ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE
February 23, 2011
1:04 p.m.

MEMBERS PRESENT

Representative Carl Gatto, Chair
Representative Steve Thompson, Vice Chair
Representative Wes Keller
Representative Bob Lynn
Representative Lance Pruitt
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

Representative Mike Chenault (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 133
"An Act increasing the number of superior court judges designated for the third judicial district; and providing for an effective date."

- MOVED HB 133 OUT OF COMMITTEE

HOUSE BILL NO. 150
"An Act relating to the protection of property of persons under disability and minors; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; relating to the protection of vulnerable adults; amending Rule 12(h), Alaska Rules of Criminal Procedure; amending Rule 45(a), Alaska Rules of Criminal Procedure; amending Rule 65, Alaska Rules of Civil Procedure; amending Rule 17, Alaska Rules of Probate Procedure; amending Rule 9, Alaska Rules of Administration; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 127
"An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor,

harassment, distribution of indecent material to minors, and misconduct involving confidential information; relating to probation; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 133
SHORT TITLE: INCREASING NUMBER OF SUPERIOR CT JUDGES
SPONSOR(S): RULES BY REQUEST

01/31/11	(H)	READ THE FIRST TIME - REFERRALS
01/31/11	(H)	JUD, FIN
02/21/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/21/11	(H)	Heard & Held
02/21/11	(H)	MINUTE(JUD)
02/23/11	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 150
SHORT TITLE: PROTECTION OF VULNERABLE ADULTS/MINORS
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/09/11	(H)	READ THE FIRST TIME - REFERRALS
02/09/11	(H)	JUD, FIN
02/23/11	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 127
SHORT TITLE: CRIMES INVOLVING MINORS/STALKING/INFO
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/26/11	(H)	READ THE FIRST TIME - REFERRALS
01/26/11	(H)	JUD, FIN
02/07/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/07/11	(H)	Heard & Held
02/07/11	(H)	MINUTE(JUD)
02/09/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/09/11	(H)	Heard & Held
02/09/11	(H)	MINUTE(JUD)
02/11/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/11/11	(H)	Scheduled But Not Heard
02/23/11	(H)	JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

DUANE MAYES, Director
Anchorage Office

Division of Senior and Disabilities Services
Department of Health & Social Services (DHSS)
Anchorage, Alaska
POSITION STATEMENT: Introduced HB 150 on behalf of the House Rules Standing Committee, sponsor by request of the governor.

SCOTT STERLING, Supervising Attorney
Elder Fraud and Assistance
Office of Public Advocacy
Department of Administration (DOA)
Anchorage, Alaska
POSITION STATEMENT: Provided an analysis of Sections 1-8 and answered questions during the hearing on HB 150.

KELLY HENRIKSEN, Assistant Attorney General
Human Services Section
Civil Division (Juneau)
Department of Law
Juneau, Alaska
POSITION STATEMENT: Answered questions during the hearing on HB 150.

JAMES JEWETT
Wasilla, Alaska
POSITION STATEMENT: Testified on behalf of himself during the hearing on HB 150.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law (DOL)
Juneau, Alaska
POSITION STATEMENT: Answered questions during the hearing on HB 127.

QUINLAN STIENER, Director
Central Office
Public Defender Agency (PDA)
Department of Administration (DOA)
Anchorage, Alaska
POSITION STATEMENT: Answered a question during the hearing on HB 127.

DOUG GARDNER, Director
Legislative Legal and Research Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Offered feedback related to Amendment 1 to HB 127.

ACTION NARRATIVE

1:04:54 PM

CHAIR CARL GATTO called the House Judiciary Standing Committee meeting to order at 1:04 p.m. Representatives Gatto, Holmes, Lynn, Keller, and Thompson were present at the call to order. Representatives Gruenberg and Pruitt arrived as the meeting was in progress.

HB 133 - INCREASING NUMBER OF SUPERIOR CT JUDGES

1:05:11 PM

CHAIR GATTO announced that the first order of business would be HOUSE BILL NO. 133, "An Act increasing the number of superior court judges designated for the third judicial district; and providing for an effective date."

CHAIR GATTO reviewed changes made to certain fiscal notes, stating that no changes had been made to the language in the bill. He directed attention to the fiscal note with the Office of Management and Budget (OMB) component number 771, and noted that that number had previously been incorrect. He further relayed that that fiscal note now shows that the department affected would be the Alaska Court System, which was confirmed after there had been some question about the interaction between the Judicial Council and the Alaska Court System. Chair Gatto then directed attention to the fiscal note [with the OMB component number 2826] and indicated that it had been changed to a zero fiscal note.

1:07:20 PM

REPRESENTATIVE THOMPSON moved to report HB 133 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 133 was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:08 p.m. to 1:09 p.m.

HB 150 - PROTECTION OF VULNERABLE ADULTS/MINORS

1:09:54 PM

CHAIR GATTO announced that the next order of business would be HOUSE BILL NO. 150, "An Act relating to the protection of property of persons under disability and minors; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; relating to the protection of vulnerable adults; amending Rule 12(h), Alaska Rules of Criminal Procedure; amending Rule 45(a), Alaska Rules of Criminal Procedure; amending Rule 65, Alaska Rules of Civil Procedure; amending Rule 17, Alaska Rules of Probate Procedure; amending Rule 9, Alaska Rules of Administration; and providing for an effective date."

1:10:39 PM

DUANE MAYES, Director, Anchorage Office, Division of Senior and Disabilities Services, Department of Health & Social Services (DHSS), explained that the Adult Protective Services (APS) unit lies within the Division of Senior and Disabilities Services. He said HB 150 relates to the protection of property as well as the crime of violating a protective order. He said there are 50,000 to 60,000 seniors in the state who are 65 or older, and that demographic is expected to increase to 80,000 by 2017. He said HB 150 will strengthen Alaska's laws by doing a better job of protecting elders and other vulnerable populations from fraud and financial exploitation. He stated that vulnerable adults need assistance in stopping the theft and immediate misuse of their money, and he indicated that the proposed legislation would alleviate the frustration experienced by those in the process of accessing the courts.

