

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 23, 2016

1:06 p.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Chair
Representative Wes Keller, Vice Chair
Representative Bob Lynn
Representative Charisse Millett
Representative Matt Claman
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

Representative Neal Foster
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 AND 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
03/22/16	(H)	Heard & Held
03/22/16	(H)	MINUTE (JUD)
03/23/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/23/16	(H)	JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

AL TAMAGNI

National Federation of Independent Business

Anchorage, Alaska

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

BUTCH MOORE

Big Lake, Alaska

POSITION STATEMENT: During the hearing of HB 205, discussed possible amendments.

MELANIE BAHNKE, President

Kawerak, Inc.

Nome, Alaska

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

MARNA SANDFORD

Tanana Chief's Conference

Fairbanks, Alaska

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

CATIN WALSH

Community United for Safety and Protection (CUSP)

Fairbanks, Alaska

POSITION STATEMENT: During the hearing of HB 205, was unable to testify due to technical difficulties.

VICKY WALNER

Stop Valley Thieves

Palmer, Alaska

POSITION STATEMENT: During the hearing of HB 205, discussed property crimes.

MARTY KINCAID

Palmer, Alaska

POSITION STATEMENT: During the hearing of HB 201, discussed driving licenses.

HELEN CROOM

Sterling, Alaska

POSITION STATEMENT: During the hearing of HB 205, spoke in opposition.

JANET MCCABE

Partners for Progress

Anchorage, Alaska

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

TERRA BURNS

Community United for Safety and Protection (CUSP)

Nenana, Alaska

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

RIC LANNOLINO

Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 205, discussed aspects of the bill.

ROBYN LANGLIE, Executive Director
Victims for Justice
Anchorage, Alaska

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

NIKKI HINES, Coordinator
Fairbanks Reentry Coalition
Fairbanks, Alaska

POSITION STATEMENT: During the hearing of HB 205, discussed reentry.

MARY SATTLER, Lobbyist
Alaska Regional Coalition
Anchorage, Alaska

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

ACTION NARRATIVE

[1:06:55 PM](#)

CHAIR GABRIELLE LEDOUX called the House Judiciary Standing Committee meeting back to order [from recess] at 1:06 p.m. Representatives Claman, Keller, Lynn, Millett, and LeDoux were present at the call to order. Representative Kreiss-Tomkins arrived as the meeting was in progress.

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

[1:07:45 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 in the 3/14/16 meeting.]

CHAIR LEDOUX continued public testimony and advised that testimony is limited to three minutes per speaker.

[1:09:16 PM](#)

AL TAMAGNI, National Federation of Independent Business, referred to the felony theft threshold increase from \$500 to \$2,000 and noted it is a 267 percent increase, which affects individuals, local and state government and others. In the event there is any increase, he asked whether the legislature had obtained statistical information from the Anchorage Police Department (APD) in that he was aware of an APD annual report depicting the types of crime committed, and that the committee may want to review that information on the internet. He suggested that if the legislature is going to increase the allowance up to \$2,000, from a thief's perspective that is pretty good because they can almost steal three times as much and pay the same amount of fine which, he described is not good public policy. In the event that happens, he suggested that the fines should be increased by 267 percent and increase that amount at three percent annually. Due to the increase in fines, one-third could go to the state, one-third to the citing entity, and one-third to compensate the victims for their losses. He noted that this is a huge jump with no statistics presented here locally to indicate what the numbers are from the last increase up to \$500. He recommended that if the legislature increases any value to the allowance beyond what it currently is, that the committee contact someone from the Anchorage Police Department.

[1:12:04 PM](#)

REPRESENTATIVE MILLETT related that this is a policy call this committee would have to make on the increase of theft and its impact on the private sector and businesses. She said she is keeping his remarks in mind while moving forward.

REPRESENTATIVE LYNN stated he anticipates an amendment with a threshold of \$750.

