

HB

288

HFIN

FILE

(11)

HOUSE COMMITTEE RE: HR

Date Referred to Committee: February 11, 2000

FURTHER REFERRALS:

Date of Committee Action: 2/23/00

The FINANCE Committee considered:

HB 288

HOUSE BILL NO. 288

CHILDREN WITNESSING DOMESTIC VIOLENCE

"An Act relating to the creation of an aggravating factor for the commission of domestic violence in the physical presence of a child."

recommends it be replaced with the following committee substitute CS HB 288 (Jud) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) DOC fiscal note(s) DDA

zero fiscal note(s) Court zero fiscal note(s) PS, LAW

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Gene Theriault</u> GENE THERIAULT			X	
<u>Eldon Mulder</u> ELDON MULDER	✓			
<u>Con Bunde</u> CON BUNDE			✓	
<u>Alan Austerman</u> ALAN AUSTERMAN			X	
<u>Ben Grussendorf</u> BEN GRUSSENDORF	X			
<u>Carl E. Moses</u> CARL E. MOSES	✓			
<u>Gary L. Davis</u> GARY L. DAVIS			X	
<u>Bill Williams</u> BILL WILLIAMS			X	
<u>Gail Phillips</u> GAIL PHILLIPS	✓			

CHAIR'S SIGNATURE Gene Theriault Eldon Mulder

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CS HB 288 (HFIN)

Revision Date/Time (Note if correction)	<u>Feb. 19, 2000</u>	Dept. Affected	<u>Department of Corrections</u>
Title	<u>An act relating to the creation of an aggravating factor for the commission of domestic violence</u>	BRU	<u>Administration and Operations</u>
Sponsor	<u>Representative Kott</u>	Component	<u>All</u>
Requester	<u>House Finance Committee</u>	Component No.	<u>#0694</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous		24.0	24.0	24.0	24.0	24.0
TOTAL OPERATING	0.0	24.0	24.0	24.0	24.0	24.0

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		24.0	24.0	24.0	24.0	24.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	24.0	24.0	24.0	24.0	24.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

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

See attached analysis.

Prepared by: <u>Candace Brower</u>	Phone: <u>465-3307</u>
Division: <u>Commissioner's Office</u>	Date/Time: <u>2/21/00 11:01 AM</u>
Approved by: <u>Commissioner Margaret M. Pugh</u>	Date: <u>2-21-00</u>
Agency: <u>Dept. of Corrections</u>	

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FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS**

**BILL NO. CS HB 288 (HFIN)
PAGE 2 of 2
DATE 2/21/00**

Assumptions:

1. The Department of Corrections' data show that in 1999 approximately 2365 prisoners were admitted to correctional facilities on domestic violence charges. Of those admissions, 268 were charged with felony assault and 2097 with misdemeanor assault. The Department of Law reports that they anticipate 75 convictions for felony domestic violence assault in calendar year 1999. This number is based on convictions over the past 3 years.
2. Assuming 65% of those incidents occurred in the physical presence of children, this bill would affect 49 cases.
3. Assuming that perhaps one-half of those 49 would be presumptive cases affected by aggravating factors, that impacts 25 defendants.
4. Assuming 20% of those would result in increased sentences of approximately three months, (60 days to serve) the final number actually being impacted would be approximately 5. Since these cases are felony domestic violence, some may be ineligible to furlough into the community because of their risk factor, so the cost of incarceration for those inmates would be at the institutional rate which is currently \$110.73 per day. Three out of the five will possibly be furloughed to a CRC at a cost of \$59.61 per day. The cost of care for the two inmates, serving 60 days each at a cost of \$110.73/day is \$13,288. The cost of care for the three inmates serving 60 days each at a cost of 59.61/day is \$10,730. The total fiscal impact to the Department of Corrections will be approximately \$24,000 per year beginning in FY 02, since the aggravator would not be served until after FY01.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 288

Revision Date: _____
 Title: "An Act relating to the creation of an aggravating factor for the commission of domestic violence in presence of child"
 Sponsor: Representative Kott
 Requestor: (H) HESS

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

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2 003	FY 2004	FY 2005	FY 2006
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 00) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Robert Poe 
 Agency: Department of Administration

Date: 1/31/00

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 288

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would add another aggravating factor to the list of aggravating factors used in sentencing in felony cases. The aggravating factor would provide for increased sentences if the crime involved domestic violence and was committed in the presence of a child under 16. The child would have to be a member of the household at the time of the offense.

The Public Defender Agency will need to do more work in many of its felony sentencing cases if this aggravating factor is established. The prosecution will have to prove the aggravating factor by clear and convincing evidence. Where the facts are at issue, Public Defender attorneys will have to prepare for and conduct evidentiary hearings. If the aggravating factor is established, the court will need to hear argument concerning the weight to be given to the factor in the case before the court.

However, the amount of additional work is difficult to quantify. Although more work will need to be done, we do not anticipate more criminal cases being brought or sentencings conducted as a result of this bill. In addition, it is not possible to say how many felony sentencings this aggravating factor would affect. Because of these uncertainties, we are submitting an indeterminate fiscal note.

FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. HB 288

Revision Date 1/27/00 Dept. Affected Public Safety
 Title Children Witnessing Domestic Violence BRU CDVSA
 Component: CDVSA
 Sponsor Representative Kott
 Requester H. HES Component No. 521

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

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	0.0	0.0	0.0	0.0	0.0	0.0

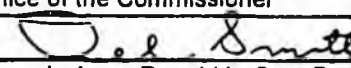
Estimate of any current year (FY2000) cost: 0.0

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 impact our budget.

