

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 9, 2014

1:25 p.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Bob Lynn, Vice Chair
Representative Gabrielle LeDoux
Representative Lance Pruitt
Representative Max Gruenberg

MEMBERS ABSENT

Representative Neal Foster
Representative Charisse Millett

COMMITTEE CALENDAR

HOUSE BILL NO. 282

"An Act relating to the rights and obligations of residential landlords and tenants; and relating to the taking of a permanent fund dividend for rent and damages owed to a residential landlord."

- MOVED CSHB 282(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 60

"An Act adopting and relating to the Uniform Real Property Transfer on Death Act."

- MOVED CSHB 60(JUD) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 64(FIN)

"An Act relating to theft and property offenses; relating to the definition of 'prior convictions' for certain theft offenses; establishing the Alaska Criminal Justice Commission and providing an expiration date; relating to the crime of custodial interference; relating to the duties of the Alaska Judicial Council; relating to jail-time credit for offenders in court-ordered treatment programs; relating to conditions of release, probation, and parole; relating to duties of the commissioner of corrections and board of parole; establishing a fund for reducing recidivism in the Department of Health and Social Services; requiring the commissioner of health and social services to establish programs for persons on conditions of

release or probation that require testing for controlled substances and alcoholic beverages; requiring the board of parole to establish programs for persons on parole that require testing for controlled substances and alcoholic beverages; relating to the duties of the Department of Health and Social Services; and providing for an effective date."

- MOVED HCS CSSB 64(JUD) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 116(STA)

"An Act relating to service of citations; amending Rule 3(f), Alaska Rules of Minor Offense Procedure; repealing Rule 3(g), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

- MOVED CSSB 116(STA) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 108(JUD)

"An Act relating to the confidentiality of certain records of criminal cases; and providing for an effective date."

- BILL HEARING CANCELED

SENATE BILL NO. 170

"An Act relating to a defense to the crime of prostitution for victims of sex trafficking."

- SCHEDULED BUT NOT HEARD

SENATE JOINT RESOLUTION NO. 22 AM

Opposing the warrantless collection of telephone call data by the National Security Agency.

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 108

"An Act relating to electronic citations; creating the electronic citation fund; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 282

SHORT TITLE: LANDLORD AND TENANT ACT

SPONSOR(S): REPRESENTATIVE(S) ISAACSON

01/29/14 (H) READ THE FIRST TIME - REFERRALS
 01/29/14 (H) L&C, JUD
 02/28/14 (H) L&C AT 3:15 PM BARNES 124
 02/28/14 (H) Heard & Held
 02/28/14 (H) MINUTE(L&C)
 03/14/14 (H) L&C AT 3:15 PM BARNES 124
 03/14/14 (H) Heard & Held
 03/14/14 (H) MINUTE(L&C)
 03/17/14 (H) L&C AT 3:15 PM BARNES 124
 03/17/14 (H) Moved CSHB 282(L&C) Out of Committee
 03/17/14 (H) MINUTE(L&C)
 03/19/14 (H) L&C RPT CS(L&C) 1DP 6NR
 03/19/14 (H) DP: JOSEPHSON
 03/19/14 (H) NR: MILLETT, CHENAULT, HERRON,
 REINBOLD, SADDLER, OLSON
 03/28/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/28/14 (H) Heard & Held
 03/28/14 (H) MINUTE(JUD)
 04/04/14 (H) JUD AT 1:00 PM CAPITOL 120
 04/04/14 (H) Heard & Held
 04/04/14 (H) MINUTE(JUD)
 04/07/14 (H) JUD AT 1:00 PM CAPITOL 120
 04/07/14 (H) Heard & Held
 04/07/14 (H) MINUTE(JUD)
 04/09/14 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 60

SHORT TITLE: UNIFORM REAL PROPERTY TRANSFERS ON DEATH
 SPONSOR(s): REPRESENTATIVE(s) GRUENBERG

01/16/13 (H) PREFILE RELEASED 1/11/13
 01/16/13 (H) READ THE FIRST TIME - REFERRALS
 01/16/13 (H) L&C, JUD
 03/21/14 (H) L&C AT 3:15 PM BARNES 124
 03/21/14 (H) -- MEETING CANCELED --
 03/24/14 (H) L&C AT 3:15 PM BARNES 124
 03/24/14 (H) Heard & Held
 03/24/14 (H) MINUTE(L&C)
 03/28/14 (H) L&C AT 3:15 PM BARNES 124
 03/28/14 (H) Moved CSHB 60(L&C) Out of Committee
 03/28/14 (H) MINUTE(L&C)
 03/31/14 (H) L&C RPT CS(L&C) NT 2DP 3NR
 03/31/14 (H) DP: JOSEPHSON, OLSON
 03/31/14 (H) NR: CHENAULT, HERRON, JOHNSON
 04/07/14 (H) JUD AT 1:00 PM CAPITOL 120
 04/07/14 (H) Heard & Held
 04/07/14 (H) MINUTE(JUD)

