

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

May 5, 2023

1:04 p.m.

**MEMBERS PRESENT**

Representative Sarah Vance, Chair  
Representative Ben Carpenter  
Representative Craig Johnson  
Representative David Eastman  
Representative Andrew Gray  
Representative Cliff Groh

**MEMBERS ABSENT**

Representative Jamie Allard, Vice Chair

**COMMITTEE CALENDAR**

HOUSE BILL NO. 129

"An Act relating to voter registration; and providing for an effective date."

- HEARD & HELD

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 11

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

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 129

SHORT TITLE: VOTER REGISTRATION

SPONSOR(s): JUDICIARY

03/22/23	(H)	READ THE FIRST TIME - REFERRALS
03/22/23	(H)	STA, JUD
03/28/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/28/23	(H)	Scheduled but Not Heard
03/30/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/30/23	(H)	Heard & Held
03/30/23	(H)	MINUTE(STA)
04/27/23	(H)	STA AT 3:00 PM GRUENBERG 120
04/27/23	(H)	Moved CSHB 129(STA) Out of Committee

04/27/23 (H) MINUTE (STA)  
 04/28/23 (H) STA RPT CS (STA) 5DP 2AM  
 04/28/23 (H) DP: CARPENTER, C. JOHNSON, ALLARD,  
 WRIGHT, SHAW  
 04/28/23 (H) AM: ARMSTRONG, STORY  
 05/01/23 (H) JUD AT 1:00 PM GRUENBERG 120  
 05/01/23 (H) Heard & Held  
 05/01/23 (H) MINUTE (JUD)  
 05/03/23 (H) JUD AT 1:00 PM GRUENBERG 120  
 05/03/23 (H) Heard & Held  
 05/03/23 (H) MINUTE (JUD)  
 05/05/23 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 11

SHORT TITLE: CRIME: ASSAULT IN THE PRESENCE OF A CHILD  
 SPONSOR(S): JOSEPHSON

01/19/23 (H) PREFILE RELEASED 1/9/23  
 01/19/23 (H) READ THE FIRST TIME - REFERRALS  
 01/19/23 (H) JUD, FIN  
 01/25/23 (H) SPONSOR SUBSTITUTE INTRODUCED  
 01/25/23 (H) READ THE FIRST TIME - REFERRALS  
 01/25/23 (H) JUD, FIN  
 01/27/23 (H) JUD AT 1:00 PM GRUENBERG 120  
 01/27/23 (H) Heard & Held  
 01/27/23 (H) MINUTE (JUD)  
 04/21/23 (H) JUD AT 1:00 PM GRUENBERG 120  
 04/21/23 (H) <Bill Hearing Canceled>  
 04/24/23 (H) JUD AT 1:00 PM GRUENBERG 120  
 04/24/23 (H) <Bill Hearing Canceled>  
 05/05/23 (H) JUD AT 1:00 PM GRUENBERG 120

**WITNESS REGISTER**

JAKE ALMEIDA, Staff  
 Representative Sarah Vance  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Offered information on amendments to CSHB 129(STA) on behalf of the House Judiciary Standing Committee, sponsor by request, chaired by Representative Vance.

LORI WILSON  
 Division of Elections  
 Office of the Lieutenant Governor  
 Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSHB 129(STA).

MICHAEL SHAFFER  
Office of Victims' Rights  
Legislative Agencies and Offices  
Anchorage, Alaska

**POSITION STATEMENT:** Gave invited testimony during the hearing on HB 11.

JOHN SKIDMORE, Deputy Attorney General  
Criminal Division  
Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SSHB 11.

REPRESENTATIVE ANDY JOSEPHSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, answered questions during the hearing on SSHB 11.

#### **ACTION NARRATIVE**

[1:04:35 PM](#)

**CHAIR SARAH VANCE** called the House Judiciary Standing Committee meeting to order at 1:04 p.m. Representatives Carpenter, C. Johnson, Eastman, Gray, Groh, and Vance were present at the call to order.

#### **HB 129-VOTER REGISTRATION**

[1:05:20 PM](#)

CHAIR VANCE announced that the first order of business would be HOUSE BILL NO. 129, "An Act relating to voter registration; and providing for an effective date." [Before the committee was CSHB 129(STA).]

CHAIR VANCE opened public testimony on CSHB 29(STA). After ascertaining that no one wished to testify, she closed public testimony.