MR. MAYES said HB 150 will set up two types of emergency procedures that will allow the courts to act to protect vulnerable adults from financial abuse. The first procedure is the temporary conservatorship provision of the bill, which will help victims of financial exploitation who may not need a guardian but need assistance in stopping immediate misuse or theft of their money. He explained that a temporary conservatorship would work much the same as the temporary guardianship procedure already in statute. He explained that the vulnerable victim would retain autonomy, while receiving assistance, thus enhancing the ability of the victim to stop exploitation or loss before suffering irreparable harm.

MR. MAYES said the second procedure that would be set up by the bill would be the ex parte relief from fraud, which he said is

similar to existing domestic violence protection law. This provision of HB 150 would allow vulnerable adults to independently obtain straight-forward expedited relief without a lawyer from any magistrate or judge throughout the state. Mr. Mayes said the proposed legislation would also amend the Adult Protective Services statutes in order to protect vulnerable adults by enhancing their investigatory authority. The bill would expand a list of mandatory reporters to include employees of nursing homes. The bill would also add the concept of undue influence, which he said is when a person of trust uses their role to exploit and gain control over a vulnerable adult. Finally, Mr. Mayes relayed, HB 150 would enhance the criminal penalties in cases where there is an elderly victim.

MR. MAYES summarized that HB 150 would provide the state the tools needed to combat the growing problem of financial abuse in Alaska's elderly and disabled populations.

1:17:20 PM

SCOTT STERLING, Supervising Attorney, Elder Fraud and Assistance, Office of Public Advocacy, Department of Administration (DOA), in response to Chair Gatto, said in the law "a person of trust" is usually defined as "anyone with a trust or fiduciary responsibility." He said that may include: someone who holds a power of attorney instrument, otherwise known as an attorney in fact; a lawyer; an accountant; a doctor; a guardian; and a conservator. He said it can also be defined to be an informal relationship between family members, which exists as a trust relationship. In response to questions, he said he does not think the definition would include law enforcement agents or people who are discharging a public duty in that sense. He said parents do stand in a fiduciary relationship with their children, but he said that is a separate part of law about which he is not prepared to speak.

1:19:15 PM

MR. STERLING, in response to Representative Gruenberg, directed attention to the definition of a "person who stands in a position of trust or confidence", in Section 41, paragraph (20), which read as follows:

> (20) "person who stands in a position of trust or confidence" means a person who
>
> (A) is a relative by blood or marriage;

(B) is a joint tenant or tenant in common;

(C) has a legal or fiduciary relationship; or

(D) is a person who has been entrusted with or has assumed responsibility for the use or management of the vulnerable adult's assets or income;

MR. STERLING, in response to Representative Gruenberg, confirmed that the proposed legislation had been crafted to interface with AS 13.26. He offered his understanding that the bill has not been [shown to] the Alaska Bar Association's probate section, but has been shown to those in that entity's elder section. He explained that until the bill was released by the Office of the Governor, he was not at liberty to discuss it. He stated, "Once that permission was granted, I ... proceeded to let everyone I could think of know it had been put on the table." In response to Representative Gruenberg, he clarified that he has worked on HB 150, on Sections that relate to Title XIII, in collaboration with his colleagues at the department, but he did not go forth in search of input on the bill. He said he would do his best to discuss the bill with his colleagues in "the elder law and probate bar."

CHAIR GATTO indicated that HB 150 would be held over to allow for more input.

1:23:50 PM

MR. STERLING gave a sectional analysis for Sections 1-8. He said Section 1 makes a knowing violation or attempted violation of a financial protective order a criminal offense. In response to the chair, he reviewed the classes of violations, misdemeanors, and felonies that would be considered crimes. He related that Section 2 would amend the definition of protective orders found in AS 11.56.740, to include financial protective orders being introduced with this legislation to protect the financial security of vulnerable adults and elders. Section 3 would make the fact that a defendant knowingly directs criminal conduct at a person 65 years of age or older an aggravating factor at sentencing, which would apply across the board to any person convicted of a crime where the victim is identified as being 65 or older. He said the prosecution may allege an aggravator and the court may - if it fines that aggravator - assign an appropriate weight to it to reflect the fact that the victim may have been more vulnerable because of his/her age.

1:26:48 PM

REPRESENTATIVE GRUENBERG pointed out that AS 12.55.155 already includes an aggravating factor for crimes based on age. He cited paragraph (5) of that statute, which read as follows:

> (5) the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, disability, ill health, homelessness, consumption of alcohol or drugs, or extreme youth or was for any other reason substantially incapable of exercising normal physical or mental powers of resistance;

REPRESENTATIVE GRUENBERG compared the language of the proposed bill in Section 3 with the language in AS 12.55.155 and recommended that the bill sponsor consider the differences and similarities. For example, he noted that AS 12.55.155(5) uses the term "advanced age", while Section 3 of HB 150 uses "65 years of age or older". Another comparison he made is the use of the phrase "knew or reasonably should have known" versus "knowingly".

1:30:34 PM

MR. STERLING, in response to questions from the chair, offered his understanding that the age of 65 was chosen arbitrarily. He said he does not know whether the age should be made older, but noted that approximately seven years ago, the legislature set the age threshold at 60 in the elder fraud statute, perhaps because people were retiring earlier. He said he knows that the age of 65 is generally referred to because of its use in federal social security legislation and military retirement. He confirmed that there are increased benefits to those who wait to retire at a later age.

1:32:21 PM

REPRESENTATIVE GRUENBERG said he would suggest that the Commission on Aging conduct a study of all the Alaska statutes that address ages and legal thresholds and subsequently make recommendations to the legislature if any of the state's laws are not synchronized.

