

HOUSE FINANCE COMMITTEE
April 21, 2016
1:36 p.m.

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CALL TO ORDER

Co-Chair Thompson called the House Finance Committee meeting to order at 1:36 p.m.

MEMBERS PRESENT

Representative Mark Neuman, Co-Chair
Representative Steve Thompson, Co-Chair
Representative Dan Saddler, Vice-Chair
Representative Bryce Edgmon
Representative Les Gara
Representative Lynn Gattis
Representative David Guttenberg
Representative Scott Kawasaki
Representative Cathy Munoz
Representative Lance Pruitt
Representative Tammie Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Senator John Coghill, Sponsor; Jordan Shilling, Staff, Senator John Coghill; Dean Williams, Commissioner, Department of Corrections; Diane Casto, Policy Advisor, Division of Behavior Health, Department of Health and Social Services; Nancy Meade, General Counsel, Alaska Court System; Lauree Morton, Executive Director, Council on Domestic Violence and Sexual Assault, Department of Public Safety; Representative Dan Ortiz; Representative Mike Chenault.

PRESENT VIA TELECONFERENCE

Brann Wade, Chief Probation Officer, Division of Institutions, Department of Corrections; Audrey O'Brien,

Manager, Division of Motor Vehicles, Department of Administration.

SUMMARY

CSSSSB 91(FIN) AM

OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

CSSSSB 91(FIN) AM was HEARD and HELD in committee for further consideration.

Co-Chair Thompson discussed the meeting agenda.

#sb91

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91(FIN) am

"An Act relating to criminal law and procedure; relating to controlled substances; relating to immunity from prosecution for the crime of prostitution; relating to probation; relating to sentencing; establishing a pretrial services program with pretrial services officers in the Department of Corrections; relating to the publication of suspended entries of judgment on a publicly available Internet website; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violations of municipal ordinances; relating to parole; relating to correctional restitution centers; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to the excise tax on marijuana; establishing the recidivism reduction fund; relating to the Alaska Criminal Justice Commission; relating to the disqualification of persons convicted of specified drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and providing for an effective date."

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Co-Chair Thompson discussed the meeting agenda. [Note: the committee was addressing bill version CSSS SB 91(JUD).]

SENATOR JOHN COGHILL, SPONSOR, spoke to the oversight and reform issues. He referred to the color coded sectional analysis provided by his office (copy on file). He directed attention to Section 175 (page 105, line 10) related to powers and duties of the commission. He relayed his intent to address additional duties and oversight of the commission and how it would report to the legislature. He explained the commission had been directed to evaluate the effect of sentencing laws; criminal justice practices; the criminal justice system; and whether the sentencing laws and criminal justice practices provided protection for the public, community condemnation of the offender, the rights of the victims of crimes, the rights of the accused and the person convicted, restitution from the offender, and principles of reformation. The commission had done its best to come forward with the recommendations. Additionally, the commission had been tasked with providing cost ranges from the most expensive to least expensive. The bill also included a requirement for an annual recommendation to the governor and the legislature on the savings that could be reinvested. The changes were not necessarily about cutting the budget or setting criminals out, but about how the state could reinvest for the specified outcomes including public protection, community condemnation of the offender, the rights of the victims of crimes, the rights of the accused and the person convicted, restitution from the offender, and principles of reformation.

Senator Coghill turned to page 106 (line 17) and addressed that the commission may appoint a new working group to review and analyze the implementation of the recommendations and to report on the implementation status. He pointed to page 107 related to the commission's ability to track and assess outcomes from the recommendations the commission had made and corresponding criminal justice reforms. He believed the language needed to be cleaned up due to some redundancies. He referred to subsection (3) at the top of page 107 related to the commission's responsibility to request, receive, and review data. He noted the following sections would specify how the work would be done. He detailed a new section had been added on page 107 directing agencies to report data (line 17) and the judiciary to report (line 28). He moved to page 108 and pointed to requirements for the Department of Public Safety (DPS) to report (line 4) and the Department of Corrections (DOC) to report (line 13). He added the bill included a

list of things the agencies were intended to report. The language related to the review process that would be set into motion by the commission. The process would also alert every agency dealing with a criminal justice system to review and report the outcomes along the way. He remarked there would be numerous eyes reviewing the structure.

Senator Coghill turned to Section 177 on page 109 where annual report and recommendations had been amended. He detailed the section addressed how the commission would recommend to reinvest any intended savings in order to reduce recidivism, which was the bill's primary goal. He stressed that a reduction in recidivism would mean reduced crime. The performance metrics would be produced and shown to the legislature. He believed the state would see real time data that was better than ever before in Alaska related to the review, report, and recommendations from the commission. Page 110 included specific items that were not yet known for sure, including a percentage of inmates returning to prison within three years and the same percentage of those individuals who return for new crimes. The commission would also recommend reforms that may include recommendations to the legislature for administrative actions.

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Senator Coghill pointed to Sections 178 and 179 (page 110) specifying the commission would submit reports and recommendations no later than November of each year. The current bill version would extend the commission to June 30, 2021. He noted a couple of other places in the bill included language related to specific recommendations for the treatment of sexual abuse and sexual crimes. He believed the language appeared in Section 196. He asked for his staff to identify the specific location.

JORDEN SHILLING, STAFF, SENATOR JOHN COGHILL, referred the committee to language on page 119 related to some special reports the commission was required to provide. The commission was to provide reports on driving while intoxicated and other Title 28 issues, restitution, and social impact bonds. The specific working group related to sexual offences was located on page 107, line 5, subsection (4). The section required the commission to appoint a working group to review and analyze sexual offence statutes and report to the legislature if there were circumstances

under which victims' rights, public safety, and rehabilitation of offenders were better served by changing existing laws. He noted there was some additional language as well.

Senator Coghill remarked that the bill asked the commission to do a substantial amount by December [2016]. He recommended asking for preliminary and primary reports during the first session of the 30th legislature. He was uncertain whether the commission could complete all of the working group issues. There were three working groups plus new commission duties; the bill asked the commission to report by November, which was fine, but he guessed it would be a preliminary report. He assumed the bill may not go into effect or be passed until July and agencies could not begin work until it was handed to them by the governor, in which case the commission would probably have less than four months to complete the project. He believed the commission and the agencies would do a review and report. He mentioned law enforcement by the police as one of the areas the state needed to understand how things would land on the ground, which he did not believe would be known until a year into changes brought on by the bill. He continued that watching what was done along the way would be very important, which he believed every agency would be doing.

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Co-Chair Neuman stated that the bill included reporting requirements for the commission to provide recommendations on where to spend expected savings. He asked what the expected savings may be annually.

Senator Coghill replied that the fiscal notes would provide information about the anticipated [savings]. He noted that the commission and Pew Trust had looked at an anticipated averted cost (jail) and marginal cost (jail time days). Costs had been added due to pretrial and increased probation/parole officers. The first year of savings were close to \$60 million; the expected savings could be \$150 million over the next five years if implemented as currently proposed. The averted cost would be the \$300 million or so for a correctional facility or around \$150 million if prisoners were sent out of state. He still believed there would be a savings; it then became a matter of how to reinvest the money to make Alaska's society a

better place and hold people accountable in the proper ways. For example, the recidivism reduction fund was established by the bill and could be used to make appropriations to DOC, DPS, and the Department of Health and Social Services (DHSS) for recidivism reduction programs (page 105). He detailed people would have to apply and savings would be rolled into the fund.

