

HB

38

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 38

Revision Date: _____
Title: An Act relating to sentencing of serious felony offenders
Sponsor: Rep. Bunde
Requester: Rep. Bunde

Dept. Affected: Corrections
BRU: all
Component: all
COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|----------------|--------------|--------------|--------------|----------------|----------------|
| PERSONAL SERVICES | 168.2 | 168.2 | | | | |
| TRAVEL | 5.0 | | | | | |
| CONTRACTUAL SUPPLIES | 4,848.0 | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | 206.2 | 412.5 | 618.7 | 824.9 | 1,031.1 | 1,237.4 |
| TOTAL OPERATING | 5,227.4 | 580.7 | 618.7 | 824.9 | 1,031.1 | 1,237.4 |

| | | | | | | |
|----------------------|--|----------|--|--|--|--|
| CAPITAL EXPENDITURES | | 27,472.0 | | | | |
|----------------------|--|----------|--|--|--|--|

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|----------------|-----------------|--------------|--------------|----------------|----------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 5,422.6 | 28,052.7 | 618.7 | 824.9 | 1,031.1 | 1,237.4 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 5,422.6 | 28,052.7 | 618.7 | 824.9 | 1,031.1 | 1,237.4 |

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

POSITIONS

| | | | | | | |
|-----------|---|---|--|--|--|--|
| FULL-TIME | 2 | 2 | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill would mandate a 99 year sentence for a conviction of an unclassified or Class A felony if the offender has been previously convicted of two or more separate "most serious" felonies. This would include attempt, conspiracy or solicitation regarding unclassified or Class A felonies, Assault II, Sexual Assault II, Sexual Abuse of a Minor II and Unlawful Exploitation of a Minor. Offenders sentenced to 99 years under this bill would not be eligible for parole or other forms of early or graduated release. They could apply for sentence reduction after serving one half of the 99 year sentence. The bill mandates consideration of convictions in all other jurisdictions when determining if an offender is subject to the "three strikes of this bill"

Analysis of the Departments prison population indicates 40% of the population of 2775 is incarcerated for a "most serious" felony (.4X2775 = 1110). Analysis further indicates that approximately 20% of the population (.2X2775 = 555) have committed three or more felonies and , of these, 10% have been convicted of three or more "most serious" felonies (.1X 555 = 55.5).

CONTINUED ON ATTACHED PAGES :

Prepared by: Jerry Shriner
Division: Comm. Office
Approved by Commissioner: /s/
Agency: Department of Corrections

Phone: 465-4640
Date: 1/25/95
Date: 1/25/95

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The 99 year sentence is assumed to be a "life" sentence. The estimated life span of a male, by the year 2000, is estimated to be 73.5 years, according to the United States Statistical Abstract. The estimated age at the time of conviction for a most serious felony is estimated to be 28 years, according to the Alaska Judicial Council. Thus, those sentenced under this bill would be incarcerated for 45.5 years, rounded up to 46 years. (Age for males is used, since the prison population is over 95% male.) If allowed to earn statutory good time on a 99 year sentence, the prisoner would still have to serve 66 years. Furlough eligibility would not occur until the prisoner had served 63 years, with good time, and sentence modification allowed under the bill would not occur until after serving 49.5 years. Since the average would be dead prior to meeting these requirements, the provisions governing good time, furlough, and sentence modification are assumed to be irrelevant.

The statewide average cost of incarceration in a state correctional center is \$113 per day. This figure does not include CRC beds, since prisoners under this bill are prohibited from furlough, restitution center placement, etc. This figure includes the standard overhead for medical and administrative costs. This number should be considered to be conservative, since medical expenses for older prisoners doing life sentences are expected to be higher than average.

The average cost for construction of a medium security prison bed in Alaska is \$160,000. It is assumed that prisoners sentenced to life will require high security housing. Capital expenses might be reduced if additional beds were purchased under contract, however there are no contract beds currently available in Alaska for prisoners with higher than minimum custody.

The correctional system cannot absorb any additional prisoners without additional resources. The system has been operating over emergency capacity throughout the past year. Even when all aspects of the department's current population management plan are achieved, only the current overcrowding will be addressed, no including any additional numbers of inmates caused by new legislation. In addition to posing safety hazards, operating over emergency capacity for prolonged periods may result in fines of up to several thousand dollars per day if the department is found in contempt of court for violating population caps.

The cost of maintaining this new population would rise to \$1,237,350 in the sixth year. Because a number of crime bills are pending before the legislature this year, it is difficult to predict the total number of beds by which the prison system may need to be increased, and therefore difficult to predict how and where such beds would be added through new facility construction, facility modification, or contracting. It is not possible to estimate the number of staff positions needed until specific expansion plans are made.

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The table below presents the Department's best estimate of the effect of this bill on the number of additional prison beds that would be needed within the corrections system. Although the increases for various categories of offenses would result over varying periods of time, this method arrives at an aggregate increase in population in order to predict future needs for the prison system. The "% length increase column" in the chart below is the multiplier which reflects the difference between the current average sentence for offenders impacted by this bill and the sentence they would have received if they had been sentenced under this bill. Murder I, Murder II and Kidnapping are excluded since the current average sentence already exceed the expected life span.

| Offense | Total in DOC on 6/30/93 | 10% (3rd repeaters) | Current Prisoner-days | % sent. length increase | Additional Prisoner-days |
|---------------------------------------|-------------------------|----------------------|-----------------------|-------------------------|--------------------------|
| Unclassified Felonies | | | | | |
| SAM I | 153 | 15.3 | 5,584.5 | X 3.54 | 19,769.1 |
| SA I | 178 | 17.8 | 6,497 | | 22,999.4 |
| MICS I | 9 | .9 | 328.5 | | 1,162.9 |
| TOTAL UNCLASSIFIED | | | | | 43,931.4 |
| Class A Felonies | | | | | |
| Assault I | 57 | 5.7 | 2,080.5 | X 3.83 | 7,968.3 |
| Manslaughter | 28 | 2.8 | 1,022 | | 3,914.3 |
| Robbery I | 101 | 10.1 | 3,686.5 | | 14,119.3 |
| Arson I | 6 | .6 | 219 | | 838.7 |
| Escape I | 2 | .2 | 73 | | 279.6 |
| MIW I | 20 | 2 | 730 | | 2,795.9 |
| TOTAL A FELONIES | | | | | 29,916.1 |
| TOTAL ADDITIONAL PRISONER-DAYS | | | | | 73,847.5 |

This suggest that the actual prison population would, over time, increase by 73,848 prisoner-days, or 202 prisoners as a result of the increased sentence lengths required by the bill.

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73,848 prisoner-days X \$113 per day = \$ 8,344,824 operating expenses

202 beds X \$160,000 per maximum bed = \$ 32,320,000 capital expenses

TOTAL ADDITIONAL EXPENSE = \$ 40,664,824

This figure does not include any inflation factor and does not assume any increase in the rate of convictions/incarceration. It does not account for increases in medical costs for a larger, aging population.

Offsetting this number, it would be expected that some savings might be expected in the Community Corrections component, since most of these prisoners would otherwise have been released and supervised on probation or parole under current law. However, the \$6 average cost per day for this supervision is almost negligible compared to the \$113 cost per day of incarceration, and would only be a factor for a relatively small portion of the total sentence.

Another offsetting factor might be the avoidance of costs of new crimes, probably violent, that these chronic types of offenders might be assumed to commit if they were released, under current law. These savings would be experienced by other agencies and departments through avoidance of arrests, investigations, trials, etc.

