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HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: April 16, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/29/97

The JUDICIARY Committee considered:

SB 63

SENATE BILL NO. 63

DEADLY WEAPON OFFENSES BY JUVENILES

"An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults for certain violations of laws by minors who use deadly weapons to commit offenses that are crimes against a person, and relating to the sealing of the records of those minors."

recommends it be replaced with the following committee substitute _____ 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)

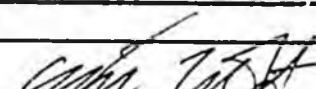
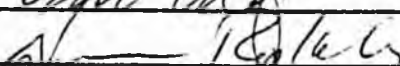
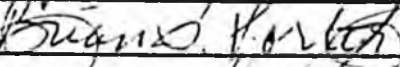
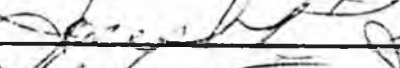
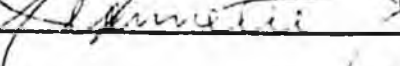
fiscal note(s) _____

fiscal note(s) S. FIN./CORRECTIONS,

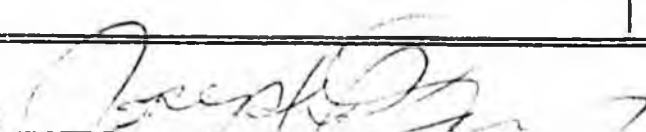
COURTS & PUB. DEF. (ADMIN)

zero fiscal note(s) _____

zero fiscal note(s) PUB. SAFETY (TROOPERS)

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	CROFT			<input checked="" type="checkbox"/>	
	RUBEKBERG	<input checked="" type="checkbox"/>			
	PORTER	<input checked="" type="checkbox"/>			
	GREEN	<input checked="" type="checkbox"/>			
	JAMES	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE _____



FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act providing for automatic waiver of juvenile BRU: All
jurisdiction and prosecution of minors as adults for certain violations.." Component: All
 Sponsor: Senator Donley
 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	311.0	618.4	925.8	1,931.0	1,931.0	1,931.0
TOTAL OPERATING	311.0	618.4	925.8	1,931.0	1,931.0	1,931.0

CAPITAL EXPENDITURES		1,350.0	7,650.0			
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	311.0	1,968.4	8,575.8	1,931.0	1,931.0	1,931.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	311.0	1,968.4	8,575.8	1,931.0	1,931.0	1,931.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME				25	25	25
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see attached explanation.

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: 4/28/97
 Date: 4/28/97

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Assumptions

1. According to DFYS the number of juveniles who would be automatically waived under the proposed change to AS47.12.030(a) is approximately eight per year. These juveniles would be convicted of felonies which would average a sentence of three years.
2. Each felony case will require a pre-sentence investigation (PSI) report for the court. Preparing a PSI report for class A felonies costs approximately \$630 each. Each class B felony PSI report costs approximately \$455.
3. The statewide average daily cost of incarceration is \$105.27. It is assumed that those convicted of AS 47.12.030(a) offenses will require incarceration in state correctional facilities, as opposed to lower-cost community residential centers.
4. The correctional system cannot safely or legally absorb additional prisoners without additional beds being added. The system has operated over emergency capacity for several years. In addition to posing safety hazards, operating over emergency capacity has resulted in contempt of court fines which will total approximately \$2.4 million by the end of FY97. Without constructing new beds, the addition of violent juvenile offenders serving lengthy sentences in the adult system will worsen crisis levels of overcrowding, increasing the risks of harm to staff, prisoners, and the public.
5. The average cost of construction for a correctional bed is approximately \$100,000. A maximum security bed costs approximately \$160,000. The cost used in these calculations should be considered very conservative, given the nature of offenses for automatically waived juveniles. The department has projected that expansion of an existing facility by 64 beds would address the projected number of inmates in Senate Bi' 63, as well as the current juvenile population already in state correctional facilities.
6. These cost estimates are not adjusted for inflation, nor do they reflect the significant upward trend in rates of violent juvenile crime. It is hoped that any deterrent effect achieved by this measure will offset those factors. If deterrence does not sufficiently offset the escalating juvenile crime rate, the operating and capital expenses will be higher.
7. The department (when possible) houses waived juveniles in single cells, at least during the initial months of incarceration, to determine their level of vulnerability to adult predators in the prison population. It is generally assumed that juvenile inmates require closer security than the average adult. The department does try to place juveniles with other juveniles when possible. However, this is more difficult to do in smaller facilities.

