

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11367 SENATE STATE AFFAIRS

**HB**

**304**

# SENATE COMMITTEE REPORT

DATE: 2/11/04

FURTHER:

DATE TURNED  
IN TO OFFICE: 2/18/04

State Affairs Committee considered HOUSE BILL NO. 304

HB 304 JACK COGHILL BRIDGE TO THE INTERIOR

"An Act naming the Jack Coghill Bridge to the Interior."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- Same Title
- New Title

**House Bill:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

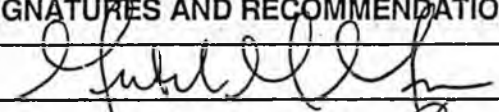
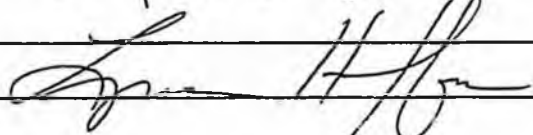
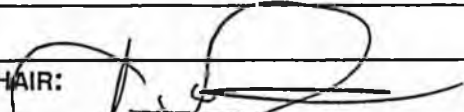
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#
DOT	1/12/04		✓		2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	✓			
	✓			
CHAIR: 	X			

# ALASKA STATE HOUSE OF REPRESENTATIVES

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3340 Badger Road, Suite 290  
North Pole, AK 99705  
(907)-488-5725  
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Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 204

## REPRESENTATIVE JOHN COGHILL

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### HB 304 SPONSOR STATEMENT

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#### The Jack Coghill Bridge to the Interior

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In 1961, State House Representative Jack Coghill was working on state funding to build a bridge over the Nenana River just south of Nenana at Rex. Part of the difficulty in getting funding for this bridge was that no roads were going to or coming from the area at the time. However, Jack knew that if a bridge was built, roads would soon connect the Interior to Southcentral Alaska.

The idea of a bridge with no connecting roads was so humorous, that some of the legislators called it "Jack Coghill's Bridge to Nowhere." Despite the criticism, Mr. Coghill held that the road would soon become a thoroughfare between Fairbanks and Anchorage. Mr. Coghill was successful in getting the funding, and once the appropriations for the bridge were made, it was built in record time. Soon after construction was completed, just as planned, roads to and from the bridge were built. Because of Mr. Coghill's efforts, the travel time between Anchorage and Fairbanks was cut from twelve hours to six, and the citizens of Alaska continue to benefit from the increased access that the bridge has provided.

Bridge #216, which currently has no name, crosses the Nenana River at the area called "Rex Crossing." At the frequent suggestion of my son Joshua, and other close friends of my father, I would like to name the bridge the "Jack Coghill Bridge to the Interior" to commemorate the contributions of one of Alaska's great citizens. Jack Coghill has served the state in various positions throughout the twentieth century:

- Territorial legislature member
- Alaska Constitutional Convention member
- State House Representative
- State Senator
- Lieutenant Governor under Walter Hickel

His visionary ideas, years of service to Alaska, and longtime citizenship of the Nenana community are worthy of honor.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: HB 304  
 (H) Publish Date: 1/16/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT  
 Title An Act naming the Jack Coghill Bridge BRU Highways & Aviation  
 Component \_\_\_\_\_  
 Sponsor Foster, Gruenberg, Holm  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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 (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

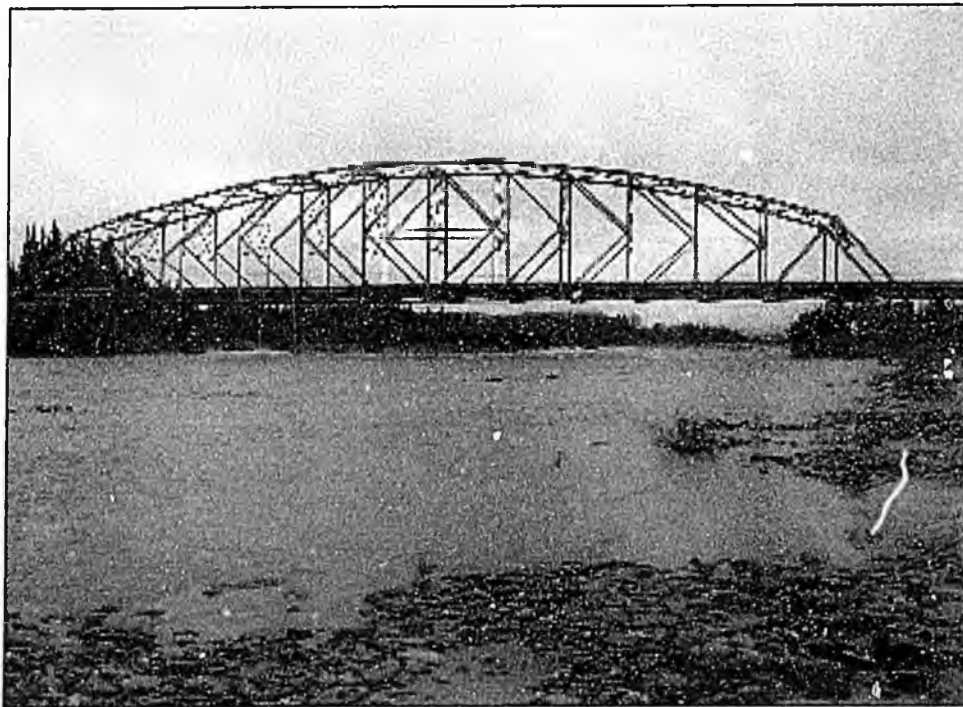
**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: John MacKinnon Phone 465-6973  
 Division \_\_\_\_\_ Date/Time 1/12/04 9:14 AM  
 Approved by: John MacKinnon Date 1/12/2004  
 Agency DOT

Bridge 216 at Rex Crossing



Photo's provided by DOT.

# House STATE AFFAIRS Minute



Jan 13, 2004

HB 304-JACK COGHILL BRIDGE TO THE INTERIOR

**DRAFT**

9:22 a.m.

CHAIR WEYHRAUCH announced that the next order of business was HOUSE BILL NO. 304, "An Act naming the Jack Coghill Bridge to the Interior."

REPRESENTATIVE JOHN COGHILL, Alaska State Legislature, as sponsor of HB 304, prefaced his remarks by stating his intent is to honor his father and he means no self-aggrandizing. The purpose of the bill, he explained, is simply to name the bridge over the Nenana River at Rex the Jack Coghill Bridge to the Interior.

REPRESENTATIVE COGHILL revealed that the story behind this is that when the Parks Highway was being surveyed to connect Anchorage and Fairbanks, Jack Coghill got an appropriation through the legislature that actually preceded the money for the highway; therefore, the bridge was actually built before the highway got to it. He said his father "took a little bit of ribbing" as the author to "the bridge to nowhere."

REPRESENTATIVE COGHILL noted that this year his father will be one of the oldest members of the Alaska State Constitutional Convention, he was in the territorial legislature, and he served as lieutenant governor. He said he knows that naming things for people is generally done after they die; however, he explained that his son, Joshua, who heard the story of the bridge from someone in Healy, asked him to author this piece of legislation. Representative Coghill mentioned spending time with his father after his mother, Frances, died a couple of years ago, and he said he has come to think that [naming the bridge after his father] is an appropriate thing to do. He said he thinks this will honor Alaska, generally, as well as those who cross that bridge who know his father personally.

9:24 a.m.

CHAIR WEYHRAUCH suggested that the bridge be named after Representative Coghill's father and mother.

REPRESENTATIVE COGHILL said he would not want to do that, because his mother already has a foundation in her name for children who have speech impediments, which was something that was "part of her heart" and probably more appropriate. Since the bridge is a legislative matter dating back the early 1960s, he said he thinks it appropriate to name it after his father.

REPRESENTATIVE GRUENBERG moved to report HB 304 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HB 304 was moved out of the House State Affairs Standing Committee.

## House TRANSPORTATION Minute



May 12, 2003

### HB 304-JACK COGHILL BRIDGE TO THE INTERIOR

CO-CHAIR HOLM announced that the first order of business would be HOUSE BILL NO. 304, "An Act naming the Jack Coghill Bridge to the Interior."

CO-CHAIR HOLM began the meeting by referring to pictures of the bridge [supplied by the Department of Transportation & Public Facilities (DOT&PF)] which crosses the Nenana River at the area called "Rex Crossing."

Number 0148

REPRESENTATIVE JOHN COGHILL, Alaska State Legislature, speaking as the sponsor of HB 304, clarified that the bridge is currently called "Bridge #216." He said there is a story behind naming of the bridge, and there is also a story behind the bridge itself. He told the committee of a conversation that his middle son, Joshua, had with Joshua's grandpa [Jack Coghill]. One day, as they were driving across this bridge on their way to Healy, grandpa told the story of how this bridge came to be, and ever since hearing that story, Joshua "put it in his head that he wanted to do something about it" - that is, to name the bridge after his grandfather.

Number 0177

REPRESENTATIVE COGHILL then told the committee that in the early 1960s, during the time his father [Jack Coghill] was in the Senate, before there was even a road coming to or from the bridge, it received appropriation under his guidance. After construction, there wasn't a road to or from the bridge for another 15 months. He said that he's had a difficult time finding people who were in the legislature during that time who could tell him more of the story. He explained that he doesn't have more of the story from his dad because he hasn't told him about HB 304 and is hoping that the naming of the bridge would come as a surprise.

CO-CHAIR HOLM commented that a lot of the people who served with Jack Coghill are no longer with us. For the record, he noted the passing of former Senator Bill Waugaman that morning, a great man who would be missed.

CO-CHAIR MASEK said this honoring of the Representative's father was well deserved.

Number 0501

CO-CHAIR MASEK moved to report HB 304 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HB 304 was reported from the House Transportation Standing Committee.

**HB**

**309**

# SENATE COMMITTEE REPORT

DATE: 04/28/04

FURTHER: Resources

DATE TURNED IN TO OFFICE: 5/2/04

State Affairs Committee considered CS FOR HOUSE BILL NO. 309(JUD) am

## HB 309 PROHIBIT RELEASE OF PREDATORY FISH

"An Act relating to nonindigenous fish."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

Department	Date	Fiscal	Indet.	Zero	FN#
DF+G	3/19/04			✓	1
DPS	3/19/04			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John Cardrey</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>			✓	

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 309(FSH)  
 (H) Publish Date: 3/24/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title Prohibit Release of Predatory Fish RDU Sport Fisheries  
 Component Sport Fisheries  
 Sponsor Representative Wolf  
 Requester House Fisheries Component No. 464

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson, Legislative Liaison Phone 465-6137  
 Division Alaska Department of Fish & Game Date/Time 3/19/04 5:42 PM  
 Approved by: Commissioner Kevin Duffy Date 3/19/2004  
 Agency Alaska Department of Fish & Game

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 309(FSH)  
 (H) Publish Date: 3/24/04

Revision Date/Time (Note if correction):  
 Title: Act Relating to Non-indigenous Fish Release Dept. Affected: Public Safety  
 RDU: Alaska State Troopers  
 Component: Alaska Bureau of Wildlife Enforcement  
 Sponsor: Rep. Wolf  
 Requester: (H) Fisheries Component No. 2746

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>						
-------------------------------	--	--	--	--	--	--

**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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Section 1 amends AS 16.35 by adding a new section that makes it illegal to transport, possess, import, export, or release into the water of the state live non-indigenous fish or live fertilized eggs of non-indigenous fish, unless the person holds a permit issued by the commissioner or the commissioner's designee to transport, possess, import, export, or release the fish or live eggs. This section does not apply to catch and release situations or ornamental fish. It does, however, make it illegal to rear live ornamental fish in or release them into the water of the state or to dump ornamental fish wastewater directly into the water of the state.

The bill provides a definition of non-indigenous fish, ornamental fish, and water of the state. Violations of this statute would be a class C felony.

It is not anticipated that the provisions of this bill will have a fiscal impact on the Alaska State Troopers.

Prepared by: Lt. Al Storey Phone 269-4532  
 Division: Alaska State Troopers Date/Time 3/19/04 10:29 AM  
 Approved by: Commissioner William Tandeske Date 3/19/2004  
 Agency: Department of Public Safety

# Alaska State Legislature

*Session:*  
State Capitol Building, Room 418  
Juneau, Alaska 99801-1182  
Phone: (907) 465-2993  
Fax: (907) 465-3835  
Toll Free: 1-800-463-2693



*Interim:*  
145 Main Street Loop Road  
Suite 221  
Kenai, AK 99611  
Phone: (907) 283-2690  
Fax: (907) 283-2763

## Representative Kelly Wolf *House District 33*

### Sponsor Statement HB 309

Transportation of nonindigenous predatory game fish has become a problem in some parts of Alaska. Currently it is a misdemeanor to transport live game fish in Alaska. By passing this bill Alaska will be able to send a message that bucket biology will not be tolerated in Alaska by unauthorized individuals who for their own desires wish to alter the ecosystems in Alaska.

When a person or group makes their mind up to take management of Alaska's fishery resources in to there own hand's. They put at risk the local economy's and place the burden of the expense of controlling the spread of these nonindigenous predatory fish which costs Alaska hundreds of thousands or even millions dollars for there self interests.

