

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 9, 2014

1:35 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Fred Dyson
Senator Donald Olson
Senator Bill Wielechowski

MEMBERS ABSENT

Senator Lesil McGuire, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 284

"An Act relating to an interstate compact on a balanced federal budget."

- MOVED HB 284 OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 369(JUD)

"An Act relating to restrictions on the criminal prosecution for certain offenses for a person who seeks medical assistance for a person experiencing a drug overdose."

- MOVED SCS CSHB 369(JUD) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 366(JUD)

"An Act relating to reporting an involuntary mental health commitment to the National Instant Criminal Background Check System; relating to the sealing of records of mental health proceedings; and relating to relief from a disability resulting from an involuntary commitment or an adjudication of mental illness or mental incompetence."

- HEARD & HELD

SENATE BILL NO. 184

"An Act relating to the exemption from jury service for certain teachers."

- HEARD & HELD

SENATE BILL NO. 60

"AN ACT RELATING TO SEA OTTER POPULATION MANAGEMENT."

- BILL HEARING CANCELED

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140(FIN) AM

"AN ACT RELATING TO SEA OTTER POPULATION MANAGEMENT."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 284

SHORT TITLE: COMPACT FOR A BALANCED BUDGET

SPONSOR(S): REPRESENTATIVE(S) KELLER

01/29/14	(H)	READ THE FIRST TIME - REFERRALS
01/29/14	(H)	STA, JUD
02/13/14	(H)	STA AT 8:00 AM CAPITOL 106
02/13/14	(H)	Moved Out of Committee
02/13/14	(H)	MINUTE(STA)
02/14/14	(H)	STA RPT 6DP 1NR
02/14/14	(H)	DP: MILLETT, GATTIS, KELLER, ISAACSON, HUGHES, LYNN
02/14/14	(H)	NR: KREISS-TOMKINS
02/21/14	(H)	JUD AT 1:00 PM CAPITOL 120
02/21/14	(H)	Heard & Held
02/21/14	(H)	MINUTE(JUD)
02/28/14	(H)	JUD AT 1:00 PM CAPITOL 120
02/28/14	(H)	Heard & Held
02/28/14	(H)	MINUTE(JUD)
03/03/14	(H)	JUD AT 1:00 PM CAPITOL 120
03/03/14	(H)	Moved Out of Committee
03/03/14	(H)	MINUTE(JUD)
03/05/14	(H)	JUD RPT 3DP 1DNP 3NR
03/05/14	(H)	DP: MILLETT, LYNN, KELLER
03/05/14	(H)	DNP: GRUENBERG
03/05/14	(H)	NR: LEDOUX, PRUITT, FOSTER
03/19/14	(H)	TRANSMITTED TO (S)
03/19/14	(H)	VERSION: HB 284
03/21/14	(S)	READ THE FIRST TIME - REFERRALS
03/21/14	(S)	JUD
03/27/14	(S)	STA AT 9:00 AM BUTROVICH 205
03/27/14	(S)	<Bill Hearing Canceled>
03/31/14	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/31/14	(S)	Heard & Held
03/31/14	(S)	MINUTE(JUD)

04/04/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/04/14 (S) Heard & Held
 04/04/14 (S) MINUTE(JUD)
 04/07/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/07/14 (S) -- MEETING CANCELED --
 04/09/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 369

SHORT TITLE: DRUG OVERDOSE: IMMUNITY FROM PROSECUTION

SPONSOR(s): REPRESENTATIVE(s) PRUITT

02/26/14 (H) READ THE FIRST TIME - REFERRALS
 02/26/14 (H) JUD
 03/17/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/17/14 (H) Heard & Held
 03/17/14 (H) MINUTE(JUD)
 03/21/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/21/14 (H) Moved CSHB 369(JUD) Out of Committee
 03/21/14 (H) MINUTE(JUD)
 03/24/14 (H) JUD RPT CS(JUD) NT 5DP 1AM
 03/24/14 (H) DP: MILLETT, PRUITT, FOSTER, GRUENBERG,
 LYNN
 03/24/14 (H) AM: LEDOUX
 03/28/14 (H) TRANSMITTED TO (S)
 03/28/14 (H) VERSION: CSHB 369(JUD)
 03/28/14 (S) READ THE FIRST TIME - REFERRALS
 03/28/14 (S) JUD
 04/02/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/02/14 (S) -- MEETING CANCELED --
 04/04/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/04/14 (S) Heard & Held
 04/04/14 (S) MINUTE(JUD)
 04/07/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/07/14 (S) -- MEETING CANCELED --
 04/09/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 366

