

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 10, 2003

3:35 p.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator John Cowdery, Vice Chair
Senator Fred Dyson
Senator Gretchen Guess
Senator Lyman Hoffman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 159

"An Act relating to special medical parole and to prisoners who are severely medically or cognitively disabled."

MOVED CSSB 159 (STA) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 2(JUD)(title am)

"An Act relating to the statute of limitations for certain civil actions relating to acts constituting sexual offenses; and providing for an effective date."

MOVED HB 2 OUT OF COMMITTEE

SENATE BILL NO. 158

"An Act transferring the Council on Domestic Violence and Sexual Assault from the Department of Public Safety to the Department of Health and Social Services; and providing for an effective date."

MOVED SB 158 OUT OF COMMITTEE

SENATE BILL NO. 22

"An Act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."

MOVED SB 22 OUT OF COMMITTEE

SENATE BILL NO. 85

"An Act relating to sentencing and to the earning of good time deductions for certain sexual offenses."

MOVED CSSB 85 (STA) OUT OF COMMITTEE

#SB 119

SENATE BILL NO. 119

"An Act eliminating the Alaska Public Offices Commission; transferring campaign, public official, and lobbying financial disclosure record-keeping duties to the division of elections; relating to reports, summaries, and documents regarding campaign, public official, and lobbying financial disclosure; providing for enforcement by the Department of Law; making conforming statutory amendments; and providing for an effective date."

SCHEDULED BUT NOT HEARD

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PREVIOUS ACTION

SB 159 - No previous action to record.

HB 2 - No previous action to record.

SB 158 - See State Affairs minutes dated 4/8/03

SB 85 - No previous action to record.

SB 22 - No previous action to record.

WITNESS REGISTER

Senator Lyda Green
Alaska State Capitol, Room 516
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor SB 159

Jacqueline Tupou
Staff to Senator Lyda Green
Senator Lyda Green
Alaska State Capitol, Room 516
Juneau, AK 99801-1182
POSITION STATEMENT: Answered questions on SB 159

Larry Jones
Executive Director, Parole Board
Department of Corrections
P.O. Box 112000
Juneau, AK 99811
POSITION STATEMENT: Testified on SB 159

Lietoni Tupou
Department of Corrections

431 N. Franklin, Suite 400
Juneau, AK 99801
POSITION STATEMENT: Testified on SB 159

Kevin Henderson
Eligibility Program Officer
Department of Health &
Social Services
PO Box 110601
Juneau, AK 99801-0601
POSITION STATEMENT: Testified on SB 159

Robert Briggs
Disability Law Center
230 S. Franklin, Room 209
Juneau, AK 99801
POSITION STATEMENT: Testified on SB 159

Dr. John Robertson
Director of
Department of Corrections
431 N. Franklin, Suite 400
Juneau, AK 99801
POSITION STATEMENT: Testified on SB 159

Anna Fairclough
Stand Together Against Rape (STAR)
1057 W. Fireweed Lane #230
Anchorage, AK 99508
POSITION STATEMENT: Testified on SB 159 and SB 22

Representative Kevin Meyer
Alaska State Capitol, Room 513
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor HB 2

Laurie Hugonin
Alaska Network on Domestic Violence
130 Seward Street Room 209
Juneau, AK 99801
POSITION STATEMENT: Testified on SB 22

Winifred Kelly
Tundra Women Center
P.O. Box 2785
Bethel, AK 99559
POSITION STATEMENT: Testified on SB 22

Senator Hollis French
Alaska State Capitol, Room 504
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor SB 85

Portia Parker
Department of Corrections
431 N. Franklin, Suite 400
Juneau, AK 99801
POSITION STATEMENT: Testified on SB 85

Linda Wilson
No address provided
POSITION STATEMENT: Testified on SB 85

ACTION NARRATIVE

TAPE 03-18, SIDE A

CHAIR GARY STEVENS called the Senate State Affairs Standing Committee meeting to order at 3:35 p.m. Present were Senators Dyson, Guess and Chair Gary Stevens. Senators Cowdery and Hoffman arrived momentarily.

