

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 13, 2008

1:08 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

Representative Bob Lynn
Representative Ralph Samuels

OTHER LEGISLATORS PRESENT

Representative Andrea Doll

COMMITTEE CALENDAR

HOUSE BILL NO. 278

"An Act relating to sex offenders and child kidnappers."

- HEARD AND HELD

HOUSE BILL NO. 333

"An Act relating to the reporting of child pornography."

- MOVED HB 333 OUT OF COMMITTEE

HOUSE BILL NO. 354

"An Act relating to subsidies for a hard-to-place child; relating to criminal sanctions for unlawful disclosure of confidential information pertaining to a child; relating to child support orders in child-in-need-of-aid and delinquency proceedings; and providing for an effective date."

- MOVED CSHB 354(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 278

SHORT TITLE: SEX OFFENDER/CHILD KIDNAPPER REGISTRATION

SPONSOR(S): REPRESENTATIVE(S) BUCH, DOLL, GRUENBERG

01/04/08 (H) PREFILE RELEASED 1/4/08
01/15/08 (H) READ THE FIRST TIME - REFERRALS
01/15/08 (H) JUD, FIN
03/13/08 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 333

SHORT TITLE: COMPUTER PERSONS REPORT CHILD PORNOGRAPHY

SPONSOR(S): REPRESENTATIVE(S) FAIRCLOUGH

01/18/08 (H) READ THE FIRST TIME - REFERRALS
01/18/08 (H) JUD
03/13/08 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 354

SHORT TITLE: HARD-TO-PLACE CHILD SUBSIDY/CHILD SUPPORT

SPONSOR(S): REPRESENTATIVE(S) COGHILL

02/06/08 (H) READ THE FIRST TIME - REFERRALS
02/06/08 (H) HES, JUD, FIN
02/28/08 (H) HES AT 3:00 PM CAPITOL 106
02/28/08 (H) Moved CSHB 354(HES) Out of Committee
02/28/08 (H) MINUTE(HES)
02/29/08 (H) HES RPT CS(HES) NT 7DP
02/29/08 (H) DP: CISSNA, KELLER, GARDNER,
FAIRCLOUGH, SEATON, ROSES, WILSON
03/13/08 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

LAUREN RICE, Special Assistant
Office of the Commissioner
Department of Public Safety (DPS)
Juneau, Alaska

POSITION STATEMENT: Testified on HB 278.

KATHRYN MONFREDA, Chief
Criminal Records and Identification Bureau
Division of Statewide Services
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Testified on HB 278.

PAYTON MEREDITH, Detective
Fairbanks Police Department (FPD)
City of Fairbanks

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 278.

RON TIDLER, Detective Sergeant
Cyber Crimes Unit
Anchorage Police Department (APD)
Municipality of Anchorage (MOA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 278.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Testified on HB 278.

ELIZABETH OUTEN, Staff
to Representative Bob Buch
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on HB 278 on behalf of Representative Buch, one of the joint prime sponsors of the bill.

REPRESENTATIVE ANNA FAIRCLOUGH
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HB 333; provided a comment regarding HB 278.

RODNEY DIAL, Lieutenant, Deputy Commander
"A" Detachment
Division of Alaska State Troopers (AST)
Department of Public Safety (DPS)
Ketchikan, Alaska

POSITION STATEMENT: Testified on HB 333.

RYNNIEVA MOSS, Staff
to Representative John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on HB 354, on behalf of the sponsor, Representative Coghill.

JAN RUTHERDALE, Senior Assistant Attorney General
Child Protection Section

Civil Division (Juneau)
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Testified on HB 353.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:08:26 PM](#). Representatives Dahlstrom, Coghill, Holmes, and Ramras were present at the call to order. Representative Gruenberg arrived as the meeting was in progress. Representatives Samuels and Lynn were excused. Representative Doll was also in attendance.

HB 278 - SEX OFFENDER/CHILD KIDNAPPER REGISTRATION

[1:09:43 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 278, "An Act relating to sex offenders and child kidnappers."

[1:10:15 PM](#)

REPRESENTATIVE DAHLSTROM made a motion to adopt the committee substitute (CS) for HB 278, Version 25-LS1104\E, Luckhaupt, 2/21/08, as the work draft. There being no objection, Version E was before the committee.

