

HB

297

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 297(JUD)
(H) Publish Date: 2/8/02

Revision Date/Time (Note if correction): _____ Dept. Affectec: Corrections
Title "An Act relating to aggravating factors BRU Administration and Operations
sentencing." Component All
Sponsor Representative Meyer
Requester House Judiciary Committee Component No. 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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-Do not abbreviate)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would create a new aggravator in sentencing for offenders who supplied alcohol or controlled substances to the victim in sexual assault offenses. Offenders can already be charged with other crimes in these circumstances, e.g., Misconduct Involving a Controlled Substance or Furnishing Liquor to a Minor, so the Department of Corrections is not anticipating a large impact as a result of this legislation, therefore, we are submitting an indeterminate fiscal note.

Prepared by: Candace Brower Phone 465-4652
Division Commissioner's Office Date/Time 1/29/02 2:19 PM
Approved by: Margaret Pugh, Commissioner Date 1/29/02
Agency Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 297(JUD)
(H) Publish Date: 2/8/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: "An Act related to aggravating factors in sentencing." BRU: Legal and Advocacy Services
Sponsor: Rep. Meyer Component: Public Defender Agency
Requester: House Judiciary Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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						
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Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would add an aggravator in felony sentencing if the defendant is convicted of a sexual offense and supplied alcohol or a controlled substance to the victim in connection with the offense. The Public Defender Agency believes this bill will have a fiscal impact on the workload of the Agency, but not on the caseload of the Agency, but cannot quantify it, and therefore an indeterminate fiscal note is submitted.

Prepared by: Barbara Brink, Director Phone: (907) 334-4416
Division: Public Defender Agency Date/Time: 1/29/02 3:42 PM
Approved by: Jim Duncan, Commissioner Date: 1/29/2002
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 297(JUD)
 (H) Publish Date: 2/8/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act related to aggravating factors at BRU Criminal Division
sentencing." Component All
 Sponsor Representative Meyer
 Requester House Judiciary Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
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Supplies						
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Land & Structures						
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Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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ANALYSIS: *(Attach a separate page if necessary)*
 HB 297 adds supplying alcohol or a controlled substance to a victim of a sexual offense as an aggravating factor to be considered at sentencing.

 Passage of this legislation is not expected to have a fiscal impact on the Department of Law. The bill adds an additional factor for the judge to consider at sentencing, but will not add new hearings, extend the length of current proceedings, nor make them more difficult.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division Attorney General's Office Date/Time 1/25/02 2:19 PM
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 1/25/2002
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

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Bill Version: CSHB 297(JUD)
(H) Publish Date: 2/8/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title: "An Act related to aggravating factors at BRU: Criminal Division
sentencing." Component: All
Sponsor: Representative Meyer Component No. _____
Requester: House Judiciary Committee

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Division: Attorney General's Office Date/Time: 1/25/02 2:19 PM
Approved by: Kathryn Daughhettee for Bruce M. Botelho, Attorney General Date: 1/25/2002
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Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 1/29/02 2:19 PM
 Approved by: Margaret Pugh, Commissioner Date 1/29/02
 Agency: Department of Corrections



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 19

SPONSOR STATEMENT

CS HB 297(JUD)

"An Act related to aggravating factors at sentencing."

When drugs or alcohol are used to lower the inhibitions of a person to a point where they become the victim of a sexual assault, the seriousness of the crime should be elevated in the eye of the court.

CS HB 297(JUD) adds an aggravating factor to AS 12.55.155 that declares if a defendant supplied drugs or alcohol to the victim, in furtherance of the offense, the defendant may be held to a higher degree of punishment. An aggravating factor is an element or circumstance involved in the commission of a crime that elevates its seriousness; a fact justifying more than the usual measure of damages or punishment.

AS 12.55.125 lists presumptive terms of sentencing. CS HB 297(JUD) will allow a judge to increase a presumptive sentence up to the maximum term of imprisonment for that offense.

For example, the presumptive sentence for a first time offender convicted of a sexual assault in the first degree is eight years. With this new aggravator, the judge could increase the sentence to up to 30 years, which is the maximum allowed.

It is important to remember that an aggravator is applied at sentencing. The defendant will have already been convicted of sexual assault.

2/5/02

JAN 25 2002



January 22, 2002

Representative Kevin Meyer
Alaska State Capitol Rm. # 110
Juneau, AK 99801-1182

Dear Representative Meyer:

I am writing on behalf of the Board of Directors of Standing Together Against Rape, Inc. (STAR) in Anchorage, Alaska. As you are aware, STAR is a non-profit agency whose mission is to support and advocate for victims of sexual violence and their loved ones.

