

**SB**

**219**

5/6/98

HOUSE JUDICIARY STANDING COMMITTEE

DATE: 5/6/98

ISSUE: # SB219 - move

	YEA	NAY	PRESENT
Vice Chair Bunde			
Representative Berkowitz		✓	
Representative Croft			
Representative Rokeberg	✓		
Representative Porter			
Representative James	✓		
Chairman Green	✓		
<b>TOTALS:</b>	<b>3</b>	<b>1</b>	

PASSED ~~\_\_\_\_\_~~

FAILED ✓  
(not enough votes)

5/6/92

Alaska Court System

#3

AMENDMENT

TO: CSSB 219 (FIN) am

Page 6, line 19, insert following "state.":

- or challenge

The victims' advocate may not investigate a complaint regarding a judicial act taken or decision rendered by a judicial officer or a jury.

5/6/98

0-LS1323VHA.1  
Luckhaupt  
5/6/98

AMENDMENT 卅 1

OFFERED IN THE HOUSE

TO: CSSB 219(FIN) am

1 Page 6, line 13, following "Jurisdiction.":

2 Insert "(a)"

3 Page 6, following line 21:

4 Insert a new subsection to read:

5 "(b) The victims' advocate shall exercise

6 (1) the jurisdiction granted under this section in a manner that does not  
7 interfere with a criminal investigation or with a criminal prosecution;

8 (2) reasonable care to prevent crime victims and employees of the  
9 office of victims' rights from making extrajudicial statements that the victims'  
10 advocate is prohibited from making under the Alaska Rules of Professional Conduct."

11 Page 6, line 26:

12 Delete "Notwithstanding another provision of law, the"

13 Insert "The"

14 Page 6, line 27, following "state":

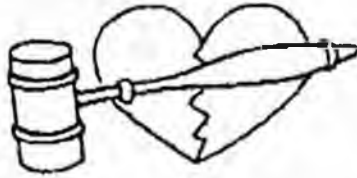
15 Insert "under art. I, sec. 24, Constitution of the State of Alaska, and AS 12.55.023,"

16 Page 7, following line 1:

17 Insert a new subsection to read:

18 "(d) Records obtained by the victims' advocate shall remain in the exclusive  
19 custody of the victims' advocate. The victims' advocate may not disclose confidential  
20 information to any person."

## VICTIMS



**for Justice** 619 East Fifth Avenue • Anchorage, AK 99501  
(907) 278-0977 • Fax: (907) 258-0740

January 20, 1998

Senator Rick Halford  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Halford:

Victims for Justice's (VFJ) lends our support of the proposed Senate Bill 219, "The Crime Victims' Rights and Advocacy Act of 1998", provided the attached provisions are given high priority.

For many years crime victim advocates have worked for expanded rights for victims. The State of Alaska provides for crime victims the right to be present and heard at all significant stages of the criminal justice process, and the right to have restitution ordered and collected by the courts. Yet, Alaska victims and their families continue to suffer twice, once at the hands of the criminal and again at the hands of our justice system. They are often treated as inconveniences, ignored throughout the trial proceedings, and if ignored during the trial, it will almost always guarantee the victim will be shut out of participating in the post sentencing processes.

Protecting the rights of crime victims will not weaken the rights of the accused, it will *restore* the *victim's* sense of safety and personal power, as well as create the possibility of financial recovery. Our *community* representatives in the justice system will make more fully informed decisions about the cases. The *offenders* may also be held more accountable by being exposed to information about the impact of the crime on the victim and ordered to pay, in a tangible sense, for the consequences of their acts.

Only when the rights of victims are given equal weight to the rights of the accused will there be guaranteed protection under the law. Restoring justice for victims must begin by our commitment to *observing* and *enforcing* the laws we have in place.

Sincerely,

Janice Lienhart  
Executive Director

Cathy Satterfield  
Administrative Director

"Victims Rights Right for America"

enclosures

*Providing services to survivors of homicide victims and physical assault*

# FISCAL NOTE

No. 7  
 Bill Version: C.S.SB219(FIN)  
 (S) Publish Date: 4/30/98

**STATE OF ALASKA  
 1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) _____	Dept. Affected	Corrections
Title <u>An Act relating to establishing an office of victims' rights; relating to eligibility for a permanent fund ...</u>	BRU	<u>Administration and Operations</u>
Sponsor <u>Senator Halford</u>	Component	<u>Data and Word Processing</u>
Requester <u>Senate Finance</u>	Component Serial No.	_____

