

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 15, 2019

6:02 p.m.

MEMBERS PRESENT

Senator Mike Shower, Chair
Senator John Coghill, Vice Chair
Senator Lora Reinbold
Senator Peter Micciche
Senator Scott Kawasaki

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

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."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 32

SHORT TITLE: CRIMES; SENTENCING; MENT. ILLNESS; EVIDENCE

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/23/19	(S)	READ THE FIRST TIME - REFERRALS
01/23/19	(S)	JUD, FIN
02/06/19	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/06/19	(S)	Heard & Held
02/06/19	(S)	MINUTE(JUD)
02/08/19	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/08/19	(S)	Heard & Held
02/08/19	(S)	MINUTE(JUD)
02/09/19	(S)	JUD AT 1:00 PM BELTZ 105 (TSBldg)
02/09/19	(S)	Heard & Held
02/09/19	(S)	MINUTE(JUD)

02/11/19 (S) MOTION TO DISCHARGE FROM JUD COMMITTEE
02/11/19 (S) DISCHARGED FROM JUD COMMITTEE U/C
02/11/19 (S) STA REFERRAL ADDED
02/11/19 (S) STA REPLACES JUD REFERRAL
02/11/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/11/19 (S) <Bill Hearing Canceled>
03/05/19 (S) STA AT 3:30 PM BUTROVICH 205
03/05/19 (S) Heard & Held
03/05/19 (S) MINUTE(STA)
04/04/19 (S) STA AT 1:30 PM BUTROVICH 205
04/04/19 (S) Heard & Held
04/04/19 (S) MINUTE(STA)
04/09/19 (S) STA AT 3:30 PM BUTROVICH 205
04/09/19 (S) Heard & Held
04/09/19 (S) MINUTE(STA)
04/11/19 (S) STA AT 3:30 PM BUTROVICH 205
04/11/19 (S) Heard & Held
04/11/19 (S) MINUTE(STA)
04/15/19 (S) STA AT 6:00 PM BUTROVICH 205

WITNESS REGISTER

LARRI SANCHER, representing self
Homer, Alaska

POSITION STATEMENT: Stated that she was calling in support of SB 32.

CRIS EICHENLAUB, representing self
Eagle River

POSITION STATEMENT: Stated full support for SB 32 and the Governor "guiding our ship."

KAREN FOSTER, representing self
Anchorage, Alaska

POSITION STATEMENT: Stated support for SB 32 to balance the scales of justice.

JAQUELINE BOCK, representing self
Sterling, Alaska

POSITION STATEMENT: Stated support for repealing Senate Bill 91 and implementing SB 32.

DON HABEGER
Juneau Reentry Coalition
Juneau, Alaska

POSITION STATEMENT: During the hearing on SB 32, asked the committee not to lose sight of the principle of reformation.

LYNETTE CLARK, representing self
Fox, Alaska

POSITION STATEMENT: Stated that she is in full support of SB 32.

GENE BOCK, representing self
Sterling, Alaska

POSITION STATEMENT: Stated full support for SB 32 and warned that if the problem isn't addressed, "people are just going to stand there and start shooting these people."

CATHY SWANSON, representing self
Juneau, Alaska

POSITION STATEMENT: Stated support for SB 32 and the repeal of Senate Bill 91.

KARRI DAVIDSON, representing self
Sterling, Alaska

POSITION STATEMENT: Testified that she has seen the damage that Senate Bill 91 has done and she views SB 32 and the Governor's other crime bills as very important.

CHRISTINE HEINTZ, representing self
Sterling, Alaska

POSITION STATEMENT: Stated support for SB 32 and the repeal of Senate Bill 91.

KELLY MARRE, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified that SB 32 is being rushed through without a lot of supporting data on criminal justice reform which was the basis for Senate Bill 91.

KARA NELSON, representing self
Juneau, Alaska

POSITION STATEMENT: Stated opposition to SB 32.

BOB SWANSON, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 32.

LINDA SETTERBERG, representing self
Fairbanks, Alaska

POSITION STATEMENT: During the hearing on SB 32, asked the committee to give SB 91 a chance to work.

LAURA MCGINNIS, representing self
Kenai, Alaska

POSITION STATEMENT: Testified in support of SB 32.

KIMBERLY CLARKTHERY, representing self
Anchor Point, Alaska

POSITION STATEMENT: Testified in support of SB 32.

ACTION NARRATIVE

[6:02:42 PM](#)[6:02:42 PM](#)

CHAIR MIKE SHOWER called the Senate State Affairs Standing Committee meeting to order at 6:02 p.m. Present at the call to order were Senators Coghill, Kawasaki, Micciche, and Chair Shower. Senator Reinbold arrived soon thereafter.

SB 32-CRIMES; SENTENCING; MENT. ILLNESS; EVIDENCE

[6:03:18 PM](#)

CHAIR SHOWER announced the consideration of 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."

[6:03:42 PM](#)

CHAIR SHOWER opened public testimony on SB 32.

SENATOR REINBOLD joined the committee.

