

H

B

/

/

7

MSG 83-00004751 PRTY 1 03/31/83 12:31:04 ORIG: LA01 IN= 0006 OUT= 0042
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUBJ: POM

3/31/83, SHIRLEE ANC LIO, 4751

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: CELIA WARRIOR, 632 NORTH PINE, ANCHORAGE 99504
276-7292

I AM APPEALING TO YOU TO ADDRESS ISSUE OF CHILD SEXUAL
ABUSE IN ALASKA. YOU MUST BE AWARE THAT IT IS AT EPIDEMIC
PROPORTIONS. REALIZE YOU ARE BUSY; SOME OF YOU ARE ALREADY
WORKING ON THE PROBLEM; THE REST OF YOU, PLEASE SEARCH YOUR
CONSCIENCE AND MAKE LAWS TO HELP PREVENT CHILD MOLESTATION.



TO: ALL MEMBERS, ALASKA LEGISLATURE

JR

FROM: CELIA WARRIOR, 632 NORTH PINE, ANCHORAGE 99504
276-7292



I WANT TO THANK ALL OF YOU AND APPRECIATE THE RESPONSE
THAT YOU HAVE GIVEN ON ME ON PROBLEM OF CHILD SEXUAL
ABUSE. I JUST WISH THAT ALL OF YOU WOULD HAVE A VERY
NICE, HAPPY EASTER.

COMMENTARY AND SECTIONAL ANALYSIS
FOR THE PROPOSED 1983 AMENDMENTS TO ALASKA'S LAWS
RELATING TO SEXUAL ASSAULT AND SEXUAL ABUSE OF A MINOR

Section 1. AS 11.41.410, Sexual Assault in the First Degree.

This section repeals paragraphs (a)(3) and (4) of the Sexual Assault in the First Degree statute. These subsections are reclassified in section 3, below, as Sexual Abuse of a Minor in the First Degree.

Section 2. AS 11.41.420, Sexual Assault in the Second Degree.

This section accomplishes two things. It amends the current Sexual Assault in the Second Degree statute to define the crime as "sexual contact with another person without consent of that person." The amended language is consistent with that used in the Sexual Assault in the First Degree statute, which prohibits sexual penetration without consent. Under the current Sexual Assault in the Second Degree law the prosecutor must prove that the victim was "coerced" to submit to the sexual contact by the express or implied threat of imminent death, imminent physical injury, or imminent kidnapping. Technically, the defendant's use of force without any threats may not be sufficient to establish this crime; felony charges have been lost through a literal application of these terms.

The second change which this section makes is to raise the current class C felony offense of Sexual Assault in

the Third Degree, penetration with a person who is suffering from a mental defect or is incapacitated, to Sexual Assault in the Second Degree, a class B felony punishable by up to ten years in prison.

Section 3. AS 11.41.430, Sexual Abuse of a Minor In the First Degree.

This section creates a new classification of offense, Sexual Abuse of a Minor in the First Degree. The section prohibits sexual penetration with a person who is under the age of 13 and at least three years younger than the actor. It also prohibits sexual penetration with a person under 18 who is entrusted to the actor's care by authority of law or because the person is his son or daughter, including illegitimate or adopted children and stepchildren.

Basically, this provision covers conduct which is currently classified as Sexual Assault in the First Degree, but the language here adds the requirement of a three year age difference between the actor and the victim. This requirement is added to ensure that a child who engages in sexual play with another child of the same age level could not be charged with a felony. (Such behavior may in some circumstances be cause for parental concern, but it is not considered appropriate or useful to classify it as a crime.) Forcible sexual penetration of

any person, including a child, would continue to be punishable as Sexual Assault in the First Degree (AS 11.41.410), an unclassified felony.

The language in this section addresses a problem which has arisen under the present sexual assault laws by deleting the requirement that the actor be 16 years of age or older. The provisions of the law are thus made applicable to juvenile offenders. This is important; studies of adult sexual offenders indicate that many convicted offenders began to commit sexual assaults in their early teen years. Early identification and treatment of juvenile sexual offenders may ultimately decrease the number of adult offenders.

Sexual Abuse of a Minor in the First Degree is a class A felony offense. It carries a maximum sentence of up to 20 years in prison, and a presumptive term of five years upon conviction for a first offense.

Section 4. AS 11.41.435, Sexual Abuse of a Minor in the Second Degree.

