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POSITION PAPER

CS for SS for House Bill No. 58 (Judiciary)



"An Act relating to a prisoner serving a sentence in full or having probation revoked for refusing to participate in counseling or treatment required by the court."

Section I

AS 12.55.015 Authorized sentences sets forth the conditions a judge may impose, either singly or in combination, on a defendant at the time of sentencing. Section I of CSSH 58 adds an additional condition "(9) provide for a sentence to be served in full by a defendant who refuses to participate in available alcohol, drug, sex offender or other mental health treatment required by the sentencing judge."

Section II

Sec. 12.55.080 Suspension of sentence and probation is amended by giving the court the authority to require available alcohol, drug, sex offender or other mental health treatment as a condition of probation.

Section III

AS 12.55.085 Suspending imposition of sentence (b) is amended by giving probation officers and the court the authority to re-arrest a person on probation status in instances of where the probationer refuses to participate in treatment required by the sentencing judge.

Section IV

AS 12.55.100 Conditions of probation (a) is amended by adding "(5) to participate in available alcohol, drug, sex offender or other mental health treatment" as a condition of probation which may be required.

Section V

AS 12.55.110 Notice and grounds for revocation suspension is amended to include refusal by a defendant to participate in available alcohol, drug, sex offender or other mental health treatment required by the court as a condition of probation as good cause for revocation of a suspended sentence.

Section VI

AS 33.15.080 Granting of parole is amended by including the provision that parole may not be granted to a prisoner who has refused available alcohol, drug, sex offender or other mental health treatment recommended by the sentencing judge.

POSITION PAPER/Department of Health & Social Services

Section VII

AS 33.30.250 Work Furlough (g) as amended would prohibit prisoners who refuse to participate in available alcohol, drug, sex offender or other mental health treatment required by the Division of Adult Corrections from being granted work furlough.

Summary

It is understood that the intent of this legislation is to help assure that offenders participate in treatment programs as determined by the court and professional correctional staff. It is noted that the purpose of section 1 of CS for SS for HB 58 is set out elsewhere in the bill and that the language contained in section 1 is unclear. Because the purpose of section 1 is carried throughout the other sections and is not necessary to ensure the intent of the bill is understood, it is recommended that section 1 be deleted.

Recommended by: *Roger C. Lunge*
for Roger V. Endell, Director
Division of Adult Corrections

Date: April 13, 1983

Approved by: *Robert London Smith*
Robert London Smith, Ph.D.
Commissioner

Date: 4/14/83

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: CS for SS for HB 58
Title: ".prisoner..refusing..treatment"
Sponsor: House Judiciary
Requestor: House Finance

II. FISCAL DETAIL

Agency Affected: Health & Social Services
Program Category Affected: Justice
BRU, Program of Subprogram(s) Affected:
Adult Confinement

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-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
Other (Specify Source)						

POSITIONS:

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

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

Not applicable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
Division: Adult Corrections *Adult Corrections* Date: April 13, 1983
Approved by Commissioner: *Robert London Smith M.D.* Date: 4/14/83
Department: Health & Social Services

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
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3/F/83

FISCAL NOTE
CS for SS for House Bill No. 58 (Judiciary)
Page 2

IV. ANALYSIS

The earlier fiscal note prepared on House Bill No. 58 assumed a loss of good time by inmates refusing to participate in counseling or treatment. Subsequent testimony at the House Judiciary Committee indicated that it was not the intent of the legislation to take away good time. This is also the opinion of the Office of the Attorney General. Therefore, enactment of this bill would have no fiscal impact on the Division of Adult Corrections.

From Judiciary Committee-----3/22/83

CSSSHB 58

page 2, delete Sec. 4, lines 12 through 16 (& renumber other sections accordingly)

Page 3, delete word available on line 7

on line 8, delete required by the division of corrections, and replace with

recommended by the sentencing court and made available by the Division of Corrections, or determined appropriate and made available by the Division of Corrections.

SUMMARY OF COMMITTEE SUBSTITUTE FOR SSNB 58

Denial of Parole or Furlough

Section 7 - The Parole Board may not parole a prisoner who refuses to participate in alcohol, drug, sex offender or other mental health treatment.

Section 8 - The Division of Corrections may not furlough a prisoner who refuses to participate in treatment.

Revocation of Suspension of Sentence

Sections 2, 3 and 5 - A judge may impose available alcohol, drug, sex offender or other mental health treatment as a condition of probation.

Section 6 - A sentence will be revoked if the defendant refuses to participate in treatment that is required by the judge.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT



Bill No: HB 58 Date on Bill: 1/26/83
 Title: "An Act requiring certain prisoners to serve a full sentence."
 Sponsor: Representative Lindauer
 Requestor: House Judiciary Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

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

b. Revenues:

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

No information provided.

