

HOUSE FINANCE COMMITTEE  
April 30, 2024  
6:11 p.m.

6:11:07 PM

CALL TO ORDER

Co-Chair Foster called the House Finance Committee meeting to order at 6:11 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair  
Representative DeLena Johnson, Co-Chair  
Representative Julie Coulombe  
Representative Mike Cronk  
Representative Alyse Galvin  
Representative Sara Hannan  
Representative Andy Josephson  
Representative Dan Ortiz  
Representative Will Stapp  
Representative Frank Tomaszewski

MEMBERS ABSENT

Representative Bryce Edgmon, Co-Chair

ALSO PRESENT

Representative Sarah Vance, Sponsor; Lauree Morton, Self, Juneau; Brenda Stanfill, Executive Director, Alaska Network on Domestic Violence and Sexual Assault; Lisa Purinton, Acting Legislative Liaison and Special Assistant, Director, Division of Statewide Services, Department of Public Safety; Robert Ballinger, Staff, Representative Sarah Vance; Angie Kemp, Director, Criminal Division, Department of Law; Brodie Anderson, Staff, Representative Neal Foster; James Stinson, Director, Office of Public Advocacy, Department of Administration; Nancy Meade, General Counsel, Alaska State Court System; Lisa Keller, Staff, Representative Andy Josephson; Kate Tallmadge, Assistant Attorney General, Department of Law; Sylvan Robb, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community and Economic Development.

PRESENT VIA TELECONFERENCE

Terra Burns, Advocate, Community United for Safety and Protection, Fairbanks; Maxine Doogan, Community United for Safety and Protection, Fairbanks; Teri West, Administrative Services Director, Department of Corrections; Kelly Manning, Deputy Director, Division of Innovation and Education Excellence, Department of Education and Early Development; Renee Gayhart, Director, Health Care Services, Department of Health; Mike Shaffer, Attorney, Office of Victims' Rights; Terrance Haas, Public Defender, Public Defender Agency, Department of Administration; Amber Nickerson, Community United for Safety and Protection, Anchorage; Terra Burns, Advocate, Community United for Safety and Protection, Fairbanks; Maxine Doogan, Community United for Safety and Protection, Fairbanks; Lynn Tobey, Self, Anchorage; Ajela Banks, Self, Anchorage; Michelle Overstreet, Founder and CEO, My House, Wasilla; Staci Yates, Director of Human Trafficking Recovery Services, My House, Wasilla; Delayna West, Self, Homer; James Stinson, Director, Office of Public Advocacy, Department of Administration.

SUMMARY

HB 11 CRIME: ASSAULT IN THE PRESENCE OF A CHILD

HB 11 was HEARD and HELD for further consideration.

HB 68 CRIME OF SEX/HUMAN TRAFFICKING

HB 68 was HEARD and HELD for further consideration.

HB 259 COUNCIL ON HUMAN AND SEX TRAFFICKING

HB 259 was HEARD and HELD for further consideration.

CSSB 187(FIN) am

APPROP: CAP; REAPPROP; SUPP

CSSB 187(FIN) am was SCHEDULED but not HEARD.

Co-Chair Foster reviewed the meeting agenda.

#hb259

HOUSE BILL NO. 259

"An Act establishing the Council on Human and Sex Trafficking; and relating to the Council on Domestic Violence and Sexual Assault."

6:14:44 PM

REPRESENTATIVE SARAH VANCE, SPONSOR, explained that the bill would establish the Council on Human and Sex Trafficking in statute and would provide planning and coordination programs specific to victim services, education, public awareness, data collection and dissemination, and reducing demand for human and sex trafficking. The bill would develop standardized data for the annual reports, award grants and provide audits, and increase education and public awareness. She spoke to the reason for establishing the council in statute versus continuing the council established under an executive order by the governor. The bill would enable the council to award grants and provide audits, a function the current council under administrative order could not do. The council would also have the ability to pursue federal grants that would bring more money and services to the state. The bill would mean providing longevity for the work. She believed continuing the council in statute would be money well spent and it would be a significant step to the state's long-term commitment to eradicate human trafficking in Alaska.

Co-Chair Foster OPENED public testimony.

6:17:10 PM

LAUREE MORTON, SELF, JUNEAU, shared that she had joined the battered women's movement in 1984 in rural Alaska. She moved to Bethel in 1989 and led Tundra Women's Coalition for five winters. She moved to Juneau in 1994 and served as the director of the Network on Domestic Violence and Sexual Assault. She elaborated further on her work history. She had been the Council on Domestic Violence and Sexual Assault (CDVSA) director under former Governor Sean Parnell and into the former Walker administration.

Ms. Morton stated that Sections 1 and 2 of HB 259 were not practical. She stressed that each council needed its own

director. She explained that their critical natures demanded separate, undivided attention. She detailed that CDVSA had 14 statutory responsibilities. She expounded that choosing a chair and hiring the executive were critical steps for the full council, not merely two members. She relayed that the application of the remaining 12 responsibilities fell to the director, which was a full-time job. She knew what it was like to fund victim services, batterers' intervention, and prevention programs. She understood what it was like to support an intensive statewide campaign Choose Respect. The director was responsible for interacting with school districts, health facilities, training academies, Department of Public Safety, Department of Health, Department of Corrections, Department of Law, Department of Education and Early Development, the supreme court, and the Alaska Court System. She noted that she would submit the statutory responsibilities along with her written testimony.

Ms. Morton hoped committee members would take time to think about how they would be able to coordinate getting it all done and done well, much less adding another council's work into the mix. She stated, "I'm saying to you, I could not do it." She stated that it was not fair to any of the issues to think that anyone could combine the councils. She thanked the committee for its time.

[6:20:00 PM](#)

Representative Josephson asked if Ms. Morton had brought her concerns to the bill sponsor earlier in the session.

Ms. Morton responded affirmatively.

Representative Coulombe asked if Ms. Morton supported the idea of a commission. She asked for verification that Ms. Morton's concern was that one director would be doing both jobs.

Ms. Morton responded in the affirmative. She believed both were important, critical issues in Alaska and they deserved to have focus and attention. She stated that one person could not do both.

[6:20:48 PM](#)

BRENDA STANFILL, EXECUTIVE DIRECTOR, ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, shared that she was representing the 24 member programs across the state that provided direct services, batterer intervention programs, and prevention programming to communities and outlying areas. She considered the bill to be a situation where two things were true. She supported the creation of a council on human sex trafficking. She had participated as a co-chair. She relayed that the council had big plans and a lot of work was needed in the state. She stressed that it was a big job and it needed someone whose sole attention was focused on the issue of sex trafficking and labor trafficking. She explained that between the councils there was four major issues including domestic violence, sexual assault, sex trafficking, and labor trafficking. She elaborated that while there may be some overlap between sex trafficking and sexual assault, there was not a lot. She shared that when she had been the director of the Fairbanks program for 25 years, they had received a sex trafficking/human trafficking grant and they had discovered that programming was very different than the services provided for sexual assault and domestic violence victims.

Ms. Stanfill relayed that CDVSA wanted to ensure the issues were not overlooked. She detailed that the executive director of CDVSA was hired to supervise a staff of 11, oversaw more than 100 grants from multiple funding sources, and coordinated the work of an 11-person staff and 11-person council. She highlighted that the council would be undertaking the Alaska Victimization Survey in the current year, and it needed to begin the process of a new strategic plan. She relayed that there was no additional capacity in the position [for other work]. Under the legislation, two members of each council would be making the decision to hire the executive director along with the Department of Public Safety (DPS) commissioner or designee. She explained that it ignored the careful work that had been done with the creation of the seats on CDVSA. There were six state seats and five public seats. She noted the five public seats were very specific to rural Alaska representing Alaska Native members and three public members. She explained that under the bill, there was not a guarantee that a public member would sit on the hiring committee of the new executive director.

Ms. Stanfill urged the legislature to create the council on human and sex trafficking with its own executive director

and support person, using the newly created victim services division within DPS. Additionally, she supported ensuring the new council had the knowledge, focus, and attention it deserved by removing all connection to CDVSA. She thanked the committee.

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TERRA BURNS, ADVOCATE, COMMUNITY UNITED FOR SAFETY AND PROTECTION, FAIRBANKS (via teleconference), testified in opposition to the bill. She shared that she was a victim of sex trafficking as a child. As an adult she had spent over 20 years working in almost every aspect of Alaska's sex industry. She stated that according to what Representative Vance told the committee in the last hearing on the bill, it meant Ms. Burns had lived over 20 years longer than expected. In 2015, she successfully defended her masters research at the University of Alaska Fairbanks on the lived experiences and policy recommendations of people in Alaska's sex industry. The research was replicated at Brown University and later across the U.S. The research was instrumental in Alaska in 2016 in the changes in the prostitution and sex trafficking law included in SB 91 [omnibus crime legislation passed in 2016]. She believed she was the only one who had done academic research on sex trafficking in Alaska.

Ms. Burns shared that she traveled nationally and internationally to consult and present on the issues at institutions such as the Cambridge Union, the Freedom Network Conference, universities, nonprofits, and community groups. She currently worked as the research and policy director of Coyote Rhode Island where she did participatory action research with sex workers and sex trafficking survivors about how they were impacted by different laws. She had reported the Alex Asino case, which at the time was the second case in ten years of sex trafficking of a non-fictional minor in Alaska's sex industry to be charged at the state or federal level. She stated it was despite the fact that for several of the years the Alaska Bureau of Investigations operated an investigative unit with the focus of locating and rescuing minor sex trafficking victims.

