

SENATE FINANCE COMMITTEE

May 2, 2019

1:31 p.m.

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CALL TO ORDER

Co-Chair von Imhof called the Senate Finance Committee meeting to order at 1:31 p.m.

MEMBERS PRESENT

Senator Natasha von Imhof, Co-Chair  
Senator Bert Stedman, Co-Chair  
Senator Click Bishop  
Senator Lyman Hoffman  
Senator Peter Micciche  
Senator Mike Shower  
Senator Bill Wielechowski  
Senator David Wilson

MEMBERS ABSENT

Senator Donny Olson

ALSO PRESENT

James Stinson, Director, Office of Public Advocacy; John Skidmore, Director, Criminal Division, Department of Law; Jen Winkelman, Director of Probation, Parole and Pretrial, Department of Corrections; Kelly Goode, deputy commissioner for DOC, In Room; Nancy Meade, General Counsel, Alaska Court System; Kelly Howell, Director, Division of Administrative Services, Department of Public Safety; Senator Cathy Giessel, Senator Mia Costello, Senator Shelly Hughes, Senator Laura Reinbold.

PRESENT VIA TELECONFERENCE

Beth Goldstein, Interim Public Defender; Major Andy Greenstreet, AK State Troopers, Anchorage.

SUMMARY

SB 32            CRIMES; SENTENCING; MENT. ILLNESS; EVIDENCE

SB 32 was HEARD and HELD in committee for further consideration.

SB 33 ARREST;RELEASE;SENTENCING;PROBATION

SB 33 was HEARD and HELD in committee for further consideration.

SB 34 PROBATION; PAROLE; SENTENCES; CREDITS

SB 34 was SCHEDULED but not HEARD.

#sb32

SENATE BILL NO. 32

"An Act relating to criminal law and procedure; relating to controlled substances; relating to probation; relating to sentencing; relating to reports of involuntary commitment; amending Rule 6, Alaska Rules of Criminal Procedure; and providing for an effective date."

Co-Chair von Imhof introduced the bill.

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BETH GOLDSTEIN, INTERIM PUBLIC DEFENDER (via teleconference), discussed that the American Bar Association recommended amount was used. Four attorneys to handle the caseload. The Department of Law (LAW) support staff positions. She remarked that there was an anticipated increase in new felony drug cases, with the anticipation that there would be approximately 740 new cases based on the rollback and statistics. She assumed that approximately 19 percent would not come to the Public Defender Agency, because either the defendants would not be eligible for appointed counsel or they would have a conflict with the agency. Therefore they would go to the Office of Public Advocacy (OPA) or contracted counsel. She stated that there would be a remaining 600 new felony drug cases that the agency would handle under the legislation. She remarked that the agency used the American Bar Association recommended amount of 150 felony cases per attorney per year to determine what would be needed with respect to the felony drug cases. As a result, there would be four attorney to handle the increased case load. She noted that one additional attorney would be needed to handle the

recriminalizing of the driving without a license cases. The department was also seeking five additional support staff positions. She stressed that, currently, the Public Defender office was understaffed with respect to law office assistants and paralegals. She felt that in order to avoid requesting more attorney positions, four new staff were needed for the new drug felony cases and one new staff for the driving cases.

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Co-Chair von Imhof noted that the review of the fiscal note 8 OMB 1631. She stated that it was approximately \$1.4 million a year to handle the new caseload of 600 new cases.

Senator Bishop asked if the fiscal note was adequate for the bill.

Ms. Goldstein that there would be an updated fiscal note was actually \$1.3 million

Senator Bishop asked about the new cases ever year. He asked if the cases would all go to trial. He wondered if the state could execute the proper action.

Ms. Goldstein responded that it was not anticipated that all the cases would go to trial. She explained that the most drug cases were basic felony cases, but some were more complicated than others. She stated that the American Bar Association determined that a reasonable caseload for a felony-level attorney was 150 cases per year. She explained that, because the cases would move through the system, the agency could handle 600 more cases with four felony-level attorneys.

Senator Bishop stated that he would discuss the issue with the Co-chairs.

Co-Chair von Imhof corrected the fiscal note 8 amount to \$1.3 million.

Senator Wielechowski asked about Section 47 and the switch to allow for hearsay evidence to be presented to the Grand Jury. He queried support for that section.

