

HB

85

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 85
 (H) Publish Date: 4/12/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to conduct directed at a BRU Criminal Division
school employee as an aggravating factor for . . .sentencing . . ." Component 1st-4th Judicial Districts
 Sponsor Representative Coghill
 Requester House HESS Committee Component No. 2198-99;2201;61;79

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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						
-----------------------------	--	--	--	--	--	--

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: (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 HB 85 allows a judge to increase the presumptive sentence for certain felonies when the crime included conduct that was directed a school employee.

This bill will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370
 Division: Attorney General's Office Date/Time 3/8/01 3:52 PM
 Approved by: Kathryn Daughhettee for Bruce M. Botelho, Attorney General Date 3/8/01
 Agency: Department of Law

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 85
 (H) Publish Date: 4/12/01

Revision Date/Time(Note if Correction): _____ Dept. Affected: Correction
 Title: An Act relating to conduct directed at a school BRU: Administration & Operations
employee as an aggravating factor for criminal sentencing... Component: All
 Sponsor: Representative Coghill
 Requester: House Special Committee on Education Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would make it an aggravator in felony sentencing if the defendant knowingly directed the conduct constituting the offense at a school employee during or because of the exercise of official duties. The Department believes this bill will have minimal fiscal impact. We do not anticipate many cases that would elevate themselves to felony levels.

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 4/05/01/4:30 pm
 Approved by: Margaret Pugh Date 4/5/01
 Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office



NEA-ALASKA

Affiliated with the National Education Association

NEA-Alaska Position Paper April 21, 2001

HB 85 – School Employee Aggravating Factor Representative John Coghill

NEA-Alaska commends Representative John Coghill for introducing HB 85 that makes directing violent conduct to a school employee an aggravating factor for criminal sentencing. The aggravating factor applies to a school employee who is performing school-related teaching and work.

In 1996, the Delegate Assembly of NEA-Alaska went on record requesting legislation be passed making the consequences of an assault of an educational employee the same consequences as though the assault were to occur on a police officer.

Safe schools and classrooms are absolutely essential for student success. During the past few years schools have worked hard to maintain a positive school environment. Despite that, threats and instances of violent behavior toward teachers and school employees have increased. We commend the legislature for taking steps to make schools safer. For example in 2000, passage of HB 253 by Representative Fred Dyson requiring school disciplinary and safety programs provided a means for some communities to focus attention on student discipline and safety.

We now call on the legislature to take an additional step to make our schools and classrooms as free of violence as possible by passing this bill. HB 85 may deter persons from assaulting a school employee while the employee is engaged in school related responsibilities.

This aggravating factor is not automatic but may be considered by the court in adjusting a sentence. By enacting HB 85, the legislature serves notice to anyone disturbing the peace in schools that the people of Alaska take safety in our schools and the safety of Alaska's school employees as a serious matter.

NEA-Alaska has committed greater levels of its budget and staff time to make our schools safer. Passage of HB 85 is a step in the direction to make our schools safer. We request that the House Special Committee on Education pass HB 85.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

Date: April 11, 2001
To: Representative Fred Dyson, Chair
House Committee on Health, Education & Social Services
From: Representative John Coghill, Sponsor HB 85 *JBC*
Re: Hearing for HB 85

I am requesting HB 85 "An Act relating to conduct directed at a school employee as an aggravating factor for criminal sentencing purposes" be heard by the House HESS at your earliest convenience.

I have attached relevant information for the back up packet. Thank you for your assistance.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

HB 85 Assault of School Employees Sponsor Statement

Parents have always sent their children to school feeling their children are in the safest place they could be when away from home. Because of acts of violence in public schools around the country in recent years, the safety of a child or a school employee in the school environment has increasingly been questioned.

On his School Safety Resource Site on the Internet, Senator Robert Byrd states:

"These acts are not limited to specific geographic regions or family backgrounds, nor do they have a single catalyst. Those who have committed such heinous acts have done so for different reasons, at different times, in different schools. But these acts of school violence have at least one thing in common-- they have spurred all of us to take a closer look at what can be done to better protect children at school.

