

TAKE
ACTION

OPPOSE HB 386/SB 255

Governor Dunleavy's anti-protest bill

In February, Governor Dunleavy introduced legislation that would crack down on Alaskans' ability to protest, demonstrate, and freely assemble in public places. The House and Senate Transportation Committees heard the bill and public testimony last month. Despite overwhelming public opposition, the bills advanced from the committees to the House and Senate Judiciary Committees. **On Wednesday, April 10th at 1:30 pm, the Senate Judiciary Committee will hear SB 255 and public testimony.**

This partner packet contains talking points, sample testimony, sample email blasts, social media content, and graphics that may be used to amplify the call to testify and encourage Alaskans to take action.

ABOUT HB 386/ SB 255

HB 386/ SB 255 would criminalize Alaskans who exercise their freedom of speech and assembly. The bill would create 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 contains no exceptions for lawful speech and protest. It is a clear violation of the First Amendment and meant to scare Alaskans into silence.

The new “obstruction of free passage” crime also appears to criminalize homelessness in public spaces and could be used by law enforcement to target the unhoused. This is not a solution to Alaska’s housing crisis.

HB 386/ SB 255 would also increase penalties for obstruction of highways and trespassing when the action “creates a substantial risk of physical injury to another person” or “interferes with a firefighting, medical, or other emergency response.”

HB 386/ SB 255's vague language could be used to target disfavored speech and ideology. The new crime of “obstruction of free passage in public places.” would apply when a person “knowingly renders a public place impassable or passable only with unreasonable inconvenience or hazard.” There is no way for the state to neutrally apply this concept, which could be used to target politically disfavored speech and more questions than answers about what conduct is permissible in public.

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MORE TALKING POINTS

The civil liability provisions in HB 386/ SB 255 would encourage frivolous litigation. The bill is wildly out of step with existing Alaska law and would create enormous judgments unrelated to actual losses.

The civil liability provisions are unconstitutional and overbroad. The legislation would hold individuals liable for damages, with no First Amendment defenses, for associating with a protest in almost any way – including aiding, encouraging, or authorizing conduct. For example, such broad language would allow a person to be held liable for sharing information about a protest or other protected First Amendment activity on social media, for example.

The bill would also allow a person anywhere in the world to be dragged into an Alaska court for nothing more than “encouraging a protest.” Such broad application of the bill’s provisions are likely unconstitutional and another illustration of the bill’s intent to chill speech.

HB 386/ SB 255 does not work to address a current issue within Alaska. This legislation does not make Alaskan’s safer, address a current problem for people protesting across the state, and sends a threatening message to protesters in order to chill free speech.

The bills currently have no more committee referrals, meaning that if they advance out of the Judiciary, they could be scheduled for a vote by either the House or Senate. It’s vital that Alaskans do everything they can to block this bill, which already has the governor's endorsement.



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SAMPLE ACTION ALERT LANGUAGE

Set up an action alert OR have advocates email the committee directly at house.judiciary@akleg.gov and senate.judiciary@akleg.gov with comments.

Targets: House Judiciary Committee, Senate Judiciary Committee, Governor Dunleavy

Subject: I oppose HB 386/ SB 255, Gov. Dunleavy's anti-protest bill

Dear [elected official],

I write to you opposing Governor Dunleavy's HB 386/ SB 255, which would effectively crack down on Alaskans' ability to protest, demonstrate, and freely assemble in public places. This bill is vague, broad, and proposes criminal consequences for everything from protests to homelessness. It would put hold Alaskans civilly liable for exercising their constitutionally afforded rights without consideration for protected speech and other First Amendment defenses.

HB 386/ SB 255 does not work to address a current issue within Alaska. This legislation does not make Alaskans safer or address a current problem for people protesting across the state. It sends a threatening message to protesters that effectively chills free speech.

Freedom of speech and freedom to assemble are fundamental rights enjoyed by all Alaskans and Americans. Please oppose HB 386/ SB 255 to protect Alaskans' First Amendment rights.

Sincerely,

[action taker name]

USE THE ACLU OF ALASKA'S ACTION ALERT

<https://secure.everyaction.com/Ur6vtzprZUW7V2YCYsL2Wg2>

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SAMPLE EMAIL TO GRASSROOTS ADVOCATES #1

SUBJECT: It's time to protest the anti-protest bill

Dear advocates,

At the beginning of the year, Alaska's Governor Dunleavy introduced legislation (HB 386/ SB 255) that would crack down on Alaskans' ability to protest, demonstrate, and freely assemble in public places. We can add it to his long list of actions that undermine the First Amendment.

HB 386/ SB 255 is vague, broad, and proposes criminal consequences for everything from protests to homelessness. It would hold Alaskans civilly liable for exercising their constitutionally afforded rights without consideration for protected speech and other First Amendment defenses. We overwhelmingly oppose HB 386/SB 255 for its attempt to chill free speech in Alaska through the courts and your pocketbooks.

The Senate Judiciary Committee is holding a hearing for SB 255 on Wednesday at 1:30 and we need you to call in and testify against this bill.

Instructions for calling in:

Call in 15 minutes before the hearing and ask to testify on HB 255 in the Senate Judiciary Committee. See a sample script below.

Anchorage 907-563-9085

Juneau 907-586-9085

All other locations 844-586-9085

It's up to all of us to make sure that our First Amendment rights are safeguarded from bad legislation like HB 386/ SB 255. Can't call in? Send an email to the committee telling them you oppose HB 386/ SB 255 [link action alert].

