

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

May 13, 2017
9:30 a.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Chair
Representative Matt Claman, Vice Chair
Representative Sam Kito
Representative Louise Stutes
Representative David Eastman
Representative Lora Reinbold

MEMBERS ABSENT

Representative Mike Chenault

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 55(FIN)

"An Act relating to criminal law and procedure; relating to controlled substances; relating to sentencing; relating to protective orders; relating to restitution; relating to the period of probation; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to parole; relating to the duties of the Department of Corrections and the Department of Health and Social Services; and providing for an effective date."

- MOVED HCS CSSB 55(RLS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 55

SHORT TITLE: OMNIBUS CRIME/CORRECTIONS

SPONSOR(S): JUDICIARY

02/10/17	(S)	READ THE FIRST TIME - REFERRALS
02/10/17	(S)	JUD, FIN
02/15/17	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/15/17	(S)	Heard & Held
02/15/17	(S)	MINUTE(JUD)
03/15/17	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/15/17	(S)	-- MEETING CANCELED --
03/17/17	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/17/17	(S)	Scheduled but Not Heard

03/20/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/20/17 (S) Moved CSSB 55(JUD) Out of Committee
 03/20/17 (S) MINUTE(JUD)
 03/22/17 (S) JUD RPT CS 5DP NEW TITLE
 03/22/17 (S) DP: COGHILL, WIELECHOWSKI, COSTELLO,
 MEYER, KELLY
 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) Moved CSSB 55(FIN) Out of Committee
 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 3DP 3NR NEW TITLE
 04/03/17 (S) DP: HOFFMAN, MACKINNON, VON IMHOF
 04/03/17 (S) NR: DUNLEAVY, MICCICHE, OLSON
 04/03/17 (S) TRANSMITTED TO (H)
 04/03/17 (S) VERSION: CSSB 55(FIN)
 04/05/17 (H) READ THE FIRST TIME - REFERRALS
 04/05/17 (H) JUD
 04/12/17 (H) JUD WAIVED PUBLIC HEARING NOTICE, RULE
 23(A) UC
 04/13/17 (H) JUD AT 5:30 PM GRUENBERG 120
 04/13/17 (H) Moved CSSB 55(FIN) Out of Committee
 04/13/17 (H) MINUTE(JUD)
 04/14/17 (H) JUD RPT 3DP 1DNP 2NR 1AM
 04/14/17 (H) DP: KOPP, KREISS-TOMKINS, CLAMAN
 04/14/17 (H) DNP: REINBOLD
 04/14/17 (H) NR: FANSLER, LEDOUX
 04/14/17 (H) AM: EASTMAN
 04/26/17 (H) RLS AT 1:30 PM GRUENBERG 120
 04/26/17 (H) Scheduled but Not Heard
 05/01/17 (H) RLS AT 1:30 PM GRUENBERG 120
 05/01/17 (H) Scheduled but Not Heard
 05/04/17 (H) RLS AT 12:30 AM GRUENBERG 120
 05/04/17 (H) AK MENTAL HEALTH TRUST LAND EXCHANGE
 05/12/17 (H) RLS AT 1:30 PM GRUENBERG 120
 05/12/17 (H) Scheduled but Not Heard
 05/13/17 (H) RLS AT 9:30 AM GRUENBERG 120

WITNESS REGISTER

COURTNEY ENRIGHT, Staff

Representative Gabrielle LeDoux
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the changes that would be made to SB 55 under the proposed House committee substitute.

ACTION NARRATIVE

[9:30:30 AM](#)

CHAIR GABRIELLE LEDOUX called the House Rules Standing Committee meeting back to order at 9:30 a.m. [The House Rules Standing Committee had recessed on 5/12/17.] Representatives Kito, Claman, Stutes, Reinbold, and LeDoux were present at the call back to order. Representative Eastman arrived as the meeting was in progress.

SB 55-OMNIBUS CRIME/CORRECTIONS

[Contains discussion of SB 91 and SB 54.]

[9:31:21 AM](#)

CHAIR LEDOUX announced that the only order of business would be CS FOR SENATE BILL NO. 55(FIN), "An Act relating to criminal law and procedure; relating to controlled substances; relating to sentencing; relating to protective orders; relating to restitution; relating to the period of probation; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to parole; relating to the duties of the Department of Corrections and the Department of Health and Social Services; and providing for an effective date."

[9:31:29 AM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed House committee substitute (HCS) for CSSB 55(FIN), Version 30-LS0119\G, Martin, 5/12/17, as a work draft. There being no objection, Version G was before the committee.

