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STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	4-8-88	1:30p.m.
H. JUD.	3-11-88	1:30p.m.

1 IN THE HOUSE

BY ULMER

2

HOUSE BILL NO. 465

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to criminal proceedings involving

7

certain minors; and amending Rule 45(a) and Rule

8

45(d)(2), Alaska Rules of Criminal Procedure."

9

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

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* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

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there has been an increase in the number of offenses involving children,

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that the longer the length of time between the event and the trial, the

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more difficulty young children have remembering past events necessary for a

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criminal prosecution, that offenses against children are especially

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reprehensible, and that the vulnerability of children requires immediate

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removal of the offender from society.

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(b) This Act is necessary to shorten the time between the occurrence

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of the criminal offense and the trial and punishment of the offender in

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proceedings in which a minor was the victim or is to be a witness.

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* Sec. 2. AS 12.45 is amended by adding a new section to read:

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Sec. 12.45.049. CRIMINAL PROCEEDINGS INVOLVING MINORS. (a) In

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a criminal proceeding involving a victim or witness who will be under

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16 years of age at the time of trial, the court shall take appropriate

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action to ensure that the trial is promptly conducted. If either

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party submits a motion or other request for a delay or continuance of

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the proceedings, the court shall consider and give weight to any

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adverse effect that the requested delay or continuance may have on the

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well-being of the minor.

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(b) The provisions of (a) of this section do not apply if the

1 person under 16 years of age at the time of trial is the defendant in
2 a proceeding under this chapter.

3 * Sec. 3. AS 12.45.049, added by sec. 2 of this Act, has the effect of
4 amending Alaska Rules of Criminal Procedure 45(a) and 45(d)(2) by directing
5 the courts to give prompt attention to the conduct of criminal trials
6 involving minors as victims or witnesses and by adding as a standard to
7 evaluate a motion or request for delay or continuance of a proceeding in
8 which a minor is a victim or witness the effect of the delay or continuance
9 on the well-being of the minor.

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

STEVE COWPER, GOVERNOR

REPLY TO

CRIMINAL DIVISION CENTRAL
P.O. BOX KC
JUNEAU, ALASKA 99811-0310
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTION
AND APPEALS
1031 WEST 4TH AVENUE, SUITE
ANCHORAGE, ALASKA 99501-5
PHONE: (907) 279-7424

April 6, 1988

The Honorable Fran Ulmer
House of Representatives
P.O. Box V
Juneau, Alaska 99811

RE: HB 465

Dear Representative Ulmer:

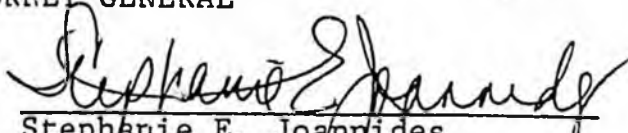
In response to your request for our comments, I have reviewed HB465. The Department of Law supports this bill in its present form.

The court in considering motions for continuance already has the discretion to consider a variety of factors, including "any adverse effect that the requested delay or continuance may have on the well-being of" any person involved. Any factors which the court considers are balanced against the defendant's constitutional rights. HB 465 does not appear to subordinate any rights of the defendant but merely requires the court in reaching its decision to consider the well-being of the minor as one of the factors. The weight of that factor is not delineated nor is a mandatory denial of the continuance request required.

Very truly yours,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By:


Stephanie E. Joannides
Assistant Attorney General

SEJ/llm

cc: Art Peterson
Assistant Attorney General
Civil Section

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to criminal proceedings involving certain minors..."
Sponsor: Representative Ulmer
Requestor: Representative Ulmer

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, (Director)

Division: Administrative Services

Phone: 465-3672

Date: April 6, 1988

Approved by Commissioner: Richard I. Pegues (FOR) Grace Berg) Schaible, Atty. Gen.

