

HB

252

Date Referred to Committee: April 16, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/16/98

The JUDICIARY Committee considered:

HB 252

HOUSE BILL NO. 252

REGISTRATION OF SEX & CHILD OFFENDERS

"An Act relating to criminal records; relating to notice about and registration of sex offenders and child kidnapers; and amending Rules 11(c) and 32(c), Alaska Rules of Criminal Procedure."

recommends it be replaced with the following committee substitute CS HB 252 (JUR) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Public Safety / Admins / fiscal note(s) _____
Law / Corrections

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John Kotely</i>			<input checked="" type="checkbox"/>	
<i>David Hartley</i>	<input checked="" type="checkbox"/>			
<i>Joseph [unclear]</i>			<input checked="" type="checkbox"/>	
<i>Connie James</i>			<input checked="" type="checkbox"/>	
<i>John [unclear]</i>	<input checked="" type="checkbox"/>			
<i>Chris [unclear]</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE

[Handwritten Signature]

**CS FOR HOUSE BILL NO. 252(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE RYAN

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to criminal records; relating to notice about and registration of
2 sex offenders and child kidnappers; and amending Rules 11(c) and 32(c), Alaska
3 Rules of Criminal Procedure."**

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

5 * Section 1. AS 11.56 is amended by adding a new section to read:

**6 Sec. 11.56.835. Failure to register as a sex offender or child kidnapper in
7 the first degree. (a) A person commits the crime of failure to register as a sex
8 offender or child kidnapper in the first degree if the person violates AS 11.56.840**

**9 (1) and the person has been previously convicted of a crime under this
10 section or AS 11.56.840 or a law or ordinance of this or another jurisdiction with
11 elements similar to a crime under this section or AS 11.56.840; or**

**12 (2) with intent to escape detection or identification and, by escaping
13 detection or identification, to facilitate the person's commission of a sex offense or
14 child kidnapping.**

1 (b) In a prosecution under (a)(2) of this section, the fact that the defendant, for
 2 a period of at least one year, failed to register as a sex offender or child kidnapper,
 3 failed to file the annual or quarterly written verification or changed the sex offender's
 4 or child kidnapper's address and did not file the required notice of change of address,
 5 is prima facie evidence that the defendant intended to escape detection or identification
 6 and, by escaping detection or identification, to facilitate the person's commission of a
 7 sex offense or child kidnapping.

8 (c) In this section, "child kidnapping" and "sex offense" have the meanings
 9 given in AS 12.63.100.

10 (d) Failure to register as a sex offender or child kidnapper in the first degree
 11 is a class C felony.

12 * Sec. 2. AS 11.56.840 is amended to read:

13 **Sec. 11.56.840. Failure to register as a sex offender or child kidnapper in**
 14 **the second degree.** (a) A person **commits the crime of failure to register as a sex**
 15 **offender or child kidnapper in the second degree if the person** [WHO] knowingly
 16 fails to (1) register, (2) file the written notice of change of address, [OR] (3) file the
 17 annual **or quarterly** written **verification, or (4) supply all of the information**
 18 **required to be submitted under (1) - (3) of this subsection** [NOTICE OR
 19 STATEMENT], as required in AS 12.63.010.

20 **(b) Failure to register as a sex offender or child kidnapper in the second**
 21 **degree is** [, IS GUILTY OF] a class A misdemeanor.

22 * Sec. 3. AS 12.55.135(e) is amended to read:

23 (e) If a defendant is sentenced under (c), [OR] (d), **or (g)** of this section,

24 (1) execution of sentence may not be suspended and probation or parole
 25 may not be granted until the minimum term of imprisonment has been served;

26 (2) imposition of a sentence may not be suspended except upon
 27 condition that the defendant be imprisoned for no less than the minimum term of
 28 imprisonment provided in the section; and

29 (3) the minimum term of imprisonment may not otherwise be reduced.

30 * Sec. 4. AS 12.55.135 is amended by adding a new subsection to read:

31 (g) A defendant convicted of failure to register as a sex offender or child

1 kidnapper in the second degree under AS 11.56.840 shall be sentenced to a minimum
2 term of imprisonment of 90 days.

3 * Sec. 5. AS 12.55.148 is amended to read:

4 **Sec. 12.55.148. Judgment for sex offenses or child kidnappings.** (a) When
5 a defendant is convicted of a sex offense or child kidnapping by a court of this state,
6 the written judgment must set out the requirements of AS 12.63.010 and, if it can be
7 determined by the court, whether that conviction will require the offender or
8 kidnapper to register for life or a lesser period under AS 12.63.

9 (b) In this section, "sex offense" and "child kidnapping" have [HAS] the
10 meanings [MEANING] given in AS 12.63.100.

11 * Sec. 6. AS 12.62.900(23) is amended to read:

12 (23) "serious offense" means a conviction for a violation or for an
13 attempt, solicitation, or conspiracy to commit a violation [FOR A FELONY
14 OFFENSE, A CRIME INVOLVING DOMESTIC VIOLENCE, OR A VIOLATION
15 OR ATTEMPTED VIOLATION] of any of the following laws, or of the laws of
16 another jurisdiction with substantially similar elements:

17 (A) a felony offense;

18 (B) a crime involving domestic violence;

19 (C) AS 11.41.410 - 11.41.470;

20 (D) [(B)] AS 11.51.130 [AS 11.51.130(a)(1) - (3)];

21 (E) [(C)] AS 11.61.110(a)(7) or 11.61.125;

22 (F) [(D)] AS 11.66.100 - 11.66.130; or

23 (G) former AS 11.15.120, former 11.15.134, or assault with
24 the intent to commit rape under former AS 11.15.160;

25 (H) [(E)] former AS 11.40.080, 11.40.110, 11.40.130, or
26 11.40.200 - 11.40.420, if committed before January 1, 1980;

27 * Sec. 7. AS 12.63.010(a) is amended to read:

28 (a) A sex offender or child kidnapper who is physically present in the state
29 shall register as provided in this section. The sex offender or child kidnapper shall
30 register [WITHIN]

31 (1) within the 30-day period before [SEVEN DAYS OF] release from

1 an in-state correctional facility;

2 (2) by the next working day following [SEVEN DAYS OF]
3 conviction for a sex offense or child kidnapping if the sex offender is not
4 incarcerated at the time of conviction [SENTENCED TO A TERM OF
5 INCARCERATION]; or

6 (3) by the next working day [14 DAYS] of becoming physically
7 present in the state [, EXCEPT THE SEX OFFENDER SHALL REGISTER WITHIN
8 SEVEN DAYS OF BECOMING PHYSICALLY PRESENT IN THE STATE IF THE
9 SEX OFFENDER

10 (A) IS A PROBATIONER OR PAROLEE BEING
11 SUPERVISED BY THE STATE AS THE RECEIVING STATE UNDER
12 AS 33.36.110 - 33.36.120; OR

13 (B) HAS BEEN RELEASED FROM AN OUT-OF-STATE
14 CORRECTIONAL FACILITY WHERE THE SEX OFFENDER WAS
15 SERVING A TERM OF INCARCERATION FOR A SEX OFFENSE
16 CONVICTION IN THIS STATE].

17 * Sec. 8. AS 12.63.010(b) is amended to read:

18 (b) A sex offender or child kidnapper required to register under (a) of this
19 section shall register with the Department of Corrections if the sex offender or
20 child kidnapper is incarcerated or in person at the Alaska state trooper post or
21 municipal police department located nearest to where the sex offender or child
22 kidnapper resides at the time of registration. To fulfill the registration requirement,
23 the sex offender or child kidnapper shall

24 (1) complete a registration form that includes, at a minimum,

25 (A) the sex offender's or child kidnapper's name, address,
26 place of employment, date of birth; [.]

27 (B) each conviction for a sex offense or child kidnapping for
28 which the duty to register has not terminated under AS 12.63.020, date of sex
29 offense or child kidnapping convictions, place and court of sex offense or
30 child kidnapping convictions, whether the sex offender or child kidnapper
31 has been unconditionally discharged from the conviction for a sex offense

1 or child kidnapping and the date of the unconditional discharge; if the sex
 2 offender or child kidnapper asserts that the offender or kidnapper has
 3 been unconditionally discharged, the offender or kidnapper shall supply
 4 proof of that discharge acceptable to the department;

5 (C) all aliases used; [,]

6 (D) [AND] driver's license number;

7 (E) description, license numbers, and vehicle identification
 8 numbers of motor vehicles the sex offender or child kidnapper has access
 9 to regardless of whether that access is regular or not;

10 (F) any identifying features of the sex offender or child
 11 kidnapper;

12 (G) anticipated changes of address; and

13 (H) a statement concerning whether the offender or
 14 kidnapper has had treatment for a mental abnormality or personality
 15 disorder since the date of conviction for an offense requiring registration
 16 under this chapter;

17 (2) allow the Alaska state troopers, Department of Corrections, or
 18 municipal police to take a complete set of the sex offender's or child kidnapper's
 19 fingerprints and to take the sex offender's or child kidnapper's photograph.

20 * Sec. 9. AS 12.63.010(c) is amended to read:

21 (c) If a sex offender or child kidnapper changes residence [WITHIN THE
 22 STATE] after having registered under (a) of this section, the sex offender or child
 23 kidnapper shall provide written notice of the change by the next working day
 24 following the change to the Alaska state trooper post or municipal police department
 25 located nearest to the new residence or, if the residence change is out of state, to the
 26 central registry [WITHIN 10 DAYS OF THE CHANGE].

27 * Sec. 10. AS 12.63.010(d) is amended to read:

28 (d) A sex offender or child kidnapper required to register
 29 (1) for 15 years under (a) of this section and AS 12.63.020(a)(2) shall,
 30 annually, during the term of a duty to register under AS 12.63.020, on a date set by
 31 the department at the time of the sex offender's or child kidnapper's initial

1 registration, provide written verification [NOTICE] to the department, in the manner
 2 required by the department, of the sex offender's or child kidnapper's address
 3 and notice of any changes to the information previously [INITIALLY] provided under
 4 (b)(1) of this section;

5 (2) for life under (a) of this section and AS 12.63.020(a)(1) shall, not
 6 less than quarterly, on a date set by the department, provide written verification
 7 to the department, in the manner required by the department, of the sex
 8 offender's or child kidnapper's address and any changes to the information
 9 previously provided under (b)(1) of this section [, OR IF THERE ARE NO
 10 CHANGES, A STATEMENT TO THAT EFFECT].

11 * Sec. 11. AS 12.63.010 is amended by adding a new subsection to read:

12 (f) The registration form required to be submitted under (b) of this section and
 13 the annual or quarterly verifications must be sworn to by the offender or kidnapper and
 14 contain an admonition that a false statement shall subject the offender or kidnapper to
 15 prosecution for perjury.

16 * Sec. 12. AS 12.63.020 is amended to read:

17 Sec. 12.63.020. Duration of sex offender or child kidnapper duty to
 18 register. (a) The duty of a sex offender or child kidnapper to comply with the
 19 requirements of AS 12.63.010 for each sex offense or child kidnapping

20 (1) continues for the lifetime of a sex offender or child kidnapper
 21 convicted of

22 (A) one aggravated sex offense; or

23 (B) two or more sex offenses, two or more child kidnappings,
 24 or one sex offense and one child kidnapping;

25 (2) ends 15 years following the sex offender's or child kidnapper's
 26 unconditional discharge from a conviction for a single sex offense that is not an
 27 aggravated sex offense or for a single child kidnapping if the sex offender or child
 28 kidnapper has supplied proof that is acceptable to the department of the
 29 unconditional discharge; the registration period under this paragraph

30 (A) is tolled for each year that a sex offender or child
 31 kidnapper

1 (i) fails to comply with the requirements of this
 2 chapter;

3 (ii) is incarcerated for the offense or kidnapping for
 4 which the offender or kidnapper is required to register or for any
 5 other offense;

6 (B) may include the time a sex offender or child kidnapper
 7 was absent from this state if the sex offender or child kidnapper has
 8 complied with any sex offender or child kidnapper registration
 9 requirements of the jurisdiction in which the offender or kidnapper was
 10 located and if the sex offender or child kidnapper provides the department
 11 with proof of the compliance while the sex offender or child kidnapper was
 12 absent from this state; and

13 (C) continues for a sex offender or child kidnapper who has
 14 not supplied proof acceptable to the department of the offender's or
 15 kidnapper's unconditional discharge for the sex offense or child
 16 kidnapping requiring registration.

17 (b) The department shall adopt, by regulation, procedures to notify a sex
 18 offender or child kidnapper who, on the registration form under AS 12.63.010, lists
 19 a conviction for a sex offense or child kidnapping that is a violation of a former law
 20 of this state or a law of another jurisdiction, of the duration of the offender's or
 21 kidnapper's duty under (a) of this section for that sex offense or child kidnapping.
 22 As a part of the regulations, the department shall require the offender or
 23 kidnapper to supply proof acceptable to the department of unconditional
 24 discharge and the date it occurred.

25 * Sec. 13. AS 12.63 is amended by adding a new section to read:

26 **Sec. 12.63.030. Notification of other jurisdictions.** (a) If a sex offender or
 27 child kidnapper notifies the department that the sex offender or child kidnapper is
 28 moving from the state, the department shall notify the Federal Bureau of Investigation
 29 and the state where the sex offender or child kidnapper is moving of the sex offender's
 30 or child kidnapper's intended address.

31 (b) If a sex offender or child kidnapper fails to register or to verify the sex

1 offender's or child kidnapper's address and registration under this chapter, or the
 2 department does not know the location of a sex offender or child kidnapper required
 3 to register under this chapter, the department shall immediately notify the Federal
 4 Bureau of Investigation.

5 * Sec. 14. AS 12.63.100(2) is amended to read:

6 (2) "sex offender or child kidnapper" means a person convicted of a
 7 sex offense or child kidnapping in this state or another jurisdiction regardless of
 8 whether the conviction occurred before, after, or on the effective date of this Act
 9 [AUGUST 10, 1994];

10 * Sec. 15. AS 12.63.100(3) is amended to read:

11 (3) "sex offense" means a crime, or an attempt, solicitation, or
 12 conspiracy to commit a crime, under the following statutes or a similar law of
 13 another jurisdiction:

14 (A) AS 11.41.410 - 11.41.438, 11.41.440(a)(2), 11.41.450, or
 15 11.41.455;

16 (B) [,] AS 11.61.125;

17 (C) [,] AS 11.66.110 or 11.66.130(a)(2) if the person who was
 18 induced or caused to engage in prostitution was 16 or 17 years of age at
 19 the time of the offense; or

20 (D) [,] former AS 11.15.120, former [OR] 11.15.134, or
 21 assault with the intent to commit rape under former AS 11.15.160, [OR]
 22 former AS 11.40.110, or 11.40.200 [, OR A SIMILAR LAW IN ANOTHER
 23 JURISDICTION];

24 * Sec. 16. AS 12.63.100 is amended by adding new paragraphs to read:

25 (5) "aggravated sex offense" means a crime, or an attempt, solicitation,
 26 or conspiracy to commit a crime, under AS 11.41.410, 11.41.434, or a similar law of
 27 another jurisdiction;

28 (6) "child kidnapping" means a crime or an attempt, solicitation, or
 29 conspiracy to commit a crime, under AS 11.41.300, or a similar law of another
 30 jurisdiction, if the victim was under 18 years of age at the time of the offense.

31 * Sec. 17. AS 18.65.087(a) is amended to read:

1 (a) The Department of Public Safety shall maintain a central registry of sex
 2 offenders and child kidnappers [REQUIRED TO REGISTER UNDER AS 12.63.010]
 3 and shall adopt regulations necessary to carry out the purposes of this section and
 4 AS 12.63. A post of the Alaska state troopers or a municipal police department that
 5 receives registration or change of address information under AS 12.63.010 shall
 6 forward the information within five working days of receipt to the central registry of
 7 sex offenders and child kidnappers. Unless the sex offender or child kidnapper
 8 provides proof satisfactory to the department that the sex offender or child
 9 kidnapper is not physically present in the state or that the time limits described
 10 in AS 12.63.010 have passed, the Department of Public Safety may enter and
 11 maintain in the registry information described in AS 12.63.010 about a sex
 12 offender or child kidnapper that the department obtains from

13 (1) the sex offender or child kidnapper under AS 12.63;

14 (2) a post of the Alaska state troopers or a municipal police
 15 department under (a) of this section;

16 (3) a court judgment under AS 12.55.148;

17 (4) the Department of Corrections under AS 33.30.012 or 33.30.035;

18 (5) the Federal Bureau of Investigation or another sex offender
 19 registration agency outside this state if the information indicates that a sex
 20 offender or child kidnapper is believed to be residing or planning to reside in the
 21 state or cannot be located;

22 (6) a criminal justice agency in the state or another jurisdiction;

23 (7) the department's central repository under AS 12.62; information
 24 entered in the registry from the repository is not subject to the requirements of
 25 AS 12.62.160(c)(3) or (4); or

26 (8) another reliable source as defined in regulations adopted by the
 27 department.

28 * Sec. 18. AS 18.65.087(b) is amended to read:

29 (b) Information about a sex offender or child kidnapper that is contained in
 30 the central registry, including sets of fingerprints, is confidential and not subject to
 31 public disclosure except as to the sex offender's or child kidnapper's name, aliases,

1 address, photograph, physical description, description of motor vehicles, license
 2 numbers of motor vehicles, and vehicle identification numbers of motor vehicles,
 3 place of employment, date of birth, crime for which convicted, date of conviction,
 4 place and court of conviction, [AND] length and conditions of sentence, and a
 5 statement as to whether the offender or kidnapper is in compliance with
 6 requirements of AS 12.63 or cannot be located.

7 * Sec. 19. AS 18.65.087(d) is amended to read:

8 (d) The Department of Public Safety

9 (1) shall adopt regulations to

10 (A) allow a sex offender or child kidnapper to review sex
 11 offender or child kidnapper registration information that refers to that sex
 12 offender or child kidnapper, and if the sex offender or child kidnapper
 13 believes the information is inaccurate or incomplete, to request the department
 14 to correct the information; if the department finds the information is inaccurate
 15 or incomplete, the department shall correct or supplement the information;

16 (B) ensure the appropriate circulation to law enforcement
 17 agencies of information contained in the central registry;

18 (C) ensure the anonymity of members of the public who
 19 request information under this section;

20 (2) shall provide to the Department of Corrections and municipal
 21 police departments the forms and directions necessary to allow sex offenders and child
 22 kidnappers to comply with AS 12.63.010;

23 (3) may adopt regulations to establish fees to be charged for registration
 24 under AS 12.63.010 and for information requests; the fee for registration shall be based
 25 upon the actual costs of performing the registration and maintaining the central registry
 26 but may not be set at a level whereby registration is discouraged; the fee for an
 27 information request may not be greater than \$10;

28 (4) shall remove from the central registry of sex offenders and child
 29 kidnappers under this section information about a sex offender or child kidnapper
 30 required to register under AS 12.63.020(a)(2) at the end of the sex offender's or child
 31 kidnapper's duty to register if the offender or kidnapper has not been convicted of

1 another sex offense or child kidnapping and the offender or kidnapper has
 2 supplied proof of unconditional discharge acceptable to the department; in this
 3 paragraph, "sex offense" and "child kidnapping" have [HAS] the meanings
 4 [MEANING] given in AS 12.63.100.

5 * Sec. 20. AS 18.65.087 is amended by adding new subsections to read:

6 (e) The name, address, and other identifying information of a member of the
 7 public who makes an information request under this section is not a public record
 8 under AS 09.25.100 - 09.25.220.

9 (f) When a sex offender or child kidnapper registers under AS 12.63, the
 10 Department of Public Safety shall make reasonable attempts to verify that the sex
 11 offender or child kidnapper is residing at the registered address. Reasonable attempts
 12 at verifying an address include sending certified mail, return receipt requested, to the
 13 offender or kidnapper at the registered address. The department shall make reasonable
 14 efforts to locate an offender or kidnapper who cannot be located at the registered
 15 address.

16 (g) The department, at least quarterly, shall compile a list of those persons
 17 with a duty to register under AS 12.63.010 who have failed to register, whose
 18 addresses cannot be verified under (f) of this section, or who otherwise cannot be
 19 located. The department shall post this list on the Internet and request the public's
 20 assistance in locating these persons.

21 * Sec. 21. AS 33.30.012 is amended to read:

22 Sec. 33.30.012. Notice of release, parole, community placement, work
 23 release placement, furlough, or escape of sex offender or child kidnapper. (a)
 24 Within 30 [AT THE EARLIEST POSSIBLE DATE, AND IN NO EVENT LATER
 25 THAN 10] days before release of a sex offender or child kidnapper with a duty to
 26 register under AS 12.63, the commissioner shall complete the registration of the sex
 27 offender or child kidnapper if the offender or kidnapper has not previously
 28 registered. The commissioner shall take the sex offender's or child kidnapper's
 29 photograph, and determine if legible fingerprints of the sex offender or child
 30 kidnapper have been previously provided to the Department of Public Safety; if
 31 legible fingerprints for the sex offense or child kidnapping have not previously

1 been provided to the Department of Public Safety, the commissioner shall obtain
 2 the sex offender's or child kidnapper's fingerprints in the manner required by the
 3 Department of Public Safety and shall immediately forward the fingerprints to the
 4 department. When completing the registration or taking the photograph under
 5 this subsection, the commissioner shall also send written notice of release, parole,
 6 community placement, work release placement, or furlough of a sex offender or child
 7 kidnapper [SPECIFIC INMATE CONVICTED OF A SEX OFFENSE] to:

8 (1) the chief of police of the community, if any, in which the inmate
 9 will reside;

10 (2) the Alaska state trooper post located nearest to where the inmate
 11 will reside; [AND]

12 (3) the village public safety officer of the rural community without a
 13 municipal police department or Alaska state trooper post in which the inmate will
 14 reside; and

15 (4) the central registry of sex offenders and child kidnappers.

16 (b) If an inmate convicted of a sex offense or child kidnapping escapes from
 17 a correctional facility, the commissioner shall immediately notify the Department of
 18 Public Safety and the chief of police of the community and the Alaska state trooper
 19 post located closest to where the inmate resided immediately before the inmate's arrest
 20 and conviction.

21 * Sec. 22. AS 33.30.035 is amended to read:

22 Sec. 33.30.035. Notice to sex offenders or child kidnappers of registration
 23 and other requirements [REQUIREMENT]. The department shall provide written
 24 notice to a sex offender or child kidnapper of the registration, verification, and
 25 change of address requirements of AS 12.63.010 [,] and shall obtain a written
 26 [SIGNED ACKNOWLEDGMENT OF] receipt of notice from the sex offender or
 27 child kidnapper (1) at the time of the sex offender's or child kidnapper's release
 28 from a state correctional facility; (2) immediately after taking supervision of a sex
 29 offender or child kidnapper under the Interstate Corrections Compact or
 30 AS 33.36.110. The department shall forward the written receipt to the
 31 Department of Public Safety, along with a description of any identifying features

1 of the offender or kidnapper, the anticipated address of the offender or
 2 kidnapper, and a statement concerning whether the offender or kidnapper has
 3 received treatment for the offender's or kidnapper's mental abnormality or
 4 personality disorder related to the sex offense or child kidnapping. In this
 5 section, "sex offense" and "child kidnapping" have the meanings given in
 6 AS 12.63.100.

7 * Sec. 23. AS 33.30.901(13) is amended to read:

8 (13) "sex offender or child kidnapper." "sex offense." and "child
 9 kidnapping" have [" HAS] the meanings [MEANING] given in AS 12.63.100; [.]

10 * Sec. 24. COURT RULES. (a) The provisions of AS 12.55.148, as amended by sec. 5
 11 of this Act, have the effect of changing Rules 11(c) and 32(c), Alaska Rules of Criminal
 12 Procedure, relating to judgment and sentences for defendants convicted of sex offenses or
 13 child kidnappings.

14 (b) In this section, "sex offense" and "child kidnapping" have the meanings given in
 15 AS 12.63.100, as amended by secs. 15 and 16 of this Act.

16 * Sec. 25. APPLICABILITY. (a) A sex offender or child kidnapper with, before the
 17 effective date of this Act, (1) one conviction for an aggravated sex offense, (2) two or more
 18 convictions for a sex offense or child kidnapping, or (3) one conviction for a child kidnapping
 19 and one conviction for a sex offense, regardless of whether the offender or kidnapper has been
 20 unconditionally discharged from that conviction or convictions, shall register under
 21 AS 12.63.010, as amended by secs. 7 - 11 of this Act, by the 60th day after the effective date
 22 of this Act. A sex offender or child kidnapper with only one conviction for a sex offense that
 23 is not an aggravated sex offense or only one conviction for a child kidnapping, and who was
 24 unconditionally discharged from that offense before July 1, 1984, does not have to register
 25 under this Act. A sex offender or child kidnapper with only one conviction for a sex offense
 26 that is not an aggravated sex offense or only one conviction for a child kidnapping who was
 27 required to register under sec. 12, ch. 41, SLA 1994, shall continue to register as provided by
 28 AS 12.63.010, as amended by secs. 7 - 11 of this Act.

29 (b) A conviction for a sex offense or child kidnapping before the effective date of this
 30 Act is a sex offense or child kidnapping for purposes of the duration of registration
 31 requirement of AS 12.63.020(a), as amended by sec. 12 of this Act.

1 (c) In this section, "aggravated sex offense," "sex offender or child kidnapper," "sex
2 offense," and "child kidnapping" have the meanings given in AS 12.63.100, as amended by
3 secs. 14 - 16 of this Act.

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: HB 252

Revision Date: 02/04/98 Dept. Affected: Public Safety
 Title: Sex Offender Registration BRU: Alaska State Troopers
 Component: AST Director's Office
 Sponsor: Rep Ryan
 Requestor: House Judiciary COMPONENT SERIAL NO. 0508

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	14.0	9.0	9.0	9.0	9.0	9.0
TRAVEL						
CONTRACTUAL	7.2	2.5	7.2	2.5	7.2	2.5
SUPPLIES	2.3	.3	.3	2.3	.3	.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	23.5	11.8	16.5	13.8	16.5	11.8

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	23.5	11.8	16.5	13.8	16.5	11.8
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	23.5	11.8	16.5	13.8	16.5	11.8

Estimate of current year (FY 98) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	2	2	2	2	2	2
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill would require quarterly verification (via postcard) of an estimated 500 sex offenders who are obligated to register for their lifetimes. The figures are based on the approximate 230 new sex offenders per year subject to registration and a 10% rate of certified letters (Section 17 of Bill) returned unsigned by the new registrants. The regulation project will be required in the first year only. Newspaper publication costs (Section 16) will be on a biennial basis.

Prepared By: F/Sgt. Don Bowman Phone: 269-5084
 Division: Alaska State Troopers Date: 02/04/98
 Approved by Commissioner: Ronald L. Otte Date: 2/4/98
 Agency: Department of Public Safety

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 252

Revision Date: _____
Title: " An Act relating to criminal records"

Department Affected: Administration
BFU: Legal and Advocacy Services
Component: Public Defender Agency

Sponsor: Representative Ryan
Requestor: (H) JUD

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.5	36.5	36.5	36.5	36.5	36.5
TRAVEL	1.8	1.8	1.8	1.8	1.8	1.8
CONTRACTUAL	8.3	8.3	8.3	8.3	8.3	8.3
SUPPLIES	1.8	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	6.5	2	2	2	2	2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	54.9	48.6	48.6	48.6	48.6	48.6

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.9	48.6	48.6	48.6	48.6	48.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	54.9	48.6	48.6	48.6	48.6	48.6

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill amends sex offender registration laws in a number of ways. It changes the failure to register from a class A misdemeanor to a class C felony. It greatly adds to the offenses that give rise to the requirement to register upon conviction, including child kidnapping, promoting prostitution, and solicitation and conspiracy to commit the included offenses. It makes the registration requirements more difficult to satisfy by requiring quarterly verification, reducing the time period to comply, and requiring additional information about motor vehicles, treatment and unconditional discharge. Additionally it provides for statewide newspaper publication of the names and addresses of each person that registers. Each of these changes will greatly increase the numbers of people who fail to comply and will thereby be committing a felony offense. Fiscal impact is certain. There are currently 1573 registered offenders under the existing law. Estimates are that this is only about 50% compliance. In FY 97 the Department of Law prosecuted 127 cases as misdemeanors. Felony cases are the most time consuming and labor intensive of the agency's workload. Because many of the current cases are in Anchorage, a half time Attorney III will be added. This is a very conservative estimate.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2/4/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 252

Revision Date (note if correction) _____ Dept. Affected Law
 Title An Act relating to criminal records, to notice BRU Criminal Division
registration of sex offenders and child kidnappers Rules 11(f) Component 1st-4th Jud Dist, OSPA
 Sponsor Representative Ryan
 Requester House Judiciary Committee Component Serial No 2198-99/2261/79/01/03

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	56.6	56.6	56.6	56.6	56.3	56.6
Travel	5.2	5.2	5.2	5.2	5.2	5.2
Contractual	9.1	9.1	9.1	9.1	9.1	9.1
Supplies	0.9	0.9	0.9	0.9	0.9	0.9
Equipment	6.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	78.3	71.8	71.8	71.8	71.8	71.8

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	78.3	71.8	71.8	71.8	71.8	71.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	78.3	71.8	71.8	71.8	71.8	71.8

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 252 increases the charge of failure to register as a sex offender from a class A misdemeanor to a class C felony, and adds child kidnappers as individuals who must register. The bill also requires quarterly written verification of the sex offender's or child kidnapper's address and the other information required. Failure to provide the verification is also a class C felony, as is failure to provide all the information the bill requires at registration.

In 1997, the Department of Law prosecuted 127 people for failure to register as a sex offender around the state. Raising the offense to a class C felony would necessarily require more time on the part of the district attorneys than a class A misdemeanor. They would be relatively straight-forward, however. For example, a grand jury indictment would be required for the felony charge, but these are anticipated to require few witnesses.