Ms. Goldstein responded that she also had concerns about the section. She noted that the cases may take longer

without the certified judgements. She stated that the agency did not typically participate in Grand Jury proceedings. She remarked that it may take a little longer to plead out the cases, because there would not be certified judgments from the Grand Jury.

Senator Wielechowski asked if there would be an increased fiscal note as a result, or only an increased workload.

Ms. Goldstein replied that she believed that it would only slightly increase the workload.

Senator Wielechowski asked about Section 29 and a change in time to be served for possession. He understood that the first two offences for simple possession were currently a Class A misdemeanor with no jail time, and the section changed it to a Class C felony with up to five years in jail.

Ms. Goldstein agreed.

Senator Wielechowski asked about the policy perspective.

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Ms. Goldstein noted that the directed measure could increase litigation and caseloads.

Senator Wielechowski asked how many cases could be expected to be first time possessors of drugs. He noted that the felony provision.

Ms. Goldstein responded that the first time cases could not be predicted. She noted that tracking future cases would be easier with new software. She stated that the philosophy that treatment available was necessary.

Senator Shower pointed out the analysis. He wondered if a section might be missing.

Co-Chair von Imhof wondered whether there was work with the Office of Management and Budget (OMB) administrative director to acquire new fiscal notes.

Ms. Goldstein noted that the mistake on the fiscal note was being corrected.

Senator Shower stressed that it seemed to be a recurring theme, so wanted to be sure it was correct.

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Senator Wielechowski expressed concern about the terminology related to possession. He asked about the perspective of the long-term impacts of someone getting a felony arrest. He specifically asked about job, education, and housing opportunities.

Ms. Goldstein noted that conviction of a felony had many major ramifications from not being able to vote to getting a job. She noted that there were some ramifications with respect to child custody issues and needed public housing. She reiterated that a felony conviction could put a person behind in many areas of life.

Senator Wielechowski stated that the prosecutors understood that possession could be pled down to a misdemeanor. He queried that rational, and the experience about pleading down simple possession.

Ms. Goldstein agreed that the felony caused additional issues when compared to a misdemeanor. She stated that the ramifications in life.

Senator Wielechowski commented on the argument about a suspended entry of judgment. He queried the percentage of drug possession cases that were dealt with in that manner, and whether it was a reasonable way to deal with future cases.

Ms. Goldstein replied that she would provide the numbers. She noted that there were some useful tools that would help people to gain treatment. She noted other components to help succeed. She added that the different challenges to receiving treatment.

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Senator Micciche asked about incentive to seek treatment. He remarked that someone may not want to seek treatment without a suspended entry of judgment. He felt that issuing a violation would not have a higher incentive for rehabilitation.

Ms. Goldstein noted that a person has to want to have the treatment. She stressed that the addictive cycle showed that people regularly try to get sober, but built into the recovery is a failure rate before they can get back into recovery.

Senator Micciche stated that the state was at war because of drug related crime. He noted that crimes related to supporting requirement. He stated that the change was a lifesaver. He felt that someone who has

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Ms. Goldstein believed that the charge versus the conviction. She commented that the obstacles to overcome were, and not everyone who possesses is addicted.

Co-Chair von Imhof stated that a specialist regarding mental health and addiction would be presenting to the committee.

Senator Hoffman agreed with the chair that another contributing entity might be necessary. He felt that new treatment centers were likely necessary. He stated that the doors could be open by the individuals to seek treatment. The provision might provide false hope.

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Senator Wilson stated that the without incentive for treatment the facilities do not succeed. He stressed that without the supportive infrastructure there would be to patient incentive. The lingering time can affect.

Senator Wielechowski asked about treatment incentive experience as the public defender and punishment.

Ms. Goldstein responded that the approach much be holistic, and multiple things were asked of the people that were overwhelming.

Senator Bishop wanted to have a difficult conversation about addiction. He thought that the dialog was very important.

Co-Chair von Imhof agreed that the holistic approach was very important. She noted that federal funds were available for behavioral health therapy.

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JAMES STINSON, DIRECTOR, OFFICE OF PUBLIC ADVOCACY, echoed the statements made by Ms. Goldstein. He remarked on the increase in caseload for the legislation. He stated that OPA was requesting \$694,700, which equated to three attorneys and two support staff. He believed that was needed to absorb the increase in caseload.