Prepared by: Royce Weller, Special Assistant Phone 465-4322
 Division Office of the Commissioner Date/Time 1/28/00 12:00 PM
 Approved by:  Date 1-31-00
 Agency Commissioner Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. HB 288

Revision Date/Time (Note if correction) _____	Dept. Affected <u>Law</u>	_____
Title <u>*... to the creation of an aggravating factor for ...</u>	BRU	<u>Criminal Division</u>
<u>... domestic violence in the physical presence of a child.*</u>	Component	<u>1st-4th Judicial Districts; Criminal Appeals/Special Litigation</u>
Sponsor <u>Representative Kott</u>		
Requester <u>House HESS Committee</u>	Component No.	<u>2198-99;2201;03;61;79</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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 ()						
-------------------------------	--	--	--	--	--	--

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	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 288 creates an aggravating factor for the commission of domestic violence in the physical presence of a child.

This new aggravator would apply to felony domestic violence cases. Felony domestic violence cases are already taken very seriously by the Department of Law's prosecutors, and many have other aggravating factors. While a new aggravating factor will require putting forward additional evidence to prove it, the department anticipates any fiscal impact from passage of this bill to be minimal.

Prepared by: <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date/Time <u>1/31/00, 10:32 AM</u>
Approved by <u>Commissioner</u> <u>Bruce M. Botelho, Attorney General</u>	Date <u>1/31/00</u>
Agency <u>Department of Law</u>	

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SPONSOR STATEMENT

HB 288

"An Act relating to the creation of an aggravating factor for the commission of domestic violence in the physical presence of a child."

This bill lets the courts to be tougher on those having been convicted of domestic violence if they committed that crime with their children present. If passed, the criminal justice system would have a new tool to further Alaska's fight against domestic violence and child abuse.

HB 288 creates an aggravated factor when domestic violence is committed in the presence of children who are also household members of the perpetrator. Under current law, a person convicted on domestic violence charges is subject to Alaska's presumptive sentencing rules found in AS 12.55.125. Although the court is given guidelines, under AS 12.55.155, it may also consider factors that can mitigate or aggravate the severity of the crime and resulting sentence. Considering the totality of the factors, the court may adjust the sentence up to the maximum or down to the minimum term of imprisonment prescribed by presumptive sentencing laws.

What is an aggravating factor? It is an act or circumstance characterized by some unique feature that enhances the severity of crime. For example that may be what the intentions of the criminal were or it may be the special vulnerability of the victim. This bill would expand the list of aggravating circumstances to include the special vulnerability of children.

Domestic violence is a scourge all over our state and Alaskans are fighting back to protect the lives of the victims and the children involved. HB 288 takes us a step further by recognizing that even if a child is not on the receiving end of the violence, they are profoundly damaged when they become witnesses to parents and caregivers engaging in this abhorrent behavior.

The Facts: Statistics on Family Violence

Domestic violence touches four million homes (1 in 3) in this country. More than 1.8 million women are battered by their partners.

Domestic violence is the single largest cause of injury to women in the U.S.--more common than injuries sustained from car accidents, muggings, and rapes combined.

More than 15% of pregnant women were abused by their partners.

100,000 children in the U.S. annually face a brother or sister with a gun or knife.

Child homicide is now among the five leading causes of death in childhood, with the majority of infant victims killed by parents, relatives, and older children.

More than one million of older Americans are physically and emotionally abused by their relatives.

As many as 35% of women who visit hospital emergency rooms are there for symptoms related to ongoing abuse, but as few as 5% of the victims identified it as such.

Domestic violence annually causes approximately 21,000 hospitalizations, 99,800 hospitalization days, 28,700 emergency department visits, and 39,900 physician visits. Annual health care costs from family violence are from \$5 billion to \$10 billion.

Between two to four million children in the U.S. are abused or neglected; at least three a day die from abuse.

An estimated 40% of all violent crimes occur among people who are related or are friends or are acquaintances.

About 30% of children from violent homes become abusive parents themselves.

The nation's police spend one-third of their time responding to domestic violence calls.

The cost of providing foster care for children from abusive homes is \$5 billion to \$10 billion a year.

Children who see others being abused, or who have been abused themselves, are six times more likely to abuse a spouse or child when they become adults.

Nearly 70% of children of battered women find themselves victims of abuse.

One in three girls and one in seven boys are sexually abused by the time they reach the age of 18; at least 90% of sexual abusers are known by the children they victimize.

Domestic violence costs American business an estimated \$3 billion to \$5 billion annually in lost time and \$100 million in medical costs.

A woman is beaten somewhere in America every 18 seconds.

Domestic violence is the most common but least reported crime in the U.S.

At least 40% of murdered women and 10% of murdered men were killed by their partners.

FISCAL NOTE

STATE OF ALASKA
2000 Legislative Session

BILL NO. CSHB 288 (JUD)

Revision Date		Dept. Affected	<u>Alaska Court System</u>
Title	<u>Aggravating Factor for Domestic Violence Committed in the Presence of a Child</u>	BRU	<u>Alaska Court System</u>
Sponsor	<u>Representative Kott</u>	Component	<u>Trial Courts</u>
Requester	<u>House Judiciary</u>	Component Serial No.	<u>769</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
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 ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY99) cost: None

POSITIONS

Full-time						
Part-time						
Temporary						

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

House Bill 288 adds an aggravating factor to a felony domestic violence crime if the crime was committed in the physical presence or hearing of a child. Although this bill may result in more lengthy sentencing hearings in some cases, the number of cases is too speculative to support a fiscal note.

