

**HB**

**127**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT OF  
SFC 2/20/96

DATE: 2/14/96

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered **CS FOR HOUSE BILL NO. 127(JUD)**

Penalties for certain offenses committed against a peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responders.

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous 5 CS CS HB 127 (JUD)

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 <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Roll E. P...</i>	✓	<i>Paul D. ...</i>	✓		
<i>David Wiley</i>	✓				
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

Public Safety	<sup>1/16/96</sup> 1/24/96	∅	
Administration	1/29/96	∅	

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

Corrections	2/6/96		21.4
Law	2/9/96	∅	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

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

REPORTED ON  
 SFC 2/20/96

**BILL NO: SCS CSHB 127 (JUD)**

Revision Date: February 16, 1996 Dept. Affected: Public Safety  
 Title: Minimum imprisonment for assaults against BRU: Alaska State Troopers  
peace, fire, correctional, or EMS officers. Component: Detachments  
 Sponsor: Representative Kelly  
 Requestor: S. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

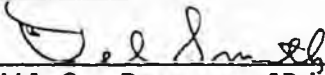
Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

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

This bill will have a negligible fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: February 16, 1996  
 Approved by Commissioner:  Date: 2/16/96  
 Agency: Ronald L. Otte, Department of Public Safety

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

For further distribution information call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SCS CSHB 127(Jud)

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to 120-day jail: assault on officers...."  
for assaults in the fourth degree..."  
 Sponsor: Rep. Kelly  
 Requestor: (S) JUD

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

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

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

<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
-----------------------------	----------	----------	----------	----------	----------	----------

<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
-------------------------------	----------	----------	----------	----------	----------	----------

**FUND SOURCE:**

(Thousands of Dollars)

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

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

Date: 2/14/96

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

# FISCAL NOTE

No. 5  
 Bill Cion: SCS CS HB 127 (Sud)  
 (S) Publish Date: 2/14/96

STATE OF ALASKA  
 1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act increasing the minimum term...assc BRU: Statewide Operations  
...peace officers.... Composer: All Institutions  
 Sponsor: Rep. Kelly  
 Requester: Senate Finance COMPONENT SERIAL NO. 1381

## 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	21.4	21.4	21.4	21.4	21.4	21.4
<b>TOTAL OPERATING</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>

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

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

## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.4	21.4	21.4	21.4	21.4	21.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>

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

### POSITIONS

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

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

This bill would increase the mandatory minimum sentence for assault defined in AS 12.55.135 (d) from 30 to 60 days imprisonment. The bill also expands the coverage to correctional employees.

Because this offense involves assault on a clearly identified peace officer, fire fighter, correctional employee or other justice or emergency personnel, these individuals would serve their sentence in a correctional facility rather than a CRC ; at a cost of \$107.00 per day. Allowing for good time, each inmate affected would serve an additional 20 days in prison. Data concerning assault on this group are not kept separate from other assaults, however, contacts with the Dept. of Law and Dept. of Public Safety indicate the number of convictions will be 10 to 12 per year.

$20 \times 10 \times \$107 = \$21,400$  annual cost of increase in minimum sentence.

Prepared by: Jerry Shriner Phone: 465-4640  
 Division: Commissioner's Office Date: 2/8/96  
 Approved by Commissioner: Margaret Pugh Date: 2/8/96  
 Agency: Department of Corrections

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

# FISCAL NOTE

No. 6

Bill Version: SCSCS HB 127 (Jud)

(S) Publish Date: 2/14/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: 2/9/96 Dept. Affected: Department of Law  
 Title: "...penalties for certain offenses committed against BRU: Criminal Division  
a peace officer, fire fighter, correctional employee..." Component: Criminal Division  
 Sponsor: Representative Kelly  
 Requester: Senate Judiciary COMPONENT SERIAL NO. 2085

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

This bill amends various criminal statutes prescribing mandatory terms of imprisonment for crimes committed against emergency personnel (peace officers, fire fighters, correction officers, and other emergency responders) to change the term "correctional officer" to "correctional employee." The bill has the effect of extending these mandatory sentencing provisions to crimes against non-uniform correctional employees, such as nurses, cooks and maintenance workers, who also work in the state's correctional institutions. The bill also raises the minimum penalty for physical assault against a peace officer or emergency responder from 30 days to 60 days of incarceration. Finally, the bill changes a presumptive sentencing law for class C and B felonies against a peace officer. This change clarifies that a sentence may be increased with the aggravating factor in AS 12.55.155(c)(13) if the offense is directed against a judicial officer or peace officer or other emergency responder. These changes will not cause a fiscal impact for the Department of Law.

