

HB

252

SENATE COMMITTEE REPORT

DATE: 4/21/98

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5-5-98

Judiciary Committee considered CS FOR HOUSE BILL NO. 252(FIN)

"An Act relating to criminal records; relating to notice about and registration of sex offenders and child kidnapers; and amending Rules 11(c) and 32(c), Alaska Rules of Criminal Procedure; and providing for an effective date."

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>Mt. Miller</i>	<input checked="" type="checkbox"/>				
<i>Sean Starnell</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Adrian Taylor</i>		CHAIR:	<input checked="" type="checkbox"/>		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>PUB. SAFETY - AG DIR.</i>	<i>4-3-98</i>		<input checked="" type="checkbox"/>
<i>" " INFO SYSTEMS</i>	<i>4-3-98</i>		<input checked="" type="checkbox"/>
<i>COURTS - TRIAL CTS</i>	<i>4-3-98</i>		<input checked="" type="checkbox"/>
<i>CORRECTIONS - AEO</i>	<i>4-3-98</i>		<input checked="" type="checkbox"/>
<i>LAW, CRIM. DIV.</i>	<i>4-3-98</i>	<input checked="" type="checkbox"/>	
<i>ADMIN. PDR</i>	<i>2-18-98</i>		<input checked="" type="checkbox"/>

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

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LEGISLATIVE AFFAIRS AGENCY
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Juneau, Alaska 99801-2105

MEMORANDUM

April 1, 1998

SUBJECT: Sectional Summary of CSHB 252(FIN). (W.O.20-LS0818\C)

TO: Representative Joe Ryan
Attn: David Pree

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 creates a new crime of failure to register as a sex offender or child kidnapper in the first degree.

Section 2 makes changes to the crime of failure to register as a sex offender or child kidnapper in the second degree.

Section 3 of the bill makes a conforming change to the new minimum sentence provided in sec. 4 for persons convicted on the second degree failure to register.

Section 4 requires that persons convicted of the second degree failure to register be sentenced to a minimum term of imprisonment of 35 days.

Section 5 makes a conforming change to the addition of child kidnapping as a requirement for registration under AS 12.63.

Section 6 amends the definition of "serious offense" for purposes of criminal history records.

Section 7 specifies when a sex offender or child kidnapper has to register under AS 12.63.

Section 8 increases the amount of information sex offenders and child kidnappers must supply when registering under AS 12.63 and makes other changes related to registration.

Section 9 reduces the amount of time sex offenders and child kidnappers have before they must notify the state of a change of residence.

Representative Joe Ryan

April 1, 1998

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Section 10 requires annual or quarterly verifications of the addresses of sex offenders and child kidnappers.

Section 11 requires that registrations and verifications under AS 12.63 be sworn to by sex offenders and child kidnappers thereby subjecting them to prosecution for perjury.

Section 12 adjusts the length of time sex offenders and child kidnappers must register under AS 12.63 to meet the requirements of 42 U.S.C. 14071.

Section 13 requires DPS to notify (1) the FBI if an offender or kidnapper fails to register or cannot be found, and (2) the FBI and another state if an offender or kidnapper provides notice that they are moving to the other state. This section also requires the Alaska court system to supply a list of persons convicted of sex offenses and child kidnapping to DPS.

Section 14 provides a definition.

Section 15 adds additional crimes to the definition of sex offense.

Section 16 provides definitions.

Section 17 adds a reference to child kidnappers and specifies the information that DPS may enter and maintain in the central registry of sex offenders.

Section 18 adds a reference to child kidnappers and expands upon the information in the central registry that is available to the public.

Section 19 adds to the list of regulations that DPS must promulgate.

Section 20 provides that the identity of a person making a request for information from the registry is not a public record, requires DPS to make reasonable efforts to verify the addresses of persons registering under AS 12.63 and requires DPS to post on the Internet a list of persons who have failed to register or who cannot be located.

Section 21 requires the commissioner of corrections to complete the registration of a sex offender or child kidnapper before release of the person; adds to the information that must be obtained from the offender or kidnapper.

Section 22 adds to the duties of the commissioner of corrections vis-a-vis sex offenders and child kidnappers.

Section 23 provides definitions.

Section 24 provides notice that bill sec. 5 amends court rules.

Section 25 provides an applicability section.

Representative Joe Ryan

April 1, 1998

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Section 26 provides an effective date.

GPL:jdr

98-224.jdr

FISCAL NOTE

No: 9

Version: CSHB 252 (FIN)

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: (H) Publish Date: 4/3/98

Revision Date: 02/20/98 Dept. Affected: Public Safety
 Title: Sex Offender Registration BRU: Alaska State Troopers
 Component: AST Director's Office
 Sponsor: Rep. Ryan
 Requestor: (H) Finance COMPONENT SERIAL NO. 0508

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	14.0	9.0	9.0	9.0	9.0	9.0
TRAVEL						
CONTRACTUAL	2.5	2.5	2.5	2.5	2.5	2.5
SUPPLIES	2.3	.3	.3	2.3	.3	.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	18.8	11.8	11.8	13.8	11.8	11.8
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	18.8	11.8	11.8	13.8	11.8	11.8
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	18.8	11.8	11.8	13.8	11.8	11.8

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	2	2	2	2	2	2
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill would require quarterly verification (via postcard) of an estimated 500 sex offenders who are obligated to register for their lifetimes. The figures are based on the approximate 230 new sex offenders per year subject to registration and a 10% rate of certified letters (Section 17 of Bill) returned unsigned by the new registrants. The regulation project will be required in the first year only.

