

**SB**

**320**

**HFIN**

**FILE**

(11)

JUSE COMMITTEE REPC. I

Date Referred to Committee: April 20, 1996

FURTHER REFERRALS:

Date of Committee Action: 5/1/96

The FINANCE Committee considered:

SB 320

SENATE BILL NO. 320

NEW SUPERIOR COURT JUDGE FOR DILLINGHAM

"An Act increasing the number of superior court judges designated for the Third Judicial District to provide an additional superior court judge at Dillingham."

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

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

ADOPTS: [ ] Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[x] fiscal note(s) DOA

[x] fiscal note(s) Senate Courts 4/15/96

[ ] zero fiscal note(s)

[ ] zero fiscal note(s)

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard Foster</i>	Foster	X			
<i>Terry Martin</i>	Martin	X			
<i>John R. Parrell</i>	Parrell	X			
<i>Die. Kohring</i>	Kohring	X			
<i>Ben Grussendorf</i>	Grussendorf	X			
<i>Mike Navarre</i>	Navarre			X	
<i>Tan Brown</i>	Brown	X			
<i>Let's Kelly</i>	Kelly	X			
<i>Gene Therriault</i>	Therriault	X			

CHAIR'S SIGNATURE

*Richard Foster*

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 320

Revision Date: \_\_\_\_\_  
 Title: "An Act to provide an additional superior court judge at Dillingham.  
 Sponsor: Senate Finance Committee  
 Requestor: Senate Finance

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

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	53.7	53.7	53.7	53.7	53.7	53.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT	1.5	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>55.2</b>	<b>53.7</b>	<b>53.7</b>	<b>53.7</b>	<b>53.7</b>	<b>53.7</b>

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

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

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	55.2	53.7	53.7	53.7	53.7	53.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>55.2</b>	<b>53.7</b>	<b>53.7</b>	<b>53.7</b>	<b>53.7</b>	<b>53.7</b>

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

**POSITIONS:**

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

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

See attached sheet.

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

Phone: (907) 264-4412  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/15/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 320

ANALYSIS: (continued)

Currently the Public Defender office in Dillingham is staffed with one attorney and one legal secretary. While there is a significant law enforcement presence in Dillingham, the court system has neither a superior court or district judge at the location. Judges travel to Dillingham from Anchorage approximately once a month to handle the calendar. Additionally, there is no District Attorney's office in Dillingham, as it was closed after ten years of operation approximately two years ago.

The establishment of a superior court judge position in Dillingham will coincide with the District Attorney's plan to reopen its Dillingham office. With these developments the pace of litigation for Public Defender cases will increase dramatically. Rather than preparing each month for a flurry of activity during the trial week (the week the visiting judge travels to Dillingham) the cases will be spread out over a much larger time frame. When an entire trial calendar is compressed into one week, cases tend to settle out short of trial because of the time crunch. With a local superior court judge, and a district attorney presence in the area, there will undoubtedly be more trial activity.

The Dillingham Public Defender office has neither a paralegal nor investigator. It will be necessary to establish a paralegal support position to handle the functions of witness coordination, fact gathering and other support trial preparation. Even with this added position, it is expected that the Dillingham PD will have fewer resources than its complement on the prosecution side.

Without this additional position, the processing of cases will be significantly delayed, creating a backlog for the court system. It is especially critical to have this support position in that it is envisioned that the Dillingham Public Defender attorney will have expanded travelling responsibilities, to include Naknek, Sand Point, Unalaska and St. Paul Island. While the PD staff attorney is off location travelling to these areas, the paralegal will do intake of new cases, to include jail interviews, setting up bail hearings and opening/organizing new case files. The paralegal will also have a role with respect to the coordination of cases in the travelling calendars aforementioned.

