

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

May 11, 2007

1:47 p.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Gene Therriault

MEMBERS ABSENT

Senator Charlie Huggins, Vice Chair

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 90(FIN)

"An Act relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

MOVED SCS CSHB 90(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 217(JUD)

"An Act relating to required onboard disclosures about promotions, tours, flightseeing operations, other shoreside activities, shoreside vendors, and visitors bureaus; and providing for an effective date."

MOVED CSHB 217(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 118(RLS)

"An Act relating to underage possession of alcoholic beverages in a dwelling."

MOVED SCS CSHB 118(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 90

SHORT TITLE: CRIMES/CRIM PROCEDURE/SENTENCING

SPONSOR(S): REPRESENTATIVE(S) SAMUELS, STOLTZE

01/16/07 (H) PREFILE RELEASED 1/12/07
 01/16/07 (H) READ THE FIRST TIME - REFERRALS
 01/16/07 (H) JUD
 02/05/07 (H) JUD AT 1:00 PM CAPITOL 120
 02/05/07 (H) <Bill Hearing Rescheduled to 02/08/07>
 02/08/07 (H) JUD AT 1:00 PM CAPITOL 120
 02/08/07 (H) <Bill Hearing Canceled>
 02/12/07 (H) JUD AT 1:00 PM CAPITOL 120
 02/12/07 (H) <Bill Hearing Canceled>
 03/28/07 (H) JUD AT 1:00 PM CAPITOL 120
 03/28/07 (H) Scheduled But Not Heard
 03/30/07 (H) JUD AT 1:00 PM CAPITOL 120
 03/30/07 (H) -- MEETING CANCELED --
 04/10/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/10/07 (H) Heard & Held
 04/10/07 (H) MINUTE(JUD)
 04/13/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/13/07 (H) Moved CSHB 90(JUD) Out of Committee
 04/13/07 (H) MINUTE(JUD)
 04/16/07 (H) JUD RPT CS(JUD) NT 4DP 1NR
 04/16/07 (H) DP: GRUENBERG, LYNN, SAMUELS, RAMRAS
 04/16/07 (H) NR: HOLMES
 04/16/07 (H) FIN REFERRAL ADDED AFTER JUD
 04/24/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/24/07 (H) Moved CSHB 90(FIN) Out of Committee
 04/24/07 (H) MINUTE(FIN)
 04/25/07 (H) FIN RPT CS(FIN) NT 6DP 2NR
 04/25/07 (H) DP: CRAWFORD, THOMAS, STOLTZE, HAWKER,
 KELLY, MEYER
 04/25/07 (H) NR: GARA, JOULE
 05/01/07 (H) TRANSMITTED TO (S)
 05/01/07 (H) VERSION: CSHB 90(FIN)
 05/02/07 (S) READ THE FIRST TIME - REFERRALS
 05/02/07 (S) JUD, FIN
 05/09/07 (S) JUD AT 1:30 PM BELTZ 211
 05/09/07 (S) Heard & Held
 05/09/07 (S) MINUTE(JUD)

BILL: HB 217

SHORT TITLE: TOURISM DISCLOSURES AND NOTICES

SPONSOR(S): REPRESENTATIVE(S) HOLMES

03/22/07 (H) READ THE FIRST TIME - REFERRALS
 03/22/07 (H) EDT, JUD
 04/03/07 (H) EDT AT 5:30 PM CAPITOL 106
 04/03/07 (H) Heard & Held

04/03/07 (H) MINUTE(EDT)
 04/10/07 (H) EDT AT 5:00 PM BARNES 124
 04/10/07 (H) Heard & Held
 04/10/07 (H) MINUTE(EDT)
 04/17/07 (H) EDT AT 5:00 PM BARNES 124
 04/17/07 (H) Moved CSHB 217(EDT) Out of Committee
 04/17/07 (H) MINUTE(EDT)
 04/18/07 (H) EDT RPT CS(EDT) NT 4NR 2AM
 04/18/07 (H) NR: JOHANSEN, LYNN, DOLL, NEUMAN
 04/18/07 (H) AM: GATTO, KOHRING
 04/25/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/25/07 (H) Moved CSHB 217(JUD) Out of Committee
 04/25/07 (H) MINUTE(JUD)
 04/26/07 (H) JUD RPT CS(JUD) NT 3DP 3NR
 04/26/07 (H) DP: GRUENBERG, RAMRAS, HOLMES
 04/26/07 (H) NR: LYNN, COGHILL, DAHLSTROM
 05/08/07 (H) TRANSMITTED TO (S)
 05/08/07 (H) VERSION: CSHB 217(JUD)
 05/08/07 (S) L&C AT 1:30 PM BELTZ 211
 05/08/07 (S) Scheduled But Not Heard
 05/09/07 (S) READ THE FIRST TIME - REFERRALS
 05/09/07 (S) JUD
 05/11/07 (S) JUD AT 1:30 PM BELTZ 211