Co-Chair von Imhof noted the fiscal note, OMB 43, at approximately \$350,000.

Mr. Stinson stated that it was incorrect, because it was an older fiscal note. She queried the new fiscal note number.

Senator Hoffman replied that it was OMB 694.

Senator Bishop asked if the fiscal note was accurate.

Mr. Stinson replied that he believed it was accurate. The fiscal note was based on the numbers that were most easily monetized. He noted that there were probably additional costs, that were still uncertain. He felt the money allowed for a distribution to the key areas and offices for the new cases.

Senator Bishop asked about the new fiscal note and the elimination of the DNA testing.

Mr. Stinson was in agreement. He remarked that there was no anticipated cost increase as a result of the DNA testing, so there would be no impact on the fiscal note.

Senator Micciche asked about the contract to staff funding shift. He wondered whether there was work to resolve some of the conflict problems with the Public Defenders Agency.

Mr. Stinson replied that the Office of Public Advocacy (OPA) relied on expensive independent contractors. He remarked that there was a proposal to remove \$500,000 out of the contractor line, and utilize additional PCNs for attorneys. He noted that the request did not consider SB 32. He stated that OPA was attempting to find efficiencies

to bring the taxpayer the best value for their dollar. He noted that contractors were more expensive than inhouse attorneys in almost all circumstances. He stressed that there was an attempt to find a balance, while also being conscious of large overhead with a large amount of employees.

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Senator Wilson asked about different jurisdictions that were more conflicted out.

Mr. Stinson replied that there were localities with higher conflict rates. He shared that Kenai was a smaller community, and remarked that an increase in felony drug prosecutions would result in more codefendants and additional drug cases. He was not completely sure where the positions would be placed geographically, but the positions were based on raw numbers.

Senator Wilson requested the rates of the conflicted cases. He remarked that, in Palmer, he may prefer to conflict out as a public defender for the person who had the contract. He felt that it would be a better attorney's office than the Public Defenders Agency.

Senator Wielechowski asked about an expired narcotic prescription, and whether that be a crime under this bill.

Mr. Stinson replied that, presuming it would meet the new definition, it would be the zero to two year presumptive range up to five years.

Senator Wielechowski wondered whether it would be a felony.

Mr. Stinson replied in the affirmative, but would further examine the exact answer.

Senator Wielechowski queried was considered a Class 6A controlled substance. He wondered if marijuana was in that class.

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Mr. Stinson asked for the location within the bill

Senator Wielechowski stated that he was looking at page 19, lines 22-24.

Co-Chair von Imhof wondered whether this question was better for a different testifier.

Senator Wielechowski agreed.

Co-Chair von Imhof stated that Mr. Skidmore might be better to provide the requested information.

Mr. Stinson deferred to Mr. Skidmore.

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Co-Chair von Imhof recalled a presentation about Fentanyl. She noted that any weight of Fentanyl seemed almost deadly, but a small amount of oxycontin of similar weight may have a different impact on the body. She wondered if the drugs were treated similarly under the legislation.

JOHN SKIDMORE, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW, stated that a schedule 6A drug was marijuana. He stated that Fentanyl and oxycontin were both considered schedule 1A substance, but SB 32 did not differentiate based on weight. He stated that there were different factors within the law, both aggregators and mitigators that both applied. He stated that the amounts and the seriousness of the amount was treated differently, which is why there was a range in sentencing. He referred to the Knight Case, which addressed those different considered factors within the current Alaska law.

Co-Chair von Imhof remarked that there was a consideration of both sentencing and also having a felony on someone's record. She did not know whether there was a way to sever those two drugs, and treat each one differently.

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Senator Wielechowski asked if an expired prescription for oxycodone, and that was given to someone in pain, whether that would be a felony under the bill.

Mr. Skidmore responded that the concept of giving another person a controlled substance without a prescription would qualify as a felony. He noted that in his 20 years of

prosecution, there was no case with those referred facts. He stressed that all the prosecutors state that, with that hypothetical, that they would decline that case. He remarked that his division did not evaluate those drugs, rather the Controlled Substance Advisory Board made those determinations.

