

Submitted by: Assembly Member Martinez  
Assembly Member Johnson  
Prepared by: Assembly Counsel's Office  
For reading:

**ANCHORAGE, ALASKA  
AO No. 2024-20**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**  
2 **MUNICIPAL CODE SECTIONS 8.05.015, 8.10.010, AND 11.70.030 TO EXPAND**  
3 **AND CLEARLY DEFINE LEGAL PROTECTIONS FOR PUBLIC TRANSIT**  
4 **WORKERS.**  
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7 **WHEREAS**, public transit employees are frontline critical public servants who  
8 worked tirelessly in the face of the challenges posed by the COVID-19 pandemic by  
9 operating and maintaining buses throughout the entire time; and

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11 **WHEREAS**, public transit employees kept the Municipality safely moving during the  
12 most recent record snowfalls, when schools and businesses were closed, operating  
13 all but one day during the numerous snowfall events; and

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15 **WHEREAS**, public transit employees frequently go above and beyond, perform their  
16 duties with professionalism, work long hours, and safely maneuver large buses  
17 through traffic, around tight corners, narrow streets, detours, and through all sorts  
18 of weather; and

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20 **WHEREAS**, according to the Federal Transit Administration, the rate of attacks on  
21 transit operators nationwide has increased more than 400 percent throughout the  
22 2010s; and

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24 **WHEREAS**, the provision of the Municipality's penal code proscribing assault as an  
25 offense against persons, AMC 8.10.010, creates a particular protected class of  
26 public servants which currently includes police and firefighters, but omits other first  
27 responders as well as public transit workers; now, therefore,

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29 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
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31 **Section 1.** Anchorage Municipal Code section 8.05.015 is hereby amended to  
32 read as follows (*the remainder of the section is not affected and therefore not set*  
33 *out*):

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35 **8.05.015 Definitions.**

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37 A. *Definitions.* Except as otherwise provided in this title or unless the  
38 context clearly indicates otherwise, the definitions of the words and  
39 phrases in AS 11.81.900, or the definitions applicable to the Alaska  
40 Statutes provisions corresponding to the offense described in sections  
41 of this title, shall be the definitions of those same words and phrases  
42 used in this title. The definitions of words and terms below shall apply  
43 for purposes of this title unless otherwise provided:

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2 1. *Animal control officer* means a public employee charged by law  
3 with the duty to enforce the provisions of Title 17 of this Code.

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5 2. *Camping* means the use of space for the purpose of sleeping  
6 or establishing temporary living quarters, including, but not  
7 limited to, erection of a tent or other shelter.

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9 3[2]. *Child* refers to any person under 16 years of age.

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11 [3. *FAMILY MEMBER* MEANS A:

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13 A. SPOUSE, CHILD, GRANDCHILD, PARENT,  
14 GRANDPARENT, SIBLING, UNCLE, AUNT, NEPHEW  
15 OR NIECE OF THE VICTIM, WHETHER RELATED BY  
16 BLOOD, MARRIAGE OR ADOPTION;

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18 B. PERSON WHO LIVES, OR HAS PREVIOUSLY LIVED,  
19 IN A SPOUSAL RELATIONSHIP WITH THE VICTIM;

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21 C. PERSON WHO LIVES IN THE SAME HOUSEHOLD AS  
22 THE VICTIM; OR

23  
24 D. PERSON WHO IS A FORMER SPOUSE OF THE  
25 VICTIM OR IS OR HAS BEEN IN A DATING,  
26 COURTSHIP OR ENGAGEMENT RELATIONSHIP  
27 WITH THE VICTIM.]

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29 4. *Domestic violence and crime involving domestic violence* mean  
30 one or more of the following offenses or an offense under a law  
31 or ordinance of another jurisdiction having elements similar to  
32 these offenses, or an attempt to commit the offense, by a  
33 household member against another household member:

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35 a. A crime against the person under AMC 8.10;

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37 b. Criminal trespass under AMC 8.45;

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39 c. Criminally negligent burning under AMC 8.20.030;

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41 d. Criminal mischief under AMC 8.20.010;

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43 e. Violating a protective order under AMC 8.30.105;

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45 f. Harassment under AMC 8.10.110.

