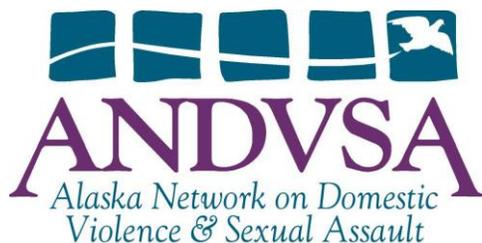


Main Office
130 Seward St #209
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org



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

Legislative Wrap-up 2012

During the 27th Legislature, a total of 597 bills, 60 joint resolutions, 82 concurrent resolutions, and 15 resolutions were introduced. Of these, 115 bills, 15 joint resolutions, 49 concurrent resolutions, and 14 resolutions were passed by both bodies and transmitted to the Governor. The following is a list of bills and resolutions that the policy program tracked during the second regular session. For information about the first session of the 27th Legislature tracked bills, please visit the policy page of our website. For more information about any of these bills or the hundreds of other bills that didn't become law this session, visit the Alaska State Legislative Website at: www.legis.state.ak.us.

Budget Items

HB 284 - Operating Budget

The Operating Budget included several components to provide various departments with monies to support their domestic violence and sexual assault programs and policy development. These components are listed below by department.

➤ COUNCIL ON DOMESTIC VIOLENCE & SEXUAL ASSAULT

| | |
|--|-----------|
| Victim Service Programs Increment | \$475,500 |
| Expanded Community-Level DVSA Prevention | \$250,000 |
| DVSA Batterer Intervention Program Data Collection | \$ 50,000 |
| Planning and Coordination - DVSA Initiative | \$ 55,000 |
| Batterer Intervention Program | \$200,000 |

➤ GOVERNOR'S OFFICE

The Operating Budget provides continued funding of the \$3,000,000 DVSA Initiative via RSA's from the Governor's Office. These funds are continued as a one-time appropriation.

| | |
|---|------------|
| DVSA Victimization Study and Evaluation | \$ 400,000 |
| DVSA Universal Public Education Marketing Campaign | \$ 450,000 |
| Domestic Violence and Sexual Assault (DVSA) Pro Bono Attorney | \$ 60,000 |

| | |
|--|--------------|
| Trauma Informed Training | \$ 200,000 |
| Multidisciplinary Rural Community Pilot Project | \$ 1,400,000 |
| Family Wellness Warriors Initiative | \$ 200,000 |
| Pilot PACE Program in Fairbanks | \$ 200,000 |
| Support/Planning SA Coordinator’s Office – Governor’s Office | \$ 50,000 |
| Future Provider Workforce Development/Training | \$ 40,000 |

New intent language was added that reads as follows:

It is the intent of the legislature that the Office of the Governor deliver a report on the results of the domestic violence and sexual assault initiative through December 31, 2012, along with effectiveness and efficiency performance measures that are developed with a numerator and denominator format, to the legislature by February 18, 2013.

➤ **MENTAL HEALTH TRUST AUTHORITY INCREMENTS**

| | |
|---|-----------|
| Trauma Informed Care | \$360,000 |
| Early Childhood Screen/Brief Behavioral Services | \$360,000 |
| DVSA Strategic Telehealth Capacity Expansion | \$ 90,000 |
| ABADA/AMHB School Based Suicide Prevention | \$450,000 |
| AK Safety Planning & Empowerment Network (ASPEN) | \$150,000 |
| Substance Abuse Treatment for Unresourced Individuals | \$405,000 |

New intent language was added that reads as follows:

It is the intent of the legislature that the Mental Health Trust Authority (the Trust) provide the legislature with specific information regarding the planned duration of any new program it proposes to create with Mental Health Trust Authority Authorized Receipts (MHTAAR), General Fund / Mental Health (GF/MH), or any mix of proposed funding. The Trust shall also inform the legislature of the projected outcomes of each newly created program as well as the measures that the Trust will use to evaluate those outcomes. Further, the Trust shall inform the legislature as to how long it plans to support newly created programs with MHTAAR and whether or not there may need to be ongoing or new GF/MH funding to sustain it.

