

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

February 24, 2025

1:02 p.m.

**MEMBERS PRESENT**

Representative Andrew Gray, Chair  
Representative Chuck Kopp, Vice Chair  
Representative Ted Eischeid  
Representative Genevieve Mina  
Representative Sarah Vance  
Representative Jubilee Underwood

**MEMBERS ABSENT**

Representative Mia Costello

**COMMITTEE CALENDAR**

HOUSE BILL NO. 101

"An Act relating to civil claims by victims of sexual abuse to a minor; relating to homicide; relating to assault in the third degree; relating to stalking; relating to sexual abuse of a minor; relating to enticement of a minor; relating to endangering the welfare of a child; relating to indecent exposure; relating to sending an explicit image of a minor; relating to solicitation or production of an indecent picture of a minor; relating to distribution of indecent material to minors; relating to the testimony of children in criminal proceedings; relating to sentencing; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 106

"An Act relating to organized theft; relating to theft of medical records and medical information; relating to mail theft; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 101

SHORT TITLE: CRIMES AGAINST MINORS

SPONSOR(S): REPRESENTATIVE(S) GRAY

02/12/25 (H) READ THE FIRST TIME - REFERRALS  
02/12/25 (H) JUD, FIN  
02/17/25 (H) JUD AT 1:00 PM GRUENBERG 120  
02/17/25 (H) Heard & Held  
02/17/25 (H) MINUTE(JUD)  
02/24/25 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 106

SHORT TITLE: THEFT: ORGANIZED; MED. RECORDS; MAIL  
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/14/25 (H) READ THE FIRST TIME - REFERRALS  
02/14/25 (H) JUD, FIN  
02/24/25 (H) JUD AT 1:00 PM GRUENBERG 120

**WITNESS REGISTER**

SAMANTHA MINTZ-GENTZ, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 101.

KID CHAN, Captain, Deputy Commander  
Division of Alaska State Troopers  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 101.

JOHN SKIDMORE, Deputy Attorney General  
Office of the Attorney General  
Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 106, on behalf of the House Rules Standing Committee, sponsor by request of the governor.

**ACTION NARRATIVE**

[1:02:08 PM](#)

**CHAIR ANDREW GRAY** called the House Judiciary Standing Committee meeting to order at 1:02 p.m. Representatives \* were present at the call to order. Representatives \* arrived as the meeting was in progress.

**HB 101-CRIMES AGAINST MINORS**

[1:03:01 PM](#)

CHAIR GRAY announced that the first order of business would be HOUSE BILL NO. 101, "An Act relating to civil claims by victims of sexual abuse to a minor; relating to homicide; relating to assault in the third degree; relating to stalking; relating to sexual abuse of a minor; relating to enticement of a minor; relating to endangering the welfare of a child; relating to indecent exposure; relating to sending an explicit image of a minor; relating to solicitation or production of an indecent picture of a minor; relating to distribution of indecent material to minors; relating to the testimony of children in criminal proceedings; relating to sentencing; and providing for an effective date."

CHAIR GRAY opened public testimony on HB 101.

[1:03:47 PM](#)

SAMANTHA MINTZ-GENTZ, representing self, stated that 16-year-olds are still minors because they require parental consent to take action. She spoke to the vulnerability of children at that age and encouraged the committee to vote in favor of the bill.

[1:06:19 PM](#)

CHAIR GRAY closed public testimony on HB 101.

[1:06:42 PM](#)

The committee took a brief at-ease at 1:06 p.m.

[1:06:52 PM](#)

REPRESENTATIVE KOPP questioned the number of statewide investigations into issues of consent that fall under the age range targeted by the bill.

KID CHAN, Captain, Deputy Commander, Division of Alaska State Troopers (AST), Department of Public Safety (DPS), estimated that in 2023, there were 300 sexual abuse of a minor (SAM) cases involving children 16 or younger.

[1:09:50 PM](#)

CHAIR GRAY asked, if a 16-year-old reported a sexual assault, whether the incident would be investigated.

