

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 2, 2023

3:31 p.m.

MEMBERS PRESENT

Senator Scott Kawasaki, Chair
Senator Matt Claman, Vice Chair
Senator Jesse Bjorkman

MEMBERS ABSENT

Senator Bill Wielechowski
Senator Kelly Merrick

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

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)

WITNESS REGISTER

SENATOR JESSE KIEHL, District B
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 12.

ELLA ADKISON, Staff
Senator Jesse Kiehl

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 12 on behalf of the sponsor.

JODY REAUSAW, Business Agent
Alaska Correctional Officers Association
Juneau, Alaska

POSITION STATEMENT: Provided invited testimony in support of SB 12.

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

POSITION STATEMENT: Testified in support of SB 12

ACTION NARRATIVE

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CHAIR SCOTT KAWASAKI called the Senate State Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Bjorkman, Claman, and Chair Kawasaki.

SB 12-ADDRESS CONFIDENTIALITY PROGRAM

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CHAIR KAWASAKI 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."

He stated the intention to hear the introduction, take invited and public testimony, then hold the bill for further consideration.

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SENATOR JESSE KIEHL, District B, Alaska State Legislature, Juneau, Alaska, sponsor of SB 12, introduced the legislation speaking to the following 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. They are so widespread because they are essential. A person needs an address to vote, drive, work, send children to school, and much more. When that address shows up in a public record, an Alaskan seeking safety from a stalker or abuser faces unnecessary danger. So do Alaska law enforcement professionals who face threats of retribution.

An address protection program gives those Alaskans a tool to stay safe.

Under SB 12, the state would keep a Post Office Box and confidentially forward mail to Alaskans with a protective order, public safety professionals, and their families. Victims and those protecting our state deserve the chance to live safely.

SENATOR KIEHL shared the story that prompted the bill. A former colleague who worked in victim services talked about someone who had fled a life-threatening situation in another state and moved to Anchorage. The former victim got a post office box and registered to vote. One day when she went to the post office, she spotted her former abuser sitting in his car outside the building. Senator Kiehl emphasized that nobody should have to go through that to cast a ballot. He continued that while current law allows an individual to keep their home address private, a mailing address is required and that is a public record.

SENATOR KIEHL explained that SB 12 creates an address protection program in the Department of Administration. DOA already has some mail services to which this new program could be added. Any peace officer, correctional officer, or somebody who has a protective order can register to use the secure state post office box and a state employee will forward the individual's mail confidentially and securely. He acknowledged that this was a difficult time to consider new state programs, but this one was very important. It's about protecting people's lives and their families.

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ELLA ADKISON, Staff, Senator Jesse Kiehl, Alaska State Legislature, Juneau, Alaska, presented the following sectional analysis for SB 12 on behalf of the sponsor:

Sec. 1: Adds peace officers and correctional officers participating in the address protection program to the chapter of state law that contains confidentiality rules for some court records.

Sec. 2: Makes home addresses and telephone number of peace officers and correctional officers enrolled in the program confidential in court documents and requires that they be redacted before releasing a document containing them.

Sec. 3: Protects the home address and telephone number of peace officers and correctional officers enrolled in the program in open court and generally prevents them from being placed in court files unless ordered by the court.

Sec. 4: Defines "correctional officer" using the same language as AS 18.65.290.

Sec. 5: Puts the program in the Department of Administration.

Sec. 6: 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. 7: Establishes a transition period for the department to adopt regulations to implement the program.

Sec. 8: Let's the department begin its regulation process immediately.

Sec. 9: Sets an effective date of Jan. 1, 2024 for the rest of the bill.

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SENATOR CLAMAN noted that page 4 referenced a protective order under Title 13 Chapter 26. He asked what kind of protective orders fall under Title 13.

SENATOR KIEHL replied these are the same protective orders that are used for domestic violence cases. The legislative representative from the court said this type of protective order was uniform nationwide.

SENATOR CLAMAN summarized his understanding that an individual registered in the program would receive their mail at the confidential and secure state post office box and someone from the state would forward the individual's mail to their actual address.

SENATOR KIEHL said that's the notion and the bill gives DOA significant flexibility to define how that will work in regulation. The expectation was that only first class mail would be forwarded.

