

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 6, 2022
1:38 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 207

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

- HEARD & HELD

SENATE BILL NO. 229

"An Act relating to misconduct involving confidential information; relating to artifacts of the state; and relating to penalties regarding artifacts or historic, prehistoric, or archeological resources of the state."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 207

SHORT TITLE: ACCESS TO MARIJUANA CONVICTION RECORDS

SPONSOR(S): SENATOR(S) SHOWER

02/22/22	(S)	READ THE FIRST TIME - REFERRALS
02/22/22	(S)	STA, JUD
03/10/22	(S)	STA AT 3:30 PM BUTROVICH 205
03/10/22	(S)	-- MEETING CANCELED --
03/17/22	(S)	STA AT 3:30 PM BUTROVICH 205
03/17/22	(S)	Heard & Held

03/17/22 (S) MINUTE (STA)
03/22/22 (S) STA AT 3:30 PM BUTROVICH 205
03/22/22 (S) Heard & Held
03/22/22 (S) MINUTE (STA)
03/29/22 (S) STA AT 3:30 PM BUTROVICH 205
03/29/22 (S) Moved CSSB 207 (STA) Out of Committee
03/29/22 (S) MINUTE (STA)
03/30/22 (S) STA RPT CS 2DP 1NR SAME TITLE
03/30/22 (S) DP: SHOWER, KAWASAKI
03/30/22 (S) NR: COSTELLO
04/06/22 (S) JUD AT 1:30 PM BUTROVICH 205

BILL: SB 229

SHORT TITLE: STATE HISTORICAL ARTIFACTS; CRIMES
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/11/22 (S) READ THE FIRST TIME - REFERRALS
03/11/22 (S) JUD, RES
03/23/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/23/22 (S) <Bill Hearing Canceled>
04/06/22 (S) JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

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

POSITION STATEMENT: Presented the sponsor statement and sectional analysis for SB 207 on behalf of Senator Shower.

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

POSITION STATEMENT: Answered legal questions on SB 207.

KELLY HOWELL, Special Assistant
Office of the Commissioner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 207.

LISA PURINTON, Chief
Criminal Records and Identification Bureau

Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions on criminal background checks during the hearing on SB 207.

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

POSITION STATEMENT: Explained the changes in the committee substitute, Version I, of SB 229, on behalf of the committee.

JUDY BITTNER, Chief/State Historic Preservation Officer
Office of History & Archeology;
Alaska Historical Commission
Division of Parks and Outdoor Recreation
Department of Natural Resources
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony in support of SB 229.

LAURA BOOMERSHINE, Special Assistant
Office of the Commissioner
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Testified on the fiscal note for SB 229.

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

POSITION STATEMENT: Answered legal questions on SB 229.

ACTION NARRATIVE

[1:38:05 PM](#)

CHAIR ROGER HOLLAND called the Senate Judiciary Standing Committee meeting to order at 1:38 p.m. Present at the call to order were Senators Myers, Hughes, Kiehl, and Chair Holland. Senator Shower joined the meeting via teleconference shortly thereafter.

SB 207-ACCESS TO MARIJUANA CONVICTION RECORDS

[1:38:51 PM](#)

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 207 "An Act restricting the release of certain records of convictions; and providing for an effective date."

[CSSB 207(STA) was before the committee.]

[1:39:33 PM](#)

CLAIRE GROSS, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, Juneau, Alaska, explained that Representative Kreiss-Tomkins sponsored the companion bill. She said one portion of the bill pertains to the Alaska Court System relating to the publicly-available website CourtView for accessing records. The other provision in the bill relates to background checks conducted by the Department of Public Safety for potential employees. The goal is to address the two main ways that employers and members of the public access criminal justice information.

[1:41:05 PM](#)

CHAIR HOLLAND noted that Senator Shower joined the meeting via teleconference.

[1:41:34 PM](#)

SENATOR SHOWER stated the intent of SB 207 is to remove marijuana convictions from CourtView. He explained that people reentering society after being convicted for marijuana-related offenses often have difficulty obtaining employment. Alaska legalized possession of personal use marijuana, which he did not support. However, it is the law. He estimated approximately 700 people would benefit from SB 207 because CourtView would no longer reflect their marijuana convictions. He indicated the goal is to help those people become productive members of society by reducing their struggles to obtain good jobs. He noted that when the concept for the bill was first presented, the bill included convictions for other offenses, but the bill currently addresses only marijuana convictions.