Prepared by Joan M. Kasson Phone 465-5370
 Division Attorney General's Office Date 2/2/98
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 2/2/98
 Agency Department of Law

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 252

ANALYSIS CONTINUATION

It is likely that many of the people charged under this law would already have been sentenced for at least one felony, for their original sex offense. Making failure to register a felony raises the stakes for these individuals. With a potential second felony conviction, they would be facing a presumptive sentence, and may be less likely to plead out before trial.

The department believes that a part-time attorney in its Anchorage District Attorney's Office should be sufficient to manage the increased time required to prosecute this crime as a felony. The 1997 prosecutions were spread around the state, with the largest numbers of filings in Anchorage (50), Bethel (29), and Fairbanks (25). We would anticipate using the new part-time attorney position to help the prosecutors in communities outside Anchorage as needed, so have included \$5.0 for case-specific travel.

We have not included additional resources to respond to the new crimes created by the bill. While new felony crimes will increase the caseload, the numbers are too speculative at this point to base a cost estimate on.

The estimated cost of the attorney position is based on the department's FY98/99 standard attorney cost allocation schedule of \$133,500 per full-time equivalent position. The cost schedule includes normal overhead expenses including copies, telecommunication costs, leases and clerical support. One-time equipment costs of \$6.5, and the case-specific travel indicated above, are not included in the schedule and are added separately.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 252

Revision Date (Note if correction) 02/04/98 Dept. Affected Corrections
 Title An Act relating to criminal records, relating to BRU Administration and Operations
notice about and registration of sex offenders and child Component ALL
 Sponsor Representative Ryan
 Requester House Judiciary Component Serial No. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	197.2	416.4	416.4	416.4	416.4	416.4
TOTAL OPERATING	197.2	416.4	416.4	416.4	416.4	416.4

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	197.2	416.4	416.4	416.4	416.4	416.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	197.2	416.4	416.4	416.4	416.4	416.4

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date 2/4/98
 Approved by Commissioner Margaret M. Pugh *Margaret M. Pugh* Date 2/4/98
 Agency Department of Corrections

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The major impact of this legislation for the Department of Corrections (DOC) lies in Sec. 1 where by the penalty for failure to register as a sex offender or a child kidnapper is increased from a Class A misdemeanor to a Class C felony. This increase in penalty results in a two-year presumptive sentence for a second felony conviction.

In 1996 the DOC had 22 admissions for failure to register as a sex offender. Six of these offenders were incarcerated, serving an average sentence of 41 days.

Using six convictions a year the DOC estimates the following fiscal impact:

FY99: 6 inmates X 365 days X \$100.07 per day = \$219.1
 Subtract costs for incarceration under current penalties
 6 inmates X 41 days X \$100.07 per day = (\$24.6)
 \$450.00 Pre-sentence Investigation Report X 6 inmates = \$2.7

FY99 Total: \$197.2 GF

FY99	6	6	\$100.07	365	\$219.1	\$2.7	-\$24.6	\$197.2
FY00	6 + 6	12	\$100.07	365	\$438.3	\$2.7	-\$24.6	\$416.4

*Beginning in FY01 the first offenders (6) under proposed AS 11.56.840 would be released. This results in a no net gain from this point forward since six would enter the system and six would be released.

This fiscal note is based on the current arrest and conviction practices. The Dept. of Public Safety has indicated that they are redoubling their efforts to locate and arrest sex offenders who have failed to register. In addition, the Dept. of Law has indicated that their prosecutions are on the rise.

02-04-98
HB 252

Good Afternoon

My name is Sylvia Dancy, I support Bill # 252. I work at a day care center here in the Nat Su. Valley.

Pedophile! It leaves a bitter taste in my mouth just saying it. When I hear that word, pictures of children being raped flash through my mind. I see them crying, crying from physical and emotional pain. What these pedophile do to the children in this country sickens me!

So I hear some law enforcement officers don't have the time or the money to enforce Bill # 252. Would you want your child or grandchild to be their next victim?

The pedophile moving in next door, you not knowing they had raped a child before. The child molester gets a cute puppy to lure your child over toward their yard.

Oh! I forgot, if you wanted to, being

an officer of the law you could have your buddies
find out all you need to know about your new neighbor.

Well the public relies on the "Sex Offender
List" to know where they are moving into.
Do we not list numbers of days in
the local paper. Well I hold the law makers
responsible for enforcing laws needed to
protect our children, because their criminals are
handed over to you to deal with!

Are you standing up on behalf of
children or the child molester? Our laws
will reflect on whom you decide!

Thank-you

Sylvia R. Davey P.O. Box 873248
Wasilla Alaska 99687-3248

Sylvia R. Davey

February 5, 1998

VIA FAX : 465-3834

TO: Rep. Brian Porter

Re: TeleConference 2-4-98 on HB 252 and HB 360

From: Robin D. Bowen WASP

fax 345-4241

Dear Rep. Porter;

Thank you for the opportunity to again give testimony on behalf of the children of Alaska. As you are aware, it is our goal and desire to see these bills passed. Can you please give me any further input as to the time sequence of these bills going to the Finance Comm. and if it would be beneficial for us to contact that specific committee to make our desires for these bills known. Also, a name was stated that we did not catch, a Kevin Jardelle (??) to send a written copy of our testimony from yesterday for his review. Could you advise on the proper name and fax number to this gentleman? Thank you once again for your support and diligence in your service to the people of Alaska.

Respectfully,

Robin D. Bowen



cc: Rep Joe Green 465-4316



STATE of ALASKA

Bethel Legislative Information Office

PO Box 886
Bethel, Alaska 99559
(907) 543-3541
Fax- 543-3542

Written Testimony
for the
Record:

TCN: 80243

Committee: House Jud. 465-4316

Date: 2/12/98

Bill Number(s): HJR 5

Subject(s): Freedom of Conscience

Please enter my testimony into the record.

Doris Notti
Testifier's name (s):

Representing (opt.)

PO Box 2175 Bethel 99559
Address

Phone

February 12, 1998

I wish to air my concerns about HJR 5. This legislation seems directed at allowing Health care workers by allowing them to not participate in acts that they may object to such as abortions. I fear that the vague wording of the legislation may allow other workers to not participate in acts that they find morally objectionable. If a waitress has moral objections to serving minorities would she then be exempt from that act? Would a teacher be allowed to teach creationism rather than Darwinism? The court already makes allowance for the health care workers in the Valley Hospital case it only says the Hospital cannot deny the patient the right to have a legal operation performed.

Dario A. Notti

Dario A. Notti
P.O. Box 2175
BETHEL AK
99559



Alaska State Legislature

Please enter into the record my testimony to the HJUD
committee name

committee on HA 252 dated 2-11-98

bill/subject

Reference: Page 2- Sec 3. Interested person should be "anyone"
not just for determining supervisory or disciplinary of
a minor or dependent adult.

Reference: Page 2- Sec. 4. (a) Not only physically present in the
state, but if you committed this act then moved out
of state.

(1) 3 to 7 days "before" release.

(2) Instead of 3 to 7 days of conviction It should be
immediately

(3) The sex of offender or child kidnapper whether they are
on probation or paroled or what ever the reason they
should be made to immediately register as a sex
offender, because they will not change.

Reference: Sec, 5 page 3. (1) A registration form should have not
just the minimum of the persons name, address, place of
employment, and date of birth they should also have
mailing and residence address not just address, and not

Signed:

Ann Lashley

Testifier

NA

Representing (Optional)

P.O. Box 1737 Kenai, Alaska 99611

Address

(907) 283-9097

Phone No.

Reference: Sec. 5 page 3, (1) just the month, day of month or year of birth but the city and state or country in case that person leaves and they may have family there that might know where that person is. Also the form should have that persons "Phone Number" and most important their "Social Security Number" because they can ~~change~~ change everything else but they can not change their "Social Security Number."

Reference: Sec. 6. Page 3 (c) If or when a sex offender or child kidnapper changes residence they should have to register immediately not 5 to 10 day later.

Reference: Sec 7, Page 3. (a) A sex offender or child kidnapper should be required to register for "Life" not just for 15 years.

Reference: Sec. 9. Page 4. (1) It should not matter if the sex offender or child kidnapper is convicted of (A), (B) it should not end after 15 years

Reference: Sec. 10, Page 5. ~~(a)~~ (a) Notification should not be just to other jurisdictions but to their victims and to their families that this person is moving "in or out of state." Also when this bill becomes law the sex offenders and child kidnappers that are not in prison whether they still live in Alaska or have moved out of state should have to register for the ~~state~~ safety of our children."

Reference: Sec. 15, page 6 (D) Information about a sex offender or child kidnapper that is contained in the central registry should be available to the public.

Reference: Sec 16, page 7, (3) The fee for an information request from the public should be \$0.00. Because most like me cannot afford it.

(4) The sex offender or child kidnappers information should never be removed from the central registry because from past and personal experience with my ex-husband they will not change so whether or not they are ever committed ~~of~~ of this kind of crime again they need to be registered for life.

Reference: Sec 18, page 8. Notice of release should not only go to the chief of police, the State Troopers or village public safety officer but ~~also~~ also to the victims and their family. But ^{also} the town they will live in should be notified so we can protect our children from these monsters.

Reference: Sec 23, page 10. ~~line~~ line 14-17. No matter whether the person has been convicted of 1 or more sex offense and whether it was aggravated or not and also if it happened before July, 1984 or after they should have to register. If these people do it once they will and do it ~~again~~ again and again I know from personal experience.

Thank You for Your Time.

Alaska State Legislature

House of Representatives

COMMITTEE ASSIGNMENTS

LABOR & COMMERCE
MILITARY & VETERANS AFFAIRS
COMMUNITY & REGIONAL AFFAIRS
OIL & GAS



Representative Joe Ryan

1 907-922-3875 <http://www.akrepublicans.org>

INTERIM:

716 W. 4TH AVE
ANCHORAGE, AK 99501
PHONE (907) 258-8161

SESSION:

STATE CAPITOL
ROOM 420
JUNEAU, AK 99801-1182
PHONE (907) 465-3875

SPONSOR STATEMENT for HB 252

This bill is offered to intensify sex offender and child kidnapper registration statutes and the registration process in order to better protect our citizens from criminals. Numerous citizens will be protected, including vulnerable adults and children.

The intent here is to comply with recent changes to the law including the Wetterling Act and Violent Offender Registration Act and remain eligible for \$200,000 in funds granted to states that comply with these Acts.

1. Failure to register as a sex offender or a child kidnapper, or fail to properly register results in a class C Felony; an increase from a misdemeanor so as to induce persons to register and do so properly.
2. Provides for the reduction of the time an offender is unregistered and unsupervised by reducing reporting times and reduces the time a sex offender or child kidnapper has to report a change of address. This bill also provides for annual or quarterly verifications of addresses of a sex offender or a child kidnapper.
3. Adjust the length of time a sex offender or a child kidnapper must register to meet requirements of 42 U.S.C. 14071. Requires the Department of Public Safety to notify the Federal Bureau of Investigation if a sex offender or child kidnapper does not register or cannot be found or if such a person moves to another state, the FBI and that state are notified.

0-LS0818P
Luckhaupt
2/3/98

CS FOR HOUSE BILL NO. 252()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE RYAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal records; relating to notice about and registration of
2 sex offenders and child kidnappers; and amending Rules 11(c) and 32(c), Alaska
3 Rules of Criminal Procedure."

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

5 * Section 1. AS 11.56.840 is amended to read:

6 Sec. 11.56.840. Failure to register as a sex offender or child kidnapper.

7 (a) A person commits the crime of failure to register as a sex offender or child
8 kidnapper if the person [WHIO] knowingly fails to (1) register, (2) file the written
9 notice of change of address, [OR] (3) file the annual or quarterly written notice,
10 verification, or statement, or (4) supply all of the information required to be
11 submitted under (1) - (3) of this subsection, as required in AS 12.63.010.

12 (b) Failure to register as a sex offender or child kidnapper is [, IS
13 GUILTY OF] a class C felony [CLASS A MISDEMEANOR].

14 * Sec. 2. AS 12.55.148 is amended to read:

1 **Sec. 12.55.148. Judgment for sex offenses or child kidnappings.** (a) When
2 a defendant is convicted of a sex offense or child kidnapping by a court of this state,
3 the written judgment must set out the requirements of AS 12.63.010 and, if it can be
4 determined by the court, whether that conviction will require the offender or
5 kidnapper to register for life or a lesser period under AS 12.63.

6 (b) In this section, "sex offense" and "child kidnapping" have [HAS] the
7 meanings [MEANING] given in AS 12.63.100.

8 * **Sec. 3.** AS 12.62.900(23) is amended to read:

9 (23) "serious offense" means a conviction for a violation or for an
10 attempt, solicitation, or conspiracy to commit a violation [FOR A FELONY
11 OFFENSE, A CRIME INVOLVING DOMESTIC VIOLENCE, OR A VIOLATION
12 OR ATTEMPTED VIOLATION] of any of the following laws, or of the laws of
13 another jurisdiction with substantially similar elements:

14 (A) a felony offense;

15 (B) a crime involving domestic violence;

16 (C) AS 11.41.410 - 11.41.470;

17 (D) [(B)] AS 11.51.130 [AS 11.51.130(a)(1) - (3)];

18 (E) [(C)] AS 11.61.110(a)(7) or 11.61.125;

19 (F) [(D)] AS 11.66.100 - 11.66.130; or

20 (G) former AS 11.15.120, former 11.15.134, or assault with
21 the intent to commit rape under former AS 11.15.160;

22 (H) [(E)] former AS 11.40.080, 11.40.110, 11.40.130, or
23 11.40.200 - 11.40.420, if committed before January 1, 1980;

24 * **Sec. 4.** AS 12.63.010(a) is amended to read:

25 (a) A sex offender or child kidnapper who is physically present in the state
26 shall register as provided in this section. The sex offender or child kidnapper shall
27 register [WITHIN]

28 (1) at the time [SEVEN DAYS OF RELEASE FROM AN IN-STATE
29 CORRECTIONAL FACILITY;

30 (2) SEVEN DAYS] of conviction for a sex offense or child
31 kidnapping [IF THE SEX OFFENDER IS NOT SENTENCED TO A TERM OF

next working day

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INCARCERATION]; or

(2) within seven [(3) 14] days of becoming physically present in the state, except the sex offender or child kidnapper shall register within three [SEVEN] days of becoming physically present in the state if the sex offender or child kidnapper

(A) is a probationer or parolee being supervised by the state as the receiving state under AS 33.36.110 - 33.36.120; or

(B) has been released from an out-of-state correctional facility where the sex offender or child kidnapper was serving a term of incarceration for a sex offense or child kidnapping conviction in this state.

* Sec. 5. AS 12.63.010(b) is amended to read:

(b) A sex offender or child kidnapper required to register under (a) of this section shall register in person with the Department of Corrections if the offender or kidnapper is incarcerated at the time of conviction or at the Alaska state trooper post or municipal police department located nearest to where the sex offender or child kidnapper resides at the time of registration. To fulfill the registration requirement, the sex offender or child kidnapper shall

(1) complete a registration form that includes, at a minimum,

(A) the sex offender's or child kidnapper's name, address, place of employment, date of birth; [.]

(B) each conviction for a sex offense or child kidnapping for which the duty to register has not terminated under AS 12.63.020, date of sex offense or child kidnapping convictions, place and court of sex offense or child kidnapping convictions, whether the sex offender or child kidnapper has been unconditionally discharged from the conviction for a sex offense or child kidnapping and the date of the unconditional discharge; if the offender or kidnapper asserts that the offender or kidnapper has been unconditionally discharged, the offender or kidnapper shall supply proof of that discharge acceptable to the department;

(C) all aliases used; [.]

(D) [AND] driver's license number;

1 (E) description, license numbers, and registration numbers
2 of motor vehicles the sex offender or child kidnapper has access to
3 regardless of whether that access is regular or not;

4 (F) any identifying features of the sex offender or child
5 kidnapper;

6 (G) anticipated changes of address; and

7 (H) a statement concerning whether the offender or
8 kidnapper has had treatment for a mental abnormality or personality
9 disorder since the date of conviction for an offense requiring registration
10 under this chapter;

11 (2) allow the Alaska state troopers, Department of Corrections, or
12 municipal police to take a complete set of the sex offender's or child kidnapper's
13 fingerprints and to take the sex offender's or child kidnapper's photograph.

14 * Sec. 6. AS 12.63.010(c) is amended to read:

15 (c) If a sex offender or child kidnapper changes residence [WITHIN THE
16 STATE] after having registered under (a) of this section, the sex offender or child
17 kidnapper shall provide written notice of the change to the Alaska state trooper post
18 or municipal police department located nearest to the new residence by the next
19 working day following the change or, if the residence change is out of state, to the
20 central registry within 10 days of the change.

21 * Sec. 7. AS 12.63.010(d) is amended to read:

22 (d) A sex offender or child kidnapper required to register

23 (1) for 15 years under (a) of this section and AS 12.63.020(a)(2) shall,
24 annually, during the term of a duty to register under AS 12.63.020, on a date set by
25 the department at the time of the sex offender's or child kidnapper's initial
26 registration, provide written verification [NOTICE] to the department, in the manner
27 required by the department, of the sex offender's or child kidnapper's address
28 and any changes to the information previously [INITIALLY] provided under (b)(1)
29 of this section;

30 (2) for life under (a) of this section and AS 12.63.020(a)(1) shall, not
31 less than quarterly, on a date set by the department, provide written verification

1 to the department, in the manner required by the department, of the sex
2 offender's or child kidnapper's address and any changes to the information
3 previously provided under (b)(1) of this section [, OR IF THERE ARE NO
4 CHANGES, A STATEMENT TO THAT EFFECT].

5 * Sec. 8. AS 12.63.010 is amended by adding a new subsection to read:

6 (f) The registration form required to be submitted under (b) of this section and
7 the annual or quarterly verifications must be sworn to by the offender or kidnapper and
8 contain an admonition that a false statement shall subject the offender or kidnapper to
9 prosecution for perjury.

10 * Sec. 9. AS 12.63.020 is amended to read:

11 **Sec. 12.63.020. Duration of sex offender or child kidnapper duty to**
12 **register. (a) The duty of a sex offender or child kidnapper to comply with the**
13 **requirements of AS 12.63.010 for each sex offense or child kidnapping**

14 (1) continues for the lifetime of a sex offender or child kidnapper
15 convicted of

16 (A) one aggravated sex offense; or

17 (B) two or more sex offenses, two or more child kidnappings,
18 or one sex offense and one child kidnapping;

19 (2) ends 15 years following the sex offender's or child kidnapper's
20 unconditional discharge from a conviction for a single sex offense that is not an
21 aggravated sex offense or for a single child kidnapping if the sex offender or child
22 kidnapper has supplied proof that is acceptable to the department of the
23 unconditional discharge; the registration period under this paragraph

24 (A) is tolled for each year that a sex offender or child
25 kidnapper

26 (i) fails to comply with the requirements of this
27 chapter;

28 (ii) is incarcerated for the offense or kidnapping for
29 which the offender or kidnapper is required to register or for any
30 other offense;

31 (B) may include the time a sex offender or child kidnapper

1 was absent from this state if the sex offender or child kidnapper has
2 complied with the sex offender or child kidnapper registration
3 requirements of the jurisdiction in which the offender or kidnapper was
4 located and if the sex offender or child kidnapper provides the department
5 with proof of the compliance while the sex offender or child kidnapper was
6 absent from this state; and

7 (C) continues for a sex offender or child kidnapper who has
8 not supplied proof acceptable to the department of the offender's or
9 kidnapper's unconditional discharge for the sex offense or child
10 kidnapping requiring registration.

11 (b) The department shall adopt, by regulation, procedures to notify a sex
12 offender or child kidnapper who, on the registration form under AS 12.63.010, lists
13 a conviction for a sex offense or child kidnapping that is a violation of a former law
14 of this state or a law of another jurisdiction, of the duration of the offender's or
15 kidnapper's duty under (a) of this section for that sex offense or child kidnapping.
16 As a part of the regulations, the department shall require the offender or
17 kidnapper to supply proof acceptable to the department of unconditional
18 discharge and the date it occurred.

19 * Sec. 10. AS 12.63 is amended by adding a new section to read:

20 Sec. 12.63.030. Notification of other jurisdictions. (a) If a sex offender or
21 child kidnapper notifies the department that the sex offender or child kidnapper is
22 moving from the state, the department shall notify the Federal Bureau of Investigation
23 and the state where the sex offender or child kidnapper is moving of the sex offender's
24 or child kidnapper's intended address.

25 (b) If a sex offender or child kidnapper fails to register or to verify the sex
26 offender's or child kidnapper's address and registration under this chapter, or the
27 department does not know the location of a sex offender or child kidnapper required
28 to register under this chapter, the department shall immediately notify the Federal
29 Bureau of Investigation.

30 * Sec. 11. AS 12.63.100(2) is amended to read:

31 (2) "sex offender or child kidnapper" means a person convicted of a

1 sex offense or child kidnapping in this state or another jurisdiction regardless of
 2 whether the conviction occurred before, after, or on the effective date of this Act
 3 [AUGUST 10, 1994];

4 * Sec. 12. AS 12.63.100(3) is amended to read:

5 (3) "sex offense" means a crime, or an attempt, solicitation, or
 6 conspiracy to commit a crime, under the following statutes or a similar law of
 7 another jurisdiction:

8 (A) AS 11.41.410 - 11.41.438, 11.41.440(a)(2), 11.41.450, or
 9 11.41.455;

10 (B) [,] AS 11.61.125;

11 (C) [,] AS 11.66.110 or 11.66.130(a)(2) if the person who was
 12 induced or caused to engage in prostitution was 16 or 17 years of age at
 13 the time of the offense; or

14 (D) [,] former AS 11.15.120, former [OR] 11.15.134, or
 15 assault with the intent to commit rape under former AS 11.15.160, [OR]
 16 former AS 11.40.110, or 11.40.200 [, OR A SIMILAR LAW IN ANOTHER
 17 JURISDICTION]:

18 * Sec. 13. AS 12.63.100 is amended by adding new paragraphs to read:

19 (5) "aggravated sex offense" means a crime, or an attempt, solicitation,
 20 or conspiracy to commit a crime, under AS 11.41.410, 11.41.434, or a similar law of
 21 another jurisdiction:

22 (6) "child kidnapping" means a crime or an attempt, solicitation, or
 23 conspiracy to commit a crime, under AS 11.41.300, or a similar law of another
 24 jurisdiction, if the victim was under 18 years of age at the time of the offense.

25 * Sec. 14. AS 18.65.087(a) is amended to read:

26 (a) The Department of Public Safety shall maintain a central registry of sex
 27 offenders and child kidnappers [REQUIRED TO REGISTER UNDER AS 12.63.010]
 28 and shall adopt regulations necessary to carry out the purposes of this section and
 29 AS 12.63. A post of the Alaska state troopers or a municipal police department that
 30 receives information under AS 12.63.010 shall forward the information within five
 31 working days of receipt to the central registry of sex offenders and child kidnappers.

1 Regardless of whether the department has proof that a sex offender or child
2 kidnapper is physically present in the state or that the time limits described in
3 AS 12.63.010 have passed, the Department of Public Safety may enter and
4 maintain in the registry information described in AS 12.63.010 about a sex
5 offender or child kidnapper that the department obtains from

6 (1) the sex offender or child kidnapper under AS 12.63;

7 (2) a post of the Alaska state troopers or a municipal police
8 department under (a) of this section;

9 (3) a court judgment under AS 12.55.148;

10 (4) the Department of Corrections under AS 33.30.012 or 33.30.035;

11 (5) the Federal Bureau of Investigation or another sex offender
12 registration agency outside this state if the information indicates that a sex
13 offender or child kidnapper is believed to be residing or planning to reside in the
14 state or cannot be located;

15 (6) a criminal justice agency in the state or another jurisdiction;

16 (7) the department's central repository under AS 12.62; information
17 entered in the registry from the repository is not subject to the requirements of
18 AS 12.62.160(c)(3) or (4); or

19 (8) another reliable source as defined in regulations adopted by the
20 department.

21 * Sec. 15. AS 18.65.087(b) is amended to read:

22 (b) Information about a sex offender or child kidnapper that is contained in
23 the central registry, including sets of fingerprints, is confidential and not subject to
24 public disclosure except as to the sex offender's or child kidnapper's name, aliases,
25 address, photograph, physical description, description, license numbers, and
26 registration numbers of motor vehicles, place of employment, date of birth, crime
27 for which convicted, date of conviction, place and court of conviction, [AND] length
28 and conditions of sentence, and a statement as to whether the offender or
29 kidnapper is in compliance with requirements of registration or cannot be located.

30 * Sec. 16. AS 18.65.087(d) is amended to read:

31 (d) The Department of Public Safety

1 (1) shall adopt regulations to

2 (A) allow a sex offender or child kidnapper to review sex
3 offender or child kidnapper registration information that refers to that sex
4 offender or child kidnapper, and if the sex offender or child kidnapper
5 believes the information is inaccurate or incomplete, to request the department
6 to correct the information; if the department finds the information is inaccurate
7 or incomplete, the department shall correct or supplement the information;

8 (B) ensure the appropriate circulation to law enforcement
9 agencies of information contained in the central registry;

10 (C) ensure the anonymity of members of the public who
11 request information under this section;

12 (2) shall provide to the Department of Corrections and municipal
13 police departments the forms and directions necessary to allow sex offenders and child
14 kidnappers to comply with AS 12.63.010;

15 (3) may adopt regulations to establish fees to be charged for registration
16 under AS 12.63.010 and for information requests; the fee for registration shall be based
17 upon the actual costs of performing the registration and maintaining the central registry
18 but may not be set at a level whereby registration is discouraged; the fee for an
19 information request may not be greater than \$10;

20 (4) shall remove from the central registry of sex offenders and child
21 kidnappers under this section information about a sex offender or child kidnapper
22 required to register under AS 12.63.020(a)(2) at the end of the sex offender's or child
23 kidnapper's duty to register if the offender or kidnapper has not been convicted of
24 another sex offense or child kidnapping and the offender or kidnapper has
25 supplied proof of unconditional discharge acceptable to the department; in this
26 paragraph, "sex offense" and "child kidnapping" have [HAS] the meanings
27 [MEANING] given in AS 12.63.100.

28 * Sec. 17. AS 18.65.087 is amended by adding new subsections to read:

29 (e) The name, address, and other identifying information of a member of the
30 public who makes an information request under this section is not a public record
31 under AS 09.25.100 - 09.25.220.

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(f) When a sex offender or child kidnapper registers under AS 12.63, the Department of Public Safety shall make reasonable attempts to verify that the sex offender or child kidnapper is residing at the registered address. Reasonable attempts at verifying an address include sending certified mail, return receipt requested, to the offender or kidnapper at the registered address. The department shall make reasonable efforts to locate an offender or kidnapper who cannot be located at the registered address.

(g) The department, at least quarterly, shall compile a list of those persons with a duty to register under AS 12.63.010 who have failed to register or whose addresses cannot be verified under (f) of this section. The department shall post this list on the Internet and request the public's assistance in locating these persons.

* Sec. 18. AS 33.30.012 is amended to read:

Sec. 33.30.012. Notice of release, parole, community placement, work release placement, furlough, or escape of sex offender or child kidnapper. (a) Within 30 [AT THE EARLIEST POSSIBLE DATE, AND IN NO EVENT LATER THAN 10] days before release of a sex offender or child kidnapper with a duty to register under AS 12.63, the commissioner shall complete the registration of the sex offender or child kidnapper if the offender or kidnapper has not previously registered. The commissioner shall take the sex offender's or child kidnapper's photograph, and determine if legible fingerprints of the sex offender or child kidnapper have been previously provided to the Department of Public Safety; if legible fingerprints have not previously been provided to the Department of Public Safety, the commissioner shall obtain the sex offender's or child kidnapper's fingerprints in the manner required by the Department of Public Safety and shall immediately forward the fingerprints to the department. When completing the registration or taking the photograph under this subsection, the commissioner shall also send written notice of release, parole, community placement, work release placement, or furlough of a sex offender or child kidnapper [SPECIFIC INMATE CONVICTED OF A SEX OFFENSE] to:

(1) the chief of police of the community, if any, in which the inmate will reside;

1 (2) the Alaska state trooper post located nearest to where the inmate
2 will reside; [AND]

3 (3) the village public safety officer of the rural community without a
4 municipal police department or Alaska state trooper post in which the inmate will
5 reside; and

6 (4) the Department of Public Safety.

7 (b) If an inmate convicted of a sex offense or child kidnapping escapes from
8 a correctional facility, the commissioner shall immediately notify the Department of
9 Public Safety and the chief of police of the community and the Alaska state trooper
10 post located closest to where the inmate resided immediately before the inmate's arrest
11 and conviction.

12 * Sec. 19. AS 33.30.035 is amended to read:

13 Sec. 33.30.035. Notice to sex offenders or child kidnappers of registration
14 requirement. The department shall provide written notice to a sex offender or child
15 kidnapper of the registration, notice, and change of address requirements of
16 AS 12.63.010 [,] and shall obtain a written [SIGNED ACKNOWLEDGMENT OF]
17 receipt of notice from the sex offender or child kidnapper (1) at the time of the sex
18 offender's or child kidnapper's release from a state correctional facility; (2)
19 immediately after taking supervision of a sex offender or child kidnapper under the
20 Interstate Corrections Compact or AS 33.36.110. The department shall forward the
21 written receipt to the Department of Public Safety, along with a description of any
22 identifying features of the offender or kidnapper, the anticipated address of the
23 offender or kidnapper, and a statement concerning whether the offender or
24 kidnapper has received treatment for the offender's or kidnapper's mental
25 abnormality or personality disorder related to the sex offense or child kidnapping.
26 In this section, "sex offense" and "child kidnapping" have the meanings given in
27 AS 12.63.100.

28 * Sec. 20. AS 33.30.901(13) is amended to read:

29 (13) "sex offender or child kidnapper," "sex offense," and "child
30 kidnapping" have [" HAS] the meanings [MEANING] given in AS 12.63.100; [.]