The fiscal impact of this legislation can be viewed from two fundamentally different ways. One can assume that those sentenced under this bill would have been sentenced for some length of time in any case and therefore the effect of this bill would "kick in" only after that presumed sentence had been served. In the case of the offenders in question here that would be roughly thirteen years from now.

On the other hand one can view the effects as beginning on the day the inmate begins servicing the sentence. In the opinion of the department the latter approach yields the most reliable results in presenting the cost of operating. Further it is the only approach which provides for critical long range planning. Prisoners sentenced under this bill are essentially "lifers" and from the day they walk in the door with that status they are fundamentally different.

It is a more realistic reflection of the impact to state that the Department expects four to six new individuals per year under this bill. Disregarding increases in convictions and incarcerations on the one hand and a reduction of new crimes committed by these inmates on the other; the department expects the population will peak 200 to 250 in approximately 46 years when the first of the group is released or dies of old age while in prison. Thus five new prisoners per year increase the cost of operation of the Department of Corrections by \$206,255 per year each year.

5 prisoners X \$113 per day X 365 days per year = \$206,225.00

The cost of maintaining this new population would rise to \$1,237,350 in the sixth year.

Operating expenses are shown on page 1 as miscellaneous because more a detailed description of staffing and other operating expenses would be purely speculative with out first knowing the design of the facility. Further, it is assumed that site selection, facility design and and program design would require the time of several DOC staff at all levels. Two new full time positions would be necessary in order to meet the responsibilities of DOC to plan and facilitate the project. Therefore the salary of one facilities manager and one criminal justice planner has been included. Preliminary engineering and architectural services have been estimated at fifteen percent of the anticipated cost of the construction project. It is anticipated that this amount would transfered by RSA to DOT & PF.

MEMORANDUM IN SUPPORT

TO: The Honorable Jeannette James, Chair, House State Affairs Committee
The Honorable Con Bunde, Sponsor
The Honorable Members of the House State Affairs Committee

DATE: February 9, 1995

SUBJECT: House Bill 38, A BILL FOR AN ACT ENTITLED :
"An Act relating to criminal sentencing; relating to the availability for
good time credit for offenders convicted of certain first degree
murders; relating to mandatory life imprisonment..."

Violent criminals who willfully violate the law and prey on the public must be punished. And those who continue to commit violent crimes, even after a felony conviction, should not be given the opportunity to harm innocent citizens again.

It is with great hopes for its success in Alaska that NRA CrimeStrike and the NRA members announce our support for House Bill 38, a bill commonly referred to as "Three Strikes, You're Out." We applaud the sponsor, Representative Bunde, for addressing the serious issue of crime and punishment, and urge the State Affairs Committee to favorably report this bill.

The issue of crime has captured the national attention, and rightly so. Every 22 minutes a murder is committed; a rape every five minutes; and a robbery every 47 seconds.

Even Alaska is not immune. In Alaska, a woman is raped every 15 hours; someone is robbed every thirteen hours. In fact, a violent crime is committed in Alaska every two hours and fifteen minutes. Passage of "Three Strikes, You're Out" will help to alleviate the effects of crime on the citizens of Alaska by locking up incorrigible criminals for life.

House Bill 38 is part of a state legislative trend to protect society by incarcerating those most likely to victimize innocent citizens again. Washington State led the way with passage of "Three Strikes" in 1993; California, Georgia, and Virginia, and others passed versions in 1994; and Montana, Ohio, South Carolina, New York and other state legislatures will join Alaska in considering such legislation this year.

Representative Bunde's bill builds upon the foundation of the "Three Strikes" laws passed elsewhere, and includes some unique provisions like the "Old Age Safety Valve" found in sections 5 and 18. In HB 38, a criminal sentenced under the "Three Strikes" law may apply for, and the court may approve, a 50% reduction in sentence after half the time has been served. This provides the correctional department and the state the ability to release those prisoners who have served at least 49 years, and have most probably outlived their proclivity to commit crimes.

Repeat offenders are a serious threat to public safety. According to the National Center for Policy Analysis, the average criminal commits 187-287 crimes a year. With the passage of HB 38, the threat to the public is substantially reduced by taking these repeat offenders off the street.

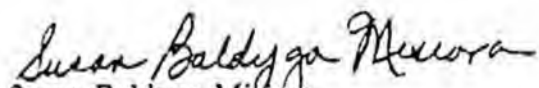
Increased incarceration for violent criminals works to reduce crime, and will work in Alaska if given a chance. As the attached chart demonstrates, Alaska's violent crime rate has roller-coasted as incarceration has declined or increased. When Alaska jailed more criminals, the crime rate decreased. With "Three Strikes" assuring that repeat offenders remain behind bars, the crime rate will show decline.

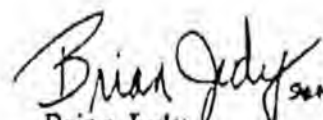
California's decrease in its violent crime rate in the last year is due in part to its passage of "Three Strikes". California Attorney General Dan Lungren reported that commission of major crime in California dropped 7.7% in the first six months of 1994, with homicide down 11.4%, rape down 7.3% and robbery dropping 11.5%. Alaska can hope for similar results.

Though a fiscal commitment must be made to put a criminal in prison for life, in the long run, "Three Strikes" will save Alaska money. The National Center For Policy Analysis reports that it costs taxpayers about \$25,000 a year to keep a criminal in prison. If that criminal is out on the street, committing the 187-287 crimes referenced above, the cost to society is approximately \$2,300 per crime. Added together, one career criminal could cost Alaska \$430,000 annually. California estimates that "Three Strikes" will save taxpayers \$29.5 billion over five years, as the enclosed handout indicates.

Contrary to popular opinion, making the decision to put repeat violent offenders in jail for life is not an easy decision. It requires the political will to stand up against the nay-sayers who preach, despite the overwhelming evidence to the contrary, that increased jail time is not the answer. The introduction, and subsequent passage, of HB 38 proves that Alaska has that will. Again, we respectfully urge a favorable report.

Respectfully submitted,


Susan Baldyga Misiora
Manager, CrimeStrike State Legislative Affairs


Brian Judy
Alaska State Liaison

LOCKING THE REVOLVING DOOR ON CAREER CRIMINALS: 3 STRIKES AND YOU'RE OUT

WHAT IS "THREE STRIKES?" A Three Strikes and You're Out law requires criminals convicted of three separate, usually violent, felonies to serve life in prison without parole. The first was passed in Washington state in 1994, and NRA CrimeStrike "underwrote" the campaign. Today, Three Strikes is sweeping State legislatures, often tailored to meet the needs of individual States such as Georgia's new Two Strikes and You're Out law, and has been signed into Federal law. (Sources: USA Today, "NRA offers its muscle, money to Wash. effort," 3/8/94 and P.L.103-322, Title VII)

THREE STRIKES SAVES LIVES: Criminals released on parole commit additional crime. Within three years, 60% of State parolees are arrested for a felony or serious misdemeanor and overall, 56.6% are returned to prison for committing a new crime or other violation while still on parole. (Sources: U.S. Dept. of Justice, BJS, Recidivism of Prisoners Released in 1983 and National Corrections Reporting Program, 1991)

| Type of Crime | Returned to Prison while on Parole | Successful Completion of Parole |
|---------------|------------------------------------|---------------------------------|
| Violent | 50.9% | 46.1% |
| Property | 58.1% | 41.5% |
| Drug | 58.7% | 42.0% |

