

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 14, 2011

8:26 a.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

CS FOR HOUSE BILL NO. 127(FIN)

"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, and misconduct involving confidential information; relating to probation; relating to the subpoena power of the attorney general in cases involving use of an Internet service account; relating to an appearance before a judicial officer after arrest; relating to penalties for operating a vehicle without possessing proof of motor vehicle liability insurance or a driver's license; relating to penalties for certain arson offenses; amending Rule 5(a)(1), Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of Administration; and providing for an effective date."

- MOVED SCS CS 127(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 127

SHORT TITLE: OMNIBUS CRIME BILL

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
02/23/11 (H) Heard & Held
02/23/11 (H) MINUTE(JUD)
02/25/11 (H) JUD AT 1:00 PM CAPITOL 120
02/25/11 (H) Scheduled But Not Heard
02/28/11 (H) JUD AT 1:00 PM CAPITOL 120
02/28/11 (H) Heard & Held; Assigned to a
Subcommittee
02/28/11 (H) MINUTE(JUD)
03/04/11 (H) JUD AT 1:00 PM CAPITOL 120
03/04/11 (H) -- MEETING CANCELED --
03/08/11 (H) JUD AT 11:00 AM CAPITOL 120
03/08/11 (H) Work Session on CS for above Bill
03/11/11 (H) JUD AT 1:00 PM CAPITOL 120
03/11/11 (H) Moved CSHB 127(JUD) Out of Committee
03/11/11 (H) MINUTE(JUD)
03/14/11 (H) JUD RPT CS(JUD) NT 5DP 1NR
03/14/11 (H) DP: LYNN, GRUENBERG, THOMPSON, PRUITT,
GATTO
03/14/11 (H) NR: KELLER
03/22/11 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/22/11 (H) Heard & Held
03/22/11 (H) MINUTE(FIN)
03/31/11 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/31/11 (H) Heard & Held
03/31/11 (H) MINUTE(FIN)
04/01/11 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/01/11 (H) Moved CSHB 127(FIN) Out of Committee
04/01/11 (H) MINUTE(FIN)
04/04/11 (H) FIN RPT CS(FIN) NT 7DP
04/04/11 (H) DP: FAIRCLOUGH, T.WILSON, HAWKER,
COSTELLO, EDGMON, STOLTZE, THOMAS
04/07/11 (H) TRANSMITTED TO (S)
04/07/11 (H) VERSION: CSHB 127(FIN)
04/08/11 (S) READ THE FIRST TIME - REFERRALS
04/08/11 (S) JUD, FIN
04/11/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/11/11 (S) Heard & Held
04/11/11 (S) MINUTE(JUD)
04/13/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/13/11 (S) Heard & Held
04/13/11 (S) MINUTE(JUD)
04/14/11 (S) JUD AT 8:30 AM FAHRENKAMP 203

WITNESS REGISTER

CINDY SMITH, Staff to Senator French
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Pointed out the placement of previously adopted amendments incorporated into HB 127.

ACTION NARRATIVE

[8:26:13 AM](#)

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at 8:29 a.m. Present at the call to order were Senators Paskvan, Coghill, Wielechowski, and French.

HB 127-OMNIBUS CRIME BILL

[8:29:33 AM](#)

CHAIR FRENCH announced the consideration of HB 127 and asked for a motion to adopt version T committee substitute (CS).

[8:29:47 AM](#)

SENATOR WIELECHOWSKI moved to adopt Senate CS for CSHB 127, labeled 27-GH1840\T, as the working document.

CHAIR FRENCH objected for discussion purposes.

[8:30:26 AM](#)

CINDY SMITH, Staff to Senator French, pointed out the placement of the previously adopted amendments into the current version T committee substitute as follows:

- Page 4, lines 6-7, amends AS 11.41.452(d). Online enticement is increased from a class C felony to a class B felony.
- Section 9 on pages 4-5, amends AS 11.46.740(a). This relates to keystroke logging.
- Section 17 on pages 8-9, inserts a new subparagraph (D) in AS 12.55.100(e)(2). This gives discretion to judges with regard to area restriction of sex offenders residing within 500 feet of school grounds.
- Page 14, lines 28-31, inserts language requested by the Department of Law stating that the annual report to the Legislature shall be restricted to cases prosecuted by the State of Alaska. It further states that the Department of Corrections and the Alaska Court System shall cooperate with DOL in preparing the report.

8:31:39 AM

CHAIR FRENCH added that the report will say how many people were arraigned within 24 hours after an arrest and how many were arraigned within 48 hours after an arrest. This is to give the Legislature a feel for how the new standard is working. He noted that Sergeant DeGraaf, and representatives from the Department of Public Safety and the Department of Law were available to answer questions.

CHAIR FRENCH removed his objection to adoption of the CS and therefore, version T was before the committee. He found no questions and asked for a motion.

8:32:09 AM

SENATOR WIELECHOWSKI moved to report Senate CS for CS for House bill 127, Version T, from committee with individual recommendations and attached fiscal note(s).

CHAIR FRENCH announced that without objection, SCS CSHB 127(JUD) moved from the Senate Judiciary Standing Committee.

SENATOR WIELECHOWSKI moved to report the accompanying title change Senate Concurrent Resolution 27-LS0822\A from the Senate Judiciary Standing Committee. There being no objection, it was so ordered.

8:33:14 AM

There being no further business to come before the committee, Chair French adjourned the meeting at 8:33 a.m.