

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 18, 2024

3:31 p.m.

MEMBERS PRESENT

Senator Scott Kawasaki, Chair
Senator Matt Claman, Vice Chair
Senator Jesse Bjorkman
Senator Bill Wielechowski
Senator Kelly Merrick

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 146(STA)

"An Act relating to fireworks; repealing restrictions on the sale of fireworks; directing the Department of Public Safety to adopt fireworks regulations; and providing for an effective date."

- HEARD AND HELD

SENATE CONCURRENT RESOLUTION NO. 3

Recognizing the shortage of affordable housing available in the state; supporting public- private partnerships that maximize the impact of public funding; and urging the state to support Housing Alaskans.

- MOVED SCR 3 OUT OF COMMITTEE

HOUSE BILL NO. 265

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

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 146

SHORT TITLE: REGULATION OF FIREWORKS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/29/23 (H) READ THE FIRST TIME - REFERRALS
 03/29/23 (H) STA, L&C
 04/13/23 (H) STA AT 3:00 PM GRUENBERG 120
 04/13/23 (H) Heard & Held
 04/13/23 (H) MINUTE(STA)
 04/27/23 (H) STA AT 3:00 PM GRUENBERG 120
 04/27/23 (H) Moved CSHB 146(STA) Out of Committee
 04/27/23 (H) MINUTE(STA)
 05/01/23 (H) STA RPT CS(STA) 5DP 2NR
 05/01/23 (H) DP: CARPENTER, C.JOHNSON, ALLARD,
 WRIGHT, SHAW
 05/01/23 (H) NR: ARMSTRONG, STORY
 05/08/23 (H) L&C AT 3:15 PM BARNES 124
 05/08/23 (H) Heard & Held
 05/08/23 (H) MINUTE(L&C)
 01/24/24 (H) L&C AT 3:15 PM BARNES 124
 01/24/24 (H) Moved CSHB 146(STA) Out of Committee
 01/24/24 (H) MINUTE(L&C)
 01/26/24 (H) L&C RPT CS(STA) 7DP
 01/26/24 (H) DP: FIELDS, CARRICK, PRAX, WRIGHT,
 RUFFRIDGE, SADDLER, SUMNER
 03/21/24 (H) TRANSMITTED TO (S)
 03/21/24 (H) VERSION: CSHB 146(STA)
 03/22/24 (S) READ THE FIRST TIME - REFERRALS
 03/22/24 (S) STA, L&C
 04/18/24 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SCR 3

SHORT TITLE: HOUSING SHORTAGE;PUBLIC-PRIV. PARTNERSHIP
 SPONSOR(s): DUNBAR

05/05/23 (S) READ THE FIRST TIME - REFERRALS
 05/05/23 (S) STA
 04/11/24 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
 04/11/24 (S) Heard & Held
 04/11/24 (S) MINUTE(STA)
 04/18/24 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: HB 265

SHORT TITLE: CHILD SEXUAL ABUSE MATERIAL
 SPONSOR(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
 02/08/24 (H) Moved HB 265 Out of Committee
 02/08/24 (H) MINUTE(STA)
 02/09/24 (H) STA RPT 7DP
 02/09/24 (H) DP: C.JOHNSON, CARRICK, CARPENTER,
 ALLARD, STORY, WRIGHT, SHAW
 02/19/24 (H) JUD AT 1:30 PM GRUENBERG 120
 02/19/24 (H) -- MEETING CANCELED --
 02/21/24 (H) JUD AT 1:00 PM GRUENBERG 120
 02/21/24 (H) -- MEETING CANCELED --
 02/23/24 (H) JUD AT 1:30 PM GRUENBERG 120
 02/23/24 (H) Moved HB 265 Out of Committee
 02/23/24 (H) MINUTE(JUD)
 02/26/24 (H) JUD RPT 6DP 1AM
 02/26/24 (H) DP: C.JOHNSON, CARPENTER, ALLARD, GROH,
 SUMNER, VANCE
 02/26/24 (H) AM: GRAY
 02/26/24 (H) JUD AT 1:30 PM GRUENBERG 120
 02/26/24 (H) <Bill Hearing Canceled>
 03/13/24 (H) TRANSMITTED TO (S)
 03/13/24 (H) VERSION: HB 265
 03/15/24 (S) READ THE FIRST TIME - REFERRALS
 03/15/24 (S) STA, JUD
 04/18/24 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

LISA PURINTON, Legislative Liaison
 Department of Public Safety (DPS)
 Anchorage, Alaska

POSITION STATEMENT: Presented the Summary of Changes for HB 146.

MARK BRAUNEIS, Assistant Fire Marshall
 Department of Public Safety
 Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on HB 146.

SHAUNA HEGNA, representing self
 Anchorage, Alaska

POSITION STATEMENT: Testified in support of SCR 3.

SENATOR FORREST DUNBAR, District J
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Sponsor of SCR 3.

REPRESENTATIVE SARAH VANCE, District 6
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 265.

DEREK BOS, Chief of Police
Juneau Police Department (JPD)
Juneau, Alaska

POSITION STATEMENT: Invited testimony for HB 265.

MATTHEW DUBOIS, Officer
Juneau Police Department (JPD)
Juneau, Alaska

POSITION STATEMENT: Invited testimony for HB 265.

MAXINE DOUGAN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified on HB 265.

AMBER NICKERSON, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified on HB 265.

TARA BURNS, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified on HB 265.

JULIE SMYTH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 265.

LAUREE MORTON representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 265.

REPRESENTATIVE JULIE COULOMBE, District 11
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 286.

JORDAN WRIGHT, Staff
Representative Julie Coulombe
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented an overview of the Office of
Victims Rights.

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

POSITION STATEMENT: Invited testimony for HB 286.

BRENDA STANFILL, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 286.

NANCY MEADE, General Counsel
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions related to HB 286.

ACTION NARRATIVE

[3:31:57 PM](#)

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, Wielechowski, Merrick, and Chair Kawasaki. Senator Claman arrived thereafter.

HB 146-REGULATION OF FIREWORKS

[3:32:38 PM](#)

CHAIR KAWASAKI announced the consideration of CS FOR HOUSE BILL NO. 146(STA) "An Act relating to fireworks; repealing restrictions on the sale of fireworks; directing the Department of Public Safety to adopt fireworks regulations; and providing for an effective date."

[3:33:07 PM](#)

CHAIR KAWASAKI announced invited testimony for HB 146.

