

**SB**

**3**

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 1/13/97

FURTHER: Judiciary

Date of 5-Day Notice: 2/13/97  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 2/21/97

Health, Education and Social Services 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 \_\_\_\_\_ (\_\_\_\_\_)
- 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>[Signature]</i>			✓
		<i>[Signature]</i>	X		
		<i>[Signature]</i>	✓		
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
Alaska Court System	2/20/97		✓
Admin - Public Defender	2/13/97	in det.	
Public Safety	2/18/97	✓	
Health + Social Services	2/12/97	in det.	

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

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# Alaska State Legislature

*During Interim:*

716 West 4th Avenue, Suite 510  
Anchorage, Alaska 99501-2133  
(907) 258-8185  
Fax (907) 258-0226

*During Session:*

State Capitol  
Juneau, AK 99801-1182  
(907) 465-4993  
Fax (907) 465-3872

## **Senator Drue Pearce** District F

### **SPONSOR STATEMENT FOR SB 3**

---

Currently, juvenile offenses other than traffic, tobacco, fish and game, parks and recreational facilities, or alcohol violations, are handled through municipal courts where these exist, or are not handled at all because of the Division of Family and Youth Services caseload.

SB 3 will put in place a uniform approach to handling curfew violations. It will enable those communities who so wish to put a curfew ordinance into effect, with the ability to prosecute.

SB 3 will help the City of Juneau, where plans for a youth curfew were set aside because they had no avenue to prosecute offenders. This bill will relieve municipalities from the burden of prosecution and will allow for more effective and expeditious handling of these offenses.

SB 3 will mandate that all juvenile curfew violations be handled in District Court. Alaska Delinquency Rules will not apply, and the minor accused of the offense will be charged, prosecuted, and sentenced in the district court in the same manner as an adult. When a minor is charged, prosecuted and sentenced for an offense under this subsection, the minor's parent, guardian, or legal custodian will be present at all proceedings.

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO:** 3

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>
<b>CHANGE IN REVENUES ( )</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
Revenue Code						

**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 *R. L. Otte* Date: 2/18/97  
 Agency: Department of Public Safety

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

For further distribution information call the Governor's Legislative Office

**FISCAL NOTE**

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 3

Revision Date: \_\_\_\_\_

Department Affected: Administration

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

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Senator Pearce

Requestor: (S) HES

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

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

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

Phone: (907) 264-4414

Division: Public Defender Agency

Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer

Agency: Department of Administration

*Alison H. Elger*  
Date: 2/12/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information, call the Governor's Legislative Office

Revision Date: \_\_\_\_\_  
 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						
<b>TOTAL OPERATING</b>	*****	*****	*****	*****	*****	*****

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)						
<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>

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.

Prepared by: L. Diane Worley, Director  
 Division: Family & Youth Services

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

Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Date: 2/12/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO. SB 3**

Revision Date:

Dept. Affected: Alaska Court System

Title: Minor's Curfew Violation Heard in District Court

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						
<b>TOTAL OPERATING</b>	<b>24.3</b>	<b>24.3</b>	<b>24.3</b>	<b>24.3</b>	<b>24.3</b>	<b>24.3</b>

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						
<b>TOTAL</b>	<b>24.3</b>	<b>24.3</b>	<b>24.3</b>	<b>24.3</b>	<b>24.3</b>	<b>24.3</b>

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

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

**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

SE 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>

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



January 16, 1997

RECEIVED  
JAN 24 1997

**Business Manager**

Joseph E. Young  
Anchorage

**Board of Directors**

Michael Corkill, President  
Fairbanks

Robin Lown, Vice President  
Juneau

Mike Grimes, Past President  
Anchorage

Ron Belden, Member  
Kenai  
Pres. Kenai Chapter

Leo Brandlen, Member  
Anchorage  
Pres. Anchorage Chapter

Sam Edwards, Member  
Palmer  
Pres. Mat-Su Chapter

Steve Heckman, Member  
Fairbanks  
Pres. Farthest North Chapter

Steve Kalwara, Member  
Juneau  
Pres. Capitol City Chapter

Scott Chalin, Member  
Wrangell  
Pres. Wrangell Chapter

Leroy Mestas, Member  
Ketchikan  
Pres. First City Chapter

James See, Member  
Craig  
Pres. Prince of Wales Chapter

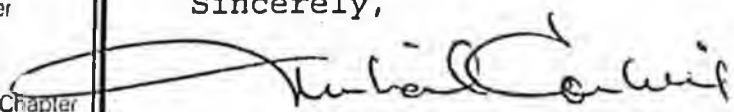
Senator Drue Pearce  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

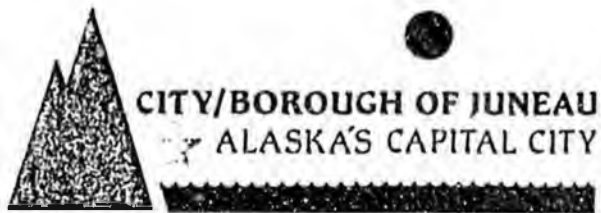
Dear Senator Pearce,

On behalf of the Alaska Peace Officers Association, I would like to thank you for introducing Senate Bill 3 relating to district court prosecutions of municipal curfew violations. At a recent meeting of the APOA State Board, we decided unanimously to support this legislation. We believe that a uniform approach in dealing with juveniles at risk in status offenses such as curfew will be a preventive aid in keeping them from becoming involved in other more risky behaviors. It will further relieve municipalities from the burden of prosecution and will hopefully bring more immediate consequences than the courts currently supply to offending juveniles.

