

HOUSE FINANCE COMMITTEE
October 28, 2017
10:04 a.m.
FOURTH SPECIAL SESSION

10:04:08 AM

CALL TO ORDER

Co-Chair Foster called the House Finance Committee meeting to order at 10:04 a.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Paul Seaton, Co-Chair
Representative Les Gara, Vice-Chair
Representative Jason Grenn
Representative David Guttenberg
Representative Scott Kawasaki
Representative Dan Ortiz
Representative Lance Pruitt
Representative Steve Thompson
Representative Cathy Tilton
Representative Tammie Wilson (via teleconference)

MEMBERS ABSENT

None

ALSO PRESENT

Jordan Schilling, Staff, Senator John Coghill; Don Habeger, Juneau Reentry Coalition, Juneau; Representative Bryce Edgmon; Representative Louise Stutes; Representative Dean Westlake; Representative Andy Josephson; Representative Harriett Drummond; Representative Ivy Sponholz; Representative Zack Fansler; Representative Jonathan Kreiss-Tomkins; Representative Geran Tarr; Representative Gary Knopp.

PRESENT VIA TELECONFERENCE

Senator John Coghill, Bill Sponsor; Greg Razo, Chair, Alaska Criminal Justice Commission; Julie Kitka, Alaska Federation of Natives, Anchorage; David Manza, Self, Anchorage; Mike Coons, Self, Palmer; Sarah Vance, Self,

Homer; Jacob Klapak, Self, Glacier View; Tony Piper ASAP Program Manager, Department of Health and Social Services; Suzanne DiPietro, Alaska Criminal Justice Commission; Todd Smoldon, Self, Willow; Marna Sanford, Self, Fairbanks; George Pierce, Self, Kasilof; Joe Schlanger, Self, MatSu; Nick Brockett, Self, MatSu; Edith Grunwald, Self, Palmer; Jeffery Temple, Fred Meyer, Portland, Oregon; Butch Moore, Self, Anchorage; Bonnie Lilley, Self, Anchorage; Sean Fitzpatrick, Self, Anchorage; Larry Whitaker, Licensed Professional Counselor, Kodiak; Tracie Rector, Self, Houston; Olivia Fellers, Self, Wasilla; Don Rasmussen, Self, Juneau; Shonda Erickson, Self, Wasilla; Noria Clark, Self, Anchorage; Karen Kirkpatrick, Self, Meadow Lakes; Deborah McIntyre, Self, Anchorage; Robert Moore, Self, Anchorage; Gary McDonald, Self, Anchorage; Pamela Samash, Self, Nenana; Maria Hass, Self, Anchorage; Christine Furey, Self, Ketchikan; Earl Lackey, Self, MatSu; Chris Eichenlaub, Self, Eagle River; Paul Hass, Self, Anchorage; Tom Tomasi, Self, Big Lake; Chris Hodel, Self, Anchorage; Michael Jeffrey, Self, Barrow; Barbara Greene, Self, Wasilla; Diane Schenker, Self, Anchorage; Representative Tammie Wilson

SUMMARY

SB 54 CRIME AND SENTENCING

SB 54 was HEARD and HELD in committee for further consideration.

Co-Chair Foster reviewed the meeting agenda.

#sb54

CS FOR SENATE BILL NO. 54(FIN)

"An Act relating to crime and criminal law; relating to violation of condition of release; relating to sex trafficking; relating to sentencing; relating to imprisonment; relating to parole; relating to probation; relating to driving without a license; relating to the pretrial services program; and providing for an effective date."

[10:05:32 AM](#)

JORDAN SCHILLING, STAFF, SENATOR JOHN COGHILL, provided a sectional analysis titled "Senate Bill 54" (copy on file). He began on slide 2 with a list of the bill's set of recommendations:

Mr. Schilling moved to slide 3 and read from a statement. He turned to slide 4 and addressed sex trafficking provisions and read from a statement.

[10:09:27 AM](#)

Co-Chair Foster noted that Senator John Coghill had joined the meeting online.

SENATOR JOHN COGHILL, BILL SPONSOR (via teleconference), provided opening remarks related to the bill. He emphasized that the changes in the bill were not small. The bill increased jail and sentencing time. He addressed alcohol related times. The Alcohol Safety Action Program would have a higher volume of traffic as a result and how that would work would have to be monitored. There were a broad range of issues - lower violence to high violence. The commission had recommended 90 days and it ended up at 120 days. He questioned whether a treatment program would be effective. He stated that thieving in Alaska was too high and was unacceptable. There would be a five-year lookback plus aggravators. The violations and conditions of release would be ramped up to a crime.

[10:14:32 AM](#)

Senator Coghill continued to provide opening remarks. He referred to a modification of pretrial services that would come into effect in January 2018. It was one of the primary public safety elements in SB 91 that would be shown as a good outcome. He appreciated the chance to present to the committee. He had been trying to keep new context out of the bill and to ensure public safety was paramount. The goal was to save money, but keep public safety stringent.

Representative Pruitt stated there were many people asking to repeal [SB 91]. He believed one of the concerns was that SB 54 would end the discussion. He wondered if the bill was passed whether he could go back to his constituents and say that the bill was not the "fix it and we're done bill" but providing continued work and compromise with more to come in the future.