[9:32:00 AM](#)

COURTNEY ENRIGHT, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, explained the changes that would be made to SB 55 under the proposed House committee substitute. The first substantive change would be to add a new Section 28 to require

an inventory and report on untested sexual assault examination kits, wherein the inventory must be completed by September 1, 2017, with a report and plan to address the untested kit backlog transmitted to the legislature by November 1, 2017. The second change would be the addition of new sections 4, 5, 15, 17, 19, 20, 21, 22, and 23 to amend conflicting state statute regarding the enforcement of protection orders issued in another jurisdiction, such as a state, territory, or tribal court. She explained that these changes would bring Alaska into compliance with the federal Violence Against Women Act.

[9:32:58 AM](#)

REPRESENTATIVE EASTMAN asked Ms. Enright to explain how the proposed legislation would relate to "previous legislation that was passed before the House dealing with the federal law and the violation against women."

MS. ENRIGHT answered, "These new sections are identical to the previous legislation that's come before the House."

[9:33:39 AM](#)

CHAIR LEDOUX said she would entertain amendments. She noted that some of the amendments had been drafted for another version, labeled 30-LS0119\S, Martin, 5/11/17, and she announced that she was granting authorization to Legislative Legal Services to make any conforming changes to any amendment drafted for Version S.

[9:34:12 AM](#)

REPRESENTATIVE EASTMAN, in response to Chair LeDoux, announced that he would not be offering any amendments today but instead would "work on a more comprehensive change to some of the post-SB 91 language."

[Although Representative Eastman's amendments were never offered, because they would have been Amendments 1 and 2, Chair LeDoux called the first amendment to be moved Amendment 3.]

[9:34:46 AM](#)

REPRESENTATIVE REINBOLD moved to adopt Amendment 3, labeled 30-LS0119\G.3, Martin, 5/12/17, which read as follows:

Page 7, following line 30:

Insert a new bill section to read:

"* Sec. 15. AS 12.55.135(b) is amended to read:

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than

(1) 10 days unless otherwise specified in the provision of law defining the offense or in this section;

(2) 90 days if the conviction is for a violation of

(A) AS 11.61.116(c)(1) and the person is 21 years of age or older; [OR]

(B) AS 11.61.120(a)(6) and the person is 21 years of age or older; or

(C) AS 11.46.150, 11.46.220(c)(3), 11.46.260(b)(3), 11.46.270(b)(3), 11.46.280(d)(4), or 11.46.530(b)(3)."

Renumber the following bill sections accordingly.

Page 17, line 22:

Delete all material and insert:

"* Sec. 28. AS 12.55.135(l) and AS 33.16.120(h) are repealed."

Page 19, following line 2:

Insert a new subsection to read:

"(d) AS 12.55.135(b), as amended by sec. 15 of this Act, applies to sentences imposed on or after the effective date of sec. 15 of this Act, for offenses committed on or after the effective date of sec. 15 of this Act."

Reletter the following subsection accordingly.

Page 19, line 3:

Delete "sec. 23"

Insert "sec. 24"

Page 19, lines 5 - 6:

Delete "sec. 23"

Insert "sec. 24"

Page 19, line 6:

Delete "sec. 23"

Insert "sec. 24"

Page 19, line 16:

Delete "8 - 14, 16, 18, and 23 - 30"

Insert "8 - 15, 17, 19, and 24 - 31"

REPRESENTATIVE CLAMAN objected because he said the language in Amendment 3 appears to address matters in SB 54, which is currently before the House State Affairs Standing Committee.

REPRESENTATIVE REINBOLD responded as follows:

The title is broad. I met with [Legislative Legal and Research Services] yesterday, and they said it was absolutely germane to this. And it's something that I think is of utmost importance, ... regarding staff, because of the serious issues that the state is facing in our retail stores and our grocery stores - people are getting stabbed, people are getting killed, because of theft - and I think it's something that we can't wait another day to deal with.

[9:35:41 AM](#)

CHAIR LEDOUX ruled the proposed Amendment 3 out of order, not because it is not germane, but because it is presently the subject of another bill in [another] committee.

REPRESENTATIVE REINBOLD argued that the status of that other bill is unknown and [not addressing the issue] will put families and children at risk. She said she did "a ride along" recently and "we were not there a minute and there was a theft happening in the store." She emphasized the dangerous nature of "what's happening ... in our communities right now."

CHAIR LEDOUX acknowledged Representative Reinbold's point, but stated that there is a tradition in the House of "not rolling committee chairs." She upheld her ruling.

[9:36:40 AM](#)

REPRESENTATIVE EASTMAN called a point of order to ask, "Wouldn't it be the case that that would be something to put before the committee for a vote to uphold the tradition? Because there's no rule that would say that that cannot be considered at this time."

