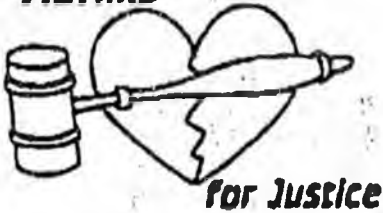


Gov.'s

Crime

Bill

VICTIMS



March 7, 1994

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

Dear Governor Hickel,

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

Sincerely,

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

Janice Lienhart



360 West Benson, Suite 201
Anchorage, Alaska 99503

Business 907/563-9981
24 Hour Crisis 907/563-7273
Toll-free 800/478-8909
Fax 907/563-9983
TTY 907/563-9988

March 7, 1994

Walter J. Hickel
Governor of Alaska
P.O. Box 110001
Juneau, Alaska 998011-0001

Dear Governor Hickel,

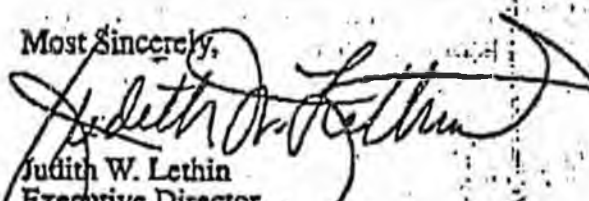
S.T.A.R. applauds your initiative designed to combat violence against Alaska's women and children! Domestic violence, stalking, rape, and child abuse are the deplorable crimes that threaten the safety of all Alaskans, especially women, children and the physically and mentally challenged.

We support the six bills you have proposed:

- (1). Amend the Rules of Evidence so that Rape Victims Aren't Put on Trial
- (2). Help to Promptly Arrest Stalkers and Wife Beaters Who Violate Bail
- (3). Make DMV Info Private so that Stalkers Can't Use it to ID Victims
- (4). Increase Probation to Protect Abused kids for 10 Years - Not Just 5
- (5). Put More Police and Troopers on the Street by Allowing Police Hearsay Testimony in the Grand Jury
- (6). Give Prosecutors and Defendants and Equal Number of Jury Challenges

Governor, we are encouraged that your Administration has taken such a strong stand to confront these deficits in our criminal justice system by proposing this legislation. Thank you from all the Board of Directors, staff, volunteers, and the women, children, and men that we serve who are victims of rape and child abuse.

Most Sincerely,


Judith W. Lethin
Executive Director
Standing Together Against Rape

ALASKA PEACE OFFICERS ASSOCIATION

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

March 7, 1994

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

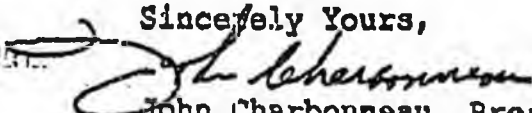
Dear Governor Hickel:

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

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

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

Sincerely Yours,


John Charbonneau, President
(907) 277-8638

~~Walter J. Hickel~~
WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

Law 0034
P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

53 350

March 9, 1994

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.

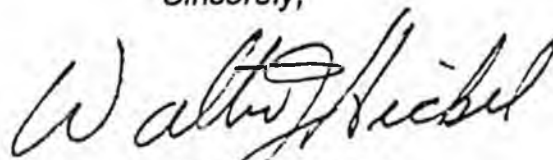
For example, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are rarely able to protect the victim or the public in general by making an immediate arrest.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

to file
Good copy of ref

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

Law 0033
P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

SB 349

March 9, 1994

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

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

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

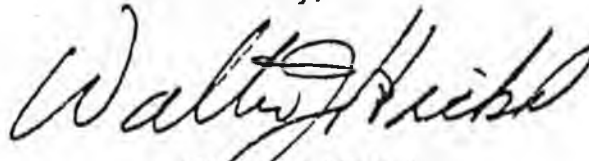
The Honorable Rick Halford
March 9, 1994
Page 2

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

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

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel".

Walter J. Hickel
Governor

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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

Law 0035

SB 35/

March 9, 1994

*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 amends Alaska Rule of Evidence 404 in several respects to help protect the victims of crimes in this state.

