

**HB**

**286**

# ALASKA STATE LEGISLATURE

**Co-Chair:**  
Joint Armed Services Committee

**Vice-Chair:**  
Legislative Council

**Member:**  
Judiciary Committee  
Oil and Gas Committee  
Military and Veterans Affairs Committee  
Community and Regional Affairs Committee



**Session:**  
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## REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON  
Representative\_Nancy\_Dahlstrom@legis.state.ak.us

### House Bill 286 Sponsor Statement

House Bill 286 "An act relating to impersonating a public servant" makes it a class C felony for those who impersonate a public servant in the first degree. A person commits the crime of impersonating a public servant in the first degree if the person violates AS 11.56.830 by pretending to be a peace officer. Currently in the state of Alaska it is a class B misdemeanor to impersonate any public servant.

Class C felony sentencing guidelines, under AS 12.55.125(e), cover the following presumptive ranges:

First offense: 0-2 years  
Second offense: 2-4 years  
Third offense: 3-5 years

Class B Misdemeanors are usually handled with little or no jail time unless the person has a significant criminal history. HB 286 targets those who intend to cause harm to an individual or group while appearing as someone whose job it is to protect others and uphold the law. Taking on a persona of a peace officer is a severe breach of trust and should be punished accordingly.

There is a growing concern for safety in our communities. House Bill 286 adds teeth to existing law, and provides another tool to law enforcement agencies. In addition, the bill serves as a strong deterrent for those who deliberately make choices that put our families, neighbors and community at risk.

The sponsor respectfully requests the committee's favorable consideration of House Bill 286. Thank you.

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number \_\_\_\_\_  
 Bill Version HB 286  
 ( ) Publish Date \_\_\_\_\_

Identifier (file name): HB286-DOA-OPA-1-28-08 Dept. Affected Administration  
 Title "An Act relating to impersonating a public servant" RDU Legal and Advocacy Services  
 Component Office of Public Advocacy  
 Sponsor Reps. Dahlstrom, Lynn, Gallo  
 Requester \_\_\_\_\_ Component Number 43

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

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time							
Part-time							
Temporary							

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

This bill will create a new felony offense for impersonating a public servant in the first degree for impersonation of a peace officer. The agency does not anticipate many new cases resulting from this bill, and therefore, OPA submits a zero fiscal note.

Prepared by Rachel Levitt, Deputy Director  
 Division Office of Public Advocacy  
 Approved by Rachael Petro, Deputy Commissioner  
Department of Administration

Phone 907-269-3504  
 Date/Time 1/28/08 2:00 p.m.  
 Date 1/28/2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number \_\_\_\_\_  
Bill Version HB 286  
( ) Publish Date \_\_\_\_\_

Identifier (file name) HB286-DOA-PDA-1-28-08 Dept. Affected Administration  
Title "An Act relating to impersonating a public servant." RDU Legal and Advocacy Services  
Sponsor Representative DAHLSTROM, Lynn, Gatto Component Public Defender Agency  
Requester \_\_\_\_\_ Component Number 1631

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

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

This bill amends the crime of impersonating a public servant, elevating the crime to a class C felony under certain circumstances. It is not expected to have a fiscal impact on the Agency

Prepared by Quinlan Steiner, Director  
Division Public Defender Agency  
Approved by Rachael Petro, Deputy Commissioner  
Department of Administration

Phone 907-334-4414  
Date/Time 1/28/08 10:40 AM  
Date 1/28/2009



**Public Safety Employees Association, Inc.**  
*"Representing Alaska's Finest"*

**Position Paper**  
**Supporting HB 286**

HB 286 increases the penalties for a person who impersonates a peace officer. We must be conscience of every effort to protect the environment and the enforcement persona of those who work to enforce the law and protect persons from those who seek to break the law. One who impersonates a peace officer infiltrates the confidence a law abiding citizen has in our system of law enforcement.

