

HB440

SENATE FINANCE COMMITTEE REPORT

DATE: 5/1/92

FURTHER:

DATE TURNED INTO OFFICE:

5/1/92

The Finance Committee considered CS FOR HOUSE BILL NO. 440 (FINANCE) am

"An Act relating to registration of sex offenders and amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

and recommends:

- replace with 3 CS ~~CS 440~~ CSHB 440 (FINANCE)
- or adopt previous CS ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts Letter of Intent

further referral to the

5-11-92

JCS (Fix) coming

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes DNA-DPA 2/21/92

DO Admitted 2/25/92

DPA #11 2/24/92

fiscal notes DPS 89.6 5-11-92

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes DNA-DPA 2-21-92

DNA-PD 2-21-92

T.Daw 2-28-92 DOC 2-24-92

fiscal notes

appropriation--no fiscal note

DO PASS:

[Signature]

OTHER RECOMMENDATIONS:

1. *[Signature]*
Co-Chair: Signature/Recommendation

2.
Co-Chair: Signature/Recommendation

STATE OF ALASKA
 1992 LEGISLATIVE SESSION
 SFC

REPORTED OUT OF
 5-12-92

Bill Version: CSHB 440 (JUD)
 (H) Publish Date: 3-4-92

Revision Date: _____ Department Affected: Department of Corrections
 Title: "An Act relating to registra- BRU: Statewide Operations
tion...of sex offenders..." Component: Various
 Sponsor: Rep. Ulmer
 Requestor: House Judiciary COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached fiscal analysis.

Prepared By: Diane Schenker, Legislative Liaison Phone: 465-3376
 Division: Office of the Commissioner Date: 02/24/92
 Approved by Commissioner: Lloyd James, Commissioner
 Agency: Department of Corrections Date: 02/24/92

COMMITTEE COPY

CONTINUATION OF FISCAL ANALYSIS

BILL: CS HB 440(juo) "An Act relating to registration and community notification of sex offenders and amending Alaska Rule of Criminal Procedure 32 (b)."

The bill requires the Department of Corrections to provide notification of a sex offender's release, parole, community placement, work release placement, furlough, or escape to the police in the community in which the offender will reside and to the Alaska State Trooper post nearest to where the offender will reside. The notice must be given at least 10 days prior to release. In the case of escape, notice must be given immediately.

The bill also requires the Department of Corrections to provide written notification to sex offenders of the registration requirements at the time of release from confinement, including receipt and retention of a signed acknowledgement. The Department would also be required to give written notice of the registration requirements to a sex offender placed under the Department's authority through the Interstate Corrections Compact.

Projected release dates of sex offenders currently incarcerated are as follows:

<u>Time Period</u>	<u>Number of Sex Offenders Released</u>
01/01/92 - 12/31/92	52
" 93 - " 93	100
" 94 - " 94	50
" 95 - " 95	54
" 96 - " 96	37

The number of sex offender cases under the Interstate Compact are as follows:

01/01/90 - 12/31/90	38
" 91 - " 91	27

Based on an average of the above-listed cases, approximately 51 sex offenders would require notification per year, or slightly over four per month. This duty can be absorbed without additional staff, since various paperwork must be completed at the time of release for each offender anyway. These sections will require revision of Department Policies and Procedures. This task can be absorbed by the staff who are currently assigned to revise such policies on an on-going basis. Therefor, no fiscal impact is expected due to these requirements.

The bill would also make it a Class B Misdemeanor for a sex offender to knowingly fail to register as required. Information regarding a similar sex offender registration requirement in Washington state suggests that about 76% of the sex offenders comply with the registration requirement. Assuming that approximately 50 sex offenders are released and required to register each year, a 24% failure rate would make 12 offenders eligible for a Class B misdemeanor each year.

In 1983 the Alaska Judicial Council studied a sample of 1795 misdemeanor cases to determine sentencing patterns. Approximately 29% were sentenced to some incarceration, other than concurrent sentences involving other charges. This would suggest that only 30% of 12 offenders would be likely to be sentenced to incarceration for this offense, or less than four offenders per year. Information on the length of sentence is not available. It is assumed that four misdemeanants per year requiring some period of incarceration would not have significant fiscal impact on the Department and could probably be absorbed through the use of existing community residential center beds.