[1:10:34 PM](#)

REPRESENTATIVE BOB BUCH, Alaska State Legislature, speaking as one of the joint prime sponsors of HB 278, stated that the bill would require sex offenders register their e-mail addresses and on-line identifiers. He characterized this bill as a "common sense" bill that would update Alaska's laws to current technology. Currently, sex offenders have access to our homes via computers, he stated. He surmised that since Alaska has the highest per capita use of the Internet, that it places our children at a greater risk from sexual predators. This bill would provide law enforcement officers with an additional tool to apprehend sex offenders who may be contacting our children on-line. He explained that information collected under HB 278 would help parents to identify sex offenders who have contacted their children on-line.

REPRESENTATIVE BUCH relayed that HB 278 will bring Alaska in compliance with the federal Adam Walsh Child Protection and Safety Act, legislation which organizes sex offenders into three tiers, and mandates that Tier 3 offenders, the most serious tier, update their whereabouts every three months. He stated that failure to register and update residential information is made a felony under the Act. The federal Act also creates a national sex offender registry and instructs each state and territory to apply identical criteria for posting offender data on the Internet. Representative Buch offered that nine other states have adopted similar legislation.

1:12:19 PM

CHAIR RAMRAS referred to language on page 3, lines 15-19, in proposed AS 12.63.010(c). He stated that last year he attended a conference and from information gained at that conference was persuaded that sex offenders would be alienated by the notification provisions under the bill. He opined that oftentimes sex offenders are normal people except for a huge flaw. Thus, any attempt by the sex offender to "normalize" his/her life is disturbed, he opined, since no one wants a sex offender living in their neighborhood.

REPRESENTATIVE BUCH recalled that the attorney generals from 20 or so states were concerned and devised language that would work in all states and that would help the public and would curb a sex offender's ability to chat on-line. This bill acts to help protect the sex offender as well as to inform parents and police of activities. He related that the intent of the bill is to require sex offenders to register their e-mail addresses and if they do not do so the sex offender can be prosecuted.

CHAIR RAMRAS inquired as to what the penalty is for not complying with the requirement to register within one working day.

REPRESENTATIVE BUCH answered that not registering an address or an electronic address would result in the sex offender being charged with a class A misdemeanor subject to one year in jail, with a minimum of serving 35 days in jail.

CHAIR RAMRAS opined that a significant portion of sex offenders are on probationary status. He maintained that it is difficult for sex offenders to find a place to live.

REPRESENTATIVE GRUENBERG, speaking as one of the bill's joint prime sponsors, concurred.

REPRESENTATIVE BUCH acknowledged that point.

CHAIR RAMRAS asked whether this standard is too rigid, since the sex offender is likely also serving on probationary status. He stated that his goal is not to allow "sex offenders to hide in the community." He noted that his line of questioning is with respect to those sex offenders who are attempting to re-enter society and comply with sex offender registry requirements.

REPRESENTATIVE BUCH relayed his understanding that this bill mirrors existing language. He noted that currently, sex offenders must provide written notice of a change in residence by the next working day to the Alaska state trooper post or municipal police department. This bill would extend that requirement to changes in an electronic mail address, instant messaging address, or other Internet communication identifier.

REPRESENTATIVE GRUENBERG referred to page 3, line 10, in proposed AS 12.63.010(c), and expressed a willingness to offer an amendment to change the reporting requirement to five days.

[1:20:42 PM](#)

LAUREN RICE, Special Assistant, Office of the Commissioner, Department of Public Safety (DPS), stated that the department currently performs physical address changes in one business day. In response to Representative Ramras, Ms. Rice explained that typically, the sex offender would call the sex offender registry to advise the office that his/her address changed and would fax or mail in the updated address information. She explained that if the address change is mailed in that the notice of the new physical address change would need to be postmarked within one business day of the change.

CHAIR RAMRAS inquired as to the requirements for changes to an electronic mail address, instant messaging address, and other Internet communication identifier. He opined it would be the same standard for those addresses.

MS. RICE noted her agreement.

