

## Stuart Relay

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**From:** Letisha Payne [REDACTED]  
**Sent:** Tuesday, April 29, 2025 3:16 PM  
**To:** Sen. Matt Claman; Senate State Affairs; Rep. Robyn Burke; House State Affairs  
**Subject:** Please Support and Prioritize Kathleen's Law – SB155 & HB170

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Legislators,

I'm writing to ask you to support, prioritize, and move forward with Kathleen's Law.

SB155 and HB170.

This legislation closes a dangerous gap in our laws and gives law enforcement the ability to hold people accountable for failing to report violent crimes. This is a public safety issue that affects all of us, and the bill comes at no cost to the legislature. Please make sure this bill doesn't stall and gets the hearing and attention it deserves.

We need to pass Kathleen's Law now.

Sincerely,

Letisha Payne

Tribal member of the Native Village of EEK, ALASKA, residing in MATSU VALLEY, ALASKA.

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## Stuart Relay

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**From:** Amber Nickerson [REDACTED]  
**Sent:** Tuesday, April 29, 2025 3:43 PM  
**To:** House State Affairs  
**Subject:** House Bill 170

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

April 30, 2025

Chairperson and Members of the Committee,

Thank you for the opportunity to speak today. My name is Amber Nickerson.

Under the current language, Alaska Statute 11.56.767, Failure to Report a Violent Crime Against an Adult, a person who witnesses or has knowledge of a murder, kidnapping, or sexual assault is not mandated to report it.

Strengthening this statute gives police and investigators a meaningful tool to pursue individuals who conceal knowledge of serious crimes.

People who would already come forward and report these crimes will not be affected by strengthening this law.

They are already doing the right thing.

This change targets those who choose to stay silent because they have something to hide.

People who obstruct justice, protect offenders, or allow violent crimes to go unpunished.

The weaknesses in this statute were exposed in the case involving Ian Calhoun and Brian Steven Smith. Even Deputy Attorney General John Skidmore acknowledged in a commentary in the Alaska Beacon, "Under Alaska law, there is no general duty for citizens to report a crime or to aid law enforcement or the criminal justice system."

That is unacceptable.

It seems that putting time and resources into investigating a violation isn't feasible; making this a Class B misdemeanor means law enforcement can treat these cases with the seriousness they deserve.

AS 11.56.767 must be strengthened to elevate the failure to report a violent crime against an adult.

Alaska deserves better. Our laws must match the seriousness of violent crimes and the importance of protecting victims and our communities.

This change is modeled after laws in other states like Texas and Ohio.

Thank you. I will email my statement and I'm available for questions.

Amber Nickerson

## Stuart Relay

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**From:** Susan A [REDACTED]  
**Sent:** Tuesday, April 29, 2025 4:57 PM  
**To:** House State Affairs  
**Cc:** Rep. Ashley Carrick; Sen. Scott Kawasaki; Rep. Maxine Dibert; Sen. Elvi Gray-Jackson  
**Subject:** PUBLIC TESTIMONY OPPOSING HB 170

**Follow Up Flag:** Follow up  
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Here is a formal public testimony opposing HB 170 in its current form and recommending amendments to ensure constitutional compliance and public safety:

PUBLIC TESTIMONY OPPOSING HB 170 – "An Act relating to a failure to report a violent crime"  
Submitted to the House Judiciary Committee

April 29, 2025

Chair [Insert Chair's Name], members of the House Judiciary Committee:

Thank you for the opportunity to testify on House Bill 170, which seeks to elevate the failure to report a violent crime against an adult from a violation to a Class B misdemeanor. While I respect the intention to improve public safety, I must voice strong opposition to the bill in its current form due to its constitutional deficiencies, vague language, and the dangerous precedent it sets.

### I. Constitutional and Legal Concerns

- Violation of First Amendment – Compelled Speech

HB 170, as written, compels individuals to speak to the state under threat of criminal punishment. This violates the First Amendment, which protects the right not to speak or to remain silent (*Wooley v. Maynard*, 430 U.S. 705 (1977)). Citizens should not be criminally prosecuted for failing to perform a governmental function without a narrowly tailored law.

- Fifth Amendment – Right Against Self-Incrimination

Requiring individuals to report a violent crime without guaranteed immunity risks self-incrimination. Under *Miranda v. Arizona*, individuals cannot be compelled to provide information that may be used against them in a criminal proceeding.

