

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 13, 2023

3:30 p.m.

MEMBERS PRESENT

Senator Scott Kawasaki, Chair
Senator Jesse Bjorkman
Senator Bill Wielechowski
Senator Kelly Merrick

MEMBERS ABSENT

Senator Matt Claman, Vice Chair

COMMITTEE CALENDAR

SENATE BILL NO. 71

"An Act relating to pay for the Alaska State Defense Force; and providing for an effective date."

- MOVED CSSB 71(STA) OUT OF COMMITTEE

SENATE BILL NO. 119

"An Act relating to state identifications and driver's licenses for persons in the custody of the Department of Corrections; relating to state identifications issued by the Department of Corrections; relating to the duties of the commissioner of corrections; relating to misconduct involving confidential information; relating to voter identification; relating to identification for fishing permits; relating to identification for debtor financing statements; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 32

"An Act prohibiting the use of chokeholds by peace officers; and relating to justification of use of force by peace officers."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 71

SHORT TITLE: PAY FOR AK DEFENSE FORCE
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/15/23 (S) READ THE FIRST TIME - REFERRALS
02/15/23 (S) STA, FIN
03/30/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
03/30/23 (S) Heard & Held
03/30/23 (S) MINUTE(STA)
04/13/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 119

SHORT TITLE: STATE IDENTIFICATION CARD FOR PRISONERS
SPONSOR(s): MYERS

03/31/23 (S) READ THE FIRST TIME - REFERRALS
03/31/23 (S) STA
04/13/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 32

SHORT TITLE: CHOKEHOLD BAN
SPONSOR(s): GRAY-JACKSON

01/18/23 (S) PREFILE RELEASED 1/13/23
01/18/23 (S) READ THE FIRST TIME - REFERRALS
01/18/23 (S) STA, JUD
02/23/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
02/23/23 (S) Heard & Held
02/23/23 (S) MINUTE(STA)
04/13/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

JOE HAYES, Staff

Senator Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed the changes from version A to version B of SB 71.

LIEUTENANT BRENDA CARR, member

Alaska State Defense Force
North Pole, Alaska

POSITION STATEMENT: Testified in support of SB 71.

SENATOR ROBERT MYERS, District Q

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 119.

DAWSON MANN, Staff
Senator Robert Myers
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 119 on behalf of the sponsor.

APRIL WILKERSON, Deputy Commissioner
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: Answered questions relating to SB 119.

MICHAEL GARVEY, Advocacy Director
American Civil Liberties Union of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 119.

DON HABEGGER, Coalition Coordinator
Juneau Reentry Coalition
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 119.

SENATOR ELVI GRAY-JACKSON, District G
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 32.

JULIE SMYTH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 32.

LEONARD HICKS, Chief of Police
City of Bethel
Bethel, Alaska

POSITION STATEMENT: Testified in support of SB 32.

ACTION NARRATIVE

[3:30:57 PM](#)

CHAIR SCOTT KAWASAKI called the Senate State Affairs Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Wielechowski, Bjorkman, and Chair Kawasaki. Senator Merrick arrived soon thereafter.

SB 71-PAY FOR AK DEFENSE FORCE

[3:32:00 PM](#)

CHAIR KAWASAKI announced the consideration of SENATE BILL NO. 71 "An Act relating to pay for the Alaska State Defense Force; and providing for an effective date."

[3:32:17 PM](#)

CHAIR KAWASAKI asked for a motion to adopt the proposed committee substitute (CS).

[3:32:29 PM](#)

SENATOR MERRICK moved to adopt the committee substitute (CS) for SB 71, work order 33-GS1579\B, as the working document.

CHAIR KAWASAKI objected for discussion purposes.

[3:32:48 PM](#)

JOE HAYES, Staff, Senator Scott Kawasaki, Alaska State Legislature, Juneau, Alaska, reviewed the following changes from version A to B of SB 71.

