

SB

320

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/11/96

DATE TURNED INTO OFFICE: 4-13-96

The Finance Committee considered SENATE BILL NO. 320

Increasing the number of superior court judges designated for the Third Judicial District to provide an additional superior court judge at Dillingham.

and recommends:

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

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Tignor</i>	✓	<i>Roll E. Kelly</i>	✓		
<i>James Taylor</i>	✓				
<i>Paul H. Smith</i>	✓				
<i>Barry D. Smith</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Courts</i>	<i>4/1/96</i>		<i>226.8</i>

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 320

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: New superior court judge for Dillingham BRU: Trial Courts
 Component: _____
 Sponsor: Senate Finance
 Requestor: Senate 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	201.8	201.8	201.8	201.8	201.8	201.8
TRAVEL						
CONTRACTUAL						
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	23.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	226.8	203.8	203.8	203.8	203.8	203.8
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	226.8	203.8	203.8	203.8	203.8	203.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	226.8	203.8	203.8	203.8	203.8	203.8

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

Positions

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

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 04/01/96
 Approved by: Arthur H. Snowden, II, Administrative Director Date: 04/01/96
 Agency: Alaska Court System

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

Alaska Court SystemFiscal AnalysisSB 320Personal ServicesPositionSalaryBenefitsTotal

Superior Court Judge, PFT, 12 months, Dillingham

\$103,596

\$52,795

\$156,391

In-Court Clerk/Secretary, range/step 12A, PFT, 12 months, Dillingham

31,824

13,549

45,373

Total Personal Services

201,764Supplies

Office supplies for new positions

2,000Equipment (one-time cost)

Desk, chair, filing cabinet and computer equipment for new positions

7,000

Conversion of public law library to electronic format

18,000

Total Equipment

23,000

Estimated Total Cost

226,764

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 320

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

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

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
100 GF	55.2	53.7	53.7	53.7	53.7	53.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	55.2	53.7	53.7	53.7	53.7	53.7

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

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

Phone: (907) 264-4412
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 4/15/96

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

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 320

ANALYSIS: (continued)

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

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

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

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

BUDGET ANALYSIS

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

4/16/96

Fiscal Note received
after the bill was
reported out. Copy
to Larry & House
Finance.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 320

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: New superior court judge for Dillingham BRU: Trial Courts
 Component: _____
 Sponsor: Senate Finance
 Requestor: Senate 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	201.8	201.8	201.8	201.8	201.8	201.8
TRAVEL						
CONTRACTUAL						
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	23.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	226.8	203.8	203.8	203.8	203.8	203.8
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

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

Positions

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Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 04/01/96

Approved by: Arthur H. Snowden, II, Administrative Director Date: 04/01/96
 Agency: Alaska Court System

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

Alaska Court System
Fiscal Analysis
SB 320

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Superior Court Judge, PFT, 12 months, Dillingham	\$103,586	\$52,795	\$156,391
In-Court Clerk/Secretary, range/step 12A, PFT, 12 months, Dillingham	31,824	13,549	<u>45,373</u>
Total Personal Services			<u>201,764</u>

Supplies

Office supplies for new positions		<u>2,000</u>
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Equipment (one-time cost)

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

Estimated Total Cost		<u><u>226,764</u></u>
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BILL: SB 320
BILL VERSION:
SPONSOR(S): FINANCE

SHORT TITLE: NEW SUPERIOR COURT JUDGE FOR DILLINGHAM

CURRENT STATUS: (S) RLS

STATUS DATE: 04/15/96

TITLE: "AN ACT INCREASING THE NUMBER OF SUPERIOR COURT JUDGES DESIGNATED FOR THE THIRD JUDICIAL DISTRICT TO PROVIDE AN ADDITIONAL SUPERIOR COURT JUDGE AT DILLINGHAM."

03/29/96	2967	(S)	READ THE FIRST TIME - REFERRAL(S)
03/29/96	2968	(S)	JUDICIARY, FINANCE
04/11/96	3149	(S)	JUD RPT 5DP
04/15/96	3240	(S)	FIN RPT 6DP 1NR
04/15/96	3240	(S)	FISCAL NOTE TO JUD & FIN RPTS (COURT)
04/15/96	3240	(S)	REFERRED TO RULES

STATE OF ALASKA
DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2075

April 10, 1996

The Honorable Rick Halford
Alaska State Senator
State Capitol
Juneau, AK 99801-1182

Dear Senator Halford:

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

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

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

The Honorable Rick Halford

April 10, 1996

Page 2

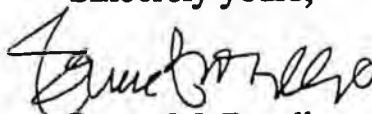
Although we requested in September 1995 that we be allowed to conduct grand juries on Bristol Bay cases in Dillingham, this request was turned down by the court system, which concluded "Grand juries require management by a Superior Court judge. That would have to be done telephonically which may be OK in some cases, but in most cases is not appropriate. Our grand juries are convened in areas served by Superior Court judges which makes management of the grand jury that much easier."

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

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

Please let me or Laurie Otto know if you need any additional assistance in seeking passage of this important legislation.

Sincerely yours,



Bruce M. Botelho
Attorney General

cc: Bristol Bay Times
Senator Robin Taylor
Senator Lyman Hoffman
Representative Ivan Ivan
Representative Carl Moses



4/11/96

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

Dear Senator Halford:

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

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

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

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

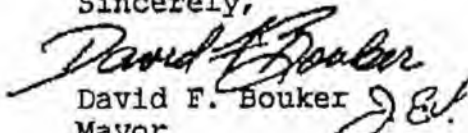
While the community's original intention were to ask for reinstatement of the District Attorney's office here, Mr. Botelho suggested that justice would be better served to ask for a Superior Court judge and this would automatically require a resident District Attorney. I might add that our courthouse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

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

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

Thank you again.

Sincerely,


David F. Bouker
Mayor

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/29/96

FURTHER: Finance

Date of 5-Day Notice: 4-3-96
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: 4-10-96

The Judiciary Committee considered SB 320

Increasing the number of superior court judges designated for the Third Judicial District to provide an additional superior court judge at Dillingham.

and recommends:

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

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Ellis</i>	X				
<i>Linda Green</i>	✓				
<i>Mike Miller</i>	✓				
<i>Cal Adams</i>	X				
CHAIR: <i>Christie Taylor</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE FINANCE COMMITTEE REPORT

DATE: 4/11/96

DATE TURNED INTO OFFICE: 4-13-96

The Finance Committee considered SENATE BILL NO. 320

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Tignor</i>	✓	<i>Roll E. O'Leary</i>			
<i>James J. Dowley</i>	✓				
<i>Paul J. Haggitt</i>	✓				
<i>Barry D. Haggitt</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Courts</i>	<i>4/1/96</i>		<i>226.8</i>

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill