

00

HOUSE BILL NO. 71

01 "An Act relating to obstruction; and providing for an effective date."

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

03 * Section 1. AS 02.20.050 is amended by adding a new subsection to read:

04 (e) A person who violates this section is guilty of

05 (1) a class C felony if the conduct

06 (A) creates a substantial risk of physical injury to another
07 person; or08 (B) interferes with a firefighting, medical, or other emergency
09 response; or

10 (2) a class A misdemeanor.

11 * Sec. 2. AS 02.20.060(b) is amended to read:

12 (b) A person who violates [THIS CHAPTER, OR] a regulation adopted under

13 this chapter [,] is punishable, upon conviction, for each offense by a fine of not more
14 than \$500, or by imprisonment for not more than six months, or by both. § §

15 * Sec. 3. AS 09.65 is amended by adding a new section to read:

01 Sec. 09.65.360. Civil liability for obstruction of free passage in public §

02 places. (a) In addition to other civil damages and criminal penalties provided by law, a
03 person who obstructs a public place in violation of AS 02.20.050, AS 11.61.155, or
04 AS 38.05.128 is strictly liable in a civil action to another person whose passage is
05 obstructed for no less than the following damages for each incident:

06 (1) \$10,000 to a person who suffers only nominal damages;

07 (2) \$50,000 to a person who suffers injury to property;

08 (3) \$100,000 to a person who suffers bodily injury; and

09 (4) \$500,000 to a person who suffers death.

10 (b) A person is jointly and severally liable for the conduct of another person

11 under (a) of this section if the person with actual malice directly or indirectly, by
12 words or action, aids, encourages, or authorizes the conduct, including by

13 (1) participating in the conduct;

14 (2) directing, advising, or soliciting another person to engage in or
15 participate in the conduct; or

16 (3) conspiring to engage in the conduct.

17 (c) The liability of a person for damages under this section is in addition to

18 liability for an award of full reasonable attorney fees and costs to a prevailing party.

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

21 (e) A court of this state has personal jurisdiction over a person outside the

22 state who is liable under (b) of this section if the person knew or had reason to know
23 that the person's acts or omissions were likely to lead to the obstruction of a public
24 place in the state.

25 (f) Nothing in this section authorizes a cause of action against the state, a

26 political subdivision of the state, or an employee or agent of the state or a political
27 subdivision.

28 (g) In this section,

29 (1) "actual malice" means a person knows or recklessly disregards that

30 the person's actions or words will result in unlawful obstruction of a public place;

31 (2) "nominal damages" means the infraction of a legal right under the

01 section that does not result in death, bodily injury, or injury to property.

02 * Sec. 4. AS 11.61 is amended by adding a new section to read:

03 Sec. 11.61.155. Obstruction of a public place. (a) A person commits the
04 crime of obstruction of a public place if the person knowingly05 (1) causes or allows a substance to drop on a public place that creates a
06 substantial risk of physical injury to another person; or

07 (2) obstructs or blocks a public place by any other means.

08 (b) It is an affirmative defense to a prosecution under (a)(1) of this section that

09 (1) the defendant took reasonable steps to remove the substance from
10 the public place; and11 (2) no person suffered physical injury as a result of the presence of the
12 substance on the public place.

13 (c) This section does not apply to

14 (1) the obstruction or blocking of a public place authorized by a permit
15 issued by a state agency or municipality of the state;

16 (2) a service vehicle, including a bus, garbage truck, or tow truck,

17 making brief stops on a highway in the performance of its service; or
18 (3) conduct otherwise authorized by law or the person in charge of the
19 premises.

20 (d) Obstruction of a public place is
21 (1) a class C felony if
22 (A) the person violates (a)(1) of this section; or
23 (B) the conduct

24 (i) creates a substantial risk of physical injury to another
25 person;

26 (ii) substantially interferes with a person's access to a
27 public place that renders governmental or judicial services; or

28 (iii) interferes with a firefighting, medical, or other
29 emergency response; or

30 (2) a class A misdemeanor.

31 * Sec. 5. AS 38.05.128(f) is amended to read:

01 (f) A violation of (a) of this section is a

02 (1) class C felony if the conduct

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

04 person; or

05 (B) interferes with a firefighting, medical, or other

06 emergency response; or

07 (2) class A [B] misdemeanor.

08 * Sec. 6. AS 11.61.150 and AS 28.35.140(a) are repealed.

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

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

13 * Sec. 8. This Act takes effect July 1, 2025.