

HB

67

1-LS0197M-
Luckhaupt
3/10/00

adopted
3/20/00
amended

SENATE CS FOR CS FOR HOUSE BILL NO. 67()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES ROKEBERG, Dyson, Croft, Harris, Halcro, Murkowski

A BILL

FOR AN ACT ENTITLED

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

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 12.30 is amended by adding a new section to read:

5 Sec. 12.30.029. Release in sexual abuse and sexual assault cases. (a)

6 Before ordering release before trial of a person charged with a crime under
7 AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458, the court shall consider the safety
8 of the alleged victim. The court may impose bail and any of the conditions authorized
9 under AS 12.30.020 and any other condition necessary to protect the alleged victim
10 and the public and to assure the appearance of the person in court.

11 (b) The court may impose any of the following conditions on a person charged
12 with an offense under AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458

13 (1) that the person have no contact with the alleged victim except as
14 specifically allowed by the court;

1 (2) that the person reside in a place where the person is not likely to
2 come into contact with the alleged victim of the offense; and

3 (3) if the person is on medication, that the person take the medication
4 as prescribed.

5 (c) Before a judicial officer releases a person charged with an offense under
6 AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458, the court shall

7 (1) assure that the alleged victim, or the alleged victim's parent or
8 guardian if the alleged victim is under 18 years of age, has been notified by a law
9 enforcement agency or the prosecuting attorney of the hearing where the release is
10 being considered, or a reasonable effort at notification has been made;

11 (2) solicit comments from the victim or the victim's parent or guardian
12 who is present and wishes to comment and consider those comments before making
13 a decision to release the person.

14 * Sec. 2. AS 12.30.040(b) is amended to read:

15 (b) Notwithstanding the provisions of (a) of this section, a person may not be
16 released on bail either before sentencing or pending appeal if the person has been
17 convicted of an offense that is

18 (1) an unclassified felony or a class A felony; [OR]

19 (2) a class B or class C felony if the person has been previously
20 convicted of an offense in this state that is an unclassified felony, a class A felony, or
21 a violation of AS 11.41.260, 11.41.420 - 11.41.425, or 11.41.436 - 11.41.438 or of an
22 offense in another jurisdiction with elements substantially similar to an offense of this
23 state described in this paragraph; or

24 (3) a crime under AS 11.41.410 - 11.41.438 or 11.41.450 - 11.41.458.

25 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section
26 to read:

27 **APPLICABILITY.** This Act applies to criminal proceedings occurring on or after the
28 effective date of this Act regardless of whether the criminal offense occurred before, on, or
29 after the effective date of this Act.

1-LS0197M.1
Luckhaupt
3/20/00

adopted

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 67(), Draft Version "M"

1 Page 2, line 24, following "11.41.450 - 11.41.458"

2 Insert "unless the court finds it likely that, if not released on bail, the person will
3 remain in custody before

4 (A) sentencing for a greater period than the term of
5 imprisonment the person is likely to be sentenced to serve; or

6 (B) appeal for a greater period than the term of
7 imprisonment the person was sentenced to serve"

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SCSHB 67 (JUD) AM

Revision Date/Time (Note if correction) <u>March 21, 2000</u>	Dept. Affected <u>Administration</u>
Title <u>"An act relating to release of certain persons alleged to have committed certain sexual offenses"</u>	BRU <u>Legal and Advocacy Services</u>
Sponsor <u>Representative Rokeberg</u>	Component <u>Public Defender Agency</u>
Requester <u>(S) JUD</u>	Component No. <u>1631</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	*	*	*	*	*	*
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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 (Specify Type)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill directs the court's discretion regarding release conditions on those defendants charged with or convicted of sexual assault and abuse offenses who are able to make bail. The bill requires the court to consider the safety of the alleged victim and gives the court broad authority to impose conditions to protect the alleged victim and ensure the defendant's appearance. The bill also requires the court to assure that the alleged victim has been notified of release hearings and to solicit comments if the victim wishes to comment.

This bill may have some fiscal impact on the Public Defender Agency. The Agency represents defendants in bail hearings on these offenses. This bill may make representing clients at these bail hearings somewhat more difficult. However, it is not possible to quantify what the potential impact would be.

