

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 5, 2013

1:30 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Lesil McGuire, Vice Chair
Senator Fred Dyson

MEMBERS ABSENT

Senator Donald Olson
Senator Bill Wielechowski

COMMITTEE CALENDAR

SENATE BILL NO. 56

"An Act relating to certain crimes involving controlled substances; and providing for an effective date."

- MOVED CSSB 56(JUD) OUT OF COMMITTEE

SENATE BILL NO. 22

"An Act relating to the commencement of actions for felony sex trafficking and felony crimes involving child pornography or indecent materials to minors; relating to the human trafficking; relating to the crime of sexual assault; relating to the crime of referral of sexual felonies to a three-judge panel; relating to the definition of 'sexual unlawful contact; relating to forfeiture for certain crimes involving prostitution; relating felony' for sentencing and probation for conviction of certain crimes; relating to the to the time in which to commence certain prosecutions; relating to release for violation definition of "sex offense" regarding sex offender registration; relating to protective of a condition of release in connection with a crime involving domestic violence; relating orders for stalking and sexual assault and for a crime involving domestic violence; to interception of private communications for certain sex trafficking or human relating to the definition of 'victim counseling centers' for disclosure of certain trafficking offenses; relating to use of evidence of sexual conduct concerning victims of communications concerning sexual assault or domestic violence; relating to violent certain crimes; relating to procedures for granting immunity to a witness in a criminal crimes compensation; relating to certain information in

retention election of judges proceeding; relating to consideration at sentencing of the effect of a crime on the victim; concerning sentencing of persons convicted of felonies; relating to remission of sentences relating to the time to make an application for credit for time served in detention in a for certain sexual felony offenders; relating to the subpoena power of the attorney treatment program or while in other custody; relating to suspending imposition of general in cases involving the use of an Internet service account; relating to reasonable sentence for sex trafficking; relating to consecutive sentences for convictions of certain efforts in child-in-need-of-aid cases involving sexual abuse or sex offender registration; relating to mandatory reporting by athletic coaches of child abuse or neglect; making conforming amendments; amending Rules 16, 32.1(b)(1), and 32.2(a), Alaska Rules of Criminal Procedure, Rule 404(b), Alaska Rules of Evidence, and Rule 216, Alaska Rules of Appellate Procedure; and providing for an effective date."

- MOVED CSSB 22(JUD) OUT OF COMMITTEE

SENATE BILL NO. 49

"An Act defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 56

SHORT TITLE: RECLASSIFYING CERTAIN DRUG OFFENSES

SPONSOR(s): SENATOR(s) DYSON

02/15/13	(S)	READ THE FIRST TIME - REFERRALS
02/15/13	(S)	JUD, FIN
03/04/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/04/13	(S)	Heard & Held
03/04/13	(S)	MINUTE(JUD)
03/05/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 22

SHORT TITLE: CRIMES; VICTIMS; CHILD ABUSE AND NEGLECT

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/16/13	(S)	READ THE FIRST TIME - REFERRALS
01/16/13	(S)	JUD, FIN
01/30/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

01/30/13	(S)	Heard & Held
01/30/13	(S)	MINUTE(JUD)
02/04/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/04/13	(S)	Heard & Held
02/04/13	(S)	MINUTE(JUD)
02/11/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/11/13	(S)	Heard & Held
02/11/13	(S)	MINUTE(JUD)
02/15/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/15/13	(S)	Heard & Held
02/15/13	(S)	MINUTE(JUD)
02/18/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/18/13	(S)	Heard & Held
02/18/13	(S)	MINUTE(JUD)
02/22/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/22/13	(S)	Heard & Held
02/22/13	(S)	MINUTE(JUD)
02/25/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/25/13	(S)	Heard & Held
02/25/13	(S)	MINUTE(JUD)
03/01/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/01/13	(S)	Heard & Held
03/01/13	(S)	MINUTE(JUD)
03/04/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/04/13	(S)	Scheduled But Not Heard
03/05/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 49

SHORT TITLE: MEDICAID PAYMENT FOR ABORTIONS; TERMS

SPONSOR(S): COGHILL

02/11/13	(S)	READ THE FIRST TIME - REFERRALS
02/11/13	(S)	JUD, FIN
02/15/13	(S)	SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
02/15/13	(S)	JUD, FIN
02/27/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/27/13	(S)	Heard & Held
02/27/13	(S)	MINUTE(JUD)
03/04/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/04/13	(S)	Heard & Held
03/04/13	(S)	MINUTE(JUD)
03/05/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

CHUCK KOPP, Staff
 Senator Fred Dyson

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a sectional analysis of SB 56.

