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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: February 5, 1994 Dept. Affected: Corrections
 Title: An Act extending the maximum BRU: A11
period of probation Component: A11
 Sponsor: Sen. Donley
 Requestor: Senate Finance 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	*	*	*	*	*	*

CAPITAL EXPENDITURES	*	*	*	*	*	*
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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	*	*	*	*	*	*

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill will result in increased expenses for probation services and may impact incarcerated populations, but specific dollar impact cannot be predicted. Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 2/5/94
 Approved by Commissioners: J. Frank Prewitt, Jr. Date: 2/8/94
 Agency: Department of Corrections

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The bill would extend the maximum period of probation from five years to ten years.

Assumptions

1. The bill will probably not effect probation caseloads until five years after it goes into effect. However, offenders now receiving less than the maximum five years might begin receiving longer periods of probation right away as a sort of "inflationary" effect. For example, an offender who would receive two and a half years of probation under current law is being given half of the maximum time; a court might give the same offender five years under the new law to reflect the seriousness of the offense.
2. Probation Officers are currently carrying caseloads averaging 75-80 offenders. Larger caseloads would dilute the effectiveness of supervision and defeat the purpose of extending the period of supervision. Additional probation-days cannot be absorbed without additional resources. The department's liability for inadequate supervision of probationers has been set forth in court decisions such as Neokok.
3. Salary, benefits, and insurance for a beginning Probation Officer II are estimated to be approximately \$52,243 per year.
4. A longer period of probation supervision may increase the likelihood of the court imposing probation as an alternative to incarceration. However, the longer an offender is on probation, the greater the chances the offender may be caught violating his or her conditions and being returned to prison. Therefore, the bill may reduce or increase prison populations.

Operating Expenses

It is not possible to estimate a dollar figure. Increases in Community Corrections personnel costs are inevitable, probably beginning five years after the change goes into effect. There may be increases in operating costs for prisons, due to more violators being placed in prison. That increase may be offset by use of probation as an alternative to incarceration.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: SB 24

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act extending the maximum period of probation" BRU: Alaska State Troopers
 Sponsor: Senator Donley Component: _____
 Requestor: S. JUD 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 () <small>Revenue Code</small>	-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.)
 No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Jee Ann Lucas Phone: 465-4322
 Division: Commissioner's Office Date: 2/1/94
 Approved by Commissioner:  Date: 2/1/94
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: December 15, 1993
 Title: "An Act extending the maximum period of probation after conviction."
 Sponsor: Senator Donlevy
 Requestor: Governor's Office

Department Affected: Department of Law
 BRU: Prosecution
 Component: Criminal Justice Litigation
 COMPONENT SERIAL NO. 0093

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.)

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

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

Phone: 465-3672
 Date: December 15, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law

Date: December 15, 1993

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Official Business

Alaska State Legislature

Senator Dave Donley

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

Senate Bill 24

Extending the Maximum Period of Probation After Conviction to Ten Years

Senate Bill 24 extends the maximum period of probation from five to ten years. This change was recommended by the Sentencing Commission.

Governor Hickel has included the bill as a part of his anti-crime package (see attached). Passage of SB 24 would give our law enforcement officials an effective tool for keeping track of criminals and preventing recidivism after they have left the state prison system. As far as I am aware, there is no opposition to SB 24.

DD/mf

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 2, 1993

SUBJECT: Sectional Summary of SB 24 (Work Order No. 18-LS0304\A)

TO: Senator Dave Donley
Attn: Max

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, 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 extends the maximum period of probation from five years to 10 years.

Section 2 of the bill provides an applicability provision.

GPL:gc
93-092.glc

THE GOVERNOR'S ANTI-CRIME PACKAGE

The following is taken from page 7 of Governor Hickel's Jan. 12, 1994 anti-crime package sectional analysis.

Increase Probation from 5 to 10 Years -- 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.

We can't lock all these offenders up 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. It is generally supported by both prosecutors and defense lawyers, and should be acted upon this Session.

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE
P. O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 W. 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

January 19, 1993

The Honorable Dave Donley
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: SB 24 ("An Act Extending the Maximum Period of Probation After Conviction")

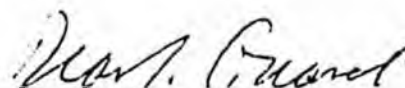
Dear Senator Donley:

By this letter, we wish to express our support for SB 24, "An Act Extending the Maximum Period of Probation After Conviction." Particularly for some offenses, such as sexual assaults and sexual abuse of minors, extended periods of supervision may reduce the number of new offenses committed by the defendant. Generally speaking, the costs associated with supervising a person on probation are less than the costs associated with new offenses. As a class, sex offenders in particular are difficult to treat and may reoffend years after release from incarceration.

Thank you for the opportunity to comment on this bill. If you have any further questions that we may be able to answer, please do not hesitate to call upon us.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By: 
Dean J. Guaheli
Assistant Attorney General

MOK/sf

BILL NO: SB 24

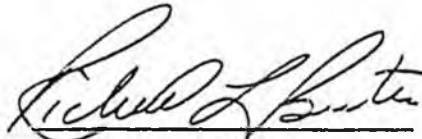
DATE: January 19, 1993

TITLE: An Act Extending the
Maximum Period of
Probation

CONTACT: C.E. Swackhammer
Deputy Commissioner

SB 24 extends, from five to ten years, the maximum period of probation to which a convicted criminal defendant can be sentenced. There may be situations in which the court wishes to continue probation supervision of an offender for longer than the five-year period now allowed by law. This bill would allow the courts the flexibility to fashion a sentence which best fits a particular offense or defendant.

The Department of Public Safety supports this bill.



Richard L. Burton
Commissioner

Alaska Association Chiefs of Police



January 25, 1993

Senator Dave Donley
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Donley:

I am writing to express the support of the Alaska Association of Chiefs of Police for Senate Bill 24. Existing law only allows for imposition of five years of probation. We support extending this to ten years as proposed in your bill.

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

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

Very truly yours,

A handwritten signature in cursive script, which appears to read "Ronald L. Otte", is written over a horizontal line.

Ronald L. Otte
President

RLO/lp

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);
Morikoaq Regional Women's Crisis Program; Parent Aid Family Support Center;
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC);
Sitka Against Family Violence (SAFV); South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR);
Tongass Community Counseling Center; Tundra Women's Coalition (TWC);
Unalaska Against Sexual Assault & Family Violence (USAFV);
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.

ALASKA PEACE OFFICERS ASSOCIATION



State and Anchorage Offices: • 1441 West Northern Lights Blvd., Suite M • Anchorage, Alaska
Mailing Address: P.O. Box 240106 • Anchorage, Alaska 99524-0106 • Office (907) 277-0515 • Fax (907) 272-53

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January 25, 1993

Senator Dave Donley
Alaska State Legislature
Capitol, Room 11
P.O. Box V (MS 3100)
Juneau, Alaska 99801

Dear Senator Donley:

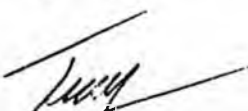
On behalf of the Alaska Peace Officers Association, I welcome you to the Alaska State Legislature.

In the next month, we will be sending a copy of our position paper to you. Our position paper contains information on legislation we are interested in. We would be happy to be a resource to you on criminal justice issues. Please do not hesitate to contact me directly.

We will be in Juneau in late February or early March to hold a board meeting. We will be meeting with legislators while we are in Juneau.

Please feel free to call on us about any criminal justice concerns.

Very truly yours,


Terry L. Marquart
President