Prepared By: F/Sgt. Don Bowman Phone: 269-5084
 Division: Alaska State Troopers Date: 02/20/98
 Approved by Commissioner: Ronald L. Otte *R. L. Otte* Date: 2/23/98
 Agency: Department of Public Safety

COMMITTEE COPY

FISCAL NOTE(S)

FISCAL NOTE

No: 8

Bill Version: CSHB 252 (FIN)

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: (H) Publish Date: 4/3/98

Revision Date: 3/18/98 Dept. Affected: Public Safety
 Title: Criminal records and sex offender/child BRU: Statewide Support
kidnapper registration Component: Information Systems
 Sponsor: Rep. Ryan
 Requester: House Judiciary COMPONENT SERIAL NO. 0528

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	30.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	30.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	30.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	30.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

DPS will contract for computer programming services to modify APSIN and the sex offender registry application, including: adding fields for anticipated change of address, vehicle information, and treatment status; tolling the 15 year registration period, and tracking annual and 90-day address verification/notification. DPS estimates this work will require:

400 hours at \$75 per hour = \$30,000

DPS is applying for a federal grant to accomplish those tasks.

Prepared By: Kenneth Bischoff, Director Phone: (907) 465-4336
 Division: Administrative Services Date: _____
 Approved by Commissioner: Ronald L. Otte Date: 3/18/98
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No: 7

Version: CSHB 252 (FIN)

(H) Publish Date: 4/3/98

STATE OF ALASKA 1998 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Sex Offender Registration BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Ryan
 Requestor: _____ COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	5.8	5.8	5.8	5.8	5.8	5.8
TRAVEL						
CONTRACTUAL	6.5	6.5	6.5	6.5	6.5	6.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	12.3	12.3	12.3	12.3	12.3	12.3

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	12.3	12.3	12.3	12.3	12.3	12.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	12.3	12.3	12.3	12.3	12.3	12.3

Estimate of any current year (FY 98) cost: \$ None

Positions

Full-Time						
Part-Time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Doug Wooliver, Administrative Attorney
 Agency: Alaska Court System
 Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 264-8265
 Date: 02/23/98
 Date: 02/23/98

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Rev 1/98

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**Alaska Court System
Fiscal Analysis
CSHB 252(JUD)**

HB 252 makes several changes to the sex offender registration laws to bring them into compliance with recent changes in federal law. Additionally, it increases the penalties for failure to register as a sex offender in this state. It is this aspect of the bill that will most directly impact the court system.

Section 1 of this bill adds AS 11.56.835 to the statutes and creates the crime of "failure to register as a sex offender or child kidnapper in the first degree" (a class C felony). Section 2 amends AS 11.56.840 by redesignating the crime of "failure to register as a sex offender" as "failure to register as a sex offender or child kidnapper in the second degree" (a class A misdemeanor). Offenders who fail to register will generally be subject to a second degree offense if it is their first failure to register offense. Failure to register in the first degree will be charged against those who have previously been convicted of failure to register or if they have intentionally failed to register in order to escape detection or identification.

The Department of Law's fiscal note states that last year 127 sex offenders were prosecuted under AS 11.56.840 for failure to register as a sex offender; this note is based on that figure. This note assumes that roughly one half of that number will be felony charges brought under new section AS 11.56.835 and that 10% of those will go to trial. The felony trials are anticipated to last 3 days, including jury selection and judicial time outside the courtroom.

This note does not reflect the additional caseload that is likely to result from the increase in the number of crimes that will be subject to registration requirements. Although such an increase will impact the court system, the extent of the that impact is too speculative to estimate.

The note is offset by the amount of time and jury costs the district court would have spent on those cases that will now be heard in superior court.

Committee testimony on this bill alleges a growing frustration with the problem of sex offenders failing to register. If this frustration is widely felt, it is anticipated that the number of persons charged with failure to register will increase. This note does not reflect that increase because of the difficulty in speculating the extent of its impact. However, if the increase is significant, the court system may return to the legislature for additional funding.

