

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 26, 2007

1:32 p.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Charlie Huggins, Vice Chair
Senator Bill Wielechowski
Senator Gene Therriault
Senator Lesil McGuire

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 112

"An Act relating to the statute of limitations for certain sexual offenses and permitting causes of action for certain sexual offenses that would otherwise be barred by the statute of limitations to be brought during a certain one-year period."

HEARD AND HELD

SENATE BILL NO. 84

"An Act relating to the burning capability of cigarettes being sold or offered for sale, or possessed for sale; relating to compliance certifications by tobacco product manufacturers, a directory of tobacco product manufacturers, the affixing of stamps to cigarette packages, and cigarette tax stamps; and providing for an effective date."

MOVED CSSB 84(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 112

SHORT TITLE: STATUTE OF LIMITATION FOR SEXUAL OFFENSES

SPONSOR(S): SENATOR(S) FRENCH

03/12/07 (S) READ THE FIRST TIME - REFERRALS
03/12/07 (S) JUD
03/26/07 (S) JUD AT 1:30 PM BELTZ 211

BILL: SB 84

SHORT TITLE: TESTING & PACKAGING OF CIGARETTES

SPONSOR(s): SENATOR(s) OLSON

02/14/07 (S) READ THE FIRST TIME - REFERRALS
02/14/07 (S) L&C, JUD, FIN
02/27/07 (S) L&C AT 1:30 PM BELTZ 211
02/27/07 (S) Heard & Held
02/27/07 (S) MINUTE(L&C)
03/06/07 (S) L&C AT 1:30 PM BELTZ 211
03/06/07 (S) Moved CSSB 84(L&C) Out of Committee
03/06/07 (S) MINUTE(L&C)
03/07/07 (S) L&C RPT CS 3DP 1NR 1AM NEW TITLE
03/07/07 (S) DP: ELLIS, DAVIS, STEVENS
03/07/07 (S) NR: HOFFMAN
03/07/07 (S) AM: BUNDE
03/21/07 (S) JUD AT 1:30 PM BELTZ 211
03/21/07 (S) Heard & Held
03/21/07 (S) MINUTE(JUD)
03/26/07 (S) JUD AT 1:30 PM BELTZ 211

WITNESS REGISTER

Dr. David Sperbeck, Clinical & Forensic Psychologist and
Pediatric Neuropsychologist

Anchorage, AK

POSITION STATEMENT: Spoke in support of SB 112

Name deleted from electronic minutes at request of testifier

POSITION STATEMENT: Spoke in support of SB 112

Sandra Russell

Kotzebue, AK

POSITION STATEMENT: Spoke in support of SB 112

Nelson Page, Attorney

Anchorage, AK

POSITION STATEMENT: Spoke in support of SB 112

Dr. Mary Gail Frawley-Odea, Psychologist

No address provided

POSITION STATEMENT: Spoke in support of SB 112

Joelle Casteix, Southwest Regional Director

Survivor's Network of those Abused by Priests (SNAP)

Orange County, CA

POSITION STATEMENT: Spoke in support of SB 112

Elsie Boudreau

St Mary's, AK

POSITION STATEMENT: Spoke in support of SB 112

James Niksik Sr.

St Michael, AK

POSITION STATEMENT: Spoke in support of SB 112

Edward Kelly

Yukon Delta, AK

POSITION STATEMENT: Spoke in support of SB 112

ACTION NARRATIVE

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at [1:32:55 PM](#). Present at the call to order were Senator Wielechowski, Senator Huggins, Senator Therriault, and Chair French.

SB 112-STATUTE OF LIMITATION FOR SEXUAL OFFENSES

[1:33:09 PM](#)

CHAIR FRENCH announced the consideration of SB 112. Identifying himself as the sponsor, he read the following into the record:

SB 112 creates a one year period in which civil action may be brought against felony sexual assault and sex abuse cases that are currently time barred by Alaska statute of limitations laws.

Alaska law was amended in 2001 to remove the statute of limitations for all felony sexual assault and sex abuse cases. Unfortunately, with this change, one class of victims remains left out; those who were assaulted while the old statute of limitations was in effect. SB 112 cures this injustice by allowing victims with legitimate claims the opportunity to have their day in court.

Experts have found there are several reasons that a victim, especially a child, will not report sexual abuse right away. Numerous studies have shown it can take years for a victim to fully realize that they were abused and to understand the effect the abuse has had on their life.

