

HB

75

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 7, 1996

FURTHER REFERRALS:

Date of Committee Action: 2/22/96

The FINANCE Committee considered:

SSHB 7:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75

INCREASED PENALTIES FOR JOYRIDING

"An Act relating to vehicle theft and the consequences of vehicle theft, including revocation of a driver's license, privilege to drive, or privilege to obtain a license; amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 75 (FIN) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

2 (X) fiscal note(s) HFC for Doc 7
DOA

7 (X) fiscal note(s) (3) HSS 1/30/96 (1) LAW 1/30/96
(2) DPS, 1/30/96 (1) COURTS, 1/30/96

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Mark Hanley</i>	Hanley	X			
<i>Gordon Mulder</i>	Mulder	X			
<i>John Parnell</i>	Parnell	X			
<i>Vic Kohring</i>	Kohring	X			
<i>Mike Navarre</i>	Navarre	X			
<i>Taus Brown</i>	Brown	X			
<i>Don Therreault</i>	Therreault	X			
<i>Terry Martin</i>	Martin	X			
<i>Pat Kelly</i>	Kelly	X			

CO
CHAIR'S SIGNATURE *Mark Hanley*
Hanley

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSSHB 75 (FIN)

Title: An Act related to vehicle theft...
Sponsor: Rep. Sanders
Requestor: _____

Dept. Affected Corrections
BRU: All
Components: _____
Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services	74.0	75.1	76.2	77.4	78.5	79.7
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	727.0	727.0	727.0	727.0	727.0	727.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	801.0	802.1	803.2	804.4	805.5	806.7

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	801.0	802.1	803.2	804.4	805.5	806.7
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	801.0	802.1	803.2	804.4	805.5	806.7

POSITIONS :

Full-Time	1.2	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 analysis

Prepared by: House Finance Committee
Rep. Mark Hanley, Co-Chair
Rep. Richard Foster, Co-Chair

Date: 2/21/96
Phone: 465-4939
Phone: 465-3789

Response to HB 75 Fiscal Note

At a minimum, the committee should fund the CRC costs projected in the fiscal note. Those are hard costs for the department. Each bed is an average of less than the \$57 reported because they just negotiated new contracts that will lower the average cost. That number could be changed.

The added costs for 32 offenders for 90 days in institutions will not change the cost of operations that we can detect. They will not add any correctional officers, the cost of electricity will not increase, they probably will not order any additional food. It is certain that if they reduced the prison population by 32 for 90 days we would not get \$308,160 back from the Dept. of Corrections. We are talking about 2,944 man days being added to 1,040,250, a 0.3% variance.

The Dept. has not identified its variable costs. They have not provided their marginal additional cost for each new prisoner, nor at what point we need to add a correctional officer. The most we should fund on the institutional side is the marginal cost. The remainder is covered in the budget appropriation.

The cost of probation services is a similar issue. We are budgeting for between 3100 and 3400 probationers and 1400 and 1550 pre-sentence investigations. We have 76 probation officers and 3 community counselors. That computes to 41 probationers and 19 pre-sentence investigations per person. The fiscal note contemplates 11 probationers and 40 pre-sentence investigations per new employee. The fiscal note numbers say we need 1.4 FTE to do 160 pre-sentence investigations. That leaves 2.6 positions to do the probation work, which they say will be light. Yet, they are proposing to have only 17 probationers per employee.

Since the department budget proposal suggests a range of between 3100 and 3400 felons to supervise, we believe the equivalent of 44 new felons will fall within the range of error proposed by the department and should not receive additional funding. 160 pre-sentence investigations may merit an additional 1.4 FTE and should be funded at \$74,060.

Recommendation to Committee:

32 offenders in institutions for 90 days	no additional funding
32 offenders x 365 days x \$57 per day	\$665,760
32 offenders on probation	no additional funding
43 offenders on probation 1/2 year	no additional funding
43 offenders x .25 days x \$57 per day	\$61,275
85 offenders on probation	no additional funding
1.4 FTE P.O. II (with Benefits)	74,060
TOTAL NEW COSTS	\$801,095

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SSHB 75

Revision Date: _____
 Title: "An Act relating to vehicle theft and consequences of vehicle theft..."
 Sponsor: Rep. Sanders
 Requestor: (H) FIN

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	86.2	86.2	86.2	86.2	86.2	86.2
TRAVEL						
CONTRACTUAL	7.0	7.0	7.0	7.0	7.0	7.0
SUPPLIES						
EQUIPMENT	3.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	96.2	93.2	93.2	93.2	93.2	93.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	96.2	93.2	93.2	93.2	93.2	93.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	96.2	93.2	93.2	93.2	93.2	93.2

Estimate of any current year (FY 96) cost: \$ 0

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Based on the Department of Law's analysis of this version of the bill it appears there will be a distinct increase in the workload of the Anchorage Public Defender office. See Department of Law fiscal note dated 1/26/96. The PD will absorb this increase by adding 1/2 attorney position and 1 legal intern position to the Anchorage staff.

Prepared by: John B. Salemi, Director
 Division: Public Defender Agency

Phone: (907) 264-4412
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2-9-96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SSHB 75

ANALYSIS: (continued)

BUDGET ANALYSIS

1/2 Attorney III (Anchorage)	35.6
1 Attorney I (Legal Intern) (Anchorage)	<u>50.6</u>
	86.2
Personal Services	86.2
Contractual (Office Space)	7.0
Equipment (One Time)	<u>3.0</u>
TOTAL	96.2

FISCAL NOTE

No. 6

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: SSH 75

(H) Publish Date: 1/30/96

Revision Date: _____
Title: Vehicle Theft

Dept. Affected: Health and Social Services
BRU: Family and Youth Services

Sponsor: Representative Sanders
Requestor: House (STA)

Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	182.0	184.4	188.9	189.4	172.0	174.8
TRAVEL						
CONTRACTUAL						
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	18.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	183.0	167.4	189.9	172.4	175.0	177.6

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	183.0	167.4	189.9	172.4	175.0	177.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	183.0	167.4	189.9	172.4	175.0	177.6

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division looks forward to an increased ability to deal with juveniles who steal cars when these offenses are elevated to felony status. However, increasing the seriousness of the offense does not, in itself, mean that juveniles will actually experience stiffer penalties unless the division has adequate resources to devote to the issue.

According to the Dept. of Public Safety's 1994 UCR, 205 juveniles were arrested for vehicle theft, and 184 of those arrests were for auto theft. There is a strong perception that auto thefts, particularly by juveniles, have increased since then. If DFYS is to take more serious action on these offenses, the division must have additional staff to supervise the penalties. We anticipate a need for two additional Juvenile Probation Officer II's in Anchorage and one in Palmer. These are the two communities with rampant increase in these juvenile offenses. The cost of these 3 positions is \$182.0. The estimated equipment cost for a new position for a desk, chair, computer and software is \$6.0 per position. The estimated annual cost of supplies per position is \$1.0.

Prepared by: L. Diane Worley, Director
Division: Family & Youth Services

Phone: 465-3702
Date: 01/26/96

Approved by Commissioner: Harve Harbo, Commissioner
Agency: Department of Health & Social Services

Date: 1/26/96

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FISCAL NOTE

CORRECTED

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 7
Bill Version: SSHB 75
(H) Publish Date: 1/30/96

Revision Date: _____
Title: Vehicle Theft
Sponsor: Representative Sanders
Requestor: House (STA)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	54.0	54.8	55.0	56.4	57.3	58.2
TRAVEL						
CONTRACTUAL						
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	8.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	61.0	55.3	56.6	57.4	58.3	59.2

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	61.0	55.8	56.6	57.4	58.3	59.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	61.0	55.8	56.6	57.4	58.3	59.2

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division looks forward to an increased ability to deal with juveniles who steal cars when these offenses are elevated to felony status. However, increasing the seriousness of the offense does not, in itself, mean that juveniles will actually experience stiffer penalties unless the division has adequate resources to devote to the issue.

