

SB

7

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CSSB 7
Publish Date:

Revision Date:
Title: An act authorizing capital punishment
Sponsor: Senate HESS
Requestor:

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
Personal Services	107.2	107.2	107.2	107.2	107.2
Travel	112.5	112.5	112.5	112.5	112.5
Contractual	166.0	166.0	166.0	166.0	166.0
Supplies
Equipment	18.9	. . . .	. . . .	. . . .	. . . .
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	404.6	385.7	385.7	385.7	385.7
CAPITAL
REVENUE

FUNDING:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
General Funds	0.0	404.6	385.7	385.7	385.7	385.7
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	404.6	385.7	385.7	385.7	385.7

POSITIONS:						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Full-time	3.0	3.0	3.0	3.0	3.0
Part-time
Temporary

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Karla Forsythe, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 5-15-87

Approved by: *Stephanie J. Cole*
Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Date: 5-15-87

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

ALASKA COURT SYSTEM

CSSB 7 - CAPITAL PUNISHMENT

FISCAL IMPACT

Voter approval of capital punishment will result in an estimated 10 capital punishment trials each year. These trials will result in additional costs for the following reasons:

1. Personnel Costs and Related Costs. Extensive legal research is required for capital offenses. Additional law clerks will be needed to research motions and other judicial questions. Courtroom security will have to be strengthened for these cases. Personnel funds for an additional security guard for Anchorage and contractual funds for security services in other courts will be needed.
2. Travel Costs. Since death penalty cases are often subject to intense media exposure, expenses associated with jury sequestration and with change of venue can be expected.
3. Juror Selection. Jurors must be questioned individually in capital cases and some courts have required questioning in private. More jurors must be called and the process takes longer, with more challenges for cause, all of which results in higher jury fee expenditures. Similarly, additional balliff costs can be expected.
4. Transcription Costs. Preparation of the voluminous record which accompanies a death penalty case will result in additional transcribing costs.
5. Equipment. Courtroom security requirements will necessitate the installation metal detectors in major court locations and the use of hand-held detectors in smaller courts to screen trial spectators.

The estimated annual costs associated with these items are summarized in the attached schedule.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 7 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

FEB 25 1988

REQUEST:

Revision Date: 2/22/88
Title: "An Act authorizing capital punishment..."
Sponsor: Sen. Abood, Kelly & Faiks
Requestor: Sendate Judiciary

Agency Affected: Public Safety
BRU: DPS Administration, Alaska
State Troopers
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						
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REVENUE						
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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						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Diana Page, Administrative Assistant
Division: Commissioner's Office

Phone: 465-4322
Date: 2/22/88

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 2-24-88

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

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: SB 7
PUBLISH DATE: 4/23/87

FISCAL NOTE

REQUEST:

Revision Date: 2/1/88
Title: An Act relating to capital punishment.
Sponsor: ABOOD
Requestor: Senate Judiciary

Agency Affected: Office of the Governor
BRU: Division of Elections
Components: II - Primary & General Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	2.2*	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	2.2*	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	2.2*	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote (cont.)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Elections Date: 2/1/88

Approved by Commissioner: [Signature] Date: _____
Agency: Office of the Governor, Division of Elections

Distribution (by preparer): 2/2/88
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: Senate Bill 7185
Publish Date: 4-23

REQUEST: _____

Revision Date: _____
Title: "An act authorizing capital punishment, classifying murder...."
Sponsor: Senator Mitch Abood
Requestor: Senator Mitch Abood

Agency Affected: Dept. of Corrections
BRU: Southcentral Region

Components: Spring Creek C.C.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES			473.1	993.5	1043.2	1095.3
TRAVEL			4.0	8.4	8.8	9.3
CONTRACTUAL			17.5	36.8	38.6	40.5
SUPPLIES			4.0	8.4	8.8	9.3
EQUIPMENT			3.1			
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	501.7	1047.1	1099.4	1154.4
CAPITAL	-0-	2683.5	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	2683.5	501.7	1047.1	1099.4	1154.4
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	2683.5	501.7	1047.1	1099.4	1154.4

POSITIONS:

FULL-TIME	-0-	-0-	20	20	20	20
PART-TIME						
TEMPORARY						

ANALYSIS :

Prepared by: Susie Riley, Program Budget Analyst
Division: Administrative Services
Approved by ^{Acting} Commissioner: William W. Lindsey
Agency: Department of Corrections

Phone: 465-3376
Date: Jan. 27, 1987

Date: 2/3/87

Distribution (by preparer):

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

CORRECTIONS

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

ANALYSIS

A. Assumptions:

Enactment of Senate Bill 7 would change the State law to permit capital punishment for a capital felony. Current estimates indicate three convictions per year for this offense would involve executing the death penalty. Because of the lengthy appeal process in cases where the death penalty has been imposed, it is anticipated that a significant number of persons would have to be confined in a separate confinement area. The national average length of time between sentencing and execution of the death penalty is 5 or 6 years. The fact that the sentence is subject to review within 60 days by the State Supreme Court is not expected to appreciably affect the average length of time spent on death row since most cases proceed immediately to the federal courts. Therefore, we are predicting the need for a maximum of 20 death row beds.

1. Capital expenditures required to provide specialized space not currently available in existing State correctional centers. Details follow in B-1.
2. The new space will be adjacent to an existing facility, but isolated. Existing authorized staff could not provide for the necessary security of inmates housed in the area designated for prisoners sentenced to execution.
3. Two fixed guard posts will be required plus one post for roving patrol, and one post for shift supervisor due to the high security and high risk nature of the unit. To man one post 24 hours per day, 7 days per week requires 5 personnel.
4. Inflation is estimated at 5% per year.
5. The unit will be available for occupancy January 1989.

B. Estimated Costs

1. Capital Expenditures

- a. Functions and square footage allocations are derived from accepted space standards and are adjusted to an existing design for a 20-cell complex.
- b. Assumes this structure will be an addition to an existing institution with all activity for prisoners sentenced for execution to be limited to this maximum security unit.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

- c. Assumes only the usual 6% equipment factor and does not include costs for whatever type of equipment would be appropriate for the specified method of execution.
- d. It is estimated that the cost will be \$300 per square foot, considering the fact that this unit must be more secure than other facilities under construction and the relatively small size of the building. No indoor recreation room has been projected.

<u>e. Area Identification</u>	<u>Square Footage</u>
Core Area (44' x 44')	1936
-Control Room, Sallyport	
-Visitation (Attorney, Secure)	
-General Movement	
-Storage	
-Mechanical Room	
Housing Wings	
(2 @ 37' x 47' + 200 sq. ft.)	3678
-20 Cells @ 80 sq. ft. gross each	
-Three Shower Areas	
-Two Movement/Indoor Recreation Area	
Execution Area	1000
Total (Gross)	6614/sq. ft.
	x \$300/sq. ft.
Cost of Structure	\$1,984,200
Secure Outdoor Recreation	
(2 @ 16' x 20')	
-640 sq. foot @ \$125/sq. foot	80,000
Total Building Cost	\$2,064,200
-30% Administration/Overhead	619,260
TOTAL PROJECTED COST	\$2,683,460

- 2. Salaries and related costs are detailed on "Request for New Positions" attached. It is estimated that Operating Costs would not begin until January of 1989 due to time needed for construction, so funds are included for only six months of FY89.

Position Title Correctional Officer II		No. of Positions 15	Range/Step 13B	Barg. Unit GCU
Time Status PFT	Staff Months 90	Location Seward		Election District
Type of Expenditure		Amount		
1	2	3		
Salary	249,885			
Benefits	96,285			
Premium Pay				
Other				
Total Personal Services		346,170		
Travel		3,000		
Contractual				
Commodities		3,000		
Equipment		2,250		
Other				
Total Cost		354,420		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	354,420		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

S. Est.

Justification

This facility, even though attached to an existing institution, would require two additional fixed guard posts and one post for roving patrol, due to the high security and high risk nature of the unit.

To man one post 24 hours per day, 7 days per week requires at least 5 Correctional Officer II's. Three additional posts will require a minimum of 15 CO II's.

The cost for one-half FY89 is as follows:

\$16,659	Salaries
6,419	Benefits
<u>\$23,078</u>	
200	Travel (training)
200	Standard Supplies (\$400 per year)
150	Equipment
<u>\$23,628</u>	

**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

Page 4 of 5
 Revised Date

FY 88

Position Title Correctional Officer III		No. of Positions 5	Range/Step 15A	Barg. Unit CGU
Time Status PFT	Staff Months 90	Location Seward		Election District
Type of Expenditure		Justification		
		Five supervisory Correctional Officer III's will be required to fill the compliment for the three added posts in addition to the fifteen CO II's.		
		The cost for one-half of FY89 is as follows:		
Amount				
1	2	3		
Salary	92,230		\$18,446	Salaries
Benefits	34,680		6,936	Benefits
Premium Pay			\$25,382	
Other				
Total Personal Services		126,910		
Travel		1,000		
Contractual				
Commodities		1,000		
Equipment		750		
Other			200	Travel (training)
			200	Standard Supplies (\$400 per year)
			150	Equipment
Total Cost		129,660	\$25,932	
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	129,660		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

595

**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

FY 88

Page 5 of 5
 Revised Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: CSB 7 HESS
Publish Date: 4-23

Revision Date: _____
Title: "An Act authorizing capital punishment..."
Sponsor: Abood, Kelly, Falks
Requestor: Senate Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	226.6	235.7	245.1	254.9	265.1
TRAVEL		35.0	36.4	37.9	39.4	40.1
CONTRACTUAL		546.2	568.0	590.7	614.3	638.9
SUPPLIES		4.0	4.2	4.4	4.6	4.8
EQUIPMENT		14.1	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	825.9	844.3	878.1	913.2	948.9

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	825.9	844.3	878.1	913.2	948.9
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	825.9	844.3	878.1	913.2	948.9

POSITIONS:

FULL-TIME		4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS:

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: 2/24/87

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 3/4/87

Distribution (by preparer):

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

Public Advocacy - Admin

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB7

The passage of death penalty legislation would have a dramatic fiscal impact on the Office of Public Advocacy. The OPA is purely reactive agency and must provide legal representation when appointed by the court. The OPA is responsible for providing representation to indigent criminal defendants in cases where the Alaska Public Defender Agency has a conflict of interest.

This office's estimate that it will be responsible for three capital cases in FY88 is dependent upon the following two assumptions: (1) a slight numerical increase in the number of first degree murder cases which fall within the OPA statutory mandate, and (2) the Department of Law will request the death penalty in only one-third of all First Degree Murder cases.

The Office of Public Advocacy would assign at least two experienced attorneys to each capital case in accordance with the policy of numerous states in which the death penalty has become law. Each case will necessitate an exhaustive pretrial investigation, contracts with numerous expert witnesses, and extensive litigation of legal issues during pretrial proceedings, trial, and numerous appellate stages.

The New York Defender Association estimated expert witness fees at \$60,000 per case. Further, travel costs will be extraordinary high because this Anchorage-based death penalty team must provide statewide representation.

It is anticipated that the Office of Public Advocacy will have to contract for representation in at least one death penalty case per year. Such a case would arise when OPA has a conflict of interest. The New York Defender Association has estimated the cost of defense services in each case to be \$350,000.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB7

SB31 continued:

Personal Services

Anchorage

Attorney V
Salary & Benefits = 76.1

Attorney IV
Salary & Benefits = 71.4

Investigator III
Salary & Benefits = 48.9

Legal Secretary I = 30.2

Subtotal Personal Services 226.6

Travel

Necessary travel for court hearings,
investigation, expert witnesses, etc. 35.0

Contractual

Additional office for four positions
in Anchorage = 16,200 16.2

Expert witness fees based on three
cases per year at 60,000 per case 180.0

Contract representation for one case
per year where OPA has a conflict of
interest at 350,000 per case 350.0

Subtotal Contractual 546.2

Supplies

Stationary, library and office
supplies for four new positions
at 1,000 per position = 4,000 4.0

Equipment

Office furniture & equipment for
three professional positions at 2,429
each and one legal secretary at 6,838 14.0

TOTAL: 825.9

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage.		Election District 8
Type of Expenditure		Amount		
1	2	3		
Salary	22,020			
Benefits	8,164			
Premium Pay				
Other				
Total Personal Services		30,184		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		30,184		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	30,184		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification The Anchorage office of OPA is presently staffed with 3 legal secretaries who provide clerical support to 12 professional positions. The addition of 2 attorneys and 1 investigator will increase the Anchorage clerical workload dramatically. The complex issues involved in death penalty cases and the length of each case through sentencing and appeal necessitates the addition of a legal secretary to handle the increased workload.				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 4 of 7
 Revised Date _____

FY 88

Position Title Investigator III		No. of Positions 1	Range/Step 18/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
This position will perform all investigative duties in death penalty cases. Extensive experience in all areas of criminal investigations will be required to assure that defendants facing execution receive a thorough and effective investigation. This position will interview witnesses, examine the crime scene and all physical evidence, arrange transportation, serve subpoenas, follow-up and review the prosecution investigation and coordinate witness testimony.				
The OPA current has no investigator positions. It is anticipated that the position will work full time on death penalty cases.				
Type of Expenditure		Amount		
1	2	3		
Salary	37,356			
Benefits	11,570			
Premium Pay				
Other				
Total Personal Services		48,926		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		48,926		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	48,926		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 5 of 7
 Revised Date _____

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24/A	Barg. Unit X
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	56,244			
Benefits	15,177			
Premium Pay				
Other				
Total Personal Services		71,421		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		71,421		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	71,421		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This position will act as co-counsel to the Attorney V position in all death penalty cases. As part of the death penalty team, this position will prepare motions, interview witnesses, write appellate briefs and assist the lead attorney in conducting the guilt and penalty phases of all death penalty cases. Two attorneys are required for each case in order to share the enormous workload and to assure effective representation of the accused.

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 6 of 7
 Revised Date _____

FY 88

Position Title Attorney V		No. of Positions 1	Range/Step 25/A	Barg. Unit X
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary	60,252			
Benefits	15,808			
Premium Pay				
Other				
Total Personal Services		76,060		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		76,060		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	76,060		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
<p>This position would be the lead attorney of the death penalty team consisting of an additional lawyer, an investigator, and a legal secretary. The position is required to supplement the current attorney staff which falls short of LEAA national caseload standards.</p> <p>This position would be responsible for supervising the investigator, the preparation of all pretrial and trial motions and the filing of appeals in state and federal court. The requirement of extensive court hearings and a lengthy trial in each case will necessitate that this position be assigned exclusively to death penalty cases.</p>				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 7 of 7
 Revised Date _____

FY 88

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: SB7 HB55
Publish Date: 4-23

REQUEST: _____
Revision Date: _____
Title: "An Act authorizing capital
punishment..."
Sponsor: Sen. Abood, Sen. Kelly
Requestor: Senate Judiciary

Agency Affected: Dept. of Administration
BRU: Public Defender Agency
Components: Third Judicial District
Fourth Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		743.1	772.8	803.7	835.9	869.3
TRAVEL		225.0	234.0	243.4	253.1	263.2
CONTRACTUAL		450.0	468.0	486.7	506.2	526.5
SUPPLIES		27.0	28.1	29.2	30.4	31.6
EQUIPMENT		60.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		1505.1	1502.9	1563.0	1625.6	1690.6

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		1505.1	1502.9	1563.0	1625.6	1690.6
FEDERAL FUNDS						
OTHER						
TOTAL		1505.1	1502.9	1563.0	1625.6	1690.6

POSITIONS:

FULL-TIME		12.0	12.0	12.0	12.0	12.0
PART-TIME						
TEMPORARY						

ANALYSIS :

Prepared by: Dana Fabe, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: Feb. 25, 1987

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 2/14/87

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

Admin: Public Defender

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

If this death penalty bill is enacted, representation of the poor in death cases must be adequate. The United States Supreme Court has recognized that death penalty cases require greater due process procedural safeguards than do non-capital cases. This is due to the severity and finality of a death sentence as well as the potential for killing an innocent person by mistake. Some degree of mistake is of course a potential problem in all criminal cases. In non-death cases, the system stands ready to correct those mistakes where they become known. An execution can never be corrected.

Due to these considerations, the processing of a death case is much more complex and expensive than other criminal cases. Not only are extraordinary amounts of attorney time and substantial expert fees necessary in the guilt phase of a trial, but the penalty phase, in which a jury determines whether or not to put a person to death, takes on tremendous significance. This penalty phase requires extensive preparation, the use of psychiatric experts and family and friends from out-of-state, as well as other necessary expenditures.

Finally, even after the death penalty has been imposed, the appeal procedures in death penalty cases are lengthy and time consuming. After guilt and penalty phases of a case, the following procedures would be routinely necessary:

1. Motion to modify before trial judge.
2. Appeal of conviction and sentence to Alaska Supreme Court.
3. Writ of certiorari to the United States Supreme Court.
4. Post-conviction relief proceedings in state court.
5. Appeal of post-conviction relief proceedings in the Court of Appeals.
6. Petition for hearing of post-conviction relief proceedings to the Alaska Supreme Court.
7. Petition for Writ of Habeus Corpus in the Federal District Court.
8. Appeal to the United States Court of Appeals.
9. Rehearing in the United States Court of Appeals.
10. Writ of certiorari to the United States Court of Appeals.
11. Commutation applications to executive branch.
12. Emergency stays to the United States Supreme Court.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

The figures in this fiscal note are based on an estimation of the number of cases which would have qualified under the bill as capital cases. This agency handles approximately 30 first degree murder cases each year. On the assumption that one third or 10 of these cases would qualify as capital cases under this bill, the specific figures were arrived at as follows:

1. Personal Services

Given the complexity and intensity of effort involved in each death penalty trial and penalty phase, many states recommend or require by statute that a minimum of two attorneys handle each death penalty case. Based on an estimated 10 cases per year, this agency would need two death penalty teams of two attorneys each to handle the trial and penalty phases of these cases. Two appellate attorneys would be necessary to handle the appeals of these cases. In addition, each team of attorneys would require an investigator and legal secretary.

Use of this death penalty team concept will be needed to adequately represent a client who faces the death penalty. Substantially more attorney time is required in a death penalty case than in a non-capital case. Extensive pre-trial motion practice would be required in each case. Given the lack of plea bargaining in Alaska, jury trials will be conducted in all capital murder cases. These jury trials will be longer and more complex than in non-capital cases. The penalty phase of each case will require tremendous expenditures of attorney time in preparing for sentencing and coordinating professional and lay witnesses to testify. Finally, appeals of death penalty cases require extraordinary amounts of attorney time. The New York Defender Association estimates that preparation and argument before the United States Supreme Court alone would be equivalent to 883 hours attorney time.

2. Travel and Contractual Fees.

The New York State Defender Association has estimated that a minimum figure for expert witness fees and travel must be \$30,000 for the penalty phase per case. Experts in forensics, ballistics, blood analysis, hair analysis, eyewitness identification, psychiatry, and psychology could be necessary during the trial phase in each case, and many of these would be traveling from out-of-state. During the penalty phase friends and family members of the defendant as well as psychiatrists, psychologists and social workers would be involved. Thus the contractual and travel costs for expert witnesses has been calculated at \$60,000 per case. This figure does not include any expert fees which might be necessary at the appellate stages. The amount of contractual fees estimated in this fiscal note is based on an estimated 10 cases per year.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

3. Equipment and Supplies.

Other costs include expanded office space as well as equipment and supply money for additional personnel.

BUDGET SUMMARY

Personal Services:

Guilt and Penalty Team-Anchorage			
Attorney V	79.7		
Attorney IV	74.8		
Investigator III	51.1		
Legal Secretary I	31.5		
Appellate Team - Anchorage			
Attorney V	79.7		
Attorney IV	74.8		
Investigator III	51.1		
Legal Secretary I	31.5		
Guilty and Penalty Team-Fairbanks			
Attorney V	90.7		
Attorney IV	85.0		
Investigator III	58.1		
Legal Secretary I	<u>35.1</u>	TOTAL	743.1

Travel:

Based on 10 Capital cases per year Employee and non-employee (experts)	225.0
---	-------

Contractual:

Based on 10 Capital cases per year			
Experts	400.0		
Office space			
Anchorage, Fairbanks	40.0		
Printing	5.0		
Communications	<u>5.0</u>	TOTAL	450.0

Supplies:

Office, law library	27.0
---------------------	------

Equipment:

Office furniture and machines	<u>60.0</u>
-------------------------------	-------------

TOTAL 1505.1

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Justification				
This Attorney V will serve as a death penalty team leader in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.				
Type of Expenditure		Amount		
1	2	3		
Salary \$5021/mo	60,252			
Benefits	19,437			
Premium Pay				
Other				
Total Personal Services		79,689		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		245,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	245,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

Page 5 of 16
 Revised Date 2/23/87

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary \$4687/mo	56,244			
Benefits	18,551			
Premium Pay				
Other				
Total Personal Services	74,795			
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		240,295		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	240,295		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Attorney IV will serve as a death penalty team member in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.

**Request For
New Position**

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

Page 6 of 16
 Revised Date 2/25/87

FY 88

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Justification				
This Investigator III will serve as a death penalty team member in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities. The travel and contractual are included in the requests for attorneys.				
Type of Expenditure		Amount		
1	2	3		
Salary	\$3113/mo	37,356		
Benefits		13,763		
Premium Pay				
Other				
Total Personal Services		51,119		
Travel		-0-		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		53,619		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	53,619		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 7 of 16
 Revised Date 2/25/87

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary \$1835/mo	22,020			
Benefits	9,431			
Premium Pay				
Other				
Total Personal Services		31,451		
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		46,951		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,951		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Legal Secretary I will provide support services to a death penalty team in Anchorage and other parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor

**Request For
New Position**

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

FY 88

Page 8 of 16
 Revised Date 2/25/87

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Justification				
<p>This Attorney V will serve as a death penalty team leader in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year. Travel will be to Seattle for the Ninth Circuit Court of Appeals and to Washington, D.C. for the United States Supreme Court. Contractual is to cover printing costs for motions and briefs to the Federal Appellate Courts.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary \$5021/mo	60,252			
Benefits	19,437			
Premium Pay				
Other				
Total Personal Services		79,689		
Travel		10,000		
Contractual		5,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		100,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	100,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

Page 9 of 16
 Revised Date 2/25/87

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Justification		
		This Attorney IV will serve as a death penalty team member in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year. Travel will be to Seattle for the Ninth Circuit Court of Appeals and to Washington, D.C. for the United States Supreme Court. Contractual is to cover printing costs for motions and briefs to the Federal Appellate Courts.		
Amount				
1	2	3		
Salary \$4687/mo	56,244			
Benefits	18,551			
Premium Pay				
Other				
Total Personal Services		74,795		
Travel		10,000		
Contractual		5,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		100,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	100,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 10 of 16
 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage.		Election District 92
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary	\$3113/mo	37,356		
Benefits		13,763		
Premium Pay				
Other				
Total Personal Services				51,119
Travel				5,000
Contractual				-0-
Commodities				-0-
Equipment				2,500
Other				
Total Cost				58,619
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			58,619
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Investigator III will serve as a death penalty team member in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year.

**Request For
New Position**

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

FY 88

Page 11 of 16
 Revised Date 2/25/87

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary \$1835/mo	22,020			
Benefits	9,431			
Premium Pay				
Other				
Total Personal Services		31,451		
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		46,951		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,951		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Legal Secretary I will provide support services to the appellate death penalty team in all parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor.

