

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 8, 2016

9:02 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

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."

- MOVED CSSSSB 91(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

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

WITNESS REGISTER

EMILY HAYNES, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition of SB 91.

DON MORGAN, representing himself
Juneau, Alaska,

POSITION STATEMENT: Testified in support of SB 91.

KATE BURKHART, Executive Director
Alaska Mental Health Board
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 91.

BUTCH MOORE, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

MIKE COONS, representing himself
Palmer, Alaska

POSITION STATEMENT: Did not specify a position on SB 91.

ROGER BRANSON, representing himself
Anchorage, Alaska
POSITION STATEMENT: Testified in support SB 91.

SUZAN HATHAWAY, Executive Director
No Limits, Inc.
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of SB 91.

CASSANDRA HUNICKE, representing herself
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 91.

GRACE SINGH, Assistant to the President
Central Council of Tlingit & Haida Indian Tribes of Alaska
Juneau, Alaska
POSITION STATEMENT: Testified in support of SB 91 with
amendments.

KARA NELSON, Director
Haven House
Juneau, Alaska
POSITION STATEMENT: Testified in support of SB 91.

NATASHA SINGH, General Counsel
Tanana Chiefs Conference
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of SB 91, version N.

ELIZABETH HAZEN, representing herself,
Arizona
POSITION STATEMENT: Testified in support of SB 91.

TRINI MCANULTY, representing herself
Arizona
POSITION STATEMENT: Testified in support of SB 91.

DANIEL GEORGE, Staff
Senator Stoltze
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Reviewed amendments for SB 91.

KELLY CUNNINGHAM
Alaska Division of Legislative Finance
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Addressed the fiscal notes for SB 91.

DEAN WILLIAMS, Commissioner
Alaska Department of Corrections
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

WILLIAM COMER, Deputy Commissioner
Alaska Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 91.

JOHN SKIDMORE, Director
Criminal Division
State of Alaska Department of Law
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 91.

ACTION NARRATIVE

[9:02:16 AM](#)

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators Coghill, Huggins, McGuire, Wielechowski, and Chair Stoltze.

SB 91-OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

[9:02:42 AM](#)

CHAIR STOLTZE announced the consideration of SB 91. He said the committee would first take public testimony.

[9:03:20 AM](#)

EMILY HAYNES, representing herself, Juneau, Alaska, stated that she opposed SB 91. She revealed that she was a victim of a violent sexual assault and has been actively involved in her assailant's conviction during the past five years. She revealed that her assault case had multiple grand juries and a full trial in which she was questioned for a day and a half, resulting in resolution that she was happy with.

She asserted that SB 91 would provide her assailant with eligibility for immediate release where the individual would only have served a quarter of his sentence. She said SB 91 would

cause similar scenarios for victims throughout the state. She remarked that victims in the future are likely to not come forward and try to convict someone.

MS. HAYNES noted that she opposed proposals that would allow a judge to take the inability to pay into consideration when determining bail, and for not wanting the Department of Law to offer plea deals. She pointed out that sometimes plea deals are the best option, especially when a victim does not want to go through another trial.

She added that she opposed the idea for having one standard consequence for a probation violation for offenders. She pointed out that after being released, her assailant could find her and only serve a maximum of three days in jail for the violation.

She stated that she understands the intent to implement prison reform, but she questioned if legislatures were aware of the bill's consequences for the victims.

[9:11:57 AM](#)

CHAIR STOLTZE thanked Ms. Haynes for the courage she exhibited in coming forward before the committee. He asserted that he was on Ms. Haynes' side and would continue to work with the bill's sponsor. He appreciated Ms. Haynes coming forward and hoped that her presence would encourage other people to look at the victims' aspect of SB 91 as well.

SENATOR COGHILL thanked Ms. Haynes and concurred that she showed a lot of courage. He expressed that Ms. Haynes may have some fundamental misunderstandings of what SB 91 would do. He stated that he would be glad to review the bill with her. He asserted that SB 91 differentiates between a nonviolent, violent, and sexual assault crimes.

[9:13:44 AM](#)

DON MORGAN, representing himself, Juneau, Alaska, testified in support of SB 91. He revealed that he had opened a native art gallery after serving over 38 years in prison. He stated that he understands the victim's point of view and added that victims do have a voice through the parole board.

CHAIR STOLTZE thanked Mr. Morgan and noted that he liked hearing a success story.

[9:17:38 AM](#)

KATE BURKHART, Executive Director, Alaska Mental Health Board, Juneau, Alaska, testified in support of SB 91. She added that she also served on the Advisory Board on Alcoholism and Drug Abuse. She informed that she was a domestic violence attorney representing victims of violence, sexual assault, and child sexual assault for several years in Alaska. She asserted that she understands the need to balance victims' rights and obligations with the state's need to prevent recidivism and containing prison costs. She remarked that SB 91 balances Alaskans' health and safety needs, protects victims of crime, and implements an evidence-based program that helps divert nonviolent offenders, especially her constituency of people disabled by behavioral health disorders. She said she has seen success from evidence-based programs like the Alaska 24-7 Sobriety Program that Senator Coghill and others helped to establish. She summarized that the two boards she represented both believed that the provisions in SB 91 do help further the gains that have been made.

