

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 13, 2016

1:41 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Kurt Olson (alternate)

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 174(FIN)

"An Act relating to the regulation of firearms and knives by the University of Alaska; and providing for an effective date."

- MOVED CSSB 174(FIN) OUT OF COMMITTEE

HOUSE BILL NO. 347

"An Act relating to the limitation period to commence a false claims action; relating to recovery for false claims for state or municipal funds; and amending Rules 4, 24, and 46, Alaska Rules of Civil Procedure."

- MOVED CSHB 347(JUD) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 121(JUD)

"An Act relating to a security freeze on the consumer credit report of a minor, incapacitated person, or protected person."

- HEARD & HELD

CS FOR SENATE BILL NO. 123(JUD)

"An Act relating to the bail forfeiture schedule and the penalty for the use of electronic devices while driving; and providing for an effective date."

- HEARD & HELD

SENATE JOINT RESOLUTION NO. 2

Proposing an amendment to the Constitution of the State of Alaska relating to contracting state debt for postsecondary student loans.

- HEARD & HELD

CS FOR SS FOR SENATE BILL NO. 91(FIN) AM

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 174

SHORT TITLE: REG. OF FIREARMS/KNIVES BY UNIV. OF AK

SPONSOR(s): SENATOR(s) KELLY

02/08/16	(S)	READ THE FIRST TIME - REFERRALS
02/08/16	(S)	EDC, JUD
02/16/16	(S)	EDC AT 3:30 PM BUTROVICH 205
02/16/16	(S)	Heard & Held
02/16/16	(S)	MINUTE (EDC)
02/17/16	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/17/16	(S)	Scheduled but Not Heard
02/18/16	(S)	EDC AT 3:30 PM BUTROVICH 205

02/18/16 (S) Heard & Held
 02/18/16 (S) MINUTE (EDC)
 02/23/16 (S) EDC AT 3:30 PM BUTROVICH 205
 02/23/16 (S) Moved CSSB 174(EDC) Out of Committee
 02/23/16 (S) MINUTE (EDC)
 02/26/16 (S) EDC RPT CS 2DP 1DNP 1NR SAME TITLE
 02/26/16 (S) DP: DUNLEAVY, HUGGINS
 02/26/16 (S) DNP: GARDNER
 02/26/16 (S) NR: GIESSEL
 02/26/16 (S) FIN REFERRAL ADDED AFTER JUD
 02/29/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 02/29/16 (S) Heard & Held
 02/29/16 (S) MINUTE (JUD)
 03/02/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/02/16 (S) Heard & Held
 03/02/16 (S) MINUTE (JUD)
 03/07/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/07/16 (S) Moved CSSB 174(EDC) Out of Committee
 03/07/16 (S) MINUTE (JUD)
 03/09/16 (S) JUD RPT CS (EDC) 2DP 2NR
 03/09/16 (S) DP: MCGUIRE, COGHILL
 03/09/16 (S) NR: MICCICHE, WIELECHOWSKI
 03/24/16 (S) FIN AT 1:30 PM SENATE FINANCE 532
 03/24/16 (S) Heard & Held
 03/24/16 (S) MINUTE (FIN)
 04/04/16 (S) FIN AT 9:00 AM SENATE FINANCE 532
 04/04/16 (S) Moved CSSB 174(FIN) Out of Committee
 04/04/16 (S) MINUTE (FIN)
 04/06/16 (S) FIN RPT CS 2DP 3NR 1AM NEW TITLE
 04/06/16 (S) DP: KELLY, DUNLEAVY
 04/06/16 (S) NR: MICCICHE, OLSON, HOFFMAN
 04/06/16 (S) AM: MACKINNON
 04/07/16 (S) TRANSMITTED TO (H)
 04/07/16 (S) VERSION: CSSB 174(FIN)
 04/08/16 (H) READ THE FIRST TIME - REFERRALS
 04/08/16 (H) EDC, JUD
 04/08/16 (H) EDC AT 8:00 AM CAPITOL 106
 04/08/16 (H) -- MEETING CANCELED --
 04/11/16 (H) EDC AT 8:00 AM CAPITOL 106
 04/11/16 (H) Moved CSSB 174(FIN) Out of Committee
 04/11/16 (H) MINUTE (EDC)
 04/12/16 (H) EDC RPT 4DP 1DNP 1NR 1AM
 04/12/16 (H) DP: TALERICO, COLVER, VAZQUEZ, KELLER
 04/12/16 (H) DNP: DRUMMOND
 04/12/16 (H) NR: SPOHNHOLZ
 04/12/16 (H) AM: SEATON
 04/12/16 (H) FIN REFERRAL ADDED AFTER JUD

04/12/16 (H) JUD AT 1:00 PM GRUENBERG 120
04/12/16 (H) Heard & Held
04/12/16 (H) MINUTE (JUD)
04/13/16 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 347

SHORT TITLE: RECOVERY OF FALSE CLAIMS FOR STATE FUNDS
SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

02/24/16 (H) READ THE FIRST TIME - REFERRALS
02/24/16 (H) JUD, FIN
04/07/16 (H) JUD AT 1:00 PM GRUENBERG 120
04/07/16 (H) Heard & Held
04/07/16 (H) MINUTE (JUD)
04/13/16 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: SB 121

SHORT TITLE: SECURITY FREEZE ON CERTAIN CREDIT REPORTS
SPONSOR(S): SENATOR(S) MEYER

01/19/16 (S) PREFILE RELEASED 1/8/16
01/19/16 (S) READ THE FIRST TIME - REFERRALS
01/19/16 (S) L&C, JUD
01/26/16 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
01/26/16 (S) Heard & Held
01/26/16 (S) MINUTE (L&C)
01/28/16 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
01/28/16 (S) Moved SB 121 Out of Committee
01/28/16 (S) MINUTE (L&C)
01/29/16 (S) L&C RPT 4DP
01/29/16 (S) DP: COSTELLO, GIESSEL, MEYER, ELLIS
02/08/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/08/16 (S) Heard & Held
02/08/16 (S) MINUTE (JUD)
02/17/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/17/16 (S) Moved CSSB 121(JUD) Out of Committee
02/17/16 (S) MINUTE (JUD)
02/19/16 (S) JUD RPT CS 3DP NEW TITLE
02/19/16 (S) DP: MCGUIRE, COGHILL, WIELECHOWSKI
03/02/16 (S) TRANSMITTED TO (H)
03/02/16 (S) VERSION: CSSB 121(JUD)
03/04/16 (H) READ THE FIRST TIME - REFERRALS
03/04/16 (H) L&C, JUD
04/08/16 (H) L&C AT 3:15 PM BARNES 124
04/08/16 (H) Moved CSSB 121(JUD) Out of Committee
04/08/16 (H) MINUTE (L&C)
04/09/16 (H) L&C RPT 3DP 3NR

04/09/16 (H) DP: HUGHES, COLVER, OLSON
04/09/16 (H) NR: LEDOUX, TILTON, JOSEPHSON
04/13/16 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: SB 123

SHORT TITLE: USE OF ELECTRONIC DEVICES WHILE DRIVING

SPONSOR(s): SENATOR(s) MEYER

01/19/16 (S) PREFILE RELEASED 1/8/16
01/19/16 (S) READ THE FIRST TIME - REFERRALS
01/19/16 (S) STA, JUD
02/13/16 (S) STA AT 10:00 AM BUTROVICH 205
02/13/16 (S) Heard & Held
02/13/16 (S) MINUTE (STA)
02/16/16 (S) STA AT 9:00 AM BUTROVICH 205
02/16/16 (S) Moved SB 123 Out of Committee
02/16/16 (S) MINUTE (STA)
02/17/16 (S) STA RPT 3DP 2NR
02/17/16 (S) DP: COGHILL, HUGGINS, MCGUIRE
02/17/16 (S) NR: STOLTZE, WIELECHOWSKI
02/22/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/22/16 (S) Heard & Held
02/22/16 (S) MINUTE (JUD)
02/24/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/24/16 (S) Moved CSSB 123(JUD) Out of Committee
02/24/16 (S) MINUTE (JUD)
02/26/16 (S) JUD RPT CS 3DP NEW TITLE
02/26/16 (S) DP: MCGUIRE, COGHILL, COSTELLO
03/16/16 (S) TRANSMITTED TO (H)
03/16/16 (S) VERSION: CSSB 123(JUD)
03/18/16 (H) READ THE FIRST TIME - REFERRALS
03/18/16 (H) STA, JUD
04/07/16 (H) STA RPT 6DP 1NR
04/07/16 (H) DP: SPOHNHOLZ, STUTES, TALERICO,
VAZQUEZ, KREISS-TOMKINS, LYNN
04/07/16 (H) NR: KELLER
04/07/16 (H) STA AT 8:00 AM CAPITOL 106
04/07/16 (H) Moved CSSB 123(JUD) Out of Committee
04/07/16 (H) MINUTE (STA)
04/13/16 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: SJR 2

SHORT TITLE: CONST. AM: G.O. BONDS FOR STUDENT LOANS

SPONSOR(s): SENATOR(s) MACKINNON

01/21/15 (S) PREFILE RELEASED 1/9/15
01/21/15 (S) READ THE FIRST TIME - REFERRALS

01/21/15 (S) STA, EDC, FIN
 02/10/15 (S) STA AT 9:00 AM BUTROVICH 205
 02/10/15 (S) Moved SJR 2 Out of Committee
 02/10/15 (S) MINUTE (STA)
 02/11/15 (S) STA RPT 3DP 2NR
 02/11/15 (S) DP: COGHILL, MCGUIRE, WIELECHOWSKI
 02/11/15 (S) NR: STOLTZE, HUGGINS
 02/24/15 (S) EDC AT 3:30 PM BUTROVICH 205
 02/24/15 (S) Heard & Held
 02/24/15 (S) MINUTE (EDC)
 03/12/15 (S) EDC AT 3:30 PM BUTROVICH 205
 03/12/15 (S) Moved SJR 2 Out of Committee
 03/12/15 (S) MINUTE (EDC)
 03/13/15 (S) EDC RPT 3DP 1NR
 03/13/15 (S) DP: DUNLEAVY, STEVENS, HUGGINS
 03/13/15 (S) NR: GARDNER
 03/26/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/26/15 (S) Heard & Held
 03/26/15 (S) MINUTE (FIN)
 04/09/15 (S) FIN AT 1:30 PM SENATE FINANCE 532
 04/09/15 (S) Moved SJR 2 Out of Committee
 04/09/15 (S) MINUTE (FIN)
 04/10/15 (S) FIN RPT 3DP 3NR
 04/10/15 (S) DP: MACKINNON, BISHOP, HOFFMAN
 04/10/15 (S) NR: KELLY, DUNLEAVY, OLSON
 04/13/15 (S) TRANSMITTED TO (H)
 04/13/15 (S) VERSION: SJR 2
 04/13/15 (H) READ THE FIRST TIME - REFERRALS
 04/13/15 (H) EDC, JUD, FIN
 03/23/16 (H) EDC AT 8:00 AM CAPITOL 106
 03/23/16 (H) Heard & Held
 03/23/16 (H) MINUTE (EDC)
 03/30/16 (H) EDC RPT 2DP 5NR
 03/30/16 (H) DP: TALERICO, SEATON
 03/30/16 (H) NR: VAZQUEZ, DRUMMOND, COLVER,
 SPOHNHOLZ, KELLER
 03/30/16 (H) EDC AT 8:00 AM CAPITOL 106
 03/30/16 (H) Moved SJR 2 Out of Committee
 03/30/16 (H) MINUTE (EDC)
 04/13/16 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: SB 91

