

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 13, 2025

3:18 p.m.

**MEMBERS PRESENT**

Representative Ashley Carrick, Chair  
Representative Andi Story, Vice Chair  
Representative Rebecca Himschoot  
Representative Ky Holland  
Representative Sarah Vance  
Representative Kevin McCabe  
Representative Elexie Moore

**OTHER LEGISLATORS PRESENT**

Representative Julie Coulombe  
Representative Andy Josephson

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 2

"An Act establishing the driving while under the influence diversion program for eligible persons charged with driving while under the influence or refusal to submit to a chemical test; relating to judgment for restitution; relating to suspended imposition of sentence; relating to records kept by the Department of Administration; relating to operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance; relating to refusal to submit to a chemical test; amending Rule 9, Alaska Rules of Administration, and Rule 39, Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 89

"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

**PREVIOUS COMMITTEE ACTION**

BILL: HB 2

SHORT TITLE: DUI DIVERSION PROGRAM

SPONSOR(s): REPRESENTATIVE(s) PRAX

01/22/25	(H)	PREFILE RELEASED 1/10/25
01/22/25	(H)	READ THE FIRST TIME - REFERRALS
01/22/25	(H)	STA, JUD
03/13/25	(H)	STA AT 3:15 PM GRUENBERG 120

BILL: HB 89

SHORT TITLE: GUN VIOLENCE PROTECTIVE ORDERS

SPONSOR(s): REPRESENTATIVE(s) JOSEPHSON

02/10/25	(H)	READ THE FIRST TIME - REFERRALS
02/10/25	(H)	STA, JUD
03/13/25	(H)	STA AT 3:15 PM GRUENBERG 120

**WITNESS REGISTER**

REPRESENTATIVE MIKE PRAX  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, presented HB 2.

BILL SATTERBERG  
Fairbanks, Alaska

**POSITION STATEMENT:** Gave invited testimony during the hearing on HB 2.

NANCY MEAD, General Council  
Office of the Administrative Director  
Alaska Court System  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 2.

REPRESENTATIVE JOSEPHSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, presented HB 89.

JAKE CHANDLER  
Sworn Investigator  
Office of the District Attorney  
Deschutes County  
Bend, Oregon

**POSITION STATEMENT:** Gave invited testimony during the hearing on HB 89.

AOIBHEANN CLINE, Lobbyist  
National Rifle Association of America  
Fairfax, Virginia

**POSITION STATEMENT:** Gave invited testimony during the hearing on HB 89.

CHRISTOPHER CARITA  
Fort Lauderdale, Florida

**POSITION STATEMENT:** Gave invited testimony during the hearing on HB 89.

JAN CAULFIELD, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

NANCY BALE, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

DIANE DESLOOVER, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

THERESE LEWANDOWSKI, representing self  
Homer, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

TRACIE BROWN, representing self  
Homer, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

PAT MARTIN, representing self  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 89.

TOM BOUTIN, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 89.

MICHAEL PERRINO, representing self  
Sitka, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 89.

GORDAN WILLIAMS, representing self  
Douglas, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

SALLY RUE, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

FRANK RUE, representing self  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing on HB 89, testified in support of finding a constitutional way to prevent harm from firearms.

SPENCER KING, representing self  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 89.

DAVID HANNA, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 89.

CLARE ROSS, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

ODETTE EDGAR, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

SALLY DONALDSON, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

JANE ANDREEN, representing self  
Douglas, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

RICK MCCLURE, President  
Alaska Gun Rights  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 89.

TERRY NICHOLS, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 89.

MARIAN CLOUGH, representing self  
Auke Bay, Alaska

**POSITION STATEMENT:** Testified in support of HB 89.

#### **ACTION NARRATIVE**

[3:17:43 PM](#)

**CHAIR ASHLEY CARRICK** called the House State Affairs Standing Committee meeting to order at 3:18 p.m. Representatives Story, Himschoot, Holland, Vance, McCabe, Moore, and Carrick were present at the call to order.

#### **HB 2-DUI DIVERSION PROGRAM**

[3:18:38 PM](#)

CHAIR CARRICK announced that the first order of business would be HOUSE BILL NO. 2, "An Act establishing the driving while under the influence diversion program for eligible persons charged with driving while under the influence or refusal to submit to a chemical test; relating to judgment for restitution; relating to suspended imposition of sentence; relating to records kept by the Department of Administration; relating to operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance; relating to refusal to submit to a chemical test; amending Rule 9, Alaska Rules of Administration, and Rule 39, Alaska Rules of Criminal Procedure; and providing for an effective date."

