

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 13, 2016

10:02 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair
Senator Charlie Huggins (via telephone)
Senator Bill Wielechowski (via telephone)

MEMBERS ABSENT

Senator Lesil McGuire

COMMITTEE CALENDAR

SENATE BILL NO. 123

"An Act relating to the penalty for the use of electronic devices while driving."

- HEARD & HELD

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91

"An Act relating to criminal law and procedure; relating to controlled substances; relating to probation; relating to sentencing; establishing a pretrial services program with pretrial services officers in the Department of Corrections; 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 disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 6, 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 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

BILL: SB 91

SHORT TITLE: OMNIBUS CRIME 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

WITNESS REGISTER

SENATOR KEVIN MEYER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 123.

NANCY MEADE, General Counsel
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions related to SB 123.

GREGORY RAZO, Chair
Alaska Criminal Justice Commission (ACJC)
Anchorage, Alaska

POSITION STATEMENT: Presented the Annual Report of the Alaska Criminal Justice Commission.

BRENDA STANFILL, Victim Advocacy Representative
Alaska Criminal Justice Commission
Fairbanks, Alaska

POSITION STATEMENT: Described her experience on the commission.

RICK ALLEN, Director
Office of Public Advocacy
Department of Administration
Palmer, Alaska

POSITION STATEMENT: Provided input on criminal reform.

MARLENE MOTO KARL, representing herself
Deering, Alaska

POSITION STATEMENT: Testified in support of SB 91.

TARRI HARROLD-JONES, representing herself
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 91.

BUTCH MOORE, representing himself and his wife, Cindy Moore
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

VICKI WALLNER, President
Stop Valley Thieves
Mat-Su Valley, Alaska

POSITION STATEMENT: Testified in opposition to SB 91.

ANDREA ROBINSON, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 91.

SHAWN JESSIP II, representing himself
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 91.

KARA NELSON, Director
Haven House
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 91.

CHRIS NETTLES, President
National Federation of Independent Businesses
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 91.

DARRYL JONES, Corporate Counsel
Pioneer Peak Monitoring
Wasilla, Alaska

POSITION STATEMENT: Testified on SB 91.

TERRIA WALTERS, representing herself

Palmer, Alaska

POSITION STATEMENT: Testified on SB 91.

KIM WHITAKER, Member

R.E.A.L. About Addiction

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

MAUDE BLAIR, President

Alaska Federation of Natives

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

ATHENA SINGSAAS, representing herself

Anchorage, Alaska

POSITION STATEMENT: Testified on SB 91.

MIKE COONS, representing himself

Palmer, Alaska

POSITION STATEMENT: Testified on SB 91.

TIMOTHY HALE, representing himself

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 91.

DELICE CALCOTE, representing herself

Sutton, Alaska

POSITION STATEMENT: Testified in support of SB 91.

HELEN SIMMONDS, representing herself

Barrow, Alaska

POSITION STATEMENT: Testified in support of SB 91.

BARBARA CHALENDER, representing herself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

MICHAEL JEFFERY, representing himself

Barrow, Alaska

POSITION STATEMENT: Testified in support of SB 91.

MIKE LUNDE, Member

Fairbanks Wellness Court System

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 91.

DONNA BALDWIN, representing herself

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 91.

NATHAN LOCKWOOD, representing himself

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 91.

ETHAN KNUTHSON, representing himself

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 91.

CARA DURR, Director of Public Engagement

Food Bank of Alaska

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

KATHLEEN VAN VOORHIS, Director

Food Bank of Alaska

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

PATRICIA LANE, representing herself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

HELEN TRAINOR, representing herself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

WILLIAM DICKERSON, Alumni

Alaska Therapeutic Court

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

LANCE HANES, Alumni

Alaska Therapeutic Court

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

ERNIE GOMEZ, Alumni

Alaska Therapeutic Court

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

JAMES KRUGMAN, representing himself

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 91.

CATHLEEN MCLAUGHLIN, Director
Partners Reentry Center
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

GRACE HERRINGTON, Employee
Partners Reentry Center
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

VINCE HOLTON, Executive Director
Alaska Monitoring & Drug Testing LLC
Fairbanks Alaska

POSITION STATEMENT: Testified in support of SB 91.

MARY NANUWAK, representing herself
Bethel, Alaska

POSITION STATEMENT: Testified in support of SB 91, with changes.

ACTION NARRATIVE

[10:02:35 AM](#)

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 10:02 a.m. Present at the call to order were Senators Coghill and Chair Stoltze.

[10:02:51 AM](#)

CHAIR STOLTZE reviewed the agenda and said public testimony would not be closed and no action would be taken on the bills because the committee does not have a quorum.

SB 123-USE OF ELECTRONIC DEVICES WHILE DRIVING

[10:03:57 AM](#)

CHAIR STOLTZE announced the consideration of SB 123.

