

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

January 24, 2007

1:06 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Select Committee on Legislative Ethics

Ann Rabinowitz - Anchorage
Gary J. Turner - Soldotna
H. Conner Thomas - Nome

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 69

"An Act relating to executive clemency."

- MOVED CSHB 69(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 76

"An Act relating to the creation of a civil legal services fund."

- MOVED CSHB 76 (JUD) OUT OF COMMITTEE

HOUSE BILL NO. 7

"An Act relating to false caller identification."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 69

SHORT TITLE: NOTIFY CRIME VICTIM OF EXECUTIVE CLEMENCY

SPONSOR(S): REPRESENTATIVE(S) SAMUELS

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) JUD
01/22/07 (H) JUD AT 1:00 PM CAPITOL 120
01/22/07 (H) Heard & Held
01/22/07 (H) MINUTE(JUD)
01/24/07 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 76

SHORT TITLE: CIVIL LEGAL SERVICES FUND

SPONSOR(S): REPRESENTATIVE(S) RAMRAS, LEDOUX

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) JUD, FIN
01/22/07 (H) JUD AT 1:00 PM CAPITOL 120
01/22/07 (H) Heard & Held
01/22/07 (H) MINUTE(JUD)
01/24/07 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 7

SHORT TITLE: FALSE CALLER IDENTIFICATION

SPONSOR(S): REPRESENTATIVE(S) LYNN, GARDNER

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) JUD
01/22/07 (H) JUD AT 1:00 PM CAPITOL 120
01/22/07 (H) Scheduled But Not Heard
01/24/07 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

ANN RABINOWITZ, Appointee
to the Select Committee on Legislative Ethics
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Select
Committee on Legislative Ethics.

GARY J. TURNER, Appointee
to the Select Committee on Legislative Ethics

Soldotna, Alaska

POSITION STATEMENT: Testified as appointee to the Select Committee on Legislative Ethics.

RICKY GEASE, Executive Director

Kenai River Sportfishing Association (KRSA)

Kenai, Alaska

POSITION STATEMENT: Indicated support of the appointment of Gary J. Turner to the Select Committee on Legislative Ethics.

H. CONNER THOMAS, Appointee

to the Select Committee on Legislative Ethics

Nome, Alaska

POSITION STATEMENT: Testified as appointee to the Select Committee on Legislative Ethics.

SYDNEY MORGAN, Staff

to Representative Ralph Samuels

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Reviewed the changes incorporated into HB 69, Version C, on behalf of the sponsor, Representative Samuels.

EMILY STANCLIFF, Staff

to Representative Jay Ramras

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Reviewed the changes between Versions C and E of HB 76 on behalf Representative Ramras, of one of the bill's prime sponsors.

ANDY HARRINGTON, Executive Director

Alaska Legal Services Corporation (ALSC)

(No address provided)

POSITION STATEMENT: During the hearing on HB 76, answered questions.

THERESA OBERMEYER

Anchorage, Alaska

POSITION STATEMENT: Provided remarks during discussion of HB 76.

CAREN ROBINSON, Lobbyist

for Alaska Women's Lobby

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 76.

CHRISTINE PATE, Mentoring Attorney
Alaska Network on Domestic Violence & Sexual Assault (ANDVSA)
Sitka, Alaska
POSITION STATEMENT: Testified in support of HB 76.

DIRK MOFFATT, Staff
to Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 7 on behalf of one of the bill's prime sponsors, Representative Lynn.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:06:43 PM](#). Representatives Coghill, Lynn, Holmes, Gruenberg, and Ramras were present at the call to order. Representatives Samuels and Dahlstrom arrived as the meeting was in progress.

CONFIRMATION HEARING(S) Select Committee on Legislative Ethics

[1:07:51 PM](#)

CHAIR RAMRAS announced that the committee would first consider the appointment of Ann Rabinowitz to the Select Committee on Legislative Ethics.

