

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

March 22, 2016

5:05 p.m.

**MEMBERS PRESENT**

Representative Gabrielle LeDoux, Chair  
Representative Wes Keller, Vice Chair  
Representative Neal Foster  
Representative Bob Lynn  
Representative Charisse Millett (telephonic)  
Representative Matt Claman  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

Representative Kurt Olson (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 205

"An Act relating to conditions of release; relating to community work service; relating to credit toward a sentence of imprisonment for certain persons under electronic monitoring; relating to the restoration under certain circumstances of an administratively revoked driver's license, privilege to drive, or privilege to obtain a license; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving under the influence; relating to termination of a revocation of a driver's license; relating to restoration of a driver's license; relating to credits toward a sentence of imprisonment, to good time deductions, and to providing for earned good time deductions for prisoners; relating to early termination of probation and reduction of probation for good conduct; relating to the rights of crime victims; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to probation; relating to mitigating factors; relating to treatment programs for prisoners; relating to the duties of the commissioner of corrections; amending Rule 32, Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 205

SHORT TITLE: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB AID

SPONSOR(S): REPRESENTATIVE(S) MILLETT

04/17/15	(H)	READ THE FIRST TIME - REFERRALS
04/17/15	(H)	JUD, FIN
03/11/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/11/16	(H)	-- MEETING CANCELED --
03/12/16	(H)	JUD AT 2:00 PM GRUENBERG 120
03/12/16	(H)	-- MEETING CANCELED --
03/14/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/14/16	(H)	Heard & Held
03/14/16	(H)	MINUTE (JUD)
03/16/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/16/16	(H)	Heard & Held
03/16/16	(H)	MINUTE (JUD)
03/18/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/18/16	(H)	Heard & Held
03/18/16	(H)	MINUTE (JUD)
03/21/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/21/16	(H)	Heard & Held
03/21/16	(H)	MINUTE (JUD)
03/21/16	(H)	JUD AT 5:00 PM GRUENBERG 120
03/21/16	(H)	Heard & Held
03/21/16	(H)	MINUTE (JUD)
03/22/16	(H)	JUD AT 5:00 PM GRUENBERG 120

**WITNESS REGISTER**

CARMEN LOWRY, Executive Director  
Alaska Network on Domestic Violence & Sexual Assault (ANDVSA)  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of HB 205, offered testimony in support.

LAUREE MORTON, Executive Director  
Council on Domestic Violence and Sexual Assault (CDVSA)  
Department of Public Safety  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of HB 205, offered testimony in support.

TRINA SEARS, Attorney  
Office of Victims' Rights  
Legislative Affairs  
Alaska State Legislature

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing on HB 205, spoke in opposition to aspects of the bill.

ANN SEYMOUR

Justice Solutions

Address Unknown

**POSITION STATEMENT:** During the hearing of HB 205, spoke in favor of the bill.

BRENDA STANFILL, Executive Director

Interior Alaska Center for Non-Violent Living

Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of HB 205, discussed victims' services and spoke in favor of the bill.

MADISEN DUSENBURY

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of HB 205, opposed certain provisions in the bill.

KARA NELSON, Director

Haven House

Juneau, Alaska

**POSITION STATEMENT:** During the hearing of HB 205, offered support.

ANTHONY BIELER, Peer Support Specialist

Cook Inlet Tribal Council (CITC)

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of HB 205, discussed lack of treatment facilities.

MAUDE BLAIR

Alaska Federation of Natives

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of HB 205, discussed the benefits of reinvestment.

#### **ACTION NARRATIVE**

[5:05:23 PM](#)

**CHAIR GABRIELLE LEDOUX** called the House Judiciary Standing Committee meeting to order at 5:05 p.m. Representatives Millett (telephonic), Keller, Lynn, Claman, and LeDoux were present at

the call to order. Representatives Foster and Kreiss-Tomkins arrived as the meeting was in progress.

**HB 205-CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB AID**

5:06:15 PM

CHAIR LEDOUX announced that the only order of business would be HOUSE BILL NO. 205, "An Act relating to conditions of release; relating to community work service; relating to credit toward a sentence of imprisonment for certain persons under electronic monitoring; relating to the restoration under certain circumstances of an administratively revoked driver's license, privilege to drive, or privilege to obtain a license; allowing a reduction of penalties for offenders successfully completing court- ordered treatment programs for persons convicted of driving under the influence; relating to termination of a revocation of a driver's license; relating to restoration of a driver's license; relating to credits toward a sentence of imprisonment, to good time deductions, and to providing for earned good time deductions for prisoners; relating to early termination of probation and reduction of probation for good conduct; relating to the rights of crime victims; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to probation; relating to mitigating factors; relating to treatment programs for prisoners; relating to the duties of the commissioner of corrections; amending Rule 32, Alaska Rules of Criminal Procedure; and providing for an effective date."

[Before the House Judiciary Standing Committee was CSHB 205, labeled 29-LS0896\H, adopted 3/14/16.]

CHAIR LEDOUX opened invited testimony.

5:07:34 PM

CARMEN LOWRY, Executive Director, Alaska Network on Domestic Violence & Sexual Assault (ANDVSA), advised that the Alaska Network on Domestic Violence & Sexual Assault (ANDVSA) is a network of coalition of 23 agencies working to prevent and respond to domestic violence and sexual assault across the state. She read her written testimony as follows:

In that role, we provide a collective voice for victims' advocates, as well as victims and survivors

of domestic violence and sexual assault to inform and influence the state-wide coordination of domestic violence and sexual assault services.

I first want to thank you all for the opportunity for me to provide testimony today. We want to say that the Network extends our appreciation to the way that the Alaska Criminal Justice Commission's reform initiative has involved victims of crime and victim advocates. We believe that this shows a very strong will to ensure that any changes that are being proposed or that might come about within the criminal justice and corrections' systems are relevant to victims and it doesn't put them at harm. So thank you.

The second ... we want to also use this opportunity to express our gratitude to, in particular to Senator Coghill for his sustained support and his willingness to also work very closely with advocates. And to the way that ... that he's allowed for those inputs to come in and to value those. The Network and other victim advocates have been invited to the table and ... we've been able to engage, we've been able to listen, and we feel like this is a very productive way for all of us to learn about inputs into this bill.

Our main goal at the Network is to ensure that the interests of victims of domestic violence and sexual assault are heard, respected, and protected. And so what we're focusing in on in our involvement with you all on this is to focus on particular areas of the bill which look at victim notification, categories of crime, eligibility for violation or arrest, and in particular, the ways that the pretrial will be phased in since we don't currently have these now.

