

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

February 9, 2024

1:32 p.m.

**MEMBERS PRESENT**

Representative Sarah Vance, Chair  
Representative Jamie Allard, Vice Chair  
Representative Ben Carpenter  
Representative Craig Johnson  
Representative Jesse Sumner  
Representative Andrew Gray  
Representative Cliff Groh

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 161

"An Act relating to appropriations to the civil legal services fund."

- HEARD & HELD

HOUSE BILL NO. 67

"An Act relating to criminal law and procedure; relating to the crime of stalking; relating to consecutive sentencing for violation of conditions of release; relating to the duty to register as a sex offender; amending the definition of 'sex offense'; amending the definition of 'crime involving domestic violence'; relating to multidisciplinary child protection teams; amending Rule 6(r), Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 9

"An Act relating to the Board of Regents of the University of Alaska."

- BILL HEARING CANCELED

HOUSE BILL NO. 97

"An Act relating to self-storage facilities for personal property, including vehicles and watercraft; distinguishing self-storage facility liens from another type of storage lien; and excluding self-storage liens from the treatment of certain unclaimed property."

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: HB 161

SHORT TITLE: CIVIL LEGAL SERVICES FUND

SPONSOR(s): REPRESENTATIVE(s) WRIGHT

04/14/23	(H)	READ THE FIRST TIME - REFERRALS
04/14/23	(H)	JUD, FIN
02/07/24	(H)	JUD AT 1:00 PM GRUENBERG 120
02/07/24	(H)	Heard & Held
02/07/24	(H)	MINUTE(JUD)
02/09/24	(H)	JUD AT 1:30 PM GRUENBERG 120

BILL: HB 67

SHORT TITLE: HARASSMENT; SEX OFFENDERS & OFFENSES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/08/23	(H)	READ THE FIRST TIME - REFERRALS
02/08/23	(H)	JUD, FIN
03/03/23	(H)	JUD AT 1:00 PM GRUENBERG 120
03/03/23	(H)	Heard & Held
03/03/23	(H)	MINUTE(JUD)
03/27/23	(H)	JUD AT 1:00 PM GRUENBERG 120
03/27/23	(H)	Heard & Held
03/27/23	(H)	MINUTE(JUD)
02/05/24	(H)	JUD AT 1:30 PM GRUENBERG 120
02/05/24	(H)	Heard & Held
02/05/24	(H)	MINUTE(JUD)
02/07/24	(H)	JUD AT 1:00 PM GRUENBERG 120
02/07/24	(H)	Heard & Held
02/07/24	(H)	MINUTE(JUD)
02/09/24	(H)	JUD AT 1:30 PM GRUENBERG 120

**WITNESS REGISTER**

CHRISTINE PAIGHT, Legal Program Director  
Council on Domestic Violence and Sexual Assault  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 161.

JEANNE GERHARDT-CYRUS, representing self  
Kiana, Alaska

**POSITION STATEMENT:** Testified in support of HB 161.

MARY RUTH MOORE, representing self  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in support of HB 161.

TRAUDL HACKLEY  
Alaska Legal Services Corporation  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 161.

JOHN PETERSON, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 161.

ROBERT FRENCH, Lieutenant  
Alaska State Troopers  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 67.

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

**POSITION STATEMENT:** Answered questions during the hearing on HB 67.

KEMP ANGIE, Director  
Criminal Division (Central Office)  
Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 67.

LISA PURINTON, Director  
Division of Statewide Services  
Department of Public Safety  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 67.

#### **ACTION NARRATIVE**

[1:32:38 PM](#)

**CHAIR VANCE** called the House Judiciary Standing Committee meeting to order at 1:32 p.m. Representatives Carpenter, C. Johnson, Sumner, Gray, Groh, Allard, and Vance were present at the call to order.

**HB 161-CIVIL LEGAL SERVICES FUND**

[1:33:24 PM](#)

CHAIR VANCE announced that the first order of business would be HOUSE BILL NO. 161, "An Act relating to appropriations to the civil legal services fund."