[1:43:25 PM](#)

SENATOR HUGHES acknowledged that personal use of marijuana is legal. However, when these individuals were convicted, they were breaking the law. She said she struggles with this based on principle because breaking the law shows something about the person. She acknowledged that these convictions might prevent someone from employment, but she wondered how this bill reconciles that these individual broke the law.

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SENATOR SHOWER responded that during prohibition many people drank alcohol in speakeasys even though it was illegal. As times change and laws change, it is important to note the precedent and most of these convictions were low-level offenses. The legislature can decide if these offenders should be punished for the rest of their lives, erecting barriers to employment, or if the committee wants them to be reintegrated into society after serving their time. He said he did not support removing the conviction from CourtView if these offenders were arrested for other crimes besides possession of marijuana, such as domestic violence or selling drugs.

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SENATOR HUGHES asked whether the court system could remove a single marijuana conviction from CourtView for those with multiple convictions in the same case. She clarified that the court system would not remove the conviction from the person's record; however, the conviction would not appear in CourtView. She further asked for what types of background checks marijuana convictions would appear; for example, would DPS have access to the information if the person applied to become a police officer.

SENATOR SHOWER responded that the records would still exist and be available for those seeking a security clearance or employment. Although the court system would not show the criminal record in CourtView, it may prevent a person from getting a top-secret clearance.

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CHAIR HOLLAND recalled the second question was whether a certain portion of the record could be stricken from CourtView if a person was convicted.

MS. GROSS responded that CourtView requires either all convictions or no convictions be hidden from CourtView. People who had multiple convictions in the same case would not be eligible for hidden records.

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SENATOR KIEHL stated he had a slightly different perception on the state of the law in Alaska prior to the 2014 voter initiative. He related his understanding that the Ravin decision found that possession and use of small amounts of marijuana was constitutionally protected under the right to privacy.

[1:51:29 PM](#)

SENATOR SHOWER agreed that Senator Kiehl was correct about the *Ravin v. State* decision. He asked staff to describe how that ties together with the federal government's marijuana laws.

MS. GROSS deferred to Kaci Schroeder to respond.

CHAIR HOLLAND asked for the status of the laws regarding marijuana possession before 2014.

[1:52:41 PM](#)

SENATOR KIEHL wondered specifically about the amount covered under AS 11.71.060.

[1:52:53 PM](#)

KACI SCHROEDER, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law, Juneau, Alaska, agreed that the *Ravin* decision permitted small quantities of personal use under the privacy clause. However, the court deferred to the legislature to define a small amount for personal use. She stated that this amount had changed several times over the years. In 2014, the people approved by initiative up to an ounce of marijuana as an acceptable amount for personal use.

[1:53:40 PM](#)

CHAIR HOLLAND asked whether an allowable quantity of marijuana was parts of an ounce.

MS. SCHROEDER recalled a subsequent [US Court of Appeals] case, *Noy v. State*, also addressed marijuana, but she was unsure of the amount. She recalled since 1975, the allowable amount of marijuana in possession has fluctuated, but the legislature and the courts disagree on those amounts.

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SENATOR KIEHL agreed it was unclear.

[1:54:52 PM](#)

MS. GROSS stated that the Alaska Court System and Department of Public Safety (DPS) disagreed on the number of offenders affected by the bill, as reflected in their fiscal notes. The Alaska Court System estimated approximately 700 Alaskans would be affected. DPS believes the figures would be closer to 8,000. She explained that the discrepancy was due to how each agency stores information and which statutes would apply. DPS uses the Alaska Public Safety Information Network (APSIN), which the public cannot access.

MS. GROSS explained that the first half of the bill addresses individuals convicted of minor marijuana would make confidential the records of individuals who have been convicted of minor marijuana crimes and were not charged with any other crimes in the same incident. These records would automatically be removed from CourtView retroactively. Further, these records could also be removed from some background checks administered by the Department of Public Safety at the request of the convicted individual.

MS. GROSS explained that the court system would automatically remove the conviction for possession of personal use marijuana from CourtView retroactively.