31 * Sec. 21. COURT RULES. (a) The provisions of AS 12.55.148, as amended by sec. 2

1 of this Act, have the effect of changing Alaska Rules of Criminal Procedure 11(c) and 32(c)
2 relating to judgment and sentences for defendants convicted of sex offenses or child
3 kidnappings.

4 (b) In this section, "sex offense" and "child kidnapping" have the meanings given in
5 AS 12.63.100, as amended by secs. 12 and 13 of this Act.

6 * **Sec. 22. APPLICABILITY.** (a) A sex offender or child kidnapper with, before the
7 effective date of this Act, (1) one conviction for an aggravated sex offense, (2) two or more
8 convictions for a sex offense or child kidnapping, or (3) one conviction for a child kidnapping
9 and one conviction for a sex offense, regardless of whether the offender or kidnapper has been
10 unconditionally discharged from that conviction or convictions, shall register under
11 AS 12.63.010, as amended by secs. 4 - 8 of this Act, by the 60th day after the effective date
12 of this Act. A sex offender or child kidnapper with only one conviction for a sex offense that
13 is not an aggravated sex offense or only one conviction for a child kidnapping who was
14 unconditionally discharged from that offense before July 1, 1984, does not have to register
15 under this Act. A sex offender or child kidnapper with only one conviction for a sex offense
16 that is not an aggravated sex offense or only one conviction for a child kidnapping who was
17 required to register under sec. 12, ch. 41, SLA 1994, shall continue to register as provided by
18 AS 12.63.010, as amended by secs. 4 - 8 of this Act.

19 (b) A conviction for a sex offense or child kidnapping before the effective date of this
20 Act is a sex offense or child kidnapping for purposes of the duration of registration
21 requirement of AS 12.63.020(a), as amended by sec. 9 of this Act.

22 (c) In this section, "aggravated sex offense," "sex offender or child kidnapper," "sex
23 offense," and "child kidnapping" have the meanings given in AS 12.63.100, as amended by
24 secs. 11 - 13 of this Act.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE CROFT

TO: CSHB 252(), Draft version "L"

1 Page 4, line 20:

2 Delete "be sworn to by the offender or kidnapper and"

3 Page 4, line 21:

4 Delete "shall"

5 Insert "may"

6 Page 4, line 22:

7 Delete "perjury"

8 Insert "unsworn falsification"

p 5 line 7

*Needs to be sworn to allow for perjury
otherwise its Unsworn falsification.*

*perjury 11,56,200 class B felony
unsworn falsification class A mis*

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE CROFT

TO: CSHB 252(), Draft version "L"

1 Page 1, following line 4:

2 Insert a new bill section to read:

3 **** Section 1.** AS 11.56 is amended by adding a new section to read:

4 **Sec. 11.56.835. Failure to register as a sex offender in the first degree.** (a)

5 A person commits the crime of failure to register as a sex offender or child kidnapper
6 in the first degree if the person violates AS 11.56.840 with intent to escape detection
7 or identification and, by escaping detection or identification, facilitate the person's
8 commission of a sex offense or child kidnapping.

9 (b) In this section, "child kidnapping" and "sex offense" have the meanings
10 given in AS 12.63.100.

11 (c) Failure to register as a sex offender or child kidnapper in the first degree
12 is a class C felony."

13 Page 1, line 5:

14 Delete "Section 1."

15 Insert "Sec. 2."

16 Renumber the following bill sections accordingly.

17 Page 1, line 6, following "kidnapper":

18 Insert "in the second degree"

19 Page 1, line 8, following "kidnapper":

20 Insert "in the second degree"

*Changes from a knowingly
to an intentional standard
for a class C felony*

*The "knowingly" standard
would result in a
class "A" misd.*

1 Page 1, line 12, following "kidnapper":

2 Insert "in the second degree"

3 Page 1, line 13:

4 Delete "class C felony [CLASS A MISDEMEANOR]"

5 Insert "class A misdemeanor"

6 Renumber internal references to bill sections in accordance with this amendment. Below are
7 all internal bill section references in this bill:

8 Page 10, line 26

9 Page 10, line 31

10 Page 11, line 6

11 Page 11, line 13

12 Page 11, line 16

13 Page 11, line 19

(B) approaching or confronting that person in a public place or on private property;

(C) appearing at the workplace or residence of that person;

(D) entering onto or remaining on property owned, leased, or occupied by that person;

(E) contacting that person by telephone;

(F) sending mail or electronic communications to that person;

(G) placing an object on, or delivering an object to, property owned, leased, or occupied by that person;

(4) "victim" means a person who is the target of a course of conduct.

(c) Stalking in the second degree is a class A misdemeanor. (§ 1 ch 40 SLA 1993)

COMMENTARY

The 1993 amendment became effective on May 28, 1993. Section 8, ch. 40, SLA 1993, provides as follows:

AS 11.41.260 and 11.41.270, enacted by sec. 1 of this Act, apply to acts committed on or after the effective date of this Act. However, to the extent a previous conviction is an element of the offense under AS 11.41.260, that previous conviction may have occurred before, on, or after the effective date of this Act.

The following letter of intent was adopted by the Senate to clarify that the victim's fear must be actual, rather than "reasonable":

Letter of Intent
for
CS HB 64(FIN)

It is the intent of the Senate that, in prosecutions for the offense of stalking in the first degree in violation of AS 11.41.260 or stalking in the second degree in violation of AS 11.41.270, the State of Alaska must prove beyond a reasonable doubt that the victim was placed in actual fear of death or physical injury by the defendant's course of conduct. This gives the same meaning to the phrase "recklessly places another person in fear" as is given to that phrase in the offense of assault in the third degree in violation of AS 11.41.220(a)(1) ("recklessly places another person in fear of imminent serious physical injury by means of a dangerous instrument"). This is also consistent with the decision of the Alaska Court of Appeals in *DeHart v. State*, 781 P.2d 989 (Alaska Ct. App. 1989).

(1993 Senate Journal 1026-27 (Apr. 1, 1993)).

Effective dates. — Section 9, ch. 40, SLA 1993 makes this section effective May 28, 1993, in accordance with AS 01.10.070(c).

Article 3.

Kidnapping and Custodial Interference.

Section

300. Kidnapping

320. Custodial interference in the first degree

330. Custodial interference in the second degree

370. Definitions

Sec. 11.41.300. Kidnapping. (a) A person commits the crime of kidnapping if

(1) the person restrains another with intent to

(A) hold the restrained person for ransom, reward, or other payment;

(B) use the restrained person as a shield or hostage;

(C) inflict physical injury upon or sexually assault the restrained person or place the restrained person or a third person in apprehension that any person will be subjected to serious physical injury or sexual assault;

(D) interfere with the performance of a governmental or political function;

(E) facilitate the commission of a felony or flight after commission of a felony; or

(2) the person restrains another

(A) by secreting and holding the restrained person in a place where the restrained person is not likely to be found; or

(B) under circumstances which expose the restrained person to a substantial risk of serious physical injury.

(b) In a prosecution under (a)(2)(A) of this section, it is an affirmative defense that

(1) the defendant was a relative of the victim;

(2) the victim was a child under 18 years of age or an incompetent person; and

(3) the primary intent of the defendant was to assume custody of the victim.

(c) Except as provided in (d) of this section, kidnapping is an unclassified felony and is punishable as provided in AS 12.55.

(d) In a prosecution for kidnapping, it is an affirmative defense which reduces the crime to a class A felony that the defendant voluntarily caused the release of the victim alive in a safe place before arrest, or within 24 hours after arrest, without having caused serious physical injury to the victim and without having engaged in conduct described in AS 11.41.410(a) or 11.41.420. (§ 3 ch 166 SLA 1978; am § 7 ch 102 SLA 1980; am § 6 ch 4 SLA 1990)

COMMENTARY

From Senate Journal Supp. No. 47, at 18-20 (June 2, 1978):

There are three methods of committing kidnapping under the Code. Each requires that the defendant restrain his victim. "Restrain" is defined in AS 11.41.370(3). Restraining may be accomplished by moving a person or by confining him. The person's movements must be restricted unlawfully and without his consent. Paragraphs (A) and (B) of the definition describe when a restraint is "without consent."

Kidnapping will occur when the defendant restrains his victim with one of the five intents specified in paragraphs (A)-(E) of subsection (a)(1). The intents describe the most typical kidnapping situations. Note that there is no requirement that the intent actually be carried out.

Paragraph (A) covers the intent to hold the victim for ransom, reward or other payment. The phrase "or other payment" would cover the situa-

tion where a child was taken from his parent to be sold to a "blackmarket" adoption ring. Paragraph (D) refers to an intent to interfere with the performance of any governmental or political function. This would include, for example, kidnapping a legislator so that he would be unable to participate in an official debate. Paragraph (E) covers a restraint with intent to facilitate a felony. Movements that are merely incidental to the commission of another crime do not fall within this provision. Holding a person at gunpoint during a robbery, for example, will not be elevated to kidnapping even though the person's movements are restricted.

Kidnapping will also occur when a person is restrained under subsection (a)(2). Because it is impossible to list all the unlawful intents that may be involved in kidnapping under subsection (a)(1) and because proof of the defendant's intent may sometimes be impossible, paragraph (A) of subsection (a)(2) provides that restraining another person by secreting and holding him in a place where he is not likely to be found is kidnapping.

Pursuant to paragraph (B) of subsection (a)(2), restraining another person under circumstances which expose him to a substantial risk of serious physical injury will also qualify as kidnapping. The primary application of this provision will be in situations where the victim is not secreted and it is impossible to establish whether the defendant's intent fell within subsection (a)(1).

Subsection (b) provides that a relative (defined in AS 11.41.370(2)) has an affirmative defense to a charge of kidnapping under (a)(2)(A) if he restrains a child under 18 or an incompetent person with the primary intent to assume custody over him. The justification for preferential treatment afforded relatives is the view that relatives who take a child or incompetent person from their lawful custodian are acting in response to understandable, if misguided, domestic passion and have genuine interest or affection for the victim. Their conduct is neither as culpable as that of the stranger who takes the child nor are they as likely to endanger the victim's welfare or sense of security as would the stranger. However, while the relative has not committed kidnapping under subsection (a)(2)(A), he could still be charged with custodial interference or kidnapping under subsection (a)(1) or (a)(2)(B).

Subsection (c) provides that kidnapping is an unclassified felony punishable by a 5-99 year term of imprisonment in AS 12.55.125(b). However, the offense can be reduced to an A felony if the defendant successfully establishes the affirmative defense specified in subsection (d).

Subsection (d) provides an affirmative defense (which the defendant must prove by a preponderance of the evidence) to kidnapping. The successful raising of the defense will not free the defendant; it merely reduces the penalty for kidnapping. The defense is available if the defendant voluntarily releases the victim in a safe place before arrest, or within 24 hours after arrest, without having caused serious physical injury to him and without having sexually assaulted him. This affirmative defense should encourage the

defendant to exercise care in the custody of a victim and to release the victim when doubts arise in the kidnapper's mind.

From Senate Journal Supp. No. 44, at 5-6 (May 29, 1980):

The amendment to (a)(1)(C) clarifies that "restraint" (defined in AS 11.41.370(3)) of a victim with intent to commit a sexual assault is kidnapping. While such conduct is already generally covered under AS 11.41.300(a)(1)(E), it is preferable to specifically prohibit this particularly serious form of conduct in the kidnapping statute.

It should be noted that this amendment would not turn a restraint that was merely incidental to a sexual assault into kidnapping. For example, a defendant who forces a victim who is jogging along a bike path into woods a few feet from the bike path in order to commit a sexual assault has not committed kidnapping. The "restraint" of the victim was too closely related to the sexual assault, both in time and the degree of movement, to qualify as a separate crime. However, if the victim was forced into the defendant's car and then driven a block to a nearby deserted house and sexually assaulted, or sexually assaulted while his accomplice was driving the car, kidnapping has occurred. In this situation the restraint was specifically done to facilitate the commission of the felony and there was significant confinement or movement of the victim beyond that necessary to commit the sexual assault. (See generally *Levshakoff v. State*, 565 P.2d 504 (Alaska 1977)).

CROSS REFERENCES

- Definition of "restrain," "relative" - AS 11.41.370
- Definition of "physical injury," "serious physical injury," "incompetent person," "affirmative defense" - AS 11.81.900(b)
- Definition of "intentionally" - AS 11.81.900(a)
- Assault in the first, second, third, and fourth degree - AS 11.41.200 - 11.41.230
- Reckless endangerment - AS 11.41.250
- Custodial interference in the first and second degree - AS 11.41.320, 11.41.330
- Sexual assault in the first and second degree - AS 11.41.410, 11.41.420
- Failure to permit visitation with a minor - AS 11.51.125
- Term of imprisonment for kidnapping - AS 12.55.125(b)
- Original Code Provision - AS 11.15.260
- TD: I, 58-62.

Effect of amendments. — The 1990 amendment, effective February 2, 1990, made an internal reference change in subsection (d).

Sec. 11.41.320. Custodial interference in the first degree. (a) A person commits the crime of custodial interference in the first degree if the person violates AS 11.41.330 and causes the victim to be removed from the state.

(b) Custodial interference in the first degree is a class C felony. (§ 3 ch 166 SLA 1978)

Sec. 11.41.330. Custodial interference in the second degree. (a) A person commits the crime of custodial interference in the second degree if, being a relative of a child under 18 years of age or a

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relative of an incompetent person and knowing that the person has no legal right to do so, the person takes, entices, or keeps that child or incompetent person from a lawful custodian with intent to hold the child or incompetent person for a protracted period.

(b) Custodial interference in the second degree is a class A misdemeanor. (§ 3 ch 166 SLA 1978)

COMMENTARY

From Senate Journal Supp. No. 47, at 21 (June 12, 1978):

While aimed primarily at eliminating kidnapping charges from child custody disputes, the statutes on custodial interference protect "parental custody against all unlawful interruption, even when the child itself is a willing, undeceived participant in the attack on this interest of its parent." Model Penal Code § 212.4, Comments (Tent. Draft No. 11, 1960).

The second degree crime, a class [A] misdemeanor, encompasses any interference with lawful custody rights by a relative acting with the intent to hold the victim for a protracted period. The defendant must know he has no legal right to interfere with the custody of the victim. The statute covers not only child custody situations, but also interference with children in state custody, incompetents or others who are entrusted by law to the custody of another person or institution.

Custodial interference is aggravated to a C felony when the defendant removes the victim from the state.

CROSS REFERENCES

Definition of "lawful custodian," "relative" - AS 11.41.370
 Definition of "incompetent person" - AS 11.81.900(b)
 Definition of "intentionally," "knowingly" - AS 11.81.900(a)
 Kidnapping - AS 11.41.300
 Failure to permit visitation with a minor - AS 11.51.125(a)

Original Code Provision - AS 11.15.290.

TD: I, 62-63.

Sec. 11.41.370. Definitions. In AS 11.41.300 — 11.41.370, unless the context requires otherwise,

(1) "lawful custodian" means a parent, guardian, or other person responsible by authority of law for the care, custody, or control of another;

(2) "relative" means a parent, stepparent, ancestor, descendant, sibling, uncle, or aunt, including a relative of the same degree through marriage or adoption;

(3) "restrain" means to restrict a person's movements unlawfully and without consent, so as to interfere substantially with the person's liberty by moving the person from one place to another or by confining the person either in the place where the restriction commences or in a place to which the person has been moved; a restraint is "without consent" if it is accomplished

(A) by acquiescence of the restrained person, if the restrained person is under 16 years of age or is incompetent and the restrained person's lawful cus-

todian has not acquiesced in the movement or confinement; or

(B) by force, threat, or deception. (§ 3 ch 166 SLA 1978)

CROSS REFERENCES

Definition of "law," "incompetent person," "force," "threat," "deception" - AS 11.81.900(b)

Original Code Provision - None.

Article 4.

Sexual Offenses.

Section

- 410. Sexual assault in the first degree
- 420. Sexual assault in the second degree
- 425. Sexual assault in the third degree
- 432. Defenses
- 434. Sexual abuse of a minor in the first degree
- 436. Sexual abuse of a minor in the second degree
- 438. Sexual abuse of a minor in the third degree
- 440. Sexual abuse of a minor in the fourth degree
- 445. General provisions
- 450. Incest
- 455. Unlawful exploitation of a minor
- 460. Indecent exposure
- 470. Definitions

Sec. 11.41.410. Sexual assault in the first degree. (a) An offender commits the crime of sexual assault in the first degree if

(1) the offender engages in sexual penetration with another person without consent of that person;

(2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;

(3) the offender engages in sexual penetration with another person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state; or

(4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the first degree is an unclassified felony and is punishable as provided in AS 12.55. (§ 3 ch 166 SLA 1978; am § 8 ch 102 SLA 1980; am § 6 ch 143 SLA 1982; am § 10 ch 78 SLA 1983; am § 1 ch 96 SLA 1988; am § 7 ch 4 SLA 1990; am § 5 ch 79 SLA 1992; am § 3 ch 30 SLA 1996; am § 1 ch 61 SLA 1996)

COMMENTARY

From Senate Journal Supp. No. 47, at 22-23 (June 12, 1978):

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NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

METRO

FRIDAY, August 15, 1997 ★

ANCHORAGE DAILY NEWS

SECTION B

Ex-officer goes to jail for molestation

By LIZ RUSKIN
Daily News reporter

Kelly Heitstuman held himself out as one of the good guys. He was a police officer, a family man, a church member. He and his wife took in foster children.

So when their 16-year-old baby sitter was having trouble at home, the Heitstumans took her in as a member of the family.

Unfortunately, District Court

Judge Stephanie Rhoades said, Kelly Heitstuman made the girl pay a price.

Heitstuman, who recently resigned from the Anchorage Police Department, pleaded no contest Thursday to one misdemeanor count of sexually molesting the girl. Rhoades sentenced Heitstuman to 30 days in jail.

In court, the 32-year-old admitted he gave the girl nude body mas-

sages and touched her breasts. He also admitted he touched her "pubic area" and her inner thigh, but he denies he also touched her genitals. He is sure he didn't, he testified.

"It's the difference between what's wrong and what's really wrong," he said.

The charge alleging genital touching, was dropped in return for his plea to the other count, which covers several months before the

girl moved out in 1996.

The law he is convicted of violating says it is illegal for someone in a position of authority to have sexual contact with a 16- or 17-year-old.

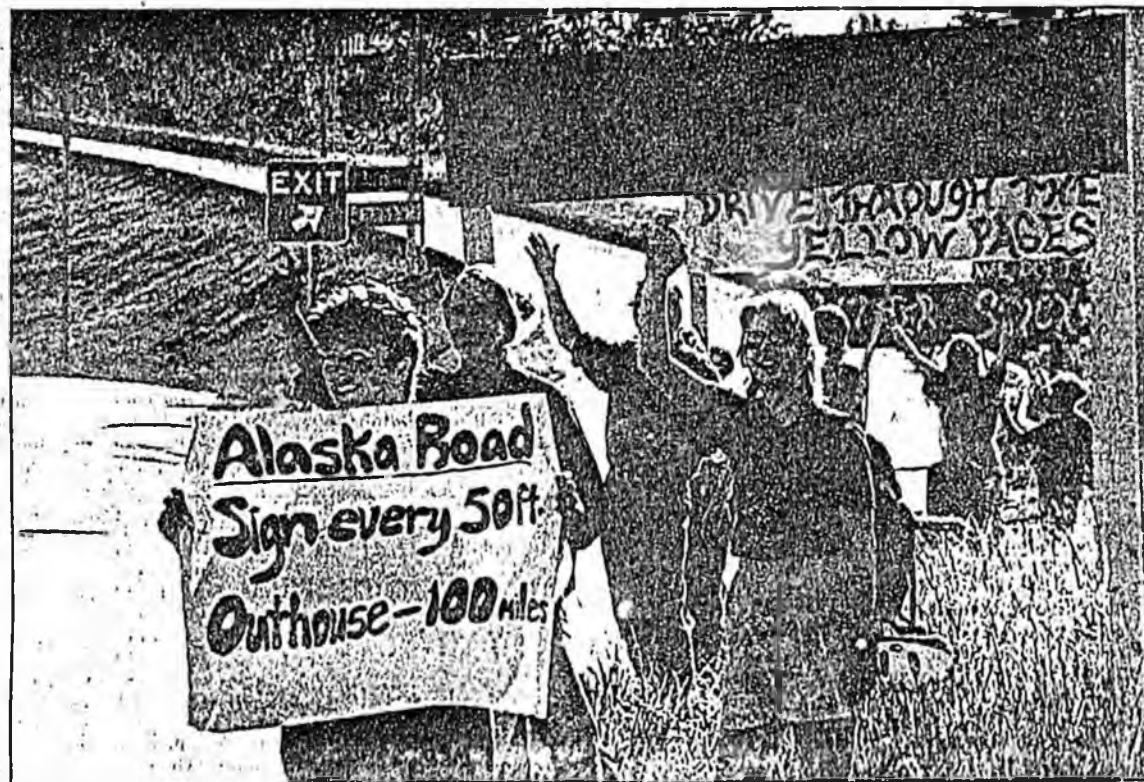
Several Anchorage police officers testified on his behalf Thursday.

"It was totally out of character," said Sgt. Ted Smith. "He has a reputation as a good, hard-working officer."

The Rev. Kenneth Doan, assistant pastor at Anchorage Baptist Temple, said Heitstuman attends his adult Sunday school class. Doan said he never questioned Heitstuman's moral character.

His good standing led the girl's mom to believe the situation was healthy for her daughter. The Heitstumans called frequently and told

Please see Page B-3, OFFICER



Sharon Cissna left tries to show Thursday's rush-hour with billboards. Behind her, Randy Carter and Barbara



ERIK HILL / Anchorage Daily News

Lost Abbey owner Bob Stevens is refusing to close his teen nightclub despite the wishes of neighbors and an order from the city to shut it down.

Lost Abbey owner defies desist order

By DANIELLE STANTON
Daily News reporter

Residents applauded the move. A number of people

ABBEY: Owner refusing to close club

OFFICER: 30-day term

Continued from Page B-1

Continued from Page B-1

Propane

A faulty propane fitting sent a man to the hospital, 47, was left standing in the Royal Mansion that fire department spokesman said. The fire department spokesman said that a tank and pool near the kitchen and turned the water heater to fire. The man was taken to the hospital at the East Annapolis hospital. He remained Thursday at the hospital. Hospital officials said he is in good condition.

Clued

A man was found on a beach southeast of Annapolis earlier this week. The man was identified as J. Fran Pryon, of Seward, Md. His address is unknown. He was found by a Civil Air Patrol crew on a 24-foot skiff. Coast guard was dispatched to the area about 8 p.m., but did not reach the skiff until a line-launcher gun to provide a landing platform for the helicopter was able to land later. No one was injured.

Trills

A fire, near Sand Lake, will be held Friday. Personnel will fire a series of sirens and loudspeakers and artillery. Training will start at 4 p.m.

Daily News staff reports

city's new curfew law.

"I'm kind of getting tired of (the city) tormenting us," Stevens said. "There's nothing going on other than the fact that we're just not obeying the curfew."

Stevens appealed the closure order last week and lost.

But the Lost Abbey isn't budging. City attorney Mary Hughes said Stevens opened his doors last weekend but didn't charge an entrance fee, protecting him from the law. The ordinance defines a teen nightclub as an establishment where an exchange of money occurs.

If he stays open, and charges admission, he could face a misdemeanor charge, with a \$1,000 fine and a year in jail.

Stevens would not say if he is charging admission or plans to. The club "will stay open as long as the dictatorship of China doesn't take over the country," he said.

Meanwhile, neighbors are ecstatic the city is trying to shut him down.

"Get them out of here," said 23-year-old Jonah ReCTOR, who lives behind the Abbey in the Campbell Creek Manor Apartments.

A street separates the Abbey from the apartment complex, where at least two tenants have moved because of the noise, resident David Owen said.

"Kids fighting, swearing, throwing things around, vandalism," Owen, 55, said. "The music got so loud sometimes even the floor vibrated."

Management of the Campbell Creek apartments installed brighter outside lights and hired a security guard to patrol its parking lots because of vandals.

Sandy Traini, head of the Campbell Creek Community Council, started investigating the club after neighbors complained. On her visits, she said she found liquor bottles strewn around the parking lot and cars crammed into any available space. But the past few months, the problems have been less frequent, she said.

"I think the teen club concept is a great idea," Traini said. "But I think we need someone who is responsible."

Stevens has tried to work with neighbors by fixing the parking problem and lengthening the hours the club is open so youths trickle out rather than gush out the door at once. He also said he's

heard complaints from only one neighbor.

Police say the club has been a source of problems since it opened in the spring of 1995. Officers have responded to the club 161 times since the beginning of last year, police spokesman Ron McGee said. Disturbances, vandalism and juvenile offenses, including violations for curfew and underage smoking and drinking, made up many of the calls.

However, Stevens said most of the calls were made by the club itself.

Police Chief Duane Udland said a lot of crime is generated there and moves elsewhere.

"A 14-year-old should not be hanging out late with people who are 19," Udland said. "It's just inappropriate. When you have that kind of mixture, you have problems."

Juvenile police detective Keith Cordell testified at the cease and desist hearing that the club is clean and the youths well-behaved.

Stevens said if the city would agree not to enforce the curfew law, then he would gladly move his business elsewhere. The curfew, he says, infringes on teenagers' rights.

the mother her daughter was doing well, that Heitstuman was helping her with homework and otherwise playing the role of father. It seemed an acceptable alternative to the tension of her own home, the mother said.

"Kelly" rescued her from that situation. He provided her with a home and a family," the mother said. "She didn't want to be a part of it. She didn't want to disrupt it."

In fact, the victim testified, she didn't intend to tell police about the abuse. After she left the home, she mentioned it at a health-care clinic, and the nurse called the Division of Family and Youth Services. A police detective then called her.

Since then, she's had trouble sleeping and she has withdrawn from her friends, she testified.

"I want him to be punished for what he did," she told the judge. "He did something wrong."

Her mother said she's seen a marked change in her daughter: She rarely leaves the house. She hides in baggy clothes and some days can't manage to comb her hair.

"He's taken away from her her essence," the mother said. "Her self-worth is gone."

Defense attorney Ray Brown argued against sending the former officer to jail, saying Heitstuman has already paid a steep price. His career is gone, his finances are in ruin and his marriage is in jeopardy, the lawyer said. Heitstuman has never done anything like this before, and interviews with former foster children confirm this, Brown said.

"I can't explain it, and neither can he," Brown said.

Judge Rhoades said Heitstuman violated the trust of the girl, her parents and the community at large. The seriousness of the crime warrants jail time, she said. She also ordered him to attend counseling and pay up to \$2,000 of the victim's counseling costs. The judge recommended he serve his time in a halfway house.

Signs rally to protest law allowing signs on private property

has run since the early 1990s. Under the program, small signs in the state-owned right-of-way area on either side of the highway direct visitors to local businesses.

The signs are 18 by 90 inches, the same size as under the new law, and are blue with white letters. They show the name of the business, an icon representing it, a directional arrow, and the distance to the business.

Businesses in rural areas, which are located within 25 miles of the highway and do at least 25 percent of their business with tourists, qualify for TODS.

"The TOD sign is nothing like a billboard," said Marvin Coggins, Green's administrative assistant. She says the Alaskans Against

Billboards campaign is misleading and irresponsible.

"A lot of people haven't actually looked at the bill," she said. "The initiative relates to billboards, and people think the law deals with billboards. But it doesn't."

"The Department of Transportation has ultimate control" over the content, location and even placement of the signs, Lindgren said. "It's not like tobacco companies are going to be renting someone's front lawn."

"We're not going to put up a lot of outdoor advertisements," agreed Bo Brownfield, deputy transportation commissioner. "This is for the mom-and-pop store down the street."

Brownfield said the state will manage the new sign law much like the existing TODS

program, including an application process, a nonrefundable \$500 fee for a 5-year permit, and a one-time charge of \$2,000 to produce and install the sign.

However, he said, the signs on private land will be hard to read. The state owns the highway right-of-way; private land along major roads is often more than 100 feet from the edge of the road.

"The sign is 18 by 90 inches. That is not very readable," Brownfield said.

His office calculated that a driver going 55 miles per hour would have three seconds to read, recognize and register the sign.

What will happen next, opponents of the law say, is that irate business owners who have shelled out big bucks for an unreadable sign will

push their legislators to allow bigger signs.

"All it takes is the stroke of a pen," Brownfield said. "It's a wrong step in the wrong direction."

It's done a lot for Debra and Dave Horne, however.

The Hornes opened their business, Day's Catch Alaska Seafood Market in Kenai, this spring. The market is located half a mile from the intersection of the Bridge Access Road and Kalifornsky Beach Road. After the law was passed, they put up a sign closer to the access road advertising their fresh halibut and salmon.

"It's something that people can actually read as they traverse the road," Debra Horne said. "Without a shadow of a doubt, the sign contributed to increased sales."

Unsafe toxin levels prompt state to halt Kachemak shellfish harvest

PSP toxin per 100 grams of edible flesh. Standards call for fewer than 80 micrograms of toxin per 100 grams of flesh.

The sample level is high, but well short of levels found near Kodiak Island, where PSP toxins are rampant. Mussel tissue from those waters reached as high as 20,000

tasz said. Kachemak oysters recently have been tested safe, though they have shown levels a shade higher than normal, Ostasz said.

With some good clam tides approaching, he said the state would be taking a careful look at the PSP levels in area little-neck clams. If PSP levels

Signs of the neurotoxin poisoning begin with numbness in the face, lips and extremities, followed by staggering and difficulty speaking, resembling drunkenness. PSP can then shut down a person's diaphragm, at which point a respirator is required to breathe.

Kachemak Bay has seen

four small PSP spikes in the past 15 years, two of those in the last two summers.

Commercial growers suspect the rise in toxins is related to warm weather and a recent spate of mild tides, which reduce the tidal flushing of algae. If Kachemak waters see a rise in the toxin, it

usually is in late July or August during a particularly warm summer, said Marie Bader, a commercial shellfish farmer.

