

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 8, 2023

1:31 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator James Kaufman
Senator Cathy Giessel
Senator Löki Tobin

COMMITTEE CALENDAR

SENATE BILL NO. 12

"An Act relating to confidentiality of information; relating to the duties of the Department of Administration; creating an address confidentiality program; and providing for an effective date."

- HEARD & HELD

PRESENTATION(S): ALASKA BAR RULE 43.5 AND THE COMMUNITY JUSTICE WORKER PROGRAM BY NIKOLE NELSON~ EXECUTIVE DIRECTOR ALASKA LEGAL SERVICES CORPORATION

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 12

SHORT TITLE: ADDRESS CONFIDENTIALITY PROGRAM

SPONSOR(S): SENATOR(S) KIEHL

01/18/23	(S)	PREFILE RELEASED 1/9/23
01/18/23	(S)	READ THE FIRST TIME - REFERRALS
01/18/23	(S)	STA, JUD, FIN
02/02/23	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
02/02/23	(S)	Heard & Held
02/02/23	(S)	MINUTE(STA)
02/28/23	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
02/28/23	(S)	Moved CSSB 12(STA) Out of Committee
02/28/23	(S)	MINUTE(STA)
03/01/23	(S)	STA RPT CS 1DP 3NR NEW TITLE

03/01/23 (S) DP: KAWASAKI
03/01/23 (S) NR: WIELECHOWSKI, BJORKMAN, MERRICK
03/08/23 (S) JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

ELLA ADKINSON, Staff
Senator Jesse Kiehl
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the sectional analysis for SB 62.

SUZI PEARSON, Director,
Abused Women's Aid in Crisis
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 12.

KEELEY OLSON, Director,
Standing Together Against Rape
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 12.

MICHAEL RADGOSKY, President
Police Officers Association
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 12.

RANDY MCLELLAN, President
Alaska Correctional Officers Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 12.

NIKOLE NELSON, Executive Director
Alaska Legal Services Corporation
Juneau, Alaska

POSITION STATEMENT: provided the presentation, Alaska Bar Rule 43.5 and the Community Justice Worker Program by Nikole Nelson, Executive Director, Alaska Legal Services Corporation.

ACTION NARRATIVE

[1:31:40 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Kaufman, Giessel, Kiehl and Chair Claman.

SB 12-ADDRESS CONFIDENTIALITY PROGRAM

[1:32:28 PM](#)

CHAIR CLAMAN announced the consideration of SENATE BILL NO. 12 "An Act relating to confidentiality of information; relating to the duties of the Department of Administration; creating an address confidentiality program; and providing for an effective date."

[Before the committee was CSSB 12(STA), work order 33-LS0162/U]

SENATOR JESSE KIEHL, District B, Alaska State Legislature, Juneau, Alaska, Sponsor of SB 12 paraphrased the sponsor statement.

SB 12 creates an address protection program for victims of sexual assault and domestic violence, peace officers and correctional officers, and their families. Alaska is one of only nine states without any form of address protection program. A person needs an address to vote, drive, work and send children to school. When an address shows up in a public record, a person seeking safety from a stalker or abuser faces unnecessary danger. Alaska law enforcement professionals also face threats of retribution. An address protection program gives those Alaskans a tool to stay safe. Under SB 12, the state would retain a post office box and confidentially forward mail to the person's true address. He stressed that Alaskans with a protective order, public safety professionals, and their families deserve a chance to live safely.

SENATOR KIEHL shared the impetus for the proposed legislation with a story about a former legislator who described her pre-legislative work in victim services. He remarked that participation in public life creates public records that often contain an address.

Senator Tobin joined the hearing.

SENATOR KIEHL furthered that the proposed legislation provides those with a protective order against a stalker or domestic violence assailant the opportunity to use a State of Alaska post office box. The victim's official mail is forwarded to their true mailing address with confidentiality protections. The bill enables a victim to bypass the creation of a public record that could lead an assailant to them.

SENATOR KIEHL stated that the bill also includes a provision for Peace Officers and Correction Officers. The provision was included in the bill because of an illegal online effort to disclose police officer addresses and locations of their children's schools. He added that SB 12 does not have the power to erase a presence from the internet. The bill language is directed at cases where a person truly restarted their lives after surviving domestic violence or has a career in public safety. The address protection registry under SB 12 can be used to keep families safe.

