

SB

54

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/19/93

FURTHER:

DATE TURNED INTO OFFICE: 2-26-93

The Finance Committee considered SENATE BILL NO. 54

"An Act relating to violations of laws by juveniles; and providing for an effective date."

and recommends:

replace with _____ CS SB 54 (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
DDA - Adopc.	2-26-93		22.5
DDA - Pub Def	2-26-93		6.0
Courts	2-26-93		24.5

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DDLaw	2-23-93	0	
DPS	2-17-93	0	
DOC	2-5-93		10.8
DHSS	2-25-93	0	

Appropriation No Fiscal Note

DO PASS.

George J. Tolson
Tim Kelly
Bob King
Frank
Steve King
 1. *True source - 10 pass*
 Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

Justine *NO Rec*

 2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

REQUEST:

Revision Date: 2/25/93 Affected Agency: Administration
 Title: An Act relating to violations of laws for juveniles..." BRU: Off.of Pub.Advoc.
 Sponsor: Sen. Halford Components: Off.of Pub.Advoc.
 Requestor: Senate Finance Component Serial No.: 43

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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	22.5	23.2	23.9	24.6	25.4	26.1
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	22.5	23.2	23.9	24.6	25.4	26.1

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	22.5	23.2	23.9	24.6	25.4	26.1
Federal Fund	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	22.5	23.2	23.9	24.6	25.4	26.1

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)

See attached page 2.

Prepared By: _____ Date: _____
 Division: _____ Phone: _____
 Approved By: Denise Colchier Denise Colchier
 Agency: Senate Finance Date: 2/26/93

*Replaces
Note #4*

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (Fin)
Page 2 of 2

Analysis Continued:

Fiscal Note for Dept. of Administration, Office of Public Advocacy.

The Office of Public Advocacy's estimate of 15 cases per year seems unjustified, given the relationship between OPA and PDA case loads. However, it is possible that certain defendants will choose to alter their defense strategies relative to other defendants in response to the more serious penalties they would automatically face under SB 54. We will estimate that increased number increased number to be three per year at \$7,500.00 each.

FISCAL NOTE

REQUEST:

Revision Date: 2/25/93
Title: "An Act relating to violations
of laws for juveniles..."

Affected Agency: Administration
BRU: Pub.Defender Agy

Sponsor: Sen. Halford
Requestor: Senate Finance

Component: Pub.Defender Agy
Component Serial No. 1631

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	2.5	2.6	2.7	2.8	2.9	3.0
Contractual	2.5	2.6	2.7	2.8	2.9	3.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
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	6.0	6.2	6.4	6.6	6.8	7.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	6.0	6.2	6.4	6.6	6.8	7.0
Federal Fund	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	6.0	6.2	6.4	6.6	6.8	7.0

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)
See Attached

Prepared By: _____ Date: _____
Division: _____ Phone: _____

Approved By: *Irue Deacon* _____ Date: 2/26/93
Agency: Senate Finance B. Chair

*Replaces
Note
5*

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (Fin)
Page 2 of 2

Analysis Continued:

Fiscal Note for Dept. of Administration, Public Defender Agency

It is important to note that SB 54 does not define any new crimes and therefore will not create new criminal cases. SB 54 merely changes the procedure in which these cases are handled.

The Department of Law will control by its charging practices the number of cases to which the PDA will need to respond. Furthermore, the Department of Law has submitted a zero fiscal note. It would seem the resources required to prosecute and defend should be somewhat similar.

The Department of Law estimates it will pursue approximately 25 cases per year under the automatic waiver conditions created by SB 54. Those cases would represent only 5% of the Public Defender Agency's current juvenile workload. Therefore, the Public Defender Agency's request for a \$130.5 increase in personal services plus consequent travel, equipment, office space, and supplies is unjustified.

The procedural changes provided for in SB 54 may require slightly more travel, reliance on experts, and supplies in the following amounts:

- a) Travel (Professional and Experts) = \$2.5
- b) Contractual (Expert Witnesses) = \$2.5
- c) Supplies = \$1.0

FISCAL NOT

Bill Version: CS9B 54 (FIN)

(S) Publish Date: 2-26-93

REQUEST:

Revision Date: 2/25/93
Title: "An Act relating to violations
of laws for juveniles..."

Affected Agency: Alaska Court Sys
BRU: Trial Courts

Sponsor: Sen. Halford
Requestor: Senate Finance

Component:
Component Serial No. 768

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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	24.5	24.5	24.5	24.5	24.5	24.5
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	24.5	24.5	24.5	24.5	24.5	24.5

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	24.5	24.5	24.5	24.5	24.5	24.5
Federal Fund	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	24.5	24.5	24.5	24.5	24.5	24.5

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)

Reduction of \$15.4 from original submission. Allowed \$24.5 in juror's time due to est'd increase of 10 trials. Parttime judge not allowed.

Prepared By: _____

Date: _____

Division: _____

Phone: _____

Approved By: _____

Agency: _____

Date: 2/26/93

*Replaces
Note #3*

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (JUD)

Revision Date: February 23, 1993
 Title: "An Act relating to violations of laws by juveniles..."
 Sponsor: Senator Halford
 Requestor: Senator Halford

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

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

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

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

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

Phone: 465-3672
 Date: February 23, 1993

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

Date: February 23, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (JUD)

ANALYSIS (Continued):

The revisions in the Senate Judiciary Committee Substitute for SB 54 would automatically waive 14 and 15 year olds to "adult" court who are charged with first or second degree murder, or who are charged with an attempt or solicitation to commit first or second degree murder. Under the bill, 14 and 15 year olds would also be automatically waived who are charged with a felony in any degree and who have previously been convicted as an adult of any felony. We note that this last provision, waiving 14 and 15 year olds with a prior felony conviction in any degree, appears to treat this age group more severely than 16 or 17 year olds who, when they are charged with a felony crime against a person, other than an unclassified or class A felony, can be waived only with a prior conviction or adjudication for a felony crime against a person. The bill and earlier versions would already waive minors who are 16 years of age or older who are charged with an unclassified or class A felony, or who are charged with a crime against a person that is a felony other than an unclassified or class A felony, and the minor has previously been adjudicated as a delinquent or convicted as an adult for a felony crime against a person.

The committee substitute restores the existing amount that may be recovered in a civil action to \$2,000, as compared to the \$5,000 limit included in the 2/15/93 Work Draft version of the bill.

The committee substitute also requires that in a petition by a minor to have the charges removed from "adult" court, and adjudicated in a juvenile proceeding under AS 47.10.020 - 47.10.090, the minor bears the burden of proving by a preponderance of the evidence that he or she is amenable to treatment as a juvenile before reaching 20 years of age.

As we have commented previously, adoption of this bill could increase our felony caseload by an average of 25 to 30 new cases each year. However, the amount of the increase, which may vary widely from year to year, does not warrant fiscal note costs at any particular location. Consequently, this zero fiscal note has been submitted. We do caution, however, that recent demographic studies indicate that the population for the ages 10 years to 17 years may grow by over 25 percent in the next few years. This factor may cause a caseload increase in the future that would require additional prosecution resources. In that event, we would either have to receive more resources or decline to prosecute a substantial number of minors in "adult" court.