Alaska's citizens must be assured that those who wear the uniform of a peace officer or drive a police vehicle are who they appear to be. Anyone who seeks to impersonate a police officer for whatever reason not only confuse, anger and abuse the public, they place law abiding citizens at risk. If and when a law abiding citizen honors a police vehicle's strobes by pulling over, that individual doesn't need to question whether the person wearing a peace officer's uniform is who they appear to be

An effort to discourage or curtail impersonation is good public policy. The members of the Public Safety Employees Association commend Representatives Dahlstrom, Lynn and Gatto for introducing HB 286 and recommend it passage.

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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January 24, 2008

Representative Nancy Dahlstrom  
House of Representatives  
State Capitol  
Juneau AK 99801-1182

Dear Representative Dahlstrom:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 286, an act relating to impersonating a public servant.

The APOA State Board's Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

We thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long  
State President

Barry J. Schimmack  
24888 Teal Loop, Chugiak, AK 99567  
688-5525 [barryjay@mtaonline.net](mailto:barryjay@mtaonline.net)

October 22, 2007

Rep. Nancy Dahlstrom  
10928 Eagle River Rd.  
Eagle River, AK 99577

RE: Impersonating an Officer

Dear Representative Dahlstrom,

It was a pleasure for my son Brett and I to meet you at the recent Eagle River Rotary meeting, and it was great to hear your insights into the events happening in our state government.

You may remember we talked briefly about my concerns on our state and municipal laws concerning Impersonating a Police Officer. You asked me to finish my document and get it to your office as soon as I could.

I'd like you to take a moment and meet my friend's daughter, Lacy. In Ft. Collins, CO, she was pulled over by a man impersonating a police officer, only a few houses away from her own home. The man used flashing red and blue lights to pull Miller over.



Lacy Jo Miller

*My name is Lacy Jo Miller. I was born in Billings, Mont., on Aug. 10, 1982. I came to Fort Collins when I was 6 years old. I was a Brownie. I loved school, playing Barbies, tea parties, coloring, dress-up, my best friend Katy, horses, sleepovers, art class and singing.*

*When I was in junior high school I ran track, played softball and learned to play the piano and the flute. I loved watching my little brother Kenyan and making things for him. I was quiet and shy for the most part, but once you got to know me, I was funny and would say what was on my mind.*

*In high school, I was in student council and on the yearbook committee. I loved my friends, hanging out during lunch, doing things I thought my mom didn't know about, driving my car, listening to Dave Matthews Band, dancing, dreaming about being a designer or teacher, talking on the phone, instant messaging my friends, watching "Friends," being a couch potato, sleeping, going to movies, Thanksgivings with my Aunt Stacy and lots more. I loved seeing my Dad and brother Jesse and every year spending time with my grandparents in Texas. I loved my family, I loved Jesus, and I loved life.*

*I was tragically taken from this planet in January 2003. Regretfully, I leave behind my mother, Wendy (Patterson) Cohen; my father, David Miller, my little brothers, Jessie Miller and Kenyan Kreisher, my best friends: Angela, Andrea, Amanda, Kendra and many, many, more girlfriends.*

*Thank you for loving me, laughing with me, teaching me what I needed to know and for looking and praying so hard to find me so my parents wouldn't have to worry any more.*

\*\*\*\*\*

In Alaska, our Municipal Code and State Law on impersonating a police officer is only a Class B Misdemeanor. (see attached) According to one sergeant at APD, "I'd say most Class B Misdemeanors are handled without jail unless the person has a significant criminal history. Community work, service, fines, etc. are more common."

As you know, there have been a number of "police impersonation" cases in the Anchorage area within the past 2 years, including at least 2 high profile cases. Thankfully, none have resulted in a fatality.

