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HOUSE COMMITTEE REPORT

(7) Date Referred: March 9, 1994 FURTHER REFERRALS: Finance

Date of Committee Action: 3-31-94

The JUDICIARY Committee considered: HB 524

HOUSE BILL NO. 524 ARREST FOR VIOLATING RELEASE CONDITIONS

"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

RECOMMENDATIONS: the same title
 be replaced with HB 524 a new title

- have attached amendments(s)
- (4) do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: JUDICIARY letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
 fiscal impact Corrections fiscal note(s) _____
 zero fiscal note PD / Dpt of Law / Pub Sec zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>			<input checked="" type="checkbox"/>
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>Demetria James</i>	<input checked="" type="checkbox"/>				
<i>Erin Porter</i>	<input checked="" type="checkbox"/>				

[Signature]
 CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

Referred: March 9, 1994

FURTHER REFERRALS:

Finance

of Committee Action: 3-31-94

JUDICIARY Committee considered:

HB 525

HOUSE BILL NO. 525

CHARACTER EVIDENCE IN CRIMINAL TRIALS

Act amending Alaska Rule of Evidence 404, relating to the admissibility of certain character evidence in proceedings."

RECOMMENDATIONS:

the same title

is replaced with HB 525

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) _____

zero fiscal note Law/Prob Sec/CPA/PD

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
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<i>[Signature]</i>	<input checked="" type="checkbox"/>				

[Signature]

CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 9, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-31-94

The JUDICIARY Committee considered:

HB 527

HOUSE BILL NO. 527

EXTENDED PROBATION FOR CERTAIN CRIMES

"An Act relating to the maximum period of probation after conviction for certain offenses."

RECOMMENDATIONS:

be replaced with HB 527

the same title
 a new title

have attached amendments(s)

(4) 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) _____

zero fiscal note Pub Safety, Dept of Law, Corr.

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Pete Kott</i>	<i>X</i>	<i>Joseph [Signature]</i>			<i>✓</i>
<i>Janette James</i>	<i>✓</i>				
<i>David Porter</i>	<i>✓</i>				
<i>Jim Nardone</i>	<i>✓</i>				

Kim [Signature]

HOUSE COMMITTEE REPORT

Date Referred: March 9, 1994

FURTHER REFERRALS:

Date of Committee Action: 3 31 94

In the JUDICIARY Committee considered:

HB 528

HOUSE BILL NO. 528

PEREMPTORY CHALLENGE OF JURORS

An Act amending Alaska Rule of Criminal Procedure 24(d) relating to peremptory challenges of jurors in felony criminal proceedings."

RECOMMENDATIONS:

to be replaced with HB 528 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) _____

zero fiscal note Pub Sch / Dpt Law / OPA / Pub Def. zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Tim Ponder</i>	<input checked="" type="checkbox"/>				
<i>Brian Porter</i>	<input checked="" type="checkbox"/>				
<i>Janette James</i>	<input checked="" type="checkbox"/>				
<i>John Kott</i>	<input checked="" type="checkbox"/>				
<i>_____</i>	<input checked="" type="checkbox"/>				

Brian Porter
CHAIRMAN'S SIGNATURE

BEFORE THE HOUSE JUDICIARY COMMITTEE

(Wednesday, March 30th, 1994)

FIVE NEW LAWS TO

COMBAT VIOLENCE AGAINST ALASKA'S WOMEN AND CHILDREN

In the State of the State Address, the Governor launched a new initiative designed to combat the crimes that most threaten the safety of Alaska's women and children -- domestic violence, stalking, rape, and child abuse.

At the core of this initiative are five new bills designed to level the playing field. All told, three of the five proposals will work directly to help protect the victims of domestic violence, stalking, rape, and child abuse -- and in many cases, to prevent new crimes from actually occurring.

These three bills would:

HB 524 **Help to Promptly Arrest Stalkers and Wife Beaters Who Violate Bail**

HB 525 **Amend the Rules of Evid. so that Rape Victims Aren't Put on Trial**

HB 527 **Increase Probation to Protect Abused Kids for 10 Years -- Not Just 5**

In addition, two additional bills would serve to provide new protections for all victims of crime -- including, of course, victims of domestic violence, rape and child abuse. ¹

These two additional bills would:

HB 523 **Put More Police and Troopers on the Street by
Allowing Police Hearsay Testimony in the Grand Jury**

HB 528 **Give Prosecutors and Defendants an Equal Number of Jury Challenges**

¹ **A Two-Thirds Vote:** Three of the five proposals involve Court Rules changes, which, under the law, would require a two-thirds vote in each house in order to pass. The three bills which would require a two-thirds vote are **SB 523**, **putting more cops on the street by allowing police hearsay in the grand jury**; **HB 525**, **amending the Rules of Evidence so that rape victims aren't put on trial**; and **HB 528**, **giving prosecutors and defendants an equal number of peremptory challenges during jury selection.**

THE PROBLEM: RAPE, DOMESTIC VIOLENCE, AND CHILD ABUSE

On a per capita basis, Alaska has one of the highest rates of rape, domestic violence, child abuse and sexual abuse in the nation. Not only are these cases among the most difficult and sensitive that we prosecute, they are also among the most devastating in terms of the outrage, grief and emotional trauma they inflict on victims, families and entire communities.

The offenders in these cases are some of the most deserving of aggressive prosecution. They are cowards who prey on Alaska's most vulnerable victims: children, the elderly, and women who are incapacitated or impaired by fear, physical disability, alcohol, family relationship or other factors.

The problem of domestic and sexual violence in Alaska cuts across all boundaries of race, culture, economic status, educational background and other demographic factors. It is acute both in urban Alaska and in remote, rural areas.

THE SOLUTION: FIVE NEW LAWS TO FIGHT SEXUAL, FAMILY & DOMESTIC VIOLENCE

Alaska needs to give our police and prosecutors the tools they need to do the job. The recent passage of the Anti-Stalking law, the law permitting HIV Testing for accused sex offenders, and Speaker Barnes' Sex Offender Registration law all demonstrate that there is broad legislative support for new laws to combat violence against women and children.

Here are the five new proposals:

- (1) **HB 524: ARRESTING STALKERS AND WIFE BEATERS WHO THREATEN THEIR VICTIMS WHILE OUT ON BAIL**

As the new anti-stalking law has proved, it's simply not enough to put laws on the books that only allow police to come in and mop up after a woman has already been victimized.

Protecting Alaska's women from stalkers and domestic violence means that police have to have the ability to act -- to intervene -- and to do so immediately.

Here's the problem:

In domestic violence cases, the accused often is released on bail. In many cases this is appropriate: often the defendant is a first-time offender, the conduct alleged is only a misdemeanor violation, and, quite obviously, the State simply doesn't have the prison

space to lock up every man who is accused of domestic violence before he is even found guilty.

Nevertheless, when her attacker is out on bail, the abused woman is often at risk. Tragically, inevitably, what often happens is this:

Despite the order by the Court that he have no contact with the victim, the defendant returns to the home of the wife or girlfriend he's accused of attacking. Often it is late at night. Often, both alcohol and anger are involved.

There's a knock or a shout or a broken window. Words are exchanged. Terrified, the abused woman desperately calls 911. The police race to respond. Sirens blare. But by the time they arrive, predictably, the defendant has fled the scene. And since the police didn't see him violate bail with their own eyes, they can only make an arrest if, in the middle of the night, they are able to reach a prosecutor and a judge to issue the appropriate warrant.

This can take hours. And in the meantime, an accused criminal, angry and often drunk, remains at large. And one frightened woman will have a terrifying night as she is told, once again, that there is little that the police can do.

That's not good enough. Alaska's police need the ability to act.

The Governor's proposal would permit police to promptly arrest accused stalkers and other offenders who return to confront their victims. The draft amendment to AS 12.25.030 would authorize the warrantless arrest of persons who have violated conditions of release in domestic violence and rape cases, to the same extent that warrantless arrests are already authorized under existing Alaska law for the initial commission of these same offenses.

(2) HB 525: AMEND THE RULES OF EVIDENCE SO THAT RAPE VICTIMS AREN'T PUT ON TRIAL

The draft legislation seeks to level the playing field by amending the rules of evidence so that rape victims aren't put on trial.

Here's the problem:

It used to be more common that, in rape cases, the defendant often claimed that the rape simply didn't happen -- that no sexual contact took place. Thankfully, today, scientific advances in both the gathering and analysis of forensic evidence such as human hair, blood, semen, skin scrapings, and DNA have often made it much more difficult for accused rapists to use the "we never had sex" defense.

Among other effects, this may have contributed to the apparent increase in the number of rape cases in which the defendant -- while perhaps conceding that sexual contact did take place -- attempts to put the rape victim on trial by claiming that the woman "consented" to sex.

In cases such as this -- when the rapist claims the defense of "consent" -- the rules should permit the State to stand up for the victim, and to rebut this claim by introducing evidence of the defendant's prior sexual assaults.

The Case of Leo Hoffman

Consider, for example, the recent case of Leo Hoffman, a vicious serial rapist who was convicted of raping two women in California. He served hard time for rape in San Quentin. Then, not long after his release, he moved to Alaska and began to prey on women here.

He was charged in Alaska with kidnapping a local woman, forcibly injecting her with drugs, and repeatedly raping her in a horrifying, 12-hour ordeal. She finally escaped, donning her attacker's clothes, and fled ragged and in tears to a nearby business, where she immediately reported the rape to police.

