

HB

812

COMMITTEE REPORT

HOUSE

(9)

2/18/80

FURTHER: FINANCE

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 812

"An Act establishing a Commission to Secure Equality of Justice; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 812 same title new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Charles R. ...
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...
...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

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...
...

Charles R. ...
CHAIRMAN

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Working draft: CS for HB 812
 Title Advisory Commission on Justice
 Requested by _____ Date April 17, 1980

II. FISCAL DETAIL

Agency Affected Alaska Judicial Council or Legislature
 Program Category Affected Same
 BRU, Program, or Subprogram(s) Affected Same
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			175,487			
200 TRAVEL		42,130	97,720			
300 CONTRACTUAL			129,200			
400 COMMODITIES			4,000			
500 EQUIPMENT			15,000			
600 LAND & STRUCTURES			0			
700 GRANTS, CLAIMS, ETC.			0			
TOTAL			\$421,407			

FUNDING (Thousands of Dollars)

GENERAL FUND		\$421.4				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME			5			
PART TIME			0			
TEMPORARY			0			

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

IV. DATE April 17, 1980 PREPARED BY _____

AGENCY _____
 PHONE _____

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

Draft

7

Personal Services

A. Executive Director (^{26 C} district court judge)	54,480
4540 /mo/ by 12 months	54,480
4540	
B. Investigators (Attorney I) - 2 (Range 16)	46,904
2132 /mo x 11 months = \$27,500 ea x 2	46,904
2132	
C. Administrative Assistant (Range 14A)	22,200
1850 /mo x 12 months =	22,200
1850	
D. Clerk-Typist II. (Range 10)	13,515
1126.25 /mo x 11 months =	13,515
\$1126.25	13,515
Benefits @ 28% of \$137,019	38,388
	<u>175,487</u>

2. Travel

A. Staff administrative & conference travel and per diem	20,000
B. Commission travel and per diem public hearings and meetings	50,000
per diem: 36 days x 11 members x \$70 average	27,720
	<u>\$97,720</u>

3. Contractual Services

a) telephone (installation, long distance, monthly service charge) @ \$833.33/mo.	10,000
b) postage @ \$250/mo.	3,000
c) printing and advertising (public hearing notices, printing reports)	6,000
d) Installation of equipment and maintenance	1,000
e) Word processing and copying (Wang system + IBM Copier II or Xerox 3750) Lease/purchase, + initial supplies & installation + operating expenses for 1 year	15,000
f) Professional services	
a) Federal Council RSA	non-add < 30,000 >
b) Computer, programming, witnesses & various investigation costs	40,000

Fiscal Note: Advisory Commission on Justice3. Contractual Services (cont.)

g) office rental 1400 sq. ft. @ \$150/ft. (\$2100/mo) \$ 25,200
 X 12 mo.

h) Rental of public hearing space & security charges 2,000

i) Commissioners: 5 @ \$150/day x 36 days/year 27,000

Total, Contractual \$ 129,200

4. Supplies

a) One-time start-up costs \$ 1,000

b) Operational: \$250/mo x 12 mo. 3,000

Total, Supplies: \$ 4,000

5. Equipment

Estimated costs for purchase of:

desks, chairs, 1 Copiering Selectric
 typewriter, conference table, filing cabinets,
 bookcases, equipment stands, storage cabinets,
 coat racks, wastebaskets, etc.

\$ 15,000

Total, Equipment \$ 15,000

100: Personal Services \$ 175,487

200: Travel 97,720

300: Contractual 129,200

400: Supplies 4,000

500: Equipment 15,000

\$ 421,407

+ contract w/ AJC 30,000

Total cost: \$ 451,407

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

February 22, 1980

264
7730
Per
Hall

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

MEMORANDUM

TO: Diann Morrison, Administrative Assistant
to Representative Osterback

FROM: J.H. Hogan, Director
Legislative Finance Division

SUBJECT: Fiscal Note Backup - HB 812

You requested information to help in the preparation of a fiscal note for the proposed minority sentencing commission. I have enclosed budget summary sheets for the Alaska Renewable Resources Corporation which presumably provide a good guide for funding requirements for the proposed Commission. For a new commission I would suggest using the line item figures shown under the continuation column (5) for renewable resources. Since that column funds salaries for three commissioners and your proposed commission has five members, I would suggest adding an additional \$160,000 to the personal services line item to provide funding for five commissioners and three staff positions. If that seems reasonable, the budget would read:

Personal Services	\$150.8
Travel	31.8
Contractual	331.3
Commodities	5.7
Equipment	1.0

\$820.6

08-04-01-00-00 (04-71-1-02-01-00)

STATE OF ALASKA --- COMPONENT BUDGET ANALYSIS

13:10

1/28

CATEGORY: DEVELOPMENT
 AGENCY: DEPARTMENT OF REVENUE

PROGRAM: AK RENEWABLE RESOURCES CORP
 SUB-PROGRAM:

*** GOVERNOR ANALYSIS ***

FY80 ATHS REC 6638.6

OBJECT GROUP	VARIATION		DESCRIPTION: GOVERNOR VERSUS FY80 ATH
01 PERS. SERV.	229.6	78.0%	SALARY INCREASE 5.2. PERSONAL SERVICES ADJUSTMENT <3.6>. ADD 92.5 FOR CHIEF EXECUTIVE OFFICER AND SECRETARY II AND ASSOCIATED COSTS. ADD 90.5 FOR SENIOR FINANCIAL OFFICER AND COMMERCIAL LOAN ASSISTANT AND ASSOCIATED COSTS. ADD 45.0 FOR ECONOMIC DEVELOPMENT SPECIALIST.
02 TRAVEL	17.2	57.7%	INFLATION 2.0. ADD 8.0 FOR TRAVEL BY CHIEF EXECUTIVE OFFICER. ADD 6.2 FOR TRAVEL BY SENIOR FINANCIAL OFFICER AND COMMERCIAL LOAN ASSISTANT. ADD 1.0 FOR TRAVEL BY ECONOMIC DEVELOPMENT SPECIALIST.
03 CONTRACTUAL	588.6	190.3%	INFLATION 22.0. ADD .9 FOR CONTRACTUAL COSTS INCURRED BY CHIEF EXECUTIVE OFFICER. ADD .6 FOR CONTRACTUAL LOAN ASSISTANT. ADD 31.3 WITH 31.0 FOR RSA WITH MANAGEMENT SERVICES, ADD 100.0 FOR LEGAL CONSULTANTS AND AUDIT MANAGEMENT CONTRACTS. ADD 433.8 FOR VENTURE ANALYSES AND MONITORING.
04 COMMODITIES	1.1	21.6%	INFLATION .6. ADD .2 FOR OFFICE SUPPLIES FOR CHIEF EXECUTIVE OFFICER AND SECRETARY II ADD .2 FOR OFFICE SUPPLIES FOR SENIOR FINANCIAL OFFICER AND COMMERCIAL LOAN ASSISTANT. ADD .1 FOR OFFICE SUPPLIES FOR ECONOMIC DEVELOPMENT SPECIALIST.
05 EQUIPMENT	1.0	100.0%	ADD 1.0 FOR FY 81 REPLACEMENT.
XX TOTAL	837.5	131.1%	