Agency: Department of Law

Date: April 6, 1988

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 465

This bill amends AS 12.45.049 by adding a new section that provides that a court take appropriate action to ensure that a criminal proceeding involving a victim or witness under 16 years of age is conducted promptly. When a motion or other request for a delay or continuance of a criminal proceeding is made under the bill's provisions, the court is to consider and give weight to any adverse effect that the requested delay or continuance may have on the well-being of young victims and witnesses. There is already case law that says that there is a public interest in the prompt disposition of criminal proceedings. Courts already take several factors into consideration in scheduling proceedings, including the well-being of witnesses. By amending Alaska Rules of Criminal Procedure 45(a) and 45(d)(2), the bill formalizes an existing practice by requiring that courts consider the well-being of victims and witnesses under the age of 16 years as a factor in scheduling certain criminal proceedings.

The Department of Law does not believe that this change in the Alaska Rules of Criminal Procedure will have a fiscal impact on its operations. Trials involving child victims and witnesses are distributed widely enough throughout the department's caseload to make it possible for the department to avoid scheduling conflicts without requiring additional resources.

LAW OFFICES OF
KEMPEL, HUFFMAN AND GINDER
A PROFESSIONAL CORPORATION

ROGER R. KEMPEL
RICHARD R. HUFFMAN
PETER C. GINDER
DARREL J. GARDNER
DONALD C. ELLIS
MARY ELLEN FLAHERTY
BOBBY DEAN SMITH
VICTOR C. KRUMM

255 E. FIREWEED LANE, SUITE 200
ANCHORAGE, ALASKA 99503
(907) 277-1604
TELECOPIER (907) 276-2493

March 30, 1988

Representative Fran Ulmer
Alaska State Legislature
Box V (MS 3100)
Juneau, AK 99811

Re: House Bill 465

Dear Fran:

Thanks for the courtesy of providing me with a copy of House Bill 465.

The Public Defender's fiscal note is interesting but probably inaccurate. It has been demonstrated in a number of jurisdictions that "fast-tracking" cases results in substantial monetary savings compared to non-"fast-track" processing. The Alaska court system has studied the issues surrounding "fast-tracking" and, I think, has come to the same conclusion as other jurisdictions.

Delays result in more bench hearings, more pretrial hearings, more court appearances, and more motion practice. Incarcerated defendants are, of course, accompanied by well-paid police officers, and each pretrial court appearance costs the police agency a lot of money. Every court hearing also requires a prosecutor, a judge, and a defense attorney. Delays also result in greatly increased costs involving witnesses. It is not uncommon for courts to continue trials one or more times, often at the last minute, requiring additional service of process by judicial service officers. It follows that reducing delay results in dramatic savings, not extra costs. Therefore, while the Public Defender's fiscal note may accurately reflect that new clerical staff may be needed, it does not address the savings for its professional staff.

There is a substantial amount of truth in the maxim, "justice delayed is justice denied." There is very little reason why we should not process misdemeanors and routine felonies--except the truly complex--within 90 days.

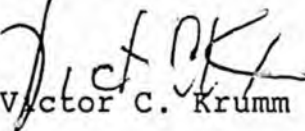
Fran Ulmer
March 30, 1988
Page 2

The argument that expediting cases may be unconstitutional is very overbroad. We heard that said when the 120-day rule was adopted; undoubtedly, the United States heard that said when it went to 90 days (federal rules call for trials within 90 days).

House Bill 465 is a mild reminder to the courts to put victims back into the process. It does not suggest trampling on anybody's rights.

Very truly yours,

KEMPEL, HUFFMAN AND GINDER, P.C.


Victor C. Krumm

VCK:kj

POSITION PAPER

House Bill 465

For an Act entitled: "An act relating to criminal proceedings involving certain minors; and amending Rule 45(a) and Rule 45(d)(2), Alaska Rules of Criminal Procedure."

For children under 16 years of age, who are victims of a criminal or are witnesses to a criminal offense, House Bill 465 would provide for a shorter period of time between the occurrence of the criminal offense and the trial.