This section creates a new classification of crime, Sexual Abuse of a Minor in the Second Degree. It includes the offenses found in the current Sexual Abuse of a Minor statute (AS 11.41.440), with the addition of the requirement that the

actor be at least three years older than the victim. This language exempts teenagers who have consensual sexual relations with other teens near their own age (a 17-year-old boy and his 15-year-old girlfriend, for example) from prosecution. As in Section 3, above, the amendment deletes the requirement that the actor be 16 years of age or older, thus making the statute applicable to juvenile offenders who assault children much younger than themselves--the babysitter/toddler situation, for example. •

Paragraph 3 creates a new offense to address an omission in the current law. Under current law sexual contact by a parent or guardian with his own child is prohibited only if the child is under 13 (a class C felony) or under 16 (a class A misdemeanor). Since fondling of a child's genitals or breasts by a parent is a serious violation of the trust and authority relationships within a family, and is often the precursor of a more serious assault, this provision raises to the age of 17 those children who are protected under the law. This conduct is a class B felony offense, punishable by up to ten years in prison.

Section 5. AS 11.41.440, Sexual Abuse of a Minor in the Third Degree.

This section creates a new classification of offense entitled Sexual Abuse of a Minor in the Third Degree. Basically, this is the current Contributing to the Delinquency of a Minor statute raised from its present classification as an A misdemeanor to a class C felony offense. Class C felonies are punishable by up to five years in prison.

Section 6. AS 11.51.130(a)(4), Contributing to the Delinquency of a Minor.

Section 6 repeals the "sexual contact" paragraph of the present Contributing to the Delinquency of a Minor statute. The seriousness of this conduct has been increased in Section 5, above, to Sexual Abuse of a Minor in the Third Degree, a class C felony.

Section 7. AS 11.41.460, Indecent Exposure.

This section creates a new crime entitled Indecent Exposure, which is the intentional exposure of a person's genitals, buttock, anus or female breast to another person with reckless disregard for the offensive, insulting or frightening effect that the exposure that might have on the other person. Under current law this conduct is considered "Disorderly Conduct", a class B misdemeanor offense with a maximum penalty of ten days in jail. Some recent studies indicate that exposure

is sometimes the first step for sex offenders who later increase the seriousness of their conduct to sexual contact or penetration. The current law treats this behavior much too leniently. This section raises the classification of Indecent Exposure to an A misdemeanor level if the object of the exposure is a child under the age of 16. The offense remains a B misdemeanor if the witness to the exposure is an adult.

Section 8. AS 11.41.470, Definitions.

This section removes the requirement in the definition of "without consent" that an express or implied threat of death or kidnapping be "imminent". Threats to inflict harm of this magnitude are inherently coercive, and the prosecution should not have to prove exactly when the defendant intended to cause the death or kidnapping. A threatened physical injury must still be "imminent" to fit within the definition.

Section 9. AS 11.61.110(a)(7), Disorderly Conduct.

Section 9 repeals the current "exposure" paragraph of the Disorderly Conduct statute. This conduct is included in the Indecent Exposure provisions set out in section 7.

Section 10. AS 12.10.020, Specific Time Limitation.

This section creates an exception to the general five year statute of limitations (AS 12.10.010) to allow prosecution for a sexual offense against a child to be commenced within one year after the child reaches the age of 16, or reports the crime to a law enforcement officer, whichever occurs first. The period of limitation cannot be extended by more than ten years, however.

This change is necessary because sexual offenses against young children (especially intrafamilial abuse) are frequently not discovered until the child reaches sufficient maturity to realize the wrongfulness of the conduct and to identify those adults to whom the conduct may safely be reported. A child of 12, 13 or 14 will often report for the first time sexual abuse which has been occurring since he or she was 4 or 5 years old. While the most recent assaults may be prosecuted, these offenses may be classified as less serious than the earlier ones, because of the child's older age. In those situations where the sexual abuse has been a continuing course of conduct which spans several years of a child's life the trier of fact should be entitled to reach and consider all aspects of the adult's conduct.

COMMENTARY AND SECTIONAL ANALYSIS
FOR CSHB 117 (JUDICIARY)

Section 1. AS 11.41.420, Sexual Assault in the Second Degree.

This section does two things. It amends the current Sexual Assault in the Second Degree statute to define the crime as "sexual contact with another person without consent of that person." The amended language is consistent with that used in the Sexual Assault in the First Degree statute, which prohibits sexual penetration without consent. Under the current Sexual Assault in the Second Degree law the prosecutor must prove that the victim was "coerced" to submit to the sexual contact by the express or implied threat of imminent death, imminent physical injury, or imminent kidnapping. Technically, if a defendant physically forces a person to have sexual contact with him, rather than coercing the victim through the use of threats, the defendant has not committed Sexual Assault in the Second Degree. The amended language establishes that any sexual contact with a person without that person's consent is a class B felony.