The first order of business to come before the committee was SB 159.

#SB 159

SB 159-PAROLE FOR MEDICAL / COGNITIVE DISABILITY

CHAIR GARY STEVENS asked for a motion to adopt the committee substitute (CS) as the working document.

SENATOR GRETCHEN GUESS made a motion to adopt work draft \D Luckhaupt 4/9/03 as the working document. There being no objection, it was so ordered.

SENATOR LYDA GREEN, sponsor of SB 159, paraphrased from the sponsor statement:

SB 159 gives the Alaska Board of Parole (ABP) flexibility to grant or deny medical parole to applicants. Thus the board will be better able to meet the needs of the prisoners, the department and communities.

The ABP has a proven track record in their decision-making abilities. Over the past seven years, the ABP has granted parole to approximately 45 percent of all the discretionary parole applicants. Less than eight percent of these parolees have violated their conditions (i.e. missed a meeting with a parole officer) and approximately one percent has committed a new offense. This number is particularly compelling when compared to the 77 percent return rate of mandatory parole violators.

This bill will allow the ABP and the Department of Corrections to work together to determine an appropriate and cost effective release plan. The cost of health care to the Department of Corrections has significantly increased over the last few years. Some of the factors causing these increases are:

- The increased population of terminally ill inmates
- The recent Seward Highway accident on November 19, 2002
- Hospitalization of prisoners for long-term assisted care

When making a determination for medical parole the following are considered:

- Department of Correction medical report
- The seriousness of the criminal offense
- Release plan
- Parole officer/DOC recommendation

Passage of this proposed legislation will allow the ABP to use its endowed power and authority to make responsible decisions regarding all the factors mentioned above, while still considering the safety of the community.

CHAIR GARY STEVENS said he has visited several prisons in the last several months and has learned that because the state is fully responsible for the individual while incarcerated, the state may face enormous medical expenses. This bill would allow those seriously ill inmates to return home or move to a facility that provided less expensive treatment.

SENATOR FRED DYSON noted the original law didn't allow for parole for someone who was convicted and incarcerated for sexually abusing a minor. He asked if it was correct that this bill removed that provision.

SENATOR GREEN said it did; that is what the language on page 1, line 12 does.

SENATOR DYSON asked for the reasoning for removing the prohibition for paroles for those guilty of sexual abuse of a minor.

JACQUELINE TUPOU, staff to Senator Green, explained the inmates that are considered for medical parole are physically incapacitated. Also, not all medical parolees would simply be released; many would move to other secure facilities.

SENATOR COWDERY asked where these inmates would be placed and would the type of crime come under consideration.

MS. TUPOU said the bill provides flexibility so each case would receive individual consideration and the determinations would be different. Some inmates would move to another secure facility and others might go home. If parole would diminish the seriousness of the crime the inmate would be disqualified from consideration.

CHAIR GARY STEVENS asked the department to come forward.

LARRY JONES, Executive Director of the Alaska Board of Parole, said the Parole Board sees this as a corrective bill because the 1995 legislation is overly tight. The department can't legitimately bring inmates to the board to implement the decision making process. When a special medical parole applicant meets the criteria, the board must act quickly because the person is close to death. Since 1996 they have granted just nine medical paroles and have considered just 14 cases. Most died within two to three months of their parole. These inmates are so critically ill they aren't the same person that committed the crime for which they were incarcerated.

In his judgment, this bill would not impact public safety. Every year the board makes hundreds of discretionary decisions; this would simply provide them increased flexibility. Medical paroles require that a plan be

established for each parolee; inmates wouldn't be tossed "into the gutter." These people are still under the supervision of the Department of Corrections just as any other parolee would be.

Whether a parole would diminish the seriousness of the crime is always a consideration and never taken lightly by the board. The Board of Parole stands as a very strong proponent of victim's rights. Victims are notified of the hearings and they may participate.

