

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 4, 2008

1:11 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

**MEMBERS ABSENT**

Representative Lindsey Holmes

**COMMITTEE CALENDAR**

CS FOR SENATE BILL NO. 78(JUD)

"An Act relating to the installation of window tinting in automobiles."

- MOVED HCS CSSB 78(JUD) OUT OF COMMITTEE

SENATE BILL NO. 211

"An Act relating to an aggravating factor at sentencing for crimes directed at a victim because of the victim's homelessness."

- MOVED HCS SB 211(JUD) OUT OF COMMITTEE; ADOPTED A HOUSE  
CONCURRENT RESOLUTION ALLOWING THE TITLE CHANGE

HOUSE BILL NO. 323

"An Act relating to the crimes of assault in the fourth degree and of resisting or interfering with arrest; relating to the determination of time of a conviction; relating to offenses concerning controlled substances; relating to issuance of search warrants; relating to persons found incompetent to stand trial concerning criminal conduct; relating to probation and to restitution for fish and game violations; relating to aggravating factors at sentencing; relating to criminal extradition authority of the governor; removing the statutory bar to prosecution of certain crimes; amending Rule 37(b), Alaska Rules of Criminal Procedure, relating to execution of warrants; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 78

SHORT TITLE: MOTOR VEHICLE WINDOW TINTING

SPONSOR(S): SENATOR(S) FRENCH

02/09/07 (S) READ THE FIRST TIME - REFERRALS  
02/09/07 (S) TRA, JUD  
03/06/07 (H) TRA AT 1:30 PM CAPITOL 17  
03/06/07 (S) Moved SB 78 Out of Committee  
03/06/07 (S) MINUTE(TRA)  
03/07/07 (S) TRA RPT 1DP 3NR  
03/07/07 (S) DP: KOOKESH  
03/07/07 (S) NR: WIELECHOWSKI, WILKEN, COWDERY  
03/14/07 (S) JUD AT 1:30 PM BELTZ 211  
03/14/07 (S) Heard & Held  
03/14/07 (S) MINUTE(JUD)  
03/22/07 (S) JUD AT 3:30 PM BUTROVICH 205  
03/22/07 (S) Heard & Held  
03/22/07 (S) MINUTE(JUD)  
03/29/07 (S) JUD AT 3:30 PM BUTROVICH 205  
03/29/07 (S) Heard & Held  
03/29/07 (S) MINUTE(JUD)  
04/20/07 (S) JUD AT 1:30 PM BELTZ 211  
04/20/07 (S) -- MEETING CANCELED --  
04/23/07 (S) JUD AT 1:30 PM BELTZ 211  
04/23/07 (S) Moved CSSB 78(JUD) Out of Committee  
04/23/07 (S) MINUTE(JUD)  
04/25/07 (S) JUD RPT CS 1DP 2NR SAME TITLE  
04/25/07 (S) DP: FRENCH  
04/25/07 (S) NR: WIELECHOWSKI, MCGUIRE  
05/03/07 (S) TRANSMITTED TO (H)  
05/03/07 (S) VERSION: CSSB 78(JUD)  
05/04/07 (H) READ THE FIRST TIME - REFERRALS  
05/04/07 (H) TRA, JUD  
03/06/08 (H) TRA AT 1:00 PM CAPITOL 17  
03/06/08 (H) Moved Out of Committee  
03/06/08 (H) MINUTE(TRA)  
03/10/08 (H) TRA RPT 1DP 3NR  
03/10/08 (H) DP: DOOGAN  
03/10/08 (H) NR: NEUMAN, KELLER, JOHANSEN  
04/04/08 (H) JUD AT 1:00 PM CAPITOL 120