BUDGET ANALYSIS

Paralegal Assistant I	53.7
Personal Services	53.7
Equipment (One Time)	<u>1.5</u>
TOTAL	55.2

# FISCAL NOTE

No. 1

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

Bill Version: SB 320

(S) Publish Date: 4/15/96

Revision Date: \_\_\_\_\_  
Title: New superior court judge for Dillingham

Dept. Affected: Alaska Court System  
BRU: Trial Courts

Sponsor: Senate Finance  
Requestor: Senate Judiciary

Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 700

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	201.8	201.8	201.8	201.8	201.8	201.8
TRAVEL						
CONTRACTUAL						
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	23.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>226.8</b>	<b>203.8</b>	<b>203.8</b>	<b>203.8</b>	<b>203.8</b>	<b>203.8</b>

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

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

**Fund Source**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	226.8	203.8	203.8	203.8	203.8	203.8
1006 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>226.8</b>	<b>203.8</b>	<b>203.8</b>	<b>203.8</b>	<b>203.8</b>	<b>203.8</b>

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

**Positions**

Full-Time	2.0	2.0	2.0	2.0	2.0	2.0
Part-Time						
Temporary						

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

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  
Agency: Alaska Court System

Phone: 284-8228  
Date: 04/01/96

Approved by: Arthur H. Snowden, II, Administrative Director  
Agency: Alaska Court System

Date: 04/01/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

11:31 PM  
Rcv 1/96

Page 1 of 2

**Alaska Court System**  
**Fiscal Analysis**  
**SB 320**

**Personal Services**

**Position**

	<b><u>Salary</u></b>	<b><u>Benefits</u></b>	<b><u>Total</u></b>
Superior Court Judge, PFT, 12 months, Dillingham	\$103,588	\$52,795	\$156,391
In-Court Clerk/Secretary, range/step 12A, PFT, 12 months, Dillingham	31,824	13,549	<u>45,373</u>
<b>Total Personal Services</b>			<b><u>201,764</u></b>

**Supplies**

Office supplies for new positions			<u>2,000</u>
-----------------------------------	--	--	--------------

**Equipment (one-time cost)**

Desk, chair, filing cabinet and computer equipment for new positions			7,000
Conversion of public law library to electronic format			<u>16,000</u>
<b>Total Equipment</b>			<b><u>23,000</u></b>

**Estimated Total Cost** **226,764**

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION CENTRAL  
OFFICE  
P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3428  
FAX: (907) 465-4043

OFFICE OF SPECIAL PROSECUTION  
AND APPEALS  
310 K STREET, SUITE 308  
ANCHORAGE, ALASKA 99501-2084  
PHONE: (907) 269-6250  
FAX: (907) 269-6270

## DEPARTMENT OF LAW

CRIMINAL DIVISION

April 23, 1996

The Hon. Brian Porter  
Alaska State Legislature  
State Capitol, Room 118  
Juneau, AK 99801-1182

Dear Representative Porter:

The Department of Law strongly supports SB 320, a bill which creates a new superior court judge position in Dillingham. We believe that creation of this judgeship is essential to our ability to provide adequate criminal justice services to the Bristol Bay region.

I recently traveled to Dillingham with Attorney General Bruce Botelho and Anchorage District Attorney Ken Goldman. While there we participated in a public meeting and heard many residents of the community discuss their criminal justice needs. We also met separately with region leaders, including city officials, school officials, Native leaders, victims' advocates, and police officials. From all we heard the same message - delivery of criminal justice services by those living outside the region simply does not work. Although most of our discussions revolved around the need for a resident district attorney, it is clear that the criminal justice needs of the community will not be met until there is a resident superior court judge.

For example, until there is a superior court judge, grand juries for felony cases arising in the Bristol Bay and Aleutian Chain regions must be conducted in Anchorage, and, because the judges serving this region live in Anchorage, many motion hearings on these cases are heard in Anchorage. This means that the district attorney for the region must spend a significant amount of time in Anchorage handling grand juries and motion hearings.

Although we requested in September 1995 that we be allowed to conduct grand juries on Bristol Bay cases in Dillingham, this request was turned down by the

court system, which concluded "Grand juries require management by a Superior Court judge. That would have to be done telephonically which may be OK in some cases, but in most cases is not appropriate. Our grand juries are convened in areas served by Superior Court judges which makes management of the grand jury that much easier."


