

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 8, 2024

3:04 p.m.

**MEMBERS PRESENT**

Representative Laddie Shaw, Chair  
Representative Stanley Wright, Vice Chair  
Representative Ben Carpenter  
Representative Craig Johnson  
Representative Jamie Allard  
Representative Ashley Carrick  
Representative Andi Story

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

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."

- MOVED CSHB 259 (STA) OUT OF COMMITTEE

SENATE BILL NO. 46

"An Act establishing the month of March as Brain Injury Awareness Month."

- MOVED HCSSB 46 (STA) OUT OF COMMITTEE

HOUSE BILL NO. 265

"An Act changing the term 'child pornography' to 'child sexual abuse material.'"

- MOVED HB 265 OUT OF COMMITTEE

HOUSE BILL NO. 286

"An Act relating to victim restitution and compensation."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 259

SHORT TITLE: COUNCIL ON HUMAN AND SEX TRAFFICKING

SPONSOR(s): REPRESENTATIVE(s) VANCE

01/16/24 (H) PREFILE RELEASED 1/12/24  
01/16/24 (H) READ THE FIRST TIME - REFERRALS  
01/16/24 (H) STA, FIN  
02/01/24 (H) STA AT 3:00 PM GRUENBERG 120  
02/01/24 (H) Heard & Held  
02/01/24 (H) MINUTE(STA)  
02/08/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: SB 46

SHORT TITLE: BRAIN INJURY AWARENESS MONTH

SPONSOR(s): SENATOR(s) TOBIN

01/25/23 (S) READ THE FIRST TIME - REFERRALS  
01/25/23 (S) STA  
03/14/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)  
03/14/23 (S) Heard & Held  
03/14/23 (S) MINUTE(STA)  
03/23/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)  
03/23/23 (S) Moved SB 46 Out of Committee  
03/23/23 (S) MINUTE(STA)  
03/24/23 (S) STA RPT 5DP  
03/24/23 (S) DP: KAWASAKI, WIELECHOWSKI, CLAMAN,  
MERRICK, BJORKMAN  
03/31/23 (S) TRANSMITTED TO (H)  
03/31/23 (S) VERSION: SB 46  
04/03/23 (H) READ THE FIRST TIME - REFERRALS  
04/03/23 (H) STA  
01/25/24 (H) STA AT 3:00 PM GRUENBERG 120  
01/25/24 (H) -- MEETING CANCELED --  
02/01/24 (H) STA AT 3:00 PM GRUENBERG 120  
02/01/24 (H) Heard & Held  
02/01/24 (H) MINUTE(STA)  
02/08/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 265

SHORT TITLE: CHILD SEXUAL ABUSE MATERIAL

SPONSOR(s): REPRESENTATIVE(s) VANCE

01/16/24 (H) PREFILE RELEASED 1/12/24  
01/16/24 (H) READ THE FIRST TIME - REFERRALS  
01/16/24 (H) STA, JUD  
02/01/24 (H) STA AT 3:00 PM GRUENBERG 120  
02/01/24 (H) Heard & Held

02/01/24 (H) MINUTE (STA)  
02/08/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 286

SHORT TITLE: CRIME VICTIM RESTITUTION  
SPONSOR(s): REPRESENTATIVE(s) COULOMBE

01/24/24 (H) READ THE FIRST TIME - REFERRALS  
01/24/24 (H) STA  
02/08/24 (H) STA AT 3:00 PM GRUENBERG 120

#### **WITNESS REGISTER**

REPRESENTATIVE SARAH VANCE  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, provided an overview of HB 259; as prime sponsor presented HB 265.

BRENDA STANFILL, Executive Director,  
Alaska Network on Domestic Violence and Sexual Assault  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 259. Testified in support of HB 265.

JOSH LOUWERSE, Director of Statewide Initiatives  
Covenant House Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 259.

BRITTANY MADROS, Tribal Government & Justice Division Director  
Tanana Chiefs Conference;  
Member

Council on Human and Sex Trafficking  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 259.

SABRINA STRATFORD, representing self  
Address not provided

**POSITION STATEMENT:** Testified in support of HB 259.

TAMI TRUETT JERUE, Executive Director  
Alaska Native Women's Resource Center  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 259.