[1:08:31 PM](#)

ANN RABINOWITZ, Appointee to the Select Committee on Legislative Ethics, relayed that she has served one three-year term on the Select Committee on Legislative Ethics, that she is a retired teacher, that she was initially appointed to serve on the Select Committee on Legislative Ethics by then-Chief Justice Bryner; that her current term is just ending; and that she has recently been reappointed by Chief Justice Fabe. In response to questions, she said she has found her experience as a school system employee to be helpful in her work on the Select Committee on Legislative Ethics, adding that the community has high expectations with regard to the ethics of school employees. In response to comments and another question, she acknowledged that the issues of accountability and full disclosure will be of primary interest this session.

REPRESENTATIVE GRUENBERG, noting that he's served as a legislative member of the Select Committee on Legislative Ethics and that he is still anticipating receiving an advisory opinion and thus he might have a conflict of interest, asked to be allowed to refrain from participating in these confirmation hearings and from voting on whether to forward the names of the appointees on to the full legislature for confirmation or rejection.

CHAIR RAMRAS objected [thus requiring Representative Gruenberg to participate and vote].

REPRESENTATIVE GRUENBERG remarked, then, that he has served with Ms. Rabinowitz on the Select Committee on Legislative Ethics and believes her to be highly qualified for the job.

REPRESENTATIVE HOLMES noted that she, too, has served on the Select Committee on Legislative Ethics with Ms. Rabinowitz, appreciates Ms. Rabinowitz's willingness to continue serving, and recommends forwarding Ms. Rabinowitz's name on to the full legislature.

CHAIR RAMRAS characterized Ms. Rabinowitz as an articulate, thoughtful person.

MS. RABINOWITZ said it has been an honor to serve on the Select Committee on Legislative Ethics and she is looking forward to the upcoming session.

REPRESENTATIVE GRUENBERG made a motion to advance from committee the nomination of Ann Rabinowitz as appointee to the Select Committee on Legislative Ethics. There being no objection, the confirmation was advanced from the House Judiciary Standing Committee.

1:20:02 PM

CHAIR RAMRAS announced that the committee would next consider the appointment of Gary J. Turner to the Select Committee on Legislative Ethics.

1:20:30 PM

GARY J. TURNER, Appointee to the Select Committee on Legislative Ethics, in addition to outlining some of his other employment history, relayed that he is a retired U.S. Air Force officer whose career primarily spanned public affairs and public

relations, that he taught at the United States Air Force Academy (USAFA) for two years, and that he is currently serving as college director at the Kenai Peninsula College and oversees the "mining of petroleum" training service. In response to the question of why he would like to serve on the Select Committee on Legislative Ethics, he said that he was raised to believe that ethics are at the core of one's being, and this belief was further enhanced by his career in the Air Force, wherein one is expected to maintain a high standard of ethics and a strong moral code; therefore, he would like to serve the state in this manner, particularly given the challenges currently facing the legislature.

MR. TURNER, in response to a question, spoke briefly of the Air Force code of conduct by which all academy cadets are required to abide.

[1:24:32 PM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association (KRSA), after relaying that he was also the prior executive director of the Kenai Convention & Visitors Bureau and an adjunct professor at Kenai Peninsula College, said that in all of his positions he's had the opportunity to witness Mr. Turner interact in a professional manner with students, teachers, professors, and the public on a wide range of matters. Mr. Gease concluded by opining that Mr. Turner would be a great addition to the Select Committee on Legislative Ethics.

REPRESENTATIVE GRUENBERG noted that he'd served briefly with Mr. Turner on the Select Committee on Legislative Ethics, and characterized Mr. Turner's appointment as an excellent choice.

MR. TURNER, in response to comments, suggested that with regard to legislative ethics, legislators must have the courage to take a stand and assess and evaluate themselves thoroughly so that the body as a whole can say what must be done. He said currently the public is questioning how rampant unethical behavior is in the legislature, and so whether the solution takes the form of several bills or one omnibus bill is up to the legislature to decide; regardless, something must be done and it must be done expeditiously so that the legislature can move on to the other important issues facing the state.