SHORT TITLE: INVOLUNTARY COMMITMENT; FIREARMS

SPONSOR(s): REPRESENTATIVE(s) PRUITT

02/26/14 (H) READ THE FIRST TIME - REFERRALS
 02/26/14 (H) STA, JUD
 03/11/14 (H) STA AT 8:00 AM CAPITOL 106
 03/11/14 (H) Moved CSHB 366(STA) Out of Committee
 03/11/14 (H) MINUTE(STA)
 03/12/14 (H) STA RPT CS(STA) NT 2DP 3NR 1AM
 03/12/14 (H) DP: KELLER, KREISS-TOMKINS

03/12/14 (H) NR: GATTIS, HUGHES, LYNN
 03/12/14 (H) AM: ISAACSON
 03/17/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/17/14 (H) Moved CSHB 366(STA) Out of Committee
 03/17/14 (H) MINUTE(JUD)
 03/19/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/19/14 (H) Heard & Held
 03/19/14 (H) MINUTE(JUD)
 03/21/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/21/14 (H) Moved CSHB 366(JUD) Out of Committee
 03/21/14 (H) MINUTE(JUD)
 03/24/14 (H) JUD RPT CS(JUD) NT 5DP 1NR
 03/24/14 (H) DP: LEDOUX, PRUITT, FOSTER, GRUENBERG,
 LYNN
 03/24/14 (H) NR: MILLETT
 03/26/14 (H) TRANSMITTED TO (S)
 03/26/14 (H) VERSION: CSHB 366(JUD)
 03/28/14 (S) READ THE FIRST TIME - REFERRALS
 03/28/14 (S) JUD
 04/02/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/02/14 (S) -- MEETING CANCELED --
 04/03/14 (S) STA AT 9:00 AM BUTROVICH 205
 04/03/14 (S) <Pending Referral>
 04/04/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/04/14 (S) <Bill Hearing Canceled>
 04/07/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/07/14 (S) -- MEETING CANCELED --
 04/09/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 184

SHORT TITLE: JURY SERVICE EXEMPTION
 SPONSOR(S): SENATOR(S) GARDNER

02/21/14 (S) READ THE FIRST TIME - REFERRALS
 02/21/14 (S) JUD
 04/04/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/04/14 (S) <Bill Hearing Canceled>
 04/07/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/07/14 (S) -- MEETING CANCELED --
 04/09/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

REPRESENTATIVE LANCE PRUITT
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 369 and HB 366.

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

POSITION STATEMENT: Answered questions related to HB 369.

NANCY MEADE, General Counsel
Administrative Staff
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Commented on HB 366.

JAKE MCGUIGAN, Director
Government Relations
National Shooting Sports Foundation
Connecticut

POSITION STATEMENT: Testified in support of HB 366.

KATHRYN MONFREDA, Chief
Criminal Records and Identification Bureau
Division of Statewide Services
Department of Public Safety (DPS)

POSITION STATEMENT: Provided information related to HB 366.

JILL MONTGOMERY
Supervisory NICS Liaison at FBI
West Virginia

POSITION STATEMENT: answered questions related to HB 366.

DARYL NELSON, President
Mind Freedom Alaska and Alaskans for Disability Rights
Chugiak, Alaska

POSITION STATEMENT: Testified in opposition to HB 366.

SENATOR BERTA GARDNER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 184

ACTION NARRATIVE

[1:35:49 PM](#)

CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:35 p.m. Present at the call to

order were Senators Dyson, Wielechowski, Olson, and Chair Coghill.