FORREST DUNBAR, Public Advocacy Attorney
Anchorage, Alaska

POSITION STATEMENT: Provided supporting testimony for SB 56.

WALT MONIGAN, President
Alaska Native Justice Center
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 56.

RICK ALLEN, Director
Office of Public Advocacy
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 56.

KARL BURGGRAF, representing himself
Fairbanks, Alaska

POSITION STATEMENT: Stated support for the intent of SB 56.

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

POSITION STATEMENT: Commented on the amendments to SB 22.

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

POSITION STATEMENT: Commented on an amendment to SB 22.

NANCY BIENVENUE, representing herself
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 56.

GRADY PENNELL, Pastor
Eagle River Grace Church
Eagle River, Alaska

POSITION STATEMENT: Testified in support of SB 49.

PATRICIA STEEN, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 49.

JOSHUA DECKER, staff attorney
ACLU of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 49.

SHERRY WRIGHT, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 49.

REGINA CHENAULT, M.D., representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 49.

PATTI PRICE, representing herself
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 49.

CONNIE BELL, representing herself
Petersburg, Alaska

POSITION STATEMENT: Testified in support of SB 49.

JEAN BRAMER, M.D., representing herself
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 49.

WILLIAM RESINGER, M.D., representing himself
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 49.

IIONA FARR M.D., representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 49.

SID HEIDERSDORF, Vice President
Alaskans for Life
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 49.

GEORGE BROWN M.D., representing himself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 49.

ACTION NARRATIVE

[1:30:11 PM](#)

CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Dyson, McGuire, and Chair Dyson.

SB 56-RECLASSIFYING CERTAIN DRUG OFFENSES

[1:30:28 PM](#)

CHAIR COGHILL announced the consideration of SB 56, and noted that this was the second hearing.

[1:30:56 PM](#)

CHUCK KOPP, staff to Senator Fred Dyson, sponsor of SB 56, stated that the current drug policy imposes a fiscal burden that is not sustainable. He explained that SB 56 refocuses prison bed space on violent and career criminals while protecting law enforcement's ability to aggressively pursue drug distributors and repeat offenders. This will benefit society by improving prospects for drug offenders to get jobs, be professionally licensed, and get housing, all of which are variables strongly correlated with decreased alcoholism, domestic violence, and recidivism. He provided a sectional analysis.

Section 1 amends AS 11.71.040 by raising the quantity of a Schedule IA or Schedule IIA controlled substance in possession that precipitates a felony charge from "any amount" to a quantity that would imply distribution. The quantity that implies distribution and opens the offender to a felony charge is 15 or more tablets, ampules, or syrettes when the drug is found in such a form. (Schedule IA drugs are commonly known as codeine, hydrocodone, and heroin. Schedule IIA drugs are commonly known as meth and cocaine.) However, the bill lowers the felony presumptive limit to 500 milligrams for heroin and 300 milligrams for Lysergic acid diethylamide (LSD).

Any person found in possession of any amount of a Schedule IA or Schedule IIA controlled substance may still be charged with a class C felony if the person has been previously convicted of any drug offense defined in AS 11.71.010 - AS 11.71.050 in the five years preceding the current offense. The bill does not affect any provisions of this statute or any other controlled substance statute that empowers law enforcement and prosecutors to charge and convict distributors of controlled substances.

[1:34:11 PM](#)

Section 2 provides that offenders in possession of small quantities of Schedule IA and Schedule IIA controlled substances may be prosecuted under AS 11.71.050, a class A misdemeanor.