[1:57:21 PM](#)

MS. GROSS stated that DPS would require a petition process to shield their personal use marijuana conviction from CourtView. The fiscal note reflects that one or two temporary positions would review all marijuana convictions. Still, the department would process any petitions to shield conviction records from CourtView on an ongoing basis. She stated that most people seeking background checks, including potential employers, obtain their information from CourtView by using a kiosk at the courthouse.

MS. GROSS noted that anyone requiring state licensure would not benefit from the bill as their criminal history would remain on CourtView. Further, people can request a full criminal history report or background check from the Department of Public Safety.

[2:01:42 PM](#)

SENATOR HUGHES asked if she referred to professional occupational licensure.

MS. GROSS answered yes. She noted that law enforcement's statute is lengthy and includes professionals such as massage therapists.

SENATOR HUGHES related her understanding that even janitors working in facilities with vulnerable people are subject to more scrutiny. She asked whether the marijuana convictions would be available for those positions.

MS. GROSS answered yes.

[2:03:17 PM](#)

SENATOR HUGHES asked whether an employer could go into the courthouse to obtain information.

MS. GROSS answered yes; the person would need to physically go to the courthouse in person to obtain information and use the kiosk.

2:03:45 PM

CHAIR HOLLAND asked her to review the sectional analysis for SB 207.

2:03:58 PM

MS. GROSS reviewed the sectional analysis for SB 207. She noted that half of the legislative intent was removed from the companion bill since it was somewhat vague and dealt with low-level crimes.

[Original punctuation provided.]

2:04:01 PM

Section 1: Adds a new section stating the legislative intent behind this bill.

Section 2: Amends subsection (b)(8) of AS 12.62.160 by adding criminal justice information, for marijuana possession that meet the requirements laid out in (f) of this section, to the list of exceptions for the release of criminal justice information.

Section 3: Adds a new subsection (f) to AS 12.62.160, which adds new criteria for criminal justice information that an agency cannot release. This new section prohibits release of criminal justice information for convictions under AS 11.71.060 for less than one ounce of a "schedule VIA" controlled substance, where the defendant was 21 years or older at the time of the offense, was not convicted of any other criminal charges in that same case and has formally requested that the agency not release these records.

2:06:02 PM

Section 4: Adds a new section to AS 22.35, stating that records of criminal charges or convictions that meet the requirements stated in this section, may not be published by the court system on a publicly available website. This applies to criminal justice

information for convictions under AS 11.71.060 for less than one ounce of a "schedule VIA" controlled substance, where the defendant was 21 years or older at the time of the offense and was not convicted of any other criminal charges in that same case.

Section 5: Adds a new section to uncodified law of the State of Alaska saying that the Alaska Court System shall remove court records that meet the requirements of this bill, retroactively going back from the effective date of the bill. It also uses the language "to the extent practicable" to clarify that the court system will not be legally required to expend excessive resources or funds to ensure every single record that meets the requirements of this bill for removal from court view, is removed.

[2:06:59 PM](#)

Section 6: Provides an effective date of January 1, 2023.

[2:07:08 PM](#)

SENATOR KIEHL referred to AS 11.71.060, possession of less than one ounce. He noted that AS 11.71.050 covers things that a person can do with cannabis, including giving someone less than an ounce of cannabis or baking them brownies. He asked why gifts and edibles were not covered in the bill.

[2:08:09 PM](#)

MS. GROSS said she was unsure. She reviewed AS 11.71.050, which read:

(a) Except as authorized in AS 17.30 and AS 17.38, a person commits the crime of misconduct involving a controlled substance in the fifth degree if the person

(1) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one ounce containing a schedule VIA controlled substance;

MS. GROSS read a portion of the personal use of marijuana statute:

Sec. 17.38.020. Personal use of marijuana.

Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and are not criminal or civil offenses under state law or the law of any political subdivision of the state or a basis for seizure or forfeiture of assets under state law;

(1) possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;

[2:09:22 PM](#)

MS. GROSS stated that she was unaware of any language related to manufacturing or delivering marijuana. She offered to research the nuances and report to the committee.

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SENATOR HUGHES referred to Sections 3 and 4. She asked how the bill would affect those 18-20 years of age.