[10:04:06 AM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, Juneau, Alaska, sponsor of SB 123, said that Anchorage had recently passed an ordinance to lower the penalty of texting while driving from a class A misdemeanor to a \$500 fine. He said SB 123 proposes to do the same statewide that allows law enforcement officers to issue tickets immediately, resulting in a stronger deterrent. He added that no other aspect of current law was changed by SB 123.

SENATOR MEYER said the bill will also prevent the long misdemeanor process and cost of prosecuting individuals using electronic devices while driving.

10:06:35 AM

He continued to explain that under current law, only 20 individuals in Anchorage were cited over four years and only four resulted in a conviction. He described the ticketing process under SB 123. He noted that SB 123 has two zero-fiscal notes. He opined that the bill will save money and deter a very dangerous activity.

CHAIR STOLTZE noted that the Municipality of Anchorage changed many of their traffic fines as a revenue measure. He asked Senator Meyer for his opinion.

SENATOR MEYER answered that the intent of the bill is not to make money, but for safety and to save money for the state by eliminating the criminal court process.

CHAIR STOLTZE asked if there will be more enforcement.

SENATOR MEYER answered yes. He asserted that enforcement will be easier to enforce and compared the process to writing a traffic ticket. He emphasized that the intent is not to generate money for the state.

CHAIR STOLTZE said he had heard the current texting penalty was comparable to a first-time DUI and officers were inclined to give a warning for first-time texting offenders.

10:10:01 AM

SENATOR MEYER agreed with Chair Stoltze. He spoke of other laws, such as a minor in possession, that are also not being enforced and the possibility that it would be changed from a misdemeanor to a fine.

CHAIR STOLTZE commented that if texting leads to bodily injury there are more severe consequences.

SENATOR MEYER agreed. He said the current law states that if a person who is texting causes a death or great harm it results in a separate penalty.

SENATOR COGHILL noted that in the bill, aggravation ramps up the penalty into a felony; for example, if a person uses an

electronic device and causes an accident, the penalty is quite high. He agreed with ticketing for a simple violation.

SENATOR MEYER noted a handout that shows the various penalties in the bill.

CHAIR STOLTZE pointed out that a bail schedule offense requires action by the courts.

[10:14:08 AM](#)

SENATOR WIELECHOWSKI joined the committee via telephone.

SENATOR MEYER specified that traffic tickets are payable by mail and he wondered if that provision should be included in the bill.

CHAIR STOLTZE commented that SB 123 is a deterrent.

SENATOR MEYER concurred with Chair Stoltze and noted that people of every age text and the problem is serious.

[10:16:53 AM](#)

NANCY MEADE, General Counsel, Alaska Court System, Anchorage, Alaska, answered questions related to SB 123. She explained that if the Legislature requests that the Alaska Supreme Court put the offense onto a bail schedule, a fine schedule, it can be disposed of by mailing in the fine amount. She used a speeding ticket as an example. She said the proposed change contained in SB 123 could be put onto a bail schedule. She added that traffic offenses can be put on a bail schedule because there is a statute already in place that provides for that. She said should SB 123 pass, the Department of Public Safety (DPS) would work with the Alaska Court System to request it be done and the Supreme Court would add it to the existing traffic bail schedule.

[10:18:45 AM](#)

CHAIR STOLTZE asked if the Legislature would have an advisory role if the executive branch and the court don't agree to do it.

MS. MEADE specified that the Legislature's role is to say what the fine amount would be. She added that if the legislative intent is that it goes on a bail schedule, her experience is that DPS would propose it and the court would do it.

CHAIR STOLTZE asked if the Legislature's role is advisory.

MS. MEADE replied that the Legislature could state definitively that something must be on a bail schedule and the Supreme Court has historically done so.

[10:20:16 AM](#)

CHAIR STOLTZE postponed public testimony and held SB 123 in committee.

[10:21:14 AM](#)

At ease.

SB 91-OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

[10:22:32 AM](#)

CHAIR STOLTZE announced the consideration of SB 91. He noted it was the second hearing of the bill and changes to the bill were made resulting in a sponsor substitute.

[10:24:59 AM](#)

SENATOR COGHILL, sponsor, provided an overview of the sponsor substitute for SB 91, which contains suggestions from the Criminal Justice Commission. He noted that he introduced SB 91 last session.

[10:27:17 AM](#)

He read from the following sponsor statement:

Senate Bill 91 implements proven practices to reduce recidivism, keep Alaskans safe, hold offenders accountable, and control corrections spending.

Increased spending on prisons has not brought Alaskans greater public safety: nearly two out of every three inmates who leave prison return to prison within three years. The high rate of recidivism has significantly increased Department of Corrections operating costs to \$324 million in FY 2016, and spurred the opening of the Goose Creek Correctional Center, costing the state \$240 million in construction funds.

