

SB

67

HFIN

FILE

SENATE FINANCE COMMITTEE REPORT

Sen. Ellis
Rm. 9

DATE: 3/9/95

FURTHER:

DATE TURNED INTO OFFICE: 3-23-95

The Finance Committee considered SENATE BILL NO. 67

"An Act relating to the crime of unlawful evasion."

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
 House Bill:
 same title
 technical change
 new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
DOA	3/7/95	0	
DOL	3/1/95	0	
CORR	3/9/95	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/6/95

FURTHER: Finance

Date of 5-Day Notice: Jan 21, 1995
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: _____

Judiciary Committee considered SENATE BILL NO. 67

"An Act relating to the crime of unlawful evasion."

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
 House Bill:
 technical change
 new: SCR* _____

SIGNING, DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	✓				
<i>Bill Adams</i>	✓				
<i>Rudolph Green</i>	✓				
<i>J. S. Sells</i>	✓				
<i>1</i>					
CHAIR: <i>Thomas L. Taylor</i>	✓				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Administration Publi. Deener</i>	<i>3/7/95</i>	✓	
<i>Law</i>	<i>3/1/95</i>	✓	
<i>Corrections</i>	<i>1/9/95</i>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FINANCE COMMITTEE REPORT

(11)

Date Referred: April 6, 1995

FURTHER REFERRALS:

Date of Committee Action: 4/28/95

The FINANCE Committee considered:

SB 67

SENATE BILL NO. 67

UNLAWFUL EVASIONS CLASS A MISDEMEANOR

"An Act relating to the crime of unlawful evasion."

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) _____ [] fiscal note(s) _____

[] zero fiscal note(s) _____ 34 [] zero fiscal note(s) DOA 3/9/95

Law 3/9/95 DOC 3/9/95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
Richard J. Foster			X	
Mark Hanley	X			
Walter Mulder			X	
John Kelly			X	
Terry Martin	X			
Sean Parnell	X			
Gene Therriault	X			
Mike Navarre	X			
Fay Brown	X			

CHAIR'S SIGNATURE Mark Hanley Richard J. Foster

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 3

Bill Version: SB 67

(S) Publish Date: 3/9/95

Revision Date: _____
Title: "An Act relating to the crime of unlawful evasion."

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender

Sponsor: Sen. Ellis
Requestor: (S) JUD

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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	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/Prog:am Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) 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: 264-4400
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/9/95

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FISCAL NOTE

No. 2

Bill Version: SB67

B) (S) Publish Date: 3/9/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the crime of unlawful BRU: Prosecution
evasion." Component: All
 Sponsor: Senator Ellis
 Requester: Senator Ellis COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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						
----------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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 (FY95) 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 amends AS 11.56 to consolidate the crimes of unlawful evasion in the first and second degrees into a single offense. Under current law, unlawful evasion in the first degree applies to persons charged or convicted of a felony, and the penalty is a class A misdemeanor. And, currently, unlawful evasion in the second degree applies to persons charged or convicted of a misdemeanor, and the penalty is a class B misdemeanor. The bill has the effect of raising the penalty for a person charged or convicted of a misdemeanor, who fails to return to official detention within the time authorized following temporary leave, or who, while on furlough under AS 33.30, fails to return to the place of confinement or residence, from a class B misdemeanor to a class A misdemeanor. Typically, this offense occurs when an offender walks away from or fails to return to a half-way house or residential treatment center. As a result, the bill treats all unlawful evasion offenses consistently by making them class A misdemeanors. The department believes that the change in penalties is not sufficient to cause many defendants to go to trial. Therefore, a fiscal impact is not expected.

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: 3/1/95
 Date: 3/1/95

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FISCAL NOTE

No. 1

Bill Version: SB 67

BILL NO. 1

(S) Publish Date: 3/9/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: 2/9/95 Dept. Affected: Corrections
 Title: _____ BRU: institutions
 An Act relating to the crime of unlawful evasion Component II institutions
 Sponsor: Rep. Ellis
 Requester: Rep. Ellis COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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	0.0					
----------------------	-----	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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 (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill removes the phrase in the first degree for the crime of unlawful evasion in AS11.56.340 and expands it to include those convicted of a misdemeanor. Sec. 5 of the bill amends AS 33.30.141 to include the changes to AS 11.56.340.

The impact of this bill on DOC are deemed to be negligible based on the following assumptions:

- 1/ Furloughed felons are currently returned to prison in incidents that would be within the scope of of 11.56.340. Thus there would be no additional impact.
- 2/ The Department of Law would continue to prosecute at approximately the same rate.

