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COMMITTEE REPORT

HOUSE

FINANCE

(7)

FURTHER:

4/21/83

Date: 5-6-83

Mr. Speaker:

The Committee on JUDICIARY has had HR 375

"An Act relating to access to certain criminal justice information."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 751 (SUD) same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER**

POUCH N
JUNEAU, ALASKA 99811
PHONE:

May 4, 1983

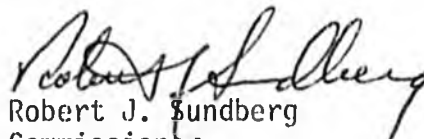
465-4322

The Honorable Charles Bussell
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Bussell:

This is in response to your request for a Position Paper on HB 375. The Department of Public Safety supports passage of this legislation. Employers should be able to request records of convictions of all sex crimes or crimes dealing with contributing to the delinquency of a minor, of persons applying for positions involving supervision or disciplinary power over minors. The enactment of this Bill will help protect employers from unknowingly hiring a person with prior convictions in this area.

Sincerely,


Robert J. Sundberg
Commissioner

RECEIVED APR 06 1983.

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 6, 1983

SUBJECT: Definition of minority in Rule 1(e)
TO: Senator Rick Halford
FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have requested wording for a suggested definition of "minority" for the purposes of Rule 1(e) essentially as we discussed.

I would suggest:

For the purposes of this rule a minority is a group of members who have declared themselves to be a caucus not later than the day following the election of the presiding officers and who are not members of the majority. If there is more than one group who would meet these requirements, the larger group is the minority.

I believe this meets the concept you desired.

BGB:ljb
13/030

Alaska State Legislature



Speaker of the House of Representatives

Prucha V
State Capitol
Juneau, Alaska 99811 -
(907) 465-3720

Official Business

CSHB 7 (Judiciary) Effect of Amendments

The proposed Judiciary committee substitute makes the following changes:

Clarifies that the provisions of this law relate to 'motor' vehicles as defined in the statutes.

Includes a certificate of self insurance as one means of proving financial responsibility. This is typically used by commercial companies to insure a fleet of vehicles. The certificate is defined by AS 28.20.400.

Clarifies that a person seeking a license must only show proof of insurance only on vehicles which are both registered in that persons name and owned by the person which must be located within the state.

Changes the proposed liability limit increases from 100/300/50 to 50/100/25. Currently the limits in law are 25/50/10.

Adopts the language suggested by the Court system relating to issuance of a citation by a peace officer.

Deletes provisions which allowed a peace officer to impound a vehicle on the spot if he had cause to believe an insurance policy was not in effect.

Changes the responsibility for notifying parties in a forfeiture incident from the "court" to the Department of Law as suggested by the Court System.

Changes the date for submission of the first annual report from February 1986 to 1988 and changes report from Dept. of Commerce and Economic Development to a JOINT report with Department of Public Safety.

Adds new effective date of January 1, 1984 for the provisions which mandate that insurance companies offer uninsured and underinsured insurance. These sections would now take effect before any other provision in the law.

Friday, April 22, 1983, The Anchorage Times

House bill seeks to reveal child molesters

Times Juneau Bureau

Juneau — House conservatives have sponsored a bill to give employers access to some criminal records of workers who deal with minors.

The Governor's Commission on the Administration of Justice would be required to disclose to employers of workers who deal with minors records of all convictions for contributing to the delinquency of a minor or for sex crimes, under the bill.

"I hope I can close one small gap in a law that often times has assisted the sexually perverted to ply their trade with children," said Rep. Ramona Barnes, R-Anchorage, main sponsor of the proposal.

Current law permits release of these criminal

records only to law enforcement agencies, she said.

"This information should also be provided employers and supervisors who recruit for positions whose main responsibility is supervising or disciplining minors.

The bill would require the commission to supply fingerprints to the employer, who also could fingerprint employees or job applicants.

The commission would be required to destroy the request for information six months after it is answered.

"The confidentiality of a criminal record rates way below my concern for innocent, trusting children who fall prey to child molesters," Barnes said.

Original sponsors: Barnes, Hayes,
Liska, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 375 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to access to certain criminal jus-
7 tice information."