- Due Process and Vagueness

HB 170 fails to clearly define:

- What qualifies as "knowledge" of a crime;
- How soon one must report;
- What method of reporting is acceptable.

This vague language violates the Due Process Clause by failing to give ordinary people clear notice of what is legally required (*Kolender v. Lawson*, 461 U.S. 352 (1983)).

- Disparate Impact on Marginalized Communities

This bill disproportionately impacts:

- Undocumented individuals afraid of ICE;
- Victims of domestic violence fearful of retaliation;
- People of color with low trust in police;
- People with cognitive impairments or PTSD.

These communities could face unfair prosecution under HB 170, raising Equal Protection concerns under both the U.S. and Alaska Constitutions.

## II. Practical and Policy Concerns

- Chilling Effect on Witnesses: Fear of prosecution could deter witnesses from coming forward in the future.
- Overburdening Law Enforcement: Unfiltered and legally vague reports may flood agencies with low-quality or fearful reports.
- Lack of Victim Protections: No exemptions are made for people experiencing trauma, coercion, or abuse.

## III. Recommendations

To make this bill legally robust and just, I respectfully recommend:

- Add clear definitions for “knowledge,” “report,” and “reasonable time frame.”
- Include affirmative defenses for fear of retaliation, deportation, mental incapacity, or trauma.
- Exclude victims, family members, and accomplices from criminal liability.
- Provide limited-use immunity for information disclosed in good faith.
- Narrow the scope to only serious violent felonies.

## IV. Conclusion

Criminalizing silence without due process, clear definitions, and immunity protections is not justice—it is coercion. HB 170, without major revision, violates core constitutional principles and risks punishing

the very people it seeks to protect. I urge you to reject the bill in its current form and adopt the amendments necessary to ensure it is both lawful and humane.

Thank you for your time and consideration.

Respectfully submitted,  
Susan Allmeroth  
Two Rivers

#### Suggested Amendments to HB 170

- Define "Knowledge" Clearly
- Add: "'Knowledge' means actual awareness based on direct observation or credible firsthand information—not rumors, assumptions, or third-party hearsay."
- Add a Timeframe for Reporting
- Add: "Reports must be made within 24 hours of acquiring actual knowledge, unless the person is physically or mentally incapacitated."
- Include Affirmative Defenses  
Add a new subsection that protects individuals who:
  - Have a reasonable fear of retaliation or harm;
  - May face self-incrimination;
  - Are undocumented or vulnerable to immigration enforcement;
  - Have mental health or cognitive impairments.
- Provide Limited Use Immunity
- Add: "A person who reports a crime under this section shall not be prosecuted based on information disclosed in the report unless the person commits a separate criminal act."
- Exclude Victims, Family Members, and Accomplices
- Add: "This section does not apply to persons who are the victim, a direct relative of the victim or perpetrator, or who may have participated in the crime."
- Limit the Scope to Violent Felonies
- Clarify that the law applies only to specific felonies, such as murder, rape, aggravated assault, or kidnapping, to avoid overcriminalization.

- Include a Good Faith Clause
- Add: “No person shall be prosecuted under this section if the failure to report was due to a good-faith belief that law enforcement was already informed or that reporting would cause harm.”
- Mandate Public Education
- Require the Department of Public Safety to conduct public awareness campaigns so people understand their duties and protections.

#### Optional Alternative Proposal

Instead of criminalizing silence, create a non-criminal duty to assist modeled after Vermont’s “duty to aid” law:

“A person who knowingly witnesses a violent felony and who can safely do so must report it, or face a civil fine—not criminal prosecution.”

This protects public safety without threatening constitutional rights.

Please do not weaponize the law against our Constitutional rights.

Susan Allmeroth  
Two Rivers

## Stuart Relay

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**From:** Antonia Commack [REDACTED]  
**Sent:** Wednesday, April 30, 2025 11:53 AM  
**To:** Sen. Matt Claman; House State Affairs; Senate State Affairs; Rep. Robyn Burke; La Creatia Wilson; House Judiciary  
**Subject:** Invited testimony for HB 170 Failure to Report a Violent Crime Committed Against an Adult

**Follow Up Flag:** Follow up  
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This is my invited testimony from the State Affairs Hearing on Tuesday April 29th, 2025.

