

HB

134

STATE OF ALASKA

DEPARTMENT OF LAW CRIMINAL DIVISION

**TONY KNOWLES,
GOVERNOR**

Mailing: PO Box 110300
Juneau, AK 99811-0300
Delivery: 123 4th Street, Ste 717
Juneau, AK 99801
Phone: (907) 465-3428
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February 27, 2001

FEB 27 2001

The Honorable Norm Rokeberg
Chairman, House Judiciary Committee
State Capitol Building, Room 118
Juneau, AK 99801

Re: Request for hearings for House Bills 133 and 134

Dear Chairman Rokeberg:

House Bill 133 (relating to victim restitution) and House Bill 134 (relating to victim rights) have been introduced at the request of the Governor and each has been referred to the Judiciary Committee and Finance Committee. We are writing to request a Judiciary Committee hearing at your earliest convenience.

House Bill 133 proposes the most meaningful change in restitution laws in many years. As you know, the Victims Rights amendment in Art. I, sec. 24, of the Alaska Constitution was enacted overwhelmingly by the voters, and it contains a specific right of crime victims to restitution from offenders. Until now, Alaska law has focused only on setting the amount of restitution, with little attention given to the precise method of collection. This bill provides an effective mechanism for collection of restitution, and is strongly supported by victim advocates statewide.

House Bill 134 introduces a number of measures that will enhance or expand on current rights of crime victims, and contains brand new provisions for recovering stolen property and allowing stalking victims to obtain judicial protective orders. This, too, is strongly supported by victim advocates.

We would be pleased to discuss these topics with you or your staff at any time, and we look forward to working with the Judiciary Committee on these important bills.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:



Dean J. Guaneli
Chief Assistant Attorney General

DJG:vr

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 3
 Bill Version: HB 134
 (H) Publish Date: 2/19/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to the rights of crime victims, ... BRU Criminal Division
the crime of violating a protective order or injunction . . ." Component 1st-4th Judicial Districts; Criminal
 Sponsor Rules Committee Appeals/Special Litigation
 Requester Governor Component No. 2198-99;2201/03/61/79

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						
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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	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill makes several amendments related to the protection of crime victims. It makes the violation of a protective injunction a class A misdemeanor. Like protective orders in a domestic violence case, protective injunctions may be ordered by the court to prevent or limit a person's contact with a child if it is established that the person has sexually or physically abused the child, or engages in conduct that constitutes a clear and present danger to the welfare of the child. While violation of a domestic violence protective order is a class A misdemeanor, under current law the only remedy for violations of a protective injunction is a finding of contempt by the court.

The bill also would clarify the means by which a victim can petition for the return of their property seized by law enforcement from a pawnbroker or second hand dealer; and broadens prohibitions against "compromising misdemeanors" (paying a victim's expenses in return for criminal charges being dropped) to include domestic violence as defined in current law. The bill also adds a new

Prepared by: Joan M. Kasson Phone 465-5370
 Division Attorney General's Office Date/Time 1/11/01 3:15 PM
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 1/11/01
 Agency Department of Law

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COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION

mitigating factor for presumptive sentences when a defendant pleads guilty or no contest within 30 days of arraignment on a charge. Finally, the bill adopts a simple procedure for victims of stalking that is not domestic violence to obtain protection, similar to the procedure for a domestic violence protective order. The procedure would not require a filing fee or sophisticated knowledge of the legal system. Instead, the clerk of court would provide simple forms for requesting protection and assistance in completing them. Violation of certain provisions of the protective order would be a class A misdemeanor.

Any potential fiscal impact of the bill on the Department of Law would come from the creation of the new class A misdemeanor for violating a protective injunction in both CINA and stalking cases. The department expects to see only a handful of new cases arising from these provisions each year, and anticipates any increased workload can be handled with existing resources.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 134
(H) Publish Date: 2/19/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title: An Act relating to the rights of crime victims, the BRU: 271
crime of violating a protective injunction, mitigating factors..... Component: All
Sponsor: Rules Committee
Requester: Governor 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	***	***	***	***	***	***

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 (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)

The Department of Corrections is submitting an indeterminate fiscal note for this legislation. This legislation will provide criminal consequences for a person who violates a protective injunction in child in need of aid proceedings.