As with many rape victims -- who are often selected by sexual predators precisely because of their vulnerability -- Hoffman's first Alaska victim was especially vulnerable due to suffering from chemical dependency. Hoffman declared that he would put the victim on trial by claiming that she had voluntarily participated in consensual sex -- a claim that could easily have been refuted by evidence of his convictions for past rapes.

Unfortunately, under current Alaska law, the jury would never learn the truth about Hoffman's prior rapes. Instead, Hoffman successfully hid behind the loophole in Alaska law that keeps prior rapes out, even where the defendant claims "consent."

Ultimately, Hoffman was convicted by a jury only of the one charge to which he had, in essence, confessed: possession of the cocaine that he was accused of injecting into his victim. Incredibly -- even after his conviction for this Class C felony -- the judge allowed Leo Hoffman out on bail, pending his appeal.

And last year, while out on bail, Leo Hoffman was again arrested, and charged with assaulting not one but two more innocent Alaska women.

To protect Alaska's women, it's long past time to close this dangerous legal loophole.

Abused Women Need Protection, Too

Similarly, in cases of domestic violence and other violent assaults -- such as cases involving a self-defense claim in which the defendant himself places the victim's character in issue -- a level playing field means that the State should also be permitted to introduce evidence of the defendant's own reputation for violence.

The attached draft proposes a pair of amendments to Evidence Rule 404 that can protect not only victims of rape, but also victims of domestic violence, in the kinds of situations described above.

Protecting Alaska's Kids from Serial Predators

The Administration has also proposed that we delete the unnecessary language in Rule 404 that has made it difficult to prosecute repeat child molesters. As it reads now, the Rule has been erroneously interpreted by some judges to indicate that the jury can learn that an accused molester has abused other children only if the court finds that it was part of a particular "common scheme or plan."

Let's say, for example, that a child molester was convicted in Seattle of sexually abusing his own foster children. Then after getting out of prison, he comes to Alaska and takes a job at a day care center, where he again abuses the children in his care.

It may seem self-evident to some that having sex with children, whether one's own kids or whether children left in Day Care, would be part of a "common scheme or plan." But the rulings of some Alaska courts suggest otherwise. They would suggest that, on facts such as those presented in this example, there is actually evidence of two different schemes -- one designed to have sex with one's own children, and one designed to have sex with other people's children.

Erroneous interpretations such as these have prevented Alaska juries from learning the true facts about accused child molesters. The language in the Rule is confusing and has placed unnecessary constraints on sex abuse cases in many Alaska courts. Therefore, the phrase "common scheme or plan" should be deleted from Rule 404(b)(2).

(3) HB 527: INCREASE PROBATION TO PROTECT ABUSED KIDS FOR 10 YEARS -- NOT JUST 5

Among other benefits, this simple proposal would help protect Alaska's children and others from family violence. For example, right now many convicted child abusers or molesters finish serving their prison sentences while their own young children (who are most at risk from repeat violence) are still children. Because current law limits probation

to only five years, the courts only have a maximum of five years of "control" over a released felon.

Our prisons don't have enough money to lock up all these offenders forever. But by simply extending the allowable period of probation to up to 10 years for all felony offenses, we can give the courts the tool they need to "hang a hammer" over the head of released child abusers for a long, long time -- long enough for most of their kids to grow up and become safe, independent adults -- and do so without the more expensive costs of full-time incarceration. In property crimes cases, extending probation can also be revenue positive by increasing the State's ability to collect restitution.

Proposals like this have been pending in the legislature during the past several years, sponsored by Sen. Donley and others. It is supported by both prosecutors and defense lawyers, and should be acted upon this Session.

CLOSING THE LOOPHOLES:
TWO ADDITIONAL LAWS TO COMBAT ALL VIOLENT CRIME

(4) HB 523: PUT COPS BACK ON THE STREET -- PERMIT THE USE OF POLICE HEARSAY TESTIMONY BEFORE THE GRAND JURY

In Alaska's federal courts, the case agent on a particular case simply comes before the grand jury, and testifies about the full scope of what was learned during the course of an investigation. If 12 agents were involved, they don't call all 12 in before the grand jury. They just call in one case agent -- and leave the other 11 free to be out on the street fighting crime.

Not so in Alaska's state courts. Because hearsay is generally not allowed in the grand jury, the lead police or trooper investigator cannot simply testify about what he or she learned from fellow cops. They can't even tell the grand jury about what they heard over the radio --the police dispatcher has to be called off the job and into court to testify about it in person.

As the federal courts in Alaska routinely prove, this expensive and unnecessary rule does absolutely nothing to protect the constitutional rights of Alaska's citizens. All it does is pull dozens of cops and troopers off patrol every month. They cool their heels in the D.A.'s office or the courthouse, invariably spending many wasted hours simply waiting around to testify.

The language in Criminal Rule 6(r)(1), which presently prohibits virtually all hearsay testimony in the grand jury, should be amended to permit peace officers to testify as to what their fellow officers saw or heard. Even without additional police funding, this

simple, constitutional rule change can reduce grand jury costs to the state -- and at the same time free up more police. Let's save money and put Alaska's police and troopers back out on the street, fighting crime.

(5) HB 528: LEVEL THE PLAYING FIELD: GIVE
 PROSECUTORS AND DEFENDANTS AN
 EOUAL NUMBER OF JURY CHALLENGES

During jury selection -- in all rape, domestic violence and other felony trials -- criminal defense lawyers are permitted to pre-empt ten jurors they consider unfavorable to their case, while prosecutors only are permitted to challenge six.

It's time to level the playing field. Alaska's laws should be brought in keeping with national standards -- and, at least initially, provide both sides with the same number of challenges. Acting to level the playing field in this way would not serve to deprive any defendant of the protections already afforded under Alaska law. Under the proposed Rule, Alaska's courts would continue to have the option of granting defendants additional challenges in cases where it is merited.

Taken together -- and taken in conjunction with other landmark legislation such as the sex offender registration bill, the HIV testing bill, the conspiracy bill, and the juvenile waiver bill -- these five proposals can provide the Legislature with a unique opportunity to strike a real blow against crime, as well as to protect Alaska's most vulnerable citizens.

Anchorage Daily News

PRICE 50 CE

ANCHORAGE, ALASKA, WEDNESDAY, MARCH 23, 1994

VOL XLIX, NO 82 76 PAGES

Crime bills

Gov. Wally Hickel is backing a package of bills aimed at making it easier to prevent and prosecute crimes against women and children. The four core proposals are worth supporting, but will work only if the legislature provides enough funds to enforce them.

Two are proposals no one should object to. One would increase probation for convicted child molesters from five years to 10 — a proposal Sen. Dave Donley has championed for years.

A second would allow police to make prompt arrests in domestic violence and stalking cases when the person accused of the crime is violating bail terms. This proposal merely closes a loophole, since such warrantless arrests already are allowed when these offenses are first committed.

A third bill would make Department of Motor Vehicle information private so that a stalker cannot use those records to track a victim's address.

The fourth would amend the rules of evidence to allow testimony about prior convictions of sexual assault to be included in a rape trial if the accused rapist argues as his defense that the woman consented to having sex. (See the editorial below for more about this proposal.)

Two more of the governor's proposals — permitting the use of police hearsay testimony before grand juries and giving prosecutors and defendants an equal number of jury challenges — probably warrant more discussion in the legislature.

But before any of these changes can have an effect, the legislature has to make sure being tough on crime is not just a matter of talking tough.

From the crime-fighting side to services for victims to crime prevention, funding is suffering.

Take prosecution of accused rapists. The number of sexual assaults reported statewide have doubled in the past three years, yet the number of cases prosecuted has remained virtually the same — and that number is low. Without adequate staffing, violations of restraining orders in cases of domestic violence go unprosecuted as well.

We can talk all we want about locking people up, the House finance subcommittee is recommending a 5 percent cut for corrections at the same time incarcerations are up 11 percent. This does not compute.

Victims' services are, at best, holding even, in the subcommittee recommendations, thanks to the efforts of Sen. Sean Parnell, though the number of people they're serving keeps going up. But the governor's budget recommends a cut in social services block grant money for the third year in a row.

And the House finance subcommittee is recommending cutting \$8 million from substance abuse programs statewide, when alcohol and substance abuse is a factor in countless cases of sexual violence.

We know there is never enough money to go around, at least not any more. All we're saying is be careful what gets cut. And remember that tough talk on crime is only talk if tough actions aren't funded.

TODAY'S
DAILY NEWS
EDITORIAL
ENDORSED

S.B. 24, HB 527

S.B. 350, HB 524

S.B. 351, HB 525

AND
S.B. 352
HB 526

S.B. 24
HB 527

S.B. 350
HB 524

S.B. 352

S.B. 35
HB 525

Anchorage Daily News

XLIX, NO 82 76 PAGES

ANCHORAGE, ALASKA, WEDNESDAY, MARCH 23, 1994

PRICE 50 CE

Consent?

Then consider past convictions

It's shameful but true that the victims of rape, at least until fairly recently, were as likely to be put on trial as their accused rapists. A favorite defense against rape was to go over the victim's past sexual relationships and behavior, drawing on stereotypes that women who get raped must have asked for it.

Recent reforms have included so-called rape shield laws, designed to put the focus back on the defendant by limiting what can be asked about the rape victim's sexual history.

But there's a way around the rape shield law. That's to argue consent as a defense. The woman, this defense goes, may be crying rape now but she actually consented to having sex. So judges once again allow the woman's life to become an open book, as lawyers argue over whether she would have consented to sex.

As for the accused rapist, his past remains a secret, even if he's been convicted of rape before. Evidence of "prior bad acts" is generally barred at trial because it could bias the jury.

