

**HB**

**491**

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/2/90

FURTHER: \_\_\_\_\_

DATE TURNED INTO OFFICE: 5/6/90

The Finance Committee considered

CSHB 491 (Judiciary) am

"An Act creating a sentencing commission; and providing for an effective date."

and recommended:

[ ] replace with \_\_\_\_\_ CS  
[  ] or adopt \_\_\_\_\_ SCS

[  ] same title  
[ ] new title  
[ ] technical title change (HB only)

[ ] attached amendment(s)

[ ] \_\_\_\_\_ letter of intent adopted

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

[ ] fiscal note(s) \_\_\_\_\_

\_\_\_\_\_

[  ] zero fiscal note(s) SFC/GOV.

\_\_\_\_\_

APPROVES PREVIOUS:

Dept/Date:

[ ] fiscal note(s) \_\_\_\_\_

\_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

\_\_\_\_\_

[ ] appropriation-no fiscal note

SIGNING DO PASS:

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. [Signature] No Pass

co-chairs: Signatures and Recommendations

OTHER RECOMMENDATIONS:

[Signature] - No Rec.

[Signature] No Rec

[Signature] No Rec

[Signature] (No Rec)

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Act creating a sentencing  
commission  
Sponsor: House Rules/Gov.  
Requestor: Senate Finance

Agency Affected: Office of the Governor  
BRU: Commissions & Special Offices  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Senator Rick Uehling, Co-chairman  
Division: Senate Finance Committee

Phone: 465-4821  
Date: May 6, 1990

Approved by Commissioner: \_\_\_\_\_  
Agency: \_\_\_\_\_

Date: \_\_\_\_\_

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

*Adopted*

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 491 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL  
6 For an Act entitled: "An Act creating a sentencing commission; and provid-  
7 ing for an effective date."

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

9 \* Section 1. AS 44.19 is amended by adding new sections to read:

10 ARTICLE 16. SENTENCING COMMISSION.

11 Sec. 44.19.561. CREATION OF COMMISSION. The Alaska Sentencing  
12 Commission is established in the Office of the Governor.

13 Sec. 44.19.563. COMPOSITION. (a) The commission consists of 14  
14 members as follows:

15 (1) a person with a law enforcement background, appointed  
16 by the governor after considering nominations from the Alaska Peace  
17 Officers Association;

18 (2) two persons who are members of a crime victims advocacy  
19 or crime victims assistance organization, appointed by the governor;

20 (3) a person with an understanding of the concerns of  
21 Alaska Natives relating to the criminal justice system, appointed by  
22 the governor;

23 (4) a person with a background in criminal rehabilitation  
24 programs, appointed by the governor;

25 (5) a person with an academic background in criminal jus-  
26 tice issues, appointed by the governor after considering nominations  
27 from the dean of the School of Public Policy of the University of  
28 Alaska Anchorage;

29 (6) the commissioner of corrections or a deputy

- 1 commissioner of corrections designated by the commissioner;
- 2 (7) the commissioner of public safety or a deputy commis-  
3 sioner of public safety designated by the commissioner;
- 4 (8) the attorney general or the designee of the attorney  
5 general;
- 6 (9) the public defender or the designee of the public  
7 defender;
- 8 (10) the chief justice of the supreme court or another  
9 justice of the supreme court or a judge of the court of appeals desig-  
10 nated by the chief justice;
- 11 (11) a superior court judge designated by the chief justice;
- 12 (12) the senate president or another senator designated by  
13 the senate president; and
- 14 (13) the speaker of the house of representatives or another  
15 member of the house designated by the speaker of the house of repre-  
16 sentatives.

17 (b) The commission, by majority vote of the membership, shall  
18 elect a chair and other officers it considers necessary from among its  
19 membership to serve on a yearly basis.

20 (c) The term of office of a member appointed under (a)(1) - (5)  
21 of this section is three years. A vacancy shall be filled for the  
22 balance of the unexpired term in the same manner as original appoint-  
23 ments.

24 Sec. 44.19.565. COMPENSATION. Members of the commission serve  
25 without compensation, but are entitled to per diem and travel expenses  
26 authorized for boards and commissions under AS 39.20.180.

27 Sec. 44.19.567. MEETINGS. A majority of the members constitutes  
28 a quorum for conducting business and exercising the powers of the  
29 commission. The commission shall meet at the call of the chair, at

1 the request of the majority of the members, or at a regularly sched-  
2 uled time as determined by a majority of the members.

