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State of Alaska

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
(Co-Chairman)
HOUSE JUDICIARY
HOUSE COMMUNITY AND
REGIONAL AFFAIRS



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4968

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

February 27, 1986

H. Prent Gazaway
1521 West 14th
Anchorage, Alaska 99503

Dear Prent:

Thank you for your public opinion message of January 29, and your kind letter of the same date. I'm really flattered!

With respect to HB 205, as you know, we held a hearing at the request of a number of Anchorage citizens. Although the testimony of some witnesses, mainly anecdotal, supported the bill, the testimony of the Department of Health and Social Services, Division of Family and Youth Services, provided figures refuting the testimonies of the families of victims. The facts and figures show that there is really no need for an automatic waiver of juveniles committing serious crimes.

There is obviously a problem with juvenile delinquency in Anchorage and elsewhere. I do not, however, believe that automatic waiver, as provided in HB 205 is the answer. I remain, however, concerned and interested in seeking a legislative solution, if a just one can be found. Senator Pat Rodey has introduced SB 264, (copy enclosed) which provides a slightly different approach. A copy is enclosed. That bill has not yet reached the House.

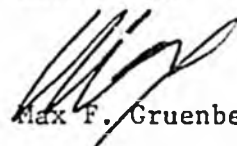
With respect to the other points made in your January 29 letter, I will not respond to all of them, but you have a great number of good ideas and I shall certainly keep them in mind.

One suggestion that really caught my eye was contained in your November 13 letter to Barbara Shaffer. You proposed an incentive to encourage prompt repayment of student loans. You suggested a 5% cash discount for each loan payment made on or before the due date with a shifting of funds by lowering the forgiveness to those returning to Alaska upon graduation.

I have talked to other representatives more directly involved in the student loan program and relayed your suggestion to them. I'll keep the idea in mind as we continue to work on the student loan legislation.

Thanks again for writing.

Cordially,



Max F. Gruenberg, Jr.

MFG/ddl

Enclosure

*
* DELIVER TO: JFOM *
* *
* ORIGINAL *
* SENT: 01/29/86 TIME: 10:55 *
* FROM: BARBARA NORRELL *
* SUBJECT: FOM *
* PRINT DATE: 01/29/86 TIME: 11:12 *
*

TO: HOUSE HEALTH, EDUCATION, AND SOCIAL SERVICES COMMITTEE
REPS. KOPONEN, GRUENBERG, TAYLOR, HURLEY, THOMPSON,
PETTYJOHN, HANLEY
FROM: H. PRENT GAZAWAY, 1521 W. 14 TH, ANCHORAGE, AK 99501
277-2073
SUBJECT: HB205, CRIMINAL PROSECUTION OF 16 AND 17 YEAR OLDS

I URGE AND PLEAD WITH YOU TO DEFEAT THIS BILL IN COMMITTEE AND TO VIGOROUSLY OPPOSE THIS BILL IF IT REACHES THE FLOOR. MINORS ARE NOT ADULTS IF 18 YEARS OR YOUNGER. TO TREAT THEM AS SUCH AND NOT GIVE EVEN THE MOST VICIOUS A SECOND CHANCE IS THE MOST CRUEL AND MOST OBSCURE FORM OF CHILD ABUSE. I THANK YOU FOR THE OPPORTUNITY TO BE HEARD.

1/29/86

Prent & Vera Gazaway

1521 W. 14th Avenue Anchorage, AK 99501 (907) 277-2073

Dear Max:

I intended but failed to call to tell you before this session started. As chair of HB205 Anchorage hearings you are superb. The best at state or federal ^{level} we heard in 35 years.

Other HESS Members also were outstanding, as evidenced by their interest, concern and calmness.

In recent years a few Alaska members of legislative committees, unintentionally to be sure, fail to put witnesses at ease and appear to interrogate and argue with them.

I have many and diverse legislative interests not the least of which is

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to be opposed to the mandatory sentencing and the death penalty bills and to favor and urge support of the Senate right to die bill.

This session the most pressing thing the legislature must do is to carefully trim the Governor's Budget - operating by at least 5% and the Capital by 10% or more and not to dip into the reserve (?) funds unless oil levels off at less than \$20 bbl. I doubt if the budget reductions can be skillfully but judiciously accomplished in much less than 150 days.

I'm disappointed in the Legislative salary commission recommendations, especially referring out setting up another Commission. I favor

doubling legislators present salaries if there is evidence it is likely to raise effectiveness 1%. Other than retirement benefits, and possibly other fringes I don't know about, present salaries are reasonable. The Senate campaign funding bill, though clearly and concisely drafted, has provisions that detract rather than improve the current situation.

The student loan program is the state's best loan and economic development program. It has been shortfunded the past three years and the same is proposed for FY87. I suggest a minimum of \$65-70 million and urge your support. Enclosed a copy of my letter to the Commission. I appreciate your good work.

Sincerely
H. Kent,

1521 W 14th Ave
Anchorage, AK 99501

November 13, 1985

Ms. Barbara Shaffer, Chairman
Alaska Commission on Postsecondary Education
Pouch FP
Juneau, AK 99811

Your recent notices in Anchorage newspapers and the All Alaska Weekly (Enclosure 1) are appreciated. They were well-placed, in bold-print, easy to notice and read.

Before you make the proposed or other major changes in the Alaska student loan program I urge you to hold hearings on the Anchorage, Fairbanks and possibly other campuses. Each present and prospective borrower under this program is entitled to a reasonable chance to be heard before you cut or slash their program.