FISCAL NOTE

**STATE OF ALASKA
1993 LEGISLATIVE SESSION**

2/15/93
BILL NO: CSSB 54

JUD Man FIN

Revision 2/15/93 Dept. Affected: Public Safety
 Title: "An Act relating to violations of laws by juveniles..." BRU: Alaska State Troopers
 Sponsor: Senator Halford Component: Detachments
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 799

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:						
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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	0.0	0.0	0.0

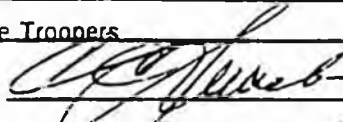
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Alan Phone: 269-5691
 Division: Alaska State Troopers Date: 2/15/93
 Approved by Commissioner:  Date: 2/17/93
 Agency: Richard J. Burton Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to violations of laws by juveniles...." BRU: Statewide of ms
 Component: Statewide of ms
 Sponsor: Sen. Halford
 Requestor: Senate Finance COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.8	262.8	481.8	700.8	919.8	1138.
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.8	262.8	481.8	700.8	919.8	1138.

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.8	262.8	481.8	700.8	919.8	1138.
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	10.8	262.8	481.8	700.8	919.8	1138

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis

Prepared by: Dana LaTour, Special Assistant Phone: 465-3376
 Division: Office of the Commissioner Date: 2-23-93
 Approved by Commissioner: Lloyd G. Rupp Date: 2-23-93
 Agency: Department of Corrections

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Fiscal Note Analysis

CSSB 54

Page 2

Using statistics received from the Division of Family and Youth Services, the Department of Corrections estimates that approximately 19 juveniles per year will be formally charged for crimes that would qualify for waiver under CSSB 54. The department estimates that 15 would be found guilty, and 4 would probably plea to a lesser charge. Assuming that five juveniles are waived to adult jurisdiction under present law, this change would result in 10 additional juvenile offenders added to the system each year.

The mandatory minimum sentence for Murder 1 is 20 years. The presumptive sentences for a Class A felony is seven years. The department is estimating an average sentence length for offenses considered under CSSB 54 to be thirty years. Subtracting one-third of the sentence for statutory good time results in average sentence served of 20 years.

The formula used in calculating the fiscal impact of this bill follows:

FY 94 2 minors convicted by 3rd quarter of year x 3 months x \$60/day = \$10,800

FY 95 10 minors + 2 from FY94 x 365 days x \$60 day = \$262,800

FY 96 10 minors + 12 (FY 94,95) x 365 x \$60 day = \$481,800

FY 97 10 minors + 22 (FY 94-96) x 365 x \$60 day = \$700,800

FY 98 10 minors + 32 (FY 94-97) x 365 x \$60 day = \$919,800

FY 99 10 minors + 42 (FY 94-98) x 365 x \$60 day = \$1,138,000

Because populations within correctional facilities are already exceeding emergency caps, it is assumed that other offenders will be transferred to CRC placements in order to make room for the offenders addressed in this legislation.

The estimated costs are based on CRC beds since it is not possible to predict when the increases in incarceration would actually require adding new prison beds to the system. Cost of placement in a correctional center is approximately \$100 a day.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (JUD)

Revision Date: <u>02/23/93</u>	Dept. Affected: <u>Health and Social Services</u>
Title: <u>"An act relating to violations of laws by Juveniles and providing for an effective date"</u>	BRU: <u>Youth Facility & Family & Youth Svcs</u>
Sponsor: <u>Senator R. Halford</u>	Component: <u>MYC, FYF, BYF, NYF & JYC</u>
Requestor: _____	SCRO, NRO & SERO
	COMPONENT SERIAL NO. <u>0264-0268,0254,0255&0258</u>

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE						
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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	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The department estimates that a high of 34 juveniles per year could be referred, charged and convicted for crimes that would qualify for presumptive waiver under CSSB54.

The department bases this estimate on juvenile offender statistics for FY91, FY92 and the first 6 months of FY93. The department also assumes the petitions to waive the juvenile back to juvenile court will not be successful to any great degree.

Prepared by: *Deborah R. Wing*
 Division: Department of Health & Social Services

Phone: 465-3191
 Date: 02/23/93

Approved by Commissioner: *Theodore A. Mala*, MD, MPH
 Agency: Department of Health & Social Services

Date: 2/25/93

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ANALYSIS (cont.):

The department recognizes that FY92 experienced unusually high referrals for the charge of murder/manslaughter (15 cases). This becomes clear by the fact that over the preceding 10 years an average of 4.4 cases were referred for murder/manslaughter. The department has no reason to believe that the FY92 cases represent a continuing trend as the FY93 referrals to date is 0.

The reduction in cases that could result if this bill becomes law is very low when compared to the overall youth corrections caseload. During the past three fiscal years the department has been averaging 6,704 referrals statewide of which the estimated 34 per year represent only 0.5% of the total referrals.

(SEE ATTACHED charge type listing for further detail.)

CSSE 54
Fiscal Note Attachment

DHSS Youth Offender Statistics

Category (1) (A)

FY 1991 - 12 of the 32 cases referred were formally charged with an unclassified or class A felony.

FY 1992 - 28 of the 60 cases referred were formally charged with an unclassified or class A felony.

FY 1993 - (7/1/92 thru 12/31/92) 11 of the 27 cases referred were formally charged with an unclassified or class A felony.

Total for (1) (A) crimes is 51 for 30 months of referrals.

Category (1) (B)

FY 1991 - 0 of the 2 cases referred were formally charged with an felony crime against a person and had a previous adjudication.

FY 1992 - 0 of the 2 cases referred were formally charged with an felony crime against a person and had a previous adjudication.

FY 1993 - (7/1/92 thru 12/31/92) 1 of 1 case referred was formally charged with a felony crime against a person and had a previous adjudication.

Total (1) (B) crimes is 1 for 30 months of referrals.

Category (2) (A)

FY 1991 - There were 0 cases referred in this category.

FY 1992 - 6 of the 6 cases referred were formally charged with murder.

FY 1993 - (7/1/92 thru 12/31/92) There were 0 cases referred in this category.

Total (2) (A) crimes is 6 for 30 months of referrals.

Category (2) (B)

FY 1991 - There were 0 cases referred and formally charged with a

unclassified or class A felony and had a previous felony adjudication.

FY 1992 - 2 of the 13 cases referred were formally charged with an unclassified or class A felony and had a previous felony adjudication.

FY 1993 - (7/1/92 thru 12/31/92) of 0 cases referred and formally charged with an unclassified or class A felony and had a previous felony adjudication.

Total (2) (B) crimes is 2 for 30 months of referrals.

Category (2) (C)

FY 1991 - There were 0 cases referred and formally charged with a felony and had a previous conviction as an adult for a felony.

FY 1992 - There were 0 cases referred and formally charged with a felony and had a previous conviction as an adult for a felony.

FY 1993 - (7/1/92 thru 12/31/92) There were 0 cases referred and formally charged with a felony and had a previous conviction as an adult for a felony.

Total (2) (C) crimes is 0 for 30 months of referrals.

Data source DFYS PROBER

Back-up

Adopted
2-20-93

Amendment

By Ricger

To Amendment #1, CSSB 54 (Fin) page 3

Delete all material after "... presentencing report
for the court."

Renumber other sections accordingly

Adopted
225-93

SENATE FINANCE
COMMITTEE
Amendment Number: 1
Bill Number: CSSB 54
Sponsor: Frank Date: 2/25
Logged In By: RM

8-LS0384M.1
Chenoweth
2/24/93

A M E N D M E N T

OFFERED IN THE SENATE
TO: CSSB 54(JUD)

BY SENATOR FRANK

Page 1, following line 5:

Insert a new bill section to read:

** Section 1. AS 09.25.120 is amended to read:

Sec. 09.25.120. PUBLIC RECORDS; EXCEPTIONS; CERTIFIED COPIES.