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	43.0	43.0	43.0	43.0	43.0	43.0
Travel						
Contractual	0.5	0.5	0.5	0.5	0.5	0.5
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	2.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>46.5</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	46.5	44.0	44.0	44.0	44.0	44.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>46.5</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	1	1	1	1	1	1
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Section 6 of this legislation denies PFD eligibility for people who were incarcerated for a felony or a third misdemeanor during all or part of the two calendar years preceding the dividend year. The Dept. of Corrections has previously asked for a Statistical Tech I position to deal with PFD appeals and requests for information. This section of SB 219 will increase the number of appeals and requests. The data and word processing unit will be unable to carry out their daily operations if more appeals and computer programming are added without a position.

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 4/27/98  
 Date 4/27/98

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**Alaska Housing Finance Corporation**

**Sec 1 Governor**

Subsection (a) transfers \$50 million to the General Fund from unrestricted cash in the AHFC revolving fund, by the direction of the AHFC board.

Chapter 117, SLA 96 transferred \$50 million; and Chapter 98, SLA 97 transferred \$70 million.

Subsection (b) appropriates earnings related to the AHFC, (loan interest payments, mortgage loan commitment fees, and income earned on assets of the corporation) to the AHFC as corporate receipts. Receipts are to be allocated among the AHFC revolving fund (AS 18.56.082), housing assistance loan fund (AS 18.56.420), and senior housing revolving fund (AS 18.56.710) in accordance with procedures adopted by the board of directors.

Subsection (c) identifies the amount of corporate receipts within the revolving loan fund to be used by the AHFC for housing loan programs not subsidized by AHFC corporate receipts \$472 million and housing loan programs and projects that are subsidized by AHFC corporate receipts derived from arbitrage earnings \$50 million. Same as Chapter 117, SLA 96 and Chapter 98, SLA 97.

**Sec 1 House**

Subsection (a) no change from Governor. Subsection (b) no change from Governor. Subsection (c) has been revised to incorporate the Governor's proposed amendment increasing the amount appropriated for unsubsidized housing loan programs from \$350 million to \$472 million.

**Sec 1 Senate**

Subsection (a) no change from Governor. Subsection (b) has been revised to prevent allocation of AHFC corporate receipts to the senior housing revolving loan fund. Subsection (c) has been revised to incorporate the Governor's proposed amendment increasing the amount appropriated for unsubsidized housing loan programs from \$350 million to \$472 million.

**Alaska Industrial Development and Export Authority**

**Governor**

The Governor's budget directly appropriates AIDEA corporate receipts for various capital projects.

**House**

The House version of the operating front section did not include a section authorizing transfer of AIDEA corporate receipts to the general fund.

**Sec 2 Senate**

The Senate version inserts a new section 2 authorizing transfer of \$16 million in AIDEA corporate receipts to the general fund as directed by AIDEA and renumbers the subsequent sections accordingly.

**Alaska Seafood Marketing Institute (ASMI) Reapprop.**

**Sec 5 Governor Gen Fund: 0.0 Non Gen Fund: 0.0**

Reappropriates any 6/30/98 balance of FY98 general fund receipts from the salmon marketing tax (AS 43.76.110) and from the seafood marketing assessment (AS 16.51.120) for FY99 ASMI expenditures. The FY97 and FY98 carryforward amounts were \$300.0 and \$200.0, respectively. FY99 amount unknown.

**Sec 5 House**

No change from Governor.

**Sec 6 Senate**

No change from Governor and House sections 5.

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**Budget Proposal Requiring Legislation - Longevity Bonus Grant Program**

**Sec 6 Governor Gen Fund: -8,000.0 Non Gen Fund: 0.0**

If legislation introduced by the Governor (HB77/SB54) to place income limits on longevity bonus eligibility were approved by the legislature, operating appropriations would be reduced by:

Longevity Bonus Grants <\$6,000.0>  
Old Age Assistance - ALB HH <\$2,000.0>

**House**

Section 6 of the Governors bill has been deleted in CSHB 325(FIN) and the subsequent sections renumbered accordingly. The deleted section dealt with the estimated savings from implementation of income limits for the longevity bonus program. There is no need for this section in the CS, as the fiscal notes associated with the income limit legislation would make the necessary adjustments in the affected appropriations should the legislation pass.

**Senate**

Section 6 of the Governors bill has been deleted in SCS CSHB 325(FIN) and the subsequent sections renumbered accordingly. The deleted section dealt with the estimated savings from implementation of income limits for the longevity bonus program. There is no need for this section in the Senate CS, as the fiscal notes associated with the income limit legislation would make the necessary adjustments in the affected appropriations should the legislation pass.

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**Constitutional Budget Reserve (CBR) Fund**

**Sec 7 Governor Gen Fund: 0.0 Non Gen Fund: 0.0**

Subsection (a) provides for the GF repayment of the CBR and excludes "pure GF" [the "sweep" reversal language]. Estimated at \$95,900.0.

Subsection (b) would allow the state to cover any shortfall in unrestricted state revenues available for appropriation in FY99 from the CBR per Article IX, section 17. The amount to balance GF revenues and appropriations would be appropriated to the general fund from the CBR [balancing language].

Subsection (c) stipulates that appropriations made by (a) and (b) of this section are made under Article IX, section 17(c) [approved by an affirmative vote of at least three-fourths of the members of each house of the legislature].

Sec 7 House

Subsection (a) has been revised to specifically identify the types of program receipts that are appropriated conditioned on compliance with the program review provisions of AS 37.07.080(h). (Those are federal, EVOSS Trust, designated program receipts, and test fishery receipts in CSHB325 and MHTAAR and MH admin receipts in CSHB326.)

Sec 9 Senate

The Senate version deletes the language in the Governor's subsection (a) that makes contingent appropriations of federal and other program receipts conditioned on compliance with the LB&A program review process and/or the 45 day rule.

**Fish and Game Enforcement**

Sec 10 Governor Gen Fund: 685.6 Non Gen Fund: 0.0

Subsection (a) appropriates to the Fish and Game Fund the amount of criminal fines, penalties and forfeitures imposed and collected under AS 16.05.195 from the General Fund.

Department	FY98Auth	Gov	GovAmd	House	Senate
Public safety	560.0	560.0	560.0	560.0	560.0
Law	132.1	125.6	175.6	125.6	125.6
Total	692.1	685.6	735.6	685.6	685.6

Subsection (b) the Public Safety and Law amounts are for increased enforcement, investigation, and prosecution of state fish and game laws. If the receipts are less than the amount appropriated, the appropriations are reduced proportionately.

Sec 8 House Gen Fund: 685.6 Non Gen Fund: 0.0

Subsection (a) Governor's amendment to increase Law funding by \$50.0 denied, as shown above.  
Subsection (b) no change from Governor section 10(b).

Sec 10 Senate Gen Fund: 685.6 Non Gen Fund: 0.0

Subsection (a) Governor's amendment to increase Law funding by \$50.0 denied, as shown above.  
Subsection (b) no change from Governor section 10(b).

**Four Dam Pool (4DP) Transfer Fund**

Sec 11 Governor

This section makes the necessary appropriation from the 4DP Transfer Fund to the Southeast Energy Fund, the Power Cost Equalization & Rural Electric Capitalization Fund, and the Power Project Fund. The amount transferred in FY97 was zero, and in FY98 \$5,177.8 was transferred, less than the full amount due to the 4DP utilities' retention of funds under the self-help clause of the 1985 power sales agreement. The estimated amount available for transfer from the 4DP in FY99 is \$5 million.

Sec 9 House

No change from Governor section 11.

Sec 11 Senate

No change from Governor section 11.

**Motor Fuel Tax**

**Sec 16 Governor**

Estimated amounts of operating funding from the following sources:

highway fuel tax account	\$25,100,000
aviation fuel tax account	5,400,000

**Sec 14 House**

No change from Governor section 16.

**Sec 16 Senate**

No change from Governor section 16.

**Occupational Licensing Reapprop.**

**Sec 17 Governor**

Reappropriates any 6/30/98 balance of FY98 occupational licensing fees general fund receipts for FY99 Occupational Licensing expenditures. The FY97 and FY98 carryforward amounts were \$1,386.4 and \$1,480.0, respectively.

**Sec 15 House**

No change from Governor section 17.

**Sec 17 Senate**

No change from Governor section 17.

**Oil and Hazardous Substance Release Prevention Account**

**Sec 18 Governor Gen Fund: 13,800.0 Non Gen Fund: 0.0**

Subsection (1) provides for the balance of the prevention mitigation account on July 1, 1998, not otherwise appropriated to be deposited in the OHSRPR/prevention account.

The OHSRPR/prevention mitigation account is a sub-account of the general fund. The prevention mitigation account receives money recovered from parties responsible for containment and cleanup of oil or other hazardous substances, as well as fines, penalties or damages.