Sex abuse and sex assault is illegal, regardless of the reason it was not disclosed. SB 112 allows past

victims the same rights they would have under today's law; the right to file suit against their perpetrators no matter when the abuse occurred.

CHAIR FRENCH asked Dr. Sperbeck to shed light on the reasons for the delay and the reasons many victims have difficulty speaking out about their abuse.

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DR. DAVID SPERBECK, Clinical and Forensic Psychologist and Pediatric Neuropsychologist, spoke in support of SB 112. The hospital where he currently works admits several thousand children a year and about 10 percent are sexual abuse victims. He said from his perspective the cost of sexual abuse of children is astronomical, in the personal arena and in terms of the financial costs of treating these victims. Child sexual abuse victims are at higher risk for drug abuse, pelvic pain, anxiety and psychiatric disorders. They are more likely to engage in risky behaviors, they have more medical diagnoses, more depression, and post traumatic stress than other children.

Personally these victims are less involved in school, family, community and their peers. SB 112 will provide these sex assault victims the opportunity to pursue accountability from the molesters, sexual assaulters and perpetrators rather than shifting that cost onto the state. Opening the courthouse doors to these victims is very important; it's been demonstrated that holding these sexual perpetrators and the agencies that hire them accountable is an important way of notifying a community about who these people are. SB 112 levels the playing field and permits this small group of victims some access to civil action. Older crimes can and must be solved, and this form of remedy is very important, he stated.

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CHAIR FRENCH said he is familiar with his work as the state psychiatrist, and he would see him in court testifying in opposition to people who would assert an insanity defense.

DR. SPERBECK explained that he was the state forensic psychologist in all criminal matters including insanity defenses. In 1984 the State of Alaska functionally abolished the insanity defense and for the last 20 years a big part of his practice has been going to court and explaining that the law no longer applies in Alaska.

CHAIR FRENCH asked him to tell about his qualifications as a pediatric neuropsychologist.

DR. SPERBECK said he examines children between 4 and 18 years of age who have neurological or psychiatric disorders that warrant hospital-level treatment. They are from all over the state. A very predictable percentage of these children are sex abuse victims. It is very difficult to impossible for children to talk about this, especially at certain ages. They don't have a language for discussing or conceptualizing sex abuse so they may not talk about it for years, if ever. They may be subject to community ostracism and rejection if they talk about having been sexually abused by powerful persons in the community. "It's something that they are psychologically incapable of discussing at certain ages," he stated.

CHAIR FRENCH said it's difficult for people who aren't involved in this field to understand why a child would not report an act of sex assault or sex abuse.

DR. SPERBECK said it is difficult for adults to understand why a child wouldn't act in his or her own best interest. But it's very confusing for a young person to see an older person who seems to love them and who has a great deal of power or influence in their life as someone who is also abusing them. They have difficulty expressing themselves and many predators instill guilt and fear in the child. Those are emotions that more mature adults may be able to deal with, but children often aren't capable of handling those emotions. Often they don't have a vocabulary to competently express what is going on. They may act out their anxiety rather than speaking out. "Typically that is the way it is expressed - in behavioral acting out." Sexual abuse in our community must be stopped; it is dehumanizing and it creates more sexual offenders. To psychologically control their anger, some victims will visit the same abuse on another person to prove that they can control what happened to them in the past.

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Senator McGuire joined the meeting.

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[Name deleted from electronic minutes at request of testifier], representing herself, said she was born and raised in a small village on the Yukon River in the 1960s. She was the oldest girl of nine children. "We had a full house." By the age of 12 she had adult responsibilities and acted as a surrogate parent. Both

of her parents worked, she said. At about age 12 or 13 the missionary living next door targeted her, but she was able to fend him off "every time he tried to get physical. But it took a toll." Referring to the question of why a child wouldn't say anything, she said consider the social and economic status of villages back in the 1960s. Children were not protected, and "none of us felt that we had a safe haven for anyone to talk to." The missionary was supposed to be the protector, but he was the tormenter, and it really puts a child at a loss. She said she left home to go to boarding school to be safe, and she still carries the guilt about leaving her younger siblings vulnerable.

