

SB

372

Alaska State Legislature

Committees:

Chair-State Affairs
V. Chair-Judiciary
Telecommunications
Special Ethics
Legislative Council
Finance Subcommittee
for the University of Alaska
Joint Committee
on Economic Recovery



P.O. Box V
Juneau, Alaska 99801
(907) 463-4947

REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 24, 1988

TO: All Members of the House
FROM: Representative Fran Ulmer
SUBJECT: House Bill 372

House Bill 372, "An Act prohibiting the suspended imposition of sentence for a person convicted of a sexual offense", adds sex offenses to the list of crimes for which offenders may not receive a suspended imposition of sentence. Current law provides that driving while intoxicated, murder, kidnapping and other crimes which require a presumptive sentence, are treated in this manner.

House Bill 372 recognizes that sex offenses are very serious offenses and that people who are convicted of these crimes will receive a permanent criminal history. This is important for employment background checks, as well as for future sentencing if the person re-offends and is convicted.

This legislation is supported by the Anchorage Sexual Assault Task Force, the Council on Domestic Violence, the Department of Public Safety, the Department of Law and the Public Defender's Office. There is no opposition and no fiscal impact.

I would appreciate your support of this legislation.

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HB 372
Publish Date: HOUSE 2/10/88

REQUEST: _____

Revision Date: 1-26-88
Title: An act prohibiting suspended
imposition of sentence...sexual offense
Sponsor: Ulmer
Requestor: House HESS

Agency Affected: Alaska Court System
BRU: Trial Courts
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 | | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| <hr/> | | | | | | | |
| CAPITAL | | | | | | | |
| <hr/> | | | | | | | |
| REVENUE | | | | | | | |

| FUNDING: | | (Thousands of Dollars) | | | | | |
|---------------|---------|------------------------|---------|---------|---------|---------|--|
| General Funds | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| Federal Funds | | | | | | | |
| Other | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |

| POSITIONS: | | (Thousands of Dollars) | | | | | |
|------------|---------|------------------------|---------|---------|---------|---------|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel
Division: Alaska Court System

Phone: 264-8215
Date: 1-26-88

Approved by: *Stephanie Cali, for -*
Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 1-26-88

- Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)
Senate Secretary

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act prohibiting suspended
imposition of sentence."
Sponsor: Representative Ulmer
Requestor: _____

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 |
|----------------|---|---|---|---|---|---|

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

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)

This legislation will have minimal impact on the Department of Corrections. We estimate that it will affect approximately 45 sex offenders per year, and they will receive jail sentences no greater than 6 months. This is

Susan E. Knighton
Susan E. Knighton, Director

465-3376

Prepared by: _____
Division: Administrative Services

Phone: _____
Date: 1-28-88

Approved by Commissioner: Susan Humphrey-Barnett
Agency: Department of Corrections

Date: 1-28-88

Distribution (by preparer):

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

Fiscal Note cont.

Analysis:

based upon current practice of only giving an SIS to persons with the least risk of recidivating. These people will now be required to serve some jail time, but it will be minimal.



S. T. A. R.

Bus. 276-2279
24-Hour Crisis
276-STAR 7827

March 7, 1988

Alaska Senate
Health, Education and Social Services
Committee
P.O. Box V
Juneau, AK 99811

RE: HB 372

Dear Senator Paul Fischer, Chairman;
Senator Joe Josephson, Vice-Chair;
Senator Lloyd Jones,
Senator Jay Kerttula,
Senator Rick Halford:

Standing Together Against Rape (STAR) is a sexual assault crisis agency, based in Anchorage, which provides a 24-hour crisis line, counseling, medical and legal accompaniment, and prevention programs for children and adults. STAR strongly supports HB 372 and urges its quick passage.

Present law allows suspended imposition of sentencing (SIS) for first time sexual assault offenses, which do not carry a presumptive term. Allowing an SIS for these types of offenses disregards the gravity of the crime and mitigates the seriousness of the offense. Current statutory language and commentary reflect a state philosophy which holds all sexual assault offenses in serious light. This is particularly important since Alaska continues to lead the nation in sexual assault per capita. A consistent philosophical regard, which views sexual offenses as a serious crime, should be perpetuated throughout the state's statutory fabric. To provide for less subverts the state's grave regard for these types of criminal offenses.

An additional concern is the clearance of records, which is presently allowed through an SIS. Many child sex abusers purposely seek employment to gain access to children. This could mean present efforts by the Anchorage School District, in providing criminal background checks of prospective employees is thwarted since expungement of the record does not allow for a true criminal history.

STANDING TOGETHER AGAINST RAPE

3925 Reka • Anchorage, Alaska 99508



A United Way Agency

POSITION PAPERS

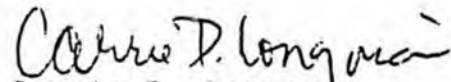
Alaska Senate, HESS Committee
RE: HB 372

If an offender, who has received an SIS for a sexual offense against a child, comes before the court a second time for the same crime, the offender is viewed as a first time offender. This is a particular heinous injustice in child sex offenses since part of the dynamics used by the offender against the child involves "minimizing" or "denying" the assault. Therefore, disregarding the first offense perpetuates the "denial" dynamic into our law.

Passage of HB 372 into law would prohibit SIS's for sexual assault offenses. The bill is important in maintaining the state's serious regard for adult and child sexual offenses. And in furthering to provide a record of these types of offenses for use in criminal history background checks.

Thank you for taking into consideration our comments on HB 372.

Sincerely,



Carrie D. Longoria
Legal Advocate