[1:06:12 PM](#)

REPRESENTATIVE CARPENTER moved to adopted Amendment 1 to CSHB 29(STA), labeled 33-LS0668\B.7, Klein, 5/4/23, which read:

Page 1, line 6:

Delete "nonforwardable"

Insert "forwardable [NONFORWARDABLE]"

Page 2, line 7, following "(C)":

Insert "permanently"

Page 2, lines 8 - 14:

Delete all material and insert:

"(D) served on a jury in another state;  
(E) received benefits under a claim of  
residency in another state, territory, or country; or  
(F) established residence in another state,  
territory, or country, based on information from the  
United States Postal Service national change of  
address program."

REPRESENTATIVE GRAY objected.

REPRESENTATIVE EASTMAN objected.

[1:06:29 PM](#)

JAKE ALMEIDA, Staff, Representative Sarah Vance, Alaska State Legislature, explained Amendment 1 on behalf of the House Judiciary Standing Committee, sponsor by request, chaired by Representative Vance. The proposed amendment would change "nonforwardable" to "forwardable" on page 1, line 6 to comply with the National Voter Registration Act (NVRA). He reminded the committee that the bill would change the state's current two-notice system to a one-notice system, which must be forwardable to be in compliance with the NVRA. Secondly, Amendment 1 would add "permanently" on page 2, line 7, following "(C)" and clean up the indicators on page 2, lines 8-14.

[1:08:54 PM](#)

REPRESENTATIVE GRAY asked whether a snowbird with a permanently registered vehicle in another state would trigger the voter registration system each year.

MR. ALMEIDA said that was not the intent. He pointed out that Section 1 focused on individuals who failed to communicate with the Division of Elections (DOE) or vote within the past two

years. Theoretically, if snowbirds were voting in every general election, they would not receive notice from the division, he said.

REPRESENTATIVE GRAY asked how the division would check whether a person had served on a jury in another state, per subparagraph (D).

MR. ALMEIDA shared his understanding that information would be gathered from secretaries of state in other states, or systems, such as the Electronic Registration Information Center (ERIC).

REPRESENTATIVE GRAY inquired about the communication between states regarding an individual's permanently registered vehicle. He asked how the provision would be enforced and whether such enforcement would require additional resources.

CHAIR VANCE clarified that [page 2, lines 8-14] were not required of the division. The indicators were simply a mechanism to determine whether registered voters were no longer Alaska residents, which would trigger a notice from the division, thereby creating an opportunity for the voter to respond.

[1:12:50 PM](#)

REPRESENTATIVE EASTMAN asked how many days a person must reside in Alaska to be eligible to vote in a given year.

MR. ALMEIDA shared his belief that the answer was 30 days; nonetheless, he directed the question to Ms. Wilson for confirmation.

[1:13:13 PM](#)

LORI WILSON, Division of Elections (DOE), Office of the Lieutenant Governor, clarified that an individual could register to vote upon claiming residency in Alaska; however, that person must be registered 30 days before the election to be eligible to vote.

REPRESENTATIVE EASTMAN asked whether the 30-day requirement applied to people voting in the presidential election only.

MS. WILSON indicated that same-day registration was allowed for the presidential election, in which case, the individual would vote a question ballot or absentee in-person ballot and the form

would be used to register him/her to vote. In that scenario, only the vote for president and vice president would be counted.

REPRESENTATIVE EASTMAN asked whether a person was required to spend the 30 days before each election in Alaska once his/her Alaska residency had been established.

MS. WILSON said once a voter is registered to vote in Alaska, that person can continue to vote in Alaska unless he/she registers to vote in another state.

[1:15:52 PM](#)

REPRESENTATIVE EASTMAN inquired about the consequences for voting in another state.

MS. WILSON said if an individual were to register to vote in another state, DOE would be notified of the registration, and that person's Alaska registration would be canceled.

REPRESENTATIVE EASTMAN asked whether there was "temporary vehicle registration" in Alaska.

MS. WILSON directed the question to Mr. Almeida.

[1:17:23 PM](#)

MR. ALEMDIA offered to follow up with the requested information.

CHAIR VANCE claimed that a temporary registration was issued when buying a car. She pointed out that Amendment 1 added the word "permanently" as a marker for registered vehicles because many people buy cars from out of state.

REPRESENTATIVE EASTMAN said he was unfamiliar with a temporary registration. He expounded on the distinction between temporary and permanent registrations.

CHAIR VANCE asked whether, in Representative Eastman's opinion, the intent of Amendment 1 was impeded in any way.

