



May 8, 2024

The Honorable Donny Olson, Co-Chair  
Senate Finance Committee  
Alaska Capitol Building  
Juneau, AK 99801

**Re: House Bill 66 (Version N)**

Dear Co-Chair Olson and Members of the Committee,

The ACLU of Alaska writes to express our concerns about Version N of House Bill (HB) 66, which was advanced by the Senate Judiciary Committee and packages together HB 66 with SB 53, HB 67, and other legislation.

We appreciate the legislature's desire to address the state's overdose death crisis, gaps in Alaska's civil commitment system that have led to harm, and ways to reduce the trauma of criminal prosecutions on victims.

However, we are opposed to HB 66 because it represents a serious and broad erosion of Alaskans' constitutional rights, and relies on ineffective strategies to address a public health overdose crisis.

**Instead of further criminalizing drug use through a "drug-induced homicide" law, we urge you strengthen Alaska's Good Samaritan statutes to reduce overdose deaths.** AS 11.71.311 provides immunity from prosecution for certain charges of possession of a controlled substance, when a person seeks assistance for someone experiencing a drug overdose. This type of protection can help save lives, especially when backed by strong public and law enforcement awareness, by reducing hesitancy to call first responders. HB 66 should:

- Amend AS 11.71.311(a) to state that "a person may not be **arrested or** prosecuted" for the cited crimes in circumstances described in the statute. This would explicitly provide immunity from arrest, as 41 other states have done.<sup>1</sup>
- Add 11.71.030 (a)(2) and (3) (in "Misconduct involving a controlled substance in the third degree" crime) to list of offenses in AS 11.71.311 that may not be arrested or prosecuted in circumstances described in the statute.
- Add language to AS 12.55.110(a) ("Notice and grounds for revocation and suspension") stating that probation may not be revoked for conducted covered by AS 11.71.311.
- Add language to AS 33.16.220(a) ("Revocation of parole") stating that parole may not be revoked for conduct covered by AS 11.71.311.

Such steps will be more effective than the purely punitive approach of "drug-induced homicide" legislation, which has been shown to deter people from seeking help rather than deterring

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<sup>1</sup> U.S. Government Accountability Office, GAO-21-248, *Drug Misuse: Most States Have Good Samaritan Laws and Research Indicates They May Have Positive Effects*, Page 14, available at <https://www.gao.gov/assets/gao-21-248.pdf>.

distribution of dangerous drugs. Alaska cannot overcome its overdose epidemic by relying on Alaska's prison system, where 80 percent of people have a substance use disorder. Prison is not an appropriate place to confine people while they detox or go through withdrawal, which often occurs in isolation. Access to appropriate care, and continuity of care, is challenging, and the risk of overdose death during and after incarceration is high.

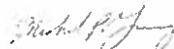
Additionally, we remain opposed to provisions allowing a person to be involuntarily committed for up to two years; and Section 51, which would vastly increase the amount of hearsay allowed at grand juries. The impetus for both changes is understandable. But these provisions represent a disregard for the constitutional rights of Alaskans, and we urge you to delete them.

Regarding involuntary commitment, Sections 45 and 47 establish a framework that would allow a person to be subject to an involuntary commitment period of two years, prohibit petitions for early discharge prior to 180 days of an initial commitment order, and require court approval of a doctor's discharge decision. Committing someone to a psychiatric facility against their will in this manner impermissibly curtails their liberty and violates constitutional rights to due process under both the United States and Alaska Constitutions. HB 66 can address a legitimate public safety concern without these provisions, which will effectively warehouse mentally ill Alaskans. Moreover, long-term commitments will exacerbate Alaska's psychiatric facility capacity crisis. The changes proposed by Sections 45 and 47 will lead to an increased reliance on prisons to manage involuntary commitments.

Section 51 would fundamentally change the grand jury process in this state. Grand juries function to ensure the state has sufficient evidence to require a person to stand trial for a felony. Grand jurors cannot fulfill one of their key duties – to evaluate the truthfulness of testimony – if they do not hear the firsthand witnesses, but instead receive only hearsay. This change would increase the chance that cases advance on questionable evidence. While it is important that Alaska take steps to reduce the trauma that people experience within the criminal legal system, this sweeping change would erode an important safeguard against misguided prosecution.

Thank you for your consideration of our views. If you have any questions, please do not hesitate to contact me at [mgarvey@acluak.org](mailto:mgarvey@acluak.org).

