

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

February 3, 2005
8:38 a.m.

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Charlie Huggins, Vice Chair
Senator Gene Therriault
Senator Hollis French

MEMBERS ABSENT

Senator Gretchen Guess

COMMITTEE CALENDAR

Overview: Therapeutic Justice in the Fight Against Addiction Based Crime

SENATE BILL NO. 65

"An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed against a school employee; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 65

SHORT TITLE: OFFENSES BY MINORS/AGAINST TEACHERS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/19/05	(S)	READ THE FIRST TIME - REFERRALS
01/19/05	(S)	JUD, FIN
01/26/05	(S)	JUD AT 8:30 AM BUTROVICH 205
01/26/05	(S)	Heard & Held
01/26/05	(S)	MINUTE(JUD)

WITNESS REGISTER

Ms. Janet McCabe, Chair
Partners for Progress Inc

POSITION STATEMENT: Overview Presentation

Judge Jim Wanamaker (Ret.), Director

Alaska Center for Therapeutic Justice
POSITION STATEMENT: Overview Presentation

Ms. Robyn Johnson
Therapeutic Courts Program Coordinator
Alaska Court System
303 K St.
Anchorage, AK 99501-2084

POSITION STATEMENT: Overview Presentation

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [8:38:59 AM](#) - Present Senators Gene Therriault, Charlie Huggins, Hollis French and Chair Ralph Seekins. Senator Gretchen Guess was excused.

Therapeutic Courts Overview

MS. JANET MCCABE, chair, Partners for Progress, accompanied by Judge Jim Wanamaker, retired, now director for Alaska Center for Therapeutic Justice and MS. ROBYN JOHNSON, Therapeutic Courts Program Coordinator, Alaska Court System, delivered the presentation.

MS. MCCABE distributed a handout and provided the following information.

Purpose of presentation:

- Provide a full understanding of why and how therapeutic courts are effective
- Want members to appreciate that for strongly addicted repeat offenders therapeutic courts are the smart and realistic way to protect the public
- Want to recommend how the administration and legislature can strengthen Alaska's therapeutic courts

The group plans to talk with the administration and ask that proposed recommendation be included as part of a comprehensive strategy to address alcoholism and addiction. The administration needs to have strong involvement in the program.

[8:42:13 AM](#)

In the 1980s the courts started to get tough on addictive crime. Increased penalties are highly effective for reducing crime

associated with social drinkers but do not reach the strongly addicted.

The first therapeutic court opened in Dade County, FL in 1989.

Page 4 shows growth nationally. Numbers of courts have increased exponentially since 1989. There are currently 1,621 therapeutic courts nationwide.

[8:43:54 AM](#)

Most growth is from the ground up. Judge Wanamaker started the first wellness court in Alaska in Anchorage.

[8:44:42 AM](#)

Certain populations do not respond to the criminal justice system and the traditional justice model doesn't work. Some offenders have up to 31 prior convictions with multiple DUIs. After sentencing the rehabilitation programs start within a month but 50 percent of them don't show up and most don't complete the program.

[8:46:42 AM](#)

Protecting the public is primary. Repeat offenders are a danger to the public.

MADD supports therapeutic courts.

[8:48:01 AM](#)

JUDGE JIM WANAMAKER, retired district court judge, spoke.

Development of misdemeanor level wellness court in Anchorage.

Treatment is the only answer for the multiple DUI population. Many reach middle age before they realize alcohol is a problem.

[8:51:05 AM](#)

National Drug Court Professionals - national organization - nationwide movement to build these courts - funded by DOJ funds - method receiving push from National Highway Safety Association.

[8:52:27 AM](#)

Don Smith at DOTPF runs highway safety program - feds already invested \$800,000 in courts.

US Supreme Court has endorsed - judges trained - hired full-time administrator (Robyn Johnson) to promote this type of court.

8:54:10 AM

One point Partners in Progress wanted to raise - full policy force - want person in Governor's Office who gives sole attention to therapeutic courts - jolted to action by felony situation in Bethel - no new cases in 9 months. Acted as case coordinator.

Need quick response from Administration to make work - problem is not lack of money, it's right idea - No. 1 point on Partners' agenda is to get full-time person in state administration - similar to Robyn Johnson's job.

8:57:40 AM

Need to get someone in Administration with ear of Governor to make system work.

Method vastly superior to jail - needs help to get Administration involved.

9:01:35 AM

Pending courts in Fairbanks, Juneau, Ketchikan - makes sense to extend the model and draw from both populations - felony and misdemeanor levels.

SENATOR THERRIAULT referred to graph. Number of people in opt-out category who violated conditions of release - asked if statistics refer only to people who completed the program.

JUDGE WANAMAKER: Yes.

SENATOR THERRIAULT asked if a number of people begin program but drop out along the line.

JUDGE WANAMAKER: Yes. Even dropouts measured and found they did much better [than no participation]. Big benefit comes from graduates. Introduced Robyn Johnson.

ROBYN JOHNSON, Therapeutic Court program coordinator, employee of ACS.

9:03:28 AM

MS. JOHNSON works with courts statewide.

First court in Dade County Florida.

9:04:21 AM

Summary of Existing Therapeutic Courts.

Mental Health Court - started in '98 by Judge Rhodes, trainer at National Judicial College. Second court established in Anchorage.