CHAIR GARY STEVENS asked him for an explanation of who is on the Parole Board, the associated responsibilities and the connection with the department.

MR. JONES replied it is complex and he would like to hear the question posed more frequently. The Alaska Board of Parole is an autonomous board with five members that report to the governor. There is a certain judicial requirement so there is a geographic representation. Ethnicity and gender are also considerations for appointment. Members serve five year staggered terms and legislative approval is not necessary. Members typically serve for more than one term.

The board travels to the hearing sites, which entails considerable travel. They don't hear mandatory parole cases, but 96 percent of their hearings are the revocation hearings for those mandatory paroles. When the board travels this includes five board members, two staff, the parolee and attorney, the state parole officer, the victims and the witnesses.

SENATOR COWDERY asked how many inmates might take advantage of a special medical parole.

MR. JONES deferred to Mr. Tupou.

LEITONI TUPOU, Special Assistant to the Commissioner of Corrections, explained the board would review 13 applications if the bill passes.

SENATOR COWDERY asked if that would save \$500,000.

MR. TUPOU replied it would.

MR. JONES added the savings would be greater in the long term.

MR. TUPOU referred to a spreadsheet to show how much the state currently spends on those inmates. Under current law, the board would not hear these cases.

SENATOR COWDERY asked if the savings would come from transferring the inmates from their present location.

MR. JONES said that is correct.

SENATOR COWDERY asked if the \$500,000 is a medical savings.

MR. JONES said the impact of this bill is a matter of who is bearing the cost.

4:00 pm

KEVIN HENDERSON, Eligibility Program Officer for the Division of Medical Assistance, advised the department is generally supportive of the bill. Part of the intent is a cost shift because many of these inmates will be looking for a way to pay for continuing medical care. The department sees Medicaid as the likely recipient. At the state level it makes sense to put these people on Medicaid and get federal matching money for at least part of the costs. As long as they are incarcerated the state pays 100 percent of the health care costs.

He pointed to the fiscal notes and cautioned it was likely only nine of the 13 would qualify for Medicaid. Some would probably qualify for expensive long-term care and some for adult public assistance. The bill is a good idea for the state but it's important to clearly look at careful discharge planning for each individual to ensure they are provided for.

SENATOR LYMAN HOFFMAN made reference to the fiscal note from Health and Social Services and asked if they believe Medicaid expenditures would grow at just ten percent per year. If that's true, he asked how that fits with the data on page 1 of the fiscal note.

MR. HENDERSON replied the fiscal note reliability after two years is difficult. They made some assumptions that may or may not be true.

Historically Medicaid costs have been increasing at ten percent or more per year. That rate has nothing to do with the 13 Alaska inmates; it's just the rate that health care is increasing. An assumption was made that the nine inmates identified as likely to be eligible for Medicaid would continue to live and that there would be a linear growth of nine new Medicaid recipients each year thereafter. Admittedly, those people are medically fragile and probably wouldn't survive for years, but he was reluctant to project just how long they would live. They were unsure how many inmates would be medically paroled every year or the level of care that might be needed.

SENATOR HOFFMAN noted FY09 costs would be \$2.7 million, which would be \$2.2 million over and above the \$500,000 savings.

MR. HENDERSON advised him to look at the GF Match line.

SENATOR HOFFMAN observed the breakeven point ends in FY06; after which it would cost the state.

MR. HENDERSON replied the numbers were probably high and the Department of Corrections would likely make the case that all the parolees would not live five years.

SENATOR HOFFMAN rhetorically questioned how many would have to not live that long for it to make sense.

ROBERT BRIGGS, staff attorney with the Disability Law Center of Alaska, reported they provide services for Alaskans with disabilities including those in institutions. With the closure of the Harborview institution in Valdez, they now provide protection and advocacy services for nursing homes, prisons and mental institutions. They believe the bill makes sense in terms of saving general fund dollars.