[Deleted name] said she didn't talk to anyone, but she feels she is one of the lucky ones because she could fight him off, "but I had to fight him for many, many years." It wasn't until she was about 35 that she sought counseling because she had such difficulty with communication and relationships. She remembers she had difficulty saying good morning to anyone when she was a teenager. When she was about 40, she knew that the missionary had moved to Canada. She told an ex-teacher that he is probably hurting other girls, but "they didn't want to believe me about that." But the point is that she was about 40 years old before she could speak to "someone who might have been able to do something about it."

[Deleted name] said she supports the bill because she would like an opportunity to get legal assistance for the people in her village. She knows there are a lot of people who were abused, but they're afraid to say something. If someone provided healing workshops for the community, she thinks they would be attended. The mission could provide the money. "There has been so much trauma in the history of villages that we have to step out and talk about what happened to us so that we can prevent it from happening to other children." She said it is getting better and people are beginning to be able to talk about it, but there is still a lot of fear.

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SANDRA RUSSELL said she is a single mother who was born and raised in Kotzebue. She is the middle child of 10 siblings and she is now 48 years old. At age 11 she was raped by the chief of police who was also a good friend of her parents. "Here is supposed to be this person who is supposed to protect me and uphold the law, and he was also a licensed foster parent for the State of Alaska, and that is why I wanted to come forward and tell what happened to me as a child." She said this person will never be charged for the crimes against her. He later became a

pastor for the Kotzebue yearly meeting, which is also known as the Kotzebue Friends Church. He was a pastor in other villages and he was blue-ticketed from the village of Selawick. He had raped other women in this region. She said she has gone through her own personal hell, and it took 37 years before she was able to say anything about this. It is mostly because there is so much shame, and she has mixed emotions. She has attempted suicide twice and still has suicidal thoughts. She has battled with alcoholism, but she is now in social services helping other families in need. She supports SB 112. She explained that there are reasons why many victims have not come forward, and it has to do with shame and guilt. "You feel dirty, and I think that's why we never say anything, and we never did say anything." When she found out her abuser was a foster parent, it "really pissed me off because I know that he could be molesting other children also."

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NELSON PAGE, speaking on his own behalf, said he is an attorney who has worked with sexual abuse cases and he supports SB 112. The previous speaker summarized what he has experienced in his law practice. On many occasions he has spoken with people who have been abused as children, and it takes years for them to be able to come forward. Sometimes it takes decades to process what occurred. SB 112 is intended to fill the gap in the statute of limitations. The gap is unconscionable, he said. He described picking a jury in a small community for a sexual abuse case of a minor. He had to go through 30 panelists before finding a jury that had no personal experience with sexual abuse or had no close relative with that experience. It is a pervasive problem that needs to be dealt with. "When people are finally able to come forward and deal with it and try to get some kind of legal redress, there shouldn't be these kinds of statute of limitations obstacles."

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DR. MARY GAIL FRAWLEY-ODEA, Psychologist, said she has worked clinically with sexual abuse survivors for over 25 years. She has also taught and written widely about it. She was the only psychiatrist invited to address the Conference of Catholic Bishops at their seminal meeting in 2002, which was devoted to sexual abuse. She wants to speak to why victims don't disclose the abuse early in life and what factors encourage them to come forward with it at some point. Almost one third of all women and up to one fifth of all men were sexually abused before the age of 18. Most were perpetrated by family, acquaintances, or friends. Most victims experience serious abuse of unclothed

genital contact, like fondling or masturbation. Almost one quarter of victims experience anal or vaginal penetration or oral sex. The long-term impacts of this abuse are psychological deficits and brain function disruption that can be long lasting. Cognition, self esteem, the ability to form healthy relationships, and parenting are often significantly harmed by sexual abuse. Over 80 percent of female prostitutes and male hustlers have histories of sexual abuse. Sexually abused survivors are two to three times more likely to make at least one serious suicide attempt. Sometimes they die, she said. An archbishop in Baltimore equated sexual abuse with murder and called it evil above all else. "Surely it is soul murder," she stated.