Operating Expenses

FY98: 8 class B felony offenses X \$455 per PSI report= \$3.6
 8 inmates X 365 days X \$105.27 per day = \$307.4
 TOTAL = \$311

YEAR	OLD+ NEW	TOTAL	COST PER DAY	DAYS	INCARC COST PER YEAR	PSI COSTS	TOTAL
FY98	8	8	\$105.25	365	\$307.4	\$3.6	\$311
FY99	8 + 8	16	\$105.25	365	\$614.8	\$3.6	\$618.4
FY00	16 + 8	24*	\$105.25	365	\$922.2	\$3.6	\$925.8

*Beginning in FY01 the first offenders (8) under proposed AS 47.12.030(a) would be released. This results in a no net gain from this point forward since eight would enter the system and eight would be released.

Capital Expenses

64 bed expansion = \$9,000.0

Operating expenses for the expanded facility = \$1,931.0

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BII No. 5
Bill Version: SB 63
(S) Publish Date: 4-10-97

Revision Date: 4/10/97
Title: "An Act providing for automatic waiver of juvenile jurisdiction & prosecution of minors as adults for certain violations.."
Sponsor: Sen. Donley
Requestor: Senate Finance Committee

Dept. Affected Corrections
BRU: All
Components: All
Serial # 694

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY2000	FY2001	FY2002	FY2003
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	***	***	***	***	***	***

POSITIONS:

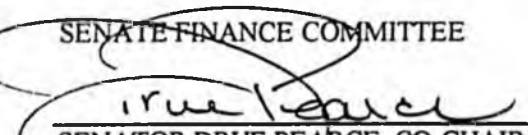
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)


see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

Date: 4/10/97


SENATOR DRUE PEARCE, CO-CHAIR

Phone: 465-4993


SENATOR BERT SHARP, CO-CHAIR

Phone: 465-3004

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: 4/10/97
 Title: "An Act providing for automatic waiver of juvenile jurisdiction & presecution of minors as adults for certain violations.."
 Sponsor: Sen. Donley
 Requestor: Senate Finance Committee

Dept. Affected Corrections
 BRU: All

Components: All
 Serial # 694

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY2000	FY2001	FY2002	FY2003
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	***	***	***	***	***	***

POSITIONS :

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

Date: 4/10/97


SENATOR DRUE PEARCE, CO-CHAIR

Phone: 465-4993


SENATOR BERT SHARP, CO-CHAIR

Phone: 465-3004

Senate Bill 63
Senate Finance Committee
Fiscal Note Analysis

The accompanying Department of Corrections fiscal note based its fiscal impact on the assumption that approximately eight juveniles a year would be waived to adult court, convicted of felonies and serve prison time under Senate Bill 63. Since Senate Bill 63 has no mandatory sentencing provisions the Department of Corrections assumptions are not justified.

Additionally, the Department of Health and Social Services did not provide an offsetting fiscal impact of those juveniles which would not be entering their juvenile system.

The Department of Corrections contention that an expansion of an existing correctional facility, costing \$9,000,000, would be needed is actually based on the additional 180 juvenile increase resulting from the current mandatory waiver law and not the projected increase from Senate Bill 63.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
Bill Verson: SB 63
(S) Publish Date: 3-27-97

Revision Date: _____
Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults..."
Sponsor: Senator Donley
Requestor: (S) 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 expands the number of crimes for which a minor will automatically be treated as an adult to include any crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and was previously adjudicated or convicted of a felony offense against a person that involved the use of a deadly weapon. This is a large category of cases, ranging down to class C felonies. In juvenile court less focus is placed on trial and more energy is expended to find the appropriate treatment. As felonies in adult court, this bill will cause an increase in the numbers of cases to go to trial with attendant expenditures. Without accurate predictions as to the numbers of cases, the increase is difficult to quantify.

Prepared by: Barbara K. Brink, Director Phone: (907) 264-4414
Division: Public Defender Agency Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration Date: 3/21/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: _____
 Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults..."
 Sponsor: Senator Donlev
 Requestor: (S) 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 expands the number of crimes for which a minor will automatically be treated as an adult to include any crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and was previously adjudicated or convicted of a felony offense against a person that involved the use of a deadly weapon. This is a large category of cases, ranging down to class C felonies. In juvenile court less focus is placed on trial and more energy is expended to find the appropriate treatment. As felonies in adult court, this bill will cause an increase in the numbers of cases to go to trial with attendant expenditures. Without accurate predictions as to the numbers of cases, the increase is difficult to quantify.

