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SENATE AMENDMENT

By Judiciary Committee

To: \_\_\_\_\_ SENATE BILL No. 115

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 2

LINE: 4

Line 4 is amended to read:

(1) "party state" means a state of the United States,  
the United



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MEMORANDUM

TO: Senate Judiciary Committee

FROM: Kevin K. Bruce *[Signature]*  
Committee Aide

DATE: March 11, 1981

SUBJECT: SB 115 "AN ACT RELATING TO THE AGREEMENT ON  
DETAINERS; AND ESTABLISHING AN  
EFFECTIVE DATE."

I have contacted the Attorney General's office and the Public Defender's office concerning this legislation, and their responses are as follows:

Arthur Peterson, Assistant Attorney General: The Department supports the legislation and has no specific comments beyond the Governor's transmittal letter (see attached).

Dana Fabe, Acting Public Defender: The Public Defender Agency has no specific comments on the legislation; however, they support the concept and believe it makes sense for Alaska to join the interstate compact.

KKB/ods

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill to make Alaska a party to the Agreement on Detainers.

At the present time, there is no means by which a prisoner may initiate proceedings to clear a detainer placed against him from another jurisdiction, either state or federal. Such detainers prevent prison officials from developing meaningful rehabilitative plans since the prisoner's future is so uncertain. A detainer is a formal notice by which a prosecutor who has filed charges against someone imprisoned in another state can request that prison authorities in that state hold the prisoner beyond his release date so that he may stand trial. In addition, the present process by which a prosecuting official secures for trial a person already incarcerated in another jurisdiction is quite cumbersome. Enactment of this agreement would alleviate these problems and bring Alaska into step with the large number of other states and the federal government which have enacted the agreement.

The Agreement on Detainers makes the clearing of detainers possible at the instance of a prisoner. It affords him no opportunity to escape just convictions, but it does provide a way for him to test the substantiality of charges pending against him and to secure final judgment on any indictments, informations,

or complaints filed in other jurisdictions. The result is to permit the prisoner to secure a greater knowledge of his own future and to make it possible for the correctional authorities to provide better plans and programs for his treatment. The agreement also provides a method by which prosecuting authorities may secure prisoners incarcerated in other jurisdictions for trial before the expiration of their sentences. At the same time a governor's right to refuse to make the prisoner available, on public policy grounds, is retained.

As the federal government is already a party to the agreement, the procedures provided in the agreement will be available on a federal-state as well as on an interstate level.

Sincerely,



Jay S. Hammond  
Governor



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### SUMMARY OF SENATE JUDICIARY COMMITTEE HEARING OF MARCH 9, 1981

Butrovich Committee Room, State Capitol - Juneau Alaska

#### Legislation Before Committee:

SB 115 "An Act Relating to the Agreement on Detainers; and providing for an effective date."

SB 41 "An Act relating to premarital blood tests; and providing for an effective date."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:35 p.m. Committee members present were Senators Hohman, Parr, Ray, and Rodey. Senator Bennett was absent.

An overview of SB 115 was provided by Walter Jones, Assistant Director, Division of Corrections. Mr. Jones stated that this legislation would permit the state to join 46 other states, the District of Columbia, and the Federal Government to form a compact which allows prisoners to have charges filed by another state jurisdiction handled expeditiously. Mr. Jones stated his support of SB 115 for the following reasons:

- 1) Enables prisoners to obtain a speedy trial on pending charges;
- 2) Enables a prisoner to make long-range plans for himself following his trial and pending charges;
- 3) Encourages participation in rehabilitation programs;
- 4) Affords a positive psychological benefit by removing the apprehension; and
- 5) Upon conviction, an opportunity exists for the prisoner to serve his new sentence concurrently with the one he is already serving in another jurisdiction.

Mr. Jones stated the following benefits to the State as a result of this legislation:

- 1) Permits the Division of Corrections to make concrete, knowledgeable, and flexible planning for the prisoner;
- 2) Provides the possibility of improvement in the prisoner's motivation and involvement in programs; and
- 3) Offers the possible reduction in cost of inmate housing.

Senator Ray suggested the following amendment to page 2, Article II, item (1) to read:

(1) "party state" means a state of the United States, the United. . .

The Committee members then heard comments from Representative Terry Martin in opposition of SB 41 as written. Representative Martin stated his opinion that he views the current premarital testing requirement as a preventative measure and would recommend Rh typing of a woman at the time of marriage.

Joan Brooks, State Registrar of Vital Statistics, testified that the only impact on her department would be the elimination of one question required on the application for marriage certificate.

Dr. Dean Tirador, Deputy Commission for Programs, Health and Social Services, testified in support of the legislation because, in his view, statistics have not produced significant number of syphilis cases.

The Committee heard testimony from Harry Colvin, Chief, Section of Laboratories, Division of Public Health, with respect to the cost per person of such testing. Mr. Colvin stated the following costs: \$5.65 for rubella testing, and approximately \$11.00 for Rh screening.

Dr. Steven Rose, family practitioner, testified to his support of prenatal blood screening as a preventative measure in guarding against rubella and Rh negative complications.

