

**SB**

**26**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: May 6, 1995

FURTHER REFERRALS:

Date of Committee Action: \_\_\_\_\_

The FINANCE Committee considered:

CSSB 26(FIN)

CS FOR SENATE BILL NO. 26(FIN)

DEADLY WEAPON OFFENSES BY JUVENILES

"An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults for certain violations of laws by minors who use deadly weapons to commit offenses that are crimes against a person, and relating to the sealing of the records of those minors."

recommends it be replaced  the same title  
with the following committee substitute \_\_\_\_\_  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) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
Died in committee				

CHAIR'S SIGNATURE \_\_\_\_\_

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: 3/13/96 Dept. Affected: Corrections  
 Title: "An act providing for automatic waiver of juvenile jurisdiction" BRU: Statewide Programs  
 Sponsor: Sen. Donley Component: all institutions  
 Requester: ~~Sen. Donley~~ H FIN COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	53.0	105.0				
TRAVEL						
CONTRACTUAL	0.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0.0		4,427.0	4,427.0	4,427.0	4,427.0
<b>TOTAL OPERATING</b>	<b>53.0</b>	<b>105.0</b>	<b>4,427.0</b>	<b>4,427.0</b>	<b>4,427.0</b>	<b>4,427.0</b>

<b>CAPITAL EXPENDITURES</b>	1,440.0	8,160.0				
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,493.0	8,265.0	4,427.0	4,427.0	4,427.0	4,427.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>1,493.0</b>	<b>8,265.0</b>	<b>4,427.0</b>	<b>4,427.0</b>	<b>4,427.0</b>	<b>4,427.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME	1	2				
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The DOC currently has 18 waived juveniles 16 years of age or older in adult prisons. Data from DHSS and DOL indicate that an additional 18 juveniles ages 14 and 15 would be added per year as a result of this bill. It is assumed that the average stay by a juvenile in the new adult facility would be three years before they are moved to an adult prison or released to the community. The population is expected to reach 54 or more in three years and climb slowly there after. The department would be required, by the need to protect this vulnerable population from predatory adult offenders, to house these individuals separate from the adult prisoner population. Such separation could be in a wing or unit of an existing adult prison, but no such space exists under the current overcrowded conditions.

Appropriate educational, vocational, counseling and rehabilitation programs suitable for youthful offenders would be undertaken. Both male and female housing would be required but both could participate in the same programs.

CONTINUED ON PAGE TWO:

Prepared by: Jerry Shriner Phone: 465-4640  
 Division: \_\_\_\_\_ Date: 3/14/96  
 Approved by Commissioner: Margaret H. Pugh Margaret Pugh Date: 3/14/96  
 Agency: Department of Corrections

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**CSSB 26 (FIN)**

**Fiscal Note**

**Page 2 of 2**

The need to provide for education and vocational training suitable to return these juveniles to the community with skills necessary to function in the community requires a wide array of resources for a small number of individuals. Both construction and operating costs will be high compared to adding to the adult correctional system.

In addition to normal requirements, additional education and other program space would be required. The facility would be built at 60 beds and should be designed for expansion within five years after opening. Construction costs are estimated at \$160.0 per bed.

$$\text{\$160.0 per bed} \times 60 \text{ beds} = \text{\$9,600.0}$$

Operating cost of the school at McLaughlin Youth Center exceeds \$1,400.0 annually.

Other prison related costs will exceed \$130.00 per bed day.

$$\text{\$130.00 per bed day} \times 365 \times 60 \text{ beds} = \text{\$2,847.0}$$

$$\text{Total operating cost } \$2,847.0 + \$1,400.0 = \text{\$4,247.0}$$

The annual operating cost has been placed in miscellaneous because there is no operational plan detail that would allow more specific line item entries. Fifteen percent of the estimated construction costs have been entered as capital costs for FY 97 with the expectation that this amount would be transferred to DOT & PF for site selection, A & E and other related costs. The balance is included in the FY 98 capital costs line.

One facilities planner I position has been included for the duration of the planning and construction of the project ( 2 years) and a criminal justice planner position has been included for one year prior to occupancy to complete operational planning and staffing.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: 4/11/96 Dept. Affected: Department of Law  
 Title: ...automatic waiver of juvenile jurisdiction...minors BRU: Criminal Division  
who use deadly weapons to commit offenses...crimes against a person Component: Criminal Division  
 Sponsor: Senator Donley  
 Requester: House Finance Committee 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 would waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a deadly weapon in the commission of a crime against a person, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of a deadly weapon in the commission of a similar offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

*Richard I. Peques*

Prepared by: Richard I. Peques, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 4/11/96  
 Date: 4/11/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults.  
 Sponsor: Sen. Donley  
 Requestor: (H) Finance

Dept. 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	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)  
 No measurable impact on the Public Defender Agency is anticipated.