Senator Wielechowski requested statement from Department of Law (DOL) that they would not be prosecuting someone because of an expired prescription.

Mr. Skidmore noted that he was not in a position to make such claims.

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Senator Wielechowski asked about the schedule 6, four ounces or more of marijuana was now a felony under the legislation.

Mr. Skidmore explained that the possession outside of the legal amounts within the industry was affirmative. He noted the exceptions on page 18, line 19, which showed more complications than the one subsection addressing the amount.

Senator Micciche wondered whether the intent of the administration was to pass the bill in order to prosecute the person who takes another person's controlled substance for some temporary relief from pain.

Mr. Skidmore replied that it the intent was not the intent of the administration.

Senator Micciche asked whether the state's drug problems were a associated with a single oxycodone provided to someone is a necessary pain relief situation.

Mr. Skidmore replied that he did not believe so.

Senator Micciche asked for the difference between the legal and black market marijuana industry.

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Mr. Skidmore noted that the black market for marijuana remained a crime. He noted that outside of the industry regulation remained a crime.

Senator Micciche wondered whether the bill was clarified that legal marijuana was not a part of the increased sentences.

Mr. Skidmore replied that it was on page 18, and was repeated in a number of sections.

Senator Wielechowski cited the language in Section 29, which said, "if a person possesses any amount of a Schedule 1A controlled substance, they are committing a felony." He understood that there may not be an attempt to prosecute with a felony, but wondered whether a trooper or police officer could arrest and charge a person with a felony and put that person in jail requiring that person to post bail and possibly lose their housing, child custody, and housing, under the bill made it possible under the bill.

Mr. Skidmore agreed that the law stated that it was illegal, but his experience showed him otherwise.

Senator Wielechowski wondered why a trooper could authorize with a heavy hand, and advised that the felony portion be changed. He

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Mr. Skidmore responded that Oxycodone was scheduled as a controlled substance. He stated that a prescription was necessary to obtain the drug. He stressed that the bill was focused on the seriousness of the drug.

Co-Chair von Imhof stated that it was the intent to hear public testimony at a later meeting.

SB 32 was HEARD and HELD in committee for further consideration.

#sb33

SENATE BILL NO. 33

"An Act relating to pretrial release; relating to sentencing; relating to treatment program credit toward service of a sentence of imprisonment; relating

to electronic monitoring; amending Rules 38.2 and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date."

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Co-Chair von Imhof noted that the committee was hearing the bill for the first time.

JOHN SKIDMORE, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW, discussed SB 33, which was focused on pretrial issues. He read from the Sectional Analysis (copy on file):

Summary: This bill requires that a person be arraigned within 48 hours after arrest, eliminates the use of the risk assessment tool as a factor when determination bail and conditions of release; and allows judges to use third-party custodians more freely. It also eliminates the requirement that a judge find by clear and convincing evidence that no less restrictive means will reasonably ensure the person's appearance in court or the safety of the victim or community before imposing monetary bail. The bill moves the supervision functions of the pretrial services program under the probation statutes rather than having a separate program in statute. Finally, the bill encourages the Alaska Court System to use videoconferencing for all pretrial hearings.

Section 1 Legislative intent. Expressing intent that the Alaska Court System, Department of Corrections, and Department of Public Safety continue to make efforts to find efficiencies in the criminal justice system and use contemporaneous two-way video conferencing for pretrial hearings wherever possible.

Section 2 Increases the amount of time available for an arraignment to happen from 24 hours to 48 hours from the time of arrest. Eliminates language related to proceeding with an arraignment regardless of the availability of a risk assessment conducted by a pretrial services officer.

Section 3 Eliminates language related to a risk assessment conducted by a pretrial services officer.

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Mr. Skidmore continued with the Sectional Analysis:

Section 4 Eliminates language requiring a judicial officer to review any condition of release that has prevented the defendant from being released. Also eliminates language requiring a judicial officer to find by clear and convincing evidence that a less restrictive condition cannot reasonably ensure the defendant's appearance or the safety of the victim.

Section 5 Eliminates inability to pay as a reason for a judicial officer to conduct subsequent bail hearings and a review of the person's conditions of release.

Section 6 Conforming amendment. Eliminates reference to AS 33.07.

