

HOUSE FINANCE COMMITTEE  
April 27, 2022  
9:01 a.m.

9:01:36 AM

CALL TO ORDER

Co-Chair Merrick called the House Finance Committee meeting to order at 9:01 a.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair  
Representative Kelly Merrick, Co-Chair  
Representative Dan Ortiz, Vice-Chair  
Representative Ben Carpenter  
Representative DeLena Johnson  
Representative Andy Josephson  
Representative Bart LeBon  
Representative Sara Rasmussen  
Representative Steve Thompson  
Representative Adam Wool

MEMBERS ABSENT

Representative Bryce Edgmon

ALSO PRESENT

Representative Matt Claman, Sponsor; Lizzie Kubitz, Staff,  
Representative Matt Claman; Kris Curtis, Legislative  
Auditor, Alaska Division of Legislative Audit.

PRESENT VIA TELECONFERENCE

Glenn Hoskinson, Division of Corporations, Businesses and  
Professional Licensing, Department of Commerce, Community  
and Economic Development.

SUMMARY

HB 183 CRIMINAL JUSTICE DATA ANALYSIS COMMISSION

HB 183 was HEARD and HELD in committee for  
further consideration.

SB 222 EXTEND PT & OCCUPATIONAL THERAPY BOARD

SB 222 was REPORTED out of committee with seven "do pass" recommendations and two "no recommendation" recommendations and with one previously published fiscal impact note: FN1 (CED).

Co-Chair Merrick reviewed the meeting agenda.

#sb222

SENATE BILL NO. 222

"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board; and providing for an effective date."

[9:01:55 AM](#)

Co-Chair Merrick relayed that there had been one previous hearing on the bill on April 20, 2022. She indicated that Representative LeBon had joined the meeting.

[9:02:24 AM](#)

Co-Chair Merrick OPENED public testimony.

Co-Chair Merrick CLOSED public testimony.

[9:02:37 AM](#)

Co-Chair Merrick asked the department to review the fiscal note. She noted that Representative Thompson had joined the meeting.

GLENN HOSKINSON, DIVISION OF CORPORATIONS, BUSINESSES AND PROFESSIONAL LICENSING, DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT (via teleconference), reviewed the published fiscal impact fiscal note for the Department of Commerce, Community and Economic Development (DCCED) (FN1 (CED)). She explained that SB 222 extended the statutory authorization for the existing State Physical Therapy and Occupational Therapy Board and the fiscal note showed the operating costs of the board. The cost included 7 board members and one staff member, to attend four board meetings per year for \$26.9 thousand in travel costs. The Services costs included advertising of public notice of board

meetings, training and conference fees, and stipends for board members attending board meeting in community of residence for the remainder of \$28.4 thousand.

[9:04:30 AM](#)

AT EASE

[9:04:47 AM](#)

RECONVENED

Co-Chair Foster MOVED to REPORT SB 222 out of committee with individual recommendations and the accompanying fiscal note.

There being NO OBJECTION, it was so ordered.

SB 222 was REPORTED out of committee with seven "do pass" recommendations and two "no recommendation" recommendations and with one previously published fiscal impact note: FN1 (CED).

[9:05:36 AM](#)

AT EASE

[9:06:27 AM](#)

RECONVENED

#hb183

HOUSE BILL NO. 183

"An Act renaming the Alaska Criminal Justice Commission the Alaska Criminal Justice Data Analysis Commission; relating to the membership of the Alaska Criminal Justice Data Analysis Commission; relating to the powers and duties of the Alaska Criminal Justice Data Analysis Commission; extending the termination date of the Alaska Criminal Justice Data Analysis Commission; relating to the duties of the Judicial Council; providing for an effective date by amending the effective date of secs. 41 and 73, ch. 1, 4SSLA 2017; and providing for an effective date by repealing the effective date of sec. 74, ch. 1, 4SSLA 2017."

[9:06:44 AM](#)

REPRESENTATIVE MATT CLAMAN, SPONSOR, introduced the legislation. He thanked the committee for hearing the bill. He read from prepared remarks.

Good morning members of the Committee, for the record, my name is Matt Claman, and I am the State Representative for House District 21 in West Anchorage. First, I would like to thank you for hearing House Bill 183.

