

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 30, 2022

1:33 p.m.

MEMBERS PRESENT

Senator Roger Holland, Chair
Senator Mike Shower, Vice Chair
Senator Shelley Hughes
Senator Robert Myers (via Teams)
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

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

PREVIOUS COMMITTEE ACTION

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
03/04/22	(S)	Heard & Held
03/04/22	(S)	MINUTE(JUD)

03/07/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/07/22 (S) Heard & Held
03/07/22 (S) MINUTE(JUD)
03/09/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/09/22 (S) Heard & Held
03/09/22 (S) MINUTE(JUD)
03/11/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/11/22 (S) <Bill Hearing Rescheduled to 03/14/22>
03/14/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/14/22 (S) <Bill Hearing Canceled>
03/16/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/16/22 (S) Heard & Held
03/16/22 (S) MINUTE(JUD)
03/25/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/25/22 (S) -- MEETING CANCELED --
03/30/22 (S) JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

ED KING, Staff
Senator Roger Holland
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a summary of changes in the committee substitute (CS) for SB 189, from Version A to Version I on behalf of the committee.

KACI SCHROEDER, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law
Juneau, Alaska

POSITION STATEMENT: Testified and answered legal questions on SB 189, Version I, and amendments under consideration.

DIANE CASTO, Executive Director
Alaska Council on Domestic Violence and Sexual Assault
Department of Public Safety (DPS)
Juneau, Alaska

POSITION STATEMENT: Answered questions on Amendment 8 to SB 189.

CATHY SCHLINGHEYDE, Staff
Senator Jesse Kiehl
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained Amendment 10 to SB 189 on behalf of the sponsor.

JOHN SKIDMORE, Deputy Attorney General
Office of the Attorney General
Criminal Division
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Testified and answered legal questions on SB 189, Version I, and amendments under consideration.

ACTION NARRATIVE

[1:33:11 PM](#)

CHAIR ROGER HOLLAND called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Myers (via Teams), Hughes, Shower, Kiehl, and Chair Holland.

SB 189-CRIME OF SEX/HUMAN TRAFFICKING

[1:34:13 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 processor a vacatur of judgment for a conviction of prostitution; and providing for an effective date."

[SB 189 was previously heard on 2/28/22, 3/2/22, 3/4/22, 3/7/22 and 3/9/22, and 3/16/22. Public testimony was opened and closed on 3/4/22.]

CHAIR HOLLAND solicited a motion to adopt the proposed committee substitute (CS) for SB 189.

[1:34:37 PM](#)

SENATOR SHOWER moved to adopt the committee substitute (CS) for SB 189, work order 32-GS2029\I, as the working document.

CHAIR HOLLAND objected for discussion purposes.

[1:35:00 PM](#)

ED KING, Staff, Senator Roger Holland, Alaska State Legislature, Juneau, Alaska, explained the Summary of Changes from Version A to Version I of SB 189 on behalf of the committee.

MR. KING stated that Section 2 rearranges some of the offenses and redefines some of the classifications in the bill. Section 3 provides the significant changes in the committee substitute, Version I. He advised members that Section 3 needs additional work.

[Original punctuation provided.]

[1:35:29 PM](#)

Section 1: Technical and conforming changes

Section 2: New section to add victims of sex trafficking to AS 09.25.400 (relating to counseling for victims)

Section 3: Former section 2. Amended to clarify the classification of sex trafficking offenses, which are now

I. First degree (Unclassified) includes inducing another person to engaging in

- a. sexual penetration with the use of force or threat of force
- b. any sexual conduct if the victim is under 20
- c. any sexual conduct if victim is in the offender's legal custody.

II. Second degree (class A felony) includes inducing another person to engaging in

- a. sexual penetration without force
- b. sexual contact with the use of force or threat of force
- c. sexual conduct involving other coercive behaviors

III. Third degree (class B felony) includes

- a. inducing another person to engaging in other commercial sexual conduct
- b. providing services, resources, or other assistance worth over \$200 with the intent to promote sex trafficking
- c. managing, supervising, controlling, or owning a prostitution enterprise or place of prostitution

IV. Third degree (class C felony) includes a. providing services, resources, or other assistance

worth less than \$200 with the intent to promote sex trafficking

1:36:06 PM

No changes to AS 11.41.355 (Patron of a victim of sex trafficking)

Sections 4-16: Technical and conforming change

Section 17: New section to add victims of sex trafficking to AS 12.45.049 (relating to privilege during discovery, testimony, and evidence)

Sections 18-22: Technical and conforming changes

Section 23: Adds a five-year look back provision for convictions of prostitution

Sections 24-27: Technical and conforming changes

Section 28: Makes several changes to the vacation of judgment sections, including: 1. Includes misdemeanor drug charges as eligible to be vacated 2. Clarifies that the courts may grant a petition if the prosecutor doesn't object within 45 days 3. Explains that a petition to vacate does not give rise to a jury trial 4. Directs the courts to remove vacated cases from Court View if there are no corresponding felony charges in the case

1:37:17 PM

Section 29-30: New sections to add victims of sex trafficking to AS 18.66.210 (relating to confidential communications) and AS 18.66.250 (definition of victim in confidential communications)

Section 31: Technical and conforming changes

Section 32: New section to ensure a person petitioning to vacate a judgment is entitled to a public defender

Section 33-35: Technical and conforming changes

Section 36: New section to add sex trafficking statutes to the offenses that can result in an administrative subpoena for assistance from an internet provider

Section 37-42: Technical and conforming changes

Section 43: Extends the effective date of the vacation of judgment sections to January 1, 2023, to allow the Courts time to develop forms and procedures

Section 44: Conforming change

[1:38:18 PM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and Version I was adopted.

[1:38:41 PM](#)

At ease

[1:38:55 PM](#)

CHAIR HOLLAND reconvened the meeting.

[1:39:23 PM](#)

CHAIR HOLLAND asked Mr. Skidmore and Ms. Schroeder to speak to the implications of the changes in Version I.

[1:39:29 PM](#)

KACI SCHROEDER, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law, Juneau, Alaska, stated that the committee substitute, Version I, relocates the crime of sex trafficking to AS 11.41, as in the original version of the bill, Version A. She expressed appreciation that the committee allowed the Department of Law to state why the department believes the crime of sex trafficking was more appropriately placed in AS 11.41 [instead of in AS 11.66, as in Version B of SB 189.] As Mr. King indicated, the remaining changes are primarily conforming and minor.

[1:40:01 PM](#)

MS. SCHROEDER highlighted significant changes in the sex trafficking and human trafficking statutes in Section 3. She noted that the Department of Law restructured Section 3. The department assigned the highest offense level to those offenders who victimize a person in the sex trafficker's legal custody, under the age of 20, or if they force the victim to engage in sexual penetration and bestiality. She stated that those sex trafficking offenses that did not involve penetration would be charged at a lower level. She summarized that Section 3 would establish the gradation of crimes based on the type of conduct forced on or coerced from the person.