Sincerely,



Michael P. Garvey  
Advocacy Director

## Doniece Gott

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**From:** rozlyn\_grady@everyactioncustom.com on behalf of Rozlyn Grady-Wyche  
<rozlyn\_grady@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 2:12 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm.

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Rozlyn Grady-Wyche  
Anchorage, AK

## Doniece Gott

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**From:** deirdree06@everyactioncustom.com on behalf of Deirdre Downey <deirdree06@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 2:19 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Deirdre Downey  
Juneau, AK

## Doniece Gott

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**From:** jordyn.chabotte@everyactioncustom.com on behalf of Jordyn Chabotte  
**Sent:** Wednesday, May 08, 2024 10:09 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Jordyn Chabotte  
Wasilla, AK

## Doniece Gott

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**From:** theresalyons907@everyactioncustom.com on behalf of Theresa Lyons <theresalyons907@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 12:27 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Theresa Lyons  
Anchorage, AK

## Doniece Gott

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**From:** cowanrosalee@everyactioncustom.com on behalf of Rosalee Cowan  
<cowanrosalee@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 1:13 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Rosalee Cowan  
Wasilla, AK

## Doniece Gott

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**From:** tln4dwild@everyactioncustom.com on behalf of Thomas Nieland  
<tln4dwild@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 3:10 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Thomas Nieland  
Alamo, TX



## Doniece Gott

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**From:** deirdree06@everyactioncustom.com on behalf of Deirdre Downey <deirdree06@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 3:31 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm.

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Sincerely,  
Deirdre Downey  
Juneau, AK

## Doniece Gott

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**From:** Othberlin@everyactioncustom.com on behalf of Sven Sorge  
<Othberlin@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 4:37 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Sven Sorge  
Berlin, AA

## Doniece Gott

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**From:** eycewolf@everyactioncustom.com on behalf of Fenra Bondarenko  
<eycewolf@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 7:56 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Fenra Bondarenko  
Anchorage, AK

## Doniece Gott

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**From:** alison\_anne13@everyactioncustom.com on behalf of Allison Chavis <alison\_anne13@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 8:03 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Allison Chavis  
Anchorage, AK

## Doniece Gott

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**From:** alexissheeder@everyactioncustom.com on behalf of Alexis Cisneros  
<alexissheeder@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 8:47 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,  
Alexis Cisneros  
Anchorage, AK

## Doniece Gott

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**From:** bjdunham@everyactioncustom.com on behalf of Barbara Dunham  
<bjdunham@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 8:53 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm.

There is no evidence the measures increasing penalties for drug dealers will do anything to prevent the harms they purport to address. But they are guaranteed to increase costs related to incarceration.

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow. We must first address our chronic shortage of psychiatric treatment options before these provisions can have their intended effect.

Finally, the erosion of grand jury protections will harm any Alaskan wrongfully accused of a crime. It will make it harder for innocent Alaskans to get wrongful charges dropped or prove their innocence at trial. There are other ways to improve the experience of victims without eroding these longstanding protections of our fundamental rights.

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Sincerely,  
Barbara Dunham  
Anchorage, AK

## Doniece Gott

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**From:** princesslucaj@everyactioncustom.com on behalf of Princess Johnson  
<princesslucaj@everyactioncustom.com>  
**Sent:** Thursday, May 09, 2024 9:16 AM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm.

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Sincerely,  
Princess Johnson  
Fairbanks, AK

## Doniece Gott

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**From:** ericschneider77@everyactioncustom.com on behalf of Eric Schneider <ericschneider77@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 9:40 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

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Sincerely,  
Eric Schneider  
Fairbanks, AK



## Doniece Gott

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**From:** amenoartemis@everyactioncustom.com on behalf of AJ Cho  
<amenoartemis@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 8:26 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
AJ Cho  
San Leandro, CA

## Doniece Gott

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**From:** shanahrstone@everyactioncustom.com on behalf of Shoshanah Stone  
<shanahrstone@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 7:54 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Shoshanah Stone  
Anchorage, AK

## Doniece Gott

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**From:** kathrynedufresne@everyactioncustom.com on behalf of Kathryn DuFresne  
<kathrynedufresne@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 9:25 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Kathryn DuFresne  
Anchorage, AK