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

9 * Section 1. AS 12.62.030(a) is amended to read:

10 (a) Except as provided in (b) and (c) of this section and in
11 AS 12.62.035, access to specified classes of criminal justice informa-
12 tion in criminal justice information systems is available only to
13 individual law enforcement agencies according to the specific needs of
14 the agency under regulations established by the commission under
15 AS 12.62.010. Criminal justice information may be used only for law
16 enforcement purposes or for those additional lawful purposes necessary
17 to the proper enforcement or administration of other provisions of law
18 as the commission may prescribe by regulations established under
19 AS 12.62.010. No criminal justice information may be disseminated to
20 an agency before the commission determines the agency's eligibility to
21 receive that information.

22 * Sec. 2. AS 12.62 is amended by adding a new section to read: *in subsection (e)(2) as defined*

23 Sec. 12.62.035. ACCESS TO CERTAIN CRIME INFORMATION. (a)
24 Notwithstanding any other provision of law, an interested person may
25 request from the commission records of all convictions involving
26 contributing to the delinquency of a minor and any sex crimes of a
27 person who *holds or* applies for a position in which the person would have
28 supervisory or disciplinary power over a minor. The commission shall
29 size the disclosure of the information to the requesting person

1 and shall provide a copy of the information to the applicant.

2 (b) A request for records under (a) of this section may include
3 the applicant's fingerprints and any other data specified in regula-
4 tions established by the commission. The request shall be on a form
5 approved by the commission, and the commission may charge a fee to be
6 paid by the requesting person for the actual cost of processing the
7 request. The commission shall destroy an application within six
8 months after the requested information is sent to the requesting
9 person and applicant.

10 (c) Negligent disclosure of information by the state under this
11 section is not actionable in a court of law.

12 (d) The commission shall adopt regulations to implement the
13 provisions of this section.

14 (e) As used in this section

15 (1) "contributing to the delinquency of a minor" means a
16 conviction for a violation or attempted violation of AS 11.51.130(a)-
17 (1), (3), or (5) or for a violation or attempted violation of an
18 offense committed outside the state if the offense would have been a
19 crime in this state under AS 11.51.130(a)(1), (3), or (5) if committed
20 in the state;

21 (2) "interested person" means a corporation, company,
22 partnership, firm, association, organization, business trust, or
23 society, as well as a natural person that ^{employs or solicits the employment of} ~~solicits~~ a person to serve
24 with or without compensation in a position in which the person would
25 have supervisory or disciplinary power over a minor;

26 (3) "sex crime" means a conviction for a violation or
27 attempted violation of AS 11.41.410 - 11.41.455, AS 11.51.130(a)(4),
28 or AS 11.66.100 - 11.66.130 or for a violation or attempted violation
29 of an offense committed outside the state if the offense would have

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been a crime in this state under one of the above sections if committed in the state.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 375
 Title: "Act relating to access. . ."
 Sponsor: Rep. Barnes
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Crime & ID
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Jos Mapranath Phone: 465-4336
 Division: Administrative Services Date: 5-4-83
 Approved by Commissioner: *[Signature]* Date: 5/4/83
 Department: Public Safety

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)

3/8/83

Suspects arrested in sex cases

by Jeff Berlner
and Carl Gidlund
Times Writers

A man who allegedly used state agencies to procure juveniles for sex has been jailed.

Police and prosecutors say he gave the youths alcohol and drugs then sexually molested them. The man acted under the guise of helping youths he had obtained through legitimate channels, police said.

Held on \$40,000 bail is Hensley L. "Pat" Patterson, 33. He is charged on two felony counts of sexual abuse of a minor, one felony count of contributing to the delinquency of a minor and five misdemeanor charges of contributing to the delinquency of a minor.

Patterson reportedly got access to the youths — all boys age 14 to 17 — through his work under the authority of the state juvenile probation office and as a state-approved foster parent.

"Patterson used state agencies as a way of maintaining contact with the boys," said Paul Olson, an assistant district attorney here who specializes in prosecuting sex crimes.

Police and prosecutors said they stopped another case of an adult man sexually molesting

See Arrest, page A-5

Arrest

(Continued from page A-1)

male juveniles in a second unrelated arrest Friday.