And most importantly, and think kind of exciting for the Network, is that we look forward to the reinvestment process and how that will impact the long term health of Alaskan residents. And just to extend on that thought a moment, I want to share with you all that the ... that the Network and our member programs, and other stakeholders in this state are already very well prepared to move very quickly and efficiently to help the state translate the savings that will come about in this bill into reinvestment into prevention,

victims' services. First of all, we have a statewide steering group called, Pathways to Prevention. The statewide steering group is comprised of multiple stakeholders across the state, including service providers, people within state government, elders, people from rural areas, children, youth, and all the different types of people. And this is a partnership that is done in consortium or in partnership with the CDC. What we're doing is looking at planning, we're looking at what our best practices, we're looking at what produces evidence, and what is evidence based programming. Because we want to do programming that is effective, that's relevant, and that makes a difference.

The second aspect, to demonstrate the readiness that we are, is that we have a high degree of involvement of youth. Currently we have a very large participatory program called, Lead On, that is a youth summit that brings youth from all across the state together for three days in order to help them learn about ... about how to have healthy relationships, about how to be more involved in their community. And from that initial gathering up to 35 communities have received small grants, and these are youth lead grants.

And then the final point that I want to say about what prepares us to help you move into the reinvestment part is that collectively we can see that we have a commitment. And I think that the ongoing conversations that we're having around the bills and around the commission and the reform demonstrates that there is a strong commitment. And we just want to say, in closing, that we do appreciate being asked to the table, we appreciate being able to have our input heard, we appreciate that there is a value for victims' perspectives, and to thank you very much for that.

[5:12:53 PM](#)

LAUREE MORTON, Executive Director, Council on Domestic Violence and Sexual Assault (CDVSA), Department of Public Safety, paraphrased her written testimony into the record as follows:

Thank you for taking testimony on victims' services, prevention, recommendation 21 of the Criminal Justice Commission's report, and the reinvestment priorities contained within the report.

Alaska is the first state involved in this huge justice reinvestment initiative that listed victims' issues as one of its top priorities, which I think shows the strong commitment from all branches of government to support victims while addressing these crimes. And the Council appreciates that support.

And, Madam Chair has Ms. Moore already spoken?

[5:14:05 PM](#)

CHAIR LEDOUX advised that she had not.

LAUREE MORTON continued reading her testimony as follows:

Okay. The commission held two victims' services roundtables, one in Fairbanks and one in Bethel, last fall. They also conducted individual interviews with victims, service providers, and stakeholders in the Anchorage area. Ten priorities were identified through information collected from these various sources. I believe the committee has a copy of the report generated by the roundtable discussions, it was passed out to you today. Several of those priorities were rolled up into the reinvestment priorities of violence prevention and victims' services in remote and bush communities.

I want to share some good news with you and to advocate a comprehensive strategic approach to use the reinvestment dollars to further prevention efforts and strengthen services throughout the state. First, a little context in these. For years we have heard Alaska leads the nation in the number of assaults, intimate partner violence, sexual violence, and child sexual abuse. All things that women and children endure. Until 2010, most of the information supporting those were anecdotal or based on scattered reports to law enforcement. In 2010, the statewide Alaska Victimization Survey revealed 58 out of every 100 Alaskan women suffered intimate partner violence, sexual violence, or both over their lifetime.

Subsequent regional surveys from 2011 to 2014, showed a consistency with the overall state numbers. We had data from women themselves that supported the anecdotes and law enforcement reports. People who worked in shelters and rape crisis centers who volunteered for crisis lines, who went with victims to gather evidence through rape exams, knew the numbers were high. I don't think anyone was prepared for how high. Focused attention moved from the emergency rooms, our shelters and rape crisis centers, outward toward prevention. How could we move our communities from the norm of violence against women, to lives freed from that violence? While prevention and education about healthy ways of being have always been part of the battered women and anti-sexual violence movement. Advocates, for too long, were the only ones working to bring those concepts to society at large. More Alaskans now stood ready to talk about these crimes and search for ways to create meaningful change, peace in our communities. Resources are not only financial in nature, but financial resources are necessary and with the prior administration's leadership and the consent of the 27th and 28th Legislatures, finances were supplied to include comprehensive prevention strategies purposely throughout Alaska, permeating community meetings, schools, wellness coalitions, even day-to-day ordinary conversation between friends.

Which brings us to today and the good news. We have a handout and if you will turn to the fourth page, you will see the lifetime estimate. But, look at those 2010, in which the statewide first survey was done, and 2015, which we just completed the second statewide survey. The 2015 Statewide Victimization Survey shows a decline in the number of women who have suffered intimate partner violence, sexual violence, or both, not only over their lifetime but in the prior year in which the study was conducted. You can see that in the lifetime estimates for intimate partner violence in 2010, 47.6 percent of the women endured intimate partner violence. In 2015, that has dropped to 40.4 percent, which is a 15 percent decrease. Sexual violence in 2010, was at 37.1 percent. In 2015, it's dropped to 33.1 percent, which is a decrease of 11 percent.

5:18:59 PM

CHAIR LEDOUX referred to the handout regarding "sexual violence forcible" and "alcohol or drug involved" and asked her to explain the distinction.

MS. MORTON responded that the questions around sexual violence were split into two categories, alcohol or drug involved sexual violence, and sexual violence without alcohol or drug involvement.

CHAIR LEDOUX asked whether she was suggesting that alcohol or drugs involved didn't involve violence, and if it didn't involve violence what was it.

MS. MORTON related that it could have involved forcible sexual violence, and this is just a distinction between whether or not alcohol or drugs were involved in the violent incident of sexual assault.

CHAIR LEDOUX surmised that it all involves force and violence.

MS. MORTON responded yes, the distinction is whether or not alcohol or drugs were involved, and she offered to provide the full report on the victimization survey wherein distinct questions asked. For example, she said, a person responding to the survey did not have to answer "yes or no" as to whether they were sexually assaulted. Rather, they were asked specific behavioral questions, such as whether someone tried to force them to have vaginal sex, whether someone tried to force them to have anal sex, and whether someone presented some specific sexual violent behavior.

5:20:59 PM

CHAIR LEDOUX extended that she wanted to clarify that it all involved force, and that she is unsure whether Ms. Morton was saying yes or no.

MS. MORTON opined, no to physical force, and yes in the event someone forces an act of sexual violence against another person without their consent.

5:21:33 PM

REPRESENTATIVE LYNN said he did not understand Ms. Morton's last answer and asked her to repeat it.

MS. MORTON explained that the difference between the two sections of the survey had to do with whether or not alcohol or drugs were used. She remarked that any form of sexual violence is violence, and the distinction here was whether or not alcohol or drugs were used. In 2010, 26.8 percent of the cases involved alcohol or drugs, and 25.6 percent of people reporting sexual violence reported that it was forcible sexual violence with no alcohol or drugs involved.

[5:22:34 PM](#)

REPRESENTATIVE LYNN asked whether she meant physical force such as grabbing someone, or emotional force which could be defined as a threat.