1:33:22 PM

MR. STERLING continued on to Section 4, which, by amending AS 13.26.165(2)(a), would add being a victim of fraud as a basis for appointing a conservator. This language would allow courts to protect individuals who may not be suffering from any mental deficiency but are victims of financial abuse. He explained that current statute provides an explicit temporary guardian provision but no explicit temporary conservator provision. He reported that experience in handling actual cases has shown that many times a vulnerable adult or elder will seek assistance in stopping financial exploitation because he/she is having difficulty managing his/her financial affairs for a variety of reasons, and those are often the times when a perpetrator will seek to take advantage of the vulnerable adult's situation. If that person is operating from a position of trust and confidence, then he/she is able to readily exploit the elder or vulnerable adult's position. Mr. Sterling said in order to put a stop to that, particularly if the [exploiter] holds a legal instrument, such as a power of attorney, it is necessary to have the power of the court to intercede, revoke that power of attorney, to freeze the situation, and to stabilize the elder of vulnerable adult's position. Mr. Sterling said this does not mean that the elder or vulnerable adult needs a guardian; he/she is probably well able to make the medical, health, life, and safety decisions necessary; what he/she cannot do is manage their money so as to prevent a trusted person from abusing it. The temporary conservator position, as it is used in other states, speaks to an urgent situation in which there is not a need for a full-time or professional guardian, but there is a need for the power of the court, with court oversight of a conservator to right the situation.

1:36:43 PM

MR. STERLING responded to questions. First, he offered his understanding that assessing competency is primarily a legal, as opposed to medical, decision-making process, but that assessing mental disease or defect is a medical, as opposed to legal, process. Next, he explained that under AS 13, a person known as the respondent, for whom a guardianship is being sought by reason of a petition being filed, has a right to contest that petition and ask the court to "set it on for a jury trial." He said the reason is that there is a significant constitutional liberty interest in the autonomy of a citizen being able to choose life, health, and safety for him/herself. Therefore, if a person seeks to infringe on that liberty interest by asking for a full guardianship, then a jury trial is granted. He said

with conservatorships, the liberty interest is not deemed to be as significant as life, health, and safety. He said he is not aware of any recorded court opinion that says one has a right to a jury trial in a conservatorship proceeding. In most cases, he said, when a petition is filed it is because the respondent wants it to be filed, unless the person is so lacking in capacity that a third party has to make that decision. He said that the Adult Protective Services agency, other state agencies, and non-governmental agencies sometimes have to file petitions when it seems like there is nothing else that can be done to help someone.

MR. STERLING, regarding competency, related that a very common pattern is someone having an urgent physical problem requiring hospitalization, while simultaneously suffering from the progressively worsening effects of dementia. He explained that the person in this example is alert and well enough to understand that he/she needs treatment and to converse with his/her doctor and make decisions as to surgeries and procedures, but cannot grasp matters related to bank accounts, automatic teller machine (ATM) card use, and covering utility bills. Mr. Sterling ventured that if the person is being financially exploited at this point, any person of conscious would want to have this petition procedure available.

1:42:37 PM

REPRESENTATIVE HOLMES questioned how to protect vulnerable adults from family members who may try to take advantage of them by setting up a conservatorship that the adult does not want.

1:43:38 PM

MR. STERLING responded that under Alaska's rules of probate procedure and statutes, the court procedure calls for a court visitor to be appointed to independently investigate and verify the allegations and facts that are being brought forward. Much weight is given to known relevant contacts, such as case workers, family members, physicians, and anyone with a reliable knowledge of the situation. The court visitor's report is the first step in screening and defining the facts, he said. Next is the hearing itself, where the petitioners are closely questioned by the probate masters and judges about what exactly the petitioners are trying to accomplish and why. Mr. Sterling explained that this is because Title 13 gives preference to autonomy over safety in what is called "the least restrictive

alternative," whereby the courts are required to impose only the alternative that infringes the least upon a person's autonomy.

MR. STERLING stated that although it is theoretically possible for someone to attempt to manipulate and abuse the system, his experience has shown that it is not people trying to abuse the system to create "a patina of legality for themselves," but it is more that they already have some existing legal authority and "with that comes the power to conceal what they're doing," which he said is far more common. He stated, "It's only when someone is at rope's end that you see the petition being filed, because inexplicably the elder had $150,000 in their savings account six months ago and now they have nothing." He noted that it is possible that all that money could have been legitimately spent. He indicated that in such an instance, it would be the job of the court visitor to come to his office or to Adult Protective Services to inquire whether one of those entities had been able to subpoena the financial records.

1:46:45 PM

KELLY HENRIKSEN, Assistant Attorney General, Human Services Section, Civil Division (Juneau), Department of Law (DOL), said she represents the Department of Health & Social Services, and Adult Protective Services (APS), and in that role conducts guardianships and conservatorships in Southeast, Alaska. In response to previous questions from Representative Holmes, she said, "On the question of a jury trial, it's only on the question of incapacity in a guardianship. It's not on the second part of it, which is: Should a guardian be appointed and who is that guardian going to be?" She then emphasized the ability of APS in sorting out "he said/she said" situations. She said, "It wouldn't be as neutral, necessarily, in terms of the court's eyes, with respect to the court visitor, but a lot of work can be done by the APS investigator." She explained that strengthening the investigatory powers of the APS so that a case can be disposed of short of a petition is usually in the best interest of the respondent.

1:47:53 PM

MR. STERLING, in response to Representative Lynn, stated that under current Alaska law, a conservator is responsible for both property and any related financial affairs. If the situation relates to health, safety, or "a life situation," the courts most likely would appoint a guardian to make those decisions. The state's distinctions tend to say that conservators are for

financial matters only, while guardians are for anything related to life, health, and safety. In response to a follow-up question, Mr. Sterling said he does not know California law.

1:49:21 PM

REPRESENTATIVE GRUENBERG noted that the bill uses the term "fraud", and asked whether the term "undue influence" should be added to the bill.

1:50:15 PM

MR. STERLING paraphrased language on page 11, line 25, paragraph (3), which read as follows:

> (3) in cases involving fraud, the department, or its designee, may refer the report made to the department under AS 47.24.010 to the office of public advocacy for investigation; in this paragraph, "fraud" has the meaning given in AS 13.26.325.

MR. STERLING said "financial exploitation" is defined in reference to elder fraud authorizing statute, which also includes a definition the legislature enacted when it passed that statute. In response to Representative Gruenberg, Mr. Sterling clarified that AS 13.26.325 is new language included in [Section 8 of] HB 150, on page 6.