The Alaska Criminal Justice Commission sunset on June 30, 2021, and will conclude its affairs by June 30, 2022. In accordance with the recommendation of the Legislative Auditor, rather than extend the commission in its current form, House Bill 183 maintains the commission's data collection and analysis functions and reduces its recommendation functions.

House Bill 183 accomplishes the following:  
First, it establishes the Alaska Criminal Justice Data Analysis Commission in place of the Alaska Criminal Justice Commission.

Second, it modifies the membership of the commission.  
Third, it amends and restates the powers and duties of the commission.

And finally, it extends the termination date of the Alaska Criminal Justice Data Analysis Commission to June 30, 2029.

Data analysis, research, and reporting on all aspects of Alaska's criminal justice system is essential to our work as policymakers. Research and analysis about our criminal justice system, including state laws, public safety, rehabilitation, crime and incarceration rates, the needs of victims, and the factors as set forth in the Alaska Constitution is important, and HB 183 makes sure that they will continue.

For example, the Commission recently published a 2022 report on domestic violence in Alaska. The report takes an in-depth look at the prevalence, state response, and best policy practices in the United States. No one should underestimate the importance of doing better in Alaska when it comes to preventing domestic violence and supporting victims.

In 2019, the Commission completed a Sex Offenses report to the Alaska State Legislature that provides an overview on the data, research, law, and policies relating to sex offenses in Alaska. The report presented data on sex offenses and how sex offense cases are processed, explains the sentencing laws for sex offenses, provides an overview of sex offender treatment and reentry, and looks at the challenges victims face and the services available to them.

Finally, back in 2015, when the commission first started meeting, pretrial release was identified as an important area of concern. The Commission directed the Alaska Judicial Council to gather data about current bail and pretrial release practices. This information had never before been collected, and some of the results were surprising. For example, in 2005, pretrial inmates comprised 20 percent of the population and in 2015, they comprised 28 percent. Alaska's pretrial population had grown by 81 percent from 2005 to 2015, driven primarily by longer lengths of stay for both felony and misdemeanor defendants.

The Commission's experience over the past six years has shown that effective criminal justice data collection and analysis is valuable and essential to the public, policy makers, and practitioners. Thus, House Bill 183 allows those data collection and analysis duties and functions to continue under a new successor commission.

[9:10:16 AM](#)

LIZZIE KUBITZ, STAFF, REPRESENTATIVE MATT CLAMAN, reviewed the sectional analysis on the bill (copy on file):

Section 1 AS 22.20.211. Staff and support for criminal justice commission. Amends AS 22.20 by adding a new section allowing the Alaska Judicial Council to provide staff and administrative support to the Alaska Criminal Justice Data Analysis Commission.

Section 2 AS 22.20.221. Prison inmate characteristics information. Amends AS 22.20 by adding a new section relating to Alaska Judicial Council's duty to design and implement a project for the purposes of studying risk factors related to criminal activity should the Alaska Criminal Justice Data Analysis Commission

sunset on June 30, 2029 (see Sec. 18 for effective date of this provision). The Alaska Judicial Council must prepare an annual report summarizing the information collected.

Section 3 AS 44.19.641. Creation of commission. Amends AS 44.19.641 to add "data analysis" to the name of the commission.

Section 4 AS 44.19.642. Membership; staff. Amends AS 44.19.642(a) to make changes to the membership of the commission. These changes include:

- Ensure representation of rural Alaska on the commission;
- Make the Deputy Attorney General for the Criminal Division of the Department of Law or their designee a voting member (rather than the Attorney General);
- Allow the public defender's designee to act as a voting member in place of the public defender;
- Place two peace officer representatives on the commission (rather than one municipal law enforcement representative)—one representing a rural community off the road system and one representing an urban community—appointed by the Alaska Chiefs of Police;
- Provide for the victims' rights advocate on the commission to be appointed by the Alaska Network on Domestic Violence and Sexual Assault after consultation with its member and partner organizations;
- Make the Commissioner of the Department of Health and Social Services a voting member; and
- Create a new member seat for a formerly incarcerated person who has completed his or her sentence.

Section 5 AS 44.19.645. Powers and duties of the commission. Amends AS 44.19.645 to remove the duties of the former Alaska Criminal Justice Commission to be replaced by the new duties of the Alaska Criminal Justice Data Analysis Commission.