MS. MORTON apologized for not making the full survey available, and that she would prefer to make it available to the committee rather than go by her memory.

MS. MORTON turned to the handout "Trends from 2010-2015" and pointed out that within the prior year instances, there were 6,556 fewer victims of intimate partner violence in 2015, than in 2010. She pointed out that there were 3,072 fewer victims of sexual violence in 2015, than in 2010. The reason this is good news, although still unacceptably high, is that Alaska dropped from a lifetime of 58 out of every 100 Alaskan women to 50 out of every 100 Alaskan women, she remarked.

[5:24:24 PM](#)

REPRESENTATIVE LYNN requested her estimation of the cause of the violence going down.

MS. MORTON answered that the Council on Domestic Violence and Sexual Assault (CDVSA) believes that a portion of that good news is the prevention efforts that have been put forward since 2010 through today. She continued reading her testimony as follows:

So, the survey showed that there is a ... prevalence is decreasing, the trends are heading in the right direction, but we still needs to strengthen our efforts for all women to be safe. And, how do we do that? How do we move forward? I think we provide focused attention to the prevention that is necessary to continue the change community by community.

Promoting community readiness and being ready to support efforts on those small and large scales.

So, in the next slide what you'll see is a list of different prevention activities that we thoughtfully and carefully considered bringing into the state. Some of them actually are generated from here in this state, such as Compass, which generated from a group of Alaska Native men who worked and mentored male youth 12-18, sitting down and saying what can we do. What can we do to raise a generation of men who are going to be respectful of women, who are going to understand that violence is not the answer, that strength is them being honest, and with integrity, and in taking care of yourself and your family and your friends. What does that look like? And they came up with this program called Compass, which is a 12 week program where adult men mentor male youth 12-18 in their daily activities. So, whether that's hunting or fishing, whether that's providing for their family in some other way, whether that's going out and camping for the weekend, or playing sports, or whether that's cooking the bread for the week for the family, whatever those activities are, they are opportunities to talk about what it means to be a respectful and strong man.

There are other programs that are international in scope, "Girls on the Run" for example, that we looked at and thought would be adapted well to Alaska and brought into this state. So, young girls in 5th through 8th grade have adult female mentors over a 12 week running course, and at the end they actually run a 5K, they do a community service, they learn about what it means to be a respectful young woman in our society. And how to interact, and what their boundaries are, and how to be productive in our communities. All the way to "High (indisc.)," one of which is green dot, which you may be more familiar with, that allows everyday people in communities to understand about domestic violence and sexual assault to see for themselves what their boundaries are. I may be comfortable in a group of my peers if someone tells an off-color joke or something that is degrading to women, calling them on that. I may not be comfortable if I see Representative LeDoux and Keller fighting, to go break them up. But, maybe somebody

else would be comfortable in doing that. So, [laughter]. But maybe I would feel comfortable calling 911. So, it helps me know what my comfort level is, and to know that I can do something. Nobody sort of ... catch phrase for green dot is 'Nobody has to do everything, but everybody can do something.' And it helps you to be able to know what that is.

5:29:03 PM

I wanted to ... also sort of focus on putting prevention to work, which was the summit that we were able to hold in these intervening years between 2010 and 2015. You'll notice on the slide [page 7] that there are, I'm going to say 19 communities, then if you count and I'm incorrect please be kind to me. That brought teens together, men and women, youth, who were interested from a community perspective and learning what it would look like and how to engage their entire community in this effort to create peace, to stop domestic violence and sexual assault. So, teens came together, they put together a prevention plan. We had the ability to follow up with those plans, provide support to those communities, and really help them start effecting the change that they knew was possible.

On the next to the last slide, I think is "When I'm an Elder." You may have seen these, a couple of years ago they ran fairly frequently on "Gavel to Gavel." It was where groups of young people from different areas of the state got together and talked about what they wanted their world to be like.

5:30:22 PM

CHAIR LEDOUX noted that Ms. Morton's testimony had gotten a bit far afield from this bill, and asked Ms. Morton whether she does or does not support the bill, and whether there are specific portions she supports or does not support.

MS. MORTON offered that she misunderstood her instructions because she thought the committee wanted to hear about prevention and reinvestment, which is part of what happens with the savings of the different areas of the bill regarding reentry.

CHAIR LEDOUX explained there will be an entire day next week dedicated to the reinvestment portion of this bill.

MS. MORTON acknowledged that she probably got her wires crossed and offered that her testimony could be a foretaste of that and she would not repeat herself.

MS. MORTON said that in addition to prevention, one of the priorities the victims' services discussed was victim services in rural and remote areas. She pointed to recommendation 1 within the report, wherein it holds the concept of augmenting leadership for village elders to work with youth in reducing these crimes. She referred to the creation of "Safe Homes," and noted that not every community has a shelter or crisis center, but there are ways in which rural areas can still ensure safety. The Council on Domestic Violence and Sexual Assault (CDVSA) expanded outreach in assisting communities to become aware of available services, and the training of community health aides to conduct basic rape exams in village. She pointed to number nine, and advised that the other priority is to increase services for child victims and witnesses. She related, "It's something that, as we know in our shelters, overall, only about 26 percent of the population that access our services are children. But when you look at only those people accessing our shelter services, the number of children involved jumps up to 44 percent of those who actually access shelter." She stressed that this would be an opportunity to pay better attention to what can be done for children.

[5:34:09 PM](#)

TRINA SEARS, Attorney, Office of Victims' Rights, Legislative Affairs, Alaska State Legislature, said she would like to answer the question of which aspects of the bill help victims. Ms. Sears related that as an attorney with the Office of Victims' Rights, the office opposes almost everything in the bill. There are some provisions that would help victims, but for the most part in almost all aspects provides ways to let offenders out of jail, she remarked. Ms. Sears then explained her background with regard to prosecuting sex crimes and domestic violence crimes. She acknowledged that the committee has heard from a few victims' advocates who care about victims in this community. The difference, she point out, is that in her office they are all attorneys specializing in criminal law and they advise victims of their statutory and constitutional rights.

[5:37:21 PM](#)

MS. SEARS said that, unfortunately, this bill does not provide treatment for those addicted to drugs, or mentally ill, and this bill affects violent and non-violent offenders alike with almost every aspect of this bill providing for less jail and earlier release for all offenders. Including, she pointed out, those convicted of sexual assault in the first degree or sexual abuse in the first degree, and that those who have sex with children under 13 would get out of jail substantially earlier under this bill. Another concern is that this bill violates a victim's constitutional right to be heard when defendants are pending release from custody, from bail to probation to parole. Ms. Sears pointed out that every victim of a crime has a constitutional right to be heard before or after conviction at any proceeding where the accused being released from custody is considered. Unfortunately, there are many aspects of this bill that mandate that a judge has to release somebody under certain conditions. She said the information a victim would provide to the court at a proceeding is extremely helpful to a judge, a probation or parole officer, thereby possibly effecting the conditions of release. For example, she said, whether this person should be deemed a safety risk, oftentimes victims have information that is not available because many victims don't report, but under this bill the judge's hands are tied.