Senator Coghill pointed to page 116, Section 186 that established the recidivism reduction program to promote rehab for persons on probation or parole or incarcerated for offences and recently released from correctional facilities; the program would potentially be funded with savings. Additionally, [the DOC] commissioner had new duties to work with the Alaska Criminal Justice Commission on the evidence-based programs. He explained it was necessary to have continual reach-out related to the best practices the state could benefit from. Page 117 included a definition for "evidence-based" to demonstrate the need for well-reviewed, credible programs. He explained they had worked to specify the commission should review, report, and make recommendations. Additionally, the agencies were directed to reach out and a fund had been created, which the Office of Victims' Rights, Victims for Justice, or the domestic violence network could be a part of. He specified problems related to behavioral health, drug or alcohol addiction, or sexual addiction had to be included in the lowering of the recidivism rate.

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Senator Coghill stated that the bill included models where restitution became a bit easier. They had made efforts in the bill to make restitution a better possibility if someone was thieving for a living.

Co-Chair Neuman remarked that he and Senator Coghill had been working together for several years. He addressed where the state would spend the money it was supposed to save under the legislation. He asked if there was any particular program the commission had discussed as one that would see the highest value for cost savings (e.g. behavioral health, addiction, or other).

Senator Coghill answered that there were three areas where change was necessary. He was glad that Jeff Jessee (chief executive officer of the Alaska Mental Health Trust

Authority (AMHTA)) had been part of the commission because the behavioral health element was huge. He stressed that something had to change. He continued that people still needed to be held accountable for bad action. The trust had agreed to help out and was looking for ways to go from treatment to housing. He discussed planning for getting out of jail and relayed jobs, housing, and treatment were paramount; money had to be invested in the state's behavioral health system. He explained the alcohol and drug abuse problems in Alaska were probably hurting the state more than anything else. He surmised alcohol was probably the entry level, but perhaps marijuana would take its place as it had become legal. Alcohol problems were factors in things like fourth degree assault on a school yard, domestic violence, and road rage. He stressed that damage was done in major ways. He continued that people were different when drunk and if they could be held accountable and could get over the hump of addiction, society would be better. He remarked the same thing applied to drugs. He added it was harder on drugs.

Representative Edgmon pointed to Section 174, subsection (d), which mentioned appropriations to DOC, DHSS, and DPS. He wondered if there was any room in the legislation to include language about partnerships with Native nonprofit organizations. He detailed the Bristol Bay Native Association was working on a major reentry program directly tied to recidivism that he believed would be groundbreaking in the region. He thought other nonprofits around the state were working on the issue.

Senator Coghill answered in the affirmative. He asked his staff to point to the specific location in the bill.

Mr. Shilling directed attention to page 107, lines 13 through 16, which tasked the commission to look into the idea.

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Senator Coghill discussed that separately from SB 91 he had introduced a bill related to the need for a structural agreement between state and tribal groups pertaining to misdemeanants. He noted there were some memorandums of understanding (MOU), but he wanted a formal agreement so a citizen would not have to give up Alaska state citizenship to become a tribal enrollee. He did not believe there

should be a contest between those two rights. He believed some methodologies would be found in the bill. He added the issue was something that required answering sooner or later.

Representative Guttenberg referred Section 174 related to the to the recidivism reduction fund. The bill language addressed taxes and he asked for detail.

Mr. Shilling replied that the tax referred to in Section 174 was the marijuana tax revenue that would be collected in the upcoming years. The tax was one of the mechanisms the Senate Finance Committee had used in order to fund some of the reinvestment priorities highlighted in the fiscal notes.

Senator Coghill added that the language had been put in by the Senate Finance Committee based on the upcoming marijuana tax.

Representative Guttenberg stated that hopefully reduction in recidivism would mean fewer people and fewer days in jail and significant cost savings to the state.

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Senator Coghill stated that the first part of the commission's report had provided a good high-level view of proven practices and statistics. He noted it was not a heavy study and was a useful tool.

Co-Chair Thompson relayed the committee would hear about the bill sections related to reentry.

DEAN WILLIAMS, COMMISSIONER, DEPARTMENT OF CORRECTIONS, shared that Sections 156 and 158 articulated the area of reentry and new related requirements for DOC. Both of the sections stepped up the requirements and expectations of the department in a number of ways. He furthered the sections included requirements DOC had started on its own, but they provided a benchmark for going forward in terms of reentry planning for inmates getting released. One of the section requirements increased the planning for prisoners getting released from 30 days to 90 days. He detailed the bill backed up the release planning to ensure issues were being addressed. He noted the provision was logical as it took longer to get some of the things done. The sections

required DOC to coordinate with the Department of Labor and Workforce Development (DLWD) in terms of job training and ensuring the state was fully utilizing DLWD's job placement resources.

Commissioner Williams pointed out the bill would require DOC to assist inmates with obtaining state identification or drivers licenses prior to their release date. He noted it was real, but important work. He continued that items specified in the sections would make it easier for a chance of successful reentry once a prisoner was released from custody. Part of the bill created an expectation that DOC would have better partnerships with nonprofits in order to get past the notion that the individuals were DOC's inside the prison system and that it would only cooperate more fully once the prisoners were released. The bill set an expectation that people could and should be visiting facilities to work with inmates and prisoners before their release. He stressed the department should be embracing the idea and he personally did. He believed it would solidify the expectation. The sections also established standards for electronic monitoring (EM) by private contractors to ensure the state was monitoring the program and that standards were set in order to prevent something from going sideways. He reiterated that the bill required a ramped up effort - part of the way the work would be accomplished was as inmate populations hopefully began to decline, the department could reallocate some of its existing resources. He communicated the provisions would require significant work for DOC, but the work was valuable and would put the department on the line, which he thought was a good thing. The provisions were all designed to make sure the state could address the 62 percent recidivism rate.

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DIANE CASTO, POLICY ADVISOR, DIVISION OF BEHAVIOR HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, relayed that she had recently been hired to oversee the Medicaid reform related to behavioral health. She remarked that throughout the process substance abuse and mental health came up repeatedly; therefore, DHSS saw its role very clearly in reentry and recidivism reduction. She highlighted that some the sections mentioned by Commissioner Williams were critical. She referred to Section 158 and relayed that Medicaid reform would complement the bill well. She addressed partnering with other state agencies to enable

prisoners to sign up for their state identification or driver's license; the other important component was getting people signed up for Medicaid. She furthered that Medicaid expansion would allow a significant number of the individuals coming out of the correctional system to be eligible for Medicaid (primarily men without children that fell below 136 percent of the federal poverty level). She elaborated it would be a huge benefit to get individuals signed up for Medicaid in order to access needed services.

Ms. Casto continued that it was evident through surveys that the number one reason people did not seek treatment for substance abuse and mental health services was they did not believe they needed it. The second reason people did not seek treatment was the inability to afford the service. The department was hopeful through Medicaid reform and its behavioral health component that it would be able to assist individuals coming out of prison to gain access to Medicaid; the hope was to reach people prior to their departure from the correctional institutions in order to provide them access to services they did not have in the past. She recalled an earlier question about the things people really needed in order to be successful when leaving jail. First, people needed treatment for substance abuse and mental health services, which was a major issue for many individuals in Alaska. Second, people needed housing in order to get their lives back together. She noted it was not possible to be on EM without a residence. Third, individuals needed a job in order to integrate back into the community.

Ms. Casto relayed that in January [2016] the governor had called a housing summit, which had included a workgroup related to housing for individuals coming out of prison. She detailed the report had come out earlier in the week and provided specific ideas about how the state could do a better job working with the Alaska Housing Finance Corporation (AHFC), private, and nonprofit partners to ensure adequate housing for individuals. She spoke to the need for individuals to gain employment. She referred to an employment specialist position to be funded by AMHTA that would work specifically with DOC partners and DOC institutions to ensure people were coordinated with job coaches and opportunities upon their release from prison. There were many things underway that would help move things forward.