Prepared by: <u>Barbara Brink, Director</u>	Phone <u>264-4414</u>
Division <u>Public Defender Agency</u>	Date/Time _____
Approved by Commissioner -- <u>Robert Poe, Jr.</u> <i>Alison M. Elger</i>	Date <u>3/22/00</u>
Agency <u>Department of Administration</u>	

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FISCAL NOTE

Bill Version: CSHB 67(JUD)
 (H) Publish Date: 2/21/00

STATE OF ALASKA
 2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) February 17, 2000 1:30 p 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 Rules Committee Component No. #0694

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: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The committee substitute for HB 67 changed the bill in such a way that the Department of Corrections does not believe that it will have a fiscal impact.

Prepared by: Candy Brower, Legislative Liaison Phone 465-3307
 Division Commissioner's Office Date/Time 2/17/00 1:58 PM
 Approved by Commissioner Margaret M. Pugh Date 2-17-00
 Agency Dept. of Corrections

FISCAL NOTE

Bill Version: CSHB 67(JUD)
(H) Publish Date: 2/21/00

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Revision Date: 2/18/00
Title: "An Act relating to release of certain persons alleged to have committed certain sexual offenses"
Sponsor: Representative Rokeberg
Requestor: (H) RLS

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 ()	**	**	**	**	**	**
------------------------	----	----	----	----	----	----

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 2000) 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 Jr. / *Robert Poe Jr.*
Agency: Department of Administration

Date: 2/18/00

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 67(JUD)

ANALYSIS: (continued)

This bill directs the court's discretion regarding release conditions on those defendants charged with or convicted of sexual assault and abuse offenses who are able to make bail. The bill requires the court to consider the safety of the alleged victim and gives the court broad authority to impose conditions to protect the alleged victim and ensure the defendant's appearance. The bill also requires the court to assure that the alleged victim has been notified of release hearings and to solicit comments if the victim wishes to comment.

This bill may have some fiscal impact on the Public Defender Agency. The Agency represents defendants in bail hearings on these offenses. This bill may make representing clients at these bail hearings somewhat more difficult. However, it is not possible to quantify what the potential impact would be.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 67 (JUD) AM

Revision Date/Time (Note if correction) March 17, 2000 Dept. Affected Administration
 Title "An act relating to release of certain persons
alleged to have committed certain sexual offenses" BRU Legal and Advocacy Service
 Component Public Defender Agency
 Sponsor Representative Rokeberg
 Requester (S) JUD Component No. 1631

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
-----------------------------	---	---	---	---	---	---

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 (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill directs the court's discretion regarding release conditions on those defendants charged with or convicted of sexual assault and abuse offenses who are able to make bail. The bill requires the court to consider the safety of the alleged victim and gives the court broad authority to impose conditions to protect the alleged victim and ensure the defendant's appearance. The bill also requires the court to assure that the alleged victim has been notified of release hearings and to solicit comments if the victim wishes to comment.

This bill may have some fiscal impact on the Public Defender Agency. The Agency represents defendants in bail hearings on these offenses. This bill may make representing clients at these bail hearings somewhat more difficult. However, it is not possible to quantify what the potential impact would be.

Prepared by: Barbara Brink, Director Phone 264-4414
 Division Public Defender Agency Date/Time _____
 Approved by Commissioner - Robert Poe, Jr. Alison M. Slager Date 3/30/00
 Agency Department of Administration

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STATE OF ALASKA /

DEPARTMENT OF CORRECTIONS

MEMORANDUM

Commissioner's Office
240 Main Street, Suite 700
Juneau, Alaska 99801
Phone (907) 465-4652 Fax (907) 465-3390

TO: Representative Norman Rokeberg
Alaska State Legislature
State of Alaska

DATE: March 15, 2000

FROM: Candace Brower
Program Coordinator

SUBJECT: HB 67

RECEIVED
MAR 17 2000

A review of the draft of SCS CSHB 67 reveals a significant change by the insertion of Section 2. Two of the crimes are already covered under this section, AS 11.41.410 and 11.41.434 because they are unclassified felonies. Additionally, some offenders would fall under AS 12.30.040(b)(2). Our data indicates that in 1999 that was the case for 19 per cent of those offenders sentenced for B and C felony sexual assaults.

The 1999 data also indicates that the average sentence for 1st time B felony sex offenses was 2.34 years with a range of .33 to 7 years. The average sentence for C felony was 1.10 years with a range of .16 to 3.0 years.

It is difficult to come up with a fiscal impact for this change and the Department, at this point, would have to submit an indeterminate note.

