

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 15, 2022

1:07 p.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative Sarah Vance

**OTHER LEGISLATORS PRESENT**

Representative Geran Tarr

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S) :

Alaska Police Standards Council

Jeff Brown - Utqiagvik  
Michael Craig - Anchorage  
David Knapp - Palmer  
David Ross - Kenai

- CONFIRMATION(S) ADVANCED

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5

"An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 5

SHORT TITLE: SEXUAL ASSAULT; DEF. OF "CONSENT"

SPONSOR (s) : REPRESENTATIVE (s) TARR

02/18/21	(H)	PREFILE RELEASED 1/8/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
03/26/21	(H)	SPONSOR SUBSTITUTE INTRODUCED
03/26/21	(H)	READ THE FIRST TIME - REFERRALS
03/26/21	(H)	STA, JUD
03/27/21	(H)	STA AT 1:00 PM GRUENBERG 120
03/27/21	(H)	Heard & Held
03/27/21	(H)	MINUTE(STA)
04/13/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/13/21	(H)	Heard & Held
04/13/21	(H)	MINUTE(STA)
04/20/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/20/21	(H)	Heard & Held
04/20/21	(H)	MINUTE(STA)
04/27/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/27/21	(H)	Heard & Held
04/27/21	(H)	MINUTE(STA)
04/29/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/29/21	(H)	Scheduled but Not Heard
05/04/21	(H)	STA AT 3:00 PM GRUENBERG 120
05/04/21	(H)	Moved CSSSHB 5(STA) Out of Committee
05/04/21	(H)	MINUTE(STA)
05/06/21	(H)	STA RPT CS(STA) 1DP 5AM
05/06/21	(H)	DP: TARR
05/06/21	(H)	AM: VANCE, STORY, EASTMAN, KAUFMAN, KREISS-TOMKINS
05/06/21	(H)	FIN REFERRAL ADDED AFTER JUD
03/04/22	(H)	JUD AT 1:00 PM GRUENBERG 120
03/04/22	(H)	Heard & Held
03/04/22	(H)	MINUTE(JUD)
03/09/22	(H)	JUD AT 1:00 PM GRUENBERG 120
03/09/22	(H)	Heard & Held
03/09/22	(H)	MINUTE(JUD)
03/30/22	(H)	JUD AT 1:00 PM GRUENBERG 120
03/30/22	(H)	Heard & Held
03/30/22	(H)	MINUTE(JUD)
04/13/22	(H)	JUD AT 1:00 PM GRUENBERG 120
04/13/22	(H)	Heard & Held
04/13/22	(H)	MINUTE(JUD)
04/15/22	(H)	JUD AT 1:00 PM GRUENBERG 120

**WITNESS REGISTER**

JEFF BROWN, Appointee

Alaska Police Standards Council  
Utqiagvik, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

MICHAEL CRAIG, Appointee  
Alaska Police Standards Council  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

DAVID KNAPP, Appointee  
Alaska Police Standards Council  
Palmer, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

DAVID ROSS, Appointee  
Alaska Police Standards Council  
Kenai, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Alaska Police Standards Council.

KATIE BOTZ, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

CASS POOK, representing self  
Sitka, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

MICHAEL PATTERSON, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

JANICE PARK, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

JESSICA STOSSEL, Interim Executive Director  
Center for Nonviolent Living  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

JENNIFER BROWN, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

DEBRA O'GARA, Senior Policy Specialist  
Alaska Native Women's Resource Center  
Petersburg, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

JENNIFER MITCHELL, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

BRENDA STANFILL, Executive Director  
Alaska Network on Domestic Violence and Sexual Assault  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

LAUREE MORTON, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

PHILLIP MOSER, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 5.

#### **ACTION NARRATIVE**

[1:07:30 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:07 p.m. Representatives Eastman, Kreiss-Tomkins, Drummond, Kurka, Snyder, and Claman were present at the call to order.

#### **CONFIRMATION HEARINGS Alaska Police Standards Council**

[1:08:18 PM](#)

CHAIR CLAMAN announced that the first order of business would be the confirmation hearings on the governor's appointees to the Alaska Police Standards Council.

