

ACLU OF ALASKA PRIORITY ISSUES
26th LEGISLATURE, SECOND SESSION

HB 259, ADULT PUBLIC ASSISTANCE ELIGIBILITY – unconstitutionally conditions receipt of assistance upon alcohol/drug testing; proposed testing scheme is an impermissible search.

HB 298 / SB 222, SEX OFFENDER REGISTRATION & SENTENCING – restricts access to evidence in violation of state and federal constitutional rights to fair trial and effective representation; violates Alaska Supreme Court rule in *Doe v. State* prohibiting *ex post facto* retroactive registration; ignores Alaska policy regarding age of consent laws; eliminates mental state requirement for failure to register; House amendment would violate Fourth Amendment and unconstitutionally grant Attorney General right to issue subpoenas.

HB 174 / HB 316 / SB 110 / SB 241, POST-CONVICTION DNA TESTING; PRESERVATION OF EVIDENCE – amendments must ensure payment is not required for sample retrieval, no presumption against timeliness for testing, no restriction based on “acknowledgement of guilt” or failure to elect testing at trial.

HB 324 / SB 252, FAILURE TO APPEAR, RELEASE PROCEDURES – mandates denial of bail in violation of Article I, Section 11 of Alaska Constitution; improperly seeks to expand conditions of bail beyond ensuring appearance of accused and protecting public safety; creates felony “failure to appear” without mental state requirement; proposes increase in pre-bail hearing detention to 48 hours; and seeks to allow unconstitutional warrantless searches of pretrial defendants.

HB 347 / SB 278, LEAVE FOR MILITARY SPOUSES – grants 10 days’ leave without pay for Alaska families where a servicemember is on leave from a combat zone during a military conflict; pursuant to Alaska Supreme Court ruling in *AkCLU v. Alaska*, 122 P.3d 781 (2005), these Bills require minor amendment to read, where applicable, an “employee’s spouse or same-sex domestic partner.”

SB 190, BIOMETRIC INFORMATION FOR ID – seeks to enact protections for individuals’ personal biometric information; requires minor modification to ensure that the protections contemplated are fully realized (deletion of overly-broad exception for: “. . . background checks as permitted or required by state statute or federal statute or regulation”).

SB 202, HATE CRIMES – will protect individuals targeted for violence based on membership in disfavored classes; First Amendment requires prohibition on introduction of evidence of expression or association, unless specifically related to charged offense; “gender identity” must be included in the Bill.

Other Pending Legislation

HB 3, REQUIREMENTS FOR DRIVER'S LICENSE – threatens public safety by intrusion of federal immigration issues into state driver’s testing and identification functions.

HB 9, CAPITAL PUNISHMENT – introduces death penalty to Alaska, discriminatory impact on minority Alaskans.

HB 35 / SB 179, NOTICE & CONSENT FOR MINOR'S ABORTION – seeks to mandate governmental intrusion in family communications, threatens teen safety.

SB 68, RIGHT TO VOTE – enhances public safety by fully reintegrating former prisoners into community.