

Correctional Officers,

Last year I asked Representative Lynn if he would sponsor an Assault with Bodily Fluids Bill. With the increased number of assaults with bodily fluids at institutions around the State, I believed it was time to ask for some harsher penalties. Approximately 13 states now have some kind of legislation addressing assaults with bodily fluids in the correctional system. We started late last session and we could not gain the needed support before the end of session. This year we started earlier. Mike Sica from Representative Lynn's office has done an outstanding job! He really has a sincere respect for the work we do and has been working countless hours with us to get HB343 passed.

Officer Mae Barney and I have testified in front of two different committees asking for the passage of HB343. The testimony was an eye-opener for many of the Legislators. More than a few were visibly appalled at the descriptions of some of the assaults we had experienced or witnessed first-hand. The testimony might have been graphic, but it let Legislators know what we as Correctional Officers are subjected to, along with helping the Bill move through committees.

Originally the Bill just covered Law Enforcement but during the course of the hearings process, all emergency responders, doctors and nurses were added on. HB343 increases the crime for harassing any person with human or animal bodily fluids (Pt. MacKenzie). It is aimed at better protecting everyone, especially the protectors and responders on the front lines of public safety in Alaska. The Bill will make it a class "A" misdemeanor with a minimum sentence of 60 days for the first offense. Though not perfect, it is better than what we had. Some of the Legislators wondered why this wouldn't be a felony. The department of Law thought that the State could lose a legal challenge if brought by someone convicted of this crime. Some states make it a felony and the State of Alaska will be monitoring challenges made by prisoners in those states and could possibly upgrade it to a felony in the future.

I can now tell you that the Bill has passed through the legislature and has been sent to the Governor's desk for signature. We are a young organization and that we have sponsored a Bill of our own and got it through the legislature says a lot about our relationship with Legislators. There are not too many bills sponsored by other unions that have made it through. Both Representative Lynn and Mike Sica have spent countless hours on seeing this bill through. If you can send an e-mail ([Rep\\_Bob\\_Lynn@legis.state.ak.us](mailto:Rep_Bob_Lynn@legis.state.ak.us)) thanking him for his support of Correctional Officers, it would be appreciated!

Please see the following pages for the final version of HB343.

Danny Colang  
ACOA President

**CS FOR HOUSE BILL NO. 343(JUD) am**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 3/17/06  
Offered: 2/13/06

Sponsor(s): REPRESENTATIVES LYNN, Wilson, Anderson, Kerttula, Dahlstrom, Gruenberg

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act creating the crimes of harassment in the first and second degree, amending the**  
2 **crime of stalking, and adding a definition of 'medical professional' to the assault and**  
3 **harassment statutes."**

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

5 \* **Section 1.** AS 11.41.260(a) is amended to read:

6 (a) A person commits the crime of stalking in the first degree if the person  
7 violates AS 11.41.270 and

8 (1) the actions constituting the offense are in violation of an order  
9 issued or filed under AS 18.66.100 - 18.66.180 or issued under former  
10 AS 25.35.010(b) or 25.35.020;

11 (2) the actions constituting the offense are in violation of a condition of  
12 probation, release before trial, release after conviction, or parole;

13 (3) the victim is under 16 years of age;

14 (4) at any time during the course of conduct constituting the offense,

1 the defendant possessed a deadly weapon;

2 (5) the defendant has been previously convicted of a crime under this  
3 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another  
4 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or  
5 AS 11.56.740; or

6 (6) the defendant has been previously convicted of a crime, or an  
7 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,  
8 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120  
9 [AS 11.61.120], or (B) a law or an ordinance of this or another jurisdiction with  
10 elements similar to a crime, or an attempt or solicitation to commit a crime, under  
11 AS 11.41.100 - 11.41.250, 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810,  
12 AS 11.61.118, or 11.61.120 [AS 11.61.120], involving the same victim as the present  
13 offense.

14 \* Sec. 2. AS 11.61 is amended by adding a new section to read:

15 **Sec. 11.61.118. Harassment in the first degree.** (a) A person commits the  
16 crime of harassment in the first degree if the person violates AS 11.61.120(a)(5) and  
17 the offensive physical contact is contact with human or animal blood, mucus, saliva,  
18 semen, urine, vomitus, or feces.

19 (b) Harassment in the first degree is a class A misdemeanor.

20 \* Sec. 3. AS 11.61.120 is amended to read:

21 **Sec. 11.61.120. Harassment in the second degree.** (a) A person commits the  
22 crime of harassment in the second degree if, with intent to harass or annoy another  
23 person, that person

24 (1) insults, taunts, or challenges another person in a manner likely to  
25 provoke an immediate violent response;

26 (2) telephones another and fails to terminate the connection with intent  
27 to impair the ability of that person to place or receive telephone calls;

28 (3) makes repeated telephone calls at extremely inconvenient hours;

29 (4) makes an anonymous or obscene telephone call, an obscene  
30 electronic communication, or a telephone call or electronic communication that  
31 threatens physical injury or sexual contact; or

1 (5) subjects another person to offensive physical contact.

2 (b) Harassment in the second degree is a class B misdemeanor.

3 \* Sec. 4. AS 12.55.135(d) is amended to read:

4 (d) A defendant convicted of assault in the fourth degree or harassment in  
5 the first degree who knowingly directed the conduct constituting the offense at a  
6 uniformed or otherwise clearly identified peace officer, fire fighter, correctional  
7 employee, emergency medical technician, paramedic, ambulance attendant, or other  
8 emergency responder or medical professional who was engaged in the performance  
9 of official duties at the time of the assault or harassment shall be sentenced to a  
10 minimum term of imprisonment of

11 (1) 60 days if the defendant violated AS 11.41.230(a)(1) or (2) or  
12 AS 11.61.118;

13 (2) 30 days if the defendant violated AS 11.41.230(a)(3).

14 \* Sec. 5. AS 12.55.135(j) is amended by adding a new paragraph to read:

15 (3) "medical professional" means a person who is an anesthesiologist,  
16 dentist, dental hygienist, health aide, nurse, nurse aid, nurse practitioner, mental health  
17 counselor, physician, physician assistant, chiropractor, psychiatrist, osteopath,  
18 psychologist, psychological associate, radiologist, surgeon, or x-ray technician, or who  
19 holds a substantially similar position.