REPRESENTATIVE COGHILL said he is looking forward to working with Mr. Turner, and to seeing the suggestions that the Select Committee on Legislative Ethics brings forth.

MR. TURNER, in response to a question, indicated that he'd submitted a letter to Chief Justice Fabe asking that he be considered for appointment to the Select Committee on Legislative Ethics because the issue of ethics is near and dear to his heart and he wanted to be able to perhaps make a difference.

CHAIR RAMRAS asked Mr. Turner whether he believes that the subject of an indictment ought to be serving in a leadership position in the legislature.

MR. TURNER pointed out that under the current justice system, one is innocent until proven guilty, and offered his understanding that an indictment is merely an indication that there may be enough evidence to take before a grand jury. However, if someone holding a leadership position is under the cloud of an indictment, he/she may lose the respect of his/her fellow legislators and of the public, and this raises the question of how effective that person can be in that leadership role. If it were he, he remarked, he might be inclined to pass the leadership role on to someone else until the matter of the indictment is cleared up.

[1:34:04 PM](#)

REPRESENTATIVE DAHLSTROM made a motion to advance from committee the nomination of Gary J. Turner as appointee to the Select Committee on Legislative Ethics. There being no objection, the confirmation was advanced from the House Judiciary Standing Committee.

MS. RABINOWITZ, in response to a question, expressed a preference for having suggestions for specific changes to the current legislative ethics statutes come from the Select Committee on Legislative Ethics as a whole.

MR. TURNER, also in response, opined that with the steps that have been taken thus far by various parties on the issue of legislative ethics, the Select Committee on Legislative Ethics already has a lot to consider and so it would be premature to add to that at this time.

CHAIR RAMRAS announced that the committee would next consider the appointment of H. Conner Thomas to the Select Committee on Legislative Ethics.

1:38:16 PM

H. CONNER THOMAS, Appointee to the Select Committee on Legislative Ethics, in response to questions, said his first term of service on the Select Committee on Legislative Ethics went well, adding that he feels [he is performing] a very worthwhile public service and that the workload is not burdensome. The service the Select Committee on Legislative Ethics provides to the state is a necessary one, and the issue of ethics is important to him, he remarked.

REPRESENTATIVE GRUENBERG noted that he'd served with Mr. Thomas on the Select Committee on Legislative Ethics and thought Mr. Thomas had done an excellent job and recommends him for the position.

REPRESENTATIVE COGHILL asked Mr. Thomas whether he viewed his [past] service on the board of directors of the Alaska Civil Liberties Union (AkCLU) as playing a political activist role.

MR. THOMAS said he had not viewed it as such when he'd served on that board; rather, he'd merely felt strongly about the issue of civil liberties. In response to a question, he assured members that he has no plans to pursue a political activist role.

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

REPRESENTATIVE LYNN asked Mr. Thomas whether he anticipates having a conflict of interest with regard to AkCLU matters.

MR. THOMAS said no.

1:44:07 PM

REPRESENTATIVE COGHILL made a motion to advance from committee the nomination of H. Conner Thomas as appointee to the Select Committee on Legislative Ethics. There being no objection, the confirmation was advanced from the House Judiciary Standing Committee.

VICE CHAIR DAHLSTROM observed that the nominations of the three appointees would be forwarded to the full legislature for confirmation or rejection.

VICE CHAIR DAHLSTROM returned the gavel to Chair Ramras.

The committee took an at-ease from 1:45 p.m. to 1:46 p.m.

HB 69 - NOTIFY CRIME VICTIM OF EXECUTIVE CLEMENCY

1:46:34 PM

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 69, "An Act relating to executive clemency."

1:47:15 PM

REPRESENTATIVE DAHLSTROM moved to adopt the proposed committee substitute (CS) for HB 69, Version 25-LS0317\C, Luckhaupt, 1/24/06, as the work draft. There being no objection, Version C was before the committee.