Prepared by:	<u>Doug Wooliver, Administrative Attorney</u>	Phone:	<u>264-8265</u>
Agency	<u>Alaska Court System</u>	Date/Time:	<u>2/16/00 11:40 AM</u>
Approved by:	<u>Stephanie J. Cole, Administrative Director</u>	Date	<u>2/16/00</u>
Agency	<u>Alaska Court System</u>		

LIZ CLAIBORNE, INC.

Contact: Wendy May/Maria Kalligeros 212-229-0500
Lisa Thomas 206-868-3072
Fred Iannotti/Lorraine Abelow 203-226-5390
Patrice Tanaka & Company, Inc.

IT BEGINS AT HOME: STOP DOMESTIC VIOLENCE

Domestic Violence Statistics

Violence against women in the home causes more injuries to women than car accidents, muggings and rape combined.

(Stark, E., Flitcraft A: Spouse abuse, in *Surgeon General's Workshop on Violence and Public Health: Source Book*. Leesburg, VA: October 27-29, 1985. Atlanta, Centers for Disease Control, p. SA1-SA43.)

Every 12 seconds a woman is beaten in this country. A woman is killed every six hours.

(Council on Scientific Affairs, American Medical Association. (1992). "Violence Against Women: Relevance for Medical Practitioners," *Journal of the American Medical Association*, June 17, 1992 - Volume 267, No. 23, pp.3184-3189.)

Two to four million women are battered every year.

(Federal Bureau of Investigation)

Domestic violence is the number one cause of emergency room visits by women.

(Stark, E., Flitcraft A: Spouse abuse, in *Surgeon General's Workshop on Violence and Public Health: Source Book*. Leesburg, VA: October 27-29, 1985. Atlanta, Centers for Disease Control, p. SA1-SA43.)

25% of all U.S. women will be victims of domestic violence at some time in their lives.

(Federal Bureau of Investigation)

25% of the violent crime in America is wife assault.

(Wolf, Naomi. *The Beauty Myth*. New York, NY, William Morrow & Co., 1991.)

52% of female murder victims are killed by their partners.

(Browne and Williams, Op cit. "Facts About Domestic Violence" National Woman Abuse Prevention Project brochure)

81% of men who batter had fathers who abused their mothers.

("The Effects of Domestic Violence on Children: A Workshop for New Jersey Educators" New Jersey Department of Community Affairs, Division on Women)

Four women are killed every day by their husbands or partners.

(Women's Action Coalition Statistics, "The Facts About Women," 1992.)

60% of battered women are beaten while they are pregnant.

(U.S. Senate Committee on the Judiciary. (August 29 and December 11, 1990). Hearings on Women and Violence, "Ten Facts about Violence against Women," p. 78)

Over....

An estimated 25% to 50% of all women in an intimate relationship will be physically assaulted.

(Feld, L. S. and M. A. Straus. (1989). "Escalation and Desistance of Wife Assault in Marriage." *Criminology*, XXVII (1). pp. 141-161.)

In one of the largest in-depth studies of American attitudes, a national survey of 5,700 adults found that almost 30% of divorced adults cite physical abuse as the reason for their divorce.

(Walker, Lenore. The Battered Woman Syndrome. New York, NY. Springer, 1984, p. 59.)

89% of U.S. children witness abuse at home.

(Family Violence Prevention Fund, 1991 "The Invisible Victims: Children of the War at Home." Quote from The Family Secret. Domestic Violence In America. William A. Stacey and Anson Shupe, authors.)

79% of violent children have witnessed violence between their parents.

(Family Violence Prevention Fund, 1991 "The Invisible Victim: Children of the War At Home." Source quoted as Lewis, et al. 1983).

Children who grow up in violent homes have a 74% higher likelihood of committing criminal assaults.

(A quote from the "Survey of Massachusetts Department of Youth Services" in Self Magazine, May 1992.)

Violent juvenile delinquents are four times more likely than are nonviolent juveniles to come from homes in which their fathers beat their mothers.

(Miller, J. (1989). "Violence By and Against America's Children." Bureau of Juvenile Justice Digest. XVII (12), p.6.)

In over half the homes where women are being battered, their children are being abused as well.

(Walker, Lenore. The Battered Woman Syndrome. New York, NY. Springer, 1984, p. 59.)

Each year, medical expenses from domestic violence total at least \$3 to \$5 billion. Businesses forfeit another \$1.00 billion in lost wages, sick leave, absenteeism and non-productivity.

(Domestic Violence for Health Care Providers, 3rd Edition, Colorado Domestic Violence Coalition, 1991.)

September 1995

#

Prevent Child Abuse America
200 South Michigan Avenue, 17th Floor, Chicago, Illinois 60604-2404
Tel: (312) 663-3520, Fax: (312) 939-8962

The Relationship between Domestic Violence and Child Abuse

Number: 20

Date: September 1996

Acknowledgment

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The Relationship between Domestic Violence and Child Abuse

Researchers have long been aware of the link between domestic violence and child abuse. Even if children are witnesses to acts of violence and not the intended targets, they can be affected in the same way as children who are physically and sexually abused.¹ Since domestic violence is a pattern of behavior, not a single event, episodes may become more severe and more frequent over time, resulting in an increased likelihood that the children eventually become victims.

