

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

May 16, 2022

9:02 a.m.

**MEMBERS PRESENT**

Senator Roger Holland, Chair  
Senator Shelley Hughes  
Senator Robert Myers  
Senator Jesse Kiehl

**MEMBERS ABSENT**

Senator Mike Shower, Vice Chair

**COMMITTEE CALENDAR**

HOUSE BILL NO. 325

"An Act relating to domestic violence."

- MOVED HB 325 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 325

SHORT TITLE: DOMESTIC VIOLENCE

SPONSOR(S): REPRESENTATIVE(S) RASMUSSEN

02/16/22	(H)	READ THE FIRST TIME - REFERRALS
02/16/22	(H)	JUD
02/25/22	(H)	JUD AT 1:30 PM GRUENBERG 120
02/25/22	(H)	Heard & Held
02/25/22	(H)	MINUTE(JUD)
05/02/22	(H)	JUD AT 1:00 PM GRUENBERG 120
05/02/22	(H)	Heard & Held
05/02/22	(H)	MINUTE(JUD)
05/06/22	(H)	JUD AT 10:30 AM GRUENBERG 120
05/06/22	(H)	-- Continued from 5/04/22 --
05/06/22	(H)	JUD AT 1:00 PM GRUENBERG 120
05/06/22	(H)	-- MEETING CANCELED --
05/09/22	(H)	JUD RPT 3DP 1DNP 1NR 1AM
05/09/22	(H)	DP: DRUMMOND, SNYDER, CLAMAN
05/09/22	(H)	DNP: EASTMAN
05/09/22	(H)	NR: KREISS-TOMKINS

05/09/22 (H) AM: VANCE  
05/09/22 (H) JUD AT 1:00 PM GRUENBERG 120  
05/09/22 (H) Moved HB 325 Out of Committee  
05/09/22 (H) MINUTE(JUD)  
05/11/22 (S) JUD AT 1:30 PM BUTROVICH 205  
05/11/22 (S) <Bill Hearing Canceled>  
05/13/22 (S) JUD AT 1:30 PM BUTROVICH 205  
05/13/22 (S) Scheduled but Not Heard  
05/14/22 (H) SESSION CANCELED 5/12 - ON 5/13  
CALENDAR  
05/14/22 (H) SESSION CANCELED 5/13 - ON 5/14  
CALENDAR  
05/14/22 (H) NOT TAKEN UP 5/14 - ON 5/15 CALENDAR  
05/15/22 (H) TRANSMITTED TO (S)  
05/15/22 (H) VERSION: HB 325  
05/15/22 (S) READ THE FIRST TIME - REFERRALS  
05/15/22 (S) JUD  
05/16/22 (S) JUD AT 9:00 AM BUTROVICH 205

**WITNESS REGISTER**

CRYSTAL KOENEMAN, Staff,  
Representative Sara Rasmussen  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided an overview of HB 325 on behalf of the sponsor.

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

**POSITION STATEMENT:** Answered questions during the hearing on HB 325.

**ACTION NARRATIVE**

[9:02:17 AM](#)

**CHAIR ROGER HOLLAND** reconvened the Senate Judiciary Standing Committee of May 13, 2022, that had recessed to a call of the Chair at 2:44 p.m. Present at the call to order were Senators Myers, Hughes, Kiehl, and Chair Holland.

**HB 325-DOMESTIC VIOLENCE**

[9:03:05 AM](#)

CHAIR HOLLAND announced the consideration of HOUSE BILL NO. 325 am S (efd add S) "An Act relating to petitions for a change of name for certain persons; relating to the duty to register as a sex offender; relating to sexual offenses; relating to domestic violence; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; relating to lifetime revocation of a teaching certificate for certain offenses; amending Rule 84, Alaska Rules of Civil Procedure; and providing for an effective date."

[9:03:27 AM](#)

CRYSTAL KOENEMAN, Staff, Representative Sara Rasmussen, Alaska State Legislature, Juneau, Alaska, paraphrased the sponsor statement for HB 325 on behalf of the sponsor.

HB 325 seeks to update our antiquated domestic violence statutes by incorporating image-based sexual abuse to the definition of domestic violence. While sending explicit images may be grounds for harassment in the second degree, it is not considered an act of domestic violence or crime involving domestic violence.