However, since this bill would criminalize a behavior which is currently not illegal in Alaska, it must be recognized that the above estimates are speculative. Should the noncompliance rates be greater in Alaska, or should sentencing for these Class B misdemeanors result in frequent or lengthy (up to one year) incarcerations, one long term effect of this bill may be to accelerate the pace at which the Department of Corrections moves toward the need to expand prison space through construction of new facilities, with associated increases in operating costs.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 5-12-92

No. 6
Bill Version: CSHB 440 (FIN)
(H) Publish Date: 3-20-92

Revision Date: February 28, 1992
Title: "...registration by and community notification of sex offenders..."
Sponsor: Representative Ulmer
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Prosecution, Legal Services
Component: Prosecution - All Legal Services - Operations
COMPONENT SERIAL

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Expenditures/Revenues: (Thousands of Dollars)

85 through 91, 93

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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 FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
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.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 28, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: February 28, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 440 (FIN)

The Judiciary Committee work draft substitute for HB 440, dated February 21, 1992, eliminates the primary concern expressed in the Department of Law's February 24 fiscal note, because it does away with the requirement that sex offenders petition the court to be relieved of the duty to register. The substitute version of the bill sets term-certain periods that a sex offender must be registered, instead. In the case of a sex offender's unconditional discharge for a conviction of a sex offense for an unclassified, class A or class B felony, the period would be 10 years. The registration period for a person convicted of a lesser sex offense would be 5 years, after a sex offender's unconditional discharge. This change eliminates the requirement for district attorneys to serve as respondents for petitions to terminate registration, as this process would no longer be required. Consequently, there will not be a fiscal impact for the Department of Law.

5-12-92

Revision Date: _____

Department Affected: Administration

Title: An Act relating to registration and community notification of sex offenders and amending Alaska Rule of Criminal Procedure 32(b).

BRU: Office of Public Advocacy

Component: Office of Public Advocacy

Sponsor: Ulmer

COMPONENT SERIAL NO.

		4	3
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Requestor: House Judiciary

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	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 FUND SOURCE:	0	0	0	0	0	0
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.)

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

Phone: 274-1684
Date: February 10, 1992

Approved by Commissioner: Nancy Bear Usery
Agency: Administration

Date: 2/21/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Revision Date: _____

Department Affected: Administration

Title: Sex Offender Registration

BRU: Public Defender

Component: Public Defender

Sponsor: Ulmer

Requestor: House Judiciary

COMPONENT SERIAL NO.

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	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 FUND SOURCE:	0	0	0	0	0	0
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.)

Prepared by: Kevin Brooks
Division: Administrative Services

Phone: 465-2277
Date: February 21, 1992

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 2/21/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 5-12-92

BILL NO. CSHB 440(FIN)am

Revision Date: 5/11/92 Department Affected: Public Safety

Title: "An Act relating to registration of sex offenders." BRU: Alaska State Troopers

Component: Criminal Investigation Bureau

Sponsor: Representative Ulmer

Requestor: Senate Finance COMPONENT SERIAL NO.

8	3	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	39.1	39.1	39.1	39.1	39.1	39.1
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	36.1	2.1	2.1	2.1	2.1	2.1
SUPPLIES	2.6	2.6	2.6	2.6	2.6	2.6
EQUIPMENT	11.8					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	89.6	43.8	43.8	43.8	43.8	43.8

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	58.6	32.8	32.8	32.8	32.8	32.8
FEDERAL FUNDS						
OTHER (Prog. Rec.)	31.0	11.0	11.0	11.0	11.0	11.0
FUND SOURCE: 1005						
TOTAL	89.6	43.8	43.8	43.8	43.8	43.8

POSITIONS:

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

Estimate of current year impact: FY93

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691

Division: Alaska State Troopers Date: 5/11/92

Approved by Commissioner: Richard L. Burton

Agency: Department of Public Safety Date: 5/11/92

Handwritten:
5/11/92

Handwritten:
A.O.H.

CSHB 440 (FIN)am establishes a sex offender registry within the Department of Public Safety. The bill requires State Troopers to take the photographs and fingerprints of sexual offenders and to maintain a central repository of sex offender information.

The Criminal Investigation Bureau (CIB), Sex Crimes Unit, estimates that there are approximately 200 persons convicted of sex crimes annually. This is supported by data provided by the Department of Corrections, indicating that over the past eight years the average of new inmates sentenced for sex crimes is 193 per year. The majority of these offenders are sentenced to serve at least some time in prison, and would be subject to registration upon release from a correctional facility. The Department of Corrections estimates that approximately 50 sex offenders per year are released from custody, with another approximately 30 sex offenders a year transferring to Alaska under the Interstate Compact. Adding to those convicted offenders who are not incarcerated, the Department estimates that between 150-200 offenders a year will have to register.

Under Section 12 of the bill the registration requirement will be applied retroactively to all convicted sex offenders who meet the terms of the bill and who are present in Alaska at the time the bill becomes law. It is difficult to estimate the number of such offenders, but estimates from the Department of Corrections and the Department of Law indicate that around 1,000 offenders would have to register immediately after the bill becomes law.