[10:30:03 AM](#)

Seeking a better public safety return on our state's corrections spending, the Legislature established the Alaska Criminal Justice Commission. The Commission included legislators, judges, law enforcement

officers, prosecutors, defenders, corrections officials, and members representing crime victims and Alaska Natives. The Commission spent over a year conducting an exhaustive review of the state's pretrial, sentencing, corrections, and community supervision data and systems.

SB 91 incorporates the Commission's Recommendations. The Commission developed a package of consensus recommendations that will reduce the state's daily prison population by 21 percent over the next 10 years, saving the state \$424 million.

SB 91 aims to: implement evidence-based pretrial practices by expanding the use of citations in lieu of arrest for lower-level nonviolent offenses; make changes to bail practices to focus pretrial release decisions more on risk than on ability to pay; focus prison beds on serious and violent offenders by diverting nonviolent misdemeanor offenders to alternatives; revise drug crime penalties; adjust dollar amounts for felony property crimes to account for inflation; realign sentence ranges in statute, expanding and streamlining parole; and incentivize sex offenders to complete treatment programming.

[10:32:47 AM](#)

Strengthen probation and parole supervision by standardizing sanctions for violations of probation and parole conditions to ensure they are swift, certain, and proportional; establish incentives to comply with supervision conditions; focus treatment resources on high-needs offenders; improve opportunities for successful reentry by offering limited licenses to eligible revoked offenders; create a reentry program within the Department of Corrections; and opt out of the federal ban on food stamps for people convicted of drug crimes.

[10:35:18 AM](#)

Reinvest a portion of the savings from these reforms into evidence-based practices designed to improve public safety, control corrections populations, and reduce recidivism, including supervision services,

victims' services, violence prevention, treatment services, and reentry services.

[10:38:01 AM](#)

Cost of Doing Nothing: \$169 Million. Alaska's prison population grew 27 percent in the last decade, nearly three times faster than the resident population; at this rate, the Department of Corrections projects the need to house an additional 1,416 inmates by 2024, which will cost the state at least \$169 million in new spending. With the disappointing recidivism rates and public safety outcomes the state has been achieving, the cost of doing nothing is too high.

[10:40:31 AM](#)

SENATOR COGHILL addressed key findings of the Alaska Criminal Justice Commission and their recommendations in three areas: pretrial detention, post-conviction imprisonment, and community corrections. He said the pretrial population has grown, their detention lasts longer, 75 percent are non-violent offenders, and 20 percent have technical violations.

He noted that 21 reforms the commission suggested are projected to reduce the prison population by 21 percent over the next 10 years.

[10:43:46 AM](#)

He addressed a guide that highlighted "Category," "Policy," "Rec" and "Bill Sections."

CHAIR STOLTZE asked if the recommendations reflect the commission's suggested reforms.

SENATOR COGHILL answered yes. He noted that the bill has 142 Sections. He reviewed how to cross reference the bill using the guide.

[10:46:34 AM](#)

He mentioned the pretrial category and the policy recommended called "citation versus arrest." Also included under that category is risk-based release decision-making.

He pointed out that version N is before the committee and is posted on BASIS.

SENATOR COGHILL noted that sentencing issues deal with misdemeanors, controlled substances, felony theft threshold, presumptive ranges, discretionary parole/administrative parole, geriatric parole, and sex-offender treatment credit. With misdemeanors, the question was how to handle them more cost effectively.

[10:48:42 AM](#)

He related that the community supervision category includes, graduated sanctions/incentives, cap in technical violation stays, probation earned credit, maximum probation terms, good-time on E.M., and CRC's halfway housing.

CHAIR STOLTZE noted that there was a great deal of criticism regarding inmate treatment in halfway houses. He asked if halfway houses would be addressed.

[10:51:07 AM](#)

SENATOR COGHILL replied that he thought the bill would help because it puts requirements on DOC. He agreed that the oversight of halfway houses was lax.

CHAIR STOLTZE opined that there was less professionalism shown in halfway houses than by correctional officers in prisons.

SENATOR COGHILL agreed and noted correctional officers have to deal with overcrowding and the bill should help that situation and improve prisoner accountability measures.

He mentioned that he has also been working on the limited driver's license and administrative license revocations. He stressed the importance of allowing people to be productive once they have served their jail time. He said there should be a way to obtain a driver's license by "review and renew." He added that they have found some ways to better administrate license revocations.

[10:54:23 AM](#)

He addressed other items he has been working on, the re-entry program found in Section 130, and equitable pay for community work service.

He stated that in response to a question by Chair Stoltze, an inflation adjustment element is recommended in the property crimes section of the bill.

SENATOR COGHILL said he is also working on limiting pre-trial credit to 120 days.

