

**SB**

**282**

# FISCAL NOTE

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. SB 282** | \_\_\_\_\_

|   |  |
|---|--|
| Revision Date (Note if correction) _____            | Dept. Affected <u>Law</u>                  |
| Title <u>An Act relating to child endangerment.</u> | BRU <u>Criminal Division</u>               |
| Sponsor <u>Senator Torgerson</u>                    | Component <u>1st-4th Jud District/OSPA</u> |
| Requester <u>Senate HESS Committee</u>              | <u>#2198/99/</u>                           |
|   | Component Serial No. <u>2261/79/01/03</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> | ***** | ***** | ***** | ***** | ***** | ***** |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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)

SB 282 creates a class C felony for conduct that is either a class A misdemeanor (Reckless Endangerment under AS 11.41.250) or is not a crime under current law. It covers a wide range of parental behavior, including disciplinary conduct by a parent. It would also probably result in cases being referred to state prosecutors from DFYS investigators in child-in-need-of-aid (CINA) cases. For these reasons, it may have significant impact on the Criminal Division. These potential costs are speculative, and the department cannot estimate a specific fiscal impact without experience with the proposed law. However, if significant numbers of such cases are referred for prosecution, it could have a fiscal impact on the department and we would seek to reassess our budget position at that time.

Prepared by Joan M. Kasson *Joan M. Kasson*  
 Division Attorney General's Office  
 Approved by Commissioner Bruce M. Botelho, Attorney General  
 Agency Department of Law

Phone 465-5370  
 Date 3/17/98  
 Date 3/17/98

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**SENATE COMMITTEE REFERRAL**  
**First Committee of Referral**

DATE: 2/6/98

FURTHER: Judiciary

Date of 5-Day Notice: 3/13/98  
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/20/98

Health, Education and Social Services Committee considered

SENATE BILL NO. 282

"An Act relating to child endangerment."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical title

new: SCR# \_\_\_\_\_

| SIGNING DO PASS           | DP | OTHER RECOMMENDATIONS | NR                                  | DNP | AM                                  |
|---------------------------|----|-----------------------|-------------------------------------|-----|-------------------------------------|
| <i>[Signature]</i>        |    | <i>Linda Price</i>    |                                     |     | <input checked="" type="checkbox"/> |
|                           |    | <i>[Signature]</i>    | <input checked="" type="checkbox"/> |     |                                     |
|                           |    |                       |                                     |     |                                     |
|                           |    |                       |                                     |     |                                     |
|                           |    |                       |                                     |     |                                     |
| CHAIR: <i>[Signature]</i> |    | CHAIR:                |                                     |     |                                     |

**NEW FISCAL NOTE(S):**

| Department | Date    | Zero | Fiscal        |
|------------|---------|------|---------------|
| Law        | 3/17/98 |      | Indeterminate |
| Admin      | 3/19/98 |      | Indeterminate |
|            |         |      |               |
|            |         |      |               |
|            |         |      |               |

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

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

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# Alaska State Legislature

## Committee Membership

Senate Finance  
Senate Resources  
Senate Rules  
Legislative Budget & Audit



*Senator John Torgerson*

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## SB 282 - Relating to Child Endangerment Sponsor Statement

This bill provides tools for protection of Alaska's children. The first tool is to change the word "intentionally" to the word "knowingly"; for purposes of legal clarification.

The current language requires a higher standard for prosecution for child endangerment. Convictions have been successfully evaded in cases where a child is endangered because of the term "intentionally". The argument has been that they were not intent upon harm to the child when they placed them in such circumstances.

The term "knowingly" reduces the legal standard to an act where the parent knowingly placed a child in a situation where harm could result. The parent becomes responsible for their actions.

The second tool is the new language regarding conduct which creates a substantial risk of physical injury. This language is intended to apply to those situations where a parent engages in conduct, such as alcohol consumption or drug use, that subsequently endangers the child.

SS SB 282 S(HES) 3/17/98

*Representing the Kenai Peninsula*