Co-Chair Thompson asked if the committee had the [housing] report.

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Ms. Casto provided the report to staff for distribution [note: the handout included a letter addressed to Governor Bill Walker from AHFC dated April 14, 2016 and the "Governor's Housing Summit" report (copy on file)]. She referred to Representative Edgmon's earlier question about community partnership. She explained DHSS was very interested in expanding, enhancing, and working with community partners. There were currently four community reentry coalitions in Mat-Su, Anchorage, Fairbanks, and Juneau; the entities were grassroots organizations that were receiving a small amount of funding from AMHTA to do an assessment of their service system and capacity they had to meet the needs of individuals returning from incarceration. Additionally, there were four developing coalitions in Bethel, Nome, Dillingham, and Kenai. She added that the coalition in Dillingham was currently doing incredible work. The department was hoping that through some of the reinvestment dollars to give the additional four coalitions enough money to hire a coordinator to keep the momentum going. The hope was the coalitions would have the ability to start addressing some of the things included in the bill related to partnering with nonprofit organizations to provide services. She added the coalitions were very eager and ready to do that. There was also a partner reentry program currently working with reentrants in Anchorage. She noted hopefully the coalitions would move towards a more structured program that referred reentrants to coalitions where they would work with the reentry plan developed while they had been in prison to help link them to services.

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Ms. Casto addressed Section 181 related to temporary assistance. She shared that Alaska was one of seven states that still had a ban on allowing a person with a past drug conviction from ever obtaining public assistance (e.g. food stamps and other). Section 181 allowed with certain conditions that someone could regain the ability to access the services, which were critical in helping a person get back on their feet. The department was hopeful it would be another critical piece of giving people the opportunity to

get themselves settled, back on their feet, into a job, and off of any assistance in the future. She mentioned other items in the bill related to reentry including the 24/7 alcohol testing program, and the Alcohol Safety Action Program (ASAP) where individuals were monitored in the community. She noted the program coordinator was available online if needed.

Ms. Casto thought it was very important that reentry was a critical step. She stressed the need to stop the cycling into and out of the prison system. She had worked for DOC for a short time in reentry and she had dealt with substance abuse and behavioral health more often and in a more serious way at DOC than in her 12 prior years with the Division of Behavioral Health. She believed that as the state partnered some of the Medicaid and behavioral health reform, it would get treatment to individuals earlier and hopefully prevent individuals from committing crimes, going to jail, and coming out for treatment.

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Co-Chair Neuman spoke to the need for treatment, housing, and jobs. He reasoned a person needed treatment prior to acquiring a job in order to be drug and alcohol free. Currently there was not enough treatment, jobs, or housing available. He asked if the money was available whether there were sufficient treatment programs, housing, and jobs available.

Ms. Casto replied that the state did not have sufficient capacity to meet the need. She detailed that during the past three years DHSS had been focusing on the three areas clearly and deliberately; the department had recognized where the needs were and was starting to move in that direction to increase them. She spoke to treatment and explained the department believed the system could be expanded. She specified that the state did not have enough detox and sobering centers to help people early on. The plan was to start building some of the services to utilize Medicaid payments in an efficient way, cut costs, and increase services. The work was at the starting point, but the department had compiled numerous reports to determine the state's capacity versus its need. She conceded there was currently a clear gap. She reasoned the point of moving forward with behavioral health systems reform was to increase the capacity. She relayed she had met with the

director of the Alaska Behavioral Health Association the previous day and had talked about ways to do a better job expanding. She hoped that through reform, changes would be made to broaden the population eligible for Medicaid and to expand Medicaid to some of the private providers who were currently not eligible, which should also expand some of the service delivery. She summarized there was currently not enough treatment available to meet the demand; it would need to be expanded as the state was also looking at what the increased need may be.

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Co-Chair Neuman wondered what the success rate would be amongst the prisoners, if treatment, housing, and jobs were available.

Ms. Casto asked for clarity on the question. She asked if he was referring to individuals enrolled in Medicaid.

Co-Chair Neuman elaborated he was speaking about the overall corrections population. He explained some may be Medicaid eligible, but the amount was probably minimal. He guessed the amount would be around 200 due to Medicaid restrictions. He estimated the current prison population at 6,000 and believed about one-third of the population could potentially receive treatment. He stated about one-third may never figure it out and the remaining third would figure it out because they did not want to go back to jail. Under the scenario, he wondered what the treatment success rate would be for the 33 percent who were treatable.

Mr. Casto replied the answer involved "looking a little bit into the crystal ball." She stated that treatment usually took more than one time because addiction was a very powerful thing. She believed if people were given the opportunity, 60 to 70 percent of the individuals could be successful. Additionally, a person's success was also dependent on whether or not they wanted to get clean and sober. Often times having a job, home, family, and support system helped people to be successful in treatment. She furthered that having those things often helped an individual to make a decision to get treatment quicker. Without some of those things it was very easy for a person to slip back into addiction, which was seen many times with individuals coming out of prison. She provided an example of a person getting out of jail with plans to live with a

girlfriend and work for their brother-in-law. Frequently in that situation the relationship breaks up and the job fails to follow through. She continued that many times the person began aftercare, but without a support system they frequently relapsed. She spoke to the importance of looking at the entire picture, the necessity of having all of the things moving at the same time, and having support for the individuals. She believed the combination would mean individuals would be more apt to be successful.

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Co-Chair Neuman was concerned that there were thousands of Alaskans losing their jobs with the recession who were not felons and had no criminal records. He guessed there would be an increase in housing available when people moved out of the state. He reasoned it was necessary to have housing near jobs. For example, it did not matter if there was housing available in Big Lake because there were no jobs in that area.

Co-Chair Thompson spoke to Section 158, which addressed starting a program 90 days prior to a prisoner's release. He asked if some individuals who received probation or parole could slip through the cracks and not receive the program.

Commissioner Williams imagined many things would slip through the cracks due to the significant change and work. He believed setting the desired expectation was a good thing. He was doubtful everything would work just right immediately after being launched. The department was currently implementing a plan for prisoners on a 30-day basis. He detailed people recognized the need, but the bill would set the date back 90 days, which was a good thing. All of the changes were realigning expectations for the department. He furthered the implementation phase would be a lift for DOC, but the work was good. He added there would be some slipups, but he believed it was the future in terms of how the recidivism issue was addressed.

Representative Wilson was struggling with the sections of the bill currently under discussion. She referred to parents in the Office of Children Services (OCS) system who could not get the treatment they need. She continued that as a result they could not get their children back and due to a lack of jobs they could not find employment. She

believed the bill would direct more resources and more attention to individuals who made substantially worse choices. She asked what would happen to the OCS parents without services.

Commissioner Williams understood the concern. He did not believe anything in the bill discounted the concern and work to be done within OCS. He surmised there were many state systems deserving significant attention and reform. He explained the state was spending a lot of money on its corrections system. He referred to the state's high recidivism rate. The bill represented one step in doing something to improve recidivism rates. He referenced successful methods used by other states. He used Wyoming as an example and relayed it had a recidivism rate of 25 percent. He noted there was something about work being done inside the Wyoming facilities, but he believed it would also be prudent to study how it was handling reentry issues. He added a number of states were making significant progress. He emphasized that the bill would reduce recidivism and would bring crime down. He acknowledged the bill did not fix the other parts of the system that may need attention; however, it did do a significant amount. He explained the bill employed similar strategies to those used in other states. He emphasized that recidivism and crime would go down as a result. He added that if crime increased with the passage of the bill something was seriously wrong.