The second change which this section makes is to raise the current class C felony offense of Sexual Assault in the Third Degree, penetration with a person who is suffering from a mental defect or is incapacitated, to Sexual Assault in the Second Degree, a class B felony (punishable by up to ten years in prison). The language describing the crime has not been altered.

Section 2. This section adds three new statutes to the Criminal Code, as described below.

AS 11.41.434, Sexual Abuse of a Minor In the First Degree.

This section creates a new classification of offense, Sexual Abuse of a Minor in the First Degree. The section prohibits a person 16 years of age or older from engaging in sexual penetration with a person who is under the age of 13. It also prohibits a person 18 years of age or older from engaging in sexual penetration with a person under 18 who is entrusted to the adult's care by authority of law or is his son or daughter, including illegitimate or adopted children and step-children.

Basically, this provision takes conduct which is currently labelled Sexual Assault in the First Degree (subsections (a)(3) and (a)(4) of present AS 11.41.410) and moves it to a new section entitled Sexual Abuse of a Minor in the First Degree. The conduct continues to be punishable as an unclassified felony, which carries a maximum sentence of up to 30 years

in prison and a presumptive term of eight years upon conviction for a first offense. Forcible sexual penetration of any person, including a child, would continue to be punishable as Sexual Assault in the First Degree, an unclassified felony.

AS 11.41.436, Sexual Abuse of a Minor in the Second Degree.

This section creates a new classification of crime, Sexual Abuse of a Minor in the Second Degree. It includes all three types of conduct now prohibited in the Sexual Abuse of a Minor statute (AS 11.41.440), but raises the classification of the crime from a C to a B felony level. In subsection (a)(1) the requirement that the defendant be at least four years older than the victim has been added. This language would exempt from prosecution those teenagers who have consensual sexual relations with other teens near their own age (a 17-year-old boy and his 15-year-old girlfriend, for example).

Paragraph 3 creates a new offense to address an omission in existing law. Under current law, sexual contact by a parent or guardian with his own child is a crime only if the child is under 13 (a class C felony) or under 16 (a class A misdemeanor). Fondling of a child's genitals or breasts by a parent is a serious violation of the trust and authority relationships within a family, and is often the precursor of a more serious assault. Existing law in this area is not sufficiently serious nor comprehensive. This provision extends the protection of the law to all children under age 18, and raises the classification of the conduct to a B felony level, punishable by up to ten years in prison.

AS 11.41.438, Sexual Abuse of a Minor in the Third Degree.

This section creates a new classification of offense entitled Sexual Abuse of a Minor in the Third Degree. Basically, this is the current Contributing to the Delinquency of a Minor statute (AS 11.51.130(a)(4)) raised from its present classification as an A misdemeanor to a class C felony level. Class C felonies are punishable by up to five years in prison.

The contributing statute now applies to defendants who are 19 years of age or older. The threshold age in this provision has been dropped to 16 to be consistent with the other sexual abuse provisions, but the requirement that there be at least a four year age difference between the defendant and the victim excludes consensual sexual contact between teenagers of approximately the same age.

Section 3. AS 11.41.440, Sexual Abuse of a Minor in the Fourth Degree.

This section creates a new provision to address a problem which has arisen under the present sexual assault laws. Virtually all of the statutes which deal with sexual offenses against children require that the actor be 16 years of age or older. Unfortunately, prosecutors and social workers have discovered numerous instances where an older child has sexually mistreated a much younger child, often while "babysitting" the younger child. This section prohibits all sexual contact or penetration between a child under 16 and another child who is three or more years younger, and makes such contact a class A misdemeanor.

The three year age difference requirement is included to ensure that a child who engages in sexual play with another child of approximately the same age may not be charged with a crime. Such behavior may, in some circumstances, be cause for parental concern, but it is not generally considered appropriate or useful to classify it as a crime. The purpose of making it a misdemeanor for a child to prey upon a much younger child is to establish the violation of a law which would allow intervention by the juvenile courts or social service workers. This intervention could be important; studies of adult sexual offenders indicate that many convicted offenders began to commit sexual assaults in their early teen years. Early identification and treatment of juvenile sexual offenders may ultimately decrease the number of adult offenders.

Section 4. AS 11.41.460, Indecent Exposure.