REPRESENTATIVE EASTMAN suggested removing both "temporary" and "permanently" to focus solely on vehicle registration.

[1:20:55 PM](#)

REPRESENTATIVE EASTMAN questioned the deletion of subparagraph (G) from page 2, lines 12-14 of the bill and the intent of subparagraph (F) in Amendment 1.

CHAIR VANCE relayed that the United States Postal Service's (USPS's) national change of address program was not being offered to Alaska at this time. For that reason, she believed that "established residence in another state, territory, or country" provided more flexibility as an indicator, as opposed to prescriptive language specifically referring to the national change of address program.

REPRESENTATIVE EASTMAN opined that the current wording "established residence" could set a higher threshold for the division.

[1:24:10 PM](#)

The committee took a brief at-ease.

[1:24:50 PM](#)

REPRESENTATIVE GRAY moved to adopt Conceptual Amendment 1 to Amendment 1 to delete all material on lines 5-6 of Amendment 1. There being no objection, it was so ordered.

REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment 2 to Amendment 1, as amended, to include "may have" on line 13 of Amendment 1 prior to the word "established."

CHAIR VANCE objected for purpose of discussion.

[1:25:31 PM](#)

REPRESENTATIVE EASTMAN explained that the proposed conceptual amendment would allow the division to look into a person's residency that may or may not have been established in another state.

REPRESENTATIVE CARPENTER explained his opposition to Conceptual Amendment 2 to Amendment 1, as amended. He pointed out that none of the other indicators included the words "may have". For that reason, he characterized the proposed conceptual amendment as a "distinction without a point."

CHAIR VANCE agreed with Representative Carpenter.

[1:27:12 PM](#)

REPRESENTATIVE GRAY pointed out that establishing residence was a nebulous concept, adding that the requirements varied from state to state. He stated his support for Conceptual Amendment 2, opining that the suspicion of established residence should be enough to trigger an investigation. He argued that without the conceptual amendment, the notice could not be triggered without knowing the meaning of "established residence."

REPRESENTATIVE CARPENTER said regardless of the specific requirements for establishing residency in another state, they must be met to become a resident. Therefore, when the division looks into a person's declared residency in another state, the answer would either be yes or no, not somewhere in between.

REPRESENTATIVE EASTMAN replied that in a perfect world that may be true; however, he asserted that not every state had a clear method for establishing residency.

CHAIR VANCE contended that most states did have well-defined residency laws. She reiterated the provision in question would simply trigger a notice to begin the conversation, as opposed to automatic removal from the voter rolls. She opined that the language should remain as drafted.

[1:30:32 PM](#)

REPRESENTATIVE EASTMAN withdrew Conceptual Amendment 2 to Amendment 1, as amended.

REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment [3] to Amendment 1, as amended, to reinsert subparagraph (G) back into the bill.

CHAIR VANCE objected.

[1:32:06 PM](#)

The committee took a brief at-ease.

[1:32:45 PM](#)

CHAIR VANCE clarified that Conceptual Amendment [3] to Amendment 1, as amended, would add subparagraph (G) [on page 2, lines 12-14] back into the bill.

REPRESENTATIVE EASTMAN confirmed that is correct.

REPRESENTATIVE CARPENTER objected for purposes of discussion and asked whether the sponsor was comfortable with the conceptual amendment. He asked why Amendment 1 initially removed subparagraph (G) from the bill.

[1:33:17 PM](#)

CHAIR VANCE reasoned that the language in subparagraph (G), "moved to a different residence", was addressed by the language in subparagraph (F) of Amendment 1, "established residence in another state". She argued that the deletion of subparagraph (G) and the subsequent replacement of subparagraph (F) offered a more definitive marker of residency.

REPRESENTATIVE CARPENTER agreed that there was a distinction between establishing residency and moving to a different residence. He maintained his objection to Conceptual Amendment [3] to Amendment 1, as amended.

REPRESENTATIVE EASTMAN pointed out that the reason for the indicators was to determine whether an individual had established residency in another state. For that reason, he posited that there was no reason to include "established residence in another state" as an indicator to trigger an investigation as to whether an individual had established residency in another state.

REPRESENTATIVE GRAY opined that the national change of address program would provide good evidence that a person had left the state permanently. He acknowledged that the program was not offered in Alaska at this time; nonetheless, he suggested that keeping the language in the bill may be helpful, as the program could be the primary resource in the future.

[1:36:07 PM](#)

REPRESENTATIVE C. JOHNSON questioned the meaning of a temporary change of address.

REPRESENTATIVE GRAY explained that with a temporary change of address, a person can request that mail be forwarded up until a specific date.

REPRESENTATIVE C. JOHNSON expressed his confusion as to the meaning of a temporary resident. He asked how often temporary residents would be notified by USPS.

REPRESENTATIVE EASTMAN explained that when changing one's address, USPS offered two options: permanent change of address or temporary change of address accompanied by a specific end date. He noted that the choice could be amended at any time.

REPRESENTATIVE C. JOHNSON opined that the process [of continually forwarding mail] would provide a loophole for voters by allowing someone who had no intention of returning to the state to vote in Alaska and affect the elections in a nefarious way.

[1:39:54 PM](#)

REPRESENTATIVE EASTMAN considered a scenario in which a person had set up mail forwarding services with USPS. He asked whether an official ballot from DOE would be forwarded to the new address.

MS. WILSON shared her understanding that ballots were not forwardable.

REPRESENTATIVE GRAY reported that the maximum temporary forwarding was six months, per the USPS website. To extend the forwarding longer than six months, the service must be reapplied for.

REPRESENTATIVE CARPENTER reiterated that a ballot would never be forwarded.

CHAIR VANCE asked whether the provision would be a useful tool for the division.

[1:41:45 PM](#)

MR. ALMEIDA shared his understanding that the state, as a member of ERIC, was indirectly receiving information from the national change of address program.

MS. WILSON said that was her understanding as well.

REPRESENTATIVE C. JOHNSON posited that Conceptual Amendment [3] to Amendment 1, as amended, was unnecessary, as the state was

already receiving the information [from the national change of address program via ERIC].

REPRESENTATIVE EASTMAN argued the opposite. He said regardless of whether the state received the information from ERIC or USPS, the goal was to act on it. He pointed out that removing subparagraph (G) would tell the division not to act on the information.

[1:43:19 PM](#)

A roll call vote was taken. Representatives Eastman, Gray, and Groh voted in favor of Conceptual Amendment [3] to Amendment 1, as amended. Representatives Carpenter, C. Johnson, and Vance voted against it. Therefore, Conceptual Amendment [3] to Amendment 1, as amended, failed to be adopted by a vote of 3-3.

[1:44:00 PM](#)

REPRESENTATIVE C. JOHNSON asked for a refresher on Amendment 1, as amended, before the vote.

CHAIR VANCE reminded the committee that the only change to Amendment 1, as amended, was the deletion of lines 5-6.

[1:44:29 PM](#)

A roll call vote was taken. Representatives Carpenter, C. Johnson, Gray, Groh, and Vance voted in favor of Amendment 1, as amended. Representative Eastman voted against it. Therefore, Amendment 1, as amended, was adopted by a vote of 5-1.

[1:45:08 PM](#)

The committee took a brief at-ease.

[1:45:21 PM](#)

REPRESENTATIVE CARPENTER moved to adopt Amendment 2 to CSHB 129(STA), as amended, labeled 33-LS0668\B.8, Klein, 5/4/23, which read:

Page 3, line 18, through page 4, line 1:

Delete all material and insert:

"(g) The division shall adopt regulations providing for regular review and updates of the master register. The regulations must provide for review of

the register for data breaches, the number of registered voters compared to persons eligible to vote in the state, and the names of deceased voters, persons convicted of a felony involving moral turpitude, persons not qualified to vote under AS 15.05, and persons registered to vote in another state. The regulations must specify records and databases for use in reviewing the master register; the records and databases must include databases sourced from governmental agencies outside the division, including the United States Postal Service national change of address database, the database of permanent fund dividend recipients, Alaska Court System databases, state motor vehicle records, records of the state programs of corrections, property and sales tax records, records of the federal social security system, municipal assessor databases, the United States Social Security Administration death index, an alien database maintained by the United States Department of Homeland Security, and jury duty records from other jurisdictions. The director shall compare the master register to state welfare and public assistance agency databases to identify information relevant to registration to vote in state elections, including address changes, deaths, and citizenship status, and shall review the number of voters registered at each registration address to identify anomalous registration totals."

REPRESENTATIVE EASTMAN objected.

[1:45:33 PM](#)

MR. ALEMIDA explained that Amendment 2 would re-write subsection (g) on page 3, line 18 through page 4, line 1 of the bill. He read the new language, indicating that the main changes occurred on lines 10-12 of Amendment 2.