ADAM LEGG, Executive Director

Love Alaska

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 259.

ROBERT BALLINGER, Staff  
Representative Sarah Vance  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions about HB 259 on behalf of Representative Vance, prime sponsor. Offered to provide a sectional analysis and overview of SB 46.

BRYAN BARLOW, Deputy Commissioner  
Office of the Commissioner  
Department of Public Safety;  
Chair  
Governor's Council on Human and Sex Trafficking  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions about HB 259.

MACKENZIE POPE, Staff  
Senator Tobin  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided an overview of SB 46 on behalf of Senator Tobin, prime sponsor.

AMBER NICKERSON, Community United for Safety and Protection  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 259; testified in support of HB 265.

MATTHEW DUBOIS, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 265.

DELAYNA WEST, representing self  
Homer, Alaska

**POSITION STATEMENT:** Testified in support of HB 265.

REPRESENTATIVE JULIE COULOMBE  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 286, as prime sponsor.

JORDAN WRIGHT, Staff  
Representative Julie Coulombe

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided a PowerPoint presentation, titled "HB 286."

KATHERINE HANSEN, Senior Staff Attorney  
Alaska Office of Victims' Rights  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 286.

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

**POSITION STATEMENT:** Answered questions about HB 286.

#### **ACTION NARRATIVE**

[3:04:29 PM](#)

**CHAIR SHAW** called the House State Affairs Standing Committee meeting to order at 3:04 p.m. Representatives Johnson, Allard, Carrick, Story, Wright, and Shaw were present at the call to order. Representative C. Johnson arrived as the meeting was in progress.

#### **HB 259-COUNCIL ON HUMAN AND SEX TRAFFICKING**

[3:05:09 PM](#)

CHAIR SHAW announced that the first order of business would be HB 259 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."

[3:05:41 PM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, provided an overview of HB 259, as prime sponsor.

[3:06:15 PM](#)

REPRESENTATIVE VANCE said that HB 259 creates the Council on Human and Sex Trafficking in statute so its important work can continue without interruption.

[3:06:50 PM](#)

CHAIR SHAW opened public testimony on HB 259.

[3:07:16 PM](#)

BRENDA STANFILL, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), testified in support of HB 259. She mentioned that she spent a year working on the strategic plan and is looking forward to working with the bill sponsor to implement 24 regional programs with adequate staffing to ensure these important cases are given adequate time and attention.

[3:08:46 PM](#)

CHAIR SHAW noted that the bill sponsor is very passionate about the issue.

[3:09:15 PM](#)

JOSH LOUWERSE, Director of Statewide Initiatives, Covenant House Alaska, testified in support of HB 259. He said that through his 15 years working at Covenant House Alaska, he has participated in many task forces that were not mandated by law. Due to high turnover, he noted the difficulty in keeping the momentum of task forces alive. Putting the council into statute would go a long way toward preventing and ending human and sex trafficking in Alaska. He commended Representative Vance for her hard work.

[3:10:36 PM](#)

BRITTANY MADROS, Tribal Government & Justice Division Director, Tanana Chiefs Conference; Member, Council on Human and Sex Trafficking, testified in support of HB 259. She noted that the council voted to codify the Human and Sex Trafficking Council and supports the one director/two board model. She noted the importance of addressing human trafficking in urban and rural communities of the state through collaboration with Tribes.

[3:12:06 PM](#)

SABRINA STRATFORD, representing self, told two stories of sex trafficking in rural communities. She noted that sex trafficking is what happens between "missing" and "murdered." She said she supports HB 259 100 percent.

[3:13:17 PM](#)

TAMI TRUETT JERUE, Executive Director, Alaska Native Women's Resource Center, testified in support of HB 259. She emphasized the importance of remembering the rural communities and the vulnerabilities rural residents face when entering urban areas.

[3:14:18 PM](#)

ADAM LEGG, Executive Director, Love Alaska, testified in support of HB 259. He emphasized the importance of continued focus on the issues of human and sex trafficking in urban and rural areas around the state.

[3:15:09 PM](#)

CHAIR SHAW closed public testimony on HB 259.

CHAIR SHAW entertained amendments.

