

SB

350

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/12/94

FURTHER:

DATE TURNED INTO OFFICE: 4-19-94

The Finance Committee considered **SENATE BILL NO. 350**

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

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____
- attaches amendment(s)

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

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DDA (PDA)	2/17/94	0	
DDC	2/25/94		11.3
DDLaw	2/15/94	0	
DDPS	2/16/94	0	
DDA (OPA)	2/16/94	0	

Appropriation No Fiscal Note

DO PASS:

Tom Kelly

Steve...

[Signature]

[Signature]

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

OTHER RECOMMENDATIONS:

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

FISCAL NOT

No. 1

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 350

(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Defendant's Conditions of BRU: Public Defender Agency
Release..." 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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(Rev. 10/93) RI 2/17/94

FISCAL NOTE

No. 2
 Bill Version: SB 350
 (S) Publish Date: 3-9-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to a derendant's vi- BRU: Statewide Operations
olation of conditions of release 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 Phone: 465-4643/786-2141
 Division: Office of the Commissioner Date: 3/10/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 3/10/94
 Agency: Department of Corrections

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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. 3

Bill Version: SB.350

(S) 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/Bv 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
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 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

No. 4
 BILL () Bill Version: SB 350
 (S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Public Safety
 Title: Defendant's Conditions of Release BRU: Statewide
 Component: _____
 Sponsor: Rules by Request
 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)

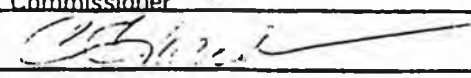
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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:  Date: _____
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOT

No. (5)

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB350

(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: *An Act Relating to Delendant'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
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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 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.



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832

March 14, 1994

MEMO TO FILE

TO: Judiciary Committee

BILL/RES. NO.: SENATE BILL NO. 350
"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

ATTENTION: Nancy, Joyce, Heidi
Senate Secretary's Office

This bill/resolution may need an **additional** referral to the **Finance Committee**.

Leave this note in the file.

Thank you.

A handwritten signature in cursive script, appearing to be "JH".



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
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"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

ATTENTION: Nancy, Joyce, Heidi
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This bill/resolution may need an **additional** referral to the **Finance Committee**.

Leave this note in the file.

Thank you.

A handwritten signature in cursive script, appearing to be "JH".



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 9, 1994

350

*The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Mr. President:

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.

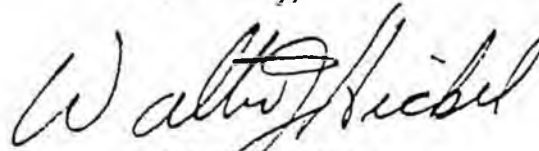
For example, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are rarely able to protect the victim or the public in general by making an immediate arrest. 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 Rick Halford
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

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

June

DATE: 3/9/94

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-14-94

State Affairs Committee considered SB 350

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

and recommends:

and report it back as follows

replace with _____ CS _____

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

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

*40
1 FY*

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DOA - DPA	3.9.94	<input checked="" type="checkbox"/>	—
DPS	3.9.94	<input checked="" type="checkbox"/>	—
DOL	3.9.94	<input checked="" type="checkbox"/>	—
DCC	3.9.94	—	11.3
DOA - PIDA	3.9.94	<input checked="" type="checkbox"/>	—

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Hike Miller

Stephen L. Taylor NC Rec

Arwen A. Arwen DO PASS

Chair: Signature and Recommendation

SENATE COMMITTEE REPORT

has no funds

DATE: 3/14/94

FURTHER: *SM*

DATE TURNED INTO OFFICE: 4/12/94

Judiciary Committee considered SENATE BILL NO. 350

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

and a majority of the committee recommends do pass

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

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

- adopts _____ Letter of Intent
- further referral to the _____

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

*40000
Fol*

NEW FISCAL NOTES

Department	Date	Zerc	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zerc	Fiscal
<i>Admin - Public Aff</i>	<i>3/9/94</i>	<input checked="" type="checkbox"/>	
<i>Public Affairs</i>	<i>3/9/94</i>	<input checked="" type="checkbox"/>	
<i>Law</i>	<i>2/15/94</i>	<input checked="" type="checkbox"/>	
<i>Corrections</i>	<i>2/25/94</i>		<i>11.3</i>
<i>Admin - Public Aff</i>	<i>2/17/94</i>	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS:

Richard Feldman
David Douglas
Alicia H. Little

OTHER RECOMMENDATIONS:

George Taylor Jackson

Alicia H. Little
 Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

Jump

DATE: 3/9/94

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-14-94

State Affairs Committee considered SB 350

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

and recommends:

and report it back as follows

replace with _____ CS _____

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

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

*40
1 FN*

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
LCA - DLA	3.9.94	✓	—
DPS	3.9.94	✓	—
DOL	3.9.94	✓	—
DOC	3.9.94	—	11.3
DOA - DDA	3.9.94	✓	—

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Mike Miller

Stephen L. Taylor NO REC

[Signature]
Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

Jump

DATE: 3/9/94

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-14-94

State Affairs Committee considered SB 350

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

and recommends:

and report it back as follows

replace with _____ CS _____

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

*40
1 FY*

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

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DOA - OLA	3.9.94	✓	—
DPS	3.9.94	✓	—
DOL	3.9.94	✓	—
DOC	3.9.94	—	11.3
DOA - PIDA	3.9.94	✓	—

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Mike Miller

Robin L. Taylor NO REC

[Signature]
Chair: Signature and Recommendation