Note: Totals not 100% due to absconding, transfer, death, other. (Source: U.S. Dept. of Justice, National Corrections Reporting Program, 1991)

THREE STRIKES SAVES MONEY: It is cheaper to keep criminals in prison than to release them on parole: In 1990, BOTEK Analysis Corporation performed a cost-benefit analysis of the annual cost of incarceration versus cost of crime and found a savings of \$134,000 per inmate per year of incarceration. A similar National Institute of Justice study found a savings of \$405,000 per inmate per year of incarceration. (Sources: U.S. Dept. of Justice, The Case for More Incarceration, 1992, and National Institute of Justice, Research in Brief, Making Confinement Decisions, Edwin Zedlewski, July 1987) The California 3 Strikes and You're Out Committee estimates a net savings to California of \$23 billion over five years, as follows:

| Year | Savings per Year | Costs per Year | Net Savings per Year |
|-----------|------------------|-----------------|----------------------|
| 1995/96 | \$716 million | \$383 million | \$333 million |
| 1996/97 | \$2.626 billion | \$748 million | \$1.878 billion |
| 1997/98 | \$4.873 billion | \$1.223 billion | \$3.650 billion |
| 1998/99 | \$8.437 billion | \$1.777 billion | \$6.660 billion |
| 1999/2000 | \$12.816 billion | \$2.331 billion | \$10.485 billion |

WILL THREE STRIKES RESULT IN AN ELDERLY PRISON POPULATION? Not if the State doesn't want it to. Increasingly, States are drafting Three Strikes statutes that permit but do not require the supervised or other release of inmates upon reaching a certain age, often age 65.

WILL THREE STRIKES PUT THIEVES IN JAIL FOR LIFE? Not if the State doesn't want it to. Statutes can easily be crafted so only violent felonies count as "strikes." Alternatively, some States choose to include "nonviolent" repeat offenders, citing two considerations: 1) "nonviolent" offenders may actually be violent, since 80-90% of all convictions are the result of plea bargains in which the defendant pleads guilty to a lesser, often nonviolent, charge in return for not forcing the State to prosecute the more serious, often violent, charge; and 2) "nonviolent" criminals frequently become violent, since within just three years of release, 19% of "nonviolent" prisoners are arrested for violent crime. (Sources: Criminal Justice?, Bidinotto, p.74; U.S. Dept. of Justice, Violent Crime in the United States, March 1991, p. 15)

3 STRIKES AND YOU'RE OUT Saves Taxpayers Billions!

Five Year Projection

SAVINGS

| | Inmates Added Under 3 Strikes | Savings Per Incarcerated Criminal Per Year | Total Savings Per Year |
|---------------------|-------------------------------------|--|---------------------------|
| 1995/96 | 3,580 | \$200,000 | \$ 716 Million |
| 1996/97 | 13,128 | \$200,000 | \$ 2,626 Million |
| 1997/98 | 24,364 | \$200,000 | \$ 4,873 Million |
| 1998/99 | 42,186 | \$200,000 | \$ 8,437 Million |
| 1999/00 | 64,079 | \$200,000 | \$12,816 Million |
| <hr/> | | | |
| Five Year Totals | 147,337 | | \$29.5 Billion |

COSTS

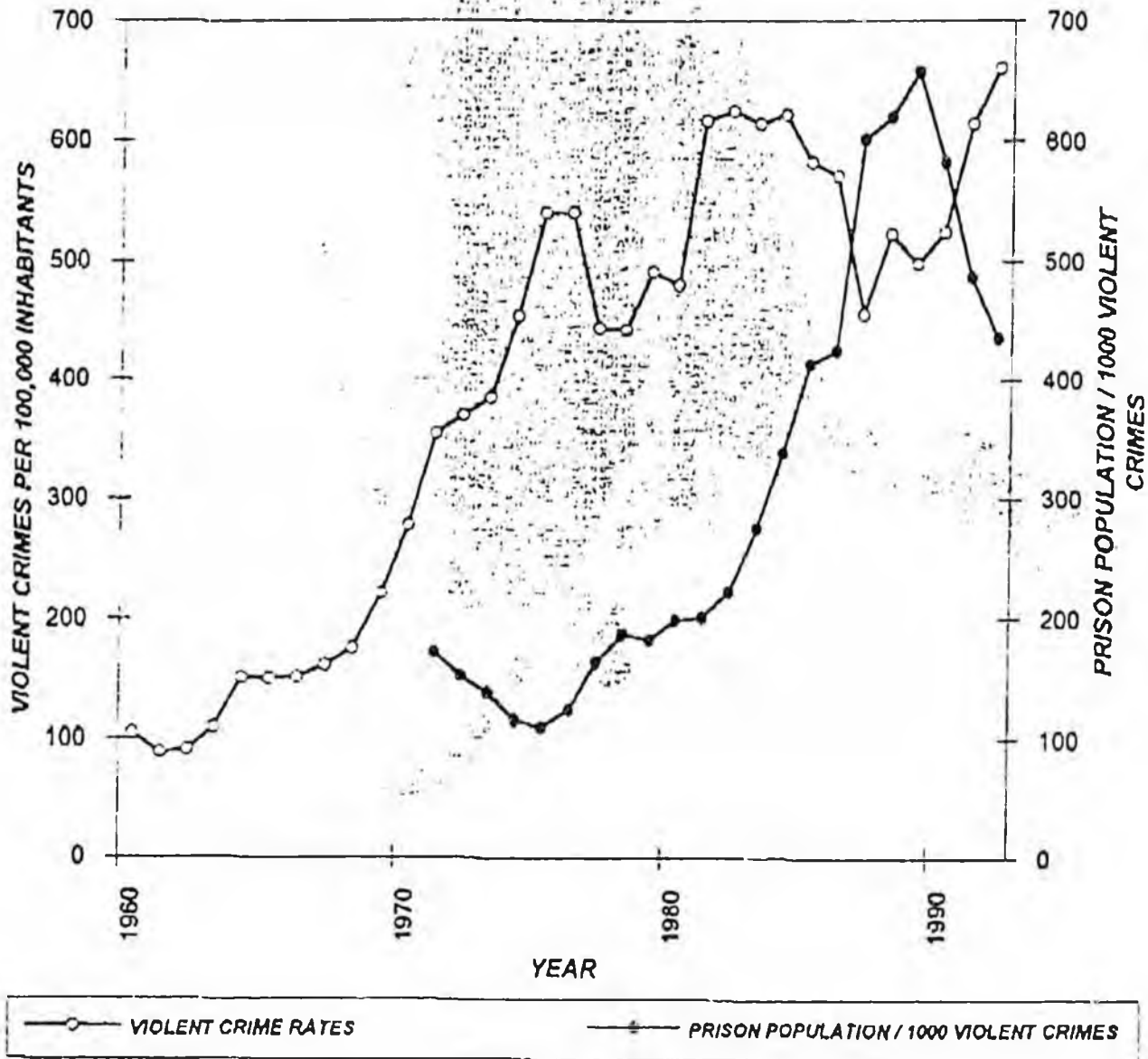
| | Inmates Added Under 3 Strikes | Cost To Incarcerate 3 Strikes Prisoners Per Year | Capital Expenditures (Prison Construction) | Total Annual Costs |
|---------------------|-------------------------------------|--|--|--------------------------|
| 1995/96 | 3,580 | \$ 75 Million | \$308 Million | \$ 383 Million |
| 1996/97 | 13,128 | \$ 310 Million | \$438 Million | \$ 748 Million |
| 1997/98 | 24,364 | \$ 707 Million | \$516 Million | \$1,223 Million |
| 1998/99 | 42,186 | \$1,181 Million | \$596 Million | \$1,777 Million |
| 1999/00 | 64,079 | \$1,658 Million | \$673 Million | \$2,331 Million |
| <hr/> | | | | |
| Five Year Totals | 147,337 | \$3,931 Million | \$2,531 Million | \$6.5 Billion |

Five Year Savings.....\$29.5 Billion
Five Year Costs.....\$ 6.5 Billion

| |
|---|
| <p>5 Year Net Benefit to California.....\$23 Billion</p> |
|---|

Sources: California Department of Corrections and California Office of Planning and Research

VIOLENT CRIME RATES VS. PRISON POPULATION PER 1000 VIOLENT CRIMES (1960 - 1992): ALASKA



Violent Crimes include murder, rape, robbery, and assault.

