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127

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: November 29, 1983

REQUEST:

Bill/Resolution No.: House Bill No. 127  
Title: "An Act to increase the punishment for sexual assault in the first degree."  
Sponsor: Reps. Lindauer, Hurlbert, Pestinger  
Requestor: Governor Sheffield  
Date of Request: September 15, 1983

FISCAL DETAIL:

Agency Affected: ADULT CORRECTIONS AGENCY  
Program Category Affected: Administration of Justice  
BRU, Program or Subprogram(s) Affected: Administration & Support, Northern, Southcentral & Southeastern Regions

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	24705.0	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	24705.0	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	-0-	-0-	-0-	24705.0	-0-	-0-

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the bill sponsor.

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Roger C. Lange *Roger C. Lange*  
Division: Administrative Services

Phone: 465-3376  
Date: November 29, 1983

Approved by Commissioner: *William W. Ludwig for Roger V. Enell*  
Department: ADULT CORRECTIONS AGENCY

Date: December 16, 1983

Distribution:

- Legislative Finance ✓
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency (ies)

#### IV. ANALYSIS

The current conviction rate for sexual assault in the first degree (rape) is 110 persons per year. Of this number, approximately 90 are first convictions.

House Bill No. 127 increases the presumptive sentence for first felony convictions only. The sentences for second and third convictions are unchanged from existing law. The increase in presumptive sentence length for first time offenders of sexual assault is two years.

It is assumed for purposes of this fiscal note that every offender earns all good time available. Since one day of good time is earned for every three days served, the increase in time served by each of the 90 persons convicted would be one and one-half years. This will result in the need for 135 additional bed spaces within the Alaska correctional system.

The impact on the system will not be experienced until six (6) years after passage of the proposed legislation since that is the minimum time served to under a presumptive sentence of eight (8) years. Considering the passage of time involved from the appropriation of funds to the completion of construction, the capital funds are requested for FY 1988, with a projected date of July 1, 1990 for opening the new facility. The cost for construction is estimated to be \$183,000. This is based on an estimated cost per bed of \$183,100 (FY 1984 costs, plus 10% inflation for each of four years) times 135 beds:  $135 \times \$183,000 = \$24,705,000$ .

No operating costs are identified in the fiscal note as they will not be experienced until FY 1991. Approximately 34 staff positions would be needed at that time, as well as funding for all areas related to the care and custody of the additional inmates.

# WHILE YOU WERE AWAY

FOR Dorothy Peavey DATE \_\_\_\_\_ TIME \_\_\_\_\_ A.M.  
P.M.

M Rep Lindauer

OF \_\_\_\_\_ TELEPHONED

PHONE \_\_\_\_\_ 3709 RETURNED YOUR CALL  
AREA CODE NUMBER EXTENSION

MESSAGE - Can contact her PLEASE CALL

if you have any questions WILL CALL AGAIN

about this info that will CAME TO SEE YOU

be passed out to UH ESS committee WANTS TO SEE YOU

SIGNED members ~~for~~ TOPS FORM 4002

SECTION = 12.55.125  
TITLE = 12

HB 127

HEADINGS TITLE 12.  
Code of Criminal Procedure.  
CHAPTER 55.  
Sentencing and Probation.

CITATION Sec. 12.55.125.

CATCH LINE

SENTENCES OF IMPRISONMENT FOR FELONIES.

TEXT

(a) A defendant convicted of murder in the first degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years. LIMITED EFFECTIVE DATE

(b) -EFFECTIVE UNTIL JANUARY 1, 1983- A defendant convicted of murder in the second degree or kidnapping shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years.

POSTPONED EFFECTIVE DATE

-EFFECTIVE JANUARY 1, 1983- A defendant convicted of murder in the second degree, kidnapping, or misconduct involving a

..copy d

E1001 ENTER COMMAND IN CORRECT FORMAT OR RETURN TO CONTINUE

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 2 OF 5

controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years.

(c) A defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, five years;

(2) if the offense is a first felony conviction, other than for manslaughter, and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, seven years;

(3) if the offense is a second felony conviction, 10 years;

(4) if the offense is a third felony conviction, 15 years.

(d) A defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 3 OF 5

years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a second felony conviction, four years;

(2) if the offense is a third felony conviction, six years.

(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a second felony conviction, two years;

(f) If a defendant is sentenced under (a) or (b) of this section,

(1) imprisonment for the prescribed minimum term may not be suspended under AS 12.55.080;

(2) imposition of sentence may not be suspended under

AS 12.55.125 DOCUMENT= 1 OF 1 PAGE = 4 OF 5  
AS 12.55.085;

(3) imprisonment for the prescribed minimum term may not be otherwise reduced.

(g) If a defendant is sentenced under (c), (d)(1), (d)(2), (e)(1), (e)(2), or (i) of this section, except to the extent permitted under AS 12.55.155 12.55.175,

(1) imprisonment may not be suspended under AS 12.55.080;

(2) imposition of sentence may not be suspended under AS 12.55.085;

(3) terms of imprisonment may not be otherwise reduced.

(h) Nothing in this section or AS 12.55.135 limits the discretion of the sentencing judge except as specifically provided.

(i) A defendant convicted of sexual assault in the first degree may be sentenced to a definite term of imprisonment of not more than 30 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and

AS 12.55.125 DOCUMENT= 1 OF 1 PAGE = 5 OF 5  
does not involve circumstances described in (2) of this subsection, eight years;

(2) if the offense is a first felony conviction, and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 10 years;

(3) if the offense is a second felony conviction, 15 years;

(4) if the offense is a third felony conviction, 25 years.

HISTORY (Sec. 12 ch 166 SLA 1978; am sec. 18 ch 45 SLA 1982; am secs. 28-30 ch 143 SLA 1982)

R0601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 127 Date on Bill: 1/26/83  
 Title: An Act to increase the punishment for sexual assault in the first degree  
 Sponsor: Representative Lindauer  
 Requestor: House Health Education & Social Services Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operative				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338  
 Division: Administrative Services Date: 2/28/83  
 Approved by Commissioner: [Signature] Date: 2/28/83  
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 127  
 Title An Act to increase the punishment for sexual assault in the 1st degree  
 Requested by House HESS Date Jan. 26, 1983

II. FISCAL DETAIL

Agency Affected Health & Social Services  
 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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS ETC.						
TOTAL					24718.5	

FUNDING (Thousands of Dollars)

GENERAL FUND					24718.5	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PAID TIME						
TEMPORARY						

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

The enactment of this proposed bill will increase the sentence length for the crime of sexual assault in the first degree.

