

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SJUD 12553

JOSEPH,CHRISTOPHER D	11	900.00
JUSTICE,RICKY A	11	1,750.00
KAHL,RONALD L	11	4,975.00
KIMBREL,LANNY L	11	2,925.00
KOMPKOFF,BALINDA K	6	3,775.00
LEE,MICHAEL S	6	1,734.04
LEWIS,KEITH A	6	3,060.00
LITTLE,COLLETTE A	6	1,750.00
LOCKWOOD,ALEXANDRIA	6	5,450.00
LOFQUIST,JOHN T	6	3,850.00
MALONE,VALENCIA G	6	2,450.00
MARRS,KATHY L	6	2,450.00
MC GOWAN,ROBERT M	6	3,000.00
MCCCLAIN,NICHOLAS D	6	1,400.00
MERRIIONS,JASMINE A	6	4,350.00
MOLINA,RICARDO	6	5,400.00
MOORE,CLIFTON L	6	3,210.00
MOORE,TAMMY L	6	2,550.00
MUETZ,SCOTT M	6	9,850.00
NETTER,JASON L	6	1,567.39
NICHOLS,RYAN P	6	3,350.00
NUKAPIGAK,ALICE M	6	2,150.00
OWENS,BRYAN T	6	4,650.00
OWENS,KENNETH B	6	2,850.00
OWENS,SHAWN F	6	2,300.00
PARKER,THOMAS L	6	3,075.00
PAYNE,DARRYL A	6	2,150.00
PETE,GABRIEL K	6	7,500.00

PUNGOWIYI,MICHELLE	11	5,550
DEBOER,CHRISTOPHER R	5	5,550
MORGAN,FRANK S	4	5,550
YOUNG,VINCENT C	4	5,550
MITCHELL,ANDREW L	3	5,550
PETERSON,MICHAEL A	4	5,520
HAMILTON,JOHN K	2	5,520
JOSEFSEN,RANDI L	8	5,500
LAW,CARLOS D	7	5,500
LINCECUM,PERRY G	3	5,500
KOCUR,GEORGE	2	5,500
SPANOGLE,PAMELA S	2	5,500
HALL,BUDDY	1	5,500
YERKES,ALLEN L	1	5,500
HEMPHILL,ANTHONY M	3	5,490
STARR,DIANE S	3	5,470
JOHNSON,ANN R	2	5,450
LOCKWOOD,ALEXANDRIA	6	5,450
MILLER,TERI A	4	5,450
HENDRICKSEN,TIMOTHY D	3	5,450
JAIME,STEVE L	1	5,420
EVANS,JEFFREY	2	5,400
MOLINA,RICARDO	6	5,400
MOUNSEY,KRISTOPHER A	2	5,400
BURNHAM,RUSSELL G	2	5,380
SUTTER,AARON R	3	5,350
HIBPSHMAN,BARRY T	2	5,350
CHRISTIANSEN,RUBY	1	5,320

PHILIP,SANDRA L	6	1,500.00
PHILLIPS,WILLIAM R	6	1,350.00
PITKA,MARGARET M	6	2,200.00
POLLOCK,VERA M	6	1,675.00
RIVERA,ROBERT J	6	5,175.00
ROBERTSON,IRA H	6	1,700.00
ROBINSON,BIRDEN	6	2,200.00
ROBINSON,JARROD M	6	4,750.00
ROBINSON,MARCUS M	6	2,100.00
ROSS,STEVEN J	6	2,600.00
ROSS,TERRY J	6	7,600.00
SALLISON,WALTER	6	2,700.00
SCOTT,JUSTIN E	6	800.00
SELVESTER,JASON E	6	4,150.00
SHANGIN,GORDON E	6	2,375.00
SHAVINGS,JACOB A	6	350.00
SHEAKLEY,RUSSELL J	6	1,400.00
SIMMONS,WILLIE L	6	2,500.00
SKARECKY,DAMON F	6	2,400.00
SMITH,CHARLES A	6	2,050.00
SMITH,CHARLES R	6	2,600.00
SMITH,MICKEY D	6	1,450.00
SOSA,KENNETH	6	900.00
SOUTHALL,DERRICK A	6	2,100.00
STEPETIN,SHERYL M	6	7,519.72
STEWARD,HARRY J	6	4,600.00
STRASBURG,JAMES R	6	3,550.00
SUSOOK,MATTHEW D	6	7,100.00

NAUMOFF,GORDON F	5	5,320.00
HILL,PATRICK T	1	5,320.00
KENNEDY,JAMES F	1	5,320.00
SEGELHORST,KENNETH J	1	5,320.00
EDWARDS,LARRY	6	5,300.00
RIVERS,RICHARD E	5	5,300.00
ADKINS,DEBBIE	4	5,300.00
CLARK,ARTHUR L	4	5,300.00
STEVE,JOHN W	4	5,300.00
BAKER,DARRELL J	2	5,300.00
PRUNES,JOHN W	9	5,250.00
THOMAS,JONATHAN R	6	5,250.00
TOOTS,JAMES T	5	5,250.00
ALARCON,OMAR W	4	5,250.00
NEW,EDDY L	4	5,250.00
MUTCHLER,ESAU J	3	5,250.00
STARKLOFF,LAWRENCE	2	5,250.00
MCABOY,CURT R	1	5,250.00
PAUL,DORIS A	1	5,250.00
HOWELL,KENNETH L	5	5,200.00
AGATHLUK,THOMAS	6	5,200.00
MACK,ARTHUR	5	5,200.00
WILLIAMS,KENNETH R	5	5,200.00
TOLLIVER,ERICA N	4	5,200.00
GUNLOGSON,HAROLD L	3	5,200.00
NEBEL,THOMAS L	3	5,200.00
BAVILLA,FRANK	1	5,200.00
SYMENS,JOHN D	1	5,200.00

TAYLOR, BRUCE A	6	5,950.00
THOMAS, JONATHAN R	6	5,250.00
THOMAS, NORMAN	6	2,650.00
THOMAS, PERRY K	6	4,900.00
THOMAS, ROBERT L	6	2,494.46
TOTOA, TOTOA	6	10,650.00
TUMSUDEN, BUDDY	6	4,584.58
UNTERSEHER, TIMOTHY P	6	4,500.00
WALKER, ELIJAH	6	1,150.00
WALKER, PERRY W	6	6,950.00
WANAMAKER, JAMES B	6	6,550.00
WARD, ULYSSES E	6	6,850.00
WATERS, DOMINIC	6	1,925.00
WEBB, JACOB P	6	3,550.00
WEBER, JOHN W	6	4,050.00
WESTDAHL, DION G	6	2,350.00
WILLIAMS, SILAS G	6	3,510.00
WILSON, HAROLD F	6	3,200.00
WILSON, MICHAEL A	6	1,000.00
AFGAN, ANTHONY	5	3,200.00
ALARCON, DAVID P	5	6,725.00
ALGEE, DANIEL L	5	5,734.41
ALLEN, MEGAN L	5	2,000.00
ALSTON, DAVID L	5	1,600.00
ALVARENGA, DANIEL S	5	2,350.00
ANDINO, ANTHONY	5	3,725.00
ANDREWS, CLARKE J	5	2,600.00
ANGLIN, MICHAEL R	5	1,800.00

FARRELL, MICHAEL C	7	5,180.00
RIVERA, ROBERT J	6	5,170.00
VANNOSTRAND, CACE T	2	5,170.00
GARROUTTE, GEORGE L	2	5,160.00
BOZEMAN, JESSE	1	5,150.00
JOY, JEANNE M	7	5,150.00
NEVINGS, WILLIAM B	7	5,150.00
BORDEAUX, TONYA P	3	5,150.00
MEREDITH, GLENN	3	5,150.00
COON, MARK A	2	5,150.00
SILOOK, SUSIE	2	5,150.00
TUILEFANO, JIMMY	2	5,150.00
DEHUSSON, ROSE R	4	5,120.00
ALECK, SANDRA	1	5,120.00
FUREY, MARK T	1	5,120.00
HARRIS, JOHN F	3	5,100.00
OSNESS, MICHAEL J	3	5,100.00
JONES, QUENT R	2	5,100.00
RICE, RILEY J	2	5,100.00
GORSCH, VIVIAN B	2	5,070.00
LAMB, FRANKLYN W	2	5,070.00
MCCRAY, HENRY L	2	5,070.00
BUDD, ROBERT J	1	5,070.00
CASTLE, ROBERT J	1	5,070.00
EVON, RAYMOND	1	5,070.00
GARCIA, JOSEPH M	1	5,070.00
KING, JON M	1	5,070.00
NAPOLEON, OLIN A	1	5,070.00

