

Introduced: 1/11/82
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY RANDOLPH

2 HOUSE BILL NO. 636

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the administration of criminal
7 justice; creating the Department of Criminal Justice;
8 abolishing the Department of Public Safety; and provid-
9 ing for an effective date."

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

11 * Section 1. STATEMENT OF PURPOSE AND POLICY. The legislature finds that
12 the general well-being and the quality of life in the state is enhanced by
13 the coordinated and efficient administration of criminal justice. The legis-
14 lature finds that the existing organization of the Department of Public
15 Safety, Department of Law, and Department of Health and Social Services does
16 not lend itself to the most coordinated and efficient administration of
17 criminal justice in the state. Accordingly, the legislature finds it neces-
18 sary to create a new department in the executive branch that will replace the
19 Department of Public Safety and be primarily responsible for the coordination
20 and administration of crime identification and apprehension programs; criminal
21 prosecution; offender confinement, reformation, and supervision programs; and
22 criminal justice planning in general.

23 * Sec. 2. AS 44.17.005(12) is amended to read:

24 (12) Department of Criminal Justice [PUBLIC SAFETY]

25 * Sec. 3. AS 44 is amended by adding a new chapter to read:

26 CHAPTER 22. DEPARTMENT OF CRIMINAL JUSTICE.

27 Sec. 44.22.010. COMMISSIONER OF CRIMINAL JUSTICE. The principal
28 executive officer of the Department of Criminal Justice is the commis-
29 sioner of criminal justice, who may not serve simultaneously as attorney

1 general.

2 Sec. 44.22.020. POWERS AND DUTIES OF THE DEPARTMENT. The Depart-
3 ment of Criminal Justice shall

4 (1) prosecute all criminal cases involving violation of state
5 law;

6 (2) coordinate and administer the crime identification and
7 apprehension programs;

8 (3) coordinate and administer the offender confinement,
9 reformation, and supervision programs;

10 (4) supervise criminal justice planning in the state;

11 (5) administer the motor vehicle laws of the state;

12 (6) participate in the development of safety programs and
13 accident prevention;

14 (7) administer the police protection laws of the state;

15 (8) coordinate with the court system for the efficient admin-
16 istration of justice;

17 (9) make a report to the legislature, through the governor,
18 at each regular legislative session,

19 (A) of the work and expenditures of the office; and

20 (B) on needed legislation or amendments to existing law;

21 (10) perform all other duties required by law.

22 * Sec. 4. TRANSFER OF FUNCTIONS. (a) The Department of Criminal Justice
23 is vested with the duties, powers, and responsibilities formerly exercised
24 and held by

25 (1) the Department of Public Safety in respect to the Alaska
26 Police Standards Council, the Public Safety Training Academy, the division of
27 Alaska state troopers, the division of motor vehicles, the division of admin-
28 istrative services, the Violent Crimes Compensation Board, and the office of
29 the commissioner;

1 (2) the criminal division of the Department of Law in respect to
2 the prosecution of all criminal cases and related services; and

3 (3) the division of adult corrections and the Board of Parole
4 within the Department of Health and Social Services in respect to offender
5 confinement, reformation, and supervision.

6 (b) The Department of Health and Social Services is vested with the
7 duties, powers, and responsibilities formerly exercised and held by the
8 Department of Public Safety in respect to the division of fire prevention and
9 functions of the commissioner of public safety relating to the location of
10 junkyards.

11 (c) The Department of Fish and Game is vested with the duties, powers,
12 and responsibilities formerly exercised and held by the division of fish and
13 wildlife protection within the Department of Public Safety in respect to the
14 enforcement of fish and wildlife protection laws and regulations.

15 (d) The Department of Transportation and Public Facilities is vested
16 with the duties, powers, and responsibilities formerly exercised and held by
17 the Department of Public Safety in respect to highway safety planning and
18 administration of the avalanche warning system.

19 (e) Appropriations, records, equipment, and other property of depart-
20 ments and divisions referred to in (a) - (d) of this section are transferred
21 to the respective departments.

22 (f) Appropriations and other money available to and to become available
23 to a department, division, agency or commission, the functions, powers, and
24 duties of which have been transferred to another department as set out in
25 this section, shall be available for the objects and purposes for which
26 appropriated or otherwise made available, subject to terms, restrictions,
27 limitations, or other requirements imposed under this section or other state
28 and federal law.

29 (g) Regulations, rules, orders, or other Acts in effect with respect to

1 a department, division, agency, or commission transferred to another depart-
2 ment as set out in this section continue in full force and effect until
3 amended, repealed, modified, or rescinded as the commissioner of the respec-
4 tive department determines in accordance with law. Existing contracts made
5 by a department, division, or agency transferred to another department as set
6 out in this section continue in full force and effect until amended, repealed,
7 modified, or rescinded as the commissioner of the respective department
8 determines in accordance with law.

9 (h) The powers, duties, and functions transferred to another department
10 as set out in this section are in addition to and not in derogation of the
11 powers, duties, and functions otherwise vested in the respective departments
12 under this Act.

13 (i) Except as provided in (j) of this section, all references in the
14 Alaska Statutes to the Department of Public Safety, the commissioner of
15 public safety, and the deputy commissioner of public safety shall be read as
16 the Department of Criminal Justice or the commissioner of criminal justice in
17 order to carry out the intent and purpose of this Act.

18 (j) All references to the Department of Public Safety, the commissioner
19 of public safety, and the deputy commissioner of public safety in

20 (1) AS 08.54.210 shall be read as the Department of Fish and Game;

21 (2) AS 08.60.060 - 08.60.080 shall be read as the commissioner of
22 health and social services;

23 (3) AS 18.70 and AS 18.72.050 shall be read as the Department of
24 Health and Social Services;

25 (4) AS 18.76.010 shall be read as the Department of Transportation
26 and Public Facilities.

27 (k) All references to the Department of Health and Social Services and
28 the commissioner of health and social services in the following sections
29 shall be read as the Department of Criminal Justice or the commissioner of

1 criminal justice in order to carry out the intent and purpose of this Act:

2 (1) AS 11.81.410;

3 (2) AS 12.45.090, 12.45.110; AS 12.55.025, 12.55.185; AS 12.70.220

4 (3) AS 14.07.020(5);

5 (4) AS 15.05.030;

6 (5) AS 33.05.080; AS 33.15.260; AS 33.25.050; AS 33.30.130, 33.30.

7 200;

8 (6) AS 41.20.110;

9 (7) AS 44.19.120.

10 (1) All references to the Department of Law in the following sections
11 shall be read as the Department of Criminal Justice in order to carry out the
12 intent and purpose of this Act:

13 (1) AS 02.05.210;

14 (2) AS 04.16.220;

15 (3) AS 08.88.071;

16 (4) AS 09.65.110;

17 (5) AS 12.55.025;

18 (6) AS 18.65.520;

19 (7) AS 21.89.050;

20 (8) AS 44.19.120.

21 (m) All references to the attorney general in the following sections
22 shall be read as the commissioner of criminal justice in order to carry out
23 the intent and purpose of this Act:

24 (1) AS 08.04.640; AS 08.80.310;

25 (2) AS 09.50.180, 09.50.190;

26 (3) AS 12.45.100; AS 12.70.220;

27 (4) AS 15.13.030, 15.13.120; AS 15.15.410;

28 (5) AS 17.10.190; AS 17.20.360;

29 (6) AS 18.85.120;

1 (7) AS 24.45.031, 24.45.131;

2 (8) AS 33.15.130; AS 33.30.270;

3 (9) AS 43.10.200;

4 (10) AS 44.19.122;

5 (11) AS 45.55.210.

6 * Sec. 5. AS 08.08.210(d) is amended to read:

7 (d) Employees of the Department of Law and Department of Criminal
8 Justice whose activities would constitute the practice of law under this
9 chapter and under Alaska Bar Rules are required to obtain a license to
10 practice law in Alaska, no later than 10 months following the commence-
11 ment of their employment.

12 * Sec. 6. AS 08.54.146 is amended to read:

13 Sec. 08.54.146. TRANSPORTER REPORT. A transporter shall maintain
14 a record of (1) the names and addresses of all persons he transports;
15 (2) the type of game transported; (3) an estimate of the quantity of
16 meat transported; (4) the date of transporting; and (5) if known, the
17 locality where the game was taken. The report shall be submitted to the
18 Department of Fish and Game within 90 days after transporting the game.
19 [AFTER RECEIVING A REPORT REQUIRED UNDER THIS SECTION, THE DEPARTMENT OF
20 FISH AND GAME SHALL SEND A COPY OF IT TO THE DEPARTMENT OF PUBLIC
21 SAFETY.]

22 * Sec. 7. AS 19.10.070 is amended to read:

23 Sec. 19.10.070. DETERMINATION OF SAFE SPEED LIMITS. The department
24 may conduct investigations [WITH THE ASSISTANCE OF THE DEPARTMENT OF
25 PUBLIC SAFETY] and shall determine safe speed limits on highways under
26 its jurisdiction.

27 * Sec. 8. AS 39.25.120(3) is amended to read:

28 (3) attorney members of the staff of the Department of Law
29 and the staff of the Department of Criminal Justice;

1 * Sec. 9. AS 43.10.010(a) is amended to read:

2 (a) The attorney general shall prosecute every civil action and
3 the commissioner of criminal justice shall prosecute every criminal
4 action growing out of state revenue laws. The costs of the action shall
5 be paid out of the proper appropriation for the Department of Law or the
6 Department of Criminal Justice.

7 * Sec. 10. AS 44.29.020(9) is amended to read:

8 (9) management of state institutions, but not including
9 offender confinement facilities;

10 * Sec. 11. AS 44.29.020 is amended by adding new paragraphs to read:

11 (18) fire prevention programs;

12 (19) issuance of certificates of location of junkyards.

13 * Sec. 12. AS 44.39.020 is amended to read:

14 Sec. 44.39.020. DUTIES OF DEPARTMENT. The Department of Fish and
15 Game shall administer the state program for the conservation and develop-
16 ment of the State's commercial fisheries, sport fish, birds, game and
17 fur-bearing animals. The department shall enforce the fish and wildlife
18 protection laws and regulations.

19 * Sec. 13. AS 44.42.020(a) is amended by adding new paragraphs to read:

20 (16) provide highway safety planning services;

21 (17) administer the state avalanche warning system.

22 * Sec. 14. The following laws are repealed: AS 33.30.130(a); AS 44.23.-
23 020(3); AS 44.29.020(17); and AS 44.41.010 - 44.41.020.

24 * Sec. 15. This Act takes effect July 1, 1983.
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