According to the Dept. of Public Safety's 1994 UCR, 205 juveniles were arrested for vehicle theft, and 184 of those arrests were for auto theft. There is a strong perception that auto thefts, particularly by juveniles, have increased since then. If DFYS is to take more serious action on these offenses, the division must have additional staff to supervise the penalties. We anticipate a need for an additional Juvenile Probation Officer II in Juneau. The cost of this Juvenile Probation Officer II position is \$54.0 with an estimated 1.5% COLA for each year thereafter. The estimated cost for a new position for a desk, chair, computer and software is \$6.0. Estimated annual supply cost is \$1.0.

Prepared by: *[Signature]*
Division: Family & Youth Services
Approved by Commissioner: *[Signature]*
Agency: Department of Health & Social Services

Phone: 465-3702
Date: 01/26/96
Date: 1/21/96

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FISCAL NOTE

No. 9
 Bill Version: SSHB 75
 (H) Publish Date: 1/30/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: 1/26/96 Dept. Affected: Department of Law
 Title: "An Act relating to vehicle theft and the BRU: Criminal Division
consequences of vehicle theft..." Component: Criminal Division
 Sponsor: Representative Sanders
 Requester: Representative Sanders COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	108.5	108.5	108.5	108.5	108.0	108.5
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	14.5	14.5	14.5	14.5	14.5	14.5
SUPPLIES	5.7	5.5	3.5	3.5	3.5	23.5
EQUIPMENT	15.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	146.8	129.7	129.7	129.7	129.7	129.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	146.8	129.7	129.7	129.7	129.7	129.7
1005 GF Program Receipts						
1006 GF MHTIA						
Other						
TOTAL	146.8	129.7	129.7	129.7	129.7	129.7

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The work draft committee substitute for HB 75 amends various criminal laws to establish the crime of vehicle theft in the first degree, a class C felony, and vehicle theft in the second degree, a class A misdemeanor. These changes have the effect of removing vehicle theft and joyriding from the criminal mischief statutes, and reclassifying this conduct as separate crimes. Moreover, the bill does this in a way that increases the penalty when a person drives, tows away or takes the motor vehicle of another from a class A misdemeanor to a class C felony. Under existing law, this conduct is punishable as a class C felony when the owner of the vehicle incurs reasonable expenses as a result of damages or the loss of use of the vehicle in a total amount of \$500 or more, it is a second offense, or the vehicle is a police or emergency vehicle.

Based upon actual arrests that occurred in the past year, existing vehicle thefts committed by adults and treated as felonies will increase from 100 to 363, or an increase of 263 new felonies statewide, that will be referred to the Department of Law for prosecution. About one-half of these felony referrals (130) will occur

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/26/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/26/96
 Agency: Department of Law

FISCAL NOTE

Work Draft

1/24/96

BILL NO. CSHB 75 ()

STATE OF ALASKA
1996 LEGISLATIVE SESSION

ANALYSIS CONTINUATION:

in the Anchorage area. This will result in an increase of seven or eight percent in the existing Anchorage felony caseload. As compared to misdemeanor prosecutions, felony prosecutions are far more intensive, requiring grand jury proceedings and extensive pretrial motion practice. This will particularly be the case in 30 or more new prosecutions involving presumptive (enhanced) sentencing because of prior felony convictions. The Department of Law is therefore requesting the addition of one Attorney II and one Legal Secretary I to handle the additional felony caseload that will occur in the Anchorage area if this bill is enacted. Normally, a part-time secretary would be adequate; however, in this case a large number of convictions (40 to 50) may result in a suspended imposition of sentence. When that happens the prosecution is required to prepare a lengthy written sentencing agreement. This additional work, taken together with the scheduling and normal documentation needed for this large a number of felonies, will require the services of a full-time legal secretary.

	<u>Attorney III</u>	<u>Legal Secretary I</u>	<u>Total</u>
Personal Services	71.5	37.0	108.5
Travel	3.0	0.0	3.0
Contractual	3.6	6.0	14.5
Supplies	3.3	2.4	5.7
Equipment	<u>6.5</u>	<u>8.5</u>	<u>15.0</u>
TOTAL	92.9	53.9	146.3

10/13/95

11:00:22.D

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

BUV NAME: PROSECUTION

PCN	UNAVTH	JOB CLASS TITLE	LOCATION NAME	R	H	S	R&S	HOS	SALARY	PREM	GENES	PER.SERV.	G. F.	
PCN				C	U			BUDG		PAY		COSTS	AMOUNT	
01/001		ATTORNEY III	F ANCHORAGE	A	XE	AA	22A	12	53304	0	18156	71460.70		
<p>*** JUSTIFICATION:</p> <p>This Attorney III position is required to handle the 130 or more new felony prosecutions that will occur in the Anchorage area when the penalty for vehicle theft (currently classified as criminal mischief) is raised from a class A misdemeanor to a class C felony, as a result of the passage of S.B. 111. Felony prosecutions require substantially increased processing, including grand jury proceedings and trial motion practice, compared to misdemeanor prosecutions. This additional work represents about a seven percent increase in the Anchorage felony caseload.</p>														
												TRAVEL COSTS	3000.00	
												CONTRACTUAL COSTS	8600.00	
												SUPPLIES COSTS	3300.00	
												EQUIPMENT COSTS	6500.00	
												OTHER COSTS	0.00	
												TOTAL COSTS	92060.70	71460.70
												*** FUNDING DETAIL:		
												100% GENERAL FUND RECEIPTS	71460.70	
												TOTAL FUNDING	71460.70	
01/002		LEGAL SECRETARY I	F ANCHORAGE	A	GG	2A	10A	12	25517	0	11447	36964.06		
<p>*** JUSTIFICATION:</p> <p>This Legal Secretary I will be needed to provide clerical support to the new attorney handling felony prosecutions, as a result of raising the penalty for vehicle theft from a class A misdemeanor to a class C felony. Of particular note will be a large number of convictions resulting in a suspended imposition of sentence. These will all require lengthy sentencing agreements and a considerable amount of secretarial time. Taken together with the normal scheduling and documentation required by the overall felony caseload increase, full-time secretarial services are needed.</p>														
												TRAVEL COSTS	0.00	
												CONTRACTUAL COSTS	6000.00	
												SUPPLIES COSTS	2400.00	
												EQUIPMENT COSTS	8500.00	
												OTHER COSTS	0.00	
												TOTAL COSTS	53064.06	36964.06
												*** FUNDING DETAIL:		
												100% GENERAL FUND RECEIPTS	36964.06	
												TOTAL FUNDING	36964.06	
<p>*** COMPONENT TOTALS:</p>														
FULL TIME NEW POSITIONS												2	TOTAL PERSONAL SERVICES	100425.64
PART TIME/SEASONAL NEW POSITIONS												0	TOTAL COSTS INC. ASSOC COSTS	146725.64
NON PERMANENT NEW POSITIONS												0		
OTHER.....												0		
NUMBER OF NEW POSITIONS IN COMPONENT:												2		
												FUNDING DATA: G.F. & G.F. MATCH:		100425.64
												OTHER FUNDS:		0.00
												TOTAL FUNDING:	100425.64	

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 10
 Bill Version: SSHB 75
 (H) Publish Date: 1/30/96

Revision Date: January 29, 1996 Dept. Affected: Public Safety
 Title: An Act relating to criminal mischief BRU: Motor Vehicles
 Component: Driver Services
 Sponsor: Representative Sanders
 Requestor: State Affairs COMPONENT SERIAL NO. 0500

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES	36.1	36.1	36.1	36.1	36.1	36.1
TRAVEL						
CONTRACTUAL	2.4	2.4	2.4	2.4	2.4	2.4
SUPPLIES	1.0	1.0	1.0	1.0		
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	49.5	39.5	39.5	39.5	39.5	39.5
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES (1004)	93.8	93.8	93.8	93.8	93.8	93.8
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE	39.5	39.5	39.5	39.5	39.5	39.5
1005 GE/Program Receipts						
1006 GE/MHTA						
Other						
TOTAL	39.5	39.5	39.5	39.5	39.5	39.5

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	0	1	1	1	1	1
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: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 1/26/96
 Approved by Commissioner: *Ronald L. Otto* Date: 1/29/96
 Agency: Ronald L. Otto, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSHB 75

Revision Date: January 29, 1996

Dept. Affected: Public Safety

ANALYSIS CONTINUED:

Current law, AS 28.15.191 requires the revocation of a driver's license for any felony conviction in which a commission of a motor vehicle was used.