IV. DATE February 3, 1983

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)

BILL NUMBER House Bill No. 127

EXPENDITURES

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES					24718.5	
700 GRANTS, CLAIMS ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	24718.5	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	24718.5	-0-
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)

The current conviction rate for sexual assault in the first degree (rape) is 110 persons per year. Of this number, approximately 90 are first convictions.

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for FY 1987, with a projected date of July 1, 1989, for opening the new facility. The cost for construction is estimated to be \$24,718,500. This is based on an estimated cost per bed of \$183,100 (FY 1985 costs, plus 12% inflation for each of two (2) years) times 135 beds:  $135 \times \$183,100 = \$24,718,500$ .

No operating costs are identified in the fiscal note as they will not be experienced until FY 1990. Staff positions would be needed at that time, as well as funding for all areas related to the care and custody of the additional inmates.

ALASKA ACTION TRUST  
c/o SRA Box 1553Z  
Anchorage, AK 99507

March 28, 1983

*HKS*  
MAR 30 1983

The Honorable Mae Tischer  
Pouch V  
Mail Stop 3100  
Juneau, AK 99811

Dear Representative Tischer:

The Alaska Action Trust is a statewide organization composed of attorneys actively involved in trial practice. The Trust has and seeks membership from attorneys practicing in all parts of Alaska and is supported by voluntary contributions from its members. The Trust members feel that their experience and background on specific legislation may assist you as a member of the House Health, Education & Social Services Committee of the Thirteenth Alaska Legislature.

The Trust therefore requests that you advise us of committee meetings and public hearings on the following bill presently before your committee: HB 127. By separate letter we are also requesting this information from other members of the committee.

If we can be of assistance to you by submitting written or oral testimony, please do not hesitate to contact us.

Sincerely,

ALASKA ACTION TRUST

*Joanne F. Routh*

Joanne F. Routh,  
Executive Secretary  
Telephone 345-5543

JFR:jff

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 127 Date on Bill: 1/26/83  
Title: An Act to increase the punishment for sexual assault in the first degree  
Sponsor: Representative Lindauer  
Requestor: House Health Education & Social Services Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86

2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338  
Division: Administrative Services Date: 2/28/83

Approved by Commissioner: [Signature] Date: 2/28/83  
Department: Public Safety

5. Distribution:

- Original to Legislative Finance
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2/15/83

# The Tragedy of Teenage Prostitution

by FATHER BRUCE RITTER with BOB WEINSTEIN

**We must face the shocking facts, says a Catholic priest, and care enough to try to change them.**

**W**I am not going to make it. I am going to die out there. The streets are going to kill me." He was 17 years old. We'll call him Louis. He was talking to one of the co-authors of this article, the Reverend Bruce Ritter, a 52-year-old Franciscan priest. Two years ago, Father Ritter started Covenant House. It is a shelter for teenagers, most of them runaways, who roam the sinful streets around Times Square in midtown New York.

Wherever there are large numbers of runaways, teenage prostitution is a fact. The problem is already very bad—and getting worse—in cities such as New York, Los Angeles, Miami, and Houston. But it's not just a big-city problem. Those runaways come from almost every corner of the United States. Fleeing or kicked out of their homes, they come to the cities with dreams of glamor and fun.

The Federal Bureau of Investigation keeps statistics on runaways. Between 600,000 and one million young people run away from home every year, the FBI reports. Not all of these, of course, end up in prostitution. In fact, quite a few return home very soon. But almost all teenage prostitutes start out as runaways.

These teenage runaways cannot get honest work. They have not finished school. Rightly or wrongly, they don't want to go home. Or maybe they don't have a home, or parents, anymore. Or maybe their parents don't want them to come home.

Over the past 18 months, 8,000 homeless young people have come to Covenant House. There, they can get a good night's sleep, eat nourishing meals, and clean up. Perhaps most important of all, they can talk about their lives with the volunteers who work there. Like Louis, who fears "the streets are going to kill me," 60 percent of the young people who show up at Covenant House are involved in prostitution.

At 17, Louis has been a hustler for three years. He didn't finish school and can't write very well. He's an alcoholic. He drinks every day, he says, to try to forget what he has to do to survive. He is a naturally



*Teenage runaways head for cities — and ruined lives. Father Ritter fights to save them.*

bright person who, maybe, could have led a more "normal" life. But his chances, now, of leading anything like a normal life are just about zero.

What do volunteer workers say to teenagers like Louis who come to Covenant House and similar shelters around the country? The volunteers have only one hope: to try to convince a teenager that he or she has other choices in life. Maybe (a volunteer may suggest) going back home is better than staying

Few things get Father Ritter to put aside his work for Covenant House—even for a little while. This article was one of them. We are grateful to Father Ritter and to his co-author, Bob Weinstein, a frequent contributor to this magazine.

on the streets. But many of these teenagers just can't believe that they can change their lives, that they have any choices at all.

So, they go back on the streets. Hundreds of them have been held prisoner, tortured, raped. Some of them have been murdered. One 16-year-old girl—we'll call her Alice—was held prisoner for a week, after a pimp picked her up in New York's Port Authority Bus Terminal. Alice was drugged, raped repeatedly, but finally escaped. Her pimp found her again and told her he had to have her back. He said he owned her. Besides, Alice was worth thousands of dollars a month to him.

Police have identified about 1,000 pimps in just the New York City midtown area. Each one usually controls between two and four girls like Alice. The prostitute is the "property" of the pimp. Each girl is expected to bring the pimp a certain amount of money a day, usually around \$200. She has to. If she doesn't, a brutal beating is about the best she can hope for.

Prostitution has been called a "victimless crime." That means a crime that doesn't hurt anybody. But that leaves out all the young people who are beaten, tortured, held prisoner. And what about those who are murdered? What about the ones who commit suicide out of hopelessness and desperation?

These are the victims. But who, really, are they? Here are some statistics from Covenant House. Fifty percent of the teenage prostitutes are black; 18 percent are Spanish-speaking; 25 percent are white. The rest are of mixed ethnic backgrounds. Seventy-five percent are boys. The median age of both boys and girls is about 17. Almost one-half of

them are 17 or younger. Nineteen out of 20 come from one-parent families. If they come from two-parent families, there is almost always alcoholism in the family.

Seventy-five percent of teenage prostitutes are children of the poor. Most of them have suffered child abuse. They have either been thrown out or walked out of homes that have broken up, or homes where there seems to be no love or understanding left.

To an experienced pimp, these needs for attention and security are easy to spot—and easy to prey on. A lot of scared young girls, for example, want to believe that the smooth, expensively dressed young men who seem to fall for them really care. The rude awakening often comes when the girl is asked to prove her love by repaying the man for his generosity. She can repay him, he tells her, by selling her body and making money for them both. For her, it can seem like her only option.