[3:18:58 PM](#)

REPRESENTATIVE MIKE PRAX, Alaska State Legislature, as prime sponsor, presented HB 2. He remarked that Alaska DUI laws discourage people from driving while intoxicated; only about one-fourth of those with a driving under the influence (DUI) charge are repeat offenders. Those with DUIs suffer hardships including the higher insurance rates, loss of employment or unemployability, and family strife that often drive individuals into financial stress and increased reliance on state provided services. He explained that HB 2 would offer offenders the

opportunity to have the judgement on their case deferred until they complete a program designed to make them aware of the consequences of drinking and driving, while helping them to recover from any substance abuse issues they may be facing. Under the provisions of the bill, if offenders complete the program, then the charges would be dismissed and the individual would avoid the mandatory 72-hour jail time, the \$1,500 fine, the cost of SR22 insurance, and the possibility of losing their driver's license for several months. A further incentive for offenders to avoid drinking and driving is that this legal benefit would not apply if they were picked up again for a DUI in the succeeding 15 years. Representative Prax noted that this [diversion program] is described in Section 1 off HB 2, which begins on page 12, line 18.

[3:22:31 PM](#)

BILL SATTERBERG began invited testimony on HB 2 by sharing that his daughter was picked up for a DUI in Oregon, and that state has the DUI diversion program. He noted his time working as an attorney, with the majority of his cases helping those who have been charged with a DUI. He noted that he also worked on an ambulance and witnessed the effects of drunk driving, including fatalities. He specified that those driving under the influence have made a mistake for which they should be held accountable but they also should be given a chance. He noted that a number of states have enacted this legislation and it is working. He said the offender must make the decision within 30 days whether to go through the program. When an individual with a DUI chooses to enter the program, the work of the court system and attorneys is substantially diminished. He recommended making the penalty for repeat offenders stiffer. He acknowledged that the bill needs some work, and he made suggestions regarding an individual with a weapon in the vehicle and those with pending DUIs. He said the key to this [program] is that the individual would have to make the decision early, agree to plead guilty, and upon meeting the terms and conditions, the guilty plea would be set aside, which means no spike in insurance rates or serious impact that takes place with a DUI conviction.

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MR. SATTERBERG, in response to Representative Holland, reported that about 80-85 percent of DUI convictions are first-time offenders.

[3:28:48 PM](#)

NANCY MEAD, General Council, Office of the Administrative Director, Alaska Court System, discussed DUI statistics pertaining to Alaska. She reported one year's statistics showing that there were 1,563 first-time DUI offenders and about 300 re-offenders, which is approximately 20 percent.

[3:29:37 PM](#)

MS. MEAD, in response to Representative Story, discussed the time period of DUIs going through the court system. Cases in which a person is found to have a blood alcohol content of .08 or above are "relatively fast" because the evidence is well established; she found out from a judge in Juneau that a case can be finished in 60 or fewer days. However, there is no definitive test for a drug DUI, and those cases may take a year. She said 10-25 percent of DUI cases are drug related, typically methamphetamine or fentanyl. In response to follow-up questions from Representative Story, she said she doesn't know the average pace for prosecuting in other states. She noted that places on the road system will have more DUI cases. She said municipalities, including Anchorage and Juneau, have their own individual ordinances for DUIs. The previous statistics she shared were based on statewide statistics.

[3:34:03 PM](#)

MS. MEAD, in response to a question from Representative McCabe regarding the indeterminate fiscal note, said that she thinks the bill does not provide a clear picture of what should happen during the year. She said there would be litigation regarding who can be in the program. She said there are concerns with the bill as drafted that lead her to state that it would increase the court's workload.

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MS. MEAD, in response to a question from Representative Himschoot regarding the bill's effect on the time spent on cases, said that the proposed legislation is not clear on that. She pointed out that statute exists wherein by "a suspended entry of judgement" a person can plead guilty [to a DUI] and promise to behave for a year while on probation, get an assessment, and abstain from committing any more crimes, and at the end of that, the case is dismissed. She said this statute is a time saver. She said HB 2 is not modeled on that statute, and it is not clear what the program would entail and how long

it would take to administer it. She noted the bill sponsor has been responsive to her comments recommending ways to clarify the legislation. To a follow-up question regarding the possibility of someone being able to participate in the proposed program if they could not afford it, she confirmed that a judge could waive the fee for an indigent person. She said this is an unusual number to include, as the court usually does not charge a fee for criminal defendants, although they would pay for their treatment, if able.