REPRESENTATIVE KELLER surmised that Mr. Tamagni's testimony was if the threshold is raised, the committee should consider balancing the fine level. He offered to explore that suggestion further.

MR. TAMAGNI put forth that if there will be an increase to \$2,000 which is a 267 percent increase, the fines should be equally raised by 267 percent, and to increase that amount at three percent annually.

[1:14:05 PM](#)

REPRESENTATIVE CLAMAN asked his current understanding of the maximum fines for misdemeanors.

MR. TAMAGNI responded that he is not certain of the maximum, and that possibly Representative Claman could assist.

REPRESENTATIVE CLAMAN noted that Mr. Tamagni had proposed an interesting idea so he took a quick look at AS 12.55.035, wherein the maximum fine for a class A misdemeanor is \$10,000. He then offered a scenario of raising the potential fine level from \$10,000 to \$20,000, and asked whether Mr. Tamagni would be comfortable with raising the threshold amount for felonies.

MR. TAMAGNI asked how much.

REPRESENTATIVE CLAMAN explained that the proposal is to raise the felony level to \$2,000, wherein a misdemeanor is less than \$2,000. He referred to his question that if the fine level for misdemeanors was raised from \$10,000 to \$20,000, thereby giving the judge the authority to possibly fine at ten times the amount the person was stealing, and asked whether he would be comfortable with increasing the felony theft threshold.

[1:15:42 PM](#)

MR. TAMAGNI said it would be acceptable only if it was raised to \$1,000 to \$1,500, with the provision that one-third of the

increase would go to the courts, one-third to the citing agency, and one-third to the victim.

MR. TAMAGNI, in response to Representative Claman, answered that he was referring to the fine.

REPRESENTATIVE CLAMAN explained that the discussion is going from \$10,000 to \$20,000, which is much more than \$1,500.

MR. TAMAGNI asked about the percentages being equal.

REPRESENTATIVE CLAMAN offered a scenario of making the percentage equal, the equal percentage would raise the fine level to a maximum fine level of \$25,000 so it was a proportional increase in the fine, and asked whether he would be comfortable with the felony theft threshold.

MR. TAMAGNI offered that it would be something to consider.

[1:16:50 PM](#)

REPRESENTATIVE KELLER asked the two attorneys on the committee whether there is a possibility of building restitution options into a section of law particular to this that would specify the damages going to the business owner.

CHAIR LEDOUX advised that this discussion could take place after public testimony is completed, and commented that it would be a good idea.

REPRESENTATIVE KELLER said he just wanted it on the record and did not expect a discussion at this time.

REPRESENTATIVE CLAMAN deferred to the Department of Law, or Public Defender's Office to discuss how restitution is incorporated.

[1:18:31 PM](#)

BUTCH MOORE, said he is the father of Bree Moore, and noted that HB 44 was sponsored by Charisse Millett and he thanked the committee for passing the bill to keep our children safe. He referred to a 3/22/16 email from him containing seven items that could be possible amendments. He said he and his wife spent time with Ann Seymour of the PEW Charitable Trust and they agree with the three components it recommended, as follows: taking the lesser offenders and giving them a lesser sentence to not create

criminals that just made a mistake; reinvestment and reintegrating people back into the community to educate and prevent crime; and become harsher on the most violent offenders.

[1:19:52 PM](#)

MR. MOORE related that the purpose of HB 205 is to save money and accomplish those three different items. He noted that SB 91 includes changes that it do not apply to anyone convicted of an unclassified felony, sexual felony, or a crime involving domestic violence so that would exclude the easier sentencing for these people. He offered testimony as follows:

Another item that I have is number six and, I think it is very important, and I can use it to apply directly to our situation is that when someone is by court order put on parole or probation they have an alcohol restriction, which means they cannot consume alcohol. Their license should be surrendered. In other words, when they check out of jail or when they're bailed, they should not have their license given back to them. Um, they should be given a state ID or a driver's license with the red bars on it that say "alcohol prohibited." In our particular case, Josh Almeda walked into a liquor store and bought a bottle of alcohol, got drunk, and killed our daughter. He was on probation and he was on alcohol restriction but they had not taken his license away. So, that was number six on my list.