[3:33:30 PM](#)

LISA PURINTON, Legislative Liaison, Department of Public Safety (DPS), Anchorage, Alaska, presented the Summary of Changes for HB 146. She stated that HB 146 was previously heard as a companion bill under SB 117 back in January. She explained that HB 146 was modified in the House State Affairs Committee, where the word "any" was changed to "a" to add specificity regarding the buildings the Department of Public Safety could enter for reviewing potential violations of the fireworks law. She noted that the committee planned to provide a quick refresher since some time had passed since the bill was printed. She offered to

provide a summary of the changes from Version A to Version B or to provide a sectional analysis if needed.

3:34:50 PM

MARK BRAUNEIS, Assistant Fire Marshall, Department of Public Safety, Anchorage, Alaska, said HB 146 would repeal statutory restrictions on the sale of fireworks as defined in AS 18.72 - a statute that is over 15 years old. The bill would direct the Department of Public Safety (DPS) to adopt regulations in place of the statute, transferring governance of fireworks' sale, storage, and use from the latter to the former. This change would expand the definitions of nationally approved fireworks and allows for more flexibility in regulating sales and licensing. The statute includes language over 50 years old, no longer used in the industry, limiting its effectiveness. For example, "dangerous fireworks" are now subdivided at the federal level into display-grade and pest control fireworks.

MR. BRAUNEIS explained that HB 146 would update "saleable" to "consumer-grade fireworks" for better consistency with industry standards. The statute currently recognizes 11 types of consumer fireworks, while federal regulations recognize 42. The regulation would allow DPS to adapt to these changes more quickly and manage fluctuations in the industry, rather than relying on slow legislative updates. When the statute was adopted, only two regulatory agencies oversaw fireworks; today, there are seven, each with varying levels of responsibility. Regulations would allow DPS to better manage these overlaps without requiring frequent statutory amendments. Maintaining the relevance of the current statute is difficult due to rapid changes in federal regulations and industry standards. The shift to regulations will ensure Alaska's fireworks rules remain current and adaptable. DPS will engage stakeholders throughout the process to ensure the regulations are efficient and sustainable. He urged support for HB 146 and suggested that it would modernize and improve Alaska's fireworks governance.

3:38:55 PM

SENATOR WIELECHOWSKI noted that HB 146 came before the committee several months ago, and there were substantial concerns over the changes, particularly regarding the repealing language. It appears that none of those concerns have been addressed in the committee substitute. He highlighted several provisions being repealed, including AS 18.72.020 and AS 20.20, which relate to liability insurance requirements. This was a significant concern for many members of the committee. Additionally, he referred to HB 146, page 2, line 26, which lists three repealing proposals,

and noted that these are substantial changes. He pointed out the fireworks wholesaler's license provision being altered and noted changes to the definition section. He recalled hearing from one of the largest state suppliers of fireworks, who suggested that some of these issues could be addressed by changing certain definitions. He expressed confusion as to why these concerns had not been addressed in the committee substitute.

[3:40:13 PM](#)

MS. PURINTON replied that all the repealing language and the information that will be repealed from the statute are planned to be addressed in the regulations, with the intention to add those definitions into the regulations.

[3:40:30 PM](#)

SENATOR WIELECHOWSKI stated that while regulations are outside the control of the committee and the body, he emphasized that this committee and the body have control over what is set as state policy and statute. He expressed uncertainty about what would happen with the regulations after HB 146 passes, noting that once the bill passes, the process is beyond the body's control. He mentioned hearing people say many times, "Oh, we'll fix it in regulations," but pointed out that this does not always happen. He opined that this approach is taking a sledgehammer to a problem that could be fixed with a scalpel.

[3:40:46 PM](#)

SENATOR CLAMAN joined the meeting.

[3:41:16 PM](#)

CHAIR KAWASAKI asked whether any regulations were being propagated based on HB 146. He inquired if there were any draft regulations at this point.

[3:41:35 PM](#)

MR. BRAUNEIS replied that great discussions are underway to build out the framework of HB 146, and conversations are being held with the affected agencies. However, staff hours would only be dedicated to developing the regulation once the bill becomes law. He confirmed that a basic framework exists, which addresses the senators' concerns and speaks to all of those issues.

[3:42:42 PM](#)

CHAIR KAWASAKI concluded invited testimony for HB 146.

[3:43:09 PM](#)

CHAIR KAWASAKI held HB 146 in committee.

[3:43:12 PM](#)

At ease

SCR 3-HOUSING SHORTAGE;PUBLIC-PRIV. PARTNERSHIP

[3:44:09 PM](#)

CHAIR KAWASAKI reconvened the meeting and announced the consideration of SENATE CONCURRENT RESOLUTION NO. 3 Recognizing the shortage of affordable housing available in the state; supporting public- private partnerships that maximize the impact of public funding; and urging the state to support Housing Alaskans.

[3:44:34 PM](#)

CHAIR KAWASAKI opened public testimony on SCR 3.

[3:44:53 PM](#)

SHAUNA HEGNA, representing self, Anchorage, Alaska, testified in support of SCR 3. She said she is the chair of Housing Alaskans. She stated that Alaska's critical housing shortage has led to economic investment and development struggles around the state and created a crisis in public safety, health, and education. She highlighted that in her home region of Kodiak, the school district, Fire and Police Departments, healthcare providers, and private business owners have all reported difficulty attracting and retaining talented workers due to the lack of available or affordable housing. This shortage is impacting the safety and well-being of the community. Housing Alaskans, a public-private partnership, has proven effective in addressing housing shortages by pairing public funding with private donations.

MS. HEGNA said that last year, Housing Alaskans was able to leverage state funding and private donations to provide gap funding for over 80 Alaskan families, both on and off the road system. Additionally, the organization partnered with the Alaska Municipal League to fund a housing track at the annual Alaska Infrastructure Symposium, where subject matter experts provided technical assistance to local governments across the state to help them address their housing needs. This track was the best attended of the entire conference, underscoring the priority local governments place on the housing crisis. She asked for continued support to address the housing shortage through SCR 3.