[9:36:53 AM](#)

REPRESENTATIVE LEDOUX upheld her ruling but said Representative Reinbold has the option of appealing the ruling of the chair.

[9:37:04 AM](#)

REPRESENTATIVE REINBOLD appealed the ruling of Chair LeDoux.

[9:37:12 AM](#)

A roll call vote was taken. Representatives Claman, Stutes, Kito, and LeDoux voted in favor of upholding the ruling of Chair LeDoux that Amendment 3 was out of order. Representatives Eastman and Reinbold voted against it. Therefore, the ruling was upheld by a vote of 4-2.

[9:37:45 AM](#)

REPRESENTATIVE REINBOLD moved to adopt Amendment 4, labeled 30-LS0119\S.4, Martin, 5/12/17, which read as follows:

Page 7, following line 30:

Insert a new bill section to read:

"* Sec. 15. AS 12.55.125(e) is amended to read:

(e) Except as provided in (i) of this section, a defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, [PROBATION, WITH A SUSPENDED TERM OF IMPRISONMENT OF] zero to **one year** [18 MONTHS]; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085;

(2) if the offense is a second felony conviction, one to three years;

(3) if the offense is a third felony conviction, two to five years;

(4) if the offense is a first felony conviction, and the defendant violated

(A) AS 08.54.720(a)(15), one to two years;

(B) AS 28.35.030(n)(1)(A) or 28.35.032(p)(1)(A), 120 days to 239 days;

(C) AS 28.35.030(n)(1)(B) or
28.35.032(p)(1)(B), 240 days to 359 days;
(D) AS 28.35.030(n)(1)(C) or
23.35.032(p)(1)(C), 360 days to two years."

Renumber the following bill sections accordingly.

Page 19, following line 22:

Insert a new subsection to read:

"(d) AS 12.55.125(e), as amended by sec. 15 of this Act, applies to sentences imposed on or after the effective date of sec. 15 of this Act, for conduct occurring on or after the effective date of sec. 15 of this Act."

Reletter the following subsection accordingly.

Page 19, line 23:

Delete "sec. 24"

Insert "sec. 25"

Page 19, lines 25 - 26:

Delete "sec. 24"

Insert "sec. 25"

Page 19, line 26:

Delete "sec. 24"

Insert "sec. 25"

Page 20, line 5:

Delete "16, 18, and 24 - 31"

Insert "17, 19, and 25 - 32"

REPRESENTATIVE CLAMAN objected because the language in Amendment 4 addresses subject matter currently being considered in SB 54 by the House State Affairs Standing Committee.

REPRESENTATIVE REINBOLD stated that she had previously been ruled out of order during a House Judiciary Standing Committee meeting chaired by Representative Claman and she feels that she is being "shut out of the process." She opined that the language in SB 91 regarding "C felony charges" is "absolutely outrageous." She offered further statements in regard to SB 91.

CHAIR LEDOUX asked Representative Reinbold to limit her comments to SB 55.

REPRESENTATIVE REINBOLD stated, "Public safety is government's most important mandate, and we must address C felonies." She said the topic is "completely germane" and Legislative Legal and Research Services told her it was "completely appropriate to do..."

[9:39:18 AM](#)

CHAIR LEDOUX interrupted to announce that she ruled Amendment 4 out of order.

[9:39:22 AM](#)

REPRESENTATIVE REINBOLD appealed the ruling of the chair.

[9:39:26 AM](#)

A roll call vote was taken. Representatives Claman, Stutes, Kito, and LeDoux voted in favor of upholding the ruling of Chair LeDoux that Amendment 4 was out of order. Representatives Reinbold and Eastman voted against it. Therefore, the ruling was upheld by a vote of 4-2.

[9:40:05 AM](#)

REPRESENTATIVE CLAMAN moved to report the proposed HCS for CSSB 55(FIN), Version 30-LS0119\G, Martin, 5/12/17, out of committee with individual recommendations and attached fiscal notes.

REPRESENTATIVE REINBOLD objected.

[9:40:24 AM](#)

A roll call vote was taken. Representatives Claman, Stutes, Kito, and LeDoux voted in favor of the motion to move the proposed HCS for CSSB 55(FIN), Version 30-LS0119\G, Martin, 5/12/17, out of committee. Representatives Eastman and Reinbold voted against it. Therefore, HCS CSSB 55(RLS) was reported out of the House Rules Standing Committee by a vote of 4-2.

[9:40:51 AM](#)

ADJOURNMENT

CHAIR LEDOUX recessed the House Rules Standing Committee meeting to a call of the chair. [The House Rules Standing Committee reconvened on 5/15/17 at 10:00 a.m.]