

Original sponsor: Health, Education and
Social Services Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 344 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the protection of persons with
7 disabilities and to disabled adults who are victims
8 of physical or sexual assault."

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

10 * Section 1. AS 09.65.150(a) is amended to read:

11 (a) The driver of a vehicle approaching a physically disabled
12 pedestrian who is carrying a white or metallic-colored cane, or using
13 special equipment for mobility, or using a service animal, shall take
14 precautions necessary to avoid injury to the pedestrian or the service
15 animal. A driver who fails to take necessary precautions and, as a
16 result, causes injury to the pedestrian or the service animal, or
17 causes property damage, is liable [IN DAMAGES] for the injury or
18 damage caused.

19 * Sec. 2. AS 11.76.130(a) is amended to read:

20 (a) A person commits the crime of interference with the rights
21 of a disabled person if the person intentionally prevents or restricts

22 (1) a physically or mentally disabled person from having
23 full and free pedestrian use of a street, highway, sidewalk, walkway,
24 or other thoroughfare, to the same extent that any other person has a
25 right to pedestrian use; or

26 (2) a physically disabled person from being accompanied or
27 assisted by a certified service animal, without an extra charge for
28 the service animal, in a common carrier, place of public accommoda-
29 tion, or other place to which the general public is invited, except as

1 provided in (b) of this section.

2 * Sec. 3. AS 47.24 is amended by adding new sections to read:

3 ARTICLE 2. PROTECTION OF DISABLED ADULTS.

4 Sec. 47.24.110. REPORTS OF PHYSICAL OR SEXUAL ASSAULT. (a) The
5 following persons who, in the performance of their professional
6 duties, have reasonable cause to believe that a disabled adult is a
7 victim of assault under AS 11.41.200 - 11.41.230 or sexual assault
8 under AS 11.41.410 - 11.41.420, and that the disabled adult is unable
9 to report the crime, shall promptly report the crime to the nearest
10 law enforcement agency:

11 (1) a physician or other licensed health care provider;

12 (2) a mental health professional as defined in AS 47.30.-
13 915;

14 (3) a pharmacist;

15 (4) an administrator or employee of a nursing home, resi-
16 dential care, or health care facility;

17 (5) a caretaker of the disabled adult;

18 (6) a guardian or conservator of the disabled adult;

19 (7) a police officer as defined in AS 18.65.290;

20 (8) a village public safety officer;

21 (9) a village health aide;

22 (10) a social worker;

23 (11) a member of the clergy;

24 (12) a staff employee of a program or project serving dis-
25 abled adults;

26 (13) a licensed foster care provider;

27 (14) a paid employee of a domestic violence and sexual
28 assault program or a crisis intervention and prevention program as
29 defined in AS 18.66.900;

1 (15) an employee of a homemaker program or home health aide
2 program;

3 (16) an emergency medical technician or paramedic in the
4 mobile intensive care program.

5 (b) A person who knowingly fails or refuses to make a report
6 required under (a) of this section is guilty of a class B misdemeanor.

7 (c) In this section, "disabled adult" means a person 18 years of
8 age or older who has a physical or mental disability, or physical or
9 mental impairment, as defined in AS 18.80.300.

10 Sec. 47.24.120. IMMUNITY FROM LIABILITY; RETALIATION PROHIBITED.

11 (a) A person who in good faith makes a report under AS 47.24.110,
12 regardless of whether the person is required to do so, is immune from
13 civil or criminal liability that might otherwise be incurred or im-
14 posed for making the report.

15 (b) An employer or supervisor of a person who in good faith
16 makes a report under AS 47.24.110 may not discharge, demote, transfer,
17 reduce pay or benefits or work privileges of, prepare a negative work
18 performance evaluation of, or take other detrimental action against
19 the person because the person made the report. The person making the
20 report may bring a civil action for compensatory and punitive damages
21 against an employer or supervisor who violates this subsection. In
22 the civil action there is a rebuttable presumption that the detri-
23 mental action by the employer or supervisor was retaliatory if it was
24 taken within 90 days after the report was made.

25 * Sec. 4. AS 28.15.031(b)(4) is repealed.