Instead of requiring each loan applicant to have \$500 a year, plus transportation costs; and reducing his maximum loan by this amount (\$500) a year, why not reduce the maximum total loan from present (4 years x \$6,000 = \$24,000) to \$22,000? A maximum total loan reduction of of \$2,000 for undergraduates, Vocational/Technical applicants? And, for graduates reduce the total loan amount from (3 years x \$7,000 = \$21,000) to \$19,000 maximum. This will be less abruptive, offer students more flexibility and reduce the total that can be loaned to each student.

The first change in the present loan program I would consider is to offer an incentive to encourage prompt repayment on or before the due date. This could be done with a limited loss in loans collected by shifting 5% of the 10% a year loan subsidy for those returning to Alaska to live. Then use this to give 5% cash discount for each loan payment made on or before the date due.

If quoted correctly, what is your basis for implying that the Alaska student loan is overgenerous (Enclosure 2, Anchorage Daily News clipping 11/7/85)? As compared to what? From \$2,000 to \$10,000 a year for housing and \$5,000 to \$75,000 or more each year for farm loan subsidies, each running for twenty to thirty years. Are these sources reported to be out of loan funds? Their loan delinquency rates most likely are higher than those for student loans.

Alaska students who should have the highest priority for limited loan funds are those who must go out of state for the type education they seek - Medicine, pharmacy, denistry, veterinary, etc., and most M.S. and Ph.D. programs.

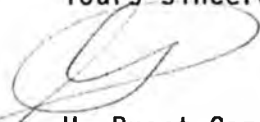
If other states like Alaska were receiving \$7,000 to \$15,000 per capita each year in oil revenues it is entirely possible one or more states would have a more generous state loan program.

If notified their loan funds were exhausted or drastically reduced, supporters of other state loans - Home, farm, fishery or industrial programs - you would have experienced a ground swell of support and opposition to change. Regretably for themselves, students borrowers are widely dispersed and unorganized.

Q Do they have the funding to compose, reproduce testimony, send delegates to meeting, hire lobbyist or otherwise make their desires and wishes known to legislators, program administrators and the Governor.

I started this intending to ask a few questions and offer comments on Voc/Tech loans but I've gone on and on for far too long.

Yours sincerely,



H. Prent Gazaway

February 19, 1986

Mr. Glenn Thompson
7216 Lake Otis Pkwy
Anchorage, Alaska 99507

RE: Senate Bill 140

Dear Mr. Thompson:

Thank you for your public opinion message concerning SB 140, the "living will" bill. A copy of the House Judiciary Committee substitute is enclosed. I agree with you that the two provisions recently added: (1) requiring the will be signed in front of a judge or magistrate, and (2) prohibiting the declarant from requesting that no nutrition or hydration be given, should be stricken.

I am hopeful that amendments will be offered on the House floor to accomplish these two purposes. If they are, I shall do what I can to assist in their passage.

Cordially,

Max F. Gruenberg, Jr.

MFG/ddl

Enclosure

*
 * DELIVER TO: SPSN 61 *
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 * ORIGINAL *
 * SENT: 02/20/86 TIME: 09:20 *
 * FROM: BARBARA NORRELL *
 * SUBJECT: POM *
 * PRINT DATE: 02/20/86 TIME: 09:20 *
 *

TO: ALL LEGISLATORS

FROM: GLEN F. THOMPSON, 7216 LAKE OTIS PARKWAY, ANCHORAGE, AK
 99507, 344-2615

SUBJECT: SB 140, RIGHTS OF THE TERMINALLY ILL

I URGE YOUR SUPPORT OF AN AMENDED VERSION OF SB 140. DELETE THE PROVISIONS FOR A JUDGES SIGNATURE AND THE FORCED FEEDING CLAUSE. THESE TWO PROVISIONS NULLIFY THE EFFECTIVENESS OF AND THE ORIGINAL INTEND OF THE BILL AND THEREFORE SHOULD BE OMITTED.

POSITION PAPER

HOUSE BILL NO. 205

For an Act entitled: "An Act relating to minors charged with felonies; and amending the children's proceedings waiver provisions."

In Alaska, as in most other states, the age of criminal responsibility coincides with the age of majority - 18 years of age. This reflects a recognition of the fundamental differences between children and adults and is expressed in numerous laws limiting the rights, privileges and responsibilities of children. However, because the designated age of majority is necessarily an arbitrary standard, legal mechanisms have been established to identify and properly address the inevitable exception. Waiver of juvenile jurisdiction is the mechanism generally established for differentiating between the vast majority of youthful offenders and those few whose traits and behavior identify them more closely with adult criminals than juvenile delinquents.

Present Law

As in 45 other states, waiver of juvenile jurisdiction occurs in Alaska through a formal court process and is a judicial determination. Unlike most other states, Alaska's law (AS 47.10.060) does not establish a minimum age below which youth cannot be transferred to adult criminal jurisdiction. AS 47.10.060 allows "waiver" of a youth of any age for any delinquent act, if the court finds the youth to be "not amenable to treatment" as a juvenile. A youth is considered unamenable to treatment if the youth "probably cannot be rehabilitated" by treatment under juvenile jurisdiction before reaching 20 years of age. In determining amenability to treatment, existing law suggests, but does not require, consideration by the court of four factors: (1) the seriousness of the offense alleged; (2) the youth's history of delinquency, if any; (3) probable cause of the youth's delinquent behavior and; (4) facilities available for treating the youth.

