

Proposed Amendment #1 to AO 2025-74(S-1)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.45 [05] [AND SECTIONS 8.45.015 AND 15.20.020] TO PROHIBIT CAMPING ON PROTECTED [PUBLIC] PREMISES AND PROHIBIT CONSTRUCTION ON PUBLIC LAND BY PROVIDING CRIMINAL PENALTIES [AND ENFORCEMENT PROTOCOLS CONSISTENT WITH CITY OF GRANTS PASS V. JOHNSON AND OTHER LAW].

Submitted by: Assembly Member George Martinez

PROPOSED AMENDMENT

Purpose/Summary of Amendment: Under AMC 8.05.010, unless stated otherwise, criminal conduct must be knowingly engaged in to be punished under Title 8. The proposed amendment would change the proscriptive language of Section 1 to require APD to refer persons camping in violation of 8.45.015, when there is reason to believe they have a condition or disability that would impair their ability to form the required criminal mental state.

TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [Deleting words proposed by the unamended AO or AO(S) that are not in current code])

AO(S-1) Preamble, p. 1, at lines 9, amending as follows:

WHEREAS, the Assembly recognizes that some individuals residing in public spaces are suffering from serious mental illness or cognitive impairment that limits their capacity to voluntarily comply with ordinances, and that the Assembly has introduced separate resolutions calling for a public health centered response to this specific population, including medically appropriate intervention and support strategies; and

AO(S-1) Section 1, p. 3, at lines 18, amending as follows:

C. In cases where the Anchorage Police Department has reason to believe an individual is medically or psychiatrically incapable of understanding or complying with the ordinance due to a behavioral health condition or cognitive disability, they shall refer the individual to the Anchorage Health Department or mental health crisis professionals, where available, for appropriate intervention.

D. Violation of this section is a class B misdemeanor, . . .

AO(S-1), p. 6, at lines 18, inserting a new Section 5 and amending as follows:

Section 5. Interdepartmental Coordination Encouraged. The Anchorage Police Department is encouraged to coordinate with the Anchorage Health Department and other appropriate entities to develop referral protocols that align

enforcement with emerging public health strategies adopted by the municipality. These protocols should seek to avoid criminalizing individuals suffering from acute mental illness or cognitive disability and instead prioritize humane, clinically appropriate engagement.

Section 6/3/. This ordinance shall be effective 7 days from the date of passage and 18

Will there be any public or private economic effect to the proposed amendment?

☐ YES ☒ NO (check one) **If yes, please detail below.**