HB 284-COMPACT FOR A BALANCED BUDGET

[1:36:51 PM](#)

CHAIR COGHILL announced the consideration of HB 284. "An Act relating to an interstate compact on a balanced federal budget." This was the third hearing. Commenting that this was a policy call, he then asked Senator Wielechowski if all his questions had been answered.

SENATOR WIELECHOWSKI agreed it was a policy call, but not something he was inclined to support.

CHAIR COGHILL solicited a motion.

[1:37:54 PM](#)

SENATOR DYSON moved to report HB 284 from committee with individual recommendations and attached fiscal note(s).

[1:38:21 PM](#)

SENATOR WIELECHOWSKI objected. He said he appreciates that there are concerns about getting the federal budget under control, but this approach is also cause for concern. In particular, there are no protections against cutting national defense, Social Security, Medicare, and education. Furthermore, the bill isn't really a balanced budget amendment because it continues to allow \$21 trillion in debt. Alaska receives over \$15,000 per person from the federal government every year which is more than any other state. This proposal is likely to change that, which would hurt the Alaskan economy. He maintained his objection.

CHAIR COGHILL offered his perspective that the bill has safeguards. Congress has to make the call and 38 states have to agree to move forward. Congress now can set any debt limit it likes so having something go forward that offers some measure of control is worthwhile. He expressed support for moving forward so that Congress gets the message.

Finding no further comments, Chair Coghill asked for a roll call.

[1:40:41 PM](#)

A roll call vote was taken. Senators Dyson, Olson, and Coghill voted in favor of reporting HB 284 from committee and Senator

Wielechowski voted against it. Therefore, HB 284 passed from the Senate Judiciary Standing Committee by a 3:1 vote.

[1:40:49 PM](#)

At Ease

HB 369-DRUG OVERDOSE: IMMUNITY FROM PROSECUTION

[1:42:09 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of HB 369. "An Act relating to restrictions on the criminal prosecution for certain offenses for a person who seeks medical assistance for a person experiencing a drug overdose." [This was the second hearing and the Senate committee substitute for CS for HB 369 was before the committee.]

REPRESENTATIVE LANCE PRUITT, Alaska State Legislature, Juneau, Alaska, sponsor of HB 369, affirmed that the legislation was not intended to apply to someone who dials 911 when the police arrive with a search warrant.

CHAIR COGHILL asked Senator Wielechowski if his question was answered about whether a person would be exempt from prosecution under paragraph (2) if they dialed 911 when the police arrived with a search warrant. His understanding was that the person would not be exempt. If the police already had the search warrant in their possession, it was based on other information, not the drug overdose.

SENATOR WIELECHOWSKI said he brought it up because the NCSL website mentioned that "other states limit immunity by specifying that good-faith reporting does not include seeking help during the course of the execution of an arrest or search warrant." He asked the Department of Law if stating the intent on the record solves the concern that was discussed on 4/4/14.

[1:46:22 PM](#)

ANNE CARPENETI Assistant Attorney General, Criminal Division, Legal Services Section, Department of Law (DOL), Juneau, Alaska, said it's a possibility that someone would use the provision in paragraph (2) to avoid prosecution, so it's good to have it on the record that there is no intention for it to apply to those situations.

CHAIR COGHILL stated his intention as chair that the bill would not apply to a cry for help in order to escape responsibility. "The way we understood it was that if somebody did call for help

who was experiencing a drug overdose and they asked for medical assistance, that the information gathered at that point would be, he would still be responsible for everything except for that particular overdose," he said.

MS. CARPENETI said it depends on the circumstances. If someone overdoses and he enters the emergency room with some of the drugs in his pocket, it would be a question of fact as to whether that amount was enough to support a charge of possession with intent to distribute.

CHAIR COGHILL offered that in a medical emergency, lifesaving comes first and criminal charges come after.

MS. CARPENETI agreed that was the point of the legislation.

