

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

October 24, 2017

6:02 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Zach Fansler, Vice Chair  
Representative Jonathan Kreiss-Tomkins  
Representative Gabrielle LeDoux  
Representative David Eastman  
Representative Chuck Kopp  
Representative Charisse Millett (alternate)

**MEMBERS ABSENT**

Representative Lora Reinbold  
Representative Louise Stutes (alternate)

**OTHER MEMBERS**

Representative Geran Tarr  
Representative Justin Parrish  
Representative Andy Josephson  
Representative Cathy Tilton  
Representative George Rauscher

**COMMITTEE CALENDAR**

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."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 54

SHORT TITLE: CRIME AND SENTENCING

SPONSOR(S): SENATOR(S) COGHILL

02/10/17 (S) READ THE FIRST TIME - REFERRALS

02/10/17 (S) JUD, FIN  
02/17/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
02/17/17 (S) Heard & Held  
02/17/17 (S) MINUTE(JUD)  
02/24/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
02/24/17 (S) -- MEETING CANCELED --  
03/01/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/01/17 (S) Heard & Held  
03/01/17 (S) MINUTE(JUD)  
03/03/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/03/17 (S) Heard & Held  
03/03/17 (S) MINUTE(JUD)  
03/06/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/06/17 (S) -- MEETING CANCELED --  
03/08/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/08/17 (S) Heard & Held  
03/08/17 (S) MINUTE(JUD)  
03/10/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/10/17 (S) Moved CSSB 54(JUD) Out of Committee  
03/10/17 (S) MINUTE(JUD)  
03/13/17 (S) JUD RPT CS 3DP 1NR NEW TITLE  
03/13/17 (S) DP: COGHILL, COSTELLO, KELLY  
03/13/17 (S) NR: MEYER  
03/28/17 (S) FIN AT 9:00 AM SENATE FINANCE 532  
03/28/17 (S) Heard & Held  
03/28/17 (S) MINUTE(FIN)  
03/28/17 (S) FIN AT 1:30 PM SENATE FINANCE 532  
03/28/17 (S) Heard & Held  
03/28/17 (S) MINUTE(FIN)  
03/31/17 (S) FIN AT 9:00 AM SENATE FINANCE 532  
03/31/17 (S) Heard & Held  
03/31/17 (S) MINUTE(FIN)  
03/31/17 (S) FIN AT 1:30 PM SENATE FINANCE 532  
03/31/17 (S) -- MEETING CANCELED --  
04/03/17 (S) FIN RPT CS 1DP 4NR 2AM NEW TITLE  
04/03/17 (S) NR: MACKINNON, BISHOP, DUNLEAVY,  
MICCICHE  
04/03/17 (S) AM: HOFFMAN, OLSON  
04/03/17 (S) DP: VON IMHOF  
04/03/17 (S) FIN AT 9:00 AM SENATE FINANCE 532  
04/03/17 (S) Moved CSSB 54(FIN) Out of Committee  
04/03/17 (S) MINUTE(FIN)  
04/07/17 (S) TRANSMITTED TO (H)  
04/07/17 (S) VERSION: CSSB 54(FIN)  
04/08/17 (H) READ THE FIRST TIME - REFERRALS  
04/08/17 (H) STA, JUD, FIN  
05/04/17 (H) STA AT 3:00 PM GRUENBERG 120

05/04/17 (H) <Bill Hearing Canceled>  
 10/23/17 (S) FOURTH SPECIAL SESSION BILL - SCR 401  
 10/23/17 (H) FOURTH SPECIAL SESSION BILL - SCR 401  
 10/23/17 (H) STA REFERRAL WAIVED Y25 N12 E2 A1  
 10/23/17 (H) STA AT 12:30 AM GRUENBERG 120  
 10/23/17 (H) -- MEETING CANCELED --  
 10/23/17 (H) JUD AT 1:00 PM GRUENBERG 120  
 10/23/17 (H) Heard & Held  
 10/23/17 (H) MINUTE (JUD)  
 10/24/17 (H) JUD AT 9:00 AM GRUENBERG 120  
 10/24/17 (H) JUD AT 6:00 PM GRUENBERG 120

**WITNESS REGISTER**

MIKE MCCARTHY  
 Homer, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

BURKE WALDRON  
 Bethel Chief of Police  
 Bethel, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

TODD SMOLDON  
 Matanuska-Susitna, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

NATHAN JACKSON  
 Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

CHARLES MCKEE  
 Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

LYNN WILLIS  
 Eagle River, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

JANET McCABE  
 Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

BUTCH MOORE

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

JOANNE ERIKSEN

Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

MEGAN STIMPSLE

Kawerak, Inc.

Nome, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

BYRON CHARLES

Ketchikan, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

CRIS EICHENLAUB

Eagle River, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

KATIE SEVIGNY

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

LYNETTE CLARK, Chairman

Alaska Independence Party

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

VANESSA VENEZIA, Medical Director

Fairbanks Memorial Hospital Behavioral Health Unit

Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

PHIL SHANAHAN, Attorney

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

CYNTHIA STROUT, Attorney

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

ALBERT BERKE  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

DON HABEGAR, Community Coordinator  
Juneau Reentry Coalition  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

WILL KRONICK  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

TALIA EAMES, Coordinator  
Central Council  
Tlingit and Haida Second Chance Reentry Program  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

CHRISTINE FURCY  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

JOSE DELEGADE  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

NINA GARRISON  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

MICHAEL ALBERTSON  
North Pole, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

CAROL JANE ROOK  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

FRANCESSCA ALLEGREZZA  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

KRIS WILSON

North Pole, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

ELIZABETH FLEMING, Attorney  
Kodiak, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

NATASHA SINGH  
Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

CAROL CARMAN  
Palmer, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

CHERYL KAJBAN  
Palmer, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

TARA BURNS

Community United for Safety and Protection (CUSP)  
Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

CRYSTAL GODBY

Community United for Safety and Protection (CUSP)  
Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

SEN TAN

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

SHERRY MILLER

Eagle River, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

MELINDA GANT

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

EDITH GRUNWALD

Palmer, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

TOM BRAUND

Sutton, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

JAMES CHRISTIE, Attorney

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

AMANDA HARBER

Bethel, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislature.

STEVE ST. CLAIR

Matanuska-Susitna, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

ABBY ST. CLAIR

Matanuska-Susitna, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

RAYMOND O'NEILL

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

CATHLEEN McLAUGHLIN, Director  
Partner's Re-Entry Center

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

NORIA CLARK

Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

TAMMY DUFF

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

RHONDA PITKA, Chief

Beaver, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

LEONARD MARTIN

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

LOI RICKER

Wasilla, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

LINDA SHARP

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

DEBORAH McINTYRE

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

PETE MLYNARIK, Chief of Police

Soldatna, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

MORGAN WHITE, Attorney

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

VICKI WALLNER, Founder  
Stop Valley Thieves  
Palmer, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

RUBY DEE BUCHANON  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

PAT TYSON  
Wasilla, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

SHAWN WILLIAMS  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 91, offered opposition to the legislation.

MIKE SHAFFER, Attorney  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

MAXINE DOOGAN  
Community United for Safety and Protection  
Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

SEAN STRAUSS  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

JOHN POWERS, Owner/Operator  
Tudor Bingo Center  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

LARRY PARISH  
Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

AUDREY CUCULLU, Executive Coordinator  
Kenai Peninsula Re-Entry Coalition

Kenai, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

KERRI BOSSARD

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, testified.

ELIZABETH THOMAS

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

MARY NANUWAK

Bethel, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

MARNA SANFORD, Attorney

Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

TERRIA WALTERS, Founder/President

Fallen Up Ministries

Palmer, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered support for the legislation.

MICHELLE BROWN

Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 54, offered opposition to the legislation.

#### **ACTION NARRATIVE**

[6:02:14 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 6:02 p.m. Representatives Claman, Fansler, Eastman, Kopp, and Millett (alternate for Representative Reinbold) were present at the call to order. Representatives Kreiss-Tomkins and LeDoux arrived as the meeting was in progress.

#### **SB 54-CRIME AND SENTENCING**

6:02:29 PM

CHAIR CLAMAN announced that the only order of business would be SB 54 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."

[CHAIR CLAMAN returned the committee to public testimony on SB 54.]

6:03:09 PM

MIKE MCCARTHY advised that he has been a resident of Alaska for 30 years, and was involved in the criminal justice system in Oregon and Alaska as a police officer, a detective, a supervisor in investigations for 166 branches of a national bank, and he holds a master's degree in the administration of justice. Mr. McCarthy related that he supports SB 54, and pointed out that the two primary factors causing the present crime spikes involve the opioid epidemic and Alaska's fiscal crisis, which are joined together. He described that Senate Bill 91 was a worthy effort to curb crime, but without adequate funding it could only fail, and SB 54 is one step toward a solution. He explained that the other step is adding fiscal certainty by putting Alaska's fiscal house in order. Namely, he advised, a state income tax to finance public safety resources, which would include law enforcement, prosecutors, pretrial and probation services, and rehabilitation programs. It has been said, he commented, that Alaska has no statewide tax, but in reality, every Alaskan pays a tax in terms of their loss of quality of life whenever crimes occur. He then pointed to a recent carjacking where the victim was pulled out of a vehicle at gun point and pistol-whipped. Although, he related, there was a recent bright bit of news when Bryan Schroder, United States Attorney for the District of Alaska, announced that the two perpetrators who robbed Anchorage coffee stands recently, would be prosecuted for interfering with state commerce because "the coffee beans were not grown in Alaska." By that same reasoning, he remarked, the vehicle involved in the recent carjacking was not manufactured in Alaska, so that should qualify for a federal prosecution, as well. He said he is fully in support of SB 54, and there needs to be zero tolerance for violence and drug trafficking.

6:05:46 PM

BURKE WALDRON, Chief of Police, said he represents the Bethel Police Department and the City of Bethel, and offered support for SB 54. He said that he would like to reiterate the testimony of the previous speaker from Homer, in that Senate Bill 91 [passed in the Twenty-Ninth Alaska State Legislature] was a noble effort in attempting to save money and the reinvestment of that money in reducing future crimes. The methodology [of criminal justice reform] requires an investment of money upfront except, he pointed out, with the state's current fiscal crisis, the state does not have the money to invest upfront at this time. Also, he explained, not enough time has been invested at this point to fully evaluate the effects that Senate Bill 91 will have had on crime rates in the state. In his capacity as Chief of Police, he said he could advise that, at the street level, it is not uncommon to have criminals laugh "in our faces and tell us that they will be out of jail before we are, because of Senate Bill 91." He added that he does not think it has been good for the kids that many offenses were reduced to violations that previously were misdemeanors. In Bethel, he related, an issue most obvious to him are when parents or guardians endanger the welfare of a minor by being intoxicated when "they are charged with protecting kids." At this point, he related, that issue is a non-arrestable offense, so the police officer can only write a citation. He reminded the committee, that it takes a long time to get other resources to protect the kids, and there is lack of follow through due to the low-level of the crime. He reiterated that he speaks in support of SB 54 because it is a good first step in repairing some of the ineffectiveness of Senate Bill 91.

6:08:03 PM

TODD SMOLDON advised he was testifying on behalf of fellow Alaskans and himself, and related that thousands of Alaskans have expressed great concern over Senate Bill 91, and the current discussion is how to fix a bad law that should not have been passed in the first place. Hundreds of Alaskans have spoken out asking the legislature to fix Senate Bill 91 except, he related, no amount of amendments can fix the problems with Senate Bill 91. He stated that the chair of the House Judiciary Standing Committee had fast-tracked the discussions in committee to such a degree that the representatives on the committee are unable to receive their amendments from Legislative Legal and Research Services. Members of both bodies have suggested that Alaskans are "just emotional and unfairly blaming SB 91 for

increasing crime," and he described that comment as insulting to the people who have testified in townhall meetings throughout the state. Alaskans are intelligent, and he related that they are aware of the number of factors that have contributed to the increase of crime in this state, such as: the downturn in the economy; the partial taking of the PFD by governor; the opioid crisis; and the crime that accompanies the fiscal and opioid crisis. He opined that the absence of any significant penalties for low-level crimes is the number one factor in the increase of crime in Alaska. As a teacher, he knows that if negative behavior is not punished, there will be more negative behaviors, and parents know that a wayward child must be punished. He described that SB 54 will not fix the problems created by Senate Bill 91, because it is not a revenue problem, it is a priority problem. Alaska's state government has grown at twice the rate of inflation and the population, and the [legislature] needs to repeal Senate Bill 91, and find money to support a real crime bill.