MS. GROSS stated that the sponsor of the companion bill, HB 246, amended the bill to include 18-20 year-old offenders and reduce the penalty from a class B misdemeanor to a violation and remove the records from CourtView.

[2:11:55 PM](#)

SENATOR HUGHES asked whether marijuana was only legal for those 21 years or older.

MS. GROSS agreed that it mirrored alcohol laws.

[2:12:42 PM](#)

SENATOR HUGHES asked if it was a crime for youths 18-20 years old to possess marijuana before the voters passed the initiative.

MS. GROSS said she was unsure.

[2:13:33 PM](#)

MS. SCHROEDER answered that it was a class B misdemeanor, and there was no change in the penalty when the initiative passed.

SENATOR HUGHES pointed out that these people were now adults. She was unsure whether this provision would create an equal

protection concern. She wondered if the committee should consider including youths 18-20-years old in the bill.

MS. SCHROEDER explained that the difference is that it is still a crime for anyone under the age of 21 to possess marijuana under current law.

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SENATOR KIEHL asked whether there were any challenges under *Ravin v. State* or *Noy v. State* that keeps it a crime for 18-20 year olds.

MS. SCHROEDER answered no. She said she was unaware of any court challenges. She stated that this bill does not impact the criminal division.

[2:15:46 PM](#)

KELLY HOWELL, Special Assistant, Office of the Commissioner, Department of Public Safety, Anchorage, Alaska, responded that the department was supportive of the changes proposed in SB 207. Ms. Purinton oversees the Alaska Public Safety Information Network used for criminal history background checks.

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SENATOR MYERS noted that DPS conducts background checks on a case-by-case basis.

MS. HOWELL agreed.

SENATOR MYERS asked if some personal information already needed to be scrubbed.

MS. HOWELL responded that the reports were already formatted and no additional scrubbing would need to occur.

[2:17:33 PM](#)

SENATOR MYERS said he was unsure why the Department of Public Safety needed additional staff since the department would be issuing background checks on a case-by-case basis.

MS. HOWELL agreed that it was possible to do so upon request, but it could create a backlog depending on the number of individuals coming forward. She indicated that the department was unsure how many individuals would request this. As Ms. Gross noted, the court system records and DPS records diverged significantly. The department identified 8,500 criminal history records that the bill could impact. Since the department is

unsure how many records may need to be shielded from release, DPS suggests hiring a temporary person to research the records. She stated that it might not be simple to identify the record as applicable to the bill. She highlighted that the legislature made numerous changes to the law. For example, the department would need to verify whether someone's conviction under AS 11.71.060 was for less than one ounce of marijuana. Thus, the department preferred to take a more proactive measure to examine the records and flag them, so if a person requested to have their record shielded, it would be a much quicker process.

[2:20:08 PM](#)

SENATOR MYERS said he was having a tough time believing the department needed a person to review 8,500 records spanning several years. He offered his view that it would be much simpler to update the records as people requested their conviction not be posted to CourtView. This will not affect new cases but ones generated prior to 2014, so as cases were removed from CourtView, it would result in fewer and fewer over time.

[2:21:33 PM](#)

LISA PURINTON, Criminal Records and ID Bureau Chief, Department of Public Safety, Anchorage, Alaska, agreed that DPS estimates 8,500 records. She stated that before 2006, the state's criminal history repository lacked statutes. Instead, it used a four-digit numeric code to reference the criminal history. She predicted that those cases would take considerable time to research. The fiscal note reflects the department's plan to speed up the process for that research. As Ms. Howell mentioned, the law periodically changed, and the record may not reflect the amount of marijuana in possession, but it is listed in the police report.

[2:22:52 PM](#)

CHAIR HOLLAND held SB 207 in committee.

SB 229-STATE HISTORICAL ARTIFACTS; CRIMES

[2:23:01 PM](#)

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 229 "An Act relating to misconduct involving confidential information; relating to artifacts of the state; and relating to penalties regarding artifacts or historic, prehistoric, or archeological resources of the state."

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SENATOR HUGHES moved to adopt the committee substitute (CS) for SB 229, work order 32-GS2541\I, as the working document.

CHAIR HOLLAND objected for discussion purposes.