One of Gov. Wally Hickel's crime proposals would amend the rules of evidence to allow such testimony. Criminal defense lawyers say such legislation, if passed, will be challenged in court as unconstitutional.

We say, let them challenge it.

The new rule would only kick in if the defendant uses consent as a defense and has a prior conviction for sexual assault. Last time we checked, it takes at least two people to have consensual sex. If the prior acts of the woman are to be considered, then the prior acts of the man should be as well.

TODAY'S
DAILY NEWS
EDITORIAL
ENDORSED
S.B. 351
HB 525



Tom Fink, Mayor

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99501
TELEPHONE (907) 786-8500



Service since 1921

March 11, 1994

To The Alaska State Legislature:

Those of us in the law enforcement community for many years have felt that the rights of victims are overlooked in our legal system. Too often, the victims are helpless not only during the crime itself, but are again victimized by loopholes that prevent aggressive prosecution. The Anchorage Police Department supports the four new laws proposed by Governor Hickel aimed at protecting women and children because many of these injustices would be corrected.

We additionally can find no argument against modifying the use of police hearsay testimony in state trials to be consistent with that allowed in federal trials. This modification should make a significant impact in lowering Anchorage Police Department overtime costs for court appearances.

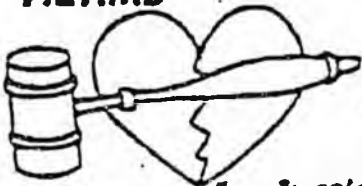
The State of Alaska should also conform with national standards in both the prosecution and defense having the same number of jury challenges. The current law only reinforces the belief that the courts offer more protection to the criminal than the victim.

We feel that these six proposed laws will help to balance a system that has traditionally focused on protecting the rights of wrongdoers, rather than the innocent.

Sincerely,

Duane S. Udland
Deputy Chief of Police

VICTIMS



for Justice

March 7, 1994

The Honorable Walter J. Hickel
Office of the Governor
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Hickel,

The goal for all victims of violent crime is to eliminate victims of crime. The theme of the 1994 National Victims Rights Week is "Facing Violence Today; Fewer Victims Tomorrow". The six new laws to combat violence against Alaska's women and children that you have introduced is putting the teeth into this goal of fewer victims. How appropriate for your crime ideals to coincide with the concerns of the whole nation. Thank you for caring. Now it is time for the legislators to pass this very important legislation we can prevent further victimization of women and children:

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart

ALASKA PEACE OFFICERS ASSOCIATION



Anchorage Chapter
P. O. Box 103824
Anchorage, AK 99510
Phone _____

March 7, 1994

The Honorable Walter J. Hickel
Office of the Governor
P.O. Box 110001
Juneau, Ak. 99811-0001

Dear Governor Hickel:

On behalf of the Anchorage Chapter of Alaska Peace Officers Association I would like congratulate you for introducing the new Anti-crime initiative which will combat violence against women and children in Alaska.

The new initiative is a tool which will greatly aids police officers in preventing domestic violence and sexual assault, and will give prosecutors the necessary means to prosecute offenders to the full extent of the law.

Any anti-crime bill that will help protect our women and children will be an asset to law enforcement in the state and the Anchorage Chapter of A.P.O.A. is glad to lend our support.

Sincerely Yours,

John Charbonneau, President
(907) 277-8638

ALASKA NETWORK

ON

DOMESTIC VIOLENCE

AND

SEXUAL ASSAULT

419 6th Street, No. 116 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC); Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter
Kodiak Women's Resource & Crisis Center (KWRC);
Moriak Regional Women's Crisis Program; Parent Aid Family Support Center
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC);
Sikani Against Family Violence (SAFV); South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR);
Tongass Community Counseling Center; Tundra Women's Coalition (TWC);
Unalaskans Against Sexual Assault & Family Violence (USAASFV);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WCCA);
Women in Safe Homes (WSH); Women's Resource & Crisis Center (WRCC);

SENATE BILL 24

The Alaska Network on Domestic Violence supports Senate Bill 24, which provides judges with the ability to order probation for up to ten years after an offense. The Network is a non-profit coalition of 22 organizations throughout Alaska which work with victims of domestic violence and sexual assault.

Alaska has a very high rate of violent crime, including one of the highest rates of assault and sexual assault in the nation. These crimes in Alaska are on the increase. Reported rapes in Alaska rose 91% from 1989 to 1991 (277 in 1989 to 530 in 1991). The number of assaults per one thousand persons has increased over 57% in the last five years.

National studies have shown that sex offenders have 80-90% rates of recidivism, and that the risk of reoffending does not diminish over time. Current probation limits are insufficient and counterproductive in keeping track of this group of offenders, who need to be monitored over a long period of time. Senate Bill 24 would give judges greater flexibility in tailoring appropriate sentences.

**GOVERNOR HICKEL'S
BILL TO PUT POLICE BACK ON THE STREET
(SB 349 & HB 523)**

This bill will put Alaska's police back on the street by amending Criminal Rule 6(r) to allow one police officer to testify at grand jury as to what their fellow officers heard, said, or did in the course of a criminal investigation. This will reduce the number of officers that are routinely tied up in court when a case is presented to a grand jury.

In Alaska's federal courts, the lead agent on a particular case simply comes before the grand jury, and testifies about the full scope of what was learned during the course of an investigation. If twelve FBI agents were involved, they don't call all twelve agents in before the grand jury. They just call in the lead agent--and leave the other eleven free to be out on the street fighting crime.

Not so in Alaska's state courts. Because hearsay is generally not allowed in the grand jury, the lead police or trooper investigator cannot simply testify about what he or she learned from fellow cops. They can't even tell the grand jury about what they heard over the radio--all of their fellow cops have to be called off the job and into court to testify about it in person.

As the federal courts in Alaska routinely prove, this expensive and unnecessary rule does absolutely nothing to protect the constitutional rights of Alaska's citizens. All it does is pull dozens of cops and troopers off patrol week in and week out. They cool their heels in the D.A.'s office or the courthouse, invariably spending many wasted hours simply waiting around to testify.

The language in Criminal Rule 6(r)(1), which presently prohibits virtually all hearsay testimony in the grand jury, should be amended to permit peace officers to testify as to what their fellow officers saw or heard. This simple, constitutional rule change can reduce grand jury costs to the State--and at the same time free up more police. Let's save money and put Alaska's police and troopers back out on the street where they belong--fighting crime.

file copy & ref

Law 0033

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 523

March 9, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that amends Alaska Rule of Criminal Procedure 6(r) to allow one peace officer, such as an Alaska state trooper or police officer, to testify at grand jury as to what another peace officer heard, said, or did in the course of a criminal investigation. This will reduce the number of peace officers that must be involved and required to testify when a case is presented to a grand jury, especially when the peace officers may have only played a minor role in the investigation.

In federal courts in Alaska, the lead case agent on a particular investigation simply comes before the federal grand jury and testifies about the entire scope of what was learned during the course of an investigation. If 12 law enforcement agents were involved, the federal court rules do not require all 12 agents to personally appear and testify before the grand jury. The federal rules allow for just one case agent to appear and testify before the grand jury -- leaving the other 11 agents available on the street to fight crime.

This is not the situation in Alaska's state courts. Because hearsay evidence is generally not allowed to be presented before the grand jury in criminal cases, the lead peace officer investigating the case cannot simply testify about what that officer learned from fellow officers conducting the investigation. The lead officer cannot even testify before the grand jury about what that officer heard over police radio -- the police dispatcher who made the particular radio transmission must be called into court to testify about the statement in person. It frequently takes many work hours to prepare, and to be present, to testify.

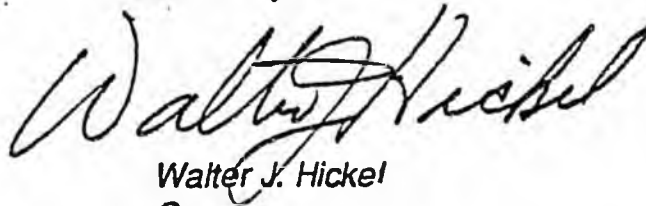
The Honorable Ramona Barnes
March 9, 1994
Page 2

As the federal courts in Alaska routinely prove, Alaska's hearsay rule does not provide any greater protection of the constitutional rights of Alaskans than does the federal practice. The present state court rule unnecessarily pulls dozens of peace officers off patrol every month simply to wait around to testify.

The language in Alaska Rule of Criminal Procedure 6(r), which presently prohibits virtually all hearsay testimony in the grand jury, should be amended to permit peace officers to testify as to what their fellow officers saw or heard -- for example, as to the contents of their fellow officers' official police reports. The state is presently facing a projected decline in revenue. This simple, constitutional, rule change can reduce grand jury costs to the state by allowing one officer, rather than many, to present the relevant evidence, at the same time freeing up nontestifying officers to do essential public protection duties. If this bill is enacted, we could save money and keep Alaska's police and troopers out on the street fighting crime, without affecting the quality of evidence presented to the grand jury.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

Walter J. Hickel
Governor

HOUSE BILL NO. 523

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act amending Alaska Rule of Criminal Procedure 6(r) relating to
2 admissibility of hearsay evidence by peace officers before the grand jury."