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

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Alison M. Elgee
 Date: 3/21/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: No. 2
 Bill Verson: SB 63
 (S) Publish Date: 3-27-97
 Dept. Affected: Public Safety
 BRU: Alaska State Troopers
 Component: Detachments
 COMPONENT SERIAL NO. 0799

Revision Date: _____
 Title: Minor felons using guns treated as adults.
 Sponsor: Sen. Donley
 Requestor: S. Judiciary

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

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have any significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 03/21/97
 Approved by Commissioner: Ronald L. Otte Date: 3/21/97
 Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 63

Revision Date: _____ Dept. Affected: Public Safety
 Title: Minor felons using guns treated as adults. BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Sen. Donley
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

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						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have any significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 03/21/97
 Approved by Commissioner: Ronald L. Otte Date: 3/21/97
 Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB63

Revision Date: _____
Title: Automatic Waiver of Juveniles
Sponsor: Donley
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
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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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

3/25/97 Prepared by: L. Diane Worley, Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 03/24/97
Date: 3/25/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 63

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 Title: "An Act providing for automatic waiver of juvenile BRU: All
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 Sponsor: Senator Donley
 Requester: Senate 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						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

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Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME				25	25	25
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see attached explanation.

Prepared by: Bruce Richards
 Division: Commissioner's Office *Margaret M. Pugh*
 Approved by Commissioner: Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-3307
 Date: 3/24/97
 Date: 3/24/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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Assumptions

1. According to DFYS the number of juveniles who would be automatically waived under the proposed change to AS47.12.030(a) is approximately eight per year. These juveniles would be convicted of felonies which would average a sentence of three years.
2. Each felony case will require a pre-sentence investigation (PSI) report for the court. Preparing a PSI report for class A felonies costs approximately \$630 each. Each class B felony PSI report costs approximately \$455.
3. The statewide average daily cost of incarceration is \$105.27. It is assumed that those convicted of AS 47.12.030(a) offenses will require incarceration in state correctional facilities, as opposed to lower-cost community residential centers.
4. The correctional system cannot safely or legally absorb additional prisoners without additional beds being added. The system has operated over emergency capacity for several years. In addition to posing safety hazards, operating over emergency capacity has resulted in contempt of court fines which will total approximately \$2.4 million by the end of FY97. Without constructing new beds, the addition of violent juvenile offenders serving lengthy sentences in the adult system will worsen crisis levels of overcrowding, increasing the risks of harm to staff, prisoners, and the public.
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6. These cost estimates are not adjusted for inflation, nor do they reflect the significant upward trend in rates of violent juvenile crime. It is hoped that any deterrent effect achieved by this measure will offset those factors. If deterrence does not sufficiently offset the escalating juvenile crime rate, the operating and capital expenses will be higher.
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FY99	8 + 8	16	\$105.25	365	\$614.8	\$3.6	\$618.4
FY00	16 + 8	24*	\$105.25	365	\$922.2	\$3.6	\$925.8

*Beginning in FY01 the first offenders (8) under proposed AS 47.12.030(a) would be released. This results in a no net gain from this point forward since eight would enter the system and eight would be released.

Capital Expenses

64 bed expansion = \$9,000.0

Operating expenses for the expanded facility = \$1,931.0

FISCAL NOTE

No. 3

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: SB 63

(S) Publish Date: 4-1-97

Revision Date:
Title: Juvenile Waiver/Deadly Weapons

Dept. Affected: Alaska Court System
BRU: Trial Courts

Sponsor: Sen. Donley
Requestor: Senate Judiciary

Component:
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	2.2	2.2	2.2	2.2	2.2	2.2
TRAVEL						
CONTRACTUAL	3.3	3.3	3.3	3.3	3.3	3.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.5	5.5	5.5	5.5	5.5	5.5

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

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

Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.5	5.5	5.5	5.5	5.5	5.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	5.5	5.5	5.5	5.5	5.5	5.5

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel - Drug Waivers
Agency: Alaska Court System

Phone: 264-8228
Date: 03/26/97

Approved by: Stephanie J. Cole, Acting Administrative Director
Agency: Alaska Court System

Date: 03/26/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Juvenile Waiver/Deadly Weapons BRU: Trial Courts
 Component: _____
 Sponsor: Sen. Donley
 Requestor: Senate 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	2.2	2.2	2.2	2.2	2.2	2.2
TRAVEL						
CONTRACTUAL	3.3	3.3	3.3	3.3	3.3	3.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.5	5.5	5.5	5.5	5.5	5.5

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

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

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1009 GF Match						
1004 GF	5.5	5.5	5.5	5.5	5.5	5.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	5.5	5.5	5.5	5.5	5.5	5.5

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel - Doug Wooliver Phone: 264-8228
 Agency: Alaska Court System Date: 03/26/97
 Approved by: Stephanie J. Cole, Acting Administrative Director Date: 03/26/97
 Agency: Alaska Court System

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

ALASKA COURT SYSTEM
FISCAL ANALYSIS
SB 63

SB 63 provides for the automatic waiver into adult court of certain minors who are at least 16 years of age. A minor will be waived if charged with a crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and the minor has either been previously adjudicated a minor or convicted as an adult for a similar crime.