[3:38:57 PM](#)

MR. SADDERBERG, in response to Representative Vance, said that DUIs have a huge impact on families and can result in the loss of employment. He respectfully disagreed with [Ms. Mead] regarding the time these cases take, stating that they go on longer than six months, sometimes taking over a year, and part of that is that they are backed up. He commented on the success rate of wellness court, which addresses felonies. He offered further details. He confirmed that HB 2 would offer a program that is an earlier intervention compared to someone who would need to take part in wellness court.

[3:43:06 PM](#)

MR. SADDERBERG, in response to Representative Moore, said the intention is to create a program based on successful programs in other states. He added that the committee may hear that the Office of the District Attorney ("DA's office") has the discretion to "do deferred prosecution," to which he remarked, "The answer is 'yes' but the reality is they don't."

[3:43:55 PM](#)

MS. MEAD, in response to Representative Story, said the suspended entry of judgement is, arguably, unavailable for state DUI cases because the DUI statute states that a person cannot get a suspended imposition of sentence, which is similar and interpreted as not being available for a DUI case. She said that is under Alaska's DUI law. She explained, "I brought up the suspended entry of judgement because it's a similar law that's available for assaults or thefts and things like that, that ... might be a similar model to what's in this statute." She advised that the City of Juneau does use suspended entry of judgement for its DUIs, and the prosecutor determines whether someone is a first-time offender with no previous criminal record and was not charged with other crimes in the case, along

with other factors, and people are diverted through this suspended entry of judgement successfully for the city. She highlighted that it is not available for state DUI crimes.

[3:45:50 PM](#)

CHAIR CARRICK announced that HB 2 was held over.

[3:46:01 PM](#)

The committee took an at-ease from 3:46 p.m. to 3:47 p.m.

### **HB 89-GUN VIOLENCE PROTECTIVE ORDERS**

[3:47:14 PM](#)

CHAIR CARRICK announced that the final order of business would be HOUSE BILL NO. 89, "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."

[3:47:53 PM](#)

REPRESENTATIVE JOSEPHSON, Alaska State Legislature, as prime sponsor, presented HB 89. He explained the reason for the proposed legislation is that every day in the United States, approximately 120 people die either by shooting themselves or by being shot - a statistically tragic figure. Suicide accounts for 60 percent of gun deaths in the United States, and Alaska has the second highest rate of gun suicide deaths in the country. He reported that between 2011 and 2020, gun deaths increased by 34 percent. According to the Center for Disease Control (CDC), 72 percent of all firearm deaths in Alaska were firearm suicides, killing an average of 2,500 residents per year. He stated that on average, one Alaska resident dies by suicide firearm every three days. In Alaska, residents are more than two and half times likely to die by firearm suicide than firearm homicide. That said, HB 89 is not just about Alaska's tragic problem with suicide; it is also about homicide deaths, for which Representative Josephson offered his understanding Alaska ranks fifth [highest] in the country. He reported that 57 percent of Alaskans keep firearms in or around their homes; 18 percent of firearm owners do not store them securely.

REPRESENTATIVE JOSEPHSON remarked on a recent poll by Alaska Survey Research, which found that 69 percent of Alaskans, including 55 percent of Republicans and 72 percent of rural residents, support a policy allowing a family member or law enforcement to ask a judge to temporarily suspend a person's access to guns if they have evidence that the person poses a significant risk to themselves or others. He recognized the sensitivity of the bill. He remarked that former Vice President Pence, when governor of Indiana, signed a gun violence protection order bill; current Republican U.S. Senator and former governor of Florida, Rick Scott, signed a gun violence protection bill; President Donald Trump for a brief time in 2019 supported the concept of legislation like HB 89; and the National Rifle Association (NRA), "for a time" and "with caveats" expressed interest in the bill. He acknowledged people could be concerned about the proposed legislation and asked that they be willing to "hear the case."