We have Cindy scheduled to speak next and if she'll let me speak for her. She's asked me if I would speak for her because she's not feeling like talking today, if that's acceptable.

CHAIR LEDOUX replied, certainly.

Um, I think the biggest thing that we need to address, and the purpose for this bill is to save money, and to help our society in general not to create criminals where we have been. And so, I think, and correct me if I'm wrong, but our prison population has doubled in the last ten years. The majority of that is pretrial, people awaiting trial and awaiting sentencing. And, Josh Almeda, who killed our daughter, is a perfect example. If it was not for our persistence and the pressure that we've applied to the prosecutor's office

and to the defense attorney, we wouldn't be as far along in the process as we are now. We're coming up on two years, Josh Almeda still has not been sentenced. So, when we look at the problem that we have and the overcrowding that we have in our prisons, let's look at really where the problem is. And, the problem is 93 percent of that increase are -- are people awaiting trial, or awaiting sentencing, defendants. And, the strategy, just like the defense attorney for Josh Almeda, Andrew Lambert has another murder trial down in Kenai and his only strategy, the only way that a ... these defense attorneys can run these cases are to put the cases off as long as possible where the witnesses, the detectives, the prosecutors, the judges will quit, die, retire, get fired, move, or forget. And so, it is a benefit to the defense attorney and the defendant to put it off as long as possible. And what my suggestion is, and what I would submit to you, is the overcrowding in the prisons that we have are people awaiting trial. And so, if we were to say that if, and we have -- a statute that says we, as a victim and the defendant have a right to a speedy disposition, which is 120 days. So, in the case of Josh Almeda, he did not plead guilty until over a year after the offense. So, if he was only to be given 120 days' worth of jail time credit towards his final sentence he would have motivation to get out of jail. In other words, if he's in jail for three years and he only gets credit for 120 days, then all these defendants would be pressuring and pushing their attorneys to get them into -- into trial immediately. That's where the overcrowding is and that's what's happened in our case with Josh Almeda and many other defendants. And the other thing I would submit with that, is if they are in jail for three years or two years, and I talked to the district attorney's office today and they have some cases that have gone five and six years where the state is paying to house defendants. And, after -- if after 120 days the defendants are screaming at their attorneys saying "I'm not getting any credit for this time, so if I'm sentenced to ten years and I've been in jail for five, I effectively only get 120 days' worth of credit." This is where all the pressure and all the overcrowding is. And I think that there's a way that we can pass a law, we can eliminate the majority of the changes in HB 205, and SB 91, and

really address what the problem is. It'll be better for victims because they'll get a speedier disposition. The people you're going to get the objections from are going to be the defense attorneys because they will not be able to drag these -- these times out where they're coming up with two and three and four and five years billing their clients and their client's families the whole time. And in addition, maybe we should consider billing the defendants if they're found guilty for the additional time past 120 days if it's continued at their a -- at their request or their attorneys request.

MR. MOORE noted that he was unable to address all of the suggestions contained within his email, and the committee will find they are good suggestions.

CHAIR LEDOUX thanked Mr. and Mrs. Moore for their testimony and their suggestions. She noted that she was a co-sponsor on HB 44 and offered her condolences on their loss.