DR. FRAWLEY-ODEA said secrecy is the cornerstone of sexual abuse, and perpetrators may directly threaten victims to keep them from telling. A person's abusive foster mother said, "If you tell even one person that you have sex with me, I will tell your younger brother that you raped me; I will get rid of you, and he will become my lover." This victim felt he was his brother's protector and he would never put him in jeopardy. The foster mother's threat assured secrecy, she stated. Victims may be afraid that no one will believe them if they tell. Denial is the most common first reaction, which can be adaptive to victims instead of risking rejection or scorn. Victims often care for their abusers, she said. The victim protects the perpetrator while hoping the abuser will heal and stop the abuse. The abuser may provide for the child in meaningful ways that makes disclosure seem disloyal. An abusive teacher may also be the only adult from whom the child receives time, interest, and affection. Perpetrators are adept at choosing victims who are needy. Some provide concrete bribes, like money and vacations, which may make the child feel dirty and complicit in the abuse. One survivor was abused by a priest who took him to hockey games. This man told no one about his abuse until he read that the priest denied allegations from others. Some survivors don't disclose because they feel responsible for their abuse. They are filled with self-loathing, guilt and shame. Disclosure is delayed because the victims' literally turn their minds away from the abuse. Only later do they realize that something is wrong - perhaps when their lives seem less functional than their peers. When the abuser is affiliated with a religious denomination, government agency, or school the victim may fear that the institution will retaliate or threaten to retaliate against family members.

Sexual abuse victims who finally tell their secrets do so for a number of reasons. Their lives may be sufficiently unworkable that they seek therapy or counseling. It may take awhile before their problems are linked with the sexual abuse they suffered. It may be even longer before they contemplate telling family or friends what happened. It's a difficult decision to identify a family or community members as a sexual abuser. People often respond by supporting the perpetrator, she stated. When two families went to court in Phoenix over a priest molesting their daughters, they had their tires slashed and they received death threats. Understandably, survivors hesitate to disclose their abuse widely when they face scorn and ridicule and there is no hope of bringing accountability to the perpetrator. SB 112 give survivors motivation to take the risk.

The desire survivors have to protect others and provide support for other victims of their abuser can not be underestimated. One survivor confronted her parents about the abuse her father perpetrated only when her father was designated as a child care resource for her brother's baby. The victim of priest abuse mentioned previously came forward only to support other victims who had spoken out. SB 112 allows survivors to hold their perpetrators accountable and is crucial in empowering survivors to use their voices to help others by publicly identifying sexual predators.

DR. FRAWLEY-ODEA said that representatives from various organizations will oppose SB 112, but it's important to remember that less than half of all abusers perpetrate through their association with a school, church, daycare or social organization. This bill is for every sexual abuse survivor. If this bill passes she hopes that legislators will remind the media and the public that the victims of parents, grandparents, siblings, neighbors, and friends of the family now have an opportunity to validate others by identifying their sexual abuser. Organizations that have responded adequately to sexual abusers have no reason to speak against the bill; they should support it given its potential to help heal survivors while protecting potential victims, she stated.

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SENATOR McGUIRE asked how many other states have adopted similar legislation. There is no statute of limitations for murder, and when Dr. Frawley-Odea called sexual abuse a soul-murder, "that's exactly what I think it is." It's logical that there are many barriers for why a sexual abuse survivor may not speak up in a certain time period.

DR. FRAWLEY-ODEA said she knows California had a one-year window, and Maine may be considering it now.

CHAIR FRENCH said he understands that California passed a similar bill in 2000, and Wisconsin, Washington D.C., Delaware, Maine, Pennsylvania, Ohio, Illinois, and Idaho are all working on similar legislation.

SENATOR HUGGINS asked if she makes any punishment corollaries with murder since she correlates this crime to murder.

DR. FRAWLEY-ODEA said it is horrifying when these perpetrators get caught, which only a small minority are, but they typically get very light sentences. They should have long sentences because they have extremely high recidivism rates, and often they cannot be cured or stopped. They usually don't have remorse, and when they are allowed out in the public, they will re-offend. The advantage of this bill is that they will be identified, so even if they are not prosecuted, people can know their names. Some work in daycare centers, she warned.

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CHAIR FRENCH clarified that criminal statutes were modified to remove the statute of limitations going forward for criminal prosecutions of sex abuse of a minor. You can't do that retrospectively, you can't go back and change the statute of limitations for a crime in the past. It's an *expos facto* problem. It can probably be done for a statute dealing with suing for money, but there will be a constitutional challenge. "I believe it will survive that challenge," he said. But it is not about putting someone in jail.

SENATOR HUGGINS said some states are retaining people in custody after their release date because of recidivism.

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DR. FRAWLEY-ODEA said it is crucial to have some way to track these people once they are released from prison – if they even go to prison. For the most part these people will do it again, she stated.