These new duties include:

- Data analysis, research, and reporting on all aspects of Alaska's criminal justice system, including state laws, public safety, rehabilitation, crime and incarceration rates, the needs of victims, and other factors set forth in the Alaska Constitution;
- Receiving data related to the criminal justice system from the Alaska Department of Corrections, Department of Public Safety, Department of Law, and the Alaska Court System;
- Identifying areas for improving the efficiency and effectiveness of the criminal justice system;
- Recommending expenditures from the Recidivism Reduction Fund;
- Making other recommendations and providing analysis if requested by the Legislature, the Executive, or the Judiciary; and
- Issuing an annual report.

Section 6 AS 44.19.645. Powers and duties of the commission. Amends AS 44.19.645 by adding a new subsection (i) relating to the commission's duty to design and implement a project for the purposes of studying risk factors related to criminal activity. This new subsection is substantially identical to former subsection (h), which was repealed on July 1, 2021, upon the sunset of the former Alaska Criminal Justice Commission, which is currently in its wind-up year. The Alaska Judicial Council is currently performing these functions pursuant to AS 22.20.220, which took effect on July 1, 2021, pursuant to HCS CSSB 54(FIN) am H (2017).

Section 7 AS 44.19.646. Methodology. Amends AS 44.19.646 to remove the duty of the commission to make recommendations, and adds the duty of conducting research and adopting a research agenda and priorities based on art. I, secs. 7, 12, and 24, Constitution of the State of Alaska (which relate to due process, criminal administration, and the rights of crime victims), and other issues of pressing concern to the criminal justice system.

Section 8 AS 44.19.647. Annual report and recommendations. Amends AS 44.19.647(a) to remove the reporting responsibilities of the former Alaska Criminal Justice

Commission to be replaced by the new reporting responsibilities of the Alaska Criminal Justice Data Analysis Commission. The commission's reporting responsibilities are related to the duties of the commission listed in Sec. 5.

Section 9 AS 44.19.647. Annual report and recommendations.

Amends AS 44.19.647(b) to remove the reporting responsibilities of the former Alaska Criminal Justice Commission to be replaced by the new duties of the Alaska Criminal Justice Data Analysis Commission. Additionally, specifies what the commission must include in their annual report to the legislature.

Section 10 AS 44.19.647. Annual report and recommendations. Amends AS 44.19.647 adding a new subsection (d) specifying that the commission must prepare an annual report summarizing the information collected in Sec. 6.

Section 11 AS 44.19.649. Definition.

Amends AS 44.19.649 to update the definitions of "commission," "recidivism," and "technical violation."

Section 12 AS 44.66.010. Expiration of state boards and commissions. Amends AS 44.66.010(a)(12) to add the Alaska Criminal Justice Data Analysis Commission to the list of boards and commissions set to expire.

Section 13 AS 47.38.100. Recidivism reduction program. Amends AS 47.38.100(b) to add "data analysis" to the name of the commission.

Section 14 Repeals AS 22.20.220, AS 44.19.642(b), and AS 44.66.010(a)(12).

Section 15 Repeals AS 22.20.211, AS 44.19.645(i), and AS 44.19.647(d) on June 30, 2029.

Section 16 Uncodified law - applicability

A person who is a member of the former Alaska Criminal Justice Commission on the day before the effective date of this Act continues to serve on the Alaska Criminal Justice Data Analysis Commission until the expiration of the member's term. When making new appointments or designations, makes Sec. 16 of the Act conditional on the guidelines established under AS

44.19.642(a), as amended by Sec. 4, which relates to membership of the commission.

Section 17 Uncodified law - applicability  
Transition language regarding the Alaska Judicial Council's duty to design and implement a project for the purposes of studying risk factors related to criminal activity.

Section 18 Effective date  
Makes sec. 2 effective July 1, 2029.

Section 19 Effective date  
Makes all sections (excluding Sec. 18) effective July 1, 2022.

Ms. Kubitz thanked the committee for the opportunity to present the bill.

[9:16:24 AM](#)

Representative LeBon asked if there would be time for questions on the sectional analysis.

Co-Chair Merrick replied that they could ask questions after hearing from the Division of Legislative Audit.