Prepared by: Jerry Shriner
 Division: Commissioner's Office
 Approved by Commissioner: Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-4640
 Date: 2/9/95
 Date: 2/9/95

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ALASKA STATE LEGISLATURE

Senate Health, Education and
Social Services Committee

Senate Judiciary Committee

Department of Health and Social
Services Budget Subcommittee

Department of Law
Budget Subcommittee



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SENATOR JOHNNY ELLIS

Sponsor Statement

for

Senate Bill 67

An Act relating to the crime of unlawful evasion.

Current law has two degrees of unlawful evasion, which is the failure to return to detention at a correctional facility or a "half-way" house when so required. For individuals charged with or convicted of a felony, the offense of unlawful evasion is a class "A" misdemeanor, carrying a sentence of up to one year. For those charged with or serving time for misdemeanor offenses, the crime becomes unlawful evasion in the second degree and is lowered to a class "B" misdemeanor. SB 67 would eliminate the distinction between first and second degree unlawful evasion, creating a single crime of unlawful evasion with a possible maximum class "A" misdemeanor penalty.

The success of a community corrections program depends on responsibility and trust. An individual serving time for a felony or a serious misdemeanor such as drunk driving earns the privilege of participating in a community corrections program by demonstrating personal responsibility and trustworthiness. Appropriate sanctions for violating that trust must be in place for the system to have the respect of participants.

A class "B" misdemeanor charge for unlawful evasion in the second degree is not considered a serious enough offense to warrant efforts by law enforcement and prosecutors to apprehend and convict offenders. The penalties are relatively insignificant and carry little or no leverage to deter an inmate from simply failing to return to custody when required. It is appropriate that there be only the single crime of unlawful evasion carrying the potential maximum class "A" misdemeanor penalty.

Senate Bill 67 received unanimous support in the Senate Judiciary and Finance Committees.

I urge your support and prompt passage.

ALASKA STATE LEGISLATURE

Senate Health, Education and
Social Services Committee
*
Senate Judiciary Committee
*
Department of Health and Social
Services Budget Sub Committee
*
Department of Law
Budget Sub Committee



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SENATOR JOHNNY ELLIS

SECTIONAL ANALYSIS

SENATE BILL 67

An Act relating to the crime of unlawful evasion

Sections 1 & 2

References to unlawful evasion in the second degree are deleted from statutes referring to the crime of escape in the second and third degree.

Section 3

The crime of unlawful evasion in the second degree is eliminated, leaving the single crime of unlawful evasion for those charged with or convicted of either a felony or misdemeanor who "walk away" from detention, correctional facilities or half-way houses. Unlawful evasion is a class "A" misdemeanor.

Section 4

Cites unlawful evasion and the *former* unlawful evasion in the second degree (repealed by this bill) as offenses creating ineligibility for a concealed handgun permit.

Section 5

References the single crime of unlawful evasion in Department of Corrections statutes.

Section 6

Unlawful evasion in the second degree is repealed.



OFFICIAL BUSINESS

Alaska State Legislature

Nineteenth Legislature - F

Adjourned at 11:31 pm
to April 6, Thursday - 11:00 am

SENATE CALEN

Eightieth Legislative Day

Wednesday - April 5, 1995 - 11:00 a.m.

Chaplain: Pastor A. Gordon Johnson, Resurrection Lutheran Church

SECOND READING OF SENATE BILLS

SB 58

"An Act restricting the use of the title 'industrial hygienist' and related titles and initials."

HES RPT 2DP 2NR

ZERO FISCAL NOTE (LABOR 1)

L&C RPT 1DP 4NR

PREVIOUS ZERO FN (LABOR)

p. 0286
p. 0286
p. 0744
p. 0744

*16-2
Request*

SB 67

"An Act relating to the crime of unlawful evasion."

JUD RPT 5DP

ZERO FNS (CORR 1, LAW 2, ADM 3)

FIN RPT 7DP

PREVIOUS ZERO FNS (CORR LAW, ADM)

p. 0555
p. 0556
p. 0764
p. 0764

18-0-

THIRD READING OF SENATE BILLS

CSSB 85(JUD) AM

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

THIRD READING 4/5 CALENDAR

p. 0848

17-1

CITATIONS - *Approved*

Honoring - Ketchikan Ready for Work Program
Senator(s) Taylor

Honoring - Petty Officer First Class Michael J. Schwemley, 1995 Coast Guardsman of the Year
Senator(s) Zharoff
Representative(s) Austerman

Honoring Larry Matfay on his 88th Year
Senator(s) Zharoff

RECONSIDERATIONS

Taken up

CS FOR SENATE BILL NO. 122(JUD) *hold 4/6 calendar*

"An Act excluding certain direct sellers of consumer products from coverage under the state unemployment compensation laws."