Ms. Burns relayed that she had emailed the committee details about the difficulty the Community United for Safety and Protection had accessing the council meetings

and the ombudsman complaints the organization had made about the difficulties. She stated that at the last House Finance Committee hearing on the bill, Representative Vance had stated the average life expectancy of a sex worker was seven years. She elaborated that it was a common claim about 15 years back, but it had been debunked numerous times. She highlighted a 2004 study in the Journal of Epidemiology that followed 2,000 sex workers over 33 years and only found an 8 percent mortality rate during that timeframe. She stated that if anyone on the council had searched online, they would have discovered the "supposed fact" was completely false; rather, they were comfortable in presenting easily discredited facts as reality to the legislature.

Ms. Burns pointed out that on page 15 of the council's 2022 report, "Do John Schools Really Decrease Recidivism? A methodological critique of an evaluation of the San Francisco First Offender Prostitution Program" in support of their claim that John schools reduced recidivism. She elaborated that at the 2024 Alaska Data Summit, council member and assistant attorney general Chris Darnall again referenced the study as showing that John schools were effective at reducing recidivism. She emphasized that the study found that John schools did not reduce recidivism. She stated that it was a fact the council members would have known if they would have read the study. She underscored that lies and misrepresentation of the truth had no place in good government or policy. She stressed that it was impossible to create good evidence-based policy with misinformation.

Ms. Burns stated it was concerning to think of CDVSA hosting the sex trafficking council because the CDVSA definition of sex trafficking, located in the most recent report of the trafficking council, included all commercial sex as well as seduction. She underscored that it was not possible to talk about sex trafficking in a way that made sense if seduction and all sex work was considered sex trafficking. She stated it was not a way to make evidence-based policy serving all Alaskans. She detailed that the council was composed primarily of people whose jobs benefit from the criminalization of sex workers and sex trafficking survivors. She elaborated that it was evident in policy promoted in HB 68, which would further felonize sex trafficking survivors and sex workers. She believed it would be a nightmare to legitimize the council and give it

more power in awarding and receiving funding or creating policy in Alaska. She suggested that a proper council would be led by sex trafficking survivors and would only promote evidence-based policy. She asked the committee to vote against HB 259.

[6:31:03 PM](#)

MAXINE DOOGAN, COMMUNITY UNITED FOR SAFETY AND PROTECTION, FAIRBANKS (via teleconference), was a currently working prostitute of 35 years and planned to work as a prostitute for another 35 years. She testified in opposition to the bill. She reported that the organization found limited opportunities for public participation while witnessing excessive governmental and faith-based participation as well as numerous issues while trying to gain access to the public meetings and minutes. She urged the committee to not fund "this bad government body." She emphasized the importance of inclusivity of survivor advocates and robust public engagement in the establishment and function of a council on human and sex trafficking. She stated that a more collaborative and transparent approach was essential in addressing challenges posed by human and sex trafficking. She reported that the council had only demonstrated it wanted to profit off of the criminalization of prostitution. She stressed that if legislators really wanted to prevent sex trafficking in Alaska, they should fully fund education. She underscored that having access to proper, fully funded education and housing prevented forced labor in the sex industry. She urged members to vote against the legislation. She thanked the committee.

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Co-Chair Foster CLOSED public testimony.

Representative Vance noted that the governor's council on sex trafficking through DPS had issued a letter of support for HB 259 with the idea of sharing a director. The council believed it was possible to share a director. She understood there had been numerous concerns about the specific issue. She relayed that the bill was based on the guidance of the governor's council through DPS. She was open to amending the bill for the council to have its own director in order to establish the council in statute. She wanted to ensure the success of the council and CDVSA. She stated she was not ignoring the concerns, but she had tried

to continue moving forward with the will of the governor's council in DPS. She had a prepared amendment that any committee member could pick up, which would give each council its own director. Overall, she believed establishing a council in statute would help the state continue to do the work for the benefit of Alaskans.

Representative Ortiz asked if there had been discussion about adopting the potential amendment in a previous committee.

Representative Vance responded that there were concerns shared in the House State Affairs Committee, but an amendment was not considered at the time. The conversation had been more about flushing out the possibility of sharing a director. She relayed that DPS had spoken with the new CDVSA director. She elaborated that at the time of hiring the new director the department talked about the possibility of establishing the council and providing oversight. She explained that the bill had a delayed start date of March 2025 to give the current director time to get settled with the new staff. She stated that if there was consternation about the issue, she was open to the direction everyone felt was best for success.

Representative Ortiz asked the model where one director oversaw both councils was primarily a financial consideration or about what would be most effective.

Representative Vance responded that it was a financial consideration. She explained that the previous year when there had been discussion about an original goal to have the council in statute, the conversation had included looking at the state's financial situation and concern about adding more positions in government. She expounded that the discussion had considered how to make the idea successful. She described the council and CDVSA as cousins and the idea had been to have a director overseeing both bodies. She stated that the idea had worked in other areas and the overall goal was for the work to continue.

[6:38:03 PM](#)

Representative Cronk asked if there was someone available from DPS to answer a question.

Co-Chair Foster highlighted individuals available from DPS.

Representative Cronk asked if prostitution was legal in Alaska.

LISA PURINTON, ACTING LEGISLATIVE LIAISON AND SPECIAL ASSISTANT, DIRECTOR, DIVISION OF STATEWIDE SERVICES, DEPARTMENT OF PUBLIC SAFETY, responded, "To the best of my knowledge it was not legal in Alaska."

Co-Chair Johnson asked if any of the fiscal notes showed what it would cost if the council had its own executive director.

Representative Vance deferred the question to her staff.

[6:40:14 PM](#)

ROBERT BALLINGER, STAFF, REPRESENTATIVE SARAH VANCE, replied that the original fiscal note was \$320,000 for the council. He explained that there would be two employees including an executive director. The increase would be \$24,000 if the position was located in Juneau. He stated it could be less if the position was located in Anchorage or somewhere else. He detailed that originally the bill showed the position located in Juneau because it proposed sharing the director with CDVSA and the CDVSA director was located in Juneau.

Co-Chair Johnson asked how much extra it would be for the council [Council on Human and Sex Trafficking] to have its own executive director.

Mr. Ballinger responded, "\$24,000."

Co-Chair Johnson asked for verification that the \$24,000 was if the position was located in Juneau.

Mr. Ballinger replied affirmatively.

Co-Chair Johnson considered that it would require an office location. She asked how much extra it would cost to have an office for the individual. She wondered whether it would be located within DPS.

Representative Vance deferred the question to Ms. Purinton with DPS.

Ms. Purinton responded that the department's current fiscal note included funding for two positions including a program coordinator 2 and an administrative assistant. The first-year cost for the two positions was just over \$333,000. She noted that first-year costs were typically higher because they reflected startup costs for things like a desk, chair, workstation, and access to any licensing. The annual cost in FY 26 going forward was \$296,900. If the program coordinator 2 position changed to an executive director position, the cost would go up by just under \$25,000. She noted that managing the 17-member council would be a lot in terms of coordinating schedules. The first year cost would be a total of \$358,000 and future years shown in the fiscal note would increase by \$24,000 annually.

[6:44:02 PM](#)

Co-Chair Johnson noted that she had looked at some of the minutes from previous meetings and thought it sounded like Representative Vance would prefer for the council to have its own executive director.

Representative Vance responded in the affirmative. She stated that having a focused mindset was helpful. Overall, she supported doing whatever possible to get the council established [in statute]. She was amenable to the idea of sharing [an executive director] with someone already working on the issues of sexual violence if it meant being able to move forward. She agreeable with the will of the committee.

Co-Chair Johnson remarked that she likely shared some similarities with Representative Vance's perspective. She believed it was an important topic and council. She did not want to see CDVSA's own work negatively impacted. She was mulling over how to possibly fund the council and make it work.

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AT EASE

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RECONVENED

Representative Ortiz asked for verification that the reason the cost would only be an additional \$24,000 was because

the assistant position would be reclassified as the executive director position.

Representative Vance agreed.

Representative Coulombe asked how the bill was getting funded going forward. She wondered if the funding was UGF [unrestricted general fund].

Representative Vance responded that the fund source was UGF. Her long-term goal was to see grants supplant UGF. She did not know what the future funding possibility may be.

Representative Coulombe remarked on the funding struggles CDVSA was having to operate and provide grants.

Co-Chair Foster asked the sponsor if she had any additional comments.

Representative Vance thought that the crime bill on sex and human trafficking would provide a broader understanding of the issue and the importance of the council to further its work. She thanked the committee.

Co-Chair Foster asked for a review of the fiscal notes beginning with the Department of Corrections (DOC).

[6:49:07 PM](#)

TERI WEST, ADMINISTRATIVE SERVICES DIRECTOR, DEPARTMENT OF CORRECTIONS (via teleconference), relayed that the department had not submitted a fiscal note for the bill.

Co-Chair Foster asked for a review of the fiscal note from the Department of Education and Early Development (DEED).

KELLY MANNING, DEPUTY DIRECTOR, DIVISION OF INNOVATION AND EDUCATION EXCELLENCE, DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT (via teleconference), reviewed the zero fiscal note, OMB component 2796. She explained that DEED's submitted a zero fiscal note because DEED would sit as a member of the council and provide support, but there were not currently any components of the bill that had a fiscal impact on DEED.

Co-Chair Foster asked for a review of the fiscal note from the Department of Health [note: there was no one from

Department of Health present or online]. He asked for a review of the fiscal note from the Department of Law (DOL).

[6:51:45 PM](#)

ANGIE KEMP, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW, relayed that the fiscal note, OMB component 2202 showed no funding request for DOL.

Co-Chair Foster clarified that it was a zero fiscal note. He asked Ms. Purinton to review the DPS fiscal note.

Ms. Purinton reviewed the DPS fiscal note, OMB component 521 for CDVSA. The first year cost for FY 25 was \$333,700 to fund a program coordinator 2 and administrative assistant to help manage the council. She noted that the first-year cost was slightly higher than outyears due to the initial startup costs for a new position including workstations, computers, and other services needed for the positions. The cost in the outyears was \$296,900 annually to continue funding the positions.