[1:08:37 PM](#)

JEFF BROWN, Appointee, Alaska Police Standards Council (APSC), shared that he began his law enforcement career over 20 years ago and has served in various capacities. He now serves as the chief of police for the North Slope Borough Police Department. He stated that his varied experience has given him a unique and

well-rounded perspective on law enforcement, making him well-suited to carry out the council's mission. He thanked the committee members.

[1:09:35 PM](#)

MR. BROWN, in response to Chair Claman, stated that he is a newly appointed member to APSC, subject to confirmation.

[1:10:14 PM](#)

REPRESENTATIVE EASTMAN questioned how the council could improve police force recruitment and retention.

[1:10:33 PM](#)

MR. BROWN responded that recruitment and retention are two different subjects. In terms of recruitment, he said, it is difficult to find qualified applicants, because all of the departments are competing within the same applicant pool. He suggested targeting areas in the Lower 48 which "are not so friendly towards law enforcement." He expressed the opinion that communities in Alaska support law enforcement, and, oftentimes, officers are looking for this support. In terms of retention, he suggested that the ongoing standard of training throughout the state be continued, as the standard equips departments with professionalism and dedication. He stated that new recruits are looking for this standard, so it needs to be developed continually throughout the state. He suggested that benefits also need to be targeted.

[1:12:39 PM](#)

REPRESENTATIVE EASTMAN stated that he has received queries from former military police who are considering a civilian law enforcement career. He pointed out that these individuals have experienced difficulties. He questioned whether the council has considered changing the standards for military service experience [so that it could translate easier into civilian law enforcement service].

[1:13:19 PM](#)

MR. BROWN replied that the definition of military police officers and the definition of state peace officers are two very different things. He stated that military police patrol officers potentially have skills; however, he suggested that

individuals should be evaluated on a case-by-case basis to determine whether their experience meets the qualifications of a peace officer. He stated that there is a wide variety of military police duties. In example, he stated that guarding a gate is different from investigating a crime.

[1:14:57 PM](#)

VICE CHAIR SNYDER referred to a recent "unfortunate" event concerning an autistic individual [and the police]. She commented that [police enforcement] could use more training in de-escalation tactics. She questioned the role of council in reducing these types of incidences.

[1:15:46 PM](#)

MR. BROWN responded that officers in his department are trained in de-escalation techniques based on federal training standards. He said these strategies are taught in the academy to new recruits; however, older officers, who have not been in the academy for some time, would benefit from ongoing training. He stated that creating standardized, in-service training has been the subject of conversations and suggested that the council could address this. He recommended this should be well thought out and not a "knee-jerk reaction." He recognized the difference in the training of officers in remote communities versus those on the road system. He emphasized that the role of APSC is to make sure whatever is implemented is well thought out.

[1:17:33 PM](#)

REPRESENTATIVE EASTMAN questioned whether homeschool graduates should be treated differently during the [police officer] recruiting process.

[1:17:57 PM](#)

MR. BROWN responded that there are at least two homeschool graduates in his department. He stated that there is a standard of education met through homeschooling, so there should be no need to treat these individuals any differently. He pointed out that these individuals in his department have been there for some time and described them as very astute with unique backgrounds and perspectives.

[1:19:11 PM](#)

CHAIR CLAMAN asked whether retirement plans, specifically the existence of pensions, have affected recruitment and retention.

[1:19:30 PM](#)

MR. BROWN responded that he is a member of Tier III and recognizes the benefits of this, especially in relation to those who are members of Tier IV. He stated that anything the state can do, including using a targeted goal, to incentivize employees to stay in the state would be beneficial. He explained that 75 percent of his department will be eligible for retirement within the next three years, and these individuals are all Tier III members. He said that there are not many Tier IV members, adding that "they seem to come and go a lot more frequently."