This section creates a new crime entitled Indecent Exposure, which is the intentional exposure of a person's genitals, buttock, anus or female breast to another person with reckless disregard for the offensive, insulting or frightening effect that the exposure that might have on the other person. Under current law this conduct is Disorderly Conduct, a class B misdemeanor offense with a maximum penalty of ten days in jail.

Some recent studies indicate that it is not uncommon for sex offenders to begin their assaultive behavior by exposing themselves to young children, and to gradually increase the seriousness of their conduct to sexual contact or penetration. Current law treats sexual exposure, especially to young children, much too leniently. This section raises the classification of Indecent Exposure to an A misdemeanor level (maximum sentence of one year) if the object of the exposure is a child under the age of 16. The offense remains a B misdemeanor (maximum sentence of 90 days in jail) if the witness to the exposure is an adult.

Section 5. AS 11.41.470, Definitions.

This section amends the definition of "without consent" to remove the requirement that the death or kidnapping with which the defendant threatens the victim be "imminent". Threats to inflict harm of this magnitude are inherently coercive, and the prosecution should not have to prove exactly when the defendant intended to cause the death or kidnapping. A threatened physical injury must still be "imminent" to fit within the definition.

Section 6. AS 12.10.020, Specific Time Limitation.

This section creates an exception to the general five year statute of limitations for prosecution for a crime (AS 12.10.010). If the five year limitation period has expired, this provision would allow prosecution for a sexual offense against a child to be commenced within one year after the child reaches the age of 16, or reports the crime to a law enforcement officer, whichever occurs first. In no case will the period of limitation be extended by more than five years, however.

This change is necessary because sexual offenses against young children (especially intrafamilial abuse) are frequently not discovered until the child reaches sufficient maturity to realize the wrongfulness of the conduct and to identify those adults to whom the conduct may safely be reported. A child of 12, 13 or 14 will often report for the first time sexual abuse which has been occurring since he or she was 4 or 5 years old. While the most recent assaults may be prosecuted, these offenses may be classified as less serious than the earlier ones, because of the child's older age. In those situations where the sexual abuse has been a continuing course of conduct which spans several years of a child's life the trier of fact should be entitled to reach and consider all aspects of the adult's conduct.

Section 7. AS 12.55.125(i), Sentences of Imprisonment for Felonies.

This section amends existing penalty provisions to conform to the change in the title of the offense described in new AS 11.41.434, Sexual Abuse of a Minor in the First Degree. Under current law this conduct is labelled Sexual Assault in the First Degree and is included in AS 11.41.410(a)(3) and (4).

Sections 8 and 9. AS 01.05.031(c), Use of Personal Pronouns.

In 1982 the legislature passed ch. 58, SLA 1982, which required the revisor of statutes to alter the language of statutes to avoid the use of personal pronouns denoting masculine or feminine gender. These changes are to be made both when new laws are enacted, and when the printed pamphlets of statutes are scheduled for reprinting. This directive, as it applies to the criminal code, is merely a matter of form, as all criminal laws, including those relating to sexual assault and sexual abuse of a minor, are "sex neutral." See AS 01.10.-050 and the Legislative Commentary to the Criminal Code.

In many criminal statutes, including some amended in this bill, the complete elimination of the use of personal pronouns cannot be accomplished without rewriting the statutes. This rewriting raises the potential for unintentional alteration of the meaning of a provision and a change in the way the law is interpreted by a court. There is a well established rule of statutory interpretation (called the "rule of lenity") which establishes that any ambiguity in a criminal statute must be construed against the state and in favor of the defendant. Criminal statutes are also subject to constitutional challenge of the statutory language is vague, or fails to give clear notice of what conduct is prohibited.

Because the elimination of personal pronouns accomplishes no substantive purpose (the code is already sex neutral), and may cause obscurity or ambiguity in the statutory language which could hamper the effective enforcement of the laws, sections 7 and 8 of the bill amend the law to allow the continued use of personal pronouns in Titles 11 and 12, the Criminal Law and Criminal Procedure Codes.

Section 10. AS 18.66.900(6), Definitions

This section amends the definition of "sexual assault" as used in the violent crimes compensation law to include the crime of Unlawful Exploitation of a Minor (making child pornography). It also deletes a reference to AS 11.51.-130(a)(4), which is repealed by this bill. The content of that statute has been included in the new AS 11.41.438.

Section 11. Repealed sections.

This section repeals those statutes whose content has been incorporated into the provisions discussed above.