Senator Coghill believed the question was on everyone's mind - was criminal justice reform working. He believed the answer was "yes." There would be an ongoing progress relationship between the legislature and the criminal justice system in the state. The Alaska Criminal Justice Commission would play a significant role. He referred to the current opioid epidemic facing the state. He discussed what had been done previously - The goal was to take some of the avenues in prison and introduce them into //. He underscored that the crime in many areas such as domestic violence and violent crimes was too high. The bill was a response to the outcry related to the issue. The bill was not a total repeal - he believed there were myriad good things that had come from SB 91 including the focus on high-risk, reducing sentences for people who do well, working to reduce recidivism, and other.

[10:21:14 AM](#)

Representative Pruitt referenced the commission and its role. He noted the individuals were unelected. He believed the commission's goal was to decrease the prison population. He thought concern about public safety had been missing from that mission. He wondered if Senator Coghill would consider a revision to the commission's mission to include public safety.

Senator Coghill stated that recidivism meant return rate. The commission had been asked to address what could be done to reduce the return rate. There were several places the commission had been asked to look at public safety, with the idea of keeping the public safe. He did not know how it got out that the commission had not been considering public safety.

Representative Pruitt believed the commission may be misunderstanding the goal. He mentioned testimony in the House Judiciary Committee.

[10:25:00 AM](#)

Senator Coghill stated that the commission would provide some testimony. He assured that the statement in the House Judiciary Committee was pertaining to public safety. He encouraged the committee to ask the commission to clarify the statement at a later time.

Co-Chair Foster addressed the remaining agenda.

Mr. Schilling moved to slide 5 of the sectional related to C-felonies. He continued to read from a statement. The commission had heard numerous concerns about the specific provision. He stated that SB 54 established a presumptive sentence up to one year.

[10:27:15 AM](#)

Mr. Schilling addressed Section 16 regarding sex offender probation. A decision had been made in one of the legislative committees, and it was recommended to establish a mandatory minimum. The minimums previously existing prior to SB 91 would be reinstated.

Mr. Schilling turned to Sections 17, 21, and 22 on slide 7 of the presentation. He continued to read from prepared remarks. He mentioned that in another section a five-year lookback was established.

[10:29:19 AM](#)

Mr. Schilling addressed Sections 1, 2, and 19 related to Class B misdemeanor sentencing. He continued to read from prepared remarks.

Co-Chair Foster recognized Representatives Ivy Sponholz and Zach Fansler in the audience.

Mr. Schilling continued to address the presentation through slide 13. He continued to read from prepared remarks.

Co-Chair Foster asked committee members to write their questions down and ask at a later time.

^PRESENTATION: ALASKA CRIMINAL JUSTICE COMMISSION

[10:35:05 AM](#)

Co-Chair Foster listed individuals available online and in the room for questions.

GREG RAZO, CHAIR, ALASKA CRIMINAL JUSTICE COMMISSION (via teleconference), provided a PowerPoint presentation titled "Alaska Criminal Justice Commission" dated October 26, 2017

(copy on file). He began on slide 2: "Commission Process." The commission process started with research. They had primarily been addressing what would work to reduce recidivism. The recidivism rate was about 56 percent - two out of three individuals returned to prison within three years. The commission had kept in mind accountability and public safety. He underscored that public safety was at the core of the commission's mission. The recommendations to the commission had come from over 53 public hearings by the commission.

[10:39:49 AM](#)

Mr. Razo continued to address the commission process on slide 2. He discussed system assessment.

[10:42:34 AM](#)

Mr. Razo moved to slide 3 and addressed the commission makeup and the cost of funding the commission. He pointed to the questions listed on slide 3:

1. Avert all future prison growth
2. Avert all future prison growth and reduce current population by 15 percent
3. Avert all future prison growth and reduce current population by 25 percent

Mr. Razo elaborated on slide 3.

[10:46:44 AM](#)

Mr. Razo moved to slide 4: "Goals of Criminal Justice Reform" and slide 5: "Reinvest in Programs Proven to Reduce Recidivism and Protect Public Safety: Reinvestment in FY 17 and FY 18":

1. Reinvest in Programs Proven to Reduce Recidivism and Protect Public Safety
2. Implement Evidence-Based Pretrial Practices
3. Focus Prison Beds on Serious and Violent Offenders
4. Strengthen Probation and Parole Supervision
5. Improve Reentry Programming

6.Ensure Oversight and Accountability

Mr. Razo looked at slide 5: "Goals of Criminal Justice Reform":

Reinvest in Programs Proven to Reduce Recidivism and Protect Public Safety -

Reinvestment in FY 17 and FY 18

Substance Abuse Treatment: \$2,500,500
Reentry Support: \$3,000,000
Violence Prevention Programs: \$3,000,000
Two-year total: \$8,500,000

Mr. Razo moved to slide 6: "Reinvestment Detail."