[1:21:10 PM](#)

MICHAEL CRAIG, Appointee, Alaska Police Standards Council, shared that he has been in Alaska since 1963. He stated that he currently works for the Alyeska Pipeline Service Company, and he has worked on the Trans-Alaska Pipeline System since 1983. He stated that now he works as an employee-concerns coordinator, where he conducts investigations and does conflict resolution. He expressed the opinion this would be consistent with part of the council's duties. He stated he has been a member of APSC since 2017 and is seeking reappointment.

[1:22:23 PM](#)

REPRESENTATIVE EASTMAN, in relation to the North Slope and law enforcement, questioned the model of having employees who are out of state residents but travel for regular employment to Alaska.

MR. CRAIG responded that in his work he has only been a liaison with state and federal law enforcement. In terms of law enforcement, he stated that he does not have an answer for the question. He continued that the people who work on the pipeline are predominately Alaska residents, and his preference would be that all the positions be filled with Alaska residents, but when employment pools shrink, employers must look elsewhere.

[1:24:21 PM](#)

DAVID KNAPP, Appointee, Alaska Police Standards Council, stated that he is pending reappointment to the council after completing a four-year term. He shared that he is a correctional officer with the Alaska Department of Corrections (DOC). He stated that he has worked for DOC for 17 years. For the last 5 years his assignment has been with the prisoner transportation unit. In this capacity he manages the prisoner telephone system, monitors gang activity, and supervises the canine unit. He added that he also teaches a class on gangs at the academy and assists with firearms instruction.

[1:25:45 PM](#)

REPRESENTATIVE EASTMAN asked whether there are any urgent needs that the council should address over the next few years.

[1:26:07 PM](#)

MR. KNAPP responded that there is a backlog of regulations proposed during the COVID-19 pandemic, and addressing this is the number one issue.

[1:26:45 PM](#)

REPRESENTATIVE SNYDER questioned how the council could contribute to the ways the state responds to Alaskans in need.

[1:27:27 PM](#)

MR. KNAPP responded that the council should evolve training in respect to the changing standards. He stated that law enforcement has been having more contact with mentally ill people, including individuals with drug-induced psychosis. He advised that the council should continue to provide guidance and training for these rapidly changing issues.

[1:28:16 PM](#)

CHAIR CLAMAN questioned how retention and recruitment of law enforcement officers is affected by the lack of a pension.

[1:28:29 PM](#)

MR. KNAPP responded that the issue is important. He stated that throughout his career he has seen hundreds of correctional officers leave after meeting the five-year vestment requirement.

[1:29:07 PM](#)

REPRESENTATIVE EASTMAN questioned whether proceedings against law enforcement, including complaints brought to the council, have been conducted in an efficient manner.

MR. KNAPP stated that in his experience the process is streamlined. He acknowledged that delays would be because of legal representation, not the council.

[1:30:20 PM](#)

DAVID ROSS, Appointee, Alaska Police Standards Council, stated he was appointed to be one of the four designated police chiefs on APSC. He shared that he has lived in Kenai since 1971 and has worked at the Kenai Police Department for 21 years. He has worked in every aspect of the department, including the position of chief for the last 6 years. He expressed anticipation concerning his role on the council, as it would be an opportunity to help address the need for professional and well-trained law enforcement in Alaska.

[1:31:10 PM](#)

MR. ROSS, in response to Chair Claman, stated that his is a new appointment, pending confirmation.

[1:31:28 PM](#)

MR. ROSS, in response to Representative Eastman, said that the council needs to develop and maintain good hiring practices for law enforcement professionals. To ensure the "right" people are in law enforcement, he said, there needs to be good systems to certify and de-certify officers. He added that quality ongoing training should be provided.

[1:32:23 PM](#)

CHAIR CLAMAN questioned how retention and recruitment of law enforcement officers is affected by the lack of a pension.

MR. ROSS responded that this is a challenge, as the pension system does play a role, especially concerning retention. He said that many at his agency are Tier III members, nearing retirement, creating an experience gap. He expressed the opinion that setting a goal for longevity with a pension system would benefit Tier IV members, as they do not seem to be

staying. In response to Chair Claman, he stated that he is a Tier III member.