This bill requires the court to revoke a driver's license of a person who has been convicted of vehicle theft. It is estimated that there will be approximately 547 convictions a year.

This bill impacts the Division of Motor Vehicles by resulting in a minimum of 1,094 updates to the driving record of the person's whose license's are being revoked. One computer entry to add the revocation to the driving record; and another entry to end the revocation. Existing law requires the division to notify a person by certified mail any time action is taken to revoke or suspend a driver's license. Reinstating the driver's license will also impact the DMV field offices by reissuing a driver's license to the person when the revocation has ended. It is estimated 90 percent of all persons whose license is revoked will reinstate their driving privilege. A \$100 reinstatement fee is charged anytime a person has had their license revoked within 10 years preceding application for a driver's license. It is estimated 247 individual's will pay the \$100. If the license was suspended or revoked more than one time within the 10 years preceding application for a driver's license, the reinstatement fee is increased to \$250. It is estimated 247 will pay the \$250. A person will also have to pay the license reissuance fee of \$15 prior to the license being issued. The amount of additional new general fund program receipt revenue generated will is approximately \$93.8

Total number of revocations received from the courts to DMV	547
Total number of certified letters mailed	547
Total number of license reinstated 90%	494

<u>OPERATING</u>	<u>FY97</u>	<u>FY98</u>
<u>Personal Services</u>	<u>Salary and Benefits</u>	
Motor Vehicle Representative II	\$36.1	\$36.1
<u>Contractual</u>		
Computer line charges (Mainframe connection) 30.5	\$0.5	\$0.5
Postage Certified Mail 547 @ \$2.52 each	\$1.4	\$1.4
Telephone lease & line charges	\$0.5	\$0.5
<u>Supplies</u>		
Routine office supplies, paper, pencils, pens, etc.	\$1.0	\$1.0
<u>Equipment</u>		
Complete Computer Workstation, desk, chair, file cabinet, monitor, hard drive, printer (One time costs)	\$10.0	
<u>TOTAL OPERATING</u>	\$49.5	\$39.5
 <u>REVENUE</u>		
494 Reinstatements 247 @\$100, 247 @\$250	\$86.4	\$86.4
494 License reissues @\$15	\$7.4	\$7.4
<u>TOTAL REVENUE</u>	\$93.8	\$93.8

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 11
 Bill Version: RSBK 7
 (H) Publish Date: 1/30/96

Revision Date: January 29, 1996 Dept. Affected: Public Safety
 Title: Felony Vehicle Theft BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Sanders
 Requestor: H. State Affairs COMPONENT SERIAL NO. 0799

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES	8.8	8.8	8.8	8.8	8.8	8.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.8	8.8	8.8	8.8	8.8	8.8
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: January 29, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 1/29/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: Draft CSBB 75

Revision Date: _____ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

This legislation will amend current state law so that all occurrences of taking a motor vehicle would be a felony. Under existing law the taking of a motor vehicle is only a felony if the vehicle is an emergency vehicle or \$500.00 or more in damage is done to the vehicle or other property.

This bill will have fiscal impact on the Department. Felony cases require more effort from the Department than do misdemeanor cases. That increased effort includes the court time involved by the Troopers worked on the case, increased evidence collection and processing, and increased report documentation with short time limits for report completion. It is difficult to place a precise dollar figure on this type of fiscal impact because of the many variables involved. At the very least, the passage of this bill will require the investigating trooper to attend a grand jury session.

In 1995 the Troopers arrested 89 persons for "joyriding." One third of those cases were removed assuming that the case was investigated by a trooper assigned to day shift and no additional costs would be incurred for that trooper to testify before the grand jury. This leaves about 60 cases worked by swing and graveyard shift troopers who would have to attend the grand jury on overtime with a minimum of three hours pay by contract. This adds up to \$8,820 in overtime costs, using an average figure of \$49 per hour. Note: the average cost of \$49 per hour is just that an average cost. More senior troopers being paid at a higher step, geographic differential, and travel cost for troopers to fly to court from outlying areas would all have an effect on the figures.

FISCAL NOTE

No. 12
 F Version: SSHB 75
 (rt) Publish Date: 2/7/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Vehicle Theft BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Sanders
 Requestor: House Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	35.4	35.4	35.4	35.4	35.4	35.4
TRAVEL						
CONTRACTUAL	49.8	49.8	49.8	49.8	49.8	49.8
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	86.7	86.7	86.7	86.7	86.7	86.7
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	86.7	86.7	86.7	86.7	86.7	86.7
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL	86.7	86.7	86.7	86.7	86.7	86.7

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time	3.0	3.0	3.0	3.0	3.0	3.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
 Agency: Alaska Court System Date: 02/05/96
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 02/05/96
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
SSHB 75

SSHB 75 removes vehicle theft and joyriding from the criminal mischief statutes, and establishes the crime of vehicle theft in the first degree, a class C felony, and vehicle theft in the second degree, a class A misdemeanor. Most of the conduct which the current law classifies as misdemeanor joyriding is reclassified by SSHB 75 as felony theft.

According to the Department of Law, existing vehicle thefts committed by adults and treated as felonies will increase from 100 to 363, or an increase of 263 felonies statewide (these numbers are based upon actual arrests in FY 95). Handling these as felony cases rather than misdemeanor cases will substantially increase the court costs associated with the offense. A misdemeanor joyriding trial can be expected to last one day and is tried before a six member jury. A felony joyriding trial can be expected to average three days in length and will be tried before a 12 member jury. The extra trial time results from the more serious consequences of a felony conviction; attorneys for both sides spend more time on matters such as jury selection, examination of witnesses, and motion practice. In addition, approximately 30 of these cases can be expected to involve defendants subject to presumptive sentencing because of prior convictions, thus bringing up the average trial time and rate. Unlike most misdemeanor joyriding cases, sentence will not be imposed at the time the guilty plea is entered or the verdict is returned; instead, there will be a separate sentencing hearing. This is less efficient and requires additional court time.

Because of the more serious consequences of a felony conviction, the trial rates can be expected to increase substantially. This note assumes that the trial rate will increase from five percent to ten percent (note that the trial rate for misdemeanor joyriding is generally higher than the trial rate for other class A misdemeanors because of the 72 hour minimum sentence and loss of drivers license associated with the offense).

Unlike misdemeanor cases, felony cases require presentment to a grand jury. SSHB 75 will increase the number of cases presented to grand juries each year by approximately 10 percent. There are also grand jury transcript preparation costs associated with indictments.

Alaska Court System

Fiscal Analysis

SSHB 75

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Prn Term Superior court Judge, 50% vested, Anchorage, PPT, 3 months	\$12,075	\$6,169	\$18,244
In-Court Clerk, range 12A, Anchorage, PPT, 3 months (petit jury trials)	6,777	1,799	8,576
In-Court Clerk, range 12A, Anchorage, PPT, 3 months (grand juries)	6,777	1,799	8,576
Increase in Personal Services Costs (net of existing costs)			<u>35,395</u>

Contractual

Increase in petit jury costs:

Estimated number of trials for the crime as a felony:

<i>Estimated number of cases to be filed as a felony</i>	263
<i>Estimated trial rate for crime as a felony</i>	10%
<i>Estimated number of felony trials</i>	26

Estimated jury costs for 26 felony trials using 13 jurors for three days with a jury fee of \$25 a day per juror 25,350

Less estimated number of trials for the crime as a misdemeanor:

<i>Cases filed as a misdemeanor 1995</i>	263
<i>Estimated trial rate for crime as a misdemeanor</i>	5%
<i>Estimated number of misdemeanor trials</i>	13

Estimated jury costs for 13 misdemeanor trials using 6 jurors for one day with a jury fee of \$25 a day per juror 1,950 23,400

Increase in grand jury costs:

Estimated 10% increase in grand jury costs -- fees and expenses	21,400
Estimated increase in transcription costs	<u>5,000</u>
Total Increase in Contractual Costs	<u>49,800</u>

Supplies

Cassette tapes, trial forms, juror forms and in-court supplies	<u>1,500</u>
Total Estimated Costs	<u>\$86,695</u>