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Representative Wilson countered that other states did not have the problems that Alaska did related to specialties, which was her concern. She did not want to see people put back in jail either, but she was not willing to sacrifice parents due to a lack in resources. She stated she believed the bill's action was great, but she believed most of the help would not come to the target population until individuals were released from prison because Medicaid was not available to prisoners. She mentioned a lack in behavioral health professionals. She wondered if people coming out of prison would bump parents trying to get their children back from the state off the waiting list for services. She stated her concern was about the particular section, which would increase needed organization and management; however, she did not want parents in the OCS system to have less opportunity for needed services.

Ms. Casto answered that she had a background in child protection and understood the concern outlined by Representative Wilson. She explained that many people in the state's prison system were parents. Additionally, she had visited women at the Hiland Mountain Correctional Center numerous times; many of the incarcerated women were working with OCS. There were many connections between the men and women in prison and OCS. She relayed hopefully the state could continue to look at both issues. Additionally, Medicaid and behavioral health reform was targeting everyone in the state; OCS was a key player, because DHSS realized that the population needed better mental health and substance abuse services. She had formerly been the director of the Division of Youth Services and one of her largest concerns had been how the state handled parents with substance abuse problems. She explained that children had been removed from their homes, the parents were sent to treatment, nothing had been done for the kids, and they were brought back together after the parents became sober, but the children continued to react to their parents as they had before the parents had become sober. She explained that it had been a disaster. She remarked it was no wonder there were then additional incidents of child abuse. She furthered the state was working to improve how services were provided in the specific area. She addressed behavioral health reform and detailed the goal was to look at the integrated and overlapping systems as a whole to determine capacity for everyone. She stressed that substance abuse was killing Alaska.

Representative Wilson expressed appreciation for Ms. Casto's work for the state. She asked what happened if providers did not come due to the state's small population (compared to other states).

Ms. Casto answered that part of behavioral health and Medicaid reform was workforce development. She agreed that the state did not have enough. Through reform, the department was looking at how to utilize more paraprofessionals (i.e. behavioral health aides and other) to provide some of the services under the direction of some of the specialists the state did not have enough of. Additionally, there were a number of programs at the University aiming to expand the state's workforce particularly in rural areas where the state was missing specialists. She elaborated that some specialists came to

Alaska for a few years and then moved back to the Lower 48. She elaborated the University of Alaska Fairbanks had a rural human services program through the social work department where a student could get a certificate for working in rural Alaska. She detailed the certificate then applied to bachelor's and master's degrees. She continued there were more and more individuals from rural Alaska going that route. She hoped the state could continue to build its workforce in that way because it was necessary to stop relying on experts coming from out of state. She emphasized the importance of building the state's own capacity in order to retain people who understand the culture, needs, and geography. She reiterated that workforce development was a critical component of behavioral health reform and how the state would improve its reentry and recidivism reduction.

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Representative Wilson wanted to ensure that the state did not end up sacrificing one population for another.

Representative Guttenberg referred to Section 156, subsection (8), page 96 of the bill related to the duties of the [DOC] commissioner. He referred to the requirement to provide a case plan for a prisoner within 90 days after sentencing. He referred to different 90-day requirements under Section 156, subsection (9) and asked for the difference between the two subsections. He surmised that if a sentence was 90 days the department had to begin working on the plan on day one. He pointed to language in subsection (8) requiring the department to establish a procedure providing for each prisoner required to serve an active term of imprisonment of 30 days or more within 90 days of sentencing. He assumed that a sentence began and the department had 90 days to establish a plan. He observed that subsection (9) included a requirement that DOC establish a program to begin reentry planning with each prisoner serving an active term of imprisonment of 90 days or more within 90 days. He asked about the difference in the sentencing guidelines.

Commissioner Williams deferred the question to Mr. Shilling.

Mr. Shilling answered that the subsections applied to two separate plans. The first [subsection (8)] applied to a

written case plan containing different things, whereas subsection (9) related to the reentry program individuals would go through 90 days prior to release.

Representative Guttenberg asked Mr. Shilling to repeat the information.

Commissioner Williams restated the remarks. One subsection related to a plan requiring DOC to provide a case plan within 90 days for prisoners in jail for more than 30 days. The second subsection required the department to develop a reentry plan for individuals 90 days prior to their release from prison.

Co-Chair Thompson asked if the release plan requirement applied to individuals with jail time exceeding one year. Mr. Shilling answered that the reentry program was for individuals serving a prison sentence of 90 days or more.

Co-Chair Thompson pointed to language Section 158, page 98, line 4:

The commissioner shall establish a program to prepare a prisoner who is serving a sentence of imprisonment exceeding one year for the prisoner's discharge

Mr. Shilling answered that he would follow up with a response.

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Representative Guttenberg referred to Section 156, new subsection (10) related to establishing minimum standards for EM. He asked if there were currently no EM standards.

Mr. Shilling replied that the language was an attempt to provide some modicum of oversight over private EM companies in the same way DOC provided oversight for interlock companies. He did not believe there were currently any minimum standards set by DOC for private EM companies.

Representative Guttenberg asked for verification there were no standards for a person with an ankle bracelet or another monitoring application. He asked how the state assumes that an ankle bracelet or smart phone app complied with anything if there was no minimum standard.

Co-Chair Thompson noted that Representative Dan Ortiz was present in the room.

Commissioner Williams replied in the affirmative to Representative Guttenberg's question. The provision directed the department to establish standards, to determine what worked best, and to implement some oversight of private EM, which did not currently exist.

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Representative Kawasaki remarked that Sections 156 and 158 provided context for the reentry program. He wondered how reentry was currently conducted. He surmised there must be some type of current reentry program operated by DOC.

Commissioner Williams deferred the question to department staff.

BRANN WADE, CHIEF PROBATION OFFICER, DIVISION OF INSTITUTIONS, DEPARTMENT OF CORRECTIONS (via teleconference), restated his understanding of the question. He explained that currently an offender management plan (OMP) was developed by DOC for each incoming prisoner within approximately 30 days of sentencing. He detailed the plan followed the prisoner through their entire incarceration; it was a working document that was never complete. The closer a prisoner got to their release date the department began working with the person on housing and existing needs and risks. He reiterated the plan followed a prisoner through their entire period of incarceration.

Representative Kawasaki surmised the department already did some of the things required in the provisions under discussion [Sections 156 and 158]. He referred to current statute and stated that the written plan due 90 days prior to release included housing, employment or alternative means for support, options for treatment and counseling, education and job services, and obtaining a driver's license and other. He asked for detail.

Mr. Wade answered that DOC currently did not do a significant amount regarding identification. However, if an offender was in a halfway house on furlough the department worked with them to obtain identification because they could not get a job without it. He believed DOC currently

did a much better job working with individuals once they were out in the community because it was easier to assist them in obtaining identification.

Representative Kawasaki referred to the requirement to develop the OMP 90 days prior to a prisoner's release and asked if it was a realistic goal at present. Alternatively, he wondered if it would take more time, staff, or resources. He asked about how it worked in rural versus urban Alaska where there may not be things such as alternative means of support or treatment and counseling services.

Mr. Wade spoke to the second component of the question related to how the OMP worked in rural communities. He stated there was less housing and job opportunities [in rural Alaska]. He detailed that due to limited housing the department sometimes put individuals up in halfway houses. He did not have an answer related to the employment aspect - he noted it was even difficult in Anchorage to find employment for individuals. He stated the requirement to develop the OMP 90 days prior to a prisoner's release was very reasonable. Currently, the department did a significant portion of the release planning at 30 days; therefore, it was reasonable to move it to 90 days for prisoners serving enough time.

[2:46:26 PM](#)

Representative Kawasaki remarked that the bill proposed some significant changes to the way the state did business. He recognized the need for rehabilitation and reentry. He believed treatment and counseling services were more easily done in jail with a confined setting compared to out of jail where a person's day was not as regimented. He commented there appeared to be more ability to change a person's attitudes within a confined setting versus a non-confined setting. He asked for comment from the department.

