

**HB**

**24**

<TARGET><BILL>HB 24</BILL><SUBJECT>HB  
24</SUBJECT><COMM>HFIN28</COMM></TARGET>



# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 24(JUD)  
Fiscal Note Number: 4  
(H) Publish Date: 2/11/13

Identifier: HB024-DPS-DET-02-01-13  
Title: SELF DEFENSE  
Sponsor: \*\* NEUMAN, ISAACSON  
Requester: House Judiciary

Department: Department of Public Safety  
Appropriation: Alaska State Troopers  
Allocation: Alaska State Trooper Detachments  
OMB Component Number: 2325

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates				
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<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>

**Fund Source (Operating Only)**

None							
<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>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By:	Lieutenant Rodney Dial	Phone:	(907)254-1284
Division	Alaska State Troopers	Date:	02/01/2013 10:15 AM
Approved By:	Joseph A. Masters, Commissioner	Date:	02/01/13
	Department of Public Safety		

FISCAL NOTE ANALYSIS #4

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 24(JUD)

**Analysis**

This proposed legislation would amend AS 11.81.335 - Justification: Use of deadly force in defense of self - by adding a new paragraph (5) under subsection (b) which provides exceptions to a person's duty to leave the area. The new paragraph (5) provides that there is no duty to retreat if the person is in any place the person has a right to be.

Passage of this bill will have no fiscal impact to the Division of Alaska State Troopers.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 24(JUD)  
Fiscal Note Number: 1  
(H) Publish Date: 2/11/13

Identifier: HB024-DOA-OPA-2-01-13  
Title: SELF DEFENSE  
Sponsor: \*\* NEUMAN, ISAACSON  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<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>

**Fund Source (Operating Only)**

None								
<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>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version

Prepared By:	Richard Allen, Director	Phone:	(907)269-3504
Division	Office of Public Advocacy	Date:	02/01/2013 10:00 PM
Approved By:	Curtis Thayer, Deputy Commissioner	Date:	02/01/13
	Department of Administration		

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 24(JUD)

**Analysis**

This bill amends the statute governing self-defense and eliminates the duty to retreat if the person claiming self-defense is "in any place where the person has a right to be." The question of whether a person has a duty to retreat is closely tied to the question of whether a person is justified in using deadly force.

Eliminating the duty in certain circumstances, therefore, is not likely to have a fiscal impact on the cases charged by the state. Accordingly, the Office of Public Advocacy submits a zero impact fiscal note.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 24(JUD)  
Fiscal Note Number: 4  
(H) Publish Date: 2/11/13

Identifier: HB024-DPS-DET-02-01-13  
Title: SELF DEFENSE  
Sponsor: \*\* NEUMAN, ISAACSON  
Requester: House Judiciary

Department: Department of Public Safety  
Appropriation: Alaska State Troopers  
Allocation: Alaska State Trooper Detachments  
OMB Component Number: 2325

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates				
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	<b>FY 2014</b>	<b>FY 2014</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<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>

**Fund Source (Operating Only)**

None							
<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>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By:	Lieutenant Rodney Dial	Phone:	(907)254-1284
Division	Alaska State Troopers	Date:	02/01/2013 10:15 AM
Approved By:	Joseph A. Masters, Commissioner	Date:	02/01/13
	Department of Public Safety		

FISCAL NOTE ANALYSIS #4

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 24(JUD)

**Analysis**

This proposed legislation would amend AS 11.81.335 - Justification: Use of deadly force in defense of self - by adding a new paragraph (5) under subsection (b) which provides exceptions to a person's duty to leave the area. The new paragraph (5) provides that there is no duty to retreat if the person is in any place the person has a right to be.

Passage of this bill will have no fiscal impact to the Division of Alaska State Troopers.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 24(JUD)  
Fiscal Note Number: 2  
(H) Publish Date: 2/11/13

Identifier: HB024-DOA-PDA-2-01-13  
Title: SELF DEFENSE  
Sponsor: \*\* NEUMAN, ISAACSON  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates				
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	<b>FY 2014</b>	<b>FY 2014</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<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>

**Fund Source (Operating Only)**

None							
<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>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version

Prepared By:	Quinlan Steiner	Phone:	(907)334-4414
Division	Public Defender Agency	Date:	02/01/2013 12:52 PM
Approved By:	Curtis Thayer, Deputy Commissioner	Date:	02/01/13
	Department of Administration		

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 24(JUD)

**Analysis**

This bill amends the statute governing self-defense and eliminates the duty to retreat if the person claiming self-defense is "in any place where the person has a right to be." The question of whether a person has a duty to retreat is closely tied to the question of whether a person is justified in using deadly force.

Eliminating the duty in certain circumstances, therefore, is not likely to have a fiscal impact on the cases charged by the state. Accordingly, the Agency submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 24(JUD)  
Fiscal Note Number: 2  
(H) Publish Date: 2/11/13

Identifier: HB024-DOA-PDA-2-01-13  
Title: SELF DEFENSE  
Sponsor: \*\* NEUMAN, ISAACSON  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<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>

**Fund Source (Operating Only)**

None								
<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>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version

Prepared By: <u>Quinlan Steiner</u>	Phone: <u>(907)334-4414</u>
Division: <u>Public Defender Agency</u>	Date: <u>02/01/2013 12:52 PM</u>
Approved By: <u>Curtis Thayer, Deputy Commissioner</u>	Date: <u>02/01/13</u>
<u>Department of Administration</u>	

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 24(JUD)

**Analysis**

This bill amends the statute governing self-defense and eliminates the duty to retreat if the person claiming self-defense is "in any place where the person has a right to be." The question of whether a person has a duty to retreat is closely tied to the question of whether a person is justified in using deadly force.

Eliminating the duty in certain circumstances, therefore, is not likely to have a fiscal impact on the cases charged by the state. Accordingly, the Agency submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 24(JUD)  
Fiscal Note Number: 3  
(H) Publish Date: 2/11/13

Identifier: HB024-LAW-CRIM-02-05-13  
Title: SELF DEFENSE  
Sponsor: \*\* NEUMAN, ISAACSON  
Requester: (H) Judiciary

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

### Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<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>

### Fund Source (Operating Only)

None							
<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>

### Positions

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

### ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

### Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Loretta Withington, Division Operations Manager  
Division: Administrative Services Division  
Approved By: Michael C. Geraghty, Attorney General  
Department of Law

Phone: (907)465-5427  
Date: 02/05/2013 12:00 AM  
Date: 02/05/13

FISCAL NOTE ANALYSIS #3

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 24(JUD)

**Analysis**

House Bill 24 expands the places from which a person need not retreat before using deadly force in self defense to any place the person has a right to be. In all cases where deadly force is used and the person does not retreat, and it is not in their home or workplace, it is more likely the case will go to trial.

The fiscal note is zero because it is anticipated the department will prosecute these cases with existing resources.

