

**HEB**

**350**

# Alaska State Legislature

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Chair, House Special Committee  
on Economic Development, Trade  
and Tourism

Chair, Joint House and Senate  
Administrative Regulation and  
Review Committee

Member  
Resources Committee  
Rules Committee

## Representative Lesil McGuire

*House District 17*

February 4, 2002

Representative Vic Kohring  
Chair, Transportation Committee  
State Capitol, Room 24  
Juneau, Alaska 99801-1182

Dear Representative Kohring:

Please accept this letter and the attached documents as a request for the House Transportation Committee to hear HB 350, "An Act relating to terroristic threatening."

HB 350 will expand terroristic threatening to include areas involving our airports. Since September 11<sup>th</sup> Alaska has had three separate incidents where a passenger made comments that placed airport employees or others who heard the comments in fear for their lives. The most blatant incident occurred in Sitka two days after the destruction of the World Trade Center. An individual threatened an airport employee, stating that he would leave and come back "as an assassin." He was arrested and later released because he had not violated Alaska's terrorist threatening statute. The passages of HB 350 will ensure that this does not happen again.

I respectfully request scheduling of HB 350 in the House Transportation Committee at your earliest convenience. Thank you in advance for your time and consideration. If you have any questions please do not hesitate to call.

Sincerely:



Lesil McGuire  
Representative, District 17

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Rules Committee

## Representative Lesil McGuire *House District 17*

### Sponsor Statement House Bill 350

#### **“An Act relating to terroristic threatening”**

Since September 11, 2001, what was once considered only a concern for those living, working or visiting overseas locations has painfully come home. September 11<sup>th</sup> changed our world and the way we will be expected to conduct ourselves in public from now on. Today when we board a plane, we scrutinize others around us more closely and have been encouraged to take matters into our own hands should someone try to commit a terroristic action.

We have also seen changes in how we prepare to board public transportation, as security has tightened. The event of that day in September has altered how we live our day-to-day lives. For many it is frustrating to stand in long lines and undergo questioning, but it does not give us the right to threaten airport personnel simply trying to do their jobs, or to instill fear in the minds of fellow passengers.

In a recent incident in Sitka, an Alaska Airlines employee was doing her job in security. An individual threatened to leave the airport and return as an assassin if he was not permitted to pass through. The diligent employee contacted local authorities and the individual was detained and later released.

House Bill 350 will provide law enforcement the necessary tools to arrest, detain and ultimately prosecute an individual who threatens public areas or conveyances. It further makes it a crime to disrupt public transportation or to threaten a person while they are working in transportation services.

A threat in this day and age must be taken seriously. House Bill 350 will make sure that if an individual threatens an airport or one of its employees with harm, that they will be punished in accordance with the law.

# State frees man held for making threats

■ **ARREST:** Alaska Airlines bans Washington man from flights after he became angry over late luggage.

The Associated Press

SITKA — The state decided Friday not to prosecute a 58-year-old Washington man who was arrested at the Sitka airport after allegedly threatening an airline worker.

But Alaska Airlines has banned Dr. Bruce Stevenson from its flights for life because of Thursday's incident.

Stevenson apparently became upset about possible delays in retrieving baggage, police said. Lt. John Baeza said Stevenson told the Alaska Airlines ticket agent, "If I don't get my bag I'm coming back here as an assassin."

"He said it seriously, with no hint of a smile or that he was joking, and all the witnesses took it very seriously," Baeza said.

Sitka Police Chief Bill McLendon criticized the state's refusal to take the Woodinville, Wash., medical doctor to court.

"The decision reeks of favoritism and documents a steady history of political maneuvering and ineptness in handling cases," McLendon said Friday. "To say we have no confidence in (prosecutors') abilities would be a gross understatement."

Earlier Friday, assistant district attorney Corinne Vorenkamp told the Daily Sentinel in Sitka that the state did not have enough evidence for a criminal prosecution against Stevenson, a doctor at the prestigious Virginia Mason Hospital in Seattle.

"While there's certainly no accounting for the exceedingly poor taste and bad judgment of essentially ignoring a national tragedy, the state has decided to not file a complaint," Vorenkamp said.