Compiled from Department of Justice Data by CrimeStrike.

HOUSE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BUNDE

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal sentencing; relating to the availability for good time
 2 credit for offenders convicted of certain first degree murders; relating to mandatory
 3 life imprisonment, parole, good time credit, pardon, commutation of sentence,
 4 modification or reduction of sentence, reprieve, furlough, and service of sentence at
 5 a correctional restitution center for offenders with at least three serious felony
 6 convictions; and amending Alaska Rule of Criminal Procedure 35."

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

8 * Section 1. FINDINGS AND INTENT. (a) The legislature finds that

9 (1) community protection from persistent offenders is a priority for any civilized
 10 society;

11 (2) a large percentage of criminal offenders convicted in this state have prior
 12 criminal histories;

13 (3) punishments for criminal offenses should be proportionate to both the

1 seriousness of the crime and the prior criminal history of the offender;

2 (4) the legislature has a right and the responsibility to determine when to impose
3 a life sentence.

4 (b) By sentencing three-time, most serious offenders to prison for life without the
5 possibility of parole, the legislature intends to

6 (1) improve public safety by placing the most dangerous criminals in prison;

7 (2) reduce the number of serious, repeat offenders by tougher sentencing;

8 (3) set proper and simplified sentencing practices that both victims and persistent
9 offenders can understand; and

10 (4) restore public trust in our criminal justice system.

11 * Sec. 2. AS 12.55.025(e) is amended to read:

12 (e) Except as provided in (g) and (h) of this section, if the defendant has been
13 convicted of two or more crimes, sentences of imprisonment shall run consecutively. If
14 the defendant is imprisoned upon a previous judgment of conviction for a crime, the
15 judgment shall provide that the imprisonment commences at the expiration of the term
16 imposed by the previous judgment. Nothing in AS 12.55.125(a) or (l) limits the court's
17 ability to impose consecutive sentences.

18 * Sec. 3. AS 12.55.125(c) is amended to read:

19 (c) A defendant convicted of a class A felony may be sentenced to a definite term
20 of imprisonment of not more than 20 years, and shall be sentenced to the following
21 presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

22 (1) if the offense is a first felony conviction and does not involve
23 circumstances described in (2) of this subsection, five years;

24 (2) if the offense is a first felony conviction, other than for manslaughter,
25 and the defendant possessed a firearm, used a dangerous instrument, or caused serious
26 physical injury during the commission of the offense, or knowingly directed the conduct
27 constituting the offense at a uniformed or otherwise clearly identified peace officer, fire
28 fighter, correctional officer, emergency medical technician, paramedic, ambulance
29 attendant, or other emergency responder who was engaged in the performance of official
30 duties at the time of the offense, seven years;

31 (3) if the offense is a second felony conviction, 10 years ;

1 (4) if the offense is a third felony conviction and the defendant is not
2 subject to sentencing under (l) of this section, 15 years

3 * Sec. 4. AS 12.55.125(i) is amended to read:

4 (i) A defendant convicted of sexual assault in the first degree or sexual abuse of
5 a minor in the first degree may be sentenced to a definite term of imprisonment of not
6 more than 30 years, and shall be sentenced to the following presumptive terms, subject
7 to adjustment as provided in AS 12.55.155 - 12.55.175:

8 (1) if the offense is a first felony conviction and does not involve
9 circumstances described in (2) of this subsection, eight years;

10 (2) if the offense is a first felony conviction, and the defendant possessed
11 a firearm, used a dangerous instrument, or caused serious physical injury during the
12 commission of the offense, 10 years;

13 (3) if the offense is a second felony conviction, 15 years;

14 (4) if the offense is a third felony conviction and the defendant is not
15 subject to sentencing under (l) of this section, 25 years.

16 * Sec. 5. AS 12.55.125(j) is amended to read:

17 (j) A defendant sentenced to a mandatory term of imprisonment of 99 years under
18 (a) or (l) of this section may apply for a modification or reduction of sentence under the
19 Alaska Rules of Criminal Procedure after serving one-half of the mandatory term without
20 consideration of good time earned under AS 33.20.010.

21 * Sec. 6. AS 12.55.125 is amended by adding a new subsection to read:

22 (l) Notwithstanding any other provision of law, a defendant convicted of an
23 unclassified or class A felony offense shall be sentenced to a mandatory term of
24 imprisonment of 99 years when the defendant has been previously convicted of two or
25 more most serious felonies and the prosecuting attorney has filed a notice of intent to
26 seek a 99-year mandatory sentence. If a defendant is sentenced to a mandatory 99-year
27 sentence under this section,

28 (1) imprisonment for the prescribed mandatory term may not be
29 suspended under AS 12.55.080;

30 (2) imposition of sentence may not be suspended under AS 12.55.085;

31 (3) imprisonment for the prescribed mandatory term may not otherwise

1 be reduced.

2 • Sec. 7. AS 12.55.145(a) amended to read:

3 (a) For purposes of considering prior convictions in imposing sentence under

4 (1) AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), or (i),

5 (A) [(1)] a prior conviction may not be considered if a period of
6 10 or more years has elapsed between the date of the defendant's unconditional
7 discharge on the immediately preceding offense and commission of the present
8 offense unless the prior conviction was for an unclassified or class A felony;

9 (B) [(2)] a conviction in this or another jurisdiction of an offense
10 having elements similar to those of a felony defined as such under Alaska law at
11 the time the offense was committed is considered a prior felony conviction;

12 (C) [(3)] two or more convictions arising out of a single,
13 continuous criminal episode during which there was no substantial change in the
14 nature of the criminal objective are considered a single conviction unless the
15 defendant was sentenced to consecutive sentences for the crimes; offenses
16 committed while attempting to escape or avoid detection or apprehension after the
17 commission of another offense are not part of the same criminal episode or
18 objective;

19 (2) AS 12.55.125(l),

20 (A) a conviction in this or another jurisdiction of an offense
21 having elements similar to those of a most serious felony is considered a prior
22 most serious felony conviction;

23 (B) of the two or more previous most serious felony
24 convictions, at least one of the previous convictions must have occurred
25 before the commission of any of the other most serious felony offenses and
26 at least one of the other most serious felony convictions must have occurred
27 prior to the commission of the present felony offense.

