

SB

125

Anti-Crime Legislation Needs Your Support

by Sen. Dave Donley (D)

Senate District J

During the last legislative session, I sponsored several anti-crime bills, including Senate Bill 26, waiving juveniles to adult court when they commit certain felonies or arson, Senate Bill 175, the "No Frills Prisons Act," and Senate Joint Resolution 25, limiting the rights of imprisoned criminals, all of which are moving through the committee process.

I also sponsored three anti-crime and pro-victim bills which have not yet had a hearing and are in the Senate Judiciary Committee, chaired by Senator Robin Taylor. SB 125, increasing the dollar amount of the maximum fines allowed in criminal cases, SB 126, making certain repeat criminal offenders ineligible to receive Permanent Fund Dividends, and SB 127, extending the time period victims of certain criminal acts have to bring civil damages action against their offenders, have not yet been scheduled for hearings in the Senate Judiciary Committee. I would appreciate your support for hearings on these bills.

Specifically, SB 125 increases the dollar amount of the maximum fines allowed in criminal cases from \$75,000 to \$500,000 for murder and sexual assault offenses, and from \$500,000 to \$1,000,000 for a felony offense or for a misdemeanor offense that results in death. SB 125 creates a successively higher schedule for maximum fines, according to the class of felony. Currently, there is a \$50,000 maximum fine for all felonies, and someone convicted of a misdemeanor or felony is sentenced to pay fines according to the schedule set out in Alaska Statute. In determining the fine, the court takes into account the financial resources of the defendant, the burden its payment will impose, and the seriousness of the crime. Maximum fines are only given for the most serious possible types of criminal behavior within that class of crime.

SB 126 makes first-time violent felons, convicted of felonies such as homicide, assault, and reckless endangerment, kidnapping, sexual offenses, robbery, extortion or coercion, second-time felons, or third-time misdemeanants ineligible for Permanent Fund Dividends. SB 126 makes individuals who are on probation or parole for a felony ineligible for Permanent Fund Dividends and allows the Department of Public Safety to assess services to crime victims from the Permanent Fund Dividends of their convicted assailants. Currently, only individuals who are incarcerated for felonies are ineligible for Permanent Fund Dividends.

SB 127, the Crime Victims' Civil Justice Act, would extend the time period victims of certain criminal acts have to bring a civil damages action against their offender from two to ten years. SB 127 would give these victims the needed time to heal both emotionally and physically and pursue action against their offenders if so desired.

I look forward to the consideration and passage of these anti-crime and pro-victim bills from the Senate Judiciary Committee. Mail letters of support and requests for hearing Senate Bills 125, 126 and 127 to Senator Robin Taylor, 352 Front Street, Ketchikan, Alaska 99901 or call his office at (907) 225-8088.

FISCAL JTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 125

Revision Date: _____
Title: Increase Fines for Certain Crimes

Dept. Affected: Department of Revenue
BRU: Permanent Fund Dividend Division
Component: Permanent Fund Dividend Division

Sponsor: SENATOR DONLEY
Requester: SENATOR DONLEY (S) 105

COMPONENT SERIAL NO. 981

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 ()						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other DIVIDEND FUND 1050						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No impact on Permanent Fund Dividend Division.

Prepared by: Nanci A. Jones, Director
Division: Permanent Fund Dividend Division

Phone: 465-2323
Date: 3/20/95

Approved by Commissioner: Deborah Vogt
Agency: Department of Revenue

Date: 3/20/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: SB 125

Revision Date: _____ Dept. Affected: Public Safety

Title: Increase fines for certain crimes DPS Statewide Support

Component: Commissioner's Office

Sponsor: Senator Donley

Requestor: (S) Judiciary COMPONENT SERIAL NO. 0523

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

OPERATING	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-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

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 fiscal impact is anticipated to the Department of Public Safety

Prepared By: Lee Ann Lucas, Special Assistant to the Commissioner Phone: 465-4322

Division: Commissioner's Office Date: 3/30/95

Approved by Commissioner:  Date: 3/30/95

Agency: Ronald L. Otte, Dept. of Public Safety

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SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

Memorandum

Date: November 6, 1995

To: Senator Robin Taylor
Chairman, Senate Judiciary Committee

From: Senator Dave Donley *RD*

Re: Request for Hearing
SB125 - Increasing the dollar amount of the maximum fines allowed in criminal cases,
SB126 - Making first-time violent felons, second-time felons, or third time misdemeanants ineligible for permanent fund dividends and making individuals who are on probation or parole for a felony ineligible for permanent fund dividends, and
SB127 - Extending the time period victims have to bring civil damages against their offender from 2 to 10 years.

