

HB

341

House Committees

Labor & Commerce
Military & Veterans Affairs
State Affairs
Regulation Review

Alaska State Legislature
Representative
Joe Hayes

119 N. Cushman, Ste. 205
Fairbanks, AK 99701
(907) 456-7423 / Fax: 451-9293

While in Juneau
State Capitol
Juneau, AK 99801-1182
(907) 465-3466 / Fax: 465-2937



Sponsor Statement
HB 341

“An act relating to assault in the fourth degree that is a crime involving domestic violence.”

HB 341 will make the third instance of a class A misdemeanor resulting from domestic violence a felony.

A perpetrator of domestic violence begins and continues his behavior because violence is an effective method for gaining and maintaining control over another person. Usually, batterers are able to hide their activity from the authorities and therefore, avoid suffering any adverse consequences as a result of this abhorrent behavior. Historically, violence against women has not been treated as a “real” crime. This is evident in the lack of severe consequences for batterers, such as inadequate incarceration or economic penalties. HB 341 will enable the State of Alaska to protect battered women by creating a penalty that fits the crime.

It is imperative that the State of Alaska adopts legislation that will make punishments more severe as a deterrent to a continued cycle of domestic violence. Increases penalties will discourage abusers from committing an offense and encourage them to seek the necessary and appropriate treatment program.

Help protect Alaska’s families, especially those who have already been victimized by domestic violence, by supporting this legislation.

District 30

representative_joe_hayes@legis.state.ak.us

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 29, 2002

SUBJECT: Sectional Summary of HB 341

TO: Representative Joe Hayes

FROM: Gerald P. Luckhaupt *GPL*
Legal Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.41.230(b) to provide that a person who commits assault in the fourth degree that is a crime involving domestic violence commits a felony if the person has been previously convicted two or more times of a crime involving domestic violence, or a crime against a person, or a combination of those crimes.

Section 2 of the bill amends AS 12.55.135(c) to clarify that that provision only applies to misdemeanor offenses.

Section 3 of the bill removes the minimum sentence for persons convicted of assault in the first degree with two or more prior convictions as those persons are now subject to sentencing as felons.

GPL:med
02-068.med

FISCAL NOTE

**STATE OF ALASKA
2002 LEGISLATIVE SESSION**

BILL NO. HB 341

Revision Date/Time (Note if correction) _____ Dept. Affected _____
 Title An Act relating to assault in the fourth degree BRU Alaska Court System
that is a crime involving domestic violence. Component Trial Courts
 Sponsor Representative Hayes
 Requester House Judiciary Committee Component No. 768

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	56.9	56.9	56.9	56.9	56.9	56.9
Travel						
Contractual	72.4	72.4	72.4	72.4	72.4	72.4
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	129.3	129.3	129.3	129.3	129.3	129.3

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	129.3	129.3	129.3	129.3	129.3	129.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	129.3	129.3	129.3	129.3	129.3	129.3

Estimate of any current year (FY2002) cost: 0.0

POSITIONS

Full-time						
Part-time	2	2	2	2	2	6
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 341 increases from a class A misdemeanor to a class C felony the penalty for assault in the fourth degree if the defendant has been twice convicted of crimes involving domestic violence or twice convicted of other misdemeanors that were crimes against a person. The Department of Law estimates that approximately 350 persons a year will fall into this category. This fiscal note is based on that assumption and on a 10% felony trial rate.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 3/19/02 @ 2:40 P.M.
 Approved by: Stephanie J. Cole, Administrative Director Date 3/19/2002
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