Because failure to register is a crime, it is essential that there be some notice to the public of the registration requirements if this bill is adopted. First year costs include \$10,000 in contractual costs to pay for the posters required under Section 6 of the bill and for a handful of notices to be placed in newspapers around the state.

With some programming additions and data storage expansion, the DPS Information Systems section anticipates that the Alaska Public Safety Information Network (APSIN) can be adapted to meet the "Central Repository" requirements of this legislation. This will involve creating a new subsystem in APSIN which can take advantage of information already available on convicted offenders. The collection of fingerprints will become part of the Alaska Automated Fingerprint Identification System (AAFIS) and APSIN. Information on these sex offenders will then be available to Criminal Justice Terminals throughout the state who are authorized to receive such information. Special applications will be developed to supply the public information authorized, yet retain confidential data. The cost of designing, coding, testing, installing, and documenting this application will be \$20,000. Computer resources (CPU costs, Disk storage costs, etc.) necessary to develop the application will cost \$4,000. Permanent disk usage will cost \$1,000 for the first year and every year thereafter. This will handle an initial database of

approximately 1000 offenders, and is capable of expanding yearly by an additional 200 offenders.

To deal with the additional tasks necessary to implement this legislation, including data entry for new felons added to the system (which will involve updating APSIN with release, probation and escape information), entry and dissemination of information, and the processing of the fingerprint cards generated through the registration requirement, a Clerk IV position is needed in the Sex Crimes Unit of the Criminal Investigation Bureau.

This position will provide a point of contact for all information regarding the registration of convicted sex offenders for all state and local law enforcement agencies. This will involve interaction with the Department of Corrections, Department of Law, Alaska Court System and local law enforcement agencies. This position will also respond to all requests for information from the public.

CSHB 440(FIN)am calls for all AST posts to be available to take sex offenders' fingerprints and photographs. Since not all AST posts are currently equipped with adequate cameras, this requirement will necessitate some purchases of new cameras (\$2,500) to assure sufficient photograph quality. Ongoing costs for fingerprint cards are included with the supplies requirements for the Clerk IV.

The following is a summary of the costs that are anticipated to be incurred during the first year of operations under this legislation:

	<u>Equipment & Public Notice</u>	<u>Computer Programming</u>	<u>Clerk IV</u>	<u>Total</u>
Personal Services	\$ -	\$ -	\$39.1	\$ 39.1
Contractual	10.0	24.0	2.1	36.1
Supplies	-	-	2.6	2.6
Equipment	<u>11.8</u>	<u>-</u>	<u>-</u>	<u>11.8</u>
Total	\$21.8	\$24.0	\$43.8	\$ 89.6

Costs not included after the first year in operation are the equipment costs (\$11.8), costs of public notice (10.0), and the initial programming effort and storage space expansion (\$24.0).

PERSONAL SERVICES

Salary - Clerk IV - Range 9, Step A, including 120 hours of overtime	\$25,726	
Benefits	<u>13,399</u>	
Total Personal Services		\$39,125

CONTRACTUAL

Printing of Posters and Public Notices	10,000	
Telephone/Postage, \$50 per mo	600	
Repair and maintenance on micro computer	500	
Contracted Programming and data storage space	<u>25,000</u>	
Total Contractual		36,100

SUPPLIES & MATERIALS

Film	500	
Registration forms	1,000	
Stationary, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk	500	
Chair	225	
Computer table	600	
Cameras 35mm (x10)	2,500	
Micro computer with printer	<u>8,000</u>	
Total Equipment		11,825

TOTAL COST \$89,650

The present version of the bill authorizes the Department of Public Safety to adopt fees to implement this program. It is very difficult to estimate the revenue that would be generated by these fees. If offenders were to be charged \$20.00 each for initial registration, and persons seeking information from the central registry are charged a fee of \$5.00, the revenue that would be raised is estimated as follows:

FY 93	1,250 offenders	1,200 inquiries
	x <u>20</u> fee	x <u>5</u>
	25,000	6,000

FY 94 & beyond	250 offenders	1,200 inquiries
	x <u>20</u> fee	x <u>5</u>
	5,000	6,000

