

SB

4

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 1/25/99

REPORTED OUT OF
FURTHER: SFC 4/27/99

DATE TURNED
IN TO OFFICE: 4/27/99

Finance Committee considered SENATE BILL NO. 4
OFFICE OF VICTIMS' ^{RIGHTS} ~~ADVOCACY~~

and recommends:

- be replaced with _____ CS SB 4 (FIN)
- adopt previous _____ CS CS (_____)
- attached amendment(s) forthcoming
- adopt Letter of Intent by _____
- further referral to the _____

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Chell & Title</i>	✓	<i>ul & down</i>	X		
<i>By Dan Huelson</i>	✓				
<i>Walter Kelly</i>	✓				
<i>Michael Kelly</i>	✓				
<i>Gary White</i>	✓				
Co-Chair: <i>Joseph</i>	✓	Co-Chair:			
Co-Chair: <i>Sean R. Parrell</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Forthcoming fiscal note Public Safety Commissioner's Office			

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Admin/OPA	1/22/99	✓	
Admin/PDA	1/22/99	✓	
Law	1/22/99		*
Public Safety ^{COA}	1/22/99	✓	
Corrections	1/21/99		46.5
PS/VCCB	1/22/99		750

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

4/27/99

NO. _____
BILL VERSION: CSSB 4 (FIN)

Revision Date: 4/27/99
Title: "An Act relating to establishing an office of victims' rights; relating to compensation of victims..."
Sponsor: Senator Halford
Requestor: Senate Finance

Department Affected: Dept. of Public Safety
BRU: Statewide Support
Component: Commissioner's Office

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES	14.8	415.3	415.3	415.3	415.3	415.3
TRAVEL	0.0	4.2	4.2	4.2	4.2	4.2
CONTRACTUAL	13.8	28.6	28.6	28.6	28.6	28.6
SUPPLIES	1.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	43.4	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	73.0	450.1	450.1	450.1	450.1	450.1

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

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE 1050	73.0	450.1	450.1	450.1	450.1	450.1
TOTAL	73.0	450.1	450.1	450.1	450.1	450.1

POSITIONS:

FULL-TIME	0	7	7	7	7	7
PART-TIME	1	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary) CSSB4(FIN) establishes an Office of Victims' Rights in the Department of Public Safety. The Victims' Advocate will be appointed for 5 years. It is anticipated the Victim's Advocate will be selected in FY00 and begin work in FY01. A part time position will select office space, acquire furniture and supplies and set up the office during the last four months of FY00. The office will be fully staffed beginning in FY01. Staff include 2 attorney's, 1 paralegal, and 3 clerical personnel. DPS will process payroll, provide accounting and teleconference assistance and DP support at no cost to the Office of Victims' Rights. Funding for this office will be from the Permanent Fund Dividend Fund. This bill adds the Office of Victim's Rights to the three other programs under AS 43.23.028(b) that require annual appropriation from the the Permanent Fund Dividend Fund by the Legislature.

Prepared By: Sandy Perry- Provost, Special Assistant Phone: 465-4322
Division: Commissioner's Office Date: April 27, 1999

Approved By: Ronald. L. Otte, Commissioner
Department of Public Safety Date: _____

CONTINUATION OF FISCAL NOTE: CSSB4 (FIN)

Expenses of the victims' advocate selection committee will be absorbed within existing budgets.

Personal Services

It is anticipated that the Secretary position will work with Admin. Svcs. to obtain office space, equipment and supplies. The Secretary position will begin work in March 2000. 1 Secretary 4 months **14,800**

FY01	Monthly		Annual		Health	
	Salary	#	Salary	Benefits	Insurance	Total
Victims Advocate - 26A	5,850	1	70,200	85,089	5,718	90,808
2 Attorney's - 23A	4,918	2	118,032	143,067	11,437	154,504
1 Paralegal - 16A	3,049	1	36,588	44,348	5,718	50,067
1 Secretary - 14A	2,656	1	31,872	38,632	5,718	44,351
1 Secretary - 12A	2,338	1	28,056	34,007	5,718	39,725
1 Secretary - 10A	2,071	1	24,852	30,123	5,718	35,842
						415,296

FY00 **14,800**
FY01 **415,296**

Travel

Travel is not anticipated for FY00.

In FY01, it is anticipated that the victims' advocate will make 3 trips to attend in state meetings and 1 trip to meet with victims' rights organizations in other states.