Mr. Razo highlighted slide 7: "Reinvest in Programs Proven to Reduce Recidivism and Protect Public Safety: Future Reinvestment 2019 - 2022":

Reinvest in Programs Proven to Reduce Recidivism and Protect Public Safety Future Reinvestment 2019 -2022:

- \$4,000,000 for treatment in CRCs
- \$4,000,000 for treatment in prison
- \$8,000,000 for treatment in the community and reentry services (note about ¼ of this amount projected to come from Medicaid reform)
- \$8,000,000 for violence prevention programs in the community

Mr. Razo addressed slide 8: "Invest in Evidence-Based Pretrial Practices."

Mr. Razo advanced to slide 9: "Evidence-Based Pretrial Practices":

Pretrial Before and After SB 91 - What's the Difference?

Pre-SB 91

Release based on payment of bail to ensure appearance

Amount of bail set is used as a proxy for a defendant's risk

No supervision of defendants who are released

Heavy reliance on civilian third-party custodians

Starting January 2018

Release based on results of a risk assessment and the offense

Risk assessment calculates a defendant's risk of failure to appear and of a new arrest

Supervision (based on risk level) of defendants who are released

Restrictions on use of third-party custodians

[10:51:25 AM](#)

Mr. Razo slide 10: "Focus Prison Beds on Serious and Violent Offenders."

Mr. Razo addressed slide 11: "Strengthen Probation and Parole Supervision."

Mr. Razo moved to slide 12: "Strengthen Probation and Parole Supervision."

Mr. Razo advanced to slide 13: "Reduce Prison Expenses while preserving Public Safety."

Mr. Razo addressed slide 14: "Prison Population Decreased 437 Beds Since Implementation":

Avoided costs:

\$3.8 million in annual prison growth costs in FY1

7

Reduced operational costs:

\$5.6 million saved by DOC's closure of the 500-bed Palmer Correctional Center (inmates were sent to other facilities);

Costs about \$42/day to house a prisoner -marginal cost

Mr. Razo turned to slide 15: "Alaska Criminal Justice Commission Recommended Changes to Sentences: For first-time Class C Felonies":

For first-time Class C Felonies

Commission Recommendation

Enact a zero to 90 day presumptive sentencing range

Retain suspended time of up to 18 months

Current

SB54 contains a zero-to-one year presumptive sentencing range

Fiscal implications: more prison use = more prison costs

[10:57:37 AM](#)

Mr. Razo addressed slide 16: "Alaska Criminal Justice Commission Recommended Changes to Sentences: Return VCOR to misdemeanor status":

Return VCOR to misdemeanor status

B Misdemeanor

Punishable by up to 5 days in prison

Allow imposition of a term of probation

[10:58:32 AM](#)

Mr. Razo moved to slide 17: "Alaska Criminal Justice Commission Recommended Changes to Sentences: Increase penalties for repeat Theft 4 offenders (e.g., shoplifting)":

Increase penalties for repeat Theft 4 offenders (e.g. shoplifting)

Up to 10 days in jail for third-time offenders

SB54 allows up to 10 days active time for third-time petty theft offenders, and also raises penalties for first and second-time offenders to include active jail time.

Fiscal implications: In 2014, when Theft 4 penalties included active jail time, DOC received 324 admissions for Theft 4.

Mr. Razo directed attention to slide 18: "Alaska Criminal Justice Commission Recommended Changes to Sentences: Changes to ASAP." He reported that ASAP had been around for a long time, but did not have the resources to continue with the workload it was being given.

Mr. Razo looked at slide 19: "Arrest and Intoxication Issues":

Changes to ASAP

Commission found: ASAP received many referrals, did not necessarily have time to actively monitor so many offenders

Recommended that ASAP referrals be limited unless more funding given; SB 91 limited referrals but increased workload to high risk offenders

Amendments to SB 54 in HJUD expands referrals again

[11:02:03 AM](#)

Mr. Razo looked at slide 19: "Other Issues":

Disorderly conduct

SB 54 as amended in HJUD raises penalty from 24 hours to up to five days.

Fiscal implications: in 2014, before reform, DOC received 271 individuals admitted for disorderly conduct.

Changes to release rules for some intoxicated arrestees -

Commission is actively working on this issue

Mr. Razo concluded his presentation on slide 20: "Arrest and Intoxication Issues":

Disorderly conduct

SB 54 as amended in HJUD raises penalty from 24 hours to up to five days.

Fiscal implications: in 2014, before reform, DOC received 271 individuals admitted for disorderly conduct.

Changes to release rules for some intoxicated arrestees -

Commission is actively working on this issue.

[11:03:03 AM](#)

AT EASE

[11:07:49 AM](#)

RECONVENED

^PUBLIC TESTIMONY: STATEWIDE

[11:07:56 AM](#)

Co-Chair Foster opened public testimony.

[11:08:49 AM](#)

JULIE KITKA, ALASKA FEDERATION OF NATIVES, ANCHORAGE (via teleconference), spoke in support of SB 54. She reported

that AFN had deliberated over the legislation. Originally the entity opposed SB 54 because SB 91 was policy based. AT the 2017 convention redirected its position and was in support OF SB 54and urged the legislature to act quickly. She emphasized the need for access to treatment immediately. She urged members to pass SB 54.

Co-Chair Foster recognized Representative Johnathan Kreiss-Tomkins.