Representative Hannan asked if Ms. Purinton knew of any federal grant programs that could potentially fund the council.

Ms. Purinton answered that there were federal grants that could help support the objectives of the Council on Human and Sex Trafficking whether it was a marketing campaign or victim support and services. She did not know if there would be federal grants to fund the positions for the council. She would have to do more research to provide a definitive answer.

Representative Hannan asked for verification that the department anticipated the funding would come from UGF through FY 30.

Ms. Purinton replied that without additional resources, it was the department's expectation.

Co-Chair Johnson referenced the operating budget and believed CDVSA had a \$3.7 million budget request [for FY 25]. She directed a question to a committee member and asked for verification there had been an amendment to include the funding in the base budget. She recalled there had been another amendment to add funding to the request,

but it had not been adopted. She asked for the total amount.

Representative Josephson believed the amount was \$3 million. He noted there was a separate amendment for \$500,000 to help with utilities expenses.

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Co-Chair Foster asked for a review of the DOH fiscal note.

RENEE GAYHART, DIRECTOR, HEALTH CARE SERVICES, DEPARTMENT OF HEALTH (via teleconference), reviewed the DOH fiscal note, OMB component 242. The fiscal note was zero as the impact to DOH was limited to the commissioner or designee being a member of the council in addition to public health and public information staff coordinating the awareness and materials development.

Co-Chair Foster noted there was no one available from DOC to review their fiscal note. He asked his staff to provide a review of the DOC note.

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BRODIE ANDERSON, STAFF, REPRESENTATIVE NEAL FOSTER, reviewed the DOC fiscal note, OMB component 694. The fiscal note was zero. The department had submitted a fiscal note because the commissioner or their designee would serve on the council; however, there was no anticipated fiscal impact.

Representative Galvin directed a question to Representative Vance. She remarked that the council was very large and included many commissioners. She remarked on the zero fiscal notes and highlighted that all of the council members were doing work, which took time away from their department work. She noted that the council was assembling frequently. She asked for comment from the bill sponsor.

Representative Vance recognized it was a large council for a large issue. She stated that the council had been functioning for several years with the participation of most of the same commissioners or their designee. She was very impressed with the work and enthusiasm by all of the members involved on the commission. She added that other commissioners requested to be involved in the council such

as the Department of Transportation and Public Facilities (DOT) pertaining to labor trafficking and human smuggling. She agreed that commissioners had a substantial amount demanded of them, but they had significant assets in their designees to participate on their behalf. She believed if it had been burdensome, the council would have heard about it and seen a lack of participation; however, in her short experience she had been impressed by the commissioners' engagement.

Representative Galvin asked if Representative Vance had council successes to share or examples of how having "this many" assemble has moved the ball in terms of changing outcomes.

Representative Vance responded with an example in the area of education. She explained that the council was doing work on providing e-learning modules for first responders, troopers, medical professionals, and hopefully teachers to have an introduction into human and sex trafficking through DPS. She elaborated that DEED had been involved in order to make the module a usable resource for a variety of professionals. The idea was for first responders to understand how to handle the particular kind of trauma.

[7:02:58 PM](#)

Representative Galvin stated her understanding that the council was putting together a program where responders would know how to identify and respond appropriately to victims. She asked if Representative Vance was aware of any change in population outcomes.

Representative Vance responded that it may be too early to see a change in outcomes because the work was new. She elaborated it was a part of existing duties the council had been working on. The goal was to offer continuing education credits. She stated it was not as widespread yet because it was still a work in progress. The council was tasked with providing the data to see any changes in order to determine the impact of the council's work throughout Alaska over time.

Co-Chair Foster asked Representative Vance for any closing comments.

Representative Vance thanked the committee for its consideration of the bill. She stated that ending trafficking began with awareness and the ability to identify it.

Co-Chair Foster set an amendment deadline for Thursday, May 2 at 5:00 p.m.

Representative Hannan asked if the bill sponsor was running any amendments that changed the council's intersection with CDVSA. Alternatively, she wondered if the committee would need to create the amendment.

Co-Chair Foster replied that the sponsor had indicated she had an amendment drafted and that she was open to splitting the duties between two people instead of one.

Representative Hannan remarked that the issue pertained to several places in the bill. She wondered if there was a committee substitute (CS) in the works. She noted there were several places CDVSA was referenced related to a transition, hiring, and responsibilities.

Co-Chair Foster responded that there was no CS in the works, but the sponsor had indicated she had an amendment available. He suggested Representative Hannan may want to touch base with Representative Vance to determine whether it was to the extent Representative Hannan was describing.

HB 259 was HEARD and HELD for further consideration.

[7:06:41 PM](#)

#hb11

HOUSE BILL NO. 11

"An Act establishing the crime of assault in the presence of a child."

[7:07:19 PM](#)

Representative Josephson explained that the bill would add a misdemeanor to title 11 of the state code. He shared that he had been a prosecutor over 20 years back and he had come across that the Municipality of Anchorage's criminal code, Title 9, included a crime called family violence, which was essentially the equivalent of assault in the presence of a

child. He believed it was the only crime he saw that did not have a state equivalency. He relayed that during the last campaign cycle the Alaska Network for Domestic Violence and Sexual Assault (ANDVSA) sent out a questionnaire to legislators and had asked what remedies legislators suggested in terms of children witnessing violence in their homes and the trauma that resulted. He stated it was an impetus for the legislation. He was prepared to talk about trauma informed information and data in terms of the exposure of children to domestic violence as well as Adverse Childhood Experiences (ACES) scores, which the CDC [Center for Disease Control and Prevention].

Representative Josephson stated that the idea for the bill was not drafted out of whole cloth; there was a municipal equivalent. Additionally, there was a sentencing aggravator in the felony code AS 12.55.155. He explained that there was something akin to the bill in the circumstances where there had been a felony conviction and a jury was asked whether a certain aggravator should apply. He elaborated that in the domestic violence context, the aggravator applied to situations where children under the age of 16 witnessed the violence. He noted it had to be proven beyond reasonable doubt to a jury. He explained that the bill would make the crime a misdemeanor and would provide prosecutorial option. The first question would be whether a crime before the prosecutor a felony. He explained that the prosecutor could pursue the aggravator if a child witnessed the felony. He stated that most of the cases were not felonies. He noted there were about 220 charged per year in Anchorage.

Representative Josephson stated that the bill required a predicate offence of assault. He explained that there would be two charges and depending on the strength or weakness of the case the prosecutor may agree to dismiss one count or a no contest plea on another. He described it as a tool in the toolkit for prosecutors. He highlighted a 2021 case brought by [David Alan] Linden [against the Municipality of Anchorage] challenging the constitutionality of the law. He detailed that the individual lost to a unanimous court of appeals. The judge had determined a situation involving an assault against an adult and a child witnessing the assault were two separate things that should not merge. She ruled it was legitimate to charge two separate things. The judge had cited the importance of the Anchorage Assembly putting the reason behind the creation of the ordinance on record,

which was over 20 years back. The assembly had discussed the specific type of harm and the different societal interest of separating out assault in the presence of children.

Representative Josephson summarized his explanation of the bill. He stated that the municipality [of Anchorage criminal code] identified assault in the presence of a child as a crime. He relayed that law included something akin to it for felonies only. He noted that was not a new charge, it was an aggravator that would increase a felony sentence. He highlighted the court opinion ruling [charging separately for assault in the presence of a child] was acceptable. He added that it was also done in other states. He noted that maltreatment laws in Alaska included exposure of domestic violence. He relayed that it was consistent with Alaska's civil law specifying that if children witness domestic violence, it was considered a maltreatment of the child. He noted there were letters in support of the legislation from Alaska Family Services in Palmer and Women in Safe Homes (WISH) in Ketchikan.

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Representative Josephson believed there were some concerns that there would be unfair charging. He explained that in the event of domestic violence, it had been asked whether the police would properly charge the assailant. He had learned that in [AS] 18.65 there was already a law called mandatory arrest for crimes involving domestic violence, which included a four-pronged test. He explained that police were trained where they could discern between the assailant and the victim to ask themselves the four questions before making a determination.

Representative Josephson relayed that the bill had three hearings by the House Judiciary Committee and received four "do pass" recommendations including two from more conservative members. He thanked Representative Vance for the hearings, which had taken place the previous session. There had also been discussion about the proximity of a child when the event occurred. He relayed that the committee would hear from a former municipal prosecutor who currently worked for the Office of Victims Rights. He believed the individual viewed HB 11 as better than the municipality's ordinance because it defined "present" as meaning physically present or within the hearing of the

assault. He noted that someone may question whether a person could be mischarged because they were unaware there were children down the hall or perhaps in another apartment building who heard the events. He thought the answer was found in a person's mental state. He explained it would be necessary to prove that a person consciously disregarded a substantial and justifiable risk that others outside their domicile could hear. He surmised that a prosecutor would likely use a rule of reason when considering who the kids were that were really impacted by an incident. He remarked that it was not necessarily a child who had been downstairs, although it was possible. He stated it was a criminal law, which was difficult to craft. He was available for questions.

Representative Ortiz asked if the bill could apply to a situation where someone was in a public ball field and happened to witness a violent act by one person towards another. He asked if the perpetrator would be subject to the law of causing harm to the child even if they were strangers to the child.

Representative Josephson responded that it was a core question. He stated that the scenario may meet the elements, but he believed prosecutors would use their discretion and conclude it would not be a case worth bringing to a jury. He relayed that the House Judiciary Committee had wrestled with the question and the language in the bill resulted from consultation with Mike Shaffer [Office of Victims' Rights], the Department of Law, and legislative council.

