

SENATE BILL NO. 74

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/27/25

Referred: Transportation, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to obstruction; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 02.20.050 is amended by adding a new subsection to read:

4 (e) A person who violates this section is guilty of

5 (1) a class C felony if the conduct

6 (A) creates a substantial risk of physical injury to another
7 person; or

8 (B) interferes with a firefighting, medical, or other emergency
9 response; or

10 (2) a class A misdemeanor.

11 * **Sec. 2.** AS 02.20.060(b) is amended to read:

12 (b) A person who violates [THIS CHAPTER, OR] a regulation adopted under
13 this chapter [,] is punishable, upon conviction, for each offense by a fine of not more
14 than \$500, or by imprisonment for not more than six months, or by both.

15 * **Sec. 3.** AS 09.65 is amended by adding a new section to read:

1 **Sec. 09.65.360. Civil liability for obstruction of free passage in public**
 2 **places.** (a) In addition to other civil damages and criminal penalties provided by law, a
 3 person who obstructs a public place in violation of AS 02.20.050, AS 11.61.155, or
 4 AS 38.05.128 is strictly liable in a civil action to another person whose passage is
 5 obstructed for no less than the following damages for each incident:

- 6 (1) \$10,000 to a person who suffers only nominal damages;
- 7 (2) \$50,000 to a person who suffers injury to property;
- 8 (3) \$100,000 to a person who suffers bodily injury; and
- 9 (4) \$500,000 to a person who suffers death.

10 (b) A person is jointly and severally liable for the conduct of another person
 11 under (a) of this section if the person with actual malice directly or indirectly, by
 12 words or action, aids, encourages, or authorizes the conduct, including by

- 13 (1) participating in the conduct;
- 14 (2) directing, advising, or soliciting another person to engage in or
 15 participate in the conduct; or
- 16 (3) conspiring to engage in the conduct.

17 (c) The liability of a person for damages under this section is in addition to
 18 liability for an award of full reasonable attorney fees and costs to a prevailing party.

19 (d) A plaintiff under this section may be entitled to temporary and permanent
 20 injunctive relief.

21 (e) A court of this state has personal jurisdiction over a person outside the
 22 state who is liable under (b) of this section if the person knew or had reason to know
 23 that the person's acts or omissions were likely to lead to the obstruction of a public
 24 place in the state.

25 (f) Nothing in this section authorizes a cause of action against the state, a
 26 political subdivision of the state, or an employee or agent of the state or a political
 27 subdivision.

28 (g) In this section,

- 29 (1) "actual malice" means a person knows or recklessly disregards that
 30 the person's actions or words will result in unlawful obstruction of a public place;
- 31 (2) "nominal damages" means the infraction of a legal right under the

section that does not result in death, bodily injury, or injury to property.

* **Sec. 4.** AS 11.61 is amended by adding a new section to read:

Sec. 11.61.155. Obstruction of a public place. (a) A person commits the crime of obstruction of a public place if the person knowingly

(1) causes or allows a substance to drop on a public place that creates a substantial risk of physical injury to another person; or

(2) obstructs or blocks a public place by any other means.

(b) It is an affirmative defense to a prosecution under (a)(1) of this section that

(1) the defendant took reasonable steps to remove the substance from the public place; and

(2) no person suffered physical injury as a result of the presence of the substance on the public place.

(c) This section does not apply to

(1) the obstruction or blocking of a public place authorized by a permit issued by a state agency or municipality of the state;

(2) a service vehicle, including a bus, garbage truck, or tow truck, making brief stops on a highway in the performance of its service; or

(3) conduct otherwise authorized by law or the person in charge of the premises.

(d) Obstruction of a public place is

(1) a class C felony if

(A) the person violates (a)(1) of this section; or

(B) the conduct

(i) creates a substantial risk of physical injury to another person;

(ii) substantially interferes with a person's access to a public place that renders governmental or judicial services; or

(iii) interferes with a firefighting, medical, or other emergency response; or

(2) a class A misdemeanor.

* **Sec. 5.** AS 38.05.128(f) is amended to read:

(f) A violation of (a) of this section is a

(1) class C felony if the conduct

(A) creates a substantial risk of physical injury to another person; or

(B) interferes with a firefighting, medical, or other emergency response; or

(2) class **A** [B] misdemeanor.

* **Sec. 6.** AS 11.61.150 and AS 28.35.140(a) are repealed.

* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to offenses committed on or after the effective date of this Act.

* **Sec. 8.** This Act takes effect July 1, 2025.