[3:52:13 PM](#)

REPRESENTATIVE JOSEPHSON directed attention to an [Excel spreadsheet] document in the committee file, [titled "5th and 14th Amendment Due Process Offerings in HB 89"]. He said it has dual features and everything that matters is in Section 6 of HB 89. He said the document acts as a sectional and user guide to bill and explained the misguided due process aspect of the bill. He spoke about due process, notice, and opportunity to be heard, in the Bill of Rights. He said that everybody gets due process. He said the respondent - the person being challenged as to their right to bear arms - must be given due process. He continued line by line in the spreadsheets, giving an overview of the concepts of a gun violence protective order (GVPO), and ex parte GVPO, an emergency GVPO, surrender of firearms, return of firearms, and that the titled owner - not the respondent - of firearms can seek early return of firearms. He noted that GVPOs can be modified by any party.

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REPRESENTATIVE JOSEPHSON reflected there may be a tendency to think that HB 89 is "outrageous." To that, he noted that "it essentially exists now." He then explained the reason for HB 89 is that it does not exist in the bulk of the cases where someone is experiencing suicidal ideation. The bill would be a tool to help stop someone from harming themselves. It would also allow a police officer to receive an emergency risk protective order (ERPO) or GVPO against someone who is not a family member.

There have been five state courts that have looked at these types of bills and published the decisions that "these laws are constitutional."

[4:04:58 PM](#)

REPRESENTATIVE JOSEPHSON discussed the issues of the Second Amendment. He gave some examples of court cases. He highlighted an 8 to 1 U.S. Supreme Court decision, from United State v. Rahimi, (June 21, 2024), that "an individual found by the court to pose a credible threat to the physical safety of another may be temporarily disarmed consistent with the Second Amendment." He indicated this shows that there is historical foundation. Regarding this case and HB 89, he questioned why a court would say that it is okay to leave guns around suicidal people. He said there is evidence that suggests this bill will work. He acknowledged that firearms owners, understandably, don't want to be "broad brushed" as bad. He stated that HB 89 is not wielding a broad brush; it says that if a court finds a person to be a threat to the community or themselves, then the court will intervene.

[4:11:44 PM](#)

REPRESENTATIVE MCCABE noted that regarding United State v. Rahimi, (June 21, 2024), Rahimi was under Texas state court order. He cited Article 1, Section 19, of the Constitution of the State of Alaska and said it explicitly protects the right to keep and bear arms, including for self-defense and subsistence. He asked how the bill sponsor, through HB 89, justified overriding this state level protection "based on the subjective assessments of potential danger from a family member or significant other or ex-girlfriend or whatever." He said he thinks Alaska's constitution is stronger than the Second Amendment of the United States Constitution.

REPRESENTATIVE JOSEPHSON responded that he checked for annotations in AS 18.66, the current law. He said the Alaska Supreme Court has never taken up a challenge to the law, which is 27 years old. He said he thinks the Alaska Supreme Court would say that there are exceptions.

REPRESENTATIVE MCCABE asked Representative Josephson if he could provide historical examples of Alaska laws allowing preemptive firearms seizure without due process that would support the constitutionality of HB 89.

REPRESENTATIVE JOSEPHSON answered no, but he noted that the Alaska Supreme Court does not do historical analysis in the same way that the U.S. Supreme Court does.

4:15:08 PM

REPRESENTATIVE VANCE first noted that she had received more e-mails on this issue than on the issue of education, thus positing that the bill sponsor had "created a fire storm" with HB 89. She referred to Section 6, which addresses the issue of GVPOs, and she questioned, "What crime have they committed?" She said it is troubling that the entirety of the bill raises "at least five constitutional questions." She indicated that under HB 89, anyone who "reasonably believes" can turn in their own family member for "simply owning a firearm." She asked, "What do you say to the public about that?"

REPRESENTATIVE JOSEPHSON replied by discussing findings of assault that have not been convicted. He reemphasized that [under HB 89] it would need to be shown that there is a significant danger to self or others in determining whether to take away someone's firearms. He said the courts would do an analysis. He noted that in some states, the percentage that issue for an individual petition is much lower than for a police petition; this tells him that the courts are considering whether an individual is "just mad at their brother," for example. He noted that the State of California added a misdemeanor for making false statements that lead to the issuance of a GVOP. He said he understands that people are allowed to protect themselves and in public, but fundamentally they are not allowed to threaten people with firearms. Further, he questioned that people would ignore a suicidal person who has access to firearms. He concluded that there are moments in time when a person may feel the need to threaten someone, including discharging a weapon, to keep their family safe. The proposed legislation underlines that "you've got to be right when you're making these decisions; you can't just randomly and recklessly put people in ... that sort of threat" or "you could be vulnerable ... to a gun violence protection order."