Alaska Court System
 Fiscal Note Calculations for HB 341
 3/19/2002

Increase in 35 Superior Court Felony Trials

	FY03	FY04	FY05	FY06	FY07	FY07
<u>Superior Court:</u>						
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143	143
	<u>2,068</u>	<u>2,068</u>	<u>2,068</u>	<u>2,068</u>	<u>2,068</u>	<u>2,068</u>
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>
	<u>72,380</u>	<u>72,380</u>	<u>72,380</u>	<u>72,380</u>	<u>72,380</u>	<u>72,380</u>
Estimated Cost of Superior Court Trials	72,380	72,380	72,380	72,380	72,380	72,380
Pro Tem Superior Court Judge (5 Months)	38,200	38,200	38,200	38,200	38,200	38,200
PPT In-Court Clerk (5 Months)	18,700	18,700	18,700	18,700	18,700	18,700
	<u>56,900</u>	<u>56,900</u>	<u>56,900</u>	<u>56,900</u>	<u>56,900</u>	<u>56,900</u>
	<u>129,280</u>	<u>129,280</u>	<u>129,280</u>	<u>129,280</u>	<u>129,280</u>	<u>129,280</u>
Fiscal Note Total for 35 Felony Trials	129,280	129,280	129,280	129,280	129,280	129,280

Notes:

In an average work year there are 248 possible work days excluding holidays
 35 trials @ 3 work days equals 105 work days and would require 5 months of a Pro Tem Superior Court
 Judge & a 5 month PPT In-Court Clerk.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 341
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to assault in the fourth degree BRU Criminal Division
that is a crime involving domestic violence. Component 3rd Judicial District: Anchorage
Sponsor Representative Hayes 4th Judicial District
Requester House Judiciary Committee Component No. 2261; 2201

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	233.0	233.0	233.0	233.0	233.0	233.0
Travel	0.4	0.4	0.4	0.4	0.4	0.4
Contractual	44.4	44.4	44.4	44.4	44.4	44.4
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	13.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	294.8	281.8	281.8	281.8	281.8	281.8

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	294.8	281.8	281.8	281.8	281.8	281.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	294.8	281.8	281.8	281.8	281.8	281.8

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	2	2	2	2	2	2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 341 increases the penalty for conviction of assault in the fourth degree that is a domestic violence offense from a class A misdemeanor to a class C felony, if the defendant has two prior convictions for a crime against a person or a crime involving domestic violence.

Based on 1999 and 2000 data, we estimate the Department of Law prosecutes an average of 350 third-time domestic violence misdemeanors per year, which if this bill becomes law, will become felony prosecutions. Felony prosecutions require a lot more time and resources than misdemeanor prosecutions, primarily because they require the use of a grand jury and because felonies are usually much more vigorously defended. We anticipate most of the increased workload will occur in Anchorage and Fairbanks, and that a new full-time equivalent (FTE) attorney will be necessary to handle the new work in each location.

Costs are based on the department's FY03 approved FTE attorney rate, and include normal overhead expenses. One-time equipment costs are not included in the rate, and are added separately in FY03.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division Attorney General's Office Date/Time 3/8/02 8:30 AM
Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 3/8/2002
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 341
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title "An Act relating to assault in the fourth BRU Administration and Operations
degree that is a crime involving domestic violence." Component All
 Sponsor Rep. Hayes
 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	210.0	435.8	452.1	469.1	486.7	505.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	1,256.7	1,561.1	2,074.9	2,588.1	3,100.7	3,346.7
TOTAL OPERATING	1,466.7	1,996.9	2,527.0	3,057.2	3,587.4	3,851.7

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,466.7	1,996.9	2,527.0	3,057.2	3,587.4	3,851.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	1,466.7	1,996.9	2,527.0	3,057.2	3,587.4	3,851.7

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	7	7	7	7	7	7
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation will increase the penalty for conviction of Assault in the 4th degree that is a domestic violence offense and the offender has been previously convicted twice before of crimes against a person or crimes involving domestic violence, converting the A misdemeanor to a C felony.