Prepared by: Richard I. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/9/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/9/96  
 Agency: Department of Law

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

Sen. Donley  
moved/adopted  
2/20/96

9-LS0501\W

SENATE CS FOR CS FOR HOUSE BILL NO. 127(JUD)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/14/96  
Referred: Finance

Sponsor(s): REPRESENTATIVES KELLY, Parnell

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to penalties for certain offenses committed against a peace  
2 officer, fire fighter, correctional employee, emergency medical technician, paramedic,  
3 ambulance attendant, or other emergency responders."

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

5 \* Section 1. AS 12.55.125(a) is amended to read:

6 (a) A defendant convicted of murder in the first degree shall be sentenced to  
7 a definite term of imprisonment of at least 20 years but not more than 99 years. A  
8 defendant convicted of murder in the first degree shall be sentenced to a mandatory  
9 term of imprisonment of 99 years when

10 (1) the defendant is convicted of the murder of a uniformed or  
11 otherwise clearly identified peace officer, fire fighter, or correctional employee  
12 [OFFICER] who was engaged in the performance of official duties at the time of the  
13 murder;

14 (2) the defendant has been previously convicted of

1 (A) murder in the first degree under AS 11.41.100 or former  
2 AS 11.15.010 or 11.15.020;

3 (B) murder in the second degree under AS 11.41.110 or former  
4 AS 11.15.030; or

5 (C) homicide under the laws of another jurisdiction when the  
6 offense of which the defendant was convicted contains elements similar to first  
7 degree murder under AS 11.41.100 or second degree murder under  
8 AS 11.41.110; or

9 (3) the court finds by clear and convincing evidence that the defendant  
10 subjected the murder victim to substantial physical torture.

11 \* Sec. 2. AS 12.55.125(c) is amended to read:

12 (c) A defendant convicted of a class A felony may be sentenced to a definite  
13 term of imprisonment of not more than 20 years, and shall be sentenced to the  
14 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -  
15 12.55.175:

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

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

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

27 (4) if the offense is a third felony conviction, 15 years.

28 \* Sec. 3. AS 12.55.135(d) is amended to read:

29 (d) A defendant convicted of assault in the fourth degree who knowingly  
30 directed the conduct constituting the offense at [UPON] a uniformed or otherwise  
31 clearly identified peace officer, fire fighter, correctional employee [OFFICER],

1 emergency medical technician, paramedic, ambulance attendant, or other emergency  
2 responder who was engaged in the performance of official duties at the time of the  
3 assault shall be sentenced to a minimum term of imprisonment of

4 (1) 60 [30] days if the defendant violated AS 11.41.230(a)(1) or (2);

5 (2) 30 days if the defendant violated AS 11.41.230(a)(3).

6 \* Sec. 4. AS 12.55.155(e) is amended to read:

7 (c) If a factor in aggravation is a necessary element of the present offense, or  
8 requires the imposition of a presumptive term under AS 12.55.125(c)(2) [, (d)(3) OR  
9 (e)(3)], that factor may not be used to aggravate the presumptive term. If a factor in  
10 mitigation is raised at trial as a defense reducing the offense charged to a lesser  
11 included offense, that factor may not be used to mitigate the presumptive term.

12 \* Sec. 5. AS 12.55.185 is amended by adding a new paragraph to read:

13 (14) "peace officer" has the meaning given in AS 11.81.900.

14 \* Sec. 6. AS 12.55.125(d)(3) and 12.55.125(e)(3) are repealed.

15 \* Sec. 7. This Act applies to all offenses committed on or after the effective date of this  
16 Act.

# FISCAL NOTE

1/25/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: CSHB 127 (JUD)

Revision Date: 1/24/96 Dept. Affected: Public Safety  
 Title: "An Act increasing the minimum term of imprisonment for assault against a peace officer" BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Representative Kelly  
 Requestor: (S) Judiciary COMPONENT SERIAL NO. 0799

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( ) Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 95) 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.)

No significant fiscal impact is anticipated.