Position Title Clerk IV		Number of Positions 1	Range/Step 9/A	Bargaining Unit ASEA	
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 99		
Type of Expenditure		Justification			
Amount		<p>This position will be responsible for updating APSIN (Alaska Public Safety Information Network) with release, probation and escape information; entry and dissemination of the information and the processing of the fingerprint cards generated through the registration requirement. Tasks associated with the fingerprint card processing are monitoring receipt of the anticipated cards, reviewing the cards for accuracy and completeness, preparing the cards for AAFIS (Alaska Automated Fingerprint information System) processing and maintaining the fingerprint card file.</p> <p>The position will act as the point of contact for all information regarding the registration of convicted sex offenders for all the state and local law enforcement agencies. This individual will file all information and photographs after receiving it from the trooper posts. Additionally, this will involve interaction with the Department of Corrections, the Department of Health and Social Services, Department of Law, and the Alaska Court System.</p>			
1	2				3
Salary*	25.7				
Benefits*	13.4				
Premium Pay (Included in Above)					
Other					
Total Personal Services					39.1
Travel					
Contractual					2.1
Commodities					2.6
Equipment					
Other					
Total Cost		43.8			
Funding Source For Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1001		43.8		
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS Scenario #8. Position 12-#132.					

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

FY 93

BRU Alaska State Troopers

Page 5 of 5

COMPONENT Criminal Investigation Bureau

Revised Date

SENATE CS FOR CS FOR HOUSE BILL NO. 440 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/12/92

Referred: Rules

Sponsor(s): REPRESENTATIVES ULMER, Barnes, Bruckman, B.Davis, C.Davis, M.A.Miller, G.Phillips, R.Phillips, Donley, Brown, MacLean, Lincoln, Parnell, Leman, Taylor, Baker, Hanley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration of sex offenders and amending Alaska Rules of Criminal

2 Procedure 11(c) and 32(b)."

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

4 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

5 (1) sex offenders pose a high risk of reoffending after release from custody;

6 (2) protecting the public from sex offenders is a primary governmental interest;

7 (3) the privacy interests of persons convicted of sex offenses are less important than the
8 government's interest in public safety; and

9 (4) release of certain information about sex offenders to public agencies and the general
10 public will assist in protecting the public safety.

11 * Sec. 2. AS 11.41 is amended by adding a new section to read:

12 Sec. 11.41.465. FAILURE TO REGISTER AS A SEX OFFENDER. A person who
13 knowingly fails to register as required in AS 12.63.010 is guilty of a class B misdemeanor.

14 * Sec. 3. AS 12.55 is amended by adding a new section to read:

1 Sec. 12.55.148. JUDGMENT FOR SEX OFFENSES. When a defendant is convicted of
2 a sex offense by a court of this state, the written judgment must set out the registration
3 requirements of AS 12.63.010.

4 * Sec. 4. AS 12 is amended by adding a new chapter to read:

5 CHAPTER 63. REGISTRATION OF SEX OFFENDERS.

6 Sec. 12.63.010. REGISTRATION OF SEX OFFENDERS. (a) Except as provided in (d)
7 of this section, a sex offender who is physically present in the state shall register as provided in
8 this section. The sex offender shall register within

9 (1) 30 days of release from a state correctional facility;

10 (2) 30 days of conviction for a sex offense, if the sex offender is not sentenced
11 to a term of incarceration; or

12 (3) 45 days of becoming physically present in the state.

13 (b) A sex offender required to register under (a) of this section shall register in person
14 at the Alaska state trooper post located nearest to where the sex offender resides at the time of
15 registration. To fulfill the registration requirement, the sex offender shall

16 (1) complete a registration form that includes the sex offender's name, address,
17 place of employment, date of birth, crime for which convicted, date of conviction, place and
18 court of conviction, all aliases used, and Alaska driver's license number;

19 (2) allow the Alaska state troopers to take a complete set of the sex offender's
20 fingerprints; and

21 (3) allow the Alaska state troopers to take the sex offender's photograph.

22 (c) If a sex offender changes residence within the state after having registered under (a)
23 of this section, the sex offender shall provide written notice of the change to the Alaska state
24 trooper post located nearest to the new residence within 10 days of the change.

25 (d) The commissioner of public safety shall by regulation establish longer periods of time
26 than those required under (a) of this section for the registration of sex offenders residing in
27 remote locations. A sex offender residing in a remote location shall notify the Alaska state
28 troopers of the sex offender's address within the appropriate period set out under (a) of this
29 section for registration.

30 Sec. 12.63.020. TERMINATION OF SEX OFFENDER DUTY TO REGISTER. (a) The
31 duty of a sex offender to register under AS 12.63.010 ends

1 (1) 10 years following the sex offender's unconditional discharge from a
2 conviction for an unclassified, class A, or class B felony sex offense;

3 (2) five years following the sex offender's unconditional discharge from a
4 conviction for a class C felony, a class A misdemeanor, or a class B misdemeanor sex offense.

5 (b) The termination date of the duty to register, as provided in (a) of this section, is
6 based on the most serious class of sex offense for which the sex offender was convicted.