BILL: SB 211

SHORT TITLE: AGGRAVATING FACTOR: HOMELESSNESS  
SPONSOR(S): SENATOR(S) DAVIS

01/16/08 (S) PREFILE RELEASED 1/4/08  
01/16/08 (S) READ THE FIRST TIME - REFERRALS  
01/16/08 (S) JUD  
02/01/08 (S) JUD AT 1:30 PM BELTZ 211  
02/01/08 (S) -- MEETING CANCELED --  
02/11/08 (S) JUD AT 1:30 PM BELTZ 211  
02/11/08 (S) Heard & Held  
02/11/08 (S) MINUTE(JUD)  
02/15/08 (S) JUD AT 1:30 PM BELTZ 211  
02/15/08 (S) Moved SB 211 Out of Committee  
02/15/08 (S) MINUTE(JUD)  
02/19/08 (S) JUD RPT 1DP 2NR  
02/19/08 (S) DP: FRENCH  
02/19/08 (S) NR: WIELECHOWSKI, MCGUIRE  
03/12/08 (S) TRANSMITTED TO (H)  
03/12/08 (S) VERSION: SB 211  
03/13/08 (H) READ THE FIRST TIME - REFERRALS  
03/13/08 (H) JUD  
03/27/08 (H) JUD AT 1:00 PM CAPITOL 120  
03/27/08 (H) Heard & Held  
03/27/08 (H) MINUTE(JUD)  
04/04/08 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 323

SHORT TITLE: CRIMINAL LAW/PROCEDURE: OMNIBUS BILL  
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/17/08 (H) READ THE FIRST TIME - REFERRALS  
01/17/08 (H) JUD, FIN  
01/30/08 (H) JUD AT 1:00 PM CAPITOL 120  
01/30/08 (H) Heard & Held  
01/30/08 (H) MINUTE(JUD)  
03/28/08 (H) JUD AT 1:00 PM CAPITOL 120  
03/28/08 (H) Heard & Held  
03/28/08 (H) MINUTE(JUD)  
03/31/08 (H) JUD AT 1:00 PM CAPITOL 120  
03/31/08 (H) <Bill Hearing Canceled>  
04/04/08 (H) JUD AT 1:00 PM CAPITOL 120

**WITNESS REGISTER**

SENATOR HOLLIS FRENCH  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 78.

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

**POSITION STATEMENT:** Testified during the hearing on SB 78.

BOB BOSWOOD, President/Owner  
Auto Trim Design  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 78.

TRAYCI ALFARO, Owner  
Alfaro LLC  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 78.

JOSE ALFARO, Owner  
Alfaro LLC  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 78.

CORY TIPTON, Owner  
Shades of Competition  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 78.

TRAVIS CORKERY, Owner  
Northstart, LLC  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 78.

STEVE VINCENT, Director of Operations/General Manager  
Auto Trim Design  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 78.

PAUL HONEMAN, Lieutenant, Public Affairs Supervisor  
Anchorage Police Department (APD)  
Municipality of Anchorage (MOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 78.

SENATOR BETTYE DAVIS  
Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 211.

**ACTION NARRATIVE**

**CHAIR JAY RAMRAS** called the House Judiciary Standing Committee meeting to order at [1:11:14 PM](#). Representatives Gruenberg, Dahlstrom, Coghill, Samuels, Lynn, and Ramras were present at the call to order. Representative Holmes was excused.

SB 78 - MOTOR VEHICLE WINDOW TINTING

[1:11:31 PM](#)

CHAIR RAMRAS announced that the first order of business would be CS FOR SENATE BILL NO. 78(JUD), "An Act relating to the installation of window tinting in automobiles." [Before the committee was the proposed House committee substitute (HCS) for SB 78, Version 25-LS0526\L, Luckhaupt, 4/4/08.]

[1:12:08 PM](#)

SENATOR HOLLIS FRENCH, Alaska State Legislature, sponsor, explained that SB 78 was very important to his constituents. He recalled that members of the community council in his district expressed their concerns about vehicles with darkly tinted windows causing unease in their neighborhood. The reason for the unease was that if it is not legal to operate a car with darkly tinted windows, it should not be legal to install darkly tinted windows. Research into this issue revealed that there exists a complex web of regulations regarding the installation of tinted windows that is unknown to the consumer. For instance, there are different rules for sport utility vehicles (SUVs), passenger cars, and for front and rear windows.