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322  
 Division: Commissioner's Office Date: 01/24/96  
 Approved by Commissioner: *Ronald L. Otte* Date: 1/24/96  
 Agency: Ronald L. Otte, Dept. of Public Safety

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

For further distribution information call the Governor's Legislative Office

1/31/96

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 127 (Jud)

Revision Date: January 29, 1996  
Title: "An Act increasing the minimum term of imprisonment for assaults in the fourth degree..."  
Sponsor: Rep. Kelly  
Requestor: (S)Jud

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

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

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

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

Phone: 264-4400  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: \_\_\_\_\_

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

1/25/96

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 127 (JUD)

Revision Date: 1/24/96 Dept. Affected: Department of Law  
 Title: "...penalties for certain offenses committed against  
a peace officer, fire fighter, corrections employee..." BRU: Criminal Division  
 Sponsor: Representative Kelly Component: Criminal Division  
 Requester: Senate Judiciary COMPONENT SERIAL NO. 2085

## Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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 (FY96) cost: \$ 0.0

## POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

This bill amends various criminal statutes prescribing mandatory terms of imprisonment for crimes committed against emergency personnel (peace officers, fire fighters, correctional officers, and other emergency responders) to change the term "correctional officer" to "correctional employee." The bill has the effect of extending the state's deterrent mandatory sentencing provisions to help deter crimes against non-uniform correctional employees, such as cooks and maintenance workers, who also work in the state's correctional institutions. There will not be a fiscal impact for the Department of Law.

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

Phone: 465-3672  
 Date: 1/24/96  
 Date: 1/24/96

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

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 127(JUD)

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act increasing the minimum term...assault on BRU: Statewide Operations  
...peace officers.... Component: All Institutions  
 Sponsor: Rep. Kelly  
 Requester: Senate Judiciary COMPONENT SERIAL NO. 1381

**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	64.2	64.2	64.2	64.2	64.2	64.2
<b>TOTAL OPERATING</b>	<b>64.2</b>	<b>64.2</b>	<b>64.2</b>	<b>64.2</b>	<b>64.2</b>	<b>64.2</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	64.2	64.2	64.2	64.2	64.2	64.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>64.2</b>	<b>64.2</b>	<b>64.2</b>	<b>64.2</b>	<b>64.2</b>	<b>64.2</b>

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This bill would increase the mandatory minimum sentence for assault defined in AS 12.55.135 (d) from 30 to 120 days imprisonment. The bill also expands the coverage to correctional employees.

Because this offense involves assault on a clearly identified peace officer, fire fighter, correctional employee or other justice or emergency personnel, these individuals would serve their sentence in a correctional facility rather than a CRC ; at a cost of \$107.00 per day. Allowing for good time, each inmate affected would serve an additional 60 days at \$107 per day or \$6,420.00. Data concerning assault on this group are not kept separate from other assaults, however, contacts with the Dept. of Law and Dept. of Public Safety indicate the number of convictions will be 10 to 12 per year.

$60 \times 10 \times \$107 = \$64,200.00$  annual cost of increase in minimum sentence.

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

Phone: 465-4640  
 Date: 1/29/96  
 Date: 1/29/96

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

# Alaska State Legislature

**FEB 08 1996**

REPRESENTATIVE  
PETER KELLY

Mailing Address:

119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District: 31

## House Of Representatives

February 8, 1996

Memorandum

To: Senator Rick Halford, Co-Chair  
Senator Steve Frank, Co-Chair  
Senate Finance Committee

From: Representative Pete Kelly

Handwritten initials "PK" in dark ink, positioned to the right of the "From:" line.

Regarding: Hearing Request for House Bill 127

---

Please schedule House Bill 127 at your earliest convenience.

HB 127 passed out of Senate Judiciary with unanimous consent. It was amended at the request of Senator Adam's, and I concurred with the amendments.

A sponsor statement, new sectional, explanations of the changes in Senate Judiciary, current fiscal notes, and letters of support are attached.

# Alaska State Legislature

REPRESENTATIVE

PETER KELLY

Mailing Address:

1711 Cushman Suite 203

Fairbanks, Alaska 99701

(907) 456-3161



House Of Representatives

While in Juneau

State Capitol

Juneau, Alaska

99801-1132

(907) 465-2327

House District: 31

## Sponsor Statement

House Bill 127

"An Act increasing the minimum term of imprisonment for assaults in the fourth degree committed against a peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responders."