[1:40:58 PM](#)

CHAIR HOLLAND solicited questions from members.

[1:41:04 PM](#)

SENATOR KIEHL acknowledged the work that committee staff and DOL put into Version I. He stated that it was a big step forward, and it includes much of what the committee discussed at the last hearing.

[1:41:21 PM](#)

SENATOR SHOWER asked the record to reflect that the committee must be cautious and balance prosecutorial discretion and ensure that people have advocates and a fair trial. He cautioned against ruining a 17 or 18-year-old's life because they did something stupid but unintentional.

[1:43:09 PM](#)

CHAIR HOLLAND moved to adopt Amendment 1, work order 32-GS2029\I.1

32-GS2029\I.1
Radford
3/28/22

AMENDMENT 1

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 3, line 3:

Delete "commercial sexual conduct involving"

[1:43:12 PM](#)

SENATOR SHOWER objected for discussion purposes.

CHAIR HOLLAND explained Amendment 1 was a technical amendment to correct a drafting error and remove duplicate language.

[1:43:27 PM](#)

SENATOR SHOWER asked for clarification on Amendment 1 because he noticed that the language also appears on page 2.

MS. SCHROEDER responded that Amendment 1 would remove the duplicate language.

[1:43:45 PM](#)

SENATOR SHOWER removed his objection.

[1:43:51 PM](#)

SENATOR MYERS objected for discussion purposes.

[1:44:20 PM](#)

SENATOR MYERS stated that the language in Amendment 1 is the exact language on page 2, line 19 of Version I. He asked why the language would be removed from one provision but not the other.

MS. SCHROEDER pointed out that it was the same language as on page 2, lines 30-31 of Version I. She said if Amendment 1 were adopted, the language would read, "induces or causes another person to engage in commercial sexual conduct involving (A) sexual penetration, (B) conduct prohibited under AS 11.61.140(a)(6); or (C) sexual contact." It would remove the duplicative "commercial sexual contact" language.

[1:45:08 PM](#)

SENATOR MYERS removed his objection.

[1:45:15 PM](#)

SENATOR HUGHES objected for discussion purposes.

SENATOR HUGHES explained that the language as currently written [page 2, lines 30-31 through page 3, line 4] reads, "(1)induces or causes another person to engage in commercial sexual conduct involving (A) sexual penetration, (B) conduct prohibited under AS 11.61.140(a)(6); or (C) commercial sexual conduct involving sexual contact through the use of force or threat of force against any person; or" She suggested that the duplicative "commercial sexual contact" needed to be removed.

[1:45:43 PM](#)

SENATOR HUGHES removed her objection.

[1:45:51 PM](#)

CHAIR HOLLAND found no further objection, and Amendment 1 was adopted.

[1:45:55 PM](#)

CHAIR HOLLAND moved to adopt Amendment 2, work order 32-GS2029\I.5.

32-GS2029\I.5

AMENDMENT 2

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 18, line 5, following "convicted":
Insert "once"

[1:45:59 PM](#)

SENATOR SHOWER objected for discussion purposes.

CHAIR HOLLAND explained that Amendment 2 was a technical correction to conform to the change in Section 10. It would make a third offense within five years a class C felony.

[1:46:40 PM](#)

MS. SCHROEDER explained that Amendment 2 was a conforming change. The committee decided to have a five-year lookback for misdemeanor "johns." In an earlier section of the bill, a third conviction for being a "john" within five years was a felony. Under Amendment 2, the first conviction would be a class A misdemeanor with no mandatory minimum. A second conviction within five years would result in a minimum 72-hour mandatory imprisonment, and a third conviction within five years would be a felony.

[1:47:16 PM](#)

SENATOR HUGHES asked what penalty would apply to a person convicted twice in the previous five years.

MS. SCHROEDER answered that this would apply on the second conviction. If the "john" had been previously convicted twice, it would be considered a third conviction within five years, so it would be elevated to a felony.

[1:47:44 PM](#)

SENATOR SHOWER removed his objection.

CHAIR HOLLAND found no further objection, and Amendment 2 was adopted.

[1:47:55 PM](#)

CHAIR HOLLAND moved to adopt Amendment 3, work order 32-GS2029\I.2.

32-GS2029\I.2
Ambrose/Radford
3/29/22

AMENDMENT 3

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 19, lines 6 - 7:

Delete "[AS 11.66.100 - 11.66.130;
(G)]"

Insert "**AS 11.66.100** [AS 11.66.100 - 11.66.130];
(G)"

Page 19, line 9:

Delete "**(G)** [(H)]"

Insert "(H)"

[1:47:58 PM](#)

SENATOR SHOWER objected for discussion purposes.

[1:48:13 PM](#)

MS. SCHROEDER directed attention to page 19. She explained that Amendment 3 pertained to the definition of "serious offense" regarding background checks for people seeking to serve in a supervisory role over the elderly or minors. Under current law, prostitution is listed as a serious offense. She stated that the Department of Law would like to keep it in place and delete the rest of the sex trafficking statutes because they have been repealed and moved to AS 11.66.

[1:48:50 PM](#)

SENATOR MYERS noted that this language was the same as the original bill. He asked what had changed.

MS. SCHROEDER answered that nothing had changed. Amendment 3 would correct a drafting error.

[1:49:39 PM](#)

SENATOR SHOWER removed his objection.

[1:49:42 PM](#)

CHAIR HOLLAND found no further objection, and Amendment 3 was adopted.

[1:49:51 PM](#)

CHAIR HOLLAND moved to adopt Amendment 4, work order 32-GS2029\I.4.

32-GS2029\I.4
Radford
3/28/22

AMENDMENT 4

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 10, line 20:

Delete "AS 23.10.350(f)(1), (f)(2), and (f)(3)(A)
and (B);"

Insert "AS 23.10.350(f)(1) - (3)"

[1:49:55 PM](#)

SENATOR SHOWER objected for discussion purposes.

[1:50:04 PM](#)

MS. SCHROEDER explained Amendment 4 would alter the reference to adult entertainment pertaining to human trafficking. It would include simulated bestiality and the definition of adult entertainment.

CHAIR HOLLAND asked whether this was considered a technical change.

MS. SCHROEDER answered yes.

[1:50:29 PM](#)

SENATOR SHOWER said it sounded more substantive than a technical change.

MS. SCHROEDER responded that when the Department of Law drafted the bill, the department wanted to ensure that actual bestiality is a crime included in sex trafficking. However, human trafficking did not have the crime of someone being forced to

engage in simulated bestiality. She noted that the definition of adult entertainment already included simulated bestiality.

