

**ALASKA STATE LEGISLATURE**  
**HOUSE JUDICIARY STANDING COMMITTEE**

January 28, 2022

1:37 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Liz Snyder, Vice Chair  
Representative Harriet Drummond  
Representative Jonathan Kreiss-Tomkins  
Representative David Eastman  
Representative Christopher Kurka  
Representative Sarah Vance

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

PRESENTATION(S): REPORT ON ALASKA COURT SYSTEM OPERATIONS

- HEARD

HOUSE BILL NO. 246

"An Act restricting the release of certain records of convictions; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 51

"An Act relating to aggravating factors considered at sentencing."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 246

SHORT TITLE: ACCESS TO MARIJUANA CONVICTION RECORDS

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

01/18/22	(H)	PREFILE RELEASED 1/7/22
01/18/22	(H)	READ THE FIRST TIME - REFERRALS
01/18/22	(H)	JUD, FIN
01/19/22	(H)	JUD AT 1:00 PM GRUENBERG 120

01/19/22 (H) Heard & Held  
01/19/22 (H) MINUTE(JUD)  
01/28/22 (H) JUD AT 1:30 PM GRUENBERG 120

BILL: HB 51

SHORT TITLE: AGGRAVATING FACTORS AT SENTENCING

SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

02/18/21 (H) PREFILE RELEASED 1/8/21  
02/18/21 (H) READ THE FIRST TIME - REFERRALS  
02/18/21 (H) STA, JUD  
04/24/21 (H) STA AT 3:00 PM GRUENBERG 120  
04/24/21 (H) -- MEETING CANCELED --  
05/05/21 (H) STA REFERRAL MOVED TO AFTER JUD  
05/05/21 (H) BILL REPRINTED  
01/21/22 (H) JUD AT 1:00 PM GRUENBERG 120  
01/21/22 (H) Heard & Held  
01/21/22 (H) MINUTE(JUD)  
01/26/22 (H) JUD AT 1:30 PM GRUENBERG 120  
01/26/22 (H) Heard & Held  
01/26/22 (H) MINUTE(JUD)  
01/28/22 (H) JUD AT 1:30 PM GRUENBERG 120

**WITNESS REGISTER**

NANCY MEADE, General Counsel  
Office of the Administrative Director  
Alaska Court System  
Juneau, Alaska

**POSITION STATEMENT:** Presented a report on the Alaska Court System's operations; Answered questions during the hearing on HB 246.

CLAIRE GROSS, Staff  
Representative Jonathan Kreiss-Tomkins  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** On behalf of Representative Kreiss-Tomkins, prime sponsor, presented HB 246.

LISA PURINTON, Chief  
Criminal Records and Identification Bureau  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 246.

## ACTION NARRATIVE

[1:37:57 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:37 p.m. Representatives Eastman, Vance, Drummond, and Claman were present at the call to order. Representatives Snyder, Kreiss-Tomkins, and Kurka (via teleconference) arrived as the meeting was in progress.

PRESENTATION(S): Report on Alaska Court System Operations

**PRESENTATION(S): Report on Alaska Court System Operations**

[1:38:39 PM](#)

CHAIR CLAMAN announced that the first order of business would be a presentation on the operations of the Alaska Court System.

[1:40:05 PM](#)

NANCY MEADE, General Counsel, Office of the Administrative Director, Alaska Court System (ACS), discussed ACS's general operations, budget, calendar year (CY) 2021 accomplishments, and jury trials. The ACS covers 40 total locations with 766 positions. She stated that 100 percent of the funds received by the court system is deposited directly into the general fund. She referred to a document [included in the committee packet], titled "Alaska Court Case Filings Statewide." She listed the following: felony filings decreased in fiscal year 2021 (FY 21); civil protective orders had been steadily decreasing since FY 17; and minor offenses in the district court filings decreased significantly. She stated that two new programs were created in response to the COVID-19 pandemic: a judge-led criminal settlement project and a training for agency attorneys led by a panel of experienced public defenders, prosecutors, and judges. In response to the pandemic, remote clerical processes and teleconference technologies were implemented. The court system faced staff shortages of 90 positions in total. Jury trials were generally suspended throughout the pandemic unless mitigation efforts could protect the public. There was a total of 112 criminal jury trials in CY 2021.

[1:58:13 PM](#)

MS. MEADE, in response to a question from the committee, said that jury trials via video streaming were held for noncriminal matters. She explained that the presiding judge could grant

requests for a jury trial throughout the general suspension period; however, few requests were made. The court's rules on trial-day limits were suspended during the pandemic, and most people held by the Department of Corrections in the prison population were pretrial. During the pandemic, people convicted of misdemeanors were released on their own recognizance to avoid filling up the facilities with low level offenders. In CY 2021, there were 5,500 bench trials, of which most were civil. She acknowledged that there were movements in other states to prohibit cash bail to resolve the arbitrary inequity it creates. In Alaska, jail was typically set by judges on an individual basis; however, a bail schedule was used for misdemeanor cases. Per Alaska Statutes, suspended imposition of sentence and suspended entry of judgement were used under limited circumstances. She pointed out that on January 1, 2022, the number of pending felony cases was 7,300, compared to 4,600 on January 1, 2019, and this demonstrates an increased backlog. Pending misdemeanors increased from 8,000 to 12,000. Fewer than 1 percent of misdemeanor cases made it to a jury trial. She added that felonies had a 2.5 percent trial rate. She expressed the hope that cases would start resolving as trials resumed at a more typical pace. She added that the vast majority of cases were settled with a guilty plea.

[2:35:24 PM](#)

MS. MEADE concluded her presentation and reported that trials were proceeding "full steam ahead" as of January 10, with necessary mitigation measures in light of the COVID-19 Omicron variant. She stated that trials were streamed online to limit the number of people in the room. She discussed the additional impacts of staff shortages and inexperienced attorneys.

**HB 246-ACCESS TO MARIJUANA CONVICTION RECORDS**

[2:47:47 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 246, "An Act restricting the release of certain records of convictions; and providing for an effective date." He stated that Legislative Legal Services is authorized to make technical and conforming changes to the bill.

[2:49:26 PM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 1 to HB 246, labeled, 32-LS1300\A.1, Radford, 1/24/22, which read:

Page 1, line 1:  
Delete "**restricting**"  
Insert "**requiring a notification with**"

Page 1, line 4, through page 2, line 28:  
Delete all material.

REPRESENTATIVE SNYDER objected.

[2:49:45 PM](#)

CLAIRE GROSS, Staff to Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of the prime sponsor, Representative Kreiss-Tomkins, explained that Amendment 1 would "clean up" language to be more consistent. She stated that the reference to "criminal justice information" has a separate definition from "criminal history records information." She added that the inclusion of a reference to the latter term could unintentionally result in the court system's involvement.

REPRESENTATIVE EASTMAN asked for the definition of criminal justice information.

MS. GROSS referred to AS 12.62.900, which defines criminal justice information as any of the following: a record of traffic offenses maintained for the purpose of regulating driver's licenses, or a record of a juvenile subject to the jurisdiction of a court under AS 47.12. She added that subsection (a) referenced criminal history record information, subsection (b) referenced non-conviction information, subsection (c) referenced correctional treatment information, and subsection (d) referenced information related to a person to be located, whether or not that person is wanted in connection with the commission of a crime.

REPRESENTATIVE EASTMAN asked whether the proposed bill would result in a broader restriction of information which appears on a criminal background check.

MS. MEADE suggested that the question should be directed to the Department of Law or to the Department of Public Safety. She stated that criminal background checks are not a function of the court system.

CHAIR CLAMAN offered his understanding that the change from "criminal history information" to "criminal justice information"

was proposed to reduce the amount of the implications to the court system's record keeping.

MS. GROSS agreed with Chair Claman's understanding.

[2:57:02 PM](#)

LISA PURINTON, Chief, Criminal Records and Identification Bureau, Department of Public Safety, answered Representative Eastman's question by explaining the difference between the two terms. She explained that, in AS 12.62.900, the primary difference pertains to identifying information and non-conviction information and that "criminal justice information" is broader and specifically includes non-conviction information, and "criminal history information" includes past conviction information and identifying information. She added that "criminal history information" would appear on the "any person" background checks.

REPRESENTATIVE EASTMAN asked whether a larger body of information would be withheld, should Amendment 1 be adopted.

MS. PURINTON offered her understanding that there would be no effect on the information to be released.

REPRESENTATIVE SNYDER removed her objection. There being no further objection, Amendment 1 was adopted.

[HB 246 was held over.]

[3:00:43 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:01 p.m.