Offenders in possession of quantities above the felony level are subject to prosecution under AS 11.71.040. The felony limit is established as 15 tablets, ampules, or syrettes or 3 grams if found in a preparation, compound, or mixture. The felony limits are reduced to 500 milligrams for heroin and 300 milligrams for LSD.

Section 3 establishes that this Act applies to offenses committed on or after the effective date of the Act, except that references to previous convictions in the three-strike provisions in Section 1 include convictions occurring before, on, or after the effective date.

Section 4 removes conflicting language related to bath salts from AS 11.71.040 and AS 11.71.050 and provides that hereafter bath salts will be treated the same as other Schedule IIA controlled substances.

Section 5 provides for an effective date.

MR. KOPP noted that the bill contained a drafting error.

1:36:52 PM

FORREST DUNBAR, public advocacy attorney, clarified that his comments relate to research that he did last year while at the Office of Public Advocacy (OPA), but he was not representing OPA or the Department of Administration. He explained that the three-strike rule in Section 1 helps to differentiate between first time abusers and repeat offenders. Furthermore, if there is any evidence that a person is a drug distributor the person can be prosecuted with a felony. SB 56 should lead to reductions in prison admissions, legal costs, judicial costs, barrier crime issues for low-level offenders, and welfare costs. Fewer low risk offenders will be placed on felony probation which should lead to a reduction in the caseload for probation officers.

He displayed a graph of Alaska's prison population growth from 2003 to 2012 and projected growth to 2020. It shows that the average inmate population has been growing slightly less than three percent per year. Based on that rate, the state by 2016 will either have to build another Goose Creek prison or start exporting Alaskan prisoners to other jurisdictions.

MR. DUNBAR described the three primary drivers of prison growth that the Alaska Department of Corrections identified in August 2012.

1. Increased admissions for second degree felony theft (theft of property valued over \$500) and increased sentence lengths associated with these offenses.
2. A 63 percent rise in prison admissions for drug offences, particularly felony offenders convicted of possession offenses.
3. Increases in petitions to revoke probation (PTRP) and probation violations.

[1:39:23 PM](#)

MR. DUNBAR displayed a chart showing the number of cases that were filed in the Alaska Court System from 2008 to 2012 with fourth degree misconduct involving a controlled substance (MICS-4) charges. [In 2008, 622 cases were filed with MICS-4 charges and in 2012, 977 cases were filed with MICS-4 charges.] He highlighted that this reform will result in fewer people being charged with low-level felonies. The collateral consequences of these small quantity drug felonies include barriers to all employment, difficulty finding housing, inability to qualify for benefits like Food Stamps, and ineligibility to become a Village Public Safety Officer (VPSO). These barriers make it extremely difficult for successful reentry into the community, and possibly drive recidivism.

He reviewed the ways that SB 56 will reduce legal and adjudication costs. Anchorage court statistics show that felony cases take about twice as long to reach disposition as misdemeanor cases, which leads to higher cost. Felony cases also require empaneling a grand jury and the need for more experienced attorneys, both of which lead to higher costs.

MR. DUNBAR estimated that passing SB 56 will result in annual savings of between \$400,000 and \$800,000 to defense agencies and the court. Legislative Research Services found that about \$14 million in annual costs are associated with low-level drug crimes, primarily from the Department of Corrections. He acknowledged that his estimates were more conservative, but the important point is that the bill could save tens of millions of dollars over the next decade.

The bill also affects public safety. Fourteen states have already classified low-level drug possession as a misdemeanor and those states have lower rates of violent crime, property crime, and incarceration and significantly higher rates of drug treatment. He highlighted that DOC is starting to focus on this.

[1:44:06 PM](#)

MR. DUNBAR refuted the argument that people won't be incentivized to stay in treatment if the threat of a felony isn't hanging over their heads. He pointed out that states where possession of these drugs is a misdemeanor have demonstrably higher rates of drug treatment and lower rates of rape and domestic violence. Also, prosecutors and judges have said that imposing sufficient suspended time is an incentive to stay in treatment.