3. Assumptions:

This bill requires that a prisoner who refuses to participate in court ordered counseling while incarcerated may not be released until he has served his full sentence. The bill is not expected to have an appreciable impact on prosecution functions, as the prisoner will have already been convicted and sentenced by the time the question of his release arises. The bill may require the commitment of additional corrections resources, however.

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: Daniel W. Hickey, Chief Prosecutor Phone: 465-3428
 Division: Criminal Division Date: 1/28/83
 Approved by Commissioner: Norman C. Gorsuch, Attorney General Date: 3/2/83
 Department: Department of Law

5. Distribution:

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

2/15/83

Bill No: House Bill No. 58

Date on Bill: January 18, 1983

Title: "An Act requiring certain prisoners to serve a full sentence."

Sponsor: Reps. Lindauer, Barnes, Abood, Pestinger, and Liska

Requestor:

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
Capital			438.0			
Operating			-0-			73.8
Total	-0-	-0-	438.0	-0-	-0-	73.8

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
	-0-	-0-	-0-	-0-	-0-	-0-

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

The funding source to offset the fiscal impact of this bill was not identified by the sponsors.

3. Assumptions:

Statistical data is not available regarding the number of inmates currently refusing to participate in counseling or other programs required or recommended by sentencing judges. It is, therefore, assumed that two (2) inmates per year with an average sentence length of six (6) years would refuse to participate in rehabilitation programs required or recommended by the sentencing judge. A prisoner who must fully serve his/her sentence loses all good time. The amount of good time earned during a six (6) year sentence is one and one-half (1½) years.

The fiscal impact in the State's correctional system would be three (3) additional beds (2 inmates per year for an additional 1½ years). It is assumed these individuals would require a medium security setting. The cost for the beds, which would be needed in

Prepared By: Roger C. Lange
Division: Adult Corrections

Roger C. Lange

Phone: 465-3376
Date: Feb. 28, 1983

Approved by Commissioner:
Department: NVSS

Robert London Smith

Date: 3/1/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
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2/8/83

3. Assumptions: (continued)

approximately four years, is calculated to be:

$$3 \times \$145,000 = \$ 438,000.$$

Based on an estimate of one staff position for every 2.5 inmates, one additional position would be necessary, beginning in FY 1988. Other costs include primarily food, clothing, and medical care, also beginning in FY 1988.

4. Disclaimer:

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

POSITION PAPER
Sponsor Substitute for House Bill No. 58

"An Act requiring certain prisoners to serve a full sentence."

House Bill No. 58 adds a new section to AS 30.30 which states that a prisoner who refuses to participate in counseling or other programs required or recommended by the sentencing judge may not be released, paroled, or furloughed until the prisoner's sentence is fully served.

State Statute 33.30.100 authorizes the Commissioner of Health and Social Services to designate the facility where a sentence is to be served. AS 33.30.120 authorizes the Commissioner to transfer prisoners from one facility to another. This provides Adult Corrections the flexibility to effectively manage prison population and to give consideration to prisoner needs.

It is the goal of Adult Corrections to provide a complete rehabilitative process for every prisoner; however, this is not always possible due to availability of certain types of programs, maintaining the integrity of programs, overcrowding, prisoner motivation, length of sentence, etc. At the time of sentencing, all of those factors are not known. It is the duty of the classification committee to identify and evaluate whatever factors may be relevant in each case; including the recommendations of the court. The placement of a prisoner reflects both the prisoner's needs and the needs/capabilities of the system. It should be recognized that factors of individual and system needs may conflict and that it is the responsibility of adult corrections to determine the most appropriate placement and programming.

Prisoners are classified within 30 days of admission to an institution and within 30 days following sentencing. The purpose of this classification is to work with each prisoner to develop a plan of incarceration to meet the prisoner's needs within the constraints of the correctional system. The classification committee addresses institutional placement, custody level, housing, work, program (including counseling) and furlough. Each prisoner's classification is reviewed a minimum of once every six months during the sentence.

The classification committee considers the availability of beds in correctional facilities in relationship to the type of security required for each prisoner; i.e. maximum, medium, minimum. The committee also considers the prisoner's program/counseling needs in relationship to the custody level. In some cases, prisoners cannot be placed in correctional facilities where specific program/counseling is available due to their custody level; i.e. a maximum custody prisoner would not be placed in a minimum/medium custody setting because of the risk to staff, prison population, and the public presented by the maximum security prisoner.

Alaska's prison system does not have the same programs/counseling available at every institution; therefore, we are required to consider security needs before program/counseling needs.

