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2 2 8

(7)

Date Referred: April 15, 1994

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 5-6-94

The STATE AFFAIRS Committee considered:

SB 228

SENATE BILL NO. 228

NO BAIL FOR FELONS W/PREVIOUS CONVICTIONS

"An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions."

RECOMMENDATIONS: the same title
 be replaced with _____ a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Comm. ice

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____
 fiscal impact _____
 zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) corrections, LAW, Public Safety
 zero fiscal note(s) Adm 127

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	X				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				

[Signature]
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 5

Bill Version: SB 227

(S) Priority Date: 1-5-94

Revision Date: January 20, 1994
 Title: Appeal after conviction if defendant has certain previous felony convictions.
 Sponsor: Senator Salo
 Requestor: Senate Judiciary

Department Affected: Department of Law
 BRU: Prosecution
 Component: All
 COMPONENT SERIAL NO. 3085 through 3090

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. Peques

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services/Division Date: January 20, 1994
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law Date: January 20, 1994

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 128

ANALYSIS CONTINUATION:

This bill would prohibit bail after conviction and before sentencing or pending appeal if the person has been convicted of an offense that is an unclassified or a class A felony; or a class B or class C felony if the person has been previously convicted of an offense that is an unclassified felony, a class A felony, or stalking in the first degree, sexual assault in the second or third degrees, and sexual abuse of a minor in the second or third degrees. In most cases, courts usually deny bail under these circumstances. However, the bill removes the courts' existing authority to grant bail in these circumstances. In any event, these are sentencing provisions that occur after conviction and, consequently, there will not be a fiscal impact for the Department of Law.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 227

(S) Publish Date: 1-27-94

Revision Date: _____ Dept. Affected: Public Safety
 Title: 150 App. relating to pay raise reduction BRU: Alaska State Troopers
 (Main program category reduction): _____ Component: Transportation
 Sponsor: Senator Stein
 Requestor: S. JUC 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	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-

ENDING: (Thousands of Dollars)

002 Federal Receipts						
003 GF Match						
004 GF						
005 GF/Program Receipts						
006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

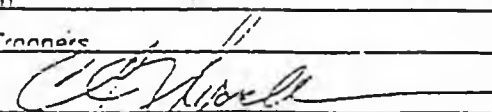
Estimate of current year (FY 94) impact: \$ _____

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.)

No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 262.5521
 Position: Alaska State Troopers Date: 1/17/94
 Approved by Commissioner:  Date: 1/24/94
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

No. 2

Bill Version: SB 227

(S) Pursuit Date: --5-90

STATE OF ALASKA
994 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to bail
after conviction for various
reasons. Senator Said
 Requestor: Senate Judiciary

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 40

EXPENDITURES/REVENUES.

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
NONCONTRACTUAL						
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

FUNDING SOURCE:

(Thousands of Dollars)

02 Federal Receipts						
03 GF Match						
04 GF						
05 GF/Program Receipts						
06 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee
 Position: Office of Public Advocacy
 Received by Commissioner: Nancy Bear Usura
 Department: Department of Administration

Phone: 274-1684
 Date: _____
 Date: 1/24/90

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FISCAL NOTE

No.

Bill Version: 35 223

(S) Publish Date: - -

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Revision Date: _____	Dept. Affected: <u>Administration</u>	_____
Title: <u>An Act relating to bail after conviction ...</u>	ERL: <u>Public Defender Agency</u>	_____
_____	Component: <u>Public Defender Agency</u>	_____
Author: <u>Senator Sale</u>	_____	_____
Requestor: <u>Senate Judiciary</u>	COMPONENT SERIAL NO. <u>1531</u>	_____

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	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)					
002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
004 GF	0.0	0.0	0.0	0.0	0.0	0.0
005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
006 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: <u>John Salemi, Director</u>	Phone: <u>254-4400</u>
Vision: <u>Public Defender Agency</u>	Date: _____
Approved by Commissioner: <u>Nancy Bear Usura</u>	Date: <u>1/24/94</u>
Agency: <u>Administration</u>	

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Admin. F.N.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SS 208

Print Date: 4-5-94

Revision Date: _____ Dept. Affected: Corrections
 Title: No bill for felons with previous BRU: Statewide Operations
convictions Component: Institutions
 Sponsor: Sen. Savo
 Author: Senate Judiciary COMPONENT SERIAL NO. 294-1094

Expenditures/Revenues	Thousands of Dollars					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
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					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
002 Federal Receipts						
003 GF Match						
004 GF						
005 GF/Program Receipts						
006 GF/MHTA						
Other						
TOTAL	0	0	0	0	0	0

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

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Social Assistant Phone: 65-4643/786-2147
 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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Corrections F.N.

