

HB

694

17 May

Terry:

In short, this is now the only version of the fiscal note in the system. Like all fiscal notes, it will be laid before the Free Conference on the Budget for approval, which ought to be a mere formality in this case.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 694
 Title: Criminal Law Revision Commission
 Requested by: Rep. Gardiner Date: 14 May 1976
 Return Date Requested: _____
 Agency: Legislative Affairs Agency Program: Legislative Council

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL		10.8	-0-			
300 CONTRACTUAL		80.5	-0-			
400 COMMODITIES		12.0	-0-			
500 EQUIPMENT		5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		103.8	-0-			

B. FUNDING: (Thousands of dollars)

GENERAL FUND		103.8	-0-			
FEDERAL FUNDS						
OTHER						

C. POSITIONS: NONE

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached. Fiscal note prepared after review of consultant's proposed budget.

IV. ATTACHMENTS

Commission Budget

V. DATE: 14 May 1976 PREPARED BY: James B. Rhode

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

James B. Rhode
 AA to Rep. Malone, Chairman
 House Finance Committee

CRIMINAL LAW REVISION COMMISSION
Budget

Contractual Services

Project Director ($\frac{1}{4}$ time)	12.0
Staff Counsel (full time)	40.32
Associate Staff ($\frac{1}{4}$ time)	8.4
Research Director ($\frac{1}{2}$ time)	9.0
Secretary II (full time)	<u>10.8</u>
TOTAL	80.5

Travel

3 trips to consult with experts	
1 East Coast at .55	
2 West Coast at .4	1.0
15 Staff trips in Alaska at .20	2.4
Commission travel	
10 trips at .20 for 13 members	2.0
Per diem	<u>5.4</u>
TOTAL	10.8

Supplies	3.99
Equipment	.48
Printing	<u>7.99</u>
TOTAL	<u>12.5</u>
<u>GRAND TOTAL</u>	103.800

EA11 0003 11.30 LA01 0006 12.23 04/23/76

HB
1984

TO: HOUSE JUDICIARY COMM- MR. GARDINER
FROM: JOHN HAVELOCK

THE FOLLOWING MESSAGE HAS BEEN MAILED TO YOU BUT I UNDERSTAND YOU
NEED THIS SOONER.)
CRIMINAL CODE REVISION COMMISSION PROPOSED BUDGET JULY 1 76 - JULY 77

PERSONAL SERVICES

PRO. DIR. 1/4 TIME 12,000

RESEARCH DIRECTOR 1/4 TIME 9,000

SEC. 12,468

SEC. 11,688

COL INCREASE 9% 2,032

BENEFITS 18 1/2 % 8,730

TOTAL \$55,918

CONTRACTUAL SVCS. - COUNSEL 40,32

CONSULTANT FEES (4 CONS. 2 DAYS AT 135 PER) 1,080

TOTAL 49,800

TRAVEL & PER DIEM

CONSULTANTS 5 AT 500 PER TRIP 2,000

STAFF - 3 TRIPS (ETC.) 1,080

MONTHLY MEETINGS -

COMM. 10 TRIPS BY 4 FROM JUN. TO ANCHO 10 BY 2 FEES TO JUNEAU & 2 TO ANCHORAGE
2 TRIPS BY 7 MBRS. FROM ANCH. TO JUN. AND 2 JUNEAU TRIPS BY 5 STAFF

TOTAL ++ 11,370

(CONTID.)

LA11 0004 11.34 LA01 0007 12.24 04/23/76

MESSAGE CONTINUED.

PUBLIC HEARINGS - IN JUNEAU; IN FAIRBANKS, 4,560

TOTAL TRAVEL+ \$15,930

PER DIEM BASED ON 2-DAY MTS. AND HEARINGS 19,200

TOTAL PER DIEM AND TRAVEL 38,210.

SUBTOTAL: \$143,928

SUPPLIES & OPERATING EXPENSES

SUPPLIES 1,200; POSTAGE 600, TELEPHONE 600; XEROX 840; RC/ST RENT 1,200

TOTAL: 4,440

EQUIPMENT 500

PRINTING & REPRODUCTION 8,000

INDIRECT COSTS (10% OF DIRECT LABOR COST) 5,592

GRANT TOTAL \$162,460.

EDM. H.J.

Criminal Law Revision Commission Budget.

April 1976 to July 1977

	15 months	12 months
Personal Services		
Project director (1/4 time)	15.0	12.0
Staff counsel (full time)	50.4	40.32
Associate staff (1/4 time)	10.5	8.4
Research director (1/4 time)	11.25	9.0
Secretary I (full time)	15.0	12.0
Secretary II (full time)	13.5	10.8
Cost of living increase January 1, 1977 at 9%	4.165	4.165
Benefits 17%	<u>20.369</u>	<u>16.295</u>
Total	140.184	112.980
Contractual Services		
Consultant fees	3.5	2.799
Travel		
3 trips to consult with experts 2 West coast at .4 1 East coast at .55	1.35	1.08
15 staff trips in Alaska at .20	3.0	2.4
Commission travel 10 trips at .20 for 13 members	5.2	4.159
Per diem	<u>13.6</u>	<u>10.879</u>
Total	23.15	18.519
Supplies	5.0	3.99
Equipment	0.6	.48
Printing	10.0	7.99
Indirect costs	<u>14.018</u>	<u>11.214</u>
Total	196.452	152.162

PROPOSED BUDGET

(summary)

Personal Services	\$140,184
Contractual Services	3,500
Travel	23,150
Supplies	5,000
Equipment	600
Printing	10,000
Indirect Costs	<u>14,018</u>
Total	\$196,452
Twelve Month Total	(157,162)

WORK SCHEDULE¹ FOR A REVISED
CRIMINAL CODE

- WORK ORDER -- BLOCK 1: Part I of General Provisions, Offenses
against Property and Sentencing Structure
- BLOCK 2: Crimes against the Person
- BLOCK 3: Offenses against the Family
Offenses against Public Administration
Offenses against Public Order
- BLOCK 4: Offenses against Public Health and Decency
- BLOCK 5: General Provisions Part II and Miscellaneous

SCHEDULE --

- Jan. 31, 1976 Legislative Presentation of Preliminary Report and
Block one drafts, submission to Commission of first
drafts, Block 2
- Feb. 28, 29 Commission presentation and first review of first
drafts, Block 2
- March 20, 21 Presentation of first drafts, Block 3
- April 3, 4 Commission first review of first drafts, Block 3
- April 24, 25 Commission second review of first drafts, Block 2
- May 15, 16 Commission second review of first drafts, Block 3
- May 24, 25 Commission presentation of first drafts, Block 4
- June 7, 8 First review of first drafts, Block 4
- June 28, 29 Commission presentation of first drafts, Block 5
- July 12, 13 Commission first review of first drafts, Block 5
- July 26, 27 Second review of first drafts, Block 4
- Aug. 9, 10 Second review of first drafts, Block 5
- Aug. 16 - 31 First round public hearings
- Sept. 15 -
Nov. 15 Commission reviews (according to emphases emanating

¹contingent upon timely funding

Work Schedule (continued)

from hearings and the Commission's sense of the firmness of each block), each block to be brought to a third review.

Six meetings, one on each block, every two weeks

Nov. 29 -

Dec. 10 Final hearing round

Dec. 10, 1976 -

Feb. 1, 1977

Final draft revision presented to legislature - substantive code

Feb. 1, 1978 Presentation of Final draft, procedural code revision

U of A

272-5522

Original sponsor: Rules Committee by
request of the Legislative Council
Criminal Code Revision Subcommittee

Offered: 3/3/76
Referred: Rule

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 694

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Criminal Law Revision Commis-
7 sion; and providing for an effective date."

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

9 * Section 1. ESTABLISHMENT. There is established as a legislative
10 advisory commission of the Alaska Legislative Council the Criminal Law
11 Revision Commission.

12 * Sec. 2. MEMBERSHIP. (a) The commission is composed of the following
13 members:

14 (1) the chairman of the judiciary committee of the state house of
15 representatives or his designee from that committee and the chairman of the
16 judiciary committee of the state senate or his designee from that committee;

17 (2) the attorney general, or his designee;

18 (3) the commissioner of public safety, or his designee;

19 (4) the director of the division of corrections, Department of
20 Health and Social Services, or his designee;

21 (5) a judge of the superior court appointed by the chief justice;

22 (6) a judge of the district court appointed by the chief justice;

23 (7) the public defender, or his designee;

24 (8) one social worker appointed by the council;

25 (9) one mayor or his designee, from a municipality, designated by
26 the council;

27 (10) one person, representative of rural Alaska, designated by the
28 council;

29 (11) an attorney appointed by the president of the Alaska Bar

1 Association;

2 (12) ~~one representative of the general public appointed by the~~
3 council;

4 (13) ~~one representative of the general public appointed by the~~
5 governor.

6 (b) An appointing authority or a designated member of the commission
7 may name an alternate to serve in his stead when the member is unable to
8 attend a meeting.

9 * Sec. 3. TERMS, REMOVAL, COMPENSATION. (a) Members serve ex officio or
10 at the pleasure of the appointing authority. The term of an appointed member
11 is four years. *Public*

12 (b) *Public* Members receive no salary but are entitled to per diem and travel
13 expenses authorized by law for other boards and commissions.

14 * Sec. 4. DUTIES OF THE COMMISSION. The commission shall

15 (1) advise the governor and the legislature on necessary and
16 appropriate revision of the criminal law;

17 (2) prepare a comprehensive revision of the state criminal laws
18 including but not limited to necessary substantive and topical revisions of
19 crimes, criminal procedure, sentencing, and parole and probation of offen-
20 ders, for submission to the legislature;

21 (3) conduct studies of criminal justice practices and procedures;

22 *request the Council subject to funds available*
23 (4) receive and expend grants and appropriations from private and
24 governmental sources for the purpose of carrying out its duties under this
25 section;

26 (5) contract with other agencies or persons for the performance of
27 necessary services;

28 (6) submit a report with recommendations to the First Session of
29 the Tenth Legislature concerning substantive or topical revisions to the
criminal laws before February 1, 1977;

1 (7) submit a report and recommendations to the Second Session of
2 the Tenth Legislature before February 1, 1978 concerning revision of the laws
3 governing criminal procedure and other pertinent matters relating to criminal
4 law on which no previous report has been made, together with any recommenda-
5 tions concerning the future existence, purposes, or composition of the com-
6 mission.

7 * Sec. 5. CHAIRMAN, MEETINGS, QUORUM. (a) The commission shall select a
8 chairman and vice-chairman from among its members.

9 (b) The commission may hold public hearings and other meetings as
10 necessary throughout the state and shall determine an appropriate quorum for
11 conducting business.

12 * Sec. 6. DEFINITIONS. In this Act, unless the context otherwise re-
13 quires,

14 (1) "council" means the Alaska Legislative Council established
15 under AS 24.20.010;

16 (2) "commission" means the Criminal Law Revision Commission estab-
17 lished under sec. 1 of this Act.

18 * Sec. 7. The commission established by this Act expires February 1,
19 1978.

20 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
21 070(c).

File Crime Code Revision



AMERICAN BAR ASSOCIATION

SECTION OF
CRIMINAL
JUSTICE

1800 M ST., N.W., 2ND FL., WASHINGTON DC 20036 TELEPHONE (202) 331-2260

March 3, 1976

Honorable Terry Gardiner
House Judiciary Committee
House of Representatives
State of Alaska
Juneau, Alaska

Dear Terry:

I want to thank you for a wonderful weekend. My trip was just the right mix of business and pleasure.

I hope you will let me know how you fare in the Legislature with respect to Criminal Code Revision. Almost everyone I met was aware of the need for revision and I feel confident that you will succeed.

Juneau is a lovely place and I shall always remember the Lemon Creek Turn as we flew north to Anchorage. John and Sheila took me by the Mendenhall Glacier on the way to the airport. It is beautiful and awesome.

Again, I want to thank you for your hospitality and wish you the very best in the future.

Sincerely,

EB/cp

- CHAIRMAN**
Robert M. Ervin
P.O. Box 1170
Tallahassee, FL 32302
- CHAIRMAN-ELECT**
Alan Y. Cole
1730 K St. NW
Washington, DC 20006
- VICE-CHAIRMAN**
James George, Jr.
Western State University
Center for Administration
of Justice
6001 Cass St.
Detroit, MI 48202
- SECRETARY**
Kenneth J. Hodson
Room 708
1975 Conn. Ave. NW
Washington, DC 20036
- ASSISTANT SECRETARY**
Edwin K. Bothune
P.O. Box 36
Searcy, AR 72134
- LAST RETIRING CHAIRMAN**
Bon R. Miller
P.O. Box 1588
Baton Rouge, LA 70321
- SECTION DELEGATE TO HOUSE OF DELEGATES**
Jack G. Day
Court of Appeals
Cleveland, OH 44113
- BOARD OF GOVERNORS LIAISON**
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Denver, CO
- COUNCIL MEMBERS**
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Washington, DC
 - George D. Crowley
Chicago, IL
 - Albert J. Datz
Jacksonville, FL
 - C. Anthony Friloux
Houston, TX
 - Tom Karas
Phoenix, AZ
 - Herbert S. Miller
Washington, DC
 - Constance Baker Motley
New York, NY
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Sacramento, CA
 - A. Kenneth Pyle
Durham, NC
 - Paul K. Rooney
New York, NY
 - Joe W. Sanders
New Orleans, LA
 - Donald E. Sartorelli
Washington, DC
 - Paul T. Smith
Boston, MA
 - Carol S. Vance
Houston, TX
 - Steven C. Charen
Law Student Division Liaison
New York, NY
- STAFF:**
 - H. Lynn Edwards
Staff Director
 - Lauren A. Arn
Deputy Project Director
 - Laurin O. Robinson
Assistant Staff Director

Terry Gardiner

Box 1092, Ketchikan, Alaska 99901 Pouch V, Juneau, Alaska 99811

March 8, 1976

Lew Williams
Box 79
Ketchikan, Alaska 99901

Dear Lew,

I received your note concerning the addition of a representative of the Alaska Judicial Council to the Criminal Code Revision Commission. The membership of the Commission recommended in HB 694 was a well argued suggestion by the present Criminal Code Revision Commission.

The original Commission started out with nine members and then was later expanded to bring in representatives of more groups that were part of the criminal justice community. The Judicial Council along with various other groups were suggested for membership on the Commission. The Commission was expanded to fourteen to accomodate representatives of these other groups. One appointment by the Legislative Council and another by the Governor were left open to allow for interested groups that were not thought of.

House Bill 694 is presently on its way to the Senate and will probably be referred to the Senate Judiciary Committee. I will let Senator Ziegler know of your suggestion.

Sincerely,

Terry Gardiner

Terry; Don't you think that to conform with the duties of the Alaska Judicial Council, as set out by the constitution, we should have a representative of the council on this commission? The council has and is conducting a number of studies which would be useful to this group. I'd suggest the executive director of the Judicial Council for membership

Introduced: 2/6/76
Referred: Judiciary

BY THE RULES COMMITTEE BY REQUEST OF
THE LEGISLATIVE COUNCIL CRIMINAL
CODE REVISION SUBCOMMITTEE

— Lewell Young

1 IN THE HOUSE

2 HOUSE BILL NO. 694

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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7 sion; and providing for an effective date."

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

9 * Section 1. AS 24.20 is amended by adding new sections to read:

10 Sec. 24.20.470. ESTABLISHMENT. There is established as a legisla-
11 tive advisory commission of the Alaska Legislative Council the Criminal
12 Law Revision Commission.

13 Sec. 24.20.480. MEMBERSHIP. (a) The commission is composed of
14 the following members:

15 (1) one member of the state house of representatives and one
16 member of the state senate, both appointed by the Alaska Legislative
17 Council;

18 (2) the attorney general, or his designee;

19 (3) the commissioner of public safety, or his designee;

20 (4) the director of the division of corrections, Department
21 of Health and Social Services, or his designee;

22 (5) a judge of the superior court appointed by the chief
23 justice;

24 (6) a judge of the district court appointed by the chief
25 justice;

26 (7) the public defender, or his designee;

27 (8) one social worker appointed by the council;

28 (9) one mayor or his designee, from a municipality, desig-
29 nated by the Alaska Legislative Council;

1 (10) one person, representative of rural Alaska, designated by
2 the Alaska Legislative Council;

3 (11) an attorney appointed by the president of the Alaska Bar
4 Association;

5 (12) one representative of the general public appointed by the
6 Alaska Legislative Council;

7 (13) one representative of the general public appointed by the
8 governor.

9 (b) An appointing authority or a designated member of the commis-
10 sion may name an alternate to serve in his stead when the member is
11 unable to attend a meeting.

12 Sec. 24.20.490. TERMS, REMOVAL, COMPENSATION. (a) Members serve
13 ex officio or at the pleasure of the appointing authority. The term of
14 an appointed member is four years.

15 (b) Members receive no salary but are entitled to per diem and
16 travel expenses authorized by law for other boards and commissions.

17 Sec. 24.20.500. DUTIES OF THE COMMISSION. The commission shall

18 (1) advise the governor and the legislature on necessary and
19 appropriate revision of the criminal law;

20 (2) prepare a comprehensive revisio.. of the state criminal
21 laws including but not limited to necessary substantive and topical
22 revisions of crimes, criminal procedure, sentencing, and parole and
23 probation of offenders;

24 (3) conduct studies of criminal justice practices and pro-
25 cedures;

26 (4) receive and expend grants and appropriations from private
27 and governmental sources for the purpose of carrying out its duties
28 under this section;

29 (5) contract with other agencies or persons for the perfor-

1 mance of necessary services;

2 (6) submit a report with recommendations to the First Session
3 of the Tenth Legislature concerning substantive or topical revisions to
4 the criminal laws before February 1, 1977;

5 (7) submit a report and recommendations to the Second Session
6 of the Tenth Legislature before February 1, 1978 concerning revision of
7 the laws governing criminal procedure and other pertinent matters rela-
8 ting to criminal law on which no previous report has been made, together
9 with any recommendations concerning the future existence, purposes, or
10 composition of the commission.

11 Sec. 24.20.510. CHAIRMAN, MEETINGS, QUORUM. (a) The commission
12 shall select a chairman and vice-chairman from among its members.

13 (b) The commission may hold public hearings and other meetings as
14 necessary throughout the state and shall determine an appropriate quorum
15 for conducting business.

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

Introduced: 2/6/76
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST OF
THE LEGISLATIVE COUNCIL CRIMINAL
CODE REVISION SUBCOMMITTEE

2 HOUSE BILL NO. 694

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14 the following members:

15 (1) *Chairman or his designee from the Judiciary Com.*
16 one member of the state house of representatives and one
17 member of the state senate, both appointed by the Alaska Legislative
18 Council;

18 (2) the attorney general, or his designee;

19 (3) the commissioner of public safety, or his designee;

20 (4) the director of the division of corrections, Department
21 of Health and Social Services, or his designee;

22 (5) a judge of the superior court appointed by the chief
23 justice;

24 (6) a judge of the district court appointed by the chief
25 justice;

26 (7) the public defender, or his designee;

27 (8) one social worker appointed by the council;

28 (9) one mayor or his designee, from a municipality, desig-
29 nated by the Alaska Legislative Council;

1 (10) one person, representative of rural Alaska, designated by
2 the Alaska Legislative Council;

3 (11) an attorney appointed by the president of the Alaska Bar
4 Association;

5 (12) one representative of the general public appointed by the
6 Alaska Legislative Council;

7 (13) one representative of the general public appointed by the
8 governor.

9 (b) An appointing authority or a designated member of the commis-
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18 (1) advise the governor and the legislature on necessary and
19 appropriate revision of the criminal law *for submission to the legis*

20 (2) prepare a comprehensive revision of the state criminal
21 laws including but not limited to necessary substantive and topical
22 revisions of crimes, criminal procedure, sentencing, and parole and
23 probation of offenders; *for submission to the legis -*

24 (3) conduct studies of criminal justice practices and pro-
25 cedures;

26 (4) receive and expend grants and appropriations from private
27 and governmental sources for the purpose of carrying out its duties
28 under this section;

29 (5) contract with other agencies or persons for the perfor-

1 mance of necessary services;

2 (6) submit a report with recommendations to the First Session
3 of the Tenth Legislature concerning substantive or topical revisions to
4 the criminal laws before February 1, 1977;

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17 070(c). *The com. dies Feb 1, 1978.*

Introduced: 2/6/76
Referred: Judiciary

BY THE RULES COMMITTEE BY REQUEST OF
THE LEGISLATIVE COUNCIL CRIMINAL
CODE REVISION SUBCOMMITTEE

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6 Alaska Legislative Council;

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27 and governmental sources for the purpose of carrying out its duties
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14 necessary throughout the state and shall determine an appropriate quorum
15 for conducting business.

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

- 1. Fiscal note
 - 2. backup info
 - 3. referral to finance ?
- 1
3 1/4 times
2 sec

PROPOSED BUDGET

(summary)

Personal Services	\$140,184
Contractual Services	3,500
Travel	23,150
Supplies	5,000
Equipment	600
Printing	10,000
Indirect Costs	<u>14,018</u>
Total	\$196,452
Twelve Month Total	(157,162)