



Alaska Legislative Session Report

2024 | Juneau, Alaska

ACLU
Alaska



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he/him
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A NOTE FROM OUR ADVOCACY DIRECTOR, MICHAEL GARVEY

Focused, determined, and impactful. These are the words that come to mind when I think about our work at the Alaska Legislature in 2024. The political climate was often hostile to civil liberties and unfriendly to advancing good legislation. We had to compete with other issues that dominated the session. But by focusing most of our energy on a handful of priorities and sticking with them, we found success. We laid the groundwork for advancing parole reform legislation in the years ahead, turned Alaskans out to defeat bills harmful to the LGBTQIA2S+ community, adapted to lead the charge against the governor's anti-protest bill, and refused to stop talking about deaths in Corrections custody. While not everything went our way, we continued to build our power and salience in Juneau for the years ahead.



BY THE NUMBERS

3 trips to Juneau

23 bills tracked

30 in-person meetings with members

TRANS ALASKANS BELONG

Protecting LGBTQIA2S+ rights at the Capitol

This year we saw more attempts in the Alaska Legislature to bring the nationwide wave of anti-LGBTQIA2S+ legislation to the state, as the House used copious amounts of time to put the lives of Alaskans up for debate. We can't underscore enough that it's harmful for the legislature to even consider bills like these, and allow for ugly and cruel rhetoric to be placed on the record. Still, **Alaskans were loud and delivered a consistent message: queer, transgender, and two-spirit Alaskans are loved and welcomed.**

PHYSICIAN LIABILITY FOR GENDER-AFFIRMING CARE

Representative Jamie Allard proposed HB 338, which would have allowed people who receive gender-affirming care before the age of 18 to sue the doctor who provided the care for money damages “for an injury or condition suffered as a result of the procedure.” Rep. Allard’s attempt to enshrine in statute the idea that trans people regret being themselves was heard and moved out of the Judiciary Committee. It was never heard in the Rules Committee or given a floor vote.

DID NOT ADVANCE



PROHIBITING TRANS GIRLS FROM PLAYING SCHOOL SPORTS

In the last week of the session, the House moved HB 183, introduced by Rep. Jamie Allard. The bill would have excluded transgender girls from participating in girls' sports, similar to a policy that has already been adopted by the Department of Education & Early Development in the fall of 2023. Despite widespread opposition from the public, expressed opposition by the Senate, and an opinion from the legislature's own legal counsel that the bill likely violated the Constitution, the House majority made it a priority.

Opponents in the House arranged a series of amendments to filibuster the bill, which went through hours of agonizing debate. Ultimately, the House passed it before the Senate put it on a shelf.

**FAILED TO PASS
BOTH CHAMBERS**

ENGAGEMENT



257 emails sent to legislators from Alaskans on queer and trans justice bills

3 times that ACLU of Alaska staff provided testimony to committees on queer and trans justice bills

PEOPLE, NOT PRISON

Criminal legal reform that helps Alaskans

Alaska's criminal legal system, particularly the Department of Corrections (DOC), has repeatedly violated the rights and dignity of incarcerated people. At the beginning of this year, we listed oversight and accountability for deaths in Alaska's prisons as a top priority. We put a spotlight on issues and individuals who are directly impacted by DOC's practices and reminded legislators that our constitution calls for our criminal legal system to also provide opportunities for rehabilitation.

PAROLE

Parole is an alternative to incarceration that provides community safety and accountability. The result of parole is lower costs to taxpayers, lower recidivism rates, healthier families, and safer communities. However, Alaska's parole system is long overdue for reform. We supported Senator Löki Tobin's bill (SB 176) to ensure that incarcerated people appearing before the parole board receive fair consideration. In March, we traveled to Juneau to give testimony in support of the bill to the Senate State Affairs Committee. Prison Project Director Megan Edge gave testimony, as well as Sylvester Byrd Jr., who was incarcerated for over 25 years and was granted parole in 2021. While the bill was not heard again by the committee, this was the first year that SB 176 was introduced and considered.

New bills and ideas tend to take time to pass, especially when they challenge the status quo. We will work to build support for SB 176 in the legislature and beyond before 2025.




DID NOT ADVANCE

OVERSIGHT FOR DEATHS IS PRISON

In March, the ACLU of Alaska was invited to testify in front of the House Community and Regional Affairs committee on deaths of Alaskans in DOC custody, which have occurred at record rates since 2022. After committee chair Representative CJ McCormick called the properly noticed hearing to order shortly after 8:00 am, Representative Kevin McCabe objected to the hearing. Rep. McCabe relied on a parliamentary rule regarding legislative bodies holding hearings that involve issues that are currently in litigation. **The purpose of the hearing was to listen to experts and Alaskans impacted by the record number of deaths in DOC facilities and did not focus on a particular legal case.** Still, the committee voted 4-3 against holding the hearing, and Chair McCormick was forced to adjourn the meeting.