SHORT TITLE: OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

SPONSOR(s): SENATOR(s) COGHILL

03/25/15 (S) READ THE FIRST TIME - REFERRALS
 03/25/15 (S) STA, JUD, FIN

04/02/15 (S) STA AT 9:00 AM BUTROVICH 205
04/02/15 (S) Heard & Held
04/02/15 (S) MINUTE (STA)
02/03/16 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
02/03/16 (S) STA, JUD, FIN
02/13/16 (S) STA AT 10:00 AM BUTROVICH 205
02/13/16 (S) Heard & Held
02/13/16 (S) MINUTE (STA)
02/18/16 (S) STA AT 8:30 AM BUTROVICH 205
02/18/16 (S) Heard & Held
02/18/16 (S) MINUTE (STA)
02/25/16 (S) STA AT 9:00 AM BUTROVICH 205
02/25/16 (S) Heard & Held
02/25/16 (S) MINUTE (STA)
03/01/16 (S) STA AT 8:30 AM BUTROVICH 205
03/01/16 (S) Heard & Held
03/01/16 (S) MINUTE (STA)
03/03/16 (S) STA AT 8:30 AM BUTROVICH 205
03/03/16 (S) Heard & Held
03/03/16 (S) MINUTE (STA)
03/08/16 (S) STA AT 9:00 AM BUTROVICH 205
03/08/16 (S) Moved CSSSSB 91(STA) Out of Committee
03/08/16 (S) MINUTE (STA)
03/08/16 (S) STA AT 5:00 PM BUTROVICH 205
03/08/16 (S) -- MEETING CANCELED --
03/09/16 (S) STA RPT CS 2DP 1DNP 1NR 1AM NEW TITLE
03/09/16 (S) DP: COGHILL, MCGUIRE
03/09/16 (S) DNP: STOLTZE
03/09/16 (S) NR: HUGGINS
03/09/16 (S) AM: WIELECHOWSKI
03/09/16 (S) JUD WAIVED PUBLIC HEARING NOTICE, RULE
23
03/09/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/09/16 (S) Heard & Held
03/09/16 (S) MINUTE (JUD)
03/11/16 (S) JUD AT 2:00 PM BELTZ 105 (TSBldg)
03/11/16 (S) Heard & Held
03/11/16 (S) MINUTE (JUD)
03/16/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/16/16 (S) Heard & Held
03/16/16 (S) MINUTE (JUD)
03/18/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/18/16 (S) Heard & Held
03/18/16 (S) MINUTE (JUD)
03/21/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/21/16 (S) Heard & Held
03/21/16 (S) MINUTE (JUD)

03/23/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/23/16 (S) Moved CSSSSB 91(JUD) Out of Committee
03/23/16 (S) MINUTE (JUD)
03/24/16 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/24/16 (S) <Bill Hearing Canceled>
03/25/16 (S) JUD RPT CS 3DP 1NR NEW TITLE
03/25/16 (S) DP: MCGUIRE, COGHILL, COSTELLO
03/25/16 (S) NR: WIELECHOWSKI
03/25/16 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/25/16 (S) -- MEETING CANCELED --
03/28/16 (S) FIN AT 1:00 PM SENATE FINANCE 532
03/28/16 (S) Heard & Held
03/28/16 (S) MINUTE (FIN)
03/29/16 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/29/16 (S) Heard & Held
03/29/16 (S) MINUTE (FIN)
03/30/16 (S) FIN AT 1:00 PM SENATE FINANCE 532
03/30/16 (S) Heard & Held
03/30/16 (S) MINUTE (FIN)
03/31/16 (S) FIN AT 1:00 PM SENATE FINANCE 532
03/31/16 (S) Heard & Held
03/31/16 (S) MINUTE (FIN)
04/01/16 (S) FIN AT 8:00 AM SENATE FINANCE 532
04/01/16 (S) Heard & Held
04/01/16 (S) MINUTE (FIN)
04/01/16 (S) FIN AT 1:00 PM SENATE FINANCE 532
04/01/16 (S) Heard & Held
04/01/16 (S) MINUTE (FIN)
04/02/16 (S) FIN AT 10:00 AM SENATE FINANCE 532
04/02/16 (S) Heard & Held
04/02/16 (S) MINUTE (FIN)
04/04/16 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/04/16 (S) Heard & Held
04/04/16 (S) MINUTE (FIN)
04/04/16 (S) FIN AT 1:30 PM SENATE FINANCE 532
04/04/16 (S) Heard & Held
04/04/16 (S) MINUTE (FIN)
04/05/16 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/05/16 (S) -- MEETING CANCELED --
04/05/16 (S) FIN AT 1:30 PM SENATE FINANCE 532
04/05/16 (S) Heard & Held
04/05/16 (S) MINUTE (FIN)
04/06/16 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/06/16 (S) Scheduled but Not Heard
04/07/16 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/07/16 (S) Heard & Held
04/07/16 (S) MINUTE (FIN)

04/07/16 (S) FIN AT 5:00 PM SENATE FINANCE 532
 04/07/16 (S) Moved CSSSSB 91(FIN) Out of Committee
 04/07/16 (S) MINUTE (FIN)
 04/08/16 (S) FIN RPT CS 4DP 1NR 1AM NEW TITLE
 04/08/16 (S) DP: KELLY, MACKINNON, MICCICHE, BISHOP
 04/08/16 (S) NR: DUNLEAVY
 04/08/16 (S) AM: HOFFMAN
 04/09/16 (S) TRANSMITTED TO (H)
 04/09/16 (S) VERSION: CSSSSB 91(FIN) AM
 04/10/16 (H) READ THE FIRST TIME - REFERRALS
 04/10/16 (H) JUD, FIN
 04/10/16 (H) JUD AT 2:00 PM GRUENBERG 120
 04/10/16 (H) -- MEETING CANCELED --
 04/11/16 (H) JUD AT 1:00 PM GRUENBERG 120
 04/11/16 (H) Heard & Held
 04/11/16 (H) MINUTE (JUD)
 04/13/16 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

REID MAGDANZ, Staff
 Representative Jonathan Kreiss-Tomkins
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented the changes contained in HB 347, on behalf of Representative Kreiss-Tomkins, prime sponsor.

NANCY MEADE, General Counsel
 Administrative Staff
 Office of the Administrative Director
 Alaska Court System
 Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 347, answered questions.

SENATOR KEVIN MEYER
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented SB 121 as prime sponsor.

EDRA MORLEDGE, Staff
 Senator Kevin Meyer
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 121, offered testimony and answered questions on behalf of Senator Meyer.

LAURA HUGHES

Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB 121, offered support.

SENATOR KEVIN MEYER

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented SB 123 as prime sponsor.

KRISTEN PRATT, Staff

Senator Anna MacKinnon

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: During the hearing of SJR 2, presented the bill on behalf of Senator MacKinnon.

DIANE BARRANS, Executive Director

Alaska Commission on Postsecondary Education (ACPE)

Alaska Student Loan Corporation (ASLC), Executive Officer

Juneau, Alaska

POSITION STATEMENT: During the hearing of SJR 2, testified and answered questions.

KALYSSA MAILE, Staff

Representative Gabrielle LeDoux

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 91, explained changes within the committee substitute.

NIKKI HINES, Coordinator

Fairbanks Reentry Coalition

Fairbanks, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified regarding the authorization to restore a driver's license.

TERRIA WALTERS, Founder

Fallen Up Ministries

Palmer, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified in support.

ANTHONY BIELER

Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified regarding the Alaska Pretrial Services 24/7 program.

BERT COTTLE, Mayor
Wasilla, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified regarding ankle monitoring.

GENE BELDON, Chief of Police
Wasilla, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified regarding ankle monitoring.

DEAN WILLIAMS, Commissioner Designee
Department of Corrections (DOC)
Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 91, addressed the issue of ankle monitors.

MAUDE BLAIR
Alaska Federation of Natives (AFN)
Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

DENNIS JOHNSON, Owner and Director
Alaska Pretrial Services, Inc.
Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified as a private vendor for electronic services.

SHERRIE DAIGLE, Staff
Commissioner Dean Williams
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 91, answered questions.

DEBORAH SWEET
Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified regarding a violent crime.

DARREL JONES
Palmer, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified regarding electronic monitoring.

VINCE HOLTON, Owner

Alaska Monitoring
Fairbanks, Alaska

POSITION STATEMENT: During the hearing of SB 91, testified regarding electronic monitoring.

MATHEW BASKETT, General Manager
Pioneer Peak Monitoring
Palmer, Alaska

POSITION STATEMENT: During the hearing of SB 91, discussed electronic monitoring.

EVA HARVEY
Fairbanks, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

KARA NELSON, Director
Haven House Juneau
Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

KIT WEITMEIER, Executive Director
ANCSA Regional Association
Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

MELANIE BAHNKE, Chairperson
Council for Advancement of Alaska Natives
KAWERAK Nonprofit Organization
Nome, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

DON HABEGER, Community Coordinator
Juneau Reentry Coalition
Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

VICKI WALLNER, Founder
Stop Valley Thieves
Palmer, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered concerns.

BUTCH MOORE

Big Lake, Alaska

POSITION STATEMENT: During the hearing on SB 91, offered concerns.

TRISHA HARVEY

Stop Valley Thieves

Wasilla, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered concern.

KEN RAY

Wasilla, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered testimony.

STEVE ALEXANDER, Institutional Chaplain

Mat-Su Pretrial Facility

Palmer, Alaska

POSITION STATEMENT: During the hearing of SB, discussed driving privileges.

MICHAEL SHAFFER

Prosecutor

Municipality of Anchorage

Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered concerns.

MAXINE DOOGAN

Community United for Safety and Protection

Fairbanks, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

CARMEN LOWRY, Executive Director

Alaska Network on Domestic Violence and Sexual Assault (ANDVSA)

Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

ROBYN LANGLIE, Executive Director

Victims for Justice

Anchorage, Alaska

POSITION STATEMENT: During the hearing on SB 91, offered concern regarding the reinvestment piece.

AMBER SCHLESINGER

Fairbanks, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

BILL COMER, Deputy Commissioner

Department of Public Safety

Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

CINDY MOORE

Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB, offered concern regarding Version X.

PAT VENTGEN, Owner

Recovery and Reentry Solutions of Alaska

Anchorage, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

REECE BURKE

Fairbanks, Alaska

POSITION STATEMENT: During the hearing of SB 91, offered support.