The bill would preclude an offender who has been convicted of a class B or C felony from being released on bail before sentencing or pending appeal if the offender had previously been convicted of an unclassified or class A felony, or certain sex offenses or stalking.

Assumptions

1. It is assumed that offenders convicted of class B or C felonies with the types of prior records applicable in the bill would be sentenced to some period of incarceration. Most will fall under presumptive sentencing statutes. The department reviewed 100 such cases, and found that 100% of the cases resulted in sentences of incarceration.
2. Since time served in custody prior to sentencing counts as time served on the sentence, the total time served will remain the same whether it is interrupted or delayed by posting bail or not.
3. The only impact on the department would be in cases in which the felon would receive bail under current law, then win an appeal which would result in no period of incarceration; under the bill the felon would have spent the appeal period incarcerated. According to the Clerk of the Court of Appeals, approximately 451 cases were appealed in 1992 (366 felonies and 85 misdemeanors.) Approximately 15% of the appeals resulted in reversals. This would be about 55 reversals per year for felony cases. Most reversals result in reduction in sentence length rather than overturning a conviction. Because the number of cases in which an appeal would result in no period of incarceration is assumed to be extremely small, and because there is no assurance that those cases would be released on bail pending appeal under current law, no measurable fiscal impact is expected.
4. If the department is able to gather more detailed data on the outcome of appeals referenced above, and the data indicates a significant number of appeals resulting in no period of incarceration, the fiscal note will be revised.

Senator Judith E. Salo

Alaska State Legislature



SPONSOR STATEMENT

SENATE BILL 228

In October of 1993 a man allegedly raped and assaulted two women in Anchorage. One of the sad facts in this case was that the perpetrator had been convicted and sentenced for a felony drug offense and yet he was still free. He had a long criminal record that included convictions for three rapes and two vehicle thefts in California. In Alaska he had been convicted for gambling, carrying a concealed weapon, fourth degree assault, trespassing, and possession of cocaine. His criminal record indicates a violent past and a threat of being a danger to the community. In spite of these facts, the defendant was released on (\$5,000.00) bail pending appeal. The lives of two women and their families are forever changed because of these circumstances.

S.B. 228 is a simple bill. It adds to the list of crimes and circumstances for which bail is not allowed under AS 12.30.040(b). It will prevent a persons release on bail either before sentencing or pending appeal where the person has been previously convicted of sexual assault in the second and third degrees, sexual abuse of a minor in the second and third degrees and stalking in the first degree.

I ask for the committee's support and prompt attention so that we might protect the lives of other potential victims of violent crime.

SENATE BILL NO. 228
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS SALO, Little, Zharoff

Introduced: 1/10/94
 Referred: JUD. FIN

A BILL
 FOR AN ACT ENTITLED

1 "An Act relating to bail after conviction for various felonies if the defendant has
 2 certain previous felony convictions."

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

4 * Section 1. INTENT. It is the intent of the legislature by this Act to restrict the
 5 availability of bail after conviction for certain felons. The legislature notes the decision of the
 6 Alaska Court of Appeals in Stiegele v. State, 685 P.2d 1255, 1258 - 1261 (Alaska App. 1984)
 7 and further notes that for reasons stated in Stiegele this Act does not conflict with or amend
 8 a court rule.

9 * Sec. 2. AS 12.30.040(b) is amended to read:

10 (b) Notwithstanding the provisions of (a) of this section, a [IF A PERSON
 11 HAS BEEN CONVICTED OF AN OFFENSE WHICH IS AN UNCLASSIFIED
 12 FELONY OR A CLASS A FELONY, THE] person may not be released on bail either
 13 before sentencing or pending appeal if the person has been convicted of an offense
 14 that is

1) an unclassified felony or a class A felony; or

2) a class B or class C felony if the person has been previously convicted of an offense in this state that is an unclassified felony, a class A felony, or a violation of AS 11.41.260, 11.41.420 - 11.41.425, or 11.41.436 - 11.41.438 or of an offense in another jurisdiction with elements substantially similar to an offense of this state described in this paragraph.