In recent years sensational publicity surrounding a few exceptional violent crimes committed by juveniles has led to the common but mistaken belief that violent juvenile crime is widespread and increasing, and that Alaska's present waiver law is so stringent that waiver of a juvenile is virtually impossible to achieve. Neither of these perceptions is supported by facts.

Total juvenile arrests for the crimes of murder, manslaughter, rape and robbery have averaged 39 per year from 1977 to 1983 ranging from a high of 48 in 1979 to a low of 33 in 1981. Those arrests comprise less than one percent of the total juvenile arrests for any of those years. The rate of juvenile arrest for violent crime has also remained relatively constant, averaging 2.7 arrests per 10,000 persons under age 18 and ranging from a high of 3.63 in 1977 to a low of 2.30 in 1981 and 1982. From 1981 to the present 26 youth were waived to stand trial as adults

for a range of offenses including first degree murder (10), first and second degree sexual assault or attempts (5), burglary (4), second degree theft, second degree criminal mischief, possession of marijuana, and minor consuming (1 each). Information for the years 1983 to 1985 indicates that 75% of the petitions for waiver have been granted.

Effects of HB 205

This bill would make several changes in Alaska law relating to waiver of juvenile jurisdiction over minors accused of offenses. It would:

1. establish a presumptive waiver based on age (16 and 17 years) and alleged offense (unclassified felony);
2. limit application of the judicial waiver mechanism to youths charged with felonies;
3. change the standard for discretionary (judicial) waiver from "unamenable to treatment" by age 20 to "no substantial likelihood of successful rehabilitation" under juvenile jurisdiction;
4. establish eleven specific factors judges must consider in determining the likelihood of successful rehabilitation but allow waiver decisions to be based on any one of the factors or any combination;
5. establish a mechanism allowing return to juvenile jurisdiction of presumptively waived juveniles who were convicted of lesser included charges that would not have made them eligible for presumptive waiver;
6. exempt waived juveniles from mandatory minimum and presumptive sentences; and
7. define procedures for confinement of waived juveniles.

Analysis

The critical issues in structuring a waiver law are:

1. establishing an effective and impartial method of applying a standard to specific cases; and
2. determining a satisfactory standard with relevant considerations for making waiver decisions.

Under present Alaska law, the method of applying the waiver standard is a formal court proceeding at which all evidence bearing on the waiver decision is fully examined. This method of making waiver decisions -- the judicial or discretionary waiver -- is universally supported by

advisory and standard setting organizations including: The Institute of Judicial Administration and American Bar Association in a joint report titled, Juvenile Justice Standards; the National Advisory Committee for Juvenile Justice and Delinquency Prevention in its report, Standards for the Administration of Juvenile Justice; and the National Advisory Committee on Criminal Justice Standards and Goals, Report of the Task Force on Juvenile Justice and Delinquency Prevention.

Waiver decisions made by judges require a threshold finding of probable cause to determine the accused juvenile committed the alleged offense, are guided by statutorily established criteria and standards, are fully reviewable, and allow consideration of factors defined in law as relevant to the waiver decision.

Under the presumptive waiver method proposed in Section 1 of HB 205, sole responsibility for making a presumptive waiver decision falls to the prosecutor, who determines the offense to be alleged. No threshold finding of probable cause is required. Waiver is accomplished with the filing of an initial charge. Review of a prosecutor's presumptive waiver decision occurs only indirectly through grand jury and trial proceedings which focus only on the probability that the alleged offense was committed. The need for or appropriateness of the waiver decision is not addressed in those proceedings.

The standard for making waiver decisions under a judicial or discretionary waiver is legislatively determined and applied by the judiciary. Factors to be considered in determining which cases meet the standard for waiver are also legislatively established. Factors used in applying judicial waiver standards include those considered relevant in balancing societal interests in public protection, deterrence, reinforcing norms, and rehabilitation of accused youth -- factors predictive of danger, likelihood of rehabilitation, and those bearing on the nature of the alleged offense.

Presumptive waiver laws such as Sec. 2 of HB 205 predicate waivers on two factors only -- age at the time of the alleged offense and the offense charged. No standard is established for the decision which determines waiver -- the decision of the prosecutor to allege an offense which is subject to presumptive waiver. The standard for the waiver/charging decision is determined by prosecutorial policy and individual prosecutor discretion.

Department Position

The Department supports a strengthened judicial waiver such as proposed in Section 7 of HB 205 but opposes the presumptive waiver proposed in Section 1.

Section 7 would clarify the standard for making waiver decisions and would require consideration by judges of specifically defined factors in determining if the standard for waiver had been met. This approach

provides far greater direction and guidance for judges and directly addresses the concerns that Alaska's present standard is too difficult to meet and allows for disparity in waiver decisions. The Department recommends minor modifications in the factors to increase their relevance to the goals of public protection, rehabilitation and deterrence and to make the factors more objective.

The Department opposes the presumptive waiver in Section 1 of the bill. This provision removes the responsibility for making waiver decisions from the court and places it on prosecutors without providing a standard for making the decision and without direct review of the decision. It also bases waivers on only two factors, which provide little basis for predicting future criminal behavior or rehabilitative potential. This approach bases waiver solely on alleged culpability and is justifiable only if society's primary interest is retribution. A single violent act is not predictive of a continuing criminal career or future violence. Studies show that many youths commit only one serious offense and cease to be criminally active. The best predictor of future criminal behavior is a chronic history of delinquency. A presumptive waiver attempts to mechanize a difficult decision in which society has competing interests. There must be a balancing of the goals of public protection, deterrence and rehabilitation.