[11:14:22 AM](#)

DAVID MANZA, SELF, ANCHORAGE (via teleconference), spoke in favor of a total repeal of SB 91. He mentioned someone's car getting broken into in the Doyon parking lot. He opined that. He argued that jail time was a deterrent. He mentioned suspended time and ankle monitoring. He indicated that non-violent crimes had victims. He believed the crime in Alaska was akin to living in the Wild West. He referred to Representative Lora Reinbold's Facebook page. He advocated a full repeal of SB 91. He read from a top ten list from Representative Reinbold.

[11:22:01 AM](#)

MIKE COONS, SELF, PALMER (via teleconference), opposed SB 54 and SB 91. He wanted to see pedophiles in jail for a minimum of 10 years. He advocated killing the bill, repeal SB 91 and to redesign the bill during regular session. He reminded members about what happened in the Wild West.

Vice-Chair Gara indicated that the rape of a child sentencing was not changed with SB 91.

[11:27:33 AM](#)

SARAH VANCE, SELF, HOMER (via teleconference), advocated for a full repeal SB 91 and SB 54. The majority of the people felt they were no longer protected. She claimed that there was a lack of public trust at present. She thought the way the law was written encouraged citizens to carry concealed weapons. She spoke about her own mother carrying a weapon when she was in Anchorage up from Homer. A punishment needs to truly be a punishment. The citizens felt unsafe. She asked the legislature to protect Alaska's citizens. She spoke of Alaska being the 6th worst state for

car theft incidents. She advocated for substantive changes to SB 54 and a full repeal of SB 91.

[11:32:57 AM](#)

JACOB KLAPAK, SELF, GLACIER VIEW (via teleconference), spoke in opposition of SB 54 and in favor of a full repeal of SB 91. He indicated he had a friend with first-hand experience around SB 91. He encouraged a change for generating morale within the police force as well. He spoke of a friend who was a police officer. He relayed that he had only heard negative stories regarding the effects of SB 91. He spoke of the importance of accountability in people's lives. He commented on the remarks from the previous testifier about criminals being rehabilitated. He continued to relay a personal experience. He wondered if legislators had heard success stories from SB 91. He thought criminals should stand in front of a judge instead of being put back on the streets.

[11:38:37 AM](#)

Co-Chair Foster indicated that there were a number of department heads needed to leave at noon and would allow committee members to ask questions until noon.

Representative Ortiz asked Mr. Razo about slide 17 regarding the ASAP program. He wondered if MR. Razo had testified about the effectiveness of the ASAP program.

Mr. Razo deferred to Mr. Piper.

[11:40:55 AM](#)

TONY PIPER ASAP PROGRAM MANAGER, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (via teleconference), stated that the ASAP program was a cost-effective program in the study.

Representative Ortiz queried the ways in which the ASAP program was effective.

Mr. Piper replied that the monitoring program put people into treatment sooner, and ensured that the participant completed the program.

Representative Pruitt wondered whether the focus of the commission was on the fiscal impact of criminal justice.

Mr. Razo responded that the focus was always public safety and recidivism reduction.

Representative Pruitt believed that the goal was not to save money with a larger focus recognizing that the legislature had not given you the focus outside of fiscal responsibility.

Mr. Razo indicated that the statute that form the commission AS 44.19.645 made it clear that the responsibilities were already outlined. He read from the statute.

[11:48:51 AM](#)

Representative Pruitt returned to the presentation that did not have any statute references and focused on the fiscal aspects of SB 91. He thought Mr. Razo was not taking into account the rights of citizens and that the aspects of the presentation had more to do with finances.

Mr. Razo rebutted that he had prepared a presentation based on the fact that it was being presented to the House Finance Committee. He was happy to present on

Co-Chair Foster acknowledged Representative Geran Tarr in the room

[11:51:39 AM](#)

Representative Grenn referred to pages 8 and 9 regarding pre-trial practices. He queried the results from other states. He also wondered how the program would make the public safer.

Mr. Razo deferred to Ms. Depietro. He stated that the pre-trial division of DOC would not begin until the beginning of 2018, so that portion of SB 91 had not gone into effect. He remarked that the bail schedule was the most troubling for people in the state.

[11:53:59 AM](#)

SUZANNE DIPIETRO, ALASKA CRIMINAL JUSTICE COMMISSION (via teleconference), stated that pre-trial risk assessment and evidence based pre-trial practices were programs that had

been enacted in many other states. She stated that the best documented was in Kentucky. She stated that the idea behind pre-trial risk assessment was that additional information was provided to the decision makers. She stated that the pre-trial risk assessment tool developed in Alaska would be used to provide more information to the judges, and to the lawyers in the courtroom. She stated that another element of the program were pre-trial enforcement officers who would monitor those who released pre-trial.

[11:57:54 AM](#)

Co-Chair Foster wanted to return to public testimony. He would come back to questions from the committee shortly.

[11:58:14 AM](#)

TODD SMOLDON, SELF, WILLOW (via teleconference), spoke negatively about the actions of the legislature. He felt the legislature was manipulating the numbers. He noted that oil production and oil revenues were up. He opined that SB 91 was passed to reduce costs rather than to reduce crime. He suggested that it was a priority issue rather than. He asked members to repeal SB 91 and gavel out.

