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COMMITTEE REPORT
SENATE

1/23/62

FURTHER: None

Date: February 22

Mr. President:

The Committee on JUDICIARY has had SB 692

duties of coroners and the coroner's inquest

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 SB 692 same title
 new title
- and recommends TO PASS
- 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

M E M O R A N D U M

TO: Members of the Senate Judiciary Committee

FROM: Karla L. Forsythe *KF*
General Counsel, Alaska Court System

DATE: February 15, 1982

SUBJECT: SB 692, "An act relating to the duties of coroners and the coroner's inquest"

The Alaska Court System respectfully requests that the Senate Judiciary Committee amend the language of SB 692, Section 10, "Property on body".

The wording of the section as presently drafted will create several problems for coroners who must implement the statute:

1. It does not address the procedure for handling property which is not physically on the unclaimed body, such as a duffel bag.
2. The word "internment" refers to the act of confining or impounding, as with prisoners of war. The proper word is "interment", which refers to the burial of a body.
3. It does not clarify to which public administrator the inventory of property should be sent.

The wording set out below addresses these problems. Since Section 10 speaks only about property of unclaimed bodies, the statute will be more clearly organized by repealing Section 10 and combining it with Section 9.

The proposed amendment reads as follows:

* Sec. 9. AS 12.65.100 is amended to read:

Sec. 12.65.100. UNCLAIMED BODIES [BURIAL OF BODY].

When a person dies [CORONER HOLDS AN INQUEST UPON A BODY,] and no [^{Person}friend or relative] appears to claim the body for burial, and no provision is made for the body under AS 13.50, the coroner shall

Memorandum
SB 692
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(1) notify the Department of Health and Social Services which shall cause the body to be plainly and decently buried or cremated and the remains decently interred, and

(2) take into his possession and inventory any money or other property belonging to the deceased and, within 30 days after the interment, transmit a certified copy of the inventory to the public administrator of his judicial district who shall then proceed under AS 22.15.320.

* Sec. 10. AS 12.65.100 is repealed.

[SEC. 12.65.110. PROPERTY ON BODY. IF MONEY OR OTHER PROPERTY IS FOUND ON THE BODY, THE JUDGE OR MAGISTRATE SHALL MAKE AN INVENTORY OF IT FOR HIS RECORDS AND TAKE IT INTO HIS POSSESSION. HE SHALL, WITHIN 30 DAYS AFTER THE INQUEST, TRANSMIT A CERTIFIED COPY OF THE INVENTORY AND THE MONEY OR PROPERTY TO THE CLERK OF THE SUPERIOR COURT. THE CLERK SHALL CAUSE THE PROPERTY TO BE SOLD AS UPON EXECUTION AND SHALL DEDUCT THE EXPENSES OF THE SALE FROM THE PROCEEDS. HE SHALL DEPOSIT THE REMAINDER OF THE PROCEEDS OF THE SALE AND ANY MONEY DELIVERED TO HIM BY THE JUDGE OR MAGISTRATE IN THE SAME MANNER AS MONEY COLLECTED ON JUDGMENTS IN FAVOR OF THE STATE.]



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 22, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 610 - "An Act relating to certificates of birth."

SB 692 - "An Act relating to the duties of coroners and the coroner's inquest."

SB 765 - "An Act exempting importation of alcoholic beverages for religious purposes."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:05 P.M. Committee members present were: Senators Rodey, Ray, and Parr. Senator Bennett was absent.

Chairman Rodey first brought SB 765 before the committee. Senator Ray moved that on page 1, line 18, after "body" insert ", are limited in quantity to the amount necessary for religious purposes, and are dispensed for religious purposes by a person authorized by the church or religious body to dispense the alcoholic beverage". There was no objection and the amendment was adopted.

Senator Ray motioned that SB 765 be moved from committee. There was no objection. All members present signed do pass.