CHAIR CLAMAN asked about the sectional analysis and changes made in the Senate State Affairs Standing Committee.

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ELLA ADKINSON, Staff for Senator Kiehl, Alaska State Legislature, Juneau, Alaska provided a sectional analysis.

SB 12 version U: Address Protection
Sectional Analysis

Sec. 1: Puts the program in the Department of Administration.

Sec. 2: Creates the program.

(b) requires a Post Office Box as a substitute mailing address for enrollees and instructs the department to forward mail to participants. It charges the department with protecting confidentiality and requires regulations to govern enrollment and withdrawal.

(c) describes eligible participants as people sheltered by a protective order and their parents, guardians, children, and household members. It also admits peace officers and correctional officers.

(d) requires state and municipal agencies to accept the P.O. Box.

(e) describes the eligibility period.

(f) forbids the department from charging a fee.

(g) allows access to confidential addresses subject to a search warrant.

(h) establishes penalties for unlawfully revealing a protected individual's address.

(i) defines certain terms.

Sec. 3: Establishes a transition period for the department to adopt regulations to implement the program.

Sec. 4: Lets the department begin its regulation process immediately.

Sec. 5: Sets an effective date of Jan. 1, 2024, for the rest of the bill.

SENATOR KIEHL reviewed the changes in the committee substitute. The root version of the bill placed strictures on the court system for Peace Officer and Correctional Officer addresses. The court system has a long-standing system of allowing police officers to list their work address when they are asked to be in court. Learning this prompted the removal of those provisions from the bill. He mentioned another deletion of a protective order that involves protecting minors and people with disabilities from the financial dissipation of assets, which are not safety concerns. Lastly, the changes fine-tuned the definition of household members who might participate in the registry.

Summary of Changes for SB 12 - Bill Version B to U

1. Section 1, page 1 line 5-11 has been deleted
2. Section 2, page 1 line 12-page 2 line 11 has been deleted
3. Section 3, page 2 line 12-page 3 line 2 has been deleted
4. Section 4, page 3 line 3-16 has been deleted
5. Section 6(c)(3), page 4 line 30-31 has been deleted
6. Section 6(i)(4), page 6 line 18, has been amended, removing "another individual" and replacing it with "an individual enrolled in the program"

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CHAIR CLAMAN recalled concerns about the fiscal note in the Senate State Affairs Standing Committee hearing on SB 12.

SENATOR KIEHL replied that the Department of Administration refined their fiscal note. The fiscal impact to the bill relates

to personal services as the new program requires two staff members.

SENATOR TOBIN was interested in the definition of Peace Officer. She read that the definition includes United States Marshal. She wondered if the program would apply to a federal law officer commissioned as a state trooper.

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SENATOR KIEHL responded that the bill uses the broad definition of the statutes in Title 1. He offered to provide concrete data but believed that all police officers would qualify for the program.

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SENATOR KAUFMAN asked about commercial mail forwarding services. He wondered if a forwarding service might provide a different option.

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SENATOR KIEHL responded that the bill addresses the minimal provision of forwarding mail necessary to participate in public life. He pointed out that the program does not serve as a forwarding service for Amazon packages. The effort of the legislation is to enable people to live life without creating public records. He remarked that the legislation matches that of 41 other states. The precise implementation was left to the Department of Administration who was unable to find a commercial service that could offer the needed protection at this time.

SENATOR KAUFMAN appreciated the response. He has family members who use commercial mail forwarding services, and he looked forward to discussing it further with the sponsor offline.

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CHAIR CLAMAN moved to invited testimony.

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SUZI PEARSON, Director, Abused Women's Aid In Crisis, Anchorage, Alaska, testified in support of SB 12. She stated that people living in domestic violence shelters require alternative mail options to protect safety.

[1:47:08 PM](#)

KEELEY OLSON, Director, Standing Together Against Rape, Anchorage, Alaska, testified in support of SB 12. She mentioned working with a similar program in Washington. The accessible

programs are available in up to 40 states nationwide. She advocated for public servants and law enforcement officers.

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MICHAEL RADGOSKY, President, Police Officers Association, Fairbanks, Alaska, testified in support of SB 12. He opined that the proposed legislation benefits law enforcement officers. He appreciated knowing that his loved ones at home are protected by having their personal location secured from exposure.