## Toby Smith

---

**From:** Tom Clemons <tclemons@cityofseward.net>  
**Sent:** Wednesday, February 20, 2013 1:45 PM  
**To:** Rep. Alan Austerman; Rep. Bill Stoltze; Rep. Bryce Edgmon; Rep. Cathy Munoz; Rep. David Guttenberg; Rep. Les Gara; Rep. Lindsey Holmes; Rep. Mark Neuman; Rep. Mia Costello; Rep. Scott Kawasaki; Rep. Steve Thompson; Rep. Tammie Wilson  
**Cc:** Toby Smith  
**Subject:** House Bill 24

Dear House Finance Committee Member,

In my capacity as President of the Alaska Association of Chiefs of Police, I am writing to express our unequivocal **non-support** of House Bill 24, *An Act relating to self-defense in any place where a person has a right to be.* Our Association is comprised of more than 100 law enforcement executives from all across Alaska, and we feel this Bill is just too over-reaching and has a high potential to create more problems than it might solve.

The existing law is quite sufficient and allows a person to protect themselves with deadly force when there is no other choice. We believe that when you have the opportunity to walk away you should do so, and not use deadly force just because you may wish to pursue that course of action. We think that this amendment gives inaccurate information to the public, i.e. that you can use deadly force even if you had the opportunity to walk away from the situation.

We should not forget the **Trayvon Martin case in Florida**. George Zimmerman had every opportunity to walk away from his situation and was even told to do so by the 911 operator, but instead continued on and propelled the situation into an unnecessary tragedy with deadly consequences. Adding this section to an already effective law will only degrade it, not enhance it.

We respectfully ask you **not** to vote for the amendment to House 24.



Chief Thomas Clemons

Seward Police Department

PO Box 167

Seward, Alaska 99664

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This message is intended for the individual/entity named above. Any use by others is strictly prohibited.

## Toby Smith

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**From:** Walt Monegan <wmonegan@anjc.net>  
**Sent:** Wednesday, February 20, 2013 11:52 AM  
**To:** Rep. Mike Chenault; Rep. Mike Hawker; Rep. Bill Stoltze; Rep. Mark Neuman; Rep. Doug Isaacson; Rep. Bob Lynn; Rep. Eric Feige; Rep. Charisse Millett; Rep. Gabrielle LeDoux; Rep. Tammie Wilson; Rep. Mia Costello; Rep. Wes Keller; Rep. Dan Saddler  
**Subject:** HB 24

Honorable Representatives-

These are my initial thoughts regarding the proposed amendment on AS 11.81.335 (b) in adding subsection (5) *"in any other place where the person has a right to be."*

To begin, this proposed subsection changes what is now a clear and concise bright line of understanding into a broad and murky range that will not only shelter criminal acts of violence but promote confusion among those striving to interrupt its intent.

To the aspect of sheltering of criminal acts certainly includes acts of street violence amongst gang members, who enjoy the right to be on public streets, sidewalks, and alleys. And I suspect there may be sufficient examples of those "chance encounters;" or where opposing members who met to "discuss" territories, possessions, and/or market share who eventually will draw their weapons to "defend" themselves. But have you also considered the domestic situation where the husband claims he had been threatened by his wife and chose to "stand *his* ground?"

To the aspect of confusion; I have always believed that laws created for communal safety and harmony are most effective when they are clear and concise. The acceptance of the proposed subsection (5) blurs the intent and scope of this existing statute. As such it moves individuals' decision making process from their brain to their "gut;" from rationally analyzing a situation to emotionally reacting to one. I don't believe that is a good standard for a life and death decision.

So I ask that you not adopt this subsection as it is seemingly composed more from emotion, and less with moral principles; and one that eventually it will tend to weaken the value of life that we all hold dear.

Thank you-

Walt Monegan

An Alaskan Citizen

*"There is nothing so gentle as great strength" - Anonymous American Indian Chief*

# STATE OF ALASKA

## DEPARTMENT OF LAW

### OFFICE OF THE ATTORNEY GENERAL

*Sean Parnell, Governor*

1031 W. 4<sup>th</sup> Ave., Ste. 200  
Anchorage, AK 99501  
PHONE: (907)269-5100  
FAX: (907)269-5110

March 28, 2012

The Honorable Hollis French  
Chair, Senate Judiciary Committee  
State Capitol, Room 417  
Juneau, AK 99801-1182

Re: *HB 80*

Dear Senator French:

Thank you for conducting the hearing before the Senate Judiciary Committee regarding the above-referenced bill. Please permit me to address two issues.

First, I hope it was made clear during his testimony that Assistant District Attorney Jay Fayette was testifying on his own behalf, and not on behalf of the Department of Law or the administration. We respect his right to express his views as a private citizen but there should be no confusion over whose views he purported to represent.

Secondly, we respectfully disagree with Mr. Fayette. Along with the 28 legislators who sponsored and co-sponsored this bill, the administration believes it has merit.

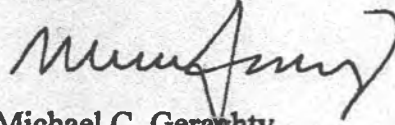
Alaskans are undoubtedly drawn to this state for many reasons, including the outdoor and recreational lifestyle. We believe, along with other states who have enacted similar legislation, that citizens have a right to protect themselves outside the home if confronted by deadly force. We acknowledge this may complicate certain prosecutions -- and we appreciate your sensitivity to this factor as a former prosecutor -- but in the final analysis the rights of citizens to defend themselves, both in and outside the home, should not rest on the convenience of prosecutors. Notwithstanding Mr. Fayette's anecdotal evidence, we are not convinced that the perpetrators of those crimes he described would have gone free had the law been in effect. The fact that defendants may attempt to take advantage of the law once it is on the books should not dissuade us from enacting laws that protect a citizen's right to legitimate self-defense outside the home.

Senator Hollis French, Chair Senate Judiciary Committee  
Re: HB 80

March 28, 2012  
Page 2 of 2

Thank you for your consideration. If you have any questions or concerns about the administration's position, please feel free to contact me.

Sincerely,



Michael C. Geraghty  
Attorney General

cc: The Honorable Senator Bill Wielechowski  
The Honorable Senator Joe Paskvan  
The Honorable Senator Lesil McGuire  
The Honorable Senator John Coghil

This public transcript covers the dialog and debate of HB 381 by the House Judiciary Committee March 29<sup>th</sup>, 2010. Specifically at transcript point 1:46:23 p.m. Dialog between the Members of the Committee and the Dept. of Law are on the Subject of HB 381, not HB 24, the current legislation before the 28<sup>th</sup> Alaska Legislature. HB 381 is provided at the end of this document for comparison to the current HB 24 before the House Finance Committee

Joe Michel-House Finance Aide  
2/25/13

ALASKA STATE LEGISLATURE  
 HOUSE JUDICIARY STANDING COMMITTEE  
 March 29, 2010  
 1:09 p.m.

## MEMBERS PRESENT

Representative Jay Ramras, Chair  
 Representative Carl Gatto  
 Representative Bob Herron  
 Representative Bob Lynn  
 Representative Max Gruenberg  
 Representative Lindsey Holmes

## MEMBERS ABSENT

Representative Nancy Dahlstrom, Vice Chair

## COMMITTEE CALENDAR

HOUSE BILL NO. 381  
 "An Act relating to self defense."

- MOVED CSHB 381(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 348  
 "An Act relating to the membership of the state personnel board."

