

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

March 4, 2022

1:34 p.m.

**MEMBERS PRESENT**

Senator Roger Holland, Chair  
Senator Mike Shower, Vice Chair  
Senator Shelley Hughes  
Senator Jesse Kiehl

**MEMBERS ABSENT**

Senator Robert Myers

**COMMITTEE CALENDAR**

SENATE BILL NO. 187

"An Act relating to criminal law and procedure; relating to the crime of harassment; relating to the duty to register as a sex offender; amending the definition of 'sex offense'; relating to lifetime revocation of a teaching certificate for certain offenses; relating to the definition of 'domestic violence'; relating to multidisciplinary child protection teams; relating to arrest authority for pretrial services officers and probation officers; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 189

"An Act relating to sex trafficking; establishing the crime of patron of a victim of sex trafficking; relating to the crime of human trafficking; relating to sentencing for sex trafficking and patron of a victim of sex trafficking; establishing the process for a vacatur of judgment for a conviction of prostitution; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 182

"An Act establishing the crime of interference with emergency communications."

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: SB 187

SHORT TITLE: HARASSMENT; SEX OFFENDERS & OFFENSES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/15/22	(S)	READ THE FIRST TIME - REFERRALS
02/15/22	(S)	JUD, FIN
02/23/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/23/22	(S)	Heard & Held
02/23/22	(S)	MINUTE(JUD)
02/25/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/25/22	(S)	Heard & Held
02/25/22	(S)	MINUTE(JUD)
03/02/22	(S)	JUD AT 1:30 PM BUTROVICH 205
03/02/22	(S)	Scheduled but Not Heard
03/04/22	(S)	JUD AT 1:30 PM BUTROVICH 205

BILL: SB 189

SHORT TITLE: CRIME OF SEX/HUMAN TRAFFICKING

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/15/22	(S)	READ THE FIRST TIME - REFERRALS
02/15/22	(S)	JUD, FIN
02/28/22	(S)	JUD AT 1:30 PM BUTROVICH 205
02/28/22	(S)	Heard & Held
02/28/22	(S)	MINUTE(JUD)
03/02/22	(S)	JUD AT 1:30 PM BUTROVICH 205
03/02/22	(S)	Heard & Held
03/02/22	(S)	MINUTE(JUD)
03/04/22	(S)	JUD AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

DAVID IGNELL, representing self

Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 187.

KATIE BOTZ, representing self

Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 187.

ANNIE COUEY, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 187.

DAVID IGNELL, representing self

Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 189.

KATIE BOTZ, representing self

Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 189.

JOHN SKIDMORE, Deputy Attorney General

Office of the Attorney General

Criminal Division

Department of Law

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SB 189.

KELLY HOWELL, Special Assistant to the Commissioner

Department of Public Safety

Juneau, Alaska

**POSITION STATEMENT:** Answered questions on changes to sex offender registration requirements in SB 187.

LISA PURINTON, Chief

Criminal Records and Identification Bureau

Department of Public Safety (DPS)

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions on sex offender registration requirements in SB 187.

## **ACTION NARRATIVE**

[1:34:20 PM](#)

**CHAIR ROGER HOLLAND** called the Senate Judiciary Standing Committee meeting to order at 1:34 p.m. Senators Kiehl, Hughes, Shower, and Chair Holland were present at the call to order.

### **SB 187-HARASSMENT; SEX OFFENDERS & OFFENSES**

[1:35:17 PM](#)

**CHAIR HOLLAND** announced the consideration of SENATE BILL NO. 187 "An Act relating to criminal law and procedure; relating to the crime of harassment; relating to the duty to register as a sex offender; amending the definition of 'sex offense'; relating to lifetime revocation of a teaching certificate for certain offenses; relating to the definition of 'domestic violence'; relating to multidisciplinary child protection teams; relating

to arrest authority for pretrial services officers and probation officers; and providing for an effective date."

[SB 187 was previously heard on 2/23/22 and 2/25/22.]

1:35:33 PM

CHAIR HOLLAND opened public testimony on SB 187.

1:36:00 PM

DAVID IGNELL, representing self, Juneau, Alaska, expressed concern that the bill might be politically motivated because it was introduced during an election year, which can bring out strong emotions from members of political parties. He offered his view that there is immense political power on the subject of sex crimes.

MR. IGNELL stated that legislators must uphold the Alaska Constitution and US Constitution to protect individual freedoms, including the right to a fair trial by jury and the fundamental right to be protected from government tyranny. He provided several examples of people he believed were convicted of crimes that they did not commit. He wondered how this might occur and whether it resulted from officials in the criminal justice system seeking to advance their careers.

MR. IGNELL offered his view that leading the charge on sex crimes is a proven way to get ahead in state government but standing up against the manipulation and abuse of sex crime laws can lead to disastrous career results. He provided anecdotal remarks to illustrate his point.

MR. IGNELL noted that Alaska does not elect prosecutors or judges, only legislators, and the governor.

1:40:00 PM

MR. IGNELL acknowledged the committee's legislative oversight of the Alaska Court System and the Department of Law. He offered his view that egregious violations of public oaths and constitutional rights occur when those wrongfully convicted remain in jail. He highlighted a Hoonah case to illustrate his point.

1:40:46 PM

MR. IGNELL expressed concern that SB 187 would weaponize government tyranny and fear that innocent people could be swept up in politics. He commended a former legislator for standing up for their constituents who complained some manipulated the

domestic violence laws and an attorney who dared to call out prosecutors who overstepped constitutional and ethical boundaries in sex crime cases.

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MR. IGNELL suggested that members could go along with the politics or take a stand against government tyranny.

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KATIE BOTZ, representing self, Juneau, Alaska, asked members to be mindful of victims as they consider SB 187. She said she was still affected by the trauma of being sexually abused when she was 12 years old. She suggested that the committee require sexual predators to register long-term because they can continue victimizing people. She reminded members that Alaska ranks first in the nation for sexual assault.

[1:45:22 PM](#)

ANNIE COUEY, representing self, Anchorage, Alaska, said she graduated from West High School in 2021. She said she was raped in June 2021 when she was 17 and the perpetrator was 21. She related that she told him no and to stop. She pushed him away, but then she froze. She reported her sexual assault case to the police department and described what had happened. She said they told her she had a case. Almost a week later, a detective assigned to her case informed her that the police would not continue to investigate her case because the statutes for a sexual assault require the perpetrator to use force and violence during the assault. She offered her belief that what happened to her was wrong and she deserves justice, but she will never receive it. She stated that she is testifying today because no victim should be denied justice and that Alaska has the worst sexual assault and violence record in the nation. Alaska's laws do not support victims. She offered her view that victims like her who froze out of fear and shock should get justice. She urged members to pass the bill.

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CHAIR HOLLAND, after ascertaining no one else wished to testify, closed public testimony on SB 187.

[1:47:25 PM](#)

CHAIR HOLLAND temporarily set aside SB 187. He stated his intention to bring it back before the committee later in the meeting.

**SB 189-CRIME OF SEX/HUMAN TRAFFICKING**

[1:47:26 PM](#)

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 189 "An Act relating to sex trafficking; establishing the crime of patron of a victim of sex trafficking; relating to the crime of human trafficking; relating to sentencing for sex trafficking and patron of a victim of sex trafficking; establishing the process for a vacatur of judgment for a conviction of prostitution; and providing for an effective date."

[SB 189 was previously heard on 2/28/22 and 3/2/22.]

[1:47:47 PM](#)

CHAIR HOLLAND opened public testimony on SB 189.

[1:47:56 PM](#)

DAVID IGNELL, representing self, Juneau, Alaska, said his comments are precisely the same as his earlier testimony for SB 187. He said his heart goes out to victims of sexual assault, that he had known families that have been affected by rape. He acknowledged that the state must protect victims. He stated that politics influence the ultimate decision.

[1:49:55 PM](#)

SENATOR SHOWER emphasized that the state needs to stomp out sexual assault since Alaska has been ranked number one for sexual assault. At the same time, the state must consider the accused as innocent until proven guilty. He welcomed his suggestions and feedback to improve SB 187.

MR. IGNELL said he appreciated his comments. He expressed his willingness to devote energy to eliminating sex trafficking and making the state safer for women. He said he grew up in Alaska and is not proud of the sexual assault statistics in Alaska. He expressed concern about issues in the criminal justice system.

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SENATOR HUGHES commented that she read his long and detailed emails. She offered her belief that the committee's work is important. She expressed an interest in hearing his suggestions and insights to help victims of sexual assault. She asked whether the bill should have stricter penalties. She emphasized that the legislature does not want to put innocent people behind bars. She pointed out that she began working with the Department of Law's criminal division on this bill three or four years ago, reviewing what other states have done to combat sexual assault issues. She acknowledged that this was an election year, but she

did not believe the administration introduced the bill for political gain.

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MR. IGNELL related a scenario to illustrate his point. Suppose someone built the best airplane, but if they put the wrong pilot in the cockpit, the plane will likely crash. He emphasized that the sexual assault issue has been recognized for years, and the legislature has revised the statutes many times, but it is important to have the right leaders involved in the process.