Images of individuals, taken with or without consent, are being distributed online as a tactic of abuse by perpetrators with the intent to harass, impersonate, humiliate, and cause harm. Abusers capture intimate, nude, or sexual images of their partners, with or without, their consent. In order to prevent the victim from leaving the relationship, the abuser will use that image as a weapon of control.

The effect of this abuse impacts every part of the victim's life and future. Victims tend to be revictimized in their school, workplace, or community and some have attempted or committed suicide as a result.

While educating people about the possible consequences of sharing explicit images is important, most of the danger and harm comes from the subsequent sharing of these images without consent and with the intent to hurt, shame, or emotionally abuse the victim.

We must do better to end cycle of domestic violence and sexual abuse. By tying image-based sexual abuses

cases to our domestic violence laws will offers victims crucial benefits and protections that they might not otherwise get.

HB 325 is a small step to help protect Alaskans from sexual abuse and I urge your support.

[9:04:51 AM](#)

SENATOR MYERS referred to the definition of "domestic violence" and asked how the bill would apply to someone who is not a household member, or after a divorce, or if the parties had never lived together.

[9:05:36 AM](#)

JOHN SKIDMORE, Deputy Attorney General, Office of the Attorney General, Criminal Division, Department of Law, Anchorage, Alaska, responded that the definition in AS 18.66.990(5) reads:

- (5) "household member" includes
  - (A) adults or minors who are current or former spouses;
  - (B) adults or minors who live together or who have lived together;
  - (C) adults or minors who are dating or who have dated;
  - (D) adults or minors who are engaged in or who have engaged in a sexual relationship;
  - (E) adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law;
  - (F) adults or minors who are related or formerly related by marriage;
  - (G) persons who have a child of the relationship; and
  - (H) minor children of a person in a relationship that is described in (A) – (G) of this paragraph;

[9:06:52 AM](#)

MR. SKIDMORE answered that a former boyfriend or girlfriend would be considered a household member.

CHAIR HOLLAND noted that a "household member" does not refer to their lodging arrangement.

MR. SKIDMORE agreed that the term was much broader.

[9:07:11 AM](#)

SENATOR HUGHES stated that sharing the photos would include texting or posting them online.

MR. SKIDMORE responded that the statute refers to publishing or distributing the images, which can occur online or in print.

[9:07:44 AM](#)

SENATOR HUGHES wondered whether the penalty would be more severe if the person posting the photo had tagged the person. She recalled having discussed this.

MR. SKIDMORE recalled the discussion, but it did not concern this statute. He was unsure whether it resulted in an enhanced penalty for any crime.

[9:08:36 AM](#)

At ease

[9:09:06 AM](#)

CHAIR HOLLAND reconvened the meeting.

[9:09:13 AM](#)

SENATOR HUGHES stated that the penalty provision doesn't relate to this bill. She said she doesn't want to slow the bill down, but perhaps it could be addressed in the future. She recalled an article in the National Council of State Legislatures (NCSL) magazine that lists Alaska as having a ban on revenge porn. She asked whether the state has other laws that NCSL would have considered a ban on revenge porn.

[9:10:07 AM](#)

MR. SKIDMORE replied that he was unfamiliar with the article. He stated that harassment is in state statute. However, today's bill does not consider whether it was illegal but addresses whether it would be considered a crime of domestic violence.

[9:10:44 AM](#)

SENATOR MYERS asked about a time limit for considering when distributing explicit photos or sending posts would be considered domestic violence. He surmised if someone had just broken up it would be considered a domestic violence crime, but if someone sends or posts it online five years later, perhaps it would not.

MR. SKIDMORE answered that there is no timeframe for determining whether something is considered domestic violence. Instead, it

looks at the nature of the relationship and the type of crime that was committed.

9:11:28 AM

SENATOR MYERS asked how sending explicit images would be handled if the perpetrator is under age 18 and sexting someone age 16 or if two age 16 kids were sexting, which is common in high school.

MR. SKIDMORE responded that he was unsure it was typical behavior, but he had heard stories about sexting. He stated that the laws in Alaska are different for those prosecuted in adult court that is open to the public, or for youth charged in the Juvenile Justice System. Those records tend to be confidential unless the crimes are felony-level crimes against another person and someone was injured, except for the records of some felony-level crimes. He offered his view that some records could become public later in those circumstances. In this instance, the crime would not qualify as public. He stated that the Division of Juvenile Justice (DJJ) and the goals of that system and the adult system are different. For example, DJJ focuses on what is in the best interests of the minor offender. The adult system has five sentencing goals: isolation, community condemnation, rehabilitation, general deterrence, and specific deterrence. He noted that these goals are found in the Alaska Constitution and statute.