	Travel	Per Diem		
3 trips in state	1,110	1,629	2,739	
1 trip out of state	780	680	<u>1,460</u>	FY00 0
			4,199	FY01 4,199

Contractual

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

	FY00	FY01		
Phones	1,500	3,600		
Postage	300	3,000		
Advertising positions	5,000	0		
Copier Maintenance	200	600		
Membership Dues	0	500		
Subscriptions	0	500		
Office Space 1,000 Sq. Ft.	6,800	20,400	FY00	13,800
	13,800	28,600	FY01	28,600

Supplies

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

	FY00	FY01	FY00	1,000
Office Supplies	1,000	2,000	FY01	2,000

Equipment

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

7 Phones	3,500			
1 Fax Machine	650			
3 Executive Desks	4,500			
4 Secretarial Desks	4,000			
7 Chairs	1,400		FY00	43,350

7 File Cabinets	2,800
7 Computers	14,000
3 Printers	4,500
1 Copy Machine	8,000
Total	43,350

FY01

0

Page 2 of 2

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

1, 7
Bill Version: CSSB 4 (JUD)
BILL NO. (S) Publish Date: 1/25/99
S: 4/27/99

Revisor Date/Time (Note if correction) _____ Dept. Affected Administration _____
Title "An Act relating to establishing an office..." BRU Legal and Advocacy Services
Component Office of Public Advocacy
Sponsor Senator Halford
Requester (S) JUD Component Serial No. 43

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	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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 (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on OPA.

Prepared by Brant McGee, Public Advocate Phone 269-3500
Division Office of Public Advocacy Date/Time _____
Approved by Commissioner Robert G. Poe Date 1/22/99
Agency Administration

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4/27/99
No. 6
Bill Version: CSSB 4 (JUD)
(S) Publish Date: 1/25/99

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Revision Date: _____
Title: "An Act establishing an office of victims' rights..."
Sponsor: Senator Halford
Requestor: (S) JUD

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
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 ()						
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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	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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: 1/22/99

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FISCAL NOTE

STATE OF ALASKA

BILL NO. SB 4 #6

1999 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would create an Office of Victims' Rights as a legislative agency. The Victims' Advocate would have broad powers to act as an attorney for victims of crime to enforce constitutional guarantees and make statements on behalf of victims in court. It is difficult to say whether or not there would be any fiscal impact on the Public Defender Agency (PDA) as a result of this bill. PDA believes that much of what the Victims' Advocate would do is currently being done by Victim/Witness Coordinators in the Department of Law. If the Victim/Witness Coordinators' work is done by another agency, there should be no fiscal impact on PDA.

Somewhat troubling is Section 9 which disqualifies any misdemeanants from obtaining a PFD if they have a prior felony conviction or two prior misdemeanors. The end result is that an individual victim of an offense is much less likely to get their court-ordered restitution if an offender may not directly assign their PFD check to them. While these funds may then be allocated to the Office of Victims' Rights, the contribution would likely be small. It may be more in an individual victim's interests to have that assignment directly made.

FISCAL NOTE

No. 5
 Bill Version: CS SB 4 (JUD)
 (S) Publish Date: 1/25/99

**STATE OF ALASKA
 1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)		Dept. Affected
Title	...establishing an office of crime victims' advocacy;	BRU
amending	Rules of Criminal Procedure...Delinquency Rules...	Component
Sponsor	Senator Halford	1st-4th Jud Dist, Crim Apps/Spec Lit
Requester	Senate Judiciary Committee	Component Serial No.
		2198-99/2261/79/01/03
		2206

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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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: _____

POSITIONS

POSITIONS	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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

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

Prepared by Joan M. Kasson *[Signature]*
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date/Time 1/22/99, 9:33 AM
 Date 1/22/99

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

No. 4
Bill Version: CSSB4(JUD)
(S) Publish Date: 1/25/99
4/21/99

Revision Date: 1/21/99 Dept. Affected: Public Safety
Title: Office of Victims' Advocacy BRU: CDVSA
Component: CDVSA
Sponsor: Sen. Halford
Requestor: S. Judiciary COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	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	0	0	0	0	0	0
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CHANGE IN REVENUES () Revenue Code						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 99) impact: \$ 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.)

Prepared By: Mona C. Maehara, Acting Executive Director Phone: 465-4356
Division: CDVSA Date: 1/21/99
Approved by Commissioner: Ronald L. Otte Date: 1/22/99
Agency: Dept. of Public Safety

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FISCAL NOTE

REPORTED OUT OF

NO. 30 4/27/99
 Bill Version: CSSB4(JUD)
 (S) Publish Date: 1/25/99

STATE OF ALASKA
 1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) _____ Dept. Affected Department of Corrections
 Title Act relating to establishing and office of crime BRU Administration and Operations
victim's rights; relating to compensation of victims of violent ... Component Data and Word Processing
 Sponsor Senator Halford
 Requester Senate Judiciary Component Serial No. _____