MR. DUNBAR said the bill won't have a large impact on the Department of Public Safety, but will have a large impact on possession offenders because it reduces collateral consequences. It might also have a positive effect on recidivism. He described an example from the state of Florida and opined that people with a felony label are more likely to become trapped in the criminal milieu than those who do not have that label. Convicted felons find it more difficult to find gainful employment and are more likely to reoffend.

In conclusion he posited that SB 56 will result in a reduction in probation officer caseloads, which will lead to direct cost savings to the state. Over the long term the savings could be in the tens of millions of dollars. If the bill avoids the building of another prison, the savings could amount to hundreds of millions of dollars.

[1:46:25 PM](#)

WALT MONIGAN, Native Justice Center, stated that he likes SB 56 because it is based on a logical and intuitive approach to addiction. It is treatment versus incarceration, which gives the offender a second chance. Finally, it can forestall the branding of a felony on a person. Being branded a felon closes many doors and almost guarantees continued drug use or abuse, because it limits other opportunities such as jobs. He said this bill is long overdue and if passed it will help reduce current offenders' bitterness, anti-social behavior, and continued drug use. It will have a positive effect on subsequent crimes, domestic violence, child abuse, and neglect.

[1:49:05 PM](#)}

RICK ALLEN, Director, Office of Public Advocacy, stressed the importance of getting Alaska's prison population growth under control. Alaska has one of the fastest growing prison populations in the U.S. and is one of the few states where the population is still growing. Conversely, states like Texas are closing prisons. He said the cost of building Goose Creek prison is equivalent to the cost of building ten new high schools and

another Goose Creek will be needed very soon if things don't change. He discussed the devastating impacts of a felony conviction on individuals and families.

Studies show that having a parent in prison can be just as harmful to a child as witnessing or experiencing domestic violence. He emphasized that it makes no sense for the state to spend \$50,000 a year to incarcerate somebody for being in possession of \$100 worth of drugs. He suggested considering the analysis of fiscal conservatives like Jeb Bush, Newt Gingrich, and Bill Bennett and reclassifying the state's drug laws as proposed by SB 56. Furthermore, evidence from other states indicates that reclassification is unlikely to have negative impact on public safety.

[1:51:20 PM](#)

KARL BURGGRAF, representing himself, stated support for the intent of SB 56. He offered his belief that drug crimes need to be treated differently and that the three strikes law is ridiculous. He shared a personal story.

SENATOR DYSON said he'd like the committee to consider the housekeeping amendment that Mr. Kopp referenced.

[1:56:17 PM](#)

At ease.

[1:58:24 PM](#)

CHAIR COGHILL reconvened the meeting and asked for a motion to adopt the amendment.

SENATOR DYSON moved Amendment 1, labeled 28-LS0355\N.1.

AMENDMENT 1

OFFERED IN THE SENATE

BY SENATOR DYSON

Page 3, line 11:

Delete **"AS 11.71.150(b)(9)"**

Insert **"AS 11.71.150(b)(12)"**

CHAIR COGHILL objected for discussion purposes.

MR. KOPP explained that the intention was to reference LSD, [which paragraph (12) does].

[1:59:42 PM](#)

CHAIR COGHILL removed his objection and announced that Amendment 1 was adopted.

[1:59:56 PM](#)

SENATOR DYSON moved to report SB 56, version N [as amended], from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL announced that without objection, CSSB 56(JUD) moved from the Senate Judiciary Standing Committee.

SB 22-CRIMES; VICTIMS; CHILD ABUSE AND NEGLECT

[2:00:32 PM](#)

CHAIR COGHILL announced the consideration of SB 22. [The committee treated draft version N as the working document.] He noted there were three amendments, the first of which was conforming.

CHAIR COGHILL moved Amendment 1, labeled 28-GS1587\N.2.

AMENDMENT 1

OFFERED IN THE SENATE BY SENATOR COGHILL
TO: CSSB 22(JUD), Draft Version "N"

Page 2, line 14, following "Procedure,":
Insert "and"

Page 2, line 15:
Delete ", and Rule 216, Alaska Rules of Appellate Procedure"

Page 21, line 31, through page 22, line 15:
Delete all material.