Co-Chair Foster moved to invited testimony.

[7:19:39 PM](#)

MIKE SHAFFER, ATTORNEY, OFFICE OF VICTIMS' RIGHTS (via teleconference), testified in support of the legislation and believed the law was long overdue. He provided an overview of what he would discuss. He shared that in the past he had done general crime prosecution and domestic violence crime prosecution for the Municipality of Anchorage. He had also worked with low income domestic violence and sexual assault victims at the Alaska Native Justice Center. He provided further detail about his work history. He had joined the Office of Victims' Rights in 2022. He first prosecuted family violence in the mid-2000s,

which was enacted in the late 1990s by a prosecutor who urged the assembly to adopt it. Once he began working at the justice center, he had done trainings nationwide on domestic violence and sexual assault. He had learned about the physical and psychological impacts of assaults that occurred around children. He explained that although the assault was committed externally, the assault was actually committed inside a child's developing brain, which curtailed brain development in a fundamental way. He highlighted that Alaska was one of the leaders in the incidence of domestic violence statewide. He relayed that domestic violence occurring around children formed their thinking and understanding and impaired the ability for their cerebral cortexes to properly develop. He relayed that clients talked about their children and their behavior and how it would change subsequent to assaults or multiple assaults. It had a serious impact on children as they developed and who did not have the ability to curb their own impulses. It was part of where intergenerational domestic violence came from.

Mr. Shaffer elaborated that children who had been around violence had poorer brain development and they repeated the behavior when they were old enough. He explained that the bill was designed to address the cycle of intergenerational violence. He noted that from his experience, often the family violence crime was worse than the assault. He provided an example of a four-year-old child describing that their dad had hit their mom and she had fallen down and was crying. He explained that the experience became seared in a child's brain. He highlighted another case where a nine-year-old had called 911 from a closet to report that his father was brutally beating his mother. He noted the dispatcher could hear the assault happening over the phone. He detailed that the child had not directly witness the assault, but the trauma impact of the crime was likely lifelong.

Mr. Shaffer highlighted the importance of the bill. He shared that he had prosecuted thousands of assaults, most of which were domestic violence, which constituted the majority of assaults. He referenced the example given by Representative Ortiz about a child witnessing an assault on a ball field. He stated the situation would not likely result in a charge associated with causing harm to a child. He noted that if a young person had stayed to tell the police what they had witnessed, that child was impacted by

what they saw. He remarked that most people did not witness any interpersonal violence in their lives but seeing it in person had an impact. He elaborated that the more apparent it was, the more impacting it was. He explained that a child could be hiding under a bed in terror while one parent was assaulting the other. He added that if a parent assaulted a child with other children present, it was equally traumatizing if not more so. He elaborated that it was confusing for children when they saw one person who they loved hurting another person they loved without the ability to do anything about it and with the feeling that perhaps it was their fault in some way.

Mr. Shaffer relayed that there were times where he considered the family violence that occurred to be as much or more severe than the assault itself. Based on his experience and training, he found the law to be long overdue at the state level. The cost of enforcement was minimal because the fundamental crime was the assault itself that had to be proven. The extra part of the crime was presence of a child, which was not a time consuming issue to prove. He remarked on the fiscal note showing that the Office of Public Advocacy would need an extra attorney. He did not really understand the need. He had prosecuted the crime over a period of approximately 17 or 18 years and there had been no impact or concern expressed by the city because family violence was a charge associated with the underlying charge of assault. He pointed out that not all assaults occurred with children present and there were a number of assaults that would not be prosecuted with the additional charge. He added that the Anchorage police under preferred the potential charges because considering the children present did not always come into their thinking when investigating an assault.

Mr. Shaffer strongly endorsed the legislation. He stated it was one of the most fundamentally impactful bills for the protection of children that he could think of. He considered the situation similar to the fact that there were laws against dealing of drugs and laws and increased penalties for dealing in schools. Similarly, he argued, there was a different quality to violent acts, such as assault, when the acts occurred in the presence of children, whether children witness the violence directly or were in close proximity to it.

[7:32:15 PM](#)

Co-Chair Foster OPENED public testimony.

Co-Chair Foster CLOSED public testimony.

Co-Chair Foster relayed that written testimony could still be submitted via email.

[7:33:18 PM](#)

Representative Coulombe asked for more information about the specifics of the violation. She asked what the sentence would be for a Class A misdemeanor. She requested clarification on whether the penalty would involve a fine or jail time.

Representative Josephson responded that he was trying to recall the exact fine. He explained that there had previously been a fine of \$5,000, which was likely still in that range, although he could be mistaken. He clarified that the primary focus was typically on the potential sentence, which ranged from zero days to 360 days. He also noted that for a second domestic violence offense, there would be a mandatory minimum sentence of 30 days. The sentences were usually handled promptly following a conviction. He explained that if there was an extensive criminal history, the sentence would increase, whereas for a first offense, the sentence would generally be lower, depending on the severity of the offense. He added that a suspended sentence could also be considered.

Representative Coulombe recalled that Representative Josephson had made a previous statement about proving the violation beyond a reasonable doubt. She expressed concern that children could become more involved in investigations and potentially be required to testify or be questioned about the crime. She was concerned that it could worsen the trauma for children who had witnessed the crime.

Representative Josephson responded that he may have caused some confusion by discussing reasonable doubt in the context of felony aggravators, which could increase the sentence. He clarified that, while a person could waive their right to have a jury review an aggravator, the bill pertained to a misdemeanor. However, he acknowledged that if the defendant opted for a trial and claimed they did not commit the crime, the prosecution would have to prove the

case beyond a reasonable doubt. He explained that in many cases, defendants entered a no-contest plea, in which case the prosecutor would need to provide the relevant facts in a charging document or affidavit, and children would not necessarily be required to testify.

Representative Coulombe remarked that the clarification was helpful.

[7:36:44 PM](#)

Co-Chair Johnson asked whether the charge would be standalone.

Representative Josephson confirmed that it would not be a standalone charge, as the assault would need to be charged and proven before the violation could be considered.

Co-Chair Johnson asked for clarification that after the assault had been established, there would be no need to question the child specifically to verify the occurrence of the assault.

Representative Josephson replied that the charging officer might interview witnesses who could confirm that they had witnessed the assault. In such cases, the child might not need to be directly involved in the investigation. He also mentioned that a representative from Community Assistance Response and Emergency Services (CARES) or a similar organization might interview the child if necessary. There could also be a referral to the Office of Child Services (OCS). He acknowledged that it was not a pleasant situation or experience.

Representative Josephson noted that in Anchorage, with a population of around 300,000 people, there were approximately 250 misdemeanors charged each year. However, the number of convictions were significantly lower, with only around 40 or 50 convictions. The decrease meant that roughly one in five cases resulted in a conviction. He speculated that the other four cases likely did not result in a conviction because the case was weak, or because the defendant entered into a plea agreement. In such cases, the defendant might plead no contest to the assault charge and have the assault in the presence of a child charge dismissed. The approach would save time for everyone

involved, including the prosecutor, defense, and the court system.

Representative Cronk asked whether the intention was to deter crime, and if so, what Representative Josephson thought the impact would be.

Representative Josephson responded the question was a difficult one and there could be many variables at play. He shared that in 2018, 271 charges were filed in Anchorage, with a slight increase in 2019 before dropping to 176 charges in 2023. He thought that the decrease could be related to COVID-19, but emphasized that, like any other criminal charge, the hope was that there would be a public service announcement effect. He explained that people would understand that committing violence in front of children would have more severe consequences.

Representative Cronk asked why the offense could not be classified as a felony.

Representative Josephson responded that the House Judiciary Committee had initially considered the possibility. He explained that while it could be attached to a felony charge, the elements of the felony offense would still need to be met in order for an indictment to be made. He acknowledged that, based on his own experience, a misdemeanor was the appropriate classification for the offense.

Representative Cronk expressed that in his opinion, there was not enough protection for children and that harsher penalties would be preferable.

[7:42:11 PM](#)

Representative Ortiz referenced the earlier question from Representative Coulombe and asked whether there had been prosecutions related to domestic violence that considered the impact on children prior to the introduction of the bill. He asked if the experience of child in witnessing domestic violence had ever been criminally addressed in such cases, particularly in relation to felony charges.

Representative Josephson responded that he would need to review the "endangering the welfare of a child" statute. However, he believed that it would likely not be relevant

to the discussion at hand. He explained that the treatment of violence in front of children differed between municipalities, citing Anchorage as an example where the issue was treated more intensively. In Alaska, however, violence committed in front of children was treated in the same manner as always, with no separate charge for committing a violent act in the presence of a child. He clarified that this difference in approach was primarily between Anchorage and the rest of the state.

Representative Ortiz understood that municipalities like Anchorage had taken a more serious approach to such crimes; however, state prosecutors had never charged a perpetrator for the impact of violence on a child in the past.

Representative Josephson responded in the affirmative. He further explained that while the state had not taken the approach, life could still become difficult for the perpetrator. There could be custody disputes, which he was familiar with from his experience practicing divorce law for nine years. The perpetrator could be required to attend a batterer's course, lose custody, face divorce attorney fees, or deal with restraining orders, all of which could result in significant ramifications.

Representative Tomaszewski asked about the connection between the specific charge in the bill and the provisions in AS 12.55.155. He referenced the sentencing factors related to aggravation and mitigation. The bill appeared to increase the penalties for a specific charge, rather than adding a separate charge altogether, and he asked for clarification on whether it was similar to a felony under AS 12.55.155, subsection 18(c).