Ostasz agreed and said warm waters and nutrients washed into the saltwater by recent rains also would spur algae growth.

one Coast Guard cutter stopped the night around sundown, according to Petty Officer John McEvan. He said rescuers will resume their search this morning.

Scott Echols, owner of the La-Conte, stressed that the vicious storm downed the vessel. Though the boat was built in 1919, it had a modern motor, its wooden frame was maintained twice a year, and it

new dedicated professionals.

"As the storm came up on them, they were vigilantly fishing," Echols said. "Our prayers go out to the families of Dave and Mark. Fishing was their life, and they were good at it."



Photo by BILL ROTH Anchorage Daily News

ope Missionary Baptist Church choir, below, sings the national anthem, "Lift Every Voice and Sing," during the cere-

Month begins



Ake leaves prison, plans 'a new life'

The Associated Press

A former gynecologist convicted of raping five patients was released from prison Sunday after serving six years and seven months of a 10-year sentence.

Kenneth Ake walked out of the Hiland Mountain Correctional Center in Eagle River in the early morning darkness, handed reporters a brief statement expressing regret to his victims, but said little.

It's not clear what Ake will do now that he has been released. He lost his medical license, and on Friday Pennsylvania authorities turned down his request to move to the city of Martinsburg to be near his parents.

Ake was sentenced in 1991 to 20 years in prison with 10 years suspended. His early release reflects time off for good behavior.

He will be on parole until 2001.

Ake's statement read: "I deeply regret the harm I have caused to my victims and the community by my violation of their trust. To all those I have harmed by my past actions, I am sorry."

"I have now finished serving my time in prison during which I participated for 39 months in the sexual offender program as recommended by my judge.

"At this time I plan to start my life over and rebuild a new life."

State corrections officials have said Ake failed to complete the sexual offender program.

Fairbanks official claims city owes him \$100,000

The Associated Press

FAIRBANKS — Former Public Safety Director Mike Pulice has ended his controversial career with the city, but not before firing a shot at Fairbanks officials.

On Thursday, officials received a letter from Pulice that said the city owes him \$100,000. He promised to sue if not paid.

Why Pulice is asking for the money isn't clear. City Attorney Herbert Kuss told the Fairbanks Daily News-Mirror that Pulice

Megan Kanka's slaying fit pattern, study shows



Megan Kanka's fatal encounter with Jesse Timmendequas in the shadow of her own home three summers ago is typical of the abduction and murder of children over the last 20 years, according to an extensive analysis of such homicides by Washington state's

attorney general.

The details of her murder — a 7-year-old out looking for a friend is lured away, raped and strangled by a paroled child molester living on the same block — match many of the patterns detected in the three-year study of 562 cases of child abduction and murder in 44 states

Like Megan, 58 percent of the victims were within a quarter-mile of home when their killer accosted them, the study found. And, like Megan, 69 percent were either raped or sexually assaulted before they were slain, most often by a man with a

Please see Page D-5, **PATTERN**

PATTERN: Study sheds light on child abductors' habits

Continued from Page D-1

history of crimes against children, the study said.

In two thirds of the cases that were prosecuted, the killer or suspected killer had a legitimate reason to be in the neighborhood. Twenty-nine percent of them lived nearby, 17 percent were visiting a friend, watching an athletic event or engaging in some other social activity; and 18 percent were working or conducting some other sort of business in the area.

The report estimated that, each year, 100 children are murdered after being abducted by a stranger. The figure accounts for about one-half of 1 percent of all murders in the United States, the report said.

Robert Keppel, director of the study and chief criminal investigator in the Washington attorney general's office, said the findings contradicted old law enforcement assumptions that many child abductions were rooted in extortion and ransom. And, he said, they showed that

children were not immune to abduction close to home.

"It is probably not a good idea to send an unescorted 10-year-old girl to the grocery store to buy a quart of milk," Keppel wrote. "We should tell our children, 'If someone offers a ride, asks for directions or offers treats, turn around and run to a safe place,' and tell their guardians."

He said the study's findings should change the ways such crimes are investigated. Since so many children are abducted near their homes, by kidnapers with reasons to be in the neighborhood, detectives should abandon old habits of focusing on the unusual and concentrate instead on the usual.

"In 37 percent of the cases, we found witnesses who saw the killer with the child but didn't realize it," Keppel said. "Most people don't perceive the danger or that an abduction is going on."

The study, which was conducted for the federal Department of Justice, focused on the kidnapping and mur-

der of children younger than 18 from the late 1970s to mid-1994. Megan Kanka's murder was one of the most recent cases.

Dr. Keppel said the study, issued in mid-May, was the most extensive of child abduction and murder ever undertaken. It analyzed data about the abductor's first contact with the child, the time that elapsed before the child was murdered and how the child's body was hidden.

It also examined the children's backgrounds and the abductors' personal characteristics and motivations. It studied 419 people (98.5 percent of them were men), who were either convicted or charged in the cases. Some of the 419 were involved in more than one of the murders; 35 percent of the murders remained unsolved when the report was issued.

Of the 562 victims, more than 70 percent were white girls. The average age was 11. Nearly 60 percent of them were classified as "victims of opportunity" for men predisposed to predatory violence,

the report said.

"Those types of child abduction killers are not typically targeting specific victims for specific reasons (or motives)," the report said, "but, rather, they seem to be more like 'killers-in-waiting' given the right opportunity coupled with an available child, they are more likely to spring into action."

The report said 53 percent of the 419 people convicted or charged in the killings were strangers to the slain children. The strangers included people who had been seen — but not spoken to — before the killing, Keppel said. Thirty-nine percent of the killers or suspects were the victims' friends or acquaintances.

The average age of the abductors was 27, two-thirds of them were white, 73 percent were single and most had jobs requiring few skills, the report said. Before the murders occurred, 45 percent of the suspects had sexually assaulted a child and 31 percent had either raped or tried to rape a child, the

report said.

Megan Kanka's killer fits many of those characteristics. Timmendequas was convicted in 1979 and 1981 of molesting little girls. He persuaded one to help him look for ducks and he promised the other fireworks.

In 1993, he moved into a house in a suburb of Trenton, N.J., diagonally across from the Kankas. He was single, white and worked mowing lawns at parks and playgrounds.

Timmendequas was sentenced to death.

Washington's attorney general, Christine Gregoire, said the study had two purposes: to help detectives understand and solve such crimes and to heighten parents' awareness of the need for carefully supervising children.

When a child is missing, Keppel said, the police must be notified quickly. The study found that 44 percent of the children were killed within an hour of their abduction and nearly three-quarters within three hours.



STEPHEN NOWERS Anchorage Daily News

Santa Claus, also known as Air Force 1st Lt. Chris Boring, catches a snow-machine ride to the community center in Arctic Village on Tuesday after the 517th Airlift Squadron arrived for its annual Christmas visit. About 40 peo-

ple went on the Air Force's annual Arctic Village mission, delivering gifts and supplies to the village and participating in a community potlatch. See story, Page C-2.

Molester of 11-year-old girl agrees to plea

By LIZ RUSKIN
Daily News reporter

An Anchorage man, the relative of an 11-year-old girl who became pregnant, pleaded no contest Wednesday to molesting the girl.

Charles Baptiste, 40, was scheduled to begin trial this week on two counts of child molestation and two counts of attempted child molestation.

Instead, based on the no-contest plea, Superior Court Judge Larry

Card found him guilty of two counts: first-degree child sexual abuse, for having sex with the 11-year-old in August 1996, and the attempted sexual abuse of her 13-year-old sister.

In return for his plea, state prosecutors agreed that he'll be sentenced to no more than eight years in prison. The two remaining charges will be dismissed when he is sentenced, on March 25.

In November of last year, the 11-year-old was taken to a doctor with

symptoms of morning sickness, prosecutor Adrienne Bachman said. The doctor determined that she was 10 weeks pregnant and called the authorities, as the state mandatory reporting law requires of certain professionals who learn of child abuse, Bachman said.

The girl, who had an abortion, told a police investigator that Baptiste started touching her legs and breasts shortly after she turned 9. She said she couldn't remember how

many times he'd had sex with her but said after the last time, in the fall of 1996, he found out she was only 11, not 12 as he had apparently thought, Bachman wrote in the charging document.

"Charles then told (the girl,) short time later, that he would not be touching her again until she was 13," the charging document said.

A paternity test showed Baptiste was the likely cause of the girl's pregnancy, Bachman said.

ALASKA

A

Sex offender registry faces challenges

The Associated Press

PALMER Three years after it was created, Alaska's sex offender registry is facing a barrage of legal and technical challenges.

On the legal side, nearly half a dozen lawsuits have been filed in state and federal courts challenging the constitutionality of registration requirements. On the practical side, the state is struggling to maintain the list.

Nearly half the 3,600 people who should be on the sex offender registry either haven't registered or their information isn't up to date, according to the Department of Public Safety. More than 1,000 offenders simply never showed up.

Under the law, everyone convicted of rape, child sexual abuse or other sex crimes who completed their sentence after July 1, 1984, must register at the nearest police or trooper station. They must list their current address and employer and allow police to take fingerprints and photos. Failure to register is a misdemeanor.

Last year, the department sent out letters notifying those who should register and charged 31 people with failing to sign up, Bowman said. This year, two officers

— an Alaska State trooper and an Anchorage police officer — have been assigned full time to tracking down these

Commissioner Ron Otto said.

"It's a very, very time-intensive process," Otto said. "We're working very hard to get that information, and I think we'll get the list whittled down."

The legal challenges and difficulty in maintaining the list reflects a nationwide struggle to implement such programs. The idea is to protect communities by making the names and addresses of past offenders widely known. But the laws have stirred debates over whether convicted criminals should be subjected to such scrutiny after they've served their time.

Nationwide, legal challenges have been mounted in more than half of the 47 states

and the District of Columbia, and state attorneys general are pressuring lawmakers to register with law enforcement authorities, said Scott Matson, a researcher at the Washington Institute of Public Policy in Olympia, Wash.

So far, the laws have been upheld in most cases, although some states have had to modify their laws, Matson said.

Most of the suits center on claims that the laws violate the "ex post facto" clause of the US Constitution. That clause bars legislatures from retroactively increasing the punishment for a crime after it was committed.

In Alaska, all the lawsuits involve offenders who were convicted before the

METRO

WEDNESDAY April 2, 1997

ANCHORAGE DAILY NEWS

SECTION B

Pharmacist pleads no contest to sexual-abuse charges

By DANIEL STANTON
Daily News reporter

A Dillingham pharmacist Tuesday entered a no-contest plea to charges of sexually abusing five teenage boys and giving a sixth boy prescription drugs.

Peter Krack had been facing 60 criminal charges, stemming from accusations that he had sexually abused six Dillingham boys. The state offered to drop 53 of those charges in exchange for the no-contest plea to seven charges, Krack's attorney, Carmen Gutierrez, said.

Krack agreed to the deal because "he really did not want to cause any further stress or emotional harm to the teenagers involved and to the community of Dillingham," Gutierrez

said. "He believes that this was the right thing to do."

Dillingham Mayor Dave Bonker said people in the Southwest Alaska community will be relieved to hear of Krack's plea.

"I'm sure they'll feel a sense of relief it's finally over and justice will be served," Bonker said Tuesday night.

According to charging documents, the sexual abuse began soon after Krack arrived in Dillingham from New Mexico in 1984 and took a job at the Bristol Bay Area Health Corp's Kamkanak Hospital. The most recent incidents of abuse were in January, charging documents said.

Prosecutors initially said Krack exchanged prescription drugs for sexual acts, Gutierrez said Tuesday

that allegation was untrue.

Assistant District Attorney Joe Wrona of Dillingham could not be reached for comment Tuesday.

Krack, 41, faces up to 60 years in prison on the seven charges to which he pleaded no contest. Those charges are three counts of second-degree sexual abuse of a minor, two counts of third-degree sexual abuse of a minor, one count of giving amphetamines to a minor, and one of possession of amphetamines, Gutierrez said.

His sentencing is scheduled for July 18, she said.

Investigators said they identified nine male victims, mostly ages 13 to 15, since the investigation began in January, Wrona has said.

Boys claimed to have been sexually abused by Krack. One of those boys was old enough to have consensual sex, and Krack will not be prosecuted in connection with that youth, Gutierrez said. The other boys claimed Krack gave them prescription drugs but had no sexual contact with him, she said.

Krack remains in Cook Inlet Pre-Trial Facility, where he was transferred from the Dillingham jail after his Jan. 16 arrest. His bail is \$500,000.

His arrest roused the Dillingham community of about 1,000 residents, she said.

"People are feeling pain about it and they'll continue to," Bristol Bay Area Health Corp. spokeswoman Christine DeCountry said Tuesday.



Peter Krack

Photo: News Staff

METRO

FRIDAY, April 12, 1997

ANCHORAGE DAILY NEWS

SECTION D

Suspect in girl's attack is sex offender

DANIELLE STANTON
News reporter

An Anchorage man accused of molesting a 5-year-old girl in a Mountain View laundry room Tuesday was recently paroled after serving time for a nearly identical crime five years ago in the same neighborhood.

Charles A. Jacobs Jr., 44, was in Cook Inlet Pre-Trial Facility with a suspended sentence on a charge of first-degree sexual abuse of a minor.

Anchorage police obtained a search warrant for Jacobs' apartment on Homer Drive and found a Polaroid camera, several Polaroid photos depicting young girls posing in various stages of nudity, and books of photographs of nude children, according to a charging document filed Friday in District Court. They also found photos taken of two girls near a school that appears to be in Anchorage.

Investigators also removed eight maps of Anchorage. Two of the

pages had marks, pointing to the area of Thursday's alleged attack, an elementary school and several addresses, the charging document said.

Jacobs served four and a half years in prison after he was convicted in 1992 of molesting a 3-year-old girl, according to the charging document. The document said Jacobs lured the 3-year-old into a laundry room of a Mountain View apartment building with the promise of bubble gum.

Jacobs is listed on the state's sexual offender registry. His criminal record also includes convictions for assault in 1992, for contributing to the delinquency of a minor and a drug charge in 1991, and for sexual assault in 1981, the charging document said. It was unclear Friday whether the assaults were against children.

On Thursday, police said, Jacobs lured a 5-year-old girl into a laundry room at a Mountain View apartment complex with dolls and candy.

Police detective Randy Carroll said Jacobs carried three small dolls and LifeSavers and butter-scotch candy in a pack tied around his waist. He approached the 5-year-old girl and several other young children playing tag near the girl's home, Carroll said.

Jacobs asked the children what game they were playing, Carroll said. He offered candy in exchange for hugs and then lured the girl into

Please see Page D-2, OFFENDERS

Summer's blooms



Auditing Alaska's regionals

nusband, Sid, flew in to help. "You sit here in town, you don't know what's happening."

Neighbors act quickly

ANCHORAGE (AP) — A suspected kidnapper was taken into custody Saturday night after quick action by a group of Anchorage residents.

Johnny Yates, 40, was arrested and charged with kidnapping after neighbors rescued a 6-year-old boy, who was unhurt, Anchorage police said.

The incident began as Mellissa Long watched from a window at the Richardson Vista Apartment complex while her daughter, Amanda, 5, played with a boy and another girl in a park 100 yards away.

Long had noticed a man with long dark hair in a long white coat hanging out in the area. Suddenly, the man walked briskly toward the children, talked to them briefly, then grabbed the boy and took off running.

Long ran outside and found Amanda in tears.

"That man took him," her daughter said. Long screamed for help, then took off after the man as he headed into the Panoramic View Apartment complex across the street.

Long was joined in the chase by four other adults who caught Yates inside an apartment building.

After catching the suspect, they took him outside, held him face down and wrapped a belt around his hands. Police were called and arrived a few minutes later.

Police spokeswoman Joan Brandlen said the suspect wasn't wearing any pants when he was arrested.

Yates, who was arraigned Sunday on the kidnapping charge, remained in custody at Cook Inlet Pre-Trial Facility, held on a \$50,000 cash-only bail, according to Brandlen, who praised the residents for their efforts.

"There was a lot of citizen involvement," she said. "These were alert people who were really good at watching their children."

Stabbed man dies

PALMER (AP) — Alaska State Troopers said a 38-year-old man

6-22-91
KETCHIKAN

Everyday heroes

Citizens' vigilance pays off

Everybody talks about crime, just like everybody talks about the weather. Unlike the weather, though, people can do something about crime. For example, the group of public-spirited citizens in a Mountain View apartment complex who called police on a suspected child molester in their building.

They didn't resort to mob justice. There was no violence. But about 25 residents of the complex kept a man cornered last Thursday after they found him in the laundry room with a 5-year-old girl.

Nobody can say for sure what would have happened to the little girl if the tenants hadn't intervened, but it's easy to surmise: The man, Charles A. Jacobs Jr., is charged with felony second-degree sexual abuse of a minor. He was recently paroled after serving time for molesting a 3-year-old girl. He was "armed" with dolls and candy when he was caught. Police say they found photos of nude young girls in his apartment. Mr. Jacobs has a criminal history dating back to 1981.

The tenants demonstrated the kind of "community policing" that the police department and every law-abiding resident of Anchorage should appreciate. All our neighborhoods would be safer for children and adults alike if more people were as safety-minded as these tenants — just your everyday heroes.

Mr. Jacobs is no anomaly in the world of sexual offenders; their recidivism rate is well-known. So, after the good work of these citizens in Mountain View comes the question: How many times will society put a child molester in prison for a few years, only to have him out on the streets looking for fresh victims?

Registry search finished

Agency says sex offenders comply

By PETER PORCO
Daily News reporter

Prompted in part by the recent rape of an Anchorage woman along a popular bike trail, the state Department of Corrections commissioner ordered probation officers to aggressively seek the arrest of any convicted sex offender on parole or probation who hadn't put his name into the new statewide sex-offender registry.

But the subsequent search of department files and other state databases showed that most of the 643 sex offenders in the department's caseload had complied with the law, Commissioner Margaret Pugh said. No arrest warrants had to be issued.

"We're delighted to say that we're all present and accounted for," Pugh said. "That's how it's supposed to work." A total of 45 cases came to notice as "questionable," she said, but they included several offenders who had gone back to prison, some for whom warrants already had been issued, 10 who had registered but whose names had not yet become part of a database and one who was found to be dead.

By contrast, of some 3,400 known sex offenders throughout Alaska, only half have registered since the law went into effect in January 1996, according to Alaska State Troopers, who maintain the registry. That half includes the 643 being supervised by Department of Corrections employees.

issued Sept. 5 and the search for non-complying offenders was completed a week later, she said. The order came a week after Luke Carter, a

convicted rapist, was arrested and charged with the rape of a woman along the Tony Knowles Coastal Trail. He had been released from prison less than a month before.

After his release, Carter showed up for his initial appointment with a probation officer but failed to keep later appointments. He also

Please see Page B-3,
SEX OFFENDERS

SEX OFFENDERS: Corrections

Continued from Page B-1

failed to register as a sex offender, which the law demands should occur within seven days of getting out of prison.

Corrections officers did not seek Carter's arrest until his complete file, with details of his prison record, reached them a week after he ought to have registered as a sex offender and some two weeks after he broke his probation appointments.

Pugh said the warrant for Carter's arrest was sought

two weeks before his arrest for rape.

The Corrections Department is now informing newly released sex offenders that a warrant will be sought immediately for their arrest if they fail to register with the state within seven days.

Beginning later this month, Corrections also will develop a file on sex offenders for the Department of Public Safety prior to their release from prison.

"The rape ... prompted me to take the action I took on (September) fifth and pro-

Department completes review

moted me to take the action. In taking in regard to registration prior to (an offender's) release," Pugh said.

The Department of Corrections plans other changes in its operations, to be announced at the end of this week, Pugh said.

Troopers intend to force the 1,700 sex offenders who have yet to register to do so, said troopers spokesman Steve Wilhelm.

"The troopers will be putting greater emphasis on the sex offender registration

who have not registered, by going out and making contact with them and issuing either a field summons to appear in court and to possibly arrest them right there," Wilhelm said.

Compliance with the 19-month-old law has been improving. But it will take time to bring in all offenders, Wilhelm said. The troopers also need the help of the more than 30 municipal police departments in the state under whose jurisdiction unregistered offenders may be liv-

Take back streets, Anchorage

This morning, I read that a 31-year-old woman was raped while jogging on the Coastal Trail. The suspected rapist, Luke Carter, had been out of prison on parole for less than a month when he allegedly committed this most recent rape. He had been in prison for the same offense! If convicted, Mr. Carter faces between eight and 30 years in jail. Assuming he gets a relatively short sentence to alleviate prison overcrowding, and assuming he has his sentence shortened for good behavior, what do you think Mr. Carter will do when he gets out of jail in a few years? Chances are pretty good he'll be raping his way around Anchorage again.

Is this a rare case? Of course not. This happens all the time in America. Too many productive citizens are being raped and killed by the criminal element here in Anchorage. It's time for us to stand up and take back our streets (and bike paths) by passing legislation that will permanently remove repeat violent criminals and sexual predators from our midst.

Capital punishment may not deter someone from committing a crime, but it will ensure that someone like Luke Carter will not emerge from jail in a few years to rape and/or kill you, your wife, your mother or your daughter. Sure, we all feel bad about any deficiencies in Mr. Carter's upbringing that may have led to his growing up to become a sex offender (and we should implement social programs to reduce the number of youths who become criminals as adults), but it does not excuse the criminal behavior. Why should we continue to give second, third and fourth chances to those who intentionally terrorize others?

As Joe Strummer dreams, "Wouldn't it be nice to take a walk in the park at midnight?"

— Adam Verrier
Anchorage

ION

Teen sex assault case riles town

By JIM CHILSEN
Associated Press Writer

PORT WASHINGTON, Wis.—Kevin Gillson and his 15-year-old girlfriend found themselves in the kind of trouble experienced by thousands of teens—she was pregnant.

The 18-year-old wanted to take responsibility by marrying her, getting a job and raising their child, expected in early June.

But then police found out and arrested Gillson on a charge of sexual assault, which was later boosted to sexual assault of a child. Since he was convicted, he will have to register as a sex offender and faces a sentence ranging from probation to 40 years in prison.

One tearful juror said she despised her vote to convict the young man, but believed she had no choice under Wisconsin law.

Despite assurances from Gillson's girlfriend that the sex was consensual, the longstanding law says no one under the age of 16 can consent to a sexual relationship.

Few of the 10,000 people in this town 30 miles north of Milwaukee side with the district attorney who prosecuted Gillson.

"It's pathetic," said Penni Feezor, 32, serving burgers, chili and coffee at a George Webb restaurant. "If he had intentions of doing the right thing, why put him in jail?"

"It takes two people to do it, and he's not the only person who's gotten a 15-year-old pregnant, and I don't think he deserves one year, let alone 40," said Cheryl L. Huettl, 37, as she enjoyed a beer at a local bar. "There's not that many guys

who are willing to quit school to get a good job to support their child."

"I think it's got a lot of people who are dating younger people scared," said 15-year-old Annette Moe. "I still don't think you should go to jail or get in trouble for it and I don't think he should be known to his neighbors as a sexual predator. He didn't rape anybody."

A juror said it wasn't that simple.

"We were led to believe that we only had one choice, the way it was presented to us," said juror Holly Sutinen, 39. "We had a copy of the law, and they both said they did it and that was our only choice."

"My eyes were full of tears, because it's all our kids sitting there," Sutinen said.

The sex offender registry bill wasn't intended to punish people like Gillson, said state Sen. Alberta Darling, who helped write the measure. She wrote to Gov. Tommy Thompson urging a review of sexual assault laws, and the governor's office said last week that Thompson would meet with her.

At least one juror has written a letter to the judge, asking for a lenient sentence. Sutinen and at least one other say they plan to do the same.

"This kid told the truth and he was trying to do what was right," Sutinen said. "Both of these kids told the truth and now they're getting blasted for it."

"What they did was not right, but it wasn't a crime."

Today's REALTOR

OCTOBER 1997 Published by the NATIONAL ASSOCIATION OF REALTORS



**Sex Offender
Disclosure:
Should
You Stick
Your Neck
Out?**

**Electric
Power Lines:**

**What's Your
Networking IQ?
TEST
YOURSELF!**

**New CB Head Aims
to Cut Closing Time,
Capture
Consumers**

#BX *****CAR-RT-SORT**C-054
#/00000*****P 20



ROAD WARRIOR

**Jeff Stern's Hi-Tech Van
Wired with Winning
Ideas for You**

Sex Offender Disclosure: Boon to Buyers or Brokers' Bane?

BY CHRISTINA SPIRA

ARLINGTON, Texas—For buyer's agent Tom Davey, offering buyers a report listing locally registered sex offenders before the buyers make an offer on a home is just like doing research on potential environmental hazards. His service, though unusual, may be a portent of things to come in the marketing of buyer's agent services.

"The service we provide is no different from checking records to find out whether a lot has been a toxic waste dump," says

Davey, of Buyers Voice, a 10-year-old exclusive buyer's brokerage with three offices and 20 salespeople. "It's no different from an extensive market value assessment done by listing salespeople before pricing a home. We treat buyers the same way so that they can make their own judgment on a home. We hope we're saving them a trip."

But what about the policy statement the NATIONAL ASSOCIATION OF REALTORS® sent to the U.S. Department of Justice last February? It says that "all public disclosures should emanate directly from the appropri-

ate law enforcement agency, and no affirmative disclosure duty regarding the location of released sex offenders should be placed on real estate licensees as a result of state public notification programs."

"The registry is one more thing we can check to provide as much service for our clients as we can," says Davey in response. He tells buyers that they can verify the information or do the search themselves and that the information isn't all-inclusive. But he says they appreciate the extra service.

Like New Jersey and some other states, Texas requires convicted sex offenders to register with local law enforcement agencies. The information has been available to the public since 1995.

The 1994 rape and murder of 7-year-old Megan Kanka in New Jersey by Jesse Timmendequas, a twice-convicted sex offender who, apparently unknown to Megan's parents, lived across the street, led to a national movement to notify communities when sex offenders move in. The New Jersey Megan's Law serves as a model for sex offender disclosure laws, including the federal statute passed earlier this year requiring all states to enact disclosure measures. Timmendequas was convicted of the crimes in May 1997 and has been sentenced to die.

Cross of Davey's policy, like Mike Cade, president of the Arlington Board of REALTORS®, say that the registry lists a variety of people, not just child molesters, as sex offenders. "My concern is that the term *sex offender* could be applied to an 18-year-old man who's having sex with a 17-year-old girl or to someone who urinates on a public highway," Cade says.

Davey claims that although the registry isn't foolproof, it provides information such



ANDERSON STUDIO

"If Megan Kanka's parents had known that their house was across the street from Jesse Timmendequas, she might still be alive. If property values fall... well, little girls' lives are more important."

Tom Davey: *Buyers Voice*

"What if every practitioner did this? If a sex offender moved next door to me, I couldn't sell my house, and the price would go in the dumpster."

Mike Cade, Prospect Realty Inc.

as ages and type of offense, so people can make their own judgments. "We're not being judgmental—we're just gathering and providing information for our clients," he says of the service, which his company started July 2. "It's a service that makes them comfortable."

But Cade, of Prospect Realty Inc., a property management company, is concerned about inadvertently wrong disclosure. "What if during the contract phase, after you've run the check, an offender moves next door to the house?" he says. "If customers ask me about sex offenders, I'll tell them where they can get the information. But I don't see the point of being proactive."

Curis V. Hall, ABR®, associate broker, RE/MAX-Anasazi Realty, Tempe, Ariz., believes in being proactive up to a point. "The sex offender service is an excellent marketing opportunity for Buyers Voice," he says. "However, I'd encourage the broker not to inform the buyers personally but just direct them to the source of the information."

In fact, when Hall holds counseling sessions with buyers, he asks whether they're familiar with Megan's Law and gives them a list of city agencies, with phone numbers, that'll perform a registry search for them. He doesn't want the potential liability of being the purveyor of possibly erroneous information: "The consumer should speak directly to the city department."

Hall also includes an addendum in his contract to sellers requiring that "if they're aware of the presence or pending presence of registered sex offenders on the area prior to escrow, they'll disclose this in writing. We reserve the right to cancel the contract

without penalty."

Why is Hall so vocal about the issue? He's upset about a new Arizona law that he says categorizes registered sex offenders under stigmatized property laws, "so landlords, sellers, and salespeople don't have to disclose a sex offender even if the person lives across the street."

Cade says: "What if every practitioner did this? If a sex offender moved next door to me, I couldn't sell my house, and the price would go in the dumpster."

"If Megan Kanka's parents had known that their house was across the street from Jesse Timmendequas, she might still be alive," Davey notes. "If property values fall . . . well, little girls' lives are more important." Anyway, Davey doesn't believe other practitioners will adopt his policy. "When you call yourself a buyer's agent, you've raised the bar. So we feel our bar is raised. This isn't an industry program, it's a pro-buyer program."

An unanswered question for Cade is

whether this policy could subject cooperating salespeople and other members to libel claims if the information turns out to be wrong. "If this affects the membership, we'll have to address it," he says.

Davey believes Buyers Voice won't have that kind of impact. "We're a small company that prides itself on service," he says. "We're not going to impact the market. We're not going to impact the business."

But Hall doesn't believe this "subject will go quietly in the night. There's a marketing opportunity in this.

"If I show buyers my seller contract addendum, and they compare my services to those of other buyer's agents, who never even talk about Megan's Law, whom do you think they'll do business with?"

To see NAR's comment letter issued to the U.S. Department of Justice, go to NAR's Web site, *One Realtor Place*™, at <http://www.REALTOR.COM>, and search under *Megan's Law*.

Protecting women, children from sexual

Your Sept. 4 editorial about the recent rape near downtown Anchorage's Coastal Trail requires a response. This terrible assault has caused a great deal of fear and has caused users of the trail to have to be extra careful — it has also intensified an ongoing review by state public safety agencies overseeing sex offender laws and policies.

It is a fact that there are too many violent people out there hurting women and children and our objective is clear: to protect Alaska women and children from known sexual predators. It is an objective that will take the help and cooperation of all Alaskans.