Every person has a right to inspect a public record in the state, including public records in recorders' offices except (1) records of vital statistics and adoption proceedings which shall be treated in the manner required by AS 18.50; (2) records pertaining to juveniles, unless the record is, by law, a public record; (3) medical and related public health records; (4) records required to be kept confidential by a federal law or regulation or by state law; (5) to the extent the records are required to be kept confidential under 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure or retain federal assistance; (6) records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions, (F) would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law, or (G) could reasonably be expected to endanger the life or physical safety of an individual. Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the fees under AS 09.25.110 - 09.25.115 a certified copy of the record,

and the copy shall in all cases be evidence of the original. Recorders shall permit memoranda, transcripts, and copies of the public records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of the records and to prevent interference with the regular discharge of the duties of the recorders and their employees."

Page 1, line 6:

Delete "* Section 1."

Insert "* Sec. 7."

Renumber following bill sections accordingly.

Page 7, following line 25:

Insert new bill sections to read:

"* Sec. 8. AS 47.10.090(a) is amended to read:

(a) The court shall make and keep records of all cases brought before it. The records pertaining to a minor who was 16 years of age or older at the time of the alleged offense and who was convicted or adjudicated a delinquent for the commission of that offense is a public record. Except for a record that, under this subsection, is a public record, the [THE] court's official records may be inspected only with the court's permission and only by persons having a legitimate interest in them. Except for a record that, under this subsection, is a public record, all [ALL] information and social records pertaining to a minor and prepared by an employee of the court or by a federal, state, or city agency in the discharge of the employee's or agency's official duty, including driver's license action under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without the court's permission. However, a state or city law-enforcement agency shall

disclose information regarding a case that [WHICH] is needed by the person or agency charged with making a preliminary investigation for the information of the court. The court shall forward a record of adjudication of a violation of an offense listed in AS 28.15.185(a) to the Department of Public Safety [,] if the court imposes a license revocation under AS 28.15.185. Within 30 days of the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which the court relinquishes jurisdiction over the minor, the court shall order sealed all the court's official records, information, and social records pertaining to that minor, as well as records of all driver's license proceedings under AS 28.15.185, criminal proceedings against the minor, and punishments assessed against the minor except for traffic offenses, except records that, under this subsection, are made public records. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court.

* ~~Sec. 9.~~ AS 47.10.090(b) is amended to read:

~~(b) The name and picture of a minor who was 16 years of age or older at the time of an alleged offense and who is under the jurisdiction of the court for purposes of adjudication as a delinquent or prosecution for the offense is a public record. The name and [OR] picture of a minor who was not 16 years of age or older at the time of an alleged offense and who is under the jurisdiction of the court for purposes of adjudication as a delinquent or prosecution for the offense may not be made public in connection with the minor's status as a delinquent child. The name or picture of a minor under the jurisdiction of the court for purposes of determining whether the minor is a child in need of aid may not be made public in connection with the minor's status as [OR] a child in need of aid. However,~~

~~(1) the name and picture of a minor may be disclosed if [UNLESS] authorized by order of the court; and~~

~~(2) [, EXCEPT THAT] the name of a minor who is found for the second time to have violated a law, which if committed by an adult would be a felony, shall be made public unless the court, for good cause shown, in certain~~

Renumber the following bill sections accordingly.

Page 8, line 24:

Delete "sec. 3"

Insert "sec. 4"

Delete "sec. 4"

Insert "sec. 5"

FISCAL NOTE

2/17/93

BILL NO. SB 54

STATE OF ALASKA
1993 LEGISLATIVE SESSION

TCO then FFO

Revision Date: _____
 Title: "An Act relating to violations of laws by juveniles; and providing . . ."
 Sponsor: Senators Halford, Phillips, et al.
 Requestor: Senate Judiciary

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	112.5	115.9	119.4	123.0	126.7	130.5
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	112.5	115.9	119.4	123.0	126.7	130.5

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	112.5	115.9	119.4	123.0	126.7	130.5
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	112.5	115.9	119.4	123.9	126.7	130.5

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)
 See attached.

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

Phone: 274-1684
 Date: _____

Approved by Commissioner: Nancy Bear Usera
 Agency: Administration

Date: 2/17/93

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FISCAL NOTE

**STATE OF ALASKA
1993 LEGISLATIVE SESSION**

BILL NO. SB 54

ANALYSIS: (continued)

This bill will automatically waive all juveniles charged with unclassified and Class A felonies into adult court. Currently, the most serious cases are waived into the adult system. Office of Public Advocacy (OPA) is now able to provide representation to nonwaiver 16 and 17 year olds charged with unclassified and Class A felonies through staff civil lawyers. Automatic waiver of such individuals will cause a significant increase in costs to the criminal justice system. For example, cases involving robbery in the first degree, a Class A felony, are now commonly disposed of within the juvenile system.

Automatic waiver of all 16 and 17 year olds charged with unclassified and Class A felonies will necessitate the immediate assignment of criminal defense counsel to each of these defendants. It is not possible to anticipate how changes in charging decisions by prosecuting authorities might affect the numbers of such cases. For example, merely changing a charge from robbery in the first degree to robbery in the second degree will mean that a particular juvenile remains in the juvenile justice system. OPA's estimate is that it will receive approximately 15 additional major felony cases as a result of passage of this bill at an average estimated cost of \$7,500.

FISCAL NOTE

2/17/93

BILL NO. SB 54

STATE OF ALASKA
1993 LEGISLATIVE SESSION

JUD then FTR

Revision Date: _____

Department Affected: Administration

Title: 'An Act relating to violations of laws

BRU: Public Defender Agency

by juveniles . . .

Component: Public Defender Agency

Sponsor: Sen. Halford, Phillips, Leman, Taylor, Miller

Requestor: _____

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	130.5	134.4	138.4	142.6	146.9	151.3
TRAVEL	5.0	5.2	5.4	5.6	5.8	6.0
CONTRACTUAL	7.5	7.7	7.9	8.1	8.3	8.5
SUPPLIES	4.0	4.1	4.2	4.3	4.4	4.5
EQUIPMENT	8.0	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	155.0	151.4	155.9	160.6	165.4	170.3

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING:

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	155.0	151.4	155.9	160.6	165.4	170.3
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	155.0	151.4	155.9	160.6	165.4	170.3

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	4.0	4.0	4.0	4.0	4.0	4.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)
See attached.

Prepared by: John Salami, Public Defender

Phone: 279-7541

Division: Public Defender Agency

Date: _____

Approved by Commissioner: Nancy Bear Usara

Date: 2/12/93

Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 54

ANALYSIS: (continued)

Introduction

This bill provides that all minors 16 years of age or older who are charged with unclassified or Class A felony offenses and any charges joined with those offenses will no longer be handled by the juvenile delinquency system, but rather will be prosecuted in superior court in the same manner as an adult.