**HB**

**334**

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

# SENATE COMMITTEE REPORT

DATE: 04/20/04

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 4/28/04

State Affairs Committee considered CS FOR HOUSE BILL NO. 334(RLS)

## HB 334 UNLAWFUL EXPLOITATION OF MINOR/CHILD PORN

"An Act relating to unlawful exploitation of a minor and to distribution of child pornography."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DOA	3/18/04			✓	1
DOC	2/27/04			✓	2
Law	2/13/04			✓	3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John J. Casady</i>	✓			
<i>Robert K. ...</i>	✓			
<i>Public ...</i>			✓	
CHAIR: <i>[Signature]</i>	✓			

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 334(JUD)  
 (H) Publish Date: 3/18/04

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

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill should have minimal fiscal impact on the operations of the Public Defender Agency. The Agency does not handle a significant number of these offenses.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
 Division: Public Defender Agency Date/Time \_\_\_\_\_  
 Approved by: Mike Miller, Commissioner Date \_\_\_\_\_  
 Agency: Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 334(JUD)  
 (H) Publish Date: 3/18/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
 Title Unlawful Exploitation of a Minor RDU Administration & Operations  
 Component Institution Director's Office  
 Sponsor Representative Meyer  
 Requester \_\_\_\_\_ Component No. .1381

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<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>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</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>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<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 (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

This bill may have an impact on the inmate population at some time in the future but will not impact the number of incarcerated felons within the next five years.

Prepared by: Jerry D. Burnett, Director  
 Division: Administrative Services  
 Approved by: Portia C.K. Parker, Deputy Commissioner  
 Agency: Department of Corrections

Phone: (907) 465-3339  
 Date/Time: 1/27/04 2:20 PM  
 Date: 1/27/2004

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSHB 334(JUD)  
 (H) Publish Date: 3/18/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to unlawful exploitation of RDU Criminal  
a minor." Component CDCO  
 Sponsor Representative Meyer  
 Requester House Judiciary Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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 (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill would make unlawful exploitation of a minor a Class A felony, rather than a Class B felony.

These cases, involving making child pornography are rare and usually plead out. Consequently, passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director  
 Division Administrative Services  
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General  
 Agency Department of Law

Phone 465-3673  
 Date/Time 2/13/04 12:25 PM  
 Date 2/13/2004

# REPRESENTATIVE KEVIN MEYER

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HOUSE DISTRICT 30

## SPONSOR STATEMENT

CS HB 334 (RLS)

**“An Act relating to unlawful exploitation of a minor and to distribution of child pornography.”**

A major area of child victimization is the sexual exploitation of children, which includes child pornography. CS HB 334 (RLS) Unlawful Exploitation of a Minor will increase the criminal penalty for AS 11.41.455 Unlawful Exploitation of a Minor to a class A felony for a person who has previously been convicted of this crime. Also, the criminal penalty for AS 11.61.125 Distribution of Child Pornography is raised to a class A felony for a person who has previously been convicted of this crime.

Photographs, videotapes, films, and magazines of children in sexual poses and sexual acts make up a multimillion-dollar world of child pornography. Child pornographers and pedophiles come from all walks of life. Pedophiles will use the child pornography they have collected to seduce other children into participating in sexual activities with them; proliferating sexually abusive behaviors and attitudes.

The sexual exploitation of a child has multiple victims and the effects can extend through a child's or adolescent's psychological, sociological, and behavioral development into adulthood. Child pornography places the children depicted in harmful situations including the contraction of sexually transmitted diseases, rape, assault, and torture. The production and distribution of explicit sexual material depicting children and adolescents warrants a severe criminal penalty.

Child pornography has devastating effects on children, both on those who are exploited in the actual pictures and those who view it. The production of explicit sexual material involving children is sexual abuse. It becomes the permanent record of sexual abuse. The criminal penalty for the Unlawful Exploitation of a Minor and Distribution of Child Pornography should be the utmost stringent and severe for repeat offenders.

Last Updated: April 13, 2004

**AS 11.41.455 Unlawful exploitation of a minor**

(a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed in (1) - (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct:

- (1) sexual penetration;
- (2) the lewd touching of another person's genitals, anus, or breast;
- (3) the lewd touching by another person of the child's genitals, anus, or breast;
- (4) masturbation;
- (5) bestiality;
- (6) the lewd exhibition of the child's genitals; or
- (7) sexual masochism or sadism.

(b) A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if, in the state, the person permits the child to engage in conduct described in (a) of this section knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.

(c) Unlawful exploitation of a minor is a class B felony.

(d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc.

**AS 11.61.125 Distribution of child pornography**

(a) A person commits the crime of distribution of child pornography if the person brings or causes to be brought into the state for distribution, or in the state distributes, or in the state possesses, prepares, publishes, or prints with intent to distribute, any material that visually or aurally depicts conduct described in AS 11.41.455 (a), knowing that the production of the material involved the use of a child under 18 years of age who engaged in the conduct.

(b) This section does not apply to acts that are an integral part of the exhibition or performance of a motion picture if the acts are performed within the scope of employment by a motion picture operator or projectionist employed by the owner or manager of a theater

CS HB 334 (RLS) Unlawful Exploitation of a Minor  
Statutes pertaining to CS HB 334 (RLS)  
Senate State Affairs Committee Hearing

or other place for the showing of motion pictures, unless the motion picture operator or projectionist

(1) has a financial interest in the theater or place in which employed; or

(2) causes the performance or motion picture to be performed or exhibited without the consent of the manager or owner of the theater or other place of showing.

(c) The possession of 100 or more films, audio, video, electronic, or electromagnetic recordings, photographs, negatives, slides, books, newspapers, magazines, or other materials, including a combination of these items totaling 100 or more, is prima facie evidence of distribution and intent to distribute under (a) of this section.

(d) In this section, "distribution" includes the following, whether or not for monetary or other consideration: delivering, selling, renting, leasing, lending, giving, circulating, exhibiting, presenting, providing, exchanging, placing on a computer network or computer system, and providing billing collection, or other ancillary services for or otherwise supporting these activities.

(e) Distribution of child pornography is a class B felony.

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

Alaska Statutes-Title 11  
Class A Felonies

Offense Citation	Offense Description	Criminal Classification	Criminal Penalty
AS 11.41.120	Manslaughter	Felony	Class A
AS 11.41.120(a)(1)	Manslaughter-Death that is not Murder in the First Degree or Second Degree	Felony	Class A
AS 11.41.120(a)(2)	Manslaughter-Aid in Suicide	Felony	Class A
AS 11.41.200	Assault in the First Degree	Felony	Class A
AS 11.41.200(a)(1)	Assault in the First Degree-Serious Injury Involving a Weapon	Felony	Class A
AS 11.41.200(a)(2)	Assault in the First Degree-Serious Injury Involving a Weapon-With the Intent to Cause Physical Injury	Felony	Class A
AS 11.41.200(a)(3)	Assault in the First Degree-Serious Injury with Extreme Indifference	Felony	Class A
AS 11.41.200(a)(4)	Assault in the First Degree-Serious Injury by Repeated Assaults Using a Weapon	Felony	Class A
AS 11.41.300(d)	Kidnapping-Releasing a Victim Unharmed	Felony	Class A
AS 11.41.500	Robbery in the First Degree	Felony	Class A
AS 11.41.500(a)(1)	Robbery in the First Degree-Armed with a Deadly Weapon	Felony	Class A
AS 11.41.500(a)(2)	Robbery in the First Degree-Using a Weapon	Felony	Class A
AS 11.41.500(a)(3)	Robbery in the First Degree-Causes or Attempts to Cause Physical Injury	Felony	Class A
AS 11.46.400	Arson in the First Degree-Danger of Serious Injury	Felony	Class A
AS 11.46.475	Criminal Mischief in the First Degree	Felony	Class A
AS 11.46.475(a)(1)	Criminal Mischief in the First Degree-Damage to the Pipeline	Felony	Class A
AS 11.46.475(a)(2)	Criminal Mischief in the First Degree-Damage to a Public Service Utility	Felony	Class A
AS 11.46.475(a)(3)	Criminal Mischief in the First Degree-Damage to Property by Dangerous Means that Exceeds \$100,000	Felony	Class A
AS 11.56.300	Escape in the First Degree	Felony	Class A
AS 11.61.190	Misconduct Involving a Weapon in the First Degree	Felony	Class A
AS 11.61.190(a)(1)	Misconduct Involving a Weapon in the First Degree-Involved in a Drug Crime	Felony	Class A
AS 11.61.190(a)(2)	Misconduct Involving a Weapon in the First Degree-From a Vehicle	Felony	Class A

Alaska Statutes-Title 11  
Class A Felonies

AS 11.61.240(b)(1)	Possession of Explosives-With the Intent to Murder or Kidnap	Felony	Class A
AS 11.66.110(a)(2)	Promotion of Prostitution in the First Degree-Inducing a Person Under 16 Years of Age	Felony	Class A
AS 11.71.020	Misconduct Involving a Controlled Substance in the Second Degree	Felony	Class A
AS 11.71.020(a)(1)	Misconduct Involving a Controlled Substance in the Second Degree-Manufacture and Delivery of Class IA Drugs	Felony	Class A
AS 11.71.020(a)(2)	Misconduct Involving a Controlled Substance in the Second Degree-Manufacturing Methamphetamines	Felony	Class A
AS 11.71.020(a)(2)(A)	Misconduct Involving a Controlled Substance in the Second Degree-Manufacturing Methamphetamines	Felony	Class A
AS 11.71.020(a)(2)(B)	Misconduct Involving a Controlled Substance in the Second Degree-Manufacturing Methamphetamine Precursors	Felony	Class A
AS 11.71.020(a)(3)	Misconduct Involving a Controlled Substance in the Second Degree-Possessing Methamphetamine Precursors	Felony	Class A
AS 11.71.020(a)(4)	Misconduct Involving a Controlled Substance in the Second Degree-Possessing Methamphetamine Chemicals	Felony	Class A
AS 11.71.020(a)(4)(A)	Misconduct Involving a Controlled Substance in the Second Degree-Possessing Methamphetamine Chemicals	Felony	Class A
AS 11.71.020(a)(4)(B)	Misconduct Involving a Controlled Substance in the Second Degree-Possessing Methamphetamine Chemicals	Felony	Class A

Alaska Statutes-Title 11  
Class B Felonies

Offense Citation	Offense Description	Criminal Classification	Criminal Penalty
AS 11.41.130	Criminally Negligent Homicide	Felony	Class B
AS 11.41.210	Assault in the Second Degree	Felony	Class B
AS 11.41.420	Sexual Assault in the Second Degree	Felony	Class B
AS 11.41.436	Sexual Abuse of a Minor in the Second Degree	Felony	Class B
AS 11.41.455	Unlawful Exploitation of a Minor	Felony	Class B
AS 11.41.510	Robbery in the Second Degree	Felony	Class B
AS 11.41.520	Extortion	Felony	Class B
AS 11.41.530	Coercion	Felony	Class B
AS 11.46.120	Theft in the First Degree	Felony	Class B
AS 11.46.280(d)(1)	Issuing a Bad Check-value of \$25,000	Felony	Class B
AS 11.46.285(b)(1)	Fraud: Use of an Access Device-value of \$25,000	Felony	Class B
AS 11.46.300	Burglary in the First Degree	Felony	Class B
AS 11.46.410	Arson in the Second Degree	Felony	Class B
AS 11.46.480	Criminal Mischief in the Second Degree	Felony	Class B
AS 11.46.500	Forgery in the First Degree	Felony	Class B
AS 11.46.565	Criminal Impersonation in the First Degree	Felony	Class B
AS 11.46.600	Scheme to Defraud	Felony	Class B
AS 11.46.730 c(1)	Defraud Creditors-value of \$25,000	Felony	Class B
AS 11.56.100	Bribery-A Public Servant	Felony	Class B
AS 11.56.110	Receiving a Bribery As a Public Servant	Felony	Class B
AS 11.56.200	Perjury	Felony	Class B
AS 11.56.310	Escape in the Second Degree	Felony	Class B
AS 11.56.510	Interference with Official Proceedings	Felony	Class B
AS 11.56.520	Receiving a Bribe: Witness or Jury	Felony	Class B
AS 11.56.807	Terroristic Threatening in the First Degree	Felony	Class B
AS 11.61.125	Distribution of Child Pornography	Felony	Class B
AS 11.61.195	Misconduct Involving Weapons in the Second Degree	Felony	Class B
AS 11.61.240(b)(2)	Possession of Explosives with the Intent to commit a Class A felony	Felony	Class B
AS 11.66.110(a)(1)	Promotion of Prostitution in the First Degree-Using Force	Felony	Class B
AS 11.71.030	Misconduct Involving a Controlled Substance in the Third Degree	Felony	Class B
AS 11.73.030	Delivering Imitation Controlled Substances to a Minor	Felony	Class B

HB 334 Unlawful Exploitation of a Minor  
Comparison of Sentences of Imprisonment

**Class A Felonies: Sentences of Imprisonment (AS 12.55.125)**

**Definite Term:** Not more than 20 years

**Presumptive Term:** **First Felony Conviction**  
5 Years, other than for manslaughter  
**Second Felony Conviction**  
10 Years  
**Third Felony Conviction**  
15 Years

**Class B Felonies: Sentences of Imprisonment (AS 12.55.125)**

**Definite Term:** Not more than 10 years

**Presumptive Term:** **First Felony Conviction**  
1-4 years  
**Second Felony Conviction**  
4 Years  
**Third Felony Conviction**  
6 Years

**Class C Felonies: Sentences of Imprisonment (AS 12.55.125)**

**Definite Term:** Not more than 5 years

**Presumptive Term:** **First Felony Conviction**  
1-2 Years  
**Second Felony Conviction**  
2 Years  
**Third Felony Conviction**  
3 Years

## FEDERAL LEGISLATION

### **1977 Sexual Exploitation of Children Act: 18 U.S.C. 2251-2253**

The law prohibits the use of a minor in the making of pornography, the transport of a child across state lines, the taking of a pornographic picture of a minor, and the production and circulation of materials advertising child pornography.