Representative Josephson responded that the existence of AS 12.55.155 subsection 18(c) illustrated that there were already provisions in the felony context to enhance sentences, which was a similar concept to HB 11. Although the sentencing provision in the felony context might seem similar, the bill was introducing a standalone misdemeanor linked to assault. He clarified that a prosecutor could face difficulties if they attempted to charge both a misdemeanor and a felony with similar aggravating circumstances, as it would be complicated to argue for both charges in court. He reiterated that the bill was different because it was a standalone misdemeanor tied to assault.

Co-Chair Foster noted that there were eight fiscal notes.

[7:48:18 PM](#)

JAMES STINSON, DIRECTOR, OFFICE OF PUBLIC ADVOCACY, DEPARTMENT OF ADMINISTRATION, reviewed the fiscal impact note from DOA with OMB component 43 and control code GBLwE. He explained that the Office of Public Advocacy (OPA) was requesting one attorney to meet the anticipated workload. He acknowledged that the charge was attached to an audit and applied statewide in state statute, but noted that it would likely be applied differently in various jurisdictions. He emphasized his main concern was ensuring that the agency was adequately resourced.

Co-Chair Foster noted that there was a cost of \$215,400 for OMB component 43.

TERRANCE HAAS, PUBLIC DEFENDER, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION (via teleconference), reviewed the fiscal note from DOA with OMB component 1631 and control code KlxXr. The Public Defender Agency (PDA) was also requesting \$215,400.

Representative Ortiz noted that the two numbers for the two fiscal notes were identical and questioned if it was a mistake.

Mr. Haas confirmed that the cost was indeed \$215,400, which was the cost for one attorney position located in Anchorage. He assured the committee that the two identical numbers were not a mistake, as each department required one attorney, thus explaining the matching costs.

Co-Chair Foster moved on to the next department.

[7:51:17 PM](#)

TERI WEST, ADMINISTRATIVE SERVICES DIRECTOR, DEPARTMENT OF CORRECTIONS (via teleconference), reviewed the indeterminate fiscal impact note from the Department of Corrections (DOC) with the OMB component 1381 and control code zPPdd. She explained that the bill would legislate a new crime and there was insufficient data to determine its specific impact on the department. If the bill were to pass, the department would monitor its impact on the population and any potential fiscal effects. If the impact

proved to be small, the department had the capacity to submit a zero note and meet the needs accordingly.

Co-Chair Foster invited the next department to present its fiscal note.

Ms. Kemp relayed that DOL submitted a zero fiscal note with OMB component 2202 and control code bFEql. She explained that the department understood that it could absorb the costs of the bill. The referred charge would be attached to an existing charge, as pointed out by Representative Josephson. The department anticipated no additional costs and believed it could manage the fiscal impact without issue.

[7:53:20 PM](#)

Ms. Purinton reviewed three fiscal notes from DPS: OMB component 2325 for the Alaska State Troopers Detachment with control code jMgpf, OMB component 2744 for the Alaska Bureau of Investigation with the Alaska State Troopers with the control code yFwWi, and OMB component 3200 for the Criminal Justice Information Services Program with control code LwqrZ. She explained that all three were zero fiscal notes. The department did not anticipate a significant fiscal impact from the bill and believed any additional work could be absorbed with existing resources.

Co-Chair Foster invited the next department to present its fiscal note.

NANCY MEADE, GENERAL COUNSEL, ALASKA STATE COURT SYSTEM, reviewed the zero fiscal impact note from the Alaska State Court System (ASCS) with OMB component 768 and control code QuZVV. She explained that the cases would almost always be aligned with other ongoing cases, specifically with an additional charge in an ongoing assault case. The court system could absorb any additional work with existing resources.

Representative Galvin asked for confirmation that the OMB component number for the court system was 768.

Ms. Meade responded in the affirmative.

Representative Galvin noted that earlier, testimony had been received from two different organizations,

specifically PDA and OPA, both of which had requested additional attorneys. She asked why the departments would need another attorney when the bill merely added an additional charge to an existing assault charge.

Ms. Meade replied that she did not work directly with the agencies on their fiscal notes. She thought that each agency conducted its own assessment of the impact the bill would have on their staff and resources. She clarified that, for the court system, even an increase of 50 more cases would not require the addition of a new judge. She explained that it would take a much larger increase in cases to justify a fiscal note. While the bill would result in some additional work, it did not lead to significant new costs for the court system.

Representative Galvin remarked that she was unfamiliar with the process of fiscal notes for criminal cases. She suggested that it might be helpful to hear from PDA and OPA about how many extra hours of work were anticipated.

Co-Chair Foster agreed that it was a good question and asked to hear from James Stinson from OPA.

[7:58:00 PM](#)

Mr. Stinson responded that the bill was a tool designed to facilitate prosecution, which was a reasonable policy decision. He did not think it was surprising that the bill would lead to increased workload for agencies, and he elaborated that OPA had evaluated the potential impact based on the specifics of the charge and its connection to other cases. The bill would not result in a fiscal note for prosecuting agencies, but it would make defense more difficult because the addition of another charge to an assault case would complicate the situation for the defendant.

Mr. Stinson explained that in domestic violence cases, facts were often not clear, and charge bargaining was a routine process. The additional work usually fell on the defense, especially in cases where the defendant might not fully understand the charges, particularly in the context of a new charge like assault in the presence of a child. The new charge had broader implications, as the definition of "presence" included not only being seen by the child but also being heard or simply being in the vicinity. He

anticipated litigation around the broader definition, which led to increased client control issues. Additionally, the consequences for the defendant could be severe if the defendant was charged with two domestic violence offenses, which might embolden prosecutors to bring forward cases that they would otherwise consider weak or dismiss.

Representative Galvin asked Mr. Stinson to estimate the number of cases handled that were annually and whether the complexity of the new charge would lead to more time spent on each case, regardless of the overall number of cases.

Mr. Stinson replied that presently, the charge was not in state statute. He noted that Anchorage handled around 250 family violence charges annually. He anticipated that similar cases would be charged across the entire state if the bill were to pass, assuming probable cause for the assault in the presence of a child.

Representative Galvin requested Mr. Haas from PDA provide additional insight on the matter.

Mr. Haas agreed with Mr. Stinson's comments, adding that from the defendant's perspective, the new charge significantly altered the situation. He pointed out that adding a misdemeanor charge would double the defendant's potential liability, which would complicate the defense and increase the work required from defense attorneys.

Representative Galvin asked how the increased liability would be relevant to costs and whether defense attorneys would need to adjust insurance or other measures.

Mr. Haas explained that the issue was not about insurance but rather the defendant's exposure to a more serious potential sentence. If the defendant was charged with a single misdemeanor, they might face a maximum of one year in jail. However, with the addition of another misdemeanor charge, the defendant could face up to two years in jail, which would significantly impact the complexity of the case. The new charge would lead to increased efforts by defense attorneys to resolve the case and would raise additional considerations for the defendant.

[8:02:37 PM](#)

Representative Josephson thought that the explanations from Mr. Haas and Mr. Stinson were impressive. He noted that there were approximately 200 cases in Anchorage annually, which represented about 40 percent of the state's cases. He speculated that there could be around 250 cases across Alaska with the new statewide statute. He added that while Anchorage would continue to handle its own cases, the other regions of the state would now be dealing with these charges under the state statute. The bill would not add any new cases, but it would simply add two charges for the same case.

Representative Galvin noted that after hearing from the court system, it felt like there might be too much focus on the fiscal impact, but after hearing from the sponsor, it made sense to her that the proposal was reasonable.

Representative Josephson remarked that the committee's job was to thoroughly examine fiscal notes and he agreed that Representative Galvin's question was valuable. He asked for the committee's indulgence to allow Ms. Keller to quickly go through a PowerPoint presentation.

[8:05:14 PM](#)

LISA KELLER, STAFF, REPRESENTATIVE ANDY JOSEPHSON, introduced a PowerPoint presentation "House Bill 11" dated April 30, 2024 (copy on file). She quickly advanced through slides 1 through 3 and summarized the details, noting that the concept of assault in the presence of a child was derived from the Anchorage Municipal Code 8.10.050. She highlighted the factors of aggravation and mitigation in AS 12.55.155, which already addressed domestic violence in felony contexts. She advanced to slide 4 and explained that the bill was addressing details of family violence, which was a long-standing issue, and referred to a 2020 report showing that 19.1 percent of adults had been exposed to intimate partner violence. The violence had an immense impact on children and their developing brains, as indicated by Mr. Schaffer's testimony. She also pointed out that violence victimization had increased, leading to a larger impact on children.

Ms. Keller continued to slide 5, which illustrated the number of domestic violence cases filed annually in Alaska. She highlighted the percentages on the right side of the slide, showing an increase in the percentages of domestic

violence cases, though the number remained high. She continued to slide 6 of the presentation with data on domestic violence charges in Anchorage, where the majority of cases were misdemeanors, while felonies represented a much smaller portion. She continued to slide 7, which compared family violence charges statewide, showing a slight decrease over time. Ms. Keller noted that in 2023, the number had even decreased further, though there was no slide to reference the specific point.

Ms. Keller continued on slide 8 which included information on maltreatment. She moved to slide 9 which indicated which states recognized exposure to domestic violence as maltreatment, including Alaska. She continued to slide 10 and explained that six states considered it a separate crime to commit domestic violence in the presence of a child. She noted that further research indicated approximately 26 states and Puerto Rico had some form of protection for children exposed to domestic violence. She explained that the ways in which these protections were charged and enacted varied by jurisdiction.

Ms. Keller advanced to slide 11 and emphasized that the laws and reactions were well-known and contributed to Adverse Childhood Experiences (ACE) scores. There were observable immediate reactions to intimate partner violence and long-term reactions. She continued on slide 13 and explained that prolonged exposure to domestic violence had observable negative effects on children that detrimental to a child's development. She acknowledged that while not all children were "scarred for life," there were significant long-term effects that impacted their future lives. She explained that children might have various reactions depending on age, noting that the responses would accumulate over the course of a child's lifetime.