Information provided by the Dept. of Law suggests approximately 12 offenders per year will be convicted. It is difficult to determine the length of sentence the Court will assign to these offenders. It presumably will be less than the mandatory minimum sentence of 20 days for an Assault IV in conjunction with the violation of a domestic violence restraining order.

Prepared by: Candace Brower Phone 465-4652
Division: Commissioner's Office Date/Time 02/16/01 2:45 p.m.
Approved by: Margaret Pugh Date 2/16/01
Agency: Dept. of Corrections

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 134
 (H) Publish Date: 2/19/01
 Dept. Affected: Administration
 BRU: Legal and Advocacy
 Component: Public Defender
 Component Number: 1631

Revision Date/Time (Note if correction): _____
 Title: An Act Relating to the rights of crime victims
 Sponsor: Rules Committee
 Requester: Governor

Expenditures/Revenues

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	*	*	*	*	*	*

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 (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 The Public Defender Agency is concerned about the impact of the provisions of the bill creating Non-domestic Violence Stalking Protective Orders. Violations of these Orders would be class A misdemeanors. The Alaska stalking statutes (AS 11.41.260-.270) are among the most broadly-written in the nation. See Petersen v. State, 930 P.2d 414 (Alaska App. 1996). Stalking can be charged whenever a person knowingly engages in a course of "non-consensual contact" that places another person in fear. "Non-consensual contact" includes things like approaching a person in a public place, contacting someone by telephone, or sending a person mail.
 Potentially, thousands of people could obtain these Non-domestic Violence Stalking Protective Orders. Violators could be charged with class A misdemeanors offenses. The Public Defender Agency would be assigned in at least 75% of these cases. Although we cannot say specifically what the impact would be, we are very concerned that there could be a significant fiscal impact resulting from this legislation.

Prepared by: Barbara Brink, Director Phone 334-4414
 Division: Public Defender Agency Date/Time 2/6/01 12:00 AM
 Approved by: Jim Duncan, Commissioner Date 2/6/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 134
P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
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February 16, 2001

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

Dear Speaker Porter:

The Victims' Rights Amendment to the Alaska Constitution was approved by 87 percent of Alaska voters and has been in effect since December 30, 1994. Since then, we have continued to learn more about the difficulties crime victims face and how we may be able to assist them through changes within the legal system. This bill I am transmitting today proposes several measures to further protect victims and help them deal with the problems they encounter. Each proposal is described in further detail below.

- Allowing a mitigated presumptive sentence for speedy no contest or guilty pleas;
- Simplifying procedures for victims to recover stolen property;
- Establishing a crime for violating protective injunctions in child in need of aid cases;
- Extending current disallowance of civil compromise in some domestic violence cases to all domestic violence cases;
- Simplifying the process for stalking victims to get protection orders;
- Establishing that a protective order violation could cause at least a contempt of court charge and fine;
- Requiring officials working with custody disputes be trained in domestic violence law.

Mitigated Presumptive Sentences. The bill allows the court to mitigate a presumptive sentence when the defendant pleads no contest or guilty within 30 days after being charged. The reasoning is that early admission on the part of the defendant relieves the

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The Honorable Brian Porter
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Page 2

victim of some of the suffering involved in long, drawn out court procedures. This concept has already been recognized by the courts as a non-statutory mitigating factor. State v. McKinney, 946 P.2d 456 (Alaska 1997).

Recovering Stolen Property. The bill establishes a simplified procedure for theft victims to recover property that is in the possession of a law enforcement agency after having been recovered from a pawnshop or secondhand dealer. The current process is based on federal procedure and requires the victim to initiate formal legal proceedings to recover property. Under this less formal procedure, the victim could file a petition in state court supported by affidavit of ownership. The pawnshop or secondhand dealer can file a response supported by affidavit. Ownership may then be decided based on the information in the affidavits.