Bill Moffitt, testifying for himself, stated his support of prenatal testing to determine Rh factor.

Hearing no objections, Chairman Rodey adjourned the meeting of the Judiciary Committee at 2:45 p.m.



Official Business

# Alaska State Legislature

## Senate

### Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

SUMMARY OF SENATE JUDICIARY COMMITTEE HEARING  
OF  
MARCH 11, 1981

Butrovich Committee Room, State Capitol - Juneau, Alaska

#### Legislation Before Committee:

SJR 20 Proposing an amendment to the Constitution of the State of Alaska relating to appropriations.

SB 115 "An Act relating to the Agreement on Detainers; and providing for an effective date."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:35 p.m. All members were present (Senators Bennett, Hohman, Parr, Ray, and Rodey).

Senator Tim Kelly provided an overview of SJR 20 and stated that it attempts to remove free conference powers from the budget and appropriations bills. Consequently, no appropriations bills passed by either body could be included in the conference committee version. He stated that only four to five states currently have the wide-open free conference committee. He stated, in his opinion, that the free conference committee should be eliminated, if not entirely, at least in the area of appropriation bills.

Senator Hohman stated that he opposes any act in which the Legislature limits itself in its ability to respond to state needs. Senator Bennett commented that he feels there are times in a free conference committee when changes are necessary. Senator Ray suggested a change in language such as, "all appropriations bills, exclusive of the general budget document, shall. . ." to permit the free conference committee latitude in dealing with administrative or legislative errors and omissions.

Following discussion, Chairman Rodey deferred committee action on SJR 20.

Walter Jones, Assistant Director, Division of Corrections, spoke briefly of the fiscal note for SB 115 and stated that

the fiscal note had been improperly prepared and additional budget would not be required for the Division of Corrections. Chairman Rodey stated that he had contacted the offices of the Attorney General and the Public Defender and neither had requested changes in the bill.

Senator Hohman moved that SB 115 be passed from the committee. The motion carried with the following votes:

Do Pass - Senators Bennett, Parr, and Rodey  
No Rec - Senator Hohman  
Do Not Pass - Senator Ray

Senator Ray requested that the word, "party" be added to page 2, line 4, to read "party state". Chairman Rodey directed the committee staff to prepare an amendment for adoption on the floor.

Chairman Rodey introduced four pieces of legislation for consideration as committee bills:

- "An Act repealing provisions of law relating to the selection of textbooks and the State Schools Textbook Committee."
- "An Act relating to offers of judgment."
- "An Act relating to the liability of the state for damages caused by persons who are performing community work while under court order; and providing for an effective date."
- "An Act relating to audio, visual, and dental insurance coverage for persons receiving benefits under the judicial retirement system; and providing for an effective date."

Senator Ray formally requested that Chairman Rodey schedule SB 7 ("An Act relating to accretion, reliction, and erosion; and providing for an effective date.") for hearing before the committee.

Hearing no objections, Chairman Rodey adjourned the meeting of the Senate Judiciary Committee at 2:00 p.m.

**Rule 43. Dismissal.**

(a) **By Prosecuting Attorney.** The prosecuting attorney may file a dismissal of an indictment, information or complaint and the prosecution shall thereupon terminate. Such a dismissal shall not be filed during the trial without the consent of the defendant.

(b) **By Court.** If there is unnecessary delay in presenting the charge to a grand jury or in filing an information against a defendant who has been held to answer to the superior court, or if there is unnecessary delay in bringing a defendant to trial pursuant to Criminal Rule 45, the court shall dismiss the indictment, information or complaint.

(c) **In Furtherance of Justice.** The court may, either on its own motion or upon the application of the prosecuting attorney, and in furtherance of justice, order an action, after indictment or waiver of indictment, to be dismissed. The reasons for the dismissal shall be set forth in the order.

(d) **Discharge From Custody—Exoneration of Bail.** When dismissal is ordered pursuant to this rule the defendant shall be discharged from custody, or if admitted to bail, his bail exonerated, or money deposited in lieu thereof refunded to the depositors. (Amended by Supreme Court Order 157 effective February 15, 1973)

- (a) CROSS REFERENCES: AS 12.20.020; AS 12.20.050; Crim. Form 73  
(b) CROSS REFERENCE: Crim. Form 74



Official Business

# Alaska State Legislature

Senate

Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 23, 1981

Dr. John E. Angell  
Justice Center  
University of Alaska, Anchorage  
3211 Providence Drive  
Anchorage, Alaska 99504

Dear John:

I thought I would forward a copy of the enclosed bill, S.B. 115, to your department for comments. The Department of Health and Social Services strongly supports the bill, and my initial reaction is favorable. However, I do have a rather limited background in corrections, and I thought you could be of help.

Any assistance you can provide will be greatly appreciated.

Sincerely,

Kevin K. Bruce  
Committee Aide

KKB/ods  
Enclosure



Official Business

# Alaska State Legislature

Senate

Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

M E M O R A N D U M

TO: Office of the Attorney General

FROM: Kevin K. Bruce  
Committee Aide

DATE: March 9, 1981

SUBJECT: S.B. 115: "An Act relating to the Agreement on Detainers; and providing for an effective date."

