

HOUSE FINANCE COMMITTEE

April 21, 2016

5:04 p.m.

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CALL TO ORDER

Co-Chair Thompson called the House Finance Committee meeting to order at 5:04 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

Jake Metcalfe, PSEA Local 803, Juneau; Maude Blair, Alaskan Federation of Natives, Juneau; Carrie Amotl, Self, Juneau; Karen Nelson, Self, Juneau; Representative Liz Vasquez; Senator John Coghill.

PRESENT VIA TELECONFERENCE

Steve Alexander, self, Wasilla; Michael Jeffery, Self, Barrow; Athena Singaas, Self, Anchorage; Nikki Toll, Self, Wasilla; James Klugman, Self, Anchorage; Dennis Johnson, Director, Alaska Pretrial Services, Anchorage; Brandy Johnson Self Fairbanks; Robin Langlie, Victims for Justice, Anchorage; Angela Hall, Supporting Our Loved Ones, Glendale, Arizona; Reece Burke, Self, Fairbanks; Michael Ebell, Self, Anchorage; Hayly Johnson, Self, Pocatello, Idaho; Pauline Hailstone, Self, Fairbanks; Jayce

Robertson, Self, Kenai; Sarra Khlifi, Alaska Food Coalition, Anchorage; Kim Whitaker, REAL about addiction, Anchorage; Christopher Quick, Self, Incarcerated at Lemon Creek Correctional Facility, Juneau; Karen Kirkpatrick, Self, Willow; Clinton Cerda, Self, Palmer; Adam Alexander, Self, Anchorage; Garnet Morey, Self, Nikolaevsk; Kathy Hansen, Attorney, Office of Victims Rights; Vicki Wallner, Stop Valley Thieves, Palmer; Frank Singh, self, Kenai; Nathan Lockwood, Self, Kenai; Terra Barns, Community United for Safety and Protection, Anchorage; Mike Shaffer, Self, Anchorage; Butch Moore, Self, Big Lake; Jon Zasada, Alaska Primary Care Association, Anchorage; Leigh Copeland, Self, Anchorage; Jeanne Gerhardt-Cyrus, Self, Kiana; Darrel Gardner, Self, Anchorage; Gary Manson, Self, Anchorage; Laura Gorman, Self, Bristol Bay; Kelvin Lee, No Limits, Inc., Fairbanks; Questa Locke Self Anchorage; Jean Sullivan, Self, Phoenix, Arizona; Paul Kendall, self, Anchorage; Samantha Mulvaney self, Bethel.

SUMMARY

CSSSSB 91 (FIN) am

OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

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

PUBLIC TESTIMONY: CSSSSB 91 (FIN) am

Co-Chair Thompson reviewed the agenda for the meeting and indicated public testimony would be heard on SB 91. He reminded testifiers to limit their comments to 2 minutes.

[5:05:35 PM](#)

#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."

^PUBLIC TESTIMONY: CSSSSB 91 (FIN) am

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STEVE ALEXANDER, SELF, WASILLA (via teleconference), supported the legislation. He shared that he was the Institutional Chaplain at Matanuska-Susitna Pre-trial Facility in Wasilla, a pastor for 25 years, and worked with inmates and substance abusers. He expressed concern with a "certain narrow subset of folks with felony DUIs (Driving Under the Influence) who completed yearlong residential treatment but was still prohibited from driving for 10 years. He relayed from personal work experience that he had seen many people successfully rehabilitate from the residential treatment. He believed the restriction from driving was too lengthy and interfered with the felon's successful reintegration into society. He worried that the restriction increased the chances of recidivism by forcing the individuals into the "underground" economy. He emphasized that the driving prohibition was excessive and advocated for an amendment to shorten its length. He was aware of the serious consequences of DUIs but strongly believed that rehabilitated individuals deserved a chance to become functioning members of society.

Co-Chair Thompson asked testifiers to adhere to the two minute limit.

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MICHAEL JEFFERY, SELF, BARROW (via teleconference), supported SB 91 and related that he had been a Superior Court Judge for over 32 years and was involved in two

statewide committees on fetal alcohol syndrome. He stated that the bill brought evidence based practices to the criminal justice system and adopted recommendations from the Criminal Justice Commission, which engaged in a 3 year deliberative process. He focused on the recidivism reduction fund that supported all aspects of returning citizens to society. He noted that many returning individuals were Alaska Mental Health Trust Authority (AMHTA) beneficiaries and had challenges such as fetal alcohol syndrome. He strongly urged for support of the fund and the bill.

ATHENA SINGSAAS, SELF, ANCHORAGE (via teleconference), strongly supported SB 91. She opined that offenders could not be released on the street without the services and support the bill provided. She believed the community would help support the services and efforts provided for in the legislation. She alerted the committee that she had been harassed on the transit bus multiple times. She asked for serious consideration of the bill.

[5:12:05 PM](#)

NIKKI TOLL, SELF, WASILLA (via teleconference), spoke in favor of SB 91 and particularly for amendment 15, which provided for insurance for deceased police and firefighter dependents. She was the spouse of an Alaska State Trooper killed in the line of duty and felt her husband was a hero. She spoke to her negative experience with insurance upon the death of her husband. She only had one day of insurance upon his death and even with a death certificate she still had to pay the full price for his state insurance coverage. She thanked the committee and urged for support of the legislation.

JAMES KLUGMAN, SELF, ANCHORAGE (via teleconference), spoke against the bill and shared his serious concerns over the public's safety. He referred to Section 47 of the bill. He listed many of the Class C felony offences and cautioned that a convicted Class C felon with no prior record was not arrested and did not spend one day in jail under the bill. He opined that the bill was a "dangerous, radical" system without accountability and did not offer the level of protection the citizens of the state "deserved." He believed the bill had "serious" public safety repercussions.

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DENNIS JOHNSON, DIRECTOR, ALASKA PRETRIAL SERVICES, ANCHORAGE (via teleconference), spoke in support of SB 91. He revealed that he was the state director for Alaska Pre-Trial Services, one of several private electronic monitoring programs and managed three testing sites for the Alaska 24/7 pilot program administering drug and alcohol testing. He opined that certain problems with the bill remained. He noted the removal of the 120 day credit for pre-trial electronic monitoring from the bill. He expressed concerns that if the provision was reinserted that the incarceration time would be extended. He experienced many individuals on monitoring that successfully completed treatment, remained in compliance and found work. He worried that if the offender's sentence was a year and monitoring was only for 120 days the individual would be institutionalized and lose his job and possibly jeopardize recovery efforts.

BRANDY JOHNSON SELF FAIRBANKS (via teleconference), spoke in favor of SB 21. She specifically mentioned amendment 15. She talked about her husband named Scott, who was shot in the line of duty. She spoke about being without medical coverage after his death. She opined that the state should provide coverage for her husband's family since he upheld his duty to protect the citizens of the state. She mentioned that the prisoner who shot her husband had health care while her family did not. She thanked the committee and urged support of the legislation.

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ROBIN LANGLIE, VICTIMS FOR JUSTICE, ANCHORAGE (via teleconference), opposed SB 91. The main concern was the reinvestment portion of the bill. She stated that she had been told the reinvestment money would not be available until next year and felt that the reinvestment piece enacted was very important for ensuring public's safety. She expressed her disappointment in the House Judiciary Committee for including amendment 15. She opined that many people feel they must support the bill because of the amendment 15. She asked for postponement of the legislation until the programs were in place and funded to ensure public safety. She thanked the committee.

ANGELA HALL, SUPPORTING OUR LOVED ONES, GLENDALE, ARIZONA (via teleconference), spoke in favor of the bill. She reported that her husband had served 22 years in prison out of a 159 year sentence. He was incarcerated at the age of 17 and was not eligible for parole as an unclassified felon until he was 69 years of age. Under the bill's geriatric provision he could be released at 55 after having served 38 years of his sentence. She mentioned the "value" of taking another look at inmates who committed violent crimes as youths. She encouraged members to examine "de facto life sentencing" for youths with "fresh eyes." She thanked the committee for allowing her to speak.

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REECE BURKE, SELF, FAIRBANKS (via teleconference), was in favor of SB 91. He offered that he received three DUIs in 10 years and was prohibited from driving since 2013. He was unable to obtain full-time employment due to the driving prohibition. He relayed that he successfully completed a court appointed 18 month program with the Fairbanks Wellness Court and Pacific Rim Counseling. He stated that the bill would allow him to drive and obtain work.

MICHAEL EBELL, SELF, ANCHORAGE (via teleconference), was opposed to SB 91. He agreed that a problem existed with over incarceration, but opined that the bill incorrectly addressed the problem. He felt that the bill removed the incentive of "serious jail repercussions" to induce engagement in rehabilitation programs and actually undercut current efforts. He thought that under the bill, drug and property crime criminals were more likely to reoffend without proper treatment and monitoring under threat of prison.

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HAYLY JOHNSON, SELF, POCA TELLO, IDAHO (via teleconference), urged members to support SB 91. She shared that she was the oldest daughter of Scott Johnson, an Alaskan trooper shot in the line of duty in 2014. She discussed the medical bills the family incurred because of her hospitalizations and health problems after losing state health benefits one month after her father's death. She spoke to the hard work and high risk nature of a trooper job. She thanked the committee.

PAULINE HAILSTONE, SELF, FAIRBANKS (via teleconference), spoke in support of the bill and revealed she was a past Class C felony offender. She opined that criminal justice reform was "radically needed" and strongly endorsed the effort. She stated that Alaska was behind most states in criminal justice reform. She spoke of her inability to work as a social worker due to her previous offenses. She relayed that the state had created its own "penal colony" by facilitating a system that allowed society to stigmatize offenders.

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JAYCE ROBERTSON, SELF, KENAI (via teleconference), strongly supported SB 91. He relayed that he was a reformed DUI offender who was convicted in 2011. He currently was not allowed to drive. He described his rehabilitation and life successes since the conviction. He requested a pardon from the governor but discovered even a pardon would not lift the driving prohibition due to state statute. He spoke unfavorably about the state spending money on building more prisons and incarceration costs and opined that the state's rehabilitation efforts were a "façade." He mentioned that felony DUI offenders were only prohibited from driving for two years in SB 91. He wanted to be able to drive to and from work and strongly supported the provisions regarding the issue. He praised the sponsor for his hard work on criminal justice reform.

SARRA KHLIFI, ALASKA FOOD COALITION, ANCHORAGE (via teleconference), favored the legislation. She relayed that the coalition worked with 125 organizations to serve the state's "vulnerable" population in urban and rural areas. She highlighted section 181, pages 110 through 111 of the bill. She noted that the provision removed the lifetime ban on eligibility for food stamps for formerly incarcerated drug felons. She indicated that the chances for recidivism were much higher for hungry and homeless ex-felons. She spoke in favor of SB 91 in order to stop the "revolving door" of incarceration.

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KIM WHITAKER, REAL ABOUT ADDICTION, ANCHORAGE (via teleconference), supported the legislation. She reported that she discussed the issue with Alaska Senator Dan Sullivan in Washington D.C. She relayed that her daughter

became an addict since her teenage years after taking a physician's prescription. She shared that her daughter sought treatment several times but was unable to find a program in the state. Her daughter had been incarcerated in the Highlands Women's Prison three times for non-violent crimes and did not receive help in prison either. She indicated that she currently worked with addicts in the state and strongly advocated for criminal justice reform. She believed in "punishment" for violent criminals. She related that the cost to incarcerate an addict was \$50 thousand per year versus the \$35 thousand cost for rehabilitation.

JAKE METCALFE, Public Safety Employees Association LOCAL 803, JUNEAU, spoke in favor of SB 91. He thought that the bill reflected good public policy. The association supported the bill as amended to include medical insurance for the spouses and children of police officers. He emphasized the importance of government support for police officers and to honor their service.

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MAUDE BLAIR, ALASKAN FEDERATION OF NATIVES, JUNEAU, spoke in favor of SB 91. She reported that small villages did not provide law enforcement and did not have access to courts, legal aid, and an understanding of the system. She believed that the bill would reduce recidivism rates and thought that the reinvestment provisions were an important piece of the bill. She reported that Alaska Natives were disproportionately incarcerated and victims of crime and the legislation would "help both sides of the equation" by reducing crime rates. She thanked the committee.

CARRIE AMOTL, SELF, JUNEAU, spoke in favor of SB 91. She shared that she was convicted of a felony DUI and was a college graduate. She chose to participate in the Therapeutic Courts to receive help for her problem. She was aware of the necessity of treatment programs and the Therapeutic Court to create "non-reoffenders." She spoke in favor of access to treatment and being able to receive her driver's license again. Statistics proved that the current justice system "was not working."

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KAREN NELSON, SELF, JUNEAU, spoke of her personal experience with her drug addiction of over 20 years. She relayed that she had over 5 years of sobriety. She spoke about being a previously convicted felon. She felt that her children bore the collateral consequences of her addiction and incarceration. She mentioned that community grass roots programs were sprouting up. She believed communities were healing with access to more programs. She supported the legislation.

CHRISTOPHER QUICK, SELF, INCARCERATED AT LEMON CREEK CORRECTIONAL FACILITY, JUNEAU (via teleconference), supported the legislation. He shared that he was currently incarcerated for his third parole violation. He cited AS 33.16.200 and felt that he was unjustly re-incarcerated due to loopholes. He relayed that he lost his home, family, and job and his only option was post-conviction release. He believed his problem could be resolved on an administrative level. He wanted the probation and parole board to be held accountable.

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KAREN KIRKPATRICK, SELF, WILLOW (via teleconference), asserted that the only portion of the bill that she supported was the amendment providing health insurance for families of fallen officers. She opposed the remaining portions of the bill and opined that steeper punishments should be imposed on criminals. She believed that passage of the bill would lead to vigilantism.

CLINTON CERDA, SELF, PALMER (via teleconference), spoke in favor of SB 91. He was a DUI felon and had not been able to obtain employment due to revocation of his driver's license. He had moved to California believing he would be able to obtain a license but found out that it was not true. He urged support of the bill and thanked the committee.

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ADAM ALEXANDER, SELF, ANCHORAGE (via teleconference), supported certain sections of the bill. He was a prosecutor and did not agree with Section 123 of the bill relating to geriatric parole. He believed that many of the geriatric sex offenders would be inclined to reoffend. He did not feel parts of the bill were well thought out. He relayed a

sexual abuse case from personal work experience, concluding that the perpetrator would reoffend if granted geriatric release. He thought communities would be at risk with passage of certain provisions in the bill.

GARNET MOREY, SELF, NIKOLAEVSK (via teleconference), opposed the bill. She related her personal story about being a victim of a crime and the individuals involved were never brought to justice. She stated that there were many victims in the state and spoke against the bill. She wondered if child rapists would be released from prison as a result of the bill. She did not believe the bill was ready for passage. She felt that the amendment regarding healthcare for families of fallen police should be supported and not part of the bill.

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KATHY HANSEN, ATTORNEY, OFFICE OF VICTIMS RIGHTS (via teleconference), relayed the office's opposition to the bill. She added that the office continued to work with the sponsor's office and Representative Pruitt's office to work on issues in the bill. She spoke to issues with the legislation. She addressed a provision that removed a judge's discretion to impose jail time for a Class C felony. The office recommended a minimum of 90 days in jail. She provided an example of a victim who had testified in front of the House Judiciary Committee - her client was a victim of a shooting by her husband and how the change in sentencing would negatively affect someone in a similar situation.

VICKI WALLNER, STOP VALLEY THIEVES, PALMER (via teleconference), related that there were some incorrect statistics regarding prison population and stated that the prison population growth decreased from 2.6 percent to 1.6 percent. She cited Department of Corrections (DOC) statistics from 2015 that reported flat prison growth and felt that facts were mischaracterized. She thought that more offenders would be on the streets sooner with the proposed legislation. She opposed SB 91 and felt that it was a risk to public safety.

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FRANK SINGH, SELF, KENAI (via teleconference), supported the legislation and spoke specifically to Section 55

regarding limiting judicial discretion when setting bail. He stated that bail was a constitutional right. He shared that he worked as a Public Defender. He was concerned about people who could not afford bail that had a defense for their charges or whose rights were violated during arrest and conversely, offenders who could afford bail and received "better deals." He noted that the justice commission research supported his work experience.

NATHAN LOCKWOOD, SELF, KENAI (via teleconference), spoke in favor of SB 91. He called the DOC system "bloated." He favored the mandatory minimums for drug offenders. He thought that there were certain misconceptions about the bill that drug addicts that committed a crime would escape prosecution, which was not true. He suggested that those who solely had substance abuse related crimes regarding possession were "clogging up" the criminal justice system and was unaffordable. He believed that the problem could be addressed through treatment and would "benefit" the citizens of the state.

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TERRA BARNES, COMMUNITY UNITED FOR SAFETY AND PROTECTION, ANCHORAGE (via teleconference), spoke in support of SB 91. She listed the provisions she supported: victims' rights, limiting private electronic monitoring provider's influence on pre-trial sentencing, community reinvestments, and more appropriate sentences for non-violent crime.

MIKE SHAFFER, SELF, ANCHORAGE (via teleconference), spoke against SB 91. He related that he was a prosecutor but testified as a private citizen. He thought that the legislation would make the state one of the most dangerous places in the nation. He listed the many crimes he thought would increase with passage of the bill. He believed that he would not be able to "effectively" prosecute cases. He supported rehabilitation when applicable.