ACTION NARRATIVE

[1:41:26 PM](#)

CHAIR GABRIELLE LEDOUX called the House Judiciary Standing Committee meeting to order at 1:41 p.m. Representatives Claman, Kreiss-Tomkins, Keller, Lynn, and LeDoux were present at the call to order. Representatives Millett and Foster arrived as the meeting was in progress.

CHAIR LEDOUX advised the committee that the meeting would be recessed today at 3:00 p.m. to a call of the chair.

SB 174-REG. OF FIREARMS/KNIVES BY UNIV. OF AK

[1:42:41 PM](#)

CHAIR LEDOUX announced that the first order of business would be SENATE BILL NO. 174, "An Act relating to the regulation of firearms and knives by the University of Alaska."

CHAIR LEDOUX advised that public testimony was closed.

[1:42:55 PM](#)

REPRESENTATIVE CLAMAN commented that he appreciates the 4/13/16 memo from the University of Alaska addressing the costs and fiscal concerns regarding the screening requirement for the restricted access area. He offered his ongoing concern for the financial burdens the bill would place on the University of Alaska when the legislature is already cutting its budget, of which he does not agree. He related that he does not anticipate supporting the bill because he is concerned in this fiscal environment, the speed in which the bill is traveling through the legislature.

CHAIR LEDOUX asked the pleasure of the committee.

[1:43:50 PM](#)

REPRESENTATIVE KELLER moved to report CSSB 174(FIN), Version 29-LS1306\G, out of committee with individual recommendations and the attached Senate Finance Committee zero fiscal note. There being no objection, CSSB 174(FIN) passed from the House Judiciary Standing Committee.

[1:45:00 PM](#)

The committee took an at-ease from 1:45 p.m. to 1:47 p.m.

HB 347-RECOVERY OF FALSE CLAIMS FOR STATE FUNDS

[1:47:59 PM](#)

CHAIR LEDOUX announced that the next order of business would be HOUSE BILL NO. 347, "An Act relating to the limitation period to commence a false claims action; relating to recovery for false claims for state or municipal funds; and amending Rules 4, 24, and 46, Alaska Rules of Civil Procedure."

[1:48:19 PM](#)

REPRESENTATIVE KELLER moved to adopt CSHB 347, Version 29-LS1505\H, Wallace, 4/12/16 as the working document. There being no objection, Version H was before the committee.

REPRESENTATIVE KREISS-TOMKINS deferred to his staff, Reid Magdanz, to present CSHB 347.

[1:49:04 PM](#)

REID MAGDANZ, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, said the substantive changes include deleting all mention of showings "in-camera" or presenting court filings in-camera because Alaska's courts rarely have in-camera filings. The term "qui tam plaintiff" was replaced throughout the bill with the term "private plaintiff" because it removes unnecessary Latin from Alaska's statutes. He related that, perhaps most substantively, the Act no longer applies to any claim brought under Title 43, Revenue and Taxation, because currently there are strong compliance measures for most of the state's tax collections for PFD dividends. He related that the sponsor "did not believe that this Act needed to apply to those, the federal Act is not applied to tax claims and most state acts do not apply to tax claims;" therefore, the committee substitute exempts tax claims. He noted the "more cosmetic" changes are where the template act had been transposed incorrectly, those sections were amended to bring this Act in line with other state acts, and the Federal Act.

[1:51:26 PM](#)

REPRESENTATIVE CLAMAN thanked Mr. Magdanz for his email describing differences between this and the federal Act. An area of significant difference, he opined, is that the Statute of Limitations is at ten years, whereas, the Federal Act, Statute of Limitations, reads six years. He asked the reason for Alaska's time length being longer.

MR. MAGDANZ responded that the New York's Act listed ten years, and noted that multiple people, including a person from "Taxpayers Against Fraud," had advised that New York is the best and strongest state for false claims acts.

[1:52:38 PM](#)

REPRESENTATIVE CLAMAN asked, in terms of policy analysis, how many claims were filed in New York during the last four years,

the statistics on when claims are brought in New York, or brought in other states with such a long Statute of Limitation.

MR. MAGDANZ related that he has not looked at any of those numbers and is not stuck on the ten year Statute of Limitations.

[1:53:16 PM](#)

REPRESENTATIVE KELLER put forth that he is struggling because this bill is so much, so fast, given that the legislature is toward the end of session, and it seems to compress time. He asked whether there are any witnesses to testify on the merits of this as far as business or anyone other than the witnesses that previously testified.

CHAIR LEDOUX said that Stacie Kraly, Department of Law is available.

REPRESENTATIVE KELLER asked whether there had been any opposition up to this point.

REPRESENTATIVE KREISS-TOMKINS replied he had a conversation with someone in the oil & gas industry and their concerns were "positively, mostly resolved" through exempting taxation from Title 43. He stressed that that wasn't the intent of the bill because there are systems already in processes; therefore, it became a non-concern after revisions.

[1:54:39 PM](#)

REPRESENTATIVE KELLER advised that depending upon whether the committee receives other input, he would not stand in the way of the bill moving, but that does not mean he has made up his mind.

REPRESENTATIVE MILLETT asked whether Representative Kreiss-Tomkins had seen the False Claims Act in any other legislation that is going through the legislature. She recalled a portion of Medicaid reform with a bit of false claims and related a concern that those two bills do not contradict each other, and that it is being tracked. She reiterated she does not want two False Claims Acts going through that do not marry up and make Alaska's statutes convoluted.

[1:55:34 PM](#)

REPRESENTATIVE KREISS-TOMKINS said he had conversations with staff in the other body that are (indisc.) at legislation and

the two bills are substantially similar. He noted that one bill applies to a narrower scope ... just Medicaid or (indisc.) spoken with the drafters at Legislative Legal and Research Services, and he is looking to attach an amendment to the committee substitute. He explained that the amendment basically speaks to both pieces of legislation, and in the event they both become law they can gracefully integrate into each other as possible.

REPRESENTATIVE MILLETT reiterated that her only concern is that Title 43 marry up with Medicaid false claims report.

REPRESENTATIVE CLAMAN asked whether Representative Kreiss-Tomkins's expectation is to get this bill on the floor of the House of Representative before gaveling out, or to get the bill through the committee with the idea of refiling next year.

REPRESENTATIVE KREISS-TOMKINS answered that next year is a possibility, but there is a companion bill in the other body that the chair expressed the intention of hearing and moving it out, and it has no other committee of referral. Although, there is another committee of referral in this body with the House Finance Committee being the next stop. He said he sees a possibility that it could pass this session given there hasn't been any opposition. In the event legitimate concerns arise that have not been worked through, he would slow the bill down to be sure there is a good product.

[1:57:35 PM](#)

REPRESENTATIVE CLAMAN noted he shares some of Representative Keller's concerns, and questions the fairly significant change to prosecutorial powers in creating the right for private rights of action. His concern is that with the significant change to prosecutorial powers to put more out into the public, because he is worried groups may ask, "how did you get there, how did this happen, and how did we not know about it." He acknowledged that the Federal False Claims Act cases are incredibly complex with interesting features and he was unsure the public "is even aware this is going on."

CHAIR LEDOUX pointed out that this bill was noticed and heard approximately a week ago. She noted that SB 174 just came over the other day, and there were many people in the public here to testify, and online. She stated that the information is put online, they get the word out, and that's the best they can do.

REPRESENTATIVE CLAMAN said he understands.

1:59:17 PM

REPRESENTATIVE KREISS-TOMKINS stated he finds comfort that precedence language is in state law, and in other instances. Also, the Medicaid reform bill, false claims act provision, has not attracted any opposition or concern, to the best of his knowledge. He described it as almost secondary companion legislation that has been vetted to an extent that that gives him a little more assurance, but it is a point very well taken.

CHAIR LEDOUX asked Representative Kreiss-Tomkins whether he has an amendment he would like to bring to this committee.

2:00:24 PM

The committee took an at-ease from 2:00 p.m. to 2:03 p.m.

2:03:11 PM

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 1, Version 29-LS1505\H.1, Wallace, 4/13/16, which read:

Page 2, following line 26:

Insert a new subsection to read:

"(c) This section does not apply to, and a claim may not be brought under this section for, a claim relating to the medical assistance program if a separate false claims procedure for medical assistance claims under AS 47.05 and AS 47.07 is provided by law."

Reletter the following subsection accordingly.

Page 2, line 31:

Delete "AS 37.10.110(c)"

Insert "AS 37.10.110(d)"

Page 3, line 5:

Delete "AS 37.10.110(c)"

Insert "AS 37.10.110(d)"

Page 3, line 16:

Delete "(a)"

Page 3, lines 24 - 26:

Delete all material.

Page 4, line 3:

Delete "The"

Insert "Except as provided in (c) of this section, the"

Page 4, following line 6:

Insert a new subsection to read:

"(c) If a separate false claims procedure for medical assistance claims under AS 47.05 and AS 47.07 is provided by law, a complaint under this section shall be filed with the court and remain confidential for at least 60 days, and may not be served on the defendant until the court so orders. The state may elect to intervene or proceed with the action within 60 days after the state receives both the complaint and the material evidence and information."

Reletter the following subsections accordingly.

Page 4, line 14, following "section":

Insert "or confidential under (c) of this section"

Page 4, line 15:

Delete "under seal"

Insert "and may be filed under seal or remain confidential, as provided under (b) or (c) of this section"

Page 4, line 17:

Delete "(d)"

Insert "(e)"

Page 10, line 30, through page 11, line 15:

Delete all material and insert:

"* Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENT. (a) AS 37.10.125, added by sec. 2 of this Act, has the effect of amending Rule 4, Alaska Rules of Civil Procedure, by changing the procedure for initiating an action and for the timing of service.

(b) AS 37.10.125(f) and 37.10.130, added by sec. 2 of this Act, have the effect of amending Rule 24, Alaska Rules of Civil Procedure, by limiting

intervention and by changing the procedure for intervention by allowing the state or a municipality to intervene at various times and for various reasons in a false claims action brought by a private party.

(c) AS 37.10.130(d), added by sec. 2 of this Act, has the effect of amending Rule 46, Alaska Rules of Civil Procedure, by limiting the participation of a private party in a false claims action in certain circumstances."

Renumber the following bill sections accordingly.

Page 11, line 23:

Delete "secs. 8 - 10 of this Act receive"

Insert "sec. 8 of this Act receives"

CHAIR LEDOUX objected for purposes of discussion.

REPRESENTATIVE KREISS-TOMKINS advised that this language was conceived by the drafters of Legislative Legal and Research Services, and conversations with staff within the building to create a graceful reconciliation between this legislation and the false claims act contained within the Medicaid reform bill.

CHAIR LEDOUX asked, "So what does it do?"

REPRESENTATIVE KREISS-TOMKINS deferred to Mr. Magdanz.

[2:03:46 PM](#)

MR. MAGDAN said the amendment provides that this bill and the False Claims Act in SB 74, can live harmoniously in statute, and provides that if there is a false claims act in law that applies to Medicaid claims, that this act does not cover Medicaid claims. Another change contains feedback from the court system, in the case there is a separate Medicaid false claims act, the standard for filing cases in this act goes from "under seal" to "confidential." The reason "under seal" was included, he explained to the best of his knowledge, it is necessary to include "under seal" to meet federal guidelines for the Medical False Claims Act. If this act does not apply to Medicaid claims, there is no need for the higher standard of "under seal;" therefore, it was changed to "confidential."