BILL: HB 118

SHORT TITLE: PROHIBIT ALLOWING MINORS TO HAVE ALCOHOL
 SPONSOR(S): REPRESENTATIVE(S) MEYER

02/05/07 (H) READ THE FIRST TIME - REFERRALS
 02/05/07 (H) L&C, JUD
 02/16/07 (H) L&C AT 3:00 PM CAPITOL 17
 02/16/07 (H) <Bill Hearing Canceled>
 02/21/07 (H) L&C AT 3:00 PM CAPITOL 17
 02/21/07 (H) Moved Out of Committee
 02/21/07 (H) MINUTE(L&C)
 02/22/07 (H) L&C RPT 4DP 2NR
 02/22/07 (H) DP: GARDNER, RAMRAS, GATTO, OLSON
 02/22/07 (H) NR: LEDOUX, NEUMAN
 03/12/07 (H) JUD AT 1:00 PM CAPITOL 120
 03/12/07 (H) Moved Out of Committee
 03/12/07 (H) MINUTE(JUD)
 03/14/07 (H) JUD RPT 2DP 4NR 1AM
 03/14/07 (H) DP: LYNN, RAMRAS
 03/14/07 (H) NR: COGHILL, DAHLSTROM, SAMUELS, HOLMES
 03/14/07 (H) AM: GRUENBERG
 04/02/07 (H) RLS AT 5:00 PM CAPITOL 106
 04/02/07 (H) Moved CSHB 118(RLS) Out of Committee

04/02/07 (H) MINUTE(RLS)
 04/03/07 (H) RLS RPT CS(RLS) 4DP 3NR
 04/03/07 (H) DP: FAIRCLOUGH, KERTTULA, HARRIS,
 JOHNSON
 04/03/07 (H) NR: SAMUELS, GUTTENBERG, COGHILL
 04/03/07 (H) TRANSMITTED TO (S)
 04/03/07 (H) VERSION: CSHB 118(RLS)
 04/04/07 (S) READ THE FIRST TIME - REFERRALS
 04/04/07 (S) L&C, JUD
 04/17/07 (S) L&C AT 1:30 PM BELTZ 211
 04/17/07 (S) Heard & Held
 04/17/07 (S) MINUTE(L&C)
 04/19/07 (S) L&C AT 1:30 PM BELTZ 211
 04/19/07 (S) Scheduled But Not Heard
 04/24/07 (S) L&C AT 1:30 PM BELTZ 211
 04/24/07 (S) Moved CSHB 118(RLS) Out of Committee
 04/24/07 (S) MINUTE(L&C)
 04/25/07 (S) L&C RPT 2DP 2NR
 04/25/07 (S) DP: ELLIS, DAVIS
 04/25/07 (S) NR: BUNDE, STEVENS
 05/09/07 (S) JUD AT 1:30 PM BELTZ 211
 05/09/07 (S) Heard & Held
 05/09/07 (S) MINUTE(JUD)

WITNESS REGISTER

RICHARD SVOBODNY, Deputy Attorney General
 Criminal Division
 Department of Law (DOL)
POSITION STATEMENT: Commented on HB 90.

LAUREN RICE, Legislative Liaison
 Department of Public Safety (DPS)
POSITION STATEMENT: Commented on fiscal issues in HB 90.

DAVID SHADE, Director
 Division of Statewide Services
 Department of Public Safety (DPS)
POSITION STATEMENT: Explained the fiscal note on HB 90.

REPRESENTATIVE LINDSEY HOLMES
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 217.