7 Sec. 12.63.100. DEFINITIONS. In this chapter,

8 (1) "sex offender" means a person convicted of a sex offense in this state or
9 another jurisdiction regardless of whether the conviction occurred before, after, or on the effective
10 date of this section;

11 (2) "sex offense" means a crime under AS 11.41.410 - 11.41.455 or a similar law
12 in another jurisdiction;

13 (3) "unconditional discharge" has the meaning given in AS 12.55.185.

14 * Sec. 5. AS 18.65 is amended by adding a new section to read:

15 Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The Alaska state
16 troopers shall maintain a central registry of sex offenders required to register under AS 12.63.010
17 and shall adopt regulations necessary to carry out the purposes of this section and AS 12.63. A
18 post of the Alaska state troopers that receives information and fingerprints under AS 12.63.010
19 shall forward the information and fingerprints within five working days of receipt to the central
20 registry of sex offenders.

21 (b) Information about a sex offender that is contained in the central registry, including
22 sets of fingerprints, is confidential and not subject to public disclosure except as to the sex
23 offender's name, address, place of employment, date of birth, crime for which convicted, date
24 of conviction, place and court of conviction, and length of sentence.

25 (c) The Department of Public Safety may adopt regulations to establish fees to be
26 charged for registration under AS 12.63.010 and for information requests.

27 * Sec. 6. AS 28.05 is amended by adding a new section to read:

28 Sec. 28.05.048. SEX OFFENDER REGISTRATION. The department shall display notice
29 of the registration requirements of AS 12.63.010 at a place where the public may apply for a
30 driver's license, identification card, or vehicle registration.

31 * Sec. 7. AS 33.30 is amended by adding a new section to read:

1 Sec. 33.30.012. NOTICE OF RELEASE, PAROLE, COMMUNITY PLACEMENT,
2 WORK RELEASE PLACEMENT, FURLOUGH, OR ESCAPE OF SEX OFFENDER. (a) At
3 the earliest possible date, and in no event later than 10 days before release, the commissioner
4 shall send written notice of release, parole, community placement, work release placement or
5 furlough of a specific inmate convicted of a sex offense to:

6 (1) the chief of police of the community, if any, in which the inmate will reside;
7 and

8 (2) the Alaska state trooper post located nearest to where the inmate will reside.

9 (b) If an inmate convicted of a sex offense escapes from a correctional facility, the
10 commissioner shall immediately notify the chief of police of the community and Alaska state
11 trooper post located closest to where the inmate resided immediately before the inmate's arrest
12 and conviction.

13 * Sec. 8. AS 33.30 is amended by adding a new section to read:

14 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION REQUIREMENT.

15 (a) The department shall provide written notice to a sex offender of the
16 registration requirements of AS 12.63.010, and shall obtain a signed
17 acknowledgement of receipt of notice from the sex offender

18 (1) at the time of the sex offender's release from a state correctional facility;

19 (2) immediately after taking supervision of a sex offender under the Interstate
20 Corrections Compact or AS 33.36.110.

21 (b) The department shall annually provide notice to all states, territories, and
22 possessions of the United States of the requirements for sex offender registration in this
23 state.

24 * Sec. 9. AS 33.30.901 is amended by adding a new paragraph to read:

25 (14) "sex offender" has the meaning given in AS 12.63.100.

26 * Sec. 10. Alaska Rule of Criminal Procedure 11(c) is amended to read:

27 (c) PLEAS OF GUILTY OR NOLO CONTENDERE. The court shall not accept a plea
28 of guilty or nolo contendere from a defendant without first addressing the defendant personally
29 and

30 (1) determining that the defendant [HE] understands the nature of the charge;

31 and

1 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or nolo
2 contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by a judge and the
3 right to be confronted with the witnesses against the defendant [HIM]; [AND]

4 (3) informing the defendant [HIM]:

5 (i) of the mandatory minimum punishment, if any, and the
6 maximum possible punishment provided by the statute defining the offense to
7 which the plea is offered, and

8 (ii) that the defendant has the right to plead not guilty or to persist
9 in that plea if it has already been made, or to plead guilty; and

10 (4) if the defendant is charged with a sex offense as defined in AS 12.63.100,

11 informing the defendant in writing of the registration requirement under AS 12.63.010.

12 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of changing
13 Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment containing notification
14 of the duty to register under AS 12.63.010 be provided to a defendant convicted of a sex offense.

15 * Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex offense
16 occurred before the effective date of this Act shall register under AS 12.63.010, added by sec. 4 of this
17 Act, before January 1, 1993. In this section, "sex offender" and "sex offense" have the meanings given
18 by AS 12.63.100, added by sec. 4 of this Act.

19 * Sec. 13. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this Act receives
20 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
21 Alaska.

