

**HB**

**12**

**SFIN**

**FILE**

**SENATE FINANCE COMMITTEE REPORT**

DATE: 3/13/03

REPORTED OUT  
MAR 31 2003  
SENATE FINANCE  
COMMITTEE

FURTHER:

DATE TURNED  
IN TO OFFICE: 3/31/03

Finance Committee considered CS FOR HOUSE BILL NO. 12(JUD) am

**HB 12 HARASSMENT BY ELECTRONIC COMMUNICATION**

"An Act relating to the crime of harassment committed by use of electronic communication."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

attached amendment(s)

adopt Letter of Intent by House Judiciary Committee

further referral to \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical title

new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Admin	2/3/03	*		3
DPS	2/5/03		✓	2
Law	2/5/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>Ben Stevens</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>				
COCHAIR: <i>[Signature]</i>	✓			

# ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair  
Rep. Tom Anderson, Vice-Chair  
Rep. John Coghill  
Rep. Jim Holm  
Rep. Ralph Samuels  
Rep. Les Gara  
Rep. Max Gruenberg



State Capitol, Room 120  
Juneau, AK 99801-1182  
(907) 465-4990  
Fax (907) 465-6592

## House Judiciary Committee

### Letter of Intent CSHB 12 (JUD)

It is the intent of the House Judiciary Committee that the term "electronic communication," as it is used in AS 11.61.120(a), amended by CSHB 12 (JUD), means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by, but not limited to, the following forms of direct communication: electronic mail and text messages displayed by cellular, cordless, or digital telephones, or other electronic media. It is the intent of this committee to provide the most reasonable and common sense definition of "electronic communication" as it pertains to methods of harassment. As computer technologies evolve, communication will advance as well. By declining to limit and narrowly define methods of "electronic communication," this body is allowing for future methods of technology to be incorporated into the definition.

A handwritten signature in cursive script, appearing to read "Lesil McGuire".

Representative Lesil McGuire  
Chair

**Adopted by the House  
February 19, 2003**

MAR 3 1 2003

SENATE FINANCE COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 12(JUD)  
(H) Publish Date: 2/12/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title: "An Act relating to harassment." BRU: Criminal Division  
Sponsor: Representative Meyer Component: All  
Requester: House Judiciary Component No. \_\_\_\_\_

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 12 adds "electronic communication" as a means of harassment under AS 11.61.120(a). Harassment is a class B misdemeanor.

While this bill would create a new crime, the Department of Law does not believe there will be many new cases, and does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
Division: Attorney General's Office Date/Time 2/5/03 8:50 AM  
Approved by: Kathryn Daughhetelee for Gregg D. Renkes, Attorney General Date 2/5/2003  
Agency: Department of Law

MAR 31 2003

SENATE FINANCE  
COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 12(JUD)  
(H) Publish Date: 2/12/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
Title An act relating to harassment. BRU AST Detachment  
Component AST Detachment  
Sponsor Representative Meyer  
Requester House Judiciary Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
  
No fiscal impact.

Prepared by: Lieutenant Matthew Loveque Phone 907 269-0390  
Division: Alaska State Troopers Date/Time 2/5/03 4:08 PM  
Approved by: William Tandoske, Commissioner Date 2/5/2003  
Agency: Department of Public Safety

MAR 31 2003

SENATE FINANCE  
COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHB 12(JUD)  
(H) Publish Date: 2/12/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title: An Act relating to harrasment. BRU: Legal and Advocacy Service  
Sponsor: Representative Meyer Component: Public Defender Agency  
Requester: (H) Judiciary Component No.: 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2003) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This proposed legislation broadens the crime of harrasment to include anonymous or obscene email or email that threatens physical injury. While the Agency doesn't handle a significant number of harrasment cases under the current statute, this proposed broadening of the crime to include any anonymous or obscene email sent with the intent to annoy will likely have a fiscal impact on the Public Defender Agency because it will result in more cases handled by the Agency. It is not possible to predict with any certainty, however, the number of new cases this bill will generate, therefore, an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
Division: Public Defender Agency Date/Time 2/3/03 9:35 AM  
Approved by: Sharon Barton, Acting Commissioner Date 2/3/2003  
Agency: Department of Administration

# REPRESENTATIVE KEVIN MEYER

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HOUSE DISTRICT 19

## Sponsor Statement

CS HB 12 (JUD)am

**“An Act relating to the crime of harassment committed by use of electronic communication.”**

Under CS HB 12 (JUD)am, the list of methods of harassment under AS 11.61.120 will be expanded to include the sending of obscene electronic communications, or sending electronic communications that threaten physical injury or sexual contact.

The Internet and other telecommunication technologies are advancing every aspect of society. Unfortunately, many of the attributes of this technology - low cost, ease of use, and anonymous nature - make it an attractive medium for a new concern known as electronic communications harassment. As the online population has soared to an estimated 80 million users, the real-world crime of harassment has moved into cyberspace, causing annoyance and fear for victims.

Law enforcement agencies throughout Alaska have seen a rise in reported electronic harassment crimes. As the Internet becomes a more integral part of personal and professional lives, individuals can take advantage of the ease of communication as well as increased access to personal information and the benefit of anonymity. Whereas an individual may be unwilling or unable to confront a victim in person or on the telephone, he or she may have little hesitation sending harassing or threatening electronic communications to a victim.

The fact that electronic harassment does not involve physical contact creates the misconception that it is more benign than physical harassment or stalking. However, law enforcement agencies recognize the serious nature and extent of electronic harassment and are beginning to take aggressive action. In response to the growing number of reported email harassment claims, special units have been developed to investigate and prosecute email harassment and other computer related crimes. CS HB 12 (JUD)am would provide these agencies with a significant tool to protect and prosecute on behalf of Alaskans.

