

CS FOR HOUSE BILL NO. 386(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/22/24

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the obstruction of airports and runways; relating to the obstruction**
2 **of highways; establishing the crime of obstruction of free passage in public places;**
3 **relating to the obstruction of public places; relating to the crime of criminal trespass;**
4 **relating to the obstruction of navigable water; relating to the unlawful obstruction or**
5 **blocking of traffic; and providing for an effective date."**

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

7 *** Section 1.** AS 02.20.050(a) is amended to read:

8 (a) A person may not

9 **(1)** place an object on the surface of a public use airport that, because
10 of its nature or location, might cause injury or damage to an aircraft or person riding in
11 the aircraft; **or**

12 **(2) otherwise obstruct a runway.**

13 *** Sec. 2.** AS 02.20.050 is amended by adding new subsections to read:

1 (e) A person who violates (a)(1) of this section is guilty of a class C felony.

2 (f) A person who violates (a)(2) or (b) of this section is guilty of a class A
3 misdemeanor.

4 * **Sec. 3.** AS 02.20.060(b) is amended to read:

5 (b) A person who violates [THIS CHAPTER, OR] a regulation adopted under
6 this chapter [,] is punishable, upon conviction, for each offense by a fine of not more
7 than \$500, or by imprisonment for not more than six months, or by both.

8 * **Sec. 4.** AS 09.65 is amended by adding a new section to read:

9 **Sec. 09.65.360. Civil liability for obstruction of free passage in public**
10 **places.** (a) In addition to other civil damages and criminal penalties provided by law, a
11 person who obstructs access in violation of AS 02.20.050, AS 11.61.150, 11.61.155,
12 or AS 38.05.128 is strictly liable in a civil action to another person whose passage is
13 obstructed for damages that are not less than the following amounts for each incident:

- 14 (1) \$10,000 to a person who suffers only nominal damages;
15 (2) \$50,000 to a person who suffers injury to property;
16 (3) \$100,000 to a person who suffers bodily injury; and
17 (4) \$500,000 to a person who suffers death.

18 (b) A person is jointly and severally liable for conduct under (a) of this section
19 if the person directly or indirectly, by words or action, aids, encourages, or authorizes
20 the conduct, including by

- 21 (1) participating in the conduct;
22 (2) directing, advising, encouraging, or soliciting another person to
23 engage in or participate in the conduct; or
24 (3) conspiring to engage in the conduct.

25 (c) A person's liability for damages under this section is in addition to an
26 award of full reasonable attorney fees and costs to a claimant who, as plaintiff,
27 counterclaimant, or cross claimant in the action, is the prevailing party.

28 (d) A plaintiff under this section may be entitled to temporary and permanent
29 injunctive relief.

30 (e) A court of this state has personal jurisdiction over a person outside the
31 state who is liable under (b) of this section if the person knew or had reason to know

1 that the person's acts or omissions were likely to lead to the obstruction of public
2 access in the state.

3 (f) In this section, "nominal damages" means the infraction of a legal right
4 under the section that does not result in death, bodily injury, or injury to property.

5 * **Sec. 5.** AS 11.46.320(b) is amended to read:

6 (b) Criminal trespass in the first degree is

7 **(1) a class C felony if the conduct**

8 **(A) creates a substantial risk of physical injury to another**
9 **person; or**

10 **(B) interferes with a firefighting, medical, or other**
11 **emergency response; or**

12 **(2)** a class A misdemeanor.

13 * **Sec. 6.** AS 11.46.330(b) is amended to read:

14 (b) Criminal trespass in the second degree is

15 **(1) a class A misdemeanor if the conduct**

16 **(A) creates a substantial risk of physical injury to another**
17 **person; or**

18 **(B) interferes with a firefighting, medical, or other**
19 **emergency response; or**

20 **(2)** a class B misdemeanor.

21 * **Sec. 7.** AS 11.61.150(a) is amended to read:

22 (a) A person commits the **crime** [OFFENSE] of obstruction of highways if the
23 person knowingly

24 (1) places, drops, or permits to drop on a highway any substance that
25 creates a substantial risk of physical injury to others using the highway; or

26 (2) renders a highway impassable or passable only with unreasonable
27 inconvenience or hazard.

28 * **Sec. 8.** AS 11.61.150(c) is amended to read:

29 (c) Obstruction of highways is

30 **(1) a class C felony if the person**

31 **(A) violates (a)(1) of this section; or**

1 **(B) violates (a)(2) of this section and the conduct**

2 **(i) creates a substantial risk of physical injury to**
 3 **another person; or**

4 **(ii) interferes with a firefighting, medical, or other**
 5 **emergency response; or**

6 **(2) a class A misdemeanor** [A VIOLATION PUNISHABLE BY A
 7 FINE OF NOT MORE THAN \$1,000].

8 * **Sec. 9.** AS 11.61 is amended by adding a new section to read:

9 **Sec. 11.61.155. Obstruction of free passage in public places.** (a) A person
 10 commits the crime of obstruction of free passage in public places if, under
 11 circumstances not proscribed under AS 02.20.050, AS 11.61.150, or AS 38.05.128,
 12 the person knowingly renders a public place impassable or passable only with
 13 unreasonable inconvenience or hazard.

14 (b) This section does not apply to

15 (1) the obstruction of free passage in public places authorized by a
 16 permit issued by a state agency or municipality of the state; or

17 (2) conduct otherwise authorized by law or by the person in charge of
 18 the premises.

19 (c) Obstruction of free passage in public places is

20 (1) a class A misdemeanor if the obstruction

21 (A) creates a substantial risk of physical injury to another
 22 person;

23 (B) substantially interferes with a person's access to a public
 24 place that renders governmental or judicial services; or

25 (C) interferes with a firefighting, medical, or other emergency
 26 response; or

27 (2) a class B misdemeanor.

28 * **Sec. 10.** AS 38.05.128(f) is amended to read:

29 (f) A violation [OF (a)] of this section is

30 **(1) a class A misdemeanor if the obstruction or interference**

31 **(A) creates a substantial risk of physical injury to another**

1 **person; or**
2 **(B) interferes with a firefighting, medical, or other**
3 **emergency; or**

4 **(2)** a class B misdemeanor.

5 * **Sec. 11.** AS 28.35.140(a) is repealed.

6 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. This Act applies to offenses committed on or after the effective
9 date of this Act.

10 * **Sec. 13.** This Act takes effect July 1, 2024.