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Official Business

Alaska State Legislature

Senate

Pouch 7
State Capitol
Juneau, Alaska 99811

TO: Senator Ray, Chairperson
Senate Judiciary Committee
FROM: Senator Josephson
DATE: April 29, 1983

RE: SB 153 - Senate Judiciary Subcommittee Report

Pursuant to your instructions, I have researched the propriety of SB 153 for the Committee's consideration. Senate bill 153 would provide, that a person commits a felony if the person knowingly obstructs a private citizen who assists a peace officer or judicial officer in the performance of official duties.

An obstruction of the nature identified in SB 153 would be an assault in most cases. Assaults and related offenses are covered in AS 11.41.200 - 41.250 of the criminal code. Punishments for assault range from class A felony detention to class A misdemeanor detention depending, of course, upon the facts of the case. SB 153 would make it a felony, regardless of the facts or the resulting injuries, for a person to obstruct a private citizen assisting another person duty only to the other person's status.

The major difficulty with SB 153 is that it would conflict with this committee's earlier approval of CSSB 24, "An Act relating to penalties for assaulting a peace officer, firefighter, or other emergency responder." We concurred in our deliberations that not all assaults in circumstances covered under CSSB 24 should be felonious solely because of the status of the persons sought to be protected. The punishment would be based upon a factual analysis of the case at hand.

Approval of SB 153 would be anomalous. The bill would make it a more serious offense to obstruct a private citizen who assists a peace officer or judicial officer than it does to commit an assault directly upon a peace officer or judicial officer. I would recommend that the original sponsor, Senator Rodey, be invited to comment upon this apparent anomaly and advise the Committee whether he concurs with this analysis.

cc: Senator Pat Rodey