According to the Division of Family and Youth Services, had this law been in place for fiscal year 1996, it would have resulted in 8 cases being waived into adult court. This note is based on that figure and assumes that 2 of those cases would have resulted in felony jury trials; a 25% trial rate is low for juvenile waiver cases. Based on the typical length of trial for other juvenile waiver cases, it is assumed that the average trial will last 5 days with an additional 2 days for motions, hearings, and other judicial work.

The note is offset by the amount of judicial time that would have been spent on the waived cases in juvenile court.

Not reflected in this note is the anticipated increase in juvenile court workload that may result from this bill. Although minors in juvenile court have the same right to a jury trial as adults, very few trials actually occur because the consequences of being adjudicated a delinquent are not as severe as a criminal conviction. However, the consequences of being adjudicated a delinquent in a case covered under this bill will be perceived as more severe since it means a subsequent offense will lead directly to adult court. Because of this, it is expected that juveniles will be more aggressively defending their first offenses and more willing to go to trial. This increase in workload for the juvenile court has not been included in this note due to the difficulty in assessing the extent of its impact. However, if the impact is significant the court may return to the legislature seeking additional funds.

Alaska Court SystemFiscal AnalysisSB 63Personal Services

	<u>Total</u>
Additional Pro tem Superior Court judge funding	\$4,578
Overtime for clerical staff in Clerk's Office	<u>1,250</u>
Subtotal Personal Services	5,828
Offset for loss of work for juvenile court, Standing Master, Range 24A, 1/2 month	<u>(3,592)</u>
Total Personal Services	2,236

Contractual

Jury fees - 2 additional 5-day trials with 13 jurors at \$25 a day for each juror	<u>3,250</u>
Total estimated costs	<u><u>\$5,486</u></u>



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT - SB63

Treating juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults

Senate Bill 63 would create a strong deterrent to the repeated use of deadly weapons by juveniles. Senate Bill 63 would treat minors age 16 and older, who for the second time use a deadly weapon to commit a violent crime, as adults.

Senate Bill 63 is modeled after the 19th Alaska Legislature's Senate Bill 26. SB26 passed the Senate 18 to 1 in 1996 but died in the House Finance Committee in the closing days of the session.

SB63 would prosecute minors as adults who:

1. use a deadly weapon to commit a crime against a person punishable as a felony,
2. are 16 or older, and
3. were previously adjudicated delinquent or convicted as an adult of using a deadly weapon to commit a crime against a person punishable as a felony.

Deadly weapons are defined by AS 11.81.900 as:

" 'deadly weapon' means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive."

SB63 does not require any additional mandatory sentence or any specified punishment. Minors who are convicted of adult crimes, if incarcerated, are required by law to be segregated from adult prison populations as defined by AS 47.12.240.

The Department of Health & Social Services estimates that approximately 6 juveniles in FY'95 would have meet the criteria in SB63. These few violent juveniles represent a extraordinary danger to the public and should be dealt with as adults.

The Anchorage Police Department compiled 1995 data which revealed a 200% increase in arrests of juveniles for violent crimes between 1990 and 1994. That same period showed a much less increase of 40% in juvenile arrests for property crimes. Alaska lawmakers can help curb this unprecedented increase in juvenile violent crime in Alaska by passing SB63.

If you have further questions, please contact myself or Chris Hieb of my staff at 465-3892.

DD/dh

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SECTIONAL ANALYSIS
SENATE BILL 63
2/11/97

SB 63 automatically waives juvenile jurisdiction requires prosecution of minors as adults for certain felonies using deadly weapons.

Section 1 adds an automatic waiver of juvenile jurisdiction for those minors at least 16 years old who for the second time commit a violent crime involving a deadly weapon, and cites a definition of 'deadly weapon' in AS 11.81.900.

Section 2 defines the Acts applicability to first and second offenses committed.