[10:57:52 AM](#)

GREGORY RAZO, Chair, Alaska Criminal Justice Commission (ACJC), presented the Annual Report of the Alaska Criminal Justice Commission. He pointed out that ACJC's recommendations were made after substantial time, effort, and study by experts on Alaska criminal justice. He said members of ACJC are the Commissioners of Public Safety and Corrections, Attorney General Richards, members of the Superior Court and District Court, Brenda Stanfill representing victims and victims' advocates, Jeff Jessee from the Alaska Mental Health Trust, himself, and others.

He said after seven months, and with support of the Pew Charitable Trust, ACJC came up with the recommendations in SB 91. He credited Senator Coghill and Representative Keller, both non-voting members, with their support. He called SB 91 a substantial systems analysis of changes to the Alaska Criminal Justice System.

[11:00:08 AM](#)

He specified the reasons changes in the system were needed: the state is currently wasting money, recidivism rates are very high and public safety is not improving, and those in prison are not being "corrected."

He explained that the commission was split into three working groups. The pre-trial prison population working group examined who was in that population and why it has grown by 81 percent over the last decade. He shared statistics related to the amount of money spent on non-violent prisoners, noting that a large part of SB 91 deals with this population.

He related that the felony prison population has increased by 31 percent over the last decade. He said in 2014, 47 percent of post-revocation supervision violators stayed for more than 30 days, 28 percent longer than three months behind bars. He said, in response to the request by the Legislature in August of 2015 to reduce the amount spent on the Criminal Justice System by 25 percent, the ACJC set that as a goal; their recommendations would reduce the cost of imprisonment over the next ten years by \$424 million. Currently, DOC alone costs \$360 million a year. He revealed that in 2017, the Criminal Justice System will run out of prison space if nothing changes.

[11:04:55 AM](#)

MR. RAZO addressed where the prisoners are taking up beds. He said there is currently no systematic risk assessment for judges to use to determine whether a person is a danger to public safety; having the tools to assess that will help to reduce a substantial number of pre-trial detainees. He pointed out that pre-trial detention for longer than 24 hours can lead to worse outcomes for low-risk offenders. He shared a story about how those who are repeatedly jailed are more likely to commit criminal offenses upon release. He pointed out that there is no bail system that allows for anything but the posting of money, currently. He maintained that unsecured bail could be as effective as posting money.

[11:07:24 AM](#)

He turned to post-conviction recommendations in the bill. He said there are a number of recommendations and they focus on reducing the length of prison stays based upon the evidence that came before the commission. He stressed the need for community corrections because an increase in the supervision of those coming out of prison can result in more public safety.

He concluded that the commission came up with 21 recommendations, but the number one recommendation is that the state needs to be spending money on high risk offenders. He asserted that money must be spent where it will produce the best outcomes. He emphasized that the report is "a justice re-investment recommendation." He emphasized focusing limited resources on treatment and prevention.

[11:11:37 AM](#)

CHAIR STOLTZE thanked Mr. Razo. He voiced concern about having law enforcement on the commission.

SENATOR COGHILL countered that having Officer Ray Beck on the commission was invaluable. He noted that the bill is a work in progress and all stakeholders have input.

CHAIR STOLTZE read from Article 12 - Criminal Administration, which was amended in 1994 to add victims' rights. "Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation."

[11:15:54 AM](#)

He commented that he has tried to take his direction from Article 12 for the very reason that the state has failed in a

couple of areas. He said one of the biggest problems has been failure to make restitution to victims and SB 91 provides for ways to correct that. He added that another issue is helping people become productive so they can "pay back."

CHAIR STOLTZE pointed out that the constitution also addresses punitive and retributive measures.

SENATOR COGHILL used societal condemnation as an example.

CHAIR STOLTZE noted victims' rights is an evolving change.

SENATOR COGHILL said victims' rights is a primary driver and the state needs to do better toward seeking a just system.

CHAIR STOLTZE added for both the offender and the victim.

[11:19:08 AM](#)

At ease.

[11:20:44 AM](#)

BRENDA STANFILL, Victim Advocacy Representative, Alaska Criminal Justice Commission (ACJC), Fairbanks, Alaska, described her experience on ACJC. She complimented the members of ACJC for their hard work and their open minds. She explained that she became involved with ACJC because the current system works for no one and she realized that many of the criminals in the system were once young boys in a shelter she worked in. She concluded that the system was failing children and shelters did not have the resources to provide services for children. She stated a major concern is lack of prevention and treatment.

[11:24:09 AM](#)

She suggested reallocating funds for treatment programs. She opined that "We cannot criminalize our way out of a social issue." She wished to see social issues that lead to criminal behavior addressed in order to help decrease the amount of recidivism.

She emphasized the need for reinvestment in pre-trial assessments and community corrections. She said ACJC is excited about getting better public safety out of dollars spent by focusing on reinvestment. She thanked Senator Coghill and his staff for their work.