In that case, Robert Elstad, 41, was jailed on \$35,000 bail and charged with six counts of sexual abuse of a minor and lewd and lascivious acts toward children.

Both men were arraigned Friday. The cases were put together by the sex crimes units of the Anchorage Police Department and the district attorney's office.

Authorities say that in addition to using state agencies to get custody of the youths, Patterson had other ways of coming into seemingly legitimate contact with young boys.

Olson said Patterson was director of the Cook Inlet Native Association Youth Center and also worked at the Fairview Community Center. In both jobs he came into contact with boys about the age of those he is accused of molesting.

A foster parent from 1973 to 1975 and again from 1977 to 1979, Patterson was given legal custody of juveniles and was an officially approved guardian, Olson said.

Patterson was a so-called "pass partner" for youths held at McLaughlin Youth Center and for youngsters on probation,

Olson said, adding that the state "juvenile probation office allowed him to be with kids on probation."

Juvenile probation officers have the power to authorize approved individuals, such as Patterson, to take the youths out of an institutional setting or out of other custodial situations and act as the guardian of the youths while they are assigned to him.

Officials at McLaughlin and in the Department of Health and Social Services could not be reached for comment Friday. However, Anchorage police Lt. George Novaky said the department's investigation began last December when a youth in custody at McLaughlin told investigators of his involvement with Patterson. The youngster provided information that led to the other boys, he said.

Although the criminal complaint against Patterson lists only five victims, Olson said it is "generally thought that more kids are involved."

The felony contributing-to-the-delinquency-of-a-minor charge alleges that Patterson induced a juvenile to commit a sex act with him. Five misdemeanor contributing-to-the-delinquency-of-a-minor charges state that Patterson supplied drugs and alcohol to the youngsters. The incidents are said to have occurred from 1979 to 1982 at Patterson's home.

In a similar case, police recently charged that the assistant director of the Boys Club of Alaska was using his job to come into contact with boys he allegedly molested sexually.

Venson Brown still faces trial on those charges. And although he has pleaded not guilty, court documents state that Brown has confessed "in substantial part" to the allegations on tape. He goes to trial next month.

Elstad, a businessman who operates a contracting firm, allegedly molested boys age 12 to 15 in incidents that occurred from 1980 through 1982. He lured the boys into his home at 6525 McGill St. without force and then sexually assaulted them, police reported.

Lt. Novaky said the department's investigation of Elstad began last October while officers were pursuing another case — not related to sexual conduct — that involved him. Investigators pursued leads that lead them to seven other alleged victims, several of whom were in McLaughlin, he said.

Patterson and Elstad face grand jury indictments and will be returned to court next week.

**A CHILD'S CRUEL DEATH
SPURS HER GRANDMOTHER TO WAR AGAINST CHILD
MOLESTERS**



Pictured here at 2, Any Sue fell victim to a sadistic killer. "I was never aware of child molesting," says her grandmother.

1978 was a mild spring in the rural Southern California community of Camarillo, where 10-year-old Amy Sue Seltz was playing in the backyard of her aunt's house. The aunt, Delfina, often looked after Amy Sue during the day while her mother, a single parent, worked as an electronics assembler. In this quiet neighborhood, Delfina felt safe leaving her niece unattended for a few minutes while she went inside to change clothes.

It was a mistake with horrible consequences. When Delfina looked outside, Amy Sue had vanished without a trace. For two days her relatives joined with neighbors and police in a futile search. Then, on the third day, a toddler's mutilated body was found in a nearby canyon. Of course, it was Amy Sue.

Ten months later police charged a man named Theodore Frank with the heinous crime. Just the day before, he had been sentenced for the kidnapping and molestation of two preteen girls. Frank, 43, an unemployed laborer, has admitted to molesting as many as 150 children over a 23-year period. Until he was convicted of Amy Sue's murder in December 1979 and sen-



Six weeks before he killed Amy, habitual molester Frank, 43, was freed by psychiatrists who believed he had "recovered."

tenced to die in San Quentin's gas chamber, he had served less than two years in prison and almost nine years in state hospitals for his sex crimes. Even as he committed Frank to Death Row, Judge Byron K. McMillan stated that he considered the sentencing an empty exercise: "I think he'll die of old age—on the streets in about 15 years. I'd bet on it."