Meanwhile, the "sex industry" is booming. And teenage prostitution and pornography, too, get bigger every day. Business has never been better. Why? There are probably just two answers. They are two of the seven deadly sins—greed and lust. There is big money in selling sex. Greed makes people go after that money. The money comes from other people who lust after children and teenagers. And, of course, the greedy ones want to make sure money keeps rolling in. They are for the most part linked to what we know as organized crime. They have a big stake in being deadly efficient—for them, sex is a \$4-billion-dollar-a-year industry. □

### Father Bruce Ritter— On Stopping Teenage Prostitution

Senior: With all you've seen—all the pain and suffering—do you think it's possible to end the problem?

Father Ritter: I do. It seems, though, that very few people really want to do anything.

Senior: Do what? You make it sound as if individuals—young individuals—can do something. But is that realistic? What have adults, politicians, the police been able to do?

Ritter: Very little. But I think that's because they've only given lip service to the problem. But they've made little effort to stop it. The problem grows worse every day. But young people can care. Caring is a good way to start. If their sister or brother or close friend were on a street corner, it wouldn't be so hard to care. Caring is the first step in accepting responsibility—for yourself and for others.

Senior: That sounds good. But it also sounds like a lot of other things people have said before about love and caring making things all right. . . .

Ritter: Wait a minute. That's only a beginning. The caring makes people act. And that's what it takes to make them realize they have power.

Senior: What kind of power?

Ritter: The power to put people into office—and to

take them out. Politicians respond to the people who write them—people who care, people who vote. Letters are a good way for your readers to start. And before long, they'll be voting. They can vote against the uncaring politicians and judges and the do-nothing district attorneys.

Senior: But statistics show that not many young people actually vote.

Ritter: I know! That's immoral and irresponsible. I hear young people say that their vote doesn't count. But they don't even try to find out if that's true. They may shake their heads over a problem like teenage prostitution, but they don't try to do anything.

Senior: But why should they really care—about a problem that seems so far away?

Ritter: I thought I already gave them some good reasons. But here's another. Some day, they will have children of their own. And they have to decide if they want those children growing up in a world where young people are bartered like sacks of potatoes. They can't afford to wait until then. . . . until those children are teenagers and maybe thinking of running away. That will be too late. The problem can't be—won't be—stopped overnight. It's going to take time. And the time to start is now. □

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INCIDENTS —

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HICH ABUSE HAS

ANCE CHILDHOOD

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in community norms."

bee call for more work in

its incidence, causes and well as developing pro-

grams for prevention and treatment. Their paper is the first to address adolescent abuse from the standpoint of a combination of factors, involving parents, children and social stresses, and is intended to guide future work on the subject.

Teen-Age Prostitutes

Adolescent prostitution has been receiving a great deal of attention in Minnesota, and particularly in the Twin Cities area of Minneapolis-St. Paul. The area is notorious as the home of many young girls who are now working as prostitutes in New York City, Chicago, and California; so notorious that one section of New York with numerous adolescent prostitutes has become known as the "Minnesota Strip."

Based on 3 years of direct fieldwork, Michael Baizerman, Jacquelyn Thompson, Kimaka Stafford-White, and "An Old, Young Friend"—an 18-year-old woman with five years' experience in prostitution—have written of this problem in *Children Today*.

In the Twin Cities area, girls of all races are involved in prostitution; their ages range from 13 to 18. Some have a male pimp, others do not, and many make a transition from working independently to working for a pimp. Generally speaking, most of the young prostitutes work "the street"—both actual city blocks and other specific locations, such as shopping malls and the areas around some bars and after-hours clubs. Most sex acts take place in cars, although some girls use apartments and, more rarely, motel and hotel rooms.

Many of the girls practice birth control; pills, followed by the IUD, are the two most popular forms. Since girls may begin using the pill at an early age, they may be at risk of resultant medical complications. Use of the IUD could lead, through violence during the sex act, to such serious problems as perforation of the cervix. Condoms seem to be used less as a pregnancy prophylactic than as a preventive for venereal disease.

Many girls do not know much about venereal disease, and what information they do have seems to be obtained from "the street." Some learn from experience that one consequence might be scar tissue on the fallopian tubes, which could prevent pregnancy. Generally, pimps take care of the medical and health expenses of their girls.

Many pimps working in neighborhoods and the metropolitan area do not use hard drugs and do not allow their girls to use them—hard drug use raises the risk of arrest and the cost of the pimp's operation. Hard drugs also compete with a pimp for the girl's dependency. This is not to say that many girls do not have a history of drug use or that some girls may not be intentionally intro-

duced to drugs as a way to secure and control them. However, this latter pattern is more characteristic of interstate than of local patterns.

All of the pimps are male and most of the younger ones are black. Those who live in the neighborhood where the girls work—"popcorn" or "buhblegum" pimps, or "players"—are about 17, 18 and 19 years old, while those who come from outside the state are usually older, having moved up the "career ladder" from neighborhood pimp to small businessman. Black pimps tend to work on the street while white pimps, usually older, are more likely to be involved with more formally organized action such as call girls, saunas, and massage parlors.

In general, the younger pimps come from disadvantaged neighborhoods; they have relatively poor formal education, lack basic skills, and have few opportunities to obtain legitimate work. As a result, they are likely to be frustrated, angry, resentful, and unsure of themselves. They tend to use force to control their girls and may attempt to hurt a girl or someone who tries to interfere with their operation. It is likely, however, that many of these young men will move out of pimping if other possibilities are found. Those who stay in it do so partly because there are few work opportunities. Most do not stay out of any great pathological or perverse need.

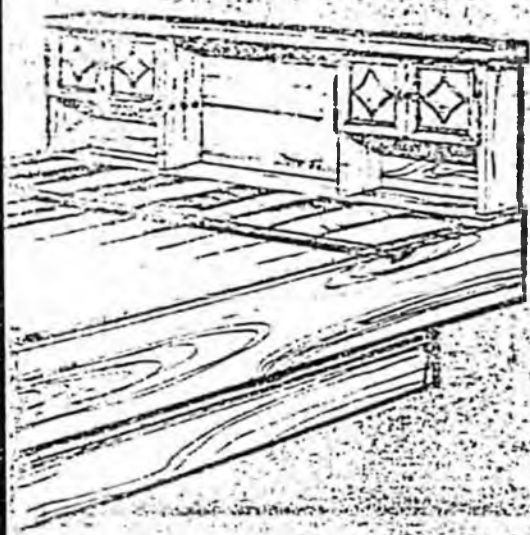
Older and more sophisticated pimps rarely use physical force on their women. Their method of control is psychological and emotional, with the goal of having the girls become totally dependent upon them.

The local buyers or Johns seem to be white men over 25 years of age, both married and single. We know that many have families of their own—and that some men ask for girls of their daughters' age.