[9:19:45 AM](#)

BUTCH MOORE, representing himself, Anchorage, Alaska, testified in support of SB 91. He thanked the committee and Senator Coghill for making many of the amendments that people had suggested. He said he and his wife were very much in agreement in not incarcerating individuals and turning them into criminals for minor offenses. He emphasized that SB 91 was not intended to release violent offenders, murders, or sexual offenders.

He set forth two items for the committee's consideration. He offered that the following paragraph be added to AS 33.05.250, a statute that covered probation incentive reduction:

If the defendant has not been convicted of an unclassified felony offense, a sexual felony as defined by Alaska statutes, or a crime involving domestic violence described by Alaska statutes.

He opined that the change would address Ms. Haynes' concerns. He noted that The Pew Charitable Trusts recommended releasing nonviolent offenders to take pressure off of the prison system, but added that penalties should be harsher on violent offenders and sexual offenders.

He said the other portion of the bill that he had a concern for was the disparity between the minimum-maximum penalties between sexual assault and murder. He pointed out that the perpetrator who murdered his daughter the previous year had used a gun and

his minimum time in jail was 10 years. He revealed that if the perpetrator would have sexually assaulted his daughter while in possession of gun, his minimum time in jail would have been 25 to 35 years for a first offense. He recommended that the minimum-maximum sentence for murder be equal to that of sexual assault.

[9:25:17 AM](#)

CHAIR STOLTZE asked that Senator McGuire address Mr. Moore's recommendations in the next committee of assignment.

SENATOR MCGUIRE thanked Mr. Moore for his testimony and continued advocacy for Alaska's kids. She said Mr. Moore had turned the heartache in his family into something positive for future generations of kids in Alaska. She pledged that the Senate Judiciary Committee would work on the issue that Mr. Moore had brought forward.

MR. MOORE responded that he and his wife felt very strongly that SB 91 had some very good points to it and they did not want to turn people into criminals. He opined that a lot of people that go to jail were not career criminals and may have had no other choice because they could not find jobs due to their felonies. He noted that The Pew Charitable Trusts emphasized the importance of reinvestment in people that were released from prisons in order to help in integrating them back into society and avoid going back as professional criminals. He remarked that he did not see an actual reinvestment plan in SB 91.

CHAIR STOLTZE concurred that reinvestment was the only way that criminal reform worked.

[9:28:24 AM](#)

MIKE COONS, representing himself, Palmer, Alaska, did not specify a position of SB 91. He stated that the justice system was broke and the focus should be on the victims. He remarked that caseloads cause district attorneys to plea bargain and noted his concern when a violent-crime offense was reduced to a nonviolent offense. He noted that he supported getting drug users out of prison. He pointed out that Texas had reduced its drug-user prison population that precipitated 13-prison closings along with a reduction in its recidivism rate. He added that the federal government does not enforce all of its laws and individuals were sent to state prisons rather than federal prisons.

[9:35:11 AM](#)

ROGER BRANSON, representing himself, Anchorage, Alaska, testified in support SB 91. He suggested that savings be moved to reentry programs. He set forth that reentry programs empower individuals to be held accountable for their actions and provide a path out.

[9:36:20 AM](#)

SUZAN HATHAWAY, Executive Director, No Limits, Inc., Fairbanks, Alaska, testified in support of SB 91. She revealed that No Limits was a transitional-housing program and a reentry center for returning citizens. She expressed that reducing the number of prison beds would free-up funds to reinvest in support services. She set forth that SB 91 was instrumental for returning citizens to regain their status into communities.

[9:37:57 AM](#)

CASSANDRA HUNICKE, representing herself, Anchorage, Alaska, testified in support of SB 91. She revealed that she was a continued Driving While Intoxicated (DWI) offender. She detailed that she had taken advantage of every program available and learned to be held accountable. She stated that additional programs to assist women released from prison would reduce recidivism.

[9:43:08 AM](#)

GRACE SINGH, Assistant to the President, Central Council of Tlingit & Haida Indian Tribes of Alaska (CCTHITA), Juneau, Alaska, testified in support of SB 91 with amendments. She set forth that the most pervasive myth distorting the view of criminal justice was that increasing arrests and imprisonment was an effective strategy for reducing crime.

She said there were provisions in the bill that were contrary to its intent and the commission's intent. She addressed the Suspended Entry of Judgement provision and said requiring cases to remain in CourtView placed more barriers for former inmates to gain employment, find housing, attain self-sufficiency, and reduce crime and recidivism rates.

She stated that another issue CCTHITA had with SB 91 was the provision requiring drug testing for felons. She remarked that drug addiction was not only a criminal justice problem, but a public health problem and national epidemic as well. She revealed that CCTHITA was a rural-nonprofit service provider with a lot of clients living in rural areas. She said the big question was how rural people would be tested. She set forth that the new drug testing provision would go against the bill's

cost savings intent and discouraged easy transition into more productive lifestyles for former inmates.

CHAIR STOLTZE commented that he had not run into any of his constituents who thought that testing a drug felon was an infringement.

[9:46:11 AM](#)

KARA NELSON, Director, Haven House, Juneau, Alaska, testified in support of SB 91. She revealed that Haven House was a transitional home for women coming back to their community after incarceration. She said she was an advocate for helping individuals rise to their highest potential. She said she was the director of a home that was full of women that were traumatized, victimized, and wanted to do better; however, because of their crimes, they have barriers with limited access to resources.