[1:58:43 PM](#)

KATIE BOTZ, representing self, Juneau, Alaska, spoke in support of SB 189. She referred to Section 29, which affects school bus drivers. She was unsure whether that section of the bill was providing additional protections. However, the state follows federal law, which requires drivers must have a background check and drug test. She pointed out that females can be sexual predators. She said she hoped that the law would provide equal treatment. She said she warns new friends moving to the state that Alaska is number one in the nation for sexual assault and domestic violence.

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CHAIR HOLLAND found no further testimony, and closed public testimony on SB 189.

[2:04:58 PM](#)

SENATOR KIEHL referred to page 5 to the definition of "services, resources or other assistance." He stated that it included lodging and transportation but excluded humanitarian aid to a victim of sex trafficking. He agreed that the state would not want to prosecute someone who gave someone a place to sleep to help them escape sex trafficking. However, what would prevent a sex trafficker from saying that the cot on the floor and the rides were humanitarian aid.

[2:06:24 PM](#)

JOHN SKIDMORE, Deputy Attorney General, Office of the Attorney General, Criminal Division, Department of Law, Anchorage, Alaska, responded that it would depend on the investigation conducted by law enforcement to determine who provided the aid and their connection to the victim. He was unsure that he could give a specific example. However, the department considered the national best practices in drafting these statutes. One recommendation was not to criminalize individuals who are helping victims but to take action against those who assist in

further support of sex trafficking. He highlighted that the statute states assisting in furtherance the violation of sex trafficking. Thus, the investigation would consider factors, including whether the lodging provided was in furtherance of sex trafficking or if the person was trying to help the victim.

[2:08:07 PM](#)

SENATOR KIEHL said he would consider the language further. He reiterated his concern was that a sex trafficker could claim they were helping the victim.

[2:08:46 PM](#)

SENATOR HUGHES expressed concern with the related services. She surmised there are times when services are being provided. For example, suppose a person who owned an apartment building, became suspicious, or even determined that sex trafficking occurred. However, the landlord might ignore the illegal activity because they collected rent. She asked whether the landlord would be held liable for not reporting it.

MR. SKIDMORE answered that Alaska does not have a statutory obligation for mandatory reporting. Their failure to report such suspicions to law enforcement would not get them into trouble. The landlord could only be prosecuted if the Department of Law could prove beyond a reasonable that the landlord was aware of and consciously disregarded a substantial and unjustifiable risk that the illegal activity was occurring at the apartment. He stated that suspicion was not enough to hold them criminally liable.

[2:10:36 PM](#)

SENATOR HUGHES asked at what point the person has a duty to report sex trafficking.

MR. SKIDMORE responded that he was not indicating anyone had a duty to report. He stated that the question would be whether the person was operating or owning a place of prostitution. He highlighted that a landlord with concerns might wish to discuss their situation with the tenant by persuading them to stop the illegal activity, evicting their tenant, or contacting the police. He highlighted that the person could not support or further that conduct.

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SENATOR HUGHES asked if he had suggestions other than encouraging the public to report suspicious activity. She expressed concern that the state was having difficulty

eradicating sex trafficking in Alaska. She stated that her interest was to proactively help the victims by identifying the situations and getting them reported.

MR. SKIDMORE responded that he wasn't suggesting that other steps could not be taken. He indicated that the state needs a public education media campaign organized by the state to highlight the issue of sex trafficking in Alaska and identify where it occurs and how to identify it. However, this bill does not address those aspects.

[2:13:20 PM](#)

SENATOR KIEHL recalled receiving a letter about the statute of limitations. He asked which crimes have a statute of limitations or if the bill makes some conforming changes.

MR. SKIDMORE asked whether he was interested in the statute of limitations associated with the bill or if the bill should change the current statute of limitations.

SENATOR KIEHL answered that he was interested in the statute of limitations in the bill.

[2:14:24 PM](#)

MR. SKIDMORE referred to the statute of limitations. He stated that AS 12.10.010(a)(8) says that sex trafficking in violation of AS 11.66.110-11.66.130 is an unclassified, class A, or class B felony if the crime was committed against a person who was under the age of 20. That provision does not have a statute of limitations. He referred to Section 15 of SB 187, on pages 10-11. The only changes are on page 11, lines 2 and 6. The statute of limitations is eliminated for sex trafficking in violation of AS 11.41.340, sex trafficking in the first degree, and AS 11.41.345, sex trafficking in the second degree, and human trafficking, or there wasn't any statute of limitations for the highest level of crime, regardless of the victim's age. For example, sex trafficking in the first degree, which forces someone to engage in sex trafficking, would have an unlimited statute of limitations if the victim was under 20 years of age. If the victim were 21 years old, the state would have 10 years to prosecute the crime.