[3:47:45 PM](#)

SENATOR FORREST DUNBAR, District J, Alaska State Legislature, Juneau, Alaska, sponsor of SCR 3. He noted that SCR 3 was

introduced at the end of the last session or the first half of the session, and that they have been working with Housing Alaskans and other partners on this issue. He acknowledged that many on the panel and in the committee are aware of the housing shortage. He also pointed out that the capital budget voted on last week included \$6 million for the Housing Alaskans partnership, which he was very excited about. He viewed this resolution as a companion to that investment, noting that with \$1 million, Housing Alaskans had helped tip about eight housing projects into economic viability and construction just last year.

[3:48:46 PM](#)

CHAIR KAWASAKI solicited the will of the committee.

[3:48:46 PM](#)

SENATOR MERRICK moved to report SCR 3, work order 33-LS0798\A, from committee with individual recommendations and attached fiscal note(s).

[3:49:06 PM](#)

CHAIR KAWASAKI found no objection and SCR 3, work order 33-LS0798\A was reported from the Senate State Affairs Standing Committee.

[3:49:20 PM](#)

At ease

HB 265-CHILD SEXUAL ABUSE MATERIAL

[3:50:55 PM](#)

CHAIR KAWASAKI reconvened the meeting and announced the consideration of HOUSE BILL NO. 265 "An Act changing the term 'child pornography' to 'child sexual abuse material.'"

[3:51:28 PM](#)

REPRESENTATIVE SARAH VANCE, District 6, Alaska State Legislature, Juneau, Alaska, sponsor of HB 265, said this legislation would change the term "child pornography" to "child sexual abuse material" throughout Alaska statutes. She emphasized that the bill's importance lies in the recognition of child sexual abuse as a heinous crime that causes lasting harm to its victims. The terminology used to describe such offenses is more than just semantics—it plays a crucial role in shaping public perception and legal frameworks. The shift to "child sexual abuse material" (CSAM) reflects a move towards more accurate and victim-centric language, as the term "child pornography" misleadingly suggests a consensual act, which fails

to reflect the abusive nature of the crime. The use of the term CSAM helps correct this misconception, highlighting the non-consensual and abusive nature of the acts depicted.

REPRESENTATIVE VANCE said that Sergeant Matt Dubois, a dedicated investigator with the Juneau Police Department, could explain in more detail why this change matters. She praised Sergeant Dubois for his work safeguarding children and emphasized that victims of these crimes are not just statistics but children who belong to the community. Other organizations, including the Alaska Department of Law and Public Safety, are supporting the legislation and using the term CSAM instead of child pornography. This shift in language reflects a commitment to acknowledging the trauma suffered by victims and reshaping societal perceptions of these crimes. National groups, including possibly the Department of Justice, are advocating for the adoption of this language. While pornography is protected under the First Amendment, child sexual abuse material is a malicious crime that inflicts harm on children and must be distinguished from broader pornography.

[3:55:18 PM](#)

SENATOR MERRICK thanked her for bringing this legislation forward. She expressed pride in being a co-sponsor and noted that HB 265 passed the House with overwhelming support, but there was one objection. She asked if she could explain what the concern was.

[3:55:35 PM](#)

REPRESENTATIVE VANCE explained that the concern was one individual who thought that the legislature should not be changing the term "pornography" due to its cultural connotation. The concern was that this change would cause AS 11.61.127 to be out of alignment. However, she clarified that this is an inaccurate perception, as these materials are still covered under the term "child sexual abuse material." She emphasized that this law would not change anything else and would not alter any of the crimes related to the introduction of material or the penalties associated with them—it only changes the terminology.

[3:56:40 PM](#)

SENATOR WIELECHOWSKI asked whether there is a difference between the definition of "child pornography" and "child sexual abuse material."

[3:56:48 PM](#)

REPRESENTATIVE VANCE replied no.

[3:57:18 PM](#)

CHAIR KAWASAKI announced invited testimony for HB 265.

[3:57:21 PM](#)

DEREK BOS, Chief of Police, Juneau Police Department (JPD), Juneau, Alaska, invited testimony for HB 265. He stated that when he began his career as a law enforcement officer, he took an oath to uphold the United States Constitution, which included the phrase "and to be the voice of the victim." He expressed that today, he comes before the committee to ensure that the voice of child victims is not lost in the busyness of everyday life. He reiterated that HB 265 seeks to replace the term "child pornography" in Alaska statutes with "child sexual abuse material." While this change might seem trivial to some, it holds significant meaning from a law enforcement perspective. Throughout his career, he said he has seen people mistakenly associate the term "pornography" with consent, implying that there is some level of willingness on the part of the child victim. Consent is rarely, if ever, given by the victim for the exploitation or distribution of such materials. Using language that downplays the significance of this exploitation normalizes harmful behaviors, which makes it harder for victims to seek help and support. This creates a cycle of victimization that negatively affects more children. By accurately labeling these materials as "child sexual abuse material," he believes the state would send a clear message that child victims matter. He urged the committee to reject the normalization of child exploitation in any form. He introduced Officer Dubois.

[3:59:57 PM](#)

MATTHEW DUBOIS, Officer, Juneau Police Department (JPD), Juneau, Alaska, invited testimony for HB 265. He said he has been a police officer for almost 17 years and has worked as an investigator with the Anti-Crime Against Children Unit since 2015. He has been part of the FBI and U.S. Marshals ICAP Task Force and has been exposed to numerous photographs and videos of child sexual abuse material, currently known under state law as child pornography. He emphasized that there is no such thing as "child pornography" and believes language plays a crucial role in shaping understanding. Unclear language can lead to misunderstanding, confusion, and harm, and the continued use of the term "child pornography" perpetuates harmful misconceptions.

MR. DUBOIS stated that the term "child pornography" wrongly implies that these materials are a subcategory of legally acceptable pornography, rather than recognizing them as a form

of child abuse and a crime. Referring to CSAM as "pornography" shifts the focus to the material itself instead of the impact it has on children. He suggested that changing the language to CSAM would force society to confront the true impact on children, as the term "child pornography" minimizes the harm children experience. From his training and experience, he noted that victims of such abuse often grow up with feelings of shame, guilt, and fear, knowing that the abuse material may resurface at any time, perpetuating their trauma. He explained that this ongoing victimization occurs every time the material is viewed, shared, or downloaded. He also mentioned that using the term "child pornography" diminishes the seriousness of the crime, which can hinder children from receiving the support and protection they need. He opined that changing the terminology to CSAM would force everyone to recognize the material as abuse and help ensure that victims are supported. In closing, he shared that, as a lifelong Alaskan, he believes this is an opportunity for Alaska to lead the nation in making this important change. He thanked Representative Vance for her work on HB 265 and expressed his personal commitment to the cause, revealing that he attends counseling due to his exposure to this crime. He shared the emotional toll of his work, stating that he has witnessed the abuse of young children and opined that it is time for Alaska to make a change.

