSB 193(STA) was reported from the Senate State Affairs Standing Committee.

[3:42:32 PM](#)

At ease

SB 208-VEHICLES:REGISTER;TRANSFER; INS.; LICENSE

[3:44:18 PM](#)

CHAIR KAWASAKI reconvened the meeting and announced the consideration of SENATE BILL NO. 208, "An Act relating to the registration and titling of vehicles; relating to electronic registration and titling; relating to the powers of the commissioner of administration with respect to motor vehicles; relating to the transfer of vehicles; relating to motor vehicle liability insurance; relating to non-domiciled commercial driver's licenses and non-domiciled commercial learner's permits; and providing for an effective date."

[3:44:46 PM](#)

CHAIR KAWASAKI solicited a motion.

[3:44:50 PM](#)

SENATOR MERRICK moved to adopt the committee substitute (CS) for SB 208, work order 33-GS2373\B, as the working document.

[3:45:01 PM](#)

CHAIR KAWASAKI objected for purposes of discussion.

[3:45:14 PM](#)

MR. HAYES offered the following explanation of changes from Version A to B of SB 208:

Page 3, line 4 adds "mobile electronic devices".

Page 4, line 20, adds a requirement for drivers to carry a physical, electronic certificate or registration in the vehicle.

Page 8 adds "electronic" to AS 28.15.131.

Page 9, lines 24-26 adds the definition that "every application for an electronic driver's license or permit and the electronic drivers' licenses and permits issued by the department."

Page 12, Section 37 amends AS 28.15.271, adding new fees for licenses and registration as well as a new fee for electronic driver's license or permit.

Page 13, Section 39 adds the following safeguard:

"A peace officer or other authorized representative of the Department of Public Safety presented proof of motor vehicle liability insurance on a mobile electronic device shall promptly return the device to the person once the peace officer or representative verifies that the person possesses proof of motor vehicle liability insurance."

Page 16, Section 49, lines 14-21 adds the following:

"A person's display of an electronic certificate of registration on a mobile electronic device under this subsection does not constitute consent for a peace officer or officer or employee of the department to access other contents of the mobile electronic device. A peace officer presented with a mobile electronic device under this subsection is immune from liability resulting from damage to the device, except that a peace officer may be liable for civil damages as a result of the peace officer's intentional misconduct."

[3:48:04 PM](#)

CHAIR KAWASAKI withdrew his objection. He found no further objection and CSSB 208 was adopted.

CHAIR KAWASAKI solicited the will of the committee.

[3:48:39 PM](#)

SENATOR MERRICK moved to report CSSB 208, work order 33-GS2373\B, from committee with individual recommendations and attached fiscal note(s).

[3:48:52 PM](#)

CHAIR KAWASAKI found no objection and CSSB 208(STA) was reported from the Senate State Affairs Standing Committee.

[3:49:08 PM](#)

At ease

HB 316-EMERG WIRELESS DEVICE LOCATION DISCLOSURE

[3:51:16 PM](#)

CHAIR KAWASAKI reconvened the meeting and announced the consideration of CS FOR HOUSE BILL NO. 316(STA) am, "An Act relating to law enforcement requests for wireless device location information in emergencies; and providing for an effective date."

[3:51:45 PM](#)

REPRESENTATIVE CRAIG JOHNSON, District 10, Alaska State Legislature, Juneau, Alaska, sponsor of CSHB 316, said that the intention of this legislation is to help victims and to save lives. He stated that HB 316 would codify current practices of law enforcement and telecommunications companies while clarifying that the law enforcement agency determines an investigation's emergency status. He explained that, currently, telecommunications companies can declare that the situation is not an emergency. In addition, HB 316 would provide liability for telecommunications companies who, acting in good faith, provide access to data at the request of law enforcement.