The Department of Law estimates an average of 350 third-time offenders who will fall into this new category. This will impact the Department of Corrections in at least two significant ways. First, it is anticipated that felony offenders will receive increased prison sentences. For the calendar years of 1999 and 2000, the average sentence for misdemeanor assault in the fourth degree domestic violence cases was approximately 45 days less than the average felony sentence. Based on these figures, and

Prepared by: Candace Brower
 Division: Commissioner's Office
 Approved by: Margaret Pugh, Commissioner
 Agency: Department of Corrections

Phone 465-4652
 Date/Time 3/19/02 1:33 PM
 Date 3/19/02

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. HB 341

ANALYSIS CONTINUATION

taking into account statutory good time, we are assuming that offenders will serve an average of 30 days longer in prison. The nature of domestic violence assaults is such that the Department generally does not classify these offenders to alternative incarceration. The daily cost of incarceration this year is \$114.37 per day. It is anticipated that an additional 350 felons a year will create an additional cost of \$1,207,885 each year. This does not take into account the cumulative impact of keeping that many offenders incarcerated longer in terms of overcrowding. That effect is difficult to quantify.

The second significant area of impact is the expectation that the court will order these offenders to formal probation supervision. The average probation sentence for this group is anticipated to be 5 years. The first year, the 350 offenders will be phased into supervision. It is too difficult to try to determine the phasing-in so we have estimated all of the 350 offenders for 6 months of supervision. The numbers of offenders each year will begin stacking in the second year as more and more offenders are placed on probation until the number levels off (probably in year 7). The daily cost of probation for each offender is \$4.15 per day. If we multiply 350 offenders times 182 days times 4.15/day, the first year will cost approximately \$265,807. The second year it will be approximately \$795,970, the third year \$1,326,133, the fourth year \$1,856,296, the fifth year \$2,386,459 and finally, \$2,916,622. As the first group of offenders who have completed their 5 years of probation begins to fall off the cost will level off. These additional offenders will require the recruitment and hiring of additional probation officers.

Within the increased costs of this second significant area of impact, additional staffing and support costs will be needed, inclusive of reformation programming. These 350 new felony offenders will require the recruitment and hiring of seven (7) additional adult probation officers who will work a caseload of 50 offenders each. Each adult probation officer is budgeted at \$60.0 per year. An additional 3.75% of personal services costs is added to the 2nd and subsequent fiscal years to cover annual merit increases for the 7 probation officers per existing negotiated labor agreements (shown in the Personal Services line of the fiscal note). Each new adult probation officer will require support funds to cover travel (e.g., on-site monitoring, court hearings, training, etc), contractual services (e.g. professional services such as anger management programming, life skills, substance abuse, education programming, office communication, urinalysis testing, leased vehicles, postage, etc.). Commodities include consumable office supplies, vehicle fuel, etc. Equipment (one-time) purchases such as personal computers, desktop printers, satellite radios, etc. All of these costs are reflected in the miscellaneous line of the fiscal note.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 341
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title "An Act relating to assault in the fourth BRU Legal and Advocacy Services
that is a crime involving domestic violence." Component Public Defender Agency
Sponsor Rep. Hayes
Requester (H) 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	190.6	190.6	190.6	190.6	190.6	190.6
Travel	9.6	9.6	9.6	9.6	9.6	9.6
Contractual	46.3	46.3	46.3	46.3	46.3	46.3
Supplies	5.3	5.3	5.3	5.3	5.3	5.3
Equipment	17.4	1.7	1.7	1.7	1.7	1.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	269.2	253.5	253.5	253.5	253.5	253.5

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	269.2	253.5	253.5	253.5	253.5	253.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	269.2	253.5	253.5	253.5	253.5	253.5

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	2	2	2	2	2	2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Barbara Brink, Director Phone (907) 334-4416
Division Public Defender Agency Date/Time 3/20/02 11:03 AM
Approved by: Jim Duncan, Commissioner Date 3/20/2002
Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. HB 341

ANALYSIS CONTINUATION

This legislation would amend the class A misdemeanor crime of assault in the fourth degree to increase the penalty for conviction of assault in the fourth degree when it is a crime of domestic violence to a C felony if the defendant has two prior convictions for a crime against a person or a crime involving domestic violence.