[9:06:04 AM](#)

Funding from 4 sources:

- Legislature funded through HB 172
- The Alaska Mental Health Trust Authority
- Partners for Progress
- National Highway Traffic Safety Funds

[9:07:58 AM](#)

Trust gave funding to train judges for the last two years, therapeutic courts and mental illness. Not feasible to have courts in all communities - need to bring same principles to communities.

[9:08:54 AM](#)

First court in Palmer - Palmer Coordinated Resources Project.

Fairbanks, Ketchikan, Juneau will be based on Anchorage model.

Invited committee members to visit courts. She sees remarkable transformations and positive long-term impacts.

Quoted George Bush.

[9:11:08 AM](#)

SENATOR HUGGINS: Is Anchorage Veterans court subset?

MS. JOHNSON: Veterans court target veterans. Therapeutic courts target people with underlying addiction.

[9:11:59 AM](#)

SENATOR HUGGINS: Generally the same - 10 percent population in designated category, same concept?

MS. JOHNSON: Yes. Also cross-reference because some vets eligible for other courts too.

SENATOR HUGGINS: Do you recommend the vets court should be mainstreamed into therapeutic courts?

MS. JOHNSON: Vets court started in July of last year - will be evaluated - court will decide on how to proceed.

[9:13:02 AM](#)

SENATOR FRENCH: One request to extend to wellness court method to felony DUI cases? Summary lists felony DUI court by Judge Joannides - what became of that court?

MS. JOHNSON: Last year DOC advised they were having difficulty hiring probation officers. Said they would continue commitment to participants but can't take more.

SENATOR FRENCH: Idea in future ASEP will take over?

[9:15:16 AM](#)

MS. JOHNSON: Yes and for felony and misdemeanor level too.

[9:15:32 AM](#)

JUDGE WANAMAKER: Partners in Progress is a non-profit corporation, not a court system program.

MS. McCABE: Partners recommends including felony and misdemeanor categories in wellness court - similar characteristics. Court system is looking at expanding wellness court system to Fairbanks, Juneau and Ketchikan.

SENATOR FRENCH: Felon and misdemeanant would be in same court room, same time, same judge but with a mechanism that gives Superior Court judge authority to designate to District Court judge?

JUDGE WANAMAKER: Yes. Partners working with Representative Rokeberg.

SENATOR FRENCH: Good idea rather than balkanized system.

[79:18:03 AM](#)

MS. McCABE: Fairbanks, Juneau, Ketchikan - no capacity to handle felons at all because no HB 172 versions in those communities. This would create a consolidated approach in start up courts.

[9:18:39 AM](#)

SENATOR HUGGINS: Naltrexone.

JUDGE WANAMAKER: Originally designed for people addicted to opiates. Accidentally discovered stops desire for alcohol. Same mechanism blocks dopamine. No pleasure from drinking - takes away craving.

[9:20:04 AM](#)

JUDGE WANAMAKER: Provides opportunity to stop - works on children who cut themselves for opiate release and helps anorexics.

SENATOR HUGGINS: How does victim of drug user feel about that treatment for offender?

[9:21:39 AM](#)

JUDGE WANAMAKER: Third case in wellness court, victim of car accident didn't want criminal coddled. Victim supported wellness court and said method worked and turns lives around.

[9:22:44 AM](#)

SENATOR FRENCH: Need to elaborate what protects public from offender who goes astray. Asked the conditions in place while undergoing treatment.

[9:24:08 AM](#)

JUDGE WANAMAKER: One advantage is offender starts right after committed crime. Court starts people on electronic monitoring. Intoximeter built into phone. Another technology called SCRAM on ankle 24/7 measures alcohol in sweat.

[9:26:48 AM](#)

MS. McCABE: If drop out, go back to regular sentencing.

SB 65-OFFENSES BY MINORS/AGAINST TEACHERS

[9:38:21 AM](#)

CHAIR RALPH SEEKINS announced SB 65 to be up for consideration.

SENATOR THERRIAULT moved to adopt Version \F as the working document before the committee.

CHAIR SEEKINS explained the intent is to provide safety on school grounds.

[9:40:24 AM](#)

CHAIR SEEKINS added the intent is to protect school grounds, school buses, school activities, and the people who are connected to the school.

SENATOR HUGGINS noted it was the similar to military compounds.

SENATOR FRENCH said AS 11.41 refers to assault crimes.

[9:41:56 AM](#)

SENATOR FRENCH voiced support.

SENATOR THERRIAULT read the definition of school grounds from the statutes.

CHAIR SEEKINS advised there was a request from the school districts that protection be extended to the administrative offices.

[9:44:01 AM](#)

CHAIR SEEKINS asked for amendments to the bill. He noted the intent was to move the bill out today.

SENATOR THERRIAULT moved Amendment 1.

Page 1 lines 8, 9 include the administrative offices of the school district.

SENATOR FRENCH objected. He said he wanted to hear from school districts that have administrative buildings off of school grounds to find out whether it is an issue.

[9:46:12 AM](#)

CHAIR SEEKINS conceded he could carry the bill over to allow testimony from the school districts.

SENATOR FRENCH asked for time to review the committee substitute.

CHAIR SEEKINS tabled Amendment 1 and held SB 65 in committee.

There being no further business to come before the committee, Chair Seekins adjourned the meeting.