

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 25, 2024

1:36 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE JOINT RESOLUTION NO. 3 (JUD) AM
Encouraging Congress to pass the Concealed Carry Reciprocity Act
or a similar bill.

- HEARD & HELD

SENATE BILL NO. 258

"An Act relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed; and relating to the calculation of the value of the permanent fund dividend by including payment to individuals eligible for a permanent fund dividend because of a conviction that has been vacated, reversed, or dismissed."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 3

SHORT TITLE: CONCEALED HANDGUN RECIPROCITY B/W STATES

SPONSOR(S): REPRESENTATIVE(S) RAUSCHER

02/01/23	(H)	READ THE FIRST TIME - REFERRALS
02/01/23	(H)	JUD, STA
02/10/23	(H)	JUD AT 1:30 PM GRUENBERG 120
02/10/23	(H)	Heard & Held
02/10/23	(H)	MINUTE(JUD)

02/17/23 (H) JUD AT 1:30 PM GRUENBERG 120
 02/17/23 (H) Moved CSHJR 3(JUD) Out of Committee
 02/17/23 (H) MINUTE(JUD)
 02/20/23 (H) JUD RPT CS(JUD) 3DP 4NR
 02/20/23 (H) DP: C.JOHNSON, GROH, VANCE
 02/20/23 (H) NR: CARPENTER, EASTMAN, GRAY, ALLARD
 02/28/23 (H) STA AT 3:00 PM GRUENBERG 120
 02/28/23 (H) Scheduled but Not Heard
 03/02/23 (H) STA AT 3:00 PM GRUENBERG 120
 03/02/23 (H) Heard & Held
 03/02/23 (H) MINUTE(STA)
 03/14/23 (H) STA AT 3:00 PM GRUENBERG 120
 03/14/23 (H) Moved CSHJR 3(JUD) Out of Committee
 03/14/23 (H) MINUTE(STA)
 03/17/23 (H) STA RPT CS(JUD) 5DP 1AM
 03/17/23 (H) DP: ALLARD, WRIGHT, C.JOHNSON,
 CARPENTER, SHAW
 03/17/23 (H) AM: STORY
 04/14/23 (H) DIVIDE THE AMENDMENT PASSED Y24 N15 E1
 04/19/23 (H) TRANSMITTED TO (S)
 04/19/23 (H) VERSION: CSHJR 3(JUD) AM
 04/21/23 (S) READ THE FIRST TIME - REFERRALS
 04/21/23 (S) STA, JUD
 05/04/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
 05/04/23 (S) Heard & Held
 05/04/23 (S) MINUTE(STA)
 05/06/23 (S) STA AT 9:00 AM BELTZ 105 (TSBldg)
 05/06/23 (S) Scheduled but Not Heard
 05/06/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
 05/06/23 (S) -- Public Testimony <Time Limit May Be
 Set> --
 05/12/23 (S) STA REFERRAL WAIVED
 03/20/24 (S) JUD AT 1:30 PM BUTROVICH 205
 03/20/24 (S) Heard & Held
 03/20/24 (S) MINUTE(JUD)
 03/25/24 (S) JUD AT 1:30 PM BUTROVICH 205

BILL: SB 258

SHORT TITLE: CRIM. CONV. OVERTURNED: RECEIVE PAST PFD
 SPONSOR(s): STATE AFFAIRS

03/06/24 (S) READ THE FIRST TIME - REFERRALS
 03/06/24 (S) JUD, FIN
 03/25/24 (S) JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

CLAIRE RADFORD, Legislative Counsel
Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions related to HJR 3.

LISA PURINTON, Director
Division of Statewide Services
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of HJR 3.

REPRESENTATIVE GEORGE RAUSCHER, District 29
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered a statement on HJR 3.

SENATOR SCOTT KAWASAKI, District P
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 258 as chair of the Senate State Affairs Committee.

NANCY MEADE, General Counsel
Administrative Offices
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 258.