Based upon the Department of Law estimates from '99 and '00 data, there will be an average 350 third-time fourth degree assaults involving domestic violence per year that will become felony prosecutions if this bill becomes law. Accepting those estimates, it is estimated that the Public Defender Agency will be appointed in the vast majority of these felony cases, when considering the Agency's higher rate of representation in rural areas. Felonies require more time and resources than misdemeanors to defend and require higher levels of attorneys to work them. We expect most of the increased workload will occur in Anchorage, Fairbanks and Bethel. We anticipate that the Public Defender Agency will need two full-time equivalent (FTE) attorneys, one in Anchorage and one in Fairbanks, to handle this increased workload in each location. Clerical support, operating costs and one-time equipment costs in the initial year are included for these attorneys.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4356
FAX: (907) 465-9827
OFFICE ADDRESS: 450 WHITTIER ST.

January 31, 2002

The Honorable Joseph Hayes
Alaska State House of Representatives
State Capitol, Room 422
Juneau, AK 99801

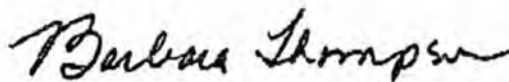
Dear Representative Hayes:

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 341, "an Act relating to assault in the fourth degree that is a crime involving domestic violence." This bill would allow for more serious consequences and accountability for violent perpetrators in Alaska.

Domestic violence is a serious problem in our state. Last year alone, more than 7,000 women and children sought immediate safety in shelters throughout Alaska. House Bill 341 could increase the safety of victims of domestic violence by allowing for stiffer penalties for perpetrators who are repeat offenders. The longer these criminals are off the streets, the safer the women and children of our state are.

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

LAW OFFICES

WILLIAM R. SATTERBERG, JR.

FAX (907) 452-3988

ATTORNEY AT LAW
709 FOURTH AVENUE
FAIRBANKS, ALASKA 99701
(907) 452-4454

FEB 28 2002

February 23, 2002

Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Legislator:

On Saturday, February 16, 2002, I read in the Fairbanks Daily News Miner that Representative Joe Hayes of Fairbanks had introduced a bill to make the third domestic assault crime a felony. With all due respect, I would like to caution you seriously before enacting that bill, to consider the implications that can arise. In doing so, I am not stating that domestic assault crimes should go unpunished.

Please be aware that any conviction for a crime of domestic assault carries with it under federal law the revocation of a person's privilege to own firearms. It does not matter if the assault was physical contact or only a verbal threat.

You should also be aware that people are now being convicted of domestic assault crimes for matters which simply involve yelling at each other and other forms of non-violent interaction, but where a victim at the height of the moment claims that they were only placed in fear of a physical domestic assault. Because it is the State's apparent policy at this point not to negotiate on domestic assault crimes (at least in Fairbanks, but please feel free to inquire of the Department of Law), but to take the cases to trial in virtually all cases, Defendants are spending thousands of dollars in their defense over cases which, given a certain dose of common sense, would likely go away.

For example, recently, I had a man convicted for a crime of domestic assault because he slapped a stool with his hand and yelled at his wife. As can be expected, by trial, the wife had largely changed her position, but the State proceeded with the prosecution, regardless. The result is that he had a domestic assault conviction.

February 23, 2002

Page 2

in another recent case which I handled, a father was taken to jail because his daughter called the Alaska State Troopers and stated that her father had scared her when he yelled at her after coming home and finding her in the bedroom with a boy at a time when both children were supposed to have been in school. Other examples abound, and police officers have had their hands tied by legislative fiat in exercising discretion in handling these cases.

There are two classes of domestic assault. The first class is the violent form of domestic assault, by which an individual strikes another person or otherwise injures them physically. I am in full agreement that the third such offense within a given period of time (such as ten years) should be treated as a felony. There should be mitigating factors, however, to allow a person to fall out of the felony range, including counseling, and perhaps even an affirmative defense such as undue provocation by the victim. (not that I want to run the risk of being the politically incorrect "victim basher.") Although people often do not like to think that victims provoke fights, since it is often interpreted as "victim bashing" by defendants, common sense tells us that it takes two to fight. Quite often, the victim has had a substantial role in the escalation of the process. Even more distressing is the fact that, quite often, one person will call in a domestic assault, but whoever seems to be capable of mustering up enough tears is the one that ultimately gets labeled as the "victim." Perhaps you should ask for a statistical report on that issue.