Although a wide variety of sex acts are performed, most men seem to want oral sex or intercourse. The price varies according to the act and the time involved. For ordinary oral sex or intercourse, it is about \$25. Other factors—whether the girl works for a pimp, the location of the pick-up, the nature of the sex act, and whether or not there is a big convention in town—also influence the cost.

Most of the action seems to take place from lunchtime to late afternoon, and then later in the evening. These afternoon times fit well within typical male working schedules and allow married men the opportunity to be home in the evening and still engage in—and protect—their activities.

Business hours are also determined by the girls' schedules. Since they may also be students in junior and senior high school, the girls may choose to work only after school. Afternoon hours are convenient for girls who live at home and work at prostitution part time, without parental knowledge.



**BUTTONWOOD**  
BOX FRAME

**479.99**  
complete

w/standard pedestal  
mattress, lin, heater,  
thermostat, fill kit.



**SIERRA**  
King or Queen

**345.00**  
complete

w/standard pedestal  
mattress, liner, heater,  
thermostat, fill kit.

AON 1/22/81

# sentence of 3 years

By TERRY CARR  
Daily News reporter

A 26-year-old father of five was sentenced to three years in prison Wednesday for running a prostitution ring of teenage girls.

Willie B. Bell, who has been in jail since he was arrested on pimping charges in May, is the first person to be convicted and sentenced to prison under a 1980 law outlawing the promotion of prostitution among juveniles, prosecutors said.

Superior Court Judge Milton Souter said he added one year to Bell's sentence because of testimony Wednesday by another jail inmate, William Smith. Smith told the court Bell Wednesday morning threatened to harm him and his daughter unless Smith gave testimony favorable to Bell.

Bell denied making the threat.

Souter ordered Bell to prison despite pleas from defense attorney Peter Mysing, who called his client's offenses "a detour in his life" and said Bell was an "adoring father."

If Souter gave him probation, Bell told the judge, "you'll never see me in another courtroom for anything."

Souter called the crimes for which Bell was convicted in October a "dirty business."

"This sentence has to serve as a deterrent" to Bell and others engaged in prostitution, he said.

Souter also said he was influenced heavily by trial testimony and evidence that the Bell used violence and the threat of violence to control the girls in his prostitution ring.

Teenagers who worked for Bell testified during the trial that Bell often beat them and threatened to kill them.

Souter said "the great majority of women would not engage in prostitution" unless threatened with violence, lured with the promise of narcotics, or by other means of persuasion.

"Here, the powerful persuasion was threats of violence and, on at least one occasion, the use of violence," he said.

Bell, who sat silently throughout most of Wednesday's sentencing, spoke only to plead for probation and to contest the testimony of Smith, the inmate who claimed Bell had threatened him.

"I've been in jail," Bell said. "I learned my lesson in jail. I don't need to spend any more time in jail."

Smith, who was arrested here in December on an Artransa theft charge, said he became friendly with Bell in jail. "You better get me out of this," Smith quoted Bell as telling him.

Smith, who at first refused to testify but relented under Souter's order, said Bell also threatened Smith's 14-year-old daughter unless Smith testified favorably.

Bell denied he threatened Smith or his daughter.

"All I told him was to come to court and testify and tell the truth," Bell said.

Souter, however, said he believed Smith and that he added a year to the sentence because of the threats.

"I think Mr. Bell needs to sit in jail and think about that. We're not going to tolerate that sort of behavior," Souter said.

Souter gave Bell credit for the 240 days he has already spent in jail. Bell will be eligible for parole after serving one-third of his sentence.



## The joy of snow

With fresh white stuff falling in their faces, winter students at Lake Otis Elementary School rejoiced Wednesday in the first major snowfall of the year.

## 3 consulting firms

Plans to build a huge, centralized state office building in Anchorage will move a step closer to fruition next week with the selection of a local consultant to assist in site selection and design.

But at least two Anchorage lawbreakers say they have major reservations about the structure.

Rep. Russ Weckers, recalling the construction of the new Federal Building here a few years ago, voiced fears that the addition of the massive complex to house state offices could depress the private market for office space here. Sen. Ed Dannerworth said he is not convinced the project is needed.

Guided by Department of Administration Commissioner Bill Hudson, the office project is moving rapidly toward actual construction. Hudson says he hopes for an August groundbreaking.

Tuesday, the Anchorage Assembly backed the concept of locating a central state office building downtown. Hudson

said the endorsement is a signal that we're serious.

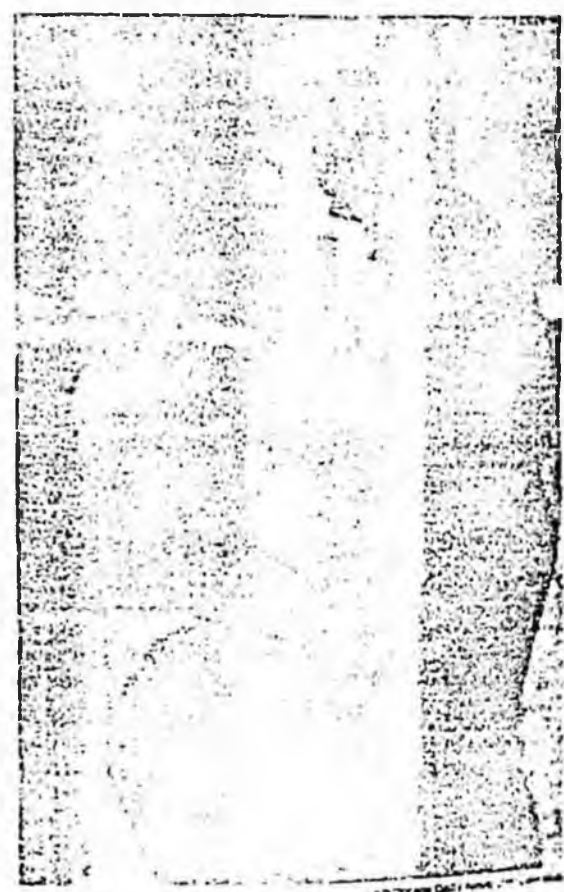
If the building is built, Hudson will meet Monday with officials in agencies and the media.

A consultant from the Merriam and Mackinac Associates, and OMA and Planners All are expected to be selected.

"We will hear from each of the firms this week, and we will announce the final selection," Hudson said.

"I'm currently reviewing the proposals and will be able to announce the selection of a firm by the end of the week."

That scenario, Hudson said, is popular with lawmakers.



## Neither rain, nor sleet, nor snow

Despite the snow, mailman Robert Lincoln was on the job Wednesday, delivering mail on I Street.

Greene, who cooperated with the government during the investigation, will testify at the trial.

