

SB

320

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/29/96

FUR AER: 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>[Signature]</i>	X				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	X				
CHAIR: <i>[Signature]</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

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

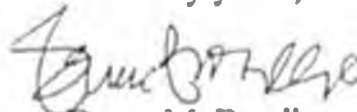
Although we requested in September 1995 that we be allowed to conduct grand juries on Bristol Bay cases in Dillingham, this request was turned down by the court system, which concluded "Grand juries require management by a Superior Court judge. That would have to be done telephonically which may be OK 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

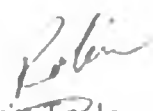
cc: Bristol Bay Times
Senator Robin Taylor
Senator Lyman Hoffman
Representative Ivan Ivan
Representative Carl Moses


Senator Lyman F. Hoffman

Alaska State Legislature
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4453

District I

Adak
Akiachak
Akiak
Akutan
Aleknagik
Amchitka
Atka
Atnautuk
Attu
Belkofski
Bethel
Cheforak
Chignik
Chignik Lagoon
Chignik Lake
Clark's Point
Cold Bay
Dillingham
Dutch Harbor
Eek
Egegik
Ekwok
False Pass
Goodnews Bay
Igluigig
Iliamna
Ivanof Bay
Kasigluk
King Cove
King Salmon
Kipnuk
Kokhanok
Kokhanok Bay
Koliganek
Kongiganak
Kwethluk
Kwigillingok
Levelock
Manokotak
Napakek
Napaktak
Napsaktak
Nelson Lagoon
New Stuyahok
Newhalen
Nikolski
Nondalton
Nunapituk
Oscarville
Pedro Bay
Perryville
Pilot Point
Platinum
Port Alsworth
Port Heiden
Port Moller
Pvatage Creek
Quinhagak
Saint George Island
Saint Paul Island
Sand Point
Siemya
South Naknek
Spraw Harbor
Teguk
Tuntutuliak
Twin Hills
Ugashik
Unalaska
Unga

TO:  Senator Robin Taylor
Senate Judiciary Committee

FROM: Senator Lyman Hoffman 
District I

RE: Senate Bill 320 - New Superior Court Judge For
Dillingham.

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Mr. Chairman,

Thank you for your consideration of Senate Bill 320 - an integral component in the equitable delivery of justice to the people of Dillingham and the Bristol Bay region.

The primary objective of Bristol Bay residents is to facilitate the return of their District Attorney. The Attorney General believes the establishment of a Superior Court in Dillingham partnered with the return of the District Attorney will provide a more comprehensive delivery of justice and public protection.

The Court System has provided a trim, yet responsible, fiscal note and the Court House in Dillingham was originally built with the eventual acquisition of a Superior Court in mind. Combined with the passage of SB 320, these factors lay the groundwork for a system that will address the needs of Bristol Bay residents while relieving substantial stress on an overburdened Anchorage Court system. I believe this is what is commonly referred to as a "win-win" situation.

P.O. Box 886 • Bethel, Alaska 99559 • (907) 543-3541

Senator Robin Taylor, Senate Judiciary Committee
re: SB 320, continued

On behalf of myself and the residents of the Bristol Bay region, I would like to say thank you, Mr. Chairman and members of the Committee, for your consideration of this greatly important legislation.