## Doniece Gott

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**From:** nash.carrie@everyactioncustom.com on behalf of Carrie Nash  
<nash.carrie@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 8:59 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I am a resident of Fairbanks and am begging you NOT to pass HB66 as it currently stands. I applaud you for trying to address the needs of mentally ill Alaskans, but this current effort takes money away from preventative measures and punishes people who are sick and need help. I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Carrie Nash  
Fairbanks, AK

## Doniece Gott

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**From:** sbright40@everyactioncustom.com on behalf of Susan bright <sbright40@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 8:53 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Susan bright  
Anchorage, AK

## Doniece Gott

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**From:** kyra.sherwood@everyactioncustom.com on behalf of Kyra Sherwood  
<kyra.sherwood@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 8:50 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. The issues in the bill need attention, but HB 66 addresses them in all the wrong ways. Far from solving these problems, it will actually make things worse for vulnerable Alaskans. HB 66 will erode constitutional protections in the state's criminal legal system, mispend state money, and fail to prevent serious harm.

The drug-induced homicide provisions of the bill rely on a purely punitive strategy that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision would require more complex prosecutions and longer sentences while actually reducing resources the state can use to prevent overdoses and save lives. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space and lead to a further reliance on prisons to handle overflow. This is a truly alarming overreach of the state's power, representing a serious threat to Alaskans' freedoms.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars in ways that prevent tragedies from occurring, rather than ineffectively punishing people who are already hurting after someone has been harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Kyra Sherwood  
Anchorage, AK

## Doniece Gott

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**From:** medischner@everyactioncustom.com on behalf of Molly Dischner  
<medischner@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 8:34 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I am one of countless Alaskans who has lost friends and family to addiction and mental health issues. I desperately want to see our state address the intertwined issues that result in drug overdose deaths, drug related crimes, and other drug and mental health related issues. As such, I urge you NOT to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. The issues the bill attempts to address, including the state's overdose crisis, require attention, but HB 66 is not the right remedy. This bill relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will mispend state money, and fail to prevent harm.

I am asking that the Senate Finance Committee does not advance the bill, and that our legislators work on a better solution to the challenges our state and neighbors are facing.

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. It also appears the bill would reduce the resources available to the state to prevent Alaskans from dying. This is NOT what Alaskans need after record numbers of overdoses in recent years.

Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Molly Dischner  
Sterling, AK



May 5, 2024

Dear Alaska State Senate Finance Members,

We are writing in opposition to HB66, and with suggestions to remove some unintended consequences.

In this letter we will discuss our objections to how sections 30 and 32 of HB 66 will harm sex workers and sex trafficking survivors: the sex offender registration for sex trafficking in the first and second degrees and the length of time required for domestic travel notification for sex offenders and we will provide fixes.

We also recognize the danger and harm in this bill to drug users, those with intellectual disabilities, and the integrity of our grand jury process.

### Sex Offender Registry

Currently Section 32 expands the definition of registerable sex offenses to include sex trafficking in the first and second degrees (page 25, line 12), but many things that sex workers do for safety are included in the sex trafficking in the second degree statute, which includes sex workers working together (a "prostitution enterprise"), sharing safe clients ("procures or solicits a patron for a prostitute"), and traveling together which is a standard safety practice especially when traveling to work in remote areas of the state with little to no law enforcement. CUSP's board member Amber Nickerson was convicted under this statute for travel. Please view this [video](#)<sup>1</sup> of Mr. Skidmore of the Department of Law at the March 20, 2023 House Judiciary hearing insisting that they absolutely would charge sex workers who do a single duo with having a prostitution enterprise. Unfortunately, sex trafficking survivors are even more likely to be charged under this statute than sex workers, because they often work together and traffickers know they can limit their criminal liability by making their victims responsible for travel and other arrangements.

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<sup>1</sup> <https://fb.watch/rSpSzxIFK/>



Making sex offenders out of sex workers and sex trafficking survivors who work together to increase our safety does not make Alaskans safer. Forcing sex workers and sex trafficking victims who are not accused of victimizing anyone to register as sex offenders is a misuse of the registry and misinforms the public. The public expects that the registry is a list of people who harmed others, not common prostitutes who worked together for safety. It keeps sex trafficking survivors and sex workers trapped in the underground economies, makes housing inaccessible, and makes trafficking victims' addresses public so that traffickers can continue to victimize them.