Reed, Burk, McDaniel and Smith have pleaded not guilty to all charges against them.

The first indictment was dismissed, without government objection, after defense attor-

neys argued that the government's charges.

Federal agents used Greene and Billy Ray Helveston, a government informant who was not charged, to surreptitiously tape record conversations with defendants in the arson investigation.

The recordings are expected to play a substantial role in the government's case.

### Footprints in the snow

A snow covered bench in the downtown park strip went untouched today by passersby.

Anchorage Daily News-Matt Olson

# Willie Bell convicted in teen-ager prostitute case

By JULIE ANNE GOLD  
Daily News reporter

Willie B. Bell, accused as a Fourth Avenue pimp, was convicted of inducing a 14-year-old girl into a life of prostitution by a Superior Court jury Thursday.

The 27-year-old Bell faces up to 10 years for the first-degree felony charge.

In a complex reading of six separate verdicts, the jury found Bell innocent of forcing two other girls, ages 15 and 16, into prostitution, but guilty of promoting them to become prostitutes.

These lesser, third-degree charges carry possible prison sentences of up to a year and 90 days.

Delivering its sixth verdict in the

case, the jury found Bell guilty of managing and supervising a prostitution enterprise, other than in a place of prostitution. The felony offense holds a maximum sentence of five years in prison.

Bell, nervously looking around the nearly empty courtroom Thursday, buried his heads in his hands after the clerk read the first "guilty" verdict.

"We plan to appeal," said Peter Mysing, Bell's attorney.

"All three ladies' testimony was damaging against Bell," Mysing said. "The issue was who was the jury going to believe."

Even though Bell admitted taking money that he knew came from prostitution from the 16-year-old, according to Mysing, Bell never "caused" or

"induced" the 14-year-old to become a prostitute.

However, the jury thought otherwise.

"There was definite evidence to support she was forced into prostitution," one juror said Thursday. "The photos showed she was beaten and bruised."

Prosecutor Martha Beckwith said the 14-year-old's testimony and a tape-recorded confrontation between Bell and the three girls probably were the most damaging evidence against Bell.

"He beat me real bad," a voice — identified by the state as belonging to the 14-year-old — said on the tape.

A series of color snapshots, passed from juror to juror, depicted the teenager with cuts and bruises on her face and arms.

However, the testimony of the older girls apparently did not convince the jury that Bell "forced" or "attempted to force" them into prostitution.

One of the girls, who admitted to being a prostitute before she met Bell, told the jury she was his lover for several months before his arrest.

"In her case, it was hard to tell what was a lovers' fight from a business fight," another juror said.

Another juror agreed, saying "there was just not enough evidence for a first-degree conviction" in connection with the two other girls.

But the jurors, gathered around Judge Milton Souter's third-floor jury room for the last time, all agreed there was plenty of evidence to convict Bell of the state's last charge —

pimping for the three girls. "The facts showed he drove them around" Fourth Avenue, one juror said, and "then waited and picked them up."

Mysing called Bell's conviction a "surplus charge." The only way his client could be convicted of inducing the 14-year-old to become a prostitute, Mysing said Thursday, would be by pimping for her.

If Bell is sentenced to both charges the state will be guilty of double jeopardy, Mysing claimed.

Beckwith disagreed, saying she "was pleased" with the verdicts.

It was the first time "in at least four or five years" the state has successfully prosecuted someone for street pimping, she said.

## Items — direct from Liverpool — go on Hohman's



## Forums on aging set

Community forums on aging — meetings at which the elderly look at issues affecting their lives — are scheduled here through December.

Concerns expressed at the forums will be developed at the

Community School, 3933 Patterson, 7 p.m. to 9 p.m.

• Nov. 1, Tudor Community School at St. Mary's Church, 4502 Cassin Drive, 1 p.m. to 4 p.m.

• Nov. 17, Sand Lake Com-

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C  
T

# Jury deliberates pimp case

Linton

By JULIE ANNE GOLD  
Daily News reporter

The fate of Willie B. Bell, an Anchorage man accused of setting up three teenage girls in lives of prostitution, was being contemplated Wednesday night by a jury of six men and six women.

Closing arguments brought an end Wednesday to the eight-day trial in which three former teen-age prostitutes explained the ins and outs of working the streets of Anchorage to the jury.

Bell was arrested in May for allegedly forcing two of the girls, and attempting to induce the third, to engage in prostitution. He was also indicted on a fourth charge of illegally running a prostitution business.

If convicted, Bell, who has pleaded innocent to all the charges, could face up to 25 years in jail, according to the district attorney's office.

The case is the first time in many years the state has brought an alleged pimp to trial on felony charges, the district attorney's office said.

Prosecutor Martha Beckwith relied heavily Wednesday on the testimony of the three teenagers to prove the state's case against Bell.

Under oath the girls, ages 15, 16 and 17, pointed to the defendant — usually slouched in his chair — as their former pimp who often beat them and threaten to kill them for not making more money from "johns" or "dates."

Bell's lawyer, Peter Mysing, claimed Bell never agreed to be their pimp and that



they were free to leave him any time, but decided live with him while they — on their own — engaged in prostitution.

Mysing acknowledged Bell on occasion drove the girls downtown, accepted money from them and slapped them during "domestic" quarrels. However, he denied his client ever "induced or forced" them to be prostitutes.

In order to convict Bell on first-degree pimping charges, the state must prove he intended to cause or force the girls to engage in prostitution.

In an effort to discredit the girls'

testimony, Mysing recounted Bell's testimony of driving one of the girls to the Big Timbers motel for a "date."

The room cost \$37 and the girl received \$20, Mysing said. Bell would have to be an "extremely bad pimp" if he had set up the meeting.

Beckwith defended the testimony of the girls. "She basically went through the wringer to come in and testify candidly," Beckwith said, defending the veracity of one of the girl's statements.

That girl admitted under cross-examination to being a prostitute and living with several men for a few months at a time before agreeing to live and work for Bell in January.

"Ladies and gentlemen, ask yourselves why Mr. Bell was involved with these young girls, these juveniles," Beckwith said. "Why did he give them rides" downtown, wait for them and pick them up.

"If it were not like men like Mr. Bell, perhaps juveniles would not run to the street. Bell performed a function on that street," Beckwith claimed.

If the jury reaches a verdict Wednesday, one court source said, the results would be sealed and not made public until this morning.

# Stevens tells oil leaders state has good potential

By NANCY SHUTE  
States News Service

WASHINGTON, D.C. — Sen. Ted Stevens, R-Alaska, told a meeting of oil and gas industry representatives exactly what they wanted to hear this week, promising Alaska energy reserves will rescue the United States from dependence on foreign oil.