### **1984 Child Protection Act: 18 U.S.C. 2251-2255**

Defines anyone younger than the age of 18 as a child. Therefore, a sexually explicit photograph of anyone 17 years of age or younger is child pornography.

### **1986 Child Sexual Abuse and Pornography Act: 18 U.S.C. 2251-2256**

Banned the production and use of advertisements for child pornography and included a provision for civil remedies of personal injuries suffered by a minor who is a victim. It also raised the minimum sentences for repeat offenders from imprisonment of not less than two years to imprisonment of not less than five years.

### **1988 Child Protection and Obscenity Enforcement Act: 18 U.S.C. 2251-2256**

Unlawful to use a computer to transmit advertisements for or visual depictions of child pornography and it prohibited the buying, selling, or otherwise obtaining temporary custody or control of children for the purpose of producing child pornography.

### **1990: 18 U.S.C. 2252**

Created a federal crime to possess three or more depictions of child pornography that were mailed or shipped in interstate or foreign commerce or that was produced using materials that were mailed or shipped by any means, including by computer.

### **1996 Telecommunications Act: 18 U.S.C. 2422**

A federal crime for anyone using the mail, interstate or foreign commerce, to persuade, induce, or entice any individual younger than the age of 18 to engage in any sexual act for which the person may be criminally prosecuted.

### **1996 Child Pornography Prevention Act: 18 U.S.C.**

Amended the definition of child pornography to include that which actually depicts the sexual conduct of minor children and that which appears to be a depiction of a minor engaging in sexual conduct. People who alter pornographic images to look like children can now be prosecuted under the law.

## STATE LEGISLATION

### **1978 House Bill 661**

Created the crime of Unlawful Exploitation of a Minor (AS 11.41.455).

Provided that a person commits the crime if, with the intent of producing for any commercial purpose a live performance, film, photograph, negative, slide, book, newspaper, or magazine, that depicts such conduct, a person knowingly induces or employs a child under the age of 16 to engage in, or photographs, films or televises a child under 16 years of age engaged in:

1. Sexual penetration;
2. The obscene touching of another person's genitals, anus, or female breast;
3. The obscene touching by another person of a child's genitals, anus, or female breast;
4. Masturbation;
5. Bestiality; or
6. The obscene exhibition of the child's genitals.

HB 661 created the criminal penalty for Unlawful Exploitation of a Minor as a class B felony.

### **1983 House Bill 270**

This legislation repealed and reenacted AS 11.41.455.

Provided that a person commits the crime if in the state and with the intent of producing a live performance, film, photograph, negative, slide, book, newspaper, magazine, or other printed material that visually depicts the conduct listed in (1)-(6) of this subsection, the person knowingly induces or employs a child under 18 years of age in, or photographs, films, or televises a child under the age of 18 engaged in the following actual or simulated conduct:

1. Sexual penetration;
2. The lewd touching of another person's genitals, anus, or female breast;
3. The lewd touching by another person of a child's genitals, anus, or female breast;
4. Masturbation
5. Bestiality
6. The lewd exhibition of the child's genitals

Created a new subsection that prohibits a parent, legal guardian, or person having custody or control of a child under 18 years of age from permitting the child to engage in conduct described in the previous subsection, knowing that the conduct is intended to be used in producing a live performance, film, photograph, negative, slide, book, newspaper, magazine or other printed material that depicts the actual or simulated conduct.

The criminal penalty for AS 11.41.455 remained a class B felony.

Historical Perspective: Laws and Legislation  
Exploitation of Minors

**1990 Senate Bill 513**

This legislation amended AS 11.41.455

Provided that a person commits the crime of unlawful exploitation of a minor by producing an audio recording of a minor participating, or simulated participation in certain acts. Also, a new subsection was added to AS 11.41.455 that defined "audio recording".

The criminal penalty for AS 11.41.455 remained a class B felony.

**1992 House Bill 396**

This legislation amended AS 11.41.455

Added "sexual masochism or sadism" to the list of behaviors prohibited.

The criminal penalty for AS 11.41.455 remained a class B felony.

**2000 Senate Bill 259**

Provided that a person commits the crime of unlawful exploitation of a minor by producing video, electronic, or electromagnetic recordings of a minor participating, or simulated participation in certain acts.

The criminal penalty for AS 11.41.455 remained a class B felony.

### **Sexual Exploitation of Children**

Title 18 U.S.C. 2251 sets forth three offenses. Section (a) proscribes the employment or enticement of a minor to engage in sexually explicit activity for the purpose of producing any visual depiction of such conduct. Either the visual depiction must be actually transported in interstate or foreign commerce, or mailed, or the person must know or have reason to know that it will be so transported, or the visual depiction must be produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer.

Subsection (b) prohibits any parent, legal guardian, or person having custody or control over a minor to permit such minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

Subsection (c) penalizes anyone who makes, prints, or publishes any notice or advertisement seeking or offering: (1) to receive, exchange, buy, produce, display, distribute or reproduce a visual depiction of a minor engaging in sexually explicit conduct; or (2) to participate in any act of sexually explicit conduct by or with a minor. Such person should know or have reason to know that such notice or advertisement will be transported in interstate or foreign commerce by any means, including by computer or mail.

Section 2251 imposes a mandatory minimum of 10 years' imprisonment and/or a fine to a twenty year maximum for the first offense and a minimum of 15 years' to a maximum thirty years' imprisonment together with a fine for the second offense if the offender has one prior conviction under Chapter 10, Chapter 109A, or Chapter 117, or under the laws of any state relating to the sexual exploitation of children. An offender with two or more such prior convictions faces a mandatory minimum of thirty years with a maximum sentence of life in prison.

### **Selling or Buying of Children (Section 2251 A)**

Title 18 U.S.C. section 2251 A (a) punishes any parent, legal guardian, or other person with rights of custody or control over a minor who sells or otherwise transfers control of such minor with knowledge that the minor will be used to depict sexually explicit conduct or with the intent of promoting the minor in sexually explicit conduct.

The penalties for subsections (a) and (b) are imprisonment for 20 years to life and a fine if during the course of conduct the minor traveled in or was transported in interstate or foreign commerce; or offers to transport were made in interstate or foreign commerce, including by computer, or the conduct occurred in any territory or possessions of the United States.

**Certain Activities Relating to Material Involving the Sexual Exploitation of Minors  
(Section 2252 and 2252 A)**

Title 18 U.S.C. section 2252 sets forth four offenses. Subsection (a)(1) prohibits anyone from knowingly transporting in interstate or foreign commerce or mailing any visual depiction involving the use of a minor engaging in sexually explicit conduct.

Subsection (a)(2) prohibits anyone from knowingly receiving or distributing any visual depiction of a minor engaging in sexually explicit conduct that has been mailed or transported in interstate or foreign commerce or from knowingly reproducing any such visual depiction for distribution in interstate or foreign commerce or through the mail.

Subsection (a)(3)(A) prohibits anyone in the special maritime and territorial jurisdiction of the United States, or on any government land, or in any government facility, from selling or possessing with the intent to sell any visual depiction of a minor engaged in sexually explicit conduct that has been shipped in interstate or foreign commerce or was made with materials sent in interstate or foreign commerce. Subsection (a)(3)(B) penalizes the knowing sale or possession with the intent to sell of any visual depiction of a minor engaged in sexually explicit conduct shipped in interstate or foreign commerce, or produced using materials mailed or shipped by any means, including by computer where the production involved the use of a minor engaged in sexually explicit conduct and the visual depiction of such conduct.

Subsection (a)(4) prohibits the possession of one or more books, magazines, periodicals, films, video tapes, or other matter containing any visual depiction of a minor engaging in sexually explicit conduct, which was shipped or transported or made with materials shipped or transported in interstate or foreign commerce, including by computer.

Section 2252 imposes, for the first three offenses, a maximum 15 years' imprisonment and/or a fine for the first offense and a minimum five years' imprisonment to a maximum 30 years' imprisonment and/or a fine for a subsequent conviction under this Section, under Chapter 109 A, under Chapter 117, or under the laws of any state relating to aggravated sexual abuse, or abusive sexual conduct involving a minor or ward, or the trafficking in child pornography. The penalty for violation of Subsection (a)(4) is a maximum sentence of five years and/or a fine for the first offense, and a two year mandatory minimum with a ten year statutory maximum if the offender has a prior conviction as set forth above.

**Certain Activities Relating to Material Involving the Sexual Exploitation of Minors  
(2252 A)**

Title 18 U.S.C. Section 2252 A is identical to 18 U.S.C. Section 2252, with two exceptions. First, section 2252 A expands the definition of the prohibited material by using the more inclusive term "child pornography" instead of the words "visual depiction of a minor engaging in sexually explicit conduct" that is utilized in Section 2252. A second difference is

found in the possessory offense set forth in Section 2252 A (a)(5)(B), which makes it illegal to possess an image of child pornography.

Section 2252 A imposes, for the first four offenses, a maximum 15 years' imprisonment and/or a fine for the first offense and a minimum five years' imprisonment to a maximum 30 years' imprisonment and/or a fine for a subsequent conviction under this Section, under Chapter 109 A, or under the laws of any state relating to aggravated sexual abuse, or abusive sexual conduct involving a minor or ward, or the trafficking in child pornography. The penalty for violation of Subsection (a)(5) is a maximum sentence of five years and/or a fine for the first offense, and a two year mandatory minimum with a ten year statutory maximum if the offender has a prior conviction as set forth above.

#### Definitions for 18 U.S.C. Sections 2251, 2251 A, 2252, and 2252 A

"Minor" refers to any person under the age of eighteen years.

"Sexually explicit conduct" means actual or simulated: sexual intercourse, bestiality, masturbation, sadistic or masochistic abuse, or lascivious exhibition of the genitals or pubic area.

"Child pornography" is defined to include the following:

- (1) Visual depictions where minors are depicted engaging in sexually explicit conduct;
- (2) Visual depictions which are, or appear to be, or a minor engaging in sexually explicit conduct;
- (3) Visual depictions which have been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or
- (4) Visual depictions which are advertised, promoted, presented, described or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.

"Identifiable minor" is defined as a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.

HB 334 Unlawful Exploitation of a Minor  
Comparison of Sentences of Imprisonment

**Sexual Exploitation of Children (Title 18 U.S.C. 2251)**

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**Description of Offense:**

Proscribes the employment or enticement of a minor to engage in sexually explicit activity for the purpose of producing any visual depiction of such conduct. Prohibits any parent, legal guardian, or person having custody or control over a minor to permit the minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct. Penalizes anyone who makes, prints, or publishes any notice or advertisement seeking or offering to (1) to receive, exchange, buy, produce, display, distribute or reproduce a visual depiction of a minor engaging in sexually explicit conduct; or (2) to participate in any act of sexually explicit conduct by or with a minor.

**Sentences:**

**First Offense:** Mandatory minimum of 10 years imprisonment and/or a fine.  
Maximum 20 years imprisonment and/or a fine.

**Second Offense:** Minimum of 15 years imprisonment with a fine  
Maximum 30 years imprisonment with a fine

**Subsequent Convictions:** An offender with 2 or more such prior convictions faces a mandatory minimum of 30 years with a maximum sentence of life in prison.

**Activities Relating to Material Involving the Sexual Exploitation of a Minor (Title 18 U.S.C. 2252)**

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**Description of Offense:**

Prohibits anyone from knowingly transporting in interstate or foreign commerce or mailing any visual depiction involving the use of a minor engaging in sexually explicit conduct. Prohibits anyone from knowingly receiving or distributing any visual depiction of a minor engaging in sexually explicit conduct that has been mailed or transported in interstate or foreign commerce or from knowingly reproducing such material for distribution. Prohibits anyone selling or possessing with the intent to sell any visual depiction of a minor engaged in sexually explicit conduct. Prohibits the possession of one or more books, magazines, periodicals, films, video tapes, or other matter containing any visual depiction of a minor engaging in sexually explicit conduct.