The second type of domestic assault, however, is one that should not be elevated to the felony level. In fact, it should likely not even be prosecuted as a domestic assault, but as something else with a lesser penalty and implication. This is the type of domestic assault where two people are yelling at each other without having engaged in any physical contact, whatsoever. The police are summoned either by one of the two individuals involved, or more likely a bystander or neighbor. The net result is that domestic assault charges are once again brought and, once again, persons find themselves facing serious criminal penalties, loss of gun ownership rights, and similar repercussions.

February 23, 2002

Page 3

For example, how many of you are aware that, by law, when a person is arrested for domestic assault, they cannot be released from jail until they see a judge? Are you also aware that the individual may not return back to their home until such time as the case has been resolved? Recognizing that it often takes several months for a case to be resolved due to the congestion in the court system, the defendant in a domestic assault case is relegated by state statute to the position of not being able to return home, and thus incurring substantial additional expenses pending trial. Of course, the other alternative is to simply knuckle under and plead guilty to the charges, having been placed in such a coercive position. Ironically, what often develops is that both the alleged perpetrator and the alleged victim end up sneaking around and having secret little rendezvous similar to how we used to conduct love affairs when the dormitories at the University of Alaska were closed to members of the opposite sex. (Not that I ever engaged in such, mind you.)

While we are at it, and before you leap on the domestic assault bandwagon, please consider also the damage which has recently been done in the DWI laws from the law which became effective last summer. Whether it was by chance or by design, the legislature passed a law that, regardless of the number of years involved in the interval, all DWIs will be treated sequentially with increasing higher revocations. As such, there are currently people who have had DWIs against their record which have taken place well over twenty years ago, but who are now facing subsequent long revocations and significant mandatory jail time as a consequence of the vacation of the "ten-year rule" with respect to reaching back for prior DWIs. In this regard, I currently represent a gentleman in his mid-70s who had two back-to-back DWIs approximately twenty years ago and had been violation free ever since. Recently, he was stopped for a nominal traffic violation and blew a .091 on the Datamaster. This reading, as you are aware, is below the reading that previously was the DWI reading in Alaska of .10. Regardless, the State of Alaska has refused to deal on these particular charges. My client now faces the mandatory reality of a three-

February 23, 2002

Page 4

year loss of driving privileges, sixty days in prison, a \$1,000 fine and additional sanctions because of his ancient history.

Take a look around the legislature. There are individuals in the legislature who have DWI convictions on their record. Many of these individuals, I suggest, have been relatively well behaved even for legislators since the date of the offense and hopefully will be for the rest of their life. If, however, twenty, thirty, or more years from now, they have a subsequent DWI take place, they will end up losing their licenses as a second, third, or greater offender. Is that what you really intended?

Similarly, before we run to the political grandstand this election year and climb aboard the cause for domestic assault, might you please inquire with respect to how the current cases are being handled with respect to discretion not being exercised by the State of Alaska in the prosecutions? Please also evaluate the implications of what the law that you have already passed has done to those people who have simply been involved in a family argument, only to find themselves facing a very coercive prosecution with most serious implications in the event of a conviction? If you are going to amend the domestic assault laws or add a felony implication to domestic assault laws, so be it. Please also recognize, however, that you should take a look at the bigger picture to include limiting the amendments to physically violent domestic assaults, and to include a full, impartial review of the policies and procedures currently being utilized to prosecute these crimes.