[1:26:59 PM](#)

MELANIE BAHNKE, President, Kawerak, Inc., said she is the co-chair of the Council for Advancement of Alaska Natives, a committee of the Alaska Federation of Natives. She explained that the Council is comprised of the presidents of the 12 regional non-profit tribal consortiums throughout the state. She related that they support HB 205 as it will help to restore healthy communities, improve public safety, save the state money, and expand treatment and services. She further related that a couple of weeks ago, staff from the Anvil Mountain Correctional Center attended a joint health corporation and board meeting, and the information they shared highlighted the need for changes to the criminal justice system. She pointed out that the vast majority of inmates within Alaska's jails are Alaska Natives with low incomes, and most are incarcerated due to alcohol related crimes and suffering from substance abuse and mental health issues. Anecdotally, she said, the local crime blotter weekly shows a high number of people listed for probation violations. A few months ago, the Alaska Mental Health Trust Authority visited the region, and at that point Commissioner Taylor was heading up the Department of Corrections. A comment Commissioner Taylor related struck her in that, "his department is basically the largest mental health and substance abuse facility in the State of Alaska, but without the resources for substance abuse and mental health treatment," she said. She

reiterated that she supports HB 205, and especially within every provision that aligns with the Alaska Criminal Justice Commission report issued December 2015.

1:30:06 PM

MARNA SANDFORD, Tanana Chief's Conference, said that the Tanana Chief's Conference is in support of HB 205. She referred to some of the concerns presented today, and expressed that it is important for the committee to remember that communities are looking to the legislators as leaders to help Alaskans do the right thing here. As members of the community, they can often be afraid that these kinds of bills are just going to be handing the keys to the jail to people. Although, she said, everyone in Alaska can go the web site of the Alaska Criminal Justice Commission and review the studies. She pointed out that the current criminal justice system has not worked and until everyone buys in together as Alaskans to allow these changes to take place Alaska won't have less victims. The state will continue to have more, and more victims if the state continues to operate within its current system. She encouraged the committee to keep the version in front of them intact and not water it down because it will make many positive changes and once Alaskans allow the provisions to get moving and see the effects, in that all Alaskans will be better off.

1:32:02 PM

CATIN WALSH, Community United for Safety and Protection (CUSP), said they are a group of current [technical difficulties].

CHAIR LEDOUX advised Ms. Walsh that her testimony was difficult to decipher and asked her to start from the beginning.

MS. WALSH offered to call back on another line.

1:34:10 PM

VICKY WALNER, Stop Valley Thieves, said that Stop Valley Thieves is based in the Valley and is an online group similar to a neighborhood watch group with approximately 11,000 members. She stressed that the group encourages vigilance and not vigilantes. She put forth that she speaks on behalf of the victims of property crimes, and noted that the focus of this bill is on low-level non-violent offenders, such as property crime. Due to property crime being considered a non-violent offense, little consideration is given to the impact of property crime on its

victims. Yet, she offered, that impact is financial, emotional, physical, spiritual, the ripple effect of property crime on neighborhoods, communities, people such as Mid-Town, Mountain View, Meadow Lakes, is very real and it erodes and tears the social fabric of communities. Property crime accounts for 81 percent of the crime in Alaska, she stated, but only 17 percent of the people incarcerated are there due to property crimes, and this bill will lower the levels of incarceration even more. Victims of property crimes feel helpless and hopeless when they report a burglary or a car theft because there may not be a physical police response, only a telephone call, and fingerprints are not taken, no pictures, and most people believe no one cares. The provisions lowering the threshold of class C felony theft is not only insulting to victims of property crime, but it reinforces the belief that they not real people who have been harmed. She asked, who cares and since when should the majority of offenders no longer be held accountable for their actions. People on the street are asking for treatment who have not committed a crime and can't get into the limited beds available because the state is clogging them up with court ordered offenders. She asked why the state can't hold offenders accountable by putting them in jail and giving the carrot of incentive by linking their early release to in-house programs which are being underutilized, such as the Residential Substance Abuse Program (RSAP), and the Life Success Substance Abuse Treatment (LSSAT). Last year only 601 prisoners completed LSSAT and only 152 completed RSAP and worse yet, she point out, only 23 offenders last year got their GED. There are comments that the prisons are full with the ten year increase of prison population but, she encouraged the committee to look at the five year prison population wherein the population increased by 124 individuals. She stated that from 2013 to 2015 the state increased its prison population by three people. Therefore, the state is making headway in reducing the population with House Bill 50 and Senate Bill 64, and the state can reduce it in this bill by enacting the barriers to reentry and the DMV portion. She stressed that this bill is opposed by the Anchorage Police Department Employees Association, the Alaska Peace Officers Association, a number of small law enforcement agencies, and the Office of Victims' Rights because they are concerned about public safety.