DD/clh

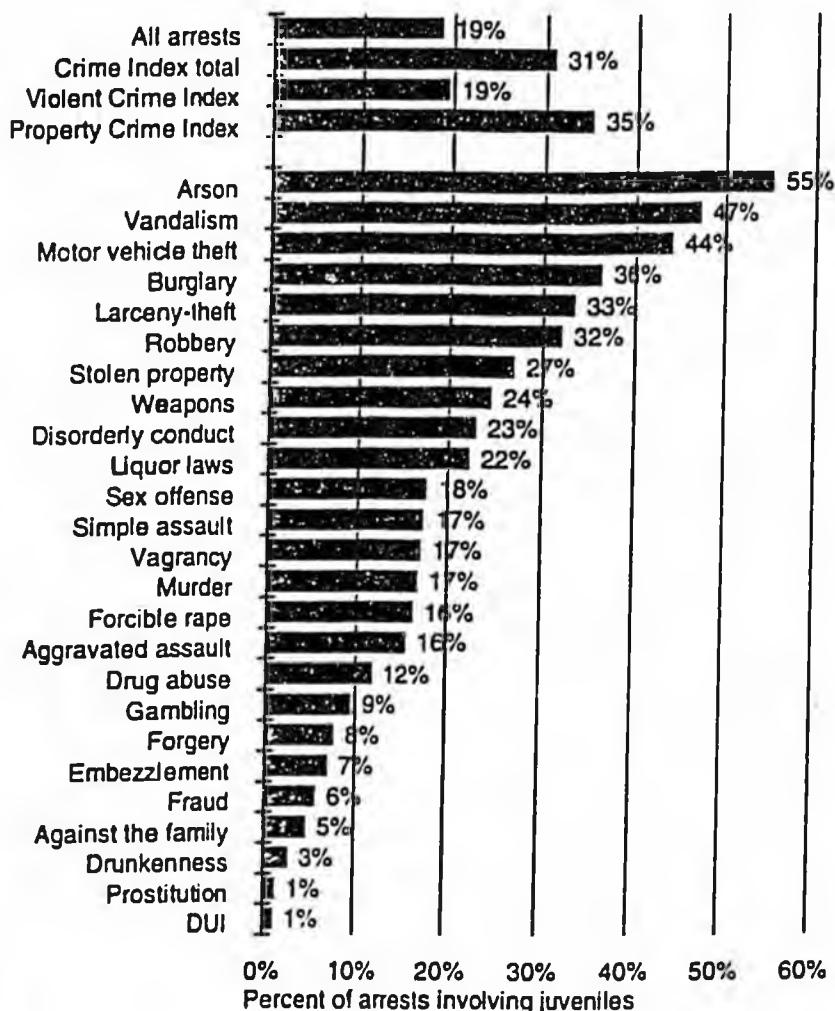
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MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

Produced in House

In 1994 juveniles accounted for 19% of all violent crime arrests and 14% of all violent crimes cleared by law enforcement

Juveniles accounted for a much larger proportion of property crime arrests than violent crime or drug arrests in 1994



- Nearly one-third of all persons arrested in 1994 for robbery were below age 18, well above the juvenile proportion of arrests for murder (17%), aggravated assault (16%), and forcible rape (16%).
- Juveniles were involved in 1% of all arrests for driving under the influence and prostitution, but more than 40% of all arrests for arson, vandalism, and motor vehicle theft.

Note: Running away and curfew violations are not presented in this figure because, by definition, only juveniles can be arrested for these offenses.

Data source: FBI. (1995). *Crime in the United States 1994*.

How much of the crime problem is caused by juveniles?

Arrest proportions accurately characterize the ages of individuals entering the justice system. The fact that juveniles were 17% of all persons arrested for murder in 1994 implies that 17% of all persons entering the justice system on a murder charge were juveniles, not that the juveniles committed 17% of all murders.

Because juveniles are more likely than adults to commit crime in groups, arrest percentages are likely to exaggerate the juvenile contribution to the crime problem. The FBI clearance data provide a better assessment of the juvenile contribution to crime.

Juveniles were responsible for 14% of all violent crimes cleared in 1994 and 25% of all property crimes cleared

The juvenile contribution to the crime problem in the U.S. in 1994 varied considerably with the nature of the offense. Based on 1994 clearance data, juveniles were responsible for:

- 10% of murders.
- 13% of aggravated assaults.
- 14% of forcible rapes.
- 20% of robberies.
- 21% of burglaries.
- 25% of larceny-thefts.
- 25% of motor vehicle thefts.
- 48% of arsons.

Crimes with greater discrepancies between the arrest and clearance proportions may be those in which group behavior is more common. For example, while the discrepancy is small for forcible rape, it is relatively large for motor vehicle theft, burglary, murder, and robbery.

All States allow juveniles to be tried as adults in criminal court under certain circumstances

There is more than one path to criminal court

A juvenile's delinquency case can be transferred to criminal court for trial as an adult in one of three ways:

- Judicial waiver.
- Prosecutorial discretion.
- Statutory exclusion.

In a given State, one, two, or all three transfer mechanisms may be in place.

