

SB

232

HFIN

FILE

AMENDMENT 1

no/obj

OFFERED IN THE HOUSE

TO: HCS CSSB 232(JUD)

- 1 Page 2, line 13, following "conviction":
- 2 Insert "in this state"

- 3 Page 2, line 16, following "conviction":
- 4 Insert "in this state"

- 5 Page 2, line 17, following "conviction":
- 6 Insert "in this state"

- 7 Page 2, line 23:
- 8 Delete "and a"
- 9 After "conviction"
- 10 Insert "."

- 11 Page 2, lines 24 - 26:
- 12 Delete all material.

AMENDMENT 2

*Adopted
2/2/08*

OFFERED IN THE HOUSE
TO: HCS CSSB 232(JUD)

1 Page 1, line 10:

2 Delete "misdemeanants"

3 Insert "offenders"

4 Page 1, line 11:

5 Delete "third or subsequent"

6 Page 1, line 12, after "conviction":

7 Insert "after having been convicted of two or more prior crimes"

8 Page 2, line 15, following "of":

9 Insert "the conviction of a"

10 Page 2, lines 16 and 17:

11 Delete

12 "(A) the conviction of a felony; or

13 (B) a third or subsequent conviction of a misdemeanor"

14 Insert

15 "(A) felony; or

16 (B) misdemeanor if the individual has been convicted of two

17 or more prior crimes as defined in AS 11.81.900(9)"

18 Page 3, line 15, after "of":

19 Insert "the conviction of a"

1 Page 3, line 16:

2 Delete "the conviction of a"

3 Page 3, line 17:

4 Delete all material.

5 Insert

6 "(ii) misdemeanor if the individual has been
7 convicted of two or more prior crimes;"

8 Page 5, line 18:

9 Delete "of offenses"

10 Insert "of crimes"

11 Delete "for offenses"

12 Insert "for crimes"

(7) "correctional facility" means premises, or a portion of premises, used for the confinement of persons under official detention;

(8) "credit card" means any instrument or device, whether known as a credit card, credit plate, courtesy card, or identification card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining property or services on credit;

(9) "crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;

(10) "culpable mental state" means "intentionally", "knowingly", "recklessly", or with "criminal negligence", as those terms are defined in (a) of this section;

(11) "dangerous instrument" means any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury;

(12) "deadly force" means force that the person uses with the intent of causing, or uses under circumstances that the person knows create a substantial risk of causing, death or serious physical injury; "deadly force" includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument;

(13) "deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive;

(14) "deception" means to knowingly

(A) create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind;

(B) fail to correct another's false impression that the defendant previously has created or confirmed;

(C) prevent another from acquiring information pertinent to the disposition of the property or service involved;

(D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or

(E) promise performance that the defendant does not intend to perform or knows will not be performed;

(15) "defense", other than an affirmative defense, means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the state then has the burden of disproving the existence of the defense beyond a reasonable doubt;

(16) "drug" has the meaning ascribed to it in AS 11.71.900(9);

Failed

AMENDMENT 3

Brown

OFFERED IN THE HOUSE
TO: HCS CSSB 232(JUD)

- 1 Page 4, line 8, after "AS 18.66.010" through line 10 at
- 2 "prosecutions":
- 3 Delete all material.
- 4 Renumber paragraphs as appropriate.

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 28, 1996

FURTHER REFERRALS:

Date of Committee Action: 4/17/96

The FINANCE Committee considered:

CSSB 232(FIN)

CS FOR SENATE BILL NO. 232(FIN)

PFD NOTICES AND ELIGIBILITY

"An Act relating to permanent fund dividend program notice requirements, to the ineligibility for dividends of individuals convicted of felonies or incarcerated for misdemeanors, and to the determination of the number and identity of certain ineligible individuals."

recommends it be replaced with the following committee substitute HCS CSSB 232(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)

fiscal note(s) _____

6 ^{Senate} fiscal note(s) Rev(2), DOC, DPS (3)
All 3/8/96

zero fiscal note(s) _____

zero fiscal note(s) Law, 3/8/96

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard J. Kelly</i>	Kelly	X			
<i>Richard J. Kelly</i>	Hanley	X			
<i>Richard J. Kelly</i>	Mulder	X			
<i>Richard J. Kelly</i>	Martin	X			
<i>Richard J. Kelly</i>	Parwell				X
<i>Richard J. Kelly</i>	Kohring, Jr.			X	
<i>Richard J. Kelly</i>	Grussendorf				X
<i>Richard J. Kelly</i>	Navarro				X
<i>Richard J. Kelly</i>	Brown		X		
<i>Richard J. Kelly</i>	Therault	X			
<i>Richard J. Kelly</i>	Kelly	X			

CHAIR'S SIGNATURE *Mark Hanley*

Richard J. Kelly

FISCAL NOTE

No. 1

Bill Version: LS 98 232(LFN)

(S) Publish Date: 5-8-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...permanent fund dividend program...ineligibility... of individuals convicted of felonies or incarcerated for misdemeanors... BRU: Criminal Division
 Sponsor: Senate Finance Committee Component: Criminal Division
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 085

Expenditures/Revenues (Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 43.23 to enlarge the group of criminals made ineligible to receive permanent fund dividends to include persons who are convicted of a felony and who are not incarcerated, and to include persons convicted for a third or subsequent misdemeanor who are incarcerated. Currently only incarcerated felons are ineligible for PFDs each year that they are in prison.

Under existing law, the money that would have been given to the incarcerated felons for PFDs can instead be appropriated by the legislature to three agencies/funds: the violent crime compensation fund, the council on domestic violence and sexual assault, and the Department of Corrections.

It is difficult to estimate, but a best guess is that 2,000 new people will become ineligible for a PFD, if the bill is enacted. There are a number of persons and groups who rely upon these criminals' PFDs as a source of revenue that can be garnished who will be displaced if the ineligible criminal group is enlarged to include

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/21/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/21/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 232

ANALYSIS CONTINUATION:

incarcerated third-time misdemeanants and convicted felons who are not incarcerated.

First in priority are those owed child support payments (there were over 11,000 PFD garnishments for child support in the past year). Next are those owed court-ordered restitution, then claims on defaulted school loans (over 8,700), court-ordered fines, Rule 39 collections, and DWI incarceration costs (over 13,700 last year), certain writs of execution, debts owed to the state, and then debts owed to other creditors, including federal and local taxes (over 35,000 last year). Furthermore, alcohol rehabilitation groups frequently garnish PFDs to get reimbursed for services provided to clients who under go court-ordered treatment as a result of an alcohol related offense such as DWI or domestic violence. To the extent that these criminals are made ineligible for PFDs, these groups will lose an important source of money for payment of these obligations.

The bill would also expand the list of agencies that may receive appropriations from the money "saved" by not giving it to criminals. In addition to the agencies listed above, the following new agencies would be allowed to receive appropriations from these funds: the Department of Public Safety for criminal investigations and apprehensions, and the Department of Law for criminal prosecutions.

It is problematic when funds will be available for distribution to the Department of Law and the Department of Public Safety. The effective date of the section that makes incarcerated third-time or subsequent misdemeanants ineligible for PFDs is January 1, 1997, and offenses committed before the effective date may not be considered in determining the number of prior convictions for the purpose of applying ineligibility. As a consequence, any positive fiscal impact for the Department of Law is uncertain at this time.

STATE OF ALASKA
1996 LEGISLATIVE SESSION

FISCAL NOTE

No. 2

Bill Version: CSA 232(FN)

(S) Publish Date: 3-8-96

Revision Date 13-Feb-96 Dept. Affected Revenue
 Title PFD Notices and Eligibility BRU Permanent Fund Dividend Division
 Component Permanent Fund Dividend Division
 Sponsor Senator Frank
 Requestor Senate Finance COMPONENT SERIAL NO. 961

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	19	42.4	42.4	42.4	42.4	42.4
TRAVEL						
CONTRACTUAL	05	43	43	43	43	43
SUPPLIES		10	10	0	10	10
EQUIPMENT		35	00	00	00	00
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	24	61.2	47.7	47.7	47.7	47.7
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other Dividend Fund 1050	24	51.2	47.7	47.7	47.7	47.7
TOTAL	24	61.2	47.7	47.7	47.7	47.7