Page 1, lines 9 - 12
Deleted

Page 1, line 9 - 10
Amended to add "Except as provided in (n) of this section"

Page 1, line 12 through page 2, line 3
Adds a new subsection AS 23.05.260 (n) to read:

Members of the Alaska State Defense Force may receive pay or allowances for training or community service activity and the source of funding for the pay or allowances in the authorization.

Page 2, line 15
Renumber the two sections accordingly.

[3:33:54 PM](#)

CHAIR KAWASAKI removed his objection; finding no further objection, version B was adopted.

[3:34:09 PM](#)

CHAIR KAWASAKI opened public testimony on SB 71.

[3:34:36 PM](#)

LIEUTENANT BRENDA CARR, member, Alaska State Defense Force (ASDF), North Pole, Alaska, testified in support of SB 71. She explained that all ASDF members are volunteers who only get paid when they are activated for emergency services. She said the members are all very dedicated, but some can't afford to go on a mission if it takes them away from their regular job for very long. She talked about helping to put together the new detachments in Gambell and Savoonga and the time it takes to get the new members trained either in their community or with another detachment. She said it's difficult for many ASDF members to devote a week or more to help with this training when they aren't getting paid and they're away from their regular jobs.

CHAIR KAWASAKI asked if other ASDF members live in the Fairbanks/North Pole area.

LIEUTENANT CARR answered yes, a few ASDF members live in the Fairbanks and Delta Junction areas. Many detachments are in rural areas and the hope is that some will have prior military experience so they can help with training. When that isn't the case, it's necessary to send members to the community to provide the training or have the new members travel to ASDF headquarters in Wasilla for training.

CHAIR KAWASAKI read from a document that Senator Merrick provided that shows the number of ASDF members and their locations. The Fairbanks area has 7 ASDF members, 55 reside in Wasilla, 50 in Kodiak, and others are spread throughout the state.

He noted who was available to answer questions.

[3:39:33 PM](#)

CHAIR KAWASAKI discerned that nobody else wished to testify and he closed public testimony on SB 71.

[3:39:44 PM](#)

SENATOR MERRICK moved to report the CS for SB 71, work order 33-GS33-GS1579\B, from committee with individual recommendations and attached fiscal note(s).

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CHAIR KAWASAKI found no objection and CSSB 71(STA) was reported from the Senate State Affairs Standing Committee.

SB 119-STATE IDENTIFICATION CARD FOR PRISONERS

[3:40:22 PM](#)

CHAIR KAWASAKI announced the consideration of SENATE BILL NO. 119 "An Act relating to state identifications and driver's licenses for persons in the custody of the Department of Corrections; relating to state identifications issued by the Department of Corrections; relating to the duties of the commissioner of corrections; relating to misconduct involving confidential information; relating to voter identification; relating to identification for fishing permits; relating to identification for debtor financing statements; and providing for an effective date."

[3:40:42 PM](#)

SENATOR ROBERT MYERS, District Q, Alaska State Legislature, Juneau, Alaska, sponsor of SB 119, introduced the legislation speaking to the sponsor statement.

Senate Bill 119 provides easier access to identification cards for reentrants upon release, granting them an important tool for reintegration.

SB 119 grants the Department of Corrections the statutory authority to issue state IDs to anyone leaving their custody that does not have an ID in their possession. Individuals are required to present a valid form of ID in order to gain new employment, apply for housing, drive a car, open a bank account, travel, purchase a phone, apply for Medicaid or Social Security, obtain medication, and register to vote. The inability to find housing or employment or obtain medications are significant factors in whether or not a person is likely to reoffend, endangering public safety and costing the state more money once they are back in prison.

Reentry is an essential part of public safety. Ensuring reentrants are supported during their transitional period helps improve community well-being and public safety. By providing reentrants with a valid form of identification upon their release we also provide the individual with an essential tool for finding housing, employment, and medical care and alleviate the risk of reoffending.

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DAWSON MANN, Staff, Senator Robert Myers, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 119 on behalf of the sponsor.