[6:04:45 PM](#)

EARL LACKEY, representing self, MatSu, said he was testifying in support of SB 32. "The Act definitely straightens out some issues that we've had over the last couple of years," he said.

[6:05:30 PM](#)

KATIE BOTZ, representing self, Juneau, stated that she supports SB 32. She expressed frustration about there being no consequences for criminals and opined that people on probation need to be on ankle monitors. She said she understands that the budget is a priority for legislators but she has a problem with the crime bills being held hostage in the Senate Finance Committee.

SENATOR MICCICHE thanked Ms. Botz for her dedication and focus on the cause to reduce crime.

[6:07:17 PM](#)

LARRI SANCHER, representing self, Homer, stated that she was calling in support of SB 32. "We need to do something about our crime."

[6:07:34 PM](#)

CRIS EICHENLAUB, representing self, Eagle River, stated full support for SB 32 and the Governor "guiding our ship." He supports anything that repeals Senate Bill 91.

[6:08:31 PM](#)

KAREN FOSTER, representing self, Anchorage, stated support for SB 32 to balance the scales of justice. She related that she is the mother of Bonnie Craig who was brutally raped and murdered in September 1984 while she was on her way to a class at the University of Alaska Anchorage. She cited a study that found that there is an 80 percent chance that someone who breaks into a home will go on to commit rape or murder. She maintained that if Alaska collected DNA on all felony arrests, her daughter's murder could have been solved in months instead of 17 years. She emphasized that a DNA profile for CODIS does not have sensitive personal information; it is just a series of zeros and ones.

[6:12:34 PM](#)

MARSHA OFF, representing self, Fairbanks, stated opposition to SB 32 and urged the legislature to allow more time to evaluate the existing criminal justice reforms. She talked about the supports in her community and the people who are coming out of prison who are working to turn their lives around. She said we're seeing people who have received treatment become sober and engaged. Some are going to school. She urged legislators to look at what is working rather than focusing on the negative.

[6:13:53 PM](#)

JAQUELINE BOCK, representing self, Sterling, stated support for repealing Senate Bill 91 and implementing SB 32. She related that a drug house cropped up in her neighborhood three years ago and what goes on there is "beyond disgusting." She has lived in Alaska for over 60 years and she finds the current state of crime "sickening." She stressed that Alaskans should not be afraid in their own homes or worry about getting run over by a "drugged out" driver if they go for a walk in their neighborhood. She described a litany of things she and her neighbors are faced with constantly as a result of having a drug house in the neighborhood. She said it is extremely important to hold offenders accountable for their crimes and the current laws do not do this. Instead, she said the current crime laws attract

criminals, increase adverse childhood events, increase trauma, make more victims, increase costs, and they do not rehabilitate. These people think Alaska's laws are a joke, she said.

SENATOR MICCICHE thanked Ms. Bock for calling and for her patience. He related that the Bocks are in the middle of one of the neighborhoods he's talked about that is filled with "drug houses." They have complained hundreds of times, but there has been no response because the tools to deal with the problem are not available.

6:17:33 PM

DON HABEGER, Juneau Reentry Coalition, Juneau, stated that JRC's mission is public safety through successful reentry into communities. JRC is targeting the reduction in recidivism by strengthening community supports such as case management, peer support, support of housing, job training, and employment assistance, all to help people get back on their feet and become productive community members. He stated that it is often cheaper and more effective to treat people with behavioral health disorders in the community than through longer prison terms. He stressed that JRC believes that current efforts are showing results and the Department of Corrections' report to the legislature indicated that recidivism rates for the state are decreasing. He concluded by asking the committee not to lose sight of the principle of reformation as they wrestle with the need for public and community condemnation.

6:18:52 PM

LYNETTE CLARK, representing self, Fox, stated that she is in full support of SB 32 and she appreciates the work the various committees are doing to address the crime problem.

6:20:20 PM

GENE BOCK, representing self, Sterling, described seeing a man who had just been released from jail leave the drug house on his street, break into a neighbor's house, steal a jack handle, and try to break into his house. He related other "revolving door" scenarios. He stated full support for SB 32 and warned that if the problem isn't addressed, "people are just going to stand there and start shooting these people."

6:22:50 PM

CATHY SWANSON, representing self, Juneau, stated support for SB 32 and the repeal of Senate Bill 91. She related a personal experience to demonstrate that criminals are completely emboldened by the lack of consequences for their crimes. Some

people don't even bother to call the police when they witness or are the victim of a crime because offenders bounce right back out. She called pretrial supervision a joke because there isn't any supervision. She said she wants victims to see justice and people who are struggling with addiction to stay in jail and get help. They should also do something to contribute to their care. She said she hates to leave Alaska but she doesn't care to live in Juneau and more.

[6:26:28 PM](#)

KARRI DAVIDSON, representing self, Sterling, reported that she runs both the Sterling and Kodiak watch pages and is a member of a number of other community watch pages. She said she has seen the damage that Senate Bill 91 has done and she views SB 32 and the Governor's other crime bills as very important. It is getting dangerous for people to live in their homes. "The same people that are busted one day for burglaries and stealing peoples' car, get thrown in jail and they're out on \$25 bail. They don't even have time to straighten up and they're right back in the same neighborhood committing more serious crimes." She said it's getting dangerous and people feel they are going to have to start protecting themselves. We don't want good Alaskans to end up in the system because they had to resort to shooting somebody, she said. "Please help us. You need to help good Alaskans that are trying to just make a living and live peacefully."