That prediction may prove true: Frank is appealing his death sentence, claiming that the crime was not premeditated and that the state used inadmissible evidence. Lawyers for both sides agree that a final resolution of the case may take years. Judge McMillan's baleful view of the judicial process produced at least one positive effect—it motivated Amy Sue's grandmother, Patti Linebaugh, to try to make sure that future Theodore Franks would not be dealt with lightly. "I couldn't believe that the judge who put him away, even in this state, even though we had capital punishment, was saying that Theodore Frank would be out on the streets in 15 years," says Linebaugh, 47. "I felt that the families of Frank's prior victims had a responsibility. If they had only fought to create some pressure on law enforcement, this man wouldn't have been free. Maybe Amy Sue would still be alive."

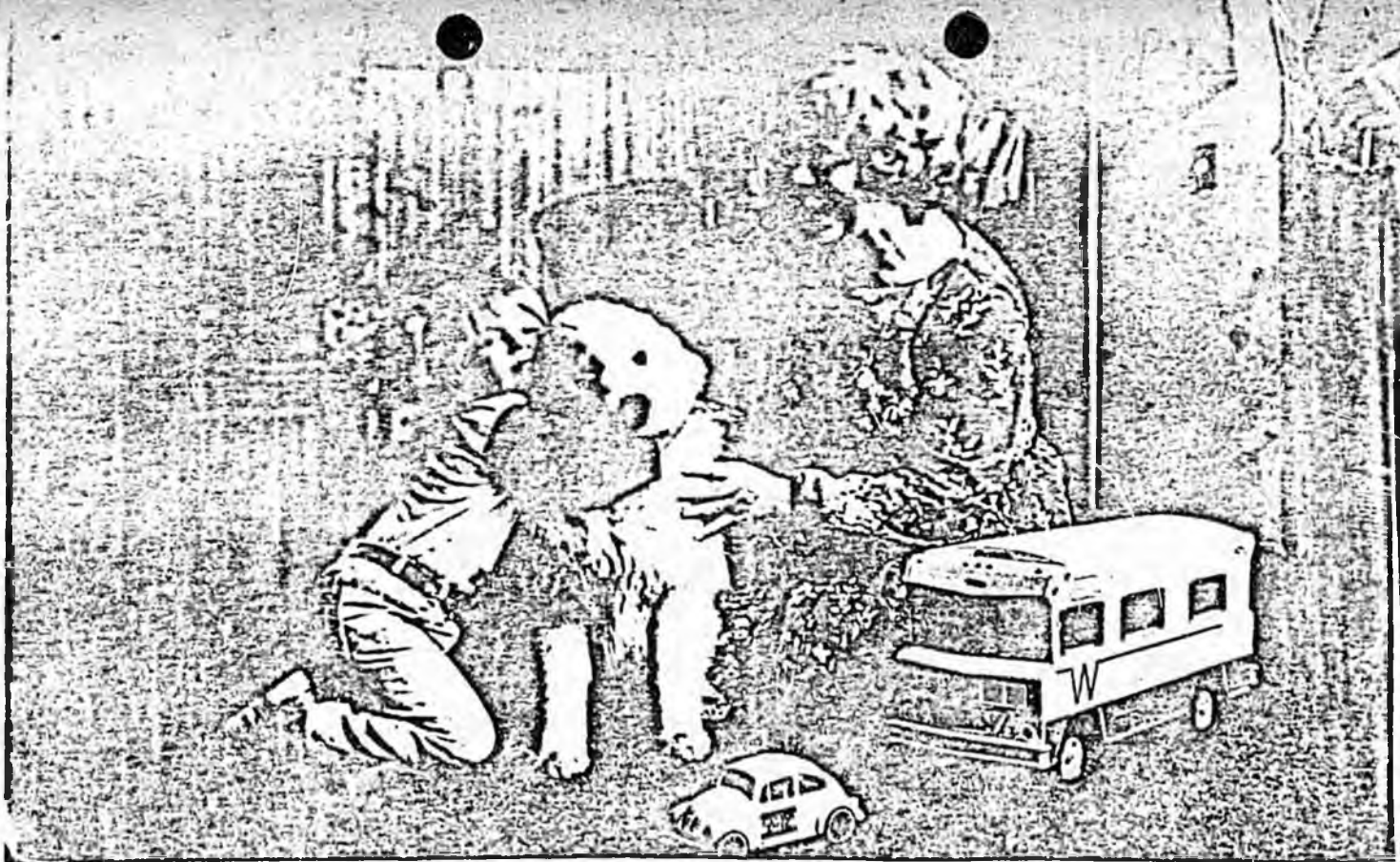
Along with Irv Praeger, who prosecuted the Frank case, and another friend, Linebaugh founded SLAM—Society's League Against Molestation. "What began as a murder investigation became an investigation of our system of dealing with child molesters," says