[1:51:31 PM](#)

SENATOR SHOWER removed his objection.

[1:51:34 PM](#)

CHAIR HOLLAND found no further objection, and Amendment 4 was adopted.

[1:51:43 PM](#)

CHAIR HOLLAND moved to adopt Amendment 5, work order 32-GS2029\I.6

32-GS2029\I.6
Ambrose/Radford
3/29/22

AMENDMENT 5

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 4, line 17, following "if":

Insert ", under circumstances not proscribed under AS 11.41.434 - 11.41.440,"

[1:51:48 PM](#)

SENATOR SHOWER objected for discussion purposes.

[1:51:54 PM](#)

MS. SCHROEDER explained that Amendment 5 would add the language of sexual abuse of a minor statute to the patron of a victim of sex trafficking. It would state that under the circumstances not proscribed under sexual abuse of a minor, the crime of patron of a victim of sex trafficking could apply. The Department of Law uses "circumstances not proscribed" to identify overlap between offenses. When the victim of sex trafficking is under 18 years of age, there is an overlap between the crime of "patron of a victim of sex trafficking" and "sexual abuse of a minor," so adding this language would help prevent a situation where the department must charge at the lower offense.

[1:52:59 PM](#)

SENATOR SHOWER asked whether the language "under circumstances not proscribed" would provide prosecutorial discretion.

MS. SCHROEDER responded the language "under circumstances not proscribed" tells the attorney to consider the statutes listed, in this case, "sexual abuse of a minor." If that offense does not apply, the attorney could consider the "patron of a victim of sex trafficking" statute. She pointed out that the department could charge the offender with several offenses based on their conduct. For example, a patron engaging in sexual conduct with a 10-year-old could also be charged with sexual abuse of a minor. Ultimately, the charges are merged during sentencing to avoid punishing the offender more than once for their conduct.

[1:54:09 PM](#)

SENATOR SHOWER stated that although he intends to remove his objection, he was concerned that this might provide too much discretion.

[1:54:26 PM](#)

SENATOR KIEHL wondered whether this provision was meant to ensure that the prosecutor could charge the offender with the appropriate crime, which was the more egregious offense. He acknowledged that it isn't possible to envision every situation, so it's possible that the prosecutors would have no choice but to charge the offender with a minor offense of "patron of a victim of sex trafficking" when they should be charged with "sexual abuse of a minor" because the crime was rape.

MS. SCHROEDER agreed.

[1:55:18 PM](#)

SENATOR HUGHES related a scenario that involved a 10-year-old victim. She understood that the prosecutor would first consider the offense "sexual abuse of a minor." She asked whether the prosecutor would be able to charge for the lesser crime or if they must charge for the more serious offense.

MS. SCHROEDER responded that it was likely that a prosecutor would charge the offender with the offense of sexual abuse of a minor in the first degree. It is also possible that the offender could be charged under other statutes. She agreed that prosecutors have the discretion to resolve the case in different ways if the elements of the other statutes were met. However, those choices are present in almost all charging circumstances. If someone's conduct meets the elements of multiple offenses,

prosecutors would have numerous ways to resolve the case via Court Rule 11 related to plea agreements.

[1:57:03 PM](#)

SENATOR HUGHES asked whether she was aware of any incidence involving minors where the prosecutor would not have discretion.

MS. SCHROEDER explained that she referred to the rule of lenity or the rule of strict construction. If a lower offense more closely matches the conduct at issue and there are no other distinctions, the rule of lenity requires the prosecutor to charge the lower offense. Amendment 5 would allow the prosecutor to separate the overlapping offenses. She pointed out that significant overlap exists throughout Title 11. It becomes problematic when the lower offense is the more specific conduct, so Amendment 5 would alleviate that problem.

SENATOR HUGHES stated her concern was that prosecutors could charge an offender with a lesser offense than sexual abuse of a minor.

[1:58:20 PM](#)

SENATOR SHOWER removed his objection.

CHAIR HOLLAND found no further objection, and Amendment 5 was adopted.

[1:58:36 PM](#)

CHAIR HOLLAND moved to adopt Amendment 6, work order 32-GS2029\I.7.

32-GS2029\I.7
Ambrose/Radford
3/29/22

AMENDMENT 6

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 11, lines 4 - 5:

Delete "AS 12.10.010(a) is amended to read:

(a) "

Insert "AS 12.10.010 is amended to read:

Sec. 12.10.010. General time limitations. (a) "

Page 11, line 12:

Delete "AS 11.41.350, 11.41.425"

Insert "AS 11.41.425"

Page 11, line 21:

Delete "first, second, or third"

Insert "first or second"

Page 11, following line 22:

Insert a new subsection to read:

"(b) Except as otherwise provided by law or in (a) of this section, a person may not be prosecuted, tried, or punished for an offense unless the indictment is found or the information or complaint is instituted not later than

(1) 10 years after the commission of a felony offense in violation of AS 11.41.120 - 11.41.330, 11.41.350, 11.41.366, 11.41.425(a)(1), 11.41.425(a)(5), 11.41.425(a)(6), or 11.41.450 - 11.41.458; or

(2) five years after the commission of any other offense."

[1:58:39 PM](#)

SENATOR SHOWER objected for discussion purposes.

[1:59:47 PM](#)

MS. SCHROEDER explained that Amendment 6 would create a statute of limitations of ten years for sex trafficking in the third degree and human trafficking in the third degree. She stated that Version I was drafted for an unlimited lookback, but these crimes relate to the lower-level offenses, such as providing resources and assistance. The Department of Law believes that a 10-year statute of limitations would be appropriate.

[1:59:47 PM](#)

SENATOR SHOWER removed his objection.

[1:59:52 PM](#)

CHAIR HOLLAND found no further objection, and Amendment 6 was adopted.

[2:00:13 PM](#)

SENATOR KIEHL moved to adopt Amendment 7, work order 32-GS2029\I.14.

AMENDMENT 7

OFFERED IN THE SENATE BY SENATOR KIEHL
TO: CSSB 189(JUD), Draft Version "I"

Page 3, line 28:
Delete "AS 11.41.340"
Insert "(A) of this paragraph, AS 11.41.340,"

[2:00:15 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:00:21 PM](#)

SENATOR KIEHL explained that Amendment 7 provides a technical change related to sex trafficking in the third degree. It would add the language "causing or inducing sexual contact," rather than limiting the offense to conduct involving sexual penetration.

[2:01:06 PM](#)

MS. SCHROEDER stated that the Department of Law does not have any position on Amendment 7.

[2:01:16 PM](#)

SENATOR HUGHES pointed out that the sponsor described it as a technical amendment.

