

Introduced: 2/18/80  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY OSTERBACK, ANDERSON AND  
HURLBERT

2 HOUSE BILL NO. 812

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a Commission to Secure Equality of  
7 Justice, and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. COMMISSION TO SECURE EQUALITY OF JUSTICE. There is estab-  
10 lished as a temporary commission the Commission to Secure Equality of Jus-  
11 tice. The purpose of the commission is to review, investigate, and formulate  
12 responses to instances of apparent discrimination against members of minori-  
13 ties by the justice system of the state.

14 \* Sec. 2. MEMBERSHIP. (a) The commission is composed of five members  
15 appointed as follows:

16 (1) Two members shall be appointed by the speaker of the house of  
17 representatives. Of the two members appointed by the speaker, one shall be  
18 an Alaska Native and one shall be an attorney admitted to practice in the  
19 state whose practice includes representation of members of minorities in  
20 criminal matters.

21 (2) Two members shall be appointed by the president of the senate.  
22 One of the two members appointed by the president shall be an Alaska Native,  
23 and one shall be a Black person.

24 (3) One member shall be appointed by the governor.

25 (b) Appointments to the commission shall be made with consideration of

26 (1) the availability and willingness of an appointee to devote the  
27 time and effort necessary to permit the commission to function effectively;

28 and

29 (2) the degree of commitment of an appointee to the principle of

1 equal justice under law for all people.

2 (c) Appointments to the commission shall be without regard to political  
3 affiliation, and shall be made, if possible, within 20 days of the effective  
4 date of this Act, or of the effective date of a vacancy on the commission.

5 (d) Vacancies on the commission shall be filled by the governor so as  
6 to maintain the racial and professional balance required by (a) of this  
7 section.

8 \* Sec. 3. COMPENSATION. Members of the commission are in the exempt  
9 service and shall receive an annual salary equal to the salary paid to the  
10 heads of principal executive departments. Members are entitled to the same  
11 travel pay and per diem as state officials and employees.

12 \* Sec. 4. OFFICERS. The commission shall elect a chairman and vice-  
13 chairman from its membership.

14 \* Sec. 5. MEETINGS. The commission shall meet at least once every two  
15 months to carry out its duties under this Act. The first meeting of the  
16 commission shall be convened at the call of the governor not later than 20  
17 days following appointment of the members of the commission.

18 \* Sec. 6. DUTIES. (a) The commission shall

19 (1) investigate and report on any part of the justice system under  
20 which individuals who are members of racial minorities suffer violations of  
21 their civil rights or are unfairly disadvantaged in their involvement with  
22 the civil, criminal or juvenile justice system;

23 (2) receive and review reports concerning arrest, admission to  
24 bail, prosecution, sentencing, correction, probation, parole practices and  
25 procedures, and other facets of the criminal justice system, with particular  
26 regard to the treatment of individuals who are members of racial minorities;

27 (3) recommend to the judicial council and to the supreme court

28 (A) procedures by which members of racial minorities may be  
29 recruited for appointment to or employment by the judicial system;

1 (B) a program by which persons concerned with the adminis-  
2 tration of justice may become more sensitive to attitudes and manner of  
3 personal expression and communication of members of racial minorities;

4 (C) a program for development and distribution of a statewide  
5 comprehensive sentencing report, collecting and publishing information  
6 about disposition of criminal cases on a monthly basis; and

7 (D) changes in post-conviction procedures by which to improve  
8 the opportunity of members of racial minorities to secure review of  
9 sentences and reduction of sentences when circumstances warrant;

10 (4) hold public hearings and meetings to determine whether members  
11 of racial minorities are being unfairly disadvantaged in their involvement  
12 with the justice system; and

13 (5) complete interim reports and a final report with recommenda-  
14 tions for the correction of abuses and violations of the civil rights of  
15 members of racial minorities that may be found to exist in the justice  
16 system, and submit all reports to the judicial council, the governor, and the  
17 presiding officer of each house of the legislature.

18 (b) The final report of the commission shall be submitted by  
19 February 1, 1985.

20 \* Sec. 7. POWERS. (a) The commission may

21 (1) hire staff which may be necessary to assist the commission in  
22 the performance of its duties under this Act; and

23 (2) contract for services necessary to carry out the duties of the  
24 commission.

25 (b) Subject to the privileges which witnesses have in state court, the  
26 commission may

27 (1) compel by subpoena, at a specified time and place, the appear-  
28 ance and sworn testimony of a person who the commission reasonably believes  
29 may be able to give information relating to a matter under investigation; and

1 (2) compel a person, by subpoena, to produce documents, papers, or  
2 objects which the commission reasonably believes may relate to the matter  
3 under investigation.

4 (c) If a person refuses to comply with a subpoena issued under (b) of  
5 this section, the superior court may, on application of the commission,  
6 compel obedience by proceedings for contempt in the same manner as in the  
7 case of disobedience to the requirements of a subpoena issued by the court or  
8 refusal to testify in the court.

9 \* Sec. 8. DEFINITION. In this Act "commission" means the Commission to  
10 Secure Equality of Justice.

11 \* Sec. 9. TERMINATION. The commission terminates February 28, 1985.

12 \* Sec. 10. EFFECTIVE DATE. This Act takes effect immediately in accord-  
13 ance with AS 01.10.070(c).

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29