We encourage you to call on us when there are hearings on this bill, so that we may testify about the need for this legislation. If you need assistance as you shepherd this bill through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,

  
Michael Corkill  
APOA State President



CITY/BOROUGH OF JUNEAU  
ALASKA'S CAPITAL CITY

OFFICE OF THE MAYOR

RECEIVED

JAN 30 1997

January 27, 1997

The Honorable Drue Pearce  
Senator  
Alaska State Legislature  
State Capital, Room 518  
Juneau, AK 99801-1182

RE: Senate Bill 3

  
Dear Senator Pearce:

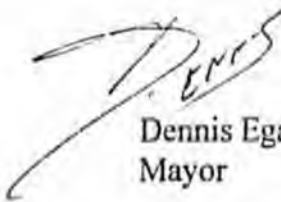
The City and Borough of Juneau Assembly considered implementing a new youth curfew ordinance last year. That proposal is very comprehensive, partly modeled after the ordinance currently in effect in Anchorage. The Juneau proposed ordinance includes monetary penalties and community work service for youth and penalties for parents of repeat offenders and businesses which permit youth to remain on the premises after the curfew hours. The ordinance also includes a broad base of exceptions, including employment, running approved errands and returning home after certain events, among others.

One of the difficulties in implementing our proposed ordinance is the limitation in AS 47.12 which generally requires that offenses committed by juveniles be treated through the juvenile justice system, which includes supervision by the Superior Court and the Division of Family and Youth Services. In Juneau's view, this system is not appropriate for curfew violations by youth. It is far more efficient and effective to treat these violations similar to traffic, parks and recreation, and fish and game violations, in the District Court in the same manner as adults.

Your Senate Bill 3 would make the changes necessary in the Juvenile Code to allow youth curfew violators to be adjudicated in the District Court. We also support community work service in addition to fines as an option available to the Court. The City and Borough of Juneau Assembly supports this important change. This will substantially reduce the costs of administration of these violations and help respond to them more rapidly.

We appreciate you introducing Senate Bill 3 and strongly support it. If there is anything that Juneau can do to help insure its passage, please contact me.

Sincerely,

  
Dennis Egan  
Mayor

3200 Hospital Drive, Room 202  
Juneau, AK 99801  
(907) 463-5845

January 22, 1997



RECEIVED  
JAN 30 1997

The Honorable Senator Drue Pearce  
Alaska State Legislature  
State Capitol (ms-3100)  
Juneau, AK 99801-1182

Dear Senator Pearce:

The Mayor's Task Force on Youth has performed a considerable amount of research on youth curfews over the last year. Curfews are typically municipal ordinances, which establish evening hours during which juveniles of certain ages are restricted from some activities. These activities generally include being on public property or in some private business establishments. The purposes of curfews include preventing crimes by or upon juveniles, supporting parental control of children's night activities and helping to assure that youth are rested and ready for the school classroom.

Violations by juveniles are usually processed through the juvenile justice system in the Superior Court and the Division of Family and Youth Services. This process is time-consuming and expensive to administer and is appropriate for those offenses in which treatment, in addition to discipline, is most effective. In the case of status offenses such as tobacco and alcohol possession and curfew violations, the juvenile justice system is too cumbersome and complex. It is more effective to handle these offenses in the District Court. Currently traffic tickets, fish and game violations, tobacco and alcohol possession and parks and recreation violations by juveniles are handled in the District Court. In order to process curfew violations in the same manner, the juvenile code must be changed.

Senate Bill 3, which you introduced, would make these changes. The Task Force supports your proposed legislation. If there are any questions, or we can provide additional information, we'd be happy to help.

Sincerely,

Ron Gleason

Co-Facilitator

Ernie Mueller

Facilitator of Curfew Subcommittee

## **Juneau puts aside curfew plans**

**JUNEAU** — City officials have set aside plans for a youth curfew, saying they would need changes in state law before the proposal could work. The Juneau Assembly's human resources committee plans to recommend that the city begin lobbying the Legislature to allow curfew violations to be handled in state district courts. The district courts now handle juvenile offenses related to alcohol, tobacco, traffic, fish and game, and parks and recreation, said city attorney John Corso. Other juvenile offenses are handled by the state division of health and youth services, which does not have the resources to process curfew cases, Corso said. If the city convinces the Legislature to allow courts to handle the cases, Juneau could have a new curfew law in place next fall, said Cathy Munoz, the human resources committee chairwoman. Meanwhile, Juneau youths are still supposed to obey an existing curfew intended to keep them off the streets at night, "but it's a weak law because we can't issue a citation," Munoz said.