MS. SCHROEDER agreed with the characterization that Amendment 7 was technical. Amendment 7 would indicate that someone providing resources or other assistance to promote a violation of the human trafficking in the first, second, or third-degree would be engaging in sex trafficking in the third degree.

SENATOR KIEHL agreed.

[2:02:26 PM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and Amendment 7 was adopted.

[2:02:42 PM](#)

SENATOR KIEHL moved to adopt Amendment 8, work order 32-GS2029\I.17.

32-GS2029\I.17
Radford
3/30/22

AMENDMENT 8

OFFERED IN THE SENATE BY SENATOR KIEHL
TO: CSSB 189(JUD), Draft Version "I"

Page 1, line 5, following "**substance;**":

Insert "**relating to the Council on Domestic Violence and Sexual Assault;**"

Page 22, following line 25:

Insert new bill sections to read:

"* **Sec. 29.** AS 18.66.010 is amended to read:

Sec. 18.66.010. Council on Domestic Violence and Sexual Assault; purpose. There is established in the Department of Public Safety the Council on Domestic Violence and Sexual Assault. The purpose of the council is to provide for planning and coordination of services to victims of domestic violence, sex trafficking, or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs.

* **Sec. 30.** AS 18.66.050 is amended to read:

Sec. 18.66.050. Duties of the council. The council shall

(1) hire an executive director, and the executive director may hire staff; the executive director is in the exempt service under AS 39.25.110 and staff members are in the classified service under AS 39.25.100;

(2) elect one of its members as presiding officer;

(3) in consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including educational programs, films, and school curricula on

the cause, prevention, and treatment of domestic violence, sex trafficking, and sexual assault;

(4) coordinate services provided by the Department of Law, the Department of Education and Early Development, the Department of Public Safety, the Department of Health and Social Services, the Department of Corrections, and other state agencies and community groups dealing with domestic violence, sex trafficking, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups;

(5) develop and implement a standardized data collection system on domestic violence, sex trafficking, sexual assault, and crisis intervention and prevention;

(6) conduct public hearings and studies on issues relating to violence, including domestic violence, sex trafficking, and sexual assault, and on issues relating to the role of crisis intervention and prevention;

(7) receive and dispense state and federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs;

(8) oversee and audit domestic violence, sexual assault, and crisis intervention and prevention programs that receive money under this chapter;

(9) provide fiscal and technical assistance to plan, organize, implement, and administer domestic violence, sexual assault, and crisis intervention and prevention programs;

(10) make an annual report to the governor on the activities of the council, plans of the council for new services and programs, and concerns of the council, including recommendations for legislation necessary to carry out the purposes of this chapter; the council shall notify the legislature that the report is available;

(11) adopt regulations in accordance with AS 44.62 (Administrative Procedure Act) to carry out the purposes of this chapter and to protect the health, safety, well-being, and privacy of persons receiving services financed with grants or contracts under this chapter;

(12) consult with the Department of Health and Social Services in the formulation of standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners of healing arts and personnel in those facilities as required in AS 18.66.300;

(13) consult with the Alaska Police Standards Council and other police training programs in the state to develop training programs regarding domestic violence for police officers and for correction, probation, and parole officers;

(14) consult with public employers, the Alaska Supreme Court, school districts, and prosecuting authorities who are required by AS 18.66.300 - 18.66.310 to provide continuing education courses in domestic violence to employees.

* **Sec. 31.** AS 18.66.060 is amended to read:

Sec. 18.66.060. Qualifications for grants and contracts. A local community entity is qualified to receive a grant or contract under this chapter if it agrees to provide services approved by the council to victims of domestic violence, sex trafficking, or sexual assault or their families or to perpetrators of domestic violence or sexual assault without regard to ability to pay."

Renumber the following bill sections accordingly.

Page 23, following line 19:

Insert a new bill section to read:

"* **Sec. 34.** AS 18.66.990(2) is amended to read:

(2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence, sex trafficking, or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;"

Renumber the following bill sections accordingly.

Page 29, line 19:

Delete "sec. 32"

Insert "sec. 36"

Page 29, line 26:
Delete "sec. 29"
Insert "sec. 32"

Page 29, line 27:
Delete "sec. 30"
Insert "sec. 33"

Page 29, line 29:
Delete "sec. 43"
Insert "sec. 47"

[2:02:46 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:02:51 PM](#)

SENATOR KIEHL explained that Amendment 8 would add the victims of sex trafficking to the Council on Domestic Violence and Sexual Assault (CDVSA) programs to support victims. He offered his view that the state could better address sex trafficking if the victims could get to safety. He acknowledged that some federal resources were available to provide services to victims of sex trafficking. He hoped that adding to CDVSA's duties would help the council bring those resources to the state. Ultimately, the needs of victims of sex trafficking could be different than other victims of domestic violence or sexual assault.

[2:04:40 PM](#)

DIANE CASTO, Executive Director, Alaska Council on Domestic Violence and Sexual Assault (CDVSA), Department of Public Safety (DPS), Juneau, Alaska, stated that she had not considered the impacts of Amendment 8. She said CDVSA provides services throughout Alaska for domestic violence and sexual assault victims. Although the crime of sex trafficking is similar, it contains different elements of trauma that victims experience than other victims of sexual assault.

MS. CASTO highlighted that CDVSA provides services via 35 programs throughout the state. She noted that some of their programs serve a few victims of sex trafficking who have requested assistance. While someone must provide services to victims of sex trafficking, it will take time to consider how to integrate these services without minimizing the services that CDVSA currently provides to victims of domestic violence and sexual assault. Further, she must consider the cost of providing those services. Recently, federal funding to CDVSA has

diminished, so the council faces the possibility of reducing funding to some of its sub-grantees.

MS. CASTO acknowledged that Amendment 8 has some validity. However, she could not support it entirely without discussing it with CDVSA's nine-member board of directors. Further, she noted that since 2013 CDVSA has consisted of nine staff, even though their budget has significantly increased. She indicated that the council would need additional training to provide services to sex trafficking victims since their needs differ from victims of domestic violence and sexual assault. She noted that the council might be the appropriate agency to serve victims of sex trafficking. Still, the council would want to effectively help these victims in partnership with other agencies. She envisioned that it might be necessary to add agencies specializing in serving these victims. She related that CDVSA's biennial report provides some data from current providers because the council asked them to identify any victims of sex trafficking in the past six months. She offered to analyze that data to better determine the level of service the council currently provides to sex trafficking victims. She said it was not one of the highest types of services that CDVSA provides presently.

[2:08:48 PM](#)

SENATOR MYERS stated that the committee had held similar discussions on this bill and SB 187. He related his understanding that the Violent Crimes Compensation Commission or Office of Victims' Rights was currently providing some services to victims of sex trafficking. He wondered if Amendment 8 would provide duplicate services.

