

SB

219

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

NO. _____
BILL VERSION: CS SB219(JUD)
PUBLISH DATE: _____

Revision Date: _____
Title: "An Act relating to establishing an office of
crime victims' rights; and amending Rule 16, Alaska...
Sponsor: Senator Halford
Requestor: Senate Finance

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Council & Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	429.6	429.6	429.6	429.6	429.6	429.6
TRAVEL	4.2	4.2	4.2	4.2	4.2	4.2
CONTRACTUAL	28.6	28.6	28.6	28.6	28.6	28.6
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	44.2	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	508.6	464.4	464.4	464.4	464.4	464.4

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	508.6	464.4	464.4	464.4	464.4	464.4
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	508.6	464.4	464.4	464.4	464.4	464.4

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary) CSSB 219(JUD) establishes an Office of Victims' Rights in the Legislative Branch of Government. The Victims' Advocate will be appointed for 5 years and be compensated at Range 26A. For the purposes of this fiscal note, staff for the Victims' Advocate will be 2 attorney's, 1 paralegal, and 3 clerical personnel. Office Space will be acquired and furniture and equipment will be purchased to set up the office. If the office were staffed with 1 attorney, 1 paralegal, and 1 clerical position the cost for the initial year would be \$337.7 and \$307.5 thereafter. LAA will process payroll, provide accounting and teleconference assistance and DP support at no cost to the Office of Victims' Rights.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
Division: Administrative Services Date: 2/2/98

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
Agency: Legislative Affairs Agency Date: 2/2/98

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

CONTINUATION OF FISCAL NOTE: CSSB 219(JUD)

	Monthly Salary	#	Annual Salary	Benefits	Health Insurance	Total
Victims Advo 26A	5815	1	69780	88348	5700	94048
2 Attorney's 23A	4889	2	117336	148559	11400	159959
1 Paralegal 16A	3031	1	36372	46051	5700	51751
1 Secretary 14A	2640	1	31680	40110	5700	45810
1 Secretary 12A	2324	1	27888	35309	5700	41009
1 Secretary 10A	2059	1	24708	31283	5700	36983
						429,560
						429,560

Travel

It is anticipated that the victims' advocate will make 3 trips to attend in state meetings and 1 trip to meet with victims' rights organizations in other states.

	Travel	Per Diem		
3 trips in state	1110	1629	2739	
1 trip out of st	780	680	1460	
			4199	4,199

Contractual

It is anticipated that the Office of the Victims' Rights will install phones, incur phone bills, and use postage and need maintenance on their copier machine.

Phones	3600	
Postage	3000	
Copier Maintenance	600	
Membership Dues	500	
Subscriptions	500	
Office Space 1,000 Sq. Ft.	20400	
	28600	28,600

Supplies

It is anticipated that the Office of the Victims' Rights will need office supplies.

Office Supplies	2,000	2,000
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Equipment

It is anticipated that the Office of Victims' Rights will need equipment.

7 Phones	3500	
1 Fax Machine	650	
3 Executive Desks	4500	
4 Secretarial Desks	4000	
7 Chairs	1400	
7 File Cabinets	2800	
7 Computers	14000	
3 Printers	5400	
1 Copy Machine	8000	
	44250	44,250

Grand Total **508,609**

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 219 | _____

Revision Date (Note if correction) _____ Dept. Affected Law
 Title ...establishing an office of crime victims' advocacy; BRU Criminal Division/Civil Division
amending... Rules of Criminal Procedure... Delinquency Rules... Component 1st-4th Jud Dist, OSPA
 Sponsor Senator Halford Human Services
 Requester Senate Judiciary Committee Component Serial No. 2198-01, 2203, 2208

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	*****	*****	*****	*****	*****	*****

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	*****	*****	*****	*****	*****	*****
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill establishes in the legislative branch the Office of the Victims' Advocate. The victims' advocate will advocate on behalf of crime victims in felony cases in the courts of the state and investigate complaints of crime victims in felony cases that they have been denied their rights under the constitution and laws of the state.

The potential fiscal impact from enactment of this law on the Department of Law is dependent on the philosophy and depth of involvement of the victims' advocate. At a minimum, the length^{of} time required for cases in which the victims' advocate participates will increase, simply by virtue of having an additional attorney involved. The potential that the victims' advocate will be at odds with the prosecutor over matters involving trial strategy, tactics, and plea negotiations would add additional time and expense. These costs are speculative, and the department cannot assign a cost without additional experience.

