

SB

3

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR PEARCE

TO: SB 3

1 Page 1, line 2, following "violations":

2 Insert "and providing for punishment of minors upon conviction for violation of
3 a curfew ordinance"

4 Page 1, following line 3:

5 Insert a new bill section to read:

6 "* Section 1. AS 29.35.085 is amended by adding new subsections to read:

7 (b) Notwithstanding AS 29.25.070(a), for a violation of this section, the court
8 may impose a fine of not more than \$250.

9 (c) The community work provisions of AS 47.12.030(b)(6) apply to
10 punishment for a minor's conviction of a violation of a curfew ordinance for which
11 a penalty is provided under AS 29.25.070(a)."

12 Page 1, line 4:

13 Delete "Section 1."

14 Insert "Sec. 2."

15

16 Page 2, line 9, following "municipality":

17 Insert "in place of any fine imposed for the violation of a municipal curfew
18 ordinance, the court shall allow a defendant the option of performing community work;
19 the value of the community work, which may not be lower than the amount of the fine,
20 shall be determined under AS 12.55.055(c); in this paragraph, "community work"
21 includes the work described in AS 12.55.055(b) or work that, on the recommendation
22 of the municipal or borough assembly, city council, or traditional village council of the
23 defendant's place of residence, would benefit persons within the municipality or village

1 who are elderly or disabled"

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis



State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee MEMORANDUM

TO: Jack Chenoweth, Legislative Counsel
FROM: Laura Chase, Senate Judiciary Committee Aide *Laura Chase*
DATE: March 8, 1997
RE: CSSB3(JUD)

Senate Judiciary Committee members have passed SB 3 out of committee as a CS.

Please incorporate Senator Pearce's amendment 0-LS0078VA.2 (3/6/97) into the final and forward the CS to me so it can be read across.

Please don't hesitate to call me at x3717 if you have any questions. Thanks for your assistance.

SENATE COMMITTEE REPORT

DATE: 2/21/97

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 3/10/97

Judiciary 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 SB3 (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 change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>Jan Parnell</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Pence</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>FNEC</i>			

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 4
Bill Version: SB3
(S) Publish Date: 2/21/97

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						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****
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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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.

5/2/97
 Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/10/97
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97
 Agency: Department of Health & Social Services

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: N 3
Bill Version: SB3
(S) Publish Date: 2/21/97

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)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
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						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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 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

No. 2
 Bill Version: SB 3
 (S) Publish Date: 2/21/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act authorizing prosecution and trial in the district court of municipal curfew violations"
 Sponsor: Senator Pearce
 Requestor: (S) HES

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 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						
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 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
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Alison M. 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

FISCAL NOTE

No. 1

Bill Version: SB3

(S) Publish Date: 2/21/97

STATE OF ALASKA 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Minor's Curfew Violation Heard in District BRU: Trial Courts
Court 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						
TOTAL OPERATING	24.3	24.3	24.3	24.3	24.3	24.3

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						
TOTAL	24.3	24.3	24.3	24.3	24.3	24.3



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
 Approved by: Arthur H. Snowden, II, Administrative Director 
 Agency: Alaska Court System

Phone: 264-8228
 Date: 02/20/97
 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 SystemFiscal AnalysisSB 3Personal ServicesPositions

	<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>
			<u><u>\$24,327</u></u>

Estimated Total Cost

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.

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# _____

[Handwritten scribbles]

SIGNING DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Handwritten signature]</i>	<input checked="" type="checkbox"/>	<i>[Handwritten signature]</i>			<input checked="" type="checkbox"/>
		<i>[Handwritten signature]</i>	<input checked="" type="checkbox"/>		
		<i>[Handwritten signature]</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>[Handwritten signature]</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
Alaska Court System	2/20/97		<input checked="" type="checkbox"/>
Admin - Public Defender	2/12/97	in det	
Public Safety	2/18/97	<input checked="" type="checkbox"/>	
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

Previous Committee Report(s)