**Request For
New Position**

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

Page 12 of 16
 Revised Date 2/25/87

FY 88

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary - \$5773/mo	69,726			
Benefits	21,432			
Premium Pay				
Other				
Total Personal Services		90,708		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		256,208		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	256,208		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Attorney V will serve as a death penalty team leader in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator I-I, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.

**Request For
New Position**

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

FY 88

Page 13 of 16
 Revised Date 2/25/87

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary \$5385/mo	64,620			
Benefits	20,403			
Premium Pay				
Other				
Total Personal Services		85,023		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		250,523		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	250,523		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Attorney IV will serve as a death penalty team member in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.

**Request For
New Position**

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

FY 88

Page 14 of 16
 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
Justification				
This Investigator III will serve as a death penalty team member in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities. The travel and contractual are included in the requests for attorneys.				
Type of Expenditure		Amount		
1	2	3		
Salary \$3565/mo	42.768			
Benefits	15,291			
Premium Pay				
Other				
Total Personal Services		58,059		
Travel		-0-		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		60,559		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	60,559		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 15 of 16
 Revised Date 2/25/87

Position Title Legal Secretary I		No. of Positions 1	Range/SGA T0A	Barg. Unit GG	
Time Status PFT	Staff Months 12.0	Location Fairbanks.		Election District 94	
Type of Expenditure		Justification			
		<p>This Legal Secretary I will provide support services to a death penalty team in Fairbanks and other parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor</p>			
1	2				3
Salary \$2072/mo	24,864				
Benefits	10,235				
Premium Pay					
Other					
Total Personal Services					35,099
Travel					-0-
Contractual					-0-
Commodities					3,000
Equipment		12,500			
Other					
Total Cost		50,599			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	50,599			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

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

FY 88

Page 16 of 16
 Revised Date 2/25/87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: CS SB 7 HESS
Publish Date: 4-22

REQUEST: _____

Revision Date: _____
Title: "An Act authorizing capital punishment..."
Sponsor: Sen. Abood and Kelly
Requestor: Sen. HESS

Agency Affected: Public Safety
BRI: DPS Administration
Alaska State Troopers
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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 :

JNR
2/3/87

Prepared by: Kathy Niles, Admin. Assistant Phone: 465-4336
Division: Commissioner's Office Date: 2/03/87

Approved by Commissioner: [Signature] Date: 2/3/87
Agency: Public Safety

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

SAFETY

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 7 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

FEB 26 1988

Revision Date: 2/22/88
Title: "An Act authorizing capital punishment..."
Sponsor: Sen. Abood, Kelly & Faiks
Requestor: Sendate Judiciary

Agency Affected: Public Safety
BRU: DPS Administration, Alaska State Troopers
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						
REVENUE						

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						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Diana Page, Administrative Assistant
Division: Commissioner's Office

Phone: 465-4322
Date: 2/22/88

Approved by Commissioner: *Shirley A. Hartsler*
Agency: Public Safety

Date: 2-24-88

Distribution (by preparer):

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

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1987

SUBJECT: Sectional Analysis of CSSB 7(HESS),
authorizing capital punishment

TO: Senator Mitch Abood

FROM: Keith B. Levy^{KBL}
Legislative Counsel

You have requested a sectional analysis of the above described bill: As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends AS 11.31.100(d) to provide that an attempted capital felony is a class A felony.

Section 2 amends AS 11.31.110(c) to provide that solicitation of a capital felony is a class A felony.

Section 3 amends AS 11.41.100(b) to designate murder in the first degree as a capital felony punishable under AS 12.55.125 rather than an unclassified felony.

Section 4 amends AS 12.30.040(b) to include a capital felony conviction among those under which a defendant may not be released on bail before sentencing or during the appeal process.

Section 5 amends AS 12.55 by adding a new section, 12.55.117. Subsection (a) provides that a sentence of death for a capital crime must be given a priority review by the Alaska supreme court within 60 days of sentencing unless extended by the supreme court. On review the court must determine whether the sentence was imposed under the influence of passion, prejudice, or arbitrary factors, whether the evidence sup-

ports the finding of the required aggravating factor, and whether the sentence was excessive in comparison to similar cases and defendants.

Subsection (b) requires that after affirming a death sentence, the Supreme Court issue a death warrant specifying a date of execution between 30 and 60 days after the date of the warrant. The warrant goes to the Commissioner of Corrections who is required to specify the time, place and manner of execution. Before determining the manner, the commissioner must provide the defendant an opportunity to choose to be executed by lethal injection or by firing squad.

Subsection (c) provides that execution by firing squad is to take place at a state prison designated by the Commissioner of Corrections. The firing squad will consist of six peace officers, compensated in an amount determined by the commissioner.

Subsection (d) provides for the selection of a drug to be used in executions by lethal injection.

Subsection (e) requires the Commissioner of Corrections and a licensed physician to be present at an execution and permits the commissioner to choose up to nine citizens to also be present, although no individual may attend an execution as a matter of right.

Subsection (f) requires the commissioner to return the death warrant showing the time, place, and manner of the execution.

Subsection (g) requires the commissioner to permit up to six members of the media to attend the execution.

Subsection (h) prohibits the use of photographic or recording equipment at the execution until it is completed. Violation of this provision is a class B misdemeanor.

Subsection (i) provides that persons attending an execution are subject to a reasonable search as a condition of attendance.

Subsection (j) specifically prohibits individuals under 19 years of age and other unauthorized people from attending an execution.

Subsection (k) requires the Department of Corrections to adopt regulations regarding attendance at executions.

Section 6 amends AS 12.55.125(a) to provide that a person convicted of a capital felony must be sentenced to a term of imprisonment between 20 and 99 years, or to death.

Section 7 amends AS 12.55 by adding several new sections.

Section 12.55.177 (a) provides that after a defendant is convicted of a capital offense, the court must conduct a separate sentencing proceeding before the trial jury as soon as practicable. If the defendant was not tried by a jury, or if the defendant pleads guilty, a jury must be impanelled for the sentencing proceeding.

Subsection (b) permits the presentation at sentencing of evidence that the court considers probative, regardless of admissibility at trial, as long as the defendant has an opportunity to rebut hearsay statements and assert any evidentiary privileges available under the Alaska Rules of Evidence. The subsection prohibits the introduction of evidence secured by unconstitutional means. It requires that both the prosecution and defense be permitted oral argument at sentencing.

Section 12.55.178 requires that the jury deliberate after the sentencing hearing and give an advisory verdict to the judge that includes findings whether an aggravating factor justifies death, whether mitigating factors outweigh aggravating factors, and whether the defendant should be sentenced to prison or death.

Section 12.55.179(a) provides that after considering the evidence and advisory verdict of the jury, the court must pass a sentence of imprisonment or death. The death sentence may not be imposed unless the jury recommends it and finds an aggravating factor that is not outweighed by mitigating factors. If the jury does not recommend the death penalty, the court must sentence the defendant to a term of imprisonment.

Subsection (b) provides that, upon a sentence of death, the court must make written findings of the aggravating factors that justify the sentence and of the mitigating factors that were considered.

Subsection (c) provides for automatic review by the Alaska Supreme Court upon a judgment of death.

Section 12.55.180 provides that a death sentence may not be imposed unless one of a list of aggravating factors is found to exist and that factor is not outweighed by mitigating factors. The aggravating factors are

- (1) deliberate cruelty involving sexual assault in the first degree, kidnapping, assault in the first degree, torture, or an aggravated battery;
- (2) the death of two or more people, other than an accomplice;
- (3) a risk of imminent physical injury to three or more people, other than an accomplice;
- (4) a prior conviction for a felony involving violence or murder;
- (5) the offense was knowingly directed at the President of the United States or the Governor of Alaska;
- (6) the offense was knowingly directed at an active or former officer of the court, prosecuting attorney, law enforcement officer, correctional employee, or fireman during or because of the exercise of that person's official duties; and
- (7) the offense was committed pursuant to an agreement that the defendant pay or be paid for the commission of the offense; and
- (8) the defendant was on release for another felony charge or conviction having assault as an element.

Section 12.55.181 requires the court and the jury to consider all mitigating factors, including the following:

- (1) the offense was committed under a significant degree of duress, coercion, threat, or compulsion insufficient to constitute a defense;
- (2) the conduct of a youthful defendant was substantially influenced by a person more mature than the defendant;
- (3) the defendant acted with serious provocation from the victim; and

(4) the defendant assisted authorities to detect or apprehend other persons who committed the offense with the defendant.

Section 12.55.182(a) provides that the Commissioner of Public Safety must inform the court, the prosecutor, and the defense attorney in writing if a defendant awaiting execution is believed to be pregnant or incompetent. The execution must then be stayed pending further order of the court.

Subsection (b) provides that upon notice of possible incompetency of a defendant sentenced to death the defendant must be evaluated for competency under AS 12.47.070 as if being evaluated for competency to stand trial. Upon a finding of incompetency, the sentencing court must inform the Supreme Court and the Commissioner of Public Safety and order the defendant committed under AS 12.47.110. Upon a finding of competency, the court must inform the Supreme Court and the Commissioner of Public Safety. The Supreme Court must then deliver another death warrant to the Commissioner of Public Safety specifying a date of execution between 30 and 60 days ahead.

Subsection (c) provides that upon a finding that a defendant awaiting execution is pregnant, the sentencing court must inform the Supreme Court and the commissioner. The Supreme Court then issues a stay during the pregnancy. After the pregnancy ends the sentencing court informs the Supreme Court and the commissioner. The Supreme Court then delivers another death warrant to the commissioner specifying a date of execution between 30 and 60 days ahead.

Sections 8 and 9 amends AS 22.07.020 to except from the jurisdiction of the state court of appeals a prosecution for a capital offense for which a death sentence is imposed.

Section 10 requires the lieutenant governor to place before the voters during the next general election the question of whether capital punishment for murder in the first degree as authorized by law should go into effect on August 15, 1989. The vote is advisory and not binding on the legislature.

Section 11 provides for an effective date of August 15, 1989 for sections 1-9 of the Act. This allows the legislature one session to respond to the advisory vote before the bill becomes effective.

Senator Abood
February 4, 1987
Page 6

Section 12 provides for an immediate effective date for section 10 of the Act.

KBL:mkr
m8/089

POSITION PAPER

SB7

"An Act authorizing capital punishment. . ."

This bill authorizes capital punishment for first degree murder and establishes procedures for imposing death sentences.

The enactment of capital punishment would have an enormous impact upon the Alaska judicial system. Such cases will consume prosecution and defenses resources, as well as those of the judicial system, out of all proportion to their actual numbers. Even after costly and lengthy proceedings in the trial court have been completed both federal and state appeals will continue for years.

The Office of Public Advocacy and the Public Defender Agency oppose the establishment of capital punishment in Alaska. Aside from any moral consideration of the issue, the evidence compels the conclusion that it will not protect the public and its extreme cost will divert budget resources from other law enforcement goals. This opposition is based upon the following reasons:

1. Considerable research in the United States has provided no evidence that the death penalty deters crime more effectively than other punishments.
2. The evidence suggests that race -- especially that of the victim -- has an important bearing on the eventual likelihood of a death sentence. Research in Florida, Georgia, Texas and other states has shown that homicides involving white victims are far more likely to be charged as capital offenses and result in death sentences than those involving black victims.
3. The death penalty is irrevocable and can be inflicted on an innocent person despite the most stringent judicial standards. A recent study collected information on over three hundred cases in the United States this century in which innocent people were wrongly convicted of offenses punishable by death; some fifty of them occurred after 1970. Since 1900 twentythree wrongly convicted prisoners have been executed.
4. The cost and length of proceedings in capital cases have placed heavy burdens on the criminal justice system. The enormous concentration of law enforcement, prosecution, defense, and judicial resources on a relative handful of cases diverts resources from more effective areas of law enforcement.

5. Although most capital punishment bills contain guidelines intended to eliminate arbitrary sentencing in capital trials, the possibility of the death sentence is largely determined by decisions taken by prosecutors at an early stage of the judicial process. Prosecutors have wide discretion in whether or not to seek the death penalty in criminal homicide cases, and in practice, only a minority of crimes which death is a possible penalty are tried as capital offenses. Decisions to seek the death penalty may be largely determined by factors beyond the circumstances of the crime, including the financial resources available at the time of the prosecution, local feeling about the death penalty and the level of publicity or community pressure in a particular case.

Brant McGee
Brant McGee, Public Advocate
Office of Public Advocacy

2/22/87
Date

Garrey Peska
Commissioner Garrey Peska
Department of Administration

3/4/87
Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 7
Publish Date: _____

Revision Date: _____
Title: "An Act authorizing capital punishment..."
Sponsor: Abood, Kelly, Faiks
Requestor: Senate Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	226.6	235.7	245.1	254.9	265.1
TRAVEL		35.0	36.4	37.9	39.4	40.1
CONTRACTUAL		546.2	568.0	590.7	614.3	638.9
SUPPLIES		4.0	4.2	4.4	4.6	4.8
EQUIPMENT		14.1	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	825.9	844.3	878.1	913.2	948.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	825.9	844.3	878.1	913.2	948.9
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	825.9	844.3	878.1	913.2	948.9

POSITIONS:

FULL-TIME		4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684
Division: Office of Public Advocacy Date: 2/24/87
Approved by Commissioner: Garrey Peska Date: 3/4/87
Agency: Department of Administration

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB7

The passage of death penalty legislation would have a dramatic fiscal impact on the Office of Public Advocacy. The OPA is purely reactive agency and must provide legal representation when appointed by the court. The OPA is responsible for providing representation to indigent criminal defendants in cases where the Alaska Public Defender Agency has a conflict of interest.

This office's estimate that it will be responsible for three capital cases in FY88 is dependent upon the following two assumptions: (1) a slight numerical increase in the number of first degree murder cases which fall within the OPA statutory mandate, and (2) the Department of Law will request the death penalty in only one-third of all First Degree Murder cases.

The Office of Public Advocacy would assign at least two experienced attorneys to each capital case in accordance with the policy of numerous states in which the death penalty has become law. Each case will necessitate an exhaustive pretrial investigation, contracts with numerous expert witnesses, and extensive litigation of legal issues during pretrial proceedings, trial, and numerous appellate stages.

The New York Defender Association estimated expert witness fees at \$60,000 per case. Further, travel costs will be extraordinary high because this Anchorage-based death penalty team must provide statewide representation.

It is anticipated that the Office of Public Advocacy will have to contract for representation in at least one death penalty case per year. Such a case would arise when OPA has a conflict of interest. The New York Defender Association has estimated the cost of defense services in each case to be \$350,000.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB7

SB31 continued:

Personal Services

Anchorage

Attorney V Salary & Benefits	=	76.1
Attorney IV Salary & Benefits	=	71.4
Investigator III Salary & Benefits	=	48.9
Legal Secretary I	=	<u>30.2</u>
Subtotal Personal Services		226.6

Travel

Necessary travel for court hearings,
investigation, expert witnesses, etc. 35.0

Contractual

Additional office for four positions in Anchorage = 16,200		16.2
Expert witness fees based on three cases per year at 60,000 per case		180.0
Contract representation for one case per year where OPA has a conflict of interest at 350,000 per case		<u>350.0</u>
Subtotal Contractual		546.2

Supplies

Stationary, library and office
supplies for four new positions
at 1,000 per position = 4,000 4.0

Equipment

Office furniture & equipment for
three professional positions at 2,429
each and one legal secretary at 6,838 14.0

TOTAL: 825.9

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
The Anchorage office of OPA is presently staffed with 3 legal secretaries who provide clerical support to 12 professional positions. The addition of 2 attorneys and 1 investigator will increase the Anchorage clerical workload dramatically. The complex issues involved in death penalty cases and the length of each case through sentencing and appeal necessitates the addition of a legal secretary to handle the increased workload.				
Type of Expenditure		Amount		
1	2	3		
Salary	22,020			
Benefits	8,164			
Premium Pay				
Other				
Total Personal Services		30,184		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		30,184		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	30,184		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 4 of 7
 Revised Date _____

FY 88

Position Title Investigator III		No. of Positions 1	Range/Step 18/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
This position will perform all investigative duties in death penalty cases. Extensive experience in all areas of criminal investigations will be required to assure that defendants facing execution receive a thorough and effective investigation. This position will interview witnesses, examine the crime scene and all physical evidence, arrange transportation, serve subpoenas, follow-up and review the prosecution investigation and coordinate witness testimony.				
The OPA current has no investigator positions. It is anticipated that the position will work full time on death penalty cases.				
Type of Expenditure		Amount		
1	2	3		
Salary	37,356			
Benefits	11,570			
Premium Pay				
Other				
Total Personal Services		48,926		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		48,926		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	48,926		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 5 of 7
 Revised Date _____

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24/A	Barg. Unit X																																													
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8																																													
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td></td> <td>56,244</td> <td rowspan="4"></td> </tr> <tr> <td>Benefits</td> <td></td> <td>15,177</td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Total Personal Services</td> <td></td> <td>71,421</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2">Total Cost</td> <td></td> <td>71,421</td> </tr> </tbody> </table>		Type of Expenditure	1	2	3	Salary		56,244		Benefits		15,177	Premium Pay			Other			Total Personal Services			71,421	Travel				Contractual				Commodities				Equipment				Other				Total Cost			71,421	Justification This position will act as co-counsel to the Attorney V position in all death penalty cases. As part of the death penalty team, this position will prepare motions, interview witnesses, write appellate briefs and assist the lead attorney in conducting the guilt and penalty phases of all death penalty cases. Two attorneys are required for each case in order to share the enormous workload and to assure effective representation of the accused.		
Type of Expenditure	1	2	3																																														
Salary		56,244																																															
Benefits		15,177																																															
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**Request For
New Position**

Agency Administration
ERU Office of Public Advocacy
Component _____

Page 6 of 7
Revised Date _____

FY 88

Position Title Attorney V		No. of Positions 1	Range/Step 25/A	Barg. Unit X
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary	60,252			
Benefits	15,808			
Premium Pay				
Other				
Total Personal Services		76,060		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		76,060		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	76,060		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
<p>This position would be the lead attorney of the death penalty team consisting of an additional lawyer, an investigator, and a legal secretary. The position is required to supplement the current attorney staff which falls short of LEAA national caseload standards.</p> <p>This position would be responsible for supervising the investigator, the preparation of all pretrial and trial motions and the filing of appeals in state and federal court. The requirement of extensive court hearings and a lengthy trial in each case will necessitate that this position be assigned exclusively to death penalty cases.</p>				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 7 of 7
 Revised Date _____

FY 88

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____ Bill Version: SB7
 _____ Publish Date: _____
 Revision Date: _____ Agency Affected: Dept. of Administration
 Title: "An Act authorizing capital
punishment..." BRU: Public Defender Agency
 Sponsor: Sen. Abood, Sen. Kelly Components: Third Judicial District
 Requestor: Senate Judiciary Fourth Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		743.1	772.8	803.7	835.9	869.3
TRAVEL		225.0	234.0	243.4	253.1	263.2
CONTRACTUAL		450.0	468.0	486.7	506.2	526.5
SUPPLIES		27.0	28.1	29.2	30.4	31.6
EQUIPMENT		60.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		1505.1	1502.9	1563.0	1625.6	1690.6

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		1505.1	1502.9	1563.0	1625.6	1690.6
FEDERAL FUNDS						
OTHER						
TOTAL		1505.1	1502.9	1563.0	1625.6	1690.6

POSITIONS:

FULL-TIME		12.0	12.0	12.0	12.0	12.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis.

Prepared by: *Dana Fabe* Phone: 279-7541
Dana Fabe, Public Defender Date: Feb. 25, 1987
 Division: Public Defender Agency
 Approved by Commissioner: *[Signature]* Date: 2/14/87
 Agency: Department of Administration

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

If this death penalty bill is enacted, representation of the poor in death cases must be adequate. The United States Supreme Court has recognized that death penalty cases require greater due process procedural safeguards than do non-capital cases. This is due to the severity and finality of a death sentence as well as the potential for killing an innocent person by mistake. Some degree of mistake is of course a potential problem in all criminal cases. In non-death cases, the system stands ready to correct those mistakes where they become known. An execution can never be corrected.

Due to these considerations, the processing of a death case is much more complex and expensive than other criminal cases. Not only are extraordinary amounts of attorney time and substantial expert fees necessary in the guilt phase of a trial, but the penalty phase, in which a jury determines whether or not to put a person to death, takes on tremendous significance. This penalty phase requires extensive preparation, the use of psychiatric experts and family and friends from out-of-state, as well as other necessary expenditures.

Finally, even after the death penalty has been imposed, the appeal procedures in death penalty cases are lengthy and time consuming. After guilt and penalty phases of a case, the following procedures would be routinely necessary:

1. Motion to modify before trial judge.
2. Appeal of conviction and sentence to Alaska Supreme Court.
3. Writ of certiorari to the United States Supreme Court.
4. Post-conviction relief proceedings in state court.
5. Appeal of post-conviction relief proceedings in the Court of Appeals.
6. Petition for hearing of post-conviction relief proceedings to the Alaska Supreme Court.
7. Petition for Writ of Habeus Corpus in the Federal District Court.
8. Appeal to the United States Court of Appeals.
9. Rehearing in the United States Court of Appeals.
10. Writ of certiorari to the United States Court of Appeals.
11. Commutation applications to executive branch.
12. Emergency stays to the United States Supreme Court.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

The figures in this fiscal note are based on an estimation of the number of cases which would have qualified under the bill as capital cases. This agency handles approximately 30 first degree murder cases each year. On the assumption that one third or 10 of these cases would qualify as capital cases under this bill, the specific figures were arrived at as follows:

1 Personal Services

Given the complexity and intensity of effort involved in each death penalty trial and penalty phase, many states recommend or require by statute that a minimum of two attorneys handle each death penalty case. Based on an estimated 10 cases per year, this agency would need two death penalty teams of two attorneys each to handle the trial and penalty phases of these cases. Two appellate attorneys would be necessary to handle the appeals of these cases. In addition, each team of attorneys would require an investigator and legal secretary.

Use of this death penalty team concept will be needed to adequately represent a client who faces the death penalty. Substantially more attorney time is required in a death penalty case than in a non-capital case. Extensive pre-trial motion practice would be required in each case. Given the lack of plea bargaining in Alaska, jury trials will be conducted in all capital murder cases. These jury trials will be longer and more complex than in non-capital cases. The penalty phase of each case will require tremendous expenditures of attorney time in preparing for sentencing and coordinating professional and lay witnesses to testify. Finally, appeals of death penalty cases require extraordinary amounts of attorney time. The New York Defender Association estimates that preparation and argument before the United States Supreme Court alone would be equivalent to 883 hours attorney time.

2. Travel and Contractual Fees.

The New York State Defender Association has estimated that a minimum figure for expert witness fees and travel must be \$30,000 for the penalty phase per case. Experts in forensics, ballistics, blood analysis, hair analysis, eyewitness identification, psychiatry, and psychology could be necessary during the trial phase in each case, and many of these would be traveling from out-of-state. During the penalty phase friends and family members of the defendant as well as psychiatrists, psychologists and social workers would be involved. Thus the contractual and travel costs for expert witnesses has been calculated at \$60,000 per case. This figure does not include any expert fees which might be necessary at the appellate stages. The amount of contractual fees estimated in this fiscal note is based on an estimated 10 cases per year.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

3. Equipment and Supplies.

Other costs include expanded office space as well as equipment and supply money for additional personnel.