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

Phone 465-5370
 Date 1/20/98
 Date 1/20/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: SB 219

Revision Date: _____ Dept. Affected: Public Safety
 Title: Crime Victims' Rights and Advocacy Act BRU: Violent Crimes Compensation Board
of 1998 Component: _____
 Sponsor: Senator Halford
 Requestor: (S) JUD COMPONENT SERIAL NO. _____

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						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

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

No Fiscal Impact

Prepared By: Susan L. Browne, Administrator Phone: 465-5525
 Division: Violent Crimes Compensation Board Date: 1/17/98
 Approved by Commissioner: Ronald L. Otte Date: 1/21/98
 Agency: Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

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Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
Division: Administrative Services Date: 1/21/98
Approved By: Pamela A. Varni, Executive Director *Karla Schofield for:*
Agency: Legislative Affairs Agency Date: 1/21/98

CONTINUATION OF FISCAL NOTE: SB 219

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Grand Total 508,609



WASILLA POLICE DEPARTMENT

250 N. KNIK STREET
WASILLA, AK 99654-7014
(907) 373-9077
(907) 373-9051 FAX



January 21, 1998

Senator Rick Halford
State Capitol
Juneau, Alaska 99801-1182

Attn: Brett

Thank you for the opportunity to comment on SB219. I support this bill and I know from sixteen years of dealing with victims that it is long overdue.

The only suggestions I have are that your people review Section 24.65.030. In paragraph (2), please consider changing it to; "Unless the person has been engaged in an activity for the preceding five years where they have had extensive contact with victims of crime".

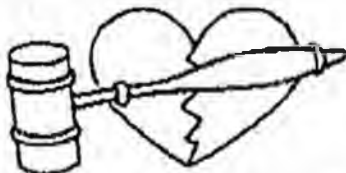
Paragraph (4); please consider striking this due to the fact that it gives preference to attorneys. I believe that retired magistrates, police administrators and other professions would be more qualified than attorneys to perform as victims advocates.

Also, there should be a qualification section mandating administrative experience since this position will direct a department.

Good luck on this bill.

Sincerely,

Charlie Fannon
Chief of Police

VICTIMS

for Justice 619 East Fifth Avenue • Anchorage, AK 99501
 (907) 278-0977 • Fax: (907) 258-0740

January 20, 1998

Senator Rick Halford
 State Capitol
 Juneau, AK 99801-1182

Dear Senator Halford:

Victims for Justice's (VFJ) lends our support of the proposed Senate Bill 219, "The Crime Victims' Rights and Advocacy Act of 1998", provided the attached provisions are given high priority.

For many years crime victim advocates have worked for expanded rights for victims. The State of Alaska provides for crime victims the right to be present and heard at all significant stages of the criminal justice process, and the right to have restitution ordered and collected by the courts. Yet, Alaska victims and their families continue to suffer twice, once at the hands of the criminal and again at the hands of our justice system. They are often treated as inconveniences, ignored throughout the trial proceedings, and if ignored during the trial, it will almost always guarantee the victim will be shut out of participating in the post sentencing processes.

Protecting the rights of crime victims will not weaken the rights of the accused, it will *restore* the *victim's* sense of safety and personal power, as well as create the possibility of financial recovery. Our *community* representatives in the justice system will make more fully informed decisions about the cases. The *offenders* may also be held more accountable by being exposed to information about the impact of the crime on the victim and ordered to pay, in a tangible sense, for the consequences of their acts.

Only when the rights of victims are given equal weight to the rights of the accused will there be guaranteed protection under the law. Restoring justice for victims must begin by our commitment to *observing* and *enforcing* the laws we have in place.

Sincerely,

Janice Lienhart
 Executive Director

Cathy Satterfield
 Administrative Director

"Victims Rights Right for America"

enclosures

Senate Bill 219
"The Crime Victims' Rights and Advocacy Act of 1998"

Sec. 2 AS 12.55.023(b) line 11

the court may limit the number of victims who may give sworn testimony or make an unsworn oral presentation during the hearing.

Victims for Justice contends the number of victims who come forward to participate in a case is solely based on their *unique* relationship to the murdered victim or to the crime. They are not there to waste the time of the court, but to *restore* part of the loss they so violently suffered at the hands of another. They attempt to restore some sense of safety and control back in their lives. The court must actively work to assure that *all* of the victims of that case, who choose to participate, are not denied their constitutional right to be heard.

Sec 24.65.020. (line 13) Appointment of the victims' advocate.