GOVERNOR FIGURE \$1,476.1

POSITIONS AUTHORIZED

TITLE	LOCATION	TYPE	APP	S&B COSTS	FED.FUND	GEN.FUND	OTH.FUND
1 CHIEF EXECUTIVE OFFICER	ANCHORAGE	FULL	1	72.4		72.4	
2 SENIOR FINANCIAL OFFICER	ANCHORAGE	FULL	1	58.6		58.6	
3 ECONOMIC DEVELOPMENT SPECIALIST	ANCHORAGE	FULL	1	45.0		45.0	
4 COMMERCIAL LOAN ASSISTANT	ANCHORAGE	FULL	1	31.9		31.9	
5 SECRETARY II	ANCHORAGE	FULL	1	20.1		20.1	
XX TOTALS			5	228.0		228.0	

*** PROGRAM DESCRIPTION & PRIOR YEAR INFORMATION ***

FY 80 INTENT: IT IS THE INTENT OF THE LEGISLATURE THAT THE BOARD OF TRUSTEES OF THE ALASKA RENEWABLE RESOURCES CORPORATION SHALL SUBMIT ITS ANNUAL REPORT FOR 1979 WITH THE FY 81 BUDGET OR ON THE 10TH DAY AFTER THE CONVENING SECOND SESSION OF THE 11TH LEGISLATURE, WHICHEVER COMES FIRST. THE REPORT SHALL INCLUDE, IN ADDITION TO THE INFORMATION REQUIRED BY AS 37.12.090(B), THE FOLLOWING: (1) POLICY AND CRITERIA FOR (A) INVESTMENT OR FINANCIAL ASSISTANCE IN EACH OF THE RESOURCE SECTORS OF AGRICULTURE, TIMBER, FISHERIES AND RENEWABLE ENERGY RESOURCES,

08-04-01-00-00 (04-71-1-02-01-00)

STATE OF ALASKA -- COMPONENT_BUDGET_SUMMARY

13:10

1/28/80

CATEGORY: DEVELOPMENT
 AGENCY: DEPARTMENT OF REVENUE

PROGRAM: AK RENEWABLE RESOURCES CORP
 SUB-PROGRAM:

EXPENDITURES & FUNDING	FISCAL YEAR 1981												
	(01) FY79 ACT	(02) FY80 ATH	(03) FY80 RP	(04) FY80 SUP	(05) CONT	(06) REQUEST	(07) GOV AMD	(08) GOVERNOR	(09) HOUSE	(10) SENATE	(11) F.C.C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	96.7	294.4			290.8	518.8		524.0					
02 TRAVEL	12.7	29.8			11.8	47.0		47.0					
03 CONTRACTUAL	75.9	309.3			331.3	897.9		897.9					
04 COMMODITIES	1.8	5.1			5.7	6.2		6.2					
05 EQUIPMENT	28.8				1.0	1.0		1.0					
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
XX TOTAL EXPEND	215.9	638.6			660.6	1470.9		1476.1					
09 I-A TRANSFER													
10 FED. RECEIPT													
11 G. F. MATCH													
12 GENERAL FUND	215.9	638.6			660.6	1470.9		1476.1					
13 PGM RECEIPTS													
14 OTHER FUNDS													
15 FULL-TIME	9.0	6.0			6.0	11.0		11.0					
16 PART-TIME													
17 TEMPORARY													
18 MAN-MONTHS	49.5	72.0			72.0	132.0		132.0					

NEW POSITIONS

TITLE	LOCATION	TYPE	REQ	S&B COST	OTH.COST	TOT.COST	FED.FUND	GEN.FUND	OTH.FUND	GV	HS	SN	FC	FH
1 CHIEF EXECUTIVE OFFICER	ANCHORAGE	FULL	1	72.4	7.4	79.8		79.8						1
2 SENIOR FINANCIAL OFFICER	ANCHORAGE	FULL	1	58.6	5.4	64.0		64.0						1
3 ECONOMIC DEVELOPMENT SPECIALIST	ANCHORAGE	FULL	1	45.0	.4	45.4		45.4						1
4 COMMERCIAL LOAN ASSISTANT	ANCHORAGE	FULL	1	31.9	1.6	33.5		33.5						1
5 SECRETARY II	ANCHORAGE	FULL	1	20.1	1.7	21.8		21.8						1
XX NEW POSITION TOTALS			5	228.0	16.5	244.5		244.5						5

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

BY OSTERBACK, ANDERSON AND
HURLBERT

1 IN THE HOUSE

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 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

*Director of
CT
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

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8 the opportunity of members of racial minorities to secure review of
9 sentences and reduction of sentences when circumstances warrant;

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11 of racial minorities are being unfairly disadvantaged in their involvement
12 with the justice system; and

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14 tions for the correction of abuses and violations of the civil rights of
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16 system, and submit all reports to the judicial council, the governor, and the
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26 commission may

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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

*duties of
CF
SYSTEM*

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).

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CENTRAL COUNCIL
Tlingit and haida Indians of Alaska
One Sealaska Plaza - Suite 200
Juneau, Alaska 99801
(907) 586-1432 or 586-3613

TESTIMONY OF ANDREW W. EBONA

on

HOUSE BILL 812, "AN ACT TO CREATE A COMMISSION
TO SECURE THE EQUALITY OF JUSTICE"

(Presented at the House Judiciary
Committee Hearing on March 27, 1980
in Juneau, Alaska.)

HONORABLE CHAIRMAN CHARLES PARR, JUDICIARY COMMITTEE MEMBERS,
CONCERNED CITIZENS ... ALLOW ME TO INTRODUCE MYSELF. I AM ANDREW W. EBONA,
EXECUTIVE DIRECTOR OF THE CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIAN
TRIBES OF ALASKA. I AM A TLINGIT INDIAN FROM THE JUNEAU AREA AND AN IN-
DIVIDUAL THAT IS EXTREMELY INTERESTED IN ASSURING THAT THE EQUALITY OF
JUSTICE PREVAILS.