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

Phone: (907)264-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/11/96

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# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO:** CSSB 26(FIN)

Revision Date: April 10, 1996 Dept. Affected: Public Safety  
 Title: Deadly Weapon Offenses by Juveniles BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Donley  
 Requestor: H. Finance COMPONENT SERIAL NO. 0799

**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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

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.)**

This bill would have a negligible fiscal impact on the Division of Alaska State Troopers. The bill will not cause the Troopers to investigate any new crimes. It will waive some juvenile offenders to adult court and that might cause some additional expenses for troopers to testify at those court hearings.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: April 10, 1996  
 Approved by Commissioner: *D. L. Otte* Date: 4/11/96  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HCSCSSB 26 (FIN)

Revision Date:	Dept. Affected: <u>Corrections</u>
Title: <u>"An act providing for automatic waiver of juvenile jurisdiction"</u>	BRU: <u>Statewide Programs</u>
Sponsor: <u>Sen. Donley</u>	Component: <u>all institutions</u>
Requester: <u>House Finance</u>	COMPONENT SERIAL NO. _____

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0				
TRAVEL						
CONTRACTUAL	0.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	234.3	468.7	703.0	703.0	703.0	703.0
<b>TOTAL OPERATING</b>	<b>234.3</b>	<b>468.7</b>	<b>703.0</b>	<b>703.0</b>	<b>703.0</b>	<b>703.0</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0				
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	234.3	468.7	703.0	703.0	703.0	703.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>234.3</b>	<b>468.7</b>	<b>703.0</b>	<b>703.0</b>	<b>703.0</b>	<b>703.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME	1	2				
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The DOC currently has 18 waived juveniles 16 years of age or older in adult prisons. Data from DHSS and DOL indicate that an additional 6 juveniles would be added each year as a result of this bill. It is assumed that the average sentence for this new group of juveniles in an adult facility would be three years before they are released to the community. The population is expected to reach 24 or more in three years and climb slowly there after. This would bring the total population of individuals under 18 years of age to 40 or more in three years. In order to protect this vulnerable population from predatory adult offenders, the DOC would need to house these individuals separate from the adult prisoner population. Such separation could be in a wing or unit of an existing adult prison, but no such space exists under the current overcrowded conditions.

Assuming no additional efforts at treatment or rehabilitation, the cost of confinement would be the same as the rest of the adult population. It is likely that three to five new CO II positions and an educational coordinator would be required by FY 98. Costs are included in the miscellaneous line because operational details have not been developed..

- \$107 X 365 days X 6 offenders = \$234,330.00 FY 97
- \$107 X 365 days X 12 offenders = \$468,680.00 FY 98
- \$107 X 365 days X 18 offenders = \$702,990.00 FY 99 and beyond

Prepared by: Jerry Shriner

Phone: 465-4640

Division: \_\_\_\_\_

Date: 4/29/96

Approved by Commissioner: Margaret Pugh Margaret Pugh

Date: 4/29/96

Agency: Department of Corrections

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FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB26(FIN)

REPORTED OUT OF

**HFC**

Revision Date: \_\_\_\_\_  
Title: Automatic Waiver

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

Sponsor: Senator Donley  
Requestor: House (FIN)

Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 00.0

ANALYSIS: (Attach a separate page if necessary)

There will be no increase in cost to the Division since this legislation does not add new clients.

Prepared by: L. Diane Worley  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 01/24/96  
Date: 11/25/96

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# REPORTED OUT OF HFC \_\_\_\_\_ FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: 3/13/96 Dept. Affected: Corrections  
 Title: "An act providing for automatic waiver of BRU: Statewide Programs  
juvenile jurisdiction Component: all institutions  
 Sponsor: Sen. Donley  
 Requester: ~~SENATOR DONLEY~~ H F/N COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	53.0	105.0				
TRAVEL						
CONTRACTUAL	0.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0.0		4,427.0	4,427.0	4,427.0	4,427.0
<b>TOTAL OPERATING</b>	<b>53.0</b>	<b>105.0</b>	<b>4,427.0</b>	<b>4,427.0</b>	<b>4,427.0</b>	<b>4,427.0</b>

CAPITAL EXPENDITURES	1,440.0	8,160.0				
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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	1,493.0	8,265.0	4,427.0	4,427.0	4,427.0	4,427.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>1,493.0</b>	<b>8,265.0</b>	<b>4,427.0</b>	<b>4,427.0</b>	<b>4,427.0</b>	<b>4,427.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

POSITIONS	1	2				
FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The DOC currently has 18 waived juveniles 16 years of age or older in adult prisons. Data from DHSS and DOL indicate that an additional 18 juveniles ages 14 and 15 would be added per year as a result of this bill. It is assumed that the average stay by a juvenile in the new adult facility would be three years before they are moved to an adult prison or released to the community. The population is expected to reach 54 or more in the years and climb slowly there after. The department would be required, by the need to protect this vulnerable population from predatory adult offenders, to house these individuals separate from the adult prisoner population. Such separation could be in a wing or unit of an existing adult prison, but no such space exists under the current overcrowded conditions.