[1:23:54 PM](#)

KATHRYN MONFREDA, Chief, Criminal Records and Identification Bureau, Division of Statewide Services, Department of Public Safety (DPS), related that part of her duties is to manage the sex offender registry. In response to Chair Ramras, Ms. Monfreda explained that there has not been a problem with the requirement for a one-day reporting deadline. She stated that in addition to Ms. Rice's testimony, another way to report the change of residence is for the sex offender to appear in person at the registry office in Anchorage, an Alaska State Trooper post, or a Village Public Safety Officer Post (VPSO). She explained that is the typical way that sex offenders notify the state of changes in their status. She stated that the DPS anticipates that adding a requirement for reporting an Internet identifier would be simply a matter of changing the form to include space for the sex offender to report his/her e-mail address and any Internet identifiers. She opined that the notification process would happen in the same way as the sex offender currently notifies the DPS of his/her physical address.

REPRESENTATIVE GRUENBERG inquired as to whether many sex offenders report changes past the 24-hour deadline.

MS. MONFREDA said it is hard to pinpoint that type of statistics. She stated that sex offenders who intend to be compliant seem to make every effort to meet that deadline. She clarified that the requirement is to comply within one business day so if the address change occurs on the weekend it is required to be reported on Monday. She surmised that the DOL could better advise the committee of any arrests for non-compliance of the current sex offender registration requirements.

REPRESENTATIVE GRUENBERG asked whether the form requires the sex offender to report the date the person moved, and if so, that imposition might have self-incrimination, Fifth Amendment implications.

MS. MONFREDA answered that the sex offender registration reporting form has a space for the date the form is signed and not the date of the sex offender's residence change.

[1:28:16 PM](#)

CHAIR RAMRAS noted that the requirement in the Adam Walsh Child Protection and Safety Act allows for a three-day reporting requirement. He inquired as to why the Alaska statutes differ from federal law.

MS. MONFREDA recalled that the Alaska statutes originally had a more lenient requirement. However, sex offenders were not reporting at all so the department narrowed the deadline. She related that the federal definition of "immediately" has come to be known as three days for sex offenders and missing persons. In response to a request by Representative Gruenberg, Ms. Monfreda offered to furnish the committee with specific language from the Adam Walsh Child Protection and Safety Act.

REPRESENTATIVE BUCH offered that if a sex offender is using a computer to change an address, that he/she has the means by which to correct the address immediately.

REPRESENTATIVE HOLMES, in response to Chair Ramras, pointed out that when a person changes his/her job, he/she would typically obtain a new e-mail address, and that other reasons for changing a provider also routinely happen.

REPRESENTATIVE BUCH, in response to Chair Ramras, stated that every e-mail address must be registered.

REPRESENTATIVE COGHILL referred to proposed AS 12.63.010(b)(1)(I), which requires that each electronic mail address, instant messaging address, and other Internet communication identifier be registered.

[1:32:49 PM](#)

PAYTON MEREDITH, Detective, Fairbanks Police Department (FPD), City of Fairbanks, stated that the FPD is also a member of the Alaska Internet Crimes Against Children Task Force. He offered the Fairbanks Police Department's support for HB 278. He relayed that his duties include the investigation of possession and distribution of child pornography and distribution within the Fairbanks area. The cases are serious cases, he opined. He further opined that these crimes are the most heinous crimes that he has ever seen in his life. Many of the people he investigates ultimately are found to be currently registered sex offenders. The registry generally is imposed as a condition of bail, he stated. One of the most important provisions in HB 278 as it pertains to his job is that the sex offenders would be required to provide current e-mail and Internet information. He offered that the recidivism rates for sex offenders are quite high and the child pornography recidivism rates are the same as for pedophilia.

MR. MEREDITH suggested that perhaps specifying exact Internet Protocol (IP) addresses assigned to them by the Internet service providers. For example, if a person rents a cable modem that is static, the person is assigned an IP address for the computer and computer/modem. He offered that one way that sex offenders are caught trading child pornography is through the IP addresses. He opined that if the investigator had access to the IP addresses that it would aid them in conducting the investigation.

MR. MEREDITH offered that his experience is that sex offenders can work out the details with their probation officers when they wish to relocate to another state. He concluded that FPD supports HB 278.