REPRESENTATIVE JOHNSON acknowledged previous miscommunications during discussions of HB 316. He clarified that this legislation would not change current standards or requirements for doctors providing emergency aid. He said that *State v Gibson* (2012) remains the standard for emergency aid. He added that HB 316 is intentionally limited in scope. He explained that telecommunications companies would be required to provide the current location of an individual's phone - and this information must be requested by a law enforcement agency in an ongoing emergency that involves the risk of death or serious illness. He said that the need for this change was brought to his attention by the Kelsey Smith Foundation. He briefly described the case involving the abduction and death of Kelsey Smith and emphasized that Ms. Smith could have been saved if the location of her phone been provided to law enforcement. He shared his hope that the provisions in HB 316 would not be needed and reiterated the importance of having access to this information in a life-or-death situation.

[3:55:07 PM](#)

CHAIR KAWASAKI asked why the telecommunications company did not provide the location information to law enforcement in the Kelsey Smith case.

[3:55:33 PM](#)

REPRESENTATIVE JOHNSON deferred the question.

[3:55:41 PM](#)

PORTIA SAMUELS, Staff, Representative Johnson, Alaska State Legislature, Juneau, Alaska, said in this case, although there was video evidence of the abduction and the parents called law enforcement immediately, the telephone company representative was uncertain how to address the issue. There were delays due to checking with the company's legal representative and the

information was finally released 3.5 days later. She said that 31 states have passed "Kelsey Smith Act" legislation since Ms. Smith's abduction in 2007. She reiterated that the telephone company representative did not know how to handle this issue. She emphasized that Ms. Smith was only 20 miles away; however, by the time her body was found (3.5 days later), she had been raped and murdered.

[3:56:59 PM](#)

SENATOR CLAMAN asked if requiring the telecommunications company to provide location information would conflict with any privacy protections that exist within the phone itself.

[3:57:43 PM](#)

MS. SAMUELS replied that currently, the wireless provider decides whether to release information. She explained that most companies now have a process in place. She pointed out that the narrow scope of HB 316 would only require this information to be released to law enforcement in an ongoing emergency investigation that meets the standard for exigency - i.e. when someone's life is in danger and/or there is risk of bodily harm. She added that law enforcement can obtain a search warrant if this information is needed in other circumstances.

[3:59:12 PM](#)

SENATOR CLAMAN provided an example of a phone manufacturer that may be concerned with issues of privacy related to the release of this information. He asked for clarification that the telecommunications company can override the phone manufacturer in this instance.

[3:59:30 PM](#)

MS. SAMUELS confirmed that this is correct.

[3:59:35 PM](#)

REPRESENTATIVE JOHNSON emphasized that law enforcement would not be able to track the phone. He stated that only the last known location of the cell phone would be provided - which narrows the search to a 2 to 3-mile area.

[4:00:00 PM](#)

SENATOR MERRICK said that she has heard concerns from telecommunication companies regarding how to verify if the law enforcement is legitimate and pointed out that there have been situations in which law enforcement was impersonated.

[4:00:23 PM](#)

MS. SAMUELS replied that HB 316 was amended to include a written request from a law enforcement agency that is in line with official duties. She reiterated that the request must also meet the exigency requirement. Someone who impersonates law enforcement is in violation and this is a class A misdemeanor. She suggested that this change would make impersonations less likely to occur.

[4:01:19 PM](#)

CHAIR KAWASAKI asked if it is relatively easy to request and release this information.

[4:01:41 PM](#)

REPRESENTATIVE JOHNSON replied that the request and release of this information is already in practice. He briefly described his understanding of the process used by telecommunications companies and law enforcement and surmised that there is familiarity between the two that allows for a more straightforward process. He added that his office has not received negative feedback from any of the telecommunications companies in the state.

[4:02:35 PM](#)

SENATOR WIELECHOWSKI directed attention to page 1 and the requirements for the law enforcement agency to lawfully request this information. Moving to page 2, he pointed out the consequences for violating these requirements. He asked if, according to this, a police officer without a reasonable basis to believe that someone's life is in danger would be subject to a class A misdemeanor.

[4:03:29 PM](#)

MS. SAMUELS replied yes. She said that this section was added in to alleviate concerns regarding potential misuse of this process.

[4:03:59 PM](#)

SENATOR WIELECHOWSKI asked for clarification that a law enforcement agent who did not have a reasonable basis to believe there is an ongoing emergency would be subject to a class A misdemeanor.

MS. SAMUELS replied yes.