[2:23:45 PM](#)

ED KING, Staff, Senator Roger Holland, Alaska State Legislature, Juneau, Alaska, explained the changes from Version A to Version I of SB 229 on behalf of the committee.

SUMMARY OF CHANGES
(VERSION A TO VERSION I)

Change 1: Sections 1 - 7 of version A were deleted

Change 2: AS 41.35.200(a) and (b) were amended to add a mental state and the federal reference in (b) was updated. Subsection (f) was added to provide definitions.

Change 3: A new crime of obtaining confidential information to commit or aid in a crime under this chapter was created (replaces section 1 of version A).

Change 4: The crime of "posses, sell, buy, or transport" historic, prehistoric, or archeological resources is elevated to a class C felony.

Change 5: The definition of "artifact" was updated.

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SENATOR HUGHES asked whether members had a document that reflects the summary of changes from Version A to Version I.

MR. KING responded he would provide the summary of changes document.

[2:25:26 PM](#)

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

[2:27:26 PM](#)

JUDY BITTNER, Chief/State Historic Preservation Officer, paraphrased the sponsor statement, Alaska Historical Commission, Division of Parks and Outdoor Recreation, Department of Natural Resources, Anchorage, Alaska, provided invited testimony in

support of SB 229. She stated the Office of History and Archeology provides statewide historic preservation programs to identify, document, study, evaluate, protect, restore, and exhibit prehistoric archeological and historic sites and buildings. The office works under state and federal authorities, the Alaska Historic Preservation Act, and the National Historic Preservation Act. SB 229 would amend the Alaska Historic Preservation Act. The Act aims to enhance protections for artifacts and prehistoric archeological sites to increase criminal penalties for any violations.

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MS. BITTNER noted that the Department of Law proposed some technical amendments, including clarifying the individual's mental state when committing the crimes. It would also increase penalties to add a class C felony for some offenses, while others would remain at a class A misdemeanor.

[2:29:37 PM](#)

SENATOR KIEHL asked MS. Bittner to describe the problem that the bill would solve.

MS. BITTNER responded that the department was concerned about the vandalism, looting, transporting, and selling artifacts from archeological sites. In addition, some people wanted to create deterrent for trafficking archeological site artifacts. She stated that it is challenging for law enforcement to prioritize enforcing these misdemeanor offenses. She explained that many artifacts have a high value so the department would like to increase the penalty to a class C felony to serve as a deterrent.

[2:31:11 PM](#)

SENATOR KIEHL asked whether people were opportunistically grabbing things they found or if organized groups plan and execute the looting of historical sites.

MS. BITTNER answered that people occasionally pick up an artifact while hiking or beachcombing, which was not the department's concern. Instead, the division is focused on the systematic destruction of archeological sites and selling these artifacts. For example, people take metal detectors to historic sites, film themselves, post them on YouTube, and sell the items on eBay or other internet sites. She stated that she had visited historic sites where house pits were dug up, and people had screened the soil to find artifacts to sell. Further, she noted WWII historic landmarks where people either removed the airplane

or airplane parts, which are valuable. The division works with federal agencies since the offenders are often on state and federal land.

[2:34:11 PM](#)

SENATOR HUGHES wondered if this bill would apply if a person went into a museum and removed an artifact, and if so, if it increases the penalty for that crime.

MS. BITTNER stated that the division's authority does not extend to museums. She surmised that those crimes would be considered property theft. She highlighted that the bill relates to sites in place, intact, or historic sites and buildings on state lands. The Alaska Historic Preservation Act provides a provision for permits required to remove artifacts. She highlighted that sites are excavated, or historic buildings may be recorded or removed, but that work must be done by permit. She noted that the permit would stipulate directing those items to the state museum or the University of Alaska Museum of the North for long-term curation.

[2:36:19 PM](#)

SENATOR HUGHES asked if she could estimate the value and frequency of any lost items occurring due to the state not having harsher penalties.

MS. BITTNER answered that this looting happens frequently, but the department seldom prosecutes. However, the division often finds evidence of looting and works with federal agencies to pursue cases. She reported that the Alaska State Troopers had confiscated items at the airport from people removing WWII plane parts without a permit. Another person had a survey but collected a gun from a WWII site. In those instances, the division confiscated the artifacts but did not prosecute the individuals.