**Sentences:**

**First Offense:** Maximum 15 years imprisonment and/or a fine

**Subsequent Convictions:** Minimum 5 years imprisonment  
Maximum 30 years imprisonment

**Sentences for Possession of Material:**

**First Offense:** Maximum 5 years imprisonment and/or a fine

**Subsequent Convictions:** Minimum of 2 years imprisonment  
Maximum 10 years imprisonment

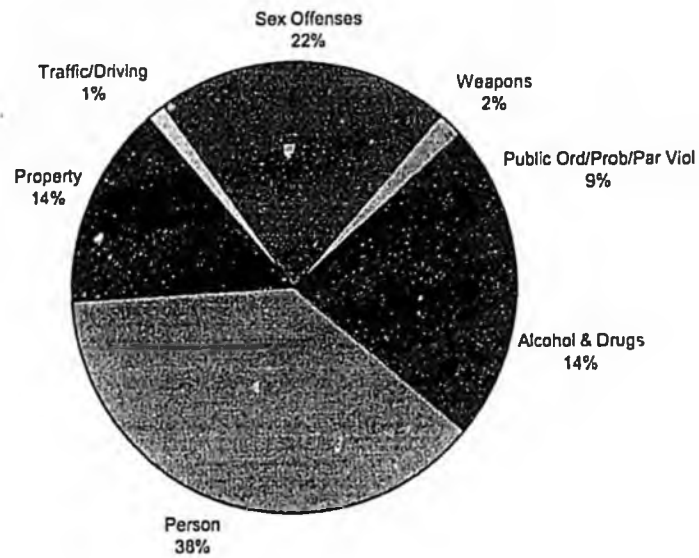
**Crime Classifications of Offenders in Institutions  
December 31, 2002**

	Female	Male	Total
<b>Alcohol</b>			
Driving While Intoxicated	10	70	80
Drunk Person on Lic Premises	0	9	9
Felony DWI - 2+ Priors w/in 5 Yrs	18	126	144
Felony Refusal of Chem Test- 2+ Priors	0	5	5
Furnish Alcohol to Minor - Felony	0	2	2
Furnish Alcohol to a Minor	2	4	6
License or Permit Required	0	5	5
Manuf/Sell Alcohol w/o lic - in Dry Area	1	8	9
Minor Consuming/Possessing Alcohol	0	2	2
Refuse to Submit to Chem Test	1	2	3
Trans Alcohol by Carrier to Dry Area	1	5	6
<b>Total</b>	<b>33</b>	<b>238</b>	<b>271</b>
<b>Drugs</b>			
Attempted Drugs 2	0	2	2
Attempted Drugs 3	0	3	3
Attempted Drugs 4	0	1	1
Dangerous Drugs - Other	0	1	1
Misconduct - Controlled Substance 1	0	5	5
Misconduct - Controlled Substance 2	8	25	33
Misconduct - Controlled Substance 3	9	58	67
Misconduct - Controlled Substance 4	19	88	107
Misconduct - Controlled Substance 5	0	1	1
Misconduct - Controlled Substance 6	1	0	1
<b>Total</b>	<b>37</b>	<b>179</b>	<b>216</b>
<b>Person</b>			
Assault 1	4	78	82
Assault 2	1	78	79
Assault 3	19	239	258
Assault 4	16	125	141
Attempted Assault 1	0	1	1
Attempted Assault 2	0	1	1
Attempted Kidnapping	0	2	2
Attempted Murder 1	5	28	33
Attempted Robbery 2	0	1	1
Child Abuse	0	2	2
Custodial Interference 1	1	1	2
Coercion	0	8	8
Conspiracy Murder 1	0	1	1
Criminally Negligent Homicide	0	11	11
DV Assault	1	11	12
Endanger Vulnerable Adult 1	0	1	1
Endanger Welfare Minor 1	0	1	1
Kidnapping	1	55	56
Manslaughter	4	42	46
Murder 1	13	208	221
Murder 2	7	157	164
Reckless Endangerment	0	3	3
Robbery 1	7	137	144
Robbery 2	3	61	64

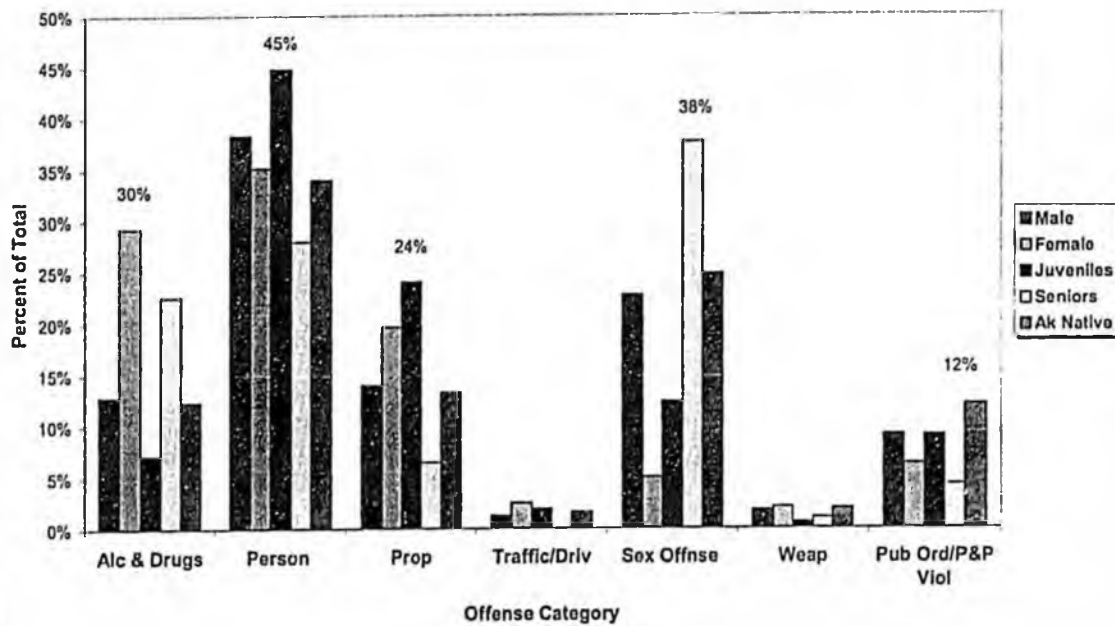
Person (cont'd)	Female	Male	Total
Solicitation Assault 4	0	1	1
Solicitation Murder 1	0	1	1
Solicitation Robbery 1	0	1	1
Stalking 1	0	9	9
<b>Total</b>	<b>84</b>	<b>1,262</b>	<b>1,346</b>
<b>Property</b>			
Arson 1	0	6	6
Arson 2	1	8	9
Attempted Burglary 1	0	2	2
Attempted Scheme to Defraud	0	1	1
Attempted Theft 1	0	1	1
Attempted Theft 2	0	1	1
Burglary 1	4	38	42
Burglary 2	0	58	58
Conceal Merch - Value \$500+	0	1	1
Conceal Merch - Value < \$500	1	15	16
Criminal Mischief 2	2	21	23
Criminal Mischief 3	1	1	2
Criminal Trespass 1	0	5	5
Criminal Trespass 2	3	9	12
Criminally Negligent Burning	0	1	1
Forgery 1	0	1	1
Forgery 2	8	16	24
Fraud Use Credit Card - Value \$500+	0	1	1
Issuing Bad Check - Value \$500-\$24,999	0	2	2
Issuing Bad Check - Value <\$50	0	1	1
Theft 1	0	2	2
Theft 2	18	167	185
Theft 3	1	11	12
Theft 4- Value <\$50	0	1	1
Theft by Deception	0	1	1
Theft by Receiving	0	3	3
Theft of Services	0	1	1
Unauthorized Entry	0	2	2
Vehicle Tampering	0	1	1
Vehicle Theft 1	4	86	90
<b>Total</b>	<b>47</b>	<b>460</b>	<b>507</b>
<b>Public Order/Administration</b>			
Contempt of Court	1	7	8
Escape 2	0	5	5
Failure to Appear	1	8	9
Failure to Comply	1	3	4
Failure to Reg as Sex Offender 1	0	4	4
False Information	2	5	7
Fugitive from Justice	3	7	10
Interfere w/ Report of DV Crime	0	1	1
Interference w/ Official Proceedings	1	3	4
Leaving Scene of Accident	1	4	5
Perjury	0	2	2
Promote Contraband 1	0	3	3
Resist/Interfere Arrest	0	4	4
14 Tamper Phys Evid	1	8	9

	Female	Male	Total
<b>Public Order/Administration</b>			
Tamper Witness 1	0	3	3
Terroristic Threat	0	1	1
Unlawful Evasion	0	1	1
Violate Conditions of Release	0	10	10
Violate DV Restraining Order	1	8	9
<b>Total</b>	<b>12</b>	<b>87</b>	<b>99</b>
<b>Parole/Probation Violations</b>			
Parole Violation	0	77	77
Probation Violation	3	136	139
<b>Total</b>	<b>3</b>	<b>213</b>	<b>216</b>
<b>Non-Registerable Sex Offenses</b>			
Family Violence	1	6	7
Indecent Exposure 2-Victim 16+	0	2	2
Indecent Exposure 2-Victim <16	0	1	1
Practicing Prostitution	1	0	1
Promoting Prostitution	0	1	1
Sex Abuse Minor 4-Vic 13, Ofndr <16	0	2	2
<b>Total</b>	<b>3</b>	<b>11</b>	<b>14</b>
<b>Registerable Sex Offenses</b>			
Attempted Sex Abuse Minor 1	0	22	22
Attempted Sex Abuse Minor 2	0	14	14
Attempted Sex Abuse Minor 3	0	3	3
Attempted Sex Assault 1	0	16	16
Attempted Sex Assault 2	0	12	12
Attempted Sex Assault 3	0	2	2
Conspiracy Sex Abuse 1	1	0	1
Incest	0	3	3
Indecent Exposure 1	0	2	2
Indecent View/Photo w/o Consent of Minor	0	1	1
Possess Child Pornography	0	1	1
Sex Abuse Minor 1	1	150	151
Sex Abuse Minor 2	1	171	172
Sex Abuse Minor 3	1	28	29
Sex Assault 1	1	168	169
Sex Assault 2	3	104	107
Sex Assault 3	1	39	40
Solicitation Sex Abuse 1	2	2	4
<b>Total</b>	<b>9</b>	<b>716</b>	<b>725</b>
<b>Traffic/Driving</b>			
Driving w/ Lic Rev/Sus	5	21	26
Eluding	0	1	1
Fail to Stop at Direction of Officer 1	1	20	21
Reckless Driving	0	1	1
<b>Total</b>	<b>6</b>	<b>43</b>	<b>49</b>

Offenders in Institutions  
by Offense Class  
December 31, 2002

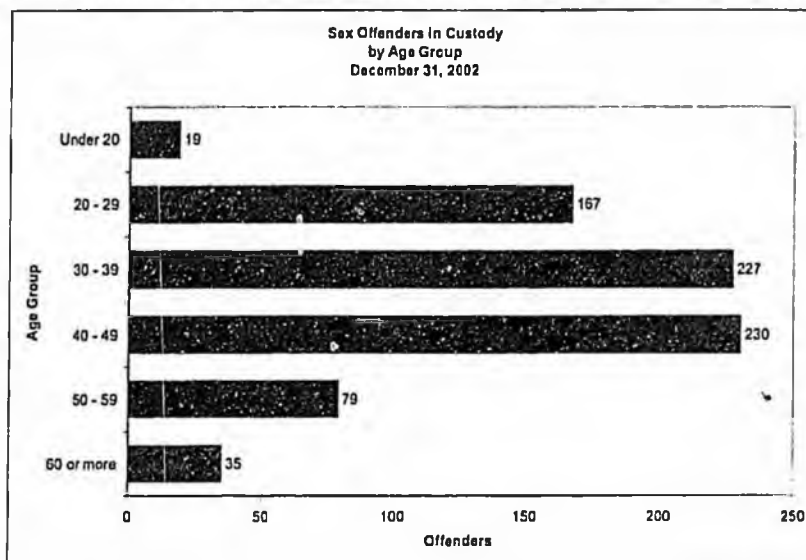


Offense Class  
Comparison of Demographic Groups  
December 31, 2002



**Distribution of Sex Offenders  
December 31, 2002**

<b>In-State Institutions</b>	<b>Count</b>	<b>Percent</b>
Anchorage Jail	43	5.7%
Anvil Mt Correctional Center	15	2.0%
Cook Inlet Pretrial Facility	63	8.3%
Fairbanks Correctional Center	16	2.1%
Hiland Mt. Correctional Center	76	10.0%
Ketchikan Correctional Center	6	0.8%
Lemon Creek Correctional Center	46	6.1%
Mat-Su Pretrial Facility	7	0.9%
Palmer Minimum Correctional Center	59	7.8%
Palmer Medium Correctional Center	35	4.6%
Spring Creek Correctional Center	99	13.1%
Wildwood Correctional Center	57	7.5%
Wildwood Pretrial Facility	6	0.8%
Yukon-Kuskokwim Correctional Center	22	2.9%
<i>Total</i>	<i>550</i>	<i>72.7%</i>
<b>Out-of-State Institutions</b>		
Central Arizona Detention Center	196	25.9%
<i>Total</i>	<i>196</i>	<i>25.9%</i>
<b>CRC's</b>		
Cordova Center	7	0.9%
Glacier Manor	1	0.1%
Glennwood Center	2	0.3%
North Star Center	1	0.1%
<i>Total</i>	<i>11</i>	<i>1.5%</i>
<b>Special Offsite Programs</b>		
<i>Total</i>	<i>0</i>	<i>0.0%</i>
<b>Grand Total</b>	<b>757</b>	<b>100.0%</b>