- MOVED CSHB 348(JUD) OUT OF COMMITTEE

## PREVIOUS COMMITTEE ACTION

BILL: HB 381

SHORT TITLE: SELF DEFENSE  
 SPONSOR(S): REPRESENTATIVE(S) NEUMAN

02/23/10	(H)	READ THE FIRST TIME - REFERRALS
02/23/10	(H)	JUD, FIN
03/15/10	(H)	JUD AT 1:00 PM CAPITOL 120
03/15/10	(H)	Heard & Held
03/15/10	(H)	MINUTE(JUD)
03/29/10	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 348

SHORT TITLE: PERSONNEL BOARD MEMBERSHIP  
 SPONSOR(S): REPRESENTATIVE(S) LYNN

02/17/10	(H)	READ THE FIRST TIME - REFERRALS
02/17/10	(H)	STA, JUD
03/11/10	(H)	STA AT 8:00 AM CAPITOL 106
03/11/10	(H)	Heard & Held
03/11/10	(H)	MINUTE(STA)
03/16/10	(H)	STA AT 8:00 AM CAPITOL 106
03/16/10	(H)	Moved CSHB 348(STA) Out of Committee
03/16/10	(H)	MINUTE(STA)
03/17/10	(H)	STA REP CS(STA) 3DP 1NR 2AM
03/17/10	(H)	DP: PETERSEN, SEATON, LYNN
03/17/10	(H)	NR: GATTO
03/17/10	(H)	AM: GRUENBERG, P.WILSON
03/29/10	(H)	JUD AT 1:00 PM CAPITOL 120

## WITNESS REGISTER

JIM ELLIS, Staff  
 to Representative Mark Neuman  
 Alaska State Legislature  
 Juneau, Alaska  
**POSITION STATEMENT:** Presented HB 381, Version E, for the bill sponsor, Representative Neuman.

REPRESENTATIVE MARK NEUMAN  
 Alaska State Legislature  
 Juneau, Alaska  
**POSITION STATEMENT:** Testified and answered questions, as the sponsor of HB 381.

ANNE CARPENETI, Assistant Attorney General

*Distributed by Rep. Les Gara*

Legal Services Section  
Criminal Division  
Department of Law (DOL)  
Juneau, Alaska

**POSITION STATEMENT:** Testified and answered questions during discussion of HB 381.

BRIAN JUDY, Senior State Liaison  
National Rifle Association - Institute for Legislative Action  
(NRA-ILA)  
Sacramento, California

**POSITION STATEMENT:** Testified during discussion of HB 381.

MIKE SICA, Staff  
to Representative Bob Lynn  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 348 on behalf of the bill sponsor, Representative Lynn, and responded to questions.

JUDY BOCKMON, Assistant Attorney General, State Ethics Attorney  
Opinions, Appeals, & Ethics  
Civil Division (Anchorage)  
Department of Law (DOL)

**POSITION STATEMENT:** Testified and answered questions during discussion of HB 348.

DOUG WOOLIVER, Administrative Attorney  
Administrative Staff  
Central Office  
Office of the Administrative Director  
Alaska Court System (ACS)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified and answered questions during testimony on HB 348.

MIKE FORD, Assistant Attorney General & Legislative Liaison  
Legislation & Regulations Section  
Civil Division (Juneau)  
Department of Law (DOL)  
Juneau, Alaska

**POSITION STATEMENT:** Testified and answered questions during discussion of HB 348.

#### **ACTION NARRATIVE**

1:09:38 PM

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:09 p.m. Representatives Ramras, Herron, Gatto, and Lynn were present at the call to order. Representatives Gruenberg and Holmes arrived as the meeting was in progress.

#### HB 381 - SELF DEFENSE

1:09:45 PM

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 381, "An Act relating to self defense."

1:10:10 PM

REPRESENTATIVE GATTO moved to adopt the proposed committee substitute (CS) for HB 381, 26-IS1534\E, Luckhaupt, 3/23/10, as the working document.

There being no objection, Version E was before the committee.

CHAIR RAMRAS pointed out that Version E was a truncated version of the original bill, but it will still benefit from discussion.

1:10:55 PM

JIM ELLIS, Staff to Representative Mark Neuman, Alaska State Legislature, explained that Version E addresses the concerns which arose for the original bill. He noted that Version E is limited to one topic.

1:11:39 PM

REPRESENTATIVE HERRON questioned whether the term, "complete safety" as used on page 1, line 5, will be statutorily defined.

MR. ELLIS, in response to a question, explained that the original bill contained a section for a proposed addition to AS 11.81, which discussed prima facie evidence. He pointed out that this proposed section is removed from Version E.

REPRESENTATIVE GATTO, pointing to Version E, page 2, line 3, asked if paragraphs (1), (2), (3), and (4) were necessary in light of (5).

MR. ELLIS replied that he was not sure, and that there could be some duplication. He explained that it was easier to add paragraph (5).

CHAIR RAMRAS, expressing his fascination with the meaning of different words, asked for the meaning of "or in any place where the person has a right to be."

MR. ELLIS offered his belief that this is any place where someone is not trespassing.

1:16:52 PM

CHAIR RAMRAS, reading Section 1, echoed Representative Gatto's question for the need of paragraphs (1)-(4).

MR. ELLIS agreed that paragraph (5) would include the other paragraphs.

1:19:58 PM

REPRESENTATIVE MARK NEUMAN, Alaska State Legislature, in response to Chair Ramras, explained that paragraph (1) refers to premises that a person owns, leases, or resides in. He declared that paragraph (5) was added to allow an individual to protect themselves in a place where they have a legal right to be.

CHAIR RAMRAS asked how paragraph (5) expands the rights beyond the prior four paragraphs.

REPRESENTATIVE NEUMAN named the places a person could be as described in paragraph (1), and noted that this also included a member of the person's family, as noted in paragraph (4). He opined that paragraph (5) expands the current definition for a "place where you have a right to be to be able to protect yourself or your family." He relayed that earlier discussions with the Department of Law (DOL), the National Rifle Association (NRA), and his staff had revolved around the "razor's edge on where you fall on rights." Under the bill, there would still be a determination of whether the use of deadly force was justified. He suggested that this would prevent vigilantism.

1:24:49 PM

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), acknowledged that Version E addresses many of the DOL's concerns, but she pointed out that it does not include the "duty to retreat," which is required in Alaska if it can be done in complete safety. In Alaska, self defense is a valid defense only if it can be proven beyond a reasonable doubt that you could not retreat in complete safety. In response to the question from Representative Gatto, DOL offered its belief that paragraph (5) eliminates the need for paragraphs (1) - (4). She explained that these were places that an individual has a right to be, so it is not necessary to list them. She pointed out that Alaska statutes do not define the term "complete safety".

MS. CARPENETI, in response to Chair Ramras, stated that although Version E is better than the original bill, DOL still has concerns. She agreed with Chair Ramras that Version E "makes a bad bill, better."

1:26:39 PM

REPRESENTATIVE HERRON asked Ms. Carpeneti to comment on the title of the bill.

MS. CARPENETI said that juries will evaluate whether a person is justified. She explained that the use of deadly force raises the question of whether the person had the duty to retreat.