What is domestic violence?

Domestic violence is a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners. The U.S. Department of Justice estimates that 95% of reported assaults on spouses or ex-spouses are committed by men against women.²

What is child abuse?

Prevent Child Abuse America defines child abuse as a nonaccidental injury or pattern of injuries to a child. Child abuse is damage to a child for which there is no "reasonable" explanation. Child abuse includes nonaccidental physical injury, neglect, sexual molestation, and emotional abuse.

How common are these problems?

Domestic violence is a widespread problem with long-term consequences to the victim and all family members as well as to the abuser. Recent surveys indicate that increased public awareness about domestic violence, along with a more understanding attitude toward victims, has encouraged women to come forward.³ In a survey conducted in early 1995, 31 percent of women said they had personally faced abuse, while in a similar survey conducted in July 1994 only 24 percent they had been abused.³

Child abuse has become a national epidemic. More than one million children are confirmed each year as victims of child abuse and neglect by state departments of child protective services.⁴ And every day a minimum of three children die as a result.⁴ Violence in the home has been listed as a major factor contributing to the growth of reports of child abuse and neglect.⁴

How does domestic violence affect children?

Domestic violence often includes child abuse. Children may be victimized and threatened as a way of punishing and controlling the adult victim of domestic violence. Or they may be injured unintentionally when acts of violence occur in their presence. Often episodes of domestic violence expand to include attacks on children.

However, even when children are not directly attacked, they can experience serious emotional damage as a result of living in a violent household. Children living in this environment come to believe that this behavior is acceptable.

The estimated overlap between domestic violence and child physical or sexual abuse ranges from 30 to 50 percent.^{5,6} Some shelters report that the first reason many battered women give for fleeing the home is that the perpetrator was also attacking the children.⁷ Victims report multiple concerns about the effects of spousal abuse on children.⁸

Are there similarities between families involved in domestic violence and families involved in child abuse?

The two populations share several similarities as well as some important differences. Both forms of abuse cross all boundaries of economic level, race, ethnic heritage, and religious faith. Neither child abuse nor domestic violence is a phenomenon of the Twentieth Century. Children have been physically traumatized, deprived of the necessities of life, and molested sexually by adults since the dawn of human history.⁹ Traditionally, parents claimed ownership of their children and society hesitated to interfere with the family unit. Similarly, society in the past, has sanctioned the belief that men have the right to use whatever force is necessary to control the behavior of women. Those in intimate relationships as well as those who abuse children often are repeating learned behaviors transmitted intergenerationally. Both forms of abuse are identified by patterns. Neither domestic violence nor child abuse is an isolated event. Both occur with some regularity, often increasing and becoming more serious. Adults who were abused as children have an increased risk of abusing their children, and adults who grew up in a violent home are more likely to become perpetrators or victims of domestic violence. For a number of reasons including shame, secrecy, and isolation, both types of abuse are underreported.

Domestic violence and child abuse also differ in some significant ways. Parental stress is an important factor in instances of child abuse, but this link has not been established in cases of domestic violence. Reported perpetrators of child maltreatment, are equally men and women, but the majority of perpetrators of domestic violence are men.

How can we prevent these problems?

Domestic violence and child abuse proliferate in an environment that accepts the lesser status of women and children. Shrouding the violence in secrecy allows this behavior to continue. Educating the public about the extent of the problem establishes a foundation that permits victims to come forward.

Prevention efforts that reach parents before or soon after the birth of their baby, and provide intensive services on a moderately long-term basis can greatly reduce the incidence of child abuse as well as identify other problems such as domestic violence. Home visitors using a comprehensive approach can tailor their services to match a family's needs. After establishing a trusting relationship with the family, the home visitor will be able to identify problems. While the home visitor may not be able to offer intervention services, he or she can provide resources and ensure the safety of the children.

Other prevention efforts include the following:

- Educate health and child welfare agencies about the prevalence of domestic violence and its effect on children.
- Involve the community in a multidisciplinary approach to provide intervention and prevention services to those families in need.
- Educate the public about domestic violence and child abuse and the long-term costs to society.
- Provide access to self-help groups and other supportive services for all perpetrators, victims, and survivors of abuse.
- Educate all who work with children and families, including teachers, service providers, and health care professionals about the interplay between domestic violence and child abuse.

INTRODUCTION

During the latter part of the twentieth century, communities have begun to establish norms that make violence against women and the maltreatment of children unacceptable. This development of new and, in some cases, reinvigorated norms creates altered visions of responsibilities. Public and private institutions—the police, courts, and social service agencies—and communities are declaring that adults and children have a right to the resources and responses that bring safety and stability to their lives. The National Council of Juvenile and Family Court Judges (National Council) affirms this right to safety and stability for every maltreated child and adult in the United States and calls on communities and institutions to join in creating necessary changes.

Domestic Violence and Child Maltreatment

Although two decades of research have confirmed that adults and children often are victimized in the same family, little was made of this finding until recently. For years, in fact, most communities treated the abuse of a woman and the maltreatment of a child in the same family as separate phenomena having little to do with each other. Only recently have the profound and interacting impacts of multiple forms of violence within a family come to the attention of communities.

Definitions of domestic violence and child maltreatment are wide ranging and often debated. Domestic violence is defined here as a pattern of assaultive and coercive behaviors, often including physical, sexual, and psychological attacks, as well as economic coercion, that adults and adolescents use against their intimate partners. Similarly, definitions of child maltreatment encompass a wide range of behaviors, including physical and sexual assaults, neglect, and emotional injuries inflicted on children.¹ Historically, two distinct intervention systems were created—one to offer domestic violence services and legal protections and another to provide assistance and protections for abused children and their families—each with its own law enforcement and judicial mandates, institutions, and funding.