REPRESENTATIVE VANCE expressed concern about the lack of evidence required under HB 89. She noted the 10-day requirement but pointed out that a person could be out of town and return to find all their firearms had been confiscated because someone else thinks they should not have those firearms. Further, she questioned the court deciding in such a scenario the person's right to bear arms.

REPRESENTATIVE JOSEPHSON pointed to a 3-day order, where there is a test of 13 items police officers would have to find, including recent acts or threats of violence, a pattern of acts or threats of violence, imminent threat, and violation of protection orders, among others. He then referred to the 10-day notice and opined that that gives the person time to say, "This is unfair" and "This is wrong." He discussed a 20-day order for which attempts must be made to notify the person, and for which the court must find that the respondent poses "a significant danger of injury to self or others." He submitted that this is much tougher than "reasonable belief." He added that in the short-term order there must be "immediate danger."

[4:23:22 PM](#)

CHAIR CARRICK announced the committee would hear invited testimony on HB 89.

[4:24:34 PM](#)

JAKE CHANDLER, Sworn Investigator, Office of the District Attorney, Deschutes County, began invited testimony on HB 89 by offering his employment history. During previous work on the police force responding to mental health calls, he became aware of the need for preventative measures to address issues related to mental health culminating in violence. He mentioned two cases where people were known to be living with mental illness prior to committing murders. He talked about experiences with ERPO filing, stating that he and his team filed only for those they believed were at risk for suicide or homicide. He reported that from January 1 to December 31, 2023, Deschutes County filed 43 ERPOs, the most of any county in Oregon. He explained this high rate can be attributed to the comprehensive local training, as well as the accessibility of provided resources. He noted that initially training was tailored to law enforcement but now includes others, including support groups. He related an instance wherein he was able to diffuse a situation where an individual with suicidal ideation was intent on obtaining a firearm in order to insure that police would open fire.

[4:29:20 PM](#)

AOIBHEANN CLINE, Lobbyist, National Rifle Association of America, began her invited testimony in opposition to HB 89. She said HB 89 is touted as a suicide prevention bill but "misdirects attention to otherwise lawfully owned firearms."

She related that according to the Department of Health (DOH) in Alaska, the highest rates of suicide attempts in Alaska by age group are ages 11-14 and 15-19, and she noted that these are age groups "that cannot otherwise lawfully purchase handguns." She said the bill is referred to as a "red flag law" because it only removes firearms without providing any additional assistance. She spoke about increased mental health issues and a link to danger related to red flag issue response to an individual's home. She reported that in Alaska, "only 45.8 percent of murders committed with a weapon are with a firearm," which she said is "considerably less than half." She said this demonstrates "a misdirected attention to a firearm rather than an actual solution." She stated that HB [89] raises major concerns regarding constitutional violations, and she gave examples. Further, she said it raises administrative issues and is a tool ripe for political abuse. She said the bill would allow individuals to be stripped of their right to bear arms based on "lose, third-party accusations," without notice or the ability to represent themselves in court. She mentioned a response by the American Civil Liberties Union (ACLU) to a similar red flag bill in Rhode Island. She talked about ex parte hearings where an individual has no right to defend themselves. She mentioned further amendment violations when search and seizure happens at the individual's home and unlawful "stop and frisk" possibilities. She talked about the difficulty of rural Alaskans in turning over firearms within 24 hours. She asserted that HB 89 would deprive individuals of their rights based on "weak and nebulous standards." Further, it would allow the removal of self-defense tools of victims of domestic violence, while offering no real solution to gun violence.

[4:34:09 PM](#)

CHRISTOPHER CARITA began invited testimony by sharing that he is soon to be retired from the police force and has been an investigator and part of a threat response unit. He further shared his educational background supporting his ability to discuss the topic. He cautioned getting into "what-ifs" when speaking theoretically about an idea on paper. He said law enforcement people are "gun folks" who respect the Second Amendment and appreciate the gravity of requesting a protection order, and they do so under oath. The aforementioned 13 criteria, he noted, are evidence-based to indicate risk of future violence; the more boxes ticked, the likelier officers are to use a protection order. He shared an example of one protection order, when a man under stress wielded a gun in front of his family and threatened self-harm. The man was taken to

the hospital. Although he had committed no crimes, his wife said he had displayed this behavior for five years. Mr. Carita talked about the gray area that was exemplified in this example.