Good afternoon, House State Affairs Committee.

My name is Antonia Unaqsiq Commack. I am Inupiaq and my family is from Shungnak. I have been a missing and murdered indigenous peoples advocate for many years. My advocacy started in 2017 when my best friend and cousin, Robyn Gray, was strangled and murdered by her partner in front of their young children. Then our other best friend, Kristen Huntington, was violently beaten, murdered and stuffed into a vacant apartment closet by her partner in 2020. They searched for her for days before finding her. This is the reality for many Alaska Native families today.

But I am not here to advocate only for the safety of Alaska Natives. HB 170, sponsored by Representative Robyn Niayuuq Burke, is a bill that will increase the safety of all Alaskans.

As my friend Amber just told you guys, we've already had one person avoid being held accountable for Failure to Report a Violent Crime Committed Against an Adult, in Ian Calhoun's case. She told you guys that John Skidmore, who is the deputy attorney general for the criminal division for the State of Alaska wrote about this in the Alaska Beacon - only after we held many protests to raise awareness.

Not only has Ian Calhoun's actions been acknowledged by the deputy attorney general but the State's prosecutor, Brittany Dunlop, said this in the murderers sentencing memorandum. Brittany Dunlop wrote, "He [meaning the killer, Brian Smith] bragged to Ian Calhoun about "having fun" the morning after torturing and killing Kathleen Jo Henry and likely showed Ian Calhoun her body in the back of his truck later that day. It is clear from the Facebook messages that Brian Smith made Ian Calhoun aware of where he dumped Kathleen Jo Henry's body. No remorse. No regret. Only amusement." - That is what the State's prosecutor said. She is acknowledging that Ian Calhoun had knowledge of these violent crimes committed by a serial killer in 2019 - and yet he walks free amongst other citizens with no accountability. His court view is completely clean.

We have to ask ourselves why Ian Calhoun is not being charged with a crime. His friend was bragging to him about a murder and showed him her dead body. This man, Ian Calhoun, later notified the serial killer that Kathleen's body had been located by law enforcement a month later.

There have been two cases that we know of where people were charged with Failure to Report a Violent Crime Committed Against an Adult. These examples are from Jacqueline Goodwin's murder case in 2016. She is also a murdered indigenous woman. Two examples of this were Anchorage Police Department cases in Connor Stefano's case (3AN-16-05645CR) and his mother Jacqueline Stefano (3AN-16-05644CR). The murderers brother and mother (Connor and Jacqueline Stefano)



knew Jacqueline Goodwin was being murdered in the basement and did not notify police. Why is Ian not being held accountable as well?

We feel that this law, as it is currently written with only a \$500 fine for not reporting, is not enough for police to put their resources into investigating. Maybe if the consequences were higher than a \$500 fine law enforcement will take these cases seriously. We just want to give police the tools they need to hold these violent criminals accountable so no one else slips through the cracks like Ian Calhoun has.

Kathleen Jo Henry's family has given us permission to advocate on their behalf. They wanted me to tell you guys this about their loved one:

"Kathleen was tough. She had no fear of anything. She always made sure we weren't being bullied or being mistreated by others. She was always willing to help anyone with anything. She loved us all in our own way. She never judged any of us, she loved us just the way we were."

Another one of her family remembers said this,

"I hope this Law passes. She had such a big spirit, too big for many, but not by the ones she loved. She had so much love for the kids in the family and created names for each of them. Despite her shortcomings, she always rose up and continued on. She loved her family and was loved in return. She is missed."

Kathleen's family has kept quiet and has been avoiding the media and do not want to talk to anyone about Kathleen's story because what happened to her is too painful for them to speak about.

I want to leave you all with this thought.

I want you all to imagine that your mother, sister, aunt or friend was kidnapped, violently sexually assaulted, tortured for hours, murdered and sexually assaulted again after death, put in a truck and kept there for two days before being thrown on the side of the road like trash. And while all of this was happening it was also being recorded and photos were being taken.

That is what happened to Kathleen Jo Henry in September 2019.

There is a man who knew about all of these crimes and he **DID NOT** report it to law enforcement.

HB 170 seeks to address this gap in our justice system.

I am asking you to please swiftly move this out of State Affairs and onto Judiciary so we can make our State safer for all Alaskans.

Taikuulapiaq, thank you very much.

Antonia Commack