As a final note, you may find it frightening that, even if someone pleads to a lesser named crime than domestic assault, such as criminal trespass or disorderly conduct, the court system still will place a "D.V." stamp upon the judgment if the event involved domestic violence. Once that D.V. stamp is placed upon the judgment, despite the fact that the actual domestic assault charges have been reduced or dismissed, the judgment still becomes a crime of domestic violence and the federal government treats it accordingly. (When my wife used to get mad at me, she would break a dozen eggs in the sink. Technically, that act is criminal mischief and a crime of

February 23, 2002

Page 5

domestic violence by law, since I figured that at least half of those eggs belonged to me.)

In closing, please think about the implications of your actions. Perhaps, rather than attempting to solve the problem incrementally, the entire issue should be addressed.

Sincerely,

~~William R. Satterberg, Jr.~~
William R. Satterberg, Jr.

WRS/ml



Alaska State Legislature

Please enter into the record my testimony to the HJUD
(committee name)

committee on HB 341, dated 3/20/02
(bill # / subject)

Recently I accompanied a woman to court. She had been strangled to the point of unconsciousness. Her throat was so swollen she couldn't swallow her own spit.

During the restraining order process the victim found out that she is just one victim of this man. His first wife was hospitalized - beating her with his fists. The second woman in his life he beat with a steel pole.

The woman I was accompanying had only known this man for 2 months. After a violent argument she told him she was leaving the relationship. His response was "I am going to kill you" and proceeded to choke her.

This man is extremely dangerous. The next woman involved with this man is risking her life.

Signed: Catherine Vaara
Testifier

AVV - executive director
Representing (optional)

PO 524 Valdez
Address

(907) 835-2980
Telephone



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judicial
 Committee on HB 341 on Domestic Violence Committee Name Dated 3/20/02
Bill / Subject

Please see the attached
sheet.

SIGNED:

Dante Foster

Testifier

/
Representing

PO Box 83940 Fbx, AK 99708

Address / Phone Number

(907) 455-6258

119 N. Cushman St. Suite 101
Fairbanks, AK 99701
Phone: 907-452-1448
Fax: 907-450-3346

**Fairbanks Legislative
Information Office**

Fax

To: House Judiciary Committee **From:** Fran/Fairbanks LIO
Fax: 465-2040 **Date:** March 20, 2002
Phone: 465-1990 **Pages:** 3
Re: Written Testimony, HB 341 **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

Comments Written Testimony for the HJUD teleconference held on 03-20-02. The originals will be pouched to Representative Rokeburg, Chair, HJUD. Thank you.

Nothing comes for free, not even a bill as promising as this one. But the costs associated with House Bill 341 must be considered within the appropriate context. You see, domestic violence does not come for free either. It exacts a tremendous economic toll on our nation and represents nothing less than a pervasive drain on our economic resources. According to the American Institute on Domestic Violence and the Bureau of National Affairs, the corporate cost of domestic violence is in excess of \$67 billion a year. This includes \$3-5 billion dollars in domestic violence related medical expenses and \$100 million in lost wages, sick leave and absenteeism. It does not include the social, political or judicial costs associated with domestic violence.

The first systematic study of the relationship between abuse and employment was conducted in 1987 by Friedman and Couper. The pair found that 56% of women seeking counseling assistance at a victims' services agency had lost at least one job because of domestic violence. 54% reported missing three or more days of work per month because of domestic violence. In a comparable study, Shepard and Pence found that 58% of shelter residents were working at the time they were abused and that their work performance was seriously compromised by absenteeism and tardiness related to their abuse.

The Effects of Violence on Work and Family Project, conducted in Chicago, found that battered women are more likely to have been unemployed and to suffer from a range of physical and mental health problems known to affect employability and job performance. While 57% of women interviewed reported having been unemployed when they wanted to be working, 70% of battered women reported having been so unemployed. Additional studies found that battered women are more likely to collect public assistance and that abuse increases the length of time and number of times women return to welfare.