Section 7 Largely reenacts the bail statute as it was prior to January 1, 2018. Eliminates the requirement that the release decision be tied to a person's risk assessment score. Eliminates the presumptions of release and the requirement that a judicial officer find by clear and convincing evidence that no less restrictive condition can ensure the appearance of the defendant or safety of the community or victim before a judicial officer can impose monetary bail.

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Mr. Skidmore continued with the Sectional Analysis:

Section 8 Eliminates the requirement that a pretrial services officer not be available in the area before a third-party custodian can be appointed.

Section 9 Reenacts the prohibition on appointing individuals who may be called as a witness in the case from being appointed as third-party custodians. Establishes that a person cannot be appointed as a third party custodian if the person has been unconditionally discharged within the previous five years from a felony or a crime against a person.

Section 10 Requires the court to state orally on the record the terms of a person's sentence including the

minimum term the defendant must serve before becoming eligible for discretionary parole.

Section 11 Prohibits the court from granting jail credit for time spent on electronic monitoring before trial.

Section 12 Conforming amendment to the changes made by section 11.

Section 13 Adds prosecuting authority to the list of entities that can be notified if a person is discharged from a treatment program for noncompliance.

Section 14 Limits the amount of jail credit that can be granted for time spent in a treatment program to 180 days.

Section 15 Requires the prosecutor to notify the victim if the defendant has been discharged from a treatment program for noncompliance before trial.

Section 16 Conforming amendment. Conforms to the change made in section 2.

Section 17 Adds authority for the commissioner of the department of corrections to supervise pretrial defendants.

Section 18 Requires the commissioner of the department of corrections to make officers available to the courts for pretrial supervision. Also allows the commissioner to contract with private entities for electronic monitoring services.

Section 19 Clarifies that probation officers may be made available to district courts.

Section 20 Adds pretrial supervision to the list of duties which a probation officer may perform and clarifies that when performing those duties probation officers are pretrial services officers.

Section 21 Lays out the duties of a probation officer when acting as a pretrial services officer. These duties include arresting defendants and filing

criminal complaints for violations of conditions of release.

Section 22 Conforming amendment. Eliminates the reference to AS 33.07, which is where the pretrial services program is currently located. AS 33.07 is repealed in the bill.

Section 23 Eliminates the requirement that the Department of Corrections report to the Alaska Criminal Justice Commission on pretrial defendant risk levels and charges and pretrial recommendations made by pretrial services officers.

Section 24 Conforming amendment to the changes made in section 25.

Section 25 Requires the use of contemporaneous two-way video conferencing at all arraignments, pleas, and non-evidentiary bail hearings in misdemeanor cases and initial appearances and nonevidentiary bail reviews and arraignments in felony cases. Also allows the court to order the defendant to appear by contemporaneous two-way video conferencing at any other hearing.

Section 26 Allows a defendant or the defendant's counsel to consent to a continuance of trial.

Section 27 Repealer section.

Section 28 Applicability section.

Section 29 Transition section. Ensures that the Department of Corrections can still monitor any defendant that is currently on pretrial release and under the supervision of the Department of Corrections despite the transfer of that authority from the pretrial services program to probation Conditional effect due to the direct court rule change.

Section 30 Conditional effect section.

Section 31 Effective Date. This Act takes effect on July 1, 2019.

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Co-Chair Stedman asked about page 8, Section 10, and recalled that there was currently both an oral and written report. He wondered whether the bill changed that specification to an oral report only.

Mr. Skidmore replied in the negative. He stated that the currently required a written report in the form of a judgment, and that remained. The bill added a requirement that, not only it be in the judgment, but also be announced orally at the time of sentences.

Co-Chair Stedman asked who received the report.

Mr. Skidmore answered that the judgement was distributed to the Court System (Court), prosecutor, defense counsel, and the Department of Corrections (DOC).

Co-Chair Stedman wondered about the victim's families and the reports. He wondered also about the media.

Mr. Skidmore stated that the media obtained a copy from the Court. The families of victims were not required to receive a copy, but the DOL would contact all victims and sends a copy of the judgment in a letter.

Co-Chair von Imhof asked about fiscal notes.

Mr. Skidmore commented on the zero fiscal note.