The Department supports the concept of speedier trials involving children who are victims especially children who are victims of abuse or neglect. The trauma of the abuse is oftentimes increased by the necessary court procedures. Over time, the child may feel coerced emotionally by the offender or family members to recant and/or change the facts of the abuse to protect the family unit from the chaos experienced at this time. A speedier trial would assist in alleviating this stressful time of waiting in fear, oftentimes experienced by the victim and the family.

Department Position

The Department supports this bill.

RECOMMENDED:

Yvonne M. Chase
Yvonne M. Chase, Director
Division of Family
and Youth Services

DATE:

2-18-88

APPROVED:

Myra M. Munson
Myra M. Munson, Commissioner
Department of Health
and Social Services

DATE:

2-24-88

POSITION PAPER

HB 465

The Alaska Public Defender Agency is a totally reactive agency which provides representation to indigent persons when appointed by the court. This agency does not make policy nor does it initiate litigation. Only proposed legislation with fiscal or program ramifications for this agency can be said to have a direct agency impact. Thus, the Public Defender Agency submits position papers for legislation which will affect this agency fiscally or programatically or will require this agency to litigate constitutional issues raised by the legislation.

Fiscal impact: None See attached fiscal note X

Program impact: None See analysis below X

Constitutional impact: None See analysis below X

Proposed House Bill No. 465 requires the criminal courts to consider the effect a request for continuance of a criminal trial would have on witnesses or alleged victims who are minors. It states in pertinent part:

If either party submits a motion...for continuance of the proceedings, the court shall consider and give weight to any adverse effect that the requested...continuance may have on the minor.

This proposal is unnecessary in that it directs the courts to do what is already mandated under Alaska case law. In Salazar v. State, 559 P.2d 66 (Alaska 1976), the Alaska Supreme Court stated:

A trial court in exercising its discretion in (requests for continuance)...must also consider the interests of the opposing party, the public and the judicial system in the prompt disposition of litigation. Salazar, at 74.

The Court went on to say:

Efficiency in the operation of the court system and the interest of the public in prompt disposition of criminal cases dictate that unnecessary delays be avoided. Salazar, at 74, quoting Burleson v. State, 543 P.2d 1195, 1199 (Alaska 1975).

It has been the experience of the Public Defender Agency attorneys that whenever the well-being of a minor witness or victim could potentially be affected by a delay of proceedings, the court is apprised of such fact and gives that information appropriate weight in making its ruling. It cannot be said that this issue is currently being ignored by Alaska judges, as it clearly is not.

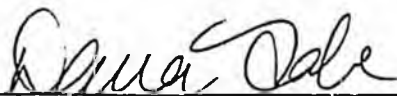
This legislation is not only unnecessary, but also has potential constitutional flaws. Emphasizing the well-being of witnesses could serve to subordinate a defendant's constitutional rights in such a situation. Under the U.S. and Alaska Constitutions, a person accused of a crime has certain substantial rights related to the conduct of his/her trial. Foremost is the due process right to a fundamentally fair proceeding. Concomitant with due process is the right to present a full defense and to have the effective assistance of trained counsel. To secure these constitutional rights, requests for continuances are sometimes necessary. Both the state and the defense make requests for continuance when necessary to ensure a fair trial. The need to analyze physical evidence, the unavailability of a witness, inadequate preparation time, all can give rise to good cause for continuance.

Because the substantial rights of the criminally accused are of such import in the criminal justice system, those rights are not to be subordinated in an effort to expedite criminal cases. See Salazar, supra, at 74. The courts must balance the rights of the accused and the needs of the opposing party, witnesses and the public in ruling on a requested postponement. If the defense request is legitimate, failure to give the requested delay could result in serious constitutional violations. As an example, the failure of the court to give a continuance in the Salazar case mentioned above resulted in the reversal of a Murder in the First Degree conviction.

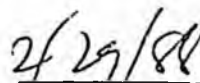
To the extent that this legislation would cause courts to go beyond the current balancing of the needs of the parties, creating a body of "fast track" child sexual abuse cases, its fiscal impact would be significant on affected state agencies. It should be noted that these types of cases comprise a high percentage of all felony filings in Superior Court. A substantial number of these cases go to trial because of the mandatory jail terms of 8 years.