04/09/14 (H) JUD AT 1:00 PM CAPITOL 120

BILL: SB 64

SHORT TITLE: OMNIBUS CRIME/CORRECTIONS/RECIDIVISM BILL

SPONSOR(s): JUDICIARY

02/27/13 (S) READ THE FIRST TIME - REFERRALS
02/27/13 (S) STA, JUD
04/04/13 (S) STA AT 9:00 AM BUTROVICH 205
04/04/13 (S) <Bill Hearing Postponed>
04/09/13 (S) STA RPT CS 1DP 1NR 1AM NEW TITLE
04/09/13 (S) DP: DYSON
04/09/13 (S) NR: GIESSEL
04/09/13 (S) AM: COGHILL
04/09/13 (S) STA AT 9:00 AM BUTROVICH 205
04/09/13 (S) Moved CSSB 64(STA) Out of Committee
04/09/13 (S) MINUTE(STA)
07/25/13 (S) JUD AT 10:00 AM WASILLA
07/25/13 (S) Heard & Held
07/25/13 (S) MINUTE(JUD)
01/29/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
01/29/14 (S) Heard & Held
01/29/14 (S) MINUTE(JUD)
01/31/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
01/31/14 (S) Heard & Held
01/31/14 (S) MINUTE(JUD)
02/03/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/03/14 (S) Heard & Held
02/03/14 (S) MINUTE(JUD)
02/05/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/05/14 (S) Heard & Held
02/05/14 (S) MINUTE(JUD)
02/07/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/07/14 (S) -- MEETING CANCELED --
02/10/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/10/14 (S) Heard & Held
02/10/14 (S) MINUTE(JUD)
02/12/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/12/14 (S) Moved CSSB 64(JUD) Out of Committee
02/12/14 (S) MINUTE(JUD)
02/14/14 (S) JUD RPT CS 4DP 1NR NEW TITLE
02/14/14 (S) DP: COGHILL, MCGUIRE, WIELECHOWSKI,
DYSON
02/14/14 (S) NR: OLSON
02/14/14 (S) FIN REFERRAL ADDED AFTER JUD
02/25/14 (S) FIN AT 9:00 AM SENATE FINANCE 532
02/25/14 (S) Heard & Held

02/25/14 (S) MINUTE(FIN)
 03/06/14 (S) FIN AT 5:00 PM SENATE FINANCE 532
 03/06/14 (S) Heard & Held
 03/06/14 (S) MINUTE(FIN)
 03/11/14 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/11/14 (S) Heard & Held
 03/11/14 (S) MINUTE(FIN)
 03/11/14 (S) FIN AT 5:00 PM SENATE FINANCE 532
 03/11/14 (S) Heard & Held
 03/11/14 (S) MINUTE(FIN)
 03/13/14 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/13/14 (S) Moved CSSB 64(FIN) Out of Committee
 03/13/14 (S) MINUTE(FIN)
 03/14/14 (S) FIN RPT CS 3DP 1NR 3AM NEW TITLE
 03/14/14 (S) DP: KELLY, MEYER, HOFFMAN
 03/14/14 (S) NR: OLSON
 03/14/14 (S) AM: FAIRCLOUGH, DUNLEAVY, BISHOP
 03/14/14 (S) TRANSMITTED TO (H)
 03/14/14 (S) VERSION: CSSB 64(FIN)
 03/17/14 (H) READ THE FIRST TIME - REFERRALS
 03/17/14 (H) JUD, FIN
 03/24/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/24/14 (H) Heard & Held
 03/24/14 (H) MINUTE(JUD)
 03/26/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/26/14 (H) Heard & Held
 03/26/14 (H) MINUTE(JUD)
 03/28/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/28/14 (H) Heard & Held
 03/28/14 (H) MINUTE(JUD)
 03/31/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/31/14 (H) Scheduled But Not Heard
 04/02/14 (H) JUD AT 1:00 PM CAPITOL 120
 04/02/14 (H) Heard & Held
 04/02/14 (H) MINUTE(JUD)
 04/04/14 (H) JUD AT 1:00 PM CAPITOL 120
 04/04/14 (H) Heard & Held
 04/04/14 (H) MINUTE(JUD)
 04/07/14 (H) JUD AT 1:00 PM CAPITOL 120
 04/07/14 (H) <Bill Hearing Canceled>
 04/09/14 (H) JUD AT 1:00 PM CAPITOL 120

BILL: SB 116

SHORT TITLE: SERVICE OF CITATIONS

SPONSOR(s): EGAN

01/22/14 (S) PREFILE RELEASED 1/17/14

01/22/14 (S) READ THE FIRST TIME - REFERRALS
01/22/14 (S) STA
03/13/14 (S) STA AT 9:00 AM BUTROVICH 205
03/13/14 (S) Moved CSSB 116(STA) Out of Committee
03/13/14 (S) MINUTE(STA)
03/14/14 (S) STA RPT CS 3DP SAME TITLE
03/14/14 (S) DP: DYSON, COGHILL, GIESSEL
03/21/14 (S) TRANSMITTED TO (H)
03/21/14 (S) VERSION: CSSB 116(STA)
03/24/14 (H) READ THE FIRST TIME - REFERRALS
03/24/14 (H) STA, JUD
03/27/14 (H) STA AT 8:00 AM CAPITOL 106
03/27/14 (H) Moved Out of Committee
03/27/14 (H) MINUTE(STA)
03/28/14 (H) STA RPT 6DP
03/28/14 (H) DP: GATTIS, KELLER, ISAACSON, HUGHES,
KREISS-TOMKINS, LYNN
04/09/14 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

REPRESENTATIVE DOUG ISAACSON

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, introduced the proposed committee substitute (CS) for HB 282, Version Y.

BRENDA HEWITT, Staff
Representative Doug Isaacson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Isaacson, sponsor, provided a sectional analysis of the changes in the proposed committee substitute (CS) for HB 282, Version Y.

CLYDE (ED) SNIFFEN, Jr., Senior Assistant Attorney General
Commercial and Fair Business Section
Civil Division (Anchorage)
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered a question during the hearing of the proposed committee substitute (CS) for HB 282, Version Y.

BEN ORZESKE, Legislative Counsel
Uniform Law Commission
Chicago, Illinois

POSITION STATEMENT: Answered a question during the hearing of CSHB 60.

ERNEST PRAX, Staff
Representative Wes Keller
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced proposed House committee substitute for CSSB 64(FIN), Version M.

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

POSITION STATEMENT: Provided testimony regarding proposed amendments to House committee substitute for CSSB 64(FIN), Version M.

QUINLAN STEINER, Director
Central Office
Public Defender Agency
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Provided testimony during the hearing of the proposed House committee substitute for CSSB 64(FIN), Version M.

TIFFANY THOMAS, Driver Licensing Manager
Director's Office
Division of Motor Vehicles
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed House committee substitute for CSSB 64(FIN), Version M.

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

POSITION STATEMENT: Provided testimony on the proposed House committee substitute for CSSB 64(FIN), Version M.

JORDAN SHILLING, Staff
Senator John Coghill
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Provided testimony during the hearing of proposed House committee substitute for CSSB 64(FIN), on behalf of Senator Coghill, chair of the Senate Judiciary Standing Committee, sponsor of SB 64.

SENATOR DENNIS EGAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, introduced SB 116.