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CHAIR CARRICK opened public testimony on HB 89.

[4:40:08 PM](#)

JAN CAULFIELD, representing self, said she is a parent in support of HB 89, as it would give family members and law enforcement a tool to temporarily remove firearms from a person in crisis that is showing signs of harming themself or others. She said the Office of Veterans' Affairs and the American Foundation for Suicide Prevention, as well as other suicide prevention organizations recognize the importance of ensuring that guns cannot be accessed when there is a mental health crisis. She noted 21 states have adopted "extreme risk" legislation to prevent firearms suicide, mass shootings, and school shootings, thus saving lives. She noted the Connecticut law was associated with a 14 percent reduction in suicide rates; 10 years following a similar law, Indiana found its suicide rate reduced by 7.5 percent. She echoed the previous report of Alaska's death by firearm suicide being the highest in the country, more than double the national average. She offered further statistics. She emphasized that this is a recognized public health crisis in Alaska and implored the committee to begin taking firearm deaths seriously and working on a solution.

[4:42:38 PM](#)

NANCY BALE, representing self, noted that she is a school nurse and would take an epidemiological approach to her testimony in support of HB 89. She talked about Alaska having second- and third-tier strategies but no first-tier strategies in terms of harm reduction/prevention. She spoke about the alert, lockdown, inform, counter, evacuate (ALICE) strategy used in schools and noted that that is employed when there is already a shooter on the premises. She said ALICE can save lives but does not prevent gun violence. Another method is called "Stop the Bleed," which trains on ways to minimize death from grievous wounds. She said this is another example of a response to an epidemic that is harm reduction only - not primary prevention. She said HB 89 proposes primary prevention. She opined that no school student ever should experience the trauma of gun

violence. She said she hoped the committee would support HB 89 to "help us get primary prevention care in Alaska."

[4:45:04 PM](#)

DIANE DESLOOVER, representing self, testified in support of HB 89. She echoed the previously noted statistics about Alaska's firearm deaths and stated her shock that Alaska has "almost no laws related to gun regulations or gun ownership." She noted the laws enacted in other states. She said HB 89 is a proactive bill "to respond to clear and present danger." She cited an Alaska Survey Research 2018 survey, titled "Alaska Attitudes Toward Gun Ownership and Regulation," which determined that support for an ERPO was 84 percent statewide. She said this eightieth percentile was reflected in "five battleground states." She asked the committee to pass HB 89.

[4:47:49 PM](#)

THERESE LEWANDOWSKI, representing self, testified in support of HB 89. She said it seems that gun advocates seem to think "gun safety people" are plotting to rid them of their guns, which she emphasized is not true. She spoke about the importance of preventing someone from taking their own life and preventing someone from using a firearm in a threatening manner, in a moment of rage. She said she has been a victim and knows others who have been victims. She highlighted suicides and mass shootings. She asked committee members to consider that the next [victim] could be their loved one, and she urged them to show their constituents that they value gun safety.

[4:49:18 PM](#)

TRACIE BROWN, representing self, testified in support of HB 89. She noted that she and her husband are co-guardians of her adult brother, who is a vulnerable person addressing drug and alcohol abuse. He lives on his own and has been collecting guns for safety, and Ms. Brown said she is concerned but cannot legally stop him from buying firearms. She related that her brother reacted to hallucinations by shooting, and one of the bullets ended up on the neighbor's porch. He was charged with second and fourth degree felony gun charges, as well as reckless endangerment; however, he was deemed unfit to stand trial because of his mental incapacities and all charges were dropped.

[4:51:38 PM](#)

PAT MARTIN, representing self, testified in opposition to HB 89. He noted that he is a member of Alaska Gun Rights. He reported that this year, 321 individuals were disarmed under the State of Michigan's red flag law; of those, 237 confiscations were issued ex parte. He asserted that red flag laws are ripe for abuse. He noted seven cases were in homes with young children; however, none of the cases indicated that the children had access to the firearms. He predicted that "the road ahead" under red flag laws is that parents will be targeted regarding their right to keep and bear arms based on their minor children's behavior, which he opined is unjust. Mr. Martin said HB 89 would create "a pathway for law abiding Alaskans to be forcibly disarmed" with as little as 24-hour notice.