The next item on the agenda was SB 610. Senator Parr explained the intent of the bill. Chairman Rodey next called Joan Brooks, Vital Statistics, before the committee. Ms. Brooks testified in favor of the bill stating that SB 610 would alleviate problems she had encountered with mothers requesting the name of the natural father, other than her husband, being placed on the child's birth certificate. She reported receiving one (1) call a week to her office on the subject.

After discussion Senator Parr moved that the bill be passed from committee. Senator Parr signed do pass, Senator Rodey signed no recommendation, Senator Ray signed do not pass.

Next Chairman Rodey brought SB 692 before the committee. Mr. Bruce gave a brief history of the bill at the request of Chairman Rodey.

After discussion, Senator Ray moved that the committee substitute for SB 692 be passed from committee. There was no objection. All members present signed do pass.

Chairman Rodey adjourned the meeting at 2:00 P.M.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 16, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 692 - "An Act relating to the duties of coroners and the coroner's inquest."

SB 693 - "An Act repealing the termination date of ch. 160, SLA 1980, relating to supreme court authority over court facilities; and providing for an effective date."

As there were not enough members present for a quorum, Chairman Rodey called a work session on SB 692 and SB 693. Members present were Senators Rodey, and Parr. Senators Bennett, and Ray were absent.

Chairman Rodey first brought SB 693 up for discussion.

Karla Forsyth, General Counsel for the Alaska Court System testified, stating that SB 693 would provide the following:

- 1.) Save time in letting contracts
- 2.) Provide 10% savings on overhead of Department of Transportation & Public Facilities
- 3.) Provide in-house expertise in design

She further stated that SB 693 has adopted the Department of Transportation and Public Facilities standards and it would provide an advantage to the DOT-PF as it is not geared to small projects. She expressed the DOT-PF's agreement with SB 693.

Senator Ray enters the room. Chairman Rodey brings the Committee to order.

Senator Parr moves to pass SB 693 from Committee with individual recommendations. There was no objection. Senators Parr and Rodey signed do pass. Senator Ray signed no recommendation.

The next item on the agenda was SB 692. Chairman Rodey called Karla Forsyth, General Counsel, Alaska Court System, before the Committee to

testify. Ms. Forsyth distributed a memorandum giving the Court System's recommended amendments to SB 692. (See attached memorandum)

The Committee questioned the need for the amendment to Sec. 3 of the bill. Ms. Forsyth explained that the court felt that this amendment would assure that inquest juries did not duplicate or hinder the work of grand juries. The Chairman directed staff to prepare language which would solve this without allowing coroners complete discretion on which deaths to hold hearings on.

Senator Ray moved that the language "friend or relative" on Line 20, Page 3, be amended to read "person". There was no objection and the amendment was adopted. Senator Ray also moved that the word "may" on Line 26, Page 2, be struck and the words "shall, unless the facts are self-evident" be inserted in its place. There was no objection and the amendment was adopted.

Staff was directed to prepare a committee substitute incorporating the changes.

After discussion Chairman Rodey adjourned the meeting at 2:15 P.M.

MEMORANDUM

TO: Members of the Senate Judiciary Committee

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General Counsel, Alaska Court System

DATE: February 15, 1982

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Sus. Perry
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Inquest today will examine manner of Williams' death

By JULIE ANNE GOLD
Daily News reporter

Police officers, a psychiatrist, and the victim's friends and neighbors are expected to testify today at an inquest into the fatal shooting of a man slain by an Anchorage police officer two weeks ago.

Cassell Williams, 24, was shot and killed Jan. 14 by a single bullet from a police marksman's rifle, after officers tried unsuccessfully for about an hour to talk him into surrendering.

Police said Williams had fired a handgun at a police-woman from the balcony of his Mountain View apartment and then shot sporadically at officers who responded to her call for assistance.

Williams' shots were striking neighboring apartments and homes, police said.

Police Chief Brian Porter, who was not at the scene at the time of the shooting, said the officer in charge gave a command to return Williams' fire.