He suggested amending the bill to require discharge planning that would address the basic life domains of the prisoner. Because the intended population would be functionally impaired, a plan needs to be in place before they are released. Both Montana and Rhode Island require medical discharge planning in the statute that is parallel to what this bill would do. Appropriate discharge planning would also address the safety concerns.

Cost shifting is good because institutional costs are the highest costs. Some of these individuals are likely to be eligible for home and community based waivers meaning a family member could provide care for the individual. Care coordination could certainly be provided cheaper than services in a nursing home.

Representative Berkowitz pointed out the language on page 3, line 17 appears to limit the concept of who can be discharged to those who have a cognitive condition that is impaired due to irreversible dementia. The medical officer for the correctional system testified he had no problem eliminating the phrase "due to irreversible dementia." Based on his testimony, the House State Affairs Committee eliminated the phrase.

DR. JOHN ROBERTSON, Medical Director and Health Services Administrator for the Department of Corrections, advised the inmates selected for medical parole would be likely to live less than a year. Although there has been mention of cost shifting, all ways have not been addressed. For instance, some inmates would qualify for veteran benefits if they were out of the state system. While this legislation would give the department and the parole board more flexibility, each applicant would be carefully scrutinized and wouldn't be considered for medical parole without adequate discharge planning.

SENATOR HOFFMAN asked what he estimated the annual savings to be if parolees lived between six months and a year after parole.

DR. ROBERTSON admitted he assisted in drafting the numbers. When he reviewed actual costs for the last three years he found the state spent from \$20,000 to \$500,000 depending on the medical condition. Statistically medical expenses are the greatest at the end stage of life and it isn't uncommon to accrue a \$200,000 bill in the last two weeks of life. Another cost to the department that isn't reflected in the numbers is that while the inmate is institutionalized there are associated officer costs. For every day that someone is in a hospital or nursing home rather than in the correctional system there would be a salary savings for one or two officers.

SIDE B
4:25 pm

ANNA FAIRCLOUGH from Anchorage expressed concern that sexual assault offenders might be considered for medical parole under SB 159. The proposal is particularly indefensible with regard to those who committed offenses against minors. She questioned whether any of the 13 inmates that might be eligible for medical parole had sexually assaulted a minor.

CHAIR GARY STEVENS called Ms. Tupou forward to address the question.

SENATOR DYSON asked Ms. Fairclough whether she heard the response when he asked that question.

MS. FAIRCLOUGH replied she interpreted his question more globally as confirmation that they were revoking the inability to release sexual perpetrators. Her question specifically asked whether there was a sexual perpetrator in the group of thirteen under discussion.

MS. TUPOU replied one inmate was convicted of a sexual offense of a minor.

MS. FAIRCLOUGH urged members to be aware that sexual offenders are high repeaters and even though they are on their death bed they might still present a danger because they aren't "hard wired" the same. If they are exposed to children or have any opportunity they will repeat the offense. She supported a discharge plan and asked whether there was a definition in state statute for corrections to use for "severely medically disabled."

She asked Senator Dyson to pay particular attention to this bill because it would be a step in the wrong direction to allow a sex offender back on the street.

CHAIR GARY STEVENS remarked he was certain that was not the intention of the department.

He asked Ms. Tupou to respond to the proposed amendments. For discussion purposes he labeled the discharge plan amendment #1 and the irreversible dementia amendment #2.

MS. TUPOU explained the sponsor has no specific problem with either amendment. She opined amendment #1 is redundant

since the new regulations became effective on March 29, 2003.

CHAIR GARY STEVENS advised the bill would go to the Finance Committee and he would be comfortable passing it along in the present form giving the sponsor the opportunity to address the amendments there.

SENATOR GUESS stated she would like to hear from the Disability Law Center whether they were comfortable with the new regulations. She added Ms. Tupou didn't speak to amendment #2.

CHAIR GARY STEVENS asked Mr. Briggs to comment on adopting the amendments or passing the bill in the present form with the recommendation that the sponsor carefully review them in the Finance Committee.