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47 For purposes of this section, household member has the  
48 definition assigned to that term by AS 18.66.990(5).

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50 5. *Family member* means a:  
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- 1                    a.     Spouse, child, grandchild, parent, grandparent, sibling,  
2                    uncle, aunt, nephew or niece of the victim, whether  
3                    related by blood, marriage or adoption;  
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5                    b.     Person who lives, or has previously lived, in a spousal  
6                    relationship with the victim;  
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8                    c.     Person who lives in the same household as the victim;  
9                    or  
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11                   d.     Person who is a former spouse of the victim or is or has  
12                   been in a dating, courtship or engagement relationship  
13                   with the victim.  
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15                   6.     First Responder means “peace officer” as defined by AS  
16                   11.81.900, firefighter, paramedic, emergency medical  
17                   technician, member of the mobile crisis team or crisis  
18                   intervention team, or other public employee, who, in the course  
19                   of their professional duties, responds to fire, medical,  
20                   hazardous material, or other similar emergencies.  
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22                   7.     *Lawful order* means an order which is given where the  
23                   defendant's conduct or speech substantially impedes an officer  
24                   in the performance of any duties in effecting an arrest, in  
25                   investigating a crime, or in ensuring the public safety.  
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27                   8[6].   *Minor* refers to any person under 18 years of age.  
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29                   9[7].   *Minor offense* means a noncriminal offense punishable only by  
30                   a fine, but not by imprisonment or other penalty; conviction of a  
31                   minor offense does not give rise to any disability or legal  
32                   disadvantage based on conviction of a crime; a person charged  
33                   with a minor offense is not entitled to a trial by jury or to have a  
34                   public defender or other counsel appointed at public expense  
35                   to represent the person.  
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37                   10.     Public transit worker means a public employee who, in the  
38                   course of their professional duties, operates a vehicle under the  
39                   PeopleMover, AnchorRIDES, RideShare or any other program  
40                   operating under the authority of chapter 11.70.

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42                   (AO No. 2014-42, § 1, 6-21-14)

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44                   **Section 2.** Anchorage Municipal Code section 8.10.010 is hereby amended to  
45                   read as follows (*the remainder of the section is not affected and therefore not set*  
46                   *out*):

47                   **8.10.010     Assault.**

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49                   A.        It is unlawful for any person to commit an assault.  
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51                   B.        A person commits an assault if:

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1. That person recklessly causes physical injury to another person;
  2. With criminal negligence that person causes physical injury to another person by means of a dangerous instrument;
  3. By words or other conduct that person recklessly places another person in fear of imminent physical injury; or
  4. That person recklessly uses words or other conduct which places a family member in reasonable fear of imminent physical injury or death to that family member or another person, provided however, this subsection does not prohibit lawful discipline of a minor by a parent or another person with lawful physical custody or control of a minor.
- C. A peace officer without a warrant may arrest a person if the peace officer has probable cause to believe the person has, either in or outside the presence of the officer, committed a crime involving domestic violence as defined in AMC 8.05.015.4 and AS 18.66.990.
- D. It is unlawful when an assault is committed against the person of a public transit worker, first responder, [POLICE OFFICER, FIREFIGHTER, PARAMEDIC] or animal control officer and the person committing the offense knows or reasonably should know that such victim is a public transit worker, first responder, [POLICE OFFICER, FIREFIGHTER, PARAMEDIC] or animal control officer engaged in the performance of official duties.
- E. Violation of this section is a class A misdemeanor. Violation of subsection D. may be considered by the court as an aggravating factor in sentencing a defendant convicted under this section.