It is the intent of this bill to enhance a serious tool for police officers and others on the front line. It will increase the severity of punishment for acts committed against a police officer while in the performance of official duties.

This bill sends a clear message to individuals that once the police arrive the fight must stop. Alaska is not sending in our "tag team blue" for the next round. Expanding the fracas to include a police officer will result in jail time.

Although initially intended as a tool for police, it has even more meaning when applied to individuals with even less training or expectation of dealing with persons physically. Volunteers responding to a medical emergency, or fire are neither equipped nor trained to handle assault or violence directed against their persons.

Correctional employees are now included in this bill, within the confines of their official duties. The inclusion of correctional employees provides an opportunity for the "message" this bill sends to spread among those offenders currently in prison, before they return to the streets.

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
113 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
99601-1182  
(907) 465-2327

House District: 3

## House Of Representatives

### Sectional

### HB 127\U

Section 1. Adds correctional **employee**. Correctional employees include nurses and others employed at our correctional institutions and exposed to some of our hardest offenders. This provision is for the murder of a police officer, et al.

Section 2. Same change, for class A felonies committed against a police officer, et al.

Section 3. The original bill, modified. Raises the minimum penalty for physical assault against a police officer from 30 days to **60** days. Modified to add: **who knowingly directed the conduct constituting the offense at** a . . . peace officer. Also modified to leave the sentencing at **30** days for an individual whose use of "words or other conduct . . . recklessly places another person in fear of imminent physical injury (AS 11.41.230(a)(3)).

Section 4. Technical change in numbering.

Section 5. Adds a "peace officer" definition to Title 12, the same definition as used in Title 11. This is a broad definition including **parole** officers, juvenile parole officers, VPSO's, all officers with arrest authority.

Section 6. Gets rid of a presumptive sentencing flaw. As drafted the current presumptive sentencing provision for class C and B felony assault against a peace officer could result in a lower sentence than for another first time offense. This change allows the sentence to be increased with the aggravating factor in AS 12.55.155(c) (13) if the offense was directed against a peace officer, judicial officer, et al.

## Discussion, Changes in Senate Judiciary Committee

Version SCSCSHB 127W of HB 127 contains two changes. The first is a modification of the minimum sentencing to retain the 30 day provision when "by words or other conduct that person recklessly places another person in fear of imminent physical injury (AS 11.41.230(3)).

The second change provides for the use of the felony aggravators in AS 12.55.155(c) (13) for the presumptive sentencing language for a class B felony (AS 12.55.125(d)) and a class C felony (AS 12.55.125(e)). This expands the list to include judicial officers.

There was a problem in the presumptive sentencing structure. For Class B and Class C felonies the presumptive sentence of assault against a police officer was the same as the sentence for a first offense. The result of this was to limit the judges options to give additional sentencing provisions beyond presumptive sentence. For many offenders lacking sufficient judgment that they would attack a police officer, alcohol treatment following their sentence, as well as the presence of a parole officer in their lives can make a difference. These were not options under the current sentencing structure.

Peace officers correctly realized that the actual sentences provided to individuals assaulting a peace officer were shorter than those assaulting citizens. The problem was not readily apparent, but HB 127 gives the judicial branch the tools to correct this problem.

This legislation is intended to send a clear message that we are not sending our employees out to do battle, we do not expect them to engage in a "fair fight" with the criminal element. We expect our employees to be treated with the same respect that we would want if we were there ourselves.


I am well aware that some of my constituents disagree. But they are not only a small minority, they also think of police officers as hired thugs whose purpose is to "teach a lesson" or otherwise take matters into their own hands, perhaps they feel that the individuals who hired on as our police and emergency responders are seeking , not to help, but to physically maintain law and order. This is not the role of today's professional police force, if it ever was.

HB 127 helps set the tone for professional police work. We ask a lot when we send an officer out to respond to a domestic disturbance call. We ask a lot of our police when we ask them to respond to shots fired in one of our neighborhoods. HB 127 does not replace a kevlar shield, it may not instantly deter a drunk trying to self destruct.

HB 127 reaffirms our commitment to a professional police force, to the tough job faced by the correctional nurse who works on a daily basis with the most hardened criminals in a prison infirmary, to the expectation of the emergency responder rushing to a scene to provide help.