<u>FY97 Actuals</u>	<u>FY98 Auth</u>	<u>Gov</u>
\$1,344.5	\$4,376.4	\$1,500.0

Subsection (2) provides for the amount derived from the 3 cent surcharge collected during FY98 to be deposited into the OHSRPR/prevention account in the OHSRPR Fund.

The OHSRPR/prevention account contains appropriations from the general fund to the OHSRPR fund from the 3 cent surcharge collected in the general fund during the prior year (FY98 deposits appropriated for FY99).

<u>FY97 Actuals</u>	<u>FY98 Auth</u>	<u>Gov</u>
\$13,689.9	\$12,931.9	\$12,300.0

**Sec 16 House Gen Fund: 13,800.0 Non Gen Fund: 0.0**

Subsection (1) no change from Governor section 18(1).

Subsection (2) no change from Governor section 18(2).

**Sec 18 Senate Gen Fund: 13,800.0 Non Gen Fund: 0.0**

Subsection (1) no change from Governor section 18(1).

Subsection (2) no change from Governor section 18(2).

**Salary and Benefit Adjustments**

**Sec 22 Governor Gen Fund: 3,133.1 Non Gen Fund: 2,108.8**

FY99 Pay Increases for State Employees. The amounts shown are the net amounts for three items: salary adjustments, health benefit adjustments and changes in contribution rates for the Public Employees Retirement System.

**Sec 20 House Gen Fund: 1,469.7 Non Gen Fund: 3,163.7**

This section deals with salary and benefit adjustments for state employees and has been revised to incorporate that portion of the governor's amendment reducing the amount requested as the result of a lower than anticipated increase in the Anchorage consumer price index (from 1.1% to 0.6%) and correcting the health benefit amount for the Labor, Trades and Crafts bargaining unit (from \$575 per month per employee to \$550). The portion of the Governor's amendment transferring funding from the back to front section of the bill for the salary and benefit adjustment costs for the University was not adopted by the House, see the next paragraph for further explanation.

Section 21 has been amended to recognize the agreements reached between the University and its bargaining units and exempt employees in subsection (c). The \$684,500 that had been included in the Governor's Section 22, consisting of \$627,400 in general fund and \$57,100 in other funds, has been transferred to the appropriation made to the University in section 31 (the back section) of the bill. The House also added \$1 million in general fund to the University budget for salary adjustments. Thus, \$1,627,400 in general fund, or about 45% of the University's estimate of \$3,583,700 in general fund salary adjustment costs has been appropriated in the House bill.

Subsection (d) was added to recognize the agreement between the State and the Confidential Employees Association and to add \$76,000 in general funds to pay for a portion of the costs of the agreement. The full cost of the Confidential agreement, as calculated by OMB, is \$76,900 in general funds and \$41,000 in other funds. Note that the House short funded the general fund by \$900 and included none of the \$41,000 in other funds needed to pay the full cost of the agreement.

Finally, Section 21 has been amended to include \$1,112,000 from the Investment Loss Trust Fund as a funding source for the salary and benefit increases.

**Sec 22 Senate Gen Fund: 1,470.6 Non Gen Fund: 3,204.7**

The Senate section, like the House, reduces the amount requested due to the lower increase in the Anchorage consumer price index and to the corrected health benefit amount for the Labor, Trades and Crafts bargaining unit.

The Senate section includes all funding requested for the Confidential Employees bargaining unit (\$117,900 total funds, \$76,900 general funds). This differs from the House where \$76,000 in general funds was provided.

The Senate moves all funding for University salary increases into the back section of the operating budget bill. The amount required to fund the collective bargaining agreements, \$2,003,100 of general funds (\$2,060,200 of total funds), is included for this purpose. The House also moves all funding for salaries to the back section where it provided \$1,627,400 of general funds (\$1,684,500 of total funds).

The full request for each bargaining unit (Alaska Community College Federation of Teachers, Classified Employees Assn., and United Academics) as well as non-covered employees are shown in the back section. The Unallocated reduction is increased by \$1,580,600 GF to balance the difference between the full request and the provided funding. Again, this is similar to the House where the unallocated reduction was increased by \$1,956,300 GF.

**Sec 23 House Gen Fund: 46,029.0 Non Gen Fund: 91,478.9**

This section has been revised to increase the amount appropriated from the school fund (AS 43.50.140) for school debt reimbursement by \$18 million and to make a corresponding reduction in the amount of general fund and debt retirement fund appropriated to the Department of Education for that purpose.