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

4 * Section 1. FINDINGS AND PURPOSE. The legislature finds that existing court rules
5 require each peace officer with essential information on a criminal investigation to personally
6 appear before a grand jury to present evidence about the investigation. The legislature further
7 finds that oftentimes an individual officer may have only a minor piece of evidence to present
8 but court rules still require that officer to personally appear and testify even though the
9 evidence could be presented by a supervising officer or other officer on the investigating team.
10 The legislature also finds that this requirement takes peace officers away from other essential
11 duties to protect the public. The legislature finds that the purpose of the amendment to Alaska
12 Rule of Criminal Procedure 6(r) made by this Act is to allow the grand jury to be fully
13 informed about the evidence available on a criminal case through testimony of lead peace
14 officers, while allowing officers who played a minor role in the investigation not to personally

1 appear and testify so that they can continue to perform their vital duties on the street to protect
2 the public.

3 * Sec. 2. Alaska Rule of Criminal Procedure 6(r) is amended to read:

4 (r) ADMISSIBILITY OF EVIDENCE.

5 (1) Evidence which would be legally admissible at trial shall be
6 admissible before the grand jury. In appropriate cases, however, witnesses may be
7 presented to summarize admissible evidence if the admissible evidence will be
8 available at trial. Except as stated in subparagraphs (2) and (3) [SUBPARAGRAPH
9 (2)], hearsay evidence shall not be presented to the grand jury absent compelling
10 justification for its introduction. If hearsay evidence is presented to the grand jury, the
11 reasons for its use shall be stated on the record.

12 (2) In a prosecution for an offense under AS 11.41.410 - 11.41.440 or
13 11.41.455, hearsay evidence of a statement related to the offense, not otherwise
14 admissible, made by a child who is the victim of the offense may be admitted into
15 evidence before the grand jury if

16 (i) the circumstances of the statement indicate its reliability;

17 (ii) the child is under 10 years of age when the hearsay
18 evidence is sought to be admitted;

19 (iii) additional evidence is introduced to corroborate the
20 statement; and

21 (iv) the child testifies at the grand jury proceeding or the child
22 will be available to testify at trial.

23 (3) Hearsay evidence related to the offense, not otherwise
24 admissible, may be admitted into evidence before the grand jury if

25 (i) the individual presenting the hearsay evidence is a peace
26 officer; and

27 (ii) the hearsay evidence consists of the statements and
28 observations made by another peace officer in the course of an
29 investigation.

30 (4) In this section "statement" means an oral or written assertion or
31 nonverbal conduct if the nonverbal conduct is intended as an assertion.

- 1 * Sec. 3. This Act takes effect only if sec. 2 of this Act receives the two-thirds majority
- 2 vote of each house required by art. IV, sec. 15, of the Constitution of the State of Alaska.

FISCAL NOTE

No. 2

Bill Version: HB 524

(H) Publish Date: 3/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Defendant's Conditions of Release..." BRU: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars.)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars.)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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FISCAL NOTE

No. 1
 Bill Version: HB 524
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to a defendant's violation of conditions of release BRU: Statewide Operations
 Component: Institutions
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 707-726

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	11.3	11.6	12.0	12.3	12.7	13.1
TOTAL OPERATING	11.3	11.6	12.0	12.3	12.7	13.1

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004-GF	11.3	11.6	12.0	12.3	12.7	13.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	11.3	11.6	12.0	12.3	12.7	13.1

Estimate of any current year (FY94) cost: \$ _____ *

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Diane Schenker, Special Assistant
 Division: Office of the Commissioner
 Approved by Commissioner: J. Frank Prewitt, Jr.
 Agency: Department of Corrections

Phone: 465-4643/786-2147
 Date: 2/25/94
 Date: 2/25/94

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The bill would authorize warrantless arrests of certain defendants who violated conditions of bail in certain assault, sexual assault, stalking, and domestic violence cases. According to the District Attorney's office and information from the Anchorage Police Department, getting warrants under current law generally involves a one-day delay.

Assumptions

1. The Anchorage District Attorney's office estimates 100 cases per year, statewide, and estimates that each case will result in one additional day of incarceration.
2. The average cost of incarceration, statewide, in a state correctional center is approximately \$113 per day.
3. It is not possible to estimate any current year (FY94) costs until the department knows when the bill will actually go into effect.
4. Because the bill will impact all correctional institutions, and the average daily cost of incarceration reflects a combination of costs including overhead, the estimated expenses are shown under "miscellaneous."
5. An inflation factor of 3% is assumed after FY95.

Operating Expenses

100 cases per year X 1 day per case X \$113 per day = \$ 11,300 per year.

FISCAL NOTE

No. 5
 Bill Version: HB 524
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
 Title: "An Act relating to a defendant's violation of conditions of release:..."
 Sponsor: Rules/B. Request of Governor
 Requestor: Governor's Office

Department Affected: Department of Law
 BRU: Prosecution
 Component: All
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

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

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: February 15, 1994
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law Date: February 15, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends AS 12.30 to allow police officers to act quickly to arrest, without warrant or order, defendants who are released on bail, when those peace officers have reasonable cause to believe that the defendant has confronted the victim or has otherwise violated conditions of release. Currently, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are limited in their ability to protect the victim or the public in general because they cannot make an immediate arrest. Generally, the peace officer must first meet with a prosecutor, go into court to make a motion to remand, and obtain a court order before they can act to put the defendant back in jail. Because a substantial number of these incidents involve repeat offenders who often are impaired by alcohol or drugs, this lengthy procedure is particularly dangerous for the public, especially those already victimized by the defendant. The Department of Law does not anticipate a fiscal impact because, in most cases, the bill will speed up the process of arrest, and it will not increase the number of arrests.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL 4
Bill Version: HB 524
(H) Publish Date: 3/9/94

Revision Date: _____ Dept. Affected: Public Safety
Title: Defendant's Conditions of Release BRU: Statewide
Sponsor: Rules by Request Component: _____
Requestor: Governor COMPONENT SERIAL NO. _____

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

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: Lee Ann Lucas Phone: 465-4322
 Division: Office of the Commissioner Date: 2/16/94
 Approved by Commissioner: *[Signature]* Date: **COMMITTEE COPY**
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

No. 3
 Bill Version: HB 524
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Defendant's Conditions of BRU: Office of Public Advocacy
Release..." Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 2/12/94
 Agency: Administration

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**GOVERNOR HICKEL'S
BILL TO ARREST STALKERS AND WIFE
BEATERS
(SB 350 & HB 524)**

As the new anti-stalking law has proved, it's simply not enough to put laws on the books that only allow police to come in and mop up after a woman has already been victimized. Protecting Alaska's women from stalkers and domestic violence means that police have to have the ability to act--to intervene--and to do so immediately.

Here's the problem: When an attacker is out on bail, the victim is often at risk. Tragically, inevitably, what often happens is this:

Despite the order by the Court that he have no contact with the victim, the defendant returns to the home of the wife or girlfriend he's accused of attacking. Often it is late at night. Often, both alcohol and anger are involved.

There's a knock or a shout or a broken window. Words are exchanged. Terrified, the abused woman desperately calls 911. The police race to respond. Sirens blare. But by the time they arrive, predictably, the defendant has fled the scene. And since the police didn't see him violate bail with their own eyes, they can only make an arrest if, in the middle of the night, they are able to reach a prosecutor and a judge to issue the appropriate warrant.

This can take hours. And in the meantime, an accused criminal, angry and often drunk, remains at large. And one frightened woman will have a terrifying night as she is told, once again, that there is little that the police can do.

That's not good enough. Alaska's police need the ability to act.

The Governor's proposal would permit police to promptly arrest accused stalkers and other offenders who return to confront their victims. The draft amendment to AS 12.25.030 would authorize the warrantless arrest of persons who have violated conditions of release in domestic violence and rape cases, to the same extent that warrantless arrests are already authorized under existing Alaska law for the initial commission of these same offenses.

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

Law 0034
HB 524

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 9, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would allow peace officers to make warrantless arrests when they have reasonable cause to believe that a defendant is violating the conditions of release imposed by a court in certain types of cases, including stalking, assault, sexual assault, and domestic violence cases. The bill would allow peace officers to take immediate action to protect the public, rather than requiring that they contact a prosecutor and a judge before arresting the defendant.

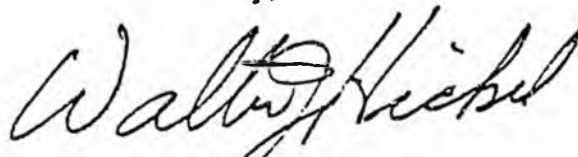
For example, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are rarely able to protect the victim or the public in general by making an immediate arrest. Typically, the peace officer must first meet with a prosecutor, go into court to file a motion, and obtain a court order before they can act to put the defendant back in jail. Since a large percentage of these incidents occur late at night and often involve alcohol or drug use by the defendant, these situations are particularly dangerous for victims -- and challenging for peace officers, prosecutors, and judges.

The bill authorizes the warrantless arrest of defendants who have violated conditions of release imposed by the court for certain offenses to the same extent that warrantless arrests are already authorized under existing law for the initial commission of these same offenses. The bill would permit peace officers to promptly arrest accused stalkers and other offenders who confront their victims, or otherwise violate conditions of release, while on bail.

The Honorable Ramona Barnes
March 9, 1994
Page 2

Protecting Alaskans from stalkers and domestic violence requires giving peace officers the tools to act -- to intervene -- and to do so immediately. I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

Walter J. Hickel
Governor

HOUSE BILL NO. 524

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a defendant's violation of conditions of release; and providing
2 for an effective date."