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RANDY MCLELLAN, President, Alaska Correctional Officers Association, Anchorage, Alaska, testified in support of SB 12. He stated that Alaska had approximately 950 correctional officers spread among 12 different facilities across the state. He noted that physical assault and threats of harm against correctional officers and their families are commonplace. He stated that SB 12 helps ensure that correctional officers and their families' personal information remains private and confidential.

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CHAIR CLAMAN opened public testimony on SB 12. After ascertaining that no one in the room or online wished to testify, he closed public testimony.

CHAIR CLAMAN held SB 12 in committee for further review.

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At ease

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CHAIR CLAMAN reconvened the meeting.

PRESENTATION(S): Alaska Bar Rule 43.5 and the Community Justice Worker Program by Nikole Nelson, Executive Director Alaska Legal Services Corporation

CHAIR CLAMAN announced the consideration of the presentation, "Alaska Bar Rule 43.5 and the Community Justice Worker Program" by Nikole Nelson, Executive Director, Alaska Legal Services Corporation.

NIKOLE NELSON, Executive Director, Alaska Legal Services Corporation, Juneau, Alaska provided the presentation, "Alaska Bar Rule 43.5 and the Community Justice worker program."
MS. NELSON began the presentation with slide 2, "About ALSC."

About ALSC

- o Established in 1967 as a private non-profit law firm.
- o Our mission is to make justice a reality for all Alaskans, not just those who can afford it.
- o We do this through providing high quality civil legal help to Alaskans who don't have access to legal help.

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MS. NELSON continued with slide 3, "About ALSC."

12 hub offices serve every community in Alaska

Anchorage, Bethel, Dillingham, Fairbanks, Kenai, Kodiak, Ketchikan, Kotzebue, Juneau, Nome, Palmer/Wasilla and Utqiagvik.

Statewide footprint

Wide variety of sources: federal, state and local governments; tribal organizations; foundations; and private donations.

Strategic partnerships to leverage resources.

Office Priorities

Case acceptance decisions are guided by priorities established by the local office with input from local communities and approved by our governing board.

Board of Directors - Regional Representation

Located throughout the state - attorneys and lay members

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MS. NELSON continued with slide 4, "ALSC Quick Facts."

Service Area: Alaska

- Only comprehensive civil legal aid org. in state

Budget: \$7M

Staff: 50+

Locations

- 12 statewide offices
- MLP offices

3,743 cases

- Impacting 7,788 Alaskans
- Clients resided in 176 communities

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MS. NELSON moved to slide 5, "ALSC is efficient, cost-effective and achieves positive results in 86 percent of cases."

5:1 ROI

- Boosting the economies of Alaska communities
- In addressing client legal problems, ALSC secures millions of dollars in direct federal benefits for eligible families, stimulates local spending, sustains private sector jobs, and spares state and local budgets the costs of responding to family crises triggered by domestic violence, foreclosure, eviction, or lack of healthcare.
- Positive outcomes are achieved 86% of the time.

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SENATOR KAUFMAN asked about the metrics development. He asked how the five-to-one ratio was determined. He wondered about the statistics cited in slide 5.

MS. NELSON offered to share the study calculating the five-to-one return on investment. She mentioned a formula related to avoiding domestic violence. One measure involves situations where people are not visiting an emergency shelter because they have a civil protective order in place. An additional measure involves homelessness prevention by helping people avoid illegal foreclosures or eviction. Another measure added the ability to draw down benefits when providing veteran advocacy. She added that positive outcome statistics are derived from clients represented by ALSC. She cited that the 86 percent success rate was based on client reporting.

SENATOR KAUFMAN appreciated the detailed information.

CHAIR CLAMAN offered to circulate the information to the committee.

[2:00:01 PM](#)

MS. NELSON moved to slide 6, "Barriers to Justice: Access to Legal Help." She stated that ALSC is forced to turn away 50 percent of applicants because of funding limitations. The cases turned away often have merit but are denied because of resource constraints. She added that 92 percent of low income Americans do not seek legal help in the Lower 48 because of a lack of education about services and the legal system. Some people do not correctly identify a problem as a civil legal need, or they are unable to connect with a legal aid organization or private attorney.

[2:01:38 PM](#)

MS. NELSON moved to slide 7 depicting the "Justice Gap/Crisis." The slide shows a picture of a glacier crevasse illustrating the "gap/crisis."