There are two portions of Sponsor Substitute for House Bill No. 58 which are unclear 1) Sec. 33.30.330(a) does not define "sentence is fully served." There is a question of whether good time would be granted to those who are ordered to serve a sentence in full. The attached fiscal note is based on the assumption that good time would not be awarded. 2) The bill does not provide a mechanism to return a prisoner who refuses to participate in counseling or programs to court.

The enactment of House Bill No. 58 would increase the length of time to be served for the certain group of prisoners. Alaska's already overburdened correctional facilities would have to provide additional and very costly new beds to house the prisoners required to serve their full sentences.

Although the intent of this legislative proposal is both positive and admirable, it is not clear that coercion will cause a cure. In fact, it appears that the cure may cost considerably more than the problem and may be constitutionally questionable mechanism to alleviate a relatively minor problem in terms of the small number of uncooperative prisoners. We believe that the correctional division already possesses sufficient resources to deal with this problem through better and more sound prisoner classification and management.

Because of the reasons stated, the Department of Health and Social Services does not support passage of House Bill No. 58.

Recommended by:

for Roger C. Lange
Roger V. Endell
Director
Division of Adult Corrections

Date:

March 21, 1983

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner

Date:

3/22/83

STATE OF ALASKA
FISCAL NOTE

Revision Date Mar. 21, 1983

I. REQUEST

Bill/Resolution No.: SS for HB No. 58
 Title: "An Act req. prisoners serve full sentence"
 Sponsor: Lindauer
 Requestor: Judiciary Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Admin. of Just. BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						55.5
200 TRAVEL						
300 CONTRACTUAL						6.8
400 COMMODITIES						11.1
500 EQUIPMENT						
600 LAND & STRUCTURES			438.0			
700 GRANTS, CLAIMS, ETC						.4
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	73.8
CAPITAL	-0-	-0-	438.0	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	438.0	-0-	-0-	73.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

III. 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 sponsor of the bill.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: March 21, 1983
 Approved by Commissioner: Robert London Smith Date: 3/22/83
 Department: Health & Social Services

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3/8/83

IV. ANALYSIS

A. Assumptions

Statistical data is not available regarding the number of inmates currently refusing to participate in counseling or other programs required or recommended by sentencing judges. It is, therefore, assumed that two (2) inmates per year with an average sentence length of six (6) years would refuse to participate in rehabilitation programs required or recommended by the sentencing judge. A prisoner who must fully serve his/her sentence loses all good time. The amount of good time earned during a six (6) year sentence is one and one-half ($\frac{1}{2}$) years.

The fiscal impact in the State's correctional system would be three (3) additional beds (2 inmates per year for an additional $1\frac{1}{2}$ years). It is assumed these individuals would require a medium security setting. It is assumed that the 3 beds will not be needed for $4\frac{1}{2}$ years as that would be the normal release date for the first offenders affected by this legislation.

B. Program Summary

1. Positions

One Correctional Officer II will be needed based on one staff positions for every $2\frac{1}{2}$ beds in the correctional system. It is estimated the cost for this position, including overtime and shift differential, for FY 1988 will be \$55,500.

2. Other Expenditures - FY 1988

- a. Contractual Services - \$6,800 is estimated to pay for medical services based on FY 1984 estimates of \$1,800 per inmate per year.
- b. Commodities - \$11,100 will be needed for food, clothing, bedding supplies, paper products, etc. This is based on the FY 1984 estimate of \$8.00 per inmate day with 6% annual inflation.
- c. Grants - \$400 is requested to pay gratuities for inmates working on kitchen or janitorial crews.
- d. Capital Expenditures - FY 1985
It is estimated 3 beds will be needed. It is assumed that the capital cost will be \$146,000 per bed.
Capital needs = 3 x \$146,000
= \$438,000

C. Impact - There is no economic or local government impact anticipated if this legislation is enacted.

CATEGORY	Admin. of Justice
COVER PROGRAM	
AGENCY	Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Adult Confinement
BUDGET COMPONENT	

REVISED PROGRAM
REQUEST FOR NEW POSITION

FY 1988

POSITION TITLE Correctional Officer II		JUSTIFICATION: To provide security and supervision of inmates in a correctional center. It is estimated that one position is needed for every 2 1/2 inmates. The proposed legislation will result in the need for an estimated 3 additional beds within the corrections system. Therefore, one additional correctional officer will be needed in FY 1988.
LOCATION Not determined		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 13	BARGAINING UNIT GGU	
MONTHLY SALARY 2899	# MONTHS (CY) 12	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	55,500	Salary 34,788 + Shift Diff. 652 + Overtime 5,408 + Variable Ben. 8,206 +
02 TRAVEL		SBS 2,504 + Peace Officer 3,942
03 CONTRACTUAL		
04 COMMODITIES		
05 EQUIPMENT		
06 OTHER		
TOTAL	55,500	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	55,500	
1005 I/A RECEIPTS		
1023 PROGRAM RECEIPTS		

SS#B 58

Nov. 20 1982

City / State

- The Blotter
- Obituaries
- Tell it to Bud

Judges' sentences may be ignored

by Jeff Bertner
Times Writer

Sentencing orders handed down by state judges may be ignored when a convict refuses to take part in rehabilitation programs in jail, according to Commissioner of Health and Social Services Helen Bernie.

