



Representative Ivy Spohnholz

Chair, House Ways and Means Committee

Co-Chair, House Labor and Commerce Committee

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

Sponsor Statement

House Bill 116 v. A

"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 at work. The State of Alaska sought conviction of Mr. Carey for sexual abuse of a minor. However, the court found that DJJ staff are not explicitly listed as being in a "position of authority" under AS 11.41.470(5). Mr. Carey was acquitted in 2017 due to this finding.

HB 116 closes this loophole. If such inappropriate behavior were to occur again with youth in their custody, DJJ staff could be prosecuted for the offense of sexual abuse of a minor.

In addition, HB 116 updates terminology in state statute referring to facilities operated by DJJ and clarifies the authorities and responsibilities of DJJ staff. HB 116 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 2nd degree as exhibited by the Carey case in 2017.

HB 116 enhances DJJ's ability to operate with clear policies and regulations and, codifies best practices, and strengthens protections against the sexual abuse youth in their custody to ensure safe and secure treatment of juveniles in Alaska. I urge your support.

Session (January-April):
State Capitol
Juneau, AK 99801
Phone (907) 465-4940

Rep.Ivy.Spohnholz@akleg.gov
www.repivyspohnholz.com
Toll-Free (866) 465-4940

Interim (May-December):
1500 W Benson Blvd
Anchorage, AK 99503
Phone (907) 269-0123