REPRESENTATIVE GRUENBERG directed attention to that language in Section 8, on page 6, lines 5-11, which read as follows:

> **Sec. 13.26.325. Definitions.** In AS 13.26.325, unless the context requires otherwise, "fraud" means
>
> (1) robbery, extortion, and coercion under AS 11.41.500 - 11.41.530;
>
> (2) theft and related offenses under AS 11.46.100 - 11.46.740; or
>
> (3) exploitation of another person or another person's resources for personal profit or advantage with no significant benefit accruing to the person who is exploited.

REPRESENTATIVE GRUENBERG asked Mr. Sterling if he believes that the current definitions, as proposed in Section 8, will "cover the waterfront for undue influence."

MR. STERLING said he does, because there are two definitional strongholds; the definitions included in criminal law and in elder fraud statute are both brought to bear.

1:53:45 PM

REPRESENTATIVE GRUENBERG referred to the term, "advanced age", used in Section 4, paragraph (2), subparagraph (A), which read as follows:

> (A) the person is unable to manage the person's property and affairs effectively for reasons such as mental illness, mental deficiency, physical illness or disability, advance age, chronic use of drugs, chronic intoxication, **fraud,** confinement, detention by a foreign power, or disappearance; and

REPRESENTATIVE GRUENBERG recommended removing the word "advanced", thereby allowing the court the authority to enter a protective order to someone who is of a young age. He then surmised that this situation may be covered in another part of the statute.

MR. STERLING indicated that he would research that issue further.

1:57:02 PM

MR. STERLING returned to his sectional analysis. He said Section 5 would add attorneys, caregivers, and the Department of Health and Social Services to those entities who may apply for conservatorship for an individual. He said the purpose of this is to widen the net of those who can help individuals to include those entities who likely have first-hand knowledge of the abuse. Section 6 would create the procedure for requesting the appointment of the temporary conservator by adding a new section to AS 13.26.180. He said currently the courts may be willing to make the appointment, but are seeking the statutory authority to do so. Most states have an explicit provision for contemporary conservators. Mr. Sterling explained that the entity that files a petition has to show that the person for whom the petition is being filed is unable to manage his/her own affairs and has property or assets that are in danger of waste or dissipation if relief is not granted. He explained that [a conservatorship] needs to be temporary because the harm being perpetrated is of an immediate nature. Mr. Sterling relayed that throughout

history, conservators have typically been used for elders who, because of age or mental capacity, are not able to manage their finances; there has been no indication or discussion of abuse. He ventured that that typical situation was most likely foremost in people's minds when the state's conservatorship statutes were passed. He stated that HB 150 is attempting to respond to a new social reality, which is that financial exploitation of people in that situation is on the increase. He said hopefully adding this language will either prevent or cure that exploitation.

2:00:28 PM

MR. STERLING, in response to Representative Gruenberg, confirmed that there is already specific statutory authority for temporary guardianship.

REPRESENTATIVE GRUENBERG questioned whether the legislature should include language that instructs the court that this is language that should be either strictly construed like criminal statute or broadly construed like workers' compensation statutes.

2:03:10 PM

MR. STERLING related that existing statute says the policy of the law is to find and impose only the least restrictive alternative. He said he thinks the courts are faithful to that standard, and that petitioners, advocates, and parties need to bear that in mind. However, he said existing statute, regarding that which conservators are authorized to do, gives the courts the power to fashion specific relief and limit the powers of the conservator. He clarified that existing statute permits specific relief to be fashioned "according to the harm and the remedies that are needed." He stated that he has never had a problem with the broad versus strict interpretation, although he said he understands Representative Gruenberg's point. He stated his belief that the state should adhere to the legislature's command in statute to find and impose the least restrictive alternative. Doing so, he said, helps define the issues tightly.

2:05:08 PM

MR. STERLING reiterated the purpose of Section 6. He then explained that Section 7 would add two new statutes. The first would provide the statutory basis for temporary conservators to protect the victims of fraud and financial abuse and to ensure

that funds are obtained to meet the needs of the respondent - the person who is the object of the petition - and/or respondent's dependents. He said this statute mirrors the existing temporary guardian statute in AS 13. The second statute would create a process for obtaining financial protective orders to immediately stop suspected financial abuse. It would permit any citizen to apply to a judge at any time to put a stop to that financial abuse on an emergency basis; it is intended to be used by people without access to legal services or for whom legal services are unaffordable and for whom access to courts is difficult or practically nonexistent.

MR. STERLING stated that financial exploitation is a form of domestic violence and abuse. The state has effective laws related to domestic violence and abuse, and Mr. Sterling opined that it is time to expand those laws. He talked about the importance of preserving financial records, and said this protective order would help preserve evidence. He said there is an existing problem of evidence disappearing. In response to the chair, he said a person would have to show that he/she is a victim of fraud in order to qualify for a protective order.

2:09:29 PM

REPRESENTATIVE HOLMES referred to subsection (f), and asked for examples of "third party".

MR. STERLING, in response to questions from Representative Holmes, said the term, "third party", in subsection (f), on page 5, includes the following: financial institutions, medical and assisted living institutions, and immediate family members. He said the order would not be binding to anyone until it has been duly issued by the court and placed in the registry of protective orders by the Department of Public Safety. He pointed out that although the issuance of an order by the court is notice that it exists, as a practical matter, "it's not going to help anyone too much to obtain this relief if they don't communicate it quickly to the people that matter."

2:12:33 PM

MR. STERLING, in response to Representative Thompson, explained that the person filing as petitioner for ex parte relief may be the only person present at the hearing, which he said applies only to the initial 20-day period. He explained that if the filer wants the order to be extended beyond that, then there would be a hearing, with notice to the effected party. In

response to further questioning, he said it would be highly unlikely that the state would ever file for an ex parte order for someone who has capacity. He said when the state files for someone without capacity, that person should be brought in to court. A typical case would be an adult with sufficient awareness that he/she is being exploited but with no resources to put a stop to it. Mr. Sterling said it is easy to steal from people because technology is outpacing the law and law enforcement. This legislation would be available to everyone, urban and rural, to get help.