SENATOR CLAMAN asked for confirmation that DOA currently does not have an existing program for forwarding mail.

SENATOR KIEHL said that's correct.

SENATOR CLAMAN observed that in Section 1, the current statute only protects victims of and witnesses to a charged crime. The bill expands that protection to include domestic violence protective orders and other noncriminal matters.

SENATOR KIEHL said that's correct and only an individual's personal home address is protected.

SENATOR CLAMAN noted that individual addresses are readily available by looking at municipal property records. He asked if the law would impact what the Municipality of Anchorage (MOA) does or doesn't do regarding addresses in its property records.

SENATOR KIEHL said it won't have an effect because MOA passed a local ordinance that removes the addresses of victims of violent crimes from the public record. The property owner who registers for the proposed program would receive their property tax statement from the state post office box.

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SENATOR CLAMAN asked if this would create a duty on local governments.

SENATOR KIEHL responded that the bill requires a municipality to accept the protected address as the individual's mailing address but as currently written, there was no duty for municipalities to purge their tax records. An individual would have to make that request. The individuals who will use the protective program are genuinely in fear for their life and safety. They may have moved to a different city or state and if the concern is great enough they may resort to using a trust to purchase property so their name does not appear in the recorder's office.

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CHAIR KAWASAKI asked if this would create a duty on school districts.

SENATOR KIEHL answered that school districts will be required to accept the protected state post office box as a student's mailing address. The bill applies to household members of the person protected by a protective order. The language about correctional officers came from other areas of the statutes; it includes a person who is employed in a correctional institution in the state.

CHAIR KAWASAKI turned to invited testimony.

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JODY REAUSAW, Business Agent, Alaska Correctional Officers Association, Juneau, Alaska, provided invited testimony in support of SB 12. She stated that correctional officers receive threats to themselves and their families fairly often. She said it is also worthy of note that inmates look for officers' personal information for malicious reasons, for cache, and sometimes to trade with other inmates. Gaining access to an officer's address can also be used to obtain more personal information. Correctional officers work long days in a difficult environment, and they are often worried about the safety of their families. SB 12 will provide major relief for officers who

opt to participate in the program. She reiterated the Alaska Correctional Officers Association's support for SB 12.

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CHAIR KAWASAKI opened public testimony on SB 12.

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BRENDA STANFILL, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), Juneau, Alaska, testified in support of SB 12. She stated that Alaska was one of just six states that does not have an address confidentiality program for victims of domestic violence, sexual assault, and stalking. She noted that she recently learned from child support enforcement that if a noncustodial parent requests the custodial parent's address, the division sends a mailer to the custodial parent. If a response is not forthcoming, the address is released. She said this speaks directly to the need for an address confidentiality program.

MS. STANFILL provided some statistics.

- For the last 10 years Alaska has ranked second for deaths of women by men.
- In 2020 Alaska was number one for deaths of women by men.
- Alaska has more than twice the national average of deaths of women by men.
- Alaska Native women are killed by men at a rate that is four times the national average.
 - 25 percent of these murders involve a firearm.

MS. STANFILL said there isn't enough law enforcement in rural areas of Alaska so there often is nobody to come to these women's aid. Shelter programs that could protect these women are often not available. For someone who lives in a rural community, transportation can be an impediment. She emphasized that women in rural communities face great challenges when somebody intent on doing harm learns where they live.

MS. STANFILL reported that stalking is the most prevalent form of surveillance that abusers use. Abusers who stalk former partners do so on average for 2.2 years. Stalking is a way for an abuser to continue to exercise control. ANDVSA believes that an address confidentiality program would allow victims to control who is able to find out their location. The address confidentiality program would ensure that nobody could find out where a registrant had moved. Legally creating such a program

would create another tool ANDVSA could use to help victims stay alive and safe. She thanked the committee for its consideration of SB 12.

SENATOR CLAMAN thanked her for her continued advocacy.

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CHAIR KAWASAKI closed public testimony on SB 12 and held the bill for future consideration.

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There being no further business to come before the committee, Chair Kawasaki adjourned the Senate State Affairs Standing Committee meeting at 3:55 p.m.