# DEPARTMENT OF CORRECTIONS

## MEMORANDUM

to: Representative Pete Kelly  
from: Jerry Shriner   
re: HB 127  
date: January 31, 1996

The Department of Corrections supports the efforts to enhance the safety and security the departments employees as well as the other groups covered by this bill.

While there is a cost as indicated on our fiscal note, it seems minimal in pursuit of this the goals of this bill.

cc:

from the desk of...

**Jerry Shriner**  
Special Assistant  
Department of Corrections  
240 Main, Suite 700  
Juneau, AK 99801

(907) 465-4640  
Fax: (907) 465-3390



ALASKA STATE EMPLOYEES ASSOCIATION  
AFSCME Local 52, AFL-CIO

February 27, 1995

The Honorable Representative Pete Kelly  
State Capital Building  
Juneau, Alaska 99801

Dear Representative Kelly,

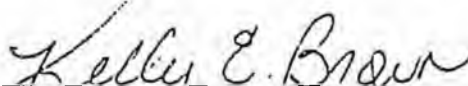
As the prime sponsor of House ~~Bill 127~~, I am writing to request your consideration of an Amendment to this legislation that would include Adult Probation Officers, Juvenile Probation Officers, Fish and Wildlife Protection Officers and Nurses who work in Correctional Institutions.

It is my opinion that these state employees are at risk of assault from persons that they serve in their professional capacities. As the President of Alaska State Employees Association, I want to ensure that members of ASEA who are at risk as a result of their employment, are protected under this statute. That protection will come in the form of deterrence of criminal behavior directed against them and prosecution when an assault does occur.

The amendment I am requesting could be added during hearings on this legislation before either the House Judiciary Committee or the House Finance Committee. Additionally, I would welcome the opportunity to discuss with you the specific language contained in this proposed amendment.

Thank you for your consideration of this legislative amendment request to House Bill 127. I can be reached at the number above at your earliest convenience.

Sincerely,

  
Kelly E. Brown, President  
Alaska State Employees Association  
American Federation of State, County  
and Municipal Employees, Local 52

ANCHORAGE OFFICE

3510 Spenard Road, Suite 110  
Anchorage, AK 99503  
(907) 277-5200 FAX (907) 277-5206  
TOLL free: 800-478-ASEA

JUNEAU OFFICE

641 West Willoughby, Suite 100  
Juneau, AK 99801  
(907) 463-4949 FAX (907) 463-4950  
TOLL free: 800-478-0049

FAIRBANKS OFFICE

315 Barnette Street, Suite 104  
Fairbanks, AK 99701  
(907) 452-2300 FAX (907) 452-2307  
TOLL free: 800-478-2305

HB 127

## Wanted man arrested for assaulting officer

A Fairbanks man charged with failing to show for six court appearances was arrested on an assault charge Tuesday after a struggle with a police officer in the Bentley Mall.

Bobby J. Carr, 21, was held on at least \$70,000 bail at Fairbanks Correctional Center, according to the booking department, which did not have all the court documents Wednesday evening.

Police officer James O'Malley said Carr pushed him when he approached Carr and that Carr fled through the Bentley Mall. As O'Malley tried to arrest him, Carr pushed O'Malley's head through a glass door, according to charging documents. Carr was charged with assault on a police officer.

FAIRBANKS DAILY NEWS-MINER

Thursday, January 25<sup>th</sup>, 1995

# SENATE COMMITTEE REPORT

DATE: 4/18/95

FURTHER: Finance

DATE TURNED INTO OFFICE: 2/13/96

Judiciary Committee considered CS FOR HOUSE BILL NO. 127(JUD)

Penalties for certain offenses committed against a peace officer<sup>2</sup>/fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responders.