[4:54:06 PM](#)

TOM BOUTIN, representing self, testified in opposition to HB 89 as legislation that would enable the seizure of "all guns and ammo possessed by Alaskans, who have broken no laws but may have been accused of intending to break a law." He pointed to AS 18.55.820(11) in HB 89 and noted that seizure could occur even if the never-indicted and never-convicted Alaskan were accused of a felony any time in the past and found not guilty. He opined, "No one should support taking anything lawfully owned from someone who has broken no law." He stated that threatening to assault is a crime. He noted that the justice system must indict, bring to trial, and convict someone before any of their rights are removed, and he underlined that all rights have equal importance.

[4:55:37 PM](#)

MICHAEL PERRINO, representing self, noted that he is a veteran and former law enforcement officer, who is opposed to HB 89 because it "flies in the face of due process." He said [the right to bear arms] is a constitutional right, not a privilege. He noted that any number of objects can be used to do harm, and he asked that focus be given to the mental health aspect. He emphasized that the proposed legislation is "nothing more than a Band-Aid that takes away an individual's right."

[4:57:31 PM](#)

GORDAN WILLIAMS, representing self, testified in support of HB 89. He said he thinks the proposed legislation would serve as a tool to take firearms out of the equation while addressing mental health. He noted that in excess of 90 percent of suicide

attempts with a firearm are "successful," which gives no chance for an individual to seek the help that can lower the chance of them making a second attempt on their life. He acknowledged there would be plenty of remarks made about constitutionality and due process but indicated that a closer examination would show that "it's not that much different than all legal situations where the courts make decisions based on what's brought to them." He expressed his hope that HB 89, as a prevention bill, could move forward; it would "keep people from making tragic mistakes."

[4:59:57 PM](#)

SALLY RUE, representing self, testified that she is a gun owner in support of HB 89. She stated that gun violence is an epidemic and needs to be addressed. She advised that the statistics can be addressed "through judicious applications of legislative solutions, through community norms, and also through individual actions." She said she never again wants to face comforting those who have lost a loved one, and she said reasonable steps can be taken to address the tragedies "while preserving people's constitutional rights." She stated that in many of the cases of suicide and gun violence there were clear warning signs in advance, and HB 89 would provide "a temporary tool for families and law enforcement to address those before it's too late." She referred to instances in Alaska.

[5:02:29 PM](#)

FRANK RUE, representing self, testified that he is a gun owner and advocate of safe gun storage, who said, "I agree with my wife." He shared that a friend and family member exhibiting clear signs of suicidal ideation, and the families involved had no option to secure the guns from the individual in crisis. He indicated "both died" under this scenario, and if the families had had a way to go to the police and get temporary removal of firearms, then those in crisis would have had a chance to get help and later have the firearm(s) returned. He thanked the committee for its efforts in hearing the bill and asked its members to consider a constitutional solution that not only protects the right to bear arms but also "our rights to live and not be harmed."

[5:04:40 PM](#)

SPENCER KING, representing self, testified in opposition to HB 89. He said, "They're using suicide and tugging on your

heartstrings as cover to pass this anti-gun bill that's gonna be abused." He expressed concern that under HB 89, an ex-girlfriend, for example, could "have the police show up" and confiscate a person's gun, and if ex parte, it could happen at 5 a.m. "and kicking in their door with no notice." Even if not ex parte, the person would still need to go to court to defend themselves. He asked the committee not to work on taking guns away from law-abiding citizens.

[5:06:36 PM](#)

DAVID HANNA, representing self, testified in opposition to HB 89. He explained that no matter how well-intentioned the bill [sponsor], the proposed legislation is "too open for abuse." He mentioned misrepresentation related to divorce and dispute and "folks that are unfairly punished" and predicted that HB 89 would "open the door to anyone to abuse the system," especially in considering the ex parte emergency order aspect of the legislation. He said he thinks this would not be in line with constitutional intent. Further, the bill would do nothing to help someone recover their guns or get restitution; "it's all against the person and there's nothing there to help them." He commented on political polarization and said he thinks HB 89 would drive a deeper wedge. He said he would like the mental health aspect of the issue addressed, but not the confiscation of firearms.