DRUBA,LANCE R	5	2,550.00
DUNCAN,RICKY D	5	2,300.00
DUNN,SCOTT P	5	4,900.00
DURST,LARRY	5	2,150.00
DURST,LARRY L	5	3,575.00
ECHOLS,LENZIA	5	3,750.00
EDENSHAW,CHRISTINA A	5	1,250.00
ENDRESEN,THERESIA A	5	4,945.00
ENGLISH,DWAYNE P	5	2,200.00
EPPENGER,BENJAMIN	5	3,050.00
ESKILIDA,JOHNNY	5	4,300.00
ESPARZA,MARIO	5	1,200.00
EVANS,SHERISE T	5	3,450.00
FARIS,GREGORY C	5	3,050.00
FEE,JOSHUAH E	5	1,197.16
FELDER,JASON K	5	1,600.00
FIELDS,THEODORE E	5	3,600.00
FISHER,AARON	5	3,100.00
FLORES,ROBERT	5	5,800.00
FOX,RONALD	5	3,250.00
FRANKEN,DANIEL K	5	1,550.00
FRATIS,LEONTY G	5	3,300.00
FRAZIER,CHARLES A	5	3,792.02
FREEMAN,CHARLES J	5	8,450.00
FREEMAN,JUNE E	5	1,125.00
FRYE,DON D	5	2,900.00
FULLER,WILLIAM J	5	2,575.00
GIANCOLI,DAVID B	5	3,300.00

OLSON,ANTONIA M	3	4,918
MARSHALL,RICHARD L	1	4,902
REESE,RONALD J	9	4,900
THOMAS,PERRY K	6	4,900
DUNN,SCOTT P	5	4,900
ADKINS,DEBORAH S	4	4,900
BACARELLA,DEANN R	4	4,900
BOWLER,SEAN E	4	4,900
BRKIC,MARIJO	1	4,900
CHERNISHOFF,TIMOFEI G	1	4,900
GATES,JOHN E	1	4,895
CAMILLE,DOYLE D	7	4,875
FREI,JOHN D	6	4,875
BUCHANAN,DONALD D	5	4,850
HANSEN,LOUISE P	5	4,850
WARDEN,DAVID W	4	4,850
WILSON,WILLIE B	4	4,850
BOUNDS,JAMES S	2	4,850
PERRY,JOE D	2	4,850
SHAW,SCOTT A	3	4,820
BAKER,NANCY Z	1	4,820
LYON,JODY B	2	4,820
BROWN,ANTHONY L	4	4,800
CHUNAK,EVAN	3	4,800
COLE,LEE A	2	4,800
DUDLEY,BRICE	2	4,800
CAMERON,ROBERT A	5	4,775
HARDIMAN,TIMOTHY K	5	4,775

ASHLEY,BILLY J	5	3,250.00
ATCHAK,OLIVER B	5	2,350.00
BAGLIO,COLLEEN R	5	1,600.00
BANE,ROBERT A	5	1,125.00
BARND,S,MARTIN J	5	4,190.00
BEANS,JOSEPH P	5	4,100.00
BEDMINSTER,JULIUS E	5	1,100.00
BENNETT,TWYMON L	5	1,200.00
BLAIR,JAMES W	5	550.00
BODNER,BRETT A	5	1,400.00
BOLLIG,WAYNE J	5	2,250.00
BONNER,JASON G	5	2,000.00
BORELLO,RANDALL D	5	1,350.00
BOZART,D'HANNA M	5	5,050.00
BRATCHER,LARRY	5	1,800.00
BRAXTON,ANGELA B	5	1,650.00
BROOKS,ERNEST W	5	3,125.00
BROWN,AUGUSTUS	5	1,950.00
BROWN,NANCY	5	950.00
BROWN,RONALD M	5	2,080.18
BUCHANAN,DONALD D	5	4,850.00
BUCHHOLZ,HENRY G	5	950.00
BUCOLO,CHARLES L	5	400.00
BULLARD,THOMAS G	5	1,986.69
BURCH,RONALD A	5	1,750.00
BURRELL,JUNIOUS E	5	7,400.00
BYRD,LESTER A	5	5,050.00
CAMERON,ROBERT A	5	4,775.00

VEGA,VINCENT V	1	5,070.00
VIERA,MARTIN	4	5,050.00
CHANDLER,NYROBBIE L	3	5,050.00
YATES,STEVEN T	7	5,050.00
BOZART,D'HANNA M	5	5,050.00
BYRD,LESTER A	5	5,050.00
PADGETT,IRENE M	5	5,050.00
DUNN,KIM W	2	5,050.00
CURTIS,ELIZABETH A	6	5,040.00
CHRISTOPHERSON,THOMAS	5	5,020.00
WYATT,MATTHEW L	3	5,020.00
ROZELLE,KEITH S	2	5,020.00
WILLIAMS,JODEY S	5	5,000.00
MCGREGOR,MINELUA C	4	5,000.00
TRUE,DANIEL G	4	5,000.00
GRAHAM,GLEN E	2	5,000.00
JOHNSON,THOMAS W	2	5,000.00
MARTINEZ,JUAN	2	5,000.00
RODERICK,SARA	2	5,000.00
SWIGART,JAY M	2	5,000.00
TANNER,OLLIE L	2	5,000.00
ARNOLD,MARK D	1	5,000.00
ESTES,NANCY A	1	5,000.00
GRACE,LEANNE A	1	5,000.00
GRYGO,MARY H	1	5,000.00
HENKELMAN,STEPHEN H	1	5,000.00
HURLEY,HARRY A	1	5,000.00
JACKSON,WILLIE	1	5,000.00

GILKEY,OLEE	11	3,475.00
GOODWIN,CHARLIE	5	800.00
GREENE,GEORGE C	5	2,100.00
GREGORY,CRYSTAL D	5	2,550.00
GRINDLE,LLOYD A	5	2,975.00
GUERRERO,ABEL A	5	3,760.00
GUNN,ROBERT M	5	1,625.00
HALEY,JERRY D	5	3,690.00
HALLER,BRADLEY	5	4,314.85
HANSEN,LOUISE P	5	4,850.00
HANSEN,STEVEN E	5	7,975.00
HARDIMAN,TIMOTHY K	5	4,775.00
HARRIS,DAVID C	5	2,495.00
HARRIS,JULIE	5	4,750.00
HARRY,KENNETH W	5	4,200.00
HARVEY,DARRYL A	5	3,900.00
HATLEN,LLOYD S	5	6,200.00
HEFFNER,ANTHONY J	5	3,950.00
HICKS,NATHANIEL	5	2,475.00
HIGGINS,JOHN R	5	11,950.00
HOELSCHER,HOWARD J	5	7,850.00
HOWARTH,GARY R	5	1,150.00
HOWELL,KENNETH L	5	5,206.04
HUMPHRIES,GEOFFREY S	5	750.00
HUNTER,ANNIE M	5	2,600.00
JACKSON,PATRICK L	5	10,575.00
JAMES,JESSICA	5	1,950.00
JAMES,ROY M	5	3,850.00

ANDERSON,LANOLAN	4	4,77
ABELL,FRED D	3	4,77
SAVAGE,MICHAEL A	7	4,75
ROBINSON,JARROD M	11	4,75
HARRIS,JULIE	5	4,75
SMART,TONY J	4	4,75
TANAPE,GARY L	4	4,72
HANNA,DONNIE J	3	4,72
MINOR,LOU A	5	4,70
JACOBSON,CHARLES	2	4,70
UNDERWOOD,JAMES B	1	4,70
RUSSELL,DALE	7	4,68
CALUGAN,PETER R	4	4,67
TUNLEY,LARRY C	4	4,67
BARFIELD,BRENDA D	1	4,67
AULETA,STEVEN J	1	4,66
OLSON,LEHMAN R	8	4,65
SAUNDERS,ROSEMARY	8	4,65
OWENS,BRYAN T	6	4,65
SISIAM,DUSTY L	5	4,65
DUNDAS,JOHN P	4	4,65
ANARUK,WILLIAM V	1	4,65
HIPKISS,ERIC M	1	4,65
AZEDE,DENIS L	4	4,62
PENATAC,JOHN S	3	4,62
NICHOLS,SHAUN	1	4,62
SALLISON,JOHN J	1	4,62
DAVIS,AMBER D	10	4,60

