

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

March 9, 2015

1:34 p.m.

**MEMBERS PRESENT**

Senator Lesil McGuire, Chair  
Senator John Coghill, Vice Chair  
Senator Mia Costello  
Senator Peter Micciche  
Senator Bill Wielechowski

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 5

"An Act relating to loss of income and valuing property for orders of restitution."

- MOVED SB 5 OUT OF COMMITTEE

SENATE BILL NO. 51

"An Act relating to the Uniform Interstate Family Support Act, including jurisdiction by tribunals of the state, registration and proceedings related to support orders from other state tribunals, foreign support orders, foreign tribunals, and certain persons residing in foreign countries; relating to determination of parentage of a child; and providing for an effective date."

- MOVED CSSB 51(JUD) OUT OF COMMITTEE

SENATE BILL NO. 41

"An Act relating to criminal history record checks for psychologists and psychological associates; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 51

SHORT TITLE: UNIFORM INTER.CHILD SUPPORT; PARENTAGE

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/11/15 (S) READ THE FIRST TIME - REFERRALS  
02/11/15 (S) JUD, FIN  
02/18/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
02/18/15 (S) <Above Item Removed from Agenda>  
02/18/15 (S) MINUTE(JUD)  
02/27/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
02/27/15 (S) Heard & Held  
02/27/15 (S) MINUTE(JUD)  
03/09/15 (S) JUD AT 1:30 PM BUTROVICH 205

BILL: SB 5

SHORT TITLE: RESTITUTION: PROPERTY AND INCOME LOSS

SPONSOR(s): MICCICHE

01/21/15 (S) PREFILE RELEASED 1/9/15  
01/21/15 (S) READ THE FIRST TIME - REFERRALS  
01/21/15 (S) L&C, JUD  
02/19/15 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)  
02/19/15 (S) Moved SB 5 Out of Committee  
02/19/15 (S) MINUTE(L&C)  
02/20/15 (S) L&C RPT CS 5DP  
02/20/15 (S) DP: COSTELLO, STEVENS, GIESSEL, MEYER,  
ELLIS  
02/20/15 (S) FIN REFERRAL ADDED AFTER JUD  
03/02/15 (S) JUD AT 1:00 PM BUTROVICH 205  
03/02/15 (S) Heard & Held  
03/02/15 (S) MINUTE(JUD)  
03/09/15 (S) JUD AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

CAROL BEECHER, Director  
Child Support Services Division  
Department of Revenue  
Anchorage, Alaska,

**POSITION STATEMENT:** Was present to answer questions regarding SB 5.

STACY STEINBERG, Chief Assistant Attorney General  
Civil Division  
Collections and Support Section  
Department of Law  
Anchorage, Alaska

**POSITION STATEMENT:** Explained changes in the new committee substitute (CS) for SB 51, version W.

**ACTION NARRATIVE**

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**CHAIR LESIL MCGUIRE** called the Senate Judiciary Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Coghill, Costello, Micciche, Wielechowski, and Chair McGuire. She noted that SB 41 would not be heard.

**SB 5-RESTITUTION: PROPERTY AND INCOME LOSS**

[1:35:28 PM](#)

**CHAIR MCGUIRE** announced the consideration of SB 5. "An Act relating to loss of income and valuing property for orders of restitution."

**SENATOR MICCICHE** expressed hope that the committee was ready to move the bill. He stated that loss of income should be included as restitution, actual damage should be considered, and the victim should be made as whole as possible, depending on the financial capacity of the perpetrator.

**CHAIR MCGUIRE** inquired if there was any further public testimony. Finding none, she closed public testimony.

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**SENATOR WIELECHOWSKI** voiced concern about creating debtor prisons. He provided a hypothetical example of a young person making a mistake that follows them through life. He acknowledged that nobody came forward to testify about that and the public defender didn't express concern.

**SENATOR COGHILL** pointed out that there is a prohibition against debtor prisons in the constitution.

**SENATOR MICCICHE** said he isn't interested in keeping someone in prison; his goal would be to get them earning as soon as possible and take a fair portion of those earnings. SB 5 says loss of income and the actual value of the item should be considered for restitution. He doesn't believe in debtor prison or indentured servitude. The goal is to allow the perpetrator to be responsible. He acknowledged that complete restitution will not be possible in many cases.

SENATOR COGHILL offered to provide the citation from the Alaska Constitution.

CHAIR MCGUIRE noted Senator Wielechowski made the point that the bill uses "shall" and the hope is that every judge would have some discretion. She said it's good to put it on the record that debtor's prison isn't allowed in Alaska. She agreed with Senator Micciche that there is a real value to the losses that people suffer and that it's an important policy to change. She asked Senator Wielechowski if he wanted to offer an amendment.