[6:10:34 PM](#)

NATHAN JACKSON advised that he was testifying on his own behalf, noting that there are good provisions in Senate Bill 91, and SB 54. He offered testimony as follows:

One of the things that SB 54 did, and I'm not sure if you are aware of it, but it stopped the retroactivity of Senate Bill 91. When a person is on parole ... So, when a person is on parole, and from prior to Senate Bill 91, what SB 54 did was make it to where you didn't get 30-day for 30-day credit retroactively on parole. So, if like say, for a person like myself, had good behavior for five, six, seven years on parole, you no longer got that credit until 2017. So, everything before then didn't count. I do believe that was a mistake. A person who did good should be allowed to get off early. That was monumental to certain people like myself. I spent 15-years in prison for a crime I did not commit, and I've been fighting that since April 12, 1989. And, I've had to deal with the judicial system non-stop. And, one of the things that Senate Bill 91 did was, finally, make it to where the probation and parole department has limits of what they can put you in jail for. Three-day, ten-day, and thirty-day was monumental to people staying out of jail, keeping their employment, and keeping their house. That one thing alone is

monumental for prisoners. The one thing too that should be changed in Senate Bill 91, which is a good thing and a bad thing, is it should be where parole is added and not just probation. It only stipulates probation and it should be both.

6:13:48 PM

CHARLES MCKEE advised that he will forward a document that discusses that the financial problems Alaska is incurring are primarily due to the incorporation of the people. He advised that people are depletable assets and they have been monetized into the federal reserve fund and the dividends are paid out to the privileged few. He said, "We're sucked into a corporate structure" that utilizes foreign currency "so we had to be debased," and that falls to the Alaska Bar Association. He described the Alaska Bar Association as a private organization running the Alaska Court System and the state legislature, and "our governor essentially is CEO, so a corporation cannot pass law only policy." He offered an account of his experience when "my property was accused of alleged biting someone," and he defended his property.

6:16:33 PM

LYNN WILLIS advised that he was testifying on his own behalf, and said that criminal administration shall be based on the following:

The need for protecting the public, community condemnation of the offender, the rights of the victims of crimes, restitution from the offender, and the principle of reformation.

MR. WILLIS said that state constitutional guidance requires both wisdom and money. The Alaska government can no longer substitute the latter for the former, and whatever the legislature does regarding this issue, its actions will have a significant fiscal impact, either to the government, the public, or both. That fact cannot be ignored, he said, and to please allow vetting of this legislation to take place in the [House] Finance Committee. The legislative history of SB 54 is a classic example of how [the legislature] has effectively disenfranchised Alaskans by closing the public forum of debate using secrecy and an abuse of the hearing process. He pointed out that last year, SB 54 was "apparently going to be held to death and then following an apparent epiphany by a special

interest group, it now must be rushed into existence." That is perhaps the worst motive for legislation, he described. The constitution has provided the framework, and now a solution must be implemented for this issue facing all Alaskans, he said.

[6:18:04 PM](#)

JANET McCABE advised that she is testifying on her own behalf, and is in support of SB 54 because the legislation is a way to "not to throw the baby out with the bath water." When Senate Bill 91 was adopted in 2016, the legislature promised to correct problems identified during the hearings. She explained that due to this promise, knowledgeable people studied the problems and drafted the solutions contained in SB 54 that is before the committee today. She pointed out that under SB 54, Alaska will save money, continue to hold people accountable for their crimes, and continue to reduce crime and incarceration. As the State of Texas demonstrated, she related, "it is best to be smart on crime, not just tough on crime."

[6:19:24 PM](#)

BUTCH MOORE pointed to the June 2016, Practitioners Guide, page 10, written by the Alaska Criminal Justice Commission for drug charges, and paraphrased as follows: "Possession in any amount of a IA substance used to be a Class C felony, and now is a Class A misdemeanor. The same for a Class IIA, which would be cocaine or meth, has changed to a Class A misdemeanor ... It further states that, it cannot be jailtime on a charge of possession unless you've been charged and convicted, not just the first time, but the second time." Mr. Moore noted that he finds this information concerning because often law enforcement's response is, even if the person is arrested, charged, prosecuted, and convicted, jailtime is not imposed, which makes it difficult to get to a third conviction where the person can do jailtime. He offered that if someone enters his daughter's home with heroin, and Mr. Moore calls law enforcement, the person should go to jail. Several state troopers advised him that they are not confiscating drugs because when they do take the drugs, the offender then goes out and steals someone's personal property to purchase more drugs. Therefore, he noted, law enforcement is not confiscating the drugs because it cannot arrest the person, and he asked that an amendment be drafted to address this particular issue of drug possession.

[6:22:06 PM](#)

JOANNE ERIKSEN advised that she is a senior citizen and a grandmother, and she is concerned that law enforcement must use "kid gloves" because the judicial system releases the criminals so quickly, rather than putting the criminals behind bars. She opined that people should be held more accountable (audio difficulties) solve crime by letting the jails be revolving doors, noting that she agrees with most of the callers and wants to see a tough crime bill. Although, she said, she was not quite sure about a tax unless it would be a sales tax that would be advantageous for Alaskans because it would affect absolutely everyone. She stressed that property taxes have increased, and the people have been taxed "until we can't stand it anymore and, of course, the PFD raid didn't help at all either." She expressed concern about her children, grandchildren, and great-grandchildren, and the type of society they will be raised in where criminals receive more of the benefit of the doubt in the judicial system. She pointed out that unless the hands of law enforcement are untied and it can lock these people up and keep them locked up, "you are not really serving any purpose for law enforcement at all." People will take the law into their own hands because they feel the law is not protecting them, and they have to protect themselves. She asked that the committee repeal and rethink SB 54, and make judicial punishments stronger.

[6:24:26 PM](#)

MEGAN STIMPSLE, Kawerak, Inc., advised she was speaking on behalf of Kawerak Inc., which is a consortium of 20 tribes in the Bering Strait Region. She expressed Kawerak's support for SB 54, and more importantly its strong support for Senate Bill 91. She asked that the committee consider the importance of the society that is being built in Alaska, and consider whether it should be built upon the punitive system or built upon criminal justice reform. She stressed that legislators must consider the people affected by the criminal justice system.

[6:25:42 PM](#)

BYRON CHARLES noted that the legislature is trying to figure out what to do about "these problems," but mental health people, tribal organizations, local agencies, and the United States Marshal should be included because the issues involve the processing system that falls under the Constitution of the United States. Presently, he said, a cumbersome problem is being created and the legislature is setting itself up for serious lawsuits in the future. The legislature should create

positive programs and solutions for the problems, and encourage those people willing to do something with their lives. The legislature should not be making the decisions, he stated, law enforcement, mental health agencies, tribal organizations and corporations, and local state agency people, should be making the decisions. He said that "I would say, bring back your assessment to me, bring back your evaluation, bring back your report ... and we will make a decision of what needs to be resolved."

[6:28:04 PM](#)

CRIS EICHENLAUB advised that he was speaking on behalf of his family. He then pointed out that the people of Alaska are in a state of emergency because Senate Bill 91 has created anarchy, and it is the criminals that like Senate Bill 91. He related that he had attended many townhall meetings, and suggested a total repeal of Senate Bill 91 because little of it makes sense, and start over with a "three strikes and you're out law." The State of Massachusetts has that system. Under the Alaska system, criminals use Senate Bill 91 to fill the jails with drugs, and a person will go to jail overnight to deliver drugs. He offered a scenario of someone being jailed overnight for stealing a vehicle, and going out the next night and stealing another vehicle while still on bail for the first stolen vehicle. He stated that he would like a special emergency order wherein victims can sue people stealing vehicles and [property] because Alaskans do not have time for this band-aid."

[6:30:43 PM](#)

REPRESENTATIVE EASTMAN asked whether he was referring to the "three strikes, you're out" law passed in California, or another law.

[Mr. Eichenlaub had hung up.]

[6:31:10 PM](#)

KATIE SEVIGNY advised that she is a resident of Anchorage and a long-time small business owner. She remarked that under Senate Bill 91, her business has fallen prey to petty theft and crime in a much higher degree than she has seen in over 10 years. The crime continues elevating because there are no consequences, and yesterday her business fell prey to quite a bit of counterfeit money. These are felony offenses, she related, but because criminals are getting away with these small baby steps, their

steps are getting bolder, and it is happening all over Anchorage. She pointed out that small business owners fall prey to these crimes and the owners cannot sustain their businesses if they are constantly being robbed, and thieves threatening young employees. Consequently, she advised, young employees will not work nights and customers feel unsafe. Senate Bill 91, was a decision to save money rather than reinvesting money into rehabilitation and the bill does not completely follow through. It will never work for small businesses, she advised, unless dollars are put behind the legislation for rehabilitation, as in the State of Texas where dollars were put into rehabilitation programs that are helping people with low incomes. She said that the legislation was "simply made the way that we typically make decisions, which is to save money instead of growth, instead of putting it into our communities." She advised that she really wished the legislature would start making decisions that gives Alaskans a future that "grew its economy versus always just making cuts that eventually keep on hurting us."

CHAIR CLAMAN asked whether Ms. Sevigny does, does not, support SB 54.

MS. SEVIGNY responded that SB 54 is just a step, and Senate Bill 91 should be repealed until the money is available to make the legislation work.

[6:34:10 PM](#)

LYNETTE CLARK, Chairman, Alaska Independence Party, advised that she was testifying on her own behalf. She acknowledged that she has heard noble arguments from law enforcement officers in support of SB 54, as compared to Senate Bill 91. This year, she opined, Senate Bill 91 was the preferred "tar baby," and SB 54 was put in a drawer in July and "never resurrected as the answer." During the time SB 54 was in the drawer, she related there was no public input and now it has become the saving grace for law and order. She advised that Senate Bill 91 should be completely repealed, and SB 54 should be tabled due to lack of input. She stressed that no income or payroll tax should be put on working Alaskans, and that the legislature should gavel out and hash this out with their constituents, and bring a solution forward in January 2018. Changes must be hammered out, while at the same time considering the Alaskans affected by this legislation, "and for this to be effective, you have to have it coming out of our mouths, the ones that are living in the villages and in the small cities and the small towns," she expressed.

6:36:42 PM

VANESSA VENEZIA, Medical Director, Fairbanks Memorial Hospital Behavioral Health Unit, advised that she is an adult/adolescent/child psychiatrist, and the Medical Director and Inpatient Psychiatrist for the Fairbanks Memorial Hospital(FMH), and she supports SB 54. Dr. Venezia then requested the adoption of Amendment 24 to SB 54 because it specifically addresses the importance of mental health 72-hour evaluations conducted solely in behavioral health units. This amendment affords patients the opportunity to have 72 hours to be evaluated before a 30-day commitment is pursued. Inappropriate evaluations lead to one of the two things: patients are either inappropriately released into the communities and pose a public safety risk; or their civil liberties are taken away inappropriately after a 30-day commitment is rendered. She explained that the Fairbanks local district court interpreted the current statute to indicate that a 72-hour evaluation begins when a patient enters a hospital. This precedent was set forth in a February 2017 ruling, and she stressed that if this precedent is accepted by other courts around the state, the hospitals in remote areas that currently do not have mental health units, such as Barrow and Kotzebue, would be forced to release these patients into the communities before being seen and evaluated by a mental health specialist. Currently, she advised, there are only 20 beds in Fairbanks, 80 beds in Anchorage, and under 20 beds in Juneau that can accept Title 47 patients. She reiterated her request for support of Amendment 24, and thus affording patients an opportunity for an evaluation in a behavioral health unit.

6:39:19 PM

REPRESENTATIVE KOPP surmised that, as to a 72-hour evaluation, a court ruling directed that once a patient enters an emergency room, that 72-hour clock starts running even when a behavioral health unit is not available to evaluate that patient. He further surmised that it may take a day or longer to get the patient into a behavioral health facility to be evaluated.

DR. VENEZIA responded that Representative Kopp was exactly correct, and pointed out that if she worked in a community without a psychiatric facility, she would have to undergo the logistics of transferring the patient to a behavioral health facility. Dr. Venezia also pointed out that as the Medical Director for the Fairbanks Memorial Hospital Behavioral Health

Unit, it frequently does not have enough beds or capacity for the Fairbanks community members. She explained that when the Alaska Psychiatric Institute closes, which happens on a somewhat regular basis, the Fairbanks Memorial Hospital Behavioral Health Unit then accepts patients from the Anchorage area and all over the state. The Fairbanks catchment area is from Nenana up to the North Slope, including Barrow, and that is a wide area of responsibility, she advised.