CARMACK, EVETTE	5	1,150.00
CARMACK, WILLIAM A	5	4,100.00
CARTER, KEVIN D	5	2,800.00
CASEY, JOSEPH A	5	2,450.00
CASH, DAVID S	5	3,275.00
CASTLE, MICHAEL W	5	3,100.00
CAVE, MARVIN J	5	2,150.00
CHRISTOPHERSON, THOMAS	5	5,025.00
CLARK, FREDDIE M	5	1,800.00
CLARK, KIM B	5	1,788.16
CLEVELAND, RENA E	5	2,150.00
COLLETT, TIMOTHY E	5	2,350.00
COLLINS, PHILLIP J	5	1,500.00
CONEY, ORDIE A	5	1,475.00
CONNELL, THOMAS J	5	1,850.00
COSTA, CARLOS R	5	3,050.00
COTTRELL, JOSEPH C	5	1,650.00
COURTNAY, MELISSA D	5	3,175.00
CRANE, ALOYSIUS	5	3,975.00
DAIGGER, ANGELA L	5	1,625.00
DALBORA, ANGELIQUE J	5	1,400.00
DARBAY, MACK K	5	2,300.00
DAVID, MARK C	5	4,250.00
DAVIS, MICHAEL J	5	2,700.00
DAVIS, RICHARD L	5	1,100.00
DEBOER, CHRISTOPHER R	5	5,550.00
DEROUEN, CARROLL	5	3,450.00
DIZON, MIRANDA E	5	4,125.00

JOHNSON, JUANITA C	1	5,000.00
KENDRICK, LARRY K	1	5,000.00
KOCUR, GEORGE M	1	5,000.00
LAWRENCE, DENNIS	1	5,000.00
MASCOTT, ANTON	1	5,000.00
MCGREGG, LYNELVA	1	5,000.00
MCMILLIAN, MARK	1	5,000.00
PLACE, RUSSELL G	1	5,000.00
SANDVIK, VONYA K	1	5,000.00
THIELE, OTTO	1	5,000.00
WHITE, OLIVER	1	5,000.00
WISE, RANDY L	1	5,000.00
KIRK, KRISTEN E	2	4,990.00
KAHL, RONALD L	6	4,970.00
JENSEN, HOWARD L	2	4,970.00
GARRETT, LISA	1	4,970.00
JACKSON, OTIS A	1	4,970.00
JONES, DORS D	1	4,970.00
JUDD, ADAM J	9	4,950.00
ALVARADO, SARAH D	6	4,950.00
ODONNELL, GEORGE L	4	4,950.00
COOK, BRUCE W	4	4,940.00
ENDRESEN, THERESIA A	5	4,940.00
CORNELIYS, VIRGIL D	3	4,940.00
BOWIE, WILLIE L	8	4,920.00
GUTIERRES, JACK D	4	4,920.00
CULVER, MARK W	3	4,920.00
MILLER, ROBERT A	2	4,920.00

AMENDMENT

OFFERED IN THE SENATE
JUDICIARY COMMITTEE

BY SENATOR MCGUIRE

TO: CSSB 145 (CRA), 25-LS0807\E

Page 1, Line 9

Insert after "agreement", "in compliance with federal law governing disclosure of unemployment information."

Page 1, Line 14

Delete "and"

Page 2, Line 3

Insert "(5) that on-site inspections by the department may be performed to ensure the confidentiality requirements of this section are being met."

Wage : employment }
 —
Confidential }
 —

Cindy Smith

From: Andy Moderow
Sent: Monday, April 30, 2007 12:03 PM
To: Cindy Smith
Subject: FW: Updated: Legislative Hearing - MOA Testimony - Senate C&RA Committee re: SB 145
Attachments: amendment to hb 169sb 145.pdf

This looks like something that has Judiciary Aide written all over it...

Andy Moderow
Office of Senator Hollis French
Juneau 907-465-3892
andy_moderow@legis.state.ak.us
www.aksenate.org

From: Reeves, James N. [<mailto:ReevesJN@ci.anchorage.ak.us>]
Sent: Monday, April 30, 2007 12:00 PM
To: Sen. Hollis French; Sen. Lesil McGuire
Cc: Andy Moderow
Subject: FW: Updated: Legislative Hearing - MOA Testimony - Senate C&RA Committee re: SB 145

Senators French and McGuire:

The Senate Judiciary Committee has scheduled a hearing for 1:30 p.m. today to consider SB 145. One of the matters addressed in this bill is the co-called "scofflaw" provision that will authorize municipalities to provide by ordinance for the impoundment and forfeiture of a vehicle operated by a person who owes more than \$1,000 in delinquent fines for moving violations. The Municipality of Anchorage strongly supports this measure. Indeed, the Anchorage Assembly recently passed an ordinance providing for impoundment and forfeiture in this situation, subject to the necessary state statutory authorization which the Assembly hopes to see this session.

It bears emphasis that this is a public safety measure, not simply a device to enhance debt collection. The predicate for depriving the operator of a vehicle of the vehicle by the summary procedure of impoundment is that allowing the operator to continue using the vehicle would endanger the public. A law authorizing impoundment and forfeiture whenever the operator of the vehicle owes money for past traffic violations, where no current traffic violation is involved, will invite a constitutional challenge by owners of vehicles alleging that there should be a prior notice and hearing before the vehicle is seized. But summary impoundment is more readily justified when the impoundment takes place in the context of a current violation. For this reason, we recommend that the bill be amended to include a provision authorizing municipalities to provide by ordinance that it is a misdemeanor to operate a vehicle when one has \$1,000 or more in delinquent traffic fines.

Attached is the proposed amendment that was provided to Rep. Gardner's office by Anchorage Assembly member Allan Tesche several weeks ago. We urge you to amend SB 145 to include this provision.

I will attend the hearing this afternoon and will be prepared to answer any questions you might have about this.

Jim Reeves

4/30/2007

Municipal Attorney

Municipality of Anchorage

<<amendment to hb 169sb 145.pdf>>

4/30/2007

CS FOR HOUSE BILL NO. 169(CRA)

"An Act relating to municipal impoundment and forfeiture."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 28.01.015(a) is amended to read: (a) Notwithstanding other provisions in this title, a municipality may adopt an ordinance providing for the impoundment or forfeiture of a (1) motor vehicle, watercraft, or aircraft involved in the commission of an offense under AS 28.35.030, 28.35.032, or an ordinance with elements substantially similar to AS 28.35.030 or 28.35.032; (2) motor vehicle involved in the commission of an offense under AS 28.15.291 or an ordinance with elements similar to AS 28.15.291; (3) motor vehicle used by a person whose license is suspended under AS 28.22.041; [OR] (4) motor vehicle used by a person who fails to carry proof of insurance as required under AS 28.22.019; or (5) motor vehicle used by a person who has \$1,000 or more in delinquent traffic fines if the municipality has made it a misdemeanor to drive or operate a motor vehicle where the driver has accumulated \$1,000 or more in delinquent traffic fines for moving violations committed within the municipality.

SB

150

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

MEMO

To: Senator French, Chair
Senate Judiciary Committee

Date: April 19, 2007

Re: Hearing Request for SB 150

I respectfully request a hearing on **SB 150** regarding Crimes at Domestic Violence and Sexual Assault shelters and facilities.

Sincerely,

Bettye Davis

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
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Session: (Jan. - May)
State Capitol, Suite 30
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Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

SB 150

"Relating To Crimes at Domestic Violence Shelters"

Sponsor Statement

Domestic violence is a serious, significant, preventable public health challenge. Domestic Violence is responded to by the combined efforts of law enforcement, social service agencies, the medical field, courts, Public Safety and Corrections.

Alaska has the distinction of being in the top five states for per capita domestic violence rates. Alaskan women are being killed by intimate partners at the rate of 1.5 times the national average. Alaska shelters provided 8,793 clients with services during 2005. According to an Anchorage Police Department report, 61% of the city's homicides in 2002 were directly related to domestic violence.

Women and children are typically the victims of domestic violence and abuse and many use local shelters. These Alaskans are especially vulnerable to violent crime victimization. These shelters are one of the few areas that offer safety from further violence.

Alaska needs to do more to ensure that our 19 shelters provide the secure environment these vulnerable members of our society need and should expect for their safety and recovery. Despite an emphasis on security measures, there are perpetrators of domestic violence who attempt to inflict further distress and harm to residents of these shelters. There have been recent incidents in Alaska where individuals have broken into shelters, or attempted to do so, with this intent. Due to presumptive sentencing laws, in many cases the perpetrator has not received a sentence commensurate with the seriousness of victimizing the vulnerable persons staying or working in these shelters.