An Act revising the laws relating to sexual abuse of a minor, sexual assault, and indecent exposure; and extending the time limitation for prosecution of sexual offenses; and amending AS 01.05.031 c and section 4 chapter 58 SLA 1982.

Change all age references to "three years"

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 27, 1983

SUBJECT: Single subject rule
(CSHB 117 (Judiciary))

TO: Representative Charlie Bussell
Chairman, House Judiciary Committee

FROM: James H. Lear
Legislative Counsel *JHL*

I have prepared the committee substitute to HB 117 as requested. In my opinion this committee substitute creates a probable violation of the single subject rule.

The single subject rule is contained in section 13, Article II, Constitution of the State of Alaska which provides:

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

The primary aim of the rule has been stated by our court to be restraint of the log-rolling process in the legislature and describes log-rolling as deliberately inserting in one bill several dissimilar or incongruous subjects in order to secure the necessary support for passage of the measure. Suber v. Alaska State Bond Committee, 414 P.2d 546 (1966).

The test which broadly stated:

"Ultimately the decision in cases of this kind must be made on a basis of practicality and reasonableness. In determining whether a bill is confined to one subject we agree with the statement:

Representative Charlie Bussell

Page 2

May 27, 1983

'All that is necessary is that the act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.'

was adopted in Gellert v. State, 522 P.2d 1120 (Alaska 1974), and has been quoted in each subsequent case in point in Alaska with approval. It is therefore well settled that this broad language is the standard against which compliance with the single subject rule is to be tested.

I can see no relationship between sex crimes and the exception to sex-neutral pronouns in AS 11 and AS 12 which are logically or in popular understanding so connected or related to each other as to be part of one general subject.

This committee substitute also violates the provision in section 13 requiring the subject of each bill to be expressed in the title. The language in the committee substitute title merely cites the sections that pertain to sex-neutral pronouns. That alone is insufficient to state the subject under Alaska's constitutional guidelines.

Basically, these constitutional deficiencies would jeopardize prosecution of any crime set out in this bill because the enactment of the bill would be invalid.

JHL:ljb
22/011

Alaska State Legislature

House of Representatives

Sam Pestinger

Finance Committee

Chairman

Sub-Committee on Education

WHILE IN SESSION

Touch V

State Capitol

Juneau, Alaska 99811

(907) 465-3706

OUT OF SESSION

716 W. 4th Ave., Suite 400

Anchorage, Alaska 99501

(907) 279-3531

S.R.A. Box 35M

Anchorage, Alaska 99507

(907) 344-7770



Official Business

MEMORANDUM

May 26, 1983

TO: Rep. Charlie Bussell, Chairman
House Judiciary Committee

FROM: Rep. Sam Pestinger *Sam*

RE: CSHE 117/ Jud
(Relative To Criminal Law and Procedure)

I request that the committee reconsider raising from "three" to "four" years, the age difference between the offender and the victim, required before criminal liability can be imposed upon the offender.

Using "three" years in place of "four" is concurrent with existing statutes where age disparity is addressed.

During the last legislature, a three year age difference was adopted regarding new drug laws. (A.S. 11.71.010(a) and A.S. 11.71.030(a)).

Current sexual assault statutes recognize this disparity in prosecution of a person over 16 who sexually assaults someone under 13 (A.S. 11.41.410(3)).

The three year age difference strongly condemns the actions of an older person who takes unfair advantage of the immaturity and vulnerability of children while at the same time not injecting criminal law in an area where parental guidance and moral and religious training is the more appropriate response.

COMMITTEE REPORT

47

HOUSE

FURTHER: JUDICIARY
FINANCE

1/26/83

Date: _____

Mr. Speaker:

The Committee on HESS has had HB 117

An Act relating to sexual abuse of a minor.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 117 (Hess) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" ~~Yes~~ Fiscal Note Supp 35
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Mr. Miller do pass

Balt. Galt

Miss L. Hill

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Alto Koprowski do pass when amended

Peter Jace do pass if amended

Muhlenberg do pass if amended

_____ CHAIRMAN

CO-

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 117
 Title "An Act relating to sexual abuse of a minor"
 Requested by Representative Postinger Date Jan. 26, 1983

II. FISCAL DETAIL

Agency Affected Health & Social Services
 Program Category Affected Offender Containment Reformation & Supervision
 BRU, Program or Subprogram(s) Affected Adult Containment
 (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	2044.0	-0-	64.1	370.0		

FUNDING (Thousands of Dollars)

GENERAL FUND	2044.0	-0-	64.1	370.0	
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME					
PART TIME					
TEMPORARY					

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

This bill relates to the crime of sexual abuse of a minor in the first and second degrees.