Recommended Amendments to the Bill

The attached draft incorporates changes to HB 205 recommended by the Department. These recommendations maintain the emphasis of the bill on strengthening Alaska's waiver law, but avoid the problems inherent in a presumptive waiver approach. With the suggested changes, the Department believes HB 205 would provide an effective and equitable means of carefully identifying those few exceptional juveniles who require sanctions and treatment qualitatively and quantitatively different from those available within juvenile jurisdiction.

The recommendations include:

1. delete the proposed presumptive waiver provision;
2. maintain provisions defining procedures for confinement of judicially waived youth;
3. correct language in Sec. 5, proposed AS 12.80.060, to commit waived juveniles to the Department of Corrections upon sentencing;
4. alter language in Sec. 7, proposed AS 47.10.060 (a), reverting to present language allowing initiation of waiver petition by other than a prosecutor;

5. include an age limit of 20 in Sec. 7, proposed AS 47.10.060 (a) (2), in the standard for determining the likelihood of rehabilitation under juvenile jurisdiction;
6. include modifications to factors proposed in Sec. 7 to make the factors more objective and relevant to the goals of public protection and rehabilitation; and
7. change Sec. 7, proposed AS 47.10.060 (c), to require waiver decisions to be based on consideration of all factors in combination rather than on any single factor. This reduces the potential for disparity by eliminating the possibility that courts could base a decision on a single factor only, and by reducing the impact of waiver decisions which might result from differing emphasis placed by judges on any single factor.

RECOMMENDED: Michael E. Price
Michael E. Price, Director
Division of Family
and Youth Services

DATE: March 21, 1986

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 3/21/86

RECOMMENDED AMENDMENTS TO HB 205

Sections 1, 5 & 7

* Section 1. AS 12.05 is amended by adding a new section to read:

Sec. 12.05.020. JURISDICTION OVER CERTAIN MINORS CHARGED WITH SERIOUS FELONIES. (a) If the court has waived children's court jurisdiction over a person under the age of 18 under AS 47.10.060, that person shall be prosecuted as an adult.

(b) Unless referred to children's court for disposition after a hearing under AS 12.55.007(b), a person who has been convicted of an offense after being prosecuted as an adult under this section shall be prosecuted as an adult for any subsequent criminal offense.

(c) References in this section to a person's age refer to the person's age at the time of the offense.

* Sec. 5. AS 12.80 is amended by adding a new section to read:

Sec. 12.80.060. CONFINEMENT OF CERTAIN MINORS. (a) A person under 18 years of age, who is held in custody for an offense that would be a crime if committed by an adult, shall be confined to a facility for juvenile offenders unless children's court jurisdiction over the person has been waived under AS 47.10.060, and the person has been indicted for, held to answer following a preliminary hearing on, or charged by complaint or information following a waiver of indictment for a felony offense. Following indictment, preliminary hearing, or waiver of indictment, the person, if held in custody, shall be confined to a facility for adult offenders.

(b) If a person under 18 years of age who is subject to the jurisdiction of the court under AS 12.05.020 is confined to custody

while awaiting sentencing, or is sentenced to a period of incarceration upon conviction, the person shall be committed to the custody of the Department of Corrections for confinement in a correctional facility for adult offenders. (c) The department shall provide a person confined to custody in an adult facility under sections (a) or (b) with sleeping quarters that are separate from the sleeping quarters for adult offenders until the person reaches 18 years of age.

* Sec. 7. AS 47.10.060 is repealed and reenacted to read:

Sec. 47.10.060. WAIVER OF JURISDICTION. (a) The court shall waive children's court jurisdiction over a person under 18 years of age if, after a hearing on a petition, the court finds based upon the preponderance of the evidence,

(1) that there is probable cause to believe that the person has committed an offense which would be a felony if committed by an adult; and

(2) that there is no substantial likelihood that the person can be successfully rehabilitated under children's court proceedings before reaching 20 years of age.

(b) In determining the likelihood of successful rehabilitation under children's court proceedings, the court shall consider

(1) the seriousness of the alleged offense;

(2) whether the offense constituted a substantial danger to the public;

(3) whether the offense was committed in an aggressive, violent, premeditated, or willful manner;

(4) the person's role in the commission of the offense;

(5) whether the offense is part of a repetitive pattern of delinquent acts, even though previous offenses may have been less serious;

(6) the maturity and sophistication of the person as indicated by the person's age, intellectual capacity, and pattern of living;

(7) the success of any previous attempts to rehabilitate the person;

(8) whether children's court jurisdiction over the person can be retained long enough to allow for effective treatment or rehabilitation;

(9) the treatment resources available under children's court proceedings; and

(10) whether the protection of the community can be achieved through procedures, services and facilities available under children's court proceedings.