SENATOR WIELECHOWSKI answered no. He supports victims being fully compensated, but wanted to say it for the record. He's pleased that there is no intent to put people in jail if they can't meet the restitution payment. He noted that the bill says that courts "shall take into account" and make an appropriate order.

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SENATOR COGHILL motioned to report SB 5, version H, from committee with individual recommendations and no fiscal note.

CHAIR MCGUIRE announced that without objection, SB 5 is reported from the Senate Judiciary Standing Committee.

**SB 51-UNIFORM INTER.CHILD SUPPORT; PARENTAGE**

[1:41:33 PM](#)

CHAIR MCGUIRE announced the consideration of SB 51. "An Act relating to the Uniform Interstate Family Support Act, including jurisdiction by tribunals of the state, registration and proceedings related to support orders from other state tribunals, foreign support orders, foreign tribunals, and certain persons residing in foreign countries; relating to determination of parentage of a child; and providing for an effective date." She asked Senator Coghill if his concerns had been satisfied.

SENATOR COGHILL said he had questions on drafting style.

CHAIR MCGUIRE asked for a motion to adopt the proposed committee substitute (CS).

SENATOR COGHILL moved to adopt the CS for SB 51, labeled 29-GS1897\W, as the working document.

CHAIR MCGUIRE found no objection and announced that version W was before the committee.

1:42:04 PM

CHAIR MCGUIRE requested an explanation of the changes.

CAROL BEECHER, Director, Child Support Services Division, Department of Revenue, introduced herself.

STACY STEINBERG, Chief Assistant Attorney General, Civil Division, Collections and Support Section, Department of Law, stated that she reviewed legislative counsel Kate Glover's memo regarding the changes to SB 51. It does two basic things. It takes care of the issues with the legislative drafting style and it makes a few changes that the federal Office of Child Support requested to ensure that the bill is in line with the Uniform Act.

MS. STEINBERG provided the following sectional analysis, reviewing the changes between version A and the new committee substitute version W:

AS 25.25.101: The definitions in Section 1 of version A were separated into Sections 1 - 16 in version W. This change was to be consistent with drafting style.

AS 25.25.102(b): Page 6, line 12 of version A read "agency under AS 25.27.010". Version W reads "agency created under AS 25.27.010". This change was to be consistent with drafting style.

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AS 25.25.205(a): Section 26 of version W deletes a semicolon that followed "order" in version A and adds a comma after "and" on the same line.

AS 25.25.205(b)(2): Section 27 of version W changes "its" to "the tribunal's" for clarity and to conform with style.

AS 25.25.207(b): Section 32 of version W reads "shall determine, by order,". Section 17 of version A on page 10, line 29, read "by order shall determine". This was changed for clarity.

AS 25.25.207(e): Section 35 of version W includes a grammatical change. A comma was added following "determines".

AS 25.25.280: Section 40 of version W makes a grammatical change. A comma was added following "apply".

AS 25.25.304(b): Section 43 of version W, adds "the" following "under".

AS 25.25.307(b): Version A reads "within five days of receipt,". Version W reads "within five days after receipt,". This is consistent with the style of both the state statutes and the Uniform Code.

CHAIR MCGUIRE asked Ms. Steinberg to concentrate on the substantive changes.

MS. STEINBERG said most changes are stylistic.

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At ease

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CHAIR MCGUIRE reconvened the meeting and reiterated her request that Ms. Steinberg concentrate on the substantive changes.

MS. STEINBERG explained on page 16, line 11, the phrase "in a record" was inserted replacing "written". This is specific language in the Uniform Act.

Page 19, line 27, the phrase "under penalty of perjury" was added to match the exact language in the Uniform Act.

Page 30, the definition for "foreign support agreement" was changed to match the Uniform Law Commission definition.

MS. STEINBERG concluded that the rest of the changes were not substantive.

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SENATOR COGHILL asked how the drafting was done.

MS. STEINBERG explained that the Department of Law prepared the first draft, the federal Office of Child Support reviewed it and

suggested a few changes, and then legislative counsel for Legal Services incorporated legislative drafting styles.

CHAIR MCGUIRE found no public testifiers and closed public testimony.

SENATOR COGHILL described SB 51 as a "take it or leave it bill." He commented on the effective date.

MS. STEINBERG agreed with the characterization and noted that the effective date must be July 1, 2015.

CHAIR MCGUIRE expressed hope that the bill would help children.

SENATOR COGHILL noted there was still no protection for children in the Pacific Rim.

SENATOR COGHILL motioned to report CS for SB 51(JUD) from committee with individual recommendations and attached fiscal note(s).

CHAIR MCGUIRE announced that without objection, CSSB 51(JUD) is reported from the Senate Judiciary Standing Committee.

2:00:11 PM

There being nothing further to come before the committee, adjourned the Senate Judiciary Standing Committee at 2:00 p.m.