A candidate for the appointment as the victims' advocate shall be nominated by the victims' advocate selection committee compose of three members of the senate and three members of the house of representatives.

In addition to the legislative committee a small advisory group consisting of crime victims and community-based victim service organizations should participate in selecting the most qualified candidate. Significant steps must be taken to bring crime victims closer to the center of the criminal justice process.

Sec 24.65.060. (line 3) Compensation.

The victims' advocate is entitled to receive an annual salary equal to Step a, Range 26 on the salary schedule set out in AS39.27.011 for Juneau.

The position should be staffed in Anchorage where the office is more easily assessable for the vast majority of the crime victims.

Sec 24.65.080. (line 29) Office facilities and administration.

The victims' advocate shall submit a budget for each fiscal year to the Alaska Legislative Council and the council shall annually submit an estimated budget to the governor for information purposes in the preparation of the executive budget.

Funding for the office of the victim's advocate *should not* impact the continued funding of the community-based victim service organizations, such as Victims for Justice. Each private organization or government agency charged with helping crime victims has separate and important functions and those diverse and unique roles bring value to the joint effort. The collaboration of these entities will benefit the crime victim and the community as a whole.

Sec 24.65.090. (line 4) Procedure.

The victims' advocate shall, by regulations adopted under AS 44.62 (Administrative Procedure Act) establish procedures for advocacy on behalf of crime victims, receiving and processing complaints, conducting investigations, reporting findings and ensuring that confidential information obtained by the victims' advocate in the course of advocacy on behalf of a crime victims or in the course of an investigation will not be improperly disclosed.

Critical to the success of this office in its mission to advocate on behalf of crime victims is establishing well defined timelines for completing the investigations and reporting the findings. For the most part, the complaints received by this office will be initiated because of the lack of notification and participation. It is paramount this office respond promptly to the complaint, as well as keeping the crime victim fully informed throughout the process.

... the shadow of fear is fed by silence.

Sec 24.65.150 (line 10) Procedure after investigation.

The victims' advocate may request the justice agency to notify the victims' advocate, within a specified time, of any action taken on the recommendations.

The consequences for violating the crime victims constitutional rights must be of such significance as to deter further non-compliance. Non-compliance behavior should lead to progressive discipline and/or termination of the violator.



Official Business

Alaska State Legislature

Senate

**RICK
HALFORD**

State Capitol
Juneau, Alaska
99801-1182
Phone (907) 465-4958

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958

600 E. Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 376-4958

Sponsor Statement

Senate Bill 219

"The Crime Victims' Rights and Advocacy Act of 1998"

On November 8, 1994, the voters of Alaska ratified an amendment to the Constitution of the State of Alaska which provides specific rights to victims of crime. The overwhelming approval rate -- 86.6% in favor -- was clear testament of Alaskans' belief that:

"Crime victims, as defined by law, shall have the following rights as provided by law: the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal or juvenile justice process, the right to timely disposition of the case following the arrest of the accused, the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication."

— ARTICLE I, SECTION 24, ALASKA CONSTITUTION

Passage of this legislation will put in place a mechanism to guarantee the practical application of this very important Constitutional Amendment. It is time for victims to have advocacy when dealing with a judicial system so heavily weighted to the benefit of criminals, and based on a process replete with technicalities and legal jargon, rendering it virtually indecipherable to anyone other than the attorneys.

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


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

MEMORANDUM

January 15, 1998

SUBJECT: Sectional Summary of SB 219. (Work Order No. 20-LS1323/E)

TO: Senator Rick Halford
Attn: Brett Huber

FROM: Gerald P. Luckhaupt 
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 of the bill provides a short title.

Section 2 of the bill allows the victims' advocate to make a statement at a sentencing hearing on behalf of a crime victim when requested by the crime victim.

Section 3 of the bill provides that the victims' advocate is a legislative director for purposes of legislative ethics.

Section 4 of the bill amends AS 24 by creating a new chapter dealing with the Office of the Victims' Advocate which is created in the Legislative branch of Alaska state government.