Transfers to criminal court have been allowed in some States for more than 70 years

Some States have permitted juvenile offenders to be transferred to criminal court since before the 1920's — Arkansas, California, Colorado, Florida, Georgia, Kentucky, North Carolina, Ohio, Oregon, and Tennessee. Other States have permitted transfers since at least the 1940's — Delaware, Indiana, Maryland, Michigan, Nevada, New Hampshire, New

Mexico, Rhode Island, South Carolina, and Utah.

Traditionally, the decision to transfer a youth to criminal court was made by a juvenile court judge and was based upon the individual circumstances in each case. Beginning in the 1970's and continuing through the 1990's, however, State legislatures increasingly moved young offenders into criminal court based on age and offense seriousness without the case-specific assessment offered by the juvenile court process. In half the States, laws have been enacted that exclude some offenses from juvenile court and a number of States have also expanded the range of excluded offenses. One-quarter of the States have given prosecutors the discretion to charge certain offenses either in juvenile or criminal court.

Judicial waiver is the most common transfer provision

In all States except Nebraska and New York, juvenile court judges may waive jurisdiction over a case and transfer it to criminal court. Such action is usually in response to a request by the prosecutor; however, in several States, juveniles or their parents may request judicial waiver. In most States, statutes limit waiver by age and offense.

Statutes establish waiver criteria other than age and offense

Most State statutes also limit judicial waiver to juveniles who are "no longer amenable to treatment." The specific factors that determine lack of amenability vary, but typically include the juvenile's offense history and previous dispositional outcomes. Many statutes instruct juvenile courts to consider the availability of dispositional alternatives for treating the juvenile and the time available for sanctions, as well as public safety and the best interests of the child when making waiver decisions. The waiver process must adhere to certain constitutional principles of fairness (see Supreme Court decisions earlier in this chapter).

Criminal courts often may return transferred cases to juvenile court or order juvenile sanctions

Several States have provisions for transferring "excluded" or "direct filed" cases from criminal court to juvenile court under certain circumstances. This procedure is sometimes referred to as "reverse" waiver or transfer. In many States juveniles tried as adults in criminal court may receive dispositions involving either criminal or juvenile court sanctions.

Many States have a combination of transfer provisions



Note: Analysis conducted 10/94; some provisions effective 1/1/95.

CITY & BOROUGH OF JUNEAU

POLICE DEPARTMENT

210 ADMIRAL WAY • JUNEAU, ALASKA 99801

RICHARD W. GUMMOW
CHIEF OF POLICE

Alaska's Capital City

BUSINESS (907) 586-2780
FAX (907) 463-4808

February 3, 1997

Senator Dave Donley
State Capitol
Juneau, Alaska 99801

Dear Senator Donley:

I have reviewed SB 63 and concur with it's scope and content. Please accept this correspondence as my endorsement of SB 63.

It is important to provide the youth of this state with clear and significant consequences concerning the use of a deadly weapon. We are all aware of the increase in youth violence that has surfaced in our nation within the past few years. Hopefully this bill will pass and provide a deterrent for the young people of Alaska.

I appreciate having the opportunity to voice my feelings in this matter. If I can be of any additional assistance, please don't hesitate to contact me.

Sincerely,



C.W. Worth
Police Officer

CW/jn

ALASKA STATE FIREFIGHTERS ASSOCIATION



January 31, 1997

Senator Dave Donley
Alaska State Legislature
SB63 Sponsor

Dear Senator Donley,

I have reviewed Senate Bill 63 and would like to thank you for your sponsorship of it.

Strengthening prosecution of repeat violent juvenile offenders will offer Alaska citizens protection that is overdue.

To protect minors under juvenile jurisdiction is one thing, but to have repeated offenses committed involving deadly weapons is quite another.

I believe, as you have stated, that passage of SB 63 would create a strong deterrent to continued misuse of deadly weapons by young criminals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Eggers', with a long horizontal flourish extending to the right.

Patrick Eggers
President,
Alaska State Firefighters Association
Box 240282
Douglas, AK 99824



**ALASKA ASSOCIATION
FIRE AND ARSON INVESTIGATORS**

AAFAI

105 S. Willow • Kenai, Alaska 99611
(907) 283-4136 • FAX (907) 283-~~287~~ 8171

January 31, 1997

Senator Dave Donley
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

SUBJECT: SUPPORT FOR SENATE BILL 63

Senator Donley,

On behalf of the Alaska Association of Fire and Arson Investigators, please accept this letter of support for Senate Bill 63 that treats juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults.

While SB63 provides an effective means to penalize offenders with multiple offenses as described in the Bill, it is hoped that the provisions for such a penalty will serve a dual purpose -- Prevention.