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

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

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

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

The Honorable Rick Halford
March 9, 1994
Page 2

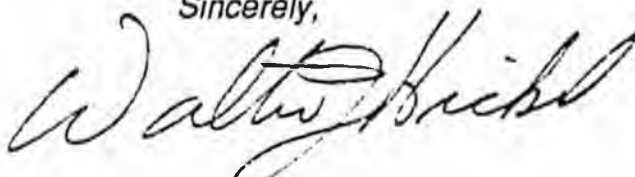
been misinterpreted by several Alaska courts to exclude evidence meant to be allowed under the rule. This bill would fix that problem by simply eliminating this confusing phrase. Evidence of other sexual assaults or sexual abuse by the defendant toward the same or another child should be admissible if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

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

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

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

Sincerely,



Walter J. Hickel
Governor

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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

Law 0036
SB 352

March 9, 1994

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 generally makes confidential the addresses and telephone numbers of persons identified in registration records, titles, and documents maintained by the division of motor vehicles (DMV), Department of Public Safety. This information has been used by criminals to learn the residence address of a victim. Making this information generally confidential will help protect the public.

California passed nearly identical legislation after vehicle registration information was used in the notorious stalking murder of actress Rebecca Schaeffer in Los Angeles. Here in Alaska, a convicted murderer used DMV license plate information last year to identify the addresses of senior employees of a business before robbing them at gunpoint.

As it stands now, if the public, including a person planning a crime, knows the license plate of a particular car, DMV must release the name, address and telephone number of the car owner as a public record. In order to protect the public -- and in keeping with Alaska's tradition of protecting the privacy of its citizens -- the attached bill amends AS 28.05.061 to make the addresses and telephone numbers contained in DMV records confidential unless the requestor has a legitimate interest in the information, as determined under regulations adopted by the Department of Public Safety.

I urge your favorable action on this bill.

Sincerely,

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

Walter J. Hickel
Governor

Walter J. Hickel

WALTER J. HICKEL
GOVERNOR



Jan 2038

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

SB 353

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 9, 1994

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

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

I urge your favorable action on this bill.

Sincerely,

Walter J. Hickel
Governor

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

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

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

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

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

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

**GOVERNOR HICKEL'S
BILL TO PROTECT DMV INFORMATION FROM
STALKERS
(SB 352 & HB 526)**

Governor Hickel's proposed legislation would make confidential the addresses and telephone numbers of persons identified in Department of Motor Vehicles (DMV) records. At present, this DMV information is being used by stalkers, armed robbers, hit men, and other potential killers to track down and identify their victims. Making this information confidential will help protect the public and prevent crime from happening in the first place.

California passed this legislation after DMV information was used in the notorious stalking murder of television actress Rebecca Schaeffer.

Here in Alaska, a convicted murderer, Jon Woodard, recently used public DMV information and license plate data to identify the names of senior employees of Chilkoot Charlie's before robbing the establishment at gunpoint. (Woodard was convicted of murder in the subsequent shooting of the Loomis Armored Car guard at Carr's).

Another would-be killer, Laverne Brooks, tried to hire an ex-con to do a contract murder on former Superior Court Judge Victor Carlson and his (Brook's) ex-wife. Brooks used public DMV information to track down his ex-wife's new address for the hit man he hired, and to identify the color and make of the car she was driving.

As it stands now, if they know the license plate of a particular car, members of the public can obtain the name, address and telephone number of the car owner from DMV. In order to protect the public--and in keeping with Alaska's constitutional tradition of protecting the privacy of its citizens--the Administration's draft amendment to AS 28.05.061 would make the addresses and telephone numbers confidential.

**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.

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

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

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

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

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

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

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

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

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

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

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

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

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

BEFORE THE SENATE STATE AFFAIRS COMMITTEE

(Monday, March 14th, 1994 -- 9:00 a.m.)