[9:49:35 AM](#)

NATASHA SINGH, General Counsel, Tanana Chiefs Conference (TCC), Fairbanks, Alaska, testified in support of SB 91, version N. She stated that TCC spoke for rural Alaska and the Alaskan native population in the Interior. She set forth that TCC's sole mission was to seek wellness for its people and the largest barrier to Alaska native wellness was the state's flawed criminal system.

She said TCC supported SB 91, version N, because the previous version completely overhauled the system, something that was needed to reduce crimes and the number of victims. She pointed out that some of the highest rates of victims in the nation live in rural Alaska. She remarked that TCC knows firsthand that sending criminals away does not end their criminal behavior, but perpetuates it. She opined that most of the offenders were addicts and their dependence should be treated as a public health problem. She revealed that natives were arrested and prosecuted at higher rates, served longer sentences, and were victims at disproportionately higher levels in the state. She set forth that the current system sought to criminalize and make Alaska-natives victims. She summarized that a complete overhaul of the justice system was needed in order to heal Alaska natives, make Alaska safer, and end victims in rural Alaska.

[9:52:59 AM](#)

ELIZABETH HAZEN, representing herself, Arizona, testified in support of SB 91. She said both her and her husband were Alaskan residents for over 40 years. She stated that SB 91 was an

important tool both in reducing taxpayer costs, recidivism, and prison population. She opined that the recommendations from the Criminal Justice Commission were sensible, just, and practical for both public safety and criminal rehabilitation.

9:56:42 AM

TRINI MCANULTY, representing herself, Arizona, testified in support of SB 91. She revealed that her husband was serving parole and has benefited from the programs and training that have been offered to him.

9:58:14 AM

CHAIR STOLTZE closed public testimony.

9:58:49 AM

At ease.

10:00:41 AM

CHAIR STOLTZE called the committee back to order. He moved to adopt Amendment 1, labeled 29-LS0541\P.1.

AMENDMENT 1

Page 30, following line 17:

Insert a new bill section to read:

"***Sec. 48.** AS 12.55.011 is amended by adding a new subsection to read:

(b) At the time of sentencing, the court shall provide the victim with a form that

(1) provides information on

(A) whom the victim should contact if the victim has questions about the sentence or release of the offender;

(B) the potential for release of the offender on furlough, probation, or parole or for good time credit; and

(2) allows the victim to update the victim's contact information with the court and with the Department of Corrections."

Renumber the following bill sections accordingly.

Page 73, line 28:

Delete "**and**"

Page 73, line 30, following "**AS 33.16.210(d)**":

Insert "**; and**"

(12) within 30 days after sentencing of an offender, provide the victim of a crime information on the earliest dates the offender could be released on furlough, probation, or parole, including deductions or reductions for good time or other good conduct incentives and the process for release, including contact information for the decision-making bodies"

Page 85, line 17:
Delete "sec. 56"
Insert "sec. 57"

Page 85, line 18:
Delete "sec. 57"
Insert "sec. 58"

Page 85, line 21:
Delete "sec. 71"
Insert "sec. 72"

Page 85, line 24:
Delete "sec. 91"
Insert "sec. 92"

Page 86, line 21:
Delete "sec. 77"
Insert "sec. 78"

Page 86, line 22:
Delete "sec. 78"
Insert "sec. 79"

Page 86, line 23:
Delete "sec. 84"
Insert "sec. 85"

Page 86, line 24:
Delete "sec. 85"
Insert "sec. 86"

Page 86, line 25:
Delete "sec. 86"
Insert "sec. 87"

Page 86, line 26:
Delete "sec. 135"

Insert "sec. 136"

Page 87, line 8:
Delete "sec. 48"
Insert "sec. 49"

Page 87, line 9:
Delete "sec. 49"
Insert "sec. 50"

Page 87, line 10:
Delete "sec. 50"
Insert "sec. 51"

Page 87, line 11:
Delete "sec. 51"
Insert "sec. 52"

Page 87, line 12:
Delete "sec. 65"
Insert "sec. 66"

Page 87, line 13:
Delete "sec. 66"
Insert "sec. 67"

Page 87, line 14:
Delete "sec. 67"
Insert "sec. 68"

Page 87, line 15:
Delete "sec. 68"
Insert "sec. 69"

Page 87, line 16:
Delete "sec. 69"
Insert "sec. 70"

Page 87, line 17:
Delete "sec. 70"
Insert "sec. 71"

Page 87, line 18:
Delete "sec. 71"
Insert "sec. 72"

Page 87, line 19:

Delete "sec. 80"
Insert "sec. 81"

Page 87, line 20:
Delete "sec. 83"
Insert "sec. 84"

Page 87, line 21:
Delete "sec. 92"
Insert "sec. 93"

Page 87, line 22:
Delete "sec. 93"
Insert "sec. 94"

Page 87, line 23:
Delete "sec. 94"
Insert "sec. 95"

Page 87, line 24:
Delete "sec. 95"
Insert "sec. 96"

Page 87, line 25:
Delete "sec. 96"
Insert "sec. 97"

Page 87, line 26:
Delete "sec. 97"
Insert "sec. 98"

Page 87, line 27:
Delete "sec. 99"
Insert "sec. 100"