3 Sec. 44.19.569. PURPOSE. The purpose of the commission is to  
4 evaluate the effect of sentencing laws and practices on the criminal  
5 justice system, and to make recommendations for improving criminal  
6 sentencing practices. In so doing, the commission shall consider

7 (1) statutes and court rules related to sentencing of  
8 criminal defendants;

9 (2) sentencing practices of the judiciary, including the  
10 use of benchmark sentences;

11 (3) alternatives to traditional forms of incarceration;

12 (4) the use of parole and probation in sentencing criminal  
13 defendants;

14 (5) the adequacy, availability, and effectiveness of treat-  
15 ment and rehabilitation programs;

16 (6) crime rates, including the rate of violent crime, in  
17 this state compared to other states;

18 (7) incarceration rates in this state compared to other  
19 states; and

20 (8) the projected financial effect of changes in sentencing  
21 laws and practices.

22 Sec. 44.19.571. METHODOLOGY. In making recommendations, the  
23 commission shall

24 (1) solicit and consider information and views from a  
25 variety of constituencies in order to represent the broad spectrum of  
26 diversity that exists with respect to possible approaches for sentenc-  
27 ing criminals in the state; and

28 (2) base recommendations on the following factors:

29 (A) the seriousness of each offense in relation to

- 1 other offenses;
- 2 (B) the effect of an offender's prior criminal history
- 3 on sentencing;
- 4 (C) the need to rehabilitate criminal offenders;
- 5 (D) the need to confine offenders to prevent harm to
- 6 the public;
- 7 (E) the extent to which criminal offenses harm victims
- 8 and endanger the public safety and order;
- 9 (F) the effect of sentencing in deterring an offender
- 10 or other members of society from future criminal conduct;
- 11 (G) the effect of sentencing as a community condem-
- 12 nation of criminal acts and as a reaffirmation of societal norms;
- 13 (H) the elimination of unjustified disparity in sen-
- 14 tences; and
- 15 (I) the resources available to criminal justice system
- 16 agencies.

17 Sec. 44.19.573. POWERS AND DUTIES. To accomplish its purpose,

18 the commission may

19 (1) hire an executive director and additional administra-

20 tive staff as may be necessary to the commission's function, or place

21 the commission staff under the executive director of the Alaska Judi-

22 cial Council;

23 (2) select and retain the services of consultants whose

24 advice is considered necessary to assist the commission in obtaining

25 information;

26 (3) accumulate and compile information concerning sentenc-

27 ing practices; and

28 (4) recommend legislative and administrative action on

29 sentencing practices.

1           Sec. 44.19.575. ANNUAL REPORT AND RECOMMENDATIONS. The commis-  
2           sion shall submit to the governor and the legislature an annual report  
3           of its proceedings for the previous calendar year and shall submit  
4           recommendations for legislative and administrative action. Reports  
5           and recommendations required under this section shall be submitted no  
6           later than January 1 of each year.

7           Sec. 44.19.577. DEFINITION. In AS 44.19.561 - 44.19.577, "com-  
8           mission" means the Alaska Sentencing Commission established in AS 44.-  
9           19.561.

10          \* Sec. 2. TRANSITIONAL PROVISIONS. The initial appointments to the  
11          Alaska Sentencing Commission under AS 44.19.563, as added by sec. 1 of this  
12          Act, shall be made and the first meeting of the commission shall be con-  
13          vened by July 1, 1990. The first report required under AS 44.19.575, as  
14          added by sec. 1 of this Act, shall be submitted no later than January 1,  
15          1991.

16          \* Sec. 3. This Act is repealed June 30, 1993.

17          \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 7, 1990

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating a sentencing commission.

Over the past decade, the prison population in Alaska has increased every year. In the period from 1980 to 1988, Alaska had the largest percentage increase in prison population, and the fourth highest rate of incarceration, of all 50 states. Disagreement exists over both the cause of the increase and the manner in which state government should respond to the expanding prison population.

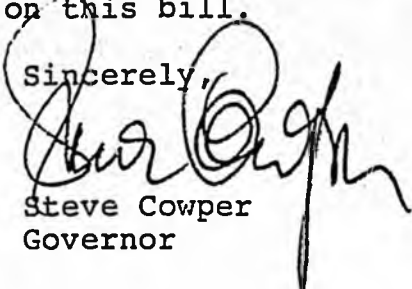
Based on research and data collected in other states, it is obvious that the increased rate of incarceration has not, and will not, solve the crime problem in Alaska. Neither will the development of intermediate and alternative sanctions, by itself, eliminate prison overcrowding. Building more prisons is one way to deal with expanding prison populations. However, with prison construction costs ranging from \$50,000 to \$100,000 per bed, the ultimate price of building more jails (which includes both real costs and the effect on our ability to pay for other important public needs) is formidable. A change in our sanctioning policy is the only real means of controlling ever-expanding prison populations.

