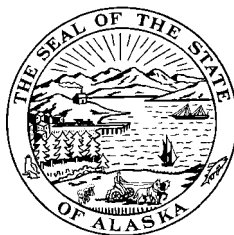


# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 102

## REPRESENTATIVE JOHN COGHILL

### HB 506 Legislative Immunity Sponsor Statement

Imagine how many constituents legislators would have entrusted their concerns about state government and state agencies if they thought their conversations with legislators or legislative staff could be repeated in court. In the last year, two legislative staffers have been subpoenaed to testify in court about conversations they had with constituents and legislators. One legislative aide was threatened with a subpoena. I introduced HB 506 to clarify in statute that conversations between legislators, legislative staff, and constituents that occur in the line of legislative duties is confidential and unanswerable before any tribunal.

When Alaskans have problems with state agencies such as DFYS, CSED or public assistance, their only ombudsman is their legislative office. They reveal very personal and revealing information about themselves and family members. They are revealing this information with the understanding that the information is confidential and that the legislator has a fiduciary responsibility to handle that information discreetly and to the best interest of the constituent. If a legislator testified to that confidential information in a court of law that is trying the constituent as a defendant, he or she would be violating that fiduciary responsibility. In fact, [AS 24.60.060](#) provides that a legislator or legislative employee may be subject to prosecution if they knowingly makes "unauthorized disclosure of information that is made confidential by law and that the person acquired in the in the course of official duties."

The Alaska State Constitution provides immunity for legislators, but [AS 24.60.010](#) does not clearly establish in statute that this immunity exists. In [Gravel v. United States, 408 U.S. 606\(1972\)](#), the U.S. Supreme Court established that a legislative aide has the same immunity as a legislator.

In one recent incident, the Department of Law said they would release the legislative aide from the subpoena, not because her interpretation of the Alaska Constitution and several court cases were correct, but because "they weren't willing to fight that battle right now." This statutory change will clarify that legislative immunity.