Respectfully Submitted,

Scott A. Walden,
Fire Marshal - City of Kenai
President - Alaska Association of Fire & Arson Investigators

STATE OF ALASKA

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3170

FAX: (907) 465-3397

RECEIVED APR 4 1997

April 1, 1997

The Honorable Robin Taylor
Chair, Senate Judiciary Committee
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Dear Senator Taylor,

This letter is in response to Senator Pearce's request during the Senate Judiciary committee hearing on March 27, 1997 for case information related to SB 63. I have identified those cases in FY 95 and 96 which would have meet the automatic waiver criteria of the bill. Bob Buttane has contacted the specific district probation offices responsible for the respective cases and I have summarized the case circumstances below. The offense referral which would have initiated an automatic waiver response under SB 63 is listed first.

Case #1

A 16 year old boy was referred to Youth Corrections on September 7, 1995 for an Assault in the Third Degree for recklessly causing injury to another student with a set of brass knuckles during an argument over stolen stereo speakers. This boy had a prior delinquency adjudication for an Assault in the Third Degree on July 25, 1994. During the 1994 incident, the boy pointed a loaded hand gun at another youth. A third youth attempted to disarm the boy and during the struggle, a single shot was fired into the air. No one was injured during the incident.

Case #2

A 17 year old boy was referred to Youth Corrections on November 20, 1995 for an Assault in the Third Degree for using the vehicle he was driving in a manner which recklessly caused fear of imminent serious physical injury to the driver of another vehicle. After further investigation by the Youth Corrections probation officer and a review from the Department of Law, the arrest charge was reduced to an Assault in the Fourth Degree and adjusted with informal action. This boy had been previously adjudicated delinquent for an Assault in the Third Degree on August 30, 1993. In the 1993 incident, the boy cut another person in the neck with a knife during a fight on a downtown street.

page 2

Case #3

A 17 year old boy was referred to Youth Corrections on October 13, 1994 for an Assault in the Third Degree. This boy had instigated a series of events where another youth attacked and seriously injured a third young person. Investigation found sufficient evidence to hold this 17 year old fully accountable for the offense, even though he was not the one who had physical contact with the victim. Youth Corrections and the Department of Law considered a discretionary waiver petition, but felt the overall case circumstances were not sufficient to support this action. The case was adjudicated as a felony assault and the boy was placed in a youth corrections institution. The boy had previously been adjudicated for an Assault in the Third Degree on February 1, 1993. In that incident, the boy stabbed another boy in the hand with a knife after the other boy decided he could be returned home from a camping trip if he sustained some type of serious injury.

Case #4

A 17 year old girl was referred to Youth Corrections on October 9, 1995 for an Assault in the Second Degree. After the girl had sex with an adult male, a dispute arose over the amount of money he was to have given to her. During the ensuing argument, the girl stabbed the man. There were numerous inconsistencies in both the girl and man's rendition of the facts. After further investigation and negotiation between the girl's attorney and Department of Law, the girl admitted to an Assault in the Fourth Degree offense as part of an agreement to be institutionalized at a youth facility. The girl had previously been adjudicated delinquent for an Assault in the Third Degree on July 21, 1992. In the 1992 incident, the girl threatened and attempted to kill her older brother with a kitchen knife during a domestic violence disturbance in the family home.

Case #5

A 17 year old boy was referred to Youth Corrections on November 28, 1994 for an Assault in the Third Degree. This boy had been arguing and fighting with a group of other young people when he produced a pistol and fired two shots into the air. The boy had previously been adjudicated delinquent on an Assault in the Third Degree charge on April 22, 1993. The 1993 incident involved a domestic violence dispute with a sibling. The boy discharged two rounds from a handgun during an argument. There were no injuries, however the boy stipulated to an institutional placement at a youth facility for the incident.

Senator Robin Taylor
April 1, 1997

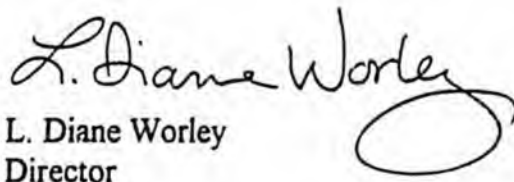
page 3

Case #6

A 17 year old boy was referred to Youth Corrections on February 8, 1995 for Assault in the Second Degree. Together with a co-defendant, this boy pulled another youth out of a vehicle and beat him in the head with a glass juice bottle because the victim had been pressuring the 17 year olds sister to engage in sexual intercourse. After review by Youth Corrections and the district attorney, the offense was reduced to Assault in the Third Degree. The boy had a prior adjudication for Assault in the Third Degree on April 20, 1993. During the 1993 incident, the boy, who was certified learning disabled by the school, became agitated in class. A teacher assistant directed him into a time out area. When the boy returned to the class room, he became agitated again and was asked to leave. As he walked out of the class room, he produced a pocket knife, opened it and waived the open blade in front of the teacher assistant's face. He inflicted no injury but did place her in fear of serious injury.