JAMES WALDO
 Staff for Representative Holmes

Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Explained HB 217 for the sponsor.

TIM MCDONNELL
Temsco Helicopters
Juneau AK

POSITION STATEMENT: Supported HB 217.

BOB JANES, Owner
Gastineau Guiding
Juneau AK

POSITION STATEMENT: Supported HB 217.

JEREMY KEIZER, President
Alaska Travel Industry Association - Juneau Chapter
Juneau AK

POSITION STATEMENT: Supported HB 217.

HOLLY BURKHOLDER
Juneau AK

POSITION STATEMENT: Supported HB 217.

KAREN HESS, Chilkat River Adventures
Haines AK

POSITION STATEMENT: Supported HB 217.

STEVE HITES, Owner
Skagway Streetcar Company
Skagway AK

POSITION STATEMENT: Said HB 217 is the lesser of two evils so he supported passing it.

MIKE PAWLOWSKI
Staff to Representative Kevin Meyer
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on HB 118 for the sponsor.

ACTION NARRATIVE

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at [1:47:17 PM](#). Present at the call to order were and Senators McGuire, Wielechowski and Chair French.

CSHB 90(FIN) - CRIMES/CRIM PROCEDURE/SENTENCING

[1:47:31 PM](#)

CHAIR FRENCH announced the consideration of CSHB 90(FIN). He said an SCS incorporates a number of other provisions.

SENATOR WIELECHOWSKI moved to adopt SCS CSHB 90(JUD), version V. There were no objections and it was adopted.

CHAIR FRENCH explained that sections 1-3 (of version V) are the elements of HB 14. The thrust of the provisions are to put a little more downward pressure on those who commit crimes involving alcohol, get on probation and then go back into the public. The idea is to put a mark on their I.D.s to let liquor store and tavern owners know this person is on probation. It's one more brick in the wall of trying to keep problem drinkers away from law abiding citizens. He asked if there were questions about these provisions and noted there were none.

[1:49:22 PM](#)

CHAIR FRENCH moved on to section 4 that he said is a carryover from the original bill. Section 5 comes from SB 5 and those provisions relate to the duty to report a crime that is being committed. It goes by the name of "Kiva's Law" and is covered in sections 5, 6, 7, 8, and 9. Sections 10-11 come from the original HB 90. Sections 12-21 are from Senator Dyson who wanted to strengthen laws on prostitution and in particular child prostitution. He saw no questions about those provisions.

He continued to explain that sections 23-24 are from the original HB 90. Section 25 goes back to SB 157, the promoting prostitution bill. Section 26 is from the original HB 90. Section 27 is from SB 157. Sections 28-29 come from HB 90. Sections 30-34 come from HB 14, the alcohol I.D. bill. Section 35 is from HB 90.

CHAIR FRENCH said that section 36 relates to the DNA provisions that are on behalf of Karen Foster and many of the citizens across the state who are particularly interested in them. He asked Mr. Svobodny to comment on whether "arrested" on page 20, line 8, was a workable point at which to ask the police or other corrections individuals to grab a DNA buchal swab from suspects and how would it work in Anchorage as well as other parts of the state.

[1:52:49 PM](#)

RICHARD SVOBODNY, Deputy Attorney General, Criminal Division, Department of Law (DOL), answered that Anchorage is different from the rest of the state because it has 24-hour committing

magistrates. So, if someone is arrested there, they are brought before a magistrate and bail is set. Then they are transferred to jail where the booking process takes place - where they would be finger printed, identified by photograph and a thorough records check occurs. In Anchorage, that is where a correctional officer or other officer who had brought the person to the jail would take a mouth swab from inside the person's cheek and appropriately identify, package and label it.

The rest of the state doesn't have 24-hour committing magistrates. If someone is arrested for an offense they are brought to the local jail where that same process happens, but it's within 24 hours of the arrest that they are brought before a court.

He said DPS is concerned because the bill doesn't cover all the times when a juvenile might be detained, because they may be detained by a police officer and released to their parent or brought to some kind of juvenile detention facility. A majority of those cases don't go through the formal court process. He clarified that while the language in this bill doesn't cover arrested juveniles, but it does cover juveniles who have been adjudicated under certain circumstances.

He said the DPS is concerned both from a financial point of view and an evidence collection point of view in terms of how that would be done. With an arrest a whole system is in place.