JORY KNOTT, Executive Director
Alaska Innocence Project
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 258.

BRIAN RIDLEY, Chief Chair
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 258.

COREY BIGELOW, Operations Manager
Permanent Fund Dividend Division
Department of Revenue (DOR)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the discussion of SB 258.

ACTION NARRATIVE

[1:36:25 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Giessel, Kiehl, Kaufman, Tobin, and Chair Claman.

HJR 3-CONCEALED HANDGUN RECIPROCITY B/W STATES

[1:36:55 PM](#)

CHAIR CLAMAN announced the consideration of CS FOR HOUSE JOINT RESOLUTION NO. 3(JUD) am Encouraging Congress to pass the Concealed Carry Reciprocity Act or a similar bill.

CHAIR CLAMAN said this is the second hearing of HJR 3 in the Senate Judiciary Standing Committee. He said today Legislative Legal is online to answer questions raised during the first hearing and the intention for today's hearing is to address those questions.

CHAIR CLAMAN opened the hearing up for questions from committee members.

[1:37:50 PM](#)

SENATOR KIEHL said one of the primary questions raised during the previous hearing concerned the text of the proposed federal legislation that HJR 3 endorses. He stated that the discussion from the previous hearing focused on how reciprocity would function. One question was whether a person who does not hold a concealed carry permit but resides in a state that allows permitless concealed carry, would be allowed to carry a concealed firearm in a state that requires a permit for its residents.

[1:38:50 PM](#)

CLAIRE RADFORD, Legislative Counsel, Legal Services, Legislative Affairs Agency, Juneau, Alaska, expressed her understanding that the federal reciprocity act would not allow a person to carry concealed in a state that requires a permit unless that person possesses a concealed carry permit from their state of residence.

[1:39:21 PM](#)

SENATOR KIEHL raised the next question and requested an additional layer of detail. He posed a hypothetical scenario in which a person resides in a state that allows permitless carry

at the age of 19. He asked if the federal legislation were enacted, whether that person could legally carry in another state where concealed carry is only permitted for individuals 21 years of age or older.

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MS. RADFORD stated that, based on her reading of the federal bill, a person must possess a concealed carry permit from their home state of residence in order to carry in another state that either:

- has a statute allowing residents to apply for a concealed carry license, or
- does not prohibit residents from carrying concealed firearms for lawful purposes.

MS. RADFORD replied that if a 19-year-old does not possess a concealed carry permit in their home state, they would not be permitted to carry in another state that requires permit holders to be 21 or older. The 19-year-old would not be able to concealed carry in that state.

[1:40:46 PM](#)

SENATOR KIEHL said this answer seems to conflict with the first answer. He cited language from U.S. H.R. 38, which is paraphrased below:

Notwithstanding other state laws, a person who is not prohibited by federal law from possessing a firearm, and who is carrying valid photo identification (ID), may possess or carry a concealed firearm in any state that does not prohibit concealed carry, provided the person is entitled to carry concealed in their state of residence.

SENATOR KIEHL sought clarification on how the first two answers align with the bill's text.

MS. RADFORD acknowledged the source of the confusion and corrected her earlier response. She clarified that, under U.S. H.R. 38, if a 19-year-old is entitled to carry a concealed firearm without a permit in their home state, they would be permitted to carry in another state that either has a statute allowing residents to apply for a concealed carry permit or does not prohibit permitless concealed carry by its residents for lawful purposes.

[1:43:05 PM](#)

CHAIR CLAMAN presented a hypothetical scenario: State A issues concealed carry permits to individuals as young as 19, whereas State B only issues permits to those 21 and older.

CHAIR CLAMAN asked whether, under the proposed federal legislation, a 19-year-old resident of State A, who holds a valid concealed carry permit from State A, would be allowed to carry concealed in State B, despite that state's higher minimum age requirement.