[2:38:36 PM](#)

SENATOR MYERS expressed concern that the definition of artifacts in the bill was too broad. He offered his view that it was possible someone could have the remains of a 1972 Buick on their property. The definition in the bill says anything over 50 years old is an artifact, so the Buick could go from an eyesore to a historical artifact.

[2:39:36 PM](#)

MS. BITTNER explained that this bill relates to artifacts on state land. DNR would go through an evaluation process to

determine historical significance. However, an old car would not be considered historically significant solely due to its age.

[2:41:05 PM](#)

SENATOR MYERS said he understood, but he would suggest that the definition should be narrower. For example, the definition might say it was an object made by humans that has been determined by the federal government or Department of Natural Resources (DNR) to be historically relevant.

[2:41:40 PM](#)

SENATOR HUGHES asked if anything in the definition identifies artifacts as items that are 50 years old.

MS. BITTNER answered no; it would remove items and artifacts of historical significance fewer than 50 years old from consideration.

[2:42:46 PM](#)

At ease

[2:42:51 PM](#)

CHAIR HOLLAND reconvened the meeting.

LAURA BOOMERSHINE, Special Assistant, Office of the Commissioner, Department of Natural Resources (DNR, Anchorage, Alaska, pointed out that the fiscal note referred to the original bill, not the committee substitute (CS) for SB 229, which is why there is a discrepancy between the 50-year-old artifacts and the bill before the committee.

[2:43:36 PM](#)

KACI SCHROEDER, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law, Juneau, Alaska, stated that the definition of an artifact must be read in conjunction with the definition of historic, prehistoric, and archeological resources. She referred to AS 41.35.230 and read:

(2) "historic, prehistoric, and archeological resources" includes deposits, structures, ruins, sites, buildings, graves, artifacts, fossils, or other objects of antiquity which provide information pertaining to the historical or prehistorical culture of people in the state as well as to the natural history of the state.

MS. SCHROEDER said that is the limiting language for the broad definition of artifacts.

2:44:30 PM

CHAIR HOLLAND asked whether the Department of Law had a position on SB 229.

MS. SCHROEDER stated that the department believes that the committee substitute (CS) for SB 229 needs further work.

2:44:52 PM

SENATOR HUGHES noted that the bill relates to artifacts of historical significance on state lands. She asked whether the penalties would be more significant if the objects were stolen from a museum.

MS. SCHROEDER agreed with Ms. Bittner that it would default to Title 11, the criminal code. If someone broke into a museum, it would be a burglary, and the person would be charged with theft based on the item's value. For example, the person could be charged with a class B felony. However, she noted that it would be difficult to arrive at a monetary value for the item.

SENATOR HUGHES agreed. She wondered if those who auction a historical item for \$500 should be charged a more significant penalty because of its historical value. She noted that if the stolen item was not able to be recovered, it would result in a loss. These historical artifacts are part of the identity of Alaskans and are used to teach the next generation. She asked whether the Department of Law could consider this and report to the committee.

2:47:20 PM

SENATOR KIEHL asked why the department would not be able to prosecute relatively good cases due to the level of the offense. He commented that the department might need a budget increment and not a bill.

SENATOR KIEHL referred to page 1, to Section 3. It would add language about obtaining information classified as confidential. He asked whether anything was in Alaska Historic Preservation Act or other laws that govern the Office of History & Archeology that would allow the office to designate information as confidential, and if so, to identify the process.

MS. SCHROEDER deferred to Ms. Bittner.

MS. BITTNER answered that the department maintains an inventory of Alaska's historical and archeological places, which is restricted confidential data and not disclosed in public information requests. The department has been discussing with the Department of Law the department whether Section 3 is needed. Although the Office of History and Archeology can manage the confidential data without this language, the Alaska Historic Preservation Act does not define confidential information regarding historical items.

[2:50:47 PM](#)

SENATOR MYERS asked for the significance of switching the reference to federal statutes from 16 U.S.C. 433 to 18 U.S.C 1866(b) in Section 2.

MS. SCHROEDER related her understanding that the reference was repealed, so this merely updates the reference.

[2:51:53 PM](#)

CHAIR HOLLAND held SB 229 in committee.

[2:52:10 PM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Judiciary Standing Committee meeting at 2:52 p.m.