Stevens, addressing the Garmen's Roundtable here Tuesday, made the occasion a dress rehearsal for his upcoming stump of the West in support of Republican presidential candidate Ronald Reagan's energy policy.

"Gov. Reagan was absolutely right when he said that Alaska has the oil potential of Saudi Arabia," Steven said. "But I think he was too conservative. Alaska has the potential of becoming several Saudi Arabias."

Stevens also called for a renewed effort to pass an Alaska lands bill when Congress returns for a post-election lame duck session Nov. 12, advocating defeat of the bill proposed by Rep. Morris Udall, D-Ariz., a week ago in the final moments of the session.

"I am going to ask members to demand that the Udall bill be changed — that leasing begin on

the Arctic Wildlife Range in 1981. That should be the goal of the lame duck session."

Stevens lambasted President Jimmy Carter's energy policy, terming it the "moral equivalent of appeasement." He accused Carter of having gone one step further than previous presidents in locking up Alaskan oil leases, particularly in the Arctic Wildlife Range.

"There hasn't been a single onshore lease in Alaska's federal lands since 1965," the senator said. "Carter went one step further. He used the Antiquities Act to withdraw 100 million acres, and has fought to prevent any leasing or even seismic testing of the Arctic Wildlife Range."

The Department of Energy, created by Carter, has "virtually bogged down" domestic oil and gas production, Stevens claimed.

Not an original Reagan supporter, Stevens said his only quarrel with the candidate's energy policy was over synthetic fuels.

"I disagree with Reagan on the Synfuels Corporation," he said. "I support it so long as it is mandated to depend on private enterprise to develop new technology." Reagan opposes the federally-funded development of synthetic fuels production.

# State pamphlets mailed to voters

The Associated Press

JUNEAU — More than 250,000 state election pamphlets have been mailed to registered voters in Alaska, Lt. Gov. Terry Miller said Wednesday.

The pamphlets contain biographical information and state-

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Sundays by The Anchorage Daily  
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Anchorage Times 2/2/83

# Prostitutes' survival — old but tricky business

*"Oh, the Sisters of Mercy, they are not departed or gone."*  
— Leonard Cohen

by Krysl Holmes  
and Ellis E. Conklin  
Times Writers

Under the neon lights of the Scandinavian Club, Denise, a 22-year-old hooker, stood alone Monday night.

After a deep yawn, she lit up a cigarette, kicked the slush from her maroon leather boots and ambled down The Avenue.

Few people walked by her. And those who did didn't seem to notice. Denise is a Fourth Avenue fixture like the drunks and the hot chili at the Panhandle Cafe.

At \$50 a crack and several "tricks" a

night, Denise can make as much as \$600 to \$1,000 a week. All the money, however, goes to her pimp. And, as one police officer put it: "They all say they work alone, but there isn't one girl out there who doesn't have a pimp."

The pimp takes care of her room and board, clothing, and the modest accessories necessary to perform nightly in this ancient profession.

"Things are quiet now," she said. "They (police) made the big bust and there ain't nothing left for 'em, 'cept for me and couple of other girls."

"I think they want to get the streets clean for Fur Rondy," Denise said bitterly.

She quickened her pace, turned the

corner at Fourth and Barrow, and decided she "don't want to talk no more."

There aren't many prostitutes talking right now. After a crackdown last weekend, most of them are scared. Others are in hiding "until the heat cools down." And many of them are still in jail dressed in blue jump suits, waiting for their pimps to post bail.

In the past 72 hours, Anchorage police, dressed in street clothes, have made 54 arrests for loitering and solicitation. Some of the women were collared as many as three times during the weekend. Chief Brian Porter said he can't remember seeing that much jail activity in several years here.

During the weekend, Porter said, the

streets were thick with prostitutes, and competition among the women was fierce. Some actually tried to stop traffic or climb into cars, Porter said. A police officer walking down the street discovered a prostitute with her "trick" having sex in the man's car. She got her \$50 for the deal — and was arrested on the spot. One local woman said her husband was propositioned as they walked to a restaurant in the Sunshine Mall.

There were no customers arrested, and not a single pimp.

Police say many of the women now working the streets came from Canada, Hawaii and the West Coast. Some came for more money; some because Anchorage has long

See Trick, page A-4

# Trick

(Continued from page A-1)

been a part of the prostitutes' migration pattern between Honolulu, Seattle, San Francisco and Los Angeles.

And for others, it is the promise of making a bundle during the Fur Rendezvous celebration that begins next weekend, and the military's Brim Frost maneuvers, that bring some 60,000 potential customers to Alaska to play war games in the Interior and see the sights of Anchorage afterward.

Tim Casper, a veteran on the vice squad, said the number of prostitutes on The Avenue rises and falls in a pattern. "It's something you can really count on," he said. "In January, they're all over, and they'll be that way until we put the pressure on them."

The "pressure" starts when the public outcry rises above a tolerant grumble. Until then, police are encouraged to spend the taxpayers' money going after the less visible crimes: robberies, rapes and burglaries.

But prostitution takes its toll on Anchorage's streets. Customers are rolled. Men are robbed by the women they willingly pay for, as the girls try to make more money for their "men."

Of the 23 murders that occurred in Anchorage in 1982, three of them were directly related to prostitution, police say. In two of the homicides, it was the hooker who killed. In the third, a pimp shot a girl's customer.

Casper said 30 to 40 percent of all the robberies and at least 60 percent of the pickpocketing in Anchorage is related to prostitution and street people on Fourth Avenue.

"We could put a lot of man hours into trying to build a felony theft case against one guy, and get very poor results. Or we could use the same number of officers and drag a few of the prostitutes off the streets and clean it up for a while," he said.

"My theory is to arrest them on loitering charges, and enforce their (probation) restrictions. Let them know Anchorage isn't going to tolerate it. Maybe then they'll leave, and with them the pimps will go, and the crime will go, too."

Most of the women are charged with loitering for purposes of prostitution, a misdemeanor. Because state laws about prostitution are ambiguous, and because a woman will almost always say she works alone, men are seldom arrested, and rarely prosecuted.

In this business, men may pay the money, but the women pay the price.

Joanne Baker, 26, is six months pregnant. She was arrested for soliciting Sunday night. It was her second arrest for prostitution since

coming to Anchorage from Miami last year.

There were no extra beds at the Sixth Avenue Jail Sunday night; she slept on the floor.

Looking haggard as she gazed through the plexiglass window in the visitor's room, Joanne scratched her stringy blonde hair. Her blue eyes were watery and her arms were speckled with small red blotches. She didn't want to talk, especially to a reporter.

She said she turned to selling her body after she couldn't find work as a bar maid. Asked about the weekend sweep, Joanne said, "Police, they told us it was because of Fur Rondy. That's why. That's why they're hitting on us."