[5:08:52 PM](#)

CLARE ROSS, representing self, testified in support of HB 89. She questioned why the idea of preventing suicidal or homicidal individuals from having access to firearms is considered outrageous. She posed examples of an unstable neighbor and a suicidal child to illustrate instances where removing firearms could be considered beneficial. She shared her personal experience of May 24, 2020, when she received a phone call that her son, Luis, was in critical care and his friend, Andrew, dead after being shot by a neighbor, who was having a mental breakdown. She said the neighbor who shot them had been reported multiple times to the police in the weeks leading up to the shooting and was seen by police in a disturbed state of mind the day before the shooting. She questioned why, in a state with high rates of domestic violence and suicide, the legislature would allow people to terrorize their neighbors with guns and not put a barrier between a suicidal individual and firearms. She urged support for HB 89 and further urged those

with concerns to address them with the bill sponsor to strengthen the proposed legislation.

[5:11:35 PM](#)

ODETTE EDGAR, representing self, testified in support of HB 89, which she suggested could help lower Alaska's rates of suicide and homicide. She noted that two years ago, in February, there was a mass shooting at the University of Michigan, in Lansing. Following that was the aforementioned ERPO enacted by the legislature. That ERPO has existed for one year now, and the reported outcomes include: 391 complaints filed; 287 orders issued; and 84 complaints denied. She said this suggests that the courts in Michigan were not "rubber stamping" requests. Further, the State of Michigan has penalties for false statements. She noted that [no false statements] were made that first year; further, there were zero cases of a respondent failing to comply with the ERPO.

[5:13:59 PM](#)

SALLY DONALDSON, representing self, testified in support of HB 89. She said she is a retired school counselor, who feels that the legislature must take steps to lower deaths by firearms in Alaska. She said 21 other states have enacted laws similar to HB 89. She said she knows far too many children that have been harmed by firearms - some of them killed. She recalled that in 1996, Evan Ramsey at age 16 walked into a high school in Bethel, Alaska, and killed two people; in 2002, a young Juneau woman fatally shot herself; and in 2008, two freshman kids skipped school and played a game with a gun resulting in one death and one severely injured, with lasting effects. She thanked the committee for its attention to the issue and urged its members to move HB 89 out of committee.

[5:15:29 PM](#)

JANE ANDREEN, representing self, testified in support of HB 89. She noted she spent 36 years working in the areas of domestic violence and sexual assault, as well as public health. She shared a personal story of her own deep depression 12-13 years ago, noting that she was certain if she had access to a gun at that time, she would not be alive today. She emphasized the importance of having tools in place to help people going through situations like hers.

[5:17:04 PM](#)

RICK MCCLURE, President, Alaska Gun Rights, stated that he represents thousands of Alaskans that have signed a petition against HB 89. He stated that the proposed legislation would violate Article I, Section 7, regarding due process of law, and Article I, Section 19, regarding the right to bear arms - both from the Constitution of the State of Alaska. He asked that HB 89 "go no further than this committee."

[5:18:19 PM](#)

TERRY NICHOLS, representing self, stated his adamant opposition to HB 89, as legislation that would strip [away] law-abiding firearm owners' constitutional rights. He said the bill would do nothing to help people's mental problems and suggested the committee look at AS 47.30.700, addressing involuntary commitment. He listed instances where he said red flag laws were "on the books and failed," as follows: the 2020 Highland Park shooting, in Illinois; the 2022 supermarket shooting, in Buffalo, New York; the 2018 high school shooting, in [Parkland, Florida]; the 2021 nightclub shooting, in Colorado Springs, Colorado; the 2018 Sacramento Library shooting in Sacramento, California; the 2021 Santa Clara Valley Transportation Authority shooting, in San Jose, California; the 2021 FedEx shooting in Indianapolis, Indiana; the 2021 King Supers supermarket shooting in Boulder, Colorado; the 2019 SunTrust Bank shooting in Sebring, Florida; the 2018 Borderline Bar & Grill shooting in Thousand Oaks, California; and the 2015 Umpqua Community College shooting in Roseburg, Oregon.

[5:20:55 PM](#)

MARIAN CLOUGH, representing self, testified as a gun owner in support of HB 89. She said the bill does provide due process to temporarily remove firearms from those who pose a threat to others or themselves. She said there currently are laws in 21 states, including "red states" such as Florida and Indiana. She spoke about ERPOs saving the lives of Alaskans and urged the committee to support HB 89.

[5:22:28 PM](#)

CHAIR CARRICK announced that public testimony would be left open for a future hearing. She encouraged all who testified to submit their testimony electronically.

[HB 89 was held over.]

5:24:19 PM

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:24 p.m.