[2:05:11 PM](#)

REPRESENTATIVE KELLER asked for clarification as to whether Mr. Magdanz testified that this amendment does change it to "confidential," or is that something additional yet to be done.

MR. MAGDANZ answered that this amendment does change it to "confidential," in the event SB 74 passes.

[2:05:53 PM](#)

NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, advised that she was just handed the amendment and judging from Mr. Magdanz testimony it would be good for the court system. She explained that it is more difficult for the court system to handle documents "under seal" than "confidential" as they have different meanings. She then stated she would look closely at the amendment to determine exactly what it says.

CHAIR LEDOUX noted that the court system had concerns about the bill in its original form and asked whether those problems have been resolved to her satisfaction.

MS. MEADE responded that the sponsor and staff have satisfactorily addressed the issues the court system had with the original version of the bill.

CHAIR LEDOUX, in response to Representative Keller, asked whether anyone was available from the Department of Law. There was no response.

[2:07:10 PM](#)

REPRESENTATIVE CLAMAN advised he is not offering an amendment at this time but he will if this bill makes it to the floor of the House of Representatives. He suggested possibly making the Statute of Limitations track with the Federal Statute of Limitation's time period. In terms of potential parties that may be liable under false claims acts, if the legislature is going down this road it appears the expectation should be consistent with where they would be under the federal law.

REPRESENTATIVE CLAMAN, in response to Chair LeDoux, stated that under federal law, the limit is six years and businesses that may be subject to a false claims act should be aware of the additional four years. He said he likes the idea that the two acts are pretty consistent.

CHAIR LEDOUX pointed out that this bill has another stop on its way to the floor of the House of Representatives, and Representative Claman may want to discuss that issue with the sponsor.

[2:08:07 PM](#)

CHAIR LEDOUX removed her objection to Amendment 1. There being no objection, Amendment 1 was adopted.

CHAIR LEDOUX opened public testimony. After ascertaining no one wished to testify, closed public testimony.

[2:09:07 PM](#)

REPRESENTATIVE KELLER moved to report CSHB 347, Version 29-LS1505\H, Wallace, 4/13/16, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 347(JUD) passed out of the House Judiciary Standing Committee.

[2:09:38 PM](#)

The committee took an at-ease from 2:09 p.m. to 2:14 p.m.

SB 121-SECURITY FREEZE ON CERTAIN CREDIT REPORTS

[2:14:22 PM](#)

CHAIR LEDOUX announced that the next order of business would be CS FOR SENATE BILL NO. 121(JUD) am H, "An Act relating to a security freeze on the consumer credit report of a minor, incapacitated person, or protected person."

[2:15:05 PM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, explained that SB 121 is a consumer protection bill addressing protection of children and other vulnerable individuals before they become victims of identity theft. He remarked that his staff, Ms. Morledge will describe the details of the bill.

[2:16:22 PM](#)

EDRA MORLEDGE, Staff, Senator Kevin Meyer, Alaska State Legislature, advised that the issue was brought to Senator Meyer's attention when a constituent advised that she and her

husband placed security freezes on their credit shortly after taking out a mortgage and they looked into doing the same for their children to pre-empt any sort of criminal activity. They found that Alaska does not have a specific law allowing that, although, some credit agencies do give parents leeway, there is not a specific statute. She explained that this bill is designed to prevent these criminal acts or identity theft acts by doing two things: specifically allow a parent, guardian, or conservator to place a security freeze on a minor child, dependent, or a protected individual's credit in order to prevent fraudulent activity; and if no credit report exists, the credit bureau is directed to create a credit file in order to place the freeze. She pointed out that children, in general, do not begin to establish credit until they are 18 years, or at the time they apply for financial aid, which can be 16 years of age in this state, and several years may pass by before financial fraud is detected. The same is true for vulnerable adults who may not be able to manage their own personal finances; therefore, possibly not establishing credit in their own name and many years may pass by before the fraud is detected.

CHAIR LEDOUX listed the witnesses available to answer questions and opened public testimony.

[2:19:06 PM](#)

LAURA HUGHES said she is in support of this bill and that she is excited to see how far it has come through the Senate and House of Representatives. She advised that she and her husband have two young girls and realized the girls are more likely to have their identity stolen because they are essentially a clean slate. She agreed that oftentimes it is unknown that the children's identities have been stolen until they are 18 years old, and this is a pre-emptive move to help protect them.

CHAIR LEDOUX closed public testimony, and advised she is holding the SB 121.

[SB 121 was held over.]

SB 123-USE OF ELECTRONIC DEVICES WHILE DRIVING

[2:20:38 PM](#)

CHAIR LEDOUX announced that the next order of business would be CS FOR SENATE BILL NO. 123(JUD), "An Act relating to the bail

forfeiture schedule and the penalty for the use of electronic devices while driving; and providing for an effective date."

2:21:06 PM

SENATOR KEVIN MEYER, Alaska State Legislature, said that SB 123 mirrors an Anchorage Assembly ordinance that lowers the penalty for texting while driving from a class A misdemeanor, which carries up to a \$10,000 fine and one year in jail, to a violation of \$500. He explained that the thought behind lowering the penalty is that by allowing law enforcement to issue a ticket immediately, it will result in a stronger deterrent and provide swift punishment for those who engage in distracted driving. Another aspect of current law, which was originally part of Representative Gruenberg's bill, included higher penalties for those found guilty of texting while driving that resulting in an injury or death, and it will not be changed by this legislation. The intent is to prevent injury or death by being able to write a citation when law enforcement sees someone texting and driving. He related that the current class A misdemeanor charge of texting and driving is not working because it requires obtaining and serving a search warrant, obtaining the cell phone, investigating the contents of the cell phone, and then trying the case in a court of law. He pointed out that the cost of prosecuting individuals has proven to be a deterrent for law enforcement to charge individuals. For example, he said, since 2011, when the Anchorage [ordinance] went into effect, only 20 individuals have been charged while texting and of those only four resulted in a conviction. Under SB 123, an officer witnessing an individual texting while driving can pull the person over and immediately issue a citation. The person will still have the right to appeal the citation, but the process would be handled through traffic court rather than tying up criminal courts. Finally, he related, "the bill adds the violation to the bail schedule" and establishes an effective date of July 1, 2016, to give the court system time to update the schedule. There is a zero fiscal note, he said, and it is not intended to be a revenue bill, it is meant to be a deterrent to texting while driving.

2:23:54 PM

REPRESENTATIVE CLAMAN opined that this looks like an idea from the Anchorage Assembly.

SENATOR MEYER agreed that it did come from the Anchorage Assembly, and passed last fall. He opined that it seems to be

working for them thus far, and he thought that if it is a good ordinance, it is probably a good state law.

REPRESENTATIVE CLAMAN commented that it is consistent with the crime bill in terms of recognizing that rather than locking people up, giving law enforcement the option to write a citation.

CHAIR LEDOUX said that Representative Claman mirrored her thoughts.

REPRESENTATIVE KREISS-TOMKINS noted that he heard the bill in House State Affairs Standing Committee and it seems like a good idea.

CHAIR LEDOUX listed witnesses available to answer questions, and opened public testimony. After ascertaining no one wished to testify, closed public testimony.

[2:25:51 PM](#)

CHAIR LEDOUX advised that SB 123 would be set aside.

[SB 123 was held over.]

[2:26:01 PM](#)

The committee took a brief at ease.

SJR 2-CONST. AM: G.O. BONDS FOR STUDENT LOANS

[2:27:11 PM](#)

CHAIR LEDOUX announced that the next order of business would be SENATE JOINT RESOLUTION NO. 2, Proposing an amendment to the Constitution of the State of Alaska relating to contracting state debt for postsecondary student loans.

[2:27:28 PM](#)

KRISTEN PRATT, Staff, Senator Anna MacKinnon, Alaska State Legislature, said that SJR 2 is a constitutional amendment permitting the issuance of general obligation bonds for the purpose of funding postsecondary student loans by amending the Constitution of the State of Alaska Article IX, Section 8. Currently Article IX, Section 8, allows for general obligation bonding for capital improvements as well as housing loans for

veterans. The intent of this legislation, she explained, is for students to have better access to lower cost loans, essentially the intent is to lower interest rates on student loans. It would also give the Alaska Student Loan Corporation (ASLC) more flexibility with its underwriting criteria.

[2:29:12 PM](#)

DIANE BARRANS, Executive Director, Alaska Commission on Postsecondary Education (ACPE), Alaska Student Loan Corporation (ASLC), Executive Officer, advised that the sponsor is focused on making lower cost financing available to both students currently going through the pipeline, but also to holders or borrowers of education loans who might have those loans at higher interest rates and are interested in refinancing them at a lower rate. In the event the people of Alaska are presented with this opportunity to decide on the ballot to amend the Alaska State Constitution, and vote in the affirmative, her office would be able to enter the market with the state's credit behind these loans. Therefore, not only would Alaskans enjoy a lower rate in the market, and in the event the state retains its AAA rating, she estimated there would be a full 1.1 percent interest rate advantage in the market. In the event that rate drops to AA rating, Alaskans would still maintain a 95 basis points advantage in the market. Therefore, there is a material benefit to students increasingly looking to alternatives to finance their education. She noted that the state is in an era where, with the rising cost of education within the state and outside the state, the need for this type of assistance and support from the state is higher than ever. The beauty of this structure is that her office could leverage the state's credit rating without having to tap the general fund because the loans would be made with the underwriting criteria that would make them fully capable of repaying the bonds as they become due. They would be able to sustain themselves without any general fund draws and the corporation would design the related programs accordingly, she explained.

CHAIR LEDOUX opened public testimony. After ascertaining no one wished to testify, closed public testimony.

[2:32:37 PM](#)

CHAIR LEDOUX advised that she is holding the bill.

[SJR 2 was held over.]

SB 91-OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

[2:32:40 PM](#)

CHAIR LEDOUX announced that the final order of business would be CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91(FIN) am, "An Act relating to criminal law and procedure; relating to controlled substances; relating to immunity from prosecution for the crime of prostitution; relating to probation; relating to sentencing; establishing a pretrial services program with pretrial services officers in the Department of Corrections; relating to the publication of suspended entries of judgment on a publicly available Internet website; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violations of municipal ordinances; relating to parole; relating to correctional restitution centers; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to the excise tax on marijuana; establishing the recidivism reduction fund; relating to the Alaska Criminal Justice Commission; relating to the disqualification of persons convicted of specified drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and providing for an effective date."

[2:33:02 PM](#)

REPRESENTATIVE KELLER moved to adopt House CS for CS for SS for SB 91, Version 29-LS0541\X, Martin, 4/12/16, as the working document. There being no objection, Version X was before the House Judiciary Standing Committee.

[2:33:46 PM](#)

The committee took an at-ease from to 2:33 p.m. to 2:38 p.m.