[1:44:06 PM](#)

MS. RADFORD replied that is correct. She paraphrased U.S. H.R. 38, which explained that:

A person who carries or possesses a concealed handgun in accordance with the requirements of (a) and (b) of that bill, may not be arrested or otherwise detained for a violation of any law or any rule or regulation of a state related to possession, transportation or carrying unless there's probable cause to believe they're doing so in a manner not provided for by federal law.

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SENATOR TOBIN stated that, unlike Alaska, Colorado stipulates a person must complete safety training to carry a concealed firearm. She asked whether a person from Alaska visiting Colorado would be allowed to carry concealed without first completing the required safety course.

MS. RADFORD replied that she is not 100 percent certain and will follow up with the committee.

[1:45:50 PM](#)

SENATOR TOBIN observed that the proposed federal legislation identifies particular federal lands, such as the National Park System, National Wildlife Refuge System, public land under the Bureau of Land Management, and so forth. These lands would be open to a person possessing or carrying a concealed handgun. She said Alaska has particular stipulations with certain state and federal lands where you can and cannot carry firearms.

SENATOR TOBIN asked whether the proposed federal legislation would supersede enacted U.S. codes and laws.

MS. RADFORD replied that she does not typically work with federal statutes or bills and will need to do more research to answer the question. She said that she is not sure how this would impact any of those current requirements.

SENATOR TOBIN stated that for the record her spouse is a federal law officer for the Bureau of Land Management.

[1:47:18 PM](#)

SENATOR KIEHL stated that, broadly, the federal bill appears intended to preempt state laws and functions as an act of preemption. He referred to carve-outs beginning on page 3, line 19 of the federal legislation. He expressed his understanding that the federal bill would not preempt Alaska laws allowing property owners to prohibit concealed carry in their homes or laws prohibiting concealed carry in state government buildings. He noted that Alaska law prohibits carrying concealed firearms in bars and daycares, among possibly other locations. He asked whether those Alaska laws would still apply to individuals from other states under the federal legislation, should it be enacted.

MS. RADFORD replied that she is not certain what effect the federal bill would have on Alaska's specific prohibitions, such as carrying in bars. She offered to look into the matter further, noting that while the bill references certain properties, it does not specifically mention privately owned properties like bars or daycares.

[1:49:18 PM](#)

CHAIR CLAMAN sought clarification about Alaska concealed carry laws, asking whether Alaska has a concealed carry permit.

MS. RADFORD replied yes, Alaska has concealed handgun permits. The Department of Public Safety is in charge of issuing those. Alaskans can apply for and receive a concealed handgun permit although it is not necessary for individuals over the age of 21.

CHAIR CLAMAN asked whether Alaska has any provisions about reciprocity with other states.

MS. RADFORD replied yes, Alaska has a statute related to reciprocity agreements in AS 18.65.775, and the Department of Public Safety is authorized to enter into those agreements with other states.

[1:50:28 PM](#)

CHAIR CLAMAN stated that in Alaska, individuals 21 years of age and older may carry concealed without a permit, but those under 21 are required to obtain a permit. He asked whether Alaska would honor another state's differing permit terms or require those terms to align with Alaska's requirements.

MS. RADFORD clarified that a person under the age of 21 is unable to receive a concealed carry permit in Alaska. It is against criminal statutes to concealed carry under the age of 21. She deferred to the Department of Public Safety (DPS) for requirements on concealed carry reciprocity agreements, stating that she was uncertain how DPS determines which reciprocity agreements to enter into with other states.

[1:51:48 PM](#)

CHAIR CLAMAN restated his question, noting that Alaska does not allow individuals under the age of 21 to concealed carry. He asked how DPS would handle reciprocity for a state that permits concealed carry below that age.

[1:52:39 PM](#)

LISA PURINTON, Director, Division of Statewide Services, Department of Public Safety (DPS), Anchorage, Alaska, answered questions during the discussion of HJR 3. She stated that DPS enters into reciprocity agreements with other states only when those states have similar statutory requirements. If a state's restrictions do not align with Alaska law, DPS would not establish a reciprocity agreement with that state.