*Q/N + N*

and recommends:

- be replaced with S CS CS HB 127 ( JUD )
- 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>Mike Hill</i>		<i>See above</i>	<input checked="" type="checkbox"/>		
<i>Lyle Green</i>		<i>See above</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Adrian R. Reiter</i>	<input checked="" type="checkbox"/>				

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>SCS Dept. of Law</i>	<i>2/9/96</i>	<input checked="" type="checkbox"/>	
<i>SG Dept. of Corrections</i>	<i>2/8/96</i>		<i>214</i>

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

#5

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSCSHB 127 (JUD)

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act increasing the minimum term...assc BRU: Statewide Operations  
...peace officers... Componer All Institutions  
 Sponsor: Rep. Kelly  
 Requester: Senate Finance COMPONENT SERIAL NO. 1381

**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	21.4	21.4	21.4	21.4	21.4	21.4
<b>TOTAL OPERATING</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.4	21.4	21.4	21.4	21.4	21.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>	<b>21.4</b>

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

**POSITIONS**

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

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

This bill would increase the mandatory minimum sentence for assault defined in AS 12.55.135 (d) from 30 to 60 days imprisonment. The bill also expands the coverage to correctional employees.

Because this offense involves assault on a clearly identified peace officer, fire fighter, correctional employee or other justice or emergency personnel, these individuals would serve their sentence in a correctional facility rather than a CRC ; at a cost of \$107.00 per day. Allowing for good time, each inmate affected would serve an additional 20 days in prison. Data concerning assault on this group are not kept separate from other assaults, however, contacts with the Dept. of Law and Dept. of Public Safety indicate the number of convictions will be 10 to 12 per year.

20 X 10 x \$107 = \$21,400 annual cost of increase in minimum sentence.

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

Phone: 465-4640  
 Date: 2/8/96  
 Date: 2/8/96

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

For further distribution information, call the Governor's Legislative Office

H/E 127

# FISCAL NOTE

7/13 6

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

**BILL NO. SCSCS HB 127 (JUD)**

Revision Date: 2/9/96 Dept. Affected: Department of Law  
 Title: "...penalties for certain offenses committed against a peace officer, fire fighter, correctional employee..." BRU: Criminal Division  
 Sponsor: Representative Kelly Component: Criminal Division  
 Requester: Senate Judiciary COMPONENT SERIAL NO. 2085

**Expenditures/Revenues**

(Thousands of Dollars)

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

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

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

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1005 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

This bill amends various criminal statutes prescribing mandatory terms of imprisonment for crimes committed against emergency personnel (peace officers, fire fighters, correctional officers, and other emergency responders) to change the term "correctional officer" to "correctional employee." The bill has the effect of extending these mandatory sentencing provisions to crimes against non-uniform correctional employees, such as nurses, cooks and maintenance workers, who also work in the state's correctional institutions. The bill also raises the minimum penalty for physical assault against a peace officer or emergency responder from 30 days to 60 days of incarceration. Finally, the bill changes a presumptive sentencing flaw for class C and B felonies against a peace officer. This change clarifies that a sentence may be increased with the aggravating factor in AS 12.55.155(c)(13) if the offense is directed against a judicial officer or peace officer or other emergency responder. These changes will not cause a fiscal impact for the Department of Law.

*Richard I. Peques*

Prepared by: Richard I. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/9/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/9/96  
 Agency: Department of Law

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

For further distribution information, call the Governor's Legislative Office

2/1/96  
 Work Draft 1/24/96  
 Updated by 2/9/96 note

# FISCAL NOTE

STATE OF ALASKA  
 1996 LEGISLATIVE SESSION

BILL NO. SCSHB 127 (JUD)

Revision Date: 1/28/96 Dept. Affected: Department of Law  
 Title: "...penalties for certain offenses committed against a peace officer, fire fighter, corrections employee..." BRU: Criminal Division  
 Component: Criminal Division  
 Sponsor: Representative Kelly  
 Requester: Senate Judiciary COMPONENT SERIAL NO. 2085

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

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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 (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

This bill amends various criminal statutes prescribing mandatory terms of imprisonment for crimes committed against emergency personnel (peace officers, fire fighters, correctional officers, and other emergency responders) to change the term "correctional officer" to "correctional employee." The bill has the effect of extending these mandatory sentencing provisions to crimes against non-uniform correctional employees, such as nurses, cooks and maintenance workers, who also work in the state's correctional institutions. The bill also raises the minimum penalty for physical assault against a peace officer or emergency responder from 30 days to 120 days of incarceration. Finally, the bill changes a presumptive sentencing flaw for class C and B felonies against a peace officer. This change clarifies that a sentence may be increased with the aggravating factor in AS 12.55.155(c)(13) if the offense is directed against a judicial officer or peace officer or other emergency responder. These changes will not cause a fiscal impact for the Department of Law.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 1/28/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/28/96  
 Agency: Department of Law

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