SENATOR KIEHL agreed that this committee previously held a conversation about the Children's Justice Act Task Force report during a previous legislature. That report identified that the state desperately needed to provide services to victims of sex trafficking. The task force recognized the importance of helping victims escape from sex traffickers. For example, some victims are trapped by addiction or violence. It's essential first to remove victims of sex trafficking from their circumstances to enable the state to make cases against the sex traffickers. He agreed that a few agencies provide some services to victims. He acknowledged that he understood that CDVSA does not currently have the resources to provide these services. However, Amendment 8 would set the state on a path to make that investment. He pointed out that the amendment does not set a timeline for CDVSA to begin providing services, but the state must address services for victims of sex trafficking.

[2:11:10 PM](#)

SENATOR SHOWER asked whether the sponsor would consider tabling Amendment 8 to allow CDVSA to assess impacts.

CHAIR HOLLAND asked Senator Kiehl if would like to withdraw the amendment for future consideration.

SENATOR KIEHL stated his willingness to bring back Amendment 8 at a later date.

[2:11:58 PM](#)

SENATOR HUGHES commented that she would like to hear from the entities that currently provide services to victims of sex trafficking. She offered her view that passing Amendment 8 would put CDVSA out of compliance if it did not provide the services to victims of sex trafficking due to a lack of funding. She acknowledged that the state should assist victims of sex trafficking, but it needs to be set up appropriately.

[2:13:31 PM](#)

CHAIR HOLLAND withdrew his objection.

[2:13:34 PM](#)

SENATOR KIEHL withdrew Amendment 8.

[2:13:44 PM](#)

MS. CASTO commented that CDVSA would be able to do much of this work in conjunction with other agencies, such as the Violent Crimes Compensation Board (VCCB). She stated that VCCB does not provide services, but it provides funds to help compensate for crimes against individuals. She characterized VCCB as a critical partner, and since it is housed in the Department of Public Safety (DPS), CDVSA has developed a close working relationship. She identified the Office of Victims' Rights as another partner that provides legal services for victims. Thus, even if CDVSA were the main organization, it would provide services to victims of sex trafficking in partnership with other agencies. Further, many of these crimes are federal crimes, so it would need to work with federal agencies.

[2:14:55 PM](#)

SENATOR KIEHL moved to adopt Amendment 9, work order 32-GS2029\I.16.

32-GS2029\I.16
Radford

AMENDMENT 9

OFFERED IN THE SENATE BY SENATOR KIEHL
TO: CSSB 189(JUD), Draft Version "I"

Page 8, line 11, following "**AS 11.41.350**":
Insert "**i**:"

Page 8, line 12:
Delete "[AS 11.66.130]; or"
Insert "[AS 11.66.130; OR]"

Page 8, line 13, following "AS 11.66.135;":
Insert "**or**
(AA) patron of a victim of sex trafficking
under AS 11.41.355;"

[2:15:02 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:15:05 PM](#)

SENATOR KIEHL explained Amendment 9. He directed attention to page 8, line 11 of Sec. 9, beginning on page 7, which provides that a person may not be prosecuted for prostitution if the person witnessed or was a victim of and reported to law enforcement in good faith one of the crimes listed in subsection (c)(1)(A)-(Z). Amendment 9 would add reporting a patron of sex trafficking to that list of crimes. He stated that this would cover the instance where a victim could report someone who is paying for sex acts but was reckless to the fact that the person was sex trafficked.

CHAIR HOLLAND asked whether the department had any comment on Amendment 9.

[2:16:35 PM](#)

MS. SCHROEDER responded that the Department of Law does not take a position on Amendment 9.

[2:16:43 PM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and Amendment 9 was adopted.

[2:17:04 PM](#)

SENATOR KIEHL moved to adopt Amendment 10, work order 32-GS2029\I.11.

32-GS2029\I.11
Radford
3/29/22

AMENDMENT 10

OFFERED IN THE SENATE BY SENATOR KIEHL
TO: CSSB 189(JUD), Draft Version "I"

Page 2, lines 18 - 21:

Delete all material and insert:

"(1) acting as other than a patron of a victim of sex trafficking, induces or causes another person, through the use of force or threat of force against any person, to engage in commercial sexual conduct involving

(A) sexual penetration; or

(B) conduct prohibited under

AS 11.61.140(a)(6);"

[2:17:07 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:17:12 PM](#)

SENATOR KIEHL explained that Amendment 10 relates to sex trafficking in the first degree. He offered his view that it is a clean-up amendment. It would ensure that a person who has been sex trafficked for the purpose of bestiality, with money changing hands, would be treated similarly to a person trafficked for other sexual conduct.

[2:18:29 PM](#)

CATHY SCHLINGHEYDE, Staff, Senator Jesse Kiehl, Alaska State Legislature, Juneau, Alaska, explained that Amendment 10 was technical. She related that the sponsor of Amendment 10 understood the intent was that all of the conduct in sex trafficking was commercial in nature. She explained that it was

unclear that the commercial aspect related to AS 11.61.140(a)(6).

[2:18:59 PM](#)

MS. SCHROEDER stated that the Department of Law agreed that this was a clean-up amendment.

[2:19:08 PM](#)

CHAIR HOLLAND withdrew his objection; he found no further objection, and Amendment 10 was adopted.

[2:19:26 PM](#)

SENATOR KIEHL moved to adopt Amendment 11, work order 32-GS2029\I.12.

32-GS2029\I.12
Radford
3/29/22

AMENDMENT 11

OFFERED IN THE SENATE BY SENATOR KIEHL
TO: CSSB 189(JUD), Draft Version "I"

Page 2, line 21, following "person;":
Insert "or"

Page 2, lines 22 - 25:

Delete all material and insert:

(2) violates AS 11.41.345 or 11.41.350 and the person induced or caused to engage in commercial sexual conduct is

(A) under 20 years of age; or

(B) in the legal custody of that person."

[2:19:35 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:19:56 PM](#)

MS. SCHLINGHEYDE explained that Amendment 11 related to cases in which the victim was in the legal custody of the perpetrator. It clarifies that it would be an unclassified felony when the offender violates sex trafficking in the second or third degree. Version I is clear for victims under the age of 20. However, the language reads "induces or causes" when the victim is in the

legal custody of the perpetrator, which does not capture the elements of sex trafficking in the second or third degree.

[2:20:24 PM](#)

MS. SCHROEDER agreed it was a clarifying amendment. She said Amendment 11 would take the concept on page 2, lines 22-25, and list them rather than keeping them in paragraph form, which is much easier to understand.

[2:20:47 PM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and Amendment 11 was adopted.

[2:21:04 PM](#)

SENATOR KIEHL said he would not offer Amendment 12.

