

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

March 30, 2011

1:31 p.m.

**MEMBERS PRESENT**

Senator Hollis French, Chair  
Senator Bill Wielechowski, Vice Chair  
Senator Joe Paskvan  
Senator John Coghill

**MEMBERS ABSENT**

Senator Lesil McGuire

**COMMITTEE CALENDAR**

SENATE BILL NO. 15

"An Act relating to penalties for certain alcohol offenses involving persons under 21 years of age committed by a sex offender or child kidnapper."

- MOVED CSSB 15(JUD) OUT OF COMMITTEE

SENATE BILL NO. 101

"An Act adopting the Alaska Entity Transactions Act; relating to changing the form of entities, including corporations, partnerships, limited liability companies, business trusts, and other organizations; amending Rule 79, Alaska Rules of Civil Procedure, and Rules 602(b)(2), 602(c), and 605.5, Alaska Rules of Appellate Procedure; and providing for an effective date."

- MOVED SB 101 OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 82

"An Act relating to the procedures and jurisdiction of the Department of Health and Social Services for the care of children who are in state custody; relating to court jurisdiction and findings pertaining to children who are in state custody; and modifying the licensing requirements for foster care."

- HEARD & HELD

SENATE BILL NO. 110

"An Act relating to human trafficking; and relating to sentencing and conditions of probation in criminal cases involving sex offenses."

- HEARD & HELD

SENATE BILL NO. 86

"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."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 15

SHORT TITLE: SEX OFFENDER/UNDERAGE ALCOHOL OFFENSE

SPONSOR(S): SENATOR(S) MEYER

01/19/11 (S) PREFILE RELEASED 1/7/11  
01/19/11 (S) READ THE FIRST TIME - REFERRALS  
01/19/11 (S) HSS, JUD  
03/16/11 (S) HSS AT 1:30 PM BELTZ 105 (TSBldg)  
03/16/11 (S) Moved CSSB 15(HSS) Out of Committee  
03/16/11 (S) MINUTE(HSS)  
03/18/11 (S) HSS RPT CS 4DP SAME TITLE  
03/18/11 (S) DP: DAVIS, MEYER, EGAN, DYSON  
03/18/11 (S) FIN RPT CS #DP #DNP #NR #AM  
03/18/11 (S) FIN REFERRAL ADDED AFTER JUD  
03/28/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/28/11 (S) Heard & Held  
03/28/11 (S) MINUTE(JUD)  
03/30/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 101

SHORT TITLE: ENTITY TRANSACTIONS ACT

SPONSOR(S): SENATOR(S) PASKVAN

03/14/11 (S) READ THE FIRST TIME - REFERRALS

03/14/11 (S) JUD, FIN  
03/25/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/25/11 (S) Heard & Held  
03/25/11 (S) MINUTE(JUD)  
03/30/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 82

SHORT TITLE: FOSTER CARE LICENSING/STATE CUSTODY  
SPONSOR(s): SENATOR(s) DAVIS

02/04/11 (S) READ THE FIRST TIME - REFERRALS  
02/04/11 (S) HSS, JUD  
03/11/11 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS  
03/11/11 (S) HSS, JUD  
03/14/11 (S) HSS AT 1:30 PM BUTROVICH 205  
03/14/11 (S) Heard & Held  
03/14/11 (S) MINUTE(HSS)  
03/16/11 (S) HSS AT 1:30 PM BELTZ 105 (TSBldg)  
03/16/11 (S) Moved CSSSSB 82(HSS) Out of Committee  
03/16/11 (S) MINUTE(HSS)  
03/18/11 (S) HSS RPT CS 5DP SAME TITLE  
03/18/11 (S) DP: DAVIS, MEYER, ELLIS, EGAN, DYSON  
03/30/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 110

SHORT TITLE: HUMAN TRAFFICKING/SEX OFFENSES  
SPONSOR(s): SENATOR(s) WIELECHOWSKI

03/21/11 (S) READ THE FIRST TIME - REFERRALS  
03/21/11 (S) JUD, FIN  
03/30/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

CHRISTINE MARASIGAN, Staff  
Senator Kevin Meyer  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented SB 15 on behalf of the sponsor.

JEFF STEPP, Staff  
Senator Joe Paskvan  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 101.