JESSE KIEHL, Staff
Senator Dennis Egan
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Senator Egan, sponsor, answered a question during the hearing of SB 116.

SCOTT BLOOM, City Attorney
City of Kenai
Kenai, Alaska

POSITION STATEMENT: Testified in support of SB 116.

NANCY MEADE, General Counsel
Administrative Staff
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing of SB 116.

ACTION NARRATIVE

[1:25:10 PM](#)

CHAIR WES KELLER called the House Judiciary Standing Committee meeting to order at 1:25 p.m. Present at the call to order were Representatives Pruitt, Gruenberg, LeDoux, Lynn, and Keller.

HB 282-LANDLORD AND TENANT ACT

[1:25:36 PM](#)

CHAIR KELLER announced that the first order of business would be HOUSE BILL NO. 282 "An Act relating to the rights and obligations of residential landlords and tenants; and relating

to the taking of a permanent fund dividend for rent and damages owed to a residential landlord."

1:26:39 PM

REPRESENTATIVE DOUG ISAACSON, Alaska State Legislature, speaking as the sponsor, introduced the committee substitute (CS) for HB 282, labeled 28-LS0930\Y, Bullock, 4/8/14. He directed attention to a comparison which was descriptive of the proposed CS for HB 282, Version Y, which was provided in the committee packet.

1:28:22 PM

The committee took an at-ease from 1:28 p.m. to 1:29 p.m.

1:30:03 [PM

BRENDA HEWITT, Staff, Representative Doug Isaacson, Alaska State Legislature, stated her belief that all of the amendments offered at the House Judiciary Standing Committee of 4/7/14 are incorporated in the proposed CS for HB 282, Version Y. She began a sectional analysis, pointing out that in order to retain the word "Uniform," sections 1, 2, 3, and 17 were removed and the remaining sections were renumbered.

1:30:35 PM

REPRESENTATIVE LYNN made a motion to adopt the proposed CS for HB 282, labeled 28-LS0930\Y, Bullock, 4/8/14, [as the working draft. There being no objection, Version Y was before the committee.]

MS. HEWITT returned to the sectional analysis and said former section 4 is now section 1, which changes the word "parties" to "landlord and tenant." Former section 5 is now section 2, which reaffirms that the maximum amount of prepaid rent or deposit is two months, unless another month is added for pets. Former section 6 is now section 3, which provides a definition for normal wear and tear. Former section 7 is now section 4, which provides for the landlord to separately account for each tenant's prepaid rent and security deposit. Former section 8 is now section 5, which allows the landlord 30 days to return a damage deposit if there has been damage. Former section 9 is now section 6, which permits for the additional deposit for pets, defines normal wear and tear, and also defines the difference between a service animal and a comfort animal.

Former section 10 is now section 7, which directs that both a landlord and a tenant sign a premises condition statement when the tenant takes occupancy in order to determine damage and normal wear and tear. Former section 11 is now section 8, which allows for the rental of dry cabins, if both parties agree. Former section 12 is now section 9, which allows the landlord to restrict the number of inhabitants and to add the words "or the rental agreement." Former section 13 is now section 10, which adds a new subsection to allow the landlord to request a tenant to return the dwelling in substantially the same condition, including professional cleaning of the carpets. Former section 14 was removed. Former section 15 is now section 11, which allows the landlord an expedited eviction process for tenants who are engaged in illegal activities. Former sections 16 and 17 were removed. Former section 18 is now section 12, which allows landlords to collect unpaid rent from a person's Permanent Fund Dividend by the eighth priority ranking of involuntary deductions.

REPRESENTATIVE LEDOUX directed attention to proposed section 2 on page 2, lines 4-8, which read:

(a) Except as provided in (h) of this section, a [A] landlord may not demand or receive prepaid rent or a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. This section does not apply to rental units where the rent exceeds \$2,000 a month.

REPRESENTATIVE LEDOUX asked for the reason this section does not apply to units where the rent exceeds \$2,000 a month.

MS. HEWITT answered that this is part of the current law and she was unsure of the reasoning.

[1:34:50 PM](#)

CLYDE (ED) SNIFFEN, Jr., Senior Assistant Attorney General, Commercial and Fair Business Section, Civil Division (Anchorage), Department of Law, said he did not know, but could provide an answer at a later date.

REPRESENTATIVE LEDOUX said she would appreciate an answer, but she would not hold up the bill.

REPRESENTATIVE GRUENBERG suggested that higher security deposits are recommended for very expensive units.

MS. HEWITT, in response to a question from Representative Gruenberg, clarified that a typographical error was found on page 3 of the sectional analysis related to section 9, but the error is not found in the bill.

[1:37:33 PM](#)

CHAIR KELLER, after ascertaining that no one else wished to testify, closed public testimony.

[1:38:05 PM](#)

REPRESENTATIVE LEDOUX made a motion to report the proposed CS for HB 282, Version 28-LS0930\Y, Bullock, 4/8/14, out of committee, with individual recommendations and the accompanying zero fiscal note. There being no objection, CSHB 282(JUD) was reported out of the House Judiciary Standing Committee.

[1:38:51 PM](#)

The committee took an at-ease from 1:38 p.m. to 1:45 p.m.

HB 60-UNIFORM REAL PROPERTY TRANSFERS ON DEATH

[1:45:14 PM](#)

CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 60, "An Act adopting and relating to the Uniform Real Property Transfer on Death Act."

[Chair Keller stated that having been adopted at the meeting of 4/7/14, the proposed committee substitute (CS) for HB 60, Version 28-LS0265\Y, Banister, 4/6/14, was before the committee with an objection for the purpose of discussion by Chair Keller.]

CHAIR KELLER, in response to Representative Gruenberg, named the witnesses who are available to testify on HB 60.

REPRESENTATIVE GRUENBERG recalled that the committee has already vetted the proposed bill. He stressed the importance of proposed section 1, which allows trusts that are administered in Alaska to have - as a default provision - the "choice of law provision" where the law of Alaska will apply. The remainder of the bill is the Uniform Real Property Transfer On Death Act, which will take the place of completing the probate/will process or having a trust, and will conform the Probate Code.