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	43.0	43.0	43.0	43.0	43.0	43.0
Travel						
Contractual	0.5	0.5	0.5	0.5	0.5	0.5
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	2.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	46.5	44.0	44.0	44.0	44.0	44.0

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	46.5	44.0	44.0	44.0	44.0	44.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	46.5	44.0	44.0	44.0	44.0	44.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 9 of this legislation amends AS 43.23.005(d) which would deny PFD eligibility for people who are convicted and incarcerated for a misdemeanor and they had been previously been convicted of a prior felony, or two or more prior misdemeanors. The Dept. of Corrections has previously asked for a Statistical Tech I position to accommodate appeals and information requests resulting from PFD denials. The data and word processing unit will be unable to carry out their daily operations if more appeals and computer programming are added without a position.

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date/Time 1/21/99 12:54 PM
 Approved by Commissioner Margaret M. Pugh Date 1-21-99
 Agency Department of Corrections

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FISCAL NOTE

STATE OF ALASKA

.o. 2
 Bill Version: CS584 (Jud)
 (S) Publish Date: 1/25/99
 4/27/99

1999 LEGISLATIVE SESSION

Revision Date: CORRECTED 1/22/99 10:30am Dept. Affected: Public Safety
 Title: Crime Victims' Rights and Advocacy Act of 1999 BRU: Violent Crimes Compensation Board
 Sponsor: Senator Halford Component: _____
 Requestor: Senate Judiciary COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS CLAIMS	75.0	99.7	132.7	176.4	234.7	312.1
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	75.0	99.7	132.7	176.4	234.7	312.1

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES () Revenue Code						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts		30.0	27.9	42.0	53.8	72.4
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other	75.0	69.7	104.8	134.4	180.9	239.7
TOTAL	75.0	99.7	132.7	176.4	234.7	312.1

Estimate of current year (FY 99) impact: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

 See Attached

Prepared By: Susan L. Browne, Administrator Phone: 465-5525
 Division: Violent Crimes Compensation Board Date: 1/19/99
 Approved by Commissioner: *Ronald L. Otte* Date: 1/22/99
 Agency: Ronald L. Otte, Dept. of Public Safety

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Revision Date: _____ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

It is not possible to predict how many claim requests for compensation will be received and/or awarded from one year to the next. Neither is it possible to predict how many claim requests will involve homicides or be eligible for compensation at maximum levels. Several claims awarded the maximum allowable by statute, significantly impacts this program's budget. This bill would increase the maximum available by statute to award on claims. The figures provided are based on the number of claims awarded at maximum levels in a typical year with the increased maximum factored in.

The number of claims received in recent years has continued to increase due to progressive outreach measures. This trend is likely to continue and estimates given here are based on an annual increase of 33%. The estimate for potential federal revenues is based upon 40% of the state funds awarded the previous year. This is the formula used by the Federal Government in awarding state compensation programs. The funds are contingent upon annual grant application and award.

moved by Sen. Parnell
w/o objection, ADOPTED

LETTER OF INTENT

It is the intent of the Legislature to fund the Office of Victim's Rights solely from the additional revenue generated by the new provisions established in CSSB 4(FIN) under AS 43.23.005(d)(B)(i) and (ii) that make additional criminals ineligible to receive the permanent fund dividend. It is further the intent of the legislature that the funding for the Office of Victim's Rights shall in no way result in a decrease of funding for crime victim's compensation, council on domestic violence and sexual assault, and the Department of Corrections from the funds available due to criminals being ineligible for the permanent fund dividend under AS 43.23.005 as it read before the effective date of this act.

I-LS0029\H
Luckhaupt
4/22/99

*moved by Sen. Donley
w/o obj! ADOPTED
as working draft.*

CS FOR SENATE BILL NO. 4()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATORS HALFORD, Donley, Green, Leman, Taylor, Wilken

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to establishing an office of victims' rights; relating to
2 compensation of victims of violent crimes; relating to eligibility for a permanent
3 fund dividend for persons convicted of and incarcerated for certain offenses;
4 relating to notice of appropriations concerning victims' rights; and amending Rule
5 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and
6 Rule 501, Alaska Rules of Evidence."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1. SHORT TITLE.** This Act may be known as the Crime Victims' Rights and
9 Advocacy Act of 1999.