Alaska Court System
Fiscal Analysis
CSHB 252 (JUD)

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Anchorage, PPT, 1 month <i>(additional judicial resources needed for increased trial rate for felonies)</i>	\$ 4,875	\$ 1,925	\$ 6,800
Offset: judicial time currently expended at district court level			<u>(1,000)</u>
Net personal services			5,800

Contractual

Jury fees for an estimated 7 superior court felony trials: 13 jurors at \$25 a day for 3 days	6,825
Offset: assuming a 2% trial rate for misdemeanors or 1 trial: 7 jurors at \$25 a day for 2 days	<u>(350)</u>
Net jury fees	<u>6,475</u>

Estimated total cost \$ 12,275

FISCAL NOTE

No: 6

Bill Version: CSHB 252 (FIN)

(H) Publish Date: 4/3/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date (Note if correction) <u>04/01/98</u>	Dept. Affected <u>Corrections</u>
Title <u>An Act relating to criminal records; relating to</u>	BRU <u>Administration and Operations</u>
<u>notice about and registration of sex offenders and child...</u>	Component <u>ALL</u>
Sponsor <u>Representative Ryan</u>	
Requester <u>(H) FIN</u>	Component Serial No. <u>#0694</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	31.6	104.3	104.3	104.3	104.3	104.3
TOTAL OPERATING	31.6	104.3	104.3	104.3	104.3	104.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	31.6	104.3	104.3	104.3	104.3	104.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	31.6	104.3	104.3	104.3	104.3	104.3

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Please see attached.

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

Phone 465-3307
 Date 4/1/98
 Date 4/1/98

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Fiscal Note/DOC

CSHB 252 (FIN)

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April 1, 1998

CS HB 252(FIN) will put in place a two tier penalty system for failure to register as a sex offender or child kidnapper. Failure to register in the first degree will result in a presumptive 2 year class C felony sentence. Failure to register in the second degree is a class A misdemeanor with a mandatory minimum sentence of 35 days in jail.

Assumptions:

Based on current data the Dept. of Corrections is assuming that 25 people will be convicted of second degree failure to register, and 2 people will be convicted of first degree failure to register.

Those convicted of failure to register in the second degree will be sentenced to a mandatory minimum sentence of 35 days in jail. The Dept. of Corrections believes those who are convicted of failure to register in the second degree are already serving the mandatory minimum sentence.

Failure to register in the first degree:

2 felons X 464 days X 100.07 per day - cost for 25 days under current law

Felonies require a pre-sentence investigation (PSI) report. The cost per PSI report is \$450

Year	Prisoners	Cost Per Day	Days	Cost Per Yr	PSI Report	Subtract Current Incarceration Costs	Total
FY 99			(half year due to effective date)			(subtract 25 days)	
Felons	2	100.07	183	36,625.6	0.9	(5,003.0)	31,623.5
FY 99 Total							\$31,623.52
FY 00							
New Felons	2	100.07	365	73,051.1	0.9	(5,003.0)	68,049.0
Residual Felons	2	100.07	181	36,225.3	0.0	0.0	36,225.3
FY 00 Total							\$104,274.34

FISCAL NOTE

Bill Version: CSHB 252 (FIN)

(H) Publish Date: 4/3/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) _____ Dept. Affected Law
 Title An Act relating to criminal records; ... to notice... BRU Criminal Division
registration of sex offenders and child kidnappers; ... Rules 11(c)... Component 1st-4th Jud Dist: OSPA
 Sponsor Representative Ryan
 Requester House Finance Committee Component Serial No 2198-99/2261/79/01/03

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 252 (JUD) increases the charge for the second offense of failure to register as a sex offender from a class A misdemeanor to a class C felony, and adds child kidnappers as individuals who must register. The bill also requires quarterly written verification of the sex offender's or child kidnapper's address and the other information required.

The department does not anticipate that there will be a large number of new felony cases for failure to register as a result of this bill. Any new cases will also be spread among the many district attorneys offices around the state, and should not create an undue burden on any particular office. We do not anticipate any fiscal impact at this time. 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 Jean M. Kasson
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 2/26/98
 Date 2/26/98

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STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date: _____
Title: " An Act relating to criminal records"
Sponsor: Representative Ryan
Requestor: (H) JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.5	36.5	36.5	36.5	36.5	36.5
TRAVEL	1.8	1.8	1.8	1.8	1.8	1.8
CONTRACTUAL	8.3	8.3	8.3	8.3	8.3	8.3
SUPPLIES	1.8	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	6.5	.2	.2	.2	.2	.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	54.9	48.6	48.6	48.6	48.6	48.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.9	48.6	48.6	48.6	48.6	48.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	54.9	48.6	48.6	48.6	48.6	48.6

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill amends sex offender registration laws in a number of ways. It changes the failure to register from a class A misdemeanor to a class C felony. It greatly adds to the offenses that give rise to the requirement to register upon conviction, including child kidnapping, promoting prostitution, and solicitation and conspiracy to commit the included offenses. It makes the registration requirements more difficult to satisfy by requiring quarterly verification, reducing the time period to comply, and requiring additional information about motor vehicles, treatment and unconditional discharge. Additionally it provides for statewide newspaper publication of the names and addresses of each person that registers. Each of these changes will greatly increase the numbers of people who fail to comply and will thereby be committing a felony offense. Fiscal impact is certain. There are currently 1573 registered offenders under the existing law. Estimates are that this is only about 50% compliance. In FY 97 the Department of Law prosecuted 127 cases as misdemeanors. Felony cases are the most time consuming and labor intensive of the agency's workload. Because many of the current cases are in Anchorage, a half time Attorney III will be added. This is a very conservative estimate.

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

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2/4/98

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