

HB 106

HOUSE COMMITTEE REPORT

(ii)

Date Referred: February 12, 1991

FURTHER REFERRALS:

Date of Committee Action: 2/20/91

The FINANCE Committee considered:

HB 106

HOUSE BILL NO. 106

EXTEND MAXIMUM PERIOD OF PROBATION

"An Act extending the maximum period of probation after conviction."

RECOMMENDATIONS:

be replaced with HB 106 the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____
 Admin SVC 2/12/91 Corrections 2/21
 zero fiscal note(s) DPS 2/12/91 AK COURT System 2/21

zero fiscal note _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Signature	Check appropriate column:	Do Not Pass	No Rec	Amend
AVOARRE	Mike Savane				
Bayer	Monte Bayo				
BARNES	Tamara Barnes				
BROWNE	Tom Browne				
CARSON	Richard Carson				
CLINE	Paul Cline				
COOPER	W. Cooper *				
ACKO	Gene Acko *				
PHILLIPS	Frank Phillips				
SHARP	Best Sharp				

* I don't believe the fiscal note (NO) Mike Savane N-AVARR
 cc - Chairman's Signature

FISCAL NOTE

No. 1

Bill Version: HB 106

(H) Publish Date: 2/12/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act extending the maximum period of probation..." BRU: Prosecution
 Component: Criminal Justice Litigation
 Sponsor: House Judiciary Committee
 Requestor: House Judiciary Committee COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

This bill amends AS 12.55.090(c) to extend the maximum period of probation after conviction to ten years from five years. This is a sentencing provision that may have some impact on Probation and Parole, but it will not have an impact on the Department of Law.

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: February 11, 1991

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: February 11, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

COMMITTEE COPY

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____
Title: An Act Extending the Maximum
Period of Probation
Sponsor: House Judiciary
Requestor: House Judiciary

Department Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments

COMPONENT SERIAL NO.

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

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated

Prepared by: Gavle A. Horetski Phone: 465-4322
Division: Commissioner's Office Date: 2/7/91
Approved by Commissioner: Gavle A. Horetski for Richard L. Burton
Agency: Department of Public Safety Date: 2/8/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 3
 Bill Version: HB 106
 (H) Publish Date: 2/12/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Corrections
 Title: An act relating to the maximum BRU: _____
period of probation... Component: _____
 Sponsor: House Judiciary Committee
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0 -	-0-	-0-	-0-

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 The number of individuals receiving 10 year probation periods is not quantifiable, the impact may be on how many instances would represent serving suspended sentences as part of the probation stipulations.

Prepared By: Tom Sutton, Director *Tom Sutton* Phone: 465-3376
 Division: Administrative Services Date: 2-10-91
 Approved by Commissioner: *Stacy Thomas*
 Agency: Department of Corrections Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 4
 Bill Version: HB 106
 (H) Publish Date: 2/12/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act extending the maximum BRU: Trial Courts
period of probation after conviction Components: _____
 Sponsor: Judiciary Committee
 Requestor: Judiciary Committee COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *C. S. Christensen III* Phone: 264-8228
 Division: Alaska Court System Date: 02/08/91

Approved by: Arthur H. Snowden, II, Administrative Director *Stephanie Cole, for*
 Agency: Alaska Court System Date: 02/08/91

COMMITTEE COPY

HOUSE BILL NO. 106

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/4/91

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the maximum period of probation after conviction."

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

3 * Section 1. AS 12.55.090(c) is amended to read:

4 (c) The period of probation, together with any extension, may [SHALL] not exceed 10
5 [FIVE] years.

6 * Sec. 2. AS 12.55.090(c), as amended by sec. 1 of this Act, does not apply in the case of a
7 conviction for a criminal act committed before the effective date of this Act.

BILL NO: HB 106

DATE: February 15, 1991

TITLE: An Act extending the maximum period of probation after conviction.

CONTACT: Barbara Miklos
Executive Director
Council on Domestic Violence
and Sexual Assault

COUNCIL ON DOMESTIC VIOLENCE
AND SEXUAL ASSAULT

The Council on Domestic Violence and Sexual Assault supports HB 106. This bill changes the maximum allowable period of probation from 5 years to 10 years.

The Council supports this legislation primarily because of its effect on sex offenders who have extremely high rates of recidivism. In order to prevent re-offending, sex offenders should be monitored closely and for a substantial amount of time. Monitoring is particularly necessary for offenders who do not participate in or complete treatment while incarcerated. However, offenders who do engage in treatment while incarcerated also need continuing treatment and parole supervision after their release to monitor their life-style and behavior. Monitoring the behavior of sex offenders for a longer period of time will help protect victims of crime.

Andy Klamser
Andy Klamser, Chair
Council on Domestic Violence
and Sexual Assault

Alaska State Legislature



House of Representatives House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

SPONSOR STATEMENT

House Bill 106 gives judges greater flexibility in sentencing criminal defendants by increasing the maximum allowable period of probation to ten years. Under current law, judges are prohibited from placing defendants on probation for longer than five years.

A longer probation period will allow for greater amounts of restitution to be paid to victims, will allow offenders who pose a high risk of reoffending to be supervised for longer periods of time, and for appropriate offenders, will provide a lower cost alternative to incarceration.

The legislation is supported by the Department of Law, the Department of Public Safety, the Alaska Association of Chiefs of Police, and the Network on Domestic Violence and Sexual Assault.

Dave Donley, Chair
Judiciary Committee

Handwritten initials "DD" in blue ink.

Alaska Association Chiefs of Police



February 2, 1991

Representative Dave Donley
Alaska State Legislature
P. O. Box V (MS 3100)
Juneau, AK 99811

Dear Representative Donley,

I am writing this letter to express the support of the Alaska Association of Chiefs of Police for House Bill 106. Existing law only allows for imposition of five years of probation. We support extending this to ten years as proposed in your bill.

Probation can be an excellent tool in protecting the public. We submit, however, that judges under current law are too limited and should be given the ability to require persons convicted of serious crimes to be monitored and supervised for longer periods of time when necessary.

If we can be any assistance in the passage of your bill, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Duane S. Ueland", is written over a horizontal line.

Duane S. Ueland
President