CONTINUED

"First we were victims of Theodore Frank," says Patti Linebaugh of her granddaughter's killer. "Then we were victims of the court system."



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Playing with grandson Michael, 3, and family pet Nikki, Patti observes, "I look at the little ones and know I have to do something."

Praeger. Statistics show that when a molester is arrested, he has probably attacked some 19 other children. "Only about 5 percent of the attacks are reported," according to Praeger, "and, of the molesters convicted, less than 10 percent went to prison."

Shaken by her grief and those figures, Linebaugh began a petition drive that garnered 140,000 signatures and pressured California legislators into adopting tough new anti-molester laws, which took effect last January. Among the provisions: mandatory long-term prison sentences without hope of probation for virtually all serious or repeat offenders; an extension of the statute of limitations to six years in molestation cases, since victims are often unable to discuss the assault for years afterward; and minimum terms of three years for each count, plus five additional years for each previous conviction of child molestation and 20 years to life for a third offense. "Who's responsible for the death of Amy Sue—Frank?" Linebaugh asks. "Our judicial system. I came to realize that laws could be passed to prevent men like Theodore Frank from getting out on the streets again."

Indeed, Theodore Frank is an example of modern penology and jurisprudence gone gravely awry. Described

by one of his former doctors as "a chronic, habitual child molester," Frank was first arrested in 1958. He subsequently served several terms in prisons and hospitals, emerging each time to commit new assaults, and treating his victims with escalating violence and cruelty. Just six weeks before he killed Amy Sue, Frank had been released from the Atascadero State Hospital, a mental hospital for criminals, after serving more than three years of a four-year sentence for kidnapping and molesting a 4-year-old Bakersfield girl. Frank, who, according to Praeger, took a correspondence course in psychology while in prison, won his release from Atascadero by masquerading as a reformed man. He hoodwinked the hospital psychiatrists so thoroughly that they petitioned Illinois authorities to drop child-molestering charges pending against him there. Frank admitted the deception before being sentenced for assaulting the two preteen girls. "When convenient," he wrote, "I have used my extensive knowledge of psychotherapy as an ongoing game of manipulation."

One of the country's leading authorities on child molestation believes that pedophiles like Frank are not treatable. "There's no percentage for the molester to give it up," explains Dr. Ro-

land Summit, an assistant professor of clinical psychiatry at the University of California at Los Angeles. "He doesn't want to stop or come to the surface or be identified. He doesn't want to close off his option." While researchers have not found a single cause of pedophilia, says Summit, studies indicate that the childhood victim of molestation may become a molester in adult life.

Amy Sue's relatives are trying to put themselves back together. Her mother, Sherry, has married a noncommissioned officer in the U.S. Navy, a man whose strength brought her through the trauma; they now live in an Eastern city where Sherry recently gave birth to twins. Patti Linebaugh likewise perseveres. "Every time I start to back off," she says, "I realize I can't live with myself if I don't create an awareness—make other people understand what must be done."

There are now 44 chapters of SLAM in California alone, and 12 in nine other states. Linebaugh is frequently asked to address interested groups across the country. "I've never done anything like this," she says of herself. "I've just been a mom and a wife and that was it. Yet from somewhere I've had the strength to fulfill a promise to a little baby." DORIS KLEIN BACON