BUDGET SUMMARY

Personal Services:

Guilt and Penalty Team-Anchorage			
Attorney V	79.7		
Attorney IV	74.8		
Investigator III	51.1		
Legal Secretary I	31.5		
Appellate Team - Anchorage			
Attorney V	79.7		
Attorney IV	74.8		
Investigator III	51.1		
Legal Secretary I	31.5		
Guilty and Penalty Team-Fairbanks			
Attorney V	90.7		
Attorney IV	85.0		
Investigator III	58.1		
Legal Secretary I	<u>35.1</u>	TOTAL	743.1

Travel:

Based on 10 Capital cases per year Employee and non-employee (experts)	225.0
---	-------

Contractual:

Based on 10 Capital cases per year			
Experts	400.0		
Office space			
Anchorage, Fairbanks	40.0		
Printing	5.0		
Communications	<u>5.0</u>	TOTAL	450.0

Supplies:

Office, law library	27.0
---------------------	------

Equipment:

Office furniture and machines	<u>60.0</u>
-------------------------------	-------------

TOTAL 1505.1

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Justification		
		This Attorney V will serve as a death penalty team leader in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.		
Amount				
1	2	3		
Salary \$5021/mo	60,252			
Benefits	19,437			
Premium Pay				
Other				
Total Personal Services		79,689		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		245,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	245,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 5 of 16
 Revised Date 2/25/87

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Justification				
This Attorney IV will serve as a death penalty team member in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.				
Type of Expenditure		Amount		
1	2	3		
Salary \$4687/mo	56,244			
Benefits	18,551			
Premium Pay				
Other				
Total Personal Services		74,795		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		240,295		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		240,295		
I-A Receipts 1006				
CIP Receipts 1061				
Other				

**Request For
New Position**

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

FY 88

Page 6 of 16
 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Justification		
		This Investigator III will serve as a death penalty team member in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities. The travel and contractual are included in the requests for attorneys.		
Amount				
1	2	3		
Salary \$3113/mo	37,356			
Benefits	13,763			
Premium Pay				
Other				
Total Personal Services	51,119			
Travel	-0-			
Contractual	-0-			
Commodities	-0-			
Equipment	2,500			
Other				
Total Cost	53,619			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	53,619		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 7 of 16
 Revised Date 2/25/87

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Amount		
1	2	3		
Salary \$1835/mo	22,020			
Benefits	9,431			
Premium Pay				
Other				
Total Personal Services		31,451		
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		46,951		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,951		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
This Legal Secretary I will provide support services to a death penalty team in Anchorage and other parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor				

**Request For
New Position**

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

Page 8 of 16
 Revised Date 2/25/87

FY 88

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Amount		
1	2	3		
Salary \$5021/mo	60,252			
Benefits	19,437			
Premium Pay				
Other				
Total Personal Services		79,689		
Travel		10,000		
Contractual		5,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		100,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	100,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
<p>This Attorney V will serve as a death penalty team leader in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year. Travel will be to Seattle for the Ninth Circuit Court of Appeals and to Washington, D.C. for the United States Supreme Court. Contractual is to cover printing costs for motions and briefs to the Federal Appellate Courts.</p>				

**Request For
New Position**

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

FY 88

Page 9 of 16
 Revised Date 2/25/87

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Justification				
This Attorney IV will serve as a death penalty team member in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year. Travel will be to Seattle for the Ninth Circuit Court of Appeals and to Washington, D.C. for the United States Supreme Court. Contractual is to cover printing costs for motions and briefs to the Federal Appellate Courts.				
Type of Expenditure		Amount		
1	2	3		
Salary \$4687/mo	56,244			
Benefits	18,551			
Premium Pay				
Other				
Total Personal Services		74,795		
Travel		10,000		
Contractual		5,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		100,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	100,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 10 of 16
 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage.		Election District 92
Justification				
This Investigator III will serve as a death penalty team member in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year.				
Type of Expenditure		Amount		
1	2	3		
Salary	\$3113/mo	37,356		
Benefits		13,763		
Premium Pay				
Other				
Total Personal Services		51,119		
Travel		5,000		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		58,619		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	58,619		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

Page 11 of 16
 Revised Date 2/25/87

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Justification				
This Legal Secretary I will provide support services to the appellate death penalty team in all parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor.				
Type of Expenditure		Amount		
1	2	3		
Salary \$1835/mo	22,020			
Benefits	9,431			
Premium Pay				
Other				
Total Personal Services		31,451		
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		46,951		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		46,951		
I-A Receipts 1006				
CIP Receipts 1061				
Other				

**Request For
New Position**

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

FY 88

Page 12 of 16
 Revised Date 2/25/87

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
Justification				
<p>This Attorney V will serve as a death penalty team leader in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary \$5773/mo	69,726			
Benefits	21,432			
Premium Pay				
Other				
Total Personal Services		90,708		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		256,208		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	256,208		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 13 of 16
 Revised Date 2/25/87

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
Justification				
This Attorney IV will serve as a death penalty team member in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.				
Type of Expenditure		Amount		
1	2	3		
Salary \$5385/mo	64,620			
Benefits	20,403			
Premium Pay				
Other				
Total Personal Services		85,023		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		250,523		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	250,523		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 14 of 16
 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
Justification				
This Investigator III will serve as a death penalty team member in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities. The travel and contractual are included in the requests for attorneys.				
Type of Expenditure		Amount		
1	2	3		
Salary \$3565/mo	42,768			
Benefits	15,291			
Premium Pay				
Other				
Total Personal Services		58,059		
Travel		-0-		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		60,559		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		60,559		
I-A Receipts 1006				
CIP Receipts 1061				
Other				

**Request For
New Position**

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

FY 88

Page 15 of 16
 Revised Date 2/25/87

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Fairbanks.		Election District 94
Type of Expenditure		Justification		
		This Legal Secretary I will provide support services to a death penalty team in Fairbanks and other parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor		
Amount				
1	2	3		
Salary \$2072/mo	24,864			
Benefits	10,235			
Premium Pay				
Oil				
Total Personal Services		35,099		
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		50,599		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	50,599		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

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

FY 88

Page 16 of 16
 Revised Date 2/25/87

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE

DRAFT

Bill Version: CSSB 7 (HESS)

Publish Date: _____

REQUEST: _____

Revision Date: _____

Title: An Act authorizing capital

capital punishment....

Sponsor: Sen. Abood, Kelly, & Faiks

Requestor: Sen. Abood

Agency Affected: Public Safety

BRU: DPS Administration

Alaska State Troopers

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Kathy Niles, Admin Assistant

Phone: 465-4336

Division: Commissioner's Office

Date: 2/09/87

Approved by Commissioner: *Michael J. ...*

Date: 2-9-87

Agency: Public Safety

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

JNR
2/9/87

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSSB 7 (HESS)

Publish Date: _____

REQUEST: _____

Revision Date: _____

Title: "An Act authorizing capital punishment."

Sponsor: Sen. Abood

Requestor: Sen. Abood

Agency Affected: Department of Law

BRU: Prosecution

Components: Criminal Appeals and
Special Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES				214.4	220.8	227.4
TRAVEL				42.5	43.8	45.1
CONTRACTUAL				120.7	124.3	128.0
SUPPLIES				14.4	8.7	9.0
EQUIPMENT				12.5	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING				404.5	396.7	409.5

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND				404.5	396.7	409.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME				4	4	4
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director

Division: Administrative Services

Phone: 465-3672

Date: Feb. 6, 1987

Approved by Commissioner: Grace Berg Schaible, Atty. Gen.

Agency: Department of Law

Date: Feb. 6, 1987

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 7 (HESS)

This bill would authorize capital punishment, classify murder in the first degree as a capital felony, and establish sentencing procedures for capital felonies. The death sentence would not be imposed unless at least one of several specified aggravating factors was found to exist and it was not outweighed by mitigating factors. Capital felony trials would be bifurcated, or held in two parts. The first part would determine innocence or guilt; the second part would determine whether aggravating factors exist to justify the death sentence; whether mitigating factors exist to outweigh the aggravating factors; and whether the defendant should be sentenced to a term of imprisonment or to death.

The Department of Law estimates that three or four first degree murder convictions, with aggravating factors sufficient to justify a death sentence (and where a sentence of death is imposed) will occur each year. The department also estimates it will probably attempt to obtain the death penalty in one or two additional first degree murder cases, where it may not be successful. The experience in other states is that capital cases require far more in the way of prosecution and investigative resources than ordinary murder cases. Because a human life is at stake, the defense of these cases is extremely vigorous and no expense is spared. It is entirely conceivable that the same level of state resources needed for the John Peel and Neil MacKay cases will be needed for many of the capital cases.

At the appellate level some contractual assistance from constitutional law experts will be needed to defend against initial challenges to the law based on due process, equal protection and the cruel and unusual punishment doctrine. Such challenges should be expected during the first one or two years after the provisions of this bill go into effect. Otherwise the bill provides for a straightforward appeals process to the Alaska Supreme Court, but capital sentences will nonetheless result in lengthy and complicated appellate litigation. This is because of the substantial appellate avenues that are available to defendants in capital cases in the federal court system. That system includes original applications to the U.S. District Court, appeals from these proceedings to the U.S. Circuit Court of Appeals, and further appeals from both state and federal proceedings to the U.S. Supreme Court. Typically, appeals move both up and down through the federal system on remands for rehearings and additional fact finding. Consequently, it should be expected that years can pass before a capital sentence is carried out.

Based on these considerations, at least two full-time attorneys, together with paraprofessional and secretarial support elements, will be required to handle the additional work made necessary by capital cases, sentencing trials, and the appeals that result from death sentences. Other fiscal note costs include witness travel and subsistence (\$25.0) that will be required by the provision for sentencing trials. The cost for U.S. Supreme Court and U.S. Circuit Court of Appeals brief printing (\$30.0, each), which is a new required

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 7 (HESS)

expense, has also been included. The positions required by this bill will be located in the Office of Special Prosecutions and Appeals at Anchorage.

Substantial additional costs would be incurred by the Department of Corrections for facilities and staff for inmates who have been sentenced to death and are awaiting execution.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 7 (HESS)

Cost Summary

<u>Object</u>	<u>Atty IV</u>	<u>Atty IV</u>	<u>P/A II</u>	<u>Leg Sec I</u>	<u>Total</u>
<u>100 - Salaries & Benefits</u>	70.6	70.6	42.5	30.7	214.4
	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>
	70.6	70.6	42.5	30.7	214.4
 <u>200 - Travel</u>					
Witness travel and subsistence for sentencing trials	10.0	10.0	5.0	-0-	
Travel instate for sentencing trials and out-of-state trial to defend appeals in the U.S. Circuit Court of Appeals and the U.S. Supreme Court.	7.5	7.5	2.5	-0-	
	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>
	17.5	17.5	7.5		42.5
 <u>300</u>					
Communications, copy & document production	3.6	3.6	2.4	2.4	
U.S. Supreme Court and U.S. Court of Appeals brief printing	15.0	15.0	-0-	-0-	
Expert witness	30.0	30.0	-0-	-0-	
Office space leases	4.1	4.1	3.3	2.2	
WP Maintenance	-0-	-0-	-0-	1.4	
Westlaw	1.2	1.2	1.2	-0-	
	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>
	53.9	53.9	6.9	6.0	120.7
 <u>400 - Commodities</u>					
Office consumables	1.2	1.2	1.2	1.2	
Law Library	1.2	1.2	1.2	-0-	
New Position Supplies	1.5	1.5	1.5	1.5	
	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>
	3.9	3.9	3.9	2.7	14.4
 <u>500 - Equipment</u>					
New Position Equipment	1.5	1.5	1.5	1.5	
Word Processor	-0-	-0-	-0-	6.5	
	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>	<hr style="width: 50px; margin-left: 0;"/>
	1.5	1.5	1.5	8.0	12.5
 TOTAL	 147.4	 147.4	 62.3	 47.4	 404.5

Costs beyond FY 90 include a 3 per cent inflation factor.

Position Title Attorney IV		No. of Positions 2	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 24	Location EBA - Anchorage		Election District 8
Justification				
This is to request two Attorney IV positions that will be required to handle capital punishment sentencing trials and to handle the appeals that arise from death sentences. Sentencing trials are expected to nearly double the time now required for murder trials. Substantial appeals work will also be required as defendants seek to have death sentences overturned in the federal court system. First degree murder trials require highly skilled prosecutors and that is why the department has requested the full working level prosecutor classification of Attorney IV.				
Type of Expenditure:		Amount		
1	2	3		
Salary	112,488			
Benefits	28,616			
Premium Pay				
Other				
Total Personal Services		141,104		
Travel		35,000		
Contractual		142,800		
Commodities		7,800		
Equipment		3,000		
Other				
Total Cost		329,704		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	329,704		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Criminal Appeals & Special Prosc.

Page 1 of 3
 Revised Date

FY 88

Position Title Paralegal Assistant II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This paralegal assistant position is requested to assist the attorneys assigned to prosecuting defendants in capital crimes, where the state is seeking the death penalty. Furthermore, the position will also assist in legal research necessary in defending against appeals seeking to overturn death penalty sentences. Allocation to the full-working paraprofessional level of Paralegal Assistant II is recommended.				
Type of Expenditure		Amount		
1	2	3		
Salary	32,424			
Benefits	10,093			
Premium Pay				
Other				
Total Personal Services		42,517		
Travel		7,500		
Contractual		6,900		
Commodities		3,900		
Equipment		1,500		
Other				
Total Cost		62,317		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	62,317		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Criminal Appeals & Special Prosc.

Page 2 of 3
 Revised Date _____

FY 88

Position Title Legal Secretary 1		No. of Positions 1	Range/Step 10B	Barg. Unit GGU	
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8	
Type of Expenditure		Justification			
		<p>This Legal Secretary position is needed to provide office services support for the two attorneys and one paralegal who will be required to handle capital punishment trials and appeals that arise from death sentences. The work of the attorneys is expected to generate considerable legal documentation, in the form of motions and briefs at both the state and federal levels, requiring full-time secretarial support.</p>			
Amount					
1	2				3
Salary	22,716				
Benefits	8,033				
Premium Pay					
Other					
Total Personal Services					30,749
Travel					-0-
Contractual					6,000
Commodities		2,700			
Equipment		8,000			
Other					
Total Cost		47,449			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	47,449			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

Request For
New Position

Agency Department of Law
 BRU Prosecution
 Component Criminal Appeals & Special Prosc.

FY 88

Page 3 of 3.
 Revised Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: CSSB 7

Publish Date: _____

Revision Date: _____

Agency Affected: Dept. of Corrections

Title: "An act authorizing capital

BRU: Southcentral Region

punishment, classifying murder...."

Sponsor: Senator Mitch Abood

Components: Spring Creek C.C.

Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES			473.1	993.5	1043.2	1095.3
TRAVEL			4.0	8.4	8.8	9.3
CONTRACTUAL			17.5	36.8	38.6	40.5
SUPPLIES			4.0	8.4	8.8	9.3
EQUIPMENT			3.1			
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	501.7	1047.1	1099.4	1154.4

CAPITAL	-0-	2683.5	-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	-0-	2683.5	501.7	1047.1	1099.4	1154.4
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	2683.5	501.7	1047.1	1099.4	1154.4

POSITIONS:

FULL-TIME	-0-	-0-	20	20	20	20
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

It is not anticipated that the Committee Substitute to Senate Bill 7 will appreciably alter the cost of this legislation.

See Attached

Prepared by: Susie Riley, Program Budget Analyst

Phone: 465-3376

Division: Administrative Services

Date: Feb. 4, 1987

Approved by ^{Acting} Commissioner: William L. Ludwig

Date: 2/4/87

Agency: Department of Corrections

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 7

ANALYSIS

A. Assumptions:

Enactment of Senate Bill 7 would change the State law to permit capital punishment for a capital felony. Current estimates indicate three convictions per year for this offense would involve executing the death penalty. Because of the lengthy appeal process in cases where the death penalty has been imposed, it is anticipated that a significant number of persons would have to be confined in a separate confinement area. The national average length of time between sentencing and execution of the death penalty is 5 or 6 years. The fact that the sentence is subject to review within 60 days by the State Supreme Court is not expected to appreciably affect the average length of time spent on death row since most cases proceed immediately to the federal courts. Therefore, we are predicting the need for a maximum of 20 death row beds.

1. Capital expenditures required to provide specialized space not currently available in existing State correctional centers. Details follow in B-1.
2. The new space will be adjacent to an existing facility, but isolated. Existing authorized staff could not provide for the necessary security of inmates housed in the area designated for prisoners sentenced to execution.
3. Two fixed guard posts will be required plus one post for roving patrol, and one post for shift supervisor due to the high security and high risk nature of the unit. To man one post 24 hours per day, 7 days per week requires 5 personnel.
4. Inflation is estimated at 5% per year.
5. The unit will be available for occupancy January 1989.

B. Estimated Costs

1. Capital Expenditures

- a. Functions and square footage allocations are derived from accepted space standards and are adjusted to an existing design for a 20-cell complex.
- b. Assumes this structure will be an addition to an existing institution with all activity for prisoners sentenced for execution to be limited to this maximum security unit.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 7

- c. Assumes only the usual 6% equipment factor and does not include costs for whatever type of equipment would be appropriate for the specified method of execution.
- d. It is estimated that the cost will be \$300 per square foot, considering the fact that this unit must be more secure than other facilities under construction and the relatively small size of the building. No indoor recreation room has been projected.

<u>e. Area Identification</u>	<u>Square Footage</u>
Core Area (44' x 44')	1936
-Control Room, Sallyport	
-Visitation (Attorney, Secure)	
-General Movement	
-Storage	
-Mechanical Room	
Housing Wings	
(2 @ 37' x 47' + 200 sq. ft.)	3678
-20 Cells @ 80 sq. ft. gross each	
-Three Shower Areas	
-Two Movement/Indoor Recreation Area	
Execution Area	1000
Total (Gross)	6614/sq. ft.
	x \$300/sq. ft.
Cost of Structure	\$1,984,200
Secure Outdoor Recreation	
(2 @ 16' x 20')	
-640 sq. foot @ \$125/sq. foot	80,000
Total Building Cost	\$2,064,200
-30% Administration/Overhead	619,260
TOTAL PROJECTED COST	\$2,683,460

- 2. Salaries and related costs are detailed on "Request for New Positions" attached. It is estimated that Operating Costs would not begin until January of 1989 due to time needed for construction, so funds are included for only six months of FY89.

Position Title Correctional Officer II		No. of Positions 15	Range/Step 13B	Barg. Unit GGU														
Time Status PFT	Staff Months 90	Location Seward		Election District														
Type of Expenditure		Justification																
1	2	3																
Salary	249,885	<p>This facility, even though attached to an existing institution, would require two additional fixed guard posts and one post for roving patrol, due to the high security and high risk nature of the unit.</p> <p>To man one post 24 hours per day, 7 days per week requires at least 5 Correctional Officer II's. Three additional posts will require a minimum of 15 CO II's.</p> <p>The cost for one-half FY89 is as follows:</p> <table style="margin-left: 40px;"> <tr> <td>\$16,659</td> <td>Salaries</td> </tr> <tr> <td>6,419</td> <td>Benefits</td> </tr> <tr> <td><u>\$23,078</u></td> <td></td> </tr> <tr> <td>200</td> <td>Travel (training)</td> </tr> <tr> <td>200</td> <td>Standard Supplies (\$400 per year)</td> </tr> <tr> <td>150</td> <td>Equipment</td> </tr> <tr> <td><u>\$23,628</u></td> <td></td> </tr> </table>			\$16,659	Salaries	6,419	Benefits	<u>\$23,078</u>		200	Travel (training)	200	Standard Supplies (\$400 per year)	150	Equipment	<u>\$23,628</u>	
\$16,659	Salaries																	
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<u>\$23,628</u>																		
Benefits	96,285																	
Premium Pay																		
Other																		
Total Personal Services	346,170																	
Travel	3,000																	
Contractual																		
Commodities	3,000																	
Equipment	2,250																	
Other																		
Total Cost	354,420																	
Funding Source for Total Cost																		
Federal Receipts	1002																	
G. F. Match	1003																	
General Fund	1004	354,420																
I-A Receipts	1006																	
CIP Receipts	1061																	
Other																		

**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

Page 4 of 5
 Revised Date

FY 88

Position Title <u>Correctional Officer III</u>			No. of Positions <u>5</u>	Range/Step <u>15A</u>	Barg. Unit <u>CGU</u>
Time Status <u>PFT</u>	Staff Months <u>90</u>		Location <u>Seward</u>		Election District
Type of Expenditure			Justification		
			Five supervisory Correctional Officer III's will be required to fill the compliment for the three added posts in addition to the fifteen CO II's.		
			The cost for one-half of FY89 is as follows:		
Amount					
1			2		
3					
Salary	92,230		\$18,446	Salaries	
Benefits	34,680		6,936	Benefits	
Premium Pay			\$25,382		
Other					
Total Personal Services		126,910			
Travel		1,000			
Contractual					
Commodities		1,000			
Equipment		750	200	Travel (training)	
Other			200	Standard Supplies (\$400 per year)	
Total Cost		129,660	150	Equipment	
			\$25,932		
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	129,660			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

Page 5 of 5
 Revised Date

FY 88

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: Senate Bill 7
Publish Date: _____

Revision Date: _____
Title: "An act authorizing capital punishment, classifying murder...."
Sponsor: Senator Mitch Abood
Requestor: Senator Mitch Abood

Agency Affected: Dept. of Corrections
BRU: Southcentral Region
Components: Spring Creek C.C.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES			473.1	993.5	1043.2	1095.3
TRAVEL			4.0	8.4	8.8	9.3
CONTRACTUAL			17.5	36.8	38.6	40.5
SUPPLIES			4.0	8.4	8.8	9.3
EQUIPMENT			3.1			
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	501.7	1047.1	1099.4	1154.4
CAPITAL	-0-	2683.5	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	2683.5	501.7	1047.1	1099.4	1154.4
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	2683.5	501.7	1047.1	1099.4	1154.4

POSITIONS:

FULL-TIME	-0-	-0-	20	20	20	20
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Susie Riley, Program Budget Analyst Phone: 465-3376
Division: Administrative Services Date: Jan. 27, 1987
Approved by ^{Acting} Commissioner: William G. Lusk Date: 1/31/87
Agency: Department of Corrections

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

ANALYSIS

A. Assumptions:

Enactment of Senate Bill 7 would change the State law to permit capital punishment for a capital felony. Current estimates indicate three convictions per year for this offense would involve executing the death penalty. Because of the lengthy appeal process in cases where the death penalty has been imposed, it is anticipated that a significant number of persons would have to be confined in a separate confinement area. The national average length of time between sentencing and execution of the death penalty is 5 or 6 years. The fact that the sentence is subject to review within 60 days by the State Supreme Court is not expected to appreciably affect the average length of time spent on death row since most cases proceed immediately to the federal courts. Therefore, we are predicting the need for a maximum of 20 death row beds.

