

ALASKA STATE LEGISLATURE  
**SENATE RULES COMMITTEE**  
March 19, 2001  
11:38 a.m.

**MEMBERS PRESENT**

Senator Drue Pearce, Chair  
Senator John Cowdery, Vice Chair  
Senator Randy Phillips  
Senator Gene Therriault

**MEMBERS ABSENT**

Senator Johnny Ellis

**COMMITTEE CALENDAR**

SENATE BILL NO. 77

"An Act repealing the exception that applies to collection and payment of interest of \$150 or less on royalty or net profit share underpayments and overpayments; and providing for an effective date."

APPROVED FOR CALENDARING

SENATE BILL NO. 78

"An Act relating to municipal regulation of radio antennas."

APPROVED FOR CALENDARING

SENATE BILL NO. 99

"An Act relating to the DNA identification registration system."

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

SB 77 - See Resources minutes dated 2/21/01 and Finance report dated 3/13/01.

SB 78 - See Community and Regional Affairs minutes dated 3/7/01.

SB 99 - See Judiciary minutes dated 2/28/01 and Finance report dated 3/14/01.

**WITNESS REGISTER**

Ms. Juli Lucky  
Staff to Senator Halford

Alaska State Capitol  
Juneau, AK 99801-1182

**ACTION NARRATIVE**

**TAPE 01-3, SIDE A**

Number 001

**CHAIRWOMAN DRUE PEARCE** called the Senate Rules Committee meeting to order at 11:38 a.m. Present were Senators Phillips, Cowdery and Pearce. She announced that three bills were before the committee: SB 77, SB 78 and SB 99.

#SB 77

SENATOR COWDERY moved to calendar SB 77-NET PROFIT SHARE UNDER/OVERPAYMENTS. There being no objection, the motion carried.

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#SB 78

SENATOR COWDERY moved to calendar SB 78-MUNICIPAL REGULATION OF RADIO ANTENNAS and asked for unanimous consent. There being no objection, the motion carried.

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#SB 99

CHAIRWOMAN PEARCE noted that SB 99-DNA REGISTRATION OF BURGLARS with zero and "asterisked" fiscal notes was before the committee.

SENATOR PHILLIPS asked what SB 99 attempts to do and what DNA identification is applied to at this time.

MS. JULI LUCKY, staff to Senator Halford, the sponsor of SB 99, replied that SB 99 requires DNA samples to be taken from convicted burglars. At this point, DNA samples are taken from people who are convicted of crimes against a person; SB 99 expands the sample take to convicted burglars.

SENATOR PHILLIPS asked what the public policy argument is for SB 99.

MS. LUCKY explained that in 1995, during discussions about the original legislation, burglary was discussed but that legislation did not include burglars in the list of offenders from which DNA samples are taken for Alaska's database. Since that time, studies done in Great Britain and the states of Virginia and Florida have shown that a very high percentage of burglars (between 40 and 60 percent, depending on the study) go on to commit violent crimes.

SENATOR PHILLIPS noted that he did not have any information on those studies in his file.

MS. LUCKY offered to provide him with materials.

CHAIRWOMAN PEARCE announced that Senator Therriault joined the committee.

SENATOR COWDERY asked what the difference is between a person convicted of burglary and a felony attempt to convict burglary.

MS. LUCKY said she believes the felony attempt to convict burglary crime occurs, "if they catch you at the door with the tools, you're almost in the house but they catch you before you've had a chance to actually commit the burglary." A person would be convicted of that crime if there was enough evidence to prove the person was about to commit the crime but was caught before it could occur.

SENATOR COWDERY asked if there is a dollar amount associated with the two charges.

MS. LUCKY replied that burglary is a class C or a class B felony. Burglary and theft are two different things. Burglary in the second degree is defined as, "A person commits the crime of burglary if the person enters or remains unlawfully in a building with the intent to commit a crime in the building." Burglary in the first degree makes it a class B felony if the building is a dwelling or the person is armed or attempts to cause physical injury or uses a dangerous instrument. SB 99 only applies to burglary - not theft. She pointed out that in the studies she mentioned, about 50 percent of burglars went on to commit violent crimes. The State of Virginia has had its DNA database in place since 1989 and tests all felons. That study found that burglary has the highest correlation with subsequent violent crimes, the theories being that either it is a crime of convenience or that it is a gateway crime. She read a quote from a forensic scientist in Virginia about the results of the Virginia study. He said, "What has been fascinating and somewhat remarkable is that greater than 60 percent of the hits from violent offender cases matched database samples from convicted burglars, not violent offenders." That means when the police have a cold hit from a crime scene, a lot of the hits match samples that come from burglars. The studies conclude that when convicted burglars are not required to give DNA samples, they are being given a free violent crime.

MS. LUCKY stated that according to the Department of Public Safety, when a sample is taken from a convicted felon, no name is attached; it is given a bar code and put in the database. It would only be

accessed again if the sample was found at a crime scene. DPS has assured her that the information on race, heredity and disease cannot be taken out of the sample in the database.

SENATOR COWDERY thanked Ms. Lucky and said he believes this is another tool that can be used to deter crime.

SENATOR THERRIault asked, regarding the Virginia study, "If you had a violent crime, you would find that the person had committed a burglary, but if you had a burglary, there wasn't as high of a chance that you would find that they had committed a violent crime. Is that what it said?"

MS. LUCKY said it has been said both ways. Regarding the Virginia database, the forensic scientist was saying the surprising thing was that 60 percent of the matches from crime scenes come from burglars. Looking at the statistics the other way, 40 percent of convicted burglars go on to commit violent crimes.

SENATOR PHILLIPS asked if the committee has received a response from the ACLU on this bill.

CHAIRWOMAN PEARCE informed him that a letter from the ACLU was received this morning via e-mail.

MR. PAT CARTER, aide to the Senate Rules Committee, clarified that a representative from the ACLU called to explain that the letter was sent to Senator Pearce only.

CHAIRWOMAN PEARCE offered to make copies for committee members and asked Senator Phillips if he would prefer to hold SB 99 in committee.

SENATOR PHILLIPS said he would and noted his concern is with how much information the government is keeping on people. He would like to hear what the ACLU has to say on this issue.

CHAIRWOMAN PEARCE announced that SB 99 would come before the committee at its next meeting. She then adjourned the meeting.