

HB

67

HFIN

FILE

(3.1)

HOUSE COMMITTEE REPORT

Date Referred to Committee: April 16, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/26/99

The FINANCE Committee considered:

HB 67

HOUSE BILL NO. 67

BAIL HEARING FOR SEX OFFENDERS

"An Act relating to release of certain persons alleged to have committed certain sexual offenses."

recommends it be replaced with the following committee substitute CSHB 1.7 (JWD) 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) IOA-PD
(forthcoming)

fiscal note(s) DOC 4/16/99

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Core Therriault</u> Therriault	X			
<u>Core Bunde</u> Bunde	✓			
<u>Core Kohring</u> Kohring	X			
<u>Core J. Davies</u> J. Davies	X			
<u>Core Gausson</u> Gausson	X			
<u>Core Davis</u> Davis			X	
<u>Core William</u> William			X	

CHAIR'S SIGNATURE Core Therriault

FISCAL NOTE

Bill Version: CSHB 67 (JUD)
 (H) Publish Date: 4/16/99

**STATE OF ALASKA
 1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) _____ Dept. Affected Department of Corrections
 Title An Act relating to release of certain persons BRU Administration and Operations
 alleged to have committed certain sexual offenses. Component All
 Sponsor Representative Rokeberg
 Requester House Judiciary Committee Component Serial No. #0694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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 (Specify Type)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will impact the pre-trial inmate population within the department of corrections, to what extent is unknown. It is anticipated that fewer people will be able to make bail or be released to a third party custodian under House Bill 67. It is difficult to predict the fiscal costs resulting from this legislation. Therefore the DOC is submitting an indeterminate fiscal note.

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date/Time 2/23/99 4:24 PM
 Approved by Margaret M. Pugh *Margaret M. Pugh* Date 2/22/99
 Agency Department of Corrections

FISCAL NOTE

No: 2

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Version: CSHB 67 (JUD)
(H) Publish Date: 4/16/99

Revision Date: _____
Title: "An Act relating to release of certain persons alleged to have committed certain sexual offenses"
Sponsor: Representative Rokeberg
Requestor: (H) JUD

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

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**

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

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

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

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: 2/19/99

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 67

1999 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would place restrictions on the court's discretion to release people charged with sexual assault in the second degree (AS 11.41.420), sexual abuse of a minor in the second degree (AS 11.41.436), and unlawful exploitation of a minor (AS 11.41.455). These are class B felony offenses. The bill places the same restrictions on people charged with class C felonies, like sexual assault in the third degree (AS 11.41.425), sexual abuse of a minor in the third degree (AS 11.41.438), incest (AS 11.41.450), and indecent exposure in the first degree (AS 11.41.458). Finally, the bill places restrictions on people charged with the class A misdemeanor of use of sexual abuse of a minor in the fourth degree (AS 11.41.440).

The restrictions the bill places on a judge's discretion to release are:

Sec. 1 -- release on personal recognizance and on unsecured bond is prohibited as it currently is for class A and unclassified felonies:

Sec. 2 -- release to the supervision of a designated person or organization must be 24-hour supervision except for periods personally approved by the judge.

Sec. 3 of the bill requires judges to "solicit comments from the victim" and consider those comments prior to release.

This bill will have a fiscal impact on the Public Defender Agency. The Agency represents defendants in bail hearings on these offenses. The additional restrictions will make release on bail in all of these cases a more difficult process. The restrictions will result in Public Defender attorneys spending more time and resources in preparing for and representing clients in bail hearings.

FISCAL NOTE

No: 2

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Bill Version: CSHB 67 (JUD)
(H) Publish Date: 4/16/99

Revision Date: _____
Title: "An Act relating to release of certain persons alleged to have committed certain sexual offenses"
Sponsor: Representative Rokeberg
Requestor: (H) JUD

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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: \$ _____

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: 2/19/99

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STATE OF ALASKA

BILL NO. HB 67

1999 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would place restrictions on the court's discretion to release people charged with sexual assault in the second degree (AS 11.41.420), sexual abuse of a minor in the second degree (AS 11.41.436), and unlawful exploitation of a minor (AS 11.41.455). These are class B felony offenses. The bill places the same restrictions on people charged with class C felonies, like sexual assault in the third degree (AS 11.41.425), sexual abuse of a minor in the third degree (AS 11.41.438), incest (AS 11.41.450), and indecent exposure in the first degree (AS 11.41.458). Finally, the bill places restrictions on people charged with the class A misdemeanor offense of sexual abuse of a minor in the fourth degree (AS 11.41.440).

The restrictions the bill places on a judge's discretion to release are:

Sec. 1 -- release on personal recognizance and on unsecured bond is prohibited as it currently is for class A and unclassified felonies;

Sec. 2 -- release to the supervision of a designated person or organization must be 24-hour supervision except for periods personally approved by the judge.

Sec. 3 of the bill requires judges to "solicit comments from the victim" and consider those comments prior to release.

This bill will have a fiscal impact on the Public Defender Agency. The Agency represents defendants in bail hearings on these offenses. The additional restrictions will make release on bail in all of these cases a more difficult process. The restrictions will result in Public Defender attorneys spending more time and resources in preparing for and representing clients in bail hearings.