[1:40:24 PM](#)

MARTY KINCAID, read her testimony as follows:

I want to just read cause it'll make concise what I wrote to my senators and representatives concerning SB 91, HB 205, and HB 276. I am so thankful for the above-referenced bills that are before the legislature regarding the current DUI laws. My concern is for the individuals who have previously lost their license for life. Do these bills provide any hope for them? Understandably, public safety is of the highest concern but there should be a balance between corrective punishment and providing opportunities for men and women to be restored. Currently, individuals that have had three or more DUIs within a ten year period are branded as a class B felony and have lost their license for life with the possibility of restoration after ten years. What has happened to these men and women that have floundered within the system as treatment programs were unavailable at the time. The goal of any new legislation should allow past offenders the same opportunity as present or future violators to be healed and restored as productive members to their families and the community.

And then I wrote this to Representative Tilton in response to the HB 93 that she mentioned, or the Frontiersman mentioned, and uh in talking about the house bill as being fine in keeping from employment. And I said, one critical area in finding and keeping gainful employment is the ability to drive. Losing one's license for life suffocates any possibility of attaining that employment. Along with checking off the box that the applicant has been convicted of a felony greatly inhibits the possibility of even a job interview. There needs to be measures in place to balance public safety with redeeming productive lives for past, present, and future offenders. Treatment, restrictive license, ignition monitors, etc., are some possibilities. And Butch Moore had an excellent idea about marking a driver's license with red bars or something so they weren't able to buy any alcohol.

And um, the other thought I had on this was that when there is no harm to person or property, maybe there should be different levels or degrees of offense so that not all DUI offenders are thrown into losin [sic] license for life and a class B felony, when there has

been no harm to person or property. Um, thank you very much. Any questions?

[1:43:32 PM](#)

HELEN CROOM said she has lived in Sterling for 38 years and the town has had a tremendous amount of property theft. She pointed to the DUI provision and related that her mother was blind and rode a taxi to work, and she agrees with Mr. Moore's suggestion of 120 days. Property stolen that amounts to \$750 may not be much too some people, but "I'm going to tell you somethin, that's money at our house. And to say they've got to steal \$2,000 worth of stuff from us before they're really held accountable is just absolutely unacceptable in my opinion." She related that the reinvestment piece is a program that will be cut somewhere down the road, and it has no weight whatsoever for her. All it will do is increase victims and possibly decrease the prison population, which she stated she did not believe was true, it will just go back to paying victims which means the state will be raising more and more victims. This bill makes it difficult for the public to maintain their own property and difficult for law enforcement, who are against this bill. She related that she is 100 percent against this bill as it is going in the wrong direction, and that reentry and rehabilitation should take place in-house. She said that reentry should be community based, and opined that it should be Alaska Correctional Ministries, Teen Challenge, and the state should be able to rally other organizations to take it over and it may relieve some of the cost.

[1:48:19 PM](#)

JANET MCCABE, Partners for Progress, responded that the Board of Directors for Partners for Progress is in full support of HB 205. Adoption of this omnibus reform bill would make Alaska one of the leaders in change that has long been needed by Alaska, and the nation. This bill is the result of a large amount of research and study by the PEW Charitable Trust, public safety, and the justice reinvestment group who partnered with the Alaska Criminal Justice Commission. She said, the PEW Charitable Trust used a multi-variant analysis which is the highest standard of research, it simply means looking at a topic from different perspectives and studies to assure the accuracy of the findings. As a result, their recommendations are solidly based on excellent evidence and changes in the bill will have a positive outcome for public safety and cost savings. Partners for Progress sees the primary benefits of this bill in five

categories, as follows: for the state's budget by avoiding expenditure for the expanded prison capacity; for overall public safety by reducing crime; for victims by preventing additional victimization and facilitating payment of restitution; for the welfare of the individual's families and children involved; and for the good of the whole community that is Alaska.

