

**SB**

**3**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/10/97

FURTHER: REPORTED OUT OF  
3-25-97

DATE TURNED  
 IN TO OFFICE: 3-25-97

Finance Committee considered SENATE BILL NO. 3

"An Act authorizing prosecution and trial in the district court of municipal curfew violations."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous CS 533 (JUD)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

| SIGNING DO PASS           | DP | OTHER RECOMMENDATIONS | NR | DNP | AM |
|---------------------------|----|-----------------------|----|-----|----|
| <i>Stan Paul</i>          | ✓  | <i>Self (JUD)</i>     | ✓  |     |    |
| <i>Anthony</i>            | ✓  | <i>Al Adams</i>       | ✓  |     |    |
|                           |    |                       |    |     |    |
|                           |    |                       |    |     |    |
| Co-Chair: <i>Deane</i>    | ✓  | Co-Chair: _____       |    |     |    |
| Co-Chair: <i>Bob King</i> | ✓  | Co-Chair: _____       |    |     |    |

**NEW FISCAL NOTE(S):**

Department Date Zero Fiscal

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
|            |      |      |        |
|            |      |      |        |
|            |      |      |        |
|            |      |      |        |
|            |      |      |        |
|            |      |      |        |

**PREVIOUS FISCAL NOTE(S):\***

Department Date Zero Fiscal

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| 1. COURT   | 2/20 |      | 24.3   |
| 2. Admin   | 2/12 |      | ***    |
| 3. DPS     | 2/18 | 0    |        |
| 4. DHS     | 2/12 |      | ***    |
|            |      |      |        |
|            |      |      |        |

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

FISCAL NOTE

No. 4  
Bill Version: SB3  
(S) Publish Date: 2/21/97

Revision Date: 3-25-97  
Title: Prosecution in district court of municipal curfew violations.  
Sponsor: Senator Pearce  
Requestor: Senate (HESS)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Probation Services  
COMPONENT SERIAL NO. 2134  
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   | ***** | ***** | ***** | ***** | ***** | ***** |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                         |  |  |  |  |  |  |
|-------------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES ( ) |  |  |  |  |  |  |
|-------------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

|                          |     |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 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:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

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

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

DFYS is not able to accurately project the fiscal impact of this bill on the division's detention beds. Changes to the juvenile code in recent years have given districts court authority to handle an increasing number of juvenile offenses, with minor consuming and smoking being two examples. District judges and magistrates in some jurisdictions have been issuing bench warrants for failure to appear and contempt citations for failure to pay fines, resulting in juveniles being detained for smoking infractions. We have no way to anticipate what the increase would be if municipal curfew violations were added. However, serious overcrowding already exists in DFYS detention facilities, and it seems unnecessary to increase detention admissions for such minor violations when there is inadequate space to house serious offenders.

*Signature*  
3/2/97

Prepared by: L. Diane Worley, Director  
Division: Family & Youth Services  
Approved by Commissioner: en Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/10/97  
Date: 2/12/97

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# FISCAL NOTE

**STATE OF ALASKA**

**1997 LEGISLATIVE SESSION**

REPORT NO. 3-25-97

**BILL NO:**

N<sup>o</sup> 3

Bill Version: SB3

(S) Publish Date: 2/21/97

Revision Date: 02/17/97

Dept. Affected:

Public Safety

Title: Prosecute Juvenile Municipal Curfew

BRU:

Alaska State Troopers

Violations In District Court

Component:

Detachments

Sponsor: Sen. Pearce

Requestor: Senate HESS Committee

**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          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |

|                |            |            |            |            |            |            |
|----------------|------------|------------|------------|------------|------------|------------|
| <b>CAPITAL</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |
|----------------|------------|------------|------------|------------|------------|------------|

|  |     |     |     |     |     |     |
|--|-----|-----|-----|-----|-----|-----|
| CHANGE IN REVENUES ( )<br>Revenue Code | -0- | -0- | -0- | -0- | -0- | -0- |
|--|-----|-----|-----|-----|-----|-----|