1. Capital expenditures required to provide specialized space not currently available in existing State correctional centers. Details follow in B-1.
2. The new space will be adjacent to an existing facility, but isolated. Existing authorized staff could not provide for the necessary security of inmates housed in the area designated for prisoners sentenced to execution.
3. Two fixed guard posts will be required plus one post for roving patrol, and one post for shift supervisor due to the high security and high risk nature of the unit. To man one post 24 hours per day, 7 days per week requires 5 personnel.
4. Inflation is estimated at 5% per year.
5. The unit will be available for occupancy January 1989.

B. Estimated Costs

1. Capital Expenditures

- a. Functions and square footage allocations are derived from accepted space standards and are adjusted to an existing design for a 20-cell complex.
- b. Assumes this structure will be an addition to an existing institution with all activity for prisoners sentenced for execution to be limited to this maximum security unit.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 7

- c. Assumes only the usual 6% equipment factor and does not include costs for whatever type of equipment would be appropriate for the specified method of execution.
- d. It is estimated that the cost will be \$300 per square foot, considering the fact that this unit must be more secure than other facilities under construction and the relatively small size of the building. No indoor recreation room has been projected.

<u>Area Identification</u>	<u>Square Footage</u>
Core Area (44' x 44')	1936
-Control Room, Sallyport	
-Visitation (Attorney, Secure)	
-General Movement	
-Storage	
-Mechanical Room	
Housing Wings	
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-20 Cells @ 80 sq. ft. gross each	
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	x \$300/sq. ft.
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Secure Outdoor Recreation	
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Total Building Cost	\$2,064,200
-30% Administration/Overhead	619,260
TOTAL PROJECTED COST	\$2,683,460

- 2. Salaries and related costs are detailed on "Request for New Positions" attached. It is estimated that Operating Costs would not begin until January of 1989 due to time needed for construction, so funds are included for only six months of FY89.

Position Title Correctional Officer II		No. of Positions 15	Range/Step 13B	Barg. Unit GGU														
Time Status PFT	Staff Months 90	Location Seward		Election District														
Type of Expenditure		Justification																
		This facility, even though attached to an existing institution, would require two additional fixed guard posts and one post for roving patrol, due to the high security and high risk nature of the unit.																
		To man one post 24 hours per day, 7 days per week requires at least 5 Correctional Officer II's. Three additional posts will require a minimum of 15 CO II's.																
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CIP Receipts	1061																	
Other																		

**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

FY 88

Position Title Correctional Officer III		No. of Positions 5	Range/Step 15A	Barg. Unit GGU
Time Status PFT	Staff Months 90	Location Seward		Election District
Type of Expenditure		Justification		
1	2	3	Five supervisory Correctional Officer III's will be required to fill the compliment for the three added posts in addition to the fifteen CO II's.	
Salary	92,230		The cost for one-half of FY89 is as follows:	
Benefits	34,680		\$18,446	Salaries
Premium Pay			6,936	Benefits
Other			\$25,382	
Total Personal Services		126,910		
Travel		1,000		
Contractual				
Commodities		1,000		
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Other			200	Travel (training)
Total Cost		129,660	200	Standard Supplies (\$400 per year)
			150	Equipment
			\$25,932	
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	129,660		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

FY 88

Page 5 of 5
 Revised Date

Survey indicates 84% support death penalty

By LAWRENCE KILMAN
The Associated Press

NEW YORK — An unprecedented 84 percent of Americans approve of the death penalty, according to a Media General-Associated Press survey, even though half of those believe the death sentence is not imposed fairly from case to case.

The poll, taken at a time when more than 1,400 inmates are on death row, 38 states are empowered to kill them and executions are occurring at an accelerating rate, also says that a majority of people who support the death penalty believe it should not be imposed in all murder cases.

"The first thing that

emerges is, support for the death penalty is at an all-time high," said Philip W. Harris, an assistant professor of criminal justice at Temple University in Philadelphia.

"This poll probably puts support for the death penalty higher than I've ever seen before," said Harris, who helped formulate the questions in the

Media General-AP survey.

Crime, and the failure of law officers and courts to curb it, seem to be the prime reasons for the growth in support for capital punishment.

"There seems to be now a resurgence of dissatisfaction about the amount of crime in the streets," said Walter Berns, resident scholar at the

American Enterprise Institute for Public Policy Research in Washington, D.C., and author of the book, "For Capital Punishment."

And Henry Schwarzschild, director of the capital punishment project of the American Civil Liberties Union, said support for the death penalty was unlikely to drop in the

near future.

"We're not going to get a substantial reconsideration of that until ... they are no longer quite so afraid of crime," he said. "I don't think that is a matter of a year or two, I suspect that may be as long as a generation, almost — 10, 15, 20 years."

See Back Page, POLL

Poll indicates 84% of Americans support death penalty

Continued from Page A-1

When the U.S. Supreme Court set forth death penalty guidelines in 1976, concern focused on how Americans would react to the resumption of executions after 10 years. Would they consider executions justified, or legalized murder?

Since then, 35 men and one woman have been executed, with 21 dying in 1984 and four killed in the first two weeks of 1985. The civil liberties union says there may be 50 to 60 executions by the end of the year.

"Everybody was worried about how the public would respond to executions once we really started killing people," Harris said. "The poll says it (the resumption of capital punishment) has increased strength for the death penalty."

Support for the death penalty has been growing steadily since 1964, when the Gallup Organization said only 45 percent of Americans supported it. In 1983, the Gallup poll found 72 percent of Americans supported the death penalty.

But the Gallup poll and others like it gave respondents only two choices: do you favor or oppose the death penalty for persons convicted of murder? The Media General-AP poll asked, "In general, do you feel the death penalty should be allowed in all murder cases, only in certain circumstances, or should there be no death penalty at all?"

"The way a question gets asked makes a big difference," Harris said. "This is probably a more accurate reading of

How death penalty survey was taken

The Associated Press

Respondents in the Media General-Associated Press poll included a random, scientific sampling of 1,476 adults across the country taken Nov. 12-19. As with all sample surveys, the results of Media General-AP telephone surveys can vary from the opinions of all Americans because of chance variation in the sample.

For a poll based on about 1,400 interviews, the results are subject to an error margin of 3 percentage points either way because of chance variations in the sample. That is, if one could have questioned all Americans with telephones, there is only 1 chance in 20 that the findings would vary from the results of polls such as this one by

more than 3 percentage points.

Of course, the results could differ from other polls for several additional reasons. Differences in exact wording of questions, differences in when the interviews were conducted and different methods of interviewing could also cause variations.

Media General Inc., a communications company based in Richmond, Va., publishes the Richmond Times-Dispatch and the Richmond News Leader; the Tampa (Fla.) Tribune, and the Winston-Salem Journal and the Winston-Salem Sentinel in North Carolina. The company's television stations are WXFL in Tampa, WCBD in Charleston, S.C., and WJKS in Jacksonville, Fla.

where the American public is. They don't support it in all circumstances."

Of the 1,476 adults surveyed nationwide, 57 percent said the death penalty was appropriate in certain circumstances and only 27 percent said it should be used in all murder cases. Twelve percent said there should be no death penalty, and 4 percent weren't sure.

Those who said it was justified in certain circumstances most often cited such special cases as brutal murders, the murder of children or law officers, murdering more than one person and murders for hire.

Blacks and whites had significantly different attitudes. Only 8 percent of blacks supported the death penalty in all murder cases, compared to 28 percent of whites. Twenty-eight percent of blacks said there should be no death penalty, compared to 11 percent of whites. But 58 percent of each

group said they favored the death penalty under certain circumstances.

The Media General-AP poll also said that among those who supported the death penalty, half believed it was not carried out fairly from case to case.

The majority of respondents also said they believed minorities and poor people were more likely to receive the death penalty than those who are better off.

"It puzzles me greatly that people can say it is unfairly imposed and still advocate it," said William J. Bowers, director of the Northeastern University Center for Applied Social Research. "You can't justify a system that is unfair — especially if you acknowledge it."

The support for the death penalty by people who thought it was unfair disturbed other death penalty opponents, too.

"It's a country without much of a social conscience right now," said John Ackeman, a Houston attorney and former president of the National Association of Criminal Defense Lawyers.

The fairness question may have an element of "subliminal racism" in it, said Schwarzschild.

"They feel that the crime comes from those elements of the population towards whom the death penalty is discriminatory," he said. "And therefore, it is a safety margin in a sense to have the death penalty be a particular threat to them."

But Harris noted another possibility.

"There must be a pretty strong belief that the death penalty makes a big difference," he said. "If it didn't matter, then I think issues of fairness and discrimination would affect public opinion."

Anch. Daily News 01/29/85

Most Americans favor use of capital punishment, poll shows

By LAWRENCE KILMAN
The Associated Press

NEW YORK — Ten years after Gary Gilmore was executed by firing squad, the vast majority of Americans continue to support the death penalty, and many want it used for crimes other than murder, according to a Media General-Associated Press poll.

Eighty-six percent of Americans support the death penalty, about the same percentage who supported it when a similar Media General-AP poll was conducted two years ago.

Fifty-six percent of people think the death penalty should be used only in certain cases,

such as murders of children, police officers or multiple murders. Only 30 percent of the 1,251 adults surveyed nationwide thought the death penalty should be used in all murder cases.

Eleven percent said there should be no death penalty at all, and 3 percent weren't sure.

When asked if the death penalty was appropriate for crimes other than murder, 47 percent said yes. Slightly more than half of them said it should be imposed in rape cases, about one-third cited child molestation or abuse, 20 percent said treason, and 14 percent said drug dealing.

Forty-seven percent did not think the

death penalty should be imposed for crimes other than murder, and the rest were unsure.

Support for the death penalty is overwhelming even though half the respondents thought it was wielded unfairly from case to case, according to the poll. Even among those who believe it is inequitable, 83 percent support it.

Although executions no longer generate the kind of publicity that accompanied Gilmore's execution Jan. 17, 1977, most Americans do not consider executions routine. Two-thirds of the respondents said they continued to pay as much attention to executions as they had in the past.

Gilmore was the first person executed

after the U.S. Supreme Court reinstated the death penalty in 1976. Sixty-six men and one woman have been put to death since then.

Support for the death penalty reached a low ebb in 1964, when the Gallup Organization said only 45 percent of Americans supported it. The Gallup Poll conducted last January said 70 percent supported the death penalty for murder, 22 percent opposed it and 8 percent had no opinion.

The Gallup Poll gives respondents two choices: do you favor or oppose the death

See Page G-5, POLL

Anchorage Daily News

POLL: U.S. supports capital punishment

Continued from Page G-1

penalty for murder? The Media General-AP poll asked: "In general, do you feel the death penalty should be allowed in all murder cases, only in certain circumstances, or should there be no death penalty at all?" Question wording can account for differences in poll results.

The Media General-AP poll also asked supporters of the death penalty what they thought was the main justification for it. Forty-two percent said it was "to protect society from future crimes that person might commit." One-third said "to deter others from committing serious crimes," and 19 percent said "to punish that particular person."

The percentages were about the same when the question was asked two years ago.

Support for the death penalty crossed all religious, educational, economic and regional differences. However, blacks and whites had significantly different attitudes.

Twenty percent of blacks supported executions in all murder cases, compared with 30 percent for whites. One-third of blacks said there should be no death penalty, compared with 9 percent of whites.

Respondents in the Media General-Associat-

ed Press poll included a random, scientific sampling of 1,251 adults across the country Nov. 7-14. As with all sample surveys, the results of Media General-AP telephone polls can vary from the opinions of all Americans because of chance variation in the sample.

For a poll based on about 1,200 interviews, the results are subject to an error margin of 3 percentage points either way because of chance variations in the sample. That is, if one could have questioned all Americans with telephones, there is only 1 chance in 20 that the findings would vary from the results of polls such as this one by more than 3 percentage points.

Of course, the results could differ from other polls for several reasons. Differences in exact wording of questions, in the timing of interviews and in the interview methods could also cause variations.

Media General Inc., a communications company based in Richmond, Va., publishes the Richmond Times-Dispatch and the Richmond News Leader; the Tampa (Fla.) Tribune, and the Winston-Salem Journal in North Carolina. The company's television stations are WXFL in Tampa, WCBD in Charleston, S.C., and WJKS in Jacksonville, Fla.

- Juneau Empire

10-24-85

Poll: Death penalty has big support

The Juneau Empire

Rep. Fritz Pettyjohn, R-Anchorage, said Alaskans in a recent poll favored capital punishment 3-1 so he is beginning an initiative drive to get a measure legalizing the death penalty in Alaska.

Pettyjohn, who sponsored an unsuccessful attempt to get a death penalty bill passed in the legislature last year, said he began the initiative drive last week at the urging of a murder victim's family in Anchorage.

Speaking to the Juneau chapter of Rotary International on Tuesday, Pettyjohn said a recent Dittman Research poll showed that Alaskans favored instituting capital punishment for certain crimes by a 3-1 margin.

The death penalty is currently legal in 37 states.

Pettyjohn said a group called Alaskans For Justice has 500 people circulating a petition in various parts of the state in an effort to gather the 21,000 signatures needed to put the issue before voters on the November 1986 ballot.

Pettyjohn said he didn't know how many signatures the group has gotten so far.

"There's broad-based support for capital punishment in the state," Pettyjohn said. "It would be used in cases that deserve the ultimate punishment."

The measure would allow the death penalty for first-degree murder case with aggravating factors such as:

- Deliberate cruelty such as mutilation, rape, or kidnapping.
- Multiple murders.
- Offense against the governor or the president.
- Prior first-degree murder convictions.
- Murder of a policeman or corrections officer.
- Murder of a child under 10 years old.
- Contract killings.

As written by Pettyjohn, the measure calls for the jury and the judge in the case to agree that the death penalty should be imposed in a particular case, then it would automatically be reviewed by the state Supreme Court within 60 days. The defendant would have the choice of dying by firing squad or lethal injection.

"I believe the death penalty can serve as a deterrent," Pettyjohn said. "The fellow that's executed is deterred. If one innocent life is saved because of this then it's worthwhile."

Death penalty support at an all-time high: poll

Despite feeling of unfairness, most approve of death sentence

Editor's Note: Few issues are argued as vigorously as the death penalty, and a new Media General-Associated Press poll says support for executions is at an all time high. This story probes the depth of that support and the issues it raises.

By LAWRENCE KILMAN
The Associated Press

NEW YORK — An unprecedented 84 percent of Americans approve of the death penalty, according to a Media General-Associated Press survey, even though half of those believe the death sentence is not imposed fairly in case to case.

The poll, taken at a time when more than 1,400 inmates are on death row, 38 states are empowered to kill them and executions are occurring at an accelerating rate, also says that a majority of people who support the death penalty believe it should not be imposed in all murder cases.

"The first thing that emerges is, support for the death penalty is at an all-time high," said Philip W. Harris, an assistant professor of criminal justice at Temple University in Philadelphia. "This poll probably puts support for the death penalty higher than I've ever seen before," said Harris, who helped formulate the questions in the Media General-AP survey.

Crime, and the failure of law officers

and courts to curb it, seems to be the prime reason for the growth in support for capital punishment.

"There seems to be now a resurgence of dissatisfaction about the amount of crime in the streets," said Walter Berns, resident scholar at the American Enterprise Institute for Public Policy Research in Washington, D.C., and author of the book, "For Capital Punishment."

And Henry Schwarzschild, director of the capital punishment project of the American Civil Liberties Union, said support for the death penalty was unlikely to drop in the near future.

"We're not going to get a substantial reconsideration of that until... they are no longer quite so afraid of crime," he said. "I don't think that is a matter of a year or two. I suspect that may be as long as a generation, almost — 10, 15, 20 years."

When the U.S. Supreme Court set forth death penalty guidelines in 1976, concern focused on how Americans would react to the resumption of executions after 10 years. Would they consider executions justified, or legalized murder?

Since then, 35 men and one woman have been executed, with 21 dying in 1984 and four killed in the first two weeks of 1985. The ACLU says there may be 50 to 60 executions by the end of

the year.

"Everybody was worried about how the public would respond to executions once we really started killing people," said Harris. "The poll says it (the resumption of capital punishment) has increased strength for the death penalty."

Support for the death penalty has been growing steadily since 1964, when the Gallup Organization said only 45 percent of Americans supported it. In 1983, the Gallup poll found 72 percent of Americans supported the death penalty.

But the Gallup poll and others like it gave respondents only two choices: do you favor or oppose the death penalty for persons convicted of murder? The Media General-AP poll asked, "In general, do you feel the death penalty should be allowed in all murder cases, only in certain circumstances, or should there be no death penalty at all?"

"The way a question gets asked makes a big difference," Harris said. "This is probably a more accurate reading of where the American public is. They don't support it in all circumstances."

Of the 1,476 adults surveyed nationwide, 57 percent said the death penalty was appropriate in certain circumstances and only 27 percent said it should be used in all murder cases. Twelve percent said there should be no death penalty, and 4 percent weren't sure.

Those who said it was justified in certain circumstances most often cited such special cases as brutal mur-

ders, the murder of children or law officers, murdering more than one person and murders for hire.

Blacks and Whites had significantly different attitudes. Only 8 percent of Blacks supported the death penalty in all murder cases, compared to 28 percent of Whites. Twenty-eight percent of Blacks said there should be no death penalty, compared to 11 percent of Whites. But 58 percent of each group said they favored the death penalty under certain circumstances.

The Media General-AP poll also said that among those who supported the death penalty, half believed it was not carried out fairly from case to case. Among those who believe the death penalty should be used only in certain circumstances, 53 percent said they believed it was imposed unfairly.

The majority of respondents also said they believed minorities and poor people were more likely to receive the death penalty than those who are better off.

"It puzzles me greatly that people can say it is unfairly imposed and still advocate it," said William J. Bowers, director of the Northeastern University Center for Applied Social Research. "You can't justify a system that is unfair — especially if you acknowledge it."

The support for the death penalty by people who thought it was unfair disturbed other death penalty opponents, too.

"It's a country without much of a social conscience right now," said John Ackerman, a Houston attorney

and former president of the National Association of Criminal Defense Lawyers.

The fairness question may have an element of "subliminal racism" in it, said Schwarzschild, one of the country's best known death penalty opponents.

"They feel that the crime comes from those elements of the population towards whom the death penalty is discriminatory," he said. "And therefore, it is a safety margin in a sense to have the death penalty be a particular threat to them."

But Harris noted another possibility.

"There must be a pretty strong belief that the death penalty makes a big difference," he said. "If it didn't matter, then I think issues of fairness and discrimination would affect public opinion."

■ ■ ■

Respondents in the Media General-Associated Press poll included a random, scientific sampling of 1,476

adults across the country taken Jan. 12-19. As with all sample surveys, results of Media General-AP telephone polls can vary from the opinion of all Americans because of chance variation in the sample.

For a poll based on about 1,400 interviews, the results are subject to a margin of 3 percentage points either way because of chance variations in the sample. That is, if one had questioned all Americans via telephone, there is only 1 chance in 100 that the findings would vary from results of polls such as this one by more than 3 percentage points.

Of course, the results could differ from other polls for several additional reasons. Differences in exact wording of questions, differences in when interviews were conducted and different methods of interviewing could also cause variations.

Media General Inc., is a communications company based in Richmond, Va.

We favor the death penalty

*Juneau
Empire
3/7/83*

Eight people are shot to death and then set afire aboard a fishing boat anchored near Craig.

Six McCarthy residents are gunned down in cold blood.

Four Anchorage teen-agers are chased down and shot to death as they walk through a park.

Two elderly Juneau residents are bound, stabbed 60 times until they die and then sexually assaulted.

Listed above are multiple murders that happened in our state during the last year. These are not just crimes; they are outrages against society. The grief they have caused cannot be measured in prison sentences; it is not enough just to take those criminals off the streets.

For crimes so shocking, so hateful, we believe the death penalty should be imposed.

The death penalty cannot be debated without emotion.

In arguing against it, many people believe a "civilized society" should never take a life. They argue the "eye for an eye" tenet should never be applied, and that the sentence is not a deterrent.

In the vast majority of cases, those arguments stand up. A person who acts in a moment of passion, even if he kills another person, should be given the benefit of the doubt and no death penalty should be allowed.

In the some cases, though, the criminal has suspended the rules of humanity.

Multiple murders — when a person kills one person and then keeps on killing — do not qualify the criminal for the compassion of society.

Neither do planned murders.

Neither does the killing of a law officer.

A death sentence should be imposed only after all possible avenues of appeal are pursued, and there exists no shadow of a doubt that the criminal's rights have been protected and that he or she is guilty as charged.

The Alaska Legislature is reviewing proposals to reinstate the death penalty. We urge its members to adopt such a proposal, as long as it guarantees that all appeals may be pursued.

We do not take joy in advocating such a position. In fact, sometimes it hurts to advocate what we believe is the right thing. But it hurts us not nearly as much as it hurts the friends and families of victims of such horrible crimes and the society that allows such criminals to live.

High court deals crushing blow to death penalty foes

By RICHARD CARELLI

THE ASSOCIATED PRESS

WASHINGTON — The Supreme Court, in a crushing defeat for opponents of capital punishment, ruled today that state death penalty laws are constitutional even when statistics indicate they have been applied in racially biased ways.

By a 5-4 vote, the justices upheld Georgia's death penalty law.

They said statistics showing that killers of white victims draw death sentences far more frequently than killers of black victims do not establish that the Georgia system violates the Constitution's equal-protection guarantees.

The closely watched Georgia dispute, perhaps the most important capital punishment case in a decade,

into doubt the fates of hundreds of the nearly 1,900 men and women on death rows nationwide.

Writing for the court's majority, Justice Lewis F. Powell said the statistical study of Georgia's death penalty system "at most indicates a discrepancy that appears to correlate with race."

Powell added: "Apparent disparities in sentencing are an inevitable part of our criminal justice system. Where the discretion that is fundamental to our criminal process is involved, we decline to assume that what is unexplained is invidious."

The ruling upheld the death sentence given to Warren McCleskey for the 1978 murder of an Atlanta policeman.

McCleskey's hopes to avoid death in the state's electric chair had been pinned on a study by a University of

Georgia that found that killers of whites were 11 times more likely to receive the death penalty than were those who killed blacks.

Looking at those cases in which juries had the greatest discretion in deciding whether to impose death or life in prison, Baldus found that killers of whites were four times more likely to receive death sentences.

"The Baldus study does not demonstrate a constitutionally significant risk of racial bias affecting the Georgia capital-sentencing process," Powell wrote today.

"The Constitution does not require that a state eliminate any demonstrable disparity that correlates with a potentially irrelevant factor in order to operate a criminal justice system that includes capital punishment," Powell said.

He said it is state legislatures, not the courts, which must evaluate such statistical studies and determine

joined Powell's opinion.

Justices William J. Brennan, Thurgood Marshall, Harry A. Blackmun and John Paul Stevens dissented.

"Narrowing the class of death-eligible defendants is not too high a price to pay for a death penalty system that does not discriminate on the basis of race," Brennan wrote for the four dissenters.

Nationwide, about 95 percent of death row inmates killed whites even though blacks are more often the victims of murder in this country.

Capital punishment opponents previously acknowledged that McCleskey's case may represent the last broad-based assault on the death penalty. Since 1984, the high court has ejected two other broad appeals.

It ruled that death sentences may be meted out even

Accomplices can be executed, high court rules

By DAVID G. SAVAGE

Los Angeles Times

WASHINGTON — Expanding the grounds for capital punishment, the Supreme Court ruled Tuesday that a person who participates in a crime leading to murder can be put to death, even if he did not intend that the victim be killed.