Amendment to CS for ~~HB 440~~ (Finance) am

by Adams

1
MONT
5/11/52
ordered
11:10 pm

Page 2, line 6, after (a)

delete "A"

insert "Except as otherwise provided under (d) of this section, a"

Page 2, line 25

insert: (d) The Alaska State Troopers shall adopt regulations providing a sex offender living in a remote location a greater period of time than provided in (a) of this section to submit the information required in (b) of this section. Notwithstanding such regulations, a sex offender shall give notice to the Alaska State Troopers of the sex offender's residence within the time provided in (a) of this section."

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM
April 30, 1992

RECEIVED
MAY 1 1992

TO: Senator *FW* Pourchot, Chair
Senate Finance Committee

FROM: Representative *Fran* Ulmer

SUBJECT: CS for HB 440 (Finance) am, "An Act relating to registration of sex offenders and amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

This is to request that you schedule HB 440 for hearing before the Senate Finance Committee.

HB 440 requires that all convicted adult sex offenders register with the Alaska State Troopers and authorizes the Troopers to provide identifying information to the public upon written request. Although technically that information is already publicly available, as a practical matter it is extremely difficult to obtain. By making the information available, the bill will assist prospective employers, volunteer coordinators and others to effectively screen people who may be inappropriate for work with children and other vulnerable individuals.

Recent data from STAR in Anchorage indicates that Alaska leads the nation in the incidence of child sexual abuse and is second in sexual assault. We know that each sex offender has multiple victims and we know that the deviant sexual behavior does not show a pattern of decline in frequency with age as found with some classes of offenses. We must do more than we are now to protect the citizens of this state from sexual predators.

HB 440 is supported by the Alaska Peace Officers Association, the Anchorage Police Department Crimes Against Children's Unit, the Alaska Association of Probation and Parole Officers, day care operators, parents with children in day care, sex offender treatment providers, the Council on Domestic Violence and Sexual Assault and the Departments of Law and Public Safety.

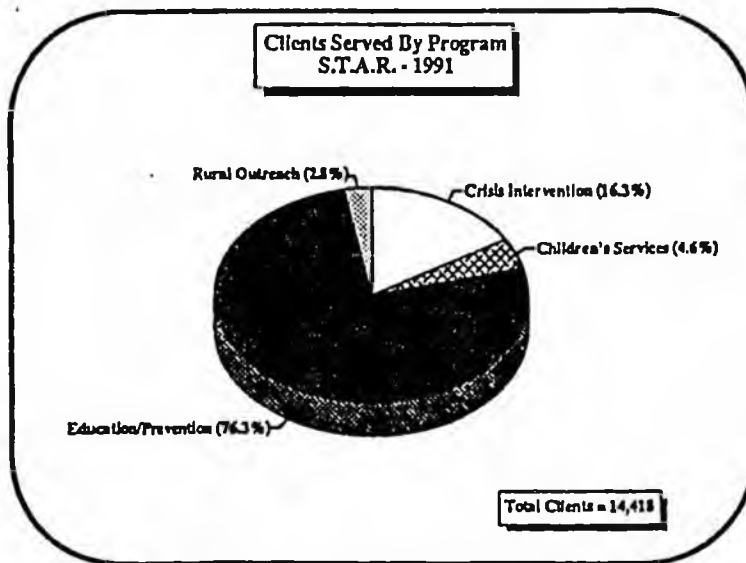
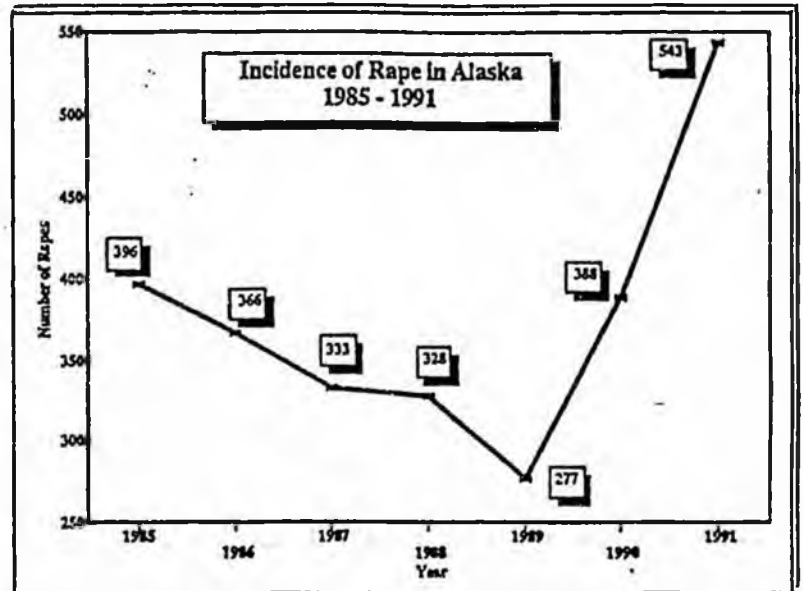
Thank you for prompt scheduling of HB 440.



