



LAWS OF ALASKA

1988

Source

CSHB 344 (HESS)

Chapter No.

42

AN ACT

Relating to the protection of persons with disabilities and to disabled adults who are victims of physical or sexual assault.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 23, 1988
Actual Effective Date: August 21, 1988

AN ACT

Relating to the protection of persons with disabilities and to disabled adults who are victims of physical or sexual assault.

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

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

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

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

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

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

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provided in (b) of this section.

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

ARTICLE 2. PROTECTION OF DISABLED ADULTS.

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

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.-915;
- (3) a pharmacist;
- (4) an administrator or employee of a nursing home, residential care, or health care facility;
- (5) a caretaker of the disabled adult;
- (6) a guardian or conservator of the disabled adult;
- (7) a police officer as defined in AS 18.65.290;
- (8) a village public safety officer;
- (9) a village health aide;
- (10) a social worker;
- (11) a member of the clergy;
- (12) a staff employee of a program or project serving disabled adults;
- (13) a licensed foster care provider;
- (14) a paid employee of a domestic violence and sexual assault program or a crisis intervention and prevention program as defined in AS 18.66.900;

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

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

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

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

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

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

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

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