On a 5-4 vote, the Supreme Court dramatically undercut a 1982 ruling that prohibited death sentences for unwitting accomplices in a murder.

This time, with a conservative majority in charge, the justices concluded that a major participant in a crime who stands by "utterly indifferent" as an innocent person is murdered commits a crime that "may be among the most dangerous and inhumane of all," Justice Sandra Day O'Connor wrote for the court.

Death penalty foes said that they were distressed by the ruling, saying that it appeared to strip away a key defense in many capital punishment cases.

The ruling could also affect

sentences in 26 other states. Of the 37 states that authorize the death penalty, only 11 limit it to actual killers.

The 1982 ruling had permitted the death penalty only for defendants who killed, attempted to kill and intended that a killing take place. The new ruling applies it to all major participants in a crime that led to murder.

In her opinion, O'Connor, who at the time of the crime was an Arizona appeals court judge, described how Ricky Tison, 19, and his brother Raymond, 18, freed their father, Gary, from prison.

Two days after the escape, with their car broken down in the desert, the three men flagged down an auto carrying John Lysons, his wife, a 2-year-old son and a 15-year-old niece.

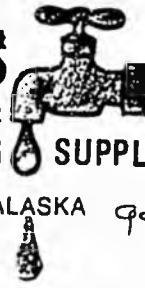
Gary Tison ordered the family from the car, and ignoring their pleas for mercy, killed all four with shotgun blasts.

Police captured the two sons, but the father escaped into the desert and died.

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MAR 27 1987

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HEATING SUPPLY



ANCHORAGE, ALASKA 99501

Phone 279-4586

3100 Mountain View Drive

3-25-87

Senator Mitch Abelson
Panel II
Juneau, AK 99811

Dear Mitch,

Let's get going on a capital
punishment bill! The need is today,
not 10 yrs from now! Look at our
Anchorage papers these last few days.

We also don't need HB154 or
SB 148. Refer to letter enclosed by
Jenny McCutchen. We do need SB 128
passed today! Makes sense.

Thanks for your attention.

Sincerely,

DeDagne Lienhart

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MAR 27 1987

Richard M

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... ATTORNEY ...

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ANCHORAGE, ALASKA 99501

MAR 28 1987

Phone 279-4586

3100 Mountain View Drive

3-25-87

Senator Paul Fisher
P.O. Box V
Juneau, AK 99811

Dear Paul,

Let's get the capital punishment bill
passed in June today. We cannot stand
still any longer. Today is the day.
You are the Senate leader on this,
so let's get it done. I will come
down and help if I can.

We also need SB 128 and
don't need SB 148 or HB 154.

Thanks,

Sincerely,
Wagne Swenbert

Dear Senator Mitch:

- Our JAILS ARE PACKED TO THE MAX.
- Our VIOLENT CRIME RATE IS ON THE RISE
- EVERYONE I HAVE TALKED TO — QUITE
A NUMBER — ARE IN FAVOR OF
CAPITAL PUNISHMENT.

• NOW IS THE TIME TO PUT IT TO A
← VOTE, LET THE PEOPLE DECIDE.

• IF YOU WANT/NEED A PETITION,
I CAN HAVE ONE FOR YOU
IN A SHORT TIME.

• LET'S CLEAN UP OUR STATE
OF CRIME !! IT'S AN
OUTRAGE!

High School Student Found Slain; many leads reported

By KRIS CAPPS
Staff Writer

The slain body of 17-year-old Kathy R. Stockholm was found on the side of a road, in plain view near Salcha shortly after midnight this morning, more than 30 miles from where she mysteriously disappeared Monday night.

Today, Crimestoppers offered a \$1,000 reward to anyone providing information leading to the arrest and indictment of the person responsible. Chena Kiwanis also offered a reward of up to \$10,000 for the same information.

Alaska State Trooper investigators said public response to their requests for information has been tremendous and they have many, many leads. But at this time, there are no suspects.

The cause of death was not immediately apparent, Troopers said. An autopsy is scheduled for later today.

Investigators, who worked on the case all night, released few details this morning. Someone called Troopers at 11:30 p.m. and reported finding the body, but it isn't known if that call was anonymous. Troopers have also not revealed exactly where the girl's body was found near Salcha.

The West Valley High School senior disappeared Monday night when she left home to retrieve (See CASE, Back Page)



RUITLESS SEARCH—This photo of 17-year-old Kathy Stockholm was distributed to searchers who combed the area surrounding West Valley High School all day Tuesday. At the command center in the high school parking lot, searchers used a map to divide the area to be searched.

Randy Belinsky News-Miner

(Continued from page 1)

schoolbooks from the high school at about 8:45 p.m. She never came home. Her parents went to check on her and found the car she had been driving unlocked and running in the high school parking lot.

A popular student at West Valley, she was the daughter of Ken R. and Helen Stockholm. Her father is an assistant professor at the University of Alaska-Fairbanks.

Troopers said she didn't fit the mold of a runaway, and they began looking for her immediately.

Monday night, Troopers searched the school building and trails in surrounding woods. They checked the airport and called her friends. When she wasn't found, the volunteer Wilderness Search and Rescue group was called in and a full-scale search began Tuesday morning.

Searchers who hunted for the girl all day conducted their task with mixed emotions. They were determined to locate her if she was living

hoped they wouldn't find her because that would mean she might still be alive.

"Most of the time, we're looking because someone is lost and we know they're lost," said Trooper Chuck Lamica, who helped direct the search. "She's missing, but we don't know why or how."

Volunteers pored over maps and coordinated the search from inside a large white Trooper van in the high school parking lot.

Searchers combed the woods around the school and even brought in a dog to track her scent.

A giant schnauzer, trained to find lost people, traced her path from the school to the edge of the walkway outside the front door. The trail ended there, leading searchers to believe she got into a car.

The dog handler said the way the dog behaved at the edge of the sidewalk indicated to her that "someone was either very angry or very upset." People give off certain chemicals when they

detect them, she said.

The girl apparently retrieved the book she came for, because it was not in her locker, Troopers said.

Initially, searchers combed the area between Geist Road, University Avenue, Fairbanks Street, and the university. But they soon expanded the search to Yankovich Road, the Parks Highway and Chena Ridge.

Meanwhile, other volunteers searched snowmachine trails and "lonely spots" nearby. Some searchers routinely checked dumpsters and other likely spots where a body might be easily disposed.

And in the back of their minds, searchers remembered that several weeks ago, a woman was raped near the Fairbanks Street bridge.

"There's nothing to tie that in with this, but we're using it as a reference," said one searcher.

At 11:30 p.m., someone called Troopers and reported finding a body near Salcha, about 30 miles

TO THE EDITOR:

March 26, 1987
P.O.Box 74363
Fairbanks, AK 99707

To the family of Kathy Stockholm, my sincere sympathies. Likewise, to all all the other families who have also lost a loved one to an act of violence. It is a horrible accounting of our degenerative society. Wednesday's workday (the 25th) was filled with everyone's expressions and sorrows for yet another pointless, unexplainable murder.

Where does it end? How many more unnecessary, violent rapes/murders will we tolerate before taking the necessary steps to try to prevent future tragedies? Shall we continue to shake our heads, cry a little; all the while becoming DESENSITIZED to these crimes? What will it take for our lawmakers (or the vote of "We the People") to enact a powerful enough deterrent to put an end to this sadness?

Sadly enough, we don't feel threatened by any of it UNTIL it hits close to home. Ergo, take a moment... and just try to...

Imagine any atrocity happening to your grandmother, mother, aunt, sister, daughter, granddaughter, the little girl next door, son, brother, little boy next door.

Imagine a loved one not returning home ... the joy you shared that morning with her/him, turning to a chilling horror, a gut-wrenching sickness upon the realization...

Imagine having to go identify your daughter or mother, son or brother, a loved one at the morgue after what they've been through.

We are dealing with UNADULTERATED, PREMEDITATED, COLD-BLOODED MURDER!!

The way I see it what happened to Stephen Welch was preventable. If Harrington fit this character profile to such a "T", why was he EVER permitted PAROLE? It was ALL SO PREDICTABLE, the papers tell us!! Not to mention the fact, that once incarcerated the recidivism rate is the RULE as opposed to the exception. Check out the records. And we pay for their incarceration.

Once they catch the person responsible for Kathy Stockholm's death will there be a past police record, will there have been a period (or two or three) of incarceration, will the perpetrator fit some "Ideal" mold, also. I will be watching the papers as that is our ("J.Q.Public's") only outlet of info, if they see fit to put it all into print as selective as the papers can be with information.

Speaking of selectively informed, brings to mind the University of Alaska - Fairbanks assuming a hush-hush attitude towards the numerous rapes which occur on campus. They are all too concerned about bad publicity, bad press, I suppose. Whatever the rationale, if one rape could be prevented as a result of putting out bulletins, warnings thereof then it would be well worth it! Would-be rapists might reconsider knowing everyone was on the alert.

Perhaps if they bring the Capital Punishment bill to the ballot this session you should recall the Kathy Stockholm's, the Stephen Welch's, the Lori King's, the Doris Oehring's & on & on & on. It may sound inhumane, it may sound harsh; however, the harsh reality is innocent children and women are being raped and murdered, deprived of life because another human is not fit to live within the established norms.

In a capital punishment case a jury will make the final decision as to what the sentence should be anyway, all very democratic. Educate yourself on this bill, read up on it. Call your legislators. What it (Capital Punishment) would hope to accomplish is to act as a VERY NEEDED DETERRENT to these sickos! States that do have capital punishment don't find call to use it too often. The killers/rapists will go to a bordering State as opposed to committing the act in a State where they could face capital punishment. A bordering State to Alaska leaves Canada. By the time "would-be killer/rapist" arrived in a good-ole U.S. state again, perhaps, they'd have re-thought their motives.

It sickens me to realize that anymore a walk with my daughter through a narrow, wooded path (albeit, a short path & close to home) could bring us to a violent death as opposed to being the essence of peacefulness and beauty as it was intended to be! That we have to now fear or be wary of our fellow man rather than befriend and help someone in trouble, is a sad tale indeed. This is what it has come to.

Sincerely UPSET in
"Fairbanks... My Choice",

Becky Ringstad

cc: Senators Stevens & Murkowski
Senator Jan Faiks & Don Bennett
House Representatives
Anchorage Daily News
Alaska Women's Lobby
National Organization of Women

March 20, 1987

RECEIVED
MAR 21 1987

Senator Mitch Abood
P.O. Box V
Juneau, Alaska 99811

Dear Senator Abood:

I am so outraged by the recent murder of a woman and her two small daughters, here in Anchorage, that I am moved to communicate to you my absolute support of a death penalty for heinous crimes such as this.

As taxpayers and citizens of this fine state, we cannot and should not tolerate anything less than an immediate and final solution to the aberrant criminal element that threatens, not only our ability to live and raise our children in an environment free of fear, but our very lives.

As a life long Alaskan, I have been privileged to live my life in close proximity to the natural and wild life that coexist in this great land. Many lessons can be learned from nature, and what can be deemed cruel and terrible by some observers is nevertheless, necessary to the natural order of life.

Death and disease are integral parts of life. Individuals who engage in wanton acts of murder against innocent victims are a malignant evil that MUST be eradicated from our society. In my opinion, the death penalty serves the same purpose as medical efforts to eliminate cancer from a human body. I don't hear of any bleeding hearts crying over destroyed cancer growths.

I am fervently opposed to incarceration for this category of criminal. It is a travesty of justice to spend tax dollars to support these individuals, when we are unable to provide basic needs for the indigent among us. Also, as we all know, the judicial system will, more likely than not, eventually release these deranged criminals, to prey on more innocent victims. We must take a firm and immediate stand on this vital issue, and I beg your support.

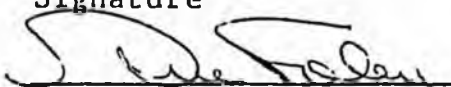
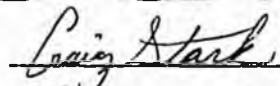
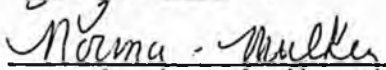
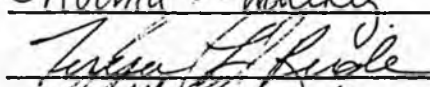
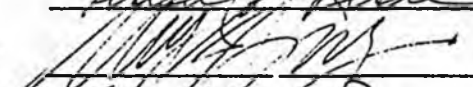
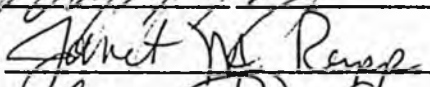


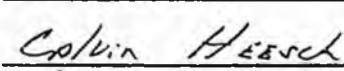
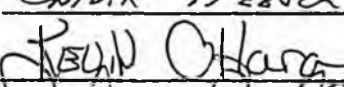
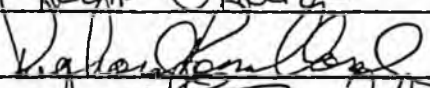
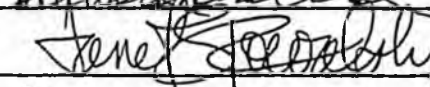
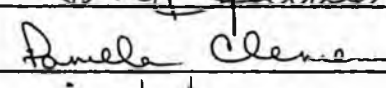
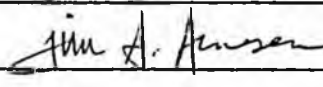
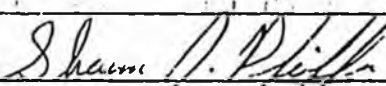
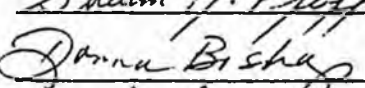
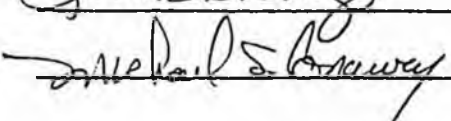
Sincerely,

Lila J. Vogt
2104 Lincoln
Anchorage, Alaska 99517

cc: Steve Cowper, Governor
Jay Kerttula, Chairman, Judiciary Committee
Arliss Strugulewski, Vice-Chair, Judiciary Committee
Joe Josephson Member, Judiciary Committee
Rick Halford, Member, Judiciary Committee
Pat Rodey, Member, Judiciary Committee

Mar. 20, 1987

I, the undersigned below, have read the attached letter to Senator Abood from Lila J. Vogt, in support of a death penalty and having read so, agree to its contents and fully support her stand on this issue.

Printed Name	Signature	Address	Length of Alaskan Residency
Sue Foley		5308 Cape St.	38 years
Craig Stark		701 West 58th Anch.	8 years
Norma Mulkey		100 Pacific View Dr. Anch	30 yrs.
Teresa L. Kude		2945 Seawood Dr	5 yrs.
JANET L. SPRENG		3405A Cape Road 99503	27 yrs.
Janet M. Rupp		1011 West 77 th 99518	7 years
LARRY CHAMBERS		1011 W. 77 th Anch 99518	5 yrs.
Born Heesch		3407 Cape #B 99503	5 yrs
Colin Heesch		3407 Cape #B 99503	6 years
KEVIN OHARA		3307 DORBRANT	12 yrs
Richard Remillard		1011 W 77 th	5 yrs
Janet Kowalski		1800 Shore Drive 99515	8 years.
Danella Clemens		13411 Diggins Dr 99515	32 yrs
JIM A. ARNESEN		1800 Shore Dr. 99515	15 yrs.
SHAWN J. PFEIFFER		7020 LINDEN CIRCLE 99502	19 yrs
DONNA BISHOP		6920 Cape 99518	8 yrs
Michael S. Graway		P.O. Box 774429 Eagle River AK	22 yrs

LETTERS FROM THE PEOPLE

I have been a resident of this state for twenty years and have seen this town explode with criminal activities.

I fully support Sen. Mitch Abood's comment on Capital Punishment. We have demented people committing senseless murders, rapes, and burglaries at the expense of innocent people's lives. No person should ever be allowed a second chance when they have taken another person's life, with no apparent regret or reason, short of self-defense.

How can anyone truly understand the pain and grief suffered by the loss of a family member or friend murdered or maimed by some crazed criminal? Perhaps you cannot undo that which has been done, but "Justice" can help to see that it does not happen again.

As a taxpayer, I shouldn't have to pay for the room and board of a criminal who has no respect for human life. I, as a citizen of the State of Alaska, support Sen. Mitch Abood's decision on bringing up the subject on "Capital Punishment" 100%.

Take time to review the events of the last two years. That alone should help you give serious thought about this issue. Think of the innocent people that can no longer enjoy their family, friends or relatives in this world because they lost them at the hands of someone very disturbed or simply greedy.

Linda J. Travers
701 W. 41st Avenue, Suite 201
Anchorage, Alaska 99503

Confidential:

Wk: 907-561-6866, 8-5pm.

H... 907-274-0040

Parla

(M)

KENAI.ALASKA.
MARCH.9.1987.

SENATOR: MR.MITCH.ABOOD.
POUCH V.JUNEAU.ALASKA.

DEAR SIR.

I WOULD LIKE TO ADDRESSE THIS LETTER TO [SB7]. A BILL ADDRESSING " CAPITOL PUNISHMENT " DEATH PENALTY.

I WHOLE HEARTEDLY SUPPORT THIS BILL. INCLOSED ARE BIBLE PASSAGES IN SUPPORT OF THIS BILL.

IF OUR NATION AND THIS STATE OF ALASKA IS EVER GOING TO PUT A STOP TO THE TERRIBLE CRIMES OF MURDER, WE MUST START TO FOLLOW GODS DIVINE LAWS. THIS [SB7] IS JUST ONE OF THE 749 DIVINE LAWS THAT MUST BE PUT INTO IMMEDIATE FORCE.

THIS NATION CANNOT LONG SURVIVE UTTERLY DISREGARDING GODS COMMANDMENTS, STATUTES, AND LAWS. BUT THE BIBLE TELLS US, THAT WE WILL FINALLY COME TO OBEY AND EXECUTE ALL, AS ABOVE MENTIONED.

BE OF STRONG HEART, AND PASS THIS [SB7]. OUR REWARDS WILL START TO MANIFEST THEMSELVES QUICKLY. THE VIOLENT CRIME RATE WILL SUBSIDE IMMENSELY.

GOD BLESS ALL OF YOU LAWMAKERS IN JUNEAU. EACH AND EVERY ONE OF YOU ARE CHARGED WITH PROTECTING OUR LIVES AND PROPERTY.

SINCERLY.

Kenneth C. Scalf
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RECEIVED
MAR 11 1987

will, man was now able to choose his course, for before him lay two roads — one the way of life, and the other the way of death.

Transgression of the Law

Many have asked the question, What is sin? The answer is simple. Sin is disobedience to the commands of God, a refusal to keep His Laws. John declared this when he said, "SIN IS THE transgression of the law." (I. John 3:4)

Law, insofar as it regulates the conduct and action of men and nations, is a rule of action established by a recognized authority *with power to enforce justice and direct duty*. God is a recognized authority and He has full power to enforce His commands which must ultimately be observed, kept and obeyed; for the Divine Laws cannot be altered nor removed — they are a *constant* — and the passage of time has no effect upon them.

Enactments of Men

Human regulations, designated as law by men, are often but temporary acts of appeasement to counteract the result of the failure to keep and administer the Law of the Lord. By such means men have endeavored to meet their needs and to find a human solution for existing troubles which have in reality *resulted from the breaking of Divine Law*. Such man-made regulations undergo continual revision as time marches on! New generations come and changing conditions in the human experiment show the lack of foresight and wisdom in legislative enactments; for when the enactments of men are at variance with the Divine Law there can be only one result — *trouble for men*. This is true whenever men refuse to conform

with the laws of God which govern the universe; or fail to observe and keep God's moral, spiritual, and economic requirements — including the perfect laws of governmental administration.

Before considering the subject of Divine Law in its application to man, both individually and collectively, it is essential that we first settle satisfactorily the question of the entire scope and application of the Divine Laws, and man's relationship to these laws. This becomes necessary because of the prevalence of a *doctrinal teaching* which has had a definite influence upon Christian men and women to such an extent that it has led some to ignore God's injunction to observe and keep all His Laws. In thus ignoring the law such have failed to recognize the Divine plan of the operation of the Law of the Lord as it governs our physical well-being, economic security and national prosperity.

Perfection of the Law

The Psalmist, in speaking of the law, states, "The law of the Lord is perfect, converting the soul: the testimony of the Lord is sure, making wise the simple. The statutes of the Lord are right, rejoicing the heart: the commandment of the Lord is pure, enlightening the eyes." And although even this is said of the Law of the Lord, yet some ignore this declaration of the Psalmist, with its unmistakable clarity and meaning, and teach that they are free from the need of keeping His Laws. This doctrinal teaching is based on the assumption that because of Grace (the unmerited favor of God through His Son Jesus Christ), Christians have been exonerated from the need of keeping the law. If a man is free from keeping the law, however, he is at liberty then to violate that law and do so with impunity; and it would then follow that the gift of Grace be-

comes a license to be used as a cloak to cover sinning (for sin is the violation of the law), which is repugnant to all the teaching of the law and the direct commands of God as given in both the Old and the New Testaments.

Nowhere in Scripture is it stated that a Christian is free from the need of keeping the law. While the Word of God states that a Christian is not under bondage to the law, yet this freedom from bondage cannot in any sense be construed as a license to violate law. It is unfortunate that the gift of Grace has been used to perpetrate a doctrinal belief contrary to the clear teaching of the Bible. Violation of Divine Law is sin whether that law is violated by a Christian or a non-Christian, regardless of any doctrinal excuse that might be made for such violation.

Knowledge Essential

Now the scope of the Divine Law embraces all the needs, activities and requirements of men and nations; limiting, guiding and directing them in all the things that should, and should not, be done. Christians are amiss in not knowing and understanding these laws.

A knowledge of the Law of the Lord would unfold for Christians a much clearer concept of God's plans regarding His people than they have now. The possession of such information would open up before the Christian world the marvelous scope of that law in its entirety and in its application to the needs of men and nations. Such an understanding would once and for all settle the question that no one group of men, Christian or otherwise, are exempt from law observance. It would prove the absurdity of all the excuses given by men to justify their violation of the law; and would show that even to claim the right to ignore or violate Divine Law is, in itself, sin.

Definition of Sin

Sin, as defined in the dictionary, is wholly in accord with the Biblical definition of law violation. The dictionary states that sin is "Any want of conformity to or transgression of a rule of rectitude or duty, especially as made known through the conscience or the revealed Word of God: disagreement in thought, word, deed, or desire, whether by omission or commission, with the Divine Law."

This necessity of law observance must first be established, for unless this is done many Christians will continue to ignore the Divine Laws to their own hurt — thinking that in so doing they are justified because of their acceptance of the teachings of an erroneous doctrine which has belittled the need of such law observance. No man in his right mind would be so foolish as to hold for one moment that the Divine Laws of the physical universe need not be observed. The sane and intelligent Christian recognizes that he must keep them or suffer the consequences resulting from their violation. Is a man, though Christian, justified in a deliberate violation of the requirements of law as laid down in the Ten Commandments? Would he in his violation be immune from the evils resulting from their violation? Certainly not! And what is true regarding these moral laws of God is also true regarding the Divine Laws of administration with their rules and regulations governing economics, jurisprudence and the health of His people. Men or nations violating these laws will find themselves subject to the operation of punitive clauses of the law and will suffer under the curses pronounced for their violation.