Estimate of any current year (FY96) cost \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

(See Attached Analysis)

Prepared by Nancy A. Jones
 Division Permanent Fund Dividend Division
 Approved by Commissioner [Signature]
 Agency Department of Revenue

Phone 465-2323
 Date 2/13/96
 Date 2/13/96

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Department of Revenue
Permanent Fund Dividend Division

Fiscal Note Analysis
SB 232

ASSUMPTIONS:

1. Computer programming by data processing staff will be a one-time cost. The system will have to change to reflect the new classes of ineligible. Edits will be added to the system that will automatically deny these people.

Additional programming will also be needed to print the disclosure information on each dividend check and direct deposit advice that is generated.
2. The cost of data processing chargebacks for mainframe processing will continue in each fiscal year. This will cover the costs associated with processing the computer tape with the PFD masterfile, provide necessary printouts, and generate denial letters.
3. Currently about twenty-five percent of felons denied a dividend appeal. With the expansion of ineligible to include those applicants convicted of a felony, and those incarcerated for a third and subsequent conviction of a misdemeanor, an additional full time staff person in appeals will be needed.
4. Supplies such as forms, envelopes, and postage will be needed for processing additional denial notices.
5. A personal computer will be needed for use by the additional staff member in Appeals.

FISCAL NOTE

No. 3

Bill Version: CS SB 232(FIN)

(S) Publish Date: 3-8-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 2/21/96

Title: An Act relating to PFD notice requirements, ineligibility of convicted felons or incarcerated individuals, etc.

Sponsor: Sen. Frank

Requester: (S) FIN

Department Affected: Revenue

BRU: Alaska Student Aid Corporation

Component: Student Loan Operations

COMPONENT SERIAL NO. 2113

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)
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FUND SOURCE

(Thousands of Dollars)

02 Federal Receipts						
03 GF Match						
04 GF						
05 GF/Program Receipts						
06 GF/MHTIA						
Other - Corporate Receipts	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)
TOTAL	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ -0-

ANALYSIS

This bill would incrementally impact the Alaska Student Aid Corporation, as approximately 8,000 PFDs are attached annually of borrower's past due in loan payments. In the last few years, 2-5 PFDs have been released to the Department of Corrections from incarcerated defaulted borrowers. The amounts above estimate the loss in revenues to the loan program as the population of borrowers with three-time offenses increases.

Prepared by: Gillian R. Hays, Legislative Liaison Phone: 465-6718

Division: Alaska Student Aid Corporation Date: 2/21/96

Approved by Executive Director: Diane Barrans

Agency: Revenue Date: 2/21/96

FISCAL NOTE

No. 4

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL No

Bill Version: CS SB 232(LIN)

(S) Publish Date: 3-8-96

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to permanent fund dividend BRU: ALL
 program notice requirements: _____ Component: _____
 Sponsor: Senators Frank, Leman, Kelly, Green, Phillips
 Requester: Finance COMPONENT SERIAL NO. 80894

Expenditures/Revenues	(Thousands of Dollars)					
	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING EXPENDITURES						
PERSONAL SERVICES	63.4	102.7	104.2	105.8	107.4	109.0
TRAVEL						
CONTRACTUAL	1.5	14.5	14.5	14.5	14.5	14.5
SUPPLIES	0.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	3.3	6.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	68.7	125.3	120.2	121.8	123.4	125.0

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

CHANGE IN REVENUES						
---------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1050 PFD Funds	68.7	125.3	120.2	121.8	123.4	125.0
TOTAL	68.7	125.3	120.2	121.8	123.4	125.0

Estimate of any current year (FY96) cost: \$ 00

POSITIONS						
FULL-TIME	1					
PART-TIME		2				
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill will deny PFD annual dividends to those who have been convicted of a felony (whether incarcerated or not), and those who are incarcerated for a third misdemeanor conviction.

The agency will require 1 PFT Analyst Programmer IV for the first year to design and implement the data interface of criminal records between the Department of Corrections, Public Safety, and the Alaska Court System. In addition, the position will require a contractual, supplies, and equipment (one-time) resources to accomplish the necessary tasks. A major task will be to negotiate with the Alaska Court System to timely receive conviction data in order to meet the requirements of this bill.