[11:27:43 AM](#)

CHAIR STOLTZE requested more information about the costs of reinvestment.

MS. STANFILL believed that there are three important components to focus on: create a pre-trial services; open opportunities for treatment; and fund prevention services. She thought it would cost between \$5 million and \$10 million.

CHAIR STOLTZE suggested the administration address fiscal notes to that effect. He said SB 91 is more important and complicated than just a savings bill.

[11:31:26 AM](#)

RICK ALLEN, Director, Office of Public Advocacy (OPA), Department of Administration, Palmer, Alaska, provided input on criminal reform. He noted that he was not a member of ACJC, but attended several meetings. He addressed the high number of people being incarcerated in the United States and the movement to reevaluate how corrections money is being spent. He believed that SB 91 was consistent with the national trend.

He reported that OPA's work consists of 40 percent criminal law and 60 percent civil law, of which a large part is Child in Need of Aid (CINA) cases. He said the goal is for parents to be able to deal with their own issues and to raise their own children. He opined that government intervention is very expensive. He asserted that SB 91 could help in the area of rehabilitation and would provide major benefits. He noted that recidivism rates are dropping due to the use of programs such as those suggested in SB 91. He predicted there would be a corresponding drop in CINA situations, also.

[11:35:28 AM](#)

CHAIR STOLTZE asked about potential costs to OPA for reinvestment programs.

MR. ALLEN replied that putting a dollar figure on potential costs was difficult, but noted that OPA has submitted a zero fiscal note and did not expect a significant fiscal impact. He said his main focus is the human aspect and the best interest of children and their families.

CHAIR STOLTZE pointed out that Mr. Allen is free to speak his mind because he was elected to a five-year term.

MR. ALLEN corrected Chair Stoltze that his position is an appointment by the governor.

[11:37:31 AM](#)

SENATOR COGHILL commented that his primary intent for the bill is not cost savings; but rather, public safety.

CHAIR STOLTZE maintained that cost saving is a big driver.

SENATOR COGHILL agreed, but said the focus is on how to do it better.

He commented on rehabilitation saying that he did not know whether the government can ever rehabilitate anyone, but can provide avenues of accountability that make people more productive and to "hold them" if it doesn't work.

CHAIR STOLTZE pointed out that the state has a constitutional charge to do so.

[11:41:19 AM](#)

SENATOR COGHILL agreed. He addressed the sectional analysis that shows the legal makeup of the bill:

Sections 1 - 17 deal with theft issues and are called offenses against property. Title 11, Chapter 46.

Sections 18 - 23 are offenses against public administration. Title 11, Chapter 56.

Sections 24 - 29 are offenses against public order. Title 11, Chapter 61.

Section 30 is an offense against public health and decency (gambling). Title 11, Chapter 66.

Sections 31 - 36 are offenses involving a controlled substance. Title 11, Chapter 71.

Sections 37 & 38 deal with criminal code procedure. Title 12, Chapter 25.

Sections 39 - 49 deal with bail schedules. Title 12, Chapter 30.

Sections 50 - 73 deal with sentencing and probation. Title 12, Chapter 55.

Sections 74 - 78 deal with drivers licenses. Title 28, Chapter 15.

Sections 79 - 83 deal with offenses, accidents related to alcohol, inhalants, and controlled substances implied consent. Title 28, Chapter 35.

Section 84 deals with municipal government. Title 29, Chapter 10.

Section 85 & 86 deal with municipal government penalties. Title 29, Chapter 25.

Section 87 - 90 deal with probation, prisons, pardons, and prisoners. Title 33, Chapter 05.

Section 91 deals with pre-trial service programs. Title 33, Chapter 07.

Sections 92 - 125 deal with parole administration. Title 33, Chapter 16.

Sections 126 & 127 deal with remission of sentences, executive pardon, and clemency - good time. Title 33, Chapter 20.

Sections 128 - 131 deal with prison facilities and prisoners. Title 33, Chapter 30.

Section 132 deals with garnishment of the PFD. Title 43, Chapter 23.

Section 133 deals with food stamps. Title 47, Chapter 27.

Sections 134 - 143 deal with court rule amendments, repeals of criminal procedure, repeals of statutes, indirect court rules, and effective dates. Uncodified Law.

[11:46:31 AM](#)

CHAIR STOLTZE asked if any court rule amendments were controversial.

SENATOR COGHILL replied that he did not know, but thought some might be. He noted the variety of subjects in the bill and said SB 91 is a very comprehensive bill.

CHAIR STOLTZE voiced appreciation for Senator Coghill's work.

[11:48:11 AM](#)

At ease

[11:59:23 AM](#)

CHAIR STOLTZE called the committee back to order. He noted that the committee meeting was the first iteration of public testimony on SB 91.