[3:15:20 PM](#)

CHAIR SHAW moved to adopt Amendment 1 to HB 259, labeled 33-LS1075\B.3, A. Radford\C. Radford, 2/6/24, which read as follows:

Page 1, line 1:

Delete the second occurrence of "**and**"

Page 1, line 2, following "**Assault**":

Insert "**; and providing for an effective date**"

Page 1, line 6:

Delete "**coordinate with**"

Insert "**select two of its members by majority vote to serve on a joint hiring committee with two members of**"

Page 1, line 7:

Delete "**jointly**"

Insert "**recruit and**"

Page 3, following line 7:

Insert a new bill section to read:

"\* **Sec. 2.** AS 18.66.050 is amended by adding a new subsection to read:

(b) The commissioner of public safety or the commissioner's designee shall chair the joint hiring committee under (a)(1) of this section. Only one representative from a department may serve on the committee. If both the council and the Council on Human and Sex Trafficking select a member from the same department to serve on the joint hiring committee, the presiding officer of the council shall coordinate with the chair of the Council on Human and Sex Trafficking to jointly determine which member will serve on the committee."

Renumber the following bill sections accordingly.

Page 4, line 17:

Delete "coordinate with"

Insert "select two of its members by majority vote to serve on a joint hiring committee with two members of"

Page 4, line 18:

Delete "jointly"

Insert "recruit and"

Page 4, following line 22:

Insert a new subsection to read:

"(c) The commissioner of public safety or the commissioner's designee shall chair the joint hiring committee under (a)(9) of this section. Only one representative from a department may serve on the committee. If both the council and the Council on Domestic Violence and Sexual Assault select a member from the same department to serve on the joint hiring committee, the chair shall coordinate with the presiding officer of the Council on Domestic Violence and Sexual Assault to jointly determine which member will serve on the committee."

Page 6, line 25:

Delete "sec. 4"

Insert "sec. 5"

Page 6, line 29:

Delete "sec. 4"

Insert "sec. 5"

Page 7, line 2:

Delete "sec. 4"  
Insert "sec. 5"

Page 7, following line 2:

Insert a new bill section to read:

"\* **Sec. 8.** This Act takes effect March 1, 2025."

[3:15:36 PM](#)

REPRESENTATIVE WRIGHT objected for the purpose of discussion.

[3:15:55 PM](#)

ROBERT BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, on behalf of Representative Vance, prime sponsor, explained Amendment 1. It was offered by the Department of Public Safety to address hiring an executive director. The amendment also delays the effective date to allow the current council to work with the new director before the implementation of the council. The delayed start date would be March 1, 2025. He made note of a few wording changes for clarity and a title change to reflect the effective date. He mentioned that each agency would submit two members to participate on the Council for Domestic Violence and two members for the Council for Human and Sex Trafficking.

[3:19:15 PM](#)

REPRESENTATIVE VANCE reiterated the reason for the delayed start date concerning the finalization of a report to the legislature by the council near the start of the year. March was suggested to allow for more time to complete the report before transitioning to the new director. She noted that the current governor's council is fully prepared to provide support to the new director and staff.

[3:20:29 PM](#)

REPRESENTATIVE CARRICK asked if the governor's council can hold meetings in the meantime.

REPRESENTATIVE VANCE affirmed that the council would continue to meet as usual. The next scheduled meeting is in March. She didn't anticipate that there would be significant changes in the council because the bill was modeled after the current council. A new shared director and administrative staff would be hired under HB 259.

[3:21:34 PM](#)

REPRESENTATIVE WRIGHT removed his objection.

[3:21:58 PM](#)

The committee took a brief at-ease.

[3:22:23 PM](#)

CHAIR SHAW announced that, there being no further objection, Amendment 1 HB 259 was adopted.

[3:22:39 PM](#)

REPRESENTATIVE CARRICK moved to adopt Amendment 2 to HB 259, labeled 33-LS1075\B.4, C. Radford, 2/6/24, which read as follows:

Page 1, lines 1 - 2:

Delete "**; and relating to the Council on Domestic Violence and Sexual Assault**"

Page 1, line 4, through page 3, line 11:

Delete all material and insert:

"\* **Section 1.** AS 39.25.110 is amended by adding a new paragraph to read:

(46) the executive director of the Council on Human and Sex Trafficking established under AS 44.41.150."

Renumber the following bill sections accordingly.