[4:03:02 PM](#)

SENATOR CLAMAN expressed appreciation for his candid statement and asked whether other states have made the legislative change.

[4:03:13 PM](#)

SERGEANT DUBOIS replied that four states, including Connecticut, New Jersey, Virginia, and New Jersey have adopted the change.

[4:04:08 PM](#)

CHAIR KAWASAKI opened public testimony on HB 265.

[4:04:36 PM](#)

MAXINE DOUGAN, representing self, Anchorage, Alaska, testified on HB 265. She said she has been a working prostitute for over 30 years and plans to continue for at least another 30 years. She said she is part of the Community United for Safety and Protection (CUSP), which includes current and former sex workers, sex trafficking victims, and their allies. She expressed her support for the change in terminology from "child pornography" to "child sexual abuse material" in HB 265, as well as the expansion of immunity for clients of sex workers. HB 265 would provide an opportunity to amend AS 11.66.100(c) to include

a provision that extends immunity to clients of sex workers. Alaska was the first state to provide immunity to sex workers reporting certain crimes, including what is now referred to as child sexual abuse material. However, current state law does not extend this immunity to clients of sex workers, who are often first responders to situations where they encounter individuals in need of help. She stressed the importance of allowing clients to report these situations to the authorities without fear of legal repercussions. She urged the committee to consider expanding the immunity in the bill to include clients, ensuring that all Alaskans have access to protection under state law.

[4:06:47 PM](#)

AMBER NICKERSON, representing self, Anchorage, Alaska, testified on HB 265. She said she is a member of CUSP and asked the committee to amend HB 265 to extend immunity to clients of sex workers so they can report crimes like sex trafficking or murder. She shared a personal account from attending the Brian Steven Smith double murder trial in Anchorage, where a sex worker provided crucial testimony, including graphic images and recordings from the perpetrator's phone. However, she feared arrest for prostitution and theft and did not know she had immunity under Alaska law. She suggested that if the sex worker had known about the immunity, additional evidence could have been found. The trial revealed that Smith had been texting a person, Ian Calhoun, about the torture and murder of a victim. Calhoun may have had further information but chose not to come forward for fear of arrest. Under current Alaska law, failing to report a violent crime is not even a felony, which creates an incentive to stay silent. She urged the committee to extend immunity to clients of sex workers in the bill, emphasizing that such immunity would encourage clients to provide truthful testimony without fear of incrimination, ultimately helping to bring criminals to justice. She noted that immunity for Calhoun, Smith's associate, was granted, which allowed him to testify, but his refusal to share information led to further evidence, such as images of another unidentified woman, remaining undisclosed. Extending immunity to clients aligns with Alaska's public safety goals and increases the likelihood of securing convictions against guilty parties. She urged the committee to amend HB 265 to include immunity for clients of sex workers.

[4:10:19 PM](#)

SENATOR MERRICK asked if the amendment to HB 265 was offered in the House.

MS. NICKERSON replied yes.

[4:10:39 PM](#)

TARA BURNS, representing self, Fairbanks, Alaska, testified on HB 265. She introduced herself as a member of the Community United for Safety and Protection (CUSP), a sex worker in Alaska, and a survivor of sex trafficking. She explained that she conducted graduate research at the University of Alaska Fairbanks (UAF) on the lived experiences and policy recommendations of individuals involved in Alaska's sex trade. Currently serving as the Research and Policy Director of COYOTE, she expressed support for HB 246, but urged the committee to amend it by including clients under the immunity statute. She recounted a 2019 case in which a man who had posted concerning online content about harming sex workers was later found to be trafficking minors. Ms. Burns and others, working under immunity, identified the man's phone number and warned vulnerable sex workers about him. This led to the man confessing to trafficking minors through text messages with an ally of local sex workers.

MS. BURNS said his actions were subsequently reported to the FBI, resulting in his conviction for trafficking a minor. She emphasized that had the individuals involved been clients instead of sex workers, they might have faced legal consequences for reporting, forcing them to choose between their own safety and protecting minors. Despite years of efforts by law enforcement agencies, including the State Troopers' Special Crimes Investigative Unit and an FBI-ATF task force, there were no charges for trafficking actual minors in Alaska's sex industry over the preceding decade. This contrasted sharply with the successful outcome of the 2019 case, which she attributed to the ability of sex workers to report crimes without fear of prosecution. She suggested that extending immunity to clients would be a more effective strategy to combat trafficking than relying solely on law enforcement. She urged legislators to take this step to help end the trafficking of minors in Alaska. She clarified that this measure was not previously voted on in the House because a floor amendment had been withdrawn before a vote.

[4:13:49 PM](#)

JULIE SMYTH, representing self, Fairbanks, Alaska, testified in support of HB 265. She advocated for the proposed amendments as stated by the previous testifier. However, she acknowledged that she did not have as much knowledge or expertise as the previous speakers but shared her perspective as a client of the Interior Alaska Center for Non-Violent Living. She recounted hearing

numerous accounts of the challenges victims face in having various crimes taken seriously by law enforcement. Fear and hesitation to approach law enforcement remain significant obstacles for many individuals. She emphasized that removing as many barriers as possible to reporting crimes would help hold more predators accountable, ultimately enhancing public safety.

[4:15:17 PM](#)

LAUREE MORTON representing self, Anchorage, Alaska, testified in support of HB 265. She noted that she is the Deputy Director of the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) and is testifying on behalf of the State Coalition of Domestic Violence and Sexual Assault Victim Service Programs. She emphasized the critical role that language plays in shaping perceptions and addressing societal issues. She discussed how adjectives and terminology influence how concepts are understood, perceived, and acted upon. She provided an example of how the term "pornography" has evolved over time, transitioning from a seedy, hidden connotation to a normalized and even glamorized concept through terms like "food porn" or "flower porn." This evolution, she argued, has diluted the gravity of terms associated with exploitation and abuse. The term "child pornography" may lead to perceptions of neutrality or glamorization, which undermines the severity of the issue. Ms. Morton clarified that child pornography is not provocative or artistic but represents graphic and harmful criminal acts against children. She stressed that such materials involve the abuse and exploitation of children, who do not understand why they are being harmed and do not deserve to have these acts committed against them. She advocated for renaming "child pornography" as CSAM, a term that accurately conveys the criminal nature of the acts involved. She concluded by urging the committee to use precise and appropriate language to ensure the severity of these crimes is neither minimized nor misunderstood.