Page 87, line 28:
Delete "sec. 101"
Insert "sec. 102"

Page 87, line 29:
Delete "sec. 126"
Insert "sec. 127"

Page 87, line 30:
Delete "sec. 127"
Insert "sec. 128"

Page 88, line 6:
Delete "sec. 54"
Insert "sec. 55"

Page 88, line 7:
Delete "sec. 55"
Insert "sec. 56"

Page 88, line 8:
Delete "sec. 56"
Insert "sec. 57"

Page 88, line 9:
Delete "sec. 57"
Insert "sec. 58"

Page 88, line 10:
Delete "sec. 57"
Insert "sec. 58"

Page 88, line 11:
Delete "sec. 57"
Insert "sec. 58"

Page 88, line 14:
Delete "sec. 52"
Insert "sec. 53"

Page 88, line 15:
Delete "sec. 58"
Insert "sec. 59"

Page 88, line 16:
Delete "sec. 59"
Insert "sec. 60"

Page 88, line 17:
Delete "sec. 60"
Insert "sec. 61"

Page 88, line 18:
Delete "sec. 61"
Insert "sec. 62"

Page 88, line 19:
Delete "sec. 62"
Insert "sec. 63"

Page 88, line 20:
Delete "sec. 64"
Insert "sec. 65"

Page 88, line 21:
Delete "sec. 88"
Insert "sec. 89"

Page 88, line 22:
Delete "sec. 89"
Insert "sec. 90"

Page 88, line 26:
Delete "sec. 74"
Insert "sec. 75"

Page 88, line 27:
Delete "sec. 75"
Insert "sec. 76"

Page 88, line 28:
Delete "sec. 76"
Insert "sec. 77"

Page 88, line 29:
Delete "sec. 82"
Insert "sec. 83"

Page 89, line 1:
Delete "sec. 100"
Insert "sec. 101"

Page 89, line 2:
Delete "sec. 107"
Insert "sec. 108"

Page 89, line 3:
Delete "sec. 108"
Insert "sec. 109"

Page 89, line 4:
Delete "sec. 109"
Insert "sec. 110"

Page 89, line 5:
Delete "sec. 110"

Insert "sec. 111"

Page 89, line 6:
Delete "sec. 111"
Insert "sec. 112"

Page 89, line 7:
Delete "sec. 112"
Insert "sec. 113"

Page 89, line 8:
Delete "sec. 113"
Insert "sec. 114"

Page 89, line 9:
Delete "sec. 114"
Insert "sec. 115"

Page 89, line 10:
Delete "sec. 115"
Insert "sec. 116"

Page 89, line 11:
Delete "sec. 116"
Insert "sec. 117"

Page 89, line 12:
Delete "sec. 117"
Insert "sec. 118"

Page 89, line 13:
Delete "sec. 118"
Insert "sec. 119"

Page 89, line 14:
Delete "sec. 119"
Insert "sec. 120"

Page 89, line 15:
Delete "sec. 120"
Insert "sec. 121"

Page 89, line 16:
Delete "sec. 121"
Insert "sec. 122"

Page 89, line 17:

Delete "sec. 122"
Insert "sec. 123"

Page 89, line 18:
Delete "sec. 123"
Insert "sec. 124"

Page 89, line 19:
Delete "sec. 124"
Insert "sec. 125"

Page 89, line 20:
Delete "sec. 136-138"
Insert "sec. 137-139"

Page 89, line 21:
Delete "sec. 136-138"
Insert "sec. 137-139"

Page 90, line 4:
Delete "sec. 53"
Insert "sec. 54"

Page 90, line 5:
Delete "sec. 91"
Insert "sec. 92"

Page 90, line 6:
Delete "sec. 133"
Insert "sec. 134"

Page 90, line 9:
Delete "sec. 134"
Insert "sec. 135"

Page 90, line 16:
Delete "sec. 136"
Insert "sec. 137"

Page 90, line 18:
Delete "sec. 140(a)"
Insert "sec. 141(a)"

Page 90, line 21:
Delete "sec. 140(b)"
Insert "sec. 141(b)"

Page 90, line 24:
Delete "sec. 140(b)"
Insert "sec. 141(b)"

Page 90, line 27:
Delete "sec. 56"
Insert "sec. 57"
Delete "sec. 140(c)"
Insert "sec. 141(c)"

Page 90, line 30:
Delete "sec. 57"
Insert "sec. 58"
Delete "sec. 140(d)"
Insert "sec. 141(d)"

Page 91, line 2:
Delete "sec. 71"
Insert "sec. 72"
Delete "sec. 140(e)"
Insert "sec. 141(e)"

Page 91, line 5:
Delete "sec. 91"
Insert "sec. 92"
Delete "sec. 140(f)"
Insert "sec. 141(f)"

Page 91, line 8:
Delete "sec. 53, 91, and 133"
Insert "sec. 54, 92, and 134"

Page 91, line 9:
Delete "sec. 136"
Insert "sec. 137"

Page 91, line 11:
Delete "sec. 137 and 138"
Insert "sec. 138 and 139"

SENATOR HUGGINS objected for discussion purposes.