Reliance on public assistance, decreased productivity, increased medical expenses and absenteeism come at a price--a price that we will pay whether or not it is included in state budgets or appears on the national balance sheet. The only way to reduce the price is to stop the violence. House Bill 341 is an excellent place to start. While it may increase the amount spent on incarcerating repeat offenders, it will also ensure that their victims have time to assess their situations and, perhaps, move on to more secure circumstances in which they can lead productive, violence-free lives. Any increase in the cost of incarceration will be offset by their unfettered participation in the workforce. I therefore urge you to do everything in your power to advance House Bill 341 and thank you for taking domestic violence seriously.

3/20/02 to the Judicial Committee.
Dante Foster PO Box 83940
(907) 455-6258 Fax, AK 99708

Shauna Karella
P.O. Box 75449
Fairbanks, AK 99707

March 20, 2002

Hello,

My name is Shauna Karella. I am a domestic violence and stalking victim. I am here to testify in favor of House Bill 341. There are many domestic violence victims who are unable to voice their own needs and concerns. Although this bill does not benefit me personally in any way, I testify today on behalf of those who are unable to speak to you for themselves.

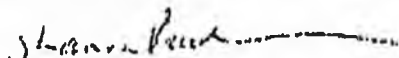
The hardest thing for a domestic violence victim to do is to get out of the relationship. It is easier and safer to stay. Statistics show that the victim's likelihood of being killed by their partner increases when they try to leave. I was lucky in one respect. My relationship had not progressed to violence before I was able to get out. Even so, it took me 2 and a half years to leave after I began to think I needed to leave. It is much more difficult for someone who has been terrorized, threatened and beaten to leave. The fear is overpowering.

Once a victim does manage to leave their batterer, he or she is met with a frustrating lack of legislation or legal support. As a victim, I have followed all of the recommendations from the court, the troopers, and the local women's shelter. I have a restraining order. I have changed and unlisted my phone number. I sold my house and moved. I have informed my children's schools, and provided them copies of the restraining order and a photo of the perpetrator. I log blocked phone calls that I continue to get at work. I report every new violation of the restraining order to the troopers. My teenage daughters and I have changed our email addresses... more than once. I vary my route to work and school. In short, I do everything I am supposed to do, but that isn't enough. Legislation needs to change.

When domestic violence victims do make the effort to get away from their batterer, they put themselves and perhaps their children at greater risk of violent reprisal and death. They need legislative support. Current Alaska State law offers an incredible lack of serious consequences for those convicted of Domestic Violence Assault. This leaves both victims and perpetrators of domestic violence with the accurate impression that the perpetrator can basically "get away with it."

House Bill 341 will change that. Domestic Violence batterers will know that there are serious legal consequences to their actions. Domestic violence victims will be safer, and will have the support and protection they desperately need. I urge you to vote to pass House Bill 341.

Thank you,



Shauna Karella



FAIRBANKS LEGISLATIVE INFORMATION OFFICE
119 N. CUSHMAN ST. SUITE 101
FAIRBANKS, AK 99701

WRITTEN TESTIMONY TRANSMITTAL SHEET

TO:	House Judiciary Committee	FROM:	Fran/Fbx LIO
COMPANY:	Q	DATE:	3/21/2002
FAX NUMBER:	465-2040	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:	465-4990	FAXED ON:	03/20/2002
RE:	Written Testimony: HB 341	TELECONFERENCED ON:	3/21/2002

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Originals of the written testimony faxed to Representative Norman Rokoberg, Chair, HJUD Committee on 3/20/02.



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judicial
Committee on HB 341 on Domestic Violence Committee Name Dated 3/20/02
Bill / Subject

Please see the attached
sheet.

SIGNED: Dante Foster
Testifier

/
Representing

PO BOX 83940 Fbx. AK 99708
Address / Phone Number (907) 455-6258

Nothing comes for free, not even a bill as promising as this one. But the costs associated with House Bill 341 must be considered within the appropriate context. You see, domestic violence does not come for free either. It exacts a tremendous economic toll on our nation and represents nothing less than a pervasive drain on our economic resources. According to the American Institute on Domestic Violence and the Bureau of National Affairs, the corporate cost of domestic violence is in excess of \$67 billion a year. This includes \$3-5 billion dollars in domestic violence related medical expenses and \$100 million in lost wages, sick leave and absenteeism. It does not include the social, political or judicial costs associated with domestic violence.