[1:51:22 PM](#)

TERRA BURNS, Community United for Safety and Protection (CUSP), said Community United for Safety and Protection (CUSP) is a group of former and current Alaskan sex workers, sex trafficking victims, and its allies, working toward safety and protection for everyone in Alaska's sex industry, and offered testimony as follows:

We're strongly in support of HB 205. House Bill 205 is a timely fix to statutes that no longer serve Alaskans. House Bill 205 is an important step that has to be taken now in light of evidence based research in combination with Alaska's reduced financial circumstances. We don't want Alaska to end up like California with no money and a prison system in federal receivership. We support HB 205 also because there are members of our community who are serving really long prison sentences for, you know, what are defined as crimes against public decency. And if HB 205 passed it would allow those members of our community to be at home with their children. Um, and to not, you know, have them lose their housing and become a burden on the state when they get out of prison. We would like to see language added to HB 205 to address the needs of victims and witnesses of crime by including language from SB 21. Senate Bill 21 clarifies that -- clarifies and updates the intent of the prostitution statute and expands public safety by including 16 violent crimes that victims or witnesses would be allowed to report without the threat of being charged with prostitution, um, and this is needed. I did research at UAF in my graduate degree in 2014, I consulted with 48 people who had worked recently in Alaska's sex trade. Seventy-four percent of them said that they had been the victim or witness of a crime that they did not report because they were afraid of being charged with prostitution. Of the sub-group of people who did try to report crimes and who could also be defined, federally, as sex trafficking victims, 80

percent of them said that they were turned away by the police, and 60 percent said they were reported -- or threatened with arrest, and 33 percent were actually arrested while they were trying to report that they had been the victim or witness of a crime.

We urge your support for HB 205, and ask you to please include the language from SB 21. It is against our Alaskan values to allow criminals to target our most vulnerable community members with impunity. Um, and in considering amending HB 205 with the language to protect victims from [HB] 205, we ask you to please include five additional crimes that people should be able to report without being charged, um, extortion, coercion, and robbery are the crimes that are most frequently committed against sex workers and sex trafficking victims. And then while they are less common we think it's also really important that people be able to report sexual assault of a minor, or possession or distribution of child pornography without -- you know, with confidence that they will not be charged with prostitution as a result of making that report. Reconfiguring the many statutes in HB 205 are a priority and so must be protecting Alaska's most vulnerable with language from SB 21 in this Twenty-Ninth legislative session.

Thank you so much for hearing my testimony and I am available for any questions.

[1:55:07 PM](#)

RIC LANNOLINO said he is retired and testifying on his own behalf. His background includes being a previous board member for Juneau Alliance for Mental Health, and the coordinator for the Fetal Alcoholic Spectrum Diagnostic Clinic. Clearly, he related, when the PEW Charitable Trust and the Alaska Criminal Justice Commission is performing evidenced based research, the information is solid. Speaking within his experiences with clients when he was with the clinic, he said that a large number of his adult clients with Fetal Alcohol Spectrum Disorder (FASD) were in and out of prison for low-level crimes with a lot of expense to the system. He noted that house arrest and electronic monitoring worked well with their clients, people who had businesses, people who were working could keep their jobs, and it kept the community safe. He said he takes classes at the University of Alaska Southeast (UAS) and knows there are

students who are successful and their electronic monitor allows them to go to class and to housing, and that is all they can do. Eventually, he noted, the students get off electronic monitoring and are successful students with high grades. He related that he takes a UAS class in the prison that is half students, and half inside students.