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

4 * Section 1. FINDINGS AND PURPOSE. The legislature finds that, under existing law,
5 if a person accused of stalking, domestic violence, assault, or sexual assault confronts the
6 victim while the person is released on bail, or violates another condition of release, peace
7 officers are limited in their ability to protect the victim or the public in general because they
8 cannot make an immediate warrantless arrest. The legislature finds that, generally, the peace
9 officers must first meet with a prosecutor, go into court to make a motion to remand, and
10 obtain a court order before they can act to put the defendant back in jail. The legislature
11 further finds that, because a substantial number of these incidents involve repeat offenders
12 who often are impaired by alcohol or drugs, this lengthy procedure is particularly dangerous
13 for the public, especially those already victimized by the defendant. The purpose of this bill
14 is to enable Alaska's police officers to act quickly to arrest, without warrant or order,

1 defendants who are released on bail, when those peace officers have reasonable cause to
2 believe that the defendant has confronted the victim or has otherwise violated conditions of
3 release.

4 * Sec. 2. AS 12.25.030(b) is amended to read:

5 (b) In addition to the authority granted under (a) of this section, a peace officer
6 without a warrant may arrest a person when the peace officer has reasonable cause for
7 believing that the person has committed a crime under, or violated conditions
8 imposed as part of the person's release before trial on misdemeanor charges
9 brought under,

10 (1) AS 11.41.270 or AS 11.56.740; or

11 (2) AS 11.41, AS 11.46.330, or AS 11.61.120, or has violated an
12 ordinance with elements substantially similar to the elements of a crime under
13 AS 11.41, AS 11.46.330, or AS 11.61.120, when the victim is a spouse or former
14 spouse of the person who committed the crime; a parent, grandparent, child, or
15 grandchild of the person who committed the crime; a member of the social unit
16 comprised of those living together in the same dwelling as the person who committed
17 the crime; or another person who is not a spouse or former spouse of the person who
18 committed the crime but who previously lived in a spousal relationship with the person
19 who committed the crime or is in or has been in a dating, courtship, or engagement
20 relationship with the person who committed the crime.

21 * Sec. 3. AS 12.25.030 is amended by adding a new subsection to read:

22 (d) In addition to the authority granted by (a) and (b) of this section, a peace
23 officer without a warrant may arrest a person when the peace officer has reasonable
24 cause for believing that the person has violated conditions imposed as part of the
25 person's release before trial on felony charges brought under

26 (1) AS 11.41.100 - 11.41.320 when the victim is a spouse or former
27 spouse of the person who committed the crime; a parent, grandparent, child, or
28 grandchild of the person who committed the crime; a member of the social unit
29 comprised of those living together in the same dwelling as the person who committed
30 the crime; or another person who is not a spouse or former spouse of the person who
31 committed the crime but who previously lived in a spousal relationship with the person

1 who committed the crime or is in or has been in a dating, courtship, or engagement
2 relationship with the person who committed the crime; or

3 (2) AS 11.41.410 - 11.41.455.

4 * Sec. 4. AS 12.30.020(e) is amended to read:

5 (e) The judicial officer shall inform the person of the penalties which may be
6 imposed for a violation of the conditions of release and advise the person that a
7 warrant for the person's arrest will be issued immediately upon a violation or that the
8 person may be arrested without a warrant for a violation of conditions of release
9 as set out in AS 12.25.030(b).

10 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

No. 4

Bill Version: HB 525

(H) Publish Date: 3/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
Title: "...amending Alaska Rule of Evidence 404...
admissibility of certain character evidence..."
Sponsor: Rules/Request of Governor
Requestor: Governor's Office

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

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

Prepared by: Richard T. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: February 15, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Date: February 15, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends Alaska Rule of Evidence 404 in several important respects. First, the bill would help reduce the number of times a rape victim is "put on trial" by authorizing the admission into evidence of other sexual assaults by the defendant against the same or another person when the defendant relies on the defense of consent. A defendant who argues that the victim consented should not be able to hide behind Rule of Evidence 404(b) to keep the jury from learning that the defendant has assaulted other victims.

Second, with respect to sexual abuses or assaults against a minor, this bill removes from Rule of Evidence 404(b) confusing language -- "to show a common scheme or plan" -- that has been misinterpreted by several courts to exclude evidence meant to be allowed under the rule. The bill also specifies a 10-year time period as being not too remote for the admissibility of evidence of prior similar assaults or sexual abuse offenses committed by the defendant against minors.

Finally, this bill amends Rule of Evidence 404(a) to allow evidence of a defendant's reputation for aggression or violence when the defendant places the victim's character for violence in issue by claiming self-defense. A defendant who claims that the victim was the aggressor should not be able to hide behind Rule 404 to keep a jury from learning that the defendant has an even greater reputation for violence in the community.

Because the bill modifies the rules of evidence in a manner that will help level the playing field for state prosecutors, and does not add to or otherwise increase our workload, there will not be a fiscal impact.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL No. 3
Bill Version: HB 525
(H) Publish Date: 3/9/94

Revision Date: _____ Dept. Affected: Public Safety
Title: Evidence in Sexual Assault Cases BRU: Alaska State Troopers
Component: Detachments
Sponsor: Rules by Request
Requestor: Governor COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

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: Lee Ann Lucas Phone: 465-4322
Division: Office of the Commissioner Date: 2/16/94
Approved by Commissioner: *Richard J. Birton* Date: _____
Agency: Richard J. Birton, Dept. of Public Safety

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COMMITTEE COPY

FISCAL NOTE

No. 2

Bill Version: HB 525

BILL N (H) Publish Date: 3/9/94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Evidence in Sexual BRJ: Office of Public Advocacy
Assault Cases..." Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Usery Date: 2/17/94
 Agency: Administration

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FISCAL NOTE

No. 2

Bill Version: HB 525

(H) Publish Date: 3/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL N

Revision Date: _____ Dept. Affected: Administration
 Title: *An Act Relating to Evidence in Sexual BRU: Office of Public Advocacy
Assault Cases... Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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FISCAL NOTE

No. 1
 Bill Version: HB 525
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Evidence in Sexual BRU: Public Defender Agency
Assault Cases..." Component: Public Defender Agency
 Sponsor: _____
 Requester: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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FISCAL NOTE

No. 1
 Bill Version: HB 525
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 19th 4 LEGISLATIVE SESSION

BILL

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Evidence in Sexual BPU: Public Defender Agency
Assault Cases..." Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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**GOVERNOR HICKEL'S
BILL TO PROTECT VICTIMS OF RAPE,
DOMESTIC VIOLENCE, AND CHILD ABUSE
(SB 351 & HB 525)**

In far too many cases of rape, domestic violence, and child sexual abuse, Alaska's victims are often themselves "put on trial" in the course of criminal proceedings. The emotional trauma which such crime victims routinely suffer in the criminal justice system can in some cases be nearly as traumatic as the crime itself.

This legislation seeks to help solve these problems in several ways. First, it levels the playing field by amending the rules of evidence so that victims can't be "put on trial" by the accused rapist.

Defendants in rape cases used to claim that the rape simply didn't happen--that no sexual contact took place. Thankfully, today, scientific advances in both the gathering and analysis of forensic evidence such as human hair, blood, semen, skin scrapings and DNA have often made it much more difficult for accused rapists to use the "we never had sex" defense. The new defense is--while perhaps conceding that sexual contact did take place--attempting to put the rape victim on trial by claiming that the woman "consented" to sex.

In cases such as this--when the rapist claims the defense of "consent"--the rules should permit the State to stand up for the victim, and to rebut this claim by introducing evidence of the defendant's prior rapes.

Similarly, in cases of domestic violence and other violent assaults--such as cases involving a self-defense claim in which the defendant places the victim's character in issue--a level playing field means that the State to stand up for the victim, and to rebut this claim by introducing evidence of the defendant's prior rapes.

This proposed legislation also deletes the unnecessary language in Rule 404 that has made it difficult to prosecute repeat child molesters. As it reads now, the Rule has been erroneously interpreted by some judges to indicate that the jury can learn that an accused molester has abused other children only if the court finds that it was part of a very specific "common scheme or plan." This bill would fix that problem by simply eliminating this confusing phrase.

**GOVERNOR HICKEL'S
BILL TO PROTECT VICTIMS OF RAPE,
DOMESTIC VIOLENCE, AND CHILD ABUSE
(SB 351 & HB 525)**

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 525

March 9, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that amends Alaska Rule of Evidence 404 in several respects to help protect the victims of crimes in this state.

In far too many cases of sexual assault, domestic violence, and child sexual abuse, Alaska's victims are often themselves "put on trial" in the course of criminal proceedings. The emotional trauma that such crime victims routinely suffer in the criminal justice system can in some cases be nearly as traumatic as the crime itself.

Therefore, in order to address these problems and to better protect Alaska's citizenry, especially women and children who are frequently the victims of these crimes, we have proposed three changes to Rule of Evidence 404 which are intended to accomplish the following three goals.

The first goal is to reduce the number of times a sexual assault victim is "put on trial" by authorizing the admission into evidence of other sexual assaults or attempted sexual assaults by the defendant if the defendant claims that the victim voluntarily "consented" to the sexual activity. When a defendant argues that the victim consented, the prosecution should be permitted to stand up for the victim and rebut this claim by introducing evidence to the jury that the defendant has sexually assaulted or attempted to sexually assault other victims in the past.

The second goal is to similarly protect Alaska's sexually abused children. Rule of Evidence 404(b) was intended to prevent sexual predators and other child abusers from manipulating juries by hiding their past crimes of this type. Unfortunately, a confusing and unnecessary phrase -- "to show a common scheme or plan" -- has



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 525

March 9, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

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In far too many cases of sexual assault, domestic violence, and child sexual abuse, Alaska's victims are often themselves "put on trial" in the course of criminal proceedings. The emotional trauma that such crime victims routinely suffer in the criminal justice system can in some cases be nearly as traumatic as the crime itself.