I WOULD LIKE TO GIVE YOU SOME BACKGROUND ON THE CENTRAL COUNCIL.
WE ARE THE CONGRESSIONALLY-RECOGNIZED GENERAL GOVERNING BODY FOR OVER
16,000 TLINGIT AND HAIDA INDIANS IN SOUTHEAST ALASKA. YOU CAN THEREFORE
SEE WHY WE MUST EXPRESS OUR CONCERN ABOUT HOW DISCRIMINATION MAY MANI-
FEST ITSELF WITHIN THE CRIMINAL JUSTICE SYSTEM. IT IS EXACTLY THOSE CON-
STITUENTS THAT WOULD BE, AND ARE, NEGATIVELY AFFECTED BY DISCRIMINATION.

WE HAVE BEEN MONITORING ON A LIMITED BASIS BOTH AGENCY AND COM-
MITTEE ACTIVITY IN THE CRIMINAL JUSTICE AREAS. THE STUDIES THAT HAVE
BEEN CONDUCTED TO DATE GO A LONG WAY TO PROVE AND CONFIRM LONGSTANDING
SUSPICIONS AND BELIEFS THAT WE HAVE ALL HAD CONCERNING DISCRIMINATION IN

THE SYSTEM. IT HAS BECOME APPARENT THAT THE EXISTING STRUCTURE WILL NOT CORRECT ITSELF. WE ARE HERE TODAY, IN RECOGNITION OF THIS, TO OFFER STRONG SUPPORT FOR HOUSE BILL 812, "AN ACT TO CREATE A COMMISSION TO SECURE THE EQUALITY OF JUSTICE". A COMMISSION OF THIS NATURE WILL OFFER SOME ASSURANCE THAT THE SYSTEM IS WILLING TO LOOK AT ITSELF. THE SITUATION NEEDS TO BE ADDRESSED AND MANY OF US WILL REST EASIER KNOWING THE SYSTEM IS WILLING TO CORRECT ITSELF.

WE URGE YOU, OUR ELECTED REPRESENTATIVES, AS COMMITTEE MEMBERS, TO PASS THIS BILL OUT OF COMMITTEE IN UNAMENDED FORM. IT IS UNFORTUNATE THAT WE NEED THIS "WATCHDOG COMMISSION", BUT WE CANNOT LET THE SYSTEM CONTINUE ON ITS PRESENT COURSE. IT IS EVIDENT THAT YOU, OUR ELECTED OFFICIALS, MUST TAKE STRONG MEASURES TO ASSURE THAT DOESN'T.

ONCE THIS BILL HAS BEEN ENACTED AND THE COMMISSION MEMBERS APPOINTED, WE NOT ONLY URGE, BUT DEMAND, THAT THEY LOOK AT LOCAL ENFORCEMENT AGENCIES IN MORE DETAIL. IT IS AT THIS POINT THAT THE INDIVIDUAL ENTERS THE SYSTEM. IF DISCRIMINATION OCCURS AT THAT POINT (AND IT HAPPENS MORE OFTEN THAN OFFICIALS WILL ADMIT TO) THEN IT MULTIPLIES AND MAGNIFIES AS THE INDIVIDUAL PROGRESSES THROUGH THE SYSTEM. THE CUMULATIVE RESULT IS THAT YEARS OF PEOPLE'S LIVES ARE WASTED. YOU CANNOT LET THIS CONTINUE. A COMMISSION TO SECURE THE EQUALITY OF JUSTICE WOULD MINIMIZE INCONSISTENCIES IN THE TREATMENT OF INDIVIDUALS.

IN LOOKING AT THE BILL ITSELF, THERE ARE SEVERAL NOTABLE PROVISIONS. THE COMPOSITION OF THE BOARD, AS A RESULT OF ITS TAKING INTO CONSIDERATION REPRESENTATION OF THE AFFECTED GROUPS, IS MOST APPROPRIATE. THE APPOINTMENT PROCESS MINIMIZES THE POSSIBILITY THAT INDIVIDUALS WHO ARE APPOINTED WILL HAVE CONFLICTING COMMITMENTS OR FEELINGS ON CARRYING OUT THE INTENT OF THE

Testimony of Andrew W. Ebona
RE: HB 812
Page 3

ACT CREATING THE COMMISSION. THE SUPEONA AUTHORITY WILL FACILITATE THE COMMISSIONS EFFORTS ALSO IN LIVING UP TO THE INTENT OF THE ACT ONCE PASSED.

IN CONCLUSION, WE REITERATE OUR STRONG SUPPORT FOR HB 812. WE ARE SURE THAT YOU REALIZE, AS WE REALIZE, THAT THERE CAN BE NO QUESTION THAT IT IS NEEDED AND IT MUST BE PASSED.

Andrew W. Ebona. Executive Director
Central Council of the Tlingit &
Haida Indian Tribes of Alaska
One Sealaska Plaza, Suite 200
Juneau, Alaska 99801
(907) 586-1432

President Bert Campbell
Vice Pres. Pat Anderson
Secretary Myron Igtanloc
Treasurer Jackie Guzalek
Sgt-at-Arms Gary Bader

ANCHORAGE NATIVE CAUCUS

P.O. Box 476
Anchorage, Alaska 99510
02/10/80

Dear Legislator:

The Anchorage Native Caucus fully supports and endorses House Bill 812 and we urge your support for the passage of this bill.

The overwhelming evidence of racial discrimination occurring in the criminal justice system of the State of Alaska cannot be denied.

The Advisory Committee on Minority Sentencing Practices has put forth the premise that the racial disparity was caused by a systematic skew at all levels of the criminal justice system, and whether it was an unconscious or conscious racial bias is not the question. The question is, what steps should be taken to insure equality and equal protection under the law? It seems very evident that the system is either incapable or unwilling to evaluate itself and to make any significant changes as evidenced by the countless reports written about the criminal justice system and the numerous complaints and allegations of racial discrimination that are occurring. If the State of Alaska is serious about correcting some obvious problems, it must take some very dramatic and forceful steps to evaluate and critically analyze the entire criminal justice system.

We believe that this can only be accomplished by establishing a Commission to Secure Equality of Justice to act as a watchdog and to build automatic safeguards into the entire system to insure that a crisis situation does not develop again. Must we be in a crisis situation before it gains the notice of the public? Is justice and equality a political issue in which one must round up votes and campaign vigorously to achieve? Do we put it on the ballot and call for a referendum? We think the constitution is quite explicit in guaranteeing equality.

We have a chance to make a model justice system. Let us not put equality and justice on a par with a library or a road appropriation.

If EQUALITY and JUSTICE is denied for one group, the entire population is in jeopardy.

Bert Campbell
Bert Campbell
President

Redraft WO 8290
Cook

1 IN THE HOUSE

2 HOUSE BILL NO.

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 an Advisory Commission on
7 Justice; and providing for an effective date."

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

9 * Section 1. ADVISORY COMMISSION ON JUSTICE. There is established as
10 a temporary commission the Advisory Commission on Justice to review the
11 entire justice system of the state, consider alternatives, and make
12 recommendations to the legislature, the executive, and the judiciary for
13 statutory, court rule, and procedural changes designed to improve and
14 simplify the justice system so that it is accessible and affordable while
15 guaranteeing the basic right of due process.

16 * Sec. 2. MEMBERSHIP. (a) The commission consists of ten members as
17 follows:

18 (1) the chairman of the senate judiciary committee and the
19 chairman of the house judiciary committee;

20 (2) the attorney general or his designee;

21 (3) the public defender or his designee;

22 (4) one justice of the state supreme court appointed by the chief
23 justice or his designee;

24 (5) five members appointed by the governor who are not attorneys;
25 at least one of these appointments shall be based on the ability of the
26 individual to represent rural persons and on the experience of the individual
27 with rural persons; at least one of these appointments shall be based on the
28 ability of the individual to represent low income persons and on the
29 experience of the individual with low income persons.

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

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

5 (2) the degree of commitment of an appointee to the principle
6 of equal justice under law for all people.

7 (c) Members of the commission serve at the pleasure of the appointing
8 authority.

9 (d) Appointments shall be made within one month of the effective date
10 of this Act, or of the effective date of a vacancy on the commission.

11 * Sec. 3. COMPENSATION AND EXPENSES FOR COMMISSION MEMBERS. Members
12 of the commission, except those appointed by the governor, serve without
13 compensation but are entitled to per diem and travel expenses provided by
14 law for state boards and commissions. Members appointed by the governor
15 shall receive \$150 for each day they devote to work of the commission and
16 are entitled to per diem and travel expenses provided by law for state boards
17 and commissions.

18 * Sec. 4. DUTIES. (a) The commission shall

19 (1) investigate and report on any part of the justice system under
20 which persons who are minorities, who live in rural areas, or who have low-
21 incomes suffer violations of their civil rights or are unfairly disadvantaged
22 in their involvement with the civil, criminal or juvenile justice system;

23 (2) investigate and report on trial court procedures, both civil
24 and criminal, with the aim of simplifying those procedures and reducing costs;

25 (3) investigate and report on alternatives to the formal justice
26 system for dispute resolution;

27 (4) hold public hearings in all regions of the state for the
28 purpose of receiving testimony on complaints with the present justice system
29 and recommendations for improvement of the current processes;

1 (5) investigate, report on, and make recommendations at least
2 annually, to improve the justice process, assure timely resolution of cases,
3 simplify procedures, assure reasonable costs, and particularly to assure
4 equal access by and equal treatment of all people in Alaska; all reports
5 and recommendations shall be submitted to the judicial council, the governor
6 the chief justice of the supreme court, the presiding officer of each house
7 of the legislature, and the public; all reports shall include minority
8 reports of those members of the commission who may not be in agreement with
9 the majority;

10 (6) prepare an annual budget to be submitted to the legislature
11 for approval of appropriations from the general fund to cover expenses.

12 (b) The final report of the commission shall be submitted by April 1,
13 1985 to the judicial council, the governor, the chief justice of the state
14 supreme court, and the presiding officer of each house of the legislature.

15 * Sec. 6. POWERS. (a) The commission may

16 (1) hire staff needed to assist the commission in the performance
17 of its duties under this Act;

18 (2) select a chairman and other officers as needed from members
19 of the commission;

20 (3) within the limits of legislative appropriations for the
21 purpose, contract for services needed to carry out the duties of the
22 commission with recognized legal scholars and others.

23 * Sec. 7. DEFINITION. In this Act

24 (1) "commission" means the Advisory Commission on Justice;

25 (2) "justice system" shall include the court system, the executive
26 branch, and local government entities.

27 * Sec. 8. TERMINATION. The commission terminates May 1, 1985.

28 * Sec. 9. EFFECTIVE DATE. This Act takes effect immediately in accord-
29 ance with AS 01.10.070(c).

MASTER COPY

2nd work draft

1 IN THE HOUSE

2 HOUSE BILL NO.

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 an Advisory Commission on
7 Justice; and providing for an effective date."

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

9 * Section 1. ADVISORY COMMISSION ON JUSTICE. There is established as
10 a temporary commission the Advisory Commission on Justice.

11 * Sec. 2. MEMBERSHIP. (a) The commission consists of eleven members
12 as follows:

13 (1) the chairman of the senate judiciary committee or his designee
14 and the chairman of the house judiciary committee or his designee;

15 (2) three members, appointed by the Judicial Council, who shall be
16 broadly representative of criminal justice agencies;

17 (3) three Alaska Natives, one appointed by the governor, and one
18 by the presiding officer of each house of the legislature;

19 (4) two Blacks, one appointed by the presiding officer of each
20 house of the legislature; and

21 (5) one member from another minority, appointed by the governor.

22 (b) The chairman of the senate judiciary committee and the chairman
23 of the house judiciary committee serve ex-officio.

24 (c) Members of the commission serve at the pleasure of the appointing
25 authority.

26 (d) Appointments shall be made within one month of the effective date
27 of this Act, or of the effective date of a vacancy on the commission.

28 * Sec. 3. COMPENSATION AND EXPENSES FOR COMMISSION MEMBERS. Members
29 of the commission who are public officials serve without compensation but

1 are entitled to per diem and travel expenses provided by law for state
2 boards and commissions. Members who are not public officials shall receive
3 \$150 for each day they devote to work of the commission and are entitled
4 to per diem and travel expenses provided by law for state boards and
5 commissions.

6 * Sec. 4. MEETINGS. The commission shall meet as often as necessary
7 in order to perform its duties. The first meeting of the commission shall
8 be convened at the call of the governor not later than twenty days following
9 appointment of the members of the commission.

0 * Sec. 5. DUTIES. (a) The commission shall

1 (1) prepare a written analysis of the implementation of the
2 recommendations contained in the report made by the Advisory Committee on
3 Minority Sentencing Practices, mandated by the Eleventh Legislature, First
4 Session, under Chapter 42 SLA 1979, as well as review and make recommendations
5 on other subjects contained in that report;

6 (2) investigate and report on practices within the justice
7 system which may violate the civil rights or unfairly disadvantage rural
8 residents, minorities or the poor;

9 (3) hold public hearings in all regions of the state for the
0 purpose of receiving testimony on complaints with the present justice system
1 and recommendations for improvement of the current processes;

2 (4) investigate, report on, and make recommendations at least
3 annually, in order to effect equal access by and equal treatment of all
4 people in Alaska; all reports and recommendations shall be submitted to
5 the judicial council, the governor, the chief justice of the supreme court,
6 the presiding officer of each house of the legislature, and the public; all
7 reports shall include minority reports of those members of the commission
8 who may not be in agreement with the majority;

9 (5) prepare an annual budget to be submitted to the legislature

1 for approval of appropriations from the general fund to cover expenses.

2 (b) The final report of the commission shall be submitted by April 1,
3 1985 to the judicial council, the governor, the chief justice of the state
4 supreme court, and the presiding officer of each house of the legislature.

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6 (1) hire staff needed to assist the commission in the performance
7 of its duties under this Act;

8 (2) select a chairman and other officers as needed from members
9 of the commission;

10 (3) within the limits of legislative appropriations for the
11 purpose, contract for services needed to carry out the duties of the
12 commission.

13 * Sec. 7. COOPERATION FROM OTHER STATE AGENCIES AND INSTRUMENTALITIES.

14 All state agencies, boards and commissions, and political subdivisions
15 shall cooperate and provide, without charge, information as requested by
16 the commission in the performance of its duties.

17 * Sec. 8. DEFINITION. In this Act

18 (1) "commission" means the Advisory Commission on Justice;

19 (2) "justice system" shall include the court system, the executive
20 branch, and local government entities.

21 * Sec. 9. TERMINATION. The commission terminates May 1, 1985.

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

24
25
26
27
28
29

- Lay persons as board members.
- Officials as ex-officio only

Situation

Poor people, disadvantaged persons of all ethnic backgrounds

Victims =

16
P 17

START P 3 - recommendation

P 4

P 11 - item C

P 15

16 - 17

P 21

P 23

24

P 27 V. 28

Jud Comm p 31000

V p 3 line 4-6 of bill

P ~~44~~ P 44, 45

unable to respond
(can't respond without resources)

oversight

functions
is necessary

legislator
now on
recommendation

Barry Stearn /
Question // Judicial Council?

- o Dept of Law rep.?
- o P.D.

Judge, ~~Deputy~~ }
}

Grammar
syntax

Judicial Council
staff time & money

! Will require increase
in Council's budget.



Supreme Court
State of Alaska

CHIEF JUSTICE
JAY A. RABINOWITZ

April 14, 1980

P. O. BOX 850
FAIRBANKS, ALASKA
99707
907-452-1539
907-456-5201

JUSTICES
ROGER G. CONNOR
ROBERT BOOCHEVER
EDMOND W. BURKE
WARREN W. MATTHEWS, JR.

Honorable Hugh Malone
House of Representatives
Pouch V
Juneau, Alaska
99811

Re: Proposed House Judiciary Committee Substitute
for HB 812

Dear Representative Malone:

I am writing as ex officio Chairman of the Alaska Judicial Council to clarify the council's position on the question of the creation, by statute, of a board or commission concerned with the status of minorities within in the criminal justice system.

At page 3 of the February 1980 report of the Advisory Committee on Minority Judicial Sentencing Practices, the following recommendation is made:

We . . . recommend the creation of a board, commission, or other instrumentality whose full-time and exclusive mandate would be to assure that concrete actions follow from these general recommendations. Experience has shown that implementation cannot be left the exclusive province of the operating justice agencies themselves. Each agency has its own limited resources, its own list of priorities and problems, and its own strategies. Many of the solutions to the problem of assuring equality of treatment required the coordinated

Hon. Hugh Malone
House of Representatives
Page 2

efforts of more than one agency for their resolution. An implementing and coordinating commission could lend assistance to the agencies, supply extra energy where needed, and act as a liaison between the agencies and the Legislature with regard to specific issues involved in racial equity--issues which are the proper concern of all Alaskans of all ethnic backgrounds and cultures.

The above language was the subject of extensive discussion at our council meeting on March 19-20. Following the discussion, the judicial council decided to support the position of the Minority Committee on this point in substance. Council did suggest a somewhat different structure for the proposed board or commission, in essence preferring one which was organized more on the lines of the judicial council itself. However, the central aspect of the Minority Committee's recommendation was approved, and still has the council's strong approval.

Alaska is a state rich in the diversity of its cultures; accordingly, there is a need for our institutions of justice to provide means for the expression of more than one voice. As the Minority Advisory Committee observed, the existing agencies have their own agendas and priorities. The creation of a separate instrumentality vigilant in identifying and asserting the minority perspective within the justice process is certainly a worthwhile legislative goal.

Two items of proposed legislation intended to achieve this goal were recently called to our attention. The first, HB 812, was discussed at the March 19 judicial council meeting. However, the council decided to voice no view on HB 812 since this bill was not recommended by the Minority Advisory Committee, and since it did not necessarily affect the judicial council's functions. Therefore, there was no need for comment. More recently, we have become aware of the proposed House Judiciary Committee's substitute for HB 812, now still a working draft. Since this draft does seem to raise some serious problems in its present form, the council would like to bring these to your attention.

Hon. Hugh Malone
House of Representatives
Page 3

Pursuant to Article IV, section 9 of the Alaska Constitution, the judicial council possesses the following mandate:

The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

The above language evidences the intent of the framers of the Alaska Constitution that the legislature and judiciary look to the judicial council for investigation and research into the justice process, and that both branches seek the council's recommendation on matters relating to improvement of the administration of justice. I think the judicial council has carried out this constitutional mandate vigorously and with integrity.

Under Section 1 of the working draft for a committee substitute for HB 812, an Advisory Committee on Justice is created and given the following purposes:

To review the entire justice system of the state, consider alternatives, and make recommendations to the legislature, the executive, and the judiciary for statutory, court rule, and procedural changes designed to improve and simplify the justice system.

* * *

A comparison of the judicial council's constitutional mandate with the proposed language of the committee substitute reveals a substantial redundancy. In short, under the working draft, the functions of the Advisory Committee on Justice would encroach upon the constitutionally mandated functions of the Alaska Judicial Council. The creation by the legislature of a body with a mandate duplicating the constitutional mandate of the judicial council raises the potential for future conflicts of a legal nature between the two.


Hon. Hugh Malone
House of Representatives
Page 4

I appreciate and understand your wish to broaden the definition of "minority" in order to encompass economically disadvantaged persons, and all those who, for any reason, may find it more difficult than others to obtain equal access to the justice system, or to secure complete equality, regardless of race or culture. This is a realistic approach. We would, however, not like to see the minority rights focus become excessively diluted, weakened, and lost among the other considerations.

It should be entirely possible to develop legislation which avoids duplicating functions of the judicial council, yet still advances our shared concerns for improvement of the justice process by providing an effective voice for minorities. Perhaps in future meetings with the council's executive director, draft legislation could be developed cooperatively.

I wish to thank you for your courtesy in affording the opportunity to comment on this draft legislation.

Sincerely,


Jay A. Rabinowitz
Chairman, Ex Officio
Judicial Council

JAR:dw

cc: Hon. Nels A. Anderson



Alaska Native Brotherhood

Camp Number 2

510 West Willoughby Avenue

Juneau, Alaska 99801

March 25, 1980

The Honorable Charles H. Parr
House of Representatives
Pouch V - Mail Station 3100
Juneau, Alaska 99811

Dear Mr. Chairman:

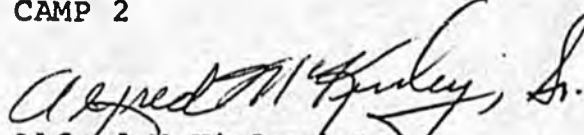
The Judiciary Committee has before it, House Bill 812, an "Act establishing a Commission to Secure equality of Justice;" We have reviewed the bill and now offer the endorsement of the Alaska Native Brotherhood and the Alaska Native Sisterhood.

You should be aware that we represent ANB & ANS Camps from throughout Alaska and Seattle, Washington. I have been requested to inform you that we will support the bill if it remains intact. In other words, any amendments that would "water it down" so to speak, would, ~~see~~ in our opinion, defeat the purpose of the bill.

We will be prepared to appear before your committee to reiterate our position, if necessary.

Respectfully,

ALASKA NATIVE BROTHERHOOD
CAMP 2


Alfred McKinley, Sr.
Corresponding Secretary

AMS:in

NOTE :

RECENT WORK
PAGE 3 FOR MORE

THE ALASKA JUDICIAL COUNCIL

A Summary of Programs and Recommendations Undertaken
Since Statehood: 1959 - 1980

Article 4, Section 2 of Alaska's Constitution states:

"The judicial council shall conduct studies for the improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years."

The topics studied by the Council at the request of the legislature and supreme court have been as broad as the constitutional language mandating these studies. The following lists summarize some of the more important contributions of the Judicial Council.

A. Recommendations Relating to the Judiciary and Courts

1. Evaluation of judges standing for retention elections, and recommendations to the public
2. Creation of Judicial Qualifications Commission.
3. Legislation relating to judicial salaries and retirement plans.
4. Increased jurisdictions of district court judges.
5. Court facilities and court management programs.
6. Jury size and length of service.
7. Authority of magistrates.
8. Supervision of the procedure of revising rules of court (1959-1961).
9. Waiver of juvenile jurisdiction in minor traffic cases (Ch.76, SLA 1961).
10. Establishment of Family Court (Ch. 110, SLA 1967).
11. Appellate review of sentences (Ch. 117, SLA 1969).
12. Coroner-Public Administrator office (Ch. 216, SLA 1970).
13. Constitutional amendment rotating the office of Chief Justice (approved by electorate in 1970).

The scope of this listing suggests the comprehensive role that the Council has played in structuring the shape and work of the court system, through Court Rules or administrative changes, legislative changes, and constitutional amendments.

B. Recommendations Relating to Other Aspects of the Administration of Justice

1. Recommendations to the legislature on proposed legislation affecting the courts (1960 - 1980).
2. Compilation of the records of the constitutional convention.
3. Adoption of Rule 40(e) of the uniform rules of the legislature (requires 2/3 vote of the legislature to change rules of court).
4. Establishment of Public Defender Agency (Ch. 109, SLA 1969).
5. Parole Board autonomy (granted in 1972).
6. Modernization of the state recording system (1966).
7. Various recommendations regarding probation and parole services, including administration of probation by courts.
8. Recommendations regarding juvenile services.
9. Extensive analysis of Bush Justice needs, and recommendations.
10. Monthly statistical reporting system on sentences (established by courts and corrections in 1962).
11. Recommendation for presentence reports in all felonies (enacted by court rule in 1974).
12. Reclassification of minor traffic offenses as non-criminal.

The Judicial Council was requested to consider all of the above matters by the courts, the legislature, or by public request. Most of its recommendations have been adopted, although some have taken several years before enabling legislative or rules changes were enacted.

C. Conferences and Consultancies

1. Sponsorship of first sentencing conference in Sitka, 1968.
2. Consultant to Legislative Council (1959-1961).
3. Sponsorship of first Bush Justice Conference (Alyeska, 1970).
4. Consultant to Courts Standards and Goals Task Force (1975-76).
5. Consultants to Criminal Code Revision Commission (1975 - 1979).

C. Consultancies and Conferences (cont.)

6. Magistrate's Advisory Committee (1977).
7. Consultant to Sentencing Guidelines Commission (1978 to present).
8. Consultant to Minority Advisory Committee on Judicial Sentencing Practices (created by legislature, 1979-1980).
9. Consultant to Pre-sentence Report Revision Committee at request of Supreme Court and Dept. of Health and Social Services (1979 to present).

D. Studies and Reports

1. The Alaska Public Defender Agency in Perspective. (Jan., 1974)
An analysis of the law, finances, and administration from 1969 to 1974 which resulted in amendments to Title 18, improving Public Defender services.
2. Report on Policy Considerations for Court Fee Structures. (Feb., 1974)
Resulted in changes to court system policies regarding fees collected for adoptions, recording services, and child support.
3. Evaluation of Courts of Limited Jurisdiction. (1974, unpublished)
Resulted in establishment of superior court judgeship in Kodiak and Sitka.
4. Judicial Districting. (Jan., 1975)
Resulted in creation of Barrow and Bethel service areas by court.
5. Sentencing in Alaska. (March, 1975)
First data available for use by Criminal Code Revision Commission, attorneys, and courts.
6. The Grand Jury in Alaska. (Feb., 1975)
Resulted in preliminary hearing pilot project in Anchorage, and experimental rules change by supreme court.
7. Bail in Anchorage. (March, 1975)
First information available about operation of bail system.
8. 1973 Sentences of Five Years or Longer. (April, 1975)
Analysis of factors contributing to lengthy sentences and impact of appellate review of sentencing.
9. Report on Repeat Bail Recidivists in 1973. (April, 1975)
Analysis on case-by-case basis of defendants violating bail conditions by committing more than one new crime while on bail.

D. Studies and Reports (cont.)

10. Alaska Felony Sentencing Patterns: A Multivariate Statistical Analysis - 1974-1976. (April, 1977)

Study requested by legislature and used to structure presumptive sentencing provisions of new criminal code. Also resulted in creation of Sentencing Guidelines Commission.

11. Interim Report on the Elimination of Plea Bargaining. (May, 1977)

Summarized effects of the Attorney General's 1975 ban on plea bargaining as reported by attorneys, judges, and defendants.

12. The Anchorage Citizens Dispute Center: A Needs Assessment and Feasibility Report. (1977)

Analysis of dispositions of minor disputes reported to Anchorage Police Department; recommended establishment of alternative dispute resolution procedures for certain types of situations.

13. A Look Inside: A Pilot Project in Citizen Involvement with the Judicial System. (October, 1978)

Contributed to citizen participation in all aspects of the justice system, and to revised procedures for evaluation of judges.

14. Interim Report of the Alaska Judicial Council on Findings of Apparent Racial Disparity in Sentencing. (Oct., 1978)

Summary of data accumulated on felony case disposition and sentencing patterns from Anchorage, Fairbanks, and Juneau (1974-1976) giving evidence of racial and other disparities in sentencing for certain types of offense. Resulted in legislative creation of Minority Advisory Committee on Judicial Sentencing Practices, and funding of follow-up Judicial Council studies of felonies and misdemeanors. Also resulted in cultural awareness and sensitivity training for all Alaska judges (June, 1979), Presentence Report Revision Committee, and suggested revisions to Criminal Code.

15. The Effect of the Official Prohibition of Plea Bargaining on the Disposition of Felony Cases in the Alaska Criminal Courts. (Dec., 1978)

Evaluated the effectiveness and consequences of the Attorney General's 1975 ban on plea bargaining. Over 1500 copies have been requested by Alaskan groups and persons in other states and countries; the report is being reprinted by the Government Printing Office in Washington, D.C.

16. Statistical Analysis of Misdemeanor Sentences in Anchorage and Fairbanks. (November, 1979)

Study requested by legislature as follow-up report on racial disparities in misdemeanor sentences. Shows strong disparities for most categories of misdemeanors.

President Bert Campbell
Vice Pres. Pat Anderson
Secretary Myron Igtanloc
Treasurer Jackie Guzalek
Sgt-at-Arms Gary Bader

Master Copy
ANCHORAGE NATIVE CAUCUS

P.O. Box 476
Anchorage, Alaska 99510
02/10/80

Dear Legislator:

The Anchorage Native Caucus fully supports and endorses House Bill 812 and we urge your support for the passage of this bill.

The overwhelming evidence of racial discrimination occurring in the criminal justice system of the State of Alaska cannot be denied.

The Advisory Committee on Minority Sentencing Practices has put forth the premise that the racial disparity was caused by a systematic skew at all levels of the criminal justice system, and whether it was an unconscious or conscious racial bias is not the question. The question is, what steps should be taken to insure equality and equal protection under the law? It seems very evident that the system is either incapable or unwilling to evaluate itself and to make any significant changes as evidenced by the countless reports written about the criminal justice system and the numerous complaints and allegations of racial discrimination that are occurring. If the State of Alaska is serious about correcting some obvious problems, it must take some very dramatic and forceful steps to evaluate and critically analyze the entire criminal justice system.

We believe that this can only be accomplished by establishing a Commission to Secure Equality of Justice to act as a watchdog and to build automatic safeguards into the entire system to insure that a crisis situation does not develop again. Must we be in a crisis situation before it gains the notice of the public? Is justice and equality a political issue in which one must round up votes and campaign vigorously to achieve? Do we put it on the ballot and call for a referendum? We think the constitution is quite explicit in guaranteeing equality.

We have a chance to make a model justice system. Let us not put equality and justice on a par with a library or a road appropriation.

If EQUALITY and JUSTICE is denied for one group, the entire population is in jeopardy.

Bert Campbell
Bert Campbell
President

Morrison -

Out of work of Minority Sentencing Comm.
Would include juveniles -

~~Andy~~ Ebona -

16,000 Tlingit-Haida in SE

Norman Staton - Minority Sent Comm -
favors full-time comm -

Hickey -

CJPA now doing study on bias in system
- full-time commission premature

Malone -

low-income people

Anderson -

HB 195 - narrow focus

Favors Malone's approach

Doesn't support paid commission

Rubenstein wants to testify

*
reform
protect
determent

Knighton - ~~for~~ CJPA - pre-sentence reports

~~minority~~
rights of victims
skinship

LA11 1042 09.41 JA01 0009 09.41 06/02/80

TO ALL LEGISLATORS

FROM: THOMAS ROGERS, 2401 LEE STREET, ANCHORAGE 99504 337-7393

I RECOMMEND VOTING AGAINST HB 687 UNTIL FURTHER STUDY CAN BE MADE. BE VERY CAREFUL OF INCREASED SPENDING. BASIC ASSUMPTION SHOULD BE THAT ANY MORE SPENDING IS NOT NEEDED AND THAT EFFORTS SHOULD BE MADE TO REDUCE EXISTING SPENDING.

LA11 3001 14.08 JA01 0040 14.08 06/02/80

TO ALL LEGISLATORS

FROM: KEITH KLEMME, BOX 20, MONTE ROAD, EAGLE RIVER 99577 694-4016

I WOULD LIKE TO KNOW WHEN THE STATE IS GOING TO HOLD ANOTHER VETERANS PREFERENCE LAND SALE UNDER AS 38.05.067. I WOULD LIKE A REPLY FROM YOU.

TO ALL LEGISLATORS

FROM: WILLIAM B. MORRIS, BOX 1477, EAGLE RIVER 99577 694-3295

I STRONGLY URGE THAT THE FCCS ON SB 1 BE REJECTED. THE FCC LIMITATION OF THE PROGRAM TO MORTGAGE APPLICATIONS OF \$90,000 OR LESS WILL EXCLUDE PERHAPS AS MUCH AS 40 PERCENT OF ALASKAN HOME BUYERS. SUGGEST EXTENSION OF 10 PERCENT TO MORTGAGE APPLICATION TO AT LEAST \$110,000.

3/25/80

(P)

hold proposed CS
til Rep. Malone
gives release.

3/26 Royce
said Hugh
does not want
released til at
least mid-day today -
check later . . .

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

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

5 (2) the degree of commitment of an appointee to the principle
6 of equal justice under law for all people.

7 (c) Members of the commission serve at the pleasure of the appointing
8 authority.