[2:21:25 PM](#)

CHAIR HOLLAND moved to adopt Amendment 13, work order 32-GS2029\I.3.

32-GS2029\I.3
Ambrose/Radford
3/29/22

AMENDMENT 13

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 20, line 29:

Delete "AS 11.41.340 - 11.41.350"

Insert "AS 11.41.340 - 11.41.355"

Page 26, line 12:

Delete "AS 11.41.340 - 11.41.350"

Insert "AS 11.41.340 - 11.41.355"

[2:21:29 PM](#)

SENATOR SHOWER objected for discussion purposes.

[2:21:39 PM](#)

MS. SCHROEDER explained Amendment 13 would add the crime of "patron of sex trafficking" to the list of registerable offenses, as it was in the original bill. However, in drafting

Version I, it dropped off. The second part of Amendment 13 would add "patron of a victim of sex trafficking" to the list of crimes for which a subpoena could be obtained.

[2:22:18 PM](#)

SENATOR MYERS asked for the registration requirements for someone who is a patron of prostitution rather than for sex trafficking.

MS. SCHROEDER responded that under current law, a person who purchases sexual conduct with a person under the age of 18 could be subject to registering as a sex offender for a duration of 15 years.

[2:23:03 PM](#)

SENATOR MYERS offered his view that the second half of Amendment 12 related to an administrative subpoena. However, he was unsure about the first half of Amendment 13.

CHAIR HOLLAND commented that one option would be to offer a conceptual amendment to Amendment 13 to strike the first half or roll the amendment to a subsequent hearing on SB 189.

[2:23:35 PM](#)

SENATOR HUGHES related her understanding that this pertained to registerable offenses for patrons.

MS. SCHROEDER agreed. She explained that the original version of SB 189 made the crime of "patron of a victim of sex trafficking," which is a person who is reckless about purchasing sex from a victim of sex trafficking, a registerable offense. Version I dropped that provision, so the first part of Amendment 13 adds that provision. The crime of "johns" purchasing sex from someone under the age of 18 was repealed and established as a "patron of a victim of sex trafficking." That crime separates patrons who are purchasing sex from an adult, from those who purchase sex from someone under the age of 18. Amendment 13 would make those crimes a registerable offense.

[2:24:43 PM](#)

SENATOR HUGHES asked for an explanation of reckless.

MS. SCHROEDER responded that a reckless mental state means that the person must be aware of and consciously disregard a substantial and unjustifiable risk that a circumstance exists. It would be a gross deviation from the standard of care that a reasonable person would exercise. The patron would need to be

aware of a substantial risk that this person was a victim of sex trafficking and disregard that fact. As Mr. Skidmore previously testified, the Department of Law does not suggest this would be easy to prove. However, Amendment 13 would provide the Department of Law with this tool to address that conduct.

[2:25:47 PM](#)

SENATOR HUGHES stated her preference to keep that language in Amendment 13.

[2:25:52 PM](#)

SENATOR KIEHL turned to part two of Amendment 13. He related that this language relates to administrative subpoenas. He asked for a comparison of existing law and this law regarding the severity of sentencing for a patron of a victim of sex trafficking.

MS. SCHROEDER deferred to Mr. Skidmore.

[2:27:06 PM](#)

JOHN SKIDMORE, Deputy Attorney General, Office of the Attorney General, Criminal Division, Department of Law, Anchorage, Alaska, understood the question was to identify the current types of crimes for which administrative subpoenas are authorized related to a patron of sex trafficking.

CHAIR HOLLAND agreed.

MR. SKIDMORE stated that administrative subpoenas were allowed for homicides and sex offenses. However, he would like to get the full scope of other crimes related to administrative subpoenas.

[2:28:10 PM](#)

At ease

[2:28:43 PM](#)

CHAIR HOLLAND reconvened the meeting.

[2:29:01 PM](#)

MR. SKIDMORE explained that Amendment 13 made specific references to the administrative subpoena powers of the attorney general in a case involving the use of an internet account. He stated that this identified AS 11.41.452, 11.41.455, and 11.61.125-128. He explained that AS 11.61.125 relates to the current location for sex trafficking statutes first through the fourth degree. The department has relocated those statutes to AS

11.41. He referred to page 26, line 12, of Version I, which adjusts those references. In addition, Sec. 36, subsection (A) includes AS 11.41.452 and 11.41.455. He noted that AS 11.41.452 relates to the enticement of a minor. That crime relates to a person over the age of 18 who is communicating with someone under the age of 16 with the intent to entice, solicit, or encourage the person under the age of 16 to engage in certain sex acts or the sharing of information about sexual acts.

[2:30:34 PM](#)

MR. SKIDMORE explained how this would relate to a patron. He stated that AS 11.41.452 relates to an adult trying to entice a minor to engage in specific sexual acts. He offered his view that this would be similar to a patron attempting to purchase sex from someone under the age of 18 or attempting to entice someone to engage in sexual contact who is an adult, reckless to the fact that the adult being enticed is a victim of sex trafficking. He reiterated that he believed that conduct to be similar.

[2:31:35 PM](#)

MR. SKIDMORE stated that during the initial presentation on the bill, a discussion indicated that much of the conduct in sex trafficking occurs online, which is why administrative subpoenas are used. He related that the enticement of a minor is a class A felony. He noted that when the offender is a patron, it is a lower-level crime, classified as a C felony.

MR. SKIDMORE stated that AS 11.41.455 relates to the unlawful exploitation of a minor, an unclassified felony when the victim is under 13 years of age. It is a class A felony when the victim is over 18 years of age. He noted that unlawful exploitation of a minor is a crime in which the offender intends to produce a live performance, a film, audio, video, or electronic photo of a person under the age of 18 engaged in sexualized conduct prohibited by law. He offered his view that it was similar conduct since it attempts to engage minors in sexualized conduct prohibited by criminal law. The only difference is that the other crimes referenced tend to be at a higher level.

[2:33:56 PM](#)

SENATOR SHOWER removed his objection.

[2:34:00 PM](#)

CHAIR HOLLAND withdrew Amendment 13.

[2:34:13 PM](#)

CHAIR HOLLAND moved to adopt Amendment 14, work order 32-GS2029\I.9.

32-GS2029\I.9
Radford
3/28/22

AMENDMENT 14

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 10, lines 28 - 30:

Delete "services, resources, or other assistance" does not include charitable or humanitarian aid provided directly to a victim of sex trafficking;"

[2:34:17 PM](#)

SENATOR SHOWER objected for discussion purposes.

[2:34:24 PM](#)

MS. SCHROEDER explained Amendment 14 was a clean-up amendment removing superfluous language. She stated that this language was not necessary because of how this statute was drafted. If someone was providing resources, services, or other assistance directly to a victim of sex trafficking, it would be a specific intent crime as to the person's conscious objective to promote a violation of those crimes. She stated that the Department of Law could not envision a situation in which a person being charitable would have that mental state.