[1:38:23 PM](#)

RON TIDLER, Detective Sergeant, Cyber Crimes Unit, Anchorage Police Department (APD), Municipality of Anchorage (MOA), stated that he is the supervisor of the Cyber Crimes Unit and is the current commander of the Alaska Internet Crimes Against Children Task Force. He offered that the federal Adam Walsh Child Protection and Safety Act requires that sex offenders must report any address changes within three working days. He concluded with APD's support for HB 278 as currently written.

REPRESENTATIVE COGHILL inquired as to how the APD anticipates the process of enforcing the reporting requirements.

MR. TIDLER stated that currently APD requires a sex offender to register his/her physical address. He offered that the person would be charged in the event he/she does not report an address change. However, he opined that once the person complies and reports his/her current residential address, that the charges are generally dropped. He characterized the department's efforts as desiring to gain compliance rather than to prosecute sex offenders. He offered his understanding that due to the felony nature of the sex offender crimes that sex offender would generally be brought before a magistrate.

CHAIR RAMRAS acknowledged the problem of widespread predator behavior on the Internet and offered his hope that additional funds could be allocated to the apprehension efforts.

REPRESENTATIVE HOLMES referred to the language "other Internet communication identifier" that appears in several places in HB 278 and inquired as to what those "identifiers" might entail.

REPRESENTATIVE BUCH explained that several communications mechanisms available and that are frequently used by high school teens and that each person is able to obtain several monikers.

REPRESENTATIVE HOLMES inquired as to whether an identifier would be a "Facebook" or "MySpace" identifier and would not include logins for bank accounts or shopping.

MR. TIDLER acknowledged that the bill would target the type of identifiers such as "Facebook or MySpace identifiers" and to also prepare for future changes in technology. He further offered his understanding that the "other Internet communication identifiers" would probably encompass all logins in which a person transmits information to the public on the Internet.

REPRESENTATIVE DAHLSTROM offered her belief that sex offenders do not have the same rights or freedoms as law-abiding citizens receive since the sex offender has taken actions and made choices that have led to consequences of adhering to sex offender registration. While she related her understanding that the timing might not be convenient, that regardless of how inconvenient it might seem that the sex offender registry is a consequence.

CHAIR RAMRAS pointed out that a broad spectrum of crimes exist that require sex offender registry. He opined that 75 percent of the people on the list have committed the worst types of crimes. However, he expressed concern about sweeping up the other 25 percent that have committed crimes that fall into a different standard of conduct.

REPRESENTATIVE HOLMES offered that sometimes logins require a social security number.

REPRESENTATIVE COGHILL pondered whether the IP address would be sufficient. He related his understanding that the tracking would happen using the IP address.

REPRESENTATIVE BUCH answered that the legal drafter advises that bank accounts are business accounts and do not include the login identification.

CHAIR RAMRAS offered that the committee is reviewing the bill to identify any unintended consequences.

REPRESENTATIVE DAHLSTROM recalled an overview by Agent Flint who related that companies are not required to keep a log. She opined that the IP address might not provide investigators with enough information.

REPRESENTATIVE COGHILL inquired as to the value of the IP address and whether the login for chat room accounts and "MySpace" is the identifier that is most valuable to investigators.

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

MR. TIDLER suggested inserting a definition for "Internet identifier." He noted that Arizona has a definition that it means, "any electronic e-mail address, instant message, chat, social networking, or other similar Internet communication name, but does not include social security numbers (SSN), dates of birth, or personal identification numbers (PIN). He opined that inserting a definition might make committee members more comfortable than just using the IP.

REPRESENTATIVE COGHILL mentioned that he is aware that he has an IP address, but he offered that if he were asked he could not provide the address.

MR. TIDLER offered that the IP address is the address provided by the Internet service provider and is registered to a specific computer and subscriber.

REPRESENTATIVE DAHLSTROM offered that the Internet provider can also provide that information to the subscriber.

[1:55:55 PM](#)

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), offered her understanding that the bill drafters of HB 278 did not intend to include PIN or login identification and the importance of having the intent stated for the record. She related her understanding that those types of communications are not with the world in general so that is the distinction.

REPRESENTATIVE COGHILL questioned whether the term, "Internet communication identifier" should be made plural and whether the term should be defined.

MS. CARPENETI explained that the bill drafters use singular, but that it also includes the plural. She offered that people have many addresses and that the language will capture multiple instances.

