



March 3, 2022

House State Affairs Committee
Senate Judiciary Committee
Alaska State Legislature
Juneau, AK 99801-1182

Dear Members of the House State Affairs Committee and Senate Judiciary Committee:

Cook Inlet Tribal Council (CITC) and the Alaska Native Justice Center (ANJC) support the Governor's anti-sex trafficking legislation (HB 317/SB 189), in particular the provisions that allow for expungement of prostitution charges in cases of sex trafficking and creating a new offense for purchasers of sex trafficking. In addition, we urge the legislature to add the following provisions: 1) to create a Safe Harbor provision so that juvenile victims of trafficking cannot be prosecuted for prostitution and redirect them to specialized services; 2) to amend administrative subpoena law, AS 44.23.080, to permit the administrative subpoena power to extend to sex trafficking violations; 3) to add increased fines and property seizure to the penalties for those benefiting from trafficking. We address each of these in more detail below.

ANJC conducted an in-depth landscape analysis in 2021 on the status of sex trafficking in Alaska. While the data remains difficult to collect, the landscape analysis documented several needed policy changes. HB 317 and SB 189 address two of those concerns: expungement of prostitution convictions when associated with sex trafficking and establishing a new crime of "patron of a victim of sex trafficking." These are much needed and necessary steps to address what appears to be a continuing and growing concern in the state. However, although sex trafficking has been added to the penalties that include a potential \$500,000 fine, we recommend that the penalties for patrons be amended to include both increased fines and property seizure as well, both the patrons and for those benefitting from trafficking, and that the revenue generated from this be allocated to supporting prevention and restoration programs.

Alaska currently does not have a Safe Harbor provision for juveniles accused of prostitution as a result of trafficking. Our data indicate that there have been few juvenile prosecutions for prostitution in the past eight years, but that the threat of prosecution is still used by traffickers to maintain control over their

young victims. In addition, if youth knew they were immune, they might be more likely to come forward and seek help for trafficking from law enforcement and direct service providers. Safe Harbor laws are also considered a best practice nationally in combatting trafficking. Therefore, CITC and ANJC recommend adding a Safe Harbor provision to the legislation.

CITC and ANJC recommend amendments to administrative subpoena law in AS 44.23.080, which states that if there is reason to believe the internet was used in connection with certain violations, law enforcement may apply for an administrative subpoena to obtain business records of the internet service provider, whether in-state or out-of-state. The 2013 State Task Force's recommended amendment was to include trafficking statutes AS 11.41.360 and 11.66.110-135 as other identified violations tied to this law, as well as to include the company running the website where ads are posted, rather than only the internet service provider. As a side note, we understand that there is currently only one prosecutor in the Department of Law dedicated to cybercrime, including child pornography and other crimes as well as the increasing use of the internet for sex trafficking. This lack of resource undermines the state's ability to fully address these crimes.

Finally, CITC and ANJC strongly urge the implementation of effective prevention strategies that include education campaigns at the local level to identify trafficking pipelines and perpetrators, familiarize parents, teachers and community members with telltale signs of trafficking and support local providers in both prevention and response to create a comprehensive approach to this serious offense, which affects Alaska Native people disproportionately.

Please feel free to contact me with further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gloria O'Neill', with a long horizontal line extending to the right.

Gloria O'Neill
President/CEO
Cook Inlet Tribal Council
Alaska Native Justice Center