

HB

474

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/4/96

FURTHER: Judiciary

DATE TURNED INTO OFFICE: _____

The C&RA Committee considered CS FOR HOUSE BILL NO. 474(JUD)(title am)

Relating to civil violations of municipal ordinances, and to civil penalties for violation of municipal ordinances by juveniles.

and recommends:

- be replaced with Senate CS for CS HB 474 (CRA)
- 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 title
 - new: SCR _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Tenn Ke</i>		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Health & Social Services</i>	<i>4/1/96</i>	<input checked="" type="checkbox"/>	
<i>Public Safety</i>	<i>4/1/96</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Health & Social Services</i>	<i>3/1/96</i>	<input checked="" type="checkbox"/>	
<i>Community & Reg Affairs</i>	<i>2/2/96</i>	<input checked="" type="checkbox"/>	
<i>Public Safety</i>	<i>3/5/96</i>	<input checked="" type="checkbox"/>	
<i>Local Systems</i>	<i>3/25/96</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE CS FOR CS FOR HOUSE BILL NO. 474(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES TOOHEY, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil violations of municipal ordinances, and to civil
2 penalties for violation of municipal ordinances by juveniles."

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

4 * Section 1. AS 29.10.200 is amended by adding a new paragraph to read:

5 (54) AS 29.25.070(e) (notice of ordinance enforcement against a
6 minor).

7 * Sec. 2. AS 29.25.070(b) is amended to read:

8 (b) The municipality or an aggrieved person may institute a civil action against
9 a person who violates an ordinance, including a minor as provided in AS 47.10.145.
10 In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000
11 may be imposed for each violation. An action to enjoin a violation may be brought
12 notwithstanding the availability of any other remedy. On application for injunctive
13 relief and a finding of a violation or a threatened violation, the superior court shall
14 grant the injunction. Each day that a violation of an ordinance continues constitutes

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a separate violation.

* Sec. 3. AS 29.25.070 is amended by adding new subsections to read:

(e) The municipality shall provide written notice to the commissioner of health and social services or to the commissioner's designee of the commencement of a civil enforcement action for the violation of an ordinance under (b) of this section against a minor that the commissioner of health and social services and the municipality agree will be reported. Unless the commissioner and the municipality negotiate an agreement making other arrangements to satisfy the obligation imposed on the municipality by this subsection, the municipality may provide notice by mailing a copy of the citation or other document setting out the notice of the commencement of the civil enforcement action. This subsection applies to home rule and general law municipalities.

(f) In this section, "minor" means a person under 18 years of age.

* Sec. 4. AS 47.10 is amended by adding a new section to read:

Sec. 47.10.145. CIVIL PENALTIES FOR VIOLATION OF MUNICIPAL ORDINANCES. (a) Except as otherwise provided in this section, the enforcement of a civil penalty under AS 29.25.070(b) against a minor for violation of a municipal ordinance shall be heard in the district court in the same manner as for similar allegations brought against an adult, except that the minor's parent, guardian, or legal custodian shall be present at all proceedings.

(b) Allegations against a minor for a civil penalty under a municipal ordinance may be assigned to a hearing officer for resolution, if provided for by municipal ordinance.

(c) An action for a civil penalty filed against a minor under this section does not give rise to the right to a trial by jury or to counsel appointed at public expense.

ON LINE IN ANCHORAGE:
TO TESTIFY ON HB 474

MS. CARMEN CLARK-WEEKS

MR. BOB BAILEY

MR. DVANE UDLAND

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSHB 474(JUD)(title am)

Revision Date: April 12, 1996 Dept. Affected: Public Safety
 Title: Violations of Municipal Ordinances BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Toohay
 Requestor: S. Community and Regional Affairs 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 ()	-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						
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 will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: April 12, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 4/15/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB474(JUD)

Revision Date: _____
Title: Violations of Municipal Ordinances

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office

Sponsor: Representative Toohy
Requestor: Senate (CRA)

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact on the Division if this bill were passed.