[1:13:50 PM](#)

REPRESENTATIVE DAHLSTROM moved to adopt the proposed HCS for SB 78, Version 25-LS0526\L, Luckhaupt, 4/4/08, as the work draft. There being no objection, Version L was before the committee.

REPRESENTATIVE SAMUELS asked whether the regulations are associated with the installation of windows, or with driving.

SENATOR FRENCH answered that the regulations deal with what level of tint the windows may have. Returning to the purpose of SB 78, he explained that if the police prevented the initial

installation of dark tint on windows, although that would not cure the entire problem, it would decrease it significantly. He acknowledged that the bill would have an effect on those businesses that install window tinting, but indicated that the overriding public concern is public safety. The bill makes the installation of darkly tinted windows a violation with a \$300 maximum penalty.

[1:16:27 PM](#)

RODNEY DIAL, Lieutenant, Deputy Commander, A Detachment, Division of Alaska State Troopers, Department of Public Safety (DPS), informed the committee that the DPS supports SB 78, but strongly opposes [legislation] that relaxes Alaska's tinted window law that has been in effect for over 10 years. Lieutenant Dial relayed that between 2,000 and 3,000 citations are issued annually around the state. In response to a question, he explained that the citations issued by DPS are "fix it" citations, and that he is unsure about the amount of the fines assessed by municipalities. He observed that those in the window tinting industry claim that most new vehicles come from the factory with close to the allowable level of tint and therefore almost any extra tint added would make those windows illegal, and so justify their behavior by stating disagreement with the law. He expressed his understanding that the committee substitute is a compromise with the window tinting industry, but warned that it would further confuse the public because the lowest level of tint available commercially, applied on top of the factory tint, would still be in excess of the amount allowed by the [bill].

LIEUTENANT DIAL provided the committee with a sample of glass tinted at 10 percent, which means a 10 percent reduction in the amount of light that passes through the glass. He pointed out the unintended consequences of the tinting; for example, the vehicle would be illegal to operate in all of Canada and in many U. S. states. In fact, most windows are additionally tinted to "limo tint" level and are completely blacked out. Furthermore, consumers who are cited are often unaware that the additional tint they paid several hundred dollars for is illegal. He noted that the arguments for increased tint, such as protection from ultraviolet light and heat build-up, are already addressed by the factory tint. Furthermore, Alaska is a rural state, he reminded the committee, without the benefit of street lights everywhere, and dark tinting reduces a driver's vision on dark roads, and well as a public safety officer's vision into the car.

1:21:58 PM

BOB BOSWOOD, President/Owner, Auto Trim Design, informed the committee that his company does window tinting, and expressed his agreement with SB 78. He provided pictures of vehicles, some with "unsafe" window tint, and others with tint that is legal in 50 states. He referred to the sponsor statement and Lieutenant Dial's testimony regarding "dark tints" and "heavy tints" and opined that "these are not films that you want to see on vehicles." In response to a question, he clarified that the tint shown in the picture was 35 percent with a visible light transmittance of 32 percent and explained that "the lower the number, the darker the tint."

MR. BOSWOOD opined that there are medium tints that allow good visibility into the vehicle, and visibility at night. He provided a comparison of Alaska's window tint law with that of other states. He said that he is asking for a change in the law "to allow for my industry to survive," agreed that consumers are unaware of the restrictions on window tint, and noted that he requires his customers to sign a waiver. Mr. Boswood pointed out that his business is self-regulated and that he has an unwritten agreement with the police in his area.

CHAIR RAMRAS mentioned that the committee would be considering a forthcoming amendment.

SENATOR FRENCH said it was not his objective to relax Alaska's tinted window standards when he introduced SB 78. He opined that the current law is acceptable, and that most of the arguments for tinting could be addressed by a pair of sunglasses. He recalled testimony from the trooper that at night, with a little bit of tint, "you're blind." Senator French called the committee's attention to the news reports in the committee packet regarding two officers who were shot from inside the car with dark window tint.

REPRESENTATIVE GRUENBERG asked whether the aforementioned amendment would gut the bill.

SENATOR FRENCH said no, but it would set a standard to which troopers are opposed and that the Senate would not have considered. In response to a further question, he said he would not approve of the bill if the amendment is adopted.

REPRESENTATIVE GRUENBERG further asked whether Alaska's darker days "argue for a higher tint number."

SENATOR FRENCH pointed out that in general, northern states tend to have tint laws similar to Alaska's.

REPRESENTATIVE GRUENBERG noted the exception for law enforcement vehicles on page 2, lines 16-17, of Version L. He asked whether that exception would also apply to other emergency vehicles and National Guard vehicles.

SENATOR FRENCH said he did not know.

REPRESENTATIVE GRUENBERG then asked whether, after enactment of this law, an installer who knowingly violates the law at the request of a customer could be charged as an accessory if the customer shoots somebody.

SENATOR FRENCH opined that there would have to be proof that the installer installed the dark window tint in furtherance of a crime.

[1:33:00 PM](#)

CHAIR RAMRAS offered his understanding that Version L effects four changes: it establishes the offense of illegal window tinting if one exceeds the percentage of light transmittance; it puts regulatory allowable levels of window tinting into statute; it makes paid installers put an identification sticker under the film; and it adds an exemption for law enforcement.

CHAIR RAMRAS referred to Amendment 1, labeled 25-LS0526\L.1, Luckhaupt, 4/4/08, which read:

Page 1, line 12:  
Delete "70"  
Insert "50"

CHAIR RAMRAS described Amendment 1 as a compromise with the industry that would lower the minimum amount of light transmitted from 70 percent to 50 percent.

REPRESENTATIVE GRUENBERG suggested that if moved from committee with the amendment, the bill could end up in a conference committee. He asked whether, given Alaska's northern climate, a lighter window is important.

LIEUTENANT DIAL agreed that it is in Alaska's best interest to maximize drivers' visibility during periods of darkness, and on vast distances of highways without exterior light.

MR. BOSWOOD re-stated his opposition to the installation of dark film; however, medium tint is beneficial in Fairbanks where there is 14 hours of daylight and the sun is in one's eyes.

REPRESENTATIVE GRUENBERG then asked Lieutenant Dial whether he supports Amendment 1.

LIEUTENANT DIAL stated that the DPS would oppose SB 78 if Amendment 1 were adopted.

REPRESENTATIVE GRUENBERG asked whether the exception for law enforcement vehicles should be extended to other emergency vehicles or National Guard vehicles.

LIEUTENANT DIAL relayed that he has never seen [tint] on a law enforcement or military vehicle.

CHAIR RAMRAS offered his understanding that that exception is already in regulation.

1:40:45 PM

TRAYCI ALFARO, Owner, Alfaro LLC, informed the committee that window tinting is in high demand and is a major part of her business. She opined that a compromise should be reached that would regulate all vehicles the same. She suggested that police officers use a public address system to instruct drivers to roll down windows before approaching the vehicle. In response to a question, Ms. Alfaro explained that window tinting accounts for \$150,000-\$170,000 per year of revenue and five employees. She pointed out that tint holds the window glass together in the event of breakage, eliminates glare from headlights and snow, and reduces the risk of theft. In response to a question, she estimated that three or four of her employees would be affected by [passage of the bill].

CHAIR RAMRAS asked whether the bill's proposed requirement that the window tint installer also install his/her identification and certification of compliance poses a problem for her business.

MS. ALFARO said no.

CHAIR RAMRAS, noting that Amendment 1 changes "70 percent light transmittance" to "50 percent light transmittance", asked whether there would still be a market for window tinting if Version L's language was left as is.

MS. ALFARO said no. She explained that vehicles coming from the factory already have a tint allowing 70 percent light transmittance on the driver and passenger windows, and that SUVs and trucks have a 20 percent tint from the factory.

REPRESENTATIVE GRUENBERG noted that the relevant regulation, 13 AAC 04.223, contains the same language as that in Version L, without the proposed amendment, such that there must be at least 70 percent transmittance of light going through the front windshield, and at least 40 percent going through the rear door windows, quarter glasses, and back glasses. He pointed out that SB 78 would not change the regulation; however, adoption of the Amendment 1 would require a change in the regulation pertaining to the front windshield. Representative Gruenberg advised that the industry should be aware that installing window tint below that percentage is a violation. In fact, he remarked, there is the possibility of charging the installer with responsibility in the event of a personal injury.

MS. ALFARO characterized that possibility as the most ridiculous thing she's ever heard. She concluded that a compromise would allow her a little bit of leeway to continue to tint cars for her customers.

[1:50:11 PM](#)

JOSE ALFARO, Owner, Alfaro LLC, expressed his desire to have the law relaxed to allow window tint. He stated that his business informs consumers of the law; however, people want to have their windows tinted. Drivers who commute from the valley in the summertime want shade.

REPRESENTATIVE GRUENBERG asked Mr. Alfaro whether [his employees] install illegal window tint at the request of customers.

MR. ALFARO said they tint windows up to 35 percent; in fact, his customers [are willing to] pay the fine and keep the tint. He observed that most of his customers have new vehicles.

REPRESENTATIVE GRUENBERG asked Mr. Alfaro whether the passage of SB 78 would stop the practice of installing illegal window tint for a customer.

MR. ALFARO said that would either change his business or put him out of business or in jail.

REPRESENTATIVE GRUENBERG clarified that a fine, not jail time, would be assessed.

MR. ALFARO stressed that it would still be harder to conduct business.

REPRESENTATIVE GRUENBERG surmised that customers would simply get the level of tint that was available.

MR. ALFARO opined that it would depend on who it was and what they wanted. Many customers want to change the appearance of the vehicle and that requires a darker tint.

[1:57:18 PM](#)

CORY TIPTON, Owner, Shades of Competition, informed the committee that he requires waivers from customers who purchase tint darker than the legal limit. He gave examples of why an installer would not be liable for a crime. He opined that a tint of 50 percent would be a product that he could sell. Mr. Tipton supported the attachment of an identification sticker and explained how the addition of more tint could be detected.

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

MR. TIPTON agreed that [police] officers should not be hurt; however, he stated that there were no statistics proving that window tinting causes accidents. He then suggested that window tinting should be registered and a fee should be paid by those who decide to tint their windows.

VICE CHAIR DAHLSTROM asked Mr. Tipton whether he would lose any employees if the bill was enacted.

MR. TIPTON said that his business also installs tint on windows in houses; however, 90 percent of his business pertains to vehicles.

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

REPRESENTATIVE GRUENBERG asked if any customers would be lost due to the adoption of Amendment 1. He questioned whether jobs would be lost "from that little 20 percent."

MR. TIPTON pointed out that new cars come from the factory with tint at 70 percent; therefore, no additional tint could be applied.

REPRESENTATIVE GRUENBERG noted that tint could be applied to side glasses and rear windows.

CHAIR RAMRAS asked how many people would lose their jobs and how much income would be lost, due to the enactment of the bill.

MR. TIPTON responded that his business produces revenue of over \$370,000 per year with 90 percent of that stemming from work on automobiles. He opined that at his business, enactment of the bill would result in six or seven people being out of work.

CHAIR RAMRAS asked how difficult it would be to "bootleg" the installation of tint.

MR. TIPTON indicated that it is somewhat difficult to do a good job installing window tinting.

CHAIR RAMRAS offered that the other side of the public safety argument is: lost jobs, lost profitability, and [bootleg] installation.

MR. TIPTON concurred. He emphasized that the vehicle owner, not the installer, is responsible when illegal window tint is installed on a vehicle.

[2:09:14 PM](#)

REPRESENTATIVE GRUENBERG reiterated the illegality of driving a car with less than 70 percent of light going through [the windshield] and less than 40 percent of light going through the rear and [side] windows. He asked whether installers have received legal advice as to whether a customer's signature on a release would eliminate civil liability in the event of an injury to a third party.