Renumber the following bill sections accordingly.

Page 23, line 5:
Delete "sec. 44"
Insert "sec. 42"

[2:01:06 PM](#)

She noted that the amendment was conceptual and she was willing to work with whomever to change what is in the bill now to reflect these changes.

CHAIR COGHILL announced that without objection, [Conceptual Amendment 2 is adopted].

[2:07:33 PM](#)

CHAIR COGHILL moved Amendment 3, labeled 28-GS1587\N.3

AMENDMENT 3

OFFERED IN THE SENATE

TO: CSSB 22(JUD), Draft Version "N"

Page 15, line 22:

Delete "compliance with AS 12.55.025(a)(5)"

Insert "consideration of victims"

Page 15, line 23, following "offenses":

Insert "where the offenses involve victims"

SENATOR MCGUIRE objected for discussion purposes.

CHAIR COGHILL explained that the amendment is intended to address a concern the Court System has regarding Judicial Council reports in election pamphlets on judge's compliance with certain statutory provisions when imposing sentences for felony offenses that involve victims.

[2:08:27 PM](#)

NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, stated that the proposed amendment is a compromise the Court System and DOL agreed upon, and the Judicial Council has acknowledged it is doable. She summarized that this means that the council will report on how judges comply with the obligation to consider the impact on the victim.

SENATOR MCGUIRE removed her objection.

CHAIR COGHILL announced that without objection, Amendment 3 is adopted.

He asked the will of the committee.

[2:10:56 PM](#)

SENATOR MCGUIRE moved to report CS for SB 22, [version N] as amended, from committee with individual recommendations and attached fiscal notes.

CHAIR COGHILL announced that without objection, CSSB 22(JUD) moved from the Senate Judiciary Standing Committee.

[2:11:23 PM](#)

At ease

SB 49-MEDICAID PAYMENT FOR ABORTIONS; TERMS

[2:13:28 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of SB 49 and opened public testimony. [SSSB 49 was the working document.]

[2:14:09 PM](#)

NANCY BIENVENUE, representing herself, said she is a registered nurse and the former CEO of Care Net. This is a pregnancy center that offers life affirming assistance for women facing an unplanned pregnancy and post-abortion assistance. She related that she made some poor choices in 1975 and had an elective abortion. She shared her personal story and described being stunned to learn that the state would pay for her foolish choices.

She emphasized that SB 49 is not about freedom and privacy and the right for a woman and her doctor to make a choice about abortion. Rather, the bill is about funding an elective abortion. She pointed out that the statute says [a Medicaid paid] abortion is for medical necessity, and urged the legislature to consider that when making a choice for what is good, sensible and moral.

[2:19:15 PM](#)

GRADY PENNELL, Pastor, Eagle River Grace Church, said he supports SB 49 because it gives the unborn child a fighting chance for life. Furthermore, it is consistent with the teachings of the majority of the world religions. He noted that this can be fact-checked on-line. He shared stories of African American men who probably would not have been born if today's abortions laws had been on the books when their mothers were pregnant.

[2:21:44 PM](#)

PATRICIA STEEN, representing herself, stated that legal abortion is the law of the land and there can be no discrimination between which women can choose and which cannot. It is a matter of access and the civil rights of citizens under the 14th Amendment. She pointed out that abortions, including those that are publicly funded, have been declining in Alaska. She cited federal statistics on the cost of raising a child and pointed out that the total amount paid for all the publicly funded abortions in Alaska would pay for just one child who needed to be on public assistance throughout his or her life. She said the number of abortions decline proportionally with access to affordable birth control, adequate sex education, adequate health care, and the ability to adequately support the children. The wording proposed in SB 49 is in direct conflict with what is available to two-thirds of the women in the world, and is completely unconstitutional considering the U.S. Supreme Court decision and the 14th Amendment. She concluded that abortion rights need to be safeguarded and supported for all women regardless of their economic status.

SENATOR DYSON asked if her point is that abortion should be allowed because raising a child is too expensive and the kid may be poor.