**FUNDING: (Thousands of Dollars)**

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

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: 02/17/97

Approved by Commissioner: Ronald L. Otte

Date: 2/18/97

Agency: Department of Public Safety

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STATE OF ALASKA  
1997 LEGISLATIVE SESSION

FISCAL NOTE

REPORT  
3-25-97

No. 2  
Bill Version: SB 3  
(S) Publish Date: 2/21/97

Revision Date: \_\_\_\_\_  
Title: "An Act authorizing prosecution and trial in the district court of municipal curfew violations"  
Sponsor: Senator Pearce  
Requestor: (S) HES

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 changes jurisdiction for violation of a municipal curfew ordinance from juvenile court to district court where the child will be prosecuted and sentenced in the same manner as if an adult. Fiscal impact will vary depending upon what degree of crime the municipal curfew ordinance establishes and whether or not the potential punishment gives rise to the right to appointed counsel. Without accurate numbers regarding referrals to the district court, fiscal impact is impossible 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. Elger  
Date: 2/21/97

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# FISCAL NOTE

No. 1

Bill Version: SB3

(S) Publish Date: 2/21/97

## STATE OF ALASKA 1997 LEGISLATIVE SESSION

REPORT DATE  
3-25-97

Revision Date:

Title: Minor's Curfew Violation Heard in District Court

Dept. Affected: Alaska Court System

BRU: Trial Courts

Component:

Sponsor: Sen. Pearce and Donley

Requestor:

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      | 24.3  | 24.3  | 24.3  | 24.3  | 24.3  | 24.3  |
| TRAVEL                 |       |       |       |       |       |       |
| CONTRACTUAL            |       |       |       |       |       |       |
| SUPPLIES               |       |       |       |       |       |       |
| EQUIPMENT              |       |       |       |       |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS & CLAIMS        |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| TOTAL OPERATING        | 24.3  | 24.3  | 24.3  | 24.3  | 24.3  | 24.3  |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

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

### Fund Source

(Thousands of Dollars)

|                          |      |      |      |      |      |      |
|--------------------------|------|------|------|------|------|------|
| 1002 Federal Receipts    |      |      |      |      |      |      |
| 1003 GF Match            |      |      |      |      |      |      |
| 1004 GF                  | 24.3 | 24.3 | 24.3 | 24.3 | 24.3 | 24.3 |
| 1005 GF/Program Receipts |      |      |      |      |      |      |
| 1037 GF/Mental Health    |      |      |      |      |      |      |
| Other                    |      |      |      |      |      |      |
| TOTAL                    | 24.3 | 24.3 | 24.3 | 24.3 | 24.3 | 24.3 |

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

### Positions

|           |     |     |     |     |     |     |
|-----------|-----|-----|-----|-----|-----|-----|
| Full-Time |     |     |     |     |     |     |
| Part-Time | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| Temporary |     |     |     |     |     |     |

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

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 02/20/97

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 02/20/97

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**Alaska Court System**  
**Fiscal Analysis**  
**SB 3**

SB 3 amends AS 47.12.030(b) to provide that if a minor is cited for violating a municipal ordinance which mandates a curfew, the minor shall be charged, prosecuted and sentenced in district court in the same manner as an adult.

It is anticipated that most municipalities will enact curfew ordinances. As drafted, SB 3 would allow municipalities to adopt criminal ordinances for which the penalty can be jail time, mandatory community service, or loss of a valuable license. Such ordinances would require the state to provide a jury trial. In addition, SB 3 would allow municipalities to require mandatory court appearances by juveniles. All citations which are contested will come before the court system, unless the municipality decides to pay for its own municipal hearing officer.