[2:35:18 PM](#)

CHAIR HOLLAND withdrew his objection, then noted that Senator Shower had objected to Amendment 14.

[2:35:29 PM](#)

SENATOR SHOWER removed his objection.

CHAIR HOLLAND found no further objection, and Amendment 14 was adopted.

[2:35:52 PM](#)

CHAIR HOLLAND moved to adopt Amendment 15, work order 32-GS2029\I.8.

AMENDMENT 15

OFFERED IN THE SENATE BY SENATOR HOLLAND
TO: CSSB 189(JUD), Draft Version "I"

Page 4, lines 1 - 3:
Delete all material.

Reletter the following subsections accordingly.

Page 16, line 11:
Delete "AS 11.41.350(d)(1)"
Insert "AS 11.41.350(c)(1)"

Page 16, line 31:
Delete "AS 11.41.350(d)(2)"
Insert "AS 11.41.350(c)(2)"

Page 17, line 7:
Delete "AS 11.41.350(d)(1)"
Insert "AS 11.41.350(c)(1)"

[2:35:56 PM](#)

SENATOR SHOWER objected for discussion purposes.

[2:36:02 PM](#)

MS. SCHROEDER explained that Amendment 15 was a clean-up amendment. It would delete language that referred to a client referral process. This language was unnecessary because of how the statutes were drafted. The person would be required to act with the intent to promote sex trafficking, which is a specific intent crime. She stated that if someone were referring a client to someone else, it was unclear that the person would be engaging with the specific intent to promote sex trafficking.

[2:36:48 PM](#)

SENATOR KIEHL asked about the client referral process. He wondered if a bad actor knowingly purchased sex acts from a victim of sex trafficking and recommends that person to an

acquaintance if it constitutes an intent to have the acquaintance purchase sex acts from that victim.

MS. SCHROEDER stated that she was unsure why this language was in Version I because the Department of Law did not request it. She related that the scenario he described could be accurate, but the department was unaware of the legal reason to add the language.

SENATOR KIEHL offered his view that Amendment 15 was a good amendment.

[2:38:13 PM](#)

SENATOR MYERS related his understanding that the goal was to punish certain activities but not impact those unaware of sex trafficking. He said he was somewhat inclined to leave that language in place to clarify that a "john" who went to a prostitute and recommended that prostitute would not necessarily relate to sex trafficking.

[2:39:23 PM](#)

SENATOR KIEHL related his understanding that this would only require prosecution if the intent to promote existed. He surmised that it would be difficult to prove, but it would acknowledge the unwitting person because the person must have the intention to promote sex traffic.

[2:39:55 PM](#)

SENATOR SHOWER maintained his objection.

[2:40:13 PM](#)

At ease

[2:42:29 PM](#)

CHAIR HOLLAND reconvened the meeting.

[2:42:35 PM](#)

SENATOR HUGHES asked whether a person who intended to promote sex trafficking by referring a client could be charged.

MS. SCHROEDER answered no, explaining that it must be based on the conduct.

SENATOR HUGHES suggested this should be deleted. She stated that the legislature would want the Department of Law to pursue individuals promoting sex trafficking. She indicated her support for Amendment 15.

[2:43:33 PM](#)

A roll call vote was taken. Senators Hughes, Kiehl, and Holland voted in favor of Amendment 15, and Senators Myers and Shower voted against it. Therefore, Amendment 15 was adopted by a 3:2 vote.

CHAIR HOLLAND stated that Amendment 15 was adopted on a vote of 3 yeas and 2 nays.

[2:44:24 PM](#)

SENATOR KIEHL moved to adopt Amendment 16, work order 32-GS2029\I.15

32-GS2029\I.15
Radford
3/30/22

AMENDMENT 16

OFFERED IN THE SENATE BY SENATOR KIEHL
TO: CSSB 189(JUD), Draft Version "I"

Page 4, lines 5 - 6:

Delete all material and insert:

"(1) "place of prostitution" means any place where a person engages in commercial sexual conduct in return for a fee and the person is not the manager, supervisor, owner, or other person who controls the place;"

[2:44:32 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:44:47 PM](#).

SENATOR KIEHL explained that Amendment 16 would provide some specificity to the definition of "place of prostitution." He stated it would ensure that a place of prostitution cannot be a place where the prostitute acts as their own manager. It would require another person to be involved in prostitution.

[2:45:08 PM](#)

MS. SCHROEDER deferred to Mr. Skidmore.

[2:45:21 PM](#)

MR. SKIDMORE stated that this changes the language by adding the phrase "and the person is not the manager, supervisor, owner, or other person who controls the place" when discussing a place of prostitution. He explained this would mean a place of prostitution would be where a person is engaging in commercial sex conduct in exchange for a fee. The person is not the manager, supervisor, owner, or another person who controls the place. He surmised that Amendment 16 was trying to say if a person manages, supervises, or owns their residence, it is not a place of prostitution unless a second person is involved. He noted that this might work in conjunction with the other term, "prostitution enterprise," an arrangement in which two or more persons are organized to render sexual conduct in return for a fee. He stated that the department doesn't have a position.

[2:47:14 PM](#)

SENATOR HUGHES asked whether this would affect any policy.

MR. SKIDMORE answered no. He offered his belief that it does not substantially impact "a place of prostitution." He concurred with Senator Kiehl's assessment that it would clarify what qualifies as "a place of prostitution."

[2:48:06 PM](#)

SENATOR HUGHES said suppose a sex trafficker told a victim to use their apartment or was on the title as a co-owner. She related her understanding that Amendment 16 would apply.

MR. SKIDMORE answered that "place of prostitution" and "prostitution enterprise" pertain to a commercial aspect of prostitution. He said it wouldn't relate to a single individual but could be a hotel room, apartment, or flophouse used for prostitution. He stated that Amendment 16 would not prevent the Department of Law from charging another individual for forcing someone to engage in commercial sexual conduct related to sex trafficking. This provision only focuses on instances where someone owns, manages, or controls a location where a significant amount of prostitution occurs.

[2:50:28 PM](#)

SENATOR HUGHES wondered whether it would be a worse crime if the perpetrator had a place of prostitution than if they required all their victims to use their apartments for commercial sexual activity. She further asked if the perpetrator would get a lighter sentence.

MR. SKIDMORE answered no. He explained that a different subsection would address the person controlling the sex workers rather than controlling the location. He noted that a person could be prosecuted for controlling the location or controlling the person. Amendment 16 would more expressly describe the limits on controlling the location, but if the trafficker controls the people, it is still punishable at the same level.

[2:52:13 PM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and Amendment 16 was adopted.