Section 1: AS 11.76.115 (c) Page 1, Lines 8-12

This section adds information encoded on Department of Corrections identification cards to the list of confidential information that is prohibited to obtain illegally.

Section 2: AS 15.07.055 (e) Page 1, Line 13, Page 2, Lines 1-10

AS 15.07.055 - This section clarifies that an ID issued by the Department of Corrections can be used to register to vote or change voter registration.

Section 3: AS 16.10.267 (c) Page 2, Line 11-15

This section adds conforming language that states a fishermen may use a Department of Corrections identification card to verify their identity for a limited entry permit.

Section 4: AS 33.30.011 (a) Page 2 Lines 16-31, Page 3, Lines 1-31, Page 4, Lines 1-31, Page 5, Lines 1-19

This section requires the Department of Corrections to ensure that a prisoner has an identification card in their possession upon release. The Department of Corrections will issue a person an ID if they do not have one, and they will pay the application fee an identification issued by the Department of Administration.

Section 5: AS 33.30.105 Page 5, Lines 20-31, Page 6, Lines 1-23

New section AS 33.30.105 is added with the following subsections:

AS 33.30.105 (a) - The Department of Corrections shall issue an Identification Card that is identical to a Driver's license except that the card will be a different color and clearly state that the card is for identification purposes only.

AS 33.30.105 (a) 1 - Identification Cards issued by the Department of Corrections will be assigned distinguishing numbers.

AS 33.30.105 (a) 2 - Identification Cards issued by the Department of Corrections must include a person's full name, date of birth, physical description, and photograph.

AS 33.30.105 (a) 3 - Identification Cards issued by the Department of Corrections must include a signature.

AS 33.30.105 (a) 4 - Identification Cards issued by the Department of Corrections must have features designed to prevent tampering.

AS 33.30.105 (a) 5 - Identification Cards issued by the Department of Corrections must clearly display that a person is under the age of 21.

AS 33.30.105 (a) 6 - Identification Cards issued by the Department of Corrections must clearly state that the individual is restricted from purchasing alcoholic beverages.

AS 33.30.105 (b) - Identification Cards issued by the Department of Corrections may not show a person's social security number.

AS 33.30.105 (c) - Identification Cards issued by the Department of Corrections expire 180 days after they are issued or 90 days after the person turns 21, whichever comes first.

AS 33.30.105 (d) - A person cannot provide false information in an application for a Department of Corrections identification card, use a fraudulent identification card, or allow another person to use their identification card.

AS 33.30.105 (e) - It is a misdemeanor to violate section (d) of AS 33.30.105 in this bill.

Section 6: AS 45.29.503 (a) Page 6 Lines 24-31, Page 7, Lines 1-31, Page 8, Lines 1-4

Clarifies that an Identification card issued under AS 33.30.105 is a valid form of ID for financial documents.

Section 7: AS 45.29.503 (g) Page 8, Lines 5-10
Clarifies that the most recently issued identification card issued by the department is the only valid card.

Section 8: Page 8, Line 11 This section establishes an effective date for the bill of January 1st, 2024

SENATOR MYERS noted the individuals his office had invited to answer questions.

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CHAIR KAWASAKI asked whether the ID card would be Real ID compliant.

SENATOR MYERS answered no; someone who is just released from prison often is not able to provide proof of residence, which is a requirement for Real ID.

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CHAIR KAWASAKI opened public testimony on SB 119.

CHAIR KAWASAKI referenced the fiscal note analysis from the Department of Corrections (DOC) that says DOC will "make a good faith effort" to ensure a released prisoner has a valid state ID card. He asked if it was the department's intent that all prisoners will have a state identification card upon release.

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APRIL WILKERSON, Deputy Commissioner, Department of Corrections, Juneau, Alaska, answered yes. If the individual had a valid State of Alaska ID when they entered prison, that will be returned if it's still valid; otherwise, an ID card will be issued upon release.