Fiscal Impact

This law will result in an increase in serious felony cases for the Alaska Public Defender Agency. In the current system, most juvenile offenders admit (the equivalent of pleading guilty or no contest) once formally charged in a delinquency petition. Under this proposed bill, both juveniles and defense lawyers will take a very different approach. Lawyers will advise juveniles 16 to 18 years old that they have absolutely no opportunity to prove that they can be rehabilitated even if they have never been in trouble before and in addition, if convicted under the adult sentencing statutes will be facing mandatory sentences of at least 5 years in an adult jail setting under current Alaska presumptive sentencing law. With these kinds of stakes there will be no reason not to contest every aspect of the charge. Currently, very few trials are held in juvenile court. These offenders will be forced to litigate pre-trial and trial issues before judges and juries as deemed appropriate.

In fiscal year 1992 the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more "automatic waiver" cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters.

Budget Analysis

100	Personal Services:	
	1/2 Attorney III (Anchorage)	36.5
	1/2 Attorney III (Fairbanks)	41.5
	1/2 Paralegal Assistant II (Anchorage)	25.8
	1/2 Paralegal Assistant II (Fairbanks)	<u>26.7</u>
	TOTAL	130.5
200	Travel:	
	Professional and Experts	5.0
300	Contractual:	
	Expert Witnesses, office space	7.5
400	Supplies:	4.0
500	Equipment (one time)	<u>8.0</u>
	TOTAL	155.0

Position Title Paralegal Assistant II		No. of Positions 2	Range / Step 16/A	Barg. Unit GGU
Time Status PPT	Staff Months 12.0	Location Anchorage/Fairbanks		Election District 7 20
TYPE OF EXPENDITURE		AMOUNT		
Salary		37,170.0		
Benefits		15,274.0		
Premium Pay				
Other				
Total Personal Services		67,925.0	67,925.0	
Travel			0.0	½ Attorney III (Anchorage)
Contractual			0.0	
Commodities			2.0	½ Attorney III (Fairbanks)
Equipment			4.0	½ Paralegal Assistant II (Anchorage)
Other				
Total Cost			73,925.0	½ Paralegal Assistant II (Fairbanks)
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003		73,925.0	
General Fund	1004			
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Justification
 In fiscal year 1992, the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more "automatic waiver" cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters:

- ½ Attorney III (Anchorage)
- ½ Attorney III (Fairbanks)
- ½ Paralegal Assistant II (Anchorage)
- ½ Paralegal Assistant II (Fairbanks)

9/fy94/17/04121b.kp

Request For New Position

AGENCY ADMINISTRATION
 BRU Public Defender Agency
 COMPONENT Public Defender Agency

FY 94

Page 3 of 4
 Revised Date: _____

Position Title Attorney III		No. of Positions 2	Range / Step 22/A	Barg. Unit PX
Time Status PPT	Staff Months 12.0	Location Anchorage/Fairbanks		Election District 7 20
TYPE OF EXPENDITURE		AMOUNT		Justification In fiscal year 1992, the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more "automatic waiver" cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters: ½ Attorney III (Anchorage) ½ Attorney III (Fairbanks) ½ Paralegal Assistant II (Anchorage) ½ Paralegal Assistant II (Fairbanks)
Salary	57,156.0			
Benefits	20,888.0			
Premium Pay				
Other				
Total Personal Services	78,044.0	78,044.0		
Travel		5,000.0		
Contractual		7,500.0		
Commodities		2,000.0		
Equipment		4,000.0		
Other				
Total Cost		96,544.0		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	96,544		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

9/FY94/17/04121b.kp

Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 94

Page 4 of 4
Revised Date: _____

FISCAL NOTE

No. 3

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 54

(S) Publish Date: 2-19-93

Revision Date: 2-5-93
 Title: "An Act relating to violations of laws by Juveniles...."
 Sponsor: Senator Halford
 Requestor: Senator Halford

Dept. Affected: Department of Corrections
 BRU: Institutions
 Component: Institutions
 COMPONENT SERIAL NO. 1860

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
-----------------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)

The fiscal impact of this legislation is minimal since the department already receives a number of adjudicated delinquents.

Prepared by: Dana LaTour, Special Assistant
 Division: Commissioner's Office
 Approved by Commissioner: Lloyd G. Rupp
 Agency: Department of Corrections

Phone: 465-3376
 Date: 2-5-93
 Date: 2-5-93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (JUD)

Revision Date: _____
 Title: 'An Act relating to violations of laws by juveniles: and providing . . .'
 Sponsor: Senators Halford, Phillips, et al.
 Requestor: Senate Finance

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	112.5	115.9	119.4	123.0	126.7	130.5
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	112.5	115.9	119.4	123.0	126.7	130.5

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	112.5	115.9	119.4	123.0	126.7	130.5
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	112.5	115.9	119.4	123.9	126.7	130.5

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)
 See attached.

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

Phone: 274-1684
 Date: _____

Approved by Commissioner: Nancy Bear Usera
 Agency: Administration

Date: 2/24/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (JUD)

ANALYSIS: (continued)

This bill will automatically waive all juveniles charged with unclassified and Class A felonies into adult court. Currently, the most serious cases are waived into the adult system. Office of Public Advocacy (OPA) is now able to provide representation to nonwaiver 16 and 17 year olds charged with unclassified and Class A felonies through staff civil lawyers. Automatic waiver of such individuals will cause a significant increase in costs to the criminal justice system. For example, cases involving robbery in the first degree, a Class A felony, are now commonly disposed of within the juvenile system.

Automatic waiver of all 16 and 17 year olds charged with unclassified and Class A felonies will necessitate the immediate assignment of criminal defense counsel to each of these defendants. It is not possible to anticipate how changes in charging decisions by prosecuting authorities might affect the numbers of such cases. For example, merely changing a charge from robbery in the first degree to robbery in the second degree will mean that a particular juvenile remains in the juvenile justice system. OPA's estimate is that it will receive approximately 15 additional major felony cases as a result of passage of this bill at an average estimated cost of \$7,500.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (Jud)

Revision Date: _____
Title: *An Act relating to violations of laws
by juveniles . . .
Sponsor: Sen. Halford, Phillips, Leman, Taylor, Miller
Requestor: (S) Finance

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	130.5	134.4	138.4	142.6	146.9	151.3
TRAVEL	5.0	5.2	5.4	5.6	5.8	6.0
CONTRACTUAL	7.5	7.7	7.9	8.1	8.3	8.5
SUPPLIES	4.0	4.1	4.2	4.3	4.4	4.5
EQUIPMENT	8.0	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	155.0	151.4	155.9	160.6	165.4	170.3

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING:

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	155.0	151.4	155.9	160.6	165.4	170.3
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	155.0	151.4	155.9	160.6	165.4	170.3

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	4.0	4.0	4.0	4.0	4.0	4.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)
See attached.

Prepared by: John Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: _____

Approved by Commissioner: Nancy Bear Usery
Agency: Administration

Date: 2/24/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 54 (Jud)

ANALYSIS: (continued)

Introduction

This bill provides that all minors 16 years of age or older who are charged with unclassified or Class A felony offenses and any charges joined with those offenses will no longer be handled by the juvenile delinquency system but rather will be prosecuted in superior court in the same manner as an adult.

Fiscal Impact

This law will result in an increase in serious felony cases for the Alaska Public Defender Agency. In the current system, most juvenile offenders admit (the equivalent of pleading guilty or no contest) once formally charged in a delinquency petition. Under this proposed bill, both juveniles and defense lawyers will take a very different approach. Lawyers will advise juveniles 16 to 18 years old that they have absolutely no opportunity to prove that they can be rehabilitated even if they have never been in trouble before and in addition, if convicted under the adult sentencing statutes will be facing mandatory sentences of at least 5 years in an adult jail setting under current Alaska presumptive sentencing law. With these kinds of stakes there will be no reason not to contest every aspect of the charge. Currently, very few trials are held in juvenile court. These offenders will be forced to litigate pre-trial and trial issues before judges and juries as deemed appropriate.