CELESTE HODGE, Staff

Senator Bettye Davis  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented SB 82 on behalf of the sponsor.

JAN RUTHERDALE, Assistant Attorney General  
Civil Division  
Department of Law (DOL)  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 82.

AMANDA METIVIER, Statewide Coordinator  
Facing Foster Care in Alaska  
Anchorage, AK

**POSITION STATEMENT:** Testified in support of SB 82.

REPRESENTATIVE LES GARA  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 82 as sponsor of companion legislation.

TRACY SPARTZCAMPBELL, Deputy Director  
Office of Children's Services (OCS)  
Department of Health and Social Services (DHSS)  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 82.

LAUREN RICE, Director of Public Affairs  
Covenant House  
Anchorage, AK

**POSITION STATEMENT:** Testified in support of SB 82.

REGINA CHENAULT, representing herself

**POSITION STATEMENT:** Testified in support of SB 82.

ANNE CARPENETI, Assistant Attorney General  
Criminal Division  
Department of Law  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 110.

QUINLAN STEINER, Director  
Alaska Public Defender Agency  
Anchorage, AK

**POSITION STATEMENT:** Answered questions regarding SB 110.

DOUG GARDNER, Director  
Legislative Legal Services  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 110.

**ACTION NARRATIVE**

[1:31:09 PM](#)

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Paskvan, Coghill, Wielechowski and Chair French.

**SB 15-SEX OFFENDER/UNDERAGE ALCOHOL OFFENSE**

[1:31:49 PM](#)

**CHAIR FRENCH** announced the consideration of SB 15 and asked for a motion to adopt the proposed work draft committee substitute (CS).

[1:32:45 PM](#)

**SENATOR PASKVAN** moved to adopt CS for SB 15, labeled 27-LS0119\E, as the working document.

**CHAIR FRENCH** objected for discussion purposes.

[1:33:06 PM](#)

**CHRISTINE MARASIGAN**, staff to Senator Kevin Meyer, sponsor of SB 15, said there was one change to the CS, version E. The change is on line 9, and makes clear that this bill applies to someone who was required to register as a sex offender or child kidnapper under AS 12.63.

**CHAIR FRENCH** summarized that the language "by a person required to register" is inserted and it addresses the concern the Department of Law voiced.

**CHAIR FRENCH** removed his objection and version E was before the committee.

[1:34:06 PM](#)

**SENATOR WIELECHOWSKI** moved to report CSSB 15, version E, from committee with individual recommendations and attached fiscal note(s).

CHAIR FRENCH announced that without objection, CSSB 15(JUD) moved from the Senate Judiciary Standing Committee.

At ease from 1:34 p.m. to 1:35 p.m.

**SB 101-ENTITY TRANSACTIONS ACT**

[1:35:14 PM](#)

CHAIR FRENCH announced the consideration of SB 101.

SENATOR COGHILL said his staff found a reference in the repealer section that appeared to be incorrect; AS 10.26.670 should be AS 10.06.670.

CHAIR FRENCH asked if the error is confined to just the sectional analysis.

SENATOR COGHILL answered no; he believes it is in the bill itself.

[1:38:14 PM](#)

SENATOR PASKVAN said Sec. 06.26.670 deals with the revised Alaska Trust Company Act. This is a portion of the statute that would impact trust law. Sec. 26.06 deals with the organic change. He explained that it's necessary to look at more than just the corporate section.

SENATOR COGHILL asked if 10.26.670 is in statute.

[1:39:47 PM](#)

JEFF STEPP, staff to Senator Paskvan, confirmed that there is a mistake in the sectional analysis, but it's correct in the bill. He added that the sectional has been corrected for the next committee of referral.

CHAIR FRENCH expressed satisfaction with the bill and asked for a motion.

[1:41:08 PM](#)

SENATOR WIELECHOWSKI moved to report SB 101 from the committee with individual recommendations and attached fiscal note(s). There being no objection, SB 101 moved from the Senate Judiciary Standing Committee.

At ease from 1:41 p.m. to 1:42 p.m.

**SB 82-FOSTER CARE LICENSING/STATE CUSTODY**

[1:42:16 PM](#)

CHAIR FRENCH announced the consideration of SB 82

[1:42:42 PM](#)

CELESTE HODGE, staff to Senator Bettye Davis, sponsor of SB 82, said the bill modifies various provisions of Title 47, prioritizing the needs of children in state custody. This legislation seeks to achieve permanency for older children in foster care. Permanency for children in the custody of the Office of Children's Services (OCS) is best achieved through reunification with the child's parent, or failing that option, through adoption or guardianship. If these three options are not available, another is through Another Planned Permanent Living Arrangement (APPLA). This bill seeks to ensure that APPLA is not chosen unnecessarily, by providing guidelines to OCS and the court as to when APPLA should be used.

The bill also creates a statutory presumption that siblings are placed in the same home when possible. When this is not possible, an OCS employee must document the steps taken in trying to do so.

When OCS files a motion to release a child from state custody before the custody order expires, this bill requires OCS and the court to take extra steps to insure that the child and guardian ad litem have ample notice of the motion and that the release is in the child's best interest.

If a potential foster home cannot meet the building code requirements to be a licensed foster care home, this bill allows a variance as long as the home is consistent with construction of other homes in the community and is otherwise a safe environment for the child.

This bill also requires that paperwork for foster parent licensing be streamlined as much as possible. The bill also includes changes to the statute providing for retention of jurisdiction by a court to make it consistent with 2010 legislation to extend departmental custody or supervision to age 21.

She noted that SB 82 carries a zero fiscal note.

[1:45:20 PM](#)

CHAIR FRENCH asked if she had a sectional analysis.

MS. HODGE replied that she had a summary, but someone from the Department of Law was available to answer any questions.

1:46:12 PM

JAN RUTHERDALE, Assistant Attorney General, Civil Division, Department of Law (DOL), said Section 2, page 2, ensures that when the court is present at a permanency hearing and it finds that APPLA is the permanent plan, the court actually finds there is a compelling reason for the plan.

CHAIR FRENCH asked if APPLA is emancipation.

MS. RUTHERDALE replied it could lead to emancipation. It basically says that the child will remain in foster care until released from custody. A child could ask to be emancipated at age sixteen and a half, or he or she could choose to stay with the foster family.

CHAIR FRENCH asked how permanent a "permanent plan" is.

MS. RUTHERDALE answered any plan can change. A permanent APPLA plan could also change; the point is to state that "this is the permanent plan."

CHAIR FRENCH asked if the purpose of this amendment is to show a compelling need for APPLA.

1:50:25 PM

MS. RUTHERDALE answered yes; the intent is to require a compelling reason for APPLA. She said that Section 3 reiterates the importance of keeping siblings together. Section 4 is a revisor's suggestion, to make the wording consistent.

CHAIR FRENCH asked if the problem is that they're no longer minors.

MS. RUTHERDALE replied in 1998 there was a major overhaul and one decision was to change "minor" to "child." She explained that this is a housekeeping change. Whenever there is a change to a bill, "child" is changed to "minor." A child is defined as someone 18 or under. The revisor's part has to do with line 17, "past 19 years of age but not extending beyond the 21st birthday."

1:52:47 PM

SENATOR WIELECHOWSKI moved to adopt Amendment 1, labeled 27-LS0500\E.1.

AMENDMENT 1

OFFERED IN THE SENATE  
TO: CSSSSB 82()

Page 3, lines 16 - 17:

Delete "[AN] additional one-year periods [PERIOD] of supervision past [AGE] 19 years of age that do not extend beyond the person's 21st birthday if continued"

Insert "an additional one-year period of custody or supervision past [AGE] 19 years of age and additional one-year periods of custody that do not extend beyond the person's 21st birthday if continued custody or"

Page 3, line 20:

Delete "minor"  
Insert "child [MINOR]"

Page 4, lines 3 - 5:

Delete "[AN] additional one-year periods [PERIOD] of supervision past [AGE] 19 years of age that do not extend beyond the person's 21st birthday if continued"

Insert "an additional one-year period of custody or supervision past [AGE] 19 years of age and additional one-year periods of custody that do not extend beyond the person's 21st birthday if continued custody or"

Page 4, line 8, following "placed":

Insert "in the custody or"

Page 4, lines 10 - 13:

Delete "[AN] additional one-year periods [PERIOD] of supervision past [AGE] 19

years of age that do not extend beyond the person's 21st birthday if continued"