[12:01:36 PM](#)

MARNA SANFORD, SELF, FAIRBANKS (via teleconference), reported being angry about the misinformation about SB 91 and what it did. She thanked Vice-Chair Gara for correcting a previous testifier about sentencing for rapists. She //. She was a public defender with many years of experience sitting in the courtroom. Ultimately, she did not believe it would be a good thing for the state to repeal SB 91. She encouraged investment in treatment and reentry programs.

[12:04:39 PM](#)

Vice-Chair Gara shared her comments about accurate information. He wondered if Ms. Sanford knew the details of SB 91 and SB 54.

Ms. Sanford responded that she was pretty familiar with both bills.

Vice-Chair Gara asked about her affiliations with other groups.

Ms. Sanford responded that she often testified on behalf of the Tanana Chief's Council.

Vice-Chair Gara spoke about her husband's car getting broken into.

Ms. Sanford agreed and mentioned a testifier in the House Judiciary Committee.

[12:08:29 PM](#)

Vice-Chair Gara commented that SB 91 still left jail time if someone broke into someone's home. Under SB 54 a first-time theft there would be jail time.

Ms. Sanford had not been excited about SB 91 at first. However, she had a lot of confidence in the Alaska Commission on Criminal Justice.

[12:11:30 PM](#)

Vice-Chair Gara had practiced criminal law for a brief time. He wanted to ask a question about the "No drinking" rule.

Ms. Sanford definitely could get behind the "No drinking" rule. She appreciated the committee's work and supported SB 54.

[12:13:45 PM](#)

Representative Guttenberg appreciated Ms. Sanford's perspective.

Ms. Sanford thought the reform had to be carefully considered. She reported that when she heard about the reform she wanted to be involved. There were huge problems and she was glad Alaska was trying to tackle the problem. She indicated that whatever the legislature decided to do, she believed the system was broken and was glad something was being changed. She was sympathetic to the concerns of citizen, but also felt that some of the people were misinformed.

[12:17:15 PM](#)

Co-Chair Seaton was concerned with Alaska's judicial system. He remarked that there were disproportionate sentences, specifically related to disorderly conduct. He wondered whether there was a concern about up to a five-day hold would be a way to return to disproportionate sentencing based on the offender rather than the offense.

Ms. Sanford agreed that those who had higher sentences tended to be part of minority populations. She stated that the statute for disorderly conduct contained a large array of conduct.

[12:19:51 PM](#)

Representative Grenn mentioned crimes on a person. He expressed concern that some of the felonies did not have jail time. He wondered whether there was a support for more jail time for Class C felonies.

Ms. Sanford replied that prior to SB 91 it was possible someone would receive zero jail time. She noted that the range for a Class C felony was a range of zero to 2 years. She supported allowing a bit more discretion.

Representative Pruitt had received information that people in the public who felt that allowing an attorney who had an interaction with OPA had given more time than the other public.

Co-Chair Foster remarked that it was the committee's discretion.

[12:23:26 PM](#)

GEORGE PIERCE, SELF, KASILOF (via teleconference), spoke in favor of SB 54. He urged members not to repeal SB 91 forcing starting all over again. He had read the commission's report. He thought reform needed to include punishment that fit the crime. Crimes needed punishment. He thought he should clean out his gun and take care of the problem himself. He urged members to address the problem immediately.

[12:26:42 PM](#)

Representative Pruitt asked if Mr. Pierce had read the entire bill.

Mr. Pierce indicated he had not read the bill. However, his wife had read the bill.

Representative Pruitt praised Mr. Pierce's wife for reading the bill.

Mr. Pierce wished everyone had read the bill because it was a big mess.

[12:28:18 PM](#)

JOE SCHLANGER, SELF, MATSU (via teleconference), advocated for a full repeal of SB 91.

[12:29:24 PM](#)

NICK BROCKETT, SELF, MATSU (via teleconference), spoke in opposition of SB 54.

[12:30:46 PM](#)

EDITH GRUNWALD, SELF, PALMER (via teleconference), spoke in opposition of SB 91 and thought it should be repealed. She wanted to see SB 54 implement tougher sentencing. She thought when a person committed a crime there needed to be consequences. She urged members to make tough consequences for criminals. She thought criminals needed to know there would be consequences. She shared a story of her friend's murder. She also advocated improving recruitment and retention of Alaska State Troopers.

Representative Tilton thanked Mrs. Grunwald for her testimony and offered her condolences. She encouraged her to also submit her written testimony as well.

[12:36:13 PM](#)

Representative Pruitt asked if Mrs. Grunwald had read the bill and asked if she felt her concerns were being addressed.

Mrs. Grunwald responded that she did not think so.

[12:37:57 PM](#)

JEFFERY TEMPLE, FRED MEYER, PORTLAND, OREGON (via teleconference), offered support for SB 91. It was an unacceptable increase in theft. The numbers were only what had been caught. He read from a prepared statement.

Co-Chair Foster asked Mr. Temple to send in his written testimony as well.

[12:42:36 PM](#)

Vice-Chair Gara asked Mr. Temple to send the details of the knife incident. He wanted to contact the Anchorage Police Department to find out why the person was not arrested.