CHAIR COGHILL maintained that the phrase on page 2, lines 8-9, "or was obtained as a result of the overdose" makes it clear that a cry for help wouldn't be exempt if a warrant had already been issued.

MS. CARPENETI said it would be a question of fact, but if the police were already there it would be a strong fact scenario that the person was not acting in good faith.

CHAIR COGHILL stressed that the intent is to solve a life-threatening situation, not to excuse bad behavior.

SENATOR WIELECHOWSKI said the problem is that the burden is on the prosecution to disprove good faith. He suggested the Department of Law monitor this over the next few years and let the legislature know if it's causing problems.

[1:49:51 PM](#)

At Ease

[1:49:57 PM](#)

CHAIR COGHILL reconvened the meeting and advised that the Senate CS amends the applicability of the Act to on or after the effective date. He solicited a motion.

[1:50:40 PM](#)

SENATOR DYSON moved to report the Senate CS for CSHB 369, Version P, from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL announced that without objection SCS CSHB 369(JUD) was reported from the Senate Judiciary Standing Committee.

[1:51:11 PM](#)

At Ease

HB 366-INVOLUNTARY COMMITMENT; FIREARMS

[1:52:31 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of HB 366. "An Act relating to reporting an involuntary mental health commitment to the National Instant Criminal Background Check System; relating to the sealing of records of mental health proceedings; and relating to relief from a disability resulting from an involuntary commitment or an adjudication of mental illness or mental incompetence." This was the first hearing. [CSHB 366(JUD) was before the committee.]

[1:52:58 PM](#)

REPRESENTATIVE LANCE PRUITT, Alaska State Legislature, Juneau, Alaska, sponsor of HB 366, introduced the legislation speaking to the following sponsor statement:

Alaska upholds a steadfast tradition of the right to responsible firearm ownership. A fundamental component of this responsibility is the assurance that firearm retailers will have access to timely and relevant information in the National Instant Criminal Background Check System (NICS) database.

HB 366 pertains to the transmittal of information from the Alaska Court System to the NICS administrators. The database was established in 1994 to provide information to Federal Firearms Licensees (FFLs) regarding persons who are prohibited from possessing a firearm under Section 922(g) or (n) of Title 18 USC.

Currently, the State of Alaska does not require the courts to transmit these records. This places the Federal Firearms Licensees at a greater risk of selling a firearm to an individual who may pose a risk to themselves or to the public. Alaskan FFLs submitted 93,405 transaction inquiries to the NICS database in 2013, ranking the state second highest in the number of inquiries per capita. However, the NICS database only contains a single entry regarding an individual

who is prevented from firearm possession due to mental health reasons, as adjudicated by the courts.

House Bill 366 works with the courts to establish a system to transfer the limited necessary information with the NICS administrators regarding persons who are adjudicated in Alaska courts as unfit to possess a firearm due to mental health reasons. The bill also addresses the process for appealing such adjudications.

The State of Alaska leads the way in our defense of firearms rights, and the key to preserving that right is the assurance that FFLs will not be at risk of selling a firearm to an individual who is legally barred by the courts. HB 366 assures that Alaska's courts will transmit information to the NICS database, thereby protecting our FFLs, our gun rights, and the people of Alaska.

CHAIR COGHILL identified the individuals who were available to testify and answer questions.

[1:59:16 PM](#)

SENATOR DYSON asked if people who are involuntarily committed have their names posted on CourtView.

REPRESENTATIVE PRUITT deferred to the court system.

[2:00:32 PM](#)

NANCY MEADE, General Counsel, Administrative Section, Alaska Court System, advised that involuntary commitments are confidential case types so nothing about the case is available on CourtView and the paper files are not accessible either.

SENATOR DYSON asked the reasoning for not having those cases available to the public.

MS. MEADE replied they're identified as confidential in statute. She didn't know the legislature's reasoning for doing that, but presumably it was because of the privacy interests involved.

SENATOR DYSON asked if it's akin to health information.

MS. MEADE said she assumes so.

SENATOR DYSON asked her to follow up with the statutory reference.