FIVE NEW LAWS TO

COMBAT VIOLENCE AGAINST ALASKA'S WOMEN AND CHILDREN

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

At the core of this initiative are six new bills designed to level the playing field. (While all six were filed in the House, only five were filed in the Senate because Sen. Donley has already filed a bill to extend probation, SB 24.) All told, four of the six proposals will work directly to help protect the victims of domestic violence, stalking, rape, and child abuse -- and in many cases, to prevent new crimes from actually occurring.

These four bills would:

- SB 351 Amend the Rules of Evid. so that Rape Victims Aren't Put on Trial
- SB 350 Help to Promptly Arrest Stalkers and Wife Beaters Who Violate Bail
- SB 352 Make DMV Info Private so that Stalkers Can't Use it to ID Victims
- SB 24 Increase Probation to Protect Abused Kids for 10 Years -- Not Just 5

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

These two additional bills would:

- SB 349 Put More Police and Troopers on the Street by
Allowing Police Hearsay Testimony in the Grand Jury
- SB 353 Give Prosecutors and Defendants an Equal Number of Jury Challenges

¹ A Two-Thirds Vote: Three of the six proposals involve Court Rules changes, which, under the law, would require a two-thirds vote in each house in order to pass. The three bills which would require a two-thirds vote are SB 351, amending the Rules of Evidence so that rape victims aren't put on trial; SB 349, putting more cops on the street by allowing police hearsay in the grand jury; and SB 353, giving prosecutors and defendants an equal number of peremptory challenges during jury selection.

THE PROBLEM: RAPE, DOMESTIC VIOLENCE, AND CHILD ABUSE

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

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

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

THE SOLUTION:

SIX NEW LAWS TO FIGHT SEXUAL, FAMILY & DOMESTIC VIOLENCE

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

Here are the six new proposals:

(1) SB 351: AMEND THE RULES OF EVIDENCE
SO THAT RAPE VICTIMS AREN'T PUT ON TRIAL

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

Here's the problem:

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

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

Rule 404

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

The Case of Leo Hoffman

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

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

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

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

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

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

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

Abused Women Need Protection, Too

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

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

Protecting Alaska's Kids from Serial Predators

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

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

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

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

(2) SB 350: ARRESTING STALKERS AND WIFE BEATERS WHO THREATEN THEIR VICTIMS WHILE OUT ON BAIL

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

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

Here's the problem:

In domestic violence cases, the accused often is released on bail. In many cases this is appropriate: often the defendant is a first-time offender, the conduct alleged is only a misdemeanor violation, and, quite obviously, the State simply doesn't have the prison space to lock up every man who is accused of domestic violence before he is even found guilty.

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

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

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

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

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

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

(3) **SEN. DONLEY'S SB 24: INCREASE PROBATION TO PROTECT ABUSED KIDS FOR 10 YEARS -- NOT JUST 5**

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

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

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

(4) **SB 352: MAKE D.M.V. INFORMATION PRIVATE
SO THAT STALKERS CAN'T USE IT TO I.D. VICTIMS**

California passed this legislation after DMV information was used in the stalking murder of actress Rebecca Schaeffer.

Here in Alaska, a convicted murderer, Jon Woodard, used public DMV information and license plate data in 1992 to identify the names of senior employees of Chilkoot Charlie's before robbing the establishment at gunpoint. (Woodard was convicted of murder in the subsequent shooting of the Loomis Armored Car guard at Carr's).

Another would-be killer, Laverne Brooks, tried to hire an ex-con to do a contract murder on former Superior Court Judge Victor Carlson and his (Brook's) ex-wife. Brooks used public DMV information to track down his ex-wife's new address for the hit man he had hired, and to identify the color and make of the car she was driving.

As it stands now, if they know the license plate of a particular car, members of the public can obtain the name, address and telephone number of the car owner from DMV. In order to protect the public -- and in keeping with Alaska's tradition of protecting the privacy of its citizens -- the Administration's draft amendment to AS 28.05.061 would make the addresses and telephone numbers confidential.