1:56:58 PM

MR. LANNOLINO pointed out that treatment care services and after care services related to reentry are vital in this bill. The entire country is dealing with geriatric offenders who are old, some can't walk, and have expensive medical bills. He related that these offenders shouldn't be in an institutional setting with the costs and budget issues Alaska faces as they can return safely to the community. When his clients went into prison, he pointed out, they went to the school for scoundrels and learned anti-social coping mechanisms. These people came out with criminal friends who set them up to perform crimes because they didn't understand the consequences of their actions due to the brain damage with FASD. He wanted to keep his clients out of prison as prison was not appropriate, but there weren't other places for them at that time. Alaska needs to use some of these other mechanism that the bill provides, he stressed.

1:58:30 PM

REPRESENTATIVE LYNN pointed to testimony offered last night and said that at least one sex offender had been arrested by this testifier who committed a sex offense to a child while in a wheelchair. He related that it does happen regardless of age.

1:59:38 PM

ROBYN LANGLIE, Executive Director, Victims for Justice, said her main concern is the reinvestment portion of HB 205 and SB 91, which has been discussed as the main component of the criminal justice reinvestment by putting that money back into the system. She urged the committee to not get caught up in the fiscal crunch of the state and to consider the fact that Alaska does need to put the money back into mental health. It is known that the Department of Corrections is the biggest provider of mental health in the state currently. More sex offender training must be provided, more substance abuse programs, and she noted that heroin is on the rise, and alcohol has been a consistent problem for many years. Without reinvestment, this bill will not go anywhere and her concern is that nothing is actually outlined in

the bill or outlined in the fiscal notes. The Alaska criminal system is broken for the offenders, victims, and that everyone wants to see it changed but changed in a responsible and respectful manner for all people and especially victims, she said.

[2:01:53 PM](#)

CHAIR LEDOUX noted that the reinvestment piece will be discussed next week. She stressed that the bill is not moving without the reinvestment component and that the legislature is fully aware of how critical that piece is to the bill.

[2:02:36 PM](#)

NIKKI HINES, Coordinator, Fairbanks Reentry Coalition, described herself as the person who sits face-to-face with the reentrants prior to their release to the halfway house. Of great concern to her is the allowance of a license and earning the privilege back of having a driver's license. In speaking with the inmates, they see zero hope in being able to return back into the community and provide a stable work environment, attending to probation requirements or doctor's appointments, and the normal things a person does throughout the day that requires having a car. Public transportation in Fairbanks is not conducive to someone trying to get back into the community and she related that riding a bike is difficult during the winter months. She said she fully supports allowing for the reinstatement of the driver's license after completion of their conditions.

[2:04:31 PM](#)

MARY SATTLER, Lobbyist, Alaska Regional Coalition, said the Alaska Regional Coalition represents tribes from five regions and the Coalition is united behind the comments previously stated by the Kawerak Region and the Tanana Chiefs Council. She said her organization believes that criminals should be held accountable, but it is also interested in making sure that people who have found themselves involved in the criminal justice system can find their way home, and the Coalition is interested in making sure there are healthy communities. The impact to victims is not lost on them because many of the victims of these crimes are family members and friends within their own communities. The Coalition wants to make sure that all Alaskans can be productive citizens and can seek the treatment many need, and it supports this legislation, she said.

2:06:19 PM

REPRESENTATIVE KELLER put forth that the Department of Corrections (DOC) will be working on risk assessment tools and he encouraged her organization to work with DOC to make sure those risk assessment tools are appropriate for the needs in rural Alaska.

MS. SATTLER advised that they are looking forward to working with the Department of Corrections on the tools it will be using.

2:07:45 PM

The committee took an at-ease from 2:07 p.m. to 2:08 p.m.

2:08:07 PM

CHAIR LEDOUX after ascertaining no one further wished to testify, advised that public testimony would be held open.

[HB 205 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:08 p.m.