Representative Gruenberg said Version Y of the bill eliminates the provision in a previous version which allowed title to be held in joint tenancy with the right of survivorship. The current state of the law in Alaska prohibits joint tenancy with the right of survivorship - where the property passes to the surviving owners - unless it is in the case of tenancy of the entirety, which only applies to a husband and wife, meeting the definition of husband and wife under Alaska law. He clarified that there should be no expansion in the proposed bill in the rights of same-sex couples.

CHAIR KELLER remarked:

So there is no expansion whatsoever on the different rights that are tied to tenancy groups, tenancy definitions like right of survivorship...it all remains unchanged just by existing law.

REPRESENTATIVE GRUENBERG said his understanding of the bill will be confirmed by forthcoming testimony.

[1:50:05 PM](#)

CHAIR KELLER opened public testimony on proposed CSHB 60.

[1:50:28 PM](#)

BEN ORZESKE, Legislative Counsel, Uniform Law Commission, confirmed that there is nothing in the bill or the Uniform Act that expands the rights of any couple, heterosexual or homosexual, to transfer property in any way.

CHAIR KELLER asked, "So it doesn't expand or change the rights ... it's all based on existing state law ... consistent with our clause in the constitution. Is that right?"

MR. ORZESKE said correct.

[1:52:22 PM](#)

CHAIR KELLER, after ascertaining that no one else wished to testify, closed public testimony.

[1:52:28 PM](#)

REPRESENTATIVE LYNN made a motion to report the proposed CS for HB 60, Version 28-LS0265\Y, Bannister, 4/6/14, out of committee

with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 60(JUD) was reported out of the House Judiciary Standing Committee

[1:53:08 PM](#)

The committee took an at-ease from 1:53 p.m. to 1:56 p.m.

SB 64-OMNIBUS CRIME/CORRECTIONS/RECIDIVISM BILL

[1:56:55 PM](#)

CHAIR KELLER announced that the next order of business would be SENATE BILL NO. 64, "An Act establishing the Alaska Sentencing Commission; relating to jail-time credit for offenders in court-ordered treatment programs; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving while under the influence or refusing to submit to a chemical test; relating to court termination of a revocation of a person's driver's license; relating to limitation of drivers' licenses; relating to conditions of probation and parole; and providing for an effective date."

[1:56:59 PM](#)

REPRESENTATIVE LYNN made a motion to adopt the proposed House committee substitute (HCS) for CSSB 64(JUD), labeled 28-LS0116\M, Gardner, 4/6/14, as the working draft. There being no objection, Version M was before the committee.

[1:57:23 PM](#)

ERNEST PRAX, Staff, Representative Wes Keller, Alaska State Legislature, informed the committee Version M is the culmination of all of the amendments to CSSB 64 that were adopted at the meeting of 4/4/14. He said there is an additional amendment to be offered to address concerns regarding custodial interference and relating to the term of the commissioners of the Alaska Criminal Justice Commission.

[1:59:02 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt [Amendment 1] labeled 28-LS0116\M.6, Gardner, 4/9/14, which read:

Page 3, line 6:
Delete "legal"

Page 3, line 8:

Delete "legal"

Page 19, line 1:

Delete "court requires the person"

Insert "person is required"

Page 19, line 23:

Delete "complies with"

Insert "is participating in"

Page 19, line 28, following "jurisdiction":

Insert "or if the person is not in compliance with a court-ordered treatment program under AS 28.35.028"

Page 21, line 25, following "under":

Insert "(b) or"

Page 31, line 24:

Delete "January 1, 2018"

Insert "June 30, 2017"

Page 33, line 22:

Delete "September 30"

Insert "June 30"

CHAIR KELLER objected for the purpose of discussion.

[1:59:24 PM](#)

DOUG GARDNER, Director, Legislative Legal Services, Legislative Affairs Agency, directed attention to his memo dated 4/6/14 found in the committee packet. The memo addressed [the language of Amendment 12 to CSSB 64 which was adopted by the committee at the meeting of 4/4/14 and included in the proposed HCS for CSSB 64, Version M]. He said the language of the amendment creates three mental states converging in an offense. Previously, a conceptual amendment attempted to clarify the language. After consulting with the Department of Law (DOL) and the Public Defender Agency (PDA), he expressed his belief that there is consensus that the manner in which said offense was created in Version M, with proposed Amendment 1, "is probably the best language that we could come up with." Mr. Gardner concluded this is the best resolution that could be achieved.

2:01:53 PM

QUINLAN STEINER, Director, Central Office, Public Defender Agency, Department of Administration, characterized Mr. Gardner's statement as "a fair one, that removing the word 'legal' was not going to cause any problems."

REPRESENTATIVE GRUENBERG, referring to Mr. Gardner's memo, said, "It looks like he's trying to simplify this offense." Representative Gruenberg paraphrased from the second paragraph of Mr. Gardner's memo which read [in part] [original punctuation provided]:

The three mental states that must be proven by the state are: (1) the offender has to know that at the time the representations are made to a lawful custodian they have no legal right to take and keep a child or incompetent person; (2) the offender has to have the specific intent to take and keep the child or incompetent person at the time of the representations; and (3) the offender has to knowingly represent to a lawful custodian that they have the right to take or keep the child or incompetent person.

REPRESENTATIVE GRUENBERG asked whether Mr. Gardner intended to write "knowingly misrepresent" instead of "knowingly represent."

MR. GARDNER explained that in the context of the overall offense, the offender knows he/she has no legal right, but is representing that he/she does, thus a change from "represent" to "misrepresent" would not be necessary.

REPRESENTATIVE GRUENBERG observed that Amendment 1 removes the word "legal" from page 3, lines 6 and 8, of the bill. He asked for the legal impact of those deletions.

2:05:19 PM

MR. GARDNER answered that in the context of the proposed statute without amendment, in custodial interference there may be one parent with custody and one without; the intent of the additional offense is to prevent the noncustodial parent from interfering with the legal custody of the person who has been awarded legal custody. In the context of the added offense, the law is trying to prevent a situation where the noncustodial person who is unrelated to a child is representing that they have a right to take a child. He opined previous testimony from

the public defender and a representative from DOL reached a conclusion and he elaborated as follows:

The idea of having a legal right makes a lot more sense in the context of custodial interference than it does when you're talking about the next-door neighbor, or somebody else who might come in to pick a child up at school, for example. And so, my understanding is the Department of Law didn't want to - in that context - try and unravel what legal right was, they were happier to just leave it, leave "legal" out, and try a case before the jury and let the jury evaluate whether the person had a right to take that child.