MS. NELSON continued with slide 8, "Alaska Legal Referral Network." She shared that the Alaska Supreme Court had a Justice For All Commission established to better understand our community landscape. She learned through the commission that ALSC received more referrals than other legal entities in Alaska.

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MS. NELSON moved to slide 9, depicting four separate maps of Alaska categorizing legal providers, social service providers, medical providers and information service providers. She pointed to the square at the upper left corner of the slide illustrating locations for private attorneys (blue dots) and public defenders and ALSC (green dots). She mentioned that most attorneys are located in bigger communities and along the road system. She pointed out large areas of Alaska without legal representation. The commission provided information about other entities with larger footprints than the legal community.

MS. NELSON explained that ALSC was seeking to borrow infrastructure. Medical providers in Alaska have the biggest system footprint. She noted that the Alaska Native Tribal Health System has community health aids in nearly every community in the state. She stated that ALSC requested a partnership with the system to further distribute resources. She remarked that ALSC

began partnering with the Alaska Native Health Consortium and other regionally operated tribal health providers to build a network of medical/legal partnerships. The healthcare system shared similar interests in resolving issues like homelessness, family violence, finances and health problems. She noted recognition that life altering legal problems were termed social determinants of health by the medical community. She mentioned an effort to embed ALSC staff within the health care system. She shared that ALSC partnered with the Alaska Native Health Consortium and Alaska Pacific University to replicate the community-based healthcare provider program in the legal context.

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MS. NELSON referenced slide 10, "Locally sourced community justice workforce." She stated that ALSC began a training program in partnership with the Alaska Native Health Consortium and Alaska Pacific University to train and support a community justice-based workforce. She highlighted the development of asynchronous distance learning modules to allow community members to help each other with legal issues.

[2:06:57 PM](#)

MS. NELSON moved to slide 11, "Advocate Reported Affiliation" She explained that ALSC recruited over 200 people from various affiliated organizations. She added that law students in the Lower 48 have utilized the training modules in an effort to help Alaskans in need of legal aid.

MS. NELSON moved to slide 12, "Community Justice Workers by the Numbers." She pointed out that ALSC recruited over 200 justice workers. She added that approximately 100 recruits completed the training while another 101 people are progressing through the programs.

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MS. NELSON moved to slide 13, "Alaska Bar Rule 43.5 Waiver." She stated that the Alaska Supreme Court approved the Alaska Bar Rule Waiver that will allow properly trained and supervised people to provide limited-scope legal services on November 9, 2020.

- Train on rules of professional responsibility
- Provide supervision as needed
- Community justice workers practice exclusively for ALSC
- Informed consent

- ALSC puts candidates up for approval
- Scope can evolve with evidence

MS. NELSON moved to the last slide "Community Justice Worker Resource Center." She stated that ALSC was the recipient of one in fifty National Sciences Foundation Civic Opportunities Grant. She shared that 50 different projects were chosen in stage one and ALSC was one of them. She added that in stage two, 20 projects will receive a million dollar investment for program expansion.

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SENATOR KAUFMAN asked about the term "asynchronous learning module".

MS. Nelson replied that asynchronous learning allows students to move at their own pace. She highlighted the effort to allow the educational flexibility via the training and modules. She explained that ALSC seeks to widen the availability of the community justice worker training while avoiding over credentialling. She mentioned that much of the work done by ALSC involves transactional work that can be performed by a legal workforce of trained non-lawyers.

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SENATOR KAUFMAN differentiated the term nonsynchronous learning from asynchronous learning.

SENATOR TOBIN expressed her appreciation for the program and to Erin Lillie for his work with the Nome community.

MS. NELSON appreciated the comment and the contribution of Erin Lillie as an ALSC board member.

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CHAIR CLAMAN asked about the funding source for the new program.

MS. NELSON replied that ALSC received a pro bono innovation fund grant through the Legal Services Corporation. The grant funding helped establish the mentioned training modules. She added that the Alaska Native Health Consortium donated generously to design already existing training modules. She added that ALSC contributes general funds to the training program. She spoke about the opportunity for the National Science Foundation grant that would invest \$1 million into the program. She highlighted ALSC's capital budget request for \$500 thousand to address the

standards and credentialing required to establish the training center.

2:15:17 PM

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:15 PM.