I would appreciate any comments your office has on this proposed legislation.

KKB/ods  
Attachment

"An Act relating to the Agreement on Detainers; and providing for an effective date."

This law would benefit both the state and the rights of prisoners. This legislation would require that prison officials inform prisoners of detainers filed against them. A prisoner may then file a formal request for trial on the outstanding charges. The confining jurisdiction would then agree to grant temporary custody to the prosecutor for the trial. If the filing jurisdiction fails to bring the defendant to trial within 180 days after the request, the charges are dismissed with prejudice in the filing state and the detainer is no longer valid. Provision is made for extension of this period upon a showing of good cause in court with the defendant or his counsel present.

The first and most obvious benefit of this agreement to any prisoner who has an outstanding detainer filed against him would be his ability to obtain a speedy trial on the pending charge, rather than waiting until his release from the present sentence.

A second benefit to the prisoner would be his ability to make long-range plans for himself following his trial on the pending charges on his dismissal, rather than existing in a state of uncertainty while serving his present sentence.

A third benefit to the prisoner would be his eligibility for classification to medium or minimum security custody and participation in the rehabilitative programs available to such prisoners. Currently, the existence of a detainer for a prisoner tends to preclude the classification of that prisoner to minimum security custody even though he might otherwise be eligible for such classification. Classification would be based upon fact, rather than pending charges which have not been adjudicated in court.

When a detainer has been lodged, the prisoner is not considered for parole to any plan other than to face the pending charges, regardless of the positive nature of his institutional adjustment or the availability of other rehabilitative parole opportunities; and when parole is granted, it is solely conditioned upon the filing agency's exercise of its detainer.

Another benefit of the Agreement to individual prisoners, which should not be minimized, is the psychological effect of the removal of apprehension and anxiety resulting from the knowledge that pending charges must be faced upon completion of the present sentence.

A final benefit of the Agreement to prisoners is the possibility that, should pending charges be tried and the prisoner convicted, the opportunity exists that the prisoner may be sentenced to serve his new sentence concurrently with that which he is already serving.

IS STATE OBLIGATED TO PAY TRANSPORTATION COSTS ?  
ABSOLUTE RIGHT TO TRANSPORT ON PRISONER REQUEST ?

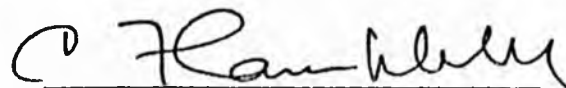
A primary benefit of the Agreement to the Division of Adult Corrections would be the ability of the Division to make more concrete, knowledgeable and flexible rehabilitative planning for prisoners who have been able to dispose of outstanding detainees.

A second benefit of the Agreement to the Division of Adult Corrections and to the State of Alaska, although in many ways intangible is nevertheless quite real, would be the improvement in motivation and involvement in rehabilitative programs of prisoners who are able to dispose of pending charges. There is little incentive for good behavior since, in many instances, the prisoner's classification is the most stringent it will be, and there is no prospect that good behavior will result in an early return to society. Such prisoners are poorly motivated and unwilling to make an investment of time, effort and emotion in available rehabilitative programs as they see little benefit from such involvement.

A third benefit to the State of Alaska, which could result from adoption of the Agreement, is the possible reduction in the cost of inmate housing. This could result from Alaska inmates serving concurrent sentences in non-Alaska institutions following their sentencing on charges which would otherwise remain pending during their period of incarceration in Alaska facilities. Additional savings would result from Alaska inmates being housed in non-Alaskan facilities during trials on charges in other states. This could possibly be offset by the reverse situation - out-of-state prisoners being housed in Alaskan facilities during trials in Alaska.

The Department of Health and Social Services supports this legislation and recommends its enactment.

Recommended by:




Charles F. Campbell, Director  
Division of Adult Corrections

Date:

2-17-81

Approved by:



Helen D. Beirne, Commissioner

Date:

2-17-81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill #115

Title "An Act relating to the Agreement on Detainers; and providing for an effective date."

Requested by Rules Committee by request of the Governor Date 01/29/81

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services - Division of Adult Corrections

Program Category Affected Offender Confinement, Reformation & 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			6.7	7.3	8.0	8.7
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>			6.7	7.3	8.0	8.7

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND			6.7	7.3	8.0	8.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

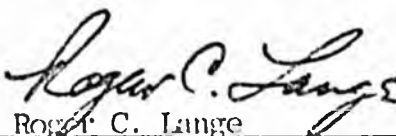
	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME			-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

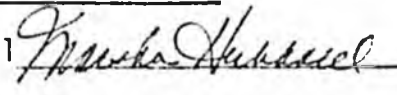
Estimated expenditures are based on four (4) trips to other states annually for an inmate and escort.

It is assumed that inflation will be 9% per annum for each of the fiscal years following FY 1982.

IV. DATE \_\_\_\_\_

  
 PREPARED BY Roger C. Lange  
 AGENCY Adult Corrections, Dept. of Health & Social Servs.  
 PHONE 465-3376

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

M&B Approval  Date 2/7/81