MS. PURINTON clarified that DPS would not enter into a reciprocity agreement with a state that allows individuals under the age of 21 to concealed carry, as Alaska law requires individuals to be at least 21 years old for reciprocity to apply.

[1:53:35 PM](#)

CHAIR CLAMAN sought confirmation that the approach DPS takes is that Alaska will grant reciprocity to another state, but the first test is to ensure that the restrictions in the other state are consistent with those in Alaska.

MS. PURINTON replied that is correct.

[1:53:52 PM](#)

SENATOR TOBIN said some states have additional training requirements or other restrictions, such as prohibiting individuals with certain domestic violence convictions from

obtaining a concealed carry permit. She asked whether DPS has ever entered into a reciprocity agreement with a state that has more restrictive permitting requirements than Alaska.

MS. PURINTON said she would double-check, but explained that, generally, to get a concealed carry permit in Alaska, an individual must comply with state requirements and meet federal eligibility requirements. She noted that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) usually outlines those federal requirements in U.S. Code. These include provisions related to misdemeanor crimes of domestic violence, depending on the nature of the relationship between the victim and the defendant, along with other federally established criteria. She reiterated that individuals must satisfy both federal and state requirements.

[1:55:24 PM](#)

CHAIR CLAMAN invited the sponsor of HJR 3 to offer a statement on his resolution.

[1:55:30 PM](#)

REPRESENTATIVE GEORGE RAUSCHER, District 29, Alaska State Legislature, Juneau, Alaska, said that he has a statement from the sponsor of federal bill, U.S. H.R. 38. He asked the bill sponsor whether non-residents would have to abide by the conceal and carry laws of those states. The bill sponsor answered yes. U.S. H.R. 38 intends to allow individuals with concealed carry privileges in their home state to exercise those rights in any other state that allows concealed carry while still abiding by that state's laws. The goal of the bill is to reduce confusion and legal inconsistencies for responsible gun owners when they travel outside their home state, while also respecting the state's rights in the states that they are visiting.

[1:56:29 PM](#)

CHAIR CLAMAN asked who the statement is from.

REPRESENTATIVE RAUSCHER replied it is from U.S. Representative Richard Hudson, Republican, North Carolina, District 9.

CHAIR CLAMAN sought confirmation that the statement is for U.S. H.R. 38.

REPRESENTATIVE RAUSCHER answered in the affirmative, stating HJR 3 encourages Congress to enact the bill, U.S. H.R. 38.

[1:57:09 PM](#)

CHAIR CLAMAN held HJR 3 in committee.

SB 258-CRIM. CONV. OVERTURNED: RECEIVE PAST PFD

[1:57:11 PM](#)

CHAIR CLAMAN announced the consideration of SENATE BILL NO. 258 "An Act relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed; and relating to the calculation of the value of the permanent fund dividend by including payment to individuals eligible for a permanent fund dividend because of a conviction that has been vacated, reversed, or dismissed."

CHAIR CLAMAN said this is the first hearing of SB 258 in the Senate Judiciary Committee. The bill is sponsored by the Senate State Affairs Standing Committee. Senator Kawasaki will present the bill.

[1:57:45 PM](#)

SENATOR SCOTT KAWASAKI, District P, Alaska State Legislature, Juneau, Alaska, expressed appreciation, as chair, on behalf of the Senate State Affairs Committee, to the members of the Judiciary Committee for hearing SB 258. He presented the bill as follows:

If someone is convicted of a felony in the state of Alaska, that individual is not eligible to receive a permanent fund dividend (PFD) for that qualifying year, nor for any additional year in which incarcerated. Currently, in the event a conviction is later deemed invalid or vacated, no statute allows that individual to receive the PFDs which were incorrectly withheld. SB 258 would ensure Alaskans are paid PFDs that are rightfully theirs. As is done with prior year dividend fund liabilities, which is a separate fund within the Permanent Fund Dividend, the money to pay these back payments would come out of that fund in the form of a reduction, which the Department of Revenue created for that purpose. The Department of Revenue calculates the amount of money taken from the Permanent Fund based on the estimated cases for that particular qualifying year. Once the bill goes into effect, the minute someone becomes eligible to receive back PFDs for a vacated, reversed, or dismissed conviction, the Court System would notify the Department of Revenue, send over necessary documents, and the department would take the necessary

steps to calculate for the potential payout. Research suggests that there will be between four and twenty claimants, although the exact number cannot be confirmed until people begin to make those claims. For the first year, we expect the payout to be around \$103,000, which was an estimate made when a similar bill passed the House of Representatives in the 30th Alaska State Legislature. At this point, eligibility is difficult to discern because it requires reviewing court records to identify the rare instances where individuals may qualify. However, based on the data we do have, we can again estimate that there would be an average of two to three claims per year.

SENATOR KAWASAKI expressed his belief that SB 258 is sound and relatively simple legislation. It corrects a serious injustice. This legislation proposes to help individuals who may have lost time with loved ones, lost their jobs, or lost income to transition back to civilian life.

[2:01:09 PM](#)

SENATOR KIEHL stated that there are a few bills pending that would allow for vacating judgments under very limited circumstances. He expressed his belief that the scope of SB 258 would not encompass those provisions. He referenced a proposal to the Governor's bill that would allow the vacating of judgments for individuals convicted of prostitution if they were victims of sex trafficking, specifically in cases of selling. He sought clarification, asking whether it is not enough to have a judgment vacated, the charges must be dismissed or an actual finding of not guilty on a retrial.

[2:02:09 PM](#)

SENATOR KAWASAKI said that probably was likely better addressed to general counsel from the Alaska Court System. He explained that the intent of SB 258 is to ensure that if a conviction has been vacated or reversed, and dismissed or overturned by a trial, the individual would become eligible for a permanent fund dividend that they were previously denied due to the conviction. He noted that the legal technicalities surrounding that eligibility would be better clarified by general counsel.

[2:03:02 PM](#)

NANCY MEADE, General Counsel, Administrative Offices, Alaska Court System, Anchorage, Alaska, replied that the bill she is familiar with is pending and would vacate a conviction for prostitution if certain conditions are met. She explained that,

under the Permanent Fund Dividend statute, individuals are ineligible for a PFD if they incarcerated for:

- a felony, though she noted that prostitution is not a felony, or
- a misdemeanor, if it is a third offense following two prior misdemeanors.

MS. MEADE explained that it is possible individuals convicted of the Class B misdemeanor of prostitution, which has a maximum of 10 days imprisonment, could fall under this category. She estimated that the number of people affected would be extremely small. She expressed her view that if the court vacates under the criteria set by SB 258, and all other statutory conditions are met, the person could seek the PFD that was previously denied from the PFD office.

[2:04:33 PM](#)

SENATOR KIEHL referred to proposed subsection (i)(1) of SB 258, which addresses the vacatur of judgment provision. He expressed his understanding that under this provision, the court vacates the conviction and there is no subsequent dismissal of charges step. He restated his question, asking whether vacating a judgment and dismissing charges are, in fact, two different actions.

MS. MEADE replied that is a good question and said she would need to consider it and how the Department of Law would apply that provision. She acknowledged his point and stated that she was uncertain about its application in that circumstance.

[2:05:34 PM](#)

SENATOR TOBIN referenced the well-known Fairbanks Four case and asked how SB 258 would apply to a similar population. She inquired whether the bill would help bring justice to individuals in that situation.

MS. MEADE replied that her understanding is that the circumstances involving the Fairbanks Four align with what SB 258 is intended to address. She recommended, in such cases, the Department of Revenue consult with the Department of Law when presented with an appellate court decision.

[2:06:21 PM](#)

CHAIR CLAMAN noted that Mr. Bigelow from the Permanent Fund Dividend Division is online.