MR. SKIDMORE said the current statute of limitations for recruitment of sex trafficking under AS 11.41.345 is 10 years, but SB 187 would eliminate it. This means there would not be a statute of limitations for recruiting someone into sex trafficking.

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SENATOR KIEHL related his understanding that sex trafficking someone or bringing them into sex trafficking by force or inducement would not have a statute of limitations.

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CHAIR HOLLAND held SB 189 in committee.

**SB 187-HARASSMENT; SEX OFFENDERS & OFFENSES**

[2:17:50 PM](#)

CHAIR HOLLAND brought SB 187 back before the committee for further consideration.

[2:18:19 PM](#)

SENATOR KIEHL referred to sex offender registration. He related his understanding that this would affect people who were no longer under probation or parole but still needed to be registered. He highlighted that the bill adds new requirements related to travel, including requiring a person to submit their plans to the department in person.

[2:19:17 PM](#)

KELLY HOWELL, Special Assistant to the Commissioner, Department of Public Safety, Juneau, Alaska, responded that the requirement for in-person notification for out-of-state travel was to comply with the Sex Offender Registration and Notification Act (SORNA). She explained that SORNA requires in-person registration and notification, which confirms that the person is still present in the state before departing. However, the department understands that Alaska's vast geography and where offenders may currently reside could create difficulties for them to comply. She noted the department was amenable to suggestions the committee may have.

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CHAIR HOLLAND asked whether there was any conflict if the state did not require in-person notification since the federal law requires it.

[2:21:01 PM](#)

LISA PURINTON, Chief, Criminal Records and Identification Bureau, Department of Public Safety (DPS), Anchorage, Alaska, stated that the changes were primarily to comply with SORNA. She explained that sex offenders must report any changes in travel, name, or address to their local law enforcement.

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SENATOR KIEHL referred to AS 12.63.101 (h) in Section 7 on page 6. That provision requires the offender to notify the department in writing if they plan to travel for seven days or more. He noted that these offenders are no longer on parole or probation but are on the registry. He asked how the traveling person could meet this requirement if their plans changed during the trip.

MS. HOWELL deferred to Ms. Purinton.

MS. PURINTON responded that if the sex offender's travel plans were interrupted, such as their flight was canceled or they missed the flight; then it would be considered extenuating circumstances. She noted that the federal law that governs SORNA provides an allowance for unforeseen circumstances. The person would provide the documentation and immediately work to remedy the situation.

[2:23:56 PM](#)

SENATOR KIEHL stated that he was focused on those individuals no longer under state supervision since registration requirements would interfere with the person's freedom to travel. He related that he recently took a trip and decided to stay a few extra days. He expressed concern if there were not a way for a sex offender not under state supervision to modify their travel plans as long as there is a way for them to notify the registry. He was unsure what public purpose would be served if they could only change their plans except in circumstances beyond their control.

[2:25:08 PM](#)

MS. PURINTON responded that she would have to look into the change in travel plans. For example, if the person originally submitted a plan to travel to North Carolina, but travel plans changed and the person decided to go to Disney World in Orlando. She was unsure how that would be addressed. She acknowledged that the department has change forms, which is typically how sex offenders would notify the registry of changes in any of their information. She said this is the method sex offenders use to meet the in-writing requirement.

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MS. HOWELL responded that the purpose of SORNA and the National Sex Offender Registry is to ensure uniformity among states as offenders travel. As Ms. Purinton mentioned, traveling to another state that is not part of the plan requires the sex

offender from Alaska to notify the other states where that person plans to travel. She highlighted it as one reason why informing about changes in travel was necessary.

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CHAIR HOLLAND advised members that he was working with stakeholders on a committee substitute (CS) for SB 187.

[2:27:21 PM](#)

SENATOR HUGHES asked if the information that appears on SORNA, whether it would include the person's name, address, convictions, or something else.

[2:27:41 PM](#)

MS. HOWELL deferred to Ms. Purinton.

[2:28:01 PM](#)

MS. PURINTON replied that it would be the offender's name, location, conviction, and whether the person is compliant with their registration requirements. She stated that she would need to review it to see what else was provided. Still, no personal information is listed, such as the person's Alaska Driver's License or social security number.

CHAIR HOLLAND asked whether SORNA shows any images.

MS. PURINTON answered yes. She stated that a photo of the person is on the website.

[2:28:50 PM](#)

SENATOR HUGHES asked whether the public could click on a city and see a map location of where sex offenders reside.

MS. PURINTON related that the sex offender registry is searchable by zip code, multiple zip codes, or city to obtain the offenders registered in those areas.

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CHAIR HOLLAND held SB 187 in committee.

[2:29:38 PM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Judiciary Standing Committee meeting at 2:29 p.m.