Starting with the 2nd fiscal year of the bill, the agency will require the services of 1 PFT and 1 PPT Statistical Technicians to perform data entry, editing, and handle the research required to respond to PFD appeals; and 1 PPT Analyst Programmer IV to continue the data processing interfaces, coordinating the data tape matches, and to coordinate differences between files. In addition, the positions will require contractual, supplies, and equipment (one-time) resources to accomplish their tasks.

Prepared by _____ Phone: 465-4652
 Division: Office of the Commissioner Date: 2/14/96
 Approved by Commissioner Margaret Pugh Date: 2/14/96
 Agency: Department of Corrections

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FISCAL NOTE

No. 5

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO

Pill Version: CS SB 232(FIN)

(S) Publish Date: 3-8-96

Revision Date: _____ Dept. Affected: Public Safety
 Title: An act relating to permanent fund dividend BRU: AB
program notice requirements, to the ineligibility Component: AI
 Sponsor: Senator Frank
 Requestor: Senate Finance COMPONENT SERIAL NO. 523

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	5.0	10	10	10	10	10
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.0	10	10	10	10	10

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	10	10	10	10	10
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	5.0	10	10	10	10	10

Estimate of current year (FY 96) 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)

DPS will create an electronic file of individuals who "during the calendar year immediately preceding that dividend year ... [were] convicted of a felony." This file will be provided to PFD for matching against their database. The file will contain person demographic information available from APSIN and agreed upon with PFD.

Because APSIN does not contain incarceration data, DPS will also create an electronic file of individuals who were convicted of "a third or subsequent misdemeanor." This file will be provided to DOC for matching against their database. The file will contain person demographic information available from APSIN and agreed upon with DOC. DOC will match this file against their records on incarcerated individuals and forward the resulting information to PFD.

Prepared By: Kenneth E. Bischoff, Director Phone: 465-4336
 Division: Administrative Services Date: 1/30/96
 Approved by Commissioner:  Date: 2/12/96
 Agency: Ronald L. Otto, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO 6

Bill Version: CS SB 252(FIN)
 (S) Publish Date: 3-8-96

Revision Date _____ Dept. Affiliated Public Safety
 Title PFO Notices and Eligibility BRU Alaska State Troopers
 Component Detachments
 Sponsor Senator FRANK
 Requestor S Finance COMPONENT SERIAL NO. 799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MMTA						
Other	0	0	0	0	0	0
TOTAL						

Estimate of current year (FY 96) impact \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

* Under Section 3, the Department of Public Safety would receive an undesignated portion/percentage of convicted felons permanent fund dividend. Insufficient details are available to make an accurate projection of the amount of funding that would be received.

Prepared By Francis C. Allen Phone (907) 269-5691
 Division Alaska State Troopers Date 02/27/96

Approved by Commissioner Ronald L. Otto Date 3/1/96
 Agency Ronald L. Otto, Dept. of Public Safety

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STATE OF ALASKA

BUDGET NOTE

NO.

No. 7

1996 LEGISLATIVE SESSION

Bill Version: CS SB 232(LFIN)

(S) Publish Date: 3-8-96

Revision Date 3/2/96
 Title PFD Eligibility
 Sponsor Sen Frank
 Requestor S Finance

Dept Affected BRU
 Component COVSA

Public Safety
COVSA
COVSA

COMPONENT SERIAL NO. _____

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

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

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) impact \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)
 This bill will increase the level of PFD funds that will be used for the operating budget. It also expands the number of state agencies that may receive allocations from this source. The Council's FY 96 operating budget includes \$1,125.0 in PFD funds. However, it is not possible to project what that figure would be in the future, as this amount is determined by the legislature each year.

