

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 10, 2007

1:10 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

OTHER LEGISLATORS PRESENT

Representative Bob Buch

COMMITTEE CALENDAR

SENATE BILL NO. 145

"An Act relating to municipal impoundment and forfeiture."

- MOVED HCS SB 145(JUD) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 2

Proposing an amendment to the Constitution of the State of Alaska requiring an affirmative vote of the people before any form of gambling for profit may be authorized in Alaska.

- MOVED CSHJR 2(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 250

"An Act relating to children engaging in inappropriate sexual conduct."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 145

SHORT TITLE: MUNIS IMPOUND/FORFEIT MOTOR VEHICLE

SPONSOR(s): SENATOR(s) MCGUIRE

03/28/07 (S) READ THE FIRST TIME - REFERRALS
03/28/07 (S) CRA, JUD
04/24/07 (S) CRA AT 3:30 PM BELTZ 211
04/24/07 (S) Moved CSSB 145(CRA) Out of Committee
04/24/07 (S) MINUTE(CRA)
04/25/07 (S) CRA RPT CS 4DP NEW TITLE
04/25/07 (S) DP: OLSON, WAGONER, STEVENS, KOOKESH
04/30/07 (S) JUD AT 1:30 PM BELTZ 211
04/30/07 (S) Heard & Held
04/30/07 (S) MINUTE(JUD)
05/04/07 (S) JUD AT 1:30 PM BELTZ 211
05/04/07 (S) Moved SB 145 Out of Committee
05/04/07 (S) MINUTE(JUD)
05/07/07 (S) JUD RPT 3DP
05/07/07 (S) DP: FRENCH, THERRIAULT, WIELECHOWSKI
05/08/07 (S) TRANSMITTED TO (H)
05/08/07 (S) VERSION: SB 145
05/09/07 (H) READ THE FIRST TIME - REFERRALS
05/09/07 (H) JUD
05/10/07 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HJR 2

SHORT TITLE: CONST.AM:NO GAMING WITHOUT VOTER APPROVAL

SPONSOR(s): REPRESENTATIVE(s) CRAWFORD, DAHLSTROM

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) STA, JUD, FIN
05/03/07 (H) STA RPT 1DP 1NR 4AM
05/03/07 (H) DP: LYNN
05/03/07 (H) NR: GRUENBERG
05/03/07 (H) AM: JOHNSON, JOHANSEN, DOLL, ROSES
05/03/07 (H) STA AT 8:00 AM CAPITOL 106
05/03/07 (H) Moved Out of Committee
05/03/07 (H) MINUTE(STA)
05/10/07 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 250

SHORT TITLE: YOUTH INAPPROPRIATE SEXUAL CONDUCT

SPONSOR(s): REPRESENTATIVE(s) DOOGAN

05/02/07 (H) READ THE FIRST TIME - REFERRALS
05/02/07 (H) JUD, FIN
05/10/07 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

SENATOR LESIL MCGUIRE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of SB 145.

DAN MOORE, Treasurer
Municipality of Anchorage (MOA)
Anchorage, Alaska

POSITION STATEMENT: During hearing of SB 145, answered questions.

JIM REEVES, Municipal Attorney
Municipality of Anchorage (MOA)
Anchorage, Alaska

POSITION STATEMENT: During hearing of SB 135, answered questions.

STEVE SMITH
Anchorage Police Department (APD)
Municipality of Anchorage (MOA)
Anchorage, Alaska

POSITION STATEMENT: Characterized SB 145 as a tool for law enforcement.

JOSH FREEMAN, Assistant Municipal Attorney
Municipality of Anchorage (MOA)
Anchorage, Alaska

POSITION STATEMENT: During hearing of SB 145, answered questions.

REPRESENTATIVE HARRY CRAWFORD
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as a joint prime sponsor of HJR 2.

LEONARD WELLS
Homer, Alaska

POSITION STATEMENT: During hearing of HJR 2, asked questions.

ED MOEGLEIN
Alaska Charitable Non Profits Organization
Soldotna, Alaska

POSITION STATEMENT: Testified in support of HJR 2.

PAMELA SAMASH

Nenana, Alaska

POSITION STATEMENT: Testified in support of HJR 2.

REPRESENTATIVE MIKE DOOGAN

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HB 250.

SHARON ARAJI, Ph.D., Professor of Sociology

University of Alaska - Anchorage;

Chair, Task Force on Preadolescent Children with Sexual Behavior Problems

Anchorage, Alaska

POSITION STATEMENT: During hearing of HB 250, related information she has found through her research on the topic of preadolescent children with sexual behavior problems.

DAVE PARKER, Lieutenant

Anchorage Police Department (APD)

Municipality of Anchorage (MOA)

Anchorage, Alaska

POSITION STATEMENT: During hearing of HB 250, expressed the need to more effectively address this problem.

CYNTHIA BRADLEY, Detective

Anchorage Police Department (APD)

Municipality of Anchorage (MOA);

Co-Chair, Task Force on Preadolescent Children with Sexual Behavior Problems

Anchorage, Alaska

POSITION STATEMENT: During hearing of HB 250, related her experience with preadolescent children with sexual behavior problems.

DENNIS MALONEY, Attorney at Law

P. Dennis Maloney P.C.

Anchorage, Alaska

POSITION STATEMENT: Provided comments on HB 250.

JEFFREY MAGID, Attorney at Law

P. Dennis Maloney P.C.

Anchorage, Alaska

POSITION STATEMENT: Testified on HB 250.

MARY ELAM, Program Director

Standing Together Against Rape (STAR)

Anchorage, Alaska

POSITION STATEMENT: During hearing of HB 250, emphasized the need for intervention and treatment.

JOSH FINK, Director
Anchorage Office
Office of Public Advocacy (OPA)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Expressed concerns with HB 250.

JAN RUTHERDALE, Senior Assistant Attorney General
Child Protection Section
Civil Division (Juneau)
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: During hearing of HB 250, answered questions.

MIKE LESMANN, Program Coordinator
Office of Children's Services
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified that OCS is unable to support HB 250 at this time.

DAVID SPERBECK, Ph.D., Forensic and Clinical Psychologist
North Star Hospital
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 250.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:10:54 PM](#). Representatives Ramras, Dahlstrom, Lynn, Gruenberg, and Holmes were present at the call to order. Representatives Coghill and Samuels arrived as the meeting was in progress. Also in attendance was Representative Buch.