2:15:47 PM

REPRESENTATIVE GRUENBERG, regarding language on page 4, lines 3 and 4, questioned how realistic it would be for a court to conduct a hearing within 72 hours after the filing, and he asked Mr. Sterling to think about that.

MR. STERLING, in response to Chair Gatto, offered his understanding that 72 hours means "72 hours on the clock," and he indicated that that follows the same reasoning as that for having magistrates ready to issue search warrants any time of day or night.

2:17:16 PM

JAMES JEWETT, testifying on behalf of himself, relayed that he was the victim of fraud - for the amount of $17,000 - and recounted how that situation came about, what he'd been told by both the perpetrator and his credit card company, and how he has been attempting to resolve the problem. He said both the state's Elder Fraud Division and federal agencies are involved in an ongoing investigation of these fraud charges.

2:26:02 PM

MR. STERLING stated for the record that his original answer regarding the 72 hours was incorrect. He said the correct answer is that the weekends and holidays are not included in the 72 hours.

REPRESENTATIVE GRUENBERG indicated an interest in finding a solution for this issue.

CHAIR GATTO relayed that HB 150 would be held over.

HB 127 - CRIMES INVOLVING MINORS/STALKING/INFO

2:27:29 PM

CHAIR GATTO announced that the final order of business would be HOUSE BILL NO. 127, "An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information; relating to probation; and providing for an effective date."

CHAIR GATTO noted that there were seven amendments for consideration.

2:28:50 PM

REPRESENTATIVE LYNN moved to adopt Amendment 1, labeled 27-GH1840\A.1, Gardner, 2/18/11, which read as follows:

Page 1, line 3, following "**minors,**":
Insert "**criminal impersonation,**"

Page 2, following line 30:
Insert a new bill section to read:
"*** Sec. 6.** AS 11.46.565(a) is amended to read:
(a) A person commits the crime of criminal impersonation in the first degree if
(1) the person
(A) [(1)] possesses an access device or identification document of another person;
(B) [(2)] without authorization of the other person, uses the access device or identification document of another person to obtain a false identification document, open an account at a financial institution, obtain an access device, or obtain property or services; and
(C) [(3)] recklessly damages the financial reputation of the other person**; or**
(2) the person violates AS 11.46.570 and the crime intended is a sex offense; in this paragraph, "sex offense" has the meaning given in AS 12.63.100."

Renumber the following bill sections accordingly.

Page 9, line 9:
Delete "Sections 1 - 12"

Insert "Sections 1 - 13"

Page 9, line 11:
Delete "Section 13"
Insert "Section 14"

REPRESENTATIVE HOLMES objected for the purpose of discussion.

REPRESENTATIVE LYNN stated that current technology makes it possible for someone to change his/her caller identification ("caller ID"), which opens the door for predators, including sexual predators, to fraudulently use the caller ID system. He noted that there was a bill that addressed that issue, but which never was enacted, and he indicated that he incorporated part of that bill's language into Amendment 1. He said there have been reports that sexual predators have changed their caller IDs so that it appears their calls are coming from a school or police department, and they ascertain through those calls when children will be home alone. Representative Lynn ventured that Amendment 1 also would provide prosecutors with another tool to use. Finally, he said he wanted to ensure that a person against whom there is not enough evidence to prosecute for sexual offense could still be brought to trial for using a false caller ID.

2:32:16 PM

CHAIR GATTO asked if Amendment 1 would create additional costs.

2:32:21 PM

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), responded that that is a difficult question, because although she appreciates Representative Lynn's concern about this type of conduct, she is not certain how often the department would be able to prosecute under this statute. In response to the chair, she offered her understanding that Amendment 1 would not violate the single subject rule. Ms. Carpeneti pointed out that whereas most sex offenses are located in AS 41 - crimes against a person - or 61 - crimes involving child pornography - Amendment 1 proposes to include language regarding sex offense into another statute. She continued as follows:

> This conduct is a Class B felony, and it provides that if you ... misrepresent yourself with intent to commit a crime - a sex offense - you can be prosecuted under this statute - this provision - at a Class B felony

level. But one of the problems is it ... brings in the definition of sex offense in our sex offender registration statutes, which includes attempts and ... some misdemeanor offenses, so that under this statute, if you misrepresent yourself with intent to commit a sex crime, which could be intent to commit an attempt, you could be prosecuted for a ... Class B felony. ... It uses as a basis criminal impersonation, which just means taking a false identity - not necessarily by telephone ... - and intending to do something else with it.

MS. CARPENETI said the department would prefer that [the new language proposed in Amendment 1] be "a stand-alone section, not necessarily in our forgery provisions."

2:35:45 PM

CHAIR GATTO announced that Amendment 1 would be set aside.

2:35:51 PM

REPRESENTATIVE THOMPSON moved to adopt Amendment 2, labeled 27-GH1840\A.2, Gardner, 2/17/11, which read as follows:

Page 3, line 7, following "person":
Insert "**is**"

Page 3, line 8:
Delete "is"
Insert "[IS]"

Page 3, line 11:
Delete "has been"
Insert "[HAS BEEN]"

Page 3, line 14:
Delete "has been"
Insert "[HAS BEEN]"

REPRESENTATIVE HOLMES objected.

REPRESENTATIVE THOMPSON pointed out where the language would be changed under Amendment 2.

REPRESENTATIVE HOLMES said Amendment 2 addresses one of the committee's concerns.

REPRESENTATIVE HOLMES removed her objection.

REPRESENTATIVE GRUENBERG objected for the purpose of discussion. He said he supports the intent of Amendment 2, but asked if the department has considered whether this change is "just right."

2:38:00 PM

MS. CARPENETI indicated that without Amendment 2, the language, as currently written, could be interpreted to mean someone who has been previously charged and acquitted.

REPRESENTATIVE GRUENBERG emphasized that is not the desired meaning.

2:39:13 PM

QUINLAN STIENER, Director, Central Office, Public Defender Agency (PDA), Department of Administration (DOA), in response to the same question posed by Representative Gruenberg to Ms. Carpeneti, said although he does not see any particular problems with Amendment 2, he has not had the amendment in hand long enough to study it.