SENATOR WIELECHOWSKI stated that it is not his intent that this bill apply to minors.

[1:56:54 PM](#)

SENATOR THERRIAULT joined the meeting.

SENATOR McGUIRE referred to page 20, line 8, and asked if they could insert language saying the person who is arrested is not a minor.

MR. SVOBODNY replied that it would make it clear, but he didn't think it was necessary. The issue has legislative history and he had told the DPS, given this language, he would write an opinion that it doesn't include juveniles. The department is just being conservative and letting the legislature know their thoughts.

[1:58:17 PM](#)

CHAIR FRENCH noted that they were discussing whether language on lines 8-10 on page 20 included minors and it seems that there is

universal acclamation that it's not intended to include taking buchal swabs from minors.

MR. SVOBODNY clarified "Not at the time of arrest. Existing law allows for it at certain times."

CHAIR FRENCH said that sections 7, 38, and 39 also related to DNA samples.

SENATOR WIELECHOWSKI pointed out that language in section 39 changed from the earlier version.

At ease from [1:59:03 PM](#) to [2:03:27 PM](#).

SENATOR WIELECHOWSKI said section 38 on page 21 is new to version V and was incorporated through the drafting process. All it does on line 14 is changes (b)(1)(5) to (b)(1)(6). The change is in section 39 on line 16 where "after the department shall make every reasonable effort" was added. A number of concerns were voiced that the 90 days requirement was too stringent because you could have a technician who is in Barrow on a trial or someone who is sick for instance. It potentially exposes the state to liability and so this provides a small way out for the state.

CHAIR FRENCH noted there was no discussion on section 39. He said that section 22 incorporates the kidnapping statute of limitations fix that was requested by the Bonnie Craig folks. He also stated that they had been working very closely with drafting folks and the DOL to make certain it was cohesive and consistent.

SENATOR McGUIRE added that the fiscal note would reflect the position of a criminalist, as well.

SENATOR WIELECHOWSKI said he had no objection to that, but he haven't talked to DPS about it.

[2:06:04 PM](#)

LAUREN RICE, Legislative Liaison, Department of Public Safety (DPS) responded that their new fiscal note would have four new positions for the crime lab.

[2:06:36 PM](#)

DAVID SHADE, Director, Division of Statewide Services, Department of Public Safety (DPS), said he has added a full time CODIS (Combined DNA Index System) manager position, two

Criminalist II technicians and a forensic technician. So, he feels there will be enough tracking of the samples coming in. The samples that come back out will require full-time administration. The two criminalist II technicians will actually be doing the analysis and the forensic technician will be physically receiving the samples, making sure they are ready to go into the laboratory information system (LIM). He would also be responsible for pulling those samples out and following the court order to destroy them. All four positions will be reflected in their fiscal note.

CHAIR FRENCH found no further testimony and closed the public hearing on HB 90.

SENATOR THERRIAULT asked if new money was being budgeted for the positions or were they otherwise budgeted into the process somewhere.

MR. SHADE answered that these positions are not budgeted currently. They would need new funding.

SENATOR THERRIAULT commented that before the conference committee closes out, they have to make sure the adjustment is made to the fiscal note.

CHAIR FRENCH said that was his responsibility.

SENATOR McGUIRE encouraged Mr. Shade to use the existing \$1 million grant to fund those positions.

MR. SHADE responded that of the two DNA grants they have currently one is a DNA backlog reduction grant and the other is a capacity building grant. The money for personal services would allow overtime for overtime-eligible employees, but does not allow him to hire a new employee.

SENATOR McGUIRE encouraged him to use that money for overtime.

[2:10:08 PM](#)

SENATOR WIELECHOWSKI pointed out that language on page 22, line 16, has a different effective date for DNA processing (section 39). Testimony from DPS indicated that it wasn't possible to have a 90-day effective date because they have to hire people and the training takes six months. The person then has to work under someone for another six months.

CHAIR FRENCH responded that they may as well recognize reality in their effective dates.

SENATOR McGUIRE moved to report SCS CSHB 90(JUD), version V, from committee with individual recommendations and attached fiscal note(s). There were no objections and it was so ordered.

CHAIR FRENCH noted that SCR 9 goes with the bill to change the title.