1:27:42 PM

REPRESENTATIVE GATTO asked for examples of places that a person had no legal right to be. He asked if a sign declaring "No Trespassing" constituted such a place.

[CHAIR RAMRAS passed the gavel to Representative Herron.]

MS. CARPENETI agreed.

REPRESENTATIVE GATTO asked if his house or his property would be included.

MS. CARPENETI, in response, said that his house would be protected, but that it would depend on whether his property was clearly marked.

REPRESENTATIVE GATTO asked about a paved driveway off a dirt road, which was the only pavement for a mile, and went directly to his house.

[Representative Herron returned the gavel to Chair Ramras.]

MS. CARPENETI replied that all of these instances would be "factually based."

REPRESENTATIVE GATTO expressed concern about determining the boundaries of someone's unmarked property, which could lead to an accidental trespass.

[CHAIR RAMRAS passed the gavel to Representative Herron.]

1:30:46 PM

REPRESENTATIVE GATTO expressed concern about unknowingly trespassing onto unmarked private property.

1:31:42 PM

REPRESENTATIVE GRUENBERG referred to AS 11.46.350(b)-(c) which addresses criminal trespass. He noted that criminal trespass in the first degree is defined as entering or remaining unlawfully with the intent to commit a crime, a Class A misdemeanor. He defined criminal trespass in the second degree as a Class B misdemeanor. He pointed out that entering or remaining unlawfully is defined in the statute. He further explained that a person entering land, without intent to commit a crime, which is unused, unimproved, and not enclosed, is "privileged to do so, unless there is notice against trespass personally communicated to that person by the owner of the land or some other authorized person."

The committee took an at-ease from 1:34 p.m. to 1:35 p.m.

1:35:17 PM

REPRESENTATIVE GRUENBERG asked if being on a paved road could be trespassing.

MS. CARPENETI, in response, said that it would depend on the circumstances. The road would have to be marked as private. She agreed that a mailbox would indicate that it is private, but it would still depend on the circumstances.

1:36:22 PM

MS. CARPENETI, in response to Representative Lynn, declared that any person who is invited in, including service people, has a right to be there.

REPRESENTATIVE LYNN asked about people entering to retrieve an object, such as a ball or a model airplane.

MS. CARPENETI replied that it would depend on the circumstances.

1:38:49 PM

REPRESENTATIVE HOLMES, referring to the DOL letter dated March 15, 2010 [Included in the members' packets], asked if DOL maintained its objection. She read from the second paragraph on page one: "...if person A could avoid killing person B by walking away, he/she would no longer be required to do so, but instead would be authorized by law to kill person B." She asked if this would also now apply with Version E.

MS. CARPENETI replied that it is correct.

REPRESENTATIVE HOLMES read from page three, paragraph two: "The proposed subsection... would almost completely eliminate the duty to retreat." and she asked if this was also still a DOL concern of Version E.

MS. CARPENETI replied that it was still a concern.

REPRESENTATIVE HERRON, referring to Version E, page 2, line 3, asked if this was a re-write from the original bill.

1:40:16 PM

MS. CARPENETI explained that Version E merely changes the numbering of the paragraphs.

1:40:41 PM

REPRESENTATIVE GRUENBERG asked whether there had been discussion with the bill sponsor for inserting "that you only have a duty to retreat when you know you can safely do so." He opined that this was the basic principle of the common law.

MS. CARPENETI replied that this was already included on page 1, lines 4-7, of Version E.

MS. CARPENETI, in response to Representative Gruenberg, said that DOL did discuss with the bill sponsor the "burden of going forward and the burden of proof."

MS. CARPENETI, in response to Representative Gruenberg, stated that the duty of presenting evidence of self defense was discussed in general terms.

1:43:10 PM

REPRESENTATIVE GRUENBERG suggested a statement that "the burden to disprove the defense is on the prosecution beyond a reasonable doubt." He stated further that "all the defendant has to do is put in some evidence, enough to raise the issue, like to say, 'gee, I thought he was gonna go after me' and then the duty to disprove it, to show that didn't occur, is back on the prosecution and it's the highest burden in the law, beyond a reasonable doubt."

1:44:09 PM

MR. ELLIS replied that he would speak with the bill sponsor. He offered his understanding that, for this defense, the burden shifts to the prosecutors to prove beyond a reasonable doubt.

REPRESENTATIVE GRUENBERG agreed, and suggested that this be written into Version E. In response to Representative Herron, he explained that this is a convoluted area of law, which is not clarified in Version E. He suggested that making this change in Version E could better clarify the law.

1:46:23 PM

REPRESENTATIVE HOLMES expressed her concern with gang violence. She offered her belief that Version E would extend the "no duty to retreat" to public places such as malls and parks. She asked if this might unwittingly legalize gang violence.

MS. CARPENETI agreed that DOL also shared this concern. She said that the burden of "beyond a reasonable doubt" could be difficult to prove for either side. In response to a question from Representative Gatto, she explained that for this defense, the prosecution has the burden of disproving beyond a reasonable doubt, as defined in the justification section of Title 11.

MS. CARPENETI, in response to Representative Gatto, said that it

would be unusual to have this written in two places in the law, as it could lead to confusion.

1:46:58 PM

BRIAN JUDY, Senior State Liaison, National Rifle Association - Institute for Legislative Action (NRA-ILA), offered his belief that the intent of the bill is to allow a person to kill someone who criminally threatens him/her. He said there are two questions to answer when someone is criminally threatened: first, is there justification for deadly force; and second, is there the possibility for retreat in complete safety. The NRA believes that no one should have to be burdened with this determination if they are in a lawful place. He agreed that there may still be a need to justify their action. He opined that Version E merely removed the duty to retreat. He opined that gang violence was an issue where justification was necessary. He stated that NRA just wanted to protect the law abiding citizen.

REPRESENTATIVE HERRON declared that HB 381 (Version E) would be set aside until later in the meeting.

**HOUSE BILL NO. 381**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES NEUMAN, Stoltze, Peggy Wilson, Keller, Ramras, Tammie Wilson, Olson, Kelly

Introduced: 2/23/10

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to self defense."

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

3 \* **Section 1.** AS 11.81.335(b) is amended to read:

4 (b) A person may not use deadly force under this section if the person knows  
5 that, with complete personal safety and with complete safety as to others being  
6 defended, the person can avoid the necessity of using deadly force by leaving the area  
7 of the encounter, except there is no duty to leave the area if the person is

8 (1) on premises

9 (A) that the person owns or leases;

10 (B) where the person resides, temporarily or permanently; or

11 (C) as a guest or express or implied agent of the owner, lessor,

12 or resident;

13 (2) a peace officer acting within the scope and authority of the officer's  
14 employment or a person assisting a peace officer under AS 11.81.380;

15 (3) in a building where the person works in the ordinary course of the

1 person's employment; [OR]

2 (4) protecting a child or a member of the person's household;

3 (5) in a vehicle that the person owns or leases or uses or occupies  
 4 with the consent of the owner; or

5 (6) in any place where the person has a right to be.

