



Representative Ivy Spohnholz

House Labor & Commerce Committee Chair

House Health & Social Services Committee Vice Chair

House Energy Committee Vice Chair

Serving House District 16: College Gate, Russian Jack, Nunaka Valley, & Reflection Lake

Sponsor Statement

House Bill 133 v. M

"An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

In 2013, Daniel Carey, staff at a Division of Juvenile Justice (DJJ) Facility, engaged in a sexual relationship with a 17-year-old girl he had previously supervised in a DJJ facility. The State of Alaska sought conviction of Mr. Carey for sexual abuse of a minor. However, the court found that because DJJ staff are not clearly listed as being in a "position of authority" in AS 11.41.470(5), Mr. Carey was acquitted in 2017.

HB 133 closes this loophole so that if such inappropriate behavior with minors were to occur again, DJJ staff could be prosecuted for the offense of sexual abuse of a minor.

In addition, HB 133 updates terminology in state statute that refers to the facilities operated by DJJ and clarifies the authorities and responsibilities of DJJ staff. HB 133 does not substantively change DJJ operations. The updated definitions, clarifications, and codified best practices will:

- provide clarity for law enforcement;
- give the division the authority needed to oversee juvenile cases in court, and;
- close a loophole for sexual abuse of a minor in the 1st, 2nd, and 4th degree as exhibited by the Carey case in 2017.

HB 133 enhances DJJ's ability to operate and develop clear regulations and policy. It codifies best practices to ensure safe and secure treatment of juveniles in Alaska. I urge your support.

Session (January-April):
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