Now, however, communities are asked to confront a new and compelling set of facts:

- (1) adult domestic violence and child maltreatment often occur together and
- (2) new responses are required of *everyone*, if violence within families is to stop.

Domestic violence perpetrators do not victimize only adults. Recent reviews of more than two decades of studies have revealed that in families where women are abused, many of their children also are maltreated. Varying by samples selected and types of data gathered, the majority of these studies have found that a substantial proportion, ranging from 30 to 60 percent, of battered mothers' children also are maltreated.²

Children who are abused physically or sexually tend to exhibit more developmental, cognitive, emotional, and social behavior problems, including depression and increased aggression, than other children.³ Each year, the reported number of neglected children far exceeds the number of physically or sexually abused children. Those who are neglected physically or emotionally or denied necessary services also may exhibit a host of social and behavioral problems.⁴ Evidence clearly points to the fact that these experiences may influence victims' lives well into their teen and adult years.

Children who are not themselves maltreated often suffer from the effects of observing and hearing their mothers being abused. Peled's study of pre-adolescent children who witnessed violence provides compelling testimony.⁵ One 12-year-old girl recalled the experience in the following way:

"He picked her up off the bed, they were fighting, and then he picked her up off the bed and threw her against the wall."⁶

A ten-year-old boy in the same study described hearing but not seeing a violent event:

"He went downstairs, so did Mom. And on the steps he turned back and said something to Mom but I don't know. And he went downstairs and they, I heard all this banging and the floor, the floor was, just kept on, there's so much, there's like bangs in the floor and on the walls and stuff like that. But, and then there was all this yelling."⁷

A wide range of studies has shown that some children who witness adult domestic violence suffer considerably. These studies indicate that, on average, children who experience domestic violence exhibit higher levels of childhood behavior, social, and emotional problems than children who have not witnessed such violence.⁸

These documented harmful effects to child development have led many to conclude that if a child resides in a home where domestic violence is occurring, the child is in immediate danger and requires child protection services. Research in this area is still in its infancy, however, and a large percentage of child witnesses in these studies did not show elevated levels of developmental problems. The impact of witnessing violence on children is moderated by a number of factors, with some children showing great resilience in the face of adversity.⁹ Each child's response to domestic violence, therefore, should be assessed carefully, and harm established clearly, before agencies and courts determine which interventions are required.

Like their children, many battered women experience multiple physical and emotional injuries.¹⁰ Men who batter often carry out repeated physical and sexual attacks; they may harass and stalk their partners, following them to work and school. Tjaden and Thoennes' national study of violence against women found that 81 percent of the women who were stalked by a current or former husband or cohabiting partner also were assaulted physically by the same partner.¹¹ Often perpetrators threaten to kill themselves, their wives, or their children, or to kidnap and disappear with the children, if the women ever should leave them. Living with a batterer is described by many victims as an experience that ranges from "walking on eggshells" to "living in a war zone."



Problems Associated with Children's Witnessing of Domestic Violence

Children who witness violence between adults in their homes have become more visible in the spotlight of public attention. The purpose of this document is to further an understanding of the current literature on the effects of witnessing adult domestic violence on the social and physical development of children. Out of 84 studies reporting on children's witnessing of domestic violence originally identified, 31 studies met criteria of rigorous research (see Edleson, 1999), with 18 of them comparing children who witnessed adult domestic violence to other groups of children, 12 others using multiple regression procedures to compare subjects along a continuum of violence exposure or by demographic characteristics, and one study applying qualitative research methods. The findings of these 31 studies can be divided into three major themes: (1) the childhood problems associated with witnessing domestic violence; (2) the moderating factors present in a child's life that appear to increase or decrease these problems; and (3) an evaluation of the research methods used in the studies reviewed.

Children's Problems Associated with Witnessing Violence

Reviewed studies report a series of childhood problems statistically associated with a child's witnessing domestic violence. These problems can be grouped into the three main categories presented in more detail below: (1) behavioral and emotional; (2) cognitive functioning and attitudes; and (3) longer-term.

Behavioral and emotional problems

The area in which there is probably the greatest amount of information on problems associated with witnessing violence is in the area of children's behavioral and emotional functioning. Generally, studies using the Child Behavior Checklist (CBCL; Achenbach & Edelbrock, 1983) and similar measures have found child witnesses of domestic violence to exhibit more aggressive and antisocial (often called "externalized" behaviors) as well as fearful and inhibited behaviors ("internalized" behaviors), and to show lower social competence than other children. Children who witnessed violence were also found to show more anxiety, self-esteem, depression, anger, and temperament problems than children who did not witness violence at home. Children from homes where their mothers were being abused have shown less skill in understanding how others feel and examining situations from others' perspectives when compared to children from non-violent households. Peer relationships, autonomy, self-control, and overall competence were also reported significantly lower among boys who had experienced serious physical violence and been exposed to the use of weapons between adults living in their homes.

Overall, these studies indicate a consistent finding that child witnesses of domestic violence exhibit a host

of behavioral and emotional problems. A few studies have reported finding no differences on some of these measures but these same studies found significant differences on other measures.