This legislation will give juries, prosecutors, and judges the ability to impose stiffer sentences --- up to the maximum punishment for each offense --- for felonies committed on the premises of a shelter for victims of domestic violence or sexual assault. Passage of SB 150 provides an additional tool for judges and prosecutors to use to send a message that crimes committed on the premises of domestic violence shelters are deserving of maximum allowable punishment and that the safety of one of the most vulnerable populations in our state will be valued and ensured.

"As Alaskans it is our duty to provide the maximum protection under law to those in need while placing significant deterrents to those who perpetuate acts of violence on persons."

--Sen. Bettye Davis

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 2, 2007

SUBJECT: Sectional Summary -- SB 150 (Work Order No. 25-LS0803\A)

TO: Senator Bettye Davis

FROM: Gerald P. Luckhaupt
Legislative Counsel 

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Amends AS 12.55.155(c)(34) by providing a new aggravating factor that may be proven to increase a felony sentence beyond the presumptive range for the offense.

Section 2. Provides an applicability section.

GPL:ljw
07-184.ljw

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 5, 2007

SUBJECT: Aggravating Factors at Sentencing
(Work Order No. 25-LS0606C)

TO: Representative Andrea Doll
Attn: Terry Harvey

FROM: Gerald P. Luckhaupt *JERRY*
Legislative Counsel

You have asked for an explanation of how aggravating factors at sentencing work. AS 12.55.125 provides sentences for felonies. AS 12.55.125(c) - (e) and (i)¹ provide presumptive sentencing ranges for class A, B, and C felonies. AS 12.55.155(a) provides:

(a) Except as provided in (e) of this section, if a defendant is convicted of an offense and is subject to sentencing under AS 12.55.125(c), (d), (e), or (i) and

(1) the low end of the presumptive range is four years or less, the court may impose any sentence below the presumptive range for factors in mitigation or may increase the active term of imprisonment up to the maximum term of imprisonment for factors in aggravation;

(2) the low end of the presumptive range is more than four years, the court may impose a sentence below the presumptive range as long as the active term of imprisonment is not less than 50 percent of the low end of the presumptive range for factors in mitigation or may increase the active term of imprisonment up to the maximum term of imprisonment for factors in aggravation.

Factors in aggravation are provided in AS 12.55.155(c). Factors in mitigation are provided in AS 12.55.155(d). Factors in aggravation and mitigation, if proven, must be considered by the sentencing court.

GPL:med
07-150.med

¹ AS 12.55.125(i) provides the sentencing ranges for sexual offenses.

Terry Harvey

From: Peggy Brown [pbrown.andvsa@alaska.com]

Sent: Tuesday, February 13, 2007 1:47 PM

To: Terry Harvey

Subject: RE: Statutes regarding shelters

AS 18.66.990. Definitions.

In this chapter,

(1) "council" means the Council on Domestic Violence and Sexual Assault;

(2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;

Peggy Brown, Executive Director
Alaska Network on Domestic Violence
& Sexual Assault
130 Seward Street, Suite 209
Juneau AK 99801
(907) 586-3650 Ext. 22
(907) 463-4493 fax
www.andvsa.org

-----Original Message-----

From: Terry Harvey [mailto:Terry_Harvey@legis.state.ak.us]

Sent: Tuesday, February 13, 2007 12:59 PM

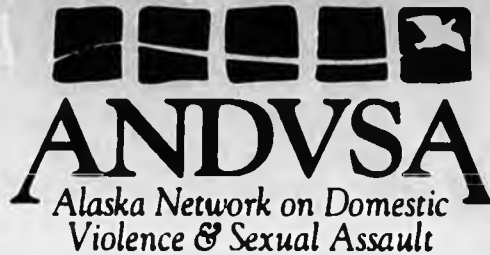
To: pbrown.andvsa@alaska.com

Subject: Statutes regarding shelters

I will investigate this and find, but I wanted to ask you if you knew off hand if there are specific statutes that detail or certify exactly what a domestic violence center or safe house is in Alaska. Thanks

Terry Harvey
Rep. Doll office

Juneau Office
130 Seward St #209
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org



Sitka Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

March 30, 2007

The Honorable Senator Bettye Davis
State Senate
Alaska State Capitol
Juneau, AK 99801-1182

RECEIVED!
APR 02 2007

Dear Senator Davis:

The Alaska Network on Domestic Violence & Sexual Assault is a coalition of member shelter and community based programs across the state who provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to offer you our full support for the Safe Shelter Legislation – An act which will make it an aggravating factor at sentencing if a person breaks into a shelter/safe home for victims of domestic violence and sexual assault.

We cannot merely be informed by the statistic that we are number one in the entire nation for forcible sexual assaults and men murdering women; we must act. We must provide our courts with tools to deter violent offenses and hold offenders accountable.

Crimes such as trespassing, breaking and entering, or assault, which are committed at a shelter, would be subject to an aggravating factor that could be presented to a jury and judge. This will give the jury and judge the ability to consider a punishment above the presumptive range. Of all people, a person seeking safety and sanctuary at a shelter for abuse victims deserves to be as safe and secure as possible.

Crimes committed in shelters and safe houses in Alaska are unfortunately occurring in spite of the strict security provided by staff and local law enforcement officials. We must do everything we can to make these shelters as safe as they possibly can be by punishing to the maximum those who violate the sanctuary sought by victims."

If I can be of further service to your endeavors, please let me know.

Sincerely,

Peggy Brown, Executive Director

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE
Fairbanks IAC Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC
Kotzebue MFCC Nome BSWG Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

Several years ago, a man attempted to break into the shelter. I held the door shut until the police arrived.
Barrow, Arctic Women in Crisis (AWIC)

We had an incident where a father came and took two of his three children. He made a dash to Fairbanks with the two children. We went to court and got a restraining order that ordered him to return the children. We now have security doors on our offices and locking security doors for after hours.

Seward, Seaview Community Services (SCS)

We had our building and offices broken into twice last year. The perpetrators were looking specifically for money but the women and children in house were re-traumatized.

Janet Ahmasuk

Nome, Bering Sea Women's Group (BSWG)

We have had people attempt to break in - I can remember at least 5 times in the last 7 years someone has been forcefully trying to get in - Law Enforcement considered it "trespassing" since they didn't get in the door.

Fairbanks, Interior Alaska Center for Non-Violent Living (IAC)

TWC's only incidences have occurred when someone waits outside in the parking lot or street OR on two occasions have waited for someone exiting and then grabbed the door and come in. We're fortunate that under threat of police being called, the perpetrators have left without further incident.

Bethel, Tundra Women's Coalition (TWC)



State of Alaska

Department of Public Safety

Council on Domestic Violence & Sexual Assault

Sarah Palin, Governor
Wait Monegan, Commissioner

April 17, 2007

Senator Bettye Davis
State Capitol, Room 30
Juneau, Alaska 99801

Dear Senator Davis:

The Council on Domestic Violence and Sexual Assault supports SB150, "An Act relating to an aggravating factor at sentencing for crimes committed at certain shelters and facilities". We welcome legislation that addresses strong accountability for individuals committing crimes at domestic violence shelters and programs.

Over 65,000 nights of safe shelter were provided to victims of domestic violence and/or sexual assault last year by Council-funded programs in Alaska. The thousands of victims served are primarily women and children who were not safe in their own homes.

Domestic violence crimes are always serious. Commission of the crime at a facility where people have gone seeking safe shelter is particularly offensive. The perpetrators of such crimes should be held accountable by being subject to a higher penalty at sentencing.

Thank you introducing this legislation to enhance safety services in Alaska for victims of interpersonal violence.

Sincerely,

A handwritten signature in cursive script that reads "Chris Ashenbrenner".

Chris Ashenbrenner
Interim Program Administrator

April 17, 2006

To Whom It May Concern:

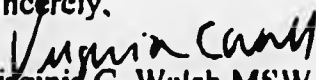
Families residing at domestic violence shelters have experienced violence first hand, and the children have witnessed acts of violence or experienced violence first hand. These families require a safe and nonviolent environment to begin the first step toward healing.

When there is fear that a perpetrator can enter the shelter and commit more violent acts, then these families are left feeling vulnerable and hopeless. Victims of domestic violence and sexual assault in rural communities may have access to few resources—they often want to avoid staying with family or friends because this might put their family members and friends at risk. If the shelter or safe home is not a secure environment, where can they go?