**Sec 25 Senate Gen Fund: 46,029.0 Non Gen Fund: 91,478.9**

This section has been revised to increase the amount appropriated from the school fund (AS 43.50.140) for school debt reimbursement by \$18 million and to make a corresponding reduction in the amount of general fund and debt retirement fund appropriated to the Department of Education for that purpose.

**State Training and Employment Program**

**Sec 26 Governor**

The State Training and Employment Program is funded from the Employment and Training Program Account (ETPA). The ETPA is created through a contribution of one-half of one percent from each employees' wages. Unspent balances must be lapsed from this account into the unemployment compensation fund. This section makes that appropriation.

**Sec 24 House**

No change from Governor section 26.

**Sec 26 Senate**

No change from Governor section 26.

**Statutory Budget Reserve Fund**

**Sec 27 Governor**

In the event that unrestricted revenues are less than necessary for FY99 appropriations, the amount necessary to balance revenue and general fund appropriations is appropriated to the general fund from any balance that may be available from the Statutory Budget Reserve Fund.

**Sec 25 House**

No change from Governor section 27.

**Sec 27 Senate**

No change from Governor section 27.

**Storage Tank Assistance Fund**

**Sec 28 Governor Gen Fund: 200.0 Non Gen Fund: 4,164.8**

Alaska Statute 47.03.385 allows the legislature to capitalize the storage tank assistance fund with any general fund registration fees collected on underground petroleum storage tanks or tank systems.

Subsection (a) appropriates tank registration fees from the general fund to the Storage Tank Assistance Fund.

Subsection (a) appropriates from the OHSRPR Fund/prevention account (non-general fund) to the Storage Tank Assistance Fund.

FISCAL NOTE

No. 6  
Bill Version: CSSB 219 (FIN)  
(S) Publish Date: 4-24-98

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
Title: Office of Victims' Advocacy BRU: Permanent Fund Dividend Division  
Sponsor: Senator Hallford Component: Permanent Fund Dividend Division  
Requestor: (S) FIN COMPONENT SERIAL NO. 981

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1001 CBRF						
1048 University of AK receipts						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This legislation would deny a Permanent Fund Dividend to certain criminals for an additional year beyond the denials under current law. It will have the effect of denying a dividend to these criminals in the year after they were incarcerated. We understand that it is intended that the funds that would have been paid to these individuals would be used to fund the Office of Victims' Rights created by this bill.

Since the funds made available under the bill would otherwise be paid to the individuals made ineligible, there is no fiscal impact either on the department or on other Permanent Fund Dividend recipients.

Prepared by: Nanci Jones, Director  
Division: Permanent Fund Dividend Division  
Approved by Commissioner: Wilson L. Condon  
Agency: Revenue

Phone: 465.2323  
Date: April 23, 1998  
Date: April 23, 1998

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FISCAL NO. 7

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 5  
Bill Version: CSSB219(FIN)  
(S) Publish Date: 4/23/98

Revision Date: \_\_\_\_\_  
Title: "An Act relating to establishing an office of crime victims' rights; and amending Rule 16, Alaska..."  
Sponsor: Senator Halford  
Requestor: Senate Finance

Department Affected: Legislative Affairs Agency  
BRU: Legislative Council  
Component: Council & Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	429.6	429.6	429.6	429.6	429.6	429.6
TRAVEL	4.2	4.2	4.2	4.2	4.2	4.2
CONTRACTUAL	28.6	28.6	28.6	28.6	28.6	28.6
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	44.2	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>508.6</b>	<b>464.4</b>	<b>464.4</b>	<b>464.4</b>	<b>464.4</b>	<b>464.4</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE	1050	508.6	464.4	464.4	464.4	464.4
<b>TOTAL</b>		<b>508.6</b>	<b>464.4</b>	<b>464.4</b>	<b>464.4</b>	<b>464.4</b>

POSITIONS:

FULL-TIME	6	6	6	6	6	6
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary) CSSB 219(JUD) establishes an Office of Victims' Rights in the Legislative Branch of Government. The Victims' Advocate will be appointed for 5 years and be compensated at Range 26A. For the purposes of this fiscal note, staff for the Victims' Advocate will be 2 attorney's, 1 paralegal, and 3 clerical personnel. Office Space will be acquired and furniture and equipment will be purchased to set up the office. If the office were staffed with 1 attorney, 1 paralegal, and 1 clerical position the cost for the initial year would be \$337.7 and \$307.5 thereafter. LAA will process payroll, provide accounting and teleconference assistance and DP support at no cost to the Office of Victims' Rights.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852  
Division: Administrative Services Date: 4/22/98

Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*  
Agency: Legislative Affairs Agency Date: 4/22/98

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

SB219  
#5

CONTINUATION OF FISCAL NOTE: CSSB 219(JUD)

	Monthly Salary	#	Annual Salary	Benefits	Health Insurance	Total
Victims Advo 26A	5815	1	69780	88348	5700	94048
2 Attorney's 23A	4889	2	117336	148559	11400	159959
1 Paralegal 16A	3031	1	36372	46051	5700	51751
1 Secretary 14A	2640	1	31680	40110	5700	45810
1 Secretary 12A	2324	1	27888	35309	5700	41009
1 Secretary 10A	2059	1	24708	31283	5700	36983
						429,560
						429,560

**Travel**

It is anticipated that the victims' advocate will make 3 trips to attend in state meetings and 1 trip to meet with victims' rights organizations in other states.

	Travel	Per Diem		
3 trips in state	1110	1629	2739	
1 trip out of st	780	680	1460	
			4199	4,199

**Contractual**

It is anticipated that the Office of the Victims' Rights will install phones, incur phone bills, and use postage and need maintenance on their copier machine.

Phones	3600	
Postage	3000	
Copier Maintenance	600	
Membership Dues	500	
Subscriptions	500	
Office Space 1,000 Sq. Ft.	20400	
	28600	28,600

**Supplies**

It is anticipated that the Office of the Victims' Rights will need office supplies.

Office Supplies	2,000	2,000
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**Equipment**

It is anticipated that the Office of Victims' Rights will need equipment.

7 Phones	3500	
1 Fax Machine	650	
3 Executive Desks	4500	
4 Secretarial Desks	4000	
7 Chairs	1400	
7 File Cabinets	2800	
7 Computers	14000	
3 Printers	5400	
1 Copy Machine	8000	
	44250	44,250

**Grand Total** 508,609

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

No. 3  
 BILL NO: SB 219  
 Bill Version: SB 219  
 (S) Publish Date: 1-30-98

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Crime Victims' Rights and Advocacy Act BRU: Violent Crimes Compensation Board  
of 1998 Component: \_\_\_\_\_  
 Sponsor: Senator Halford  
 Requestor: (S) JUD COMPONENT SERIAL NO. \_\_\_\_\_

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of current year (FY 98) impact: \$ 0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No Fiscal Impact

Prepared By: Susan L. Browne, Administrator Phone: 465-5525  
 Division: Violent Crimes Compensation Board Date: 1/17/98  
 Approved by Commissioner: Ronald L. Otte *[Signature]* Date: 1/21/98  
 Agency: Dept. of Public Safety

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# FISCAL NOTE

No. 2  
 Bill Version: SB 219  
 (S) Publish Date: 1-30-98

**STATE OF ALASKA  
 1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) _____	Dept. Affected <u>Law</u>
Title <u>... establishing an office of crime victims' advocacy;</u>	BRU <u>Criminal Division/Civil Division</u>
amending <u>Rules of Criminal Procedure .. Delinquency Rules ..</u>	Component <u>1st-4th Jud Dist, OSPA</u>
Sponsor <u>Senator Halford</u>	<u>Human Services</u>
Requester <u>Senate Judiciary Committee</u>	Component Serial No <u>2198-01, 2203, 2208</u>

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						
<b>TOTAL OPERATING</b>	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	*****	*****	*****	*****	*****	*****
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

This bill establishes in the legislative branch the Office of the Victims' Advocate. The victims' advocate will advocate on behalf of crime victims in felony cases in the courts of the state and investigate complaints of crime victims in felony cases that they have been denied their rights under the constitution and laws of the state.

The potential fiscal impact from enactment of this law on the Department of Law is dependent on the philosophy and depth of involvement of the victims' advocate. At a minimum, the length<sup>10</sup> of time required for cases in which the victims' advocate participates will increase, simply by virtue of having an additional attorney involved. The potential that the victims' advocate will be at odds with the prosecutor over matters involving trial strategy, tactics, and plea negotiations would add additional time and expense. These costs are speculative, and the department cannot assign a cost without additional experience.

Prepared by	Joan M. Kasson <i>Joan M. Kasson</i>	Phone	465-5370
Division	Attorney General's Office	Date	1/20/98
Approved by Commissioner	Bruce M. Botelho, Attorney General	Date	1/20/98
Agency	Department of Law		

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## CSSB 219(FIN) - Office of Victims Rights

### Sectional Analysis

Section 1 of the bill provides a short title.