[4:04:27 PM](#)

SENATOR WIELECHOWSKI expressed concern regarding the labeling of the related subsections and questioned whether these should be renamed for clarity.

[4:04:52 PM](#)

MS. SAMUELS replied that she is unsure. She said it may need clarification of the section.

[4:05:06 PM](#)

SENATOR WIELECHOWSKI suggested that deleting "sub" from "subsection" may provide the necessary clarification.

[4:05:09 PM](#)

REPRESENTATIVE JOHNSON commented that they are not bill drafters.

[4:05:18 PM](#)

SENATOR WIELECHOWSKI reiterated that the wording is not clear.

[4:05:22 PM](#)

REPRESENTATIVE JOHNSON returned to the question of law enforcement acting in bad faith and surmised that an officer acting in bad faith would likely lose their job and be barred from working in law enforcement in the future. He added that an individual who impersonates an officer would suffer the penalties related to this crime. These safeguards are already in statute.

[4:05:53 PM](#)

SENATOR WIELECHOWSKI asked if location information gathered without probable cause would be admissible evidence in a trial.

[4:06:09 PM](#)

MS. SAMUELS replied that it would be the same as in any emergency situation or exigent circumstance. She shared her understanding that - as long as the emergency aid exception is met - any evidence retrieved during an investigation becomes part of the case file and can be used in court (unless a warrant would have been required to lawfully obtain the evidence in question). She added that the Department of Public Safety (DPS) may be able to clarify.

[4:07:08 PM](#)

CHAIR KAWASAKI opened invited and public testimony on HB 316.

[4:08:08 PM](#)

At ease

[4:13:47 PM](#)

CHAIR KAWASAKI reconvened the meeting.

[4:14:02 PM](#)

GREG SMITH, Executive Director, The Kelsey Smith Foundation, Overland Park, Kansas, testified by invitation on HB 316. He said the Kelsey Smith Act was named after his daughter, Kelsey Smith, who was abducted from a department store and was missing for four days. He explained that - while it took a while for law enforcement to receive information on the location of Ms. Smith's phone - her body was recovered in just 45 minutes. He pointed out that technology has changed drastically since his daughter's kidnapping in 2007. He asserted that this technology is a necessary tool for law enforcement that enables them to save lives.

[4:15:25 PM](#)

MR. SMITH emphasized that HB 316 would not provide a way to obtain evidence of crimes but would enable law enforcement to find someone in need of help. He pointed out that 31 states have enacted similar laws. He said that he travels the country training law enforcement on wireless devices and exigent circumstances. He shared that he has heard many stories about individuals who have been saved as a result of law enforcement accessing the location of a device without need of a warrant when someone is in danger of physical harm or death. He emphasized that the only information that can be released is the device location (all other information, including text messages and photos, remains private). He shared a story about a man who suffered a stroke and was unable to speak and was found by law enforcement with geolocation. He noted that there are many other stories like this across the country.

[4:17:00 PM](#)

MR. SMITH said that this change in state law is necessary because federal law makes it optional for telecommunications companies to provide this information. He explained that according to federal law, when law enforcement agencies request a phone's location information, wireless providers can decide whether the situation is "life or death" - and proceed accordingly. He opined that, with all the training law enforcement receives, it makes sense for them to determine whether a situation constitutes an emergency. He explained that the Kelsey Smith Act makes it mandatory for the wireless provider to give the location information to law enforcement when the necessary conditions are met. He added that, according to federal law, any government entity can make a request for

wireless device location information. The Kelsey Smith Act narrows this down to law enforcement.

[4:19:04 PM](#)

CHAIR KAWASAKI asked what an "exigent circumstance" entails and questioned how this compares to "emergency" as it is utilized in HB 316.

[4:19:36 PM](#)

MR. SMITH replied that an "exigent circumstance" is an emergency. He said that the definition that is most often used came from a federal court case. He briefly explained the wording of the federal definition and how it relates to emergency situations where there is no time to obtain a warrant.

[4:20:21 PM](#)

CHAIR KAWASAKI closed invited and public testimony on HB 316.

[4:20:57 PM](#)

CHAIR KAWASAKI held HB 316 in committee.