Although, at first blush, it would seem that there would be no significant fiscal impact for those who are pending sentencing, since they will end up doing their time anyway, that may not be the case. In particular, for C felonies, the sentences tend to be shorter and someone might bail out and ultimately be sentenced to time served. Under this legislation, they would be incarcerated until their sentencing, which could be an additional 3 months after conviction. If one considers that this is in addition to the 120 days it often takes for a case to come to some sort of resolution, an offender could end up spending more time in jail than their actual sentence.

The issue becomes even more complicated when appeal status is considered. Every offender has a right to appeal his or her case. Legislation that would render them unable to bail out pending appeal may ultimately end up in the offender spending time in jail that he would not have had to if his appeal is reversed and the state doesn't retry him. Excess jail time results in additional cost to the Department. To reiterate, it is difficult to determine what the extent of the fiscal impact would be.

One other issue to consider when dealing with sex offenders is that as long as an offender is in appeal status, he is unable to participate in sex offender treatment. If he or she is required to be incarcerated pending appeal, it is conceivable that he/she would do his entire sentence before an appeal would be exhausted and they would then be released untreated.

These are the main DOC concerns regarding this committee substitute.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
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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ANCHORAGE, AK 99501
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SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

MEMORANDUM

TO: Senator Robin Taylor, Chairman
Senate Judiciary Committee

FROM: Representative Norman Rokeberg *Norman Rokeberg*

DATE: February 24, 2000

RE: Scheduling request

I would request that CSHB 67 (JUD) am (An Act relating to release of certain persons alleged to have committed certain sexual offenses) be placed on the calendar for House floor action.

I am submitting the following:

1. CSHB 67 (JUD) am
2. Sponsor Statement
3. Sectional Analysis
4. E-mail message from Angela Camos entitled "Unsupervised Sex Offenders"
5. Letters of Support:
 - a. Victims for Justice
 - b. Tundra Women's Coalition
 - c. Sitkans Against Family Violence
 - d. Unalaskans Against Sexual Assault & Family Violence
 - e. Alaska Peace Officers Association
6. Opposition: I know of no opposition. All the entities that supplied letters of support in 1999 were contacted, via fax, and none have withdrawn their support for this legislation.

Thank you for your consideration of this request.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
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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Representative Norman Rokeberg

SPONSOR STATEMENT

CSHB 67 (JUD) am

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 victims of sexual abuse. 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.

Support for this legislation has been expressed by the following organizations: Victims for Justice, Tundra Women's Coalition, Sitkans Against Family Violence, Unalaskans Against Sexual Assault & Family Violence, and the Alaska Peace Officers Association.

I would urge your support of this legislation.

ED3:01/28/00

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
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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Representative Norman Rokeberg

SECTIONAL ANALYSIS

CSHB 67 (JUD) am

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

Subject: Unsupervised Sex Offenders

Date: Mon, 14 Dec 1998 06:55:09 -0900

From: "Angela Camos" <acamos@ibm.net>

To: <Representative_Norman_Rokeberg@legis.state.ak.us>

First I would like to take this opportunity to thank you and your staff for your help and courtesy in this matter.

I am writing this letter in regards to changing how sex offenders are supervised on third party when released on bail, waiting trial or sentencing.

I am a concerned parent whose ten-year-old daughter was molested. The man who did this, Eric Kostiner (Case # JAN-S98-9699CR), was released on an unsupervised third party after pleading no contest. His third party works swing shifts, which include nights and graveyard shifts, while the offender works days. This concerns me greatly as this provides the opportunity for this sex offender to repeat this crime with yet another child or my daughter. As a result, this has left my daughter feeling unsafe.

The statistics that I have read show that 1 in 4 children are molested. These aren't very good odds. How many children or grandchildren do you have? Now apply these odds to your own family. How many of these people repeat this offense? I have read that quite a number of sex offenders do repeat this crime. As a victim of this crime myself, to me there is no greater crime. I say this because this crime is something the victim lives with for the rest of their lives. It is not something that is ever forgotten. The original pain eventually subsides, but the memory exists forever.

I get the impression that some people in our judicial system see these offenders as not being dangerous if they have no prior history; they haven't snatched a child off the street; they aren't dealing or using, drugs; they aren't having drug parties; or they have no prior record. With all due respect this is generally not the case. These sex offenders are usually upstanding folks who find their way into the lives of people, and then take advantage of their children. I know this first hand both as a result of my childhood and this case with my daughter.