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BUTCH MOORE, SELF, BIG LAKE (via teleconference), was the father of Brie Moore who was killed by her boyfriend. He shared that his daughter's murderer had been released sentenced and released 8 times prior to meeting Brie. During his last period of probation, he was prohibited from alcohol use and had completed a treatment program.

Nevertheless, he purchased liquor and killed Brie that same evening. Mr. Moore determined that the murderer was able to purchase alcohol because his driver's license was not revoked. He wanted an amendment to SB 91 that permanently revoked the license of those on parole or probation. He also requested increased sentencing minimum time for murder 1 and murder 2 offences.

JON ZASADA, ALASKA PRIMARY CARE ASSOCIATION, ANCHORAGE (via teleconference), supported the legislation and specifically spoke in favor of providing funds for the recidivism reduction fund. He characterized his organization as "Alaska's primary care safety net" and served as the first point of contact for community reentry. He indicated that many of the services the association provided was uncompensated. The fund would provide additional resources for the services and strengthen the partnerships between DOC and community based services.

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LEIGH COPELAND, SELF, ANCHORAGE (via teleconference), favored SB 91. She spoke of her experience as a recipient of treatment through a therapeutic court for a long term alcohol problem. She shared that she had a graduate degree but was unable to secure employment due to her driver's license revocation. She supported the provision that offered limited driver's license to people in her situation.

JEANNE GERHARDT-CYRUS, SELF, KIANA (via teleconference), supported SB 91. She related personal experience about her son who spent his youth in prison and was released without support to manage his probation. She spoke of the benefit of funding for violence prevention such as programs like Lead On. She encouraged the passage of SB 91.

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DARREL GARDNER, SELF, ANCHORAGE (via teleconference), spoke in favor of SB 91. He provided his experience as an attorney in Alaska since 1983 including his current tenure as the Vice-President of the Alaska Bar Association. He voiced that the bill's reforms were consensus based and data driven and reflected an "enormous amount of work by the committee." He listed the various agencies that were

represented via members on the committee. He felt that SB 91 would serve the people of Alaska well.

GARY MANSON, SELF, ANCHORAGE (via teleconference), spoke in favor of SB 91. He thought the current criminal justice system had been similar to the definition of insanity; doing the same thing over and over expecting different results. He felt that the problems were not solved. He was glad to see the issues discussed and encouraged people to seriously research and consider the legislation without the emotional filter. He was very excited for passage of the bill.

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LAURA GORMAN, SELF, BRISTOL BAY (via teleconference), spoke in support of SB 91 however; she favored a few adjustments. She supported providing "wrap around" services for ex-offenders like food stamps. She also favored treatment options for offenders and thought there were not enough treatment options available in the state.

KELVIN LEE, NO LIMITS, INC., FAIRBANKS (via teleconference), owned a company that helped inmates upon release from incarceration. He favored SB 91. He thought it was important to provide the opportunities for ex-offenders to succeed. He suggested that SB 91 provided them with hope and urged support of the legislation. He thanked the committee.

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QUESTA LOCKE SELF ANCHORAGE (via teleconference), opposed SB 91. She reported being a business owner in Anchorage. One of the primary concerns for those applying for positions in Anchorage was the crime rate. She thought the legislation would make Alaska less safe.

JEAN SULLIVAN, SELF, PHOENIX, ARIZONA (via teleconference), spoke specifically to the provision that limited electronic monitoring to 120 days. She relayed that she lost her fiancé in the line of duty in Fairbanks. He was killed by a driver who had taken prescription drugs and fallen asleep at the wheel. She talked about the defendant being on electronic monitoring for over 5 months during the pre-trial period.

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PAUL KENDALL, SELF, ANCHORAGE (via teleconference), was opposed to the bill. He did not understand what the committee was doing with SB 91 and the provision that provided medical insurance for the families of fallen police officers. He was "completely confounded." He did not understand why the state continued to feed and house criminals.

SAMANTHA MULVANEY, SELF, BETHEL (via teleconference), she supported the legislation, especially the provision to provide family healthcare benefits to fallen police officers. She believed that "it was the right thing to do."

Co-Chair Thompson CLOSED public testimony. He relayed the schedule for the following bill.

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

#

ADJOURNMENT

[6:42:37 PM](#)

The meeting was adjourned at 6:42 p.m.