9 (d) Appointments shall be made within one month of the effective date
10 of this Act, or of the effective date of a vacancy on the commission.

11 * Sec. 3. COMPENSATION AND EXPENSES FOR COMMISSION MEMBERS. Members
12 of the commission, except those appointed by the governor, serve without
13 compensation but are entitled to per diem and travel expenses provided by
14 law for state boards and commissions. Members appointed by the governor
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16 are entitled to per diem and travel expenses provided by law for state boards
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18 * Sec. 4. DUTIES. (a) The commission shall

19 (1) investigate and report on any part of the justice system under
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23 (2) investigate and report on trial court procedures, both civil
24 and criminal, with the aim of simplifying those procedures and reducing costs;

25 (3) investigate and report on alternatives to the formal justice
26 system for dispute resolution;

27 (4) hold public hearings in all regions of the state for the
28 purpose of receiving testimony on complaints with the present justice system
29 and recommendations for improvement of the current processes;

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2 annually, to improve the justice process, assure timely resolution of cases,
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4 equal access by and equal treatment of all people in Alaska; all reports
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6 the chief justice of the supreme court, the presiding officer of each house
7 of the legislature, and the public; all reports shall include minority
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9 the majority;

10 (6) prepare an annual budget to be submitted to the legislature
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13 1985 to the judicial council, the governor, the chief justice of the state
14 supreme court, and the presiding officer of each house of the legislature.

15 * Sec. 6. POWERS. (a) The commission may

16 (1) hire staff needed to assist the commission in the performance
17 of its duties under this Act;

18 (2) select a chairman and other officers as needed from members
19 of the commission;

20 (3) within the limits of legislative appropriations for the
21 purpose, contract for services needed to carry out the duties of the
22 commission with recognized legal scholars and others.

23 * Sec. 7. DEFINITION. In this Act

24 (1) "commission" means the Advisory Commission on Justice;

25 (2) "justice system" shall include the court system, the executive
26 branch, and local government entities.

27 * Sec. 8. TERMINATION. The commission terminates May 1, 1985.

28 * Sec. 9. EFFECTIVE DATE. This Act takes effect immediately in accord-
29 ance with AS 01.10.070(c).

Sandra

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).

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Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

Date: April 18, 1980

Please rat the attached work draft in final version form. This is a House Judiciary

CS for HB 812.

2nd work draft House
by Judiciary

IN THE HOUSE

CS HOUSE BILL NO. 812

IN THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act establishing an Advisory Commission on
Justice; and providing for an effective date."

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

* Section 1. ADVISORY COMMISSION ON JUSTICE. There is established^{in the judicial branch} as
a temporary commission the Advisory Commission on Justice.

* Sec. 2. MEMBERSHIP. (a) The commission consists of eleven members
as follows:

(1) the chairman of the senate judiciary committee or his designee
and the chairman of the house judiciary committee or his designee;

(2) three members, appointed by the Judicial Council, who shall be
broadly representative of criminal justice agencies;

(3) three Alaska Natives, one appointed by the governor, and one
by the presiding officer of each house of the legislature;

(4) two Blacks, one appointed by the presiding officer of each
house of the legislature; and

(5) one member from another minority, appointed by the governor.

(b) The chairman of the senate judiciary committee^{or his designee} and the chairman
of the house judiciary committee^{or his designee} serve ex-officio and may not vote.

(c) Members of the commission serve at the pleasure of the appointing
authority.

(d) Appointments shall be made within one month of the effective date
of this Act, or of the effective date of a vacancy on the commission.

* Sec. 3. COMPENSATION AND EXPENSES FOR COMMISSION MEMBERS. Members
of the commission who are public officials^{or state employees} serve without compensation but

1 are entitled to per diem and travel expenses provided by law for state
2 boards and commissions. Members who are not public officials shall receive
3 \$150 for each day they devote to work of the commission and are entitled
4 to per diem and travel expenses provided by law for state boards and
5 commissions.

6 * Sec. 4. MEETINGS. The commission shall meet as often as necessary
7 in order to perform its duties. The first meeting of the commission shall
8 be convened at the call of the governor not later than twenty days following
9 appointment of the members of the commission.

0 * Sec. 5. DUTIES. (a) The commission shall

1 (1) prepare a written analysis of the implementation of the
2 recommendations contained in the report made by the Advisory Committee on
3 Minority Sentencing Practices, mandated by the Eleventh Legislature, First
4 Session, under Chapter 42 SLA 1979, as well as review and make recommendations
5 on other subjects contained in that report;

6 (2) investigate and report on practices within the justice
7 system which may violate the civil rights ^{of} or unfairly disadvantage ^{urban or} rural
8 residents, minorities or the poor;

9 (3) hold public hearings in all regions of the state for the
0 purpose of receiving testimony on complaints with the present justice system
1 and recommendations for improvement of the current processes;

2 (4) investigate, report on, and make recommendations at least
3 annually, in order to effect equal access ^{to justice} ~~by~~ and equal treatment of all
4 people in Alaska; all reports and recommendations shall be submitted to
5 the judicial council, the governor, the chief justice of the supreme court,
6 the presiding officer of each house of the legislature, and the public; all
7 reports shall include minority reports of those members of the commission
8 who may not be in agreement with the majority;

9 (5) prepare an annual budget to be submitted to the legislature

1 for approval of appropriations from the general fund to cover expenses.

2 (b) The final report of the commission shall be submitted by April 1,
3 1985 to the judicial council, the governor, the chief justice of the state
4 supreme court, and the presiding officer of each house of the legislature.

5 * Sec. 6. POWERS. (a) The commission may

6 (1) hire staff needed to assist the commission in the performance
7 of its duties under this Act;

8 (2) select a chairman and other officers as needed from members
9 of the commission;

10 (3) within the limits of legislative appropriations for the
11 purpose, contract for services needed to carry out the duties of the
12 commission.

13 * Sec. 7. COOPERATION FROM OTHER STATE AGENCIES AND INSTRUMENTALITIES.

14 All state agencies, boards and commissions, and political subdivisions
15 shall cooperate and provide, without charge, information as requested by
16 the commission in the performance of its duties. *The Commission may*

17 * Sec. 8. DEFINITION. In this Act *pay the actual cost of*
research projects it requests.

18 (1) "commission" means the Advisory Commission on Justice;

19 (2) "justice system" shall include the court system, the executive
20 branch, and local government entities.

21 * Sec. 9. TERMINATION. The commission terminates May 1, 1985.

22 * Sec. 10. EFFECTIVE DATE. This Act takes effect immediately in accord
23 ance with AS 01.10.070(c).

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