SB 160 - CAPITAL BUDGET

➤ **ALASKA HOUSING FINANCE CORPORATION (AHFC) INCREMENT**

The Capital Budget contains \$1,328,400 in funding to AHFC for the purposes of establishing a housing voucher set aside program for victims of domestic violence and sexual assault. This money will be combined with \$1,000,000 in federal funds to provide housing assistance payments for approximately

250 individuals and families. The Network has been working closely with AHFC to design this new program.

➤ **ALCOHOL TREATMENT AND PREVENTION FUND**

The Capital Budget contained a general fund appropriation to DHSS in an amount equal to 50 percent of the revenue collected during the fiscal year ending June 30, 2011, from the Alcoholic Beverage Tax, not to exceed \$19,300,400, to be used for behavioral health grants to provide for substance abuse treatment and prevention for fiscal years 2013 through 2015.

- The Governor exercised his line item veto authority, reducing the amount of the appropriation to \$9,000,000 for FY 2013 through 2015.

SPECIAL SESSION PASSED LEGISLATION

HB 359 – SEX CRIMES AND VIDEOTAPED TESTIMONY

Sponsor: Rules by Request of the Governor

This legislation adds the crimes of human trafficking and sex trafficking to the conspiracy laws; amends the law prohibiting the distribution of indecent materials to minors to conform with a recent appellate court decision; changes the terminology for the crime of “promoting prostitution” to “sex trafficking”; increases the penalty for being a patron of a prostitute if the prostitute is under 18 years of age; allows for the forfeiture of property in prostitution cases; allows the court to use contemporaneous two-way video conference testimony under special, limited circumstances. This legislation was amended by Senator Wielechowski, on the Senate Floor, to expand the crime of human trafficking to remove the requirement that someone compels or induces someone to “come to the state” to engage in sexual conduct, forced labor or adult entertainment. This very important amendment now makes it a crime to compel or induce another to travel intrastate (i.e. from rural to Anchorage, etc.) as well as across state lines to engage in prohibited conduct.

SUBMITTED LETTER OF SUPPORT AND TESTIFIED IN FAVOR

REGULAR SESSION - PASSED LEGISLATION

SB 135 – VICTIM’S RIGHTS/CONTINUANCES IN CRIMINAL TRIALS

Senate Sponsor(s): FRENCH, Dyson, Wielechowski, Coghill, Olson, Kookesh, Giessel, Meyer, Ellis, Menard, Paskvan, Egan, McGuire, Stedman, Thomas, Stevens

House Cross-Sponsor(s): Petersen, Tuck, Pruitt, Johnson, Kerttula, Gardner, Millett, P. Wilson

This bill requires, upon the request of the victim, the prosecution to inform the victim of any request for a continuance that would substantially delay a trial. The prosecution is further required to inquire about

the effect that the continuance will have on the victim and convey that to the court. The court is then required to consider the impact of a continuance on the victim in prior to ruling on any motion to continue. The bill, as amended in House Finance, also requires that a person seeking representation by the public defender's office, certify under oath and in writing, subject to the pains and penalties of perjury, material factors relative to the person's financial resources.

SUBMITTED LETTER OF SUPPORT AND PROVIDED TESTIMONY ON ORIGINAL BILL

SB 210 – CRIMES AGAINST CHILDREN

Senate Sponsor(s): MCGUIRE, French, Dyson, Ellis, Wielechowski, Davis, Olson, Giessel, Huggins, Meyer, Menard, Egan, Thomas, Stedman, Hoffman, Wagoner, Stevens

House Cross-Sponsor(s): Lynn, Kawasaki, Tuck, Millett, Petersen, Pruitt, Johnson, Gardner, P. Wilson

This bill amends the crime of assault in the third degree against children to increase the age from 10 to 12; amends the crime of endangering the welfare of a child to include recklessly failing to provide adequate food or liquids to a child, causing protracted impairment of the child's health; and amending the definition of "serious physical injury" as it applies to children to now include: physical injury to a person under 16 years of age that causes (i) serious disfigurement; (ii) impairment of health by extensive bruising or other injury, that would cause a reasonable person to seek medical attention for the child from a health care professional in the form of medical diagnosis or treatment; (iii) loss or impairment of the function of a body member or organ; or (iv) serious impediment of blood circulation or breathing; and providing for an immediate effective date.