In summary, there appears to be no demonstrable need for this otherwise well-intentioned legislation. The courts are already mandated to give consideration to the various and diverse interests of both parties in criminal litigation in the context of requests for continuance. It is the experience of the Public Defender Agency staff attorneys that the courts do scrupulously follow this mandate and show concern for youthful witness/victims. To overemphasize this concern could upset the important constitutional rights of criminally accused persons and, practically speaking, have an adverse fiscal impact on relevant state agencies.

Based on the information above, the Public Defender Agency opposes this bill.



Dana Fabe, Public Defender
Public Defender Agency



Date

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HB 465
PUBLISH DATE: 2/11/88

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to criminal proceedings involving certain minors..."
 Sponsor: Representative Ulmer
 Requestor: HESS
 Agency Affected: Dept. of Administration
 BRU: Public Defender Agency
 Components: First, Third and Fourth Judicial Districts

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		254.6	264.8	275.4	286.4	297.9
TRAVEL		6.0	6.2	6.4	6.6	6.8
CONTRACTUAL		9.0	9.4	9.8	10.2	10.6
SUPPLIES		6.0	6.2	6.4	6.6	6.8
EQUIPMENT		12.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	287.6	286.6	298.0	309.0	322.1

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	287.6	286.6	298.0	309.8	322.1
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	3.0	3.0	3.0	3.0	3.0
PART-TIME		3.0	3.0	3.0	3.0	3.0
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Dana Fabe, Public Defender Phone: 279-7541
 Division: Public Defender Agency Date: 2/26/88

Approved by Commissioner: John Andrews Date: 3/4/88
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 465

Proposed House Bill No. 465 requires the criminal courts to consider the effect a request for continuance of a criminal trial would have on witnesses or alleged victims who are minors. It states in pertinent part:

If either party submits a motion...for continuance of the proceedings, the court shall consider and give weight to any adverse effect that the requested...continuance may have on the minor.

To the extent that this legislation would cause courts to go beyond the current balancing of the needs of the parties, creating a body of "fast track" child sexual abuse cases, its fiscal impact would be significant on affected state agencies. It should be noted that these types of cases comprise a high percentage of all felony filings in Superior Court. A substantial number of these cases go to trial because of the mandatory jail terms of 8 years.

Because of their number, the significant penalty provisions and the complexity of litigating these cases, the Public Defender felony trial staff would not be in a position to absorb these "fast track" cases. Pre-trial motion work, regularly required in child sexual abuse cases, also intensifies the litigation of these cases. Therefore, additional staff attorneys and support personnel would have to be put in place to litigate the cases on the expedited timeline which would likely result from the passage of this bill.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 465

BUDGET ANALYSIS

100	Juneau	Attorney III	66.0	
		Legal Secretary I (½)	15.9	
	Anchorage	Attorney III	66.0	
		Legal Secretary I (½)	15/9	
	Fairbanks	Attorney III	74.4	
		Legal Secretary I (½)	16.4	
				254.6
200	Travel	Expert witnesses, etc.		6.0
300	Contractual	Experts, office space, etc.		9.0
400	Supplies			6.0
500	Equipment	(One time) furniture, dictation, word processors, etc.		<u>12.0</u>
			TOTAL	287.6