On December 4, 1998 Channel 2 News, Laura Tannis, aired a story regarding this offender being out on third party unsupervised. As a result of this story it was found that an offender is required to register with the Alaska Department of Public Safety as soon as they plead guilty or no contest to these charges. Unlike another law on the books which doesn't require them to register until 7 days after they are sentenced. As of December 13, 1998 I still have not found this offender registered. A new law is going to be passed on January 1, 1999 which will also require offenders to register immediately instead of 7 days after they are sentenced.

Some questions come to mind regarding unsupervised offenders. Shouldn't all of these sex offenders be placed on supervised third party bail? Should any of these offenders, whether they plead guilty or not, have the opportunity to hurt any other children? Should any child have to feel unsafe during this judicial process? Isn't the whole experience scary enough? I am aware that there are those who have been falsely accused and this too appalls me because there are enough true cases to go around. For those who plead not guilty, yet are found guilty, let's not allow any other child to be hurt or unsafe.

I am asking that the law be written more clearly so that no sex offender can be released on bail to a third party without sight and sound supervision. I think that once these offenders have pleaded no contest or guilty to this crime they remain incarcerated to fulfill their sentence. Unfortunately I do not know how to make this fair to all parties concerned - landlords, mortgage holders etceteras.

Thank you for taking the time to read this letter and I sincerely hope that you will consider some changes to help our children be and feel safe. I have attached a copy of the letter written to Judge Andrews concerning this matter. Feel free to contact me if you have any questions.

Thank you for your prompt action.

Sincerely,

Unsupervised Sex Offenders

Angela S. Camos
3401 W. 64th Ave #5
Anchorage, AK 99502
(907) 248-2512

☐ <u>Judge Andrews.doc</u>	Name: Judge Andrews.doc Type: Winword File (application/msword) Encoding: base64
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Subject: Re: HB 67
Date: Wed, 10 Feb 1999 15:36:15 -0900
From: "Anne Gwen" <acamos@ibm.net>
To: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

Janet,

Here is the copy of the letter to Judge Andrews that you requested. Please accept and pass on my gratitude for all that you are doing.

Angela

Angela Camos
3401 W. 64th Ave #5
Anchorage, AK 99502
(907) 248-2512

Judge Andrews
825 W. 4th Ave
Anchorage, AK 99501

December 7, 1998

Judge Andrews:

I am writing this letter in regards to your actions in Eric Kostiner's bail hearing (Case # JAN-S98-9699CR). I would also like to take the opportunity to express my thoughts and feelings in this matter.

At the bail hearing it was decided that this sex offender would be released without constant supervision until his sentencing. I feel that you are making a mistake by letting any child sex offender out on a third party which is not sight and sound. As a result of your letting Eric Kostiner out in such a manner, I now have a ten-year-old daughter who does not feel safe. She is worried that he will come and pick her up at school, or try to come to the house and get her.

At Eric Kostiner's bail hearing I thought that I would have the opportunity to speak, but I didn't. After the hearing when I spoke to the DA and I was told it doesn't work like that. So I would like to take this time to tell you what I had to say. It may not change anything in this case, but I am hoping that it will change your views in the future.

As I listened to your ruling I got the impression that you see these offenders as not being dangerous if they have no prior history; they haven't snatched a child off the street; they aren't dealing or using, drugs; they aren't having drug parties; or they have no prior record. With all due respect this is generally not the case. These sex offenders are usually upstanding folks who find their way into the lives of people, and then take advantage of their children. I know this first hand both as a result of my childhood and this case with my daughter.

In the hearing it came up that the offender had a letter from a psychiatrist. I did not have the opportunity to tell anyone that I have additional information about this. The offender told me he has a degree in psychology and he feels those in this profession are his equals. This could easily allow him to mislead someone else in this

profession.

As I mentioned I am familiar with being the victim of a sex offender. This offender was a tax investigator for the City of Chicago; very well respected in the community, he worked elections, and had many reputable friends. At home this man was molesting me. It began at the age of 6 and it didn't end until I was 14. The first time I told my mother what happened she didn't know what to do, so we went to the church. But the abuse continued. Next I told the police about the abuse that was occurring. They knew my stepfather very well and decided for themselves that this could not be true, so they brought me home. The next time I told what happened I was brought down to the Department of Child and Family Services. I was placed out of my home for a short time, but my aunt and uncle could not keep me there. So I ended up back at home and the abuse continued. When my mother tried to go to court DCFS had mysteriously lost his file. There suddenly seemed to be no record of the report made on my stepfather, a fine member of the community. The court appointed psychiatrist had moved and couldn't be located. Eventually my mother divorced this man.