[12:00:05 PM](#)

MARLENE MOTO KARL, representing herself, Deering, Alaska, testified in support of SB 91. She spoke of the responsibility of parents regarding curfew violations and problems related to Child Support. She shared a story about her son. She discussed the importance of city ordinances. She said she wished to prevent those going to jail by mistake and suggested job programs for those on probation.

[12:08:21 PM](#)

TARRI HARROLD-JONES, representing herself, Wasilla, Alaska, testified in support of SB 91. She shared the benefits of her private business of electronic monitoring. She told several stories about how her clients were helped by electronic monitoring. She related the expense of transporting prisoners.

CHAIR STOLTZE stated that he looked forward to the Department of Corrections' fiscal note.

[12:11:48 PM](#)

BUTCH MOORE, on behalf of himself and his wife, Cindy Moore, Anchorage, Alaska, testified in support of SB 91. He thanked the sponsor for his efforts on the bill. He noted there is now federal support for the Alaska Safe Children's Act and related education. He said there is other available money, too.

He suggested adding a definition of felony theft to Section 7 of the bill. He said he met with the person who killed his daughter. He referred to the "good time" provisions in Section 126 of the bill and suggested that different consequences for violent crime and sexual assault and murder should be provided. He spoke of the prohibitions in place for his daughter's murderer that were not upheld. He said court ordered conditions of parole regarding alcohol restrictions must be required in order to get a new driver's license showing the restriction. He also suggested mandating more timely hearings and sentencing and disallowing continuations.

[12:22:19 PM](#)

CHAIR STOLTZ recalled that the Victims Advocacy organization is advocating for the 120-day provision. He expressed sympathy for the Moore's loss.

MR. MOORE said his suggestions are an attempt to prevent future loss. He reiterated his opinion about Section 126.

12:24:50 PM

VICKI WALLNER, President, Stop Valley Thieves, Mat-Su Valley, Alaska, testified in opposition to SB 91. She pointed out that the driving force behind the Alaska Criminal Justice Commission's Report was to reduce the cost of incarceration. She said her group works from the ground up. She maintained that criminals are given many chances and their sentences are reduced many times before they are convicted of a crime. Victims are very upset about this and feel that there is no sense of justice. She said there should be certainty in punishment. She said the bill lowers crimes down to a citation and drug offenses are being reclassified. She provided statistics on the increase in crimes. She requested that the state get tough on crime.

12:37:31 PM

ANDREA ROBINSON, representing herself, Juneau, Alaska, testified in support of SB 91, especially re-investing the money saved into programs. She shared her history of drug use, incarcerations, suicide attempts, and recovery. She said she graduated from Juneau Therapeutic Courts and expressed appreciation for the Haven House in Juneau, which is giving her a path toward getting her kids back.

12:40:54 PM

SHAWN JESSIP II, representing himself, Juneau, Alaska, testified in support of SB 91. He shared his history of crime and incarceration. He said that he is currently attending UAS. He said he is support of the reforms in SB 91.

SENATOR COGHILL thanked him. He asked if there is anything in SB 91 that will help Mr. Jessip in his journey.

MR. JESSIP said entering college saved his life.

12:43:42 PM

KARA NELSON, Director, Haven House, Juneau, Alaska, testified in support of SB 91. She shared her experience with incarceration and drug felonies and how that affected her income and life. She said she is now in recovery and everything discussed in the bill relates to her. She concluded that it is a community-wide issue

and there are many supportive services, but it is necessary that they collaborate. She stressed that there needs to be recovery-ready communities.

[12:49:42 PM](#)

CHRIS NETTLES, President, National Federation of Independent Businesses, Anchorage, Alaska, testified in opposition to SB 91. He spoke against the inflation-proofing of property stolen at the felony theft/misdemeanor level. He spoke of the problems with the rise in crimes that impact businesses. He thought the bill encouraged more theft because of raising the property value threshold to \$2,000. He said police don't typically respond to misdemeanor-level theft.

CHAIR STOLTZ said the threshold was changed in 2014. He asked what the discussion was then.

MR. NETTLES thought they agreed on \$750 at that time. He shared examples of recent sophisticated thefts.

[12:54:39 PM](#)

DARRYL JONES, Corporate Counsel, Pioneer Peak Monitoring, Wasilla, Alaska, testified on SB 91. He spoke of his history as a defense attorney. He explained the process of pre-trial defense hearings and the process of setting bail. He said to spend \$3.9 million to do an analysis on a bail proposal is a waste of time and money. He listed the problems related to electronic monitoring. He said he is opposed to the 120-day limit.