Commissioner Williams agreed there was more time and opportunity when a person was incarcerated. He detailed the department had been discussing how to enhance everything possible while a person was in prison versus requiring a person to go to treatment after release while they were simultaneously trying to find employment and other. He specified it was a heavy load and failure rates existed. He explained the bill contemplated numerous areas including

doing as much as possible during a person's incarceration. He continued it was not possible to know whether something stuck until after a person was released from prison; therefore, failure rates would occur on a regular basis until treatment stuck. The model was to keep individuals actively engaged in treatment. The department was working to answer whether its expectations for individuals released from prison reasonable. He reiterated the importance of doing as much as possible while a person was in prison. The bill forced DOC to contemplate the same questions and he believed the department would be forced to take some new directions, which he believed was a good thing.

[2:49:11 PM](#)

Vice-Chair Saddler referred to page Section 159, page 98 regarding correctional restitution centers (CRC). He noted that earlier on during consideration of the bill he had thought CRC stood for community residential center. He asked if a correctional restitution center was a halfway house.

Commissioner Williams responded in the affirmative. He noted he had also thought CRC stood for community residential center; however, it was correctional restitution center.

Vice-Chair Saddler asked how many CRCs were located in Alaska and whether the capacity was sufficient.

Commissioner Williams stated that there were currently vacancies in the CRCs. He continued there was a struggle around why the CRCs were not filled. He spoke to two reasons for the struggle. The first reason indirectly related to the goal of Section 159, which was to monitor quality assurance and what was taking place in the CRCs. He explained that CRCs were a valuable resource and the cost was about half of the cost for a hard bed. However, it was a real risk factor associated with understanding the dangers when choosing to place a person in a CRC. He detailed it was necessary to ensure a valid risk assessment for pre-trial and post-trial individuals placed in CRCs. Second, the provisions in Section 159 would force the department to know what was happening in the CRCs. He communicated that a drug problem existed in the CRCs; therefore, he did not believe it was a good location for people with substance abuse issues. He had discussed the

issue with the contractor; if the state was going to have CRCs he wanted the drugs out. He stressed the locations had to be places where he and others would feel comfortable putting a family member; however, there was currently a ways to go. Section 159 of the bill codified the effort he planned to initiate to clean up the CRCs. He remarked that as progress was made it would be much easier to place people in the facilities. Part of the situation pertained to the systemic issue of how to get people in; there were systemic reasons every CRC bed was not filled, which was bothersome because it was a waste of money. He emphasized the state should be utilizing every CRC bed available, which would enable the department to make cuts elsewhere. He welcomed the legislation because it codified the department's efforts.

[2:53:18 PM](#)

Vice-Chair Saddler reiterated his question about the current CRC capacity.

Commissioner Williams deferred the question to Mr. Wade.

Mr. Wade responded that statewide halfway house capacity was 819.

Vice-Chair Saddler spoke to the requirement in Section 159 directing DOC to provide certain offenders with comprehensive treatment for substance abuse, cognitive behavior disorders, and other criminal risk factors including aftercare support. He stated the requirement was a tremendous lift and mission. He wondered if DOC was being held responsible for creating a new tranche of substance abuse treatment centers and whether the bill sufficiently funded and staffed the requirement.

Commissioner Williams responded the work was anticipated with the current contracts; there were several contractors - the largest being the GEO Group. The bill included that requirements would be enhanced. He had spoken with contractors and everything would be economic dependent. The reinvestment piece of the legislation was diminished in some ways, which caused him concern. He continued that whatever happened the department would do its best to work with what it had; it was currently doing some of the things required in the bill, but it increased the expectation. The contractor was doing some of the things. He had recently

been in Bethel and he knew programming was being slowly added; it was not a complete rebuild, but an enhancement of the department's work.

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Vice-Chair Saddler remarked that it was a huge mission. He referenced earlier testimony that a parent had put their daughter in a correctional facility because she could not find access to treatment any other place; however, the woman had died in custody. He wished the department the best possible luck with the work. He pointed to page 111, which listed three conditions when a person could be eligible to reacquire food stamps or adult assistance. He referenced the requirement for a person to participate in a drug or alcohol treatment program. He asked if participation and treatment services at a CRC qualified. He asked about the meaning of participation.

Mr. Shilling replied that any one of the factors would suffice to comply. He stated using the language "participation" instead of "successfully completed" opened the door a bit, which was something the committee could choose to address.

Vice-Chair Saddler asked if participation in substance abuse treatment at a CRC qualified to meet the condition on page 111, line 11.

Mr. Shilling read the section to mean that participation in programming in a halfway house would suffice to comply with the condition.

Vice-Chair Saddler added "and to the satisfaction of the department."

Representative Gara asked if the capacity would be built in a fairly timely manner.

Ms. Casto replied that it was the department's intent. She stated that it was a heavy lift and Medicaid expansion was a huge endeavor. She spoke to building capacity in primary care settings, which would enable the state to address people's needs sooner. They would continue to build the services to a more serious end - it was about determining a balance and what capacity Alaska could maintain.

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Representative Gara recalled that in the distant past the Alcoholics Anonymous (AA) program had operated in prisons, but there had not been additional treatment services. He questioned whether treatment programs had increased in prisons. He asked about patients needing six-month inpatient alcoholism treatment. He did not believe a program was currently available in Alaska and wondered if the individuals would be treated out-of-state. He reasoned that a three-month program would not suffice if a person needed a six-month program.

Ms. Casto answered that programs provided in the state's prisons exceeded the AA program. She elaborated that the prisons had three-month residential treatment programs. Additionally, there was an outpatient treatment program and support services. She referred to a question by Representative Kawasaki about the need in prison versus out of prison. She detailed that even prisoners who received intensive treatment in prison needed ongoing aftercare in order to be successful. She reasoned a person's ability to manage a job, housing, children, and life without falling back on drugs or alcohol was difficult. She elaborated that aftercare was another critical piece to build on treatment received inside in order for individuals to maintain sobriety. She noted that AA was one component, but there were many other support systems. As the department built the behavioral health system it was identifying existing gaps (e.g. long-term treatment) and determining the need, with the goal of matching the two. She added that things like sobering and detox centers were critical.

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Representative Gara referred to Commissioner Williams's testimony that one of the reentry or rehabilitation sections had been diminished. He asked if something in the bill had been diminished that was cause for concern.

Commissioner Williams answered that there had been hopes in terms of what the reinvestment piece would be regarding what the state would put upfront in reference to substance abuse treatment inside the prison. He remarked that other states had the same struggle. He added that Alaska was in a very strained fiscal climate at present. He explained that if some of the in-house treatment services were ramped up

it would provide more treatment inside the facilities. However, he would play with the cards he had been dealt and would make the best use of the reinvestment dollars for treatment services. He specified the more the state could invest on the frontend to provide treatment services inside facilities would give him additional options as the DOC commissioner. He noted that earlier on there had been some discussion of greater reinvestment on some of the treatment services.

Representative Gara understood the limitations; however, he wondered what the committee should look at before moving the bill if the commissioner felt the reinvestment portion would constrain success.

Commissioner Williams responded that there would be differing opinions about the issue. He would feel better if there were enhanced reinvestment opportunities for treatment, but the subject represented a policy call for the legislature. He stressed the importance of the bill even if it did not look precisely how departments implementing the plan would like. He stated he would of course like to see some enhancements in terms of increased treatment. For example, there were many more sex offenders than the state had treatment for. He considered all of the issues in terms of how to decrease prison populations in order to reinvest in treatment services for high risk individuals. He appreciated a provision the Senate Finance Committee had included related to using some marijuana tax to decrease recidivism. He hoped that in a year if he came back to the committee with a request for additional treatment the committee would consider increasing treatment capacity to deal with people inside the state's prisons; however, he did not want the bill to currently get tied up on the particular nuance because he believed the overall picture was too important.