MR. BRIGGS had no problem passing the bill without the amendments. That the new published regulations require discharge planning, he would take as represented. Further, the point that Dr. Robertson made that a medical officer be charged to ensure there is appropriate continuity of service is reasonable and makes his job easier.

There were no further questions.

CHAIR GARY STEVENS asked for a motion to move the bill without amendments.

SENATOR DYSON made a motion to move SB 159 from committee with attached fiscal notes with individual recommendations.

SENATOR GUESS added the points Ms. Fairclough made regarding sex offenders were valid and she would appreciate the sponsor's attention on the issue.

There being no objection, SB 159 moved from committee.

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#HB 2

HB 2-CIVIL STATUTE OF LIMITATIONS/SEX OFFENSES

REPRESENTATIVE KEVIN MEYER, bill sponsor, explained this was a cleanup bill and was brought to their attention by the Revisor of Statutes. It clarifies which misdemeanors and which felonies involving sexual assault and sexual

abuse of a minor should have a three year civil statute of limitations and which should have no statute of limitations. In the original bill, HB 210, his intent was to drop the criminal statute of limitations for felony sexual assault and sexual abuse of a minor. The bill was amended on the floor to include the civil statute of limitations as well. Inadvertently, the amendment didn't reference felony sexual abuse of a minor and felony sexual assault to any particular sections of the criminal code so it was uncertain which felonies were intended. Because the amendment didn't make any provision for misdemeanors, all the misdemeanors dropped from three years to two years.

The crimes that were inadvertently changed were misdemeanor sexual assault, misdemeanor sexual abuse of a minor, incest, felony indecent exposure, and unlawful exploitation of a minor. Prior to the floor amendment the statute of limitations for these crimes was three years. In addition, unlawful exploitation of a minor, which is a class B felony, would have no statute of limitations.

The bill has a retroactive clause because they didn't intend for the indirect change that occurred.

SENATOR FRED DYSON assumed the Department of Law, the Attorney General and the Department of Public Safety agreed with the bill.

REPRESENTATIVE MEYERS assured him that was correct. Ms. Finley would ordinarily have been present as Revisor of Statutes, but she had another commitment.

CHAIR GARY STEVENS asked for a motion.

SENATOR DYSON made a motion to move CSHB 2 (JUD) from committee with individual recommendations and attached zero fiscal notes.

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#SB 22

SB 22-CRIME VICTIMS' COMP.:SEXUAL ABUSE/ASSAULT

SENATOR GRETCHEN GUESS, bill sponsor, paraphrased from the sponsor statement:

When the state established Victims' Compensation Board over 20 years ago, it ensured the victim's role in the crime would be considered. For

example, if someone started a bar brawl and was hurt, their case could be denied by the Victims' Compensation Board.

The unintended consequence of this language was child abuse and sexual assault victims could be denied funding if the board found them to have contributed to the circumstances of the crime. For example, a victim of sexual assault could be denied because they were drinking the night of their sexual assault.

Implying a victim of sexual assault somehow deserved or played a role in being victimized is in direct opposition to what we believe as a community - a victim of child abuse or sexual assault has not done anything to bring the crime on him or herself.

Toward fixing this unintended consequence, the language of this bill does the following:

- Ensures compensation is not denied based on considerations of provocation, the use of alcohol or drugs, or the prior social history of the victim.
- Retains the current language for compensation criteria for all other crimes

The victim's compensation board is funded 60 percent by state government and 40 percent by federal government. The 60 percent from the state government comes from garnishing felon's permanent fund dividend checks. Given the nature of the funding mechanism, the fiscal note from the Department of Public Safety will be zero.

There were no questions.