MS.STEEN said her point is that the proposed language limits abortions for women who cannot afford to pay for them.

[2:25:56 PM](#)

JOSHUA DECKER, staff attorney, ACLU of Alaska, thanked the committee for allowing him to supplement the written testimony that was submitted on February 27, 2013. He stated that SB 49 has serious constitutional problems. First, it violates the separation of powers in Alaska. The Supreme Court decision in *State of Alaska v. Planned Parenthood* was a decision of constitutional dimension that the legislature lacks the power to alter through legislation. Because SB 49 seeks to limit the rights articulated by the Supreme Court, it is unconstitutional from a separation of powers view. The bill is also unconstitutional from an equal protection view. It animates from a desire to limit abortions, which is not a neutral criterion for the state allocating money to Medicaid recipients, and the narrow definition of what is medically necessary does not treat women who receive Medicaid assistance equally. For these reasons the ACLU of Alaska is asking the committee not to pass SB 49, he said.

CHAIR COGHILL said the committee received the well-written testimony and he disagrees with it completely.

SENATOR DYSON asked, aside from the Supreme Court decision, if the ACLU has ever held an opinion that an unborn child has value or worth on its own.

MR. DECKER said the ACLU holds the position that everyone has value, but SB 49 doesn't speak to that. Rather, the bill speaks to an unconstitutional discrimination of publicly funding a constitutional right.

SENATOR DYSON restated the question asking whether the ACLU believes that an unborn child has intrinsic value or worth on its own.

MR. DECKER said certainly, but that isn't the end of the inquiry. Because of the conclusive Supreme Court statement, SB 49 would offend a longstanding constitutional requirement and, if passed, lead to expensive and unnecessary litigation.

SENATOR DYSON observed that his question was not answered.

[2:30:44 PM](#)

SHERRY WRIGHT, representing herself, testified in support of SB 49. She shared her personal story of how an abortion at age 17 negatively affected her life. She only got peace from the horrible choice she made through the grace of God, much prayer, and finally telling her secret. She related that she volunteers as a post-abortion counselor, and most of the women in the group say that they aborted their child as a matter of convenience. She expressed hope that this common-sense bill passes.

CHAIR COGHILL observed that her testimony was that there could be psychological and emotional cost to a woman who has an abortion.

MS. WRIGHT agreed and suggested he search on-line for websites featuring post-abortion trauma.

[2:35:14 PM](#)

REGINA CHENAULT, M.D., representing herself, said she is a surgeon testifying in support of SB 49. She offered her medical opinion that very few medical conditions make an abortion medically necessary. Mental conditions do not qualify as medical necessity for a woman to get an abortion. In fact, many mental health patients have children, raise them, and contribute to

society. She emphasized that state Medicaid dollars do not need to be spent killing babies. They are valuable gifts from God that have intrinsic worth. She related her experience that women who have had an abortion never get away from having made that bad decision. By contrast, many women with life-threatening diseases risk their own lives to continue a pregnancy. She shared two patient stories where the women chose to have abortions that would be paid for by Medicaid and stated that she disagrees that Medicaid should pay for these types of abortions.

CHAIR COGHILL asked her opinion about including some psychological component to prove a medical need for an abortion.

DR. CHENAULT said she agrees only in cases of incest.

CHAIR COGHILL noted that the bill already includes exceptions for rape and incest.

[2:42:16 PM](#)

PATTI PRICE, representing herself, stated support for SB 49.

[2:42:50 PM](#)

CONNIE BELL, representing herself, testified in support of SB 49. She said the testimony by Planned Parenthood makes it clear that there is a need to define "medically necessary." She offered her belief that the unborn child has intrinsic value whose rights are originally from God. Good law upholds those rights and for Alaska to have a good law the term "medically necessary" needs a definition.