Our review has many components. We're analyzing the behavior patterns of these sexual predators and looking for ways to better coordinate state actions. We're pushing for approval of Gov. Knowles' bill, pending in the Legislature since March, to strengthen sex offender registration laws; it



is possible additional legislation may be offered during the next legislative session. We're also working on other legislation that will make changes to the

One change already has been ordered. Probation and parole officers will immediately obtain arrest warrants for known sex offenders who fail to register with troopers within the time limits required by law. There will be a zero tolerance policy.

We're also in the process of determining if more people and dollars are necessary to better protect Alaska's public. We want to be sure the Legislature is providing every part of our criminal justice system with the resources needed to keep pace with a crimi-

predators takes help of all Alaskans

nal population that is growing steadily each year.

While we are undertaking these reviews fully intent on implementing any necessary changes, I nonetheless must challenge your implication that this tragic incident was solely the blame of my department. I ask you to consider these facts:

- The perpetrator in this case had just been released from prison after serving his nine-year sentence — he was incarcerated for the absolute maximum amount of time allowed.

- Although it is unfortunate that the probation officer assigned to his case was out making field visits during the one time the suspect reported to the office, it is not surprising; probation officers have an average of 85 cases under supervision and the Anchorage office gets up to 100 new parolees and probationers each month.

- The probation officer did recognize the suspect's potential to reoffend and had a

warrant issued for his arrest two weeks before the rape.

Our probation officers are dedicated, hard-working people and they worry constantly that someone assigned to them will commit a new offense. So do I, and we are all committed to protecting the Alaska public.

But the ultimate responsibility to obey probation and parole conditions and not commit new crimes lies with the offender. Despite all the laws and release conditions that we can and do impose on offenders returning to society, it is virtually impossible to control their behavior if they are intent on breaking the law. What Alaskans must do is work together to stop the violence before it begins. We need to support families, model healthy lifestyles, provide quality schools and nurture, cherish and protect our children.

— Margaret Pugh, commissioner
Alaska Department of Corrections

ADU Monday, 1-27-97

Sex-offender program to release inmate

The Associated Press

SEATTLE — Joseph Aqui, who has admitted to 15 rapes and seven attempted rapes, today will become the first inmate released upon completing treatment at Washington's controversial Special Commitment Center for sex offenders.

Aqui, 44, will live in College Place, near Walla Walla, with his wife and their two young children under strict rules set Friday by King County Superior Court Judge Larry Jordan.

Besides 24 hour electronic monitoring, Aqui will be subject to random searches of himself and his home.

He is not permitted to leave the house except for activity approved by his parole officer. Outside the home, Aqui must be supervised by his wife or another "approved monitoring adult," though exceptions can be approved by his parole officer.

State Assistant Attorney General Sarah

Coates said the judge also ordered Aqui's DNA kept on file and "a lot of other things that hopefully will reassure the community."

Aqui is one of 44 people — 43 men and one woman — held at the center under a controversial 1990 state law. The statute allows indefinite commitment of people convicted of sex crimes after they have served their sentences, if a civil jury deems them violent sexual predators who are likely to reoffend.

Washington was the first state to impose such a law. Legal challenges of such measures are being considered by the U.S. Supreme Court.

After extensive hearings, Jordan held in November that Aqui's release was required under a state Supreme Court ruling that found the law constitutional because it provided for inmates' release upon completion of treatment.

Wounded man shows up at hospital after shooting

A 33-year-old man walked into the Alaska Native Medical Center on Sunday after he was shot in the abdomen, Anchorage Police spokesman

surgery but his wounds were not considered life-threatening, Brandlen said. Karels was shot in Peter's Creek shortly after 11 p.m. Sunday.

Police were looking for a woman in a red Chevrolet pickup truck who may have been involved in the shooting, Brandlen said. The woman

More than 4,600 women and Alisha Alex discuss Saturday's Heart Run. Feil talked Alex into the run last year. Since then, Alex, who lost 62 pounds and recruited more than 100 women, most of them black, to the run. Below, she trains.



This year, she's ready and she won't be alone

By BETH BRAGG
Daily News executive sports editor

Alisha Alex showed up for last year's Heart-Run alone, overweight, uninformed and intimidated. As she walked the several hundred yards from the Providence Hospital parking lot to the starting line at the University of Alaska Anchorage, the urge to retreat was enormous.

"There was this overwhelming feeling of 'What have I gotten into?' I felt like I was one in a million," she said. "I really felt alone. I was looking for someone to identify with. I was overweight and in sweats. I never found another black lady to walk with and feel comfortable with.

"When they said, 'Runners, take your place,' I didn't know my place."

That won't be a problem when Alex returns to the Heart Run this Saturday. More than 4,600 runners have registered for the 14th annual 5-kilometer race, making it the largest footrace in Alaska

history. And Alex deserves at least a footnote for that record.

The 30-year-old Anchorage woman has recruited and registered more than 100 women — most of them black — to join her in the 3.1-mile race. Inspired by her own lonely walk and the harsh truth that heart disease is the No. 1 killer of American women — especially black women — Alex began a relentless campaign.

She filled her purse with registration blanks. Every time she went to the store, the mall, anywhere, she'd look for recruits.

"Wherever I was, I'd see a black lady, I'd tap her on the shoulder and say, 'Have you heard of the Heart Run?'"

"Then I'd go into my spleen," Alex said. "'Do you know how many women die of heart disease? Do you know how many African-American women die of

Please see Back Page, HEART RUN

State takes wraps off sex-offender list

By LIZ RUSKIN
Daily News reporter

The state registry of sex offenders — including the names, addresses and photographs of rapists and child molesters — is now available to the inquiring public, Department of Public Safety officials said.

"We've been waiting for months," said Kris Lower, a member of the Nunaka Valley Community Patrol. On Thursday she picked up 400 pages of information about all the registrants in Anchorage. Her group is still sifting

through the material, but she's already found several sex offenders living within a quarter-mile of her home.

"We just kind of want to keep an eye on them," she said.

Alaskans who've been convicted of sex crimes have filed legal challenges to the mandatory registration law, and the Public Safety Department was under court order until last week to keep the data base confidential. The challenges

Please see Back Page, OFFENDERS

HOW TO GET INFORMATION

■ **WHERE:** Anyone can request information from the sex-offender registry by filling out a form at the Public Safety Department's Licensing Office in Anchorage at 117 Fourth Ave. or by airmail to the post.

■ **COST:** \$10.

■ **WHAT'S AVAILABLE:** Officials can search for particular names, or by city or street. They can provide information the department can release, including the offenders' photos, home address, race, employment, crime and length of sentence. Searches may take a day or two to complete. Photos may not be immediately available.

6-year-old faces attempted-murder charges in

By CAREY GOLOBERG
The New York Times

OAKLAND, Calif. — County prosecutors charged a 6-year-old boy with attempted murder Thursday, using him to dumbly neighbor's newborn baby out of the bassinet and beating it nearly to death in an act that appeared likely to brand him the country's youngest

would-be killer. The boy and two 8-year-old twin brothers, who all live in the San Francisco suburb of Richmond, also were charged with burglary. Police say the boys attacked the infant after they slipped into a neighbor's home to steal a Big Wheel-type tricycle, prosecutors said.

The infant, a 4-week-old

Ignacio Bermudez, had a fractured skull and was in extremely critical condition Thursday at the Children's Hospital in Oakland. His survival is uncertain.

Despite the suspect's youth, the state decided to charge them because the circumstances are so severe that there has to be social recognition of the fact that

the infant was in the hospital for several days. Prosecutors said the boys' parents, who live in the same area, should be held responsible for the incident. The state decided to charge them because the circumstances are so severe that there has to be social recognition of the fact that

FRIDAY

WEEKEND

SECTION

NATION & WORLD

METRO/BUSINESS

SPORTS

LIFESTYLES/CLASSY

AUTOMATION

CLASSIFIED

FEAT

Domestic

Foreign

Business

Comics

Database

Doogon

Horoscope

Landmark

Local

Lowenthal

Merrill

PHOTOS

And

Calendar

Final

PHOTOS

...involving...
 ...dozen separate...
 ...been held...
 ...Prudhoe...
 ...Bay since the case was...
 ...filed...
 ...Shaw, acting regional director for the Minerals Management Service in Anchorage, said a review of Mann's recommendations indicates that most of the disputed territory would go to the federal government — and with it, most of the escrowed money. The state's only victory in the Prudhoe Bay area was a small sliver off Arco's West Dock that was part of a much larger lease sale in 1979.

As it turns out, \$3.9 million was involved in the Arco pier sale," he said.
 But, Botelho, disputes Mann's conclusions.
 He said a 1985 Supreme Court decision in a Gulf of Mexico boundary case raised similar questions. Applying the 1985 decision, Botelho said that a small offshore shoal called Dinkum Sands would belong to the state and virtually all of the disputed lands where leasing has occurred would fall automatically to state ownership.

Botelho said Mann refused to consider the 1985 case because he disagreed with the high court's conclusions. Instead, Mann said the state cannot claim Dinkum Sands as an island because it is under water most of the time.

"The most significant issue is whether Dinkum Sands is an island," Botelho said. "Based on the high court's ruling in the 1985 case, we're optimistic that we can prevail."

Despite some of the findings against the state, Botelho said he is pleased that the report sided with Alaska over ownership of lagoons and river mouths immediately off the coast of the Arctic National Wildlife Refuge. Botelho said that finding, if upheld by the court, would allow the state to let oil companies lease near the edge of the refuge's coastal plain.

A 1987 Interior Department report identified the coastal plain as a hot prospect for a major oil discovery.

This is a substantial victory given that the federal government had claimed this as theirs," Botelho said. "Theoretically the state would have sole authority over leasing." But he said it still might not be able to obtain federal permission for exploration can-



FRAN DURNER / Anchorage Daily News
 Yvonne Bergstedt smoothes over a quilt made by education students at Alaska Pacific University as part of a project to make and send crib or lap quilts to the primary school in Dunblane, Scotland, where a man killed 16 children and their teacher in March. The APU creation is a wall quilt, with an Alaska animal ABC theme; others will be for the children to use. Sue Bergerson of Quiltworks in Anchorage started the project and donated material for 30 quilts sewn by volunteers.

OFFENDERS: State's list becomes public information

Continued from Page A-1

are still pending, but state and federal judges have refused to continue barring the department from releasing the information.

The most recent round came last week in state court. Superior Court Judge Peter Michalski on April 16 denied the sex offenders' request for an injunction, saying, among other things, that they hadn't shown that their challenge was likely to ultimately succeed. The offenders asked the Alaska Supreme Court for an emergency stay to bar release of the registry information, but Justice Jay Rabinowitz turned them down.

Darryl Thompson, a lawyer representing the sex offenders, says his clients worry that they will become targets of vigilantism if their backgrounds and addresses are released. He has argued in court that the registry undermines an offender's incentive to rehabilitate himself, because it ruins his chances of moving back into the community to live a quiet, peaceful life. He also argues that the law is unconstitutional, because it amounts to pun-

ishing offenders twice for the same crime.

Jim Hanley, the assistant attorney general defending the state against the legal challenges, counters that the law will help parents protect their children from child abusers. Scores of convicted sex offenders are released into the community each year. Since this population frequently commits new crimes, Hanley argues, these offenders continue to pose a threat.

The law, which went into effect in January, requires people who've been convicted of sexual assault, sexual abuse and related crimes to register within a week of their release. Failure to register is a misdemeanor.

So far, according to Lt. Doug Norris of the Alaska State Troopers, 1,071 people have registered, including 393 in Anchorage, 113 in Fairbanks and 103 in Juneau.

"We think there might be as many registered as unregistered," he said. The troopers have begun issuing summonses to offenders who fail to register.

Norris said most of those who receive summonses register right away.

Oklahoma executes killer

The Associated Press

McALESTER, Okla. — A man was executed by injection early Friday for stabbing and raping his 20-year-old neighbor, then sitting on her sofa and watching her die.

Benjamin Brewer, 38, was put to death at the Oklahoma State Penitentiary just after midnight as relatives of his victim watched on a closed-circuit television.

The U.S. Supreme Court rejected Brewer's final appeal Thursday afternoon.

Brewer confessed to the 1978 slaying of Karen Joyce Stapleton, who was stabbed 20 times in her apartment. After Brewer raped and stabbed the woman, he sat on her sofa to watch her die, said state Attorney General Drew Edmondson.

Afterward, I...
 Alex won't quarrel with...
 "It was the best...
 cost \$12... that...
 only took...
 thrilled...
 being in...
 Alex began her fitness...
 few months later...
 62 pounds...
 diet plan...
 Her trick?...
 She replaced ice cream with yogurt...
 doughnuts with apples...
 And instead of looking...
 space in front of the bank...
 rows away.

"I'm not gonna...
 easy," Alex said...
 and I walked very slow...
 my goal was to do at least three...
 was huffing and puffing and I looked...
 was passing out...
 miles."

She lost 30 pounds...
 But by the time her weight...
 pounds, everyone was noticing...
 started to ask her how...
 skinny. Her husband, Cliff...
 had traded in his...
 Corvette.

Alex noticed something...
 had nothing to do with...
 clothes more comfortably.

"My self-confidence is up...
 up, my strength is up...
 My whole p...

6-YEAR-OLD: Beati

Continued from Page A-1

"It's so bizarre," said Rachel Mitchell, a neighbor on Chanslor Avenue in Richmond. "You don't expect this from small children. They're generally more compassionate."

The infant's parents said at a news conference Thursday that they were not vengeful against the 6-year-old.

"I don't want to see anything happen to this child because he also has a mother and she would suffer very deeply just as we're suffering," his father said.

clo Bermudez said she had a translator.

He said the child should see a psychologist and that he would probably not have any more contact with his parents.

All three boys...
 Bernidge...

California...
 197...

Bermudez said...

...

lamenting budget woes, top school official

J. KOMARNITSKY

News reporter

ANCHORAGE — The lament is a common one at schools across Alaska — budgeting is not keeping pace with rising costs.

In the Matanuska-Susitna School District, the budget crunch is costing the area a popular superintendent who says he is retiring early in part because of cuts to his staff.

Superintendent Norm Palenske worked for the school district the past 21 years as a teacher and administrator, and could work for more before his contract expires.

But he told the school board he plans to leave in July as part of an early retirement plan.



‘I’m just worn out. I can’t do it anymore. It’s time to look for a new superintendent.’

— Norm Palenske

“I’m just worn out,” Palenske, 56, said in a recent interview. “I can’t do it anymore. It’s time to look for a new superintendent.”

His decision leaves the school board with a scant six months to find a replacement and the loss of a well respected superintendent at a

time when the district is struggling with a burgeoning student population.

In all, 14 positions — about a quarter of the school district’s administrative staff — were cut last spring, including a human resources director, an assistant super-

intendent and several clerical positions. A couple dozen teachers were also laid off to trim the budget by about \$1.9 million.

Palenske said he originally supported the cuts.

But since the cuts took effect, he has worked 14- and 18-hour days to pick up the slack, and watched others, like Finance Director Bob Doyle, take on too many extra duties. Doyle now also serves as human resources director.

“I thought maybe I’m too close — maybe we can lose 14 people and not have an impact,” Palenske said. “In hindsight, no we can’t.”

School board members had hoped to persuade Palenske to stay a little longer at a meeting two

weeks ago. The local board to pass a

But schoolene Reed was little the fer Even b of the que years. en schools in 8,800 stud this year

Each a more mon enough to costs of salarie

Pla

Sex-offender data isn't cheap

Critic says public needs affordable, safe access to reports

BY RON MCGEE

News reporter

Two years ago, Rep. Ramona Barnes successfully pushed through the Legislature a bill that would allow anyone to obtain a list of the state's registered sex offenders.

Her intent, she said, was to make the information available for people who had a need to know about the dangerous people living in their neighborhoods.

Barnes, R Anchorage, never thought the list would be too expensive for most people to afford, she said Tuesday. And she had no clue that people would be intimidated if they requested information because their names, addresses and phone numbers might become available to sex offenders on the list.

But that's just what's happened.

It cost \$10 to get a report on each of the 1,300 registered sex offenders in the state, said Alaska State Trooper Cpl. Patrick Hames, who works in the office that main-

tains the list.

That is too expensive for most people to request the information they wanted, said Paul Sweet, a Palmer resident who lobbied legislators to make the list available at an affordable cost.

Each report contains detailed information about the sex offender, including a photograph, address, court case numbers and sentences, Hames said.

Two months ago, troopers changed their policies. Anyone can purchase a list of all the state's registered sex offenders at any trooper office for about \$13. The list contains only the offenders' names and addresses, Hames said. Or people can look at the list at a trooper office for free.

Some people, however, are afraid to get the detailed report or look at the free list at a trooper office because they're concerned

Please see Page B-3, REPORTS

Help Make History

Deadline is Jan. 3. Nominations will be used to select the first 10 Hall of Fame members announced in a special 10th anniversary section.

vs among those stranded

ing they had no money, and asking what all the airline people said was, "That's

" 9

— Natalia Goubareva

flight so she could spend the holidays in Russia with her family.

"I don't know why the flight was canceled, not delayed," she said. "It makes no sense."

But Cancelmi said delaying the flight even a couple of days was impossible because it would tie up that plane from being used on other scheduled flights.

As for taking care of the stranded Russians, Cancelmi said

the airline owed them only a trip home on an Alaska Airline plane, or another airliner, when one was available.

The airline is obligated to take care of passengers only when the airline is at fault. Bad weather is not one of those times, Cancelmi said.

"Weather is a condition beyond our control," he said. "It's unfortunate. But there's very little we can do about it."

REPORTS: Sex-offender data isn't cheap

Continued from Page B-1

their name will get back to the sex offenders on the list, Sweet said.

To buy the detailed report or look at the free list, people must fill out a request-for-information form that asks for their name, address and phone number, Hames said. Anyone, including the sex offenders on the list, can ask for that information about people who have requested reports or looked at the free list, he said.

Sweet said he received threatening phone calls from people who he suspects are sex offenders because they know from the media he has pushed to make the sex offenders list available to the public. He knows of other people whose names have appeared in the media asking for greater dissemination of the list and they have been harassed too, Sweet said.

About 50 percent of the state's suspected sex offenders — people convicted of crimes like sexual assault or sexual abuse of a minor in Alaska or any other state — have registered, Hames said. If they don't register, they could be fined up to \$5,000 and sentenced to as much as a year in prison, he said.

Hames said no one has filed a request to get the names of people who have purchased the detailed information or looked at the free list. If a sex offender on the list made the request, he would check with his supervisors to see if there was a way to deny the request, Hames said.

But people who ask for the sex offender list have expressed misgivings, he said.

"They say 'Gosh, I hate to give you my address,'" he said. "People are worried about a lot of things that haven't happened."

At the same time, Hames said he understands why people would worry.

"There's some strange people out there and some of them are on this list," he said.

He did not know how many lists have been requested, but said he didn't think there were many asked for.

Retiring Rep. Kay Brown, D-Anchorage, an advocate for open records, points out that the only people who said they have been threatened are people whose names appeared in the media.

The state has a right to ask for a person's name and address before releasing information to them, she said.

"If people have a safety concern, I think accommodations should and will be made for them," Brown said.

Barnes was happy the sex offender list was being made available at an affordable price, but she did not know people were afraid to request the list.



ERIK HILL / Anchorage Daily News

watchful gaze of instructor Paul Doucet during Gym Fat Camp on New Year's Eve in first through eighth grades from New Year's Eve to late afternoon party. About 50 kids attended the camp.



ARNE RAUP / Anchorage Daily News

Rights Commission nominees Tuesday night of public relations for Chugach Alaska Corp.

bond on ballot

e was in Apple II standard in computers educational connecting the Inter-says.

would be ars at an 57 for a

Assembly and prop- w school at some

elementary schools, softer surfaces beneath playgrounds at many elementary schools, and tennis court and track repairs at most of the high schools.

The playground and construction bonds would be paid back over 20 years, and would add about \$29 annually to the taxes on a \$100,000 house. New buses would add \$1.40 to the same tax bill for seven years.

Daily News Reporter Rosemary Shinhara contributed to this story.

ire money, rules

en. Lyda Green, a Republican who i the bill.

an program has ng as much as \$9 year, largely be- high default rates ause the interest- pay has not kept the state's cost to s that finance the

ut legislative ac- future of the stu-

dent loan program to provide educational opportunities to Alaskans will be in serious jeopardy," Green said in a news release.

The legislation addresses that problem through several provisions, according to Diane Barrans, who heads the Alaska Postsecondary Commission that

Please see Page B-3. LOANS

with at least two other agencies, including Anchorage-based Allvest Inc., which operates four of six other halfway houses in Alaska

Akeela House said its costs to operate the half-way house would be

Please see Page B-2. CENTER

Unlisted sex felons charged

By LIZ RUSKIN
Daily News reporter

The Alaska State Troopers have charged six people with failing to register as sex offenders and say they are contacting other ex-convicts at their homes and workplaces to remind them of the requirements of the new law

About 800 people have registered so far. Trooper 1st Sgt Doug Norris said that represents about a third of the estimated number of sex offenders living in Alaska

The law requires people who've been convicted of rape, child molestation, child pornography and other sex crimes to register within a week of their arrival in Alaska or their release from prison. Those convicted of a single offense must register for 15 years after they've done their time and probation. People convicted of multi-

Please see Page B-2. REGISTER

OTHER YUKON QUEST HONORS

• The Sportsmanship Award, including a fur hat and \$500, was given to Mark May, who was credited with saving fellow racer Bill Stewart. Stewart had fallen asleep in the snow because of sleep deprivation. "He could've just blown by," Stewart said. "He didn't. I don't know what would've happened if he hadn't come by."

• The Challenge of the North prize, including crystal artwork and \$500, was presented to Doug Harris, who took the time to cut birch trees that made a section of trail dangerous.

• The Vet's Choice Award, a plaque and \$1,000, was given for the second time to Schandelmeyer. Race veterinarian Wendy Poyls credited him for having a

consistently vigorous team

• The Rookie Award, a fur hat went to veteran musher Rick Mackey who has raced competitively for more than 20 years and finished his first Quest this year in second place. "I feel like I made every rookie mistake there is to make every day," Mackey said.

• The Golden Harness Award, presented to the winner's lead dog, went to Schandelmeyer's GinGin. When she turned out to be shy, the musher brought in Jala, an ex-house dog and part-time leader. "He's good with crowds, good with people, but I don't think he'll speak," he said of the dog, which stood with paws on the podium.

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Tuesday on \$2,500

attempt violent

Investigator shot
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ing to arrest after
to stab him with
nife Monday
ice said.
ier Mercadante
e Brenda
lunged at him
s with a knife.
10 p.m., police
man JoAnn
said. On the
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l the bullet-proof
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the blade, police
v Reid said.
te drew his gun,
ngleton and
eid said. She
rself in the
bathroom at 334
St. and came out
e arrived, police
e arrested
on a charge of
ree assault. Reid
was in the Sixth
il on \$15,000 bond.
e came to the

apartment to return
Singleton to jail after her
friend had second thoughts
about posting her bond.
Reid said. The sergeant
said he did not know why
Singleton had been in jail
earlier.

Utility seeks help clearing hydrants

The Anchorage Water and
Wastewater Utility asks
residents to help clear
snow from around fire
hydrants in their
neighborhoods. Clearing
snow from hydrants helps
the Anchorage Fire
Department locate the
closest source of water in
case of a fire. The public
should not attempt to clear
hydrants on major streets.
If a hydrant is found to
have a leak, call the
utility's 24-hour emergency
number, 564-2762.

REGISTER: 6 charged

Continued from Page B-1

ple counts must register
annually for life. The law
applies retroactively.

Anchorage residents
must register at the De-
partment of Public Safety
licensing office at 117 W.
Fourth Ave. Residents in
other towns can register at
the nearest trooper post.

Three sex offenders have
challenged the law in U.S.
District Court, saying it
violates their constitution-
al rights.

A federal court
restraining order has so far
prevented release of the
information to the public,
but the order is due to
expire Friday.

That will allow any
member of the public to
pay a \$10 fee and obtain a
list of sex offenders living
in a particular area. Norris

said he expects requests for
information to take a day
or two to process.

The authorities don't
know exactly how many
Alaskans are required to
register. Norris' estimates
have fluctuated over the
past few months, from a
low of 1,700 to a high of
3,300. His latest estimate is
roughly 2,400. The number
is computed by cross refer-
encing various state data-
bases, subtracting for con-
victs who are now in
prison, who are not yet
required to register, and
for those who have moved
Outside or who have died.

Failure to register is a
misdemeanor, punishable
by up to a year in jail.
Four of the offenders
charged were in Soldotna
and the other two were in
Ketchikan, Norris said.

STATE NEWS

Fairbanks

FAIRBANKS -
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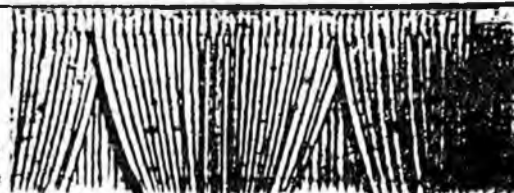
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through
February 1982
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Princess Hotel

10th ANNIVERSARY SPECIAL



...hat would have re-
op. da the government.
The vote was 208 to 187,
almost entirely along party
lines.

That prompted Clinton
to accuse House Republi-
cans of creating "an unnat-
ural disaster" and of hold-
ing federal workers
"hostage."

"It is part of an explicit
strategy by Republicans to
shut the government down
to get their way on budget
and tax issues," Clinton
said at a news conference.
"... It is an unnatural
disaster born of a cynical
political strategy."

Dole continues to say —
in agreement with Clinton
— that the government
should be put back to
work. He feels the Republi-
cans have made their
point. And, at least as im-
portantly, he knows Clin-
ton is winning the blame

Please see Back Page, BUDGET

Small Business Admin
...not being process
...deal on commercial
...not being collected and
...disseminated
...No export licenses approved
...daily value \$30.5 million
...SOURCE: Office of Management and Budget

DAVID ARBAHAR and BOB TRIMBLE / AP/WIDE WORLD

Young makes his point

By DAVID WHITNEY
Daily News reporter

WASHINGTON — When
House Republicans voted
Wednesday to reject a Sen-
ate-passed bill to reopen the
federal government, Alas-
ka's lone congressman took
a walk.

Rep. Don Young voted on
other matters Wednesday.
But when the question was
whether to consider legisla-
tion that would put fur-
loughed government em-

ALASKA: Federal workers
...savings, if they have any.

SCHOOL: Shuttered by gov-
...a new elementary school in Feb.
...banks. B-5

WASHINGTON: Unlike the gov-
...ernment they work for, these peo-
...ple have to pay bills on time. B-4

employees, including about
...6,500 in Alaska, back to
...work. Young didn't vote.
...Young did not return.

Judge orders sex offender registry sealed

By LIZ RUSKIN
Daily News reporter

A federal judge has ordered the state to
keep its new sex offender registry to
itself, at least for now.

Although convicted sex offenders living
in Alaska still must register with authori-
ties, U.S. District Court Judge James
Singleton on Friday prohibited the state
from making the information they pro-
vide public.

The temporary restraining order came
in response to a class-action lawsuit filed
last week by Richard Nitz, a convicted sex
offender. Nitz, 47, says the registry law
violates his constitutional rights and the
rights of others like him. It will expose
the released offenders to public ridicule
and may endanger their safety; his attor-
neys said in the lawsuit.

The negative connotation generated by

Please see Back Page, SEX OFFENDERS

Per

THURSDAY

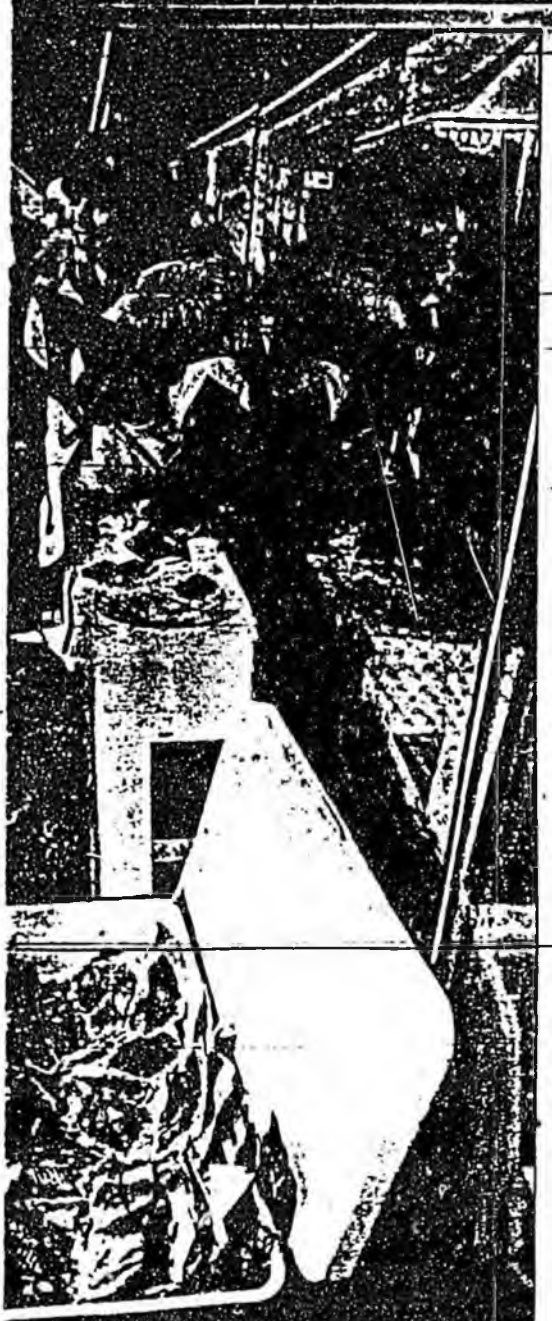
PARTLY CLOUDY

High 25, mostly snow
Low 15
Details: Page A-2

Weather updates, 308-2525

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METRO	Section B
SPORTS	Section C

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ANNE RAUP / Anchorage Daily News

oked silver salmon outside the Egan Civic & the Alaska Federation of Natives conference.