Jacqueline Shepherd, Prison Project Intake Attorney for the ACLU of Alaska was scheduled to testify as the investigator of each death that occurs in a DOC facility. Because her experience is critical to understanding the deaths that are occurring, we shared her testimony with the media and a summary report of the deaths to ensure that the stories of the Alaskans who have died and their families are being brought to light and are never forgotten.



“OVERSIGHT IS
CRITICAL, AND CHANGE
IS IMPERATIVE.
WITHOUT IT, **ALASKANS
ARE GOING TO
CONTINUE TO DIE.**”

Megan Edge, Prison Project
Director

ACLU
Alaska

I’m not talking about a person who lost their life for committing heinous crimes against others (though I would and do advocate for humane treatment of those people, too).

I am talking about Kitty Douglas, a 20-year-old who was arrested for yelling at officers when they were turning people away from the Sullivan Arena, Anchorage’s temporary homeless shelter at that time. Kitty was never charged with any crime. Her caseworker called the prison to tell them she was suffering from serious mental health issues since suffering a late-term miscarriage. Kitty died of suicide in solitary confinement.

I am talking about 27-year-old Mark Cook, Jr. who was arrested for screaming in the hospital when medical staff gave him a painful Toradol shot in his spine while he

OMNIBUS CRIME BILL

The Senate Judiciary Committee rolled a handful of separate criminal legal system bills into an “omnibus” that doubles down on the state’s “lock them up and throw away the key” strategy to public safety. Unfortunately, the bill – HB 66 – passed with broad support, demonstrating that being “tough on crime” is still politically popular headed into election season. Here are the main provisions we opposed and that are poised to go into effect:

- **Drug-induced homicide.** The bill used as the vehicle for the omnibus, HB 66, started out as a bill introduced by the governor focused on addressing overdose deaths by charging people who distribute drugs that lead to death with murder. Legislation like this has been advanced across the country but has not been shown to reduce overdose deaths. It will reduce resources the state can use for more effective strategies like substance misuse prevention, ensuring access to high-quality treatment, and recovery support.
- **Involuntary commitment.** This provision establishes a framework that would allow a person to be subject to an involuntary commitment period of two years, prohibit petitions for early discharge prior to 180 days of an initial commitment order, and require court approval of a doctor’s discharge decision. This violates Alaskans’ constitutional rights to due process and seeks to eliminate the risk of harm by warehousing mentally ill Alaskans.

ENGAGEMENT



245

emails sent to legislators from Alaskans on criminal legal reform bills

2

hearings with ACLU of Alaska staff as invited testimony

FREEDOM TO ASSEMBLE

Fighting anti- First Amendment measures



The Alaska Legislature was presented with a bill by Governor Michael Dunleavy at the beginning of the session that raised significant First Amendment red flags. HB 386/SB 255 proposed to criminalize Alaskans who exercise their freedom of speech and assembly. The bill would have created the new crime of “obstruction of free passage in public places,” which is constitutionally problematic. The language would capture a broad range of activity and contain no exceptions for lawful speech and protest. It is a clear violation of the First Amendment and meant to scare Alaskans into silence.

While the bill moved through several committees, public testimony opposing the idea was so fierce and so consistent that legislative leaders didn’t move the bill and couldn’t move it quietly. We’d like to thank the Alaskans who weighed in and provided testimony against HB 386/ SB 255, making it clear to decision-makers that this was a bad call for Alaskans.

DID NOT ADVANCE

COUNT EVERY VOTE

Voter turnout is crucial to democracy

During the last several sessions, the legislature has worked on and nearly passed an election reform package. This year these efforts culminated in HB 129, a voter roll maintenance bill that was the vehicle for a series of reforms found in other bills, including establishing a ballot curing system and removing the witness signature requirement from absentee ballots. We were opposed to the original version of HB 129 on its own because of concerns about the disproportionate impact on rural voters and Limited English Proficient voters. However, the addition of multiple positive provisions moved us to a place of support.

While the Senate passed the bill on the final day of session, setting up a possible vote in the House, it didn't have the support it needed to pass before time ran out. Unfortunately for voters, Alaska will head into another election season susceptible to the problems that led to thousands of ballots being thrown out in 2022. The ACLU of Alaska is currently litigating this issue in *Arctic Village Council, et al. v. State of Alaska, Department of Elections*.

Despite support for this omnibus elections bill, the legislature ran out of time to address the bill and failed to provide election reform for Alaska this session.



**FAILED TO PASS
BOTH CHAMBERS**

LOOKING FORWARD

As we celebrate this session's wins and look to the November 2024 election, we are focused on getting out the vote and preparing Alaskans for the potential civil liberties challenges that will ensue, no matter the outcome. Our work is ongoing to defend Alaskans' civil rights and liberties during the 2025 legislative session.

TOGETHER FOR LIBERTY & JUSTICE

The ACLU of Alaska does not protect liberty alone. People across Alaska are coming together to stand up for what they believe is right. Take your stand — become a card-carrying member of the ACLU or make a gift today.



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