Stalking in 1st degree
(Class "C" felony)

Sexual Assault 2nd & 3rd degree
(Class "B" & "C" felony)

Sexual Abuse of a Minor
2nd & 3rd degree
(Class "B" & "C" felony)

List of Unclassified Felonies:
Murder in 1st degree & 2nd degree
Attempted Murder in 1st degree
Sexual Assault in 1st degree
Sexual Abuse of a Minor 1st degree
Kidnapping

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

907) 465-3807 or 465-2450
FAX 907) 465-2029
Mail Stop 3101

150 Seneca Street, Suite 409
Juneau, Alaska 99801-2105

M E M O R A N D U M

March 14, 1994

SUBJECT: Sectional Summary of HB 460. (Work Order No. 8-LS1701A)

TO: Representative Mike Navarre
Attn: Tom

FROM: Jerry Luckhaupt *JL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill provides that the intent of the legislature in this bill is to change a matter of substance, not a court rule of procedure, and therefore a two-thirds vote of each legislative body is not needed.

Section 2 of the bill amends AS 12.30.040(b) to add to the situations where a person is not eligible to be admitted to bail before sentencing or pending appeal. Under current law a person is not eligible for bail before sentencing or pending appeal when the person has been convicted of an unclassified or class A felony. This bill adds to that prohibition convictions for class B or C felonies if the person has previously been convicted in this state of an unclassified or class A felony or a violation of AS 11.41.-260,^{1/} 11.41.420 - 11.41.425,^{2/} or 11.41.436 - 11.41.438,^{3/} or a similar offense of another jurisdiction.

GPL:pl:mi
94-197.plm

^{1/} Stalking in the first degree.

^{2/} Sexual assault in the second or third degree.

^{3/} Sexual abuse of a minor in the second or third degree.

Sect. Summary

Man sought in assaults on 2 women

Police launching a search for knife-wielding suspect

S.J. KOMARNITSKY
Daily News reporter

Anchorage police are searching for a 36-year-old man they say assaulted one woman and raped another at knifepoint early Wednesday morning.

Police have charged Leonard John Hoffman with one count of third-degree assault and four counts of first-degree sexual assault and have issued a warrant for his arrest.

According to court documents, Hoffman allegedly assaulted the first woman shortly after midnight at her Anchorage home. The woman told police she knew Hoffman and let him in. But, she told police, he grabbed her face, pushed her onto a couch and then threatened her with a knife.

He then broke off the attack and drove her vehicle to a second woman's residence in a mobile home park off Boniface Parkway, Capt. Shirley Warner said.

According to court documents, the second woman told police Hoffman is her sister's boyfriend. She let him in after he told her he had been beaten up. The woman said Hoffman had scratches on his arm and she tried to bandage it. She told police he then smoked what appeared to be marijuana.

Meanwhile, he made several trips between the resi-



Special to the News

Police describe Leonard John Hoffman as 6-foot, 230 pounds, with brown hair and brown eyes.

dence and the vehicle. As he went to leave one time, he suddenly grabbed her, pulled out a knife and dragged her into the bedroom, she said. He then raped her, she said.

The woman told officers she ran out of the mobile home about 1:30 a.m. when Hoffman went to get some food in a microwave. She called police from a neighbor's residence. Police staked out the mobile home for about four hours, at-

Please see Page E-5,
WARRANT

WARRANT: Man sought in attacks

Continued from Page E-1

tempting to make contact. But Hoffman had apparently snuck out after the woman left, Warner said.

Hoffman is considered extremely dangerous and possibly armed, Warner said.

Hoffman has a long criminal record including convictions in California for three rapes and two vehicle thefts.

In Alaska, Hoffman has been convicted for gambling, carrying a concealed weapon, fourth-degree assault, trespassing and possession of cocaine, according to court records.

Last December, he was also charged with four counts of sexual assault for allegedly tying up and raping a woman to whom he offered a ride. Those charges were later dropped for lack of evidence.

In June, he was sentenced to three years in jail for drug possession. He was released on bail after he appealed the conviction.

Sgt. Walt Monegan said police are familiar with Hoffman. And although they didn't step up patrols Wednesday night, all officers had been briefed on him and a picture was being circulated.

"Right now, we are keeping our eyes out ... and following up on any possible sightings," Monegan said.