10 * **Sec. 2.** AS 12.55.023(b) is amended to read:

11 (b) A victim may submit to the sentencing court a written statement that the
12 victim believes is relevant to the sentencing decision [,] and may give sworn testimony
13 or make an unsworn oral presentation to the court at the sentencing hearing. If there

1 are numerous victims, the court may limit the number of victims who may give sworn
 2 testimony or make an unsworn oral presentation during the hearing. When requested
 3 by the victim of a felony or a class A misdemeanor, if the class A misdemeanor
 4 is a crime involving domestic violence or a crime against a person under
 5 AS 11.41, when the victim does not submit a statement, give testimony, or make
 6 an oral presentation, the victims' advocate appointed under AS 12.61.200 may
 7 submit a written statement or make an unsworn oral presentation at the
 8 sentencing hearing on behalf of the victim.

9 * Sec. 3. AS 12.61 is amended by adding new sections to read:

10 **Article 2A. Office of Victims' Advocacy.**

11 **Sec. 12.61.200. Office of victims' advocacy established; duties.** (a) The
 12 office of victims' advocacy is established in the Department of Public Safety. The
 13 office shall be directed by the victims' advocate. The victims' advocate shall be
 14 appointed by the commissioner of public safety and shall be an attorney admitted to
 15 practice law in this state. The victims' advocate is in the partially exempt service
 16 under AS 39.25.125. The office may employ assistant victims' advocates and clerical
 17 staff that the victims' advocate determines are needed to perform the duties set out in
 18 this section. Assistant victims' advocates and clerical staff employed by the office are
 19 in the classified service under AS 39.25.100.

20 (b) The office of victims' advocacy shall, as provided in AS 12.61.200 -
 21 12.61.300,

22 (1) work to ensure that victims of crimes receive the rights to which
 23 they are entitled under the constitution and the laws of this state;

24 (2) act as a liaison between state agencies and victims of crimes;

25 (3) advocate on behalf of crime victims in the courts of the state; and

26 (4) investigate and report on complaints of victims of crimes that state
 27 agencies have not complied with the duties imposed on the agencies regarding victims
 28 of crimes.

29 (c) Each state agency shall cooperate with the office of victims' advocacy
 30 when the office is performing the duties imposed under AS 12.61.200 - 12.61.300.

31 (d) The office shall administer grants to nonprofit victims' rights organizations

1 in the amounts and to the recipients designated in the appropriation for the grant.

2 **Sec. 12.61.210. Procedure; fees.** (a) The victims' advocate shall, by
3 regulations adopted under AS 44.62 (Administrative Procedure Act), establish
4 procedures for advocacy on behalf of crime victims, receiving and processing
5 complaints, conducting investigations, reporting findings, and ensuring that confidential
6 information obtained by the victims' advocate in the course of advocacy on behalf of
7 a crime victim or in the course of an investigation will not be improperly disclosed.
8 The victims' advocate may establish procedures so that advocacy and investigations on
9 behalf of crime victims in felony cases take a priority over advocacy and investigations
10 on behalf of crime victims in misdemeanor cases.

11 (b) The office of victims' rights may not charge fees for the submission or
12 investigation of complaints.

13 **Sec. 12.61.220. Jurisdiction; duties.** (a) The victims' advocate has
14 jurisdiction to advocate on behalf of crime victims of felony offenses or class A
15 misdemeanors, if the class A misdemeanor is a crime involving domestic violence or
16 a crime against a person under AS 11.41, in the courts of the state and to investigate
17 the complaints of crime victims of felony offenses or class A misdemeanors, if the
18 class A misdemeanor is a crime involving domestic violence or a crime against a
19 person under AS 11.41, that they have been denied their rights under the constitution
20 and the laws of the state. In this subsection, "crime involving domestic violence" has
21 the meaning given in AS 18.66.990.

22 (b) The victims' advocate shall exercise reasonable care to

23 (1) ensure that the victims' advocate's exercise of jurisdiction granted
24 under this section does not interfere with an ongoing criminal investigation or with a
25 criminal prosecution;

26 (2) prevent employees of the office of victims' rights from making
27 extrajudicial statements that the victims' advocate is prohibited from making under the
28 Alaska Rules of Professional Conduct.

29 (c) The victims' advocate may not advise, counsel, or advocate on behalf of
30 a victim in a way that would,

31 (1) prevent or discourage a victim from cooperating with law

1 enforcement authorities in a criminal investigation;

2 (2) encourage a victim to withhold evidence from law enforcement
3 authorities in a criminal investigation; or

4 (3) prevent or discourage a victim from testifying in a criminal
5 proceeding.

6 **Sec. 12.61.230. Advocacy on behalf of crime victims; records.** (a) The
7 victims' advocate shall assist crime victims in obtaining the rights crime victims are
8 guaranteed under the constitution and laws of the state with regard to the contacts
9 crime victims have with the justice agencies of the state.

10 (b) The victims' advocate may make the statement a crime victim is authorized
11 to make under art. I, sec. 24, Constitution of the State of Alaska, and AS 12.55.02?,
12 in a court of the state when requested by the crime victim and when the crime victim
13 does not personally make a statement.