REPRESENTATIVE GRUENBERG removed his objection to the motion to adopt Amendment 2. He requested that all agencies let the legislature know if the language ever needs further review.

2:40:02 PM

CHAIR GATTO asked if there was any further objection to the motion to adopt Amendment 2. There being none, it was so ordered.

2:40:10 PM

REPRESENTATIVE PRUITT moved to adopt Amendment 3, labeled 27-GH1840\A.3, Gardner, 2/18/11, which read as follows:

> Page 9, following line 6:
> Insert a new bill section to read:
> "*** Sec. 14.** AS 47.12.030(a) is amended to read:
> (a) When a minor who was at least 16 years of age at the time of the offense is charged by complaint, information, or indictment with an offense specified in this subsection, this chapter and the Alaska

Delinquency Rules do not apply to the offense for which the minor is charged or to any additional offenses joinable to it under the applicable rules of court governing criminal procedure. The minor shall be charged, held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as an adult. If the minor is convicted of an offense other than an offense specified in this subsection, the minor may attempt to prove, by a preponderance of the evidence, that the minor is amenable to treatment under this chapter. If the court finds that the minor is amenable to treatment under this chapter, the minor shall be treated as though the charges had been heard under this chapter, and the court shall order disposition of the charges of which the minor is convicted under AS 47.12.120(b). The provisions of this subsection apply when the minor is charged by complaint, information, or indictment with an offense

(1) that is an unclassified felony or a class A felony and the felony is a crime against a person**, other than a violation of AS 11.41.455**;

(2) of arson in the first degree;

(3) that is a class B felony and the felony is a crime against a person in which the minor is alleged to have used a deadly weapon in the commission of the offense and the minor was previously adjudicated as a delinquent or convicted as an adult, in this or another jurisdiction, as a result of an offense that involved use of a deadly weapon in the commission of a crime against a person or an offense in another jurisdiction having elements substantially identical to those of a crime against a person, and the previous offense was punishable as a felony; in this paragraph, "deadly weapon" has the meaning given in AS 11.81.900(b); or

(4) that is misconduct involving weapons in the first degree under

(A) AS 11.61.190(a)(1); or

(B) AS 11.61.190(a)(2) when the firearm was discharged under circumstances manifesting substantial and unjustifiable risk of physical injury to a person."

Renumber the following bill sections accordingly.

Page 9, line 9:
Delete "Sections 1 - 12"

Insert "Sections 1 - 12 and 14"

REPRESENTATIVE HOLMES objected for the purpose of discussion.

2:40:45 PM

MS. CARPENETI explained that Amendment 3 was suggested to DOL by the Division of Juvenile Justice, within the Department of Health & Social Services. She said it raises unlawful exploitation of a minor, currently under AS 11.41.455, from a Class B to a Class A felony, and by doing so brings it within the auto-waiver provisions of AS 47.12.030. She explained that under AS 47.12.030, Class A felonies against a person and unclassified felonies committed by 16- and 17-year-old minors are automatically waived to adult court without going through the juvenile system. She said the thought was that these types of offenses are probably more suitable for treatment by the Juvenile Justice system. She said there is a discretionary waiver provision in statute, which would allow those cases to be waived, but "this" would say that it would not be automatically waived to adult court.

2:42:14 PM

REPRESENTATIVE HOLMES removed her objection.

CHAIR GATTO asked if there was any further objection to the motion to adopt Amendment 3. There being none, it was so ordered.

2:42:32 PM

REPRESENTATIVE PRUITT moved to adopt Amendment 4, labeled 27-GH1840\A.4, Gardner, 2/21/11, which read as follows:

Page 1, line 4, following "**probation**":
Insert "**relating to the subpoena power of the attorney general in cases involving use of an Internet service account;**"

Page 9, following line 6:
Insert a new bill section to read:
"*** Sec. 14.** AS 44.23.080 is repealed and reenacted to read:
Sec. 44.23.080. Subpoena power of attorney general in cases involving use of an Internet service account. (a) If there is reasonable cause to believe

that an Internet service account has been used in connection with a violation of AS 11.41.452, 11.41.455, or AS 11.61.125 - 11.61.128, and that the identity, address, and other information about the account owner will assist in obtaining evidence that is relevant to the offense, a law enforcement officer may apply to the attorney general or the attorney general's designee for an administrative subpoena to obtain the business records of the Internet service provider located inside or outside of the state.

(b) If an application meets the requirements of (a) of this section, the attorney general or the attorney general's designee may issue an administrative subpoena to the Internet service provider requiring the production of the following records:

(1) the name and other identifying information of the account holder;

(2) the address and physical location associated with the account;

(3) a description of the length of service, service start date, and types of service associated with the account.

(c) A subpoena issued under (b) of this section must prescribe a reasonable time after service for the production of the information.

(d) At any time before the return date specified on the subpoena, the Internet service provider may petition a court of competent jurisdiction for the judicial district in which the provider resides or does business for an order modifying or setting aside the subpoena or for an order sealing the court record.

(e) If the Internet service provider refuses to obey a subpoena issued under (b) of this section, the superior court may, upon application of the attorney general or the attorney general's designee, issue an order requiring the Internet service provider to appear at the office of the attorney general with the information described in the subpoena.

(f) An Internet service provider who knowingly fails to produce the information required to be produced by the subpoena or court order is guilty of contempt under AS 09.50.010.

(g) Nothing in this section limits the authority of law enforcement from obtaining process from the court or through a grand jury subpoena to obtain the information described in (b) of this section.

(h) A person may not bring a civil action against an Internet service provider, its officers, employees, agents, or other person for complying with an administrative subpoena issued under (b) of this section or a court order issued under (e) of this section."

Renumber the following bill sections accordingly.

Page 9, line 11:
Delete "Section 13 of this Act applies"
Insert "Sections 13 and 14 of this Act apply"

REPRESENTATIVE HOLMES objected for the purpose of discussion.

