



Alaska Children's
Justice Act Task Force

March 22, 2013

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The Honorable Wes Keller, Chair
House Judiciary Committee
Alaska State House
Via email: Rep.Wes.Keller@akleg.gov

Re: CSHB 73 (JUD) (Work Draft 28-GH1587\U)

Dear Representative Keller and members of the House Judiciary Committee,

The Alaska Children's Justice Act Task Force respectfully submits this letter of support for the passage of HB 73, the Governor's Crime Bill.

The genesis of the Alaska Children's Justice Act Task Force (CJA) is the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) and the Victims of Crime Act (42 U.S.C. 10601). The CJA was founded in 2002 and is federally mandated and funded. The 20 members of the task force are from across the State of Alaska and include representatives from the fields of medicine, law, child protection, juvenile justice, tribes, and education. Our mission is to: *Identify areas where improvement is needed in the statewide response to child maltreatment, particularly child sexual abuse, make recommendations, and take actions to improve the system.*

Many of the sections contained within HB 73 are consistent with the mission of CJA, that is, they will improve the system response to child maltreatment and protect Alaska's children. We particularly support the sections regarding sentencing, unlawful contact between perpetrators and victims, and changes to the mandatory reporter statutes and Evidence Rule 404. Attached to this letter is an outline of the specific sections of CSHB 73 (JUD) (Work Draft 28-GH1587\U) the CJA supports, with an explanation of why the CJA believes the section will protect children. While we do not address all sections of the governor's bill, please understand this is not because we oppose or don't support those sections but because they are outside our charge.

Thank-you very much for your consideration. If we can be of assistance or a resource for you please feel free to contact us.

Sincerely,

Alaska Children's Justice Act Task Force


Jan Rutherfordale, Chair

Our Mission: Identify areas where improvement is needed in the statewide response to child maltreatment, particularly child sexual abuse, make recommendations, and take actions to improve the system.



Sections 1 and 21-22: These sections clarify the legislature's intent with regard to referrals to three judge panels for sentencing for sexual felonies. These sections hold offenders accountable and prevent further abuse by that offender. We hope these sentences will assure victim safety and deter potential offenders.

Section 9: This section provides that incarcerated persons who have not been to trial or sentenced who contact their victim may be charged with the present crime of unlawful contact. Often in sexual abuse cases the perpetrator will contact the victim from the jail. While threats can be prosecuted under present law, these contacts are not direct threats and may seem benign or even appropriate. For example, the contact might be a card or letter from the perpetrator to the child victim expressing "how much daddy loves you", or "how much daddy can't wait to see you again". These contacts can be quite upsetting, frightening, confusing, and/or intimidating to a child victim.

Section 20 and 31-34: Section 20 provides that persons who are convicted of multiple counts of distribution or possession of child pornography must have some part of the sentence for each count be consecutive to other counts. Sections 31-34 assist law enforcement and the Attorney General to more effectively investigate child pornography. Children whose images are contained on child abuse images are victims for life as the abuse images forever circulate within the virtual universe of the internet. These sections expand the tools law enforcement has available to investigate and intervene in the continuing possession and distribution of the images. Additionally, requiring some consecutive sentencing for possession and distribution of child abuse images, in some small part, reflects the severity of the continuing, perpetual harm to the victims.

Section 35: This section provides, in the context of Title 47 child protection cases, more protection for children whose parent has sexually abused a child or required to register as a sex offender.

Sections 36-38: These sections modify the mandatory reporter statute to include athletic coaches. The CJA strongly supports this added protection to children.

Section 42: This section amends Evidence Rule 404 to eliminate the look-back requirement for prior bad acts of sexual abuse. At present prosecutors may only seek to introduce prior acts of sexual abuse which have occurred within 10 years of the prior offense. This would permit the court and jury to consider older offenses.