Shortly after Lacy's death, her mother Wendy approached the representatives in Colorado and within months they signed into law a House Bill named **Lacy's Law**:

**"Named for slain Fort Collins college student Lacy Miller - makes impersonating a police officer a class 6 felony, which carries a mandatory minimum sentence of 15 months in prison. It also made possession or use of police emergency lights a class 1 misdemeanor, punishable by a fine of up to \$5,000."**

This is the 5<sup>th</sup> year anniversary of Lacy's death, and I can't think of a better way to honor her memory than for our Alaska lawmakers to address these types of crimes to deter this type of crime in Alaska. Let's not lose another Alaskan to somebody impersonating a public servant!

There is more information about House Bill 1003 on Lacy's website at:

[http://www.2hearts4lacy.org/page\\_page\\_3127061.htm](http://www.2hearts4lacy.org/page_page_3127061.htm)

Thank you.

Barry Schimmack

**State Law Sec. 11.56.830. Impersonating a public servant.**

- (a) A person commits the crime of impersonating a public servant if the person pretends to be a public servant and does any act in that capacity.
- (b) It is not a defense to a prosecution under this section that
  - (1) the office the defendant pretended to hold did not in fact exist; or
  - (2) the defendant was in fact a public servant different than the one the defendant pretended to be.
- (c) This section does not apply to a peace officer acting within the scope and authority of the officer's employment.
- (d) Impersonating a public servant is a class B misdemeanor.

**Municipal Code 8.30.070 Impersonation of public officer.**

- A. A person commits the crime of impersonation of a public officer if the person knowingly and falsely represents himself to be a public officer and in such assumed character:
    - 1. Obtains money, property, or other thing of value, or
    - 2. Arrests or detains, threatens to arrest or detain, or otherwise threatens any person; or
    - 3. Searches a person or property; or
    - 4. Obtain or requires the assistance of another in any matter pertaining to the duties of a public officer.
  - B. As used in this section, a public officer includes peace officers, firemen, paramedics, magistrates, judges, municipal attorneys and prosecutors, municipal inspectors, officials, or clerks, but is not limited to them.
  - C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.
- (AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

Peace officer definition 11.81.900



### Gov. Owens signs House Bill for Lacy's Law

19 Mar 2004

#### OWENS SIGNS BILL TO TOUGHEN PENALTIES FOR IMPERSONATING A POLICE OFFICER

(DENVER) – Gov. Bill Owens today signed House Bill 1304 to increase the penalties for impersonating a police officer.

"In our society, the only sure barrier between our citizens and the chaos of lawlessness is a true trust of police officers," said Owens. "The ability of each law enforcement officer to protect us depends on that trust. Today, Colorado takes an important step to restore the trust that every citizen must have in law enforcement."

The legislation comes in the wake of the abduction and murder of Lacy Miller, a twenty-year-old student from Fort Collins, this past January. Miller was abducted when she was pulled over by a man impersonating a police officer.

Wendy Cohen, Lacy Miller's mother, joined the Gov. Owens at the bill signing. Since the death of her daughter, Cohen has been a diligent advocate for tougher penalties for anyone who impersonates a police officer.

"It is a pleasure to stand alongside Wendy Cohen," said Owens. "Her determination has helped make Colorado a safer place."

House Bill 1304 was originally introduced by Rep. Bob McCluskey and Sen. Steve Johnson.

Under House Bill 1304, a person may be fined up to 18 months in jail, or up to a \$1,000 fine.

4444



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Articles

# Police Impersonators

10 Jul 2007

From GMA

July 10, 2007

Police impersonators are a common sight on the streets of many cities, often posing as law enforcement officers to solicit donations or sell products.

These individuals often use uniforms and badges to gain the trust of the public. They may approach you on the street, in a shopping mall, or at a public event, claiming to be a police officer who needs your help or assistance.

It is important to be cautious and not provide any personal information or money to anyone who claims to be a police officer without proper identification and authority.

If you are approached by someone who claims to be a police officer, you should ask to see their identification and badge. If you are unsure, you can call the police department to verify their identity.

Remember, police officers do not typically approach the public on the street for donations or to sell products. If you are approached in this manner, it is likely a scam or a solicitation for a product.