Therefore, in order to address these problems and to better protect Alaska's citizenry, especially women and children who are frequently the victims of these crimes, we have proposed three changes to Rule of Evidence 404 which are intended to accomplish the following three goals.

The first goal is to reduce the number of times a sexual assault victim is "put on trial" by authorizing the admission into evidence of other sexual assaults or attempted sexual assaults by the defendant if the defendant claims that the victim voluntarily "consented" to the sexual activity. When a defendant argues that the victim consented, the prosecution should be permitted to stand up for the victim and rebut this claim by introducing evidence to the jury that the defendant has sexually assaulted or attempted to sexually assault other victims in the past.

The second goal is to similarly protect Alaska's sexually abused children. Rule of Evidence 404(b) was intended to prevent sexual predators and other child abusers from manipulating juries by hiding their past crimes of this type. Unfortunately, a confusing and unnecessary phrase -- "to show a common scheme or plan" -- has

The Honorable Ramona Barnes
March 9, 1994
Page 2

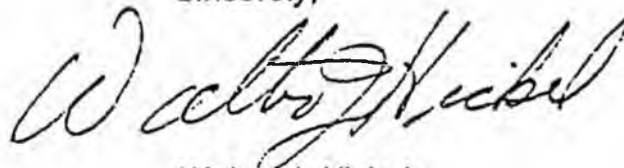
been misinterpreted by several Alaska courts to exclude evidence meant to be allowed under the rule. This bill would fix that problem by simply eliminating this confusing phrase. Evidence of other sexual assaults or sexual abuse by the defendant toward the same or another child should be admissible if those acts are similar to the offense charged, whether or not the evidence demonstrates a "common scheme or plan." This bill also specifies a 10-year time period as being not too remote for the admissibility of evidence of prior similar sexual assaults or sexual abuse offenses committed by the defendant against children.

The third goal relates to evidence of past violence on the part of the defendant. In cases of domestic violence and other violent crimes, the defendant often claims that the victim was the initial aggressor. The defendant claims, in essence, that "the victim hit me first" and that therefore the victim "had it coming." Under the existing rule of evidence, the defendant is then permitted to introduce all sorts of evidence about the victim's past reputation for violence -- and hide the fact that the defendant's own past contains an even more violent record. This bill would fix the rule by permitting the prosecution to stand up for the victim, and to rebut these claims by introducing evidence of the defendant's own past violence.

A defendant who claims that the victim was the aggressor should not be able to hide behind Rule 404 to keep a jury from learning that the defendant has an even greater reputation for violence in the community. The most common "relevant character trait of the accused" contemplated in this proposed amendment to Rule of Evidence 404(a) is the accused's reputation for violence or aggression.

The changes proposed in this bill will help level the playing field for the state in its efforts to combat crime. I urge your favorable action on this bill.

Sincerely,



Walter J. Hickel
Governor

The Honorable Ramona Barnes
March 9, 1994
Page 2

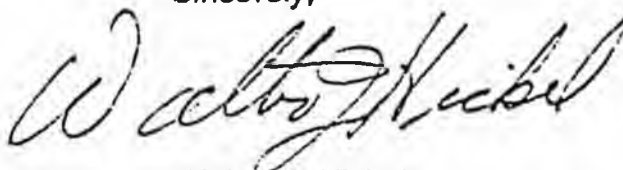
been misinterpreted by several Alaska courts to exclude evidence meant to be allowed under the rule. This bill would fix that problem by simply eliminating this confusing phrase. Evidence of other sexual assaults or sexual abuse by the defendant toward the same or another child should be admissible if those acts are similar to the offense charged, whether or not the evidence demonstrates a "common scheme or plan." This bill also specifies a 10-year time period as being not too remote for the admissibility of evidence of prior similar sexual assaults or sexual abuse offenses committed by the defendant against children.

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A defendant who claims that the victim was the aggressor should not be able to hide behind Rule 404 to keep a jury from learning that the defendant has an even greater reputation for violence in the community. The most common "relevant character trait of the accused" contemplated in this proposed amendment to Rule of Evidence 404(a) is the accused's reputation for violence or aggression.

The changes proposed in this bill will help level the playing field for the state in its efforts to combat crime. I urge your favorable action on this bill.

Sincerely,



Walter J. Hickel
Governor

HOUSE BILL NO. 525

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act amending Alaska Rule of Evidence 404, relating to the admissibility of
2 certain character evidence in court proceedings."

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

4 * Section 1. FINDINGS AND PURPOSE. The legislature finds that, in far too many cases
5 of sexual assault, attempted sexual assault, domestic violence, and child sexual abuse, Alaska's
6 victims are often themselves "put on trial" in the course of criminal proceedings. The
7 legislature further finds that the emotional trauma that such crime victims can suffer in the
8 criminal justice system can in some cases be nearly as traumatic as the crime itself. In an
9 effort to address these problems, the legislature finds that the amendments to Alaska Rule of
10 Evidence 404 made by this Act are necessary. First, the legislature finds that in cases of
11 domestic violence and other violent crimes in which the defendant claims that the victim was
12 the initial aggressor, an amendment is necessary to permit the prosecutor to rebut this claim
13 by introducing evidence of the defendant's own past violence. Second, in cases of child abuse
14 or child sexual abuse, a further amendment is essential to remove the confusion in some

HOUSE BILL NO. 525

**IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act amending Alaska Rule of Evidence 404, relating to the admissibility of
2 certain character evidence in court proceedings."

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

4 * **Section 1. FINDINGS AND PURPOSE.** The legislature finds that, in far too many cases
5 of sexual assault, attempted sexual assault, domestic violence, and child sexual abuse, Alaska's
6 victims are often themselves "put on trial" in the course of criminal proceedings. The
7 legislature further finds that the emotional trauma that such crime victims can suffer in the
8 criminal justice system can in some cases be nearly as traumatic as the crime itself. In an
9 effort to address these problems, the legislature finds that the amendments to Alaska Rule of
10 Evidence 404 made by this Act are necessary. First, the legislature finds that in cases of
11 domestic violence and other violent crimes in which the defendant claims that the victim was
12 the initial aggressor, an amendment is necessary to permit the prosecutor to rebut this claim
13 by introducing evidence of the defendant's own past violence. Second, in cases of child abuse
14 or child sexual abuse, a further amendment is essential to remove the confusion in some

1 Alaska courts caused by the unnecessary inclusion in Alaska Rule of Evidence 404(b)(2) of
2 the phrase "to show a common scheme or plan." Finally, in sexual assault and attempted
3 sexual assault cases in which the defendant claims that the victim voluntarily "consented" to
4 the sexual activity, further amendment is necessary to permit the prosecution to rebut this
5 claim by introducing evidence of other sexual assaults or attempted sexual assaults by the
6 defendant.

7 * Sec. 2. Alaska Rule of Evidence 404 is amended to read:

8 Rule 404. CHARACTER EVIDENCE NOT ADMISSIBLE TO PROVE
9 CONDUCT -- EXCEPTIONS -- OTHER CRIMES. (a) CHARACTER EVIDENCE
10 GENERALLY. Evidence of a person's character or a trait of his character is not
11 admissible for the purpose of proving that he acted in conformity therewith on a
12 particular occasion, except:

13 (1) Character of Accused. Evidence of a relevant trait of his character
14 offered by an accused, or by the prosecution to rebut the same;

15 (2) Character of Victim. Evidence of a relevant trait of character of
16 a victim of crime offered by an accused, or by the prosecution to rebut the same, or
17 evidence of a relevant character trait of an accused or of a character trait for
18 peacefulness of the victim offered by the prosecution in a [HOMICIDE] case to rebut
19 evidence that the victim was the first aggressor, subject to the following procedure:

20 (i) When a party seeks to admit the evidence for any purpose,
21 he must apply for an order of the court at any time before or during the trial
22 or preliminary hearing.

23 (ii) The court shall conduct a hearing outside the
24 presence of the jury in order to determine whether the probative value
25 of the evidence is outweighed by the danger of unfair prejudice,
26 confusion of the issues, or unwarranted invasion of the privacy of the
27 victim. The hearing may be conducted in camera where there is a
28 danger of unwarranted invasion of the privacy of the victim.

29 (iii) The court shall order what evidence may be
30 introduced and the nature of the questions which shall be permitted.

31 (iv) In prosecutions for the crime of sexual assault in

1 Alaska courts caused by the unnecessary inclusion in Alaska Rule of Evidence 404(b)(2) of
2 the phrase "to show a common scheme or plan." Finally, in sexual assault and attempted
3 sexual assault cases in which the defendant claims that the victim voluntarily "consented" to
4 the sexual activity, further amendment is necessary to permit the prosecution to rebut this
5 claim by introducing evidence of other sexual assaults or attempted sexual assaults by the
6 defendant.

7 * Sec. 2. Alaska Rule of Evidence 404 is amended to read:

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11 admissible for the purpose of proving that he acted in conformity therewith on a
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17 evidence of a relevant character trait of an accused or of a character trait for
18 peacefulness of the victim offered by the prosecution in a [HOMICIDE] case to rebut
19 evidence that the victim was the first aggressor, subject to the following procedure:

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22 or preliminary hearing.

