

Introduced: 5/15/81
Referred: Judiciary

BY THE RULES COMMITTEE
BY REQUEST (for the Task
Force on Violent Crime)

1 IN THE HOUSE

2 HOUSE BILL NO. 578

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to release after conviction of a
7 criminal offense."

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

9 * Section 1. AS 12.30.040(b) is repealed and reenacted to read:

10 (b) Notwithstanding the provisions of (a) of this section, a
11 person convicted of any of the following offenses may not be released
12 on bail either before sentencing or pending appeal:

- 13 (1) murder in the first degree (AS 11.41.100);
- 14 (2) murder in the second degree (AS 11.41.110);
- 15 (3) manslaughter (AS 11.41.120);
- 16 (4) criminally negligent homicide (AS 11.41.130);
- 17 (5) assault in the first degree (AS 11.41.200);
- 18 (6) assault in the second degree (AS 11.41.210);
- 19 (7) assault in the third degree (AS 11.41.220);
- 20 (8) kidnapping (AS 11.41.300);
- 21 (9) sexual assault in the first degree (AS 11.41.410);
- 22 (10) sexual assault in the second degree (AS 11.41.420);
- 23 (11) robbery in the first degree (AS 11.41.500);
- 24 (12) robbery in the second degree (AS 11.41.510);
- 25 (13) burglary in the first degree (AS 11.46.300);
- 26 (14) arson in the first degree (AS 11.46.400);
- 27 (15) escape in the first degree (AS 11.56.300);
- 28 (16) riot (AS 11.61.100).

29

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REVISED

POSITION PAPER

HOUSE BILL NO. 578

"An Act relating to release after conviction of a criminal offense."

House Bill No. 578, by decreasing categories of those who may be released on bond after conviction, will have some impact on the Division of Adult Corrections in terms of numbers of prisoners being held. There is not, however, data available to tell how many of those in the affected categories are presently being released. Experience does indicate that few were so released, and that in the cases where such release did occur, it was for less than the entire period of eligibility. Therefore, it would seem that the impact will not be substantial.

Recommended by:

Walter B. Jones, Jr.
Walter B. Jones, Jr.
Acting Director
Division of Adult Corrections

Date:

1-25-82

Approved by:

Helen D. Beirne
Helen D. Beirne
Commissioner

Date:

1/26/82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 578
 Title An Act relating to release after conviction of a criminal offense.
 Requested by Senator Bennett Date Date 5, 1981

II. FISCAL DETAIL

Agency Affected Division of Adult Corrections, Department of Health & Social Services
 Program Category Affected Offender Confinement, Reformation and Supv.
 BRU, Program, Or Subprogram(s) Affected Adult Confinement
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		8.9	9.7	10.6	11.6	12.6
400 COMMODITIES		13.9	14.9	16.2	17.6	19.2
500 EQUIPMENT						
600 LAND & STRUCTURES		683.3				
700 GRANTS, CLAIMS, ETC.						
TOTAL		705.8	24.6	26.8	29.2	31.8

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		705.8	24.6	26.8	29.2	31.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		*	*	*	*	*
PART TIME						
TEMPORARY						

* Security personnel will be required. See B. Z. a. below.
 III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

A. Assumptions

1. Very few persons convicted of unclassified, Class A or Class B felonies are now granted bail or make bail when granted.
2. There is only a relatively short period of time between conviction and sentencing.
2. Historical data has not been gathered regarding the number of persons released on bail after conviction for offenses specified, or how long such persons were out on bail before sentencing or pending appeal.

IV. DATE January 26, 1982 PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections
 Original: Legislative Finance PHONE 465-3376
 cc: Budget and Management

Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

4. It is assumed that approximately five additional person years per year of incarceration will result if this statute amendment is adopted.
5. Since the Alaskan correctional centers are currently operating at emergency capacity levels, five additional beds would be necessary in the Alaska correctional system.

B. Cost Estimate

1. Capital Expenditures

Core facility bed prices are used here rather than bed additions to existing or planned facilities because if HB 180 and HB 293 or SB 327 pass, in effect we have another institution and a core facility is needed to support the total number of beds. A core facility includes heating and electrical plants, kitchen, administration, recreation and program areas. The estimated cost per bed in the FY 1983 Capital Budget Request for a core facility is \$136,667. That figure is used here to compute construction costs. It is:

$$\begin{aligned} \text{Capital Expenditures} &= 5 \times \$136,667 \\ &= \underline{\underline{\$683,335}} \end{aligned}$$

2. Operating Costs

a. Personal Services

No personal services are requested. It is assumed the five beds would be added to the design of a new facility after all legislation requiring new beds was analyzed. Personnel requested for larger bed increases would probably cover the staff requirements for these beds.

b. Inmate related costs (FY 1982 level)

1.) Contractual (utilities, medical services, etc.)	8,200
2.) Commodities (food, clothing, etc.)	12,500

3. A 9% inflation rate is assumed for subsequent fiscal years.

POSITION PAPER

HOUSE BILL NO. 578

"An Act relating to release after conviction of a criminal offense."

