

**SB**

**295**

# Alaska State Legislature

## SENATE DISTRICT 1

|                   |                   |
|-------------------|-------------------|
| Bayshore          | Abbott Loop       |
| Campbell          | Bear Valley       |
| Dimond            | Bird Creek/Indian |
| Independence Park | Girdwood          |
| Klatt             | Glen Alps         |
| Old Seward        | Hillside          |
| Southport         | Huffman/O'Malley  |
| Taku              | Portage           |
|                   | Rabbit Creek      |



SENATOR SEAN PARNELL

716 WEST 4TH AVENUE, SUITE 530  
ANCHORAGE, ALASKA 99501  
(907) 258-8194

While in Session:  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-2995 1-800-365-2995

## SPONSOR STATEMENT

### Senate Bill 295

The purpose of this legislation is two-fold: to provide law enforcement with an additional avenue for pursuit of those who prey on children and to codify in statute the role of law enforcement and the Division of Family and Youth Services during child protection investigations which may result in criminal charges.

Section one of the bill makes it a crime to lure or entice a child under the age of 12 into a building, dwelling, or vehicle for an unlawful purpose.

The second section of the bill would clarify the roles of law enforcement and DFYS during criminal investigations of reports of harm to children. The Department of Health and Social Services would enter into formal agreements with either local police departments or the state troopers allowing enforcement to assume the lead role during these criminal investigations.

While protocols exist informally between some law enforcement agencies and DFYS, this legislation provides a blueprint furthering this effort statewide. DFYS will continue to be the point of contact for all reports of abuse and neglect as well as performing initial investigations of those reports.

# FISCAL NOTE

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. SB 295** | \_\_\_\_\_

|   |                      |                              |
|---|----------------------|------------------------------|
| Revision Date (Note if correction) _____                      | Dept. Affected _____ | Law _____                    |
| Title <u>An Act relating to children and crimes involving</u> | BRU                  | Criminal Division            |
| children.   | Component            | 1st-4th Judicial Districts   |
| Sponsor <u>Senator Pamell</u>                                 |                      | OSPA                         |
| Requester <u>Senate Judiciary Committee</u>                   | Component Serial No. | <u>2198/99/2261/79/01/03</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>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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

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

**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)     |            |            |            |            |            |            |
| <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> |

Estimate of any current year (FY98) cost: \_\_\_\_\_

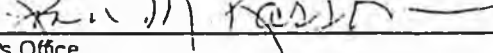
**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

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

SB 295 creates a new crime of luring or enticing a child if the person lures or entices a child under 12 years of age into a building, dwelling, or vehicle for an unlawful purpose. The bill further changes the way that child protective investigations would be managed when occurring in conjunction with a criminal investigation.

The Department of Law anticipates that if enacted, luring or enticing charges filed under the law will be in conjunction with other charges, such as physical abuse and/or sexual assault. As these crimes would be prosecuted under current law, the department does not expect any increased costs from creation of the new crime. The proposed change in how child protective investigations are managed will also have no fiscal impact on the Department of Law.

Prepared by Joan M. Kasson   
 Division Attorney General's Office

Approved by Commissioner Bruce M. Botelho, Attorney General  
 Agency Department of Law

Phone 465-5370  
 Date 3/20/98  
 Date 3/20/98

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# SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/12/98

FURTHER: Finance

Date of 5-Day Notice: 3/19/98  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3/26/98

Judiciary Committee considered

SENATE BILL NO. 295

"An Act relating to children and crimes involving children."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 295 ( 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 |
|------------------------------|----|-----------------------|----|-----|----|
| <i>Tom Garnell</i>           | ✓  |                       |    |     |    |
| <i>Mike Miller</i>           | X  |                       |    |     |    |
| <i>Keane</i>                 | ✓  |                       |    |     |    |
|                              |    |                       |    |     |    |
|                              |    |                       |    |     |    |
|                              |    |                       |    |     |    |
| CHAIR: <i>John L. Taylor</i> | ✓  | CHAIR:                |    |     |    |

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

|    |       |         |   |     |
|----|-------|---------|---|-----|
| #1 | DOA   | 3/25/98 |   | *** |
| #2 | DOLaw | 3/20/98 | 0 |     |
|    |       |         |   |     |
|    |       |         |   |     |
|    |       |         |   |     |

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

Department                      Date      Zero      Fiscal

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

No. 2  
 Bill Version: CSSB295(Jud)  
 (S) Publish Date: 3/26/98

STATE OF ALASKA  
 1998 LEGISLATIVE SESSION

|   |   |
|---|---|
| Revision Date (Note if correction) _____                      | Dept. Affected <u>Law</u>                         |
| Title <u>An Act relating to children and crimes involving</u> | BRU <u>Criminal Division</u>                      |
| <u>children.</u>  | Component <u>1st-4th Judicial Districts</u>       |
| Sponsor <u>Senator Parnell</u>                                | <u>OSPA</u>                                       |
| Requester <u>Senate Judiciary Committee</u>                   | Component Serial No. <u>2198/99/2261/79/01/03</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>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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

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

**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)     |            |            |            |            |            |            |
| <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> |

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

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

SB 295 creates a new crime of luring or enticing a child if the person lures or entices a child under 12 years of age into a building, dwelling, or vehicle for an unlawful purpose. The bill further changes the way that child protective investigations would be managed when occurring in conjunction with a criminal investigation.

The Department of Law anticipates that if enacted, luring or enticing charges filed under the law will be in conjunction with other charges, such as physical abuse and/or sexual assault. As these crimes would be prosecuted under current law, the department does not expect any increased costs from creation of the new crime. The proposed change in how child protective investigations are managed will also have no fiscal impact on the Department of Law.

Prepared by Joan M. Kasson *[Signature]*  
 Division Attorney General's Office

Approved by Commissioner Bruce M. Botelho, Attorney General  
 Agency Department of Law

Phone 465-5370  
 Date 3/20/98

Date 3/20/98

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 1  
Bill Version: CS SB 295(jud)  
(S) Publish Date: 3/26/98

Revision Date: \_\_\_\_\_  
Title: "An Act relating to children and crimes involving children"  
Sponsor: Senator Parnell  
Requestor: (S)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      | **    | **    | **    | **    | **    | **    |
| 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 98) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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

Phone: (907) 264-4414  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
Agency: Department of Administration

Date: 3/25/98

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FISCAL NOTE

STATE OF ALASKA

BILL NO. SB 295

#1

1998 LEGISLATIVE SESSION

ANALYSIS: (continued)

The bill creates a new class B felony crime of luring or enticing a child under 12 years of age into a building or vehicle for an unlawful purpose. Any such act without the consent of parent or guardian is prima facie evidence of an "unlawful purpose", which is not otherwise defined.

There are affirmative defenses if the action was necessary to prevent the child from being seriously injured, was for a lawful purpose, or the person acted reasonably under the circumstances and did not intend to harm the health, safety or welfare of the child.

The Department of Law is unable to predict how many additional felony cases may be prosecuted under this section. For each additional felony case there is an increased cost to the Public Defender Agency. Without accurate predictions as to numbers, impact is certain, but unquantifiable.