This bill also establishes a Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking within the Department of Law. The Attorney General or designee shall serve as chair, with other representatives of the Department of Law, the Department of Public Safety, and the Department of Health and Social Services and two members, appointed by the governor, representing nongovernmental health and social services organizations that provide services to victims of human trafficking, promoting prostitution, and sex trafficking. The task force shall examine the prevalence of the crimes of human trafficking in the state and the services that are available to victims of human trafficking and submit a report to the Legislature by January 15, 2013.

HCR 28 – PROCLAIMING APRIL 2012 AS SEXUAL ASSAULT AWARENESS MONTH

Sponsor: House Community and Regional Affairs

Referrals: STA

This concurrent resolution proclaims April 2012 as Sexual Assault Awareness Month.

SB 86 – PROTECTION OF VULNERABLE ADULTS

Sponsor: Rules by Request of the Governor

This bill will protect older adults from financial exploitation by providing for the ability to obtain protective orders specifically to stop financial exploitation; expands the use of temporary

conservatorships; and creates a new aggravating factor at sentencing for offenses involving a victim 65 years or older.

SB 151 – FETAL ALCOHOL SPECTRUM DISORDER AS MITIGATOR

Senate Sponsor(s): MEYER, Hoffman, Dyson, Menard, Paskvan, Egan, Davis, Ellis, McGuire

House Cross-Sponsor(s): Kawasaki, Tuck, Kerttula

This bill provides a mitigating factor the court can apply during sentencing of a defendant who commits an offense, other than an offense against a person or arson, while suffering from a condition diagnosed as a Fetal Alcohol Spectrum Disorder, that substantially impaired the defendant’s judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life. “Fetal Alcohol Spectrum Disorder” is defined as a “condition of impaired brain function in the range of permanent birth defects cause by maternal consumption of alcohol during pregnancy.”

HB 125 – ALCOHOL BEVERAGE CONTROL BOARD

By Request: Legislative Budget and Audit

This legislation moves the Alcohol Beverage Control Board from the Department of Public Safety to the Department of Commerce, Community and Economic Development. HB 125 does not restrict or change the enforcement responsibilities of the Board or the Department of Public Safety.

HB 255 – READING OR TYPING WHILE DRIVING

Sponsor(s): GARA, THOMAS, GATTO, P. WILSON, GRUENBERG, TUCK, Costello, Gardner, Holmes, Petersen, Kerttula

This legislation makes it a crime to drive while texting or while operating a computer. A persons violates this law if the person is reading or typing a text message or other nonvoice message or communication on a cellular telephone, personal data assistant, computer, or any other similar means capable of providing a visual display that is in the view of the driver in a normal driving position while the vehicle is in motion and while the person is driving.

SB 74 – INSURANCE COVERAGE: AUTISM SPECTRUM DISORDER

Senate Sponsor(s): ELLIS, French, Wielechowski, Wagoner, Meyer, Menard, Paskvan, McGuire, Davis, Thomas, Olson, Egan, Kookesh

House Cross-Sponsor(s): Saddler, Austerman, Munoz, Tuck, Holmes, Gruenberg, Johansen, Costello, Kawasaki, Stoltze, Kerttula, Miller, Edgmon, Millett, Foster, Gardner, Feige, Doogan, Gara, Cissna, Petersen, Guttenberg, Herron, Seaton, P. Wilson, Thompson, Olson, Lynn, Dick, Hawker

This bill requires private insurance companies to cover autism spectrum in their plans. Excluded from this requirement are businesses with fewer than 20 employees. It also creates the Comprehensive Autism Early Diagnosis and Treatment Task Force for the purpose of making recommendations for the development of a statewide comprehensive plan to support early diagnosis and treatment of autism. The new mandate takes effect on January 1, 2013.