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 Sponsor Representative Rokeberg
 Requester House Judiciary Committee Component Serial No. #0694

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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)

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Other (Specify Type)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will impact the pre-trial inmate population within the department of corrections, to what extent is unknown. It is anticipated that fewer people will be able to make bail or be released to a third party custodian under House Bill 67. It is difficult to predict the fiscal costs resulting from this legislation. Therefore the DOC is submitting an indeterminate fiscal note.

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date/Time 2/23/99 4:24 PM
 Approved by Margaret M. Pugh Date 2/22/99
 Agency Department of Corrections

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ALASKA STATE LEGISLATURE

House of Representatives

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JUDICIARY COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us



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JUNEAU, AK 99801-1182
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FAX (907) 465-2040

Representative Norman Rokeberg

SPONSOR STATEMENT

CSHB 67 (JUD)

An Act relating to release of certain persons alleged to have committed certain sexual offenses

CSHB 67(JUD) is being proposed to strengthen protection for sexually abused victims. This bill adds a new section (release in sexual abuse and sexual assault cases) that mandates the court to consider safety of the alleged victim in the following cases: sexual assault [first degree to third degree], Sexual abuse of a minor [first degree to third degree], incest, unlawful exploitation of a minor, and indecent exposure in the first degree.

The bill permits the judge to impose additional conditions on a person charged or convicted of these crimes concerning no contact with alleged victim, residing in a place where there is no likelihood of coming in contact with the victim, and taking medication as prescribe.

Currently a victim is usually notified of a bail hearing but inquiry by the judicial officer as to if such notification has been made is not statutorily required. This was where the system broke down in my constituent's case. The bill indicates that before a person who is charged or convicted of one of these crimes is released that the judicial officer is required to ask about the notice of the victim or victim's representative. The judicial officer is also to inquire if the victim or victim's representative is in court and wishes to comment.

This legislation stems from a situation faced by one of my constituents this past year. This person's young child was sexually abused. The parent was not notified of the bail hearing and the predator, who changed his plea at the last minute, was released back into the community [and is still out in the community awaiting sentencing which has now been scheduled for May] with minimal supervision despite the District Attorney's request for 24-hour supervision. As might be expected, the victim's parent was outraged that the criminal who abused a young child was again in the community without any supervision. I agreed with the parent's concerns and introduced this legislation.

I would urge your support of this legislation.

ED3:04/16/99

ALASKA STATE LEGISLATURE

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TOURISM, MEMBER



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PHONE (907) 465-4966
FAX (907) 465-2040

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

Representative Norman Rokeberg

SECTIONAL ANALYSIS

CSHB 67 (JUD)

An Act relating to release of certain persons alleged to have committed certain sexual offense.

Section 1. Adds new section to statute concerning release in sexual abuse and sexual assault cases. Requires court to:

- A. Consider safety of the alleged victim
- B. Impose other conditions [in addition to bail] if the person is considered a danger to the victim or may not appear at court hearing:
 - i. No contact with alleged victim except as allowed by court;
 - ii. Person reside in place where not likely to come in contact with the victim; and
 - iii. Take medication if so prescribed.
- C. Court now has a duty to inquire if:
 - i. Victim or victim's parent or guardian has been notified of the hearing;
 - ii. Solicit comments from victim or victim's parent or guardian if present in the court room and wish to testify.

Section 2: Applicability. Applies to proceedings occurring on or after the effective date of the legislation.

NOTE: Crimes Covered By This Legislation Include:

- 11.41.410 Sexual Assault in the First Degree
- 11.41.420 Sexual Assault in the Second Degree
- 11.41.425 Sexual Assault in the Third Degree
- 11.41.434 Sexual Abuse of a Minor in the First Degree
- 11.41.435 Sexual Abuse of a Minor in the Second Degree
- 11.41.438 Sexual Abuse of a Minor in the Third Degree
- 11.41.450 Incest
- 11.41.455 Unlawful Exploitation of a Minor
- 11.41.458 Indecent Exposure in the First Degree

ED3:04/16/99

FISCAL NOTE

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Department Affected: Administration
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COMPONENT SERIAL NO. 1631

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TRAVEL						
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EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	*	**

CAPITAL EXPENDITURES	**	**	**	**	**	**
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CHANGE IN REVENUES ()	**	**	**	**	**	**
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PART-TIME						
TEMPORARY						

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

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Robert Poe
 Agency: Department of Administration

Date: 2/19/99

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CAPITAL EXPENDITURES						
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 Agency Department of Corrections

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House Finance Committee

DATE: 4/26

PLACE: HFC

SUBJECT OF MEETING:

HB 34
HB 67
SB 101

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
✓ Annie Carpenter	Law	Room 717 Ct Betty		6-1355	3428	(Y) N	HB 34
✓ Mary Siroky	Dec	#401 Kellereby		5-5355		Y (N)	questions SB101
✓ George Utermohle	LAA - Legal	Legislative Affairs Agency - Jensen				Y N	SB101 available for questions
✓ Carol Canall	DMVA			4730	4730	Y (N)	SB101 answer quest
✓ Janet Seitz	Rep Rokken			4954		(Y) N	hb 67
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	