[10:01:32 AM](#)

DANIEL GEORGE, Staff, Senator Stoltze, Alaska State Legislature, Juneau, Alaska, reviewed Amendment 1, P.1 as follows:

Amendment 1 requires the Department of Corrections within 30 days after sentencing of an offender, the providing to a victim of a crime, information on the earliest dates the offender could be released on furlough, probation, or parole, including reductions for good time or other good-conduct incentives, and the process for release, including contact information for the decision making bodies.

Amendment 1 requires the court to provide the victim a form with information on who a victim may contact if they have questions about the sentence or release of an offender, the potential for release of the offender on furlough, probation, or parole for good-time credit, and allows the victim to update their contact information with the court and the Department of Corrections; this was brought to the committee by the Office of Victims' Rights.

CHAIR STOLTZE specified that the amendment was noted as "Stoltze," but the amendment was by-request from the Office of Victims' Rights, a branch within the legislative branch that is charged with implementing the provisions of the state's constitutional amendments.

SENATOR COGHILL stated that he would not object to the amendment. He assumed that the calculation would be for the earliest date of release when good time was taken into consideration.

[10:03:18 AM](#)

MR. DANIELS specified that the Department of Corrections would provide a no-earlier-than calculation within 30 days after sentencing.

CHAIR STOLTZE noted that Alaska had a Truth in Sentencing statute. He voiced that victims and the public should be made aware that the bill would bring about variations and recalculations. He revealed that he worked on the Truth in Sentencing in 1997 and noted that a sex child-offender case was highlighted at the time where the perpetrator was sentenced for 68 years, but only served a couple of years. He asserted that the public was given the wrong impression and deserved to know what the real sentence was.

SENATOR HUGGINS removed his objection.

[10:05:42 AM](#)

CHAIR STOLTZE announced that hearing no objection, Amendment 1 was adopted.

[10:05:45 AM](#)

CHAIR STOLTZE moved to adopt Amendment 2, labeled 29-LS0541\P.2.

AMENDMENT 2

Page 84, following line 31:

Insert a new bill section to read:

"***Sec. 140.** AS 47.27.015(i)(4) is repealed."

Renumber the following bill sections accordingly.

Page 90, line 18:

Delete "sec. 140(a)"

Insert "sec. 141(a)"

Page 90, line 21:

Delete "sec. 140(b)"

Insert "sec. 141(b)"

Page 90, line 24:

Delete "sec. 140(b)"

Insert "sec. 141(b)"

Page 90, line 27:

Delete "sec. 140(c)"

Insert "sec. 141(c)"

Page 90, line 30:

Delete "sec. 140(d)"

Insert "sec. 141(d)"

Page 91, line 2:

Delete "sec. 140(e)"

Insert "sec. 141(e)"

Page 91, line 5:

Delete "sec. 140(f)"

Insert "sec. 141(f)"

Page 91, following line 7:

Insert a new bill section to read"

"***Sec. 145.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT; NOTIVICATION. (a) Section 140 of this Act takes effect only if, before January 1, 2027, a court has entered a final judgment that AS 47.05.035, enacted by sec. 134 of this Act, is unconstitutional, and

(1) the time for appeal has expired; or

(2) if an appeal was taken, a final order on the appeal has been entered that AS 47.05.035, enacted by sec. 134 of this Act, is unconstitutional.

(b) The commissioner of health and social services shall notify the revisor of statutes if, before January, 2027, a court enters a final judgment that AS 47.05.035, enacted by sec. 134 of this Act, is unconstitutional, and the time for appeal has expired or a final order on the appeal has been entered."

Renumber the following bill sections accordingly.

Page 91, following line 11:

Insert a new bill section to read:

"**Sec. 149.** If sec. 140 of this Act takes effect under sec. 145, it takes effect on the day after the date that the revisor of statutes receives notice from the commissioner of health and social services under sec. 145 of this Act."

SENATOR HUGGINS objected for discussion purposes.

[10:05:50 AM](#)

MR. GEORGE reviewed Amendment 2, P.2 as follows:

Amendment 2 clarifies that the conditional repeal of the exemption from the ban of food stamps and temporary assistance for convicted drug felons is repealed if prior to 2027 a court has found the drug testing for state-assistance requirement unconstitutional.

There is a requirement that the revisor-statutes check for this sort of thing and they've started to set a sunset on when they will continue to look for that out 10 years, so that's why the date 2027 appears.

Essentially if the drug testing is found to be unconstitutional, the exemption on that ban for this particular population would be repealed.

CHAIR STOLTZE noted that for the record, the only message of unconstitutionality was delivered by a public assistance director and not by the Department of Law or high levels of the Walker Administration.

SENATOR HUGGINS removed his objection.

[10:06:59 AM](#)

CHAIR STOLTZE announced that hearing no objection, Amendment 2 was adopted.

[10:07:06 AM](#)

CHAIR STOLTZE moved to adopt Amendment 3, labeled 29-LS0541\P.3.

AMENDMENT 3

Page 20, line 21, following "information":

Insert "relating to the person's inability to post the required bail"

SENATOR HUGGINS objected for discussion purposes.

[10:07:11 AM](#)

MR. DANIELS reviewed amendment 3, P.3 as follows:

Amendment 3 corrects a drafting error in Section 37 regarding what was Item 14 in the Summary of Changes.

This limits a person to only one new bail hearing for new information relating to that person's inability to post the required bail.