[6:41:18 PM](#)

PHIL SHANAHAN, Attorney, said he was testifying on his own behalf and that he supports the Senate's version of SB 54 because it is a common-sense approach to the necessary fixes in Senate Bill 91. In response to concerns that Senate Bill 91 somehow caused an uptick in crime, he advised that within the last couple of days, the University of Alaska Anchorage Justice Center released important studies that included: a video that tracked the trends on various offenses, including vehicle thefts, shoplifting, and burglaries. Those studies show that the crime rates were rising prior to Senate Bill 91, explained, but they are still lower than they were in the 1990s for some of those offenses. He stressed that Senate Bill 91 was created by a group of folks with all backgrounds on the Alaska Criminal Justice Commission which included law enforcement, mental health entities, and Native organizations in Alaska. The PEW Research Center provided actual evidence-based research to support the proposals made to the legislature because the previous criminal justice system was not working. For example, he pointed out, for many years Alaska's laws had treated drug possession as a felony and yet, that did not stop drug crimes or property crimes. The state needed Senate Bill 91 to do what was intended, which was to reinvest those dollars into rehabilitation and treatment. He stressed that SB 54 does a great job of addressing some of the glitches in Senate Bill 91 when it was first adopted, and SB 54 can fix those glitches without performing an overhaul of Senate Bill 91. Clearly, he expressed, repealing Senate Bill 91 would be a big mistake. He reminded the committee that certain components of Senate Bill 91 take effect this January, and those upcoming components are an important aspect of the legislation and will help make Senate Bill 91 even more effective.

[6:43:40 PM](#)

CYNTHIA STROUT, Attorney, advised that she is a 35-year old Alaska resident and (audio difficulties). Ms. Strout offered

support for SB 54 because it takes care of some glitches in what would be expected when there is an overhaul of laws. She urged the committee to not add amendments to SB 54 because a lot of Senate Bill 91 had not yet taken effect. The legislation needs time to recoup the cost savings the legislation provides so money can be put into treatment, and into the types of things Alaska is severely deficient. She asked that the committee pass SB 54 as it is, and to not amend it in any manner. The Alaska Criminal Justice Commission spent many, many hours of time studying the research on what is effective in terms of the criminal justice system, and she asked the committee to let Senate Bill 91 work for a while so the state could recoup those resources.

CHAIR CLAMAN advised that the next testifier is Albert Berke and he is communicating using a sign-language machine and an interpreter.

[6:45:37 PM](#)

ALBERT BERKE testified as follows:

Hi. My name is Albert Berke. I live in Anchorage here and I am representing myself. I am requesting, under the federal law of the American Disabilities Act (ADA), that here in Alaska legislation (audio difficulties) and mind you there is few, but there is a dire need to have them receive accessible -- to receive access through sign-language interpreters. To receive access through the phone via video-phone technology like we are connected here this way, right now tonight. How I am connected to you right now. Here it is imperative that we have this access. There is a dire need for this access, not in -- in the prison system, but everywhere else. So, deaf people have this right, they deserve to have access through sign-language interpreters and -- and the prison system needs training on how to work with interpreters. The system, how it is now, is -- is inappropriate in dealing with this -- this need. So, both 91 -- SB 91, and SB 54, need to be recognizing any amendments, anything at all, need to be recognizing our Americans with Disabilities Act and giving deaf people the access that they require by means of sign-language interpreters and video-phone technology. I've been frustrated with hearing the

lack of access that deaf people have especially with, in any situation, prison or not. Thank you.

[6:48:17 PM](#)

DON HABEGAR, Community Coordinator, Juneau Reentry Coalition, advised that the Juneau Reentry Coalition supports the state's efforts in implementing smart justice as defined by the Alaska Criminal Justice Commission. The Juneau Reentry Coalition supports the implementation of statewide, and community level treatment and services designed to increase the successful return of individuals into Alaska's communities, and decrease recidivism rates. He said that the coalition supported Senate Bill 91, recognizing it was an expansive change to Alaska's criminal justice laws that may require refinements, and SB 54 is part of that refinement process. The coalition asks that during the deliberations on SB 54, to stay mindful of the justice precepts and avoid reverting back to the "lock em up and throw away the key" mentality. He asked that the legislation continue with the application of community reinvestment into appropriate treatment and services.

[6:49:47 PM](#)

WILL KRONICK advised he is speaking on his own behalf, and that the issues of Senate Bill 91 appear largely technical and, thus, largely a distraction. The problems attributed to this bill as to the rise in crimes and rise in addiction, predate the passage of Senate Bill 91, not to mention that the entire bill has not yet gone into effect, notably, the pretrial probation. In short, he commented, this all sounds like a way to avoid the real task at hand, which is creating a comprehensive fiscal plan and pushing it through the Senate. Clearly, he remarked, further cuts equal fewer services for our Alaskan families and the families he works with as a social worker, lower incomes for Alaskans whose jobs are cut or cuts to wages, thereby, worsening the state's recession. He asked that the committee pass SB 54 quickly and move on to passing a comprehensive fiscal plan for Alaska.

[6:50:50 PM](#)

TALIA EAMES, Coordinator, Tlingit and Haida Second Chance Reentry Program, advised that she is a 10-year decorated veteran of the United States Air Force, and a coordinator for the Tlingit and Haida Second Chance Reentry Program. As coordinator, she advised that she has met with over 300 men and

women returning from incarceration, and has seen first-hand how people can thrive with support and services. She noted that Senate Bill 91 was designed to invest in programs that can reduce crime in this state while addressing the root cause of crime and incarceration, often tied to substance use and mental health disabilities. The Tlingit and Haida reentry program had to close its doors this month because it did not receive its continued grant funding. Unfortunately, she related, this means there is no longer a reentry program in Juneau, the hub of those individuals being released in Southeast Alaska. The reinvestment dollars described in Senate Bill 91 need to be realized in order to support these programs that promote public safety, and the legislation must be fully implemented for this to happen. She acknowledged that the compromises needed in Senate Bill 91, took place via SB 54, and stressed the importance of remembering that every measure of this bill was backed by research and data. She reminded this committee that research and data has shown the benefits of a criminal justice system focused on rehabilitation, reintegration of non-violent offenders, and community-based supervision for those on probation and parole. Although, she said she had heard a lot of misinformation tonight, she challenged the members of the committee to do the job they were elected to do, and inform constituents of the science presented by the brilliant minds of the Alaska Criminal Justice Commission. It is a reckless and knee-jerk reaction, she expressed, to blame Senate Bill 91 for an increase in crime when evidence has shown that the rise in crime began well before the enactment of Senate Bill 91, which has yet to be fully implemented. Ms. Eames listed possible factors in the rise in crime as follows: Alaska is in the worst recession it has seen in decades; it is in the middle of an opioid epidemic; Alaskans have seen drastic cuts to the courts, prosecutors, and public safety officers; and Alaska still needs expanded treatment options. She asked that when considering SB 54, that the members of this committee stay true to the intent of Senate Bill 91, and refrain from making changes to the criminal justice reform system that are not evidence-based.

[6:53:46 PM](#)

CHRISTINE FURCY offered testimony as follows:

Hello, my name is Christine Furcy. I am from Ketchikan, Alaska. I'm here representing myself and so many others like me. I am a person of long-term recovery from a substance use disorder that robbed me from half of my life. That same substance use

disorder robbed me of a sister. And, more recently than not, it robbed me of a best friend. I will be leaving Juneau on Saturday to go home and bury my lifelong best friend who, from whatever irrational moment in his last bit of life, thought that killing himself in his home was a better alternative than going back to prison. So, for that, not only am I, like, riddled with pain, I am frustrated. SB 91 has not had adequate time to prove what it is capable of. And, I can tell you that -- because I am -- I've been to jail as a result of my mistakes, and I deserve to be held accountable, as is so many other people. But, we also -- I want it to be known that we are so capable of a beautiful life. And, everybody is so concerned and talking about, like, public safety, and I'm not saying that that isn't an issue because it is. I love my state, I love my town, but I also am concerned about people like me. We have a chance to be productive and help facilitate public safety, but nobody seems to be worried about -- it's like you are dangling a way out in front of our faces just to whip it away without giving us a chance, without giving the people that have supported these bills a chance. I don't know. Honestly, it is just heartbreaking and frustrating, for one brief moment so many Alaskans felt like they were being heard and like they mattered. People like me, we matter, we matter. My friend that died because he didn't want to go back to prison, mattered. My father was in jail most of my life, he matters. My aunt spent 10 years in prison, she mattered. Thank you.

[6:56:33 PM](#)

JOSE DELEGADE offered testimony as follows:

My name is Jose Delegade. The first thing that I would like to say is, I'm sorry, you know for ... I had an addiction problem. I committed a lot of crimes in Juneau. I'm serving time right now for -- an ankle monitor. But, the SB 91, I think they do need to let it, you know, let it work. I believe I was one of the first cases that went out on SB 91, when I was on sentencing. You know, I do believe you need to let it work. Right now, I'm on ankle monitor, serving ... I got sentenced to five-years in prison. While I was there, you know, I found God. I've been doing very

good. But, you know, when I was there I had a wife and she shot herself. So, you know, that and a lot of other things, you know, they need -- they need to open -- they got one jail that holds like 300 people, and they got one substance abuse place to hold 28 people. And, putting -- I can tell you right now they are putting people in jail, you know, people that never been to jail, you are putting them in jail for the first time and you give them time, they will come out worse than they will have ever been when they went in. So, I'm telling you right now that jail -- I mean, jail does not -- does not do anything but makes people worse. I can you tell you that right now. And I'm also a veteran, I served in the United States Army. You know, I just like to say -- I just like to say to let SB 91 run through and see what -- you know, because it is working in other places, like Texas, and places like that. That's all I got. Thank you.

REPRESENTATIVE KREISS-TOMKINS asked that Mr. Delegade describe his reentry process into society and whether it was facilitated or supported by the Juneau Reentry Coalition or other organizations in the community, and the manner in which those organizations assisted in his reentry.

MR. DELEGADE responded that he was supported by Second Chance, and he filled out [job] applications online at Second Chance. He advised that he has worked at his current job approximately eight-months, and described that "I got a pretty good job," because he is able to put in a lot of overtime, and earns approximately \$6,000 per month. Previously, he explained, he was at the half-way house and could not have a phone. Having the availability of Second Chance and a place to fill out his employment applications was helpful. Plus, he stressed, "they treated us excellent there, they didn't treat us like criminals, they treated us like human beings." He stated that places such as Second Chance do help, and that is how he received his current job.

REPRESENTATIVE KREISS-TOMKINS asked the name of his employer, and his duties.

MR. DELEGADE answered that he works for Inspectorate - Bureau Veritas, and he works in a lab processing core samples.

[7:01:42 PM](#)

NINA GARRISON offered testimony as follows:

Hello, and thank you for your time and opportunity to speak. My name is Nina Garrison, and I am from here, from Juneau. I am here representing myself, and also our people -- our people who are incarcerated. Also, for those who do not have a voice that cannot speak, that it is too late, that they are already gone. One reminder, I don't know what the -- I'm sorry, I didn't do research on the House bills. I just found out about this and just grabbed it out in the hall, but I do have a comment and I will try to make it as quick as possible.

Miranda is a young lady who shot herself across the street, AT the court building. And, I did just meet her and the conversation that I had with her before I heard the news about her shooting herself -- the conversation that her and I had, beside talkin -- we always talk about the Lord. I never leave the Lord out in anything. She was pleading for help, for treatment, and she was addicted to meth, and heroin, and there's other substances we all know, it's in the communities and in villages. And, it's a crying right now from all the people that we've lost, committed suicide, or homelessness, or mental abuse -- mental -- you know, they have problems with mental -- suffer from PTSD. I've been in the system 15-years myself and I've seen a lot, and I've walked in their shoes along beside them. Most of the people I know are passed away because of drugs and alcohol. And, what I want to say is that she cried for help, she said there was no treatment center. I also had a daughter that was also addicted to meth while I was incarcerated, when she was a minor. And, she also had mentioned to me, she is gone now. But, these voices from the past, they all cried for help, for treatment, alcohol and treatment centers. That jail was not the place for them, they really cry out. And, it will -- actually, what I wanted to add was the people that sell the drugs and make the drugs in our communities and in the villages, they need stiffer penalties. Down south they get 25-years for meth, up here they get ... I don't know how much, I don't know what it is. But, I think that we need to re-evaluate and re-visit all these pushers -- the ones that actually bring it into

the communities. Like, we can't do nothing about it and we can.