This is not the only problem created by the lack of a Superior Court judge. Because the judge travels to Dillingham/Naknek only one week a month, that is the only week available to conduct trials, a period of time that is wholly inadequate. The result of having inadequate time on the calendar is that we are forced to enter into plea agreements in order to avoid having cases dismissed for failure to bring a defendant to trial within 120 days. In other words, there are cases that we cannot pursue at appropriate levels based on the limited court time that is currently available.

I know you share our belief that protecting the public through adequate prosecution of criminal offenses is a priority for all communities in the state. SB 320 is an important step forward in fully protecting the citizens of Bristol Bay and the Aleutian Chain.

Please let me know if you need any additional information about this important legislation.

Very truly yours,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Laurie H. Otto  
Deputy Attorney General

LHO:jf

cc: Senator Rick Halford



CITY OF  
**DILLINGHAM**  
A L A S K A

APR 30 1996

4/11/96

Senator Rick Halford  
Co-Chair Senate Finance Committee  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Senator Halford:

Several weeks ago, 80 to 90 community members met with Bruce Botelho, Laurie Otto, and Ken Goldman to air their concerns about the need to reestablish the District Attorneys office here.

Speaker after speaker expressed their concerns that too many Dillingham cases were being dismissed by the Anchorage District Attorney's office. They stated that this practice does not send the right message because there is little threat of punishment and no incentive to mend ones ways.

Mr. Goldman suggested that the high dismissal rate was caused by improperly prepared cases. This was quite a surprise because we have seen nothing to date to support this contention. I suspect the truth in the matter lies elsewhere. When the District Attorney comes to town, he is extremely busy and very cognizant of airline schedules so he can get back to Anchorage for the weekend.

We mean no disrespect for the Anchorage office because I am sure they are overloaded with work and short on funding. However, the impact of not having local prosecutors and judges will be magnified in future felony cares because there case dismissal are sending the wrong message.

141 Main Street • P.O. Box 889 • Dillingham, Alaska 99576

City Hall (907) 842-5211 • Finance Department • (907) 842-5225 • Public Works • (907) 842-5148 • Fax (907) 842-5691  
Fire Department (907) 842-2288 • Library/Museum (907) 842-5610 • Police Department (907) 842-5354 • Senior Center (907) 842-1231

While the community's original intention were to ask for reinstatement of the District Attorney's office here, Mr. Botelho suggested that justice would be better served to ask for a Superior Court judge and this would automatically require a resident District Attorney. I might add that our courthouse had an office designated for a Superior Court Judge some fifteen years ago but it was never occupied.

In the meantime, the population and crime level has significantly increased.

We are pleased to note that Mr. Botelho's office is supporting your bill SB320 and are gratified that you have taken the time to listen to us. This effort will not only have a beneficial impact on Dillingham but, on all of the communities in Southwestern Alaska.

Thank you again.

Sincerely,

*David F. Bouker*  
David F. Bouker J.E.  
Mayor

HOUSE COMMITTEE REPORT

4/24/96

(7)  
Date Referred to Committee: April 19, 1996

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/24/96

The JUDICIARY Committee considered:

SB 320

SENATE BILL NO. 320

NEW SUPERIOR COURT JUDGE FOR DILLINGHAM

"An Act increasing the number of superior court judges designated for the Third Judicial District to provide an additional superior court judge at Dillingham."

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

[ ] additional referral to \_\_\_\_\_ Committee  
[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
[ ] fiscal note(s) \_\_\_\_\_ [ 2 fiscal note(s) Senate Courts/4-15-96 ]

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

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Brian Porter</i>	Porter	✓			
<i>Joseph Green</i>	Green			✓	
<i>Wm. Bunde</i>	Bunde	✓			
<i>John Toohy</i>	Toohy	✓			
<i>Verzen</i>	Verzen			✓	
<i>Paul Finkelstein</i>	Finkelstein	✓			
<i>Betty Davis</i>	B. DAVIS	✓			
		(5)		(2)	

CHAIR'S SIGNATURE *Brian Porter*  
Porter