Another aspect of the effects on children is their own use of violence. Social learning theory would suggest that children who witness violence may also learn to use it. Several researchers have attempted to look at this link between exposure to violence and subsequent use of it. Some support for this hypothesis has been found. For example, Singer et al. (1998) studied 2,245 children and teenagers and found that recent exposure to violence in the home was a significant factor in predicting a child's violent behavior.

Cognitive functioning and attitudes

A number of studies have measured the association between cognitive development problems and witnessing domestic violence. While academic abilities were not found to differ between witnesses and other children (Mathias et al., 1995), another study found increased violence exposure associated with lower cognitive functioning (Rossman, 1998). One of the most direct consequences of witnessing violence may be the attitudes a child develops concerning the use of violence and conflict resolution. Jaffe, Wilson and Wolfe (1986) suggest that children's exposure to adult domestic violence may generate attitudes justifying their own use of violence. Spaccarelli, Coatsworth and Bowden's (1995) findings support this association by showing that adolescent boys incarcerated for violent crimes who had been exposed to family violence believed more than others that "acting aggressively enhances one's reputation or self-image" (p. 173). Believing that aggression would enhance their self-image significantly predicted violent offending. Boys and girls appear to differ in what they learn from these experiences. Carlson (1991) found that boys who witnessed domestic abuse were significantly more likely to approve of violence than were girls who had also witnessed it.

Longer-term problems

Most studies reviewed above have examined child problems associated with recent witnessing of domestic violence. A number of studies have mentioned much longer-term problems reported retrospectively by adults or indicated in archival records. For example, Silvern et al.'s (1995) study of 550 undergraduate students found that witnessing violence as a child was associated with adult reports of depression, trauma-related symptoms and low self-esteem among women and trauma-related symptoms alone among men. Witnessing violence appeared to be independent of the variance accounted for by the existence of parental alcohol abuse and divorce. In the same vein, Henning et al. (1996) found that among 123 adult women who had witnessed domestic violence as a child greater distress and lower social adjustment existed when compared to 494 non-witnesses. These findings persisted even after accounting for the effects of witnessing parental verbal conflict, being abused as a child, and level of reported parental caring.

Factors Influencing the Degree of Problems Associated with Witnessing Violence

Several factors appear to moderate the degree to which a child is affected by witnessing violence. As will be seen below, a number of these factors also seem to interact with each other creating unique outcomes for different children.

Abused and witnessing children

Hughes, Parkinson and Vargo (1989) have suggested that both witnessing abuse and also being abused is a "double whammy" for children. Their study compared children who were both abused and had witnessed violence to children who had only witnessed violence and to others who had been exposed to neither type of violence. They found that children who were both abused and witnesses exhibited the most problem behaviors, the witness-only group showed moderate problem symptoms and the comparison group the least. This same pattern appears in series of other studies. Children seem to agree. In one study they

A final weakness in this area of study is that most studies are correlational. As Holtzworth-Munro, Smutzler and Sandin (1997) point out, these studies only show associations between being a witness and some other variable such as a behavior problem. We generally speak of the effects of witnessing violence on children's development. In reality, however, these studies reveal only an association between the variables without predicting that one variable caused the other to occur or vice versa. Many people make the assumption that finding an association is the same as finding that a particular event such as witnessing violence caused a child's problems.

Implications

The studies reviewed for this document provide strong evidence that children who witness domestic violence at home also exhibit a variety of behavioral, emotional, cognitive and longer-term developmental problems. Each child will experience adult domestic violence in unique ways depending on a variety of factors that include direct physical abuse of the child, his or her gender and age, the time since exposure to violence, and his or her relationship with adults in the home. Significant percentages of children in the studies reviewed showed no negative developmental problems despite witnessing repeated violence. We must be careful to not assume that witnessing violence automatically leads to negative outcomes for children.

These data are primarily based on samples of children living in shelters for battered women. This has been used as a criticism of these studies on the grounds that shelter residence is a time of crisis and not representative of a child's on-going life. These data do, however, provide shelters with a much better understanding of the problems many of their resident children may be experiencing. And despite the limitations of some individual studies cited, the number and variety of studies so far reported provide a strong basis for accepting the overall findings.

There is a danger that these data may lead some child protection agencies to more frequently define child witnessing of violence as a form of child abuse or neglect. It is not uncommon to see battered women charged with "failure to protect" their children from a batterer. Many child protection agencies continue to hold battered mothers solely responsible for their children's safety. These actions are often based on the belief that separating from a batterer will always be the safest path for the battered woman and her child.

Yet these actions on the part of the child protection system ignore the reality that the majority of assaults and murders of battered women occur after they have been separated or divorced from their perpetrator. Such actions also ignore the reality that battered mothers often make decisions about their relationships with male partners based on their judgments of what will be best for their children.

The responsibility for creating a dangerous environment should be laid squarely on the shoulders of the adult who is using violent behavior, whether or not that adult is the legal guardian of the child. Responsibility and blame should not be placed on adult survivors in the home. Holding the violent abuser responsible for ending the use of violence is the path that leads to safety for these children and their abused mothers.

It is likely that the outcomes of additional studies on this topic will be reported in the immediate future. The responses to existing and future studies should be to identify ways to provide safety to both children and any abused adults who also reside in their homes.

Author of this document:
Jeffrey L. Edleson
University of Minnesota

Bibliography from the Project to Address Violence through Education (PAVE) at the University of Minnesota on "Young children and violence".

Mothers & Children: Understanding the Links Between Woman Battering and Child Abuse is a briefing paper by Jeffrey L. Edleson for a recent strategic planning meeting on the Violence Against Women Act.