Stay alert and aware of your surroundings. If you feel uncomfortable or threatened, move to a safe location and call the police for assistance.

For more information on how to protect yourself from police impersonators, visit our website at [www.2hearts4lacy.org](http://www.2hearts4lacy.org).

Thank you for your attention and for helping us raise awareness about this issue.

Best regards,  
Lacy

2hearts4lacy.org

800-444-4444

www.2hearts4lacy.org

Good Morning America 4444

www.2hearts4lacy.org

Good Morning America 4444

www.2hearts4lacy.org



signing has not been determined

"I will be there with bells on," Cohen said

Sarah Larobin 4444

(30) "identification document" means a paper, instrument, or other article used to establish the identity of a person; "identification document" includes a social security card, driver's license, non-driver's identification, birth certificate, passport, employee identification, or hunting or fishing license;

(31) "includes" means "includes but is not limited to";

(32) "incompetent person" means a person who is impaired by reason of mental illness or mental deficiency to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that person;

(33) "intoxicated" means intoxicated from the use of a drug or alcohol;

(34) "law" includes statutes and regulations;

(35) "leased" includes "rented";

(36) "metal knuckles" means a device that consists of finger rings or guards made of a hard substance and designed, made, or adapted for inflicting serious physical injury or death by striking a person;

(37) "misdemeanor" means a crime for which a sentence of imprisonment for a term of more than one year may not be imposed;

(38) "nondeadly force" means force other than deadly force;

(39) "offense" means conduct for which a sentence of imprisonment or fine is authorized; an offense is either a crime or a violation;

(40) "official detention" means custody, arrest, surrender in lieu of arrest, or actual or constructive restraint under an order of a court in a criminal or juvenile proceeding, other than an order of conditional bail release;

(41) "official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental body or official authorized to hear evidence under oath;

(42) "omission" means a failure to perform an act for which a duty of performance is imposed by law;

(43) "organization" means a legal entity, including a corporation, company, association, firm, partnership, joint stock company, foundation, institution, government, society, union, club, church, or any other group of persons organized for any purpose;

(44) "peace officer" means a public servant vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders;

(45) "person" means a natural person and, when appropriate, an organization, government, or governmental instrumentality;

(46) "physical injury" means a physical pain or an impairment of physical condition;

(47) "police dog" means a dog used in police work under the control of a peace officer;

(48) "possess" means having physical possession or the exercise of dominion or control over property;

(49) "premises" means real property and any building;

(50) "propelled vehicle" means a device upon which or by which a person or property may be transported, and which is self-propelled, including automobiles, vessels, mopeds, snowmobiles, chain saws, all-terrain vehicles, sailboats, and construction equipment;

(51) "property" means an article, substance, or thing of value, including movable, tangible and intangible personal property including data or information stored in computer program, system, or network, real property, an access device, a domestic partnership stock regardless of value, choses in action, and evidence of debt or of contract; the commodity of a public utility such as gas, electricity, steam, or water constitutes property but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits, or other equipment is considered a rendition of a service rather than a sale or delivery of property;

(52) "public place" means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement,

**Rough Cost Estimate**

This is the text of an e-mail sent to Cindy Smith from Bernadette Blankenship, Retirement and Benefits:

"We were able to get the information from our actuary as far as the cost for Tier II & III peace officers/firefighters to use military time for eligibility for the health insurance. The cost would be .026% of the payroll. The last valuation indicates the total salary for this group is \$182,848,000 X .026 = \$475,400 (total cost)."

Sec. 39.35.680. Definitions

**Peace Officer/Fire Fighter**

(29) "peace officer" or "fire fighter" means an employee occupying a position as a peace officer, chief of police, regional public safety officer, correctional officer, correctional superintendent, fire fighter, fire chief, or probation officer, but does not include a village public safety officer employed by a village public safety officer program established under AS 18.65.670 ;