14 (c) When advocating on behalf of a crime victim in an ongoing criminal case
15 or juvenile adjudication, the victims' advocate is entitled to all information available
16 to the defendant or juvenile.

17 (d) Records obtained by the victims' advocate shall remain in the exclusive
18 custody of the victims' advocate. The victims' advocate may not disclose confidential
19 information to any person.

20 **Sec. 12.61.240. Investigations.** (a) The victims' advocate may investigate
21 complaints from crime victims that they have been denied the rights they are
22 guaranteed under the constitution and laws of this state.

23 (b) In an investigation, the victims' advocate may

24 (1) make inquiries and obtain information considered necessary;

25 (2) hold private hearings; and

26 (3) notwithstanding other provisions of law, have access at all times to
27 records of justice agencies, including court records of criminal prosecutions and
28 juvenile adjudications, necessary to ensure that the rights of crime victims are not
29 being denied; with regard to court and prosecution records, the victims' advocate is
30 entitled to obtain access to every record that the defendant is entitled to access or
31 receive.

1 (c) The victims' advocate shall maintain confidentiality with respect to all
2 matters and the identities of the complainants or witnesses coming before the victims'
3 advocate except insofar as disclosures may be necessary to enable the victims' advocate
4 to carry out duties and to support recommendations. However, the victims' advocate
5 may not disclose a confidential record obtained from a court or justice agency.

6 (d) Subject to the privileges that witnesses have in the courts of this state, the
7 victims' advocate may compel by subpoena, at a specified time and place, the

8 (1) appearance and sworn testimony of a person who the victims'
9 advocate reasonably believes may be able to give information relating to a matter
10 under investigation under this section; and

11 (2) production by a person of a record or object that the victims'
12 advocate reasonably believes may relate to the matter under investigation under this
13 section.

14 (e) If a person refuses to comply with a subpoena issued under (d) of this
15 section, the superior court may, on application of the victims' advocate, compel
16 obedience by proceedings for contempt in the same manner as in the case of
17 disobedience to the requirements of a subpoena issued by the court or refusal to testify
18 in the court.

19 (f) This section does not authorize the victims' advocate to issue a subpoena
20 to

21 (1) a justice, judge, magistrate, or a law clerk acting under the direction
22 of a justice, judge, or magistrate, concerning a judicial action or nonaction taken by,
23 or under the direction of, the justice, judge, or magistrate;

24 (2) a person acting under the direction of a justice, judge, or magistrate,
25 other than a law clerk, concerning a judicial action or nonaction taken by, or under the
26 direction of, a justice, judge, or magistrate except to establish the occurrence or
27 nonoccurrence of the action or nonaction or the person's own actions or nonactions;
28 this paragraph does not authorize the victims' advocate to inquire into the decision-
29 making or thought process of the justice, judge, or magistrate;

30 (3) a member of a jury concerning a matter that was considered by the
31 jury; or

1 (4) the person accused or convicted of committing the crime that is the
2 basis for the complaint, and investigation under AS 12.61.240, concerning a denial of
3 rights.

4 (g) Before giving an opinion or recommendation that is critical of a justice
5 agency or person as a result of an investigation under this section, the victims'
6 advocate shall consult with that agency or person. The victims' advocate may make
7 a preliminary opinion or recommendation available to the agency or person for review,
8 but the preliminary opinion or recommendation is confidential and may not be
9 disclosed to the public by the agency or person.

10 (h) The victims' advocate shall report the advocate's opinion and
11 recommendations to a justice agency if the victims' advocate finds, after investigation
12 under this section, that the agency has denied a crime victim rights the crime victim
13 is guaranteed under the constitution and laws of this state.

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

16 (j) The report provided under (h) of this section is confidential and may not
17 be disclosed to the public by the justice agency. The victims' advocate may disclose
18 the report under (k) of this section only after providing notice that the investigation has
19 been concluded to the agency and after receiving the written approval of the
20 complainant to release the report.

21 (k) Except as provided in (j) of this section, within a reasonable amount of
22 time after the victims' advocate reports the advocate's opinion and recommendations
23 to a justice agency, the victims' advocate may present the opinion and
24 recommendations to the governor, the attorney general, the legislature, a grand jury,
25 the public, or any of these. The victims' advocate shall include with the opinion any
26 reply made by the agency.

27 **Sec. 12.61.250. Annual report.** The victims' advocate shall submit to the
28 public an annual report of the victims' advocate's activities under AS 12.61.200 -
29 12.61.300 and notify the legislature that the report is available.