Co-Chair von Imhof recalled that there were some people available for presentation. She wondered whether there were any questions.

Senator Wielechowski asked about Section 2, and asked whether there was ever a time when someone was not available to taken before a judge or magistrate within 24 hours.

Mr. Skidmore replied that the law had most recently required that it occur within 24 hours, and was unaware of a case where that did not occur.

Senator Wielechowski asked about Section 7 and the elimination of the risk assessment tool. He understood the

rationale, but wondered why it was not still available for judges.

Mr. Skidmore noted that Section 7 did not include the risk assessment tool. The Department of Law was not opposed to the idea of the using the risk assessment as tool. He noted that the concept of coupling it with the statute was problematic.

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Senator Wielechowski asked about the ability to continue cases. He specifically wondered about the experience when LAW may want a continuance, and the defendant was against that ide.

Mr. Skidmore replied that it does occur, but did not know the frequency. He recalled a case when the defendants in a murder case wanted to go to trial immediately, but their counsel stated that they were not ready for trial. The case did go to trial, but after those individuals were convicted, they filed for Postconviction Relief, stated that they had ineffective assistance or counsel, because their counsel was not ready for trial.

Senator Wielechowski asked how their filing was found.

Mr. Skidmore replied that he did not believe that the post-conviction relief was rewarded, but stated that there was time put in by all sides for a frivolous claim. He stated that the bill fixed future frivolous claims.

Senator Wilson remarked that the risk-assessment tool was initially established without a regulatory process, and wondered whether the regulatory process had since occurred after its establishment.

Mr. Skidmore did not know the answer.

Senator Wilson wondered who might know that answer.

Mr. Skidmore responded that the DOC was responsible for the risk assessment tool.

Co-Chair von Imhof stated that SB 34 would be heard the following day.

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JEN WINKELMAN, DIRECTOR OF PROBATION, PAROLE AND PRETRIAL, DEPARTMENT OF CORRECTIONS, offered to answer questions.

Senator Wilson asked about the risk assessment tool.

Ms. Winkelman deferred to Ms. Goode.

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KELLY GOODE, DEPUTY COMMISSIONER FOR DOC, wondered whether Senator Wilson was referring to the regulations for the pretrial risk assessment tool.

Senator Wilson agreed.

Ms. Goode responded that the validation would be finalized in a couple of months. The commissioner had restarted the regulation process.

Senator Micciche stated that the risk assessment tool was a high profile case. He queried the reason for stopping without the regulatory process.

Ms. Goode responded that the regulations codified what was in the law. She stated that the tool was intended to be validated, and the validation was intended to be complete in the upcoming months.

Senator Micciche noted that the issues were current problems. He remarked that the pretrial risk assessment tool had returned people to the street who were possible high-risk individuals. He asked whether the system was working, or whether there should be an elimination of the risk assessment tool.

Ms. Goode replied that the administration had serious concerns with the risk-assessment tool, which is why the administration proposed removing the risk-assessment tool.

Senator Wielechowski queried the number of people in the DOC system were currently considered pre-trial, and wondered how those numbers would change in the bill.

Ms. Goode replied that she did not know, but that there were approximately 2000 a day on pre-trial, with half on

electronic monitoring. She agreed to provide the exact percentage.

Co-Chair von Imhof asked whether the staff was at an appropriate workload, and whether they could absorb more cases.

Ms. Winkelman replied that the staff could take additional cases. She stated that in SB 54, there was a cap placed on probation caseloads of 75.

Co-Chair von Imhof wondered when the fiscal note would be ready.

Ms. Goode replied that the fiscal note was available, but there would be an updated fiscal note for SB 32, which would be available that evening.

Co-Chair von Imhof asked whether it could be addressed.

Ms. Goode stated that she was not prepared to discuss the fiscal note.

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NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, reviewed the fiscal note. She stated that the release would allow the effect of keeping people in jail. She pointed out the legislative intent regarding video conferencing. The legislature has the right to change the court rules.

Co-Chair von Imhof queried an explanation of the fiscal note.

Ms. Meade discussed FN 7 trial courts Alaska Court system. She noted that the legislative intent would receive the support. The fiscal note addresses two issues. The video conference coordinator and IS technician to better handle the issues that occur. \$224,800

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Senator Wilson asked about the video conferencing.

