

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

February 2, 2009

1:10 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Carl Gatto
Representative Bob Lynn
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JUDICIARY STANDING COMMITTEE REPORT REGARDING GASOLINE PRICING IN ALASKA

- MOVED REPORT OUT OF COMMITTEE; HEARD BUT NOT SCHEDULED

HOUSE BILL NO. 98

"An Act relating to minor consuming and repeat minor consuming; and providing for an effective date."

- MOVED HB 98 OUT OF COMMITTEE

HOUSE BILL NO. 4

"An Act relating to false caller identification."

- MOVED HB 4 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 98

SHORT TITLE: MINOR CONSUMING

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

01/28/09	(H)	READ THE FIRST TIME - REFERRALS
01/28/09	(H)	JUD, FIN
02/02/09	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 4

SHORT TITLE: FALSE CALLER IDENTIFICATION

SPONSOR(S): REPRESENTATIVE(S) LYNN, GARDNER

01/20/09	(H)	PREFILE RELEASED 1/9/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	JUD, FIN
02/02/09	(H)	JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

JANE W. PIERSON, Staff
Representative Jay Ramras
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 98 on behalf of the sponsor,
Representative Ramras.

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

POSITION STATEMENT: Responded to questions during discussion of
HB 98.

DALE FOX, President & CEO
Alaska Cabaret Hotel Restaurant & Retailer's Association (Alaska
CHARR)
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of
HB 98.

DIRK MOFFATT, Staff
Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During discussion of HB 4, responded to
questions on behalf of one of the bill's joint prime sponsors,
Representative Lynn.

ACTION NARRATIVE

[1:10:42 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee
meeting to order at 1:10 p.m. Representatives Ramras, Lynn,

Gruenberg, Holmes, Dahlstrom, Coghill, and Gatto were present at the call to order.

HOUSE JUDICIARY STANDING COMMITTEE REPORT REGARDING GASOLINE PRICING IN ALASKA

[1:11:48 PM](#)

CHAIR RAMRAS, as the first order of business, relayed that the committee's report regarding gasoline pricing in Alaska has been provided to members, and that members can now submit addendums to that report.

[1:17:55 PM](#)

REPRESENTATIVE LYNN made a motion to move from committee, along with any forthcoming addendums, the committee's report regarding gasoline pricing in Alaska. There being no objection, it was so ordered.

HB 98 - MINOR CONSUMING

[1:18:21 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 98, "An Act relating to minor consuming and repeat minor consuming; and providing for an effective date."

[1:18:41 PM](#)

JANE W. PIERSON, Staff, Representative Jay Ramras, Alaska State Legislature, explained that HB 98 will fix a problem that was created when the language of House Bill 359, which passed the House in 2008, was incorporated into the "omnibus crime bill." In part, HB 98 will add to AS 04.16.050(c) language pertaining to a previously granted suspended imposition of sentence (SIS), and language referencing a prior conviction under AS 04.16.050(b)(2), thus covering all instances of repeat minor consuming crimes regardless of how a particular previous charge has been adjudicated. In response to questions, she indicated that although House Bill 359 only excluded those repeat offenders who were placed on probation from the ability to petition the court for termination of probation, because it is not always the case that an offender is placed on probation, HB 98 will now ensure that any previously granted SIS or prior conviction under AS 04.16.050(b)(2), which includes subjecting the offender to probation, will be considered a previous

offense, thereby also precluding anyone guilty of a repeat minor consuming crime, regardless of how that crime was adjudicated, from petitioning the court for termination of probation.

MS. PIERSON, in response to another question, expressed satisfaction with the current language of Section 1.

CHAIR RAMRAS, speaking as the sponsor of HB 98, in response to a further question, offered his recollection that as a result of a change made in the House Finance Committee, a person could only be placed on probation for one year for a minor consuming crime.

MS. PIERSON, in response to a question, explained that under HB 98, an SIS would still be counted by the courts for purposes of sentencing, and thus any further offenses would be considered repeat offenses.

[1:29:46 PM](#)

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), clarified that when an SIS has been granted, "the conviction stays" and will therefore be counted by the judge as a prior offense.

REPRESENTATIVE GRUENBERG, referring to Sections 1 and 2 of the bill, noted that proposed AS 04.16.050(d) requires the court to notify the Division of Motor Vehicles (DMV) regarding the revocation of the person's driver's license, whereas proposed AS 04.16.050(c) doesn't require such notification. He questioned whether AS 04.16.050(c) should be amended to include a notification requirement.

MS. CARPENETI explained that that language is part of existing law, and surmised that perhaps with the shorter, three-month revocation period required under AS 04.16.050(c), the offender simply gives his/her driver's license to the judge. She offered to research that issue further, but noted that she's not received any information indicating that that aspect of the statutes isn't working as is.

MS. PIERSON predicted that there wouldn't be any problem with making a conforming amendment to AS 04.16.050(c), but offered to research that issue further.

REPRESENTATIVE GRUENBERG said he is merely questioning whether the statute requiring the shorter revocation period warrants a notification provision.

CHAIR RAMRAS indicated that the purpose of the bill is to recognize habitual illegal behavior by minors, and that he didn't have any desire to alter the other provisions of these statutes.

MS. PIERSON, in response to comments, said she didn't think that there has been any problem with the existing language regarding notification.

[1:35:15 PM](#)

DALE FOX, President & CEO, Alaska Cabaret Hotel Restaurant & Retailer's Association (Alaska CHARR), after noting that one of the goals of the Alaska CHARR is to fight underage drinking, expressed support for the provisions of 2008's House Bill 359, and characterized the changes proposed via HB 98 as important technical fixes.

[1:36:11 PM](#)

REPRESENTATIVE LYNN moved to report HB 98 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 98 was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:36 p.m. to 1:39 p.m.

HB 4 - FALSE CALLER IDENTIFICATION

[1:39:26 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 4, "An Act relating to false caller identification."

[1:39:34 PM](#)

REPRESENTATIVE LYNN, speaking as one of the joint prime sponsors of HB 4, relayed that this legislation has already passed the House twice, once in 2006 as [House Bill 308] and once in 2007 as House Bill 7.

DIRK MOFFATT, Staff, Representative Bob Lynn, Alaska State Legislature, in response to a question, indicated that the language of HB 4 is identical to that which passed the House [in 2007].

REPRESENTATIVE GRUENBERG moved to report HB 4 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GATTO, noting that material in members' packets indicates that there are companies that provide people with the technology enabling them to falsify caller identification systems, expressed favor with the bill.

CHAIR RAMRAS mentioned that HB 4 currently has an indeterminate fiscal note.

REPRESENTATIVE COGHILL, in response to a question, remarked that additional fiscal notes can be attached to legislation right up until the time the legislation passes the legislature.

[1:44:33 PM](#)

REPRESENTATIVE GRUENBERG again moved to report HB 4 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 4 was reported from House Judiciary Standing Committee.

REPRESENTATIVE GRUENBERG mentioned that the prior iterations of this legislation have engendered testimony.

[HB 4 was reported from the House Judiciary Standing Committee.]

[Following was a brief discussion about possible forthcoming addendums to the committee's report regarding gasoline pricing in Alaska; this report had been moved from committee earlier in the meeting.]

[1:49:17 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:49 p.m.