SB 82 – FOSTER CARE LICENSING/STATE CUSTODY

Senate Sponsor: DAVIS

House Cross-Sponsor(s): Gara, Kerttula, Gardner

This bill, known as the Alaska Foster Family Protection Act, modifies various provisions in Title 47, which prioritizes the needs of children in state custody. It provides for a new form of providing permanency for children in OCS custody when reunification with the child’s parents, adoption or guardianship is not a viable option. The new form of permanency is through “Another Planned Permanent Living Arrangement” (APPLA). The bill provides guidelines for both OCS and the court providing for when APPLA should be used to make sure the APPLA option is not chosen unnecessarily. Further, the bill creates a statutory presumption that siblings be placed in the same home when possible and when such a placement is in the siblings’ best interests. When the children cannot be in the same home, the bill requires an OCS supervisor to document in the file the efforts made and the reason for the separation. Finally, this bill allows that if a potential foster home cannot meet the building codes required to be a licensed foster home (typically in rural areas), a variance can be granted if the home is consistent with construction of other homes in the community and is otherwise a safe environment for the child.

SB 137 – SUICIDE PREVENTION TRAINING IN SCHOOLS

Senate Sponsor(s): DAVIS, Ellis, Dyson, Coghill, McGuire, Meyer, Stedman, Menard, Paskvan, Egan

House Cross-Sponsor(s): Fairclough, Guttenberg, Tuck, Gara, Johansen, Pruitt, Johnson, Kerttula, Gardner, Millett, P. Wilson

This new law requires the DEED to annually provide youth suicide awareness and prevention training approved by the Commissioner of Education to each teacher, administrator, counselor, and specialist who is employed by the district or department to provide services to students in grades seven through 12 in a public school in the state at no cost to the teacher, administrator, counselor, or specialist.

SB 130 – ALASKA NATIVE LANGUAGES COUNCIL

Senate Sponsor(s): OLSON, Kookesh, McGuire, Stedman, Davis, Egan, Ellis, Menard, Dyson, Meyer, Stevens, Wielechowski, Paskvan, Hoffman, Thomas

House Cross-Sponsor(s): Edgmon, Kerttula, Cissna, Kawasaki, Foster, Herron, Dick, Joule, Doogan, Munoz, Austerman, Guttenberg, Gara, Tuck, Millett

This bill establishes the Alaska Native Languages Council for the purpose of recommending the establishment or reorganization of programs to support the preservation, restoration, and revitalization of Alaska Native Languages. The Council consists of five voting members appointed by the governor, who are professional language experts; one senate member appointed by the senate president; one representative appointed by the speaker and one non-voting member of each body who is a member of the “bush caucus” which is defined as representing rural areas of the state.

LEGISLATION THAT DID NOT PASS

SB 62/HB299 – CIVIL LEGAL SERVICES FUND

Senate Sponsor(s): MCGUIRE, French, Paskvan, Wielechowski, Menard

House Sponsor(s): THOMPSON, Gara, Costello, Gruenberg, Kerttula, Munoz, Edgmon, Holmes. Keller

This bill would have provided a continual funding stream for Alaska Legal Services' Corporation (ALSC) to serve low-income Alaskans by providing for up to 25% of civil court fees be deposited into the Civil Legal Services fund. The Network's Pro Bono program works closely with ALSC to insure that victims seeking civil legal services receive assistance.

SUBMITTED LETTER OF SUPPORT

HB 76 – FEES AND COSTS RELATING TO STALKING AND SEXUAL ASSAULT PROTECTIVE ORDERS

Sponsor(s): HOLMES, Kerttula, Fairclough

This legislation would have allowed judges, in their discretion, to award fees and costs to sexual assault and stalking victims who seek protective orders for safety.

SUBMITTED LETTER OF SUPPORT AND PROVIDED TESTIMONY

SB 5 – DENALI KIDCARE

Sponsor: DAVIS, EGAN, ELLIS, FRENCH, WIELECHOWSKI, Thomas

This bill, as originally introduced, would have increased the income eligibility for Denali KidCare from 175% of the federal poverty level to 200% of the federal poverty level. That version failed to pass the Senate Floor on a vote of 10-10. After a referral back to Rules and further referral to the Senate HSS committee, a committee substitute was introduced that applied the increased coverage to only children under 13 years of age. It was never brought to the Senate Floor for a vote.

SUBMITTED LETTER OF SUPPORT

SB 8 – STUDENT QUESTIONNAIRES AND SURVEYS

Senate Sponsor(s): DAVIS

House Cross-Sponsor: P. Wilson

This bill would have changed the opt-in requirement for student participation in the Youth Risk Behavioral Survey (YRBS), sponsored in part by the CDC, to an opt-out requirement.

SUBMITTED LETTER OF SUPPORT

SB 53 – COMMISSION ON THE STATUS OF WOMEN

Senate Sponsor(s): DAVIS, Ellis, McGuire

House Cross-Sponsor(s): Petersen, Gruenberg, Tuck

This bill would have reestablished the Commission on the Status of Women. The Commission would have been established in the Office of the Governor, consisting of two members of the executive branch and seven public members appointed by the governor, who serve at the pleasure of the governor. The purpose of the commission is to improve the status of women in the state by conducting research and making recommendations on the opportunities, needs, problems and contributions of women in the state, including education, homemaking, civil and legal rights; and labor and employment.

SUBMITTED LETTER OF SUPPORT

SB 223/HB 364 – TAX CREDITS FOR EMERGENCY SHELTERS FOR THE HOMELESS AND DRUG DETOX FACILITIES

Sponsors: Senate and House Community and Regional Affairs Committees

This bill would have provided a corporate taxpayer with a tax credit of up to \$200,000 for cash contributions made to emergency shelters for the homeless and drug detox facilities for operating and/or capital expenses.

SUBMITTED LETTER OF SUPPORT

HB 278 – SEX OFFENDER PROBATION CONDITIONS

Sponsor(s): PETERSEN

This bill would have allowed as a condition of probation for a defendant convicted of certain sex offenses a prohibition against the defendant's residing at a residence where outdoor recreational equipment suitable for use by children under 16 years of age is located on the property.

HB 80 – SELF DEFENSE

House Sponsor(s): NEUMAN, FEIGE, LYNN, COSTELLO, Hawker, Chenault, Olson, Keller, T. Wilson, Stoltze, Thompson, Johnson, P. Wilson, Dick, Millett, Saddler,

Senate Cross-Sponsor(s): Giessel, Dyson, Huggins, Meyer, Menard, McGuire, Stevens, Stedman, Coghill, Olson, Wagoner, Wielechowski, Thomas

This bill would have expanded the exception to the current requirement that a person retreat, if it can be done safely, before using deadly force in the case of certain felony crimes, including some sexual assaults. This bill would have expanded the places where deadly force can be used in self-defense without the need to retreat to "in any place where the person has a right to be."

SB 134 – CHILD SUPPORT AWARDS

Senate Sponsor: KOOKESH

As originally proposed, this legislation would have moved the current Court Rule 90.3 which governs child support awards into statute. In addition, it would have changed the way of calculating child support from considering only the non-custodial parents income to a method that would have included both the noncustodial and custodial parent’s income. The Senate Judiciary Committee adopted a new CS that removed the new child support calculation. It moved out of the (S) JUD Committee, but it did not get a hearing in its next committee of referral (S) FIN.