SB 145 - MUNIS IMPOUND/FORFEIT MOTOR VEHICLE

[1:11:09 PM](#)

CHAIR RAMRAS announced that the first order of business would be SENATE BILL NO. 145, "An Act relating to municipal impoundment and forfeiture."

1:11:27 PM

SENATOR LESIL MCGUIRE, Alaska State Legislature, sponsor, explained that SB 145 amends Title 28, which allows local municipalities to adopt individual ordinances for impoundment and forfeiture of vehicles. This legislation only pertains to motor vehicles. Under SB 145, AS 28.01.015(5) is added to allow municipalities to adopt ordinances for impoundment of the motor vehicle of those who have over \$1,000 in delinquent traffic fines or violations within that municipality. This legislation, the so-called scofflaws, addresses the small group of individuals who simply do not pay their fines. In fact, an individual in Anchorage has over 43 citations, totaling \$9,310. Another Anchorage resident has over 70 traffic citations that total over \$7,000 in unpaid fines. The current liability in the Municipality of Anchorage (MOA) is \$7.5 million. This legislation merely provides a tool for municipalities.

REPRESENTATIVE HOLMES related that she is very supportive of SB 145. She then inquired as to whether the vehicles can be impounded without a hearing or whether there needs to be a separate charge brought at the time the individual is pulled over.

SENATOR MCGUIRE noted that during the consideration of the legislation on the Senate floor, there was the suggestion to make the actual accumulation of over \$1,000 in fines a crime. Senator McGuire related that she disagreed with that suggestion because it, she opined, makes a crime upon a crime. She expressed her belief that vehicles can be forfeited for these [violations] so long as notice and the opportunity for a hearing is afforded. The process in which the government seizes property should be a thoughtful and careful act. Senator McGuire specified that she feels comfortable keeping the legislation as is and asking the municipality to adopt fair articles for notification and due process such that the seizure can occur without making it a crime.

REPRESENTATIVE GRUENBERG asked if it's the sponsor's intent to limit the legislation to moving violations or could it include parking violations as well.

SENATOR MCGUIRE explained that when the municipality contacted her it expressed interest in the legislation being broader [by] making it a crime. Whether the violation is a moving violation or a stationary violation, it's the same net effect, she noted.

REPRESENTATIVE GRUENBERG asked if the term "traffic" on page 2, line 1, includes stationary and moving violations. He expressed the desire to use language that relates the sponsor's intent.

[1:23:47 PM](#)

DAN MOORE, Treasurer, Municipality of Anchorage (MOA), related his understanding that the intent is that the term "traffic" will refer to moving violations. He related his further understanding that there's no intent to include stationary violations.

SENATOR MCGUIRE related her impression that the municipality had two sections of the law in which there are significant unpaid fines, some of which are moving and some are stationary, and thus the municipality wanted the tool in both areas. Although Senator McGuire specified that she wanted to do what the municipality wants, she reiterated her belief that the same net effect results in relation to unpaid fines whether they're for moving violations or stationary violations.

MR. MOORE the two areas in which the municipality had the largest problem in terms of unpaid fines is related to traffic fines, which are truly moving violations under MOA's law. The other category was criminal fines, which deal with a host of things that tie into moving violations with driving while under the influence (DUI). The hope, he opined, is that through SB 145 an additional consequence can be created for the most extreme cases. The trigger would be the amount owed. He remarked that MOA views SB 145 as a public safety tool in trying to change behavior rather than as a collection tool.

REPRESENTATIVE GRUENBERG recommended that a definition of "traffic fines" be included in the legislation in order to be clear.

SENATOR MCGUIRE interjected that one option is to simply refer to "moving violations". She inquired as to the rationale behind using the term "traffic fines".

MR. MOORE explained that the cases with a long record of fines are all judgment cases that have gone through the court, specifically through traffic court. Therefore, these are considered minor offenses, moving violations that are separate from parking violations. He noted that parking violations are adjudicated through an entirely different process. According to

MOA's law, a traffic violation is a moving violation not a parking violation.

CHAIR RAMRAS asked if Mr. Moore would like to relate MOA's preference for the legislation, in relation to whether it should be broadened or left as currently before the committee.

MR. MOORE deferred to Mr. Reeves.

[1:28:48 PM](#)

JIM REEVES, Municipal Attorney, Municipality of Anchorage (MOA), related his understanding that the term "moving violations" is a term with a well-understood meaning that wouldn't include parking tickets. He expressed his further understanding that the purpose of this legislation isn't to include parking tickets. He said that he wasn't sure that the term "**traffic fines**" has the same clearly understood meaning.

SENATOR MCGUIRE said that she is comfortable with maintaining the language "**traffic fines**" in light of the testimony today regarding MOA's definition of it. Although she expressed concern with referring to "moving violations" as there may be violations that go through traffic court that aren't defined as moving violations, she said that she's fine with either terminology.

CHAIR RAMRAS asked if the language as it exists in SB 145 captures those violations that amount to \$7.5 million in unpaid fines.

SENATOR MCGUIRE related her belief that the language would cover it, although she expressed interest in hearing from the municipality. Again, she expressed her desire to conform to the wishes of MOA.

CHAIR RAMRAS inquired as to the best language to use.

MR. MOORE confirmed that the insertion of the term "moving" prior to the term "**violations**" would be satisfactory and provide further clarification that this legislation doesn't include parking violations. With regard to the \$7.5 million, he clarified that's the total of all the unpaid default judgment cases in Anchorage that have gone through the traffic court for moving violations.

REPRESENTATIVE HOLMES pointed out that CSSB 145(CRA) proposes the addition of new subsection (r), which would have the department sharing information with the municipalities. The aforementioned subsection isn't included in SB 145; is that because it was deemed unnecessary, she asked.

SENATOR MCGUIRE explained that at one point the MOA had considered requesting the Department of Labor & Workforce Development (DLWD) to share, in confidence, with the municipality, the place of work of the individual with all these violations. Although Senator McGuire said she felt it's a good idea, the department ultimately chose to add a fiscal note related to the sharing of information. Senator McGuire disagreed that this sharing of information amounted to the fiscal note submitted, and thus the decision was made to not address that and return to the version that simply provides the option for forfeiture.