7:05:17 PM

MICHAEL ALBERTSON said that he represents fair-minded Alaskans, and remarked that he is a strong supporter of Senate Bill 91 because it is a long overdue logical step, and then described himself as a reluctant supporter of SB 54. Personally, he said, he does not think the state should have a special session to address SB 54, but there are good points in the legislation. He offered concern about telling an alcoholic that they were in violation of their conditions of release by drinking alcohol, (audio difficulties). In response to Representative Eastman's previous question regarding the "three strikes and you are out rule," commented that California did pass such a rule and rescinded that rule because it was swelling the prison population. He pointed out that Texas has a population of 22 million people and it put \$250 million into its programs, and Alaska has a population of 750,000 people, with a higher cost of living, and that \$100 million is a reasonable start, and expressed that many of the increases in crime in Alaska have nothing to do with Senate Bill 91. He then referred to (indisc.) Anchorage chart, and advised that in 2016, there were 683 motor vehicle theft, and during 1993 to 1994, there were almost 900 thefts, and that theft was escalating in 2017. He said he is not a law enforcement person, but those figures point to a fairly effective car theft ring organization, rather than addicts stealing cars. Larceny in Anchorage is the same issue because in the last half of the 1980s it was almost 5,000, which is substantially above today's numbers, he said.

7:07:59 PM

CAROL JANE ROOK advised that she is a registered nurse, an Air Force (indisc.), a mother, and she represents herself. She asked the committee to vote no on SB 54 because Senate Bill 91 was implemented in a backwards manner. Prisons were emptied out without programs being in place which was supposed to reduce recidivism, and felony sentencing was reduced on many crimes and crime is rampant. Every day, social media, the news, or neighborhood watch apps, are filled with reports of violence against people and property throughout Alaska, and she questioned where the numbers originated that report that crime has not increased since the enactment of Senate Bill 91. The evidence is clear, she said, and anyone currently living in the streets in Anchorage know that it is a violent, violent place to

live. She stressed frustration with the people who say to wait because the legislation had not yet been fully implemented because people are dying, lives are being devastated, and tourists are not coming to Alaska because they do not feel safe coming here. She related that she had attended several community meetings where the overwhelming majority of citizens voiced that they want Senate Bill 91 repealed, and a no-vote for SB 54. She described that the response from legislators and local officials has been less than inspiring, with a few exceptions. This hearing was not well advertised, and she said she learned of it by happenstance. Senate Bill 54 is supposed to repair Senate Bill 91, but it falls woefully short as written, she commented. A few people have offered support for a few aspects of it, but no one has actually read the bill, and it will be made into law with all of the amendments attached. She said that the state needs sentencing that deters recidivism, and has support programs in place for those people reentering society. Although, she stated, these things need to be well thought out and the monies found before being put into a bill, and the bill needs to be put before the voters. She asked the committee to listen to the people, vote accordingly, and vote like the member's job depends on it, because it does.

[7:10:28 PM](#)

FRANCESSCA ALLEGREZZA advised that she is opposed to SB 54, and would like a repeal of Senate Bill 91 because taxes should not be implemented to solve crime. She stated there should not be more special sessions for these types of things, and the PFD raid must be stopped. Alaska has a serious spending and budget problem to fix, and she pointed out that last winter Governor Bill Walker had advised the public that "we could either have their streets plowed, or we could afford more cops. I don't really think that is acceptable." Road safety is definitely a concern in Alaska and the streets need to be plowed, and "we shouldn't be levied over by having cops to solve crime." The state is at cross-roads where things are just getting out of control, she described, and she is totally against SB 54 because Senate Bill 91 is not working and needs to be repealed. She said she likes that the public is able to call into hearings and voice its opinions because it is difficult to get to Juneau.

[7:12:12 PM](#)

KRIS WILSON said he was speaking on his own behalf as a two-time victim of burglary. He related that, if there is no crime, then law enforcement is not necessary, and by legalizing everything

"I guess there's really no crime and you really don't need to fund any troopers." He said that he is against that idea as someone who has lost upwards of \$50,000 worth of merchandise, and rather than just slapping someone on the wrist for these lesser crimes, the community could benefit from community service sentences for these criminals. He suggested that for every \$20 of property value that is stolen, an hour of community service could be imposed to assist the communities with soup lines and hospitals. Thereby, he said, exposing these offenders to people with real struggles. In addressing the opioid crisis, he stressed that "there needs to be a doggone good reason for that stuff to be handed out in a prescription" and if it's not available, it's not available. He suggested calling some of the scientists and bio-chemists, "and whatnot," some real professionals, in here to provide the key to stopping the manufacture of some of these hard drugs.

MR. WILSON, in response to Chair Claman's question, answered that he does not support any of it, he wants hard laws, and he wants people picking up trash in the ditch.

[7:15:22 PM](#)

ELIZABETH FLEMING, Attorney, advised that she is a proud 30-year veteran of the United States Army, she is an attorney, and she is in support of Senate Bill 91 as it currently stands. Ms. Fleming advised that her heart is almost breaking at some of the testimonies she has heard tonight about our fellow human beings, our neighbors. Everyone who commits a crime leaves behind a wake of people who are hurt, such as their mother, their sister, their wives, their children, and not just the "so-called victims of the crimes." She offered that she was a victim of a burglary a year ago, but the way that people tend to overreact is, "we want three strikes or you're out, we want zero tolerance." She reminded the committee that these are our fellow human beings and if they are treated like animals, they will become animals. Ms. Fleming offered appreciation to the gentleman who testified that, "sending people to jail makes them worse." Senate Bill 91 involved a lot of well researched data, a lot of bi-partisan effort, and a lot of work to try to do the right thing by human beings in Alaska. Many of the complaints she has heard tonight are just ill-informed, and she knows they are ill-informed because she works in criminal law. The bail schedule, and not Senate Bill 91, is the reason people are picked up at night and then are back on the street. She explained that even if Senate Bill was completely repealed, it is the bail schedule that caused those events. She recommended that everyone spend a few

minutes, or a whole day, in their local courthouses to see the human beings that are involved in this process with their own eyes.

[7:18:14 PM](#)

NATASHA SINGH advised that she represents the Alaska Regional Coalition, a consortium of five Native regional tribal nonprofits that represent over 100 Native communities in the state from Kotzebue to Ketchikan. The Alaska Regional Coalition has been in support of criminal justice reform since Senator John Coghill began his research addressing the high rates of crime in Alaska. She reminded the committee that most of the individuals in jail are Native, and they are mentally ill or substance abuse addicts, and those individuals are the coalition's family and its tribal members. She explained that individuals who commit low-level crimes go into the jails as addicts, and they are released hard and ready to commit high level crimes, and the largest growing Native communities in Alaska are located in Alaskan jails. She remarked that the coalition met with the state's prosecutors and it understands the need for SB 54, and supports the legislation, but the coalition cannot support further attempts to roll back criminal justice reform. Individuals who are addicts need to be supported because they are human beings, and this is not only the right thing to do, but it is fiscally responsible. She pointed out that the individuals who testified that the state needs to wait until certain revenue is available are forgetting the fact that the costs of incarceration are extremely high. Ms. Singh reminded the committee that Senator Coghill proposed criminal justice reform not just because it was fiscally responsible, but because he is a Christian and he is compassionate.

[7:20:54 PM](#)

CAROL CARMAN said she was speaking on her own behalf and advised that not much time passed for her between learning of Senate Bill 91, and its passage. She was told by one legislator that the bill was all about rehabilitation and, therefore, she supported the legislation because she believes in community reinvestment, rehabilitation, and human beings. In attempting to understand Senate Bill 91, she said she read something on the University of Alaska Anchorage web site, and "a really good overview" from the governor's office, and she was stunned that every consequence for every single crime had been lessened quite a bit, except murder. Currently, she noted, she has read

articles in the newspaper stating that Alaska has the most liberal laws in the country due to Senate Bill 91, and she questions whether SB 54 could be constructed well enough to rectify that situation. Something must be done, or the public would not be crying out in this manner of concern. She then referred to testimony regarding previous higher numbers of vehicle thefts compared to current vehicle thefts, and commented that if the car thieves are not being caught now, it is because law enforcement is busy with other crimes and vehicle thefts are not reported. She opined that an awful lot of things are going unreported currently, because law enforcement just cannot keep up with these crimes.

[7:23:19 PM](#)

CHERYL KAJBAN advised that she is a long-time Alaskan living in Palmer, and speaking on her own behalf. Her concern, she related, is her safety and also being able to defend individuals in her company. She offered great concern for her daughter, who has a private practice in Anchorage with a drug house right across the street, and for her grandchildren going to school and coming home. She said she is familiar with Alaska's history of crime rising and lowering, and she supports effective rehabilitation when people want to change. Although, she pointed out, she has not heard anything about (indisc.), and her mother was killed by someone speaking on her cell phone in Minnesota, "and the lady got nothing." She related that she supports SB 54, and that there must be some type of sustainable rehabilitation, although, she is frustrated that politicians do not listen to their constituents. It is a matter of self-survival and self-protection in this state, she commented, which is one of the state's primary concerns and objectives, and that includes rehabilitation as long as it does not endanger the people at large.

MS. KAJBAN, in response to Chair Claman, advised that she does support SB 54.

[7:26:19 PM](#)

TARA BURNS advised that she represents Community United for Safety and Protection, and asked that the committee protect the sections of Senate Bill 91 that prevent sex workers and sex trafficking victims from being charged with trafficking for engagement of prostitution. Sections of this bill propose to move AS 11.66.130 and 11.66.135, which prevents prosecutors from charging sex trafficking if the person has not induced anyone

into prostitution. Many things have been said about what sex trafficking is, but AS 11.66.130 and 11.66.135 only speak of having a place of prostitution, which can include a prostitute's home and hotel room, and aiding or facilitating prostitution. She described that the language is so broad that one woman was charged for sex trafficking herself for aiding or facilitating her own prostitution. She said that forcing people into prostitution, or having a prostitution enterprise, or conduct (indisc.) AS 11.66.110 and 11.66.120 have no protections for people engaged in prostitution. In the event a sex worker finds herself in a location with a victim of sex trafficking, the sex worker should be encouraged to report this crime rather than hunted down as a sex trafficker herself, she pointed out. Sex workers and clients of sex workers are first responders in sex trafficking situations, and the legislature's responsibility for public safety demands that these people not face felonies for reporting these situations to law enforcement. She reiterated that AS 11.66.130 and 11.66.135 are so broad that they define many sex trafficking victims as sex traffickers. For example, she advised that at least one case under subsections in this bill proposes removing (indisc.). The victim of violent sex trafficking was able to make a report after she was assured that she and other victims would not be charged for trafficking when driving each other to calls, taking pictures of each other, or having hotel rooms in their names. She commented that legislators have not heard of any cases where a perpetrator harming someone could not be charged with it because of these [provisions]. Removing these [provisions] puts sex workers and sex trafficking victims at risk and pushes trafficking victims further underground. She asked the members of the committee to please protect the provisions for sex workers and sex trafficking victims that were introduced in Senate Bill 91.

[7:28:56 PM](#)

CRYSTAL GODBY, Community United for Safety and Protection (CUSP), asked that the committee protect the provisions in Senate Bill 91 that protect sex workers and sex trafficking victims from being charged with trafficking themselves. She advised that she was a sex worker for three-years because she was a homeless drug addict, and now she is 22-months clean. When she was a sex worker, she pointed out, it was well known that they could not call the police if anything went wrong, they had to stick together, look out for each other, share good clients, share hotel rooms, and give each other rides to calls and wait outside to be sure their friends were safe. When the legislature turned sex workers safety measures into felonies,

sex workers felt less safe, and people don't want to look out for each other if it means catching a felony which puts lives in danger. She related that if a friend of hers would have had someone waiting outside for her, she might still be alive today. She commented that she had offered her testimony to the Alaska Criminal Justice Commission and it surprised her to see SB 54 attacking the safety of sex workers and sex trafficking victims. She asked that the committee protect the good provisions of Senate Bill 91 protecting sex workers and sex trafficking victims from being charged with trafficking themselves.