Based upon statistics generated during the first year of Anchorage's civil curfew system, which uses a municipal hearing officer rather than the court system, this note assumes that HB 474 will generate 3000 citations per year statewide. Noncontested citations may be paid directly to the municipalities; however, defendants may contest citations or enter guilty pleas at court. Thus, many persons subject to this section will come before a district judge and/or pay citations through the court's accounting system. This note assumes that no municipality will require a mandatory court appearance (probably an incorrect assumption), and that one-third of juvenile citations will be run through the court system; this is the rate at which the courts deal with other municipal citations. It should be kept in mind that the rate at which juveniles contest citations will depend on the size of fines set by the municipalities in their ordinances. This note also assumes that no municipality will criminalize curfew violations and require six-person jury trials. This last assumption is probably optimistic, in that some municipalities will likely criminalize repeat offenses or offenses by business owners who allow minors to remain on premises after curfew, if only to impose community service on the offenders.

**Alaska Court System**

**Fiscal Analysis**

**SB 3**

**Personal Services**

**Positions**

|  | <u>Salary</u> | <u>Benefits</u> | <u>Total</u>           |
|--|---------------|-----------------|------------------------|
| Court Clerk II, range 10A, PPT, 4 months, Anchorage/statewide            | \$8,420       | \$2,169         | \$10,589               |
| Committing Magistrate, range 22B, PPT, Anchorage/statewide, 1 1/2 months | 7,266         | 1,872           | 9,138                  |
| Overtime for In-Court Clerks at range 12A for additional trials          |               |                 | <u>4,600</u>           |
| Estimated Total Cost   |               |                 | <u><u>\$24,327</u></u> |

CS SB 3 (JUD) amendment

Moved by Adams  
Per  
by Adams

SENATE FINANCE  
COMMITTEE

Amendment Number: 1  
Bill Number: CSSB 3 (JUD)  
Sponsor: Adams Date: 3-25-97  
Logged In By: P. J. Semmler

delete page 1 and 2 and replace with:

Moved by Adams  
Vote. Perce obj.  
Printed 4/2

1 "An Act relating to violations of municipal ordinances and regulations by juveniles, to civil  
2 penalties for violation of municipal ordinances by juveniles, and to the investigation and petition  
3 for adjudications of minors as delinquents."

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

5 \* Section 1. AS 29.25.070(b) is amended to read:

6 (b) The municipality or an aggrieved person may institute a civil action against a  
7 person, including a minor as provided in AS 47.12.280, who violates an ordinance. In  
8 addition to injunctive and compensatory relief, a civil penalty not to exceed \$250 [1,000]  
9 may be imposed for each violation. An action to enjoin a violation may be brought  
10 notwithstanding the availability of any other remedy. On application for injunctive relief  
11 and a finding of a violation or a threatened violation, the superior court shall grant the  
12 injunction. Each day that a violation of an ordinance continues constitutes a separate  
13 violation.

1 \* Sec. 2. AS 29.25.070 is amended by adding new subsections to read:

2 (e) The municipality shall provide written notice to the commissioner of health and  
3 social services or to the commissioner's designee of the commencement of a civil  
4 enforcement action for the violation of an ordinance under (b) of this section against a  
5 minor. Unless the commissioner and the municipality negotiate an agreement making  
6 other arrangements to satisfy the obligation imposed on the municipality by this subsection,  
7 the municipality may provide notice by mailing a copy of the citation or other document  
8 setting out the notice of the commencement of the civil enforcement action. This  
9 subsection applies to home rule and general law municipalities.

10 (f) In this section, "minor" means a person under 18 years of age.

11 \* Sec. 3. AS 47.12 is amended by adding a new section to read:

12 Sec. 47.12.280. CIVIL PENALTIES FOR VIOLATION OF MUNICIPAL  
13 ORDINANCES. (a) Except as otherwise provided in this section, the enforcement of a  
14 civil penalty under AS 29.25.070(b) against a minor for violation of a municipal ordinance  
15 shall be heard in the district court in the same manner as for similar allegations brought  
16 against an adult, except that the minor's parent, guardian, or legal custodian shall be  
17 present at all proceedings.