"Sentencing orders also may be ignored when the length of sentence is too short to offer much promise for rehabilitation," Bernie wrote in a letter to assistant municipal prosecutor Mike Marsh, who questioned why the Division of Corrections — which is in Bernie's department — is able to ignore judges' recommendations.

Marsh focused his criticism on the case of Amos Singletary, convicted of nine crimes for enticing or dragging young girls into his car. Singletary has a past rape conviction and a sentence which ordered that he be enrolled in a sex offender program in prison.

Singletary was never enrolled in such a program following his Feb. 19 sentencing, and District Court

Judge John Mason released him after he had served 6½ months of a one-year sentence. Singletary was placed on probation and ordered to get professional counseling outside since he wasn't getting it in jail.

Two weeks after his release, Singletary was picked up for violating his probation by returning to a home where two of his earlier victims lived. Mason sentenced Singletary to another year in jail on Oct. 13, and again ordered that Singletary be placed in a prison sex offender treatment program.

Bernie said she had a staff member contact Singletary in jail, and that "Mr. Singletary continued to take the position that he is not guilty and that he does not wish to participate in sex offender treatment."

Singletary did not deny his guilt in court. And Marsh said prosecutors dropped eight other sentencing charges in exchange for Singletary's accepting the evidence against him.

Mason had sentenced Singletary to a year in jail in February. In her letter, Bernie reported Singletary's projected release date as July 6.

Because the sex offender program "is of a long-term nature," Bernie said there was no point in enrolling Singletary.

But according to Marsh, Singletary had 5½ months left to serve as of July 6.

"It would not be realistic to treat an individual over a period of less than a year," Bernie wrote Marsh, attributing that judgment to a staff psychiatrist.

Mason last month sentenced Singletary to another year in jail, and for the second time ordered that he be enrolled in the sex offender rehabilitation program.

Although the second one-year sentence came on Oct. 13, Bernie said Singletary's release date has been set for April 30.

Bernie, quoting another psychiatrist, wrote Marsh that "chronic offenders such as Mr. Singletary are not very amenable to treatment, and that an absolute minimum of nine months in treatment would be necessary to offer the slightest hope of having an effect on his behavior."