The first systematic study of the relationship between abuse and employment was conducted in 1987 by Friedman and Couper. The pair found that 56% of women seeking counseling assistance at a victims' services agency had lost at least one job because of domestic violence. 54% reported missing three or more days of work per month because of domestic violence. In a comparable study, Shepard and Pence found that 58% of shelter residents were working at the time they were abused and that their work performance was seriously compromised by absenteeism and tardiness related to their abuse.

The Effects of Violence on Work and Family Project, conducted in Chicago, found that battered women are more likely to have been unemployed and to suffer from a range of physical and mental health problems known to affect employability and job performance. While 57% of women interviewed reported having been unemployed when they wanted to be working, 70% of battered women reported having been so unemployed. Additional studies found that battered women are more likely to collect public assistance and that abuse increases the length of time and number of times women return to welfare.

Reliance on public assistance, decreased productivity, increased medical expenses and absenteeism come at a price—a price that we will pay whether or not it is included in state budgets or appears on the national balance sheet. The only way to reduce the price is to stop the violence. House Bill 341 is an excellent place to start. While it may increase the amount spent on incarcerating repeat offenders, it will also ensure that their victims have time to assess their situations and, perhaps, move on to more secure circumstances in which they can lead productive, violence-free lives. Any increase in the cost of incarceration will be offset by their unfettered participation in the workforce. I therefore urge you to do everything in your power to advance House Bill 341 and thank you for taking domestic violence seriously.

3/20/02 to the Judicial Committee.
Dante Foster PO Box 83940
(907) 455-6258 Fbx., AK 99708

Shanna Karella
P.O. Box 75449
Fairbanks, AK 99707

March 20, 2002

Hello,

My name is Shanna Karella. I am a domestic violence and stalking victim. I am here to testify in favor of House Bill 341. There are many domestic violence victims who are unable to voice their own needs and concerns. Although this bill does not benefit me personally in any way, I testify today on behalf of those who are unable to speak to you for themselves.

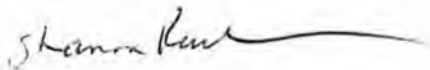
The hardest thing for a domestic violence victim to do is to get out of the relationship. It is easier and safer to stay. Statistics show that the victim's likelihood of being killed by their partner increases when they try to leave. I was lucky in one respect. My relationship had not progressed to violence before I was able to get out. Even so, it took me 2 and a half years to leave after I began to think I needed to leave. It is much more difficult for someone who has been terrorized, threatened and beaten to leave. The fear is overpowering.

Once a victim does manage to leave their batterer, he or she is met with a frustrating lack of legislation or legal support. As a victim, I have followed all of the recommendations from the court, the troopers, and the local women's shelter. I have a restraining order. I have changed and unlisted my phone number. I sold my house and moved. I have informed my children's schools, and provided them copies of the restraining order and a photo of the perpetrator. I log blocked phone calls that I continue to get at work. I report every new violation of the restraining order to the troopers. My teenage daughters and I have changed our email addresses... more than once. I vary my route to work and school. In short, I do everything I am supposed to do, but that isn't enough. Legislation needs to change.

When domestic violence victims do make the effort to get away from their batterer, they put themselves and perhaps their children at greater risk of violent reprisal and death. They need legislative support. Current Alaska State law offers an incredible lack of serious consequences for those convicted of Domestic Violence Assault. This leaves both victims and perpetrators of domestic violence with the accurate impression that the perpetrator can basically "get away with it."

House Bill 341 will change that. Domestic Violence batterers will know that there are serious legal consequences to their actions. Domestic violence victims will be safer, and will have the support and protection they desperately need. I urge you to vote to pass House Bill 341.

Thank you,



Shanna Karella