Page 4, lines 17 - 21:

Delete all material and insert:

"(9) hire an executive director to oversee the council; the executive director may hire staff; the executive director is in the exempt service under AS 39.25.110 and staff members are in the classified service under AS 39.25.100."

Page 6, line 22, through page 7, line 2:

Delete all material.

[3:22:40 PM](#)

REPRESENTATIVE WRIGHT objected for the purpose of discussion.

REPRESENTATIVE CARRICK described Amendment 2, which responds to comments from the current director of the Council on Domestic Violence and Sexual Assault. Amendment 2 would create an executive director position for the new Council on Human and Sex Trafficking to alleviate the potential overburdening of the executive director who, under HB 259, would be responsible for both councils.

[3:24:17 PM](#)

REPRESENTATIVE WRIGHT asked to hear from the bill sponsor.

REPRESENTATIVE VANCE noted that the decision to have just one executive director for both the Council on Domestic Violence and Sexual Assault as well as the Council on Human and Sex Trafficking was a collaborative idea put forward by the governor's council to reduce the fiscal impact.

[3:25:22 PM](#)

BRYAN BARLOW, Deputy Commissioner, Office of the Commissioner, Department of Public Safety; Chair, Governor's Council on Human and Sex Trafficking, thanked Representative Vance. He explained that the one director/two board model can work. The council is important to victims in Alaska and there is no intent to dilute effectiveness of the council. He made note of fiscal responsibility.

[3:27:33 PM](#)

REPRESENTATIVE STORY asked Deputy Commissioner Barlow if there was a discussion of having two program coordinators. To oversee the council is a lot of work. She noted that Alaska has the highest rate of domestic violence and sexual assault in the nation. She asked if different staffing levels have been considered to effectively combat issues of domestic violence and sexual assault in the state.

[3:28:55 PM](#)

MR. BARLOW agreed that the goal is not to dilute the effectiveness of the current administrative staffing of the Council on Domestic Violence and Sexual Assault. There will be a new administrative assistant and program coordinator to ensure

there are adequate support staff to organize the work of the councils.

REPRESENTATIVE STORY expressed her concern with understaffing. She said that adequate funding is necessary for success.

[3:30:35 PM](#)

REPRESENTATIVE CARPENTER noted the value of Amendment 2 and acknowledged the overwhelming testimony. He suggested that Amendment 2 could be revisited next year once the workload is assessed by the director of the councils.

REPRESENTATIVE C. JOHNSON brought up the fiscal note for new staff positions and sought to address the costs.

MR. BALLINGER said that Amendment 2 would include a new executive director.

REPRESENTATIVE C. JOHNSON sought clarification and opined that adding another coordinator position wouldn't have as much of an impact as adding more support staff.

MR. BALLINGER said that currently the Council of Domestic Violence and Sexual Assault has about 10 employees and an executive director. The new council would add two employees and share the existing executive director. He clarified that Amendment 2 creates a new executive director position and eliminates the need to share the existing executive director. He noted a compromise to minimize the costs.

REPRESENTATIVE C. JOHNSON agreed.

[3:34:56 PM](#)

REPRESENTATIVE CARRICK provided wrap-up comments. She emphasized the importance of data collection. Through Amendment 2, she sought the prevention of overburdening the current duties of the existing staff. HB 259 is a valuable and noble effort to combat a serious problem. She noted the substantial workload increase that will likely occur with HB 259 as written. Adding an executive director would help to prevent the dilution of the functions of both councils. The problem is serious and there is merit to appropriately tackling the issue.

[3:36:01 PM](#)

CHAIR SHAW announced that the objection was maintained.

A roll call vote was taken. Representatives Carrick and Story voted in favor of Amendment 2. Representatives Carpenter, Johnson, Allard, Wright, and Shaw voted against it. Therefore, Amendment 2 failed to be adopted by a vote of 2-5.

[3:37:40 PM](#)

REPRESENTATIVE CARRICK moved to adopt Amendment 3 to HB 259, labeled 33-LS1075\B.5, C. Radford, 2/6/24, which read as follows:

Page 4, line 28:

Delete "one member who"

Insert "two members, each of whom"

Page 5, line 3, following "agency;":

Insert "and"

Page 5, lines 4 - 5:

Delete all material.