[4:19:37 PM](#)

REPRESENTATIVE VANCE clarified for the record that an earlier document provided to the sergeant contained incorrect information. She corrected the record by stating that the states that have adopted the "CSAM" terminology are Vermont, Utah, Arkansas, and California. The states currently working on adopting this terminology include Connecticut, New Jersey, Virginia, and Missouri.

[4:20:02 PM](#)

SENATOR CLAMAN asked how many states have adopted the "CSAM" terminology.

[4:20:08 PM](#)

REPRESENTATIVE VANCE replied four states have adopted it and four others are considering it.

[4:20:30 PM](#)

CHAIR KAWASAKI asked if she would like to comment on immunity.

[4:20:40 PM](#)

REPRESENTATIVE VANCE noted that the focus of HB 265 is narrowly centered on updating the terminology used to describe the exploitation of children. She acknowledged ongoing discussions around related bills addressing sex trafficking and broader protections for children and vulnerable populations in Alaska. The primary policy decision for HB 265 is to change the terms used to describe child sexual abuse, which she stated would have a profound impact on public perception of these crimes. She expressed her preference for maintaining this bill's focus solely on updating the language to accurately reflect the abuse and exploitation of children. Other legislative measures addressing criminal reforms and protections for vulnerable groups could be discussed in separate conversations, as this bill is not the appropriate vehicle for broader policy changes. She urged the committee to prioritize the specific goal of HB 265 by revising terminology to protect vulnerable children and better represent the severity of these crimes.

[4:21:50 PM](#)

CHAIR KAWASAKI closed public testimony; he held HB 265 in committee.

[4:22:21 PM](#)

At ease

HB 286-CRIME VICTIM RESTITUTION

[4:23:38 PM](#)

CHAIR KAWASAKI reconvened the meeting and announced the consideration of CS FOR HOUSE BILL NO. 286(STA) "An Act relating to victim restitution and compensation."

[4:24:02 PM](#)

REPRESENTATIVE JULIE COULOMBE, District 11, Alaska State Legislature, Juneau, Alaska, sponsor of HB 286. She delivered the sponsor statement:

[Original punctuation provided.]

Sponsor Statement
HB 286 - Crime Victim Restitution
(33-LS1012\S)

House Bill 286 seeks to make a clarification in the current Alaska statute regarding victim restitution for crimes. Currently, AS 12.55.045(a) allows the court to order a defendant convicted of a crime to make restitution to the victim of that crime for injuries related to counseling, medical, or shelter services. However, the statute does not provide much clarity on what type of services would qualify, resulting in fewer prosecutors asking for that particular type of restitution. HB 286 would clarify that lost income, child care, elder care, transportation, or any other expenses incurred during the victim's participation in legal action related to the case (such as the investigation or prosecution), would be eligible for restitution.

HB 286 will strengthen the ability of victims to receive compensation for costs related to their time spent in court, and make it more difficult for convicted defendants to appeal restitution payment for the costs that their actions have inflicted on the victim. This is particularly relevant to cases involving domestic violence, as the continuation of court cases involving restitution can result in a perpetuation of the cycle of abuse.

REPRESENTATIVE COULOMBE noted that HB 286 originated from discussions with the Office of Victims' Rights during the interim. The office had expressed frustrations in securing specific restitution for victims, leading to the creation of this legislation. She said her office worked closely with the Department of Law (DOL) and the courts to refine the bill's language. She added that representatives from DOL and the courts were present to answer questions from the committee. She shared that her staff member, Jordan Wright, could deliver a presentation or a sectional analysis of the bill, depending on the chair's preference.

[4:25:39 PM](#)

JORDAN WRIGHT, Staff, Representative Julie Coulombe, Alaska State Legislature, Juneau, Alaska, presented on HB 286. He moved

to slide 2 and described the Office of Victims' Rights, which operates similarly to an inspector general's office. As part of the legislative branch, it is designed to avoid potential conflicts with other state offices. He described the office's role in advocating for victims in court and investigating any complaints they have. The office collaborates with various criminal justice organizations to gather and share information. He clarified that the Office of Victims' Rights is funded through forfeited Permanent Fund Dividend (PFD) checks from convicted criminals, as outlined in AS 43.23.005.

[4:26:42 PM](#)

MR. WRIGHT moved to slide 3 and described statute changes under HB 286. He explained that HB 286 aims to clarify the current statute, making it easier for prosecutors to secure compensation for victims for various expenses incurred due to their involvement in legal proceedings. These expenses may include lost income, childcare, transportation, or any costs related to attending court or participating in an investigation.

[4:27:13 PM](#)

MR. WRIGHT moved to slide 4 and read the intent of HB 286. He said the purpose of the language in HB 286 is to strengthen victims' ability to request compensation for these costs, thereby ensuring they are not financially burdened by their involvement in the criminal justice process.

[4:27:41 PM](#)

SENATOR WIELECHOWSKI asked if there is a current definition for restitution in existing law.

[4:27:49 PM](#)

REPRESENTATIVE COULOMBE expressed her belief that there is an existing definition in current law. However, she deferred to a representative from the Department of Law to respond to ensure accuracy.

[4:28:15 PM](#)

SENATOR CLAMAN shared his appreciation for the intent of HB 286, noting that it aligns with what he frequently hears from victims. He emphasized that while victims often seek resolution, many express dissatisfaction with the current compensation process. However, even with forfeited PFD funds from prisoners, the compensation victims receive does not meet their expectations. Victims often hope for restitution to make them whole, but their experiences often fall short. Some victims, after spending significant time and effort navigating the

system, end up with minimal compensation—sometimes as little as \$500 to \$1,500. He recalled speaking with Angela Harris, a woman who was stabbed at a library, and how she received only \$2,200 to \$3,200 from the Office of Victims' Rights. He expressed concern that the system creates a false expectation of restitution that cannot truly address the financial and emotional losses victims face. He expressed strong support for the legislation but raised concerns about the gap between the system's promises and the actual support victims receive. He wondered why, in the current economic climate, the system is not capable of fully compensating victims for their losses.