[1:33:53 PM](#)

CHAIR CLAMAN opened public testimony on the appointees to the . After ascertaining that there was no one who wished to testify, he closed public testimony.

[1:34:48 PM](#)

REPRESENTATIVE EASTMAN thanked the applicants for volunteering their service. He stated that he receives regular feedback from constituents who are interested in becoming law enforcement, but face challenges. He stated that retention of officers is an issue, and he welcomes any comments which would help.

[1:36:00 PM](#)

REPRESENTATIVE DRUMMOND complimented the appointees on their service to communities and organizations.

[1:36:29 PM](#)

CHAIR CLAMAN noted that the appointees included experienced and new members, and the blend has created a good discussion.

[1:37:00 PM](#)

VICE CHAIR SNYDER stated that the House Judiciary Standing Committee has reviewed the qualifications for the governor's appointees and recommends that the following names be forwarded to a joint session for consideration: Jeff Brown, Michael Craig, David Knapp, and David Cross, appointees to the Police Standards Council. She reminded the committee that this does not reflect intent by any of the members to vote for or against these individuals during any further sessions for the purposes of confirmation.

**HB 5-SEXUAL ASSAULT; DEF. OF "CONSENT"**

[1:38:00 PM](#)

CHAIR CLAMAN announced that the final order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5, "An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to

the testing of sexual assault examination kits; and providing for an effective date." [Before the committee was CSSSHB 5(STA).]

[1:38:13 PM](#)

CHAIR CLAMAN opened public testimony on HB 5.

[1:38:55 PM](#)

KATIE BOTZ, representing self, testified in support of HB 5. She thanked the sponsors but expressed frustration with the way the committee has been handling HB 5. She stated that she is a survivor of sexual assault, and in the past two years she has advocated for the passage of the proposed legislation. She said, "One or more members of this committee has continued to ignore me. One or more members of this committee has continued to silence me." She voiced the opinion that some of the committee members do not care about victims of abuse. Referencing her own experience, she stated that she wants a better outcome for other [victims] in the state. She requested that an amendment deadline be set for April 18, 2022, so the bill can be passed out of committee. She said that actions speak louder than words, and HB 5 is a step in the right direction for keeping victims safe.

[1:41:55 PM](#)

CASS POOK, representing self, testified in support of HB 5. She shared that she is pursuing a degree in social work and currently is in an internship at [Sitkans Against Family Violence]. She urged the committee to move HB 5 as soon as possible. In reference to childhood trauma, she brought to the attention of the committee the Adverse Childhood Experiences Study and the National Child Traumatic Stress Network.

[1:43:12 PM](#)

MICHAEL PATTERSON, representing self, testified in support of HB 5. He stated that the rampant occurrence of sexual assault is "such a detriment to the state, that I don't understand why it is taking so long to move HB 5 out of this committee." He expressed the opinion that the proposed legislation is not being moved out of committee because of personal reasons, not necessarily legislative ones. He suggested that the [proposed legislation] would not solve the problem, but it would be a step in the right direction. He said the bill has been in the

[legislative] process "for years." He expressed confusion about why the definition of consent has not been modernized. He questioned how it could be said that "we live in a healthy, functional society in Alaska." He suggested that there is a loophole in the law which allows attackers to not be convicted.

[1:46:01 PM](#)

JANICE PARK, representing self, testified in support of HB 5 and its passage out of committee. She shared her and her granddaughter's experience with sexual assault.

[1:49:02 PM](#)

JESSICA STOSSEL, Interim Executive Director, Center for Nonviolent Living, testified in support of moving HB 5 out of committee as soon as possible. She stated the bill is a step in the right direction for all Alaskans and victims of sexual assault. She stated that she has worked with victims for the last 23 years.

[1:50:32 PM](#)

JENNIFER BROWN, representing self, shared that she identifies as a survivor of sexual assault and works for Standing Together Against Rape (STAR). From her personal and professional experience, she expressed the opinion that justice for victims of sexual assault is rare because it is too difficult to reach prosecution. She stated that HB 5 is a step in the right direction.