[2:38:19 PM](#)

KALYSSA MAILE, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, referred to House CS for CS for SS for Senate Bill 91, Version X and explained that the drafters removed all language within HB 205, Version H, including amendments the House Judiciary Standing Committee had adopted, and inserted the

language under the title of SB 91. Therefore, she said, SB 91 is the vehicle for the omnibus crime bill.

CHAIR LEDOUX surmised that as far as the House Judiciary Standing Committee is concerned there is nothing new [in SB 91].

MS. MAILE advised there are technical changes because the Senate iteration went through more versions and is a better version structurally, but substantively it is everything this committee worked on.

2:39:10 PM

REPRESENTATIVE KELLER surmised that this committee is ignoring the language in SB 91, [Version 29-LS0541\Y.A].

MS. MAILE explained that where there were differences, the House version was taken, and differences will be taken up when amendments are considered.

CHAIR LEDOUX opened public testimony, and restricted public testimony to three minutes per speaker because, currently, there are 32 speakers.

2:40:14 PM

NIKKI HINES, Coordinator, Fairbanks Reentry Coalition, referred to the provision regarding authorization to restore a driver's license, and advised that when a person is released from incarceration many conditions are expected to be met by the inmate. For example, substance abuse counseling and treatment, mental health, community service acts, probation appointments, group meetings such as NA or AA to stay sober. She expressed that these expectations are in place at the same time the inmate is trying to obtain stable employment and a stable housing environment which, she pointed out, is almost impossible to do without a means of transportation. When a person is released from prison they are faced with the choice of going to their probation appointment or to the job interview, and many times the choice is to drive and risk it because they have to take all of these steps at once. She said she is encouraging the committee to keep that provision and, at the bare minimum, a limited license for day-time driving hours so the people can become successful in the community.

2:41:43 PM

TERRIA WALTERS, Founder, Fallen Up Ministries, said she is a recovery advocate, and supports SB 91. She pointed to the language discussing assessments that results in appropriate intervention services for people incarcerated, and it also expands substance abuse treatment programs for people with shorter sentences. She suggested the importance of also considering pretrial services because there are many individuals sitting in jail and are not able to receive the treatment they need, and desperately want. Through her program people constantly contact her wanting to get treatment, and she noted that sometimes people are released with no treatment [opportunities] whatsoever. She suggested that individuals in pretrial being able to bail out and utilized outside resources, such as the Alaska Pretrial Services. She said she is a fan of that program because many individuals in her program have used that program, and it is important to keep that in place. Mr. Johnson operates the program with great integrity, she said, and he works with the individuals, and has personal investment in his program. She said, "I don't think it's just about money, I also believe that it's about helping the individual get back on track and getting their lives together." She has partnerships and delegates, and she stressed the importance that the Department of Corrections (DOC) and the judicial system consider partnering because DOC "can't just take on everything." Rehabilitation is her personal focus, and as a person formerly incarcerated, in long-term recovery, and clean and sober for 11 years, she remarked that it is important the state focus on treatment, because the state need individuals to get their lives back on track. She related that it was not DOC that helped her, it was outside resources, such as the Alaska Correctional Ministries. The DOC needs to be more invested in people's lives so people can receive the recovery necessary, rather than people just sitting in jail doing nothing with their time, she stressed.

[2:44:52 PM](#)

ANTHONY BIELER said he works for the Cook Inlet Tribal Council and is testifying on his own behalf regarding his experience with the Alaska Pretrial Services 24/7 program. He advised he recently completed one full year on the program, and it had a positive impact on his recovery. He explained that the 23/7 program made him accountable to himself, he had to show up twice a day to take a breathalyzer test, he had three UAs a week, and he was always treated with dignity and respect. Mr. Johnson runs the 24/7 program and he always made himself available to speak, whether a person was doing good or bad, because the door

was always open to address issues. He described it as an absolutely positive experience - he was able to drive so that meant he was able to keep his job, able to attend meetings, and it was a great experience. He said he absolutely, 100 percent, supports SB 91.

2:46:31 PM

BERT COTTLE, Mayor, said that Chief of Police Gene Beldon was sitting next to him. He explained that ankle monitoring is performed by a private enterprise, and the person goes to that private enterprise location to be tested. In the event the person fails the test, they are to be remanded back into custody and arrested. The private enterprise then calls local law enforcement to perform the arrest, law enforcement responds through the city services, they pick the person up, and transports them to Palmer. He stressed that on a good day that's a two hour round-trip, on a bad day, because that person may have been drinking or have some other substance on board, law enforcement must take them to the hospital to be checked out to be sure they don't have any further complications once they are incarcerated. In that case, it could be a four- to six-hour roundtrip with the possibility that law enforcement may have to take them to Anchorage, depending on the office. He advised that an ankle monitoring business moved into Wasilla this year, and on a low number there will be at least 50-100 arrests. He said, "That's a pass on cost that we're having to pick up, they're not our arrest," and he would like the committee to consider what is happening when going that route. As a result, he suggested that possibly the person should go back to the correctional facility or a place with arresting authority, such that if the person fails the test, they go right back into a lock-up, and the police don't have to chase the person around town trying to catch them.

2:48:31 PM

REPRESENTATIVE MILLETT asked for clarification, if the person is on private electronic monitoring, the entity calls the police to come and arrest that person, and the person doesn't turn themselves in. She asked that when a person is under DOC ankle monitoring, they have the ability to arrest at the facility. She questioned whether there is still the transportation issue, or is that absorbed by the state because the state is doing the transporting. She quiered whether there is an opportunity, when that arrest happens, to call the Alaska State Troopers to manage the situation better rather than calling the local police

officers. She asked whether he had talked to the troopers about working through this issue.

2:49:18 PM

MR. COTTLE explained the Wasilla Police Department (WPD) is the direct and fastest response, because there are only five to six Department of Public Safety (DPS) officers on duty at any one time in the borough. The troopers could be 30-60 minutes away, and that is not a high level response. He remarked that WPD could just ignore the call and tell the entity that they will get there when they can, but the police department would be the fastest and closest pick up point. Therefore, the unintended consequence is that the police department has to pick the people up and haul them to Palmer, because that is their closest lock-up. He pointed out that the private contractor doesn't have the authority to arrest the people and transport.

REPRESENTATIVE MILLETT asked how many calls have come in since the private contractor moved into its location.

MR. COTTLE estimated 15 times since January when it opened, but he estimates it will be at least at 50 by the end of the year.

REPRESENTATIVE CLAMAN asked whether these are municipal offenders being prosecuted by the borough, or whether they are state offenders pretrial released to an electronic monitoring program.

MR. COTTLE stressed that they are all state charges, there are no city charges or borough, because the second-class borough doesn't have the authority to arrest. He pointed out that they could be on ankle monitoring for a number of reasons, such as pretrial, post-trial, conditions of release, and a number of reasons. He said the people go to the local entity with the contract for ankle monitoring.

2:51:32 PM

REPRESENTATIVE KELLER asked whether this is happening in other places, or just in Wasilla.

MR. COTTLE acknowledged that they may be unique because many places have their own jails, although, he believes other places will have the same experience. He noted that if his reading of the crime bill is correct, there is the possibly of releasing more people on bracelets.

2:52:32 PM

GENE BELDON, Chief of Police, offered that when there is a small police department taking one person out of the line-up for anywhere from 2-4 hours, it creates a problem within the city for response times, and creates extensive paperwork which takes time. He explained that when a police officer has a prisoner, they can't just kick the prisoner out and respond to a more serious call, because the police officer has to continue through the whole process.

2:53:52 PM

DEAN WILLIAMS, Commissioner Designee, Department of Corrections (DOC), acknowledged that he has received a good education, the past couple of days, about this entire issue with local municipalities and factors associated with Mayor Cottle's concerns. He offered that he understands and supports the effort of moving the bulk of electronic monitoring to the Department of Corrections (DOC), and that the concerns are not lost on him as to what is happening in the local communities. He reiterated that the DOC supports efforts to move the bulk of electronic monitoring over to the department on pretrial issues.

REPRESENTATIVE KELLER asked Mr. Williams to take into account the need for oversight to cover [electronic monitoring], but that there is also the issue of allowing this to be a free enterprise function. He suggested there has to be something in between.

MR. WILLIAMS responded that Representative Keller is exactly correct, the struggles the municipalities have gone through are real in that it does take officers off the street, and the department has to recognize that. He said he understands why it makes more sense for the efficiency point of time to have one entity doing that. He wants options in front of him, but understands why there is a strong feeling that the state should control the oversight and do the electronic monitoring, and he agrees, he stated.

2:56:13 PM

REPRESENTATIVE MILLETT asked whether there was any way, through the private enterprise, the state could make them self-report to jail so the transportation costs are not burdened. She further asked whether there is a creative solution to get the person

testing at the private entity, to have some type of self-report for that person who has violated a condition of their release.

[2:56:46 PM](#)

MAYOR COTTLE responded that they have had calls from the ankle monitoring company stating, "Would you please hurry and send the officer, because the person who failed the test is now running down the street." He said, probably not.

REPRESENTATIVE CLAMAN asked whether there is any chance they are running to jail.

[2:57:56 PM](#)

MAUDE BLAIR, Alaska Federation of Natives (AFN), said the Alaska Federation of Natives (AFN) wholeheartedly supports this bill. She offered that, as members of this committee have noted, there is a delicate balance between punishment, reentry support, and victims' rights. She said the Alaska Federation of Natives (AFN) believes this bill will do a lot to help that balance. Alaska Natives make up a disproportionate number of the state prison population, and also are disproportionately victims of crimes, she advised. Anything that the state can do to reduce recidivism rates will help both sides of that equation, and AFN urges the committee to pass this bill, she related.

[2:59:09 PM](#)

DENNIS JOHNSON, Owner and Director, Alaska Pretrial Services, Inc., said that that his corporation is one of the private electronic monitoring companies discussed over the last few days. He explained that Alaska Pretrial Services has provided services in the Anchorage and Matanuska-Susitna areas for the last seven years, and it is one of three private vendors that have provided testing services to the Department of Health and Social Services (DHSS) for the Alaska 24/7 Sobriety Program. The Anchorage and Matanuska-Susitna areas are two areas that have five testing sites provided by vendors around the state. He opined there is a distinct difference between pretrial electronic monitoring and post-trial electronic monitoring, and as the committee moves forward it is his hope that will be considered. He explained that a few bad apples have operated in a manner to cast a bad light on private electronic monitoring. He said he has worked with another company in being pro-active in working with the Senate Judiciary Standing Committee on SB 91, and were successful in getting an amendment added before it

moved to the House of Representatives. He explained that the amendment adds, as to the duties of the commissioner, "Establish oversight, regulations, and minimum standards for electronic GPS monitoring." He described that as key, because up until this point this industry has operated in the pretrial phase, in the private sector, without any oversight. Alaska Pretrial Services invested hundreds of thousands of dollars to its technology to be sure the technology is up-to-date, and it works in conjunction with the state prosecutors office, and municipal attorneys. He remarked that as a victim of a violent crime where a family member was shot and killed and he survived, he has worked directly with Director Winston, Office of Victims' Rights, and developed several victims' rights programs that he offers free of charge. He expressed concern that the committee is considering eliminating private industry, because the established protocols and programs he operated for years can work in conjunction with the Department of Corrections (DOC) with oversight, regulations, and minimum standards. He said that as the committee moves forward that it review the cost to taxpayers in the state, and to consider that with a little refinement and oversight, the industry can operate as a tool for the Department of Corrections [DOC], and judicial services.