In the Best Interest of Women and Children: A Call for Collaboration Between Child Welfare and Domestic Violence Constituencies is a briefing paper by Susan Schechter and Jeffrey L. Edleson prepared for a Wingspread Conference of a similar title.

Child Witness to Domestic Violence is a brief paper written by Kathryn Conroy, DSW, on the effect on children of witnessing their mothers being battered.

Children and Family Violence: The Unnoticed Victims is a May 1994 report by Gabrielle M. Maxwell of New Zealand's Office of the Commissioner for Children.

An art gallery from the Domestic Abuse Project in Minneapolis of 13 images drawn by children who have witnessed violence.

(Rev. 4/99)

VAWnet is a project of the National Resource Center on Domestic Violence
800-557-2238 TTY 800-553-2508 Fax 717-545-9456

In Brief: Problems Associated with Children's Witnessing of Domestic Violence

Children frequently witness violence in their homes. Eighty-four studies of the problems associated with children's witnessing have been reported in the literature but only 31 were found to have met rigorous research design criteria and included in the review. These studies have documented multiple problems among children that are significantly associated with a child's witnessing assaults of one parent by another in the home. These problems include:

- *Psychological and emotional problems* such as aggression, hostility, anxiety, social withdrawal, and depression.
- *Cognitive functioning problems* such as lower verbal and quantitative skills and the development of attitudes supporting the use of violence.
- *Longer-term development problems* such as depression, trauma-related symptoms and low self-esteem among women and trauma-related symptoms alone among men.

These problems appear to be magnified or decreased by a number of *moderating factors* including:

- Whether or not the child has also been a victim of physical abuse
- A child's age and gender
- The amount of time that has passed since witnessing violence
- Where the child is living
- How a child perceives his or her relationship to adults in the home and the degree of perceived

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 416

REPRESENTATIVE JOHN COGHILL

HB 259 PUBLIC DEFENDERS FOR 48 HOUR HEARING SPONSOR STATEMENT

Pursuant to AS 47.10.142 (4)(d) after DFYS takes physical custody of a child, the court must immediately hold a hearing at which the court shall determine whether probable cause exists to deem the child a "Child In Need of Assistance" (CINA). The public defender's office would welcome the statutory change to allow them to legally provide assistance in an area they feel is necessary.

When a child is removed from the family home, the effects can be traumatic; so much so that the parents are unaware of what has just happened, why it has happened, and what should be done next. The common situation is that the parents are distraught because their child has been removed by the state and feel intimidated by the judicial process for CINA determinations. They don't even know they can ask the judge for a continuance to seek legal advice.

Under current law a person does not qualify for assistance from the public defender's office until indigence is determined. Many parents go to court not knowing their rights or the process because they can not find legal assistance in time for the 48 hour hearing. This legislation allows any parent to get legal assistance from the Public Defender's office for the 48-hour CINA hearing regardless of whether or not they are indigent. The best case scenario in many cases will mean an end to the case and the child is returned to the parents. In other cases, a continuance would be issued to allow the parents to provide additional information to the court that the caseworker and the AG's office have not provided.

If, after the court has reviewed the evidence, it rules the child is a CINA during the 48 hour hearing, the parents would then apply for further assistance from the public defender's office and their qualification would be determined by whether or not they were indigent.

While some may argue this legislation will result in added expenses to the State, this legislation could actually reduce the cost of CINA cases in Alaska. By providing all the information in a professional manner at the first hearing of determination, the number of children in state custody for 90 days to six months then returned to their family will be reduced. This means a reduction in foster care, case worker, and health care costs, as well as, long-term public defender, guardian ad litem, and AG expenses.

Bill History/Action Display



BILL: HB 259 SHORT TITLE: PUBLIC DEFENDER CHILDREN'S PROCEEDINGS
 BILL VERSION:
 SPONSOR(S): REPRESENTATIVES(S) COGHILL, Croft

CURRENT STATUS: (H) FIN STATUS DATE: 2/11/00

TITLE: "An Act relating to a parent's eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child."

Full Text Bill/Resolution has Zero Fiscal Note(s).

Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
1/10/00	<u>1887</u>	(H) PREFILE RELEASED 12/30/99
1/10/00	<u>1887</u>	(H) READ THE FIRST TIME - REFERRALS
1/10/00	<u>1887</u>	(H) STA, JUD, FIN
1/28/00	<u>2026</u>	(H) STA RPT CS(STA) 5DP 1NR 1AM
1/28/00	<u>2027</u>	(H) DP: JAMES, GREEN, HUDSON, WHITAKER,
1/28/00	<u>2027</u>	(H) OGAN; NR: KERTTULA; AM: SMALLEY
1/28/00	<u>2027</u>	(H) ZERO FISCAL NOTE (ADM)
2/11/00	<u>2171</u>	(H) JUD RPT CS(STA) 4DP
2/11/00	<u>2171</u>	(H) DP: GREEN, CROFT, KERTTULA, KOTT
2/11/00	<u>2171</u>	(H) ZERO FISCAL NOTE (ADM) 1/28/00
2/11/00	<u>2171</u>	(H) REFERRED TO FINANCE
2/11/00	<u>2189</u>	(H) COSPONSOR(S): CROFT

Similar Subject Match or Exact Subject Match

- ATTORNEYS
- CHILD ABUSE
- CIVIL PROCEDURE
- COURTS
- MINORS
- PUBLIC ASSISTANCE
- PUBLIC DEFENDER

Bill Root: Display History/Action Clear Bill Root

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 288 (HESS)