[2:06:34 PM](#)

SENATOR KAWASAKI replied that in the case of the Fairbanks Four SB 258 would correct what was a miscarriage of justice. He emphasized the bill applies to any person who was wrongly convicted. He stated that the issue is one of justice and ensuring that a person who is wrongfully incarcerated or wrongfully convicted has an opportunity. Many states have introduced legislation similar to SB 258; some have offering remedies such as waiving tuition and fees at public colleges and universities, an approach Texas recently adopted. Alaska is unique in that the state has a permanent fund dividend. He noted that Alaska is unique in having a permanent fund dividend and can approach wrongful conviction compensation in different ways, with SB 258 being just one small part of that.

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CHAIR CLAMAN remarked that, as a graduate of the University of Texas, he would suggest that free tuition at the University of Texas, or, for that matter, the University of Alaska, is probably worth more than a permanent fund dividend payment.

[2:08:11 PM](#)

SENATOR TOBIN sought clarification on the transition and eligibility language found on pages 2 and 3 of the bill.

[2:08:44 PM](#)

SENATOR KAWASAKI referenced Section 3 of the bill, paraphrasing:

An individual who is eligible for PFD compensation as defined under Section 1 of the bill, and whose dismissal or not guilty finding occurred before the effective date of this Act, shall apply for a permanent fund dividend no later than one year after the effective date of the Act.

SENATOR KAWASAKI explained that the transition provision gives individuals one year from the effective date of SB 258 to apply.

[2:09:14 PM](#)

CHAIR CLAMAN sought confirmation that this provision sort of imposes a statute of limitations to apply for the dividend.

SENATOR KAWASAKI confirmed that it does.

[2:09:29 PM](#)

CHAIR CLAMAN announced invited testimony on SB 258.

[2:09:57 PM](#)

JORY KNOTT, Executive Director, Alaska Innocence Project, Anchorage, Alaska, testified in support of SB 258. He said he is a lifelong Alaskan. SB 258 would amend the Permanent Fund Dividend statute to allow for back payment of PFDs to Alaskans who were wrongfully convicted and incarcerated during those years. He highlighted three points:

- This bill has a zero fiscal note.
- This bill is nonpartisan.
- Passing this bill is the right thing to do.

MR. KNOTT elaborated on the zero fiscal note, stating that back payments would come from prior year dividends, which are sufficient to take care of the Fairbanks Four case and future cases taken on by the Alaska Innocence Project. Furthermore, the bill has no impact on the Restorative Justice [Program] or victim impact funds derived from PFDs withheld from incarcerated felons. He commented that the bill carries no criminal justice fiscal note.

MR. KNOTT reiterated that SB 258 is nonpartisan, pointing out that HB 342, the House companion bill, is receiving bipartisan support and community support.

MR. KNOTT emphasized that SB 258 is simply the right thing to do. He said receiving a PFD is a fundamental part of being Alaskan. He contrasted the treatment of lawfully convicted individuals, who receive reentry services and legislative support for reintegration, with that of wrongfully convicted individuals, who receive nothing under current law.

MR. KNOTT concluded that SB 258 moves Alaska toward a more just and productive future for wrongfully convicted individuals. He stated that wrongful convictions do happen, even though most of the time the justice system gets it right. He closed by stating that wrongfully convicted Alaskans deserve an apology, a warm welcome home, a chance to contribute to the economy, and at the very least, the same right to a PFD as every other Alaskan.

MR. KNOTT underscored that denying a PFD to someone who was wrongfully imprisoned constitutes a second injustice. He thanked the committee for its time.

[2:15:03 PM](#)

CHAIR CLAMAN asked why tuition at the University of Alaska is not being considered, noting that if the goal is to support individuals who have lost civil rights and help them reintegrate, a university education may be more valuable than a check.

