

S B

423

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/31/90

FURTHER: Judiciary

Date of 5-Day Notice: 3/1/90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/6/90

H E S S Committee considered

SB 423

"An Act relating to misconduct involving possession of a weapon by a person who is in violation of a domestic violence restraining order."

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

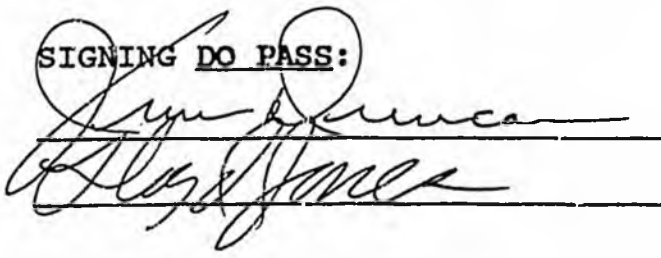
zero fiscal note(s) _____
Dept. Public Safety

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:



Paul Miller (Do Pass)

Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Misconduct involving possession of a weapon
Sponsor: Senator Pearce, et al
Requestor: Senate HESS

Agency Affected: Public Safety
BRU: Council on Domestic Violence and Sexual Assault
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

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

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	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)

This bill is expected to have no fiscal impact on the Department of Public Safety.

Prepared by: Barbara Miklos, Executive Director
Division: Council on Domestic Violence and Sexual Assault
Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Phone: 465-4356
Date: 2/8/90
Date: 2-9-90
Page 1 of 1

Handwritten:
2/9/90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Corrections
 Title: "Misconduct involving possession of a weapon...domestic violence restraining order." BRU: _____
 Sponsor: Senator Pearce, et al Components: _____
 Requestor: _____

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						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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)

The Department of Corrections predicts minimal impact from passage of this proposed legislation.

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
 Division: Administrative Services Date: 03/12/90
 Approved by Susan Humphrey-Barnett Date: 03/12/90
 Agency: Department of Corrections

Distribution (by preparer):

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

Alaska State Legislature


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Senator Drue Pearce
District G

MEMORANDUM

TO: Senator Paul Fischer, Chairman
Senate HESS Committee

FROM: Senator Drue Pearce 

RE: Request for hearing

DATE: January 31, 1990

The Health, Education, and Social Services Committee is the first committee of referral in the Senate for Senate Bill 423. I request that a hearing on this bill be scheduled at the earliest possible date.

If you have questions, Jo Fenety of my office is the staff contact on this bill.

DP:jf

FORUM

Murder, by any other name, smells the same

SACRAMENTO — A week never passes without one of the calls; sometimes there are two or three in a day.

"My ex-husband just came in here and ripped up my clothes with a knife."

"My boyfriend broke the windows out of my car."

"Please, my husband's going to kill me ...

The men come back again and again and again. They beat up their wives and girlfriends, they vandalize their cars, they call them in the middle of the night, they follow them home, they threaten to kill them and their children.

They say they do it for love.

Usually before a woman comes to the newspaper she has called a lawyer and the district attorney's office and the police department or the sheriff's office; usually she's called everybody she knows.

And once in a while, giving the system its due, somebody is arrested for assault or violating a restraining order and does a few days in the county jail, and learns from that to be more circumspect in the business of terrorizing people weaker than himself.

More often, the calls are ignored.

That or a cop shows up and tries to negotiate a peace himself. You can't blame a cop for that, by the way. A domestic violence case is always complicated, it usually involves different versions of a story that



pete dexter

the cop doesn't know anything about, and so, unless someone is standing in the doorway with the kitchen knife in their leg, it's hard to figure out what happened.

So the cop warns everybody and leaves. And sometimes that's enough, and sometimes it isn't.

I am thinking now about Kathy Thomas, who was buried Tuesday in Fair Oaks Cemetery. She was the 25-year old kid who was shot three times at close range Wednesday morning, allegedly by her estranged husband, Richard Thomas.

"Allegedly", of course, is the legal term that I am obligated to throw into stories like this.

In this particular case, I would remind you that the word appears side by side with

the fact that witnesses saw Richard Thomas buy the gun, witnesses saw him come into the rental office where Kathy Thomas worked Wednesday morning, scream at her — "I warned you" — and shoot her, and witnesses saw him surrender to police and collapse.

Other witnesses watched him terrorize Kathy Thomas for years.

Records show she'd taken out a restraining order against him, that she'd charged him with assault and battery, that she'd called the sheriff's department two days before she was killed and reported that he'd tried to run her off the road.

You are entitled to look at all that and give Richard Thomas as much "allegedly" as you like.

And this being America, his attorneys are entitled to defend him in any way they can.

But now that I've said that — acknowledged that Richard Thomas is entitled to a legal presumption of innocence and every protection of the law, that his attorneys are entitled to be attorneys — let me also say that something one of his lawyers, Assistant Public Defender Kevin D. Clymo, offered up in the newspaper Saturday made me sick to my stomach.

I am not speaking here of Clymo's contention that Thomas was confused. "I don't think he understands what's going on," Clymo said. "He's been told he's charged

with murder. He's been told he killed his wife. He knows he's in jail. But I don't think he has a clue how long he's been there, what day it is, or what really happened."