In fiscal year 1992 the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more 'automatic waiver' cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters.

Budget Analysis

100	Personal Services:	
	1/2 Attorney III (Anchorage)	36.5
	1/2 Attorney III (Fairbanks)	41.5
	1/2 Paralegal Assistant II (Anchorage)	25.8
	1/2 Paralegal Assistant II (Fairbanks)	<u>26.7</u>
	TOTAL	130.5
200	Travel:	
	Professional and Experts	5.0
300	Contractual:	
	Expert Witnesses, office space	7.5
400	Supplies:	4.0
500	Equipment (one time)	<u>8.0</u>
	TOTAL	155.0

Position Title		Attorney III	No. of Positions	2	Range / Step	22/A	Barg. Unit	PX
Time Status	PPT	Staff Months	12.0	Location	Anchorage/Fairbanks		Election District	7 20
TYPE OF EXPENDITURE			AMOUNT		Justification			
Salary			57,156.0		<p>In fiscal year 1992, the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more "automatic waiver" cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters:</p> <p>½ Attorney III (Anchorage)</p> <p>½ Attorney III (Fairbanks)</p> <p>½ Paralegal Assistant II (Anchorage)</p> <p>½ Paralegal Assistant II (Fairbanks)</p>			
Benefits			20,888.0					
Premium Pay								
Other								
Total Personal Services			78,044.0	78,044.0				
Travel				5,000.0				
Contractual				7,500.0				
Commodities				2,000.0				
Equipment				4,000.0				
Other								
Total Cost				96,544.0				
FUNDING SOURCE FOR TOTAL COST								
Federal Receipts1002								
G.F. Match1003								
General Fund1004			96,544					
I-A Receipts1007								
CIP Receipts1061								
Other								

9/leg93/05507.kp

Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 94

Page 3 of 4
Revised Date: _____

Position Title Paralegal Assistant II		No. of Positions 2	Range / Step 16/A	Barg. Unit GGU
Time Status PPT	Staff Months 12.0	Location Anchorage/Fairbanks		Election District 7 20
TYPE OF EXPENDITURE		AMOUNT		
Salary	37,170.0	Justification In fiscal year 1992, the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more "automatic waiver" cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters: ½ Attorney III (Anchorage) ½ Attorney III (Fairbanks) ½ Paralegal Assistant II (Anchorage) ½ Paralegal Assistant II (Fairbanks)		
Benefits	15,274.0			
Premium Pay				
Other				
Total Personal Services	67,925.0			
Travel	0.0			
Contractual	0.0			
Commodities	2.0			
Equipment	4.0			
Other				
Total Cost	73,925.0			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts1002				
G.F. Match1003	73,925.0			
General Fund1004				
I-A Receipts1007				
CIP Receipts1061				
Other				

9/leg93/05507.kp

Request For New Position

AGENCY ADMINISTRATION
 BRU Public Defender Agency
 COMPONENT Public Defender Agency

FY 94

Page 4 of 4
 Revised Date: _____

FISCAL NOTE

No. 5

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 57

(S) Publish Date: 2-19-93

Revision Date: _____
 Title: An Act relating to violations of laws
by juveniles . . .
 Sponsor: Sen. Halford, Phillips, Leman, Taylor, Miller
 Requestor: _____

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	130.5	134.4	138.4	142.6	146.9	151.3
TRAVEL	5.0	5.2	5.4	5.6	5.8	6.0
CONTRACTUAL	7.5	7.7	7.9	8.1	8.3	8.5
SUPPLIES	4.0	4.1	4.2	4.3	4.4	4.5
EQUIPMENT	8.0	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	155.0	151.4	155.9	160.6	165.4	170.3

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING:

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	155.0	151.4	155.9	160.6	165.4	170.3
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	155.0	151.4	155.9	160.6	165.4	170.3

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	4.0	4.0	4.0	4.0	4.0	4.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 See attached.

Prepared by: John Salemi, Public Defender
 Division: Public Defender Agency

Phone: 279-7541
 Date: _____

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/12/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 54

ANALYSIS: (continued)

Introduction

This bill provides that all minors 16 years of age or older who are charged with unclassified or Class A felony offenses and any charges joined with those offenses will no longer be handled by the juvenile delinquency system but rather will be prosecuted in superior court in the same manner as an adult.

Fiscal Impact

This law will result in an increase in serious felony cases for the Alaska Public Defender Agency. In the current system, most juvenile offenders admit (the equivalent of pleading guilty or no contest) once formally charged in a delinquency petition. Under this proposed bill, both juveniles and defense lawyers will take a very different approach. Lawyers will advise juveniles 16 to 18 years old that they have absolutely no opportunity to prove that they can be rehabilitated even if they have never been in trouble before and in addition, if convicted under the adult sentencing statutes will be facing mandatory sentences of at least 5 years in an adult jail setting under current Alaska presumptive sentencing law. With these kinds of stakes there will be no reason not to contest every aspect of the charge. Currently, very few trials are held in juvenile court. These offenders will be forced to litigate pre-trial and trial issues before judges and juries as deemed appropriate.

In fiscal year 1992 the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more "automatic waiver" cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters.

Budget Analysis

100	Personal Services:	
	1/2 Attorney III (Anchorage)	36.5
	1/2 Attorney III (Fairbanks)	41.5
	1/2 Paralegal Assistant II (Anchorage)	25.8
	1/2 Paralegal Assistant II (Fairbanks)	<u>26.7</u>
	TOTAL	130.5
200	Travel:	
	Professional and Experts	5.0
300	Contractual:	
	Expert Witnesses, office space	7.5
400	Supplies:	4.0
500	Equipment (one time)	<u>8.0</u>
	TOTAL	155.0

Position Title Paralegal Assistant II		No. of Positions 2	Range / Step 16/A	Barg. Unit GGU
Time Status PPT	Staff Months 12.0	Location Anchorage/Fairbanks		Election District 7 20
TYPE OF EXPENDITURE		AMOUNT		Justification In fiscal year 1992, the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more "automatic waiver" cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters: ½ Attorney III (Anchorage) ½ Attorney III (Fairbanks) ½ Paralegal Assistant II (Anchorage) ½ Paralegal Assistant II (Fairbanks)
Salary	37,170.0			
Benefits	15,274.0			
Premium Pay				
Other				
Total Personal Services	67,925.0	67,925.0		
Travel		0.0		
Contractual		0.0		
Commodities		2.0		
Equipment		4.0		
Other				
Total Cost		73,925.0		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003		73,925.0		
General Fund 1004				
I-A Receipts 1007				
CIP Receipts 1061				
Other				