These unintended consequences in HB 66 can be rectified by adopting a definition of sex trafficking that makes more sense which is currently proposed in HB 68 Section 32:

\* **Sec. 32.** AS 11.41 is amended by adding new sections to read:

20 **Sec. 11.41.340. Sex trafficking in the first degree.** (a) A person commits the  
21 crime of sex trafficking in the first degree if the person  
22 (1) **as** other than a patron of a victim of sex trafficking, induces or  
23 causes another person to engage in a commercial sexual act through the use of force or  
24 threat of force against any person; or  
25 (2) violates AS 11.41.345 and the person induced or caused to engage  
26 in the commercial sexual act is  
27 (A) under 21 years of age; or  
28 (B) in that person's legal custody.  
29 (b) Sex trafficking in the first degree is an unclassified felony.  
30 **Sec. 11.41.345. Sex trafficking in the second degree.** (a) A person commits  
31 the crime of sex trafficking in the second degree if, **as** other than a patron of a victim  
01 of sex trafficking and with the intent to promote sex trafficking, the person induces or  
02 causes another person to engage in a commercial sexual act.  
03 (b) Sex trafficking in the second degree is a class A felony.  
04 **Sec. 11.41.350. Sex trafficking in the third degree.** (a) A person commits the  
05 crime of sex trafficking in the third degree if, **as** other than a patron of a victim of sex  
06 trafficking, the person provides services, resources, or other **assistance** in furtherance  
07 of a violation of AS 11.41.340 or 11.41.345.  
08 (b) Sex trafficking in the third degree is a  
09 (1) class B felony if the value of the services, resources, or other  
10 **assistance** provided is \$200 or more; or  
11 (2) class C felony if the value of the services, resources, or other  
12 **assistance** provided is less than \$200.

Intent language should be added to the third degree sex trafficking. Section 32 also includes this important definition:

**Sec. 11.41.357. Inducing or causing a person to engage in a commercial**  
28 **sexual act.** For purposes of AS 11.41.340 - 11.41.355, a person induces or causes  
29 another person to engage in a commercial sexual act including by  
30 (1) exposing or threatening to expose confidential information or a  
31 secret, whether true or false, that would subject a person to hatred, contempt, or

- 01 ridicule;
- 02 (2) destroying, concealing, or threatening to destroy or conceal an  
03 actual or purported passport or immigration document or another actual or purported  
04 identification document of any person;
- 05 (3) threatening to report a person to a government agency for the  
06 purpose of arrest or deportation;
- 07 (4) threatening to collect a debt;
- 08 (5) instilling in a person a fear that lodging, food, clothing, or  
09 medication will be withheld from any person;
- 10 (6) providing a controlled substance to or withholding a controlled  
11 substance from the other person; or
- 12 (7) engaging in deception as defined in AS 11.81.900(b).

To which we would suggest just a slight tweak to (6) to indicate that this does not refer to, for example, an alcoholic drink or marijuana.

Removing the current sex trafficking statutes (11.66.110-135) and adding this proposed definition instead in 11.41 would correct current issues with the sex trafficking statute and make it make sense as a sex offense requiring registry.

#### Seven Day Notification For Leaving the State in Section 30

Alaska's federal prosecutors are not alone<sup>2</sup> in charging sex trafficking survivors with conspiracy to commit sex trafficking under federal law, making them registered sex offenders<sup>3</sup>. However they have been quite heavy handed in this regard, resulting in Alaskan sex trafficking survivors addresses made public for the traffickers they testified against and their associates to see, even during ongoing criminal proceedings against the traffickers. At last week's hearing in House Finance, a sex trafficking victim of color, who was only 18 when she was charged with conspiracy to sex traffick, testified in opposition to HB 68.

One local sex trafficking survivor who is mandated to register as sex offender as a result of being charged federally with conspiracy to traffic is set to testify against her trafficker in an upcoming state trial for when he shot her three times and left her for dead while she was pregnant with his child. He also has other open state cases for murder and escape. Currently her sister has been missing since September of 2023 and she has received text messages saying that he had her sister killed and will have her killed if she doesn't comply with his demands regarding her testimony in his upcoming trials. As a result of his threats, it has been necessary on two occasions for her to leave the state immediately to stay in safe houses for her safety. HB66 as written would cause additional barriers for sex trafficking victims like her to gain access to safety by preventing them from fleeing to safety in a timely manner which could have resulted, in her case, in her murder. Please remove Section 30's unnecessary burden of

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<sup>2</sup> <https://antitraffickingreview.org/index.php/atjournal/article/view/450/368>

<sup>3</sup> <https://polarisproject.org/survivor-story-keyana-marshall/>

mandating seven day travel notification for domestic travel that will endanger Alaskan sex trafficking survivors.