Child sex assailant sentenced

Man gets eight years after fondling 2 girls

By RON MCGEE
Daily News reporter

A Muldoon man who ignited a communitywide search after he sexually assaulted a 6-year-old girl at Cheney Lake accepted a plea agreement Thursday that will result in an eight-year jail sentence.

Lawrence A. Lekanoff, 25, admitted in Superior Court that he dropped his pants to his ankles, fondled the girl and masturbated on Aug. 1. In exchange for pleading no contest in the Cheney Lake incident, charges involving Lekanoff's earlier assault of a 4-year-old girl in front of her Reka Drive apartment will be dismissed.

The 6-year-old girl in the Cheney Lake assault told police that a man trapped her in bushes and asked her to play a quick game of doctor, according to district attorney charging documents. After exposing himself, Lekanoff put his hand in the girl's pants.

He fled when the girl yelled for her mother and alerted boaters on the lake, the document said.

The bold, noon attack at the popular lake enraged community members and police involved in the investigation. Neighborhood watches and community patrols posted dozens of fliers with a description of the man who assaulted the girl. Police were anxious to find the suspect, Sgt. Gary Apperson said at the time.

"Certain cases make us more angry as human beings," he said in August. "This was one of those that yelled out motivation to everybody."

An official at McLaughlin Youth Center told police that Lekanoff matched the description of the suspect in the assault, the document said. When police approached him, Lekanoff denied any involvement in the assault, saying he was at his brother's house at the time. But the brother failed to back him up, saying Lekanoff had not been at his home. He also acknowledged that Lekanoff often rode his bike and fished at the lake.

The girl who was attacked, and witnesses who saw Lekanoff fleeing from the lake, identified him from a photographic lineup, the document said. During a second interview with police, Lekanoff admitted he had assaulted the girl. He also acknowledged his involvement in the May 7 attack on the 4-year-old girl.

In that incident, the girl's mother

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RON ENGSTROM / Anchorage Daily News

Page B-3, TEACHER

Please see Page B-3, ASSAULT

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2

... couple more than a view

... just makes you feel powerful



Patrick Tuluk totes an empty bucket on his way home from a well last week in Chevak. The temperature was about 30 degrees below zero. High winds pushed the wind chill below zero. Chevak is about 130 miles northwest of Bethel in the Yukon-Kuskokwim Delta.

Most sex offenders skip state registration

By LIZ RUSKIN
Daily News reporter

If all had gone as the state planned, curious Alaskans would by now be able to consult the new sex offender registry to identify convicted rapists and child molesters living in their block or town.

But a court challenge continues to bar public access to the registry. And even if the public could get the information, there isn't much to be had.

By Friday, two days af-

ter the deadline for registering, about 85 percent of the convicted sex offenders in Alaska had failed to sign up, according to the state Department of Public Safety.

Trooper 1st Sgt. Doug Norris said an estimated 2,300 Alaskans have been convicted of crimes that require them to register. That's nearly twice as many as troopers figured a few months ago. Norris said the first estimate was low in part because during

the original computer search of state records, the code for child sexual abuse was accidentally left out.

The registration law is designed to allow a community to keep closer tabs on sex offenders living in its midst. It applies to residents convicted of sex crimes, whether here or in other states, who have completed their sentences. They are required to report

Please see Back Page.
OFFENDERS

Sex offender registration

Who must register?

- Sexual assault
- Sexual abuse of a child
- Incest
- Unlawful exploitation of a child
- Distribution of child pornography
- Promoting prostitution
- People convicted of a felony sex offense every year for 15 years. For each subsequent offense, one offense must register for 10 years.

Where to register

- Any Alaska State Trooper
 - Any police station
 - Department of Public Safety
 - Permit and Licensing Office
- Failure to register for a sex offense is a crime punishable by a year in jail.

For information call 222-2222

Safety office closed

OSHA layoffs hit Kenai site hardest

By BRUCE MELTZER
The Kenai Peninsula's refineries and plants are being hit hard by OSHA layoffs. Several funding programs are being cut, leaving the state's largest safety agency with a budget deficit. The Kenai Peninsula's refineries and plants are being hit hard by OSHA layoffs. Several funding programs are being cut, leaving the state's largest safety agency with a budget deficit.

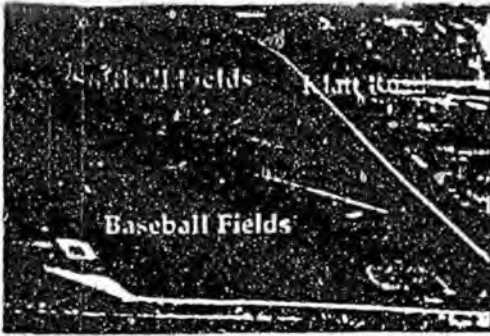


Argentiniens lit

Obsession with cosmetic surgery

By JONATHAN FRIEDLAND
The Wall Street Journal

BUENOS AIRES, Argentina — Florencia Floreo, a brown-eyed Argentine in blue overalls, is sitting on the floor, talking to her mother and talking to her breasts. "I had them to prove my image," she says, old/blowing out a cigarette. "I'm pretty happy. I'm doing nothing to do nowadays." She says she that's the best thing she's done.



Land Design North

ost revealed

projects hostage over that giant project," Assemblyman Mark Begich said in an interview Friday. He worried that voters who reject the scope of the sports center would vote against the bond issue, killing the other projects.

Begich has offered his own approach, crafting a pair of ordinances that would separate the bonds for the sports center land from the bonds for the other projects. Voters could reject the land purchase but approve the other projects.

A third Begich ordinance would scale down the sports center, eliminating the field house. The Begich proposals are also scheduled for a Tuesday night public hearing.

Begich was particularly irked by the city's option payment on the land. "The Assembly hasn't even been brought into the loop here," he said. "To make an option prior to the Assembly, and particularly the public, making a decision on this, I think it's really irresponsible."

Assembly Chairman Craig Campbell said Mystrom has no business asking taxpayers for money to buy land without specifying that it's the first installment toward a much larger purchase — construction of the sports center.

Mystrom said the land and the sports center are two different issues. The city is squeezed for outdoor fields and needs more, he said.

"We're getting something for our money whether we build the sports center or not," he said.

As for the purchase option, Mystrom said \$25,000 seemed a bargain price for the right to buy what he called "the best remaining recreational property in Anchorage."

rs around state

operations, for example, "safety is not an area where I would try to cut any overhead," he said.

Wormington doesn't think the Kenai Peninsula to change their safety practices. "But enforcement may promote companies to cut corners, he said.

Some officials didn't like the idea of the working people in the hazardous industry, such as fishing, "we think it's totally wrong for them to consider closing an industry in the name of dollars," said Bob...

beat a tool. "It's a great tool that will really impact the trust... have an internet shopping... McCann vice president... ERS which directly... million... would...

represents three sex offenders who say the new law violates their constitutional rights by adding an additional punishment after they've already served their time.

Two of his clients are identified only as John Doe and James Roe. Their case is on hold while the 9th U.S. Circuit Court of Appeals decides whether they can pursue their case without revealing their identities. A third sex offender, Richard Nitz, filed a class-action lawsuit in December.

Thompson argues that giving the public access to information through the registry will stigmatize sex offenders, exposing them to ridicule and perhaps violence from vigilantes.

Assistant attorney general Jim Hanley says the purpose is to protect the public in the face of what he calls a crisis. Alaska, he noted in a brief written in defense of the law, has the highest child sexual abuse rate in the nation and the second highest rate of sexual assault. About one-quarter of Alaska's prison inmates are incarcerated for sexual offense, and scores of sex offenders are released each year. Studies show sex offenders frequently commit new offenses, he said, so they continue to pose a threat once they are released.

Identifying sex offenders in a neighborhood will allow parents to protect their children by teaching them to avoid certain houses or people, he said.

Although it may be unpleasant for sex offenders if the information is revealed, Hanley said, it's far worse for the public if it is kept in the dark.

"Nitz's concern about embarrassment and stigmatization... pales in comparison to the suffering of just one sexual assault victim," he wrote.

"If the sex offender registration act allows just one mother to prevent her child from being victimized, the scales will have tipped sharply in favor of the public."

U.S. District Judge John Sedwick ruled last week that Nitz's challenge to the law has a "substantial chance of success."

"Although registration and public notice of sex offenders' circumstances is now seen to serve the public's interest... it does not follow that sex offenders can retroactively be required to actively facilitate from 15 years to a lifetime of public harassment and vilification," Sedwick wrote.

On the other hand, he agreed with Hanley that the hardships sex offenders will suffer if the information is released is no match for the harm the public will likely suffer if it is not. He ruled that the public should have access to the information while the case makes its way through the court, but he delayed release of the information to give Nitz an opportunity to appeal to the 9th U.S. Circuit Court of Appeals in San Francisco.

Unless the appeals court steps in, information in the registry will be made public March 1, available to anyone willing to pay the \$10 fee.

CARDS: Security promised to buyers

Continued from Page A... beat a tool. "It's a great tool that will really impact the trust... have an internet shopping... McCann vice president... ERS which directly... million... would...

Eas Teams to game

By MATT NEVILL
Daily News Service

Experience... times when... and other times... make it through...

The two... winners of... basketball... High School... night... champion... Juneau... champion... used experience... a 49-44 victory...

East... seconds to... Palmer... offensive...

Now... second in the... basketball... onship... ranked third... straight, title...

One of... Colony in... season. That...

Just another win for Bu

Lakers need more...

By SCOTT HOWARD-BOOPER
Los Angeles Times

INGLEWOOD... real big bubble... It sounds like...

"Magic... not around the... way to go before... contenders...

The... the damage... who Friday... emotions...

back... through... down... before... consecutively...

The... Bulls... the... improvement...

...

THE BEAN

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Still Lost What are found

Continued from Page A-1

destructive chemicals from a processor... think this sheds new light on the... of that tidal estuary, and... the importance of the water... there," said Ben Ellis, executive... of Kenai River Sportfishing Inc. It points out how little we really... about this stuff.

the debate over Kenai River... largely focused on the grassy... banks, upriver," where king... salmon fingerlings hide and... their first year. After over-... in fresh water, the king salmon... turn into smolt and head... to salt water.

banks along the lower river are... and muddy swept by tides, so the... little of the bank habitat favored... and easily trampled by... pursuing adult red salmon. A Fish... study of Kenai River habitat... years said the lower river had less... habitat than other stretches. Biologists cautioned that this didn't... the area can be neglected. Indeed, six of sealife in the intertidal zone is... richer than the river upstream, Clark said.

the delta is just a fish soup," he said. As far as juvenile salmon go, the... was believed to be nothing but a... ation corridor, said Doug McBride, regional sportfish supervisor with Fish Game.

we thought their residence time was... the time it takes to move through...," McBride said. "Now it appears... re actually rearing right in the river... for some period of time." Biologists were looking for smolt as... of a tagging study to identify differ-... Look Inlet runs of king salmon. In the... they had tagged newborn fingerlings... ad...

We've always supported pollution vs. The fleet's really cleaned up act over the years.

— Theo Matthews

fish trap on the lower river caught... matter which way the... was running, convincing biologists... were not just rushing out to sea.... to land-use regulation along... Kenai River has long been... to protect the fish proces-... legislature exempted the... of the Kenai River from... management when the rest of... was made Special Management...

Kenai said it... inside city limits... Kenai Peninsula Borough officials said local zoning rules... and Game...

2 felons fight for anonymity

Sex offenders guard privacy pending suit

By NATALIE PHILLIPS
Daily News reporter

Two felony sex offenders who filed a lawsuit to stop Alaska's new sex-offender registration program are now fighting to remain anonymous as their case is considered in federal court.

On Monday, members of the 9th U.S. Circuit Court of Appeals made their annual pilgrimage to Anchorage to hear arguments in the sex offenders' case and two dozen other cases. The hearings are scheduled to last through the week. Rulings are not expected for six to eight weeks.

More than a year ago, the Alaska Legislature passed a law requiring sex offenders to register with the nearest police station or Alaska State Trooper post within two weeks after their conviction, release from prison, or after moving to a new area. The state Department of Public Safety is still working on the regulations. The program is expected to go into effect by late September or early October.

In the meantime, two sex offenders and one of their wives — using the pseudonyms James Rowe, Jane Rowe and John Doe — filed a lawsuit in federal court against the state. Among other issues, they say the program is an invasion of their privacy and that offenders convicted before the state adopted the program should not be required to participate because it adds to their punishment.

A year ago, U.S. District Judge John Sedwick ruled they have to register when the program gets under way, but he prohibited the state from making their names public until the lawsuit is resolved. The same time, Sedwick ordered them to still file lawsuit using their names. That prompted the...



...the river upstream...
 ...salmon...
 ...McBride...
 ...supervisor...
 ...residence...
 ...move...
 ...appears...
 ...river...
 ...smolt...
 ...tagging...
 ...Inlet...
 ...fingerlings...

**I've always supported pollution
 The fleet's really cleaned up
 it over the years.**

— Theo Matthews

...fish trap...
 ...molt...
 ...biologists...
 ...sea...
 ...Kenai River...
 ...fish...
 ...legislation...
 ...management...
 ...1984...

...year...
 ...river...
 ...Kenai Peninsula...
 ...City...
 ...adequate...
 ...study...

...scientific data...
 ...portion...
 ...habitat...
 ...April...
 ...John Williams...

...presence of smolt...
 ...steward...
 ...fuel sales...
 ...dock...
 ...15 years...
 ...waste...
 ...kings...
 ...eds...

...industry...
 ...regulations...
 ...salmon...
 ...business...
 ...pollution...
 ...Cleaned up...
 ...years...
 ...United Cook Inlet...
 ...Drift...

...200 to 300...
 ...lower river...
 ...during...
 ...recognize...
 ...five miles...
 ...Paul Dale...
 ...think...
 ...this...

... says

...hear...
 ...offenders...
 ...cases...
 ...hearings...
 ...week...
 ...six to eight weeks...

More than a year ago, the Alaska Legislature passed a law requiring sex offenders to register with the nearest police station or Alaska State Trooper post within two weeks after their conviction, release from prison, or after moving to a new area. The state Department of Public Safety is still working on the regulations. The program is expected to go into effect by late September or early October.

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A year ago, U.S. District Judge John Sedwick ruled they have to register when the program gets under way, but he prohibited the state from making their names public until the lawsuit is resolved. At the same time, Sedwick ordered them to refile their lawsuit using their names.

That prompted the plaintiffs to seek an appellate court opinion on whether they had to refile using their real names or whether they should be permitted anonymity.

One of their attorneys, Darryl Thompson, argued Monday that having their names public while they challenge the state "would establish a chilling effect" by deterring people from filing lawsuits in such cases.

U.S. Circuit Judge Andrew Kleinfeld pointed out Monday that sex offenders' convictions already are public record, and he said a state registry, wouldn't be any different from having the state records loaded on...

Please see Page B-2, FELONS

Binky and Nuka Were Orphaned

The reaction to the deaths of the Alaska Zoo's polar bears shows just how much Anchorage has become...
 ...Zoo...
 ...Alaska...
 ...resident...



Getting the fishing bug while not you
 Nathan Knack, 2, reels in his line while fishing at the Dimond Boulevard bridge Saturday evening.

Juneau-Douglas Team

The Associated Press
 JUNEAU — The drill team from Juneau-Douglas High School swept, three top honors at the International Dance Drill Competition in Japan over the weekend, defeating hundreds of competitors from around the world. The girls won the... military and... event...

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

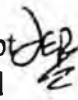
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 23, 1997

SUBJECT: Sectional Summary of HB 252. (W.O.20-LS0818\B)

TO: Representative Joe Ryan
Attn: David Pree

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 amends changes to the crime of failure to register as a sex offender or child kidnapper.

Section 2 makes a conforming change to the addition of child kidnapping as a requirement for registration under AS 12.63.

Section 3 allows persons who are considering employing, or accepting as a volunteer, a person in a capacity where the person will have authority over children to access the person's current offender information as well as past conviction information.

Section 4 reduces the amount of time a sex offender or child kidnapper has to register under AS 12.63.

Section 5 increases the amount of information sex offenders and child kidnappers must supply when registering under AS 12.63.

Section 6 reduces the amount of time sex offenders and child kidnappers have before they must notify the state of a change of residence.

Section 7 requires annual or quarterly verifications of the addresses of sex offenders and child kidnappers.

Section 8 requires that registrations and verifications under AS 12.63 be sworn to by sex offenders and child kidnappers thereby subjecting them to prosecution for perjury.

Section 9 adjusts the length of time sex offenders and child kidnappers must register under AS 12.63 to meet the requirements of 42 U.S.C. 14071.

Section 10 requires DPS to notify (1) the FBI if an offender or kidnapper fails to register or cannot be found, and (2) the FBI and another state if an offender or kidnapper provides notice that they are moving to the other state. This section also requires the Alaska court system to supply a list of persons convicted of sex offenses and child kidnapping to DPS.

Section 11 provides a definition.

Section 12 adds additional crimes to the definition of sex offense.

Section 13 provides definitions.

Section 14 adds a reference to child kidnappers.

Section 15 adds a reference to child kidnappers.

Section 16 adds to the list of regulations that DPS must promulgate.

Section 17 provides that the identity of a person making a request for information from the registry is not a public record and requires DPS to make reasonable efforts to verify the addresses of persons registering under AS 12.63.

Section 18 requires the commissioner of corrections to complete the registration of a sex offender or child kidnapper before release of the person; adds to the information that must be obtained from the offender or kidnapper.

Section 19 adds to the duties of the commissioner of corrections vis-a-vis sex offenders and child kidnappers.

Section 20 provides definitions.

Section 21 requires DPS to promulgate regulations to allow persons entitled to information under AS 12.62.160(b)(10) to obtain access to federal databases.

Section 22 provides notice that bill sec. 2 amends court rules.

Section 23 provides an applicability section.

LEGAL SERVICES

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FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

May 2, 1997

SUBJECT: Unconditional discharge date and Registration of Sex Offenders and Child Kidnappers (HB252)

TO: Representative Joe Ryan
Attn: David Pree

FROM: Gerald P. Luckhaupt *JLP*
Legislative Counsel

You have asked what the possible significance is of the differences in HB 252 and HB 186 concerning a sex offender or child kidnapper's duty to register and having the duration of that duty to register based upon the offender's date of unconditional discharge. One significant difference I see is that an offender with a single conviction will, in most cases, be required to register for a lesser period of time under HB 186 than under current law or under HB 252.

Under current law a sex offender with one conviction¹ is required to begin registration upon the offender's conviction if not sentenced to a term of incarceration, release from prison, or entrance into the state. AS 12.63.010(a). The offender's duty to register does not end until 15 years after the offender's unconditional discharge from the conviction. AS 12.63.010(b). "Unconditional discharge" is the date the offender "is released from all disability arising under a sentence, including probation and parole."² AS 12.63.100(4) and AS 12.55.185(15).

¹A sex offender with two convictions must register for life so duration of registration is not a factor or concern. This memorandum, therefore, is only concerned with the duty to register of sex offenders and child kidnappers with a single conviction who are required to register for 15 years.

²"Unconditional discharge" is used in a number of areas in the Alaska statutes. For example, a felon may not be a juror until the felon has been unconditionally discharged from the conviction, AS 09.20.020; a nonviolent felon may possess a concealable firearm if 10 years have elapsed since the felon's unconditional discharge, AS 11.61.200(b); prior convictions may not be used for presumptive sentencing purposes if 10 years have elapsed from the date of the defendant's unconditional discharge from the conviction, AS 12.55.145(a)(1); a teacher who has been convicted of certain crimes involving a minor

(continued...)

Representative Joe Ryan

May 2, 1997

Page 2

The date of the offender's unconditional discharge will in most, if not all, cases be a date that is a substantial period of time after the date the offender is required to begin registration. Therefore, when HB 186 ends the duty to register 15 years after the offender begins registration (under HB 186 an offender with one conviction will only register for 15 years) that date is sooner than the date when registration would end under current law or HB 252 because registration does not end until the offender is unconditionally discharged which will be when the offender completes the service of the offender's probation and parole. An example may help explain the difference. Under current law an offender who is serving a 15 year sentence for sexual assault is released from prison after serving 10 years and placed on mandatory parole for five years.³ The offender begins registration upon release from prison and must continue to register until 15 years after the offender's unconditional discharge, in this example 20 years after the offender's release from prison. Under HB 186, this same offender would register for only 15 years.

The legislature in requiring registration for 15 years from the date of an offender's unconditional discharge provided that time an offender serves on probation or parole, or otherwise with someone watching over the offender, does not count to extinguish the duration of the offender's duty to register and instead required that the offender's duty to register is only extinguished when the offender completes registration for 15 years after the offender is released from the constraints of the sentence. HB 252 continues this requirement. HB 186 does not.⁴

In the drafting of HB 252 a concern was expressed that the Department of Corrections is not as diligent as would be desired in tracking, recording, and reporting dates of unconditional discharge of offenders. To this end HB 252 was drafted so as to require the offender to notify the Department of Public Safety when the offender is unconditionally discharged by the Department of Corrections, besides retaining the requirement that the Department of Corrections report this information to the Department of Public Safety. An offender that does not report the date of the offender's unconditional discharge to the Department of Public Safety will have to continue to register until doing so. This should alleviate the concerns of

²(...continued)

can receive a teaching certificate after five years have elapsed from the teacher's unconditional discharge, AS 14.20.020(f); and a person convicted of a felony involving moral turpitude may vote once they have been unconditionally discharged, AS 15.05.030(a).

³AS 33.16.210(a) provides the Board of Parole with the authority to unconditionally discharge a parolee who has completed two years of parole.

⁴HB 252 would potentially count the time an offender serves in prison for violating the offender's parole or probation as part of the 15 year registration period (provided the offender continues to register), since the duty to register ends 15 years following the date of registration. Section 11, SB 186.

Representative Joe Ryan

May 2, 1997

Page 3

the Department that they have to determine these dates on their own while conforming to your desire that these offenders should be required to register for the maximum period possible.

GPL:jdr

97-326.jdr



ALASKA COURT SYSTEM
State of Alaska
Office Of The Administrative Director

Doug Wooliver
Administrative Attorney

820 West 4th Avenue
Anchorage, Alaska 99501
(907) 264-8265
FAX (907) 264-8291

May 7, 1997

The Honorable Joseph Ryan
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Ryan:

The Alaska Court System respectfully requests that section 10 of HB 252 be amended to remove proposed statute AS 12.63.040. That proposal requires the Administrative Director of the Alaska Court System to biennially provide the Department of Public Safety (DPS) with a list of those persons convicted of an offense subject to registration requirements.

Although the court system does not have any objection to the substance of the section (or the bill itself), we do not keep a separate record of all individual convictions from which to create the requested list. Because of this, the court system would be required to manually track and record all covered convictions in order to provide DPS with the list; a list the department already has. Currently, the court system provides DPS with a copy of all criminal judgements issued by the court. Because the judgements are provided shortly after they are issued (generally within a day or two), DPS has, at all times, a current list of all those persons convicted of crimes subject to the reporting requirements.

It is because DPS already has this information, and because of the administrative burden associated with manual tracking, that we request the section be removed.

Thank you for your consideration of this request. If you have any questions please do not hesitate to call me in Juneau at 463-4751 or in Anchorage at 264-8265.

Very truly yours,

A handwritten signature in black ink, appearing to read "Doug Wooliver", written in a cursive style.

Doug Wooliver
Administrative Attorney

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 252

Revision Date: _____ Dept. Affected: Public Safety
 Title: Criminal records and sex offender/child BRU: Statewide Support
kidnapper registration Component: Information Systems
 Sponsor: Representative Ryan
 Requester: House Judiciary COMPONENT SERIAL NO. 0528

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	\$15.0	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	\$15.0	0	0	0	0	0

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	\$15.0	0	0	0	0	0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	\$15.0	0	0	0	0	0

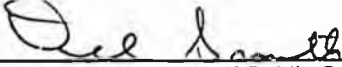
Estimate of current year (FY 97) impact: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) Section 17: Modify sex offender registry software and APSIN programming to provide a third type of indicator in APSIN for offenders who have failed to comply with registration requirements. (Current indicators show that an offender is required to register but has not, or is required to register and has done so.) This third indicator would enable DPS to comply with the requirement to make a reasonable effort to locate offenders who fail to verify their addresses, because the APSIN records would be available to all law enforcement agencies in the state.

200 hours X \$75/hour = \$15,000.

Prepared By: Ken Bischoff, Director Phone: (907) 465-4336
 Division: Administrative Services Date: 4/29/97
 Approved by Commissioner:  Date: 5/5/97
 Agency: Ronald L. Ote, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 252

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to criminal records; relating to BRU: ALL
notice about and registration of sex offenders and child kidnappers..." Component: ALL
 Sponsor: Representative Ryan
 Requester: House Judiciary COMPONENT SERIAL NO. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	207.3	437.8	437.8	437.8	437.8	437.8
TOTAL OPERATING	207.3	437.8	437.8	437.8	437.8	437.8

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	207.3	437.8	437.8	437.8	437.8	437.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	207.3	437.8	437.8	437.8	437.8	437.8

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Bruce Richards
 Division: Commissioner's Office
 Approved by: Commissioner Margaret M. Pugh *Margaret M. Pugh*
 Agency: Department of Corrections

Phone: 465-3307
 Date: 5/5/97
 Date: 5/5/97

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The major impact of this legislation for the Department of Corrections (DOC) lies in Sec. 1 where by the penalty for failure to register as a sex offender or a child kidnapper is increased from a Class A misdemeanor to a Class C felony. This increase in penalty results in a two-year presumptive sentence for a second felony conviction.

In 1996 the DOC had 22 admissions for failure to register as a sex offender. Six of these offenders were incarcerated, serving an average sentence of 41 days.

Using six convictions a year the DOC estimates the following fiscal impact:

FY98: 6 inmates X 365 days X \$105.27 per day = \$230.5
 Subtract costs for incarceration under current penalties
 6 inmates X 41 days X \$105.27 per day = (\$25.9)
 \$450.00 Pre-sentence Investigation Report X 6 inmates = \$2.7

FY98 Total: \$207.3 GF

YEAR	OLD+NEW	TOTAL	COST PER DAY	DAYS	INCARC COST PER YEAR	PSI Report	Subtract current Incarc. Costs	TOTAL
FY98	6	6	\$105.25	365	\$230.5	\$2.7	-\$25.9	\$207.3
FY99	6 + 6	12	\$105.25	365	\$461.0	\$2.7	-\$25.9	\$437.8

*Beginning in FY00 the first offenders (6) under proposed AS 11.56.840 would be released. This results in a no net gain from this point forward since six would enter the system and six would be released.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 252

Revision Date: _____
 Title: "An Act relating to criminal records..."
 Sponsor: Representative Ryan
 Requestor: (H) JUD

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***
CAPITAL EXPENDITURES	***	***	***	***	***	***
CHANGE IN REVENUES ()	***	***	***	***	***	***

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 97) cost: \$ -0-

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) This bill amends sex offender registration laws in a number of ways. It changes the failure to register from a class A misdemeanor to a class C felony. It greatly adds to the offenses that give rise to the requirement to register upon conviction, including child kidnapping, promoting prostitution, and solicitation and conspiracy to commit the included offenses. It makes the registration requirements more difficult to satisfy by requiring quarterly verification, reducing the time period to comply, and requiring additional information about motor vehicles, treatment and unconditional discharge. Additionally it provides for statewide newspaper publication of the names and addresses of each person that registers. Each of these changes will greatly increase the numbers of people who fail to comply and will thereby be committing a felony offense. Fiscal impact is certain, but with no accurate forecast of numbers of cases, unquantifiable. There are currently 1573 registered offenders under the existing law. Estimates are that this is only about 50% compliance. This bill could, therefore, have a huge fiscal impact.

Prepared by Barbara K Brink, Director
 Division Public Defender Agency

Phone (907) 264-4414
 Date _____

Approved by Commissioner Mark Bover
 Agency Department of Administration

Date 5/5/97

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National Institute of Justice

Research in Action

Jeremy Travis, Director

February 1997

Highlights

This Research in Action presents the findings of a 1996 telephone survey by the National Institute of Justice (NIJ) of 13 criminal justice system practitioners in eight States regarding practices related to implementing State legislation that mandates or authorizes informing local communities about the presence of a sexual offender.

Although at least 32 States have already enacted community notification statutes targeting sexual offenders, little is known about how States have gone about informing local residents that a sex offender is living in their midst. As a result, NIJ sponsored this survey to begin identifying the variety of notification approaches States are using, the problems they have experienced conducting notification, and the effects notification has had on communities and offenders. Key study findings are:

- Notification statutes have diverse provisions. Some statutes mandate proactive notification, others merely authorize it, while still others permit notification only in response to community requests. Statutes may assign responsibility for conducting notification to State or local criminal justice system agencies, including law enforcement agencies, prosecutor offices, or probation and parole agencies. At least one State requires sexual offenders to do the notification.

