

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

March 15, 2019

1:32 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Chuck Kopp
Representative Louise Stutes
Representative Adam Wool
Representative Laddie Shaw
Representative David Eastman

MEMBERS ABSENT

Representative Gabrielle LeDoux, Vice Chair

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Appointee, Alaska Judicial Council

David Parker - Wasilla

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 52

"An Act eliminating marriage as a defense to certain crimes of sexual assault; relating to enticement of a minor; relating to harassment in the first degree; relating to harassment in the second degree; relating to indecent viewing or production of a picture; relating to the definition of 'sexual contact'; relating to assault in the second degree; relating to sentencing; relating to prior convictions; relating to the definition of 'most serious felony'; relating to the definition of 'sexual felony'; relating to the duty of a sex offender or child kidnapper to register; relating to eligibility for discretionary parole; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 77

"An Act relating to the number of superior court judges in the third judicial district; and providing for an effective date."

- MOVED HB 77 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 52

SHORT TITLE: CRIMES;SEX CRIMES;SENTENCING; PAROLE

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/20/19	(H)	READ THE FIRST TIME - REFERRALS
02/20/19	(H)	JUD, FIN
03/11/19	(H)	JUD AT 1:30 PM GRUENBERG 120
03/11/19	(H)	Heard & Held
03/11/19	(H)	MINUTE(JUD)
03/15/19	(H)	JUD AT 1:30 PM GRUENBERG 120

BILL: HB 77

SHORT TITLE: NUMBER OF SUPERIOR COURT JUDGES

SPONSOR(S): RULES BY REQUEST

02/27/19	(H)	READ THE FIRST TIME - REFERRALS
02/27/19	(H)	JUD, FIN
03/13/19	(H)	JUD AT 1:30 PM GRUENBERG 120
03/13/19	(H)	Heard & Held
03/13/19	(H)	MINUTE(JUD)
03/15/19	(H)	JUD AT 1:30 PM GRUENBERG 120

WITNESS REGISTER

DAVID PARKER

Wasilla, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Judicial Council.

KATIE BOTZ

Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 52.

MICHELE VASQUEZ

Soldotna, Alaska

POSITION STATEMENT: Testified in support of HB 52 though asked for it to be amended.

MAXINE DOOGAN

Community United for Safety Protection

Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 52 and asked for it to be amended.

TERRA BURNS

Community United for Safety Protection

Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 52 and asked for it to be amended.

NANCY MEADE, General Counsel

Alaska Court System

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 77.

ACTION NARRATIVE

[1:32:09 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:32 p.m. Representatives Wool, Shaw, Stutes, Kopp, Eastman, and Claman were present at the call to order.

Consideration of Governor's Appointees: AK Judicial Council

[1:32:52 PM](#)

CHAIR CLAMAN announced that the first order of business would be a confirmation hearing for the governor's appointment to the Alaska Judicial Council (AJC). He opened public testimony for the hearing.

1:33:28 PM

DAVID PARKER said he has been reappointed to AJC after having served on the council for the last (*indisc.*) years as a non-attorney member. He shared details of his professional history including his work as a teacher in the Yemen Arab Republic (YAR) and as a pastor in Alaska, Oregon, Washington, Ivory Coast, and France. He said he became a police officer with the Anchorage Police Department (APD) in 1995 and a detective in 1998. He said he began to specialize in crimes against children in 1999. He said he was promoted to sergeant in 2003 and had the responsible for restarting the Sexual Assault Response Team program with the Department of Health and Social Services. He shared his professional experience related to crimes against children, including his involvement in establishing "a multidisciplinary center" now emulated in other parts of the state. He said he was promoted to detective lieutenant in 2007 and oversaw units dedicated to crimes against children, sexual assault, cybercrimes, and vice. He said he became APD's public information officer (PIO) in 2008. He acknowledged that Chair Claman served as acting-mayor of Anchorage during the time he was PIO.

CHAIR CLAMAN said he remembers well Mr. Parker's service to APD.

MR. PARKER said he retired from APD at the end of 2012 and moved on to the Palmer Police Department, where he served from 2013 to 2017 as a part-time patrol officer because the department was short-handed. He said, after 21 years of law enforcement experience, he was appointed to AJC by Governor Sean Parnell. He mentioned he has had the privilege of serving under three governors and three chief justices. He said he has enjoyed his time on AJC and that he feels it is important for Alaska to have the most qualified, fair, and capable judiciary.