[5:40:48 PM](#)

MS. SEARS noted another concern was how this bill reduces penalties at all phases. For example, it redefines crime such that theft will no longer be punishable by jail time if it's up to \$250 in value, and only on the third conviction could someone receive up to five days in jail. She suggested explaining to the small businesses that it takes a third conviction before someone who has stolen from them can get even one day in jail under this bill. Currently, in the event someone fails to show up to court it's a misdemeanor offense and a felony if they don't show up for their felony court, which leads to another concern. She explained that the delay in the system re-victimizes people because they go to hearing after hearing and it's continued and continued, and they never know what's going to happen. She stated that this bill provides little penalties for defendants who fail to show up and it will cause mandatory continuances of another 30 days because nothing can happen in a felony case without the defendant being present. This legislation will basically incentivize people to not show up because if they've been drinking or using drugs, why would they ever show up to court because the judge and prosecutor would

know they were high and there's no real penalty for not showing up to court. She stressed that the delays re-victimizes victims.

[5:43:33 PM](#)

MS. SEARS expressed that the drug laws have been seriously redefined in this bill, such that possession of heroin and cocaine will be a misdemeanor offense punishable by a maximum of 30 days in jail, whereas, currently it's a felony offense with a maximum penalty of five years in jail. The bill makes it impossible for a judge to sentence someone to treatment because they won't be on felony probation, they won't be mandated to go to any treatment as a misdemeanant, and they won't be required to perform UAs. This bill reduces presumptive sentencing for every class of offense, A felonies, B felonies, C felonies, and misdemeanors are all reduced in this bill, she said. Currently, if a person is robbed at gun point, the penalty is a seven year minimum and this bill reduces it to five years, it also reduces the penalty for being stabbed with a knife and seriously injured.

[5:46:00 PM](#)

REPRESENTATIVE KREISS-TOMKINS asked whether she perceives a bad person being in jail as a good thing because they can't reoffend and would make society safer. He further asked whether she believes all of the current sentencing statutes are appropriate or whether they should be longer. He referred to her concerns and requested a more circumspect picture.

[5:47:02 PM](#)

MS. SEARS explained that if this bill focused on reentry to help people become productive, that would be a start. Unfortunately, the bill just significantly reduces sentences for people, provides earlier parole and earlier probation release. There might be a provision where, if you are concerned about helping people reenter society, that would probably help them get their license back and get a job. But, she commented, the rest of the bill doesn't implement anything along those lines. In terms of whether she thinks jail is bad or good, it depends. Under current law, for people committing low-level crimes the judge could give them zero jail, and oftentimes as a prosecutor on the low-level felonies, she would offer less than a month jail time on something that could be up to five years by taking into account factors such as rehabilitation that is set in statute.

But, she related, this bill forgets another component to sentencing, such as reestablishing community norms, community condemnation, which is lost in this bill. She further related that jail by itself isn't necessarily good or bad as it depends on the circumstance, such as, whether someone is violent, or is a repeat offender. Unfortunately, the bill sometimes treats everybody the same, violent and non-violent, they get the same penalty.

[5:49:04 PM](#)

REPRESENTATIVE KREISS-TOMKINS asked Ms. Sears to forget this legislation and to just consider current sentencing laws, are there any sentencing laws she feels are inappropriate or overreaching.

MS. SEARS asked whether he meant reducing any sentence for anybody.

REPRESENTATIVE KREISS-TOMKINS asked Ms. Sears to disregard HB 205, and further asked whether there are any current sentencing laws with a strong argument for reducing sentences.

MS. SEARS responded that currently there are incentives in the law for people to receive lower sentences, and she pointed out that the legislature recently passed new mitigators that apply to people if they undergo treatment. As to whether sentences are already too high for specific crimes, she remarked that probably not because much is already built into the law, such as allowing youthful first offenders to get zero jail, or little jail for non-violent offenses.

[5:50:16 PM](#)

CHAIR LEDOUX requested her thoughts regarding the PEW Charitable Trusts' research that jail, to a certain extent, causes recidivism and that jail isn't working for many people.

MS. SEARS related that she is not an expert in statistics, but a couple of the statistics the PEW Charitable Trust offered did not consider changes specific to Alaska. It didn't necessarily consider that Alaska seriously increased its sentences for sex crimes. And, she noted, when they say sentences are going higher and higher for A and B felonies, an A felony sex crime is attempting sexual assault which is 15 years minimum, and a B felony sex assault might be a student having sexual contact with their teacher, and that penalty has gone to five years. She

reiterated that they don't take into account some of the things that are specific to Alaska.

[5:51:39 PM](#)

REPRESENTATIVE KELLER expressed that with regard to the commission's focus on victims' rights, two roundtables took place in September, the commission designed a task force specifically regarding the rights of victims, and victims' advocate Commissioner Brenda Stanfill is on the commission.

MS. SEARS responded that her supervisor, Taylor Winston, attended a roundtable that was after most of the 20 recommendations were already ...

[5:52:41 PM](#)

REPRESENTATIVE KELLER reiterated there were two roundtables in September of 2015, according to the report.

MS. SEARS opined that Ms. Winston flew out-of-town to attend a roundtable for victims. She put forth that at the conclusion of those roundtables were additional recommendations, after the initial 20 or 21, and they are not in the bill.

[5:53:21 PM](#)

REPRESENTATIVE KELLER pointed out that the 21 recommendations were approved after September. [Alaska Criminal Justice Commission, Justice Reinvestment Report, dated December 2015.]

CHAIR LEDOUX clarified that the reinvestment language will be added within another committee substitute, and it is not currently in the bill. She stressed that the bill will not move out of committee without the critical reinvestment language and without money for the reinvestment.

MS. SEARS said that all she sees is a zero fiscal note and the bill being represented to the public as a cost savings. She related that she would be interested in whether the state actually reinvests and puts its efforts monetarily toward victims' services and mental health and drug treatment, and how much that will cost.

[5:54:31 PM](#)

CHAIR LEDOUX clearly stated that the fiscal note is not zero, and reiterated that there is a fiscal component to this bill and there are upcoming appropriate fiscal notes on the bill.

MS. SEARS offered that the concerns of her office are based upon what is currently written in the bill. In the event there is a proposal to significantly invest money into treatment or victims' services, the Office of Victims' Rights would respond but currently no money is reinvested in this bill. She remarked that if this bill passes without that reinvestment, there's no guarantee there is even going to be any reinvestment in the future.

[5:55:24 PM](#)

CHAIR LEDOUX stressed and reiterated that she is giving Ms. Sears her commitment that this bill is not reaching the floor of the House of Representatives without the reinvestment component.