Responding to a call from the airport Thursday afternoon, Sitka police arrested Stevenson on a felony charge of terrorist threatening and a misdemeanor charge of fourth-degree assault.

Stevenson was held overnight in the Sitka jail without bail and was released Friday after the charges were dropped.

In Anchorage, assistant U.S. attorney Stephan Collins said the federal government does not have jurisdiction in the case.

"The threat wasn't made by telephone or by wire, and it wasn't made in the air," Collins said. "If the plane were in the air at the time, we'd have jurisdiction — maritime, or territorial — but on the ground, in the airport, to a ticket agent, from what details I understand about this case we don't have jurisdiction. That would be up to the state."



JAMES POULSON / The Associated Press

Sitka Police Lt. John Baeza, left, stands by as Dr. Bruce Stevenson, 58, background center, is placed in a patrol car following his arrest for allegedly threatening an airline worker at the airport in Sitka. Police say that Stevenson, a doctor at Virginia Mason Hospital in Seattle, apparently told the Alaska Airlines ticket agent, "If I don't get my bag I'm coming back here as an assassin."

Vorenkamp said that to be prosecuted for terrorist threatening under state law, a person would have to "knowingly make a false report that a circumstance dangerous to human life exists or is about to exist."

"What Mr. Stevenson said certainly was insensitive to the fears of the person to whom he said it, and it's appalling in light of the national tragedy that happened this week," she said, "but under state law it is not a crime."

However, Stevenson will never be allowed onboard an Alaska Airlines flight again, company spokesman Greg Witter said from the airline's Seattle headquarters.

"We have a zero-tolerance policy for anyone who tries to abuse or threaten our employees in any way, shape or manner," he said.

# Doctor sorry for making threat to airline agent

**■ APOLOGY:** He admits he 'demonstrated a terrible lack of judgment.'

**The Associated Press**

SITKA — The Washington state doctor who was arrested in Sitka for making threatening comments to an Alaska Airlines ticket agent apologized Tuesday for his actions.

Dr. Bruce Stevenson was arrested at the Sitka airport Thursday, when commercial flights were allowed to resume after the terrorist attacks on the East Coast. The state, however, decided not to prosecute, though Alaska Airlines has banned the 38-year-old doctor from its planes for life.

In last week's incident, Stevenson became upset about possible delays in retrieving baggage and re-

portedly told the ticket agent he would "come back as an assassin" if that occurred.

Stevenson, a doctor at Virginia Mason Hospital in Seattle, issued a prepared statement Tuesday, saying he is sorry for the stress his comments caused.

Stevenson has been placed on indefinite administrative leave because of the incident, said hospital spokeswoman Linda Stepanich. The hospital faxed the doctor's comments to the Daily Sentinel in Sitka.

In the statement, Stevenson wrote: "I made an inappropriate remark that was interpreted as a threat.

"I demonstrated a terrible lack of judgment and I sincerely apologize for my actions. As a frequent traveler to Alaska, I have built many warm

See Page B-2, DOCTOR

## DOCTOR: *He's sorry*

*Continued from B-1*

relationships over the years. I genuinely regret jeopardizing the goodwill of the many friends and colleagues I have in your fine state.

"I am very sorry that this incident added to the stress of airline, airport and public officials during this difficult time."

Police had charged the doctor with felony terroristic threatening and misdemeanor fourth-degree assault. Stevenson spent a night in the Sitka jail before charges were dropped Friday after the state decided not to prosecute.

Stevenson left Sitka Friday.

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## KTVA.COM

### Alaska Airlines passenger arrested for terrorist threatening

*September 24, 2001*

An Alaska Airlines passenger who had lost a bag joked with an employee at the Juneau Airport that it contained a bomb. But the airline took it seriously, and the man was arrested Monday morning at his hotel room.

Twenty-nine-year-old James Longroft was taken into custody at about 7 a.m. and charged with felony terroristic threatening. He was lodged at the Lemon Creek Correctional Center.

Longroft, an Irish national who gave his residence as England, lost a bag on his flight in last night.

Juneau Police say that while he was describing the bag to an employee, he noted it had a bomb in it. He told the airline employee he was kidding.

But the employee contacted police, who then contacted the FBI, the Juneau District Attorney's Office and Juneau Airport Security and Alaska Airlines Dispatch Operations in Seattle.