Law vs. Grace

Paul is very clear in his statements regarding all this, for evidently he had in mind those in his day who were teaching

master to bring the people to Christ. Now that Christ has come, the schoolmaster is no more needed; nor is it necessary to be in bondage to the ritual, which law Paul declared he served no more.

The Added Ritual

"Confusion" is the only word which explains the condition existing in the minds of so many Christians regarding the law through the failure to recognize the ordinances as *that law which was added*. The *ritual* does not now have to be observed; but the *Commandments, Statutes, and Judgments* are still in operation and every man and nation will ultimately be compelled to observe and keep them. The day will yet come when God's people will be compelled to recognize the operation of these Divine Laws. Ezekiel prophesies of that time and says, "They shall also walk in my judgments, and observe my statutes, and do them," (Ezekiel 37:24) Let us familiarize ourselves with these Divine Laws which the nation will yet be compelled to observe, keep and obey. In that day, "The law shall go forth of Zion, and the word of the Lord from Jerusalem." (Micah 4:2)

A Need Today

As the result of God's recognition of the needs of men there have been revealed to mankind rules and regulations, the keeping of which will bring prosperity and happiness to all men everywhere. *Observance*, with the resultant peace and good will, will yet characterize all national and international relationships.

It is this recognition on the part of men and nations of the Jehovah administration as set forth in the Divine Law which is essential. It is the crying need of a world full of trouble and strife!

CHAPTER II

LAW IS THE ESSENCE OF LIFE

IT has been the continued and uninterrupted operation of the immutable laws of life that has made possible the existence of the human race. In fact, law is so essential to our very existence that life itself came into being as the result of the operation of law. But the operation of law is not confined to physical existence alone. Our very health and prosperity with every act and need of man, individually, socially and governmentally are all governed by law; and if we keep and observe these laws all their benefits will accrue unto us, while if we violate them there will follow inevitable retribution and suffering.

When men come to a full realization of these facts they will willingly apply themselves to understanding these laws so that in the knowledge of their operation and in obedience to them they may secure a blessing.

The many and varied problems of administration which have so troubled and perplexed mankind will find a solution in their observance.

Chaos in the physical, spiritual or economic life of man is evidence that there has been a failure to observe and keep the orderly laws of peace. A perusal of both past and present records of human history reveal chaotic conditions with mankind afflicted with crime, violence and war; while revolution, famine and disease have taken their toll of life. Such evil con-

edness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil continually."

The deluge brought to an end this civilization of violence and crime. With the beginning of the new order human government was established, and to that government God issued the command, "Whoso sheddeth man's blood; by man shall his blood be shed: for in the image of God made he man." (Gen. 9:6.) Here we have the first evidence of the introduction of human government, for though man may know the law of the Lord, that law will not enforce itself! Therefore, it became necessary to delegate to human society the right of administration and judgment. Men were now enjoined to organize society and government and to curb violence. Under this command every earthly government has a right, nay it is a duty and *command* to bring to justice the murderer and subject him to the death penalty.

The Giving of the Law

Men have failed to recognize that from the very beginning of human history Divine Law has operated in the life of man. Because of this failure they have assumed that the law was first given to man at Mount Sinai. Nothing is further from the fact. God-fearing men have lived in accord with the principles of the law of the Lord centuries before the Mount Sinai experience of Israel and it is erroneous to attribute the knowledge of that law as coming to man through Moses. The revelation of Divine Law is from antiquity. Wherever men have been found, there also, for man's guidance, was a knowledge of the commandments, statutes and laws of God. True, men ignored and forgot them but, nevertheless, God saw to it that in the beginning His laws were known unto men.

Scriptural Evidence of Antiquity

The oldest record in Scripture, in which we have the account of the experiences of Job (who lived a few hundred years after the Deluge) makes mention of the laws of the Lord which were being kept by Job. Abraham was keeping these same laws four hundred and thirty years before the organization of the Israel Kingdom at Mount Sinai. This is borne out in the information given to Isaac to whom the Lord said He was performing His oath which He had sworn to Abraham, giving as one of the reasons, "Because that Abraham obeyed my voice, and kept my charge, my commandments, my statutes, and my laws." (Gen. 26:5.)

Moses Codified the Law

Thus Abraham observed the law long before Moses was born! Moses, however, had a task to perform and codified the laws of the Lord for Israel to administer at the time this people was organized into a Kingdom at Mount Sinai.

The Law vs. Ritual

Inasmuch as Abraham kept the commandments, statutes and law, then of what law is Paul speaking when he refers to the promises made to Abraham four hundred and thirty years before the law? (Gal. 3:17.) The passage is translated by Ferrar Fenton, "And I assert this—the ritual, beginning four hundred and thirty years after, could not cancel a settlement previously established by God, so as to abolish the promises."

It was not the commandments, statutes and laws of the Lord which Abraham was keeping that Paul refers to as coming four hundred and thirty years after the promise, but it was the ritual or religious service which was established or added at Mount Sinai because of sin. (Gal. 3:19.) Here Israel received their

the perfection of His laws and their administration. Thus, at Mount Sinai, was laid the foundation of the Kingdom of God upon earth.

A Kingdom without End

Mary, the mother of Jesus, was told by the Angel that this Kingdom would have no end. Daniel, the prophet, informed Nebuchadnezzar that the God of Heaven had set up a Kingdom that would have no end: a kingdom, so Daniel said, that was to be set up in the days when the foundation of the Empires of Babylon, Medo-Persia, Greece and Imperial Rome were being laid. History verifies this to have been true, for when events were taking shape that made possible the later rise of these four world empires which succeeded each other, Israel was being organized into a Kingdom at Mount Sinai. When Babylon came to power and Nebuchadnezzar became "king of countries" the government of the Kingdom of God set in the east and arose in the Isles of the sea, north and west of Palestine.

Following the receipt of the Divine Charter under which Israel was commissioned to administer His laws the nation fulfilled her agreement until after the death of Moses, Joshua and the elders of the generation that had known the Lord. Then came a falling away and ultimate failure on the part of Israel to observe and keep the oath they had taken when the people said, "All that the Lord hath spoken we will do."

Judgment upon Israel

The day finally came in the history of the Israel people when they refused altogether to observe or keep the requirements of their oath. The statement is made, "And they rejected his statutes, and his covenant that he made with their

forefathers, and his testimonies which he testified against them; and they followed vanity, and became vain . . . and they left all the commandments of the Lord . . . and sold themselves to do evil in the sight of the Lord, to provoke him to anger." (II Kings 17:15-17)

Judgment was then pronounced upon the House of Israel, "Therefore the Lord was very angry with Israel, and removed them out of his sight: and there was none left but the tribe of Judah only. . . . So was Israel carried away out of their own land to Assyria unto this day." The punitive clauses began to operate, first upon the House of Israel and later upon the House of Judah. Israel was taken into Assyrian captivity and one hundred and thirty years later Judah was taken to Babylon. These captivities began the long period of discipline to prepare His Kingdom for the day when they were to fulfill Ezekiel's prophecy, "They shall also walk in my judgments, and observe my statutes, and do them." (Ezekiel 37:24)

Physical and Spiritual Birth

Approaching the study of God's Kingdom with a preconceived idea that it has but a spiritual existence closes the mind to the actualities as taught in Scripture. The Bible definitely declares that the material or natural precedes the spiritual. Paul said, "Howbeit that was not first which is spiritual, but that which is natural; and afterwards that which is spiritual." (I Cor. 15:46.) It is a recognized fact of life that men and women must first be born physically before they can become spiritual.

Jesus gave Nicodemus instruction as to the second or spiritual birth when He said, "Except a man be born again, he cannot see the Kingdom of God." (John 3:3.) This statement puzzled Nicodemus. He therefore asked, "How can a

Then and *only then* will the Golden Rule be in full operation. In that day the jungle law of the "survival of the strongest" will give place to the law of assisting thy neighbor: when everyone will help his brother, thus instituting a *competition of service* instead of for selfish advantage as at present.

~~Christian and Jew~~

It is written, "Ye have caused many to stumble at the law." The Christian condemns the Jew for failure to recognize Jesus as the Messiah. The Jews have reason to condemn the Christians for failing to believe the Scriptures in all they teach, including the need of keeping and observing all the law. If the Jew has been blind to the fulfillment of ancient Messianic prophecies, Christians have been just as blind to the truth of the Kingdom and its laws of administration.

Division of the Law

The law can be divided into three main clauses: 1) Those laws declaring, commanding or prohibiting something. 2) The orders or injunctions from the Lord, instructing or charging the individual or nation. 3) The decisions under the statutes and commandments.

The commandments, statutes and judgments of the Lord can be classified as those laws dealing with human conduct, personal responsibility and governmental accountability to God for the administration of the affairs of His Kingdom and the meting out of justice and equity to all.

The Laws of Health

Health of body and mind is so essential to the fulfillment of every task that before Israel came to Mount Sinai where they received the law it became necessary that the people be in-

structed in the matter of health that they might be free from disease and sickness. In the journey from Egypt they came to Marah where the water was bitter. This brought murmurings against Moses who cried unto the Lord and was shown a tree which when cast into the water made it sweet. At that time the Lord made for Israel a statute and an ordinance regarding the health of His people. This law became both a statute of administration in the nation and an ordinance in the ecclesiastical order of service for the nation.

And the Lord said, "If thou wilt diligently harken to the voice of the Lord thy God, and wilt do that which is right in his sight, and wilt give ear to his commandments, and keep all his statutes, I will put none of these diseases upon thee, which I have brought upon the Egyptians; for I am the Lord that healeth thee." (Exod. 15:26.) Later on, Moses reminds Israel that the "Lord thy God, he is God, the faithful God, which keepeth covenant and mercy with them that love him and keep his commandments to a thousand generations; And repayeth them that hate him to their face, to destroy them: he will not be slack to him that hateth him, he will repay him to his face. Thou shalt therefore keep the commandments, and the statutes, and the judgments, which I command thee this day, to do them. . . . And the Lord will take away from thee all sickness, and will put none of the evil diseases of Egypt, which thou knowest, upon thee; but will lay them upon all them that hate thee." (Deut. 10:12-15.)

Reason for Sickness

Wherever there is disease and sickness among His people as a nation they are refusing to keep and administer His laws. Multitudes continue to live in pain and suffering, while countless numbers have gone to untimely graves for national failure

results of such a course is given regarding Asa, king of Israel, "And Asa in the thirty and ninth year of his reign was diseased in his feet, until his disease was exceeding great: yet in his disease he sought not to the Lord, but to the physicians. And Asa slept with his fathers." (II Chron. 16:12-13)

Health being one of man's most valuable assets — as evidenced in the fortunes continually spent by those who, having lost it, seek to regain its blessings again — has led us to deal first with the statute and ordinance received by Israel before they arrived at the foot of Mount Sinai.

CHAPTER V

OUR RELATIONSHIP TO GOD

PROTECTION of the individual in his right to freedom and liberty is the essence of Divine justice. Liberty under the law, however can never be construed as a license to do as one pleases, disregarding the rights of others. In the exercise of personal freedom the law of the Lord protects the rights of individuals, regulating the relationship between men to insure justice for all. But there can be no true liberty nor real and lasting freedom for man unless men recognize God and Him only. God must come first in the thoughts and hearts of His people. Thus it is that His laws embrace, first of all, man's relationship to Him and afterwards man's relationship to his neighbor.

The Greatest Commandment

When Jesus was asked which was the greatest of all the commandments, He said, "And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength." (Mark 12:30.) This same admonition had been given Israel by Moses (Deut. 6:4-5) and this instruction covered the requirements of the first half of the Ten Commandments.

Directly following His statement as to which was the first and greatest of the commandments, Jesus then said, "And the

(second is like unto it, Thou shalt love thy neighbour as thyself;" (Matt. 22:39) wherein he quoted from a statement by Moses as recorded in Leviticus 19:18. This is the basic underlying principle of the last half of the Ten Commandments.

Love Fulfills the Law

Paul brings out the fact that the law will be kept if one truly loves his neighbor, saying, "For he that loveth another hath fulfilled the law, For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself. Love worketh no ill to his neighbour; therefore love is the fulfillment of the law." (Rom. 13:8-10.) Thus the *love of one's neighbor* covers the requirements as set forth in the last half of the Ten Commandments, for one who truly loves will not violate any of these requirements.

Thou Shalt Not

There are ten "Thou shalt not" listed in the Bible and known as the Ten Commandments, and though Church leaders often refer to these commandments by name yet very few truly comprehend the full scope and meaning of the application of this codification of moral conduct as it applies to the individual relationship to God and to each other. The observance of these commandments is so important to citizenship in His Kingdom that immediately following the organization of the Kingdom the Ten Commandments were promulgated to the people of Israel. Not only is their observance essential to citizenship in the Kingdom, but no man, not even a Christian, can violate their provision and be right with God.

Importance of Pentecost

Israel received the Ten Commandments at the time of the inauguration of the very first Pentecost, fifty days after the Passover and Exodus from Egypt. It was therefore fitting that centuries later, following the Passover crucifixion of Jesus Christ, fifty days from that crucifixion at Pentecost the Holy Spirit descended and the Church was born at Jerusalem. At that time the disciples were endued with power that would enable them and all who came after them, following in their footsteps, to keep and observe the requirements of the Ten Commandments in a heart relationship to God through His Son Jesus Christ. Thus Israel, at Mount Sinai, received the law and the Church at Jerusalem the power to keep that law!

The Ten Commandments

In these laws, the very first to be promulgated at Mount Sinai for Israel to keep and administer, is the admonition that God must be supreme in the life and activities of man. Idolatry and swearing are forbidden while one day in seven is to be kept holy. Parents are to be honored and man must not commit violence or wrong his fellow man. Thus the commandments required reverence and worship of God as well as love for one's neighbor. In brief these laws are as follows:

- 1) No other gods before Him.
- 2) Shalt not bow down to graven images.
- 3) Shalt not take God's name in vain.
- 4) Keep holy every seventh day.
- 5) Honor father and mother.
- 6) Shalt not kill.
- 7) Shalt not commit adultery.
- 8) Shalt not steal.

The keeping of this fifth commandment not only will bring a blessing, but a knowledge of its requirement will instruct children in their responsibility. Modern home life is directly responsible for the lack of a knowledge of God's word. The parents who complain of neglect must bear part of the responsibility for failure to have properly instructed their children in the way of the Lord.

A Closed Book

As a nation we have fallen far below the requirements in accordance with God's laws. The Bible has been excluded from our institutions of education; or, where allowed, has been so improperly used that its teachings are nullified. The home has failed to teach its precepts. The Church has failed to supply that true instruction so essential for an understanding of His laws.

CHAPTER VI

OUR RELATIONSHIP TO OUR NEIGHBOR

A QUESTION often asked by those who, for the first time, have come to a realization of the national need of keeping the commandments, statutes and judgments of the Lord is, What can we do about it? It is of course impossible for any individual to put into operation the statutes of national administration; but we can, insofar as national violation of such laws are concerned, point out the righteousness of the law and protest its violation, thus calling attention to the penalties being exacted from us as a nation today for such violation. Essentially it is a work of witnessing: a voice in the wilderness, as it were, calling attention to the ways of righteousness, pointing out the need of a national restoration of the administration of all His laws in order to secure the blessings of peace and prosperity.

Individually we do not have to wait until the nation makes that restoration before complying with the law and coming under its benefits. Many of the requirements of the law can now be kept by individuals, such as the rules for health as well as the required attitude towards God and towards our fellow man. Thus while it is impossible to have the perfection of administration and peace promised as the result of the nation administering the commandments, statutes and judgments as the law of the land yet, insofar as the law applies to the individual, we can conform with its requirements. It is self-evident that

cause the death of another are confined in a city of refuge until the death of the High Priest. In some cases this might amount to life imprisonment. Such a law certainly produced respect for life and made a man careful of the life of his fellowman. This law in operation today would reduce automobile accidents to a minimum. A driver of a car would be as careful of the life of another's husband, wife, daughter and son as he would be of his own loved ones, for none would want to forfeit his freedom.

Swiftness of Justice

It has been a fact of our history that when crime becomes intolerable the Anglo-Saxon mind unconsciously reverts to the ancient Israel laws of administration. This was in evidence in the early days of the west, in the organization of vigilant committees to deal with crime. The swiftness with which justice was executed soon restored law and order to a troubled community. This swiftness of justice was the method God inaugurated in the handling and punishment of the criminal. The case was tried and before sunset of the day following the verdict the murderer was dead. The man or woman who feels such swiftness of justice will not have a law-abiding effect fails in a understanding of human nature. A man desires to live, not to die. God knows this and therefore gave laws and judgments which would deter men from committing crimes. In the swiftness of judgment He said, "So shalt thou put evil away from among you; and all Israel shall hear, and fear."

Specific Judgments

Certain cases would be difficult to decide so judgments were rendered. "Whoever assails a man and he dies; he shall be put

to death. But if he did not lie in wait, but his stroke came from God, then you shall provide a place where he may fly. If, however, a man plans against his neighbour to murder him; then you shall take him from my altar to kill him." (Ex. 21:12-14 *Ferrar Fenton Translation.*)

When two men strive together, if one be injured and is in bed and the one responsible is uninjured, then the uninjured shall pay for the loss of the injured man's time and bear the expense necessary to effect a cure (Ex. 21:18-19).

If an ox gore a man or a woman the ox shall be killed and the owner be free except in the case where he knew the ox was vicious. If he had such knowledge the death penalty would be passed upon him, but in this case he could redeem his life by paying substantial damages.

When a thief is found breaking and entering at night and if killed it would not be murder (Ex. 22:2). If in the daytime the thief can redeem his blood and if he has nothing, then he can be sold for stealing. These and sundry other judgments were passed to guide in the matter of administration.

There would be cases where a murder has been committed and the perpetrator of the crime is not detected. In such cases the city in which the crime was committed, or if in the country the nearest city is to make atonement (Deut. 19:1-9). Here we have community guilt established when the individual responsible for the crime is not detected and punished.

We cannot leave this subject without referring to the New Testament. Jesus made hatred of a brother without cause the equivalent to murder. Thus the inward desire to destroy another is murder in the sight of God.

Exclusion from the Holy City, which is emblematical of the coming new order, is pronounced upon "The fearful, and un-

the keeping of every requirement of the Ten Commandments brings its specific blessing and an inward spiritual peace. This, then, is the answer for those who — having heard of the need of keeping the law and of its national administration — voice the question as to what individuals can do about it!

Already we have shown what is required of man in his relationship to God. This relationship is set forth in the first half of the Ten Commandments. There can be no orderly society where these requirements are ignored, for unless men place God first, and recognize their proper relationship to Him, men are incapable of keeping a proper relationship to their neighbor. Immediately following the requirements governing man's relationship to God the Lord sets forth the relationship of men — one to the other.

Domestic tranquillity is impossible in any community which ignores these laws. Thus, while the greatest of all commandments is to love the Lord thy God with all thy heart, the second is like unto it: "Thou shalt love thy neighbour as thyself."

The Sixth Commandment

No man can violate the last five commandments (beginning with the sixth) and love his neighbor as himself. The sixth commandment is, "Thou shalt not kill."

But there will be men who will violate this law, for unless authority is vested in some organization with power to enforce its observance, society will suffer from the result of violence and crime. Because this is so, God authorized the establishment of governments, delegating to man the power to administer His laws and authorizing the bringing to justice of the individual who violates His commandments.

Individuals have no right to set up a standard of personal conduct! That has already been done by God through the Ten Commandments. It is equally true that no nation has a

right to say what type of punishment shall be meted out to those who violate any of the commandments. The punishments have already been declared by the statutes and judgments of the Lord.

Capital Punishment Mandatory

The original statute, "Whoso sheddeth man's blood, by man shall his blood be shed," was enlarged upon by a statute of judgment given to Israel at Mount Sinai. Here it is, "The congregation (i.e., the governmental assembly of Israel) shall judge between the slayer (the one who has taken life) and the revenger of blood (the executioner) . . . These things shall be for a statute of judgment unto you throughout your generations in all your dwellings. Whoso killeth any person, the murderer shall be put to death. . . . Moreover ye shall take no satisfaction for the life of a murderer which is guilty of death (not even the substitution of life imprisonment). . . . So ye shall not pollute the land wherein ye are; for blood it defileth the land: and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it."

(Num. 35:24-33)

Under this law every nation is justified in executing the murderer. This law makes such execution mandatory and the nation that refuses to carry out this law is guilty of failure to administer justice in the land. Such failure will result in a land filled with violence and crime.

In order to protect the man whose duty it is to execute the criminal, a judgment was rendered under this sixth commandment: "And the revenger of blood (the executioner) kill the slayer; he shall not be guilty of blood." (Num. 35:27.)

Contrary to popular belief the Bible does not hold life cheaply. It is a serious thing to take life, and for the taking of life the murderer forfeits his life. But those who accidentally

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March 10, 1987

Senator Mitch Abood
Alaska State Legislature
Pouch V MS 0100
Juneau, Alaska 99011

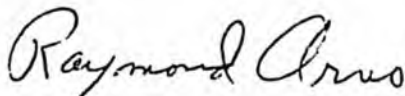
Dear Senator Mitch Abood:

I want to encourage you in your efforts to make capital punishment law for certain crimes in Alaska. This has always been a just means of punishment which can be positively supported by the Bible. Any Priest or Minister that teaches otherwise must use other sources for his arguments.

With the rash of violent crimes in Anchorage of late it is obvious more in the way of a deterrent is needed.

Thanks again.

Sincerely,


Raymond Arno

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3100 Mountain View Drive

3-25-87

Senator Mitch Anderson
Pouch II
Juneau, AK 99811

Dear Mitch,

Let's get going on a capital
punishment bill! The need is today,
not 6 yrs from now! Look at our
Anchorage papers these last few days.

We also don't need HB154 or
SB 148. Refer to letter enclosed by
Jerry McCutchen. We do need SB 128
passed today! Makes sense.

Thanks for your attention.

Sincerely,

Deane Jienhart

COM'S
PLUMBING &
HEATING SUPPLY

ANCHORAGE, ALASKA 99501

MAR 28 1987

Phone 279-4586

3100 Mountain View Drive

3-25-87

Senator Paul Fisher
Panel I
Juneau, AK 99801

Dear Paul,

Let's get the capital punishment bill
passed in law today. We cannot stand
still any longer. Today is the day.
You are the Senate leader on this,
so let's get it done. I will come
down and help if I can.

We also need SB 128 and
don't need SB 148 or HB 154.

Thanks,

Sincerely,
Wagne Swenbert

Dear Senator Mitch:

- Our JAILS ARE PACKED TO THE MAX.
- Our VIOLENT CRIME RATE IS ON THE RISE
- EVERYONE I HAVE TALKED TO — QUITE
A NUMBER — ARE IN FAVOR OF
CAPITAL PUNISHMENT.

• NOW IS THE TIME TO PUT IT TO A
← VOTE, LET THE PEOPLE DECIDE.

- IF YOU WANT/NEED A PETITION,
I CAN HAVE ONE FOR YOU
IN A SHORT TIME.

• LET'S CLEAN UP OUR STATE
OF CRIME !! IT'S AN
OUTRAGE!