Now that a person's inability to post bail can be taken into account under SB 91, the court system has reviewed this amendment and verified that it accomplishes the committee's intent.

CHAIR STOLTZE specified that the court system not only reviewed the amendment, but collaborated on it.

MR. DANIELS answered correct.

SENATOR HUGGINS removed his objection.

[10:07:48 AM](#)

CHAIR STOLTZE announced that hearing no objection, Amendment 3 was adopted.

[10:07:56 AM](#)

CHAIR STOLTZE moved to adopt Amendment 4, labeled 29-LS0541\P.4.

AMENDMENT 4

Page 47, line 15:
Delete "(1)"

Page 47, lines 16-18:
Delete "; or
(2) convicted of a violation of condition of
release under AS 11.56.757"

SENATOR HUGGINS objected for discussion purposes.

[10:08:06 AM](#)

MR. GEORGE reviewed Amendment 4, P.4, as follows:

Amendment 4 deletes the requirement under Section 73 that convictions for Violation of Condition of Release appear on CourtView.

The committee was concerned that these convictions may not appear on CourtView now that violation of condition of release is reduced from a crime to an offense under SB 91.

The court system has assured the chair's office that these offenses will show on CourtView even if they are just an offense, so this requirement is unnecessary in SB 91 and adds unnecessary confusion.

As a note, the requirement that Suspended Entry of Judgement appear on CourtView in Section 73 remains.

SENATOR HUGGINS removed his objection.

[10:08:45 AM](#)

CHAIR STOLTZE announced that hearing no objection, Amendment 4 was adopted.

[10:08:51 AM](#)

CHAIR STOLTZE moved to adopt Amendment 5, labeled 29-LS0541\P.5.

AMENDMENT 5

Page 38, lines 12-15:

Delete "the court shall, if feasible, send a copy of the motion to the Department of Corrections sufficiently in advance of any scheduled hearing to enable the Department of Corrections to notify the victim of that crime. If"

Insert "and"

SENATOR HUGGINS objected for discussion purposes.

[10:08:55 AM](#)

MR. GEORGE reviewed amendment 5, P.5 as follows:

Amendment 5 removes from Section 61 the requirement that the court shall send a copy of the probation officer's motion that probation be terminated to the Department of Corrections sufficiently in advance of any scheduled hearing to enable the Department of Corrections to notify the victim of that crime.

The courts brought this to our attention, they believe this is perhaps redundant or unnecessary at the least as the probation officer is already a member of the Department of Corrections, it would be unnecessary for them to give the court something which the court would then be required to give back to Corrections, Corrections can simply notify the victim themselves.

SENATOR HUGGINS removed his objection.

[10:09:36 AM](#)

CHAIR STOLTZE announced that hearing no other objection, Amendment 5 was adopted.

[10:09:39 AM](#)

CHAIR STOLTZE moved to adopt Amendment 6, labeled 29-LS0541\P.6.

AMENDMENT 6

Page 83, line 8, following "substances":

Insert "or who refuses to submit to a test required under this section"

Page 83, line 10, following "substances":

Insert "or from the date the person refused to submit to a test required under this section"

SENATOR HUGGINS objected for discussion purposes.

[10:09:45 AM](#)

MR. GEORGE reviewed Amendment 6, P.6, as follows:

Amendment 6 was brought to the committee's attention at the previous hearing by the Department of Health and Social Services; this clarifies that in addition to a person who tests positive for the illegal use of controlled substances, a person who refuses to submit to a test required under Section 134 is disqualified from seeking public assistance for 6 months, just like someone who had failed the drug test.

CHAIR STOLTZE explained that the amendment rose from the Administration's testimony about the refusal of the drug test as being consistent with other sections of statute.

MR. GEORGE replied that he concurred.

SENATOR HUGGINS removed his objection.

SENATOR WIELECHOWSKI noted that he questioned Amendment 6 on several grounds: right to privacy, search and seizure, provisions of the constitution, and the single-subject rule. He stated that he assumed more detailed analysis would be presented in the next committee of assignment.

CHAIR STOLTZE remarked that maybe the Administration would provide additional commentary as to why they don't believe that somebody with a drug conviction that receives a substantial benefit should have to show that they are not spending that money on something else.

SENATOR HUGGINS removed his objection.

[10:11:27 AM](#)

CHAIR STOLTZE announced that hearing no objection, Amendment 6 was adopted. He asked if there were any other amendments.

MR. GEORGE answered no.

CHAIR STOLTZE acknowledged that Senator McGuire, Senate Judiciary Chair, would look at the amendments proposed by the Moore family. He requested that an amendment regarding correction-officers involvement be addressed in the next committee of assignment as well. He added that he would broach the involvement of correction officers with Commissioner Williams as well.

MR. GEORGE pointed out that due to multiple versions of SB 91, 15 recently-updated fiscal notes would apply to the bill. He added that several members from administrative divisions and departments would speak to their notes individually.

[10:14:30 AM](#)

KELLY CUNNINGHAM, Alaska Division of Legislative Finance, Alaska State Legislature, Juneau, Alaska, addressed the fiscal notes for SB 91 and revealed that only the Department of Corrections had "hard numbers." She noted that the Department of Corrections may have used assumptions from The Pew Charitable Trusts to generate the fiscal note from their numbers. She verified that the math from the department's fiscal note added-up on the potential savings combined with the costs, but noted that the fiscal note was rather speculative. She added that other departments did not submit any costs for the 2017 fiscal-year (FY17).