(c) The court shall determine the weight to be given to each of the factors listed in (b) of this section and shall issue a written decision. A finding that there is no substantial likelihood of successful rehabilitation of the person under children's court proceedings must be based on all factors in combination. If the court waives children's court jurisdiction over a person, the court shall order the children's court proceeding closed and the person shall be prosecuted as an adult.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 205
 Title : An Act relating to minors charged with felonies
 Sponsor : Pettyjohn, et. al.
 Requestor : _____
 Date of Request : 3/12/86

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : Youth Services
 Components : McLaughlin Youth Center

EXPENDITURES/REVENUES : (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|---------|---------|---------|---------|
| PERSONAL SERVICES | | | 840.5 | 840.5 | 840.5 | 840.5 |
| TRAVEL | | | 4.4 | 4.4 | 4.4 | 4.4 |
| CONTRACTUAL | | | 72.5 | 72.5 | 72.5 | 72.5 |
| SUPPLIES | | | 76.2 | 76.2 | 76.2 | 76.2 |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | 42.8 | 42.8 | 42.8 | 42.8 |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | -0- | 1,036.4 | 1,036.4 | 1,036.4 | 1,036.4 |

| | | | | | | |
|----------------|--|---------|--|--|--|--|
| CAPITAL | | 2,216.2 | | | | |
|----------------|--|---------|--|--|--|--|

| | | | | | | |
|----------------|--|-----|--|--|--|--|
| REVENUE | | -0- | | | | |
|----------------|--|-----|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--|---------|---------|---------|---------|---------|
| GENERAL FUND | | 2,216.2 | 1,036.4 | 1,036.4 | 1,036.4 | 1,036.4 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 2,216.2 | 1,036.4 | 1,036.4 | 1,036.4 | 1,036.4 |

POSITIONS :

| | | | | | | |
|-----------|--|-----|----|----|----|----|
| FULL-TIME | | -0- | 19 | 19 | 19 | 19 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

See Attached

Prepared by : Michael L. Price Phone : 465-3170
 Division : Family & Youth Services Date : _____

Approved by Commissioner : John R. Pugh Date : 3/21/86
 Agency : Department of Health & Social Services

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 205

Based on analysis of arrest data, waiver data, and sentencing information, this fiscal note assumes 14 youth waived annually who would be sentenced to serve a period of incarceration in DHSS facilities, and for whom additional facility capacity would be required.

Assumptions

1. Analysis of arrest data yields an expected frequency of 16 arrests annually of 16 and 17 year old youth for offenses subject to presumptive waiver under HB 205.
2. HB 205 would also amend the judicial waiver mechanism establishing a less stringent test for judicial waiver. Based on analysis of 1981-85 waiver data and 77-82 arrest data, and a presumed increase in efforts of prosecutors to achieve waiver of serious offenders, it is assumed that waiver would be attempted in 1 in 10 arrests of 16 and 17 year old youth charged with a class A felony. This yields an expected six additional waiver attempts annually and, presuming a continuation of at least the historic 75% success rate under the existing judicial waiver mechanisms, four additional waivers annually.
3. Based on analysis of past waiver attempts and a less stringent test for judicial waiver, it is assumed that waiver would be attempted in 1 in 50 cases of 12-15 year olds accused of class A or unclassified felony offenses. Analysis of arrest and waiver data indicates an expected frequency of two such waiver attempts annually. Assuming 50% success in waiving these youth because of lower age, one additional waiver annually would be predicted.
4. An 80% conviction rate is assumed because of the historically higher conviction rate for juveniles, and the high conviction rate for most serious crimes. The following expected frequencies of waived and subsequently convicted youth is predicted.

Sentences are predicted on the basis of exemption of waived youth from mandatory minimum and presumptive sentences under HB 205, and an assumed likelihood of lesser sentences imposed on waived juveniles than would be true for adult offenders. The range of sentences which may be imposed and actual sentences of previously waived youth were used as a guide.

| <u>Age</u> | <u>Offense</u> | <u>#</u> | <u>Estimated Sentence</u> | <u>Time in DHSS Facility</u> |
|------------|--------------------------------------------|----------|---------------------------|------------------------------|
| 17 | Murder | 1 | 50 years | 1 year |
| 16 | Murder | 1 | 30 years | 2 years |
| 17 | Sexual Assault 1° w/a firearm or injury | 2 | 1- 5 years 1- 4 years | 1 year 1 year |
| 16 | Sexual Assault 1° w/a firearm or injury | 1 | 4 years | 2 years |

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 205

| | | | | |
|-------|---------------------------------------------------|---|----------------------------|--------------------|
| 17 | Sexual Assault 1° w/o firearm or injury | 2 | 1- 4 years 1- 3 years | 1 year 1 year |
| 16 | Sexual Assault 1° w/o firearm or injury | 1 | 3 years | 3 years |
| 16 | Sexual Abuse of a Minor | 1 | Probation | 0 years |
| 17 | Misconduct Involving a Controlled Substance 1° | 2 | 1- 2 years 1- Probation | 1 year 0 years |
| 16 | Misconduct Involving a Controlled Substance 1° | 2 | 1- 2 years 1- Probation | 2 years 0 years |
| 17 | Manslaughter | 1 | 2 years | 2 years |
| 17 | Robbery w/firearm | 1 | Probation | 0 years |
| 16 | Robbery w/firearm | 1 | 3 years | 3 years |
| 16 | Aggravated Assault | 1 | 2 years | 2 years |
| 12-15 | Unclassified or Class A Felony | 1 | 5 years | <u>5 years</u> |

27 person/yrs.

Note: This does not include waiver of chronically delinquent youth for less serious offenses (e.g. burglary, theft, criminal mischief, etc.). Information indicates that such youth comprised 30% of youth waived during period 1981-85. However, sentencing data is insufficient to predict sentences for youth waived for these lesser offenses.