Protective Injunction Violations. Alaska law authorizes the court to issue a protective injunction in child in need of aid (CINA) proceedings that orders perpetrators to stay away from a child. These are similar to protective orders in domestic violence cases. Unlike domestic violence protective orders, however, it is not a separate crime to violate a protective injunction for a child in a CINA proceeding. The bill corrects this unjust inconsistency by making it a class A misdemeanor for a perpetrator to violate the CINA injunction.

Civil Compromise in Domestic Violence Cases. Alaska allows a person charged with a misdemeanor that harms a person or property to enter into a civil compromise by agreeing to pay the victim for personal costs, such as medical expenses or property damage. If the victim appears in court and acknowledges in writing that the defendant has paid the damages, the court may dismiss the charges, even if the prosecution objects to the dismissal. There are several exceptions in the statute allowing for civil compromise. One of the exceptions disallows compromise of cases between spouses and former spouses, or persons living together in a family or spousal relationship. The exception does not, however, include all domestic violence crimes. For example, it does not include domestic violence by a person who lived with another person if the court determines that the relationship was not a spousal relationship. This bill extends the disallowance of civil compromise to all cases involving domestic violence as defined in the Domestic Violence Prevention and Victim Protection Act of 1996. Civil compromise is not appropriate in domestic violence cases. This bill ensures that it will not occur.

Protection From Stalking. Stalking is a crime that may be unconnected to domestic violence yet also warrants protection for the victim. These stalking victims are often children and their families. The current procedure for obtaining protection in these types

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Page 3


of stalking cases requires a filing fee and, usually, an attorney to handle the complicated paperwork. Victims may not have the resources for this effort and therefore go unprotected. This bill establishes a procedure similar to that for a domestic violence protective order, a simple process with no filing fee or need for sophisticated knowledge of the legal system. The clerk of court would provide forms for requesting protection and assistance in completing them. Violation of certain provisions of a stalking protective order of this type would be a class A misdemeanor.

Protective Order Violations. Currently, not all violations of a protective order result in consequences to the offender. Typically, the more dangerous violations carry a criminal charge; others may have no direct consequence. This bill establishes that a person who violates any provision of a protective order may, at a minimum be held in contempt of court.

Domestic Violence Training. It's important that anyone officially involved in custody disputes, such as guardians ad litem, child custody investigators, and mediators, be trained in domestic violence laws. These persons need to understand statutory provisions that prohibit mediation in domestic violence cases and that require consideration of evidence of domestic violence in custody determinations.

Victim protection is a priority of all Alaskans. I urge your prompt and favorable consideration of this bill.

Sincerely,


Tony Knowles
Governor

HB 134

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. HB134

Revision Date/Time (Note if correction)	Dept. Affected
Title <u>An act relating to the rights of crime victims</u>	BRU <u>Alaska Court System</u>
Sponsor <u>House Rules by Request of the Governor</u>	Component <u>Trial Courts</u>
Requester <u>House Judiciary</u>	Component No. <u>768</u>

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	12.3	0.0	0.0	0.0	0.0	0.0
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	12.3	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 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF	12.3	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	12.3	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

House Bill 134 makes several changes to the laws relating to crime victims. The two sections most likely to impact the court system are those relating to the return of property seized from a pawnbroker or secondhand dealer and to Non-domestic Violence Protective Orders. This note is limited to the one-time costs associated with the court system's forms committee meeting and developing the forms, procedures, and instructions for clerks that both of these sections will require.

This note does not reflect any additional costs associated with the increased workload that will result from these new protective proceedings. Although our stalking statutes are broad and could potentially result in a significant number of petitions being filed, at this time the number of such cases is too speculative to support a fiscal note. However, should this bill result in a significant number of petitions the court system may return to the legislature for additional funding.

Prepared by: <u>Douglas Wooliver, Administrative Attorney</u>	Phone: <u>463-4750</u>
Division: <u>Alaska Court System</u>	Date/Time: <u>4/11/01 10:16 AM</u>
Approved by: <u>Stephanie J. Cole, Administrative Director</u>	Date: _____
Agency: <u>Alaska Court System</u>	

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Unalaskans Against Sexual Assault & Family Violence

Box 36, Unalaska, AK 99685 • Office: 581-1500 • Crisis Line Call: 711

April 19, 2001

APR 19 2001

Representative Norman Rokeberg
House Judiciary Committee
State Capital, Room 118
Juneau, AK 99801 -1182

Dear Representative Rokeberg,

I am writing to urge to hold a hearing and take action on HB 134, the bill regarding stalking that is not related to domestic violence. This is a very important bill.