REPRESENTATIVE CLAMAN pointed out that the proposal is that it will save the state money, but not without reinvestment because the bill won't have its desired effect. As a former prosecutor, he requested her perspective as to whether the "war on drugs" has worked by taking more and more discretion away from judges in terms of sentencing for non-violent drug offenders.

[5:57:18 PM](#)

MS. SEARS answered that, first of all, Alaska doesn't have mandatory sentences for first time felony drug offenders possessing drugs. She said the typical sentence is an SIS [suspended imposition of sentence] if it's the first felony and maybe a couple months of jail, if any. She explained that the person is on probation for a couple of years and if they do well the conviction is set aside. The reason he may have seen numbers of recidivism and losing their SIS is because people can't get off their addiction, she said.

REPRESENTATIVE CLAMAN restated his question and asked, on a broad societal scale, whether the war on drugs has worked.

MS. SEARS replied that she honestly is unaware of what goes on in the rest of the country. She related that she was assigned to the drug unit as a prosecutor, and that it was difficult to get the federal government with more serious penalties than Alaska, to take over a drug case. Usually, for the federal government to take over a case, a weapon had to be involved or a

significant amount of drugs or money. Therefore, a person is generally not federally prosecuted in Alaska for small amounts of hard drugs, such as heroin, she said.

[5:58:56 PM](#)

REPRESENTATIVE CLAMAN referred to Blakely v. Washington, [542 U.S. 296 (2004)], and the changes to some of the presumptive sentencing laws wherein the overall average sentence for felonies went up as a result those laws. He asked whether she has research that disagrees with those conclusions, in terms of the broad overall increase in felony sentencings statewide over the last eight or nine years in Alaska.

MS. SEARS asked whether that excludes sex offenses.

REPRESENTATIVE CLAMAN answered that he is looking at all felonies.

[6:00:03 PM](#)

MS. SEARS argued that there are B felony sex offenses, and C felony sex offenses, and opined that some of those statistics did not separate out sex offenses; therefore, those statistics are not good. The Alaska Judicial Council conducted a study, due to be released soon, that would answer whether people receiving convictions for drugs and property crimes are actually seeing any jail, she said.

REPRESENTATIVE MILLETT said she understands her concerns and offered that as the sponsor of HB 205, without the reinvestment piece, treatment, substance abuse, and the ability for a sex offender to receive treatment in place she would pull the bill from the legislature, and she asked Ms. Sears to work with her to make it a better bill.

[6:02:56 PM](#)

MS. SEARS continued her testimony and reiterated that with all presumptive sentencing, the penalties are being reduced even for second and third offenders. The bill also proposes reducing earlier on parole, certain types of offenders. For example, mandatory parole is required after an offender serves one-fourth of their sentence for B and C felonies, such that when someone burglarizes a home, it is a B felony. Whatever sentence the judge gives that person under this bill would be mandatorily released after serving only one-fourth of their sentence. The

bill, with respect to sex offenders, includes a provision that allows for discretionary parole after an offender serves one-fourth of their sentence. Currently, if someone is sentenced for a crime committed a year ago, they would serve 100 percent of the sentence. She noted that a couple of years ago the legislature took away good time for certain sex offenders, yet this bill allows the person to get out after one-fourth of their sentence which is a significant change for victims of sex crimes.

6:04:29 PM

MS. SEARS offered significant concern that this bill allows those 50 years old to get out of jail after serving 10 years, including sex offenders and homicide defendants. She related that she has prosecuted quite a few sex offenders who were older than 55, and some were in wheelchairs committing sex crimes against children. She said she is open to questions or discussions to make this bill better because there is no doubt that Alaska's criminal system is flawed and change is needed. However, she expressed, her office believes that change should not come at the expense of Alaskan's safety and it should not trample on the rights of thousands of people who are victimized by crime each year.

CHAIR LEDOUX stated that her office will work with Ms. Sears, particularly after the reinvestment piece is added, and she is welcome to return with her comments.

6:06:05 PM

REPRESENTATIVE KELLER thanked her for her comments and noted that he will carefully review her testimony because some of her comments need to be addressed on the record later. For example, he pointed out, the geriatric element in the bill only requires a hearing, and it does not release anyone.

REPRESENTATIVE KREISS-TOMKINS asked whether she or her office was involved with the commission and its public process, and if so, how she contributed to the commission's work.

MS. SEARS said that her office was not invited to be a member of the commission, although her supervisor did attend at least one meeting and listened in on some of the meetings by telephone. She related that the meeting her supervisor attended allowed a couple of minutes for public input for all of the people there.

She opined that her office wasn't invited to speak initially until her testimony here, but she wasn't formally invited.

REPRESENTATIVE KREISS-TOMKINS noted that within her closing comments she acknowledged that change is needed, and he asked the changes she sees as necessary within the criminal justice system.

[6:09:36 PM](#)

MS. SEARS pointed out that the commission was initially tasked with looking at why Alaska has such a high recidivism rate and addressing that problem. The commission was then instructed by the legislature to reduce the jail population by 25 percent, which are two different things. The commission, from her perspective, should have focused and should focus on why so many people are reoffending, and how to make probation better so probation officers are better able to assist people to not reoffend, she offered. That is not the focus of the bill, she stressed, as the focus of the bill is how to reduce the prison population.

REPRESENTATIVE KREISS-TOMKINS commented that he would like to hear from a commissioner as to whether they would agree with her statements because previous testimony has been focused on the likelihood of recidivism and using data and other factors to guide sentencing.

MS. SEARS said she doesn't want to debate the issue because Representative Kreiss-Tomkins has heard more testimony that she, but challenged where the bill specifically addresses recidivism. She pointed out that she disagrees because just reducing penalties for violations, or violating probation doesn't focus on recidivism.

CHAIR LEDOUX reiterated that when the reinvestment piece is introduced, Ms. Sears will see that it addresses recidivism.

[6:11:34 PM](#)

REPRESENTATIVE KELLER expressed that the committee will continue to work on improving the bill. He pointed out that all of the Alaska Criminal Judicial Commission's meetings were well advertised, always open to the public, and people testified during the meetings. Although, Ms. Sears didn't say otherwise, he wanted to put on the record and stress to everyone that the commission was an open, transparent, and collaborative process.

REPRESENTATIVE LYNN asked the committee to define reinvestment in one or two sentences for the public, which is to be the salvation of this bill.

6:12:50 PM

REPRESENTATIVE KELLER offered that the intent is to reinvest the money the state saves from inappropriately locking people up too long. He related that data has shown that [the current criminal system] isn't getting the results the state had hoped in programs. For example, in order to help the reentry process the Parole Board has to be beefed up, and reinvestment has to happen in order for this to work. He added that the Alaska Criminal Justice Commission is not finished, it made these recommendations as a starting point and it is still a process. He explained that the next stage is implementation, which obviously will be the reinvestment element, and there is a lot of interest in how that can be reinvested. The nature of the legislative job is dealing with the different interests on how to reinvest or invest, he said.