[3:03:15 PM](#)

CHAIR LEDOUX asked Mr. Johnson how he responds to Mayor Cottle's concerns when someone fails their test and needs to be hauled somewhere.

MR. JOHNSON responded that the current procedure under the Alaska Alcohol Safety Action Program (ASAP), Department of Health and Social Services, dictated under the 24/7 program, swift and immediate consequences. The offender is instructed to take a seat, and there is a secondary test depending on whether it is alcohol positive or a urine positive test, and whether it is a probation violation, parole violation, or if it is an actual violation of conditions of release. Under the current SB 64 with 24/7, law enforcement is required for the remand, and is addressed in SB 91, under the pretrial program, duties of the commissioner. He pointed out that Mayor Cottle is correct, it was a portion not addressed in the actual regulations and protocols set forth under the Department of Health and Social Services.

[3:04:43 PM](#)

CHAIR LEDOUX asked if SB 91 were passed in the same form it came over from the Senate, for example.

MR. JOHNSON agreed.

CHAIR LEDOUX asked how he would deal with someone who had failed the test, would he still call the local authorities.

MR. JOHNSON opined that the pretrial service officers, [established under SB 91], as an officer of the court would have jurisdiction for the swift and immediate consequence, which would be the remand for the violation.

CHAIR LEDOUX restated her question and asked whether the pretrial service officer remands the person to state custody.

MR. JOHNSON said that is his understanding.

[3:06:17 PM](#)

REPRESENTATIVE CLAMAN commented that in the pretrial context there have been discussions regarding individuals bailing out and hire a private electronic monitoring vendor. There have also been discussions about the department having some pretrial release electronic monitoring duties as well.

He surmised that when the alarm goes off at a private electronic monitoring company, that company would contact the pretrial services officer, and not the police department. He said, "Just as if it was a person on pretrial services electronic monitoring when the alarm goes off, they would at least aware of the violation." In both instances, the party responsible for tracking down the person on pretrial release would fall on the Department of Corrections (DOC) to get them in either instance.

MR. JOHNSON deferred to Commissioner Williams, and opined that if SB 91 is passed, the pretrial jurisdiction for offenders out on release, no matter the program, would fall on the pretrial services office for jurisdiction of remand.

[3:08:12 PM](#)

SHERRIE DAIGLE, Staff, Commissioner Dean Williams, Department of Corrections, said that Mr. Johnson is correct, the pretrial services officers would have jurisdiction.

[3:08:48 PM](#)

DEBORAH SWEET advised that she is a recent victim of a violent crime, and offered testimony as follows:

I would like to share my story with you in order to provide you with a point of view from a victim and detail the severity of the crime that I experienced that would no longer be punishable by jail time if this legislation passes.

My journey begins with my husband's recent surgery and subsequent abuse of prescription pain relievers and muscle relaxers, combined with alcohol. I'm in the condominium where I live, by back is against the wall in a closet of a small back bedroom that I use as my office on the third floor of our home. I watched my husband lay down on the floor in the prone position and how he positions the butt of the 223 caliber AR 15, with a 30-round banana clip solidly against his chest. I watch how he tilts his head slightly to the right as he adjusts the scope to his eye with his finger on the trigger. I'll never forget the sound of his voice screaming at me, or the sound of my own voice crying and begging for my life, begging him to let me go. Wondering if this is where, and how my life will end. And in a moment of eerie and utter silence in our home before he pulls the trigger. The bullet hits the sheetrock 15 inches from the left side of my head, the following struggle for the gun results me in being bitten, beaten with his fists, the AR 10 and two more shots are then fired while we struggled for the weapon. Subsequently, I'm rescued from my home by the Anchorage Police Department and I'm transported to Providence Medical Center for treatment for human bite marks, concussion, multiple lacerations, multiple contusions to the head, face, torso, hands, arms, and legs.

Due to this crime legislation bill that is currently being considered, I reluctantly agreed with the District Attorney regarding the plea bargain terms that were accepted by the defendant. The defendant pled to one C felony assault with 24 months and 21 months suspended and three years' probation. This is a harsher sentence than he would have received if this legislation is passed. This is why I reluctantly agreed to the terms of this plea bargain. After

presenting my victim impact statement to the court, the judge expressed concern for public safety and spoke at length regarding the leniency of the plea agreement in relation to the crime. The judge stated this was the worst class C felony case he had seen and had serious misgivings about accepting the plea bargain agreement. Yet, under the proposed legislation, this case would not even receive the sentence the judge stated was far too lenient.

I respectfully request that you please read my full written statement submitted to multiple legislators and ask yourself, if this happened to you or if this happened to a loved one, would you want the attacker to only receive probation and no jail time. Because under this proposed legislation that's exactly what will happen. On behalf of all victims who are too terrified to speak and for those who can no longer speak for themselves, and for all of those who will be a victim in the future, we didn't deserve to be victimized by our attackers and we don't deserve to be victimized by legislation that protects the offenders. You have the power to enable victims to be survivors, please use that power wisely and thank you for listening to my story.

[3:12:29 PM](#)

CHAIR LEDOUX responded that the committee does have her written testimony, and that she appreciates her testifying.

CHAIR LEDOUX advised that committee members have other meetings to attend, and she recessed the meeting to a call of the chair. She apologized to members of the public waiting to testify.

[3:13:06 PM](#)

The House Judiciary Standing Committee was recessed to a call of the chair at 3:13 p.m., until possibly later this afternoon.

[5:10:32 PM](#)

CHAIR LEDOUX called the House Judiciary Standing Committee meeting back to order at 5:10 p.m. Present at the call back to order were Representatives Lynn, Claman, and LeDoux.

Representatives Millett and Kreiss-Tomkins arrived as the meeting was in progress.

CHAIR LEDOUX returned the committee to SB 91, and advised it would continue with public testimony. She asked the members to note the Summary of Sectional Changes to SB 91.

5:11:50 PM

DARREL JONES said he is a victim, an ex-correctional officer, an attorney of 28 years, and he is corporate council for Pioneer Peak Electronic Monitoring. He explained the system works as follows: a person wants to get out of jail on bail, there is a hearing, at that hearing the judge invariably makes the electronic monitoring company put on paper the ordered conditions of release that they have the right to remand. The problems occurs when someone violates, and rarely do they make a run for it where an electronic monitoring company has to attempt to chase them down, because most of the time they calmly take people into custody. Those that attempt to run are immediately caught. The resolution is simple, the order and conditions of release specify that the company has the right to remand. He explained that where the problem comes in, is that when they try to remand to the Department of Corrections, the department refuses them. Therefore, they make the police officers pick them up and remand them to the Department of Corrections. To remedy the problem, he suggested mandating the correctional facilities accept the remand from the electronic monitoring companies. Problem solved. He noted that pretrial monitoring [technical difficulties] will not be able to successfully monitor pretrial release electronic monitoring, because they do not do it 24/7. As it sits now, he said, even post-sentence monitoring is performed by the Department of Corrections [DOC], and when someone violates, the department gets a warrant, or if the person comes into the office, the department remands them. He stressed that the department does not, unlike the electronic monitoring companies, send someone out at 2:00 a.m. or 3:00 a.m., to pick someone up right away when they violate. He said "They do not successfully protect the public 24/7." Whereas, private companies do this, it is exactly what they are trained to do, and they monitor these things 24/7. He stressed that cutting out the private sector sets the system up for continued DOC financing, and in reality, correctional pretrial service officers will not be out there remanding people late at night, if at all. He related that the current system is flawed. He said to fix the problem by allowing the certified companies to monitor these people correctly 24/7, remand them directly to the

Department of Corrections (DOC) if they violate a court's order, and that will eliminate a tremendous amount of this.

5:15:21 PM

CHAIR LEDOUX surmised that Mr. Jones was saying that when someone breaks their condition of release, the electronic monitoring company will transport them to the Department of Corrections (DOC), to the jail.

MR. JONES responded that he is a corporate council, but the electronic monitoring company will either be Pioneer Peak, or any other certified, credible monitoring company. The Department of Corrections (DOC) can have a viable part in determining which company is credible. He said, at this point, [in the] 24/7 [program], they send someone out to get these people.

MR. JONES, in response to Chair LeDoux as to who they send out, said that, currently, employees with the company actually go get these people, handcuff them, and bring them back to the office to wait for the police because DOC will not accept them.

CHAIR LEDOUX asked how a private citizen has the authority to handcuff someone.

MR. JONES answered that an attorney, like himself, will present the electronic monitoring company as a third-party electronic monitoring, and they are immediately answerable to the court. He reiterated that the electronic monitoring company is the third party and, "right on the paperwork" the judge gives them the authority to remand the defendant for any reason. In other words, he explained, if they violate the law, violate conditions of the agreement between the electronic monitoring company and the defendant ...

5:17:04 PM

REPRESENTATIVE CLAMAN interjected and asked whether the committee should have something in the statute specifically allowing the court to give some authority to a private electronic monitoring company to handcuff someone, or whether he believes the court can do that as part of its court order.

MR. JONES responded that his argument would be when the court orders them to ...

REPRESENTATIVE CLAMAN asked whether it can be part of the bail conditions ordered by the court, or was he saying the legislature need to have a statute specifically giving the court that power, or do they have it already.

MR. JONES said he is not an expert on constitutional law, but he believes the mere fact courts issue that order, the court has that authority.

REPRESENTATIVE CLAMAN surmised that when the court has given them that authority they can handcuff someone, and if the court gives them authority to take the person back to the jail, as opposed to back to the police station, then they can take the person to the jail.

MR. JONES answered, absolutely. Except, he pointed out, the Department of Corrections (DOC) must accept them, which is where the legislature may have to give guidance to DOC to accept these people. He reiterated that DOC is turning the people away at the door.

[5:18:36 PM](#)

CHAIR LEDOUX surmised that Mr. Jones was saying the electronic monitoring companies return people to DOC, and for example, the Anchorage jail refuses to take the people and they then go to the police station.

MR. JONES responded, correct, or they wait for a police officer to show up and then DOC will remand them through the police officer. That's exactly what they do.

CHAIR LEDOUX said she found that interesting.

[5:19:37 PM](#)

VINCE HOLTON, Owner, Alaska Monitoring, said that his company is a pretrial electronic monitoring company and it operates within the Kenai and Fairbanks court systems. He stated that Mr. Jones is absolutely correct, because unless his bail orders strictly state that he may remand a person at any time, and that the Fairbanks Correctional Center (FCC) must take them, he cannot return them to FCC. The orders must state that FCC must take them.