Prepared By Jayne E. Andreen
 Division Council on Domestic Violence and Sexual Assault
 Approved by Commissioner Ronald L. Ote
 Agency Ronald L. Ote Department of Public Safety

Phone 907-465-4356
 Date 3/2/96
 Date 3/5/96

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MEMORANDUM
CHILD SUPPORT ENFORCEMENT DIVISION

State of Alaska
DEPARTMENT OF REVENUE

to: Nanci Jones
Director
Permanent Fund Dividend

DATE: May 5, 1995

FILE NO:

TELEPHONE NO:

269-6843

FROM: John Mallonee
Special Assistant

SUBJECT: Ineligible Criminals

The information contained in the memo estimating the number of cases involving PFD garnishment was not provided by the Child Support Enforcement Division. The following is a more accurate estimate of the actual number of PFD garnishments that would be effected:

	<u>Number</u>	<u>Percent</u>
Number of new eligibles in a given year	2,000	
New eligibles with active CSED cases	400	20%
Less: CSED obligees on AFDC	(189)	47%
Remaining eligibles with non-AFDC CSED cases	211	
CSED cases involving PFD garnishment	105	50%

The assumptions used in arriving at the 50% of CSED cases involving garnishment are as follows:

1. CSED garnished approximately 7,000 PFDs in 1994 this was 50% of the cases that had any possibility of being garnished.
2. The use of total caseload of 42,000 cases is improper because only 15,000 cases were domestic cases where the obligor lived in Alaska, had an order established and would have been eligible for a PFD.
3. The eligibles in a given year are in Alaska, eligible for a PFD and CSED would have information as to their location consequently they probably have an order.

PROVIDED BY SENATOR FRANK
HCS CS SB 232 (JUD) SECTIONAL ANALYSIS

As of April 16, 1996

- Sec. 1:** Identifies the four purposes of the legislation.
- Sec. 2:** Amends AS 43.23.005(d) making those convicted of a felony and those incarcerated as the result of a third misdemeanor conviction during the qualifying year ineligible for a dividend. Current law just makes those incarcerated as the result of a felony conviction during the qualifying year ineligible.
- Sec. 3:** Adds a new subsection AS 43.23.005(g)
- a. defining the date of conviction as the date of sentencing;
 - b. requires multiple convictions arising from a single criminal episode to be treated as a single conviction; and
 - c. considers equivalent out of state conviction in determining eligibility.
- Sec. 4:** Amends AS 43.23.028(a) to require disclosure on the dividend check stub or direct deposit advise of
- a. the criteria for denying individuals under AS 43.23.005(d);
 - b. the legislative purpose for denying individuals under AS 43.23.005(d);
 - c. the total amount that would have been paid during the prior fiscal year to individuals denied under AS 43.23.005(d); and
 - d. the total amount that was appropriated for the current fiscal year to each of the agencies eligible to receive funds under AS 43.23.028(b).
- Amends AS 43.23.028(b) by
- e. adding the Departments of Public Safety and Law to the list of criminal justice system agencies authorized to use the funds denied to individuals ineligible under AS 43.23.005(d); and
 - f. clarifying the purposes for which the funds denied to individuals ineligible under AS 43.23.005(d) can be used.
- Sec. 5:** Amends AS 43.23.055 to make it clear that it is the responsibility of the Departments of Public Safety and Corrections to provide the Department of Revenue with a list of individuals who meet the criteria of AS 43.23.005(d).
- Sec. 6:** Ensures that
- a. only convictions for offenses occurring after December 31, 1996 are considered in determining ineligibility; and
 - b. convictions occurring before January 1, 1997 are to be considered in determining a third misdemeanor.
- Sec. 7:** Ensures that the expanded reporting requirements will start with the 1997 dividend check stub.

PROVIDED BY SENATOR FRANK
STATE AGENCIES TO WHICH PFDs DENIED
UNDER AS 43.23.005(d) CAN BE APPROPRIATED
As of March 20, 1998

Current Law

Department of Corrections

Department of Public Safety
Violent Crimes Compensation Fund

or

Council on Domestic Violence and Sexual Assault

SB 232

Department of Corrections
for incarceration and probation programs

Department of Public Safety
Violent Crimes Compensation Fund
for payments to crime victims
or