30 **Sec. 12.61.260. Judicial review.** A proceeding or decision of the victims'
31 advocate may be reviewed in superior court only to determine if it is contrary to the

1 provisions of AS 12.61.200 - 12.61.300.

2 **Sec. 12.61.270. Immunity of the victims' advocate.** A civil action may not
3 be brought against the victims' advocate or a member of the victims' advocate's staff
4 for anything done, said, or omitted in performing the victims' advocate's duties or
5 responsibilities under AS 12.61.200 - 12.61.300.

6 **Sec. 12.61.280. Victims' advocate's privilege not to testify or produce**
7 **documents or other evidence.** The victims' advocate and the staff of the victims'
8 advocate may not be compelled to testify or produce documents or other evidence in
9 a court regarding matters coming to their attention in the exercise or purported exercise
10 of their official duties except as may be necessary to enforce the provisions of
11 AS 12.61.200 - 12.61.300.

12 **Sec. 12.61.290. Penalty.** A person who knowingly hinders the lawful actions
13 of the victims' advocate or the staff of the victims' advocate, or who knowingly refuses
14 to comply with their lawful demands, is guilty of a misdemeanor and upon conviction
15 may be punished by a fine of not more than \$1,000. In this section, "knowingly" has
16 the meaning given in AS 11.81.900.

17 **Sec. 12.61.300. Definitions.** In AS 12.61.200 - 12.61.300,

18 (1) "justice agency" means a department, office, institution, corporation,
19 authority, organization, commission, committee, council, court, or board in the
20 executive or judicial branches of the state government that is, in any manner, involved
21 with or responsible for the apprehension, prosecution, incarceration, or supervision of
22 criminal or juvenile offenders; it also includes an officer, employee, or member of an
23 agency acting or purporting to act in the exercise of official duties, including the
24 governor and lieutenant governor, when acting with regard to executive clemency,
25 judges, and magistrates;

26 (2) "victim" has the meaning given in AS 12.55.185.

27 * **Sec. 4.** AS 18.67.130(c) is amended to read:

28 (c) Compensation may not be awarded under this chapter in an amount in
29 excess of \$30,000 [\$25,000] per victim per incident. However, in the case of the death
30 of

31 (1) a victim who has more than one dependent eligible for

1 compensation, the total compensation that may be awarded as a result of that death
2 may not exceed \$50,000; the [\$40,000. THE] board may prorate the total awarded
3 among those dependents according to relative need; or

4 (2) two or more victims in the same incident who jointly have a
5 dependent eligible for compensation, the total compensation that may be awarded
6 as a result of those deaths may not exceed \$50,000.

7 * Sec. 5. AS 18.67.130 is amended by adding a new subsection to read:

8 (e) The dollar amounts in (c) of this section change, as provided in this
9 subsection, according to and to the extent of increases in the Consumer Price Index for
10 all Urban Consumers for the Anchorage Metropolitan Area compiled by the Bureau
11 of Labor Statistics, United States Department of Labor (the index). The index for
12 January of 1996 is the reference base index. The dollar amounts increase on October 1
13 of each even-numbered year if the percentage of change, calculated to the nearest
14 whole percentage point, between the index for January of that year and the most recent
15 index used to change the exemption amount, is one percent or more. If the index is
16 revised, the percentage of increase is calculated on the basis of the revised index. If
17 a revision of the index changes the reference base index, a revised reference base
18 index is determined by multiplying the reference base index applicable by the rebasing
19 factor furnished by the United States Bureau of Labor Statistics. If the index is
20 superseded, the index referred to in this section is the one represented by the Bureau
21 of Labor Statistics as reflecting most accurately changes in the purchasing power of
22 the dollar for Alaska consumers. The board shall adopt a regulation announcing

23 (1) on or before June 30 of each year in which dollar amounts are to
24 increase, the increases in dollar amounts required by this subsection; and

25 (2) promptly after the changes occur, changes in the index required by
26 this subsection, including, if applicable, the numerical equivalent of the reference base
27 index under a revised reference base index and the designation or title of any index
28 superseding the index.

29 * Sec. 6. AS 39.25.120(c) is amended by adding a new paragraph to read:

30 (25) the victims' advocate established under AS 12.61.200.

31 * Sec. 7. AS 43.23.005(d) is amended to read:

1 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is
2 not eligible for a permanent fund dividend for a dividend year when

3 (1) during the qualifying year, the individual was sentenced as a result
4 of conviction in this state of a felony;

5 (2) during all or part of the qualifying year, the individual was
6 incarcerated as a result of the conviction in this state of a

7 (A) felony; or

8 (B) misdemeanor if the individual has been convicted of

9 (i) a prior felony as defined in AS 11.81.900; or

10 (ii) two or more prior misdemeanors [CRIMES] as

11 defined in AS 11.81.900.