MR. HOLTON responded to Chair LeDoux that FCC is the Fairbanks Correctional Center. He said he has been directed, by the DOC,

that any person coming in the back door must be brought in by a police officer. Fortunately, he stated, he has never had to use his handcuffs on any of his clients. He referred to Mr. Johnson's testimony regarding a few bad apples, and explained that his company, Pioneer Peak, and Alaska Pretrial have all worked together with a good relationship and they monitor each other's clients. He said they report to the DOC, the District Attorney's Office, the Alaska State Troopers, and the Alaska Court System with a significant savings to the state. They monitor clients anywhere from "\$15 to \$28, up to maybe \$35 a day" depending upon the amount of equipment the court orders. He explained that a difference between a private company and the Department of Corrections (DOC) is that correctional officers go home at 4:30 p.m.

MR. HOLTON continued his testimony, and said his company works 24-hours a day, and he or his staff are literally on the street with a State Trooper when necessary, they are in their office actively monitoring people, and guiding law enforcement in on a person that is out of area at various hours of the day and night. They do everything they can to meet the Department of Corrections (DOC) standards and, he noted, normally have greater conditions for their clients to abide by ...

[5:23:38 PM](#)

MATHEW BASKETT, General Manager, Pioneer Peak Monitoring, said his testimony mirrors the testimonies of Mr. Jones and Mr. Holton. He explained, his company monitors approximately 55 people, at any given time, with the cost directly to the individual. These people do not have access to a third-party, and cannot meet their bail requirement. This equates to a savings to the state of approximately \$9,000 per day just for Pioneer Peak Monitoring, he said. He pointed out that the state contracts for certain amounts of equipment they can use, and a problem is that DOC is stuck with a certain type of equipment due to the contract. Whereas, given that technology advances and [software] is outdated, private companies are allowed to advance and operate the best technology available to make sure their clients are effectively monitored, and that the public is as safe as possible, he said.

[5:25:37 PM](#)

EVA HARVEY testified that a family member has been incarcerated, and the bottom line is that he needs help with substance abuse and recovery. Ms. Harvey said she supports SB. 91.

5:27:02 PM

KARA NELSON, Director, Haven House Juneau, said she supports the bill and explained that Haven House is a faith based recovery residence for women returning home after incarceration. She stressed that it is crucial the state have the reinvestment pieces [in SB 91], to give everyone a chance to succeed and have options open when they are ready. Many people would be in prison today if they didn't have extra reentry resources, both pretrial and after [release]. She opined that the bill will not only change those incarcerated, but all directly affected, including the children. She has three children, she is a two-time drug related felon, and her children have to hold that felony status. She related that she feels the state is relying on incarceration as a solution for the state's complex social problems, and the reinvestment piece will not only help with public safety and the safety of our community, but also down the line for generations."

5:30:03 PM

KIT WEITMEIER, Executive Director, ANCSA Regional Association, explained that the ANCSA Regional Association represents the chief executive officers of the 12 land based Regional Alaska Native Corporations, as well as the president of the Alaska Federation of Natives. Its corporations are owned by over 117,000 Alaska Native people, formed under the Alaska Native Claims Settlement Act (ANCSA), and she expressed that the ANCSA Regional Association supports and encourages the committee to pass SB 91.

5:31:10 PM

MELANIE BAHNKE, Chairperson, Council for Advancement of Alaska Natives, KAWERAK Nonprofit Organization, explained that KAWERAK is a regional tribal consortium in the Bering Strait Region. Similar to ANCSA CEOs, the regional nonprofits have the Council for Advancement of Alaska Natives. She offered support for SB 91, and noted that the prior commissioner of the Department of Corrections (DOC) came to her region and declared that the Department of Corrections (DOC) is the state's largest mental health facility without the resources to provide the actual corrective services needed. He described it as primarily a warehousing of people, she said. The bill will help end the vicious cycle of social ills contributing to the high rates of incarceration, and Alaska Natives are disproportionately

represented within the criminal justice system. She pointed out that by the time many people in her region finally receive a court date, they decide to plead guilty because the sentence they are looking at is "time served." They have exceeded the time they would have been sentenced to while waiting to get their court date, and these are the folks who cannot afford to bail out of jail. She remarked that the current bail system favors people with financial resources to bail out, and it is not necessarily based on who is more likely to reoffend. The weekly Nome Nugget lists crimes committed in Nome, and she said she sees scores of probation violations, arrests for people breaking their conditions of release by drinking and, yet, the region does not have a regional treatment center. This bill offers people the opportunity to become productive citizens as opposed to wards of the state, with a cost to the state. She continued that it saves money and is consistent with many of the recommendations from the Alaska Criminal Justice Commission, which the legislature authorized. It would be great to see this bill pass this session, she expressed.

[5:34:13 PM](#)

DON HABEGER, Community Coordinator, Juneau Reentry Coalition, advised that he is contracted with the Juneau Reentry Coalition as a community coordinator. Mr. Habeger read his testimony as follows:

The Juneau Reentry Coalition began their work in 2013 with the mission of promoting public safety by identifying and implementing strategies that increase a former prisoner's wellbeing within the community, and reduces the likelihood of their return to prison through recidivating. In 2015, the coalition partnered with the Alaska Department of Corrections and the Alaska Mental Health Trust Authority to further the community and the state's work on justice reform, and obtain reduction to our high rate of recidivism. The Juneau Reentry Coalition is using the Alaska Department of Correction's prisoner reentry initiative and its framework to plan for, and implement, a comprehensive community plan to connect returning citizens to evidence based support and treatment services. Local reentry coalitions are a significant piece to an effective state effort, and the current version of SB 91, especially Sections 155 and 157, recognize their important contribution. Madam Chair and members of the committee, I appreciate

your work on this important issue. I thank you for listening to my comments. I urge you to support SB 91 and pass it out of committee. Thank you.

5:35:56 PM

VICKI WALLNER, Founder, Stop Valley Thieves, said that the Stop Valley Thieves has a membership of 11, 000, Ms. Wallner then read her testimony as follows:

The majority of our members are in opposition to a major part of this bill. This bill reduces sentences for most offenses, reduces some offenses to simple violations, reduces bail requirements, reduces drug offenses, probation/parolee time, and raises the felony theft level. And many thefts now, under this bill, will be class A misdemeanors which carry little to no time. There's no question offenders will be back on the street sooner and more offenders will have little to no oversight. As this is happening, the same time Alaska State Troopers who provide a majority of our law enforcement throughout the state, are closing trooper posts, cutting numbers, and reducing calls they will respond to. Alaska State Trooper Detachment B in the valley is looking to consolidate Palmer and Mat-Su West Detachments into one. This will further increase response times for valley residents. Currently, the valley has grown to nearly over 100,000 citizens, we're in the middle of a heroin epidemic which is increasing crimes throughout the valley. There is approximately one trooper for every 12,000-15,000 residents, for some shifts there are only three to four troopers on duty, which leaves one trooper for every 25,000 to 30,000 residents. Alaska courts have recently reduced their bail schedules, troopers are now reducing the number of misdemeanor arrests they are willing to do, and the D.A.'s office is no longer prosecuting many misdemeanors even before this bill has passed. DOC has already done some early releases and plans to release a total of 1,300 inmates by May of this year according to the meetings that were held in October 2015, that is before this bill. Yet, those numbers and savings are included in the presentations given to legislators as if they are part of this bill. Federal prisons have also released another 80 inmates into Alaska. Due to the increase of crimes, such as shootings, robberies in Anchorage,

Anchorage is increasing their police force by 12 percent. Simple possession of heroin, meth, will be reduced to class A misdemeanors, sentences for possession, simple possession, would be no active imprisonment and no greater than 30 days suspended. Subsequent offenses are no more than 180 days, if a defendant is required to complete court ordered treatment and fails to do so, they'll be sentenced for probation violation - three days in jail, second offense - five days in jail, third offense - ten days in jail. This provides little to no incentive for those addicted to complete treatment, which is a -- which in theory was one of the purposes of this bill. In California, their treatment centers are empty after passing Prop. 47, because there is no incentive to complete treatment. Fourth degree theft, concealment of merchandise, unlawful possession, issuing a bad check, removal of identification marks, result in no more than five days ...

Well, there are many people out here that are already seeing the results of the increase in crime. We're going to pass this bill, let more offenders out on the street, quicker - at the same time you're taking away our troopers. You know, I don't even -- you know, people feel like they're begin left to fend for themselves, they really do. And -- And you folks need to think about what the consequences that you're lowering here.

MS. WALLNER, in response to Representative Lynn, advised the name of the group is "Stop Valley Thieves," located in the Matanuska-Susitna Valley.

[5:40:49 PM](#)

BUTCH MOORE said he spent a lot of time working with Mr. Shilling and Senator Coghill drafting amendments, and he did send out a request for additional amendments. A crucial part of this bill, recommended by the PEW Charitable Trust and the Alaska Criminal Justice Commission, was to become tougher on unclassified felonies, murderers, rapists and those type of offenses. He referred to [AS 33.16.090(a)(2)], Version X, page 79, [lines 18-21], which read:

(2) is at least 55 years of age and has served at least 10 years of a sentence for one or more

crimes, notwithstanding a presumptive, mandatory, or mandatory minimum term or sentence the prisoner may be serving or any restriction on parole eligibility under AS 12.55.

MR. MOORE stated that Joshua Almeda murdered his daughter, is being sentenced next week, and he will be subject to these new laws. Senator Coghill included an exception, such that if a person has been convicted of an unclassified felony, or a sexual felony, as defined under Alaska statutes, the person would not qualify for early parole. He noted that Version X, allows that if someone is 45 years old and murders someone, they are sentenced to 99 years, and eligible for parole in 33 years. However, the new language reads that the person could be released from jail after 10 years. Under current law, minimum mandatory time to be served for second degree murder is 10 years, and 20 years for first degree murder. Yet, the minimum mandatory time for rape is 25 years and 35 years; therefore, someone convicted of rape will serve more time than someone convicted of murder. Mr. Shilling performed research and found that the minimum mandatory for murder being sentenced by judges was 47-57 years. The signal being sent is that if a man rapes a woman he is better off murdering her because he cannot, potentially, be found guilty of rape. He acknowledged he has not had a chance to read through Version X, but was concerned about the amendments made to the prior version. It is necessary that the committee attend the best interests of Alaska, he said.

[5:44:29 PM](#)

TRISHA HARVEY, Stop Valley Thieves, said she is in the retail business, and minimum sentencing is already low enough for repeat criminals, whether murder, rape, theft, and the committee is discussing raising the threshold for felonies up to \$2,000. She described this as an open book for those committing repeated thefts in valley to just keep robbing the retailers, which affects everyone in the community because retailers have to raise their prices. She remarked that she does not think the legislature has vetted this bill enough, it is not taking into consideration the impact this bill will have on the law abiding community. She asked that the committee set it aside and re-evaluate next session.

[5:46:11 PM](#)

REPRESENTATIVE LYNN advised he submitted an amendment to change the amount to \$1,000, because he agrees with her thoughts.

MS. HARVEY acknowledged she had not had a chance to read Version X, or she would have been aware of the change.