CHAIR RAMRAS inquired as to whether to prohibit access for sex offenders from being able to access Internet places such as "MySpace" altogether in the same way that they are precluded from school zones. He inquired as to whether it would be possible to exclude sex offenders from access to places predators frequent.

[1:59:32 PM](#)

MS. CARPENETI offered that such restrictions might raise concerns about First Amendment rights, though she noted that persons on the sex offender registry do not have the same breadth of rights. It might take some research, she opined. She pointed out that the practicality of enforcing such requirements might pose problems since computers are available in public libraries and stores.

CHAIR RAMRAS posed a scenario in which a sex offender registers, but immediately enters sites such as "MySpace" and chat with children.

MS. CARPENETI noted that statutes prohibit online enticement of minors so once a sex offender enters those sites that they are subject to apprehension and arrest.

MR. TIDLER stated that statistically 40 to 80 percent of offenders viewing images on the Internet also have inappropriate contact with children. He offered that one area that is being considered as a condition of probation is to ban sex offenders from Internet use or from using computers altogether. He recalled one instance in which a sex offender continued to traffic pornography, however, it took nine months to build a case to prove his trafficking in child pornography. In response to Chair Ramras, Mr. Tidler stated that even though it may be difficult to enforce laws that many people voluntarily comply with laws. However, it is important to have the laws in place such that when people violate the law, they are subject to prosecution.

REPRESENTATIVE COGHILL offered that he is still unclear about the use of identifiers in the bill. He surmised that an IP

address is one part of an identifier. However, the places that a sex offender might visit on the Internet are specific sites.

MS. CARPENETI answered that the DPS has broad regulatory power under sex offender registration statutes and she opined that it would be possible that the term "identifiers" could be defined in regulation.

CHAIR RAMRAS offered his concern that sex offenders could register and then use the computer to access and peruse sites.

MS. MONFREDA answered that using the IP address is not a bad idea. However, she offered that a mother who is monitoring her child would not know the IP address of the person contacting her child, but she will know the identifier. She acknowledged that it could be difficult to interpret. However, she pointed out that since the technology changes so rapidly, it is difficult to predict what might be an identifier. She opined that the goal is to help law enforcement track the sex offender who is visiting specific sites.

REPRESENTATIVE COGHILL surmised that law enforcement is looking for the IP address to identify who and where the person is and the other identifiers are the location of an image that is easily identified with the individual.

MS. MONFREDA surmised that IP addresses would include an address so that law enforcement could check to see what sites the person visited.

CHAIR RAMRAS inquired as to whether the legislature can have a sex offender requirement for someone who has an Internet identifier, someone who has a "handle." He said that he would like to protect Alaskans since predators are hanging out on the Internet, such that people would know the person is a sex offender.

[2:10:32 PM](#)

ELIZABETH OUTEN, Staff to Representative Bob Buch, Alaska State Legislature, explained that the way that an "Internet communication identifier" would work under the bill is that for a "MySpace" page or for a "Facebook" page, the person sign ups and creates a handle. She noted that sex offenders using a handle can communicate with a multitude of people on-line. She explained that the intent of this bill is to allow a parent or a police officer to be able to use those handles to identify sex

offenders. If the parent views the child communicating with a specific handle, the parent can check the sex offender registry to ensure that the child is not communicating with a known sex offender.

CHAIR RAMRAS offered that the burden is on the parents rather than to put the onus on the sex offender to disclose that he/she is a sex offender. Thus, he opined, it would make HB 278 a stronger bill as a proactive piece of legislation rather than a reactive approach. He surmised that it might not be legal to do so, but that is the approach he would like to see in the bill.

REPRESENTATIVE BUCH characterized that approach as a good idea, but he said that type of identification isn't within the scope of HB 278. He expressed that the intent of HB 278 is to provide police and parents with a tool to protect children.

[2:13:09 PM](#)

CHAIR RAMRAS suggested inserting such an enforcement methodology to strengthen the bill would place a proactive element into HB 278.

REPRESENTATIVE COGHILL noted that currently the sex offender registry identifies the person, but that HB 278 would identify where the person is and where he/she is going. He said he would like clarification regarding the identifiers.

CHAIR RAMRAS expressed interest in having the onus on the sex offender to identify his/her handle to reflect that he/she is a sex offender.