6 \* **Sec. 2.** AS 11.81 is amended by adding a new section to read:

7 **Sec. 11.81.355. Prima facie evidence regarding use of deadly force under**  
 8 **AS 11.81.335 - 11.81.350; additional probable cause determination for arrest. (a)**

9 The following are prima facie evidence that a person's belief that the use of deadly  
 10 force under AS 11.81.335 - 11.81.350 was reasonable:

11 (1) the person against whom the deadly force was used was in the  
 12 process of committing, or had committed, a burglary of a dwelling and the person  
 13 using the deadly force knew or had reason to believe that a burglary was occurring or  
 14 had occurred;

15 (2) the person against whom the deadly force was used was in the  
 16 process of committing, or had committed, a carjacking of an occupied vehicle and the  
 17 person using the deadly force knew or had reason to believe that a carjacking was  
 18 occurring or had occurred;

19 (3) the person against whom the deadly force was used was in the  
 20 process of kidnapping, or had kidnapped,

21 (A) a person from a dwelling or an occupied vehicle and the  
 22 person using the deadly force knew or had reason to believe that a kidnapping  
 23 was occurring or had occurred; or

24 (B) a child or household member of the person using the deadly  
 25 force and the person using the deadly force knew or had reason to believe that  
 26 a kidnapping was occurring or had occurred.

27 (b) The prima facie evidence described in this section does not apply if

28 (1) the person against whom the force was used, as described in (a)(1)  
 29 of this section, was the owner or lawful resident of the dwelling;

30 (2) the person against whom the force was used, as described in (a)(2)  
 31 of this section, was the owner or lawfully entitled to possession of the vehicle;

1                   (3) the person against whom the force was used was a peace officer,  
2 acting within the scope and authority of the officer's employment and the officer either

3                               (A) identified themselves in accordance with any applicable  
4 law; or

5                               (B) the person using the force knew or reasonably should have  
6 known that the person was a peace officer;

7                   (4) the person using the force is engaged in an unlawful activity or is  
8 using the dwelling or occupied vehicle to further an unlawful activity.

9                   (c) A law enforcement agency may use standard procedures for investigating  
10 the use of force, but the law enforcement agency may not arrest a person for using  
11 force as permitted by AS 11.81.335 - 11.81.350 unless the agency determines that  
12 there is probable cause that the force that was used was unlawful.

13                   (d) In this section, "carjacking" has the meaning given in AS 11.81.350.

Sec. 11.81.340. Justification: Use of force in defense of a third person.

A person is justified in using force upon another when and to the extent the person reasonably believes it is necessary to defend a third person when, under the circumstances as the person claiming defense of another reasonably believes them to be, the third person would be justified under AS 11.81.330 or 11.81.335 in using that degree of force for self-defense.

Sec. 11.81.350. Justification: Use of force in defense of property and premises.

(a) A person may use nondeadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be the commission or attempted commission by the other of an unlawful taking or damaging of property or services.

(b) A person may use deadly force upon another when and to the extent the person reasonably believes it necessary to terminate what the person reasonably believes to be the commission or attempted commission of arson upon a dwelling or occupied building.

(c) A person in possession or control of any premises, or a guest or an express or implied agent of that person, may use

(1) nondeadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be the commission or attempted commission by the other of criminal trespass in any degree upon the premises;

(2) deadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be a burglary in any degree occurring in an occupied dwelling or building.

(d) *[Repealed, Sec. 7 ch 68 SLA 2006].*

(e) A person

(1) in a vehicle, or forcibly removed from a vehicle, may use deadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be a carjacking of that vehicle at or about the time the vehicle is carjacked;

(2) outside of a vehicle may use deadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be the theft of that vehicle when another person, other than the perceived offender, is inside of the vehicle; this paragraph does not apply to a person outside of a vehicle who is involved in a dispute with a person inside of the vehicle who is a household member of that person; in this paragraph, "household member" has the meaning given in AS 18.66.990.

(f) A person justified in using force under this section does not have a duty to leave or attempt to leave the area of the encounter before using force.

(g) In (e) of this section,

(1) "carjacking" means a robbery involving the taking or attempted taking of a vehicle from a person in possession of the vehicle;

(2) "vehicle" means a "motor vehicle" as defined in AS 28.90.990, an aircraft, or a watercraft.

House Finance  
Notes  
2/25/13

HB 24-SELF DEFENSE

## Departmental Comments

### Department of Public Safety

**Speaking to the Bill:**

- Lt. Rodney Dial; Alaska State Troopers Deputy Commander for A Detachment (Southeast)

**Available online:**

- Commissioner Joe Masters; Dept. of Public Safety

### Department of Law

**Speaking to the Bill:** (Calling in from Washington D.C.)

- Dep. Attorney General: Richard Svobodny

### Department of Admin: Office of the Alaska Public Defender

**Speaking to the Bill:**

- Quinlan Steiner - Office of the Alaska Public Defenders Agency

# ALASKA STATE LEGISLATURE

**Member:**  
House Finance Committee

**Chair:**  
House Budget Sub Committees on:  
- Department of Health & Social Services  
- Department of Transportation & Public  
Facilities



**Session:**  
Alaska State Capitol  
Juneau, AK 99801-1182  
Phone: (907) 465-2679  
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Toll Free (800) 505-2678

**Interim:**  
600 E. Railroad Ave  
Wasilla, AK 99654  
Phone: (907) 376-2679  
Fax: (907) 373-4745

## ***Representative Mark Neuman***

Rep.Mark.Neuman@akleg.gov

### **Sponsor Statement**

Alaska Statutes already recognize that we have a right to use deadly force to protect our family, person, and property. HB 24 further clarifies that right exists not only in our home but also in any other place that we have a right to be.

This legislation clarifies the individuals' right to stand their ground and not second guess the consequence of protecting their family or self.

HB 24 strengthens the legal recognition of a basic human right to defend oneself, by sending a message to the Judiciary and Law Enforcement that it is the criminal who has the duty to retreat.

# ALASKA STATE LEGISLATURE

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House Finance Committee

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- Department of Health & Social Services  
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## ***Representative Mark Neuman***

Rep.Mark.Neuman@akleg.gov

### **Explanation of Changes to HB 24 version A to version U**

- 1) Page 2 Line 3, Insert **other** between “in any” and “place where the person has a right to be”

Sec. 11.81.330. Justification: Use of nondeadly force in defense of self.

(a) A person is justified in using nondeadly force upon another when and to the extent the person reasonably believes it is necessary for self-defense against what the person reasonably believes to be the use of unlawful force by the other person, unless

(1) the person used the force in mutual combat not authorized by law;

(2) the person claiming self-defense provoked the other's conduct with intent to cause physical injury to the other;

(3) the person claiming self-defense was the initial aggressor; or

(4) the force used was the result of using a deadly weapon or dangerous instrument the person claiming self-defense possessed while

(A) acting alone or with others to further a felony criminal objective of the person or one or more other persons;

(B) a participant in a felony transaction or purported transaction or in immediate flight from a felony transaction or purported transaction in violation of AS 11.71; or

(C) acting alone or with others in revenge for, retaliation for, or response to actual or perceived conduct by a rival or perceived rival, or a member or perceived member of a rival group, if the person using deadly force, or the group on whose behalf the person is acting, has a history or reputation for violence among civilians.