Now, 22 years later I am still faced with a system that doesn't protect the child victim and allow them to feel safe. I am asking that laws be written more clearly so that no sex offender can be released on bail to a third party without sight and sound supervision. I think that once these offenders have pleaded no contest or guilty to this crime they should remain in prison. Unfortunately, I do not know how to make this fair to all parties concerned, landlords, mortgage holders, etceteras. The child victim needs to be kept and made to feel safe. Letting out an offender on a third party who is not supervised under an order of sight and sound does not do this. The statistics I have read show that 1 in 4 children are molested. Can you honestly tell by meeting an offender for a few moments at a bail hearing you know whether or not they will do this while they are out awaiting sentencing if they are unsupervised?

On December 4, 1998 Channel 2 News, Laura Tannis, aired a story regarding this offender being out on third party unsupervised. As a result of this story it was found that an offender is required to register with the Alaska Department of Public Safety as soon as they plead guilty or no contest to these charges. Unlike another law on the books which doesn't require them to register until 7 days after they are sentenced. As of December 13, 1998 I still have not found this offender registered. A new law is going to be passed on January 1, 1999 which will also require offenders to register immediately instead of 7 days after they are sentenced.

Some questions come to mind regarding unsupervised offenders. Shouldn't all of these sex offenders be placed on supervised third party bail? Should any of these offenders, whether they plead guilty or not, have the opportunity to hurt any other children? Should any child have to feel unsafe during this judicial process? Isn't the whole experience scary enough? I am aware that there are those who have been falsely accused and this too appalls me because there are enough true cases to go around. For those who plead not guilty, yet are found guilty, let's not allow any other child to be hurt or unsafe.

I am asking you to reconsider these types of situations, help get some laws passed so that this doesn't have to happen to any more children. Things have come a long way since I was a child. Please don't let it end here. Take it to the next level.

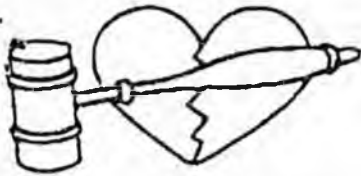
Please, don't let this happen anymore. Thank you for taking the time to read this letter and think over what I have set before you.

Sincerely,

Angela S. Camos

Cc: Governor
City Assembly Members
District Attorney's Office
House and Senate Committee Representatives
House and Senate Judiciary Representatives
Congressional House and Senate Representatives
President of the United States

VICTIMS



for Justice 619 East Fifth Avenue • Anchorage, AK 99501
(907) 278-0977 • Fax: (907) 258-0740

January 25, 1999

Representative Norman Rokeberg
State Capitol
Juneau, AK 99801-1182

Dear Representative Rokeberg

I am sending this letter to support your proposal to tighten the conditions under which individuals charged with sexual offenses may be released from custody, and to legislate the solicitation of victim comments by the judicial officer before making a decision to release an alleged offender.

Too often the person charged with a sexual offense is released back to the neighborhood where the alleged offense occurred, often without bond or on personal recognizance only. Imagine the feelings of fear and vulnerability the victim experiences when she or he sees the person who committed such an offense again walking the streets of the neighborhood, with few restrictions, and often with little or no supervision.

This re-victimizes the victim and adds to the trauma the victim has already experienced. The perception of the victim may be that there is no protection, no place of safety from the person who committed the offense.

This proposed legislation will permit the victim or her/his representative to express their concerns and fears to the judge, and to tell the judge what it will take to help them feel safe if the alleged offender is released. Further, it will allow them to tell the judge what they feel are appropriate conditions of release, if any, to guarantee the safety of the victim and the neighborhood.

We all know that most sex offenders repeat their crimes again and again. This proposed legislation will strengthen the laws protecting victims of sex offenses, and enable the courts to place additional restrictions on the movements of alleged offenders until they can be brought to trial.