REPRESENTATIVE LYNN thanked Ms. Sears for her clear and lucid testimony.

CHAIR LEDOUX advised that her office will be in touch with her.

6:17:24 PM

ANN SEYMOUR, Justice Solutions, said she is a nationally known crime victim advocate, and she helped facilitate outreach to crime victims, survivors, and victims' service professionals and advocates, throughout the Alaska Criminal Judicial Commission's work. Ms. Seymour then listed her background information within her written testimony provided to the committee. Ms. Seymour related that throughout the 1990s she personally led national efforts to be tough on crime and to lengthen sentences all across the country. The justice field has moved to evidence based practices and she likewise moved to support justice reform that is smart on crime. She said her involvement in criminal justice and corrections reform is to be certain victims' voices are heard, and when the discussion is public safety to also consider the individual safety of victims and survivors, as members of their communities. During her early days as a victims' advocate wherein victims had virtually no rights and were an afterthought in justice processes if they were thought about at all. The most significant change in justice reform and

reinvestment efforts is the strategic and proactive involvement of crime victims and survivors. Over the past five years she has been involved in justice reinvestment efforts in approximately 20 states, and realized that the needs of victims vary widely from state to state. She offered that South Dakota focuses on creating a statewide notification system for victims, in Pennsylvania one of the outcomes provides advocates for victims of juvenile offenders, Hawaii completely overhauled its victim restitution program, and Oregon holds an amount of money in its statewide domestic and sexual assault services fund. She noted there is consistency in the fact that states that have reduced its prison population have also reduced its crime rate. For example, beginning 2010, South Carolina reduced its prison population by 20 percent and at the same time it has seen a reduction in its crime rate of over 12 percent. Beginning 2011, Kentucky, reduced its prison population by 1.6 percent with a 17 percent reduction in crime rate.

[6:22:17 PM](#)

MS. SEYMOUR related that she applauds any bipartisan justice reform effort and she sees that the Alaska Criminal Justice Commission's efforts have recognized the needs of crime survivors and the commission's early and strong commitment to hearing the voices of victims in Alaska is where she came in. Her work began last summer, first reviewing a rich body of research demonstrating that while Alaska had some of the finest victim assistance programs in the nation there were still so many victims unserved and underserved. These include: victims of child abuse and neglect; the majority of Alaskan women who experience at least one incident of intimate partner's sexual violence in their lifetime; and that the victim's need for legal assistance far outweighs this state's capacity to provide it. She explained that "we reached out to over 50 survivors and victim advocates" to inform them about what the commission was trying to do and invited them to join discussions to assist in clarifying victims' most important needs and concerns. During [the roundtables] in September, she had opportunities to speak with many crime victim survivors, and met with Butch and Cindy Moore in person. She listened to domestic violence survivors, in particular, for whom personal safety was just an oxymoron, and she interviewed victims' assistance professionals who struggle to provide quality services to victims in Alaska despite not having enough resources to do so. Two roundtables held in Alaska in September, as opposed to just one roundtable in other states, wherein tribal elders and survivors were flown in to ensure that the commission learned specifically about the

needs of victims in Alaska, Bush and remote communities. Overall, there were 29 survivors and advocates attending the roundtable, and she related that it is important to note their input truly [influenced] the commission's work. She noted a strong consensus regarding the need to strengthen victims' assistance services in remote and Bush communities, together with a focus on crime prevention and bystander intervention and the goal of less crime and fewer victims in Alaska. She related there was strong support for evidence based and culturally competent programming, supervision for convicted offenders including batterer's intervention, and restorative community service with the reinvestment piece.

[6:25:59 PM](#)

MS. SEYMOUR opined that HB 205 offers the foundation in reinvestment funding that can make the roundtable recommendations a reality, and with its wide range of victims' rights marks it one of the most victim centered pieces of legislation she has seen over the past decade. She further opined that each victim is unique and it is impossible to paint them all with a broad brush. Her work is to be certain the voices of victims, and their advocates are heard, respected, and reflected within public policy.

[6:27:02 PM](#)

REPRESENTATIVE LYNN surmised that according to her testimony, prison populations decreased because crimes were redefined, and he asked whether felonies became misdemeanors, and misdemeanors became violations.

MS. SEYMOUR responded that she has worked in 20 different states and every state is unique in how it goes about reducing its population. In Alaska, and most states, the focus is on non-violent offenders, alcohol and drug strategies, and people who can be more effectively supervised within the community. Across the board, she said there has been a reduction in the prison populations, but also a reduction in the actual crime rates. She said she would provide the committee with data if so desired.

[6:28:42 PM](#)

REPRESENTATIVE LYNN surmised that the non-violent crime population would be out of prison, leaving only the more serious

population in prison, and asked whether that is why there was a decrease in the prison population.

MS. SEYMOUR said yes, in most states. She offered to provide overviews of specific strategies other states have used, although the commission had much of that information when it began its foundation efforts.

[6:29:18 PM](#)

REPRESENTATIVE CLAMAN referred to her testimony regarding the reduction in crime as well as some states seeing a reduction in its prison population. He opined that when people discuss the crime rate in a state, it is typically a function of the Department of Justice statistics collected state by state and tracked with a fair amount of detail; the prison statistics come from each state's Department of Corrections. He asked whether that is also her understanding of the statistics she references and that when discussing a reduction in crime it is actually the Department of Justice statistics and not something coming from individual states.

MS. SEYMOUR said she would double-check but opined the data is coming from individual states. She reminded the committee of her examples from South Carolina and Georgia because they were the first two states where she was involved in victims and justice reinvestment. There has been a history of those states seeing the reduction she spoke of and, she reiterated she will double-check and provide the committee with the information.

REPRESENTATIVE CLAMAN asked her to check on it because, in Alaska, each time it receives a reference on the crime rate it comes from Washington, D.C., and not from Juneau. He pointed out that he would like to know if those other referenced states are doing it as an internal state analysis, or getting their crime statistics from those published.

MS. SEYMOUR said she would clarify it tomorrow.