12 * Sec. 8. AS 43.23.028(b) is amended to read:

13 **Sec. 43.23.028. Public notice.** (a) By October 1 of each year, the
14 commissioner shall give public notice of the value of each permanent fund dividend
15 for that year and notice of the information required to be disclosed under (3) of this
16 subsection. In addition, the stub attached to each individual dividend check and direct
17 deposit advice must

18 (1) disclose the amount of each dividend attributable to income earned
19 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
20 Constitution of the State of Alaska;

21 (2) disclose the amount of each dividend attributable to income earned
22 by the permanent fund from appropriations to that fund and from amounts added to
23 that fund to offset the effects of inflation;

24 (3) disclose the amount by which each dividend has been reduced due
25 to each appropriation from the dividend fund, including amounts to pay the costs of
26 administering the dividend program and the hold harmless provisions of AS 43.23.075;

27 (4) include a statement that an individual is not eligible for a dividend
28 when

29 (A) during the qualifying year, the individual was convicted of
30 a felony;

31 (B) during all or part of the qualifying year, the individual was

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incarcerated as a result of the conviction of a

(i) felony; or

(ii) misdemeanor if the individual has been convicted of

a prior felony or two or more prior misdemeanors [CRIMES];

(5) include a statement that the legislative purpose for making individuals listed under (4) of this subsection ineligible is to

(A) obtain reimbursement for some of the costs imposed on the state criminal justice system related to incarceration or probation of those individuals;

(B) provide funds for services for and payments to crime victims and for grants for the operation of domestic violence and sexual assault programs;

(6) disclose the total amount that would have been paid during the previous fiscal year to individuals who were ineligible to receive dividends under AS 43.23.005(d) if they had been eligible;

(7) disclose the total amount appropriated for the current fiscal year under (b) of this section for each of the funds and agencies listed in (b) of this section.

(b) To the extent that amounts appropriated for a fiscal year do not exceed the total amount that would have been paid during the previous fiscal year to individuals who were ineligible to receive dividends under AS 43.23.005(d) if they had been eligible, the notice requirements of (a)(3) of this section do not apply to appropriations from the dividend fund to [THE]

(1) the crime victim compensation fund established under AS 18.67.162 for payments to crime victims;

(2) the council on domestic violence and sexual assault established under AS 18.66.010 for grants for the operation of domestic violence and sexual assault programs; [OR]

(3) the Department of Corrections for incarceration and probation programs;

(4) the office of victims' ights; or

(5) the office of victims' rights for grants to nonprofit victims'

1 rights organizations.

2 * **Sec. 9.** AS 12.61.230 and 12.61.240, added by sec. 3 of this Act, have the effect of
3 amending Rule 16, Alaska Rules of Criminal Procedure, and Rule 9, Alaska Delinquency
4 Rules, by allowing the victims' advocate a right of access to information in criminal
5 prosecutions and juvenile adjudications that is equal to that available to criminal defendants
6 or juveniles when the advocate is engaging in advocacy or that is unlimited when the advocate
7 is engaging in investigations concerning victims' rights.

8 * **Sec. 10.** AS 12.61.280, added by sec. 3 of this Act, amends Rule 501, Alaska Rules of
9 Evidence, by creating a new privilege from being compelled to testify or produce documents
10 or other evidence in a court.

SENATE FINANCE
COMMITTEE

SENATE AMENDMENT

Amendment Number: 1
Bill Number: CS SB 4 (JUD)
Sponsor: Donley Date: 3/20/99
Logged In By: Mindy

By SEN DONLEY

To: _____ SENATE BILL No. CSSB4(JUD)
To: _____ HOUSE BILL No. _____

PAGE: 12 ^{between} LINES: 7-8

add new sentence

(5) ~~designated~~ grants to non-profit
crime victims ~~groups~~ advocacy groups.

SENATE FINANCE
COMMITTEE

Amendment Number: 2
Bill Number: CS SB 4 (JUD)
Sponsor: Donley Date: 3/30/99
Logged In By: J Mindy

SENATE AMENDMENT

BY SEN DONLEY moved (
w/o obj. adopted

To: _____ SENATE BILL No. CS SB 4 (JUD)

To: _____ HOUSE BILL No. _____

PAGE: one LINE: 13

after "may" insert "reasonably"

AMENDMENT

OFFERED IN THE SENATE
TO: CSSB 4(JUD)

BY SENATOR TORGERSON

1 Page 11, line 25:

2 Delete "AS 43.23.028(b)"

3 Insert "AS 43.23.028"

4 Page 11, following line 25:

5 Insert a new subsection to read:

6 "Sec. 43.23.028. Public notice. (a) By October 1 of each year, the
7 commissioner shall give public notice of the value of each permanent fund dividend
8 for that year and notice of the information required to be disclosed under (3) of this
9 subsection. In addition, the stub attached to each individual dividend check and direct
10 deposit advice must