Insert "an additional one-year period of custody or supervision past [AGE] 19 years of age and additional one-year periods of custody that do not extend beyond the person's 21st birthday if continued custody or"

Page 5, lines 10 - 11:

Delete "Unless the child, department, and guardian ad litem agree to a release from custody without a motion and with less than 30 days' notice, the"

Insert "The"

Page 5, line 12:

Delete "who is under 19 years of age"

Page 5, line 13, following "department":

Insert ", before the date custody is ordered to end,"

Page 5, line 14, following "is":

Insert "over 16 years of age and"

Page 5, line 15, following "filed":

Insert "unless the parties agree to a shorter notice period"

Page 5, following line 19:

Insert a new subsection to read:

"(r) When custody of a child who has been committed to the custody of the department is due to expire, the department shall file a notice of release with the court 30 days before the date of release unless the parties agree to a shorter notice period and distribute the notice to the parties, including the child if the child is 16 years of age or older and available."

Reletter the following subsections accordingly.

CHAIR FRENCH objected for discussion purposes.

MS. RUTHERDALE said this bill recognizes that custody can go up to age 21.

CHAIR FRENCH asked if the amendment is supported by Representative Gara and the bill sponsor. Both concurred.

1:54:19 PM

MS. RUTHERDALE said Section 5 has to do with the licensing provisions and makes sure that when a court is considering foster care, it can consider whether a child should be placed with a family member. This clarifies that waivers and variances can be allowed for family members.

[1:55:49 PM](#)

Section 6 is a new section.

Subsection (o) sets up the general rule that guardianship and adoption is the hope if reunification fails.

Subsection (p) clarifies that APPLA does not apply to young children, only to children 16 years or older. It is a last-ditch option when others don't apply.

Subsection (q) says when an older child is getting ready to be released from state custody that child must be given notice of release. Before OCS can file release from custody, it must give 30 days notice. This gives the child 40-60 days advance notice. It also allows the parties to request a shorter notice if everyone is in agreement. It is important that the release is in the best interest of the child.

The rest of the amendment goes to subsection (q). Only the court has the power to amend its own orders.

[2:00:08 PM](#)

CHAIR FRENCH asked if subsection (q), line 10 would read "The department may release."

MS. RUTHERDALE answered yes. And then in the amendment on page 2, line 20, it says "unless the parties agree to a shorter notice period."

CHAIR FRENCH asked if it's line 21 of the amendment.

MS. RUTHERDALE answered yes, and in the actual bill it is on page 5. On the amendment page 2, line 11, deleting "who is under 19 years of age" is included so that all children will receive notice, including 19 and 20 year olds.

Page 2, line 14: that insertion clarifies that OCS is trying to end custody early.

Page 2, line 17-18: the insertion of over 16 years of age clarifies this is the age group that they are trying to focus on and reach.

Page 2, line 19: adds a new subsection (r) which recognizes that custody can end in two ways.

CHAIR FRENCH asked for clarification that prior subsection (r) will be deleted

MS. RUTHERDALE answered no; there will be renumbering. She explained that this new subsection covers the situation of automatic lapse of custody.

Subsection (s) says that siblings should be kept together whenever possible.

CHAIR FRENCH asked about the age of majority on page 6.

MS. RUTHERDALE replied it is 18.

CHAIR FRENCH asked why it doesn't say 18.

MS. RUTHERDALE asked where he was looking in the bill.

CHAIR FRENCH read "age of majority."

MS. RUTHERDALE confirmed the age of majority is 18.

[2:05:05 PM](#)

MS. RUTHERDALE returned to the bill.

Page 5, line 28: gives examples of what compelling reasons could be. She noted that it is not an exclusive list.

Subsection (t) defines APPLA.

[2:06:28 PM](#)

SENATOR COGHILL asked if AS 47.10.080 is about the declaration of state custody.

CHAIR FRENCH answered that this is the statutory reference.

MS. RUTHERDALE said that is the provision that allows full custody, as opposed to supervision.

She continued with Section 7 which has to do with foster care licensing. It streamlines the application process and states that it shouldn't be overly restrictive.

SENATOR COGHILL asked what the rule to date has been on the application process

MS. RUTHERDALE replied this section of the bill does not substantively change what is currently happening. It makes changes to the statute. As long as the home is safe it is important to keep the child with the family.