Ms. Keller moved to slide 14 and emphasized that prosecutorial discretion played a significant role in how domestic violence cases were handled. Specifically, the prosecutor had the ability to decide how to charge the offense, including how many counts to file. She raised the issue of whether to charge one count for each child present in a domestic violence incident or just a single charge. She relayed that the decision ultimately rested with the prosecutor.

[8:09:47 PM](#)

Co-Chair Foster set an amendment deadline for Friday, May 3, 2024, at 5:00 p.m.

HB 11 was HEARD and HELD in committee for further consideration.

[8:10:19 PM](#)

#hb68

HOUSE BILL NO. 68

"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 prostitution; relating to sentencing for sex trafficking, patron of a victim of sex trafficking, and human trafficking; establishing the process for vacating judgments for certain convictions of prostitution and misconduct involving a controlled substance; relating to the Council on Domestic Violence and Sexual Assault; relating to permanent fund dividends for certain individuals whose convictions are vacated; and providing for an effective date."

[8:10:46 PM](#)

ANGIE KEMP, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW, introduced herself and her colleague, Ms. Kate Tallmadge, who was the assistant attorney general at the Department of Law (DOL). She explained that Ms. Tallmadge was available to provide a sectional breakdown of the bill if the committee desired. She relayed that human and sex trafficking was a \$32 billion industry worldwide, ranking as the second most profitable criminal enterprise after the illicit sale of controlled substances. She emphasized that the industry specifically targeted vulnerable individuals, with young girls often entering the sex trade at ages as early as 12 to 13. The age was even younger for boys and was typically between 11 and 13 years old. The statistics came from a study conducted by the federal Department of Justice (DOJ) in conjunction with the National Center for Missing and Exploited Children (NCMEC).

Ms. Kemp explained that it was challenging to estimate the number of individuals affected by sex and human trafficking

each year as it was difficult to quantify. However, estimates from DOJ and organizations such as the Polaris Project suggested that as many as 27 million individuals were affected in the United States alone. The number of prosecutions related to human and sex trafficking had been rising. She explained that DOJ had seen a 61 percent rise in referrals for trafficking cases from 2011 to 2020. There was also a growing recognition of the severity of the problem.

Ms. Kemp explained that human and sex trafficking did not occur in a vacuum. She emphasized that traffickers preyed on individuals from various walks of life, including those who were dependent on controlled substances, immigrants, runaways, homeless individuals, and those with mental health concerns. Many of the components in the bill overlapped with these various factors. She explained that traffickers constantly adapted their methods, including finding victims through social media platforms like Instagram that specifically targeted youth.

Ms. Kemp relayed that the Governor's Council on Sex and Human Trafficking had been focused on tackling the issue. In Alaska, efforts to address trafficking included increasing education and awareness, providing support services for victims, enhancing law enforcement, and improving prosecution efforts through legislation and policy.

Ms. Kemp relayed that the bill addressed many of the issues she had mentioned. She explained that it elevated the most serious aspects of sex trafficking crimes to a higher classification. For example, sex trafficking in the first degree, where force was used to induce a person into engaging in a commercial sex act, was raised to an unclassified felony offense, which was the most serious felony in the state.

Ms. Kemp highlighted that the bill introduced specific definitions and examples for recruitment into sex trafficking, emphasizing that the language used in the bill clarified what was meant by "inducing" a person into trafficking. The bill also moved sex trafficking offenses from AS 11.66, to AS 11.41, a move that she argued was important for a variety of reasons.

[8:16:31 PM](#)

Ms. Kemp explained that the change would allow for additional protections for victims, such as limiting the ability for the defense to request psychiatric or psychological evaluations of the victims. The move also allowed for the appointment of a guardian ad litem when a victim was under the age of 16. Additionally, the bill prevented bail for individuals charged with offenses under AS 11.41, prohibited negotiated sentences between victims and defendants, and eliminated the ability for defendants to earn credit for time served through electronic monitoring.

Ms. Kemp shared that the bill was also focused on the demand side of trafficking and it would introduce new classifications for sex trafficking, including first, second, and third-degree sex trafficking. The bill would also create a new crime: patronizing a sex trafficker. The changes were designed to target the demand that fueled the trafficking industry. She reiterated the importance of the legislation in combating sex and human trafficking in Alaska, emphasizing that the bill intended to address both the supply and demand aspects of the issue and increase penalties across the board for various offenses. She explained that the bill recognized the importance of severe deterrence and consequences for those involved in trafficking. She highlighted components of the bill aimed at assisting victims of sex trafficking, such as allowing victims to have prostitution charges removed from their records. She noted that this was a rare provision in criminal law and offered a unique opportunity for individuals who had been trafficked to move forward with their lives.

Ms. Kemp emphasized that the bill was one of many efforts in the state's broader strategy to address sex and human trafficking. She recognized that the bill was part of a multifaceted approach to tackle the widespread problem, raise awareness, and provide support for victims who sought it. She offered to go through the sectional analysis, which would take about 20 minutes. She suggested hearing public testimony before proceeding further.

[8:19:51 PM](#)

Co-Chair Foster OPENED public testimony.

[8:20:34 PM](#)

AMBER NICKERSON, COMMUNITY UNITED FOR SAFETY AND PROTECTION, ANCHORAGE (via teleconference), stated that she opposed HB 68. She did not think that the bill adequately addressed sex trafficking. She argued that allowing the state to charge a sex worker with a Class B felony for prostitution was problematic. She noted that a Class B felony included serious crimes like first-degree burglary and extortion and carried a sentence of up to 10 years in prison and up to \$100,000 in fines. The fiscal note associated with the bill, which listed no additional cost for the Alaska Bureau of Investigations (ABI), was unrealistic. She argued that adding felony-level prostitution offenses would result in increased costs for the state, particularly for investigations and prostitution stings, which she claimed would disproportionately affect marginalized individuals.

Ms. Nickerson was also concerned about the proposed penalties for clients of sex workers. If someone was convicted three times within a five-year period for prostitution in the third degree, the individual would face a Class B felony charge and it would result in a five-year prison sentence. She argued that the increased penalty could discourage clients from reporting criminal activity. She was concerned that the bill's focus on prosecuting clients would undermine efforts to encourage witnesses to report violent offenders in the community. She added that the bill did not address sex trafficking, as it lacked references to force, fraud, or coercion, which were essential elements of trafficking. She expressed her belief that the bill's provisions on prostitution stings would not address the root causes of sex trafficking and would instead criminalize individuals who were often the most vulnerable. She was also concerned about publicly condemning individuals without due process, specifically pointing out the practice of listing arrests in the news and papers before individuals have been found guilty.

Ms. Nickerson relayed that she disagreed with the criminalization of sex work. She noted the discrepancies between the criminal charges for different prostitution offenses. The bill would create harsher penalties for sex workers and clients while offering sex for a fee in the fourth degree was classified as a Class D misdemeanor. She questioned whether the committee cared about the safety of sex workers. She stated that HB 68 would only increase the

stigma and violence faced by sex workers and further criminalize them. She claimed that the bill did not address sex trafficking and criticized the fiscal notes for being unrealistic. She concluded by stating that the bill was harmful and would not effectively address the issue of sex trafficking in Alaska. She also raised concerns about the discredited statistic regarding the age of entry into the sex industry, which she stated had been debunked by multiple sources, including the Washington Post and The Atlantic in 2014.

[8:25:56 PM](#)

TERRA BURNS, ADVOCATE, COMMUNITY UNITED FOR SAFETY AND PROTECTION, FAIRBANKS (via teleconference), shared that she was sex trafficked as a minor and now worked as an advocate. She had been involved in research at the University of Alaska Fairbanks (UAF) that contributed to policy changes in related to prostitution and sex trafficking laws under SB 91, which was passed into law in 2016. She currently also worked as the Research and Policy Director at an organization called Call Off Your Old Tired Ethics (COYOTE), Rhode Island, where she conducted participatory action research with sex workers and trafficking survivors.

Ms. Burns expressed opposition to HB 68, stating that it would only exacerbate sex trafficking in Alaska. She also addressed the discredited statistic regarding the age of entry into the sex industry, which she explained had been debunked by major publications. She questioned why the government would create laws that could increase sex trafficking under the guise of addressing it and questioned the bill's focus on the sex industry over other industries with higher rates of trafficking, such as the fishing industry in Alaska.

Ms. Burns acknowledged that the bill was too complex to address in full within a few minutes. She argued that creating a new provision for felony prostitution and make it a Class B felony would criminalize sex workers who shared hotel rooms for safety, a common practice among sex workers to protect themselves from potential harm. She explained that while current law applied to those who profited from prostitution, it did not apply to sex workers sharing a space for mutual protection.

Ms. Burns shared a personal account of being trafficked as a minor in Fairbanks by her father, noting that houses of prostitution at the time operated with regular payments to police, allowing for safer conditions where victims could seek help from others. She stressed that laws like HB 68, which criminalized safety measures in the sex industry, would leave vulnerable individuals like herself as a child without support systems, thus isolating victims and exacerbating their exploitation.

Ms. Burns argued that the bill would criminalize clients, even those who merely solicited, but did not follow through, for serious felonies. She warned that criminalization would discourage clients who might otherwise help identify and report cases of real sex trafficking from contacting law enforcement, which would hinder efforts to combat actual trafficking. She reiterated that the bill would have negative financial implications and would drive sex trafficking further underground and impose substantial costs on the state. She urged the committee to oppose HB 68.