SENATOR MCGUIRE moved to adopt SCR 9. There were no objections and it was so ordered.

At ease from [2:12:02 PM](#) to [2:14:21 PM](#).

CSHB 217(JUD)-TOURISM DISCLOSURES AND NOTICES

[2:14:27 PM](#)

CHAIR FRENCH announced the consideration of CSHB 217(JUD).

REPRESENTATIVE LINDSEY HOLMES, sponsor of HB 217, said her staff member would present the bill.

[2:14:52 PM](#)

JAMES WALDO, staff for Representative Holmes, explained that HB 217 attempts to correct an error that occurred in ballot 2 language. It breaks down into three parts; the first part adds some disclosure requirements that were not in the initiative language. Second it changes one disclosure requirement that was in the initiative language and third, it applies those requirements to shore side retailers in addition to onboard tour sales. At the very end, it increases penalties for violators of this law.

He explained that section 2 adds the new disclosure requirement by requiring any sale of an onboard tour to be cast in the proper light. It lets people know that there is a retail/wholesale relationship between the cruise line and the shoreside tour vendor so they know some of the money they are paying for the ticket is actually staying with the cruise line.

Next he said it requires the cruise lines to inform passengers that there are other options at a port of call that would have different features and perhaps different prices - basically allowing them to understand that there is a whole world of other options out there other than just the five that might be promoted on the ship. So that they can seek out those other

options, he said, it next requires the cruise line to provide the contact information at the future port of call which will have all of the contact information in a listing of all the tour vendors.

MR. WALDO explained it also changes disclosure of the exact commission rate, which is what that language in the initiative said, to disclosure if the commission is over a 20 percent threshold. The idea behind this is to basically let the consumer know he is paying a commission over a certain level.

Beyond those changes, he said, it applies this language to shore side retailers, as well - like Diamonds International that pays a great deal of money to be advertised on the ships. He explained that many Alaskan businesses aren't advertised on the ships. This issue was left out of the ballot measure.

Finally, Mr. Waldo said, the bill corrects the penalty provision, because the initiative classified it as an unfair trade practice, but capped the maximum penalty at \$100. However, the usual penalty for an unfair trade practice is \$1,000-\$25,000.

[2:20:18 PM](#)

TIM MCDONNELL, Temsco Helicopters, Juneau AK, supported HB 217.

BOB JANES, Owner, Gastineau Guiding, Juneau AK, supported HB 217.

JEREMY KEIZER, President, Alaska Travel Industry Association Juneau Chapter, supported HB 217. He said that while ATIA wanted no disclosure requirements, this bill strikes a mutually beneficial arrangement with the initiative sponsors and the stakeholders and it is as close to the top floor as they could get.

[2:22:39 PM](#)

HOLLY BURKHOLDER, Juneau AK, supported HB 217.

[2:23:00 PM](#)

KAREN HESS, Chilkat River Adventures, Haines AK, supported HB 217.

STEVE HITES, Skagway Streetcar Company, said HB 217 is the lesser of two evils so he supported passing it. He said the relationship between the cruise line and the tour operator is a simple retail wholesale one. He strongly felt that any reference

in section (b) to commission or percentage should be struck from this bill. He said no other retail store in America has to reveal its mark up or even have it assumed. He expressed his sentiment thus:

To have an arbitrary 20 percent figure inserted in the bill there is absolutely incorrect. It's wrong. Private enterprise is exactly that. It is private and to disclose inaccurately my private business agreements with my customer puts me at a disadvantage. This disclosure discriminates against one retail business - the cruise line shore excursion sales desk. And it discriminates against the local Alaska wholesale businesses that sell shore excursions to the cruise lines. It is unconstitutional and violates our rights....

CHAIR FRENCH thanked him for his good comments. He asked the sponsor about language on page 1, line 9 and page 2, line 9 that referenced oral disclosures to individuals buying excursions onboard the cruise ships. He wanted to hear about the debate that occurred and the position of the initiative sponsor with deleting this disclosure.

REPRESENTATIVE HOLMES responded that this change was made in the House Judiciary Committee. The discussion was that originally disclosure was required both orally and in writing on the theory that these packages were presented by a person who would also be there to explain it. But then it was explained that on a lot of occasions this information is actually slipped under the passengers doors or left on a table in their cabins. So it seems to require oral disclosure was not appropriate. They decided that by requiring all disclosures to be made in writing would make it easier to prove whether it was or wasn't happening anyway.