Thank you for your consideration to improve HB66 as it moves forward to reduce the harm to Alaska's most vulnerable. We hope that you will also consider its harm to drug users, those with intellectual disability, and the integrity of our grand jury process by just voting No on this bill outright.

Sincerely,  
Maxine Doogan  
Terra Burns  
Amber Nickerson  
Kat McElroy

## Doniece Gott

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**From:** Susan A <susanallmeroth@gmail.com>  
**Sent:** Tuesday, May 07, 2024 10:46 AM  
**To:** Senate Finance Committee; Sen. Scott Kawasaki; Rep. Frank Tomaszewski; Sen. Robert Myers  
**Subject:** HB 66

I am writing to express my opposition regarding House Bill 66 (HB 66), which aims to increase penalties for drug-induced homicide in Alaska.

While I understand the urgency of addressing the overdose crisis, I believe that HB 66's approach may have unintended consequences and fall short of achieving our goals. Here are some key points to consider:

### **Punitive Measures Alone Are Insufficient:**

HB 66 focuses primarily on punitive measures, such as charging drug dealers with second-degree murder. While accountability is essential, we must recognize that addiction is a complex issue. I disagree with this level of charge being applied without the evidence of deaths. It is borderline unconstitutional.

Rather than solely punishing drug dealers, we should invest in comprehensive strategies that address prevention, treatment, and recovery.

### **Balancing Public Safety and Individual Rights:**

HB 66's aggressive approach risks discouraging individuals from seeking help during emergencies. Fear of legal repercussions may prevent people from calling for assistance when someone overdoses.

We need a balanced approach that protects public safety while respecting individual rights and encouraging community members to seek help without hesitation.

### **Evidence-Based Solutions:**

Instead of relying solely on punitive measures, let's prioritize evidence-based solutions:

**Harm Reduction Programs:** Implement and expand harm reduction initiatives, including needle exchange programs, supervised injection sites, and naloxone distribution. These programs save lives and connect individuals to resources.

**Treatment Access:** Invest in accessible and affordable addiction treatment services. Remove barriers to treatment, such as waiting lists and insurance limitations.

**Education and Awareness:** Educate the public about the risks of fentanyl and other opioids. Prevention starts with awareness.

**Community Support:** Strengthen community-based organizations that provide support, counseling, and rehabilitation services.

**Collaboration and Resources:**

Let's work collaboratively with law enforcement, healthcare providers, community leaders, and affected individuals. A multi-sector approach is crucial.

Allocate resources to prevention, treatment, and harm reduction rather than focusing solely on punitive measures.

In summary, HB 66, while well-intentioned, may not be the most effective solution. Let's prioritize evidence-based approaches that save lives, protect individual rights, and build stronger communities. Together, we can combat the overdose crisis and create a safer Alaska.

Thank you for your attention to this critical matter.

Susan Allmeroth

Two Rivers

## Doniece Gott

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**From:** lizzzdean@everyactioncustom.com on behalf of Liz Dean  
<lizzzdean@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 1:16 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Liz Dean  
Anchorage, AK

## Doniece Gott

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**From:** alaskanmom64@everyactioncustom.com on behalf of Rosalyn Wyche <alaskanmom64@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 1:21 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Rosalyn Wyche  
Anchorage, AK

## Doniece Gott

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**From:** alaskanwhitman@everyactioncustom.com on behalf of Monica Whitman  
<alaskanwhitman@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 1:33 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Monica Whitman  
Eagle River, AK



## Doniece Gott

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**From:** jimloveland52@everyactioncustom.com on behalf of Jim Loveland <jimloveland52@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 1:39 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm.

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Jim Loveland  
Saint Petersburg, FL

## Doniece Gott

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**From:** 4fjord4@everyactioncustom.com on behalf of Richard Anderson <4fjord4@everyactioncustom.com>  
**Sent:** Wednesday, May 08, 2024 1:44 PM  
**To:** Senate Finance Committee  
**Subject:** HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,  
Richard Anderson  
Anchorage, AK