[8:30:06 PM](#)

MAXINE DOOGAN, COMMUNITY UNITED FOR SAFETY AND PROTECTION, FAIRBANKS (via teleconference), was a member of Community United for Safety and Protection (CUSP), a group composed of current and former sex workers, sex trafficking survivors, and their allies. She shared her personal experience as a sex worker with over 35 years in the industry, stating her intention to continue working for the foreseeable future. She expressed strong opposition to HB 68, primarily due to its fiscal irresponsibility and the negative impact it would have on sex workers and trafficking survivors.

Ms. Dugan relayed that the bill would allow administrative subpoenas for suspected sex trafficking, which would be primarily used against sex workers and trafficking survivors. She argued that the provision violated the U.S. Constitution's Fourth Amendment's privacy protections and would result in significant legal costs for the state. The bill would also allow Alaska's Violent Crimes Compensation Board to order restitution from sex workers and trafficking survivors, such as compensation to families of customers who died while engaging in prostitution. She argued that the provision would unfairly penalize individuals who

engaged in safety practices within the industry that would be criminalized under the bill. She was also concerned with the bill's definition of "fee" and thought that it was too ambiguous particularly relating to the exchange of sex for housing rather than money. She questioned whether the bill intended to exempt clients who paid with housing rather than money, or if it would provide sex workers with clarity on how to define "reasonably appropriated" housing expenses. She urged the committee to not waste additional state resources on prostitution sting operations that could result in the arrest of sex trafficking victims rather than perpetrators.

8:33:21 PM

Representative Galvin noted that many of the testimonies had come from people affiliated with the same organization, and she was curious about potential alternatives or solutions. She asked Ms. Doogan if she had any suggestions for legislation that could address the issue, especially since it seemed that she believed HB 68 would not resolve the problem. She acknowledged the global scale of the trafficking industry and wanted to pursue ideas for effective action.

Ms. Doogan responded that CUSP supported the decriminalization of prostitution, similar to a prior approach in Alaska where prostitution was not criminalized and laws were not enforced. She emphasized that decriminalization allowed individuals in the sex industry to work together in a safer environment, particularly in places like Fairbanks. Historically, the approach had allowed for better communication among sex workers and safer practices, including sharing information about clients who might be dangerous. The conflation of prostitution laws with sex trafficking offenses was problematic. She argued that by criminalizing safety measures like sharing spaces with other sex workers, the legislation was pushing individuals further into danger. She stressed that the focus should be on helping individuals who wanted to get out of the industry, but criminalizing aspects of the sex industry under the umbrella of sex trafficking was not the solution.

Representative Galvin thanked Ms. Doogan for her perspective. She did not think there was a clear answer on how to specifically address sex trafficking.

8:36:45 PM

LYNN TOBEY, SELF, ANCHORAGE (via teleconference), introduced herself and explained that the issue was so important to her that she took the day off work in order to testify. She had been following the legislative process since 2015 and she felt the issue was too important to ignore. She opposed HB 68 as it was currently written.

Ms. Tobey shared a deeply personal story, explaining that her 26-year-old daughter was currently a victim of sex trafficking. She expressed concern that the bill would eliminate opportunities for her daughter to find safety if a sex customer did not report a dangerous situation for fear of being charged with a crime. Her daughter had experienced repeated trauma after being trafficked, and the experience had taken an emotional toll on them both. She described one of the most harrowing recent encounters with her daughter. On March 30, 2024, she had received a call from an unknown number, hearing her daughter's voice and an intense argument in the background. The call was quickly ended. After several attempts to call back with no response, an hour later, she received a text message from the same number, requesting Ms. Tobey to come pick up her daughter from a local gas station. When she arrived at the gas station, her daughter was not there. As she frantically searched, she eventually found her daughter walking in the parking lot of a nearby hotel, with a bloody nose and visibly shaken. Once her daughter entered the vehicle, she urgently asked to leave the area. Her daughter then disclosed that she was being prostituted and that the perpetrator had tried to kill her. In shock, her daughter was unwilling to talk about her current situation, a direct result of the conditioning she had experienced.

Ms. Tobey relayed that she had offered to get her daughter medical help, but her daughter declined, only asking to take a shower and change into clean clothes. She also requested to rest in a safe place and eat. Despite her offer to take her daughter to safety, her daughter requested that the trafficker pick her up, as she was going into heroin withdrawal.

Ms. Tobey highlighted that Alaska lacked sufficient resources for victims of sex trafficking, particularly those who have suffered into adulthood. There were no

emergency shelters or specialized counselors available to serve the unique needs of such victims. She was strongly opposed to HB 68 and she thought that incorrectly charging victims of sex trafficking with felonies would further inhibit their chances of recovery and reintegration. She urged that there should be increased awareness about what human trafficking looked like and hoped the committee would oppose the bill.

[8:41:09 PM](#)

AJELA BANKS, SELF, ANCHORAGE (via teleconference), indicated that she was a survivor, not a victim. She explained that she was representing a lineage of silent women who had been manipulated into appearing as victims within their communities. She thought that HB 68 would perpetuate the harmful dynamic, making it harder for women to escape their situations. She shared that while she agreed with some aspects of the bill, she could not fully support it. She felt that the approach being used to combat sex trafficking was disingenuous, describing it as "gaslighting." She had repeatedly spoken to the FBI, police officers, and other agencies, but she had not been helped. Many of her clients were military police officers and she felt that individuals who were meant to be responsible for helping her were not recognizing their own roles in enabling trafficking.

Ms. Banks shared that her experiences with authorities led to further victimization, ultimately resulting in her being convicted of conspiracy to sex traffic at the age of 19. She expressed frustration that those who were supposed to help her were instead contributing to her victimization. She had only been known in the community of Anchorage as a sexually exploited, missing foster child. Her case was part of a task force operation involving both state and federal police. She expressed frustration that the standard process for handling her case was neglected. She thought that HB 68 would make it easier for perpetrators to act in a misogynistic manner and avoid facing consequences for their actions. She relayed that she was still seeking relief, though she felt she had gained a better understanding of the issues at hand.

[8:44:22 PM](#)

MICHELLE OVERSTREET, FOUNDER AND CEO, MY HOUSE, WASILLA (via teleconference), relayed that she was the founder and CEO of My House, a homeless youth drop-in center in Wasilla. Her organization offered wraparound services, case management, transitional housing, and job training, along with a human trafficking awareness and service program. She shared that there were programs in Alaska designed to help young people escape human trafficking, with her organization working specifically with clients aged 14 to 26. She explained that while only 3 percent of new clients initially reported being trafficked, the figure increased to approximately 13 percent as clients engaged further with the services. She mentioned that in February of 2023, seven new intakes occurred, and among them, two-thirds reported experiencing trafficking.

Ms. Overstreet was in support of HB 68 because it would increase penalties for trafficking and provide important legal protections for trafficking victims. She emphasized the need for more legal protections for young people being groomed and recruited for trafficking, as well as for those attempting to escape it. She stressed the importance of offering survivors support tools, such as expunging low-level criminal records, job training to help survivors secure self-sustaining careers, and expanding educational curricula to raise awareness about the dangers of grooming and safe online practices.

Ms. Overstreet relayed that she strongly disagreed with arguments from individuals in the prostitution business who opposed HB 68, suggesting that their ultimate goal was to legalize prostitution. She argued that in areas where prostitution had been legalized, human trafficking had increased, and the bill was a necessary step for Alaska. She thought that HB 68 would help protect Alaska's most vulnerable populations by addressing serious issues like child sexual abuse, sexual assault, domestic violence, and addiction.

[8:48:33 PM](#)

STACI YATES, DIRECTOR OF HUMAN TRAFFICKING RECOVERY SERVICES, MY HOUSE, WASILLA (via teleconference), shared that she was a survivor of sex trafficking the Director of Human Trafficking Recovery Services at My House. She also chaired the Alaska Stop Human Trafficking Alliance (ASHTA) and sat on the Governor's Council on Human and Sex

Trafficking. She strongly supported HB 68, emphasizing the bill's importance in protecting victims' rights. There were alarming statistics about child abuse and sexual assault in Alaska. She referenced a 2019 FBI Uniform Crime Report, which indicated that Alaska's rate of sexual assault was nearly four times the national average, and child sexual assaults were nearly six times the national average.

Ms. Yates shared that a 2012 World Development Study found that countries that legalized prostitution tended to experience higher rates of human trafficking. She explained that while there was a theoretical opposing effect where demand for trafficked might decrease, the actual effect was that legalized prostitution expanded the prostitution market and increased prostitution. She argued that prostitution was not a victimless crime, as many involved individuals had been sexually abused as children. She thought that HB 68 was crucial because it held buyers of sex accountable, especially when they exploited trafficked individuals or children.

Ms. Yates explained that HB 68 would empower survivors to testify against perpetrators and would also include age-appropriate education on trafficking and online safety for youth. She stressed that it was important to teach children early on how to recognize grooming tactics and protect themselves. The bill would also offer vital support to survivors by expunging their criminal records, which would help survivors regain access to employment and housing opportunities. She urged support for the bill.

[8:52:19 PM](#)

DELAYNA WEST, SELF, HOMER (via teleconference), expressed her support for HB 68. She echoed Ms. Yates' sentiments and thought that while the bill might not be a perfect solution, it was a crucial first step toward protecting survivors and victims of trafficking. She argued that HB 68 was a positive move in the right direction. She relayed that it was important to address the issue of human trafficking in Alaska. She acknowledged that while it might not be possible to fix the problem on a global scale, Alaska could take action to make a significant difference for its women and children. She urged the committee to support the bill.

Co-Chair Foster noted that there were some individuals who had been waiting to present fiscal notes and there was interest in reviewing the sectional analysis of the bill. He proposed beginning the next morning's meeting at 8:30 a.m. and not 9:00 a.m. to accommodate the additional agenda items.

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Co-Chair Foster indicated that the committee would proceed with the fiscal notes, ensuring that those who had waited for hours would have their time respected. Public testimony would remain open in case additional individuals wished to testify the following morning. The sectional analysis and a summary of the bill's changes would also be reviewed in the morning.