9/fy94/17/04121b.kp

Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 94

Page 3 of 4
Revised Date: _____

Position Title Attorney III		No. of Positions 2	Range / Step 22/A	Barg. Unit PX
Time Status PPT	Staff Months 12.0	Location Anchorage/Fairbanks		Election District 7 20
TYPE OF EXPENDITURE		AMOUNT		
Salary	57,156.0			
Benefits	20,888.0			
Premium Pay				
Other				
Total Personal Services	78,044.0	78,044.0		
Travel		5,000.0	½ Attorney III (Anchorage)	
Contractual		7,500.0	½ Attorney III (Fairbanks)	
Commodities		2,000.0	½ Paralegal Assistant II (Anchorage)	
Equipment		4,000.0	½ Paralegal Assistant II (Fairbanks)	
Other				
Total Cost		96,544.0		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	96,544		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Justification
 In fiscal year 1992, the Alaska Public Defender Agency handled 500 juvenile delinquency cases. It is unknown how many of those cases included 16 to 18 year olds with A or unclassified felonies. The Fairbanks Office of the Public Defender Agency predicts 15 to 20 such cases a year out of its juvenile cases. The Anchorage office will see at least that many. Outer offices and bush locations will add more "automatic waiver" cases to the Public Defender caseload. The following is the Public Defender's best estimate as to the additional resources needed to litigate these matters:

- ½ Attorney III (Anchorage)
- ½ Attorney III (Fairbanks)
- ½ Paralegal Assistant II (Anchorage)
- ½ Paralegal Assistant II (Fairbanks)

9/FY94/17/04121b.kp

Request For New Position

AGENCY ADMINISTRATION
 BRU Public Defender Agency
 COMPONENT Public Defender Agency

FY 94

Page 4 of 4
 Revised Date: _____

FISCAL NOTE

Bill No. CSSB 54

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to violations of laws by BRU: Trial Courts
Juveniles... Components: _____
 Sponsor: Halford
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	15.4	15.4	15.4	15.4	15.4	15.4
TRAVEL						
CONTRACTUAL	24.5	24.5	24.5	24.5	24.5	24.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	39.9	39.9	39.9	39.9	39.9	39.9

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	39.9	39.9	39.9	39.9	39.9	39.9
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	39.9	39.9	39.9	39.9	39.9	39.9

POSITIONS:

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)

See attache I analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
 Division: Alaska Court System Date: 02/23/93

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CS*
 Agency: Alaska Court System Date: 02/23/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System
CSSB 54 (JUD)

Under current Alaska law, 18 years is the age of majority for purposes of prosecution as an adult. AS 47.10.060 allows a juvenile to be waived to adult court for any delinquent act. Waiver is obtained through a formal court process initiated by the Department of Law. Historically, Law has petitioned for waiver only in cases involving murder. In FY 92, six juveniles were transferred to adult court through the waiver process.

CSSB 54 (JUD) proposes a presumptive waiver method for some minors 14 years of age and older. It enables the automatic prosecution of those minors in adult court for certain offenses. Figures from the Department of Health and Social Services indicate that if CSSB 54 (JUD) takes effect, approximately 28 additional juveniles per year would be subject to prosecution in adult court.

The court system would incur additional costs under CSSB 54 (JUD) primarily because there would be more trials, and most of those would be jury trials. While a minor charged in juvenile court has the right to a trial by jury, only three or four such jury trials take place in a typical year; the trial rate in juvenile court is a small fraction of the trial rate in adult court. Presumably this is because juveniles do not perceive the consequences of an adjudication of delinquency to be serious enough to warrant a full-blown trial and a jury. If a juvenile is subject to the consequences of an adult conviction (including a long sentence in an adult correctional facility, loss of civil rights, and a felony conviction record), many more will demand a trial and a jury. Since most of those charged under CSSB 54 (JUD) will be charged with crimes subject to a presumptive sentence, the incentive for a jury trial will be even stronger.

The charging of an additional 28 juveniles in adult court can be expected to result in approximately 10 additional jury trials each year. Felony trials typically vary in length from three to fifteen days, depending on the charge and the complexity, plus time spent in jury selection and deliberations. Assuming an average length of seven days, the expense would be \$24,500 in jury costs (70 days x 14 jurors at \$25 per day). 10 extra felony trials will also necessitate the use of a pro tem judge.

This legislation can also be expected to increase the number of jury trials in juvenile court. Since a second-time felony offender will be treated as an adult, juveniles will have an incentive to avoid a first conviction if possible, and thus will go to trial at a higher rate. Because the extent of this increase cannot be determined with any certainty, this note does not reflect those costs.

Alaska Court System
Fiscal Analysis
CSSB 54

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Anchorage, PPT, 4.5 months	\$9,056	\$6,314	\$15,370

Contractual

Jury fees (70 days for 14 jurors at \$25 a day)			<u>24,500</u>
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Estimated Total Cost

\$39,870

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCS CS SB 54 (FIN)

Revision Date: 02/14/94
 Title: An Act relating to violations of laws by juveniles...
 Sponsor: Sen. Halford / Rep. Porter
 Requestor: _____

Dept. Affected: Alaska Court System
 BRU: Trial Courts
 Components: _____
 COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	7.5	7.5	7.5	7.5	7.5	7.5
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.5	7.5	7.5	7.5	7.5	7.5

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.5	7.5	7.5	7.5	7.5	7.5
1005 GF/Program Receipts						
1006 GF/MH:IA						
Other						
TOTAL	7.5	7.5	7.5	7.5	7.5	7.5

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
 See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 02/14/94

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System Date: 02/14/94

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Alaska Court System
Fiscal Analysis
HCS CS SB 54 (FIN)

Personal Services

The court system is requesting funding for overtime for clerks offices statewide. During FY 93, 1,878 childrens' proceedings were filed with the court system. Filings for FY 94 and subsequent fiscal years are expected to increase from the the FY 93 level. A substantial number of these cases will require additional file work. The current personal services authorization is not sufficient for the additional cost of overtime.

\$7,500

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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Mail Stop 3101

130 Seward Street, Suite 409

Juneau, Alaska 99801-2105

MEMORANDUM

February 23, 1993

SUBJECT: CSSB 54 (Judiciary) -- sectional analysis (Work Order No. 8-LS0384\M)

TO: Senator Robin Taylor, Chair
Senate Judiciary Committee
ATTN: Ken Leaf

FROM: Jack Chenoweth
Legislative Counsel

This memo summarizes the provisions of CSSB 54 (Judiciary), reported by the committee on February 19.

Bill section 1: The amendment to AS 33.30.901 redefines the term "prisoner" for purposes of the chapter applicable to operation and management of prisoner facilities to remove the exclusion of "juveniles" from the existing definition and to affirmatively add juveniles "charged, prosecuted, or convicted as adults" to that definition.

Bill section 2: In AS 43.23.065(a)--not amended in this bill--permanent fund dividends are partially exempt from levy for debt execution. Under AS 43.23.065(b), that partial exemption is eliminated for the obligations that are enumerated; as to those, the entire dividend is available for levy and execution. The amendment made by this bill section opens the dividend to levy and collection under a writ of execution following entry of judgment in civil actions in these instances: (1) the minor's dividend, to the extent of \$2000, for the minor's commission of crime against a person (when the minor is adjudicated a delinquent or convicted) or for injury to real property; (2) the parent's or legal guardian's dividend(s), when payment is required due to a judgment entered under AS 34.50.020 (civil recovery authorized against parents of a minor who wilfully or maliciously damages property).

Bill section 3: The additions made by this bill section to AS 47.10 substantially revise and, for the most serious crimes, narrow the instances in which the superior court may waive jurisdiction and allow a minor to be prosecuted as an adult. The change directs that a minor 16 years of age or older be treated as an adult if charged with

an unclassified or class A felony or if charged with another crime against a person that is a felony having once been convicted or adjudicated on the basis of a minor's commission of a crime against a person. In addition, the change directs that a minor 14 years of age or older be treated as an adult when the charge against the minor is one of murder, attempted murder, or solicited murder; if the minor is charged with an unclassified or class A felony having once been convicted or adjudicated of another felony; or if charged with any felony having once been convicted as an adult of another felony. Other subsections add a series of procedural safeguards by which minors may test the validity of the charge and may be handled as delinquent minors subject to adjudication when the matter is not concluded with a conviction based on the principal felony charge.