1991 Brought a Dramatic Increase in the Need and Demand for Sexual Assault/Abuse Services

Sexual Assault

- ★ In 1990, Alaska experienced a 40% increase in sexual assaults.
- ★ In Anchorage, the rate at which women, children and men were raped increased by 57% between January, 1990 and July, 1991
- ★ The consequent demand for counseling, accompaniments, education/prevention, and advocacy services at S.T.A.R. increased by 189% between July and October, 1991.
- ★ Alaska's sexual assault rate is the second highest in the nation, with a woman, child or man being sexually assaulted every 21 hours.



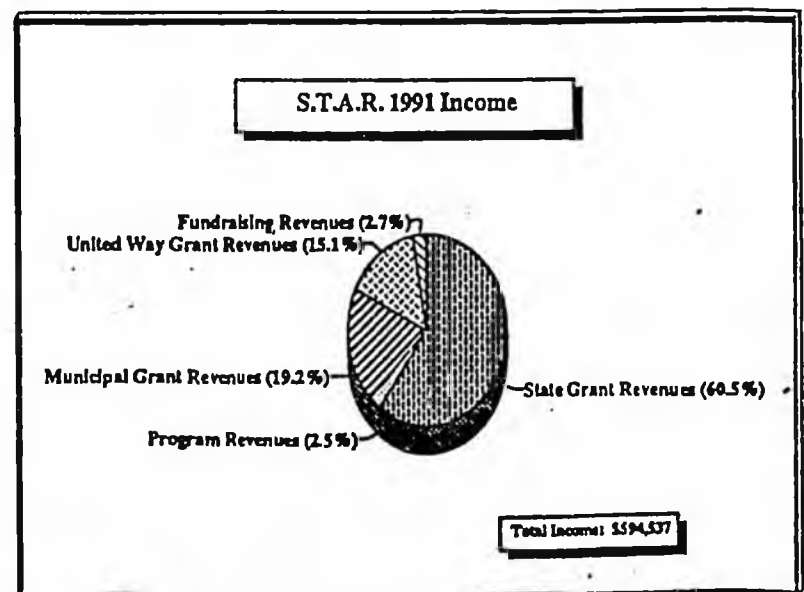
Child Sexual Abuse:

- ★ Alaska leads the nation in the rate of child sexual abuse - the rate of abuse in our state is 6 times the national average.
- ★ In 1990, 1305 children were sexually abused in Alaska.
- ★ In the first quarter of 1991, the Department of Family and Youth Services reported 160 incidents of child sexual abuse in Anchorage. This represents a 20% increase over the same period in 1990.
- ★ One (1) out of every 6 children in Anchorage is sexually abused.

- ★ For the first time in S.T.A.R.'s history, there are waiting lists for up to six (6) weeks for adult and child clients to be seen by staff counselors.
- ★ S.T.A.R. is recognized throughout Alaska as the primary sexual assault agency. S.T.A.R. educators train professionals and para-professionals in Anchorage and throughout the state.

Reduction in Funding Support

- ★ The combined funding cuts received by S.T.A.R. in 1991 and 1992 totaled \$148,000. These cuts forced S.T.A.R. to eliminate 5 staff positions (two education/prevention staff and three client services/counseling staff) during a period of escalating need and demand for services.



ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240106 • Anchorage, Alaska 99524-0106 • (907) 277-0515



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Representative Fran Ulmer
Alaska House of Representatives
State Capitol Building Rm 421
Juneau, Alaska 99801-1182

Feb. 24, 1992

Subject: House Bill No. 440

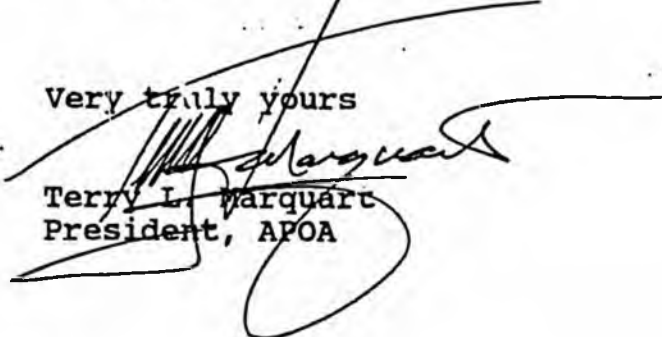
Representative Ulmer:

On behalf of the Alaska Peace Officers Association, I am pleased to tell you of our support for House Bill No. 440.