Protecting our children is not simply a matter of public policy. It is a matter of strengthening basic values, of teaching children right from wrong, of instilling in them respect for others. We each have a responsibility to work to end youth violence and to keep schools safe for children and for those who teach them." Part of reassuring safety in the schools is assuring the safety of all school employees who facilitate that safe environment. "

HB 85 amends state statutes to allow for a judge to increase the imprisonment of a person who knowingly assaults a school employee during or because of the exercise of the school employee's duties. I believe an aggravating factor in sentencing will instill in children and their parents respect for others, especially employees of the schools they attend.

Representative_John_Coghill@LEGIS.state.ak.us

Sponsor Statement

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 85
 (H) Publish Date: 4/12/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to conduct directed at a BRU Criminal Division
school employee as an aggravating factor for . . . sentencing . . ." Component 1st-4th Judicial Districts
 Sponsor Representative Coghill
 Requester House HESS Committee Component No. 2198-99;2201;61;79

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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						
-----------------------------	--	--	--	--	--	--

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 (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 HB 85 allows a judge to increase the presumptive sentence for certain felonies when the crime included conduct that was directed a school employee.

 This bill will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370
 Division: Attorney General's Office Date/Time 3/8/01 3:52 PM
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 3/8/01
 Agency: Department of Law

For distribution information, call the Governor's Legislative Office

COMMITTEE COPY

Fiscal Note

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

Date: April 11, 2001
To: Representative John Coghill
From: Rynniewa Moss, Legislative Aide *Rynniewa Moss*
Re: HB 85 Assaulting a school employee

Sec. 12.55.125. Sentences of imprisonment for felonies.

(k) A first felony offender convicted of an offense for which a presumptive term of imprisonment is not specified under this section

(2) except as provided in (1) of this subsection, may not be sentenced to a term of unsuspended imprisonment that exceeds the presumptive term for a second felony offender convicted of the same crime unless the court finds by clear and convincing evidence that an aggravating factor under AS 12.55.155 (c) is present, or that circumstances exist that would warrant a referral to the three-judge panel under AS 12.55.165 .

Sec. 12.55.155. Factors in aggravation and mitigation.

(a) If a defendant is convicted of an offense and is subject to sentencing under AS 12.55.125 (c), (d)(1), (d)(2), (e)(1), (e)(2), (e)(4), or (i) and

(1) the presumptive term is four years or less, the court may decrease the presumptive term by an amount as great as the presumptive term for factors in mitigation or may increase the presumptive term up to the maximum term of imprisonment for factors in aggravation;

(2) the presumptive term of imprisonment is more than four years, the court may decrease the presumptive term by an amount as great as 50 percent of the presumptive term for factors in mitigation or may increase the presumptive term up to the maximum term of imprisonment for factors in aggravation.

(b) Sentence increments and decrements under this section shall be based on the totality of the aggravating and mitigating factors set out in (c) and (d) of this section.

Sec. 12.55.165. Extraordinary circumstances.

(a) If the defendant is subject to sentencing under AS 12.55.125 (c), (d)(1), (d)(2), (e)(1), (e)(2), (e)(4), or (i) and the court finds by clear and convincing evidence that manifest injustice would result from failure to consider relevant aggravating or mitigating factors not specifically included in AS 12.55.155 or from imposition of the presumptive term, whether or not adjusted for aggravating or mitigating factors, the court shall enter findings and conclusions and cause a record of the proceedings to be transmitted to a three-judge panel for sentencing under AS 12.55.175 .

(b) In making a determination under (a) of this section, the court may not refer a case to a three-judge panel based on the defendant's potential for rehabilitation if the court finds that a factor in aggravation set out in AS 12.55.155 (c)(2), (8), (10), (12), (15), (17), (18)(B), (20), (21), or (28) is present.