REPRESENTATIVE GRUENBERG observed that makes it clear so that the parties do not get into a mini-discussion in a criminal trial of the court's custody decree when it is unnecessary for the gravamen of the offense; to simplify the event, but not to disallow the event to be raised.

MR. GARDNER opined that is a fair characterization; in fact, previous conversations on this topic touched on the idea of how - in the course of a trial with this offense - to figure out what "legal right" is.

REPRESENTATIVE GRUENBERG expressed support for the deletion of the word "legal."

[2:09:06 PM](#)

The committee took a brief at-ease.

[2:10:36 PM](#)

MR. GARDNER directed attention to Amendment 1, lines [7-9] which read:

Page 19, line 1:
Delete "court requires the person"
Insert "person is required"

MR. GARDNER said this correction was suggested by the Division of Motor Vehicles (DMV), Department of Administration, to avoid the problem of "just referring to the court in that section."

MR. GARDNER directed attention to Amendment 1, lines [11-13] which read:

Page 19, line 23:

Delete "complies with"

Insert "is participating in"

MR. GARDNER explained the amendment relates to the 24/7 Program. Included in this part of the bill is a checklist of the requirements that must be met in order for the court or the department to be able to give people in the therapeutic court program a limited license. In this context, there was a concern about how DMV would verify a person's performance in the 24/7 Program, because DMV is not set up to do so. Therefore, the idea of the change in language is that during a person's time in the 24/7 Program, the court or the department could require the person to participate in, rather than comply with the program. He concluded that the change was made for DMV, as it "probably couldn't always on a day-to-day basis monitor a person's actual compliance with 24/7."

[2:13:45 PM](#)

TIFFANY THOMAS, Driver Licensing Manager, Director's Office, Division of Motor Vehicles, Department of Administration, agreed that Mr. Gardner had "touched on" the majority of DMV's concerns, and added that DMV would not know if a person who was applying for a limited license has participated in the 24/7 Program. She noted that DMV's concern seems to have been addressed by Mr. Gardner.

MR. GARDNER directed attention to Amendment 1, lines [15-17, which read:

Page 19, line 28, following "jurisdiction":

Insert "or if the person is not in compliance with a court-ordered treatment program under AS 28.35.028"

MR. GARDNER advised the language in this part of the amendment was suggested by the Alaska Court System due to its concern that if a person were in therapeutic court, the court may have difficulty revoking the person's limited license. The therapeutic court treatment team, along with the judge, hold discretion on how people are treated in the program. The amendment would maintain the judge's and the treatment team's ability to revoke a license if the person were noncompliant and/or the public were at risk.

2:16:25 PM

MR. GARDNER continued to [Amendment 1.B, which was an excerpt from original Amendment 1, lines 15-17] which read:

Page 21, line 25, following "under":
Insert "(b) or"

MR. GARDNER advised that this amendment addresses a significant policy piece in the bill. He reminded the committee that a misdemeanor or a felon is eligible for therapeutic court, which is typically an 18-month program. The bill allows a person that has gone through the program, and under structured circumstances, to acquire a limited license. The bill was drafted to amend AS 28.35.030(o) and provide a situation where for certain felons in the program, the department would be required to restore the license. The current bill would only allow that situation with respect to a felon. He remarked:

By inserting [Amendment 1.B] you're putting the people who are felons in the program on the same footing as the people who are misdemeanants in the program. So you could have someone in the program that has four [driving under the influence (DUI) convictions] and is a felon, felony DUI, or you could have someone in the program that has four DUIs but just happens to be a misdemeanor DUI person. But they're both in the program, they're both successfully graduating. We wanted to avoid some type of an equal protection argument, where we're treating those people differently, vis-à-vis this license opportunity, and allow the court to terminate their revocation, and allow DMV, or require DMV, to restore that license. And so, by adding [Amendment 1.B], you're pulling a very small group of misdemeanor folks in along with the felony folks, that have essentially all done the same bad things or conduct, but are now going to, at least the intention here, is to avoid that equal protection problem and treat them similarly.

2:19:57 PM

MS. THOMAS stated that she is unsure whether DMV has the statutory authority to amend or terminate a misdemeanor offense as it does with the direct statutory authority in AS 28.35.030(o) for felonies. In addition, her review [of the proposed bill] revealed that AS 28.35.030(b) was being amended;

however, subsection (b) appears to be related to the periods of ignition interlock requirement and not the periods of revocation.

MR. GARDNER expressed his belief that the intent of the reference is to the status of the offender: people under (b) are misdemeanants and people under (n) of the statute, are felons. The intention was to try to fix the problem by referencing misdemeanants and felons "and bring those two together." He then returned attention to [Amendment 1], page 1, lines 22-23, to page 2, line 5, which read:

Page 31, line 24:

Delete "January 1, 2018"

Insert "June 30, 2017"

Page 33, line 22:

Delete "September 30"

Insert "June 30"

MR. GARDNER said these changes were drafted at the request of staff to make a policy call on the best termination date for the proposed Alaska Criminal Justice Commission. The dates were changed in order to terminate the commission at the end of the fiscal year.

CHAIR KELLER returned attention to [Amendment 1.B]. He asked Mr. Gardner to describe "what the consequences will be" if "(b)" is included and DMV has no authority to proceed.

MR. GARDNER responded that it is hard to respond directly at this time. He asked whether it is the will of the committee to put misdemeanants in the program with felons, and treat them the same way, or just deal with felons. He concluded that "The bill is a whole lot simpler if it just deals with felons which is what it was doing prior to this hearing. But "b" would have that effect, at least, that's what we think."

CHAIR KELLER asked the sponsor, "If we pass this amendment as it is and we include the misdemeanor DUIs in ... at least that's the intent, of Doug, can we have some kind of assurance that ... if we were to move this bill out, that you will look at that further in the finance committee?"