[REPRESENTATIVE FAIRCLOUGH, later in the meeting, during discussion of another bill, opined that the police should have complete access to sex offenders' IP addresses and should be able to track the history of all of their Internet sites.]

[HB 278, Version E, was held over.]

HB 333 - COMPUTER PERSONS REPORT CHILD PORNOGRAPHY

[2:17:03 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 333, "An Act relating to the reporting of child pornography."

2:18:00 PM

REPRESENTATIVE ANNA FAIRCLOUGH, Alaska State Legislature, sponsor, thanked the committee for its proactive interest in combating child pornography and in holding sexual predators accountable. She related that statistics show that child pornography generates approximately \$3 billion annually. Thus, people are spending more than \$8.2 million every day. She explained that HB 333 would add individuals providing computer, Internet, cellular telephone and related services to the list of individuals who are required to report finding images of unlawful exploitation of a minor. She offered that one of her constituents repairs computers and discovered child pornography on computers sent in for repair. She surmised that some computer repair services do not report the pornography since the computers belong to their customers. This bill would level the playing field by ensuring that all businesses report any child pornography.

CHAIR RAMRAS referred to page 1, line 11, to "shall immediately report" and inquired as to what burden "shall" would place on a person who does not report child pornography.

2:22:07 PM

RODNEY DIAL, Lieutenant, Deputy Commander, "A" Detachment, Division of Alaska State Troopers (AST), Department of Public Safety (DPS), stated that "shall" generally means by the most immediate means available so if the person had access to a telephone would be required to notify law enforcement of the discovery of child pornography.

REPRESENTATIVE HOLMES inquired as to whether the provisions in HB 333 would be useful to law enforcement.

LIEUTENANT DIAL offered his understanding that some people believe that releasing the information would represent a liability to the company or personal liability. Thus, this bill would be helpful since it will offer them protection. He said he thought that it would increase the number of people who would report these types of crimes without first checking with an attorney. Thus, it would benefit law enforcement in dealing with this problem.

REPRESENTATIVE GRUENBERG inquired as to how enforcement would be able to determine who violated this law in instances in which a person is working for a company that processes photos.

LIEUTENANT DIAL answered that the DPS might not know that information. He opined that the DPS would use this bill as a tool to gather information and not as a means to prosecute those that aren't complying with the law. He explained that the bill could help speed the process of obtaining information from companies since the DPS can point to the statute as a specific requirement.

REPRESENTATIVE GRUENBERG inquired as to whether the company would be prosecuted.

LIEUTENANT DIAL surmised that if DPS knew that a company had knowledge of the requirement and were still refusing to furnish the child pornography that the DPS would work with the DOL to determine whether a legal case could be made.

REPRESENTATIVE GRUENBERG inquired as to whether each picture or film constitutes a violation.

LIEUTENANT DIAL surmised that the violation would be the knowledge of evidence of child pornography would constitute one failure to report.

[2:26:17 PM](#)

CHAIR RAMRAS, after first determining that no one else wished to testify, closed public testimony on HB 333.

REPRESENTATIVE HOLMES offered her support for HB 333.

REPRESENTATIVE FAIRCLOUGH stated that the statistics that she previously provided came from the January 2007, KTUU report by Angela Unruh. She later provided a comment regarding a bill that was heard earlier in the meeting.

[2:27:16 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HB 333 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 333 was reported from the House Judiciary Standing Committee.

HB 354 - HARD-TO-PLACE CHILD SUBSIDY/CHILD SUPPORT

[2:29:37 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 354, "An Act relating to subsidies for a hard-to-place child; relating to criminal sanctions for unlawful disclosure of confidential information pertaining to a child; relating to child support orders in child-in-need-of-aid and delinquency proceedings; and providing for an effective date." [Before the committee was CSHB 354(HES).]

[2:30:27 PM](#)

RYNNIEVA MOSS, Staff to Representative John Coghill, Alaska State Legislature, on behalf of the sponsor, Representative Coghill, explained that the legislation was brought forth by the Office of Children's Services (OCS), the Department of Health and Social Services (DHSS), the Department of Law (DOL), and a private family law practice in Fairbanks, Alaska. She related that the firm had a client who turned 18, had lived with his mother and step-father for 18 years and wanted to be adopted by his step-father, but could not due to a conflict in language. She explained that proposed AS 25.23.050(a)(7) would allow a person 18 years old to be adopted without notice or consent of the parent.