CHAIR VANCE opened public testimony on HB 161

[1:33:51 PM](#)

CHRISTINE PAIGHT, Legal Program Director, Council on Domestic Violence And Sexual Assault (CDVSA), testified in support of HB 161. She understood that there is an enormous continuing unmet need for Alaskans to access civil legal assistance and few agencies, in addition to the Alaska Legal Services Corporation (ALSC) to provide this service. In the criminal justice system, there is a right to council; however, there is no corresponding right in the civil justice system. She reported that civil legal services are the most important service to ending domestic violence and sexual assault because civil legal attorneys are the ones who can get spousal support, child support, property division, and more. She shared a personal anecdote and urged the committee to pass HB 161.

[1:40:36 PM](#)

JEANNE GERHARDT-CYRUS, representing self, testified in support of HB 161. She said the bill would help people with disabilities gain services, maintain employment, and ensure that they get the benefits they need to be full members of the community. It would also benefit low-income individuals. She posited that people who need this service and cannot afford it should not face a disadvantage in the court room. ALSC would help level the playing field, she said.

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MARY RUTH MOORE, representing self, testified in support of HB 161. She shared that ALSC helped her and her children by extending a domestic violence protection order, getting custody and visitation during the divorce, helping with trust accounts after encountering carbon monoxide poisoning, enforcing her father's will, and restoring medical benefits. She advocated for the increase in funding.

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TRAUDL HACKLEY, representing self, testified in support of HB 161. She shared her experience seeking a divorce and a protective order against her then husband. She said with help from her ALSC attorney, she obtained full-time custody of her boys, a long-term protective order, and instruction for supervised parenting time with their dad. She described the process of gaining representation through legal aid as a lengthy and competitive process. She urged a "yes" vote on HB 161.

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JOHN PETERSON, representing self, testified in support of HB 161.

[Due to technical difficulties, portions of the audio are indiscernible.]

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CHAIR VANCE closed public testimony on HB 161. She announced that the bill would be held over.

**HB 67-HARASSMENT; SEX OFFENDERS & OFFENSES**

[1:51:18 PM](#)

CHAIR VANCE announced that the final order of business would be HOUSE BILL NO. 67, "An Act relating to criminal law and procedure; relating to the crime of stalking; relating to consecutive sentencing for violation of conditions of release; relating to the duty to register as a sex offender; amending the definition of 'sex offense'; amending the definition of 'crime involving domestic violence'; relating to multidisciplinary child protection teams; amending Rule 6(r), Alaska Rules of Criminal Procedure; and providing for an effective date." [Before the committee was HB 67, as amended on 2/5/24.]

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REPRESENTATIVE GRAY moved to adopt Amendment 3 to HB 67, labeled 33-GH1031\A.14, C. Radford, 2/5/24, which read:

Page 1, line 1, following "**stalking**":

Insert "**relating to sexual abuse of a minor**;"

Page 2, line 2:

Delete "sec. 12"

Insert "sec. 15"

Page 2, following line 28:

Insert new bill sections to read:

**\* Sec. 3.** AS 11.41.434(a) is amended to read:

(a) An offender commits the crime of sexual abuse of a minor in the first degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is under 13 years of age or aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person;

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; or

(3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 [16] years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

**\* Sec. 4.** AS 11.41.436(a) is amended to read:

(a) An offender commits the crime of sexual abuse of a minor in the second degree if,

(1) being 17 years of age or older, the offender engages in sexual penetration with a person who is 13, 14, [OR] 15, 16, or 17 years of age and at least four years younger than the offender, or aids, induces, causes, or encourages a person who is 13, 14, [OR] 15, 16, or 17 years of age and at least four years younger than the offender to engage in sexual penetration with another person;

(2) being 16 years of age or older, the offender engages in sexual contact with a person who is under 13 years of age or aids, induces, causes, or encourages a person under 13 years of age to engage in sexual contact with another person;

(3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian;

(4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455(a)(2) - (6);

(5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 [16] years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim;

(6) being 18 years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim; or

(7) being under 16 years of age, the offender engages in sexual penetration with a person who is under 13 years of age and at least three years younger than the offender.