In Barrow, we have perpetrators that threaten shelter staff and shelter residents. Certainly, these acts of terror intimidate and inflict further distress and leave victims believing that they are not safe anywhere and that their perpetrators do not receive sentences commensurate with their crimes. Thus, they are re-victimized and left feeling completely alone.

Please pass Senate Bill 150, so families in need can have access to the safe and supportive environments they so desperately need.

Sincerely,


Virginia C. Walsh MSW
Clinician
Arctic Women in Crisis

April 16, 2007

Alaska State Legislature
Senator Betty Davis
ATTN: Donne Fleagle
State Capitol

My name is Nellie Sears and I am a Safe Home Provider here in Point Hope, Alaska and I am in total support of Senate Bill 150.

Thank you,

Nellie Sears

Nellie Sears

April 17, 2007

To Whom It May Concern:

While it is true that Alaska has the distinction of being in the top five states for per capita domestic violence I, as a DV/SA counselor, have seen a more upfront and personal face to domestic violence. I have worked at Artic Women In Crisis for eight years and have taken care of the women and their children who have been victims of domestic violence.

When women and their family flee to any shelter, especially in a rural setting, they are in fear of their lives. When further trauma is perpetrated on them by the fear that a perpetrator will follow them to the shelter and break into their only haven, it's devastating. I have personally attended women who have stayed up all night watching over their children and no amount of reassuring from staff will calm them. It needs to be addressed now. One way to accomplish that is to send the message to those who would ignore the current law and make the punishment for violating the sanctity of the shelters and safe homes much stiffer.

I encourage you to pass Senate Bill 150 and send that message loud and clear to all Alaskans. Thank you for listening to one person's concern over what should be all of our concerns.

Sincerely,

Carolyn Sholley
Counselor II
Artic Women In Crisis

Tanana Chiefs Conference

Chief Peter John Tribal Building

122 First Avenue, Suite 600

Fairbanks, Alaska 99701-4897

(907) 452-8251 Fax: (907) 459-3850

SUBREGIONS

UPPER
KESKIMWIWIM
McGrain
Medtra
Nikolai
Taholna
Telida

April 17, 2007

LOWER YUKON
Anvik
Grayling
Holy Cross
Shageluk

The Honorable Senator Bettye Davis
State Senate
Alaska State Capitol
Juneau, AK 99801-1182

UPPER TANANA
Dot Lake
Eagle
Healy Lake
Northway
Tanacross
Tetlin
Tok

The Tanana Chiefs Conference (TCC) strongly supports the letter and intent of SB 150. Over the years, tribal leaders of the Interior Alaska villages have passed numerous resolutions at TCC's Annual Convention focusing on the need to provide safety to residents of rural Alaska. Unfortunately women and other victims of domestic violence who reside in Alaska's rural communities have nowhere near the access to the protection and services afforded other Alaskan citizens who reside in the state's more metropolitan areas. Many victims of domestic violence living in the remote villages of the Interior rely on local safe homes which have been established through federal funding obtained by their tribal governments under the Family Violence Prevention and Services Act. Local individuals who work with their tribal government to provide a safe place for victims of domestic violence do so with the knowledge that they have little or no back-up from state law enforcement and only limited support from its judicial system in the event that a perpetrator elects to violate the haven they provide to victims and children. SB 150 is a step in the right direction and at very least sends a strong message that the consequences for felonious acts perpetrated at a shelter or safe home can and should be based on what they really are- escalated acts of violence which can result in harsher penalties.

YUKON FLATS
Arctic Village
Beaver
Birch Creek
Canyon Village
Chalkyitsik
Circle
Fort Yukon
Venette

For justice and the protection of victims of domestic violence, their children and the shelter staff and courageous rural residents who open their hearts and homes to provide safe havens throughout the state, the Tanana Chiefs Conferences strongly supports SB 150.

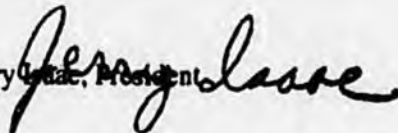
YUKON
KONROUK
Galena
Huslia
Kallag
Koyukuk
Nulato
Ruby

Sincerely,

YUKON TANANA
Aiala
Alikakof
Evanville
Fairbanks
Hughes
Lake
Minchumina
Monty Hot
Springs
Minto
Nanana
Rampart
Stevens Village
Tanana

TANANA CHIEFS CONFERENCE

Jerry L. Lasse, President



SB

157



SENATOR FRED DYSON

MEMORANDUM

April 23, 2007

To: Senator Hollis French, Chair
Senate Judiciary Committee

From: Senator Fred Dyson 

RE: Hearing Request, SB 157 Human Trafficking

I respectfully request the scheduling of SB ¹⁵⁷ ~~157~~, "~~An Act Related to Liability for~~
~~Vandalism~~" at your earliest convenience. *ds*
Thank You.

Attachments: Sponsor Statement; Version of Bill requested for hearing; and, Sectional Analysis.



SENATOR FRED DYSON

SPONSOR STATEMENT
SB 157—*An Act relating to Prostitution.*

The "Trafficking in Persons Task Force" has asked me for changes in Alaska Statutes to help in prosecuting those who are victimizing women and children in our State. They estimate 20-50 women or children are being forced or enticed into prostituting themselves every day in Alaska's cities.

Updated 4/11/07



SENATOR FRED DYSON

Sectional Analysis SB 157 , Prostitution

updated 5-2-07

Section 1: Amends 11.66.100(a):

- Expands the definition of the crime of prostitution to include the buyer.

Section 2 and 3: Amends 11.66.110(a)&(b):

- Changes the law against promotion of prostitution (pimping) in the first degree to include prostitution of persons between 16 and 18 years of age (from 16).

Section 4: Amends AS 11.66.110(c):

- Raises penalty for promotion of prostitution in the First Degree from a Class B felony to a Class A felony.

Section 5: Amends AS 11.66.110(d):

- Makes the penalty for promotion of prostitution of a child an Unclassified crime

Section 6: Amends AS 11.66.120(b):

- Raises promotion of prostitution in the second degree from a Class C felony to a Class B felony.

Section 7 Amends AS 11.66.130:

- Includes prostitution of persons between 16 and 18 years of age (from 16).
- Raises penalty for promotion of prostitution in the third degree from a Class A Misdemeanor to a Class C Felony.

Section 8: Adds a new crime, AS 11.66.135, Promoting Prostitution in the Fourth Degree and makes it a Class A Misdemeanor:

Section 9: Adds a new section, AS 11.66.145 that requires forfeiture of property used for promotion of prostitution.

Section 10, 11 and 12: Adds the new Unclassified Crime of promoting prostitution of a child defined in Section 5 to lists of unclassified crimes in laws addressing sentencing guidelines.

Section 13: Specifies that this Act applies to crimes committed after this bill becomes law.

25-LS0759L
Luckhaupt
5/1/07

CS FOR SENATE BILL NO. 157()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DYSON, French, McGuire, Ellis, Bunde, Wagoner, Therriault, Elton, Wilken, Davis

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to prostitution."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 11.66.100(a) is amended to read:

4 (a) A person commits the crime of prostitution if the person
5 (1) engages in or agrees or offers to engage in sexual conduct in return
6 for a fee; or
7 (2) offers a fee in return for sexual conduct.

8 * Sec. 2. AS 11.66.110(a) is amended to read:

9 (a) A person commits the crime of promoting prostitution in the first degree if
10 the person
11 (1) induces or causes a person to engage in prostitution through the use
12 of force;
13 (2) as other than a patron of a prostitute, induces or causes a person
14 under 18 [16] years of age to engage in prostitution; or
15 (3) induces or causes a person in that person's legal custody to engage

1 in prostitution.

2 * **Sec. 3.** AS 11.66.110(b) is amended to read:

3 (b) In a prosecution under (a)(2) of this section, it is not a defense that the
4 defendant reasonably believed that the person induced or caused to engage in
5 prostitution was 18 [16] years of age or older.

6 * **Sec. 4.** AS 11.66.110(c) is amended to read:

7 (c) Except as provided in (d) of this section, promoting prostitution in the first
8 degree is a class A [B] felony.

9 * **Sec. 5.** AS 11.66.110(d) is amended to read:

10 (d) A person convicted under (a)(2) of this section is guilty of an unclassified
11 [A CLASS A] felony.

12 * **Sec. 6.** AS 11.66.120(b) is amended to read:

13 (b) Promoting prostitution in the second degree is a class B [C] felony.