Mr. Temple asked for Vice-Chair Gara's information.

[12:43:54 PM](#)

Representative Grenn had a Fred Meyer in his district. Recently, the store had closed one of its entrances because of shoplifting. HE wondered if it was impacting business at his store and whether it was impacting customer shopping behavior.

Mr. Temple would try to provide more information.

[12:45:36 PM](#)

BUTCH MOORE, SELF, ANCHORAGE (via teleconference), stated that his daughter had been murdered, and he helped advocate for the passage of SB 91. He also stated that he helped to pass Bree's Law. The governor had authorized the go-ahead about education in the Anchorage School District. They put forward that there was no education. He wanted to see her name incorporated into the new law, because it was not currently included.

[12:50:35 PM](#)

Representative Pruitt asked about Mr. Moore's thought on the amendment that had passed earlier.

Mr. Moore responded that after it had passed, he had worked with Harry Crawford. He thought the legislature could do a lot of good with SB 54. He wanted her name in statute which would help at the federal level.

[12:54:58 PM](#)

BONNIE LILLEY, SELF, ANCHORAGE (via teleconference), reported that 6 separate shootings had occurred on her street. She mentioned that every local convenience store had been robbed. She no longer felt safe to leave her house at night. She lived in an area where a significant amount of drug trafficking was occurring. She now barricaded her door at night in order to hear an intruder ahead of being able to get out her gun. She thanked the committee for its time.

[1:01:37 PM](#)

SEAN FITZPATRICK, SELF, ANCHORAGE (via teleconference), stated that the drug climate was already bad. He shared a story of crime in his community. He stated that law enforcement could not really doing anything.

[1:04:13 PM](#)

LARRY WHITAKER, LICENSED PROFESSIONAL COUNSELOR, KODIAK (via teleconference), believed the bill was moving in the right direction, but did not go far enough. He spoke to the importance of consequences for individuals' actions. He supported stronger sentencing.

[1:05:59 PM](#)

TRACIE RECTOR, SELF, HOUSTON (via teleconference), opposed SB 54 and supported a repeal of SB 91. She read from a prepared statement sent to legislators: (FIND THIS TO INSERT).

[1:08:24 PM](#)

OLIVIA FELLERS, SELF, WASILLA (via teleconference), spoke of a personal experience of having her house broken into. Some weapons and cash were stolen from her. She thought crime had become more of a problem She provided examples of people on drugs and acting strangely in her neighborhood. She advocated for harsher laws. She opined that criminals were having their hands slapped but have continued committing crimes. She indicated one of her children had moved in with her.

[1:10:53 PM](#)

Vice-Chair Gara wondered whether a longer sentence for a second time offence would be satisfactory.

Ms. Fellers responded affirmatively and encouraged additional counseling for the offender.

Vice-Chair Gara also mentioned that breaking into someone's house was a Class C felony and was a jail able offense.

Co-Chair Foster indicated that he would consult with committee members then come back.

[1:12:38 PM](#)

AT EASE

[1:13:58 PM](#)

RECONVENED

Co-Chair Foster indicated that the committee would reconvene at 1:45 PM.

[1:14:28 PM](#)

AT EASE

[1:47:30 PM](#)

RECONVENED

Co-Chair Foster asked the public to communicate whether or not they support SB 54.

[1:48:22 PM](#)

DON RASMUSSEN, SELF, JUNEAU (via teleconference), testified against the legislation. He spoke from the perspective as retired law enforcement. He believed SB 54 and the previously passed SB 91 were a waste of time. He believed much time was being spent on protecting the rights of criminals. He asked about the rights of citizens victimized by criminals. He provided a scenario about burglarizing homes. He applauded the efforts and what the bill was trying to accomplish, but he did not believe it was working.

[1:51:50 PM](#)

SHONDA ERICKSON, SELF, WASILLA (via teleconference), testified against the bill. She shared that she had been following SB 54 and was familiar with SB 91. She referred to amendments to SB 54 passed earlier in the week in the House Judiciary Committee meeting. the state was not showing that the victims of the crimes were being protected. She stated that SB 91 had been a mistake to begin with. She believed the changes under the bill were wrong.

Vice-Chair Gara agreed that only getting a ticket for car theft was not sufficient. He noted that under the bill // an aggravator was longer. He asked if the changes would work for her.

Ms. Erickson answered that the needed amendments had not been passed. She believed recovery was possible, but she believed the government needed to show more respect for recovery.

Vice-Chair Gara stated that it would be a conviction for first offense.

[1:56:45 PM](#)

NORIA CLARK, SELF, ANCHORAGE (via teleconference), testified against the bill. She opposed the prior passage of SB 91. She believed SB 54 was putting a band aid on the problem. She provided detail. She stated that currently the FBI was doing the job the state should be doing. She found it very offensive. She found some of the actions under the bill ridiculous. She implored the committee to get it together. She stressed that the legislature was wasting the public's time.

[2:01:49 PM](#)

Co-Chair Foster relayed that the committee would also hear public testimony on Monday evening. He relayed the time was 5:00 to 9:00 pm on Monday.