Appropriate educational, vocational, counseling and rehabilitation programs suitable for youthful offenders would be undertaken. Both male and female housing would be required but both could participate in the same programs.

CONTINUED ON PAGE TWO:

Prepared by: Jerry Shriner  
 Division: \_\_\_\_\_  
 Approved by Commissioner: Margaret H. Pugh Margaret Pugh  
 Agency: Department of Corrections

Phone: 465-4640  
 Date: 3/14/96  
 Date: 3/14/96

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**CSSB 26 (FIN)**

**Fiscal Note**

**Page 2 of 2**

The need to provide for education and vocational training suitable to return these juveniles to the community with skills necessary to function in the community requires a wide array of resources for a small number of individuals. Both construction and operating costs will be high compared to adding to the adult correctional system.

In addition to normal requirements, additional education and other program space would be required. The facility would be built at 60 beds and should be designed for expansion with in five years after opening. Construction cost are estimated at \$160.0 per bed.

$$\$160.0 \text{ per bed} \times 60 \text{ beds} = \$9,600.0$$

Operating cost of the school at McLaughlin Youth Center exceeds \$1,400.0 annually.

Other prison related costs will exceed \$130.00 per bed day.

$$\$130.00 \text{ per bed day} \times 365 \times 60 \text{ beds} = \$ 2,847.0$$

$$\text{Total operating cost } \$2,847.0 + \$1,400.0 = \$4,247.0$$

The annual operating cost has been placed in miscellaneous because there is no operational plan detail that would allow more specific line item entries. Fifteen percent of the estimated construction costs have been entered as capital costs for FY 97 with the expectation that this amount would be transferred to DOT & PF for site selection, A & E and other related costs. The balance is included in the FY 98 capital costs line.

One facilities planner I position has been included for the duration of the planning and construction of the project ( 2 years) and a criminal justice planner position has been included for one year prior to occupancy to complete operational planning and staffing.

# FISCAL NOTE REPORTED OUT OF

STATE OF ALASKA  
1996 LEGISLATIVE SESSION **HFC**

BILL NO. CSSB 26 (FIN)

Revision Date: 4/11/96 Dept. Affected: Department of Law  
 Title: ...automatic waiver of juvenile jurisdiction...minors BRU: Criminal Division  
who use deadly weapons to commit offenses...crimes against a person Component: Criminal Division  
 Sponsor: Senator Donley  
 Requester: House Finance Committee 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

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 would waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a deadly weapon in the commission of a crime against a person, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of a deadly weapon in the commission of a similar offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

*Richard I. Peques*

Prepared by: Richard I. Peques, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 4/11/96  
 Date: 4/11/96

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FISCAL NOTE  
REPORTED OUT OF  
HFC \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults.  
Sponsor: Sen. Donley  
Requestor: (H) Finance

Dept. 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	0	0	0	0	0	0
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	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ( )	0	0	0	0	0	0
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No measurable impact on the Public Defender Agency is anticipated.

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

Phone: (907)264-4400  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 4/11/96

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STATE OF ALASKA  
1996 LEGISLATIVE SESSION

FISCAL NOTE  
REPORTED OUT OF  
HFC

BILL NO: CSSB 26(FIN)

Revision Date: April 10, 1996 Dept. Affected: Public Safety  
 Title: Deadly Weapon Offenses by Juveniles BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Donley  
 Requestor: H. Finance COMPONENT SERIAL NO. 0799

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	-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 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.)

This bill would have a negligible fiscal impact on the Division of Alaska State Troopers. The bill will not cause the Troopers to investigate any new crimes. It will waive some juvenile offenders to adult court and that might cause some additional expenses for troopers to testify at those court hearings.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: April 10, 1996  
 Approved by Commissioner: *Ronald L. Otte* Date: 4/11/96  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. HCSCSSB 26 (FIN)**

Revision Date: _____	Dept. Affected: <u>Corrections</u>
Title: <u>"An act providing for automatic waiver of juvenile jurisdiction"</u>	BRU: <u>Statewide Programs</u>
Sponsor: <u>Sen. Donley</u>	Component: <u>all institutions</u>
Requester: <u>House Finance</u>	COMPONENT SERIAL NO. _____

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0				
TRAVEL						
CONTRACTUAL	0.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	234.3	468.7	703.0	703.0	703.0	703.0
<b>TOTAL OPERATING</b>	<b>234.3</b>	<b>468.7</b>	<b>703.0</b>	<b>703.0</b>	<b>703.0</b>	<b>703.0</b>

CAPITAL EXPENDITURES	0.0	0.0				
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	234.3	468.7	703.0	703.0	703.0	703.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>234.3</b>	<b>468.7</b>	<b>703.0</b>	<b>703.0</b>	<b>703.0</b>	<b>703.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME	1	2				
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The DOC currently has 18 waived juveniles 16 years of age or older in adult prisons. Data from DHSS and DOL indicate that an additional 6 juveniles would be added each year as a result of this bill. It is assumed that the average sentence for this new group of juveniles in an adult facility would be three years before they are released to the community. The population is expected to reach 24 or more in three years and climb slowly thereafter. This would bring the total population of individuals under 18 years of age to 40 or more in three years. In order to protect this vulnerable population from predatory adult offenders, the DOC would need to house these individuals separate from the adult prisoner population. Such separation could be in a wing or unit of an existing adult prison, but no such space exists under the current overcrowded conditions.