Section 2 of the bill allows advocate to make statement at time of sentencing.

Section 3 of the bill brings the victims' advocate under legislative ethics.

Section 4 of the bill amends AS 24 by creating a new chapter dealing with the Office of the Victims' Advocate which is created in the legislative branch. The following sections are created:

- AS 24.65.010 - creates the office of victims' advocate
- AS 24.65.020 - provides appointment procedures
- AS 24.65.030 - establishes qualifications
- AS 24.65.040 - provides term of office
- AS 24.65.050 - provides for removal of the victims' advocate
- AS 24.65.060 - lists the salary for the victims' advocate
- AS 24.65.070 - allows employment of staff and establishes their duties
- AS 24.65.080 - office space and administration for OVA
- AS 24.65.090 - requires advocate to adopt regulations
- AS 24.65.100 - establishes when the victims' advocate's jurisdiction
- AS 24.65.110 - sets forth advocates duties and powers
- AS 24.65.120 - lists how and when the advocate may conduct investigations of denial of crime victims rights
- AS 24.65.130 - provides subpoena power to victims' advocate
- AS 24.65.140 - requires consultation with justice agency prior to report
- AS 24.65.150 - advocate's duties upon completion of investigation
- AS 24.65.160 - permits advocate to publish opinions and recommendations
- AS 24.65.170 - requires advocate to publish annual report
- AS 24.65.180 - limits judicial challenge of advocate's actions
- AS 24.65.190 - provides immunity to advocate
- AS 24.65.200 - provides evidentiary privilege against being compelled to testify to advocate
- AS 24.65.210 - sets out criminal penalty for obstruction of victims' advocates duties
- AS 24.65.250 - provides definitions

Section 5 of the bill provides option of adopting longevity pay provisions to the advocate.

Section 6 of the bill extends the period for PFD ineligibility from one to two years.

Section 7 of the bill provides that the proceeds of the PFD forfeiture may be used to fund the office of victims' rights

Section 8 of the bill exempts regulations promulgated by the OVR from gubernatorial review.

Section 9 of the bill exempts victims' advocate from record keeping requirements.

Section 10 of the bill provides that sunset review of agencies consider interaction with OVA.

Section 11 of the bill names OVA as state agency for purposes of state publications.

Section 12 & 13 of the bill provides court rule change notice.



Official Business

# Alaska State Legislature

## Senate

**RICK  
HALFORD**

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## Sponsor Statement

### Senate Bill 219

#### "The Crime Victims' Rights and Advocacy Act of 1998"

On November 8, 1994, the voters of Alaska ratified an amendment to the Constitution of the State of Alaska which provides specific rights to victims of crime. The overwhelming approval rate -- 86.6% in favor -- was clear testament of Alaskans' belief that:

*"Crime victims, as defined by law, shall have the following rights as provided by law: the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal or juvenile justice process, the right to timely disposition of the case following the arrest of the accused, the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication."*

#### — ARTICLE I, SECTION 24, ALASKA CONSTITUTION

Passage of this legislation will put in place a mechanism to guarantee the practical application of this very important Constitutional Amendment. It is time for victims to have advocacy when dealing with a judicial system so heavily weighted to the benefit of criminals, and based on a process replete with technicalities and legal jargon, rendering it virtually indecipherable to anyone other than the attorneys.

JAN 28 1998



## WASILLA POLICE DEPARTMENT

250 N. KNIK STREET  
WASILLA, AK 99654-7014  
(907) 373-9077  
(907) 373-9051 FAX



January 21, 1998

Senator Rick Halford  
State Capitol  
Juneau, Alaska 99801-1182

Attn: Brett

Thank you for the opportunity to comment on SB219. I support this bill and I know from sixteen years of dealing with victims that it is long overdue.

The only suggestions I have are that your people review Section 24.65.030. In paragraph (2), please consider changing it to: "Unless the person has been engaged in an activity for the preceding five years where they have had extensive contact with victims of crime".

Paragraph (4); please consider striking this due to the fact that it gives preference to attorneys. I believe that retired magistrates, police administrators and other professions would be more qualified than attorneys to perform as victims advocates.

Also, there should be a qualification section mandating administrative experience since this position will direct a department.

Good luck on this bill.