Co-Chair Thompson surmised that the commissioner was saying that the bill was a good start. Commissioner Williams replied in the affirmative.

[3:06:40 PM](#)

Co-Chair Thompson relayed the committee would move on to address limited licenses.

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, spoke to limited licenses under Sections 99 and 106 of the legislation, which provided a mechanism for more people to obtain a type of driver's license after a DUI (driving under the influence). She clarified that the Alaska Court System was neutral on the specific issue and on the bill in its entirety. She explained the limited driver's license was not truly a court related issue, but she had worked with the sponsor's office and staff over the years on trying to get something that would logistically work. Additionally she had pointed out some flaws in prior drafts; therefore, she had become involved in the issue and was working to address the sponsor's concern that people without a license may still drive; the court system saw a high number of individuals for driving with suspended or revoked licenses. She understood that legislators sometimes heard from constituents about how difficult it was to live in Alaska without a driver's license.

Ms. Mead explained that currently individuals with a misdemeanor DUI (i.e. first or second DUIs were misdemeanors, as was a third or more if the others had occurred more than ten years earlier) lose their driver's license for a very specific period of time. Unlike others, DUI misdemeanors had very specific consequences set in statute by the legislature. She detailed first-time and second-time DUI offenders lost their license for 90 days and 1 year respectively. The bill did not impact the current law that enabled misdemeanants with a DUI to obtain a limited driver's license. Based on information from the Division of Motor Vehicles (DMV) around 200 people applied for and received the limited license annually.

Ms. Mead communicated that the bill addressed felony DUI offenders who currently had no means to obtaining their driver's license. By statute, felony DUI defendants had their driver's licenses permanently revoked, but a separate subsection of the law noted a person may apply to have their license restored after ten years. She detailed that ten years was a lengthy time period and a person's eligibility required a clean record during that ten-year period. She noted the requirement was quite difficult for people to achieve and had only been in law since either 2012 or 2014. She continued that not many people had applied and few applicants met the requirement. She elaborated that many of the individuals had been caught

driving with a suspended license during the ten-year period.

Ms. Mead pointed to Section 99, page 62 of the legislation, which would enable individuals to obtain a limited license privilege. She noted the page listed five conditions individuals had to meet: 1) an individual had to be a felon (there was a separate section dealing with misdemeanants); 2) the individual had to be in or have completed the court's therapeutic court program (the program was a minimum of 18 months of intensive meetings with court staff, the Division of Behavioral Health, a probation officer, the district attorney and the PD to help an individual overcome the addiction or other issue, which led to a DUI); the individual was required to have proof of insurance; the individual was required to use an ignition interlock device; and the individual could not have had a limited license revoked in the past. She furthered that insurance and the use of an ignition interlock were standard and were also required for misdemeanants obtaining a limited license. She explained people could apply for the limited license through DMV by showing the appropriate certification they had completed the therapeutic court program.

Ms. Mead turned to language in Section 106 beginning on page 66 specifying the department shall restore the person's license fully if they had been driving under the limited license for three years without a problem, they had completed the therapeutic court program, they had not received another DUI, and they were otherwise eligible (i.e. they had paid a reinstatement fee and did not have a certain number of points or revocations stacked).

[3:13:06 PM](#)

Co-Chair Thompson asked the Department of Administration to address how the bill would impact DMV.

AUDREY O'BRIEN, MANAGER, DIVISION OF MOTOR VEHICLES, DEPARTMENT OF ADMINISTRATION (via teleconference), relayed that the bill would enable the division to assist felons to obtain the limited license, which had previously not been available. She detailed the bill seemed to provide a mechanism for people to work their way to the termination or revocation to obtain their full driving privileges back [in the future].

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Representative Kawasaki asked about the five conditions an individual would be required to meet to obtain a limited license. He surmised the conditions included participation in a therapeutic court program, a felony conviction, insurance, an ignition interlock device, and that the individual had not previously been granted a limited license. He mentioned a friend with a felony who he thought had gone through a court that was not specifically therapeutic. He wondered if the individual would be precluded from obtaining the limited license. He believed therapeutic courts were new in some locations and nonexistent in other places.

Ms. Mead replied that the person in the scenario provided would be precluded [from obtaining a limited license]; the bill required an individual to go through a therapeutic court program. She believed the sponsor would view the provisions in the bill as a beginning. The bill would not address every Alaskan with a felony DUI who may feel their addiction had been overcome and who some people believe ought to be driving again. The bill was a start and addressed a group of individuals where there was some assurance that the individuals had overcome addiction because they had gone through a structured program.

Representative Kawasaki asked for verification that therapeutic courts were not available in every jurisdiction. Ms. Mead replied in the affirmative.

Representative Kawasaki surmised that if therapeutic courts were only available in the state's major urban centers (i.e. Fairbanks, Anchorage, Juneau, and potentially Kenai) it would prevent a person with a felony DUI in other locations from obtaining the limited license. He believed it unfairly hurt a certain group of Alaskans. He asked for comment.

Ms. Mead replied that the issue was a policy call for the legislature. She believed the bill sponsor's view would be that the provisions in the bill represented a beginning. She detailed that from a public safety standpoint the sponsor wanted some assurance that the person would be a good candidate get their driver's license back, in light of

the legislative intent in current DUI statute stating a license was permanently revoked for DUI felons.

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Representative Kawasaki asked how limited licenses would be revoked (e.g. speeding ticket, DUI, or any small thing). Ms. Mead referred to page 62 of the bill, which specified the limited license would be revoked if an individual was convicted of a DUI or refusal or for a similar municipal code or ordinance. The individual would not lose the limited license for a minor offence.

Representative Kawasaki asked for verification that under the bill an individual would get their license back just like any other person if a limited license was revoked for points. Ms. Mead answered that the limited license would only be revoked for another DUI or refusal. She added it would be a problem for a person if they had nonrelated revocations the DMV considered to be stacked, which could preclude the individual from obtaining their license.

Representative Wilson asked which communities had therapeutic courts. Ms. Mead answered most of the communities on the road system including Anchorage, Palmer, Fairbanks, Bethel, Juneau, and possibly Ketchikan.

Co-Chair Thompson asked if Kenai had a therapeutic court. Ms. Mead did not believe there was one in Kenai but she would follow up.

Representative Wilson asked if anything would prevent a person living in a community without a therapeutic court from traveling to access the program in another community. Alternatively, she wondered if there was a provision requiring a person to be a resident in the community where a program existed.

Ms. Mead responded that the court system would be amenable to allowing a person to participate in a therapeutic court program in a location away from their home community. For example, if a case began in Kenai, the person could participate in a program in Anchorage. She specified that participation in therapeutic courts was with the consent of all involved parties (i.e. the district attorney, defense attorney, and the court). She could not think of a court

hurdle from having a person participate outside of their home town.

Representative Wilson asked how full the therapeutic court programs were. She wondered how hard it was to get into the program. Ms. Mead answered that it depended on the location, but generally the program could accommodate more people. She noted that the Fairbanks program tended to operate at full capacity, but there was a good balance in terms of the demand and supply.

Representative Gara asked for details of the driver's license revocations for a first, second, third, and fourth DUI offense.