7:30:27 PM

SEN TAN advised that he is speaking in his personal capacity regarding the repeal of Senate Bill 91, and SB 54, and that it has been a lesson for him when listening to these testimonies. He thanked the legislature for crafting and passing Senate Bill 91, as the previous system was not working when discussing safety. Especially, he explained, where there was a 66 percent recidivism rate with lengthy sentences, and if lengthy sentences worked, that would mean the state should not have such a high recidivism rate. Not to mention, the disproportionate impact on minorities with sentencing. He commented that he was sort of agnostic about SB 54 because it really was not a big item. He advised that his purpose in calling was to address the fact that Senate Bill 91 was an excellent piece of legislation because it was a policy decision based on a lot of information and data. He then commended the policy makers for taking the time to look at all of the important facts and then a decision was made. He recommended that before legislators begin making major changes, even minor changes, that they look at actual facts and data because tonight he heard a lot of opinions and a lot of anecdotal information. Make good policy decisions and, he suggested that the legislators continue their good job by relying on good data. Thereby, he remarked, the people of Alaska will be safer and better as a result.

SEN TAN, in response to Chair Claman, answered that he had served 17.5 years as an Anchorage Superior Court Judge.

7:33:37 PM

SHERRY MILLER advised that in no manner does she support Senate Bill 91, and that she was speaking on behalf of her deceased 19-year old daughter, Linda Bower. She advised that her daughter was murdered by her boyfriend, by strangulation, and her

daughter was found in the backseat of her boyfriend's car in the parking lot of a local store. Ms. Miller testified as follows:

Senate Bill 91 has affected our family in the most horrific way. Our case is in appeals as we asked the judge to reject the plea that we agreed to because of learning how SB 91 affected our case. Even though the crime happened prior to the enactment of SB 91. But, keep in mind that we have not reached a sentence in over three-years, one-month. His conviction and parole time is affected by SB 91. Because of SB 91, discretionary parole is based on a review of the inmate by the Parole Board after the inmate has served one-third of their active term imprisonment. If he is denied parole, this murderer gets an automatic parole hearing every two-years until granted. This means that me and my family have to endure this monster and horror of her murder every two-years until parole is granted. According to SB 91, for the first-offense of a parole violation, he only spends three-days in jail, second technical violation - five-days, third violation - ten days. Violent criminals are walking our streets because of our current crime bill. How do you rehabilitate a murderer? Do you get him to promise not to do it again? Public safety is not your top priority and Alaskans are not safe. I have personally attended several townhall meetings, interviewed with local news media, and public testimony to the Anchorage Assembly, and I feel my testimonies are not take seriously or even being heard. Please consider this personal testimony, and keep in mind that victims these criminals -- keep in mind that victims of these crimes are also the ones who vote. Thank you for your time.

[7:35:48 PM](#)

REPRESENTATIVE EASTMAN noted her testimony of her family going through parole hearings every two-years, and asked how she has worked out the timing every two-years.

MS. MILLER responded that if the offender is convicted, the offender must serve one-third of that sentence. Theoretically, she explained, the offender could be eligible for parole at 14-years, and if he is denied parole then he is automatically granted a parole hearing every two-years until parole is granted, due to Senate Bill 91. She then said, "Page 85."

REPRESENTATIVE EASTMAN asked how long the parole hearing process would impact her family each time the parole hearing would take place.

MS. MILLER commented, "It's up to how long that hearing takes." She then asked that Representative Eastman put himself in her family's shoes because the offender should not even be given parole. This is a person who walked the public streets and committed this crime to her daughter, and there should be no parole, she stated.

[7:37:36 PM](#)

MELINDA GANT advised that she had supported Senate Bill 91 until she experienced the negative changes happening in Anchorage during this last year. She said she would support a repeal of Senate Bill 91, and described SB 54 is a band-aid approach that does not address the lack of financial commitment for treatment services to make either of these two bills successful. She said she would support a full repeal of Senate Bill 91 until the legislative body commits funding for the necessary services and reinstates funding for [the Department of Law (DOL)]. Once these services are in place, and the prosecutor positions in DOL are fully staffed, she would then support the concept of either Senate Bill 91 or SB 54.

[7:38:55 PM](#)

EDITH GRUNWALD advised that she is speaking for her family, and noted support for SB 54 because it addresses some "tiny gaps, but to please make it tougher on crime, and repeal Senate Bill 91. Currently, crime is terrible and while visiting courtrooms, she sits with the victims of murders, and their stories are heart wrenching. There must be consequences, even for lower-level crimes, to prevent crime from escalating because criminals do escalate their crimes and there must be punishment for criminal activity. She asked that legislators please represent the people and make public safety a priority. Ms. Grunwald testified as follows:

We had a crime problem before SB 91, two of those charged in my son's murder -- My son was David Grunwald who was murdered on November 13th, he was missing for 19-days. And, they found him December 2nd, he had been tortured, kidnapped, murdered. And, those who were charged are in jail right now waiting,

you know, going through the pretrial, and everything. But, two of them had no consequences in previous criminal acts.

Again, this is before SB 91. So, for potential criminals this is the big thing they hear. Potential criminals must believe that they'll get caught cause these guys did not think that they would get caught. They -- They voiced this. So, please improve your recruiting and retention in the Alaska State Troopers.

Thank you, and thank you to those who represent your constituents and realize that your actions do affect all Alaskans. I ask you to be tough, and I ask you to have courage. And, I think that SB 91 may have been well-intentioned. I am not ill-informed. I am well informed. I'm a 31-year veteran, I have been living in Alaska for 32 years from North Pole, to Anchorage, to the Mat-Su. And, I appreciate everyone.

[7:41:22 PM](#)

REPRESENTATIVE LEDOUX advised Chair Claman that she would like to offer her condolences, and tell her, "I am so sorry for her loss."

REPRESENTATIVE EASTMAN noted her comment that there were no consequences for the perpetrators against her son in previous crimes, and asked why, and whether it would be fixed under the current version of SB 54.

MS. GRUNWALD answered as follows:

No, it absolutely would not be fixed by SB 54, this was a problem even before SB 91. There were -- there was a kidnapping, an assault, and a robbery. And, the one guy who was of age, he got away with an ankle bracelet. And, of course, that same month before that, little did they know that he had murdered Frankie Woodford. After, when they were investigating my son's case, they ended up in that investigation finding some of the evidence that they found in my son's case. The two guys who were with Damian Peterson were involved in that criminal activity and nothing happened to them for whatever reasons, and I really can't explain that.

7:42:51 PM

TOM BRAUND advised that he was deeply involved in the criminal justice field, he has a degree in criminal justice administration, a minor in law enforcement, and he was a police officer in San Diego, California, and portions of Senate Bill 91 are probably good. He said, "The criminal justice system tell us that the surest deterrent to crime is the certainty of punishment. Except, felony crimes against persons, even long-term imprisonment doesn't work. That must include rape and child molest because those are crimes of violence due to a sexual preference and are violent, and nobody's gonna change these guy's minds." He offered that 20 percent of the people commit 80 percent of the crimes, and after researching why crooks do what they do, he concluded that they are utterly selfish, they do not care about the public, they care about themselves. He related that 95-98 percent of all crimes are directly attributable to drugs and narcotics and that is a little higher than what the statistics say because, "as a street cop, we believe it." With the exception, he pointed out, marijuana is not a drug, it is an herb. Senate Bill 91 reduces punishment which reduces the crook's cost of doing business, and the legislation increases costs to the public in at least the following four ways: it increases the cost of fighting crime; it increases sellers cost to make up losses; it increases insurance costs; and it increases replacement property items. He said he would like to repeal Senate Bill 91, and rethink SB 54 in view of the above-mentioned points. He related that in order to reduce costs, the legislature must prevent the criminal's opportunities to steal, and do not let the bad guys get back on the street whenever possible.

7:45:23 PM

REPRESENTATIVE EASTMAN asked Mr. Braund to share the six recommendations he was about to offer when his time ran out.

MR. BRAUND responded as follows: hold the line on drugs, but do it differently because many addicts are simply self-medicating because they have problems and then they get hooked on drugs and do not know how to get off of the drugs; help those who help addicted individuals change their minds, such as the Fallen-up Ministries in Wasilla; many individuals self-medicate because the medical community cannot help them yet, but doctors try; bring Alaska an amount similar to another PFD; enact a three strikes law; build more prisons; and enact the death penalty.

7:46:40 PM

REPRESENTATIVE MILLETT asked Mr. Braund to explain his testimony regarding the increased costs, such as insurance and replacement costs.

MR. BRAUND explained that when items are stolen, it increases the costs of fighting crime; it increases the seller's costs and the seller will make up their losses when the public buys more stuff; it increases insurance costs; and it increases the property owner's replacement costs.

7:47:29 PM

JAMES CHRISTIE, Attorney, advised that his family has long ties to Alaska and the criminal justice system, and he explained that his grandfather was a law enforcement officer in Juneau, his father was a district attorney in Anchorage in the 1960s, and he has been a practicing criminal defense lawyer for 13-years. He offered strong support for Senate Bill 91, and strongly urged this body to keep in mind why Senate Bill 91 was passed with bipartisan support and the support of the Department of Law (DOL). Senate Bill 91 passed due to the fact that Alaska's system of retributive justice failed to prevent crime, failed to prevent recidivism, and failed to be a good steward of the state's limited resources by investing in a system that paid few dividends, he explained. The reality is that certain provisions of Senate Bill 91 have not fully taken effect, and he pointed out that treating Senate Bill 91 as the cause of the crimes being seen in Anchorage absolutely ignores the effect that heroin and opioids have had on this state and the United States. The fact is, he said, crime has increased across both the country and across Alaska in lockstep with the growth of the opioid crisis. While Senate Bill 91 may be a convenient target, that piece of legislation cannot be blamed for a crime wave that appeared across the nation and began prior to the passage of Senate Bill 91. He stressed that Senate Bill 91 is not the cause of the crime wave seen in Alaska because the cause is opiates and heroin. At this time, more than any other time in Alaska, the legislature must forge a new path forward that reduces crime, reduces recidivism, and actually invests the state's limited resources wisely. He urged the committee to stay the course on Senate Bill 91, and he stressed that the first concern of this body must be to pass a comprehensive budget. He asked the committee to allow time for this program to work.

7:50:03 PM

REPRESENTATIVE MILLETT acknowledged that she agrees completely with Mr. Christie's comments about the state's financial and opioid crisis. She pointed out that timing has been an issue she struggles with as to Senate Bill 91, and the implementation of phase one. She asked Mr. Christie to comment as to the timing of the passage of Senate Bill 91, and whether phase one should have been implemented subsequent to phases two and three, and whether combating the opioid crisis should have taken precedence.

MR. CHRISTIE commented that hindsight is always 20/20, and he certainly would not criticize the legislature for having the courage to pass Senate Bill 91 in the first place. He acknowledged his inclination to agree with some of the testimonies regarding slight tweaks that could take place in Senate Bill 91. He then asked that Representative Millett clarify her question about timing, and whether she was asking if he had personally observed an uptick in crime prior to Senate Bill 91.

REPRESENTATIVE MILLETT described that the state had a perfect storm take place with the uptick in crime, the opioid crisis, the financial crisis, the state being in a recession, and then the legislature laid top of that, criminal justice reform. The public is looking for something to blame, and the easy target might be phase one of Senate Bill 91 because that is where all the reduction in sentencing started.

MR. CHRISTIE expressed that he strongly agrees with her comment, and acknowledged that over the last 18 months he has heard "so much misinformation" about Senate Bill 91. He offered his belief that the pressures that face Alaskans in terms of crime are the result of external factors, and that the influx of opiates has been the biggest change in his observations of the criminal justice system in his career. He explained that when he first started practicing criminal defense, the state was at the end of the cocaine and crack epidemic and it quickly transformed into methamphetamine. Crack was terrible, he described, and methamphetamines were worse, but heroin and opiates are an order of magnitude worse. People's ability to get off of these drugs without serious intervention is practically nil, and the reality is that simply warehousing people in jail who are largely addicts, and largely committing crimes to fuel their addiction, does not accomplish anything in

the long term. He advised that he speaks with his clients who are oftentimes, unfortunately, sentenced to prison terms, and his clients have commented that the prisons in Alaska are filled with drugs. Therefore, he pointed out, sending people to prison does not get them away from drugs, it does not get them away from bad influences, and he absolutely supports Representative Millett's comment.

REPRESENTATIVE MILLETT referred to his statement regarding tweaks that could be added to SB 54, and asked that he send those tweaks to Chair Claman's office to distribute to the members on the committee.

MR. CHRISTIE said he would forward his recommendations to Chair Claman's office.

[7:53:54 PM](#)

CHAIR CLAMAN referred to the timing of phases one, two, and three, and asked whether there was any way in which to achieve the savings that would result in reinvestment for various parts of Senate Bill 91, had the legislature not implemented phase one at the beginning of the implementation of Senate Bill 91, given the state's budget challenges.