5/15/96

Prepared by: *for* L. Diane Worley, Director
Division: Family & Youth Services

Phone: 465-3191
Date: 04/05/96

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 4/6/96

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FISCAL NOTE

No. 4
 Bill Version: CSHB 474 (JUD)
 (H) Publish Date: 3/26/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: 03/25/96 Dept. Affected: Alaska Court System
 Title: Juvenile infractions BRU: Trial Courts
 Sponsor: Rep. Toohay Component: _____
 Requestor: House Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (
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Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
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: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christenson III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 03/25/96

Approved by: Arthur H. Snowden, II, Administrative Director Date: 03/25/96

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FISCAL NOTE

No. 3

Bill Version: HB 474

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL N (H) Publish Date: 3/8/96

Revision Date: _____ Dept. Affected: Public Safety
 Title: Municipal ordinances and regulations BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Toohy
 Requestor: H. CRA 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 ()	-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						
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 will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: March 5, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 3/5/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

No. 2

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: _____
Bill Version: HB 474
(H) Publish Date: 3/8/96

Revision Date: 2/29/96 Dept. Affected: Community & Regional Affairs
Title: An Act relating to violations of municipal ordinances and regulations; and amending... BRU: none
Sponsor: Rep. Toohy Component: none
Requestor: House C&RA Committee COMPONENT SERIAL NO. _____

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	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
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CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) impact: \$ none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson *Remond Henderson* Phone: 465-4708
 Division: Director, Div of Administrative Services Date: 2/29/96
 Approved by Commissioner: *[Signature]* Date: 2/29/96
 Agency: Mike Irwin, Dept. of Community & Reg. Affairs

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 1
Bill Version: HB 474
(H) Publish Date: 3/8/96

Revision Date: 03/01/96
Title: Violations of Municipal Ordinances
Sponsor: Representative Toohy
Requestor: House (CRA)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

Recent information provided by federal staff indicates that there will be no loss of funds due to the detention of minors on contempt of court orders resulting from a minor's failure to pay a fine.

There is already some impact on overcrowded youth facilities because of the waiver of smoking and alcohol consumption by minors because district judges are issuing bench warrants when minors fail to appear for court on those charges. However, we are not able to gauge the financial impact of increasing the numbers and kinds of offenses for which arrests and detention on such bench warrants will result in part because we don't know what municipal ordinances already exist or may result from this legislation.

In addition, this 0 fiscal note is based on the assumption that minors who have been ordered to serve time in detention on contempt charges will wait until a bed is available rather than adding to the overcrowding.

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

Phone: 465-3191
Date: 03/01/96
Date: 3/5/96

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Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA TOOHEY
DISTRICT 13

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

TO: Senator John Torgerson, Chair
Senate Community & Regional Affairs Committee

FROM: Representative Cynthia Toohey *CT*

DATE: April 9, 1996

RE: Request for hearing for **House Bill 474, "An Act relating to civil violations of municipal ordinances, and to civil penalties for violation of municipal ordinances by juveniles."**

I respectfully request that, at your earliest convenience, the above-referenced bill be scheduled for a hearing in the Community and Regional Affairs Committee. It passed the House 33-0 (5 excused and 2 absent).

Attached herewith are:

Sponsor statement
Two zero fiscal notes
Letters of support

This bill has the support of the Department of Health and Social Services and the Department of Law.

Please contact Marveen Coggins at extension 6820 if you have any questions. Your consideration of this request is appreciated. Thank you.

INTERIM ADDRESS: 716 West 4th Avenue, Suite 330, Anchorage, 99501-2133



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA TOOHEY

DISTRICT 13

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

HOUSE BILL 474

"An Act relating to civil violations of municipal ordinances, and to civil penalties for violation of municipal ordinances by juveniles."

We hear more and more frequently about the need to improve the juvenile justice system in Alaska. Due to the increased number of serious offenses by juveniles, some of the less serious violations, in reality, offer no consequences. That is the wrong message to send to a juvenile offender.

According to the Anchorage Police Department, juvenile offenders have become increasingly dangerous and increasingly blatant regarding their offenses with the knowledge that the system can do very little to them.