SB 229-GUN VIOLENCE PROTECTIVE ORDERS

[4:21:09 PM](#)

CHAIR KAWASAKI announced the consideration of SENATE BILL NO. 229, "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; amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration; and providing for an effective date."

[4:22:15 PM](#)

SENATOR LOKI TOBIN, District I, Alaska State Legislature, Juneau, Alaska, sponsor of SB 229, acknowledged that this legislation is contentious and raises questions around second amendment rights. She emphasized that infringing on Alaskans' second amendment rights is not her intention. However, she is interested in considering the way second amendment rights interact with public safety.

[4:23:03 PM](#)

SENATOR TOBIN said SB 229 is concerned with health and public safety issues that need to be addressed with policy changes. She pointed out that Alaska has the highest rate of youth suicide and domestic violence. She said that extreme risk protection orders have been proven to help reduce the impacts of these -

and hopefully save lives. She acknowledged that this is not a silver solution; however, extreme risk protection orders have been used in 21 other states to keep citizens safe. In one state, the extreme risk protection legislation has been in place for over a decade and has not been ruled unconstitutional or enjoined - and has kept people from hurting themselves and/or others. She shared her personal experience living in rural Alaska and losing classmates to suicide by gun. She pointed out that in states that have passed similar legislation, there has been an up to 13.5 percent reduction in suicide, which is equal to 9-16 Alaskans. She said that while this may not seem like a lot, this number equals the number of classmates that she lost.

[4:24:58 PM](#)

SENATOR TOBIN opined that SB 229 is a reasonable pathway forward that provides protections, stipulations, and guardrails - and would prevent people from utilizing these protective orders in an abusive manner. She surmised that there is ample opportunity for someone to petition the courts if they are at risk of having their firearms taken - and there are pathways to have firearms returned after a period of time. She noted that the timeframes are outlined in SB 229. She stated that, while some legislation is directed toward helping victims, this legislation would help prevent people from becoming victims. She shared that she has family in law enforcement in Alaska and briefly discussed their role in public safety - as well as the importance of her role as a legislator in crafting legislation to aid and protect law enforcement. She noted that the 2022 bipartisan safer community act set aside \$750 million for state and local implementation of extreme risk protective orders, which would provide funding for the changes made by SB 229. She said that, across the country, extreme risk protection orders prevent 50-100 people from accessing firearms that would potentially be used to harm themselves or others.

[4:27:45 PM](#)

LOUIE FLORA, Staff, Senator Löki Tobin, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 229. He explained that Section 6 creates "ex parte gun violence protective orders," which would allow a police officer to request an ex parte gun violence protective order. If the court finds that the petitioner establishes probable cause to believe the respondent is dangerous, the court can issue a protective order without notice. He added that this section defines how the order would be created. He said that SB 229 creates a new section for gun violence protective orders (AS

18.65.815) - this allows a police officer to file a petition for a protective order.

MR. FLORA said that AS 18.65.825 applies to the modification of a gun violence protective order and allows police officers or the respondent to request changes to the order. AS 18.65.830 addresses the surrender of firearms and ammunition and allows the court to order the respondent to temporarily surrender or sell all firearms and/or ammunition within 48 hours of receipt of the protective order. When the protective order is terminated or expires, law enforcement shall inform the respondent that their firearms and ammunition are available. AS 18.65.835 and AS 18.65.840 describe the service of process and enforcement for the protective order.

[4:29:48 PM](#)

MR. FLORA continued his sectional analysis of SB 229. He said that AS 18.65.845 defines "household member" for the purposes of establishing a gun violence protective order. Section 7 adds a conforming amendment to the existing powers of district judges and magistrates allowing them to administer the gun violence emergency protective order. The remaining sections include indirect court rule amendments and conditional effects and effective date.

[4:30:50 PM](#)

SENATOR BJORKMAN asked for clarification regarding the court ordering the respondent sell their firearms. He asked how this works with the court ordering the respondent to surrender their firearms.

[4:31:49 PM](#)

SENATOR TOBIN replied that the respondent has two options: to surrender their firearms or to sell their firearms.