IV. DATE February 4, 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)

I. REQUEST
 Bill/Resolution No.: CSHB 117 (Judiciary)
 Title: "...laws relating to sexual abuse..."
 Sponsor: House Judiciary (Orig.-Pestinger)
 Requestor: House Finance Committee

II. FISCAL DETAIL
 Agency Affected: Department of Law
 Program Category Affected: Admin. Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		27.0	34.1	36.1	38.3	40.6
100 PERSONAL SERVICES		2.5	3.2	3.4	3.6	3.8
200 TRAVEL		4.0	4.3	4.6	4.9	5.2
300 CONTRACTUAL		2.8	1.0	1.1	1.2	1.3
400 COMMODITIES		1.5				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	37.8	42.5	45.2	48.0	50.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	37.8	42.5	45.2	48.0	50.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME	-0-	1	1	1	1	1
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: June 2, 1983
 Approved by Commissioner: Norman C. Gorsuch, Attorney General Date: June 2, 1983
 Department: Department of Law

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

CSHB 117 (Judiciary)
Fiscal Note
Analysis

This bill is a comprehensive revision of current law regarding sexual assault and sexual abuse of a minor. Current laws dealing with sexual offenses against children appear in several different areas of the criminal code. Depending upon the age of the child victim, current law authorizes vastly different penalties for essentially similar conduct on the part of the adult offender; some conduct which is extremely harmful to children is not covered at all.

Sexual offenses against children include many types of conduct. This bill groups all of this conduct in one area of the code, and labels most of it "Sexual Abuse of a Minor." The conduct is divided into four degrees of seriousness, and penalties appropriate to the classification of the crime are attached.

In most instances the penalties which may be imposed upon conviction for conduct constituting sexual abuse of a minor are raised. These increases in the possible penalties for offenders are needed to protect children from sexual abuse, and to punish and isolate offenders, but will not have any appreciable effect upon the costs of prosecution. Fiscal impact will occur only in those limited areas where a new crime is created to prohibit conduct which is not included under current law. It is estimated that the additional coverage in these limited areas will require an increase in prosecution resources equivalent to .5 of an attorney position.

Fiscal Analysis - CSHB 117 (Judiciary)

The impact of CSHB 117 is expected to result in the addition of one-half the time of an Attorney IV on a statewide basis. Actual placement of cumulative positions and costs can only be determined after the Legislature has acted and we know what bills and fiscal notes have been approved. For purposes of the analysis, salary schedule A has been used.

The first year of the analysis is FY 84 and costs have been calculated on a 10 month basis to account for the time required to establish new positions and the time it takes to get a new program underway. The costs after FY 84 are on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	<u>Atty IV (PPT)</u>	<u>Total</u>
Personal Services	27.0	27.0
Travel	2.5	2.5
Contractual	4.0	4.0
Commod. - ongoing	.8	.8
Commod. - single time	2.0	2.0
Equipment - single time	1.5	1.5
		<hr/>
		37.8

2nd Year (12 months + 6% annual inflation)

Personal Services	34.1	34.1
Travel	3.2	3.2
Contractual	4.3	4.3
Commodities	1.0	1.0
		<hr/>
		42.5

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARG. UNIT X	FORM 12 PAGE/LINE	COV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1			2		3				
	PERSONAL SERVICES									
5.	Salary	2,215 X 10 mos.		21,250						
6.	Benefits			3,278						
7.	Supplemental Benefits			1,303						
8.	Fixed Benefits			1,200						
9.	TOTAL PERSONAL SERVICES			01	27,031					
10.	Travel			02	2,500					
11.	Contractual			03	4,000					
12.	Commodities			04	2,800					
13.	Equipment			05	1,500					
14.	Other									
15.	TOTAL COST				37,831					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004			37,831					
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

Enactment of the revisions to the current law regarding sexual assault and sexual abuse of a minor, contained in this bill, will require the services of an Attorney IV, on a part time basis. The additional workload occurs in a few limited areas where a new crime is created to prohibit conduct that is not included under current law. Because sexual assault and abuse offenses are difficult to try, a skilled litigator, at the full working level of Attorney IV, will be required.

13 REQUEST FOR
NEW POSITION

AGENCY DEPARTMENT OF LAW
 PROGRAM ADMINISTRATION OF JUSTICE
 BRU PROSECUTION
 COMPONENT THIRD JUDICIAL DISTRICT

FY 84

Page 1 of 1
 Revised Date _____