[6:31:46 PM](#)

BRENDA STANFILL, Executive Director, Interior Alaska Center for Non-Violent Living, said she is a commissioner on the Alaska Criminal Justice Commission as a victim advocate, and is also the executive director of the Interior Alaska Center for Non-Violent Living. The governor's office selected her to sit on the commission and that did not mean she was the only person

that could have input into victim advocacy. The commission's process was interactive whereby the commissioners and the audience participated, and the commissioners were enthused that all voices were heard and not just the commission members. A large area the commission looked at is victims' rights, which is tremendously important, and the commission tried to keep those rights at the forefront with the issue of victims' rights being considered throughout the entire process, she said. The three issues considered were pretrial, sentencing and community supervision. Fifteen years ago, from a victim advocacy perspective, she would be fighting tooth and nail to stop this from going forward, and would be advocating for hard penalties and holding people accountable because that is the only way people change. Throughout the years, she said, it was clear that jail changes no one because "my little guys in the shelter" grew up and they are now the men in her batterer's intervention program, some are dead after firing on law enforcement, and/or are hooked on meth and stealing from everyone. In addition, these people cannot get the services they need so when their mothers tell her that little Johnny, who you've known for his whole life, needs to get into treatment, she can't help him. For instance, Fairbanks does not have mental health services available to an un-resourced person unless they try to commit suicide. The state is failing on the side of providing treatment services and uses all of its funds for the incarceration of people, and yet the people are not coming out of prison different. Ms. Stanfill acknowledged that she is afraid to move away from jail because it's what she knows and believed is supposed to happen because when growing up that is what she was taught.

[6:36:15 PM](#)

MS. STANFILL related that in reviewing the data and research, the state can achieve public safety and reduce crime by doing things differently and making certain that resources are available to provide treatment. She turned to the area of pretrial release and pointed out that victims are extremely represented within the bill. The current bail system allows a person out on bail if they have money and their release is not based upon risk, or what is going on. Yet, in the event a person doesn't have money they would probably sit in jail. Pretrial release is part of the reinvestment the state has to create and continue to engage in that [reinvestment] process, she said.

[6:37:01 PM](#)

MS. STANFILL advised that pretrial release means that some people would be released on their own recognizance (OR) which does not mean that the victim does not have a voice, rather it means a person would be released with conditions. In the event a person is charged with a low-level crime, if the victim describes the reality of a situation, the judge can impose conditions in an attempt to keep that victim safe. The bill does not read that a person is released with no conditions such as breathalyzer tests or to check in with the 24/7 program, she explained, it's that the person will not be required to put money down in order to get out on bail. She further explained that the risk assessment assists in determining whether a defendant can safely be released. In the event the defendant is determined to be a high risk offender they may not get out of jail and communities will be safer, which is better than a defendant just posting bail with money and getting out.

MS. STANFILL noted that within the area of sentencing, the question before the commission was whether the state had to use jail or could use other methods, specifically separating out the violent and non-violent offenders. She noted that the commission knew it would have to dive into an in-depth look at the legislative level, such as what level of offenders are eligible for administrative parole without a hearing or geriatric parole. An issue considered under SB 91, was raising some of the maximum probation terms limits, wherein the commission recommended five years, and victim advocates were not sure whether they felt more comfortable with ten years. She noted these are the type of dialogues that have taken place, and no one said, right out of the gate, that this thing is ready. For instance, victims' advocates believed they had made certain child porn was not a violation, and due to wording language the crime was actually still listed as a violation. She reiterated that in-depth digging is ongoing to be certain the legislature crosses things out and doesn't miss the boat. As a victims' advocate, she opined, the criminal justice system can be conducted better, can achieve safety, and be certain victims' voices are heard.

[6:40:02 PM](#)

MS. STANFILL reiterated that the state can make long-term changes in Alaska by executing reinvestment. She pointed to Lauree Morton's testimony such that within Alaska's last five years of intensive prevention efforts, it experienced 3,000 less incidents of victimization in one year. As a victims' advocate,

she said she is willing to give up the current sentences of days in jail in order to provide the prevention and reentry services, with victims as part of the process, on the front end of reentry. She related that some of the information, during this committee meeting, did not come across in the manner the commission discussed, and she looks forward to more dialogue in being certain everything has been discussed. She thanked the committee for putting reinvestment at the top of its priority.

[6:42:27 PM](#)

REPRESENTATIVE MILLETT reiterated that the state's current criminal justice system is not working, and that reinvestment aims at changing outcomes for the prison population and reentry so people do not return to prison. The point of the bill is to take data driven information and turn it into a result based bill, she said.

CHAIR LEDOUX opened public testimony.

[6:44:07 PM](#)

MADISEN DUSENBURY said she represents the Dusenbury family and other victims. Ms. Dusenbury read her testimony as follows:

As she said, first of all, I'd wanna ... I'd like to thank you guys for giving me the opportunity to speak. I am obviously a little bit nervous, I've never done this before. As she said, I am the daughter of Jeff Dusenbury. He was a man who lived and was killed in south Anchorage by a drunk driver in a hit-and-run collision. I flew down to Juneau today because this is something that I am passionate about, certain portions of this crime bill. And I would like my voice to be heard.

As I said, I'm obviously no expert in criminal law, at all. I only speak to you guys as someone whose father was killed by negligent behavior, and whose life was affected daily by the decisions made for our criminal justice system. I speak to Representative Millett, as well, as you are my family's district representative and a sponsor of this bill. I hope that you all take my testimony into consideration when moving forward.

For anyone who is not familiar, thank you [accepted a tissue], with the case, my dad was killed on July of

2014 by a young woman named, Alexandra Ellis. It was a Saturday morning and my dad was out on his usual morning bike ride, when Ellis driving backwards hit him with her truck, proceeded into a park, and then fled the scene. She had gotten out of her second-round of rehab weeks prior, yet was intoxicated from drugs and alcohol when she killed him. My mom and I have been to court since then for trials on eight different occasions, and our case is still not over. Each time that we go to court it's really emotionally draining and stressful. Having to re-live my father's death and hear the person who killed him speak and to see her in court is obviously very upsetting. As well as seeing pictures of his bicycle of where his head impacted the truck is very traumatizing for me. To me it's .... exemplary of re-victimizing the victim, reopening a wound and pouring salt into it again. In the last week, five months after Ellis was supposed to remand to jail, the judge and prosecution agreed that Ellis will only have to serve 60 to 90 days about, in jail for killing my father and leaving him there to die. If that isn't outrageous enough, it is my understanding that if this bill would have been in place, Ellis would essentially be serving no time for killing my father due to the administrative parole that allows criminals to serve only one-fourth of their sentence in conjunction with the Nygren credit that she was granted. Along with not serving any jail time, this bill also allows good behavior credit on probation, from what I understand, potentially cutting her probation time in half. And if she violates her probation, it's also my understanding that if she violates her probation, like is caught behind the wheel with alcohol that she will only have to serve three days in jail.

I don't understand how a probationary period with such lenient violation consequences hold ... holds criminals accountable. To me, a probationary period is supposed to help rehabilitate people back into society. So, it doesn't make sense to me that by cutting criminals' probation time in half, I feel it is cutting the rehabilitation time in half was well.