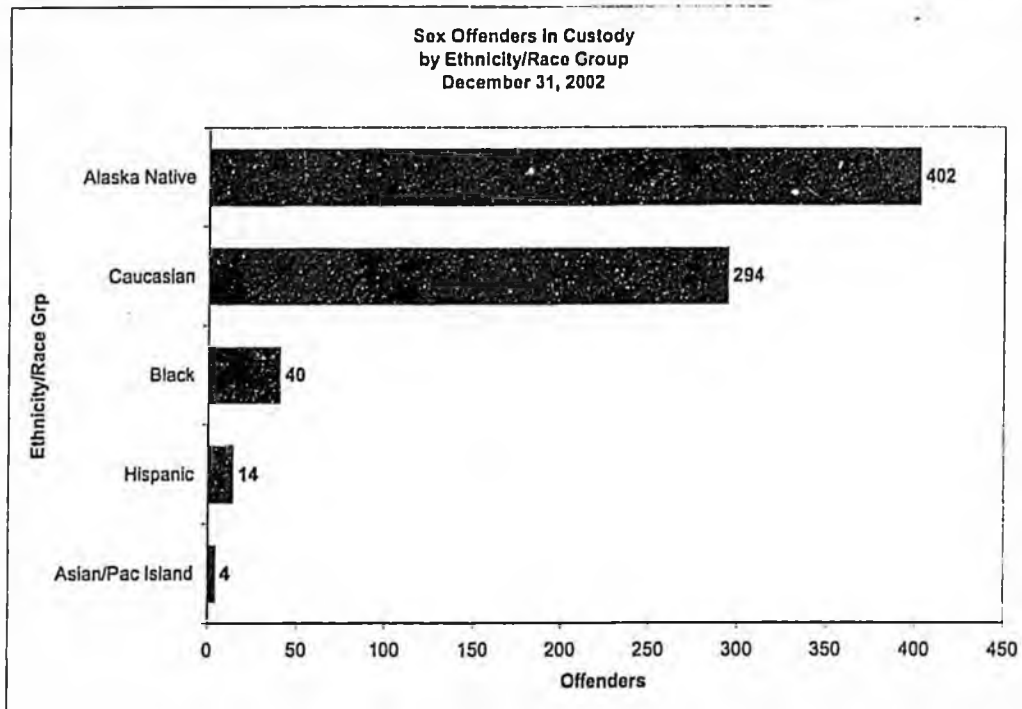
**Demographic Information for Sex Offenders  
December 31, 2002**

Sex	Count	Percent
Females	9	1.2%
Males	748	98.8%
<b>Total</b>	<b>757</b>	<b>100.0%</b>

Ethnicity	Count	Percent
Asian/Pacific Island	4	0.5%
Black	40	5.3%
Caucasian	294	38.8%
Hispanic	14	1.8%
Alaska Native	402	53.1%
Unknown	3	0.4%
<b>Total</b>	<b>757</b>	<b>100.0%</b>

Age Group (Years)	Count	Percent
19 and Under	19	2.5%
20 - 24	89	11.8%
25 - 29	78	10.3%
30 - 34	100	13.2%
35 - 39	127	16.8%
40 - 44	130	17.2%
45 - 49	100	13.2%
50 - 54	48	6.3%
55 - 59	31	4.1%
60 - 64	17	2.2%
65 and over	18	2.4%
<b>Total</b>	<b>757</b>	<b>100.0%</b>

<i>Mean Age</i>	<b>38.79</b>
<i>Median Age</i>	<b>38.76</b>



**Offense Classifications of Sex Offenders  
December 31, 2002**

**Offense Level**

Felony	752	99.3%
Misdemeanor	5	0.7%
<b>Total</b>	<b>757</b>	<b>100.0%</b>

**Registerable Sex Offenses**

Attempted Sex Abuse Minor 1	22	2.9%
Attempted Sex Abuse Minor 2	14	1.8%
Attempted Sex Abuse Minor 3	3	0.4%
Attempted Sex Assault 1	16	2.1%
Attempted Sex Assault 2	12	1.6%
Attempted Sex Assault 3	2	0.3%
Conspiracy Sex Abuse 1	1	0.1%
Incest	3	0.4%
Indecent Exposure 1	2	0.3%
Possess Child Pornography	1	0.1%
Sex Abuse Minor 1	158	20.9%
Sex Abuse Minor 2	175	23.1%
Sex Abuse Minor 3	29	3.8%
Sex Assault 1	169	22.3%
Sex Assault 2	108	14.3%
Sex Assault 3	40	5.3%
Solicitation Sex Abuse 1	2	0.3%
<b>Total</b>	<b>757</b>	<b>100.0%</b>

Division of Juvenile Justice/ DHSS  
Information RE: HB 334- February 20, 2004

Fiscal Year	Total # Youth Charged	Age	Race	Other Charges Present ?	Case Outcome
FY '94	1	12	Multirace	No	Dismissed
FY '95	0				
FY '96	1	12	Caucasian	No	Dismissed
FY '97	0				
FY '98	0				
FY '99	4	16	Caucasian	No	Dismissed
		16	Caucasian	No	Dismissed
		16	Unknown	No	Dismissed
		15	Unknown	No	Dismissed
FY '00	0				
FY '01	2	14	Caucasian	Yes	Adjudicated
		16	Caucasian	Yes	Adjudicated
FY '02	5	13	Unknown	Yes	Adjudicated
		15	Caucasian	No	Dismissed
		16	Caucasian	Yes	Adjudicated
		16	Caucasian	No	Dismissed
		16	Caucasian	Yes	Adjudicated
FY '03	1	13	AK Native	Yes	Adjudicated/Sex Offender Treatment
FY '04	1	18*	Caucasian	Yes	Waived to Adult Court

\* Although the youth was 18 at the time the charges surfaced, the offenses had occurred a few years prior to the juvenile turning 18.

**Summary Points:**

- ❖ Fifteen (15) juveniles were charged with Unlawful Exploitation of a Minor in 10 years.
- ❖ Several of these incidents involved youths committing the behavior as a group, or stated differently, the 15 youths were involved in 8 separate incidents.
- ❖ Those cases referred with other charges (40% of the total referrals listed above) ultimately resulted in adjudication 100 % of the time. In some of these instances, the adjudication was at a later time for a subsequently referred charge.
- ❖ Seven (7) juveniles out of the total fifteen referred to the Division on this charge (47% of the total referrals for this offense in the past ten years) would have been waived to adult court under this proposed bill based on having been at least 16 at the time of the offense.



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Channel 2 News - Oct. 23, 2003

**Chase gets 5-year sentence for child pornography**



**Anchorage, Alaska, Oct. 23, 2003** - Randy Chase has a long infatuation with children, according to police, Thursday, he faced a judge to find out how much time he'll spend in prison on charges of possessing child pornography.

Chase, 38, was arrested in January at Stevens Anchorage International Airport as he returned from a trip, after his teenage foster son reported finding a videotape in their home of Chase having sex with a young boy.

After his arrest, police found 91 computer discs in Chase's home with more than 15,000 pictures of young boys dating back to March 2000.

Chase pleaded "no contest" to two counts of possessing child pornography.

The courtroom was full Thursday as a standing-room-only crowd gathered to hear Superior Court Judge Larry Carr deliver the sentence.

"Based on my findings and based on the criteria as I've ordered them, I'm going to impose five years on Count 1," he said. Another five years on Count 2 were suspended.

"This is a 38-year-old pedophile, and he's a sadistic pedophile," Assistant District Attorney Taylor Winston told the court. "And the state can say that, your honor, because (of) the pictures."

Chase also faces an indictment for the actual rape of the 8-year-old boy from the videotape, which was taken in Arizona. If convicted on that charge, Chase will face life in prison.

by Warren Williamson

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## 17-year-old seeks abuse charges against ex

### 48-year-old man also faces child-porn charges after relationship sours

**Tuesday, June 10, 2003**

**By MELANIE PLEND  
JUNEAU EMPIRE © 2003**

A middle-aged Juneau man is facing 17 felony charges alleging he carried out a clandestine and illegal sexual relationship with a girl who was 14 when the affair started.

The girl, now 17, told the Empire on Monday that she pursued charges against the man earlier this month because he ended their three-year relationship.

Frederick L. Wigg, 48, a motor route carrier for the Juneau Empire, was arraigned Monday in Juneau Superior Court on three counts of second-degree sexual abuse of a minor, seven counts of unlawful exploitation of a minor and seven counts of possession of child pornography, all felonies.

According to court records, the charges stem from incidents between January 2000 and June 2003. He is accused of having sex with the girl, whose name wasn't released, from age 14 until she was 17, the record said. He also is accused of photographing her while she performed sexual acts with him and keeping the photos.

Wigg is not represented by an attorney yet, and was unavailable for comment following his Monday arraignment. Superior Court Judge Patricia Collins entered an innocent plea on his behalf at his arraignment.

"He was my first love and all that, and he was actually there for me through some stuff I've been through," the girl told the Empire Monday. "It started with e-mails when I was 14, and he said some stuff that made me uncomfortable at the time. I was going to tell someone, but I didn't. I didn't really know what to do. Then I fell in love with him.

"I think what he did was wrong, because I was pretty young and didn't really know what I was doing. I decided to press charges because we broke up and he started dating someone else."

According to court records, the couple's sexual relationship began while the girl was baby-sitting at the Wigg home. Over the next two and a half years, Wigg would pick the girl up from school and the two would have sex in his truck or in the woods while on camping trips, court records said.

The girl said few people knew about her relationship with Wigg. In October 2002, he suggested they end the relationship until she turned 18, because keeping their relationship a secret was too stressful, the girl said. The girl agreed and they ended the affair. She said she later found out Wigg had been seeing another woman for months before he ended the relationship.

Wigg's trial is set for Aug. 25. If convicted, he faces up to 10 years in prison for the abuse and exploitation charges and up to five years in prison for the pornography charges.

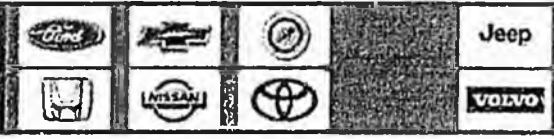
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## Anchorage man sentenced for raping, abusing 10-year-old girl

Gene Andersen, 42, was convicted on 16 counts of sexual abuse of a minor, which began in 2002. (Photo by Barry Johnson/KTUU)

By Warren Williamson  
KTUU-TV  
Updated: 3:07 a.m. ET Feb. 11, 2004

Feb. 10 - A judge sent a powerful message Tuesday, sentencing an Anchorage man to 25 years in prison for raping and abusing a 10-year-old girl hundreds of times over a 30-month period.

Gene Andersen, 42, was convicted on 16 counts of sexual abuse of a minor, which began in 2002.

According to police, Andersen forced the young girl to have sex with him -- sometimes on a daily basis over a two-and-a-half-year period.

Court documents say Andersen used the young girl as his personal sex slave and posed her in Playboy-like photographs and also videotaped some of their sexual encounters.

Andersen will be eligible for parole in about 10 years.

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## Child porn charges disclosed

**ANDREW THOMAS WEED: Indictment adds new details about Web site manager.**By NICOLE TSONG  
Anchorage Daily News*(Published: January 27, 2004)*

A new federal indictment against child pornography suspect Andrew Thomas Weed has revealed more details about the government's charges against him.

As manager of three pornographic Web sites, Weed required new users to post child pornography and banned those who didn't, according to the indictment. He also posted pictures of children ages 1 to 5 in February and March 2003, prosecutors said.

Weed, who once served as a soccer coach for the Boys and Girls Club of Southcentral Alaska for 8- and 9-year-old girls, was initially charged in November with one charge each of transportation and possession of child pornography. The indictment returned last week adds multiple counts of transporting the images through a computer, possessing images and two counts of advertising child pornography on the Internet.

The investigation began when Microsoft Corp. notified the National Center for Missing and Exploited Children that the corporation had shut down Internet groups that had child pornography, prosecutors said. The FBI traced four of the groups to Weed.

According to the indictment, Weed, 35, managed three Internet groups using the nicknames "slapdash," "sara" and "jack."

Managers of child pornography Web sites regularly require members to post pictures within a time frame, often 24 hours, to prove the member has access to such pornography, and to try to keep out law enforcement officers, the indictment says.

On Feb. 13, 2003, for example, Weed posted the message "some of you that joined on the 9th and still have not posted are now banned. same deal tommarow [sic] for the ones who joined on the 10th and have not posted," the indictment says.