Mr. Clymo is entitled to that, just as I'm entitled to remember the merciless stalking that preceded Kathy Thomas's death.

But the attorney didn't stop there.

He referred to the "pressure inside (Thomas's head) ... building up" and "psychiatric problems", and then offered this:

"If he hits upon a memory of anything that occurred, it'll be devastating. He really loved that woman. You can tell. He really loved her."

He really loved her.

And that turns my stomach.

I suppose am not as comforted by that word "love" as Mr. Clymo is, but perhaps I've heard it too much.

Too much to believe it has anything to do with hurting women, too much to believe that terrorism is a melancholy thing.

Kathy Thomas is in Fair Oaks Cemetery because Richard Thomas wasn't in jail. She asked for help and didn't get it.

It's the wrong time for cheap humanism.

She was taken too cheaply as it is.

Pete Dexter is a Sacramento Bee columnist.

February 16, 1990

Domestic Violence Committee
Lt. Shirley A. Warner, Chair
4501 S. Bragaw Street
Anchorage, Alaska 99507-1599

The Honorable Representative Alyce Hanley
P.O. Box V
Juneau, Alaska 99811

RE: Support for House Bill 340: An act relating to misconduct involving possession of a weapon by a person who is in violation of a domestic violence restraining order.

Dear Representative Hanley,

Thank you very much for sponsoring House Bill 340. The Domestic Violence Committee supports this bill as it provides an additional measure in the fight against domestic violence. The Domestic Violence Committee was formed in June 1988 for the purpose of discussing, clarifying, and revising any areas of concern regarding domestic violence. We represent a variety of governmental agencies who deal with domestic violence on a daily basis. 20 to 30 people are in attendance at each quarterly meeting to deal with significant issues.

The goal of the Committee is to insure optimum protection for victims of domestic violence through an expedient and efficient procedure for dealing with violators.

We feel this bill will further our success in dealing with this most volatile crime. Currently when an officer responds to the scene of a violation of a domestic violence writ, and the respondent is in possession of a deadly weapon, the most the officer is able to do is place the person under arrest for a misdemeanor.

Research has shown, and current cases within the State have proven, that deadly weapons have been used where the victim has been murdered during a violation of a writ.

The Committee feels the ideal would be that the respondent is warned via the writ that if he/she violates the writ, and is in possession of a deadly weapon, he/she shall be arrested for a felony. It is our hope that this addition would act as further deterrance in the injury and death of innocent people. In the event the respondent does not pay heed to this warning three things will occur: 1) an officer has the authority to arrest the respondent for a felony; 2) more time is allowed to pass providing for a "cooling off period"; 3) the respondent will become very aware of the seriousness of the crime and he/she will know the State is serious about this crime.

The following information should prove useful in your discussion with anyone who may oppose this worthwhile step in furthering the protection of victims of domestic violence.

If you have any questions, or if any member of this committee can assist in any way to insure the expeditious passage of this legislation, please call. Thank you.

Sincerely,

Lt. Shirley A. Warner
Chair, Domestic Violence Committee
Anchorage Police Department
786-8851

Nancy Scheetz-Freymiller
Executive Director
Abused Women's Aid in Crisis
272-0100

Carrie Longoria
Director, Abuse Prevention Program
Municipality of Anchorage
343-4876

Kevin Fitzgerald
Assistant District Attorney
State of Alaska
277-8622

James F. Wolf
Municipal Prosecutor
Municipality of Anchorage
343-4250

Cheryl Mann
Executive Director
Alaska Women's Resource Center
276-0528

Sgt. Doug Stowers
Warrant Section
Anchorage Police Department
343-4198

Sgt. Michael A. Grimes
Violent Crimes Unit
Anchorage Police Department
786-8807

1st Sgt. Dennis Casanovas
Patrol Division
Alaska State Troopers
269-5511

Sgt. Gary Apperson
Patrol Division
Anchorage Police Department
786-8500

From the National Women Abuse Prevention Project:

- * When battered women are killed by their abusers, it frequently occurs after they have been separated from them or taken other action to end the relationships.
- * FBI data indicate that 30% of female homicide victims are killed by their husbands or boyfriends. This translates into the death of four women per day at the hands of male partners.
- * An in-depth study of all one-on-one murder and non-negligent manslaughter cases from 1980-84 found that more than one-half (52%) of female victims were killed by male partners.
- * 40% of women seeking shelter services in Texas were abused with weapons.
- * Research suggests that spousal abuse results in more injuries that require medical treatment than rape, auto accidents, and muggings combined.

From Men Who Batter: An Integrated Approach for Stopping Wife Abuse, Edward W. Gondolf, Learning Publications, 1989:

- * In a study of domestic violence and the police in Kansas City, Missouri, it was found that police had responded to disturbance calls, at the address of homicide victims at least once in the two years before the homicide in 90% of the cases, and five or more times in 50% of the cases.

From the Statistical Study of Domestic Violence Cases: 1986-1988, in Anchorage:

- * Approximately 12% of the domestic violence victims experienced injury by weapons or objects.
- * Approximately 9% of the domestic violence victims were threatened with a knife, gun or other dangerous object.