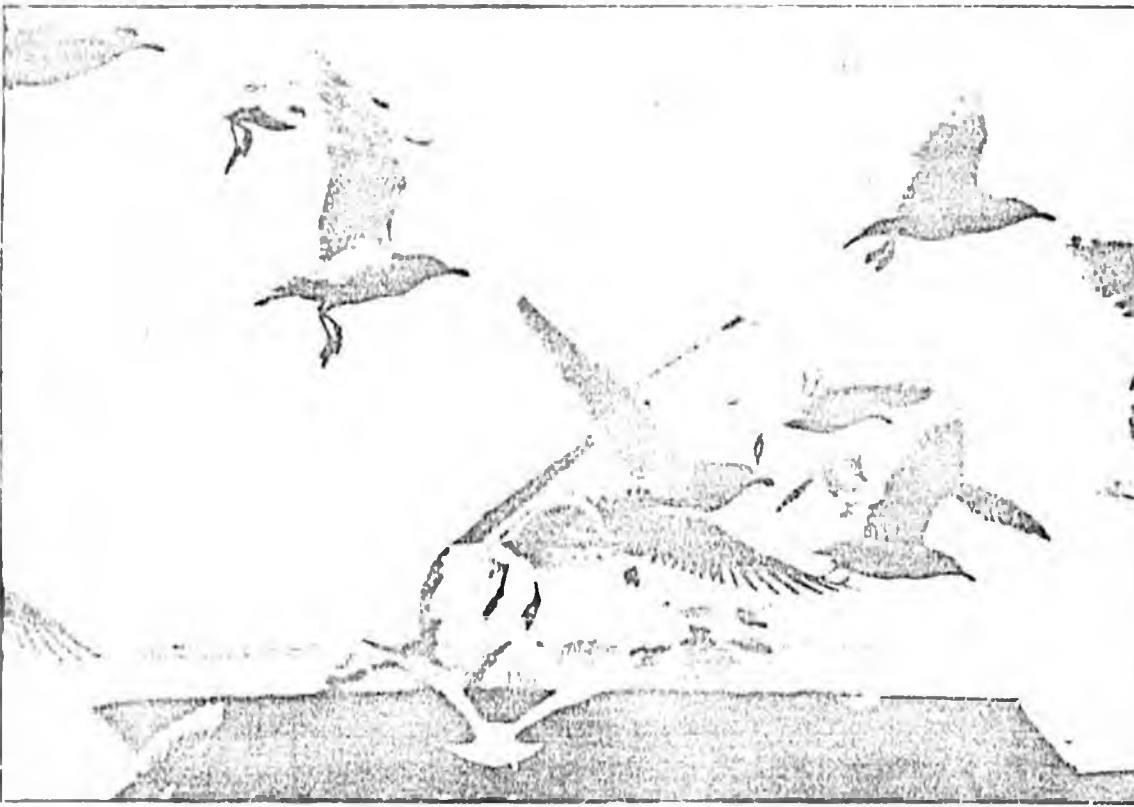
DeMan sentenced

Convicted perjurer sentenced to serve four years in the bribery scandal. George Hohman's expulsion.

State superior court handed down the sentence. Condition of the sentence, 1 week drug counseling.

The 35-year old DeMan is of seven counts of perjury. Carlson sentenced DeMan each count. But the sentence which means DeMan will serve years in jail.

Canadian salesman Sig used DeMan as a go-between into securing state funds to aircraft from Canada.



INTO WILD BLUE GANDER

Waterfowl were sent a flapping as a low-flying helicopter chased them from their perch near the roof in the background.

This photo was taken in Wrangell before the gulls headed south for the winter.

Alaskan courts to be revamped

by Jeff Bertner
Times Writer

The state plans to overhaul its court system to simplify civil litigation and to cut the time it takes to get a civil case to trial after it's filed.

Alaska will be the first state in the country to undertake a project of this magnitude. The doors of the court system will be opened to experts from the National Center for State Courts in January.

State Supreme Court Chief Justice Edmund Burke will appoint a task force to work with the center's consultants.

The project will take a year to complete, but court system administrator Art Snowden said it will reduce costs for litigants and make Alaska's courts among the most efficient in the country.

It now takes 18 months for a civil suit to go to trial.

"Although our time frame is one of the best in the country, it can be improved," Snowden said.

"No state has undertaken an examination of its litigation processes on the scale here proposed," according to a proposal from the court center's western regional office in Sacramento, Calif.

"The results should benefit litigants in Alaska and serve as a provocative example to other states."

The project will cover three areas.

- Source — A task force will

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Honored Army officer dies

Major Gen Charles Martin, commander of the U.S. Army in Alaska, died Saturday of cancer in a hospital in Washington, D.C.

Born in 1917, he began his career in the Army at Clemson

General Staff College and later, the Army War College.

He served on the staff of Headquarters Allied Forces Southern Europe in the early 1950s, and was chief of the plans branch in the United Nations Command in Eu-



Budget issue tops agenda

by Beth Barrett
Times Writer

The public will have a second chance Tuesday to vote on Mayor Tony Knowles' proposed \$24 million operating budget and his \$26 million bond issue and utility spending plan.

And the Anchorage Assembly will

The Knowles spending plan, the fee schedule for city personnel, system inspection, increased from \$30 to \$350, new permit structure would with the cost of inspection.

Division ignores judge's order

by Jeff Kertner
Times Staff

An assistant municipal prosecutor may ask a judge to haul Division of Corrections officials into court to explain why they are ignoring a judge's sentence of a convicted sex offender.

An Anchorage District Court Judge John Mason echoed the concern expressed by prosecutor Mike Marsh over corrections officials' failure to place Amos Singletary in a sex offender treatment program.

And a prison official acknowledged that Singletary is not an isolated case — that others sentenced to jail have not been placed in the counseling programs selected by judges as part of their sentences.

"We can't force people to participate in a program," said Hiland Mountain prison superintendent Frank Sauser.

Sauser said that ignoring a judge's sentencing recommendation is not uncommon.

"It occurs not just with this (sex offender program), but with all kinds of treatment," he said.

Sauser said conditions of sentences handed down by judges are ignored when it involves a treatment program in which an inmate refuses to participate.

Mason and Marsh expressed dismay that the court does not have the power to order the Division of Corrections to carry out the sentence Mason imposed on Singletary almost

three weeks ago.

This is the second time Mason has sent Singletary to jail and asked that he be enrolled in a sex offender treatment program. The first time the request was ignored, Mason released Singletary so he could get counseling out of jail that was not provided in prison.

One day after the second sentencing, on Oct. 14, Marsh wrote Commissioner of Health and Social Services Helen Beirne asking her to intervene, because corrections responsibilities fall under her department. Copies of the letter also went to Division of Corrections director Robert Hatrack, Sauser, Mason, Gov. Jay Hammond and Attorney General Wilson Condon.

Marsh has not received a response to his letter. A spokesman for Beirne, Judy Shuler, said Beirne would "probably" respond this week. She didn't say what her response would be.

Short of hauling corrections officials into court, Mason said he may first try to get through to them by telephone and in writing.

Mason first sentenced Singletary to jail — recommending his placement in the sex offender program at Hiland Mountain — in February after Singletary pleaded no contest to nine crimes and had eight other charges dropped in exchange for his plea.

Singletary was sentenced to three years in jail — with two years suspended — on seven counts of trying to entice young girls into his

car and two counts of assault and battery for trying to force them into his car. Singletary also has a prior rape conviction.

When Mason learned that Singletary was not getting any psychological treatment, he ordered his release on supervised probation so he could get professional counseling.

But two weeks after his release, Singletary was picked up outside a foster children's home where two of his former victims lived. A condition of his probation had been that he have no contact with young girls.

In sentencing him to jail again, this time for another year, Mason again stressed that he wanted Singletary enrolled in the sex offender treatment program. Mason threatened to release Singletary again so he could get professional counseling if the state failed to give him the treatment in jail.

Marsh said Singletary is a danger to society and "the number one goal should be protection of society." He has urged Singletary be sent to jail for the full 4½-year maximum term.

Singletary has been in the Third Avenue Jail for the three weeks since his sentencing and the Division of Corrections has one more week under the law to classify him and respond to Mason's sentence.

"They may resist that," said Mason, "but there's nothing I can do. That's a corrections problem and corrections has a lot of problems now. We don't have the authority to order them to do it, only to recommend."

Troop

by Cary Virtue
Times Staff

Alaska is one of the few states which does not have a full-time crime lab. But Alaska State Trooper commander Tom Anderson hopes to change that.

Anderson will ask Gov. Jay Hammond to set aside \$8.1 million in his proposed 1983-84 budget to build a fully equipped crime lab. However, Anderson said it will go up to the new governor whether he submit it to the legislature.

"In this day and age of modern scientific progress, it's becoming more and more difficult to effectively investigate a case with strong support from a crime lab," Anderson said. "We just can't hardly operate without it."

State law enforcement agencies here now send most of their

Court re

Times Staff

Washington — The U.S. Supreme Court ruled against N. Slope Eskimos today, refusing to reopen their legal battle against the federal government for alleged damages to their homeland.

The court let stand without comment a U.S. Court of Appeals decision that denied compensation to Inupiat Eskimos for dam-

Subsistence spark

by A.J. McClanahan
Times Staff

Newspaper ads in favor of subsistence priority repeal initiative, which depict dozens of heads, are an "intentional misrepresentation" of the facts, say members of the ballot measure.

The actual photograph gets waste," said Jane A. spokeswoman for the group opposing the repeal initiative. An for Sustainable Fish and Game Management.

The photograph is several old, she said, and shows heads for an entire village before they were distributed to them.

But a spokesman for the side, Alaskans for Equal and Hunting Rights, defended

The repeal effort will stimulate subsistence rights of Alaska marine mammals," said Sam McDow outspoken supporter of sporting rights and a leader in the drive.

The taking of marine mammals would not be directly affected by repeal of state law, because they are managed under the Marine Mammal Protection Act. Angvik charged that the justice that the taking of mammals is managed under current state priority subsistence law.

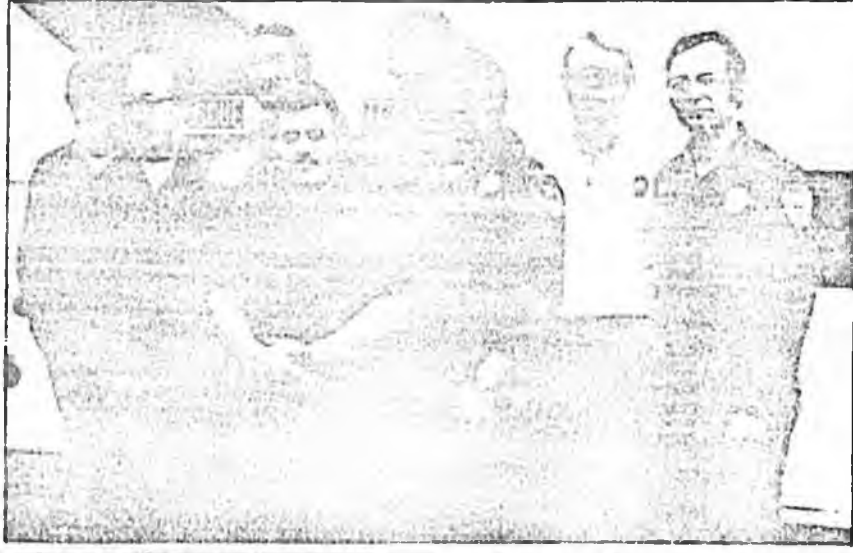
That's erroneous and who put it in knew that."

Collision halts high speed

A high-speed chase between a car and a truck ended Sunday

RESCUE TEAM

Eight veteran Anchorage firefighters recently completed 40 hours of intensive underwater rescue training for white water, lakes and rivers. Each member of the class already has five years experience in water rescue and recovery. From left, they are: firefighters Kent Bohac and Mike House; engineers Paul Burns, Claude Adams, Dean Fortain and Larry Tish; battalion chief and team leader Kent Anderson; and firefighter John Haxley.



State extends funding for quake research

Fairbanks — State officials say they will continue to fund 30 earth quake monitoring stations which were scheduled to close in December because of federal funding cuts.

The seismic stations are one of six University of Alaska projects which will state funding under the Legislature's plan to appropriate state funds to shore up programs affected by the tight federal budget.

The stations are located in the southern Cook Inlet area, monitoring one of the most active earthquake zones in the state.

Juan Sanchez, director of the university's Geophysical Institute, said the stations would be equivalent to shutting down weather monitoring stations.

The \$110,000 grant to continue the monitoring operations for the next six months will underwrite the purchase of new, telephoto circuits to transmit data, helicopter costs to service the stations and

not been found," he said. "If we don't get new money by the first of July, we are right back where we were two weeks ago."

Other state grants for university projects include:

- \$150,000 to the School of Min-

eral Industry for minerals research.

- \$40,000 to the Division of Life Sciences for continued research on tuberculosis vaccine for controlling disease prevalent among reindeer.
- \$3,000 to the Institute of

Water Resources for studies of atmospheric contamination of groundwater and streams near placer mining operations.

- \$5,000 for the Rural Education Health Careers Program.

Anchorage police promote 2 officers



Two Anchorage police corporals — Mark Marsh and Gary Russell — have been promoted to sergeant, according to Police Chief Bruce S. Penner.

Marsh, who will be supervisor of the Crisis Intervention Response Team, joined the department in 1971 as a reserve officer.

After becoming a full-time officer in 1972, he worked in the warrants section, the dispatch center, on traffic patrol and trained new recruits. He is now enrolled at Anchorage Community College, where he is studying for a degree in police administration.

Russell will become supervisor of robbery investigations. After joining the department in July



Alaska Court System
State of Alaska

KARLA L. FORSYTHE
General Counsel

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, AK 99501

M E M O R A N D U M

March 2, 1983

To: Representative Charlie Bussell
Chairman, House Judiciary Committee

Representative John Liska
Vice-Chairman, House Judiciary Committee

Representative Joe Hayes
Representative Ramona Barnes
Representative Hugh Malone
Representative Don Clocksin
Representative Ron Wendte

From: Karla L. Forsythe *Karla L. Forsythe*
General Counsel
Alaska Court System

Subject: SSHB 58

Thank you for this opportunity to comment on SSHB 58.

This bill amends existing law to preclude the release, parole or furlough of any prisoner who refuses to participate in programs recommended or required by the court, unless the prisoner at a court hearing shows good cause for failure to participate. The prisoner is entitled to be represented by counsel.

Since the length of prisoners' sentences will be at stake, and since prisoners can be expected to raise the issue of lack of available programs, the bill will result in increased contested hearings. Any new hearings add to the already considerable workload of the courts. Although this bill taken by itself does not require additional manpower, continued caseload increases will require additional judicial resources.

In Anchorage alone, the police force has increased 169% since 1976, from 174 officers covering 31 square miles to 294 officers covering 110 square miles in 1983. DWI arrests have increased by 276% from 1977, from 651 to 1797. Small claims in Anchorage are

up 172% from 1977. Search warrant requests have also increased, up 538% from 1975 (99 search warrants in 1975; 532 in 1982). In-court deputies for the Anchorage district court accrued a total of 787 hours of overtime last year. Alcohol screening statistics point to a 34% increase in new cases since 1977. These cases are a continuing responsibility for the court, because non-compliance affidavits are filed in about 25% of the cases, requiring court hearings and bench warrants.