MR. CHRISTIE responded that he was unsure whether he was qualified to answer that question because he has not given a great deal of thought to that issue. He pointed out that the only crisis he sees facing the state budget-wise, is the legislature's failure to pass a budget, but that is a topic for another time.

[7:54:46 PM](#)

AMANDA HARBER advised that she and her husband support Senate Bill 91, and they do not want it repealed. She explained their belief that Senate Bill 91 was carefully researched, and they find it troubling to hear so much misinformation with Senate Bill 91 being blamed for so much pain. She expressed that Senate Bill 91 is a step in the right direction in addressing the real crisis of addiction and the cycle of trauma it creates. The efforts of the state need to turn to supporting and funding those who help our fellow human beings by saving lives, saving families, and those who provide treatment, rehabilitation, counseling, and therapy. Putting people in jail does not save lives and families, and she stressed that compassion is the right path for Alaskans.

[7:55:47 PM](#)

STEVE ST. CLAIR advised that he is representing himself as a retired military policeman with more than 20 years' experience in law enforcement and corrections. He pointed out that the increase in crime can be directly attributed to economic conditions and deterrents, and it is well documented that the State of Alaska is in a recession which is a contributing factor to the increase of criminal activity. He said that SB 54 and Senate Bill 91 have had significant impacts on deterrents, and that almost all crimes, minus murder and other heinous crimes, have been reduced. The intent of SB 54 and Senate Bill 91 was to decrease fiscal costs by decreasing the number of those incarcerated, and this has been accomplished at the expense of public safety. While serving on the Juvenile Review Board (JRB), comprised of law enforcement, mental health officials, and educators, the board reviewed cases of juvenile misconduct in an effort to determine the root cause of juveniles' behavior. He remarked that nine times out of ten, juveniles would state that they did not feel they would get into trouble, or that the punishment was so lenient it was worth the risk, which is one of the causes of Alaska's uptick in crime. He suggested voting down SB 54 because the changes are too small to make a significant reduction in crime, and then begin the repeal process of Senate Bill 91 for public safety purposes. Subsequent to Senate Bill 91 being repealed, draft several pieces of legislation that is more compartmentalized to specific crimes and punishment, without another omnibus bill. He suggested seeking out those who enforce the laws, and those with their boots on the ground, because that leadership tactic is effective.

[7:58:06 PM](#)

ABBY ST. CLAIR advised that a 2011 U.S.A. Today article regarding the nation's most dangerous states, listed Alaska in third place because 79.7 residents out of every 100,000 residents are raped, the nation's highest in 2011. According to the FBI Uniform Crime Report, Alaska's rape rate skyrocketed in 2016 to 102 residents out of every 100,000 residents, which only accounts for those cases that were reported. The media station KTUU quoted the FBI crime in Alaska to read: one murder is conducted every week, one arson every two-days, one robbery every 10-hours, one rape every eight hours, one vehicle theft every three-hours, (audio difficulties) every two-hours, one burglary every two-hours, and one larceny every 29-minutes. She

reiterated previous testimonies regarding the contributing factors in the uptick in crimes as follows: the state is in a recession; unemployment rates are at a high; drug usage is on the rise; and law enforcement positions are unfilled. During the hearing on the floor of the House of Representatives yesterday, she noted that the focus was on the prison population and reducing recidivism. She asked what happened to public safety. Last year, she said, U.S. News ranked Alaska as the 49th out of 50 states regarding the best states for public safety. She asked whether the legislature expects Alaska to hit rock bottom before doing anything about public safety. She urged the committee to put public safety back to the top of the list of priorities, and commented that, "you've certainly taken enough from Alaskans to make this happen." She further urged the committee to vote no on SB 54 and begin the repeal process of Senate Bill 91 because there are too many mistakes in Senate Bill 91 that SB 54 cannot fix. Alaska must be tough on crime to take back the state, she remarked.

[8:00:15 PM](#)

RAYMOND O'NEILL advised that he lives in a secure condominium building in downtown Anchorage, and offered the following: in July 2016 his car was stolen; in July 2017 the condominium building was broken into and his bicycle was stolen, and several other tenants were burglarized; and in August 2017 the Midtown office building he works in was burglarized and a couple of laptops and the company vehicle was stolen. Nevertheless, he said, he attended a townhall meeting last week and a couple of the researchers who put the bill together, with the idea of reducing recidivism and encouraging rehabilitation, offered a presentation and it was apparent that Senate Bill 91 had not been given its full term. He pointed out that funding will come into place to help fund rehabilitation, and he encouraged the committee to not repeal Senate Bill 91. He stressed that even given the amount of crime he has experienced, he does not believe putting people in jail is helpful because jail creates criminals. Mr. O'Neill reminded the committee that this country is about locking people up, and commented that prisons are a big industry with a lot of money to be made, and he becomes suspicious when the legislature gets so heated and acts so quickly in this climate of industry-driven legislation.

[8:02:51 PM](#)

CATHLEEN McLAUGHLIN, Director, Partner's Re-Entry Center, advised she is speaking on her own behalf. She described

herself as lucky because she has been the Director of the Partner's Re-Entry Center for the past four-years, and with her boots on the ground has seen the benefits of Senate Bill 91. Oftentimes, she pointed out, people want a home run and want to swing for the fences, and all of a sudden everything will be perfect. She described that criminal justice reform is like playing small ball baseball, it will take some time to get to what the public wants, which is to win the game, but that will not happen overnight. The Partner's Re-Entry Center has been around and has been a beneficiary of what Senate Bill 91 has done, and what SB 54 will continue to do by correcting some of the things that needed to be corrected, she said. Due to Senate Bill 91, she advised, the Partner's Re-Entry Center has been able to do the following: get people applying for Medicaid; obtain immediate or very quick medical services; put people into medically assisted treatment; it started a Vivitrol program; it started a Alaska Native Re-Entry Group program that advocates for Alaska Natives that are over-represented in the prison system; and the Center has used a few amounts of criminal justice reinvestment to enhance housing for people being released from prison after long, long, sentences. The Partner's Re-Entry Center knows that community-based re-entry does work, and she suggested, "let's look for the long haul of trying to enhance the project and not just throw it away at this point."

8:05:32 PM

NORIA CLARK advised that she is representing herself as an angry citizen because Senate Bill 91 was passed under the façade that it would save money. She expressed that the state is now facing a crime epidemic thanks to the legislature's failures and forcing productive members of society into a state of emergency by allowing these degenerates to run rampant on public streets terrorizing citizens. She said that Senate Bill 91 promised treatment programs with the saved \$300 million, and asked where are the treatment programs. Currently, under Senate Bill 91, possession of any amount of drugs, such as heroin, are considered a Class A misdemeanor, (audio difficulties) can you have a pound of heroin in a stolen vehicle. In the event the offender says that they did not know the vehicle was stolen, (audio difficulties) massive amounts of heroin on hand for personal use. Also, she said, even if the person was to be arrested for intent to sell, which is a Class C felony, if it is their first offense and they are convicted, they receive up to one and one-half years suspended imprisonment. Therefore, they are free on the streets again without any time served for any of these offenses. The problem with repeat offenders, she said, is

that no one is being arrested, prosecuted, and convicted currently, and commented that "They will effectively always be first-time offenders, will they not?" She described that this is the epitome of a dog chasing its tail, and SB 54 will be equivalent to putting a band-aid on a leg amputation. She advised that she is from Arizona, and Arizona has a "three strikes and you're out" law, especially for felonies, but they have to be convicted first. She pointed to page 10, Practitioner Guide to Senate Bill 91, and said there are egregious amounts of waste when it comes to not convicting anyone and being consistently perpetrated against. She stressed that imposing an income tax during a recession is "classic mob style tactics, we're payin it for your protection." It is not a good idea and, hopefully, in the next election, the committee members can be re-elected if they can help to figure out how to handle this issue.

8:08:12 PM

TAMMY DUFF advised that she was speaking for her family and said that she no longer feels safe walking in Anchorage. Her neighborhood has been hard hit with random break-ins to vehicles, damage to properties, cars stolen, and she said she found items tossed into her yard that belong to her neighbors from their stolen vehicles. The crime level impacts businesses, such as grocery stores that are hit hard by thefts and that causes prices to rise, and Alaskans already pay a high rate for everyday items. She advised that she had personally seen a drug deal take place at the local post office, and the post office clerk did not seem to care to get involved. Several people, including herself, avoid going downtown because thefts continuously occur, such that last week while a colleague was discussing her car being broken into with a policeman, a car on a lower level was broken into. This is unacceptable, she described, and Senate Bill 91 needs to be totally repealed, and voters need to be offered a voice to choose how to deal with these criminals. She asked that this bill be repealed before society turns more violent, which research has shown happens as criminals become more confident. Alaskans are relying on the legislature to make the right choice for law abiding citizens, and she is against Senate Bill 91, and SB 54. She advised the committee members to not implement an income tax to fix this problem because hardworking Alaskans, who vote, do not need to be more burdened. Alaskans are worried for their safety, and she asked that legislators ensure that their constituents are safe.

[8:10:28 PM](#)

RHONDA PITKA, Chief of the Village of Beaver, advised that it is too early to determine the cause of the increase in Alaska's crime rates in relation to Senate Bill 91. She pointed out that crime rates have been on the rise for decades, violent crimes rates have increased since 1986, and property crimes have been increasing since 2011. Many of the provisions in Senate Bill 91 show potential and the legislation needs time to be implemented before being evaluated, but the legislature needs to work toward a budget and fully funding the Department of Law (DOL). She stressed that she lives in a rural area of Alaska and the Village Public Safety Officer (VPSO) services have been cut considerably in the last few years, which has impacted rural areas more than Senate Bill 91. There have been several instances where it has taken days for the Alaska State Troopers to get to the rural area villages, and that fact impacts rural Alaskans more than Senate Bill 91. She asked the committee to fully fund the Department of Corrections (DOC) and the VPSO programs.

[8:12:23 PM](#)

LEONARD MARTIN offered testimony as follows:

Hello. My name is Leonard Martin. I am in Anchorage, Alaska and I represent myself and I also speak on behalf of my cousin, Gregory Martin Skill, who cannot speak because he was murdered on September 10, by a drug abuser who has repeated interactions with the law, but has yet to be convicted, from what I understand, on any of these crimes. In that timeframe, this person's crimes escalated to what I consider to be a capital offense in short order before he could be convicted of any crime on any type of a first-time offense. Some of the problems with SB 91 are that it addresses first-time offenses for specific crimes. That being that you could be convicted as a first-time offender for a DWI, but now if you commit a further crime, say for a drug conviction or a drug crime, that is still a first-time offense. All of these crimes as a whole need to be combined together to prove a pattern within a criminal. The laws are too soft, SB 91 does

nothing to address these. It speaks only to the criminals and treatment of them. Prisons need to be a deterrent, a very long deterrent, that is the only way that people are going to recognize that there is a -- a consequence to their actions. Their actions also translate to their families. I heard many testimonies here about the effects of people whose parents were in prison as drug addicts, they were alcoholics, and now they're themselves drug addicts and alcoholics. There's a pattern here. It grows in our small communities and it continues to grow. These are the problems that we need help with. It's not the prison's job to do that. I think we should help people when they are in prison, but we also need to protect the public first. I don't support SB 91, I think it's very broad and encompassing, we need to repeal it, we need to deal with these laws in a much more compartmental fashion. I urge you to repeal SB 91 and take SB 54 off the table until we can put facilities in place to do the treatment and the rehabilitation. You got the -- you got the cart ahead of the horse on this, guys. Thank you for your time.

[8:15:04 PM](#)

LOI RICKER advised that the legislature lost the trust of Alaska's hard-working taxpayers because Alaska's towns are running rampant with crime, and crime has increased with the passage of Senate Bill 91, and SB 54 will not fix Senate Bill 91. (Audio difficulties) tonight, and taking it all in, if a person is an attorney, or in the mental health business, or a criminal, "the deck is stacked pretty high on your side." In reality, she said, the rest of Alaska sees fear building, and that courts have also declined. She related that she is most bothered by the \$22 million spent on Senate Bill 91, and that the state now has a (indisc.) system \$18 million starting January 1. She related that the legislature implemented Senate Bill 91 in the wrong order, and asked "Where did the \$22 million go? And, you are not going to answer me, but I also would like to know if this Senate Bill 91 and SB 54 are so great, why are there no public service announcements?"