The sentence originally imposed on Ellis and the changes made to it on her probationary period through this crime bill don't offer my family closure, in

fact, it is insulting to us. My mom and I have never been into retribution or revenge. We've never been one to say, throw the books at Ellis. I understand that my dad is gone and nothing can change that. All I ever wanted was just ... [crying]. All we ever wanted was justice.

6:49:05 PM

CHAIR LEDOUX asked Ms. Dusenbury if she would like to take a break.

MS. DUSENBURY responded "No, thank you though," and continued reading her testimony as follows:

All we ever wanted was justice, objectively handed out by the court, and we hoped, thank you, [Ms. Dusenbury was handed a tissue] with the attention this case gained our state would use it as a platform to society, especially the youth, that reckless behavior such as driving under the influence and killing someone are very serious offenses that hold very serious consequences. I understand that it is important to rehabilitate a criminal to be a contributing member of society; however, I also feel it should serve as some sort of deterrent to our community and to our youth. Do we continuously try to rehabilitate people like Ellis, regardless of how many times they have tried and failed rehab at the victims' expense? To me this bill just validates that a criminal's chance of rehabilitation has become more important than the victims. I'm confused, honestly, how our elected government officials can support certain pieces of this bill, such as the shortened sentencing time, and the shortened probation period. Mainly I'm confused because, if I understand correctly, you guys are supposed to our voice. If you look at any media article online you will see hundreds of comments, and they're all overwhelmingly in opposition of this lenient sentence. Our community has come together and created certain petitions, and there's about 9,000 signatures on these petitions. They are people who are angry at the one year sentence. I can only imagine how outraged they'd be if they knew Ellis would essentially serve no jail time, if this bill would have been in place. I want to know who is supposed to represent and work for

these 9,000 people? Who is supposed to represent and work for me, and for my family? If this bill passes and the consequences of crime become even more lenient then I lose all hope that people will reconsider their actions when participating in mischief and negligent behavior. It's in my opinion that this bill works for criminals and against victims. And it doesn't just seem unfair to me or to other victims, it seems unfair to society. I don't ... I don't think it's ... just for our state to sway towards the deference of criminals. I feel like it re-victimizes the victims and I feel like it risks the public's safety just to, I guess, reduce prison population. Brenda, who spoke before me, said that she wanted to have input of victims so, like I said, I hope that you guys take it into consideration when moving forward with the process and with looking at it more specifically. I'm finished.

[6:52:42 PM](#)

REPRESENTATIVE CLAMAN offered that her father was his riding buddy and her father is in his thoughts all the time. He explained that this is a complicated bill, and Alaska has huge problems including determining the number of people in jail, how long to keep people in jail, how to keep the most violent and dangerous people off the streets, and rehabilitate those who have potential to contribute to society.

[6:53:37 PM](#)

CHAIR LEDOUX put forth that her testimony was extremely powerful and she offered her condolences. Chair LeDoux explained, "I lost ... I lost a husband ... a husband and a son to an automobile accident many, many years ago. But, listening to your testimony brings all of that back. I'll reiterate the comments of my colleague, and my friend, Representative Claman, it's really complicated."

MS. DUSENBURY said she understood, and asked the committee to consider unique cases in moving forward, and to look at the specifics of this.

REPRESENTATIVE MILLETT said that Ms. Dusenbury's voice is impactful and important, and noted there is a balance between protecting victims, honoring her father, and also finding a

pathway forward. She asked Ms. Dusenbury to work with her in moving forward.

[6:56:14 PM](#)

The committee took an at-ease from 6:56 p.m. to 7:01 p.m.

[7:01:42 PM](#)

KARA NELSON, Director, Haven House, said she is a person of long-term recovery, and supports HB 205. She related that she specifically supports reducing the number of prison beds in order to free up the funds for reinvestment into Alaska's reentry support services, specifically for substance abuse, detox, treatment detox, housing, and employment. She explained that Haven House is a program for women coming directly out of prison, and also a recovery residence. Several items addressed in the bill, including the reinvestment piece, as well as providing reentry support for release, is crucial to the success of Alaskans released back into their communities. She emphasized the importance of the reinvestment piece in bringing substance abuse and mental health disorder assistance inside and outside of the program.

CHAIR LEDOUX advised that the reinvestment piece will be discussed next week because the public testimony portion on this bill is being continued.

[7:04:48 PM](#)

ANTHONY BIELER, Peer Support Specialist, Cook Inlet Tribal Council (CITC), related that he had been a 20 year heroin addiction and in 2004 moved from New York City to Juneau to get away from drugs; however, he became hooked on the pills available in Juneau at the time. He explained that within a few years he was in jail and charged with a felony at the age of 48 for the first time in his life, with no opportunity to bail out. Prior to the trial he was scared into believing his sentence would be 20 years, but was given a six year sentence with four years suspended, and he spent six months at Lemon Creek Correctional Center and another ten months at the half-way house in Juneau. Almost immediately, he related, he inquired about treatment, and was advised of ASAP [Alcohol Safety Action Program], but was told he had to get on a waiting list. Although, he was able to participate in some treatment while at the halfway house, the opportunity to attend treatment in Juneau did not come up until two days before being released. He

stressed that prior to being arrested and becoming a felon, Rainforest Recovery was available to dry out but that a detox or a methadone program was not available in Juneau. He said he was looking for Suboxone or something similar to actually recover and become employable. After release, and being a felon, it was almost impossible for him work other than construction, although things are now slowly getting better. Recently, he said, he was hired on the spot with a handshake at Home Depot and Sears and ten days later received two letters stating that he was terminated because his background report advised that he was a felon. He thanked the committee for the opportunity to speak and that he supports HB 205 because things have to change. He reiterated that at 48 years old he became a felon for the first time in his life with no resources available to help him before or after jail.

7:10:02 PM

MAUDE BLAIR, Alaska Federation of Natives, noted that the Alaska Criminal Justice Commission passed a comprehensive package of policy recommendations, and this bill addresses some of the recommendations. She pointed out that a disproportionate number of Alaska Natives are currently confined, and make up approximately 15 percent of the state's population, but represent 36 percent of the state's pretrial inmates. Currently, approximately 50 percent of all of the people in prison have not even been sentenced, there is no law enforcement in Alaska's smaller villages, and that access to the courts is limited to hub villages. She expressed that access to attorneys, legal aid, and someone to assist in understanding the legal system is even harder to get in some of these economically depressed areas. As Ms. Stanfill referred, these are economically depressed areas wherein a person has no job and no money to make [bail], so that person will sit in jail. She remarked that due to this criminal justice reform there will be a disproportionately positive impact on Alaska Natives. She described this legislation as a good start toward helping the legal system function well and, as earlier mentioned, reinvestment is important in targeting the social ills and the difficulties that may cause unlawful behaviors, plus reinvestment assists in helping people to become productive members of society.

[SB 250 was held over.]

7:13:04 PM

## **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was recessed at 7:13 p.m. until March 23, at 1:00 p.m.