KRIS CURTIS, LEGISLATIVE AUDITOR, ALASKA DIVISION OF LEGISLATIVE AUDIT, referenced the sunset review of the Office of the Governor, Alaska Criminal Justice Commission dated June 12, 2020, Audit Control Number 01-20124-20 (copy on file) in members' packets. She read from the audit:

The Alaska Criminal Justice Commission (commission) was established in 2014 when Senate Bill (SB) 64 was signed into law. SB 64 was the result of a bipartisan effort to reduce the high costs of corrections and reduce prison populations and recidivism through evidence-based reforms. The commission was given a three-year term, ending June 2017.

State leaders tasked the commission with developing evidence-based recommendations aimed at safely controlling prison and jail growth and recalibrating the correctional investment to ensure the State achieved the best possible public safety return on State dollars. Additionally, due to

declining State operating budgets, legislative leaders requested the commission forward policy options that would avert future prison growth and reduce the prison population between 15 and 25 percent.

Over a seven-month period, the commission analyzed the State's criminal justice system, including a comprehensive review of sentencing, corrections, and community supervision data. Based on commission analysis, and directive from legislative leadership, the commission developed 21 evidence-based policy recommendations, known as the December 2015 Justice Reinvestment Report. The report also included six recommendations for legislative consideration. According to the report, the recommendations protected public safety, held offenders accountable, and reduced the State's average daily prison population by 21 percent, netting estimated savings of \$424 million over 10 years.

Many of the recommendations in the commission's December 2015 Justice Reinvestment Report became the basis for criminal justice laws enacted in SB 91, signed into law July 2016. SB 91 extended the commission's term until June 2021, significantly expanded the commission's duties, and directed the commission to oversee the implementation of criminal justice reform and reinvestment.

Many of the reforms contained in SB 91 were blamed for an increase in crime. Within a year of SB 91's effective date, a separate bill was passed to make minor adjustments to SB 91 and another bill was passed five months later that substantially altered SB 91. The next year, a third bill made more substantive changes. In 2019, many of SB 91's provisions were fully repealed through House Bill (HB) 49.

Ms. Curtis moved to the Report's conclusions on page 7 and read:

Overall, the audit concluded the commission met its statutory responsibilities by analyzing the effects of sentencing laws and criminal justice practices on the criminal justice system and recommending improvements.

Additionally, the commission conducted specific studies and reported results, as required by law.

The commission was effective as an advisory agency from 2015 through 2017 and its recommendations served as the basis for comprehensive criminal justice reform passed in 2016 (SB 91). Further, its recommendations helped policy makers amend SB 91. However, beginning in 2018, criminal justice policy decisions were not rooted in commission recommendations and the commission's effectiveness waned.

As of April 2020, the commission does not routinely recommend improvements; however, it does continue to analyze criminal justice data and evaluate the impact of commission recommendations and other changes on the criminal justice system. As required by statutes, several agencies submit data to the commission. The data is reviewed by commission staff, commission members, and/or other agencies under an agreement with the commission.

In accordance with AS 44.66.010(a)(12), the commission is scheduled to terminate on June 30, 2021. We do not recommend extending the commission's termination date. Rather than extend the commission in its current form, the need for and expectations of a criminal justice advisory commission should be reevaluated. Although we recommend sunseting the commission, we do not recommend terminating its data collection and analysis functions.

Objective evidence regarding the effectiveness of the criminal justice system and laws governing the system are critical to future policy decisions. Legislation will be required to maintain the commission's data collection and analysis functions if the commission sunsets.

Ms. Curtis had been impressed by the amount of work generated by the commission in the short period of time between 2015 and 2017, prior to the overturning of criminal justice reforms when it's the effectiveness began to wane. She detailed that beginning in 2018, the commission's recommendations were ignored, and criminal justice policy decisions were not rooted in commission recommendations. The commission did not produce recommendations in 2019. The

audit did not recommend extending the commission's effective date. Alternatively, the audit did recommend maintaining its data and analysis functions.

[9:21:11 AM](#)

Representative LeBon cited the sectional and asked a question regarding Section 4 of the legislation. He cited the following provision and inquired how the sponsor envisioned the process of appointing the member:

Create a new member seat for a formerly incarcerated person who has completed his or her sentence.