8:17:48 PM

LINDA SHARP advised that she would like Senate Bill 91 repealed. Ms. Sharp relayed her sympathies to the families who have lost a loved one to murder or a violent crime because they are suffering from the terrible things that happening to their families. She noted that she has lived in Midtown Anchorage for 30 years, she has watched crime increase during 2016 and 2017 by quite a bit, and she has called 911 more often than in previous years. She noted that it appears Senate Bill 91 contributed to the increase in crime, and acknowledged that undoubtedly the drug crisis throughout the nation is part of the problem. There are more people standing on the streets begging, more street corners loaded with people begging, and she said she would like to see a state law prohibiting begging on the street corner.

MS. SHARP, in response to Chair Claman, advised that she does not support SB 54.

8:20:32 PM

DEBORAH McINTYRE said that she is speaking on her own behalf as a life-long Alaskan, and she has watched crime go up and down. She opined that like a lot of her neighbors and family members, she had no idea what was going on with Senate Bill 91 until the crime rate began exploding. She related that she has seen things taking place in Anchorage that she had never seen before such as, almost having her truck stolen, and now there are nightly watches in her neighborhood. Although, she acknowledged, she is not an expert and she could not necessarily contribute the events to Senate Bill 91, but she does not trust her legislators, and emotionally she does not want anything to do with Senate Bill 91, or SB 54. She asked the committee members to please make safety the priority because currently a person in an Anchorage parking lot at 10:00 a.m., is not necessarily safe, and elders and children are now being targeted, and violence is escalating. She advised that her husband stopped a person from stealing his truck in their driveway a year ago and she thought that was bad, but over the past year it has only gotten worse. She stated, "You

never had rehab at the forefront, my feeling is that this is about saving money for our politicians." She asked that legislators start over and put the safety of Alaskans at the top, "and, if you don't, I can tell you now, you are all going to be voted out of office because that is where we're at with this in Anchorage."

[8:23:25 PM](#)

PETE MLYNARIK, Chief of Police, advised that he is the Chief of Police for Soldatna, and he is also a board member for the Alaska Association of Chiefs of Police. Chief Mlynarik related that he supports some of the changes in SB 54, such as the presumptive range for Class C felonies, active imprisonment for Class C felonies, and changing violations of conditions of release from a violation back to a misdemeanor. He explained that the three issues adversely impacting public safety are as follows: the fiscal crisis, (indisc.), and the bail schedule. Obviously, the goal is to help rehabilitate people which is not a short process, and the opiate crisis is serious, he stressed. Chief Mlynarik pointed to the importance of adopting the following: adopt these changes [in SB 54]; support the Department of Law (DOL) with more resources; restore judicial discretion; fulfill the promises of Senate Bill 91 by funding drug and alcohol rehabilitation programs; place statutory limitations on releasing repeat offenders on their own recognizance (OR); restore the bail schedule; and enable courts to "sanction those who pay fines and restitution."

[8:25:39 PM](#)

REPRESENTATIVE MILLETT asked that Chief Mlynarik forward his recommendations to Chair Claman's office to distribute to the members of the committee.

REPRESENTATIVE KOPP thanked Chief Mlynarik for his long service to the state with the Alaska State Troopers and as a municipal police chief. He related that this committee appreciated his thoughtful recommendations.

[8:26:49 PM](#)

MORGAN WHITE, Attorney, advised that he was speaking for his family, and as a professional on the ground working daily with public defenders, probation and parole officers, district attorneys, judges, and clerks. He related that he sees the impact of Senate Bill 91 daily, and stressed that it would be a bad idea to just change course all of a sudden, and noted that SB 54 makes minor corrections to many of the changes. He remarked that previous testifiers, such as Soldatna Chief of Police Pete Mlynarik, Director of the Partner's Re-Entry Center Cathleen McLaughlin, and criminal defense attorney James Christie, are all in support of the legislation. The reason being, he explained, is that these people have boots on the ground and see what everyone wants: more people accepting personal responsibility; deterring other people and at the same time helping people address their use of the drugs through self-medication; helping the people that are helping drug addicts; and helping people make the good choices that can help keep them from victimizing themselves and other people. He said that he supports the legislators who give strong thought to the minor revisions to Senate Bill 91 through SB 54.

[8:29:01 PM](#)

VICKI WALLNER, Founder, Stop Valley Thieves, advised that Stop Valley Thieves is an organization with over 15,000 members and she speaks for a majority of the members. Senate Bill 54 is a band-aid for "gut-shot" Alaskans and people are crying out for help. No rehabilitation was available for all of the people "that you have turned loose on us, and we are suffering those effects." She commented that the legislature had advised that when enough money was saved up, rehabilitation would take place, except Alaskans are paying for it every single day. The legislature released people from prison with no rehabilitation and no safety net for Alaskans, even though the public was promised public safety. She said that Dean Williams, [Commissioner of the Department of Corrections] testified that 11,000 people have been released, and of those 11,000 people, it is expected that 66 percent will recidivate within three years. Therefore, 7,000 people have been released on the street with the state knowing they will commit another crime. She questioned why legislators must

study the reasons Senate Bill 91 had problems with the crime rate going up, because it doesn't take a rocket scientist. There are good parts to Senate Bill 91, she acknowledged, but it needs to be repealed and the good parts put into a different bill when the state has the money to put into rehabilitation centers. She said, "You've basically given the citizens a crime tax that we're payin every single day in every way possible. And, people are crying out to you folks to help. And you're going to give them a 25-page bill after you've passed 125-pages?" She asked that the committee put SB 54 back into the drawer, repeal Senate Bill 91, and pass legislation that will work.

[8:31:39 PM](#)

REPRESENTATIVE MILLETT advised Ms. Wallner that not enough legislators were in agreement to repeal Senate Bill 91. In moving forward with SB 54, she said she is looking for constructive criticism and help crafting SB 54 in a meaningful manner, and not just as a band-aid. She asked Ms. Wallner to send any recommendations she may have to Chair Claman's office to distribute to the members of the committee.

MS. WALLNER agreed to forward her recommendations to Chair Claman's office.

[8:32:39 PM](#)

RUBY DEE BUCHANON advised that she agrees with the perfect storm analysis, and that she appreciates the time and effort that went into crafting Senate Bill 91 to make Alaska a better place to live. Although, she commented, in a perfect storm it is our responsibility not to walk into the middle of a lake and hold an umbrella, which is what is happening when leaving Senate Bill 91 in place and crafting SB 54 as a band-aid. Rehabilitation has not been funded for Senate Bill 91 because the state does not have the money, and the legislation was passed before the public had knowledge of the current opioid crisis, so it doesn't even address that crisis. She related that she had read SB 54, Versions A, B, and C, and she believes Version C is currently the best because the finance committee put a lot

of thought into that version. Except, she remarked, Version C does not go far enough to correct the errors in Senate Bill 91 and neither bill addresses Alaska as the crime destination it has become. She said she has two friends in San Diego who are retired police officers and harbor patrol, who worked against the "Bloods and Crips" and arrest people for felony crimes. They advised that on numerous occasions they have arrested someone for their second felony [charge] and the first thing the offender said was, "Well, I guess I'm moving to Alaska," because it is common knowledge amongst the Bloods and Crips in California that they should move to Alaska because they won't be prosecuted for their crime as a third time and you're out. She said Alaska has become a crime destination because members of the Bloods and Crips and gangs in different states have moved to Alaska because Alaska will not put them behind bars for their third offense. She said that she would like a "third time and you're out" law in Alaska that includes convictions in other states.

[8:35:41 PM](#)

PAT TYSON advised that he is speaking for his wife and himself as an Alaska resident for 43 years. After listening to the testimonies tonight, he said he is deeply disturbed about Senate Bill 91 and SB 54 because they both need to be sent to the trash can and legislators need to start over from the beginning. He related that his wife has people walking out of the store with merchandise under their arms and the police cannot keep up with the thefts, and there are no repercussions. He said he does not understand how legislators could justify Senate Bill 91 with all of the car thefts and break-ins taking place, "you guys are responsible." There is no fixing it, the legislation needs to be repealed. He stressed that he is disgusted with what has happened to the state, and living here and dealing with what the legislators are doing in the legislature.

[8:37:07 PM](#)

REPRESENTATIVE EASTMAN asked his understanding as to why the police would not do something about theft in retail stores.

MR. TYSON responded that that are no repercussions, he can call the police, but they are so backlogged they may not arrive at the store, it is like catch and release. By the time the police prepare their report on the theft, the person has already walked in and out of the door of the jailhouse. The committee heard testimony that jail makes people criminals, but a person doesn't go to jail unless they commit a crime so they are a criminal when they go to jail, the jail does not make someone a criminal. Although, he acknowledged it might make the person a better criminal but that is not his problem. He said his problem is people walking out of the store with his wife's merchandise because she has to pay for the merchandise. The legislature must create a system where people pay the price for doing something wrong, the legislature can set up whatever programs for drug and alcohol abuse but no one will get off drugs unless they want to get off drugs. Rehabilitation does not work unless the person has hit rock bottom and he/she wants out, that's how rehabilitation will work, he related.

REPRESENTATIVE EASTMAN commented that Mr. Tyson was right to ask the legislature to do better.

[8:39:22 PM](#)

SHAWN WILLIAMS advised that he is a 38-year Anchorage resident, and he considers himself a compassionate Christian. He advised that he organized the Change.com Repeal SB 91 Petition that has almost 4,000 supporters, as well as a group of Anchorage business owners who support a full repeal of Senate Bill 91. The Alaska legislature took many good things, such as higher sentences for murders and protection for sex workers and grouped those in with a terrible bill, and he suggested those issues be re-addressed in their own piece of legislation. He offered suggestions as to how the legislature could reduce recidivism, save the state money, and institute criminal justice reform, as follows: invest in mental health or addiction rehabilitation in the beginning of the process; post incarceration (indisc.) programs; include more opiate control regulations; and fully fund the district attorney's office. Economic research has shown that longer sentences

only work up to a certain point, the same person who would steal a car and chance punishment of five-years would do the same for a punishment of 20-years, they simply don't care. He suggested that swift and certain punishment with a reasonable sentence is where the state can save money, but the state must send those criminals to jail. Alaskans do not need scientific data to tell them that its city is going to the criminals because many business owners share story after story, weekend after weekend, of being a victim. He stressed that scheduling this testimony last minute gives him, and many others, the feeling that Chair Claman is putting the fast-track on SB 54. He pointed out that legislator's jobs are on the line, and he has heard 10 to 1 against Senate Bill 91 in the calls this evening. He reminded the committee that the public votes and it will remember who supported SB 54, and not a repeal of Senate Bill 91.

REPRESENTATIVE MILLETT asked that Mr. Williams forward information about Change.com and its 4,000 members and its list of supporting businesses to Chair Claman's office to be distributed to committee members.

MR. WILLIAMS answered that he would put the information together.

[8:42:04 PM](#)

MIKE SHAFFER, Attorney, Municipality of Anchorage Prosecutor's Office, advised that he wanted to make clear that he was testifying in his individual capacity and he was not speaking in any manner for the Municipality of Anchorage in general, or for the Department of Law, Prosecutor's Office, in particular. He pointed out that his testimony was based on what he has seen, and that the aftermath of Senate Bill 91 has caused criminal havoc on the state.

Clearly, he said, in Anchorage there is an increase in criminal activity on all levels, but there are other factors to consider in the increase of crime, but Senate Bill 91 has done much to fuel the criminal flame. Mainly, he said, it is the manner in which it has embodied the criminal community that was not the case prior to the crime

bill. From his perspective, he said, it has dramatically limited the basic tools of the prosecutors and judges in "our efforts" to do something simple, which is to hold criminal offenders accountable. He said he would not speak to whether Senate Bill 91 should, or should not, be repealed, but he would say that SB 54 is not an effective fix in any manner for the problems. His analogy, he advised, is that previously the system was like an open wound and needed some stiches, but it didn't need major surgery. The approach in this instance was to put gangrene into the wound and say that would fix the problems because (audio difficulties) it's had the effect that gangrene will have, and SB 54 is a band-aid on that wound. Sending people to jail for five-days for stealing will not deter people. He said that the costs of jail are significant, but they are dwarfed by this (indisc). costs have greatly exacerbated criminal activity. He urged the legislature to strongly reconsider what is happening and do something more to fix it.

REPRESENTATIVE MILLETT asked that, as an Anchorage prosecutor ...

CHAIR CLAMAN interrupted Representative Millett and pointed out that Mr. Shaffer was not speaking on behalf of the Municipality of Anchorage and he was not speaking with authorization from the Prosecutor's Office.

REPRESENTATIVE MILLETT asked that Mr. Shaffer forward to Chair Claman's office, any constructive amendments, or thoughts as to how to make SB 54 stronger and help prosecutors do their job better and put tools back into the toolbox.