[2:25:18 PM](#)

JORDAN SHILLING, Staff, Senator John Coghill, Alaska State Legislature, speaking on behalf of Senator Coghill, chair of the Senate Judiciary Standing Committee, sponsor, assured Chair Keller that "we are certainly going to continue working on this."

CHAIR KELLER expressed his interest in including the misdemeanor element in the bill, and somehow come to terms between DMV and the court system to make it work.

[2:26:17 PM](#)

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law, stated that difficulties with the proposed bill stem from the need for a rewriting of AS title 28. She provided a short background on the permanent loss of a driver's license for those convicted of felony drunk driving or refusal. The loss is permanent except for a chance - after ten years - to request a limited license or driving privileges. She said the Department of Law (DOL) believes one should have an opportunity to reclaim their license; however, the proposed bill "goes too far and does not protect the public from drunk drivers and people who don't take the breathalyzer test." Ms. Carpeneti directed attention to the bill on page 18, beginning on line [15] which allows the court to return full driving privileges after a person has driven under a limited license for two years. She said this is not long enough because, under current law, a driver convicted of felony DUI must use an ignition interlock device for at least five years after driving privileges are regained. Further, it is unclear how a court will decide whether the interlock device is required beyond two years. She recommended a minimum of five years should be required to drive under a limited license. On page 18, beginning on line 27, she said the bill allows a limited license for those who have successfully participated in therapeutic court for at least six months. The Department of Law recommends that a person successfully complete his/her participation, because some therapeutic court programs, such as the one in Bethel, allow people to continue participating - even with five violations - before they are terminated.

CHAIR KELLER asked for clarification on the change sought by DOL.

MS. CARPENETI recommended deletion of the phrase "has successfully participated for at least six months in, or" on page 18, lines 27-28.

2:31:30 PM

REPRESENTATIVE GRUENBERG restated the suggested amendment.

MS. CARPENETI also suggested on page 18, line 16, that the word "two" should be replaced with the word "five." She continued to page 19 and restated the conflict between the proposed bill and AS 28.35.030 regarding the number of years the use of an ignition interlock device is required. When there is confusion over laws or legislative intent, the court will apply the rule of lenity, and interpret "confusion over law" in favor of the defendant, she cautioned. Continuing on page 19, lines 26-28, she noted that the word "shall" has been replaced with "may," which leaves up to the discretion of the court or the department whether to revoke a limited license if a person is charged with, or convicted of, a subsequent drunk driving or refusal offense. Instead, DOL suggests that if a person is charged with drunk driving or refusal the court may use its discretion; however, if the person is convicted, the limited license must be revoked. Ms. Carpeneti then pointed out a possible oversight in the bill on page 20, where language allows that for the first conviction for drunk driving or refusal, the sentence may be served by electronic monitoring. She opined this would diminish the "shock value" of 72 hours in prison; in addition, the language does not state where the electronic monitoring is to be served. In fact, on page 21, the language provides that imprisonment served at a private residence must include electronic monitoring. Ms. Carpeneti surmised that legislative intent was not that a person "go along his or her daily life with no change besides wearing a monitor." She stated that the majority of people who are convicted the first time do not reoffend, due to the mandatory 72 hours of jail time. Ms. Carpeneti acknowledged that electronic monitoring is currently used; however, she urged for the bill to specify a location.

REPRESENTATIVE GRUENBERG said he did not understand the language that is wanted by DOL on page 20.

MS. CARPENETI suggested the deletion of "by electronic monitoring" wherever found on page 20, lines 27-[29], because one is already allowed to serve at home. Calling attention to page 21, line 3, she read:

Imprisonment served at a private residence must include electronic monitoring

MS. CARPENETI advised that electronic monitoring is already allowed and under current law one can serve a sentence for first-time drunk driving at home with an electronic device, thus she was unsure whether this change is needed.

REPRESENTATIVE GRUENBERG noted that Amendment 1 remains before the committee, but the discussion had digressed.

CHAIR KELLER asked Ms. Carpeneti to speak to Amendment 1.

[2:40:36 PM](#)

MS. CARPENETI returned attention to Amendment 1 and expressed her concern regarding the provision on page 1, lines 19-20, which read:

Page 21, line 25, following "under":
Insert "(b) or"

MS. CARPENETI stated that the aforementioned addition adds all misdemeanor drunk driving offenses into this provision under which the department is required to restore a driver's license under certain circumstances; speaking from her history working on limited licenses, she restated the difficulty of dealing with this "rather large change in [AS] title 28" regarding misdemeanor provisions, and the confusion and uncertainty thereof.

[2:41:57 PM](#)

REPRESENTATIVE GRUENBERG made a motion to divide the question by removing lines 19-20 from Amendment 1 and renaming Amendment 1 Amendment 1.A.

[2:42:35 PM](#)

CHAIR KELLER restated the motion to adopt Amendment 1, amended, which is now identified as Amendment 1.A. There being no objection, Amendment 1.A was adopted.

[2:43:37 PM](#)

REPRESENTATIVE LYNN made a motion to adopt Amendment 1.B which read:

Page 21, line 25, following "under":
Insert "(b) or"

CHAIR KELLER objected for the purpose of discussion.

MS. CARPENETI returned attention to the proposed bill. On page 22, line 4, the bill allows mandatory restoration of a driver's license by the Division of Motor Vehicles, and she said the time period should be five years of driving with a limited license, not two, to restore full driving privileges. On page 28, line[s] 24[-25] read:

(D) the need to confine violent offenders to prevent harm to the public;

MS. CARPENETI said the aforementioned [subparagraph] is regarding the methodology used by the proposed Alaska Criminal Justice Commission, and the word "violent" has been inserted. Although the other [subparagraphs] follow the constitutional sentencing provisions in the state constitution, the addition of "violent" is confusing and limiting. She stated that there are many reasons why people who commit nonviolent felonies or crimes ought to be incarcerated, for example, drug dealers.