The missing luggage had been located at the Seattle airport. Seattle police searched the bag and found no bomb.

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## KTVA.COM

### Bomb threat shuts down Ketchikan airport

*December 30, 2001*

Authorities are investigating an anonymous bomb threat that shut down the Ketchikan International Airport for more than an hour Friday.

The airport was evacuated while airport police and troopers checked the premises. No explosives were found.

Airport manager David Allen says the threat was called in to Ketchikan police about 1:30 p-m. He says police then notified the airport, prompting the evacuation. Allen says he's not sure how many people were affected.

Allen says a jet was not due to land until a few hours later, so the building was relatively empty other than airport workers. He says people were allowed back in the building at about 2:45 p-m.

Alaska State Troopers say they are investigating the threat. Police are looking into the origin of the call, but Deputy Chief David Guzman says that's the department's only involvement.

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22-LS1300F  
Luckhaupt  
2/13/02

**CS FOR HOUSE BILL NO. 350(TRA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE MCGUIRE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to criminal mischief and terroristic threatening."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 11.46.480(a) is amended to read:

4 (a) A person commits the crime of criminal mischief in the first degree if,  
5 having no right to do so or any reasonable ground to believe the person has such a  
6 right,

7 (1) with intent to cause a substantial interruption or impairment of a  
8 service rendered to the public by a utility or by an organization that [WHICH] deals  
9 with emergencies involving danger to life or property, the person damages or tampers  
10 with property of that utility or organization and causes substantial interruption or  
11 impairment of service to the public;

12 (2) with intent to damage property of another by the use of widely  
13 dangerous means, the person damages property of another in an amount exceeding  
14 \$100,000 by the use of widely dangerous means;

15 (3) the person intentionally damages an oil or gas pipeline or

1 supporting facility; or

2 (4) with intent to cause physical injury to another person, the person:

3 (A) tampers with an item that is water or a food, drug, or  
4 cosmetic or a container for those items [THE ITEM]; or

5 (B) delivers, dispenses, or distributes an item described in (A)  
6 of this paragraph knowing that a person has tampered with the item.

7 \* Sec. 2. AS 11.56.810(a) is amended to read:

8 (a) A person commits the crime of terroristic threatening if the person  
9 knowingly makes a false report that a circumstance

10 (1) dangerous to human life exists or is about to exist and

11 (A) [(1)] places a person in fear of physical injury to any  
12 person;

13 (B) [(2)] causes evacuation of a public area, mode of public  
14 transportation, or building; [OR]

15 (C) [(3)] causes serious public inconvenience; or

16 (D) disrupts the schedule of an entity providing  
17 transportation services for persons or property;

18 (2) exists or is about to exist that is dangerous to the proper or safe  
19 functioning of an oil or gas pipeline or supporting facility, utility, or  
20 transportation or cargo facility; in this paragraph, "oil or gas pipeline and  
21 supporting facility" and "utility" have the meanings given in AS 11.46.490.

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 350(TRA)  
 (H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An Act relating to terroristiC BRU Legal and Advocacy Services  
threatening..." Component Public Defender Agency  
 Sponsor Rep. McGuire  
 Requester (H) TRA Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Menial Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 See attached.

Prepared by: Barbara Brink, Director Phone (907) 334-4416  
 Division Public Defender Agency Date/Time 2/19/02 8:28 AM  
 Approved by: Jim Duncan Date 2/19/2002  
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. CSHB 350(TRA) - FN#2

**ANALYSIS CONTINUATION**

This legislation would amend the crime of terroristic threatening (a class C felony) to include when a person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist that disrupts the schedule of a public transportation service or causes evacuation of a public area or public conveyance. More troubling is the provision of the bill that proposes to include in the same crime when a person knowingly threatens a person engaged in providing transportation services or support services with physical injury regardless of whether the person making the threat had the ability or intent to carry out the threat and the person threatened actually was placed in fear of physical injury. If this bill, as broadly written as it is, became law, it would likely have a significant fiscal impact on the Public Defender Agency. It is not possible to determine the extent of that impact, however, because it is unknown how many potential cases would result from this broadly written proscriptive language. The Public Defender Agency has serious concerns about broadening the language in the terroristic threatening statute to include personal threats that might not have any real terroristic qualities. Since the Agency cannot predict how many more cases would result if this proposed legislation passed, an indeterminate fiscal note is submitted.