9:13:26 AM

SENATOR HUGHES asked whether anything in Alaska law would allow a victim to receive damages because she believes that some of the impacts could be quite severe. She said she had read an unidentified article about how people would come up to victims in stores, saying they recognized them from photographs.

MR. SKIDMORE responded that he was unaware of anything in the law that would prevent a victim from receiving damages. He highlighted that a victim could request restitution in a criminal case or bring a tort in a civil suit to seek damages.

9:15:09 AM

SENATOR KIEHL stated that domestic violence provides consequences, such as restraining orders or imposing restrictions on a perpetrator's rights. He related that the domestic violence statutes relate to a perpetrator causing physical harm or unlawfully entering the premises. Since this crime would not create physical harm, it would be a departure from other domestic violence crimes.

[9:16:22 AM](#)

MS. KOENEMAN responded that harassment falls within the domestic violence statutes, which could consist of obscene phone calls or other crimes that happen from a distance rather than domestic violence crimes that create an immediate threat. She related that the Alaska Network on Domestic Violence and other victim advocate groups indicate that abuse comes in many different forms. While it may seem like a departure from violence, image-based sexual abuse can be damaging or traumatic. Victims may not wish to leave their homes because, as Senator Hughes mentioned, they may be recognized in public or receive taunts from others who saw the photos. Thus, sending photos or publishing them could result in violence or create an unsafe environment for victims. She highlighted that perpetrators could victimize others through physical violence or emotional abuse. She noted that the explicit photos could affect their children. She indicated the intent to identify this crime as domestic violence was to allow victims to obtain a restraining order to help prevent physical violence.

[9:18:48 AM](#)

SENATOR KIEHL related his understanding that the commonality between distributing intimate, nude, or sexually explicit photos online and other domestic violence crimes might be the elements of isolating the victim or using the photographs to control them.

[9:19:31 AM](#)

MR. SKIDMORE related that he serves on the Council of Domestic Violence and Sexual Assault and has prosecuted domestic violence for the last 25 years. He indicated that domestic violence is a cycle of control and manipulation. It doesn't relate only to physical violence but to how a perpetrator tries to control or manipulate another person. He described the cycle of abuse, which includes the building of tension, the abuse incident, the reconciliation, and a period of calm. He indicated that there isn't any timeframe. Sometimes an abuser will be so focused on their victim that it continues to cycle up. He characterized it as an attempt by the offender to continue to hurt and harm the victim because the victim won't be with them anymore. He said it was about wanting to say, "You are mine and only mine, and if you're not with me, I will exercise the greatest amount of pain I can on you." He emphasized that it may not be physical pain but psychological and emotional, which plays a role in domestic violence.

[9:21:07 AM](#)

CHAIR HOLLAND stated that this crime has emerged due to technology. One crime listed for harassment in the second degree, AS 11.61.120(a)(3), was that the perpetrator was making repeated telephone calls at odd hours. He offered his view that it was appropriate to address explicit photos being distributed or posted online at this time.

[9:21:51 AM](#)

SENATOR HUGHES commented that typically people think about domestic violence as a crime that results in bruises and broken bones, but that psychological and emotional abuse could make someone physically ill. She noted that this relates to the publication and distribution of explicit photos. She stated that in some instances, the victim consented to the photos, not realizing they would be distributed later. She asked whether the penalty increases if the distributed or published explicit photos were taken without consent.

MR. SKIDMORE responded that other crimes would be applicable and would have increased penalties.

[9:23:18 AM](#)

CHAIR HOLLAND opened public testimony on HB 325; he found none, and closed public testimony on HB 325.

[9:23:58 AM](#)

MS. KOENEMAN thanked the committee on behalf of the victims of domestic violence. She remarked that the physical toll on victims of abuse could be rough.

[9:24:38 AM](#)

At ease

[9:25:18 AM](#)

CHAIR HOLLAND reconvened the meeting.

[9:25:26 AM](#)

SENATOR HUGHES moved to report HB 325, work order 32-LS1526\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR HOLLAND found no objection, and HB 325 was reported from the Senate Judiciary Standing Committee.

[9:26:30 AM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Judiciary Standing Committee meeting at 9:26 a.m.