HB 134 would provide a protective order process for victims being stalked by strangers or others with whom they have no relationship, for example. This will go far in ensuring the safety of people who would not qualify for a domestic violence restraining order, but who are, nevertheless, being stalked and harassed by someone. It will also help to hold accountable those who stalk and harass, and sends a message that this type of behavior is unacceptable.

HB 134 also requires that guardian ad litem and child custody investigators receive training in domestic violence from a CDVSA approved domestic violence program. This training is crucial so that people who make recommendations about custody and visitation have an understanding about the dynamics and lethality of domestic violence situations.

Lastly, HB 134 would make "lesser" violations of protective orders, such as making a single phone call, a crime of contempt, so that the prosecutor can take some action to hold the violator accountable.

Please remember these important elements of HB 134. I hope that you can hold a hearing and that some action will be taken on this bill soon.

Thank you very much.

Sincerely,

M. Lynn Crane, Director, Unalaskans Against Sexual Assault & Family Violence

Public Opinion Message

Valdez Legislative Information Office (LIO)
PO Box 1999 • Valdez, AK 99686 • Phone: 835-2111 Fax: 835-2087

This form must be completely filled out. You may phone, fax, or deliver your POM to any LIO.

From: Please PRINT the information below. This form must be signed by the sender.

Mr. / Ms. / Mrs. <i>MRS</i>	First name <i>Catherine</i>	M.I.	Last name <i>Varva</i>	J. / B. / D.
Group affiliation (if applicable) <i>ANDUSA - AVV</i>				Daytime telephone number
Mailing address <i>PO Box 524 Valdez AK</i>			Zip code <i>99686</i>	
Residence (street) address if different from mailing address <i>551 Wardside St Valdez AK</i>			Zip code <i>99686</i>	
E-mail address		Signature <i>Catherine Varva</i>		Date <i>4-19-01</i>

To: Put a in the appropriate box(es).