28 * Sec. 8. AS 12.55.145(c) is amended to read:

29 (c) The defendant shall file with the court and serve on the prosecuting
30 attorney notice of denial, consisting of a concise statement of the grounds relied

1 upon and that may be supported by affidavit or other documentary evidence, no
2 later than 10 ~~days~~ s before the date set for the imposition of sentence if [IF] the
3 defendant

4 (1) denies

5 (A) the authenticity of a prior judgment of conviction;

6 (B) [,] that the defendant is the person named in the judgment;

7 (C) [,] that the elements of a prior offense committed in this or
8 another jurisdiction are similar [SUBSTANTIALLY IDENTICAL] to those of
9 a

10 (i) felony defined as such under Alaska law;

11 (ii) most serious felony, defined as such under Alaska

12 law;

13 (D) [, OR] that a prior conviction occurred within the period
14 specified in (a)(1)(A) [(a)(1)] of this section; or

15 (E) that a previous conviction occurred in the order required
16 under (a)(2)(B) of this section; or

17 (2) [IF THE DEFENDANT] alleges that two or more purportedly
18 separate prior convictions should be considered a single conviction under (a)(1)(C)
19 [(a)(3)] of this section [, THE DEFENDANT SHALL FILE WITH THE COURT AND
20 SERVE ON THE PROSECUTING ATTORNEY NOTICE OF DENIAL NO LATER
21 THAN 10 DAYS BEFORE THE DATE SET FOR IMPOSITION OF SENTENCE.
22 THE NOTICE OF DENIAL MUST INCLUDE A CONCISE STATEMENT OF THE
23 GROUNDS RELIED UPON AND MAY BE SUPPORTED BY AFFIDAVIT OR
24 OTHER DOCUMENTARY EVIDENCE].

25 * Sec. 9. AS 12.55.145(d) is amended to read:

26 (d) Matters alleged in a notice of denial shall be heard by the court sitting without
27 a jury. If the defendant introduces substantial evidence that the defendant is not the
28 person named in a prior judgment of conviction, that the judgment is not authentic, that
29 the conviction did not occur within the period specified in (a)(1)(A) [(a)(1)] of this
30 section, [OR] that a conviction should not be considered a prior felony conviction under

1 (a)(1)(B) [(a)(2)] of this section or a prior most serious felony conviction under
2 (a)(2)(A) of this section, or that a previous conviction did not occur in the order
3 required under (a)(2)(B) of this section, then the burden is on the state to prove the
4 contrary beyond a reasonable doubt. The burden of proof that two or more convictions
5 should be considered a single conviction under (a)(1)(C) [(a)(3)] of this section is on the
6 defendant by clear and convincing evidence.

7 * Sec. 10. AS 12.55.145 is amended by adding a new subsection to read:

8 (f) Under this section, a prior conviction has occurred when a defendant has
9 entered a plea of guilty, guilty but mentally ill, or nolo contendere, or when a verdict of
10 guilty or guilty but mentally ill has been returned by a jury or by the court.

11 * Sec. 11. AS 12.55.155(c)(20) is amended to read:

12 (20) the defendant was on furlough under AS 33.30 or on parole or
13 probation for another felony charge or conviction that would be considered a prior felony
14 conviction under AS 12.55.145(a)(1)(B) [AS 12.55.145(a)(2)];

15 * Sec. 12. AS 12.55.185 is amended by adding a new paragraph to read:

16 (14) "most serious felony" means any unclassified or class A felony
17 prescribed under AS 11 or an attempt or conspiracy to commit, or criminal solicitation
18 under AS 11.31.110 of, an unclassified or class A felony prescribed under AS 11.

19 * Sec. 13. AS 33.16.090(b) is amended to read:

20 (b) Except as provided in (e) of this section, a prisoner is not eligible for
21 discretionary parole during the term of a presumptive sentence; however, a prisoner is
22 eligible for discretionary parole during a term of sentence enhancement imposed under
23 AS 12.55.155(a) or during the term of a consecutive or partially consecutive presumptive
24 sentence imposed under AS 12.55.025(e) or (g). A prisoner sentenced to a mandatory
25 99-year term under AS 12.55.125(a) or (l) is not eligible for discretionary parole during
26 the entire term.

27 * Sec. 14. AS 33.20.010(a) is amended to read:

28 (a) Except as provided in (b) of this section and notwithstanding
29 AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner convicted of an offense against the
30 state or a political subdivision of the state and sentenced to a term of imprisonment that
31 exceeds three days is entitled to a deduction of one-third of the term of imprisonment

1 rounded off to the nearest day if the prisoner follows the rules of the correctional facility
2 in which the prisoner is confined. A prisoner is not eligible for a good time deduction
3 if the prisoner has been sentenced to a mandatory 99-year term of imprisonment
4 under

5 (1) AS 12.55.125(a) after the effective date of this Act; or

6 (2) AS 12.55.125(l).

7 * Sec. 15. AS 33.30.101 is amended by adding a new subsection to read:

8 (c) The regulations adopted under (a) of this section may not provide for the
9 granting of a furlough of any type to a prisoner sentenced to a mandatory 99-year term
10 of imprisonment under AS 12.55.125(l) unless the prisoner is at all times in the direct
11 custody of a correctional officer while the prisoner is away from the correctional facility.

12 * Sec. 16. AS 33.30.161(b) is amended to read:

13 (b) To be eligible to serve time in a correctional restitution center, the prisoner

14 (1) must be employable or eligible to work on community service
15 projects approved by the commissioner and agree to secure employment or participate in
16 community service projects and obey the rules of the center;

17 (2) may not be serving a sentence for conviction of an offense

18 (A) involving violence or the use of force;

19 (B) under AS 11.41.320, 11.41.330, or AS 11.56.740;

20 (3) may not have been convicted of a felony offense, in the state or
21 another jurisdiction, involving violence or the use of force; [AND]

22 (4) may not have been convicted of an offense under AS 11.41.410 -
23 11.41.470 or an offense in the state or another jurisdiction having elements substantially
24 identical to an offense under AS 11.41.410 - 11.41.470; and

25 (5) may not have been sentenced to a mandatory 99-year term of
26 imprisonment under AS 12.55.125(l).

27 * Sec. 17. APPLICABILITY. References to prior or previous convictions in this Act apply
28 to all convictions occurring before, on, or after the effective date of this Act.

29 * Sec. 18. AS 12.55.125(j), amended by sec. 5 of this Act, has the effect of amending Alaska
30 Rule of Criminal Procedure 35 by permitting a court to reduce or modify a mandatory sentence
31 of imprisonment of 99 years imposed under AS 12.55.125(l) after the defendant has served one-

1 half of the mandatory term.

HB 38

-8-

New Text Underlined (DELETED TEXT BRACKETED)

REPRESENTATIVE CON BUNDE
CO-CHAIR HEALTH, EDUCATION
& SOCIAL SERVICES
VICE-CHAIR RULES

Alaska State Legislature
House of Representatives

DURING SESSION:
STATE CAPITOL, ROOM 108
JUNEAU, ALASKA 99801-1182
1 (907) 465-4843

DURING INTERIM:
716 WEST 4th AVENUE
ANCHORAGE, ALASKA 99501-2133
1 (907) 258-8168

DATE: January 31, 1995

TO: Rep. Jeanette James
Chair House State Affairs Committee

FROM: Representative Con Bunde
Co-Chair House HESS Committee

RE: request for a committee hearing

This memo is a request for a House State Affairs Committee hearing for HB 38.