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

MS. MOSS noted that two amendments to the bill, suggested by the DOL, would clean up HB 354. She referred to proposed language in Section 2, and said it is no longer necessary since the proposed changes to Section 1 deleted the language that required the court to dispense with consent of a parent.

MS. MOSS, in response to Representative Gruenberg, noted her agreement that proposed Section 3 is also being deleted.

REPRESENTATIVE HOLMES asked for clarification whether all of proposed Sections 2 and 3 of HB 354 would be deleted.

MS. MOSS referred to page 2, line 29, in proposed AS 25.23.100(a), and advised that only the words, "Except as provided in (k) of this section, at" are being deleted. She further referred to page 3, line 3, and advised that the language "(7)" is also being deleted. She explained that Section 4 is being revised to reflect that small monthly sums are not always necessary, such as in cases in which the child is adopted at birth, with no evidence of physical or mental issues. She stated that this language will allow the department to defer a subsidy unless a physical or mental issue arose, but that the

subsidy would be limited to foster care rates. Ms. Moss noted that Section 5 would add language to reflect that when requested by the governor, that the Office of Public Advocacy (OPA) and other agencies and would have to provide certain confidential information. This clarifies that if a person obtains information under that section of law and discloses that information, that the person could be convicted of a misdemeanor.

REPRESENTATIVE GRUENBERG, in response to Representative Holmes, offered that a violation would not be a class B misdemeanor, because the fine is only \$500.

[2:36:01 PM](#)

JAN RUTHERDALE, Senior Assistant Attorney General, Child Protection Section, Civil Division (Juneau), Department of Law (DOL), answered that she thought that Representative Gruenberg is correct. She offered that she works in the civil section and not the criminal section of the DOL.

REPRESENTATIVE COGHILL opined that this is over an infraction but is only up to \$500.

REPRESENTATIVE GRUENBERG opined that this bill has similar language as in Title 28, since the fines are up to \$500 and are misdemeanor fines.

MS. RUTHERDALE agreed that the fine is up to \$500 and that it constitutes a misdemeanor.

MS. MOSS referred to proposed Sections 6 and 9, which she explained clarify that the child support services division is authorized to establish child support orders administratively as is the court. She noted that a proposed amendment exists to delete proposed Section 7. She explained that subsection (a) is unchanged, but that a proposed subsection (b), which is language from a bill that Representative Gara introduced, says that nothing in this subsection can be construed as prohibiting a civil action for negligence or wrongful death if a child is injured or dies while in custody of the state.

[2:39:05 PM](#)

REPRESENTATIVE COGHILL made a motion to adopt Amendment 1, which read [original punctuation provided]:

Page 4, lines 12-15:

Delete all material.

MS. MOSS referred to page 4, lines 12-15 in proposed AS 47.10.960, and advised that Amendment 1 would delete this language. She explained that it is unnecessary to say, "Except as provided in (b) of this section." She noted that Section 8 was added to clarify that the state can be held liable for a civil action for negligence or wrongful death if a child is injured or dies while in state custody.

There being no objection, Amendment 1 was adopted.

[2:40:11 PM](#)

REPRESENTATIVE COGHILL made a motion to adopt Amendment 2, which read [original punctuation provided]:

Page 2, line 29:

After "petition."

Delete "Except as provided in (k) of this section, at [AT]"

Insert "At"

Page 3, line 3:

After "(6)"

Delete "(7)"

Page 3, lines 6-11:

Delete all material

MS. MOSS explained that Amendment 2 would delete unnecessary language because in proposed Section 1 on page 2, line 13-15, language was deleted that requires the court to dispense with parental consent since the child is 18 and no longer would require parental consent.

There being no objection, Amendment 2 was adopted.

VICE CHAIR DAHLSTROM, after first determining that no one else wished to testify, advised that public testimony on HB 354 was previously closed.

[2:42:58 PM](#)

CHAIR RAMRAS moved to report CSHB 354(HES), as amended, out of committee with individual recommendations and the accompanying

fiscal notes. There being no objection, CSHB 354(JUD) was reported from the House Judiciary Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:43 p.m.