I request you schedule SB125, SB126, and SB127 for interim hearings or hearings in January of 1996.

SB 125 increases the dollar amount of the maximum fines allowed in criminal cases. Currently, someone convicted of a misdemeanor or felony is sentenced to pay fines according to the schedule set out in AS 12.55.035. In determining the fine, the court takes into account the financial resources of the defendant the burden its payment will impose, and the seriousness of the crime. Maximum fines are only given for the most serious possible type of criminal behavior within that class of crime. There are no minimum fine levels.

SB 125 increases the maximum fine to a defendant from \$75,000 to \$500,000 for murder and sexual assault offenses outlined in AS 12.55.035(b)(1). Currently, there is a \$50,000 maximum fine for all felonies, (Class A, B and C). SB 125 creates a successively higher schedule of maximum fines, according to the type of felony. The maximum fine for a felony offense or for a misdemeanor offense that results in death to a defendant that is an organization, such as a business, is increased from \$500,000 to \$1,000,000.

Senator Robin Taylor
November 6, 1995
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Further, SB 125 increases the fine for pecuniary gain realized by the defendant as a result of the offense and the fine for damages or loss caused by the defendant to another, or to the property of another from two to three times the actual amount.

SB 126 makes first-time violent felons (convicted of felonies described in AS 11.41 as homicide, assault, and reckless endangerment, kidnapping and custodial interference, sexual offenses, robbery, extortion and coercion), second-time felons, or third-time misdemeanants ineligible for permanent fund dividends.

SB 126 also makes an individual convicted of a felony who is on probation or on parole ineligible for permanent fund dividends. Currently, only individuals who are incarcerated for felonies are ineligible for permanent fund dividends. SB 126 adds Services to Crime Victims provided by the Department of Public Safety to the list of purposes outlined in AS 43.23.028(b) for which legislative appropriations can be made from the permanent dividend program.

SB 127, the Crime Victims' Civil Justice Act, would extend the time period victims of certain criminal acts have to bring a civil damages action against their offender from 2 to 10 years. SB 127 would give these victims the needed time to heal both emotionally and physically and pursue action against their offenders if so desired.

If you have any questions regarding these bills, contact Karen Brand of my staff at 258-8181.

Prior requests for hearing SB125: 3/20, 5/1 and 8/30/95. Prior requests for hearing SB126: 3/23, 5/1 and 8/30/95. Prior request for hearing SB127: 3/20 and 8/30/95.

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SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

Memorandum

Date: May 1, 1995

To: Senator Robin Taylor
Chairman, Senate Judiciary Committee

From: Senator Dave Donley 

Re: Request for Hearing - SB125 - Increasing the dollar amount of the maximum fines allowed in criminal cases

I request a committee hearing for SB 125 at your earliest convenience. SB 125 increases the dollar amount of the maximum fines allowed in criminal cases. Currently, someone convicted of a misdemeanor or felony is sentenced to pay fines according to the schedule set out in AS 12.55.035. In determining the fine, the court takes into account the financial resources of the defendant, the burden its payment will impose, and the seriousness of the crime. Maximum fines are only given for the most serious possible type of criminal behavior within that class of crime. There are no minimum fine levels.

SB 125 increases the maximum fine from \$75,000 to \$500,000 for murder and sexual assault offenses outlined in AS 12.55.035(b)(1).

Currently, there is a \$50,000 maximum fine for all felonies, (Class A, B and C). SB 125 creates a successively higher schedule of maximum fines, according to the type of felony. The maximum fine for a felony offense or for a misdemeanor offense that results in death is also increased from \$500,000 to \$1,000,000.

Further, SB 125 increases the fine for pecuniary gain realized by the defendant as a result of the offense and the fine for damages or loss caused by the defendant to another, or to the property of another from two to three times the actual amount.

If you have any questions, contact Karen Brand of my staff at 2705.

Prior Requests for Hearing: 3/20/95

January-May: STATE CAPITOL • JUNEAU, AK • 907/801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W 4TH AVE • STE 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-5571

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