Last Updated: 3/17/2003

RECEIVED

FEB 06 2003

Detective Richard Rhea  
Anchorage Police Department  
4501 S. Bragaw  
Anchorage, AK 99507  
(970) 786-2637

RE: HB 12

To Representative Meyer and Committee members:

I am a Detective with the Anchorage Police Department. I have been a police officer for eleven years and a Detective for about two years. While on uniformed patrol, I handled hundreds of domestic violence related calls. As a Detective, I have worked as a general investigator, a Detective in the crimes against children unit and am now assigned to the computer crime unit.

I have handled Internet questions involving harassment before and I now have an actual case before me involving an ex-boyfriend who has posted personal information and photos of his ex-girlfriend. The victim, at one time had a restraining order on her violent boyfriend that the victim was eventually talked into dropping. The victim, as of a few weeks ago, has left state to get away from her ex. Since then, the victim has started to receive numerous e-mails. Some of the photos taken of the victim are of a compromising nature. The personal information posted by the suspect contains various items but specifically the phone number of the victim's out of state mother and the victim's e-mail address. The victim realized something was amiss when she started receiving e-mail about wanting more photos, dates etc. There were also lewd comments about her photos. The victim feels totally violated and humiliated. The victim would like this to stop.

I am assisting the victim and have told her that there are Municipal ordinances that cover this. Although we have those ordinances here in Anchorage, the nature of the World Wide Web (Internet) has made occurrences of computer crimes more than just a local phenomenon. These crimes may also have an Anchorage connection but suspect and victim may live out of Anchorage. In some cases, state charges add more bite to criminal justice system. The Municipality of Anchorage has recognized this and has amended their harassment/illegal use of telephone ordinances several years ago. This proposed legislation makes city and state laws more consistent and provides additional tools to law enforcement to combat this crime and assist victims.

Based on current state law, the victim would need to pursue civil means to address this (these incidents) and at what personal and financial cost? No one deserves to be harassed in any way either in person or electronically. With the dawning of a new century and Homeland Security, Alaska needs to become savvier with computer crimes. Alaska has the highest per capita computer users of any state in the union. We also, as of the writing of this letter, have two Anchorage Police Detectives that investigate computer crimes full time. There is also an Alaska State Trooper Sergeant white-collar crime supervisor that handles computer crimes in addition to his other duties. Neither of our organizations have an adequate budget for computer investigations so, any help we can get to make life easier for the victims and add additional law enforcement tools, is very much wanted and appreciated.

Thank you for your consideration in this matter,

Richard Rhea

Mike Messick  
1520 N. Aspen Place  
Wasilla, AK. 99654  
(907) 373-4858

RE: HB 12

To Whom It May Concern:

It is with great anticipation and relief that I am writing this letter of support for Representative Meyer's bill to amend AS 11.61.120(a). Due to the nature of my job duties for the past 6 years, I have had the opportunity to provide technical assistance to municipal, state, and federal authorities for numerous computer-related investigations pertaining to harassment and other crimes committed or assisted by the use of a computer.

On many occasions, criminal charges could not be brought against a perpetrator simply because he (or she) had used a computer in the commission of the crime. Had the perpetrator used a telephone or other "conventional" means to commit the same type of crime, a violation of AS 11.61.120(a) would have been committed, and appropriate prosecutorial action taken.

AS 11.61.120(a) currently only contains language pertaining to harassment by telephone, physical, and verbal contact. Given the proliferation of internet-connected computers, especially in Alaska, this statute needs to be expanded to also cover harassment by electronic communications. This proposed expansion of coverage does not change the intent of the statute in the least, but rather reinforces it by including one of the most common means of communication in use today.

Simply put, this bill would empower municipal and state law enforcement officials to more adequately carry out the intentions of the legislature. As many law enforcement officials investigating cyber-harassment will attest, the current law is insufficient; therefore, I ask for your support of this amendment.

Thank you for your consideration in this matter.

Sincerely,

Mike Messick  
Information Security Architect  
ConocoPhillips

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Unalaska  
Pres. Aleutian Islands Chapter

Jett Odom, Member  
Wrangell  
Pres. Wrangell Chapter

January 14, 2003

Representative Kevin Meyer  
State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Meyer:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill No. 12, an act relating to harassment.

The APOA State Board of Directors recently met and after discussing this proposed legislation, decided to unanimously support this bill.

Your legislative amendment will help to close the gap on those who are victims of harassment by means of electronic communication. In our ever-changing world of telecommunications we need legislation like yours to cover all methods and modes of communication involving the crime of harassment. We believe that this proposed legislation will be of benefit to both citizens and law enforcement of Alaska.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo J. Brandlen  
State President

# SENATE COMMITTEE REPORT

DATE: 2/21/03

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 3/12/03

Judicial, Committee considered CS FOR HOUSE BILL NO. 12(JUD) am

## HB 12 HARASSMENT BY ELECTRONIC COMMUNICATION

"An Act relating to the crime of harassment committed by use of electronic communication."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

attached amendment(s)

adopt Letter of Intent by J. H. Secretary Committee

further referral to \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical title

new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Legal			<input checked="" type="checkbox"/>	1
DPS			<input checked="" type="checkbox"/>	2
		*		3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
Ellis		<input checked="" type="checkbox"/>			
French		<input checked="" type="checkbox"/>			
Ogan		<input checked="" type="checkbox"/>			
Therriault		<input checked="" type="checkbox"/>			
Seekins	CHAIR:	<input checked="" type="checkbox"/>			