[4:30:25 PM](#)

REPRESENTATIVE COULOMBE acknowledged the concerns raised about victim compensation and restitution. She explained that the issue had been discussed extensively, especially in relation to the changes within DPS. She said she became involved in this matter due to her role as the subcommittee chair for DPS. As a result, she started researching the various victim services the department was addressing, particularly focusing on victim restitution and related challenges. DPS was undergoing significant restructuring, including the creation of a separate division focused specifically on victimization. This was aimed at addressing some of the gaps in victim services, including the process for accessing restitution. However, she confirmed that there are still limitations on the available funds and that victims often face significant barriers in accessing these resources. She acknowledged that there are strict limits on the compensation that can be requested, which vary depending on the type of crime. While DPS is actively working to improve these processes, the Office of Victims' Rights expressed frustration over the inability to even get the ball rolling in some cases. Some requests for compensation were either being denied or not even considered, further complicating the situation. She agreed that the funding for victim compensation needs to be corrected and that ongoing efforts to improve the system are still in progress.

[4:31:54 PM](#)

SENATOR CLAMAN spoke to the Office of Victims' Rights role as part of the legislative branch. He reflected on the decision to place the office within the legislative branch, noting his lack of involvement in that decision. He also reflected on the challenges facing public safety in Alaska, particularly in rural areas, which experience some of the highest rates of sexual abuse and assault in the country. He stressed the importance of increased resources for public safety, specifically to enhance

investigations and prosecutions of perpetrators. He pointed out that while victim compensation is crucial, victims often express frustration with the lack of progress in holding perpetrators accountable. Given the limited budget, he said he would prioritize allocating more funds to public safety and increasing resources for DPS to bolster investigations. He expressed that if he had to choose between allocating additional funds to victim restitution and more resources for DPS, he would prioritize the latter.

[4:33:39 PM](#)

REPRESENTATIVE COULOMBE highlighted recent efforts to address public safety and victim compensation, particularly in rural Alaska. She shared that her subcommittee in the House has advocated for substantial increases in funding for DPS, including the addition of 10 new Public Safety Officers (PSOs) and new investigators dedicated to tackling sexual assault and sex crimes. These efforts stemmed from feedback and requests from the public, emphasizing the pressing need to enhance investigations in rural areas. She spoke to the current state of victim restitution, noting that much of the funding comes from permanent contracts from incarcerated individuals, but questioned whether this is the best long-term solution. She suggested that alternative sources for restitution could be explored. The Victim Crime Compensation Board has been improving its processes by adding staff, which has led to greater efficiency and a more streamlined system. While funding was previously not seen as the primary issue, there was a significant need for more personnel to manage restitution claims effectively. Both the conviction process and victim compensation efforts are being actively addressed.

[4:35:10 PM](#)

SENATOR WIELECHOWSKI cited AS 12.55.045 (a), line 10; he requested a definition of "other person."

[4:35:34 PM](#)

REPRESENTATIVE COULOMBE discussed restitution eligibility, specifically the language that allows the court to order restitution when credible evidence is presented. HB 286 includes provisions for victims as well as public or private organizations, such as those providing counseling, medical, or shelter services for the victim. She expressed concern about the interpretation of the law and the potential inclusion of those directly affected by the crime, such as family members of victims. She acknowledged that she is not a lawyer but wanted to

highlight the need for clarity around the scope of individuals or entities eligible for restitution under the bill.

[4:36:58 PM](#)

SENATOR CLAMAN asked why AS 12.55.045 (a), lines 6-7 exclude any mention of the loss of income.

REPRESENTATIVE COULOMBE asked him to clarify his question.

[4:37:34 PM](#)

SENATOR CLAMAN asked for clarification on the use of capital letters and brackets to indicate text that is being removed from existing statute. He inquired why certain provisions were being removed and expressed concern about the impact of these deletions.

[4:37:41 PM](#)

REPRESENTATIVE COULOMBE explained that the issue with the statutory language, which was indicated with capital letters and brackets, stemmed from a mistake in a previous version of the bill. She clarified that the error had been identified and corrected during the House State Affairs committee process.

CHAIR KAWASAKI confirmed that the correct version of HB 286 is the "S" version, which does not contain the statutory language error.

[4:38:24 PM](#)

CHAIR KAWASAKI announced invited testimony for HB 286.

[4:38:45 PM](#)

KATHY HANSEN, Senior Staff Attorney, Office of Victims' Rights (OVR), Anchorage, Alaska, invited testimony for HB 286. She noted that she has served as an attorney for the Office of Victims' Rights for the past 20 years. She outlined the proposed changes to the restitution statute in HB 286, which were requested by OVR. She noted that OVR attorneys assist crime victims by providing legal representation, advising on restitution claims, and helping resolve any legal disputes regarding restitution. She highlighted two recent Court of Appeals cases that raised questions about whether courts could award restitution for lost wages victims incur when attending criminal court proceedings: Keane Smith v. State (2022) and Sealy v. State (2023). These cases brought uncertainty regarding victims' rights to compensation for lost wages due to attendance at court proceedings.

MS. HANSEN said that HB 286 seeks to explicitly affirm that victims are entitled to restitution for lost wages incurred while attending court hearings related to the crime. This provision would not require additional funding, as it simply ensures the court can award restitution for such losses as part of the judgment against the defendant. The bill would track existing federal law on restitution for criminal cases and is intended to provide clear guidelines for judges and prosecutors in Alaska. It aims to create uniformity and predictability in restitution awards and ensure that victims are fairly compensated for expenses that prevent them from exercising their constitutional rights to attend court proceedings. She emphasized the importance of passing HB 286 to reduce the need for victims to litigate these restitution issues and to save court resources. She also referenced a recent Alaska Supreme Court decision, *Brennan Grubb v. B* (2024), in which the court recognized the legislature's trend in expanding victims' rights to restitution. This decision further underscores the need for clearer guidelines in HB 286.

[4:43:14 PM](#)

MS. HANSEN referenced the case of the David Grunwald homicide as an example of the financial hardship victims may face while attending court hearings. Katie Grunwald, David's mother, had to attend numerous court hearings over a period of more than two years involving multiple co-defendants. During this time, she incurred lost wages, which should be recognized as a legitimate claim for restitution. She addressed a question raised by Senator Claman about funding, clarifying that the funding for OVR primarily comes from the forfeited PFDs of convicted criminals. She noted that the OVR's entire operating budget is a small fraction—about 1 percent or less—of this pot of money.