14 * **Sec. 7.** AS 11.66.130 is amended to read:

15 **Sec. 11.66.130. Promoting prostitution in the third degree.** (a) A person
16 commits the crime of promoting prostitution in the third degree if, with intent to
17 promote prostitution, the person

18 (1) manages, supervises, controls, or owns, either alone or in
19 association with others, a place of prostitution;

20 (2) as other than a patron of a prostitute, induces or causes a person 18
21 [16] years of age or older to engage in prostitution;

22 (3) as other than a prostitute receiving compensation for personally
23 rendered prostitution services, receives or agrees to receive money or other property
24 pursuant to an agreement or understanding that the money or other property is derived
25 from prostitution; or

26 (4) engages in conduct that institutes, aids, or facilitates a prostitution
27 enterprise.

28 (b) Promoting prostitution in the third degree is a class C felony [A
29 MISDEMEANOR].

30 * **Sec. 8.** AS 11.66 is amended by adding a new section to read:

31 **Sec. 11.66.135. Promoting prostitution in the fourth degree.** (a) A person

1 commits the crime of promoting prostitution in the fourth degree if the person engages
2 in conduct that institutes, aids, or facilitates prostitution under circumstances not
3 proscribed under AS 11.66.130(a)(4).

4 (b) Promoting prostitution in the fourth degree is a class A misdemeanor.

5 * **Sec. 9.** AS 11.66 is amended by adding a new section to read:

6 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or
7 received or derived from, a violation of AS 11.66.110 - 11.66.135 shall be forfeited.

8 * **Sec. 10.** AS 11.81.250(a) is amended to read:

9 (a) For purposes of sentencing under AS 12.55, all offenses defined in this
10 title, except murder in the first and second degree, attempted murder in the first
11 degree, solicitation to commit murder in the first degree, conspiracy to commit murder
12 in the first degree, murder of an unborn child, sexual assault in the first degree, sexual
13 abuse of a minor in the first degree, misconduct involving a controlled substance in the
14 first degree, promoting prostitution in the first degree under AS 11.66.110(a)(2),
15 and kidnapping, are classified on the basis of their seriousness, according to the type
16 of injury characteristically caused or risked by commission of the offense and the
17 culpability of the offender. Except for murder in the first and second degree, attempted
18 murder in the first degree, solicitation to commit murder in the first degree, conspiracy
19 to commit murder in the first degree, murder of an unborn child, sexual assault in the
20 first degree, sexual abuse of a minor in the first degree, misconduct involving a
21 controlled substance in the first degree, promoting prostitution in the first degree
22 under AS 11.66.110(a)(2), and kidnapping, the offenses in this title are classified into
23 the following categories:

24 (1) class A felonies, which characteristically involve conduct resulting
25 in serious physical injury or a substantial risk of serious physical injury to a person;

26 (2) class B felonies, which characteristically involve conduct resulting
27 in less severe violence against a person than class A felonies, aggravated offenses
28 against property interests, or aggravated offenses against public administration or
29 order;

30 (3) class C felonies, which characteristically involve conduct serious
31 enough to deserve felony classification but not serious enough to be classified as A or

1 B felonies;

2 (4) class A misdemeanors, which characteristically involve less severe
3 violence against a person, less serious offenses against property interests, less serious
4 offenses against public administration or order, or less serious offenses against public
5 health and decency than felonies;

6 (5) class B misdemeanors, which characteristically involve a minor
7 risk of physical injury to a person, minor offenses against property interests, minor
8 offenses against public administration or order, or minor offenses against public health
9 and decency;

10 (6) violations, which characteristically involve conduct inappropriate
11 to an orderly society but which do not denote criminality in their commission.

12 * Sec. 11. AS 12.55.035(b) is amended to read:

13 (b) Except as provided in AS 12.55.036, upon conviction of an offense, a
14 defendant who is not an organization may be sentenced to pay, unless otherwise
15 specified in the provision of law defining the offense, a fine of no more than

16 (1) \$500,000 for murder in the first or second degree, attempted
17 murder in the first degree, murder of an unborn child, sexual assault in the first degree,
18 sexual abuse of a minor in the first degree, kidnapping, promoting prostitution in the
19 first degree under AS 11.66.110(a)(2), or misconduct involving a controlled
20 substance in the first degree;

21 (2) \$250,000 for a class A felony;

22 (3) \$100,000 for a class B felony;

23 (4) \$50,000 for a class C felony;

24 (5) \$10,000 for a class A misdemeanor;

25 (6) \$2,000 for a class B misdemeanor;

26 (7) \$500 for a violation.

27 * Sec. 12. AS 12.55.125(i) is amended to read:

28 (i) A defendant convicted of

29 (1) sexual assault in the first degree, [OR] sexual abuse of a minor in
30 the first degree, or promoting prostitution in the first degree under
31 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more

1 than 99 years and shall be sentenced to a definite term within the following
2 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

3 (A) if the offense is a first felony conviction, the offense does
4 not involve circumstances described in (B) of this paragraph, and the victim
5 was

6 (i) less than 13 years of age, 25 to 35 years;

7 (ii) 13 years of age or older, 20 to 30 years;

8 (B) if the offense is a first felony conviction and the defendant
9 possessed a firearm, used a dangerous instrument, or caused serious physical
10 injury during the commission of the offense, 25 to 35 years;

11 (C) if the offense is a second felony conviction and does not
12 involve circumstances described in (D) of this paragraph, 30 to 40 years;

13 (D) if the offense is a second felony conviction and the
14 defendant has a prior conviction for a sexual felony, 35 to 45 years;

15 (E) if the offense is a third felony conviction and the defendant
16 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
17 to 60 years;

18 (F) if the offense is a third felony conviction, the defendant is
19 not subject to sentencing under (I) of this section, and the defendant has two
20 prior convictions for sexual felonies, 99 years;

21 (2) attempt, conspiracy, or solicitation to commit sexual assault in the
22 first degree, [OR] sexual abuse of a minor in the first degree, or promoting
23 prostitution in the first degree under AS 11.66.110(a)(2) may be sentenced to a
24 definite term of imprisonment of not more than 99 years and shall be sentenced to a
25 definite term within the following presumptive ranges, subject to adjustment as
26 provided in AS 12.55.155 - 12.55.175:

27 (A) if the offense is a first felony conviction, the offense does
28 not involve circumstances described in (B) of this paragraph, and the victim
29 was

30 (i) under 13 years of age, 20 to 30 years;

31 (ii) 13 years of age or older, 15 to 30 years;

1 (B) if the offense is a first felony conviction and the defendant
2 possessed a firearm, used a dangerous instrument, or caused serious physical
3 injury during the commission of the offense, 25 to 35 years;

4 (C) if the offense is a second felony conviction and does not
5 involve circumstances described in (D) of this paragraph, 25 to 35 years;

6 (D) if the offense is a second felony conviction and the
7 defendant has a prior conviction for a sexual felony, 30 to 40 years;

8 (E) if the offense is a third felony conviction, the offense does
9 not involve circumstances described in (F) of this paragraph, and the defendant
10 is not subject to sentencing under (I) of this section, 35 to 50 years;

11 (F) if the offense is a third felony conviction, the defendant is
12 not subject to sentencing under (I) of this section, and the defendant has two
13 prior convictions for sexual felonies, 99 years;

14 (3) sexual assault in the second degree, sexual abuse of a minor in the
15 second degree, unlawful exploitation of a minor, or distribution of child pornography
16 may be sentenced to a definite term of imprisonment of not more than 99 years and
17 shall be sentenced to a definite term within the following presumptive ranges, subject
18 to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (A) if the offense is a first felony conviction, five to 15 years;

20 (B) if the offense is a second felony conviction and does not
21 involve circumstances described in (C) of this paragraph, 10 to 25 years;

22 (C) if the offense is a second felony conviction and the
23 defendant has a prior conviction for a sexual felony, 15 to 30 years;

24 (D) if the offense is a third felony conviction and does not
25 involve circumstances described in (E) of this paragraph, 20 to 35 years;

26 (E) if the offense is a third felony conviction and the defendant
27 has two prior convictions for sexual felonies, 99 years;

28 (4) sexual assault in the third degree, incest, indecent exposure in the
29 first degree, possession of child pornography, or attempt, conspiracy, or solicitation to
30 commit sexual assault in the second degree, sexual abuse of a minor in the second
31 degree, unlawful exploitation of a minor, or distribution of child pornography, may be

1 sentenced to a definite term of imprisonment of not more than 99 years and shall be
2 sentenced to a definite term within the following presumptive ranges, subject to
3 adjustment as provided in AS 12.55.155 - 12.55.175:

4 (A) if the offense is a first felony conviction, two to 12 years;

5 (B) if the offense is a second felony conviction and does not
6 involve circumstances described in (C) of this paragraph, eight to 15 years;

7 (C) if the offense is a second felony conviction and the
8 defendant has a prior conviction for a sexual felony, 12 to 20 years;

9 (D) if the offense is a third felony conviction and does not
10 involve circumstances described in (E) of this paragraph, 15 to 25 years;

11 (E) if offense is a third felony conviction and the defendant
12 has two prior convictions for sexual felonies, 99 years.