23 (ii) The court shall conduct a hearing outside the
24 presence of the jury in order to determine whether the probative value
25 of the evidence is outweighed by the danger of unfair prejudice,
26 confusion of the issues, or unwarranted invasion of the privacy of the
27 victim. The hearing may be conducted in camera where there is a
28 danger of unwarranted invasion of the privacy of the victim.

29 (iii) The court shall order what evidence may be
30 introduced and the nature of the questions which shall be permitted.

31 (iv) In prosecutions for the crime of sexual assault in

1 any degree and attempt to commit sexual assault in any degree,
2 evidence of the victim's conduct occurring more than one year before
3 the date of the offense charged is presumed to be inadmissible under
4 this rule, in the absence of a persuasive showing to the contrary.

5 (3) Character of Witness. Evidence of the character of a
6 witness, as provided in Rules 607, 608, and 609.

7 (b) OTHER CRIMES, WRONGS, OR ACTS. (1) Evidence of other crimes,
8 wrongs, or acts is not admissible if the sole purpose for offering the evidence is to
9 prove the character of a person in order to show that the person acted in conformity
10 therewith. It is, however, admissible for other purposes, including, but not limited to,
11 proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence
12 of mistake or accident.

13 (2) In a prosecution for a crime involving a physical or sexual assault
14 or abuse of a minor, evidence of other acts by the defendant toward the same or
15 another child is admissible [TO SHOW A COMMON SCHEME OR PLAN] if
16 admission of the evidence is not precluded by another rule of evidence and if the prior
17 offenses

18 (i) occurred within the 10 years preceding the date
19 of the offense charged [ARE NOT TOO REMOTE IN TIME];

20 (ii) are similar to the offense charged; and

21 (iii) were committed upon persons similar to the
22 prosecuting witness.

23 (3) In a prosecution for a crime of sexual assault in any degree or
24 attempt to commit sexual assault in any degree, evidence of other sexual assaults
25 or attempted sexual assaults by the defendant against the same or another person
26 is admissible if the defendant relies on a defense of consent.

27 * Sec. 3. The provisions of secs. 1 and 2 of this Act take effect only if they receive the
28 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State
29 of Alaska.

1 any degree and attempt to commit sexual assault in any degree,
2 evidence of the victim's conduct occurring more than one year before
3 the date of the offense charged is presumed to be inadmissible under
4 this rule, in the absence of a persuasive showing to the contrary.

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10 therewith. It is, however, admissible for other purposes, including, but not limited to,
11 proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence
12 of mistake or accident.

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15 another child is admissible [TO SHOW A COMMON SCHEME OR PLAN] if
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25 or attempted sexual assaults by the defendant against the same or another person
26 is admissible if the defendant relies on a defense of consent.

27 * Sec. 3. The provisions of secs. 1 and 2 of this Act take effect only if they receive the
28 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State
29 of Alaska.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL N

NO. _____
Bill Version HB 527
(H) Publish Date: 3/9/94

Revision Date: _____ Dept. Affected: Public Safety
Title: Extending the Maximum Period of Probation BRU: Alaska State Troopers
after Conviction Component: Detachments
Sponsor: Rules by Request
Requestor: Governor COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

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: Lee Ann Lucas Phone: 465-4322
Division: Office of the Commissioner Date: 2/16/94
Approved by Commissioner: *Richard L. Burton* Date: **COMMITTEE COPY**
Agency: Richard L. Burton, Dept. of Public Safety

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STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL N

Bill Version HB 527
(H) Publish Date: 3/9/94

Revision Date: _____ Dept. Affected: Public Safety
 Title: Extending the Maximum Period of Probation BRU: Alaska State Troopers
after Conviction Component: Detachments
 Sponsor: Rules by Request
 Requestor: Governor COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

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: Lee Ann Lucas Phone: 465-4322
 Division: Office of the Commissioner Date: 2/16/94
 Approved by Commissioner: *Richard L. Burton* Date: **COMMITTEE COPY**
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

No. 4
 Bill Version: HB 527
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
 Title: "...extending the maximum period of probation after conviction for certain offenses."
 Sponsor: Rules/Request of Governor
 Requestor: Governor's Office

Department Affected: Department of Law
 BRU: Prosecution
 Component: All

COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

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

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: February 15, 1994
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law Date: February 15, 1994

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FISCAL NOTE

No. 4
 Bill Version: HB 527
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
 Title: "...extending the maximum period of probation after conviction for certain offenses."
 Sponsor: Rules/Request of Governor
 Requestor: Governor's Office

Department Affected: Department of Law
 BRU: Prosecution
 Component: All
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

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

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: February 15, 1994
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law Date: February 15, 1994

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FISCAL NOTE

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends AS 12.55.090(c) to provide that the maximum period of probation that may be imposed when a defendant is convicted of the felony sex offenses or sexual assault and sexual abuse of a minor is extended from the current maximum period of five years to a maximum period of ten years. This is a post-conviction sentencing provision, and it will therefore not have a fiscal impact on the Department of Law.

FISCAL NOTE

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends AS 12.55.090(c) to provide that the maximum period of probation that may be imposed when a defendant is convicted of the felony sex offenses or sexual assault and sexual abuse of a minor is extended from the current maximum period of five years to a maximum period of ten years. This is a post-conviction sentencing provision, and it will therefore not have a fiscal impact on the Department of Law.

FISCAL NOTE

No. 3
 Bill Version: HB 527
 (H) Publish Date: 3/9/94

**STATE OF ALASKA
 1994 LEGISLATIVE SESSION**

Revision Date: 3/1/94 Dept. Affected: Corrections
 Title: An Act extending the maximum period BRU: ATI
of probation Component: ATI
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 694-1884

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
-----------------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004-GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Because the extended period of probation would be unsupervised, no fiscal impact is expected.

Prepared by: Diane Schenker, Special Assistant *D-Schenker* Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 3/1/94
 Approved by Commissioner: J. Frank Prewitt, Jr. *J. Prewitt (for)* Date: 3/1/94
 Agency: Department of Corrections

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FISCAL NOTE

No. 3

Bill Version: HB 527

(H) Publish Date: 3/9/94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

Revision Date: 3/1/94 Dept. Affected: Corrections
 Title: An Act extending the maximum period BRU: ATI
of probation Component: ATI
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 694-1884

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
-----------------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Because the extended period of probation would be unsupervised, no fiscal impact is expected.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 3/1/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 3/1/94
 Agency: Department of Corrections

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FISCAL NOTE

No. 2
 Bill Version: HB 527
 (H) Publish Date: 3/9/94

**STATE OF ALASKA
 1994 LEGISLATIVE SESSION**

BILL :

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Extending the Maximum Period of Probation BFLT Office of Public Advocacy
for Certain Sex Offenses." Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Use Date: 2/16/94
 Agency: Administration

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FISCAL NOTE

No. 2
 Bill Version: HB 527
 (H) Publish Date: 3/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL:

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Extending the Maximum Period of Probation
for Certain Sex Offenses." BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Usery Date: 2/16/94
 Agency: Administration

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FISCAL NOTE

No. 1
 Bill Version: HB 527
 (H) Publish Date: 3/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Extending the Maximum Period of Probation for Certain Sex Offenses." BFLA: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usara Date: 2/18/94
 Agency: Administration

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FISCAL NOTE

No. 1
 Bill Version: HB 527
 (H) Publish Date: 3/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Extending the Maximum Period of Probation BFL Public Defender Agency
for Certain Sex Offenses." Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usra Date: 2/18/94
 Agency: Administration

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**GOVERNOR HICKEL'S
BILL TO EXTEND PROBATION FOR SEX
OFFENDERS
(HB 527)**

Governor Hickel's proposed legislation would extend the maximum period of probation that may be imposed when a criminal is convicted of rape or child sexual molestation.

Current law allows a maximum period of probation of only five years. This bill increases that time period to ten years for the offenses of sexual abuse of a minor. The additional period of probation will be unsupervised, unless the defendant's probation was revoked during the first five years for having violated the conditions of probation.

Among other benefits, this simple proposal would help protect Alaska's children and others from family violence. For example, right now many convicted child abusers or molesters finish serving their prison sentences while their own young children (who are most at risk from repeat violence) are still children. Because current law limits probation to only five years, the courts only have a maximum of five years of "control" over a released felon.

Alaska's prisons don't have enough money to lock up all these offenders forever. But by simply extending the allowable period of probation to up to ten years for sex offenders, we can give the courts the tool they need to "hang a hammer" over the head of released child abusers for a long, long time--long enough for most of their kids to grow up and become safe, independent adults--and do so without the more expensive costs of full-time incarceration.

Proposals like this have been pending in the legislature during the past several years, sponsored by Senator Donley and others. The proposal is supported by both prosecutors and defense lawyers, and should be acted upon this session.

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Proposals like this have been pending in the legislature during the past several years, sponsored by Senator Donley and others. The proposal is supported by both prosecutors and defense lawyers, and should be acted upon this session.

WALTER J. HICKEL
GOVERNOR



Law 0037
P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 527

March 9, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99601-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the maximum period of probation that may be imposed when a defendant is convicted of a felony sex offense. Current law allows a maximum period of probation of only five years. This bill increases that time period to 10 years for the felony offenses of sexual assault and sexual abuse of a minor.

Among other benefits, this simple proposal will help protect Alaska's children and others from sexual assault or abuse because it will allow the courts to impose a longer period of probation for these defendants. If the defendant completes the first five years of probation without violating the terms set by the court, the additional probationary period will be unsupervised. If, however, the defendant demonstrates an inability to comply with the court's conditions, the additional probationary period will be supervised.