Statistics tell us that people who commit sex offenses are prone to commit these same type crimes again and again. We realize that sex offenders often travel from city to city. Currently, there is no way to force: (1) registration when a sex offender travels to a new city, (2) or to allow the release of information about sex offenders to the general public.

Law enforcement in Alaska feels that this new law will help protect the citizens of our state. We appreciate your many efforts on the behalf of law enforcement.

Very truly yours


Terry L. Marquart
President, APOA

Representative Fran Ulmer
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Ulmer,

During the 18 years I worked in the field of corrections, I was particularly disturbed by the prevalence of sexual abuse and assault in our society. As you know, Alaska has one of the highest rates of sexual abuse and assault in the nation.

Business and organizations which employ people to work with children need to have access to criminal history information regarding sexual and other child abuse offenses. Pedophiles often seek out employment which puts them in close proximity to children. Many cases of abuse could be prevented by ensuring that known pedophiles cannot work with children.

However, it would be my hope that some protections will be built into the system so that ex-offenders who are law abiding citizens are not subject to undue harassment.

I commend you for your continuous attention to public safety issues, particularly for women and children, and am pleased to support HB 440.

Sincerely,

Susan Humphrey-Barnett



Abused Women's Aid in Crisis, Inc.

100 W. 13TH AVENUE • ANCHORAGE, AK 99501 • (907) 279-9581

24 February, 1992

Representative Fran Ulmer
Pouch V
Juneau, AK 99822

Dear Fran,

AWAIC would like to lend its support to your efforts to provide protection from sex offenders (HB 440).

It has come to our attention that more than 200 sex offenders will be released from jail in the next few years. While there is a sex offender program available to prisoners, there is no clear evidence as to its effectiveness and, further, because it is voluntary, there is no guarantee that offenders will have attended the program. The public, particularly potential victims, have little protection from sex offenders.

It is our experience that many victims of domestic violence, both adult women and children, are abused by men who have been sexually abused as children and grow up to take out their anger on women and children.

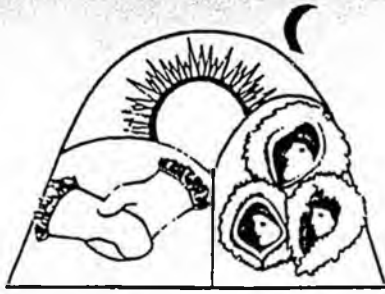
Further, like most non-profits, we rely heavily on volunteers. We need an easily accessible, inexpensive method of identifying persons who are clearly not acceptable volunteers.

Thank you for your efforts on HB 440, and your commitment to AWAIC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deather".





Bering Sea Women's Group

February 18, 1992

Representative Fran Ulmer
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Fran,

Thank you for introducing HB 440 to the Alaska State Legislature! As a professional who has worked for many years with victims of sexual assault, both children and adults, I applaud your efforts to reduce the risk to Alaskans. You are certainly correct about behavior patterns of sex offenders and we all know that many people come to Alaska to escape constraints imposed on them in the Lower 48 states, making Alaska a place where offenders may feel free to migrate. Not only does this bill offer us all some extra protection, it also makes a statement that we will not tolerate the abuse of our people.

As Executive Director of the Bering Sea Women's Group, as a Social Worker and as a private citizen, you have my full support for the passage of this piece of legislation.

If I can be of any assistance, please do not hesitate to contact me.

Sincerely,

Candace L. Brower.

Candace L. Brower, LCSW
Executive Director

PROMPT FOUNDATION, INC
P.O. Box 22234
Juneau, AK 99802

March 4, 1992

Senator Rick Halford
Capital Building
Juneau, AK 99801

Dear Senator Halford:

As the president of PROMPT FOUNDATION For Preservation of Family, Prevention of Domestic violence and Child Abuse, I fully support and encourage the passage of the House Bills: 156, 396 and 440 for the following reasons:

- 1- State of Alaska has one the highest rate of rape and child abuse.**
- 2- Sex offenders use sexual aggression as a fix as an addict would use drugs in order to cope with their inadequacies and frustrations.**
- 3- As an addict sex offenders need to have a daily reprieve and there has not been a proven cure for their addiction.**
- 4- They are repeated offenders.**
- 5- They choose occupations that would make it possible for them to have access to children or any other victims.**
- 6- They do not have a typical profile and can be found in any profession including Ministers and Priests.**

That is why we desperately need to identify these people in the society and prevent them from further victimizing our children and women.

Respectfully


Massoud Shadzad, M.A.
President and Chairman

CC: enc.
Rep Fran Ulmer
Rep Mark Boyer ✓
Rep Kay Brown
Rep Ramona Barnes