MS. CARPENETI relayed that [in 2010], Senate Bill 222, [which was signed into law], and House Bill 298 addressed sex offenses and child exploitation offenses. A provision of that legislation allowed the Department of Public Safety to obtain administrative subpoenas from Internet service providers to get certain information about individuals. She said administrative subpoenas, although common in statute, are not particularly familiar to the Criminal Division of DOL. She said there are some problems with the law that passed last year that Amendment 4 addresses. Ms. Carpeneti said current law allows only the attorney general to issue such a subpoena and does not allow his/her specific designee to do so. She posited that this is problematic because the attorney general is not always available and the purpose of [obtaining an administrative subpoena] is to help speed the process.

MS. CARPENETI, in response to Representative Gruenberg, offered her understanding that the designation might be done in writing.

REPRESENTATIVE GRUENBERG surmised that someone from DPS concurs.

MS. CARPENETI said a second concern the department had with the legislation passed last year was that it provided for service according to Civil Court Rules 4 and 45, which allow for service via certified mail or personal service by a law enforcement officer - both relatively slow methods of service. Ms. Carpeneti noted that the federal government allows the subpoenas to be sent via facsimile ("fax"), which is faster. Amendment 4 would remove the hampering language regarding service.

2:46:39 PM

REPRESENTATIVE GRUENBERG pointed to language in Amendment 4, which states that "the attorney general or the attorney general's designee may issue an administrative subpoena". He pointed out the words "may issue". He noted that he did not see any other language addressing the method by which the subpoena would be served.

2:47:06 PM

MS. CARPENETI said she thinks Representative Gruenberg is correct that there is no other language addressing that.

REPRESENTATIVE GRUENBERG emphasized the importance of legal service being done in accordance with law, and he suggested that language be added to require that the administrative subpoena be issued "in a manner prescribed by regulation." He asked Ms. Carpeneti if the department is regulated by the provisions of the Administrative Procedure Act (APA) in promulgating its regulations.

MS. CARPENETI responded yes. She indicated that Representative Gruenberg's suggestion is reasonable. She related that the other statutes allowing for administrative subpoenas she has looked at do not address that particular issue. She surmised that the department could set its own regulations, guided by the federal government's method of sending administrative subpoenas via fax. She said she supposes that in the future, administrative subpoenas could even be scanned and sent via e-mail.

2:49:57 PM

REPRESENTATIVE GRUENBERG expressed a desire for an amendment that would survive a constitutional challenge.

REPRESENTATIVE GRUENBERG moved to conceptually amend Amendment 4, such that following the words "may issue" in subsection (b), the following would be inserted: "in a manner prescribed by regulation".

CHAIR GATTO asked whether such would automatically direct the department to adopt a regulation.

REPRESENTATIVE GRUENBERG said his intention is that before an administrative subpoena is issued, the regulation would be in place.

MS. CARPENETI said the department could not issue such a subpoena without the regulation in place. She said she would talk to the other people in her office to ensure there is no problem with requiring such a regulation; however, she said she does not think there will be a problem.

REPRESENTATIVE GRUENBERG repeated his motion to conceptually amend Amendment 4.

CHAIR GATTO asked if there was any objection to the motion to amend Amendment 4. There being none, it was so ordered.

REPRESENTATIVE HOLMES asked whether the attorney general's designee would have to be "within the Department of Law."

MS. CARPENETI answered yes.

REPRESENTATIVE HOLMES then asked if the attorney general could designate multiple people.

2:53:29 PM

MS. CARPENETI indicated that the department envisions the appointment being for one person who would be available to police officers in their investigations. She said this is a delicate matter, because district attorneys, who are working on the cases, should not be appointed. She said there are several lawyers in the department who are significantly removed from those cases who would be more suitable for appointment.

2:54:21 PM

REPRESENTATIVE HOLMES removed her objection to the motion to adopt Amendment 4, [as amended]. There being no further objection, Amendment 4, as amended, was adopted.

2:54:39 PM

REPRESENTATIVE PRUITT moved to adopt Amendment 5, labeled 27-GH1840\A.5, Gardner, 2/22/11, which read as follows:

> Page 3, line 20, through page 4, line 7:
> Delete all material and insert:
> "*** Sec. 7.** AS 11.61 is amended by adding a new section to read:
> **Sec. 11.61.116. Sending an explicit image of a minor.** (a) A person commits the offense of sending an

explicit image of a minor if the person, with intent to annoy or embarrass another person, distributes an electronic photograph or video that depicts the genitals, anus, or female breast of that other person taken when that person was a minor under 16 years of age.

(b) Sending an explicit image of a minor is

(1) a violation if the person distributes the image to one or two people;

(2) a class B misdemeanor if the person distributes the image to three or more people;

(3) a class A misdemeanor if the person distributes the image to an Internet site that is accessible to the public.

(c) In this section,

(1) "computer" has the meaning given in AS 11.46.990;

(2) "distributes" means to deliver the image to another person by sending the image to the other person's computer or telephone;

(3) "Internet" has the meaning given in AS 11.46.710(d)."

REPRESENTATIVE HOLMES objected for discussion purposes.

2:54:58 PM

MS. CARPENETI indicated that she, in response to feedback from the committee, had helped in the wording of Amendment 5.

REPRESENTATIVE GRUENBERG expressed his appreciation of the intent of Amendment 5. He directed attention to the phrase, "intent to annoy or embarrass another person", and suggested that "with criminal malice" follow. He offered an example in which one teenager transmits a baby photograph of another teenager on line in order to embarrass the person or perhaps annoy him/her, but in which there is no criminal intent, and suggested adding the words "with criminal malice".

MS. CARPENETI responded that she is concerned about that term; it is not used in Alaska Statute. She said the term "malicious mischief" is used, but is defined with statutorily defined culpable mental states.

REPRESENTATIVE GRUENBERG reiterated that he is concerned that someone could want to embarrass someone, but would have no evil intent.

MS. CARPENETI acknowledged that this is a difficult section to draft. The culpable mental state for harassment is with intent to annoy or harass. She stated, "One of the reasons it was decided we should include ... this in harassment is because we wanted to introduce the concept of intent to embarrass somebody, which is what I think a lot of this conduct will be, and we didn't want to change that intent for all of the harassment sections, which would be a big change to our harassment law."