HB 38, also known as 3-Strikes you're out, requires a mandatory 99-year sentence for an offender convicted of a third Class A or unclassified felony offense. The 99-year sentence will only be required if an offender has two separate prior class A or unclassified felony convictions.

The proposed legislation will help stop the revolving prison door. Additionally, this legislation will serve as a deterrent to many repeat offenders and may cause some to move to a state where their career of crime is not in danger of ending with a 99 year sentence.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 17, 1995

SUBJECT: Sectional Summary HB 38 (Work Order No. 9-LS0187A)

TO: Representative Con Bunde
Attn. Pattie Swenson

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

You have requested a sectional summary of the above-described bill, please be advised that a sectional summary is not an authoritative statement of a bill and what it does - the bill is the best statement of its contents.

Section 1 of the bill provides findings and intent.

Section 2 of the bill amends AS 12.55.025(e) by clarifying that mandatory 99-year terms for certain three time felony offenders, added by sec. 6 of the bill, do not affect the court's ability to impose consecutive sentences.

Section 3 of the bill amends AS 12.55.125(c) by providing a conforming change to make it clear that the presumptive sentences provided in that subsection only apply if the defendant is not subject to sentencing as a third most serious felony offender under Sec. 6 of the bill.

Section 4 of the bill amends AS 12.55.125(i) by providing a conforming change to make it clear that the presumptive sentences provided in that subsection only apply if the defendant is not subject to sentencing as a third most serious felony offender under Sec. 6 of the bill.

Section 5 of the bill amends AS 12.55.125(j) to provide that a person sentenced to a mandatory term of 99 years under sec. 6 of the bill may apply to the court for a sentence reduction after serving one half of the sentence.

Section 6 of the bill amends AS 12.55.125 by providing a new subsection (l) that requires a court to sentence a defendant convicted of an unclassified or class A felony to a mandatory 99-year term of imprisonment when the defendant has been previously convicted of at least two most serious felonies. This section also provides that the mandatory 99-year term may not be suspended or reduced.

Section 7 of the bill amends AS 12.55.145(a) to explain how a conviction can qualify as a prior most serious felony conviction for purposes of sentencing under sec. 6 of the bill.

Section 8 of the bill amends AS 12.55.145(c) to provide the procedure by which a defendant may challenge the use of a conviction as a prior most serious felony conviction at sentencing under sec. 6 of the bill.

Section 9 of the bill amends AS 12.55.145(d) relating to the burden of proof of showing that a conviction is a prior most serious felony conviction for purposes of sentencing under sec. 6 of the bill.

Section 10 of the bill amends AS 12.55.145 by adding a new subsection (f) that explains when a prior conviction has occurred for use at sentencing under AS 12.55.145.

Section 11 of the bill amends AS 12.55.155(c)(20) by providing a conforming change to the change made in sec. 7 of the bill.

Section 12 of the bill amends AS 12.55.185 by adding a new paragraph (14) that provides a definition of what is a "most serious felony."

Section 13 of the bill amends AS 33.16.090(b) to provide that a person receiving a mandatory 99-year term under AS 12.55.125(l) is not eligible for discretionary parole during the entire 99-year term.

Section 14 of the bill amends AS 33.20.010(a) to provide that a person receiving a mandatory 99-year term under AS 12.55.125(a)(after the effective date of this bill) or AS 12.55.125(l) may not earn good time deductions from the 99-year term.

Section 15 of the bill amends AS 33.30.101 by adding a new subsection (c) that provides that furlough regulations may not allow for the granting of a furlough to any inmate serving a mandatory 99-year term under AS 12.55.125(l) except in certain limited instances.

Section 16 of the bill amends AS 33.30.161(b) by adding a new paragraph (5) that provides that an inmate serving a mandatory 99-year term under AS 12.55.125(l) may not serve the inmate's sentence in a correctional restitution center.

Section 17 of the bill provides an applicability section.

Section 18 of the bill provides notice that the change made in sec. 5 of the bill has the effect of modifying Alaska Rule of Criminal Procedure 35 which thereby necessitates a two-thirds vote.

UNCLASSIFIED AND CLASS A FELONY OFFENSES

Unclassified Felonies

| | |
|--------------|---|
| AS 11.41.100 | Murder in the First Degree |
| AS 11.41.110 | Murder in the Second Degree |
| AS 11.41.300 | Kidnapping |
| AS 11.41.410 | Sexual Assault in the First Degree |
| AS 11.41.434 | Sexual Abuse of a Minor in the First Degree |
| AS 11.71.010 | MICS in the First Degree |

Class A Felony Offenses

| | |
|--------------|---|
| AS 11.41.120 | Manslaughter |
| AS 11.41.200 | Assault in the First Degree |
| AS 11.41.500 | Robbery in the First Degree |
| AS 11.46.400 | Arson in the First Degree |
| AS 11.56.300 | Escape in the First Degree |
| AS 11.61.190 | Misconduct Involving Weapons in the First Degree |
| AS 11.61.240 | Criminal Possession of Explosives (for murder/kidnapping) |
| AS 11.66.110 | Promoting Prostitution in the First Degree |
| AS 11.71.020 | MICS in the Second Degree |

(sale of weapons)

Crimes against the person, as defined in AS 33.30.901, include only offenses under AS 11.41.

Memorandum

State of Alaska
 Department of Corrections
 Division of Administrative Services
 (907) 276-8122 Fax (907) 258-7312
 800 A Street, Suite 102, Anchorage, Alaska

To: Diane Schenker
 Special Assistant

Date: November 4, 1993

From: Steve Schwartz *S. Schwartz*
 Research Analyst IV
 Department of Corrections

File: A-1-8A
 Subject: Rep. Bunde request

The information requested from Rep. Bunde offices is as follows:

Inmate population on November 4, 1993 is 2,692 (In-state, out-of-state - excludes CRCs).

- Inmates with two felony cases is 560 or 20.8%
- Inmates with three felony cases is 253 or 9.4%
- Inmates with four felony cases is 123 or 4.6%
- Inmates with five or more felony cases is 133 or 4.9%

Rep. Bunde's original question was; "What percentage of prisoners in our present population have returned to jail after three felony convictions?" This percentage is 9.5% .

Thank you.

| | | | |
|--|---------------|------------|---|
| Post-It™ brand fax transmittal memo 7671 | | # of pages | 1 |
| TO | Patti Swenson | | |
| FROM | D. Schenker | | |
| CO. | Rep. Bunde | | |
| DEPT. | DOC | | |
| PHONE # | | | |
| FAX # | | | |

HIGHLIGHTS

In 1960:

- ❖ There was a total of 3,384,200 million crimes reported to law enforcement authorities.
- ❖ The chance of being a victim of a crime was 1 in 53.
- ❖ There was a total of 288,460 million violent crimes reported to law enforcement authorities.
- ❖ The chance of being a victim of a violent crime was 1 in 622.
- ❖ While crimes were escalating throughout the 1960s, the actual prison population was on the decline: the aggregate national prison population fell from 190,000 in 1960 to 174,000 in 1972.