Program Summary

Pre-adults waived to the adult system cannot be colocated with other juveniles for two reasons. First, pre-adults who have longer sentences pose a greater security risk; the physical design and arrangement of a maximum security unit must meet the needs of a higher risk population than existing youth facilities are designed to accommodate. Secondly, this population is less motivated to participate in treatment. The average length of stay for a resident currently in a state treatment program is 10 months, pre-adults waived to the adult system will have sentences of several years. Hence, completely different programs are required to respond to this group.

FY 87 Capital Project - One 25 bed detention unit would be built at McLaughlin Youth Center, utilizing the core facilities (gym, kitchen and core services). This unit would be similar to existing housing units at McLaughlin Youth Center. This unit would require some relocation/remodeling of existing site and building and would be located near the current McLaughlin Youth Center detention

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 205

circulation spine. It is estimated that it would be 7,776 square feet at a cost per square foot of \$285 for a total cost of \$2,216.2.

FY 88 The operation of the pre-adult unit would consist of the following staff and costs. Since this is a maximum security unit, three shifts are required. Since this facility is a maximum security unit, a maintenance worker is required to maintain the security systems. An additional cook is necessary because of the requirement of 20% more meals in McLaughlin Youth Center because of the pre-adult unit.

Personal Services

| | |
|-----------------------------|----------------|
| one Unit Leader | \$46,072 |
| one Clerk-Typist III | 29,896 |
| one Maint. Worker II | 48,022 |
| one Cook II | 42,850 |
| three Youth Counselor III's | 143,127 |
| twelve Youth Counselor II's | <u>530,520</u> |
| | \$840,487 |

Travel

Field Travel - Transportation
of staff to pre-adults rural homes:

\$435 x 10 pre-adults = \$4,350

Assumption 15 pre-adults would come from Anchorage area.

Contractual

Professional Services:

| | | |
|----------------|-----------------------|--------------|
| Dental Care | \$452 x 20 pre-adults | \$ 9,040 |
| Medical/Psych. | \$396 x 20 pre-adults | <u>7,920</u> |
| | | \$ 16,960 |

Communication:

| | |
|----------------------------|----------|
| \$420 per staff x 19 staff | \$ 7,980 |
|----------------------------|----------|

Advertising, Printing & Binding:

\$ 2,000

Public Utilities:

| | |
|-----------------------------------------|-----------|
| \$13,983 month x .20% (1/5 size of MYC) | |
| x 12 months = | \$ 33,559 |

Other Expenditures & Services:

| | | |
|------------------|-------------------|--------------|
| Laundry Services | \$31,205 x .20% = | \$ 6,241 |
| Risk Management | \$28,591 x .20% = | <u>5,718</u> |
| | | \$ 11,959 |

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 205

Interagency transfer, Dept. of Admin.,
Risk Management non-add \$5,718

\$ 72,458

Supplies

| | |
|------------------------------------------------------------------|------------------|
| Office Supplies: $\$20,300 \times 20\% =$ | \$ 4,060 |
| Agricultural Supplies: $\$5,700 \times 20\% =$ | \$ 1,140 |
| Household & Institutional Supplies: $\$318,100 \times 20\% =$ | \$ 63,620 |
| Professional & Scientific Supplies: $\$3,600 \times 20\% =$ | \$ 720 |
| Other Operating Supplies: $\$8,600 \times 20\% =$ | \$ 1,720 |
| Repair & Maintenance Supplies: $\$24,600 \times 20\% =$ | \$ 4,920 |
| | <u>\$ 76,180</u> |

Grants

| | |
|-----------------------------------------------------------------------------------------------------------|------------------|
| Travel costs for pre-adults to and from facility: $\$32,487 \times 20\% =$ | \$ 6,497 |
| Gratuities for pre-adults: @ $\$1.25 \times 10 \text{ hrs/mo} \times 20 \text{ residents} \times 12 =$ | \$ 3,000 |
| Commissary items: $\$.45 \text{ day} \times 20 \text{ residents} \times 365 \text{ days} =$ | \$ 3,285 |
| Clothing purchases for pre-release items: $\$17,021 \times 20\% =$ | \$ 3,404 |
| Hospital and psychiatric care: $\$132,966 \times 20\% =$ | \$ 26,593 |
| | <u>\$ 42,779</u> |

| | | | | | | | | |
|-------------------------------|--------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------|------|---------|---------|
| Position Title Unit Leader | | | No. of Positions 1 | Range/Step 177A | Barg. Unit S | Gov. | Approv. | Disapp. |
| Time Status PFT | Staff Months 12 | RP Number | Location Anchorage | | Election District | Leg. | | |
| Type of Expenditure | | | Justification | | | | | |
| 1 | | 2 | 3 | | | | | |
| Salary | | 34,740 | This position is necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it. | | | | | |
| Benefits | | 11,332 | | | | | | |
| Premium Pay | | | | | | | | |
| Other | | | | | | | | |
| Total Personal Services | | 46,072.00 | | | | | | |
| Travel | | 275.00 | | | | | | |
| Contractual | | 3,816.00 | | | | | | |
| Commodities | | 4,010.00 | | | | | | |
| Equipment | | | | | | | | |
| Other | | | | | | | | |
| Total Cost | | 54,173.00 | | | | | | |
| Receipt Code | | | Funding Source | | | | | |
| | | | Federal Receipts 1002 | | | | | |
| | | | G. F. Match 1003 | | | | | |
| | | | General Funds 1004 | | | | | |
| | | | I-A Receipts 1005 | | | | | |
| | | | Program Receipts 1028 | | | | | |
| | | | CIP Receipts 1061 | | | | | |
| | | | Other | | | | | |
| | | | 54,173.00 | | | | | |
| For B&M Use Only | | | | | | | | |
| Key Number | | | | | | | | |