Respectfully,

Charlotte Phelps
Victim Advocate

7 .JDRA WOMEN'S COA...ION
WORKING TOGETHER TOWARD A BRIGHTER FUTURE



FEB 03 1999

February 2, 1999

Representative Norman Rokeberg
Alaska State Legislature
House of Representatives
State Capital, Room 24
Juneau, AK 99801-1182

Dear Representative Rokeberg,

Thank you most sincerely for introducing House Bill 67 to your colleagues. I believe that this legislation will significantly strengthen protection for children who have been sexually abused. It is imperative that those of us who are aware of the devastating impact of sexual abuse work together to lessen the likelihood that an alleged offender against children has an opportunity to reoffend.

I strongly support efforts to ensure that a suspected offender against children has 24 hour supervision if released to a third party following a bail review; I believe that asking for comments from the victims or those who can speak, in the case of very young children, on the victim's behalf will do a great deal to educate judges on the impact of sexual abuse, also.

I again offer my appreciation for your introduction of this much needed legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy J. O'Mara".

Nancy J. O'Mara

SITKANS AGAINST FAMILY VIOLENCE

P.O. Box 6136 • Sitka, Alaska 99835
(907) 747-3370 • Fax 747-3450 • Crisis Line 1-800-478-6511



February 8, 1999

Senator Rokeberg
Alaska Senate
Capital Building
Juneau, Alaska 99801

Dear Senator Rokeberg:

Sitkans Against Family Violence would like to express our support of House Bill 67 "An Act relating to releases of certain persons alleged to have committed certain sexual offenses." We appreciate the provisions in the bill that would strengthen protections for sexually abused minors, some of our most vulnerable citizens. Thank you for sponsoring this important legislation.

Yours very truly,

SITKANS AGAINST FAMILY VIOLENCE

Christine M. Pate
Executive director

FEB 10 1999



Member of the Alaska Network on Domestic Violence and Sexual Assault
United Way Member Agency

TOTAL P. 01



Unalaskans Against Sexual Assault & Family Violence

Box 38, Unalaska, AK 99885 • Office: 581-1500 • Crisis Line Call: 711

FEB 09 1999

Alaska State Legislature
House of Representatives
State Capitol - Room 24
Juneau, AK 99801-1182

Attn: Representative Norman Rokeberg

Dear Representative Rokeberg,

I am writing this letter in support of House Bill 67, which you introduced in January.

HB 67 will provide additional protections for sexually abused minors. It provides (1) that the judge or magistrate must solicit comments from the victim, and consider those comments at any bail hearing; and (2) if the alleged perpetrator is charged with second- or third-degree sexual assault or incest and the victim is under the age of 18, any release to a third-party custodian must be a 24 hour sight and sound supervision by a court approved third-party custodian.

I want to thank you for sponsoring this bill, and express our support for it. Child victims of sexual abuse need every possible protection that the law can provide, and their comments must be taken into consideration when a perpetrator may be released on bail. Please do not let children be victimized twice by a court system that fails to protect them. Please continue to support this bill.

Sincerely,

M. Lynn Crane
Director
USAFV

STATE OFFICERS
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Angella Long, Member
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Pres. Mat-Su Chapter

Tonya Barnes, Member
Fairbanks
Pres. Fairhast North Chapter

Robert Fletcher, Member
Juneau
Pres. Capitol City Chapter

Leroy Mastas, Member
Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Representative Rokeberg
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

February 19, 1999

FEB 23 1999

Dear Representative Rokeberg,

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse HB 67.

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Thank you for sponsoring this legislation.

Sincerely,

John Charbonneau

State President

Alaska Peace Officers Association

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

February 2, 2000

Representative Norm Rokeberg
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

Dear Representative Rokeberg:

We received your January 31, 2000 correspondence requesting our consideration of CSHB 67. We've reviewed the bill and agreed to endorse CSHB 67.

You may contact us at the APOA office in Anchorage at 277-0515.

Sincerely,

John Charbonneau
State President

cc: Representatives John Cowdery and Fred Dyson

What about those
with out access to
computers.

Sen. Lafford has issue of
definition

Victim Rights leg is
still in the house
Jan 2000.

Prohibition

Analysis of title
of language

Put some fact
in this.

after the conviction.