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

(5) **SB 349: PUT COPS BACK ON THE STREET -- PERMIT THE
USE OF POLICE HEARSAY TESTIMONY BEFORE THE GRAND JURY**

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

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

*Hold
over to
amend.*

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

The language in Criminal Rule 6(r)(1), which presently prohibits virtually all hearsay testimony in the grand jury, should be amended to permit peace officers to testify as to what their fellow officers saw or heard. Even without additional police funding, this simple, constitutional rule change can reduce grand jury costs to the state -- and at the same time free up more police. Let's save money and put Alaska's police and troopers back out on the street, fighting crime.

(6) **SB 353: LEVEL THE PLAYING FIELD: GIVE PROSECUTORS AND DEFENDANTS AN EQUAL NUMBER OF JURY CHALLENGES**

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

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

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

We urge the Chairmen of the designated Committees to schedule hearings on these new bills at the earliest opportunity -- and we urge favorable consideration by the members of both Houses.

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Hickel says 'tools' will help prevent domestic violence

By MARILEE ENGE
Daily News reporter

Women would have more protection from stalkers and abusive partners under a package of legislation Gov. Wally Hickel introduced Tuesday, said police, prosecutors and groups that fight domestic violence.

The bills are mainly procedural changes, but would make it easier for law enforcement officials to prevent and prosecute crimes against women and children.

"They're kind of nuts-and-bolts issues law enforcement has been wanting for a long time," said Duane Udland, deputy chief of the Anchorage Police Department. "They're going to save some money and also stop some crime."

Hickel announced the proposals in a news conference at the Abused Women's Aid in Crisis shelter, where he was surrounded by uniformed state trooper officials, prosecutors and representatives from a variety of women's agencies.

"These laws will give you the kind of hammers you need," the governor said. "They're little tools, but they're vitally important."

The most significant piece of legislation would allow prosecutors trying sexual assault cases to tell jurors about a defendant's previous sex crimes if the defense tries to argue the victim consented to sex.

HICKEL: Bills aimed at violence

Continued from Page C-1

Deputy Attorney General Ed McNally said the bill would prevent defense lawyers from putting rape victims "on trial."

"The defense often raises 'consent.' The woman is accused of having wanted it, of wearing provocative clothing," McNally said. "Someone who is previously convicted of rape isn't going to put the victim on trial."

However, Anchorage criminal defense lawyers said Hickel's package would not have a significant effect on crime and predicted that changing the rules to allow testimony about prior rapes would be challenged on constitutional grounds.

"This legislation is being proposed under the guise of leveling the playing field," said Public Defender John Salemi. "What suffers is the fundamental fairness of our determination of guilt or innocence."

Evidence of "prior bad acts" is generally barred at trial because such information can create prejudice against a defendant.

"The jury now will hear information about a person's past, which won't necessarily let them make a decision about whether the person committed this crime," said Salemi.

Among Hickel's other bills are ones that would let police promptly arrest accused stalkers and wife beaters who violate bail, increase probation for convicted child abusers from five to 10 years and make addresses and telephone numbers on motor vehicle registrations private. That information is now public, and McNally contends that stalkers may use vehicle license num-

bers to obtain addresses in order to harass and intimidate women.

Groups that operate shelters and other services for abused women and children welcomed the proposals.

"I think they'll have practical effects," said Mary Grisco, executive director of the Alaska Women's Resource Center. "Women will test the system and then the word will spread that the system works better and protects those who step forward."

But Grisco worries that, while Hickel supports law-and-order legislation to protect women, state funding for nonprofit organizations that help battered women get jobs, homes and treatment is declining.

"We're all for fixing and making laws better," Grisco said. "That's a small part of what a woman faces. . . . If she doesn't have adequate support for transitioning into a safe place to live, finding a job and training — quite frankly a lot of women choose to live in violence rather than on the street."

Hickel's budget does not cut women's programs, but the legislature is proposing cuts to all state agencies, said Cindy Smith, director of the Alaska Network on Domestic Violence and Sexual Assault. The organization receives funding through the Alaska Council on Domestic Violence, a state agency.

Udland, the deputy police chief, said one of Hickel's proposals will save money. A bill that would allow the lead investigator in a criminal case to testify before the grand jury about what other officers know will save costly hours of overtime and keep investigators on the street, he said.

Please see Page C-3, HICKEL