Representative Claman replied that the appointment would be made collaboratively by the Deputy Attorney General of the Criminal Division, Department of Law (DOL) and the Public Defender. He elaborated that during commission discussion and public comment on the audit's recommendations one of the most frequent remarks had been that there was no one on the commission with learned experience. The commission believed including a formerly incarcerated person was important. He detailed that the deputy attorney general and public defender would identify a person who had finished their sentence, parole, and probation and the chief prosecutor and chief defense attorney needed to agree the person was appropriate for a seat on the commission.

Representative LeBon asked for verification the selection would not go through an approval process by the legislature or governor. He asked if the individual would be a full voting member. Representative Claman answered affirmatively.

[9:24:16 AM](#)

In response to a comment made by Representative Wool, Representative Claman replied that the proposed statute did not distinguish between whether the person committed a felony or misdemeanor. He deemed that someone who served a shorter sentence for a period of five years or less would likely be chosen. Representative Wool asked if there had been any discussion about including a family member of a person currently in the criminal justice system to serve on the commission. Representative Claman answered there had been numerous people interested in having a seat on the commission. In the interest of keeping its membership

manageable and based on public testimony it was determined that the best option was a person who had been formerly incarcerated was more illuminating than a family member.

Representative Wool mentioned the provisions in SB 91 [Omnibus Crim Law & Procedure; Corrections, CHAPTER 36 SLA 16, 07/11/2016] being repealed through other bills. He noted "a lot of political motivation" for the repeals. He referenced Ms. Curtis's statement that the audit decided not to include recommendations as part of its functions. He asked for detail.

[9:26:54 AM](#)

Ms. Curtis replied that the comment was made by Representative Claman. She elucidated that the audit concluded that the need for and expectations of a criminal justice advisory commission should be reevaluated. She reminded the committee that when the audit took place the commission had not been utilized in an advisory capacity as it had been in past years. The audit concluded that rather than extend the commission in its current form, it recommended policy makers reevaluate the commission to determine whether there was a different need since the SB 91 repeal. She summarized that in the current form she could not recommend extending the commission. However, the auditors determined that its data collection and analysis was beneficial. She needed guidance from policy makers to determine what the future of the commission should be. Representative Wool surmised that because the commission stopped doing recommendations the audit decided to recommend against continuing the commission with its current sets of functions. Ms. Curtis clarified that policy decisions were made that were not rooted in the commission's recommendations. She determined that at that point it was appropriate for the policy makers to decide the role or life of the commission. Representative Wool mentioned that the state had faced a situation where it would have to reopen prisons or build more, and he believed that currently the state was back in the same position. He wondered whether in the commissions proposed role, would it merely provide analysis and leave it up to policy makers to interpret the analysis and devise a solution. He restated that criminal justice was very politicized and he wondered if Ms. Curtis or the sponsor saw political decisions driving policy in the future.

9:30:17 AM

Ms. Curtis would not weigh in on what should be done in the future. She could only speak to what had taken place in the past. She regarded the need to continue to analyze and provide good input to policy makers due to the numerous criminal justice issues facing the state in the future. She emphasized the need for "good objective data" and "experts" to evaluate the data and provide the information. Whether the legislature wanted a recommendation function, she believed it would be reasonable and was the reason advisory commissions were created. She offered that policy makers could certainly decide to extend the current commission by proposing legislation to maintain its current functions. She maintained that commenting on the details of how or whether the commission should exist would impair her independence as an auditor.

Representative Claman interjected that the recommendation from the audit had been clear that the data and analysis function should continue because it provided a level of analysis that would take an independent contractor a "couple of years" to provide. He emphasized that the audit was "very specific" regarding not continuing the recommendation function. He reported that the only provision in HB 183 that proposed a recommendation function to continue was how to expend funding from the Recidivism Reduction Fund from marijuana tax proceeds. The legislature would need to request a recommendation about a specific topic, otherwise, the commission completely lacked authority to issue recommendations. He remarked that the only difference in the commission would be useful research to help policy makers make wise decisions but not recommendations.