During the same period, he uploaded pornographic pictures to the groups he managed and to a fourth Web site he belonged to, according to the indictment.

His attorney, Mary Geddes, said she had not seen the new indictment and had no comment.

Weed, who has been in custody since his arrest in November, faces a mandatory minimum penalty of 10 years in prison and a maximum of 20 years if convicted on the advertising charges, a maximum of 15 years for the transportation counts and a maximum of five years for the possession charges, prosecutors said. All the charges carry a maximum fine of \$250,000.

Reporter Nicole Tsong can be reached at [ntsong@adn.com](mailto:ntsong@adn.com) or 257-4450.

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February 9, 2004

Representative Kevin Meyer  
House of Representatives  
State Capitol  
Juneau AK 99801-1182

Dear Representative Meyer,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 334, an act relating to unlawful exploitation of a minor.

This proposed legislation will raise the classification of the offense from a class B to a class A felony. This legislation should be of great benefit to the citizens and law enforcement in Alaska. We thank you for addressing this issue.

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

FEB 16 2004

**Subject: Support for HB334**

**Date:** Tue, 16 Mar 2004 00:08:41 -0800

**From:** Lauree Hugonin <lauree@ptialaska.net>

**Organization:** ANDVSA

**To:** Representative\_Kevin\_Meyer@legis.state.ak.us

**CC:** Anna Fairclough <STAR@ak.net>

Dear Rep. Meyer:

Please accept this email as one of support for HB334 from the Alaska Network on Domestic Violence and Sexual Assault. The Network supports increasing the penalty for unlawful exploitation of a minor from a class B to a class A felony.

People who choose to induce/entice children to participate in the sexual behavior listed in AS 11.41.455 should face more jail time. Increasing the penalty may also cause some people to choose not to commit the crime, but whether or not there is a deterrent effect, the penalty should be increased.

Thank you for your continuing efforts to protect children from sexual abuse/exploitation.

Sincerely,  
Lauree Hugonin  
Executive Director

**HB**

**337**

# SENATE COMMITTEE REPORT

DATE: 2/25/04

FURTHER: Finance

DATE TURNED IN TO OFFICE: 3/26/04

State Affairs Committee considered CS FOR HOUSE BILL NO. 337(FIN)

## HB 337 ANATOMICAL GIFTS REGISTRY

"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#
DH+SS	1/20/04		✓		1
DOA	1/13/04	✓			2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John G. Caudery</i>	✓			
<i>Robert [unclear]</i>	✓			
<i>[unclear]</i>				✓
CHAIR: <i>[Signature]</i>	X			

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: CSHB 337(STA)  
 (H) Publish Date: 1/28/04  
 Dept. Affected: Health & Social Services  
 RDU: Public Health  
 Component: Community Health/EMS Services

Revision Date/Time (Note if correction):  
 Title: ANATOMICAL GIFT ACT

Sponsor: MCGUIRE  
 Requester: STATE AFFAIRS COMM

Component No. 2078

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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 (0)</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2004) cost: \_\_\_\_\_  
 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)  
 HB 337 establishes a Donor Registry Program. It is unclear whether the legislation requires the registry program to be established within the Department of Health and Social Services. If DHSS is the responsible agency for the Donor Registry program a revised fiscal note will have to be submitted.

Prepared by: Janet Clarke Phone 465-1630  
 Division: Administrative Services Date/Time 01/19/2004  
 Approved by: Joel S. Gilbertson, Commissioner Date 01/20/2004  
 Agency: Department of Health and Social Services

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 337(FIN)  
 (H) Publish Date: 2/19/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An act relating to anatomical donor registries..." RDU Division of Motor Vehicles  
 Component Motor Vehicles  
 Sponsor Rep. McGuire  
 Requester (H) State Affairs Component No. 2348

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual	7.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>7.0</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>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1108 Statutory Designated Prog. Rec	7.0					
<b>TOTAL</b>	<b>7.0</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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

HB 337 will streamline the process in which DMV transfers information relating to organ donors. The bill incorporates our new digital driver's license design by adding the universal symbol of organ donor onto the license. Donor information will be transferred to Life Alaska in a fashion similar to information sent to Division of Elections.

Prepared by: Duane Bannock  
 Division: Motor Vehicles  
 Approved by: Mike Miller, Commissioner  
 Agency: Dept. of Administration

Phone 269 5008  
 Date/Time 2/13/04 1:16 PM  
 Date 2/13/2004

# Alaska State Legislature

Session:  
State Capitol  
Juneau, AK 99801  
Phone: (907) 465-2995  
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Interim:  
716 W 4<sup>th</sup> Avenue, Suite 430  
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## Representative Lesil McGuire

Chair, Judiciary Committee

### HB 337

*"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, and to motor vehicle licenses and registrations."*

#### SPONSOR STATEMENT

Currently there are over 90,000 men, women and children waiting for organ transplants nationwide, of which 85 are Alaskans. In addition, many more of your fellow Alaskans are currently waiting for tissue (bone, tendon, skin, heart valve, cornea) donations. While 66 people receive organ transplants in the U.S. every day, another 17 people on the waiting list will die because not enough organs are available.

Alaskans have always been known for their generosity and caring for their neighbors and the Uniform Anatomical Gift Act continues this long tradition. This legislation creates a donor registry program in which a donor's License/ID information can be transferred to Life Alaska Donor Services, the state's organ & tissue donor program. Should the donor not want to have their information transferred to the donation program, the donor can choose not to participate. Also the donor can opt out of the program at any time and their information will be removed from the registry.

Currently, the licensee's donor status is only located as a printed statement on the physical ID and not within the DMV database. This lack of a registry creates a problem for donation in a timely fashion. The DMV currently keeps no records of the Licensee's status; therefore the donation program may not realize the donor's wishes or may realize the donor's wishes too late for the donation to be medically acceptable.

With this legislation, the donor's status and other information will be available to Life Alaska Donor Services so that the donor's gift may be realized with or without the donor having their License/State ID card at the time of death. This will also allow Life Alaska to quickly ascertain the donor status of the Licensee and match the donor's gift with a suitable recipient.

In addition to the creation of the registry, HB 337 will create a monetary donation program in which a motor vehicle applicant may donate \$1 or more to the Organ & Tissue Donation Awareness Fund. The purpose of the fund is to promote organ & tissue donation and to administer the Organ & Tissue Donation Awareness Fund. Although the donation is voluntary the Department of Motor Vehicles will make information on the importance of organ donation available to all applicants.

Similar bills have already been passed in Washington and Montana in 2003 with great success. Please support this bill, so that Life Alaska Donor Services will have quick and efficient access to information that will ultimately save the life of you or a loved one.

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January 20, 2004



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Representative Lesil McGuire  
State Capitol Room 118  
Juneau, AK 99801

Dear Representative McGuire,

LifeCenter Northwest recognizes the right of every individual to determine the disposition of his organs and tissues upon his death. House Bill 337 is about honoring an individual's legally documented intent to donate organs. I hope you will help drive this legislation forward.

As individuals make decisions about organ donation, it is important to assure them that their decisions will be upheld. House Bill 337 will create a registry to be responsible to the thousands of Alaska residents who have already made the decision to be organ and tissue donors, by marking "organ donor" on their driver's licenses or signing donor commitment cards.

Successful passage will bring Alaska up to speed with 31 other states that have already implemented formal organ and tissue donation registry systems in the last two years, and make Alaska's law consistent with the existing Alaska Uniform Anatomical Gift Act and the federal Anatomical Gift Act.

An organ and tissue donation registry in the state of Alaska will provide access to the wishes of the deceased. This information will be accessed only by certified procurement organizations and will be kept confidential and protected. Information will not be sold or shared. Registry information is for the express purpose of determining a deceased individual's wishes regarding organ and tissue donation.

Voting in favor of House Bill 337 will save lives. On behalf of our donor families and the patients waiting for life-saving transplants in Alaska, we thank you for your recognition of the importance of this legislation and your support.

Sincerely,

A handwritten signature in cursive script that reads "Jill Steinhaus".

Jill Steinhaus  
Director of Development

C: Representative L. McGuire  
B. Zalneraitis  
D. Bannock

Enclosure

Alaska

Montana

Northern Idaho

Washington

ORGAN DONOR NETWORK



February 3, 2004

Honorable Peggy Wilson, Chair  
House Health, Education and Social Services Committee  
Alaska State Capitol, Room 104  
Juneau, Alaska 99801-1182

Dear Chair Wilson:

RE: HB 337 (McGuire) – Support

On behalf of the AARP members in Alaska, we encourage your colleagues on the House Health, Education and Social Services Committee to support HB 337, on an anatomical donor registry for Alaska, sponsored by Representative Lesil McGuire and co-authored by Representatives Gruenberg, Gatto, Seaton, Kerttula, Heinze, Anderson, Dahlstrom, Holm, Kapsner, Meyer and Samuels and you.

AARP believes that pre-planning should take place when one considers organ donation and that this planning should be conducted to enable the most effective use of donations for those in need. HB 337 will establish, within the DMV database, a donor registry program that is voluntary and can be transferred to Life Alaska Donor Services.

HB 337 also establishes a voluntary monetary donation program to further public education efforts on organ donation.

Any efforts that can be implemented by Alaska to assist willing organ donations to citizens who are in need are welcome.

AARP recommends an "AYE" vote on HB 337.

Should you have any questions about our position, please feel free to contact Marie Darlin, Coordinator of the AARP Capital City Task Force (907- 586-3637); Patrick Luby, AARP Legislative Representative (907-762-3314); or me (907-245-5259).

Thank you for your consideration.

Sincerely,

*Marguerite Stetson*

Marguerite Stetson  
AARP State Coordinator for Advocacy  
3009 Northwood Street  
Anchorage, AK 99517-1871  
907-245-5259 (voice)  
907-245-5279 (fax)  
[ffmas@aurora.uaf.edu](mailto:ffmas@aurora.uaf.edu)

CC: Vice-Chair Carl Gatto  
Representative John Coghill  
Representative Paul Seaton  
Representative Kelly Wolf  
Representative Sharon Cissna  
Representative Mary Kapsner  
Marie Darlin  
Patrick Luby


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## Myths About Organ Donation

Some people have opted not to be an organ donor based on urban legends and other myths. We understand that you might have concerns about donation but want to be sure your decision about organ donation is based on the facts. Test yourself with the questions below – how well do you know the facts about organ donation?

- If I'm admitted into the hospital and the doctors know I want to be a donor, they won't try and save my life.
- I carry a donor card and it is in my will that I want to be a donor, so I don't have to tell my family about my wishes.
- I have heard about people who steal kidneys and sell them on the black market.
- Rich and famous people are moved to the top of the waiting list and regular people have to wait even longer.
- Donation will be costly to my family.
- My religion doesn't allow organ and tissue donation.
- I can't be a donor because I want an open casket funeral.
- No one will want my organs because of my medical history. Besides I'm too old to be a donor.
- They might take my organs before I am really dead.

### **"If I'm admitted into the hospital and the doctors know I want to be a donor, they won't try and save my life."**

There is no conflict between saving lives and using organs for transplantation. Medical professionals will do everything they can to save your life. The doctors who work to save your life are not the same doctors involved with organ donation. It is only after every attempt has been made to save your life that donation will be considered.

### **"I carry a donor card and it is in my will that I want to be a donor, so I don't have to tell my family about my wishes."**

Designating your wishes on your driver's license or signing a donor card ensures that you'll be considered as a donor. By the time your will is read, it will be too late to recover your organs. Telling your family now that you want to be an organ and tissue donor is the best way to ensure that your wishes are carried out.

### **"I have heard about people who steal kidneys and sell them on the black market."**

There is no evidence of such activity ever occurring in the United States or any other industrialized country. While this tale may sound credible, it has no basis in the reality of organ transplantation. According to the Uniform Anatomical Gift Act of 1984, it is illegal to buy or sell human

organs. Violators are subject to fines and imprisonment. In addition, a national governing body reviews every organ donation and transplant. Strict regulations prevent any type of "black market" existence in the United States.

**"Rich and famous people are moved to the top of the waiting list and regular people have to wait even longer."**

The organ allocation and distribution system is blind to wealth or social status. The length of time it takes to receive a transplant is influenced by a variety of factors including location, severity of illness, physical characteristics (blood type, weight, genetic typing, and size) and length of time on the waiting list. Factors such as race, gender, age, income or celebrity status are never considered when determining who receives an organ.

**"Donation will be costly to my family."**

There is no cost to the donor's family for organ and tissue donation. Hospital expenses incurred before the donation of organs in attempts to save the donor's life and funeral expenses remain the responsibility of the donor's family. All costs related to donation are paid for by the organ procurement agency.

**"My religion doesn't allow organ and tissue donation."**

Most religions throughout the world support organ and tissue donation as a humanitarian act of giving. Transplantation is consistent with the life preserving traditions of these faiths. You are encouraged to discuss donation with your religious or spiritual leader.

**"I can't be a donor because I want an open casket funeral."**

The body is treated with a great deal of respect and dignity. The recovery of organs and tissues is conducted under standard, sterile conditions in an operating room by qualified surgeons. The process neither disfigures the body, nor changes the way it looks in a casket. No one, except the family members involved in the decision, will know about the donation.