Sincerely,

Charlie Fannon  
Chief of Police

January 19, 1998

TO: Senator Robin Taylor, Chairman  
Senate Judiciary Committee

Members of the Senate Judiciary Committee

FROM: Karen L. Johnston  
Victim of a Violent Crime  
5040 E. 98<sup>th</sup>  
Anchorage, AK 99516

Dear Sir,

As a victim of violent crime, I wish to respond to the creation of Senate Bill 219, "The Crime Victims' Rights and Advocacy Act of 1998". On Oct 4, 1994 my former husband, Dr. Thomas F. Johnston, along with two University of Alaska students, were brutally murdered with a carpenter's hammer in the home we shared for 14 years in Fairbanks. Thomas was a music professor at the University, and an international expert in Eskimo and Indian music. This crime was of a senseless, demonic and random nature, adding enormously to the chaos we experienced as a family following this murder. In the next few months, our family staggered against wave upon wave of grief, loss, and lack of information which is vital to reassembling a sense of order. The Justice system which should have provided basic information and assistance, turned its attention to the defense of the criminal and his "rights". We waited in the shadow of their silence for some small ray of understanding as to why this killing happened. Our grief was an appalling wound which could only begin to heal with information, and a sense that order and justice would prevail. Our rights according to the Constitutional Amendment ratified Nov. 8, 1994 were repeatedly ignored, and often met with outright disrespect. The following are examples of our experience:

1. My sister in Fairbanks was rudely rebuffed by the DA's staff and told "you are not a victim" when the law states she had "the right to be treated with dignity, respect, and fairness during all phases of the criminal justice process".
2. Over a period of 6 months I made phone calls to the DA's office requesting information about the murder. I was consistently told we would have to wait until the case closed before any information was available to the public. We were not invited to confer with the prosecuting attorney before sentencing as stated in the new law. I eventually succeeded in obtaining this access through the help of Victims for Justice who contacted Deputy Attorney General Laurie Otto.

3. On April 13, 1995 there was a plea change. I had talked with the witness coordinator in the DA's office, but she didn't tell me it was a public event or that I could attend. My sister phoned crying late that night because she saw a news broadcast with excerpts of this hearing, and had not been notified so that she could be present. When I phoned the office, they were surprised and defensive, stating that "I should have known that it was a public event". She assumed all people know these things. She tried to lay the responsibility upon us when it was their legal obligation to explain how the system works.

4. On April 24, 1995 I sent a letter outlining my complaints to this Fairbanks office. Laurie Otto also sent a memo or phoned. I do not know what the content of their conversation was, but I received a prompt reply dated May 3, 1995. It was defensive of their policies, and included a copy of the Alaska statutes regarding victims rights and the fact that I had no legal recourse if they chose not to apply the duties of the prosecution, etc. It also contained an invitation to meet with the DA. So, after 7 months I was finally granted "access of information" and made a step toward healing which the victim of homicide so desperately needs.

It is my personal opinion that the newly drafted legislation is another step toward restoring "freedom and justice for all" including innocent victims. I like the fact that it creates a legal advocate for victims rights, and creates a "mechanism to guarantee the practical application of this very important Constitutional Amendment". I'm not sure that the word "guarantee" is accurate though because there still seems a need for clear, specific, stronger consequences when an office is in non-compliance. How can the law "guarantee" victims rights with immunity clauses present both in the Alaska Statutes as well as the new Advocacy Act: Bill 219? But in general I support it as a great step forward, and would offer a few considerations:

1. **Sec.24.65.020. Appointment of the victims' advocate.** In addition to the legislatively appointed members of the nominating committee, I think there should be present a small advisory group of victims or qualified persons from the private sector. The non-legislative community has much to offer from personal experience with this issue. The success of this proposed program is dependent upon getting the right attorney and staff who are truly committed to victims rights.
2. **Sec.24.65.080. Office facilities and administration.** The legislative budget should not take away from monies approved to fund private agencies such as Victims for Justice.

3. Sec.24.65.090. **Procedure.** It would be good to establish a time line for completion of the investigative process. Keeping victims informed regularly of progress after the complaint has been filed is of utmost importance as they work through their grief. Homicide grief is more complex and overwhelming than most grief. Communication and information help victims restore a sense of order, and provides some relief from intense rage and confusion.

4. Sec.24.65.150, 160, 170, 180, 190. **Procedure after investigation...** These sections deal with consequences for non-compliance in administering victims rights. We would like to see more specific, defined consequences such as "removal from job position" or some such thing. The immunity clause really baffles me because it leaves victims no legal recourse if a justice agency refuses to comply with the law.

**Rights without recourse is rhetoric!**

*Respectfully,*

*Karen L. Johnston*