The following sections are created:

- AS 24.65.010 - creates the office of victims' advocate;
- AS 24.65.020 - provides procedures for the appointment of the victims' advocate;
- AS 24.65.030 - establishes the qualifications for the victims' advocate;
- AS 24.65.040 - provides the term of office for the victims' advocate;
- AS 24.65.050 - provides for the removal of the victims' advocate;
- AS 24.65.060 - lists the salary for the victims' advocate;
- AS 24.65.070 - allows the victims' advocate to employ necessary staff and establishes their duties;
- AS 24.65.080 - provides for office space and administration of the office of victims' advocacy;
- AS 24.65.090 - requires the victims' advocate to adopt regulations establishing procedures for the office to follow when advocating on behalf of crime victims;
- AS 24.65.100 - establishes when the victims' advocate can act;
- AS 24.65.110 - sets forth the victims' advocate's duties and powers with regard to advocacy on behalf of crime victims;

AS 24.65.120 - lists when and how the victims' advocate may conduct investigations of denials of rights to crime victims;

AS 24.65.130 - provides the victims' advocate to compel by subpoena testimony and production of documents when conducting investigations;

AS 24.65.140 - requires the victims' advocate to first consult with a justice agency before issuing an opinion or recommendation critical of the agency as a result of an investigation;

AS 24.65.150 - sets forth the victims' advocate's duties upon completion of an investigation;

AS 24.65.160 - permits the victims' advocate to publish the advocate's opinions and recommendations;

AS 24.65.170 - requires the victims' advocate to publish an annual report;

AS 24.65.180 - limits the availability of judicial review to challenge the actions of the victims' advocate;

AS 24.65.190 - provides immunity to the victims' advocate;

AS 24.65.200 - provides the victims' advocate with a evidentiary privilege against being compelled to testify concerning matters coming to the attention of the advocate;

AS 24.65.210 - provides a criminal penalty for those who obstruct the duties of the victims' advocate;

AS 24.65.250 - provides definitions.

Section 5 of the bill provides that longevity pay provisions of AS 39.27.022 apply to the office of victims' advocate if the victims' advocate adopts the provisions.

Section 6 of the bill exempts the regulations adopted by the victims' advocate from gubernatorial review.

Section 7 of the bill exempts the victims' advocate from the record keeping requirements of AS 44.62.215.

Section 8 of the bill provides that sunset reviews of agencies and their programs should consider whether complaints filed with the victims' advocate have been efficiently resolved.

Section 9 of the bill provides that the victims' advocate is a state agency for purposes of the statutes addressing state publications.

Section 10 of the bill provides a notice provision concerning a court rules change necessitated by the enactment of AS 24.65.110 and 24.65.120. Court rules changes require a two-thirds vote for adoption.

Section 11 of the bill provides a notice provision concerning a court rules change necessitated by the enactment of AS 24.65.200. Court rules changes require a two-thirds vote for adoption.

January 19, 1998

TO: Senator Robin Taylor, Chairman
Senate Judiciary Committee

Members of the Senate Judiciary Committee

FROM: Karen L. Johnston
Victim of a Violent Crime
5040 E. 98th
Anchorage, AK 99516

Dear Sir,

As a victim of violent crime, I wish to respond to the creation of Senate Bill 219, "The Crime Victims' Rights and Advocacy Act of 1998". On Oct. 4, 1994 my former husband, Dr. Thomas F. Johnston, along with two University of Alaska students, were brutally murdered with a carpenter's hammer in the home we shared for 14 years in Fairbanks. Thomas was a music professor at the University, and an international expert in Eskimo and Indian music. This crime was of a senseless, demonic and random nature, adding enormously to the chaos we experienced as a family following this murder. In the next few months, our family staggered against wave upon wave of grief, loss, and lack of information which is vital to reassembling a sense of order. The Justice system which should have provided basic information and assistance, turned its attention to the defense of the criminal and his "rights". We waited in the shadow of their silence for some small ray of understanding as to why this killing happened. Our grief was an appalling wound which could only begin to heal with information, and a sense that order and justice would prevail. Our rights according to the Constitutional Amendment ratified Nov. 8, 1994 were repeatedly ignored, and often met with outright disrespect. The following are examples of our experience:

1. My sister in Fairbanks was rudely rebuffed by the DA's staff and told "you are not a victim" when the law states she had "the right to be treated with dignity, respect, and fairness during all phases of the criminal justice process".
2. Over a period of 6 months I made phone calls to the DA's office requesting information about the murder. I was consistently told we would have to wait until the case closed before any information was available to the public. We were not invited to confer with the prosecuting attorney before sentencing as stated in the new law. I eventually succeeded in obtaining this access through the help of Victims for Justice who contacted Deputy Attorney General Laurie Otto.