*File***Subject: CSHB 67 (JUD)****Date: Fri, 3 Mar 2000 13:46:07 -0900****From: "Angela" <acamos@attglobal.net>****To: "Senator Robin Taylor" <Senator_Robin_Taylor@legis.state.ak.us>**

Senator Taylor,

Currently the victim has a voice in each stage of the criminal procedure, most of them are stated quite clearly in AS 12.61.010. One of the exceptions to this is the bail hearing. I see this as an important place for a couple of reasons. One reason is that this is the beginning of the process. The other is that this place directly involves the victim's safety, or the perception thereof.

Bringing and encouraging victim participation from the beginning of the process directly empowers the victim from the start. Many times when a victim is not allowed, or given a voice the victim takes on a sense of why should I bother, no one wants to hear from me, the system doesn't care. A victim who has the opportunity to voice their concerns about their safety is empowered by being heard. This encourages the victim to continue to participate in the rest of the proceedings. The more a victim is given the opportunity to participate the better their chances of going from the state of being a victim to that of becoming a survivor.

I believe that a judge who hears a victim's plea for safety is likely to act on them. More victim participation increases the likelihood of the offender being held responsible for their actions. More victim participation aids an overburdened system to do their job, keep track of offenders, and achieve better results.

This Bill encourages victim participation from the beginning of the process. So, once again I am encouraging you to pass this Bill and allow this process to begin. If you would like to add more to this Bill later I would encourage that also. Yet, in the meantime, let the victim have a say from the beginning now while you work on more at later time.

Sincerely,

Angela Camos
4924 East 43rd Avenue C 3
Anchorage, AK 99508
(907) 332-2512
acamos@attglobal.net

Re: CSHB 67 (JUD)

see file

Subject: Re: CSHB 67 (JUD)

Date: Thu, 2 Mar 2000 18:17:53 -0900

From: "Angela" <acamos@atiglobal.net>

To: "Senator Taylor" <Senator_Taylor@legis.state.ak.us>

Senator Taylor,

Please take a look at the original bill...HB 67, this had more teeth to it. Unfortunately, it was torn apart by the House since it's original formation by Representative Rokeberg. Many of the original items were taken out and the reasoning behind it was that it was a violation of the offenders constitutional rights. When I asked how they were violated I did not receive an answer. I also proposed making an amendment and then putting the bill through.

I am actually glad to hear that the Senate would like to do more. My own idea was to get at least this much through, and then come back and begin to ask for more to be done. I looked at it as one piece at a time.

Most of the notification processes do exist in the laws now. Although many are taken lightly, and there is no enforcement, or penalty imposed for failure to do so.

If there is anything at all I can do to help with this please let me know. I would be glad to talk with any of the Senators.

Angela Camos

Robin Taylor wrote:

> Dear Angela:

> Unfortunately the bill as it came to our committee di almost

> nothing. After receiving the testimony of an aggravated rape victim,

> who basically testified that the bill did nothing and begged our

> committee to put some teeth into the bill - the committee agreed and we

> intend to make the bill much stronger. Prior to trial and conviction it

> is as you know difficult, but there are additional notice requirements

> and restrictions we can impose. After conviction we find that the

> courts are too liberal in granting release pending sentencing. In fact

> in your case the defendant changed his plea and basically plead guilty

> (nolo) and is now out awaiting sentencing. I know that we can keep that

> from happening in the future.

> Believe me that we not only want to help you on this bill we intend

> to make it a real change and not just a peice of fluff that does

> nothing.

> Sen. Robin Taylor

>

> Angela wrote:

>

> > Senator Taylor,

> >

> > I am writing this letter in support of HB 67.

> >

> > Representative Rokeberg was kind enough to hear the
plight

> > of my daughter, and took the initiative to start this
Bill.

> > For which we are very grateful. Even though it has not
> > helped us, we hope that it will help others in the
future.

> >

> > Currently, when the victim is present at a bail hearing
> > they are not asked if they have any information to add
> > about the offender. Many of victim's do. My daughter's
> > offender was released with out being supervised 24/7
with

> > his third party. This led her to feeling quite unsafe.

I

> > honestly believe if I had been allowed a chance to
speak at

> > the bail hearing, on my daughter's behalf, this would
not

> > have happened.

> >

> > I am asking you to support this Bill passing through
the

> > Senate, for my daughter and all the other victims in
this

> > state.

> >

> > Sincerely,

> >

> > Angela S. Camos

> > 4924 East 43rd Ave. C3

> > Anchorage, AK 99508

> > (907) 332-2512

> > acamos@attglobal.net

>

>