CHAIR STOLTZE asked if reliance on a think-tank to provide financial data was unusual. He inquired why the Office of Management and Budget (OMB) or other entities were not used.

MS. CUNNINGHAM replied that she had not experienced the type of collaboration between the Department of Corrections and The Pew Charitable Trusts. She pointed out that the Department of Corrections used a lot of their calculation from the assumptions provided by The Pew Charitable Trusts to come up with the final numbers.

CHAIR STOLTZE asked Ms. Cunningham to verify that an advocate provided the fiscal analysis.

MS. CUNNINGHAM answered yes.

[10:16:49 AM](#)

CHAIR STOLTZE commented that his intent was to put on the record the use of an advocate to provide fiscal analysis. He admitted that the fiscal notes would be a moving target, but noted that

the bill's cost savings motive would certainly be addressed by the Senate Finance Committee.

SENATOR COGHILL remarked that he was grateful for The Pew Charitable Trusts in assisting with number-crunching. He said he did not know if The Pew Charitable Trusts was the primary advocate. He pointed out that downward pressure was applied from the Administration as well as the House and Senate leadership to look at three different cost-savings scenarios.

MS. CUNNINGHAM replied that she agreed. She said her intent was not to put the assistance solely on The Pew Charitable Trusts.

CHAIR STOLTZE admitted that he may have been leading the witness.

MS. CUNNINGHAM added that The Pew Charitable Trusts was invited by all three branches of government; but, they were in charge of the model that provided the assumptions.

[10:18:17 AM](#)

CHAIR STOLTZE asked Mr. George if he had any other comments on the fiscal notes.

MR. GEORGE commented that Ms. Cunningham had expressed to the Senate State Affairs office that the fiscal-note math made sense when looking at the number of inmates proposed to be reduced, multiplied by the daily-inmate cost. He said the Senate Finance Committee would have to examine how the fiscal note numbers were derived. He admitted that the fiscal note for next year's 1500 inmate reduction was a big round-number and he did not believe that the Division of Legislative Finance had been provided with the analysis for getting to the 1500 inmate-number.

SENATOR COGHILL remarked that the numbers would be more refined by the time the bill gets to the Senate Finance Committee.

[10:20:46 AM](#)

DEAN WILLIAMS, Commissioner, Alaska Department of Corrections, Anchorage, Alaska, stated that SB 91 involved a process that everyone had been working hard on fine tuning. He set forth that the Department of Corrections was supportive of SB 91.

CHAIR STOLTZE asked if Commissioner Williams was committed to continue his work for the Department of Corrections staff to have a meaningful advisory role. He said the staff's familiarity with inmates would benefit the public.

COMMISSIONER WILLIAMS replied that he totally supported Chair Stoltze's idea to involve people who work directly with the inmates. He stated that he would work with Senator McGuire if a statute was required.

CHAIR STOLTZE asked that the involvement of people who work directly with inmates be recognized in statute. He asserted that utilizing staff members would be an effective tool.

10:24:01 AM

WILLIAM COMER, Deputy Commissioner, Alaska Department of Public Safety, Anchorage, Alaska, testified in support of SB 91. He said he has worked with Senator Coghill on concerns that law enforcement had brought forward. He stated that law enforcement's concerns are being addressed and the department was supportive of the process. He remarked that the public discussion about criminal justice reform and victims' rights was difficult to have, but one that needs to happen.

10:24:50 AM

JOHN SKIDMORE, Director, Criminal Division, State of Alaska Department of Law, Juneau, Alaska, set forth that he echoed what Commissioner Williams and Deputy Commissioner Comer said. He stated that the Department of Law was in agreement that there were changes that could be made in the criminal justice system. He noted that the Department of Law participated in the Criminal Justice Commission and would continue to work with Senator Coghill's office closely throughout the process. He summarized that the Department of Law would continue to work with the stakeholders in the process to make sure that the right outcome was achieved for all Alaskans.

CHAIR STOLTZE commented that Commissioner Williams, Deputy Commissioner Comer, and Director Skidmore would have to figure out how to release the right prisoners. He opined that even though the whole concept for a fairer, smarter system was intended, releasing someone dangerous was going to happen due to the amount of people being released. He said figuring out the balance and tradeoffs was the reason why he remained skeptical of the process. He stated that he appreciated, especially from the Department of Law, the amount of work that was provided. He added that he acknowledged Director Skidmore's candor for being a valuable part of the process.

He summarized that he had put some of his concerns on the record and acknowledged that the process entailed changes to some of

the things that he believed were positive. He said he made his best efforts in the committee to work with the sponsor as well as working together on a number of amendments. He stated that the amendments were vetted through the sponsor's office and he would have made a lot more; however, SB 91 was Senator Coghill's bill. He thanked Senator Coghill and commented that he was the bill's biggest skeptic, but hoped that his criticism was constructive.