SENATOR COGHILL wondered whether they are doing better or worse. He asked for confirmation that it is codifying an ongoing effort.

MS. RUTHERDALE answered yes.

[2:09:27 PM](#)

AMANDA METIVIER, Statewide Coordinator, Facing Foster Care in Alaska, testified in support of SB 82. She highlighted the provision on APLA -- putting restrictions on APLA gives older youth more of a chance to be adopted. Everyone needs a family.

In terms of early release from custody, they have had a number of youth over the past year that have been released and were not notified until the day of release. This leaves some youth homeless. It is important to notify youth and make sure that they have input.

Keeping siblings together is also very important, especially for children who have experienced abuse in the family.

[2:13:32 PM](#)

CHAIR FRENCH removed his objection and seeing no further objection, announced Amendment 1 is adopted.

[2:13:52 PM](#)

REPRESENTATIVE GARA introduced himself.

CHAIR FRENCH asked what led him to file the bill.

REPRESENTATIVE GARA explained that the ideas came from Ms. Metevier. They put in the provision that would make it necessary to sign off before separating siblings. The APPLA provision is huge, because the goal of foster care is to try and find a permanent placement in a family. APPLA means they have given up. The head of OCS has written an article stating that APPLA has been overused. Sometimes there is a very good placement in a village for a child, but the house does not meet building codes which most homes in the area don't meet. This bill now allows a variance if it is the best placement for the child and is safe.

CHAIR FRENCH asked what percentage of foster care is decided by the courts and OCS.

MS. RUTHERDALE answered she did not understand the question.

CHAIR FRENCH asked for confirmation that a judge is not involved in every decision.

MS. RUTHERDALE replied OCS makes the decision on placement, and the court implements the decision.

CHAIR FRENCH said the written guidelines are for OCS to follow.

MS. RUTHERDALE said yes. OCS has to notify 30 days in advance.

[2:18:23 PM](#)

SENATOR COGHILL wondered if subsection (q) would be another burdening standard on top of these standards.

MS. RUTHERDALE replied there is no change in the standards. She explained that there is already a court rule.

SENATOR COGHILL asked if this starts a new, more complex process.

MS. RUTHERDALE replied that she doesn't think so.

[2:19:58 PM](#)

TRACY SPARTZCAMPBELL, Deputy Director, Office of Children's Services (OCS), Department of Health and Social Services (DHSS), said that there has been excellent testimony. This will help streamline some of the practices.

CHAIR FRENCH asked if the department supports the bill.

MS. SPARTZCAMPBELL replied the department is neutral on the bill.

SENATOR COGHILL asked on page 5 under compelling reasons for APPLA, if it's a new approach to include the child's specific request for emancipation.

MS. SPARTZCAMPBELL replied when looking at permanency for older youth, OCS looks at the youth's interests and desires.

CHAIR FRENCH asked if she had heard of any opposition to the bill.

MS. SPARTZCAMPBELL replied that she has not.

SENATOR WIELECHOWSKI mentioned the department's neutral position on the bill and asked if she believes that this is a good thing or a bad thing.

MS. SPARTZCAMPBELL replied OCS has been involved with the sponsor and the bill is aligned with their work.

SENATOR WIELECHOWSKI said every time the administration appears before a committee the representative remains neutral on the bill. He asked if this is a directive that departments are not supposed to take a position on the bill.

MS. SPARTZCAMPBELL replied on this particular bill the department is neutral.

CHAIR FRENCH asked if the department can live with the bill.

MS. SPARTZCAMPBELL replied yes.

SENATOR PASKVAN asked what standard the department is following to remain neutral.

MS. SPARTZCAMPBELL replied the department remains neutral but is comfortable with the language.

SENATOR PASKVAN asked what standard needs to be met in order for the department to support the bill.

MS. SPARTZCAMPBELL replied she could not answer that.

CHAIR FRENCH asked if it is her job to determine whether the department remains neutral on a bill.

MS. SPARTZCAMPBELL answered no.

CHAIR FRENCH said it is discouraging when the administration takes no position. The Legislature is left wondering why.

2:24:59 PM

SENATOR WIELECHOWSKI added that the Legislature spends a lot of time on these bills and in terms of efficiency, the administration needs to state whether it supports a bill or not. It's a working relationship.

CHAIR FRENCH noted that the administration is pretty consistent about supporting its own bills.