9:33:29 AM

Representative Wool calculated that the commissions stopped making recommendations for political reasons due to controversy over SB 91. He mentioned that bills creating task forces and working groups that made recommendations were common. The legislature could ignore them. He believed that it seemed strange to take the recommendation function away. He stated that the legislature did not have to follow the recommendations and thought the recommendation was unusual. Ms. Curtis responded that the difference was task forces were temporary. She recalled that the original

commission was set up in 2014, with a three year term and SB 91 extended it until 2021 and expanded its functions to oversee criminal justice reform and investment. She judged that since the repeal of SB 91, the vision for the commission needed to be reconsidered. She stated the audits' role was to determine whether a commission was serving the public's interest and was there a need for its continued existence. She did not see a continued need for the commission in its current form. She pointed out that the current composition of the board included many positions from the administration and could politically impact its effectiveness. She believed that the legislature should take a pause and reevaluate.

[9:35:47 AM](#)

Representative Claman discussed the years after the passage of SB 91 when many changes were made and much of the reform was rolled back. He asserted that the commission made many recommendations, and the reality was that the legislature had shown it was not interested in its recommendations but was attentive to the analysis.

Representative Josephson referenced a letter from the [governor's] former Chief of Staff, Ben Stevens [included in the audit on page 41] stating that nearly half of the commission's recommendations had been repealed. He wondered what had been repealed. He interpreted the letter as suggesting that there were still many recommendations in law. Representative Claman confirmed that many of the recommendations were still in law. He exemplified the increase to the minimum sentence for first degree murder.

Ms. Curtis referenced Appendix C in the audit [page 31]. She pointed out that the appendix included all to the recommendations the commission had made from 2015 to 2020. She emphasized that it was an incredible amount of work. The chart included whether action was taken on the recommendation and if it was amended or repealed.

Representative Josephson drew attention to Section 11 of the bill that created substantive law in defining the term "technical violation." He indicated that the term was unfamiliar to statute until the implementation of SB 91. He noted that under the bill it only applied to Title 44. He asked whether a competing definition existed in Title 11 or 12.

Representative Claman responded in the negative. He elaborated that the reason for the definitions of technical violation and "recidivism" in Section 11 was directed to the research and analysis function and provided for a consistent definition to be applied to the data and analysis. Representative Josephson wondered if the definition of technical violation would be argued in court.

[9:40:49 AM](#)

Representative Claman replied that he never wanted to predict what someone may argue in court. He furthered that some analysis regarding technical versus substantive violations had taken place. There was an interest in ensuring there was a solid definition of technical violation included for the purposes of research and analysis.

Vice-Chair Ortiz stated his understanding that the bill would largely cease the recommendation function. He pointed to Section 5 of the Sectional Analysis and read:

Identifying areas for improving the efficiency and effectiveness of the criminal justice system...

He inquired how that was accomplished without making recommendations. He asked whether identifying was different than recommending.

Representative Claman replied in the affirmative. He exemplified his opening remarks that stated currently the pretrial population had increased from 20 percent to 28 percent over a 10-year period. He understood that actually 50 percent of the prison population was pretrial. He deduced that without a recommendation policy makers could examine ways to reduce the pretrial population. He argued that it was totally up to the legislature if it acted on the information.

[9:43:06 AM](#)

Vice-Chair Ortiz appreciated the answer but did not quite understand how it would work. He believed the legislature needed to continue to receive recommendations and input on ways to improve the efficiency and effectiveness of the criminal justice system. He wondered how to do so without receiving recommendations to make change. He noted that

just because the legislature did not adopt recommendations received in the past, did not mean the recommendations were not sound and that the function was unnecessary, and they should not continue to hear from bodies offering data and objective information. Representative Claman responded that in many ways he agreed with what Vice-Chair Ortiz had stated. He relayed that as an ex-officio member of the commission he observed that in recent years the legislature had not been interested in the recommendations. He did not want to "sugar coat" the issue. He referenced the pretrial data and maintained that the commission would enthusiastically make recommendations if requested by the legislature if the bill was adopted. He believed the bill recognized that the legislature largely ignored recommendations. He thought the perspective of the legislature was "do not come telling us what to do unless we ask." He stated that the purpose of the bill was to allow the commission to maintain the research and analysis function and provide it when requested. He noted that a commission member requested some research and analysis on HB 5 [Sexual Assault; Def. of "Consent"] and ultimately provided data and analysis on the impacts of the bill but did not offer recommendations. He surmised that it was a perfect example of the proposed role of the commission; providing data to enable policy makers to be more responsive.