2:57:53 PM

REPRESENTATIVE GRUENBERG again expressed concern that someone could take offense at something that another would not.

CHAIR GATTO surmised, though, that intent to embarrass would have to be proven.

REPRESENTATIVE GRUENBERG responded that just because someone has intent to embarrass does not make it criminal. He indicated a desire to table the motion to adopt Amendment 5. He opined that "embarrassment is a very low standard."

MS. CARPENETI pointed out that it would be a prosecutor who would have discretion whether or not to prosecute.

2:59:12 PM

CHAIR GATTO stated that he would like Amendment 5 incorporated into a committee substitute to HB 127, at which point the committee could further consider this point.

REPRESENTATIVE GRUENBERG agreed, and said he would not state an objection to Amendment 5.

2:59:30 PM

REPRESENTATIVE HOLMES expressed interest in hearing what Ms. Carpeneti has to say about the other changes proposed in Amendment 5.

CHAIR GATTO suggested that all that information could be heard after a committee substitute was written.

REPRESENTATIVE HOLMES removed her objection to the motion to adopt Amendment 5. There being no further objection, Amendment 5 was adopted.

3:00:32 PM

REPRESENTATIVE PRUITT moved to adopt Amendment 6, labeled 27-GH1840\A.6, Gardner, 2/23/11, which read as follows:

Page 2, line 13:
Delete "**of**"
Insert "**used by**"

Page 2, line 14:
Delete "**of**"
Insert "**used by**"

REPRESENTATIVE HOLMES objected for discussion purposes.

3:00:52 PM

REPRESENTATIVE HOLMES referred to proposed language which would amend AS 11/41/270(b)(3) to add that which would be considered "nonconsensual contact". That language is on page 2, lines 11-14, of HB 127, and read as follows:

(I) using, installing, or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace of that person, or on the personal telephone or computer of that person;

REPRESENTATIVE HOLMES explained that Amendment 6 would change "**of that person**" to "**used by that person**", so that it would include, for example, that person's use of someone else's computer or vehicle.

REPRESENTATIVE GRUENBERG expressed concern with the language of subparagraph (I) that it not impinge upon the legitimate activities of private investigators.

MS. CARPENETI clarified that this is limited language regarding course of conduct, and it would have to be proved that somebody was put in fear of death or serious bodily injury.

REPRESENTATIVE GRUENBERG removed his objection.

REPRESENTATIVE HOLMES removed her objection to the motion to adopt Amendment 6. There being no further objection, Amendment 6 was adopted.

3:03:29 PM

REPRESENTATIVE GRUENBERG moved to adopt Amendment 7, labeled 27-GH1840\A.7, Gardner, 2/23/11, which read as follows:

Page 5, line 25:
Delete "if"
Insert "of"

There being no objection, Amendment 7 was adopted.

CHAIR GATTO returned to Amendment 1, and he asked Ms. Carpeneti for her advice on how to make it work.

MS. CARPENETI reiterated that she would prefer to see the language of Amendment 1 in a stand-alone bill.

REPRESENTATIVE LYNN requested that the director of Legislative Legal and Research Services speak to the issue.

3:05:12 PM

DOUG GARDNER, Director, Legislative Legal and Research Services, Legislative Affairs Agency, offered his understanding that the committee would like to know whether or not the language proposed in Amendment 1 is in the right place. He stated that currently under AS 11.46.570, if a person assumes a false identity and does an act in that assumed character with the intent to commit a crime, if that crime is a sexual offense, then it is already potentially a crime and could be charged as such. He ventured that a prosecutor would be less likely to do that, because "this ... would be a misdemeanor as it would be currently cognizable under the statute as it is." He submitted that Amendment 1 would make it a felony to do that if the intent of the act is to commit a sex offense. He indicated that he could not comment on the policy regarding "where it is." However, he observed that AS 11.65.565-570 encompass a large number of acts that could include misuse of Craigslist or Facebook or caller ID.

MR. GARDNER continued as follows:

> One way to look at this is that this language ..., if the intended crime is a sex offense, ... gives a prosecutor another option to prosecute under. It may be the case ... that an attempted sex crime would

> certainly be more serious, but in order to prove an attempted sexual assault or an attempted SAM1 - sexual abuse of a minor in the first degree - you'd have to ... also include proof of a substantial step towards committing that offense. In this crime, ... this would be an offense that wouldn't include that element. I could conceive of a situation where somebody does some type of a caller ID scam, as Representative Lynn discussed, or did something on Facebook where it might not quite get to the point where it's a substantial step, but it might be ... a very serious issue that could be addressed under the statute, with the amendment or without the amendment, as a misdemeanor.

CHAIR GATTO sought clarification as to whether the public would be better served by the language of Amendment 1 being placed within [AS 11.46.565(a)] or by making it a stand-alone bill.

3:09:56 PM

MR. GARDNER said that is a difficult question to answer. Notwithstanding that, he stated the following:

> I think that the conduct could constitute a violation of this section as it is, albeit with a lot less consequence as a misdemeanor instead of a felony. And so, I think generally there is an effort made not to duplicate a similar situation in other statute, and I think that that was the idea behind amending the existing statute to avoid adding another number to ... Title 11.

3:10:41 PM

REPRESENTATIVE HOLMES expressed an interest in not adopting Amendment 1 at this point.

CHAIR GATTO concurred, and suggested that the committee set Amendment 1 aside and bring forth a committee substitute. He asked if anyone on the committee besides the sponsor of the amendment who would like Amendment 1 brought to a vote.

3:11:40 PM

REPRESENTATIVE GRUENBERG moved to table Amendment 1.

3:12:13 PM

REPRESENTATIVE LYNN said he thinks Amendment 1 has a better chance of making it into the bill if it is tabled to be discussed further at a later date.

CHAIR GATTO asked if there was any objection to the motion to table Amendment 1. There being none, it was so ordered.

[HB 127, as amended, was held over, with Amendment 1 having been tabled.]

3:13:31 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:13 p.m.