1:37:35 PM

CHAIR CLAMAN ascertained that there were no questions from committee members. Also seeing no one else wishing to testify, he closed public testimony for the hearing.

1:38:30 PM

REPRESENTATIVE STUTES said Mr. Parker appears to be an excellent candidate. She said it is fortunate that he has elected to serve on AJC.

REPRESENTATIVE EASTMAN thanked Mr. Parker for his willingness to serve. He noted that he was happy to see involvement in various organizations and activities on Mr. Parker's resume, including involvement with the Alaska Peace Officers' Association (APOA).

REPRESENTATIVE WOOL echoed the comments of Representatives Stutes and Eastman.

REPRESENTATIVE KOPP said, "Keep up the good work, Dave."

REPRESENTATIVE SHAW said he was happy to hear from Mr. Parker and congratulated him.

CHAIR CLAMAN shared his appreciation for Mr. Parker's continued public service. He recalled Mr. Parker's efforts in organizing an investigatory unit for crimes against children and how effective the unit was for APD. He cited the importance of having an appointee who has served on AJC and knows the importance of vetting judiciary applicants.

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REPRESENTATIVE STUTES stated that the House Judiciary Standing Committee has reviewed the qualifications of the Governor's appointee and recommends the following name be forwarded to a joint session for consideration: Dave Parker, Alaska Judicial Council. She said this does not reflect intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

CHAIR CLAMAN said Mr. Parker's name will be forward to the joint session.

HB 52-CRIMES;SEX CRIMES;SENTENCING; PAROLE

1:41:05 PM

CHAIR CLAMAN announced that the next order of business would be HOUSE BILL NO. 52 "An Act eliminating marriage as a defense to certain crimes of sexual assault; relating to enticement of a minor; relating to harassment in the first degree; relating to harassment in the second degree; relating to indecent viewing or production of a picture; relating to the definition of 'sexual contact'; relating to assault in the second degree; relating to sentencing; relating to prior convictions; relating to the definition of 'most serious felony'; relating to the definition of 'sexual felony'; relating to the duty of a sex offender or child kidnapper to register; relating to eligibility for discretionary parole; and providing for an effective date."

1:42:00 PM

CHAIR CLAMAN opened public testimony on HB 52.

1:42:57 PM

KATIE BOTZ relayed her experience as a victim of sexual abuse. [Due to technical difficulties, much of Ms. Botz's testimony was indiscernible. She had read from a similar prepared statement during the Senate Judiciary Standing Committee meeting on February 18, 2019. She gave permission for that testimony to be reflected in this record.]

MS. BOTZ said she was originally from Kodiak, where she was the victim of sexual abuse at the age of 12. She said many statistics show that victims often know their rapist. In this case, she said, her rapist was an 18-year-old friend of her brother. She detailed her efforts to hide from her abuser, who was welcome in the house and worked around her family members' schedules to abuse her. She said her mother caught him in the act, which broke her mother's heart. She discussed the testing of her rape kit and the involvement of the police and court system. She said she wishes her abuser had received more than six years in prison. She noted that she remembers the abuse as if it happened yesterday. She explained that she cried herself

to sleep every night for five years and how she feared sleep because of chronic nightmares. She said she did not speak to anyone about her nightmares, possibly because of the stigma and embarrassment of being a victim. She said she wishes her abuser served more than six years in prison because it took her 12 years to recover. She added that sexual abuse is a topic too difficult for some victims to discuss. She remarked that Alaska has the highest sex crime rate in America and only one percent of predators end up in jail. She said if the government wants to protect the public, something must be done about this.

[MS. BOTZ, during the Senate Judiciary Standing Committee meeting on February 18, 2019, also spoke against outside residents coming to Alaska to dodge sex offender registration. She said all Alaskan residents should have the right to know who they are associating with. She said incitement of a minor is still a crime, regardless of how it is committed. She noted that sexual harassment is not often properly respected by authorities, which makes it difficult for victims to go to a supervisor. She asked for something to help victims feel more comfortable reporting sexual harassment. She said imprisonment of less than ten years for serious crimes does not do justice for victims, noting that a victim will suffer for a lot longer than that ten years. She urged a sentence of 20 years for victims aged 13 and older and 30 years for victims under 13, so that victims can have peace of mind.]