Ms. Meade explained that if video conferencing occurred for certain hearings, certain proceedings, they would address arraignments over video conferencing.

Senator Wilson asked about the location.

Ms. Meade stated that the defense counsel was not yet appointed in these situations. She stated that they did not visit the facility. Client and attorney are not together. She stated that the privacy for communication was necessary.

Senator Wilson appreciated the additional information. He wondered about the funding.

Ms. Meade replied that the funding in the fiscal note reflected the request of the legislature.

Senator Micciche asked about the conferencing equipment from different facilities. He noted the video conferencing would offset the cost.

Ms. Meade replied that the court system did not save money, but she believed that the simplicity was in checking inmates in and out of the facility.

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KELLY HOWELL, DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, DEPARTMENT OF PUBLIC SAFETY, responded further to Senator Micciche's question. She stated that the Department of Public Safety (DPS) was statutorily required to transport prisoners, and moved approximately 85,000 prisoners per year with the assistance of the Alaska State Troopers, municipal police officers, and village public safety officers (VPSOs). She stated that there was an anticipation that pretrial hearings conducted via videoconferencing would increase with some cost savings. Prisoners, however, would be transported for a myriad of reasons beyond the pretrial hearings, and much of that was outside the department's control. She stressed that a judge always had the discretion to order the appearance of the defendant. She explained that there would not necessarily be a savings.

Senator Micciche looked at Section 1, and wondered who was "pushing" the additional teleconferencing. He also queried the intent of the additional teleconferencing.

Ms. Meade responded that the addition was not from the Court, but was from the governor.

Ms. Howell added that the public safety transported prisoners.

Senator Wilson followed up regarding the quantification of prisoners.

Ms. Howell responded that it was difficult to know for sure. She stated that there was an additional increase in video conferencing.

Senator Wielechowski asked about Section 2 and the DOC fiscal note, which showed a likely modest increase in the cost of incarceration, but it was not quantified. He wondered whether it was a problem for the Court to bring people before a judge or magistrate within 24 hours after arrest.

Ms. Meade responded that it was not a problem for Courts. She noted that over the last two years, the number had gone from 24 to 48 to 24 then now back to 48. She stated that, in all cases, arraignments were scheduled every day. She stated that everybody was arraigned within 24 hours, unless there was a particular reason. She stressed that the law required 24 hours, but there was a provision that allowed for the prosecutor to ask for additional time under certain circumstances.

Senator Wielechowski asked about section 10 and different language.

Ms. Meade responded that she wished the section was removed because compliance was difficult. She noted that the information allows the victim to find the identification network.

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Senator Hoffman asked about transporting prisoners from Anchorage to Bethel and back. He wondered about the guardians and why different numbers of troopers were necessary.

Ms. Howell deferred to Mr. Greenstreet.

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MAJOR ANDY GREENSTREET, AK STATE TROOPERS, ANCHORAGE (via teleconference), responded that the criminal history of the individual helped establish the number of troopers.

Senator Hoffman asked if the DPS considered a less costly method of transporting prisoners.

Mr. Greenstreet responded that the transports were conducted by core officers as a first preference.

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Senator Hoffman asked about the potential for escape from custody when alcohol was the majority of the charges.

Mr. Greenstreet replied that many transports from the Kotzebue area during his time there incurred risk to the troopers.

Senator Bishop asked about section 10 and the reading of sentence and terms.

Ms. Meade responded that the judge would typically accept a plea bargain, which would apply a statute to the sentence. She noted that the additional issue of consideration of a parole date under the sentencing criteria.

Senator Micciche asked about the administration's objective

Ms. Meade responded that the section was not in the administration's initial bill, and was added in the Judiciary Committee.

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Mr. Skidmore agreed that the provision was added in the Judiciary Committee, with the concept that victims ought to know what is going on.

Senator Micciche wondered about the amendment that changed the bill in the Judiciary Committee.

Ms. Meade replied that the victims rights' statutes were addressed by the Department of Law.

SB 33 was HEARD and HELD in committee for further consideration.

Co-Chair von Imhof noted that the committee would work on crime and capitol bills on Saturday.

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ADJOURNMENT

3:24:18 PM

The meeting was adjourned at 3:24 p.m.