LAURIE HUGONIN, Alaska Network on Domestic Violence and Sexual Assault representative, testified in support of SB 22 and read the following into the record:

We wish the day would have long come and gone when victims of sexual assault were routinely questioned or somehow made to feel guilty because of the clothes they chose to wear or the fact that they may have had a drink or that there may

be something in their past they wish they had done differently. None of those things cause perpetrators to commit the crime of sexual assault or contribute to the crime. Unfortunately, the Violent Crimes Compensation Board still has similar items listed as things to be considered when determining whether or not to grant compensation to victims of sexual assault or sexual abuse of a minor. It's difficult enough to come forward as a victim of sexual assault and try to find some approximate justice. Victim's journeys are made more difficult when parts of the system rely on myths to respond to these crimes. The bill helps stop that practice of victim blaming and we thank you for your work to help increase the availability of justice to these victims.

SENATOR JOHN COWDERY asked how many requests for compensation had been rejected because of the victim's actions regarding drug use.

SENATOR GUESS replied last year the total number denied for any reason was about six.

MS. HUGONIN didn't know the specific number, but anecdotally two or three a year come to their attention as problematic.

SENATOR COWDERY asked what the typical award amounted to.

SENATOR GUESS said it's based on the costs incurred by the victim. All the funds for violent crimes come from Permanent Fund Dividends.

SENATOR FRED DYSON announced he has knowledge and a conflict of interest because his wife is a marriage and family counselor and a significant number of her clients are sexual assault or sexual abuse victims and a few of them are compensated through this program.

ANNA FAIRCLOUGH, Executive Director of STAR (Standing Together Against Rape), testified in support of SB 22. Rape is an act of violence perpetrated against a person's body, soul, and personal identity. No one, no matter what his or her personal history deserves to bear that. When a minor is victimized sexually they need to be shown that the

perpetrator is the one responsible for the crime and not the victim.

She emphasized that if one victim is denied compensation, it is one victim too many. Several times a year they see victims that have been revictimized and because alcohol was involved in the crime they were denied compensation. She stressed, "It is the perpetrator's fault it is the perpetrator's crime and they need to be convicted and we need to help these victims."

Winifred Kelly, from the Tundra Women Center in Bethel testified in support of SB 22. Victims shouldn't be discriminated against based on their history or use of alcohol or drugs. A violent crime is a violent crime.

Two other testifiers had to leave before they were able to give testimony.

CHAIR GARY STEVENS asked for a motion to move the bill.

SENATOR COWDERY made a motion and asked for unanimous consent to move SB 22 from committee with the attached fiscal note. There being no objection, it was so ordered.

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#SB 158

SB 158-MOVE DOMESTIC VIOLENCE COUNCIL TO DHSS

CHAIR GARY STEVENS announced the sponsor, Senator Ben Stevens, asked that the bill be moved to the Health Education and Social Services Committee. His intention is to hold it there this year for further study.

SENATOR JOHN COWDERY made a motion to move SB 158 from committee.

SENATOR GRETCHEN GUESS objected. She said Senator Dyson [HESS Chair] assured her there would be some good productive conversation in the community, but at this time she doesn't agree with the bill so an objection is in order. She elaborated:

We've been talking a lot about sexual assault and we have one more bill on it. It is a crime and to those of us in the community, we believe it is appropriate in Public Safety because it is not a health issue. It's a public safety issue.

SENATOR DYSON clarified he did not intend to address the bill [in the HESS Committee] this year, but he didn't mean to infer that there might not be some action next session. He's committed to work on the bill during the interim to determine the best direction.

CHAIR GARY STEVENS asked for a roll call. The objection failed with Senators Dyson, Cowdery, Hoffman and Chair Gary Stevens voting yea and Senator Guess voting nay.

SB 158 moved from committee.

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#SB 85

SB 85-REPEAT SERIOUS SEX OFFENSES

CHAIR GARY STEVENS asked Senator French to introduce the bill.

SENATOR HOLLIS FRENCH, bill sponsor, paraphrased from the sponsor statement:

CS SB 85 has two purposes: first, to increase the penalties for repeat sex offenders and, second, to add repeat sexual offenders to the list of those who are not eligible to earn a "good time" reduction of their terms.

