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Governor Mike Dunleavy
STATE OF ALASKA

February 7, 2023

The Honorable Cathy Tilton
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to increased protection for victims of sex offenses and domestic violence.

This legislation eliminates gaps in Alaska's criminal justice system and improves our laws to help victims. Specifically, the bill removes incentives for sex offenders from out of state to relocate to Alaska; helps our law enforcement personnel better monitor the activities of sex offenders within our state; more appropriately groups violations of protective orders for stalking and sexual assault with violations of protective orders for domestic violence; ensures adequate sanctions for repeated violations of conditions of release; reduces the trauma victims experience by participating in our justice system; and ensures professionals can engage with children involved in sex offenses to provide help to those children.

For too long Alaska has had the unfortunate distinction of having the highest rate of sexual assault in the United States according to FBI data. Alaska's sexual assault rate is more than four times the national average, and more than double that of the next closest state. Given these statistics, it is deeply troubling that our existing laws has critical gaps that allow convicted sex offenders to go undetected, makes Alaska a refuge for sex offenders, and leaves our most vulnerable citizens exposed.

This legislation eliminates Alaska as an option for sex offenders from other states seeking to avoid registration requirements by updating Alaska's registration requirement to be more in line with the federal scheme. Under existing law, a sex offender who is required to register in their state of conviction is not always required to register in Alaska. This makes Alaska attractive to sex offenders who seek to avoid registration. This legislation closes that gap and simply says: "If you are required to register in your home state and you come to Alaska, you will be required to register here, regardless of when you were convicted." This change will respect the decision

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made in the person's home state that required the person to register, as well as protect Alaskans. A sex offender should not be allowed to avoid registration simply by moving to Alaska.

The legislation also protects victims of stalking by increasing the level of offense where a person stalks someone in violation of a stalking or sexual assault protective order. Under current law, a person can be convicted of stalking in the first degree, which is a felony, for stalking someone while violating a domestic violence protective order. However, it is only a misdemeanor for violation of a stalking protective order. This legislation would close that gap and include stalking someone in violation of a stalking or sexual assault protective order among the conduct that will elevate the offense to stalking in the first degree (class C felony).

The legislation further protects victims and the public by mandating additional sanctions when defendants repeatedly violate conditions of release. Unfortunately, defendants often disregard the conditions and bail imposed by the court. This conduct turns our jails into revolving doors and is a drain on Alaska's justice system. To help address this growing problem, the legislation requires that the court impose additional jail time for each conviction of violation of conditions of release under AS 11.56.757. This additional sanction will send a message that bail and conditions imposed by the court are to be followed and that there are consequences for failing to do so.

The legislation also reduces the stress that victims are forced to experience when required to testify at grand jury. More than 30 other jurisdictions allow grand jury proceedings without requiring the victim to testify. Alaska law, on the other hand, requires that a victim take time off work or school to testify, and insists those victims relive their trauma before the grand jury – a room of strangers. This is required even though the victim provides statements to law enforcement usually mere days earlier. This all makes the grand jury process cumbersome and inefficient and causes a hardship on the victim and witnesses. This legislation relaxes the rules and allows key witnesses, typically the officer in the case, to summarize the testimony of other witnesses. This will permit prosecutors to call fewer witnesses at the grand jury phase of the case, reducing the need for the victim to relive their trauma so soon after the crime occurred. It will also make the process more efficient and reduce the backlog that was created when grand juries were suspended due to COVID-19.

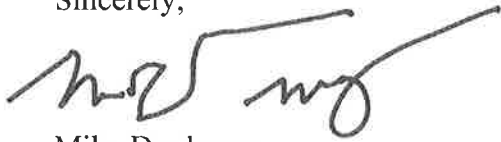
Finally, the legislation makes changes aimed at protecting our most vulnerable citizens: our children. The legislation allows multidisciplinary child protection teams to accept referrals of cases where there has been sexual contact or sexual penetration that occurs between children under the age of 13. Typically, when children who are under 13 engage in this type of behavior, prosecution or adjudication is not considered appropriate or effective. Rather the mental and physical well-being of both children becomes the singular goal. However, without this change, the multidisciplinary child protection teams cannot engage at all. Giving multidisciplinary child protection teams, who are the experts in this field, the statutory authority to accept referrals of these cases will make it easier to appropriately address this behavior in young children and provide the children with any needed therapeutic assistance.

This legislation will close gaps in our laws and better protect Alaskans. The legislation will provide the tools for us to monitor offenders and protect Alaskans from future victimization.

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I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Dunleavy". The signature is stylized with a large, sweeping initial "M" and a long, horizontal stroke extending to the right.

Mike Dunleavy
Governor

Enclosure