[2:02:35 PM](#)

KAREN KIRKPATRICK, SELF, MEADOW LAKES (via teleconference), shared that her renter's insurance was increasing due to more claims made in the region. She was upset because she was living on a fixed income. She relayed that someone had

tried to break into her unoccupied apartment below her the previous night. She was upset she was having to pay for the government's mistakes. She reemphasized making the laws stricter and stop making plea deals. She thought crime would diminish. She also noted that the cars being stolen could be being shipped out of the state.

2:05:53 PM

DEBORAH MCINTYRE, SELF, ANCHORAGE (via teleconference), spoke in favor of being tougher on crime. She had been a resident of Anchorage since 1976. She noted she was 33 years sober. She indicated she did not feel safe in her home. She also noted Fred Meyer locking one of its entrances. She mentioned hearing the word "security" in stores. Another testifier had verbalized her feelings. She mentioned judges releasing criminals early in their sentences. She continued to testify about not feeling safe in Anchorage. She also noted that forcing someone into rehab. She wanted the legislature to provide safety to Alaska citizens. She thought Representative Pruitt cared but was unsure about other legislatures.

2:11:07 PM

ROBERT MOORE, SELF, ANCHORAGE (via teleconference), did not believe Alaska's penal system was working. He spoke to the need for consequences to committing crimes. He did not think criminals would stop without consequences. He wanted the state to be tougher on crimes. He favored rehabilitation. He wondered who benefited from SB 91. He asked if legislators represented citizens or criminals. He thought people who were being released needed proper tools to prevent them from returning to crime. He wanted criminals to be rehabilitated.

2:15:07 PM

GARY MCDONALD, SELF, ANCHORAGE (via teleconference), spoke against SB 54 and SB 91. He was disappointed with the legislature. He suggested using one of the prison facility as a rehabilitation center. He thanked Representative Pruitt, Representative Reinbold, and Representative Eastman for their work.

Co-Chair Foster indicated there was no one online. He advised that anyone wanting to testify to make sure to sign

up online by 4:30 PM. The committee would stand at ease until 3:00 PM.

2:17:56 PM

AT EASE

3:02:16 PM

RECONVENED

Co-Chair Foster indicated the committee would continue hearing public testimony.

3:02:47 PM

DON HABEGER, JUNEAU REENTRY COALITION, JUNEAU, read from a prepared statement:

"The Juneau Reentry Coalition supports the State's efforts to implement Smart Justice as defined by the Alaska Criminal Justice Commission.

We support the implementation of statewide and community level treatment and services that are designed to increase the successful return to our community and decrease recidivism rates.

The coalition supported SB 91.

We recognized that SB 91 was an expansive change to our criminal justice laws, may require refinements, and SB 54 is a part of the refinement process.

We ask that during your deliberation on SB 54, you stay mindful of our Smart Justice precepts, avoid reverting back to a "lock'em up and throw away the key" mentality, and continue the application of community reinvestment into appropriate treatment and services. The Juneau Reentry Coalition supports SB 54. Thank you."

3:04:03 PM

Representative Grenn asked Mr. Habberger to share some success stories with the committee.

Mr. Haberger indicated there were several success stories. He indicated that approximately 20 people that were at Lemon Creek that were being helped.

Representative Grenn asked how a repeal of SB 91 would affect the coalition's efforts.

Mr. Harberger responded that there was an effort to work with those prior to release.

[3:07:06 PM](#)

Representative Guttenberg wondered how the coalition's program helped to make communities safer.

Mr. Haberger replied that approximately 90 percent of those incarcerated ended up back into the program, and return to cycles of criminal behavior. He stated that there was a hope to connect those who want to change with treatment, which was a lower cost alternative to incarceration.

Vice-Chair Gara asked that without SB 91 - he wondered about helping individuals prior to release.

Mr. Haberger relayed that the coalition was volunteer-based except for his position which was funded through the Alaska Mental Health Trust Authority.

[3:15:23 PM](#)

Vice-Chair Gara understood the idea of providing treatment in order to have people avoid reincarceration. He queried the investment in housing, job training, and education.

Mr. Haberger indicated that the coalition worked in all of the areas Vice-Chair Gara mentioned.

Co-Chair Seaton asked if Mr. Haberger had any estimated of how many people the coalition dealt with related to those incarcerated with opioid use disorders.

Mr. Haberger did not have concrete numbers. He stated that there was a suggestion that up to 80 percent of people incarcerated had an opioid substance use disorder.

Representative Tilton mentioned being in Anchorage and hearing testimony that when an individual was incarcerated

did not have access to programs that they would after being incarcerated.

Mr. Haberger replied that in his experience with the Lemon Creek Facility was presently trying to find a substance use counselor.

[3:20:33 PM](#)

PAMELA SAMASH, SELF, NENANA (via teleconference), mentioned having made alternative suggestions. She believed in thinking outside of the box.

[3:24:20 PM](#)

MARIA HASS, SELF, ANCHORAGE (via teleconference), commented that the public testimony was not properly noticed. She argued that crime had risen to unacceptable levels. She spoke against SB 91. She believed the state was in survival mode. She suggested that since Alaskan only received half of their PFDs and the rest was being spent on cameras.

Co-Chair Foster noted there would be another opportunity to testify on the following Monday from 5:00 PM to 9:00 PM.