Committees		House members		Senate members	
<input type="checkbox"/> H or S	Community & Regional Affairs (cra)	<input type="checkbox"/> Berkowitz (ber)	<input type="checkbox"/> Kertula (ker)	<input type="checkbox"/> Austerman (aue)	
<input type="checkbox"/>	Finance (fin)	<input type="checkbox"/> Bunde (bun)	<input type="checkbox"/> Kohring (koh)	<input type="checkbox"/> Cowdry (cow)	
<input type="checkbox"/>	Health, Ed. & Social Services (hes)	<input type="checkbox"/> Chensaut (che)	<input type="checkbox"/> Kookesh (koo)	<input type="checkbox"/> Davis (dav)	
<input checked="" type="checkbox"/>	Judiciary (jud)	<input type="checkbox"/> Cleans (cle)	<input type="checkbox"/> Kolt (kol)	<input type="checkbox"/> Donley (don)	
<input type="checkbox"/>	Labor & Commerce (l&c)	<input type="checkbox"/> Coghli (cog)	<input type="checkbox"/> Lancaster (lan)	<input type="checkbox"/> Ellis (eli)	
<input type="checkbox"/>	Resources (res)	<input type="checkbox"/> Crawford (cra)	<input type="checkbox"/> Mesak (mes)	<input type="checkbox"/> Eton (eto)	
<input type="checkbox"/>	Rules (ru)	<input type="checkbox"/> Croft (cro)	<input type="checkbox"/> McGuire (mcg)	<input type="checkbox"/> Green (gre)	
<input type="checkbox"/>	State Affairs (sta)	<input type="checkbox"/> Davies (dav)	<input type="checkbox"/> Meyer (mey)	<input type="checkbox"/> Hallford (hal)	
<input type="checkbox"/>	Transportation (tra)	<input type="checkbox"/> Dyson (dys)	<input type="checkbox"/> Morgan (mor)	<input type="checkbox"/> Hoffman (hof)	
<input type="checkbox"/>	Other:	<input type="checkbox"/> Felo (fel)	<input type="checkbox"/> Moses (mos)	<input type="checkbox"/> Kelly (kelly)	
<input type="checkbox"/>	Other:	<input type="checkbox"/> Foster (fos)	<input type="checkbox"/> Musser (mus)	<input type="checkbox"/> Lerman (ler)	
CAUCUSES		<input type="checkbox"/> Green (grn)	<input type="checkbox"/> Munkowski (mun)	<input type="checkbox"/> Lincoln (lin)	
<input type="checkbox"/>	Anchorage (aga)	<input type="checkbox"/> Gussu (gus)	<input type="checkbox"/> Ogan (oga)	<input type="checkbox"/> Olson (ols)	
<input type="checkbox"/>	Bush (bus)	<input type="checkbox"/> Halcro (hal)	<input type="checkbox"/> Porter (por)	<input type="checkbox"/> Pearce (par)	
<input type="checkbox"/>	Forbanks/Innor (int)	<input type="checkbox"/> Harris (har)	<input checked="" type="checkbox"/> Rolaberg (rol)	<input type="checkbox"/> Phillip (phi)	
<input type="checkbox"/>	Matsu (mat)	<input type="checkbox"/> Hayes (hay)	<input type="checkbox"/> Scatz (scz)	<input type="checkbox"/> Taylor (tay)	
<input type="checkbox"/>	Majority (maj)	<input type="checkbox"/> Hudson (hud)	<input type="checkbox"/> Stevens (stv)	<input type="checkbox"/> Thersault (thr)	
<input type="checkbox"/>	Minority (min)	<input type="checkbox"/> James (jam)	<input type="checkbox"/> Whitaker (whi)	<input type="checkbox"/> Torgerson (tor)	
		<input type="checkbox"/> Jule (jul)	<input type="checkbox"/> Williams (wil)	<input type="checkbox"/> Ward (war)	
		<input type="checkbox"/> Kessner (kep)	<input type="checkbox"/> Wilson (wils)	<input type="checkbox"/> Wilson (wil)	

Subject: Fill out the boxes below OR enter a Subject.

HB or SB <i>HB</i>	Bill number <i>134</i>	and check one:	<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose	<input type="checkbox"/> Amend	OR enter a general Subject (LIO staff may modify):
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Message: Your PRINTED message cannot exceed 50 words or contain any vulgar language.

<i>Please</i>	<i>support</i>	<i>HB 134</i>	<i>It is</i>	<i>important</i>	5
<i>for</i>	<i>so many</i>	<i>reason.</i>	<i>How can</i>	<i>Guardian</i>	10
<i>at item's</i>	<i>or child</i>	<i>investigator's</i>	<i>make</i>	<i>undified</i>	15
<i>recommendations</i>	<i>about</i>	<i>children's</i>	<i>level</i>	<i>with out</i>	20
<i>understanding</i>	<i>issues</i>	<i>such as</i>	<i>domestic</i>	<i>violence?</i>	25
<i>This bill</i>	<i>also</i>	<i>recognize</i>	<i>that</i>	<i>stalking</i>	30
<i>by a</i>	<i>stranger</i>	<i>can be</i>	<i>as dangerous</i>	<i>as</i>	35
<i>stalking</i>	<i>by one</i>	<i>acquaintance.</i>	<i>Domestic</i>	<i>violence</i>	40
<i>remains</i>	<i>the</i>	<i>number</i>	<i>one reason</i>	<i>for</i>	45
<i>injuries to</i>	<i>women and</i>	<i>involves</i>	<i>of child</i>	<i>abuse.</i>	50

Public Opinion Message

Valdez Legislative Information Office (LIO)
 PO Box 1050 • Valdez, AK 99686 • Phone: 835-2111 Fax: 885-2097

This form must be completely filled out. You may phone, fax, or deliver your POM to any LIO.

From: Please PRINT the information below. This form must be signed by the sender.