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSHB 350(TRA)  
 (H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title: "An Act relating to terroristic threatening." BRU: Criminal Division  
 Component: 1st-4th Judicial Districts; Criminal  
 Sponsor: Representative McGuire Appeals/Special Litigation  
 Requester: House Transportation Committee Component No. 2198-99;2201-03;61;79

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 HB 350 would expand the actions that could lead to a charge of terroristic threatening, a class C felony. Specifically, if an individual causes the evacuation of a public area, public conveyance, or building; disrupts the schedule of a public transportation entity; or threatens, even jokingly, a transportation service provider or transportation support services provider with physical injury, even if the person threatened was not placed in fear of physical injury, that individual could be charged with this crime.

The language in subsection (2) regarding threats to persons actually providing transportation services or support services would cover a very large variety of situations not currently considered felonies. Felony prosecutions are costly, but the Department of Law has no way of estimating how many new cases might be referred for prosecution if this bill becomes law, and cannot assign a potential fiscal impact.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
 Division: Attorney General's Office Date/Time 2/19/02 8:27 AM  
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 2/19/2002  
 Agency: Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 4  
 Bill Version: CSHB 350(JUD)  
 (H) Publish Date: 4/18/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An Act relating to criminal mischief  
and terroristic threatening..." BRU Legal and Advocacy Services  
 Component Public Defender Agency  
 Sponsor Rep. McGuire  
 Requester (H) Judiciary Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See attached.

Prepared by: Barbara Brink, Director  
 Division Public Defender Agency  
 Approved by: Jim Duncan, Commissioner  
 Agency Department of Administration

Phone (907) 334-4416  
 Date/Time 2/21/02 1:29 PM  
 Date 2/21/2002

FISCAL NOTE #4

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. CSHB 350(JUD)

**ANALYSIS CONTINUATION**

This legislation would amend the crime of criminal mischief in the first degree (class B felony) to include tampering with a water supply with intent to cause physical injury. The crime currently prohibits tampering with other items with intent to cause physical injury (food, drugs, cosmetics). The bill also proposes to amend the crime of terroristic threatening (a class C felony) to include when a person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist that disrupts the schedule of a public transportation service or causes evacuation of a public area or public conveyance, or a false report that a circumstance exist or is about to exist that is dangerous to the safe functioning of an oil or gas pipeline or supporting facility, utility, or transportation or cargo facility.

The last provision in Section 2, subsection (a)(2) would likely have a fiscal impact on the Public Defender Agency. This subsection may cover a sizeable variety of situations not currently covered as felonies. It is not possible to determine the extent of that impact, however, because it is unknown how many potential cases would result from this broadly written proscriptive language. Since the Agency cannot predict how many more felony cases would result if this proposed legislation passed, an indeterminate fiscal note is submitted.

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 5  
Bill Version: CSHB 350(JUD)  
(H) Publish Date: 4/18/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
Title An Act relating to terroristic threat BRU Administration and Operations  
Component All  
Sponsor Rep. McGuire  
Requester House Judiciary Committee Component No. 694

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

Estimate of any current year (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
This legislation expands the circumstances under which someone can be charged with Terroristic Threatening, a felony. This bill will add a provision to include knowingly making a false report that a circumstance dangerous to human life exists or is about to exist and causes evacuation of a public area, mode of public transportation or building or disrupts the schedule of an entity providing transportation services for persons or property. It additionally will include false reports of a circumstance exists or is about to exist regarding the safe or proper functioning of oil or gas pipeline or supporting facility, etc. Any addition of circumstances expanding felony prosecution will likely have a fiscal impact on the Department of Corrections. It is anticipated that the number of cases that apply in this legislation will be minimal, therefore, the Dept. of Corrections is submitting an indeterminate fiscal note.

Prepared by: Candace Brower Phone 465-4652  
Division: Commissioner's Office Date/Time 2/26/02 4:53 PM  
Approved by: Margaret Pugh, Commissioner Date 2/26/02  
Agency: Dept. of Corrections