We can't lock all these offenders up forever. But by simply extending the allowable period of probation to up to 10 years for these felony offenses, we can give the courts the tool they need to monitor these offenders longer in order to better protect the public, without the more expensive costs of full-time incarceration.

Proposals like this have been pending in the legislature during the past several years. It is generally supported by both prosecutors and defense lawyers, and should be acted upon this session.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

WALTER J. HICKEL
GOVERNOR



Law 0037
P O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 527

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State Capitol
Juneau, AK 99801-1182

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I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

HOUSE BILL NO. 527

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94
Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the maximum period of probation after conviction for certain
2 offenses."

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

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

5 (c) The period of probation, together with any extension, may [SHALL] not
6 exceed five years, except that for a conviction under AS 11.41.410 - 11.41.438, the
7 period of probation, together with any extension, may not exceed 10 years. Upon
8 completion of five years' probation without revocation, any remaining period of
9 probation shall be unsupervised.

may

HOUSE BILL NO. 527

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94

Referred: Judiciary, Finance

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may

**GOVERNOR HICKEL'S
FAIR JURY SELECTION BILL
(SB 353 & HB 528)**

The American Bar Association (ABA) Standard No. 15-2.6 provides that--in trials involving just one defendant (as is the case in the vast majority of Alaska trials)--the prosecution and the defense should have the same number of jury challenges.

This bill would bring Alaska into conformity with those national standards.

At present, during jury selection in all rape, domestic violence and other felony trials, criminal defense lawyers are permitted to preempt ten jurors they consider unfavorable to their case, while prosecutors only are permitted to challenge six. This balances the scales unfairly, tilting jury selection in favor of criminal defendants.

Governor Hickel's proposed legislation would amend Alaska Rule of Criminal Procedure 24(d) to equalize the number of peremptory challenges that prosecutors and defendants have in jury trials. This legislation can help level the playing field in criminal prosecutions, reduce the cost of criminal trials, and give the State a reasonable chance to do its job to protect the public.

Alaska's laws should be brought in keeping with national standards--and, at least initially, provide both sides with the same number of challenges. Acting to level the playing field in this way would not serve to deprive any defendant of the protections already afforded under Alaska law. Under the proposed Rule, Alaska's courts would continue to have the option of granting defendants additional challenges in cases where it is merited (such as trials involving multiple defendants).

**GOVERNOR HICKEL'S
FAIR JURY SELECTION BILL
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WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

Law 0038
P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

HB 528

March 9, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to peremptory challenges of jurors in felony criminal proceedings. During jury selection for felony trials, such as for murder, sexual assault, domestic violence, or child abuse, peremptory challenges are used by both prosecutors and defense lawyers to remove potential jurors from the case in an effort to obtain a fair jury to hear the case. But current court rules allow criminal defendants to peremptorily challenge 10 jurors without stating a cause, while prosecutors are only permitted to challenge six on this basis. This difference in the court rules balances the scales unfairly, tilting jury selection in favor of criminal defendants.

This bill will amend Alaska Rule of Criminal Procedure 24(d) to give prosecutors and defendants the same number of peremptory challenges in jury trials in felony criminal cases. This bill will help level the playing field in criminal prosecutions when trying to pick a fair jury to hear a criminal case. Also, allowing both sides six peremptory challenges may reduce the cost of criminal trials by reducing the time needed for jury selection.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

WALTER J. HICKEL
GOVERNOR



Law 0038
P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 528

March 9, 1994

*The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

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I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

HOUSE BILL NO. 528

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94
 Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act amending Alaska Rule of Criminal Procedure 24(d) relating to
 2 peremptory challenges of jurors in felony criminal proceedings."

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

4 * Section 1. Alaska Rule of Criminal Procedure 24(d) is amended to read:

5 (d) PEREMPTORY CHALLENGES. A party who waives peremptory
 6 challenge as to the jurors in the box does not thereby lose the challenge but may
 7 exercise it as to new jurors who may be called. A juror peremptorily challenged is
 8 excused without cause. If the offense is punishable by imprisonment for more than
 9 one year, each side [THE STATE] is entitled ~~to 6~~ peremptory challenges [AND THE
 10 DEFENDANT OR DEFENDANTS JOINTLY TO 10 PEREMPTORY
 11 CHALLENGES]. If the offense charged is punishable by imprisonment for not more
 12 than one year, or by fine or both, each side is entitled ~~to 6~~ to 3 peremptory challenges. If
 13 there is more than one defendant, the court may allow the defendants additional
 14 peremptory challenges and permit them to be exercised separately or jointly.

HOUSE BILL NO. 528

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act amending Alaska Rule of Criminal Procedure 24(d) relating to
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3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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 8 excused without cause. If the offense is punishable by imprisonment for more than
 9 one year, each side [THE STATE] is entitled to ~~6~~ peremptory challenges [AND THE
 10 DEFENDANT OR DEFENDANTS JOINTLY TO 10 PEREMPTORY
 11 CHALLENGES]. If the offense charged is punishable by imprisonment for not more
 12 than one year, or by fine or both, each side is entitled to 3 peremptory challenges. If
 13 there is more than one defendant, the court may allow the defendants additional
 14 peremptory challenges and permit them to be exercised separately or jointly.

- 1 * Sec. 2. This Act takes effect only if sec. 1 of this Act receives the two-thirds majority
- 2 vote of each house required by art. IV, sec. 15, of the Constitution of the State of Alaska.

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2 vote of each house required by art. IV, sec. 15, of the Constitution of the State of Alaska.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 4
 BILL | Bill Version: HB 528
 (H) Publish Date: 3/9/94

Revision Date: _____ Dept. Affected: Public Safety
 Title: Relating to Peremptory Challenges of Jurors in BRU: Alaska State Troopers
felony Proceedings Component: Detachments
 Sponsor: Rules by Request
 Requestor: Governor COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)


1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

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: Lee Ann Lucas Phone: 465-4322
 Division: Office of the Commissioner Date: 2/16/94
 Approved by Commissioner:  Date: _____
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 4
 BILL 1 Bill Version: HB 528
 (H) Publish Date: 3/9/94

Revision Date: _____ Dept. Affected: Public Safety
 Title: Relating to Peremptory Challenges of Jurors in BRU: Alaska State Troopers
felony Proceedings Component: Detachments
 Sponsor: Rules by Request
 Requestor: Governor COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

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: Lee Ann Lucas Phone: 465-4322
 Division: Office of the Commissioner Date: 2/16/94
 Approved by Commissioner: *Richard L. Burton* Da
 Agency: Richard L. Burton, Dept. of Public Safety

COMMITTEE COPY

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FISCAL NOTE

Bill Version: HB 528
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
 Title: "...relating to peremptory challenges of jurors in felony criminal proceedings."
 Sponsor: Rules/Request of Governor
 Requestor: Governor's Office

Department Affected: Department of Law
 BRU: Prosecution
 Component: All
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

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

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: February 15, 1994

Approved by Commissioner: Bruce M. Bortolho, Attorney General
 Agency: Department of Law

Date: February 15, 1994

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FISCAL NOTE

Bill Version: HB 528
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
 Title: "...relating to peremptory challenges of jurors in felony criminal proceedings."
 Sponsor: Rules/Request of Governor
 Requestor: Governor's Office

Department Affected: Department of Law
 BRU: Prosecution
 Component: All
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
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FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

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

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: February 15, 1994

Approved by Commissioner: Bruce M. Borzillo, Attorney General
 Agency: Department of Law

Date: February 15, 1994

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FISCAL NOTE

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends the Alaska Rule of Criminal Procedure 24(d) to provide that each side in a felony criminal proceeding is allowed six peremptory challenges. Rule 24(d) currently allows the defense ten peremptory challenges and allows the prosecution six peremptory challenges. This rule, which is intended to help level the playing field in criminal prosecutions when trying to select a fair jury to hear a criminal case, will not have a fiscal impact on the Department of Law. We also note that allowing both sides six peremptory challenges may reduce the cost of criminal trials by reducing the time needed for jury selection.

FISCAL NOTE

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends the Alaska Rule of Criminal Procedure 24(d) to provide that each side in a felony criminal proceeding is allowed six peremptory challenges. Rule 24(d) currently allows the defense ten peremptory challenges and allows the prosecution six peremptory challenges. This rule, which is intended to help level the playing field in criminal prosecutions when trying to select a fair jury to hear a criminal case, will not have a fiscal impact on the Department of Law. We also note that allowing both sides six peremptory challenges may reduce the cost of criminal trials by reducing the time needed for jury selection.

FISCAL NOTE

No. 2
 Bill Version: HB 528
 (H) Publish Date: 3/9/94

**STATE OF ALASKA
 1994 LEGISLATIVE SESSION**

BILL :

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Peremptory Challenges
of Jurors in Felony Criminal Cases." BFL: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Useem Date: 2/16/94
 Agency: Administration

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FISCAL NOTE

No. 2
 Bill Version: HB 528
 (H) Publish Date: 3/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL :

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Peremptory Challenges BPU: Office of Public Advocacy
of Jurors in Felony Criminal Cases." Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Usery Date: 2/16/94
 Agency: Administration

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FISCAL NOTE

No. 1

Bill Version: HB 528

(H) Publish Date: 3/9/94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL:

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Peremptory Challenges
of Jurors in Felony Criminal Cases." BRU: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PT-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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FISCAL NOTE

No. 1

Bill Version: HB 528

(H) Publish Date: 3/9/94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL:

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Peremptory Challenges BFL: Public Defender Agency
of Jurors in Felony Criminal Cases." Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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