CHAIR FRENCH asked the position of the initiative sponsors.

REPRESENTATIVE HOLMES replied that they had not voiced any objections to her about this. One of them testified in favor of the bill as it stands now and the other sponsor wrote a letter of support.

[2:29:26 PM](#)

SENATOR McGUIRE moved to report CSHB 217(JUD), version N, from committee with individual recommendations and attached zero fiscal note(s). There were no objections and it was so ordered.

At ease from [2:30:02 PM](#) to [2:32:30 PM](#)

CSHB 118(RLS)-PROHIBIT ALLOWING MINORS TO HAVE ALCOHOL

[2:32:36 PM](#)

CHAIR FRENCH announced the consideration of CSHB 118(RLS).

MIKE PAWLOWSKI, Aide to Representative Kevin Meyer, sponsor of HB 118, said he was asked to add that the Department of Public Safety (DPS) likes this bill.

SENATOR McGUIRE asked if there has been any discussion about changing the mental intent to "intentionally" permit a person. She would feel better about the bill if it was an intentional mental state.

MR. PAWLOWSKI responded that was discussed at length. One of the first points was that "intentional" isn't a mental state that is included in Title 4, which says it's "knowingly criminal negligence and recklessly." They went with "recklessly" largely because the issue the police are confronted with is trying to prove "knowingly" when it comes to furnishing a standard of proof they can't do when they show up at these parties.

As to the gun discussion, within the definition of "recklessly" is the idea that the unjustifiable risk has to be a gross deviation from the standard that a reasonable person would pursue. They felt comfortable that "recklessly" wasn't bringing in the type of thing she was talking about like locked gun or liquor cabinets. "Furnishing" is an action that is very difficult to prove, he said.

[2:36:27 PM](#)

SENATOR THERRIault asked if "physically in possession" and "exercising domain" actually means the person is there.

CHAIR FRENCH replied that's what he thought it meant. The child of the parent who owns the house is the one who probably gets busted. If a party is taking place at a construction site or a house being constructed he didn't know who would be exercising control, but other statutes could catch those. This is a problem because house parties where kids go to drink take place with great regularity and someone is letting them in and someone is letting it go on. So he understood the impulse behind the bill.

[2:38:05 PM](#)

SENATOR WIELECHOWSKI asked if this bill means he wouldn't be liable if he was away on a camping trip and his son or daughter had a party at his house.

CHAIR FRENCH replied that his hypothetical daughter would get the ticket.

MR. PAWLOWSKI added that the sponsor specifically asked for a Rules Committee hearing in the other body to make some clarifying changes. The previous version didn't have "physically" on line 5; also following "possession" "or" was changed to "and". The conscious change in going from "physical" and inserting "and" is that you have to physically be there and exercising dominion and control specifically to get to what the chairman was describing as a circumstance.

SENATOR MCGUIRE said this is just the place where there is a philosophical divide - your family, your home, the way you live your life is private and there is nothing in law right now that prohibits a police officer from coming to a house party and making a significant scene. She didn't know that this would be more constructive than what exists now.

Another concern she had was if they drop to "recklessly" here, they still have "furnishing at knowingly" and that creates an odd staggering in the statutes. She posed a hypothetical situation in which kids sneak friends into a large house and parents are in the house somewhere thinking the kids are in bed. She said teenagers are teenagers; they are who they are. It's an age requiring a lot of patience for everyone. She said maybe one has a teenager who has a propensity for trouble for instance; to her that would be a known risk.

[2:41:32 PM](#)

CHAIR FRENCH asked Senator McGuire if she was offering an amendment.

[2:41:51 PM](#)

SENATOR MCGUIRE moved to insert "knowingly" after "not" on page 1, line 6.

CHAIR FRENCH found no objection and Amendment 1 was adopted.

SENATOR MCGUIRE moved to report SCS CSHB 118(JUD) from committee with individual recommendations and attached fiscal note(s). There were no objections and it was so ordered.

There being no further business to come before the committee,
Chair French adjourned the meeting at [2:42:49 PM](#).