Position Title Legal Secretary I			No. of Positions 1	Range/Step 10A	Barg. Unit G																																																																								
Time Status PPT	Staff Months 6	Location Juneau		Election District 4																																																																									
<table border="1"> <thead> <tr> <th colspan="2">Type of Expenditure</th> <th>Amount</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td></td> <td rowspan="4">15.9</td> </tr> <tr> <td>Benefits</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> </tr> <tr> <td>Other</td> <td></td> </tr> <tr> <td colspan="2">Total Personal Services</td> <td>15.9</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td>1.0</td> </tr> <tr> <td>Equipment</td> <td></td> <td>2.0</td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Total Cost</td> <td>18.9</td> </tr> <tr> <td colspan="3">Funding Source for Total Cost</td> <td colspan="3"></td> </tr> <tr> <td>Federal Receipts</td> <td>1002</td> <td></td> <td colspan="3"></td> </tr> <tr> <td>G. F. Match</td> <td>1003</td> <td></td> <td colspan="3"></td> </tr> <tr> <td>General Fund</td> <td>1004</td> <td>18.9</td> <td colspan="3"></td> </tr> <tr> <td>GF Program Receipts</td> <td>1005</td> <td></td> <td colspan="3"></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td colspan="3"></td> </tr> </tbody> </table>			Type of Expenditure		Amount	1	2	3	Salary		15.9	Benefits		Premium Pay		Other		Total Personal Services		15.9	Travel			Contractual			Commodities		1.0	Equipment		2.0	Other			Total Cost		18.9	Funding Source for Total Cost						Federal Receipts	1002					G. F. Match	1003					General Fund	1004	18.9				GF Program Receipts	1005					Other						Justification HB 465 will have the effect of speeding up trials which involve children under 16 as victims or witnesses. The practical result of this for the Public Defender Agency will be that additional attorneys and clerical staff will be required to handle these serious cases and be ready for trial on a "fast track" basis. This is due to the number of these cases, the significant penalty provisions and the complexity of the litigation involved. An Attorney III and a half-time Legal Secretary are requested for Juneau.		
Type of Expenditure		Amount																																																																											
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Other																																																																													

1/17B1/0303-01

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component First Judicial District

Page 4 of 9
 Revised Date

FY 89

Position Title Attorney III		No. of Positions 1	Range/Step 22A	Barg. Unit X
Time Status PFT	Staff Months 12	Location Juneau		Election District 4
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		66.0		
Travel		2.0		
Contractual		3.0		
Commodities		1.0		
Equipment		2.0		
Other				
Total Cost		74.0		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	74.0		
GF Program Receipts	1005			
Other				

HB 465 will have the effect of speeding up trials which involve children under 16 as victims or witnesses. The practical result of this for the Public Defender Agency will be that additional attorneys and clerical staff will be required to handle these serious cases and be ready for trial on a "fast track" basis. This is due to the number of these cases, the significant penalty provisions and the complexity of the litigation involved. An Attorney III and a half-time Legal Secretary are requested for Juneau.

1/17B1/0303-02/1&2

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component First Judicial District

Page 5 of 9
 Revised Date

FY 89

Position Title Attorney III		No. of Positions 1	Range/Step 22A	Barg. Unit X
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7-15
Justification				
HB 465 will have the effect of speeding up trials which involve children under 16 as victims or witnesses. The practical result of this for the Public Defender Agency will be that additional attorneys and clerical staff will be required to handle these serious cases and be ready for trial on a "fast track" basis. This is due to the number of these cases, the significant penalty provisions and the complexity of the litigation involved. An Attorney III and a half-time Legal Secretary are requested for Anchorage.				
Type of Expenditure		Amount		
1	2	3		
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		66.0		
Travel		2.0		
Contractual		3.0		
Commodities		1.0		
Equipment		2.0		
Other				
Total Cost		74.0		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	74.0		
GF Program Receipts	1005			
Other				

1/17B1/0303-02/3&4

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

Page 6 of 9
 Revised Date _____

FY 89

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit G	
Time Status PPT	Staff Months 6	Location Anchorage		Election District 7-15	
Type of Expenditure		Justification			
Amount		<p>HB 465 will have the effect of speeding up trials which involve children under 16 as victims or witnesses. The practical result of this for the Public Defender Agency will be that additional attorneys and clerical staff will be required to handle these serious cases and be ready for trial on a "fast track" basis. This is due to the number of these cases, the significant penalty provisions and the complexity of the litigation involved. An Attorney III and a half-time Legal Secretary are requested for Anchorage.</p>			
1	2				3
Salary					
Benefits					
Premium Pay					
Other					
Total Personal Services					15.9
Travel					
Contractual					
Commodities					1.0
Equipment		2.0			
Other					
Total Cost		18.9			
Funding Source for Total Cost					
Federal Receipts 1002					
G. F. Match 1003					
General Fund 1004		18.9			
GF Program Receipts 1005					
Other					