[4:32:11 PM](#)

CHAIR KAWASAKI announced invited testimony on SB 229.

[4:32:58 PM](#)

CHRISTOPHER CARITA, representing self, Fort Lauderdale, Florida, testified by invitation on SB 229. He gave a brief overview of his career in law enforcement and said that, for the past five years, he has been utilizing gun violence restraining orders (GVRO) successfully to intervene in crises by temporarily removing firearms from dangerous situations. This has prevented potential shootings and gun suicides. He said that while working

as a detective, he received his master's degree in public health with a focus on violence prevention.

MR. CARITA shared a story to illustrate the potential lifesaving benefits of GVROs. He reiterated that he has used GVROs to prevent gun suicides and to remove firearms from violent domestic situations. He said that this has provided time for families to heal and for victims to reach safety. He stated that he has utilized GVROs at schools, workplaces, and in the community.

[4:35:59 PM](#)

MR. CARITA said that most of the cases are not contentious. He added that respondents and their families are ultimately grateful for the intervention. He stated that GVROs have significantly decreased the number of gun violence tragedies that he has attended as law enforcement officer. He encouraged passage of SB 229 which would prevent gun violence deaths in Alaska.

[4:37:13 PM](#)

CHAIR KAWASAKI said there are concerns about the due process with respect to GVROs. He pointed out that in SB 229, "household members" could include ex-partners and offered an example in which someone uses a GVRO to take their ex-partner's guns. He asked how the GVRO process works in Florida.

[4:38:04 PM](#)

MR. CARITA replied that typically, law enforcement responds as the crisis is unfolding. He briefly explained the process for acquiring a GVRO in Florida, which includes a sworn affidavit accompanied by any supporting evidence, and testimony before a judge (under oath) in order to obtain the order. He emphasized that anyone giving false evidence (including law enforcement) would result in jail time (and loss of employment). He went on to explain that a hearing is held within two weeks of the emergency GVRO being granted and firearms relinquished - respondent and law enforcement present evidence to the judge, who decides whether to implement the full protection order.

MR. CARITA explained that GVRO lasts for up to one year, during which time the respondent can contest the order. He reiterated that the majority of cases are not contentious; rather, the respondent has cooperated, acknowledging that they are in crisis. He noted that Florida has a process in place to connect those individuals with agencies to provide additional assistance. He stated that a family member (or ex-partner) would

also be required to provide evidence and a sworn affidavit - the standard and consequence remain the same. He pointed out that this is not something that has been an issue in Florida - with domestic violence restraining orders or GVROs. He opined that there are more efficient ways to get back at one's partner.

[4:42:37 PM](#)

CHAIR KAWASAKI asked how long Florida has had risk protection orders (RPO) and if there have been occasions when law enforcement determined RPO was not warranted.

[4:42:55 PM](#)

MR. CARITA replied that the agency uses RPOs judiciously and added that in Florida an RPO violation is a felony. He explained that Florida's RPO law was created in the wake of the Parkland school shooting and thus has a high consequence. As a result, it is used less often, with law enforcement turning to other interventions before seeking RPO (which are seen as a last resort). He said that law enforcement has begun investigations and determined that there are more effective ways to mitigate a problem - and in some cases discovered that the threat was not as it initially appeared.

[4:45:01 PM](#)

KRYSTAL LOPIILATO, Senior Policy Counsel, Every Town for Gun Safety, New York, New York, testified by invitation on SB 229. She gave a brief overview of her organization. She stated that when someone is in crisis and is a risk to themselves or others, they often exhibit warning signs; however, there are not always tools available to take preventative action based on these signs. She stated that extreme risk laws empower law enforcement and loved ones to intervene, by asking a court to temporarily prevent someone in crisis from accessing firearms. She said that these laws can help deescalate emergency situations and are a critical tool for preventing tragedies before they occur. SB 229 provides several steps in support, preceding each with due process protections commensurate with the potential order that a judge could issue. She pointed out that 21 states and the District of Columbia have similar extreme risk laws in place. She added that these have been routinely upheld by the courts (including newer second amendment analysis).