[2:52:40 PM](#)

At ease

[2:53:36 PM](#)

CHAIR HOLLAND reconvened the meeting.

[2:53:44 PM](#)

SENATOR KIEHL moved to adopt Amendment 17, work order 32-GS2029\I.18.

32-GS2029\I.18
Radford
3/29/22

AMENDMENT 17

OFFERED IN THE SENATE BY SENATOR KIEHL
TO: CSSB 189(JUD), Draft Version "I"

Page 5, lines 2 - 6:

Delete all material and insert:

"violates AS 11.41.365 and the victim is

(1) under 20 years of age; or

(2) in the legal custody of that person

[COMPELS OR INDUCES ANOTHER PERSON TO ENGAGE IN SEXUAL CONDUCT, ADULT ENTERTAINMENT, OR LABOR IN THE STATE BY FORCE OR THREAT OF FORCE AGAINST ANY PERSON, OR BY DECEPTION]."

Page 5, lines 16 - 31:

Delete all material and insert:

"force or threat of force against any person [OBTAINS A BENEFIT FROM THE COMMISSION OF HUMAN TRAFFICKING UNDER AS 11.41.360, WITH RECKLESS DISREGARD THAT THE BENEFIT IS A RESULT OF THE TRAFFICKING]."

Page 6, line 4, following "if":

Insert "(1) under circumstances not proscribed under AS 11.41.340 - 11.41.355, and with the intent to promote human trafficking, induces or causes another person to engage in adult entertainment or labor by

(A) exposing or threatening to expose confidential information, whether true or false, that would subject a person to hatred, contempt, or ridicule;

(B) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of any person;

(C) threatening to report a person to a government agency for the purpose of arrest or deportation;

(D) threatening to collect a debt;

(E) instilling in a person a fear that lodging, food, clothing, or medication will be withheld from any person;

(F) providing a controlled substance or withholding a controlled substance from the other person; or

(G) deception; or

(2)"

Page 6, line 8, following "if":

Insert "(A) the person violates (a)(1) of this section;

(B)"

[2:53:47 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:54:28 PM](#)

MS. SCHLINGHEYDE explained Amendment 17 would address levels of human trafficking. She referred to page 5, lines 2-6, human trafficking in the first degree, which includes a victim under 20 years of age, which is currently in the bill. It would also add a victim in the legal custody of the perpetrator, which is not currently in the bill but mirrors the language in the sex trafficking section, elevating it to an unclassified felony when force or inducement was used.

[2:55:06 PM](#)

MS. SCHLINGHEYDE referred to page 5, lines 16-31. She stated that human trafficking in the second degree would be using "force or threat of force" to induce someone to engage in adult entertainment or labor, a class A felony.

MS. SCHLINGHEYDE referred to page 6, line 4. She stated that human trafficking in the third degree would be when someone causes or induces a person to engage in adult entertainment or labor, which would be a class B felony as per the current statute.

[2:56:04 PM](#)

At ease

[2:56:22 PM](#)

CHAIR HOLLAND reconvened the meeting.

[2:56:29 PM](#)

SENATOR MYERS related his understanding that the committee substitute (CS) for SB 189, Version I, would raise the penalties of human trafficking by a notch. For example, a class A felony was increased to an unclassified felony, and a class B felony was increased to a class A felony. He related his understanding that Amendment 17 would reduce the penalties to current law except when the victim is under 18 years of age or is someone under the offender's care. In those instances, the sentence would be increased to an unclassified felony.

[2:57:34 PM](#)

MS. SCHLINGHEYDE answered yes, primarily so. She explained that Amendment 17 maintains the changes in the committee substitute (CS) for SB 189, Version I related to some of the elements of the offense, such as defining force or threat of force or listing the ways a victim could be induced. She referred to the language on page 1, line 20 of Amendment 17, which matches the language in Version I.

[2:57:59 PM](#)

SENATOR KIEHL added that the rationale related to forcing or inducing someone into labor. He noted that Mr. Skidmore used the term "slavery." He explained that Amendment 17 would treat sex slavery more severely than other work.

[2:59:01 PM](#)

CHAIR HOLLAND asked whether Amendment 17 would need a conceptual amendment.

[2:59:14 PM](#)

SENATOR KIEHL responded that the committee might need to clarify that human trafficking does not include parents requiring children to do work for the family within the bounds of reason. For example, shoveling the walk or the roof would be considered chores, not human trafficking.

CHAIR HOLLAND asked the Department of Law to comment on Amendment 17.

[2:59:59 PM](#)

MS. SCHROEDER deferred to Mr. Skidmore.

[3:00:11 PM](#)

MR. SKIDMORE stated that Amendment 17 does not change the penalty for human trafficking in the first degree for victims who are 20 years of age, but it adds victims in the legal custody of the offender. He agreed with Senator Kiehl that the intent of SB 189 was not to include parents assigning their children chores as human traffickers. Instead, human trafficking refers to inappropriate labor, such as threatening to withhold food, lodging, or clothing. He acknowledged that if a child wanted a nice pair of jeans, and the parent states they will withhold the jeans until the child shovels the driveway or roof, it could technically be considered human trafficking under the bill.

MR. SKIDMORE turned to the penalty provisions for sex trafficking in Amendment 17. He reviewed the penalty provisions for human trafficking. Under current law, using force or the threat of force is a class A felony rather than an unclassified felony. He said the sex trafficking statutes classify the crimes, including use of force or when a victim is under 20 years of age, as sex trafficking in the first degree. He explained that the penalty for an unclassified felony that was not a sex offense could result in a sentencing range from 5 years to 99 years. He cautioned that the higher end of the spectrum is not what happens in most cases; instead, the penalties begin with five years of imprisonment for threatening someone with force. He stated that reducing it to a class A felony would result in a 4 to 7 years sentencing range, which is not a substantial difference. He highlighted that the penalties for the list of human trafficking crimes that promote labor would be reduced from a class A felony to either a class B or a

class C felony. He stated that the restructuring does not follow the same framework for sex trafficking. He agreed the penalty provisions should be tiered, but the conduct is broken out differently for human trafficking. He acknowledged that it was a policy call for the legislature to decide how to sanction those engaging in human trafficking.

[3:04:35 PM](#)

SENATOR KIEHL related his understanding that the severity of the class A felony and class B felony lined up with current law. His proposed changes were reduced from the original bill but not from current Alaska law.

MS. SCHROEDER agreed that was her understanding of Amendment 17.

[3:05:40 PM](#)

SENATOR KIEHL withdrew Amendment 17 with the intention to offer it at a later date.

[3:06:18 PM](#)

CHAIR HOLLAND held SB 189 in committee.

[3:06:28 PM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Judiciary Standing Committee meeting at 3:06 p.m.