

HB

18

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 18

Revision Date: 4/16/96 Dept. Affected: Department of Law
 Title: "An Act amending the statute of limitations applicable to civil actions brought against peace officers and coroners." BRU: Civil Division
 Sponsor: Representative Therriault Component: General Legal Services
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

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						
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 AS 09.10 to reduce the time in which a civil action may be brought against a peace officer or coroner, from three years to two years, for a liability incurred by the doing of an act in an official capacity or by the omission of an official duty. This change in the statute of limitations for peace officers and coroners is consistent with the general statute of limitations of two years for most other persons. The bill will not have a fiscal impact.

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

Phone: 465-3672
 Date: 4/16/96
 Date: 4/16/96

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FISCAL NOTE

No. 2

Bill Version: HB 18

(H) Publish Date: 2/8/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: "An Act Amending the Statute of Limitations Applicable to Civil Actions Brought Against Peace Officers..."
Sponsor: Thorriault
Requestor: _____

Department Affected: Administration
BRU: Risk Management
Component: Risk Management
COMPONENT SERIAL NO. 71

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

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 (FY 95) cost: \$ 0-

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.)

There is no fiscal impact to the Division of Risk Management.

Prepared by: Brad Thompson
Division: Risk Management

Phone: 365-2180
Date: _____

Approved by Commissioner: Mark Beyer
Agency: Department of Administration

Date: 1/30/95

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LEGISLATIVE OFFICE

FISCAL NOTE

No 1
 E. Version: HB 18
 (H) Publish Date: 2/8/95

**STATE OF ALASKA
 1995 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: *An Act amending the statute of limitations appli- BRU: Legal Services
cable to civil actions brought against peace officers and coroners. Component: Operations
 Sponsor: Representative Therriault
 Requester: Representative Therriault COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 09.10 to reduce the time in which a civil action may be brought against a peace officer or coroner, from three years to two years, for a liability incurred by the doing of an act in an official capacity or by the omission of an official duty. This change in the statute of limitations for peace officers and coroners is consistent with the general statute of limitations of two years for most other persons. The bill will not have a fiscal impact.

Richard I. Peques

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

Phone: 465-3672
 Date: 1/30/95
 Date: 1/30/95

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Alaska State Legislature

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GENE THERRIAULT
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House District 33

House Of Representatives

To: Senator Robin Taylor
Chairman, Senate Judiciary Committee

From: Representative Gene Therriault 

Date: January 31, 1996

This memo is in response to your request of January 25, 1996, seeking clarification on the need for House Bill 18, how the system would be improved and who would benefit.

House Bill 18 is intended to update a section of the state's statute of limitations law that, through oversight, was not amended in conformity with other statutes of limitations when the law was enacted for Alaska by Congress in 1900. The bill would benefit police officers and coroners by reducing the amount of time a person can file a civil action against them for actions performed in their official capacity, from three years to two. The statute of limitations for civil suits against police officers was originally set shorter than for those against a private citizen as a protection for police officers. In later years, however, when the legislature reduced the statute of limitations against private persons, it failed to do so for those against police officers even though the original intent of the differentiation had been to make the time shorter for suits against police officers. Our bill would rectify that situation and bring the statute of limitations up to date.

To provide background, Alaska's statute of limitations were taken from Oregon statutes, which were in turn taken from New York statutes that date back to 1829. The original New York law set the statute of limitations for filing suits against police officers at three years and the statute of limitations against a private person at six years. This was to protect police officers because it was recognized that they need to be free from excessive harassment to carry out their duties. In later years, however, Oregon shortened the statute of limitations for filing a suit against a private person to two years, but failed to correspondingly shorten the limitation against police officers, even though it had originally been intended that the statute of limitations for police officers be shorter. This was how the Oregon law stood when Congress enacted it for

SPONSOR STATEMENT

Alaska, and it has not been changed. House Bill 18 would serve a twofold purpose of affording police officers the same protection as is provided to the general public and bringing an antiquated statute into conformity with more recent law . It has been identified by the Alaska Peace Officers Association as one of its priority pieces of legislation. See letter attached.

ALASKA PEACE OFFICERS ASSOCIATION

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February 8, 1995

Representative Gene Therriault
Capitol Building
Juneau, Alaska 99801-1182

Dear Representative Therriault,

I am the State-wide president of the Alaska Peace Officers Association. Our organization represents over 1200 law enforcement officers from over 80 local, state and federal agencies. On January 31, 1995, the State Board met and discussed pending legislation dealing with peace officers.

We have chosen House Bill 18 as one of our priority pieces of legislation. We don't understand why civil suits against peace officers and coroners should have an extra year in the statute of limitations than other civil suits. This is one more year for memories to fade and witnesses to drift away. We feel peace officers and coroners deserve the same rights as other people when it comes to civil actions against us.

If there is anything this organization can do to assist your effort in passing this legislation please contact me (451-5316) or our Executive Director, Joseph Young (277-0515), or Alyce Hanley (243-7574). On behalf of the Alaska Peace Officers Association, I want to thank you for proposing this legislation and wish you the best in this legislative session.

Respectfully yours,

Michael Corkill

Michael Corkill
Statewide President

PUBLIC COMMENT