3. On April 13, 1995 there was a plea change. I had talked with the witness coordinator in the DA's office, but she didn't tell me it was a public event or that I could attend. My sister phoned crying late that night because she saw a news broadcast with excerpts of this hearing, and had not been notified so that she could be present. When I phoned the office, they were surprised and defensive, stating that "I should have known that it was a public event". She assumed all people know these things. She tried to lay the responsibility upon us when it was their legal obligation to explain how the system works.

4. On April 24, 1995 I sent a letter outlining my complaints to this Fairbanks office. Laurie Otto also sent a memo or phoned. I do not know what the content of their conversation was, but I received a prompt reply dated May 3, 1995. It was defensive of their policies, and included a copy of the Alaska statutes regarding victims rights and the fact that I had no legal recourse if they chose not to apply the duties of the prosecution, etc. It also contained an invitation to meet with the DA. So, after 7 months I was finally granted "access of information" and made a step toward healing which the victim of homicide so desperately needs.

It is my personal opinion that the newly drafted legislation is another step toward restoring "freedom and justice for all" including innocent victims. I like the fact that it creates a legal advocate for victims rights, and creates a "mechanism to guarantee the practical application of this very important Constitutional Amendment". I'm not sure that the word "guarantee" is accurate though because there still seems a need for clear, specific, stronger consequences when an office is in non-compliance. How can the law "guarantee" victims rights with immunity clauses present both in the Alaska Statutes as well as the new Advocacy Act: Bill 219? But in general I support it as a great step forward, and would offer a few considerations:

1. Sec.24.65.020. **Appointment of the victims' advocate.** In addition to the legislatively appointed members of the nominating committee, I think there should be present a small advisory group of victims or qualified persons from the private sector. The non-legislative community has much to offer from personal experience with this issue. The success of this proposed program is dependent upon getting the right attorney and staff who are truly committed to victims rights.
2. Sec.24.65.080. **Office facilities and administration.** The legislative budget should not take away from monies approved to fund private agencies such as Victims for Justice.

3. **Sec.24.65.090. Procedure.** It would be good to establish a time line for completion of the investigative process. Keeping victims informed regularly of progress after the complaint has been filed is of utmost importance as they work through their grief. Homicide grief is more complex and overwhelming than most grief. Communication and information help victims restore a sense of order, and provides some relief from intense rage and confusion.

4. **Sec.24.65.150, 160, 170, 180, 190. Procedure after investigation...** These sections deal with consequences for non-compliance in administering victims rights. We would like to see more specific, defined consequences such as "removal from job position" or some such thing. The immunity clause really baffles me because it leaves victims no legal recourse if a justice agency refuses to comply with the law.

Rights without recourse is rhetoric!

Respectfully,

Karen L. Johnston

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/12/98

FURTHER: Finance

Date of 5-Day Notice: 1/15/98
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 1-30-98

Judiciary Committee considered SENATE BILL NO. 219

"An Act relating to establishing an office of crime victims' advocacy; and amending Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence."

and recommends:

- be replaced with _____ CS SB 219 (Jud)
- 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
<u>Mike Miller</u>	<input checked="" type="checkbox"/>	<u>Peace</u>	<input checked="" type="checkbox"/>		
CHAIR: <u>Chris Taylor</u>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<u>LAA</u>	<u>1/21/98</u>		<u>508.6</u>
<u>DOLaw</u>	<u>1/20/98</u>		<u>***</u>
<u>DPS</u>	<u>1/21/98</u>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

NO. 1
BILL VERS SB 219
PUBLISH (S) Publish Date: 1-30-98

Revision Date: _____
Title: "An Act relating to establishing an office of crime victims' advocacy; and amending Rule 16, Alaska..."
Sponsor: Senator Halford
Requestor: Senate Judiciary

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Council & Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	429.6	429.6	429.6	429.6	429.6	429.6
TRAVEL	4.2	4.2	4.2	4.2	4.2	4.2
CONTRACTUAL	28.6	28.6	28.6	28.6	28.6	28.6
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	44.2	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	508.6	464.4	464.4	464.4	464.4	464.4

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	508.6	464.4	464.4	464.4	464.4	464.4
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	508.6	464.4	464.4	464.4	464.4	464.4

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

SB 219 establishes an Office of Crime Victims' Advocacy in the Legislative Branch of Government. The Victim's Advocate will be appointed for 5 years and be compensated a Range 26A. For the purposes of this fiscal note staff for the Victim's Advocate will be 2 attorney's, 1 paralegal, and 3 clerical personnel. Office Space will be acquired and furniture and equipment will be purchased to set up the office. If the office were staffed with 1 Attorney, 1 Paralegal, and 1 clerical position the cost for the initial year would be \$337.7 and \$307.5 thereafter. LAA will process payroll, provide accounting & teleconference assistance and DP support at no cost to the Advocate office.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
Division: Administrative Services Date: 1/21/98