Bill section 4: The changes made by this bill section revise the statute applicable to the sealing of court records involving minors. Sealing or closure of records may be directed only if the court finds that the minor has fulfilled all relevant court orders. Sealing or closure of records is to be denied if those orders have not been fully met or if the minor has been prosecuted as an adult in either one of the two circumstances identified.

Bill section 5: The bill section directs that, in conjunction with orders relating to delinquency adjudications, a court may not refuse to enter a restitution order for the benefit of a victim.

Bill section 6: The provision incorporates a procedure applicable if a minor, charged as an adult, is eventually convicted of an offense that the minor could not have served as the basis of a charge directing or permitting the treatment of the minor as an adult. The mechanism proposed would allow the state, nevertheless, to seek disposition and sentencing of the minor as an adult.

Bill section 7: The provision opens certain juvenile records to persons who, meeting one of the qualifications of the subsection, propose to undertake a civil action against the minor or the minor's parents or guardians as authorized by law.

Bill section 8: The addition in this bill section are intended to clarify that the limitations relating to minors in detention under this section are inapplicable to juveniles committed to the commissioner of corrections as prisoners under AS 33.30.

Bill section 9: The section amends the definitions applicable to AS 47.10 to incorporate a definition of the phrase "crime against a person."

Bill section 10, an uncodified provision, sets out the general rule that the changes made in the bill are to be applicable to matters arising after the bill's taking effect, except that previous adjudications and convictions may be considered by the prosecutors and the courts under the circumstances noted.

Senator Robin Taylor
February 23, 1993
Page 3

Bill section 11 gives the measure a September 1, 1993, effective date.

JBC:pl
93-119.plm

cc: Senator Rick Halford
ATTN: John Shepherd

2-25-93
failed 3-3

Amendment

By Rieyer

To Amendment #1, CSSB 54 (Fin) 983



Delete all material after "... presentencing report
for the court."

Renumber other sections accordingly



ALASKA STATE LEGISLATURE
Senator Rick Halford
President of the Senate

While in Session:
State Capitol
Juneau, AK 99801-1182
907-465-4958

While in Interim:
P.O. Box 670190
Chugiak, AK 99567
907-694-4958

MEMORANDUM

TO: Senator Robin Taylor, Chairman
Senate Judiciary Committee

FROM: Senator Rick Halford

DATE: February 15, 1993

SUBJECT: Sponsor Statement -- CSSB 54, "An Act relating to violations of laws by juveniles, to the remedies for offenses and activities committed by juveniles and to records of those offenses, and to incarceration of juveniles who have been tried and convicted as adults; and providing for an effective date."

In recent years the frequency and violence of juvenile crime have escalated at an alarming rate. Although this problem is strongly influenced by numerous factors beyond direct government control, public confidence in the justice system's treatment of juvenile crime has substantially eroded in the face of two general perceptions. First, the system is overly concerned with the rights of juvenile offenders and not concerned enough with protecting the rights of actual and potential victims of juvenile crime. Second, given the escalation of juvenile crime, the current system seems to fail to provide the convincing threat of punishment necessary to deter juvenile delinquents from evolving into hardened criminals.

I have introduced Senate Bill 54 to require that juveniles sixteen years of age and older be prosecuted and sentenced as adults when charged with the most serious kinds of crimes - class A and unclassified felonies - or when charged with a felony class crime against a person if they have previously been adjudicated delinquent or convicted as an adult for a felony class crime against a person. Furthermore, CSSB 54 defines in statute the terms of detention and incarceration for juveniles who are charged and tried as adults by providing that they be delivered directly into the custody of the Department of Corrections. The criminal records of juveniles will not be

sealed regarding the unclassified or class A felony crimes for which they have been convicted as an adult, nor for their second adjudication or conviction for a felony crime against a person.

CSSB 54 also provides for new restitution measures designed to deter juvenile crime and arrest the normal pattern of juvenile criminal development at a less serious stage. At present, courts are not required to order juveniles to pay restitution for either violent crimes or property crimes. Because the names of juvenile delinquents are kept confidential, it is also virtually impossible to sue them for damages resulting from criminal activity. CSSB 54 will require courts to order juveniles to pay suitable damages for their crimes, permit victims access to the criminal records of juveniles who have injured them or damaged their property in order to pursue civil suits, and allow the permanent fund dividends of delinquents and their parent(s) or legal guardian(s) to be attached for payment of restitution or civil damages.

I strongly urge the expedient passage of Senate Bill 54 from your committee. It is time to reestablish the fear of real and inevitable punishment among juvenile offenders. At best, early intervention will deter delinquent children from becoming adult criminals. At worst, it will keep determined offenders off the streets and provide some relief to their victims. Thank you for your consideration of this legislation.



ALASKA STATE LEGISLATURE
Senator Rick Halford
President of the Senate

While in Session:
State Capitol
Juneau, AK 99801-1132
907-465-4958

While in Interim:
P.O. Box 670190
Chugiak, AK 99567
907-694-4958

MEMORANDUM

TO: Senator Drue Pearce, Co-Chairman
Senate Finance Committee

FROM: Senator Rick Halford

A handwritten signature in cursive script that reads "Rick Halford".

DATE: February 18, 1993

SUBJECT: Request for Hearing -- CSSB 54, "An Act relating to violations of laws by juveniles, to the remedies for offenses and activities committed by juveniles and to records of those offenses, and to incarceration of juveniles who have been tried and convicted as adults; and providing for an effective date."

I have introduced Senate Bill 54 to provide for a number of major reforms in the treatment of juvenile offenders within the criminal justice system. SB 54 has passed the Senate Judiciary Committee and will be referred to Senate Finance on Friday, February 19. This is substantial legislation which bears the immediate attention of the Senate Finance Committee and I respectfully request that SB 54 be scheduled for a hearing before your committee at your earliest possible convenience.

Senate Bill 54 - Juvenile Crime - Definitions

- 1) **Unclassified felonies include:**
 - first and second degree murder
 - first degree attempted murder
 - first degree sexual assault
 - first degree sexual abuse of a minor
 - first degree misconduct involving a controlled substance
 - kidnapping

- 2) **Class A felonies include:**
 - attempted commission or solicitation to perform an unclassified felony other than first degree murder
 - attempted performance or solicitation to perform a crime defined outside AS 11 that carries an indefinite or life term
 - manslaughter
 - kidnapping (when certain affirmative defenses are employed)
 - first degree assault
 - first degree robbery
 - first degree arson
 - first degree escape
 - first degree misconduct involving weapons
 - criminal possession of explosives to commit murder or kidnapping
 - second degree misconduct involving a controlled substance
 - promoting prostitution in the first degree involving a person under 16 years of age
 - (outside the criminal code) violation of the Credit Union Act when certain officers receive deposits while the credit union is insolvent

- 3) **The term "crime against a person" is defined under AS 33.30.901. This statute states that "crimes against a person" consist of the crimes listed in AS 11.41. The felony class crimes defined in AS 11.41 for which a minor can be charged (e.g. not possible for minor to commit incest as presently defined) include:**
 - first and second degree murder
 - manslaughter
 - criminally negligent homicide
 - first, second, and third degree assault
 - kidnapping
 - first, second, and third degree sexual assault
 - first, second, and third degree sexual abuse of a minor
 - unlawful exploitation of a minor
 - first, second, and third degree robbery
 - extortion
 - coercion

BILL NO: CSSB 54

DATE: February 17, 1993

TITLE: "An Act relating to violations of laws by juveniles. . ."

CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

POSITION PAPER - Department of Public Safety

Section 1 amends AS 12.55.045 Restitution, paragraph (a), by adding a defendant who is a minor to those individuals the court may order to make restitution to a victim.

Section 2 amends AS 33.30.901 Definitions, paragraph (11), to include a juvenile committed to the custody of the commissioner when the juvenile has been convicted as an adult.

Section 3 amends AS 34.50.020 Liability for the Destruction of Property by Minors, paragraph (a), to increase the civil damages from \$2,000.00 to \$5,000.00 against an unemancipated minor or who maliciously injures property belonging to a person, municipal corporation, association, village, school district, or religious or charitable organization.

Section 4 amends AS 43.23.065 Exemptions to Permanent Fund Dividends, paragraph (b), which permits the seizure of minor's permanent fund dividend check up to the value of \$5,000.00 if the minor is convicted of an act against a person which caused injury or minor's malicious or willful injury of real or personal property and also allows seizure of permanent fund dividend check of the parent, legal guardian, or person having legal custody of an unemancipated minor.

Section 5 adds a new subsection AS 47.10-010 which allow a minor 16 years of age or older to be tried as an adult if the minor committed an unclassified or class A felony or a crime against a person that is classified as a felony and the minor has previously adjudicated as delinquent or convicted as a adult as a result of an offense against a person classified as a felony and paragraph (G) c this section provides for the minor to be sentenced as an adult if convicted of the above listed crimes.

Section 6 amends AS 47.10.060 Waiver of Jurisdiction, which provides that the court may not seal the records of a criminal proceeding under AS 47.10.010(e)-(g)

Section 7 amends AD 47.10.080 Judgements and Orders, paragraph (b), by stating that the court may not refuse to make an order of restitution if the findings of delinquency is based on the offense which knowingly or intentionally injures real or personal property.

Section 8 adds a new section AS 47.10.080 provides if a minor was first prosecuted as an adult but convicted of an offense which was not included in the AS 47.10-010(e) if the minor should be treated as a minor.

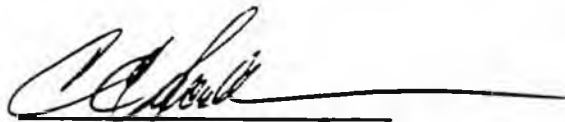
Section 9 amends AS 47.10-090 Records, by adding a new subsection which provides for records access to a victim of a crime against the persons real or personal property by a minor adjudicated delinquent.

Section 10 amends AS 47.10.190 Conditions Covering Detention, by adding that a minor does not need to be jailed apart from adults when the juvenile was convicted as an adult.

Section 11 amends AS 47.10.990 Definitions, by adding a definition of crime "Crime against a person" as having the meaning given by AS 33.30.901 (section 2, above).

Section 12 amends rule 21(b) Alaska Delinquency Rules, to provide for a jury of 12 persons if the juvenile request trial if the act the juvenile is accused of is punishable as a felony and for a trial jury of 6 if none of the acts the juvenile accused of is a felony under AS 11.

This legislation will increase the amount of investigative time only to the extent of requiring grand jury appearance by the investigating officer(s). It will not impact the thoroughness of the criminal investigation of a serious crime.



Richard L. Burton
Commissioner

ALASKA PEACE OFFICERS ASSOCIATION



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

February 17, 1993

Senator Rick Halford
State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Halford,

Alaska's current juvenile justice system has repeatedly demonstrated an inability to effectively deal with the violent and recidivist youthful offender. The time and energy of police-prosecutor resources designed under the current law to waive a juvenile into adult court has resulted in waiver of only a handful of these hardened juveniles even though violent crimes by Alaska's youth is on the increase. All too often when a particularly dangerous juvenile is waived into adult court the defendant then embarks upon a time consuming appeal as the state's case grows stale, witnesses memories fade, victims and their families grow cynical and police become involved in new cases.

Because SB 54 is tailored to address these shortcomings in the existing statutory fabric it is strongly supported by the Alaska Peace Officers Association.

Unlike House Bill 100, which would permit a juvenile who has been waived into adult court to appeal that finding--a flaw in the current law--SB 54 mandates *automatic* waiver for all 16 and 17 year old who commit Class A and unclassified felonies without the requirement that the state prove that the defendant is not amenable to treatment. This means there will be no court ruling to appeal, so precious resources can be focused on taking the defendant to trial on the merits of the offense shortly after the crime occurs.

Another major shortfall of HB 100 is that it is simply so complex a piece of legislation that it is unworkable by the officer on the street upon whose shoulders it will fall to enforce it. Will the officer who finds himself in the middle of a fast breaking investigation be able to ascertain the suspect's prior juvenile criminal history (which records are sealed)? Will he correctly elect to transport the suspect to the McLaughlin Youth Center or similar facility or to the police station for questioning? Will he be correct in his decision not to notify the suspect's parents? Do the Alaska Children's Rules apply?

SB 54 will eliminate all of these concerns for Alaska law enforcement officers who will need to know only one piece of information: What is the suspect's age?

In short, SB 54 will permit police to more effectively focus their limited resources on Alaska's most dangerous offender: the hardened chronic juvenile who commits a serious crime of violence.

Respectfully yours,

A handwritten signature in cursive script that reads "Linda Branchflower". The signature is written in dark ink and is positioned above the typed name and title.

Linda Branchflower
Chairman-Legislative Committee
Alaska Peace Officers Association



Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

FOR YOUR IMMEDIATE ATTENTION

DATE: 2-24-93

TO SENATE
COMMITTEE: FINANCE (Kathy)
Room 520

FROM: Office of the Senate Secretary

The attached fiscal note(s) relate to the following bill(s) pending in your Committee.

Please place the fiscal note inside the front cover of the blue or yellow committee folder.

SB 54

Violations of laws by juveniles; efd

Thank you.

SIGNATURE OF PERSON RECEIVING THIS NOTE

JR/s

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/22/93

FURTHER: FINANCE

Date of 5-Day Notice: 2-4-93
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-19-93

JUDICIARY Committee considered SENATE BILL NO. 54

"An Act relating to violations of laws by juveniles; and providing for an effective date."

and recommends: and a majority of the committee recommends it be replaced with

replace with CS 5854 (JUD) same title
 new title
 technical title change
(HB only)

attaches amendment(s) passed on page and do pass

adopts _____ Letter of Intent

further referral to the Finance Committee 3 FIN
2 FIN's

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

Fiscal Note to CS - Earthcom

Department	Date	Zero	FISCAL NOTE Fiscal
TO SB ONLY			
LAW	1/27	X	
TROOPERS	2/6/93	X	
CORRECTIONS	2/15	X	
ADM/PUBLIC AFF.	2/12	X	112.5
ADM/DEFENSE	4/12		1550

Appropriation No Fiscal Note Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Adrian L Taylor

Richard Halphill

Debra Dowley

OTHER RECOMMENDATIONS:

Signature R. Little Do Not Pass

Adrian L Taylor
Chair: Signature and Recommendation