Assuming no additional efforts at treatment or rehabilitation, the cost of confinement would be the same as the rest of the adult population. It is likely that three to five new CO II positions and an educational coordinator would be required by FY 98. Costs are included in the miscellaneous line because operational details have not been developed..

\$107 X 365 days X 6 offenders = \$234,330.00 FY 97  
 \$107 X 365 days X 12 offenders = \$468,660.00 FY 98  
 \$107 X 365 days X 18 offenders = \$702,990.00 FY 99 and beyond

Prepared by: Jerry Shriner  
 Division: \_\_\_\_\_  
 Approved by Commissioner: Margaret Pugh  
 Agency: Department of Corrections

Phone: 465-4640  
 Date: 4/29/96  
 Date: 4/29/96

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9-LS0252AG  
Chenoweth  
4/17/96

HOUSE CS FOR CS FOR SENATE BILL NO. 26( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS DONLEY, Kelly, Pearce, Leman, Green, Miller, Taylor, Phillips, Halford  
REPRESENTATIVES Sanders, James, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution  
2 of minors as adults for certain violations of laws by minors who use deadly  
3 weapons to commit offenses that are crimes against a person, and relating to  
4 the sealing of the records of those minors."

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

6 \* Section 1. AS 47.10.010(e) is amended to read:

7 (e) When a minor who was at least 16 years of age at the time of the offense  
8 is arraigned on a charge for an offense specified in this subsection, AS 47.10.020 -  
9 47.10.090 and the Alaska Delinquency Rules do not apply to the offense for which the  
10 minor is arraigned or to any additional offenses joinable to it under the applicable rules  
11 of court governing criminal procedure. The minor shall be charged, prosecuted, and  
12 sentenced in the superior court in the same manner as an adult unless the minor is  
13 convicted of some offense other than an offense specified in this subsection, in which  
14 event the minor may attempt to prove, by a preponderance of the evidence, that the

1 minor is amenable to treatment under this chapter. If the court finds that the minor  
2 is amenable to treatment under this chapter, the minor shall be treated as though the  
3 charges had been heard under AS 47.10.010 - 47.10.142, and the court shall order  
4 disposition of the charges of which the minor is convicted under AS 47.10.080(b).  
5 The provisions of this subsection apply when the minor is arraigned on a charge

6 (1) that is an unclassified felony or a class A felony and the felony is  
7 a crime against a person; [OR]

8 (2) of arson in the first degree; or

9 (3) that is a crime against a person punishable as a felony in which  
10 the minor is alleged to have used a deadly weapon in the commission of the  
11 offense and the minor was previously adjudicated as a delinquent or convicted as  
12 an adult, in this or another jurisdiction, as a result of an offense that involved use  
13 of a deadly weapon in the commission of a crime against a person or a crime in  
14 another jurisdiction having elements substantially identical to those of a crime  
15 against a person, and the offense was punishable as a felony; in this paragraph,  
16 "deadly weapon" has the meaning given in AS 11.81.900.

17 \* Sec. 2. AS 47.10.060(e) is amended to read:

18 (e) A person who has been tried as an adult under this section, or the  
19 department on the person's behalf, may petition the superior court to seal the records  
20 of all criminal proceedings, except traffic offenses, initiated against the person, and all  
21 punishments assessed against the person, while the person was a minor. A petition  
22 under this subsection may not be filed until five years after the completion of the  
23 sentence imposed for the offense for which the person was tried as an adult. If the  
24 superior court finds that the punishment assessed against the person has had its  
25 intended rehabilitative effect and further finds that the person has fulfilled all orders  
26 of the court entered under AS 47.10.080(b), the superior court shall order the record  
27 of proceedings and the record of punishments sealed. Sealing the records restores civil  
28 rights removed because of a conviction. A person may not use these sealed records  
29 for any purpose except that the court may order their use for good cause shown or may  
30 order their use by an officer of the court in making a presentencing report for the  
31 court. The court may not, under this subsection, seal records of a criminal proceeding

1 (1) initiated against a person if the court finds that the person has not  
2 complied with a court order made under AS 47.10.080(b); or

3 (2) commenced under AS 47.10.010(e) unless the minor has been  
4 acquitted of all offenses with which the minor was charged or unless the most serious  
5 offense of which the minor was convicted was not an offense specified in  
6 AS 47.10.010(e)(1), [OR] (2), or (3).

7 \* Sec. 3. APPLICABILITY. This Act applies to offenses committed on or after the  
8 effective date of this Act. However, references to previous adjudications or convictions  
9 include offenses committed on, before, or after the effective date of this Act.