[1:36:32 PM](#)

REPRESENTATIVE SAMUELS, referring to the language "motor vehicle used", asked if an individual who lends his/her vehicle to someone who has, unbeknownst to the vehicle owner, fines totaling more than \$1,000, could have his/her vehicle impounded. He then inquired as to how many tickets would total \$1,000. With regard to the language "within the municipality", he asked if the MOA could address a situation in which an individual has fines totaling [\$1,000 or more] from an area outside the municipality.

SENATOR MCGUIRE reiterated her earlier comment that she's uncomfortable with making this a crime due to the language "motor vehicle used". She emphasized that the legislation asks the municipality to follow due process in seizing property. Due process will involve fair notice and opportunity for a hearing. Senator McGuire then highlighted that one goal of SB 145 is education and deterrence; the desire is to think twice about to whom one loans a vehicle. More than one citation would be required to reach \$1,000 in fines. As the information in the committee packet relates, this legislation addresses individuals with multiple citations that total large sums. Studies have shown that there is a link between the propensity to commit these traffic violations and not pay them, she related. Therefore, there is an interest in public safety. In regard to the language "within the municipality", she pointed out that statute includes a definition of "municipality".

SENATOR MCGUIRE emphasized the need for an opportunity for fair notice because the government seizing property is a very serious matter.

REPRESENTATIVE GRUENBERG questioned whether [subsection (r) of CSSB 145(CRA) could be included in SB 145] if there was a delayed effective date as well as language specifying that the cost [of sharing the information] would be borne by the municipality.

SENATOR MCGUIRE related that when that language was in the bill, the municipality agreed that the cost of the [information sharing] would be borne by the municipality. However, the DLWD then provided an unfounded fiscal note, in her opinion, based on the department's internal procedures.

REPRESENTATIVE SAMUELS expressed some concern with the sponsor's suggestion to be careful to whom one lends one's vehicle.

SENATOR MCGUIRE opined that the fact that an individual who lends his/her vehicle in good faith to another without knowing that individual's propensity for moving violations is a factor.

[1:45:25 PM](#)

STEVE SMITH, Anchorage Police Department (APD), Municipality of Anchorage (MOA), noted his agreement with Senator McGuire that SB 145 is a worthwhile tool for law enforcement to use to attempt to change the behavior of those for whom the existing laws don't seem to matter.

MR. MOORE, in response to Representative Samuels's earlier question, specified that on average an individual would have to have about seven outstanding delinquent traffic tickets for this law to apply. Mr. Moore related that although there are about 23,000 with delinquent traffic fines, this legislation only addresses about 4-5 percent of that population, the most likely to commit additional traffic fines and put the safety of others at risk. With regard to the scenario of lending a vehicle, the Municipality of Anchorage has a web site at which one can search for individuals with unpaid traffic fines.

CHAIR RAMRAS asked if an individual with over \$1,000 in unpaid traffic fines would forfeit the entire value of the vehicle or only the portion to pay the outstanding fines.

[1:48:37 PM](#)

JOSH FREEMAN, Assistant Municipal Attorney, Municipality of Anchorage (MOA), related that at the municipal level this will be a crime. As such, if there are two convictions, the vehicle would be forfeited completely. The aforementioned is how the DUI and suspended license ordinances are set up, and thus those parameters would be followed.

MR. REEVES interjected that if SB 145 passes in its current form, the municipality will have to revisit the matter with the assembly because the assembly's approach was predicated on the fact that it would be a criminal act for those in the scofflaw category to operate a vehicle. If the aforementioned isn't the case, there will be constitutional questions regarding the forfeiture of the vehicle.

CHAIR RAMRAS related to the committee that Duane Bannock, Director, Division of Motor Vehicles (DMV), has relayed the DMV's support for SB 145 since he had to attend another hearing.

REPRESENTATIVE SAMUELS asked if an individual would only be impacted by this proposed legislation if he/she amasses fines of \$1,000 or more within the municipality or would those fines outside of the municipality also be included.

MR. MOORE clarified that the intent is to only include those traffic fines within the boundaries of a municipality. Therefore, MOA would enforce this proposed law based on traffic fines issued by Anchorage police officers within the bounds of the municipality.

REPRESENTATIVE SAMUELS surmised then that if the state wished to do the same thing, then the municipality would have to have procedures in place such that the state could also impound vehicles.

MR. REEVES answered yes.

[1:52:07 PM](#)

REPRESENTATIVE COGHILL pointed out that existing forfeiture statutes refer to "a motor vehicle used by a person". He asked if there has been a circumstance in which an individual who doesn't own the vehicle was responsible for having a vehicle impounded. If so, he inquired as to how the municipality has handled that.

AN UNIDENTIFIED SPEAKER said that such situations occur often and the municipal code includes procedures to address that. He referred to the procedures as the "innocent owner defense" by which owners of the vehicles can provide evidence to show that they didn't know or have reason to know that the individual would drive the vehicle in violation of the law.

CHAIR RAMRAS, upon determining no one else wished to testify, closed public testimony.

CHAIR RAMRAS moved that the committee adopt Conceptual Amendment 1, to insert "moving" after the word "for" on page 2, line 1. There being no objection, Conceptual Amendment 1 was adopted.

[1:53:56 PM](#)

REPRESENTATIVE DAHLSTROM moved to report SB 145, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS SB 145(JUD) was reported from the House Judiciary Standing Committee.

The committee took a brief at-ease.

HJR 2 - CONST.AM:NO GAMING WITHOUT VOTER APPROVAL

[1:54:55 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 2, Proposing an amendment to the Constitution of the State of Alaska requiring an affirmative vote of the people before any form of gambling for profit may be authorized in Alaska.

[1:55:33 PM](#)

REPRESENTATIVE SAMUELS moved to adopt the proposed committee substitute (CS) for HJR 2, Version 25-LS0257\E, Luckhaupt, 5/9/07, as the working document. There being no objection, Version E was before the committee.

[1:56:50 PM](#)

REPRESENTATIVE HARRY CRAWFORD, Alaska State Legislature, speaking as a joint prime sponsor, explained that HJR 2 was introduced because the duties of the legislature were being usurped by a citizens' initiative. That initiative forms a

commission, with members appointed by the governor. He informed the committee that those gathering the signatures presented the initiative as one to regulate gambling, but they rarely mentioned that the initiative would expand gambling without a vote of the legislature. Therefore, he [and Representative Dahlstrom] introduced HJR 2. He expressed his horror at the prospect of an appointed commission having the ability to rule without the legislature's consent. Alaska is one of the last two states that hasn't allowed for-profit gambling. Representative Crawford said, "I just absolutely don't want to go down this road without there being a very high bar."