He said officers also were watching Hoffman's usual haunts. That included his last reported residence on West 26th Street.

Police describe Hoffman as 6 foot, 230 pounds, with brown hair and brown eyes. He often uses the aliases Leonard J. Samano and Leo Hoffman or combinations of the two. He is considered dangerous and anyone spotting him should call the Anchorage Police Department at 786-8900.

ARTICLES

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DATE: SUNDAY October 1, 1994

PAGE: 31

SECTION: News

SOURCE: By SAJ. INFORMATIONALLY News reporter

EDITION: FINAL

LENGTH: Short

SUSPECT IN RAPE ARRESTED

Acting on a tip, police arrested Leonard Hoffman and another man early Monday morning in a Wasilla apartment where they were staying.

Police had been looking for Hoffman since Wednesday, when he allegedly assaulted one Anchorage woman and raped another at Knappa Point. Police had asked for the public's help in finding the 36-year-old Hoffman, who they said was dangerous and possibly armed.

Trooper spokesman Steve Wilhelm said a crime scene tip led police to the apartment building at the Seward-Mendenhall Parkway where Hoffman was staying.

When confronted, Hoffman initially gave troopers a fake name, Wilhelm said. But when he admitted who he was and gave up without a struggle.

Another man staying at the apartment also was arrested on an unrelated charge, Wilhelm said. The man, whom Wilhelm would not identify, also had a

RANK 1 OF 1, PAGE 1 OF 1, IN ADD, DOCUMENT 181018
WARNING FOR

His arrest, he said, Wilhelm did not know the relationship between the men or how Hoffman traveled from Anchorage to Wasilla.

Hoffman is charged with four counts of first-degree sexual assault and one count of third-degree assault. He has a long criminal record, including convictions in California for three rapes and two vehicle thefts. In Alaska, he has been convicted of gambling, fourth-degree assault, carrying a concealed weapon, trespassing and possession of cocaine, according to court records.

In June, he was sentenced to three years in jail for drug possession. He was out on bail appealing that conviction when the latest attacks occurred.

In a court appearance Saturday, his bail was set at \$75,000 with a court-approved third-party custodian.

Leonard Hoffman, birthdate unknown, was found guilty by a jury of fourth-degree misconduct involving a controlled substance, and the following charges were dismissed: two counts of third-degree assault, and one count each of second-degree sexual assault, first-degree sexual assault and kidnapping. Sentenced to three years in prison, with recommendation for substance abuse treatment and counseling. Judge Souder.

FIREBOMBS: Inmate accused of scare tactics

Continued from Page 51

Hoffman began trying to intimidate the women soon after he landed in jail, according to the 13-page marriage document filed this week.

Montiel's wife, Dawn, a police Hoffman called him jail repeatedly and told her to tell one of the men not to testify.

"Go up to her and threaten her," Hoffman said, according to Dawn Montiel's statement to police. She also claimed he threatened her, saying, "If you don't do this you're going to get people take care of you. I'll come out and touch you."

A man named Shannon Kennington told police he was at the Montiel's house one day in November when Hoffman called from jail. Hoffman, he said, promised to give him a gram of heroin if he would shoot at a Spen-

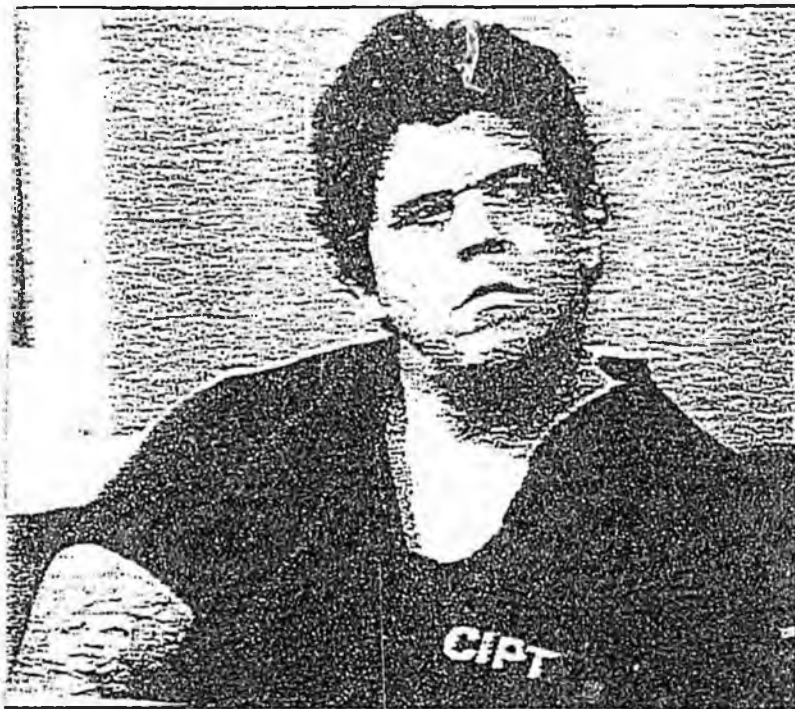
ard trailer to frighten a man out of testifying.