Porter said the decision to fire was based on the officers' inability to reason with Williams, and because his shots were endangering the lives of



neighbors and policemen.

The shooting of Williams, a black man, has sparked a controversy. The Interdenominational Alliance of Ministers, Deacons and Stewards, a predominantly black group of local clergymen, has questioned police handling of the incident and demanded city officials order a separate investigation independent of the state inquest.

Mayor George Sullivan, however, has indicated he will wait for the inquest findings before considering a separate investigation.

"The coroner's inquest is the proper legal procedure to take at this time to resolve any questions surrounding the shooting," municipal press officer Kathy Madison said earlier this week. "After the inquest,

the mayor will take up the matter if any further action is necessary."

The outcome of the inquest should be known by Thursday afternoon, said Coroner Delores Wilks.

Wilks, who will preside, and district attorney Larry Weeks will select a jury of six persons. Wilks said 10 or 11 witnesses probably will be called by the state. They will be subject to questioning by Wilks, Weeks or the jurors.

"The whole purpose of the inquest is to determine the manner of death," Wilks said Wednesday.

In the case of the Williams' killing, Wilks said, the jury has only two choices — noncriminal or criminal homicide.

Although Weeks would not disclose the names of witnesses, he said police officers at the shooting, Williams' girlfriend — identified earlier as Carol Dubiel — his neighbors, and an Anchorage psychiatrist probably will testify.

Cynthia Williams, the victim's mother, is not expected to testify, Weeks said. She has retained a lawyer for the inquest.

Williams jury clears officer of shooting death

by Patti Epler
Times Writer

1/30/81

Anchorage police officers were justified in killing Cassell Williams after he shot at them from his Mountain View apartment, a coroner's jury ruled Thursday evening.

The verdict, delivered to an almost deserted courtroom, ended two weeks of controversy in which black community leaders accused police of discrimination and brutality.

"I think the verdict was quite consistent with what happened and what was presented in court," Anchorage Police Chief Brian Porter said after the verdict was read. Porter was one of many spectators who sat through the day-long hearing.

Williams' mother, Cynthia, and his girlfriend, Carol Dubiel, both refused comment after the hearing. A visibly upset Mrs. Williams waved reporters away and quickly left the downtown courthouse.

Thursday's inquest was delayed by a bomb threat at 9 a.m. but got into full swing about an hour later. An estimated 150 spectators were present at the start of the hearing but that number dwindled to less than 20 when the verdict was returned about 5 p.m.

The 24-year-old Williams, who had a history of mental problems, was killed Jan. 14 after police were called to Williams' Bunn Street apartment by a neighbor who reported that shots were being fired. Williams, who neighbors said had been firing his gun intermittently throughout the day, shot at the arriving officers.

Police attempted to evacuate the neighborhood, took cover behind their patrol cars and spent an hour

trying to talk Williams into surrendering.

But Williams refused to talk to the police and responded to their questions by firing twice more at the officers, testimony at the inquest indicated. A small amount of tear gas fired into the apartment also failed to bring Williams out.

An officer with a rifle and one with a pistol stationed themselves about 40 feet from the apartment. When Williams appeared at his bedroom window and, police said, raised his gun and pointed it at them, the two officers fired.

According to the pathologist who performed an autopsy on Williams, Williams was killed by a single rifle bullet that cut a major artery near his heart.

Anchorage District Attorney Larry Weeks asked one officer who had been at the scene how long would police have waited to shoot back if Williams had not been firing at them.

"Forever," the officer said. "Whatever it took."

One of the first to testify at the hearing was a psychiatrist who had treated Williams. He testified that Williams suffered from hallucinations, heard voices in his head and was subject to bizarre behavior.

Ms. Dubiel also testified that she moved out of the apartment they shared two days before the shooting because she thought Williams was "getting sick" again and was afraid for her own safety.

She said Williams was fine when he took his medication but that for some time prior to the shooting he had refused to take the medication.