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## Sponsor's Response to Department of Corrections Fiscal Note for CS SB 26(FIN) - Treating juvenile offenders who for the second time use deadly weapon to commit a violent crime as adults

I disagree with the outrageously inflated fiscal impact asserted in the Department of Corrections fiscal note for SB 26. Currently, there are 18 juveniles between the ages of 16-18 incarcerated throughout correctional facilities in Alaska. Because juveniles must be separated from adult prisoners, many are alone in cells designed for multiple occupancy. The incremental cost to incarcerate juveniles ages 14-16 is minor if they are placed in cells already allocated but not filled by existing juveniles. This bill alone does not create the need for an entire new juvenile facility.

The DOC fiscal note dated 3/14/96 totals \$9.758 million through FY'98 and includes many unnecessary expenditures not required by SB 26. The DOC included construction of a new juvenile facility similar to McLaughlin with space to accommodate educational programs, counseling, rehabilitation, and vocational training opportunities. In addition a facilities planner and criminal justice planner were added to undertake the duties to construct and operate a new facility.

There are no educational programs, counseling, rehabilitation, or vocational training opportunities required by SB 26. **The fiscal note should only indicate operating costs for 18 additional juvenile offenders annually, as estimated by the Department of Law.**

Those effected by SB 26 are dangerous juveniles over age 14 who for the second time have used a deadly weapon to commit a violent crime. These are repeat offenders who need to be waived to adult court. Senate Bill 26 would create a strong deterrent to the repeated use of deadly weapons by juveniles and I urge you to disregard the DOC fiscal note dated 3/14/96. Additionally, some cost saving should occur by freeing up space in the juvenile justice system

If you have further questions, please contact Karen Brand of my staff at 3892.

DD/kb

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595  
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

MEMBER: Senate Finance Committee • Senate State Affairs Committee

Produced in House



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## SPONSOR STATEMENT IN SUPPORT OF ADOPTION OF 4/17/96 DRAFT OF SB26 BY HOUSE FINANCE COMMITTEE

### Treating juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults

SB26 would create a strong deterrent to the repeated use of deadly weapons by juveniles. The 4/17/96 draft Committee Substitute of SB26 would treat minors as adults who:

1. use a deadly weapon to commit a crime against a person punishable as a felony,
2. are over age 16, and
3. were previously adjudicated delinquent or convicted as an adult of using a deadly weapon to commit a crime against a person punishable as a felony.

Existing law only waives juveniles to adult court if they are at least 16 years of age, commit unclassified or class A felony crimes against a person, or commit arson in the first degree.

The Senate passed version of SB26 would have treated minors over age 14, who for the second time use a deadly weapon to commit a violent crime, as adults. After House Finance Committee debate during its first hearing on April 12th, this 4/17/96 draft was developed. The sponsor understands that the Departments of Public Safety and Law no longer oppose this legislation if the 4/17/96 draft is adopted.

SB26 does not require any additional mandatory sentence or any specified punishment. The Department of Health & Social Services estimates that approximately 6 juveniles in FY'95 would meet the criteria in SB26.

SB26 is supported by the Municipality of Anchorage, the National Education Association, the National Rifle Association, Public Safety Employees Association, Juneau and Fairbanks Police Departments, and the Spenard Community Council.

The Anchorage Police Department recently compiled 1995 data which revealed a 200% increase in arrests of juveniles for violent crimes between 1990 and 1994. That same period showed a 40% increase in juvenile arrests for property crimes. Alaska lawmakers can help curb the juvenile violent crime rate in Alaska by passing SB 26.

Currently five states have enacted juvenile laws more severe than that proposed in SB 26. Maine, California, Georgia, Florida, and Michigan require jail time for a juvenile's first-time gun-related charge. In Maine, youths between the ages of 12 and 18 are now incarcerated if caught illegally possessing a gun, whether or not it was used in a crime. The minimum sentence in Maine for this offense is six months, and can be served in a detention facility, group home, or boot camp.

If you have further questions, please contact Karen Brand of my staff at 3892.

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595<sup>DD/kh</sup>  
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# SENATOR DAVE DONLEY

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## ALASKA STATE LEGISLATURE

### SPONSOR STATEMENT - CS SB26(FIN)

#### **Treating juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults**

Senate Bill 26 would create a strong deterrent to the repeated use of deadly weapons by juveniles. Senate Bill 26 would treat minors over age 14, who for the second time use a deadly weapon to commit a violent crime, as adults. Existing law only waives juveniles to adult court if they are at least 16 years of age, commit unclassified or class A felony crimes against a person, or commit arson in the first degree.

The Senate Finance Committee amended SB 26 by replacing the word 'firearm' with 'deadly weapon'. Deadly weapons are defined by AS 11.81.900 as:

" '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."

SB26 does not require any additional mandatory sentence or any specified punishment. Minors who are convicted of adult crimes, if incarcerated, are required by law to be segregated from adult prison populations.