35 (AO No. 79-24; AO No. 85-209; AO No. 93-41; AO No. 97-66, § 1, 5-6-97;  
36 AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2011-  
37 110, § 2, 11-8-11; AO No. 2014-42, § 1, 6-21-14)

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39 **Section 3.** Anchorage Municipal Code section 11.70.030 is hereby amended to  
40 read as follows:

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42 **11.70.030 Prohibited acts.**

- 43  
44 A. It is unlawful for any person while aboard a passenger vehicle which  
45 is transporting passengers in regular route service within the limits of  
46 the Municipality of Anchorage to:
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48 1. Smoke, consume, or use a lighted or smoldering pipe, cigar,  
49 cigarette or any other tobacco product;
  - 50  
51 2. Drink or consume alcohol or transport open alcohol containers;

3. Disturb or harass other passengers;
4. Discard, dispose, place, throw, or drop any litter, food or drink in or from a passenger vehicle, except into receptacles designated for that purpose;
5. Play any radio, MP3 player, boom box, cassette recorder, musical instrument or other such device, unless it is connected to an earphone that limits the sound to the individual user;
6. Carry any live animals except:
  - a. Properly contained small animals; or
  - b. A service animal accompanied by a passenger with a disability or a trainer;
7. Stand in front of the white/yellow line marked on the forward end of the floor of any passenger vehicle or otherwise conduct himself/herself in such a manner as to obstruct the vision of the passenger vehicle operator;
8. Knowingly fail or refuse to pay the applicable fare for transportation on the passenger vehicle in cash or tokens in the required manner;
9. Present a pass, badge or other fare medium when the person presenting such fare knows that the pass, badge or other fare medium is not valid;
10. Violate indecent exposure or exhibition laws as defined in section 8.10.080;
11. Willfully obstruct, impede, hinder, interfere with or otherwise disrupt the safe and efficient operation of the passenger vehicle or any passenger vehicle operator in the performance of his/her duties;
12. Distribute handbills or flyers on any topic or solicit or panhandle from passengers;
13. Use abusive language, insulting threats, or any other type of obscenity or physical abuse upon a passenger vehicle operator or another passenger;
14. Vandalize or destroy any portion of a passenger vehicle;
15. Deposit bodily fluids such as spit, urine, feces, vomit or blood in a passenger vehicle;

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- 16. Carry any flammable or combustible liquids, explosives, acids or any other item inherently dangerous or offense to others;
- 17. Conduct cell phone conversations on speaker phone;
- 18. Refuse to leave a passenger vehicle at the request of a passenger vehicle operator after violating this section.

**B.** Any person convicted of assaulting a public transit worker under Section 8.10.010D. shall be automatically banned from the public transit system for a period of one year, beginning on the date of sentencing for a conviction.

(AO No. 2000-127(S), § 1, 10-14-00; AO No. 2009-112, § 2, 10-13-09)

**Section 4.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 156-2024

Meeting Date: February 13, 2024

1 **From: Assembly Member Martinez**

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3 **Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**  
4 **ANCHORAGE MUNICIPAL CODE SECTIONS 8.05.015, 8.10.010, AND 11.70.030**  
5 **TO EXPAND AND CLEARLY DEFINE LEGAL PROTECTIONS FOR PUBLIC**  
6 **TRANSIT WORKERS.**

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8 The intent of the proposed ordinance is to provide more robust protections to our  
9 public transit workers who are exposed to the risk of assault by their customers. The  
10 proposed ordinance would expand the classes of persons specifically protected  
11 under Anchorage Municipal Code section 8.10.010D. to include public transit  
12 workers and explicitly provide for the court to consider the status of these victims in  
13 rendering a sentence following a conviction. Additionally, this ordinance amends  
14 AMC section 11.70.030 to automatically bar anyone convicted of assaulting a public  
15 transit worker from utilizing the public transit system for one year from the date of  
16 sentencing for a conviction.

17  
18 Finally, this ordinance clarifies the protected classes by introducing more precise  
19 definitions within AMC section 8.05.015, enlarging the class to include all first  
20 responders, as well as reorganizing these provisions to maintain alphabetical order.

21  
22 **I request your support for the ordinance.**

23  
24 Reviewed by: Assembly Counsel's Office

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26 Respectfully submitted: George Martinez, Assembly Member  
27 District 5, East Anchorage