MR. CHAN answered yes, an interview would be conducted to gather more information.

CHAIR GRAY asked how many sexual assaults are reported by 16- and 17-year-olds each year.

MR. CHAN offered to follow up with the requested information.

[1:11:11 PM](#)

REPRESENTATIVE VANCE asked about the terms, "child" and "minor," which are both used in the bill, and whether there is a statutory difference between the two.

[1:11:54 PM](#)

The committee took a brief at-ease at 1:11 p.m.

[1:12:26 PM](#)

CHAIR GRAY said no one is available to answer that question.

[1:12:34 PM](#)

REPRESENTATIVE VANCE, referring to page 4, asked why there are conflicting ages when talking about victims.

CHAIR GRAY deferred to the Department of Law (DOL), as the question refers to existing statute.

[HB 101 was held over.]

**HB 106-THEFT: ORGANIZED; MED. RECORDS; MAIL**

[Contains discussion of HB 77.]

[1:16:00 PM](#)

CHAIR GRAY announced that the final order of business would be HOUSE BILL NO. 106, "An Act relating to organized theft; relating to theft of medical records and medical information; relating to mail theft; and providing for an effective date."

[1:16:42 PM](#)

JOHN SKIDMORE, Deputy Attorney General, Office of the Attorney General, Department of Law (DOL), on behalf of the House Rules Standing Committee, sponsor by request of the governor, presented HB 106. He gave an overview of the proposed legislation and background on organized retail theft (ORT), which is the theft of merchandise that is subsequently resold for profit. He paraphrased the transmittal letter [included in the committee packet], which read as follows [original punctuation provided]:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill addressing organized theft, mail theft, and the theft of medical records and medical information. The impact of property theft on individuals, businesses, and the community is often underrated. When theft occurs in retail establishments, it can, over time, total in the millions of dollars. These costs can make it difficult to do business and, many times, are passed down to the paying consumer. Alaska needs to do more to address this conduct. Accordingly, this bill creates the new crime of organized theft, which will be a class A felony. Organized theft will target those individuals who coordinate with a group of three or more persons to commit felony level thefts. These individuals are operating on a larger scale and the penalty should reflect the massive damage they cause to our communities.

The bill also establishes the crime of mail theft, which can lead to identity theft, credit card fraud, and the loss of valuables. Because Alaska relies heavily on mail service, we should not depend solely on federal prosecution to address this widespread problem.

Finally, the bill classifies the theft of medical records or medical information as a class C felony. Just as current law protects credit cards and identification documents, it should also protect sensitive medical information from misuse.

By closing these gaps in current law, this bill will strengthen our ability to address crimes that wreak havoc on our communities. I urge your prompt consideration of this legislation.

[1:26:13 PM](#)

REPRESENTATIVE KOPP inquired as to the differences between HB 77 and HB 106. He stated that HB 77 would give prosecutors the authority to charge mail theft with a Class C felony and asked whether that would conflict with HB 106.

MR. SKIDMORE stated that HB 77 would add mail theft to theft in the second degree, which is a Class C felony. Another significant difference is that HB 77 defines mail as something that's delivered through the United States Postal Service (USPS) or by a private mail delivery company, such as FedEx or United Parcel Service (UPS). In contrast, HB 106 does not include the private mail delivery companies and only accounts for the items stolen from a person's mailbox. Under HB 106, items taken from someone's porch would be considered regular theft and valued accordingly.

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REPRESENTATIVE KOPP asserted that ORT should be classified as felony conduct and reasoned that it could be used as a prosecutorial tool.

MR. SKIDMORE explained that if three or more people were stealing items from a delivery truck more than once, it would fall within the definition of ORT, and the bill would allow this conduct to be prosecuted with a Class A felony. Alternatively, mail theft in HB 106 is designed to address the act of stealing mail that would not amount to a high dollar figure out of a mailbox. It would penalize mail theft with a Class A misdemeanor and up to one year in jail depending on the offender's history and the type of stolen material.