- Most court judges recommend that States develop and adopt their own criteria for deciding which offenders should be subject to notification and what

continued

Sex Offender Community Notification

by Peter Finn

A large and increasing number of prison inmates are sexual offenders. State prisons held 20,500 sex offenders in 1980, 63,600 in 1990, and 88,100 in 1994.¹ They grew not only in number but also as a percentage of a burgeoning State prison population: 6.9 percent of 295,819 inmates in 1980; 9.7 percent of 906,112 in 1994.² At least 20 percent of the adult prison population in ten States were sex offenders in 1991.³ Although community inpatient and outpatient programs that specialize in treating sex offenders have proliferated,⁴ few incarcerated sex offenders receive treatment.⁵ Furthermore, there has been insufficient research to establish consistent estimates of recidivism⁶ or identify which treatment is effective for what type of sex offender.⁷

At the same time that media attention and school programs may have increased public awareness of these findings,⁸ a series of highly publicized violent sex offenses committed on unsuspecting victims by released sex offenders has heightened the public's determination to take action to prevent these individuals from committing new crimes. In response to this heightened

States have enacted statutes that require offenders to register with a central registry agency or with the law enforcement agency in the community in which they

will be living.⁹ Sixteen States passed their laws in 1994 alone.¹⁰ (See "Principal Features of Sex Offender Registration Laws.") Through a provision that would withhold funding from States that do not implement sex offender registration programs, the 1994 Violent Crime Control and Law Enforcement Act has hastened the enactment of registration statutes and may result in their passage in every State.¹¹

Registration legislation is intended to deter offenders from committing new offenses and create a registry to assist law enforcement investigations.¹² A 15-year follow-up study of California's registration statute found that police investigators reported that the State's registration system was effective in helping them to apprehend suspected offenders.¹³

As of early 1996, at least 32 States had taken the additional step of enacting notification statutes that either make information about sex offenders available on request to individuals and organizations or that authorize or require probation and parole departments, law enforcement agencies, or prosecutor offices to disseminate information about released offenders to the community at large.¹⁴ Community notification is the principle that registration alone is inadequate to protect the public against released sex offenders

Highlights

continued

type of notification to conduct (e.g., to neighbors, schools and other organizations, or the media). The agency that identifies offenders to be subject to notification and carries out that notification should be accountable for any adverse consequences that result

- Making the public responsible for requesting information about offenders has distinct advantages but serious drawbacks. Making offenders do their own notification, most practitioners feel, is ill advised.
- Conducting notification requires a great deal of work related to identifying which offenders will be subject to notification, determining the geographic scope and recipients of notification, permitting hearings for offenders to contest their notification status, and actually doing the notification.
- Educating the community about the nature and purposes of notification is considered essential to preventing undue community alarm and vigilantism—and to preventing a false sense of security.
- There is little empirical evidence regarding notification's impact. The one empirical study found no evidence that notification reduces recidivism. However, several practitioners believe that the threat of notification is effective in motivating some offenders, not currently subject to notification, to behave appropriately. Practitioners also feel that notification improves law enforcement's ability to investigate sex offenses and serves an important function educating the community about sex offenses.
- Although there is largely only anecdotal evidence, most practitioners report that there has been relatively little harassment as a result of notification and that notification has not created widespread problems for released offenders trying to find a place to live or work.
- While there have been a number of constitutional challenges to notification statutes, the litigation, much of it still pending, has met with mixed results

and that notification provides the public with a better means of protecting itself.

Notification proponents believe that, by informing the public about the presence of a sex offender in the community, neighbors will be able to take action to protect themselves from sex offenders by keeping themselves—and their children—out of harm's way. As a result, notification, according to one commentator, "could prevent some tragedies from happening again."¹³ Notification is also thought to improve public safety because the public will be able to identify and report risky behaviors by sex offenders (e.g., conversing with children, buying sex-oriented magazines) that might esca-

late into criminal behavior if ignored.

This Research in Action summarizes what is known about a sample of notification statutes and implementation procedures and presents the views of selected practitioners and experts regarding effective legislative provisions and notification approaches. This limited review of statutes, procedures, and informed opinion may assist legislators, prosecutor offices, probation and parole agencies, and law enforcement agencies interested in designing, operating, or improving a notification system.

The information in this report is based on a literature search and telephone interviews

P rincipal Features of Sex Offender Registration Laws*

- The registry is usually maintained by a State agency.
- Generally, local law enforcement is responsible for collecting information and forwarding it to the administrating State agency.
- Typical information obtained includes an offender's name, address, fingerprints, photo, date of birth, social security number, criminal history, place of employment, and vehicle registration. Eight States also collect blood samples for DNA identification; Michigan includes a DNA profile in the registry if available.
- The time frame for initial registration varies from "prior to release" or "immediately" to one year, the most common time frame is 30 days or less.
- In most States, the duration of the registration requirement is over 10 years, with 16 States requiring lifetime registration in all or some instances. Most States requiring lifetime registration allow the offender to petition the courts for relief from this duty.
- Most registries are updated only when the offender notifies law enforcement that he has changed residences. Seven States have annual address verification, New Jersey requires verification every 90 days.
- Twenty States specify that registry information is available only to law enforcement and related investigative authorities. The other twenty States allow broader access, ranging from criminal background checks for agencies hiring individuals to work with children, to full public access and community notification.
- Two States (California and Washington) have published compliance rates.

* Staci Thomas and Roxanne Lieb, *Sex Offender Registration: A Review of State Laws* (Washington State Institute for Public Policy, Olympia, Washington, 1995), p. 1.

with 13 practitioners (probation officers, law enforcement officers, and prosecutors) in eight States and two experts (individuals familiar with notification statutes and procedures in several States).

Notification legislation

At least 32 States have enacted notification legislation. In some States, including Louisiana, New Jersey, and Washington State, the impetus to enact legislation has come after a highly publicized sex crime by a released offender. In New Jersey and Washington State, general public concern after the incidents motivated legislators to act, while in Louisiana a victims' rights group was formed that lobbied the legislature for a bill. In Alaska and Tennessee, key legislators introduced a notification bill on their own initiative because they felt the problem needed attention and knew that other States were enacting legislation. Legislation was introduced into the Oregon legislature by a representative after he learned that a sex offender was about to be released into his own neighborhood. In Connecticut, two legislators and a victims group combined forces to get legislation passed.

Examples of notification legislation
Twenty-one of the 32 notification statutes permit or require the proactive dissemination of information, while 11 permit the distribution of information only in response to community requests. Exhibit 1 summarizes the principal features of the legislation in seven States selected to illustrate the diversity of statutes enacted to date. A brief synopsis of each State's notification statute and procedures follows.

Alaska. Enacted in 1991, the Alaska notification statute requires the State

Department of Public Safety to develop and maintain a central registry of all convicted sex offenders. The statute authorizes public disclosure of the offender's name, address, photograph, place of employment, date of birth, crime for which convicted, date, place, and court of conviction, and length of sentence. According to implementation regulations adopted by the Department of Public Safety, the information shall be provided for any purpose to any person who submits a written request on a form supplied by the Alaska State Troopers' Permits and Licensing Unit and who pays a \$10 fee. The public may request information about a named individual or about all registrants in a geographical area.

Connecticut. Effective January 1, 1996, Connecticut's notification statute gives probation and parole officers explicit discretion to notify anyone they want with any information about released sex offenders. The heads of the departments of adult probation and parole, a statewide victims group, and the Center for Treatment of Problem Sexual Behavior developed a protocol that requires notification of police and victims for certain sex crimes and also notification of organizations and neighbors, as well, for offenders considered at especially high risk. Using a Federal grant, the probation department created an Intensive Sex Offender Unit in one region of the State to pilot test an intensive supervision and treatment program whose probation officers are each given a maximum caseload of 25 offenders so that they have adequate time to determine each offender's risk level, supervise the notification process, conduct home visits, and co-facilitate treatment groups with the rapists.

Louisiana. A 1992 Louisiana statute, as revised by the legislature in 1995,

requires individuals who commit or attempt to commit any of 18 types of offenses, as well as contribute to the delinquency of a minor for sexual immoral purposes, to themselves notify the community. If the victim was 13 or older at the time the crime was committed, the offender must place a two-day advertisement in the parish legal journal, notify the public school superintendent (who must notify pertinent principals), and send postcards to all residences within a three-block radius of his home in urban areas and within a one-mile radius in rural areas. If the victim was under 13, the offender must in addition notify park superintendents and provide photographs to all of the above groups and individuals. The notifications must include the offender's name, address, and offense and be verified by the probation or parole officer.

New Jersey. "Megan's Law," enacted in 1994 and effective immediately, requires local prosecutors to determine each released offender's risk status and then, in conjunction with the local law enforcement agency where the offender will be living, implement the associated notification plan. The statute requires that prosecutors place offenders in one of three tiers of risk based on criteria developed by an Attorney General's task force, with each tier triggering a different set of notification procedures.

Oregon. Effective November 1993, the Oregon notification statute requires notification for individuals on probation or parole who have committed specified sex crimes and are determined by parole or probation authorities to be predatory¹⁰ offenders. Offenders remain under notification for as long as they are under supervision, and parole and probation officers have discretion in selecting the means of

Exhibit 1. Principal Features of Seven Notification Statutes

State	Year Statute Went Into Effect	How Long Offenders Remain Subject to Notification	Notification Mandatory or Discretionary	Notification Proactive or Only in Response to Request	Sex Offenses Covered by Statute	Implementing Agency	Immunity Explicitly Provided to Implementers	Who May Be Notified	Retroactivity	Information That May Be Disseminated
Arkansas	1992	10 years for males, 5 years for females	mandatory by administrative regulation	only in request	all offenses	State Dept. of Public Safety	provided	anyone	retroactive	limited by statute
California	1998	10 years after end of probation or parole	discretionary	proactive	selected offenses	probation	not provided	anyone	not retroactive	unrestricted
Colorado	1992	10 years after release	mandatory	proactive	all offenses	probation—supervised by probation	provided	limited by statute	retroactive to June 1992	limited by statute
New Jersey	1994	indefinitely, but may petition for release 10 years after release	mandatory	proactive	selected offenses	prosecutor and police	provided	people likely to encounter the offender	retroactive	not specified
Oregon	1993-1995	for life, may petition for waiver after 10 years	varies	proactive and upon request	selected offenses	probation and police	not provided	anyone	retroactive	unrestricted
Tennessee	1995	10 years, minimum term may petition for relief	discretionary	proactive	all crimes	Tennessee Bureau of Investigation	provided	not specified	retroactive	relevant information
Washington	1991	for life, 15 years or 10 years depending on seriousness of offense	discretionary	proactive and upon request	all offenses	police	provided	not specified	retroactive	not specified

Mandatory number supervision discretionary, none

communication. Trained parole and probation officers use a Sex Offender Assessment Scale developed by a State-funded Sex Offender Supervision Network to determine whether an offender exhibits predatory characteristics. Supervising probation or parole officers develop their own notification plan based on the offender's criminal behavior and the make-up of the community. The Supervision Network provides technical assistance in applying the criteria and doing notification as well as arranging quarterly statewide meetings at which officers share methods and problems. A 1996 amendment

to the statute permits law enforcement agencies to conduct lifetime notification for predatory sex offenders not under supervision.

Tennessee. Effective January 1, 1995, the Tennessee Bureau of Investigation or any local law enforcement agency may "release relevant information deemed necessary to protect the public" concerning released sex offenders. The statute does not provide guidelines for deciding which offenders will be subject to notification. Discretion to notify and the choice of notification methods rest with each agency.

Washington State. The first notification statute enacted in the country, a 1990 Washington State law makes any dangerous adult or juvenile convicted of any sex offense liable to notification. The legislation does not specify how dangerousness is to be assessed, nor does it establish methods of notification. An end-of-sentence review committee alerts the police chief and sheriff of the community where the offender will be living if the offender has a history of predatory behavior. Most local law enforcement agencies supplement this assessment with their own determination of the offender's

risk of reoffending using criteria developed by the Washington Association of Sheriffs and Police Chiefs. The local law enforcement agency then notifies the community according to guidelines also developed by the Washington Association of Sheriffs and Police Chiefs.

Statutory models

As the matrix and thumbnail sketches suggest, notification statutes vary considerably in their scope and level of detail. However, existing statutes generally fall into one of four models:

- (1) An agency identified in the legislation or by the State (e.g., law enforcement, parole and probation, prosecutor) determines the level of risk an offender poses and then implements a notification plan that reflects the level of risk (e.g., Connecticut, New Jersey, Oregon, Tennessee, Washington). Frequently, the plan provides for three "tiers" depending on offender risk: the first tier may involve notification only to selected local organizations (e.g., schools), the second tier adds community residents, and the third includes the media.
- (2) State statute stipulates which types of offenders are to be subject to notification and what notification methods to use; a designated agency carries out the notification but plays no role in determining which offenders will be subject to notification or how notification will be implemented (e.g., Louisiana).
- (3) Offenders themselves are required to do the actual notification, although they may be supervised closely by a criminal justice agency (e.g., Louisiana).
- (4) Community groups and individuals must take the initiative to request information about whether a sex offender is living in their community and to ask

for information about the person (e.g., Alaska, California, Colorado, New York).

The study director of an evaluation of the Washington State notification statute conducted by the Washington State Institute for Public Policy reported that there is a trend for statutes to incorporate the three-tier system rather than to identify specific types of offenders who will be or may be subject to notification. In other words, statutes are increasingly intended to establish the need for notification based on a determination of the offender's potential for reoffending—low, medium, or high—rather than on the nature of his crime.

Advantages and drawbacks of legislation

Respondents identified advantages and disadvantages to the principal provisions of existing notification legislation:

- *Allowing local jurisdictions to establish and apply their own criteria* for deciding which offenders will be subject to notification and what type of notification will be conducted can provide probation officers, law enforcement officers, and prosecutors with a sense of ownership in the program. This discretion also makes them accountable for what may happen later on, such as community fear or harassment. Discretion enables agencies to individualize the notification process—for example, to refrain from doing notification with offenders for whom the procedure might put them over the edge and incite reoffending, or not subjecting an offender to notification because leaving him homeless as a result of being evicted could increase his risk of reoffending. Permitting discretion, however, can result in inequitable or inconsistent notification procedures because of the use of different criteria

and their application in a subjective manner by different local agencies. Discretion also creates extra work for staff who must implement notification.

- *Mandating the type of notification required for specified types of offenders* presents the reverse scenario: it eliminates arbitrariness and subjectivity but may result in a reduced sense of responsibility for program implementation among notifying agencies.

According to the Washington State Institute for Public Policy study director, explicit and strict statutorily established eligibility criteria may also increase the State's exposure to lawsuits because they allow each offender to argue that pertinent considerations were not included in the decision to subject the person to notification. As a result, criteria and procedures that were included in the original legislation in Washington State were eliminated in the final version.

- *The agency that identifies offenders who will be subject to notification and does the notification should be made accountable for what follows*—that is, it should have to handle the repercussions, such as objections from offenders and any resulting community fear, anger, or complacency. Agency staff who must handle the response are likely to be careful to subject to notification only those offenders for whom the evidence suggests a high risk of reoffending and to provide the community education needed to prevent negative community reactions to notification.
- *Requiring offenders to do their own notification* is open to a number of criticisms. It can frighten the community because the information comes directly from the offender. Some offenders try to make their names or other information on the notification

cards illegible or incomplete, creating work for whoever supervises the notification process. According to a coauthor of a multistate study of sex offender notification funded by the National Institute of Justice and published by the American Probation and Parole Association, "Notification by offenders doesn't allow for educating neighbors about the reasons offenders are released and the need for these parolees to live somewhere." However, two probation officers in Louisiana warned that if they had to do the notification, it would impose an even greater burden on their already heavy caseloads. Furthermore, they believe that making offenders handle their own notification teaches responsibility.

- By limiting the number of people with access to information about the offender and by keeping a list of the individuals who have asked for the information, *making the public responsible for requesting information about sex offenders* enables law enforcement agencies to more easily identify which community member may be harassing an offender than when an entire neighborhood has the information. The disadvantage of this approach is that many people may not take the initiative to request the information, and many community members may not even know the information is available. Residents in California may be further discouraged from using their State's hotline by the \$10 fee for each inquiry and the requirement to provide the name of the suspected person and other identifying information, such as a Social Security number or date of birth. While the system received 3,270 queries in its first two years of operation, an unknown number of the requests may have come from the same individuals or organizations.

Implementation issues

Implementation of notification statutes involves a number of discrete steps.

Establishing criteria

Unless the statute mandates that all offenders, or all offenders who have committed certain crimes, will be subject to notification, someone must determine whether to make each released sex offender subject to notification. Different States have relied on different methods of developing notification criteria and, as a result, have come up with different criteria:

- Ninety-three percent of law enforcement agencies surveyed by the Washington State Institute for Public Policy reported using criteria developed by the State's Association of Sheriffs and Police Chiefs to develop criteria for assessing just how high the risk is. The criteria assign a Level I status (low risk to the community) to offenders whose crime was nonviolent and occurred in a family setting; a Level II status (intermediate risk) if the crime occurred outside the family setting, the offender committed multiple offenses at different times, or he committed a violent offense (whether inside or outside the family); and a Level III status (high risk) if the offender has a history of predatory sex crimes or multiple violent offenses, expresses a desire to reoffend, or is diagnosed as a sexual predator.

- In Oregon, the Sex Offender Supervision Network's criteria and scoring system make any offender who fits three of nine criteria susceptible to notification (although notification can be justified for an offender who fits only one criterion). Criteria include history of convictions, stranger-to-stranger crime, multiple victims, prior non-

sexual offense criminal history, use of a weapon, and men who molest boys. Probation officers also consider the views of the offender's therapist.

- In New Jersey, the Attorney General set up a committee that included members of the treatment community, prosecutors, and the department of corrections to develop guidelines for determining whether offenders fall into one of three tiers of danger (low, moderate, high) by applying a set of criteria that includes seriousness of the offense, offense history, characteristics of the offender, and community support. Local prosecutors apply the criteria. Determination of the offender's tier dictates the type of notification that will be applied.

- Tennessee's statute stipulates only one criterion for identifying offenders for notification: "significant danger to the community." As a result, local agencies have complete discretion to decide who will be subject to notification.

- The Connecticut statute stipulates that offenders who have committed certain stipulated crimes be *registered*. However, the Department of Adult Probation established a policy that extends the statute along two dimensions. First, probation officers are required to conduct *community notification* on these offenders as well. Second, officers may ask a treatment provider to evaluate the recidivism risk of offenders who have committed crimes *not* included in the statute: if the treatment provider considers that the risk is high, the officer consults with the therapist regarding the type of community notification that should be conducted. Thus, for these offenders, therapists, not probation officers, determine whether and what kind of notification will be implemented.

Applying the criteria

Application of the criteria typically requires access to a range of information about the offender, including the person's progress in therapy, extent of family support, and criminal history. Obtaining this information can sometimes be impossible or possible only with considerable effort or delay. Respondents reported they sometimes had particular difficulty determining whether the offender had family support, was in treatment, or was making progress in treatment.

Washington State illustrates how local jurisdictions, given discretion, may establish offender risk levels differently. The two sheriff's deputies in Thurston County who do notification apply the State's Association of Sheriffs and Police Chiefs criteria and assess whether each offender is a Level I, II, or III risk. A lieutenant and a captain review their Level I and II assessments, but the chief of operations reviews their Level III assessments. By contrast, the police officer responsible for notification in Seattle does an initial screen for notification level, but then an oversight committee of 14 law enforcement personnel and legal advisors reviews every one of his assessments. A probation office in Oregon follows yet another procedure: each probation officer brings ambiguous and all Level III cases for review by a weekly staffing group consisting of five other probation officers responsible for sex offender notification, their supervisor, and a sex offender therapist. The group discusses each case and reaches consensus on what the risk level should be for each offender presented.

Determining who will be notified

Geographic area. In some States, the notification statute specifies the geographic area within which notification

must be conducted. The Louisiana statute requires postcard notification within a three-block radius if the offender lives in an urban area (which totals to 36 blocks) and within a one-mile radius in rural areas. The probation officer duplicates a map of the region and circles the area within which the offender must notify residents, organizations, and the press. In most States, however, determining the geographic reach of notification is left to the responsible notification agencies. For example, the Washington State statute limits notification to the area of threat by the offender, while the New Jersey statute stipulates areas that include members of the public likely to encounter the offender; the Connecticut statute is silent on the matter.

The Seattle police officer conducts notification within the Federal census tract and abutting tract, usually representing a one- to one-and-one-half-mile radius. The Thurston County detectives in Washington State go to the offender's neighborhood a few days before notification will be put into effect both to verify the person's residence and also to "eyeball" a geographic area for notification. Prosecutors in New Jersey sit down with local law enforcement officers and, using maps, usually determine a radius of approximately 1,000 feet in urban areas and up to two miles in rural areas. According to one prosecutor, "We look at how far the offender has to travel to buy cigarettes." If an offender lives in one community, works in another, and goes to school in a third, the prosecutor and police may have to extend the area.

Groups and individuals to be notified.

Typically, States distinguish among three groups that must or may be notified: organizations, residents of the

community in which the offender is or will be living, and the media. In States that have tiered notification systems, the groups that are notified are keyed to the level of risk into which each offender falls.

- In New Jersey, for Tier 1 offenders (low risk), law enforcement agencies likely to encounter the offender must be notified; for Tier 2 risk offenders, the statute requires prosecutors to notify community organizations as well; and for Tier 3 offenders, police officers must also notify residents in the community.

- In Washington State, with a low risk of reoffense (Level I), information is disseminated to other appropriate law enforcement agencies; with a moderate risk of reoffense (Level II), schools and neighborhood groups may also be notified; and with a high risk of reoffense (Level III), the public may be notified through door-to-door contact and press releases.

With regard to organizations, every agency notifies schools, but others also notify housing departments, public libraries, block watches, churches, or any organizations that oversee women or children, such as day care centers and Boy and Girl Scout troops. Except for Louisiana, where the State statute requires offenders to notify local newspapers, local agencies in the other States contacted for this review have discretion over which media to contact. Media that are notified typically include community newspapers but occasionally also involve television and radio.

Determining what information will be released

Statutes in some states (e.g., Alaska and Louisiana) specify the information about the offender that must or may be

divulged. Other statutes expressly leave the decision to the notifying agency ("Nothing in this section prohibits probation officers from disclosing any information to anyone"—Connecticut), limit the information to "relevant and necessary information" (Louisiana, New Jersey, Washington State), or are silent on the matter (Tennessee). As shown in exhibit 2, when the statute is silent or affords local discretion, different jurisdictions within the same State may provide very different information.

Determining who will do the notification

Statutes typically assign responsibility for notification to one of four groups: law enforcement agencies (e.g., Washington State); the probation and parole department (Connecticut, Oregon); local prosecutor offices (New Jersey); or offenders themselves (Louisiana). Tennessee permits any local law enforcement agency to do community notification. The New Jersey statute authorizes law enforcement agencies to conduct the notification once the prosecutor has determined the offender's tier. However, the Attorney General's guidelines indicate that the prosecutor, in consultation with local law enforcement, determines appropriate notification methods, which may involve participation of the prosecutor, State police, or local law enforcement agencies.

Doing notification

As allowed by statute, different States, and different jurisdictions within some States, conduct notification very differently. The appendix identifies the range of different activities jurisdictions in Washington State use in conducting notification to organizations, residents, and the media. The discussion below summarizes selected approaches that jurisdictions across the country have also used.

Notifying organizations. Typically, agencies mail organizations the offender's photograph and selected information about the person, usually in the form of a flier (see exhibit 3) used in Thurston County in Washington State. However, because the Attorney General's guidelines for implementing the New Jersey statute require prosecutors to train and educate community organizations, at least one New Jersey prosecutor meets with organizations in person, bringing copies of the flier if this is the first notification in order to explain the law and the need for confidentiality. The second time around, the prosecutor just telephones them and mails the flier.

Jurisdictions vary considerably in how they notify schools.

- When meeting with principals on Tier 3 offenders, the New Jersey prosecutor explains the need to get the information to parents and works with them on how to disseminate it. In elementary schools, the methods principals use include sending the flier home with other school materials with the children and mailing it to parents by certified mail; at the secondary level, principals typically give the fliers to teachers to give to students. (By contrast, the Seattle police officer tells schools not to send the flier home to parents with the children—to avoid frightening the students—but instead to mail it to parents.)

- The day before notification is sent to the press and given to neighbors, the Thurston County detective in Washington State takes several fliers to the school district in which the offender will be living, and, on the day of notification, the district school administrator gives relevant schools a copy. The individual schools may then reproduce

the flier and send it home with each child, post it in the hallways or teachers' lounges, or give it to bus drivers.

- In Louisiana, the offender leaves the flier with the local school superintendent. By law, the superintendent must decide how to distribute the information to schools within the school district.

Notifying neighbors. Typically, probation or law enforcement officers distribute fliers door to door. If someone is home, they explain the notification; if no one is around, they leave the flier under the door or doormat. In Oregon, probation officers do not leave a flier unless they can talk in person with someone in the home in order to address immediately any concerns the flier may stimulate and to avoid alarming any children who might find the flier before their parents return. If no one is home, officers can either leave their business cards inviting the residents to call for the flier or leave a flier with a neighbor to bring over when the residents return. In Louisiana, every offender fills out, addresses, and pays for the postage of as many as 700 postcards reporting his name, crime for which he was convicted, and address. A probation officer reviews and monitors mailing of the cards. While some offenders claim they cannot afford the postage (which could run over \$100), they are required—and always manage—to find the money.

Notifying the media. Agencies usually mail a flier to the media. However, probation officers in Oregon send fliers to the media only after they have talked to neighbors, in part because not everyone in the community reads the local newspaper and, more importantly, because the officers want to be able to anticipate and allay any fears before neighbors read—and become

alarmed by—the information in the local press. A sheriff in Washington State provides the local print media with a flier and photograph that the newspapers print with an accompanying article based on additional information the officer provides. Offenders in Louisiana place—and pay for—a notification in the local press. A court ruling in New Jersey prohibits notification of the press.

Educating the community

Many agencies work directly with the community to promote understanding both of their State's notification statute and the characteristics of sex offenders, typically to prevent a false sense of security, excessive community fear, and vigilantism. (See "How to Educate the Community.") Agencies may conduct community meetings either to discuss a sex offender who has just been or is about to be released or in response to a request for speakers. After a New Jersey prosecutor talked with a PTA for three hours, she received calls from three other PTAs to speak.

Using specialists

The agencies surveyed for this review concentrate sex offender notification work only among selected staff. Many agencies also assign this responsibility to their most experienced staff—for example, to probation officer specialists or to police officers or prosecutors from the sexual assault unit. Most respondents felt that specialization was important because:

- Extensive supervisory experience is required to deal with sex offenders, who are said to be very manipulative.
- Sex offenders need extra surveillance from a trained eye to look out for

Exhibit 2. Percentage of 42 Law Enforcement Agencies in Washington State That Release Different Kinds of Information to the Public

Level I	Information is retained for use by law enforcement only
Level II	<ul style="list-style-type: none"> ● Address 74% <ul style="list-style-type: none"> ○ Approximate Address 53% ○ Exact Address 21% ● Physical Description 63% ● Photograph and Criminal History 49% ● Method of Approaching Victims 49% ● Vehicle Model 14% ● Place of Employment 12%
Level III	<ul style="list-style-type: none"> ● Address 88% <ul style="list-style-type: none"> ○ Approximate Address 35% ○ Exact Address 53% ● Photograph and Physical Description 86% ● Criminal History 74% ● Method of Approaching Victims 67% ● Place of Employment 47% ● Vehicle Model 24%

Sheila Donnelly and Roxanne Lieb, *Washington's Community Notification Law: A Survey of Law Enforcement*, Washington State Institute for Public Policy (Olympia, Washington, 1993), p. 5

objects and activities that they may be using to entice children, such as children's toys in their homes or clothing catalogs showing young girls clad in underwear, or demonstrations of friendliness toward mothers of young children.

- Working effectively with sex offenders requires an understanding of the dynamics of sexual offending and knowledge of the latest treatment trends.
- Seasoned staff are best equipped to defuse public and media concern over potentially volatile issues such as sexual offending.

Implementation problems

Respondents identified few problems with doing notification. Although a few respondents said they found it difficult to apply the criteria for assigning offenders to various risk levels, most re-

ported that the process was "easy." "Unclear risk classification guidelines" were mentioned by a few police agencies in Washington State as a problem, but at least 24 of 29 agencies canvassed in a survey conducted by the Washington State Institute for Public Policy made no mention of this difficulty. Furthermore, the institute found little disparity among police agencies across the State in terms of the types of offenders who have been subjected to notification.¹⁸ The liaison for Oregon's Sex Offender Supervision Network reported that probation officers in her State have had "no problem applying the criteria because they've been trained in how to apply them and had discussions at quarterly network meetings." However, an experienced probation officer who is a member of the network reported that he had experienced "lots of difficulty deciding who should be in the notification program because you can't predict who will

Exhibit 3. Example of a Notification

SEX OFFENDER NOTIFICATION

The Thurston County Sheriff's Office is releasing the following information pursuant to RCW 4.24.550 which authorizes law enforcement agencies to inform the public when the release of information will enhance public safety and protection.

The individual who appears on this notification has been convicted of a sex offense that requires registration with the Sheriff's Office. Further, his previous criminal history places him in a classification level which reflects the potential to reoffend.

This individual has served the sentence imposed on him by the courts and has advised this office that he will be living in the location below. This notification is not intended to increase fear; rather, it is our belief that an informed public is a safer public.

NAME:
AGE:
RACE: White
SEX: Male
HEIGHT: 5-07
WEIGHT: 160
HAIR: Brown
EYES:



RESIDENCE:

VEHICLES:

SYNOPSIS: In 1981, [redacted] pled guilty in Clark County Superior Court to Indecent Liberties. This resulted from his sexual contact with an 8-year-old girl who was known to him. In 1988, [redacted] again pled guilty to Indecent Liberties for multiple sexual contacts with a different 8-year-old girl, also known to him. In 1995 he pled guilty to Luring a Child for inviting another 8-year-old girl into his apartment. This girl was a stranger to him. After his release from custody, [redacted] moved to Thurston County. He is under the supervision of the Washington State Department of Corrections and is not allowed unsupervised contact with juveniles.

For additional information, call Detective Jack Furey at 786-5 [redacted] r Detective Roland Weiss at 786-5 [redacted]

Prepared: 02/20/90



were already in the community after the law was passed. Her office gives priority to processing new probationers and parolees because by statute notification has to be completed within 90 days after a prosecutor's office is notified of their impending release. Only when she is caught up with these new cases can she try to work down the backlog of offenders already in the community. Furthermore, if an offender moves, she has to apply the criteria all over again because the person's living situation will be different (residential support is one of New Jersey's criteria for determining notification level). Every Tier 2 and 3 offender is also afforded the option of a judicial hearing to contest his or her notification level, and many offenders have exercised this option. Community meetings require still more time.