REPRESENTATIVE SAMUELS, sponsor of HB 69, relayed that most of the amendments distributed at the last hearing on HB 69 were incorporated into Version C.

1:48:16 PM

SYDNEY MORGAN, Staff to Representative Ralph Samuels, Alaska State Legislature, reviewed the changes incorporated into Version C. On page 1, line 5, the new language, "except to deny" allows the Office of the Governor and the State Board of Parole to move forward with a denial without delay; on page 1, line 6, the timeframe has been increased from "60 days" to "180 days" in order to allow the State Board of Parole adequate time to conduct an investigation; and on page 1, line 8, language was added establishing a timeframe of 180 days for the State Board of Parole to submit its investigative results to the governor. The State Board of Parole, she noted, is amenable to the aforementioned change. Furthermore, changes to Section 2 of the bill propose to delete the language, "If requested by" from existing AS 33.20.080(b) and add the language, "**within five business days after receipt of the application**"; these changes to Section 2 will require the State Board of Parole to make every reasonable effort to notify the victim within five business days after receipt of the application.

CHAIR RAMRAS, upon determining that there was no one who wished to testify, closed public testimony on HB 69.

1:51:11 PM

REPRESENTATIVE DAHLSTROM moved to report the proposed CS for HB 69, Version 25-LS0317\C, Luckhaupt, 1/24/06, out of committee

with individual recommendations and the accompanying zero fiscal note.

REPRESENTATIVE LYNN objected for the purpose of discussion, and explained that he wanted to offer an amendment; the amendment, which was labeled 25-LS0317\A.1, Luckhaupt, 1/22/07, read:

Page 1, lines 4 - 10:

Delete "(a) The governor shall [MAY] refer applications for executive clemency to the board of parole and may not act on an application unless 60 days have elapsed since the notice required under (b) of this section has been provided. The board shall investigate each case and submit to the governor a report of the investigation, together with all other information the board has regarding the applicant. When the report or investigation is submitted, the board shall also transmit to the governor the comments it has received under (b) of this section."

Insert "(a) The governor shall [MAY] refer applications for executive clemency to the board of parole and may not act on an application unless 60 days have elapsed since the notice required under (b) of this section has been provided. The board shall investigate each case and submit to the governor a report of the investigation, together with all other information the board has regarding the applicant. As part of its investigation, the board shall determine if granting the application would benefit a personal or financial interest of the governor, an employee of the governor's office, a commissioner, or an elected public officer of the state. When the report or investigation is submitted, the board shall also transmit to the governor the comments it has received under (b) of this section. In this subsection, "personal interest" and "financial interest" have the meanings given in AS 39.52.960."

REPRESENTATIVE DAHLSTROM withdrew her motion to report Version C from committee.

REPRESENTATIVE LYNN explained that the aforementioned amendment would allow the State Board of Parole to determine whether there is any connection between the governor and the individual up for the pardon with regard to personal or financial interests as defined under AS 39.52.960.

REPRESENTATIVE SAMUELS expressed concern with the amendment because the State Board of the Parole would have to perform an investigation of the governor, the lieutenant governor, and 60 legislators in order to make such a determination, and highlighted that during the interim it can be difficult to locate legislators. The amendment seems to place a huge burden on the State Board of Parole, he opined, and suggested that the language pertaining to a determination of personal or financial interest would be more appropriate in ethics legislation; for example, perhaps including language specifying that the governor may not have a [personal or] financial interest or requiring him/her to sign an affidavit to that effect could be added to ethics legislation.

REPRESENTATIVE LYNN suggested instead that perhaps the amendment could be amended to specify that the governor shall sign an affidavit stating that he/she has no personal or financial interest as defined under AS 39.52.960.

CHAIR RAMRAS expressed concern with the amendment.

REPRESENTATIVE GRUENBERG offered to help Representative Lynn draft alternative language.

REPRESENTATIVE SAMUELS, in response to comments and a question, maintained his opinion that the amendment would be more appropriate in legislation addressing executive branch ethics.