11 (1) disclose the amount of each dividend attributable to income earned
12 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
13 Constitution of the State of Alaska;

14 (2) disclose the amount of each dividend attributable to income earned
15 by the permanent fund from appropriations to that fund and from amounts added to
16 that fund to offset the effects of inflation;

17 (3) disclose the amount by which each dividend has been reduced due
18 to each appropriation from the dividend fund, including amounts to pay the costs of
19 administering the dividend program and the hold harmless provisions of
20 AS 43.23.075;

21 (4) include a statement that an individual is not eligible for a dividend
22 when

23 (A) during the qualifying year, the individual was convicted of
24 a felony;

1 (B) during all or part of the qualifying year, the individual was
2 incarcerated as a result of the conviction of a

3 (i) felony; or

4 (ii) misdemeanor if the individual has been convicted
5 of a prior felony or two or more prior misdemeanors [CRIMES];

6 (5) include a statement that the legislative purpose for making
7 individuals listed under (4) of this subsection ineligible is to

8 (A) obtain reimbursement for some of the costs imposed on the
9 state criminal justice system related to incarceration or probation of those
10 individuals;

11 (B) provide funds for services for and payments to crime
12 victims and for grants for the operation of domestic violence and sexual
13 assault programs;

14 (6) disclose the total amount that would have been paid during the
15 previous fiscal year to individuals who were ineligible to receive dividends under
16 AS 43.23.005(d) if they had been eligible;

17 (7) disclose the total amount appropriated for the current fiscal year
18 under (b) of this section for each of the funds and agencies listed in (b) of this
19 section."

SENATE FINANCE
COMMITTEE

Amendment Number: 4
Bill Number: CS SB 4 (JUD)
Sponsor: Torgerson Date: 4/20/99
Logged In By: Mindy

1-LS0029\D.2
Luckhaupt
4/19/99

A M E N D M E N T

moved by Sen. Donley

OFFERED IN THE SENATE
TO: CSSB 4(JUD)

BY SENATOR TORGERSON
REMOVED

1 Page 1, line 3, following "offenses;":

2 Delete "and"

*Sen. Donley moved effective
date; w/o obj. ADOPTED*

3 Page 1, line 5, following "Evidence":

4 Insert "; and providing for an effective date"

5 Page 14, following line 15:

6 Insert new bill sections to read:

7 "* Sec. 17. Notwithstanding the effective date of secs. 1 - 8 and 11 - 16 of this Act, to
8 the extent that there are appropriations for the purpose, the executive director of the
9 Legislative Affairs Agency may purchase supplies and equipment, obtain office space, and
10 employ clerical staff so that the office of victims' rights, created in sec. 6 of this Act, is able
11 to begin work on July 1, 2001.

12 * Sec. 18. Sections 9, 10, and 17 of this Act take effect immediately under
13 AS 01.10.070(c).

14 * Sec. 19. Sections 1 - 8 and 11 - 16 take effect July 1, 2001."

ANALYSIS [continued]

and project coordination--plus much larger annual expenditures of at least \$12 million for land preparation costs (subdivision design, survey and platting). These historic land preparation costs were lower than they would be in the present day, as DNR was exempt from municipal platting requirements in the early 1980's, and there were fewer municipalities. Nevertheless, this analysis uses the hypothetical assumption that the cost to offer more than two-and-a-half times as much land as DNR ever previously offered will cost only about twice as much as in 1980. Nor have these figures been adjusted for the inflation that has occurred since the early 1980's.

Personal services includes staff to identify land sale projects, prepare for and conduct the sales, issue and administer contracts, prepare and print disposal brochures, contract for and review appraisals, contract for and review surveys, staff the 20 advisory boards, and coordinate disposal projects.

Travel costs include the cost for travel for the 20 regional advisory boards, as well as travel for site inspections of parcels/areas proposed for sale (required for survey and appraisal work).

Contractual costs include the survey and appraisal. The contractual costs do not include costs to build roads that will likely be required for subdivisions in most municipalities.

Large first-year costs for equipment include computers and other office equipment for new Commission staff.

Revenue projections assume that in any given year, only 100,000 acres are actually sold. This is because of several factors - quality of the land, remoteness, and lack of demand (saturation of land market). The average sale value is assumed to be \$400/acre, which is greater than the average of all state land sales for the past 11 years (\$386/acre). The analysis assumes that the state will receive 10% down payments and that the average life of a sales contract will be 15 years.