[2:44:02 PM](#)

JEAN BRAMER, M.D., representing herself, said she is an OB/GYN physician who strongly supports SB 49. She stated that this is not a prolife and prochoice debate; this is about funding. Defining "medically necessary" is very important to keep from spending thousands of dollars on elective abortions. She described an elective abortion as an inconvenient pregnancy that wants to be terminated for no medical reason. In fact, very few medical reasons would make an abortion reasonable. The list of medical conditions in the bill is very broad and will cover the women who should be covered, but it will not allow the state to pay for an elective abortion. Private insurance does not cover elective abortion so there is no reason that Medicaid should cover them, she said. The bill brings clarity to what is important, but it does not try to change the legality of elective abortions. It's a matter of funding.

[2:47:46 PM](#)

WILLIAM RESINGER, M.D., representing himself, said he took the original Hippocratic Oath which forbade both abortion and euthanasia. As a radiologist he said he is in the unique position of being able to testify on behalf of the unborn; they are human beings. He described things he has witnessed during ultrasounds, and pointed out that abortion is the only surgical procedure that has 100 percent mortality. Because abortion destroys a human being, it's important to clearly and carefully define what constitutes "medical necessity."

[2:50:55 PM](#)

IIONA FARR M.D., representing herself, testified in support of SB 49. She said that as a physician she does her best to promote life and she doesn't want her tax dollars going to pay for abortions that are not medically necessary as it results in the death of unborn Alaska children. Noting that eighteen states have passed legislation prohibiting abortions in the new health exchanges, she stressed the importance for Alaska to set a clear standard for what is medically necessary before the federal government imposes a definition.

DR. FARR suggested the committee remove kidney infections from the list of medical conditions that qualify for medical necessity. This condition is fairly common during pregnancy and is not a reason for abortion. At the least, specify kidney infection with sepsis. She also suggested adding congenital fetal abnormalities incompatible with life to the list, because these often result in complications with the pregnancy. Mental health issues or economic conditions are not reasons to have an abortion. She related several patient stories and stated that most abortions in Alaska are elective and should not be paid for by taxpayers.

CHAIR COGHILL asked her to submit her suggestions in writing.

DR. FARR agreed and noted that she biopsies the uterus before doing an ultrasound.

CHAIR COGHILL asked if she was aware of complaints that vaginal ultrasounds were repugnant.

DR. FARR answered no; either an abdominal or trans-vaginal ultrasound should be done before any type of intrauterine procedure is performed.

[2:56:50 PM](#)

SID HEIDERSDORF, Vice President, Alaskans for Life, stated that Alaskans for Life supports all efforts to remove the state from the abortion business, and opposes the Medicaid program paying for elective procedures, especially abortion. That is not what the program is for. Alaskans for Life holds the view that nothing qualifies as a medically necessary abortion, but acknowledges that SB 49 is a step in the right direction. However, the list of conditions to qualify for a medically necessary abortion is so broad it would be easy for an abortionist to circumvent the intention of the statute. Thus, the committee should consider requiring a second physician to certify the medically necessary conditions.

[3:00:51 PM](#)

GEORGE BROWN M.D., representing himself, said he is a pediatric physician who has practiced in Alaska for many years. He began by pointing out that current research shows that physical and mental illness cannot be separated. By definition there is an emotional need if someone who is terribly distraught comes in seeking help. What should happen is to help that person make the most sensible decision for them. However, if families receive the help they need to raise their children, there will be less demand for abortion.

DR. BROWN thanked the committee for listening respectfully to each side of this very complicated issue. He expressed hope that both sides do everything possible to prevent unwanted pregnancies. He concluded reading the following from his prepared comments:

Our Alaska and United States Constitution[s] expressly promise freedom of speech, of the press, of public assembly to petition, and freedom of and from religion. These are solemn and challenging promises. They are not all yet kept for many of us, sadly for too many of us. If I had somehow been able to add another constitutional promise, I would have added "freedom to practice tolerance everywhere and as often as anyone possible could."

It is important for you to understand that the health of body and mind cannot be divided. I ask you to carefully consider the negative impact that passage of SB 49 will have on the emotional and physical health of many Alaskan women.

[3:05:58 PM](#)

CHAIR COGHILL held SB 49 in committee.

3:06:20 PM

There being no further business to come before the committee,
Chair Coghill adjourned the meeting at 3:06 p.m.