Reletter the following subparagraph accordingly.

REPRESENTATIVE CARRICK discussed the codification of a faith-based position in the Council on Human and Sex Trafficking and expressed concerns with statutorily designating a faith-based person to the council in HB 259. Amendment 3 swaps the faith-based seat for an additional victim advocate seat. Amendment 3 removes the designation of a faith-based person from statute. She pointed out that victim advocates come from many different organizational perspectives.

REPRESENTATIVE WRIGHT asked to hear from the bill sponsor.

REPRESENTATIVE VANCE said she doesn't support Amendment 3. She discussed the history of victims advocate organizations being faith-based. She opined that adopting Amendment 3 would send a message that faith-based organizations are not specifically welcome on the council in statute. The composition of membership was directed by the deliberation of the current governor's Council on Human and Sex Trafficking. As bill sponsor, she expressed her preference of adhering to the council's work and consideration.

REPRESENTATIVE WRIGHT maintained his objection.

[3:41:42 PM](#)

A roll call vote was taken. Representative Carrick voted in favor of Amendment 3. Representatives Wright, Carpenter, Johnson, Allard, Story, and Shaw voted against it. Therefore, Amendment 3 failed by a vote of 1-6.

[3:42:25 PM](#)

REPRESENTATIVE C. JOHNSON said that everyone who serves on the Human and Sex Trafficking Council is highly devoted to victims' advocacy.

CHAIR SHAW asked for a motion.

[3:43:30 PM](#)

REPRESENTATIVE WRIGHT moved to report HB 259, as amended, from committee with individual recommendations and accompanying fiscal notes. There being no objection, CSHB 259 (STA) was reported from the House State Affairs Standing Committee.

[3:43:58 PM](#)

The committee took an at-ease from 3:44 p.m. to 3:46 p.m.

**SB 46-BRAIN INJURY AWARENESS MONTH**

[3:46:13 PM](#)

CHAIR SHAW announced that the next order of business would be SB 46, SENATE BILL NO. 46, "An Act establishing the month of March as Brain Injury Awareness Month."

[3:46:58 PM](#)

MACKENZIE POPE, Staff, Senator Loki Tobin, Alaska State Legislature, introduced SB 46 on behalf of Senator Tobin, prime sponsor. She said SB 26 would make every March Brain Injury Awareness Month.

REPRESENTATIVE C. JOHNSON asked for an explanation of the fiscal note and observed that the format appeared incorrect.

[3:49:19 PM](#)

The committee took a brief at-ease.

[3:49:32 PM](#)

REPRESENTATIVE C. JOHNSON again made note of the irregular fiscal note.

[3:49:50 PM](#)

REPRESENTATIVE WRIGHT moved to report SB 46 from committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 46 was reported from the House State Affairs Standing Committee.

[3:50:22 PM](#)

The committee took an at-ease from 3:50 p.m. to 3:53 p.m.

**HB 265-CHILD SEXUAL ABUSE MATERIAL**

[3:53:00 PM](#)

CHAIR SHAW announced that the next order of business would be HB 265 HOUSE BILL NO. 265, "An Act changing the term 'child pornography' to 'child sexual abuse material.'"

[3:53:28 PM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, as prime sponsor presented HB 265. She explained that HB 265 would change the term "child pornography" to "child sexual abuse material". The bill changes the wording in law to reflect an illegal activity. She noted that the term "pornography" is a legal adult activity, but sexual abuse of children is not.

CHAIR SHAW asked if a sectional analysis overview of the bill is necessary.

[3:54:24 PM](#)

ROBERT BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, on behalf of Representative Vance, prime sponsor offered to provide a sectional analysis and overview of SB 46.

CHAIR SHAW asked if the committee had any questions or comments.

[3:54:58 PM](#)

REPRESENTATIVE STORY noted many states are adopting the changes listed in SB 46. She thanked Representative Vance for sponsoring the bill.

[3:55:20 PM](#)

CHAIR SHAW opened public testimony on HB 265.

[3:55:40 PM](#)

BRENDA STANFILL, Executive Director, Alaska Network on Domestic Violence and Sexual Assault, testified in support of HB 265.

[3:56:18 PM](#)

AMBER NICKERSON, Community United for Safety and Protection, stated that she didn't receive a notification to offer her testimony on HB 259, which was earlier on the agenda. She said that she opposed HB 259. She testified in support of HB 265 and proposed the creation of an amendment to provide immunity to empower those to report sex trafficking without facing charges for prostitution.

[3:57:36 PM](#)

REPRESENTATIVE CARPENTER suggested Ms. Nickerson e-mail the committee with her testimony from HB 259.

[3:58:40 PM](#)

MATTHEW DUBOIS, representing self, informed the committee of his 16 years of law enforcement experience and mentioned that he has investigated Internet crimes against children. He stated that child sexual abuse material is the result of children being groomed, coerced, and exploited by their abusers. Using the term "child pornography" as it applies to the subcategory of legally acceptable pornography is unacceptable. Continuing to use the term "child pornography" minimizes the harm experienced by children, which is long lasting and devastating. Through his experiences in law enforcement, he said that victims experience feelings of shame, guilt, fear of abuse material resurfacing in the future, and a lack of closure. Using the term "child pornography" hides the impact of perpetrators' behavior and diminishes the seriousness of the crime and can make it difficult for children to get support.

[4:00:40 PM](#)

DELAYNA WEST, representing self, testified in support of HB 265. She encouraged the support of the bill and others like it for the safety of children in Alaska.

[4:01:50 PM](#)

The committee took an at-ease from 4:01 p.m. to 4:05 p.m.

[4:04:58 PM](#)

REPRESENTATIVE WRIGHT moved to report HB 265 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 265 was reported from the House State Affairs Standing Committee.

[4:05:33 PM](#)

The committee took an at-ease from 4:05 p.m. to 4:06 p.m.

**HB 286-CRIME VICTIM RESTITUTION**

[4:06:40 PM](#)

CHAIR SHAW announced that the final order of business would be HOUSE BILL NO. 286, "An Act relating to victim restitution and compensation."

[4:07:07 PM](#)

REPRESENTATIVE JULIE COULOMBE, Alaska State Legislature, as prime sponsor, introduced HB 286, which clarifies current Alaska statute regarding victim restitution for crimes. Currently, the statute allows the court to order a defendant convicted of a crime to make restitution to the victim of that crime for costs related to counseling, medical, and shelter services, however, the statute does not provide clarity about what other types of services qualify. This has resulted in fewer prosecutors asking for certain types of restitution. The proposed bill would clarify that lost income, childcare, eldercare, transportation, or any other expenses incurred during a victim's participation in legal action related to the case would be eligible for restitution. It would strengthen the victims' ability to receive compensation for costs related to their time spent in court and make it more difficult for victim defendants to appeal

restitution payment. She noted the relevance of this issue in domestic violence cases.

4:09:15 PM

JORDAN WRIGHT, Staff, Representative Julie Coulombe, Alaska State Legislature, on behalf of Representative Coulombe provided a PowerPoint presentation, titled "HB 286" [hard copy included in the committee packet]. He began on slide 2, titled "The Office of Victims Rights," which read as follows [original punctuation provided]:

What is their history?

OVR was created similarly to an Inspector General's office

- It is within the legislative branch to avoid conflicts with state government organizations
- Ensures that the director has independence to investigate criminal justice agencies and make appropriate recommendations

What do they do?

- Provides advocacy in court on behalf of victims
- Investigates the complaints of victims
- Obtains information from various criminal justice agencies

How are they funded?

- OVR is funded by money from forfeited permanent fund dividend (PFD) checks of convicts
- Alaska Statute 43.23.005 is the law that determines a person's eligibility to receive a PFD
- A person is disqualified from receiving a PFD if during the dividend year they have either (1) been convicted of a felony, (2) spent time in jail for a felony conviction, or (3) jailed for their third misdemeanor conviction during the dividend year if they have ever been convicted of a felony at any time

MR. WRIGHT moved to slide 3, titled "Current Statute Clarification," which read as follows [original punctuation provided]:

Clarifies that restitution can be granted to a victim for expenses incurred due to the crime, participation in the investigation or prosecution of the offense, or attendance at court proceedings related to the

offense. Those expenses include, but are not limited to, the value of lost income, necessary child care, elder care, transportation, and other expenses.