Mr. / Ms. / Mrs. <i>MR</i>	First Name <i>Melissa</i>	Age <i>35</i>	Last Name <i>Bowden</i>	J. / Sr. / M.
Group / School / Employer <i>ANDRISA - AVY</i>				Deputy telephone number
Home Address <i>PO Box 5241 Valdez AK</i>				Zip code <i>99686</i>
Residence (Street) (Town) (State) (Zip) (Phone) <i>527 Woodside ST Valdez AK</i>				Telephone <i>49686</i>
Local address				Date <i>4/19/01</i>

To: Put a ✓ in the appropriate box(es).

Committees		House members			Senate members		
<input type="checkbox"/>	H or S	<input type="checkbox"/>	Bortovitz (ber)	<input type="checkbox"/>	Kerns (ker)	<input type="checkbox"/>	Austerman (aus)
<input type="checkbox"/>	Community & Regional Affairs (cra)	<input type="checkbox"/>	Sunde (sun)	<input type="checkbox"/>	Kohring (kon)	<input type="checkbox"/>	Cowley (coy)
<input type="checkbox"/>	Finance (fin)	<input type="checkbox"/>	Cheneart (che)	<input type="checkbox"/>	Kookash (kos)	<input type="checkbox"/>	Davis (dai)
<input type="checkbox"/>	Health, Ed., & Social Services (hes)	<input type="checkbox"/>	Claens (cls)	<input type="checkbox"/>	Kot (kot)	<input type="checkbox"/>	Dorsey (dor)
<input checked="" type="checkbox"/>	Judiciary (jud)	<input type="checkbox"/>	Coghil (cog)	<input type="checkbox"/>	Lancaster (lnc)	<input type="checkbox"/>	Ells (ell)
<input type="checkbox"/>	Labor & Commerce (l&c)	<input type="checkbox"/>	Cravens (crv)	<input type="checkbox"/>	Masok (mas)	<input type="checkbox"/>	Elton (elt)
<input type="checkbox"/>	Resources (res)	<input type="checkbox"/>	Craft (cra)	<input type="checkbox"/>	McGuire (mcg)	<input type="checkbox"/>	Green (gre)
<input type="checkbox"/>	Rules (rle)	<input type="checkbox"/>	Davis (dav)	<input type="checkbox"/>	Meyer (mey)	<input type="checkbox"/>	Hallford (hal)
<input type="checkbox"/>	State Affairs (saa)	<input type="checkbox"/>	Dyeon (dys)	<input type="checkbox"/>	Morgan (mor)	<input type="checkbox"/>	Hoffman (hof)
<input type="checkbox"/>	Transportation (tra)	<input type="checkbox"/>	Felt (flt)	<input type="checkbox"/>	Moses (mos)	<input type="checkbox"/>	Kelly (kay)
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Foster (fos)	<input type="checkbox"/>	Muder (mud)	<input type="checkbox"/>	Leman (lem)
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Guan (gum)	<input type="checkbox"/>	Munro (mun)	<input type="checkbox"/>	Lincoln (lin)
CAUCUSES		<input type="checkbox"/>	Gues (gue)	<input type="checkbox"/>	Ogan (oga)	<input type="checkbox"/>	Olsen (ols)
<input type="checkbox"/>	Anchorage (aga)	<input type="checkbox"/>	Halro (hal)	<input type="checkbox"/>	Porter (por)	<input type="checkbox"/>	Pearce (pear)
<input type="checkbox"/>	Bush (bus)	<input type="checkbox"/>	Harris (har)	<input checked="" type="checkbox"/>	Rohberg (roh)	<input type="checkbox"/>	Phillip (phi)
<input type="checkbox"/>	Fairbanks/Intance (fai)	<input type="checkbox"/>	Hayes (hay)	<input type="checkbox"/>	Scuzi (sci)	<input type="checkbox"/>	Taylor (tay)
<input type="checkbox"/>	Mesa (mes)	<input type="checkbox"/>	Hudson (hud)	<input type="checkbox"/>	Stevens (stv)	<input type="checkbox"/>	Theriault (thv)
<input type="checkbox"/>	Majority (maj)	<input type="checkbox"/>	James (jam)	<input type="checkbox"/>	Whitaker (whi)	<input type="checkbox"/>	Torgerson (tor)
<input type="checkbox"/>	Minority (min)	<input type="checkbox"/>	Joule (jou)	<input type="checkbox"/>	Williams (wll)	<input type="checkbox"/>	Ward (war)
		<input type="checkbox"/>	Kapner (kap)	<input type="checkbox"/>	Wilson (wll)	<input type="checkbox"/>	Wilson (wll)