CHAIR RAMRAS agreed.

REPRESENTATIVE COGHILL opined that the language of the amendment ought to be located elsewhere other than in the bill. Therefore, he announced, he probably wouldn't support the amendment.

[1:57:39 PM](#)

REPRESENTATIVE LYNN, relaying that he would pursue the [concept of the amendment] in another committee, withdrew the amendment.

REPRESENTATIVE DAHLSTROM again moved to report the proposed CS for HB 69, Version 25-LS0317\C, Luckhaupt, 1/24/06, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSHB 69(JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:59 p.m. to 2:01 p.m.

HB 76 - CIVIL LEGAL SERVICES FUND

2:01:50 PM

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 76, "An Act relating to the creation of a civil legal services fund." [Before the committee was the proposed committee substitute (CS) for HB 76, Version 25-LS0349\C, Bailey, 1/17/07, which had been adopted as the work draft on 1/22/07.]

2:04:23 PM

REPRESENTATIVE DAHLSTROM moved to adopt the proposed committee substitute (CS) for HB 76, Version 25-LS0349\E, Bailey, 1/23/07.

REPRESENTATIVE GRUENBERG objected for the purpose of receiving an explanation of the changes made in Version E.

2:05:15 PM

EMILY STANCLIFF, Staff to Representative Jay Ramras, Alaska State Legislature, relayed on behalf of Representative Ramras, one the prime sponsors of HB 76, that language on page 1, lines 8-9, of Version E now says in part, "may appropriate to the fund from the amount. This change - the addition of the word, "from" - is intended to address Representative Coghill's concern regarding allowing the legislature to determine what [amount] would be appropriated.

REPRESENTATIVE GRUENBERG said that he won't object to the adoption of Version E, although grammatically the intent is still not clear. He suggested that perhaps better language could be drafted. [This was treated as Representative Gruenberg withdrawing his objection to the adoption of Version E as a work draft.]

CHAIR RAMRAS announced that Version E was before the committee.

REPRESENTATIVE GRUENBERG opined that if the goal of inserting the word "from" is to allow appropriation of some, but not all, of the amount deposited into the general fund (GF) under AS 09.17.020(j), the new language doesn't exactly say that.

REPRESENTATIVE COGHILL concurred that he wanted to be sure that the language doesn't mandate appropriation of the entire amount deposited under AS 09.17.020(j).

REPRESENTATIVE GRUENBERG suggested that that point should be clarified as the legislation moves through the process.

[2:08:57 PM](#)

ANDY HARRINGTON, Executive Director, Alaska Legal Services Corporation (ALSC), in response to a question, explained that there are other agencies that provide civil legal services to domestic violence victims, immigrants, and other populations, though those agencies don't have income qualification guidelines like the ALSC and the Alaska Pro Bono Program, Inc (APBP).

REPRESENTATIVE COGHILL surmised, then, that the ALSC would be the primary recipient of the funds provided for in this legislation unless an organization very similar to the ALSC was established.

MR. HARRINGTON replied yes. In response to further questions, he assured the committee that the legislature will maintain its authority to appropriate funds from year-to-year, and explained that formerly the ALSC received appropriations from the legislature but when times were tight, it became all too easy to reduce the ALSC's appropriation. This legislation would tie ALSC funding from the state directly to a revenue stream produced by the civil court system. Mr. Harrington acknowledged that one legislature can't bind future legislatures, but expressed hope that future legislatures will view [continued funding] as making sense and so maintain a [funding] commitment to the ALSC.