MR. TIPTON said his lawyer recommended that customers sign a release statement separate from the receipt for services.

REPRESENTATIVE GRUENBERG opined that that is not protection from a claim from a third party.

MR. TIPTON expressed his belief that there is always the risk of a lawsuit when one is doing business.

2:11:27 PM

TRAVIS CORKERY, Owner, Northstart, LLC, informed the committee that his automotive accessories shop offers window tinting and other products and services. He clarified that automotive glass from the factory, without any after-market film applied, only allows 70 percent to 75 percent of available light to transmit through. Therefore, if after-market film that allows only 50 percent of light to come through is applied to the factory tint, "you've taken that below the legal limits stated in here." The 50 percent tint is not allowing 100 percent of light to it and then 50 percent past it, it is only allowing 70 percent of the available light coming into it to go through the film, so that makes the window already illegal. He stated his belief that a 70 percent tinted factory glass, with 70 percent film on top, would still be below a 40 percent threshold, which effectively prohibits the [legal] installation of any film on most vehicles.

2:13:14 PM

STEVE VINCENT, Director of Operations/General Manager, Auto Trim Design, spoke about solar gain in Alaska. He said the amount of annual solar gain received in Fairbanks is equivalent to that of Northern California. In fact, considering the reflectivity off of snow in the winter time, the statistics could even be higher. He opined that the bill does not seem to address tint that is not affixed to the window, and asked whether accessory items, such as baby shades, would be subject to [the bill's proposed penalty]. Mr. Vincent offered to provide a history of federal window tint laws.

2:16:08 PM

PAUL HONEMAN, Lieutenant, Public Affairs Supervisor, Anchorage Police Department (APD), Municipality of Anchorage (MOA), said he appreciates the position of the businesses affected by [SB 78]. He reiterated that windows tinted beyond 70 percent of light transmittance in the front windows, and 40 percent in the rear, are illegal under both the Alaska Administrative Code and the Anchorage Municipal Code. He emphasized that that level of allowable tinting is already in place on most newer vehicles;

furthermore, darker tinting for medical reasons is allowed and requires an annual certified medical waiver. Mr. Honeman said that law enforcement is asking for compliance with [existing] law. He agreed that the owner and driver of a vehicle are responsible for following the law; however, his experience indicates that the installer of illegal tint is complicit in the violation of the law. He re-stated the public safety concerns regarding pedestrians and bicyclists. Mr. Honeman concluded that the APD wrote about 1,200 citations last year for illegal window tint, all of which were completely avoidable and thus a waste of time and money.

REPRESENTATIVE GRUENBERG asked whether the Anchorage Municipal Code prohibits the installation of dark window tint.

MR. HONEMAN answered that the Anchorage Municipal Code mirrors the law of the state.

CHAIR RAMRAS asked whether the passage of the bill would result in the "bootleg" installation of window tint.

MR. HONEMAN indicated yes. He suggested a solution similar to the procedure instigated to limit the acquisition of pseudoephedrine, whereby the manufacturers create a list of product consumers that is then reported to the police. In this case, the list would consist of the waivers that people sign to acknowledge that the window tint violates the known statutes. Reporting this list to the local police would allow the police to contact the owners and hold them responsible.

[2:21:41 PM](#)

REPRESENTATIVE GRUENBERG turned the committee's attention to 13 AAC 04.223(e), which read:

Light transmittance must be measured by using a light transmittance measuring device with an allowance for manufacturing variances of plus or minus three percent. The accuracy of the device must be certified by the manufacturer.

REPRESENTATIVE GRUENBERG opined that the measurement would be done by the dealer, not by public safety officers. Furthermore, that standard is meant to ensure that the measuring is done accurately. He then asked Lieutenant Dial if he would like to see identical language added to SB 78.

LIEUTENANT DIAL said yes.

MR. BOSWOOD indicated that he would not have a problem with [such a change].