[2:02:01 PM](#)

JAKE MCGUIGAN, Director of Government Relations, National Shooting Sports Foundation (NSSF), Connecticut, said that NSSF is the trade association for the firearms industry. Over the past year NSSF has focused attention on the "FixNICS" campaign to make sure that people who should not have access to firearms don't have access. Federal law says that a person who has been involuntarily committed is a prohibited person with respect to owning a firearm. In the past year NSSF has focused attention on the 15 states that do not send their records on involuntary commitment with the National Instant Criminal Background Check System (NICS) database. He noted that the governors of South Dakota and Nebraska recently signed FixNICS legislation into law. Hawaii and Massachusetts both have legislation moving forward.

MR. MCGUIGAN said the industry is not looking to expand the categories of prohibited persons, and it supports the restoration of rights provision included in HB 366. He stressed that this is not a gun control or gun rights initiative. It is simply an effort to make sure that persons who should not have access to firearms do not have access. The person responsible for the Virginia Tech shooting is a good example. His records were not in the system but they should have been there. That incident is what started the NICS Improvement Act and there have been other shootings since then.

[2:06:14 PM](#)

CHAIR COGHILL asked if other states have had a similar law in place long enough to have had a court proceeding.

MR. MCGUIGAN replied each state approaches the court proceedings and restoration of rights differently. He discussed the procedure in Rhode Island as an illustration.

CHAIR COGHILL said that HB 366 provides that the appeals for restoration will be made directly to the court and the question will be one of extraordinary burden.

MR. MCGUIGAN related that the Rhode Island bill envisions a panel of mental health and other experts to make the decision outside the court setting. NSSF is working to change that bill because the panel is too extensive.

CHAIR COGHILL asked Ms. Meade if the court would have any difficulty immediately transmitting the personal identifying information set forth in Section 5 to the Department of Public Safety.

MS. MEADE said immediate implementation is not a problem; the courts could get the information, if it's known, to DPS on the same day as an involuntary commitment was ordered. If the order was late in the day, it would perhaps be the next day.

SENATOR WIELECHOWSKI asked if the courts contact the NICS system in other circumstances.

MS. MEADE clarified that the court doesn't send the information to NICS, but it does send information daily to other departments. For example, the court sends an email to the Division of Motor Vehicles with any action that's been taken on people's driver's licenses. She believes the courts already sent information to DPS, but would follow up to make certain.

CHAIR COGHILL asked who would report the information to NICS once it's transmitted to DPS.

[2:11:20 PM](#)

KATHRYN MONFREDA, Chief, Criminal Records and Identification Bureau, Division of Statewide Services, Department of Public Safety (DPS), explained that dispositions on all criminal actions are reported to the criminal Records section of DPS, updated to the Alaska Public Safety Information Network (APSIN), and forwarded to the FBI. The mental health commitments would follow a similar process but the information would be electronically transmitted to the NICS database instead of APSIN.

CHAIR COGHILL asked the process for removing a name from the NICS database.

MS. MONFREDA said DPS envisions developing an electronic system to transmit the information to NICS. When DPS receives a relief from disabilities, the same process would be used to remove the information from the NICS index. Removing the name wouldn't be any more difficult than adding a name.

[2:13:29 PM](#)

SENATOR WIELECHOWSKI asked how many people in the state of Alaska are involuntarily committed or adjudicated with mental illness.

MS. MEADE reported that about 200 30-day or longer mental health commitments are filed each year and about 50 percent of those are granted. The bill doesn't apply to the much more common three-day commitments.

SENATOR WIELECHOWSKI asked if she had data for three-day commitments.

MS. MEADE said the total mental health commitments filed in 2013 was 2,579 and the total in 2012 was 2,249.

CHAIR COGHILL commented on the reasons for three-day commitments.

MS. MEADE said the court calls three-day commitments hospitalizations or evaluation periods. At the end of the period a small subset receives a further petition by doctors in order for the court to adjudge them worthy of an involuntary commitment.

SENATOR COGHILL asked Jill Montgomery to discuss the process and ease with which a name is removed from the NICS database.