Approved By: Pamela A. Varni, Executive Director *Karla Schofield for:*
Agency: Legislative Affairs Agency Date: 1/21/98

#2

CONTINUATION OF FISCAL NOTE: SB 219

	Monthly Salary	#	Annual Salary	Benefits	Health Insurance	Total	
Victims Advo 26A	5815	1	69780	88348	5700	94048	
2 Attorney's 23A	4889	2	117336	148559	11400	159959	
1 Paralegal 16A	3031	1	36372	46051	5700	51751	
1 Secretary 14A	2640	1	31680	40110	5700	45810	
1 Secretary 12A	2324	1	27888	35309	5700	41009	
1 Secretary 10A	2059	1	24708	31283	5700	36983	
						429,560	429,560

Travel

It is anticipated that the victim's advocate will make 3 trips to attend in state meetings and 1 trip to meet with victim's advocate organizations in other states.

	Travel	Per Diem		
3 trips in state	1110	1629	2739	
1 trip out of st	780	680	1460	
			4199	4,199

Contractual

It is anticipated that the Office of the Victim's Advocate will install phones, incur phone bills, and use postage and need maintenance on their copier machine.

Phones	3600	
Postage	3000	
Copier Maintenance	600	
Membership Dues	500	
Subscriptions	500	
Office Space 1,000 Sq. Ft.	20400	
	28600	23600

Supplies

It is anticipated that the Office of the Victim's Advocate will need office supplies.

Office Supplies	2,000	2,000
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Equipment

It anticipated that the Office of Victim's Advocacy will need equipment.

7 Phones	3500	
1 Fax Machine	650	
3 Executive Desks	4500	
4 Secretarial Desks	4000	
7 Chairs	1400	
7 File Cabinets	2800	
7 Computers	14000	
3 Printers	5400	
1 Copy Machine	3000	
	44250	44250

Grand Total 508,609

FISCAL NOTE

No. 2
 Bill Version: SB 219
 (S) Publish Date: 1-30-98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date (Note if correction) _____	Dept. Affected _____	Law _____
Title <u>...establishing an office of crime victims' advocacy;</u>	BRU _____	Criminal Division/Civil Division _____
amending <u>Rules of Criminal Procedure... Delinquency Rules...</u>	Component _____	1st-4th Jud Dist, OSPA _____
Sponsor <u>Senator Halford</u>		Human Services _____
Requester <u>Senate Judiciary Committee</u>	Component Serial No. _____	2198-01, 2203, 2208 _____

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	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
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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 (Specify Type)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill establishes in the legislative branch the Office of the Victims' Advocate. The victims' advocate will advocate on behalf of crime victims in felony cases in the courts of the state and investigate complaints of crime victims in felony cases that they have been denied their rights under the constitution and laws of the state.

The potential fiscal impact from enactment of this law on the Department of Law is dependent on the philosophy and depth of involvement of the victims' advocate. At a minimum, the length of time required for cases in which the victims' advocate participates will increase, simply by virtue of having an additional attorney involved. The potential that the victims' advocate will be at odds with the prosecutor over matters involving trial strategy, tactics, and plea negotiations would add additional time and expense. These costs are speculative, and the department cannot assign a cost without additional experience.

Prepared by <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date <u>1/20/98</u>
Approved by Commissioner <u>Bruce M. Botelho, Attorney General</u>	Date <u>1/20/98</u>
Agency <u>Department of Law</u>	

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 3
BILL NO: Bill Version: SB 219
(S) Publish Date: 1-30-98

Revision Date: _____ Dept. Affected: Public Safety
Title: Crime Victims' Rights and Advocacy Act BRU: Violent Crimes Compensation Board
of 1998 _____ Component: _____
Sponsor: Senator Halford
Requestor: (S) JUD COMPONENT SERIAL NO. _____

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						
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 () Revenue Code						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

No Fiscal Impact

Prepared By: Susan L. Browne, Administrator Phone: 465-5525
Division: Violent Crimes Compensation Board Date: 1/17/98
Approved by Commissioner: Ronald L. Otte *[Signature]* Date: 1/21/98
Agency: Dept. of Public Safety

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