Ms. Mead answered that a driver's license was revoked for 90 days for the first DUI offense, one year for the second offense, three years for the third offense, and five years above a third offense. She detailed that if a third offense occurred within ten years of a prior offense it became a felony, at which point the revocation became permanent. She explained that some third-time offenses would remain a misdemeanor if there was a ten-year gap between occurrences. She noted that most third-time offenses became felonies because ten years had not elapsed between occurrences.

Representative Gara asked if a license was revoked permanently once a person reached the DUI felony level. Ms. Mead answered in the affirmative.

Representative Gara asked for verification that the loss of a license time period could be shortened for misdemeanants by the granting of a limited license.

Ms. Mead answered that misdemeanor limited licenses were not addressed in the legislation and were already provided for. Representative Gara replied that was what he meant.

[3:22:29 PM](#)

Representative Gara asked if DMV was allowed to issue a driver's license revocation that was longer than a length of time designated by the court. Alternatively, he asked whether DMV was responsible for following the court's determination.

Ms. Mead answered that the administrative revocations set by DMV, which usually occurred more quickly than the court system, were the same time periods she previously mentioned [for DUI offenses]; the statutes referred to the same subsection of statute for periods of revocation.

Representative Gara spoke to the group of individuals without access to a therapeutic court. He noted there was a limited number of judges and the programs were offered in a limited number of locations. He wondered if there had been discussion about providing another way (outside a therapeutic court) for an individual to demonstrate they had addressed their alcohol problem.

Ms. Mead answered that an expansive list of options had been discussed by legislators and staff for at least four years. There was difficulty with someone proving they had overcome their addiction. She reiterated her earlier testimony that the sponsor viewed the provisions in the bill as a beginning.

Representative Gara asked Ms. Mead to elaborate on a couple of the other options that had been discussed related to individuals who did not qualify for a therapeutic court.

Ms. Mead answered that legislators had asked questions about whether a person could present certification to the DMV from two licensed health professionals verifying the individual no longer had a substance addiction. She did not have another example related to ideas individuals had entertained.

Vice-Chair Saddler had heard from friends that the number of hoops a person had to jump through in order to get their license back was "Kafkaesque." He hoped the bill was not establishing more hoops, but that the provisions set out a practical, workable way for a person to reacquire their driving privileges. He surmised that a person with a revoked license could receive a limited license for three years and after successful probation they could apply for a permanent license through the DMV. He understood it would not be allowable for a person to get another DUI while on a limited license, but he wondered about an offense such as rolling through a stop sign.

Ms. Mead answered that a person would have to get a DUI or refusal to have the limited license revoked.

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Representative Munoz referred to a constituent who had a DUI and had eventually had the court-imposed restrictions removed by the court after meeting the appropriate timeframe; however, he had been unable to get his license restored by DMV. She thought Ms. Mead had testified that the DMV could not go beyond restrictions set by the court.

Ms. Mead answered that there were numerous issues with people trying to get their licenses back. For example, it was very expensive and potentially not possible for a person to get insurance (the issue was up to insurance companies like State Farm and Progressive). The bill established a way for individuals to get their licenses back, but there were very practical problems with doing so. Individuals also needed an ignition interlock device, which was expensive and difficult for people to handle. She detailed the requirement meant people had to take their car in to be calibrated and other. Additionally, many individuals in the category were not good drivers and would have their license suspended or revoked within the DMV database into the future for other reasons. For example, people could have their license revoked for failure to pay child support or for committing perjury. She furthered that DMV used the same checklist as the one put into statute, but many people did not realize the stacked revocations were an issue. She noted there was not an apparent way to overcome the issue.

Representative Munoz provided more information about her constituent. She explained the individual had a DUI and a refusal to take a breathalyzer on a second DUI. She furthered the second charge had been dropped by the court, but DMV was not recognizing the second charge as being dropped; therefore, the individual was not eligible to receive his commercial driver's license (CDL).

Ms. Mead deferred the question to DMV.

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Ms. O'Brien replied that every [driving] record was very different and she spoke in generalities. She explained that there were administrative revocations, which were independent and separate from court convictions. She was

guessing the specific individual had an administrative refusal, which was later convicted of a DUI. However, the individual would not have a lifetime CDL disqualification unless there were two separate DUI incidents. She noted alcohol related incidents was a requirement under federal law. She believed there must have been two separate [alcohol related] incidents that would have impacted the CDL.

Representative Munoz replied that the description was correct, but the second charge had been dropped by the court. She wondered why DMV did not follow the court's direction.

Ms. O'Brien answered that under AS 28.15.161, there was a requirement for the DMV to implement an administrative revocation if an individual provided a breath sample (implied consent) over .08 or they refused to provide the sample during a law enforcement stop. After an administrative revocation was issued the individual had an opportunity within the first seven days to request a hearing to contest the revocation. She continued that if the individual did not request the hearing or they lost the administrative appeal, the revocation was placed on their record immediately. She explained that if a person was later convicted of a related action (e.g. a DUI) for the same incident, the revocation backed up to the DMV revocation, which usually went on a person's record sooner than a court conviction. She added that the records ran independently because the Alaska administrative revocation was taken under a different statute than the court conviction.

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Ms. Mead pointed out that Section 97 of the bill addressed something that may be of concern to members. She explained the bill acknowledged that DMV revoked a license whenever someone blew a .08 or refused a breathalyzer and the new provision stated that if a court acquitted or the case was dismissed, the administrative revocation would stop. The language was a first attempt to try to coordinate the items better. Additionally, SB 91 and 2014 legislation (SB 64) tasked the Alaska Criminal Justice Commission with conducting a comprehensive review of AS Title 28, specifically related to administrative and court revocations, ignition interlocks, and several other related

items. She expected the legislature would be getting something from the commission soon; the change included in the bill was not from the commission. She referenced an earlier question by Representative Gara [related to an alternative option to therapeutic court]. She recalled another idea had been to change the DUI statute so individuals did not receive a permanent license revocation.

[3:33:54 PM](#)

Co-Chair Thompson asked the Department of Public Safety to address how the bill would impact victims.

LAUREE MORTON, EXECUTIVE DIRECTOR, COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, DEPARTMENT OF PUBLIC SAFETY, spoke briefly about the two victim survivor roundtable discussions mentioned by a Ms. Stanfill from the previous day. Additionally, a national crime victim advocate who helped the Pew Charitable Trust with its justice reinvestment initiatives met with close to 20 victims and survivors in the Anchorage area and included all of the information in a report, which had been disseminated to members prior to the current meeting. She relayed the report had been the impetus for Section 195 of the bill, which placed the Council on Domestic Violence and Sexual Assault (CDVSA) in uncodified language to further its violence prevention and victims service efforts throughout the state.

Ms. Morton spoke provided detail on the council's priorities: 1) improve victim assistance services in rural and remote areas; 2) continue to provide and strengthen crime prevention and bystander intervention services; 3) ensure basic victim services during the pretrial phase of the process were created to guarantee victims were appropriately notified, involved, and safe; 4) the development and expansion of evidence-based and culturally competent programming and supervision for offenders; 5) improved capacity by DOC to monitor inmate communications including phone calls and visits in order to protect victims from unwanted contact; 6) the consideration of crime victims as clients during the parole and reentry phase of the criminal justice system (often people reentering society were reentering into the lives of victims) in order to educate victims about their rights and roles; 7) institutionalized training for criminal justice professionals related to what constituted victims' rights

including understanding victim sensitivity, trauma, how to talk to victims, and cultural diversity and competence; 8) additional training and oversight for law enforcement officers responding to domestic violence calls in identifying the principal aggressor; 9) increased services for child victims and witnesses statewide; and 10) improved language accessibility throughout the criminal justice system.