House Bill 474 would expand the jurisdiction of a municipality to allow the municipality to better respond to a civil violation of an ordinance by a minor. For civil violations of ordinances which are punishable by only a fine, juveniles would be treated in the same manner as adults. Allegations against a minor for a civil penalty under a municipal ordinance could be assigned to a hearing officer if it is provided for by municipal ordinance.

The expansion of jurisdiction would enable juveniles to realize there are consequences to all wrongful acts. This realization may help to prevent juveniles from progressing to more serious offenses.

HB474 passed the House by a vote of 33-0. Your support would be appreciated.

INTERIM ADDRESS: 716 West 4th Avenue, Suite 330, Anchorage, 99501-2133

DEPARTMENT OF LAW

CRIMINAL DIVISION

March 28, 1996

The Hon. Cynthia Toohey
House of Representatives
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Representative Toohey:

I am writing in response to your request for an analysis of CSHB 474, An Act relating to violations of municipal ordinances and regulations, and to civil penalties for violation of municipal ordinances by juveniles.

The bill allows a municipality to bring an action for a civil penalty against a minor for up to \$1,000 for violation of a municipal ordinance. Such an action will be heard in the district court, or may be assigned to a hearing officer if the municipality provides by ordinance for such an assignment.

Notice of an action for civil penalties against a minor by a municipality must be sent to the commissioner of health and social services.

The Department of Law supports this bill.

Very truly yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:


Laurie H. Otto
Deputy Attorney General

LHO:jf

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 PROSECUTIONS AND APPEALS
310 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501-2064
PHONE: (907)269-6250
FAX: (907)269-6270

FEB 14 1996

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4433

Rick Mystem, Mayor

OFFICE OF THE MUNICIPAL MANAGER

February 9, 1996

Representative Cynthia Toohey
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: H. B. 474

Dear Representative Toohey:

Thank you for sponsoring H. B. 474, regarding the jurisdiction of municipalities over certain juvenile attractions.

This bill offers an important reform to the way in which juvenile criminal activity is addressed.

Attached is an issue summary supporting the need for the proposed change.

Thank you again for sponsoring this legislation. If we can offer further information, please let me know.

Sincerely,

Tim Rogers
Legislative Program Coordinator

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUES**

Allow municipalities to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation

Early intervention has been proven an effective means of changing young people's attitudes and behaviors. Because the current juvenile justice system is overwhelmed with serious offenses and offenders, many offenders who begin with lower level or less dangerous conduct receive no meaningful consequences until they graduate to the higher level.

According to the 1994 Anchorage Police Department Annual Report, juvenile arrests have increased 66% since 1990. Juvenile offenders have become increasingly dangerous and increasingly blatant regarding their offenses in the knowledge that the system can do very little to them.

Recognizing this situation, the Municipality of Anchorage would like the ability to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation. This will allow the juvenile justice system to focus on the more serious criminal activity while assuring that juvenile offenders of less serious offenses receive more immediate consequences for their actions.

SUPPORT



Anchorage • Star of the North
Chamber of Commerce

February 28, 1996

Members: House Community & Regional Affairs Committee
Al Austerman & Ivan Ivan - Co-Chairs
Fax: 1-907-465-4589

Dear Committee Members:

The Anchorage Chamber of Commerce Crime Prevention Committee has worked with the Municipality of Anchorage on a criminal justice package. The chamber has passed Resolution 95/96-5 supporting the Municipality's efforts on criminal justice reform.

It is our understanding that HB 474 and HB 475 address part of the criminal justice reform package. We would like to encourage passage of both bills.

We appreciate the spirit of cooperation between the Legislature and the Municipality. The chamber applauds your work on reducing crime. Please let us know if the chamber can be of any assistance.

Again, we encourage the passage of HB 474 and HB 475. Thank you for your consideration.

Sincerely,

Carol Heyman
President

cc: Representative Cynthia Toohey
Bob Bailey, chair, Anchorage Chamber Crime Prevention Committee