**"No one will want my organs because of my medical history. Besides I'm too old to be a donor."**

At the time of death, the appropriate medical professionals will review your medical and social history to determine if you are a candidate for donation. Anyone, regardless of age, can be considered for organ donation. With recent advances in transplantation, more people than ever before can donate.

**"They might take my organs before I am really dead."**

Organ donation is only accepted following the declaration of death by a doctor not involved in transplantation. In order to donate organs, a patient must be declared brain dead. Brain death is the determination of legal death. It is the complete and irreversible loss of all brain function, including the brain stem. Using specific medical criteria, a physician can confirm brain death beyond any doubt.

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## Religious Beliefs About Organ Donation

Most major religions support organ donation as a humanitarian gift giving life. If you have questions about donation we encourage you to talk with the leader of your religious community.

- [AME & AME Zion](#)
- [Amish](#)
- [Assembly of God](#)
- [Baptist](#)
- [Brethren](#)
- [Buddhism](#)
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- [Greek Orthodox](#)
- [Gypsies](#)
- [Hinduism](#)
- [Independent Conservative Evangelical](#)
- [Islam](#)
- [Jehovah's Witness](#)
- [Judaism](#)
- [Lutheran Church of America](#)
- [Mennonite](#)
- [Moravian](#)
- [Mormon \(Church of Jesus Christ of Latter-Day Saints\)](#)
- [Pentecostal](#)
- [Presbyterian](#)
- [Protestant](#)
- [Seventh-Day Adventist](#)
- [Shinto](#)
- [Society of Friends \(Quakers\)](#)
- [Unitarian Universalist](#)
- [United Church of Christ](#)
- [United Methodist](#)

### AME & AME Zion

(African Methodist Episcopal) Organ and tissue donation is viewed as an act of neighborly love and charity by these denominations. They encourage all members to support donation as a way of helping others.

### Amish

The Amish will consent to transplantation if they believe it is for the well being of the transplant recipient. John Hostetler, world-renowned authority on Amish religion and professor of anthropology at Temple University in Philadelphia, says in his book, *Amish Society*, "The Amish believe that since God created the human body, it is God who heals. However, nothing in the Amish understanding of the Bible forbids them from using modern medical services, including surgery, hospitalization, dental work, anesthesia, blood transfusions or immunization."

### Assembly of God

The Church has no official policy regarding organ and tissue donation. The decision to donate is left up to the individual. Donation is highly supported by the denomination.

**Baptist**

Organ and tissue donation is supported as an act of charity. The Baptist Church leaves the decision up to the individual. The nation's largest Protestant denomination, the Southern Baptist Convention, adopted a resolution in 1988 encouraging physicians to request organ donation in appropriate circumstances and to "...encourage voluntarism regarding organ donation in the spirit of stewardship, compassion for the needs of others and alleviating suffering."

**Brethren**

While no official position has been taken by the Brethren denominations, according to Pastor Mike Smith, there is a consensus among the National Fellowship of Grace Brethren that organ and tissue donation is a charitable act so long as it does not impede the life or hasten the death of the donor or does not come from an unborn child.

**Buddhism**

Buddhists believe organ and tissue donation is a matter of individual conscience and place a high value on acts of compassion. Reverend Gyomay Masao, president and founder of the Buddhist Temple of Chicago says, "We honor those people who donate their bodies and organs to the advancement of medical science and to saving lives." The importance of letting loved ones know your wishes is stressed.

**Catholicism**

Catholics view organ and tissue donation as an act of charity and love. Transplants are morally and ethically acceptable to the Vatican. According to Father Leroy Wickowski, Director of the Office of Health Affairs of the Archdiocese of Chicago, "We encourage donation as an act of charity. It is something good that can result from tragedy and a way for families to find comfort by helping others." Pope John Paul II has stated, "The Catholic Church would promote the fact that there is a need for organ donors and Christians should accept this as a "challenge to their generosity and fraternal love" so long as ethical principles are followed."

**Christian Church (Disciples of Christ)**

The Christian Church encourages organ and tissue donation, stating that we were created for God's glory and for sharing God's love. A 1985 resolution, adopted by the General Assembly, encourages, "... members of the Christian Church (Disciples of Christ) to enroll as organ donors and prayerfully support those who have received an organ transplant."

**Christian Science**

The Church of Christian Science does not have a specific position regarding organ donation. According to the First Church of Christ Scientist in Boston, Christian Scientists normally rely on spiritual instead of medical means of healing. They are free, however, to choose whatever form of medical treatment they desire - including a transplant. The question of organ and tissue donation is an individual decision.

**The Church of the Nazarene**

The Church of the Nazarene encourages its members who do not object personally to support donor/recipient anatomical organs through living wills and trusts. Further, they appeal for a morally and ethically fair

distribution of organs to those qualified to receive them (Manual, Church of the Nazarene 1997 - 2001 paragraph 904.2).

#### **Episcopal**

The Episcopal Church passed a resolution in 1982 that recognizes the life-giving benefits of organ, blood and tissue donation. All Christians are encouraged to become organ, blood and tissue donors "...as part of their ministry to others in the name of Christ, who gave His life, that we may have life in its fullness."

#### **Greek Orthodox**

According to Reverend Dr. Milton Efthimiou, Director of the Department of Church and Society for the Greek Orthodox Church of North and South America, the Greek Orthodox Church is not opposed to organ donation as long as the organs and tissue in question are used to better human life, i.e., for transplantation or for research that will lead to improvements in the treatment and prevention of disease.

#### **Gypsies**

Gypsies are a people of different ethnic groups without a formalized religion. They share common folk beliefs and tend to oppose organ donation. Their opposition is connected with their beliefs about the afterlife. Traditional belief contends that for one year after death the soul retraces its steps. Thus, the body must remain intact because the soul maintains its physical shape.

#### **Hinduism**

According to the Hindu Temple Society of North America, religious law does not prohibit Hindus from donating their organs. This act is an individual's decision. H.L. Trivedi, in Transplantation Proceedings, stated that, "Hindu mythology has stories in which the parts of the human body are used for the benefit of other humans and society. There is nothing in the Hindu religion indicating that parts of humans, dead or alive, cannot be used to alleviate the suffering of other humans."

#### **Independent Conservative Evangelical**

Generally, Evangelicals have no opposition to organ and tissue donation. Each church is autonomous and leaves the decision to donate up to the individual.

#### **Islam**

The religion of Islam strongly believes in the principle of saving human lives. According to A. Sachedina in his Transplantation Proceedings (1990) article, Islamic Views on Organ Transplantation, "...the majority of the Muslim scholars belonging to various schools of Islamic law have invoked the principle of the priority of saving human life and have permitted the organ transplant as a necessity to procure that noble end."

#### **Jehovah's Witness**

According to the Watch Tower Society, Jehovah's Witnesses believe donation is a matter of individual decision. Jehovah's Witnesses are often assumed to be against donation because of their opposition to blood transfusions. However, this merely means that all blood must be removed from the organs and tissue before being transplanted

**Judaism**

All four branches of Judaism (Orthodox, Conservative, Reform and Reconstructionist) support and encourage donation. According to Orthodox Rabbi Moses Tendler, Chairman of the Biology Department of Yeshiva University in New York City and Chairman of the Bioethics Commission of the Rabbinical Council of America, "If one is in the position to donate an organ to save another's life, it's obligatory to do so, even if the donor never knows who the beneficiary will be. The basic principle of Jewish ethics, 'the infinite worth of the human being,' also includes donation of corneas, since eyesight restoration is considered a lifesaving operation." In 1991, the Rabbinical Council of America (Orthodox) approved organ donation as permissible, and even required, from brain-dead patients. The Reform movement looks upon the transplant program favorably, and Rabbi Richard Address, Director of the Union of America Hebrew Congregation Bio-Ethics Committee and Committee on Older Adults, states that "Judaic Responsa materials provide a positive approach, and by and large the North American Reform Jewish community approves of transplantation."

**The Lutheran Church of America**

Lutherans passed a resolution in 1984 stating that donation contributes to the well being of humanity and can be "an expression of sacrificial love for a neighbor in need." They call on "members to consider donating... and to make any necessary family and legal arrangements, including the use of a signed donor card."

**Mennonite**

Mennonites have no formal position on donation, but are not opposed to it. They believe the decision to donate is up to the individual and/or his or her family.

**Moravian**

The Moravian Church has made no statement addressing organ and tissue donation or transplantation. Robert E. Sawyer, President, Provincial Elders Conference, Moravian Church of America, Southern Province, states, "There is nothing in our doctrine or policy that would prevent a Moravian pastor from assisting a family in making a decision to donate or not to donate an organ." It is, therefore, a matter of individual choice.

**Mormon (Church of Jesus Christ of Latter-Day Saints)**

The Church of Jesus Christ of Latter-Day Saints believes the decision to donate is an individual one made in conjunction with family, medical personnel and prayer. Jerry Cahill, Director of Public Affairs for the Mormon Church, says, "Mormons must individually weigh the advantages and disadvantages of transplantation and choose the one that will bring them peace and comfort. The Church does not interpose any objection to an individual decision in favor of organ and tissue donation."

**Pentecostal**

Pentecostals believe that the decision to donate should be left up to the individual.

**Presbyterian**

Presbyterians encourage and support donation. They respect a person's right to make decisions regarding his or her own body.

**Protestant**

Protestants encourage and endorse organ donation. The Protestant faiths respect an individual's conscience and a person's right to make decisions regarding his or her own body. Reverend James W. Rassbach, Lutheran Board of Communication Services, Missouri-Synod, says "We accept and believe that our Lord Jesus Christ came to give life and give it in abundance. Organ donations enable more abundant life, alleviate pain and suffering and are an expression of love in times of tragedy."

**Seventh-Day Adventist**

Donation and transplantation are strongly encouraged. They have many transplant hospitals, including Loma Linda in California, which specializes in pediatric heart transplants.

**Shinto**

In Shinto, the dead body is considered to be impure and dangerous, and thus quite powerful. "In old belief context, injuring a dead body is a serious crime..." according to E. Namihira in his article, Shinto Concept Concerning the Dead Human Body. "To this day it is difficult to obtain consent from bereaved families for organ donation or dissection for medical education or pathological anatomy... the Japanese regard them all in the sense of injuring a dead body." Families are often concerned that they not injure the itai, the relationship between the dead person and the bereaved people.

**Society of Friends (Quakers)**

Organ and tissue donation is widely believed to be an individual decision. The Society of Friends does not have an official position on donation.

**Unitarian Universalist**

Organ and tissue donation is widely supported by Unitarian Universalists. They view it as an act of love and selfless giving.

**United Church of Christ**

Reverend Jay Lintner, Director, Washington Office of the United Church of Christ Office for Church in Society, states, "United Church of Christ people, churches and agencies are extremely and overwhelmingly supportive of organ sharing. The General Synod has never spoken to this issue because, in general, the Synod speaks on more controversial issues, and there is no controversy about organ sharing, just as there is no controversy about blood donation in the denomination. Any organized effort to get the General Synod delegates or individual churches to sign organ donation cards would meet with generally positive responses."

**United Methodist**

The United Methodist Church issued a policy statement regarding organ and tissue donation. In it they state, "The United Methodist Church recognizes the life-giving benefits of organ and tissue donation, and thereby encourages all Christians to become organ and tissue donors by signing and carrying donor cards or a driver's license, attesting to their commitment of such organs upon their death to those in need, as

a part of their ministry to others in the name of Christ, who gave His life that we might have life in its fullness." A 1992 resolution states, "Donation is to be encouraged, assuming appropriate safeguards against hastening death and determination of death by reliable criteria." The resolution further states, "Pastoral-care persons should be willing to explore these options as a normal part of conversation with patients and their families."

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## Organ Donation Facts & Statistics

The national transplant waiting list is growing five times faster than the rate of donation. Unless the number of people who make the decision to donate life increases, patients will continue to die while waiting for life-saving transplants. For more statistical information about organ donation visit the [United Network for Organ Sharing](#).

### Organs Needed vs. Donations Received

Organ	National		Regional	
	# Needed	# Donors	# Needed	# Donors
Kidney	54,733	8,859	830	218
Liver	17,154	5,177	119	98
Pancreas	1,419	468	16	33
Pancreas Islet	326	--	13	--
Kidney-Pancreas	2,389	--	48	--
Heart	3,747	2,202	68	48
Heart-Lung	195	27	0	1
Lung	3,848	1054	17	44
Intestines	179	112	--	0
<b>Total</b>	<b>81,494</b>	<b>18,783</b>	<b>1,064</b>	<b>444</b>

(Based on UNOS data as of 5/30/2003)

#### Important Facts:

- More than 81,000 people are currently on the national waiting list for organ life-saving transplants. 1,000 of the people waiting for transplants live in our community!
- Half of the people listed for an organ transplant will not receive one due to the shortage of donated organs. 17 people die each day waiting for life-saving organ transplants.
- A new name is added to the National Transplant Patient Waiting List every 13 minutes.
- One organ donor can save the lives of up to eight people, a tissue donor may enhance the lives of more than 50 individuals.
- Organ donation saves lives!