[8:56:05 PM](#)

JAMES STINSON, DIRECTOR, OFFICE OF PUBLIC ADVOCACY, DEPARTMENT OF ADMINISTRATION (via teleconference), reviewed the fiscal impact note from the Department of Administration (DOA) with OMB component 43 and control code vNSYS. He explained that there were several ways the fiscal note could have been approached, but he had ultimately decided to add a defense investigator position at a cost of \$128,600. He noted that while it was difficult to predict how many cases would come to the agency, the cases that did would have serious penalties, requiring investigative services.

Representative Tomaszewski asked why the OMB component was the same as the OMB component in the fiscal notes for HB 11, despite having a different control code.

Mr. Stinson responded that OMB component 43 was always attached to fiscal notes for the Office of Public Advocacy (OPA) and that he had never seen a different one used.

Representative Josephson asked why the department needed half the amount of money as was needed for HB 11 when HB 68 was much longer.

Mr. Stinson responded that there were multiple crime bills currently circulating and he was not sure which ones would pass or in which order. He erred on the conservative side for his estimates for HB 68 because it seemed as though HB 11 and HB 68 were moving at a similar pace. He explained that HB 68 was extensive, but much of the conduct was often captured by the federal government and he was uncertain how many cases the state would receive. He relayed that the state would need in-house defense investigator services. He noted that an agency could quickly become overwhelmed by a variety of crime bills.

Representative Galvin asked how many sex trafficking cases there were in 2024.

Mr. Stinson responded that the question would probably be better suited for the court system, as it maintained the total number of filings in the state. He explained that he could pull OPA's internal data, but would need to follow up with the information. He could obtain the number of unclassified felonies that had come to the agency and identify which of those were sex offenses. He noted that the bill would involve creating new conduct and enhancing penalties, which contributed to the concern regarding the workload of the bill.

Representative Galvin understood that it was difficult to assess the impact without knowing the specifics of the new crime proposed by the bill. She asked if her understanding was correct.

Mr. Stinson responded in the affirmative. He explained that it was unclear how many of the offenses would ultimately reach the agency, but the cases that did would be serious and require a significant amount of work. He suggested that the court system provide additional insight on the matter.

[9:01:13 PM](#)

NANCY MEADE, GENERAL COUNSEL, ALASKA STATE COURT SYSTEM, stated that she had data on the number of sex trafficking cases, convictions, and charges over the last ten years. She relayed that there had been very few such cases. The Federal U.S. Attorney's Office handled some sex trafficking cases in Alaska, but the state had experienced between one and four cases per year. She pointed out that in 2017, there had been seven cases, which were likely the result of

a single case with multiple charges. The range of cases had generally been between one and four each year.

Representative Galvin asked why it would be necessary to add an entire defense investigator position in order to implement the bill considering that the average number of cases over the past ten years had been only two per year.

Mr. Stinson explained that the issue was not solely the number of cases but also the existing backlog and the ongoing workload. He emphasized that without adding fiscal notes to address the anticipated workload, the agency would quickly become overwhelmed. Committees generally preferred to avoid indeterminate fiscal notes, as failing to appropriately resource the agency would exacerbate existing challenges. He explained that OPA operated as multiple independent law firms under one central administrative umbrella. There were some sections within OPA that had as few as two attorneys, which further complicated resource allocation and underscored the need for additional support. The major crime unit in Anchorage was lacking an in-house investigator and the fiscal note addressed an existing need that would be exasperated by an additional bill.

Representative Galvin agreed that it would not be wise to grow in the area of unfunded mandates.

[9:04:20 PM](#)

TERRANCE HAAS, PUBLIC DEFENDER, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION (via teleconference), reviewed the fiscal impact note from DOA with OMB component 1631 and control code QYxCX. He explained that PDA was requesting a single staff position to address the administrative burden created by the increased registration requirements. However, the fiscal note reflected the realities of several bills that had been considered together.

SYLVAN ROBB, DIRECTOR, DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING, DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, reviewed the zero fiscal impact note was for OMB Component number 2360 and control code MRisl. She explained that the bill required the board to deny a license, prevent the renewal of a license, and revoke a license for life for anyone convicted of certain crimes, for 15 licensed professions. She anticipated that the Division of Corporations, Business,

and Professional Licensing could absorb the workload created by this bill.

TERI WEST, ADMINISTRATIVE SERVICES DIRECTOR, DEPARTMENT OF CORRECTIONS (via teleconference), reviewed the fiscal impact note from the Department of Corrections with OMB component 1381 and control code Mhybr. She explained that the fiscal note submitted was indeterminate, as the department was unable to predict how many people would be convicted of the offense or how long the actual incarceration time would be. The department would track and monitor the impacts on population growth within their institutions.

[9:07:31 PM](#)

KELLY MANNING, DEPUTY DIRECTOR, DIVISION OF INNOVATION AND EDUCATION EXCELLENCE, DEPARTMENT OF EDUCATION and EARLY DEVELOPMENT (via teleconference), stated that Department of Education and Early Development (DEED) had submitted a fiscal impact note with control code SuqIJ that included costs for year one and out-year costs associated with the development of curriculum related to human and sex trafficking. She specified that the year one cost for the fiscal note was \$66,000, which would be used for the development of the course. There would be a number of one-time costs associated with the development of the course, such as working with stakeholders to engage in content development and collaborating with the e-learning content provider to integrate the course content into an appropriate e-learning delivery model for the learning management system. She specified that \$25,000 had been allocated for the process, as well as stipends for the participants involved in the development. There would also be an estimated \$6,000 in legal costs to update teacher certification requirements. The educational content would be loaded onto the e-learning platform in two delivery methods: one for educators and one designed for student safety that educators could use to teach students. She also mentioned that \$5,000 per year would be allocated for course updates, as the department regularly reviewed and updated its e-learning content to ensure it remained current and relevant.

Co-Chair Foster noted that the fiscal note corresponded to OMB component 2796. He relayed that the next fiscal note was meant to be presented by Ms. Deb Riddle, but she was

not available. The committee would return to the fiscal note the following morning.

9:10:23 PM

Ms. Kemp relayed that DOL had submitted a zero fiscal note for OMB component 2202 with control code hqUCq. The department could absorb the litigation without the need for additional positions.

Representative Galvin asked if the department anticipated more cases, given the impact on other departments, and wondered whether it was feasible for DOL to absorb these potential cases.

Ms. Kemp responded that the department's zero fiscal note was consistent with the court system's description. She explained that the number of sex trafficking or human trafficking cases referred to DOL in the past four years had been low, with only 10 cases in total according to the case management system. She clarified that sex trafficking was not a commonly charged statute and the department believed it could absorb any additional litigation resulting from the bill. She offered assurance that the department would continue to assess the situation.

Representative Galvin understood that some departments anticipated an increase in cases, while others did not. She asked if the term "indeterminate" might better describe the situation.

Ms. Kemp responded in the affirmative. The department thought that it presently could absorb the litigation. She explained that any case that entered the system required DOL's involvement, but based on the numbers, the department felt confident in its ability to manage the cases. She also noted that while the case numbers reflected referrals, the court system's numbers only included cases that were formally charged, which meant there might be referrals that were never formally charged but still required the department's review.

9:12:57 PM

Ms. Purinton stated that the Department of Public Safety (DPS) had three fiscal notes. The first was related to OMB component 3200 with control code pGFih and would fund the

Criminal Justice Information Systems Program. She explained that the program was within the Division of Statewide Services and managed the state's criminal history repository. She relayed that a key aspect of the bill included the option for a "vacation of judgment," which would allow individuals to have certain prostitution charges withheld from being displayed on certain background checks. In order to implement the change, the state's repository would need to be reprogrammed as it currently operated on a legacy mainframe system. As a result, DPS would need to contract the work to specialized contractors. The one-time cost for reprogramming would be \$42,000, based on the department's prior experience in contracting for similar changes to the mainframe.

Ms. Purinton continued that the second fiscal note, for OMB component 521 with control code pHRKv, related to the CDVSA and was a zero fiscal impact note. The department did not expect the bill to have any significant impact on CDVSA's operations.

Ms. Purinton relayed that the third fiscal note, for OMB Component 2744 with control code TYvwB, related to the Alaska State Troopers and the Alaska Bureau of Investigation. The department did not anticipate a significant fiscal impact from the bill and it was confident that it could absorb any additional costs with existing resources.

[9:15:22 PM](#)

Ms. Meade reviewed the fiscal note from the Alaska Court System for OMB component 768 and control code psCmq. The provisions of the bill related to enhanced crimes and the reclassification of sex trafficking crimes would not have a significant fiscal impact on the court system as the number of cases were not expected to rise due to the provisions in the bill. However, the provision that would allow a person with an existing conviction for prostitution to seek to vacate the conviction if the individual could establish that they had been a victim of sex trafficking would have a fiscal impact. She explained that the court system would need to hire a temporary four-month attorney for a one-year cost of \$37,700 in FY 25 to implement the procedure. The attorney would be responsible for developing forms related to the new procedure and possibly handling hearings related to the cases.

Co-Chair Foster noted that there was one fiscal note remaining which would be covered in the following morning. He reiterated that public testimony would remain open and the committee would address both the fiscal note and questions tomorrow.

HB 68 was HEARD and HELD in committee for further consideration.

Co-Chair Foster reminded the committee that the amendment deadline was tentatively set for Friday, May 3, 2024, at 5:00 p.m. He intended to recess the meeting until the morning.

[The meeting reconvened at 8:32 a.m. on May 4, 2025.]

#  
ADJOURNMENT

[9:18:36 PM](#)

The meeting was adjourned at 9:18 p.m.