Subject: Fill out the boxes below OR enter a Subject.

HB or SB <i>HB</i>	Bill number <i>134</i>	and check one:	<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose	<input type="checkbox"/> Amend	<input type="checkbox"/> OR enter a general Subject (LIO staff may modify):
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Message: Your PRINTED message cannot exceed 50 words or contain any vulgar language.

We need	your	support	for HB 134.	Guardians
at whom	and	child	investigations	need
information	and	training	in	order
to	understand	and	make	informed
decisions	about	children's	lives;	Also,
victims	being	stalked	need	to
be	able	to	get	Protective
orders	against	the	perpetrators	equally
if	this	is a	stranger	DV is
the	number 1	reason	for injuries	to women.



Safe and Fear-Free Environment, Inc.

Post Office Box 94 Dillingham, Alaska 99576
 Office: (907) 842-2320 Fax: (907) 842-2198
 24 Hour Toll Free Crisis Line: 1-800-478-2316

SERVICES PROVIDED

Safe Shelter
 Crisis Intervention
 Emergency Transportation
 24 Hour Crisis Line
 Advocacy & Support
 Children Services
 Medical & Court Accompaniment
 Information & Referral
 Legal Advocacy
 Community Education & Awareness
 Presentations & Training
 Domestic Violence
 Sexual Assault
 Child Abuse
 Sexual Harassment
 Elder Abuse
 Parenting
 Conflict Resolution
 Workplace Safety

19 April 2001

Representative Rokeberg, Chair
 House Judiciary Committee
 P.O. Box V
 Juneau, Alaska 99811

APR 19 2001

Dear Chairman Rokeberg and Members,

I am writing to express my support for HB 133 and HB 134 and to ask for your positive vote in moving the bills from Committee.

HB 133 reflects the recommendations of the Victim Rights Roundtable group that met in Anchorage last fall. As a crime victim's advocate, I was privileged to be a part of that group and able to bring the collective voice of the people I serve to that table. I was privy to the discussions that took place on a whole range of victims rights issues and it was unanimously agreed that correcting the restitution problem was a number one priority. Restitution alone won't make crime victims whole again, but it helps to re-empower victims and can go a long way toward the healing process and holding perpetrators accountable for the wrong they do.

I understand that HB 133 is scheduled for a hearing before the full Committee on Friday, April 20. On behalf of the people I work for and for my own family members who have been victims of crime, I ask that you vote positively to move the bill on to the next committee of referral.

HB 134 is another measure addressing crime victim's rights that is currently in the House Judiciary Committee. There are three key elements in HB 134 that are critical to victims. The first provides a protective order process for persons who are being stalked by a stranger or someone with whom they do not have an intimate or family relationship. Stalking is a terrifying crime that happens way too often in Alaska. And if you or someone you love is targeted by a stranger, you have little recourse for protection. HB 134 would enhance the safety of victims and the resources for protection available to them.

A second provision in HB 134 would require guardian ad litem's and child custody investigators to be trained in domestic violence issues. It's a bit shocking to think that the law doesn't already require this and that these people may have been out their making life shaping decisions and recommendations without basic training in family violence issues.

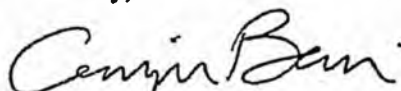
*"Serving all
 of
 Bristol Bay
 Since
 1982"*

A third provision in HB 134 has direct impact of victims of domestic violence by permitting court actions in response to "lesser" violations of protective orders. Under current law, the court and police are limited in responding to a petitioner who sends his partner a letter or makes a single phone contact in violation of the "no contact" provisions of a protective order. Taken one at a time, these minor violations don't seem to be a problem, but for a victim of domestic violence they can have a devastating impact as they are part of the pattern of abusive and coercive behavior that defines intimate partner violence.