**\* Sec. 5.** AS 11.41.438(a) is amended to read:

(a) An offender commits the crime of sexual abuse of a minor in the third degree if being 17 years of age or older, the offender engages in sexual contact with a person who is 13, 14, [OR] 15, 16, or 17 years of age and at least four years younger than the offender."

Renumber the following bill sections accordingly.

Page 12, line 29:

Delete all material and insert:

**\*\* Sec. 16.** AS 11.41.436(a)(6), 11.41.440(a)(2); AS 12.40.110; and AS 12.63.100(7)(C)(ii) are repealed."

Page 13, line 1, following "Act,":

Insert "AS 11.41.434(a), as amended by sec. 3 of this Act, AS 11.41.436(a), as amended by sec. 4 of this Act, AS 11.41.438(a), as amended by sec. 5 of this Act,"

Page 13, line 2:

Delete "sec. 3"

Insert "sec. 6"

Page 13, lines 2 - 3:

Delete "sec. 9"

Insert "sec. 12"

Page 13, line 5:

Delete "sec. 4"

Insert "sec. 7"

Delete "sec. 5"

Insert "sec. 8"

Page 13, line 6:

Delete "sec. 6"

Insert "sec. 9"

Page 13, line 9:

Delete "sec. 7"

Insert "sec. 10"

Page 13, line 13:

Delete "sec. 7"

Insert "sec. 10"

Page 13, line 16:

Delete "sec. 8"

Insert "sec. 11"

Page 13, line 18:

Delete "sec. 12"

Insert "sec. 15"

Page 13, line 24:

Delete "sec. 12" in both places

Insert "sec. 15" in both places

REPRESENTATIVE C. JOHNSON objected.

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REPRESENTATIVE GRAY explained that Amendment 3 would raise the age of consent for sexual activity in Alaska from age 16 to age 18. Because the age of consent is 16, he said, 16-year-olds are currently treated the same as 35-year-olds if assaulted, undergoing questioning by law enforcement and an invasive pelvic exam to determine consent. He asserted that the proposed amendment would afford 16-year-olds the same protections as any other minor and protect Alaska's youth.

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REPRESENTATIVE ALLARD asked whether the legal age of marriage is 16.

[1:55:09 PM](#)

ROBERT FRENCH, Lieutenant, Alaska State Troopers, did not know the answer.

[1:55:21 PM](#)

The committee took a brief at-ease.

[1:56:15 PM](#)

KACI SCHROEDER, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), said, as a criminal attorney, she did not know the legal age of marriage in Alaska; nonetheless, under the sexual abuse of a minor statutes, it is an affirmative defense if the person was married to the offender at the time of the offense.

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The committee took a brief at-ease.

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REPRESENTATIVE ALLARD requested the legal definition of "minor" in the state of Alaska.

MS. SCHROEDER said she did not know whether "minor" is defined in statute. Generally, the terms "minor" and "juvenile" are used interchangeably in reference to someone under the age of 18.

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REPRESENTATIVE GROH shared his understanding that to be married in Alaska, a person must be 18 without parental consent or 16 with parental consent. He inquired about the "Romeo and Juliet exception" and how that would be impacted by the proposed legislation.

MS. SCHROEDER said, if by "Romeo and Juliet," Representative Groh was referring to a sexual relationship involving people who are close in age, the current sexual abuse of a minor statutes account for that by prescribing age difference and various circumstances. She referred to page 2, lines 6-10 of Amendment 3, noting that the victim must be at least four years younger than the offender.

REPRESENTATIVE GROH asked whether there is an exception under current law for an 18-year-old to have sexual penetration with a 14-year-old.

MS. SCHROEDER said, under current law, the person must be 17 years of age or older and the victim must be 13, 14, or 15; additionally, there must be a four-year age difference. In response to follow up questions, she confirmed that if there is more than a four-year age difference [at the time of the offense], then it can be prosecuted. Should the Amendment pass, she explained that "the age is moved up," making it so the suspect must be 17 years of age or older and the victim must be 13, 14, 15, 16, or 17 and there would need to be a four-year age difference.