Kennington said he agreed to the terms. Early the next morning he and Gilbert Montiel fired six shots at the trailer Hoffman described. Kennington said.

Hoffman, however, only provided a fraction of the money he promised because he didn't believe they had done the job, Kennington said.

Over the phone from jail Hoffman let Kennington know he was angry that shooting hadn't been reported in the news.

Hoffman said he wanted to make the newspaper, to get it known that "these things that something was going to happen," the char-



Day News file photo

Leonard Hoffman pleaded innocent to arson, witness tampering and interference with an official proceeding.

ges say. "Hoffman kept making phone calls to Montiel's residence to try to get Montiel and Kennington to go and do some more to these ladies' trailers."

On Dec. 11, a Molotov cocktail was thrown at the Spenard trailer. It landed in the driveway and caused no damage. Two days later, the woman Hoffman is accused of assaulting reported finding another Molotov cocktail — a gasoline-filled bottle with a white rag stuffed in the neck — in front of her trailer. The rag was partially burned, but the bomb did not explode.

On Jan. 6, the woman Hoffman is accused of raping was sleeping in her Mul-

doon trailer when a lit Molotov cocktail was thrown into her living room window. She put out the fire with an extinguisher before it spread.

Kennington told police he heard Montiel and Loper brag about the bombing afterward.

Richard Shoefel, assistant superintendent of Cook Inlet Pre-Trial Facility, said the jail couldn't listen in on Hoffman's phone conversations because it doesn't have phone monitoring equipment. If someone complains about getting threatening or harassing calls from an inmate, jail officers will tell the prisoner not to call that number again. In extreme

cases, they will have different phone numbers for the prisoner. Shoefel said. Police never asked him to restrict Hoffman's calls, he said.

The Department of Corrections is already being sued for allegedly allowing inmates in Cook Inlet Pre-Trial and Spring Creek Correctional Facility to plan and execute the fatal 1991 Eklutna mailbombing from behind bars. The lawsuit, filed by the wife of bombing victim David Kern, alleges the department failed to isolate inmates Doug Gustafson and R.D. Cheely from each other and from people outside the prison who carried out the bombing at the inmates' direction.

Arrest warrants were issued for Montiel and Loper, but only Loper was in jail Wednesday evening, authorities said.

Hoffman's trial on the October rape and assault charges was to begin today. His lawyer, Carmen Gutierrez, asked for more time to prepare in light of the new charges. The trial is now set to begin May 11.

Prosecutor Audrey Renschon said she plans to introduce evidence of Hoffman's scheme to intimidate the witnesses at the assault trial.

No trial date has been set for the charges filed this week.

Hoffman was convicted of raping two women in California and has served hard time in San Quentin, District Attorney Ed McNally said.

LEGISLATIVE ACTION

debated by lawmakers Wednesday

passed and sent to Senate:

SB412, which would update state laws for licensing of child-care centers, child-placement agencies, maternity homes, adult residential homes and foster homes. Vote: 33-0.

SB426, which would establish the Chickaloon Flats Critical Habitat Area on Chickaloon Bay on Kenai Peninsula, a prime bird nesting area. Vote:

passed and returned to Senate for concurrence with changes:

SB151, which would allow the state to pay much of a company's costs for mineral exploration on unleased land in return for the resulting geological information. Vote: 37-2.

SB251, which would make fishermen with limited-entry permits eligible

for SB252, which would make possession of child pornography a misdemeanor. Vote: 38-0.

Senate passed and sent to House:

SB311, which would allow factory workers to receive a tax credit toward the state's new fishery landing tax if they donate to nonprofit groups involved in developing fisheries jobs in coastal villages. Vote: 11-9.