In solidarity,

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OPPOSE HB 386/SB 255

Governor Dunleavy's anti-protest bill

SAMPLE EMAIL TO GRASSROOTS ADVOCATES #3

SUBJECT: SB 255- Give testimony tomorrow!

Dear advocates,

This is a friendly reminder that we need YOU to testify with us tomorrow (Wednesday) at 1:30 pm against Governor Dunleavy's anti-protest legislation. SB 255 would crack down on Alaskans' ability to protest, demonstrate, and freely assemble in public places. The bills currently have no more committee referrals, meaning that if they advance out of the Judiciary Committee, they could be scheduled for a vote by either the House or Senate. It's vital that Alaskans do everything they can to block this bill, which already has the governor's endorsement.

Call in and testify tomorrow at 1pm and make sure the Governor and legislature that you support freedom of speech and freedom to assemble. Details below!

I'll be tuning in to testify against SB 255 tomorrow, and we hope you call in with us.

In solidarity,

[staff name]

P.S. Can't make the hearing tomorrow? Send the committee an email telling them that you oppose SB 255. [link action alert]



OPPOSE HB 386/SB 255

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SOCIAL MEDIA ASSETS

Captions

HB 386/ SB 255 was introduced by Governor Dunleavy (tag) to quiet free speech and criminalize the right to assemble. We oppose HB 386 and SB 255, and need you to join us in testifying against the bill on Thursday.

The Senate Judiciary Committee is accepting public testimony on Wednesday at 1:30 pm.

Swipe for details on how to call in. Can't call in? Send them an email at house.transportation@akleg.gov and senate.transportation@akleg.gov.

TAKE ACTION! The right to protest is under threat in Alaska thanks to Governor Dunleavy's (tag) HB 386/ SB 255. Please testify against this bill on Wednesday at 1:30 p.m. Can't call in? Send an email opposing HB 255 to senate.judiciary@akleg.gov.

RED FLAG LEGISLATION: HB 386/ SB 255. This bill effectively cracks down on Alaskans' ability to protest, demonstrate, and freely assemble in public places. Governor Dunleavy and our legislators need to hear from you. Please call in and testify against SB 255 on Wednesday at 1:30 p.m. Details below.

It's time to protest SB 255- Governor Dunleavy's anti-protest bill. Please call in on Wednesday at 1 pm testify against this bill. Can't call in? Send an email to senate.judiciary@akleg.gov telling the committee that you oppose any attempt to quell free speech and the right to assemble.

HB 386/ SB 255 is an attempt to chill free speech and the right to protest in Alaska. Tell members of the legislature and the bill's sponsor, Governor Dunleavy, that you oppose the bill on Wednesday at 1:30 pm.

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SOCIAL MEDIA ASSETS

SB 255/ HB 386 HAS ADVANCED

We **OPPOSE**
Governor
Dunleavy's
anti-protest bill

TAKE ACTION



[Download and add your logo](#)

Last month, Governor Dunleavy introduced **HB 386**, which would **crack down on Alaskans' ability to protest, demonstrate, and freely assemble in public places.**

HB 386 would create 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 contains no exceptions for lawful speech and protest. It is a clear violation of the First Amendment and meant to scare Alaskans into silence.

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TAKE ACTION: TESTIFY ON THURSDAY at 1 PM

The House Transportation Committee is hearing **HB 386 on Thursday at 1 pm.**

We need you to call in and testify against this bill.

Here's what you can say:

Hello, my name is _____, and I'm a resident of [community]. I am testifying in opposition to HB 386 because it violates my First Amendment freedom of speech and my right to assemble. This bill attempts to chill public protest and criminalize Alaskans who are exercising their constitutional rights. Please stop this bill from advancing to protect the most fundamental rights of all Alaskans."

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TAKE ACTION: TESTIFY AGAINST HB 386

Anchorage 907-563-9085
Juneau 907-586-9085
All other locations 844-586-9085

Call in 15 minutes before the hearing and ask to testify on HB 386 in the House Transportation Committee.

CAN'T CALL IN? SEND AN EMAIL

Email house.
transportation@akleg.gov to tell the committee that you oppose HB 386.

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Assets can be downloaded from this [Dropbox folder](#)

Share directly from ACLU of Alaska accounts (@acluofalaska) on Facebook, Instagram, X (Twitter), and Threads



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SAMPLE GRASSROOTS TESTIMONY

“Hello, my name is _____, and I’m a resident of [community]. I am testifying in opposition to [HB 386/ SB 255] because it violates my First Amendment freedom of speech and my right to assemble. This bill attempts to chill public protest and criminalize Alaskans who are exercising their constitutional rights. Please stop this bill from advancing to protect the most fundamental rights of all Alaskans.”

TESTIMONY STRUCTURE

Introduce yourself, community name, and title (if testifying on behalf of an organization or group).

State that you are opposed to HB 386/ SB 255.

State why you are opposed to the bill, and include 1-3 talking points.

Restate that you oppose HB 386/ SB 255, and want the committee to reject the bill.

Thank the committee for hearing public testimony.

Have questions or need more resources?

Please contact Michael Garvey, Advocacy Director, at mgarvey@acluak.org.

Please contact Meghan Barker, Communications Director, at mbarker@acluak.org