Ms. Morton continued that Alaska was the first state participating in the Pew reinvestment initiative, which incorporated victims' services into recommendations and priorities. She believed it was a good recognition of how seriously policy makers all Alaska's executive, legislative, and judicial branches of government took the issue of victims' services and the effort to balance victims' rights with those of the offender. The council was appreciative of the strong inclusion in the report and commission's [Alaska Criminal Justice Commission] 21 recommendations.

Ms. Morton relayed that victims' services and concerns were woven throughout the bill; she did not believe it was possible to address the criminal justice system without having a victim concern. She appreciated the willingness of the commission, the bill sponsor, and legislative committee chairs to meet with victims, survivors, victim service providers and their efforts to address the concerns and have a sensitivity to offender reentry, community condemnation, and approximate justice for victims.

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Ms. Morton continued that a victim's life was irrevocably changed after an incident of domestic violence or sexual assault. She continued that a victim could receive approximate justice and the person could be held accountable, but the victim's life was forever changed in ways that were not always recognizable. She relayed that it was not always possible to receive complete justice for victims; sometimes only approximate justice was available, which could hopefully eventually allow victims to move forward with some closure.

Ms. Morton addressed four areas in the Senate version that did not end up in the House committee substitute. The first was in Section 75, page 43, line 29 related to the period

of probation for misdemeanants (including domestic violence assaults). She elaborated that originally the bill included a probation period of four years, which had been reduced to three years by the Senate Finance Committee, and reduced further to two years in the current version. She detailed that some rehabilitation programs for perpetrators of domestic violence were six months to one year in length. The council believed it would be appropriate to extend probation to three years to provide time to understand and monitor whether the programs had an opportunity to take effect in a person's life.

Ms. Morton turned to the second area on Section 131, page 82, line 27. She believed the issue may have been an oversight. She explained that under current law victims of domestic violence were required to receive victim notification regarding possible parole of the offender. The Senate version had added victims of sexual assault to the provision; however, they had been removed in the current committee substitute. The council hoped the committee would add victims of sexual assault back into the language.

Ms. Morton moved to the third area in Section 155, page 94, line 29 related to allowing sex offenders to reduce their sentence by one-third after completion of treatment. The Senate Finance Committee version had completely removed the language. She continued the provision did not represent current practice and was not supported by CDVSA. She advocated for the language in the Senate version of the bill. She referenced testimony by the public defender from the previous day related how sex offenders had the lowest rate of recidivism. She acknowledged that it may be the lowest in the 2011 Alaska Judicial Council survey, but low did not mean little. She detailed that 18 percent were rearrested in their first year of release, 32 percent were remanded back into prison during their first year, and 20 percent were convicted within two years of release. She conceded that the rate may be the lowest, but she stressed that it was too much. She emphasized that the number was staggering and was not acceptable. She remarked that Co-Chair Neuman was not currently present in the room, but that he could relay a significant amount of information about the effort because of his work on the sex offender issue in terms of how the system worked. She detailed that before an offender reached the point of being picked up by law enforcement they had committed many sexual assaults. She explained that sometimes a polygraph done after a

person was convicted showed they had over 100 victims. She stressed that it was not easy to get arrested in Alaska for sexual assault and it was not easy for victims to come forward to tell their story; sexual assault was one of the least reported crimes nationwide. She underscored that it was not acceptable to say the recidivism rate was low.

[3:45:35 PM](#)

Ms. Morton continued that there were too many people who suffered lifelong sentences of having their souls taken away, which she believed people needed to be respectful of. The fourth area was geriatric parole. Under the Senate version the parole applied to individuals age 60 or older, but the current CS reduced the number to age 55. The Senate version had carved out felony sex offences and the current CS version did not, which CDVSA did not believe was appropriate, particularly for pedophiles. She detailed that a pedophile offender could be 70 years of age. The council did not support the reduction.

Ms. Morton relayed the council believed it was appropriate to have a working group look at the sex offences and range and would appreciate the opportunity to participate with the commission on the effort. Additionally, CDVSA believed that the Safe Children Justice Act, "Erin and Bree's Law," would be a help in situations where young people were exploring their sexuality. She addressed if child abuse awareness started in kindergarten and went through high school (and dating violence awareness and training) with teachers, kids, and parents, people would be better equipped to understand how to interact with each other. She believed it was critical to enact the opportunities in the state's schools. She emphasized that 12 year-olds were still children even in cases where they looked older. She stressed that a 19 year-old knew that 12 year-olds were still children. She stated if that was not the case, shame on the 19 year-old and shame on society for not making it clear. She underscored it was not appropriate to have sexual contact between 12 year-olds and 19 year-olds.

Ms. Morton acknowledged communities working day-to-day on prevention that were trying to prevent heinous acts from happening and to create different societal norms. She referred to a statewide 2010 Alaska Victimization Survey conducted through the University of Alaska Anchorage Justice Center. The survey had reported that 58 out of 100

adult women in Alaska suffered intimate partner violence, sexual violence, or both. A five-year lookback had been conducted in 2015; the number was still horrible, but it was better and had dropped to 50 out of 100. She spoke to the difference in those 5 years - shelters, first responders, rape crisis centers, and personal safety classes in schools, had all existed in 2010 and 2015. One of the changes was the primary prevention activities and programming the state started in 2011. She mentioned the council's fiscal note that had started out at \$2.5 million. She elaborated that throughout discussions around cost savings and reinvestment it had become important to show savings at the bottom line instead of knowing all of the savings would go towards reinvestment. Therefore, the note had been reduced to \$1 million. She stressed the need to continue successful programming.

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Ms. Morton spoke She referred to programs like Green Dot, Compass (developed in Alaska by Alaska Native men working with young men aged 12 to 18), Girls on the Run International (the program had become stabilized in Juneau and coordinated the statewide effort for the program targeting girls in 5th through 8th grade), and Coaching Boys Into Men (where high school athletic coaches worked with sports teams to learn what it meant to respect women and girls). There were 19 communities with prevention teams that came together to look at ways individual communities could support the evidence-based programs and efforts. She commended effective programming efforts and asked that efforts and progress not be taken a step backwards. She explained the operating budget contained no money for the programs; without a financial structure it was not possible to continue to support communities to autonomously integrate the concepts and change. She stressed that Alaska could be the state that stopped domestic violence and sexual assault and everyone could work together to make it happen. She added that the state had a responsibility to do the work. She believed the bill represented a step forward in that direction.

Vice-Chair Saddler referred to Section 131 and asked Ms. Morton to restate her objection. He believed the provision included that both victims of sexual assault and domestic violence would be informed [regarding possible parole of

the offender]. The only change he saw in the section involved deletion of the term "discretionary."

Ms. Morton responded that she believed that victims of sexual assault had been left out. She noted perhaps she had seen an earlier version of the bill.

Vice-Chair Saddler pointed to page 82, line 27 and read "a victim of a crime involving domestic violence or of a sexual assault under AS 11.41.110 shall be informed by the board" before considering parole.

Ms. Morton thanked Vice-Chair Saddler and stood corrected.

Representative Wilson asked about the fiscal note. She wondered if certain parts of the bill were associated with the \$1 million cost (e.g. geriatric parole or good time that put people back on the street).

Ms. Morton replied that the cost was associated with the uncodified language in Section 195, which directed CDVSA to expand violence prevention and victim service efforts.

Co-Chair Thompson asked for verification the fiscal note had been reduced from over \$2 million to \$1 million. Ms. Morton replied in the affirmative; the note had been reduced from \$2.5 million to \$1 million.

CSSSSB 91(FIN) AM was HEARD and HELD in committee for further consideration.

Co-Chair Thompson discussed the agenda for the following meeting. He recessed the meeting to a call of the chair [note: the meeting never reconvened].

#

ADJOURNMENT

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The meeting was adjourned at 3:55 p.m.