High School Student Found Dead; many leads reported

By KRIS CAPPS
Staff Writer

The slain body of 17-year-old Kathy R. Stockholm was found on the side of a road, in plain view, near Salcha shortly after midnight this morning, more than 30 miles from where she mysteriously disappeared Monday night.

Today, Crimestoppers offered a \$1,000 reward to anyone providing information leading to the arrest and indictment of the person responsible. Chena Kiwanis also offered a reward of up to \$10,000 for the same information.

Alaska State Trooper investigators said public response to their requests for information has been tremendous and they have many, many leads. But at this time, there are no suspects.

The cause of death was not immediately apparent, Troopers said. An autopsy is scheduled for later today.

Investigators, who worked on the case all night, released few details this morning. Someone called Troopers at 11:30 p.m. and reported finding the body, but it isn't known if that call was anonymous. Troopers have also not revealed exactly where the girl's body was found near Salcha.

The West Valley High School senior disappeared Monday night when she left home to retrieve

(See CASE, Back Page.)



RUITLESS SEARCH—This photo of 17-year-old Kathy Stockholm was distributed to searchers who combed the area surrounding West Valley High School all day Tuesday. At the command center in the high school parking lot, searchers used a map to divide the area to be searched.

Randy Robinson News-Miner

(Continued from page 1)

schoolbooks from the high school at about 8:45 p.m. She never came home. Her parents went to check on her and found the car she had been driving unlocked and running in the high school parking lot.

A popular student at West Valley, she was the daughter of Ken R. and Helen Stockholm. Her father is an assistant professor at the University of Alaska-Fairbanks.

Troopers said she didn't fit the mold of a runaway, and they began looking for her immediately.

Monday night, Troopers searched the school building and trails in surrounding woods. They checked the airport and called her friends. When she wasn't found, the volunteer Wilderness Search and Rescue group was called in and a full-scale search began Tuesday morning.

Searchers who hunted for the girl all day conducted their task with mixed emotions. They were determined to locate her if she was lying

hoped they wouldn't find her because that would mean she might still be alive.

"Most of the time, we're looking because someone is lost and we know they're lost," said Trooper Chuck Larnica, who helped direct the search. "She's missing, but we don't know why or how."

Volunteers pored over maps and coordinated the search from inside a large white Trooper van in the high school parking lot.

Searchers combed the woods around the school and even brought in a dog to track her scent.

A giant schnauzer, trained to find lost people, traced her path from the school to the edge of the walkway outside the front door. The trail ended there, leading searchers to believe she got into a car.

The dog handler said the way the dog behaved at the edge of the sidewalk indicated to her that "someone was either very angry or very upset." People give off certain chemicals when they

detect them, she said.

The girl apparently retrieved the book she came for, because it was not in her locker, Troopers said.

Initially, searchers combed the area between Geist Road, University Avenue, Fairbanks Street, and the university. But they soon expanded the search to Yankovich Road, the Parks Highway and Chena Ridge.

Meanwhile, other volunteers searched snowmachine trails and "lonely spots" nearby. Some searchers routinely checked dumpsters and other likely spots where a body might be easily disposed.

And in the back of their minds, searchers remembered that several weeks ago, a woman was raped near the Fairbanks Street bridge. "There's nothing to tie that in with this, but we're using it as a reference," said one searcher.

At 11:30 p.m., someone called Troopers and reported finding a body near Salcha, about 30 miles

TO THE EDITOR:

March 26, 1987
P.O.Box 74363
Fairbanks, AK 99707

To the family of Kathy Stockholm, my sincere sympathies. Likewise, to all all the other families who have also lost a loved one to an act of violence. It is a horrible accounting of our degenerative society. Wednesday's workday (the 25th) was filled with everyone's expressions and sorrows for yet another pointless, unexplainable murder.

Where does it end? How many more unnecessary, violent rapes/murders will we tolerate before taking the necessary steps to try to prevent future tragedies? Shall we continue to shake our heads, cry a little; all the while becoming DESENSITIZED to these crimes? What will it take for our lawmakers (or the vote of "We the People") to enact a powerful enough deterrent to put an end to this sadness?

Sadly enough, we don't feel threatened by any of it UNTIL it hits close to home. Ergo, take a moment... and just try to...

Imagine any atrocity happening to your grandmother, mother, aunt, sister, daughter, granddaughter, the little girl next door, son, brother, little boy next door.

Imagine a loved one not returning home ... the joy you shared that morning with her/him, turning to a chilling horror, a gut-wrenching sickness upon the realization...

Imagine having to go identify your daughter or mother, son or brother, a loved one at the morgue after what they've been through.

We are dealing with UNADULTERATED, PREMEDITATED, COLD-BLOODED MURDER!!

The way I see it what happened to Stephen Welch was preventable. If Harrington fit this character profile to such a "T", why was he EVER permitted PAROLE? It was ALL SO PREDICTABLE, the papers tell us!! Not to mention the fact, that once incarcerated the recidivism rate is the RULE as opposed to the exception. Check out the records. And we pay for their incarceration.

Once they catch the person responsible for Kathy Stockholm's death will there be a past police record, will there have been a period (or two or three) of incarceration, will the perpetrator fit some "Ideal" mold, also. I will be watching the papers as that is our ("J.Q.Public's") only outlet of info, if they see fit to put it all into print as selective as the papers can be with information.

Speaking of selectively informed, brings to mind the University of Alaska - Fairbanks assuming a hush-hush attitude towards the numerous rapes which occur on campus. They are all too concerned about bad publicity, bad press, I suppose. Whatever the rationale, if one rape could be prevented as a result of putting out bulletins, warnings thereof then it would be well worth it! Would-be rapists might reconsider knowing everyone was on the alert.

Perhaps if they bring the Capital Punishment bill to the ballot this session you should recall the Kathy Stockholm's, the Stephen Welch's, the Lori King's, the Doris Oehring's & on & on & on. It may sound inhumane, it may sound harsh: however, the harsh reality is innocent children and women are being raped and murdered, deprived of life because another human is not fit to live within the established norms.

In a capital punishment case a jury will make the final decision as to what the sentence should be anyway, all very democratic. Educate yourself on this bill, read up on it. Call your legislators. What it (Capital Punishment) would hope to accomplish is to act as a VERY NEEDED DETERRENT to these sickos! States that do have capital punishment don't find call to use it too often. The killers/rapists will go to a bordering State as opposed to committing the act in a State where they could face capital punishment. A bordering State to Alaska leaves Canada. By the time "would-be killer/rapist" arrived in a good-ole U.S. state again, perhaps, they'd have re-thought their motives.

It sickens me to realize that anymore a walk with my daughter through a narrow, wooded path (albeit, a short path & close to home) could bring us to a violent death as opposed to being the essence of peacefulness and beauty as it was intended to be! That we have to now fear or be wary of our fellow man rather than befriend and help someone in trouble, is a sad tale indeed. This is what it has come to.

Sincerely UPSET in
"Fairbanks... My Choice",

Becky Ringstad

cc: Senators Stevens & Murkowski
Senator Jan Faiks & Don Bennett
House Representatives
Anchorage Daily News
Alaska Women's Lobby
National Organization of Women

March 20, 1987

RECEIVED

MAR 21 1987

Senator Mitch Abood
P.O. Box V
Juneau, Alaska 99811

Dear Senator Abood:

I am so outraged by the recent murder of a woman and her two small daughters, here in Anchorage, that I am moved to communicate to you my absolute support of a death penalty for heinous crimes such as this.

As taxpayers and citizens of this fine state, we cannot and should not tolerate anything less than an immediate and final solution to the aberrant criminal element that threatens, not only our ability to live and raise our children in an environment free of fear, but our very lives.

As a life long Alaskan, I have been privileged to live my life in close proximity to the natural and wild life that coexist in this great land. Many lessons can be learned from nature, and what can be deemed cruel and terrible by some observers is nevertheless, necessary to the natural order of life.

Death and disease are integral parts of life. Individuals who engage in wanton acts of murder against innocent victims are a malignant evil that MUST be eradicated from our society. In my opinion, the death penalty serves the same purpose as medical efforts to eliminate cancer from a human body. I don't hear of any bleeding hearts crying over destroyed cancer growths.

I am fervently opposed to incarceration for this category of criminal. It is a travesty of justice to spend tax dollars to support these individuals, when we are unable to provide basic needs for the indigent among us. Also, as we all know, the judicial system will, more likely than not, eventually release these deranged criminals, to prey on more innocent victims. We must take a firm and immediate stand on this vital issue, and I beg your support.

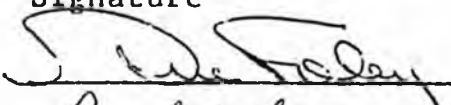

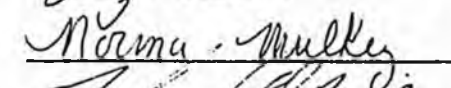
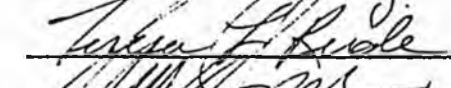
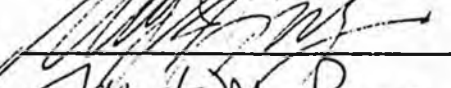


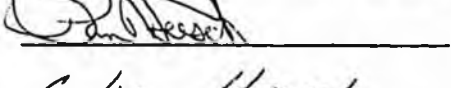
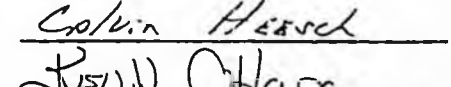
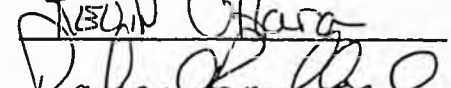
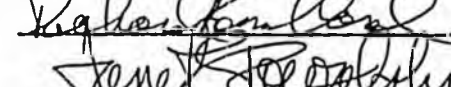

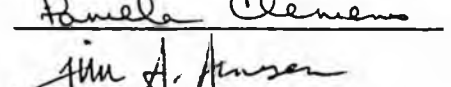
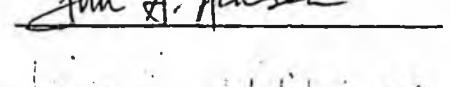
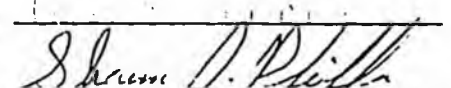
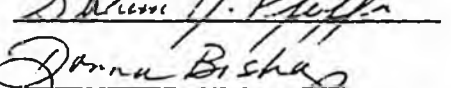
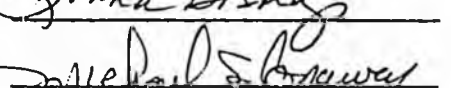
Sincerely,

Lila J. Vogt
2104 Lincoln
Anchorage, Alaska 99517

cc: Steve Cowper, Governor
Jay Kerttula, Chairman, Judiciary Committee
Arless Strugulewski, Vice-Chair, Judiciary Committee
Joe Josephson, Member, Judiciary Committee
Rick Halford, Member, Judiciary Committee
Pat Rodey, Member, Judiciary Committee

Mar. 20, 1987

I, the undersigned below, have read the attached letter to Senator Abood from Lila J. Vogt, in support of a death penalty and having read so, agree to its contents and fully support her stand on this issue.

Printed Name	Signature	Address	Length of Alaskan Residency
Sue Foley		5308 Cape St.	38 years
Craig Stark		701 West 58th Anch	8 years
Norma Mulkey		100 Pacific View Dr. Anch	30 yrs
Teresa L. Rude		2945 Seawood Dr	5 yrs
Janet M. Rupp		7407A W. 77th Anch 99503	20 yrs
Janet M. Rupp		1011 West 77th 99518	7 years
LARRY CHAMBERS		1011 W. 77th Anch 99518	5 yrs
Bum Heesch		3407 Cuy # B 99503	5 yrs
Colin Heesch		3407 Cuy # B 99503	6 years
KEVIN O'HARA		3307 DOZBRANDT	12 YRS
Richard Remillard		1011 W 77th	5 yrs
Janet Kowalski		1800 Shore Drive 99515	8 years
Danella Clemens		13411 Diggins Dr 99515	32 yrs
JIM A. ARNESEN		1800 Shore Dr. 99515	15 yrs.
SHAWN J. PFEIFFER		7090 LINDEN CIRCLE 99502	19 yrs
DONNA BISHOP		6920 Clark 99518	8 yrs
Michael S. Braway		P.O. Box 77429 Eagle River AK	22 yrs

LETTERS FROM THE PEOPLE

I have been a resident of this state for twenty years and have seen this town explode with criminal activities.

I fully support Sen. Mitch Abood's comment on Capital Punishment. We have demented people committing senseless murders, rapes, and burglaries at the expense of innocent peoples lives. No person should ever be allowed a second chance when they have taken another persons life, with no apparent regret or reason, short of self-defense.

How can anyone truly understand the pain and grief suffered by the loss of a family member or friend murdered or maimed by some crazed criminal? Perhaps you cannot undo that which has been done, but "Justice" can help to see that it does not happen again.

As a taxpayer, I shouldn't have to pay for the room and board of a criminal who has no respect for human life. I, as a citizen of the State of Alaska, support Sen. Mitch Abood's decision on bringing up the subject on "Capital Punishment" 100%.

Take time to review the events of the last two years. That alone should help you give serious thought about this issue. Think of the innocent people that can no longer enjoy their family, friends or relatives in this world because they lost them at the hands of someone very disturbed or simply greedy.

Linda J. Travers
701 W. 41st Avenue, Suite 201
Anchorage, Alaska 99503

Confidential:

Wk: 907-561-6866, 8-5pm.

Hm. 907-274-0040

Carla

(M)

KENAI.ALASKA.
MARCH.9.1987.

SENATOR: MR.MITCH.ABOOD.
POUCH V.JUNEAU.ALASKA.

DEAR SIR.

I WOULD LIKE TO ADDRESSE THIS LETTER TO [SB7]. A BILL ADDRESSING " CAPITOL PUNISHMENT " DEATH PENALTY.

I WHOLE HEARTEDLY SUPPORT THIS BILL. INCLOSED ARE BIBLE PASSAGES IN SUPPORT OF THIS BILL.

IF OUR NATION AND THIS STATE OF ALASKA IS EVER GOING TO PUT A STOP TO THE TERRIBLE CRIMES OF MURDER, WE MUST START TO FOLLOW GODS DIVINE LAWS. THIS [SB7] IS JUST ONE OF THE 749 DIVINE LAWS THAT MUST BE PUT INTO IMMEDIATE FORCE.

THIS NATION CANNOT LONG SURVIVE UTTERLY DISREGARDING GODS COMMANDMENTS, STATUTES, AND LAWS. BUT THE BIBLE TELLS US, THAT WE WILL FINALLY COME TO OBEY AND EXECUTE ALL, AS ABOVE MENTIONED.

BE OF STRONG HEART, AND PASS THIS [SB7]. OUR REWARDS WILL START TO MANIFEST THEMSELVES QUICKLY. THE VIOLENT CRIME RATE WILL SUBSIDE IMMENSELY.

GOD BLESS ALL OF YOU LAWMAKERS IN JUNEAU. EACH AND EVERY ONE OF YOU ARE CHARGED WITH PROTECTING OUR LIVES AND PROPERTY.

SINCERLY.

Kenneth C. Scalf
KENNETH C. SCALF.
P.O. BOX 4366.
KENAI.ALASKA.
99611.

RECEIVED
MAR 11 1987

will, man was now able to choose his course, for before him lay two roads — one the way of life, and the other the way of death.

Transgression of the Law

Many have asked the question, What is sin? The answer is simple. Sin is disobedience to the commands of God, a refusal to keep His Laws. John declared this when he said, "SIN IS THE transgression of the law." (I John 3:4)

Law, insofar as it regulates the conduct and action of men and nations, is a rule of action established by a recognized authority *with power to enforce justice and direct duty*. God is a recognized authority and He has full power to enforce His commands which must ultimately be observed, kept and obeyed; ~~for the Divine Laws cannot be altered nor removed~~ — they are a *constant* — and the passage of time has no effect upon them.

Enactments of Men

Human regulations, designated as law by men, are often but temporary acts of appeasement to counteract the result of the failure to keep and administer the Law of the Lord. By such means men have endeavored to meet their needs and to find a human solution for existing troubles which have in reality *resulted from the breaking of Divine Law*. Such man-made regulations undergo continual revision as time marches on! New generations come and changing conditions in the human experiment show the lack of foresight and wisdom in legislative enactments; for when the enactments of men are at variance with the Divine Law there can be only one result — *trouble for men*. This is true whenever men refuse to conform

with the laws of God which govern the universe; or fail to observe and keep God's moral, spiritual, and economic requirements — including the perfect laws of governmental administration.

Before considering the subject of Divine Law in its application to man, both individually and collectively, it is essential that we first settle satisfactorily the question of the entire scope and application of the Divine Laws, and man's relationship to these laws. This becomes necessary because of the prevalence of a ~~doctrinal teaching~~ which has had a definite influence upon Christian men and women to such an extent that it has led some to ignore God's injunction to observe and keep all His Laws. In thus ignoring the law such have failed to recognize the Divine plan of the operation of the Law of the Lord as it governs our physical well-being, economic security and national prosperity.

Perfection of the Law

The Psalmist, in speaking of the law, states, "The law of the Lord is perfect, converting the soul: the testimony of the Lord is sure, making wise the simple. The statutes of the Lord are right, rejoicing the heart: the commandment of the Lord is pure, enlightening the eyes." And although even this is said of the Law of the Lord, yet some ignore this declaration of the Psalmist, with its unmistakable clarity and meaning, and teach that they are free from the need of keeping His Laws. This doctrinal teaching is based on the assumption that because of Grace (the unmerited favor of God through His Son Jesus Christ), Christians have been exonerated from the need of keeping the law. If a man is free from keeping the law, however, he is at liberty then to violate that law and do so with impunity; and it would then follow that the gift of Grace be-

comes a license to be used as a cloak to cover sinning (for sin is the violation of the law), which is repugnant to all the teaching of the law and the direct commands of God as given in both the Old and the New Testaments.

Nowhere in Scripture is it stated that a Christian is free from the need of keeping the law. While the Word of God states that a Christian is not under bondage to the law, yet this freedom from bondage cannot in any sense be construed as a license to violate law. It is unfortunate that the gift of Grace has been used to perpetrate a doctrinal belief contrary to the clear teaching of the Bible. Violation of Divine Law is sin whether that law is violated by a Christian or a non-Christian, regardless of any doctrinal excuse that might be made for such violation.

Knowledge Essential

Now the scope of the Divine Law embraces all the needs, activities and requirements of men and nations; limiting, guiding and directing them in all the things that should, and should not, be done. Christians are amiss in not knowing and understanding these laws.

A knowledge of the Law of the Lord would unfold for Christians a much clearer concept of God's plans regarding His people than they have now. The possession of such information would open up before the Christian world the marvelous scope of that law in its entirety and in its application to the needs of men and nations. Such an understanding would once and for all settle the question that no one group of men, Christian or otherwise, are exempt from law observance. It would prove the absurdity of all the excuses given by men to justify their violation of the law; and would show that even to claim the right to ignore or violate Divine Law is, in itself, sin.

Definition of Sin

Sin, as defined in the dictionary, is wholly in accord with the Biblical definition of law violation. The dictionary states that sin is "Any want of conformity to or transgression of a rule of rectitude or duty, especially as made known through the conscience or the revealed Word of God: disagreement in thought, word, deed, or desire, whether by omission or commission, with the Divine Law."

This necessity of law observance must first be established, for unless this is done many Christians will continue to ignore the Divine Laws to their own hurt — thinking that in so doing they are justified because of their acceptance of the teachings of an erroneous doctrine which has belittled the need of such law observance. No man in his right mind would be so foolish as to hold for one moment that the Divine Laws of the physical universe need not be observed. The sane and intelligent Christian recognizes that he must keep them or suffer the consequences resulting from their violation. Is a man, though Christian, justified in a deliberate violation of the requirements of law as laid down in the Ten Commandments? Would he in his violation be immune from the evils resulting from their violation? Certainly not! And what is true regarding these moral laws of God is also true regarding the Divine Laws of administration with their rules and regulations governing economics, jurisprudence and the health of His people. Men or nations violating these laws will find themselves subject to the operation of punitive clauses of the law and will suffer under the curses pronounced for their violation.

Law vs. Grace

Paul is very clear in his statements regarding all this, for evidently he had in mind those in his day who were teaching

master to bring the people to Christ. Now that Christ has come, the schoolmaster is no more needed; nor is it necessary to be in bondage to the ritual, which law Paul declared he served no more.

The Added Ritual

"Confusion" is the only word which explains the condition existing in the minds of so many Christians regarding the law through the failure to recognize the ordinances as *that law which was added*. The *ritual* does not now have to be observed; but the *Commandments, Statutes, and Judgments* are still in operation and every man and nation will ultimately be compelled to observe and keep them. The day will yet come when God's people will be compelled to recognize the operation of these Divine Laws. Ezekiel prophesies of that time and says, "They shall also walk in my judgments, and observe my statutes, and do them," (Ezekiel 37:24) Let us familiarize ourselves with these Divine Laws which the nation will yet be compelled to observe, keep and obey. In that day, "The law shall go forth of Zion, and the word of the Lord from Jerusalem." (Micah 4:2)

A Need Today

As the result of God's recognition of the needs of men there have been revealed to mankind rules and regulations, the keeping of which will bring prosperity and happiness to all men everywhere. *Observance*, with the resultant peace and good will, will yet characterize all national and international relationships.

It is this recognition on the part of men and nations of the Jehovah administration as set forth in the Divine Law which is essential. It is the crying need of a world full of trouble and strife!

CHAPTER II

LAW IS THE ESSENCE OF LIFE

IT has been the continued and uninterrupted operation of the immutable laws of life that has made possible the existence of the human race. In fact, law is so essential to our very existence that life itself came into being as the result of the operation of law. But the operation of law is not confined to physical existence alone. Our very health and prosperity with every act and need of man, individually, socially and governmentally are all governed by law; and if we keep and observe these laws all their benefits will accrue unto us, while if we violate them there will follow inevitable retribution and suffering.

When men come to a full realization of these facts they will willingly apply themselves to understanding these laws so that in the knowledge of their operation and in obedience to them they may secure a blessing.

The many and varied problems of administration which have so troubled and perplexed mankind will find a solution in their observance.

Chaos in the physical, spiritual or economic life of man is evidence that there has been a failure to observe and keep the orderly laws of peace. A perusal of both past and present records of human history reveal chaotic conditions with mankind afflicted with crime, violence and war; while revolution, famine and disease have taken their toll of life. Such evil con-

edness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil continually."

The deluge brought to an end this civilization of violence and crime. With the beginning of the new order human government was established, and to that government God issued the command, "~~Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man~~" (Gen. 9:6.) Here we have the first evidence of the introduction of human government, for though man may know the law of the Lord, that law will not enforce itself! Therefore, it became necessary to delegate to human society the right of administration and judgment. Men were now enjoined to organize society and government and to curb violence. Under this command every earthly government has a right, nay it is a duty and *command* to bring to justice the murderer and subject him to the death penalty.