REPRESENTATIVE DAHLSTROM, speaking as a joint prime sponsor of HJR 2, relayed that she and Representative Crawford have been working on this issue and related issues over the past few years. She related that the two share a passion for this issue due to what happens to any state and the families in it when that state allows gambling. She mentioned the addiction and crime problems related to gambling. She then reminded the committee that Alaska is usually one of the top five states in terms of the rate of suicide, alcoholism, incest, rape, and child abuse. Furthermore, bankruptcies are increasing. The aforementioned have always increased when gambling has been allowed or expanded. Representative Dahlstrom opined that it's not a risk the state should take.

REPRESENTATIVE DAHLSTROM informed the committee that studies have indicated that for every \$1 spent gambling, the cost to society is \$3. The societal cost is in terms of funding addiction programs, welfare, and shelters. Furthermore, it's common for the caseload of an area's office of children services and police department to increase.

REPRESENTATIVE DAHLSTROM emphasized that the most important consideration [with allowing/expanding gambling] is the destruction of families. She acknowledged that not everyone who gambles becomes addicted, but statistics prove that there are more people for which gambling becomes a habit that turns into an addiction. Addictions are something for which society as a whole pays. Representative Dahlstrom clarified that HJR 2 won't affect existing law; it only address a proposal to expand [for-profit] gambling.

REPRESENTATIVE SAMUELS related that he, too, was approached by the gambling initiative folks. He then related that he, too, believes that initiatives usurp the power of the legislature. Referring to the language "all profits" on page 1, line 13, he

pointed out that [for-profit and nonprofit] charities both take a profit.

REPRESENTATIVE CRAWFORD explained that this language doesn't change the existing statutes and regulations governing charitable gaming.

REPRESENTATIVE DAHLSTROM acknowledged that there are some businesses that are bad actors, even in the existing charitable gaming industry. This resolution doesn't address the aforementioned, but perhaps that could be addressed in the future. The intent of charitable gaming is good and is allowed in law.

[2:07:23 PM](#)

REPRESENTATIVE COGHILL said that he wasn't sure that a constitutional amendment could require that the legislature can make a law that has been ratified by 60 percent of [the qualified voters in the state]. In the Alaska Constitution, the language "by law" generally refers to the legislature or initiative. However, this resolution would require the two groups that have the authority to make law agree.

REPRESENTATIVE GRUENBERG remarked that it's easy to evade this proposed law because a casino could be constructed outside of the municipal borders.

REPRESENTATIVE CRAWFORD explained that for any expansion for any form of gambling there will have to be general election across the state. Furthermore, if the gambling is located in a municipality or borough, there will also have to be a local election.

REPRESENTATIVE GRUENBERG opined that he is unclear as to whom the language "approved by the municipality" refers. He questioned whether a city official could provide approval or does there have to be a vote of the city council. The problem with gambling facilities outside of municipal borders could be cured by requiring that gambling facilities have to be in a municipality, and therefore voters would have to approve it.

REPRESENTATIVE DAHLSTROM related her understanding from the Department of Law (DOL) and others that the language on page 1, lines 10-11, was chosen in an effort to ensure that there will be a statewide and local vote when gambling is considered.

REPRESENTATIVE GRUENBERG reiterated his point that the election would only occur if the gambling facility was located within the borders of the municipality.

REPRESENTATIVE SAMUELS related his belief that there's a big difference between gaming and gambling, and asked if those terms are defined in statute.

REPRESENTATIVE DAHLSTROM said that the language on page 1, line 7, "Any form of gaming or gambling" was chosen so as not to have to list specific types of games.

[2:14:34 PM](#)

LEONARD WELLS asked whether a super majority is required for passage of a law at the local election. He then questioned why anything other than a simple majority would be required. If someone is looking to put a gambling facility outside the municipality, would those in the city have a vote since they aren't included in the borough, he asked.

REPRESENTATIVE DAHLSTROM related that she and Representative Crawford are amenable to discussing [whether the vote has to be a] 60 percent vote in favor. She related the intent for the vote to be held in the area in which the gambling facility is to be located.

[2:17:12 PM](#)

ED MOEGLEIN, Alaska Charitable Non Profits Organization, informed the committee that the Alaska Charitable Non Profits Organization represents veterans and community service organizations with affiliates throughout the state. He said he's in favor of HJR 2 for the same reasons stated in the sponsor statement and also because [for-profit gambling] would be placed in competition with charitable, community, and veteran service organizations. He opined that some forms of gambling could cause harm to the state's communities as well as the state as a whole. He further opined that it's each Alaskan's right to vote on a gaming or gambling issue.

[2:20:05 PM](#)

PAMELA SAMASH encouraged the committee to address the situation in which gambling facilities are located outside the city limits. Ms. Samash related her support for HJR 2, which is evidenced in her written testimony included in the committee

packet. She encouraged the committee to do what it can to keep gambling out of Alaska or at least make it fair and allow the voters to decide. Gambling is addicting, especially to those with existing addictions. Drawing from her mother's experience, Ms. Samash related that gambling is set up in a manner to allow people to forget the cares of life. The high rate of drug and alcohol abuse and the depression that many deal with in Alaska would leave many in Alaska vulnerable to gambling addiction. She emphasized the need to remember the children of the adults who are gambling because the children "are the first in line to pay the price of gambling" as they are powerless. Ms. Samash said that she is proud that Alaska is one of two states without casinos.

[2:24:15 PM](#)

CHAIR RAMRAS, upon determining no one else wished to testify, closed public testimony on HJR 2.

REPRESENTATIVE DAHLSTROM reminded the committee that Alaska's population is in the 600,000 range. She then offered the following statistics per 100,000 adults. In a typical county of \$100,000 adults, the introduction of class III gambling would create additional societal costs of \$14.3 million annually with costs for the social benefits of \$4.6 million annually. In counties with class III gambling, approximately 10 percent of crime was due to gambling, which, in counties of 100,000, that means 615 more larcenies, 325 more burglaries, 272 more auto thefts, 10 more rapes, 65 more robberies, and 100 more aggravated assaults.

REPRESENTATIVE COGHILL reminded the committee that most of what has been done over the years has been by a majority vote, and thus he wasn't sure about enshrining the super majority requirement in the constitution.