Senate passed and returned to House for concurrence with changes:

HB294, which would extend the life of the Pharmacy Board through June 1999. Vote: 19-1.

Senate rejected:

HB49, which would allow absentee ballots to be cast by fax. Vote: 12-8.

SB195, which would make changes to the state's physical therapy licensing laws. Vote: 10-10.

HB323, which would allow state officials to

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT ANCHORAGE

WFO

() STATE OF ALASKA)
() MUNICIPALITY OF ANCHORAGE)

Plaintiff,)

vs.)

Leonard J. Hoffman)
dob: 4/29/57)
SSN 574-30-4503)
Defendant.)

CASE NO. JAN-593-7782 CR

ARREST WARRANT

To Any Peace Officer Or Other Authorized Person:

You are commanded to arrest the defendant and bring the defendant before the nearest available judicial officer without unnecessary delay to answer to a complaint/information/indictment charging the defendant with violation of

A.S. 11.41.220(a)(1) and four counts 11.41.410(a)(1)
(statute or ordinance)

Assault: 3rd and four counts Sexual assault 1st

(offense)

Bail is set at \$ 75,000- The defendant may not be released until the court approves a third party custodian and/or conditions of release.



[Signature]
Judge/Deputy Clerk as ordered on the record
by Judge Wielgowski

Date 10/13/93

Sex: M Race: W Ht: 6' Wt: 230# Hair: BRO Eyes: BRO

DOB: 4-29-57 OL/ID AK 6058879 SSN 574-30-4503

Last Known Address: 1414 West 26th. phone: _____

Place of Employment: _____ phone: _____

RETURN

I received the above warrant on _____ 19____, and executed it by arresting the defendant and serving the defendant with a copy of this warrant in _____, Alaska, on _____, 19____.

Return Date

Signature of Peace Officer

Type or Print Name

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
 Leonard J. Hoffman)
)
 DCB: 4/29/57)
 AK ID/OL: 6058879)
 SSN:574-30-4503)
 ATN:)
 Defendant.)

Filed in the Trial Courts
STATE OF ALASKA THIRD DISTRICT
IN ANCHORAGE

OCT 13 1993

by _____ Deputy

Court No. JAN-S93-7782 Cr.

COMPLAINT

COUNT ONE
ASSAULT IN THE THIRD DEGREE
AS 11.41.220(A)(1)

COUNT TWO
SEXUAL ASSAULT IN THE FIRST DEGREE
AS 11.41.410(A)(1)

COUNT THREE
SEXUAL ASSAULT IN THE FIRST DEGREE
AS 11.41.410(A)(1)

COUNT FOUR
SEXUAL ASSAULT IN THE FIRST DEGREE
AS 11.41.410(A)(1)

COUNT FIVE
SEXUAL ASSAULT IN THE FIRST DEGREE
AS 11.41.410(A)(1)

THE COMPLAINANT CHARGES IN COUNT ONE:

that on or about October 13, 1993, at or near Anchorage, in the Third Judicial District, State of Alaska, Leonard J. Hoffman did recklessly place another, M.B., in fear of imminent serious physical injury by means of a dangerous instrument.

All of which is a class C felony offense, being contrary to and in violation of AS 11.41.220(a)(1), and against the peace and dignity of the State of Alaska.

THE COMPLAINANT CHARGES IN COUNT TWO:

that on or about October 13, 1993, at or near Anchorage, in the Third Judicial District, State of Alaska, Leonard J. Hoffman did knowingly and unlawfully engage in sexual penetration with another person, K.V., without K.V.'s consent, by penetrating her anus with his finger.

All of which is an unclassified felony offense, being contrary to and in violation of AS 11.41.410(a)(1), and against the peace and dignity of the State of Alaska.

THE COMPLAINANT CHARGES IN COUNT THREE:

that on or about October 13, 1993, at or near Anchorage, in the Third Judicial District, State of Alaska, Leonard J. Hoffman did knowingly and unlawfully engage in sexual penetration with another person, K.V., without K.V.'s consent, by penetrating her vagina with his finger.

All of which is an unclassified felony offense, being contrary to and in violation of AS 11.41.410(a)(1), and against the peace and dignity of the State of Alaska.