Revision Date/Time (Note if correction) _____	Dept. Affected <u>Department of Corrections</u>
Title <u>An act relating to the creation of an aggravating factor for the commission of domestic violence</u>	BRU <u>Administration and Operations</u>
Sponsor <u>Representative Kott</u>	Component <u>All</u>
Requester <u>House HESS Committee</u>	Component No. <u>#0694</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous		99.7	99.7	99.7	99.7	99.7
TOTAL OPERATING	0.0	99.7	99.7	99.7	99.7	99.7

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		99.7	99.7	99.7	99.7	99.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	99.7	99.7	99.7	99.7	99.7

Estimate of any current year (FY 2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: <u>Candace Brower</u>	Phone <u>465-3307</u>
Division <u>Commissioner's Office</u>	Date/Time <u>1/31/00 11:52 AM</u>
Approved by <u>Commissioner Margaret M. Pugh</u>	Date <u>1-31-00</u>
Agency <u>Dept. of Corrections</u>	

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FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS**

BILL NO. HB 288 (HESS)
PAGE 2 of 2
DATE 1/31/00

Assumptions:

1. The Department of Corrections data show that in 1999 approximately 2365 prisoners were admitted to correctional facilities on domestic violence charges. Of those admissions, 268 were charged with felony assault and 2097 with misdemeanor assault. The Department of Law reports that they anticipate 75 convictions for felony domestic violence assault in calendar year 1999. This number is based on convictions of the past 3 years and the current convictions plus cases pending.
2. Assuming 65% of those incidents occurred in the physical presence of children, this bill would affect 49 cases.
3. Assuming that perhaps one half of those 49 would be presumptive cases affected by aggravating factors, that impacts 25 defendants.
4. Assuming 60% of those would result in increased sentences of approximately three months, (60 days to serve) the final number actually being impacted would be approximately 15. Since these cases are felony domestic violence, they are not likely to be eligible to furlough into the community because of their risk factor, so the additional cost of incarceration would be at the institutional rate which is currently \$110.73 per day. Fifteen individuals serving an additional 60 days each at a rate of \$110.73 per day makes a fiscal impact of \$99,657.00 per year.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 288

Revision Date: _____
 Title: "An Act relating to the creation of an aggravating factor for the commission of domestic violence in presence of child"
 Sponsor: Representative Kott
 Requestor: (H) HESS

Department Affected: Administration
 BRU: Legal and Advocacy Services
 Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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 F - Jeral Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 00) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 See attached.

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

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Robert Poe, Jr.
 Agency: Department of Administration

Date: 1/31/00

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 288

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would add another aggravating factor to the list of aggravating factors used in sentencing in felony cases. The aggravating factor would provide for increased sentences if the crime involved domestic violence and was committed in the presence of a child under 16. The child would have to be a member of the household at the time of the offense.

The Public Defender Agency will need to do more work in many of its felony sentencing cases if this aggravating factor is established. The prosecution will have to prove the aggravating factor by clear and convincing evidence. Where the facts are at issue, Public Defender attorneys will have to prepare for and conduct evidentiary hearings. If the aggravating factor is established, the court will need to hear argument concerning the weight to be given to the factor in the case before the court.

However, the amount of additional work is difficult to quantify. Although more work will need to be done, we do not anticipate more criminal cases being brought or sentencings conducted as a result of this bill. In addition, it is not possible to say how many felony sentencings this aggravating factor would affect. Because of these uncertainties, we are submitting an indeterminate fiscal note.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 288

Revision Date <u>1/27/00</u>	Dept. Affected <u>Public Safety</u>
Title <u>Children Witnessing Domestic Violence</u>	BRU <u>CDVSA</u>
	Component: <u>CDVSA</u>
Sponsor <u>Representative Kott</u>	
Requester <u>H. HES</u>	Component No. <u>521</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING						
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

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	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

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 impact our budget.

Prepared by: <u>Royce Weller, Special Assistant</u>	Phone <u>465-4322</u>
Division <u>Office of the Commissioner</u>	Date/Time <u>1/28/00 12:00 PM</u>
Approved by:	Date <u>1-30-00</u>
Agency <u>Commissioner Ronald L. Otte, Dept. of Public Safety</u>	

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 288

Revision Date/Time (Note if correction) _____	Dept. Affected <u>Law</u>
Title <u>"... to the creation of an aggravating factor for ...</u>	BRU <u>Criminal Division</u>
<u>... domestic violence in the physical presence of a child."</u>	Component <u>1st-4th Judicial Districts; Criminal</u>
Sponsor <u>Representative Kott</u>	<u>Appeals/Special Litigation</u>
Requester <u>House HESS Committee</u>	Component No. <u>2198-99;2201;03;61;79</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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 ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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 (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 288 creates an aggravating factor for the commission of domestic violence in the physical presence of a child.

This new aggravator would apply to felony domestic violence cases. Felony domestic violence cases are already taken very seriously by the Department of Law's prosecutors, and many have other aggravating factors. While a new aggravating factor will require putting forward additional evidence to prove it, the department anticipates any fiscal impact from passage of this bill to be minimal.

Prepared by: <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date/Time <u>1/31/00, 10:32 AM</u>
Approved by <u>Commissioner Kott</u> <u>Bruce M. Botelho, Attorney General</u>	Date <u>1/31/00</u>
Agency <u>Department of Law</u>	

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