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 BRU Youth Services
 Component McLaughlin Youth Center

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|-------------------------------------------|--------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|------|---------|---------|
| Position Title Clerk-Typist III | | | No. of Positions 1 | Range/Step 8/R | Barg. Unit GGU | Gov. | Approv. | Disapp. |
| Time Status PFT | Staff Months 12 | RP Number | Location Anchorage | | Election District | Leg. | | |
| Type of Expenditure | | | Justification | | | | | |
| | | | This position is necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it. | | | | | |
| Type of Expenditure | | Amount | | | | | | |
| 1 | 2 | 3 | | | | | | |
| Salary | 20,136.00 | | | | | | | |
| Benefits | 8,211.00 | | | | | | | |
| Premium Pay | 1,549.00 | | | | | | | |
| Other | | | | | | | | |
| Total Personal Services | | 29,896.00 | | | | | | |
| Travel | | -0- | | | | | | |
| Contractual | | 3,816.00 | | | | | | |
| Commodities | | 4,010.00 | | | | | | |
| Equipment | | | | | | | | |
| Other | | | | | | | | |
| Total Cost | | 37,722.00 | | | | | | |
| Receipt Code | | Funding Source | | | | | | |
| | | Federal Receipts 1002 | | | | | | |
| | | G. F. Match 1003 | | | | | | |
| | | General Funds 1004 | | 37,722.00 | | | | |
| | | I-A Receipts 1005 | | | | | | |
| | | Program Receipts 1028 | | | | | | |
| | | CIP Receipts 1061 | | | | | | |
| | | Other | | | | | | |
| For B&M Use Only Key Number _____ | | | | | | | | |

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|----------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------|------|----------|---------|
| Position Title Cook II | | | No. of Positions 1 | Range/Step 57/C | Barg. Unit L | Gov. | Approval | Disapp. |
| Time Status PFT | Staff Months 12 | RP Number | Location Anchorage | Election District | | Leg. | | |
| Type of Expenditure | | | Justification | | | | | |
| Amount | | | <p>This position is necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.</p> | | | | | |
| 1 | 2 | 3 | | | | | | |
| Salary | 29,698.00 | | | | | | | |
| Benefits | 10,857.00 | | | | | | | |
| Premium Pay | 2,295.00 | | | | | | | |
| Other | | | | | | | | |
| Total Personal Services | | 42,850.00 | | | | | | |
| Travel | | | | | | | | |
| Contractual | | 3,815.00 | | | | | | |
| Commodities | | 4,010.00 | | | | | | |
| Equipment | | | | | | | | |
| Other | | | | | | | | |
| Total Cost | | 50,675.00 | | | | | | |
| Receipt Code | Funding Source | | | | | | | |
| | Federal Receipts 1002 | | | | | | | |
| | G. F. Match 1003 | | | | | | | |
| | General Funds 1004 | | 50,675.00 | | | | | |
| | I-A Receipts 1005 | | | | | | | |
| | Program Receipts 1028 | | | | | | | |
| | CIP Receipts 1061 | | | | | | | |
| | Other | | | | | | | |
| <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>For B&M Use Only Key Number _____</p> </div> | | | | | | | | |

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|----------------------------------------------|---------------------------|-----------|------------------------------|---------------------------|------------------------|------------|---------|---------|
| Position Title Youth Counselor III | | | No. of Positions 3 | Range/Step 15/A | Barg. Unit G | Gov. | Approv. | Disapp. |
| Time Status PFT | Staff Months 12 | RP Number | Location Anchorage | Election District | | LCB | | |
| Type of Expenditure | | | Amount | | | | | |
| 1 | | | 2 | | 3 | | | |
| Salary | | | 90,648.00 | | | | | |
| Benefits | | | 30,750.00 | | | | | |
| Premium Pay | | | 21,729.00 | | | | | |
| Other | | | | | | | | |
| Total Personal Services | | | | | 143,127.00 | | | |
| Travel | | | | | 825.00 | | | |
| Contractual | | | | | 11,448.00 | | | |
| Commodities | | | | | 12,030.00 | | | |
| Equipment | | | | | | | | |
| Other | | | | | | | | |
| Total Cost | | | | | 167,430.00 | | | |
| Receipt Code | | | Funding Source | | | | | |
| | | | Federal Receipts 1002 | | | | | |
| | | | G. F. Match 1003 | | | | | |
| | | | General Funds 1004 | | | 167,430.00 | | |
| | | | I-A Receipts 1005 | | | | | |
| | | | Program Receipts 1028 | | | | | |
| | | | CIP Receipts 1061 | | | | | |
| | | | Other | | | | | |
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Justification
 These positions are necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.