And when she gets out on the streets again? "Well, we'll just move to a different area. There's always a different area to go to," she replied.

However, Joanne isn't sure how she is going to make bail. She appeared panicky. She says she has no pimp to fork out the \$300. "I don't know how I'm going to get it. I don't know. I don't know. Maybe, I'll call a friend."

Joanne and 20 other women were arraigned Monday before District Court Judge John D. Mason. They sat in the courtroom chained together.

Most of them were given bail and a court date, with the provision that they no longer sell their wares in the downtown area between Third and Sixth, from D Street to Barrow.

But most of them will. And many will go to jail. For the second, third, even seventh and eighth times.

Scott Sidell, a municipal prosecutor, said he has seen the same faces and names over and over again. Their names and ages are usually phony. But those arrested are all too often teen-agers posing as adults. Girls, posing as women, selling off their childhood bit by bit in exchange for an allowance, or a home, for a man who says he loves them.

It's shortly before midnight and Veronica stood in the doorway of an adult book store. She pulled her rabbit fur coat tighter around her. Her eyes searched for a possible customer. But no one was around.

During a brief conversation, Veronica said she's not worried about the police clampdown on her livelihood. "We'll be trickling back out again. The cops do this a couple of times a year. No big deal."

Standing alone again later, she spotted a man wearing an Army fatigue jacket, walking slowly near the Elbow Room. She waited until he passed right in front of her before she said, "Hey, you want to party?"

Her breath formed a tiny white cloud as she spoke.

They walked quickly together, neither of them speaking.

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

P.O. BOX 809

JUNEAU, ALASKA 99802

586-3650

## POSITION PAPER

HB127: An Act to increase the punishment for sexual assault  
in the first degree

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of twenty-one programs statewide that provide domestic violence, sexual assault, and adult crisis intervention services to members of their respective communities. Network programs are funded in part through grants and contracts awarded by the Council on Domestic Violence and Sexual Assault.

The Network was established in 1978, and has as one of its primary focuses the elimination of domestic violence and sexual assault through provision of shelter, advocacy, and education/prevention services.

While the Network is supportive of the diligent prosecution of persons charged with sexual assault, it is our strong feeling that a comprehensive, mandatory treatment and rehabilitation program, provided in conjunction with sufficiently lengthy jail terms, most effectively addresses the issues of protecting the victim and facilitating prevention.

Towards that end, the Network would strongly urge the Alaska State Legislature to consider conducting a comprehensive overview of the extent of prosecution, the impact of sentencing, and the quality of rehabilitative treatment in cases of sexual assault.

OCTOBER 1, 1982

FIRST FELONY CONVICTION      SECOND FELONY CONVICTION      THIRD FELONY CONVICTION

MURDER I  
 MUR. II & KIDNAP. &  
 M. I. C. S. I  
 SEXUAL ASSAULT  
 1st \*\*  
 SEXUAL ASSAULT  
 1st  
 A FELONY \*\*  
 A FELONY  
 HB128 ↑  
 B FELONY  
 HB117 ↑  
 C FELONY

20 -- 99	20 -- 99	20 -- 99
5 -- 99	5 -- 99	5 -- 99
5 -- (10) -- 30 HB127 (12)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
4 -- (8) -- 30 HB127 (10)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
3 1/2 -- (7) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
2 1/2 -- (5) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
0 -- 10	0 -- (4) -- 10	3 -- (6) -- 10
0 -- 5	0 -- (2) -- 5	0 -- (3) -- 5

\*\* APPLIES WHEN A DEFENDANT POSSESSED A FIREARM, USED A DANGEROUS WEAPON OR CAUSED SERIOUS PHYSICAL INJURY EXCEPT FOR MANSLAUGHTER.  
 NUMBERS IN (BRACKETS ARE) PRESUMPTIVE SENTENCES. NUMBERS ENCLOSED BY BOXES ARE MANDATORY MINIMUM SENTENCES.  
 NUMBERS TO LEFT OF BRACKETS ARE LOWEST MITIGATED SENTENCES. NUMBERS TO RIGHT ARE HIGHEST AGGRAVATED SENTS.

A-  
B-  
C-

MIKE STARIC  
DEAN GUANELI 3460

Comment on

Introduced: 1/26/83  
Referred: Health, Education and  
Social Services,  
Judiciary and Finance

Trickett 3384

ask for Dept. Law  
& copy of statute as is  
and as it will be  
BY PESTINGER, COWDERY,  
AND BARNES

- ask for  
stats on  
conviction rate  
based on  
sentence  
length

1 IN THE HOUSE

HOUSE BILL NO. 117

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

6 For an Act entitled: "An Act relating to sexual abuse of a minor."

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

8 \* Section 1. AS 11.41.440 is amended to read:

9 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR. (a) A person commits  
10 the crime of sexual abuse of a minor in the first degree if, being 16  
11 years of age or older, that person [HE]

12 (1) [ENGAGES IN SEXUAL PENETRATION WITH A PERSON WHO IS  
13 UNDER 16 YEARS OF AGE BUT 13 YEARS OF AGE OR OLDER OR AIDS, INDUCES,  
14 CAUSES OR ENCOURAGES A PERSON UNDER 16 YEARS OF AGE BUT 13 YEARS OF  
15 AGE OR OLDER TO ENGAGE IN SEXUAL PENETRATION WITH ANOTHER PERSON;]

16 (2) engages in sexual contact with a person who is under 13  
17 years of age or aids, induces, causes or encourages a person under 13  
18 years of age to engage in sexual contact with another person; or

19 (3) aids, induces, causes or encourages a person who is  
20 under 16 years of age to engage in conduct described in AS 11.41.455-  
21 (a)(2) - (6).

22 (b) Sexual abuse of a minor in the first degree is a class B (C)  
23 felony.