[1:02:06 PM](#)

TERRIA WALTERS, representing herself, Palmer, Alaska, testified on SB 91. She spoke of her personal story, her history as an offender, and her work with prisoners. She said she supports several things in the bill. She addressed the inequities of sentencing and she requested changes in sentencing for non-violent crimes and an increase in treatment programs. She also requested that re-entry be coupled with re-education. She said those who have transitioned back to the community must be included in decision-making. She suggested looking at other countries for solutions and reviewing the third-party custodian regulations.

[1:07:17 PM](#)

KIM WHITAKER, Member, R.E.A.L. About Addiction, Anchorage, Alaska, testified in support of SB 91. She related the story of her daughter's addiction issues. She suggested that treatment

for addicts be included in the bill. She shared how she is trying to help addicts and said there should be better options for detox. She said the current system is not working. She concluded that SB 91 will provide rehabilitation options.

[1:11:20 PM](#)

MAUDE BLAIR, President, Alaska Federation of Natives, Anchorage, Alaska, testified in support of SB 91. She shared several problems that Alaska Natives experience with incarceration. She requested treating the root causes that are getting people into trouble, rather than just punishing them.

[1:12:22 PM](#)

ATHENA SINGSAAS, representing herself, Anchorage, Alaska, testified on SB 91. She said the bill is a step in the right direction. She shared her experience of receiving a felony DWI. She said the law was changed and resulted in reactivating DWI charges that had already been served. She spoke of the need for treatment programs and revising expungement and clemency laws.

[1:16:43 PM](#)

MIKE COONS, representing himself, Palmer, Alaska, testified on SB 91. He maintained that the criminal justice system is broken and sentences don't fit the crime. Many prisoners are let out early to reduce crowding in prisons. He spoke in favor of treatment plans. He said those with firearms sentences should be turned over to the federal government. He said citizen safety is the most important.

[1:20:55 PM](#)

TIMOTHY HALE, representing himself, Palmer, Alaska, testified in support of SB 91. He focused on problems with Sections 75 and 76 - driving privileges of felony DUI's. He suggested they be changed so those who have served their time are allowed to drive again.

CHAIR STOLTZE said there are many case laws regarding this section and the committee would continue to look at it.

[1:23:38 PM](#)

DELICE CALCOTE, representing herself, Sutton, Alaska, testified in support of SB 91. She shared her extensive work history. She spoke of individual and collective rights and PL 280. She related her personal experience with tribal family members on probation and the problems they encountered.

[1:28:25 PM](#)

HELEN SIMMONDS, representing herself, Barrow, Alaska, testified in support of SB 91. She shared her son's story of mental illness and Medicaid placements.

[1:32:41 PM](#)

BARBARA CHALENDER, representing herself, Anchorage, Alaska, testified in support of SB 91. She spoke of her son's addiction and death from heroin and the need for treatment programs. She said there are no reentry programs available and prison is not the answer.

[1:36:01 PM](#)

MICHAEL JEFFERY, representing himself, Barrow, Alaska, testified in support of SB 91. He shared his history as a judge in Barrow. He highlighted prisoner in-reach programs in the bill and spoke in favor of them. He spoke of those with cognitive impairments needing special treatment.

[1:39:51 PM](#)

MIKE LUNDE, Member, Fairbanks Wellness Court System, Fairbanks, Alaska, testified in support of SB 91. He expressed appreciation for the Wellness Courts and said that 82 percent of graduates from Wellness Courts do not reoffend. He requested a change to the driver's license penalties. He ended with a quote by Michael Jordan.

[1:44:30 PM](#)

DONNA BALDWIN, representing herself, Juneau, Alaska, testified in support of SB 91. She spoke as a recovery coach and said the bill will make a difference in people's lives. She said she is glad the stigma of addiction is going away because people are talking about it. She thanked the committee for hearing the bill.

[1:46:44 PM](#)

NATHAN LOCKWOOD, representing himself, Juneau, Alaska, testified in support of SB 91. He spoke of the problems people have with access to resources for substance abuse. He said he is in favor of reinvesting in those resources. He maintained that the bill will reduce recidivism by providing tools to address substance abuse. He suggested that money will be saved by reducing low level offenses down from misdemeanors to violations. He also suggested that the cap of 120 days for electronic monitoring should be changed, as should the rules regarding loss of licenses.

[1:50:53 PM](#)

ETHAN KNUTHSON, representing himself, Juneau, Alaska, testified in support of SB 91. He shared his personal story of addiction and imprisonment. He said he ended up in a therapeutic community after having the opportunity to enroll in a methadone treatment program in Washington. He said that in Southeast Alaska few physicians are available to prescribe the medication needed by addicts in order to live. He stressed the importance for treatment programs, re-entry programs, and education.

[1:56:49 PM](#)

CARA DURR, Director of Public Engagement, Food Bank of Alaska, Anchorage, Alaska, testified in support of SB 91. She addressed the bill's repealing drug felons' ability to receive Supplemental Nutrition Assistance Program (SNAP) benefits. States have the authority to opt out of this federal provision. Alaska is one of seven states that still upholds this lifetime ban. She encouraged reduction of recidivism by increasing and improving re-entry programs, including food stamp benefits.