SB26 is supported by: The National Education Association, The National Rifle Association, Public Safety Employees Association, Juneau Police Department, Fairbanks Police Department, and Anchorage Police Department, and the Spenard Community Council.

The Anchorage Police Department recently compiled 1995 data which revealed a 200% increase in arrests of juveniles for violent crimes between 1990 and 1994. That same period showed a 40% increase in juvenile arrests for property crimes. Alaska lawmakers can help curb the juvenile violent crime rate in Alaska by passing SB 26.

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## SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

### SPONSOR STATEMENT

#### SB 26

#### **Treating juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults**

Senate Bill 26 would create a strong deterrent to the repeated use of deadly weapons by juveniles. Senate Bill 26 would treat minors over age 14, who for the second time use a deadly weapon to commit a violent crime, as adults. Existing law only waives juveniles to adult court if they are at least 16 years of age, commit unclassified or class A felony crimes against a person, or commit arson in the first degree.

Deadly weapons are defined by AS 11.81.900, as:

" '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."

SB26 does not require any additional mandatory sentence or any specified punishment. Minors who are convicted of adult crimes, if incarcerated, are required by law to be segregated from adult prison populations.

SB26 is supported by: The National Education Association, The National Rifle Association, Public Safety Employees Association, Juneau Police Department, Fairbanks Police Department, and Anchorage Police Department.

DD/pah



**SENATOR DAVE DONLEY**  
ALASKA STATE LEGISLATURE

**SECTIONAL ANALYSIS**  
**Senate Bill 26**  
1/9/96

The following is a sectional analysis of CS SB 26(FIN) which automatically waives juvenile jurisdiction and prosecution of minors as adults for certain felonies or arson by minors using deadly weapons.

Section 1 adds an automatic waiver of juvenile jurisdiction for those minors at least 14 years old who for the second time commit a violent crime involving a deadly weapon, and cites a definition of 'deadly weapon' in AS 11.41.

Section 2 amends a statutory reference.

DD:kb

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MEMBER: Senate Finance Committee • Senate State Affairs Committee

Produced in House

SPENARD COMMUNITY COUNCIL  
301 East Fireweed Lane Suite 101  
Anchorage, Alaska 99503

Chair: Pat Fullerton 563-1156  
Exec. Vice-Chair: Eileen Zaiser 277-8855  
Admin. Vice-Chair: Edith McKinnon 248-3727  
Treasurer: Allen Thornhill 248-4908

**A RESOLUTION OF THE SPENARD COMMUNITY COUNCIL**

**SCCR95-5**

Whereas: The frequency and violence of juvenile crime in our neighborhoods is growing, and

Whereas: The Council has long supported anti-crime legislation; and

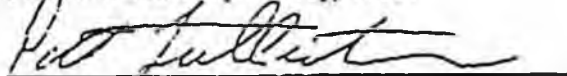
Whereas: Senator Dave Donely has introduced SB-26, which would strengthen penalties against young, repeat offenders who, for the second time, commit crimes using firearms by waiving prosecution of them directly to adult court; and

Whereas: SB-26 would create a strong deterrent to firearms misuse by young Alaskans;

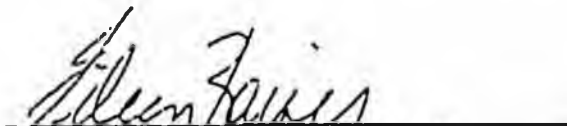
Now Therefore:

BE IT RESOLVED: The Spenard Community Council endorses SB-26 and urges, in the strongest terms, the Alaska Legislature to pass this much needed law.

Passed this 3rd day of May, 1995.



Pat Fullerton, Chair



Eileen Zaiser, Executive Vice-Chair

*Just to:  
Just in Sen. Donely  
ofc 465-6595  
Ben in Rep. Fisher  
ofc 465-237*

PUBLIC SAFETY EMPLOYEES ASSOCIATION, INC.

"Representing Alaska's Finest"

1569 S. Bragaw #201, Anchorage, AK 99508

(907) 337-1979

Fax (907) 337-1753

March 14, 1995

Senator Dave Donley  
State Capital  
Juneau, AK 99801-1182

Dear Senator Donley,

I would like to commend you on your sponsorship of SD 26. This legislation is long overdue and I wish you success in your endeavor to further the safety and welfare of the citizens of Alaska.

As President of the Public Safety Employee's Association, I represent law enforcement officers working throughout the State of Alaska. We fully endorse legislation that would bring accountability to those juvenile offenders that are involved in dangerous acts. A firearm in the hands of a juvenile can be just as deadly as a firearm in the hands of an adult. These young offenders, who are old enough to know right from wrong, must be held accountable for their actions.

Most of us in law enforcement do believe that these types of offenses committed by a juvenile deserve the same corrective action as that which would be received by an adult. However, where they will be incarcerated, assuming that incarceration is part of the penalty, is of some concern. Regardless, we as citizens can no longer afford to leave the way we handle juveniles status quo. There must be a change and SB 26 is a positive move.

