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Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

JANUARY 20, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- SB 545 - "An Act relating to release after conviction of an offense."
- SB 547 - "An Act permitting the videotaping of, or the exclusion of the public during, testimony of young victims of sexual assault or sexual abuse of a minor; and changing Rule 804, Alaska Rules of Evidence relating to exceptions to the hearsay rule."
- SB 485 - "An Act permitting the videotaping of testimony of young victims of sexual assault or sexual abuse of a minor; and changing Rule 804, Alaska Rules of Evidence relating to exceptions to the hearsay rule."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:40 P.M. Committee members present were: Senator Rodey, Bennett, Ray, and Parr. Senator Hohman was absent.

First on the agenda was SB 545. Barry Stern, Department of Law, reported back to the committee on the instances of offenders released on bail prior to sentencing and subsequently apprehended for similar felonies.

The next witness called was James Sterling, Anchorage Police Department Employees Association. He reported his association was strongly in favor of this bill as written.

Senator Ray moved that the bill be amended to read that, Pg. 1, Line 12 between the word "kidnapping" and the phrase "a Class A felony", insert the word "or" and to delete the phrase "or a Class B felony". There was no objection to the amendment and it was adopted.

Senator Bennett moved that the bill be passed from committee. Members had the following recommendations: Chairman Rodey, do pass; Senator Bennett, do pass; Senator Ray, do pass; Senator Parr, no recommendation.

Senator Bennett was excused from the meeting due to Finance Committee meetings.

Chairman Rodey then took up Senate bills 485 and 547. Senator Bradley, prime sponsor of SB 547, was the first witness. He gave an overview of his legislation and explained the differences between the two bills. Senator Parr, sponsor of SB 485, also discussed the differences and a history of the proposed legislation.

The next witness was Barry Stern, Department of Law. He indicated the administration's support of both bills. He requested that the committee consider three changes to the legislation: 1.) He felt that the order allowing videotaping should be automatic rather than necessitating a hearing on the matter. 2.) He was concerned that the bill only spoke to a sexual assault and felt that additional offenses could be covered. 3.) The committee should consider expanding the use to young witnesses as well as victims.

James Sterling, APDEA, testified that the association was in full support of both bills and that they would like to see this provision applied to all victims of sexual assault.

Deborah Keller, parent of abused child, supported the legislation, but wanted to eliminate the presence of the defendant while the testimony was recorded.

John Pugh, Department of Health and Social Services, testified that the Department's position was favorable to both bills. He suggested the committee delineate which persons could be present during the videotaping of testimony.

Sarah Felix, AWARE attorney, testified in favor of both bills. Her written testimony is attached.

Chairman Rodey directed staff to work with the Department of Law and have a committee substitute ready for the following week. The bills were laid on the table and the meeting was adjourned.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 545 am
 Title An Act relating to release after conviction of an offense
 Requested by House Judiciary 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)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

No fiscal impact.

IV. DATE 2-25-82 PREPARED BY Michael Orelove
 AGENCY Department of Public Safety
 Original: Legislative Finance PHONE 465-4350
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) (Pub)
 33-001 (Rev. 12/81)

B & C Felonies
Added.

Original sponsor: Bennett

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCSSB 545
 Title An Act relating to release after conviction of a criminal offense.
 Requested by House Judiciary Date March 29, 1982

II. FISCAL DETAIL

Agency Affected Division of Adult Corrections, Department of Health & Social Services
 Program Category Affected Offender Confinement, Reformation and Supv.
 ERU, 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		345.0				
700 GRANTS, CLAIMS, ETC.						
TOTAL		367.8	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		367.8	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						

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.
3. Historical data has not been gathered regarding the number of persons released on bail after conviction or offenses specified, or how long such persons were out on bail before sentencing or pending appeal.

IV. DATE March 29, 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)

Roger C. Lange
jcc

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

It is assumed that these five beds would be incorporated into another capital project. The estimated cost per bed is \$69,000.

$$\begin{aligned} \text{Capital Expenditures} &= 5 \times \$69,000 \\ &= \underline{\$345,000} \end{aligned}$$

2. Operating Costs

a. Personal Services

No personal services are requested. It is assumed the five beds would be added to the design of the 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.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 545
 Title "An act relating to release after conviction of an offense."
 Requested by Repr. Barnes, House Judiciary Date Feb. 22, 1982

II. FISCAL DETAIL
 Agency Affected Department of Law
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected Prosecution
 (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	Ø	Ø	Ø	Ø	Ø	Ø

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

This bill will not have a fiscal impact on the department's operations.

IV. DATE February 22, 1982 PREPARED BY Richard I. Pegues, Director, Admin. Svcs.
 AGENCY Department of Law
 Original: Legislative Finance PHONE 465-3672
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 545 am

Title "An Act relating to release after conviction of an offense"

Requested by House Judiciary

Date February 19, 1982

II. FISCAL DETAIL

Agency Affected 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 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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

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

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

A. Assumptions

1. Very few persons convicted of unclassified or Class A felonies are now granted bail when convicted.
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 of unclassified or Class A felonies, or how long such persons were out on bail before sentencing or pending appeal.
4. There could be a minimal bed impact initially, but since a person gets credit for time served while in a pre-sentenced status, those persons

IV. DATE March 1, 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)

JCC

Senate Bill No. 545 am

"An Act relating to release after conviction of an offense"

March 1, 1982

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denied bail by this legislation will complete their required jail term earlier by the number of days they would have been out on bail. The minimal initial bed impact will, therefore, be negated after an estimated three years.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 545 am
 Title An Act relating to Release After Conviction of an Offense
 Requested by House Judiciary Committee Date _____

II. FISCAL DETAIL

Agency Affected Alaska Court System
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected Trial Courts
 (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-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 3/1/82 PREPARED BY Richard P. Barrier
 AGENCY Alaska Court System
 PHONE 264-0545
 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. Senate Bill No. 545 am
Title "An Act relating to release after conviction of an offense"
Requested by House Judiciary Date February 19, 1982

II. FISCAL DETAIL

Agency Affected 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 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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

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

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

A. Assumptions

1. Very few persons convicted of unclassified or Class A felonies are now granted bail when convicted.
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 of unclassified or Class A felonies, or how long such persons were out on bail before sentencing or pending appeal.
4. There could be a minimal bed impact initially, but since a person gets credit for time served while in a pre-sentenced status, those persons

IV. DATE March 1, 1982

PREPARED BY Roger C. Lange *Roger C. Lange*

AGENCY Division of Adult Corrections *JCC*

Original: Legislative Finance

PHONE 465-3376

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Senate Bill No. 545 am

"An Act relating to release after conviction of an offense"

March 1, 1982

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denied bail by this legislation will complete their required jail term earlier by the number of days they would have been out on bail. The minimal initial bed impact will, therefore, be negated after an estimated three years.