House Bill No. 578, by decreasing categories of those who may be released on bond after conviction, will have some impact on the Division of Adult Corrections in terms of numbers of prisoners being held. There is not, however, data available to tell how many of those in the affected categories are presently being released. Experience does indicate that few were so released, and that in the cases where such release did occur, it was for less than the entire period of eligibility. Therefore, it would seem that the impact will not be substantial.

Recommended by:

Walt Jones / Charles Campbell
Charles F. Campbell, Director
Division of Adult Corrections

Date:

5/21/81

Approved by:

Helen D. Beirne
Helen D. Beirne, Commissioner

Date:

5/22/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____ House Bill No. 578
 Title An Act relating to release after conviction of a criminal offense.
 Requested by Senator Bennett Date May 5, 1981

II. FISCAL DETAIL

Agency Affected Division of Adult Corrections, Department of Health & Social Services
 Program Category Affected Offender Confinement, Reformation and Supervision
 BRU, Program, or Subprogram(s) Affected Adult Confinement
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	- 0 -	83.1	90.6	98.7	107.6	117.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	- 0 -	83.1	90.6	98.7	107.6	117.3

FUNDING (Thousands of Dollars)

GENERAL FUND	- 0 -	83.1	90.6	98.7	107.6	117.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
PART TIME						
TEMPORARY						

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

A. Assumptions

1. Very few persons convicted of unclassified, Class A or Class B felonies are now granted bail or make bail when granted.
2. There is only a relatively short period of time between conviction and sentencing.
3. Historical data has not been gathered regarding the number of persons released on bail after conviction for offenses specified, or how long such persons were out on bail before sentencing or pending appeal.

IV. DATE May 21, 1981 PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections
 PHONE 465-3376

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M. Hubbard M&B Approval M. Hubbard Date 5/22/81

4. It is assumed that approximately five additional person years of incarceration will result if this statute amendment is adopted.
5. Since the Alaskan correctional centers are currently operating at emergency capacity levels, it is assumed that the prisoner increase would have to be housed in the Federal Bureau of Prisons until such time as an additional state facility would be planned and constructed.

B. Cost Estimate

1. FY 1982

5 prisoners x 365 days x \$45.53 per day

$$5 \times 365 \times \$45.53 = \$83,092.25$$

2. A 9% inflation rate is assumed for subsequent fiscal years.

Conceded
Final
Pt F

Introduced: 5/15/81
Referred: Judiciary

BY THE RULES COMMITTEE
BY REQUEST (for the Task
Force on Violent Crime)

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29

#

COMMITTEE REPORT

HOUSE

FURTHER:

(11)

1/27/82

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 578

"An Act relating to release after conviction of a criminal offense."

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 _____ 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

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

COMMITTEE REPORT

HOUSE

1/27

FURTHER:

~~Rule~~
Fin

5/15/81

(7)

Date:

Jan 26, 82

Mr. Speaker:

The Committee on JUDICIARY has had HB 578

"An Act relating to release after conviction of a criminal offense."

under consideration and reports it back as follows:

do pass [] do not pass

[] do pass with attached amendments(s)

[] replace with CS for _____ [] same title [] new title

and recommends ~~it do pass~~

AND attaches a "~~Letter of Intent~~" ~~NEW~~ Fiscal Note

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Charles Anderson
Robert D. Manuel
Barbara H. Barnes
Russ Wilson

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Freeman No Rec
Reese Bell No Rec

Barbara H. Barnes
CHAIRMAN

as per
12-1366

Introduced: 5/15/81
Referred: Judiciary

BY THE RULES COMMITTEE
BY REQUEST (for the Task
Force on Violent Crime)

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29 # COMMITTEE COPY

-1-

HB 578

9 note

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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Requested by Senator Bennett Date Date 5, 1981

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IV. DATE January 26, 1982 PREPARED BY Roger C. Lange
AGENCY Division of Adult Corrections
Original: Legislative Finance PHONE 465-3376
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

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b. Inmate related costs (FY 1982 level)

- | | |
|---|--------|
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| 2.) Commodities (food, clothing, etc.) | 12,500 |

3. A 9% inflation rate is assumed for subsequent fiscal years

ALASKA STATE LEGISLATURE

TWELFTH. Legislature .FIRST. Session

HOUSE ...BILL..... NO.578

By RULES COMMITTEE BY REQUEST
(FOR THE TASK FORCE ON
VIOLENT CRIME)

"An Act relating to release after
conviction of a criminal offense."

Release after conviction

Introduced in the House ..5/15...., 19...81

HISTORY IN THE HOUSE

19 81	Read first time and referred to Committee on										
May 15	Judiciary										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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Yeas	Yeas										
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Absent	Absent										
Excused	Excused										
	Reconsideration										
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PASS	Effective Date										
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Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Sent to Senate										
	CHIEF CLERK OF THE HOUSE										

HISTORY IN THE SENATE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
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Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Returned to House										
	SECRETARY OF THE SENATE										

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.