Council on Domestic Violence and Sexual Assault
for shelters and safe houses

or

Any DPS Division
for investigations or apprehensions

Department of Law
for criminal prosecutions

PROVIDED BY SENATOR FRANK
SB 232: AVAILABILITY OF ADDITIONAL FUNDS
As of March 20, 1996

<u>Expanded Pool Under SB 232</u>	<u>Calendar Year</u>	<u>Fiscal Year</u>
Qualifying Year	1997	
Dividend Denied	1998	1999
Funds Available for Appropriation		2000

PROVIDED BY SENATOR FRANK
SB 232: INDIVIDUALS INELIGIBLE FOR A PED
UNDER AS 43.23.005(d)
As of March 20, 1996

Current Law

**Incarcerated during all or part of the qualifying
year for a:**
Felony Conviction

SB 232

**Incarcerated during all or part of the qualifying
year for a:**
Felony Conviction
or
3rd or Subsequent Misdemeanor Conviction
(only considering misdemeanor convictions occurring after January 1,
1997)
**Convicted during the qualifying year (without
being incarcerated) of a:**
Felony

PROVIDED BY SENATOR FRANK
CS SB 232 (FIN) OVERVIEW
As of March 13, 1996

AS 43.23.005(d) currently provides that an individual who is incarcerated for a felony conviction is ineligible for a PFD in the next calendar year.

AS 43.23.028(b) allows the total amount that would have been paid to such individuals if they had been eligible to be appropriated from the dividend fund without being noticed on the dividend stub for the next fiscal year to

- a. the Crime Victim Compensation Fund;
- b. the Council on Domestic Violence and Sexual Assault; or
- c. the Department of Corrections.

SB 232 will:

1. increase the pool of Individuals who are ineligible for a PFD to include:
 - a. those persons who in a given year are either convicted of a felony; or
 - b. incarcerated for their third or subsequent misdemeanor conviction.
2. require that the dividend stub provide public notice of
 - a. the criteria for denying individuals under AS 43.23.005(d);
 - b. the legislative purpose for denying individuals under AS 43.23.005(d);
 - c. the total amount that would have been paid during the prior fiscal year to individuals denied under AS 43.23.005(d); and
 - d. the total amount that was appropriated for the current fiscal year to each of the agencies eligible to receive funds under AS 43.23.028(b).
3. add the Departments of Public Safety and Law to the list of criminal justice system agencies authorized to use the funds denied to individuals ineligible under AS 43.23.005(d); and
4. clarify the purposes for which the funds denied to individuals ineligible under AS 43.23.005(d) can be used.

PROVIDED BY SENATOR FRANK
CS SB 232 (FIN) SECTIONAL ANALYSIS

As of March 13, 1996

- Sec. 1:** Identifies the four purposes of the legislation.
- Sec. 2:** Amends AS 43.23.005(d) making those convicted of a felony and those incarcerated as the result of a third misdemeanor conviction during the qualifying year ineligible for a dividend. Current law just makes those incarcerated as the result of a felony conviction during the qualifying year ineligible.
- Sec. 3:** Adds a new subsection AS 43.23.005(g)
- a. defining the date of conviction as the date of sentencing; and
 - b. requires multiple convictions arising from a single criminal episode to be treated as a single conviction.
- Sec. 4:** Amends AS 43.23.028(a) to require disclosure on the dividend check stub or direct deposit advise of
- a. the criteria for denying individuals under AS 43.23.005(d);
 - b. the legislative purpose for denying individuals under AS 43.23.005(d);
 - c. the total amount that would have been paid during the prior fiscal year to individuals denied under AS 43.23.005(d); and
 - d. the total amount that was appropriated for the current fiscal year to each of the agencies eligible to receive funds under AS 43.23.028(b).
- Amends AS 43.23.028(b) by
- e. adding the Departments of Public Safety and Law to the list of criminal justice system agencies authorized to use the funds denied to individuals ineligible under AS 43.23.005(d); and
 - f. clarifying the purposes for which the funds denied to individuals ineligible under AS 43.23.005(d) can be used.
- Sec. 5:** Amends AS 43.23.055 to make it clear that it is the responsibility of the Departments of Public Safety and Corrections to provide the Department of Revenue with a list of individuals who meet the criteria of AS 43.23.005(d).
- Sec. 6:** Ensures that
- a. only convictions for offenses occurring after December 31, 1996 are considered in determining ineligibility; and
 - b. convictions occurring before January 1, 1997 are not considered in determining a third misdemeanor.
- Sec. 7:** Ensures that the expanded reporting requirements will start with the 1997 dividend check stub.

