

Introduced: 1/9/84
Referred: Judiciary

1 IN THE SENATE

BY RAY

2

SENATE BILL NO. 328

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to legislative immunities and privi-
7 leges."

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

9 * Section 1. AS 24.40.010 is repealed and reenacted to read:

10 Sec. 24.40.010. IMMUNITIES AND PRIVILEGES. (a) A legislator or
11 employee of the legislature may not be held to answer before another
12 tribunal for an act done in the proper exercise of a legislative duty,
13 whether or not the legislature is in session.

14 (b) A legislator or employee of the legislature is immune from
15 civil process and from arrest, except for a felony or breach of the
16 peace, during the period from 15 days before until 15 days after a
17 regular session, special session, or legislative committee meeting.
18 The immunity provided by this subsection may not be waived.

19 (c) During any period not covered under (b) of this section, a
20 legislator or employee of the legislature is privileged from civil
21 process and from arrest, except for a felony or breach of the peace,
22 while in the proper exercise of a legislative duty. The privilege
23 provided by this subsection may be waived.

24 (d) The arrest of a person in violation of (a) through (c) of
25 this section is void. A person knowingly making or procuring an
26 arrest in violation of this section is in contempt of court and liable
27 for double the actual damages incurred as a result of the arrest
28 unless

29 (1) the person arrested did not inform the arresting

1 officer that the arrest was in violation of this section; or

2 (2) the person arrested refused to sign an affidavit stat-
3 ing that the arrest was in violation of this section.

4 (e) In this section "proper exercise of a legislative duty"
5 means performance of an act authorized by law that directly affects
6 the enactment of legislation or the contents of legislation to be
7 submitted to the legislature; it does not include purely political
8 activities.