[9:46:44 AM](#)

Representative Johnson thought most of her constituents would be happy to see the Alaska Criminal Justice Commission sunset. She spoke about the proposal to do something different. She cited the University of Alaska's Justice Center and read its mission statement:

The UAA Justice Center, established by the Alaska Legislature in 1975, has a mandate to provide statewide justice-related education, research, and service. The Justice Center is an interdisciplinary unit that provides undergraduate and professional education; conducts research in the areas of crime, law, and justice; and provides services to government units, justice agencies, and community organizations throughout urban and rural Alaska to promote a safe, healthy, and just society.

Representative Josephson believed that it sounded duplicative to the proposal in the legislation. She cited the fiscal note of \$155,000. She asked if it would make sense to support the justice center by providing an additional grant to the organization and transfer some of the data and analysis function to the center.

Representative Claman replied that the University of Alaska Anchorage (UAA) Justice Center and the UAA Alaska Justice Information Center had expertise in certain ways that was complimentary to that of the Alaska Judicial Council (AJC) but there were many areas that did not overlap. He discovered that much of the full range of research and analysis done by the commission could not be undertaken by the center. He deferred to the commission for further explanation. He furthered that the commission was designed to focus on the current issues and more areas of interest than the justice center. The university was a vital part of the process put focused on specific grant research that was often unrelated to the areas the commission was researching.

[9:50:04 AM](#)

Representative Johnson referenced the mission of the justice center. She maintained that it sounded like it had a connection to communities.

Representative Carpenter summarized that the commission's recommendations had not been used which had resulted in the commission ceasing to provide recommendations. He asked if it was due to a lack of awareness on the legislature's part or of disinterest. He relayed that his focus was on domestic violence and sexual assault. He understood that there had not been a criminal justice reform effort since 2017 and subsequently, he would not have thought to ask for the information. He pondered whether it was a lack of trust. He asked why the policy decisions of the legislature were not rooted in the commission's recommendations. He wondered whether the issues lied in the composition of board, its members, structure, mission, or requirements.

[9:52:18 AM](#)

Representative Claman relayed that he had served in the legislature for eight years. He reported that during the first several years of his term when engaging in criminal

justice reform discussions, the commission chair was constantly testifying before the legislature. He voiced that its recommendations were a vital part of the legislature's decision regarding criminal justice reform. Conversely, when many provision of SB 91 were repealed, the legislature had been independent in its decisions. The legislature had not consulted the with commission and they were not present during deliberations. He ascertained that the legislature wanted to make its own decisions. He mentioned the areas of sexual assault and domestic violence and the commission's report in 2019 had been received by the legislature, but he was not certain many legislators had much interest in it. He added that the commission issued a recent domestic violence report with a tremendous amount of information on the topic, but it had not interested many legislators. He was uncertain as to why. He remarked that he had consulted both reports in relation to HB 5.

[9:55:11 AM](#)

Representative Carpenter thought many of his questions should be in a conversation offline. He asked where the recommendations proposed in the bill had come from. Representative Claman responded that when the auditor's report was issued and the finding that the commission made no further recommendations he served as chair of the commission. However, they wanted to make a recommendation regarding its data and analysis function. He delineated that the commission held a number of meetings and heard from stakeholders and the public and had received a number of recommendations. He shared some examples. He relayed that the attorney general's office wanted the deputy attorney general from the Criminal Division on the commission, not the attorney general because most of the questions were from the criminal division. There had been significant talk about a law enforcement presence and how to come up with a rural and urban presence but offer flexibility that was not overly prescriptive. He noted that another recommendation desired the commission be less subject to "politicization by the executive branch." Therefore, the law enforcement seat was appointed by the Association of Police Chiefs and not by the governor. He reported that the victim presence was chosen by the Council on Domestic Violence and Sexual Assault (CDVSA) in consultation with all its members. He summarized that the membership of the commission would not be subject to

executive appointment but represented a community presence and much stakeholder interest. Representative Carpenter asked if the bill was comprised of recommendations by the commission. Representative Claman answered in the affirmative and added that the only exception was he had added the member with lived experience since no other member had recommended it.

HB 183 was HEARD and HELD in committee for further consideration.

Co-Chair Merrick reviewed the schedule for the afternoon meeting.

#

ADJOURNMENT

[9:59:43 AM](#)

The meeting was adjourned at 9:59 a.m.