SENATOR HUGGINS asked about lie detector tests.

DR. FRAWLEY-ODEA said there was an interesting study in Oregon where people participated in a polygraph interview, subsequent to a clinical interview. Under the clinical interview,

perpetrators acknowledge having one to two victims each, and under polygraph that number went up to eleven, on average. Under the clinical interview they admitted to abusing girls, but under the polygraph almost all admitted to abusing boys as well. Under clinical interview, 65 percent said they were abused as children, which is the clinical mores, but under the other interview it went down to about 30 percent. She interprets this as perpetrators being skilled in getting sympathy. They know they will get a better deal if they are viewed as victims. The clinical percentage may be too high, she concluded.

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JOELLE CASTEIX, Southwest Regional Director, Survivor's Network of those Abused by Priests (SNAP), said she is an accidental pioneer and an example of why SB 112 and its civil window are essential to the safety of children in Alaska. The California window has saved thousands of children from abuse; exposed predators across the state, many of whom are still abusing; helped law enforcement put predators behind bars; and helped hundreds of children who were abused and discarded before being given their day in court. A civil window is the only way that many serial molesters in Alaska can be exposed, and how Alaska children can be safer right now. The U.S. federal court in San Diego did find the law constitutional.

MS. CASTIEX said because she was able to sue the diocese and the abuser with that civil window, she was able to expose Dr. Thomas Hodgman and to get documents proving he was a molester. Those documents were hidden from her for 17 years while she was told that the abuse never took place. She was able to take the documents and alert the community that it was harboring a molester and a criminal – a criminal that was given a free pass by the Catholic Church. Without the legal system, she would never have been able to expose him or keep other girls from experiencing the same situation.

MS. CASTIEX spoke of two of the worst pedophiles in California, former priests Michael Baker and Michael Wempe. Father Roger Mahony fought all the way to the U.S. Supreme Court to keep their personnel files secret even after he acknowledged that he know Baker was abusing kids. Because of the civil window, victims of both of these men were able to pursue their cases. Then younger victims who would have never had the courage to come forward, reported their current abuse to law enforcement. They had solid evidence that led to the arrest of both men. They are now behind bars and that would never have happened without the civil window, she stated. If the victims had named them

publicly without the backing of the courts, the abusers could have sued for slander. The media would have ignored the claims and more kids could have suffered. They are only two of the many perpetrators exposed in the civil window who are now being pursued by law enforcement. For the first time victims could use the legal system to make sure that what happened to them wouldn't happen to another child.

MS. CASTIEX said she was a vulnerable child from an alcoholic home. Her high school and church were her sanctuaries, but 11 men at the school were credibly accused and/or sued for abuse. Documents were released for all of them as a result of this civil window. She learned that the abuse was 100 times worse than anyone had known, and the victims were vindicated and able to warn others. She said she was molested over a two-year period by choir director Thomas Hodgman, starting when she was 15. He threatened to kill her if she told, and that no one would believe her anyway. She went to school officials and they did nothing. She became pregnant and had an abortion that still affects her everyday. She also has vaginal warts.

MS. CASTIEX suffered for the next ten years and watched her mother kill herself with alcohol over the pain and shame of what happened to her daughter. She said she lost all high school friends and trusted no one. She suffered from bad relationships and suicidal thoughts. She hated herself, but finally decided to heal to spite the people who had hurt and abandoned her. In 2001 she contacted the diocese to volunteer to help it address the sexual abuse crisis. She was offered a seat on the diocese lay-review board to show the county that there was no other abuse. She honestly thought she could make a difference. But the six months she was on the committee it did not review a single case and it was told to ignore press reports. There were no notes taken during the meeting. "We were a puppet with no power, no credibility, and no means to protect children, and that was how the diocese wanted it." She stepped down from the committee and filed a lawsuit during the one-year civil window.

MS. CASTIEX said after two years of mediation and stalling, 87 cases against the diocese were settled for \$100 million, which was just a slap on the wrist. The diocese was debt free less than a year later. In May 2005, most of the documents regarding the civil cases were released to the public and the furor was overwhelming. It showed the church knew about abuse and the official didn't care. People were transferred, asked to resign and quietly hidden. "An entire generation of children was destroyed to protect a few men from scandal." She said no one

can call her a liar anymore, and no one can tell her it was her fault. Girls will now be safer from Thomas Hodgman because of a law like SB 112.