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MICHAEL GARVEY, Advocacy Director, American Civil Liberties Union of Alaska, Anchorage, Alaska, stated support for ensuring that people returning to their communities from prison have valid identification because it's a critical piece to reentry. When someone is released without identification they may not be able to do routine tasks such as secure housing, apply for a job, establish a consistent mailing address, apply for a bank account, have a steady phone number, or get health care outside an emergency situation. Leaving prison without proper ID adds one more thing to the list of things a person needs to do to survive outside of prison. He said it's in everybody's best interest to ensure that people who are released from prison have

the tools they need to succeed and not feel ostracized by society.

MR GARVEY encouraged the committee to make sure that the requirements for ID listed in SB 119 will not allow the cards to be produced in a way that could identify the person as previously incarcerated. He reiterated support for SB 119 and its intent.

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DON HABEGER, Coalition Coordinator, Juneau Reentry Coalition, Juneau, Alaska informed the committee that he submitted a letter to the sponsor in support of SB 119. He conveyed a story that illustrates the real need for the legislation. In early November he received a call from someone who was recently released from Lemon Creek Correctional Center and wanted an ID card. The first trip to DMV wasn't successful because he didn't have a birth certificate to prove his identity. He had the birth certificate in hand a month later and they made a second trip to DMV. The man was denied again because he didn't have proof of address. The emergency shelter wrote a letter on their letterhead saying the man was staying at the emergency shelter. DMV accepted that and the man got a state ID card.

MR. HABEGER said what's so significant about the story is how long it took to gather the necessary information to satisfy the DMV requirements to obtain an identification card. All the man was trying to do was to start the process to reestablish himself in the community. Whatever the state can do to decrease the impediments to reentry is important. He said that is why the Juneau Reentry Coalition supports SB 119.

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CHAIR KAWASAKI closed public testimony on SB 119 and held the bill in committee.

[3:56:32 PM](#)

At ease

SB 32-CHOKEHOLD BAN

[4:03:27 PM](#)

CHAIR KAWASAKI reconvened the meeting and announced the consideration of SENATE BILL NO. 32 "An Act prohibiting the use of chokeholds by peace officers; and relating to justification of use of force by peace officers."

He asked the sponsor to provide a summary of the bill.

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SENATOR ELVI GRAY-JACKSON, District G, Alaska State Legislature, Juneau, Alaska, sponsor of SB 32, read the sponsor statement.

Police use numerous methods to restrain and limit the movement and overall activity of someone who possess a danger to themselves or to others (including the police officer). One of the most common restraints are carotid and a tracheal choke. Both restraints impede breathing and circulation of blood. If these restraints are used incorrectly, death through asphyxiation may occur. Throughout the United States, there are cases of the misuse of chokeholds. Senate Bill (SB) 32 would assist in reducing the rate of chokeholds used incorrectly. SB 32 would further seek to improve police to community relationships by addressing a long-standing issue around use of force.

SENATOR GRAY-JACKSON stated that while many police agencies already prohibit the use of choke holds, the policy can change when leadership changes. Placing the ban in statute will ensure it will remain in perpetuity, which is the goal.

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CHAIR KAWASAKI opened public testimony on SB 32.

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JULIE SMYTH, representing self, Fairbanks, Alaska, testified in support of SB 32. She stated her belief that police should be well-trained and know the rules about how to engage with the public. She opined that the public wouldn't necessarily be notified if a police department changed policy and started allowing the use of chokeholds so having them prohibited in law would increase trust between law enforcement and the communities they serve.

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LEONARD HICKS, Chief of Police, City of Bethel, Bethel, Alaska, testified in support of SB 32. He described the use of chokeholds by police officers as a tool that should only be used in the same situations as those where deadly force would be authorized. The bill will ensure that the policies and procedures related to chokeholds will remain when leadership changes.

4:09:00 PM

CHAIR KAWASAKI closed public testimony on SB 32 and held the bill in committee.

4:10:33 PM

There being no further business to come before the committee, Chair Kawasaki adjourned the Senate State Affairs Standing Committee meeting at 4:10 p.m.