[1:47:36 PM](#)

REPRESENTATIVE GRAY asked whether the division supported Amendment 2.

MS. WILSON did not know and offered to follow up with an answer.

[1:48:15 PM](#)

REPRESENTATIVE EASTMAN asked what the division would do with the information after conducting the review.

MS. WILSON deferred to the maker of the amendment.

CHAIR VANCE said the language required DOE to review the register and decide whether registrants should remain on the list.

[1:49:19 PM](#)

REPRESENTATIVE EASTMAN expressed concern that there was no mechanism for the division to fix the anomalies. He questioned whether specific recourse should be added to the proposed amendment.

CHAIR VANCE pointed out that there were other mechanisms in the legislation that would allow the division to take action.

REPRESENTATIVE EASTMAN asked what options were available to the division in terms of the information gathered from the review.

CHAIR VANCE directed attention to subsection (h) on page 4, which established reporting requirements for the director.

REPRESENTATIVE EASTMAN said he did not read subsection (h) in the same way. He maintained his belief that the division lacked any authority to take action [on the information]. He asked whether the division could offer insight on the provision.

[1:54:26 PM](#)

REPRESENTATIVE CARPENTER asked whether the division would need to adopt regulation to interface with the new database and whether they would need explicit direction to act on the gathered information.

MS. WILSON explained that information was researched and confirmed before inactivating a voter's record in the system. She acknowledged that there were bad actors who continually try to access governmental databases to which the division and its partners continue to monitor the voter list and absentee applications and actively prepare for unlawful election interference. She assured the committee that DOE would bring the Department of Law (DOL) into any situation that warranted further attention.

[1:57:04 PM](#)

REPRESENTATIVE EASTMAN asked whether the division had the authority to unilaterally act on new information indicating that a person should no longer be eligible to vote in Alaska.

MS. WILSON pointed out that simply living out of state and participating in Alaska's elections did not constitute fraud. she acknowledged that there was no investigative unit in the division; nonetheless, she reiterated that DOE would advance any concerns that arose to DOL.

[1:59:14 PM](#)

REPRESENTATIVE C. JOHNSON considered a scenario in which a voter moved out of state and neglected to cancel his/her Alaska voter registration. If that person were to register to vote in another state, he asked whether that was grounds for immediate removal from Alaska's voter registration list.

MS. WILSON said upon registering to vote in another state, that state would send DOE a notification, thereby effectively cancelling that person's Alaska voter registration.

REPRESENTATIVE C. JOHNSON sought to confirm that an investigation would not be needed in that scenario and the individual would be removed from the voter registration list in Alaska.

MS. WILSON clarified that the individual would be placed on inactive status and shown as registered elsewhere.

[2:01:45 PM](#)

REPRESENTATIVE EASTMAN opined that Alaska would get the message from another state only if the individual took the initiative to contact the new state in which they registered.

[2:03:10 PM](#)

The committee took a brief at-ease.

[2:04:29 PM](#)

REPRESENTATIVE C. JOHNSON called the question.

[2:04:47 PM](#)

A roll call vote was taken. Representatives Carpenter, C. Johnson, and Vance voted in favor of Amendment 2. Representatives Groh, Eastman, and Gray voted against it. Therefore, Amendment 2 failed by a vote of 3-3.

[2:05:22 PM](#)

CHAIR VANCE announced that CSHB 129(STA), as amended, would be held over.

[2:05:40 PM](#)

The committee took a brief at-ease.

**HB 11-CRIME: ASSAULT IN THE PRESENCE OF A CHILD**

[2:06:50 PM](#)

CHAIR VANCE announced that the final order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 11, "An Act establishing the crime of assault in the presence of a child."

CHAIR VANCE opened invited testimony.

[2:07:24 PM](#)

MICHAEL SHAFFER, Office of Victims' Rights, Legislative Agencies and Offices, gave invited testimony during the hearing on SSHB 11. He highlighted the importance of the proposed legislation because of the impact that witnessing violence has on children under the age of 16. He reported that when children witnesses violence, it directly affects their brain development, specifically the cerebral cortex. Even children as young as six months old can be affected by violence occurring around them. In addition to the physical impact, he acknowledged the emotional and psychological effects of observing violence. He discussed the importance of domestic violence intervention programs for people capable of committing violent crimes around children. He opined that the bill was long overdue, noting that the Municipality of Anchorage (MOA) had the crime "on the books" for over twenty years and consequently, it had been tested in terms of appellate law. He acknowledged that the bill wouldn't add much in the way of resources for law enforcement or prosecutors; nonetheless, it would help to better protect children across the state in situations where violence was being committed around them.

