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HOUSE COMMITTEE REPORT

(7)

Date referred: 4/27/88

FURTHER REFERRALS:

DATE: May 4, 1988

The Judiciary Committee has considered CSSB 324 (Jud)

"An Act relating to eligibility to serve time in a correctional restitution center."

RECOMMENDS:

- [] replace with _____ [] the same title
- [] attached amendment(s) [] a new title
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: [] _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- [] fiscal impact [] same as previous fiscal note published _____
- [] zero fiscal note [] same as previous zero fiscal note published 3/25/88
- [] zero with analysis

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

 Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
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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.

5-4-88

1:30 p.m.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 11, 1988

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the eligibility of prisoners for placement in a correctional restitution center.

The bill makes a minor change in existing law which will expand the pool of prisoners who are eligible for placement in a correctional restitution center, thereby facilitating both the rehabilitation process and the repayment of restitution to victims of crimes.

Presently AS 33.30.161(b)(2) precludes placement of a prisoner in a correctional restitution center if the prisoner has ever been convicted of an offense involving violence or the use of force. This bill would amend that paragraph to allow placement in a restitution center of a prisoner who has a criminal history of misdemeanor violence, but not a prisoner who has ever been convicted of a felony offense involving violence. Of course, the Department of Corrections would still make a classification decision that the prisoner does not otherwise present a risk to the community before placement in a restitution center.

This bill is a responsible way to promote rehabilitation of low-risk prisoners, assist victims of crimes, and help address the problem of prison crowding.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper".

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to eliqipility
to serve time in a correctional
Sponsor: RULES restitution center.
Requestor: GOVERNOR

Agency Affected: Department of Corrections
BRU: _____
Components: _____

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	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
Division: Administrative Services Date: 3-24-88
Approved by Commissioner: Susan Humphrey-Barnett Date: 3-24-88
Agency: Department of Corrections

Distribution (by preparer):

- Legislative Finance
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- Office of Management and Budget
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ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

130 Seward, No. 301 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC);
Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRCC);
Manilaq Regional Women's Crisis Program; MEN, Inc.;
Safe & Fear-Free Environment (SAFE); Sakans Against Family Violence (SAFV);
Southwestern Alaska Council for the
Prevention of Child Sexual Assault (SWACPLSA);
South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR); Tundra Women's Coalition (TWC);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WICCA);
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

LETTER IN SUPPORT OF SENATE BILL 324

This bill would broaden the number of offenders eligible to serve time in correctional restitution centers from what the current statute allows. Under this bill, offenders would be prohibited from serving in a restitution center if their present offense involves violence, or if they have a past conviction that includes a felony involving violence or the use of force. The Network is very supportive of the fact that the bill also recognizes that offenders convicted of custodial interference in the first or second degrees (AS 11.41.320 and 11.41.330), and those convicted of harassment as defined under Sec. 11.61.120 (a) (6) should not serve in correctional restitution centers, because these crimes indicate a particularly high potential for violence.

The crimes of harassment and custodial interference are most often committed at the time when a couple in a violent relationship separates. Alaska's harassment statute Sec. 11.61.120 (a) (6) is the enforcement mechanism for no contact orders issued under AS 25.35.010(b) or 25.35.020 (the domestic violence injunctive relief orders). Offenders who break no contact orders can be arrested under the harassment statute. The custodial interference statutes prohibit children from being unlawfully taken from their custodial parent. Custody is often a major point of contention at separation.

Research from the University of Alaska at Fairbanks indicates that 26% of the adult women living in Alaska have been abused by a spouse or live-in partner at sometime during their adult lives; 10.2% have been abused in 1986; 63.3% of the women abused during 1986 and 34.5% of those abused during their lifetime reported that their children had also be abused. Department of Public Safety statistics indicate that a third of female murder victims in Alaska were killed by their husbands, ex-husbands or boyfriends.

As a public policy matter, it should be our goal to intervene in domestic violence cases at the earliest discernible onset. Unfortunately, victims often do not leave an abusive relationship until the violence reaches the severity of risking their live or the lives of the children. This is why the highest potential for violence in a violent relationship is at the time of separation.

It is important that law enforcement and the criminal justice system respond to domestic violence in a manner that is least likely to allow a continuation of the escalating violence pattern. It has been shown that arrest, combined with a realistic threat of jail or actual jail time, lengthy monitoring to ensure lack of re-offense, and rehabilitation are needed to stop future violent behavior. Allowing an offender to have a serve at a restitution center in lieu