2:23:23 PM

MR. BOSWOOD, in response to questions, answered that he employs two full-time window tinters who also work on automobiles, and his total volume for window tinting is about \$130,000 per year. He opined that [the passage of] SB 78, unamended, would eliminate "all of that because I will not be able to keep a flat glass person around in the wintertime." In response to further questions, he said that he had no competition in the Fairbanks area except for unlicensed activity - in fact, if his legitimate tinting is unavailable, consumers will still obtain tinting but without being informed of the regulations - and that his company employs 33 people in the Fairbanks area.

REPRESENTATIVE GRUENBERG stated that the adoption of Amendment 1 would allow the installer to install [tint] allowing only 50 percent light transmittance, and asked whether this would encourage people to break the law because although the installation would be legal, the level of tint would still be in violation of the regulations.

LIEUTENANT DIAL acknowledged the confusion over the light that goes through the window versus tint. The installers have testified that the cars are currently coming from the factory with almost the maximum allowable tint. So, even if the standards are relaxed, the lowest level of additional tint would still be illegal, as it is now.

REPRESENTATIVE GRUENBERG asked whether there is a federal law that limits the amount of tint.

LIEUTENANT DIAL responded that federal law addresses how cars are made and then states set further standards.

MR. BOSWOOD offered his belief that there is middle ground that would allow the industry to survive. He pointed out that 32 other states accept "35 percent film all the way around vehicles."

2:28:59 PM

CHAIR RAMRAS closed public testimony on SB 78.

CHAIR RAMRAS made a motion to adopt Amendment 1 [text provided previously].

REPRESENTATIVE DAHLSTROM objected.

REPRESENTATIVE LYNN spoke in favor of protecting police officers.

[2:30:08 PM](#)

A roll call vote was taken. Representatives Coghill and Ramras voted in favor of Amendment 1. Representatives Dahlstrom, Lynn, and Gruenberg voted against it. Therefore, Amendment 1 failed by a vote of 2-3.

[2:30:35 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Conceptual Amendment 2, to add the following language to the appropriate place in the bill:

Light transmittance must be measured by using a light transmittance measuring device with an allowance for manufacturing variances of plus or minus three percent. The accuracy of the device must be certified by the manufacturer.

REPRESENTATIVE COGHILL objected, and suggested that language may not be necessary because it is already in regulation. He expressed interest in finding out whether the sponsor would approve of the addition of that language to SB 78.

REPRESENTATIVE GRUENBERG indicated that he would seek to have the Conceptual Amendment 2's proposed language removed from the bill if the sponsor objects to it.

[2:31:49 PM](#)

A roll call vote was taken. Representatives Lynn and Gruenberg voted in favor of Conceptual Amendment 2. Representatives Coghill, Dahlstrom, and Ramras voted against it. Therefore, Conceptual Amendment 2 failed by a vote of 2-3.

[2:32:12 PM](#)

REPRESENTATIVE DAHLSTROM moved to report the proposed HCS for SB 78, Version 25-LS0526\L, Luckhaupt, 4/4/08, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 78(JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 2:32 p.m. to 2:37 p.m.

SB 211 - AGGRAVATING FACTOR: HOMELESSNESS

2:37:30 PM

CHAIR RAMRAS announced that the next order of business would be SENATE BILL NO. 211, "An Act relating to an aggravating factor at sentencing for crimes directed at a victim because of the victim's homelessness." [Included in members' packets was the proposed House committee substitute (HCS) for SB 211, Version 25-LS1245\E, Luckhaupt, 4/2/08; and a proposed House concurrent resolution (HCR), Version 25-LS1626\A, Luckhaupt, 4/2/08, allowing a title change.]

2:37:53 PM

SENATOR BETTYE DAVIS, Alaska State Legislature, sponsor, expressed her appreciation for the committee's work on the bill. She offered the assistance of her aide should there be any questions from the committee.

CHAIR RAMRAS thanked Senator Davis and stated his support for the [proposed HCS].

2:39:38 PM

REPRESENTATIVE DAHLSTROM moved to adopt the proposed HCS for SB 211, Version 25-LS1245\E, Luckhaupt, 4/2/08, as the work draft. There being no objection, Version E was before the committee.