[2:13:59 PM](#)

REPRESENTATIVE EASTMAN inquired about the statistical impact of enacting the law in the MOA.

MR. SHAFFER shared his understanding that a formal study had not been conducted on family violence prosecutions in Anchorage. He said the bill may not be a perfect solution; nonetheless, it's better than doing nothing, he said, given the crime's impact on small children.

REPRESENTATIVE EASTMAN inferred that the municipal law had impacted the justice system in the way of more prosecutions and convictions. He requested data or anecdotal evidence of changed behavior or a diminishment of violence in front of children.

MR. SHAFFER anecdotally reported that the crime made offenders more mindful and conscious of the impact that an assault has on, not only the person that it was perpetrated against, but the children who witnessed it. He said many of the offenders who completed programs ceased to reoffend.

REPRESENTATIVE EASTMAN asked Mr. Skidmore to share his perspective.

[2:18:08 PM](#)

JOHN SKIDMORE, Deputy Attorney General, Criminal Division, Department of Law (DOL), reminded the committee that Mr. Shaffer worked through the MOA to prosecute a crime that had been in the municipal code since 2000. He said he was unaware of research on the effect of the particular provision.

[2:18:33 PM](#)

REPRESENTATIVE CARPENTER asked whether the proposed crime, assault in the presence of a child, could be used to prosecute an assault that occurred in a high school in front of younger children.

MR. SKIDMORE answered yes, he believed that, theoretically, it could allow for that prosecution. He expounded on the impact of adverse childhood experiences (ACEs), adding that the inclusion of ACEs would be a policy call for the legislature.

CHAIR VANCE noted that a forthcoming amendment would exclude juveniles from the bill.

[2:21:20 PM](#)

REPRESENTATIVE CARPENTER sought to verify that assault in the presence of a child applied to fourth degree assault, which included the verbal threat or fear of physical injury without physical contact. He asked whether that was accurate.

MR. SKIDMORE said case law indicated that when placing someone in fear, there must be fear of imminent injury. He shared, for example, that stating the words "I'm going to kick your butt" would not qualify as a fear assault. Alternatively, getting ready to hit someone without making contact would qualify as a fear assault. He confirmed that committing a fear assault in the presence of a child would qualify [under the new statute].

[2:24:41 PM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, prime sponsor of SSHB 11, asked for verification that there was a "world of juvenile justice" that most Alaskans weren't aware of.

MR. SKIDMORE answered yes.

REPRESENTATIVE JOSEPHSON sought to confirm that assault in the fourth degree applied to juveniles.

MR. SKIDMORE answered yes.

REPRESENTATIVE JOSEPHSON confirmed that he and Chair Vance were looking for a way to exclude juveniles from the crime's applicability. He asked whether DOL had a preference as to whether the criminal code for juveniles should be separate from that of adults.

MR. SKIDMORE said that was a difficult question to answer, indicating that the concept of criminalizing certain conduct for adults but not for children involved analyses of issues related to equal protection. He pointed out that, unlike adult criminal prosecutions, the goal of juvenile justice was to consider the best interest of the child.

REPRESENTATIVE JOSEPHSON asked whether the committee should be concerned about a raft of new misdemeanor charges against children or whether the charges would be disposed of.

MR. SKIDMORE answered no, he did not believe that there would be a raft of fourth degree assault charges filed against children.

[2:30:28 PM](#)

REPRESENTATIVE EASTMAN inquired about the department's criteria for making referral in a juvenile case.

MR. SKIDMORE explained that law enforcement investigated juvenile cases in the same way as any other criminal conduct. Law enforcement agencies then refer the cases to the Division of Juvenile Justice (DJJ) for further evaluation. He directed the question to DJJ.

REPRESENTATIVE EASTMAN inquired about the process of charging a juvenile as an adult.

MR. SKIDMORE stated that the process was dictated by statute. He reported that when children above the age of 16 commit a serious offense, such as an unclassified or class A felony, they can be automatically waived [into adult court]. He recalled only two instances in which juveniles under the age of 16 were waved into adult court.

[2:33:45 PM](#)

CHAIR VANCE opened public testimony on SSHB 11. After ascertaining that no one wished to testify, she closed public testimony and announced that the bill would be held over.

[2:35:11 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:35 p.m.