SENATOR MICCICHE thanked Ms. Davidson for the work she does for the Kenai and Kodiak communities.

[6:28:52 PM](#)

CHRISTINE HEINTZ, representing self, Sterling, related her experience being a burglary victim by a repeat offender. Her possessions were for sale on Facebook and no charges have been filed. She stressed that she wouldn't be a victim if that offender had been in jail where he belonged. She described having a drug house at the end of the street and stressed that law enforcement does nothing. The neighbors are responding by purchasing cameras and keeping their guns loaded. We need somebody to do something, she said. She stated support for SB 32 and the repeal of Senate Bill 91.

[6:31:07 PM](#)

KELLY MARRE, representing self, Wasilla, asked the committee to keep in mind as they review SB 32, that Alaskans want healthier and safer communities. She acknowledged the dissatisfaction with Senate Bill 91 and asked the committee to remember that it

hasn't been in place long enough to collect sufficient data to determine whether it is or is not successful. She said she believes that SB 32 is being rushed through without a lot of supporting data on criminal justice reform which was the basis for Senate Bill 91. This included research on the success of using a therapeutic approach to reduce recidivism. She highlighted the success of Wellness Court that focuses on recovery and funding substance abuse treatment and reentry programs. She warned that passing SB 32 as currently drafted will result in an increase of arrests for minor drug possession. This will be costly but it won't address the underlying cause, which is likely a substance abuse disorder or mental illness. She emphasized the need for community-based support to help these people make better choices and become productive members of society. This includes case management, peer support, support of housing, training, and employment assistance. She asked if legislators were looking at the evidence that shows that these supports are effective. It is also less costly than incarceration. She said she understands there is a drug epidemic in Alaska, but these people need help overcoming their addictions.

[6:33:36 PM](#)

CHAIR SHOWER called an at ease awaiting further testimony.

[6:45:12 PM](#)

CHAIR SHOWER reconvened the meeting.

[6:45:21 PM](#)

KARA NELSON, representing self, Juneau, stated opposition to SB [32.] She related that as the former director of Haven House Juneau, she has seen that investing in people's lives through community programs and support is more transformative than a more punitive approach. Alaska was one of 30 states that passed criminal justice reform because the old laws weren't working. Repealing criminal justice reform now will do more harm than good, thus her opposition.

CHAIR SHOWER asked her to clarify that she opposed SB 32, not SB 23 as she initially stated.

MS. NELSON confirmed that her testimony was in opposition to SB 32.

[6:47:20 PM](#)

BOB SWANSON, representing self, Juneau, stated strong support for SB 32. He understands that drug addicts need treatment, but

there should be a consequence when a crime is committed to support that addiction. The problem with the current law is that people are not held responsible for their actions. His experience in Juneau is that these people are back on the street and reoffending at a phenomenal rate. He urged the committee to consider the public's losses when they look at the cost of increased incarceration. His family alone lost \$30,000. He reiterated support for SB 32 and having consequences for criminal behavior.

[6:49:23 PM](#)

CHAIR SHOWER called an at ease awaiting additional testimony.

[6:57:25 PM](#)

CHAIR SHOWER reconvened the meeting.

[6:57:34 PM](#)

LINDA SETTERBERG, representing self, Fairbanks, shared that as the parent of a child with a co-occurring disorder, she believes that Senate Bill 91 should be given a chance to work. She related that her son has been in treatment several times and the last time he was in a manic phase of his bipolar disorder he was incarcerated and falsely charged with a felony DUI. He spent a lot of time in jail and he was not guilty. She emphasized that people who are suffering from an addiction or have a mental disorder need help, not jail time.

[6:59:25 PM](#)

LAURA MCGINNIS, representing self, Kenai, stated strong support for SB 32. She said she understands the heart of Senate Bill 91 but it had far-reaching consequences that were not fully understood. SB 32 solves that problem. She related that because of the existing law, her son has not been held accountable for any of his actions despite having two DUIs. He and others like him will never understand they need help with their addictions until there are consequences and accountability for the choices they make. She acknowledged that mental health disorders are an entirely separate problem than making a conscious choice to break the law, whether or not it is addiction motivated.

[7:00:58 PM](#)

KIMBERLY CLARKTHERY, representing self, Anchor Point, testified in support of SB 32. She related that the only thing that saved an addicted family member was "doing hard jail time." The slap on the wrist didn't work. These people need to be behind bars where they'll have a chance to get clean, she said.

CHAIR SHOWER closed public testimony on SB 32 and advised that written comments could be sent to senate.state.affairs.akleg.gov.

7:03:18 PM

There being no further business to come before the committee, Chair Shower adjourned the Senate State Affairs Standing Committee meeting at 7:03 pm.