This bill creates a commission composed of executive-, legislative-, and judicial-branch employees, as well as members of the public. The commission's job would be to review sentencing patterns and practices, as well as crime rates, and to make recommendations for long-term management

of Alaska's prison population. The legislation requires the commission to make annual recommendations for legislative and administrative action on sentencing laws.

I urge your favorable action on this bill.

Sincerely,



Steve Cowper  
Governor

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: SCSCSHB 491  
PUBLISH DATE: (JLD) 5-2-90

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act creating a sentencing commission...."  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Office of the Governor  
BRU: Commissions & Special Offices  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	117.5	120.5	124.7			
TRAVEL	18.5	18.5	18.5			
CONTRACTUAL	73.9	58.9	58.9			
SUPPLIES	5.0	5.0	5.0			
EQUIPMENT	16.0	0.5	0.5			
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	230.9	203.4	207.6			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	230.9	203.4	207.6			
FEDERAL FUNDS						
OTHER						
TOTAL	230.9	203.4	207.6			

POSITIONS:

FULL-TIME	2	2	2			
PART-TIME	1	1	1			
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Finance Committee Phone: 465-3727  
Division: Co-Chairman Ron Larson Date: 3/22/90  
Approved by Co-Chairman Lyman Hoffman Lyman Hoffman Date: 3/22/90  
Agency: \_\_\_\_\_

Distribution (by preparer):

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

Changes in SCS CSHB 491 (JW)  
have no fiscal impact.  
This fiscal note is  
appropriate.

*CK*

page 1 of 7

*Same fiscal note for House Bill.*

HOUSE BILL 491  
SENTENCING COMMISSION  
ANALYSIS

PERSONAL SERVICES: 117.5

Fiscal note assumes an Anchorage location of commission staff. "Request for New Position" forms are attached. Salaries shown are at STEP A for Fiscal Year 1991. Personal Services for subsequent years include a one-step merit increase for all positions.

TRAVEL: 18.5

Travel assumes six (6) annual commission meetings.

Anchorage: 4 Meetings

	\$	\$
Travel @ \$366/person x 3 people	= 1098	
Per Diem @ \$80/day x 2 days x 3 people	= 480	
Subtotal	= 1578	
4 meetings (x 4)		6312

Juneau: 1 Meeting

Travel @ \$390/person x 3 people	= 1170
Per Diem @ \$80/day x 2 days x 3 people	= 480

Administrative Staff Travel

Travel @ \$366/person x 3 people	= 1098
Per Diem @ \$80/day x 2 days x 3 people	= 480
Subtotal	= 3228

1 Meeting (x 1)		3228
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Fairbanks: 1 Meeting

Travel @ \$390/person x 3 people	= 1170
Per Diem @ \$90/day x 2 days x 3 people	= 540

Administrative Staff Travel

Travel @ \$232/person x 3 people	= 696
Per Diem @ \$90/day x 2 days x 3 people	= 540
Subtotal	= 2946

1 Meeting (x 1)		2946
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Additional Administrative Travel	=	6000
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Includes legislative hearings  
 and out-of-state travel to  
 meet with sentencing experts.

Travel Total	=	18,486
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Sentencing Commission Analysis

CONTRACTUAL 73.9

Professional Services:

Services for programmer, sentencing analysts,  
statisticians, corrections specialists, and  
other related professionals 30,000

Communications:

Telephone (toll costs, base/local fixed costs, centrex network costs) \$700/mo x 12 months	= 8400	
Telecopier charges \$20/mo x 12 mos.	= 240	
Teleconference charges 6 @ \$450	= 2700	
Postage \$200/mo x 12 months	= 2400	
		13,740

Transportation:

Freight and express charges \$75/mo x 12	=	600
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Advertising, Printing and Binding:

Advertising \$500 x 6 meetings	= 3000	
Printing \$800 x 4 newsletters	= 3200	
Annual Report	= 7000	
Forms, misc.	= 750	
		13,950

Minor Repairs, Maintenance		1000
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Rental for Space

Space requirement per Dept. of Administration standards. 693.5 sq' x \$1.75 x 12 months		14,564
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Contractual Total

SUPPLIES AND MATERIALS 5.0

Office and Library suppl. \$250/mo x 12	= 3000	
Data Processing Supplies	2000	
Total Supplies		5000

Sentencing Commission Analysis

EQUIPMENT 16.0

Communication Equipment;

Phones

1800

Data Processing Equipment:

2 PC's and 1 lazer printer

6700

Furniture/Office Equipment:

Furniture/work stations equipment  
(1) 5-Drawer lateral file cabinet  
Photocopier

= 5000

= 450

= 2000

7450

Total Equipment

15,950