CHAIR RAMRAS related his intention to offer an amendment to delete the language "sixty percent" in order to conform to the constitution.

REPRESENTATIVE DAHLSTROM characterized that as a friendly amendment.

REPRESENTATIVE COGHILL suggested that perhaps the language on lines 10-11 should be changed to refer to "any municipality where the gaming or gambling may occur" rather than "the municipality, if any, where the gaming or gambling will occur."

He then directed attention to the term "only" on page 1, line 13, and reminded the committee that the term is exclusive to all other things. He predicted that using the term "only" could result in specifying that the profits could only be expended for charitable purposes. In response to Representative Dahlstrom, Representative Coghill said he thought the deletion of "only" would be appropriate.

[2:28:59 PM](#)

CHAIR RAMRAS moved that the committee adopt Conceptual Amendment 1, to delete "sixty percent" from page 1, line 9. There being no objection, Conceptual Amendment 1 was adopted.

REPRESENTATIVE COGHILL moved that the committee adopt Conceptual Amendment 2, as follows:

Page 1, line 10, following "by":
Delete "the"
Insert "any"

Page 1, line 11:
Delete ", if any,"

Page 1, line 11:
Delete "will"
Insert "may"

There being no objection, Conceptual Amendment 2 was adopted.

[2:30:15 PM](#)

REPRESENTATIVE COGHILL moved that the committee adopt Conceptual Amendment 3, to delete "only" from page 1, line 13. There being no objection, Conceptual Amendment 3 was adopted.

REPRESENTATIVE GRUENBERG expressed concern that so much money is involved that those who might wish to [open a gambling facility] will scrutinize this resolution. Therefore, he suggested having an attorney who specializes in this review the resolution for possible loopholes that could be exploited.

REPRESENTATIVE DAHLSTROM said that she would be happy to do so, but expressed her desire to move the resolution from committee today. She noted that she is working with several attorneys.

[2:33:12 PM](#)

REPRESENTATIVE LYNN moved to report the proposed committee substitute (CS) for HJR 2, Version 25-LS0257\E, Luckhaupt, 5/9/07, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 2(JUD) was reported from the House Judiciary Standing Committee.

HB 250 - YOUTH INAPPROPRIATE SEXUAL CONDUCT

[2:33:52 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 250, "An Act relating to children engaging in inappropriate sexual conduct."

[2:35:30 PM](#)

REPRESENTATIVE MIKE DOOGAN, speaking as the prime sponsor, began by informing the committee that HB 250 is unfinished. He then informed the committee that the legislation is the result of the Task Force on Preadolescent Children with Sexual Behavior Problems, which produced a report.

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

REPRESENTATIVE DOOGAN noted that the committee packet includes a summary of the task force's conclusions. The task force develop a fairly comprehensive and costly [solution], with an approximately \$10 million fiscal note. He explained that HB 250 attempts to deal with the problem of sexual assault committed by children who are too young to be dealt with even via the juvenile justice system. Generally the courts have held that those younger than 12 years of age are too young to have the requisite intent in order to be prosecuted. Therefore, in these cases, there's no system to deal with it as the agencies of the state are prepared and have the legal authority to address situations in which children are the victims, not perpetrators, of sexual assault. These agencies don't have the legal authority, ability, or resources to address those situations in which children are the perpetrators of sexual assault. Given the aforementioned, Representative Doogan said that he decided to introduce HB 250 as a way of starting what he hopes will result in a broad and thorough conversation on this subject.

REPRESENTATIVE DOOGAN explained that Section 1 of HB 250 adds children who engage in inappropriate sexual conduct who aren't

supervised or treated for that to the child in need of aid (CINA) statute. Section 2 requires that the parent, guardian, or other individual responsible for a child to report such activity to the Office of Children's Services (OCS). The legislation allows the department to open a case file and investigate the charges. Furthermore, the legislation provides that a person who fails to report this activity is guilty of a class A misdemeanor. The legislation defines "inappropriate sexual conduct" as conduct that would be illegal if committed by an adult rather than a child.

REPRESENTATIVE SAMUELS inquired as to what occurs now in these cases.

REPRESENTATIVE DOOGAN answered that it depends on the circumstances as there isn't a particularly well-developed method that can be employed.

REPRESENTATIVE GRUENBERG asked whether sexual behavior problems (SBPs) are a recognized diagnosis in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV).

REPRESENTATIVE DOOGAN related his understanding that SBP is a recently recognized phenomenon and could be referred to differently in other states.

[2:45:09 PM](#)

SHARON ARAJI, Ph.D., Professor of Sociology, University of Alaska - Anchorage; Chair, Task Force on Preadolescent Children with Sexual Behavior Problems, informed the committee that there is a lot known about these children nationwide and internationally. In fact, she noted that she started research on this topic over 13 years ago and published a book on the topic. At the time, she spoke with most agencies in Anchorage as well as outside communities and discovered that almost everyone in these agencies know of such children. However, no [agency] in the state has the mandate or resources to deal with these children. She noted that after writing her book, she put this topic away until the Anchorage School District had a case a couple of years ago in which a six-year-old sexually abused another six-year-old. At that point, she recalled being contacted and informed of people's experiences with this. She recalled that during her research, she went through 102 closed files of an agency and found that there were 21 families with children 12 and under who were sexually abusing other children.

DR. ARAJI noted that most of that was intrafamilial. After the case with the Anchorage School District was closed, she said she contacted a detective with the Anchorage Police Department (APD) and asked if anything had been done to address this, to which the answer was no. The aforementioned was the impetus for establishing the task force. She emphasized that if these children aren't addressed, they will go on to have problems or have additional victims. National longitudinal research illustrates that identifying these children early and getting them some form of treatment early can help resolve some of the child's issues. In response to Representative Dahlstrom, Dr. Araji informed the committee that her book is titled "Sexually Aggressive Children, Coming To Understand Them".

REPRESENTATIVE LYNN asked Dr. Araji if she has written any other books on this subject or any other subject.

DR. ARAJI replied yes, and specified that she has written chapters in other books on this topic and the topic of domestic violence. In fact, just a few months ago she was asked to update an article for a new journal regarding interpersonal violence. She noted that she also gives workshops on this topic. She offered to provide her vitae to anyone interested.