[2:13:14 PM](#)

THERESA OBERMEYER relayed that she has interfaced with the ALSC over many years. She said that the manner in which the ALSC is organized in Alaska has motivated her greatly because the mission of the ALSC is to serve the indigent. Ms. Obermeyer mentioned that she sent the House and Senate Judiciary Standing Committees for review a one-page document and two attachments regarding reciprocity. On the issue of HB 76, she offered her understanding that although this legislation won't mandate that funding be provided to the ALSC, it does [establish] a fund that can be used to provide such funding. Ms. Obermeyer offered her belief that at least half of the attorneys at the ALSC didn't

have to take a written bar exam in Alaska because they were granted permission to practice law under Rule 43 of the Alaska Bar Rules, characterized that as favoritism on the part of the [Alaska Bar Association], and spoke a bit more on the issue of reciprocity. In conclusion she emphasized the need to help serve the poor and care about Alaskans across the board.

[2:23:37 PM](#)

CAREN ROBINSON, Lobbyist for Alaska Women's Lobby, noted that the committee should have received a written position paper. Ms. Robinson, noting that she is speaking from experience, emphasized the importance of the services provided by ALSC to victims [of domestic violence] and other people of the state. She recalled when she was director of the Aiding Women in Abuse and Rape Emergencies (AWARE Inc.) shelter in Juneau, and said that not a day went by in which there wasn't an interaction with the ALSC, adding that those interactions were important whether they pertained to housing needs, potential separation from an abusive spouse, child custody, or divorce and child support issues.

MS. ROBINSON then reminded the committee of the great work done by Sarah Felix, who helped pen many of the laws on domestic violence in Alaska. In particular, Ms. Robinson relayed, Ms. Felix worked on legislation pertaining to domestic violence and protective orders. Ms. Robinson mentioned the Robert Hickerson Partners in Justice Campaign, which collects money to help the less fortunate in Alaska obtain the legal services that they need. She emphasized the difficulty experienced when one needs legal assistance but cannot [afford] it.

MS. ROBINSON recounted her personal experience in which she left a seriously abusive situation and filed for her own divorce in Texas where there was no service for her to receive legal help. Due to that lack of help, she inadvertently failed to file paperwork regarding child support and so wasn't able to obtain that financial assistance. The ALSC can ensure that all necessary paperwork is filed in a timely fashion so that others don't find themselves in a similar situation. In closing, Ms. Robinson stated that the Alaska Women's Lobby strongly supports HB 76 and wants to ensure that the ALSC will be funded both now and in the future.

[2:30:02 PM](#)

CHRISTINE PATE, Mentoring Attorney, Alaska Network on Domestic Violence & Sexual Assault (ANDVSA), explained that the ANDVSA is a statewide coalition of 19 domestic violence and sexual assault programs across Alaska. She further explained that one of her primary functions is running a direct, civil legal services program whereby victims of domestic violence and sexual assault can obtain pro bono attorneys for civil cases. Ms. Pate indicated her support for HB 76 and echoed comments made by Ms. Robinson. She then thanked the Alaska State Legislature for the past wisdom it has shown in making laws to benefit victims of domestic violence and sexual assault.

MS. PATE opined that HB 76 is a critical piece of legislation that will help end domestic violence in Alaska, noting that a few years ago two economists performed a study which showed that legal services are the most effective means of ending violence in victims' lives. When a victim makes the decision to leave the batterer, it's just the beginning of the journey for safety for that individual and that individual's children; in order to remain safe, the individual will need several resources, including economic support for the family, protection orders to maintain physical safety, custody orders granting custody of the children, and permanent housing, and only an attorney can assist in acquiring the aforementioned services.

MS. PATE informed the committee that every year, the legal advocacy project at ANDVSA surveys its member programs and the legal advocates who work with the victims. Every year, that group reports that the most critical need is for civil legal services for victims of domestic violence and sexual assault. Although the ANDVSA helps with the aforementioned by providing pro bono attorneys, only a limited number of attorneys can take on such work and the Alaska Bar Association (ABA) is already doing its fair share. The ALSC is the only other program besides the ANDVSA [helping] domestic violence and sexual assault victims. Since the creation of the ANDVSA in 1999, it has received close to 1,500 requests for assistance but has only been able to serve approximately 40 percent of those cases. For those victims who don't receive help, the individual goes into court alone, may lose custody of the children, doesn't receive the necessary financial help, and may be placed in a more physically unsafe situation.

