

**HB**

**99**

FISCAL NOTE

No: 1

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Bill Version: HB 99  
(H) Publish Date: 2/19/99

Revision Date: 2/3/99  
Title: "An Act relating to sexual assault ..."

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

Sponsor: Rules  
Requestor: Governor

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.)

The bill creates a new class C felony and class A misdemeanor if a person employed in a correctional facility or prisoner placement or a legal guardian of a person in DHSS custody engages in sexual conduct with a person subject to that authority. Fiscal impact should be zero as predicted cases are few and public defender financial eligibility is unlikely.

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: 2/3/99

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# FISCAL NOTE

No: 2

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Bill Version: HB 99

(H) Publish Date: 2/19/99

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Department of Corrections  
 Title An Act relating to sexual assault and the BRU Administration and Operations  
definitions of 'sexual penetration' and 'legal guardian' is AS 11 Component All  
 Sponsor Rules Committee  
 Requester Governor Component Serial No. #0694

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	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 (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

A zero fiscal note is provided as these types of assault are extremely rare.

Prepared by Bruce Richards Phone 465-3307  
 Division Commissioner's Office Date/Time 2/16/99 5:01 PM  
 Approved by Commissioner Margaret M. Pugh *Margaret M. Pugh* Date 2/16/99  
 Agency Department of Corrections

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FISCAL NOTE

No: 3

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

B... Version: HB 99

(H) Publish Date: 2/19/99

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Relating to Sexual conduct with a prisoner  
or juvenile offender.  
 Sponsor: Rules Committee by Request of the Governor  
 Requestor: Governor

Dept. Affected: Health and Social Services  
 BRU: Youth Corrections  
 Component: Probation Services  
 COMPONENT SERIAL NO. 2134  
 See also (SN#): \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

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

OPERATING	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
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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CHANGES 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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY1999) cost: \$0.0

POSITIONS:

FULL-TIME	0				
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

This bill would have no fiscal impact on the department. Violations under this bill would be processed through the adult criminal system. Although department employees may need to be called as witnesses in an adult prosecution under this bill, this need is viewed as being extremely limited and rare. Any such occurrence would be met through the normal course of business and would not justify a separate budgetary allocation.

2/10/99  
 Prepared by: George Buhite  
 Division: Family & Youth Services  
 Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-2212  
 Date/Time: 2/10/99 11:27 AM

Date: 2/10/99

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# FISCAL NOTE

No: 4

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Bill Version: HB 99  
(H) Publish Date: 2/19/99

Revision Date/Time (Note if correction)	Dept. Affected	Law
Title "An Act relating to sexual assault and the definitions of 'sexual contact,' 'sexual penetration,' and ..."	BRU	Criminal Division
Sponsor Rules Committee	Component	1st-4th Judicial Districts: Special Prosecutions/Appeals
Requester Governor	Component Serial No.	2198/99/2261/79/01/03

**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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

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 makes it a crime for a person employed in a correctional facility or other placement for prisoners to engage in sexual conduct with a prisoner. The bill also makes it a crime for a legal guardian of a person 18 or 19 years of age who is in the custody of the Department of Health and Social Services to engage in sexual conduct with that person. The criminalization of this conduct is premised on the offender's abuse of authority over others.

This bill is not anticipated to have a fiscal impact on the Department of Law.

Prepared by Joan M. Kasson *Joan M. Kasson*  
 Division Attorney General's Office  
 Approved by Commissioner Kathleen *Kathleen* Attorney General  
 Agency Department of Law

Phone 465-5370  
 Date/Time 2/16/99, 12:16 PM  
 Date 2/16/99

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**FISCAL NOTE**

Bill Version: HB 99

(H) Publish Date: 2/19/99

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Revision Date/ Title \_\_\_\_\_ Dept. Affected Public Safety  
Sex with Inmates BRU  
Sponsor Rules Committee Component \_\_\_\_\_  
Requester Governor 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						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by Sandy Perry-Provost, Special Assistant Phone 465 4322  
Division Office of the Commissioner Date/Time 2/17/99 11:53 AM  
Approved by Commissioner Ronald L. Otte Date 2-17-99  
Agency Department of Public Safety

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TONY KNOWLES  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB99  
P.O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532

February 18, 1998-1999

The Honorable Brian Porter  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker <sup>Brian</sup> Porter:

I am transmitting today a bill making it a crime for a person employed in a correctional facility or other placement for prisoners to engage in sexual conduct with a prisoner. The bill also makes it a crime for a legal guardian of a person 18 or 19 years of age, who is in the custody of the Department of Health and Social Services (DHSS), to engage in sexual conduct with that person.

Alaska law currently prohibits persons in specific authoritative positions from engaging in sexual conduct with other persons subject to that authority. For example, employees who work in licensed care facilities are prohibited from engaging in sexual conduct with clients who are mentally incapable, incapacitated, or unaware a sexual act is being committed. The criminalization of this conduct is premised on the offender's abuse of authority over others. Those employed in correctional facilities or other placements designated by the commissioner of the Department of Corrections (DOC), and those who are a legal guardian of an 18- or 19-year old in the custody of the DHSS, have a similar position of authority over persons committed to the state's custody, and should not abuse their position by engaging in sexual conduct with the persons subject to that authority.

The bill provides that it is a class C felony for these persons in authority to engage in sexual penetration, and a class A misdemeanor to engage in sexual contact with a person subject to that authority. A defendant convicted of either offense would be required to register as a sex offender.

The Honorable Brian Porter

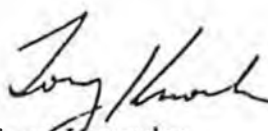
February 18, 1999

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The bill does not address conduct involving juveniles under the age of 18 who are committed to the legal custody of the DHSS, because that conduct is already illegal under Alaska law.

I urge your prompt and favorable consideration of this proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Knowles".

Tony Knowles  
Governor

TONY KNOWLES, GOVERNOR

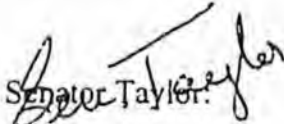
REPLY TO:

PO BOX 112000  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 465-3376

DEPARTMENT OF CORRECTIONS

April 4, 2000

The Honorable Robin Taylor  
Senate Judiciary Chairman  
State Capitol  
Juneau, Alaska 99801

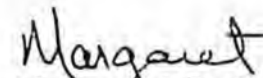
Dear  Senator Taylor:

I am respectfully requesting that House Bill 99 "An Act relating to sexual assault and the definitions of 'sexual contact,' 'sexual penetration,' and 'legal guardian' in AS 11" be scheduled for a hearing in the Senate Judiciary Committee.

House Bill 99 was passed from the House floor on April 4, 2000 and referred to Senate Judiciary on April 5, 2000. It has five zero fiscal notes.

If you have any questions, please feel free to give me a call.

Sincerely,



Margaret M. Pugh

Commissioner of Corrections