MS. RUTHERDALE said that DOL does not take a position on bills. She said that every suggestion she made, and every change that OCS made, was incorporated into the bill.

SENATOR PASKVAN said that he is taking this to mean that the language in the bill is the best that can be achieved.

MS. RUTHERDALE replied that is correct. She said that as a practicing lawyer she does not want a bill that will cause any harm and she does not believe that this bill will do so.

[2:28:13 PM](#)

CHAIR FRENCH noted there is support from many different associations, such as the Alaska Association of Homes for Children, the Advisory Board on Alcoholism and Drug Abuse, the National Association of Social Workers, the Alaska Behavioral Health Association, Alaska Children's Services, and Denali Family Services.

CHAIR FRENCH announced that he would hold SB 82 in committee in order to see a document with the amendment included.

#### **SB 110-HUMAN TRAFFICKING/SEX OFFENSES**

[2:29:11 PM](#)

CHAIR FRENCH announced the consideration of SB 110.

[2:29:19 PM](#)

SENATOR WIELECHOWSKI said the committee has heard that there are human traffickers targeting young Native girls, and it is a serious problem. He noted that putting someone on a plane from a village to Anchorage for the purpose of sex trafficking should be made illegal. There is a trafficking law, but it only applies to transporting someone from out of state, not instate. He noted that the bill does a few things: Section 1 changes human trafficking in the first degree by adding a provision for persons under age 18 and increasing the penalty for that; this section also adds the word "enticing."

Section 2 also adds a provision about "enticing", and it adds that to "move from one place to another in the state" constitutes the crime of human trafficking.

He noted that there are concerns on the broad nature of the language. He feels that encouraging someone to move from one part of the state to another is just as serious as encouraging them to move from Seattle to Alaska.

Another major provision is in Section 8, which says a judge should have authority to remove sex offenders who live near schools, but is not a blanket application to all convicted sex offenders.

2:34:21 PM

LAUREN RICE, Director of Public Affairs, Covenant House Alaska (CHA), testified in support of SB 110. CHA offers shelter for unaccompanied youth--emergency shelter, food, healthcare, access to permanent housing. It is located in Anchorage, but about 44 percent of the children come from outside of Anchorage and almost 45 percent are Alaska Native.

Covenant House Alaska began taking an active role in combating human trafficking about five years ago. Both the Anchorage Police Department (APD) and the FBI have given them long term trafficking prevention strategies. CHA has witnessed a visible decrease around its area, but this is still very prevalent in the state. CHA has helped kids coming from other countries, out of state, and in state. Youth in need of protection against active human trafficking are identified on a monthly basis.

She noted the roots of trafficking are found in childhood trauma; the vast majority of youth being trafficked are victims of sexual or physical violence in their younger years. The issue requires a holistic approach to really protect Alaska's children. One young woman told CHA staff she could stay at home and be raped by her grandfather, or she could be paid for the same act. Covenant House Alaska is committed to giving youth choices beyond human trafficking.

2:39:07 PM

CHAIR FRENCH asked what the scope of the problem is within the state.

MS. RICE replied CHA used to collect data on an informal basis and have become more sophisticated about it. They wanted to make sure that they had services to help, depending on the answers to these questions. She said they know that about 50 percent of the girls in their facility have been sexually abused, and 35 percent of their kids (both male and female) have engaged in "survival sex" or informal prostitution in order to get the

commodities that they need. Of those, probably half have been tied to active trafficking situations. But that number is truly a guess; it used to be significantly more visible and has become less so because APD has targeted individuals who were hanging around outside the shelter and targeting kids. However, they know that kids are still being trafficked on the Internet, and there is proof of that.

[2:41:51 PM](#)

REGINA CHENAULT, representing herself, testified in support of SB 110. She is a trauma surgeon who has treated patients who have experienced violent sexual crimes. She serves on the state violent crimes board, and last year Sexual Assault Against Minors were the highest growing category of crimes. They don't know if that is due to increased reporting or increased occurrence of assaults. She also serves on the State Trauma Committee, where they are tallying injuries.