10:28:31 AM

SENATOR COGHILL stated that the work on SB 91 was a process, but the bill was not just his. He said the Criminal Justice Commission worked together as well as both bodies in the Legislature were involved on recidivism. He remarked that more recidivism meant more crime and less recidivism meant less crime. He said the goal was figuring out a way to turn recidivism around. He specified that the reason for the Criminal Justice Commission was to take a broad look at the criminal justice system whereas a one-committee approach would have meant sectional work that would have taken over a decade. He remarked that SB 91 was an omnibus bill that was a big-deal. He admitted that his views may have differed with Chair Stoltze, but concurred that the cornerstone issues were public safety and victims' rights.

He stated that several constitutional issues had to be balanced as follows:

- The right to privacy.
- The right to holding people in correctional facilities and treating them as human beings with the deepest respect.
- The right to speak.
- The right to associate.
- The right of victims.
- The right to due process.
- The right to a fair trial.
- The right to a quick and speedy trial.
- The right to have somebody be held accountable properly, but not necessarily wearied by their own government.

He said for Alaskans that go on their day and never engage the legal system, the goal is to have a justice system that allows freedom from fear of those who will steal for drug problems, kill because of anger, or just people who have mental illnesses that need to be held accountable in a different way.

SENATOR COGHILL remarked that the intent was for the reform to be evidence based as much as possible. He admitted that the chairman does not like The Pew Charitable Trusts and added that he would have pushed harder for the Council of State Governments (CSG) if he had known there would have been a problem. He stated that both The Pew Charitable Trusts and the CSG offered the same support and came up with the same conclusions. He admitted that he was not a fan of the liberal things that The Pew Charitable Trusts did; however, they tried to share evidence-based practices from whatever was going on all over the U.S.

He explained that the Commission tried to focus the prison-beds on serious-violent offenders. He asserted that some of the amendments made by the State Affairs Committee appropriately addressed violent offenders at a higher level. He specified that the intent was to deal with the misdemeanants because they were filling the jails and recidivating at a very high rate.

He asserted that reinvestment should be focused on violent individuals, substance abusers, and sexual assault offenders. He specified that treatment should occur inside jail prior to release in addition to programs and follow up after release. He declared that money could be saved by holding misdemeanants accountable and investing some of the savings in victim advocate programs like "Green Dot" or other appropriate treatment services. He stated that risk assessment was an important tool to invest in to get the right people to the right programs. He added that if money was available, risk assessment should occur in the pretrial area as well. He stressed that he did not want people to think that the reinvestment part had been lost on the committee.

[10:34:45 AM](#)

SENATOR COGHILL moved to report SB 91, version P, [as amended,] from committee with individual recommendations and attached fiscal notes.

SENATOR HUGGINS objected for further discussion. He stated that he was burdened by Ms. Haynes' testimony. He asked Senator Coghill to address what the bill says versus Ms. Haynes' perception.

SENATOR COGHILL explained that there were several things that Ms. Haynes misunderstood, but he did not want to make her testimony more painful. He reiterated that violent sexual offenders would be held accountable and were not eligible for early release. He emphasized that the committee added amendments

to stiffen penalties for violent offenders. He noted that ability to pay under pretrial was risk-assessed based. He reiterated that the emphasis was on misdemeanants.

SENATOR COGHILL stated that Mr. Moore brought up a legitimate point regarding sentencing disparity and agreed that one penalty did not match the other as far as the greatness of the crime, but noted that sexual assault had a sentencing range that was very different. He reiterated that the Criminal Justice Commission had taken a broad approach and noted that the geriatric provision addressed the diminishing value when a person was in jail for so long. He pointed out that a "lookback" existed that provided people with a chance to make their case before the parole board and emphasized that the parole board still makes the final decision. He added that he agreed with Chair Stoltze that the corrections officers should be involved in the parole discussion. He summarized that the point of emphasis was to keep people safe and hold people accountable, but to offer a pathway for people to redeem themselves.

[10:39:56 AM](#)

SENATOR MCGUIRE stated that she would focus on the following areas in the Senate Judiciary Committee:

- Tension between victims' rights and the need to punish those who have committed serious offenses.
- Good time and early release.
- Risk assessment and qualified categories.
- Roundtable discussions with law enforcement officials to address gaps in the bill.
- Address issues with John Skidmore and the Department of Law.
- Address corrections and probation officer involvement with Commissioner Williams.
- Address Mr. Moore's point.

She stated that her final focus area would be to address assessment and treatment. She remarked that the state's system of justice was fundamentally broken with recidivism rates that exceeded national averages for every type of criminal. She pointed out that the state annually spent approximately \$54,000 per prisoner, the equivalent of an Ivy League education. She asserted that risk assessment would separate serious offenders from individuals that need to get their lives back on the right path through workforce development, reentry support, or substance abuse and mental health treatment. She added that she

would create a binder for institutional reference points that could be revisited in the future.

CHAIR STOLTZE thanked the individuals that had spoken for victims and were very instrumental with the legislation for SB 91: Taylor Winston with Alaska Office of Victims' Rights, the Moore family who have turned a tragedy into something positive, and Ms. Haynes for her courage in testifying. He hoped that victims' rights would be maintained and protected.

[10:46:53 AM](#)

SENATOR COGHILL restated the motion to report SB 91, [labeled 29-LS054\P], as amended, from committee with individual recommendations and attached fiscal notes.

[10:47:11 AM](#)

CHAIR STOLTZE announced that without objection, CSSSSB 91(STA)] moved out of committee.

[10:47:22 AM](#)

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Committee at 10:47 a.m.