If there is anything I can do to assist in the passage of any legislation such as SB 26 that will bring law and order back to the streets of Alaska feel free to contact me.

Sincerely,



Keith Perrin  
President



# NEA-ALASKA

*Affiliated with the National Education Association*

April 19, 1995

To: Sen. Dave Donley  
FROM: Claudia Douglas, President  
RE: SB 26 "An act relating to offenses by juveniles using fire arms."

NEA-Alaska supports passage of this bill to deter use of firearms by youth. Unfortunately in our state increasing numbers of school-aged students are taking firearms to school. It is our belief that this bill will deter such behavior by forcing the second such offense by a juvenile to be treated as an adult offense.

We are seeking safe schools for our students and the employees of our school systems. This is one way in which we may achieve a level of safety for both students and employees. We urge passage of SB 26.

Thank you for your consideration.

Dear Senator Donley -

I want to express my personal thanks for working for stiffer penalties for people who break the law. Our society has lost all sense of accountability for one's actions. I'm not sure your bill is the best as I know there are a number of similar bills out there. I like what I read. I hope your bill or one like it passes. Society must take a stand against

March 7, 199.

Dear Senator Donley,

Thank you for sending the Wendler PTA a copy of SB26. Our general membership just doesn't meet often or consistently to make this info timely. Our Executive Board received copies of your letter and bill. They may report to you individually but cannot as representatives of the PTA as an organization.

We appreciate all you do for education and our community.

Sincerely,  
Cathy Dunham  
Wendler PTA Secy

ADN  
7/28/95

## Oregon has right idea on juvenile crime

By PAUL JENKINS

While Alaska cannot even bring itself to treat teen-age joy riders as the thieves they are, Oregon is moving in the right direction to combat its growing epidemic of juvenile crime. That state's dragging parents into the justice mix.

Gov. John Kitzhaber last week signed into law the Parental Responsibility Act, a welcome addition to the law books that actually may get results. The Oregon law, which applies only to kids younger than 15, does several things to add parents to the equation.

On the kid's first criminal offense, the parents get a written warning notice. On the second, any fine may be suspended if the parents agree to attend parent effectiveness classes. If junior screws up a third time, the parents may be ordered to pay a fine of up to \$1,000.

The law also provides for restitution to victims, up to \$2,500, and a judge can require parents or legal guardians to sign a probation contract with the court defining their responsibilities while their kid is on probation. If parents break the contract, they face a fine of up to \$1,000, unless they can prove they made a reasonable effort to hold up their end of the deal.



Jenkins

While Oregon's Legislature and governor can take a bow for adopting a common sense approach to juvenile crime, real credit for the law belongs to Silverton, a bedroom community of 6,300 some 15 miles northeast of Salem. The community adopted a Parental Responsibility Ordinance that went into effect Jan. 1. That ordinance spawned the state law.

Silverton Police Chief Randy Lunsford, a 14-year veteran of the department and chief for past five years, says the results since the ordinance went into effect have been nothing less than astonishing.

"About 51 percent of the chargeable crimes committed last year were committed by juveniles," he says. And the kids were graduating from vandalism and curfew violations to more serious crime, he says. But that changed on Jan. 1.

"We're looking at a 55 percent reduction in juvenile crime since then," Lunsford says. "Vandalism, curfew violations, everything but thefts. Thefts have



stayed about the same. And we've had about a 60 percent reduction in run-aways.

"I think part of it is that parents and kids are communicating."

Silverton adopted the ordinance, Lunsford says, as a way to get the parents of kids in trouble to attend parenting classes. A consultant advised the city it was essential; that something like 82 percent of the kids whose parents attended such classes have not been apprehended for another crime, Lunsford says.

About the only resistance, so far, has been from parents forced to attend the classes, he says.

How the law will work statewide is anybody's guess, but the odds are favorable that it will. Parents may take a renewed interest in where junior is going, what he's doing and who he's doing it with if they think they might have to face a judge themselves.

We have no comparable law or ordinance in this city or state. We have a mishmash of laws with pieces here and pieces there to deal with things such as restitution, curfews and the like. But we have no one ordinance, no one state law, setting out exactly what we expect — make that demand — from the parents of kids who get into trouble.

In the meantime, we have too many parents who are not doing their jobs. And too many kids with too many rights. We have kids roaming the streets at all hours of the day and night. We have gangs. We have graffiti. We have vandal-

ism. We have thefts. We have shootings, killings and maimings. When will enough truly be enough? When will we decide to finally deal with the small minority of kids involved in this nonsense? When will we agree their parents ultimately are responsible?

We either must wake up and follow Oregon's lead, or use our common sense and intelligence to fashion even a better law; something clear, concise and easy for parents — and kids — to understand; something that helps and teaches parents while holding them accountable for their kids' actions.

We've gone a long way in this state toward making it tougher on punks — treating the most dangerous as adults and making it easier to bring them to trial, for instance. Now, we need to get parents more involved in being responsible for their offspring.