[2:52:16 PM](#)

DAVE PARKER, Lieutenant, Anchorage Police Department (APD), Municipality of Anchorage (MOA), informed the committee that he is the commander of one of the detective units that deals with crimes against children. He explained that there is no way in which law enforcement can effectively address this issue because these children can't be prosecuted. He related that the police department is often contacted when sexually aggressive children act out behaviors with other children. He noted that one must keep in mind that often [these sexually aggressive] children are victims themselves. Anything that can be done to assist OCS or any other organization in the state to more effectively address this problem and provide help to these children would be money and effort well-sent.

REPRESENTATIVE GRUENBERG offered that Title 47 seems to have a lot of statutes that would allow this to be addressed.

MR. PARKER said if that were so, everyone wouldn't be present today. He opined that the proposed addition of paragraph (13) to AS 47.10.011 is the beginning stage of assisting Title 47 in addressing the issue. The difficulty is that OCS doesn't

address any abuse that's outside of the home. However, OCS can address a situation that's intrafamilial. Law enforcement can intervene if the perpetrator is over the age of 12. The mandatory reporting requirement in HB 250 is very important because it requires that these [sexually aggressive children under the age of 12] be entered into the system so that a case can be opened by OCS, a proper evaluation performed, and a treatment plan developed.

REPRESENTATIVE GRUENBERG surmised then that HB 250, for the first time, allows the treatment of a child through the CINA process when the child has committed a delinquent act. This legislation, he opined, seems to offer a different route than the quasi criminal route.

MR. PARKER noted his agreement, and added that he struggles with thinking of a child under the age of 12 being considered a criminal, although the behavior could amount to criminal conduct if he/she were older.

REPRESENTATIVE GRUENBERG inquired as to why this one type of quasi criminal activity is limited to inappropriate sexual behavior and doesn't include assaultive behavior of other types or cruelty to animals, which are precursors of disturbed children.

MR. PARKER related that the problems he sees primarily focus on the sexualized behavior of children. He opined that children assaulting other children could be approached via a different venue. He emphasized the need to address children exhibiting and perpetrating sexualized behavior on other children.

[2:57:50 PM](#)

CYNTHIA BRADLEY, Detective, Anchorage Police Department (APD), Municipality of Anchorage (MOA); Co-Chair, Task Force on Preadolescent Children with Sexual Behavior Problems, informed the committee that for the past five years she has been in the Crimes Against Children Unit. She further informed the committee that she is a 15-year veteran with the Anchorage Police Department. She noted that she has seen and worked with these cases. In fact, she recalled the case of which Dr. Araji spoke and related that she had been in contact with the child [who was sexually aggressive] at the age of five and was asked to interview the child as a victim, although he was the aggressor. The interview was to determine if the reason the child was acting out was because he had been victimized. She

recalled that when the child was asked why he did what he did, he responded by relating that his mind told him to do it. The aforementioned seemed to be a red flag. The parents were told the child should receive treatment, but they minimized the situation by speaking with their physician and relaying that the child was merely "playing doctor." Ultimately, it resulted in a lawsuit and hundreds of thousands of dollars in costs. The child went on to perpetrate on another child. She relayed that she ultimately had three investigations involving the same child, and was able to determine that he probably began acting out at the age of 4.

MS. BRADLEY informed the committee that she currently has a case in which a 12-year old has been perpetrated on since the age of 6. The perpetrators, cousins, are less than three years older than the victim, and therefore they can't be charged with sexual abuse of a minor. Perhaps this behavior wouldn't have continued had the situation arisen earlier and there was the ability to address the matter. The problem she identified, as a law enforcement officer, is that the Crimes Against Children Unit has the highest assigned caseload in the detective division and that doesn't include these cases. Furthermore, the division is spending resources in this area that it doesn't have.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

[3:03:01 PM](#)

DENNIS MALONEY, Attorney at Law, P. Dennis Maloney P.C., related that he was shocked when the first case of this type surfaced. However, after the case became public, [his office] received over two dozen calls regarding children who have been perpetrated upon by other children. He then explained that if the perpetrator is under 12 years of age, the police department doesn't charge the child. Mr. Maloney then informed the committee that in Atlanta, Georgia, there is an institution for children who are sexual perpetrators. The institution has a waiting list of four-year olds. The average stay is one to two years. In investigating this first case, it was determined that this child, with an intelligence quotient (IQ) above 140, had penetrated at least six other children.

MR. MALONEY informed the committee that last year in Anchorage OCS received about 130 referrals regarding children under 12 years of age perpetrating sexually inappropriate behavior on other children under 12 years of age. Although most of those cases are relatively innocent, there are a few hard core cases

in which the perpetrators seem to re-offend. In some cases, the victims become perpetrators. He related another case in which no adult was involved and the perpetrator and victims were under 12 years of age, and therefore the perpetrator wasn't charged or provided treatment. Mr. Maloney emphasized that currently there is no method to address this problem, and he predicted that these children perpetrators will be repeat offenders who will rape and assault others and ultimately end up in the criminal system. Alaska has the highest rate of sexual assault in the nation, and it must be addressed, she stressed.

[3:07:09 PM](#)

MR. MALONEY related that there are 15 treatment facilities for these children across the nation with specialists in Colorado, Washington, Oklahoma, Pennsylvania, Florida, and Georgia. An individual in Anchorage has been trying to treat some of these children, but he recently announced his retirement. Mr. Maloney stated that this matter must be addressed with a comprehensive approach. Although the cost to society is substantial, the cost to victims is immeasurable. Furthermore, the cost of a life of crime is even more substantial, amounting to almost \$2 million per offender. These children have to be identified and treated, he opined. He related that the task force determined that in Anchorage there are approximately 10 hard-core children sexually assaulting other children on an active basis who would require institutionalization.

MR. MALONEY stressed the need to review this problem, and opined that it would be a wise use of funds to prevent and treat these sick children. Alaska has, on average, 1,000 incarcerated sex offenders, which cost about \$355,000 a year per adult sex offender. Therefore, \$355 million in taxpayer funds is being spent. Mr. Maloney concluded by informing the committee that he's going to try to raise money to fund a professor who can teach the psychologists in Anchorage how to handle this problem.

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

VICE CHAIR DAHLSTROM clarified that the OCS is operating within the bounds of the law as it is currently written. The legislature is now reviewing what it can do to address this problem.

MR. MALONEY noted his agreement that OCS is limited in what it can do, not to mention that the agency is over worked.