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REPRESENTATIVE ALLARD asked whether the department viewed Amendment 3 as a "good amendment" or whether it would create unintended consequences.

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KEMP ANGIE, Director, Criminal Division, Department of Law (DOL), said DOL was neutral on the proposed amendment.

REPRESENTATIVE ALLARD asked what the [amendment] would do and what it would not do.

MS. KEMP stated that the amendment would capture more victims. Under current law, she explained that the state cannot charge

sexual abuse of a minor in the second degree if the victim is 16 years old and the suspect is 20 years old. Amendment 3 would expand the scope of coverage to include 16 and 17-year-olds. She noted that proof of the four-year age gap would still be required, in addition to proof of sexual penetration and any additional elements.

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REPRESENTATIVE GROH asked whether the age difference is calculated by year or by day.

MS. KEMP indicated that it is calculated to the day.

[2:07:58 PM](#)

REPRESENTATIVE SUMNER asked what would happen if there is an intervening leap year.

MS. KEMP stated that it would require calculus on behalf of the department to ensure that the element is met beyond a reasonable doubt.

[2:09:00 PM](#)

REPRESENTATIVE ALLARD considered a hypothetical scenario in which a 17-year-old [engages in sexual penetration] with a 21-year-old and asked whether the 21-year-old could go to jail.

MS. KEMP answered yes.

[2:10:07 PM](#)

CHAIR VANCE asked how Amendment 3 would impact DOL.

MS. KEMP conveyed that it was hard to measure the impact. The best measurement, she said, is grounded primarily in predictions for HB 325 about how changing the definition of sexual assault and "without consent" language may increase the caseload. She shared her belief that there would be a fiscal cost to the department associated with HB 67.

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CHAIR VANCE asked how Amendment 3 would impact the Department of Public Safety (DPS).

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LISA PURINTON, Director, Division of Statewide Services, (Department of Public Safety), said the proposed amendment would increase the department's workload. The widened scope of criminal behavior would result in more investigations and therefore, a fiscal cost to DPS.

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REPRESENTATIVE ALLARD expressed concern that the bill would be challenging for emancipated 16-year-olds or kids that go to college at an early age. She asked for verification that a different law would pertain to minors versus someone not considered a minor in that instance.

MS. PURINTON deferred to DOL.

[2:18:30 PM](#)

CHAIR VANCE asked why this area of law was not included in the consent bill, House Bill 325.

MS. PURINTON did not know the answer. In response to a follow up question, she reported that the fiscal note for House Bill 325 accounted for seven new investigators.

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REPRESENTATIVE GRAY emphasized that older kids often prey upon 16- and 17-year-olds lack of maturity and standing. He added that 16- and 17-year-olds are inherently more vulnerable to human trafficking than adults. He remarked, "I can't imagine that we're going to try to balance our budget and have a more balanced budget by not going after criminals, by not making this a crime, by not trying to enforce what I believe is best for minors." Experts in the field believe that raising the age of consent would be the "biggest bang for [Alaska's] buck" in terms of sexual assault and preventing sex trafficking, he added. He opined that Amendment 3 would stop crimes and help people.

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The committee took a brief at-ease.

[2:23:18 PM](#)

CHAIR VANCE invited final comments on Amendment 3.

REPRESENTATIVE C. JOHNSON stated that he whole-heartedly supported the concept of Amendment 3 and did not want to encourage crime; however, there's a lot that's unknown. In light of the lack of knowledge, he said it was tough to vote for the proposed amendment.

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The committee took a brief at-ease.

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REPRESENTATIVE GRAY, in wrap up, shared his understanding that the fiscal note was \$3 million for seven staff members. He said he would keep note that [\$3 million] is too much to protect Alaska's young people.

CHAIR VANCE said she believed that Representative Gray had mischaracterized the members' comments.

[2:34:02 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 3. Representatives Carpenter, C. Johnson, Sumner, Allard, and Vance voted against it. Therefore, Amendment 3 failed by a vote of 2-5.

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CHAIR VANCE announced that HB 67 would be held over.

[2:35:22 PM](#)

#### **ADJOURNMENT**

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