(b) A person who is not justified in using force in self-defense in the circumstances listed in (a)(1) - (3) of this section is justified in using force in self-defense if that person has withdrawn from the encounter and effectively communicated the withdrawal to the other person, but the other person persists in continuing the incident by the use of unlawful force.

Sec. 11.81.335. Justification: Use of deadly force in defense of self.

(a) Except as provided in (b) of this section, a person who is justified in using nondeadly force in self-defense under AS 11.81.330 may use deadly force in self-defense upon another person when and to the extent the person reasonably believes the use of deadly force is necessary for self-defense against

(1) death;

(2) serious physical injury;

(3) kidnapping, except for what is described as custodial interference in the first degree in AS 11.41.320;

(4) sexual assault in the first degree;

(5) sexual assault in the second degree;

(6) sexual abuse of a minor in the first degree; or

(7) robbery in any degree.

(b) A person may not use deadly force under this section if the person knows that, with complete personal safety and with complete safety as to others being defended, the person can avoid the necessity of using deadly force by leaving the area of the encounter, except there is no duty to leave the area if the person is

(1) on premises

(A) that the person owns or leases;

(B) where the person resides, temporarily or permanently; or

(C) as a guest or express or implied agent of the owner, lessor, or resident;

(2) a peace officer acting within the scope and authority of the officer's employment or a person assisting a peace officer under AS 11.81.380;

(3) in a building where the person works in the ordinary course of the person's employment;  
or

(4) protecting a child or a member of the person's household.

**Rep. Mark Neuman**

---

**From:** Joshua Murray <yarrumauhsoj@yahoo.com>  
**Sent:** Thursday, February 14, 2013 5:33 PM  
**Subject:** House Bill 24

I simply wanted to write to voice my opinion of support for House Bill 24. I would like this bill passed so I don't have to worry about the fear of consequence of punishment in the unlikely but possible event that I am called on to protect my family, self, or others by way of using lethal force. I would 100% of the time rather the bad guy who's looking for trouble dies then an innocent individual who was unfortunate enough to be in the wrong place at the wrong time. I also believe this freedom will lower crime rates, since criminals will then know that people are more 'secure in there persons'.

Thank you for your time reading this,  
Joshua Murray.  
907-490-4851

**Rep. Mark Neuman**

---

**From:** Debbie Sherfick <rusdeb@mtaonline.net>  
**Sent:** Thursday, February 14, 2013 5:52 PM  
**To:** Rep. Mark Neuman  
**Subject:** HB 24

Bless you for working to preserve and extend our right of self-defense! Wish you were still our representative!

Thanks for all you do!

Debbie Sherfick  
Willow, AK

Sent from my iPhone

**Rep. Mark Neuman**

---

**From:** William Dunham <BDUNHAM@wildak.net>  
**Sent:** Thursday, February 14, 2013 3:29 PM  
**To:** Rep. Mark Neuman  
**Subject:** HB 24

Please support HB 24.

Sincerely,

Bill & Lucy Dunham  
HC 60 Box 3890  
Delta Junction, AK 99737

**Rep. Mark Neuman**

---

**From:** Lance Wilson <lwilson@mtaonline.net>  
**Sent:** Tuesday, February 12, 2013 11:16 AM  
**To:** Rep. Mark Neuman  
**Subject:** HB24

quick question. Why is this being referred to Finance? and not Rules?

Great job. Really hope this passes this session.

Lance Wilson  
Houston

**Rep. Mark Neuman**

---

**From:** Mike <kl7ar@mtaonline.net>  
**Sent:** Tuesday, February 05, 2013 11:32 AM  
**To:** Irsullivan@gci.net; Dave Shade; Ernie Belanger; Ric Smith; Ron Dewitt; peter@giessel.org; 'Dave Campbell'  
**Cc:** Rep. Lora Reinbold; Rep. Lynn Gattis; Rep. Dan Saddler; Rep. Mark Neuman  
**Subject:** HB-24 "Stand your ground"

**Hi Guys,**

**Tomorrow is a big day for HB-24 "Stand your ground", comes up for its 1<sup>st</sup> hearing.**

**HB-24 will be heard before the House Judiciary Committee! Follow this link if you wish to listen in by teleconference: [http://www.legis.state.ak.us/basis/get\\_sch\\_sum.asp?session=28&date=20130206&time=130000&comm=HJUD](http://www.legis.state.ak.us/basis/get_sch_sum.asp?session=28&date=20130206&time=130000&comm=HJUD)**

**Please be sure to E mail ALL members of the Committee (they are listed below) and express your support for this bill.**

**Thanks**

**Mike Sweeley ER**

[Rep.Wes.Keller@akleg.gov](mailto:Rep.Wes.Keller@akleg.gov)

[Rep.Bob.Lynn@akleg.gov](mailto:Rep.Bob.Lynn@akleg.gov)

[Rep.Neal.Foster@akleg.gov](mailto:Rep.Neal.Foster@akleg.gov)

[Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)

[Rep.Charisse.Millett@akleg.gov](mailto:Rep.Charisse.Millett@akleg.gov)

[Rep.Lance.Pruitt@akleg.gov](mailto:Rep.Lance.Pruitt@akleg.gov)

[Rep.Max.Gruenberg@akleg.gov](mailto:Rep.Max.Gruenberg@akleg.gov)

**Rep. Mark Neuman**

---

**From:** Mike <kl7ar@mtaonline.net>  
**Sent:** Thursday, January 24, 2013 4:06 PM  
**To:** Rep. Mark Neuman  
**Subject:** HB-24

**RE: HB-24**

**Good job representative Neuman...I have E mailed my Dan Saddler urging support.**

**Thanks**

**Mike Sweeley ER**

## Rep. Mark Neuman

---

**From:** Pamela Hodgson <pam@kitchencabinetsanddesign.com>  
**Sent:** Thursday, February 14, 2013 4:48 PM  
**To:** Rep. Alan Austerman; Rep. Bill Stoltze; Rep. Mark Neuman; Rep. Mia Costello; Rep. Bryce Edgmon; Representative\_Lindsey\_Holmes@legis.state.ak.us; Representative\_Les\_Gara@legis.state.ak.us; Rep. David Guttenberg; Representative\_Cathy\_Munoz@legis.state.ak.us; Rep. Steve Thompson; Rep. Tammie Wilson; Rep.Mike.Hawker@akleg.go; Rep. Scott Kawasaki  
**Cc:** akmtrunner@gmail.com  
**Subject:** HB 24

---

On February 8, House Bill 24, important self-defense legislation introduced by state Representative Mark Neuman (R-10), passed unanimously in the House Judiciary Committee. This bill now goes to the House Finance Committee where a hearing has not yet been scheduled.

Under existing state law, there is no duty-to-retreat if a person is in their home, business, or on their own property. HB 24 would extend this to recognize the right to use force, including deadly force, for self-defense to include anywhere a person has a legal right to be.

Please support passage of this bill. Thank you for your hard work in political office!

Pamela Hodgson 907-223-3711

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**Rep. Mark Neuman**

---

**From:** Rep. Bob Lynn  
**Sent:** Thursday, January 24, 2013 2:58 PM  
**To:** Rep. Mark Neuman  
**Subject:** FW: Stand Your Ground

Please find below support for HB24.