3:12:47 PM

JEFFREY MAGID, Attorney at Law, P. Dennis Maloney P.C., informed the committee that he has worked with Mr. Maloney on these sexual assault cases. Referring to the case to which Ms. Bradley spoke, Mr. Magid related that the incident was able to occur partially because the parents of the perpetrator transferred the perpetrator from school to school, after he had assaulted a child in preschool. In fact, the school at which the perpetrator attended kindergarten was preparing to handle the child as a discipline problem in the following year, but his parents relocated the child to another school without notifying anyone of his sexual propensity. The testimony in the case was instructive as to the parents' knowledge. Therefore, a portion of HB 250 places the responsibility on parents to obtain treatment and provides for penalties if treatment isn't sought. Moreover, the legislation requires the parents to inform those charged with supervision of children to protect potential victims.

VICE CHAIR DAHLSTROM relayed that she and Representative Doogan have discussed these issues and are committed to working on this issue throughout the interim.

3:15:35 PM

MARY ELAM, Program Director, Standing Together Against Rape (STAR), informed the committee that research has shown that the earlier the intervention and treatment, the more effective it is and the better chance of success. Without intervention, these children perpetrators will continue the behavior and there will be more and more victims. In many cases, it's likely that the perpetrators are victims themselves, she noted. Therefore, the opportunity to receive treatment and intervention will also help address the perpetrator in his/her status as a victim.

3:17:22 PM

JOSH FINK, Director, Anchorage Office, Office of Public Advocacy (OPA), Department of Administration (DOA), said that although he appreciates the efforts of the sponsors, OPA has significant concerns with the legislation, as written. He related the observation of Chief Justice Roberts who, when in Fairbanks last week, expressed concern that legislatures are reacting to isolated cases, though extreme and upsetting, and proposing legislation that has a much broader impact on society than simply addressing the facts of the case. He opined that the

aforementioned is the case with HB 250, which has extremely broad implications and inserts government oversight in Alaska in ways in which most would likely object. The aforementioned, he opined, is harmful to children.

MR. FINK noted that Section 1 adds new jurisdictional ground under which OCS can take children under state custody for child abuse and neglect. While OPA finds child-on-child sex, assault, or inappropriate conduct reprehensible and something that should be addressed, the jurisdictional ground in HB 250, as written, is very broad. Section 2 adds a reporting requirement for individuals who were heretofore not required to report to OCS, including parents, guardians, and other persons responsible for the child. The last category is very broadly defined and vague to the point that there would be much litigation. Furthermore, the range of incidents that these people, who aren't mandatory reporters, must report is quite broad because the definition of inappropriate sexual conduct is quite broad. For instance, it refers to situations such as a toddler exposing and touching himself/herself in public or innocently touching an undeveloped breast, buttocks, or genital of another child. Under the statute referenced in Section 2, the aforementioned acts are defined as inappropriate sexual conduct and one who doesn't report it commits a crime.

MR. FINK reiterated that the scope of the definition of inappropriate sexual conduct is far too broad. "OPA has objections on a policy basis to labeling as inappropriate sexual conduct what many know by common sense and what child experts confirm to be preadolescent behavior," he said. The normal curiosity of children shouldn't result in labeling or stigmatization nor should the failure to report such behavior result in possible criminal charges and the opening of an OCS file. He then stated that there are also significant notice issues in the legislation as written. The public is expected to know the law, but in some cases courts find that it's unreasonable to expect the public to be on notice of some duty. This legislation expects a broad category of individuals to know that they have a reporting requirement and know what constitutes a crime under AS 11.41.410-11.41.470. Mr. Fink suggested that this requirement may not be reasonable and has potential constitutional infirmities.

MR. FINK related that he will be submitting HB 250 to some of the child development experts with whom OPA regularly works for evaluation and feedback. Mr. Fink noted his disagreement with prior testimony and related that OPA sees very few of these

cases and OPA is involved in every case in which the state takes custody. With regard to how these situations would be addressed under current law, Mr. Fink explained that when a parent neglects or medically neglects his/her child the state may take that child into custody, which could include failure to supervise or obtain treatment of the child if the parent is made aware of behavior issues of the child. Therefore, if the matter is brought to the parent's attention and the parent does nothing, OCS can take custody. Another route the earlier mentioned case could have gone would've been to report the child to the Division of Juvenile Justice and if the agency agreed there was concern, the division could've made a report to OCS that could develop an action plan.

MR. FINK said that failure to meet that action plan could've resulted in the child being taken into state custody. Alternatively, the Division of Juvenile Justice (DJJ) could recommend a course of treatment for the child. Therefore, Mr. Fink said that he doesn't believe existing law is completely unable to address these situations. He reiterated that OPA has grave concerns about this legislation. He then offered to work with the sponsors and committee on this legislation over the interim. He noted that OPA wasn't asked to join the task force and when it attempted to obtain information, it was unsuccessful. The information it did obtain made the agency concerned about the punitive nature in which the task force was moving. Mr. Fink concluded by emphasizing his serious concern with the reach of HB 250.

VICE CHAIR DAHLSTROM said she looked forward to working with OPA and acknowledged that the legislation needs work, particularly in regard to the definition of "inappropriate sexual behavior" and reporting requirements.

[3:25:02 PM](#)

REPRESENTATIVE LYNN inquired as to the type of civil litigation HB 250, as written, might cause to be brought forth.

MR. FINK related his understanding that if a parent doesn't report such behavior, it's a crime. Therefore, civil negligence per se could be argued.

VICE CHAIR DAHLSTROM reminded the committee that HB 250 won't be leaving the committee as currently written.

REPRESENTATIVE DOOGAN requested that Mr. Fink, during his participation, point out where in AS 11.41.410-11.41.470 it specifies that [not reporting this behavior is] a felony, which is what's required under the current definition.

[3:28:10 PM](#)

JAN RUTHERDALE, Senior Assistant Attorney General, Child Protection Section, Civil Division (Juneau), Department of Law (DOL), agreed that there are some constitutional problems with HB 250, as currently written. Ms. Rutherfordale said she didn't believe that Section 1, which expands the jurisdictional statute, is necessary as what's sought can be achieved [with existing law]. She noted that she shares Mr. Fink's belief that Section 1 creates new jurisdictional ground as well as Representative Gruenberg's concern regarding whether this would open the door to similar grounds. Within Section 2, regarding mandatory reporting, there are some privacy problems. In fact, there may even be a problem related to self incrimination of a parent, an accessory to the fact. Ms. Rutherfordale opined that "inappropriate sexual conduct" seems to be overly broad and vague. She questioned whether the intent is to refer to any age children, and whether the language is referring to consensual conduct or nonconsensual conduct. The difficulty is that children aren't old enough to legally consent to be touched. Ms. Rutherfordale said that she would be willing to work on the legislation.