MR. WRIGHT moved to slide 4, titled "Purpose of new language?" which read as follows [original punctuation provided]:

To strengthen the ability of prosecutors to ask for compensation for categories such as lost wages and childcare.

CHAIR SHAW asked Mr. Wright to provide a sectional analysis of HB 286.

MR. WRIGHT provided a sectional analysis, [included in the committee packet] which read as follows [original punctuation provided]:

Section 1: Amends AS 12.55.045(a)- Page 1, Lines 10-14 as follows: Restitution to a victim or other person injured by the offense includes compensation for the value of lost income, necessary child care, elder care, transportation, and other expenses incurred during the victim's or other person's participation in the investigation or prosecution of the offense or attendance at court proceedings related to the offense.

Section 2: The uncodified law of the State of Alaska is amended by adding a new section to read: APPLICABILITY. AS 12.55.045(a), as amended by sec. 1 of this Act, applies to an order of restitution for an offense committed on or after the effective date of this Act.

[4:11:40 PM](#)

CHAIR SHAW provided several names of individuals available to answer questions about HB 286. He introduced invited testimony.

[4:12:33 PM](#)

KATHERINE HANSEN, Senior Staff Attorney, Alaska Office of Victims' Rights, testified in support of HB 286 and explained that the bill was requested by the Office of Victims' Rights in response to Court of Appeals decisions from 2022 and 2023. These cases stated that whether victims of crimes can be awarded

criminal restitution is an open question. She referenced two unpublished court cases, Keen Smith vs. State of Alaska 2022WL3226305 and Seeley vs. State of Alaska 2023WL2783265.

MS. HANSEN said that federal law expressly allows restitution for crime victims, including loss of income, necessary childcare transportation and other expenses incurred during investigation and prosecution of the offense. Other courts have permitted restitution under these circumstances. She said HB 286 would provide clarity for what restitution is available for crime victims. It would streamline the judicial process. She provided two case examples that are currently under litigation in which the crime victims need restitution but aren't currently provided it. Lost wages have been awarded in cases that are considered by the Violent Crimes Compensation Board. Money from the board is awarded only to those who ask and does not include all types of crime. The proposed bill is necessary for restitution to be applied to all crime victims.

[4:19:39 PM](#)

REPRESENTATIVE ALLARD asked about a retroactive dollar amount for victims of violent crimes.

MS. HANSEN explained that restitution is a component of a criminal offender being sentenced. The principles of double jeopardy prevent the opportunity for retroactive restitution.

[4:20:28 PM](#)

REPRESENTATIVE CARPENTER asked about lines 6 through 8 of HB 286.

[4:21:45 PM](#)

MS. HANSEN deferred to the Department of Law (DOL).

REPRESENTATIVE CARPENTER asked for an understanding of the testifiers' experience with clients regarding HB 286.

MS. HANSEN responded that there is a constitutional provision that requires restitution. There are principles of statutory interpretation that would be aided by the clarity of language as read in HB 286.

REPRESENTATIVE CARPENTER offered to follow up with DOL.

REPRESENTATIVE STORY asked if there would be legal fees that offenders would be responsible for.

MS. HANSEN explained that the language in HB 286 is modeled after the federal statute currently in existence so that decided case law can be used in application of cases in Alaska. She sought clarification of Representative Story's question.

REPRESENTATIVE STORY wondering if there is any way a victim could be compensated for legal fees.

MS. HANSEN stated that related litigation in civil court is absorbed through contingency fees or as part of the award in a related civil litigation. She noted that the Office of Victims' Rights offers a free service to all crime victims that is not income-based.

[4:25:05 PM](#)

REPRESENTATIVE CARPENTER asked to follow up with DOL. He asked about lines 6-8 on page 2 of HB 286. He sought to clarify the meaning of "public policy" and whether those public policies would help or hinder a court's discretion in establishing restitution awards.

[4:26:50 PM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law, noted that those subsections were added to HB 268 to provide more guidance to courts. She said HB 286 will create a positive impact for courts and those seeking restitution. In response to a follow-up questions, she said that public policy is defined as an expression from the legislature through statute.

[4:28:00 PM](#)

CHAIR SHAW provided closing remarks.

[HB 286 was held over.]

[4:29:29 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [4:29] p.m.