MS. PATE said that ultimately, because of the aforementioned, the victim may decide that the safest and best course of action is to return to the abuser in order to receive financial support and at least monitor interactions between the abuser and the

children. More devastating, she opined, is that people are losing faith when they don't have attorneys. Victims are told that if they leave their abuser, they will receive help through support services. However, the critical piece of legal services isn't [always] available to help victims and their families remain safe.

MS. PATE characterized this situation as a crisis because needy Alaskans aren't receiving the help necessary to protect their basic needs and rights. Moreover, if the abuser is involved in a criminal case, the abuser is entitled to legal representation while the victim in a civil case is not. Ms. Pate mentioned that at one time she was an attorney for the ALSC and thus has an enormous amount of respect for the ALSC and its work. Ms. Pate concluded by noting her support of HB 76.

CHAIR RAMRAS, upon determining that no one else wished to testify, closed public testimony on HB 76.

[2:36:29 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, to delete from page 1, line 8, the word, "from" and replace it with the words, "all or part of". There being no objection, Amendment 1 was adopted.

[2:37:15 PM](#)

REPRESENTATIVE LYNN moved to report the proposed committee substitute (CS) for HB 76, Version 25-LS0349\E, Bailey, 1/23/07, as amended, out of committee with individual recommendations and the accompanying zero fiscal note.

REPRESENTATIVE COGHILL objected and expressed concern with regard to the creation of the civil legal services fund because although [technically] it isn't a dedicated fund, the discussion has indicated that [many will view it as such]. He then removed his objection.

CHAIR RAMRAS announced, then, that CSHB 76(JUD) was reported from the House Judiciary Standing Committee.

HB 7 - FALSE CALLER IDENTIFICATION

[2:39:23 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 7, "An Act relating to false caller identification."

2:40:04 PM

DIRK MOFFATT, Staff to Representative Bob Lynn, Alaska State Legislature, presented HB 7 on behalf of Representative Lynn, one of the bill's prime sponsors. He began by relaying that although the technology to fool caller ID isn't new, there is an entire industry that deals in caller ID spoofing. He explained that for the price of a \$10 calling card, one can call a number and dial in the false information that the individual desires to be displayed. The aforementioned could lead to some serious mischief, he opined, and informed the committee that last year U.S. Congressman Tim Murphy of Pennsylvania testified on this issue as a victim of caller ID spoofing. He noted that the committee packet should include other examples of caller ID spoofing. House Bill 7, he offered, will make it a class B misdemeanor for anyone - with the exception of legitimate law enforcement, intelligence, and security agencies - to falsify caller ID information. In conclusion, Mr. Moffatt asked for members' support of HB 7.

REPRESENTATIVE GRUENBERG opined that the language of HB 7 is unclear regarding whether each call would be considered a separate offense or whether it must be a continuous course of conduct that would constitute one offense. He suggested that making each call a separate offense would put "some real teeth into this."

REPRESENTATIVE LYNN indicated that he would discuss the matter further with Representative Gruenberg.

REPRESENTATIVE COGHILL expressed an interest in learning what resources would be needed to implement this legislation and take a class B misdemeanor through court to its final conclusion, and asked which agency would primarily handle the cases. He also asked about the practical workings of the cases, such as possible problems with technology and obtaining proof.

MR. MOFFATT pointed out that currently the legislation has a zero fiscal note because the agencies contacted don't see caller ID spoofing as a large problem yet. He acknowledged that it could be difficult to catch someone spoofing caller ID.

REPRESENTATIVE COGHILL expressed an interest in hearing from the Department of Public Safety (DPS) and the Department of Law (DOL) because he has seen that there are difficulties in applying misdemeanor laws in Alaska.

REPRESENTATIVE LYNN concluded by highlighting the need to be proactive on this issue as HB 7 attempts to do.

[HB 7 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:49 p.m.