Linking Notification to Treatment

In some jurisdictions, there is a close relationship between notification and treatment. Some agencies use the offender's progress in counseling as a criterion for deciding whether he will be subject to notification, while other agencies involve therapists actively in the notification decision. In Connecticut, where an experimental Intensive Sex Offender Supervision Unit evaluates offenders for risk level and then provides treatment, the probation officer and therapist sometimes make home visits together and co-facilitate treatment. Notification is used in some jurisdictions as a management tool to motivate offenders who are currently not subject to notification to enter, remain in, or improve in treatment or face notification.

reoffend or what the impact of notification will be on the offender and the community." A couple of other respondents stated that lack of information (e.g., progress in therapy, nature of family support) could make applying the criteria difficult. Despite these reported difficulties, respondents were consistent in recommending that local agencies continue to be given discretion to decide which offenders should be subject to notification.

Almost every respondent reported that doing notification is very time consuming and burdensome. The Thurston County detective in Washington State said, "At the beginning, no one real-

ized the staffing impact of this legislation; it's a monster." Furthermore, probation officers in some States are not given reduced caseloads to compensate for labor-intensive supervision of sex offenders.¹⁹ Respondents in several jurisdictions noted that the work is especially burdensome because if an offender moves—sometimes a frequent occurrence—they have to implement the notification process all over again.

A prosecutor in New Jersey reported that the notification process takes so much time that her office has been able to arrange for notification of only 70 of the backlog of 181 offenders who

According to the liaison of the Oregon Sex Offender Supervision Network, the time required to do notification has diminished over time in her State because less and less community outreach is required as neighborhoods become familiar with the statute and its implementation. An Oregon probation officer confirmed this view: "The process is streamlined now; everything goes quickly: I make a phone call to each group and spend a few minutes giving a short explanation (in the past, every explanation took 15 minutes), and I spend less time giving explanations when I go door to door now because people are already familiar with the law."

Only two jurisdictions were identified that have provided additional funding for doing notification: some law enforcement agencies in Washington State and some prosecutors in New Jersey have secured appropriations from county commissioners. "If notification is unfunded," an expert concluded, "something else will get less attention." A probation officer complained, "We lose time [doing notification] that we should be spending on managing the offender," while a police officer said, "Other work gets short-changed."

Impact issues

Notification statutes can be evaluated in terms of whether they achieve the goals they are intended to accomplish and in terms of whether they are having unintended beneficial—or harmful—results. Most statutes were enacted with the ostensible goals of protecting public safety, particularly to enable parents to protect their children, and improving law enforcement's ability to investigate sex offenses. The discussion below considers several is-

suues involved in determining whether the statutes have achieved these two goals—and whether the statutes have resulted in unintended benefits or drawbacks.

Does notification have benefits?

Protecting the public. Only one study was found that has examined empirically whether notification protects the public by reducing recidivism.²⁰ A report prepared for the Washington State Institute for Public Policy compared the number of arrests for new sex offenses among 90 offenders subject to notification with arrests for sex offenses among 90 offenders not subject to notification.²¹ The comparison group of offenders consisted of individuals who had been released from incarceration before the statute had been implemented and who were matched with the community notification group on the basis of two variables believed to be related to sex offense recidivism: multiple sex offenses (based on conviction records) and victim type—whether the individuals were classified as child molesters or victimized adults. The two groups were also comparable in terms of age and race. Because offenders in both groups had been living in the community from 7 to 54 months, survival analysis was used to estimate the recidivism rates for each group.

At the end of 54 months (four-and-one-half years "at risk"), there was no statistically significant difference in the arrest rates for sex offenses between the two groups (19 percent versus 22 percent). However, the study did find that notification had an effect on the time of the next arrest for any type of offense: offenders subject to notification were arrested for new crimes much more quickly than were offenders not subject to notification.

Although the timing of reoffending was different between the two groups, the overall levels of recidivism at the end of 4.5 years at risk were similar.

Of course, community notification will be less able to improve public safety to



How to Educate the Community

All respondents agree that notification should be accompanied with community discussions of the nature of sex offending that address the following points:

- Putting the offender in context—for example, explaining that the person is only one of 10,000 sex offenders in the State.
- Describing both the typical pattern of offending each particular offender follows and how offenders operate in general (e.g., this offender lures children into his home with his puppy; offenders in general often frequent amusement parks); this information may promote two kinds of risk management—the community knows what to look out for with each offender and knows how to protect itself from offenders in general.
- Discussing the implications of the evidence that most sex offenses occur between family members or between people who know each other.
- Explaining that not every registered sex offender is predatory (e.g., statutory rapists).
- Explaining that sex offenders do not usually commit their crimes impulsively out of the blue; there is usually careful planning and preliminary steps that, if nipped in the bud, can be prevented from escalating into an actual crime.

the extent that offenders move to another jurisdiction within the same State without registering again or move to another State that does not have a notification statute. In fact, several commentators²² and two experts have asserted that notification, because of the stigma it creates, has had or may have a displacement effect. For example, in Tennessee, 28 percent of offenders move without registering again, thereby precluding notification in their new community of residence. However, while respondents reported that many offenders do move a great deal, most respondents maintained that offenders do not usually move because of the notification statute and that offenders generally notify authorities of their new addresses.

Several respondents in States that vest discretion for subjecting offenders to notification with local agencies reported that agency staff have used *the risk* of notification to motivate offenders to enter or work harder in treatment, adhere to probation or parole conditions, or find a job and remain employed. This use of notification represents an indirect attempt to employ notification legislation to protect public safety, because, used in this manner, it is the threat of being subject to notification, not notification itself, that may help reduce recidivism.

According to a process study of sex offender notification in Oregon, "Sex offenders do not particularly want community notification to occur, and even those who were previously resistant to treatment are acknowledging their deviant behavior and attending and working harder in treatment."²³ After notification was enacted in her State, the liaison of Oregon's Sex Offender Supervision Network saw "a huge scramble among offenders to

admit to their crime" in order to demonstrate that they did not need to be subject to notification (because acceptance of responsibility is a sign of rehabilitation). Based on site visits conducted in thirteen jurisdictions in six States, a coauthor of the multistate community notification study published by the American Probation and Parole Association concluded that

The *threat* of community disclosure is the greatest contribution of notification as a tool for managing sex offenders in the community. That is, an immense value of the law is that the *threat* of notification can act as a catalyst for sex offenders to participate actively in treatment, remain employed, and comply with special conditions of their community placement. Notification becomes one more tool, along with curfews, the polygraph, and special restrictions, to manage sex offenders in community settings.

To be sure, offenders who engage in unallowed or risky behavior should not be arbitrarily and punitively raised to a higher notification level. However, their misdeeds can be legitimately included as one criterion in deciding whether notification, or more stringent notification, is warranted.

Improving law enforcement's ability to investigate sex offenses. In addition to furthering the goal of crime prevention, some statutes, such as the laws in Louisiana and Washington State, were also enacted to "enhance the ability of law enforcement agencies to investigate crime by providing them with information regarding convicted offenders residing in their jurisdiction." As noted above, the Washington State study of recidivism found that offenders subject to notification were in-

deed arrested for any type of crime sooner than were other offenders. Several respondents felt that notification statutes achieve this goal by encouraging and educating neighbors, employers, and organizations to report suspicious behavior. The implementation study of Oregon's statute found that "Not only have offenders who have absconded been found, but Corrections has received valuable information on offender activities from community members."²⁴

Educating the public about sex offenses. Nearly all respondents reported that notification is a useful tool for educating the public about the nature of sex offenses. The coauthor of the multistate study of community notification believes that "It's a great tool for general education, including opening up families to have a dialogue on how to protect their children" if the education is conducted by people who really understand the problem. The sheriff's detective in Thurston County, Washington, receives as many as five calls each day from parents seeking information about how to protect their children. On a day when fliers are distributed, the crime prevention message on the back of the fliers may generate as many as 25 calls. The police officer in Seattle maintained that notification has "absolutely been effective in terms of educating the public." To substantiate his claim, the officer recounted two anecdotes:

- As a result of a handout he distributed at a community meeting, a woman called and said a man had appeared at her house, showed a photograph of himself standing next to a local high school teacher (whom the woman recognized, without realizing the photograph was several years old), and said he was a tutor going door to door solic-

iting students. The woman hired him to tutor her two daughters in math. After the tutoring began, the mother noticed that the tutor was showing excessive interest in one daughter, so she called the police officer just to confirm the man was all right. In fact, the tutor turned out to be a registered Level II sex offender who had moved into the woman's neighborhood before she did. The woman cried on hearing the news and fired the tutor. The officer established new restrictions on the tutor and distributed another copy of the flier on the man to the entire neighborhood.

- After giving a different audience his standard presentation that included information about how some offenders date women just to gain access to their children, another woman called the officer to say that a colleague at work wanted to date her, but she had a daughter and remembered the officer's warning. The officer found that the man was a Level I sex offender. The officer talked to the offender but did not raise him to a Level II because the person had voluntarily informed his probation officer that he was considering dating someone at work. (The probation officer had neglected to do anything about the information, such as notifying the woman.) The woman refused to date the man.

Increasing criminal justice system collaboration. In Connecticut, probation officers give police officers information on offenders, and law enforcement reciprocates by helping to supervise them. A deputy attorney general in New Jersey said that notification had brought a huge number of agencies together in a very good experience, including probation and parole, law enforcement, and prosecutors. The Thurston County sheriff's detective has

had increased positive contacts with probation and parole as he uses their presentence reports to help classify offenders and takes advantage of their home visits to avoid having to verify the residences of some offenders himself. An Oregon probation officer reported having closer contacts with police.

Improving the criminal justice system's involvement in the community. A report on Oregon's notification implementation procedures concludes that:

Community notification has brought parole/probation officers out into the community as never before . . . This has increased the public awareness of community supervision to many citizens who would not otherwise personally encounter anyone associated with corrections. This public contact has increased the community's understanding of the functions of Community Corrections and created an environment where parole/probation officers are working as part of the community.²³

Repeating this theme, the head of adult probation in Connecticut remarked that "public agencies in the State and probably elsewhere operate in a stick-your-head-in-the-sand mode; they don't publicize their work or solicit clients. However, implementing the notification statute gives them visibility and positive press."

Does notification do harm?

Notification can have negative effects on the criminal justice system, the community, and offenders. The principal damage notification can create for the criminal justice system has already been discussed above: overwork and a

resulting reduction in attention paid to other agency responsibilities. The potential for damage to the community and offenders, including means of minimizing the harm, are discussed below.

Harming the community. Respondents and commentators suggested that community notification may incite excessive community fear or anger.

Paradoxically, several respondents and some commentators believe that notification can also create a false sense of security in communities by leading residents to conclude that now that they know about the sex offenders in their midst, they no longer have to worry about the problem.²⁶ Many practitioners reported that they are largely able to prevent communities from becoming either frightened or complacent by using community meetings, door-to-door discussions, and the media to educate the public to the dynamics of sex offending. For example, a probation officer who was told by a woman that she would have to move now that she had been told there was a sex offender in the neighborhood was able to reassure her that the offender was of no danger to her because he was interested only in children. To prevent complacency, the police officer in Seattle makes clear at least three times during every community meeting that residents are more likely to be abused by an unregistered relative than by a stranger.

Harming offenders. Commentators have expressed concern that *harassment* of offenders has occurred as a result of community notification.²⁷ By contrast, most practitioners contacted for this review reported that notification has led to little or no harassment in their jurisdictions.

- According to the Washington State

Institute for Public Policy evaluation study director, harassment in Washington State has not been nearly as severe or as frequent as expected. The institute recorded 11 cases in the State over a three-year period.²³ The police officer in Seattle was aware of only two cases of harassment in six years. The Thurston County detective had heard of only minor harassment, such as when a teenager called a young offender a pervert.

- According to a survey of 45 probation and parole sex offender specialists from 35 counties in Oregon who were supervising 2,160 sex offenders, less than ten percent of offenders experienced some form of harassment, such as name calling, graffiti, picketing, and minor property vandalism. Two extreme cases of retaliation were reported: one sex offender had a gun pointed at him and another was threatened with having his house burned down.²⁴ An experienced probation officer in Oregon recalled only one example of harassment, when someone had written angry words on an offender's automobile windows. Respondents in Oregon and Washington State reported that whatever harassment has occurred has declined over time.

- During her site visits, the coauthor of the community notification study published by the American Probation and Parole Association heard about actual examples of harassment infrequently in the six States she visited.

Agencies actively try to prevent harassment. Two respondents reported that they regularly tell residents that the notification law might eventually be repealed if they engage in harassment, and then they would have no way of knowing when a predatory offender was living in their community. Staff from

several agencies said they also tell neighbors that any acts of harassment will be prosecuted vigorously.

Several commentators assert that notification makes it difficult for offenders to *find a place to live*.²⁵ The coauthor of the study published by the American Probation and Parole Association and the study director at the Washington State Institute agree that offenders have been evicted in some jurisdictions. A probation official in Louisiana reported that, largely because of media attention, notification had made it more difficult for offenders to find a residence. By contrast, a probation officer in Oregon said that he had expected that offenders would be evicted frequently after enactment of the State's notification statute but that, after an initial spate of evictions, they are now rare. Several respondents reported that their notification statute had been implemented too recently to have created this problem.

Commentators report that notification impairs the ability of some offenders to *find and hold jobs*.²⁶ The implementation study of the Oregon statute found that some parole and probation officers also reported that notification "has effected [sic] employment opportunities for sex offenders."²⁷ However, a coauthor observed that notification statutes should have little effect on employment because probation officers in most States have always required sex offenders to inform employers about their criminal history. Other respondents were unable to assess the effect of notification on employment.

Some commentators contend that notification makes it difficult for offenders to *reintegrate into society*.²⁸ Some clinicians maintain that the added stress of notification may even increase the risk

of reoffending.²⁹ According to the National Center for Missing and Exploited Children, "Constant harassment and ostracism . . . may cause serious psychological damage, possibly even causing [a sex offender to] . . . return to his previous, dangerous lifestyle."³⁰ Respondents said they had no way of confirming or denying these assertions.

Legal issues

States may encounter two types of legal problems related to sex offender notification: civil suits against agencies and individuals involved in implementing notification statutes, and legal challenges to the statutes themselves. While offenders in some States have also sued to reduce their notification level without challenging the constitutionality of the notification statute, the courts have generally upheld the notification level originally established.

Agency employee liability

No respondent was aware of any civil suits brought against any agency employees either by individuals who had been victimized by sex offenders subject to notification or by offenders challenging their notification status. In part, the absence of suits may reflect the immunity from civil liability that several statutes afford agency employees engaged in notification, including legislation in Louisiana, New Jersey, Tennessee, and Washington State.

Despite the lack of suits, several probation officers reported they were concerned about the possibility of being sued. The director of Connecticut's adult probation department said that "probation officers are always nervous about liability," while a probation officer in Louisiana said that an unrelated lawsuit brought against a

probation officer before notification went into effect instilled fear in other officers about their potential liability under the new statute. A probation officer in Oregon explained that his agency uses staff meetings to decide how to handle selected notification cases in part to reduce the officers' liability by demonstrating that there is a process in place for assessing offender risk and by spreading the risk among several officers.

Constitutional challenges

There have been constitutional challenges to notification statutes and their implementation in all seven States examined in this review.

Retroactivity. In a review of existing case law, the National Center for Missing and Exploited Children concluded that "Given adequate due process protections, community notification laws are generally safe from all challenges except those based on retroactivity."⁶ Indeed, the most frequent ground for suits has been the claim that the *ex post facto* nature of most statutes—that is, their retroactive application to offenders who had already been sentenced at the time the statute went into effect—constitutes double jeopardy in that notification, because of the purported stigma attached to it, punishes offenders who have already served their time. The *ex post facto* analysis turns on whether the law is punitive or regulatory in nature. However, courts, legislators, and commentators differ on this critical characterization. For example, in upholding the Washington State notification legislation, the State Supreme Court in *State v. Ward* (869 P.2d 1062 [Wash. 1994]) expressly found that the statute had a clear regulatory purpose. Courts in New Jersey have gone back and forth on the issue of retroactivity. The U.S. District Court

for the District of New Jersey in *Attway v. Attorney General* (372 F. Supp. 66 [D.N.J. 1995]) held that the retroactive application of Megan's Law in Tier 2 and 3 notifications was unconstitutional but upheld the registration of sex offenders and the constitutionality of retroactive Tier 1 notification. However, on appeal, the Third Circuit Court in 31 F.3d 1235 on April 12, 1996, vacated the District Court's enjoining the retroactive application of Tier 2 and 3 notification (and affirmed the *Attway* court's decision upholding registration and retroactive notification for Tier 1 offenders). On July 1, 1996, the U.S. District Court for the District of New Jersey in *WP et al. v. Poritz* also upheld the retroactive application of Tier 2 and 3 notifications as constitutional. Then, on July 9, 1996, the Third Circuit entered a stay of *Poritz* and enjoined prosecutors from proceeding on Tier 2 and 3 notifications on retroactive cases. The case was still on appeal with the Third Circuit as of July 1996. While a Louisiana State Appellate Court in *State v. Babin* (637 So 2d 814 [La. App. 1st Cir. 1994]) pronounced portions of the State's statute unconstitutional based on retroactivity, other courts in Louisiana have upheld the statute. As a result, the probation department keeps a list of how each judicial district has ruled on the issue so that local probation officers know whether they can apply the law retroactively. Connecticut's and Oregon's statutes have also been challenged on grounds of their retroactivity, but the litigation is still pending.

Due process. The second most common basis for challenging notification statutes is on due process grounds. Due process challenges have also met with mixed success in the courts. While two State courts in New Jersey ruled that allowing local prosecutors to

determine levels of notification violated due process because they are biased parties, the State Supreme Court in *Doe v. Poritz* (662 A.2d 367 [N.J. 1995]) ruled that the State only had to provide a hearing in order to prevent capriciousness. Most other States have made provision either for offenders to petition for relief from notification or for the initial determination of notification to be reviewed by other officials. For example, the Louisiana statute (as amended) allows offenders to petition for a hearing to be relieved of notification, while Pennsylvania's legislation requires a nonjudicial review board to identify dangerous offenders.⁷ If successful, a due process challenge to the Oregon statute may require that State's probation offices to implement a hearing process.

Other constitutional challenges. Several unsuccessful challenges have claimed that notification violates the Eighth Amendment's prohibition against cruel and unusual punishment because of the public stigma alleged to attach to notification. Only one court appears to have explicitly found a privacy right necessarily implicated in the community notification context. An offender in Alaska obtained a temporary restraining order against the notification portion of the State's new registration statute by arguing that notification would violate his privacy, a right expressly guaranteed in the Alaska constitution. However, according to the case law review by the National Center for Missing and Exploited Children, "Based on current legal precedent as well as the U.S. Supreme Court's historical bias against new privacy rights, it is unlikely plaintiffs will find much success on these claims." The U.S. Supreme Court has specifically held that "States may not

impose sanctions for the publication of truthful information contained in official court records open to the public" (*Cox Broadcasting v. Cohn*, 420 U.S. 169, 170 [1975]). Because of this position, two Federal courts in Alaska rejected the claim of a privacy right put forth by the offender cited above before he obtained temporary relief in State court. In *State v. Ward*, the Washington Supreme Court also rejected the privacy argument, ruling that criminal records constitute public information in which no one has a privacy right.

The review of existing case law by the National Center For Missing and Exploited Children concludes that:

No court [as of September 1995] has found community notification unconstitutional in principle. Therefore, even if States must concede the possible punitive nature of these laws, the defect may be cured through a simple amendment repealing retroactive application if necessary. States needn't abandon community notification but should instead carefully attempt to meet the constitutional parameters established by the courts.¹⁰

Conclusion

There is tremendous diversity among existing State community notification statutes. Furthermore, different agencies responsible for carrying out notification within the same State may use very different approaches. There is no empirical evidence that notification is achieving its stated objectives of increasing public safety and assisting law enforcement with sex offender investigations. The one available empirical study found no impact on recidivism. Most practitioners, how-

ever, believe that the threat of notification is a useful management tool for supervising sex offenders and that notification laws can provide a springboard to educating communities about sex offending. Doing notification is a serious burden on the time of most agencies with the result that other work gets short shrift. Although there have been documented cases of harassment and evictions, the extent to which notification is harmful or unfair to sex offenders, and whether these problems decline over time as some respondents suggested, is unknown.

The effectiveness of notification probably depends to a considerable degree on the provisions of the State statute, the resources that State and localities are able and willing to provide for implementing the statute, and the dedication and expertise of the probation officers, police officers, and prosecutors responsible for carrying out notification. Respondents agreed that notification is most likely to be effective if it is accompanied by extensive community education and is carried out by specialists.

The Washington State Institute for Public Policy evaluation study director cautions that neither a single model statute nor a model set of implementation procedures should be developed and recommended because the type of notification a given State needs will depend on the related legislation it already has in place and the resources it can or will dedicate to carrying out notification. Furthermore, several respondents stressed that notification should be seen as *only one component of a package* designed to address recidivism among sex offenders. The package should include close supervision, treatment, polygraph testing, and

working to educate the community to react constructively to suspicious offender behavior. Finally, the inherent limitations of notification need to be recognized. In particular, notification is unlikely to have much, if any, deterrent effect with offenders who have not yet been arrested or who victimize within homes where other members of the family collude in the behavior.

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This research was conducted by Peter Finn of Abt Associates Inc.

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NCJ 162364

Appendix: Community Notification Procedures for Local Law Enforcement in Washington State

JURISDICTION	POPULATION (1993)	RISK ASSESSMENT & CLASSIFICATION	INFORMATION DISTRIBUTION	NOTES
Benton County	122,800	County law enforcement assesses and classifies only offenders residing in Benton City and in unincorporated areas.	Sheriff does notifications for offenders residing in Benton City and unincorporated areas. Level II notifications are done by flyer; Level III by door-to-door visits with neighbors, and by media release.	Registered sex offenders entered in a sub-database of existing interagency Bicounty Information (BIPIN) system.
Clark County	269,500	County law enforcement assesses and makes Level II classifications for all offenders residing within the county, including city residents. An interagency committee makes Level III classifications.	County sheriff's office notifies for offenders residing in the unincorporated county only. Level II notifications include door-to-door contact with neighbors and community agencies. Level III notifications also include press release.	County acts as information manager and coordinator for all jurisdictions - II clerk is lead person. An interagency committee representing: county and city law enforcement, state DOC and juvenile justice officials, county prosecutor, and others meets once every 2-3 months to make Level III classification decisions.
Garfield County	2,300	No classification has been necessary.	Notification is done informally, by conversation with school and other concerned parties. Sheriff keeps registration information, and shares with public on request.	The Sheriff anticipates a more formal notification process if offenders move into the county in large numbers.
King County	1,587,700	County law enforcement assesses and classifies for county residents and contract cities.	Notifications are done through flyers and the mail. Each release is handled differently, to reach citizens most likely to be at risk.	County treats all notifications as Level II releases, since the local media cover all notifications, regardless of whether the sheriff's office wants a Level III media release.
Snohomish County	507,900	Detective assesses registered sex offenders in unincorporated county.	Level II notifications include door-to-door contact, and notification of school districts; schools produce flyer to send home with students. Level III notification include press release with announcement of public meeting; may also include door-to-door contact.	Public meetings are held following all Level III notifications, and are usually attended by 200 - 300 people; attendance has reached 400.

Community Notification Procedures for Local Law Enforcement in Washington State (continued)

JURISDICTION	POPULATION (1993)	RISK ASSESSMENT & CLASSIFICATION	INFORMATION DISTRIBUTION	NOTES
Spokane County	383,600	County law enforcement assesses and classifies only residents of unincorporated county and contract cities.	For Level II releases, the county sheriff's office produces a flyer to distribute to schools, and notifies neighbors in person. Level III releases are the same, plus media release.	
Thurston County	180,500	County detectives assess and classify all offenders residing within the county, including city residents. Information gathered on city residents is made available to city law enforcement for follow-up.	County detectives do notifications for unincorporated county residents only. Cities may request county detectives' assistance with notifications. Neighbors are notified in person, and a flyer is distributed to neighbors, other law enforcement, and schools for Level II and III releases.	Detectives employ an intensive case-management style, doing extensive research on offenders' backgrounds and keeping regular contact with many offenders.
Yakima County	197,000	County sheriff's office assesses offenders of concern residing within the county. A committee of state corrections, county and city law enforcement, and schools makes classification decisions.	The local school district produces a flyer to send home with children. Media releases are done for all notifications. The sheriff's office keeps a notebook of flyers, which members of the public may view on request.	
City of Bellingham	55,480	City police department assesses and classifies resident sex offenders.	City police Crime Analysis Section produces flyers for all Level II and III notifications that are distributed to neighbors, schools, and community agencies. Level III notifications also include media release.	Community meetings are held prior to Level III notifications. School districts are given advance notice for all Level II and III notifications.
City of Seattle	527,700	Detective assesses offenders residing in Seattle. Sex Offender Oversight Committee (all SPD personnel) meets once per month to classify city residents.	Crime Prevention Office of city police department mails bulletins for Levels II and III notifications to neighbors, community agencies, and others as appropriate.	Detective speaks in community groups about their concerns and teaches a mandatory class at Twin Rivers Correctional Center for sex offenders due to be released from incarceration.

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CLARIFICATION: THE QUOTATION AT THE TOP OF COLUMN 3 ON P. 14 SHOULD NOT BE INTERPRETED AS THE POSITION OF THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN ON COMMUNITY NOTIFICATION. THE NATIONAL CENTER ADVOCATES COMMUNITY EDUCATION IN CONJUNCTION WITH STATE NOTIFICATION PROGRAMS TO DIFFUSE THE FEAR AND HOSTILITY THAT CREATE VIGILANTISM.

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Druc Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis

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Senate Judiciary Committee

MEMORANDUM

TO: Representative Joe Green, House Judiciary Chair
FROM: Senator Robin Taylor, Senate Judiciary Chair *RLT*
DATE: May 5, 1997
RE: SB 132/HB 252

Joe:

Senate Judiciary heard SB 132-- a Governor's bill relating to registration of sex offenders and child kidnappers. I understand that your committee will be hearing a similar bill, HB 252, today.

It is my understanding that as long as the state demonstrates substantial progress toward compliance with the provisions of the Wetterling Act, Alaska will remain eligible for funds.

Further statute revisions will also be necessary to bring the state into compliance with the federal Megan Act. Therefore, I have decided to hold this bill in committee over the interim so that a committee substitute encompassing all the necessary revisions can be drafted.

Robin

Alaska State Legislature

House of Representatives

COMMITTEE ASSIGNMENTS

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MILITARY & VETERANS AFFAIRS
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SPONSOR STATEMENT for HB 252

This Bill is offered to intensify sex offender and child kidnapper registration statutes and the registration process in order to better protect our citizens from criminals. Numbers of citizens will be protected, including vulnerable adults and children.

The intent here is to comply with recent changes to the law including the Wetterling Act and Violent Offender Registration Act and remain eligible for \$200,000 in funds granted to states that comply with these Acts.

This Bill allows that:

1. Failure to register as a sex offender and child kidnapper or to register properly results in a class C felony an increase from a misdemeanor so as to induce persons to register and do so properly.
2. Persons responsible for hiring and employing people to have access to current and past criminal histories.
3. Reduction of the time an offender is unregistered and unsupervised by reducing reporting times and reduces the time a sex offender or child kidnapper has to report a change of address. This Bill also provides for annual or quarterly verifications of addresses of a sex offender or a child kidnapper.
4. The length of time a sex offender or a child kidnapper must register in order to meet requirements of 42 U.S.C. 14071 is adjusted.

Requires the Department of Public Safety to notify the Federal Bureau of Investigation if a sex offender or child kidnapper does not register or cannot be found or if such a person moves to another state, the FBI and the other state are notified

5. The Alaska State Court System is required to provide a list of persons convicted of sex offenses to the Department of Public Safety and requiring the Department of Public Safety to make reasonable efforts to verify the address of sex offenders and child kidnappers registering under AS 12.63.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 252

Revision Date: _____ Dept. Affected: Alaska Court System
Title: Criminal Records BRU: Trial Courts

Sponsor: Rep. Ryan Component: _____

Requestor: House Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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	0.0	0.0	0.0	0.0	0.0	0.0
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 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

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Agency: Alaska Court System

Phone: 264-8228
Date: 05/02/97

Approved by: Stephanie J. Cole, Acting Administrative Director
Agency: Alaska Court System

Date: 05/02/97

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1 **Sec. 12.55.148. Judgment for sex offenses or child kidnappings.** (a) When
2 a defendant is convicted of a sex offense or child kidnapping by a court of this state,
3 the written judgment must set out the requirements of AS 12.63.010.

4 (b) In this section, "sex offense" and "child kidnapping" have [HAS] the
5 meanings [MEANING] given in AS 12.63.100.

6 * **Sec. 3.** AS 12.62.160(b)(10) is amended to read:

7 (10) current offender information and past conviction information relating
8 to a serious offense, a sex offense, or a child kidnapping, may be provided to an
9 interested person if the information is requested for the purpose of determining whether
10 to grant a person supervisory or disciplinary power over a minor or dependent adult;
11 in this paragraph, "sex offense" and "child kidnapping" have the meanings given
12 in AS 12.63.100; and

13 * **Sec. 4.** AS 12.63.010(a) is amended to read:

14 (a) A sex offender or child kidnapper who is physically present in the state
15 shall register as provided in this section. The sex offender or child kidnapper shall
16 register within

17 (1) three [SEVEN] days of release from an in-state correctional
18 facility;

19 (2) three [SEVEN] days of conviction for a sex offense or child
20 kidnapping if the sex offender or child kidnapper is not sentenced to a term of
21 incarceration; or

22 (3) seven [14] days of becoming physically present in the state, except
23 the sex offender or child kidnapper shall register within three [SEVEN] days of
24 becoming physically present in the state if the sex offender or child kidnapper

25 (A) is a probationer or parolee being supervised by the state as
26 the receiving state under AS 33.36.110 - 33.36.120; or

27 (B) has been released from an out-of-state correctional facility
28 where the sex offender or child kidnapper was serving a term of incarceration
29 for a sex offense or child kidnapping conviction in this state.

30 * **Sec. 5.** AS 12.63.010(b) is amended to read:

31 (b) A sex offender or child kidnapper required to register under (a) of this