[1:51:54 PM](#)

DEBRA O'GARA, Senior Policy Specialist, Alaska Native Women's Resource Center, testified in support of HB 5. Addressing statistics on rape, she stated that 21 percent of women in the country have reported that they have been a victim of attempted or committed rape, with most of these occurring before the victim turns 25 years old. She said that 47 percent of sexual assaults in Alaska involve Alaska Native women and girls. She stated that the recorded rapes in Alaska are twice the national average, but this does not include unreported cases. She expressed the belief that sexual assault numbers in Alaska are low because rape kits are not being processed. She acknowledged that this problem is being resolved. She added that reported sexual assault numbers are low because there is a distrust of law enforcement. She said that in some areas of Alaska law

enforcement are known to be aggressive, unhelpful, and insensitive. She added that investigations are slow, and for the cases that make it to prosecution, this process is also slow. She argued that law enforcement and DOL need to understand how rape affects the victim. Comparing rape to murder, she said, "It kills a part of the victim." She urged the members to pass the bill out of committee so it can move through the system.

[1:54:42 PM](#)

JENNIFER MITCHELL, representing self, testified in support of HB 5. She shared that she worked for seven years as a victim advocate at STAR. She said part of her job included being present for physical exams and helping victims through the criminal justice system. She said, "I've been through more sexual assault reports than I can count." From her experience, she estimated that most of the cases turned down for prosecution would be prosecuted under the proposed legislation. She expressed the opinion that Alaska has a major problem with sexual assault, and holding people accountable would be a positive step forward. She shared that she worked with victims of sexual assault by fraud, whose cases were not prosecuted. She concluded by urging the committee to pass the bill.

[1:56:30 PM](#)

BRENDA STANFILL, Executive Director, Alaska Network on Domestic Violence and Sexual Assault, testified in support of passing HB 5 out of committee. She stated that HB 5 addresses four problematic areas in the current sexual assault laws and processes. First, she stated that the law requires the use of force. She said this does not reflect current social norms, as youth today are being educated about consent, permission, and pressure. She said that, rather than the requirement of marks on a victim's body to prove lack of consent, the proposed legislation would require the accused to prove consent. The second problem with the current legislation is it does not criminalize adults engaging with 16- and 17-year-old individuals, which is the age targeted for sex work grooming. As the next point, she stated that rape by fraud is not recognized. For the final point she addressed the time allowed to process rape kits. She stated that an important part of the proposed legislation would be the reduction of time allowed for crime labs to process rape kits. She stated that DPS has related this is an achievable goal. She argued that speeding up the forensic testing would move rapist off the streets quicker.

She recognized that the four changes to the sexual assault laws would not "fix" the current system, but changes are needed. She also referenced the lack of prosecutions, the need for more public safety officers, and the extensive time delays for trials. She said, in general, there is not enough prevention.

[1:59:25 PM](#)

LAUREE MORTON, representing self, testified in support of HB 5. She shared that she has lived through sexual assault. She discussed the historic origin of the word "rape," referencing that in the past women had been viewed as property. She stated that in the early- to mid-20th century the narrative had been that only a stranger would commit rape, and if women stayed home, they were safe. She continued that, as attitudes changed, it was seen that girls deserved [to be raped] if they were in the wrong place at the wrong time with the wrong dress or attitude. As society has progressed, she said, people are now more aware that rapists can be friends or family members; however, victims are still required to not just say "no," but to say, "hell no." She explained, if there is not enough evidence of force, the victim did not fight hard enough, and the crime is not prosecutable. She said, "We should be uncomfortable with that." She argued that the [proposed legislation] is not meant to make prosecution easier; "it is meant to make it right." She insisted that it is time [the definition of consent be updated.] She requested that the legislation be moved out of committee.

[2:02:06 PM](#)

PHILLIP MOSER, representing self, testified in support of HB 5; however, he expressed the belief that there should be a stronger definition of consent. He urged that HB 5 be moved from committee.

[2:03:41 PM](#)

CHAIR CLAMAN, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 5.

[HB 5 was held over.]

[2:04:57 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:05 p.m.