N/A
FISCAL NOTE

No. 5
Bill Version: SSHB 75
(H) Publish Date: 1/30/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
Title: An act related to vehicle theft... BRU: All
Component: _____
Sponsor: Rep. Sanders
Requester: House State Affairs COMPONENT SERIAL NO. # 0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	271.5	275.6	279.7	283.9	288.2	292.5
TRAVEL						
CONTRACTUAL	727.0	727.0	727.0	727.0	727.0	727.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	308.2	308.2	308.2	308.2	308.2	308.2
TOTAL OPERATING	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	5					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Based on data supplied by DPS and DOL, the Department of Corrections projects the following fiscal impact :

Thirty-two (32) offenders with a prior felony conviction will be convicted of vehicle theft in the first degree. They will be subject to a presumptive sentence of two years in prison. They will serve 16 months allowing for good time reduction. These people are currently serving an average of 30 days. Thus, they will serve an additional 15 months in prison and 8 months on mandatory parole. Of the additional prison time, it is

CONTINUED ON PAGE 2

Prepared by: Terry Shriner
Division: Office of the Commissioner
Approved by Commissioner: Margaret Pugh Margaret Pugh
Agency: Department of Corrections

Phone: 465-4652
Date: 1/27/96
Date: 1/29/96

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Fiscal Note
"An Act relating to Vehicle Theft"
Page 2 of 2

(Continued from page 1 of 2)

assumed they will average 3 months in prison and 12 months in a CRC

32 Offenders X 90 days X \$107 per day	= \$ 308,160
32 Offenders X 365 days X \$57 per day	= \$ 665,760
32 Offenders X 240 days X \$4.25 per day	= \$ 32,940
TOTAL NEW	= \$1,006,560

Forty-three (43) new "C" Felons will be convicted and sentenced to an average of 30 days in CRC's and 6 months probation. These first time offenders would have been serving an average of 5 days which would have been served in a CRC under the old statute. An average net of 25 additional days will be served per offender and the sentence will be served in a CRC at an average cost of \$ 57.00 per day.

New (43 Offenders X 180 Days X \$ 4.25 per day)	=	\$ 32,895
New (43 Offenders X 25 Days X \$ 57.00 per day)	=	<u>\$ 61,275</u>
TOTAL NEW	=	\$ 94,170

Eighty-five (85) additional "C" felons will be convicted and receive a suspended imposition of sentence for one year. Their conviction will be set aside if these offenders successfully complete their year's probation. The Department assumes that these will be the least serious first time offenders, to be managed at a lower level of probation supervision, and the cost per case will be about 1/2 the average cost of other probationers in this group of offenders.

New (85 Offenders X 365 days X \$ 4.25 per day) = \$ 131,856 [Probation]

Each felony conviction will require a pre-sentence investigation. While the cases would be spread across the state, the incremental equivalent is 1.4 probation officer positions.

A total of four (4) probation officers and an Administrative Clerk will be required.

P.O. II (w/benefits) \$ 52,900 X 1.4 = \$ 74,060 for presentence investigations.

TOTAL NEW COSTS **\$ 1,306,646**

9-LS0369\O
Luckhaupt
2/15/96

Adopted
2/22/96

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES SANDERS, Finkelstein, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vehicle theft and the consequences of vehicle theft, including
2 revocation of a driver's license, privilege to drive, or privilege to obtain a license;
3 amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an
4 effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * Section 1. AS 11.46 is amended by adding new sections to read:

7 **ARTICLE 2A. VEHICLE THEFT.**

8 Sec. 11.46.360. **VEHICLE THEFT IN THE FIRST DEGREE.** (a) A person
9 commits the crime of vehicle theft in the first degree if, having no right to do so or any
10 reasonable ground to believe the person has such a right, the person drives, tows away,
11 or takes

12 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft of
13 another;

14 (2) the propelled vehicle of another and the vehicle or any other property

1 of another is damaged, or the owner incurs reasonable expenses as a result of the loss
2 of use of the vehicle, in a total amount of \$500 or more;

3 (3) the propelled vehicle of another and the vehicle is marked as a police
4 or emergency vehicle; or

5 (4) the propelled vehicle of another and, within the preceding seven
6 years, the person was convicted under

7 (A) this section or AS 11.46.365;

8 (B) former AS 11.46.482(a)(4) or (5);

9 (C) former AS 11.46.484(a)(2);

10 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
11 of a propelled vehicle; or

12 (E) a law or ordinance of this or another jurisdiction with
13 elements substantially similar to those of an offense described in (A) - (D) of this
14 paragraph.

15 (b) In this section,

16 (1) "aircraft" has the meaning given in AS 02.15.260;

17 (2) "all-terrain vehicle" means a three-wheeled propelled vehicle less than
18 75 inches in width and having a dry weight of 800 pounds or less, equipped with low
19 pressure tires, and designed primarily for travel over unimproved terrain;

20 (3) "motorcycle" means a vehicle having a seat or saddle for the use of
21 the rider, designed to travel on not more than three wheels in contact with the ground,
22 and having an engine with more than 50 cubic centimeters of displacement; "motorcycle"
23 does not include a tractor or an "all-terrain vehicle";

24 (4) "watercraft" means a propelled vehicle used or capable of being used
25 as a means of transportation, for recreational or commercial purposes, on water.

26 (c) Vehicle theft in the first degree is a class C felony.

27 Sec. 11.46.365. VEHICLE THEFT IN THE SECOND DEGREE. (a) A person
28 commits the crime of vehicle theft in the second degree if, having no right to do so or
29 a reasonable ground to believe the person has such a right,

30 (1) the person drives, tows away, or takes the propelled vehicle of
31 another, other than a vehicle described in AS 11.46.360(a)(1); or

32 (2) having custody of a propelled vehicle under a written agreement with

1 the owner of the vehicle that includes an agreement to return the vehicle to the owner
 2 at a specified time, the person knowingly retains or withholds possession of the vehicle
 3 without the consent of the owner for so long a period beyond the time specified as to
 4 render the retention or possession of the vehicle an unreasonable deviation from the
 5 agreement.

6 (b) Vehicle theft in the second degree is a class A misdemeanor.

7 * Sec. 2. AS 11.46.484(b) is amended to read:

8 (b) Criminal [EXCEPT AS PROVIDED IN (c) OF THIS SECTION,
 9 CRIMINAL] mischief in the third degree is a class A misdemeanor.

10 * Sec. 3. AS 11.46.486(a) is amended to read:

11 (a) A person commits the crime of criminal mischief in the fourth degree if,
 12 having no right to do so or any reasonable ground to believe the person has such a right,

13 (1) with reckless disregard for the risk of harm to or loss of the property
 14 or with intent to cause substantial inconvenience to another, the person tampers with
 15 property of another;

16 (2) with intent to damage property of another, the person damages
 17 property of another in an amount less than \$50; or

18 (3) the person rides in a propelled vehicle knowing it has been stolen or
 19 that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1) [AS 11.46.482(a)(4)
 20 or 11.46.484(a)(2)].

21 * Sec. 4. AS 12.55.045(e) is amended to read:

22 (e) If a defendant is convicted of vehicle theft in the first degree in violation
 23 of AS 11.46.360 or vehicle theft in the second [CRIMINAL MISCHIEF IN THE
 24 THIRD] degree in violation of AS 11.46.365(a)(1) [AS 11.46.484(a)(2)], and the victim
 25 of the offense incurs damage or loss as a result of the offense, the court shall order the
 26 defendant to pay restitution.

27 * Sec. 5. AS 12.55.135(e) is amended to read:

28 (e) If [EXCEPT AS PROVIDED IN AS 12.55.055(f), [IF] a defendant is
 29 sentenced under (c) or [,] (d) [, OR (f)] of this section,

30 (1) execution of sentence may not be suspended and probation or parole
 31 may not be granted until the minimum term of imprisonment has been served;

32 (2) imposition of a sentence may not be suspended except upon condition

1 that the defendant be imprisoned for no less than the minimum term of imprisonment
2 provided in the section; and

3 (3) the minimum term of imprisonment may not otherwise be reduced.