In general, as legislative action continues to increase penalties, attorneys litigate longer and harder to protect their clients' interest.

The effectiveness of legislation which involves the justice system is directly related to the ability of the courts to process cases efficiently. As with other bills which provide for additional court hearings, the benefits of SSHB 58 should be analyzed in this context.

KLF:smh

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508

Alaska State Legislature



House of Representatives

Received
1/24/83
JHL
Whil: in Juneau
Pouch V
Juneau, AK 99811
465-3709

January 21, 1983

TO: House Judiciary Committee

FROM: Representative John Lindauer *JHL*

SUBJECT: House Bill #58: "An Act requiring certain prisoners to serve full sentence."

The purpose of this Act is to motivate convicts to accept counseling or other rehabilitation programs required or recommended by the sentencing judge.

Presently, convicts may refuse to accept counseling or rehabilitation and then may be released early by the Commissioner on the premise that the convict will not be rehabilitated if he or she stays in jail.

*Copy to Bill file
OK*

H

B

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HB 60--Lindauer--An Act providing or conditional pardon."

(But probably doesn't)

1--At first glance, it would seem to fly in the/face of Art. XIV, Sec. 1,

U.S. Constitution, where it reads, in part:

"....No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Arguably, if such a law were tested in Alaska, a pardoned person requested to leave the state could say (1) privileges to stay in Alaska were abridged, (2) did not have the "immunity" of being protected by Alaska laws, or (3) infringements were made on his liberty to remain in the state of his choice and (4) was denied "equal protection" of Alaska laws.

2--Article I, Alaska Constitution, under "inherent Rights" gives citizens the same kind of protection.

Probably similar arguments could be made under Alaska Constitution, and the additional hue and cry that the State cannot make "unjust distinctions between persons." (See Legge v. Martin, 379 P.2d 477(1963))

3--HOWEVER, COUNTERING THAT,

is Art. II, Sec. 21, Executive Clemency, as follows:

"Subject to procedure prescribed by law, the governor may grant pardons, commutations, and ~~reprieves~~, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law."

(a) The Legislature has not yet prescribed procedures relative to executive clemency or how it should be carried out. This measure would be the first, or come closest, to that proposition.

(b)--Obviously, the Governor already has the power to grant pardons. There is no Alaska case law on same and apparently there are no standards prescribed anywhere that the Governor would have to meet.

In other words, "he can do it if he wants to."

(c)--I understand from Billy Berrier such executive clemency arrangements have been upheld in at least two jurisdictions (but he was unable to give me case law citations and I haven't the hours to research it, yet).

(d)--"Executive clemency", I think, is quite different from a Judge handing down a sentence. In the latter case, to make such a condition as a part of a sentence, the Judge would be dealing with law and very likely would be acting unconstitutionally and the provision probably could be successfully challenged. Action challenging Governors action under this kind of law probably would be unsuccessful.

Alaska State Legislature

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508



While in Juneau
Pouch V
Juneau, AK 99811
465-3709

House of Representatives

March 11, 1983



MEMORANDUM

TO: House Judiciary Committee
FROM: Representative John Lindauer *J.L.*
RE: House Bill #60: "An Act providing for conditional pardon."

The intent of HB 60 is to offer a released prisoner the option of leaving the state of Alaska in exchange for a Governor's conditional pardon.

Recidivism is a major problem in Alaska allowing Alaska's released convicts to leave the state would insure that these convicts would not terrorize, rape, burglarize, or assault Alaskans. Hopefully, a new climate and location often closer to the "home" from whence they came, would assist in their rehabilitation.

The transport by the convict would be voluntary. However, should the individual renig on his agreement, he would fall again under the provisions of his parole.

Alaska State Legislature

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508



While in Juneau
Pouch V
Juneau, AK 99811
465-3709

House of Representatives

March 11, 1983



MEMORANDUM

TO: House Judiciary Committee

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RE: House Bill #60: "An Act providing for conditional pardon."

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The transport by the convict would be voluntary. However, should the individual renege on his agreement, he would fall again under the provisions of his parole.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: House Bill No. 60
 Title: providing for cond. pardon...
 Sponsor: Lindauer
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Health & Social Servs.
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Adult Confinement

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-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

Not applicable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: April 26, 1983
 Approved by Commissioner: Robert Gordon Arnold, M.D. Date: 4/28/83
 Department: Health & Social Services

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

FISCAL NOTE
House Bill No. 60
Page 2

IV. ANALYSIS

Enactment of House Bill No. 60 would not impact the Division of Adult Corrections as offenders receiving conditional would not require supervision.