[2:16:27 PM](#)

JILL MONTGOMERY, Supervisory NICS Liaison at FBI, West Virginia, said that record sharing with the FBI is voluntary from the state perspective. The FBI views the state as the owner of the record so the state has complete control over it. She assured the committee that the FBI would have no questions about the removal of a record.

CHAIR COGHILL said he wanted that assurance on the record.

SENATOR DYSON asked about the people who have chosen to have themselves committed to API, but haven't gone through the involuntary commitment process.

REPRESENTATIVE PRUITT said he understands the concern, but he didn't know if there was a way to address the individuals who choose to be committed.

[2:21:26 PM](#)

CHAIR COGHILL questioned why the Section 3 deletes the reference to expunging records.

REPRESENTATIVE PRUITT deferred to Ms. Meade.

MS. MEADE said the existing law speaks to expunging or sealing court records that are already identified as confidential. The change in Section 3 allows people who have been committed to ask the court to make their records even more secure by sealing them. This makes the record unavailable to anyone who doesn't have a court order. The sponsor graciously agreed to delete the reference to expunging a record because the court never utterly destroys a record.

[2:24:23 PM](#)

DARYL NELSON, President, Mind Freedom Alaska and Alaskans for Disability Rights, Chugiak, Alaska, testified in opposition to HB 366. The unintended consequence is that it may make it easier to involuntarily commit a person, he said.

SENATOR DYSON said he appreciates the concern but it's not warranted in this case.

MR. NELSON maintained his position.

[2:28:09 PM](#)

REPRESENTATIVE PRUITT read AS 47.30.730 and reassured Mr. Nelson and others that the petition for a 30-day commitment isn't random or arbitrary. Due process is in place.

CHAIR COGHILL said he wanted it clear that the process to get a name removed from the NICS database is as easy as adding a name.

REPRESENTATIVE PRUITT said he worked closely with the NRA on that key piece to assure Alaskans that their name could be removed from the NICS database. Furthermore, the language in the bill is in sync with federal language to ensure that the names can be removed.

CHAIR COGHILL asked if that was the reference to 18 U.S.C. 922(g)(4).

REPRESENTATIVE PRUITT said he believes so.

[2:32:07 PM](#)

CHAIR COGHILL stated that he would hold HB 366 for further consideration.

SB 184-JURY SERVICE EXEMPTION

[2:32:59 PM](#)

CHAIR COGHILL announced the consideration of SB 184. "An Act relating to the exemption from jury service for certain teachers." This was the first hearing.

[2:33:05 PM](#)

SENATOR BERTA GARDNER, Alaska State Legislature, Juneau, Alaska, sponsor of SB 184, introduced the legislation speaking to the following sponsor statement: [Original punctuation provided.]

SB 184 directs the Department of Education and Early Development to develop regulations defining "low performing schools" for purposes of jury duty exemption for teachers.

Current statute exempts from jury duty those teachers working in schools that do not meet the Adequate Yearly Progress (AYP) under No Child Left Behind (NCLB). This provision effectively defines the term "low performing" as not "meeting AYP." In May of 2013 when the State of Alaska received an exemption from NCLB we invalidated our operating definition of low performing.

In 2004, Representative Mary Kapsner introduced HB 353 which created the jury duty exemption based on AYP. While jury duty is a privilege and duty of citizenship, a higher duty is to the welfare of children. A teacher chosen for jury duty on a long term trial might be gone from a classroom for several months. The idea of HB 353 was to provide stability to underperforming classrooms.

Currently, the state rates schools using the 5 star Alaska School Performance Index. The measurement tool takes in consideration such factors as school achievement, progress, attendance, graduation rate. While the Department could use this 5 star system, we believe it makes sense to allow them flexibility for determining the performance measure and to not have to seek a statute change for the jury duty issue any time a performance metric is changed.

SENATOR GARDNER said she was not aware of any opposition to the bill.

[2:36:51 PM](#)

CHAIR COGHILL stated he would hold SB 184 for further consideration.

2:37:05 PM

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 2:37 p.m.