MS. LOPIILATO stated that extreme risk laws are not new or radical - and federal funding is available for states to implement these kinds of crisis intervention tools. A national extreme risk protection order resource center was recently launched. Many states are focusing on extreme risk laws - which

are proven to save lives. She stated that SB 229 includes both law enforcement and family members as potential petitioners and opined that this provides a balance, as both are uniquely situated. Some families may not want to involve law enforcement (or may be in rural areas where access to law enforcement is limited) and this empowers them to seek help from the court. She explained that this is one reason many states include this pathway for families to petition the court. She stated that GVRO laws save lives. She pointed to the high rate of gun suicides in Alaska and said that research has shown a decrease in gun suicides in states with similar laws in place.

[4:49:40 PM](#)

CHAIR KAWASAKI opened public testimony on SB 229.

[4:50:18 PM](#)

AOIBHEANN CLINE, State Director, National Rifle Association (NRA), Fairfax, Virginia, testified in opposition to SB 229. She said that gun confiscation orders strip an individual's constitutional rights - and their firearms - without due process of law. She briefly described how the United States constitution conflicts with SB 229. She expressed concern about the ex parte protection order. She asserted that this legislation is unnecessary and directed attention to Alaska's civil commitment laws. She opined that SB 229 is improperly focused on firearms rather than the dangerous individual. She asserted that this legislation is a red herring with no supporting evidence. She offered data to support this argument. She argued that SB 229 creates dangerous confrontation situations and invites abuse. She asserted that this is groundwork for further gun control in Alaska incentivized by federal funding and overreach.

[4:53:31 PM](#)

DIANE DESLOOVER, representing self, Juneau, Alaska, testified in support of SB 229. She said that this legislation is vital and aimed at preventing gun violence in Alaska. She said she is advocating on behalf of her five grandchildren. She shared that she was happy to raise her children in a safe community; however, an increase in mass shootings means her grandchildren are not safe. She stated that many mass shooters exhibit red flag behavior leading up to their deadly crimes. SB 229 would give law enforcement and family members a tool to address these red flags before it is too late. She added that SB 229 would protect due process rights while providing a legal means to deescalate and deter tragedy. She pointed out that 21 states have similar laws. She questioned why protecting Alaskans is not the obvious choice. She offered reflections on the Sandy Hook

school shooting and shared a poem she wrote from the perspective of a Sandy Hook first grader.

[4:56:13 PM](#)

MARIAN CLOUGH, representing self, Auke Bay, Alaska, testified in support of SB 229. She said she has children and grandchildren living in Alaska and emphasized the importance of finding ways to save lives in light of the epidemic of gun violence in the United States. She commented that Florida is a Republican-led state that has adopted red flag laws. She indicated that SB 229 would be a positive step to addressing gun violence in Alaska.

[4:58:27 PM](#)

JAN CAULFIELD, representing self, Juneau, Alaska, testified in support of SB 229. She expressed disappointment that Senators Wielechowski and Claman had to leave during the only hearing on this important topic. She stated that SB 229 would give family and law enforcement a due process tool to temporarily remove firearms from a person in crisis who is showing signs of harming themselves or others. She noted that many organizations (including the Office of Veterans Affairs and Suicide prevention organizations) recognize the need to ensure that guns cannot be readily accessed by someone experiencing a mental health crisis. She said 21 states have adopted similar legislation, recognizing that extreme risk laws can mitigate the risk of gun violence toward oneself and others. She encouraged further discussion on the broader topics of gun safety and gun harm in Alaska and an openness to developing solutions that would save lives. She shared several statistics on gun-related violence in Alaska. She emphasized the importance of addressing these statistics and acknowledged the concerns regarding gun rights. She stated that this issue should not be ignored. She pointed out that there is additional gun-related legislation being considered.

[5:02:17 PM](#)

LAURA FLEMING, representing self, Juneau, Alaska, testified in support of SB 229. She said that she is a former legislative staffer. She is also a parent and grandparent. She urged members to add Alaska to the long list of states that have enacted extreme risk protective orders. She stated that Alaska is currently second in the rate of suicide deaths and fourth for gun related deaths. She asserted that Alaska does not want to be first in either of these statistics. She stated that losing 7.5 percent of Alaskans to death by suicide does not sound like much until you are directly impacted by this loss. She listed states that have enacted GVPO laws and opined that Alaska does not want

to be last in enacting these lifesaving laws - and first in the number of deaths by gun.

