

STATE OF ALASKA

DEPARTMENT OF LAW CRIMINAL DIVISION

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CS for HOUSE BILL 175(JUD) SPONSOR STATEMENT

Last year the Legislature enacted a bill that updated and changed the bail law in the state; this was significant because the bail laws had not been reorganized in a systematic way since 1966. One of the changes in the law was to extend from 24 to 48 hours the deadline within which a person must be brought before a judicial officer after arrest. This is a deadline – the law still requires that a person be taken before a judicial officer without unnecessary delay. The bill last year changed the court rules, but neglected to change the statutes to conform to the court rules. Section 1 amends AS 12.25.150(a) (relating to arrest) to conform to the provision in the legislation last year. Section 2 amends AS 12.70.130 (relating to extraditions) to conform to the provision in the bail reform legislation adopted last year.

The remaining sections of the bill correct other inconsistencies between statutes and court rules that have arisen over the last several years. These include changing the penalty for the offense of failure to possess and present upon request to a peace officer a person's driver's license when driving from a misdemeanor, similar to a class B misdemeanor, to an infraction.

The bill also changes the penalty for the crime of failure to carry and present upon request to a peace officer proof of automobile insurance when driving from a class B misdemeanor to an infraction. Current law in statute requires a mandatory fine for this offense of at least \$500; at the same time the offense is on the bail schedule for a bail amount of \$500. It is correctible under current law and would continue to be correctible under this bill.

CSHB 175(JUD) resolves a similar inconsistency in the penalty for burning a vehicle on the Knik River Public Use Area. In 2008 the legislature enacted AS 11.46.420, which adopted a new crime, arson in the third degree. This prohibits burning a vehicle on state or municipal land. The penalty for this crime is a class C felony. These sections correct this inconsistency by excluding burning a vehicle on state land from the prohibitions that are effective in the Knik River Public Use Area.

27th Legislature(2011-2011)

Journal Text for HB127 in the 27th LegislatureFull Journal

01-26-2011

House Journal

0124

HB 127

HOUSE BILL NO. 127 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information; relating to probation; and providing for an effective date."

was read the first time and referred to the Judiciary and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety
2. Zero, Dept. of Law
3. Indeterminate, Dept. of Administration
4. Indeterminate, Dept. of Corrections

The Governor's transmittal letter dated January 24, 2011, follows:

"Dear Speaker Chenault:

Together, we can better protect Alaska's children against abuse, exploitation, harm, and fear. To that end, and under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information and probation.

The bill would strengthen Alaska laws related to sexual exploitation of children and domestic violence. The bill prohibits the creation of indecent images of children, online enticement of a child, and using a computer to solicit or entice a minor to engage in sexual behavior.

01-26-2011

House Journal

0125

The bill would expand the crime of stalking to include those acts of following or monitoring the victim with a global positioning device, and using or installing a device to record or photograph events in the victim's home, workplace, vehicle, or on the victim's telephone or computer. These changes are in response to technologies that stalkers have available to terrorize victims.

Also, the bill would prohibit graphic texting, commonly known as "sexting." Perpetrators would be punished for distributing a sexually explicit image of a child under 16 years old.

The bill clarifies that conduct by predators outside the state that harm

victims in Alaska may be prosecuted in this state. The bill also clarifies that a child under 16 years old may not be left with an individual who must register as a child kidnapper.

Finally, the bill would clarify that a court may order active supervision for probationers who are on felony probation. Active supervision in particular cases enhances public safety by requiring close supervision of certain offenders. Active supervision could also be provided to certain misdemeanants in the discretion of the commissioner of corrections.

I urge your prompt and favorable action on this measure.

Sincerely,
/s/
Sean Parnell
Governor"