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REPRESENTATIVE VANCE sought further information on the ORT community and the types of crimes they are committing.

MR. SKIDMORE said it depends on the organization. The bill is focused on any group of individuals that plan to steal significant quantities of merchandise for monetary gain. The premise of ORT is based on organized activity that presents a pattern of behavior from multiple people and may be associated with violence.

REPRESENTATIVE VANCE asked whether the bill covers private property crimes committed by a group of individuals.

MR. SKIDMORE answered yes, if the group is coordinated and it occurs on more than once occasion.

REPRESENTATIVE VANCE referred to page 2, line 20, and questioned the definition of "access device."

MR. SKIDMORE cited AS 11.81.900, which defines "access device" as a document, card, or something with a unique identifier that allows access to certain accounts, such as a credit card, for example.

[1:39:11 PM](#)

REPRESENTATIVE VANCE asked how AS 11.46 interfaces with Alaska's privacy rights.

MR. SKIDMORE said they are correlated, as an access device, identification documents, and medical records would enable a person to engage in identity theft.

REPRESENTATIVE VANCE asked at what point is mail considered the recipient's property.

MR. SKIDMORE shared his understanding that a piece of mail is the recipient's property from the time it's addressed by the sender. While in transit, it's in the care and custody of USPS and cannot be stolen without committing this crime.

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CHAIR GRAY returned to Section 1 of the bill and asked why the threshold was set at three people. He asked whether two people working together could constitute an effort to commit ORT.

MR. SKIDMORE explained that three people differentiates the standard principle of accomplice liability that exists for two people. He further explained that an individual stealing \$10,000 from five or more people is considered scheming to defraud in Alaska statutes. The bill, he said, assumes a larger coordinated effort to justify the higher penalty.

CHAIR GRAY argued that organized theft involving three people would not necessarily create a business model.

MR. SKIDMORE disagreed. He contended that when three or more people steal on more than one occasion, it does establish the creation of a business model; however, the sentencing would need to be determined by the court.

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REPRESENTATIVE KOPP asked about the statute of limitations for ORT.

MR. SKIDMORE acknowledged that the statute of limitations would apply to ORT, in addition to AS 11.46.980(e), which addresses aggregation that occurs within six months. He offered that the legislature could add a time limit to the provision for extra precaution; however, he reiterated his understanding that two incidents that occurred twenty years apart, for example, could not be tied together. Beyond that, double jeopardy prohibits a previous conviction from being used towards another charge.

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CHAIR GRAY considered a scenario in which three teenagers stole from two separate Best Buy stores in the same day and asked whether it would qualify.

MR. SKIDMORE said he had seen instances in which the court describes that scenario as a single course of conduct; however, each determination is "very fact driven."

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REPRESENTATIVE MINA asked for the definition of "coordination" in this context.

MR. SKIDMORE explained "coordination" as people coming together for a common scheme or plan. He shared an example, indicating that physical presence isn't always necessary in a coordinated effort.

[1:59:50 PM](#)

REPRESENTATIVE UNDERWOOD asked how a group of individuals would be charged with ORT.

MR. SKIDMORE responded that each individual would be charged with individual theft, which could be aggravated if they were involved in multiple thefts; however, under current law, the

conduct cannot not be elevated to capture the organized "business model" component.

CHAIR GRAY referred to Section 3 and asked whether the law differentiates the type of mail that's stolen.

MR. SKIDMORE explained that there would be a difference between bills, which have no monetary value, and checks; otherwise, "mail is mail whether it's junk or not."

CHAIR GRAY asked whether Section 2 would apply to a stolen prescription or medical bill with personal information.

MR. SKIDMORE answered yes.

CHAIR GRAY asked whether the bill would apply to electronic medical information as well.

MR. SKIDMORE answered yes.

[2:03:48 PM](#)

[HB 106 was held over.]

[2:04:20 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:04 p.m.