Alaska State Legislature

STEVE FRANK

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701
(907) 452-3421



While in Juneau
P.O. Box 5
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 417

Senate

MEMORANDUM

TO: Representative Brian Porter, Chairman
House Judiciary Committee

FROM: Senator Steve Frank, Co-Chair
Senate Finance Committee

RE: *SB 232: Denying PFDs to Criminals*

DATE: March 21, 1996

This is to request the scheduling of CS SB 232 (FIN). Attached is a sectional analysis, an overview outline, and various other bill related information prepared by my office. This bill closely resembles SB 135, which was vetoed by the Governor last June. However, SB 232 does not include the timing provision changes of SB 135 to which the Governor objected in his veto message.

SB 232 expands both the pool of criminals who are ineligible for a PFD and the specific criminal justice system agencies eligible to use the dividends denied to those criminals. It also clarifies and restricts the purposes for which denied dividends can be used. Finally, it requires the Department of Revenue to print on the dividend stub public notice of the criteria and the legislative purpose for denying individuals, the total amount that would have been paid to those criminal and the total amount that was appropriated to each of the agencies eligible to receive funds.

Although the enactment of SB 232 will ultimately make the Permanent Fund Dividends of another 2,000 criminals available for appropriation to the criminal justice system, those additional funds will not be available for appropriation until FY 2000.

I believe this is a good piece of legislation and encourage your support. Thank you.

ALASKA DEPARTMENT OF REVENUE
 PERMANENT FUND DIVIDEND DIVISION
1995 PFD ATTACHMENTS ASSIGNMENTS ACTIVITY
 For the Month Ending December, 1995

<i>December 1995 Services</i>	<i>Received</i>	<i>Returned</i>	<i>Released</i>	<i>Held</i>	<i>Dec-1994</i>
Attachments:					
IRS (Federal Taxes)	-	0	0	-	(16)
PSE (Student Loan Payments)	-	0	0	-	-
CSED (Child Support Payments)	1	0	0	1	(18)
Other Writs	1	0	0	1	(2,837)
Municipal Writs (Fines & Taxes)	-	0	0	-	-
Certified Services	-	0	0	-	(969)
Department of Labor	-	0	0	-	(14)
IEAD (State Taxes)	-	0	0	-	-
Dept of Revenue -- PFD credit/offsets	2	0	0	2	2
Court Orders	-	0	0	-	(1)
Dept. of Law	-	0	0	-	-
Non DLN'd Attachments	12	12	0	-	-
TOTAL ATTACHMENTS	16	12	0	4	(3,853)
DLN'd Assignments	1	0	0	1	-
Non DLN'd Assignments	18	18	0	0	-
TOTAL ASSIGNMENTS OF RIGHTS	19	18	0	1	-
Total December 1995 Services	35	30	0	5	(3,853)
PFD YEAR-TO-DATE SERVICES					
Attachments:					
IRS (Federal Taxes)	25,159	0	824	24,335	22,836
Dept of Revenue -- PFD credit/offsets	345	0	7	338	406
PSE (Student Loan Payments)	8,780	0	57	8,723	6,524
CSED (Child Support Payments)	11,325	0	14	11,311	9,345
Municipal Writs (Fines & Taxes)	8,554	0	0	8,554	6,367
Other Writs	12,156	0	178	11,978	7,278
Certified Services	4,073	20	54	3,999	3,177
Department of Labor	125	1	2	122	135
IEAD (State Taxes)	-	-	-	-	-
Court Orders	9	0	0	9	1
★ Dept. of Law	13,717	0	0	13,717	7,317
Non DLN'd Attachments	431	431	0	-	-
TOTAL ATTACHMENTS	84,674	452	1,136	83,086	63,386
DLN'd ASSIGNMENTS	4,691	219	182	4,290	5,099
TOTAL PFD YEAR-TO-DATE-SERVICES	89,365	671	1,318	87,376	68,485

① - see table
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 1/18/95