[3:28:10 PM](#)

NICOLE BORROMEO, ALASKA FEDERATION OF NATIVES, ANCHORAGE read from a prepared statement.

[3:30:18 PM](#)

CHRISTINE FUREY, SELF, KETCHIKAN (via teleconference), felt that advocate services were imperative for the success of people coming out of imprisonment. She shared a little about her personal background as a previous substance abuser.

[3:34:19 PM](#)

Representative Ortiz commended Christine for her testimony.

[3:34:41 PM](#)

Representative Grenn noted she had been in long-term recovery. He wondered how long it took her to get clean and remain clean.

Ms. Furey responded that she had tried several times to get sober without success. She stated that she spent 14 years in active addiction. She stated that she was almost five years clean.

Representative Grenn asked whether Ms. Furey was in Southeast Alaska.

Ms. Furey responded that she was primarily in Southeast Alaska.

[3:36:18 PM](#)

EARL LACKEY, SELF, MATSU (via teleconference), expressed concerns with SB 91. He did not think it was working, although he appreciated the legislatures efforts. He provided an example of a dealership being burglarized. He opined that there were several good parts of SB 91. However, the petty thefts needed addressing, as there was a significant amount of theft. He did not believe SB 54 would provide the answers needed to address the problems. He thought all of the thefts were atrocious.

[3:39:10 PM](#)

Vice-Chair Gara relayed that the thefts Mr. Lackey mentioned were felony thefts.

Mr. Lackey responded that it would help, but it would not reduce the number of people in jail. He was uncertain what the answers should do.

Vice-Chair Gara did not believe Mr. Lackey needed to apologize.

[3:41:15 PM](#)

CHRIS EICHENLAUB, SELF, EAGLE RIVER (via teleconference), thought SB 91 should be repealed. He thought Alaska had already been soft on crime prior to SB 91. He did not believe SB 91 was working. He thought legislators should return to the baseline. He understood that the idea was to save money. However, he thought in the long run the state had not saved any money. He thought SB 91 was meant for criminal sympathizers. He thanked the committee for hearing his testimony.

3:45:18 PM

PAUL HASS, SELF, ANCHORAGE (via teleconference), indicated there had been an increase in crime since the implementation of SB 91. He mentioned that he was carrying anytime he walked his dog. He expressed extreme frustration and posed the questions.

3:47:17 PM

TOM TOMASI, SELF, BIG LAKE (via teleconference), spoke to being robbed for about \$2000. He reported never seeing crime as bad as it was currently. He spoke in favor of repealing SB 91 entirely. He noted feeling very vulnerable and advocated stiffer penalties. He was unclear about the answers to the problem but did not want to live in fear walking down the street. He opined that t SB 91 needed to be revamped. He thanked the committee for its time.

3:50:00 PM

Vice-Chair Gara stressed that burglaries were jail-able offenses, and weapons brought a higher sentence. He queried the solution.

Mr. Tomasi advocated standing together. He advocated making a hard fence. He suggested modeling Alaska jails like jails in Puerto Rico.

3:52:12 PM

CHRIS HODEL, SELF, ANCHORAGE (via teleconference), advocated for a full repeal of SB 91. He suggested that the legislature worked a second bill the 9discouraged certain crimes. The crime in Anchorage had gotten ridiculous. He wanted the punishment worthwhile. He did not fee legislators were listening to the public. He has had enough of the crime.

3:54:33 PM

MICHAEL JEFFREY, SELF, BARROW (via teleconference), lived in Barrow for 40 years and had worked for the court system. He provided information on his professional background. He supported SB 54, an elements-based approach. He thought the

cause of the increase in crime was not due to SB 91. He thought it was attributed to other factors.

Co-Chair Foster indicated that members of the public wanting to testify needed to be signed up by 4:30 PM. The committee would stand at ease until then.

3:57:55 PM

AT EASE

4:32:30 PM

RECONVENED

Co-Chair Foster called the meeting back to order and proceeded with public testimony.

4:32:59 PM

BARBARA GREENE, SELF, WASILLA (via teleconference), spoke in favor of repealing SB 91. She shared personal beliefs about crime. She advocated focusing on public safety. She did not believe 5 days was enough to make minor changes to SB 91.

4:37:05 PM

DIANE SCHENKER, SELF, ANCHORAGE (via teleconference), supported a full repeal of SB 91. She asked if members knew how long it took to analyze finger prints. She wondered if there were concerns about the amount of money was being spent. She encouraged members to ask themselves her questions. She also asked about third-party custodians. She asked about the failure rate of third party custodians. She did not believe a bill that was 125 pages was a good bill.

4:42:49 PM

Representative Tilton thanked the public for taking the time to provide their testimony. She expressed concerns about the administration having left around noon, especially since the governor called the special session. She thanked the public and the other members of the committee for being at the meeting.

Co-Chair Foster announced that amendments were due to the legislative legal services no later than Tuesday, October

31, 2017 at 1:00 PM. Amendments were due to his office by 5:00 PM on Wednesday, November 1, 2017.

#

ADJOURNMENT

4:45:25 PM

The meeting was adjourned at 4:45 p.m.