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MR. KNOTT replied that Alaska is one of only 12 or 13 states that provide no compensation for wrongful conviction, though that number is decreasing annually. He said there is a strong movement towards reintegration support, including tuition, housing, and job training. He noted that Texas, once known for frequent wrongful convictions, now has the most robust reintegration program. He said studies show that 2 to 5 percent of convictions are wrongful. Even at 2 percent, this could mean nearly 100 wrongful convictions in Alaska. The Alaska Innocence Project is a small organization, and though it has volunteers and community support, it also has limited capacity. He said it is one thing to fundraise, but nothing makes change faster than a face of a wrongfully convicted individual asking for a little bit of help.

[2:17:18 PM](#)

CHAIR CLAMAN opened public testimony on SB 258

[2:17:48 PM](#)

BRIAN RIDLEY, Chief Chair, Tanana Chiefs Conference, Fairbanks, Alaska, testified in support of SB 258. He offered the following testimony:

Thank you for the opportunity to provide public testimony in strong support of SB 258 today. In December, almost nine years ago, Tanana Chiefs Conference celebrated the release from prison the men known as the Fairbanks Four: Marvin Roberts, George Frese, Eugene Vent, and Kevin Pease.

These men had maintained their innocence for 19 years pursuing post-conviction relief options through every avenue, even years after the State of Alaska had received evidence that supported their innocence. The State did not provide these men with reparations to transition back into daily life. Despite their proven innocence, the difficulty of reentering society is profound for the wrongfully convicted. The failure to compensate them adds insult to injury.

Young men that were arrested in 1996 reentered the world having spent their formative years in a concrete cell. They had lost work and education opportunities, social and relationship opportunities, things that are hard to put a price on. But throughout the entire time that any Alaskan is fighting for their innocence, one thing is not lost, the fact that they are Alaskans.

There's one thing that everyone in Alaska has an opinion on, unfortunately, it isn't reparations for the wrongfully convicted. It is the PFD. What better way to welcome someone who has freshly reclaimed their innocence than by reminding them that their Alaskan reward is still waiting for them?

We were delighted in 2017 when then Representative Kawasaki introduced this legislation and championed it through the House with an overwhelming show of support. Now, seven years later, we continue to believe that SB 258 is an important first step in ensuring the integrity of our criminal justice system. Currently, the federal government, the District of Columbia, and 30 states have compensation statutes. Twenty states do not; Alaska is one of those 20. This is not an honored distinction.

Please support this important legislation.
Thank you, Mahsi Choo.

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CHAIR CLAMAN closed public testimony on SB 258.

[2:20:44 PM](#)

SENATOR GIESSEL agreed with the theory of SB 258 but questioned the financial logistics behind the zero fiscal note. She referenced the fiscal note narrative, which states the Permanent Fund Dividend Division cannot estimate how many Alaskans may apply under the bill's provisions. She said this suggests the fiscal note should be indeterminate.

SENATOR GIESSEL raised concerns about logistics, explaining that the total amount available for dividends each year comes from a percent of the market value. After that is determined, it is divided by the number of eligible applicants, which sets the amount of the dividend. She asked how payments for past years would be handled, noting that those dividends have already been

distributed. She asked whether the payments would come from the current year distribution and, if so, whether that would change the calculation.

[2:22:11 PM](#)

COREY BIGELOW, Operations Manager, Permanent Fund Dividend Division, Department of Revenue (DOR), Juneau, Alaska, confirmed that the Division is unable to estimate how many Alaskans may apply under SB 258. He agreed the fiscal note should be considered indeterminate at this time. He expressed his belief that use of the liability fund was mentioned during the bill's introduction. Depending on how many individuals apply in the first year and for how many years, it is unclear whether the fund would have sufficient resources. He stated that he did not have the current balance in front of him but would provide that information to the committee.

He explained that depending on how many individuals apply in the first year, or for how many years, he does not know if the liability fund would have enough available in it. He said that he does not have the amount of the fund in front of him but would gather that information for the committee.

[2:23:27 PM](#)

CHAIR CLAMAN held SB 258 in committee.

[2:24:00 PM](#)

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:24 p.m.