13 * Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **APPLICABILITY.** This Act applies to offenses committed on or after the effective
16 date of this Act.

SB

164

CS FOR SENATE BILL NO. 164(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR MCGUIRE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disclosures required for the sale of a used motor vehicle, including a**
2 **trailer, by a motor vehicle dealer."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 45.25.465(c) is repealed.**

5 *** Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to**
6 **read:**

7 **RETROACTIVE APPLICATION. (a) To the extent allowed by law, and except as**
8 **provided by (b) of this section, sec. 1 of this Act applies to the sale by a motor vehicle dealer**
9 **of a used motor vehicle or a current model used motor vehicle that occurred on or after**
10 **October 24, 2004, and is retrospective under AS 01.10.090 to that extent.**

11 **(b) Retroactivity under (a) of this section does not apply to the sale by a motor vehicle**
12 **dealer of a used motor vehicle or a current model used motor vehicle if the sale is or has been**
13 **the subject of a court action, including an appeal, based on AS 45.25.465(c), as repealed by**
14 **sec. 1 of this Act, and the court action is pending on, or was completed before, January 1,**

1 2008.

2 (c) In this section,

3 (1) "motor vehicle" has the meaning given in AS 45.25.590;

4 (2) "motor vehicle dealer" has the meaning given in AS 45.25.990;

5 (3) "sale" has the meaning given in AS 45.25.990;

6 (4) "used motor vehicle" has the meaning given in AS 45.25.990.

25-LS0867E

Bannister

3/10/08

CS FOR SENATE BILL NO. 164()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SFSSION

BY**Offered:****Referred:****Sponsor(s): SENATOR MCGUIRE****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to disclosures required for the sale of a used motor vehicle, including a**
2 **trailer, by a motor vehicle dealer."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 45.25.465(c) is repealed.

5 *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **RETROACTIVE APPLICATION.** (a) To the extent allowed by law, and except as
8 provided by (b) of this section, sec. 1 of this Act applies to the sale by a motor vehicle dealer
9 of a used motor vehicle or a current model used motor vehicle that occurred on or after
10 October 24, 2004, and is retrospective under AS 01.10.090 to that extent.

11 (b) Retroactivity under (a) of this section does not apply to the sale by a motor vehicle
12 dealer of a used motor vehicle or a current model used motor vehicle if the sale is or has been
13 the subject of a court action, including an appeal, based on AS 45.25.465(c), as repealed by
14 sec. 1 of this Act, and the court action is pending on, or was completed before, January 1,

1 2008.

2 (c) In this section,

3 (1) "motor vehicle" has the meaning given in AS 45.25.590;

4 (2) "motor vehicle dealer" has the meaning given in AS 45.25.990;

5 (3) "sale" has the meaning given in AS 45.25.990;

6 (4) "used motor vehicle" has the meaning given in AS 45.25.990.

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Chair
Senate State Affairs
Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESIL MCGUIRE

MEMORANDUM

To: Senator Hollis French
Chair, Senate Judiciary Committee

From: Senator Lesil McGuire

Date: February 14, 2008

Re: Request for hearing, SB 164 – *Used Motor Vehicle Sales*

I respectfully request that SB 164 – *Used Motor Vehicle Sales* be scheduled for a hearing at your earliest convenience. Attached you will find the most current version of the resolution, the sponsor statement, and background information.

If you have any questions or concerns please feel free to contact me personally, or my staff, Trevor Fulton at x3579. Thank you for your time and consideration.

ALASKA STATE LEGISLATURE

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Chair
Senate State Affairs
Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESIL MCGUIRE

SPONSOR STATEMENT

SB 164 – Used Motor Vehicle Sales

SB 164 repeals part of the Automobile Dealer Act of 2004 and removes language that is no longer of any benefit to consumers, dealerships, or the state.

SB 164 repeals subsection (c) of AS 45.25.465, which requires that all used vehicles for sale by a dealer are posted with a notice that the vehicle:

- (1) is not subject to Alaska's "lemon law"
- (2) is not covered under a manufacturers warranty
- (3) was not manufactured for sale in Canada or another foreign country.

While subsection (c) was enrolled with good intentions, it has since become obsolete. This provision was added to Alaska law in 2004 in response to an influx of Canadian vehicles that, while technically used, were being sold as new. The market has since corrected itself and vehicles manufactured for sale in Canada are no longer being sold in Alaska as new vehicles.

The provisions of subsection (c) now provide no additional consumer protection in that:

- (1) Alaska's "lemon law" applies only to new vehicles
- (2) the Federal Trade Commission already requires dealers to disclose that the vehicle is not covered under a manufacturers warranty
- (3) AS 45.25.470 already requires dealers to "disclose in writing whether a motor vehicle was originally manufactured for sale in Canada or another foreign country."

One unintended consequence of subsection (c) is that it may be leaving auto dealers exposed to law suites that were never the intent of the Automobile Dealer Act of 2004. Not posting the information outlined in subsection (c) amounts to an unfair trade practice and allows for law suites that demand treble damages and reimbursement of full legal costs, even though consumers have not suffered any actual harm or damages.

While one might argue that you can never have too much consumer protection, when the state starts unnecessarily burdening Alaskan businesses while providing no additional consumer protection, it is time to reevaluate. We have reevaluated Subsection (c) and found that it no longer provides the consumer protections it once did and now merely places unnecessary requirements on auto dealers. For these reasons we urge you to support SB 164.

STATE OF ALASKA

SARAH PALIN, GOVERNOR

**DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL**

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-3903
PHONE: (907)269-5100
FAX: (907)276-8554

February 19, 2008

Senator Lesil McGuire
State Capitol, Room 125
Juneau, AK 99801-1182

Re: SB 164 re Sale of Used Motor Vehicles

Dear Senator McGuire:

Thank you for sponsoring SB 164. As you know, this bill will repeal AS 45.25.465(c), a provision of the Automobile Dealer Act that requires used motor vehicle dealers to post a written disclosure in the window of every used vehicle that: (1) Alaska's "lemon law" does not apply, (2) the manufacturer's warranty may not apply, and (3) whether the vehicle was originally manufactured for sale in Canada or another foreign country. These provisions were added to Alaska law in 2004 to address a common practice at the time (which does not appear to be continuing today) involving the sale of "current model" used vehicles.

A "current model" used vehicle is a vehicle still within the manufacturer's current model year (i.e. still manufactured and offered for sale), but has been previously sold so that it is considered "used." Typically, these vehicles were purchased from dealers in Canada to take advantage of favorable exchange rates, then brought to Alaska with very low miles (sometimes 10 or less) and sold as "new." Because the vehicle had been sold once, it is no longer considered a new vehicle. This, in turn, excludes application of Alaska's lemon law, which only applies to new vehicles. In addition, some manufacturers would not honor warranties on vehicles manufactured for sale in Canada that were titled in Alaska.

Because these vehicles had all the earmarks of a new vehicle, consumers were sometimes misled about the vehicle, buying what appeared to be a new vehicle when in fact it was used. Thus, the disclosure requirements of AS 45.25.465(c) were added to the statute in 2004 to protect consumers from this practice. Unfortunately, there appears to have been a drafting error when the statute was finalized. Instead of applying these requirements only to "current model" vehicles, the statute was passed with the language "used motor vehicle or current model vehicle." As the primary drafter of the statute, it was not the intent to require application of these disclosure requirements to all used vehicle sales.

In 2006, another statute was amended that addressed the sale of "current model" vehicles. AS 08.66.015 was amended to remove reference to the sale of current model vehicles. Instead, in order to sell a motor vehicle as "new," the vehicle must have a certificate of origin (which is lost upon first sale), and the dealer must have a franchise agreement with the manufacturer. The effect of this amendment was to treat all used vehicles the same, regardless of whether the vehicle happens to be a current model year vehicle.