By 1980:

- ❖ There were 13,408,300 million crimes reported to law enforcement authorities.
 - ❖ The crime rate had risen over 215 percent above its 1960 level.
 - ❖ The chance of being a victim of crime was 1 in 17.
 - ❖ There were 1,344,520 million violent crimes reported to law enforcement authorities.
 - ❖ The violent crime rate had risen over 270 percent. The chance of being a victim of a violent crime was 1 in 168.
- ❖ From 1960 to 1980, the states that had the largest increases in imprisonment rates had the smallest increases in crime rates; while the states that had the sharpest decline in their incarceration rates had the largest increases in crime rates. The trend continued from 1980 to 1992.
- ❖ While the trends in each state are consistent, great differences exist among the states as to the degree of change. Between 1960 and 1980 the crime rate in California increased more than 125 percent, while in New Hampshire the crime rate increased over 579 percent.

By 1992:

- ❖ Crime rates had increased but had been curbed. There was a total of 14,438,200 million crimes reported to law enforcement authorities.
 - ❖ The crime rate was 200 percent above its 1960 level.
 - ❖ The chance of being a victim of a crime was 1 in 18.
 - ❖ Violent crime had soared to 371 percent above its 1960 level.
 - ❖ There were 1,932,246 million violent crimes reported to law enforcement authorities.
 - ❖ The chance of being a victim of a violent crime was 1 in 132.
- ❖ Since 1987, the percentage of juvenile arrests for violent crimes has increased more than 50 percent.
- ❖ In 1991, people under the age of 21 were responsible for more than one-third of all murders in the country.
- ❖ Today, a woman faces four times the chance of being raped than in 1960. In 1960 a woman's chance of being raped was 1 in 10,400; in 1980 it was 1 in 2,717.
- ❖ In the ten states with the highest increases in incarceration rates between 1980 and 1992, crime rates were substantially reduced. Even so, in all ten states their crime rates are more than double their 1960 levels. The states are: New Hampshire, New Jersey, California, Connecticut, Massachusetts, Arizona, Rhode Island, Idaho, Alaska, and Delaware.
- ❖ Approximately, one-third of all violent crimes are committed by an offender who is on probation, parole or pretrial release. This year more than 1,200 violent crimes will be committed every day by convicted felons on probation or parole; almost 700 more will be committed by a defendant on pretrial release.
- ❖ In 1990, the average prison sentence for all felony offenses which resulted in a prison sentence was 6 years, 6 months. However, the actual time served in prison for that sentence was 2 years, 1 month, only one-third of the sentence imposed.
- ❖ In 1990, the average prison sentence for violent offenses which resulted in a prison sentence was 9 years, 11 months; the time served was 3 years, 9 months, or 38 percent of the sentence imposed.
- ❖ From 1960 to 1991 the correctional expenditure per adult inmate increased by nearly double.

❖ In California, the Federal Court has dictated the number of changes of clothes which must be provided inmates each week.

It is unlikely that this understanding of the Eighth Amendment (which forbids "cruel and unusual punishment") is within the intent of the U.S. Constitution. The extraordinary burdens placed by Federal Courts on state corrections authorities have contributed to an escalation in prison costs. From 1960 to 1990, per-inmate operating costs (current expenditures) nearly doubled (inflation adjusted.)

Immense savings in direct costs to the public, as well as a significant reduction in crime with its consequent savings in both financial cost and human suffering, could be realized simply by putting and keeping more convicted offenders in prison. This is not an impossible task.

If the cost per inmate had remained within the inflation rate since 1960, nearly an additional \$5.5 billion would have been available in 1990 alone for additional corrections capacity, tax reductions, or other public services. Some states achieved this level of cost control and better; the operating cost per inmate actually decreased in New Hampshire, Delaware and Oregon.

When prisoners are provided better institutional living conditions than they have available outside of prison, one of the primary purposes of punishment is undercut. "The infliction of disutility...is one of the objectives of criminal punishment; only if the only objective of punishment were incapacitation could it be argued that living conditions should be as comfortable in prison as outside."³



TABLE 2.1: AVERAGE ESTIMATED TIME SERVED BY TYPE OF OFFENSE

| Offense | Percent of Sentence Served | Mean Prison Sentence | Estimated Time Served |
|------------------------|----------------------------|-----------------------|-----------------------|
| All Offenses | 33.0% | 6 yrs., 3 mos. | 2 yrs., 1 month |
| Violent Offenses | 38.0% | 9 yrs., 11 mos. | 3 yrs., 9 mos. |
| Murder | 43.0% | 20 yrs., 3 mos. | 8 yrs., 8 mos. |
| Rape | 39.0% | 13 yrs., 4 mos. | 5 yrs., 2 mos. |
| Robbery | 39.0% | 9 yrs., 7 mos. | 3 yrs., 9 mos. |
| Aggravated Assault ... | 34.0% | 6 yrs., 6 mos. | 2 yrs., 2 mos. |
| Other | 34.0% | 7 yrs., 1 month | 2 yrs., 5 mos. |
| Property Offenses ... | 29.0% | 5 yrs., 5 mos. | 1 year, 7 mos. |
| Burglary | 32.0% | 6 yrs., 8 mos. | 2 yrs., 2 mos. |
| Larceny | 27.0% | 4 yrs., 1 month | 1 year, 1 month |
| Fraud | 28.0% | 4 yrs., 10 mos. | 1 year, 4 mos. |
| Drug Offenses | 29.0% | 5 yrs., 6 mos. | 1 year, 7 mos. |
| Possession | 27.0% | 4 yrs., 1 month | 1 year, 1 month |
| Trafficking | 31.0% | 6 yrs., 2 mos. | 1 year, 11 mos. |
| Weapons Offenses ... | 40.0% | 4 yrs., 2 mos. | 1 year, 8 mos. |

Source: Bureau of Justice Statistics, "Felony Sentences in State Courts, 1990"

³ Davenport v. DeRobertis, 844 F.2d 1310, 1313 (7th Cir. 1988) (Posner, J.).

Western District of Washington¹, called on the LECC Advisory Board² to form a Triggerlock Task Force. This Task Force will meet on a regular basis to develop and implement strategies to "lock the triggers" of violent criminals - permanently. These criminals, especially repeat offenders, have demonstrated that only incarceration keeps them from committing new crimes. Recent FBI statistics reflect that violent crime was up 10 percent in 1991. Further studies show that 6 percent of the criminal population is committing 70 percent of the crime. One of the most effective ways to combat the armed criminal is to target these individuals and vigorously investigate, prosecute and imprison them. The Triggerlock Task Force will actively pursue drug traffickers and violent offenders, such as murderers, rapists, gang leaders -- virtually anyone who uses a gun in the commission of a crime is a potential target.

¹The Western District of Washington is comprised of the 19 counties West of the crest of the Cascades - Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum and Whatcom Counties.

²The LECC Advisory Board is comprised of representatives from throughout Western Washington. City Agencies: Patrick Fitzsimons, Chief, Seattle Police Department; Rod Frederiksen, Chief, Vancouver Police Department; Don Pierce, Chief, Bellingham Police Department. County Agencies: C. Dan Clem, Kitsap County Prosecutor; Norm Maleng, King County Prosecutor, H. Steward Menefee, Grays Harbor County Prosecutor; Jim Scharf, Snohomish County Sheriff. State Agencies: Ken Eikenberry, Washington State Attorney General; George Tellevik, Chief, Washington State Patrol. Federal Agencies: William D. Gore, Special Agent-in-Charge, Federal Bureau of Investigation; Dixon McClary, Special Agent-in-Charge, Environmental Protection Agency; Ray McKinnon, Special Agent-in-Charge, Drug Enforcement Administration; Chris Nelson, Special Agent-in-Charge, Bureau of Alcohol, Tobacco and Firearms; Noreen Skagen, United States Marshal; Steve Carlisle, LECC Manager. Canadian Agency: John Sebastian, Chief Superintendent, Royal Canadian Mounted Police.