[4:44:15 PM](#)

SENATOR WIELECHOWSKI asked for clarification on the procedural process of restitution, noting that it seems to be a heavily litigated area. He asked if it was correct to say that when a victim is harmed by a crime, they would first go through the conviction process, and then the victim would need to provide evidence of the damages they've suffered. He asked if the purpose of HB 286 is to define what restitution victims are entitled to.

[4:44:44 PM](#)

MS. HANSEN explained that after the defendant is sentenced, the victim would have the opportunity to submit documentation and a total amount requested for restitution to the prosecutor's

office. This information would be shared with the defense, who has 30 days to object. If no agreement is reached, a hearing would be scheduled where the victim would provide live, sworn testimony in court with the defendant present, answering questions about their losses. The court would then make a final decision on the restitution award.

[4:45:24 PM](#)

SENATOR WIELECHOWSKI inquired whether restitution for victims typically covers only specific expenses like lost income, childcare, elder care, transportation, and other similar costs. He asked if there have been any instances in the past where courts ordered restitution for pain and suffering or other types of damages.

[4:45:50 PM](#)

MS. HANSEN clarified that under current Alaska law, non-economic damages such as punitive damages and pain and suffering, which may be awarded in a civil case, are not permitted in a criminal case. Therefore, only economic damages, such as lost income, childcare, and other related expenses, can be ordered in criminal cases.

[4:46:09 PM](#)

SENATOR WIELECHOWSKI posed a hypothetical scenario in which an individual is a victim of assault, unable to work for three months, and as a result, their employer loses income. He asked whether the employer would be considered an "other person" who could apply for restitution under the current statute.

[4:46:44 PM](#)

MS. HANSEN replied that theoretically, an employer could be considered an "other person" eligible to request restitution for financial losses, such as lost income resulting from an assault. She clarified that there is no current legal definition of "restitution" in the Alaska statute. The phrase "other person" in AS 12.55.045 is meant to include individuals or entities, like insurance companies, that suffer financial loss as a result of a crime, as confirmed by appellate case law. In the hypothetical scenario presented, if the employer's claim for restitution was contested by the defendant, the employer would need to litigate the issue in a restitution hearing, where the judge would make the final decision. She noted that OVR would not represent non-statutory victims, meaning they would not assist with litigation involving employers or other entities seeking restitution.

[4:47:42 PM](#)

SENATOR WIELECHOWSKI expressed concern about the broad definition of "other person" in the restitution statute, suggesting that it could lead to unintended consequences such as employers or insurance companies seeking restitution, potentially crowding out compensation meant for victims. He cited the possibility of a government entity claiming a loss of tax revenue due to an individual's job loss. He questioned whether there had been any discussions about narrowing or better defining what constitutes an "other person" eligible for restitution.

[4:48:29 PM](#)

MS. HANSEN responded that in her experience over the last 20 years, she has not seen abuses of the statute. She acknowledged that she sees only a small percentage of cases where victims contact OVR for legal representation. She referenced a reported decision called 'LONIS,' which addresses whether an insurance company could seek restitution, and offered to provide the committee with the case for further review.

CHAIR KAWASAKI requested that information in writing.

[4:49:36 PM](#)

CHAIR KAWASAKI inquired whether the list of restitution items, such as compensation for lost income, child care, elder care, and transportation, could be considered an exclusive list rather than an inclusive one. He expressed concern that a more general definition of restitution might be better than specifying these particular items, as there could be other types of restitution that are not currently considered. He suggested that the law may need to be revisited in the future to address any unforeseen expenses.

[4:50:18 PM](#)

MS. HANSEN explained that the reason the restitution items were specifically outlined in HB 286 was to align with the federal statute, allowing for the use of reported decisions from federal jurisdictions as a guide for Alaska courts. This would help apply victim restitution law uniformly, potentially saving money and resources. The phrase "including, but not limited to" had been considered to address any potential gaps in the list, but it was ultimately excluded after legal review. She suggested that the sponsors might be able to provide further insight into that decision.

[4:51:11 PM](#)

REPRESENTATIVE COULOMBE replied that she does not have any additional information to provide.

[4:51:29 PM](#)

CHAIR KAWASAKI opened public testimony on HB 286.

[4:51:56 PM](#)

BRENDA STANFILL, representing self, Anchorage, Alaska, testified in support of HB 286. She said she is the Executive Director for the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), which represents 24 member programs across the state, direct services for victims of domestic violence and sexual assault. She shared her experience as a member of the Alaska Criminal Justice Commission, noting the challenges victims face in the criminal justice system. While the 1994 constitutional amendment granted victims the right to receive restitution from offenders, the current law lacks clarity on what expenses qualify for restitution. This ambiguity has created confusion for both victims and prosecutors. HB 286 would help address this by clearly outlining expenses such as lost income, child care, elder care, transportation, and other necessary costs, particularly those related to attending court proceedings. Studies show restitution helps reduce long-term harm for victims, fosters trust in the justice system, and encourages future crime reporting. She urged support for HB 286 to provide clear guidance on what constitutes restitution in Alaska, ensuring victims are properly compensated.

[4:55:26 PM](#)

CHAIR KAWASAKI closed public testimony on HB 286.

[4:55:45 PM](#)

SENATOR CLAMAN inquired about the amount of restitution paid in Alaska, asking for data on how much is collected annually, how much is paid out, and how many individuals receive restitution payments.

[4:55:59 PM](#)

MS. MEADE said the court collects restitution on behalf of victims, with a small team in the administrative office dedicated to this task full-time. She explained that when a defendant is incarcerated, no restitution can be collected from their PFD because it is redirected to a different state fund. As a result, restitution cannot be collected from an incarcerated individual's PFD until they are released. Some incarcerated individuals may earn small amounts through prison jobs, and occasionally, those earnings are sent to the court for

restitution payments, but this does not significantly impact the overall collection process. Restitution is more commonly paid in cases involving crimes such as guiding or fishing offenses, where the defendants generally have more financial means, while restitution from defendants incarcerated for crimes under Title 11 is more challenging. She provided data from the last five years, stating that around 1,500 restitution orders totaling \$7 million were issued, but only about \$2.5 million, or 36 percent, was collected and paid to victims. The collection rate for 2023 has been lower, at 13 percent, but she expects this to rise as defendants are released from prison and their PFDs become available for garnishment. Businesses, particularly Walmart, are the most frequent recipients of restitution due to theft cases. The second-largest recipient is the Violent Crimes Compensation Board (VCCB), which provides immediate financial assistance to victims before restitution is fully paid. Other entities, such as the Department of Health and Social Services (DHSS) in Medicaid fraud cases, and insurance companies like State Farm, also receive restitution.

