

Offered: 2/3/84  
Referred: Rules

Original sponsor: Ray

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 328 (Judiciary)  
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 AS 24.40.010 is repealed and reenacted to read:  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  
11 may not be held to answer before another tribunal for an act done in  
12 the proper exercise of a legislative duty, whether or not the legisla-  
13 ture is in session.  
14 (b) An employee of the legislature may not be held to answer  
15 before another tribunal for an act done in the proper exercise of a  
16 legislative duty, whether or not the legislature is in session.  
17 (c) A legislator is immune from civil process and from arrest,  
18 except for a felony or breach of the peace, during the period from  
19 five days before until five days after a regular session, special  
20 session, or legislative committee meeting. The immunity provided by  
21 this subsection may not be waived.  
22 (d) During any period not covered under (c) of this section, a  
23 legislator is privileged from civil process and from arrest, except  
24 for a felony or breach of the peace, while in the exercise of a legis-  
25 lative duty. The privilege provided by this subsection may be waived.  
26 (e) The arrest of a person in violation of (a) through (d) of  
27 this section is void. A person knowingly making or procuring an  
28 arrest in violation of this section is guilty of a class B misdemeanor  
29 unless

1                   (1) the person arrested did not inform the arresting offi-  
2 cer that the arrest was in violation of this section; or

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

5                   (f) In this section "proper exercise of a legislative duty"  
6 means performance of an act, not prohibited by law, that directly  
7 affects the enactment of legislation or the contents of legislation to  
8 be submitted to the legislature, or that concerns existing statutes,  
9 rules, or regulations; it does not include purely political  
10 activities.