The Giving of the Law

Men have failed to recognize that from the very beginning of human history Divine Law has operated in the life of man. Because of this failure they have assumed that the law was first given to man at Mount Sinai. Nothing is further from the fact. God-fearing men have lived in accord with the principles of the law of the Lord centuries before the Mount Sinai experience of Israel and it is erroneous to attribute the knowledge of that law as coming to man through Moses. The revelation of Divine Law is from antiquity. Wherever men have been found, there also, for man's guidance, was a knowledge of the commandments, statutes and laws of God. True, men ignored and forgot them but, nevertheless, God saw to it that in the beginning His laws were known unto men.

Scriptural Evidence of Antiquity

The oldest record in Scripture, in which we have the account of the experiences of Job (who lived a few hundred years after the Deluge) makes mention of the laws of the Lord which were being kept by Job. Abraham was keeping these same laws four hundred and thirty years before the organization of the Israel Kingdom at Mount Sinai. This is borne out in the information given to Isaac to whom the Lord said He was performing His oath which He had sworn to Abraham, giving as one of the reasons, "Because that Abraham obeyed my voice, and kept my charge, my commandments, my statutes, and my laws." (Gen. 26:5.)

Moses Codified the Law

Thus Abraham observed the law long before Moses was born! Moses, however, had a task to perform and codified the laws of the Lord for Israel to administer at the time this people was organized into a Kingdom at Mount Sinai.

The Law vs. Ritual

Inasmuch as Abraham kept the commandments, statutes and law, then of what law is Paul speaking when he refers to the promises made to Abraham four hundred and thirty years before the law? (Gal. 3:17.) The passage is translated by Ferrar Fenton, "And I assert this—the ritual, beginning four hundred and thirty years after, could not cancel a settlement previously established by God, so as to abolish the promises."

It was not the commandments, statutes and laws of the Lord which Abraham was keeping that Paul refers to as coming four hundred and thirty years after the promise, but it was the ritual or religious service which was established or added at Mount Sinai because of sin. (Gal. 3:19.) Here Israel received their

the perfection of His laws and their administration. Thus, at Mount Sinai, was laid the foundation of the Kingdom of God upon earth.

A Kingdom without End

Mary, the mother of Jesus, was told by the Angel that this Kingdom would have no end. Daniel, the prophet, informed Nebuchadnezzar that the God of Heaven had set up a Kingdom that would have no end: a kingdom, so Daniel said, that was to be set up in the days when the foundation of the Empires of Babylon, Medo-Persia, Greece and Imperial Rome were being laid. History verifies this to have been true, for when events were taking shape that made possible the later rise of these four world empires which succeeded each other, Israel was being organized into a Kingdom at Mount Sinai. When Babylon came to power and Nebuchadnezzar became "king of countries" the government of the Kingdom of God set in the east and arose in the Isles of the sea, north and west of Palestine.

Following the receipt of the Divine Charter under which Israel was commissioned to administer His laws the nation fulfilled her agreement until after the death of Moses, Joshua and the elders of the generation that had known the Lord. Then came a falling away and ultimate failure on the part of Israel to observe and keep the oath they had taken when the people said, "All that the Lord hath spoken we will do."

Judgment upon Israel

The day finally came in the history of the Israel people when they refused altogether to observe or keep the requirements of their oath. The statement is made, "And they rejected his statutes, and his covenant that he made with their

forefathers; and his testimonies which he testified against them; and they followed vanity, and became vain . . . and they left all the commandments of the Lord . . . and sold themselves to do evil in the sight of the Lord, to provoke him to anger." (II Kings 17:15-17)

Judgment was then pronounced upon the House of Israel, "Therefore the Lord was very angry with Israel, and removed them out of his sight: and there was none left but the tribe of Judah only. . . . So was Israel carried away out of their own land to Assyria unto this day." The punitive clauses began to operate, first upon the House of Israel and later upon the House of Judah. Israel was taken into Assyrian captivity and one hundred and thirty years later Judah was taken to Babylon. These captivities began the long period of discipline to prepare His Kingdom for the day when they were to fulfill Ezekiel's prophecy, "They shall also walk in my judgments, and observe my statutes, and do them." (Ezekiel 37:24)

Physical and Spiritual Birth

Approaching the study of God's Kingdom with a preconceived idea that it has but a spiritual existence closes the mind to the actualities as taught in Scripture. The Bible definitely declares that the material or natural precedes the spiritual. Paul said, "Howbeit that was not first which is spiritual, but that which is natural; and afterwards that which is spiritual." (I Cor. 15:46.) It is a recognized fact of life that men and women must first be born physically before they can become spiritual.

Jesus gave Nicodemus instruction as to the second or spiritual birth when He said, "Except a man be born again, he cannot see the Kingdom of God." (John 3:3.) This statement puzzled Nicodemus. He therefore asked, "How can a

Then and *only then* will the Golden Rule be in full operation. In that day the jungle law of the "survival of the strongest" will give place to the law of assisting thy neighbor: when everyone will help his brother, thus instituting a *competition of service* instead of for selfish advantage as at present.

Christian and Jew

It is written, "Ye have caused many to stumble at the law." The Christian condemns the Jew for failure to recognize Jesus as the Messiah. The Jews have reason to condemn the Christians for failing to believe the Scriptures in all they teach, including the need of keeping and observing all the law. If the Jew has been blind to the fulfillment of ancient Messianic prophecies, Christians have been just as blind to the truth of the Kingdom and its laws of administration.

Division of the Law

The law can be divided into three main clauses: 1) Those laws declaring, commanding or prohibiting something. 2) The orders or injunctions from the Lord, instructing or charging the individual or nation. 3) The decisions under the statutes and commandments.

The commandments, statutes and judgments of the Lord can be classified as those laws dealing with human conduct, personal responsibility and governmental accountability to God for the administration of the affairs of His Kingdom and the meting out of justice and equity to all.

The Laws of Health

Health of body and mind is so essential to the fulfillment of every task that before Israel came to Mount Sinai where they received the law it became necessary that the people be in-

structed in the matter of health that they might be free from disease and sickness. In the journey from Egypt they came to Marah where the water was bitter. This brought murmurings against Moses who cried unto the Lord and was shown a tree which when cast into the water made it sweet. At that time the Lord made for Israel a statute and an ordinance regarding the health of His people. This law became both a statute of administration in the nation and an ordinance in the ecclesiastical order of service for the nation.

And the Lord said, "If thou wilt diligently harken to the voice of the Lord thy God, and wilt do that which is right in his sight, and wilt give ear to his commandments, and keep all his statutes, I will put none of these diseases upon thee, which I have brought upon the Egyptians; for I am the Lord that healeth thee." (Exodus 15:26.) "Later on, Moses reminds Israel that the "Lord thy God, he is God, the faithful God, which keepeth covenant and mercy with them that love him and keep his commandments to a thousand generations; And repayeth them that hate him to their face, to destroy them: he will not be slack to him that hateth him, he will repay him to his face. Thou shalt therefore keep the commandments, and the statutes, and the judgments, which I command thee this day, to do them. . . . And the Lord will take away from thee all sickness, and will put none of the evil diseases of Egypt, which thou knowest, upon thee; but will lay them upon all them that hate thee." (Deuteronomy 10:12-15.)

Reason for Sickness

Wherever there is disease and sickness among His people as a nation they are refusing to keep and administer His laws. Multitudes continue to live in pain and suffering, while countless numbers have gone to untimely graves for national failure

results of such a course is given regarding Asa, king of Israel, "And Asa in the thirty and ninth year of his reign was diseased in his feet, until his disease was exceeding great: yet in his disease he sought not to the Lord, but to the physicians. And Asa slept with his fathers." (II Chron. 16:12-13)

Health being one of man's most valuable assets — as evidenced in the fortunes continually spent by those who, having lost it, seek to regain its blessings again — has led us to deal first with the statute and ordinance received by Israel before they arrived at the foot of Mount Sinai.

CHAPTER V

OUR RELATIONSHIP TO GOD

PROTECTION of the individual in his right to freedom and liberty is the essence of Divine justice. Liberty under the law, however, can never be construed as a license to do as one pleases, disregarding the rights of others. In the exercise of personal freedom the law of the Lord protects the rights of individuals, regulating the relationship between men to insure justice for all. But there can be no true liberty nor real and lasting freedom for man unless men recognize God and Him only. God must come first in the thoughts and hearts of His people. Thus it is that His laws embrace, first of all, man's relationship to Him and afterwards man's relationship to his neighbor.

The Greatest Commandment

When Jesus was asked which was the greatest of all the commandments, He said, "And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength." (Mark 12:30.) This same admonition had been given Israel by Moses (Deut. 6:4-5) and this instruction covered the requirements of the first half of the Ten Commandments.

Directly following His statement as to which was the first and greatest of the commandments, Jesus then said, "And the

second is like unto it, "Thou shalt love thy neighbour as thyself" (Matt. 22:39) wherein he quoted from a statement by Moses as recorded in Leviticus 19:18. This is the basic underlying principle of the last half of the Ten Commandments.

Love Fulfills the Law

Paul brings out the fact that the law will be kept if one truly loves his neighbor, saying, "For he that loveth another hath fulfilled the law, For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself. Love worketh no ill to his neighbour; therefore love is the fulfillment of the law." (Rom. 13:8-10.) Thus the *love of one's neighbor* covers the requirements as set forth in the last half of the Ten Commandments, for one who truly loves will not violate any of these requirements.

Thou Shalt Not

There are ten "Thou shalt not" listed in the Bible and known as the Ten Commandments, and though Church leaders often refer to these commandments by name yet very few truly comprehend the full scope and meaning of the application of this codification of moral conduct as it applies to the individual relationship to God and to each other. The observance of these commandments is so important to citizenship in His Kingdom that immediately following the organization of the Kingdom the Ten Commandments were promulgated to the people of Israel. Not only is their observance essential to citizenship in the Kingdom, but no man, not even a Christian, can violate their provision and be right with God.

Importance of Pentecost

Israel received the Ten Commandments at the time of the inauguration of the very first Pentecost, fifty days after the Passover and Exodus from Egypt. It was therefore fitting that centuries later, following the Passover crucifixion of Jesus Christ, fifty days from that crucifixion at Pentecost the Holy Spirit descended and the Church was born at Jerusalem. At that time the disciples were endued with power that would enable them and all who came after them, following in their footsteps, to keep and observe the requirements of the Ten Commandments in a heart relationship to God through His Son Jesus Christ. Thus Israel, at Mount Sinai, received the law and the Church at Jerusalem the power to keep that law!

The Ten Commandments

In these laws, the very first to be promulgated at Mount Sinai for Israel to keep and administer, is the admonition that God must be supreme in the life and activities of man. Idolatry and swearing are forbidden while one day in seven is to be kept holy. Parents are to be honored and man must not commit violence or wrong his fellow man. Thus the commandments required reverence and worship of God as well as love for one's neighbor. In brief these laws are as follows:

- 1) No other gods before Him.
- 2) Shalt not bow down to graven images.
- 3) Shalt not take God's name in vain.
- 4) Keep holy every seventh day.
- 5) Honor father and mother.
- 6) Shalt not kill.
- 7) Shalt not commit adultery.
- 8) Shalt not steal.

The keeping of this fifth commandment not only will bring a blessing, but a knowledge of its requirement will instruct children in their responsibility. Modern home life is directly responsible for the lack of a knowledge of God's word. The parents who complain of neglect must bear part of the responsibility for failure to have properly instructed their children in the way of the Lord.

A Closed Book

As a nation we have fallen far below the requirements, in accordance with God's laws. The Bible has been excluded from our institutions of education; or, where allowed, has been so improperly used that its teachings are nullified. The home has failed to teach its precepts. The Church has failed to supply that true instruction so essential for an understanding of His laws.

CHAPTER VI

OUR RELATIONSHIP TO OUR NEIGHBOR

A QUESTION often asked by those who, for the first time, have come to a realization of the national need of keeping the commandments, statutes and judgments of the Lord is, What can we do about it? It is of course impossible for any individual to put into operation the statutes of national administration; but we can, insofar as national violation of such laws are concerned, point out the righteousness of the law and protest its violation, thus calling attention to the penalties being exacted from us as a nation today for such violation. Essentially it is a work of witnessing: a voice in the wilderness, as it were, calling attention to the ways of righteousness, pointing out the need of a national restoration of the administration of all His laws in order to secure the blessings of peace and prosperity.

Individually we do not have to wait until the nation makes that restoration before complying with the law and coming under its benefits. Many of the requirements of the law can now be kept by individuals, such as the rules for health as well as the required attitude towards God and towards our fellow man. Thus while it is impossible to have the perfection of administration and peace promised as the result of the nation administering the commandments, statutes and judgments as the law of the land yet, insofar as the law applies to the individual, we can conform with its requirements. It is self-evident that

cause the death of another are confined in a city of refuge until the death of the High Priest. In some cases this might amount to life imprisonment. Such a law certainly produced respect for life and made a man careful of the life of his fellowman. This law in operation today would reduce automobile accidents to a minimum. A driver of a car would be as careful of the life of another's husband, wife, daughter and son as he would be of his own loved ones, for none would want to forfeit his freedom.

Swiftness of Justice

It has been a fact of our history that when crime becomes intolerable the Anglo-Saxon mind unconsciously reverts to the ancient Israel laws of administration. This was in evidence in the early days of the west, in the organization of vigilant committees to deal with crime. The swiftness with which justice was executed soon restored law and order to a troubled community. This swiftness of justice was the method God inaugurated in the handling and punishment of the criminal. The case was tried and before sunset of the day following the verdict the murderer was dead. The man or woman who feels such swiftness of justice will not have a law-abiding effect fails in an understanding of human nature. A man desires to live, not to die. God knows this and therefore gave laws and judgments which would deter men from committing crimes. In the swiftness of judgment He said, "So shalt thou put evil away from among you; and all Israel shall hear, and fear."

Specific Judgments

Certain cases would be difficult to decide so judgments were rendered. "Whoever assails a man and he dies; he shall be put

to death. But if he did not lie in wait, but his stroke came from God, then you shall provide a place where he may fly. If, however, a man plans against his neighbour to murder him; then you shall take him from my altar to kill him." (Ex. 21: 12-14, *Ferrar Fenton Translation.*)

When two men strive together, if one be injured and is in bed and the one responsible is uninjured, then the uninjured shall pay for the loss of the injured man's time and bear the expense necessary to effect a cure (Ex. 21: 18-19).

If an ox gore a man or a woman the ox shall be killed and the owner be free except in the case where he knew the ox was vicious. If he had such knowledge the death penalty would be passed upon him, but in this case he could redeem his life by paying substantial damages.

When a thief is found breaking and entering at night and if killed it would not be murder (Ex. 22: 2). If in the daytime the thief can redeem his blood and if he has nothing, then he can be sold for stealing. These and sundry other judgments were passed to guide in the matter of administration.

There would be cases where a murder has been committed and the perpetrator of the crime is not detected. In such cases the city in which the crime was committed, or if in the country the nearest city is to make atonement (Deut. 21: 12-13). Here we have community guilt established when the individual responsible for the crime is not detected and punished.

We cannot leave this subject without referring to the New Testament. Jesus made hatred of a brother without cause the equivalent to murder. Thus the inward desire to destroy another is murder in the sight of God.

Exclusion from the Holy City, which is emblematical of the coming new order, is pronounced upon "The fearful, and un-

the keeping of every requirement of the Ten Commandments brings its specific blessing and an inward spiritual peace. This, then, is the answer for those who — having heard of the need of keeping the law and of its national administration — voice the question as to what individuals can do about it!

Already we have shown what is required of man in his relationship to God. This relationship is set forth in the first half of the Ten Commandments. There can be no orderly society where these requirements are ignored, for unless men place God first, and recognize their proper relationship to Him, men are incapable of keeping a proper relationship to their neighbor. Immediately following the requirements governing man's relationship to God the Lord sets forth the relationship of men — one to the other.

Domestic tranquillity is impossible in any community which ignores these laws. Thus, while the greatest of all commandments is to love the Lord thy God with all thy heart, the second is like unto it: "Thou shalt love thy neighbour as thyself."

The Sixth Commandment

No man can violate the last five commandments (beginning with the sixth) and love his neighbor as himself. The sixth commandment is, "Thou shalt not kill."

But there will be men who will violate this law, for unless authority is vested in some organization with power to enforce its observance, society will suffer from the result of violence and crime. Because this is so, God authorized the establishment of governments, delegating to man the power to administer His laws and authorizing the bringing to justice of the individual who violates His commandments.

Individuals have no right to set up a standard of personal conduct! That has already been done by God through the Ten Commandments. It is equally true that no nation has a

right to say what type of punishment shall be meted out to those who violate any of the commandments. The punishments have already been declared by the statutes and judgments of the Lord.

Capital Punishment Mandatory?

The original statute, "Whoso sheddeth man's blood, by man shall his blood be shed," was enlarged upon by a statute of judgment given to Israel at Mount Sinai. Here it is, "The congregation (i.e., the governmental assembly of Israel) shall judge between the slayer (the one who has taken life) and the revenger of blood (the executioner) . . . These things shall be for a statute of judgment unto you throughout your generations in all your dwellings. Whoso killeth any person, the murderer shall be put to death. . . . Moreover ye shall take no satisfaction for the life of a murderer which is guilty of death (not even the substitution of life imprisonment). . . . So ye shall not pollute the land wherein ye are; for blood it defileth the land: and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it."

(Num. 35:24-33)

Under this law every nation is justified in executing the murderer. This law makes such execution mandatory and the nation that refuses to carry out this law is guilty of failure to administer justice in the land. Such failure will result in a land filled with violence and crime.

In order to protect the man whose duty it is to execute the criminal, a judgment was rendered under this sixth commandment: "And the revenger of blood (the executioner) kill the slayer; he shall not be guilty of blood." (Num. 35:27.)

Contrary to popular belief the Bible does not hold life cheaply. It is a serious thing to take life, and for the taking of life the murderer forfeits his life. But those who accidentally



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February 3, 1987

Senator Paul Fischer
Chair, Senate HESS Committee
P. O. Box V
Juneau, Alaska 99811

Dear Senator Fischer:

I writing with regard to Senate Bill 7 and Senate Bill 31, both relating to capital punishment.

The court system anticipates submitting fiscal notes on these two measures. To some extent, the fiscal impact will reflect the impact on the Department of Law, since the court's workload would depend on the number of capital punishment cases which are filed. However, the court's fiscal note will also reflect costs incurred separately by the court system in processing these cases, such as the cost of increased courtroom security.

Once the administrative office has an opportunity to review executive branch fiscal notes on these measures, we will prepare appropriate fiscal notes and forward them to the Legislature. In the meantime, if you have any questions or need additional information from the court system, please let me know.

Sincerely,

Karla L. Forsythe
Staff Counsel

KLF:bs

cc: Senator Tim Kelly
Senator Jan Faiks
Senator Mitchell Abood
Senator Jay Kerttula
Arthur H. Snowden, II, Administrative Director
Robert Fisher, Fiscal Officer

2/3/87-9

SIMILAR LANGUAGE

DIFFERENT LANGUAGE

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 2, 1987

SUBJECT: Comparison of SB 7 and SB 31, relating
to capital punishment

TO: Senator Paul Fischer
Chairman, Senate Health, Education, and
Social Services Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested a sectional analysis of SB 7 and a comparison of that bill to SB 31, both of which relate to capital punishment. Both bills are substantially similar; the differences between the two are detailed below. The sectional analysis of SB 31, prepared for you January 30, 1987, may be used as a reference to compare that bill with SB 7. Please note that a sectional analysis should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections 1, 2, and 4 of SB 7 are identical to sections 1, 2, and 4 of SB 31. These sections make technical amendments to existing provisions of law to refer to the new capital punishment provisions added by other sections of the bill.

Section 3 of SB 7 adds a new provision, AS 12.55.117. Subsection (a) of that section is identical to subsection (a) of AS 12.55.117 in section 3 of SB 31.

Subsection (b) is similar to subsection (b) of SB 31 except that SB 7 requires the date of execution to be set between 30 and 60 days after the death warrant is issued.

Subsection (c) of SB 7 is substantively the same as subsection (f) of SB 31.

Subsection (d) of SB 7 gives the Department of Corrections the authority to adopt regulations governing the procedures

for executions. In contrast, SB 31 sets those details out in other subsections of AS 12.55.117.

Section 5 of SB 7 adds AS 12.55.177, setting out the sentencing procedures for capital felonies. Subsections (a) and (b) are substantively identical to subsections (a) and (b) of AS 12.55.177 as added by section 5 of SB 31.

Subsection (c) of SB 7 is substantively similar to AS 12.55.178 in section 5 of SB 31, except that under SB 7 the jury renders a "recommended sentence" and under SB 31 the jury renders an "advisory sentence."

AS 12.55.179 in SB 7 provides that the court must follow the jury's recommendation. If the jury makes certain findings and recommends the death penalty, the court must impose that penalty. If the jury recommends a sentence of imprisonment, the court may not impose the death penalty. In contrast, SB 31 does not require the court to follow the jury's advisory sentence. -If the court makes certain findings regarding aggravating and mitigating factors in SB 31 (see AS 12.55.180 and 12.55.181), it may impose a death sentence independent of the jury's findings.

AS 12.55.180 in SB 7 sets out the aggravating factors the sentencing court may consider. They differ from the factors set out in AS 12.55.180 of SB 31. The SB 7 aggravating factors include:

- add
function* → (1) the defendant's conduct manifested deliberate cruelty in that it involved sexual assault in the first degree, kidnapping, or assault in the first degree;
- add
factors* → (2) the defendant's conduct caused the death of two or more persons, other than accomplices;
- add
factors* → (3) the defendant had a prior conviction for murder;
- yes* → (4) the defendant's conduct was directed at the President of the United States or the Governor of Alaska;
- add
factor* → (5) the defendant's conduct was directed at a law enforcement, judicial, or correctional officer;
- take
out
yes* → (6) the defendant killed a child nine years of age or younger;
- (7) the offense was committed under an agreement that the defendant pay or be paid for the commission of the offense;

Put in Subsection 5 of Fischer

7 Take out
(8) the defendant committed the offense while avoiding lawful arrest or escaping from lawful confinement;

Take out
(9) the defendant committed the offense after escaping from lawful custody of a peace officer or place of lawful confinement.

AS 12.55.181 in SB 7 sets out the mitigating factors the court must consider; these are identical to the mitigating factors set out in AS 12.55.181 of SB 31.

AS 12.55.182 of SB 7 deals with incompetency and pregnancy of persons sentenced to death and is substantively the same as AS 12.55.182 of SB 31.

Section 6 of SB 7 is substantively the same as section 6 of SB 31.

K
Section 7 of SB 7 is a technical amendment dealing with the lack of jurisdiction of the Court of Appeals in death sentence appeals. This section is not found in SB 31, but probably should be added for clarity.

Take out
Section 8 of SB 7 requires the Commissioner of Corrections to establish a procedure for execution of the death penalty. This provision is not contained in SB 31.

Put in Sec. 8
Section 7 of SB 31 puts the question of the desirability of the death penalty on the ballot as an advisory question in 1988. This provision is not contained in SB 7.

Put in Sec. 9
Section 8 of SB 31 makes the bill effective August 15, 1989, giving the legislature the opportunity to respond to the advisory vote before the bill takes effect. In contrast, SB 7 has no effective date provision, and would take effect 90 days after the governor signs it.

KBL:csh
c7/039