[3:32:06 PM](#)

MIKE LESMANN, Program Coordinator, Office of Children's Services (OCS), Department of Health and Social Services (DHSS), opined that after meeting with Representative Doogan and his staff, he is convinced that the sponsor wants to find the right solution to a real problem. However, OCS is unable to support HB 250 at this time, although the OCS recognizes the importance of treating children with sexual behavioral problems, and protecting other children from them. Mr. Lesmann acknowledged the alarming reports of incidents involving these children in Alaska and recognized the impressive multi-disciplinary approach of the task force and the work it's done. Still, OCS simply can't support legislation that would require the public to report all the sexually inappropriate incidents between preadolescent children to OCS, especially in the absence of any parental culpability. This legislation seems to imply that OCS believes parents are incapable of discussing with their children the differences between good touch and bad touch, privacy

issues, and personal space. Furthermore, legislation of this type seems to imply that OCS should be the first line of defense, when the agency would rather be the last line of defense.

MR. LESMANN informed the committee that if parents aren't meeting their children's needs and behaviors and the problem is brought to the parents' attention by a school official and still the parent isn't responsive, OCS can and does get involved. Mr. Lesmann stated that AS 47.10, child protection statutes, are written such that OCS can intervene in these types of situations. He asked the committee to really consider whether it wants OCS to be more things to more people. If so, then OCS will have to request more resources. Furthermore, if OCS is asked to take on child welfare issues not just child protective services issues, OCS staff will be asked to perform more work than they are already doing. Moreover, this would be work that's in addition to the currently mandated work of the agency. He added that OCS doesn't believe that it can perform this extra work well enough.

VICE CHAIR DAHLSTROM thanked everyone for their testimony and recognized those involved in this type of work are consumed by it. She related that [the legislature] takes this legislation very seriously.

[3:37:57 PM](#)

DAVID SPERBECK, Ph.D., Forensic and Clinical Psychologist, North Star Hospital, informed the committee that he specializes in pediatric psychology and neuropsychology. He further informed the committee that for 24 years he was the forensic psychologist for the State of Alaska in all criminal matters and as such provided the majority of the court-appointed psychiatric evaluations. During the last 20 years, Dr. Sperbeck related that he has an outpatient private practice clinic at Northstar Hospital. He explained that Northstar Hospital is a children and adolescent psychiatric facility. Dr. Sperbeck testified in support of HB 250 primarily due to having examined several thousand adult sexual offenders and at least 1,000 children who engaged in problematic sexual behaviors. He assured the committee that these children aren't born misbehaving sexually, but rather usually it's the product of abuse or neglect.

DR. SPERBECK said that typically, these children aren't picked up, monitored, or supervised until adolescents. Rarely, if ever, do adolescents act out, with sexual behavioral problems,

for the first time as adolescents. Almost always the problems could have been and may have been identified at an earlier age. Dr. Sperbeck said, "The one thing I really support about this legislation is the mandatory evaluation and assessment." He assured the committee that psychologically, if a child's personality problems aren't addressed and remedied by the age of 10 or 11, there's really not much change that any therapy could achieve, in terms of changing the course of that child's personality. Therefore, after the age of 10 or 11, it's a question of damage control rather than damage prevention. If a child can be treated prior to the age of 10 or 11, resocialization or cognitive behavior therapy can provide a chance to slow down the epidemic of narcissistic, selfish acting out that so many sexual offenders demonstrate later in life.

DR. SPERBECK added, "That's one of the reasons why sex offender treatment ... has such poor outcome results in adults, is because it's a function of their personality more than a mental disease or defect." With regard to Mr. Lesmann's testimony, Dr. Sperbeck concurred that adding more work to an already over worked and beleaguered group of dedicated professionals will be extremely difficult. However, he emphasized, "An ounce of prevention is worth a pound of cure later on with these children." Furthermore, prevention and stemming the exposure to more abuse is extremely crucial to reducing the potential number of perpetrators while addressing the needs of the potential victims.

[3:42:51 PM](#)

REPRESENTATIVE SAMUELS inquired as to the length of therapy for children under the age of 10. He then inquired as to how many children this would encompass in Alaska.

DR. SPERBECK answered that the length of treatment depends upon the magnitude of the problem, the length of exposure, and the extent to which the child has developed virtues and values in other areas of their lives, and the type of support these children have. He explained that if the parent is responsible and unwilling to accept responsibility and accountability for his/her conduct, then the child must be removed from the home. In such a case, a child would have to be placed in either a hospital setting for a while and then transferred to residential treatment and then placed in a therapeutic foster home for a period in order that the child can start developing a semblance of normalcy and stability and value development. Dr. Sperbeck then related that North Star Hospital usually sees 2,000 new

patients a year, of which he estimated 10 percent of the patients have significant sexual behavior problems that would place them in a hospital setting. Therefore, he estimated that 100-200 of the patients have very serious problems. He noted that in Alaska North Star Hospital sees the vast majority of children with severe behavior personality and psychiatric problems. Perhaps half of those would need to be removed, at least temporarily, from the home. Dr. Sperbeck reminded the committee of the difficulty of parenting and the need not to forget that addressing parental negligence must also be factored into this problem.

DR. SPERBECK concluded his testimony by noting that those on the task force are very credible, intelligent, and dedicated to children. He related his support of their efforts to address this problem.

VICE CHAIR DAHLSTROM announced that HB 250 would be held over in order to give interested parties an opportunity, over the interim, to help craft legislation to serve and protect Alaska's children.

[3:47:49 PM](#)

REPRESENTATIVE DOOGAN offered his hope that everyone who testified and anyone else who has something to offer will do so. He requested that the public hearing be kept open on HB 250.

VICE CHAIR DAHLSTROM relayed her intention to publicly notice any interim meetings addressing this legislation.

REPRESENTATIVE LYNN interjected that through the process of protecting the children, parental rights must also be protected.

VICE CHAIR DAHLSTROM concurred.

[HB 250 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:49 p.m.