Admittedly, such a law likely would not solve all our problems. Even Chief Lunsford is pragmatic about his city's ordinance and the new Oregon law; fairly certain that those rapidly dropping crime stats in his town could shoot back up when the polish wears off the new laws.

"This is not the fix-all for juvenile crime problems," he says. "We need other things in the mix, too."

Such a law may not solve all of Alaska's juvenile crime problems either. But it would be a great addition to our mix.

Paul Jenkins is an editor of The Anchorage Times.

Oct. 5 1990



## Juvenile court gets shooting

### 16-year-old won't be tried as adult

A 16-year-old Government Hill boy charged with second-degree murder in the shooting death of a younger boy will be tried in juvenile court, where the proceedings will remain secret, the attorney general's office said Thursday.

Juvenile authorities decided not to refer the case to the district attorney after evaluating the youth's alleged offense and his history, Assistant Attorney General Dianne Olsen said.

In deciding whether a juvenile should be tried in adult court, officials consider four factors: the seriousness of the offense, any history of juvenile delinquency, whether there is probable cause he committed the crime and whether there are juvenile facilities where he can be treated.

The boy is charged with firing a .357-caliber Magnum revolver at the head of a 14-year-old friend whose bedroom he was sharing. Desmond Cleary was killed instantly.

The 16-year-old told police he loaded a single bullet in the revolver, put it to his own head and pulled the trigger. Then he turned

## Student, 15, accused of carrying gun

The Associated Press

A Bartlett High School student accused of concealing a loaded gun at school told police he got the weapon for protection on his way to and from school.

The 15-year-old boy was arrested Wednesday for carrying a concealed weapon and was booked into McLaughlin Youth Center, police investigator Anne Newell said.

Because of the boy's youth, police wouldn't say when he would appear in court.

Police confiscated a gun, small enough to fit in the palm of a hand and loaded with four bullets. School administrators had taken the gun from the boy after being tipped by other students, police said.

"He only had the gun for a brief period of time — days," Newell said. She said the boy was vague about where he got the gun, but he told police it was for protection.

### TODAY'S NEWS AGENDA

**VIOLENT CRIMES COMPENSATION BOARD** meets at 9 a.m. at 425 G St., Suite 85C. Agenda includes administrator's report and claims for compensation.

**DIVISION OF INSURANCE** will hold public hearings from 9 to 10 a.m., from 10 a.m. to noon and from 2 to 4 p.m. on the following proposed regulation changes: regulations in Title 2 of the Alaska Administrative Code dealing with attorney fees and other costs taxed against the insured; establishment of minimum standards for claims-made liability coverage; and broker fee compensation.

**ALASKA HOUSING FINANCE CORPORATION** meets at 10 a.m. at 520 E. 34th Ave. Agenda includes discussion of issuance and sale of 1990 series general

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# Board may expel junior high student

3/31/93 ADN

## Boy loaded gun in school bathroom

By PETER BLUMBERG  
Daily News reporter

A Wendler Junior High School student who loaded a handgun in front of other students in a boys' bathroom last week may be expelled pending the Anchorage School Board's approval, principal Kathy Carmody said Tuesday.

The boy who took the gun to school was reported to the principal by two other students last Thursday morning and was taken away by police, Carmody said. Officials would not release the boy's name.

One of the boys who claims he watched the gun being loaded, Jacob Bailey, said the gun appeared to be a .25-caliber pistol.

Neither Bailey nor Carmody knew where the gun came from.

Bailey, a 14-year-old

eighth-grader, said this week that curiosity drew him and his friend to follow the boy with the gun into the bathroom after he'd bragged about it in the hallway.

Once inside, Bailey said, the boy showed off the weapon and boasted that he could kill people with it.

City law forbids students from taking guns and other dangerous weapons to school, and Bailey said he knew that when he dashed out of the bathroom to report the gun to the principal.

Bailey's mother, Debbie Ansley, said parents need to face up to the fact that guns are showing up more often in the city's schools than in the past.

"People seem to think that this doesn't happen

Please see Page B-3, HANDGUN

## HANDGUN: Pistol carried to school

Continued from Page B-1

here. It happens everywhere else," Ansley said, although she added: "I was pretty amazed that this happened at Wendler. This school has a pretty good reputation."

Carmody said this marks the first time in her four years at Wendler that a student has been caught with a loaded gun on campus. Loaded guns have been confiscat-

ed from students at several other schools citywide.

"The incident looks isolated to us," she said. "He doesn't belong to any particular group that might be suspected of having weapons."

There have been about 10 incidents so far this school year in which school officials have confiscated guns and disciplined students, which is about on par with

last year, said Bill Mell, executive director of secondary education.

Mell said all students are advised to tell an adult right away if they suspect another student has a gun in school.

"Unless the kids talk to us about it, we don't have a chance in controlling this," he said. "Our experience right now is that 99.9 percent of the kids are working right along with us on this."