18 (b) Allegations against a minor for a civil penalty under a municipal ordinance may  
19 be assigned to a hearing officer for resolution, if provided for by municipal ordinance.

20 (c) An action for a civil penalty filed against a minor under this section does not  
21 give rise to the right to a trial by jury or to counsel appointed at public expense.

1 \* Sec. 4. AS 47.12.040(a) is amended to read:

2 (a) Whenever circumstances subject a minor to the jurisdiction of this chapter, the  
3 court shall

4 (1) provide, under procedures adopted by court rule, that, for a minor who  
5 is alleged to be a delinquent minor under AS 47.12.020, ~~the department or an entity~~  
6 ~~designated by the department~~ [A STATE AGENCY] shall make a preliminary inquiry  
7 to determine if any action is appropriate and may take appropriate action to adjust the  
8 matter without a court hearing; if, under this paragraph,

9 (A) ~~the department or an entity designated by the department~~  
10 [STATE AGENCY] makes a preliminary inquiry and takes appropriate action to  
11 adjust the matter without a court hearing, the minor may not be detained or taken  
12 into custody as a condition of the adjustment and, subject to AS 47.12.060, the  
13 matter shall be closed [BY THE AGENCY] if the minor successfully completes all  
14 that is required of the minor by the ~~department or the entity designated by the~~  
15 ~~department~~ [AGENCY] in the adjustment; in a municipality or municipalities in  
16 which a youth court has been established under AS 47.12.400 ~~or in an area in~~  
17 ~~which another community program or review panel has been designated by the~~  
18 ~~department~~, adjustment of the matter under this paragraph may include referral  
19 to the youth court ~~or other designated program or panel;~~

20 (B) the agency concludes that the matter may not be adjusted without  
21 a court hearing, the ~~department~~ [AGENCY] may file a petition under (2) of this

1 subsection setting out the facts; or

2 (2) appoint a competent person or agency to make a preliminary inquiry  
3 and report for the information of the court to determine whether the interests of the public  
4 or of the minor require that further action be taken; if, under this paragraph, the court  
5 appoints a person or ~~an~~ agency to make a preliminary inquiry and to report to it, then  
6 upon the receipt of the report, the court may informally adjust the matter without a  
7 hearing, or it may authorize the ~~department~~ [PERSON HAVING KNOWLEDGE OF  
8 THE FACTS OF THE CASE] to file with the court a petition setting out the facts; if the  
9 court informally adjusts the matter, the minor may not be detained or taken into the  
10 custody of the court as a condition of the adjustment, and the matter shall be closed by the  
11 court upon adjustment.

12 \* Sec. ~~4~~<sup>5</sup> AS 47.12.060 is amended to read:

13 (a) The provisions of this section apply to a minor who is alleged to be a  
14 delinquent minor under AS 47.12.020 and for whom ~~the department or an entity~~  
15 ~~designated by the department~~ [AN AGENCY] has, under applicable court rule, made  
16 a preliminary inquiry before taking appropriate action as authorized by AS 47.12.040(a).  
17 Following the preliminary inquiry, unless ~~the department or an entity designated by the~~  
18 ~~department~~ [AN AGENCY] determines that the matter should be dismissed, the  
19 ~~department or the entity designated by the department~~ [AGENCY] may take informal  
20 action to adjust the matter.

21 (b) When the ~~department or the entity designated by the department~~

1 [AGENCY] decides that an informal adjustment of a matter should be made, that informal  
2 adjustment may not be made without the agreement or consent of the minor and the  
3 minor's parents or guardians to the terms and conditions of the adjustment. An informal  
4 action to adjust a matter is not successfully completed unless, among other factors that the  
5 department or the entity designated by the department [AGENCY] considers, as to the  
6 victim of the act of the minor that is the basis of the delinquency allegation, the minor pays  
7 restitution in the amount set by the department or the entity designated by the  
8 department [AGENCY] or agrees as a term or condition set by the department or the  
9 entity designated by the department [AGENCY] to pay the restitution.