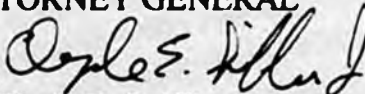
Considering amendments to AS 08.66.015, we considered two potential "fixes" to address the over-broad requirements of AS 45.25.465(c). The first was to simply remove language in the statute that applies the disclosure requirement to all used vehicles, making the statute only applicable to "current model" vehicles. With the amendment of AS 08.66.015, however, this was problematic because all reference to current model vehicles was removed from the law. Thus, we would need to develop a definition of "current model vehicle" if this language were to remain.

The second approach, and the one adopted by SB 164, is to simply repeal this section. This makes sense for several reasons. First, the disclosure concerning the applicability of the manufacturer's warranty has been addressed by most manufacturers. We understand from the Automobile Dealer's Association that major manufacturers are honoring warranties on vehicles manufactured for sale in Canada. Second, the disclosure relating to vehicles manufactured for sale in Canada is already required by AS 45.25.470, so this disclosure is duplicative. Third, manufacturers have taken action to prohibit Canadian auto dealers from selling vehicles that are intended for resale in the United States. Finally, with the removal of the "current model" language of AS 08.66.015, it would add unnecessary requirements on auto dealers that will not add significant consumer protections.

The Department of Law supports this repeal, and is available to answer questions as this bill moves through the legislative process.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: 
Clyde E. Sniffen, Jr.

Senior Assistant Attorney General

CES/ljt

cc: Russ Kelly
Mike Ford
Deborah Behr

AS 45.25.465. Sales of Used Motor Vehicles; Required Disclosures.

(a) Before the sale of a used motor vehicle, a motor vehicle dealer shall,

(1) when obtaining a used motor vehicle from an individual consumer, make a reasonable inquiry of the seller into the condition of the vehicle, including the accident and repair history of the vehicle; the information shall be recorded in writing and verified by the seller; the dealer shall provide this information to a prospective purchaser of the vehicle;

(2) when a motor vehicle dealer obtains a used motor vehicle from another motor vehicle dealer, a wholesaler, or an auction, disclose to a prospective purchaser of the vehicle that the vehicle was purchased from another dealer, a wholesaler, or an auction.

(b) Nothing in this section creates an express warranty by the dealer.

(c) When a motor vehicle dealer sells a used motor vehicle or a current model used motor vehicle, the motor vehicle dealer shall disclose to the buyer in writing in a manner that is clear and conspicuous and posted in the window of the vehicle

(1) that the warranty provisions of AS 45.45.300 - 45.45.360 do not apply to the purchase of the motor vehicle;

(2) that, if applicable, the vehicle is not subject to a manufacturer's warranty; and

(3) that, if applicable, the vehicle was originally manufactured for sale in Canada or another foreign country.

YEAR _____ MAKE _____ MODEL _____
VIN _____ MILEAGE _____

NOTICE TO CONSUMER. This vehicle was previously owned. Consequently, the provisions of AS 45.45.300 through 45.45.360 (commonly referred to as the Alaska "lemon law") do not apply to the purchase of this vehicle. In addition, **This vehicle is is not subject to a manufacturer's warranty.** **This vehicle was was not manufactured for sale in Canada or another foreign country.**

*The purchase price is for the vehicle only. Price listed does not include licensing fee (subject to plate expiration) or finance charges. Optional products such as gap waivers and extended service contracts can be added for an additional charge.

BUYERS GUIDE

IMPORTANT: Spoken promises are difficult to enforce. Ask the dealer to put all promises in writing. Keep this form.

VEHICLE MAKE _____ MODEL _____ YEAR _____ VIN NUMBER _____

DEALER STOCK NUMBER (optional) _____

WARRANTIES FOR THIS VEHICLE:

AS IS - NO WARRANTY

YOU WILL PAY ALL COSTS FOR ANY REPAIRS. The dealer assumes no responsibility for any repairs regardless of any oral statements about this vehicle.

WARRANTY

FULL **LIMITED WARRANTY.** The dealer will pay _____% of the labor and _____% of the parts for the covered systems that fall during the warranty period. Ask the dealer for a copy of the warranty document for a full explanation of warranty coverage, exclusions, and the dealer's repair obligations. Under state law, "implied warranties" may give you even more rights.

SYSTEMS COVERED:

DURATION:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SERVICE CONTRACT. A service contract is available at an extra charge on this vehicle. Ask for details as to coverage, deductible, price, and exclusions. If you buy a service contract within 90 days of the time of sale, state law "implied warranties" may give you additional rights.

PRE PURCHASE INSPECTION: ASK THE DEALER IF YOU MAY HAVE THIS VEHICLE INSPECTED BY YOUR MECHANIC EITHER ON OR OFF THE LOT.

SEE THE BACK OF THIS FORM for important additional information, including a list of some major defects that may occur in used motor vehicles.

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Frame & Body

Frame-cracks, corrective welds, or rusted through
Dogtracks—bent or twisted frame

Engine

Oil leakage, excluding normal seepage
Cracked block or head
Belts missing or inoperable
Knocks or misses related to camshaft lifters and
push rods
Abnormal exhaust discharge

Transmission & Drive Shaft

Improper fluid level or leakage, excluding normal
seepage
Cracked or damaged case which is visible
Abnormal noise or vibration caused by faulty
transmission or drive shaft
Improper shifting or functioning in any gear
Manual clutch slips or clatters

Differential

Improper fluid level or leakage, excluding normal
seepage
Cracked or damaged housing which is visible
Abnormal noise or vibration caused by faulty
differential

Cooling System

Leakage including radiator
Improperly functioning water pump

Electrical System

Battery leakage
Improperly functioning alternator, generator,
battery, or starter

Fuel System

Visible leakage

Inoperable Accessories

Gauges or warning devices
Air conditioner
Heater & Defroster

Brake System

Failure warning light broken
Pedal not firm under pressure (DOT spec.)
Not enough pedal reserve (DOT spec.)
Does not stop vehicle in straight (DOT spec.)
Hoses damaged
Drum or rotor too thin (Mfg. spec.)
Lining or pad thickness less than 1/32 inch
Power unit not operating or leaking
Structural or mechanical parts damaged

Steering System

Too much free play at steering wheel (DOT specs.)
Free play in linkage more than 1/4 inch
Steering gear binds or jams
Front wheels aligned improperly (DOT specs.)
Power unit belts cracked or slipping
Power unit fluid level improper

Suspension System

Ball joint seals damaged
Structural parts bent or damaged
Stabilizer bar disconnected
Spring broken
Shock absorber mounting loose
Rubber bushings damaged or missing
Radius rod damaged or missing
Shock absorber leaking or functioning improperly

Tires

Tread depth less than 2/32 inch
Sizes mismatched
Visible damage

Wheels

Visible cracks, damage or repairs
Mounting bolts loose or missing

Exhaust System

Leakage

DEALER

ADDRESS

SEE FOR COMPLAINTS

IMPORTANT: The information on this form is part of any contract to buy this vehicle. Removal of this label before consumer purchase (except for purpose of test-driving) is a violation of federal law (16 C.F.R. 455).

I HAVE READ AND ACKNOWLEDGED RECEIPT OF A COPY OF THIS BUYER'S GUIDE.

AS 45.25.470 Sales of vehicles manufactured for sale in a foreign country

Before sale, a motor vehicle dealer shall disclose in writing whether a motor vehicle was originally manufactured for sale in Canada or another foreign country.

AS 08.66.015 Sale of motor vehicle (Pre-2006)

(a) A person who does business as a dealer in the state may not offer to sell or sell a motor vehicle as a new or current model motor vehicle unless the motor vehicle retains the manufacturer's certificate of origin.

(b) A person who does business as a dealer in the state may not offer to sell or sell a motor vehicle as a new or current model motor vehicle having a manufacturer's warranty unless

(1) the dealer has a current sales and service agreement with the manufacturer and the agreement requires the dealer, upon demand of the motor vehicle buyer, to perform or arrange for, within a reasonable distance of the dealer's place of business in the state, the repair and replacement work required of the manufacturer under the warranty; or

(2) the dealer offers to give the buyer a rebate to cover the repair and replacement work that the dealer cannot perform or arrange for within a reasonable distance of the dealer's place of business.

AS 08.66.015 Sale of motor vehicle (Current Law)

(a) A person who does business as a dealer in the state may not offer to sell or sell a motor vehicle as a new motor vehicle unless

(1) the motor vehicle retains the manufacturer's certificate of origin; and

(2) the dealer has a current sales and service agreement with the manufacturer of the motor vehicle for sales in this state.