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COMMITTEE REPORT
SENATE

FURTHER:

Date Nov 19 1958

Mr. President

The Committee on Internal Security considered HR 1080

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for CS 1080
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Amendment #1, Department of Law

Page 1, Line 26, between "verbatim" and "record" insert
"written".

Justification: Recently the Alaska Court System has adopted a policy of interpreting the phrase "verbatim record" and the language of Rule 32(f) of the Alaska Rules of Criminal Procedure which calls for a transcript of a sentencing proceeding, to be satisfied by supplying a cassette tape. This is a departure from past practices of the Court System whereby written transcripts of the sentencing proceeding were provided. If judges when sentencing uniformly indicated on their judgments how the sentence was imposed, recommendations for treatment and restrictions on the liberty of the convicted offender, written transcripts would not be necessary. However, this is not the case.

In order to realize meaningful compliance with current law, especially in light of recognition of the victim's interests vis a vis sentencing and subsequent rehabilitative decisions, state officials need to have a useful tool which would permit intelligent decisions. Both institutional corrections personnel and probation and parole authorities need to have at a minimum synopses of the

sentencing hearing. In this way decisions on release, rehabilitation programs and offender/victim interaction can be properly attained. Written transcripts would enable the appropriate authority to scan the sentencing record for offenders and achieve the desired results. The provision of cassette tapes of sentencing is rendering this decision-making process fruitless in the absence of sufficient additional personnel to review each tape and note relevant input and recommendations. In fact, this change by the Court System has led only to the accumulation of massive numbers of nearly useless cassette tapes by corrections and parole officials.

CSHB 345

Amendment #2, Department of Law

Page 2, Line 4, after "(4)" and before "recommendations",
insert "any".

Justification: This is a clarifying amendment
which indicates that at times, no recommendation may be
rendered by the courts at sentencing.

Amendment

Insert page 3, line 9:

(6) the right to obtain access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having medical assistance administered; however, an employee of the law enforcement agency may, if necessary accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER


CS for House Bill 345

"An Act relating to victims' rights; and amending Rule 32(d)(2) of the Alaska Rules of Criminal Procedure"

It is very important to consider the effects of crimes upon victims and delineate victims rights, so the Council on Domestic Violence and Sexual Assault supports CS for HB 345. This legislation will promote a consistent focus on victims' rights throughout the state. A victim impact statement should make the courts aware of the trauma caused by crimes and make them more sensitive to the problems encountered by victims. It should also assist courts in determining appropriate restitution to victims. Consideration of a victim's input will promote his/her safety and assist in empowering the victim. Victim input needs to be considered in many instances, particularly for parole and furlough of an offender who has committed a violent crime.

The delineation of victims' rights is very important. Often the victim feels overwhelmed or further victimized by the criminal justice system. Victims' needs should be considered. Of particular importance to the Council are the rights to protection from harm and threats arising out of cooperation with law enforcement and to access immediate medical assistance.

The change in AS 18.66.060, the law that established the Council on Domestic Violence and Sexual Assault, does not create any problems. Domestic Violence and Sexual Assault programs must provide services to victims in need and do not require cooperation with prosecution in order to receive services.


Jana Varrati
Vice-Chair
Council on Domestic Violence
and Sexual Assault

FILE WITH CS HB 345

ADULT CORRECTIONS AGENCY
Pouch T
Juneau, Alaska 99811

POSITION PAPER
CS for House Bill No. 345 (Judiciary)

"An Act relating to victims rights; and amending Rule 32 (d) (2) of the Alaska Rules of Criminal Procedures."

The Adult Corrections Agency supports the concept of evidence and statements of the victim being included for consideration in sentencing, parole hearings and furlough determinations. The committee substitute has addressed the concerns this agency had regarding the bill as originally drafted. The victim, or their family, will be able to present comments for consideration by the sentencing judge, parole board and/or commissioner. The final determination of the felony offender's status can then be made taking all known facts into consideration.

Prepared by:

Roger C. Lange
Roger C. Lange
Internal Management Administrator

Date:

2/8/84

Approved by:

Roger V. Endell
Roger V. Endell
Deputy Commissioner
Adult Corrections Agency

Date:

2/8/84

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CSHB 345

Amendment #3, Department of Law

Page 5, Lines 10-11, delete

"unless the victim does not wish to be notified."

Page 5, Lines 24-25, delete

"unless the victim does not wish to be notified."

Page 6, Line 11, delete

"unless the victim does not wish to be notified."

Justification: Clarifying amendments to add internal consistency to these respective sections. At one point this legislation placed the burden on state officials to notify the victim unless the victim indicated they didn't want to be notified. In House Judiciary, this approach was amended to place the burden on the victim to request notification; however, the language proposed for deletion was inadvertently left in.

CSHB 345

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