These are the total number of cases meeting the specific criteria of SB 63 during both fiscal years 1995 and 1996. I hope this provides you with the understanding of the specifics of these cases and assists you in your action regarding this bill. Please do not hesitate to contact me if you have additional questions.

Sincerely,


L. Diane Worley
Director

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
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Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 29, 1996

SUBJECT: Draft HCS CSSB 26(), relating to the automatic waiver of juvenile jurisdiction and prosecution of minors as adults for certain violations of laws by minors using firearms (Work Order No. 9-LS0252\G)

TO: Senator Dave Donley

FROM: Jack Chenoweth
Legislative Counsel



Draft HCS CSSB 26() amends existing AS 47.10.010(e) to provide for an additional circumstance covering automatic waiver of juvenile jurisdiction. That circumstance is that the minor was at least 16 years of age at the time of the offense and is being arraigned on a charge:

that is a crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon in the commission of the offense and the minor was previously adjudicated as a delinquent or convicted as an adult . . . as a result of an offense that involved use of a deadly weapon in the commission of a crime against a person . . . and the offense was punishable as a felony; . . .

AS 47.10.990 supplies a definition for "crime against a person" by making a cross-reference to the offenses listed in AS 11.41. The reference to "crime against a person that is punishable as a felony" covers these offenses in AS 11.41 punishable as felonies:

Murder in the first degree (AS 11.41.100), punishable as an unclassified felony;

Murder in the second degree (AS 11.41.110), punishable as an unclassified felony;

Manslaughter (AS 11.41.120), punishable as a class A felony;

Criminally negligent homicide (AS 11.41.130), punishable as a class C felony;

Assault in the first degree (AS 11.41.200), punishable as a class A felony;

Assault in the second degree (AS 11.41.210), punishable as a class B felony;

Assault in the third degree (AS 11.41.220), punishable as a class C felony;

Stalking in the first degree (AS 11.41.260), punishable as a class C felony;

Kidnapping (AS 11.41.300), punishable, depending on specific circumstances, as an unclassified felony or as a class A felony;

Custodial interference in the first degree (AS 11.41.320), punishable as a class C felony;

Sexual assault in the first degree (AS 11.41.410), punishable as an unclassified felony;

Sexual assault in the second degree (AS 11.41.420), punishable as a class B felony;

Sexual assault in the third degree (AS 11.41.425), punishable as a class C felony;

Sexual abuse of a minor in the first degree (AS 11.41.434), punishable as an unclassified felony;

Sexual abuse of a minor in the second degree (AS 11.41.436), punishable as a class B felony;

Sexual abuse of a minor in the third degrees (AS 11.41.438), punishable as a class C felony;

Incest (AS 11.41.450), punishable as a class C felony;

Unlawful exploitation of a minor (AS 11.41.455), punishable as a class B felony;

Robbery in the first degree (AS 11.41.500), punishable as a class A felony;

Robbery in the second degree (AS 11.41.510), punishable as a class B felony;

Extortion (AS 11.41.520), punishable as a class B felony; or

Coercion (AS 11.41.530), punishable as a class C felony.

The existing statute provides for automatic waiver of juvenile jurisdiction for the eight crimes against a person set out in the above list that are punishable as unclassified felonies and class A felonies. This draft would expand the list of offenses that are potentially subject

Senator Dave Don.

April 29, 1996

Page 3

to automatic waiver of juvenile jurisdiction to cover an additional 14 class B and class C felonies, namely:

Criminally negligent homicide (AS 11.41.130), punishable as a class C felony;

Assault in the second degree (AS 11.41.210), punishable as a class B felony;

Assault in the third degree (AS 11.41.220), punishable as a class C felony;

Stalking in the first degree (AS 11.41.260), punishable as a class C felony;

Custodial interference in the first degree (AS 11.41.320), punishable as a class C felony;

Sexual assault in the second degree (AS 11.41.420), punishable as a class B felony;

Sexual assault in the third degree (AS 11.41.425), punishable as a class C felony;

Sexual abuse of a minor in the second degree (AS 11.41.436), punishable as a class B felony;

Sexual abuse of a minor in the third degree (AS 11.41.438), punishable as a class C felony;

Incest (AS 11.41.450), punishable as a class C felony;

Unlawful exploitation of a minor (AS 11.41.455), punishable as a class B felony;

Robbery in the second degree (AS 11.41.510), punishable as a class B felony;

Extortion (AS 11.41.520), punishable as a class B felony; and

Coercion (AS 11.41.530), punishable as a class C felony.

JBC:pl:glc

96-143.plr