SB 85 is designed to treat repeat sex offenders differently from other repeat felons. Research has shown that sexual offenders are not like other offenders. As noted in a National Institute of Justice (NIJ) research report on managing adult sex offenders, sex crimes flourish in secrecy. Many offenders are otherwise highly functioning and use their social skills to commit their crimes and to manipulate both victims and criminal justice officials. Offenders are often very accomplished at presenting a façade designed to hide the truth about themselves. Many sex offenders commit a wide range and large number of sexually deviant acts during their lives and show a continued propensity to offend. The NIJ study concludes that adult offenders who commit sex crimes should be managed, treated, and supervised differently from other criminals.

Current statutory guidelines in Alaska, however, treat all two-time felons as though they were the same, that is, all prior felony convictions are given equal weight when an individual is sentenced on a new offense. For example, a judge sentencing a person convicted of a second forgery or a second sexual offense has to operate under the same sentencing guidelines. SB 85 establishes a separate, and more stringent, set of sentencing guidelines for those who commit second or subsequent sexual offenses or commit a sexual felony after a prior felony conviction.

The other proposed change in the law in CSSB 85 is to add repeat sexual offenders to the list of those who are not eligible to earn "good time" or a reduction in their prison terms for good behavior. Under current law, most prisoners, including sexual offenders, can earn a one-third reduction of their sentences for good behavior. CS SB 85 would require repeat sexual offenders to serve the full length of their sentences; they would not be eligible for parole.

By increasing sentences for repeat sexual offenses and actual time served for these offenses. SB 85 will help to protect Alaska's women and children from some of the most heinous crimes against them, sexual felonies.

He asked members to review attachment A that outlines current and proposed sentencing guidelines for repeat sex offenders.

CHAIR GARY STEVENS asked for a motion to adopt the committee substitute (CS) as the working document.

SENATOR JOHN COWDERY made a motion to adopt CSSB 85 \S version as the working document. There was no objection.

SENATOR COWDERY asked how this might impact the prison system budget.

SENATOR FRENCH replied the Department of Law assigned a zero fiscal note to the bill. The department does not expect a large increase in costs as a result of this bill because these offenders return to prison on a very regular

basis anyway. Sex offenders are known to be repeat offenders.

SENATOR COWDERY asked if there was a typical age for sex offenders. He said he knew Senator French had a background in this area.

SENATOR FRENCH replied he spent one year prosecuting nothing but sex crimes and there is no typical age for a sex offender; they run the gamut from young to old.

CHAIR GARY STEVENS asked if the department had any comments.

PORTIA PARKER from the Department of Corrections reported they worked with the Department of Law to prepare the fiscal note. They researched recidivism for sex offenders in the correction system and of the current population of 727 sex offenders 80 percent have been through the system at least once before. Of that 80 percent, 52 percent have been incarcerated with the Department of Corrections ten and more times. This accounts for a huge cost to the entire criminal justice system in terms of trooper, police, prosecutor and court system time. Leaving these violators in prison could in fact result in a cost savings to the entire system.

SENATOR COWDERY asked if repeat offenders go through the system in the same way as a first time offender.

SENATOR FRENCH explained any new offense requires a new trial for a finding of guilt.

SENATOR FRED DYSON made a motion to move CSSB 85 (STA) from committee.

CHAIR GARY STEVENS asked if anyone that signed up to testify via teleconference had objection with the bill.

LINDA WILSON, Deputy Director of the Alaska Public Defender Agency testified in opposition to SB 85. She commended the sponsor for wanting to address the problem but thought the bill was "too much of a response." The increase in presumptive sentences and maximum sentences and the denial of good time is beyond what is necessary and would treat sex offenders differently than other offenders.

CHAIR GARY STEVENS advised the bill would move to the Judiciary Committee next and she would have an opportunity to speak there.

SENATOR GUESS commented Ms. Wilson's concerns were good issues for the Judiciary Committee to address. She then made a motion to move SB 85 from committee with individual recommendations and attached fiscal note. There being no objection, it was so ordered.

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CHAIR GARY STEVENS adjourned the Senate State Affairs Committee meeting at 5:00 pm.