[2:47:32 PM](#)

MR. SHILLING observed that some of the items the Department of Law is concerned about are "policy calls." For example, Mr. Shilling returned attention to page 18, line 16 [text previously provided], and said the committee must decide how long an individual must drive successfully under a limited license to become eligible for an unlimited license. He acknowledged that a previous version of the bill set the period of time at five years; however, Senator Coghill recommended that two years was sufficient time to establish a "track record." However, Mr. Shilling advised that Senator Coghill would not be opposed to a longer time period. Continuing on page 18 to line 27, he stressed that Version G of the bill said persons seeking to regain the privilege to drive were required to be "participating in the program." He concluded that the original version of the bill set the time of participation in a therapeutic court at zero, and DOL recommended eighteen months, therefore, six months is a compromise. Mr. Shilling remarked:

Again, just like the last duration of time we discussed, it's a policy call of the committee. If we are to say that the person must have successfully completed the program before they get the limited license, that's just an extra 18 months, you know, the

sooner we get them on the limited license, the sooner that they have all of the other accountability measures in place: the ignition interlock; the 24/7 Sobriety.

CHAIR KELLER surmised a court-ordered treatment plan would be 18 months long.

MR. SHILLING said correct. He turned to DOL's concern with the language on page 19, lines 26-28 which read:

(h) The court or the department may immediately revoke a limited license granted under (g) of this section if the person is convicted of a violation of AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction.

MR. SHILLING noted that DOL seeks to replace "may" with "shall; however, he pointed out that the amendment under consideration has a provision to allow the court to revoke the limited license if an individual does not cooperate in therapeutic courts. Mr. Shilling opined Senator Coghill would not object to the abovementioned change.

MR. GARDNER suggested that the above referenced [subsection] could be removed because if one is convicted of a new DUI or refusal, and is not in compliance in the court-ordered treatment program, the limited license will be revoked. He cautioned that his suggestion should be further evaluated before the committee makes a decision.

[2:54:26 PM](#)

MS. THOMAS advised that if a person holding a limited license issued by DMV received a subsequent DUI arrest, "in theory" he/she would lose their license and would be issued a temporary license. She expressed her belief that [subsection (h)] could be deleted because - as stated by Mr. Gardner - the driver would lose his/her license anyway pending his/her conviction in court or administrative action.

MR. SHILLING redirected attention to proposed section 32 on page 20, which allows a first-time DUI offender to serve his/her sentence on electronic monitoring. The sponsor's intent was to have the bill "mirror" an ordinance approved in the last few years by the Anchorage Municipal Assembly which allows first-time DUI offenders to serve their sentence at their residence on

electronic monitoring. Although Ms. Carpeneti opined this section is not needed at all because the department already has some discretion on allowing electronic monitoring, he said, "But it's that they 'may' allow you to serve it on electronic monitoring, [and] what we're trying to do is make it a 'shall' and that's a fairly big difference."

CHAIR KELLER said after the committee acts on Amendment 1.B [text found above] there will be an opportunity to offer other amendments to the bill.

REPRESENTATIVE GRUENBERG observed that putting Amendment 1.B in the bill brings in a "whole misdemeanor concept", which DOL would like more time to consider. He suggested taking testimony from the public defender on this matter.

MR. STEINER said he did not immediately see a problem with inserting the misdemeanor component. He agreed with Mr. Gardner that it would "push off" an equal protection challenge because the legislation would grant limited license privilege to those with felony convictions, but those with misdemeanor convictions would not be eligible; however, he withheld his final comments pending a detailed review of this matter.

CHAIR KELLER stated his intention to remove his objection to the amendment because the topic has been thoroughly reviewed by the House and Senate judiciary committees. He said there is confusion between the different jurisdictions over [AS] title 28 and pointed out the bill includes an amendment calling for a review of [AS] title 28 by the proposed Alaska Criminal Justice Commission. Chair Keller expressed his support for the inclusion of the "misdemeanor element," and removed his objection to the amendment. There being no further objection, Amendment 1.B was adopted.

[3:02:57 PM](#)

REPRESENTATIVE LEDOUX made a motion to adopt Conceptual Amendment 2 to page 28, line 24, which deletes the word "violent." There being no objection, [Conceptual] Amendment 2 was adopted.

[3:04:44 PM](#)

REPRESENTATIVE PRUITT returned attention to the timeframe for [qualifying for] the limited license. He said, "Insurance requires three years before they wipe something off." Two years

may not be enough, but five years may be too much. Representative Pruitt then made a motion to adopt a conceptual amendment to page 18, line 16, and to page 22, line 4, which changes "from two years to three years."

[3:06:13 PM](#)

The committee took an at-ease from 3:06 p.m. to 3:07 p.m.

[3:07:18 PM](#)

REPRESENTATIVE PRUITT restated his motion to adopt Conceptual Amendment 3 to page 18, line 16, which changes "two" to "three," and to page 22, line 4, also changing "two" to "three."

REPRESENTATIVE GRUENBERG asked whether the sponsor supports the change to three years.

MR. SHILLING said yes.

[3:08:14 PM](#)

There being no objection, Conceptual Amendment 3 was adopted.

[3:08:29 PM](#)

REPRESENTATIVE LYNN made a motion to report the proposed House committee substitute for CSSB 64, Version 28-LS0116\M, Gardner, 4/6/14, as amended, out of committee with individual recommendations and the updated [attached] fiscal notes.

CHAIR KELLER objected for the purpose of discussion.

MR. SHILLING expressed his and the sponsor's appreciation for the work completed by the committee.

[3:10:04 PM](#)

CHAIR KELLER removed his objection. There being no further objection, HCS CSSB 64(JUD) was reported out of the House Judiciary Standing Committee.

[3:10:21 PM](#)

The committee took an at-ease from 3:10 p.m. to 3:12 p.m.

