

Introduced: 2/3/69
Referred: State Affairs
and Judiciary

1 IN THE HOUSE

BY TILLION

2 HOUSE BILL NO. 90

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to liability for property damage
7 resulting from unlawful or riotous assemblies, or
8 other civil disturbances."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 34.50 is amended by adding a new section to read:

11 Sec. 34.50.030. LIABILITY FOR PROPERTY DAMAGE CAUSED BY CIVIL
12 DISORDERS. (a) A person may maintain a civil action for damage to, or
13 destruction of, real or personal property caused by the actions of an
14 unlawful or riotous assembly or other civil disturbance. The action
15 lies against the state or a political subdivision of the state, de-
16 pending on which entity provides police services in the area where the
17 property was damaged or destroyed. No person may recover under this
18 section if the damage or destruction was caused by his illegal or im-
19 proper conduct.

20 (b) If a magistrate or peace officer, having notice of an unlaw-
21 ful or riotous assembly or other civil disturbance, neglects to proceed
22 to the place of assembly, or as near as he can with safety, and to
23 exercise the authority with which he is invested for suppressing the
24 same and arresting the offenders, he is liable in a civil action for
25 the damage done to any property by the unlawful or riotous assembly.

26 (c) A person whose property is damaged or destroyed may maintain
27 an action against any one or all who participated in the unlawful or
28 riotous assembly to recover full damages for the injuries sustained.
29 However, no damages may be recovered by the injured party against any

1 of the rioters for the same injury for which he has received compensa-
2 tion from the state, a political subdivision of the state, a magistrate
3 or peace officer.

4 (d) The state or political subdivision of the state, against
5 which damages have been recovered under (a) of this section, may main-
6 tain a civil action against any one or all who participated in the un-
7 lawful or riotous assembly, or against a magistrate or peace officer
8 who may be liable under (b) of this section, for the recovery of
9 damages, costs, and expenses incurred by the state or political sub-
10 division. A suit shall not fail because there are too many or too few
11 parties named as defendants and the suits shall be treated as a trespass
12 action brought by the owners of the property.

13 * Sec. 2. AS 09.50.250(1) is amended to read:

14 (1) is an action for tort, and is based upon an act or
15 omission of an employee of the state, exercising due care, in the
16 execution of a statute or regulation, whether or not the statute or
17 regulation is valid; or is an action for tort, and based upon the
18 exercise or performance or the failure to exercise or perform a dis-
19 cretionary function or duty on the part of a state agency or an
20 employee of the state, whether or not the discretion involved is
21 abused; except that this paragraph does not apply to AS 34.50.030;
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