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|---------------------------------------------|--------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------|------|---------|---------|
| Position Title Youth Counselor II | | | No. of Positions 12 | Range/Step 13/B | Barg. Unit G | Gov. | Approv. | Disapp. |
| Time Status PFT | Staff Months 12 | RP Number | Location Anchorage | | Election District | Leg. | | |
| Type of Expenditure | | | Justification | | | | | |
| | | Amount | These positions are necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it. | | | | | |
| 1 | 2 | 3 | | | | | | |
| Salary | 327,456.00 | | | | | | | |
| Benefits | 131,664.00 | | | | | | | |
| Premium Pay | 71,400.00 | | | | | | | |
| Other | | | | | | | | |
| Total Personal Services | | 574,730.00 | 530,520. | | | | | |
| Travel | | 3,300.00 | | | | | | |
| Contractual | | 45,789.00 | | | | | | |
| Commodities | | 48,130.00 | | | | | | |
| Equipment | | | | | | | | |
| Other | | | | | | | | |
| Total Cost | | 671,949.00 | 627,739. | | | | | |
| Receipt Code | Funding Source | | | | | | | |
| | Federal Receipts | 1002 | | | | | | |
| | G. F. Match | 1003 | | | | | | |
| | General Funds | 1004 | 671,949.00 | 627,739. | | | | |
| | I-A Receipts | 1005 | | | | | | |
| | Program Receipts | 1028 | | | | | | |
| | CIP Receipts | 1061 | | | | | | |
| | Other | | | | | | | |
| For B&M Use Only Key Number _____ | | | | | | | | |

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The Drawing Board™

P.O. BOX 220505, DALLAS, TEXAS 75222
CALL: 1-800-527-9530, IN TEXAS 1-800-442-7580

NOTE-O-GRAM®

REORDER ITEM # N-N73U

WALT & ELSA L. PEDERSEN
STAR ROUTE BOX 222 • STERLING, ALASKA 99672
PLEASE WRITE - WE HAVE NO PHONE

M E S S A G E

R E P L Y

TO Rep. Mike Navarre
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

DATE

DATE January 6, 1986

Dear Rep. Navarre:

Enclosed is a copy of a "Petition for Better Juvenile Laws" with 20 signatures, for your consideration in this session.

We also request further consideration of the speed limit through Sterling, as we are not satisfied with the DOT's argument that 45 mph is safer than 35 mph! If this is true then why does Moose Pass have a 35 mph limit?

As you have probably seen in today's CLARION, the State does not pay much attention to public requests for sensible speed limits through crowded areas.

We appreciate your help with our problems.

Sincerely,

Walt Pedersen

SIGNED

Item # N-N73U © Wheeler Group Inc.

INSTRUCTIONS TO SENDER:

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES INTACT.

INSTRUCTIONS TO RECEIVER:

1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

PETITION FOR BETTER JUVENILE LAWS

1. All persons 16 years or over charged with an offense designated as a felony (rape, murder, felony assault) shall be prosecuted as an adult.
2. All minors under 16 committing a non-felony offense shall: A. Pay a fine commensurate with the offense and/or do public service if they are a first offenders.
B. Be institutionalized and compelled to do physical work, if they are a second offenders.
3. All juveniles under 16 contained for a felony should be re-evaluated at 18.

| NAME | ADDRESS | PHONE |
|----------------------------------|----------------------------------------------|-------------------|
| 1. <u>Walt Pedersen</u> | <u>S.R. Box 222, Sterling, AK 99672</u> | <u>(no phone)</u> |
| 2. <u>Elsa J. Pedersen</u> | <u>SR Box 222, Sterling, AK 99672</u> | <u>no phone</u> |
| 3. <u>Donald F. Millerton</u> | <u>PO Box 793 Sterling, AK 99672</u> | <u>262-5843</u> |
| 4. <u>Barbara R. Pinner</u> | <u>SR Box 221 Sterling, AK 99672</u> | <u>262-6123</u> |
| 5. <u>Genissa Walker</u> | <u>PO Box 612 Sterling, AK 99672</u> | <u>282-5058</u> |
| 6. <u>Melissa C. Rader</u> | <u>P.O. Box 847 Sterling, AK 99672</u> | <u>262-2415</u> |
| 7. <u>Henry M. Donald</u> | <u>PO Box 1412 Soldotna, AK 99669</u> | |
| 8. <u>M. Fay</u> | <u>Brainerd Box 71 Sterling, AK 99672</u> | |
| 9. <u>Lance McDonald</u> | <u>S.R. Box 221 Sterling, AK 99672</u> | |
| 10. <u>Elizabeth A. Bolatich</u> | <u>SR # 2 Box 246 Sterling, Alaska 99672</u> | |
| 11. <u>Donald J. Walker</u> | <u>WALKER BOX 806 Sterling, AK 99672</u> | |
| 12. <u>Laura L. Jensen</u> | <u>Box 223 Sterling, AK 99672</u> | |
| 13. <u>Susan J. Richardson</u> | <u>P.O. Box 793 Sterling, AK 99672</u> | |
| 14. <u>William R. Rumble</u> | <u>Box 3533 Soldotna, AK 99669</u> | |
| 15. <u>Tracey Rene Chaitrie</u> | <u>P.O. Box 3867 Soldotna, AK 99669</u> | |
| 16. <u>Ron Cole</u> | <u>Box 367 Sterling, AK 99672</u> | |
| 17. <u>Kathi Merton</u> | <u>Box 393 Sterling, AK 99672</u> | |
| 18. <u>June Fischer</u> | <u>Box 784 Soldotna, AK 99669</u> | |
| 19. <u>Frederick A. Abbott</u> | <u>ABOTT Box 75 Sterling, Alaska 99672</u> | |
| 20. <u>Goy Baldwin</u> | <u>Box 337 Sterling, Alaska 99672</u> | |