[1:58:28 PM](#)

KATHLEEN VAN VOORHIS, Director, Food Bank of Alaska, Anchorage, Alaska, testified in support of SB 91. She said there is a 33 percent increase in the need for food resources, especially for those who come out of prison. She suggested that lifting the SNAP food ban would benefit the community as a whole, would lower recidivism costs, and would bring in more federal dollars.

[2:00:14 PM](#)

PATRICIA LANE, representing herself, Anchorage, Alaska, testified in support of SB 91. She shared her personal story of sobriety and the difficulty of not being able to have a license. She described situations where she needed to drive. She said she has completed the Therapeutic Court Program.

[2:03:54 PM](#)

HELEN TRAINOR, representing herself, Anchorage, Alaska, testified in support of SB 91. She spoke of favor of the Wellness Court program and described how the program helped her son. She said it is so important to change the driver's license provision. She referred to Oregon's HB 3025, which gives people a fairer chance to get a job.

[2:07:05 PM](#)

WILLIAM DICKERSON, Alumni, Alaska Therapeutic Court, Anchorage, Alaska, testified in support of SB 91. He spoke highly of the Wellness Court program and all it does.

[2:09:13 PM](#)

LANCE HANES, Alumni, Alaska Therapeutic Court, Anchorage, Alaska, testified in support of SB 91. He shared that he was unable to get on electronic monitoring in 2013. He spoke in favor of reinstating drivers' licenses and he addressed the benefits of the interlock device. He spoke in favor of Therapeutic Courts and the support they provide.

[2:12:39 PM](#)

ERNIE GOMEZ, Alumni, Alaska Therapeutic Court, Anchorage, Alaska, testified in support of SB 91. He spoke of how Therapeutic Court changed his life and how it saves money. He requested to have more detox and treatment programs.

[2:15:18 PM](#)

JAMES KRUGMAN, representing himself, Anchorage, Alaska, testified in opposition to SB 91. He maintained that the bill does not protect the public from dangerous criminals. He said he is opposed to lack of punishment for criminals. He predicted that the frequency of crime will rise due to SB 91.

[2:18:52 PM](#)

CATHLEEN MCLAUGHLIN, Director, Partners Reentry Center, Anchorage, Alaska, testified in support of SB 91. She described the pre-release planning held in the bill. She provided an example of its success.

[2:20:26 PM](#)

GRACE HERRINGTON, Employee, Partners Reentry Center, Anchorage, Alaska, testified in support of SB 91. She shared how well pre-release support is working and said it is a big resource.

[2:21:51 PM](#)

VINCE HOLTON, Executive Director, Alaska Monitoring & Drug Testing LLC, Fairbanks, Alaska, testified in support of SB 91. He explained that the difference between a private company and a program from the Department of Corrections (DOC) is that DOC monitors 24 hours a day and has the best equipment. He described what DOC monitoring entails. He referred to HB 15 and pointed out that DOC guidelines for house arrest programs have not yet been established. He suggested using private companies in order to save the state money. He stressed that pre-trial services in the bill are minimal and the 120-day limit needs reconsideration.

CHAIR STOLTZE agreed more work needs to be done with those conducting the monitoring programs.

SENATOR COGHILL related that the commission recommended pre-trial service because accountability is important. He said he prefers private industry do the work. He agreed that it is costly and said it is open to discussion.

MR. HOLTON could see the need for regulating companies to make it work.

[2:28:01 PM](#)

MARY NANUWAK, representing herself, Bethel, testified in support of SB 91, with changes. She suggested pro bono work could be done and charges could be pooled together in order to save time, energy, and money. She thought the pre-trial agreement and education should be mandatory in order to reduce recidivism. She also said there should be treatment programs.

CHAIR STOLTZE held public testimony open.

He said cost savings are important, but there are other considerations to think about, such as re-investment of those savings in other areas. He noted the growing problem of heroin addiction and the high failure rate for treatment. He did not agree that many drug offenders are being incarcerated, rather, that they are criminals with a drug problem.

[2:34:55 PM](#)

SENATOR COGHILL thanked all the testifiers. He said that keeping people safe and public condemnation for crime are all within the realm of the bill. He noted it is the first hearing of the bill. He said he will continue to ask whether the state is holding criminals accountable and to carry forward the commission's recommendations. The legislature will work out policy calls for keeping people safe and keeping costs low. There are human rights on both the victim's side and the criminal's side to consider.

[SB 91 was held in committee.]

[2:38:22 PM](#)

There being no further business to come before the committee, Chair Stoltze adjourned the Senate Affairs Committee at 2:38 p.m.