

Introduced: 1/11/82
Referred: Judiciary

1 IN THE HOUSE

BY ANDERSON

2 HOUSE BILL NO. 632

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for waiver of jurisdiction under
7 AS 47.10 over a minor if there is probable cause for
8 believing that the minor committed a violent crime and
9 the minor is over 16 years of age or that the minor
10 committed murder regardless of the minor's age."

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

12 * Section 1. AS 47.10.060(a) is amended to read:

13 (a) If the court finds at a hearing on a petition that there is
14 probable cause for believing that a minor is delinquent and finds that
15 the minor is not amenable to treatment under this chapter, it shall
16 order the case closed. After a case is closed under this subsection, the
17 minor may be prosecuted as if he were an adult. The court shall order
18 the case closed if it finds at a hearing on a petition that there is
19 probable cause for believing that the minor

20 (1) is delinquent because the minor committed murder in the
21 first degree (AS 11.41.100) or murder in the second degree (AS 11.41.-
22 110); or

23 (2) is over 16 years of age and delinquent because the minor
24 committed

25 (A) manslaughter (AS 11.41.120);

26 (B) criminally negligent homicide (AS 11.41.130);

27 (C) assau't in the first degree (AS 11.41.200);

28 (D) assault in the second degree (AS 11.41.210);

29 (E) assault in the third degree (AS 11.41.220);

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- (F) kidnapping (AS 11.41.300);
- (G) sexual assault in the first degree (AS 11.41.410);
- (H) sexual assault in the second degree (AS 11.41.420);
- (I) robbery in the first degree (AS 11.41.500);
- (J) robbery in the second degree (AS 11.41.510);
- (K) burglary in the first degree (AS 11.46.300);
- (L) arson in the first degree (AS 11.46.400);
- (M) escape in the first degree (AS 11.56.300);
- (N) riot (AS 11.61.100).

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 632

Title "An Act...for waiver of ...minor (status)...(for)...violent crime..."

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected Administration of Justice

BRU, Program, Or Subprogram(s) Affected Alaska State Troopers

(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						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
POSITIONS	-0-	-0-	-0-	-0-	-0-	-0-

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						
	-0-	-0-	-0-	-0-	-0-	-0-

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

No fiscal impact is anticipated.

IV. DATE January 19, 1982

PREPARED BY Francis C. Allan

AGENCY Alaska State Troopers

PHONE 269-5691

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 632

Title "An Act. . .waiver of jurisdiction...minor over 16...violent or crime."

Requested by House Judiciary Date April 1, 1982

II. FISCAL DETAIL

Agency Affected Department of Administration

Program Category Affected Due Process

BRU, Program, or Subprogram(s) Affected Public Defender Agency

(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			290.2			
200 TRAVEL			20.0			
300 CONTRACTUAL			50.8			
400 COMMODITIES			6.0			
500 EQUIPMENT			8.5			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	375.5			

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		-0-	375.5			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME			4.0			
PART TIME						
TEMPORARY						

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

This bill, if passed, will cause a substantial number of juvenile cases in this office to be prosecuted as adult felony offenses. The bill would increase the number of adult felony prosecutions for crimes ranging from burglary in the first degree and assault in the third degree to the more serious felonies of manslaughter and sexual assault. All juveniles charged with murder in either degree, regardless of their age, would be prosecuted as adults.

Since our offices in each judicial district handle these types of cases, an additional attorney for each district would be necessary. While cases in juvenile court are often negotiated or disposed of without formal trial proceedings, adult felony cases require the greatest amount of attorney time of any cases handled by this agency. Since this bill affects a wide range of clients who may have committed any one of 16 felony offenses, an experienced attorney for each (cont.)

IV. DATE April 1, 1982 PREPARED BY Dana Fabe, Public Defender

AGENCY Public Defender Agency

Original: Legislative Finance
cc: Budget and Management

PHONE 279-7541

Prime Sponsor (First Legislator Named)

Dana Fabe

HB 632 Fiscal Note (continued)

judicial district will be required. These attorneys would work out of the Anchorage, Fairbanks, Nome and Juneau offices, but would handle the additional juvenile cases throughout the state.

Budgetary Breakdown

First District-	100	Attorney IV	64.4		
	200	Travel	5.0		
	300	Contractual	12.7		
	400	Supplies	1.5		
	500	Equipment	<u>2.0</u>		
				Total	85.6
Second District-	100	Attorney IV	87.6		
	200	Travel	5.0		
	300	Contractual	12.7		
	400	Supplies	1.5		
	500	Equipment	<u>2.5</u>		
				Total	109.3
Third District	100	Attorney IV	64.4		
	200	Travel	5.0		
	300	Contractual	12.7		
	400	Supplies	1.5		
	500	Equipment	<u>2.0</u>		
				Total	85.6
Fourth District	100	Attorney IV	73.8		
	200	Travel	5.0		
	300	Contractual	12.7		
	400	Supplies	1.5		
	500	Equipment	<u>2.0</u>		
				Total	95.0
				Agency Total	<u>375.5</u>

12-2037

Lead

Introduced: 1/11/82
Referred: Judiciary

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BY ANDERSON

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4 TWELFTH LEGISLATURE - SECOND SESSION

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ALASKA STATE LEGISLATURE

TWELFTH Legislature SECOND Session

HOUSE BILL NO. 632

By ANDERSON

"An Act providing for waiver of jurisdiction under AS 47.10 over a minor if there is probable cause for believing that the minor committed a violent crime and the minor is over 16 years of age or that the minor committed murder regardless of the minor's age."

Violent crime, minors

Introduced in the House 1/11, 1982

HISTORY IN THE HOUSE

19 82

JAN. 11

Jan 25

Read first time and referred to Committee on Judiciary

Reported back with recommendation that

*Reconsideration, & do pass
2 yeas - 3 nays*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
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

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
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.