Sincerely,  
Patty

Patty Krueger  
Staff to Representative Bob Lynn  
465-4931

-----Original Message-----

**From:** [housemajority\\_email@housemajority.org](mailto:housemajority_email@housemajority.org) [[mailto:housemajority\\_email@housemajority.org](mailto:housemajority_email@housemajority.org)]  
**Sent:** Sunday, December 09, 2012 2:39 PM  
**To:** Rep. Bob Lynn  
**Subject:** Stand Your Ground

+-----+

DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to [enews@housemajority.org](mailto:enews@housemajority.org) To correspond with the author Hit 'Reply' or 'Forward'.  
Then change the TO: address to [cjamesdemro@excite.com](mailto:cjamesdemro@excite.com) If suspected Spam please forward to:  
[support@housemajority.org](mailto:support@housemajority.org)

+-----+

**From:** [cjamesdemro@excite.com](mailto:cjamesdemro@excite.com)

Mr. Lynn

Please reintroduce the "Stand Your Ground" law that died under the previous liberal Senate. This the most important public safety legislature needed to protect all Alaskans. As you know, Alaska is a very infrastucture-challenged state and help is not just a few minutes away. This law is also needed to protect everyday people from frivolous lawsuits and afford them the same due-process provided to law enforcement after a shooting. BTW, did I mention empowering citizens is FREE!

Thank you for your time and consideration Chad Demro

~ Chad Demro  
Zip Code: 99516  
Voter ID: 09478271

+-----+

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Then change the TO: address to [cjamesdemro@excite.com](mailto:cjamesdemro@excite.com) If suspected Spam please forward to:  
[support@housemajority.org](mailto:support@housemajority.org)

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# Alaska State Public Opinion Message System:

Rep Mark Neuman's office

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### Messages

**Constituent/Non-Constituent**

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Aaron Combs of Wasilla (10) wrote the following message On 1/17/2013 at 22:57 In support of *HB 24 SELF DEFENSE*

**Message:**

I urge you to support and get House Bill 24 passed. It helps to affirm a persons natural right to defend themselves, no matter where they are.

Message was delivered by Pom

[View Case](#)

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**Contact Info:**

Aaron Combs

Po Box 877375

Wasilla AK, 99687-7375

**Work:**9073540981

**Home:**9073540981

**Email:**[aaron.i.combs@gmail.com](mailto:aaron.i.combs@gmail.com)

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**Rep. Mark Neuman**

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**From:** Charlie Knowles <easyaspye17@gmail.com>  
**Sent:** Monday, February 18, 2013 10:41 AM  
**To:** Rep. Mark Neuman  
**Subject:** House Bill 24

Dear Rep. Neuman,

My name is Charles Knowles of Anchorage, Alaska (13900 Specking Ave. 99515). I am writing you to let you know that I would like to see your support of HB24 which supports our God given right to defend ourselves against violent criminals, not just in our home, property, or business, but anywhere a person has the legal right to be with- out any duty to retreat. I believe this most basic human right is necessary to preserve a civil and polite society and that it is un-just to deny the people the fullness of their rights, thank you.

-Charles Knowles

**Rep. Mark Neuman**

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**From:** Jill Pock <jhpock@mtaonline.net>  
**Sent:** Monday, February 18, 2013 5:52 AM  
**To:** Rep. Mark Neuman  
**Subject:** HB 24

Dear Mr. Neuman,

We are please with your success on HB 24 and hope you can get it to pass into law as soon as possible.

We are home owners, business owners and have several parcels of land we have had to safeguard and and defend against trespassers and thieves on many occasions.

Since we have to do this ourselves no assistance from the Alaska State Troopers, your efforts are greatly appreciated.

Keep up the good work.

Craig and Jill Pock  
P.O. Box 520102  
Big Lake, AK 99652  
907.354.5455

**Rep. Mark Neuman**

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**To:** Steve Parizek  
**Subject:** RE: Snotrac thanks & guns

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**From:** Steve Parizek [mailto:[sparizek@acsalaska.net](mailto:sparizek@acsalaska.net)]  
**Sent:** Thursday, February 14, 2013 5:34 PM  
**To:** Rep. Mark Neuman  
**Subject:** Snotrac thanks & guns

Representative Neuman: I appreciate your support on several things:

...

2) On a personal note I enjoyed seeing you support the HB 24. You should have the right to defend yourself and others if you have a legal right to be there. Thank You Again!!!! Steve Parizek, Individual.

...

Sincerely,

Steve Parizek  
Snomads Pres.

**Rep. Mark Neuman**

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**From:** housemajority\_email@housemajority.org  
**Sent:** Thursday, February 07, 2013 6:37 PM  
**To:** Rep. Mark Neuman  
**Subject:** Email to Rep. Neuman

+-----+  
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to [enews@housemajority.org](mailto:enews@housemajority.org) To correspond with the author Hit 'Reply' or 'Forward'.  
Then change the TO: address to [sphillips@alaska.net](mailto:sphillips@alaska.net) If suspected Spam please forward to: [support@housemajority.org](mailto:support@housemajority.org)  
+-----+

From: [sphillips@alaska.net](mailto:sphillips@alaska.net)

Thanks for your house bill 24 Mark, I think it goes a long ways in clarifying not just Alaska law but the 2nd amendment in general, We as law abiding citizens shall not retreat, but in fact push criminals out of our neighborhoods.

~ Patrick Phillips  
Zip Code: 99504

+-----+  
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to [enews@housemajority.org](mailto:enews@housemajority.org) To correspond with the author Hit 'Reply' or 'Forward'.  
Then change the TO: address to [sphillips@alaska.net](mailto:sphillips@alaska.net) If suspected Spam please forward to: [support@housemajority.org](mailto:support@housemajority.org)  
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**Rep. Mark Neuman**

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**From:** T Kelly <kellys\_ak@yahoo.com>  
**Sent:** Friday, February 15, 2013 6:35 AM  
**To:** Rep. Mark Neuman  
**Subject:** Support your Self Defense Bill

Mark

I am very much in support of your bill that would not require someone to retreat in a life threatening situation outside of their home or business.

Mike Kelly  
Secretary, Mat-Valley Sportsmen

**Rep. Mark Neuman**

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**To:** Norm Bean  
**Subject:** RE: Alaska: House Committee Advances Self-Defense Legislation

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**From:** Norm Bean [<mailto:normbean1928@gmail.com>]

**Sent:** Thursday, February 14, 2013 3:41 PM

**To:** Rep. Alan Austerman; Rep. Bill Stoltze; Rep. Mark Neuman; Rep. Mia Costello; Rep. Bryce Edgmon; Rep. Lindsey Holmes; Rep. Les Gara; Rep. David Guttenberg; Rep. Cathy Munoz; Rep. Steve Thompson; Rep. Tammie Wilson; Rep. Mike Hawker; Rep. Scott Kawasaki

**Subject:** Fw: Alaska: House Committee Advances Self-Defense Legislation

Please folks vote YES on both bills 24 and 10. Thanks Norm Bean

**Rep. Mark Neuman**

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**From:** steppenwolf@hushmail.com  
**Sent:** Friday, February 15, 2013 4:53 AM  
**To:** Rep. Alan Austerman  
**Subject:** HB 24...