4 * Sec. 6. AS 12.55.135(f) is amended to read:

5 (f) A defendant convicted of vehicle theft in the second degree in violation of
6 AS 11.46.365(a)(1) [CRIMINAL MISCHIEF IN THE THIRD DEGREE IN
7 VIOLATION OF AS 11.46.484(a)(2), WHOSE CONVICTION IS NOT A FELONY
8 UNDER AS 11.46.484(c),] shall be sentenced to a definite term of imprisonment of
9 at least 72 hours but not more than one year.

10 * Sec. 7. AS 28.15.181(a) is amended to read:

11 (a) Conviction of any of the following offenses is grounds for the immediate
12 revocation of a driver's license, privilege to drive, or privilege to obtain a license:

13 (1) manslaughter or negligent homicide resulting from driving a motor
14 vehicle;

15 (2) a felony in the commission of which a motor vehicle is used;

16 (3) failure to stop and give aid as required by law when a motor
17 vehicle accident results in the death or personal injury of another;

18 (4) perjury or making a false affidavit or statement under oath to the
19 department under a law relating to motor vehicles;

20 (5) operating a motor vehicle or aircraft while intoxicated;

21 (6) reckless driving;

22 (7) using a motor vehicle in unlawful flight to avoid arrest by a peace
23 officer;

24 (8) refusal to submit to a chemical test authorized under
25 AS 28.33.031(a) or AS 28.35.031(a) while under arrest for operating a motor vehicle,
26 commercial motor vehicle, or aircraft while intoxicated, or authorized under
27 AS 28.35.031(g);

28 (9) driving while license, privilege to drive, or privilege to obtain a
29 license, canceled, suspended, or revoked, or in violation of a limitation;

30 (10) vehicle theft in the first degree in violation of AS 11.46.360 or
31 vehicle theft in the second degree in violation of AS 11.46.365.

32 * Sec. 8. AS 28.15.181(b) is amended to read:

1 (b) A court convicting a person of an offense described in (a)(1) - (4), (6),
2 [OR] (7), or (10) of this section shall revoke that person's driver's license, privilege
3 to drive, or privilege to obtain a license for not less than 30 days for the first
4 conviction, unless the court determines that the person's ability to earn a livelihood
5 would be severely impaired and a limitation under AS 28.15.201 can be placed on the
6 license that will enable the person to earn a livelihood without excessive danger to the
7 public. If a court limits a person's license under this subsection, it shall do so for not
8 less than 60 days. Upon a subsequent conviction of a person for any offense described
9 in (a)(1) - (4), (6), [OR] (7), or (10) of this section occurring within 10 years after a
10 prior conviction, the court shall revoke the person's license, privilege to drive, or
11 privilege to obtain a license and may not grant the person limited license privileges for
12 the following periods:

13 (1) not less than one year for the second conviction; and

14 (2) not less than three years for a third or subsequent conviction.

15 * Sec. 9. Rule 32.1(a), Alaska Rules of Criminal Procedure, is amended to read:

16 (a) Scheduling. At the time guilt in a felony case is established by verdict or
17 plea, the judge shall establish the date for a sentencing hearing and a presentencing
18 hearing, if appropriate, and, except as provided in paragraph (f) of this rule, shall
19 order a presentence investigation by the Department of Corrections. If the judge elects
20 to schedule a single hearing, all of the procedures for the presentencing and sentencing
21 hearings shall be applicable at the single hearing.

22 * Sec. 10. Rule 32.1, Alaska Rules of Criminal Procedure, is amended by adding a new
23 subsection to read:

24 (f) When Presentence Investigation Not Required. Unless a person may be
25 sentenced to a presumptive term of imprisonment under AS 12.55.125(e)(1) or (2), a
26 presentence investigation by the Department of Corrections is not required for a
27 defendant convicted of vehicle theft in the first degree in violation of AS 11.46.360.

28 * Sec. 11. AS 11.46.482(a)(4), 11.46.482(a)(5), 11.46.484(a)(2), 11.46.484(a)(3),
29 11.46.484(c); and AS 12.55.055(f) are repealed.

30 * Sec. 12. AS 11.46.360(a)(1), enacted by sec. 1 of this Act, applies to an act committed
31 on or after the effective date of this Act.

1

* Sec. 13. This Act takes effect immediately under AS 01.10.070(c).



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Alaska State Legislature

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Juneau AK 99801-1182
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SPONSOR STATEMENT

SPONSOR SUBSTITUTE FOR HOUSE BILL 75

VEHICLE THEFT

Sponsor Substitute for House Bill 75 labels those who take cars belonging to others as what they are -- thieves -- not joy riders or pranksters. It increases the penalty for the crime of vehicle theft to a C Felony with one minor exception (first offense snow machines).

This bill provides a strong deterrent for those who might otherwise commit vehicle theft. Generally, under current law, those caught "joy riding" can only be convicted of a Class A Misdemeanor. The current law ties the hands of police and provides no deterrent for the car thief unless they cause \$500 damage or it is their second offense.

By increasing the crime of "joy riding" to a felony, SSHB 75 provides a strong deterrent necessary to prevent Alaska's youth from participating in vehicle theft and it gives the justice system the tools with which to make car thieves responsible for their actions.

There are other bills currently under consideration regarding vehicle theft issues. However, I feel that SSHB 75 best serves the public interest because it is a compromise bill that stands the best chance of addressing the concerns of both the legislature and the administration.



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Chairman - Economic Development Committee

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SECTIONAL ANALYSIS FOR

SPONSOR SUBSTITUTE HOUSE BILL 75

SECTION 1 creates the offense of vehicle theft in the first degree, which prohibits taking the motor vehicle of another person. Vehicle theft in the first degree is a class C felony and is punishable by five years imprisonment and a fine of \$50,000. Motor vehicle is defined as including passenger cars, motorcycles, trucks, water craft, airplanes and commercial vehicles. It is a class C felony to steal a snowmachines or other off road vehicle if it is an emergency or police vehicle, damage to the stolen vehicle is more than \$500, or it is the second offense within seven years.

SECTION 1 also creates the offense vehicle theft in the second degree, which prohibits first offense taking of a snow machine or off road vehicle where there is damage of less than \$500. It retains existing law that prohibits keeping a rented vehicle for an unreasonably long time past the agreed upon rental period. Vehicle theft in the second degree is a class A misdemeanor, which is punishable by one year imprisonment and a \$5,000 fine.

SECTION 1 also provides definitions of the various vehicles described in vehicle theft in the first and second degrees.

SECTION 2 is a conforming, technical amendment.

SECTION 3 is a conforming, technical amendment.

SECTION 4 provides that a person convicted of either first or second degree vehicle theft must, at sentencing, be ordered to pay restitution to the victim. Under present law only a person convicted of misdemeanor joyriding is required to pay restitution.

SECTION 5 is a technical amendment. Under present law and this bill, a person convicted of misdemeanor vehicle theft is subject to a 72 hour mandatory term of imprisonment. Under present law this mandatory term may be satisfied by community service for all except 24 hours of imprisonment. This bill takes away the ability to substitute community service for 48 hours of the mandatory term.

SECTION 6 is a technical, conforming amendment.

SECTION 7 adds vehicle theft to those offenses which may be grounds for immediate driver's license revocation by the court.

SECTION 8 provides for mandatory driver's license revocation by the court for conviction of vehicle theft. For a first offense, the revocation must be 30 days; for a second conviction, at least one year; and for a third conviction, at least three years.

SECTION 9 and 10 amend Rule 32.1, Alaska Rules of Criminal Procedure by excepting vehicle theft from cases where a presentence report by the Department of Corrections is required. If a defendant is subject to presumptive sentencing for the offense, a presentence report is still required.

SECTION 11 repeals the existing statute allowing substitution of community service for jail time, and other provisions replaced by the new statutes.

SECTION 12 and 13 provide the effective date for the bill.



Rick Mystrum,
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500



Service since 1921

January 31, 1996

Representative Brian Porter
Alaska State Legislature
State Capitol (MS 3000)
Juneau, Alaska 99801-1182

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To	JEANNE LOYEL-	From	DUANE UDLAND
Co	REP SANDERS	Co.	APD
Dept.		Phone #	786-5552
Fax #	415-3476	Fax #	786-8638

Dear Representative Porter,

I appreciate your interests in raising the penalty for the unlawful taking of a motor vehicle. We think taking someone's car without permission is felony behavior and should be charged as such.