[5:04:34 PM](#)

PATRICK MARTIN, representing self, Wasilla, Alaska, testified in opposition to SB 229. He expressed concern with the assertion that this is a way to help those suffering from mental health crises. He stated that these claims are unqualified, as are claims that SB 229 would help high suicide, domestic violence, and sexual assault rates. He added that these claims are being used to justify infringing on Alaskans' second amendment rights. He asserted that there is no evidence of a mental health crisis in the state. He stated that there is no proven connection between lawful gun ownership and suicide, domestic violence, and sexual assault. He added that there is no link between violating Alaskan's second amendment rights and a reduction in suicide, domestic violence, and sexual assault rates. He questioned the data provided as supporting documentation for SB 229, including a study referenced in the sponsor statement. He expressed doubt of the stated intention behind this legislation and suggested that the true intention is to infringe on Alaskans' constitutional rights.

[5:08:00 PM](#)

CHAIR KAWASAKI noted that the aforementioned study will be made available online.

[5:08:13 PM](#)

At ease

[5:08:25 PM](#)

CHAIR KAWASAKI reconvened the meeting. He clarified that the study in question is the Princeton Study (1991-2016). He reiterated that this would be made available to the public.

[5:08:58 PM](#)

RICK MCCLURE, President, Alaska Gun Rights, Anchorage, Alaska, testified in opposition to SB 229. He asserted that SB 229 is a violation of the second and fourth amendments of Constitution of the United States and is also in violation of the Alaska state constitution. He said that thousands of petitions were submitted against the red flag law.

[5:09:58 PM](#)

KITRA CHASYAH, representing self, South Carolina, testified in opposition to SB 229. She stated that she is planning on moving to Alaska. She shared her story as a domestic violence and

mental abuse survivor. She opined that if someone is going to commit a crime, GVPO will not stop them. She asserted that SB 229 would merely disarm law-abiding citizens. She shared that she has trained to use a firearm for self-protection. She stated that the best way to protect victims is to teach them to protect themselves. She added that SB 229 is not a safe option for herself or for others in similar situations.t

[5:13:03 PM](#)

At ease

[5:13:51 PM](#)

CHAIR KAWASAKI reconvened the meeting.

[5:15:58 PM](#)

ODETTE EDGAR, representing self, Juneau, Alaska, testified in support of SB 229. She said that suicides leave a gaping hole for family members that ripples through the community. She shared her belief that this legislation is a reasonable way to save lives.

[5:16:41 PM](#)

LUANN MCVEY, representing self, Juneau, Alaska, testified in support of SB 229. She said she is a retired schoolteacher from Douglas, Alaska. She shared a brief history of her experience working with children and their families. She stated that children experience depression, anger, and frustration - which can escalate into the taking of a life. She said that everyone experiences strong negative emotions - and they may choose to take up a firearm and act on these emotions. SB 229 would provide a tool to avoid gun violence in situations where certain behaviors cause concern. She pointed out that Alaska does not currently have any way to protect against gun violence toward self and/or others.

[5:19:33 PM](#)

CHAIR KAWASAKI offered apologies to those waiting online to testify. He held public testimony on SB 229 open.

[5:20:12 PM](#)

SENATOR TOBIN thanked the committee for hearing SB 229. She added that this legislation is reasonable and protects due process. She reiterated that she grew up in rural Alaska, with firearms in the home. She also has firearms in her home in Anchorage. She emphasized that SB 229 is not about infringement upon second amendment rights; rather, it is about protecting the lives of Alaskans and empowering courts and law enforcement to

take preventive action. She said that at any given time, someone is thinking about hurting themselves or someone else with a gun - and this is an opportunity to discuss what can be done to prevent this.

CHAIR KAWASAKI held SB 229 in committee.

5:22:38 PM

There being no further business to come before the committee, Chair Kawasaki adjourned the Senate State Affairs Standing Committee meeting at 5:23 p.m.