MR. SHAFFER said that he would forward the information, and commented that the penalties for second Class A misdemeanors currently, even under the crime bill, on a second offense go from a cap of 30-days, to a cap of 360-days. Senate Bill 54 institutes a cap of 60-days on a second offense, and he opined that that is completely counter-effective when trying to deal with Class A misdemeanors in many categories. He said that he strongly urges the committee to scrap that provision.

[8:47:08 PM](#)

MAXINE DOOGAN, Community United for Safety and Protection (CUSP), advised that the Community United for Safety and Protection opposes SB 54, and especially Sections 3, 5, 13, 14, 20, and 22. The Department of Law (DOL) "flip-flopped" on its previous position and wrote that Sections 39 and 40 of Senate Bill 91 were presumably intended to prevent the state from prosecuting cooperatives of independent sex workers who are working in the same location as a sex trafficking enterprise, yet a sex trafficking enterprise is not defined in the statute. She acknowledged that having a prostitution enterprise is defined in the sex trafficking statute in the second degree. A person cannot be charged with the exception defined in the subsection of AS 11.66.130 to get away the conduct in AS 11.66.120. Repealing the section in SB 54 is unnecessary and would have a negative impact on public safety because it would disincentivizes sex workers from reporting crimes. Meanwhile, the proposed language in Section 3, of SB 54 is unduly confusing, she said. Alaskan sex workers should not be in a situation where they have to ask themselves whether they could safely report a crime without being charged with sex trafficking. The legislature should not pass another evidence-based bill, and CUSP opposes it for these reasons.

[8:49:14 PM](#)

SEAN STRAUSS advised that he has lived in Juneau for 16 years. Alaska is experiencing a crime emergency and to that end, he tentatively supports SB 54. Although, he related, crime is tied to economic conditions and he implored every legislator to work together to pass a fair income tax where all people and all corporations are taxed fairly and each pays their fair share. He stated that he agrees with some of the heart wrenching testimony because even the criminals' voices deserve to be heard, and every law abiding Alaskan needs to feel safe in their homes. He said that he does tentatively support opioid addicts receiving an opportunity and not just incarceration. He then asked the committee to amend SB 54 to include language that any individual arrested for an opioid addiction crime must answer these specific questions: who they purchased from; where and when did they make these purchases; and who

do they know that is experiencing an opioid emergency. In the event these people do not give forthright information to these questions, then leniency should not be given, he stated.

8:53:01 PM

JOHN POWERS, Owner/Operator, Tudor Bingo Center, advised that he represents his customers and guests. Recently, he related, a purse snatching took place in front of his building and that same evening, that same individual carjacked a vehicle. The same individual came back the next night and was recognized, when the police arrived and were shown a video of the individual, the police were unable to do anything about the individual. He said that he guessed the police do not arrest any longer for these types of crimes, and "give you a little written citation." Anchorage police officers have advised that it is frustrating for them because they get these criminals and they can't put them in jail, and they have to give them a citation. He advised that individuals are detained for a few minutes to answer some questions, and the criminals laugh at the officers. He does not support Senate Bill 91, and SB 54 is still under review because it needs some work, he related.

REPRESENTATIVE MILLETT asked what the cost to his business has been, and whether there has been a drop in his business due to the wave of crime being experienced.

MR. POWERS estimated that the cost will be upwards of \$200,000 for security guards at Tudor Bingo Center and at the new Big Valley Bingo. He stressed that that money could be going to his 43 charities and wife's 12 charities: Bean's Café, Children's' Lunchbox, APOA, Foodbank of Alaska, Foodbank of Wasilla, Covenant House, First Alaskans Institute, and more. He said that hiring armed or unarmed security is currently the cost of doing business and it had not been that way for 23 years.

8:57:52 PM

LARRY PARISH advised that he was representing himself and would like to do away with Senate Bill 91, and SB 54. He

noted that he is the legislature's employer because legislators are paid by the State of Alaska to "sit up there and pass notes and text back and forth, which I think the cell phone should be left outside the chambers while you are in chambers, so we can get something done instead of this dilly-dallying around."

8:58:55 PM

AUDREY CUCULLU, Executive Coordinator, Kenai Peninsula Re-Entry Coalition, advised that together with being the executive coordinator for the Kenai Peninsula Re-Entry Coalition, she is a person in long-term recovery. She advised that the coalition agrees with Soldotna Chief of Police Mlynarik and the solutions he brought forward, it supports criminal justice reform, and it definitely supports Senate Bill 91 and SB 54. She said, "We do not want to throw the baby out with the bathwater."

8:59:46 PM

KERRI BOSSARD advised that she was calling on behalf of her husband and herself. She explained that she has lived in various areas of the nation and never has she been as scared as she is living in Anchorage. She has an office at the Alaska Regional Hospital and she does not feel safe walking to her car in the middle of the day, or being in the hospital, or taking care of patients, or driving in during the middle of the night. She recommended a major overhaul of Senate Bill 54, she does not support Senate Bill 91, but she agrees with supporting mental health rehabilitation and services for individuals and drug addicts. She related that, "But the way this has come about has not been managed well."

9:01:03 PM

ELIZABETH THOMAS advised that she was calling on behalf of her family. She said that her daughter, granddaughter, and she lived in Midtown for five-years. They did not own an automobile and they could walk to the store in the evening because they didn't have to worry about anyone bothering them. Two years ago, she advised that they bought a car and moved to the other side of town. Currently, they can't

leave anything in the backseat, and she had to use her PFD to buy a gun to protect her family, she has to look out the window when she hears something, and when she goes outside to get in the car, she still has to look around because she doesn't want anything to happen to her family. She commented that her granddaughter attends UAA and expressed concern about what her granddaughter has to look forward to by staying and working in Alaska with this crime crisis. She said she does not support Senate Bill 91 because "it is a big joke," and SB 54 will not fix these issues.

[9:03:41 PM](#)

MARY NANUWAK said that she was speaking on her own behalf. She advised that she had watched the floor session of the House of Representatives, and commented that it was amazing to hear what people had to say, and the comments are not anything rude because these are things that happen over and over (indisc.) every session of this special session and it is hard to believe. (Audio difficulties) really define what productive activity and (audio difficulties risk assessment. She asked who does the risk assessment, and said she was asking this question because (audio difficulties) lawyers and the senators (indisc.) has never really done their job, and their excuses were incredible. She advised that she is not a brain surgeon, (audio difficulties), and she is "not this and that," if that is going to be the excuse maybe some legislators should step down and let the brain surgeons or cosmonauts do the work and maybe the public would get some work. (Audio difficulties) and when she can't, she said that people are a commodity and they are not even human. Someone had said (audio difficulties) and she concurred, and when concurring with somebody's thinking that's not doing the job. She said she does not support Senate Bill 91 or SB 54.

[9:06:25 PM](#)

MARNA SANFORD, Attorney, advised that she is speaking on her own behalf as a former public defender. She pointed out that even though she is a lawyer, she is "a regular Alaskan" who supported Senate Bill 91, she supported SB 55 to fix the technical issues, and she now supports SB 54 in giving the judges more discretion and setting some issues

straight. She added that she liked SB 54 in its original form. While she acknowledged that she is a lawyer, she advised that that does not preclude her from any of the frustrations being experienced currently because her truck was broken into this year, and she understands that people want to see punishment. One of the problems with the [manner in which] Senate Bill 91 was implemented into each Alaskan's life was [the lack of explanation of the fact] that the punishment of someone going to jail when someone hurts us, does not work. For example, she offered, the person who broke into her car will go into jail as an addict, and they will be released from jail as an addict, and they will break into another person's car. The whole idea behind Senate Bill 91 was to stop that cycle and it was not communicated well with the public, she explained, and that is an issue. She referred to Mr. Powers testimony about people being, basically, robbed at the Tudor Bingo Center and that law enforcement can't do anything about it. Except, Ms. Sanford argued, the situations Mr. Powers described are classified as first- and second-degree robbery, and those are absolutely arrestable offenses. In the event police officers are telling the public that they cannot arrest in those situations, she stressed that that is completely false and misinformation. She pointed out that that is the kind of misinformation that has been spread during this last year, [including the misinformation about] the crime rate spread like wildfire, and people are capitalizing on that misinformation, and those are just not the facts. Senate Bill 54 takes into account the issues that need to be fixed, and she urged the committee to pass it in its original form. She noted that she applauds the committee for staying so late to listen to the public's concerns.

[9:09:02 PM](#)

TERRIA WALTERS, Founder/President, Fallen Up Ministries, advised that she is speaking on behalf of her organization and as a victim, and that she supports Senate Bill 91. The Fallen-up Ministries organization works directly with incarcerated individuals who are about to be released from prison. Ms. Walters advised that she was in the prison system from 1984 until 2016 when she was released from parole, she knows how the system works, and she knows the

things that are broken within the system. She related that she wished the 30-days for 30-days was implemented at that time because she ended up doing all of her parole even with no violations. She continued her testimony as follows:

But, I want to say that, something that, I benefited from Senate Bill 91, and that was, my son was murdered two years ago and the individual that killed my son ... the mandatory minimum was 10 years and now it is 20 years. And, the guy accepted a deal for 60 years with 25 years suspended to serve 35 years with no parole. And, I believe that was the -- only accepted that because he would do three-years more than the mandatory minimum. If Senate Bill 91 was to be repealed, he could take that opportunity to go back before ... what is called a post-conviction release to be re-sentenced so that he could apply for parole. I know how the system operates and I know that there's things that need to be fixed. And, one of those things is that, I just encourage those that are part of Department of Corrections and, you know, this reinvestment piece, that they utilize the services that are out there, such as our organization where we actually detox people using the bridge device. We do have solutions, we want to be part of the solution, and be that piece to help individuals transition back into the community. And, we know that -- I know that the rise in crime or what they say the rising is ... not because of Senate Bill 91, it's the underlying issue of addiction and people needing services. I talk to individuals all the time that are wanting help and cannot get it. I just wanted to thank you guys, and I support Senate Bill 91, and SB 54. And, I just ask that you continue doing what you are doing, and I don't want to see a repeal.

[9:12:32 PM](#)

MICHELLE BROWN advised that she has lived in Anchorage over 20 years, she served in the military for seven-years, and she considers Alaska her home. She said she has heard

people claiming that under Senate Bill 91 the victims have rights. She offered testimony as follows:

Last year I was the victim of a violent assault and attacked by a stranger who is not an addict, not addicted to any opioids, which is what I've heard some people blame this crime epidemic on. Despite after release from the hospital situation, the defendant followed me out of an establishment to the parking lot, pushing, shoving, yelling, and then attacking me. I was punched in the face repeatedly, pushed to the ground, I used my arms to protect my face, and after several minutes my friend was able to drag her away by the foot. She again tried to come at me multiple times. I've always considered myself to feel safe in our state and that our legal system would bring me justice if I was wronged, but I've learned that is not the case. Due to Senate Bill 91, the municipal prosecutor office offered the defendant the following deal: for pleading guilty to assault four, a \$500 fine with \$250 suspended, 90 days in jail with 90 suspended, \$200 for costs of court appointed counsel, and \$50 sur charge, plus three-years' probation, and \$250 restitution. However, considering the restitution office is no longer funded, it is likely I'm no longer going to see -- I won't ever see that money. They also agreed to not charge a subsequent disorderly conduct charge that she had picked up after the assault. So, someone who violently attacked a stranger paid a total of \$500 and is now back on the street. She is on the record boasting and bragging about her crimes. The judge specifically told her that he tries to be optimistic for first-time offenders in hopes that he won't see them again. But, in this case he was confident she'd be back. The defendant served no jailtime and walked away from this crime [for] \$500. As a victim, I'm left to pick up the broken pieces for the feeling that justice was not served. District Attorney Clint Champion recently conducted an interview at KTUU in which he is quoted as saying, "As a prosecutor, I strongly believe in general deterrent. That is,

you can't catch everyone that commits a crime, you can't prosecute everyone that commits a crime, but there has to be a perception that when you commit a crime, that you might get caught. And, if you're caught, you're going to get punished." It is my belief that general deterrence is minimum in Alaska, and that public safety is threatened. I want to feel safe, protected, and feel that justice is served when a crime is committed. I do not support SB 54, I want something better for our state that starts with a repeal of Senate Bill 91, and laws that are in favor of victims.

CHAIR CLAMAN closed public testimony on SB 54.

[SB 54 was held over.]

[9:16:19 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 9:16 p.m.