Undoubtedly in your deliberations, there will be discussions about how to handle juveniles. Should they be waived into Adult Court, or should they remain under the jurisdiction of the Juvenile Justice system. I would like to offer some opinion that I hope will help in your decisions.

I was in whole hearted support of the sweeping Juvenile Waiver Bill that passed the legislature two years ago. Juvenile Waiver for the most violent of crimes was supported by myself and others, in part, because of our belief that the Juvenile Justice System is not designed to deal with certain violent offenders. We believe that the needs of society are best served by using the Adult System when extreme violence is used. Juvenile Waiver was an idea whose time had come, and I think history will prove that the Legislature made a wise decision.

This does not mean the entire Juvenile Justice System is a failure, nor does it mean that the Adult System is better at treating juveniles in all cases. Certainly, most violent offenders belong in the Adult System. However, we should be cautious in assuming that the Adult System is the appropriate place for all young people to be dealt with. The Juvenile system has more tools available to it for treating youthful, non-violent offenders than the Adult System, provided that it is afforded the appropriate budgetary levels.

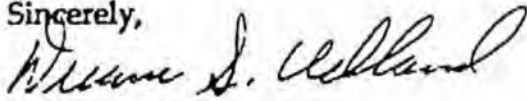
There is no evidence I am aware of to suggest that the Adult Court System is better at treating juveniles than the Juvenile System is. I have seen statistics that indicate

that the Juvenile System has a very low recidivism rate for non-violent offenders. They must be doing something right. The heart of the problem is that stealing a car is only a misdemeanor and both the Adult and Juvenile Justice Systems treat it as a low priority.

I ask that you keep the bill simple. Let's raise the penalty to a felony to help ensure that both systems of justice treat vehicle theft as a serious crime. Let's also eliminate the term "joy riding" from our vocabulary and call it what it is. It is stealing, it is dangerous behavior, and it should be treated more severely than we have in the past.

If I can offer anything else, or if you have any questions, please contact me.

Sincerely,



Duane S. Udland
Deputy Chief of Police

cc: Senator Loren Leman

Alaska Association Chiefs of Police



February 2, 1996

**Representative Sanders
House of Representatives
State Capital, Juneau AK 99801-1182**

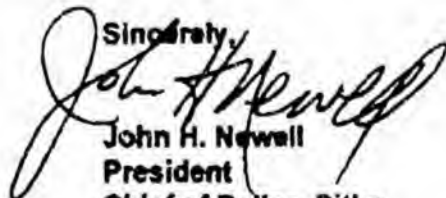
Honorable Representative Sanders,

I am writing on behalf of Alaska law enforcement in support of HB 75. We believe making vehicle theft in Alaska a class C felony is long overdue.

We have heard of some discussion about an automatic waiver of juveniles into adult court for felony vehicle theft. While law enforcement would agree there are times when that would be appropriate, we ask that you not make it automatic by legislation.

The current system will allow us to move those specific cases into adult court when it is appropriate. In a majority of instances, it will still be appropriate to deal with juvenile offenders within the juvenile system.

Thank you for being concerned and providing the laws necessary to deal with those who choose to violate the rights and property of another.

Sincerely,

**John H. Newell
President
Chief of Police, Sitka**

Victims for Justice

619 East Fifth Avenue, Anchorage, AK 99501
Phone: (907)278-0977 FAX: (907)258-0740

February 2, 1996

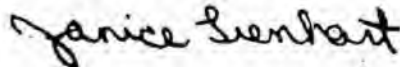
Representative Jerry Saunders
State Capitol
Juneau, Alaska 99801-1182

Re: HB 75

Dear Representative Saunders,

Victims for Justice is writing a letter of support to HB 75. It is a sad note that our society has evolved to such a state that youthful offenders steal cars at the rate that they do. It is also a sad note that our laws do not provide a consequence to these youthful offenders who choose to steal cars. Of course the persons who always lose are the victims of the theft. They are the ones who must absorb the financial loss which often puts them into a major financial crisis. Such a law will provide a consequence which I am sure will be a deterrent for other youthful offenders which will prevent future victims. I encourage the legislators to please support such a bill.

Sincerely,



Janice Lienhart
Executive Director

Crisis Intervention
Short and Long Term
Emotional Support
Crisis Education
Victim Advocacy
Assault Support
Group
Homicide Survivors
Support Group
Court Accompaniment
CourtWatch Program
Annual Victims Rights
Week Observance
Member - National
Association of Victim
Advocacy
Member - National
Organization Victim
Assistance

Serving victims of violent crimes and the families and friends of murder victims.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110630

JUNEAU, ALASKA 99811-0630

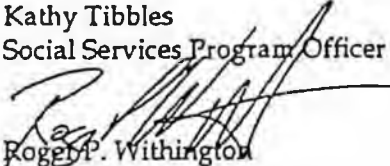
PHONE: (907) 465-3170

FAX: (907) 465-3397

MEMORANDUM

DATE: February 5, 1996

TO: Kathy Tibbles
Social Services Program Officer

FROM: 
Roger P. Withington
Research Analyst III

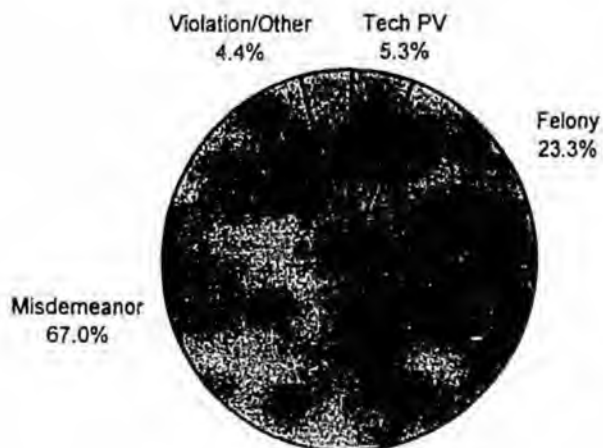
SUBJECT: Felony Referrals

Attached are a series of graphs that represent felony referral information.

Total Referrals

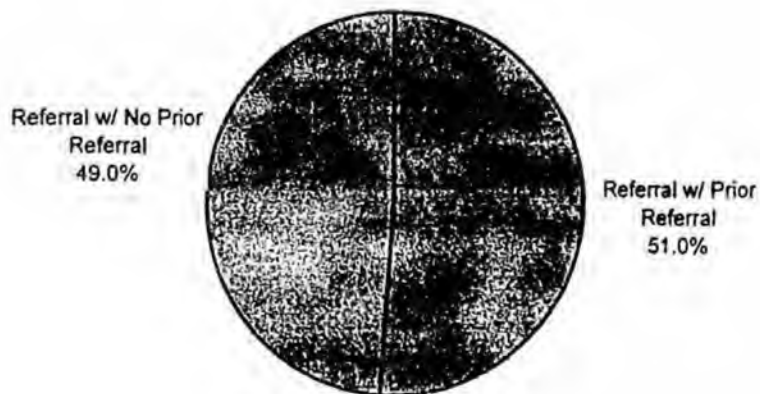
The DFYS received 9,140 delinquency referrals during FY95, of which 2,134, or 23.3 percent, were felony referrals.

*Youth Correction Referrals by Offense Class
Fiscal Year 1995*



Of the 2,134 felony referrals received during FY95, 1,089 or 51.0 percent, had a juvenile delinquency referral made to the DFYS prior to FY95.