[5:02:02 PM](#)

SENATOR CLAMAN asked if there is any estimate of the resources spent by the court, public defenders, and prosecutors to collect the \$2.5 million in restitution, not including private counsel. He asked how much is being invested in terms of court and public resources to collect restitution, given the total amount ordered versus what has actually been collected.

[5:02:31 PM](#)

MS. MEADE replied that the process of collecting restitution is quite efficient. She explained that the public defender and the state prosecutor are not involved in this process. In the past, the collections unit within DOL handled it, but that was dissolved around six or seven years ago. With no one else handling restitution collections, the court made the decision to dedicate one and a half staff members to ensure that victims are able to collect their restitution. This is considered the primary cost of fulfilling these orders. The court uses a global writ to the PFD and has established a system with the PFD to facilitate garnishments for restitution collections.

[5:03:23 PM](#)

SENATOR CLAMAN asked if it is fair to say that, as a practical matter, the compensation for being a victim of a crime may not be large in the grand scheme of things, but at least the state is getting a good return on its investment to collect that money. He added that while the compensation might not be

significant, the state is not spending a large amount of money to collect it.

[5:03:45 PM](#)

MS. MEADE replied that she understands what he is saying and agrees with the sentiment. The court system is quite proud of its ability to provide this service with just 1.5 persons. She added that the hardest part of the process is keeping track of the victims' addresses.

[5:04:03 PM](#)

CHAIR KAWASAKI asked how much money other persons get versus the victim of the potential crime like Walmart.

[5:04:30 PM](#)

MS. MEADE explained that Walmart would be considered the victim of theft because they are the ones who absolutely lost the money. The term "other person" was added by the legislature when they passed the statute. This was discussed in the loan-in-case, as the legislature's intent was to ensure that anyone who suffered in any way due to the crime could be reimbursed by the defendant, to the extent that economic damage had occurred. The damage caused by the crime must be related to it, and this principle was further clarified in the case that Ms. Hansen referred to. This case, which was recently decided, refined the statute and highlighted that the damage must be a reasonably foreseeable consequence of the crime. For example, when someone's legs are broken, it is reasonably foreseeable that they might incur medical bills, and the insurance company might have to cover the costs. These are all compensable damages, and Lowe's would be the direct victim of the theft in such a situation. The state is considered a direct victim if someone commits Medicaid fraud and takes state funds that were not theirs. From her understanding, "other person" is simply intended to ensure that the statute does not exclude anyone who has suffered as a result of the crime.

[5:05:47 PM](#)

CHAIR KAWASAKI asked for more information regarding how much money the "other persons" receive compared to the actual victims of the potential crime. He referenced Walmart and Sportsman's Warehouse as examples, noting that these entities often receive restitution. He asked for a broad explanation of how this process works.

[5:06:14 PM](#)

MS. MEADE replied that Walmart and Sportsman's Warehouse, as businesses, are considered the victims in cases of theft, as they are the ones who lost the money. The "other person" category was added by the legislature to ensure that anyone who suffers due to a crime, in any way, can be reimbursed by the defendant for economic damages. This includes victims like insurance companies, which may cover medical costs or other expenses related to the crime. She noted that a recent case refined this understanding, clarifying that the damages must be a reasonably foreseeable consequence of the crime. For example, if someone is injured, it's foreseeable that an insurance company might have to pay medical expenses, making them eligible for restitution. The "other person" designation is meant to include all parties that have suffered economic harm due to the crime, ensuring that no one is excluded from seeking restitution.

[5:07:17 PM](#)

REPRESENTATIVE COULOMBE noted that she did not put forth this bill forward to resolve all restitution issues in the state. She suggested that this is one step the state could take.

[5:07:41 PM](#)

SENATOR WIELECHOWSKI asked whether restitution to a victim or another person injured by the offense is limited to compensation. He referenced a previous question, inquiring if restitution only covers compensation or if it could extend beyond that.

[5:07:59 PM](#)

REPRESENTATIVE COULOMBE deferred to a representative from DOL to respond.

SENATOR WIELECHOWSKI suggested that HB 286 would be litigated.

REPRESENTATIVE COULOMBE explained that restitution is not limited to the listed forms of compensation, despite the use of the term "limited to." She noted that there had been conversations in the other legislative chamber about this interpretation. Based on her understanding, the original statute was too broad, leading to significant issues with requests being made repeatedly. The items listed in the revised statute were meant to clarify and specify the scope of restitution rather than impose strict limitations.

[5:08:58 PM](#)

SENATOR WIELECHOWSKI sought clarification on whether restitution could cover compensation for lost income, childcare, elder care, transportation, and potentially more.

[5:09:07 PM](#)

REPRESENTATIVE COULOMBE replied yes.

[5:09:10 PM](#)

SENATOR WIELECHOWSKI asked if "compensation for the value of lost income" applies broadly to all lost income or only to income lost during the victim's or other person's participation in the investigation or prosecution. He pointed out that the wording could be interpreted in two ways and asked whether expenses such as childcare are covered comprehensively due to the offense or only if they are incurred during participation in the investigation or prosecution.

[5:09:58 PM](#)

REPRESENTATIVE COULOMBE asked for clarification regarding his question about litigation.

[5:10:10 PM](#)

SENATOR WIELECHOWSKI asked for clarification using an example involving childcare expenses. He inquired whether a victim could receive restitution for the full two months of childcare expenses incurred as a result of the offense, or if the restitution would only cover childcare expenses incurred during the victim's or other person's participation in the investigation, prosecution, or a court proceeding related to the offense.

[5:10:27 PM](#)

REPRESENTATIVE COULOMBE clarified her understanding that restitution includes expenses related to the litigation process. She explained that if a person is harmed and unable to take care of their children, any childcare expenses incurred for attending the trial or participating in litigation would be covered. She said that all such related expenses would be included.

[5:11:08 PM](#)

CHAIR KAWASAKI held HB 286 in committee.

[5:12:36 PM](#)

There being no further business to come before the committee, Chair Kawasaki adjourned the Senate State Affairs Standing Committee meeting at 5:12 p.m.