The committee took an at-ease from 2:40 p.m. to 2:41 p.m.

CHAIR RAMRAS asked Representative Gruenberg to explain the title change and compromise encompassed in Version E.

REPRESENTATIVE GRUENBERG said he agreed with Representative Coghill's suggestion, made during a previous hearing, that a better way to go was to enact legislation that makes homelessness a way of showing particular vulnerability or incapacity for resistance under AS 12.55.155(c)(5), rather than

adding "homelessness" to AS 12.55.155(c)(22). In Version E, the word "homelessness" was added to AS 12.55.155(c)(5) in order to protect the homeless in the manner that both the sponsor and the committee would like. After discussions with the drafter and the revisor of statutes, he concluded that the issue was not that the aggravator is homelessness, but rather the vulnerability or incapacity of resistance due to homelessness, and the defendant's knowledge of that factor. Further, he relayed, the drafter suggested that the committee amend the title by introducing the prepared House concurrent resolution (HCR).

REPRESENTATIVE LYNN surmised that the change gets around the problem of what constitutes homelessness and what does not, and it addresses the vulnerability of the person because of his/her particular situation. He questioned whether [adding the term, "homelessness"] would be redundant given that AS 12.55.155(c)(5) already uses the terms, "disability" and "advanced age".

REPRESENTATIVE GRUENBERG indicated that he did not think so because of the use of the word, "or" in AS 12.55.155(c)(5).

[2:44:32 PM](#)

REPRESENTATIVE DAHLSTROM moved to report the proposed HCS for SB 211, Version 25-LS1245\E, Luckhaupt, 4/2/08, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS SB 211(JUD) was reported out of the House Judiciary Standing Committee.

[2:45:00 PM](#)

REPRESENTATIVE GRUENBERG, [treating the House concurrent resolution as having been adopted as a work draft] moved to report the proposed House concurrent resolution (HCR), Version 25-LS1626\A, Luckhaupt, 4/2/08, out of committee. There being no objection, the proposed HCR, [which later became HCR 28] was reported from the House Judiciary Standing Committee.

HB 323 - CRIMINAL LAW/PROCEDURE: OMNIBUS BILL

[2:45:34 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 323, "An Act relating to the crimes of assault in the fourth degree and of resisting or interfering with arrest; relating to the determination of time of a conviction; relating

to offenses concerning controlled substances; relating to issuance of search warrants; relating to persons found incompetent to stand trial concerning criminal conduct; relating to probation and to restitution for fish and game violations; relating to aggravating factors at sentencing; relating to criminal extradition authority of the governor; removing the statutory bar to prosecution of certain crimes; amending Rule 37(b), Alaska Rules of Criminal Procedure, relating to execution of warrants; and providing for an effective date." [Before the committee was the proposed committee substitute (CS) for HB 323, Version 25-GH2038\E, Luckhaupt, 3/25/08, which had been adopted as the work draft on 3/28/08; included in members' packets was another proposed committee substitute (CS) for HB 323, Version 25-GH2038\K, Luckhaupt, 4/2/08.]

[2:45:55 PM](#)

REPRESENTATIVE DAHLSTROM moved to adopt the proposed CS for HB 323, Version 25-GH2038\K, Luckhaupt, 3/25/08, as the work draft. There being no objection, Version K was before the committee.

CHAIR RAMRAS, in response to a question, explained that changes from Version [E] to Version [K] were that Sections 1 and 2 will make serving alcohol to a minor a class A misdemeanor, and that Version K no longer contains the "three strikes" provision for assault in the fourth degree because that proposed language is now part of another bill. He further noted that by request from the Department of Law, the House Judiciary Standing Committee will introduce a letter of intent clarifying Section 26.

[HB 323, Version K, was held over.]

#### **ADJOURNMENT**

The House Judiciary Standing Committee meeting was recessed at 2:47 p.m. to a call of the chair. [The meeting was reconvened April 6, 2006.]