She said she is a mother of three and fears this could happen to her children, because it crosses all groups and all lines. She noted that 85 percent of Alaska Natives serving a prison sentence for sexual assault of minors were sexually assaulted themselves as minors; this is a cycle the state needs to end. Traffickers are even targeting children who hang out at malls. She said that the definition of trafficking should be strong, and should include trafficking within the state. She noted the Webster Case; there are victims who now have children, drug dependency, and lifelong STDs.

She recently learned that a group of Koreans are targeting children in the villages. There's a scheme set up where a customer cannot get to the point of having sex with a child until they first hire an adult prostitute and have sex with him or her. In this way, they ensure it's not a sting operation. This ring seems to be the fastest growing group that is targeting children in Alaska.

[2:48:20 PM](#)

ANNE CARPENETI, Criminal Division, Department of Law said that this is a serious problem in the state. She said she had a long conversation with Sergeant Lacey from APD and learned that the problem is enforcement. For her, trafficking is moving individuals from one place to another. But the new trend is what used to be called "pimping" or "promoting prostitution."

CHAIR FRENCH asked where promoting prostitution comes in, and what is missing from that statute.

MS. CARPENETI replied nothing; promoting prostitution in the first degree is an unclassified felony if the person is under age 18. It is much easier to prove promoting prostitution than trafficking. Under this bill DOL has to prove force, deception, and movement for trafficking. This does not attack the problem of promoting prostitution. It can be called trafficking, but it is really promoting prostitution of young women. Some young women actually come to urban areas on their own with no support, and they become easy victims. Right now, she said, no prosecutor would bring charges under this bill when he or she could bring charges under promoting prostitution.

[2:51:29 PM](#)

SENATOR COGHILL said one of the problems that he sees is that some people are surviving off of sexual behavior. He asked if this would still be under the prostitution issue or would the trafficking bill take care of this.

MS. CARPENETI replied if you induce or cause someone to engage in commercial sex, it would be considered prostitution. The problem is getting the victims to let them know who the perpetrators are. She said the range of penalty for a first felony conviction for promoting prostitution of a child under age 18 is 20-30 years, depending on the age of the victim. If the victim is under 13, the penalty would be 25-35 years; if the victim is between 13 and 18, the penalty would be 20-30 years. Current law takes this very seriously.

SENATOR WIELECHOWSKI said he has a slightly different take on it. Section 2 deals with human trafficking. It deals with prostitution, but also adult entertainment--forcing someone to work through force, or threat of force. When speaking about prostitution you are only speaking talking about AS 11.41.360.

MS. CARPENETI replied there is a crime in Title 23 dealing with forced labor. She said DOL has suggestions. For example, the forced labor of young children in Title 23 for commercial sex is a class C felony. She agreed that prostitution does not deal with labor. The problem in the state is not the trafficking, it's the prostitution. People aren't found and moved from one place to another; they are found in one place and victimized.

CHAIR FRENCH asked if she could go back over the last five years and let the committee know how many trafficking prosecutions there have been and how many prostitution prosecutions.

SENATOR COGHILL clarified how many charges, versus convictions.

MS. CARPENETI said that there are some concerns about the second degree language, which DOL found to be overbroad. "Entices" is a very broad word.

SENATOR WIELECHOWSKI said he and his staff have been working with Ms. Carpeneti.

[2:56:41 PM](#)

QUINLAN STEINER, Director, Alaska Public Defender Agency, said he has the same concerns that Ms. Carpeneti expressed. Definition of these words becomes quite broad. Enticing does not imply changing someone's mind or forcing an individual to do something other than simply offering an enticement. "Move from one place to another" might run into some constitutional problems. The combination of the three concepts causes him some concern on how this might be charged.

[2:58:52 PM](#)

DOUG GARDINER, Director, Legislative Legal Services, introduced himself and said he was available to answer questions.

CHAIR FRENCH said that Senator Wielechowski says that the word enticed comes from statutes in other states.

MR. GARDNER replied this term comes from the on-line statute in existing Alaska Statutes. He said he does not have a specific definition for entice, and is not aware of any case law in the state that defines this. He noted that Senator Coghill made a good point; what would happen if you moved an underage person within the state for sexual purposes, but DOL was unable to prove there was some type of agreement for prostitution. In that case, DOL might actually be better off with the proposal for promoting human trafficking.

[3:01:34 PM](#)

Chair French announced he would hold SB 110 in committee. There being no further business to come before the committee, Chair French adjourned the meeting at 3:01 p.m.