1/17B1/0303-02/5&6

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

Page 7 of 9
 Revised Date

FY 89

Position Title Attorney III			No. of Positions 1	Range/Step 22A	Barg. Unit X
Time Status PFT	Staff Months 12	Location Fairbanks		Election District 19-21	
Type of Expenditure			Justification		
		<p>HB 465 will have the effect of speeding up trials which involve children under 16 as victims or witnesses. The practical result of this for the Public Defender Agency will be that additional attorneys and clerical staff will be required to handle these serious cases and be ready for trial on a "fast track" basis. This is due to the number of these cases, the significant penalty provisions and the complexity of the litigation involved. An Attorney III and a half-time Legal Secretary are requested for Fairbanks.</p>			
	1	2	3		
Salary					
Benefits					
Premium Pay					
Other					
Total Personal Services					
Travel			2.0		
Contractual			3.0		
Commodities			1.0		
Equipment			2.0		
Other					
Total Cost			82.4		
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004		82.4		
GF Program Receipts	1005				
Other					

1/17B1/0303-02/7&8

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

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 Revised Date _____

FY 89

Position Title Legal Secretary I			No. of Positions 1	Range/Step 10A	Barg. Unit G
Time Status PPT	Staff Months 6		Location Fairbanks		Election District 19-21
			Justification		
Type of Expenditure			Amount		
1	2	3			
Salary					
Benefits					
Premium Pay					
Other					
Total Personal Services		16.4			
Travel					
Contractual					
Commodities			1.0		
Equipment			2.0		
Other					
Total Cost			19.4		
Funding Source for Total Cost					
Federal Receipts 1002					
G. F. Match 1003					
General Fund 1004			19.4		
GF Program Receipts 1005					
Other					
<p>HB 465 will have the effect of speeding up trials which involve children under 16 as victims or witnesses. The practical result of this for the Public Defender Agency will be that additional attorneys and clerical staff will be required to handle these serious cases and be ready for trial on a "fast track" basis. This is due to the number of these cases, the significant penalty provisions and the complexity of the litigation involved. An Attorney III and a half-time Legal Secretary are requested for Fairbanks.</p>					

1/17B1/0303-02/9&10

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

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 Revised Date

FY 89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to criminal proceedings involving certain minors..."
Sponsor: Representative Ulmer
Requestor: Representative Ulmer

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
Division: Administrative Services

Phone: 465-3672
Date: April 6, 1988

Approved by Commissioner: Richard I. Pegues / FOR / Grace Berg Schaible, Atty. Gen.
Agency: Department of Law

Date: April 6, 1988

Distribution (by preparer) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 465

This bill amends AS 12.45.049 by adding a new section that provides that a court take appropriate action to ensure that a criminal proceeding involving a victim or witness under 16 years of age is conducted promptly. When a motion or other request for a delay or continuance of a criminal proceeding is made under the bill's provisions, the court is to consider and give weight to any adverse effect that the requested delay or continuance may have on the well-being of young victims and witnesses. There is already case law that says that there is a public interest in the prompt disposition of criminal proceedings. Courts already take several factors into consideration in scheduling proceedings, including the well-being of witnesses. By amending Alaska Rules of Criminal Procedure 45(a) and 45(d)(2), the bill formalizes an existing practice by requiring that courts consider the well-being of victims and witnesses under the age of 16 years as a factor in scheduling certain criminal proceedings.

The Department of Law does not believe that this change in the Alaska Rules of Criminal Procedure will have a fiscal impact on its operations. Trials involving child victims and witnesses are distributed widely enough throughout the department's caseload to make it possible for the department to avoid scheduling conflicts without requiring additional resources.