MS. CASTIEX said the documents were not exposed until the lawsuit, and she knows that similar documents exist in Alaska. She spoke of all the signed documents in her case. Only the truth will protect children. The church in Alaska, with its opposition to this bill, probably doesn't care enough. But SB 112 does care. People were able to expose 150 perpetrators that the church had tried to hide and rings of priest shuffling between California, Idaho, Arizona, Alaska, and Oregon were also exposed. Now there are numerous perpetrators under criminal investigation. In conclusion, SB 112 is important because it allows survivors of sexual abuse to use the tried-and-true legal system to help keep children of today safe from abuse. It aids law enforcement to prosecute molesters by unearthing hidden evidence at no cost to the taxpayer. It forces all organizations to beef up child protection policies.

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SENATOR McGUIRE thanked her said she is very proud of her.

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ELSIE BOUDREAU said her Yupik name is Apugen; she is the youngest daughter of the late Edgar and Theresa Francis of St Mary's, the granddaughter of the late Alfred and Florence Francis of Pilot Station, and the late George and Martha Apengen Peterson of Old Andreafsky. She thanked Chair French for introducing SB 112 not only as a survivor of childhood sexual abuse, but also as an advocate for those have not yet come forward. She is advocating for those who are unable to speak about the crime that was committed against them when they were children. This is "a meager attempt to make a difference in the life of even just one child."

MS. BOUDREAU said she was 10 years old when she boarded a plane to Nome to spend the summer with her oldest sister. All I knew before that day was my friends, my family and life in the village so Nome was a big city. She said her abuser was a priest, a family friend, and a father figure who she had every reason to trust. His name was Father Poole, or Jim as her sister and brother-in-law called him.

She can remember the first time she was sexually abused, but at the time she didn't know what it was called. She and a couple of friends were called into Father Poole's office. "He lined us up

against the wall and started asking us questions." He told me I was much more mature than the other girls and that's when it started. I sat on his lap and he would French kiss me. He would tell me that he was my brother, father, friend and lover. She has since had memories of more detailed incidents and she knows that it was too painful to remain in her body. "I was raped by this priest, this man of God."

She was plagued by this priest every summer until she was 19 at which time she wrote him a letter stating that she never wanted to be alone with him again. That is when my healing began, she stated. She put it all behind her not knowing that she had the right to file a suit against the priest or the Church and without knowing that the statute of limitations clock was ticking. But when her daughter turned 10 she could no longer shield the truth from her consciousness. Many victims do not come forward until they are in their 30s, 40s or 50s.

SB 112 takes into account the nature of sexual abuse and would allow for victims to have their day in court. "I would recognize the power imbalance between child victims and the adult perpetrators and those institutions that enable such crimes to continue." When she filed her civil suit she found out that the Church hierarchy knew that Father Poole "had problems with young girls." Instead of addressing the problem, the Church moved him around to further abuse. He was removed from ministering only after she filed suit, but that was too late for the five girls--now women--who have since come forward after years of silence.

MS. BOUDREAU showed pictures of other girls who were sexually abused and impregnated by Father Poole. The girl who became pregnant was told to blame it on her father and she did that. He served time in jail. "This is not okay," she stated. Alaska has the highest rate of child sexual abuse in the nation and that has been the reality for far too long. Too many children have had their childhood stolen by an adult perpetrator.

SB 112 is about deterring future wrong doing. It's about protecting our children and grandchildren. If such a law had been in place when she was 10, maybe one of Father Poole's earlier victims would have come forward and she wouldn't have had to endure the sex abuse. Maybe she wouldn't have suffered from depression, maybe she wouldn't have had relationship issues, and maybe she wouldn't have had to deal with feelings of shame, guilt, fear, terror, and inferiority. Now she works as a victim advocate and she has spoken to close to 100 child sex abuse victims in Alaska. Many wonder what their life would have

been like if they hadn't been sexually abused. Many just wish that the pain would go away, like they have a death wish. Many have taken action and are no longer with us; they are no longer able to speak the truth, she said. Most of the victims she has spoken with say they came forward so no one else has to go through what they did.

She commended Chair French for creating an incentive that enables victims to publicly expose predators, to expose institutions that enable predators, that enforces accountability and an incentive that enforces and encourages abuse prevention.