There are times when state laws do not provide appropriate sanctions against gun-using offenders. Federal prosecutions emanating from state violations can be of enormous help. Project Triggerlock has a simple, effective design - federal firearms laws carry tough penalties. They will now be fully employed against gun-using violators not only of federal laws, but of certain state and local laws as well. Absent evidentiary problems, there will be no plea bargains.

Since career criminals and violent offenders are normally encountered while committing street crime, their cases are usually investigated and prosecuted at the state and county levels. Project Triggerlock is not intended to compete with or supplant the traditional local response to violent criminals and career criminals. Rather, it is intended to assist state and local authorities in this area of enforcement by providing a method to refer those violent offenders who use or possess a firearm and are such a menace to their communities that a lengthy, mandatory prison term is the only appropriate response.

STRATEGY

The Triggerlock Task Force for the Western District of Washington will focus on three goals:

'Revolving door' syndrome feeds cycle of violence

By Sam Vincent-Meddis
USA TODAY

In Washington, D.C., a teenager facing charges of deadly assault goes joy-riding while free on \$1,000 bond. He fatally shoots a woman in another car because he feels like "bustin' somebody."

In Hugo, Okla., a 39-year-old with a record of assault and property crimes buys an assault weapon and kills two people, wounds three others, then kills himself.

Many blame the easy access to guns for such carnage. But similarly under fire is a justice system that, to critics, seems to do little more than recycle criminals to the streets.

That outrage has sparked calls for a crackdown on repeat criminals nationwide: Washington state voters approved stiffer sentencing last year, and California voters consider an initiative this fall.

About 30 states are weighing similar measures, most of which provide long sentences without early parole for many repeat offenders.

"People have just had it — they don't want to live with the fear anymore," says Paul McNulty of the First Freedom Coalition, a group that advocates stiff crime penalties.

Looking at the numbers, repeat crime seems to be becoming the nationwide norm:

▶ About 60% of prison inmates have been behind bars before, according to a U.S. Bureau of Justice Statistics study: 44% were on probation or pa-

'3 strikes, you're out' likely in California

If what could spark a new wave of citizen action nationwide, California voters are expected to approve a crackdown on career criminals in a November 1994 ballot measure.

The measure, known as "Three Strikes and You're Out," would double sentences for criminals convicted of second serious felonies — and require a minimum of 25 years to life for a third offense.

Thirty other states are considering similar measures to toughen sentences for repeat offenders.

Gov. Pete Wilson supports the concept, and supporters appear to have easily topped the 385,000 signatures needed to place it on the 1994 ballot.

The initiative has been pushed by Fresno photographer Mike Reynolds, whose 18-year-old daughter was killed by a parolee in June.

role when re-arrested.

▶ A mere 108,000 criminals in one federal study had a staggering 1.9 million arrests between them.

Recent U.S. and Pennsylvania studies found about 6% of criminals commit nearly 70% of violent crimes.

Targeting those criminals sounds simple. The reality is tougher.

COMPLIMENTS OF THE
ALASKA STATE LIBRARY

Violent crime up fivefold from '60s, legislators report

Cox News Service

WASHINGTON — Americans are almost five times more likely to be the victim of a violent crime in the 1990s than in 1960, the nation's state legislators reported Wednesday.

But "getting tough works," they said. States that increased their incarceration rates the most tended to reduce their violent crime rates the most, the lawmakers

Report Card on Crime and Punishment" showed.

"The message here is unequivocal. Leniency is associated with higher crime rates; getting tough brings crime rates down," said Samuel Brunelli, executive director of the American Legislative Exchange Council, the nation's largest bipartisan association of state legislators.

The group released a study analyzing FBI crime statistics be-

tween 1960 and 1992 that shows how America has become a dramatically more dangerous place to live during the past three decades. In 1960, an American's chance of being a victim of a violent crime were 1 in 622. By 1992, the odds were 1 in 132.

"When the odds of being a victim of a violent crime increase five times over 32 years, there is an obvious problem with Ameri-

ca's criminal justice system," said Brunelli.

"Today, criminals' rights are protected over victims," he said. "The result is our schools, streets, neighborhoods and homes are unsafe, and crime is clearly the leading cause of America's decaying social fabric."

The report indicated that violent crime could be reduced by keeping known criminals off the streets.

ZERO DOWN!

\$9,261

Total Cost*

\$7,086

Total Cost*

\$7,834

Total Cost



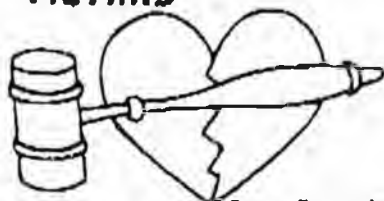
All Used Cars
Come With A
Free 60-Day
Power Train
Warranty And
A Free 30-Day
Trial Exchange
Policy!

'85 Nissan Pulsar \$49/Mo.
#11200 • Sale Price \$1,695 • \$517 Down
24 mos @ 8.25% • Deferred Pymt. \$1,693

'92 Chevy Corsica \$129/Mo.
#7649A • Sale Price \$6,995 • \$1,763 Down
48 mos @ 8.25% • Deferred Pymt. \$6,192

'87 Olds. Cutlass \$59/Mo.
#1107CP • Sale Price \$1,995 • \$698 Down
24 mos @ 8.25% • Deferred Pymt. \$2,114

'84 Chevy Pick-up \$80/Mo.

VICTIMS

Representative Con Bunde
 State Capital, Room 108
 Juneau, Alaska 99801-1182
 Fax 1 (907) 465-3871

Jan A. 1994

HB 38

Dear Representative Bunde,

Victims for Justice strongly supports "3 Strikes, You're Out". The "revolving door" system costs the state an enormous amount of money in law enforcement and legal fees each year, with no count of cost to the victims. It is time to stop this nonsense!

According to a study done by the Justice Department; of all crimes committed in this nation, only 15-20% of the criminals are apprehended and only 2-3% go to prison. Furthermore, 75-80% of all criminals who are released from prison reoffend within 36 months for the same offense!

Justice Charles L. Weltner sums it up well saying: "Right now a person who has been through the system and is contemplating a crime probably vies things as follows: 1. If I do it I won't get caught 2. If I get caught I won't get prosecuted, 3. If I get prosecuted I won't get convicted, 4. If I get convicted I won't go to prison, 5. If I go to prison I won't be there for very long". Given the statistics above, this assessment is real.

Criminals today are more violent than even a decade ago, and the cost to society is greater than the cost of keeping an offender incarcerated. Court costs are easily calculated but the cost to the victim is impossible to calculate. Victims never receive proper compensation or even proper justice through the system. With Alaska's modified matrix system DOC is releasing more serious offenders earlier, which will lead to more victimization. It is time to stop this madness! Please pass this important legislation! Build the necessary prisons, not resorts, but prisons and keep the repeat offenders in!

The prison system is told not heed the victims' pleas and public safety has been disregarded when releasing criminals. DOC claims to save money with early release into halfway houses, however the prior tracking system fails in this maze. Strikes Legislation will eliminate the errors of early release of repeat and dangerous offenders, which will ultimately save us millions in law enforcement, judicial, insurance, and victim costs.

Thank you for sponsoring this important bill!
 Sincerely,

Sharon Nahofney
 Janice Lienhart

Sharon Nahofney