SB 116-SERVICE OF CITATIONS

[3:12:17 PM](#)

CHAIR KELLER announced that the final order of business would be SENATE BILL NO. 116, "An Act relating to service of citations; amending Rule 3(f), Alaska Rules of Minor Offense Procedure; repealing Rule 3(g), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

[3:12:27 PM](#)

SENATOR DENNIS EGAN, Alaska State Legislature, speaking as the sponsor, informed the committee SB 116 is a housekeeping measure that fixes an unintended problem with Alaska law that made law enforcement less effective and less fair when related to minor offenses. For decades, parking tickets have been left under automobile windshield wipers; however, in 2010, legislation inadvertently ended this practice by requiring that all citations are to be personally served. This is a problem for Alaska cities that need to enforce parking and other rules. Additionally, taxpayers should not have to pay for parking enforcement officers and animal control officers to stake out cars and front yards when the law is broken in a minor way. Since the law was implemented by the Alaska Court System in 2013, some Alaska cities have used methods - called workarounds - that deny those who wish to fight a ticket their day in court, and which are more expensive to administer. Senate Bill 116 allows law enforcement to leave a ticket on the real or personal property that is the subject of an infraction or a violation, and also allows service by the same methods as civil processing, including by certified mail or by a process server. The bill still requires personal service by an officer for moving violations, minor consuming, or other more serious crimes. Senator Egan said SB 116 provides more efficient government for Alaskans and gives access to the courts when needed. In response to Representative LeDoux, he restated that the aforementioned legislation was implemented in 2013.

[3:15:33 PM](#)

JESSE KIEHL, Staff, Senator Dennis Egan, Alaska State Legislature, in response to Representative Pruitt, explained that [by measures] adopted in March, and effective in April of 2013, the Alaska Court System changed its court rules to comply with the legislation that was enacted in 2010. Many municipalities, in order to enforce their parking laws, used a "workaround," which made parking violations civil violations, and as such they were not processed through the court system or

subject to court rules for service. However, this method prevented someone who feels they were ticketed unjustly from appealing to a judge or magistrate. Civil violations are also more expensive for municipalities to enforce, especially against a scofflaw. As an aside, he noted that municipalities that choose to have parking violations held as civil violations will retain the option to do so.

REPRESENTATIVE LEDOUX asked whether getting a parking ticket creates a criminal record.

MR. KIEHL expressed his belief that parking ticket violations are handled through the court system's minor offense rules. Although citations can be written for any misdemeanor infraction or violation, they would not appear on CourtView.

[3:18:11 PM](#)

CHAIR KELLER clarified that CSSB 116(STA), Version 28-LS0826\0 was before the committee.

[Although not formally stated, public testimony was opened.]

[3:18:39 PM](#)

SCOTT BLOOM, City Attorney, City of Kenai, expressed his support for the bill. The issues addressed by the bill are important to the City of Kenai for three main reasons. Firstly, in the summer Kenai may have up to 15,000 visitors in one day; the local streets and residential areas are very crowded, and if the city cannot issue parking citations there are many blatant violations. Secondly, the personal service of parking citations is a strain on the city's resources, and he provided an example. As a smaller municipality, unlike Anchorage or Fairbanks, the City of Kenai is unable to establish an alternative administrative parking authority. Thirdly, he opined SB 116 would reduce the administrative cost to the city and to the public related to parking citations, and would also reduce the amount of the city's resources that are now diverted to booting and towing vehicles.

REPRESENTATIVE PRUITT surmised that at this time the City of Kenai must utilize a police officer to personally hand citations to those who have violated parking regulations. He asked whether the proposed legislation would allow the city to place citations under the windshield wiper, as a separate parking authority is allowed to do.

MR. BLOOM said correct.

REPRESENTATIVE LEDOUX asked whether in cities that do not have a parking authority, parking citations are criminal offenses.

MR. KIEHL responded that there are a variety of systems. For example, in the City of Kenai, parking citations are criminal and must be personally served by the officer writing the citation to the person charged. In the City and Borough of Juneau (CBJ), there is no parking authority, but parking violations are a civil offense and thus CBJ must provide an alternative process to hear a grievance.

REPRESENTATIVE LEDOUX further inquired as to why the cities that have problems with the system do not adopt civil penalties as do Anchorage and Juneau.

[3:24:42 PM](#)

NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, clarified that citations filed with the court system are not criminal but are in the separate category of minor offenses. A minor offense is usually handled by a magistrate and the consequence is a fine. She further advised that the court can handle citations for cities if that is desired; for example, in Kenai the court addresses parking tickets, speeding tickets, and fish and game citations, and handles trials if requested. However, in Anchorage, a person pays his/her parking ticket at city hall. The problem with personal service is compounded by those who do not respond, and are then referred to the Collections and Support Section of the Department of Law, or back to the city, for executing an attachment to his/her Permanent Fund Dividend. Ms. Meade opined the purpose of the bill is to no longer require the personal service of a parking ticket. She said the Alaska Court System is neutral on the bill.

[3:27:04 PM](#)

REPRESENTATIVE PRUITT observed that the parking authority in Anchorage only issues tickets in the downtown area. He asked whether a police officer would issue the same civil violation in a residential area, by leaving it under the windshield wiper.

MS. MEADE said correct. In Anchorage, all parking citations issued by the police department are handled through city hall,

unless there is a default which means after 30 days the city issues a warning notice, and then the citation is turned over to the court to enter default automatically.

REPRESENTATIVE PRUITT expressed his understanding that minor offenses, such as a downtown Anchorage parking ticket, are not listed on CourtView.

MS. MEADE affirmed that parking tickets are not on CourtView until and unless they are turned over to the court for default. Other citations that go directly to the court - for example, speeding tickets - are posted on CourtView. In further response to Representative Pruitt, she said there is a distinction between parking offenses and every other minor offense, such as fish and game citations, moving violations, and those with a fine of up to \$500.

REPRESENTATIVE PRUITT gleaned that an Anchorage parking citation is handled by the authority until it is necessary to go to the courts, and then the citation is posted on CourtView; in Kenai, the ticket is personally delivered and posted on CourtView.

[3:30:24 PM](#)

MS. MEADE stated that any matter handled by the court is posted on CourtView, unless it is confidential, thus if a city has chosen for the court system to handle parking tickets, the information is posted on CourtView unless it is confidential. Ms. Meade, in response to Representative LeDoux, explained that parking tickets are a subcategory of minor offenses and minor offenses do not have the right to a trial by jury, the right to preempt a judge, or the right to an attorney.

CHAIR KELLER, after ascertaining that no one else wished to testify, closed public testimony.

[3:31:53 PM](#)

REPRESENTATIVE LYNN made a motion to report CSSB 116(STA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 116(STA) was reported out of the House Judiciary Standing Committee.

[3:32:30 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:32 p.m.