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ORGAN DONOR NETWORK

**HB**

**350**

# SENATE COMMITTEE REPORT

DATE: 3/5/04

FURTHER: Judiciary

DATE TURNED  
IN TO OFFICE: 3/26/04

State Affairs Committee considered CS FOR HOUSE BILL NO. 350(STA)

## HB 350 CRIME VICTIMS' COMPENSATION FOR ARSON

"An Act adding personal injury and death from arson in the first degree to the injuries compensable by the Violent Crimes Compensation Board; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**  
 Same Title  
 New Title

**House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#
XDA	1/14/04		✓		1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John J. Casady</i>	✓			
<i>Robert J. ...</i>	✓			
<i>...</i>	✓			
CHAIR: <i>[Signature]</i>	X			

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 350(STA)  
(H) Publish Date: 1/28/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An act relating to adding personal inju RDU Violent Crimes Compensation. Board  
and property damage from arson. Component Violent Crimes Compensation. Board  
Sponsor Representatives Gatto, Gruenberg  
Requester House State Affairs Committee Component No. 2694

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other PFD Criminal Fund						
<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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

HB 350 would add arson as a compensable crime and property damage as a compensable loss under AS 18.67. Only the most serious of arson cases (first degree) would be eligible for consideration by the Violent Crimes Compensation Board. These cases would compete with other eligible applicants for available grant payments.

Prepared by: Susan L. Browne, Administrator  
Division: Violent Crimes Compensation Board  
Approved by: Commissioner Mike Miller  
Agency: Department of Administration

Phone 465-3040  
Date/Time 1/16/04 4:03 PM  
Date 1/16/2004

# Alaska State Legislature

## House of Representatives



Official Business

State Capitol  
Juneau, AK 99801-1182

**Representative Carl Gatto**

**Representative Max Gruenberg**

### **SPONSOR STATEMENT**

#### **CSHB 350 (State Affairs) Compensation for Victims of Arson**

Late last summer a home in Anchorage was severely damaged by a fire deliberately set by an unknown perpetrator while the family was asleep. Fortunately the family survived without injury. However many other arson victims have not been so fortunate. Deliberately setting a fire that endangers someone else is first-degree arson, a class A felony. Current Alaska law does not include first-degree arson on the list of crimes for which victims may receive compensation from the Violent Crimes Compensation Board (VCCB). CSHB 350 (State Affairs) simply adds arson to the list of crimes for which victims may receive compensation.

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

### VIOLENT CRIMES COMPENSATION BOARD

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110230  
JUNEAU, ALASKA 99811-0230  
PHONE: (907) 465-3040  
TOLL FREE: 1-800-764-3040  
FAX: (907) 465-79

January 21, 2004

Representative Bruce Weyhrauch, Chair, House State Affairs  
Representative Jim Holm, Vice-Chair, House State Affairs  
Representative John Coghill, House State Affairs  
Representative Bob Lynn, House State Affairs  
Representative Paul Seaton, House State Affairs  
Representative Ethan Berkowitz, House State Affairs  
Representative Max Gruenberg, House State Affairs - Co-sponsor HB350  
Representative Carl Gatto - Co-sponsor HB350  
Alaska State Legislature  
State Capitol  
Juneau, Alaska

RE: HB350  
Adding arson to AS 18.67

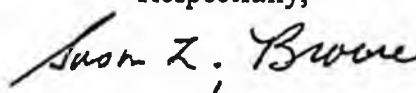
Dear Honorable Chair Weyhrauch, Honorable Vice-Chair Holm, Honorable Members of the House State Affairs Committee, and Honorable Representative Gatto:

The Violent Crimes Compensation Board (Board) appreciates the opportunity to lend its support for HB350. The toll violent crime takes on innocent victims in Alaska is immense. HB350 would add arson as a compensable crime by the Board. Only the most serious arson cases would be eligible for consideration.

While these cases would compete with other eligible applicants for awards out of the Board's limited funds, there is little doubt arson victims suffer extreme losses. I urge you to support this bill and applaud your efforts on behalf of Alaskan crime victims.

I am available to discuss this with you and will do my best to be available to you while this bill is in your committee. I can be reached at work in Valdez at 907-834-6480 and at home in Valdez at 907-835-2329.

Respectfully,



for  
Gerard Godfrey  
Chair

VICTIMS



for Justice

1057 W. Fireweed Lane, Suite • Anchorage, AK 99503  
(907) 278-0977 1-888-835-1213 • Fax: (907)258-0740 • e-mail: vj@alaskalife.net

*A United Way Agency*

January 20, 2004

To Whom It May Concern:

Regarding: letter in support of CSHB 350 (State Affairs)

Arson is a serious crime and not at all uncommon in the State of Alaska. Victims of arson can be left with many scars, both physical and mental. The trauma can be devastating as with any serious crime. The financial demands can be overwhelming. Too often these victims are without any support or resources. Victims for Justice would like to offer our support for CSHB 350 (State Affairs). If you have any further question please do not hesitate to give me a call at 907-278-0986.

Donna Garner,  
Executive Director  
Victims for Justice, Inc.

\* RECEIVED VIA EMAIL

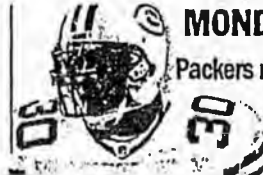
THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES



**JAY HAMMOND**  
Endowment plan must meet certain conditions  
OP-ED



**SPECIAL KIDS**  
Screening program catches disease early  
LIFE



**MONDAY NIGHT**  
Packers run past Bears, spoil new den  
SPORTS

**WEATHER**  
September drips on  
High 58; low 48

50 cents

Final Edit

# Anchorage Daily News

Tuesday, September 30, 2003

ALASKA'S NEWSPAPER

www.adn.co

## ARSONS HIT NORTHEAST ANCHORAGE



PHOTOS BY STELL BOWEN / ANCHORAGE DAILY NEWS

Milos Vallejo, 15, a freshman at East High, salvaged smoke-damaged family photographs from his home Monday. Vallejo was awake when someone set fire to the house. He woke the other occupants in the house, and everyone escaped serious injury.

## Home damaged, but no one hurt

*Several fire stations also respond to string of vehicle blazes*

By TATABLINE BRANT  
Anchorage Daily News

A house and at least four vehicles were set ablaze in a string of arsons Monday in northeast Anchorage.

The fires occurred between 6:15 and 7:15 a.m. in the Mountain View and Russian Jack neighborhoods. Firefighters came from as far away as 80th Avenue, Tudor Road and Spenard to fight the back-to-back blazes.

A 15-year-old boy cut his thumb while trying to extinguish a fire that had been set at his house while his family slept, but other than that, there were no injuries. The boy roused his family and everyone got out safely, but they lost a cat named Precious and their house was badly damaged.

Hattie Nichols, 71, said her great-grandson, Miles Vallejo, is a hero.

"Had it not been for him, we all would have died in the fire," she said.

In all, fires at about half a dozen locations were called in Monday morning, and there were other reports of two attempted arsons and an accidental carpet fire, Anchorage Police Department spokesman Ron McGee said.

Police and fire officials were still trying to piece together the details Monday night. They did not yet know how many of the fires were related or what the motive for setting them might have been. Total damages are estimated to be \$265,000, Anchorage Fire Department spokesman Tom Kempton said.

McGee and Kempton said a witness saw a woman in the vicinity of one fire who was said to be holding a cylindrical object that might have been a torch. Police want to talk to the woman, who had dark hair, was about 5 feet 5 inches tall and weighed about 120 pounds. Anyone



Tricia Estores, in white, embraces her grandmother Hattie Nichols outside the home in the Russian Jack neighborhood where they escaped an early-morning fire Monday. Two other people also escaped.

See Back Page. FIRES

**Anchorage Daily News**

(1988-Current)

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Record 1 of -1

[E-Mail](#)[Text Only Display](#)[List](#)**Anchorage Daily News (AK)**

June 7, 2001

**Man attacks neighborhood, sets house ablaze  
Neighbor holds suspect at gunpoint until troopers arrive**

Author: S.J. Komarnitsky  
Anchorage Daily News  
Staff

Edition: Final  
Section: Nation  
Page: A1

Estimated printed pages: 3

## Article Text:

A man wearing a single shoe and shouting about his plans to kill cats terrorized a Wasilla area neighborhood Wednesday, throwing rocks at houses, tipping over garbage cans and setting a home on fire.

The spree ended only after a neighbor pointed a rifle at the man.

Even so, it took two officers to get Gordon E. Samel, 39, of Wasilla into custody, Alaska State Troopers said. They hit him with a Tazer, a device that shoots a nonlethal jolt of electricity, and had to wrestle him to the ground, said Sgt. Robert Cox.

Samel, who has been arrested several times over the past 20 years, was being held Wednesday at Mat-Su Pre-Trial Facility in Palmer. He was first taken to Valley Hospital in part because he told officers he had taken drugs, Cox said. He likely will face charges of arson and resisting arrest, Cox said.

Fire officials estimated damage to a two story A-frame on Caribou Loop near the intersection of Seldon and Wasilla-Fishhook roads at about \$60,000.

Shirley Durling, who lives at the home with her two young sons, said Wednesday evening she was still in shock. The deck and front of her home were scorched black, and her roof was pocked with holes where firefighters had punched through to get to the flames.

"It's been a really good neighborhood," Durling said. "I've never worried about my kids going out to play, or anything. It's just really weird."

The problems for the neighborhood -- a wooded residential area about three miles north of Wasilla -- started about 3 p.m. when Samel popped out of the trees, residents said.

He was wearing a T-shirt, sweats and a single sandal, said Clarence Copeland, 55, an ex-Marine and truck driver who was raking his yard at the time.

"He was mumbling to himself and he said that he was going to kill my cats," Copeland said. "I told him, 'I don't have any cats.'"

He then started walking down the road, but not before tipping Copeland's trash cans over.

He then went next door to Durling's home and started throwing rocks at it. Copeland told his wife,

**Anchorage Daily News**

(1986-Current)

[Edit Search](#)[Help](#)[Home](#)

Record 1 of -1

[E-Mail](#)[Text Only Display](#)[List](#)**Anchorage Daily News (AK)**

November 17, 1999

**ARSON SUSPECTED IN WASILLA BLAZE**

Author: Karen Aho  
Daily News Reporter  
Staff

Edition: Final  
Section: Metro  
Page: B2

Estimated printed pages: 2

## Article Text:

Alaska State Troopers are investigating an arson that gutted a teacher's house in Wasilla early Tuesday.

William Sterns, 49, woke about 3:45 a.m. to a thud on the porch, firefighters said. He found the lower level of his Willow Road home illuminated by flames through the front windows.

"I did what anybody would do at that time, grabbed a few essentials and bolted," Sterns said.

He dialed 911 on his portable phone as he ran out the back door and around the front of his house to move the truck, which was about 10 feet from the flames.

Troopers arrived minutes later and put out much of the fire with portable extinguishers, but the flames spread through the wall and up into the eaves of the two-story frame house, Central Mat-Su Fire Department Battalion Chief Michael Keenan said.

Troopers called the fire an arson but would not say what was used to start it, pending an investigation.

Sterns, who has taught government and politics at Wasilla High School for 15 years, said he has no reason to believe he was the target of a personal attack.

"There hasn't been any agitated interaction, adverse relations with kids," he said. "There's nothing like that."

Damage was estimated at \$50,000.

"It could be a mistaken location," trooper Sgt. Dennis Ponder said. "Obviously someone intended someone harm."

Reporter Karen Aho can be reached at kaho@adn.com.

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Record Number: 55302

Article Bookmark(OpenURL Compliant): [Anchorage Daily News \(AK\) : ARSON SUSPECTED IN WASILLA BLAZE](#)  
[http://docs.newsbank.com/openurl?ctx\\_ver=z39.88-2004&rft\\_id=info:sid/iw.newsbank.com:ADNB&rft\\_val\\_format=info:ofi/fmt:kev:mtx:ctx&rft\\_dat=0F7947B5D57C315P&svc\\_dat=Ir.f0Web:current&req\\_dat=0FC00EA2EBA62E28](http://docs.newsbank.com/openurl?ctx_ver=z39.88-2004&rft_id=info:sid/iw.newsbank.com:ADNB&rft_val_format=info:ofi/fmt:kev:mtx:ctx&rft_dat=0F7947B5D57C315P&svc_dat=Ir.f0Web:current&req_dat=0FC00EA2EBA62E28)

[E-Mail](#)[Text Only Display](#)[List](#)

**HB**

**351**

# SENATE COMMITTEE REPORT

DATE: 04/28/04

FURTHER:

DATE TURNED  
IN TO OFFICE: 5/2/04

State Affairs Committee considered CS FOR HOUSE BILL NO. 351(JUD)

## HB 351 CARBON MONOXIDE DETECTION DEVICES

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
H. L&C	1/24/04			✓	1
Law	1/20/04			✓	2
DPS	6/20/04			✓	3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	DO NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			