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JAMES NIKSIK SR. from the village of St Michael said he was sexually abused by a deacon. Once he tried to tell his father and he was whipped. He was told he was "lying about a person that works for God" because they don't do that. That's why I wouldn't say anything to anybody, he said. It's difficult to talk about this because it hurts a lot, but the reason he wants to speak in support of SB 112 is to deter future abuses such as his. It will also bring justice to what happened to him and to others in the past.

MR. NIKSIK SR. said he's heard before that if you get the village elders to follow you, then everyone else will follow behind. "Native people are spiritual." They are easily converted to religion. He was an altar boy in the Catholic Church and his abuse happened in the church during catechism. When the deacon wanted to have sex with you he would use his finger and scratch your palm during the handshake for peace. "Nobody could see that," he said.

He wondered why he had a deep rage that came out when he drank; he would lash out and hurt someone--last time it was my wife. He has had no formal counseling, but the abuse affected him greatly. It hurt inside. He abuses alcohol to hide the pain and the shame and that has caused him to cycle in and out of jail. Then I saw Ken Russa's ad in the Nome Nugget, he stated. When he told Mr. Russa about his abuse by a deacon it felt as though something was lifted and he began to understand why he felt this rage. "It was because I couldn't do anything. I was a small boy and he was a big man."

My parents were devout Catholics, who never drank any alcohol so he thought he'd be like them, but because of what happened he abuses alcohol and other drugs. He has tried to forgive the Church for bringing that deacon to his village, but thus far he

hasn't been successful in forgiving. What happened to him as a child changed his life. "It made me a different person and sometimes I wish I could be a totally different person than what I am today." He tried to be strong and not cry, but being strong isn't the answer. Letting the hurt out is the answer and he hopes that SB 112 passes so that justice can be done for himself and the many others who have been abused. Many of the others who this deacon abused are like me; they are still hurting, he stated.

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EDWARD KELLY said he supports SB 112. He was abused and his mother told him to say nothing bad about a priest. "I know now that not all priests are good people." But it wasn't until he was 29 years old that he found that self medication with alcohol was not working. He read that the Yukon Delta has the highest rate of sexual abuse and as the father of six kids he questions what is being done to protect our children. He doesn't want his children to resort to alcohol, but what happened to him could happen to them. He said he heard a lot of truth in the previous testimonies and he doesn't want anybody to try to adjust their life to something they couldn't know better from. He said he had to come face to face with some things, but even at the age of 29 he couldn't deal with sexual abuse. SB 112 is important for our children's safety and our children's children's safety; it can contribute to that. "Their lives are important," he emphasized.

[2:49:53 PM](#)

CHAIR FRENCH advised that he agreed to hold SB 112 so that both sides have an opportunity to testify before it leaves the committee.

SENATOR THERRIAULT noted the fiscal note from the Department of Law and asked if the committee staff would inquire about a fiscal note from the court system.

SENATOR McGUIRE thanked the testifiers who came forward to tell their stories of victimization for the benefit of others. They have just revealed the deepest part of their lives. It is very brave and it did not go unnoticed, she stated.

SB 84-TESTING & PACKAGING OF CIGARETTES

[2:51:23 PM](#)

CHAIR FRENCH announced the consideration of SB 84.

SENATOR McGUIRE motioned to adopt Version 0 committee substitute for SB 84, labeled 25-LS0596\0, as the working document.

CHAIR FRENCH articulated the reason the bill was held over was to look into the explicit references to New York law. One such example is on page 6, line 4. He and several other members researched that point and although he has some qualms, it is apparent that New York is becoming the de facto leader in this subject. It's a sort of bargain that states are making with the tobacco industry to have one nationwide standard in the absence of federal action. His initial concerns have been reduced, he said.

[2:52:51 PM](#)

SENATOR McGUIRE motioned to report CSSB 84(JUD) from committee with individual recommendations and attached fiscal note(s).

[2:53:04 PM](#)

SENATOR WIELECHOWSKI stated that subsequent to his expression of concern about using New York statutes, he received some very helpful information. Currently eight other states explicitly reference the New York fire-safety standards for cigarettes, which gives him a degree of comfort. He weighed the interest in protecting the way Alaska laws are crafted against the interest industry has in having a consistent standard and he has no objection to passing the bill along.

CHAIR FRENCH announced that without objection, CSSB 84(JUD) moves from committee.

There being no further business to come before the committee, Chair French adjourned the meeting at [2:53:54 PM](#).