

ALASKA STATE LEGISLATURE
SENATE JUDICIARY COMMITTEE

April 19, 2002
1:42 p.m.

MEMBERS PRESENT

Senator Robin Taylor, Chair
Senator John Cowdery
Senator Gene Therriault
Senator Johnny Ellis

MEMBERS ABSENT

Senator Dave Donley, Vice Chair

COMMITTEE CALENDAR

SENATE BILL NO. 231
"An Act relating to correctional facilities."
MOVED CSSB 231(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 243
"An Act relating to sexual assault or abuse of a minor."
MOVED CSHB 243(JUD) OUT OF COMMITTEE

Confirmation Hearing: Sheila Selkregg, PhD, Board of Governors of
the Alaska Bar Association

CONFIRMATION ADVANCED

PREVIOUS SENATE COMMITTEE ACTION

SB 231 - See CRA minutes dated 3/20/02 and Judiciary minutes
dated 4/10/02 and 4/15/02.

HB 243 - No previous action to record.

WITNESS REGISTER

Representative Fred Dyson
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 243.

Ms. Anne Carpeneti
Assistant Attorney General
Department of Law

PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Answered questions about HB 243.

Ms. Ann Thomas
Ketchikan, AK

POSITION STATEMENT: Supports HB 243.

Sheila Selkregg, PhD
7120 E. Chester Hts. Cir.
Anchorage, AK 99504

ACTION NARRATIVE

TAPE 02-20, SIDE A
Number 001

CHAIRMAN ROBIN TAYLOR called the Senate Judiciary Committee meeting to order at 1:42 p.m. Senators Ellis, Cowdery, and Chair Taylor were present. The committee took up SB 231.

#SB 231

SB 231-CORRECTIONAL FACILITY EXPANSION

CHAIRMAN TAYLOR informed participants that the committee heard SB 231 at its previous hearing.

SENATOR COWDERY moved CSSB 231(JUD) with individual recommendations and its attached fiscal note.

CHAIRMAN TAYLOR announced that without objection, the motion carried.

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#HB 243

HB 243-VERIFY AGE REQD FOR DEFENSE IN SEX CRIMES

REPRESENTATIVE DYSON said Alaska has the dubious distinction of leading the nation in child abuse and child sexual abuse. The older males who typically prey on young girls sometimes use the defense that they were told by the female that she was 16. In working with prosecutors and law enforcement officials, he wants to make it clear in Alaska law that that is not an adequate defense. If, in fact, the victim is under 16 or at least four years younger than the perpetrator, the older male needs a stronger defense than that he was told the minor was of age. Representative Dyson said in his first draft of this legislation,

the older male would have to card the minor or ask his or her parents. However, Representative Berkowitz argued that was not adequate. The House Judiciary committee substitute requires the perpetrator to have reasonably believed the victim to be of age, which is existing law, and to have taken reasonable measures to verify the victim was of age or older. Representative Dyson said that in order to get a conviction in most crimes, the prosecutor must demonstrate that the perpetrator knew it was a crime.

CHAIRMAN TAYLOR noted the words, "unless the victim was under 13 years of age at the time of the alleged offense" are being deleted and said that 13 has been the age of consent in Alaska for some time, which he finds offensive. He asked if, "in fact, by removing that is it possible for someone to have made reasonable effort and to have believed and yet to have sexually abused someone who is under 13 years of age?"

REPRESENTATIVE DYSON replied that Ms. Carpeneti, while testifying in the House Judiciary Committee, brought up a case in which the Alaska Court of Appeals ruled that one can't have an arbitrary lower limit for which the defense can say, "I thought they were of age." So by removing that phrase, the state statutes will be brought into conformity with that ruling. He asked that Ms. Carpeneti address that question.

MS. ANNE CARPENETI, representing the Criminal Division of the Department of Law, said the Court of Appeals held that even if the victim is under 15, the defendant must be allowed the possibility of proving the affirmative defense of mistake of age.

CHAIRMAN TAYLOR asked how old the defendant was in that case.

MS. CARPENETI said she would find out. She then explained the age of consent is 16 for consensual sexual relations but, under age 13, the law had provided that a defendant cannot try to prove mistake of age. However, since the Court of Appeals ruling, that law was struck down so it is being removed in HB 243.

CHAIRMAN TAYLOR took public testimony.

MS. ANN THOMAS, representing herself, said she is extremely concerned for our children and society and the pressures that girls and boys are experiencing with their own sexuality and development. She is glad to see this legislation. She expressed concern that no legislation pass that can provide the perpetrator a route to escape or get an easier sentence. She does not want to see a perpetrator get an excellent defense attorney and be able to say that he or she was shown a false ID. She believes young

people will search for ways to become adults and use clever means, such as getting false IDs, and put themselves in situations they cannot handle. She noted perpetrators come in "all sizes, shapes, and colors." She said she works with children and has found that parents cannot always be depended upon to protect their children. Therefore she believes it is very important that any laws enacted do not contain any loopholes. She said this issue comes down to a basic common sense principle: what is the perpetrator doing anyway having sex with someone whose age they do not know. She asked legislators to continue to enact stricter laws.

SENATOR COWDERY moved CSHB 243(JUD) from committee with individual recommendations.

CHAIRMAN TAYLOR announced that without objection, the motion carried. He then noted the committee would discuss the confirmation of Dr. Sheila Selkregg.

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CHAIRMAN TAYLOR asked Dr. Selkregg to give members a rundown of her background and the reasons she wants to be seated on the Board of Governors of the Alaska Bar Association.

DR. SHEILA SELKREGG said she is a lifelong Alaska resident who has worked in community development and planning. She has been employed by the Municipality of Anchorage as a planning director and previously ran the rural programs for the USDA rural development. She is currently a consultant to the Alaska Federation of Natives for their wellness programs. She said she was asked to sit on the Board of Governors and said she recognizes the importance of legal integrity, considering how important the courts are and how often cases are settled in court. She sees her role on the Board of Governors as a public duty.

CHAIRMAN TAYLOR asked Dr. Selkregg if she has sat on the board.

DR. SELKREGG said she has not but has received reams of information from the Board and will need a whole new bookshelf in her house just to get prepared.

SENATOR THERRIAULT noted Dr. Selkregg worked as an assistant to Dr. Lidia Selkregg in 1974 and asked what the relationship is.

DR. SELKREGG said Dr. Lidia Selkregg is her mother.

SENATOR THERRIAULT asked if she is related to Lee, with Rise

Alaska.

DR. SELKREGG said Lee is her brother.

SENATOR THERRIAULT asked about Dr. Selkregg's work as a news reporter in 1968.

DR. SELKREGG said she did that job right after high school and then went on to college.

SENATOR THERRIAULT asked Dr. Selkregg about her job duties when she worked with former U.S. Senator Mike Gravel.

DR. SELKREGG said she worked as a receptionist and did some casework.

There being no further questions, SENATOR COWDERY moved to forward Dr. Selkregg's name to the full body for action on confirmation.

CHAIRMAN TAYLOR announced that without objection, the motion carried and thanked Dr. Selkregg. He then adjourned the meeting at 1:57 p.m.