THE COMPLAINANT CHARGES IN COUNT FOUR:

that on or about October 13, 1993, at or near Anchorage, in the Third Judicial District, State of Alaska, Leonard J. Hoffman did knowingly and unlawfully engage in sexual penetration with another person, K.V., without K.V.'s consent, by penetrating her vagina with his penis.

All of which is an unclassified felony offense, being contrary to and in violation of AS 11.41.410(a)(1), and against the peace and dignity of the State of Alaska.

THE COMPLAINANT CHARGES IN COUNT FIVE:

that on or about October 13, 1993, at or near Anchorage, in the Third Judicial District, State of Alaska, Leonard J. Hoffman did knowingly and unlawfully engage in sexual penetration with another person, K.V., without K.V.'s consent, by penetrating her mouth with his penis.

All of which is an unclassified felony offense, being contrary to and in violation of AS 11.41.410(a)(1), and against the peace and dignity of the State of Alaska.

I, Robert M. Gray, state under oath that this complaint is based

on information and belief derived from my investigation in this matter.

M.B. reports that just after midnight, in the early morning hours of October 13, 1993, she was at her home in Anchorage, when the defendant, who she knows as an acquaintance, came to see her. While at her home, the defendant suddenly grabbed her face with his hand, splitting her lip, and pushed her face into the couch. He then ripped her panties off, stuffed them in her mouth, and held up a knife as if he were going to stab her. He told her he had killed two back men already tonight with a baseball bat. M.B. said he suddenly stopped and began to frantically try to make telephone calls. She suggested to him that he could take her car, and he left. M.B. said she struggled with him during the above encounter, and scratched his face and bit his finger.

K.V. reports that around 12:30 a.m. on October 13, 1993, she was at her home in Anchorage, when the defendant, whom she knows as a boyfriend of her sister, came to her home. She said he wanted in, that some black guys had beaten him up. She observed injuries on him and invited him in and tried to bandage up his arm, using an Ace bandage.

K.V. said he smoked what appeared to be marijuana, after he offered her some, and she declined. She said he went back and forth to his car several times. She said one time as he was leaving, he grabbed her, pulling her shirt off, and pulled out a knife, which he used to cut off her bra. He then dragged her into the bedroom. He tied her hands above her head, using the Ace bandage she had given him earlier. He told her, "I have nothing to lose. I'm going to kill you." He told her he had an Uzi in the car. He then forced his finger into her anus. He continued to assault her by forcing his finger into her vagina. He forced his penis into her vagina. He grabbed her hair and forced her mouth onto his penis. During these assaults, he was rubbing the knife around her breasts.

Afterward, K.V. tried to pretend everything was okay, because she was still afraid that the defendant would carry through on his threat to kill her. She offered to make him some food, and managed to escape to call the police when he went to the microwave to get his food. She said he followed her, cursing, but she managed to get away.

BAIL INFORMATION

The defendant is known to me as a convicted sexual assault felon in California. I am also aware that he is currently out on bail pending appeal on a drug conviction.



DATED this 13 day of October, 1993, at Anchorage,
Alaska.

Det Robert M. Smith #0512
Inv.
Anchorage Police Department

SUBSCRIBED AND SWORN to before me this 13th day of
October, 1993, at Anchorage, Alaska.

[Signature]
Judge/Magistrate

January 10, 1994
SB 228

SENATE JOURNAL

p. 2453

(Profile released January 3, 1994)

SENATE BILL NO. 228 by SENATORS SALO, Little, Zharoff, entitled:

"An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions."

was read the first time and referred to the Judiciary and Finance Committees.

April 5, 1994
SB 228

SENATE JOURNAL

p. 3444

The Judiciary Committee considered SENATE BILL NO. 228 "An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions." Signing do pass: Senator Taylor, Chair, Senators Little, Doniey, Jacko, Halford.

Zero fiscal notes published today from Department of Law, Department of Public Safety, Department of Administration (2), Department of Corrections.

April 5, 1994
SB 228

SENATE JOURNAL

p. 3445

SENATE BILL NO. 228 was referred to the Finance Committee.

April 13, 1994
SB 228

SENATE JOURNAL

p. 3623

The Finance Committee considered SENATE BILL NO. 228 "An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions." Signing do pass: Senator Pearce, Cochair, Senators Rieger, Jacko, Kelly, Sharp.

Previous zero fiscal notes.

SENATE BILL NO. 228 was referred to the Rules Committee.