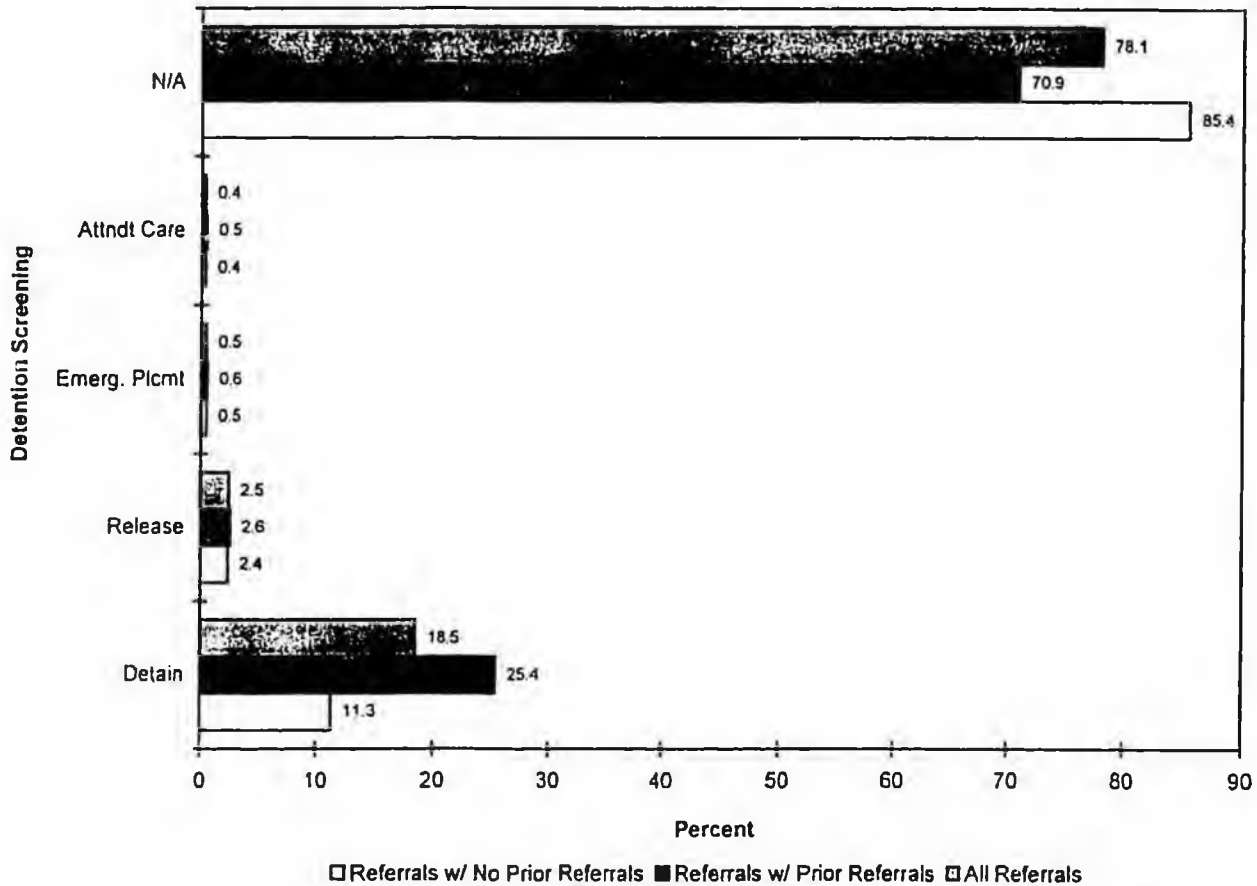
*Youth Correction Felony Referrals by Prior Referral
Fiscal Year 1995*



Felony Referrals - Detention Screening Outcome Decision

The chart below compares the percentage distribution of the detention screening outcome decision for all felony referrals, all felony referrals where the juvenile had at least one prior referral to the DFYS, and all felony referrals where the juvenile had no prior referrals to the DFYS.

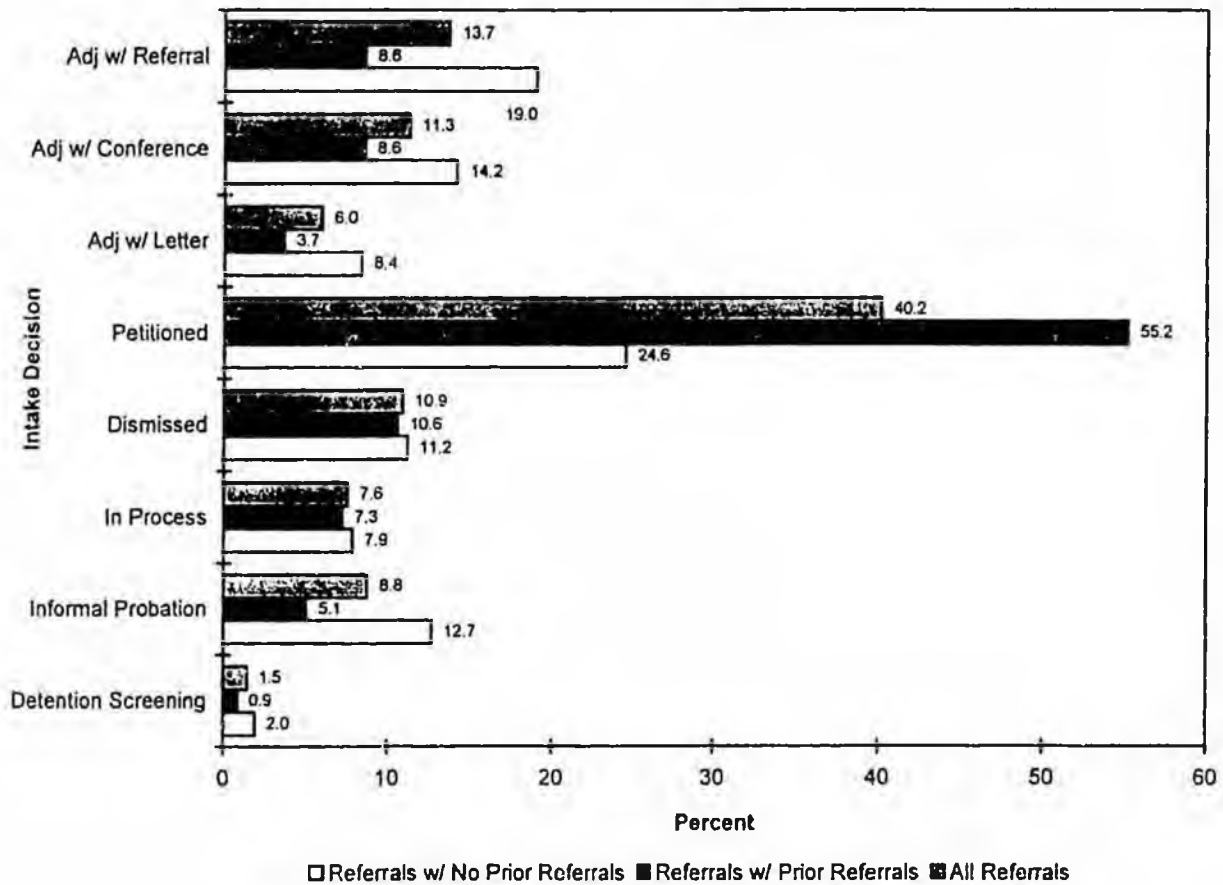
*Felony Referral Detention Screening Outcome Decision Percent Distribution
Total Referrals, Referrals with Prior Referrals, Referrals with No Prior Referrals
Fiscal Year 1995*



Felony Referrals - Intake Decision

The chart below compares the percentage distribution of the intake decision for all felony referrals, all felony referrals where the juvenile had at least one prior referral to the DFYS, and all felony referrals where the juvenile had no prior referrals to the DFYS.