HB 134 would put some teeth in the law that would help protect victims of crime. I ask that you schedule the measure for hearing as soon as possible and move it out of committee with your positive vote.

Thank you for giving me an opportunity to comment on these measures. And thank you all for the hard work you do and the even harder work that lays before you in these closing weeks of the Legislative Session.

Sincerely,



Ginger Baim, Executive Director
Safe and Fear-Free Environment, Inc.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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

January 31, 2002

Representative Pete Kott
State Capitol
Juneau, AK 99801-1182

Dear Representative Kott:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 134 (22-GH1062\A) relating to the rights of victims, violations of protective injunctions, and protective relief for stalking victims that is not domestic violence, to the House Rules Committee at the request of Governor Knowles.

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

We believe that this comprehensive legislation further defines the rights of victims of crimes and sets out additional boundaries and expectations for recipients of court-ordered injunctive relief orders. Additionally, we believe this legislation introduces new and necessary laws that would enable a victim of a non-domestic stalking situation to seek temporary relief with a protective order.

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,

COPY

Leo Brandlen
State President

cc: Gov. Tony Knowles
House Finance Co-Chairs, Reps. Eldon Mulder and Bill Williams
House Judiciary Chair, Rep. Norman Rokeberg

Business Manager

Joseph Young
Anchorage

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Leo Brandlen, President
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James See, Member
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John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Thecla LaLonde, Member
Wrangell
Pres. Wrangell Chapter

Legislative Action Alert!

Governor Knowles proposed victims rights legislation to make the justice system work for victims rather than forcing victims to work the system. None of these bills have received legislative hearings to date!

Victims repeatedly say that being able to collect court-ordered restitution from their offenders would be one of the greatest benefits to their healing process. Yet our current system places the burden of restitution collection on the victims, just adding to their pain and trauma. To fix this unjust situation, Governor Knowles introduced:

SB 107 and HB 133 - Victim Restitution Collection:

- Makes sure victims receive their court-ordered restitution by creating a collection service in the Department of Law -- taking the burden of collecting offender restitution payments off the shoulders of victims.
- Allows the Department of Law to collect Permanent Fund Dividends, wages, and other offender assets to help pay court-ordered restitution to victims.
- Funds \$300,000 to the Department of Law to cover the cost of setting up the collection program which is expected to help over 5,000 victims annually in the state receive their restitution payments.

Status of bills-SB 107 is in the Senate Judiciary Committee and HB 133 is in the House Judiciary Committee. Neither bill has received a hearing.

Governor Knowles has led several efforts during his tenure in office to enhance protections for victims. More work is needed in several areas such as improving access to protective orders, putting some teeth into those orders, and helping victims recover stolen property. To address these issues, Governor Knowles introduced:

SB 106 and HB 134 - Victims Protection Package:

- Simplifies procedures for victims to recover stolen property.
- Simplifies the process for stalking victims to get protection orders.
- Establishes a crime for violating protective injunctions in child of need of aid cases.
- Establishes that a protective order violation could be at least a contempt of court.
- Extends current disallowance of civil compromise in some domestic violence cases to all domestic violence cases.
- Offers an opportunity for speedier trials by allowing mitigated presumptive sentences for timely guilty or no contest pleas.
- Requires officials working with custody disputes to be trained in domestic violence law.

Status of bills-SB 106 is in the Senate Judiciary committee and HB 134 is in the House Judiciary committee. Neither bill has received a hearing.

Budget Request

The Governor requested \$250,000 to fund victim services. This would create a victim services coordinator in the Department of Health and Social Services to work with probation offices and youth facilities statewide to help them design and expand their victim service programs. It also continues funding the victim and witness notification program in the Department of Law.

Contact the members of the House and Senate Judiciary Committees and your elected representatives, urging them to hear these bills as soon as possible!