



HB 66 IS FULL OF PROVISIONS THAT HARM - NOT HELP-ALASKANS.

ABOUT HB 66

The Senate Judiciary Committee recently unveiled a version of House Bill 66 that combines multiple bills that the legislature has debated over the last two years. The things the bill is billed as addressing — the state’s overdose death crisis, gaps in Alaska’s civil commitment system that have led to harm, and trauma that criminal proceedings create for victims — are important. But the way this omnibus goes about it is severely misguided and will leave Alaskans worse off.

DRUG-INDUCED HOMICIDE

HB 66 won’t help lower drug overdose deaths because:

- **Increased penalties aren’t deterrents.** Research has shown time and again that the certainty or perception of being caught is a far more effective deterrent than the severity of punishment.
- **Limited law enforcement and public defender resources will be further depleted.** HB 66 will lead to more complex and costly prosecutions, expending precious state resources that could be used to focus on disrupting the supply at the source. It is also likely to further strain the Public Defender Agency’s resources, especially experienced attorneys who can handle complex felony cases.
- **Drug-induced homicide laws exacerbate the problem.** HB 66 is more likely to be used against people with substance misuse issues and people seeking help than high-level drug dealers and will deter people from calling for medical assistance. Eighty percent of people incarcerated in Alaska have a substance use disorder. This bill will make that problem worse.

What will help lower drug overdose deaths

- **Rapid investigation and mapping of overdoses — fatal or non-fatal.** This will help identify the most harmful dealers in our communities and to warn our communities about the circulation of dangerous drugs to reduce harm.
- **Disrupt supply from transnational criminal organizations.** While much of the disruption relies on federal agencies, Alaska’s law enforcement entities possess state-specific knowledge needed to conduct or assist effective investigations, especially given our unique geography and Anchorage’s status as a major cargo hub.
- **Reduce demand through prevention, access to high-quality treatment, and recovery support.** This aligns with goals and strategies in both Alaska’s Opioid Response report from 2021-22, and the Governor’s Advisory Council on Opioid Remediation recommendations for using opioid settlement funds. Legislative action or oversight can help ensure these goals are met.



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INVOLUNTARY COMMITMENT

Sections 40 and 42 establish a framework that would change involuntary commitments for Alaskans.

- Alaskans could be subject to an involuntary commitment period of two years.
- Alaskans could be prohibited from petitioning for early discharge prior to 180 days of an initial commitment order.
- Alaskans could be required to obtain court approval of a doctor's discharge decision.

Constitutional concerns

- Committing someone to a psychiatric facility against their will in this manner impermissibly curtails their liberty and violates constitutional rights to due process under both the United States and Alaska Constitutions.
- This provision will effectively warehouse mentally ill Alaskans.
- Long-term commitments will exacerbate Alaska's psychiatric facility capacity crisis. The changes proposed by Sections 40 and 42 will lead to an increased reliance on prisons to manage involuntary commitments.

HEARSAY IN GRAND JURIES

Section 46 would fundamentally change the grand jury process in Alaska. This provision would allow hearsay to be included in all grand jury proceedings, which are used to determine whether the state can prosecute a felony charge. Currently, there are some circumstances in which hearsay is accepted, for example, if a child is a witness or victim of a crime.

Constitutional concerns

Prohibiting hearsay from being included in a grand jury is an important safeguard against misguided prosecution. While it's important that Alaska reduce the trauma that people experience in the criminal legal system, this change rests on the idea that everybody who is brought before a grand jury is already guilty. If the state can present hearsay in essentially any case, they do not hear the firsthand witnesses, but instead receive only hearsay. A grand jury must exercise its function of ensuring the state has sufficient evidence to require a person to stand trial for a serious criminal charge.