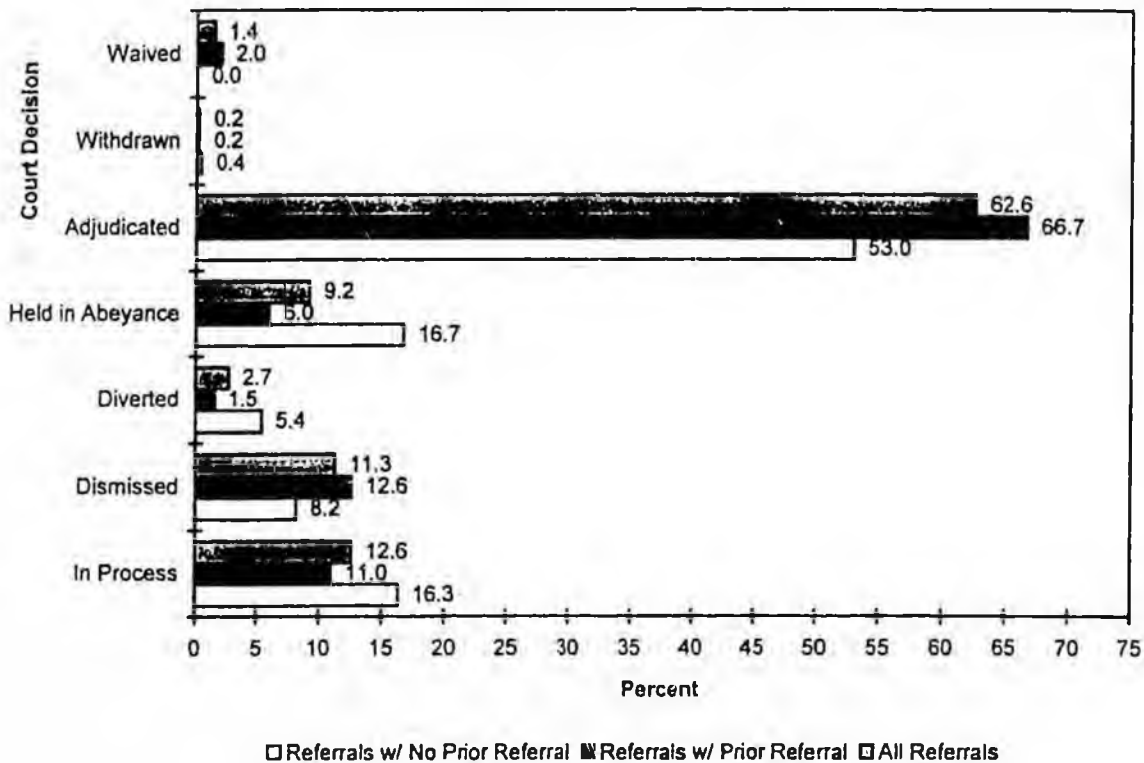
Felony Referral Intake Decision Percent Distribution
Total Referrals, Referrals with Prior Referrals, Referrals with No Prior Referrals
Fiscal Year 1995



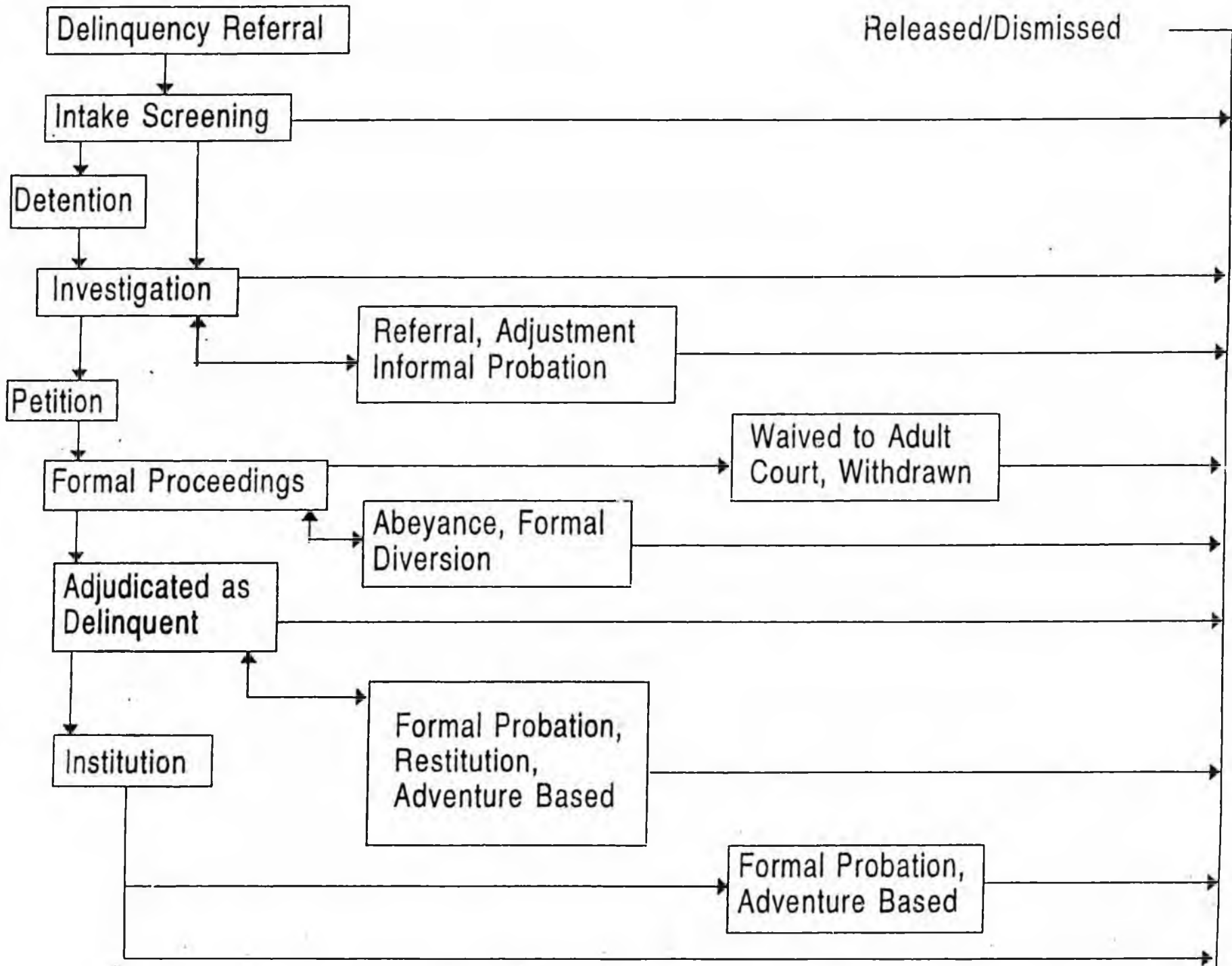
Felony Referrals - Court Decision

Of the 858 felony referrals petitioned for formal adjudication during FY95, 601 or 70.1 percent, were made on referrals where the juvenile had more than one report of delinquency made to the DFYS. The chart below compares the percentage distribution of the court decision for all felony referrals, all felony referrals where the juvenile had at least one prior referral to the DFYS, and all felony referrals where the juvenile had no prior referrals to the DFYS.

Felony Referral Court Decision Percent Distribution
Petitioned Referrals Only
Total Referrals, Referrals with Prior Referrals, Referrals with No Prior Referrals
Fiscal Year 1995



JUVENILE PROBATION DELIVERY SYSTEM



0
(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 30, 1996

FURTHER REFERRALS:

2/7/96

Finance

Date of Committee Action: 2/5/96

The JUDICIARY Committee considered:

SSHB 75

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75

INCREASED PENALTIES FOR JOYRIDING

"An Act relating to vehicle theft and the consequences of vehicle theft, including revocation of a driver's license, privilege to drive, or privilege to obtain a license; amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ [] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
[] fiscal note(s) Courts [] fiscal note(s) P.S. (a), Admin, Doc (a)
H&SS (a), Law, 1/30/96
[] zero fiscal note(s) 2 [] zero fiscal note(s) Law
P.S. 1/30/96

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>[Signature]</i>	Vezey	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	Frankelstein	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	B. Davis	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	Green	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	Bundo	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	Toohy	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	Porter	<input checked="" type="checkbox"/>			
		(7)			

CHAIR'S SIGNATURE Brian Porter
Porter

4/30/96

(7)
Date Referred to Committee: January 26, 1996

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 1-30-96

The STATE AFFAIRS Committee considered:

SSHB 75

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75

INCREASED PENALTIES FOR JOYRIDING

"An Act relating to vehicle theft and the consequences of vehicle theft, including revocation of a driver's license, privilege to drive, or privilege to obtain a license; amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ [] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
9 - [x] fiscal note(s) Admin, DOC (2), Hess (3), Law, P.S (2) [] fiscal note(s) _____
2 - [x] zero fiscal note(s) Law [] zero fiscal note(s) _____
P.S.

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Jeannette James</i>	James	✓			
<i>Thomas Porter</i>	Porter	✓			
<i>Joseph Green</i>	Green	✓			
<i>Duan</i>	Duan			✓	
<i>Caren Robinson</i>	Robinson			✓	
<i>Ed Willis</i>	Willis	✓			
<i>Scott Ogan</i>	Ogan	✓			
		(5)		(2)	

CHAIR'S SIGNATURE *Jeannette James*
James