Just a quick email to get the members of The House Committee to vote for House Bill 24. This bill is aimed at strengthening a person's ability to defend themselves using force and even deadly force anywhere a person has the legal ability to be present. So for example if they are accosted by a criminal while going about their lawful business on a street they can do so without fearing charges or arrest for doing so.

-Mr Steven Wolf-

## Rep. Mark Neuman

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**From:** Jeff Hightower <jefferyhightowerak@yahoo.com>  
**Sent:** Wednesday, February 20, 2013 2:30 PM  
**To:** Rep. Alan Austerman; Rep. Bill Stoltze; Rep. Mark Neuman; Rep. Mia Costello; Rep. Bryce Edgmon; Rep. Lindsey Holmes; Rep. Les Gara; Rep. David Guttenberg; Rep. Cathy Munoz; Rep. Steve Thompson; Rep. Tammie Wilson; Rep. Mike Hawker; Rep. Scott Kawasaki  
**Subject:** House Bill 24

To the members of The House Finance Committee;

Ladies and Gentleman, I support HB 24 for the reason that I as a law abiding citizen I should have the ability to defend myself anywhere I legally have a right to be.

Now mind you that I don't go looking for trouble, far from it but as we all have seen in the news you don't have to be in a seedy section of town or city to be caught up in a bad situation and since my wife and I cannot easily run away, I may have to stand my ground to protect my wife and my self from a robbery, beating or being killed and I understand the consequences of any of my actions regarding my safety and the safety of the general public.

This Bill gives the Law Abiding Citizen options when in public.

Please remember that most criminals don't vote or pay taxes, your job is to serve your constituents and this bill serves your constituents.

Thank you for your time.

Jeff Hightower

**Rep. Mark Neuman**

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**From:** Sam <flack\_sam@yahoo.com>  
**Sent:** Wednesday, February 20, 2013 2:34 PM  
**To:** Rep. Mark Neuman  
**Subject:** HB24

Hi Mark,

I am writing to respectfully request your support for HB 24 during the hearing at 1330 hrs tomorrow. From the perspective of a former LE officer here in Alaska, I strongly support the recommended change to the current duty to retreat requirements.

Thank you for your service to Alaska.

Sincerely,  
Sam Flack  
9073156523

Sent from my iPhone

**Rep. Mark Neuman**

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**From:** Chad <flyers@mtaonline.net>  
**Sent:** Wednesday, February 20, 2013 2:16 PM  
**To:** Rep. Mark Neuman  
**Subject:** Stand your ground

Thank you please pass it.  
Chad Phillips  
NRA Lifetime member

Sent from Samsung Mobile

## Rep. Mark Neuman

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**From:** Jerrod Andrews <jerrodandrews@gmail.com>  
**Sent:** Wednesday, February 20, 2013 6:05 PM  
**To:** Rep. Steve Thompson; Rep. Tammie Wilson; Rep. Mike Hawker; Rep. Scott Kawasaki;  
Rep. Alan Austerman; Rep. Bill Stoltze; Rep. Mark Neuman; Rep. Mia Costello; Rep. Bryce  
Edgmon  
**Subject:** I support HB 24

Hello. My name is Jerrod Andrews and I wanted to contact your office about HB 24. I just want to pass along that I am in favor of this bill. I currently work in the law enforcement field here in Juneau for the state. My personal opinion is that I believe this is a step in the right direction for the people of Alaska to defend themselves and their families. I feel we already have supportive Alaska statutes that protect us in regards to protecting ourselves. But more legislation to protect law abiding citizens and the safety of themselves and those around them makes excellent sense. I hope you consider approving this bill as a step forward in protecting our freedoms to protect ourselves.

Thank you very much for your consideration.

Jerrod M. Andrews

**Rep. Mark Neuman**

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**From:** George Sahlstrom <gsahlstrom@me.com>  
**Sent:** Thursday, February 21, 2013 11:02 AM  
**To:** Rep. Mark Neuman  
**Subject:** HB24

Dear Representative Neuman,

Just a quick note to let you know that I support HB 24; I believe it will be good for all Alaskans to have the current law in this area updated.

George Sahlstrom  
1150 S Colony Way  
Ste 3, #126  
Palmer, AK 99645  
907-982-8480

**Rep. Mark Neuman**

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**From:** Steve Burress <steve.burress@yahoo.com>  
**Sent:** Wednesday, February 20, 2013 6:46 PM  
**To:** Rep. Mark Neuman  
**Subject:** HB 24 Support

Mr. Neuman,

I am writing to sk for your support in passing HB 24. Passing this legislation would send a message that honest law abiding citizens would still be able to defend themselves and their families. In this time of proposed civil rights infringements around the country, it is nice to see our legislature is looking after our interests.

Thank you in advance.

Steve J Burress  
Wasilla Alaska

## Rep. Mark Neuman

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**From:** Stephen Sundby <smsundby1@aol.com>  
**Sent:** Wednesday, February 20, 2013 6:35 PM  
**To:** Rep. Mark Neuman  
**Subject:** HB 24

I support HB 24. Thank you for protecting our rights.

Stephen Sundby, PhD  
Meadow Lakes, AK

Sent from my iPhone

**Rep. Mark Neuman**

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**From:** Klondys <klondys@acsalaska.net>  
**Sent:** Wednesday, February 20, 2013 4:42 PM  
**To:** Rep. Mark Neuman  
**Subject:** HB 24

Under existing state law, there is no duty-to-retreat if a person is in their home, business or on their own property. HB 24 would extend this to recognize the right to use force, including deadly force, for self-defense to include anywhere a person has a legal right to be.

Please approve this bill.

Mr & Mrs Klondys M Bailey

**Rep. Mark Neuman**

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**From:** Jack Derr <jackderr.1985@gmail.com>  
**Sent:** Wednesday, February 20, 2013 3:46 PM  
**To:** Rep. Mark Neuman  
**Subject:** Support

Support HB 24

**Rep. Mark Neuman**

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**From:** kerronej@hotmail.com  
**Sent:** Wednesday, February 20, 2013 7:39 PM  
**To:** Rep. Mark Neuman  
**Subject:** Thank you

I support and appreciate it all that you do! Especially the 2nd amendment bill. Thank you sir!  
Kerrone

Jason

Wasilla, Alaska

*Sent from my Alaska Communications Android*

**Rep. Mark Neuman**

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**To:** Michael Seine  
**Subject:** RE: HB 69

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**From:** Michael Seine [<mailto:mseine@mtaonline.net>]  
**Sent:** Wednesday, February 20, 2013 10:37 PM  
**To:** Rep. Mark Neuman  
**Subject:** RE: HB 69

Dear Mark,

Thank you for your response, and thank you for your sponsor ship of HB24. Should be common sense but unfortunately a very necessary piece of legislation these days! Thank you also for bringing HJR4 to my attention. It's important that Alaska joins the other states in sending this message.

Thank you again for your service and keep up the good work!

Respectfully,

Michael & Christina