We are writing today to express our support for House Bill 297 to add *supplying alcohol or a controlled substance to a victim as an aggravating factor for sentencing*. On January 16, at a regular meeting of the Board of Directors, the Board voted to support this bill.

Thank you for your continued efforts on behalf of victims of sexual assault and abuse.

Sincerely,

Karen Bitzer
Executive Director

STATE OF ALASKA

JAN 25 2002

DEPARTMENT OF PUBLIC SAFETY

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

TONY KNOWLES, GOVERNOR

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4356
FAX: (907) 465-3627
OFFICE ADDRESS: 450 WHITTIER ST.

January 23, 2002

The Honorable Kevin Meyer
Alaska State House of Representative
State Capitol, Room
Juneau, AK 99801-1182

Dear Representative Meyer:

As the state council charged with providing leadership in meeting the needs of victims of domestic violence and sexual assault, the Council on Domestic Violence and Sexual Assault strongly supports House Bill 297, "an Act relating to aggravating factors at sentencing." This bill would allow for stiffer sentences for sexual predators in Alaska, and could be a strong deterrent for perpetrators who intentionally use drugs or alcohol to lower the inhibitions of their victims.

Many sexual assaults in Alaska involve alcohol or other drugs. Victims debilitated by intoxication often present little or no resistance during the assault; nor do they clearly recall the event later. These factors allow the perpetrators to commit serious crimes, seemingly without accountability or punishment. House Bill 297 can help keep Alaskans safe not only by serving as a deterrent, but also by giving courts the option to impose longer sentences for those who commit the crime of sexual assault by intentionally sedating their victims. The Council supports your efforts to increase the penalty for committing this horrible crime in Alaska and appreciates your concern for the protection and safety of Alaskans.

Sincerely,



Barbara Thompson
Chair

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

130 Seward, Rm 209
Juneau, Alaska 99801

(907) 586-3650 ph
(907) 463-4493 fx

To: Representative Meyer
From: Lauree Hugonin *LH*
Date: 1/23/02
Re: HB297

Thank you for introducing HB297, an Act related to aggravating factors at sentencing. The Network supports adding this aggravating factor for judges to consider in sentencing convicted sex offenders.

The Alaska Network on Domestic Violence and Sexual Assault (Network) is the statewide coalition of community domestic violence and sexual assault intervention programs for Alaska. Twenty full member and five supporting member programs provide shelter, advocacy, crisis intervention, and, information and referral services to victims seeking assistance in ending the violence being perpetrated against them. The Network works to promote institutional and systemic change necessary to end violence against women.

People who choose to commit sex offenses often look for people who are vulnerable and can offer the least resistance. They often try and increase that vulnerability through the deliberate use of alcohol or controlled substances.

In 1997, the legislature passed legislation to add flunitrazepam (rohypnol) and gamma-hydroxybutrate (GHB) to the schedule 4-A drug list. Both are commonly known as "date rape" drugs and "forget pills". Sex offenders use these drugs to keep victims from being able to resist and as a defense against being caught. Because survivors will have been heavily sedated, they probably will not have complete recall of the sexual assault. They may be uncertain about exactly what happened and who was involved. The inability of a victim to recall facts makes prosecution of a sexual assault where these drugs were used very difficult.

We have heard anecdotally of an increase in GHB use in sexual assaults on the Kenai Peninsula. Well publicized, your bill can send a strong message to those offenders that the penalties they face will be increased and maybe some of them will make the choice not to offend.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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



Business Manager

Joseph Young
Anchorage

Board of Directors

Leo Brandlen, President
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Jerry Nankervis, Member
Juneau
Pres. Capital City Chapter

Andrea Jacobson, Member
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Pres. First City Chapter

James See, Member
Craig
Pres. Prince of Wales Chapter

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

Thecia LaLonde, Member
Wrangell
Pres. Wrangell Chapter

January 31, 2002

Representative Kevin Meyer
State Capitol
Juneau, AK 99801-1182

Dear Representative Meyer:

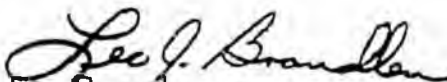
Thank you for introducing House Bill 297 (22-LS1186A) related to aggravated factors of sentencing as it pertains to providing alcohol or a controlled substance to a victim.

The APOA State Board of Directors recently met and after discussing proposed legislation, decided to unanimously support this bill.

We believe that this legislation will assist prosecutors in the sentencing of offenders in cases where the offender has given the victim alcohol or drugs to take advantage of the victim such as in cases involving "date rape" drugs and the like.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,


Leo Brandlen
State President