5:46:41 PM

KEN RAY read his testimony as follows:

My name is Ken Ray. I want to draw particular attention to Vicki Wallner and the Stop Valley Thieves. I think every one of you has a duty to look at the Facebook site and see what a citizen's group has done in the Mat-Su. You will see more criminal, you will see more pictures of burglars, lots of details.

I'm talking tonight about the prison farm at Point Mackenzie. I was lucky enough to have an insider tour by the previous administration. 128 beds sit out there unused for years. Do something about it. There has been a proposal, I stumbled into the Mat-Su Opiate Task Force, a local organization "My House," was proposing a detox center. I would like to see the state get out of the detox business. The recent tragedy and front-page news of the state being sued for an inmate death in detox, in custody. Let them sue the nonprofits. They got no money. Let's see if we can't help, but I heard Department of Corrections give a list of reasons why we can't do it. You're the body that can change regulation and law. Please give them the tools, and let's let nonprofits, which are sometimes not accredited, take on some of the duties for some of the detox and drug related. This drug epidemic in Alaska, in the world, is out of control. I've heard people describe it as a pandemic. I'm going to quote Charlie Huggins, who said to me that 'the drugs in our neighborhoods, it is ISIS in our neighborhoods.' We need to address addiction, addiction drives crime, and treatment. I think the crime bill is a start, I think it's very complicated. I have a novel solution for you, presumptive sentencing and harsh sentencing has got us to overfilled prisons, let's give people tools they can work with. Let's give the district attorney and the judges the ability to use their discretion in 10 percent of their workload cases. We have elected judges and appointed judges, let's trust their

judgment. Let's take and keep the presumptive sentencing, but let's give these people tools and let the third branch of government, the judiciary, contribute to helping this prison over-population. I want to thank everybody, you have done a lot of work. I call the bill a little bit clunky, it breaks my heart to hear people talk of being victims. Victims for Justice has done an absolutely wonderful job. Department of Law I don't hear any increased funding in all of this. I have heard terms that less than 4 percent of people arrested actually go through the criminal system to serve. Filling our prisons is not the solution. Thank you very much everybody, I represent myself. Just somebody ... By the way, one more thing. The biggest, biggest thing for recidivism is driving. The judge can reinstitute the driver's license without DMV's approval. Rap the gavel, it's done, with a limited license and lots of restrictions. Consider something.

[5:50:40 PM](#)

STEVE ALEXANDER, Institutional Chaplain, Mat-Su Pretrial Facility, said he has been working with prisoners and addicts for the last 25 years, and he offers a narrow focus with respect to driving privileges. He pointed out that the crafters of the legislation missed one of the safest group of folks to hand a driver's license back to, the number of folks who particularly self-admit to year-long residential recovery places, and truly manage to fight their way through to freedom from addiction. These folks willingly go through one year of recovery in residential recovery places, have great rates of staying sober, with low recidivism rates, and they were missed here. He said he would like to see these folks with a five year limit, and a privilege to come back to that driving, because it helps them stay out [of trouble]. Living in Alaska, the ability to return to driving privileges is huge in becoming functional in Alaska's communities. He asked that someone make an amendment [in this regard], and opined that it could be placed somewhere on pages 51-52, Version S. Many of the year-long residential places are faith based, some are secular, but both do good work. He stressed helping these folks who pose the least risk of all of the people he has worked with in addiction recovery coming out of prison.

[5:53:08 PM](#)

MICHAEL SHAFFER, Prosecutor, Municipality of Anchorage, pointed out that he is speaking solely on his own behalf from his prosecutor experience spanning over 10 years in Alaska. Plainly speaking, he opined, this legislation will make Alaska one of the un-safest, if not the un-safest state in the country. He said he read the Alaska Criminal Justice Commission's report, and the finding of the PEW Charitable Trust research which are highly flawed. He said it is notable that the committee included almost no one from the frontlines of law enforcement, and no one from the Anchorage Police Department. Only one person very belatedly [technical difficulties] highly unrepresented. This bill will, essentially, make most crimes virtually [technical difficulties] unenforceable. For example, the vast majority of crimes are misdemeanor crimes, but they are serious crimes, and the bill reduces everything that is a class A to 20 days actual time, or six days for class B crimes reducing them to six days, or no time at all. There is a provision that, essentially, reads: under \$250, and the first offense, there are no penal consequences; the second time, no penal consequences at all; and the third time, five days suspended with six month incarceration and six-month probation. Therefore, people get the word out that all they have to do is steal under \$250, which will have a huge impact on that particular crime around the state. He related that it will reduce a whole category of crimes of child abuse, child neglect, harassment, use of fire arms. He noted he was talking about issues within a municipality. He referred to the discussions of electronic monitoring and said it doesn't really matter because if violating conditions, which is what is in here as a violation, people will violate judge's orders and people will not show up for court. This will strain the court system dramatically, he related, and the bottom line is that there is no real assessment to any cost savings, but there will be an enormous social cost to the entire state. He opined that every legislator voting for this bill is willing to make Alaska go from one of the safest, highest quality of life states, to one of the least, based on something being rammed through here.

[5:58:15 PM](#)

MAXINE DOOGAN, Community United for Safety and Protection, offered appreciation to the committee for its hard work, and urged the committee to support the bill.

[5:58:53 PM](#)

CARMEN LOWRY, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), explained that the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) is a coalition of 19 member programs providing domestic violence, and sexual assault services across the state. She advised that ANDVSA supports SB 91, Version Y, and offered appreciation for the hard work put into the bill. She noted, in particular, the manner in which domestic violence and sexual assault crimes are treated differently than other violent and non-violent crimes.

CHAIR LEDOUX noted Ms. Lowry reference to Version Y, and asked whether that means she prefers the Senate's version.

MS. LOWRY advised that ANDVSA had just received the summary of changes to Version X, and has not had time to go through this version. She expressed that ANDVSA supports the reinvestment piece where investment goes into prevention and intervention services.

[6:00:48 PM](#)

ROBYN LANGLIE, Executive Director, Victims for Justice, said she has not seen the latest [version], but previously reviewed reinvestment at \$13 million. She pointed to the other states implementing similar programs and succeeding with criminal justice reinvestment and reform. She noted that the investments are as follows: Texas reinvested \$241 million; Oregon \$58 million; and Georgia approximately \$80 million. She pointed out that \$13 million will not work for what is necessary in Alaska. The biggest problem is mental health and the Department of Corrections (DOC) is the biggest server of mental health. In order to fix that problem [there is a need for] mental health treatment, substance abuse treatment, and drug abuse treatment centers both in and out of prison. She said she has victim clients, actively ready to get into treatment, who have turned to drugs and alcohol waiting for a treatment bed. Victims for Justice cannot find space for their clients because the waiting lists are long. She reiterated that \$13 million will not going to make a big enough dent, because only \$2.5 million was put toward drug and alcohol substance abuse treatment. The state will be releasing more people, yet, it does not have the services to back it up. She acknowledged that this is a time of fiscal conservatism, but this is not the place to cut the budget when it could impact public safety. She urged the committee not to support it and find more money to put [into treatment] before this bill goes into place.

[6:03:05 PM](#)

REPRESENTATIVE LYNN asked whether her organization was asking the committee to not support the bill totally, or not support a portion.

MS. LANGLIE expressed that the majority of her concerns regard the reinvestment piece, because the problems can't be stopped in Alaska, or fixed, without having those services in place.

[6:03:41 PM](#)

REPRESENTATIVE CLAMAN asked Ms. Langlie to offer the reinvestment amount for Texas again.

MS. LANGLIE opined that Texas originally saved \$586 million because it did not have to build a new prison to accommodate what the growing population would have been, and in addition, it reinvested \$241 million into mental health, substance abuse, drug abuse, prisoner reentry, victims' services, restitution, and the list goes on.

REPRESENTATIVE CLAMAN related that Texas has a population of roughly 27.5 million people and Alaska has approximately 700,000. On a per capita basis, Texas invested approximately \$8.50-\$9.00 per person, whereas Alaska's investment of \$13 million is \$18-\$19 per person. Although, the actual pure dollars being invested in Texas was certainly much more, he said he was struck that for a small state, population-wise, Alaska's investment on a per capita basis seems like it is investing more than Texas. He acknowledged that her concern is reinvestment and asked whether looking at the per capita investment changes her thoughts.

[6:05:41 PM](#)

MS. LANGLIE replied it did not change her thoughts when considering the fact that Alaska is so spread out. When looking at mental health, substance abuse, and drug abuse treatment, "You're looking at putting it in every single village and city in Alaska," and that will cost more than having hubs and centers that are more easily accessible in Texas. Not to mention, she said, Alaska's centers will have to be more culturally appropriate; therefore, there is no one set way to institute mental health and drug and alcohol abuse treatment.

[6:06:23 PM](#)

AMBER SCHLESINGER offered support for SB 91, and noted that a large number of alcohol offenders, currently incarcerated in the system, is not helping Alaska's communities or the budget. She said she is hopeful the state can invest in reducing the recidivism rate for non-violent offenders.

[6:07:22 PM](#)

BILL COMER, Deputy Commissioner, Department of Public Safety, offered that the Department of Public Safety supports SB 91, and specifically supports control of electronic monitoring by the Department of Corrections (DOC) within the pretrial and post-conviction provisions.

[6:08:07 PM](#)

CINDY MOORE advised the listening public, Version X is quite different from Version Y, and noted that a lot has been changed. She urged everyone to read Version X, because there have been numerous changes and opined that many of the changes make this bill worse than it was within Version Y.

[6:09:45 PM](#)

PAT VENTGEN, Owner, Recovery and Reentry Solutions of Alaska, said he is the owner of Recovery and Reentry Solutions of Alaska, he is a behavioral health provider and consultant, and he is in support of the bill.

He related that he works in the area of chemical dependency and mental health, and stressed that these changes are sorely needed to focus on treatment, and to help providers, the DOC, and the judiciary system to put more emphasis on badly needed treatment throughout the system. He supports SB 91 because it puts the state in the direction of focusing more on treatment, particularly, with the McDowell report, the PEW Charitable Trust report, and the recommendations of the [Criminal Justice Commission], the crime reform bill is moving the state in the correct direction, he said.

[6:11:08 PM](#)

REECE BURKE said he is in favor of SB 91, and offered testimony, as follows:

For myself, getting my driver's license back so I can return to work. (Indisc.) contractors here in the Interior can't hire me because I don't have a valid Alaska driver's license. When I first came to Alaska, I had an Idaho driver's license and I had to get an Alaska driver's license to gain employment. And now, since I lost my license due to a DUI, I can't get work. And I haven't worked since October 2013, so that portion of the bill is extremely important to me. So, I'm hoping that the House members can see their way fit to pass this legislation so I can return to work. Thank you.

[6:13:20 PM](#)

The committee took a brief at ease.

[6:13:46 PM](#)

CHAIR LEDOUX, after ascertaining no one further wished to testify, closed public testimony.

[SB 91 was held over.]

[6:14:21 PM](#)

ADJOURNMENT

CHAIR LEDOUX recessed the House Judiciary Standing Committee meeting at 6:14 p.m., until 8:00 a.m. on 4/14/16.