24 \* Sec. 2. AS 11.41 is amended by adding a new section to read:

25 Sec. 11.41.442. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

26 (a) A person commits the crime of sexual abuse of a minor in the  
27 second degree if, being 16 years of age or older, that person engages  
28 in sexual penetration with a person who is under 16 years of age but  
29 13 years of age or older or aids, induces, causes, or encourages a

HB 127

CURRENT STATUTE: <sup>FOR A</sup> FIRST FELONY CONVICTION FOR  
SEXUAL ASSAULT IN THE FIRST DEGREE, NOT INVOLVING  
FIREARMS, SERIOUS PHYSICAL INJURY OR USE OF A DANGEROUS  
INSTRUMENT, THE PRESUMPTIVE SENTENCE IS 8 YEARS.  
HB 127 CHANGES THE PRESUMPTIVE SENTENCE TO 10 YEARS

FOR THE FIRST FELONY CONVICTION FOR SEXUAL ASSAULT IN  
THE FIRST DEGREE INVOLVING A FIREARM, SERIOUS PHYSICAL INJURY  
OR USE OF A DANGEROUS INSTRUMENT, THE PRESUMPTIVE SENTENCE  
IS 10 YEARS

HB 127 CHANGES THE PRESUMPTIVE SENTENCE TO 12 YEARS

TERMS OF IMPRISONMENT

OCTOBER 1, 1982

FIRST FELONY CONVICTION      SECOND FELONY CONVICTION      THIRD FELONY CONVICTION

MURDER I	[20] -- 99	[20] -- 99	[20] -- 99
MUR. II & KIDNAP. & M. I. C. S. I	[5] -- 99	[5] -- 99	[5] -- 99
SEXUAL ASSAULT 1st **	5 -- (10) -- 30 (12)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
SEXUAL ASSAULT 1st	4 -- (8) -- 30 (16)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
A FELONY **	3 1/2 -- (7) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
A FELONY	2 1/2 -- (5) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
B FELONY	0 -- 10	0 -- (4) -- 10	3 -- (6) -- 10
C FELONY	0 -- 5	0 -- (2) -- 5	0 -- (3) -- 5

\*\* APPLIES WHEN A DEFENDANT POSSESSED A FIREARM, USED A DANGEROUS WEAPON OR CAUSED SERIOUS PHYSICAL INJURY, EXCEPT FOR MANSLAUGHTER.  
 NUMBERS IN (BRACKETS ARE) PRESUMPTIVE SENTENCES. NUMBERS ENCLOSED BY [BOXES] ARE MANDATORY MINIMUM SENTENCES.  
 NUMBERS TO LEFT OF BRACKETS ARE LOWEST MITIGATED SENTENCES. NUMBERS TO RIGHT ARE HIGHEST AGGRAVATED SENTS.

TERMS OF IMPRISONMENT

JANUARY 1, 1980 THRU SEPTEMBER 30, 1982

FIRST FELONY  
CONVICTION

SECOND FELONY  
CONVICTION

THIRD FELONY  
CONVICTION

MURDER I	[20] -- 99	[20] -- 99	[20] -- 99
UR. M&KIDNAP.	[5] -- 99	[5] -- 99	[5] -- 99
A FELONY **	3 -- (6) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
A FELONY	0 -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
B FELONY	0 -- 10	0 -- (4) -- 10	3 -- (6) -- 10
C FELONY	0 -- 5	0 -- (2) -- 5	0 -- (3) -- 5

\*\* APPLIES WHEN A DEFENDANT POSSESSED A FIREARM, USED A DANGEROUS WEAPON OR CAUSED SERIOUS PHYSICAL INJURY, EXCEPT FOR MANSLAUGHTER.  
 NUMBERS IN (BRACKETS) ARE PRESUMPTIVE SENTENCES. NUMBERS IN [BOXES] ARE MANDATORY MINIMUM SENTENCES.  
 NUMBERS TO LEFT OF BRACKETS ARE LOWEST MITTIGATED SENTENCES. NUMBERS TO RIGHT ARE HIGHEST AGGRAVATED SENTS.

BILL NUMBER House Bill No. 127

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES					24718.5	
700 GRANTS, CLAIMS ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	24718.5	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	24718.5	-0-
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)

The current conviction rate for sexual assault in the first degree (rape) is 110 persons per year. Of this number, approximately 90 are first convictions.

House Bill No. 127 increases the presumptive sentence for first felony convictions only. The sentences for second and third convictions are unchanged from existing law. The increase in presumptive sentencing for first time offenders of sexual assault is two years.

It is assumed for purposes of this fiscal note that every offender earns all good time available. One day of good time is earned for every three days served. Therefore the increase in time served by each of the 90 persons convicted would be one and one-half years. This will result in the need for 135 additional bed spaces within the Alaska correctional system.

The impact on the system will not be experienced until six (6) years after passage of the proposed legislation since that is the minimum time served under a presumptive sentence of eight (8) years. Considering the time involved from appropriating funds to completion of buildings, the capital costs are requested

for FY 1987, with a projected date of July 1, 1989, for opening the new facility. The cost for construction is estimated to be \$24,718,500. This is based on an estimated cost per bed of \$183,100 (FY 1985 costs, plus 12% inflation for each of two (2) years) times 135 beds:  $135 \times \$183,100 = \$24,718,500$ .

No operating costs are identified in the fiscal note as they will not be experienced until FY 1990. Staff positions would be needed at that time, as well as funding for all areas related to the care and custody of the additional inmates.

Staff Report  
House bills 117,127,128  
January 27, 1983

HB 117:

Under current statute, sexual abuse of a minor under 16 years of age is a class C felony.

As proposed by HB 117:

1. Sexual abuse of a minor under 13 years of age is a offense in the first degree and is a class B felony.

2. Sexual abuse of a minor aged 13 to 16 is sexual abuse in the second degree and is a class C felony.

HB 127:

Under current statute, the first felony conviction for sexual assault in the first degree, not involving firearms, use of a dangerous instrument, or causing serious physical injury requires a presumptive sentence of 8 years. The proposal will change that sentence to 10 years.

Under current statute, the first felony conviction for sexual assault in the first degree involving firearms, a dangerous instrument, or causing serious physical injury requires a presumptive sentence of 10 years. HB 127 changes that sentence to 12 years.

HB 128:

Under current statute, promoting prostitution is a class B felony. HB 128 provides that inducing or causing a person under 16 years of age to engage in prostitution is a class A felony.

Introduced: 1/26/83  
Referred: Health, Education &  
Social Services, Judiciary  
and Finance

BY LINDAUER, HURLBERT, PESTINGER,  
TISCHER AND M.W.MILLER

1 IN THE HOUSE

2 HOUSE BILL NO. 127

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to increase the punishment for sexual assault  
7 in the first degree."

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

9 \* Section 1. AS 12.55.125(i) is amended to read:

10 (i) A defendant convicted of sexual assault in the first degree  
11 may be sentenced to a definite term of imprisonment of not more than  
12 30 years, and shall be sentenced to the following presumptive terms,  
13 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

14 (1) if the offense is a first felony conviction and does  
15 not involve circumstances described in (2) of this subsection, <sup>- FIREARM, DANGEROUS INSTR. BELOWS</sup> 10  
16 [EIGHT] years;

17 (2) if the offense is a first felony conviction, and the  
18 defendant possessed a firearm, used a dangerous instrument, or caused  
19 serious physical injury during the commission of the offense, 12 [10]  
20 years;

21 (3) if the offense is a second felony conviction, 15 years;

22 (4) if the offense is a third felony conviction, 25 years.