[1:46:26 PM](#)

MICHELE VASQUEZ said she whole-heartedly supports HB 52 though asked that the bill be amended to make it a third- or fourth-degree sexual assault for anyone in law enforcement to have sexual contact or penetration with anyone during an active criminal investigation. She called that behavior "reprehensible" and said it should not be tolerated. She said, given Alaska's position as the state with the highest rate of sexual assault, legislators should make a clear statement that nobody is above the law when it comes to sexual assault. She said all Alaskans should be protected.

[1:47:40 PM](#)

MAXINE DOOGAN, representing Community United for Safety Protection (CUSP), explained that CUSP is an advocacy group for current and former sex workers, sex trafficking victims, and their allies. She asked that HB 52 be amended to include language making police officers guilty of third- or fourth-degree felony sexual assault if they have sexual contact or penetration with anyone that they are investigating for prostitution or sex trafficking. She cited a CUSP survey that found 90 percent of Alaska voters support making it a criminal offense.

[1:49:11 PM](#)

TERRA BURNS, also representing Community United for Safety Protection, asked for HB 52 to be amended to make it third- or fourth-degree sexual assault for a police officer to sexually penetrate or have sexual contact with people under active investigation during an active criminal investigation. She said she did her graduate research at University of Alaska Fairbanks on the lived experiences and policy recommendations of people in Alaska's sex trade. She said approximately a quarter of sex workers say they have been sexually assaulted by a police officer. She added that 60 percent of sex trafficking victims say they have been sexually assaulted by a police officer. She explained that APD conducts stings as a primary way to identify sex trafficking victims. She said CUSP is aware of cases in which people have called 911 to say that they were sex trafficking victims and then, instead of following up with them, APD conducted a prostitution sting operation where officers had sexual contact with them. She stressed that victims of sex crimes should be treated equally and not be subject to revictimization by law enforcement. She said this is a common-sense amendment as the committee is already looking to adjust the sexual assault statute. She restated that 90 percent of Alaska voters want to see this happen. She thanked the committee members for their work addressing sex crimes.

[1:51:15 PM](#)

CHAIR CLAMAN ascertained there were no further people wishing to testify. He closed public testimony on HB 52.

[1:52:24 PM](#)

CHAIR CLAMAN announced the bill would be held for further review.

HB 77-NUMBER OF SUPERIOR COURT JUDGES

[1:52:27 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 77 "An Act relating to the number of superior court judges in the third judicial district; and providing for an effective date."

[1:53:15 PM](#)

REPRESENTATIVE EASTMAN asked if there are any metrics or anecdotes regarding the relative busyness of the judicial districts. He asked if workloads are fairly uniform across districts or if they are significantly different.

[1:54:07 PM](#)

NANCY MEADE, General Counsel, Alaska Court System, said the courts are "relatively of the same busyness" but they do not have the same caseloads and activity across the state. She said the five busiest courts are Anchorage, Kenai, Palmer, Fairbanks, and Juneau. She said Bethel is a busy court, as is Ketchikan at times. She said there is not an even number of cases per judge across the state. She noted that judges also share responsibilities and activities, so if one judge has a long criminal trial, for example, another can fill in. She said there is movement and sharing of responsibilities within districts.

[1:55:19 PM](#)

REPRESENTATIVE EASTMAN asked for confirmation that the court system found it easy to determine that the two new seats should be included in the Third Judicial District.

MS. MEADE confirmed this.

[1:55:53 PM](#)

CHAIR CLAMAN mused on his experience trying cases in Valdez, Cordova, and Homer. He recalled how Chief Justice Joel H. Bolger, when he was the district court judge in Valdez, would travel to Cordova to help pick up cases. He recalled other examples of what he called "not the most efficient setup" regarding judges having to travel to preside in other locations.

[1:56:45 PM](#)

REPRESENTATIVE STUTES moved to report HB 77 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 77 was moved from the House Judiciary Standing Committee.

[1:57:28 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:57 p.m.